

CITY COUNCIL REGULAR MEETING

AUGUST 18, 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, August 18, 2020 at 6:00 p.m.

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

Council Members Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips, Scott Elliott, Frederick Frazier, Rick Franklin, and La'Shadian Shemwell

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, Strategic Services Manager Trevor Minyard, Police Chief Greg Conley, Assistant Police Chief Joe Ellenburg, Police Officer Derrick Byrd, Fire Chief Danny Kistner, Fire Battalion Chief Charlie Skaggs, Capital Improvement Projects Manager Nicholas Ataie, Information Technology Supervisor Nicholas Martin, Information Technology Technician Brennan Stone, Interim Deputy City Secretary Joshua Stevenson, and City Secretary Empress Drane

There were approximately fifty (50) members of the public present in the audience.

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

Mayor Fuller called for the Invocation, given by Pastor Luis Rosenthal of McKinney First Baptist Church. Mayor Fuller led the Pledge of Allegiance.

Mayor Fuller called for the Information Sharing item:

20-0697 American Heart Association Mission Lifeline Gold Award

Mayor Fuller called for Public Comments regarding agenda items:

J Eric Schulze, 1505 Timberline Dr., McKinney TX 75072

Mayor Fuller called for the Consent Agenda. Agenda item #20-0706 (Public Comments and Meeting Decorum Policy) was pulled for individual consideration.

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Mayor Pro Tem Rainey Rogers, to approve the following Consent items:

- 20-0698** Minutes of the City Council Work Session of August 4, 2020
- 20-0699** Minutes of the City Council Regular Meeting of August 4, 2020
- 20-0627** Minutes of the Board of Adjustment Meeting of February 26, 2020
- 20-0638** Minutes of the McKinney Capital Improvements Advisory Committee Meeting of July 14, 2020
- 20-0576** Minutes of the Library Advisory Board Meeting of June 18, 2020
- 20-0559** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of June 11, 2020
- 20-0639** Minutes of the Planning and Zoning Commission Regular Meeting of July 14, 2020
- 20-0658** Minutes of the Planning and Zoning Commission Regular Meeting of July 28, 2020
- 20-0629** Minutes of the Visit McKinney Board Meeting of May 26, 2020
- 20-0700** Consider/Discuss/Act on an Ordinance Supporting a Municipal Setting Designation (MSD) Certification as Requested by the Le Grand Retail Center Property Owner to Prohibit All Use of the Groundwater Beneath the Property Located at 4550 Eldorado. Ordinance caption reads:

ORDINANCE NO. 2020-08-060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH THE PROPERTY IDENTIFIED AS LOT 4R1, BLOCK A, OF THE PARKWAY ADDITION CONTAINING APPROXIMATELY 1.895 ACRES OF LAND, LOCATED IN THE GRAFTON WILLIAMS SURVEY, ABSTRACT NO. 976, MORE COMMONLY KNOWN AS 4550 ELDORADO PARKWAY, MCKINNEY, COLLIN COUNTY, TEXAS, TO FACILITATE THE CERTIFICATION OF SAID PROPERTY WITH A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PURSUANT TO THE TEXAS SOLID WASTE DISPOSAL ACT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR CRIMINAL PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

- 20-0701** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept a Selective Traffic Enforcement Program (STEP) Grant for Fiscal

Year 2021 from the Texas Department of Transportation for Overtime Traffic Safety Enforcement. Resolution caption reads as follows:

RESOLUTION NO. 2020-08-103 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FOR FISCAL YEAR 2020 FROM THE TEXAS DEPARTMENT OF TRANSPORTATION FOR OVERTIME TRAFFIC SAFETY ENFORCEMENT

- 20-0005M** Consider/Discuss/Act on a Resolution Authorizing a Contract between the City of McKinney and Dixon Resources Unlimited to Prepare a Downtown Parking Management Study. Resolution caption reads as follows:

RESOLUTION NO. 2020-08-104 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DIXON RESOURCES UNLIMITED FOR PROFESSIONAL SERVICES IN SUPPORT OF A PARKING MANAGEMENT STUDY FOR THE DOWNTOWN AREA OF MCKINNEY; PROVIDING AN EFFECTIVE DATE

- 20-0702** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into Contract with Beacon Emergency Services Team, P.A., d/b/a BEST EMS, a Texas professional association ("BEST") and Envision Healthcare Corporation d/b/a Envision Physician Services ("EPS") as the Preferred Provider for Medical Direction and Related Services for the McKinney Fire and EMS. Resolution caption reads as follows:

RESOLUTION NO. 2020-08-105 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH BEST EMS AND EPS FOR MEDICAL DIRECTION AND RELATED SERVICES

- 20-0703** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Interlocal Agreement with Collin County for Funding of Wilmeth Road from Lake Forest Drive to Hardin Boulevard. Resolution caption reads as follows:

RESOLUTION NO. 2020-08-106 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR FUNDING

OF WILMETH ROAD FROM LAKE FOREST DRIVE TO HARDIN BOULEVARD

- 20-0704** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute Agreements with the Texas Department of Transportation to Contribute Right of Way Funds for the FM 1461 Project. Resolution caption reads as follows:

RESOLUTION NO. 2020-08-110 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO CONTRIBUTE RIGHT OF WAY FUNDS FOR THE FM 1461 PROJECT

- 20-0705** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Lockwood, Andrews, & Newnam, Inc. to Provide Consulting Engineering Services for the McKinney Ranch Pump Station Improvements Project (WA1626). Resolution caption reads as follows:

RESOLUTION NO. 2020-08-107 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH LOCKWOOD, ANDREWS, & NEWNAM, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE MCKINNEY RANCH PUMP STATION IMPROVEMENTS FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$570,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$1,685,000

The following item was pulled from the Consent Agenda for individual consideration by the Council:

- 20-0706** Consider/Discuss/Act on a Resolution Adopting Policy Amendments for Public Comments and Decorum during City Council Meetings

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Mayor Pro Tem Rainey Rogers, to approve a Resolution Adopting Policy Amendments for Public Comments and Decorum during City Council Meetings, which recommends to provide a warning of violations prior to removal but is not required. The policy will apply to the City Council and city Boards & Commissions with members appointed by the Council. Resolution caption reads as follows:

RESOLUTION NO. 2020-08-108 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ITS POLICY AND PROCEDURES FOR PUBLIC COMMENTS, RULES OF DECORUM, AND PRESENTATIONS AT CITY COUNCIL AND BOARD/COMMISSION MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE

20-0707 Notice of Appointment by Council Member Philips of Mark Cervantes as a Replacement Member to the Throckmorton Statue Ad Hoc Advisory Board

Mark Cervantes will serve on the Board replacing Russel May.

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

20-0708 Consider/Discuss/Act on All Matters Incident and Related to the Issuance and Sale of "City of McKinney, Texas, Tax and Limited Pledge Airport Revenue Certificates of Obligation, Taxable Series 2020", Including the Adoption of an Ordinance Authorizing the Issuance of Such Certificates of Obligation, Establishing Parameters for the Sale and Issuance of Such Certificates of Obligation.

Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member Rick Franklin, to approve on All Matters Incident and Related to the Issuance and Sale of "City of McKinney, Texas, Tax and Limited Pledge Airport Revenue Certificates of Obligation, Taxable Series 2020", Including the Adoption of an Ordinance Authorizing the Issuance of Such Certificates of Obligation, Establishing Parameters for the Sale and Issuance of Such Certificates of Obligation.

Ordinance caption reads as follows:

ORDINANCE NO. 2020-08-061

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, TAX AND LIMITED PLEDGE AIRPORT REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2020"; PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF NET REVENUES FROM THE CITY'S MUNICIPAL AIRPORT FACILITIES; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, PAYMENT, SECURITY, SALE, AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION; DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID CERTIFICATES TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

20-0709 Conduct a Public Hearing to Consider/Discuss/Act on a Resolution

Approving the 2020-2024 Consolidated Plan.

The following individual spoke in support of providing additional funding toward the department overseeing community development:

Alonzo Tutson, PO Box 1201, Anna TX 75409 (no speaker request card on file)

Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Frederick Frazier, to close the public hearing and approve a Resolution for the 2020-2024 Consolidated Plan. Resolution caption reads:

RESOLUTION NO. 2020-08-109 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2020-24 CONSOLIDATED PLAN AND CITIZEN PARTICIPATION PLAN AND PROVIDING AN EFFECTIVE DATE

20-0710 Consider/Discuss/Act on a Facilities Agreement for Lot 1, Block A, JBC Real Estate Addition, Located in the ETJ of McKinney on the East Side of FM 1827 (New Hope Road) and One Hundred Feet North of Meadows Drive

Council unanimously approved the motion by Council Member La'Shadi Shemwell, seconded by Council Member Scott Elliott, to Approved 20-0710 Consider/Discuss/Act on a Facilities Agreement for Lot 1, Block A, JBC Real Estate Addition, Located in the ETJ of McKinney on the East Side of FM 1827 (New Hope Road) and One Hundred Feet North of Meadows Drive

20-0004RW Conduct a Public Hearing to Consider/Discuss/Act on a Right-of-Way Abandonment of a Portion of an Unnamed Alley between Oak Street and a Point Approximately 155' East of Oak Street, and Accompanying Ordinance

There were no requests by the public to speak at the Public Hearing.

Council unanimously approved the motion by Council Member La'Shadi Shemwell, seconded by Council Member Rick Franklin, close the public hearing and approve a Right-of-Way Abandonment of a Portion of an Unnamed Alley between Oak Street and a Point Approximately 155' East of Oak Street, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2020-08-062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, VACATING A PORTION OF AN UNNAMED ALLEY LOCATED EAST OF OAK STREET AND SOUTH OF WHITE AVENUE, CONTAINING APPROXIMATELY 0.05 ACRES; PROVIDING FOR THE CONVEYANCE OF SAID RIGHT-OF-WAY TO THE ADJOINING PROPERTY OWNERS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

20-0006Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C2" - Local Commercial District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family Uses, Located on the Southeast Corner of Hardin Boulevard and Virginia Parkway, and Accompanying Ordinance.

This rezone request was withdrawn by the applicant and was not discussed or acted upon by the Council.

Mayor Fuller called for Public Comments regarding issues not on the agenda.

The following individuals spoke regarding the Throckmorton Statue located at the downtown square:

Tamara Johnson, PO Box 2514, McKinney TX 75070

Tracy Thomas, 5124 Grovewood Dr, McKinney TX 75071

John Shuman, 310 Gwendola Dr, McKinney TX 75071

The following individual spoke on various topics regarding the city:

Joshua Murray, 1762 Lake Rd, Lavon TX 75160

The following individual spoke regarding the City Charter:

Jolie Williams, 7290 Virginia Pkwy, McKinney TX 75071

The following individuals spoke regarding the 2020 Census:

Angela Richardson-Woods, 2301 Spruce Meadow Ln, McKinney TX 75071

Marta Gore, 1821 Savanna Dr, McKinney TX 75072

The following individual submitted a written comment online at www.mckinneytexas.org/citizencomments: Brandi Price. See *Minutes Appendix – Written Comments Submitted Online*.

Mayor Fuller called for Council and Manager Comments.

Council Member Charlie Philips acknowledged several McKinney native residents John Hardin, Bill Cox, Nina Ringley, and Rainey Rogers, who grew up in McKinney and currently continue to live in and serve the city.

Mayor Pro Tem Rainey Rogers stated all City Council members represent the entire city; thanked the city Public Works staff for working late hours to clean up recent storm damage; and acknowledged Pete Boleneus of Timberblinds for his investment and efforts to preserve jobs in McKinney.

Council Member Frederick Frazier acknowledged the 100th Anniversary of the 19th Amendment to the Constitution and expressed gratitude for his women-led campaign team, and the efforts of women, including his wife, who fight for their rights every day. Council Member Frazier thanked Census workers and emphasized the importance of everyone being counted; thanked the public for attending or viewing the Council meeting and commended the progress of the city in continuing to work.

Council Member Rick Franklin expressed appreciation for the Housing Hub program that was presented at the earlier Work Session by the Development Services department.

Council Member La'Shadion Shemwell expressed optimism about the direction of the city and the Council's commitment to working together to do what is best for the city and encouraged participation in the Census.

Mayor George Fuller committed to working for the good of the community and read a statement about recent protest activity near city hall, speaking against hateful comments and behaviors that foster fear, intimidation, and racial division; acknowledged Asia Smith for coordinating a recent community outreach event which he and Council Member Shemwell attended.

City Manager Paul Grimes made city announcements:

- Public Hearings for the upcoming Budget will be held September 1 & 15; the proposed budget is available to view online at www.mckinneytexas.org/Budget and citizens can submit feedback
- Assistant Director of Public Works Paul Sparkman is coordinating more than one hundred cleanup assignments in response to recent storms. The Parks & Recreation department is also supporting the cleanup effort.

Council unanimously approved the motion by Council Member Scott Elliott, seconded by Mayor Pro Tem Rainey Rogers, to adjourn the meeting at 7:20 p.m.

GEORGE C. FULLER
Mayor of McKinney, Texas

ATTEST:

EMPRESS DRANE
McKinney City Secretary

Minutes Appendix – Written Comments Submitted Online

BRANDI PRICE

First Name	Brandi
Last Name	Price
Address 1	1234 Stratford
Address 2	<i>Field not completed.</i>
City	Denton County
State	Tx
Zip	75000
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It has been difficult to hear council members and the mayor's comments, other than the District 1 council member, due to people in the council chambers continually interrupting the council members. The most appalling thing, other than two women continually calling the mayor a "liar" at recent meetings, is when two women interrupted Councilman Rainey Rogers when he mentioned long-time East McKinney community and MISD leaders Mr. and Mrs. McGowen when Rogers mentioned his recent conversation with them about the Throckmorton statue. I know the women who kept talking are either not from McKinney because of they were, then they would have been quiet and showed respect when their names were mentioned. If they are and actually live in McKinney and District 1, then shame on them for continually talking over a councilman who took the time to call them and get their input. Lastly, please look into the actual residences for all council members because the City Charter requires all council members to actually reside full-time in McKinney, and in their actual districts if they represent one and not outside of the city as that violates the City Charter and various laws as a council member cannot live outside of the city limits and represent and vote on anything!