

## CITY COUNCIL REGULAR MEETING

**MAY 16, 2017**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on May 16, 2017 at 6:00 p.m.

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

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Director of Planning Brian Lockley; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Assistant to the City Manager Trevor Minyard; Interim Director of Parks and Recreation Ryan Mullins; Assistant Director of Public Works Paul Sparkman; McKinney Economic Development Corporation President Darrell Auterson; Facilities Construction Manager Patricia Jackson; IT Desktop Support Technician Asif Ali; Parks - Jenny Baker and Jill Yount; Community Services Administrator Shirletta Best; Chief Financial Officer Mark Holloway; Director of Finance Trudy Mathis; Development Manager Brandon Opiela; Police Sergeant Sherwood Holmes; Planning - Matt Robinson, Samantha Pickett, and Guy Giersch; Assistant Chief of Police Joe Ellenburg; Police Officer Vincent Roberts; Police Officer Russ Goetz.

There were approximately 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 Pastor Michael Gamble, Radiant Life Church. Mayor Loughmiller led the Pledge of Allegiance.

**17-493** Amateur Radio Week Proclamation. Mayor Loughmiller read the Amateur Radio Week Proclamation.

**17-494** Presentation of American Planning Association Award. Mr. Doug McDonald, President Elect, APA Texas Chapter presented the Great Neighborhood award as part of the inaugural Great Places in Texas Program to Mayor Loughmiller.

Mayor Loughmiller called for Citizen Comments.

Sergeant Russel May and Officers Russ Goetz and Vincent Roberts presented Mayor Loughmiller, Mayor Pro Tem Pogue, Council member Day, and Council member Ussery tokens of the McKinney Police Association's appreciation for their service to McKinney.

Mr. Peter Bailey, 4700 S. Ridge Road, #515, McKinney, expressed his appreciation to Mayor Loughmiller for his service to McKinney.

Mr. Steven Spainhouer, 4690 Eldorado Parkway, McKinney, thanked the outgoing Mayor and Council for their service. Mr. Spainhouer spoke in opposition to agenda items 17-500 and 17-501 relating to a needs assessment for a future municipal complex.

The following individuals did not wish to speak but wanted their opposition to the U.S. 380 Bypass entered into the record:

Mr. Gary Pierce, 2214 CR 856, McKinney

Ms. Melinda Pierce, 2214 CR 856, McKinney

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

- 17-495** Minutes of the City Council Work Session of May 1, 2017
- 17-496** Minutes of the City Council Regular Meeting of May 2, 2017
- 17-443** Minutes of the Historic Preservation Advisory Board Regular Meeting of April 6, 2017
- 17-481** Minutes of the McKinney Armed Services Memorial Board Meeting of April 12, 2017
- 17-486** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of February 9, 2017
- 17-436** Minutes of the Planning and Zoning Commission Regular Meeting of April 11, 2017
- 17-473** Minutes of the Planning and Zoning Commission Regular Meeting of April 25, 2017
- 17-497** Consider/Discuss/Act on an Ordinance Establishing a Speed Limit on Lake Forest Drive Between Wilmeth Road and Bloomdale Road (C.R.

123). Caption reads as follows:

ORDINANCE NO. 2017-05-053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ESTABLISHING A SPEED LIMIT ON LAKE FOREST DRIVE FROM WILMETH ROAD TO BLOOMDALE ROAD (C.R.123); AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

**17-498** Consider/Discuss/Act on an Ordinance Amending Ordinance No. 2016-02-015, Which Ordinance Granted to Atmos Energy Corporation, a Texas and Virginia Corporation, its Successors and Assigns, a Franchise to Construct, Maintain, and Operate Pipelines and Equipment in the City of McKinney, Collin County, Texas, for the Transportation, Delivery, Sale, and Distribution of Gas In, Out of, and Through Said City for all Purposes to Clarify Certain Provisions Contained in Sections 1, 5 and 8 of Said Ordinance. Caption reads as follows:

ORDINANCE NO: 2017-05-054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2016-02-015, WHICH ORDINANCE GRANTED TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES TO CLARIFY CERTAIN PROVISIONS CONTAINED IN SECTIONS 1, 5 AND 8 OF SAID ORDINANCE; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES

**17-499** Consider/Discuss/Act on an Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corporation, Mid-Tex Division Regarding the Company's 2017 Annual Rate Review Mechanism Filing. Caption reads as follows:

ORDINANCE NO. 2017-05-055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ("CITY") APPROVING A NEGOTIATED

SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2017 RATE REVIEW MECHANISM FILINGS; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING RECONCILIATION AND RATE ADJUSTMENTS IF FEDERAL INCOME TAX RATES CHANGE; TERMINATING THE RRM PROCESS FOR 2018 PENDING RENEGOTIATION OF RRM TERMS AND CONDITIONS; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COUNSEL

- 17-503** Consider/Discuss/Act on a Resolution Supporting the Proposed Construction of Custer Road (FM 2478) from US 380 to FM 1461 by the Texas Department of Transportation. Caption reads as follows:

RESOLUTION NO. 2017-05-106 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, SUPPORTING THE PROPOSED CONSTRUCTION OF CUSTER ROAD (FM 2478) FROM US 380 TO FM 1461 BY THE TEXAS DEPARTMENT OF TRANSPORTATION

- 17-010DA** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Utility Impact Fee Credit Agreement for the Construction of an Oversized Water Main, with Cross Development, LLC, for the Caliber Collision Northwest Addition, Generally Located on the East Side of Custer Road and Approximately 500 Feet North of U.S. Highway 380. Caption reads as follows:

RESOLUTION NO. 2017-05-107 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A UTILITY IMPACT FEE CREDIT AGREEMENT FOR THE CONSTRUCTION OF AN OVERSIZED WATER MAIN AND RELATED INFRASTRUCTURE IMPROVEMENTS, WITH CROSS DEVELOPMENT, LLC, BEING EXTENDED TO THE CALIBER COLLISION NORTHWEST ADDITION

- 17-504** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Lease Agreement for 210 N. Tennessee Street for Office

Space for the Information Technology and Utility Billing Departments.

Caption reads as follows:

RESOLUTION NO. 2017-05-108 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
EXECUTE A LEASE AGREEMENT FOR 210 N. TENNESSEE  
STREET FOR OFFICE SPACE FOR THE INFORMATION  
TECHNOLOGY AND UTILITY BILLING DEPARTMENTS

END OF CONSENT

**17-500** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2016-2017 Annual Budget and the 2017-2021 Capital Improvements Program to Provide Funds for Architectural and Engineering Services in Conjunction with Programming and Master Planning for a New Municipal Complex in the City of McKinney. Mayor Loughmiller stated that this is the first step in the overall needs assessment in terms of number of employees, space needs, where it will be located and when it will be built. Facilities Construction Manager Patricia Jackson stated that the City received responses from a number of qualified firms and selected Brinkley Sergeant Wiginton Architects, Inc. to provide programming and master planning for the needs assessment study. This is a six to nine month process. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve an Ordinance amending the Fiscal Year 2016-2017 Annual Budget and the 2017-2021 Capital Improvements Program to provide funds for architectural and engineering services in conjunction with programming and master planning for a new municipal complex in the City of McKinney. Caption reads as follows:

ORDINANCE NO. 2017-05-056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET  
AMENDMENT PERTAINING TO THE FISCAL YEAR 2016-2017

BUDGET AND THE 2017 – 2021 CAPITAL IMPROVEMENTS PROGRAM FOR ARCHITECTURAL AND ENGINEERING SERVICES IN CONJUNCTION WITH PROGRAMMING AND MASTER PLANNING FOR THE NEW MUNICIPAL COMPLEX; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 17-501** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Brinkley Sargent Wiginton Architects, Inc. of Dallas, Texas, for Architectural and Engineering Services in Conjunction with Programming and Master Planning for a New Municipal Complex in the City of McKinney. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve a Resolution authorizing the City Manager to execute a professional services contract with Brinkley Sargent Wiginton Architects, Inc. of Dallas, Texas, for Architectural and Engineering Services in conjunction with programming and master planning for a new Municipal Complex in the City of McKinney. Caption reads as follows:

RESOLUTION NO. 2017-05-104 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ARCHITECTURAL AND ENGINEERING SERVICES CONTRACT WITH BRINKLEY SARGENT WIGINTON ARCHITECTS, INC. OF DALLAS, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES IN CONJUNCTION WITH PROGRAMMING AND MASTER PLANNING FOR A NEW MUNICIPAL COMPLEX IN THE CITY OF MCKINNEY

- 17-502** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Adopting the City Council Goals and Strategies. Mayor Loughmiller stated this item is the finalization of the strategic plan Council discussed in January. City Manager Grimes stated this is a working document that can be amended and modified as necessary. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve a Resolution adopting the City Council Goals and Strategies. Caption reads as follows:

RESOLUTION NO. 2017-05-105 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, APPROVING THE COUNCIL'S 2017  
GOALS

**17-505** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution of the City Council of the City of McKinney, Texas, Supporting Regional Transportation Priorities in Collin County. Mayor Loughmiller stated that the Regional Plan came about from several meetings with neighboring cities to support a common Proclamation requesting the County to support projects we would like to see completed. The first item is Spur 399 which is the extension of the Sam Rayburn Toll Road east into Princeton. Secondly, support of the Lake Lavon north/south peninsula roadways to relieve traffic from Highway 75. The focus is on the arterial roadways such as Wilmeth, Bloomdale and Laud Howell Parkway. We would like for them to consider the impacts to neighborhoods, businesses, and future development in regards to the expansion of Highway 380. We are also asking them to advance the development of the Collin County Outer Loop. Mayor Pro Tem Pogue stated we cannot ignore the fact that Collin County is projected to have a population of 3.85 million at build-out. The current infrastructure cannot sustain the amount of traffic that growth will bring to this area and with McKinney as the County seat, we must be proactive with plans for the future. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Councilwoman Rath, to approve a Resolution of the City Council of the City of McKinney, Texas, supporting Regional Transportation Priorities in Collin County. Caption reads as follows:

RESOLUTION NO. 2017-05-109 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MCKINNEY, TEXAS, SUPPORTING COLLIN COUNTY  
TRANSPORTATION PRIORITIES

**17-506** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Increasing the Homestead Exemption for Residents Over Age 65. Chief Financial Officer Mark Holloway stated that the current over-65 tax exemption is \$50,000 and equals \$287 in reduced taxes at the current tax rate. For every \$5,000 increase in the exemption, eligible homeowners will pay \$29 less in taxes and non-eligible homeowners will pay \$3.28 more in taxes at the current tax rate. Each \$5,000 amount exempted equates to about \$201,000 less in tax revenues to the City. Any change must be adopted by July 1<sup>st</sup>. Mayor Loughmiller stated that without knowing what the new Council would like to set the tax rate at for all citizens as a whole, I recommend continuing this item for further discussion until the June 20<sup>th</sup> meeting. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to table this item until the June 20<sup>th</sup> meeting.

**17-507** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Approving a Substantial Amendment to the FY 2016-2017 Annual Action Plan, Funding for Collin County Committee on Aging. Community Services Administrator Shirletta Best stated that this amendment is for the current program year and fiscal year which begins October 1, 2016 through September 30, 2017. Collin County Committee on Aging under the Meals on Wheels program submitted a funding request for replacement of the roof. A public hearing was held on April 10<sup>th</sup> and the Community Grants Advisory Commission recommended that \$40,000 be considered for funding, which is partial funding toward the \$100,000 project total. As awarded, the repair services under this request must be procured competitively as it is a CDBG-assisted activity, regardless of the source of funds. Mayor Loughmiller called for public comments.

The following individuals spoke in favor of funding for Collin County Committee on Aging:



Mr. La'Shadiion Shemwell - 1200 N. Tennessee Street, McKinney

Mr. Steven Spainhouser, 4690 Eldorado Parkway, #512,  
McKinney

Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Pogue, to close the public hearing and approve a Resolution approving a Substantial Amendment to the FY 2016-2017 Annual Action Plan, Funding for Collin County Committee on Aging. Caption reads as follows:

RESOLUTION NO. 2017-05-110 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, APPROVING THE AMENDMENT OF THE  
2016-2017 COMMUNITY DEVELOPMENT BLOCK GRANT  
ANNUAL ACTION PLAN, AND PROVIDING AN EFFECTIVE  
DATE

- 17-508** Mayor Loughmiller called for Consideration/Discussion/Action on a Facilities Agreement for Lot 1, Block A, of the Becker Addition, Located on the West Side of County Road 406 and Approximately 1,500 Feet South of County Road 408. Planning Manager Matt Robinson stated this is a Facilities Agreement for Lot 1, Block A of the Becker Addition. The applicant has indicated the desire not to construct for the typical required improvements associated with the plat which includes construction of public streets, sidewalks, sewer lines, and water lines. It limits the use on the property to one single-family detached home and approval would allow the applicant to move forward with the associated plat which provides the City assurances that those improvements would be constructed at some point in the future. Staff is recommending approval. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve a Facilities Agreement for Lot 1, Block A, of the Becker Addition, located on the west side of County Road 406 and approximately 1,500 feet south of County Road 408.

**17-042PF** Mayor Loughmiller called for Consideration/Discussion/Action on a Preliminary-Final Plat for Lot 1, Block A, of the Becker Addition, Located on the West Side of County Road 406 and Approximately 1,500 Feet South of County Road 408. Planning Manager Matt Robinson stated this is the associated preliminary-final plat for the previous item. This item was brought to Council with the condition of the six variances being approved. Those variances were outlined in the previously approved Facilities Agreement. Staff recommends approval. Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Pogue, to approve a Preliminary-Final Plat for Lot 1, Block A, of the Becker Addition, located on the west side of County Road 406 and approximately 1,500 feet south of County Road 408 with the following conditions: the applicant receive approval of the associated facilities agreement; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct public streets, including the associated street lighting and sidewalks adjacent to the property; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct sanitary sewer and water lines to the subject property and extend them to the adjacent property upstream; the applicant receive variance to Section 142-105 (Improvements) of the Subdivision Ordinance allowing the use of individual septic systems; the applicant receive a variance to the Storm Water Management Ordinance waiving the requirement to collect drainage in an underground storm water system; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to allow lot to lot drainage; the applicant receive a variance to provide fire flow and fire hydrants as required by 2012 International Fire Code; and prior to the issuance of a building permit: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist and the

associated facilities agreement be filed with the county prior to filing the plat, subject to review and approval of the City Attorney.

**17-093Z** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Rezoning Request from "AG" - Agricultural District to "LI" - Light Industrial District, Located on the East Side of Redbud Boulevard and Approximately 1000 Feet North of Wilmeth Road; and Accompanying Ordinance. Director of Planning Brian Lockley stated that the applicant is requesting to rezone the subject property of 81 acres from agricultural to light industrial. The applicant will develop the subject property for an industrial use. Properties located to the north and south are also zoned for industrial use. The properties east and west are zoned for agricultural use. The Planning and Zoning Commission recommended approval of the request. The applicant stated they are proposing a 150,000 square foot industrial facility with a 10,000 square foot office component and a trailer park. The trailer parking spaces are for in and out traffic while they are unloading or loading the semi-trailers. 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 rezoning from "AG" - Agricultural District to "LI" - Light Industrial District, located on the east side of Redbud Boulevard and approximately 1000 feet north of Wilmeth Road. Caption reads as follows:

ORDINANCE NO. 2017-05-057

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 81.97 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF REDBUD BOULEVARD AND APPROXIMATELY 1,000 FEET NORTH OF WILMETH ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "LI" – LIGHT INDUSTRIAL DISTRICT; 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

**17-066Z** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "LI" - Light Industrial District, Located Approximately 8,625 Feet East of Airport Drive and on the South Side of U.S. Highway 380 (University Drive); and Accompanying Ordinance. Director of Planning Brian Lockley stated that the applicant is requesting to rezone the property from agricultural district to light industrial district generally for industrial uses. The surrounding properties are undeveloped. The Future Land Use Plan designates this property for industrial uses. Properties located to the west and south are zoned for industrial while property to the east is zoned for agricultural. The Planning and Zoning Commission recommended approval. Applicant, Ms. Marcella Olson, 500 Main Street, Suite 600, Fort Worth, stated that her client is the owner of the property and is requesting the rezoning in order to prepare it for sale and eventual development. We are in agreement with the staff report that the appropriate use is industrial. 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 rezoning the subject property from "AG" - Agricultural District to "LI" - Light Industrial District, located approximately 8,625 feet east of Airport Drive and on the south side of U.S. Highway 380 (University Drive). Caption reads as follows:

ORDINANCE NO. 2017-05-058

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 15.00 ACRE PROPERTY, LOCATED APPROXIMATELY 8,625 FEET EAST OF AIRPORT DRIVE AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "LI" – LIGHT INDUSTRIAL DISTRICT; 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

**17-063SUP** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Restaurant with Drive-Through Window, (Stonebridge Eldorado Retail Center), Located Approximately 525 Feet East of Stonebridge Drive and on the North Side of Eldorado Parkway; and Accompanying Ordinance. Director of Planning Brian Lockley stated that the property is approximately an acre and a half located on the northeast corner of Stonebridge Drive and Eldorado Parkway. The applicant is requesting a Specific Use Permit to allow a restaurant with a drive-through window. The applicant is proposing to develop an 11,000 square foot building where 7,000 square feet will be used for retail uses and the remaining 4,000 square feet for a restaurant including a drive-through window on the west side of the building. It is currently zoned PD and does allow for a restaurant with a drive-through window subject to approval of a specific use permit. There is a 10-foot landscape screening buffer with an existing fence and a drainage easement which provides a distance between where the operations occur and single-family homes may be constructed in the future. The Planning and Zoning Commission recommended approval of this request. Applicant, Mr. Juan Vasquez, Vasquez Engineering, 1919 S. Shiloh Road, Suite 440, Garland, was available for questions and there were none. 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 granting a Specific Use Permit for a Restaurant with Drive-Through Window, (Stonebridge Eldorado Retail Center), located approximately 525 feet east of Stonebridge Drive and on the north side of Eldorado Parkway with the special provision that the subject property shall generally develop in accordance with the Site Layout Exhibit. Caption reads as follows:

ORDINANCE NO. 2017-05-059

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 DRIVE-THROUGH WINDOW, APPROXIMATELY 1.47 ACRES, LOCATED APPROXIMATELY 525 FEET EAST OF STONEBRIDGE DRIVE AND ON THE NORTH SIDE OF ELDORADO PARKWAY; 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

- 17-509** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Adopting the 2017 Parks, Recreation, Open Space, Trails and Streetscape Master Plan. Parks Planning and Development Manager Jenny Baker stated that this item is for adoption of the 2017 Parks Master Plan that will replace the 2009 Plan. It is a guide that covers park planning, parks that are recommended for improvements, trail construction, park facility recommendations, and establishes an implementation plan for park projects and projected park costs over the next five to ten years and beyond. Ms. Baker thanked the Vision Committee for their participation throughout the process. Mr. Lenny Hughes, Director of Landscape Architecture, Halff Associates, presented a summary and highlights of the Parks and Recreation Open Space Trails and Streetscape Master Plan. The vision for the open-space master plan looked at the added value of quality parks and trails with the consideration for the new growth and development occurring within the North Texas region. The Plan proposes 199 miles of trails which we anticipate utilizing grants through TxDOT and the North Central Texas Council of Governments to help fund the costs. We worked hand-in-hand with the MCDC as a major funding mechanism over the next ten years to allocate \$5.5 million every year for park development. We have also identified approximately \$3.7 million in park dedication fees that can be allocated. All this together will help us meet our financial needs for the next five to ten years. In summary, we have looked at some of the major components of land acquisition, planning efforts for the areas

undeveloped as well as redevelopment of existing parks and facilities. Ms. Baker stated that the park development fee would be a new fee in addition to the parkland dedication fees. The parkland dedication fee is one acre of parkland for every 50 units or the cash value in lieu of land. This new park development fee would be a flat fee of \$2,000 per unit and will have to be adopted by an Ordinance amendment brought forward at a later date. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Branch, seconded by Councilwoman Rath, to approve an Ordinance adopting the 2017 Parks, Recreation, Open Space, Trails and Streetscape Master Plan. Caption reads as follows:

ORDINANCE NO. 2017-05-060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ADOPTING THE PARKS, RECREATION, TRAILS, OPEN SPACE & STREETScape 2017 VISIONING MASTER PLAN TO SUPERSEDE AND REPLACE THE 2009 PARKS, RECREATION AND OPEN SPACE MASTER PLAN; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

**17-510** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance of the City Council of the City of McKinney, Texas, Certifying the Election Results for the May 6, 2017 General Election. City Secretary Sandy Hart presented the election results for the election held on May 6<sup>th</sup> for the positions of Mayor, District 1, District 3 and At-large. The official results of that election was for Mayor, Mr. George Fuller received 6,510 votes, or 58.64%; Danny Bishop received 439 votes, or 3.95%; and Randy Pogue received 4,152 votes, or 37.4%. Mr. Fuller carried over 50% of the votes casts. In the At-large position, Thomas "TJ" Reilly received 774 votes, or 8.12%; Michael Jones received 1,716 votes, or 18.01%; Kevin Smallwood received 387 votes, or 4.06%; Derek Baker received 2,260 votes, or 23.72%; and Charlie Philips received 4,392, or 46.09%. In District 1, Johnny Moore received 207 votes, or 17.78%;

Dusttin Pearson received 491 votes, or 42.18%; and La'Shadion Anthony Shemwell received 466 votes, or 40.03%. In District 3, Scott Elliott received 1,297 votes, or 40.67%; Margaret Harsch received 791 votes, or 24.80%; Gavin Nicholson received 132 votes, or 4.14%; Jeremiah Hammer received 443 votes, or 13.89%; and Sheila Johnson received 526 votes, or 16.49%. There were no candidates in the At Large, District 1, or District 3 races that received over 50% of the votes. Ms. Hart requested the City Council certify the election results. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve an Ordinance of the City Council of the City of McKinney, Texas, Certifying the Election Results for the May 6, 2017 General Election. Caption reads as follows:

ORDINANCE NO. 2017-05-061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CERTIFYING THE ELECTION RESULTS FOR THE MAY 6, 2017 GENERAL ELECTION; DECLARING THE RESULTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

**17-511** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Calling the Run-Off Election for June 10, 2017 for Council member District 1, Council member District 3 and Council member At Large. City Secretary Sandy Hart presented the Ordinance calling the Run-Off Election for June 10, 2017, for Council member District 1, Council member District 3 and Council member At-Large. Ms. Hart stated that the same polling locations that were utilized for the May 6<sup>th</sup> election will be used for the Run-Off Election. Early voting will begin May 30<sup>th</sup> and end on June 6<sup>th</sup>, with the run-off election date of June 10<sup>th</sup>. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve an Ordinance Calling the Run-Off Election for June 10, 2017 for Council member District 1, Council member District 3 and Council member At Large. Caption reads as follows:



ORDINANCE NO. 2017-05-062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ORDERING A RUNOFF ELECTION FOR JUNE 10, 2017, FOR THE PURPOSE OF ELECTING ONE COUNCIL MEMBER DISTRICT 1, ONE COUNCIL MEMBER DISTRICT 3 AND ONE COUNCIL MEMBER AT-LARGE; DESIGNATING POLLING PLACES; APPOINTING THE EARLY VOTING CLERK; AND PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION

ORDENANZA Nº 2017-05-062

UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE MCKINNEY, TEXAS, QUE ORDENA QUE SE REALICEN UNAS ELECCIONES DE SEGUNDA VUELTA EL 10 DE JUNIO DE 2017, CON EL FIN DE ELEGIR A UN CONCEJAL PARA EL DISTRITO 1, UN CONCEJAL PARA EL DISTRITO 3, Y UN CONCEJAL QUE REPRESENTA A TODO EL MUNICIPIO; DESIGNA LOS LUGARES DE VOTACIÓN; NOMBRA AL SECRETARIO ENCARGADO DE LA VOTACIÓN ANTICIPADA, Y ESTIPULA LA NOTIFICACIÓN Y PUBLICACIÓN DE LAS ELECCIONES

Mayor Loughmiller called for Citizen Comments.

Ms. Kim Black, 509 N. Kentucky Street, McKinney, thanked Mayor Pro Tem Pogue for his service to McKinney and wished him luck in his future endeavors.

Mayor Loughmiller called for Council and Manager Comments.

Councilwoman Rath did not have any comments.

Council member Branch thanked the staff and the City Manager for all the hard work on the Strategic Plan.

Council member Day did not have any comments.

Mayor Pro Tem Pogue thanked the Police and Fire departments for keeping us safe and all you do for the community. Thanks to the Planning and Engineering departments, Building Inspections, Fire Inspections for what you do every day, getting properties, projects and permits processed. Public Works and Streets are the unsung heroes. They are definitely the ones that make the City look good during the downtown events and the elements that go with that. The Parks Department, as evidenced by what we just approved tonight, thanks for your hard work. Thanks to the City Secretary and the City Manager's office, you guys are awesome, Blanca and Amy. Council, you guys made it fun. Mr. Mayor, thank you, I appreciate you.

Mayor Loughmiller stated he will be giving his outgoing speech on June 5<sup>th</sup> and he anticipates it will be tough. It's hard to know what it's like to have the opportunity to be in public service and I think what you are seeing from Randy is a testament about how passionate people are that go out and run for office and seek to better the community. Randy has the passion for the service he gave to the community. He did not just serve on City Council, he served on Planning and Zoning and a number of boards and been involved in some capacity in private and public sector. You don't do it for the money with \$50 per meeting that averages out to about ten cents an hour. I think this is lost on a lot of people. It has become even more difficult to run with the current social media compared to when I first ran. One thing I will add before the next meeting is no matter which side you are on in terms of the campaign or who you support for a candidate, there needs to be a recognition that the people running are doing it at the local level for the reason to serve the community and make McKinney a better place to live. We take time away from our family and you are not doing it to improve your station financially. I think that is true for anybody that decides to run. I appreciate Mr. Pogue and what he has done for the City of McKinney. We had a zoning change tonight that allowed for a 150,000 light industrial facility to be built on a substantial amount of property that will bring in a considerable amount of tax base to the community. It was approved this morning by the MEDC and approved tonight by Council. Recently, the Community Development Corporation approved a project to expand the Star Center in the Craig Ranch area that includes adding an additional sheet of ice because the facility is at capacity. We will continue to work on infrastructure projects. One of the things about serving on City Council is you realize early on that most of the things that you ultimately approve in the planning process or strategy for further development, the tangible results you won't see until after you are out of office because of the length of time it takes to get there. We also have community events coming up - Bike the Bricks on Memorial Day weekend where there will be racing in downtown McKinney; Smiles Concert in Adriatic on May 28<sup>th</sup>; and the ribbon-cutting for redeveloped Newsome Homes on Highway 5 on May 31<sup>st</sup>.

City Manager Paul Grimes stated that early voting for the run-off election for District 1, District 3 and At-large starts on May 30<sup>th</sup> and runs through June 6<sup>th</sup>. Election

day is June 10<sup>th</sup>. We'd like to recognize our staff and the folks at the McKinney Air Center for being identified and voted by the pilots, their peers, for being the #1 FBO in the United States again. This is the third time in four years that our FBO has been recognized as #1 in the U.S. Kudos to Deputy City Manager Madrigal who oversees that function as well as Ken Wiegand and Mark Jarazcewski. They have a terrific team out at the Airport and we're proud of that FBO. The Control tower has been recognized as the #3 tower in America and it's the fourth year in a row to be in the top five. Great work to everyone at the Airport. Finally, City Hall, Municipal Courts and City Administrative offices will be closed for the Memorial Day holiday on Monday, May 29<sup>th</sup>. There will be no garbage collection on Memorial Day and it will slide one day for the rest of the week. Visit the City's website for a full list of closures.

Mayor Loughmiller recessed the meeting into executive session at 7:56 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, Section 551.074 Discuss Personnel Matters, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Loughmiller recessed back into open session at 8:00 p.m.

Mayor Loughmiller called for Action on Executive Session Items.

Council unanimously approved the motion by Mayor Loughmiller, seconded by Mayor Pro Tem Pogue, to authorize the City Manager to execute the non-binding Term Sheet for the Laud Howell Parkway Chapter 380 Economic Development Agreement and authorize the City Manager to continue to negotiate a definitive, binding agreement between the parties consistent with Term Sheet.

Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to adjourn. Mayor Loughmiller adjourned the meeting at 8:00 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary