

## CITY COUNCIL REGULAR MEETING

JANUARY 6, 2015

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

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

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Director of Engineering Mark Hines; Chief Building Official Rick Herzberger; Assistant to the City Manager Darrek Ferrell; CIP and Traffic Engineer Gary Graham; IT Service Desk Supervisor Amy Greer; Interim Human Resources Director Kathryn Usrey; Housing and Community Services Manager Janay Tieken; Airport Executive Director Ken Wiegand; IT Operations Manager Marcus Coleman; and Police Officer Kyle Wilkerson.

There were 20 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 John Blacklock, First Presbyterian McKinney. Mayor Loughmiller led the Pledge of Allegiance.

**15-013** Blue Star Flag Presentation to John and Lynn Windle in Honor of their Son, Staff Sergeant Robert R. Mackle, U.S. Air Force. Mayor Pro Tem Ussery presented the Blue Star Flag to Mrs. Windle in honor of her son, Staff Sergeant Robert R. Mackle.

Mayor Loughmiller called for Citizen Comments.

Ms. Kelly Scott, 400 Crabapple Way, McKinney, spoke about Human Trafficking extended an invitation to the Anti-Human Trafficking Event on January 29<sup>th</sup>.

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

**15-003** Minutes of the City Council Work Session of December 15, 2014

**15-004** Minutes of the City Council Regular Meeting of December 16, 2014

- 14-1313** Minutes of the Library Advisory Board of November 20, 2014
- 14-1274** Minutes of the Main Street Board Meeting of November 13, 2014
- 14-1282** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of November 24, 2014
- 14-1283** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of November 21, 2014
- 14-1340** Minutes of the McKinney Community Development Corporation Meeting of November 20, 2014
- 14-1316** Minutes of the McKinney Economic Development Corporation Meeting of November 18, 2014
- 15-005** Minutes of the McKinney Housing Authority Meeting of October 28, 2014
- 14-1165** Minutes of the McKinney Housing Finance Corporation Meeting of October 10, 2014
- 14-1280** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of November 13, 2014
- 14-1273** Minutes of the Planning and Zoning Commission Regular Meeting of November 11, 2014
- 15-006** Consider/Discuss/Act on a Resolution to Accept and File the Semiannual Impact Fee Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Caption reads as follows:

RESOLUTION NO. 2015-01-001 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ACCEPTING AND FILING THE SEMIANNUAL REPORT WITH RESPECT TO THE PROGRESS OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY AND UTILITY IMPACT FEES

- 15-007** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Abandon Drainage Easements and a Detention Pond Maintenance Agreement within the Heatherwood Phase 4 Addition. Caption reads as follows:

RESOLUTION NO. 2015-01-002 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ABANDON DRAINAGE EASEMENTS AND A DETENTION POND MAINTENANCE AGREEMENT FOR HEATHERWOOD PHASE 4

- 15-008** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Freese and Nichols, Inc., for Engineering Design Services for the Intersection Improvements to Custer Road at Stonebridge and Community Avenue at Wilmeth Road, and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2015-01-003 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH FREESE AND NICHOLS, INC., FOR ENGINEERING DESIGN SERVICES FOR THE MODIFICATIONS TO CUSTER ROAD AT STONEBRIDGE DRIVE AND COMMUNITY BOULEVARD AT WILMETH ROAD, AND ANY NECESSARY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$115,000

- 15-009** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Enter Into an Agreement with Genesis Health Technologies, L.L.C. Caption reads as follows:

RESOLUTION NO. 2015-01-004 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN AGREEMENT WITH GENESIS HEALTH TECHNOLOGIES, LLC

END OF CONSENT

- 14-295SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit for a Restaurant with Drive-Through Window, Located Approximately 250 Feet East of Stonebridge Drive and on the North Side of Eldorado Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting approval of a Special Use Permit to allow a restaurant with drive-through window

on the subject property. Staff has no objections and recommends approval of the item with the special provision items outlined in the report. Applicant, Mr. Mike Allen, Civil Engineer, 101 Trails End, Highland Village, Texas, representing the applicant, stated he had nothing to add to the staff's report. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to close the public hearing and approve an Ordinance granting a Specific Use Permit for a restaurant with drive-through window, located approximately 250 feet East of Stonebridge Drive and on the North side of Eldorado Parkway, with the following special ordinance provisions: Restaurant with drive-through window shall be an allowed use; and the site shall generally develop in accordance with the attached site layout exhibit. Caption reads as follows:

ORDINANCE NO. 2015-01-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH WINDOW, APPROXIMATELY 0.74 ACRES, LOCATED APPROXIMATELY 250 FEET EAST OF STONEBRIDGE DRIVE AND ON THE NORTH SIDE OF ELDORADO PARKWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**14-317SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for an Event Center (Five Star Concierge), Located Approximately 80 Feet East of Tennessee Street and on the North Side of Davis Street, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting a Specific Use Permit for office and an Event Center located on the property. Staff has evaluated the request and has no objections. Staff also feels that Davis Street will be able to accommodate any additional

traffic and as such recommends approval of the item. Applicant, Mr. Jason Lewis, 500 Mozart Way, McKinney, was present to answer any questions. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Keever, seconded by Council member Pogue, to close the public hearing and approve an Ordinance granting a Specific Use Permit for an Event Center (Five Star Concierge), located approximately 80 feet East of Tennessee Street and on the North side of Davis Street. Caption reads as follows:

ORDINANCE NO. 2015-01-002

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 AN EVENT CENTER LOCATED APPROXIMATELY 80 FEET EAST OF TENNESSEE STREET AND ON THE NORTH SIDE OF DAVIS STREET; 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

- 15-010** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Determining No Objection to the Application of the "Newsome Homes" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Rehabilitation of Multi-Family Units Within the Project. Housing and Community Development Manager Janay Tieken stated that Newsome Homes, a partnership of Carlton Properties and the McKinney Housing Authority, is requesting a Resolution of No Objection to their tax credit application to TDHCA for the reconstruction and rehabilitation of the existing Newsome Homes property. On August 4, 2014, City Council unanimously approved a low-interest loan for the project in the amount of \$1.156 million. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Council member Ricchi, to

close the public hearing and approve a Resolution of the City Council of the City of McKinney, Texas, determining No Objection to the application of the "Newsome Homes" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% tax credits for the rehabilitation of multi-family units within the project. Caption reads as follows:

RESOLUTION NO. 2015-01-005 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING NO OBJECTION TO THE APPLICATION OF THE "NEWSOME HOMES" TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR 4% TAX CREDITS FOR THE DEMOLITION AND RECONSTRUCTION OF MULTI-FAMILY UNITS WITHIN THE PROJECT

- 15-011** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Adopting the 2012 International Property Maintenance Code as the Referenced Code for Chapter 122 (Construction Regulations), Sections 122-38 and 122-39 and Chapter 126 (Housing). Chief Building Official Rick Herzberger stated that staff is recommending the adoption of the 2012 International Property Maintenance Code to replace the currently used 2003 edition. Council unanimously approved the motion by Council member Day, seconded by Council member Ricchi, to adopt the 2012 International Property Maintenance Code as the Referenced Code for Chapter 122 (Construction Regulations), Sections 122-38 and 122-39 and Chapter 126 (Housing). Caption reads as follows:

ORDINANCE NO. 2015-001-003

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTERS 122 AND 126 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY BY ADOPTING THE UPDATED VERSION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AMENDING CERTAIN PROVISIONS OF THE CITY CODE TO UPDATE RELATED CODE PROVISIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Council member Harris stepped down from the dais for the following item.

- 15-012** Mayor Loughmiller called for Consideration/Discussion/Action on a

Resolution Authorizing the Interim City Manager to Execute an Agreement with the Texas Department of Transportation to Contribute Right of Way Funds for the FM 546 Project. CIP and Traffic Manager Gary Graham stated that this item allows the City to enter into an agreement with TxDOT for the purchase of the right-of-way for the new location of FM 546 from Highway 5 to existing FM 546 South of the airport. The agreement is a 90/10 split of the funds. The estimate is just over \$11.8 million, with the city's portion being \$1.187 million, acquiring 14 parcels of right-of-way and 14 easements. Mr. Graham presented the financial summary for the project. Council approved the motion by Council member Kever, seconded by Mayor Pro Tem Ussery, to approve a Resolution authorizing the Interim City Manager to execute an agreement with the Texas Department of Transportation to contribute right of way funds for the FM 546 project. Caption reads as follows:

RESOLUTION NO. 2015-01-006 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION TO CONTRIBUTE RIGHT OF WAY FUNDS FOR THE FM 546 PROJECT

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Pogue wished everyone a Happy New Year. Council member Pogue thanked the Windles for their son, Robert Mackle for his service to our country. Mr. Pogue also congratulated and thanked recently retired Fire Captain Mark Douglass for his 33 years of service to the City of McKinney.

Council member Harris thanked the CIP committee and staff for bringing forward the committee recommendations. During the holidays, it is difficult to get things done and thanks to the committee and staff for pulling this together. He also wished everyone a Happy New Year.

Council member Ricchi stated that he is proud of his wife for her activism and what she does to fight child slavery and sex trafficking across the globe. Mr. Ricchi

congratulated Mr. Muehlenbeck and City Staff and thanked Deputy City Manager Jose Madrigal for the CIP that will shape the City's future in the next 10 years.

Council member Day wished everyone a Happy New Year.

Council member Kever also wished everyone a Happy New Year. Ms. Kever expressed condolences to the family of Ray Reynolds and stated that the family sent a note of appreciation for the entire public works staff during this unexpected event. Ron and Carol Powell sent a thank you note to the public works staff for their excellent assistance during an emergency situation over the holidays. Ms. Kever recognized Karl Suchman and Joey Barr for their great job on the 12 days of holiday video that they produced right and aired before the holidays.

Mayor Pro Tem Ussery wished everyone a Happy New Year. He expressed his appreciation for all that staff does day in and day out. He also thanked staff for their work on the CIP program. "This is a significant step forward as a guide and for the best use of the City's capital."

Mayor Loughmiller wished everyone a Happy New Year and hope that 2015 is a joyous and prosperous New Year to each and every citizen. Mr. Loughmiller welcomed back City Secretary Sandy Hart and thanked her for everything she does. Mayor Loughmiller announced that last night, Council unanimously voted to approve an extension of Interim City Manager Muehlenbeck's contract to June, 2016.

Interim City Manager Tom Muehlenbeck announced that the City encourages everyone to recycle Christmas trees on their regular trash day until January 9<sup>th</sup>. Citizens can also bring the trees to the Al Ruschhaupt Soccer Complex on Park View Avenue or to the water tower on the corner of Eldorado Parkway and Alma Road at Gabe Nesbitt Park. Mr. Muehlenbeck invited all residents to the next McKinney Connects, District 4 Town Hall meeting which will be held on January 22<sup>nd</sup> at 7:00 p.m. at Crosspoint Church. Residents will receive updates and Council will be available to answer questions on various projects. Everyone is welcome to attend.

Mayor Loughmiller recessed the meeting into executive session at 6:34 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 551.072 Discuss Real Property, Section 551.074 Personnel Matters, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. The next City Council meeting will be January 20<sup>th</sup> at 6:00 p.m. and a Council Retreat on January 29<sup>th</sup> to discuss the upcoming year.

Mayor Loughmiller recessed to open session at 7:45 p.m.

Council unanimously approved the motion by Council member Ricchi, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 7:47 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary