

## CITY COUNCIL REGULAR MEETING

OCTOBER 17, 2017

The City Council of the City of McKinney, Texas met in regular session in the Jack Hatchell Collin County Administration Building at 2300 Bloomdale Road, McKinney, Texas on October 17, 2017 at 6:00 p.m.

Council Present: Mayor George C. Fuller, Council members: Chuck Branch, Scott Elliott, Charlie Philips, Tracy Rath, and La'Shadion Shemwell. Mayor Pro Tem Rainey Rogers arrived at 6:26 p.m.

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; City Secretary Sandy Hart; Assistant to the City Manager Trevor Minyard; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Director of Public Works David Brown; Assistant Director of Public Works Paul Sparkman; Planning Manager Matt Robinson; Planning Manager Jennifer Arnold; Director of Parks and Recreation Michael Kowski; Fire Chief Danny Kistner; Chief of Police Greg Conley; IT Desktop Technician Robert Lisenby; Housing and Community Services Manager Janay Tieken; Police - Dustin Kincaid, John Meyer, and Sherwood Holmes; Fire – Chris Mayzner, Robert Rippy-Hermonat, Greg Massey, Jeffrey Levesque, Charlie Skaggs, Joshua Detzel, Preston Gale, Robert Wilder, Chad Nester, Craig Eskridge, and Liz Agan; Planning Manager Samantha Pickett; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; and Chief Plans Examiner Jeff Harris.

There were approximately 90 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Senior Pastor Louis Rosenthal, The McKinney First Baptist Church. Mayor Fuller led the Pledge of Allegiance.

**17-1022** Proclamation for Encore Medcor On-Site Clinic Day. Mayor Fuller presented the Proclamation for Encore Medcor On-Site Clinic Day for the lifesaving efforts performed on September 8, 2017.

**17-1023** Proclamation for 14th Annual Arbor Day - October 28, 2017. Mayor Fuller read the proclamation for the 14<sup>th</sup> Annual Arbor Day.

Mayor Fuller called for Citizen Comments.

The following individuals spoke against the wall between the new Costco and the residential properties:

Ms. Sandra Rios, 3601 Truman Street, McKinney

Ms. Lezlee Sydlawski, 3621 Truman Street, McKinney

Mr. Ray Foster, 3613 Truman Street, McKinney

Ms. Irma Hill, 3613 Truman Street, McKinney

Ms. Antoinette Burks, 3409 Truman Street, McKinney

Mr. Dennis Full, 3209 Kennedy Drive, McKinney

Mr. Jim Robertson, 7600 Blanco Trail, McKinney spoke in support of agenda items 17-044DA2, 17-045DA2, and 17-1028 relating to Trinity Falls.

Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Shemwell, to approve the following Consent items:

**17-1024** Minutes of the City Council Regular Meeting of October 3, 2017

**17-942** Minutes of the Board of Adjustment Meeting of July 26, 2017

**17-952** Minutes of the Historic Preservation Advisory Board Regular Meeting of September 7, 2017

**17-999** Minutes of the McKinney Armed Services Memorial Board Meeting of September 13, 2017

**17-943** Minutes of the McKinney Community Development Corporation Meeting of August 24, 2017

**17-957** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of August 21, 2017

**17-938** Minutes of the McKinney Housing Finance Corporation Meeting of June 9, 2017

**17-979** Minutes of the Planning and Zoning Commission Regular Meeting of September 26, 2017

**17-978** Minutes of the Planning and Zoning Commission Work Session of September 26, 2017

**17-1026** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Interlocal Agreement with North Texas

Municipal Water District (NTMWD) for the Implementation of Portions of a Regional Capacity, Management, Operation, and Maintenance Program (RCMOM). Caption reads as follows:

RESOLUTION NO. 2017-10-188 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MCKINNEY AND THE NORTH TEXAS MUNICIPAL WATER DISTRICT (NTMWD), FOR THE IMPLEMENTATION OF PORTIONS OF A REGIONAL CAPACITY, MANAGEMENT, OPERATION, AND MAINTENANCE PROGRAM (RCMOM)

**17-1027** Consider/Discuss/Act on a Resolution Approving the Eighth Amended and Restated Bylaws of McKinney Community Development Corporation.

Caption reads as follows:

RESOLUTION NO. 2017-10-189 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE EIGHTH AMENDED BYLAWS OF THE MCKINNEY COMMUNITY DEVELOPMENT CORPORATION; AND PROVIDING AN EFFECTIVE DATE

END OF CONSENT

**17-1025** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Repealing Article IV, "Electioneering" Sections 38-70 Through 38-74 of the Code of Ordinances and Adopting a New Article IV, "Electioneering" Sections 38-70 Through 38-74. Council member Branch requested clarification on whether any electioneering outside of the 100-foot range, generally goes under the state statutes and laws. City Attorney Mark Houser stated yes, and the language that's in the Ordinance or the provisions that restrict and describe what electioneering can occur are coming from a state statute election code that defines electioneering. It says if the City owns property, which is where this Ordinance is regulated, then the City can enact reasonable regulations concerning time, place, and manner of electioneering on the property, but cannot

prohibit electioneering on the property. Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member Chuck Branch, to approve an Ordinance Repealing Article IV, "Electioneering" Sections 38-70 Through 38-74 of the Code of Ordinances and Adopting a New Article IV, "Electioneering" Sections 38-70 Through 38-74. Caption reads as follows:

ORDINANCE NO. 2017-10-095

AN ORDINANCE AMENDING CHAPTER 38, "ELECTIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, ARTICLE IV, "ELECTIONEERING," BY REPEALING IN ITS ENTIRETY SECTIONS 38-70 THROUGH 38-74, AND REPLACING THOSE SECTIONS WITH NEW SECTIONS 38-70 THROUGH 38-74; ESTABLISHING RULES AND REGULATIONS REGARDING ELECTIONEERING WITHIN THE CITY; PROVIDING DEFINITIONS; CREATING OFFENSES FOR INDIVIDUALS VIOLATING RULES AND REGULATIONS; PROVIDING ENFORCMENT BY DESIGNATED OFFICIALS AND OFFICERS; PROVIDING A SAVINGS CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

**17-196SP2** Mayor Fuller called for Consideration/Discussion/Action on Site Plan for a Multi-Family Residential Development, Located on the Southeast Corner of Rockhill Road and North Brook Drive. Planning Manager Samantha Pickett stated that because the zoning on the properties are PD planned development and date back to the 80's, they require that the site plans go before the Planning and Zoning Commission for recommendation and then to City Council for approval. They are not requesting any variances. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Elliott, to approve a Site Plan for a Multi-Family Residential Development, located on the southeast corner of Rockhill Road and North Brook Drive.

**17-232SP** Mayor Fuller called for Consideration/Discussion/Action on a Site Plan for an Office/Warehouse Building, Located Approximately 440 feet East of Redbud Boulevard and on the South Side of Corporate Drive. Planning Manager Samantha Pickett was available for questions and there were

none. Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Pro Tem Rogers, to approve a Site Plan for an Office/Warehouse Building, located approximately 440 feet east of Redbud Boulevard and on the South Side of Corporate Drive.

**17-044DA2** Mayor Fuller called for Consideration/Discussion/Action on a Third Amendment to the 2012 Trinity Falls Master Development Agreement with Trinity Falls Holdings, LP. Executive Director of Development Services Michael Quint stated this item proposes to modify the development agreement for Trinity Falls. This is the third amendment to the 2012 Master Development Agreement. Staff has been working with the developer for several years to clarify responsibilities for the construction of a fire station and modifications and triggers for roadway construction. Recently the developer approached the City of McKinney for the inclusion of what we call the Frazier Tract. This amendment also includes the Frazier Tract coming into the Trinity Falls Municipal Utility District (MUD). Staff has worked very closely with the developer and recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that the Board of Directors for Trinity Falls MUD currently does not have representation by the residents. Originally the Board was appointed, however, there are elections for the Board coming up in May 2018. Special Counsel Mr. Clay Crawford, Crawford and Jordan Law Firm, 3100 McKinnon Street, Suite 1100, Dallas, stated that the legislation that created these districts gave the authority to the developer to present names to the TCEQ and the TCEQ appointed those initial directors. Council approved the motion by Council member Philips, seconded by Mayor Pro Tem Rogers, to approve a Third Amendment to the 2012 Trinity Falls Master Development Agreement with Trinity Falls Holdings, LP with a vote of 6-1-0, Council member Branch voting against.

**17-045DA2** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing a Second 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. Executive Director of Development Services Michael Quint stated that the developer is requesting a bond cap approval increase from \$262,000,000 to \$318,000,000 and Staff recommends approval. Mayor Fuller stated he originally opposed this item. We had an imbalance in the Trinity Falls commercial to residential. There were also other concerns regarding surrounding properties and the opportunity for development to occur outside of the MUD in which we did not have any oversight. The developer came back with an increase in commercial by about 45% and worked out an agreement where the City will approve any easements granted outside the MUD. Special Counsel Mr. Clay Crawford, Crawford and Jordan Law Firm, 3100 McKinnon Street, Suite 1100, Dallas, stated that increasing the bond cap does not affect the tax rate of the residents in the MUD. Council member Branch does not feel there is enough representation for the residents on the Trinity Falls Board and until he sees more representation of the residents he will continue to oppose this. Council approved the motion by Mayor Pro Tem Rogers, seconded by Council member Philips, to approve a Resolution authorizing a Second 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 with a vote of 6-1-0, Council member Branch voting against. Caption reads as follows:

RESOLUTION NO. 2017-10-190 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING AMENDMENTS TO THE FIRST AMENDMENT TO 2012 AGREEMENT CONCERNING CREATION AND OPERATION OF MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY AND THE FIRST AMENDMENT TO 2012 AGREEMENT CONCERNING CREATION AND OPERATION OF MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 2 OF COLLIN COUNTY AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY FROM AND AFTER ITS PASSAGE AND ADOPTION

**17-1028** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Consenting to the Annexation of a 270.667 Acre Property (Frazier Tract) into Municipal Utility District No. 2 (Trinity Falls). Executive Director of Development Services Michael Quint stated that this is the formal annexation of the Frazier Tract into the Trinity Falls Municipal Utility District and is a companion item to the other two items that were just approved. Staff has evaluated this and has no concerns or objections and we are recommending approval. Mr. Quint stated this is a voluntary annexation. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to approve an Ordinance consenting to the annexation of a 270.667 acre property (Frazier Tract) into Municipal Utility District No. 2 (Trinity Falls). Caption reads as follows:

ORDINANCE NO. 2017-10-096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE ANNEXATION BY MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 2 OF COLLIN COUNTY OF 270.667 ACRES OF LAND

Mayor Fuller called for a motion to close the public hearing for agenda item 17-249 from the October 16, 2017 meeting. Council unanimously approved the motion by Council member Philips, seconded by Mayor Pro Tem Rogers, to close the public hearing for agenda item 17-249.

**17-249A2** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Annex Approximately 3,821 Acres of Land along the Northwestern Boundary of the City of McKinney's Corporate Limits Generally Located in Areas Described as Being: Along and Extending to the North and the South from the East-West Section of FM 1461 from FM 2478 to East of CR 166 and Extending to the North, South and East from and about Geren Trail; at and Around Stover Creek and the North-South Section of CR 161 Between US Highway 380 (University Drive) and CR 123 and Extending along and from a Portion of

CR 124; at and Around the North Side of US Highway 380 (University Drive) Between Ridge Road and Lake Forest Drive; at and Around the Northeast Quadrant of Lake Forest Drive and Wilmeth Road Extending to the Western Boundary of Erwin Park and Extending as far North as CR 1006; at and Around the Northwest Quadrant of Hardin Boulevard and Wilmeth Road Extending to the North and West; at and Around CR 164 South and East of Erwin Park and at and Around CR 201 Extending to the Eastern Boundary of Erwin Park and Extending North to CR 1006; and Extending to the South from the Southern Boundary of the McKinney Municipal Utility District No. 1 of Collin County (Trinity Falls M.U.D.) and FM 543 and Along and Around Both the North-South Section and the East-West Section of CR 202 in a Southerly Direction to the City's Current Northern Corporate Boundary Extending in an Easterly Direction from CR 201 and CR 1200 and Extending to the East and West Along and Around Both Sides of Trinity Falls Parkway into the City of McKinney's Corporate Limits. Planning Manager Jennifer Arnold stated this item is to conduct the second public hearing to consider the city-initiated annexation of approximately 3,800 acres in the northwest sector of McKinney. There will be no action taken on this item tonight. The only intent for this meeting is to collect public comments and allow those who have a vested interest in this annexation to come and speak. Also included in the public hearing for tonight is the proposed service plan for the annexation area as required by state law and any annexation that occurs in this nature requires that the proposed service plan be made available during this public hearing. Council member Shemwell stated that it takes tremendous strength to appear at these meetings and do this day in and day out. I want to thank you for your excellent work and everything you do for the City. Mayor Fuller called for public comments.

The following individuals spoke in opposition to the annexations:

Mrs. Cameron Mills, 3108 Mosswood, McKinney



Mrs. Christine Wright, 602 Blue Ridge St., McKinney  
Mr. Stephen Kallas, 6801 Columbia Falls, McKinney  
Mrs. Shannon Blake, 800 CR 1200, McKinney  
Mr. Keith Mussog, 3389 Private Road 5441, McKinney  
Mr. Paul Powell, 4811 Geren Trail, McKinney  
Mr. Jason Blake, 800 CR 1200, McKinney  
Mrs. Tamlynn Clyde, 6919 CR 123, McKinney  
Mrs. Dalana Squires, 6762 CR 202, McKinney  
Mr. Bill Gross, 4879 Geren Trail, McKinney  
Mrs. Beverly Covington, 7532 CR 202, McKinney  
Dr. June Taliaferro, 810 Saint James Way, Frisco  
Mr. Doak Taylor, 1716 Stapleton Drive, McKinney  
Mrs. Lori Hunt, 7490 Trinity Falls, Blvd., McKinney  
Mr. Dan Prescott, 2019 Hillcrest Ct., McKinney  
Mr. Harold Clyde, 6919 CR 123, McKinney  
Mr. Mike Giles, 3213 Gillespie Road, McKinney  
Mr. Bernd Fitzau, 6551 CR 161, McKinney  
Mr. Randall Hickman, 4870 and 4908 CR 1006, McKinney  
Mrs. Carroll Maxwell, 5600 Hillview Ct., McKinney  
Mrs. Tracy Thomas, 5124 Grovewood, McKinney  
Mr. Brian Newman, 609 Bristlewood Drive, McKinney  
Mr. Keith Horrell, 4806 Geren Trail, McKinney  
Mr. Darrel Hale, 3705 Amon Carter, McKinney  
Mrs. Debbie Winford, 2222 FM 1827, McKinney  
Mr. Don Bourland, 7729 CR 202, McKinney  
Mrs. Stephanie Wiyenberg, 5861 Baxter Well Road, McKinney  
Mrs. Brenda Bourland, 7729 CR 202, McKinney  
Mr. Denny Hunt, 84331 Forest Hills Blvd., Dallas  
Mrs. Lynn Gross, 4879 Geren Trail, McKinney  
Mr. Don E Dillow, 7625 CR 202, McKinney

Mrs. Elizabeth Clyde, 6919 CR 123, McKinney

Mr. Craig Clark, 6890 Trinity Falls, McKinney

Mr. Jim Wiggins, 6400 CR 124, McKinney

Mr. Ed McCabe, 7373 CR 202, McKinney

Mrs. Becky Neeley, 4803 Geren Trail, McKinney

Mr. Dave Neeley, 4803 Geren Trail, McKinney

Mr. Bryson Taylor, 7070 Armadillo Ridge, McKinney

Mrs. Bailey Jo Taylor, 7070 Armadillo Ridge, McKinney

Ms. Siotha Vest, 2801 Woodson, McKinney

The following individuals did not wish to speak but wanted their  
opposition to the annexations entered into the record:

Mrs. Bridgette Wallis, 1709 Kensington Lane, McKinney

Mr. Clint Pruett, 2716 Mountain Creek Drive, McKinney

Mrs. Vicki Cana, 2223 Spruce Circle, McKinney

Mrs. Brandi Price, 1701 Park Central, McKinney

Mr. Jon and Mrs. Mary Woodruff, 7080 CR 202, McKinney

Mr. Mike Harris, 4807 Geren Trail, McKinney

Mrs. Connie Pruett, 2716 Mountain Creek Drive, McKinney

Mr. Booley Taylor, 7070 Armadillo Ridge, McKinney

Mr. Bryson Taylor, 7070 Armadillo Ridge, McKinney

Mrs. Brandee Tate, 7145 Armadillo Ridge, McKinney

Mr. Boone Tate, 7145 Armadillo Ridge, McKinney

Mr. Billy Tate, 7145 Armadillo Ridge, McKinney

Mr. Larry Malone, 6557 CR 124, McKinney

Mrs. Lori Harrell, 4806 Geren Trail, McKinney

Mr. Zach Harrell, 4806 Geren Trail, McKinney

Mr. Randy and Mrs. Brenda Ludwig, 7162 Armadillo Ridge, McKinney

Mr. Joe Covington, 7532 CR 202, McKinney

Mr. Harlan and Mrs. Sue Stauffer, 3804 Hackberry Lane, Bedford

Mrs. Sebrena Kimberly, 3009 Palmdale Drive, McKinney

Mrs. Laura Lutek, 29901 Cedar Ridge Drive, McKinney

Mr. Will Cooper, 4692 CR 164, McKinney

Mrs. Chris B. Cooper, 4692 CR 164, McKinney

Mrs. K. Lynn Cooper, 4692 CR 164, McKinney

Mr. Lanny and Mrs. Melba Greer, 274 CR 943, McKinney

Mr. Imran Hao, 5770 Baxter Well Road, McKinney

Mr. Douglas Hopkins, 7231 CR 202, McKinney

Mrs. Terri Hopkins, 7231 CR 202, McKinney

Mr. Seth Galloway, 7025 CR 202, McKinney

Mr. Klaus Kuehn, 7421 CR 202, McKinney

Mr. Howy Pry, 6303 CR 163, McKinney

Mrs. Leah Griffin, 3701 Panama Cove, McKinney

Mr. Sathu Sabbiah, 6631 CR 124, McKinney

Mr. Anooradha Aanesan, 6631 CR 124, McKinney

Mr. Dennis Full, 3204 Kennedy Drive, McKinney

Mr. Jon Hammonds, 5712 Calloway Drive, McKinney

Mrs. Angela Hammonds, 5712 Calloway Drive, McKinney

Mrs. Amanda Woodruff, 7090 CR 202, McKinney

Mrs. Ann Sampson, 227 McCarly Road, McKinney

Mr. Wenqiang Zhou, 3401 Truman, McKinney

Mrs. Patty Woessner, 2320 Hayes Street, McKinney

Council unanimously approved the motion by Council member Shemwell, seconded by Council member Philips, to close the public hearing.

City Attorney Mark Houser stated that any legal questions that Council may have will be answered in closed sessions. Council member Shemwell stated there's a lot of comments about how we're behind on staff. And compared to other cities, we're not up to par on staff. As you know, our motto, Unique by Nature, means we don't have to compare to other cities when it comes to staff because we're much more efficient than other cities and we do our jobs well. Dr. King said "An injustice

anywhere is a threat to justice everywhere." And, if you know anything about my campaign and the things that I've done in the past years before I became a public official, this was not something that I aspired to be. This was not something that I grew up and said I wanted to do. This was a position that I was forced to be in. I felt like my voice and the people that I was living with and around were not being heard and it was falling on deaf ears. I appreciate the citizens that come in and are engaged in the process. With all the moving speeches, I'm sure we'll see a lot more of you on the ballot running for positions, because you have a gift, truly a gift. As I spoke with any citizen that has called and discussed or set up a meeting with me, my number one agenda is to make the best McKinney that I can in the time that I'm here and to understand there were things put in place. There's a reason why we're elected the way that we're elected and not all seven council members are elected at once and they stagger that. It's for continuity. I appreciate that we have council members who have set things into place before I got here. And the overall plan of McKinney that has been mapped out for 30 or 40 years has called for us to grow our City. Council member Branch stated unless we come up with an agreement and people aren't contesting this, I'll continue to oppose annexation. Councilwoman Rath thanked everyone for coming out and thanks for the opportunity. Council member Philips thanked everyone that came out and spoke this evening. I was writing down a few comments, and they were that you spoke eloquently. It was very educational. It was enlightening, passionate and heartfelt, above all else, how you feel about where you live. It reminded me where my values came from and you make me miss my childhood. I want to move out there with you, but then I couldn't serve this City that's done so much for me and my family. My position has not changed on forced annexation, especially in the manner in which we have been proceeding. Mr. Philips stated that he wanted to address some of the comments from last night.

There was a lot of passion coming from each of you who spoke, and the other people who were here and spoke. There were some unprofessional words used, understandably. I don't fault anybody. But I do know that McKinney, Texas, is very, very fortunate to have George Fuller as Mayor. He has poured himself into this job since May of this year. I know that he has sacrificed his family, his work life, and he is very passionate about the work that he's doing. And, if his passion came across to you in an offensive manner last night, that's because he loves this City and he loves what he's doing. It is very difficult for him not to take it personally, because he has taken this job very personally. I think we are very, very fortunate and blessed to have such a great leader as George Fuller. And I'm very proud of him. I'm very proud of the passion that he exudes and the work that he has done for this City in the five months that he has been here. I thank his family for the sacrifices they have made. And I'm very, very proud to work with George Fuller. Council member Elliott stated he has a handful of seemingly disconnected comments. The first, we are at a second straight night of somebody less than 18 years old coming and presenting to City Council. I don't know if you're still here but shout out to you for coming to the podium and sharing your heart. Second, hearing a lot of stories about visiting the farm when you are growing up. I didn't live in fear of my great grandmother Minnie, but when you've seen a woman who is 4-foot, 11 inches wringing two chicken's necks at the same time as a 5-year-old, perhaps it may cause you to have a slightly different outlook on farm life and perhaps re-examine your behavior when visiting Minnie's farm. Number one, I know what it's like to serve in District 3. I know what it's like to campaign in District 3. You take a look at Charlie and Tracy and for the work that they did to run at-large. Then you multiply that by the work that George put in to run for mayor. I've known George for years. And I've said this to friends and I'll say this in public for George. I know George is one of those very few people that

are generous and competent in many ways. And I personally could not possibly put in the 40 to 60 hours a week that George invests in McKinney. And so, I appreciate the work that you do. I could not do that. Two more things, I think probably most folks, unless you had a personal reason to deal with or interact with the folks in the City and the City staff, I was one of those folks who did not. And I count it as one of the blessings of being on Council to visit with all these folks on the front row and others on a regular basis. I just want to say "thank you" to our staff for competence, for knowledge, for creativity, for what they bring to the City, both folks that are new and folks that have been here a while. I do want to give a shout out to Paul. We appreciate him being here. He's past one year so we think he's going to stay. We really appreciate the work Paul Grimes does. I value serving on Council with each one of these folks. We don't always agree, I've said that before, but I respect highly the skills, experiences, and life knowledge that they bring to what they do. I will maintain that it would be my preference to conduct annexation by collaboration rather than proclamation but that does not change the way I feel about serving with the folks up here and I appreciate being a part of the group. Mayor Pro Tem Rogers stated he wanted to clarify a couple of things. Trinity Falls is a MUD district and they receive no benefits from the City of McKinney that they don't pay for. Their tax is about twice as much as the city tax of McKinney. So they're not out there reaping some sort of benefits. They pay almost twice the tax because of the particular situation that they're in. So don't look at them and say, "Wow, look at the benefits that they're reaping." No, they're paying for pretty much everything that they get, including buying a fire station that will be out there in several years and pay for the building and everything. So I like what Trinity Falls is doing out there. I think they have a great project and a good thing going. The other thing is, about the meeting next week. I apologize for anybody that even thinks that this was somehow intentional that we were

going to do a meeting at 12:00 noon. We tried to work the schedule. We tried to get all the schedules for an out-of-the-blue meeting. And this was the only time. We know we need to have the meeting. So I apologize for any inconvenience that might cause anybody. It's certainly an inconvenience to all of us in the middle of our day. But I apologize for that. I don't always agree with Charlie, but Mayor Fuller is a great leader, and I appreciate the things that Charlie said. Mayor Fuller expressed appreciation for the Council comments. You guys do know and recognize the sacrifice that my family makes, I also recognize the sacrifice that you guys make, and I'm honored to be up here with every one of you. I care about everyone in this room. I care about the job I'm doing. I live and eat and breathe it. I don't sleep at night as a result of it. My wife has been here, as everyone that knows, every single meeting with the exception of one that she was completely indisposed with one of our not-so-wonderful children that night. And yesterday I may have been a little bit more passionate than I would have normally been, because yesterday, as some people may know, my wife and I were the recipients of a vulgar threat of harm to me and my family over this annexation process. It was taped to our door in a cowardly fashion with, of course, no name or way to know who it was. So I implore whoever that was to reach out to me and meet me personally. I'd certainly like to have a conversation. I have not made up my mind how I'm going to vote on this. The reason that we have this public process is for every one of you to come out and speak. And it is our duty to listen to you and hear you and be challenged. Somebody asked or said today, "have you asked your neighbor?" I actually have. And I would say, out of 100 people I've talk to in the city limits, 95 or greater think that we should annex. But I also tell you that most of them don't have their facts straight. They have a reason that's not founded in fact. And I end up having to educate them as to that. There's people that say, "we pay for our own fire services." You actually

don't. The City subsidizes most of it. So it's our duty to hear you, separate fact from fiction, or mistake rather, and then, as Councilman Shemwell alluded to, we need to go back to staff and get answers to questions. I believe it was Jason Blake who said his assessment was that Council probably had a very short time to decide this. The law was passed based on very short time frames. We brought back and had discussion about this annexation process. If we were to do this, it had to be done immediately, at least the process, not vote for it. There was enough information that the majority of people up here thought we need to start this process. But we also knew that we were doing that without a commitment to annex at that time. It was to preserve the right based on the information that we were given. As I said last night, I've heard a lot of challenging statements that I'm looking into. Mr. Dawes, with all due respect to say there was nothing derogatory said personally, if I said I think your company is acting in a sleazy way, I guess I'm not saying that the owner of that company is sleazy, but I'm probably going to tell you, you should assume that that's what I mean. When we hear things like "sleazy" and "corrupt" and "greedy" and all that, that's a personal attack on our character. That deviates from respect and common courtesy to one another. Last thing I'll say on that subject is, I've heard a couple of people say, hey, you decided to run. You've signed up for that. I don't subscribe to that. What I subscribe to is that each one in this room has an obligation to be respectful to us and we to you. That old adage that you're a public official, deal with it, take it. Well, that's why you also hear the adage you can hardly get people to run. So I would take a page out of Tracy Thomas' book and let's treat each other with respect. We deserve that as much as you deserve that.

**17-032SUP** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for Auto Parts Sales and Service (Omar's Wheels and Tires), Located at 1605 South McDonald Street, and



Accompanying Ordinance. Planning Manager Samantha Pickett stated the applicant is requesting a specific use permit for automotive sales and service on the subject property. During the Planning and Zoning Commission meeting, the applicant did agree to limit the uses on the property to custom wheel and tire sales and installation, alignments and lift kits. He also agreed to restrict the overnight parking to be inside the building and no open storage on the property. The Planning and Zoning Commission recommended approval of the applicant's request. Per the zoning on the property, which was C3 regional commercial, automotive uses do require a specific use permit to be allowed, which gives you the opportunity to consider if the proposed use is appropriate for the subject property. Staff has evaluated the request and has concerns given the adjacent single family residential uses to the north and the west, and considers that the approval of this use would contribute to an over-concentration of automotive uses on the State Highway 5 corridor. While the applicant has provided a taller screening wall in the rear of the property, eight feet instead of six, no additional features have been added to offset the potential effects of this use on the adjacent and surrounding properties. Staff does not feel the proposed use is appropriate for the subject property, and as such, recommends denial. The adoption of these newer zoning districts, C1-3, suburban office, regional office, that were adopted back in 2014 specifically put these automotive uses to be only allowed by right in industrial districts. Applicant, Mr. Omar Maladi, stated that their current location has been open for almost two years and it's doing great. In total we have about 15 locations in the Dallas/Fort Worth area. This location was a retail store for about 30 years as a landscape company with outdoor displays. Mr. Maladi stated he has agreed to all the requirements that Planning and Zoning told us about from repaving to adding a fire hydrant, installing the buffer in the back with the eight foot masonry fence in the back, some landscaping, and not

allowing mechanic work to be done there. Council member Philips stated that one of the concessions made to the Planning and Zoning Commission is to not leave any cars outside overnight and that there would not be any mechanic work other than alignment done at this location. I wanted to make sure that everybody here knew that you are a McKinney business; that you are growing with McKinney. That you would like the opportunity to grow in that spot and are willing to do everything necessary to quell any fears of anybody around there. Mayor Fuller called for public comments.

Mr. TJ Lane, 503 North Kentucky Street, McKinney, spoke on behalf of Ms. Isabel Benitez, 202 Franklin Street, McKinney, who is opposed to the Specific Use Permit.

Mr. Paul Grundmann, 1056 County Road 359, Quinlan, spoke in favor of the Specific Use Permit.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Councilwoman Rath, to close the public hearing.

Mr. Maladi stated that the highest cost to have the business ready for operation is the installation of a fire hydrant. We also have to resurface the parking lot, add the eight foot masonry fence in back, add landscaping, restrain the interior floors, stripe the parking lot, add a trash bin and enclose it with three walls and 40 feet of access to the trash bin for collection. Mr. Maladi stated in the spirit of being good neighbors, he would be happy to visit with Ms. Benitez. He also stated that they do not intend to use the property behind the building for anything. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Philips, to approve an Ordinance granting a Specific Use Permit for Auto Parts Sales and Service (Omar's Wheels and Tires), located at 1605 South McDonald Street. Caption reads as follows:

ORDINANCE NO. 2017-10-097

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 AUTO PARTS SALES AND SERVICE (OMAR'S WHEELS AND TIRES), LOCATED AT 1605 SOUTH MCDONALD STREET; 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

- 17-136Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the Development Standards, Located on the Northwest Corner of Grassmere Lane and U.S. Highway 380 (University Drive), and Accompanying Ordinance. Planning Manager Matt Robinson stated the applicant is planning to rezone approximately 2.56 acres of land to generally modify development standards and provide for additional commercial uses. In specific, the applicant has provided provisions for drive-through facilities for restaurants, as well as professional office uses. The developer has stated that they were approached by residents within the Tucker Hill development with a request to develop the retail area with a coffee shop. During the marking of the site, it was discovered that a drive-through would be necessary to serve the coffee shop. Slight modifications to the Tucker Hill pattern book have been proposed to accommodate these uses, but the intent and character prescribed for overall development in the pattern book will remain. Staff is recommending approval of the proposed rezoning request. In addition, the Planning and Zoning Commission recommended unanimously to approve the request. Mayor Fuller called for public comments and there was none. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Branch, to close the public hearing and approve an Ordinance rezoning the

Subject Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to modify the development standards, Located on the Northwest Corner of Grassmere Lane and U.S. Highway 380 (University Drive). Caption reads as follows:

ORDINANCE NO. 2017-10-098

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 2.57 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF GRASSMERE LANE AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, 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

**17-244Z** Mayor Fuller called for 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 Allow Commercial, Single Family Attached Residential and Multi-Family Residential Uses, Located on the Southwest Corner of Eldorado Parkway and Stonebridge Drive, and Accompanying Ordinance. The applicant withdrew the request and no action was taken.

**17-1029** Conduct a Public Hearing to Consider/Discuss/Act on a Sign Variance Request by Masters Car Wash Partners LLC, Appealing the Denial of a Sign Permit for Monument Signage at Masters Car Wash, Located at 7249 South Custer Road. Chief Plans Examiner Jeff Harris stated this is a sign variance for a monument sign. The applicant is requesting a ten foot, six inch monument sign with an LED element at 60 square feet. The City of McKinney sign ordinance allows a monument sign to be a

maximum of six feet tall with the LED portion limited to 20 square feet. Staff finds no hardship unique to the property and staff is recommending denial of the variance. Mr. Harris stated that this does not present a specific hazard or danger and it would set a precedent along the corridor there on Custer Road. They are requesting a variance of four-foot, six-inches taller than our current sign ordinance. Council member Shemwell stated he is not in favor of a ten-foot, six-inch sign but we do need to look at the ordinance as a whole. Councilwoman Rath stated we definitely need to take a look at the ordinance. Applicant, Mr. Barry Farris, Masters Car Wash and Lube, 7249 Custer Road, McKinney, stated he has been working on this project for about 15 months. I monitored the Frisco site for 24 months, placing specials on the sign that people would have to mention to determine if they got the special. I was able to track those for 24 months and that sign created \$400,000 of revenue. We installed a sign at the McKinney store following the 20 square foot rule and it produced very little revenue and cost \$25,000. This new sign will cost around \$93,000 but based on my experience it will still add value to the business significantly. Mayor Fuller called for public comment and there were none. Council unanimously approved the motion by Council member Elliott, seconded by Council member Shemwell, to close the public hearing. Mayor Fuller suggested that Council consider a motion to approve a sign up to eight feet with 60 square foot LED component and that we immediately follow with a sign ordinance amendment that will make this a fair playing field for everybody else. City Attorney Houser stated that if the variance is granted, Council is not bound by that in relation to future cases. There is a desire from some members to revisit that provision in the sign ordinance. So I think it would be helpful for Mr. Harris to have some direction. Mr. Harris stated revisiting the entire sign ordinance would take a significant longer period of time, however, for this specific section regarding monument signs, I think that is definitely

something we can do in a very short time frame. The motion by Council member Philips, seconded by Council member Branch, to approve the sign variance request as submitted, failed by a vote of 3-4-0, Mayor Fuller, Mayor Pro Tem Rogers, Council member Shemwell, and Councilwoman Rath voting against. Council unanimously approved the motion by Council member Shemwell, seconded by Mayor Fuller, to approve a sign variance of eight feet in height and an LED element of 60 square feet. Mayor Fuller stated that direction we have for staff is to get that portion of the Ordinance corrected to LED of 60 square feet and up to eight feet in height. Mayor Pro Tem Rogers inquired about the number of seconds that the LED sign can change. Mr. Harris stated that in the current code ordinance we have standards that it change every eight seconds.

**17-1030** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Authorizing the McKinney Housing Finance Corporation (MHFC) to Enter into Non-binding Negotiations for a Development Agreement with Sphinx Development Corporation to Serve in Co-Developer Role on the "Villas at Throckmorton" to be Located at 820 E. University Drive. Housing and Community Development Manager Janay Tieken stated that Sphinx Development Corporation has requested that the McKinney Housing Finance Corporation serve in a co-developer role on the Villas at Throckmorton. On September 18, 2017, City Council directed the McKinney Housing Finance Corporation to meet and make a recommendation on Sphinx in the co-developer role and Council also expressed support of the co-developer process, but generally expressed support of a competitive selection process, and an issuing of an RFQ for co-developer. The McKinney Housing Finance Corporation met on September 29, 2017 and voted to move forward with such a process for the next housing tax credit funding cycle. They also voted three to one to recommend entering into negotiations on a co-developer agreement with

Sphinx Development Corporation. This is not approval of the development nor approval of a Resolution of support for the development. It is merely giving staff and the Housing Finance Corporation permission to enter into negotiations to negotiate a co-developer agreement. Council directed staff to go to the Housing Finance Corporation and tell them that the co-developer role was okay for them to do and to ask about the Sphinx Development Corporation in the co-developer role. Council member Branch stated he thought that we discussed doing more discovery on the co-development role and the partnership role and how that works. Then come back to us to determine if they felt that would be a good opportunity for the City, not necessarily any specific individual. Councilwoman Rath stated that since this had not been done before, specifically that the Board would develop criteria to follow. I think that at least my memory is that Council gave consensus absolutely supportive of MHFC's role in co-development, but we wanted a process, because it's a big undertaking. Mayor Pro Tem Rogers stated this does not seem like a competitive situation. Ms. Tieken stated that staff's understanding was that City Council would be making a decision on the request by Sphinx Development to enter into the co-development agreement with the HFC as a partner. The HFC in a co-developer role and doing an RFQ would be the competitive process for the next people that approach the City. Council member Shemwell stated it was his understanding that the HFC knew nothing about a co-development and how that worked in making money. And, because Sphinx brought the idea to us about making money for the City and moving forward with affordable housing, that they should get the shot at this. Ms. Tieken stated they did lose the inducement resolution that was done by the Housing Finance Corporation for the 2016 bonds, 2016 carryover, or 2017 bonds. They lost the 2017 bonds. So they would, if Council says yes, we're okay with the HFC doing negotiations for co-developer role

with Sphinx, then the next item would be to do an inducement resolution so that they are eligible for those 4% bonds, the 2017 carryover. Ms. Tieken stated my understanding is that the HFC would only own the land and would lease it back to the partnership. They would have an option to purchase the property for the equity in the property at the end of the 15-year compliance period. They will not come back to Council for resolution of support until they have their zoning in place. Mr. Jay Oji, Sphinx Development, 3030 LBJ Freeway, Suite 1350, Dallas, stated Sphinx is eligible for a carry forward in funding. We started this process two years ago. So we have a 24-month window typically. We need language in the resolution that authorizes us to carry forward the \$23 million we had previously to 2018. In regard to the retail, there are two properties. The one fronting on US 380 is zoned commercial and the one in the back is zoned multifamily. We plan on combining the two sites into one PD. Councilwoman Rath stated that there were some inconsistencies in statements previously made and makes me want to take a step back and get a process in place. Mr. Tekerue Okobjah, Sphinx Development, 3030 LBJ Freeway, Suite 1350, Dallas, stated that at the HFC meeting we detailed to the Board of HFC that the financing was spoken for. We lost the reservation, as you've been told, last week. It was circumstances out of our control that made us lose that reservation. So that was why that information was given to the Board at that time. It wasn't an intent to give misleading information. Council member Philips stated he likes the retail idea. If you have a commercial element and retail element that is what caught my eye on this project. As far as the process goes, I think tonight we should grant the resolution to explore it and that way we will have a process that we can replicate and can move this project forward rather than taking a step back. Council member Shemwell stated that although I do not want to see my district oversaturated with affordable housing, it is better to have it somewhere than to not have it at all. Council approved



the motion by Council member Shemwell, seconded by Council member Philips, to approve a Resolution authorizing the McKinney Housing Finance Corporation (MHFC) to Enter into Non-binding Negotiations for a Development Agreement with Sphinx Development Corporation to serve in a Co-Developer Role on the "Villas at Throckmorton" to be Located at 820 E. University Drive with a vote of 5-2-0, Councilwoman Rath and Council member Branch voting against. Caption reads as follows:

RESOLUTION NO. 2017-10-191 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE MCKINNEY HOUSING FINANCE CORPORATION (MHFC) TO NEGOTIATE A DEVELOPMENT AGREEMENT WITH SPHINX DEVELOPMENT CORPORATION TO SERVE IN A CO-DEVELOPER ROLE ON THE "VILLAS AT THROCKMORTON" TO BE LOCATED AT 820 E. UNIVERSITY DRIVE

- 17-1031** Mayor Fuller called for Consideration/Discussion/Action on a Facilities Agreement for Lots 1 & 2, Block A, of the Swim Addition, Located Approximately 2,600 Feet North of County Road 331 and East of County Road 338. Planning Manager Matt Robinson stated that this item is for the Facilities Agreement for two lots in the Swim Addition located in the City of McKinney's ETJ. This item is associated with the next item on the agenda which is a preliminary file plat. The applicant has indicated to staff the desire to not construct escrow for typical required improvements as associated with the plat, which include construction of an 8-inch water line and an 8-inch sewer line. Proposed facility agreement limits properties to one single family detached home on each lot. Approval of this agreement allows applicant to move forward with the associated preliminary final plat. As such, staff is recommending approval of the facilities agreement. Council unanimously approved the motion by Council member Elliott, seconded by Council member Shemwell, to approve a Facilities Agreement for Lots 1 & 2, Block A, of the Swim Addition, located approximately 2,600 feet north of County Road 331 and East of County Road 338.

**17-177PF** Mayor Fuller called for Consideration/Discussion/Action on a Preliminary-Final Plat for Lots 1 & 2, Block A, of the Swim Addition, Located Approximately 2,600 Feet North of County Road 331 and East of County Road 338. Council unanimously approved the motion by Council member Branch, seconded by Council member Elliott, to approve a Preliminary-Final Plat for Lots 1 & 2, Block A, of the Swim Addition, located approximately 2,600 feet north of County Road 331 and East of County Road 338.

**17-1032** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Awarding a Contract to JMR Construction of McKinney, Texas for the Rehabilitation of 1104 Anthony Street, McKinney, Texas 75069. Housing and Community Services Manager Janay Tieken stated that this item is stated as rehabilitation because that's the CDBG term, but it is really a reconstruct of this property. The low bid was \$124,465 and it is a "not to exceed" amount of \$136,911 for the reconstruction of this home for an income eligible family. Council unanimously approved the motion by Council member Shemwell, seconded by Council member Philips, to approve a Resolution awarding a contract to JMR Construction of McKinney, Texas for the Rehabilitation of 1104 Anthony Street, McKinney, Texas 75069. Caption reads as follows:

RESOLUTION NO. 2017-10-192 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE AWARD OF A  
CONTRACT TO JMR CONSTRUCTION OF McKinNEY, TEXAS  
FOR THE REHABILITATION OF 1104 ANTHONY STREET,  
McKINNEY, TEXAS 75069

Mayor Fuller called for Citizen Comments and there were none.

Mayor Fuller called for Council and Manager Comments. Council member Shemwell stated he is proud to do the work with you guys. We make decisions moving forward. We made decisions we move forward. I appreciate working with you guys.

Council member Branch did not have any comments.

Councilwoman Rath did not have any comments.

Council member Philips did not have any comments.

Council member Elliott stated due to the late hour, he would defer his comments until the next meeting.

Mayor Pro Tem Rogers did not have any comments.

Mayor Fuller did not have any comments.

Mayor Fuller recessed the meeting into executive session at 10:50 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.071 (A). Litigation / Anticipated Litigation, Section 551.072 Discuss Real Property and Section 551.074 Discuss Personnel Matters, as listed on the posted agenda. Mayor Fuller recessed back into open session at 11:13 p.m.

Mayor Fuller called for Action on Executive Session Items.

Council unanimously approved the motion by Mayor Fuller, seconded by Mayor Pro Tem Rogers, to approve a settlement agreement with Arch Resorts, LLC as discussed in Executive Session.

Council unanimously approved the motion by Council member Philips, seconded by Council member Shemwell, to approve the employment contracts with Municipal Judge Roger Dickey and Associate Municipal Judge Efren Ordonez.

Council unanimously approved the motion by Mayor Fuller, seconded by Council member Elliott, to adjourn. Mayor Fuller adjourned the meeting at 11:14 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary