

## CITY COUNCIL REGULAR MEETING

**AUGUST 19, 2014**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on August 19, 2014 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Travis Ussery, Council members: Geralyn Keever, Don Day, Ray Ricchi, Roger Harris, and Randy P. Pogue.

Mayor Loughmiller called the meeting to order at 6:03 p.m. after determining a quorum was present.

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Rob Daake; Interim Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Director of Planning Michael Quint; Director of Engineering Mark Hines; Interim Parks, Recreation, and Open Space Director Ryan Mullins; Fire Chief Danny Kistner; Assistant to the City Manager Darrek Ferrell; CIP and Traffic Engineer Gary Graham; Parks Superintendent Tony Nielsen; Interim Chief of Police David James; Assistant Chief of Police Joe Ellenburg; Chief Information Officer Chris Chiancone; McKinney Economic Development Corporation President Jim Wehmeier; Director of Water Utilities and Infrastructure Chris Browning; Assistant Director of Water Utilities and Infrastructure Paul Sparkman; Airport Executive Director Ken Wiegand; Assistant Director of Development Services Rick Leisner; Police – Jody Morse, Police Department Compliance and Inspection Manager Josel Phipps, Kim Malolepszy, Officer Michael Palko, Officer Trent Davis, and Sabrina Boston; IT Service Desk Supervisor Amy Greer; Planning Manager Brandon Opiela; and Communications and Media Manager Anna Clark.

There were 25 guests present.

Invocation was given by Pastor Michael Gamble, Radiant Life Church. Mayor Loughmiller led the Pledge of Allegiance.

### INFORMATION SHARING

- 14-783** Recognition of Brian Colehour for Life Saving Efforts. This item will be moved to a future meeting.

**14-784** Recognition of Emma Ann Guillen for her Fundraising Efforts Benefiting McKinney Police Officer Palko. Assistant Chief of Police Joe Ellenburg recognized Emma Ann Guillen and presented her with a plaque and bouquet of flowers.

**14-785** Presentation of Re-Recognition Certificate by Marlin Price, Texas Police Chief's Association. Marlin Price presented the City of McKinney with a Re-Recognition Certification by the Texas Police Chief's Association.

**14-786** Recognition of Deputy Chief Kim Malolepszy for Graduating the FBI National Academy. Interim Police Chief David James recognized Deputy Chief Kim Malolepszy for her accomplishments at the FBI National Academy.

**14-787** U Matter Presentation.

Mayor Loughmiller called for Citizen Comments and there were none.

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

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

**14-788** Minutes of the City Council Regular Meeting of August 4, 2014

**14-789** Minutes of the City Council Budget Work Session of August 8, 2014

**14-753** Minutes of the Historic Preservation Advisory Board Regular Meeting of June 5, 2014

**14-790** Minutes of the McKinney Housing Authority Meeting of June 25, 2014

**14-719** Minutes of the Planning and Zoning Commission Regular Meeting of July 8, 2014

**14-791** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2013-2014 Annual CIP Budget and Amending the 2014-2018 Capital Improvements Program to Provide Funds for the Median Landscape Improvements along Hardin Boulevard. Caption reads as follows:

ORDINANCE NO. 2014-08-056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET

AMENDMENT PERTAINING TO THE FISCAL YEAR 2013-2014 BUDGET AND THE 2014 – 2018 CAPITAL IMPROVEMENTS PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 14-792** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Abandon a Drainage Easement within the Water Tower Addition. Caption reads as follows:

RESOLUTION NO. 2014-08-091 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ABANDON A DRAINAGE EASEMENT WITHIN THE WATER TOWER ADDITION

- 14-793** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Professional Services Contract with la terra studio, inc. of Dallas, Texas for Landscape Architectural and Engineering Services Related to the Design and Construction of the Bonnie Wenk Park Phase II Project. Caption reads as follows:

RESOLUTION NO. 2014-08-092 (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 LA TERRA, INC. OF DALLAS, TEXAS FOR LANDSCAPE ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE BONNIE WENK PARK PHASE II PROJECT

- 14-794** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Delta Specialty Contractors of Monroe, Louisiana for the Construction of the Hardin Boulevard Fencing Project. Caption reads as follows:

RESOLUTION NO. 2014-08-093 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH DELTA SPECIALTY CONTRACTORS OF MONROE, LOUISIANA FOR THE CONSTRUCTION OF THE FENCING ALONG HARDIN BOULEVARD

- 14-795** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute an Interlocal Cooperation Agreement with the North

Central Texas Council of Governments to Perform Signal Retiming.

Caption reads as follows:

RESOLUTION NO. 2014-08-094 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATION AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) TO PERFORM SIGNAL RETIMING

- 14-796** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Hardware and Installation Services for a Citywide Security Camera Refresh. Caption reads as follows:

RESOLUTION NO. 2014-08-095 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF HARDWARE AND INSTALLATION SERVICES FOR A CITYWIDE SECURITY CAMERA REFRESH

- 14-797** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Supplemental Contract with Halff Associates, Inc., for Engineering Design Services for Virginia Parkway Lanes 5 and 6 from Ridge Road to Bellegrove Drive and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2014-08-096 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SUPPLEMENTAL CONTRACT IN THE AMOUNT OF \$307,300 WITH HALFF ASSOCIATES, INC., FOR ENGINEERING DESIGN SERVICES FOR VIRGINIA PARKWAY LANES 5 AND 6 FROM RIDGE ROAD TO BELLEGROVE DRIVE AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS

- 14-798** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Professional Services Agreement with the Frisco Independent School District for School Resource Officers. Caption reads as follows:

RESOLUTION NO. 2014-08-097 (R)

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE FRISCO INDEPENDENT SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

- 14-799** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Professional Services Agreement with the McKinney Independent School District for School Resource Officers. Caption reads as follows:

RESOLUTION NO. 2014-08-098 (R)

A RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE MCKINNEY INDEPENDENT SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

- 14-800** Consider/Discuss/Act on an Amendment to the Chapter 380 Economic Development Agreement between the City of McKinney and VCIM Partners, L.P. for the McKinney Corporate Center at Craig Ranch Infrastructure
- 14-801** Consider/Discuss/Act on an Amendment to the Chapter 380 Economic Development Agreement between the City of McKinney and McKinney Seven Stacy

END OF CONSENT

- 14-802** Mayor Loughmiller called for the First Public Hearing on Proposed Tax Rate for Fiscal Year 2014-15. Chief Financial Officer Rodney Rhoades stated that this is the first of two required public hearings on the proposed Fiscal Year 2015 tax rate. The proposed tax rate is \$0.5830, which is one quarter cent lower than the adopted tax rate of \$0.5855 in 2014 which has been the same tax rate since 2008. The tax rate consists of two components, the debt component and the maintenance and operations component. The debt component this year is proposed to be \$0.167563, which is down from a high of \$0.18 in 2012. The operations and maintenance portion is proposed to be \$0.415437. The second public hearing is scheduled for September 2, 2014, as well as the first public hearing on the proposed budget. On September 16, 2014, Council will conduct the second public hearing on the proposed budget and

adoption of the appropriations ordinance, tax rate ordinance, and fees and rates ordinance. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to close the public hearing.

**14-144A2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss the Request by Shaddock Developers, Ltd., on Behalf of Clyde and Lucretia Geer and Frances Melton, a Petition to Annex Fewer than 30 Acres, Located Approximately 1,900 Feet North of Eldorado Parkway and on the East Side of Custer Road. Director of Planning Michael Quint stated that the applicant is seeking to annex approximately 29 acres of land into the City of McKinney. Prior to annexing property into the city limits, there are a number of factors staff considers. These factors are the ability to provide city services and utilities, fiscal impact and the current population for the property. Staff has evaluated the factors and has no objections. State law requires three public hearings be held prior to annexing property into the city. The first public hearing was held on August 18, 2014. This is the second public hearing with final action and the third public hearing taking place on September 16, 2014. Staff is recommending the Council hold a public hearing and take no further action at this time. When the item comes before Council for approval on September 16<sup>th</sup>, staff will most likely be recommending denial to the proposed zoning request due to non-conformance with density and median and mean lot sizes as outlined in the Comprehensive Plan. Mr. Will Shaddock, Shaddock Developers was in attendance representing the applicant. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to close the public hearing.

**14-148Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Megatel Homes III, L.L.C., on Behalf of Betty M. Bacon Trust and McKinney Independent School District, for Approval of a Request to Rezone Fewer than 20 Acres from "AG" - Agricultural District to "RS 45" - Single Family Residence District, Located Approximately 1,400 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Bois D'Arc Road, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property generally for residential districts. Currently the subject property is designated for office uses on the Future Land Use Plan. Mr. Quint stated that the request is to rezone to RS 45 for detached single-family residential zoning district that has a minimum lot size of 4,500 square feet. The applicant has indicated a desire to build 6,000 square foot lots. Staff recommended an RS 60 zoning for the property. The applicant felt as though they needed the flexibility that the RS 45 zoning provided. Knowing the applicant is proposing a residential density and lot size that is not consistent with the Comprehensive Plan, staff sees no reason why they cannot meet the Comprehensive Plan. This rezoning request is not in conformance with the Comprehensive Plan so staff is recommending denial. The subject property does not have any frontage on an arterial roadway so visibility is minimal. While it does have access on Bois D'Arc, we anticipate Bois D'Arc being improved to a collector roadway. Applicant, Mr. Don Plunk, President of the Development Group of the Henry S. Miller Companies, representing Megatel Homes, stated that this zoning application was made prior to Council's adoption of the current Ordinance which set a mean standard on lot sizes. The proposal is to do 6,000 square foot lots with 82 total lots. A similar size piece of property with an office park in McKinney has a tax value of around \$9,000,000. If we put 80 lots at a value of \$300,000 each, that is \$24,000,000. The reason for the RS 45 is to allow Megatel Homes to continue building the same product as in Robinson

Ridge. Mr. Quint stated that Robinson Ridge has a maximum dwelling unit per acre of 3.5 and the median lot size shall be a minimum of 7,200 square feet. Mayor Loughmiller called for public comment.

Mr. Thad Helsey, 1650 W. Virginia, Suite 102, McKinney spoke in favor of the zoning request.

Mr. John Pickford, 307 Cactus Court, Plano, broker of record for Bacon Trust, stated the property owner is excited to sell this property for residential use.

Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to close the public hearing. Mr. Quint stated that if Council takes action and denies this request, the applicant can come back with a modified zoning request immediately. If the application were denied, they would have to wait a year. If the Council wishes to table the item, the applicant could modify their request. Staff would have to send out notices, which would delay us at least a month due to timeframe constraints. Mr. Quint stated that the biggest difference between an RS 60 and the SF-5 is the minimum and the median and mean lot sizes. RS 60 is an older zoning that allows higher densities of about six to seven units per acre and lot sizes of 6,000 square feet. SF-5 allows a smaller lot size, 5,000 square foot, but carries a median and mean lot size requirement and also carries a density of 3.2 units per acre. Neither have architectural controls. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to table this item until the September 16, 2014 meeting.

Mayor Loughmiller called for Citizen Comments

Ms. Juanita Horne, 31400 Craig Drive, Suite 1827, McKinney spoke against the new proposed Walmart, Cracker Barrel Restaurant not relocating to McKinney, and in favor of the positive affect the City's website has to draw people to McKinney.

Mayor Loughmiller called for Council and Manager Comments

Council member Ricchi stated that next Monday night is the Board and Commission appointments.



Council member Kever thanked everyone who participated in National Night Out there were a lot of great event, lots of neighbors, and good food.

Council member Pogue thanked Mr. Quint "Mighty Quint" for what you do and it is not always an easy job. Mr. Pogue thanked Emma Anne Guillen for her contributions to the community. Mr. Pogue congratulated the Police Department for the Re-Recognition by the Texas Police Chief's Association and Kim Malolepszy for her graduation from the FBI National Academy.

Council member Harris recognized City staff, City Council, MEDC, and for their time spent in bringing corporate citizens into the community.

Mayor Pro Tem Ussery stated that he appreciates staff for everything they do. Mr. Ussery thanked Deputy City Manager Madrigal for the U\_Matter video that reiterates what a great job our staff is doing day in and day out.

Mayor Loughmiller stated that School is getting ready to start. Kids will be walking and riding their bikes to school. Recognize that kids don't always pay attention so please be careful when driving. Mr. Loughmiller recognized Commissioner Chris Hill for his attendance tonight. Mr. Loughmiller stated that he has received and accepted an ice bucket challenge from the Mayor of Plano. I do not know the timing on that but it will happen. Along with that comes my challenge to other people, so Commissioner Hill, you may be getting an email to join me in the ice bucket challenge that benefits ALS.

Interim City Manager Muehlenbeck stated that the McKinney National Night Out had 41 neighborhood parties that were very well attended. Mr. Muehlenbeck expressed thanks to TAPS for providing free shuttle service to the party at Finch Park. Mr. Muehlenbeck announced that the McKinney Senior pool will be closed Monday, September 1<sup>st</sup> for maintenance and repairs and some activities have been temporarily moved to the Juanita Maxfield Aquatics Center. McKinney is once again participating in the National Drug Take-Back Event on September 27<sup>th</sup> from 10:00 a.m. to 2:00 p.m. at the City of McKinney Environmental Services Building. You can bring any unwanted, or unused, or expired prescription drugs to anonymously dispose of them in a safe way. For more information and to see a list of accepted items, please visit [mckinneytexas.org/drugtakeback](http://mckinneytexas.org/drugtakeback).

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 7:30 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary