

## CITY COUNCIL REGULAR MEETING

NOVEMBER 1, 2016

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on November 1, 2016 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Randy P. Pogue, Council members: Chuck Branch, Don Day, Tracy Rath, Rainey Rogers, and Travis Ussery.

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Director of Parks and Recreation Rhoda Savage; Assistant Director of Parks and Recreation Ryan Mullins; Fire Chief Danny Kistner; Assistant Fire Chief Chris Lowry; Director of Strategic Services Chandler Merritt; Planning Manager Jennifer Arnold; Chief Plans Examiner Jeff Harris; Municipal Court - April Morman and Jenny Lawson; Housing and Community Services Manager Janay Tieken; Planner Aaron Bloxham; and Environmental Health Manager Lori Dees.

There were 50 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Major Paul White, The Salvation Army Church. Girl Scout Troop 4606 led the Pledge of Allegiance.

**16-1106** Salvation Army Red Kettle Proclamation. Mayor Loughmiller presented the Salvation Army Red Kettle Proclamation to Major Paul White.

**16-1107** Municipal Court Week Proclamation. Mayor Loughmiller presented the Municipal Court Week Proclamation to Municipal Court Supervisor April Mormon.

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke against agenda item 16-1121:

Ms. R. Lynn Shell, P. O. Box 2603, McKinney

Mr. Don Sams, 3343 Stickhorse Lane, McKinney

Mr. Victor Whitlock, P. O. Box 2603, McKinney

Mr. Juan Verde, 2944 CR 330, McKinney

Mr. Ken Walsh, 1900 Chessington Lane, McKinney, did not wish to speak but wanted his concerns regarding the Town of Fairview Police ticketing McKinney residents as they drive along the service road of US 75 entered into the record.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Rogers, to approve the following consent items:

- 16-1108** Minutes of the City Council Work Session of October 17, 2016
- 16-1109** Minutes of the City Council Regular Meeting of October 18, 2016
- 16-1110** Minutes of the City Council Work Session of October 24, 2016
- 16-1060** Minutes of the Community Grants Advisory Commission Meeting of July 28, 2016
- 16-963** Minutes of the Library Advisory Board Meeting of September 15, 2016
- 16-1007** Minutes of the Main Street Board Meeting of September 8, 2016
- 16-1016** Minutes of the McKinney Armed Services Memorial Board Meeting of September 14, 2016
- 16-1066** Minutes of the McKinney Arts Commission Meeting of August 11, 2016
- 16-1067** Minutes of the McKinney Arts Commission Meeting of August 12, 2016
- 16-1068** Minutes of the McKinney Arts Commission Meeting of August 18, 2016
- 16-1038** Minutes of the McKinney Economic Development Corporation Special Meeting of September 12, 2016
- 16-1039** Minutes of the McKinney Economic Development Corporation Meeting of September 20, 2016
- 16-1029** Minutes of the McKinney Housing Finance Corporation Meeting of April 8, 2016
- 16-1030** Minutes of the McKinney Housing Finance Corporation Meeting of April 15, 2016
- 16-1031** Minutes of the McKinney Housing Finance Corporation Meeting of September 30, 2016
- 16-1024** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of September 8, 2016
- 16-1111** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2016-

2017 Annual CIP Budget and the 2017 - 2021 Capital Improvements Program; to Appropriate Funds from the Collin County Parks and Open Space Project Funding Assistance Program for Phase II of Bonnie Wenk Park. Caption reads as follows:

ORDINANCE NO. 2016-11-085

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2016-2017 BUDGET AND THE 2017 - 2021 CAPITAL IMPROVEMENTS PROGRAM TO APPROPRIATE FUNDS FROM THE COLLIN COUNTY PARKS AND OPEN SPACE PROJECT FUNDING ASSISTANCE PROGRAM TO BONNIE WENK PARK PHASE II; AND PROVIDING FOR AN EFFECTIVE DATE

- 16-1112** Consider/Discuss/Act on an Ordinance Amending the Code of Ordinances of the City of McKinney, Section 134, "Signs" by Revising Paragraph (a) of Chapter 134-10 entitled "Multiple-Building Lot Coordinated Signage," to Allow Coordinated Signage on Property that is Developed in any Non-Residential Zoning District in Addition to Property Developed in a Planned Development District or in the McKinney Town Center. Caption reads as follows:

ORDINANCE NO. 2016-11-086

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING CHAPTER 134, "SIGNS" BY REVISING PARAGRAPH (a) OF SECTION 134-10 ENTITLED "MULTIPLE-BUILDING LOT COORDINATED SIGNAGE" TO ALLOW COORDINATED SIGNAGE ON PROPERTY THAT IS DEVELOPED IN ANY COMMERCIAL (NON-RESIDENTIAL) ZONING DISTRICT IN ADDITION TO PROPERTY DEVELOPED IN A PLANNED DEVELOPMENT DISTRICT OR IN THE MCKINNEY TOWN CENTER; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 16-1113** Consider/Discuss/Act on a Resolution Adopting the Revised Drainage Maintenance Policy and Priority Matrix. Caption reads as follows:

RESOLUTION NO. 2016-11-156 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING THE DRAINAGE MAINTENANCE POLICY

- 16-1114** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Lockwood, Andrews & Newman, Inc. (LAN) for Professional Engineering Design Services for the Redbud Pump Station 794 PP Transmission Water Line and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2016-11-157 (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 \$394,945.00 WITH LOCKWOOD, ANDREWS & NEWMAN, INC. FOR ENGINEERING DESIGN SERVICES FOR REDBUD PUMP STATION 794 PP TRANSMISSION WATER LINE AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$435,000

- 16-1115** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply For and Accept, if Awarded, an Assistance to Firefighters Grant, through the Department of Homeland Security, to Renovate the Public Safety Building to Include a Training Room. Caption reads as follows:

RESOLUTION NO. 2016-11-158 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT AN ASSISTANCE TO FIREFIGHTERS GRANT, THROUGH THE DEPARTMENT OF HOMELAND SECURITY, TO RENOVATE THE PUBLIC SAFETY BUILDING TO INCLUDE A TRAINING ROOM

- 16-1116** Consider/Discuss/Act on a Resolution Accepting the Texas Forest Service Texas Intrastate Fire Mutual Aid System (TIFMAS) Grant for a Type 3 Apparatus. Caption reads as follows:

RESOLUTION NO. 2016-11-159 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT A TEXAS FOREST SERVICE TEXAS INTRASTATE FIRE MUTUAL AID SYSTEM (TIFMAS) GRANT FOR A TYPE 3 APPARATUS

- 16-1117** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Median Maintenance Reimbursement Agreement with

Stonebridge Ranch Community Association, Inc. Caption reads as follows:

RESOLUTION NO. 2016-11-160 (R)

A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS, APPROVING A MEDIAN MAINTENANCE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF MCKINNEY, A TEXAS MUNICIPAL CORPORATION (THE "CITY") AND STONEBRIDGE RANCH COMMUNITY ASSOCIATION, INC. (THE "ASSOCIATION"), CONCERNING MAINTENANCE OF ROADWAY MEDIANS, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

END OF CONSENT

Council member Ussery stepped down from the dais for the following two items.

**16-1119** Mayor Loughmiller called for Consideration/Discussion/Action on a Second Amendment to the 2012 Trinity Falls Development Agreement and a First Amendment to the Amended and Restated Trinity Falls Park Development and Disbursement Agreement. Executive Director of Development Services Michael Quint stated that Staff has been working with the new and old Developer of the Trinity Falls MUD for approximately six months to clarify and refine several existing provisions within the 2012 Development Agreement and the First Amendment. We were able to reach agreement on several of the provisions but there are two (2) significant provisions that we were unable to agree upon. Mr. Quint stated that Staff is good with the agreement as it is except those issues that would be addressed at a future date. Council approved the motion made by Council member Rogers, seconded by Mayor Pro Tem Pogue, to approve a Second Amendment to the 2012 Trinity Falls Development Agreement and a First Amendment to the Amended and Restated Trinity Falls Park Development and Disbursement Agreement with a vote of 6-0-1, Council member Ussery abstaining.

**16-1118** Mayor Loughmiller called for Consideration/Discussion/Action on Assignments of Municipal Utility District 1's Creation and Operation and Municipal Utility District 2's Creation and Operation, the Development Agreement, and the Park Development and Disbursement Agreement from CH-B Trinity Falls, L.P. to Trinity Falls Holdings, L.P.

Executive Director of Development Services Michael Quint stated that this is the assignment of responsibility from the old developer to the new developer. Council approved the motion made by Council member Rogers, seconded by Council member Branch, to approve assignments of Municipal Utility District 1's Creation and Operation and Municipal Utility District 2's Creation and Operation, the Development Agreement, and the Park Development and Disbursement Agreement from CH-B Trinity Falls, L.P. to Trinity Falls Holdings, L.P. with a vote of 6-0-1, Council member Ussery abstaining.

Council member Ussery returned to the dais.

**16-237SP2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for Two Office/Warehouse Buildings (Redbud Central), Located on the Northwest Corner of Redbud Boulevard and Central Circle. Executive Director of Development Services Michael Quint stated that the applicant is proposing to construct two office warehouse buildings totaling approximately 50,000 square feet. Staff has evaluated the request for conformance with the zoning ordinance and has no concerns with the site plan or the variance being requested and as such Staff recommends approval. Applicant, Mr. Brandon Davidson, 200 West Alma, Allen, was available for questions and there were none. Mayor Loughmiller called for public comments and there none. Council unanimously approved the motion by Council member Rogers, seconded by Council member Branch, to close the public hearing and approve a Site Plan for two office/warehouse buildings (Redbud Central), located on the northwest corner of Redbud Boulevard and Central Circle with the

following conditions: the applicant replat the subject property to the configuration of the site plan; the applicant revise the site plan to extend the 6' masonry screen wall to the sidewalks to fully screen the loading docks from the public right-of-way; and prior to the issuance of a building permit: the applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist.

**16-183SU3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit and Site Plan Request to Allow for a Wholesale Retail and Tire Service Center with a Motor Vehicle Fuel Sales Facility (Costco), Located on the Northeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is requesting approval of a Specific Use Permit and site plan to allow for a wholesale retail building, tire service center, and a motor fuel sales facility. Staff has combined the Specific Use Permit for the fuel sales and tire facility into one application with the site plan to expedite the development. Staff has evaluated this request in conjunction with adjacent land uses and has no concerns. In addition, applicant has requested a series of variances and staff has no concerns with the variances. Applicant, Mr. Michael Clark, Winkelmann & Associates, Inc., 6750 Hillcrest Plaza, Suite 325, Dallas, stated they are working on additional approvals and engineering details for the site before they can begin construction. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Branch, to close the public hearing and approve an Ordinance approving a Specific Use Permit and site plan request to allow for a wholesale retail and Tire Service Center with a Motor Vehicle Fuel Sales Facility (Costco), located on the northeast corner of U.S. Highway 380 (University Drive) and Hardin Boulevard with the following conditions: the subject property shall

generally develop in accordance with the attached Site Layout Exhibit; the applicant receive approval of a variance to allow the proposed overhead doors for the tire service center to be oriented toward public right-of-way (Hardin Boulevard); the applicant receive approval of a variance to allow the proposed overhead doors associated with the loading dock located on the south side of the building to be oriented toward public right-of-way (U.S. Highway 380); the applicant receive approval of a living plant screen (composed of Holly Podocarpus to be 6' at the time of planting) to screen the overhead doors associated with the tire service center from view of public right-of-way (Hardin Boulevard); the applicant receive approval of a living plant screen (composed of Holly Podocarpus to be 6' at the time of planting) to screen the overhead door located on the north side of the building visible from residential uses located north of the subject property; the applicant receive approval of a variance to not screen the overhead doors associated with the loading dock from view of public right-of-way (U.S. Highway 380); and prior to issuance of a building permit: the applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist.

Caption reads as follows:

ORDINANCE NO. 2016-11-087

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A TIRE SERVICE CENTER AND A MOTOR VEHICLE FUEL SALES FACILITY, APPROXIMATELY 15.60 ACRES, LOCATED ON THE NORTHEAST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND HARDIN BOULEVARD; 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

- 16-248SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Restaurant with Drive-Through Window (Victory @ Lake Forest), Located on the Northwest Corner of

Collin McKinney Parkway and Lake Forest Drive, and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is requesting approval of a Specific Use Permit for a restaurant with drive-through window. The property is approximately 6,000 square feet and there are three proposed uses for the property; office, retail and the drive-through restaurant. Restaurants are allowed on the subject property by right. The SUP request is only for the drive-through window component. There is no menu board proposed at this location and customers will order at the window. Staff has evaluated the request and has no concerns. The Planning and Zoning Commission recommended denial of this request and, as a result, any action tonight will require a super majority vote from the Council. Staff is recommending approval. Mayor Pro Tem Pogue inquired if an inclusion of a provision for additional live screening on top of the masonry wall would be appropriate to attach to the SUP. Mr. Quint stated that it definitely could be added to the SUP. Any development plans would have to be attached to the SUP and would have to develop in accordance with the approved request. No menu board or significant deviations from this plan would be allowed. The base zoning for this property is C-1 and does allow for commercial uses including a sit-down restaurant, office, and medical office uses. The donut shop will be one component of the 6,600 square foot property. Applicant, Mr. Shea Kirkman, Kirkman Engineering, LLC, 4821 Merlot Avenue, Grapevine, stated that the developer would entertain additional live landscaping in addition to the masonry wall screening requirement. The drive-through window is non-standard as it has no speaker box. The developer would also welcome a requirement that the drive-through remain on the west side of the building to protect the neighbors to the north. Mr. Kris Ramji, Victory Group, 80010 LBJ Freeway, Suite 400, Dallas, stated that he personally reached out to the homeowners near the property but did not

receive a response. He stated that they will use canopy lights to make sure the lighting on the property does not overflow to the residential area. They are willing to work with the planning staff to make sure this development does not impact the residents. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Rogers, to close the public hearing. Mayor Pro Tem Pogue stated he appreciates the applicant's willingness to adhere to stipulations concerning the live screening. Council approved the motion by Mayor Pro Tem Pogue, seconded by Council member Day, to approve an Ordinance granting a Specific Use Permit for a restaurant with drive-through window (Victory @ Lake Forest), located on the northwest corner of Collin McKinney Parkway and Lake Forest Drive, with the following conditions: the subject property shall generally develop in accordance with the attached Site Layout Exhibit and with the additional language to add a living screen composed of evergreen shrubs shall be provided along the northern property line, with a vote of 6-1-0, Councilwoman Rath voting against. Caption reads as follows:

ORDINANCE NO. 2016-11-088

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A RESTAURANT WITH A DRIVE-THROUGH WINDOW, APPROXIMATELY 0.82 ACRES, LOCATED ON THE NORTHWEST CORNER OF COLLIN MCKINNEY PARKWAY AND LAKE FOREST DRIVE; 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

- 16-1120** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Sign Variance Request by Site Enhancement Services, Appealing the Denial of a Sign Permit for Wall Signage at Advance Auto Parts, Located at the Northeast Corner of West University Drive and North Church

Street. Chief Plans Examiner Jeff Harris stated that this is a sign variance request for additional wall signage on the south and west elevations. The applicant is requesting 90.5 square feet of additional signage on the south elevation and 164 square feet of additional signage on the west elevation. Staff reviewed the request and found no additional hardship and no unique circumstance. The sign is not compatible with the surrounding area and the signage they are proposing extends above the roof line which is prohibited by the sign ordinance. Staff is recommending denial of the request. Council member Day stated he is in favor of looking at the sign ordinance as it pertains to signs going above the roof line. Applicant, Mr. Brett Scurvin, Sight Enhancement Services, 104 West University Drive, McKinney, stated they are seeking a variance for two proposed wall signs. The only illuminated portion of the sign is 88 square feet. The red panels on the sign is an architectural background that the sign is mounted to and is considered our trademark color red. We think this is a good solution to provide better visibility. Typically a commercial business has their main entrance at the front of the store but to enter our store will be from the side entrance which is to the west of our site. We feel that there are no negatives to this and no detriment to the sign. Mr. Harris stated that by definition, the red paneling that serves as background that allows the channel letters to stand out, is calculated as signage. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Branch, to close the public hearing. Council approved the motion by Council member Branch, seconded by Council member Rogers, to approve a Sign Variance for wall signage at Advance Auto Parts, located at the northeast corner of West University Drive and North Church Street, with a vote of 6-1-0, Councilwoman Rath voting against.

**16-296M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on

an Ordinance Amending Chapter 146-130 (Vehicle Parking) of the Code of Ordinances, the Creation of Chapter 138, Article VII (Donation Collection Containers) of the Code of Ordinances, and an Amendment to Appendix A (Schedule of Fees) of the Code of Ordinances. Executive Director of Development Services Michael Quint stated Staff is proposing to make a series of modifications to the City of McKinney's Code of Ordinances pertaining to donation bins. The point of these proposed regulations are to stay consistent with current case law and avoid any potential claims against the City. The last time we talked about this issue, there were concerns raised about the little food pantry, little free library, or similar bins and making sure regulations were simplified and didn't discourage those. We added some additional verbiage stating that locking mechanisms required to prevent theft were not necessarily required for openings in a donation bin. We did try to address the feedback we got from the Council simplifying the regulations but still putting forth a series of comprehensive regulations that will protect the City for future claims on this issue and protecting against negative effects that come with the proliferation of donation bins. Donation bins are allowed only in commercial areas. Any bins prior to these regulations would be legal, non-conforming. Anybody going in after this would be required to adhere to these regulations. Mr. Quint stated that in the draft regulations we define large donation containers as being 175 cubic feet or larger and those do require manned operation. Containers smaller than that do not require manned operation. If the container is required to be a manned operation and it is not, we will give them a warning. If they continue to not man the container, we will issue citations through the Code Enforcement Department. If we still do not get compliance, we will notify them that we are revoking the permit. Environmental Health Manager Lori Dees stated that notice would be given to the property owner as well as the establishment owner. In this instance, we would

issue a citation, if that was necessary, to the actual owner of the donation bin. Even though the owner of the property may not be issued a citation, they may be issued the notice of violation which would tell them that they may receive a citation because ultimately the property owner is responsible. City Attorney Mark Houser stated that the permit is issued to the owner of the bin and the landowner so you would be revoking permits for both if there is a violation. Mayor Pro Tem Pogue stated that if there is a violation, he prefers the citation go to the landowner and not the person subletting the bin. Mr. Quint stated that currently, the Ordinance says any donation bins or anything of this nature has to be shown on a site plan. Nine times out of 10, these donation bins are going in parking spaces and our parking ordinance says you can't put anything in a parking space that is not a vehicle. Mayor Loughmiller stated he feels this is intended to address the enforcement issue because the purpose is not to prohibit donation bins but more to police them so we don't have debris all around them. Mayor Loughmiller called for public comments.

Mr. J. Martin Sanchez, 2602 Saratoga, McKinney, spoke in favor of the proposed Ordinance.

Ms. Teri Youngdale, 1503 W. Hunt Street, McKinney, spoke in opposition of the proposed Ordinance.

Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to close the public hearing. Mr. Quint stated that if Council wanted to build in an exemption for a certain size or a particular use to be allowed in a residential district, we could certainly do that. We could probably create a new definition that says residential donation bins up to a certain size is exempt from these regulations. Mayor Loughmiller stated he is more concerned about the larger bins on various parking lots where boxes are overflowing and no one is manning the bin. City Manager Grimes stated we can go back

and propose some language and bring it back. We will evaluate the size and particular use for bins to operate in residential areas and bring it back in two weeks with revised language. Mayor Pro Tem Pogue requested that staff explore the opportunity for grandfathering the residential component versus the commercial. Councilwoman Rath stated that she is not in favor of anything that's going to make it more difficult for the little free pantries and free libraries to exist. Council member Day expressed concern about putting any in residential neighborhoods. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to reopen the public hearing. Council approved the motion by Mayor Pro Tem Pogue, seconded by Council member Rogers, to continue the public hearing and table the item to the November 15, 2016 meeting, with a vote of 6-1-0, Council member Branch voting against.

**16-1121** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the 1999 Municipal Annexation Plan. Planning Manager Jennifer Arnold stated that this item is to amend the 1999 Annexation Plan and adopt an updated policy that identifies parameters for decision-making as well as potential properties to be included in a defined Annexation Plan. Staff is requesting this item be tabled to the November 15, 2016 meeting to allow additional time to negotiate some of the pre-annexation development agreements required by state law. Ms. Arnold stated that staff can look at options between now and the November 15<sup>th</sup> meeting, however, she noted that areas shown on the plan are probably there because it meets the minimum requirements of the law but we can go back and confirm that. In terms of the negotiations ongoing with property owners, the property owners within that 1,000 feet, if agreements are reached, those would be considered voluntary annexations where we would not have to meet that thousand foot requirement. Those development agreements are required per state law

for property owners that are designated as agricultural from the appraisal district so those development agreements were not offered to every property owner that was included in the annexation area, only those that met that definition for the appraisal district and state law. These eight properties most likely did not have that agricultural exemption so they were not offered that development agreement. Ms. Arnold stated that she did not think there was anything that would preclude the city from offering the development agreement to property owners without the agricultural exemption. She also stated that this would not keep those properties from being annexed entirely. Those agreements offer a five to ten year window before being annexed and at such point, once that development agreement expires, they would be considered voluntary annexations. There are other stipulations in the development agreement that say people cannot do any development in their properties so any type of development under that development agreement would render it void and they would be subject to immediate annexation. As long as those property owners along Stickhorse Lane are okay with that, it is certainly something we could entertain. If a property owner wanted to annex a portion of their property, they would do a voluntary annexation through metes and bounds and they would not have to plat that. They would still own the property and could sell it for commercial development. Mayor Loughmiller stated he is in favor of staff reaching out to the eight property owners and look at development agreements for them. He stated that when we modified the plan, we were trying to do as much as we could to protect Stickhorse Lane and still effectively protect the frontage of 380 for commercial development. Ms. Arnold stated that Staff will post on the annexation page of the City's website when this will be brought back to Council for action. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to table this item indefinitely.

**16-1057** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution of the City Council of the City of McKinney, Texas, Adopting a Policy for the Review and Consideration of Requests for Resolutions in Support of Housing Developments Seeking or Utilizing Low Income Housing Tax Credits and Providing for an Effective Date Upon Passage. City Attorney Mark Houser stated that Council has a modified version of the policy for consideration tonight. The only minor change was the clarification on required public hearings. Mayor Loughmiller stated for the edification of the public, the minor change requires a public hearing on all applications. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve a Resolution of the City Council of the City of McKinney, Texas, adopting a policy for the review and consideration of requests for Resolutions in support of housing developments seeking or utilizing Low Income Housing Tax Credits and providing for an effective date upon passage. Caption reads as follows:

RESOLUTION NO. 2016-11-161 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, ADOPTING A POLICY FOR THE REVIEW  
AND CONSIDERATION OF REQUESTS FOR RESOLUTIONS IN  
SUPPORT OF HOUSING DEVELOPMENTS SEEKING OR  
UTILIZING LOW INCOME HOUSING TAX CREDITS AND  
PROVIDING FOR AN EFFECTIVE DATE UPON PASSAGE

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Rogers did not have any comments.

Councilwoman Rath stated that the McKinney Housing Authority met last week. The McKinney Community Development Corporation met last Thursday and elected Kurt Kuehn as Chair, David Clarke as Vice Chair, Hamilton Doak as Secretary, and David Myers as Treasurer.

Council member Ussery thanked staff for what you do day in and day out and particularly thanks to those departments that contributed to the success of Scare on the Square. It was a wonderful, family-friendly event.

Council member Branch did not have any comments.

Council member Day did not have any comments.

Mayor Pro Tem Pogue did not have any comments.

Mayor Loughmiller stated that Scare on the Square, that was last night, was unbelievable in the number of people that were downtown. They had a great costume contest and a lot of people put effort into the costumes.

City Manager Grimes stated that the City's 2016 Annual Progress Report will be released at Thursday's State of the City luncheon. Following the event, the report will be published online. It has a new format that brings the McKinney story to life. There is still time to donate to Main Street's fundraising campaign to cover the cost of importing a live Christmas tree for the City downtown square for the holidays. Families and organizations that make a minimum donation will receive recognition at the Christmas tree display and the first 100 donors who contribute a minimum of \$50 will receive a commemorative keepsake ornament. Tree lighting and donation information is available online at [www.downtownmckinney.com](http://www.downtownmckinney.com).

Mayor Loughmiller recessed the meeting into executive session at 7:55 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 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 9:10 p.m.

Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to adjourn. Mayor Loughmiller adjourned the meeting at 9:11 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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CITY COUNCIL MINUTES  
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SANDY HART, TRMC, MMC  
City Secretary