

## CITY COUNCIL REGULAR MEETING

DECEMBER 17, 2019

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, December 17, 2019 at 6:00 p.m.

Council Members Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips, Scott Elliott, La'Shadion Shemwell, Frederick Frazier, and Richard Franklin

Council Members Absent: None

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Strategic Services Manager Trevor Minyard, Director of Planning Jennifer Arnold, Assistant Director of Planning Mark Doty, Capital Improvement Projects Manager Nicholas Ataie, Director of Code Services Lori Dees, Chief Building Official Rick Herzberger, Airport Director Kenneth Carley, Housing & Community Development Manager Janay Tieken, Community Services Administrator Shirletta Best, Housing Administrator Cristel Todd, Planner Alek Miller, Video Producer Joey Barr, Video Producer Sidney Diongzon, Police Officer Bruno Siqueira, City Secretary Intern Isabel Duran, City Secretary Administrative Assistant Blenda Sims, and City Secretary Empress Drane

There were approximately forty-five (45) guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the City Council was present.

Mayor Fuller called for the Invocation led by Kevin Tarver and recital of the Pledge of Allegiance led by Nathan Gentile.

Mayor Fuller called for Public Sharing items:

- 19-1059** Presentation of Planning Department Award (Certificate of Achievement awarded by the Richard R. Lillie FAICP Program for Planning Excellence)

Mayor Fuller called for Public Comments.

The following individuals spoke regarding agenda item #19-1072 (Civil Ethics Complaint):

Steven Spainhouer, 4690 W. Eldorado Pkwy, McKinney TX 75072

Brandi Price, (no address provided), Denton TX 76201

The following individuals spoke regarding a non-agenda issue to thank the McKinney City Council, Police Department, and Police Officer Lee, for the Student Resource Officer (SRO) Program at Imagine International Academy (charter school in McKinney):

Julia Brady, 2860 Virginia Pkwy, McKinney TX 75071, accompanied by students Victoria Hinnant and Ainsley Burks, and parents Sharon Hinnant and Michael Wooten

The following individual spoke regarding a non-agenda item addressing the recall effort to remove a Council Member:

Jolie Williams, 3613 Cockrill, McKinney TX 75072

The following individual spoke regarding a non-agenda item to thank the City Council and McKinney Police Department for engaging in efforts to address crime concerns in his northwest McKinney neighborhood:

Dane Hunt, 9425 Deerhurst Pl, McKinney TX 75072

The following individuals spoke regarding a non-agenda item – Town Hall meeting held on Monday, December 16, 2019:

Ida Shoulders, 1450 Amscott, McKinney TX 75069

Beth Bentley, 516 Watt, McKinney TX 75069

The following individual spoke regarding a non-agenda item – District 1 representation and on-going issues in District 1:

Linda Krohn, 2201 S. Hwy 5, Lot 50, McKinney TX 75069

The following individual spoke regarding a non-agenda item - City Council activities and community relationships:

Chenika Bryant, 2401 McKinney Ranch Pkwy, McKinney TX 75070

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Council Member Scott Elliott, seconded by Council Member Richard Franklin, to approve the following Consent Agenda:

**19-1060** Minutes of the McKinney City Council Regular Meeting of December 4,

2018

**19-1061** Minutes of the McKinney City Council Regular Meeting of December 18, 2018

**19-1062** Minutes of the McKinney City Council Regular Meeting of December 3, 2019

**19-1063** Minutes of the McKinney City Council Work Session of December 3, 2019

**19-0815** Minutes of the Community Grants Advisory Commission Meeting of May 30, 2019

**19-0985** Minutes of the Visit McKinney Board Meeting of October 29, 2019

**19-1064** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Annual Budget and the 2020-2024 Capital Improvements Program to Provide Funds for Information Technology, Telecommunications and Security Infrastructure for Project AI1744, Western TKI Executive Terminal. Ordinance caption reads as follows:

**ORDINANCE NO. 2019-12-086**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2019-2020 ANNUAL BUDGET AND THE 2020-2024 CAPITAL IMPROVEMENTS PROGRAM, TO PROVIDE FUNDING FOR INFORMATION TECHNOLOGY, TELECOMMUNICATIONS, AND SECURITY INFRASTRUCTURE FOR THE WESTERN TKI EXECUTIVE TERMINAL PROJECT (AI1744); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**19-1065** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Budget to Re-appropriate Projects/Items Carried from Last Fiscal Year. Ordinance caption reads as follows:

**ORDINANCE NO. 2019-12-087**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2019-2020 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**19-1066** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Budget for MCVB, MEDC and MCDC to Re-appropriate Projects/Items Carried from Last Fiscal Year. Ordinance caption reads as

follows:

**ORDINANCE NO. 2019-12-088**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2019-2020 BUDGET FOR MCVB, MEDC, AND MCDC; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

- 19-1067** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Rockhill Road Improvements Project (ST1911) and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

**RESOLUTION NO. 2019-12-146 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$69,000 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE ROCKHILL ROAD IMPROVEMENT PROJECT (ST1911) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$80,000**

Mayor Fuller called for the following Regular Agenda and Public Hearing Items:

- 19-1068** Conduct a Public Hearing to Consider/Discuss/Act on the Community Development Block Grant (CDBG) Consolidated Annual Performance Evaluation Report (CAPER).

Community Services Administrator Shirletta Best presented the year-ending report to provide information related to the city's administration of funds and meeting national objectives for services to low-to-moderate income persons, areas, and households. Council Member Scott Elliott recused himself from this item, stepping away from the meeting at 6:28 p.m. and returning at 6:41 p.m. after the vote to close the public hearing.

Council Members present unanimously approved the motion by Council Member La'Shadion Shemwell, seconded by Council Member Richard Franklin, to Close the public hearing with no additional action, with a vote of 6-0, Council Member Elliott having recused himself from the vote.

- 19-1069** Conduct a Public Hearing to Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Regarding the Application of the "McKinney Flats" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Construction of Multi-Family Units Within the Development

Housing Administrator Cristel Todd, City Manager Paul Grimes, Housing & Community Development Manager Janay Tieken, Bob Roeder (on behalf of the applicant), and City Attorney Mark Houser, presented information and discussed the conditions of the request by the applicant for a Resolution of No Objection from the Council, including citizen input, previously-approved zoning of the property, the current year 2019 and next year 2020 areas appropriated for development with tax credit support, legal requirements, and the potential ramifications of modifying or delaying the already approved aspects of the projects.

The following individuals spoke in opposition to the request:

Sara Spears, 2101 Camden, McKinney TX 75070

Steven Spainhouer (2nd time to speak, comment card previously submitted)

Council unanimously approved the motion by Mayor George Fuller, seconded by Council Member La'Shadion Shemwell, to close the public hearing.

Council approved the motion by Council Member La'Shadion Shemwell, seconded by Council Member Richard Franklin, to approve a Resolution of No Objection Regarding the Application of the "McKinney Flats" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Construction of Multi-Family Units Within the Development with a vote of 4 - 3, with Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips and Frederick Frazier voting no. Resolution caption reads as follows:

**RESOLUTION NO. 2019-12-147 (R)**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, OF NO OBJECTION TO THE APPLICATION BY MCKINNEY FLATS LTD TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR THE NON-COMPETITIVE 4% HOUSING TAX CREDITS PROGRAM FOR THE DEVELOPMENT OF MCKINNEY FLATS, A 206-UNIT MULTI-FAMILY RENTAL HOUSING DEVELOPMENT LOCATED AT COLLIN MCKINNEY PARKWAY AND TEST DRIVE; MAKING FINDINGS**

**RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE**

**19-0094SP** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for Floor & Décor, Located on the North Side of U.S. Highway 380 (University Drive) and on the East Side of Skyline Drive

Director of Planning Jennifer Arnold and John Thatcher (on behalf of the application) provided information regarding the request for a variance to the loading space requirements of the plan.

Council unanimously approved the motion by Council Member Richard Franklin, seconded by Council Member Frederick Frazier, to close the public hearing and approve the motion by Council Member Richard Franklin, seconded by Council member Frederick Frazier, to Approved 19-0094SP Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site Plan for Floor & Décor, Located on the North Side of U.S. Highway 380 (University Drive) and on the East Side of Skyline Drive

**19-1070** Conduct a Public Hearing to Consider/Discuss/Act on a Request by to Amend Chapter 138 Article III Regulations for Mobile Homes, Manufactured Homes and Recreational Vehicles; Amending Appendix A Schedule of Fees and Sections 126-43 and 126-64 of the Code of Ordinances of the City of McKinney Texas

Chief Building Official Rick Herzberger presented information on the project to update the ordinances, which were established in 1983 and last updated in 1997.

The following individual spoke in opposition of some of the proposed amendments:

Curtis Harshaw, 2110 Westfield, Grand Prairie TX 75050

Council Member Scott Elliott stepped away from the meeting at 8:06 p.m. and was absent (not recused) from the following vote:

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member Richard Franklin, to Close the public hearing and approve a Request by to Amend Chapter 138 Article III Regulations for Mobile Homes, Manufactured Homes and Recreational Vehicles; Amending Appendix A Schedule of

Fees and Sections 126-43 and 126-64 of the Code of Ordinances of the City of McKinney Texas, with a vote 6-0, Council Member Elliott being absent from the vote.

Ordinance caption reads as follows:

**ORDINANCE NO. 2019-12-089**

**AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 138, ARTICLE III, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY BY ADOPTING REVISED AND UPDATED REGULATIONS FOR MOBILE HOMES, MANUFACTURED HOMES AND RECREATIONAL VEHICLES; AMENDING APPENDIX A, SCHEDULE OF FEES, OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY; AMENDING SECTIONS 126-43 AND 126-64 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

- 19-1071** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with McKee Utility Contractors, Inc. for the Construction of the Custer Road Utility Relocations Project (WA1630)

Capital Improvement Projects Manager Nicholas Ataie presented information regarding the project to relocate existing water lines from proposed roadway facilities needed by Texas Department of Transportation (TxDOT).

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Scott Elliott, to approve a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with McKee Utility Contractors, Inc. for the Construction of the Custer Road Utility Relocations Project (WA1630). Resolution caption reads as follows:

**RESOLUTION NO. 2019-12-148 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$7,239,441 WITH MCKEE UTILITY CONTRACTORS, INC. FOR THE CONSTRUCTION OF THE CUSTER ROAD UTILITY RELOCATIONS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$8,325,000**

- 19-1072** Consider/Discuss/Act on a Civil Ethics Complaint - Shemwell, L. 2019-11-12

City Attorney Mark Houser presented information regarding the preliminary investigation of a complaint filed against Council Member La'Shadion Shemwell. Mr.

Houser stated the submittal met the criteria to be defined as a complaint but does not specify whether the complaint has merit. Mr. Houser stated the task of Council is to determine whether to dismiss the complaint or move forward with a more thorough investigation to determine if a civil violation may have occurred.

Council unanimously approved the motion by Mayor George Fuller, seconded by Mayor Pro Tem Rainey Rogers, to further investigate the complaint.

Mayor Fuller called for Citizen Comments.

The following individuals spoke regarding agenda item #19-1072 (Civil Ethics Complaint):

Sean Howe, 4209 Hawkins, McKinney TX 75072

Tamara Johnson, P.O. Box 2514, McKinney 75070

Carleetha Saygo, 1920 Grassmere Ln, McKinney TX 75071

Mayor Fuller called for Council and Manager Comments.

Council Member La'Shadion Shemwell stated there was a Town Hall on Monday, December 16, 2019, to allow an opportunity to have open dialogue with the community which consisted of "good conversation" though not all in agreement. Mr. Shemwell stated some problems exist in the city, noting comments from social media and two police-involved incidents from 2015 and 2019. Mr. Shemwell stated the officers who know him would say he has never disrespected them. Mr. Shemwell left the meeting at 8:57 p.m. and did not return.

Council Member Richard Franklin commented on the recent Christmas parade and expressed excitement and pride to be able to participate and see the crowd. Mr. Franklin commended and thanked the staff and Main Street board for making the parade possible.

Council Member Frederick Frazier asked the audience to use appropriate language when making public comments and to refrain from using curse words in consideration of young people who are in attendance. Mr. Frazier commended the quality of the parade, stating the eighty-six (86) floats were the most ever and complimented to partnerships of the community groups to make the parade happen. Mr. Frazier stated that Officer Chad Hoya was a participate in the parade with him. Officer Hoya was involved in a vehicle accident while on duty the day before. Mr.



Frazier said the Wonder Special Event by Apex Centre would be happening over the weekend at Gabe Nesbitt Park, and wished the public a happy holiday season.

Council Member Charlie Philips thanked the Fire Department for the opportunity to ride in 1924 fire engine in the holiday parade. The Historic Preservation Advisory Board has published its annual calendar of historic McKinney homes, which is available free to the public. Mr. Philips commended McKinney Independent School District and Athletic Director Shawn Pratt for securing regional final and state semi-final football games in the 6A Division. McKinney competed with area facilities including facilities in Frisco, TX which are owned by Dallas Cowboys owner Jerry Jones. Additionally, the upcoming Division II Football Championship game will be held Saturday, December 21.

Council Member Scott Elliott stated that he rejects the notion that city, county and school board are conspiring to kill people of color, noting that as some citizens do not feel safe, addition conversation is needed. Mr. Elliott said he looked forward to listening, learning and helping in any way he can. Mr. Elliott stated that he will not campaign for or against candidates while serving on the Council, will work with Council and city staff. Mr. Elliott thanked the city staff for their work and encouraged them to continue the work of getting better and noting process improvement implementation and building renovation projects. Mr. Elliott offered advice for delivering constructive criticism: praise in public and correct in private, and criticize the action – not the person. Mr. Elliott stated the parade entries sold out two weeks before the deadline.

Mayor Pro Tem Rainey Rogers stated he attended the Town Hall meeting on December 16 and Council Member Shemwell said several things that were not accurate. Mayor Pro Tem Rogers expressed disappointment in comments regarding potential future protests at the Mayor's home.

Mayor Fuller stated comments made at the Town Hall meeting regarding water ratings were incorrect, and refuted Mr. Shemwell's comment regarding respecting Police.

Mr. Shemwell expressed disagreement with Mayor Fuller and Mayor Pro Tem Rogers then left the meeting at 8:57 p.m. not returning.

City Manager Paul Grimes invited the community to a "fanfest" event on Friday, December 20 ahead of the Division II Football Championship game on Saturday,

December 21. The event is intended to welcome the visiting guests and teams. Mr. Grimes stated some City facilities and services would be closed during the holiday with information available online at the city website. The John & Judy Gay Library will be closed for a week in January for expansion construction, reopening January 13, 2020. Mr. Grimes wished everyone a happy holiday and stated the next City Council meeting will be January 7, 2020.

Council unanimously approved the motion by Mayor George Fuller, seconded by Mayor Pro Tem Rainey Rogers, to Adjourn with a vote of 6-0, Council Member Shemwell being absent. Mayor Fuller adjourned the meeting at 9:00 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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EMPRESS DRANE  
City Secretary