

CITY COUNCIL REGULAR MEETING

APRIL 4, 2023

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, located at 222 N. Tennessee Street, McKinney, Texas, on Tuesday, April 4, 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 the public through the City of McKinney meetings archive.

Mayor George C. Fuller called the meeting to order at 6:03 p.m. upon determining a quorum consisting of himself and the following City Council members were present: Mayor Pro Tem Rainey Rogers, and City Council members Justin Beller, Geré Feltus, Rick Franklin, Charlie Philips, and Patrick Cloutier.

These City of McKinney Staff were present: City Manager Paul Grimes, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, Assistant City Manager Kim Flom, City Attorney Mark Houser, City Secretary Empress Drane, City Secretary Administrative Assistant Blenda Sims, Director of Strategic Services Trevor Minyard, Police Chief Joe Ellenburg, Assistant Police Chief Matthew Kasmerksi, Police Sergeant Joseph Spano, Police Financial Analyst Cammie Martin, President of McKinney Economic Development Corporation Peter Tokar III, Information Technology Service Technician Logan Atwood, and Director of Engineering Gary Graham.

There were approximately twenty (20) members of the public present in the audience including Capital Improvements Advisory Committee member Steve Wilson.

Mayor Fuller called for the Invocation (given by Bo Thompson of Rhea's Mill Baptist Church) followed by the Pledge of Allegiance.

Mayor Fuller called for the Information Sharing item:

23-0252 Proclamation for Sexual Assault Awareness and Prevention Month

Mayor Fuller called for Public Comments:

Council member Charlie Philips commended Director of Strategic Services Trevor Minyard for outstanding work in Austin, Texas, addressing the State Legislature on issues relevant to the city of McKinney.

Lee Moore, 6710 Virginia Parkway, McKinney (TX) 75071, spoke on a matter not on the agenda: opposition to developing commercial service at McKinney airport.

Joseph Roybal, 6209 Avalon Wood Dr, McKinney (TX) 75072, spoke on a matter not on the agenda: noise nuisance in the Kings Lake community.

Dan Porzio, 5500 McKinney Place Dr, McKinney (TX) 75070, spoke on a matter not on the agenda: McKinney airport.

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Council member Patrick Cloutier, seconded by Council member Rick Franklin, to approve the Consent items as presented on the agenda:

- 23-0253** Minutes of the City Council Strategic Goals Prioritization Work Session of March 17, 2023
- 23-0254** Minutes of the City Council Work Session of March 21, 2023
- 23-0255** Minutes of the City Council Regular Meeting of March 21, 2023
- 23-0256** Minutes of the City Council Special Meeting of March 23, 2023
- 23-0187** Minutes of the Library Advisory Board Meeting of January 19, 2023
- 22-0932** Minutes of the McKinney Armed Services Memorial Board Meeting of September 14, 2022
- 22-1038** Minutes of the McKinney Armed Services Memorial Board Meeting of October 12, 2022
- 23-0192** Minutes of the McKinney Arts Commission of February 16, 2023
- 23-0194** Minutes of the McKinney Community Development Corporation Meeting of February 23, 2023
- 23-0195** Minutes of the McKinney Community Development Corporation Potential Projects Subcommittee Meeting of March 6, 2023
- 23-0060** Minutes of the Parks, Recreation and Open Space Advisory Board of December 8, 2022
- 23-0182** Minutes of the Parks, Recreation and Open Space Advisory Board of February 9, 2023
- 23-0244** Minutes of the Planning and Zoning Commission Regular Meeting of

March 14, 2023

- 23-0134** Minutes of the Visit McKinney Board Meeting of February 3, 2023
- 23-0235** Minutes of the Visit McKinney Board Meeting of February 28, 2023
- 23-0257** Consider/Discuss/Act on an Ordinance Amending Chapter 114 of the City's Code of Ordinances, "Wrecking Services" by Amending Section 114-11, "Permits", Amending Section 114-21, "Auto Pound Specifications - Generally" by Permitting Auto Pound Permittees to be Located within the City's Extra-Territorial Jurisdiction, Deleting Section 114-22, "Same - Indoor Area", in its Entirety, Amending Section 114-29, "Suspension And Removal From Rotation List", Amending "Appendix A - Schedule Of Fees" by Amending the Towing Rate Schedule, Providing a Penalty, Repealing Conflicting Ordinances; Providing a Savings Clause; Providing a Severability Clause; Providing for Publication of the Caption of this Ordinance; and Providing for an Effective Date

Ordinance caption reads as follows:

ORDINANCE NO. 2023-04-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 114 OF THE CITY'S CODE OF ORDINANCES, "WRECKING SERVICES", BY AMENDING SECTION 114-11, "PERMITS"; AMENDING SECTION 114-21, "AUTO POUND SPECIFICATIONS - GENERALLY" BY PERMITTING AUTO POUND -ERMITTEES TO BE LOCATED WITHIN THE CITY'S EXTRA TERRITORIAL JURISDICTION; DELETING SECTION 114-22, "SAME - INDOOR AREA", IN ITS ENTIRETY; AMENDING SECTION 114-29, "SUSPENSION AND REMOVAL FROM ROTATION LIST"; AMENDING "APPENDIX A – SCHEDULE OF FEES" BY AMENDING THE TOWING RATE SCHEDULE; PROVIDING A PENALTY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 23-0258** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2022-2023 Annual Budget to Provide Funds for the purpose of the TUPPS Brewer Project (4B2009)

Ordinance caption reads as follows:

ORDINANCE NO. 2023-04-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2022-2023 ANNUAL BUDGET FOR THE MCKINNEY COMMUNITY DEVELOPMENT CORPORATION FOR THE TUPPS BREWERY PROJECT (4B2009); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 23-0259** Consider/Discuss/Act on a Resolution Appointing Kurt Kuehn to the McKinney Economic Development Corporation

Resolution caption reads as follows:

RESOLUTION NO. 2023-04-038 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPOINTING KURT KUEHN TO THE MCKINNEY ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS; AND PROVIDING FOR AN EFFECTIVE DATE

- 23-0260** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Construction Agreement with Crossland Construction Company, Inc. of Prosper, Texas for Construction Manager at Risk Services Related to the Demolition and Reconstruction of McKinney Fire Station 8 located at 3445 Alma Road in McKinney

Resolution caption reads as follows:

RESOLUTION NO. 2023-04-039 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH CROSSLAND CONSTRUCTION COMPANY, INC. OF PROSPER, TEXAS, FOR CONSTRUCTION MANAGER AT RISK SERVICES (CMAR) RELATED TO THE DEMOLITION AND RECONSTRUCTION OF MCKINNEY FIRE STATION 8

- 23-0261** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract Amendment to the Construction Manager at Risk (CMAR) Services Contract with Spaw Glass Contractors, Inc. (Spaw Glass) of Fort Worth, Texas for an Additional Scope of Work Related to the Indoor Tennis Facility Project at Gabe Nesbitt Community Park located at 3251 Alma Road

Resolution caption reads as follows:

RESOLUTION NO. 2023-04-040 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH SPAW GLASS CONTRACTORS, INC. (SPAW GLASS) WHOSE LOCAL OFFICE IS IN FORT WORTH, TEXAS FOR A GUARANTEED MAXIMUM PRICE (GMP) RELATED TO THE INDOOR TENNIS FACILITY PROJECT AT GABE NESBITT COMMUNITY PARK (PK2042)

- 23-0262** Consider/Discuss/Act on a Resolution Authorizing the City Manager to

Execute a Contract with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the Medical Center Drive (Frisco Road to Spur 399) Project, and Authorizing Any Necessary Supplemental Agreements

Resolution caption reads as follows:

RESOLUTION NO. 2023-04-041 (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 \$383,000 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE MEDICAL CENTER DRIVE (FRISCO ROAD TO SPUR 399) PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$440,000

23-0263 Consider/Discuss/Act on a Resolution Authorizing the City of McKinney to Participate in the Proposed Opioids Settlement Agreements regarding the State of Texas' and Other Governmental Entities' Litigation against Teva, Allergan, CVS, Walmart and Walgreens for their Respective Roles in the National Opioid Crisis and Authorizing the City Manager to Execute Documents Related thereto

Resolution reads as follows:

RESOLUTION NO. 2023-04-042 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ELECTING TO PARTICIPATE IN THE PROPOSED OPIOID SETTLEMENTS BROUGHT BY THE STATE OF TEXAS AND OTHER JURISDICTIONS AGAINST VARIOUS PHARMACEUTICAL COMPANIES AND PHARMACIES FOR THEIR ROLES IN THE NATIONAL OPIOID CRISIS; MAKING FINDINGS; AUTHORIZING THE CITY MANAGER TO EXECUTE APPROPRIATE DOCUMENTATION RELATED THERETO; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Fuller called for the Regular Agenda item:

23-0264 Consider/Discuss/Act on Adoption of a Resolution Determining a Public Necessity to Acquire Property Easement Rights for Public Use by Eminent Domain for Water Line and Temporary Construction Easements associated with the SH 5 Utility Relocation Project (WA1633) which Property is Located on Spur 399 at its intersection with State Highway 5 and Authorizing the City Manager to Establish Procedures for Acquiring the Easements on Said Property, and Take All Steps Necessary to

Acquire the Needed Property Rights in Compliance with all Applicable
Laws and Resolutions

Council unanimously approved the motion by Council member Charlie Philips, seconded by Council member Gere Feltus, that "the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary property interests from Meridian Residential Association, Inc., identified as owner of record by the Collin Central Appraisal District, and any other persons or entities claiming an interest to the property depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements on Spur 399 near its intersection with State Highway 5 associated with the SH 5 Utility Relocation Project (WA1633)."

Resolution caption reads as follows:

RESOLUTION NO. 2023-04-043 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE PROPERTY EASEMENT RIGHTS FOR PUBLIC USE BY EMINENT DOMAIN FOR WATER LINE AND TEMPORARY CONSTRUCTION EASEMENTS ASSOCIATED WITH THE SH 5 UTILITY RELOCATION PROJECT (WA1633); AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING SAID EASEMENTS, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

Mayor Fuller called for Council and Manager Comments.

Council member Charlie Philips recognized McKinney student-athletes who participated in the recent Texas Relays national Track & Field event with ninety-two (92) high schools represented in each of the two divisions of the event. McKinney North High School Boys 4x400 relay team of Taylor Briggs, Dakaylen Tyler, Jayden Walker, and David Walker, placed fourth. Cole Dauper (McKinney High School, sophomore) ran the 100m sprint in a time of 10.6 seconds. Council member Philips encouraged everyone to support the athletes of Special Olympics which will be held April 6 in McKinney. Council member Geré Feltus mentioned representatives from McKinney recently visited the Texas Legislature; commended former Council member Frederick Frazier who is

currently serving as a State Representative and doing a great job; praised Director of Strategic Services Trevor Minyard for always being well prepared to address the Legislature on behalf of the city; and thanked City Manager Paul Grimes and Assistant City Manager Barry Shelton for their work in the State Capitol as well. Council member encouraged everyone to register to vote for the May 6 Elections before the deadline of April 6; thanked the Dawoodi Bohras organization for inviting the Council to an event to celebrate of Ramadan and to learn more about the group's mission in the community who have been serving the community since opening their doors last year. Council member Feltus attended the recent NAACP annual luncheon and CUTX In Living Color event, both recognizing those who provide outstanding community service.

Mayor Pro Tem Rainey Rogers stated he attended the Texas Legislative Session for the first and thanked everyone who voted for State Representative Frazier who is doing work for the city of McKinney, as well as the other representatives he was able to meet; and thanked Director Minyard for his work. Mayor Pro Tem Rogers recognized and encouraged McKinney student Matthew Johnson who earned a perfect score on the ACT test.

Council member Justin Beller expressed appreciation for the Dawoodi Bohras community for their recent event and ongoing community service; recognized the fifteen (15) year anniversary of the Embrace organization which supports families through adoption and foster processes; and recognized the PACCAR facility in McKinney which has been refitted to produce battery-operated Peterbilt vehicles.

Council member Rick Franklin stated the final comment period related to the Texas Department of Transportation Highway 380 route project has been extended to April 20 encouraging all interested individuals to including their comments through any of the available options such as (website) www.KeepItMovingDallas.com/380eis, (phone) 833-933-0443, and (email) steven.andres@txdot.gov.

Council member Patrick Cloutier recognized the Embrace dinner event; recognized the NAACP luncheon in which Dr. Feltus was the recipient of a well-deserved award, as well as Angela Richardson-Woods for her service on the City Council; and the Dawoodi Bohras organization for their hospitality, love, service, and profound level of success and education that they bring to McKinney. Council member

Cloutier expressed gratitude for voters and the opportunity to serve on the City Council which provides opportunities to meet so many people. Council member Cloutier recognized Dan Garrison a former STEM teacher at the Booker T. Washington School for the Arts (Dallas, Texas) who through affiliation with Mike Redeker has grown a student robotics and STEM program: within one year of operation the McKinney Renegade has qualified for the State competition and has formed a remote robotics course in which the students will teach women in the country of Uganda.

City Manager Paul Grimes announced:

- Water Conservation recommendations are in effect for the months of April through October. Residents are encouraged to avoid watering yards during the hottest parts of the day (10:00 a.m. to 6:00 p.m.) and are encouraged to learn more at the city website www.mckinneytexas.org/watersmart
- The annual Arts in Bloom Festival at historic downtown McKinney will begin Friday, April 14 and feature fine artists, Texas wineries, musicians, and food vendors. Event information is available online at www.artsinbloomtx.com

Mayor George Fuller wished a happy birthday to grandma Odessa Bowie who recently turned one hundred nine (109); recognized and thanked the Dawoodi Bohras community and the opportunity to learn about their service; encouraged everyone to support the Special Olympics events; and congratulated Dr. Feltus and Angela Richardson-Woods on their recognitions from the NAACP.

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council member Geré Feltus, to adjourn the meeting at 6:38 p.m.

These minutes were approved by the City Council on April 18, 2023.

SIGNED:

GEORGE C. FULLER, Mayor
RAINEY S. ROGERS, Mayor Pro Tem

ATTEST:

EMPRESS DRANE, City Secretary