

CITY COUNCIL REGULAR MEETING

SEPTEMBER 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, September 17, 2019 at 6:00 p.m.

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

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Assistant to the City Attorney Trevor Minyard, Executive Director of Development Services Michael Quint, Director of Planning Jennifer Arnold, Assistant Director of Planning Mark Doty, Director of Engineering Gary Graham, Capital Improvement Projects Manager Nicholas Ataie, Assistant Director of Public Works Paul Sparkman, Water Utilities Superintendent Craig Sherwood, Chief Financial Officer Mark Holloway, Investment & Treasury Manager Kelvin Bryant, Police Chief Greg Conley, Police Officer Bruno Siqueira, Video Producers Sidney Diongzon and Joey Barr, and City Secretary Empress Drane.

There were approximately 60 guests present.

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

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance.

The Invocation was given by Mark Berrier, Pastor of Cross Road Christian Church. The Pledge of Allegiance was led by Malcolm Campbell of Cross Road Christian Church.

Mayor Fuller called for the following Information Sharing items:

- 19-0765** Proclamation for Constitution Week – Mayor Fuller read the proclamation recognizing the historic significance of the United States Constitution and the efforts of the National Society of the Daughters of the American Revolution (DAR) to establish Constitution Week as a nationwide annual commemoration. Members of the John Abston Chapter (McKinney, Texas) of DAR were present to receive the proclamation and stood for

photographs with the Mayor.

Mayor Fuller called for Public Comments.

The following individuals requested research and consideration by the city regarding the potential biological effects of 5G technology:

Tasha Escoto, 1704 Quarry Lane, McKinney, Texas 75072

Annie Abshire, 5816 Waterford Lane, McKinney, Texas 75071

The following individuals requested the Council to adopt Jerusalem as the international sister city to McKinney, Texas:

Sherry Lyn, 1200 N. Tennessee Street, McKinney, Texas 75069

Connie Lee Martin, 2601 Eldorado Parkway, McKinney, Texas 75070

The following individual requested the Council to consider residential zoning ordinances regarding sex offender proximity to places where children gather:

Rick Ballard, 5220 Evergreen Drive, McKinney, Texas 75070

The following individual requested Council to consider addressing traffic congestion and pedestrian and driver safety near the place of his business property and the Drivers License office at Highway 5 and Power House Street:

Brian O'Neil, 436 Power House Street, McKinney, Texas 75071

The following individuals requested Council to consider addressing the need for gun safety awareness and education:

Jenny Smith, 10225 Ashburn Drive, McKinney, Texas 75072

Misty Hook, 1543 Timber Edge Drive, McKinney, Texas 75072

Mary Warren, 8724 Shallowford Lane, McKinney, Texas 75070

The following individual spoke in opposition to a homelessness resource center at the Hall Memorial Library:

Nina Ringley, 313 N. Benge Street, McKinney, Texas 75069

Jeff Williams, address unknown

Mayor Fuller called for Council and Manager Comments.

Council Member La'Shadion Shemwell expressed concern with the criminal justice system and the sense of double jeopardy regarding the treatment and experiences of individuals with criminal history after serving their sentence; and support of Brian O'Neil seeking legal remedies regarding the specific matter of his case. Mr.

Shemwell encouraged the public to have conversations in communities and social media about gun safety and not wait on government action. Mr. Shemwell stated he was an advocate for understanding the risks associated with 5G technology. Mr. Shemwell expressed understanding about the concerns regarding the homelessness resource center no matter where it will be located, similarly to past concerns for programs such as the Samaritan Inn shelter, which is now a great resource for the city.

Council Member Richard Franklin expressed support for the need for gun safety education and the opportunity for communities to take part in awareness. Mr. Franklin stated he was a bigger supporter of the Samaritan Inn and is passionate about identifying the right solution and location for providing resources for the homeless.

Council Member Frederick Frazier said he needed more education regarding 5G and expressed support for gun safety education and shared the Chief of Police spent time addressing youth and parents who were affected by a recent shooting. Mr. Frazier supported the temporary use of the library as a homelessness resource center until a permanent solution.

Mayor Fuller stated the library was one of multiple potential locations for a homelessness resource center. Mayor Fuller expressed support for gun safety education and desire for the Council to take a lead in discussing possible action.

Mayor Fuller made a motioned to discuss gun safety and education at the next City Council Work Session to be held on October 1, 2019. Council Member Shemwell seconded the motion, and Council reached consensus with no objections.

Mayor Fuller thanked the vocal citizens who expressed concern about 5G.

Council Member Charlie Philips recognized the McKinney resident youth attending schools in the Frisco Independent School District, he and congratulated the football victory by Frisco Lone Star High School, who defeated Highland Park. It was the first home loss for Highland Park in 21 years.

Council Member Scott Elliott expressed agreement with the previous comments by other members regarding the need for gun safety awareness and support for the need to help "our homeless neighbors" and those who are near being homeless. Mr. Elliott stated he would be seeking an opportunity to discuss 5G technology at a future work session.

Mayor Pro Tem Rainey Rogers reflected on the interesting topic of gun safety as communities seek the appropriate solutions and shared his youthful memories of hunting. The Mayor Pro Tem announced the upcoming Oktoberfest event at Downtown and encouraged everyone to attend.

Mayor Fuller called for the Consent Agenda. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to approve the following Consent Agenda:

- 19-0766** Minutes of the City Council Work Session of September 3, 2019
- 19-0767** Minutes of the City Council Regular Meeting of September 3, 2019
- 19-0637** Minutes of the Main Street Board Meeting of July 11, 2019
- 19-0526** Minutes of the McKinney Community Development Corporation Meeting of May 23, 2019
- 19-0694** Minutes of the McKinney Community Development Corporation Meeting of July 25, 2019.
- 19-0664** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of June 13, 2019
- 19-0473** Minutes of the Planning and Zoning Commission Regular Meeting of May 28, 2019
- 19-0723** Minutes of the Planning and Zoning Commission Under Its Authority as the City of McKinney Capital Improvements Advisory Committee Meeting of July 23, 2019
- 19-0722** Minutes of the Planning and Zoning Commission Regular Meeting of August 13, 2019
- 19-0748** Minutes of the Planning and Zoning Commission Under Its Authority as the City of McKinney Capital Improvements Advisory Committee Meeting of August 27, 2019
- 19-0747** Minutes of the Planning and Zoning Commission Regular Meeting of August 27, 2019
- 19-0768** Minutes of the Visit McKinney Board Meeting of July 23, 2019
- 19-0769** Consider/Discuss/Act on a Resolution Adopting the Fiscal Year 2019-

2020 Financial Policies. Resolution caption reads as follows:

RESOLUTION NO. 2019-09-109 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING THE FINANCIAL POLICIES

19-0770 Consider/Discuss/Act on a Resolution Adopting the Investment Policy for Fiscal Year 2019-2020. Resolution captions reads as follows:

RESOLUTION NO. 2019-09-110 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING THE INVESTMENT POLICY

19-0771 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Interlocal Agreement and Memorandum of Understanding Between the City of Plano, City of McKinney, City of Frisco and Collin County for the Application and Administration of the Department of Justice 2019 Byrne Justice Assistance Grant and Designating the City Manager or Designee, as Official Representative of the City in Matters Relating to the Program. Resolution caption reads as follows:

RESOLUTION NO. 2019-09-111 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT AND MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PLANO, THE CITY OF MCKINNEY, THE CITY OF FRISCO AND COLLIN COUNTY FOR THE APPLICATION FOR AND ADMINISTRATION OF THE DEPARTMENT OF JUSTICE 2019 BYRNE JUSTICE ASSISTANCE GRANT, AND DESIGNATING THE CITY MANAGER, OR DESIGNEE, AS OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATING TO THE PROGRAM

19-0772 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Fugro USA Land, Inc. for Materials Testing Services for the Substandard Utility Replacement and Street Rehabilitation Project East of SH 5 (CO1704). Resolution caption reads as follows:

RESOLUTION NO. 2019-09-112 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH FUGRO USA LAND, INC. FOR ADDITIONAL MATERIALS TESTING SERVICES FOR PROJECT CO1704 SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION PROJECT EAST OF SH 5 AND AUTHORIZING ALL

NECESSARY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$110,000

- 19-0773** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement with the Texas Department of Transportation for Required Local Match Funds for the McKinney National Airport Runway Expansion Project. Resolution caption reads as follows:

RESOLUTION NO. 2019-09-113 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (“TxDOT”) FOR REQUIRED LOCAL MATCH FUNDS FOR THE MCKINNEY NATIONAL AIRPORT RUNWAY EXPANSION PROJECT; PROVIDING FOR THE NAMING OF TxDOT AS THE CITY’S AGENT FOR THE PROJECT; AND PROVIDING AN EFFECTIVE DATE

- 19-0774** Consider/Discuss/Act on a Facilities Agreement for Lot 1, Block A, of the Oquist Addition, Located on the North Side of County Road 407 and Approximately 250 Feet East of Songbird Lane

- 19-0063PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1, Block A, of the Oquist Addition, Located on the North Side of County Road 407 and Approximately 250 Feet East of Songbird Lane

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

- 19-0775** Conduct Second Public Hearing to Consider/Discuss/Act on the Adoption of the Budget Appropriation Ordinance for FY 2019-20

Chief Financial Officer presented the details of the proposed budget for fiscal year 2019-20:

- The proposed budget for all operating funds and Capital Improvement Projects for the fiscal year 2019-20 totaled \$585.8 million.
- The proposed budget for component unit funds for FY2019-20 are as follows:
 - McKinney Convention & Visitors Bureau \$863,815
 - McKinney Economic Development Corporation (MEDC) \$15,029,119
 - MEDC Debt Service Fund \$3,955,988
 - McKinney Community Development Corp \$10,338,530

The proposed tax rate is \$0.51560 per \$100 of assessed value.

There were no requests by the public to speak. Council unanimously approved by record vote the motion by Mayor Fuller, seconded by Council Member Elliott, to close the Second Public Hearing to Consider/Discuss/Act on the Adoption of the Budget Appropriation Ordinance for FY 2019-20. Council unanimously approved the motion by Council Member Philips, seconded by Council Member Frazier, to Adopt the Budget Appropriation Ordinance for Fiscal Year 2019-20. The vote recorded as follows:

| | |
|------------------------------------|------------|
| Council Member Charlie Philips | AYE |
| Council Member Scott Elliott | AYE |
| Mayor George Fuller | AYE |
| Council Member La'Shadion Shemwell | AYE |
| Mayor Pro Tem Rainey Rogers | AYE |
| Council Member Frederick Frazier | AYE |
| Council Member Richard Franklin | AYE |

Ordinance caption reads as follows:

ORDINANCE NO. 2019-09-066

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MCKINNEY, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND FOR AN EFFECTIVE DATE HEREOF

19-0776 Consider/Discuss/Act on an Ordinance to Ratify the Property Tax Revenue Increase in the Fiscal Year 2019-20 Budget as a Result of the City Receiving More Revenues from Property Taxes than the Previous Fiscal Year

Chief Financial Officer Mark Holloway presented information about the property tax revenues, stating the city's fiscal year 2019-20 Budget has an increase in property tax revenues as compared to the previous year. As a result of the approval of the Fiscal Year 2019-20 Budget, the City Council must ratify the increased revenue from property taxes. Council unanimously approved the motion by Council Member Philips, seconded by Mayor Pro Tem Rogers, to Ratify the Property Tax Revenue Increase in the Fiscal

Year 2019-20 Budget as a Result of the City Receiving More Revenues from Property Taxes than the Previous Fiscal Year. Council Member Philips' motion was stated:

"I motion to ratify the property tax revenue increase in the fiscal year 2019-20 as a result of the city receiving more revenues from property taxes than the previous fiscal year. This budget will raise more total property taxes than last year's budget by \$5,116,760 or 4.43%, and of that amount, \$5,225,834 is tax revenue to be raised from new property added to the tax roll this year."

Ordinance caption reads as follows:

ORDINANCE NO. 2019-09-067

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE IN THE 2019-20 BUDGET AS A RESULT OF THE CITY RECEIVING MORE REVENUES FROM PROPERTY TAXES IN THE 2019-20 BUDGET THAN IN THE PREVIOUS FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE

19-0777 Consider/Discuss/Act on an Ordinance Adopting a Tax Rate for Fiscal Year 2019-20

Council unanimously approved by record vote the following motion by Council Member Shemwell, seconded by Council Member Franklin, on an Ordinance Adopting a Tax Rate for Fiscal Year 2019-20:

"I move that the property tax rate be increased by the adoption of a tax rate of 0.515600, which is effectively a 1.36 percent increase in the tax rate."

The vote recorded as follows:

| | |
|------------------------------------|------------|
| Council Member Charlie Philips | AYE |
| Council Member Scott Elliott | AYE |
| Mayor George Fuller | AYE |
| Council Member La'Shadion Shemwell | AYE |
| Mayor Pro Tem Rainey Rogers | AYE |
| Council Member Frederick Frazier | AYE |
| Council Member Richard Franklin | AYE |

Ordinance caption reads as follows:

ORDINANCE NO. 2019-09-068

AN ORDINANCE LEVYING TAXES FOR THE CITY OF MCKINNEY, TEXAS, FOR THE TAX YEAR 2019; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DELINQUENT; PROVIDING FOR A

LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES DUE THEREON; PROVIDING FOR PENALTY AND INTEREST FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR A 15% COLLECTION FEE FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR ACCEPTANCE OF THE TAX ROLL TOGETHER WITH ANY SUPPLEMENTS THERETO; AND PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE

19-0778 Consider/Discuss/Act on an Ordinance to Change Rates/Fees for City Services

Chief Financial Officer Mark Holloway, stated the proposed fee changes, including Airport and Water and Waste Water Utilities fees support the approved budget. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Franklin, to approve an Ordinance to Change Rates/Fees for City Services. Ordinance caption reads as follows:

ORDINANCE NO. 2019-09-069

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATING TO FEES, BY AMENDING APPENDIX A SCHEDULE OF FEES, IN PART, BY AMENDING SECTIONS 30-70, 30-71, 30-85, 30-86, 30-175, 74-102, 74-161, 110-139, 110-141, 110-142, AND 110-230; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

19-0005M5 Conduct a Public Hearing to Consider/Discuss/Act on a Resolution to Approve the Land Use Assumptions for the 2018-2019 Impact Fee Update

Director of Planning Jennifer Arnold introduced Long Range Planning Manager Aaron Bloxham to present information regarding this first of three steps to update impact fees, which is mandated by the Texas Local Government Code Chapter 395. The next steps are approving a Capital Improvements Plan and the establishing the related ordinance. The Land Use Assumptions Report projects growth over the next 10 years. It projects population growth by using the number of housing units and non-residential growth by using building square footages. This data is then spatially allocated into the designated service areas. Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Elliott, to close the public hearing and approve the Resolution for the Land Use Assumptions for the 2018-2019 Impact Fee Update. Resolution caption reads as follows:

RESOLUTION NO. 2019-09-114 (R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,
TEXAS, APPROVING THE LAND USE ASSUMPTIONS FOR THE 2018-
2019 IMPACT FEE UPDATE**

- 19-0066Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, Located Approximately 250 Feet East of Custer Road and on the South Side of Virginia Parkway and Accompanying Ordinance

Director of Planning Jennifer Arnold stated the applicant is seeking to rezone the property to do an expansion. Staff and the Planning & Zoning Commission support the request. Council unanimously approved the motion by Council Member Shemwell, seconded by Council Member Elliott, to close the public hearing and approve the Request to Rezone the Subject Property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, Located Approximately 250 Feet East of Custer Road and on the South Side of Virginia Parkway and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-09-070
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.93 ACRE PROPERTY, LOCATED 250 FEET EAST OF CUSTER ROAD AND ON THE SOUTH SIDE OF VIRGINIA PARKWAY, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT TO "C1" - NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 19-0712** Consider/Discuss/Act on an Ordinance Repealing Chapter 46 of the Code of Ordinances and Replacing with a New Chapter 46 to be Titled Food Establishment Regulations.

Health Compliance Supervisor Richard Milam presented information and adjustments to the previous draft of the ordinance which was introduced to Council and tabled on August 20, 2019.

Greg Booth, 7200 Maudsley Drive, McKinney, Texas 75071 spoke in opposition to the item as presented.

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Shemwell, to table to another meeting agenda item number 19-0712 Consider/Discuss/Act on an Ordinance Repealing Chapter 46 of the Code of Ordinances and Replacing with a New Chapter 46 to be Titled Food Establishment Regulations.

19-0743 Consider/Discuss/Act on Appointing a Member to the McKinney Housing Finance Corporation

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Shemwell, to Appointing a Member (Justin Beller) to the McKinney Housing Finance Corporation. Mr. Beller will replace the departing James Bresnahan and serve a partial term which will expire September 30, 2019.

19-0779 Consider/Discuss/Act on a Resolution Nominating Member(s) to the Collin Central Appraisal District Board of Directors

Council unanimously approved the motion by Council Member Philips, seconded by Council Member Franklin, to approve a Resolution a Nominating Member (Brian Mantzey) to the Collin Central Appraisal District Board of Directors. Resolution caption reads as follows:

RESOLUTION NO. 2019-09-115 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NOMINATING INDIVIDUALS FOR CONSIDERATION TO SERVE THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE

The nomination will be submitted to the Collin Central Appraisal District to be added to the ballot, and taxing entities of the Appraisal District will vote for the Board of Directors in December 2019. Those elected will serve a two-term beginning January 1, 2020.

Mayor Fuller called for Citizen Comments.

Kim Black, 509 N Kentucky Street, McKinney, Texas 75069 spoke in support of further work and discussion regarding resource solutions for the homeless.

Mayor Fuller called for Council and Manager Comments.

City Manager Paul Grimes announced the upcoming Oktoberfest event, beginning Friday, September 27 and going through September 29, 2019. Mr. Grimes commended the work of the Finance team led by Mark Holloway and their work organizing and educating the public on the budget and the upcoming work of the audit process for closing out the current fiscal year.

Council Member Shemwell again stated the need for caution as the city considered the implementation of 5G technology.

Council Member Frazier recognized his daughter Peyton in the audience, who will be celebrating her seventeenth birthday next week. She is a junior at McKinney High School and also a member of the varsity golf team.

Council did not have an executive session.

Council unanimously approved the motion by Council Member Elliott, seconded by Council Member Franklin, to adjourn the meeting. Mayor Fuller adjourned the meeting at 7:56 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary
LISA SEWELL
Deputy City Secretary