

CITY COUNCIL REGULAR MEETING

AUGUST 20, 2019

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, August 20, 2019 at 6:00 p.m.

Mayor George C. Fuller called the meeting to order at 6:01 p.m. upon determining a quorum of the Council was present, consisting of himself and the following members: La'Shadian Shemwell.....District 1

Rainey Rogers, Mayor Pro Tempore.....District 2

Rick FranklinDistrict 4

Charlie Philips At Large

Frederick Frazier At Large

Absent: Council Member Scott Elliott (District 3)

City of McKinney Staff Present: City Manager Paul Grimes, Deputy City Manager Jose Madrigal, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Deputy City Secretary Lisa Sewell, City Secretary Intern Jada Thompson, City Secretary Empress Drane, Director of Engineering Gary Graham, Director of Planning Jennifer Arnold, Director of Code Services Lori Dees, Director of Parks & Recreation Michael Kowski, Assistant Police Chief Joe Ellenburg, Fire Chief Danny Kistner, Chief Financial Officer Mark Holloway, Housing & Community Development Manager Janay Tieken, Health Compliance Supervisor Richard Milam, Planner Kaitlin Gibbon, Planner David Soto.

There were approximately sixty-five (65) members of the public in attendance.

Mayor Fuller called for the Invocation, given by Deacon Barry Schliesmann of St. Gabriel the Archangel Catholic Church, and recital of the Pledge Allegiance led by Cub Scout Pack 531. The Pack was escorted by Den Leader Elena Berg.

Mayor Fuller called for the following Information Sharing item:

- 19-0701** Presentation of the Muscular Dystrophy Fill the Boot Campaign by the Professional Firefighters of McKinney

Mayor Fuller called for Public Comments.

The following individual(s) spoke in support of agenda item **#19-0705** (Grant from the Department of Housing and Urban Development (HUD), through the Metro Dallas Homeless Alliance (MDHA), for Continuum of Care Rapid Rehousing Funding for Housing and a Case Manager Position at Samaritan Inn):

Rick Crocker, 1004 Lakepoint Circle, McKinney TX 75072

Paul Ballesteros, 6508 Marvin Gardens, McKinney TX 75070

The following individual(s) did not wish to speak but requested their comments regarding a Homelessness Taskforce be entered into the record. Mayor Fuller read comments as submitted in writing by:

Kim Black, 509 N Kentucky St., McKinney TX 75069

Diane Craig, 309 N Benge, McKinney TX 75069

Melanie Stokes, 602 Finch Ave., McKinney TX 75069

Carl Bolin, 514 N Kentucky Street, McKinney TX 75069

Kelly Kearns, 511 N Kentucky St., McKinney TX 75069

The following individual(s) in opposition to agenda item **#19-0712** (Repealing Chapter 46 of the Code of Ordinances and Replacing with a New Chapter 46 to be Titled Food Establishment Regulations):

Greg Booth, 7200 Maudsley Dr, McKinney TX 75071

The following individual(s) spoke regarding agenda lake maintenance, as discussed at the City Council Work Session held at 3:00 p.m. on this same day:

Chris Wilkes, 1313 Hidden Meadow, McKinney TX 75072

The following individual(s) did not wish to speak but requested their comments regarding pond maintenance be entered into the record. Mayor Fuller read comments as submitted in writing by:

Margie Wilkes, 1313 Hidden Meadow, McKinney TX 75072

Deanna Sheffer, 1213 Hidden Meadow, McKinney TX 75072

Charles W Hooker, 1213 Stoneoak Dr., McKinney TX 75072

The following individual(s) spoke regarding crime in the Greens of Westridge Development in northwest McKinney:

Dane Hunt, 9425 Deerhurst Place, McKinney TX 75072

Jim Calams, 9604 National Pines Dr, McKinney TX 75072

The following individual(s) spoke regarding 5G Wireless Technology:

Emanuel Travassos, 4808 Spanish Moss Dr, McKinney TX 75070

The following individual(s) did not wish to speak but requested their comments regarding subsidized taxi and housing be entered into the record. Mayor Fuller read comments as submitted in writing by:

Lauri Brown, 1600 Heritage Dr. 922, McKinney TX 75069

Mayor Fuller called for Council & Manager Comments.

Mayor Fuller read a statement regarding a homelessness taskforce and preliminary thoughts regarding a temporary homelessness resource center to at the Roy & Helen Hall Memorial Library. Mayor Fuller, Mayor Pro Tem Rogers, and Council Members La'Shadiun Shemwell, Rick Franklin, Frederick Frazier, Charlie Philips expressed concern for people experiencing homelessness in McKinney and support for access to safe places, fair access to public spaces available to all citizens, and basic help for securing employment, housing, and other essentials.

Mayor Pro Tem Rogers and Council Member Shemwell commented that the city does not welcome hate, in response the recent concerns that a "hate group" might be planning to convene in the city.

Mayor Pro Tem stated that his mother passed away and expressed gratitude to the Council and community members for support during his family's time of loss.

Council Member Charlie Philips commended the McKinney Police Department and the city earning recognition as one of the nation's safest places to live.

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council member Richard Franklin, approve the following Consent items:

19-0702 Minutes of the City Council Work Session of June 18, 2019

19-0703 Minutes of the City Council Work Session of August 5, 2019

19-0704 Minutes of the City Council Regular Meeting of August 5, 2019

19-0632 Minutes of the Historic Preservation Advisory Board Regular Meeting of May 2, 2019

- 19-0595** Minutes of the McKinney Convention and Visitors Bureau Meeting of June 25, 2019
- 19-0668** Minutes of the McKinney Housing Finance Corporation Meeting of June 27, 2019
- 19-0669** Minutes of the McKinney Housing Finance Corporation Meeting of July 12, 2019
- 19-0299** Minutes of the McKinney Urban Transit District Board Meeting of January 16, 2019
- 19-0677** Minutes of the McKinney Urban Transit District Board Meeting of April 10, 2019
- 19-0601** Minutes of the Planning and Zoning Commission Regular Meeting of June 25, 2019
- 19-0705** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept if Awarded, a Grant from the Department of Housing and Urban Development (HUD), through the Metro Dallas Homeless Alliance (MDHA), for Continuum of Care Rapid Rehousing Funding for Housing and a Case Manager Position at Samaritan Inn. Resolution caption reads as follows:

RESOLUTION NO. 2019-08-093 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT IF AWARDED, A GRANT TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, THROUGH THE METRO DALLAS HOMELESS ALLIANCE, FOR CONTINUUM OF CARE RAPID REHOUSING FUNDING FOR HOUSING AND A CASE MANAGER POSITION AT THE SAMARITAN INN

- 19-0706** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept a Selective Traffic Enforcement Program (STEP) Grant for Fiscal Year 2020 from the Texas Department of Transportation for Overtime Traffic Safety Enforcement. Resolution caption reads as follows:

RESOLUTION NO. 2019-08-094 (R)

CONSIDER/DISCUSS/ACT ON A RESOLUTION RATIFYING THE AUTHORIZATION OF THE CITY MANAGER TO ACCEPT A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FOR FISCAL YEAR 2020 FROM THE TEXAS DEPARTMENT OF

**TRANSPORTATION FOR OVERTIME TRAFFIC SAFETY
ENFORCEMENT**

- 19-0707** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Atkins North America, Inc. for Professional Engineering Design Services for the Stacy Road Lanes 5 and 6 (Custer Road to Ridge Road) Project (ST3212) and Authorizing Any Necessary Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2019-08-095 (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 \$758,084.10 WITH ATKINS NORTH AMERICA, INC. FOR ENGINEERING DESIGN SERVICES FOR THE STACY ROAD LANES 5 AND 6 (CUSTER ROAD TO RIDGE ROAD) PROJECT (ST3212), AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$835,000

- 19-0708** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Agreement with Brinkley Sargent Wiginton Architects, Inc. (BSW) of Dallas, Texas for Architectural and Engineering Services in Conjunction with the McKinney Senior Center Renovation & Expansion Project PK4394 located at 1400 South College Street, McKinney, Texas 75069. Resolution caption reads as follows:

RESOLUTION NO. 2019-08-096 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BRINKLEY SARGENT WIGINTON ARCHITECTS, INC. (BSW) OF DALLAS, TEXAS FOR ARCHITECTURAL AND ENGINEERING SERVICES IN CONJUNCTION WITH THE MCKINNEY SENIOR CENTER RENOVATION & EXPANSION PROJECT PK4394 LOCATED AT 1400 SOUTH COLLEGE STREET, MCKINNEY, TEXAS 75069

- 19-0709** Consider/Discuss/Act on a Resolution Awarding a Contract to OKTEX Utility Construction of Royse City, Texas for the Mowing and Cleanup Services for Street Right of Way (ROW) Locations. Resolution caption reads as follows:

RESOLUTION NO. 2019-08-097(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO OKTEX

**UTILITY CONSTRUCTION OF ROYSE CITY, TEXAS FOR THE
MOWING AND CLEANUP SERVICES FOR STREET RIGHT OF WAY
(ROW) LOCATIONS**

- 19-0710** Consider/Discuss/Act on a Resolution Committing to Requirements to Obtain a Grant from the Texas State Soil and Water Conservation Board for the Rehabilitation of the National Resources Conservation Service Floodwater Retarding Structures 15 and 16 East Fork above Lavon. Resolution caption reads as follows:

RESOLUTION NO. 2019-08-098 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY TEXAS, COMMITTING TO THE REQUIREMENTS TO OBTAIN A GRANT FROM THE TEXAS STATE SOIL AND WATER CONSERVATION BOARD FOR THE REHABILITATION OF NATURAL RESOURCES CONSERVATION SERVICE FLOODWATER RETARDING STRUCTURES 15 AND 16 EAST FORK ABOVE LAVON AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL DOCUMENTS RELATED TO THE GRANT

- 19-0004M2** Consider/Discuss/Act on a Resolution to Accept and File the Semiannual Impact Fee Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Resolution caption reads as follows:

RESOLUTION NO. 2019-08-099 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ACCEPTING AND FILING THE SEMIANNUAL REPORT WITH RESPECT TO THE PROGRESS OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY AND UTILITY IMPACT FEES

Mayor Fuller called for Regular Agenda and Public Hearing items:

- 19-0711** Conduct First Public Hearing on Proposed Tax Rate for Fiscal Year 2019-20 (Tax Year 2019)

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council member Frederick Frazier, to close the public hearing.

- 19-0008M** Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 142 (Subdivision Regulations) of the Code of Ordinances Regarding the Timing and Process to Receive a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State

Laws Adopted by and through House Bill 3167, and Accompanying Ordinance

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council member Charlie Philips, to close the public hearing and approve a Request by the City of McKinney to Amend Certain Provisions of Chapter 142 (Subdivision Regulations) of the Code of Ordinances Regarding the Timing and Process to Receive a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 3167, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-08-060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 142, "SUBDIVISION REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF VARIOUS SECTIONS OF, AND THE ADDITION OF CERTAIN NEW SECTIONS TO, SAID CHAPTER REGARDING THE TIMING AND PROCESS TO RECEIVE A DETERMINATION ON CERTAIN DEVELOPMENT APPLICATIONS TO BRING SUCH PROVISIONS INTO CONFORMITY WITH NEW STATE LAWS ADOPTED BY AND THROUGH HOUSE BILL 3167, ALL AS SET FORTH HEREIN BELOW; 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

19-0007M2 Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances that Regulate the Building Products, Materials, or Methods Used in the Construction or Renovation of Residential or Commercial Buildings to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 2439, and Accompanying Ordinance

Council unanimously approved the motion by Council member Richard Franklin, seconded by Council member Frederick Frazier, to close the public hearing and approve a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances that Regulate the Building Products, Materials, or Methods Used in the Construction or Renovation of Residential or Commercial Buildings to Bring Such Provisions into Conformity with New State Laws

Adopted by and through House Bill 2439, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-08-061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CERTAIN PROVISIONS OF CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES THAT REGULATE THE BUILDING PRODUCTS, MATERIALS, OR METHODS USED IN THE CONSTRUCTION OR RENOVATION OF RESIDENTIAL OR COMMERCIAL BUILDINGS TO BRING SUCH PROVISIONS INTO CONFORMITY WITH NEW STATE LAWS ADOPTED BY AND THROUGH HOUSE BILL 2439; 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

19-0009M2 Conduct a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances Regarding the Timing and Process to Receive a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 3167, and Accompanying Ordinance

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council member Richard Franklin, to close the public hearing and approve a Request by the City of McKinney to Amend Certain Provisions of Chapter 146 (Zoning Regulations) of the Code of Ordinances Regarding the Timing and Process to Receive a Determination on Certain Development Applications to Bring Such Provisions into Conformity with New State Laws Adopted by and through House Bill 3167, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-08-062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CERTAIN PROVISIONS OF CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES REGARDING THE TIMING AND PROCESS TO RECEIVE A DETERMINATION ON CERTAIN DEVELOPMENT APPLICATIONS TO BRING SUCH PROVISIONS INTO CONFORMITY WITH NEW STATE LAWS ADOPTED BY AND THROUGH HOUSE BILL 3167; 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

- 19-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use
0004SUP2 Permit Request for a Day Care Facility, Located on the Northeast Corner of Alma Road and Eldorado Parkway and Accompanying Ordinance

Council unanimously approved the motion by Council member Richard Franklin, seconded by Council member Frederick Frazier, to Close the public hearing and approve a Specific Use Permit Request for a Day Care Facility, Located on the Northeast Corner of Alma Road and Eldorado Parkway and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-08-063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A DAYCARE FACILITY LOCATED AT THE NORTHEAST CORNER OF ALMA ROAD AND ELDORADO PARKWAY PROVIDING REGULATIONS; 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

- 19-** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use
0005SUP2 Permit to Allow for an Automotive Storage Facility (Jordan Towing), Located Approximately 1,160 Feet North of Harry McKillop Boulevard (FM 546) and on the East Side of Couch Drive, and Accompanying Ordinance

The following individuals spoke in support of the request:

Mark Fangio, 2731 Sylvan Way, McKinney TX 75072

Curtis Jordan, 501 Riviera, McKinney TX (no comment card submitted)

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council member Charlie Philips, to close the public hearing and approve a Specific Use Permit to Allow for an Automotive Storage Facility (Jordan Towing), Located Approximately 1,160 Feet North of Harry McKillop Boulevard (FM 546) and on the East Side of Couch Drive, and Accompanying Ordinance. Ordinance caption reads:

ORDINANCE NO. 2019-08-064

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR

AUTOMOTIVE STORAGE USES (JORDAN TOWING), LOCATED APPROXIMATELY 1,160 FEET NORTH OF HARRY MCKILLOP BOULEVARD (FM 546) AND ON THE EAST SIDE OF COUCH DRIVE, PROVIDING REGULATIONS; 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

- 19-0712** Consider/Discuss/Act on an Ordinance Repealing Chapter 46 of the Code of Ordinances and Replacing with a New Chapter 46 to be Titled Food Establishment Regulations.

The following individual spoke regarding the item:

Council unanimously approved the motion by Mayor George Fuller, seconded by Council member Richard Franklin, to table discussion and action regarding the item to a future meeting.

- 19-0713** Consider/Discuss/Act on a Resolution Amending the Policy on Board and Commission Member Appointments and Eligibility

Council unanimously approved the motion by Council member Charlie Philips, seconded by Council member La'Shadion Shemwell, to approve a Resolution Amending the Policy on Board and Commission Member Appointments and Eligibility. Resolution caption reads as follows:

RESOLUTION NO. 2019-08-100 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ITS POLICY FOR BOARD AND COMMISSION MEMBER APPOINTMENTS AND ELIGIBILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Fuller called for comments from City Manager Paul Grimes.

City Manager Grimes announced upcoming public hearings for the city budget on September 9 and 16, 2019 at City Hall (6:00 p.m.); invited citizens to submit comments regarding the budget to the city website; announced the Library Fall Activity Guide can be viewed on the city webpage and hardcopies of the guide are available at both libraries, and Parks & Recreation facility, and at City Hall.

Council unanimously approved the motion by Mayor George Fuller, seconded by Council member La'Shadion Shemwell, to adjourn the meeting at 8:14 p.m.

GEORGE C. FULLER
Mayor of McKinney, Texas

ATTEST:

EMPRESS DRANE
McKinney City Secretary