

## CITY COUNCIL REGULAR MEETING

OCTOBER 3, 2017

The City Council of the City of McKinney, Texas met in regular session in the Jack Hatchell Collin County Administration Building at 2300 Bloomdale Road, McKinney, Texas on October 3, 2017 at 6:00 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Chuck Branch, Scott Elliott, Charlie Philips, and Tracy Rath. Absent: Council member La'Shadion Shemwell.

Staff Present: City Manager Paul Grimes; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Assistant to the City Manager Trevor Minyard; Director of Parks and Recreation Michael Kowski; Assistant Director of Parks and Recreation Ryan Mullins; Fire Chief Danny Kistner; Chief of Police Greg Conley; McKinney Economic Development Corporation President Darrell Auterson; Airport Executive Director Ken Wiegand; Director of Engineering Gary Graham; IT Systems Tech Nick Martin; Engineering - Robyn Root; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; Housing and Community Services Manager Janay Tieken; Police Officer Alvin Jones; Police Sergeant Sherwood Holmes; Fire - Mike Smith, Andrew Barr, Captain Pieter Wasserman, Captain Craig Eskridge, Fire Marshal Mike Smith, Chad Nester, Richard Nester, and Public Information Coordinator Liz Agan.

There were approximately 80 guests present.

Mayor Fuller called the meeting to order at 6:03 p.m. after determining a quorum was present. Invocation was given by Captain Pieter Wasserman, McKinney Fire Department. Mayor Fuller led the Pledge of Allegiance.

**17-964** Proclamation for Dyslexia Awareness Month. Mayor Fuller presented the Dyslexia Awareness Month Proclamation to Julia and Ashley from Reuben Johnson Elementary School.

**17-965** Proclamation for the RimShaker Nation. Council member Philips presented the Proclamation to the RimShaker Nation and their parents.

**17-966** Fire Prevention Week Proclamation. Mayor Fuller presented the Fire Prevention Week Proclamation to members of the McKinney Fire Department.

Mayor Fuller called for Citizen Comments.

Ms. Betty Pekovsek, 1101 W. Louisiana spoke in favor of agenda item 17-974 and recommending the neighborhood park be named after George Webb.

Ms. Nina Ringley, 313 N. Benge, McKinney spoke in favor of agenda item 17-974 and naming the park after George Webb and thanked the City for completing the new parking lot on Tennessee.

Edith and Jim Barton, 608 Tucker, McKinney, did not wish to speak but wanted their support of agenda item 17-974 recommending the neighborhood park be named after George Webb.

The following individuals spoke against the proposed annexations:

Ms. Kaye Galloway, 3420 FM 1461, McKinney

Mr. Darrell Hale, 3705 Amon Carter, McKinney

Ms. Soitha Best, 2801 Woodson, McKinney

Dr. Paul Chabot, P. O. Box 5565, McKinney

Mr. Brian Newman, 609 Bristlewood Ave., McKinney

Mr. Enrique Valesquez, 5108 Promised Land, McKinney spoke about problems with getting an accessory building on his property.

The following individuals did not wish to speak but wanted their support of agenda item 17-791 relating to the traffic light at CR 123 and Custer Road entered into the record:

Ms. Kaye Galloway, 3420 FM 1461, McKinney

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

Mr. Chris Cooper, 4692 CR 164, McKinney

Ms. Lynn Cooper, 4692 CR 164, McKinney

Ms. Dana Riley, 400 W. Virginia, McKinney did not wish to speak but wanted to express appreciation to the Council and City for Volunteer McKinney.

Mayor Fuller called for Council and Manager Comments.

Council member Branch thanked the RimShakers for coming out and volunteering their time in the community. He also thanked those that spoke during citizen comments in opposition to the annexation. I appreciate your comments.

Councilwoman Rath thanked all three groups that came out tonight. I was honored to be in Rotary with Dr. George Webb and it is an honor to bestow this recognition because of all the work he has done for McKinney.

Council member Philips wanted to recognize everybody and especially the young men of RimShakers. I want to thank each of you from the Dr. Hill and George Webb families and the sacrifices that both of your fathers have made. To those who have spoken against the annexation, I have spoken publicly and privately against the annexation and my opinion on that has not changed. Thank you all for being here tonight and expressing your opinions.

Council member Elliott thanked George and Betty Webb. I met them during the campaign and they are fine individuals. I look forward to the dedication of the naming of the park after George. Thank you all for coming out tonight. It is my hope that we have this many people at all our Council meetings regardless of the topic. Not too many of us get to testify before Congress in Washington D.C. but I view the opportunity for folks to come and express their opinions to the attention of the Council as part of the local government process. It is a privilege to serve and be a part of that process. Thank you for being here and speaking up. I applaud those of you who speak at a public meeting. There are instances where we disagree and I think somewhere we have lost the ability to disagree with civility. My thoughts on annexation are not in line with some of my fellow Council members but I do want to express my thanks to those I serve with. We can disagree, talk through items, and do so with civility. I am delighted to see the item for the stop light at Custer and CR 123. We appreciate our sister city, Prosper, taking care of the four-way stop until this light can be installed.

Mayor Pro Tem Rogers stated he is in agreement with Council member Elliott's comments about civility. He read from an email Council received: "It is quite evident City Council place greed and business over the residents of Collin County. I am a long time resident and my deceased Father was born in McKinney. He would always talk about the dirty dealings of McKinney. Unfortunately, greed will always be present. I've

never known anyone who ran for local office who didn't have a hidden agenda whether it be to obtain power or money. Please rise above your lower instincts and do the right thing." This is a small inkling of the emails we get on a regular basis. The civility is gone. First of all, I always find it fascinating that we are somehow going to get rich on City Council. I've served 2-1/2 years and it costs each of us a lot of money and a lot of time to be on the City Council. I noticed Travis Ussery who served many years and he told me he never figured out how to make a dime on City Council. We are here because we want to serve the citizens. We don't always agree but we strive to do what is right. I'll stand behind any of my votes. I have not always been in the majority but I'll stand behind any vote because I think I have always done the right thing the way I see it. The other thing is there have been two groups from the City of McKinney that have blessed many lives of those in the hurricane stricken areas around Houston. The first group who are always there when disaster strikes is the Minutemen Disaster Relief organization. These men and women are there right when something happens. They help the first responders and deserve our support and gratitude. Some of them were down there four weeks helping people. I would like to give a shout out to them. I belong to The Church of Jesus Christ of Latter-day Saints. Our church sent between 10,000 and 12,000 members there every weekend for five weeks to help people. We cleaned out tens of thousands of homes there. We have about 1,000 members here in McKinney who offered help. A week ago we went to Vidor where 80% of the homes were under water and helped them. Those people just needed some hope. It was great to see people with such gratitude who didn't start out with a whole lot and now have a lot less. God bless those who are willing to serve their fellow citizens. I'm sure there are other groups and organizations from McKinney that I am not aware of. God bless you all.

Mayor Fuller thanked those who spoke. I appreciate that you addressed the Council as a whole and not individuals. Some of the comments were meant for me specifically and I want to take the opportunity to let you know that I heard you and again, some of the comments were specifically directed toward myself. I would like to respond to those from the standpoint of edification so that you might understand where I'm coming from. Before that I'm going to talk about a couple of sound bites that have

become very popular. Taxation without representation. No one in the ETJ is being taxed by the City right now. If you are annexed, you will then be taxed and you would have representation because you would be of the voting population of the City. So the sound bite of taxation without representation doesn't fit in this regard. Another sound bite used often is land grab. Land grab is when governments actually take land. There is no land grab; no one is taking land. What we are contemplating is, before the law changed, the laws on annexation was such that the City had a very specific way they planned their growth. Anyone who has seen a map of McKinney could see the dark shaded area and the lighter shaded area. The lighter shaded area is called the ETJ. It has been known and identified in our strategic growth plans and our comprehensive plans. Every map that has been put out by the City shows that outer boundary as the ultimate city limits of McKinney. The laws that were in place in regards to annexation and the way we are contemplating annexing now are the same laws that gave citizens in the City the information when they were voting on hundreds of millions of dollars in bonds for infrastructure that the City is building. The City hasn't invested millions of dollars in infrastructure out to the corporate borders of the City, out to the ETJ, for our health and certainly not for the 175,000 residents who are here now. That money was spent in anticipation of the growth that would take place. There are 174,000 people who have signed up for debt for infrastructure in anticipation of that growth. Now the law has changed. We didn't ask for it to be changed but it was changed. So there is a clock running on annexation based on previous law. That previous law was part of the education and information gathered by voters who voted to spend money on infrastructure, to sign up for debt long term. We have an obligation to those 174,000 people and a fiduciary duty to protect what we asked the residents of this City to approve with that vote. That is our real responsibility. The roads and utilities have been brought out to the ETJ. You are not paying for that now, the other 175,000 people signed up for that. They said yes, let's take on that debt because we know we are growing. This is the responsibility we have and it is damn serious. The hate emails referenced by Mayor Pro Tem is despicable. It's great to watch the video of myself taken in mid-sentence. Yes, I spoke out against that specific example of annexation that I believe was used because of use of authority that I did not believe the City had

regulating what was built in the ETJ in that situation and in that circumstance. If you watch the video without cutting from mid-sentence on you will see what the context is and I stand by that today and I will stand by it tomorrow. But that is not what we are talking about with this annexation. The last thing is about the comments that we will be remembered by our vote. I didn't run to make decisions based on what I think would happen in the voting or whether someone would vote for me or not. I will also say publicly that I don't sit up here and post to Facebook and campaign while I am on the dais. When we are in Council there are four entities that are speaking at any given time: Council members; a member of the public; an applicant; or a staff member. I believe every one of those four is worth listening to and paying attention to. If you're sitting up here campaigning and on Facebook, then you are not giving the respect to the people speaking, whether it's your colleague, a staff member, an applicant or someone in the public. So that will change.

Council unanimously approved the motion by Council member Branch, seconded by Council member Elliott, to approve the following Consent Minutes:

- 17-967** Minutes of the City Council Work Session of September 18, 2017
- 17-968** Minutes of the City Council Regular Meeting of September 19, 2017
- 17-906** Minutes of the Library Advisory Board Meeting of August 17, 2017
- 17-891** Minutes of the McKinney Armed Services Memorial Board Meeting of August 9, 2017
- 17-956** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of August 22, 2017
- 17-909** Minutes of the McKinney Economic Development Corporation Meeting of August 29, 2017
- 17-969** Minutes of the McKinney Housing Authority Meeting of August 22, 2017
- 17-898** Minutes of the McKinney Main Street Board Meeting of August 10, 2017
- 17-903** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of August 10, 2017
- 17-955** Minutes of the Planning and Zoning Commission Regular Meeting of September 12, 2017

Council unanimously approved the motion by Council member Branch, seconded by Council member Elliott, to approve the following consent Ordinance:

- 17-970** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2017-2018 Annual Budget and 2018 - 2022 Capital Improvements Program to Furnish Traffic Signal Equipment Related to the Reconstruction of the Intersection at Custer Road (FM 2478) and Bloomdale Road / Prosper Trail. Caption reads as follows:

ORDINANCE NO. 2017-10-094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2017-2018 ANNUAL BUDGET AND 2018 - 2022 CAPITAL IMPROVEMENT PROGRAM TO FURNISH TRAFFIC SIGNAL EQUIPMENT FOR CUSTER ROAD (FM 2478) AND BLOOMDALE ROAD / PROSPER TRAIL; 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

Council unanimously approved the motion by Council member Philips, seconded by Council member Elliott, to approve the following Consent Resolutions with the addition of the name change to Garver LLC to agenda item 17-973:

- 17-971** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Local Project Advance Funding Agreement (LPAFA) with the Texas Department of Transportation (TxDOT) to Furnish Traffic Signal Equipment Related to the Signalization of the Intersection at Custer Road (FM2478) and Bloomdale Road / Prosper Trail. Caption reads as follows:

RESOLUTION NO. 2017-10-183 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO FURNISH TRAFFIC SIGNAL EQUIPMENT FOR THE SIGNALIZATION OF CUSTER ROAD (FM 2478) AT BLOOMDALE ROAD / PROSPER TRAIL INTERSECTION

- 17-972** Consider/Discuss/Act on a Resolution in Support of Proposal for the Regional Traffic Signal Retiming Program (RTSRP) and Minor

Improvement Program Safety Call for Projects to the North Central Texas Council of Governments, and Accepting Funding if Awarded. Caption reads as follows:

RESOLUTION NO. 2017-10-184 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, IN SUPPORT OF A SUBMITTAL TO THE REGIONAL TRAFFIC SIGNAL RETIMING PROGRAM (RTSRP) AND MINOR IMPROVEMENT PROGRAM

**17-973** Consider/Discuss/Act on a Resolution Approving Garver as the Engineer of Record for the McKinney National Airport. Caption reads as follows:

RESOLUTION NO. 2017-10-185 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING GARVER LLC AS THE ENGINEER OF RECORD FOR THE MCKINNEY NATIONAL AIRPORT

END OF CONSENT

**17-974** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Naming an 11-Acre Neighborhood Park Site Located at 10450 Millbend Drive Adjacent to Scott Elementary School. Director of Parks and Recreation Michael Kowski stated that one of the special things we do is to acknowledge and pay tribute to those folks who exemplify all that is great about our City and Mr. George Webb does just that. I learned a few weeks back that the Webb family owned land in the area near the park so the match is even more perfect for naming the park. An amazing fact is that Mr. Webb was named Citizen of the Year in 1954 and again in 2005, 51 years apart. That speaks to the impact he has had in our community over the generations. I believe naming the park after Mr. Webb pushes that legacy further into the future. Council unanimously approved the motion by Council member Philips, seconded by Mayor Fuller to approve a Resolution naming an 11-Acre Neighborhood Park Site located at 10450 Millbend Drive adjacent to Scott Elementary School the George Webb Park. Caption reads as follows:

RESOLUTION NO. 2017-10-186 (R)



A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, NAMING AN 11-ACRE NEIGHBORHOOD  
PARK LOCATED AT 10450 MILLBEND DRIVE

**17-204SP** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for an Expansion (Blount Fine Foods), Located at 2200 Redbud Boulevard. Director of Planning Brian Lockley stated this item is a request for site plan approval for Blount Fine Foods. The applicant is proposing a dock expansion with overhead doors. According to the PD on the property, the site plan has to be approved by the Planning and Zoning Commission and City Council. As part of the site plan request, the applicant is proposing to have a screening device that also requires approval of the Council. They are proposing wax myrtles that are 6' tall at the time of planting to screen the overhead doors associated with the loading docks on the east side of the building. Applicant, Mr. Andy Bowser, Team Group, Ltd., 1001 W. Euless Blvd., Suite 209, Euless, stated that Blount has come to the good realization that they need to add two loading docks to the building. The dock is already covered by trees that are there now and the additional wax myrtles will fill in the gaps of that landscaping and allow for future expansion. Mayor Fuller called for public comments.

Mr. Darrell Auterson, President, McKinney Economic Development Corporation, stated Blount Fine Foods is a tremendous asset to McKinney's business community. He supports this application and approval of the site plan. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Philips, to close the Public Hearing and approve a Site Plan for an Expansion (Blount Fine Foods), Located at 2200 Redbud Boulevard, with the following conditions: the applicant receive approval of a living plant screen (composed of Wax Myrtles to be 6' at the time of planting) to screen the overhead doors associated with the loading docks on the east side of the building from the non-residential use located east of the subject property and prior to

issuance of a building permit: 2. The applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist.

**17-244Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow Commercial, Single Family, Single Family Attached Residential and Multi-Family Residential Uses, Located on the Southwest Corner of Eldorado Parkway and Stonebridge Drive, and Accompanying Ordinance. Director of Planning Brian Lockley stated the applicant is proposing to rezone for a planned development for commercial, single-family, single-family attached and multi-family residential uses. The property to the front of the development would remain commercial and the back of the property would allow for single-family, single-family attached and multi-family. The applicant would like to expand the hard corner so that he can get the maximum amount of commercial development. At the Planning and Zoning Commission meeting, staff recommended denial due to several issues that needed to be addressed. During that meeting, the applicant and the Planning and Zoning Commission negotiated those items and has addressed those concerns. The first concern was that all elevations of the buildings will be finished with a minimum of 80% stone and/or brick, with the remainder including one or more acceptable exterior finishing materials set forth in the code; uniform, decorative, low-level fixtures and poles will be provided along all public streets; and all free-standing signage shall be of a uniform and consistent design. The applicant has also agreed to change some of the language to be minimum instead of maximum and that language has been to clarify some of those setback standards. With that, the Planning and Zoning Commission does recommend approval. Now that the issues have been addressed through the requested changes by the Planning and Zoning Commission, staff recommends approval. The current zoning on the development is PD,

with a base zoning of Office and R-2. Currently, the western half of the property does not allow residential development but the eastern half does, which allows the single-family and multi-family uses. What they are requesting now is to move all the commercial to the front of the property along Eldorado and Stonebridge and move the residential development to the back of the property. Currently, the eastern half of the property fronting along Eldorado and Stonebridge is residential and does not allow commercial development. If this PD is approved, commercial development can occur along Eldorado and at the hard corner of Eldorado and Stonebridge. Mayor Pro Tem Rogers stated he would not support another multi-family development in this area. If we can specify that only townhomes be allowed, that would be acceptable. Council member Branch stated he would not be in favor of changing the zoning on commercial property to allow for more multi-family. City Manager Paul Grimes stated that staff has worked through the changes with the developer based on the recommendation of the Planning and Zoning Commission and now it is for the Council to make the decision. If the zoning change is approved, staff believes they have negotiated the terms of the development to make it acceptable to the City's design standards but the decision on approving the zoning change is reserved for City Council. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that this is a difficult piece of property. The eastern half of this property has a base zoning of BN, Neighborhood Business. Neighborhood Business allows for single-family, duplex, townhomes and multi-family development at 24 units per acre. The western half is currently zoned O-2, Office. We are simply requesting to rearrange the uses on the property. Executive Director of Development Services Michael Quint noted that the original Ordinance states the property is zoned R-1. R-1 and R-2 zoning refers to a base of BN per the City's zoning ordinance. Mr. Roeder stated we currently have multi-family

permitted on this property. The most logical solution is to change from the old zoning classification and adopt the new C-2 commercial district throughout the entire property with the hope that it will develop commercial. We will allow at the rear of the property multi-family but a minimum of 35 units up to 60 units per acre, structured parking for at least 80% of the parking spaces, and meet all multi-family standards as per City code. The 13 acres in the front of the property is reserved solely for commercial development. Mr. Quint referenced a provision in the existing PD that states a specific use permit is required for construction of a multi-family dwelling in the R-1 and likewise the R-2 district. They can build multi-family with the Council's approval. There is nothing allowed by right. Council member Philips stated he has a lot of respect for Mr. Roeder and his firm but at this point I would vote against this zoning change. Mayor Fuller called for public comments and there was none. Mayor Fuller read into record a letter of opposition from Mr. Kyle Abel. Council unanimously approved the motion by Council member Philips, seconded by Council member Elliott, to close the public hearing. Council unanimously approved the motion by Mayor Fuller, seconded by Councilwoman Rath, to reopen the public hearing and continue this item to the October 17th meeting.

**17-975** Mayor Fuller called for Consideration/Discussion/Action on a Resolution Approving the Recommendations of the Arts Commission for FY18 Grants and Annual Funding of the Arts in the City of McKinney. Housing and Community Development Manager and McKinney Arts Commission liaison Janay Tieken stated the Arts Commission met on August 17<sup>th</sup> and recommends the funding levels for the Arts Commission grant for fiscal year 2018 that were presented to Council in the agenda packet. Council unanimously approved the motion by Council member Elliott, seconded by Councilwoman Rath, to approve a Resolution approving the Recommendations of the Arts Commission for FY18 Grants and Annual

Funding of the Arts in the City of McKinney. Caption reads as follows:

RESOLUTION NO. 2017-10-187 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE FUNDING FOR THE SUPPORT OF THE ARTS IN MCKINNEY IN AN AMOUNT NOT TO EXCEED \$200,000.00; AND PROVIDING FOR AN EFFECTIVE DATE

**17-976** Mayor Fuller called for Consideration/Discussion on Changes to the Electioneering Ordinance. City Secretary Sandy Hart presented a draft Ordinance that will regulate electioneering at all City owned or controlled properties. This Ordinance provides consistent regulation that aligns with MISD and Collin College. Each facility will have designated locations where electioneering can take place. Electioneering will not change on private property. These regulations will also apply to the rights-of-way. City staff will mark the Electioneering areas at each location prior to the start of any voting. Signs in violation of the new Ordinance will be removed and disposed of without prior notice. This Ordinance is scheduled to be on the October 17<sup>th</sup> meeting agenda for consideration and approval.

**17-977** Mayor Fuller called for the Presentation by Johnson Development Regarding McKinney Municipal Utility District (M.U.D.) No. 1's and No. 2's Bond Authority and the Third Amendment to the Master Development Agreement for the Trinity Falls Master Planned Community. Executive Director of Development Services Michael Quint stated that City staff and the developer of Trinity Falls have been working on another amendment to the Master Development Agreement as well as modifying some bonding authority. This item will be on the October 17<sup>th</sup> agenda for consideration and approval, however, Johnson Development has a presentation this evening. Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that a requirement has been added to the third amendment that the developer, as owner, must obtain the consent of the City for any utility easement that will allow any property outside of Trinity Falls to connect to the utilities.

This protects the City from having perimeter land connect that could then develop in the ETJ unregulated. By the inclusion of the 271 acres contained in the third amendment, we are bringing that under the development regulations of Trinity Falls which takes it out of the unregulated ETJ. We have also restricted the amount of land for commercial uses by 40%. We have identified the site for the regional fire station at no cost to the City with all of the utilities and streets in place. We have solidified with the City, the agreement to build that regional fire station and the owner has agreed to pay 90% of the cost of that station as well as 70% of the first year of training for the firefighters who will occupy this facility. We had an economic impact study conducted that shows there is a 25.5% increase in economic development and impact in the DFW area and, with regard to the City, and a 12% increase in tax revenue direct to the City over what was there before. We have provided a description of the breakdown of the MUD bonds we are proposing including the sources and uses of those funds. I would encourage each of you to come out to Trinity Falls for a tour. Mayor Fuller stated the owner has agreed to give City Council approval right to any easement Trinity Falls grants so in essence it puts that surrounding area and access to those utilities that the City has paid to their MUD within our control. Mayor Pro Tem Rogers stated he was able to tour the MUD and see the vastness of what they are trying to accomplish. It looks like a fantastic project and I fully support it. Mr. Roeder stated Trinity Falls has adopted all of the City's standards. Mr. Grimes noted that the requirement to obtain the City's consent before connecting to any utilities in Trinity Falls is appropriate language in the third amendment and protects the City in those unincorporated areas in the immediate vicinity of Trinity Falls. I believe it is a win/win for both entities. The MUD Board meetings have been moved to an office located on Redbud in McKinney. Notices are posted in multiple locations within the development. A second community

center will be constructed and will have the ability to host and conduct meetings in the future. Councilwoman Rath stated that a lot has changed since Johnson Development took over and I was pleased with what we were able to see. Mr. Roeder stated the Directors of the MUD set the tax rate. The directors are voted in by all property owners of the MUD. Mr. Nick Crawford, Crawford and Jordan, 3100 McKinney Avenue, Dallas, Special Counsel to the MUD stated that whatever entity creates the MUD also appoints the Directors based on recommendations of the land owner. These are public positions and the district holds elections. The Directors serve four-year staggered terms and to serve you must be a qualified voter of the district or own land within the district. Currently, all Directors are appointees. There are no residents on the board at this time. Mr. Roeder will provide Council with a summary of the items being requested with the agenda item that will be going before Council on October 17<sup>th</sup>.

Mayor Fuller called for Citizen Comments and there were none.

Mayor Fuller called for Council and Manager Comments.

City Manager Paul Grimes stated the Oktoberfest was a huge success with more than 50,000 visitors this year. Thanks to all who attended and especially the volunteers who worked the event. These events weave the fabric of the community. And a special thanks to the merchants who have their normal business disrupted during these events. Also a reminder, McKinney will participate in the National Drug Take Back Program on October 28<sup>th</sup>. Bring any unwanted, unused or expired prescription drugs to anonymously and properly dispose of them. More information is available at [McKinneytexas.org/drugtakeback](http://McKinneytexas.org/drugtakeback).

Mayor Fuller recessed the meeting into executive session at 8:15 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.071 (A). Litigation / Anticipated Litigation, Section 551.072 Discuss Real Property,

and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Fuller recessed back into open session at 8:50 p.m.

Council unanimously approved the motion by Mayor Fuller, seconded by Councilwoman Rath to adjourn. Mayor Fuller adjourned the meeting at 8:51 p.m.

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GEORGE C. FULLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary