

CITY COUNCIL REGULAR MEETING

DECEMBER 1, 2015

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on December 1, 2015 at 6:00 p.m.

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

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Chief Financial Officer Rodney Rhoades; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Director of Strategic Services Chandler Merritt; Director of Parks and Recreation Rhoda Savage; Fire Chief Danny Kistner; Assistant Director of Public Works Paul Sparkman; McKinney Community Development Corporation President Cindy Schneible; Facilities Construction Manager Patricia Jackson; IT Service Desk Supervisor Amy Greer; Assistant Director of Parks and Recreation Ryan Mullins; Police Officer Kyle Wilkerson; Airport - Ken Wiegand, Mark Jaraczewski and Eric Pratt; and Chief of Police Greg Conley.

There were 40 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 Randall Wright, Clearview Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments and there were none.

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

- 15-1176** Minutes of the City Council Special Meeting of November 16, 2015
- 15-1177** Minutes of the of the City Council and Planning and Zoning Commission Joint Meeting of November 16, 2015
- 15-1178** Minutes of the City Council Regular Meeting of November 17, 2015
- 15-1159** Minutes of the Library Advisory Board of October 15, 2015
- 15-1098** Minutes of the Main Street Board Meeting of October 8, 2015

- 15-1140** Minutes of the McKinney Community Development Corporation Meeting of September 24, 2015
- 15-1141** Minutes of the McKinney Community Development Corporation Meeting on October 22, 2015
- 15-1157** Minutes of the McKinney Economic Development Corporation Meeting of October 20, 2015
- 15-1111** Minutes of the McKinney Housing Finance Corporation of September 11, 2015
- 15-1113** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of October 8, 2015
- 15-1114** Minutes of the Joint Meeting of the Parks, Recreation and Open Space Advisory Board and the McKinney Community Development Corporation of October 29, 2015
- 15-1106** Minutes of the Planning and Zoning Commission Regular Meeting of October 27, 2015
- 15-1187** Consider/Discuss/Act on an Ordinance Revising the Stormwater Ordinance to Allow an Alternate Process for FEMA Map Revisions. Caption reads as follows:

ORDINANCE NO. 2015-12-099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 130, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY DELETING SECTION 130-384, "VERIFICATION OF FLOODPLAIN ALTERATIONS," IN ITS ENTIRETY AND REPLACING SAID SECTION 130-384 WITH A NEW SECTION 130-384 THAT IS ALSO ENTITLED "VERIFICATION OF FLOODPLAIN ALTERATIONS" TO MAKE MINOR REVISIONS TO SUBSECTIONS (A) AND (C) AND ADOPT A NEW SUBSECTION (D) TO ALLOW FOR THE DEVELOPMENT OF PLATTED LOTS WHILE AWAITING APPROVAL OF A FEDERAL EMERGENCY MANAGEMENT AGENCY LETTER OF MAP REVISION TO THE FLOOD INSURANCE RATE MAP; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 15-1191** Consider/Discuss/Act on an Ordinance to Amend Appendix A, Entitled "Schedule of Fees", of the Code of Ordinances, Section 30-86. Caption reads as follows:

ORDINANCE NO. 2015-12-100

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATING TO FEES, BY AMENDING APPENDIX A, IN PART, BY AMENDING SECTION 30-86 TO CORRECT A FEE TITLE, ADD A FEE AMOUNT AND PROVIDE FOR AN EFFECTIVE DATE HEREOF

- 15-1188** Consider/Discuss/Act on a Resolution Amending the Fiscal Year 2015-2016 Annual CIP Budget and 2016-2020 Capital Improvements Program for PK7102 Aquatics Center. Caption reads as follows:

RESOLUTION NO. 2015-12-142 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2015-2016 ANNUAL CIP BUDGET AND THE 2016-2020 CAPITAL IMPROVEMENTS PROGRAM FOR THE PURPOSE OF DESIGNING PHASE 2 OF THE MCKINNEY AQUATICS AND FITNESS CENTER AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 15-1189** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract Amendment to the Construction Manager at Risk (CMAR) Services Contract with Manhattan Construction Company of Dallas, Texas for Phase 2 Services Related to the Construction of the Aquatics and Fitness Center Project Located at Gabe Nesbitt Community Park. Caption reads as follows:

RESOLUTION NO. 2015-12-143 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH MANHATTAN CONSTRUCTION OF MCKINNEY, TEXAS FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH PHASE 2 OF THE AQUATICS AND FITNESS CENTER LOCATED AT GABE NESBITT COMMUNITY PARK

- 15-1190** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute Contract Amendments to the Professional Services Contract with Brinkley Sargent Wiginton Architects (BSW) of Dallas,

Texas for Architectural and Engineering (A/E) Services Related to the Design and Construction of Phase 2 of the McKinney Aquatics and Fitness Center (MAFC) Project. Caption reads as follows:

RESOLUTION NO. 2015-12-144 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE CONTRACT AMENDMENTS WITH BRINKLEY SARGENT WIGINTON ARCHITECTS (BSW) OF DALLAS, TEXAS FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF PHASE 2 OF THE AQUATICS AND FITNESS CENTER LOCATED AT GABE NESBITT COMMUNITY PARK

- 15-1192** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Professional Services Contract with Conduit A+D of McKinney, Texas for Architectural and Engineering Services Related to the Design and Construction of Fire Station # 9. Caption reads as follows:

RESOLUTION NO. 2015-12-145 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CONDUIT A+D OF MCKINNEY, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF FIRE STATION # 9

- 15-1179** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Replacement and Supplemental Vehicles for Various Departments from Silsbee Ford Utilizing the BuyBoard and HGAC Cooperative Purchasing Contracts. Caption reads as follows:

RESOLUTION NO. 2015-12-146 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF REPLACEMENT AND SUPPLEMENTAL VEHICLES

- 15-1193** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Lease Purchase Agreement with Motorola for Channel Addition Project. Caption reads as follows:

RESOLUTION NO. 2015-12-147 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY

MANAGER TO EXECUTE A LEASE PURCHASE AGREEMENT
WITH MOTOROLA SOLUTIONS, INC.

- 15-1180** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Enter into an Interlocal Agreement with Collin County for Funding the Widening of Virginia Parkway from US 75 to Ridge Road. Caption reads as follows:

RESOLUTION NO. 2015-12-148 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR FUNDING THE WIDENING OF VIRGINIA PARKWAY FROM US 75 TO RIDGE ROAD

- 15-1181** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Enter into an Interlocal Agreement with Collin County for Funding the Widening of Lake Forest Drive from SH 121 to McKinney Ranch Parkway. Caption reads as follows:

RESOLUTION NO. 2015-12-149 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY FOR FUNDING THE WIDENING OF LAKE FOREST DRIVE FROM SH 121 TO MCKINNEY RANCH PARKWAY

- 15-1182** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute the Second Amended Agreement For State Legislative Consulting Services from Red Media Group of Austin, Texas. Caption reads as follows:

RESOLUTION NO. 2015-12-150 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO AN AGREEMENT FOR LEGISLATIVE CONSULTANT SERVICES WITH RED MEDIA GROUP; AND PROVIDING AN EFFECTIVE DATE

END OF CONSENT

- 15-228SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Self-Storage Facility (All Storage at

the Shops at Eagle Point), Located Approximately 620 Feet West of Custer Road and Approximately 1,040 Feet South of U.S. Highway 380 (University Drive), and Accompanying Ordinance. Director of Planning Brian Lockley stated that the applicant is requesting a Specific Use Permit for a self-storage facility located at the Southwest corner of Custer and Highway 380 that is part of the Walmart shopping center. The code requires that, because the adjacent properties could be developed potentially for residential, the adjacent facilities be one-story in height. The applicant does comply with that and added the three-story units in the center. That is consistent with what the code allows. Staff reviewed this application and recommends approval subject to the site developing in general conformance with this site plan. Looking within a one-mile radius of this location, there is one other self-storage facility that is located South and West generally at Virginia Parkway and Custer. To the West of this site, there are two additional facilities but they are located in the ETJ. Applicant, Mr. Bill Dahlstrom, 2323 Ross Avenue, Suite 600, Dallas, stated that they received a recommendation of approval from staff and the Planning and Zoning Commission. We complied with the performance criteria in terms of the one story adjacent to residential. We have addressed the criteria of the SUP as well as the criteria for storage facilities. This is a climate controlled facility with a drive-through aspect and is more user-friendly. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Branch, to close the public hearing and approve an Ordinance granting a Specific Use Permit Request for a Self-Storage Facility (All Storage at the Shops at Eagle Point), located approximately 620 feet west of Custer Road and approximately 1,040 feet south of U.S. Highway 380 (University Drive) with the following conditions: the subject property shall generally develop in accordance with the attached Site Layout Exhibit "C" and prior to the

issuance of a building permit: the applicant revise the site layout exhibit to remove the FDC Label located on the proposed self-storage building

A2. Caption reads as follows:

ORDINANCE NO. 2015-12-101

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 SELF-STORAGE FACILITY, LOCATED APPROXIMATELY 620 FEET WEST OF CUSTER ROAD AND APPROXIMATELY 1,040 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE); PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

15-27322 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "SF5" - Single Family Residential District, Located Approximately 3,500 Feet North of Virginia Parkway and on the East Side of Lake Forest Drive, and Accompanying Ordinance. Director of Planning Brian Lockley stated that this is a request to rezone a property at Lake Forest and Virginia Parkway from AG to SF5 in order to develop the site for single-family residential. Given the property's midblock location, staff is of the opinion that residential is appropriate for this area. There were questions raised by Council concerning access to the property to the east. Staff researched and found that in the Subdivision regulations in Section 142.6, it states that all the improvements required under these regulations are improvements specified in the Comprehensive Plan of the City and are improvements which, in the judgment of the City Engineer, are necessary for the adequate provision of streets, utilities, drainage services, and facilities to the subdivision. These shall be constructed at the sole expense of the developer unless other provisions are approved by the City Council. The provision in the Subdivision Ordinance does allow that the applicant will be required, as part of planning, to provide a stub out to allow for access to this property

in the rear. The question raised last night during the work session was whether or not staff could mandate that there be access provided or would a PD be required as part of rezoning. The applicant will have to do engineering and floodplain studies as part of the planning before they can determine how much of the site will be available for them to develop with the layout shown. There is a letter that was given to us that was requested from the applicant to be read into the motion or agenda tonight. It will be entered into the record of the proceeding but will not be read into the motion. Applicant, Mr. Adam Buczek, Skorburg Company, 8214 Westchester Drive, Suite 710, Dallas, stated that they did look at the Comprehensive Plan in the street design manual and they have mechanisms that would insure any plat submitted, should Council support the request, will meet the criteria in existence. On the record, we are willing to provide access to the property owner to the east. The applicant has met with staff from parks, engineering, planning and landscape to get ideas on a formal submittal of the tree preservation and mitigation plan. Mr. Buczek gave a presentation where the street comes into the subdivision and dead ends with the cul-de-sac. There is no issue with us extending the utility to the property owner to the east. To provide access, we will continue the right-of-way dedication straight. At that time, we could build a cul-de-sac ourselves and extend the dedication to the property so when it does develop it will have access. We will need to request a tree variance for this project. The current ordinance requires 70% of the trees in the floodplain be preserved. We don't have the quantification until we get an answer on what the percentage may be, but we are working toward that and when we have the tree survey and a preservation plan complete, we will present it to staff. We understand the risk of getting the zoning approved but not getting a variance approved. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Rogers,

seconded by Council member Day, to close the public hearing and approve an Ordinance rezoning the subject property from "AG" - Agricultural District to "SF5" - Single Family Residential District, located approximately 3,500 feet north of Virginia Parkway and on the east side of Lake Forest Drive with the addition of language that access be required for the property to the east. Caption reads as follows:

ORDINANCE NO. 2015-12-102

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 26.55 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF LAKE FOREST DRIVE AND APPROXIMATELY 3,500 FEET NORTH OF VIRGINIA PARKWAY, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "SF5" – SINGLE FAMILY RESIDENTIAL 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

- 15-280Z2** 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 "SF5" - Single Family Residential District and "TH" - Townhome Residential District, Located on the East Side of Lake Forest Drive and Approximately 840 Feet South of McKinney Ranch Parkway, and Accompanying Ordinance. Director of Planning Brian Lockley stated that this is a request to rezone a piece of property located on Lake Forest Drive and approximately 840 feet south of McKinney Ranch Parkway. The property is currently zoned PD for commercial uses and although staff has voiced concern in the past about preserving that commercial use to serve the surrounding residential area, this applicant is requesting the designation for commercial uses be changed to allow for single-family residential as well as townhome uses. The townhomes are located at the corners and the remainder is single-family homes. Developing the subject property for nonresidential uses may be hindered by the property's midblock location and the lack of access to multiple

roadway frontages. It may also pose challenges to develop the site as a viable commercial area to the extent it can be supported by the surrounding neighborhood residential areas. For these reasons, staff and the Planning and Zoning Commission support the rezoning request. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that this particular 64 acres came about because the current owner recognized that there is retail value along the frontage of Collin McKinney Parkway. They carved out and kept an area for that in the current PD that allows development without any rezoning in that area. This commercial corner is 25 acres, which is bigger than most major retail corners. Virtually all of the east side of the property is floodplain. It seemed to make sense from a land planning perspective to come in with a townhome product adjacent to what in the future will be a retail development, a townhome product across the street from the big-box and south of retail development, and fill in the balance with larger lot single-family high-end product to add rooftops to make this a viable area from a residential and commercial perspective. Council member Rogers asked about the division of the retail portion of the property. Mr. Roeder stated that he believes that the north side of Collin McKinney Parkway is better suited for a retail garden office environment. Mayor Loughmiller called for public comments and there were none. Council approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to close the public hearing by a vote of 6-1-0, Council member Branch voting against. Mayor Pro Tem Ussery stated that he does not think that whole corridor can possibly develop from SH121 to the furthest point north as commercial. He supports the application. Council member Pogue stated that he prefers to protect the Lake Forest frontage as well as the Collin McKinney Parkway and McKinney Ranch, as opposed to the complete obstruction of the midblock component for single-family. We are currently underserved by over 880,000 feet of retail commercial

usages. My opinion on this is that in this configuration and the amount of the request, I cannot support it. Council member Branch stated that he has concerns about supporting and flipping anything that has commercial opportunities. Mayor Loughmiller stated that we have been trying to increase the commercial tax base. I assume the frontage on McKinney Ranch, across from Walmart, would still have commercial zoning and behind it, adjacent to Collin McKinney Parkway, would be commercial zoning as well. It seems when we preserve areas like this midblock for retail, we end up getting strip centers with limited uses and not something that is on par with a more regional retail or larger commercial use. I agree with Council member Pogue that we have to continue to protect this 1,000 foot buffer off of SH121 if we want to expect a large retail development happening along that area. Council member Day stated he is in support of this request. Council member Rogers stated that he is in support of the request. Council approved the motion by Mayor Pro Tem Ussery, seconded by Councilwoman Rath, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District to "SF5" - Single Family Residential District and "TH" - Townhome Residential District, located on the east side of Lake Forest Drive and approximately 840 feet south of McKinney Ranch Parkway, with a vote of 5-2-0, Council members Pogue and Branch voting against. Caption reads as follows:

ORDINANCE NO. 2015-12-103

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 64.21 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF LAKE FOREST DRIVE AND APPROXIMATELY 840 FEET SOUTH OF MCKINNEY RANCH PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "SF5" – SINGLE FAMILY RESIDENTIAL DISTRICT AND "TH" – TOWNHOME RESIDENTIAL 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

15-284Z2 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 at the Southwest Corner of Eldorado Parkway and Hudson Crossing, and Accompanying Ordinance. Director of Planning Brian Lockley stated this property at Eldorado Parkway and Hudson Crossing is currently zoned PD for commercial uses. The applicant is requesting to rezone it to C1. The applicant has submitted a separate Specific Use Permit (SUP) to allow a car wash on the property that would need to come before the Planning and Zoning Commission and City Council for consideration at a future meeting. This is the first part of that request which is to rezone the property. Applicant, Mr. Edward Arshouk, MA Engineering and Construction, 99 Regency Parkway, Suite 11, Mansfield, stated that this will be a flex carwash with 12 employees. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Pogue, to close the public hearing. Council member Pogue stated that his firm was involved in the original entitlements on this property but is not involved in this one in any form. I'm not stepping down because we are not involved in this application. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, located at the southwest corner of Eldorado Parkway and Hudson Crossing. Caption reads as follows:

ORDINANCE NO. 2015-12-104

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 1.33 ACRE PROPERTY, LOCATED AT THE SOUTHWEST CORNER OF ELDORADO PARKWAY AND HUDSON CROSSING, 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

- 15-1183** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Granting Grayson Collin Electric Cooperative a Non-Exclusive Franchise to Use Public Rights-of-Way for the Purpose of Constructing and Operating an Electric Distribution System within the Corporate Limits and ETJ of the City of McKinney. Chief Financial Officer Rodney Rhoades stated that this is the first of two required public hearings. The second public hearing will be held on January 5, 2016. If approved, will be adopted 30 days after that. This is a renewal of the existing franchise agreement for ten years with a five-year option if agreed upon by both parties. There are two changes to this franchise from the prior agreement. One incorporates a Vegetation Management Plan as stipulated as part of the co-op and the PUC. The second change increases the franchise fee from 4% to 5% which is consistent with all our franchise agreements. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Pogue, seconded by Mayor Pro Tem Ussery, to close the public hearing.
- 15-1184** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Granting Atmos Energy Corporation a Non-Exclusive Franchise to Use Public Rights-of-Way for the Purpose of Constructing and Operating a Gas Distribution System. Chief Financial Officer Rodney Rhoades stated that this is the first of two required public hearings. The second public hearing will be held on January 5, 2016. This is a renewal of the existing franchise agreement. There are no changes and provides for a ten year extension to the agreement. The franchise fees are set at 5% of gross revenues. Mayor Loughmiller called for public comments and there were none. Mr. John Manganilla, Atmos Energy, 1681 Corporate Drive, McKinney, was present to answer

any questions. Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to close the public hearing.

- 15-1185** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Casting 193 Votes for the Board of Directors for the Collin Central Appraisal District. Mayor Loughmiller stated there are many options for the City to utilize to cast their 193 votes. Mayor Loughmiller suggested that a future agenda item be added to our board appointments for consideration to solicit participants to serve on this Board in the future. We would encourage anyone to reach out to Council if they are interested in serving on this board. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve a Resolution casting 193 votes for John Politz for the Board of Directors for the Collin Central Appraisal District. Caption reads as follows:

RESOLUTION NO. 2015-12-151 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CASTING 193 VOTES FOR JOHN POLITZ CANDIDATE FOR THE BOARD OF DIRECTORS FOR THE CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY, AND PROVIDING FOR AN EFFECTIVE DATE

- 15-1186** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending the Policy on Board and Commission Member Appointment and Eligibility. Mayor Loughmiller stated that Council discussed the item last night and a draft with the recommended changes was provided by the City Attorney. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve a Resolution amending the Policy on Board and Commission Member Appointment and Eligibility as submitted by the City Attorney. Caption reads as follows:

RESOLUTION NO. 2015-12-152 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ITS POLICY FOR BOARD AND COMMISSION MEMBER APPOINTMENTS AND SERVICE; AND

PROVIDING FOR AN EFFECTIVE DATE

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Branch stated that he had a great Thanksgiving and a great time spent with family.

Council members Day and Pogue did not have any comments.

Council member Rogers thanked all the sponsors for the beautiful tree on the square. He noted that the tree lighting and laser light show was fantastic. We appreciate all of those who took part in that and made it a tremendous success.

Councilwoman Rath noted that we lost a great individual yesterday with the death of Pastor Rock Carpenter. I appreciate the work he did for McKinney and worked so hard to protect those he felt strongly about. He will always be remembered as a great man that represented McKinney well. He is in a better place with no more pain but we love you and thank you.

Mayor Pro Tem Ussery echoed Councilwoman Rath's comments and noted that he would like to express sympathy to his predecessor who left us last week, Mr. Bill Vitz. I appreciate his service to the City of McKinney. I want to thank staff and public works for your work during the rain and your tireless efforts to do well. And all of the staff, we appreciate what you do every day.

Mayor Loughmiller stated that the Christmas tree lighting was spectacular. We had Home for the Holidays scheduled and it was washed out with all the rain. I want to publicly recognize MPAC/Main Street Director Amy Rosenthal who puts these events together, working with merchants and employees and making these things happen, including having to deal with a lot of problems and issues that come up at the last minute. She does a fantastic job and by virtue of the number of people out there last night, shows what a great job she did in terms of getting the word out. Thank you to Amy for everything you do. Mayor Loughmiller expressed condolences to the families of Pastor Rock and Bill Vitz. They were great individuals. I served on this Council since 2002 and Bill represented District 3. He was a joy to serve on the Council with and he has a great family. When I first came on Council, Pastor Rock was one of the Chaplains for the Police Department and he was a great individual and always had a

kind word. He always told me he was praying for me. Sometimes he would laugh after he said that. But knowing our relationship and the sense of humor it meant a lot. We had a lot of conversations over the years about difficult issues - how to work to make the entire City better, how to work with infrastructure issues on the east side, and churches on the east side that, at times, felt like they were left out. He will be missed. The other thing I want to say, anybody that has been watching The Voice, 16 year old McKinney resident Madi Davis has made it into the top 10. If she makes it past tonight, she is in the semifinals. She is very talented and I'm encouraging everyone in McKinney to support her. There are ways you can vote and she is well deserving. As we get closer to Christmas, when you think about the holidays and priorities, family is important but we also have a lot of nonprofits in the area that struggle at this time of year and benefit from the generosity of our citizens. If you have a nonprofit or charity that you are fond of, Christmas is a great time to contribute. We have an event this Sunday night, Spirit of Christmas benefit concert at First Baptist McKinney that will benefit the Samaritan Inn, Community Lifeline and the Boys and Girls Club. If you're inclined to benefit those organizations, it would be worthwhile to go to. It's at 7:00 p.m. and you can buy tickets through First McKinney.

Interim City Manager Tom Muehlenbeck stated that our City is proud to partner with WFAA Channel 8 to host the annual Santa's Helper Toy Drive in downtown McKinney from 5:00 p.m. to 10:30 p.m. on Monday, December 7th on Kentucky Street next to the McKinney Performing Arts Center. Santa's helpers collect new, unwrapped toys for more than 50,000 needy children in the DFW area. McKinney is the designated Collin County drop off location this year and all toys collected in McKinney will be distributed to children in Collin County. We like to encourage residents, schools, churches and businesses to collect toys and decorate their vehicles to come through the drive through line. Live broadcast will be shown on Channel 8 during the 5:00, 6:00 and 10:00 p.m. newscasts. I would also like to echo the comments in thanking the public works department, water, sewer, Paul Sparkman, our emergency service personnel, and Chandler Merritt, for the great job that was done this past weekend.

Mayor Loughmiller recessed the meeting into executive session at 7:18 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 551.074 Personnel Matters, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:48 p.m.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Councilwoman Rath, to adjourn. Mayor Loughmiller adjourned the meeting at 8:49 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary