

CITY COUNCIL REGULAR MEETING

JUNE 16, 2020

The City Council of the City of McKinney, Texas met in regular session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, June 16, 2020 at 6:00 p.m.

The meeting was broadcast live on cable television and through the City's website: Spectrum Channel 16, AT&T U-Verse Channel 99, and <http://mckinney.legistar.com>

Mayor George C. Fuller called the meeting to order at 6:24 p.m. upon determining a quorum of the Council was present, consisting of himself and the following members: La'Shadi Shemwell (District 1), Mayor Pro Tempore Rainey Rogers (District 2), Scott Elliott (District 3), Rick Franklin (District 4), Charlie Philips (At Large), Frederick Frazier (At Large).

Council Member Frazier participated remotely by telephone.

City of McKinney Staff 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, Strategic Services Manager Trevor Minyard, Chief Financial Officer Mark Holloway, Director of Finance Trudy Mathis, Police Officer Nolan Palmer, Facilities Construction Manager Patricia Jackson, Director of Planning Jennifer Arnold, President of McKinney Community Development Corporation (MCDC) Cindy Schneible, Housing & Community Development Manager Janay Ticken, Video Producer Joey Barr

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance. Pastor Bruce Miller of Christ Fellowship Church called the meeting by telephone to lead the Invocation.

Mayor Fuller called for the Information Sharing items.

20-0488 Proclamation for Juneteenth Holiday

Members of Flourish Community Based Initiatives and numerous city residents were present in support of the proclamation reading.

20-0443 Recognition of Fire Department for Life Saving Measures

Fire Danny Kistner and the following Fire Department personnel were present in support of the recognition: Assistant Fire Chief Robert Alley; Firefighter/EMT/Paramedics Zachary Costa and Jonathan Barefoot; Battalion Chief Charlie Skaggs; Captains Jared Turner, Ryan South, and Kevin Kennedy; Fire Public Information & Education Coordinator Merit Ossian; and Driver Curt Piontkowsky.

Mayor Fuller called for Public Comments.

The following individual spoke to encourage and thank the City Council, City Manager, City Staff, and community groups for service during challenging times and to extend well wishes for the future well-being of the city:

Don Paschal, 904 Parkwood Ct, McKinney TX 75072

The following individuals spoke regarding the Juneteenth holiday, community-building opportunities offered by the Flourish Community Based Initiatives organization:

Amanda Beller, 711 White Ave, McKinney TX 75069

Sean Howe, 4209 Hawkins Drive, McKinney TX 75072

Mayor Fuller read comments submitted by email from Joel Wasinger and Alex Bevly (See Minutes Appendix - Public Comments Submitted by Email)

The following individual spoke in support of law enforcement officers and regarding community issues:

Paul Chabot, 6710 Virginia 215-7, McKinney TX 75071

Tracy Thomas, 5124 Grovewood Dr, McKinney TX 75071

The following individual spoke in opposition to the recall of Council Member La'Shadian Shemwell and regarding community issues:

Joshua Murray, 1762 Lake Rd, Lavon TX 75166

The following individual spoke in support of establishing a rapid integrated group healthcare team to assist law enforcement and public safety issues:

Phillip Lucia, 4490 Eldorado Pwky, McKinney TX 75070

The following individual spoke in support of government action to address systemic racism and police brutality:

Christopher Vasquez, 11620 Alexandria Dr, Frisco TX 75035

Mayor Fuller read an announcement for the Ross Cemetery Clean-up event on Saturday, June 20, 2020 (8:00 a.m. to 10:00 a.m.) Volunteers are encouraged to wear masks and gloves, and to bring weed eaters for the clean-up.

Mayor Fuller read the comments submitted by email from Joel Wasinger and Alex Bevly (See Minutes Appendix - Public Comments Submitted by Email)

Mayor Fuller called for the Consent Agenda. Agenda item 20-0492 was pulled from the Consent Agenda for individual consideration.

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Charlie Philips, to approve the following Consent items:

- 20-0489** Minutes of the City Council Work Session of June 2, 2020
- 20-0490** Minutes of the City Council Regular Meeting of June 2, 2020
- 19-0099** Minutes of the Board of Adjustment Meeting of January 30, 2019
- 20-0439** Minutes of the Historic Preservation Advisory Board Meeting of March 5, 2020
- 20-0374** Minutes of the Main Street Board Meeting of March 12, 2020
- 20-0362** Minutes of the McKinney Armed Services Memorial Board Meeting of March 11, 2020
- 20-0427** Minutes of the McKinney Community Development Corporation Meeting of April 23, 2020
- 20-0428** Minutes of the McKinney Community Development Corporation Executive Committee Meeting of May 13, 2020
- 20-0429** Minutes of the McKinney Community Development Corporation Finance Committee Meeting of May 21, 2020
- 20-0381** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of March 12, 2020
- 20-0468** Minutes of the Planning and Zoning Commission Regular Meeting of May 26, 2020
- 20-0491** Consider/Discuss/Act on an Ordinance Amending Section 62-111.1 of the Code of Ordinances to Concur with the Texas Department of Transportation and North Texas Transportation Authority Regarding

Speed Limits along Spur 399 Frontage Roads and Westbound Frontage Road of SH 121 within McKinney, Texas. Ordinance caption reads:

ORDINANCE NO. 2020-06-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING SECTION 62-111.1 OF THE CODE OF ORDINANCES TO CONCUR WITH THE TEXAS DEPARTMENT OF TRANSPORTATION AND NORTH TEXAS TRANSPORTATION AUTHORITY REGARDING THE FRONTAGE ROAD OF SH 121 IN MCKINNEY, TEXAS; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 20-0493** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant from the Texas Department of Transportation in the Estimated Amount of \$157,000. Resolution caption:

RESOLUTION NO. 2020-06-072 (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 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION IN THE ESTIMATED AMOUNT OF \$157,000 TO PREVENT, PREPARE FOR, AND RESPOND TO THE IMPACTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY ON AIRPORT OPERATIONS AND AUTHORIZING THE EXECUTION OF DOCUMENTS RELATIVE TO THE ACCEPTANCE OF SUCH GRANT

- 20-0494** Consider/Discuss/Act on a Resolution Authorizing the Use of CARES Act Funds to Purchase a Bio Infectious Disease Control Ambulance. Resolution caption reads as follows:

RESOLUTION NO. 2020-06-073 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO PURCHASE A BIOINFECTIOUS DISEASE CONTROL AMBULANCE AND EQUIPMENT FOR RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY

- 20-0495** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with CaCo Architecture, LLC (CaCo) of Dallas, Texas for Architectural and Engineering Services Related to the Design and Construction of the TKI Executive Terminal Located at 1508 Industrial Blvd, at the McKinney National Airport,

McKinney, Texas. Resolution caption reads as follows:

RESOLUTION NO. 2020-06-074 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CACO ARCHITECTURE, LLC OF DALLAS, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE TKI EXECUTIVE TERMINAL

- 20-0496** Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance, if Awarded, of a Collin County Parks and Open Space Project Funding Assistance Program for Old Settler's Park Renovation Project. Resolution caption reads as follows:

RESOLUTION NO. 2020-06-075 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR AND ACCEPT, IF AWARDED, THE COLLIN COUNTY PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM FOR OLD SETTLER'S PARK RENOVATION PROJECT

- 20-0497** Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance, if Awarded, of a Land and Water Conservation Fund's (LWCF) Outdoor Recreation Legacy Partnership (ORLP) Program for Old Settler's Park Renovation Project. Resolution caption reads as follows:

RESOLUTION NO. 2020-06-076 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPLY FOR AND ACCEPT, IF AWARDED, THE LAND AND WATER CONSERVATION FUND'S (LWCF) OUTDOOR RECREATION LEGACY PARTNERSHIP (ORLP) PROGRAM FOR OLD SETTLER'S PARK RENOVATION PROJECT

- 20-0498** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract and Any Necessary Supplemental Agreements with The Superlative Group, Inc. to Provide Parks and Recreation Sponsorship Valuation Services. Resolution caption reads as follows:

RESOLUTION NO. 2020-06-077 (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 \$74,250 WITH THE SUPERLATIVE GROUP, INC. FOR PARKS AND RECREATION SPONSORSHIP VALUATION SERVICES AND AUTHORIZING ANY SUPPLEMENTAL

AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$80,000

- 20-0499** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Amendment to the Professional Consulting Services Contract with 720 Design, Inc. of Dallas, Texas for Professional Consulting Services and Owner's Representation Services Related to the John and Judy Gay Library Expansion and Renovation Project located at 6861 W. Eldorado Parkway in McKinney, Texas. Resolution caption reads:

RESOLUTION NO. 2020-06-077 (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 \$74,250 WITH THE SUPERLATIVE GROUP, INC. FOR PARKS AND RECREATION SPONSORSHIP VALUATION SERVICES 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 item for individual consideration and action:

- 20-0492** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Amendment to the Chapter 380 Economic Development Agreement with KDC McKinney Investments One, LP for the SRS Distribution Headquarters Building on the Northwest Corner of the Sam Rayburn Tollway and Alma Road.

Council Member Frederick Frazier abstained from discussion and action regarding the item. Council approved the motion made by Mayor Pro Tem Rainey Rogers, seconded by Council Member Scott Elliott, to approve a Resolution Authorizing the City Manager to Execute an Amendment to the Chapter 380 Economic Development Agreement with KDC McKinney Investments One, LP for the SRS Distribution Headquarters Building on the Northwest Corner of the Sam Rayburn Tollway and Alma Road with a vote of 6 - 0, as Council Member Frederick Frazier abstained from the vote. Resolution caption reads as follows:

RESOLUTION NO. 2020-06-071 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO A CHAPTER 380 ECONOMIC DEVELOPMENT

**PROGRAM AND AGREEMENT WITH KDC MCKINNEY INVESTMENTS
ONE LP**

Mayor Fuller called for the following item for Plat Consideration under Texas Local Government Code Chapter 212:

20-0065AP Consider/Discuss/Act on an Amending Plat for Lot 16A, Block 4, of the W.J.S. Russell's Third Addition, Located on the North Side of Gough Street and approximately 80 feet West of Miller Street.

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member La'Shadion Shemwell, to approve the staff recommendation to disapprove an Amending Plat for Lot 16A, Block 4, of the W.J.S. Russell's Third Addition, Located on the North Side of Gough Street and approximately 80 feet West of Miller Street.

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

20-0500 Consider/Discuss/Act on an Ordinance Authorizing the Issuance of "City of McKinney, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2020", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s)

Council unanimously approved the motion by Council Member Scott Elliott, seconded by Council Member Rick Franklin, to approve an Ordinance Authorizing the Issuance of "City of McKinney, Texas, Waterworks and Sewer System Revenue Refunding and Improvement Bonds, Series 2020", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s). Ordinance caption reads as follows:

ORDINANCE NO. 2020-06-043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2020," MAKING PROVISIONS FOR THE PAYMENT AND SECURITY OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 20-0501** Consider/Discuss/Act on an Ordinance Authorizing the Issuance of "City of McKinney, Texas, General Obligation Bonds, Series 2020A", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s)

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Charlie Philips, to approve an Ordinance Authorizing the Issuance of "City of McKinney, Texas, General Obligation Bonds, Series 2020A", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s). Ordinance caption reads as follows:

ORDINANCE NO. 2020-06-044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2020A"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 20-0502** Consider/Discuss/Act on a Resolution Approving and Authorizing Publication of Notice of Intention to Issue Certificates of Obligation

Council unanimously approved the motion by Council Member Scott Elliott, seconded by Council Member Charlie Philips, to approve a Resolution Approving and Authorizing Publication of Notice of Intention to Issue Certificates of Obligation. Resolution caption reads as follows:

RESOLUTION NO. 2020-06-079 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

- 20-0503** Consider/Discuss/Act on an Ordinance Authorizing the Issuance of "City of McKinney, Texas, General Obligation Refunding Bonds, Series 2020B", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s)

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Scott Elliott, to approve an Ordinance Authorizing the Issuance of "City of McKinney, Texas, General Obligation Refunding Bonds, Series 2020B", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s). Ordinance caption reads as follows:

ORDINANCE NO. 2020-06-045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2020B"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

20-0504 Consider/Discuss/Act on a Project Grant Awarded to District 121, LLC, by McKinney Community Development Corporation, in the amount of Up to Two Million Forty Thousand Two Hundred Fifty and No/100 Dollars (\$2,040,250.00) for the Development and Construction of The Commons at District 121, a .7 acre Privately Owned and Maintained, Publicly Accessible Open Space and Landscaped Area Featuring a Stage with LED Screen, Outdoor Rooms Defined with Floor Pavers/Stamped Concrete, Cushioned Seating, Tables and Umbrellas, Outdoor Fire Pits, Children's Play Area, Lighting, Sound Systems and Seating for the District 121 Office, Entertainment, Retail and Restaurant Mixed-Use Development in Craig Ranch. Grant to be paid from McKinney Community Development Corporation Fund Balance.

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Charlie Philips, to approve a Project Grant Awarded to District 121, LLC, by McKinney Community Development Corporation, in the amount of Up to Two Million Forty Thousand Two Hundred Fifty and No/100 Dollars (\$2,040,250.00) for the Development and Construction of The Commons at District 121, a .7 acre Privately Owned and Maintained, Publicly Accessible Open Space and

Landscaped Area Featuring a Stage with LED Screen, Outdoor Rooms Defined with Floor Pavers/Stamped Concrete, Cushioned Seating, Tables and Umbrellas, Outdoor Fire Pits, Children's Play Area, Lighting, Sound Systems and Seating for the District 121 Office, Entertainment, Retail and Restaurant Mixed-Use Development in Craig Ranch. Grant to be paid from McKinney Community Development Corporation Fund Balance.

20-0505 Consider/Discuss/Act on a Resolution Approving the Interlocal Agreement for Execution by Municipal Partners for the Food Assistance Portion of the Collin County CARES Emergency Housing and Living Assistance (EHLA-CV) Program Funding.

The motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Rick Franklin, to approve a Resolution Approving the Interlocal Agreement for Execution by Municipal Partners for the Food Assistance Portion of the Collin County CARES Emergency Housing and Living Assistance (EHLA-CV) Program Funding carried with a vote of 6-0, as Council Member Scott Elliott recused himself from discussion and action the item. Resolution caption reads as follows:

RESOLUTION NO. 2020-06-080 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCKINNEY AND ALLEN, FRISCO AND PLANO FOR THE ADMINISTRATION OF ADDITIONAL FOOD ASSISTANCE PROGRAM GRANT FUNDS TOTALLING \$750,000 FROM THE COLLIN COUNTY EMERGENCY HOUSING AND LIVING ASSISTANCE (EHLA) GRANT FUNDING, FROM THE DEPARTMENT OF THE TREASURY, THROUGH COLLIN COUNTY, AND PROVIDING AN EFFECTIVE DATE

20-0031Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "C1" - Neighborhood Commercial District, Located on the Northwest Corner of U.S. Highway 380 (University Drive) and West Way, and Accompanying Ordinance

Bruce Chen (Applicant) called the meeting by telephone to speak in support of the rezone request.

Council unanimously approved the motion by Council Member La'Shadi Shemwell, seconded by Council Member Rick Franklin, to close the public hearing and

approve a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "C1" - Neighborhood Commercial District, Located on the Northwest Corner of U.S. Highway 380 (University Drive) and West Way, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2020-06-046

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 0.38 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND WEST WAY, IS REZONED FROM "RS 60" – SINGLE FAMILY RESIDENCE 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

20-0014Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Use and Development Standards, Located on the South Side of Rockhill Road and Approximately 200 Feet West of Dogwood Trail, and Accompanying Ordinance

Lisa Gage (Applicant) was present at the meeting and spoke in support of the rezone request.

Council approved the motion by Council Member La'Shadi Shemwell, seconded by Council Member Rick Franklin, to close the public hearing and approve a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Use and Development Standards, Located on the South Side of Rockhill Road and Approximately 200 Feet West of Dogwood Trail, and Accompanying Ordinance with a vote of 4 - 3, with Mayor Pro Tem Rainey Rogers, Council Member Charlie Philips, and Council Member Frederick Frazier voting no. Ordinance caption reads as follows:

ORDINANCE NO. 2020-06-047

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 13.20 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF ROCKHILL ROAD

AND APPROXIMATELY 200 FEET EAST OF DOGWOOD TRAIL, IS REZONED FROM “PD” – PLANNED DEVELOPMENT DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE USE AND DEVELOPMENT STANDARDS; 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-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use
- 0003SUP2** Permit to Allow for Automobile Sales, Repair, or Storage (Brandon Tomes Subaru), Located Approximately 870 Feet East of Hardin Boulevard and on the North Side of State Highway 121 (Sam Rayburn Tollway), and Accompanying Ordinance.

Bob Roeder (Applicant) was present at the meeting and spoke in support of the specific use permit.

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Rick Franklin, to close the public hearing.

Council unanimously approved the motion by Council Member La'Shadi Shemwell, seconded by Council Member Charlie Philips, to approve a Specific Use Permit to Allow for Automobile Sales, Repair, or Storage (Brandon Tomes Subaru), Located Approximately 870 Feet East of Hardin Boulevard and on the North Side of State Highway 121 (Sam Rayburn Tollway), and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2020-06-048

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 (BRANDON TOMES SUBARU), LOCATED APPROXIMATELY 870 FEET EAST OF HARDIN BOULEVARD AND ON THE NORTH SIDE OF STATE HIGHWAY 121; 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

- 19-0055Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the

Development Standards and to Allow a Telecommunications Tower,
Located on the Southeast Corner of Virginia Parkway and Dogwood Trail,
and Accompanying Ordinance

Mayor Fuller stated the Council was aware of the information regarding this item which was previously presented to the Planning & Zoning (P & Z) Commission.

Director of Planning Jennifer Arnold handed each Council Member a presentation packet which was prepared by the applicant.

Bebb Francis (applicant) was present at the meeting and stated the packet contained some new information that was not presented at the P & Z meeting.

Comments by Director of Planning Jennifer Arnold: The request is to rezone the slightly less than five and a half (5 ½) acre subject property, located on the southside of Virginia just east of Dogwood, to "PD" with a base zoning of "C1" Commercial District. The request to rezone is to memorialize the development that is already on the site. Within the request there are some modest changes to the typical "C1" zoning district, in terms of building height to maintain what's already there. The prominent driver for the request is to introduce a communications tower on the east side of the property.

Director Arnold presented an exhibit of the subject property and surrounding area and stated the request would allow for a communications tower at a height of ninety-five (95) feet with a four-foot lightning rod. Typically, a commercial communications tower can be considered through the SUP process if that tower is able to meet certain distance requirements. Under the SUP requirement, it would need to be three (3) times its height away from any property line and two (2) times its height away from any adjacent residential. In this location, they are unable to meet those distance requirements. That's why they're requesting the rezone. Staff worked with the applicant, and there is appreciation for a lot of the out features. They provided an engineering's letter and propagation map to justify the need for the tower. Staff's concern with the tower relates to its size, scale and massing in an area that is predominantly neighborhood-scale businesses and residential development.

Director Arnold identified on the exhibit residential properties, Revolution Church, and where the communications tower would be located. There is currently no screening device between the properties and the church. The tower would be located

approximately one hundred fifty (150) to one hundred sixty (160) feet from an adjacent residential. Given the highly active neighborhood scale development, this type of cell tower in this location, at its size and scale, is inappropriate for the neighborhood. Staff feels it is also inappropriate for a lot of the commercial small-scale developments along Virginia.

Director Arnold stated that neither Staff nor the Planning & Zoning Commission, which heard the request, was able to give a favorable recommendation for the request. As such, approval of the request will require a super-majority vote in favor by the City Council, which is six (6) of its seven (7) members.

At the conclusion of Director Arnold's presentation, the Council Members had no questions for her.

Council Member Scott Elliott asked the applicant, "Is this a 5G-capable tower?"

Response to Council Member Elliott's question by Applicant Bebb Francis, "The tower itself is infrastructure. The 5G relates to the wireless carriers. So it will be the state of the art, what we call a stealth concealment tower."

Mayor George Fuller stated the applicant would be allowed five (5) minutes to make his presentation, to which Applicant Francis requested leniency.

Applicant Francis stated certain requirements should be considered to ensure there was no effective prohibition related to the Telecommunications Act, and some additional elements regarding telecommunications in the presentation are critical to the case.

City Attorney Mark Houser recommended that ten (10) minutes would be sufficient for the presentation, to which Mayor Fuller and Applicant Francis agreed.

Applicant Francis introduced himself stating his name (Bebb Francis) and address (112 East Pecan, San Antonio) and role as Attorney for Skyway Towers. Attorney Francis thanked city staff Jennifer (Arnold) and Kaitlyn (Gibbon) and acknowledged working with them for nineteen (19) months to make sure this is the exact location that will address not only the needs of the community but meet the goals to enhance the quality of living and create a safe environment.

Comments by Attorney Bebb Francis: The tower is critical because T-Mobile is experiencing a significant gap in in-building residential and in-building commercial

service. The gap is occurring because “you’re exploding in the way of population. Recently the Dallas Morning News announced that the U.S. Census Bureau said you’re fourth (4th) of the largest cities in population growth.” That growth creates demand, and wireless connectivity has been affected by COVID-19. Attorney Francis said the Verizon CEO said that “Verizon customers making eight hundred million (800,000,000) a day now, doubled the amount on any Mother’s Day.” That is twice the amount of their busiest day with handling nine billion (9,000,000,000) text messages. Citizens require wireless communication and connectivity now more than ever.

Attorney Francis stated the average household has a minimum of five (5) to seven (7) devices. Demand is even increased due to cutting the cord and no longer having landline connectivity. New development owners and tenants need connectivity, or they’ll look otherwise. As a result of COVID-19, telemedicine is now a critical portion of serving the underserved and most vulnerable under this situation.

Attorney Francis presented an article and stated the number of telemedicine views between doctor and patient have escalated sixty (60) percent, because people are housebound, and people are realizing their insurance policies only provide reimbursement for visual connections. Not having connectivity is causing a significant impediment to residents. Eighty-five (85) percent plus of E911 calls are placed by wireless devices. Reverse E911 calls are critical. Wireless connectivity and social media are wanted for issues related to COVID-19, school lockdowns, home schooling, working from home, and paying bills.

In his visual presentation, Attorney Francis referenced comments by Planning & Zoning Commission members Deanna Kuykendall, Christopher Haeckler and Bill Cox regarding the need for wireless service and the tower proposed location.

Attorney Francis stated some of the steps in the process.

Step 1: T-Mobile create a search ring where the tower needs to be located to solve the gap

Step 2: Skyway Towers analyze the proposed site considering the zoning requirements.

Attorney Francis stated no property within the search ring was able to meet the required setback from residential property lines, then stated the chosen site can meet

the requirement through a combination of staff asking it be reduced down to one hundred sixty (160) feet down from Virginia Parkway. The one hundred ninety (190) foot setback has eliminated all alternative sites. Additionally, the three (3) times height distance from every property line is two hundred eighty-five (285) feet or one hundred (100) yards. Attorney Francis compared it to the distance between goals lines in a stadium and restated there are no properties or alternative sites within the search range.

Attorney Francis stated the tower is a concealment and considered the ultimate in being able to have the tower antennas located in cannisters as opposed to the outside with cabling. Photo simulations show the minimal impact and least intrusive nature of the tower from different vantage points.

Attorney Francis presented a sealed Engineer's letter and stated the tower was designed, in the event of failure, to bend at a designed bend point and not fall flat.

Attorney Francis addressed a question from a different meeting, "When it comes down to it, whether we want to set a precedent, how close are we willing to allow telecommunication towers in our residential properties?" Attorney Francis stated there is an existing tower in the community that is in very close proximity to residential, located on Jameson twenty-three (23) feet from the property line of town homes that were built sixteen (16) years after the tower was built. The tower is fifty-five (55) feet from the rear property line of the Mansions of McKinney. If this tower is not an impediment to the development of beautiful townhomes, and the proposed tower is a concealment tower – not a monopole with exterior antennas...then the proposed tower one hundred sixty (160) feet away from a real property line would not be.

Attorney Francis presented a Propagation Map of the towers currently providing T-Mobile service and the in-building service gap (which results in buffering and dropped calls). Attorney Francis stated the proposed tower is an exciting opportunity to resolve a gap in service at a critical time when people are staying at home and working at home, at a location with no alternative sites available.

Attorney Francis stated they reached out to the neighbors and asked for their involvement.

Attorney Francis stated, "We believe we meet the intent of your ordinance. This tower will enhance the ability of providers of telecommunication services to provide services to the community quickly, effectively and efficiently."

Attorney Francis spoke on the Telecommunications Act and its impact on the Council's decisions:

"First, your decision, as you're aware, cannot be made based upon a concern about radio frequency emissions." Attorney Francis stated a former John Hopkins University Health Communication Specialist, the American Cancer Society and the USDA agree they emit less radiation than sunlight and are absolutely safe.

Attorney Francis stated, "Federal Communications law...preempts decisions that effectively prohibits service." He stated the city's requirement for a one hundred ninety (190) foot setback from residential property, which no property in the search ring – other than this property – can even come close to meet...towers would be in the middle of Virginia Parkway. The two hundred eighty-five (285) foot setback from each property line would require a two hundred (200) yard by two hundred (200) yard by two hundred (200) yard by two hundred (200) yard property. They don't exist.

Attorney Francis stated, "We've shown that a significant gap in T-Mobile's wireless service exists, and we've shown, we believe...there is no available alternative site."

Mayor George Fuller stated there is no site that meets current zoning because of the height of this particular tower. If it were shorter, it would meet. Understandably that would require more towers, which may cost more money. The zoning requirement is based on the tower height, which does not have to be. A different height would not require a variance or rezone.

Attorney Francis stated the proposed height was determined in order to resolve the gap.

Mayor Fuller proposed that while one single tower at that height could be the most efficient way for the applicant to address the issue, two towers at a lesser height could also cover the same area.

Attorney Francis stated there's not an alternative site available if the tower height was reduced to sixty (60) foot. All the retail and commercial properties back on

residential properties. At sixty (60) foot tower height, the setback would be one hundred eighty (180) feet from every property line and one hundred twenty (120) feet from cul-de-sac near Jordan to behind the Council Member's (Charlie Philips) office.

Mayor Fuller asked Director Arnold, if the proposed tower were sixty (60) feet, how many feet would it be from the property it's abutting right now.

Director Arnold clarified that the distance requirements would be to consider that under an SUP. If they're unable to meet that consideration, "that's what puts us into the rezoning, which then we look back at that SUP requirement, and we see how far off they are from that standard requirement. So if we're talking about a sixty (60) foot commercial tower...it would be two (2) times the distance from residential, which would be one hundred twenty (120) feet, and it would be three (3) times, again, the distance from property line. And I will tell you, we have seen and heard of towers that aren't able to quite fit into that box. We are looking at those through rezones. It is not unprecedented for us to consider some of those shifts and wiggles, if you will, around that requirement through that rezoning process. In this instance when we're talking about that scale and that kind of proximity to those property lines in a neighborhood district, that's where we've got the concern. You'll see...just north of Eldorado and 75, we've got a one hundred twenty-five (125) foot commercial tower that doesn't quite meet those distances. However, there's flood plain separation. It is in the rear of a mini-warehouse location, not as active. We've got one on the north side of 75, north of Wilmeth. It's on the rear of industrial property, predominantly undeveloped. So it is not unprecedented for us to consider some of those slight reductions."

Mayor Fuller asked how far the proposed tower would be from the residential property if it was sixty (60) feet.

Attorney Francis stated it would be "one twenty" (120), and he added the pole would actually be closer to the residences than the proposed one hundred sixty (160).

Attorney Francis stated, "We are just thirty (30) feet short of the one hundred ninety (190), and that's why we had the photo sims, actually brought them closer, Mayor, so that you could see that this truly is the least intrusive versus the one that I showed you on Jameson."

Mayor Fuller stated that Jameson is “tremendously intrusive,” and “a lot has been written about cell towers” and “public adversity to that has changed.”

Regarding the cell tower on Jameson, the development came after it was built, and they made the decision to be there. The people there now are not making the decision to come in after the tower exists.

Mayor Fuller said it shouldn't be forced upon them, and there's a difference. Mayor Fuller stated the general public concern has changed very significantly since the other towers were built. So the adversity by the residents has to be considered, “not from the standpoint of whether there's science or not science, it's that we're serving, elected to represent residents that feel they had a protection when they bought there, that now you're asking us to forego on their behalf – not them coming after the fact and deciding the build next to the tower.”

Attorney Francis expressed an appreciation for Mayor Fuller's comment then stated that the Telecommunications Act “will preempt decisions like you're mentioning - aesthetics when we come with the least intrusive design. Setbacks that are prohibitive. And Jennifer (Arnold) mentions these other sites around commercial areas. Please take a look at that. There isn't a commercial site that will meet the setbacks. This is a highly residential area that needs service. So that two prongs, actually three, decisions are preempted if they prohibit the ability to provide the service. These setback requirements in your code are prohibiting our ability to come to you and show you this is the least intrusive sight, Second, we've shown the gap, and third, this site – not sites...this search ring – there is not a site that will meet those requirements.”

Mayor Fuller reiterated there are shorter towers than can be put in.

Attorney Francis acknowledged, “Yes. You go shorter, you'll have more towers,” and added, “there isn't another site. This isn't like it's raw land where we can go out...and put towers. This is the only site available to resolve it, that will meet the setback requirements and not be in somebody's, literally their backyard.”

Mayor Pro Tem Rainey Rogers asked, “What is all the land to the north of it? I mean, all I see is fields. I mean, I see the school up there...but in those fields right in front of it?”

Mayor Fuller asked for the feelings, thoughts, and / or questions from the other Council Members.

Council Member Charlie Philips stated he's had an office in the area for fourteen (14) years, and before that lived in that neighborhood for thirteen (13) years. Council Member Philips stated, "I'm very familiar with the people who live there, and they do not want a tower. I'm looking out for the citizens of McKinney, and I'm voting against it."

There were no other feelings, thoughts, and / or questions from the Council Members at that time.

Mayor Fuller called for Public Comments regarding the item, at which time there were no requests to speak.

The Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Rick Franklin, to close the public hearing.

Council Member La'Shadion Shemwell stated that he understood that T-Mobile is partnering with Metro PCS and Sprint. He asked if Sprint also had a gap in coverage and why wasn't there a presentation for Sprint, like the presentation for T-Mobile.

Attorney Francis stated they are still assimilating, still evaluating where their particular gaps are, and he added that Skyway has already been contacted as AT&T and Verizon have been following this process for eighteen (18) months, probably watching this proceeding, because they are experiencing the same situations. Attorney Francis stated, "I am authorized by Justin Jones of Skyway, that if we are able to get this tower approved, that AT&T and Verizon will additionally look at seriously to co-locate onto the tower. So you would have three (3) – the top three carriers – on one tower within one search ring." So if you lower it, it reduces the co-location ability. The small cells at thirty-five (35) feet have a maximum coverage area of about five hundred (500) feet. Attorney Francis asked, "Do you just scatter small cells in your right-of-way, in the backyards along the streets in neighborhoods, or do you go forward with a single tower that can accommodate the big three carriers and resolve the gap?"

Attorney Francis addressed the question from Mayor Pro Tem Rainey Rogers about the fields in the northern area: "We contacted them, obviously. They are not interested." The Federal courts have said it's got to be "zonable, buildable, leasable, and developable." Attorney Francis said, "Neither the church nor the schools were

interested in leasing to the cell tower. Believe me that would be an ideal situation, but you have to, as you all know in real estate, you have to have a willing seller – a willing, in this case, landlord.”

Council Member La’Shadion Shemwell expressed understanding of not being able to discuss radiation exposure and asked if a shorter tower makes exposure closer to residents.

Attorney Francis stated the industry is highly regulated. The licenses are regulated. Everything the carriers do must be justified, they must run tests when they mount the antennas, and “that’s why the FCC said, in making your decisions, because of that process, that cannot be a part of the decision.

Council Member Charlie Philips made a motion to deny the request, to which Mayor Pro Tem Rainey Rogers seconded. The Council unanimously voted to deny the request.

Mayor Fuller called for Council and Manager Comments.

Council Member La’Shadion Shemwell commented on racial issues in America, slavery, Juneteenth, and the Thirteenth Amendment, calling for increased awareness and action to end institutional racism, and for all Americans to love one another. Council Member Shemwell called for divesting policing resources to increased mental health and social services for public safety.

Council Member Rick Franklin encouraged the public to remain mindful of the COVID-19 pandemic and to continue healthy practices such as social distancing, hand washing, and using masks and hand sanitizers, to help prevent the spread of the virus. Council Member Franklin extended prayers for health and safety of McKinney citizens.

Council Member Frederick Frazier (calling into the meeting from Washington, D.C.) commented on the “op-ed” he wrote, which was featured in the previous Sunday’s Dallas Morning News, stating there is so much to change in so little time, and reflecting on his work for police reform during the administrations of the current and previous Presidents, and working with many different groups and politicians of varying viewpoints. Council Member Frazier commented on police efforts and responsibilities during the recent events of protesting and rioting, to protect all people, property, and businesses.

Council Member Charlie Philips conveyed comments from Joe Joplin (of McKinney) who serves on the North Texas Municipal Water District Board (NTMWD) of Directors. Mr. Joplin extended thanks and appreciation to City Manager Paul Grimes for his leadership role in helping to reach a settlement agreement between the NTMWD and several of its participating cities. Council Member Philips also thanked Mr. Grimes and city staff for assisting a resident to resolve water service issues over the weekend. Council Member Philips thanked the citizens of McKinney for buying from local businesses and supporting each other during the COVID-19 pandemic. Council Member Philips thanked Mayor Fuller for leading Flag Day festivities over the past weekend and encouraged everyone to participate in Flag Day next year. Council Member Philips ended his comments by stating he has “the best sister in the world.”

Council Member Scott Elliott stated that he sees people of color being adversely impacted in health and employment due to the COVID-19 pandemic. Council Member Elliott thanked the participating cities of the Collin CARES program for rent, utility and food assistance: Janay Tieken and Shirletta Best (City of McKinney), Erin Jones and Shawn Davis (Allen), Shanette Eaden (City of Plano), and Sarah Carroll (City of Frisco). Council Member Elliott thanked Judge Chris Hill and Commissioners Susan Fletcher, Cheryl Williams, Darrell Hale, and Duncan Webb of the Collin County Commissioners Court, and County Administrator Bill Bilyeu, for allocating funds to restock food pantries and engaging with community organizations (Community Life Line, Cheryl Jackson - Minnie's Food Pantry, Allen Community Outreach, and Frisco Family Services) for input on equitable distribution of resources.

Mayor Pro Tem Rainey Rogers commented on his approach to making decisions as a Council Member, which is to vote for what he believes is “best for McKinney” and hope to not be a part of the “good ol’ boy system.” Mayor Pro Tem Rogers commented on the annual budget process and encouraged citizens to participate and provide input. Mayor Pro Tem Rogers read a list of several nationwide incidents in which law enforcement officers were injured or killed over the past week, encouraging people to protest without hurting people and destroying things. Mayor Pro expressed support and for police officers and read a quote by Dr. Martin Luther King:

“Returning hate for hate multiplies hate, adding deeper, darkness to a night already devoid of stars. Darkness cannot drive out darkness. Only light can do that. Hate cannot drive out hate. Only love can do that.”

City Manager Paul Grimes made the following announcements:

- A new user-friendly system for water bill payments went into effect June 15, 2020. All current autopay users must create a new account and re-enroll. Information is available at www.mckinneytexas.org/waterpayments
- 41st Annual National Telly Awards:
 - City Communications & Marketing Department won the Silver Telly Award (Travel & Tourism category) for the “Discover McKinney” series City
 - Communications & Marketing Department won the Bronze Telly Award (Public Service & Activism category) for the feature of the Fire Department Community Healthcare Program

Mayor George Fuller acknowledged former Boyd High School student-athlete Zion Mayberry for organizing a peaceful protest with participants marching from Ron Poe Stadium to Mitchell Park and including McKinney Police Department in the event. Mayor Fuller spoke against non-resident organizers inciting violence and destruction. Mayor Fuller commented on himself and Police Chief Greg Conley participating in a town hall event with the Collin County NAACP and expressed the sentiments of appreciation from Collin County NAACP President June Jenkins and its members for Chief Conley. Mayor Fuller commented on the Flag Day event he attended in District 1 over the weekend. The event was attended by numerous members of the neighborhood including off-duty police officers who are part of the community.

Council unanimously approved the motion by Mayor Fuller, seconded by Council Member Philips, to adjourn the meeting at 9:18 p.m.

GEORGE C. FULLER, Mayor

ATTEST:

EMPRESS DRANE, City Secretary

MINUTES APPENDIX – PUBLIC COMMENTS SUBMITTED BY EMAIL

ALEX BEVLY

From: Alex Bevly <alexbevly0@gmail.com>
Sent: Tuesday, June 16, 2020 5:03 PM
To: Contact-City Council
Subject: Tuesday June 16 Council Meeting Public Comment

Alex Bevly, 1500 Greenville Rd. District 1

Agenda Item Number: 20-0488

Topic: Proclamation for Juneteenth Holiday

Public Comment:

Hello, my name is Alex Bevly and I live in district 1. I am commenting to celebrate the proclamation of Juneteenth and to push for the acknowledgement of systemic racism still present within our institutions.

European trade of enslaved Africans began in the 1400's and the first slaves were brought to American colonies over 400 years ago. Formal slave patrols began in the Carolina colonies in 1704 to terrorize and hunt down escaped slaves and return them to their masters. These slave patrols spread through every state in the south and even some northern states.

After the civil war and during Reconstruction the emancipation proclamation was finally enforced throughout the entirety of the United States. However, police departments and sheriffs acted similarly to earlier slave patrols enforcing disenfranchisement and segregation of freed slaves. With slavery now illegal, police worked to enforce Jim Crow laws to brutally oppress and segregate black Americans. Most southern police departments fought desegregation efforts and against civil rights for black Americans all the way through the civil rights era and even to the present day.

Desegregation was a long effort that lasted through the 1970's and 1980's and According to the Civil Rights Project at Harvard University, desegregation of U.S. public schools peaked in 1988. Slavery and segregation lasted in America for over 350 years. On the other hand, black civil rights and desegregation has only occurred only for the last 50 years and progress has been slowed by generations of deep-rooted racist policies.

We still live in a deeply unjust system where 1 in 3 black men will be incarcerated and 1 in 1000 black men killed by the police. When councilman Shemwell is angry and loud about the black state of emergency he has a right to be angry. He is just scared that the next victim will be one of his children or family members or members of his own community. He is tired of the system that continually works to oppress people like him, and he is fighting to overturn a system that has been in place for hundreds of years. Please listen to councilman Shemwell and do not ignore him just because he is upset and loud.

Although I think systemic racism is bad in 2020 it was probably much worse in the 1960's and before. However, I do think there is still much injustice and systemic oppression of black Americans. No one has to be racist for a racist system to exist. If that system is already in place in any form people just have to not question the system and not see its failings for the racist system to persist. These can be great people who love everyone and care about their communities, but they refuse to see the truth that is the systematic oppression of Black Americans at the hands of the criminal justice system.

This system of black oppression was created intentionally, and it must be dismantled intentionally.

JOEL WASINGER

From: Joel Wasinger <joelmw.email@gmail.com>

Sent: Tuesday, June 16, 2020 5:56 PM

To: District1; Contact-City Council

Cc: Empress Drane

Subject: Re: City Council 6/16/2020

We're unable to be there in person. Here are my words (I tried to fit them into what could be spoken in three minutes)

It's notable that others across the country have in the last several months and especially in the last few weeks been recognizing and feeling the need to declare the Black State of Emergency. Maybe La'Shadiun has a point. Indeed, he did in October and he does now.

And the primary impediment to that point being heard, received and appropriately acted on in McKinney is this city's and its council's white supremacy, white narcissism and white fragility.

Much of the country is coming to its senses--maybe not all, but more white folks than I've ever seen in the streets to declare that Black Lives Matter. McKinney is supposedly celebrating Juneteenth, but is it in fact committed to truly liberating its Black citizens and taking white knees off of Black necks? Or will it continue with business as usual?

With the remainder of my time, I'd like to quickly address some untruths spoken by a McKinney City Council member who happens to work for the Dallas PD.

1) He's claimed in the past that he and his fellow officers are obligated to go in the streets to "protect" protesters. Is it normal, I wonder, for your shield to be facing those you're "protecting"? Is it normal to fire tear gas and rubber bullets at those you're "protecting"? Is it normal to aggressively detain the folks you're "protecting"? I've been in the streets of Dallas plenty. I've never felt protected by the police. I've on numerous occasions felt endangered by their recklessness. I and numerous of my friends have been assaulted by officers for no greater crime than being present and demanding to speak.

2) At a recent Townhall he claimed that "the whole world is going through hell because of one person". No. The world is waking up to the reality of racist policing as the default, and not the exception. It's going through hell because of the millions of Black folks who've been harassed and murdered by legions of cops--and the millions more innocent Blacks who go through hell daily because of the boys in blue.

3) He couldn't pass up the opportunity to take cheap shots at activists who won't join this continuously racist, pandering, dishonest, "law and order" president's commission on policing. It's not hard to see why a racist cop would be on that commission. It makes no sense for a self-respecting community organizer to lend it credence or be a prop in its meaningless photo op.