

CITY COUNCIL REGULAR MEETING

APRIL 7, 2020

The City Council of the City of McKinney, Texas met in regular session in the McKinney City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, April 7, 2020 at 6:00 p.m.

The meeting was broadcast live on cable television and through the City's website on Spectrum Channel 16; AT&T U-Verse Channel 99; and online at <http://mckinney.legistar.com>. Some members chose to participate from remote locations in an effort to contain the spread of COVID-19.

Mayor George C. Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the Council was present, consisting of himself and the following members: La’Shadion Shemwell.....District 1

(Council Member Shemwell participated remotely by telephone.)

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

Scott ElliottDistrict 3

Rick FranklinDistrict 4

Charlie Philips At Large

Frederick Frazier At Large

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Barry Shelton, Assistant City Manager Kim Flom, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Strategic Services Manager Trevor Minyard, Police Officer Bruno Siqueira, Community Services Administrator Shirletta Best, Director of Planning Jennifer Arnold, Capital Improvement Projects Manager Nicholas Ataie, Video Producer Joey Barr, and City Secretary Empress Drane

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance. The Invocation was given by Council Member Charlie Philips.

Mayor Fuller made Information Sharing announcements:

20-0268 Proclamation for Sexual Assault Awareness and Prevention Month

Mayor Fuller called for Public Comments. Council Member Philips read a comment submitted by email from Steven Spainhouer. (see Minutes Appendix A - Citizen Comments Submitted by Email)

Mayor Fuller called for the Consent Agenda. Agenda item #19-0092PF was pulled from Chapter 212 Plat Consideration, for individual consideration. Council unanimously approved the following Consent and Chapter 212 Plat Consideration items, with the motion by Council member Scott Elliott, seconded by Mayor Pro Tem Rainey Rogers:

- 20-0269** Minutes of the City Council Emergency Meeting of March 27, 2020
- 20-0270** Minutes of the City Council Emergency Meeting of April 3, 2020
- 19-0910** Minutes of the Historic Preservation Advisory Board Meeting of September 5, 2019
- 20-0113** Minutes of the Historic Preservation Advisory Board Regular Meeting of December 5, 2019
- 20-0235** Minutes of the Main Street Board Meeting of January 9, 2020
- 20-0236** Minutes of the Main Street Board Meeting of February 12, 2020
- 20-0262** Minutes of the McKinney Economic Development Corporation Meeting of February 18, 2020
- 20-0234** Minutes of the Planning and Zoning Commission Regular Meeting of February 25, 2020
- 20-0271** Consider/Discuss/Act on an Ordinance Amending Chapter 110, Entitled "Utilities" of the Code of Ordinances of the City of McKinney Texas through the Amendment of Section 110-1, "Definitions," by Adding Definitions Thereto for the Phrases "Extraterritorial Jurisdiction" or "ETJ," "Plumbing Code," "Qualified Licensed Inspector," "Retail Utility Service," and "Service," and through the Amendment of Existing Article II Entitled "Water and Sewer Connections," by Amending Sections 110-21 through 110-23 and 110-32, and Adding New Sections 110-47 through 110-51 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. Ordinance caption reads as follows:

ORDINANCE NO. 2020-04-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 110, ENTITLED "UTILITIES," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF SECTION 110-1, "DEFINITIONS," BY ADDING DEFINITIONS THERETO FOR THE PHRASES "EXTRATERRITORIAL JURISDICTION" OR "ETJ," "PLUMBING CODE," "QUALIFIED LICENSED INSPECTOR," "RETAIL UTILITY SERVICE," AND "SERVICE," AND THROUGH THE AMENDMENT OF EXISTING ARTICLE II, ENTITLED "WATER AND SEWER CONNECTIONS," BY AMENDING SECTIONS 110-21 THROUGH 110-23, AND 110-32, AND ADDING NEW SECTIONS 110-47 THROUGH 110-51 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

- 20-0272** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Annual Budget and Amending the 2020-2024 Capital Improvements Program, to Provide Funds for the Old Settlers Renovation Project. Ordinance caption reads as follows:

ORDINANCE NO. 2020-04-027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2019-2020 ANNUAL BUDGET AND 2020 – 2024 CAPITAL IMPROVEMENT PROGRAM TO PROVIDE FUNDS FOR THE OLD SETTLERS RECREATION CENTER RENOVATION PROJECT (PK4398)

- 20-0273** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Amendment to the Design/Build (D/B) Services Agreement with ScoBilt Contractors, Inc. related to the Old Settler's Recreation Center Renovation Project (PK4398) located at 1201 E. Louisiana Street, McKinney, Texas 75069. Resolution caption reads as follows:

RESOLUTION NO. 2020-04-041 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT TO THE EXISTING DESIGN / BUILD SERVICES AGREEMENT WITH SCOBILT CONTRACTORS, INC. FOR ADDITIONAL DESIGN AND CONSTRUCTION SERVICES RELATED TO THE OLD SETTLER'S RECREATION CENTER RENOVATION PROJECT (PK4398) LOCATED AT 1201 E. LOUISIANA STREET, MCKINNEY, TEXAS 75069

- 20-0274** Consider/Discuss/Act on a Resolution Authorizing the City Manager to

Execute the First Amendment to the Interlocal Agreement with McKinney Municipal Utility District No. 1 of Collin County for Funding the Construction of Trinity Falls Parkway from Laud Howell Parkway to FM 543. Resolution caption reads as follows:

RESOLUTION NO. 2020-04-042 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT WITH MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY FOR FUNDING THE CONSTRUCTION OF TRINITY FALLS PARKWAY FROM LAUD HOWELL PARKWAY TO FM 543; AND PROVIDING AN EFFECTIVE DATE

20-0275 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kleinfelder for Materials Testing Services on the Main Replacements & Street Rehab (Northwood Park / Westwood Park Area) Project (CO1902). Resolution caption reads as follows:

RESOLUTION NO. 2020-04-043 (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 \$77,840 WITH KLEINFELDER FOR MATERIAL TESTING SERVICES FOR THE CONSTRUCTION OF THE MAIN REPLACEMENTS & STREET REHAB (NORTHWOOD PARK / WESTWOOD PARK AREA) PROJECT CO1902 AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$89,000

20-0276 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with BGE, Inc. for Professional Engineering Design Services for the Eldorado and Custer Intersection / Bridge Improvements Project (ST1838) and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2020-04-044 (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 \$424,224 WITH BGE, INC. FOR ENGINEERING DESIGN SERVICES FOR THE ELDORADO AND CUSTER INTERSECTION / BRIDGE IMPROVEMENTS PROJECT (ST1838) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$490,000

PLAT CONSIDERATION UNDER TEXAS LOCAL GOVERNMENT CODE CHAPTER
212 (Council approved staff recommendation for these items with the Consent vote)

20-0011PF2 Consider/Discuss/Act on a Preliminary-Final Plat for Lake Forest Phase II,
Located on the East Side of Lake Forest Drive and Approximately 900
Feet South of McKinney Ranch Parkway

19-0210CVP2 Consider/Discuss/Act on a Conveyance Plat for Lots 1 and 2, Block A, of
Hardin Crossing Addition, Located on the Southwest Corner of Hardin
Boulevard and Virginia Parkway

20-0038CVP Consider/Discuss/Act on a Conveyance Plat for Lot 2, Block B, of the
Parcel 1505 Addition, Located at the North Side of Virginia Parkway and
Approximately 450 Feet West of Independence Parkway

Mayor Fuller called for individual discussion of the following Chapter 212 Plat:

19-0092PF Consider/Discuss/Act on a Preliminary-Final Plat for Princeton Crossing,
Located in the ETJ of McKinney on the Southeast Corner of County Road
412 and County Road 409

Council unanimously approved the motion by Mayor George Fuller, seconded
by Council Member Charlie Philips, to table indefinitely 19-0092PF
Consider/Discuss/Act on a Preliminary-Final Plat for Princeton Crossing, Located in the
ETJ of McKinney on the Southeast Corner of County Road 412 and County Road 409

Mayor Fuller called for the Regular Agenda and Public Hearing items:

20-0005Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to
Rezone the Subject Property from "AG" - Agricultural District to "PD" -
Planned Development District, to Allow for Single Family Residential
Detached Uses and Generally to Modify the Development Standards,
Located Approximately 3,075 Feet South of U.S. Highway 380 (University
Drive) and on the West Side of Lake Forest Drive and Accompanying
Ordinance

Applicant Aaron Ketchand was present at the meeting in support of the request.
Council unanimously approved the motion by Council Member Charlie Philips,
seconded by Council Member Scott Elliott, to Close the public hearing and approve the

Request to Rezone the Subject Property from "AG" - Agricultural District to "PD" - Planned Development District, to Allow for Single Family Residential Detached Uses and Generally to Modify the Development Standards, Located Approximately 3,075 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Lake Forest Drive and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2020-04-028

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 4.57 ACRE PROPERTY, LOCATED APPROXIMATELY 3,075 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ON THE WEST SIDE OF LAKE FOREST DRIVE, IS REZONED FROM "AG" - AGRICULTURAL DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, TO ALLOW FOR SINGLE FAMILY RESIDENTIAL DETACHED USES AND GENERALLY 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

- 20-0277** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Douglas Dailey Construction, LLC for the Main Replacements & Street Rehab (Northwood Park / Westwood Park Area) Project (CO1902)

Council unanimously approved the motion by Council Member Scott Elliott, seconded by Council Member Rick Franklin, to approve a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Douglas Dailey Construction, LLC for the Main Replacements & Street Rehab (Northwood Park / Westwood Park Area) Project (CO1902). Resolution caption reads as follows:

RESOLUTION NO. 2020-04-045 (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 \$4,802,993.65 WITH DOUGLAS DAILEY CONSTRUCTION, LLC, FOR THE CONSTRUCTION OF THE MAIN REPLACEMENTS & STREET REHAB (NORTHWOOD PARK / WESTWOOD PARK AREA) PROJECT CO1902, AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$5,520,000

20-0278 Conduct Public Hearing to Consider/Discuss/Act on Substantial Amendments to City of McKinney 2019-2020 Annual Action Plan for the Community Development Block Grant (CDBG)

Council present unanimously approved the motion by Council Member La'Shadian Shemwell, seconded by Council Member Rick Franklin, to close the public and approve Substantial Amendments to the City of McKinney 2019-2020 Annual Action Plan for the Community Development Block Grant (CDBG) carried with a vote of 6-0, None voting against. Council Member Scott Elliott was absent from the vote, having recused himself from a portion of discussion and vote on this item at 6:16 p.m., rejoining the meeting at 6:20 p.m. to participate in the remainder of the meeting.

20-0258 Consider/Discuss/Act on Appointing a Member to the Historic Preservation Advisory Board (HPAB)

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member Scott Elliott, to name Betty Petkovsek to a Regular Member to the Historic Preservation Advisory Board (HPAB) and to name Nina Ringley to HPAB Alternate.

Mayor Fuller called for Council & Manager Comments.

Council Member La'Shadian Shemwell thanked the Council, first responders, and workers for performing their duties during the COVID-19 Disaster.

Mayor Pro Tem Rainey Rogers and Council Member Rick Franklin stated there has been positive feedback regarding the Council decision to keep golf courses open; encouraged the golf operators and players to follow social distancing practices on the golf courses; and praised those working in response to the COVID-19 Disaster.

Council Member Frederick Frazier, Council Charlie Philips, and Council Member Scott Elliott encouraged the public to support local businesses, restaurants, and non-profit organizations.

Mayor George Fuller and City Manager Paul Grimes shared information about the public and private efforts to engage with various levels of government, businesses and organizations in response to COVID-19, to mitigate disaster and create strategies for addressing various aspects of wellness in the city.

Council unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member Scott Elliott, to adjourn the meeting at 6:46 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

Minutes Appendix A - Citizen Comments Submitted by Email

STEVEN SPAINHOUER

From: Steven Spainhouer <spainhouer@gmail.com>

Sent: Tuesday, April 7, 2020 3:34 PM

To: Contact-City Council

Subject: PUBLIC COMMENTS 4/7/2020_ WORK SESSION AND GENERAL MEETING

Thank you to Paul Grimes for coming up with a solution to help keep the trash off the sidewalks and streets in downtown McKinney. The placement of temporary trash containers helps tremendously.

Steven Spainhouer