

## **CITY COUNCIL REGULAR MEETING**

**OCTOBER 2, 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, October 2, 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 meeting to order at 6:07 p.m. upon determining a quorum consisting of himself and the following City Council members were present: Mayor Pro Tem Charlie Philips, City Council members Justin Beller, Patrick Cloutier, Geré Feltus, Rick Franklin, and Michael Jones.

These City of McKinney Staff were present: City Manager Paul Grimes, City Attorney Mark Houser, City Secretary Empress Drane, Director of Public Safety Greg Conely, Police Chief Joe Ellenburg, Police Sergeant Joseph Spano, Fire Chief Paul Dow, Assistant Fire Chief Chris Lowry, Assistant Fire Chief James Floyd, Fire Public Information & Education Coordinator Merit Ossian, Firefighter Zack Costa, Fire Captain Joel Boyd, Fire Driver Joe Patton, Firefighter Wyatt Beezley, Firefighter Bryan Soboleski, Fire Driver Dean Crane, Fire Battalion Chief Jason Hockett, Human Resources Manager Olivia Nahas, Assistant Director of Parks, Recreation & Open Space Ryan Mullins, Information Technology Service Technician Matt Record, Information Technology Service Technician Collin Wallick, Executive Director of Development Services Michael Quint, Director of Planning Jennifer Arnold, and Chief Financial Officer Mark Holloway.

There were approximately fifteen (15) members of the public in the audience.

Mayor Fuller called for the Invocation and Pledge of Allegiance. The Invocation was given by Sentinel David Renard of the York Rite of Freemasonry, McKinney Commandery No. 34. Sentinel Renard was accompanied by fellow Commandery Officers Commander Lewis Bell and Senior Warden Cedric Cascio.

Mayor Fuller called for the Information Sharing items:

**23-0791** Proclamation for Fire Prevention Week

**23-0792** County Bond Update Presented by Former McKinney City Mayor Brian Loughmiller

Former Mayor Loughmiller was unable to attend the meeting, and this item will be presented at the City Council Regular Meeting of October 17, 2023.

Mayor Fuller called for Public Comments.

Paul Ballesteros, 6508 Marvin Gardens, McKinney TX 75070, spoke regarding the condition of homelessness in the city and thanked the City Council for its interest in learning about the issue.

Mayor Fuller called for the Consent Agenda.

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

**23-0793** Minutes of the City Council Special Meeting of May 16, 2023 Canvassing the Results of the May 6, 2023 General Election for City Council Members and Special Bond Election

**23-0794** Minutes of the City Council Work Session of May 16, 2023

**23-0795** Minutes of the City Council Regular Meeting of May 16, 2023

**23-0796** Minutes of the City Council Regular Meeting of June 6, 2023

**23-0797** Minutes of the City Council Budget Work Session of August 11, 2023

**23-0798** Minutes of the City Council Work Session of September 5, 2023

**23-0799** Minutes of the City Council Regular Meeting of September 5, 2023

**23-0800** Minutes of the City Council Work Session of September 19, 2023

**23-0801** Meeting Minutes of the City Council Regular Meeting of September 19, 2023

**23-0697** Minutes of the Historic Preservation Advisory Board Meeting of July 6, 2023

**23-0732** Minutes of the McKinney Armed Services Memorial Board Meeting of December 14, 2022

**23-0733** Minutes of the McKinney Armed Service Memorial Board Meeting of August 9, 2023

**23-0374** Minutes of the McKinney Urban Transit District Board Meeting of March 21, 2023

**23-0731** Minutes of the Planning and Zoning Commission Regular Meeting of August 22, 2023

**23-0802** Consider/Discuss/Act on an Ordinance Amending Chapter 70 "Offenses and Miscellaneous Provisions" by Repealing Article VIII, "Curfew Hours for Minors" in its Entirety; Repealing Conflicting Ordinances, Providing a Savings Clause; Providing a Severability Clause; and Providing an Effective Date; Ordinance caption reads as follows:

**ORDINANCE NO. 2023-10-065**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY THROUGH THE AMENDMENT OF CHAPTER 70, "OFFENSES AND MISCELLANEOUS PROVISIONS," BY REPEALING ARTICLE VIII, "CURFEW HOURS FOR MINORS" IN ITS ENTIRETY; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**23-0803** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for, Accept, and Implement a Firehouse Subs Public Safety Foundation Grant, if Awarded, to Purchase a Trailer for Storage and Transport of the McKinney Fire Department's All-Terrain Vehicle (ATV); Resolution caption reads as follows:

**RESOLUTION NO. 2023-10-128 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT AND IMPLEMENT A GRANT AWARD FROM THE FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION TO ENHANCE A SAFE AND SECURE COMMUNITY AND OPERATIONAL EXCELLENCE**

**23-0804** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Amend the Predevelopment Agreement and the Reimbursement Agreement with Griffin/Swinerton, LLC (Developer) for the Performance and Purchase of Phase 1 Services for Multiple Facilities at McKinney National Airport; Resolution caption reads as follows:

**RESOLUTION NO. 2023-10- 129(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AMEND THE**

**PREDEVELOPMENT AGREEMENT AND THE REIMBURSEMENT AGREEMENT WITH GRIFFIN/SWINERTON, LLC (DEVELOPER) FOR THE PERFORMANCE AND PURCHASE OF PHASE 1 SERVICES FOR MULTIPLE FACILITIES AT MCKINNEY NATIONAL AIRPORT**

- 23-0805** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with AndCo Consulting, LLC of Winter Park, Florida to Provide Advisory and Consulting Services for 457 Deferred Compensation Plan; Resolution caption reads as follows:

**RESOLUTION NO. 2023-10-130 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ANDCO CONSULTING, LLC OF WINTER PARK, FLORIDA FOR ADVISORY AND CONSULTING SERVICES FOR 457 DEFERRED COMPENSATION PLAN**

- 23-0806** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with The Equestrian Center at Whispering Farms, LLC, of Prosper, Texas for Equine (Horse) Boarding of the McKinney Police Mounted Unit; Resolution caption reads as follows:

**RESOLUTION NO. 2023-10-131 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE EQUESTRIAN CENTER AT WHISPERING FARMS, LLC, OF PROSPER TEXAS FOR EQUINE (HORSE) BOARDING FOR THE MCKINNEY POLICE MOUNTED UNIT**

- 23-0807** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Kimley - Horn and Associates, Inc. of McKinney, Texas for Landscape Architectural Services Related to the Al Ruschhaupt Connector Road Project PK2345; Resolution caption reads as follows:

**RESOLUTION NO. 2023-10-132 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH KIMLEY – HORN AND ASSOCIATES, INC. OF MCKINNEY, TEXAS FOR LANDSCAPE ARCHITECTURAL SERVICES RELATED TO THE DESIGN OF THE AL RUSCHHAUPT CONNECTOR ROAD PROJECT, LOCATED AT 1986 PARK VIEW AVE**

- 23-0808** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Kimley-Horn and Associates,

Inc. for Professional Engineering Design Services for the Collin McKinney Parkway (Lake Forest Drive to Hardin Boulevard) Project; Resolution caption reads as follows:

**RESOLUTION NO. 2023-10-133 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE COLLIN MCKINNEY PARKWAY (LAKE FOREST DRIVE TO TINA DRIVE) PROJECT FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$995,000 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$1,075,000**

**23-0809** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with Parkhill, Smith & Cooper, Inc. for Professional Architectural and Engineering Design Services for Old Settler's Park Improvements Located at 1201 East Louisiana St; Resolution caption reads as follows:

**RESOLUTION NO. 2023-10-134 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN SUPPLEMENTAL AGREEMENT WITH PARKHILL, SMITH & COOPER, INC. (PARKHILL) FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES FOR OLD SETTLER'S PARK IMPROVEMENTS PROJECT FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$76,700 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$890,000**

**23-0810** Consider/Discuss/Act on a Resolution Authorizing a Third Amendment to Consent Agreements Regarding Bond Authority for Two (2) Existing Municipal Utility Districts: Municipal Utility District No. 1 and Municipal Utility District No. 2 - Trinity Falls; Resolution caption reads as follows:

**RESOLUTION NO. 2023-10-135 (R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE THIRD AMENDMENT TO 2012 AGREEMENT CONCERNING CREATION AND OPERATION OF MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY AND THE THRID AMENDMENT TO 2012 AGREEMENT CONCERNING CREATION AND OPERATION OF MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 2 OF COLLIN COUNTY; CONSENTING TO THE ANNEXATION OF 42.60 ACRES INTO MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY FROM AND AFTER ITS PASSAGE AND ADOPTION**

- 23-0811** Consider/Discuss/Act on a First Amendment to 2022 Amended and Restated Development Agreement and a related First Amendment to 2022 Amended and Restated Park Development and Disbursement Agreement with Trinity Falls Holdings, LP

Mayor Fuller called for Plat Consideration under Chapter 212 of the Texas Local Government Code.

Council unanimously approved the motion by Council member Patrick Cloutier, seconded by Council member Michael Jones, to approve the staff recommendation for all items listed under Plat Consideration, as follows:

- 22-0228PF2** Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1 and 2, Block A, of the Cottages of McKinney Addition, Located in the McKinney Extraterritorial Jurisdiction (ETJ), and Located on the East Side of County Road 166 and Approximately 2,644 Feet South of County Road 168

**RESULT:** approved with conditions as provided in the staff report on the posted agenda.

- 23-0176FP** Consider/Discuss/Act on a Final Plat for the Sunshine Addition, Lots 1 & 2 Block A, Located in the City of McKinney Extraterritorial Jurisdiction (ETJ), Located at 6143 County Road 408

**RESULT:** approved with conditions as provided in the staff report on the posted agenda.

- 23-0183FP** Consider/Discuss/Act on a Final Plat for JMT Academy at Custer Addition, Located in the City of McKinney Extraterritorial Jurisdiction (ETJ), Located East of Farm to Market 2478 and approximately 300 feet South of County Road 126

**RESULT:** approved with conditions as provided in the staff report on the posted agenda.

Mayor Fuller called for the Regular Agenda and Public Hearing Items.

- 23-0058Z4** 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

Director of Planning Jennifer Arnold stated the applicant requested to table the request until the City Council Regular Meeting of October 17, 2023, due to failure to maintain zoning signs. There were no requests to make public comments regarding the item.

Council unanimously approved the motion by Council member Patrick Cloutier, seconded by Council member Geré Feltus, to table the item until the City Council Regular Meeting of October 17, 2023.

Director of Planning Jennifer Arnold requested to table remaining Public Hearing items due to legal noticing issues. There were no requests to make public comments regarding the items.

Council unanimously approved the motion by Council member Patrick Cloutier, seconded by Council member Geré Feltus, to table these Public Hearing items until the City Council Regular Meeting of October 17, 2023:

**23-0050Z2** 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 for Commercial Uses, Located at 6201 North McDonald Street, and Accompanying Ordinance

**23-0054Z3** 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 for Multi-Family Residential Uses, Located on the Southwest Corner of McKinney Ranch Parkway and Collin McKinney Parkway

**23-0061Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow for Multi-Family Residential Uses, Located on the East Side of Custer Road and Approximately 1,400 Feet North of

Silverado Trail, and Accompanying Ordinance

**23-0062Z3** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agriculture District to "C3" - Regional Commercial District, Located Approximately 1,750 Feet East of North Lake Forest Drive and on the North Side of West University Drive, and Accompanying Ordinance

**23-0063Z3** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C" - Planned Center District to "I1" - Light Industrial District, Located at 3200 North Central Expressway

Mayor Fuller called for the final Regular Agenda item:

**23-0812** Consider/Discuss/Act on a Resolution Nominating Member(s) to the Collin Central Appraisal District Board of Directors

Council unanimously approved the motion by Mayor Pro Tem Charlie Philips, seconded by Council member Patrick Cloutier, to approve the nomination of Brian Mantzey for the election of CCAD Board of Directors.

Mayor Fuller called for Public Comments at which time there were no additional requests to address the City Council.

Mayor Fuller called for Council & Manager Comments.

Council member Patrick Cloutier announced that he was recently in the state of Colorado attending his youngest daughter's wedding.

Council member Michael Jones announced the official grand opening of La Tiendita store in east McKinney, encouraging residents to contribute to the store's afterschool free healthy snack program for children in need. Council member Jones recognized the Kurt Thomas youth gymnastics program, the Burress Law Family Practice Foundation, and Love Life Foundation fundraising events, and mentioned that he recently attended a Beyonce concert and a Dallas Cowboys football game.

Council member Geré Feltus announced the groundbreaking ceremony for the Palladium development site near Virginia Parkway and Highway 75, which will offer workforce housing in the city. Council member Feltus acknowledged efforts of the development team, city staff and the McKinney Community Development Corporation on the Palladium project. Council member Feltus commended the city Library staff for

the recent golf activity at John & Judy Gay, supported in part by the Byron Nelson Tournament and Oak Hollow Golf Course, which she and Mayor Fuller attended along with numerous families and children. Council member Feltus encouraged the residents to volunteer at the Dawoodi Bohra Community “Rise Against Hunger” meal packing event this coming Saturday (2:00 p.m. to 4:00 p.m. at 1410 South Tennessee Street). The group’s goal is to pack ten thousand (10,000) meals.

Mayor Pro Tem Charlie Philips commended Director of the Cultural District Andrew Jones and his staff for the success of the recent Oktoberfest event downtown which attracted an estimated seventy thousand (70,000) attendees. Mayor Pro Tem encouraged residents to attend local high school football games. McKinney North High School is currently ranked #15 among Dallas-area 5A schools. McKinney is ranked #5 among 6A schools. Several senior players have already committed to college teams.

City Manager Paul Grimes encouraged residents to attend and participate in National Night Out activities on Tuesday, October 3, as City Manager Grimes, City Council members, and Public Safety and other city personnel will travel throughout the city to visit with participating groups. Information about National Night Out is provided on the city website [www.mckinneytexas.org/NNO](http://www.mckinneytexas.org/NNO).

Mayor Fuller recognized and thanked Officer Tony Spano for his work at various McKinney schools.

Council unanimously approved the motion by Council member Feltus, seconded by Mayor Pro Tem Philips to adjourn the meeting at 6:33 p.m.

These minutes were approved by the City Council on October 17, 2023.

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