

## CITY COUNCIL SPECIAL MEETING

OCTOBER 16, 2017

The City Council of the City of McKinney, Texas met in special session in the Jack Hatchell Collin County Administration Building at 2300 Bloomdale Road, McKinney, Texas on October 16, 2017 at 5:30 p.m.

Council Present: Mayor George C. Fuller, Council members: Chuck Branch, Scott Elliott, Charlie Philips, Tracy Rath, and La'Shadion Shemwell. Absent: Mayor Pro Tem Rainey Rogers.

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Director of Public Works David Brown; Assistant Director of Public Works Paul Sparkman; Assistant to the City Manager Trevor Minyard; Planning Manager Jennifer Arnold; Director of Parks and Recreation Michael Kowski; Assistant Director of Parks and Recreation Ryan Mullins; Fire Chief Danny Kistner; Chief of Police Greg Conley; McKinney Economic Development Corporation President Darrell Auterson; IT Desktop Support Technician Josh Parrish; Parks - Jenny Baker and Jill Yount; CIP Manager Nicholas Ataie; Engineering - Robyn Root, Paul Tucker; Housing and Community Services Janay Tieken and Cristel Todd; Police Officer Tyler Lewis; Police Sergeant Sherwood Holmes; Planning Manager Samantha Pickett; Purchasing Manager Lisa Littrell; Police Corporal Dustin Kincaid; Chief Plans Examiner Jeff Harris; Fire - Craig Eskridge, Chad Nester, and Robert Wilder.

There were approximately 85 guests present.

**17-249A** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Annex Approximately 3,821 Acres of Land along the Northwestern Boundary of the City of McKinney's Corporate Limits Generally Located in Areas Described as Being: Along and Extending to the North and the South from the East-West Section of FM 1461 from FM 2478 to East of CR 166 and Extending to the North, South and East from and about Geren Trail; at and Around Stover Creek and the North-South Section of CR 161 Between US Highway 380

(University Drive) and CR 123 and Extending along and from a Portion of CR 124; at and Around the North Side of US Highway 380 (University Drive) Between Ridge Road and Lake Forest Drive; at and Around the Northeast Quadrant of Lake Forest Drive and Wilmeth Road Extending to the Western Boundary of Erwin Park and Extending as far North as CR 1006; at and Around the Northwest Quadrant of Hardin Boulevard and Wilmeth Road Extending to the North and West; at and Around CR 164 South and East of Erwin Park and at and Around CR 201 Extending to the Eastern Boundary of Erwin Park and Extending North to CR 1006; and Extending to the South from the Southern Boundary of the McKinney Municipal Utility District No. 1 of Collin County (Trinity Falls M.U.D.) and FM 543 and Along and Around Both the North-South Section and the East-West Section of CR 202 in a Southerly Direction to the City's Current Northern Corporate Boundary Extending in an Easterly Direction from CR 201 and CR 1200 and Extending to the East and West Along and Around Both Sides of Trinity Falls Parkway into the City of McKinney's Corporate Limits. Planning Manager Jennifer Arnold stated this item is to consider the City initiated annexation of approximately 3,800 acres into the corporate limits of McKinney. This item is to receive public comments from the interested stakeholders in the annexation area. There will be no action tonight. We will also provide the proposed service plan for review by the annexation area stakeholders. There are some required elements per State law including police protection, fire and emergency medical services, fire prevention, solid waste collection, water, sanitary sewer, streets, parks and recreation, environmental health code enforcement, planning and zoning and what we consider miscellaneous City facilities and City owned properties. As required by State law, any City that is initiating an annexation of this nature is required to provide full City services to any other residence within the corporate limits of the City. Water and sanitary services and capital improvement plans are what

people look to during an annexation of this nature. The service plan restates that the City is not necessarily required to go out and extend public services immediately after annexation but to extend the opportunity for those property owners to access those services in the same manner by which we do that for any other resident of McKinney. Included in the 3800 acres for the proposed annexation, about 3500 acres of that area is encumbered by agricultural properties. Those property owners were offered the Development Agreement for up to a ten year deferral for annexation. If they do not sign the Development Agreement, they are annexed in immediately. In areas where water and sewage services do not exist and people have a septic tank, they will be able to continue using that system in perpetuity or until such time that a single-family home goes away and an office building or some other use occurs which will trigger the developer to construct the infrastructure. If there is vacant property, the City does not extend that service for that private development. As soon as the private developer comes in to build on that property per our subdivision ordinance, they are required to develop that infrastructure at that time. We are simply obligated to provide the capacity for those services. Following annexation, anything that is occurring on the property legally today will be considered a legal, non-conformity. Ms. Arnold noted that action on this item will occur on November 15<sup>th</sup>. It will be on the November 7<sup>th</sup> meeting agenda but we will ask Council to table it at that time until the November 15<sup>th</sup> special meeting. Mayor Fuller called for public comments.

The following individuals spoke in opposition to the annexation:

Mr. Craig Clark, 6890 Trinity Falls Parkway, McKinney

Mr. Douglas Hopkins, 7231 CR 202, McKinney

Mr. Keith Harrell, 4806 Geren Trail, McKinney

Mr. Bill Tate, 7145 Armadillo Ridge, McKinney

Mr. Blake Richards, 6048 CR124, McKinney

Mr. Larry Malow, 6557 CR 124, McKinney  
Mr. London Culbreath, 4449 CR 1006, McKinney  
Mrs. Brandee Tate, 7145 Armadillo Ridge, McKinney  
Mr. Jason Blake, 800 CR 1200, McKinney  
Mr. Bill Gross, 4879 Geren Trail, McKinney  
Mrs. Carla Fisher, 6620 CR 166, McKinney  
Mrs. Cheryl Norris, 7585 CR 202, McKinney  
Mr. Andy Mondy, 2233 CR 1084, McKinney  
Mr. Gary Norris, 7585 CR 202, McKinney  
Mrs. Tracy Thomas, 5124 Grovewood Dr., McKinney  
Mrs. Tamlynn Clyde, 6919 CR 123, McKinney  
Mr. Darrel Rivary, 206 E 7<sup>th</sup> St., Prosper  
Mr. Harold Clyde, 6919 CR 123, McKinney  
Mrs. Angela Nyberg, 6700 Trinity Falls Parkway, McKinney  
Dr. Jeff Nyberg, 6828 CR 202, McKinney  
Mr. Brye Nilson, 6077 CR 161, McKinney  
Mr. Jim Wiggins, 6400 CR 124, McKinney  
Mr. Mike Giles, 3213 Gillespie Rd., McKinney  
Mrs. Marilyn Geren, 6112 CR 166, McKinney  
Mrs. Patricia Hickman, 4870 CR 1006, McKinney  
Mrs. Laura Lutek, 2901 Cedar Ridge Dr., McKinney  
Mrs. Shannon Blake, 800 CR 1200, McKinney  
Mr. Darrell Hale, 3705 Amon Carter, McKinney  
Mrs. Lori Hunt, 8431 Forest Hills Blvd., Dallas  
Mr. Paul Powell, 4811 Geren Trail, McKinney  
Mr. Marco Cueva, 3530 FM 1461, McKinney  
Mr. Randall, Hickman, 4870 CR 1006, McKinney  
Mr. Brian Newman, 609 Bristlewood Dr., McKinney  
Mr. John Mahar, 4995 FM 1461, McKinney  
Mr. Charles H. Patmore, 5000 CR 164, McKinney

Mrs. Beth Douglas, 15206 King of Spain, Dallas

Mr. Don Dillan, 7625 CR 202, McKinney

Mrs. Dalana Squires, 6762 CR 202, McKinney

Mr. Mike Harris, 48074 Geren Trail, McKinney

Mrs. Maggie Whitt, 316 Hearthbrook, Murphy

Mr. Chris Cooper, 4692 CR 164, McKinney

Mrs. Beverly Covington, 732 CR 202, McKinney

The following individual spoke in support of the annexations:

Mr. Don Blackwood, Addison Wilson, Test. Trust, 3838 Oak Lawn Ste.  
800, Dallas

The following individuals did not wish to speak but wanted their opposition  
entered into the record:

Mr. Michael Calbreath, 4449 CR 1006, McKinney

Mrs. Paula Calbreath, 4449 CR 1006, McKinney

Mr. Ryder Calbreath, 4449 CR 1006, McKinney

Mr. Dan Squires, 6762 CR 202, McKinney

Mr. Randy Ludwig, 7162 Armadillo Ridge, McKinney

Mr. John Neubauer, 7505 CR 201, McKinney

Mr. Matthew Weyenberg, 5861 Baxter Well Road, McKinney

Mrs. Connie Luna, 3444 FM 1461, McKinney

Mrs. Lynn Cooper, 4692 CR 164, McKinney

Mr. Will Cooper, 4692 CR 164, McKinney

Mr. Don Bourland, 7729 CR 202, McKinney

Mr Harlan and Mrs. Sue Stauffer, 3804 Hackberry Lane, Bedford

Mr. Joe Covington

Mr. Jack Geren, 6112 CR 166, McKinney

Ms. Lori Harrell, 4806 Geren Trail, McKinney

Mr. Lanny and Mrs. Melba Greer, 2174 CR 943, McKinney

Mrs. Alicia Williams, 5675 FM 1461, McKinney

Mrs. Anna Weyenberg, 5861 Baxter Well Rd, McKinney

Mrs. Terri Hopkins, 7231 CR 202, McKinney

Mrs. Stephanie Weyenberg, 5861 Baxter Well, McKinney

Mayor Fuller called for Council and Manager Comments.

Council member Shemwell thanked London Kohlberg, McKinney North High School, a cross-country runner for speaking tonight. It takes a lot of courage to stand up and I appreciate you taking time out of your busy day to come join this meeting. There were a lot of things said about politics, a lot of things said about promises made, a lot of things said about taking away people's rights. There was a lot of examples of slavery and African Americans fighting for their rights and I know all about being a minority and feeling like my voice is falling on deaf ears. That's one of the things that I ran on was to give a voice to those that have felt voiceless and I intend to stand with that promise and at the end of the day I don't owe anybody anything. I don't know any developers personally that want to build in our ETJ so my only one goal was to do the right thing and the right thing for the people of McKinney and to make my Mother proud. The gentleman said he is here and it is his 25<sup>th</sup> wedding anniversary and I appreciate you and your wife being here today. I had a son today at 4:46 p.m. and I sacrificed to be here with you all as well. The work we put in to make sure that we ensure the quality of life for everyone in the City and the work that you've put in being here, organized, putting your thoughts together, is not unnoticed. We appreciate you taking your time and thank you for being here.

Council member Branch congratulated Council member Shemwell on the birth of his son. I want to thank all the people who came out here and expressed their first amendment rights. I appreciate you all expressing your passion.

Councilwoman Rath stated that speaking is not my gift but I think I could probably take everybody to task on the amount of notes and the amount of research I do on every project. It's just who I am. Sitting here and having the benefit of being here over the last two years, I've heard of lot of you before and some of the things I've heard very clearly are that we need to protect the ETJ and make it part of the progress of this City and this community. That we need the City's help with the developers knocking on doors asking people to sign waivers for a thousand dollars to give away their deed restriction. As we grow, we need to have a plan in place and plan for growth and

development. We need to focus on infrastructure. McKinney must start planning now. There is nothing easy about sitting here and we are faced with some very difficult decisions that will affect our City for a very long time. I also want to thank you for being here and I look forward to continuing to respond to your emails as quickly as possible. This was a busy weekend for that and to let your voices be heard and hear your voice because we are hearing you.

Council member Philips thanked everyone who spoke this evening. I heard a lot of words of wisdom and heard good guidance from many of you tonight. I heard a common theme that reminded me of a situation that I encountered as a young lawyer in McKinney, Texas, 23 years ago when I presented to a judge an order that I could have gotten by default. The Honorable Judge John McCraw handed the order back to me and said, son, you can do that, but does that put the reputation that you want out there. And yes, legally we can do this, but that is not the reputation that I want for the City of McKinney. I will continue to vote against any forced annexation under the terms of which this has come about.

Council member Elliott thanked all the folks that attended. I love local government because each and every person can come here and be heard and be on record forever which is I think a privilege being a part of our community. I think it is a huge privilege to serve on Council and I want to thank each and every one of my fellow Council members for their insight, their dedication to task, for being here right after their son is born. I respect each and every one of these folks for what they bring to the table and Councilwoman Rath is right, it's not easy and there will be things that we decide each individually and as a group that some folks will agree with and some folks won't. After a lot of research, after a lot of folks reaching out to us, I would prefer we do this another way. I will be voting against the current annexation proceedings. My preference will be there are some great folks in the City, so many great citizens, I would like to see us proceed with annexation by collaboration instead of proclamation.

Mayor Fuller stated he wanted to address a quote that was read. I appreciate the person that put the entire video online and let me clarify for those that don't know, I absolutely said the words that were read. It was in response of you listening to the video about the Arch Resort properties specifically and the fact that after a particular milestone

in the lawsuit failed, the annexation was done by the City. I did not agree to that specific annexation. I was also asked during the campaign about the involuntary annexation of property east of Highway 5, which every City Council member at that time, including those opposed to it today, voted for. I spoke in favor of that during the campaign. Those were two different annexations, one of which I did not agree with and one which I did agree with. There are specifics; they are not the same. All that said, I had a long conversation with Tracy Thomas and I told her my mind is still open. I respect people's opinion but I'm not telling you how I'm going to vote yet. My mind is still open and I'm still receiving information and for me, it would do an injustice for me to have made up my mind because I think there are things that still need to be said, education still to be learned. Some of the things I heard tonight, I will take time to think about, review with City staff and with the City Attorney on some comments that were made that bring me concern. This is a process and it is about education. Also, there's been a process of real disrespect. I heard somebody make a comment about how they are disgusted by some of the things that they've heard. I echo that. I've heard terms sleazy, unethical, corruption, pile of crap, and spent fees like it's water. It's disrespectful and those comments shouldn't be allowed in this room. If I knew you were going to say it, I wouldn't have let you make them. They're disrespectful to the people up here. Congratulations, Mr. Shemwell, I didn't know you had a son today prior to being here and he's here to serve. You want to talk about sleazy and corruption and unethical, shame on you who did. For those of you who disrespected the requests to not applaud, shame on you. There are things I heard tonight that hadn't been presented and I'll be looking into those and having conversation with staff. My mind is open but I'll tell you it's a tough job to have an open mind when you have some of you handling yourselves the way you are. You're not doing yourself a service and I don't mean that globally because there were some very articulate and respectful presentations that were given and thank you, but the one way street on respect is unacceptable. We don't give up our lives to be here to be attacked, believe it or not, and I keep hearing the statement don't take the easy road. What do you think is the easy road? Do you think the easy road is to sit up here and talk out loud about some of the things I believe are not positioned to everyone in this room? That's not easy. It would be far easier for me to just acquiesce as long as I don't believe



it's the right thing to do. If that is where I end up at the time of the vote, it will be knowing that it was a hard decision to make, not the easy one. I don't know what I'm going to do in the next four years, if I'm going to run or not, but frankly I could care less. The decision I come to will be based on what I think is the right thing, not on threats. We're up here to try to do a job for you guys, so just try to remember that and try to be respectful like you are asking us to be. There's a few comments that were made about City services and you don't need them. The City pays and subsidizes most of the expense for the fire service in the ETJ, obviously most of you don't know that because you keep making comments about the fact that you don't need it. You do need it and you have it now, we're subsidizing a great amount of that service. That's on the side of things that I consider when I consider on the pro side of annexation. As I said, there have been some people who presented some things that cause me concern and I'll speak with staff and our City Attorney. I will maintain that for those who want to reach out and have a respectful and mature discussion with me, because as I said, I will reserve my vote for the actual date it was supposed to go and I'll keep my mind open until then.

Mayor Fuller called for Discussion on Regular Meeting Agenda Items.

Mayor Fuller called for discussion on the following work session items with no action taken:

- 17-1019** Consider/Discuss Recommendation Related to Public Works and Parks & Recreation Maintenance Programs
- 17-1020** Update on Bonnie Wenk Park Phase 2 and Discuss and Provide Direction on a Potential Park Amenity
- 17-1021** Consider/Discuss Potential Enhancements to Various McKinney Parks

Council unanimously approved the motion by Council member Elliott, seconded by Council member Branch, to adjourn. Mayor Fuller adjourned the meeting at 9:20 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary