

CITY COUNCIL REGULAR MEETING

APRIL 2, 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, April 2, 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 Fuller called the regular meeting to order at 6:03 p.m. upon determining a quorum consisting of himself and the following members were present: Mayor Pro Tem Charlie Philips and Councilmembers Justin Beller, Geré Feltus and Michael Jones.

Councilmembers Patrick Cloutier and Rick Franklin were absent.

The following City of McKinney staff were present: City Manager Paul Grimes; Assistant City Managers Kim Flom, Barry Shelton and Steve Tilton; Director of Strategic Services Trevor Minyard; City Secretary Empress Drane; City Attorney Mark Houser; Director of Planning Jennifer Arnold; Director of Parks and Recreation Amy Kinkade; Police Chief Joe Ellenburg; Assistant Director of Engineering Matt Richardson; Deputy City Secretary Tenitrus Bethel; Planning Manager Caitlyn Strickland; Planner II Jacob Bennett; Community Services Administrator Shirletta Best; Accountant Tia York; Police Department Financial Analyst Cammie Martin; Police Officers Joeseph Spano and Albert Briseno.

There were approximately 28 members of the public present including McKinney CDC Chair Angela Richardson-Woods and MCDC members David Kelly, Deborah Bradley and David Riche; Board of Adjustment member Deanna Kuykendall; Community Grants Advisory Commission member Silvia Escamilla; and Historic Preservation Advisory Board Member Maegan Escamilla. While a quorum of the McKinney Community Development Corporation was present no action on behalf of the corporation was taken.

Mayor Fuller called for the invocation given by Rev. Bruce Miller, of Christ Fellowship. Following the invocation, those in attendance recite the Pledge of Allegiance.

Mayor Fuller called for Information Sharing Items.

24-1393 Proclamation for National Community Development Week, Featuring the Community Development Block Grant (CDBG) 50th Anniversary Kick-Off

24-1394 Proclamation for Autism Acceptance Month

24-1395 Proclamation for Child Abuse Prevention Month

Mayor Fuller called for Public Comments on agenda items (for Non-Public Hearing Items)

The following individuals expressed their opposition to agenda item 22-0020SP3, Tivona Event Center.

Tom Gibson, 5125 Sandy Ct, McKinney, TX

Patrick Jackson, 5120 Sandy Ct, McKinney, TX.

The following individual did not wish to speak but submitted written comments to be entered into the meeting record. (*See Appendix A: Written Public Comments*)

Robin Gibson, 5125 Sandy Ct, McKinney, TX

Mayor Fuller called for the Consent Agenda. Councilmember Feltus requested to pull agenda item 22-0020SP3 for discussion.

The Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Jones, to approve the consent agenda, excluding item 23-0020SP3.

Consent MINUTES

24-1396 Minutes of the City Council Work Session of March 19, 2024

24-1397 Minutes of the City Council Regular Meeting of March 19, 2024

24-1287 Minutes of the Historic Preservation and Advisory Board Regular Meeting of February 1, 2024

24-1320 Minutes of the McKinney Armed Services Memorial Board Meeting of

February 14, 2024

- 24-1220** Minutes of the McKinney Arts Commission Meeting of January 18, 2024
- 24-1384** Minutes of the Planning and Zoning Commission Regular Meeting of March 12, 2024
- 24-1275** Minutes of the Visit McKinney Board Meeting of December 6, 2023
- 24-1276** Minutes of the Visit McKinney Board Meeting of January 30, 2024

Consent ORDINANCES

- 24-1398** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2023-2024 Annual Budget and Amending the 2024-2028 Capital Improvements Program to Provide Funds for the Police Department Command Post Vehicle, caption reads as follows:

ORDINANCE NO. 2024-04-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2023-2024 BUDGET AND THE 2024-2028 CAPITAL IMPROVEMENTS PROGRAM FOR THE POLICE COMMAND CENTER PROJECT (PROJECT FP2466); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Consent RESOLUTIONS

- 24-1399** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Binkley & Barfield Inc. for the FY23 Combined Infrastructure Reconstruction Project and Authorizing Any Necessary Supplemental Agreements, caption reads as follows:

RESOLUTION NO. 2024-04-053 (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 \$722,500 WITH BINKLEY & BARFIELD INC. FOR ENGINEERING DESIGN SERVICES FOR THE FY23 COMBINED INFRASTRUCTURE RECONSTRUCTION (TUCKER, WADDILL) PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$840,000

- 24-1400** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Gresham Smith for the Gerrish Pump Station Sewer Improvements Project and Authorizing Any Necessary

Supplemental Agreements, caption reads as follows:

RESOLUTION NO. 2024-04-054 (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 \$115,532 WITH GRESHAM SMITH FOR ENGINEERING DESIGN SERVICES FOR THE GERRISH PUMP STATION SEWER IMPROVEMENTS PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$133,000

- 24-1401** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a First Amendment to Facilities Agreement for Lot 1, Block A, George Addition, Located in the ETJ of McKinney on the South Side of CR 341 and 2,500 Feet West of CR 409, caption reads as follows:

RESOLUTION NO. 2024-04-055 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO FACILITIES AGREEMENT FOR LOT 1, BLOCK A, GEORGE ADDITION, LOCATED IN THE ETJ OF MCKINNEY ON THE SOUTH SIDE OF CR 341 AND 2,400 FEET WEST OF CR 409

- 24-1402** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement with CBRE, Inc. for Appraisal Services for the SH 5 Utility Relocations Project (WA1633/WW1633), caption reads as follows:

RESOLUTION NO. 2024-04-056 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH CBRE, INC. FOR ADDITIONAL APPRAISAL SERVICES FOR THE SH5 UTILITY RELOCATIONS FOR AN INCREASE IN THE NOT TO EXCEED FEE FROM \$248,500 TO A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY ADDITIONAL SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$398,500

Consent MISCELLANEOUS

Mayor Fuller called for discussion on agenda item 22-0020SP3.

- 22-0020SP3** Consider/Discuss/Act on a Site Plan for Indoor Commercial Amusement (Tivona Event Center), Located at the Southwest Corner of South Lake Forest Drive and Virginia Parkway

The Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Feltus, to approve 22-0020SP3 a Site Plan for Indoor

Commercial Amusement (Tivona Event Center), Located at the Southwest Corner of South Lake Forest Drive and Virginia Parkway

Mayor Fuller called for Regular Agenda and Public Hearing Items.

24-0001A3 Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Enlarge and Extend the Boundary Limits of the City and to Annex (Case No. 24-0001A) the Subject Property, Located from the Road Centerline of Farm to Market Road 2478 (Custer Road) Right-of-Way to the Eastern Right-of-Way Boundary, from the North Side of State Highway 121 to the South Side of Westridge Boulevard into the City of McKinney's Corporate Limits, and Accompanying Ordinance

The Council unanimously approved the motion by Mayor Pro Tem Philips, seconded by Councilmember Feltus, to approve 24-0001A3 a Request by the City of McKinney to Enlarge and Extend the Boundary Limits of the City and to Annex (Case No. 24-0001A) the Subject Property, Located from the Road Centerline of Farm to Market Road 2478 (Custer Road) Right-of-Way to the Eastern Right-of-Way Boundary, from the North Side of State Highway 121 to the South Side of Westridge Boulevard into the City of McKinney's Corporate Limits, and Accompanying Ordinance, caption reads as follows:

ORDINANCE NO. 2024-04-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ANNEXING THE HEREINAFTER DESCRIBED PORTION OF THE CUSTER ROAD (FARM TO MARKET ROAD 2478) RIGHT-OF-WAY TO THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED PROPERTY WITHIN SAID CITY LIMITS, AND BINDING SAID PROPERTY TO ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY; AND ADOPTING A SERVICE PLAN

24-0011Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agriculture District and "HC" - Highway Commercial Overlay District to "C3" - Regional Commercial District, "MF30" - Multi-Family Residential District, and "HC" - Highway Commercial Overlay District, Located Approximately 450 Feet East of

Terry Lane and on the South Side of West University Drive, and
Accompanying Ordinance

The Council unanimously approved the motion by Councilmember Feltus, seconded by Councilmember Jones, to table action to the April 16 Regular City Council Meeting, on 24-0011Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agriculture District and "HC" - Highway Commercial Overlay District to "C3" - Regional Commercial District, "MF30" - Multi-Family Residential District, and "HC" - Highway Commercial Overlay District, Located Approximately 450 Feet East of Terry Lane and on the South Side of West University Drive, and Accompanying Ordinance.

22-0004A/ Conduct a Public Hearing to Consider/Discuss/Act on a Petition to Annex
22-00119Z (Case No. 22-0004A) and a Request to Zone (Case No. 22-0119Z) the Subject Property to "PD" - Planned Development District, Generally to Allow for Multi-Family Residential and Single Family Attached Residential Uses, and to Modify the Development Standards, Located on the North Side of FM 1461 and Approximately 3,700 Feet East of FM 2478, and Accompanying Ordinances

The Council unanimously approved the motion by Councilmember Feltus, seconded by Councilmember Jones, to approve 22-0004A/22-0119Z a Petition to Annex (Case No. 22-0004A) and a Request to Zone (Case No. 22-0119Z) the Subject Property to "PD" - Planned Development District, Generally to Allow for Multi-Family Residential and Single Family Attached Residential Uses, and to Modify the Development Standards, Located on the North Side of FM 1461 and Approximately 3,700 Feet East of FM 2478, and Accompanying Ordinances, captions read as follows:

ORDINANCE NO. 2024-04-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

ORDINANCE NO. 2024-04-021

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 73.896 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF FM 1461 AND APPROXIMATELY 3,700

FEET EAST OF FM 2478, IS ZONED TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY ATTACHED RESIDENTIAL AND MULTI-FAMILY RESIDENTIAL USES, AND TO MODIFY THE DEVELOPMENT STANDARDS; 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

24-1403 Consider/Discuss/Act on a Resolution Appointing a Member to the 9-1-1 Emergency Communications District Board of Managers within the North Central Texas Council of Governments (NCTCOG)

The Council unanimously approved the motion by Councilmember Feltus, seconded by Mayor Pro Tem Philips, to table to another meeting Appointing a Member to the 9-1-1 Emergency Communications District Board of Managers within the North Central Texas Council of Governments (NCTCOG)

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

Leslie Cunningham 7101 Virginia Pkwy, McKinney, TX, spoke regarding her support for the people of Palestine and Gaza.

Angela Woods, 2301 Spruce Meadow, McKinney, TX, expressed recognition to the city on behalf of the Zeta Phi Beta Sorority.

Michael Schwerin, 1601 N. Waddill St, McKinney, TX, spoke regarding flexible funding to help with unhoused neighbors.

Bryan Daplug, 5936 Weston Dr, expressed his thoughts regarding the City Council and reparations.

Mayor Fuller called for Council And Manager Comments.

Councilmember Jones attended the Woodside Village Apartments Easer Event on Saturday and thanked the community for their support and participation and gave a special thanks to Angela Woods for spearheading the event and leading the charge.

Councilmember Feltus recognized the local volleyball players, and she attended the Plug and Play event at the Cotton Mill and thanked the MEDC for hosting such a wonderful event.

Mayor Pro Tem Philips recognized the McKinney students participating in the district track meet taking place this week.

Councilmember Beller attended the Woodside Village Apartments Easter Event on Saturday and expressed his gratitude to those who participated and hosted the event; he attended the MEDC Plug and Play event and expressed thanks to the MEDC; he thanked Mr. Grimes for a job well done at the All Hands Meeting last week; he stated Thursday is the Special Olympics and participating Chick Fil-A's in Allen, Melissa and McKinney will donate Wednesday night proceeds to support the Special Olympics; and he recognized and expressed condolences for the passing of Robert Clark.

Mr. Grimes announced water conservation recommendations have gone into effect and will be in effect from April 1 – October 31; he noted Arts In Bloom will begin Friday, April 12, and more information can be found at artsinbloomtx.com.

Mayor Fuller resonated with the comments made by Councilmember Beller regarding the passing of Mr. Robert Clark and expressed his appreciation for the work Mr. Clark contributed to the community.

The Council unanimously approved the motion by Councilmember Feltus, seconded by Mayor Pro Tem Philips, to adjourn the meeting at 7:25 p.m.

The ordinance caption(s) approved in this meeting were scheduled for publication in the Sunday, April 7, 2024, edition of the McKinney Courier-Gazette newspaper and the Monday, April 8, 2024, edition of the Celina Record newspaper.

These minutes were approved by the City Council on April 16, 2024.

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 Public Comments:

Request to Speak Before McKinney City Council Date 4-2-24

(Print) Full Name Rakin Gibson Phone 903-312-7956

Address 5125 Sandy Court City McKinney Zip TX 75072

Email trmmaag@yahoo.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: Event Center - Has a traffic study been completed? There are only 2 ways out of Stonebrook Crossing. Will emergency vehicles be able to get in and out of the neighborhood should tax paying residents have an emergency? It is my understanding that another 35,000 Sq. ft. structure will be built at the other entrance/exits

on Crutcher Crossing - I see this as a concern and liability.

PUBLIC COMMENTS INSTRUCTIONS

- Individuals wishing to address the City Council must be present at the meeting.
- Complete this "Request to Speak" card and submit it to the Meeting Clerk before the start of the meeting.
- When you are called to speak, state your name and address for the record, and discuss the topic of interest. Please direct your comments to the "Mayor and City Council." Address the whole Council as one body – do not address specific members individually.
- Due to legal requirements, the Council cannot take action on Citizen Comments topics; however, the Council can:
 - Provide statements of fact regarding the topic;
 - Request the topic to be included as part of a future meeting; and / or
 - Refer the item to city staff for study, conclusion, or assistance.
- The time allowed to speak is generally 3 minutes per item, but it can be changed by the Mayor.
- All speakers will have the same amount of time to speak.