

## **CITY COUNCIL REGULAR MEETING**

**SEPTEMBER 20, 2016**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on September 20, 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; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Secretary Sandy Hart; Planning Director Brian Lockley; 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; Chief of Police Greg Conley; Assistant Director of Public Works Paul Sparkman; Director of Strategic Services Chandler Merritt; CIP and Transportation Engineering Manager Gary Graham; IT Desktop Support Technician Chris Milligan; Airport Operations Manager Eric Pratt; Police Corporal Melissa Taylor; Purchasing Manager Lisa Littrell; Chief Financial Officer Mark Holloway; Finance - Trevor Minyard, Eric Corder, and Donna Chamberlain; Human Resources Director Ike Obi; and Police Sergeant Rusty May.

There were approximately 55 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Senior Pastor John McLarty, Stonebridge United Methodist Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Mr. Mark Benedict, 219 Westpark Drive, McKinney, spoke about agenda item 16-923 relating to drainage issues that was discussed at the September 19<sup>th</sup> Work Session.

Ms. Anita Marie Burnett, 600 S. Graves #1307, McKinney, spoke about the lack of public transportation in McKinney.

Mr. Steve Mitchell, 7670 Riverwood, Frisco, spoke about agenda item 16-931 relating to the Apex Center. He requested that the item be tabled for 30 days to allow for conversations with City Staff on other organizations that submitted proposals.

Ms. Alicia Ericson, 4792 S. Fannin Avenue, Denison, spoke about the lack of transportation in McKinney.

Ms. Betty Petkovsek, 1101 W. Louisiana Street, McKinney, spoke in support of naming Sonntag Park after Dr. Mack Hill.

Ms. Kevyn Robertson, 2600 Bunker Hill, McKinney, spoke in support of naming Sonntag Park after Dr. Mack Hill.

Mr. and Mrs. Jim Barton, 608 Tucker Street, McKinney, did not wish to speak but wanted their support of naming the park after Dr. Mack Hill entered into the record.

Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to approve the following consent items:

- 16-925** Minutes of the City Council Regular Meeting of September 6, 2016
- 16-884** Minutes of the Historic Preservation Advisory Board Regular Meeting of July 7, 2016
- 16-919** Minutes of the McKinney Armed Services Memorial Board Meeting of August 11, 2016
- 16-758** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of May 23, 2016
- 16-757** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of May 24, 2016
- 16-853** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of July 22, 2016
- 16-852** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of July 26, 2016
- 16-901** Minutes of the Main Street Board Meeting of August 11, 2016
- 16-906** Minutes of the Parks and Recreation Board Meeting of July 14, 2016
- 16-917** Minutes of the Planning and Zoning Commission Work Session of August 23, 2016
- 16-918** Minutes of the Planning and Zoning Commission Regular Meeting of August 23, 2016
- 16-926** Consider/Discuss/Act on a Resolution Adopting the Purchasing Policy

and Procedures Manual. Caption reads as follows:

RESOLUTION NO. 2016-09-134 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, ADOPTING THE PURCHASING POLICY  
AND PROCEDURES MANUAL

- 16-927** Consider/Discuss/Act on a Resolution Adopting the Investment Policy for  
Fiscal Year 2016-2017. Caption reads as follows:

RESOLUTION NO. 2016-09-135 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, ADOPTING THE INVESTMENT POLICY

- 16-928** Consider/Discuss/Act on a Resolution Adopting the Fiscal Year 2016-  
2017 Financial Policies. Caption reads as follows:

RESOLUTION NO. 2016-09-136 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, ADOPTING THE FINANCIAL POLICIES

- 16-929** Consider/Discuss/Act on a Resolution Authorizing the City Manager to  
Execute a Supplemental Agreement with the Texas Department of  
Transportation (TxDOT) for the Installation and Reimbursement for the  
Operation and Maintenance of Traffic Signals within a Municipality.  
Caption reads as follows:

RESOLUTION NO. 2016-09-137 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
EXECUTE A SUPPLEMENTAL AGREEMENT WITH THE TEXAS  
DEPARTMENT OF TRANSPORTATION (TxDOT) FOR THE  
INSTALLATION AND REIMBURSEMENT FOR THE OPERATION  
AND MAINTENANCE OF TRAFFIC SIGNALS WITHIN A  
MUNICIPALITY

- 16-930** Consider/Discuss/Act on a Resolution Authorizing the City Manager to  
Execute a Contract and All Necessary Change Orders with North Texas  
Contracting, Inc. for the Construction of WW4366 Bloomdale Road  
Sanitary Sewer Trunk Line Project. Caption reads as follows:

RESOLUTION NO. 2016-09-138 (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 \$849,303 WITH  
NORTH TEXAS CONTRACTING, INC. FOR THE

CONSTRUCTION OF WW4366 BLOOMDALE ROAD SANITARY SEWER TRUNK LINE PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$940,000

- 16-932** Consider/Discuss/Act on a Resolution Awarding a Contract to Texoma Concrete Cutting, LLC of Van Alstyne, Texas, for Crack Seal Services.  
Caption reads as follows:

RESOLUTION NO. 2016-09-140 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO TEXOMA CONCRETE CUTTING, LLC OF VAN ALSTYNE, TEXAS, FOR CRACK SEAL SERVICES

- 16-934** Consider/Discuss/Act on a Resolution Amending the Appointment Terms for Various Boards and Commissions. Caption reads as follows:

RESOLUTION NO. 2016-09-142 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE TERMS FOR MEMBERS OF VARIOUS BOARDS AND COMMISSIONS

- 16-935** Consider/Discuss/Act on a Resolution Authorizing an Adjustment to the Solid Waste Contract with Progressive Waste Solutions of Texas, Inc.  
Caption reads as follows:

RESOLUTION NO. 2016-09-143 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING AN ADJUSTMENT TO THE SOLID WASTE CONTRACT WITH PROGRESSIVE WASTE SOLUTIONS OF TEXAS, INC.

END OF CONSENT

- 16-931** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Metroplex Aquatics of Parker, Texas, for Aquatic Program Rentals/Providers at McKinney Apex Centre. Director of Parks and Recreation Rhoda Savage stated that there was a request for proposals written that was reviewed by our purchasing department. It was posted

and advertised for bid in an area paper similar to what we do with state law requirements for bidding projects. We received sealed proposals and Staff was not to discuss those with each other. There were four reviewers who looked at those proposals. The Purchasing Department prepared a compilation of the final scores in the tabulation and summary that is in the packet. Part of the proposal packet required letters of recommendation. We contacted some of the other cities and asked for additional information regarding the selected bidder. Since it was essentially a unanimous vote, we felt comfortable pursuing them. Purchasing Manager Lisa Littrell stated that we would not want to reevaluate the proposals, otherwise we would have to reject all bids and start over. City Manager Grimes stated that Council could request that staff do an administrative review to see if there is something that needs addressing with this bid process. If not, we can move forward and execute the contract. Mr. Grimes noted that with Council's authorization tonight, he will evaluate the bid before execution of the agreement. Council unanimously approved the motion by Council member Rogers, seconded by Councilwoman Rath, to approve a Resolution authorizing the City Manager to execute a contract with Metroplex Aquatics of Parker, Texas, for Aquatic Program Rentals/Providers at McKinney Apex Centre. Caption reads as follows:

RESOLUTION NO. 2016-09-139 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AWARDED A CONTRACT TO  
METROPLEX AQUATICS OF PARKER, TEXAS, FOR AQUATIC  
PROGRAM RENTALS/PROVIDERS AT McKINNEY APEX  
CENTRE

- 16-933** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending the Policy on Board and Commission Member Appointment and Eligibility. Councilwoman Rath stated that she requested this item be pulled down for discussion. Ms. Rath stated that we spend a lot of time in scheduling the interviews with our boards and

commission members and have had limited participation. I know our residents are offered one interview time because we are working around the Council members' schedules. I would like to see the face-to-face interviews eliminated. Having the application and resume offers me the information I need to make a decision. Council member Branch feels we need to do something more in depth as it relates to the board appointments. As far as the process, we need more of a strategic plan as to what the goal is for those Boards and Commissions and determine who we should appoint based on those strategies. Mayor Pro Tem Pogue stated that over the last two years, we have had dismal attendance and I do believe we need to take a more strategic approach. Council member Rogers stated that he likes the interview process. The applicants that attend the interviews demonstrates initiative and puts them ahead of the others. I would not be in favor of discontinuing the interview process. Council member Ussery feels the interview process offers a spirit of transparency and would not be in favor of doing away with it. Mayor Loughmiller stated that it would be beneficial for the Council to establish specific criteria in terms of how many people we want on the board that have a level of experience and how many do we want that has a financial background. The other issue I have is it's not really an interview. It may give the impression we are sitting with people and asking questions and delving into the background. During the appointment process, there is not a lot of dialogue about what transpired in the interview. In some ways, information you may glean from a five minute introduction is lost by the time we get to the decision-making time. Mayor Pro Tem Pogue asked if we could put this on a future Work Session to have a more in-depth discussion to look at the modifications of different components. I would also comment the term limits change to a one year term unless there is a statutory issue that requires two or three years based on the particular board. Mayor Loughmiller stated that

since we are evaluating members on an annual basis, it makes sense that if a board does not have a statutory requirement, that we could suggest the boards be one year terms. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Councilwoman Rath, to approve a Resolution amending the Policy on Board and Commission Member Appointment and Eligibility with the addition of modifying the term length from two years to one year (unless by state statute) and setting the years of service on a Board or Commission to a maximum of six years. Caption reads as follows:

RESOLUTION NO. 2016-09-141 (R)

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

**16-936** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution to Name a 16-Acre Neighborhood Park Site Located at 1849 Reagan Drive. Assistant Parks Director Ryan Mullins stated this is a recommendation by the Parks, Recreation, and Open Space Advisory Board to name the 16-acre park site at 1849 Reagan Drive. On September 8<sup>th</sup>, the Parks, Recreation, and Open Space Advisory Board unanimously approved recommending naming the Park “Dr. Mack Hill Park”. Dr. Hill is a fifth generation McKinnyean. He is a direct descendent of some of McKinney’s founding families. Outside of his time in college and the Navy, he has lived all of his 93 years in McKinney. When he returned to McKinney following the completion of his residency, he opened his pediatrician practice. Once the sign for his practice was changed from pediatrician to “Doctor for Children”, his practice flourished. He operated a successful practice for the next 25 years. During those times, people rarely had health insurance but he never turned anyone away. He would make house calls, if necessary, and everyone knew if he was not at his office he would answer his home phone. He retired in 1981 but did not slow down or stop serving the community. He served at his

church in McKinney and on the boards of the American Red Cross, the Pecan Grove Cemetery, Chestnut Square, the McKinney Arts Commission, the Boys and Girls Club, and the Collin and Fannin County Medical Associations. In 1993, Dr. Hill was named Citizen of the Year by the Chamber of Commerce and in 2007, was awarded the Quality of Life Award by the Community Development Corporation. It is an honor that the Parks, Recreation, and Open Space Advisory Board recommend Dr. Mack Hill for the name of this park site. Council member Ussery thanked Mr. Ryan for the brief synopsis of a man who has served this community and his recognition is befitting of one who has devoted himself to the City of McKinney. Mayor Loughmiller expressed his appreciation to the families of Dr. Hill and George Webb on coming together and recommending Dr. Hill. Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to approve a Resolution naming a 16-Acre Neighborhood Park Site located at 1849 Reagan Drive "Dr. Mack Hill Park." Caption reads as follows:

RESOLUTION NO. 2016-09-144 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, NAMING A 16-ACRE NEIGHBORHOOD  
PARK SITE LOCATED AT 1849 REAGAN DRIVE

- 16-937** Mayor Loughmiller called for the Second Public Hearing to Consider/Discuss/Act on the Adoption of the Budget Appropriation Ordinance for FY 2016-17. Chief Financial Officer Mark Holloway stated that tonight is the second and final public hearing on the FY 17 budget for the next fiscal year. As you requested, we presented information on a further reduction of the proposed tax rate. The budget before you tonight includes the general fund revenues and expenditures that are based on a rate of \$0.573 which is a one cent reduction in the tax rate. The budget for FY 17 has total revenues of \$419 million with total expenses of \$409 million. The component units - MEDC, MCDC, and MCVB are included in this budget as well. As required in the general fund, we have a balanced



budget this year right at \$127 million of revenues and expenses. Our general fund revenues are made up of 55% property tax, sales tax of 17%, franchise fees of 11%, license and permits of 7%, charges and fines at 6%, and other fees and transfers. Our expenditures are made up of 47% public safety, general government is 18%, development services are 8%, parks and library at 10%, and 9% in transfers make up the rest. In this year's general fund, we are proposing 44 new full-time personnel, 35 of those are in the public safety areas with 18 in fire and 17 in police. In the water and wastewater funds, revenues are around \$72.3 million with expenditures around \$69.6 million. This includes an 8% water rate increase and a 9% wastewater rate increase. Mayor Loughmiller stated that we are mindful that from a staff to citizen ratio, we are a lot leaner than other cities. Mr. Loughmiller thanked all of the employees because they are working hard and bearing the brunt of longer hours from trying to keep up with staffing needs while managing the budget. City Manager Grimes stated that his priority is making sure we can meet the City's obligations and he is comfortable and confident that this budget does that. Mr. Grimes noted that each City of McKinney employee serves 148 citizens compared to 118 residents per employee in our neighboring communities. We certainly want to improve on this ratio and explore smarter ways of delivering those services without expending it on employees. This will be part of the Executive Staff's role in the coming year. Mayor Pro Tem Pogue noted that our annual sales tax collection is at \$20 million compared to Plano's sales tax collection at \$80 million and Frisco at \$45 million. So we need to work on making McKinney a more inviting place to do business so we can increase sales tax, which will allow for a lower tax rate. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to close the Public Hearing and approve an Ordinance adopting Budget

Appropriation Ordinance for FY 2016-17, with the following record vote:

Mayor Loughmiller - For

Mayor Pro Tem Pogue – For

Council member Rogers – For

Councilwoman Rath – For

Council member Ussery – For

Council member Branch – For

Council member Day – For

Caption reads as follows:

ORDINANCE NO. 2016-09-071

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MCKINNEY, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLIC HEARINGS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND FOR AN EFFECTIVE DATE HEREOF

- 16-938** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance to Ratify the Property Tax Revenue Increase in the Fiscal Year 2016-17 Budget as a Result of the City Receiving More Revenues from Property Taxes than the Previous Fiscal Year. Chief Financial Officer Mark Holloway stated this item is to ratify that we are collecting more tax revenue. It does require a specific language to be read and with that I would ask you to approve the ratification. Council unanimously approved the motion by Council member Rogers, seconded by Councilwoman Rath, to approve an Ordinance ratifying that this year's budget will raise more total property taxes than last year's budget by \$8,849,805 or 9.91%, and of that amount, \$3,234,864 Is Tax Revenue to be raised from new property added to the tax roll this year. Caption reads as follows:

ORDINANCE NO. 2016-09-072

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE IN THE 2016-17 BUDGET AS A RESULT OF THE CITY RECEIVING

MORE REVENUES FROM PROPERTY TAXES IN THE 2016-17 BUDGET THAN IN THE PREVIOUS FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE

**16-939** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Adopting a Tax Rate for Fiscal Year 2016-17. Chief Financial Officer Mark Holloway stated this item is the adoption of the tax rate proposed at \$0.573 which is a one cent reduction from last year. This does require a record vote of the Council. Mayor Loughmiller noted that as it relates to the tax rate and rollback rates, under State law, rollback rates do not include tax revenue from new construction. It is not used to factor the effective tax rate. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Rogers, to approve an Ordinance that adopts the property tax rate be increased by the adoption of a tax rate of \$0.57300, which is effectively a 7.19 percent increase in the tax rate Fiscal Year 2016-17 with the following record vote:

Mayor Loughmiller - For

Mayor Pro Tem Pogue – For

Council member Rogers – For

Councilwoman Rath – For

Council member Ussery – For

Council member Branch – For

Council member Day – For

Caption reads as follows:

ORDINANCE NO. 2016-09-073

AN ORDINANCE LEVYING TAXES FOR THE CITY OF MCKINNEY, TEXAS, FOR THE TAX YEAR 2016; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DELINQUENT; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES DUE THEREON; PROVIDING FOR PENALTY AND INTEREST FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR A 15% COLLECTION FEE FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR ACCEPTANCE OF THE TAX ROLL TOGETHER WITH ANY SUPPLEMENTS THERETO; AND PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE

**16-940** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance to Change Rates/Fees for City Services. Senior Financial Analyst Trevor Minyard stated that some administrative fees have been changed in the Municipal Court, a small change to the special events permit fee in the community events section, Development Services has a couple of changes to the registration fees, and the major impact is the water and wastewater fee changes that are to pass on the fee increases we received from the North Texas Municipal Water District for water services. Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to approve an Ordinance Changing Rates/Fees for City Services. Caption reads as follows:

ORDINANCE NO. 2016-09-074

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATING TO FEES, BY AMENDING APPENDIX A, IN PART, BY AMENDING SECTIONS 66-21, 87-11, 110-45, 110-141, 110-230, 122-39, AND 142-37; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**16-216SP2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for an Office and Storage Facility (Public Safety Building), Located Approximately 440 Feet East of Community Avenue and on the North Side of Taylor Burk Drive. Director of Planning Brian Lockley stated the City is proposing to construct a 27,500 square foot office and storage facility at the Public Safety building on 16.59 acres of land. The City has met the requirements for parking and loading space as well. Solid waste containers will be provided and screening requirements as well as lighting requirements will be met. The City is in the process of satisfying all of the landscape requirements and are responsible for providing tree preservation. At this time there are no existing trees that need to be preserved on site. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to

approve a Site Plan for an office and storage facility (Public Safety Building), located approximately 440 feet east of Community Avenue and on the north side of Taylor Burk Drive.

**16-257M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Chapter 146, Appendix F-4 (Schedule of Uses) and Appendix G (MTC - McKinney Town Center Zoning District) of the Zoning Regulations, and Accompanying Ordinance. Director of Planning Brian Lockley stated that the City was recently approached by an electric utility provider interested in having another power substation along Highway 121 which is one of McKinney's prime commercial corridors. Currently, utility substations are permitted in every district and, as such, if this provider were to move forward with a substation, they could do so without any further review by the City. The purpose of this amendment to the Ordinance is to require any utility substation be required to receive an SUP that has to go before Planning and Zoning Commission for recommendation and final approval by City Council. As part of our research, staff surveyed several neighboring cities, Plano, Frisco, Allen, and The Colony, to get a comparison of how these cities currently handle electric substations. Plano requires an SUP in all zoning districts except the AG District where it is permitted by right. In Frisco they are classified as a private utility and permitted in all districts. In Allen, an SUP is required in office and corridor districts, however, it is permitted by right in the industrial and retail commercial districts. In The Colony, they are permitted in all commercial and industrial uses. We are requesting that an SUP be required for all zoning districts regardless of whether it is in residential, commercial or industrial. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Rogers, seconded by Council member Branch, to close the public hearing and approve an Ordinance amending Chapter 146, Appendix F-4 (Schedule

of Uses) and Appendix G (MTC - McKinney Town Center Zoning District) of the Zoning Regulations. Caption reads as follows:

ORDINANCE NO. 2016-09-075

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 146, APPENDIX F-4 (SCHEDULE OF USES) AND APPENDIX G (MTC – MCKINNEY TOWN CENTER ZONING DISTRICT) OF THE ZONING REGULATIONS ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Council member Rogers left the meeting at 7:20 p.m.

- 16-958** Mayor Loughmiller called for Consideration/Discussion/Action on a Facilities Agreement for Lot 1, Block A, of the Nelson Addition, Located on the Southeast Corner of County Road 410 and County Road 411. Director of Planning Brian Lockley stated this property is located in the far northeast section of the City's ETJ. A land owner is interested in constructing a single-family home on 6.99 acres in the City's ETJ. They are required to plat the property and as part of that process, they have to meet the City's requirements. Some of those requirements include the construction of public streets, sanitary sewer and water lines, requiring water systems to be sufficient size to furnish fire protection, drainage requirements as well as storm water management requirements. The question came up about proportionality and if the improvements are proportionate to the impacts that are required. As a typical part of the process, we would have brought this before you in the form of variances and the applicant would dedicate the right-of-way and easements for us to install these improvements at a later date. The Facilities Agreement lays out the requirements the applicant has agreed to. Mayor Pro Tem Pogue asked what the risk is in terms of omitting the segment of sewer lines through this property that may prevent the upstream basin from developing. Mr. Lockley stated the applicant will dedicate whatever easements are required. Director of Engineering Mark Hines stated that

in regards to sewer and streets, if we grant this and this individual does not install the sewer and streets, then either the taxpayers or a developer upstream that wants to develop would be required to install them. We don't know exactly where the future 8" sewer line is going to go. The easements will give us the right to come in and construct that sewer line in the future. Mr. Lockley stated that once this Facilities Agreement is executed, there would not be an opportunity for us to go back unless it was initiated by the home owner. Council approved the motion by Council member Ussery, seconded by Council member Branch, to approve a Facilities Agreement for Lot 1, Block A, of the Nelson Addition, located on the southeast corner of County Road 410 and County Road 411, with a vote of 5-1-0, Mayor Pro Tem Pogue voting against.

**16-215PF** Mayor Loughmiller called for Consideration/Discussion/Action on a Preliminary-Final Plat for Lot 1, Block A, of the Nelson Addition, Located on the Southeast Corner of County Road 410 and County Road 411. Director of Planning Brian Lockley stated this is the subject property associated with the previous Facilities Agreement. As part of the previous application, this is the property proposed for development with a single-family home and the applicant has met all subdivision and planning requirements subject to approval of the previous item. Council approved the motion by Council member Branch, seconded by Council member Ussery, to approve a Preliminary-Final Plat for Lot 1, Block A, of the Nelson Addition, located on the southeast corner of County Road 410 and County Road 411, with a vote of 5-1-0, Mayor Pro Tem Pogue voting against.

**16-941** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Arts Commission. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to appoint Michele Andriola to serve a two

year term on the McKinney Arts Commission beginning October 1, 2016 and ending September 30, 2018.

Mayor Loughmiller called for Citizen Comments.

Ms. Kim Black, 509 N. Kentucky Street, spoke in opposition to the nine-acre site and the proposed design.

Mayor Loughmiller called for Council and Manager Comments.

Councilwoman Rath stated that tomorrow night, the Family Place will be hosting their Open House for their new facility at 207 N. Church from 4:30 to 7:00 p.m. They have a thrift store on the lower level and will be doing counseling services upstairs. They would like all of the public to come by tomorrow night and meet their counseling staff that will be there to serve north Collin County residents.

Council member Ussery thanked staff for what they do. We've heard from the Mayor and City Manager that the production we get out of our staff far exceeds the per capita basis of any city around us. This is proof positive that we have a great staff and I thank them for what they do every day. On a personal note, I send out best wishes to the Frank Williams family for the challenges they are enduring.

Council member Branch stated that he had a chance to meet several staff members in the last couple of weeks. He stated that he met with Paul Sparkman who provided a tour around Public Works. Mr. Branch acknowledged Assistant Fire Chief Mock who provided a tour around the public safety building. We are very blessed to have the staff we do.

Council member Day did not have any comments.

Mayor Pro Tem Pogue did not have any comments.

Mayor Loughmiller invited everyone out to Oktoberfest this weekend for those who like beer. Or if you don't, still come down and have fun. Please come visit the McKinney Oktoberfest and while you are here, make sure you are safe and courteous to the thousands of people that will be here with you.

City Manager Grimes stated that the Oktoberfest festivities kick off at 4 p.m. on Friday and there will be a keg tap. There are lots of activities for kids. McKinney is also participating in the National Drug Take Back event on October 22<sup>nd</sup>. Bring any



unwanted, unused, or expired prescription drugs to anonymously dispose of them in a safe way. For more information or to see accepted items, visit [mckinneytexas.org/drug take back](http://mckinneytexas.org/drug-take-back). Mr. Grimes extended congratulations to Mark Holloway who was recently named as our Chief Financial Officer for the City. He has done a wonderful job on the budget and other duties in an interim role. We are excited to have him and look forward to working with him going forward.

Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 7:40 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary