

CITY COUNCIL REGULAR MEETING

JANUARY 21, 2020

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, January 21, 2020 at 6:00 p.m.

Mayor George C. Fuller called the meeting to order at 6:10 p.m. upon determining a quorum of the Council was present, consisting of himself and the following members: La'Shadion Shemwell..... District 1

Rainey Rogers, Mayor Pro Tempore.... District 2

Scott Elliott District 3

Rick Franklin..... District 4

Charlie Philips.....At Large

Council Member Frederick Frazier was absent.

City of McKinney Staff Present: City Manager Paul G. Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark S. Houser, Strategic Services Manager Trevor Minyard, Director of Organizational Development & Performance Management Joseph Mazzola, 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, Police Chief Greg Conley, Fire Chief Danny Kistner, Assistant Fire Chief Robert Alley, City Secretary Administrative Assistant Blenda Sims, City Secretary Intern Isabel Duran and City Secretary Empress Drane

There were approximately fifty (50) guests present.

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance, led by Reverend Lorenzo Galuszka of St. Peter's Episcopal Church.

Mayor Fuller called for Public Comments regarding Information Sharing Items. There were no requests to speak.

Mayor Fuller called for Information Sharing Items.

20-0092 Recognition of Volunteer Service to McKinney Citizens Fire Academy Alumni Association (McKinney CFAAA). Fire Chief Danny Kistner

recognized the efforts of volunteer of McKinney CFAAA community service and engagement over the past year, with special recognition for volunteer Pat O'Riley who contributed more than four hundred twenty-five (425) hours. Mayor Fuller presented Mr. O'Riley with a recognition award and stood for photos with approximately twenty CFAAA members and Fire Department staff who were present in support of Mr. O'Riley.

20-0093 Proclamation for It's Time Texas Community Challenge. Mayor Fuller read a proclamation presented a video in recognition of the statewide initiative to promote wellness. Mayor Fuller and Council Members signed a pledge to support wellness activities.

Mayor Fuller called for Citizen Comments.

The following individual spoke regarding 5g / Wireless Technology concerns:

Tasha Escoto, 1704 Quarry Lane, McKinney TX 75072

The following individual spoke regarding homelessness and safety concerns:

Warren Owens, (no address provided), McKinney TX 75069

The following individual spoke regarding City Council and community action, and policing concerns:

Dee Crane, (no address provided), Arlington TX

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Mayor Pro Tempore Rainey Rogers, seconded by Council Member Rick Franklin, to approve the following Consent Agenda items:

20-0094 Minutes of the City Council Work Session of January 7, 2020

20-0095 Minutes of the City Council Regular Meeting of January 7, 2020

19-1073 Minutes of the Library Advisory Board meeting of November 21, 2019

20-0096 Consider/Discuss/Act on Approving a Neighborhood Block Party Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2020-01-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 87, "SPECIAL EVENTS," OF THE CITY OF MCKINNEY CODE OF ORDINANCES BY ADDING A NEW ARTICLE VI, "NEIGHBORHOOD BLOCK PARTY PERMITS";

PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; ESTABLISHING GOVERNING LAW; PROVIDING FOR A PENALTY FOR THE VIOLATION HEREOF; AND PROVIDING AN EFFECTIVE DATE

20-0097 Consider/Discuss/Act on Resolution authorizing the City Manager to apply for and accept For FY 2020 Texas Counts Pooled Grant Funds, for McKinney Census 2020 Outreach and Education Program, if awarded, from Educate Texas at Communities Foundation of Texas. Resolution caption reads as follows:

RESOLUTION NO. 2020-01-015 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A GRANT FROM THE TEXAS COUNTS POOLED FUND, A PARTNERSHIP THROUGH THE CENTER FOR PUBLIC POLICY PRIORITIES AND COMMUNITIES FOUNDATION OF TEXAS, FOR FUNDING TO SUPPORT CENSUS 2020 ENGAGEMENT AND EDUCATION ACTIVITIES TARGETING HARD-TO-COUNT POPULATIONS IN MCKINNEY, TO SUPPORT A COMPLETE AND ACCURATE COUNT

20-0098 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Fugro USA Land, Inc. for Materials Testing Services on the Country Lane Extension Project (ST4372). Resolution caption reads as follows:

RESOLUTION NO. 2020-01- 016 (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 \$76,430 WITH FUGRO USA LAND, INC. FOR MATERIAL TESTING SERVICES FOR THE COUNTRY LANE EXTENSION PROJECT (ST4372) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$85,000

20-0099 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Standard Utility Agreement and Any Necessary Supplemental Agreements with the Texas Department of Transportation (TxDOT) for Reimbursement of Expenses for the WA1630 Custer Road Utility Relocations Project from US 380 to FM 1461. Resolution caption reads:

RESOLUTION NO. 2020-01-017 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD UTILITY AGREEMENT AND ANY NECESSARY

**SUPPLEMENTAL AGREEMENTS WITH THE TEXAS DEPARTMENT
OF TRANSPORTATION (TxDOT) FOR REIMBURSEMENT OF
EXPENSES FOR THE WA1630 CUSTER ROAD UTILITY
RELOCATIONS PROJECT**

Mayor called for Regular Agenda and Public Hearing items:

- 20-0104** Consider/Discuss/Act on an Ordinance Calling for a Special Recall Election.

Council approved the motion by Council Member Charlie Philips, seconded by Mayor Pro Tempore Rainey Rogers, to approve an Ordinance Calling for a Special Recall Election with a vote of 5 - 1, Council Member La'Shadion Shemwell voting no. Ordinance caption reads as follows:

ORDINANCE NO. 2020-01-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CALLING FOR A SPECIAL ELECTION TO BE HELD ON THE 2ND DAY OF MAY, 2020, IN THE CITY OF MCKINNEY, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MCKINNEY, TEXAS, THE RECALL AND REMOVAL OF A CITY COUNCIL MEMBER; DESIGNATING POLLING PLACES; APPOINTING THE EARLY VOTING CLERK; PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE

- 19-0238PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 & 2, Block A, James Gang Estates, Located in the ETJ of McKinney on the South Side of County Road 413 and 830 Feet East of Farm Road 2933 (Milrany Lane)

Director of Planning Jennifer Arnold stated staff recommends disapproval of the proposed preliminary final plat due to its lack of conformance with the Subdivision Ordinance. To obtain final approval, the applicant can make one resubmittal which corrects the items currently not in conformance.

Director of Engineering Gary Graham stated a flood plain study is needed to identify the flood plain as a preventive measure against to harm to future development.

John James (Applicant) 3025 CR 413, Melissa TX 75454, spoke in opposition to the recommendations of the staff.

Council unanimously approved the motion by Council Member La'Shadion Shemwell, seconded by Council member Scott Elliott, to approve the recommendation of staff, which is to disapprove a Preliminary-Final Plat for Lots 1 & 2, Block A, James Gang Estates, Located in the ETJ of McKinney on the South Side of County Road 413 and 830 Feet East of Farm Road 2933 (Milrany Lane).

19-0048SP Conduct a Public Hearing to Consider/Discuss/Act on a Site Plan for McKinney Independent School District (MISD) Transportation Facility Expansion, Approximately 760 Feet North of Wilmeth Road and on the West Side of James Pitts Drive.

Frank Kennedy, on behalf of McKinney ISD, explained the applicant's facility expansion plan to increase school district vehicle storage, increase employee vehicle parking and alleviate roadside vehicle parking near the facility.

There were no other requests to speak.

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member La'Shadion Shemwell, to close the public hearing and a Site Plan for McKinney Independent School District (MISD) Transportation Facility Expansion, Approximately 760 Feet North of Wilmeth Road and on the West Side of James Pitts Drive.

19-0124Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "LI" - Light Industrial District to "LI" - Light Industrial District, Located Approximately 160 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street)

Ryan Spears (Applicant), 2405 Mustang Drive, Grapevine TX 76051, spoke in support of approving the item.

There were no other requests to speak.

Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member La'Shadion Shemwell, to close the public hearing and approve a Request to Rezone the Subject Property from "AG" - Agricultural District and "LI" - Light Industrial District to "LI" - Light Industrial District, Located Approximately 160 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street). Ordinance caption reads as follows:

ORDINANCE NO. 2020-01-009

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 24.448 ACRE PROPERTY, LOCATED APPROXIMATELY 160 FEET SOUTH OF SPUR 195 AND ON THE WEST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET), IS REZONED

FROM "AG" – AGRICULTURAL DISTRICT AND "LI" – LIGHT INDUSTRIAL DISTRICT TO "LI" – LIGHT INDUSTRIAL DISTRICT, GENERALLY TO ALLOW FOR INDUSTRIAL USES; 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

20-0100 Conduct a Public Hearing to Consider/Discuss/Act on an Ordinance Amending the Project Plan for Tax Increment Reinvestment Zone Number One.

There were no requests by the public to speak on the item.

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Mayor Pro Tem Rainey Rogers, to close the public hearing and approve an Ordinance Amending the Project Plan for Tax Increment Reinvestment Zone Number One. Ordinance caption reads as follows:

ORDINANCE NO. 2020-01-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS APPROVING THE TAX INCREMENT REINVESTMENT ZONE NUMBER 1 (TOWN CENTER) SECOND AMENDED PROJECT PLAN, CITY OF MCKINNEY, AS ADOPTED BY ITS BOARD OF DIRECTORS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

20-0101 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Ed Bell Construction Company for the Construction of the Country Lane Extension Project (ST4372)

Council unanimously approved the motion by Council Member Scott Elliott, seconded by Council Member Rick Franklin, to approve a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Ed Bell Construction Company for the Construction of the Country Lane Extension Project (ST4372). Resolution caption reads as follows:

RESOLUTION NO. 2020-01-018 (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 \$1,684,143.60 WITH ED BELL CONSTRUCTION COMPANY, FOR THE CONSTRUCTION OF THE COUNTRY LANE EXTENSION PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$1,950,000

- 20-0102** Consider/Discuss/Act on a Resolution to Appoint a Member to the 9-1-1 Emergency Communications District Board of Managers within the North Central Texas Council of Governments (NCTCOG)

Council unanimously approved the motion by Mayor Pro Tempore Rainey Rogers, seconded by Council Member Charlie Philips, to approve a Resolution to Appoint a Member (La'Shadion Shemwell) to the 9-1-1 Emergency Communications District Board of Managers within the North Central Texas Council of Governments (NCTCOG). Resolution caption reads as follows:

RESOLUTION NO. 2020-01-119 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPOINTING A MEMBER TO THE INITIAL NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS 9-1-1 EMERGENCY COMMUNICATIONS DISTRICT BOARD OF MANAGERS

- 20-0103** Consider/Discuss/Act on Appointing a Member to the Board of Adjustment

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Charlie Philips, to approve Appointing Larry Jagours and Neal Prevost to the Board of Adjustment. Mr. Jagours will move from an Alternate to Regular Member position, serving a partial term which expires September 30, 2021. Mr. Prevost will fill the vacancy of Alternate Member, serving a partial term which expires September 30, 2021.

Mayor Fuller called for Citizen Comments. There were no requests to speak.

Mayor Fuller called for Council and Manager Comments.

Council Member Charlie Philips announced and congratulated Council Member Frederick Frazier on his appointed to serve on the President's Commission on Law Enforcement and Administration of Justice, noting that Council Member Frazier was absent from the meeting due to attending business in Washington, D.C. Council Member Philips requested prayers for former McKinney High School Athletic Trainer Jeff Clark, who lost both legs due to diabetes and was recently fitted for prosthetics.

Council Member Scott Elliott commended the community organization Shiloh Place which serves the needs of homeless mothers. Council Member Elliott commented on the issues and challenges of individuals experiencing homelessness,

stating there are more than fifteen hundred (1,500) homeless enrolled in McKinney ISD, with eighty (80) percent of homeless families headed by moms.

Mayor Pro Tempore Rainey Rogers acknowledged reporter Emily Davis who wrote an article for Community Impact newspaper regarding the city's low crime rate despite population growth. Mayor Pro Tempore Rogers commended the McKinney Police Department and citizens for contributed to safety and a great quality of life in McKinney.

Council Member Shemwell applauded work of the Police Department and citizens for the low crime rate. Council Member Shemwell commented on the work and writings of Dr. Martin Luther King, Jr. in traveling abroad in pursuit of justice. Council Member Shemwell stated Darius Tarver died by police shooting in Denton, Texas. Darius was the son of Kevin Tarver who serves on the McKinney Police Chief's Advisory Board. Council Member Shemwell expressed concern and requested prayers for the Tarver family.

Council Member Rick Franklin stated the Merritt Homes apartment will host a grand opening after redevelopment of the complex. The grand opening will take place on Wednesday, January 22.

City Manager Paul Grimes announced the Parks & Recreation Department will host a public information meeting about the Senior Recreation Center and Senior Pool located on College Street, Friday, January 31 to discuss updates to the existing facility. The City Council will meet on Friday, February 7 for a Strategic Goal Setting Work Session. The City Council will meet in joint session with McKinney ISD on Monday, February 10.

Mayor Fuller stated Carson Doss recently passed away, noting Mr. Doss' involvements in supporting the Martin Luther King, Jr. event in Allen, Texas and contributions to Ross Cemetery in McKinney. Community member Joy Flavall also passed away recently. Mayor Fuller expressed condolences to the Tarver, Doss and Flavall families. Mayor Fuller stated the McKinney Police Department has worked long and diligently to make progress in communities.

Mayor Fuller called for motion to adjourn. Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Scott Elliott, to adjourn. Mayor Fuller adjourned the meeting at 8:04 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary