

## CITY COUNCIL REGULAR MEETING

FEBRUARY 7, 2017

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on February 7, 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, Rainey Rogers, and Travis Ussery.

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Executive Director of Development Services Michael Quint; Assistant Director of Engineering Michael Hebert; Director of Parks and Recreation Rhoda Savage; Assistant Director of Parks and Recreation Ryan Mullins; Chief of Police Greg Conley; Fire Chief Danny Kistner; Assistant Fire Chief Tim Mock; Assistant Director of Public Works Paul Sparkman; Director of Strategic Services Chandler Merritt; Planning Manager Jennifer Arnold; CIP and Transportation Engineering Manager Gary Graham; Engineering - Paul Tucker and Nicholas Ataie; Housing and Community Services Manager Janay Tieken; Assistant Director of Engineering Michael Hebert; Chief Building Official Rick Herzberger; Police Officer Tyler Lewis; IT Nicholas Martin; Fire – Jason Hockett, Austin Hendricks, J.C. Stinson, Daniel Frey, and Andrew Barr; Emergency Management – Karen Adkins and Randall Gurney; Senior Financial Analyst Trevor Minyard.

There were approximately 60 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 Associate Pastor Jaime Gonzalez, Christ Fellowship Church. Children from the Boys and Girls Club of McKinney and a Scout from Troop 909 led the Pledge of Allegiance.

**17-133** Presentation of McKinney Fire Department Lone Star Achievement Award for the Community Healthcare Program. Brent Park, 1<sup>st</sup> Vice President of the Texas Fire Chiefs Association presented Chief Danny Kistner with the Lone Star Achievement Award for the Community Health Program. Firefighter Association Vice President Austin Hendricks presented a check for \$45,230 from the Fill the Boot Campaign to the

Muscular Dystrophy Association.

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke in favor of agenda item 17-154 relating to supporting 9% Tax Credits by Merritt McGowan Manor, L.P.

Ms. Connie Crosby, 612 N. Wood Street, McKinney

Mr. Nikki Leaks, 1200 N. Tennessee Street, McKinney

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

Ms. Lashon Brigham, 1200 N. Tennessee Street, McKinney

The following individuals did not wish to speak but requested their support of agenda item 17-154 relating to supporting 9% Tax Credits by Merritt McGowan Manor, L.P. be entered into the record:

Ms. Angie Farquhar, 8440 Spectrum Drive, McKinney

Mr. Kent Jones, 1615 W. Louisiana, McKinney

Ms. Nacole Tate, 1200 N. Tennessee Street, McKinney

Ms. Margaret Coverson, 1200 N. Tennessee Street, McKinney

Ms. Layne Killingsworth, 1200 N. Tennessee Street, McKinney

Ms. Elinor Williams, 1025 Hawthorne Road, Anna

Ms. Bethany Shawlis, 114 Bowden, Anna

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

- 17-134** Minutes of the City Council Regular Meeting of January 17, 2017
- 17-135** Minutes of City Council Strategic Planning Work Session of January 20, 2017
- 17-136** Minutes of the City Council Work Session of January 23, 2017
- 16-1207** Minutes of the Animal Service Facilities Advisory Committee Meeting of February 17, 2016
- 16-1208** Minutes of the Animal Service Facilities Advisory Committee Meeting of May 13, 2016
- 17-047** Minutes of the Library Advisory Board Meeting of December 15, 2016
- 17-034** Minutes of the McKinney Arts Commission Meeting of October 20, 2016

- 17-102** Minutes of the McKinney Community Development Corporation Meeting of December 22, 2016
- 17-096** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of November 29, 2016
- 17-097** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of November 28, 2016
- 17-098** Minutes of the McKinney Convention & Visitors Bureau HR Committee Meeting of January 19, 2017
- 17-050** Minutes of the McKinney Economic Development Corporation Meeting of November 15, 2016
- 17-051** Minutes of the McKinney Economic Development Corporation Meeting of December 20, 2016
- 17-137** Minutes of the McKinney Housing Authority Meeting of November 29, 2016
- 17-022** Minutes of the Main Street Board Meeting of December 8, 2016
- 17-094** Minutes of the Planning and Zoning Commission Work Session of January 10, 2017
- 17-095** Minutes of the Planning and Zoning Commission Regular Meeting of January 10, 2017
- 17-045** Minutes of the Reinvestment Zone Number One Meeting of August 16, 2016
- 17-089** Minutes of the Reinvestment Zone Number Two Meeting of August 15, 2016
- 17-139** Consider/Discuss/Act on an Ordinance Establishing a Speed Limit on Wilmeth Road West of Lake Forest Drive. Caption reads as follows:

ORDINANCE NO. 2017-02-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS ESTABLISHING A SPEED LIMIT ON  
WILMETH ROAD, EAST OF LAKE FOREST DRIVE IN  
MCKINNEY; 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

- 17-140** Consider/Discuss/Act on an Ordinance Renaming Ridgewood Drive to Stoltz Drive within the Robinson Ridge Subdivision. Caption reads as follows:

ORDINANCE NO. 2017-02-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS RENAMING RIDGEWOOD DRIVE TO STOLTZ DRIVE WITHIN THE ROBINSON RIDGE SUBDIVISION IN MCKINNEY; 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

- 17-141** Consider/Discuss/Act on an Ordinance that Restricts the Eastbound U-Turn Movements Along US 380 at the Median Opening 550 Feet East of Lake Forest Drive. Caption reads as follows:

ORDINANCE NO. 2017-02-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS RESTRICTING THE U-TURN MOVEMENTS ALONG US 380 AT A MEDIAN OPENING EAST OF LAKE FOREST DRIVE IN MCKINNEY; 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

- 17-142** Consider/Discuss/Act on an Ordinance Calling the May 6, 2017 General Election. Caption reads as follows:

ORDINANCE NO. 2017-02-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CALLING A GENERAL ELECTION FOR MAY 6, 2017, TO ELECT A MAYOR AND THREE COUNCIL MEMBERS; DESIGNATING POLLING PLACES; APPOINTING THE EARLY VOTING CLERK; AND PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION

ORDENANZA N° 2017-02-018

UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE MCKINNEY, TEXAS, QUE CONVOCA A ELECCIONES GENERALES PARA EL 6 DE MAYO DE 2017, CON EL FIN DE ELEGIR UN ALCALDE Y TRES CONCEJALES; DESIGNA SITIOS DE VOTACIÓN; NOMBRA EL SECRETARIO ENCARGADO DE LA VOTACIÓN ANTICIPADA, Y ESTIPULA LA NOTIFICACIÓN Y PUBLICACIÓN DE LAS ELECCIONES

- 17-143** Consider/Discuss/Act on a Resolution Authorizing a Contract with Collin County Elections Administration to Conduct the May 6, 2017 General

Election and Authorizing a Joint Election Agreement with McKinney Independent School District and Collin College District. Caption reads as follows:

RESOLUTION NO. 2017-02-027 (R)

A RESOLUTION AUTHORIZING A CONTRACT WITH COLLIN COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE MAY 9, 2017 ELECTION AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF MCKINNEY, MCKINNEY INDEPENDENT SCHOOL DISTRICT, AND COLLIN COLLEGE TO HOLD A JOINT ELECTION FOR THE MAY 9, 2015 GENERAL ELECTION

- 17-145** Consider/Discuss/Act on a Resolution Approving Redirection of FY16 Unspent Arts Commission Funds to the Public Art Fund. Caption reads as follows:

RESOLUTION NO. 2017-02-029 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE REDIRECTION OF FY16 UNSPENT ARTS COMMISSION FUNDS TO THE PUBLIC ART FUND

- 17-149** Consider/Discuss/Act on a Resolution of the City of McKinney to Authorize the City Manager to Apply for and Accept, if Awarded, a Grant to the U. S. Department of Justice, Administered through the State of Texas, Criminal Justice Division, for a Victims of Crime Act (VOCA) Grant. Caption reads as follows:

RESOLUTION NO. 2017-02-033 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A GRANT TO THE U.S. DEPARTMENT OF JUSTICE, ADMINISTERED THROUGH THE STATE OF TEXAS, CRIMINAL JUSTICE DIVISION, FOR A VICTIMS OF CRIME ACT (VOCA) GRANT

- 17-150** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Amended Professional Services Contract with Kimley-Horn and Associates, Inc. in Support of the 2015 Comprehensive Plan 10-Year Update. Caption reads as follows:

RESOLUTION NO. 2017-02-034 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO

EXECUTE AN AMENDED CONTRACT WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL SERVICES IN ASSOCIATION WITH THE 2015 COMPREHENSIVE PLAN 10-YEAR UPDATE; PROVIDING AN EFFECTIVE DATE

- 17-151** Consider/Discuss/Act on a Resolution Awarding a Contract to Kirila Fire of Brookfield, Ohio for the Purchase of an Aircraft Rescue & Firefighting Training Simulator. Caption reads as follows:

RESOLUTION NO. 2017-02-035 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO KIRILA FIRE OF BROOKFIELD, OHIO FOR THE PURCHASE OF AN AIRCRAFT RESCUE & FIREFIGHTING TRAINING SIMULATOR

- 17-004DA** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement to Defer the Construction of Required Improvements (Drainage and Sanitary Sewer Infrastructure) with Wholelife Properties, LLC and Wellstone Living Craig Ranch, LLC, for Lots 1 and 2, Block A, Lots 1-4, Block B, and Lot 1, Block C of the Whole Life at Craig Ranch Addition, Generally Located on the North Side of Collin McKinney Parkway and West of The Esplanade. Caption reads as follows:

RESOLUTION NO. 2017-02-036 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A FACILITIES AGREEMENT WITH WHOLELIFE PROPERTIES, LLC AND WELLSTONE LIVING CRAIG RANCH, LLC, TO DEFER THE CONSTRUCTION OF REQUIRED IMPROVEMENTS (DRAINAGE AND SANITARY SEWER INFRASTRUCTURE) FOR LOTS 1 AND 2, BLOCK A, LOTS 1-4, BLOCK B, AND LOT 1, BLOCK C, OF THE WHOLE LIFE AT CRAIG RANCH ADDITION

- 17-152** Consider/Discuss/Act on a Resolution Authorizing the Award of a Contract to Global Building Maintenance of Dallas, Texas, for City Wide Janitorial Services. Caption reads as follows:

RESOLUTION NO. 2017-02-037 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO GLOBAL BUILDING MAINTENANCE OF DALLAS, TEXAS, FOR JANITORIAL SERVICES FOR THE CITY OF MCKINNEY

- 17-153** Consider/Discuss/Act on a Resolution Rescinding the Award of Contract for Janitorial Services- Apex Centre to CTJ Maintenance and Authorizing the Award of a Contract to the Second Best Value Bidder, Global Building Maintenance of Dallas, Texas, for Janitorial Services- Apex Centre. Caption reads as follows:

RESOLUTION NO. 2017-02-038 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING RESCINDING AWARD OF CONTRACT OF JANITORIAL SERVICES- APEX CENTRE TO CTJ MAINTENANCE AND AUTHORIZING THE AWARD OF A CONTRACT TO THE SECOND BEST VALUE BIDDER, GLOBAL BUILDING MAINTENANCE OF DALLAS, TEXAS, FOR JANITORIAL SERVICES FOR THE APEX CENTRE

- 17-046** Consider/Discuss/Act on the 2016 Annual Report for Tax Increment Reinvestment Zone One (TIRZ No. 1 / Town Center).
- 17-090** Consider/Discuss/Act on the 2016 Annual Report for Tax Increment Reinvestment Zone Two (TIRZ No. 2 / Airport).

END OF CONSENT

- 17-138** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending Chapter 122, Section 103.5 of the Code of Ordinances Pertaining to Fees Assessed for the Annual Inspection of Multi Family Residential and Hotel/Motel Properties. Council member Day requested this item be pulled down for discussion. Chief Building Official Rick Herzberger stated that the fees for inspection and reinspection are contained in Appendix A "Schedule of Fees." Council unanimously approved the motion by Council member Rogers, seconded by Council member Day, to approve an Ordinance amending Chapter 122, Section 103.5 of the Code of Ordinances pertaining to fees assessed for the Annual Inspection of Multi Family Residential and

Hotel/Motel Properties. Caption reads as follows:

ORDINANCE NO. 2017-02-014

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 122 (CONSTRUCTION REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY BY AMENDING SECTION 122-39; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

- 17-144** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending the Policy on Board and Commission Member Appointment and Eligibility. Council member Branch requested that this item be pulled down for discussion. Mr. Branch inquired on how the make-up interview would be managed. Mayor Loughmiller stated that City Secretary Hart will send out notices to the applicants letting them know when the make-up interview will be scheduled. Many of the applicants call in to advise Staff that they are unable to attend. Ms. Hart maintains a list of those who have indicated they are unavailable for the initial interview date and time. Mr. Branch inquired why we do not require that all board appointees are residents of McKinney. City Attorney Houser stated that several of the boards are based on State Law. Ms. Hart stated that several of the boards do allow members that are not residents based on certain criteria (McKinney Main Street, McKinney Convention and Visitor's Bureau, and Animal Service Facilities Advisory Committee). Council unanimously approved the motion by Council member Ussery, seconded by Council member Branch, to approve a Resolution amending the Policy on Board and Commission Member Appointment and Eligibility. Caption reads as follows:

RESOLUTION NO. 2017-02-028 (R)

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

- 17-148** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute an Agreement with



the Texas Department of Transportation for the Temporary Closure of the State Right-of-Way for the Purpose of Special Events. CIP and Traffic Manager Gary Graham stated that the City spent approximately \$4,300 for each of the three events last year which included staff time, equipment and vehicles necessary to set up and remove the closures. This did not include Police officers. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Pogue, to approve a Resolution authorizing the City Manager to execute an agreement with the Texas Department of Transportation for the temporary closure of the State Right-of-Way for the purpose of Special Events. Caption reads as follows:

RESOLUTION NO. 2017-02-032 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR THE TEMPORARY CLOSURE OF STATE RIGHT OF WAY

**14-297Z4** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District, "PD" - Planned Development District, and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District, "SO" - Suburban Office District and "CC" - Corridor Commercial Overlay District, Located on the Southeast Corner of Meadow Ranch Road and U.S. Highway 380 (University Drive), and Accompanying Ordinance (REQUEST TO BE TABLED). Director of Planning Brian Lockley stated that the applicant has requested that this item be tabled indefinitely to allow time to meet with the surrounding property owners. Mayor Loughmiller called for public comment.

The following individuals spoke in opposition to this zoning request:

Mr. Mike Gorman, 1410 Meadow Ranch Road, McKinney

Mr. Stephen Martinez, 1920 Meadow Ranch, McKinney

Council unanimously approved the motion by Mayor Pro Tem Pogue,

seconded by Council member Branch, to close the public hearing and table this item indefinitely.

**16-024SP5** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for Automotive Sales, Repair and Car Wash (EchoPark McKinney), Located Approximately 430 Feet South of Bray Central Drive and on the West Side of Central Circle. Director of Planning Brian Lockley stated that the applicant is proposing to construct a 22,021 square foot building for Automotive Sales and Repair and a detached car wash (EchoPark McKinney), located approximately 430 feet South of Bray Central Drive and on the West Side of Central Circle. The applicant is also requesting approval of a living plant screen for the proposed overhead doors and overnight parking spaces facing Central Circle. On April 19, 2016, the City Council voted unanimously to approve the site plan; however, the applicant has since modified the layout and square footage of the building and therefore it is back for consideration. Applicant, Mr. Charles Garcia, 209 W. Stone Ave., Greenville, S.C. stated that the initial concept of EchoPark was launched in Denver two years ago. As stores continued to open in the Denver market we learned more and more regarding their operation. It has been decided that the store needed to be bigger on the inside. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Branch, to close the public hearing and approve the Site Plan for Automotive Sales, Repair and Car Wash (EchoPark McKinney), located approximately 430 feet south of Bray Central Drive and on the west side of Central Circle, with the following conditions: the applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, prior to issuance of a building permit: the applicant receive approval of a living plant screen (Composed of Nellie R. Stevens Holly 6' at the time of planting) for the overhead door for the car wash facing Central Circle; the

applicant receive approval of a living plant screen (Composed of Nellie R. Stevens 6' at the time of planting) for the overhead doors for the service bays located on the east side of the building and the overnight parking spaces oriented towards Central Circle; and the applicant receive approval of a living plant screen (Composed of Nellie R. Stevens 6' at the time of planting) for the overhead door for the appraisal booth located on the south side of the proposed building facing Central Circle.

**16-341Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "SF5" - Single Family Residence District to "TH" - Townhome Residential District, Located Approximately 3,200 Feet South of U.S. Hwy 380 (University Drive) and on the East Side of Lake Forest Drive; and Accompanying Ordinance. Director of Planning Brian Lockley stated that this item is a rezoning request for the Lake Forest Townhomes. Mr. Lockley stated that this property was previously approved for single-family residential zoning but the tree mitigation plan was a variance to the zoning ordinance and was subsequently denied by the Tree Board. The applicant is now requesting approval to rezone the property for townhome use. Location for access points, tree preservation requirements, and any other items that will be a part of the development will be addressed in the platting process. The item tonight is to determine if the rezoning to townhome from SF-5 residential is in compliance with the Comprehensive Plan. Staff reviewed this request and is recommending denial. Staff looked at the challenges in developing this property in terms of the tree preservation and the amount of property located within the floodplain. The Planning and Zoning Commission reviewed this application and recommended approval. A townhome plan would be considerably denser than a single-family residential development. In order for them to develop any of the property located within the floodplain, they will have to bring that property out of the floodplain. However, the tree ordinance would still apply in

order to develop the property. The applicant will have to come back to Council for any variances to the tree ordinance. Applicant, Mr. Adam Buczek, Skorburg Company, 8214 Westchester Drive, Suite 710, Dallas, stated that the applicant will not be asking for any variances to the tree ordinance or the townhome ordinance. In the previous plan, the project would disturb over 20 acres of the 27 acres in the development. The current plan is that surface disturbance will be about 10 acres of the 27 acres and can be done without a tree variance. The developer has come up with a development plan that will not bring any requests for variances to the Council. This developer will be happy to dedicate the right-of-way so that the property owner to the east can develop his property at a later time, however, we will not be extending the pavement and utilities outside of this development. The developer will have to redo the flood study for the smaller development surface area and resubmit. We will not do that before we know if the City supports our zoning request. The developer will do a reclamation program taking some of the area out of the floodplain and submit a LOMAR whereby FEMA will reevaluate the floodplain designation and remove that area from the floodplain so that residents do not have to buy flood insurance. Mayor Pro Tem Pogue inquired with regards to the dedication of right-of-way, if there is a city ordinance that requires the extension of roadways and utilities to the extremity of the developed property. Assistant Director of Engineering Michael Hebert stated that when staff receives a submittal for the plat, we investigate the proportionality effects, in other words, what should be dedicated as opposed to what is being proposed for construction. The utilities and roadway can be stopped short depending on how the property is developed, the number of lots brought on board, and if we consider it proportional to the development, and evaluated, with a determination at the next stage when the plat is submitted. Mayor Loughmiller called for public comments.

The following individuals spoke against the zoning request:

Ms. Misty Ventura, 9406 Biscayne Blvd., Dallas

Mr. David Cook, 1100 Eastbrook Drive, McKinney

Mr. Harry Hickey, 1600 Eastbrook Drive, McKinney

Mr. Steve Spainhour, 4690 Eldorado Parkway, McKinney

The following individuals spoke in favor of the zoning request:

Mr. Wayne McClaws, 5716 Pine Meadow Lane, McKinney

Mr. Damon Nahoulena, 3308 Calais, McKinney

Mr. La'Shadion Shemwell, 1200 N. Tennessee Street, McKinney

Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to close the public hearing. Mr. Buczek stated that the unit count of this development will be between 40 and 44 two-story townhome units. The developer previously offered a portion of the property to the Parks Department but they declined the offer because it did not fit into the Parks Master Plan. Mr. Lockley stated that a requirement of platting is to provide the connectivity but again it is based on proportionality. Staff cannot speculate on that until we know for sure how many lots are platted for the property. There are several different things for staff to consider with this development with respect to the tree mitigation plan and the floodplain reclamation program. Council member Rogers stated that he is a member of the Church of Jesus Christ of Latter Day Saints, however, he does not attend this building. Nobody in McKinney will receive a dime of the money from the proceeds of the sale of this property. I would like to see this property built to create a tax base. If they can work with the tree mitigation plan, I see no reason not to approve this request. Councilwoman Rath stated she would have liked for the developer to have made an effort to meet with the HOA knowing that this is a very contentious zoning request. Mayor Pro Tem Pogue stated that he would not be in support of this item as it is presented tonight. Mayor Loughmiller stated he appreciates that the developer has

come back with a different plan. I believe a meeting with the HOAs would be helpful. Based on what I have heard at this meeting, I am not prepared to support this tonight. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Ussery, to table the item indefinitely.

**16-349Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RS 60" - Single Family Residence District to "SO" - Suburban Office District, Located at 1202 West University Drive; and Accompanying Ordinance. Director of Planning Brian Lockley stated that this is a request to rezone the subject property that fronts along University. The surrounding area consists of single-family residential uses and single-family residential uses that have been converted to offices and other types of uses. The applicant is proposing to rezone the property in order to allow it to be developed with office uses. Applicant, Mr. John David Cross, Cross Engineering Consultants, 131 S. Tennessee Street, McKinney stated that several properties to the east of this property have been converted into businesses. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Branch, seconded by Council member Day, to close the Public Hearing and approve an Ordinance rezoning the Subject Property from "RS 60" - Single Family Residence District to "SO" - Suburban Office District, located at 1202 West University Drive. Caption reads as follows:

ORDINANCE NO. 2017-02-019

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 0.26 ACRE PROPERTY, LOCATED AT 1202 WEST UNIVERSITY DRIVE, IS REZONED FROM "RS-60" – SINGLE FAMILY RESIDENCE DISTRICT TO "SO" – SUBURBAN OFFICE 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

**16-370SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Club (Hank's Texas Grill), Located at 1310 North Central Expressway, and Accompanying Ordinance. Director of Planning Brian Lockley stated that Staff is requesting to table this item until the February 21<sup>st</sup> meeting due to a posting issue. Mayor Loughmiller called for public comment 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 table this item to the February 21, 2017 meeting.

**16-373Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, Located on the Northeast Corner of Virginia Parkway and Carlisle Road, and Accompanying Ordinance. Director of Planning Brian Lockley stated this item is a rezoning request from PD to C1. The surrounding area is largely developed with offices, multifamily, a school, and churches. The governing PD on the property requires that the property develop in a unified development. The applicant has decided to rezone it so that they do not have to develop all the property at once and to allow for medical offices. Under the current PD it is required to have a Specific Use Permit. This request is to move out of the PD into C1 to allow more flexibility in development. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that the main reason for this rezoning is to allow the property to continue to develop as a commercial property but with less intensity anticipated under the current PD ordinance. This property is surrounded on several sides by schools and churches and those carry their own limitations by virtue of state law in terms of alcohol sales. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Pogue, to close the public hearing

and approve an Ordinance rezoning the Subject Property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, located on the northeast corner of Virginia Parkway and Carlisle Road. Caption reads as follows:

ORDINANCE NO. 2017-02-020

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 5.083 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF VIRGINIA PARKWAY AND CARLISLE ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "C1" – NEIGHBORHOOD COMMERCIAL 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

- 16-358M2** Conduct a Public Hearing to Consider/Discuss/Act on an Amendment to the Capital Improvements Plan for Utility Impact Fees and the Imposition of Updated Utility Impact Fees; and Accompanying Ordinance. Planning Manager Jennifer Arnold stated that the City no longer issues one and a half inch water meters and has also stopped issuing compound and turbine meters. Because the impact fee and CIP ordinance component are based on meter size and meter type, this change has required an update to the ordinance. The new ultrasonic meters have a different flow rate with a slight variation in the equation that is used during the CIP process to determine the maximum assessable fee. Based on the changes in City practices, there is a new calculation which results in a new fee structure for the City. Based on the new meter types and sizes, the fee for the most common meters actually goes down. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Rogers, to close the public hearing and approve an Ordinance amending the Capital Improvements Plan for Utility Impact Fees and the Imposition of Updated Utility Impact Fees. Caption reads



as follows:

ORDINANCE NO. 2017-02-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 130, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE II ENTITLED "WATER AND WASTEWATER IMPACT FEES" BY AMENDING PORTIONS OF SECTION 130-28 AS SET FORTH HEREIN BELOW; BY THE ADOPTION OF A NEW EXHIBIT 2 REGARDING THE 2012-2013 WATER & WASTEWATER IMPACT FEE UPDATE ("WATER & WASTEWATER IMPROVEMENTS PLANS"); AND BY THE ADOPTION OF A NEW SCHEDULE 1 REGARDING THE ASSESSMENT AND COLLECTION OF WATER AND WASTEWATER IMPACT FEES; AND BY THE ADOPTION OF A NEW SCHEDULE 2 REGARDING THE ASSESSMENT AND COLLECTION OF WATER AND WASTEWATER IMPACT FEES; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

- 17-154** Mayor Loughmiller called for Consideration/Discussion/Action on a Request for a Resolution of Support for 9% Tax Credits by Merritt McGowan Manor, L.P., to the Texas Department of Housing and Community Affairs (TDHCA) for the Redevelopment of the Existing Merritt Homes Multifamily, Rental Development Located at 1200 N. Tennessee. Housing and Community Development Manager Janay Tieken stated this is a request for a Resolution of Support for the Merritt Homes redevelopment. This redevelopment will demolish 86 of the existing units with an additional 50 units for a total of 136 units. The applicant is technically McKinney Affordable Housing Authority, a public facility corporation, along with Carlton Development. Applicant, Mr. Will Henderson, Director of Affordable Housing for Carlton Residential Properties, thanked Council for their support for the Newsome Homes redevelopment. The next project is Merritt McGowan Manor redevelopment. We are pursuing 9% tax credits which allows a much larger percentage of tax equity to support the redevelopment. This redevelopment will create 136 units in the same area, two and four plexes, primarily two-story buildings, which will replace the current single-

story and will allow us to increase the density. Mayor Loughmiller called for any public comments and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Rogers, to approve a Resolution of Support for 9% Tax Credits by Merritt McGowan Manor, L.P., to the Texas Department of Housing and Community Affairs (TDHCA) for the redevelopment of the existing Merritt Homes Multifamily, Rental Development located at 1200 N. Tennessee. Caption reads as follows:

RESOLUTION NO. 2017-02-039 (R)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, IN SUPPORT OF THE APPLICATION BY MERRITT MCGOWAN MANOR, L.P. TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TAX CREDITS FOR THE MERRITT MCGOWAN MANOR LOCATED AT 1200 N. TENNESSEE; MAKING FINDINGS RELATED TO THE SUBJECT AND DESIGNATING MERRITT MCGOWAN MANOR IS THE 2017 9% TAX CREDIT DEVELOPMENT THAT CONTRIBUTES MORE THAN ANY OTHER TO THE CONCERTED REVITALIZATION EFFORTS OF THE CITY OF MCKINNEY; AND PROVIDING AN EFFECTIVE DATE

- 17-155** Mayor Loughmiller called for Consideration/Discussion/Action on a Request for a Resolution of Support for 9% Tax Credits by Evergreen at McKinney Senior Community, LP, to the Texas Department of Community Affairs (TDHCA) for the Senior, Multifamily, Rental Development to be Located At the Easternmost Part of a Tract at the NEQ of Silverado and Custer. Housing and Community Development Manager Janay Tieken stated this request is for a Resolution of Support for 9% tax credits by Evergreen at McKinney Senior Community, LP. This is a 130-unit senior development of which 114 will be affordable rate units and 16 market-rate units. Applicant, Mr. Tony Sisk, Churchill Residential, stated that this development competes in a different category than the at-risk set aside, however this category is also very competitive. The average age for our properties is 75 with 85% female. This is an age-restricted senior housing. Director of Planning Brian Lockley stated that the use is permitted on a portion of the property with the current

zoning. There is an approved PD on a portion of the property for general office and office uses. The PD zoning has a general development site plan (GDP) attached to it which will have to be modified or amended. Mr. Sisk stated that they will come back to Council to amend the PD with the site plan. The plan we submit will define all the setbacks and exact building that will be built. If we receive the Resolution of Support, we will then do a site engineering study required for financing and get those questions answered. We will put deed restrictions by age and a land-use restriction agreement on the property that states it will always be senior living which is required with our financing. Executive Director of Development Services Michael Quint stated that Tract 2 has the BN zoning district which allows the multifamily use as a permitted use but it does come with two-story building caps, with additional landscape buffers, and screening requirements, so if the applicant does not want to adhere to the two-story caps, the screening walls, the landscape buffers, the additional trees, they would need to rezone and modify the development standards. The property to be redeveloped is not Tract 2 so those allowances granted do not apply to this property that the applicant is looking to develop. If they want to go three stories and get the modified parking standards, they have to come in and do more than just swap out the layout as part of the rezoning. Mayor Loughmiller called for public comments and there were none. Executive Director of Development Services Michael Quint stated for clarification, there is a provision in the existing PD that specifically states that this property shall be limited to office uses only so they are asking for new multifamily to develop on this property. Provision 1B of this PD says buildings 6-7 and 11-13 as shown on the attached general development plan shall be limited to office uses only. When this PD was originally zoned back in 2008, the intent for this property was that this would be nonresidential uses horizontally integrated into the multifamily. If this property to the

south is going to be developed for multifamily it will be new units beyond what was already anticipated in this PD. Council approved the motion by Council member Rogers, seconded by Councilwoman Rath, to approve a Resolution of Objection for 9% Tax Credits by Evergreen at McKinney Senior Community, LP, to the Texas Department of Community Affairs (TDHCA) for the Senior, Multifamily, Rental Development to be located at the easternmost part of a tract at the NEQ of Silverado and Custer with a vote of 5-2-0, Council members Day and Ussery voting against. Caption reads as follows:

RESOLUTION NO. 2017-02-040 (R)

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, OPPOSING THE APPLICATION BY EVERGREEN AT MCKINNEY SENIOR COMMUNITY, L.P. TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR TAX CREDITS FOR THE EVERGREEN AT MCKINNEY COMMUNITY, LOCATED IN THE 8800 BLOCK OF SILVERADO TRAIL; MAKING FINDINGS RELATED TO THE SUBJECT; AND PROVIDING AN EFFECTIVE DATE

- 17-156** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending the 2017-2021 Capital Improvements Program to Provide Funds for Various Citywide Rehabilitation Projects for FY 16-17. CIP and Transportation Manager Gary Graham stated this item relates to funding that has been allocated for FY 16-17 for rehabilitation of various streets, replacement or rehabilitation of various substandard water utilities, replacement or rehabilitation of various substandard wastewater utilities, and storm water improvements. Staff has allocated use of these funds for design and construction of various projects throughout the City which have been identified as needing street rehabilitation, having substandard water mains, having substandard wastewater mains, and/or in need of storm water improvements based on previous flood studies. This Resolution amends expenditures in the 2017-2021 Capital Improvements Program by creating the following new Capital Improvements Program projects: Pearson Avenue and related drainage improvements (Waddill Street to Kentucky Street) and McKinney FY 17

Substandard Utility Replacement and Street Rehabilitation Umbrella Projects north of Virginia. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve a Resolution amending the 2017-2021 Capital Improvements Program to provide funds for various citywide rehabilitation projects for FY 16-17. Caption reads as follows:

RESOLUTION NO. 2017-02-041 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2017 - 2021 CAPITAL IMPROVEMENT PROGRAM TO TRANSFER FUNDS TO PEARSON AVENUE AND RELATED DRAINAGE IMPROVEMENTS (WADDILL STREET TO KENTUCKY STREET) (CO1703) AND MCKINNEY FY 17 SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION UMBRELLA PROJECTS NORTH OF VIRGINIA (CO1706)

**17-146** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Freese and Nichols, Inc. (FNI) for Professional Engineering Design Services for the McKinney FY 17 Substandard Utility Replacement and Street Rehabilitation Umbrella Projects North of Virginia and Any Necessary Supplemental Agreements. CIP/Transportation Manager Gary Graham stated this contract is for design services for street rehabilitation projects. Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Pogue, to approve a Resolution authorizing the City Manager to execute a contract with Freese and Nichols, Inc. (FNI) for Professional Engineering design services for the McKinney FY 17 Substandard Utility Replacement and Street Rehabilitation Umbrella Projects north of Virginia and any necessary supplemental agreements. Caption reads as follows:

RESOLUTION NO. 2017-02-030 (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 \$440,800.00 WITH FREESE AND NICHOLS, INC. FOR ENGINEERING DESIGN SERVICES FOR THE FY 17 SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION UMBRELLA PROJECTS NORTH OF VIRGINIA AND AUTHORIZING ANY

SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$485,000

**17-147** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Freese and Nichols, Inc. (FNI) for Professional Engineering Design Services for the Pearson Avenue and Related Drainage Improvements (Waddill Street to Kentucky Street) and Any Necessary Supplemental Agreements. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve a Resolution authorizing the City Manager to execute a contract with Freese and Nichols, Inc. (FNI) for Professional Engineering design services for the Pearson Avenue and related Drainage Improvements (Waddill Street to Kentucky Street) and any necessary supplemental agreements. Caption reads as follows:

RESOLUTION NO. 2017-02-031 (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 \$322,807.00 WITH FREESE AND NICHOLS, INC. FOR ENGINEERING DESIGN SERVICES FOR THE PEARSON AVENUE AND RELATED DRAINAGE IMPROVEMENTS (WADDILL STREET TO KENTUCKY STREET) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$355,000

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Branch did not have any comments.

Council member Day did not have any comments.

Council member Rogers did not have any comments.

Councilwoman Rath stated that she would like to verify that the 2016 Water Quality report is posted on the City's website. Ms. Rath stated that she is exhausted from hearing the same incorrect rhetoric about the water quality in McKinney.

Council member Ussery thanked staff for what they do day in and day out. Mr. Ussery stated that he appreciates your patience and perseverance.

Mayor Pro Tem Pogue congratulated the Fire Department on their Lone Star Achievement Award. Mr. Pogue stated that there has been a lot of discussion on social media about Eldorado Parkway. There has been no decision made on Eldorado Parkway going from four to six lanes. That has not been voted on or authorized or approved at this time. This Thursday there is a meeting at 5:30 p.m. in the Council Chambers to solicit public input on Regional Mobility with regard to a U.S. 380 Bypass.

Mayor Loughmiller stated that he wanted to address the issue of the Ethics Policy that was discussed last night at the Work Session. Mayor Loughmiller stated that he has seen comments posted on social media that the possibility that this is being brought forward because of specific actions of Council. The question came from Mr. Branch last night on "why now after 14 years." Neither of those reasons are the basis of bringing the Ethics Policy forward. Since joining the City Council in 2002 as District 4 Representative, one of the goals I had was to continue to make local government more inclusive. Good governance was a topic before previous Councils. In the 2003-2004 Council retreat notebook, there was a reference to discussing the roles, expectations and responsibilities of Council members including discussions and action items that included supporting decisions and agreements of fellow Council members once those decisions have been made, keeping confidential information confidential, sharing accurate information with the citizens, representing the entire city and respecting the City Manager/Council form of government. All these items are included in the draft Ethics Policy that was brought to Council last night. They also include, when speaking for the City, to represent Council policy as opposed to individual Council's opinion. It also mentions a potential draft of an ethics statement, conflicts of interest, and issues relating to emails and open meetings. The information in the 2003-2004 notebook provided references to Attorney General Opinions and specifically stressed rules as it relates to conflicts of interest. One of the outcomes was to decide the first time in the City of McKinney to televise City Council meetings. Prior to that we did not televise Council meetings. At that time the discussion was whether to televise the meetings live versus tape-delayed or recorded. Ultimately, everyone agreed to go live. We also engaged the community through regular neighborhood meetings on various issues. We had zoning cases that were different, difficult, or comprehensive, the School District

would often give us the use of a school where we could have an open meeting – by the applicant and by the public and facilitate a discussion, and at a minimum, an understanding of the issues before the Council. This was the best way to bring the issues to the public, given the fact that we did not televise meetings. During my time as a representative of District 4, we had these types of meetings regarding these major issues and development of major projects including the architecture of Home Depot across from Falcon Creek, construction of Methodist Hospital and reorientation of emergency room facilities because of concerns by the neighborhood. Prior to having televised meetings, at times we would have a few hundred people here like when we did the rezoning of Walmart on Lake Forest. With each retreat we had, we reaffirmed the priorities and looked for ways to improve service delivery. We continue these discussions as we discuss development and retail strategies recognizing that the first step was implementing infrastructure initiatives that did not exist at that time that would be necessary to attract the type of development as the City continues to grow. In 2007, the retreat goals and actions included continuing to work on communications with the citizens, developing and maintaining a City website. In 2007, we started talking about the website and development of operation of a public access cable channel. Other governance issues included discussions regarding staff interaction. One of the hot topics at that time was the possibility of tolling Highway 121. In 2009, when I became Mayor, the Mayor and Council orientation binder has a section that states increase focus on transparency in City government, process decisions consideration, and internal processes. Communication will play a key role in facilitating this process. Communication plans will continue to be developed to enhance the transparency of the City government by using all communication vehicles available to communicate with residents and others in a variety of formats. This included a relaunch of the City's website, new government program on the City's television channel, and the use of citywide citizen surveys. As part of that discussion, we also covered governance issues that included interference with administration and staff, Council Rules of Order, the Texas Open Meetings Act, and conflict disclosures, appearance of impropriety, and rules regarding stepping down from agenda items. Most of these items were discussed in the framework of existing rules and regulations, and the City Charter. All of these



items are included in the Ethics Policy presented to the Council last night but were not part of the written policy at that time. In 2012, with new elections on the horizon and the advent of going from three to four year terms, we then began to discuss governance issues that led to resolutions that modified certain procedures in regard to Board and Commission and Council policies. At the time it was decided to put a policy in place as it related to legal conflicts of interest. We continued to discuss these items to further enhance transparency in the role of government and in our community as well as the operation of Council meetings and the manner in which items can be placed on an agenda. In December 2014, in preparation for the January 2015 retreat, we were asked by the then Interim City Manager Tom Muehlenbeck to provide our issues for the retreat. In my response to Mr. Muehlenbeck, I wrote I look forward to our planning retreat in January and am interested in creating a mindset in planning that will set the blue print beyond the first major transition in the City Council as we see two Council members termed out in 2015 and two additional Council members and the Mayor term out in 2017. My hope is that future Councils will not feel the need to recreate the wheel and continue policies or enhance and improve policies to develop a sense of continuity and consistency in the future as we build out our City. As I mentioned before, and mentioned at our retreat in January of this year in discussing and addressing issues of a written ethics policy, we best serve our community, even when we do not agree on specific issues, our community's trust that we are putting the City's interest first in operating with a sense of decorum and public discernment of these issues. My only goal in bringing this policy forward at this time is to further enhance our transparency to show that we will operate in a manner consistent with our expectations of our Board, Commissions and Committees given that we have written policies for them and that we demonstrate an ethical standard respected of a public entity for the betterment of those who we represent. This is all nothing more than an effort, which I believe this Council is poised and interested in good governance and transparency and getting information out and operating in an ethical manner in voting on items and to bring that to bear in a written policy so that future Councils will also recognize the importance of operating that way. I wanted to bring that forward to the public as to the purpose and reasons behind bringing that policy forward so it will set the record straight.

City Manager Grimes states that the Apex will open to the public on March 1<sup>st</sup>. The founding members will receive total access to the facility on Feb. 28<sup>th</sup>. Mr. Grimes stated that the City hired SGR for the recruitment of an Assistant City Manager. The position closed last Friday after receiving 150 applications. The recruiter, Mr. Greg Nelson, is going to have a lot of work cut out for him.

Council unanimously approved the motion by Council member Ussey, seconded by Mayor Pro Tem Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 8:54 p.m.

---

BRIAN LOUGHMILLER  
Mayor

ATTEST:

---

SANDY HART, TRMC, MMC  
City Secretary