

## CITY COUNCIL REGULAR MEETING

**MARCH 21, 2023**

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, March 21, 2023 at 6:00 p.m.

The meeting was broadcast live on cable television Spectrum Channel 16 and AT&T U-Verse Channel 99; and online at <https://mckinneytx.new.swagit.com/views/130>. A video recording of the meeting is available to the public through the City of McKinney meetings archive.

Mayor George C. Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the City Council consisting of himself and the following members were present: Mayor Pro Tem Rainey Rogers, and Council members Justin Beller, Geré Feltus, Rick Franklin, Charlie Philips, and Patrick Cloutier.

These City of McKinney Staff were present: City Manager Paul Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, City Secretary Empress Drane, City Secretary Administrative Assistant Blenda Sims, Director of Strategic Services Trevor Minyard, Interim Fire Chief Paul Dow, President of McKinney Economic Development Corporation (MEDC) Peter Tokar III, Information Technology Service Technician Suzanne Bolick, Police Sergeant Joseph Spano, Director of Planning Jennifer Arnold, and Director of Engineering Gary Graham,

There were approximately fifty-five (55) members of the public in the audience including Capital Improvement Advisory Committee (CIAC) Steve Wilson and MEDC Member Mohamed Kacem.

Mayor Fuller called for the Invocation given by Dr. Bill Rosnett of Northwest Christian Church and the Pledge of Allegiance led by Girl Scout Troop 8388 which included troop members Eliana Garcia-Krupski, Vaishu Kalaiselvan, Sarah Mastin, Madeline Michel, Natalie Sims, Twesha Singh, and Naina Takkar.

Mayor Fuller called for the Information Sharing items:

**23-0224** Proclamation for Girl Scout Week

**23-0225** Presentation of the Blue Star Flag

The family of David Fontenot were present to receive a Blue Star Flag in recognition of his service in the United States Navy.

Mayor Fuller called for Public Comments.

Julie Luton, 1516 Timber Edge, McKinney TX 75070, spoke regarding Boards & Commissions appointments emphasizing the need for more diverse representation.

Nikil Vattikonda, 1858 Olney Dr, Allen TX 75013 and Daksh Ingole, 3508 Bankhead Pl, McKinney TX 75070 spoke together regarding the traffic near Imagine International School at the intersection of Jordan and Virginia, emphasizing the need for a new additional lane to support safety.

Amber Block, 2548 FM 2933, McKinney TX 75071, spoke regarding the TxDOT Highway 380 project opposing the construction of the proposed Route C.

Elizabeth Michel, 6205 Eaglestone Drive, McKinney TX 75070, thanked Mayor Fuller for recognizing Girl Scout Week, spoke regarding gender pay gaps as addressed in a recent Dallas Morning News article, and expressed a need for more diverse representation among city boards and commissions members.

Rick Eubank, 2371 CR 338, McKinney TX 75071 did not wish to speak but submitted a written comment to be entered into the meeting record, provided below:

|   |                                  |
|---|----------------------------------|
| <b>Request to Speak Before McKinney City Council</b>  | Date <u>3/21/23</u>              |
| (Print) Full Name <u>Rick Eubank</u>  | Phone _____                      |
| Address <u>2371 CR 338</u>  | City <u>McK</u> Zip <u>75071</u> |
| Email <u>EUBANKMAIL@YAHOO.COM</u>   |                                  |
| <b>Public Comments for items ON THE AGENDA</b>  |                                  |
| <input type="checkbox"/> I wish to speak in SUPPORT / OPPOSITION of Item # _____<br><i>*Those wishing to speak on Public Hearing item(s) will be called at the time of the Public Hearing.</i>  |                                  |
| <b>Public Comments for items NOT ON THE AGENDA</b>  |                                  |
| <input type="checkbox"/> I wish to speak about: _____<br><i>*It is the Mayor's decision to call those wishing to speak on Non-Agenda at either the beginning or end of the meeting.</i>   |                                  |
| <b>Submit a Comment without Speaking</b>  |                                  |
| I do not wish to speak; however, please record my <input type="checkbox"/> SUPPORT FOR <input checked="" type="checkbox"/> OPPOSITION AGAINST   |                                  |
| Topic of Discussion: <u>the ETERNAL closing of McIntyre road. THIS road is very important to those of us living east of hiway 5. Originally the signage said it would take 5 weeks - Now it says 4 Months. The alternative is Woodlawn, which is in terrible shape.</u> |                                  |

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Council member Patrick Cloutier, seconded by Council member Rick Franklin, to approve the Consent items as presented on the agenda:

- 23-0226** Minutes of the City Council Work Session of March 7, 2023
- 23-0227** Minutes of the City Council Regular Meeting of March 7, 2023
- 23-0076** Minutes of the Community Grants Advisory Committee Meeting of November 10, 2022
- 23-0140** Minutes of the Historic Preservation Advisory Board Regular Meeting of January 5, 2023
- 22-1080** Minutes of the McKinney Arts Commission Meeting of October 20, 2022
- 23-0178** Minutes of the McKinney Housing Finance Corporation Meeting of January 4, 2023
- 22-1101** Minutes of the McKinney Urban Transit District Board Meeting of August 23, 2022
- 22-0802** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of August 11, 2022
- 22-0926** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of September 8, 2022
- 22-1033** Minutes of the Parks, Recreation & Open Space Advisory Board Meeting of October 13, 2022
- 23-0185** Minutes of the Planning and Zoning Commission Regular Meeting of February 28, 2023
- 23-0154** Minutes of the Tax Increment Reinvestment Zone Number One (TIRZ1) Board Meeting of February 21, 2023
- 23-0228** Consider/Discuss/Act on an Ordinance Declaring as Elected the Unopposed Candidate for the Office of Council Member District 4 for the General Election of May 6, 2023

Ordinance caption reads as follows:

**ORDINANCE 2023-03-018**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS,  
DECLARING AS ELECTED THE UNOPPOSED CANDIDATE FOR THE OFFICE OF**

**COUNCIL MEMBER DISTRICT 4; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**23-0229** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Roadway Impact Fee Credit Agreement with TMPG Highland Lakes, LLC, for the Construction of Two and Four Lane Portions of Ridge Road (extending 2,773 Linear Feet) and Dedication of Right-of-Way for Bloomdale Road (extending 1,867 Linear Feet), Serving an Approximately 641 Acre Development (Highland Lakes), Generally Located on the North Side of Bloomdale Road and West Side of Ridge Road

Resolution caption reads as follows:

**RESOLUTION NO. 2023-03-033 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A ROADWAY IMPACT FEE CREDIT AGREEMENT WITH TMPG HIGHLAND LAKES, LLC, FOR THE CONSTRUCTION OF TWO AND FOUR LANE PORTIONS OF RIDGE ROAD (EXTENDING 2,773 LINEAR FEET) AND DEDICATION OF RIGHT-OF-WAY FOR BLOOMDALE ROAD (EXTENDING 1,867 LINEAR FEET), SERVING AN APPROXIMATELY 641 ACRE DEVELOPMENT (HIGHLAND LAKES), GENERALLY LOCATED ON THE NORTH SIDE OF BLOOMDALE ROAD AND WEST SIDE OF RIDGE ROAD**

**23-0230** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Wastewater Impact Fee Credit Agreement with TMPG Highland Lakes, LLC, for the Construction of an Oversized Sanitary Sewer Line (extending 3,468 Linear Feet), Serving an Approximately 343 Acre Development (Highland Lakes), Generally Located on the North Side of Bloomdale Road and West Side of Ridge Road

Resolution caption reads as follows:

**RESOLUTION NO. 2023-03-034 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A WASTEWATER IMPACT FEE CREDIT AGREEMENT WITH TMPG HIGHLAND LAKES, LLC, FOR THE CONSTRUCTION OF AN OVERSIZED SANITARY SEWER LINE (EXTENDING 3,468 LINEAR FEET), SERVING AN APPROXIMATELY 343 ACRE DEVELOPMENT (HIGHLAND LAKES), GENERALLY LOCATED ON THE NORTH SIDE OF BLOOMDALE ROAD AND WEST SIDE OF RIDGE ROAD**

**23-0231** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement with the Texas Department of Transportation for

the Temporary Closure of the State Right-of-Way for the Purpose of a  
Special Event (2023 AT&T Byron Nelson Golf Tournament)

Resolution caption reads as follows:

**RESOLUTION NO. 2023-03-035 (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 THE TEMPORARY  
CLOSURE OF STATE RIGHT OF WAY**

**23-0232** Consider/Discuss/Act on a Resolution Authorizing the Sale of Two Parcels of Land Located in the Samuel McFarland Survey, Abstract No. 558 to the State of Texas for the Construction of the State's Highway 5 Project, Which Parcels of Land Consist of approximately 1.646 Acres of Land Located on the West Side of State Highway 5 South of its intersection with Harry McKillop Boulevard ("Parcel 6"), and approximately 2.943 Acres of Land Located on the East Side of State Highway 5 South of its intersection with Harry McKillop Boulevard ("Parcel 7"), Both Totaling approximately 4.589 Acres of Land; and Authorizing the City Manager to Execute Deeds and Documents Regarding the Sale of Said City-Owned Property to the State of Texas

Resolution caption reads as follows:

**RESOLUTION NO. 2023-03-036 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS,  
AUTHORIZING THE SALE OF TWO PARCELS OF LAND LOCATED IN THE  
SAMUEL MCFARLAND SURVEY, ABSTRACT NO. 558 TO THE STATE OF TEXAS  
FOR THE CONSTRUCTION OF THE STATE HIGHWAY 5 PROJECT, WHICH  
PARCELS OF LAND CONSIST OF APPROXIMATELY 1.646 ACRES OF LAND  
LOCATED ON THE WEST SIDE OF STATE HIGHWAY 5 SOUTH OF ITS  
INTERSECTION WITH HARRY MCKILLOP BOULEVARD ("PARCEL 6"), AND  
APPROXIMATELY 2.943 ACRES OF LAND LOCATED ON THE EAST SIDE OF  
STATE HIGHWAY 5 SOUTH OF ITS INTERSECTION WITH HARRY MCKILLOP  
BOULEVARD ("PARCEL 7"), BOTH TOTALING APPROXIMATELY 4.589 ACRES  
OF LAND; AND AUTHORIZING THE CITY MANAGER TO EXECUTE DEEDS AND  
DOCUMENTS REGARDING THE SALE OF SAID CITY-OWNED PROPERTY TO THE  
STATE OF TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**23-0233** Approve an Agreement Between the City of McKinney and Collin County to Enhance the Fire Investigation Capabilities and Resources of the McKinney Fire Department

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

**23-0234** Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for a Water Line and Sanitary Sewer Easement associated with the SH 5 Utility Relocation Project (WA1633 & WW1633) which Property is Located on S. Chestnut Street at its intersection with State Highway 5 and Authorizing the City Manager to Establish Procedures for Acquiring the Easement on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions

Council unanimously approved the motion by Council member Charlie Philips, seconded by Council member Patrick Cloutier, "that the City of McKinney, Texas, City Council approve the item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from FSG, LLC, identified as owner of record by the Collin Central Appraisal District, and any other persons or entities claiming an interest to the property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements near the southwest corner of State Highway 5 and S. Chestnut Street associated with the SH 5 Utility Relocation Project (WA1633 & WW1633)."

The roll call vote of the City Council was conducted by City Secretary Empress Drane resulting as follows:

Mayor George Fuller .....AYE  
Mayor Pro Tem Rainey Rogers.....AYE  
Council Member Charlie Philips .....AYE  
Council Member Geré Feltus .....AYE  
Council Member Patrick Cloutier.....AYE  
Council Member Rick Franklin .....AYE  
Council Member Justin Beller.....AYE

Resolution caption reads as follows:

**RESOLUTION NO. 2023-03-037 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE PROPERTY EASEMENT RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR A WATER LINE AND SANITARY SEWER EASEMENT ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633 & WW1633); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENT, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS**

- 22-** Conduct a Public Hearing to Consider/Discuss/Act on a Variance to a Site  
**0086SP2** Plan for a Multi-Family Development (Modera McKinney), Located on the East Side of Future Hardin Boulevard and Approximately 1,500 feet North of Bloomdale Road

Bob Roeder, 1700 Redbud Blvd #300, McKinney TX 75069, spoke on behalf of the applicant in support of the site plan variance.

There were no other requests to make Public Comments on the item.

Council approved the motion by Council member Rick Franklin, seconded by Council member Patrick Cloutier, to close the public hearing and approve a Variance to a Site Plan for a Multi-Family Development (Modera McKinney), Located on the East Side of Future Hardin Boulevard and Approximately 1,500 feet North of Bloomdale Road with a vote of 6 - 1 - 0, Rainey Rogers voting no.

- 22-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use  
**0020SUP3** Permit Request to Allow for Automobile Sales, Repair or Storage (Pat Lobb Toyota), Located at 3350 South Central Expressway, and Accompanying Ordinance

Rick Ferrara (applicant) 5005 Greenville Ave, Dallas TX 75206 spoke in support of the permit.

There were no other requests to make Public Comments regarding the item.

Council unanimously approved the motion by Council member Patrick Cloutier, seconded by Council member Rick Franklin, to close the public hearing and approve a Specific Use Permit Request to Allow for Automobile Sales, Repair or Storage (Pat Lobb Toyota), Located at 3350 South Central Expressway, and Accompanying Ordinance, caption reads as follows:

**ORDINANCE NO. 2023-03-019**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING**

**FOR A SPECIFIC USE PERMIT FOR AUTOMOBILE SALES, REPAIR OR STORAGE (PAT LOBB TOYOTA), LOCATED AT 3350 SOUTH CENTRAL EXPRESSWAY; PROVIDING REGULATIONS; 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**

Mayor Fuller called for Council and Manager Comments.

Council Member Charlie Philips recognized the accomplishments of several high school Track & Field athletes: Cole Dauper (McKinney High School) ranks among the top four boys in the state for the 100-meter dash. Cole is also a member of the boys 4 x 200-meter relay team which is ranked in the top four. Ivana Odonkor (McKinney High School) ranks among the top four girls in the state for the 100-meter, 200-meter, and 400-meter dash events.

Council Member Feltus recognized the McKinney Chamber of Commerce Womens Alliance event recently held in the Trinity Falls community and recognized March 21 as Down Syndrome Day.

Mayor Pro Tem Rainey Rogers stated the number of high quality boards and commissions applicants far exceeds the number of available spaces and encouraged members of the public to continue to apply and seek the serve. Mayor Pro Tem Rogers acknowledged March 16 as the 175<sup>th</sup> birthday of the city of McKinney, Texas.

Council Member Rick Franklin stated that the Texas Department of Transportation was recently conducting work to clean roadways in the city and thanked (former City Council member) State Representative Frederick Frazier for his efforts in the capital city to address the cleanup needs in North Collin County.

Council Member Patrick Cloutier recognized that Jason Hernandez was featured on the front page of the Dallas Morning News for his efforts to restore the neighborhood store La Tiendita in east McKinney. Council Member Cloutier also stated that former McKinney North High School football running back Ronald Jones recently signed with the Dallas Cowboys.

City Manager Paul Grimes announced two open house events (March 23 at Old Settler's Recreation Center and April 19 at Cockrill Middle School) will be conducted to provide an overview of the preliminary results of the environmental studies underway for the planned commercial air service terminal at McKinney National Airport. Both events



will be from 6:00 p.m. to 8:00 p.m. City Manager Grimes encouraged members of the public to attend the events and visit the airport website for additional information. City Manager Grimes stated Eldorado Parkway between Stonebridge and Custer Road will be closed beginning next week for roadway construction work with plans for the work to be completed in time for the opening of the new H-E-B store.

Mayor Fuller congratulated city employees who were recognized for their service at a recent awards ceremony. Mayor Fuller stated that he and wife Maylee recently visited school campuses for a reading program and commended school district staff and board members for making McKinney a great place for students to learn.

Council unanimously approved the motion by Council member Geré Feltus, seconded by Council member Patrick Cloutier, to adjourn the meeting at 6:42 p.m.

These minutes were approved by the City Council on April 4, 2023.

SIGNED:

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GEORGE C. FULLER, Mayor

ATTEST:

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EMPRESS DRANE, City Secretary

City of McKinney, Texas