

## CITY COUNCIL REGULAR MEETING

**JANUARY 16, 2024**

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, January 16, 2024, 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 C. Fuller called the meeting to order at 6:18 p.m. upon determining a quorum consisting of himself and the following City Council members were present: Council members Justin Beller, Patrick Cloutier, Geré Feltus, Rick Franklin, and Michael Jones. Mayor Pro Tem Charlie Philips was absent due to illness.

These city staff were present: City Manager Paul Grimes, City Attorney Mark Houser, Assistant City Attorney Alan Lathrom, City Secretary Empress Drane, Downtown Development & Historic Preservation Planning Manager Paula Nasta, Planner Cameron Christie, Assistant Director of Parks, Recreation & Open Space (PROS) Ryan Mullins, Police Sergeant Tony Spano, Police Department Crime Prevention & Education Officer Shannon Seabrook, Police Officer Bruno Siqueira, Police Officer Albert Briseno, and Assistant Fire Chief James Floyd.

There were approximately one hundred (100) members of the public present in the audience including these appointed officials of the city: Capital Improvement Advisory Committee member Steve Wilson, Library Advisory Board member Connie Gibson, and McKinney Housing Finance Corporation member Mohamed Kacem.

Mayor Fuller called for the Invocation (given by Beth Bentley) and a group recital of the Pledge of Allegiance.

Mayor Fuller called for these Information Sharing items:

- 24-1115** Proclamation for Dr. Martin Luther King, Jr. Day
- 24-1117** Proclamation for McKinney Christian Academy
- 24-1116** Recognition of Windy Gallagher, Connie Gibson, and Markus Lloyd for an Act of Good Samaritanism

This item will be presented by Mayor Pro Tem Philips at the City Council Regular Meeting of February 6, 2024.

Mayor Fuller called for Public Comments.

Beth Bentley, PO Box 2931, McKinney TX 75070, announced upcoming activities related to Black History Month.

Allison Monroe, 806 Baker Street, McKinney TX 75069, stated the Emmanuel Labor overnight warming station at Salvation Army would be open during nights of severe cold weather and announced the upcoming Point-in-Time Homelessness Count

The following individuals spoke regarding the war on Gaza and requested the City Council to join other communities in calling for a cease-fire:

Mousa Abudaabes, 2221 Fleming Dr, McKinney TX 75072

Danya Zuaiteer, 348 Apache Trail, Murphy TX 75094

Ehsan Awad, 3312 Goose Ln, McKinney TX 75071

Noor Wadi, 4812 Laso St, McKinney TX 75070

Samar Waqar, 5025 Geranium Ct, McKinney TX 75070

Lulia Barakat, 5221 Spicewood Dr, McKinney TX 75070

Deb Armintor, 2003 Mistywood Ln, Denton TX 76209

Shazia Al Hasan, Murphy TX (no address provided)

Temar Smith, 3250 Hudson Crossing 1224, McKinney TX 75070

Akheel Mohammed, (no address provided)

Raheem Amer, 8620 Palermo Way, McKinney TX 75071

Hind El Jarrah, 2707 Lakeside Dr, McKinney TX 75072

Mayor Fuller called for the Consent Agenda and stated agenda item #24-1121 related to Opioid Settlement Funding would be pulled from the Consent Agenda for individual consideration.

Council unanimously approved the motion by Council member Rick Franklin, seconded by Council member Geré Feltus, to approve the remaining Consent Agenda as follows:

**24-1118** Minutes of the City Council Work Session of January 2, 2024

**24-1119** Minutes of the City Council Regular Meeting of January 2, 2024

- 23-1041** Minutes of the Joint Meeting of the McKinney City Council & McKinney Economic Development Corporation Meeting of October 24, 2023
- 23-1042** Minutes of the McKinney Economic Development Corporation Meeting of November 21, 2023
- 23-1012** Minutes of the McKinney Main Street Board Meeting of November 9, 2023
- 24-1120** Consider/Discuss/Act on an Ordinance Amending Chapter 90 "Streets and Sidewalks" and Appendix A "Schedule of Fees" of the Code of Ordinances regarding Lane Closure Permits and Fees

Ordinance caption reads as follows:

**ORDINANCE NO. 2024-01-004**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 90, ENTITLED "STREETS AND SIDEWALKS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, ("MCKINNEY CODE") THROUGH THE AMENDMENT OF EXISTING ARTICLE III, ENTITLED "EXCAVATIONS AND ALTERATIONS," AND DIVISION 2 THEREOF ENTITLED "PERMIT," BY DELETING SECTIONS 90-159 THROUGH 90-161 IN THEIR ENTIRETY AND REPLACING SAID SECTIONS WITH NEW SECTIONS 90-159 THROUGH 90-161 AND ADOPTING NEW SECTIONS 90-162 AND 90-163, ALL OF WHICH NEW SECTIONS ADDRESS "LANE CLOSURES" AS SET FORTH HEREIN BELOW, AND AMENDING APPENDIX A, "SCHEDULE OF FEES", OF THE MCKINNEY CODE BY TO ADD A NEW SECTION 90-161, "LANE CLOSURES; PERMIT FEE AND EXEMPTIONS" TO ESTABLISH APPLICABLE FEES FOR LANE CLOSURES; REPEALING ALL CONFLICTING ORDINANCES; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING A PENALTY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE**

- 23-1039** Consider/Discuss/Act on an Ordinance Increasing the Fiscal Year 2023-2024 Annual Budget for the TUPPS Brewery Project (4B 2009) to Include Funding Deposited by TUPPS Brewery, LLC in the Amount of Two Hundred Fifty-Three Thousand Two Hundred Twenty-Eight and 72/100 Dollars (\$253,228.72)

Ordinance caption reads as follows:

**ORDINANCE NO. 2024-01-005**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2023-2024 ANNUAL BUDGET FOR THE MCKINNEY COMMUNITY DEVELOPMENT CORPORATION FOR THE TUPPS BREWERY PROJECT (4B2009); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

- 24-1122** Consider/Discuss/Act on a Resolution Awarding a Contract to Darkhorse Emergency Corp. to Provide and Implement Data Analytics and Predictive Modeling Software

Resolution caption reads as follows:

**RESOLUTION NO. 2024-01-008 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF CONTRACT AND CITY MANAGER AUTHORIZATION TO EXECUTE A CONTRACT WITH DARKHORSE EMERGENCY CORP. TO PROVIDE AND IMPLEMENT DATA ANALYTICS AND PREDICTIVE MODELING SOFTWARE**

- 24-1123** Consider/Discuss/Act on a Resolution Awarding a Fixed Price Contract to Jack R. Carpenter, Inc. dba Jerry Carpenter Excavation of Allen, Texas for Erosion Control & Miscellaneous Drainage Repair

Resolution caption reads as follows:

**RESOLUTION NO. 2024-01-009 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A FIXED PRICE CONTRACT TO JACK R. CARPENTER, INC. DBA JERRY CARPENTER EXCAVATION OF ALLEN, TEXAS FOR EROSION CONTROL AND MISCELLANEOUS DRAINAGE REPAIR**

- 24-1124** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Construction and Maintenance Agreement with Dallas Garland & Northeastern Railroad Inc. (DGNO), for the Railroad Crossing Improvements at East Louisiana Street Required for the East Louisiana Street Improvements Project

Resolution caption reads as follows:

**RESOLUTION NO. 2024-01-010 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AND MAINTENANCE AGREEMENT IN THE AMOUNT OF \$519,117 WITH DALLAS GARLAND & NORTHEASTERN RAILROAD INC. (DGNO), FOR THE RAILROAD CROSSING IMPROVEMENTS AT EAST LOUISIANA STREET REQUIRED FOR THE EAST LOUISIANA STREET IMPROVEMENTS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$519,117**

- 24-1125** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Construction and Maintenance Agreement with Dallas

Garland & Northeastern Railroad Inc. (DGNO), for the Railroad Crossing Improvements at East Virginia Street Required for the Virginia Street and Throckmorton Street Infrastructure Improvements (Municipal Complex) Project

Resolution caption reads as follows:

**RESOLUTION NO. 2024-01-011 (R) A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AND MAINTENANCE AGREEMENT IN THE AMOUNT OF \$518,863 WITH DALLAS GARLAND & NORTHEASTERN RAILROAD INC. (DGNO), FOR THE RAILROAD CROSSING IMPROVEMENTS AT EAST VIRGINIA STREET REQUIRED FOR THE VIRGINIA STREET AND THROCKMORTON STREET INFRASTRUCTURE IMPROVEMENTS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$518,863**

**24-1126** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Facilities Agreement for Lot 1, Block A, JMT Academy at Custer Addition, Located in the Extraterritorial Jurisdiction (ETJ) of McKinney, Texas, Situated on the Southeast Corner of Farm to Market Road 2478 Approximately 5,000 Linear Feet East of County Road 127

Resolution caption reads as follows:

**RESOLUTION NO. 2024-01-012 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FACILITIES AGREEMENT FOR JMT ACADEMY AT CUSTER ADDITION, LOT 1, BLOCK A, LOCATED IN THE ETJ OF MCKINNEY ON THE SOUTHEAST CORNER OF FARM TO MARKET ROAD 2478 APPROXIMATELY 5,000 LINEAR FEET EAST OF COUNTY ROAD 127**

**24-1127** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with LJA Engineering, Inc. for Professional Architectural and Engineering Design Services for the Dog Park and Play Zone at Towne Lake Park Project

Resolution caption reads as follows:

**RESOLUTION NO. 2024-01-013 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH LJA ENGINEERING, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR THE DOG PARK AND PLAY ZONE AT TOWNE LAKE PARK PROJECT FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$350,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$414,910**

- 24-1128** Consider/Discuss/Act on a Resolution Naming a Park within Trinity Falls, Located at the Northeast Corner of Heron Creek Pass and Sweetwater Cove

Resolution caption reads as follows:

**RESOLUTION NO. 2024-01-014 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NAMING A PARK LOCATED WITHIN TRINITY FALLS, LOCATED AT THE NORTHEAST CORNER OF HERON CREEK PASS AND SWEETWATER COVE, FOREST RIDGE PARK**

Mayor Fuller called for agenda item #24-1121:

- 24-1121** Consider/Discuss/Act on a Resolution Approving the Distribution of the Opioid Settlement Balance of Funding to Grace to Change

Council approved the motion by Council member Rick Franklin, seconded by Council member Geré Feltus, to table the item indefinitely, with a vote of 5-0. Council member Cloutier did not participate in the vote.

Mayor Fuller called for the Public Hearing item.

- 23-0004A4/** 23-0103Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Annex (Case No. 23-0004A) the Subject Property and Zone (Case No. 23-0103Z) a Portion of the Subject Property to "R5" - Residential District and Zone a Portion of the Subject Property to "AG" - Agricultural District, Located on the Southeast Corner of FM 543 and County Road 202 and Located on the North Side of FM 543 and Approximately 160 Feet East of Lantana, and Accompanying Ordinances

There were no requests to make public comments.

Council unanimously approved the motion by Council member Geré Feltus, seconded by Council member Michael Jones, to close the public hearing and approve the annexation and zoning requests.

Annexation Ordinance caption reads as follows:

**ORDINANCE NO. 2024-01-002**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES HAVING A POPULATION OF LESS THAN 200**

**PERSONS, LOCATED IN THE JOHN EMBERSON SURVEY - ABSTRACT NUMBER 294, AND THE MEREDITH HART SURVEY - ABSTRACT NUMBER 371, AND INCLUDING ADJACENT PORTIONS OF FM 543 AND CR 202 TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF**

Zoning Ordinance caption reads as follows:

**ORDINANCE NO. 2024-01-003**

**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 84 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF FM 543 AND CR 202, IS ZONED "R5" - RESIDENTIAL DISTRICT, AND AN APPROXIMATELY 38 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF FM 543 AND APPROXIMATELY 160 FEET EAST OF LANTANA DRIVE IS ZONED TO "AG" - AGRICULTURAL 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**

Mayor Fuller called for Council and Manager Comments.

Council member Feltus announced upcoming activities related to Black History Month: Celebration of Historic Black Churches in McKinney will be 10:15 a.m. on Sunday, February 4 at The First Baptist Church of McKinney; February 17 College Megafest event (in partnership with St. Mark Baptist Church) more than 1,300 students are already registered for the event; the Gather venue will host a Gospel Brunch (February 18), the CUTX Living Color Awards event (February 21), and the Amethyst Market featuring black-owned businesses (February 22); Chief Executive Officer of the Dallas Mavericks Cynt Marshall will be the guest speaker of the CEO Breakfast Series on February 22; and the 1990s themed Hip Hop House Party will be March 1 at The Sanctuary Music and Events venue.

Council member Beller recognized the staff of McKinney Independent School District, Visit McKinney, and others who helped organize the NCAA Division II Football Championship game held at McKinney ISD Stadium in December; expressed celebration for his alma mater Harding University winning the championship; and expressed appreciation for the opportunity to showcase the city of McKinney through the event.

City Manager Paul Grimes announced the McKinney Public Library System and McKinney Parks & Recreation department released their respective activity guides for

the upcoming Spring season. The guides are available at various public facilities and online on the city's webpage.

The Council members individually thanked the individuals who made public comments and acknowledged how the events in Gaza impact many people within the McKinney community. Mayor stated that he would pen a letter to legislators on the subject of the war. Mayor Fuller also acknowledged his son Raine who served as a Golden Knight in the United States Army.

Council unanimously approved the motion by Council member Geré Feltus, seconded by Council member Rick Franklin, to adjourn the meeting at 7:22 p.m.

The ordinance caption(s) approved in this meeting were scheduled for publication in the Sunday, January 21, 2024, edition of the McKinney Courier-Gazette newspaper and the Monday, January 22, 2024, edition of the Celina Record newspaper.

These minutes were approved by the City Council on February 6, 2024.

SIGNED:

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

ATTEST:

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EMPRESS DRANE, City Secretary  
TENITRUS BETHEL, Deputy City Secretary

City of McKinney, Texas