

## **CITY COUNCIL REGULAR MEETING**

**SEPTEMBER 19, 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, September 19, 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 members of the public through the City of McKinney meeting archive.

Mayor George Fuller called the regular meeting to order at 6:02 p.m. upon deterring a quorum of the City Council consisting of himself and the following members were present: Mayor Pro Tem Charlie Philips and Councilmembers Justin Beller, Geré Feltus, Rick Franklin, and Michael Jones. Councilmember Patrick Cloutier was absent.

The following City of McKinney staff was present: City Manager, Paul Grimes; Assistant City Manager Kim Flom; Executive Director of Development Services, Michael Quint; Director of Planning, Jennifer Arnold; Director of Strategic Services, Trevor Minyard; City Secretary, Empress Drane; City Attorney, Mark Houser; Director of Public Safety, Greg Conely; Director of Engineering, Gary Graham; Fire Chief, Paul Dow; Police Chief, Joe Ellenburg; Assistant Fire Chief Jim Floyd; Assistant Fire Chief, Sean Stephens; Principal Planner, Aaron Bloxham; Assistant Police Chief, Assistant Director of Parks and Recreation, Ryan Mullins; Assistant Police Chief, Thomas Macri; Officer Shannon Seabrook; Firefighter Terry Carr; Firefighter, Juan Zapata; Firefighter, Eric Daniels; Deputy City Secretary, Tenitrus Bethel; Facilities Construction Manager, Patricia Jackson;

There were approximately twenty (20) members of the public in the audience including MCDC Boardmember David Riche, McKinney Police Department Chaplain, Desi Perez; Founder of Leia's Kids Foundation, Leia Hunt.

Mayor Fuller called for the invocation given by McKinney Police Department Chaplain Carolin Perez. Following the invocation, those in attendance recited the Pledge of Allegiance.

Mayor Fuller called for the following Information Sharing Items.

- 23-0751** Proclamation for Childhood Cancer Awareness Month
- 23-0752** Proclamation for 2023 National Night Out
- 23-0753** Proclamation for the McKinney Fire Department McTown Klownz Program  
30th Anniversary

Mayor Fuller called for Public Comments on agenda items for Non-Public Hearing items, at which time there were no requests to address the Council.

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Councilmember Feltus, seconded by Mayor Pro Tem Philips, to Approved the Consent Agenda:

- 23-0474** Minutes of the McKinney Armed Services Memorial Board Meeting of May 10, 2023
- 23-0675** Minutes of the McKinney Community Development Corporation Promotional and Community Events Subcommittee Meeting of July 17, 2023
- 23-0674** Minutes of the McKinney Community Development Corporation Special Meeting of July 17, 2023
- 23-0673** Minutes of the McKinney Community Development Corporation Meeting of July 27, 2023
- 23-0629** Minutes of the McKinney Main Street Board Meeting of July 13, 2023
- 23-0279** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of March 9, 2023
- 23-0455** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of May 11, 2023
- 23-0754** Consider/Discuss/Act on an Ordinance Amending Section 62-113 of the Code of Ordinances to Concur with Texas Department of Transportation Regarding the Speed Limit on Custer Road (FM 2478) from a Point 500 Feet North of Rhea Mills Circle to Laud Howell Parkway (FM 1461); caption reads as follows:

**ORDINANCE NO. 2023-09-061**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,**

**TEXAS AMENDING SECTION 62-113 OF THE CODE OF ORDINANCES TO CONCUR WITH THE TEXAS TRANSPORTATION COMMISSION TO ESTABLISH THE SPEED LIMIT ON CUSTER ROAD (FM 2478) FROM A POINT 500 FEET NORTH OF RHEA MILLS CIRCLE TO LAUD HOWELL PARKWAY (FM 1461) 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**

**23-0755** Consider/Discuss/Act on a Resolution Adopting the Fiscal Year 2023-2024 Financial Policies; caption reads as follows:

**RESOLUTION NO. 2023-09-121 (R)**

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

**23-0756** Consider/Discuss/Act on a Resolution Adopting the Fiscal Year 2023-2024 Investment Policy; caption reads as follows:

**RESOLUTION NO. 2023-09-122 (R)**

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

**23-0757** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Change Order to the Construction Manager at Risk (CMAR) Services Contract with Lexon Surety for Additional Work Related to the Design and Construction of the TKI Executive Terminal located at 1508 Industrial Blvd, at the McKinney National Airport, McKinney Texas; caption reads as follows:

**RESOLUTION NO. 2023-09-123 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH LEXON INSURANCE COMPANY FOR CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES RELATED TO THE ADDITIONAL SCOPE OF WORK FOR CONSTRUCTION OF THE TKI EXECUTIVE TERMINAL AT THE MCKINNEY AIRPORT**

**23-0758** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Rich Leidl, P.C. for Federal Legislative Services; caption reads as follows:

**RESOLUTION NO. 2023-09-124 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR FEDERAL LEGISLATIVE CONSULTING SERVICES FROM RICH LEIDL, P.C. OF WASHINGTON, DC**

- 23-0759** Consider/Discuss/Act on Approving an Amendment to Ultimate Boundary Line Agreement between the City of McKinney and the Town of Prosper

Mayor Fuller called for Regular Agenda and Public Hearing Items.

- 23-0002M** Conduct a Public Hearing to Discuss/Consider/Act on Amendments to Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, City of McKinney, Texas to Correct Typographical Errors and Make Nonsubstantive editorial changes to Article 3 (Subdivision Regulations), Article 4 (Signs), and Article 7 (Stormwater Management) and to: (1) Make Certain Substantive Changes Related to Platting, Public Improvements, Engineering and Construction Standards, Facilities Agreements, Pro Rata Payments, Home Owner's and Property Owner's Associations Common Areas, Street Connection Design Standards, Residential Buffer and Screening, and Private Street Regulations of Article 3 (Subdivision Regulations); (2) Update the Authority and Jurisdiction of Article 4 (Signs); (3) Add a Meritorious Exception Process to Article 5 (Exterior Lighting); and (4) Modify the Requirements for Appeals and Variances and Erosion Control Deposits of Article 7 (Stormwater Management), and Accompanying Ordinance

Mayor Fuller called for public comments on this item, at which time there were no requests to speak.

Council unanimously approved the motion by Councilmember Jones, seconded by Councilmember Franklin, to approve Amendments to Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, City of McKinney, Texas to Correct Typographical Errors and Make Nonsubstantive editorial changes to Article 3 (Subdivision Regulations), Article 4 (Signs), and Article 7 (Stormwater Management) and to: (1) Make Certain Substantive Changes Related to Platting, Public Improvements, Engineering and Construction Standards, Facilities Agreements, Pro Rata Payments, Home Owner's and Property Owner's Associations Common Areas, Street Connection Design Standards, Residential Buffer and Screening, and Private Street Regulations of Article 3 (Subdivision Regulations); (2) Update the Authority and

Jurisdiction of Article 4 (Signs); (3) Add a Meritorious Exception Process to Article 5 (Exterior Lighting); and (4) Modify the Requirements for Appeals and Variances and Erosion Control Deposits of Article 7 (Stormwater Management), and Accompanying Ordinance; caption reads as follows:

**ORDINANCE NO. 2023-09-063**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 150, ENTITLED "UNIFIED DEVELOPMENT CODE," OF THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS TO CORRECT TYPOGRAPHICAL ERRORS AND MAKE NONSUBSTANTIVE EDITORIAL CHANGES TO ARTICLE 3 (SUBDIVISION REGULATIONS), ARTICLE 4 (SIGNS), AND ARTICLE 7 (STORMWATER MANAGEMENT) AND TO: (1) MAKE CERTAIN SUBSTANTIVE CHANGES RELATED TO PLATTING, PUBLIC IMPROVEMENTS, ENGINEERING AND CONSTRUCTION STANDARDS, FACILITIES AGREEMENTS, PRO RATA PAYMENTS, HOME OWNER'S AND PROPERTY OWNER'S ASSOCIATIONS COMMON AREAS, STREET CONNECTION DESIGN STANDARDS, RESIDENTIAL BUFFER AND SCREENING, AND PRIVATE STREET REGULATION OF ARTICLE 3 (SUBDIVISION REGULATIONS); (2) UPDATE THE AUTHORITY AND JURISDICTION OF ARTICLE 4 (SIGNS); (3) ADD A MERITORIOUS EXCEPTION PROCESS TO ARTICLE 5 (EXTERIOR LIGHTING); AND (4) MODIFY THE REQUIREMENTS FOR APPEALS AND VARIANCES AND EROSION CONTROL DEPOSITS OF ARTICLE 7 (STORMWATER MANAGEMENT); ESTABLISHING PRESUMPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**23-0001M2** Conduct a Public Hearing to Consider/Discuss/Act on Certain Amendments to Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, City of McKinney, Texas to correct typographical errors and make nonsubstantive editorial changes to Article 1 (General Provisions) and particularly to Sections 101 (Title), 102 (Purpose), 106B (Specific Use Permits), 108 (Maintenance, Enforcement, and Penalties), 110 (Administrative Authority), Article 2 (Zoning Regulations) and particularly to Sections 201 (Administration), 203A (Standard Procedures), 203B (Annexation), 203C (Zoning Procedures), 203D (Protest Procedures), 203E (Plan and Permit Procedures), 203F (Appeal Procedures), 203G (Flexibility and Relief Procedures), 204 (Zoning Districts), 205 (Use Regulations), 206A (Landscaping) 206C (Screening), 206D (Commercial Garbage/Recycling Containers and Enclosures), 206E (Vehicle Parking and Loading), 206F (Architectural Standards), 206G

(Multi-Family Residential Site Design), 206H (Communication Antennas, Support Structures, and Satellite Dishes), Appendix 2A (Approved Plant List), and Article 8 (Terms and Definitions) particularly to Section 802 (Definitions), Make Substantive Changes to Sections: 108B (Maintenance), 110B1 (Board of Adjustment), 201C4 (Continuing Legal Nonconformity), 203A4 (Public Notice), 203D (Protest Procedures), 203E2 (Landscape Plan), 203E6 (Certificate of Appropriateness), 203F1 (Administrative Appeal), 203G3 (Variance), 204B3 (Zoning District Correspondence), 204I (TR1.8 - Townhome Residential), 204W (AP - Airport), 204BB (TMN - Traditional McKinney Neighborhood), 204EE1 (Building Height), 205B5 (Table of Uses), 205F (Non-Residential Uses) for Airports, Car Washes, and Day Care Centers, 205G2 (Accessory Uses Definitions and Standards), 205I3 (Food Trucks, Operation Sites, and Food Truck Courts), 206A4 (Planting Requirements), 206A5 (Site-Specific Landscape Standards), 206C3 (Screening Requirements), 206E3 (Parking Calculations), 206E4 (Parking Modifications and Reductions), 206E5 (On-site Parking Design and Pavement), Appendix 2A (Approved Plant List), Appendix 2B (McKinney Town Center MTC), and 802 Definitions, Establishing Sections 201E (Existing Sites Impacted by the Acquisition of Right-of-Way) and 206I (Food Trucks, Food Truck Operation Sites, and Food Truck Courts) in Article 2 (Zoning Regulations) of Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, City of McKinney, Texas, in addition to Establishing a New Article 4 named "Tree Preservation" and Renumbering Current Articles 4, 5, 6, 7 and 8, respectively, as New Articles 5, 6, 7, 8 and 9 to Chapter 150 (Unified Development Code) to Include the New Article 4, and Deleting Sections 203E.3, "Tree Preservation Plan," 203E.4, "Tree Permit," and 206B, "Tree Preservation," from Article 2 (Zoning Regulations) and Renumbering and Relocating Such Sections 203E.3, 203E.4, and 206B, into the New Article 4 Named "Tree Preservation" to Chapter 150 (Unified Development

Code), and Accompanying Ordinance

Mayor Fuller called for public comments on this item, at which time there were no requests to speak.

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Jones, to approve, with noted revisions, to Certain Amendments to Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, City of McKinney, Texas to correct typographical errors and make nonsubstantive editorial changes to Article 1 (General Provisions) and particularly to Sections 101 (Title), 102 (Purpose), 106B (Specific Use Permits), 108 (Maintenance, Enforcement, and Penalties), 110 (Administrative Authority), Article 2 (Zoning Regulations) and particularly to Sections 201 (Administration), 203A (Standard Procedures), 203B (Annexation), 203C (Zoning Procedures), 203D (Protest Procedures), 203E (Plan and Permit Procedures), 203F (Appeal Procedures), 203G (Flexibility and Relief Procedures), 204 (Zoning Districts), 205 (Use Regulations), 206A (Landscaping) 206C (Screening), 206D (Commercial Garbage/Recycling Containers and Enclosures), 206E (Vehicle Parking and Loading), 206F (Architectural Standards), 206G (Multi-Family Residential Site Design), 206H (Communication Antennas, Support Structures, and Satellite Dishes), Appendix 2A (Approved Plant List), and Article 8 (Terms and Definitions) particularly to Section 802 (Definitions), Make Substantive Changes to Sections: 108B (Maintenance), 110B1 (Board of Adjustment), 201C4 (Continuing Legal Nonconformity), 203A4 (Public Notice), 203D (Protest Procedures), 203E2 (Landscape Plan), 203E6 (Certificate of Appropriateness), 203F1 (Administrative Appeal), 203G3 (Variance), 204B3 (Zoning District Correspondence), 204I (TR1.8 - Townhome Residential), 204W (AP - Airport), 204BB (TMN - Traditional McKinney Neighborhood), 204EE1 (Building Height), 205B5 (Table of Uses), 205F (Non-Residential Uses) for Airports, Car Washes, and Day Care Centers, 205G2 (Accessory Uses Definitions and Standards), 205I3 (Food Trucks, Operation Sites, and Food Truck Courts), 206A4 (Planting Requirements), 206A5 (Site-Specific Landscape Standards), 206C3 (Screening Requirements), 206E3 (Parking Calculations), 206E4 (Parking Modifications and Reductions), 206E5 (On-site Parking Design and

Pavement), Appendix 2A (Approved Plant List), Appendix 2B (McKinney Town Center MTC), and 802 Definitions, Establishing Sections 201E (Existing Sites Impacted by the Acquisition of Right-of-Way) and 206I (Food Trucks, Food Truck Operation Sites, and Food Truck Courts) in Article 2 (Zoning Regulations) of Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, City of McKinney, Texas, in addition to Establishing a New Article 4 named "Tree Preservation" and Renumbering Current Articles 4, 5, 6, 7 and 8, respectively, as New Articles 5, 6, 7, 8 and 9 to Chapter 150 (Unified Development Code) to Include the New Article 4, and Deleting Sections 203E.3, "Tree Preservation Plan," 203E.4, "Tree Permit," and 206B, "Tree Preservation," from Article 2 (Zoning Regulations) and Renumbering and Relocating Such Sections 203E.3, 203E.4, and 206B, into the New Article 4 Named "Tree Preservation" to Chapter 150 (Unified Development Code), and Accompanying Ordinance; caption reads as follows:

**ORDINANCE NO. 2023-09-062**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 150, ENTITLED "UNIFIED DEVELOPMENT CODE," OF THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS TO: (1) CORRECT TYPOGRAPHICAL ERRORS AND MAKE NONSUBSTANTIVE EDITORIAL CHANGES TO: (A) ARTICLE 1 (GENERAL PROVISIONS) AND PARTICULARLY TO SECTIONS 101 (TITLE), 102 (PURPOSE), 106B (SPECIAL USE PERMITS), 108 (MAINTENANCE, ENFORCEMENT, AND PENALTIES), 110 (ADMINISTRATIVE AUTHORITY), (B) ARTICLE 2 (ZONING REGULATIONS) AND PARTICULARLY TO SECTIONS 201 (ADMINISTRATION), 203A (STANDARD PROCEDURES), 203B (ANNEXATION), 203C (ZONING PROCEDURES), 203D (PROTEST PROCEDURES), 203E (PLAN AND PERMIT PROCEDURES), 203F (APPEAL PROCEDURES), 203G (FLEXIBILITY AND RELIEF PROCEDURES), 204 (ZONING DISTRICTS), 205 (USE REGULATIONS), 206A (LANDSCAPING), 206C (SCREENING), 206D (COMMERCIAL GARBAGE/RECYCLING CONTAINERS AND ENCLOSURES), 206E (VEHICLE PARKING AND LOADING), 206F (ARCHITECTURAL STANDARDS), 206G (MULTI-FAMILY RESIDENTIAL SITE DESIGN), 206H (COMMUNICATION ANTENNAS, SUPPORT STRUCTURES, AND SATELLITE DISHES), (C) APENDIX 2A (APPROVED PLANT LIST), AND (D) ARTICLE 8 (TERMS AND DEFINITIONS) PARTICULARLY TO SECTION 802 (DEFINITIONS); (2) MAKE CERTAIN SUBSTANTIVE CHANGES TO: (A) ARTICLE 1 (GENERAL PROVISIONS) AND PARTICULARLY TO SECTIONS: 108B (MAINTENANCE), 110B.1 (BOARD OF ADJUSTMENT), (B) ARTICLE 2 (ZONING REGULATIONS) AND PARTICULARLY TO SECTIONS 201C.4 (CONTINUING LEGAL NONCONFORMITY), 203A.4 (PUBLIC NOTICE), 203D (PROTEST PROCEDURES), 203E.2 (LANDSCAPE PLAN), 203E.6 (CERTIFICATE OF APPROPRIATENESS), 203F.1 (ADMINISTRATIVE APPEAL), 203G.3 (VARIANCE), 204B.3 (ZONING DISTRICT CORRESPONDENCE), 204I (TR1.8 – TOWNHOME RESIDENTIAL), 204W (AP – AIRPORT), 204BB (TMN – TRADITIONAL MCKINNEY NEIGHBORHOOD), 204EE.1 (BUILDING HEIGHT), 205B.5 (TABLE OF USES), 205F (NON-RESIDENTIAL USES) FOR SUBSECTION 3 (AIRPORTS), SUBSECTION 14 (CAR WASHES), AND SUBSECTION 27 (DAY CARE CENTERS), 205G.2 (ACCESSORY USES DEFINITIONS AND STANDARDS), 205I.3 (FOOD TRUCKS, OPERATION SITES, AND FOOD TRUCK COURTS), 206A.4 (PLANTING REQUIREMENTS), 206A.5 (SITE-SPECIFIC LANDSCAPE STANDARDS), 206C.3 (SCREENING REQUIREMENTS), 206E.3 (PARKING CALCULATIONS), 206E.4 (PARKING MODIFICATIONS AND REDUCTIONS), 206E.5 (ON-SITE PARKING DESIGN**



AND PAVEMENT), (C) APPENDIX 2A (APPROVED PLANT LIST), (D) APPENDIX 2B (MCKINNEY TOWN CENTER MTC), AND (E) 802 (DEFINITIONS); (3) ESTABLISH NEW SECTIONS IN ARTICLE 2 (ZONING REGULATIONS) AS FOLLOWS: 201E (EXISTING SITES IMPACTED BY THE ACQUISITION OF RIGHT-OF-WAY), 206I (FOOD TRUCKS, FOOD TRUCK OPERATION SITES, AND FOOD TRUCK COURTS); (4) ESTABLISH A NEW ARTICLE NAMED "TREE PRESERVATION"; (5) RENUMBER CURRENT ARTICLES 4, 5, 6, 7, AND 8, RESPECTIVELY, AS NEW ARTICLES 5, 6, 7, 8, AND 9 WITH THE SAME TITLES TO CHAPTER 150 (UNIFIED DEVELOPMENT CODE) TO INCLUDE THE NEW ARTICLE 4: (6) DELETING SECTIONS 203E.3, "TREE PRESERVATION PLAN," 203E.4, "TREE PERMIT," AND 206B, "TREE PRESERVATION," FROM ARTICLE 2 (ZONING REGULATIONS); AND (7) RENUMBERING AND RELOCATING SUCH SECTIONS 203E.3, 203E.4, AND 206B, INTO THE NEW ARTICLE 4 NAMED "TREE PRESERVATION" TO CHAPTER 150 (UNIFIED DEVELOPMENT CODE); ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**23-0004M2** Conduct a Public Hearing to Consider/Discuss/Act on Amendments to New Article 4, entitled "Tree Preservation," to Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, and Accompanying Ordinance

Mayor Fuller called for public comments on this item, at which time there were no requests to speak.

Council unanimously approved the motion by Councilmember Feltus, seconded by Councilmember Franklin, to approve Amendments to New Article 4, entitled "Tree Preservation," to Chapter 150, entitled "Unified Development Code," of the Code of Ordinances, and Accompanying Ordinance; caption reads as follows:

**ORDINANCE NO. 2023-09-064**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING NEW ARTICLE 4, ENTITLED "TREE PRESERVATION," TO CHAPTER 150, ENTITLED "UNIFIED DEVELOPMENT CODE," OF THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; ESTABLISHING PRESUMPTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**23-0058Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C2" - Local Commercial District, Located at 4050 West University Drive, and Accompanying Ordinance (REQUEST TO BE TABLED)

Mayor Fuller called for public comments on this item, at which time there were no requests to speak.

Council unanimously approved the motion by Councilmember Franklin, seconded by Mayor Pro Tem Philips, to table a Request to Rezone the Subject Property from "PD" - Planned Development District to "C2" - Local Commercial District, Located at 4050 West University Drive, and Accompanying Ordinance to the October 2, 2023, Regular Council Meeting.

**23-0039Z4** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RED-1" - Residential Estate District to "R6" - Residential District and "R43" - Residential Estate District, Located at 105 South West Park Drive, and Accompanying Ordinance

Mayor Fuller called for public comments on this item.

Gayle Ledbetter, 211 Westpark Dr, spoke in opposition to this request.

Juan Rodriguez, 201 W. Park Drive S, spoke in opposition to this request.

Bill Smith 106 West Park Dr S, spoke in opposition to this request.

Denise Loukus 108 Westwood Cr, spoke in opposition to this request.

The following individuals did not wish to speak but submitted written comments to be entered into the meeting record. (see *Appendix A – Written Comments*)

Carol Self

Thomas Edwards

Johnny Airhart

Council unanimously approved the motion by Councilmember Feltus, seconded by Councilmember Franklin, to deny a Request to Rezone the Subject Property from "RED-1" - Residential Estate District to "R6" - Residential District and "R43" - Residential Estate District, Located at 105 South West Park Drive, and Accompanying Ordinance

**23-0760** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract for Construction Manager at Risk (CMAR) Services with Pogue Construction Company, LP of McKinney, Texas for a Guaranteed Maximum Price (GMP) for Construction Services Related to the Design and Construction of the McKinney Fire Department

Headquarters Project Located at 2100 Taylor Burk Drive, McKinney,  
Texas

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Feltus, to a Resolution Authorizing the City Manager to Execute a Contract for Construction Manager at Risk (CMAR) Services with Pogue Construction Company, LP of McKinney, Texas for a Guaranteed Maximum Price (GMP) for Construction Services Related to the Design and Construction of the McKinney Fire Department Headquarters Project Located at 2100 Taylor Burk Drive, McKinney, Texas; caption reads as follows:

**RESOLUTION NO. 2023-09-125 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A GUARANTEED MAXIMUM PRICE (GMP) AMENDMENT TO THE EXISTING AGREEMENT WITH POGUE CONSTRUCTION COMPANY, LP OF MCKINNEY, TEXAS FOR CONSTRUCTION MANAGER AT RISK (CMAR) SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE MCKINNEY FIRE DEPARTMENT HEADQUARTERS PROJECT (FI2111)**

**23-0761** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Additional Services Agreement with 720 Design, Inc. of Dallas, Texas for Professional Consulting Services and Owner's Representative Services Related to the construction of the McKinney Fire Department Headquarters project (FI2111) located at 2100 Taylor Burk Drive, McKinney

Council unanimously approved the motion by Councilmember Franklin, seconded by Mayor Pro Tem Philips, to approve a Resolution Authorizing the City Manager to Execute an Additional Services Agreement with 720 Design, Inc. of Dallas, Texas for Professional Consulting Services and Owner's Representative Services Related to the construction of the McKinney Fire Department Headquarters project (FI2111) located at 2100 Taylor Burk Drive, McKinney; caption reads as follows:

**RESOLUTION NO. 2023-09-126 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDITIONAL SERVICES AGREEMENT WITH 720 DESIGN, INC. OF DALLAS, TEXAS, FOR PROFESSIONAL CONSULTING SERVICES AND OWNER'S REPRESENTATIVE SERVICES RELATED TO THE CONSTRUCTION OF THE MCKINNEY FIRE DEPARTMENT HEADQUARTERS**

**23-0762** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Design-Build Amendment to the Professional Design/Build Services Agreement with PassBuilt Construction, LLC for a Guaranteed Maximum Price (GMP) for the Recreation Center at Towne Lake Renovation (RCTL) Project (PK4397) located at 2001 S. Central Expwy, McKinney, Texas 75070

Council unanimously approved the motion by Councilmember Feltus, seconded by Mayor Pro Tem Philips, to approve a Resolution Authorizing the City Manager to Execute a Design-Build Amendment to the Professional Design/Build Services Agreement with PassBuilt Construction, LLC for a Guaranteed Maximum Price (GMP) for the Recreation Center at Towne Lake Renovation (RCTL) Project (PK4397) located at 2001 S. Central Expwy, McKinney, Texas 75070; caption reads as follows:

**RESOLUTION NO. 2023-09-127 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMEDEMMENT TO THE EXISTING DESIGN/BUILD SERVICES AGREEMENT WITH PASSBUILT CONSTRUCTION, LLC FOR A GUARANTEED MAXIMUM PRICE (GMP) FOR THE RECREATION CENTER AT TOWNE LAKE RENOVATION (RCTL) PROJECT (PK4397) LOCATED AT 2001 S. CENTRAL EXPWY, MCKINNEY, TEXAS 75070**

**23-0763** Consider/Discuss/Act on Appointing a 2024 Municipal Bond Committee

Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Jones, to approve Appointing a 2024 Municipal Bond Committee.

The Council appointed Bond Committee roster will be included in the appendix of these minutes as "Appendix "B" – Bond Committee Roster".

**23-0764** Consider/Discuss/Act on Appointing Two Members of the City Council to Serve on an Interview Panel for the Downtown Redevelopment Request for Qualifications (23-38RFQ)

Council unanimously approved the motion by Councilmember Jones, seconded by Councilmember Feltus, to appoint Mayor Fuller, Mayor Pro Tem Philips, and Councilmember Franklin to serve on an Interview Panel for the Downtown Redevelopment Request for Qualifications (23-38RFQ).

Mayor Fuller called for Citizen Comments on matters not on the agenda.

Amit Kumar, 517 Harcourt Ave, spoke about the celebration of Oneness Day.

Mayor Fuller called for Council And Manager Comments.

Councilmember Jones spoke about his first opportunity to attend a Rockhill High School football game; reminded attendees of the upcoming Oktoberfest celebration this weekend.

Councilmember Feltus spoke about the new restaurants and shoppes opening at 121 and Alma and encouraged attendees to visit and support; congratulated her daughter and the Faubion Middle School's volleyball A-Team for all their hard work at their recent tournament.

Councilmember Philips recognized Officer Spano's son, Vincent, a member of the McKinney North High School football team and applauded his hard work.

Councilmember Beller discussed meeting and speaking with the new Leadership McKinney class; he encouraged attendees to visit and support the newly reopened Visit McKinney store downtown; he spoke about the grand opening of the Painted Tree community; and he spoke about attending the Mexican Independence Day celebration at Old Settler's expressed it was a great event with an excellent turnout.

Councilmember Franklin reminded and encouraged everyone to attend the Oktoberfest event this weekend.

City Manager Grimes encouraged everyone to attend Oktoberfest and he reviewed the opening day events.

Mayor Fuller stated he would not be attending the Oktoberfest as he and his wife will be celebrating their 29<sup>th</sup> wedding anniversary in New York at the Woodstock Film Festival where the Texas Music Revolution documentary will be shown; last evening he mc'd the Bar Wars cocktail competition and it was a great time for all who attended; Saturday at Meyers Park is the welcome celebration for new Texas residents from 4:00 p.m. – 8:00 p.m.; also on Saturday there will be a concert in Bonnie Wink Park from 7:00 p.m. – 9:00 p.m.

Council unanimously approved the motion by Councilmember Feltus, seconded by Mayor Pro Tem Philips, to adjourn the regular meeting at 7:43 p.m.

These minutes were approved by the City Council on October 2, 2023.

SIGNED:

\_\_\_\_\_  
GEORGE C. FULLER, Mayor  
CHARLIE PHILIPS, Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
EMPRESS DRANE, City Secretary  
TENITRUS BETHEL, Deputy City Secretary

City of McKinney, Texas

**APPENDIX "A" – Written Comments**

**Request to Speak Before McKinney City Council** Date 9/19/2023  
(Print) Full Name Johnny Aichert Phone \_\_\_\_\_  
Address 107 Peachtree Ln City McKinney Zip 75072  
Email Jaichert@gmail.com

Public Comments for **ITEMS ON THE AGENDA**  
 I wish to speak in SUPPORT / OPPOSITION of **Consent Agenda** Item # \_\_\_\_\_  
 I wish to speak in SUPPORT / OPPOSITION of **Regular Agenda** Item # \_\_\_\_\_  
 I wish to speak in SUPPORT / OPPOSITION of **Public Hearing** Item # \_\_\_\_\_  
*\*Those wishing to speak on Public Hearing items will be called at the time of the Public Hearing.*

Public Comments for **ITEMS NOT ON THE AGENDA**  
 I wish to speak regarding this issue: \_\_\_\_\_

**Submit Comment without Speaking**  
 I do not wish to speak; however, please record my  SUPPORT  OPPOSITION  
*\*At the Mayor's discretion, speakers for non-agenda topics may be called at either the beginning or end of the meeting.*

Topic of Discussion: Case # 23-003924

**Request to Speak Before McKinney City Council** Date 9-19-23  
(Print) Full Name CAROL SELF Phone 214-385-0879  
Address 104 PEACHTREE City McKINNEY Zip 75072  
Email Carol.a.self@gmail.com

Public Comments for **ITEMS ON THE AGENDA**  
 I wish to speak in SUPPORT / OPPOSITION of **Consent Agenda** Item # \_\_\_\_\_  
 I wish to speak in SUPPORT / OPPOSITION of **Regular Agenda** Item # \_\_\_\_\_  
 I wish to speak in SUPPORT / OPPOSITION of **Public Hearing** Item # \_\_\_\_\_  
*\*Those wishing to speak on Public Hearing items will be called at the time of the Public Hearing.*

Public Comments for **ITEMS NOT ON THE AGENDA**  
 I wish to speak regarding this issue: \_\_\_\_\_

**Submit Comment without Speaking**  
 I do not wish to speak; however, please record my  SUPPORT  OPPOSITION  
*\*At the Mayor's discretion, speakers for non-agenda topics may be called at either the beginning or end of the meeting.*

Topic of Discussion: 23-003924

**Request to Speak Before McKinney City Council** Date 9/19/2024  
(Print) Full Name Thomas Edwards Phone 972-363-3965  
Address 102 Peachtree Ln City McKinney TX Zip 75072  
Email woodgedwards@gmail.com

Public Comments for **ITEMS ON THE AGENDA**  
 I wish to speak in SUPPORT / OPPOSITION of **Consent Agenda** Item # \_\_\_\_\_  
 I wish to speak in SUPPORT / OPPOSITION of **Regular Agenda** Item # \_\_\_\_\_  
 I wish to speak in SUPPORT / OPPOSITION of **Public Hearing** Item # 23-003924  
*\*Those wishing to speak on Public Hearing items will be called at the time of the Public Hearing.*

Public Comments for **ITEMS NOT ON THE AGENDA**  
 I wish to speak regarding this issue: \_\_\_\_\_  
*\*At the Mayor's discretion, speakers for non-agenda topics may be called at either the beginning or end of the meeting.*

**Submit Comment without Speaking**  
 I do not wish to speak; however, please record my  SUPPORT  OPPOSITION

Topic of Discussion: \_\_\_\_\_

**APPENDIX “B” – Bond Committee Roster**

Mayor Fuller Bond Committee Nominations	
Name	Sub-Committee
David Clarke	Municipal Facilities
Al Perry	Parks & Recreation
Bridgette Wallace	Finance
Angie Bado	Public Safety
Chuck Branch	Transportation & Infrastructure

Councilman Cloutier Bond Committee Nominations	
Name	Sub-Committee
Elizabeth Michel	Municipal Facilities
Caroline Dulemba	Transportation & Infrastructure
Micheal Glazier	Finance
Janie Pena	Public Safety
Tammy Warren	Parks & Recreation

Mayor Pro Tem Philips Bond Committee Nominations	
Name	Sub-Committee
Jim Norton	Finance
Angela Hamm	Parks & Recreation
Scott Elliott	Parks & Recreation
Dean Cimini	Municipal Facilities
Jeremy Rosenthal	Public Safety
John Prudich	Finance

Councilman Franklin Bond Committee Nominations	
Name	Sub-Committee
Thad Helsley	Transportation & Infrastructure
Bill Cox	Municipal Facilities
Sam Franklin	Parks & Recreation
Charlie Mckissick	Public Safety
David Craig	Transportation & Infrastructure

Councilman Jones Bond Committee Nominations	
Name	Sub-Committee
Lauren Jones	Municipal Facilities
Jennifer Odom	Parks & Recreation
Derrick Robinson	Transportation & Infrastructure
Ken Holladay	Public Safety
Joe Riccardi	Finance

Councilman Beller Bond Committee Nominations	
Name	Sub-Committee
Lucas Henry	Finance
Eddie Aragonex	Transportation & Infrastructure
Bob Fisher	Municipal Facilities
Tara Williams	Parks & Recreation
Betty Petkosek	Public Safety

Councilwoman Feltus Bond Committee Nominations	
Name	Sub-Committee
Bruce Mead	Parks & Recreation
Mohammed Kacem	Transportation & Infrastructure
Marianne Radley	Finance
Kip Dixon	Municipal Facilities
Erin Blair	Public Safety