

CITY COUNCIL REGULAR MEETING

MAY 5, 2020

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, May 5, 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'Shadian 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 Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, City Secretary Empress Drane, Strategic Services Manager Trevor Minyard, Chief Building Official Rick Herzberger, Capital Improvement Projects Manager Nicholas Ataie, Assistant Director of Planning Mark Doty, Director of McKinney Main Street and McKinney Performing Arts Center Amy Rosenthal, Director of Engineering Gary Graham, Community Services Administrator Shirletta Best, Police Officer Bruno Siqueira, Video Producer Joey Barr

Mayor Pro Tem Rainey Rogers gave the Invocation and led the recital of the Pledge of Allegiance.

Mayor Fuller called for the following information sharing items:

- 20-0352 Proclamation for Building Safety Month
- 20-0353 Proclamation for Municipal Clerks Week

Mayor Fuller called for Public Comments, reading the comments submitted by email from Diana Daugherty, Jim Latino, Patty Streber, Donna Haile, Tom Meredith, Jack Harvard, Linda Day, and Nina Dowell. Council Member Charlie Philips read the comment submitted by email from J'Net Chambers. (see Minutes Appendix A - Citizen Comments Submitted by Email)

The following individual spoke in support of agenda item **#20-0360** (Town Center Infrastructure Improvements Project):

Ginger Hayes, 609 Parker Street, McKinney TX 75069

Mayor Fuller called for the Consent Agenda. Council unanimously approved the motion by Council Member Rick Franklin, seconded by Council Member Charlie Philips, to approve the following Consent Agenda items:

- 20-0354** Minutes of the City Council Work Session of April 21, 2020
- 20-0355** Minutes of the City Council Regular Meeting of April 21, 2020
- 20-0356** Minutes of the City Council Special Meeting & Work Session of April 28, 2020
- 20-0287** Minutes of the McKinney Arts Commission Meeting of January 16, 2020
- 20-0288** Minutes of the McKinney Arts Commission Meeting of October 17, 2019
- 20-0305** Minutes of the McKinney Community Development Corporation Meeting of February 27, 2020
- 20-0306** Minutes of the McKinney Community Development Corporation Retail Development Infrastructure Grant Subcommittee Meeting of March 18, 2020
- 20-0298** Minutes of the McKinney Economic Development Corporation Special Meeting of March 27, 2020
- 19-0482** Minutes of the Joint Meeting of the Parks, Recreation, and Open Space Advisory Board and McKinney Community Development Corporation of May 9, 2019
- 20-0334** Minutes of the Planning and Zoning Commission Regular Meeting of March 10, 2020
- 20-009DA** Consider/Discuss/Act on a Resolution Authorizing the City Manager to

Execute a Developer Participation Agreement with W/J Wilmeth Ridge, LP, for the Construction of Certain Storm Water Improvements for Future Ridge Road on the West Side of the Wilmeth Ridge South Subdivision, Generally Located South of Wilmeth Road (County Road 161) and East of Future Ridge Road. Resolution caption reads as follows:

RESOLUTION NO. 2020-05-053 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPER PARTICIPATION AGREEMENT WITH W/J WILMETH RIDGE, LP, FOR THE CONSTRUCTION OF CERTAIN STORM WATER IMPROVEMENTS FOR FUTURE RIDGE ROAD ON THE WEST SIDE OF THE WILMETH RIDGE SOUTH SUBDIVISION, GENERALLY LOCATED SOUTH OF WILMETH ROAD (COUNTY ROAD 161) AND EAST OF FUTURE RIDGE ROAD

20-0357 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with XIT Paving and Construction, Inc. for the Construction of the Rockhill Road Improvements Project (ST1911). Resolution caption reads as follows:

RESOLUTION NO. 2020-05-054 (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 \$515,133.00 WITH XIT PAVING AND CONSTRUCTION, INC FOR THE CONSTRUCTION OF THE ROCKHILL ROAD IMPROVEMENT PROJECT (ST1911) AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$600,000

20-0358 Consider/Discuss/Act on a Resolution Authorizing the City Manager, or Designee, to Apply for, Accept, and Implement an Assistance to Firefighter Grant Program - COVID-19 Supplemental (AFG-S) from the Department of Homeland Security, Federal Emergency Management Agency (FEMA), to Provide Financial Assistance Directly to Eligible Fire Departments for Critical Personal Protective Equipment and Supplies Needed to Prevent, Prepare for, and Respond to the COVID-19 Public Health Emergency. Resolution caption reads as follows:

RESOLUTION NO. 2020-05-055 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO ACCEPT AND IMPLEMENT AN ASSISTANCE TO FIREFIGHTER

GRANT PROGRAM – COVID-19 SUPPLEMENTAL (AFG-S) FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT

Mayor Fuller called for Plat Consideration Under Texas Local Government Code Chapter 212. Agenda item **#20-0053MRP** (The Heights at Westridge Planning Area) was pulled for individual consideration.

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Frederick Frazier, to approve staff recommendations for the following Chapter 212 Plat items:

- 20-0016PF2** Consider/Discuss/Act on a Preliminary-Final Plat for Willow Wood Phase 7, Located on the North Side of Telephone Road and Approximately 700 Feet West of Prospect Street
- 20-0029PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lots 1 and 2, Block A of the Montessori School of Excellence Addition, Located on the East Side of County Road 943 and approximately 750 Feet North of Ryeland Cove
- 20-0054PFR** Consider/Discuss/Act on a Preliminary-Final Replat for Lots 5A and 5B, Block A, The Shops at Eagle Point Addition, Located on the Approximately 300 Feet West of Custer Road and 1200 Feet South of U.S. 380 (University Drive)
- 20-0055PF** Consider/Discuss/Act on a Preliminary-Final Plat for Lot 1, Block A of McKinney Airport Center Addition, Located on the Southwest Corner of Harry McKillop Boulevard and Airport Drive

Mayor Fuller called for the following Chapter 212 Plat item:

- 20-0053MRP** Consider/Discuss/Act on a Minor Replat for Lot 2R1A, Block A, The Heights at Westridge Planning Area 12, Parcel 1209 Addition, Located on Southeast Corner of Westridge Boulevard and Houghton Drive

Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Scott Elliott, to approve with conditions but not requiring notification, a Minor Replat for Lot 2R1A, Block A, The Heights at Westridge Planning Area 12, Parcel 1209 Addition, Located on Southeast Corner of Westridge Boulevard and Houghton Drive.

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

- 20-0359** Conduct a Public Hearing on Substantial Amendments to the FY 2019-2020 CDBG Action Plan and Citizen Participation Plan

Council unanimously approved the motion by Mayor George Fuller, seconded by Mayor Pro Tem Rainey Rogers, to close the public hearing on Substantial Amendments to the FY 2019-2020 CDBG Action Plan and Citizen Participation Plan.

- 20-0361** Consider/Discuss/Act on Appointing a Member to the Parks, Recreation & Open Space Advisory Board.

Council Member Rick Franklin recused himself from the discussion and action on this item. Council present unanimously approved the motion by Council Member Charlie Philips, seconded by Council Member La'Shadian Shemwell, to appoint Samuel Franklin as a Regular member and appoint Angela Burns as an Alternate Member of the Parks, Recreation & Open Space Advisory Board carried with a vote of 6-0-0, Council Member Rick Franklin recused. Both members will serve partial terms which expire September 30, 2020.

- 20-0360** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Axis Contracting, Inc. for the Town Center Infrastructure Improvements Project (CO4238)

Council approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Charlie Philips, to approve a Resolution Authorizing the City Manager to Execute a Contract and All Necessary Change Orders with Axis Contracting, Inc. for the Town Center Infrastructure Improvements Project (CO4238) with a vote of 5 - 2 - 0, Council Members Scott Elliott and Frederick Frazier voting no. Resolution caption reads as follows:

RESOLUTION NO. 2020-05-056 (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 \$4,905,360.95 WITH AXIS CONTRACTING, INC., FOR THE CONSTRUCTION OF THE TOWN CENTER INFRASTRUCTURE IMPROVEMENTS (LOUISIANA STREET) PROJECT CO4238, AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$5,650,000

Mayor Fuller called for Public Comments.

The following individual spoke regarding agenda item **#20-0360** (Town Center Infrastructure Improvements Project):

Jim Latino, 2717 Soda Springs Drive, McKinney TX 75071

Mayor Fuller called for Council and Manager Comments.

Council Member Scott Elliott stated the North Texas Food Bank is planning a food give-away event similar to the event held on April 28, 2020. He encouraged the public to follow social media for updates on the events.

Council Member La'Shadian Shemwell expressed appreciation for the free COVID-19 testing facility located at the Walmart store near Hwy 380 and Custer Road, and encouraged the public to find information and make testing appointments online at www.doineedacovid19test.com. Council Member Shemwell expressed the commitment to fairness and equity by the Council throughout the progression of the COVID-19 situation and encouraged the public to conduct themselves with consideration of the common welfare of all.

Council Member Frederick Frazier commented on the good number of COVID-19 testing locations Texas and approximately four hundred seventy thousand tests have been administered so far. Council Member stated the U.S. Navy Blue Angels exhibition near Baylor Scott & White Medical Center, scheduled for May 6, 2020 at 11:00 a.m. could be the only time in history the Blue Angels fly over McKinney, Texas and encouraged the public to make time for watching it; and expressed empathy and support for businesses impacted by the Town Center improvement project.

City Manager Paul Grimes stated that increased COVID-19 testing will provide better information to understand and manage the situation; encouraged the public to consider applying to serve on the various city Boards & Commissions by June 19, 2020; encouraged those living and working in McKinney to participate in a Housing & Community Development survey available online at www.mckinneytexas.org/housing until May 15, 2020; and announced the McKinney Strong Business Grant Program will accept applications until May 10, 2020 online at www.mckinneytexas.org/recoverygrant; and announced the public will have the opportunity to provide input for the upcoming city budget online May 19 to July 10, 2020.

Mayor George Fuller stated he attended a parade in support of the residents at Oxford Grand Assisted Living & Memory Care Community and thanked Steve Spainhouer for his service to the event; stated there was a luncheon in recognition of McKinney First Responders and the Public Safety Building; expressed support of businesses impacted by Town Center improvement project and commended Amy Rosenthal (Director of McKinney Main Street and McKinney Performing Arts Center) as an great advocate and inspiration in service of downtown and the entire city of McKinney, Texas.

Council unanimously approved the motion by Mayor George Fuller, seconded by Council Member Rick Franklin, to adjourn at 7:48 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

Minutes Appendix A - Citizen Comments Submitted by Email

Patty Streber

From: Patty Streber <patty@wishfulthinkingstar.com>
Sent: Monday, May 4, 2020 3:08 PM
To: Contact-City Council
Cc: Amy Rosenthal
Subject: Vote for start of Louisiana St Construction project

To McKinney City Council Members:

My name is Patricia Streber and I am the owner of Wishful Thinking, a gift boutique at the corner of E. Louisiana/Tennessee St on the McKinney square. I have been a retailer on the square since 2010. I voted for Option #3 for the following reasons:

1. I feel that during this time of Covid-19, our customers have shifted their shopping attention to on- line buying. If we hope to draw our customers back to the square when the fallout from the virus begins to diminish, I am afraid that we will literally be placing a "ROADBLOCK" to our square if the project moves forward this year. The customers who have always been shy of shopping on-line are getting more comfortable with it and will happily continue to do so if we make it difficult to make the square their shopping destination.
2. Construction projects by nature, face lots of unforeseen things to overcome while the work is being done, and rarely are able to finish on time. We were promised it will be complete by Oktoberfest weekend. If the project extends any further, our 4th quarter will be impacted in the worst possible way. I do not expect my business will recover or survive both the effects of additional complications from either the virus or the construction, let alone, both.

Please consider all of the businesses on the square as you make your decision. We generate lots of tax dollars for the city with very little return in the way of services. If our square is empty, it will take many months or even years to return to its present status of being one of the best historic squares in the state.

Respectfully submitted,

Patricia Streber

Tom Meredith

From: Tom Meredith <tom.eldoradoranch@gmail.com>
Sent: Monday, May 4, 2020 6:20 PM
To: Contact-City Council
Subject: Louisiana Infrastructure Project

The infrastructure project is a good project. Having said that, the project itself will have a negative impact on business. We need to concentrate on rebuilding business at the present time. We absolutely should not start this project in 2020.

A solid majority voted for the two options which say do not start in 2020.

Tom Meredith
President
Meredith Energy, LLC
214 E Louisiana St.

Donna Haile

From: Donna Haile <donna@dooziescorner.com>
Sent: Monday, May 4, 2020 4:56 PM
To: Contact-City Council
Subject: Construction

I just heard that as of now the survey shows that option 1 is what a lot of businesses have chosen as the time frame to start the construction project on West Louisiana and East Louisiana. (starting West Louisiana immediately and following with East Louisiana in January 2021)

I think it is so unprofessional and so not caring about businesses to even consider this option when we are trying to bounce back from this so called pandemic.

All I ask is that the city government put your thinking hats on and realize what this pandemic has done to the economy, and how our businesses have suffered. By starting up construction at this time you will definitely ruin the life we have built in McKinney. Businesses will have a hard time recovering and surviving. Can you sleep at night when your decision begins to affect families like it will? I sincerely hope you dig deep in your brain, in your heart, take a step back and decide this is not the time. This is the time to stand McKinney Strong and make the right decision!

Donna Haile
Doozie's Corner

From: Donna Haile <donna@dooziescorner.com>
Sent: Monday, May 4, 2020 9:28 PM
To: Amy Rosenthal; Contact-City Council; City Manager
Subject: summary of survey

Below is my summary results of the survey concerning Light up Louisiana:

45 participants
14 participants from East Louisiana
11 participants from West Louisiana
20 scattered participants

Votes by Street of businesses in the construction zone:

East Louisiana
1 voted for option 2
12 voted for option 3
1 voted for option 4

West Louisiana
7 voted for option 1
1 voted for option 2
3 voted for option 4

Remaining 20 votes were placed by businesses / people that were not in the construction zone.

If the city is working to support businesses that are affected by the construction option 3 would be the best choice.

Donna Haile
Doozie's Corner
www.dooziescorner.com

Jack Harvard

From: Harvard <harvard@nashrealestate.com>
Sent: Monday, May 4, 2020 6:53 PM
To: Contact-City Council; Amy Rosenthal; georgefuller2@yahoo.com;
rick@franklinlandco.com
Cc: Tom Meredith
Subject: Louisiana Infrastructure Project

This project needs to be postpone until the downtown stores have recovered. Our group owns three buildings on Louisiana and another on Tennessee. Please postpone for at least 18 months and do an incentive contract with penalties for late construction.

Thanks
Jack Harvard, *NASH Group Real Estate, Inc.*, 214 384 3000 cell

Linda Day

From: Linda Day <lindaday09@aol.com>
Sent: Tuesday, May 5, 2020 6:28 AM
To: Contact-City Council
Subject: Louisiana Infrastructure Project on Louisiana Street

Dear Mayor and City Council,

The infrastructure project on Louisiana Street needs to be postponed till 2021. We have an uphill road to rebuild our businesses in Downtown.

There are enough hurdles to cross between the virus, the 3 hour parking which has run off a lot of our customers and the uncertainty of the economy.

I ask that you postpone this project as long as possible. Give us a chance to get back on track.

Thank you,
Linda Day, Owner
Arabella's, Uptown Home Furnishings, Kick Up Your Heels, Sweet Caroline's Gelato

Nina Dowell

From: Nina Dowell <ninadowell1@gmail.com>
Sent: Tuesday, May 5, 2020 10:15 AM
To: Contact-City Council; Paul Grimes
Subject: Food for thought...

Public Comment for May 6, 2020, Non agenda item,
Nina Dowell Ringley, 313 North Benge, McKinney

I certainly don't want "to look a gift horse in the mouth" but I had an idea to consider... Would it be possible for our City to pay All our NON -PROFIT Utility Bills? Even for a few months and to be re-evaluated at some point If they met specific criteria... Be in McKinney, Servicing McKinney folks, Simple application to fill out, Maybe be registered 501 (c) at least Two months

Would be another great gift to our various non-profit groups from our City We could begin something other cities could offer! AND it is Giving Day today 😊

Also, the History Museum is applying for the City grant you are offering. We all thank you! Not ready to be in public yet. So, Look forward to seeing you all on tv tonight. There in spirit, still wearing my hat, and with GRATITUDE, Nina Dowell Ringley Oh...please notice our Smile Signs in our hood going up. To smile is contagious!

Jim Latino

From: jim latino <jlatino44@gmail.com>
Sent: Tuesday, May 5, 2020 2:19 PM
To: Contact-City Council
Subject: Comments

My name is Jim Latino and I own Texas Monkey Business on East Louisiana Street in Downtown McKinney.

The City is planning on starting the Louisiana Street infrastructure improvement project in a few weeks. With the recent closure of all non-essential businesses for the last ten weeks and just now having the reopening of downtown, I am asking the council to consider delaying the start of this construction project.

Consider how businesses in Downtown McKinney were impacted due to the Covid-19 restrictions. I am concerned that this construction project will impact businesses and put them in a position where they may not be able to remain part of Downtown McKinney.

Recently, Main Street had sent a survey, which I am sure you have seen. While thirty-five percent of the downtown business that participated would like to see the project started now, over fifty percent of participating businesses would prefer to see it delay for a minimum of eight to twelve months

Please consider delaying the Louisiana Street infrastructure improvement project to Save McKinney Square.

Thank you for the opportunity to express my views.

Diana Daugherty

From: Diana Daugherty <outlook_62FA55EA178F2887@outlook.com> on behalf of Diana Daugherty <diana@540mercantile.com>
Sent: Tuesday, May 5, 2020 2:43 PM
To: Contact-City Council
Subject: Louisiana Infrastructure Project

To: McKinney City Council,

I would like to ask the City Council to postpone the plan for road construction be until a time that our retail shops, restaurants and local businesses can recover from the shelter in place due to Covid 19.

We will be feeling the effects of this virus for an undetermined time. We have already lost The Art in Bloom and the May Second Saturday wine walk and the proceeds of sales these two events brings to us. Our July 4th celebration will be nothing as it has in the past. Our East Louisiana Street Block party will not take place, another large sale day lost.

Each of these events bring sales to our shops, employees on our payroll and sales tax dollars to our community.

We need to make our city easier to shop during this challenging time, not harder. We already know our customer is one who can order their shopping needs online. Data shows that shopping has become entertainment. Road construction will only send our customers to area shopping which enjoyable, instead of dealing with broken streets, limited parking and jack hammers.

Thank you,
Diana Daugherty, 540 Mercantile
211 E Louisiana Street, McKinney TX 75069, 540-664-2970

J'Net Chambers

From: J'Net <jnet1957@aol.com>

Sent: Monday, May 4, 2020 9:06 AM

To: Charlie Philips <cphilips@philipsandepperson.com>

Subject: Lost email I sent you on March 4, 2020. I hope you are doing well. I hate to send this to your office, but I didn't know what else to do. J'Net

Hello Charlie:

It's been a few weeks since you invited me to the committee meeting at City Hall. I want to thank you again for the opportunity to attend and to express my gratitude for the chance to speak.

In the weeks since then, my neighbors and I have notice several changes in our neighborhood and we are glad that we were heard regarding our issues with the homeless in our community. Our street continues to be a pathway for shopping carts but the volume seems to have decreased. Kerry has been reassuring about a possible ordinance regarding the carts. Police presence seems to have increased as well.

Those living on the parking lot at Wal-Mart seem to have decreased. The parking lot at The Academy now displays signs prohibiting over night parking. The PODS (Public on Demand Storage) business has cleaned the southside of their building and lot. Another businesses there has erected no trespassing signs.

I have met with my neighbors and we are trying to do our part with lighting front and back, doorbell and property cameras. We have had a couple of thefts and early morning trespassing but nothing serious.

We expect that warmer weather will bring a new host of issues but we are pleased with what we have seen. Officer Russ Harrison, Kerry and Paul Balesteros have been very encouraging and we appreciate their efforts.

Again our thanks to you, Officer Harrison, Kerry, Paul, Mayor Fuller, the City Manager and others that took an interest in our issue.

God's peace,

J'Net Chambers