

CITY COUNCIL REGULAR MEETING

August 20, 2013

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on August 20, 2013 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: City Manager Jason Gray; Deputy City Manager Jose Madrigal; Assistant City Attorney Alan Lathrom; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; McKinney Economic Development Corporation President Jim Wehmeier; Chief of Police Joe Williams; Fire Chief Danny Kistner; Assistant Fire Chief Neil Howard; Assistant Director of Engineering Michael Hebert; Facilities Construction Manager Patricia Jackson; McKinney Community Development Corporation Director Cindy Schneible; McKinney Convention and Visitors Bureau Director Dee-dee Guerra; Transportation Engineering Manager Gary Graham; Senior Help Desk Technician Amy Greer; Human Resources Director Tadd Phillips; Engineering – Paul Tucker, Robin Root, Danny Still, and Kyle Odom; Arborist Emily Braht; Assistant to the City Manager Darrek Ferrell; Finance – Mark Holloway, Trudy Mathis, and Kelvin Bryant; Communications and Marketing – CoCo Good and Anna Clark; Human Resources Manager Lana Raimbault Purchasing Manager Debbie Nye; and Police Officer Williams.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Reverend Leon Veazey of The Salvation Army. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller recessed the meeting into executive session at 6:02 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 (1) (A). Litigation / Anticipated Litigation, Section 551.074 Personnel Matters, Section 551.072 Discuss Real Property, and Section 551.087

Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 6:20 p.m.

13-808 Presentation of GFOA Distinguished Budget Award for FY2013 Budget

Mayor Loughmiller called for Citizen Comments

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

13-809 Minutes of the City Council Budget Work Session of August 2, 2013

13-810 Minutes of the City Council Work Session of August 5, 2013

13-811 Minutes of the City Council Regular Meeting of August 5, 2013

13-812 Minutes of the City Council Special Meeting of August 12, 2013

13-775 Minutes of the Collin County Airport Development Corporation Meeting of July 15, 2013.

13-578 Minutes of the McKinney Main Street Board Meeting of May 16, 2013

13-813 Consider/Discuss/Act on an Ordinance Revising Ordinance 2013-06-051 which Established School Zones and Crosswalks for Lindsey Elementary School. Caption reads as follows:

ORDINANCE NO. 2013-08-076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING THE CROSSWALKS AT LINDSEY ELEMENTARY SCHOOL IN MCKINNEY; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

13-814 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. 2013-08-126 (R)

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

13-815 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. 2013-08-127 (R)

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

- 13-816** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Interlocal Agreement with Allen Independent School District for Crossing Guards. Caption reads as follows:

RESOLUTION NO. 2013-08-128 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH ALLEN INDEPENDENT SCHOOL DISTRICT FOR CROSSING GUARDS

- 13-817** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Interlocal Agreement with Frisco Independent School District for Crossing Guards. Caption reads as follows:

RESOLUTION NO. 2013-08-129 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH FRISCO INDEPENDENT SCHOOL DISTRICT FOR CROSSING GUARDS

- 13-818** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Interlocal Agreement with Prosper Independent School District for Crossing Guards. Caption reads as follows:

RESOLUTION NO. 2013-08-130 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PROSPER INDEPENDENT SCHOOL DISTRICT FOR CROSSING GUARDS

- 13-819** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Interlocal Agreement with McKinney Independent School District for Crossing Guards. Caption reads as follows:

RESOLUTION NO. 2013-08-131 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MCKINNEY

- 13-820** INDEPENDENT SCHOOL DISTRICT FOR CROSSING GUARDS
Consider/Discuss/Act on a Resolution Awarding an Annual Fixed Price Service Contract to Fannin Tree Farm and Irri-Tech of Texas for Landscape and Irrigation Services and Installation. Caption reads as follows:

RESOLUTION NO. 2013-08-132 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR LANDSCAPE AND IRRIGATION SERVICES AND INSTALLATION

- 13-821** Consider/Discuss/Act on a Resolution Awarding an Annual Fixed Price Contract to Lattimore Materials for Concrete: Ready Mixed, Caption reads as follows:

RESOLUTION NO. 2013-08-133 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTACT FOR CONCRETE: READY MIXED

- 13-822** Consider/Discuss/Act on a Resolution Awarding an Annual Fixed Price Contract to Signature Commercial Printing, ColorWorks Printing, Trend Offset Printing, OfficeMax ImPress Print and Document, Print Tyme Printing and Graphics, Office Depot, Alphagraphics, Frisco Printing and Graphics Center, 1 Stop Print and Office Supply, and Dimaco for Custom Printing. Caption reads as follows:

RESOLUTION NO. 2013-08-134 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR CUSTOM PRINTING

- 13-823** Consider/Discuss/Act on an Award of Contract with Structural and Steel Products for Traffic Signal Poles on an As-Needed Basis Caption reads as follows:

RESOLUTION NO. 2013-08-135 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT WITH STRUCTURAL AND STEEL PRODUCTS FOR TRAFFIC SIGNAL POLES ON AN AS-NEEDED BASIS

- 13-824** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Cigna for Third Party Administration Services of the Medical, Wellness, and Dental Plans, MaxorPlus for Pharmacy Benefit Management, and SunLife for Group Life and Long-term Disability Insurance. Caption reads as follows:

RESOLUTION NO. 2013-08-136 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF MCKINNEY AND CIGNA BENEFIT SOLUTIONS, MAXOR PLUS, AND SUNLIFE FOR VARIOUS GROUP HEALTH & WELFARE BENEFITS

- 13-825** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with the PFM Group for Financial Advisor Services. Caption reads as follows:

RESOLUTION NO. 2013-08-137 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT BETWEEN THE CITY OF MCKINNEY AND THE PFM GROUP FOR FINANCIAL ADVISOR SERVICES

- 13-826** Consider/Discuss/Act on a Resolution Approving a Budget Amendment for the McKinney Economic Development Corporation for Fiscal Year 2012-2013. Caption reads as follows:

RESOLUTION NO. 2013-08-138 (R)

A RESOLUTION AMENDING THE BUDGET FOR THE MCKINNEY ECONOMIC DEVELOPMENT CORPORATION FOR FISCAL YEAR BEGINNING OCTOBER 1, 2012 AND ENDING SEPTEMBER 30, 2013

END OF CONSENT

- 13-129SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Big Tony's Grill, on Behalf of Heritage Plaza Limited, for Approval of a Specific Use Permit for a Private Club (Big Tony's Grill), Being Fewer than 3 Acres, Located on the Southwest Corner of U.S. Highway 380 (University Drive) and Redbud Boulevard, and Accompanying Ordinance. Director of Planning Michael Quint stated that

the applicant is requesting approval of a specific use permit (SUP) for a private club (Big Tony's Grill). Big Tony's Grill is located on the southwest corner of U.S. Highway 380 and Redbud Boulevard. A Specific Use Permit for a private club allows a larger percentage (65%) of the sales receipts from the sale of alcohol than a typical Mixed Beverage Permit (which allows 50%). If the requested Specific Use Permit is approved and issued to the applicant, the applicant must then apply for and receive the necessary alcohol permits from the City of McKinney and the Texas Alcoholic Beverage Commission (TABC) before selling any alcohol on the premises. Applicants, Mr. Larry Garavaglia, 1800 Greenway Drive, Plano and Mr. Tony Garavaglia, 2016 Grandview Drive, Plano were available for questions and there were none. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Harris, seconded by Council member Day, to close the public hearing and approve an Ordinance approving a specific use permit for a Private Club (Big Tony's Grill), being fewer than 3 acres, located on the southwest corner of U.S. Highway 380 (University Drive) and Redbud Boulevard. Caption reads as follows:

ORDINANCE NO. 2013-08-077

AN ORDINANCE AMENDING CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE CLUB (BIG TONY'S GRILL), Located ON THE SOUTHWEST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND REDBUD BOULEVARD; PROVIDING FOR SEVERABILITY; 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

- 13-132Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Oden Hughes, L.L.C., on Behalf of OH Skyline / 380, L.P., for Approval of a Request to Rezone Fewer than 12 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Modify the

Development Standards, Located on the West Side of Skyline Drive and Approximately 300 Feet North of U.S. Highway 380 (University Drive), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone approximately 11.57 acres of land, located on the west side of Skyline Drive and approximately 300 feet north of U.S. Highway 380 (University Drive) from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to modify the development standards. The applicant is requesting to modify several regulations that are currently applicable to the development of multi-family residential uses; specifically the maximum building height and the allowable screening devices. Mr. Quint stated that they are requesting a maximum building height of three stories and staff has no objections to that request. Mr. Quint stated that the applicant has requested to allow a board on board fence with masonry columns along the perimeter of the property rather than the required masonry wall that is required around multi-family properties. Staff recommends approval of this request as specified in the staff report. Mr. Quint stated there are requirements for nonresidential properties to put in fences only adjacent to single family residential development. Applicant, Mr. Mac McElwrath, 600 Congress, Austin stated that he is in agreement with staff's recommendation. Mayor Loughmiller called for public comment.

Mr. Peter Bailey 2003 Skyline Drive, McKinney spoke neither in favor of nor opposed to this item but requested contact information for the construction and property manager. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to close the public hearing and approve an Ordinance rezoning fewer than 12 acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and

"CC" - Corridor Commercial Overlay District, generally to modify the Development Standards, located on the west side of Skyline Drive and approximately 300 feet north of U.S. Highway 380 (University Drive), with the following special ordinance provisions: The subject property shall develop in accordance with the "MF-1" - Multi-Family Residential-Low Density District, and as amended, and "CC" - Corridor Commercial Overlay District, and as amended, except as follows: a maximum of 212 multi-family residential dwelling units shall be permitted on the subject property, a maximum multi-family residential building height of 3 stories shall be permitted on the subject property, a 6-foot tall board-on-board wood fence with masonry columns spaced every 20 feet on center shall be permitted as an approved screening device along the side and rear property lines (i.e. northern, western, and southern boundaries). The eastern boundary along Skyline Drive will consist of a 6-foot tall primed and painted tubular steel or wrought iron fence with masonry columns spaced 20 feet on center with structural supports placed every 10 feet on center and with sufficient evergreen landscaping to create a screening effect. This steel fence will terminate into a minimum 6 foot tall masonry wall that abuts both sides of the community entry drives and spans a distance of no less than 10 feet on either side, and the property will provide a 1,500 sq. ft. enclosed dog park and will include, but not be limited to a minimum of two waste stations, two outdoor benches and/or seating for a minimum of six individuals. The park will be enclosed by a tubular steel or wrought iron fence which that stands a minimum of 42" in height. Additionally, one canopy tree shall be planted every 30 linear feet along the fence or evergreen shrubs (acceptable for low screening) shall be planted every four feet along the fence. The applicant is requesting to rezone approximately 11.57 acres of land, located on the west side of Skyline Drive and approximately 300 feet north of U.S. Highway 380 (University Drive) from "PD" - Planned Development District and "CC" -

Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to modify the development standards. The applicant is requesting to modify several regulations that are currently applicable to the development of multi-family residential uses; specifically the maximum building height and the allowable screening devices. The applicant has also submitted an informational zoning exhibit which generally reflects how the property could be developed, subject to review and approval via the site plan approval process. Caption reads as follows:

ORDINANCE NO. 2013-08-078

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 11.57 ACRE PROPERTY, LOCATED ON THE WEST SIDE OF SKYLINE DRIVE AND APPROXIMATELY 300 FEET NORTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT AND "CC" - CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT AND "CC" - CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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

- 13-148Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by 4th Avenue Investments, on Behalf of Irma Leigh Goleman, for Approval of a Request to Rezone Less than 1 Acre from "AG" - Agricultural District to "PD" - Planned Development District, Generally to Allow for Single Family Detached Residences and to Modify the Development Standards, Located Approximately 280 Feet North of Country Club Road and on the East Side of Nature Place, and Accompanying Ordinance. Planning Director Michael Quint stated that Council approved the rezoning request and annexation for the subject property on June 18, 2013. When they were brought this for Council's approval, there were some discrepancies in the district boundary that

they were not aware of. Mr. Quint stated that this request is to rectify the issue to include the northwest corner that was inadvertently left out. Applicant, Mr. Bill Perman, Cross Engineering, 131 S. Tennessee Street, McKinney was available for questions and there were none. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Pogue, to close the public hearing and approve an Ordinance rezoning less than 1 acre from "AG" - Agricultural District to "PD" - Planned Development District, generally to allow for single family detached residences and to modify the development standards, located approximately 280 feet north of Country Club Road and on the east side of Nature Place, with the following special ordinance provisions: the subject property develop in accordance with Section 146-71 "RS 84" - Single Family Residence District the Zoning Ordinance, and as amended, except as follows: setbacks on the subject property shall conform to the attached zoning exhibit, density of the subject property shall be a maximum of 2.4 dwelling units per acre, three 4" caliper canopy trees (providing at least two of the trees in the front yard) or two 6" caliper trees (providing at least one of the trees in the front yard) shall be provided for each residential lot, and the development of the subject property shall generally conform to the attached zoning exhibit. Caption reads as follows:

ORDINANCE NO. 2013-08-079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.81 ACRE PROPERTY IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USES AND TO MODIFY THE DEVELOPMENT STANDARDS, LOCATED APPROXIMATELY 280 FEET NORTH OF COUNTRY CLUB ROAD AND ON THE EAST SIDE OF NATURE PLACE; 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

13-827 Mayor Loughmiller called for the First Public Hearing on Proposed Tax Rate for Fiscal Year 2013-14. Chief Financial Officer Rodney Rhoades stated that this is the first of two public hearings that are required. Mr. Rhoades stated that the FY14 tax rate is anticipated to remain at 0.58550 per \$100 of value which maintains the same tax rate the City has had since FY 2008. This year the home values have increased by 4-½ percent and this would be for the average homeowner about a \$55 increase over FY13 due to the higher assessed values. Mr. Rhoades stated that the second public hearing will be held on September 3, 2013 at 6:00 p.m. in the Council Chambers and the adoption date is scheduled for September 17, 2013 at 6:00 p.m. in the Council Chambers. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to close the public hearing.

13-828 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Adopting the Water System Master Plan. Senior Utility Engineer Paul Tucker introduced Matt Hickey, Birkhoff, Hendricks & Carter who presented an update to the City's Water Master Plan. The 2012 Water System Master Plan revisions compared to the previous master plan include the City's water conservation strategies that have helped to reduce the demands on the system. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Harris, seconded by Council member Day, to close the public hearing and approve a Resolution adopting the Water System Master Plan. Caption reads as follows:

RESOLUTION NO. 2013-08-139 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE ADOPTION OF THE
WATER SYSTEM MASTER PLAN

13-829 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Adopting the Wastewater System Master Plan. Senior Utility Engineer Paul Tucker introduced Matt Hickey, Birkhoff, Hendricks & Carter who presented an update to the City's Wastewater System Master Plan. The 2012 Wastewater System Master Plan revisions compared to the previous master plan include: future wastewater facilities were sized to accommodate ultimate population and employment projections operating under peak flow conditions, and additional flow monitoring data was obtained. Twenty Four (24) temporary meter locations were established city wide and data was obtained from March 23, 2013 to May 31, 2013. Four (4) rain gauges were also deployed to collect rainfall intensity and distribution data during rain events, updated the existing collection system network to reflect recently completed lines, and this master plan established flow rates for each metered basin. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Harris, seconded by Council member Keever, to close the public hearing and approve a Resolution adopting the Wastewater System Master Plan. Caption reads as follows:

RESOLUTION NO. 2013-08-140 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ADOPTION OF THE WASTEWATER SYSTEM MASTER PLAN

Council member Day stepped down from the dais on the following agenda item.

13-830 Mayor Loughmiller called for Consideration/Discussion/Action on a Request for a Variance to the Detention Requirements of the Stormwater Management Ordinance for the Oak Hollow Office Park Development. Engineering Environmental Manager Kyle Odom stated that this item is a request of the land owner which is seeking variance to portions of the storm water ordinance specifically the detention components. In 2006,

Staff provided amendments requested by City Council that included runoff from the 1-year, 24-hour storm shall be detained and released in not less than 12 hours, the post-development 10-year peak discharges shall not exceed the pre-development 10-year peak discharges, and if a developer elects not to detain as indicated above, then the channel stability of the impacted stream must be evaluated downstream to the nearest major receiving stream and, if necessary, channel stabilization measures must be constructed or financially guaranteed. Detention of storms larger than the 10-year storm (i.e. the 100-year storm) are not advisable nor required if it is determined that such detention would create a coincidental peak (create an increase in the creek's flow rate for the design storm). The developer's consultant provided a drainage study of the creek upstream of SH 5 demonstrating that: on-site detention will slightly increase the stream 100-year peak flow at SH 5 due to coincidental peaks, on-site detention will also slightly increase the stream 10-year peak flow at SH 5 due to coincidental peaks, and on-site detention will slightly reduce the stream 1-year peak flow at SH 5. Mr. Odem stated that coincidental peak is something that they don't want in a creek that has a negative effect on streams stability. The cost of constructing a pond would be very expensive as would the optional downstream evaluation study. Mr. Odem stated that staff agrees that the numbers provided by the land owner's consultant are correct and staff would support a variance to the 10 year detention requirement. Staff recommends denial of the variance request regarding the 1-year storm based on the following: the developer has not performed a downstream channel stability evaluation as required to determine the effects of the proposed development without detention, the study that was submitted shows detention will provide a benefit, however slight, to future channel stability, when considering detention for the remaining undeveloped portions of the watershed, each slight benefit translates to a significant

benefit overall for the property owners along the creek who would otherwise experience additional erosion, and the downstream creek will experience more erosion if all similar sites are allowed to develop without detention of the 1-year storm. He stated that they would support the variance to the detention for the 10 year storm and stated that they do not support the 1 year storm. Mr. Odem stated that a site is designed so it flows to a specific point into a detention pond and it collects there and then that pipe takes it directly to the creek. In this case, the water flow goes into the creek. Applicant, Mr. Jon David Cross, 131 S. Tennessee Street, McKinney, stated that the property is a 3.2 acres tract on the east side of Highway 5 and north of Oak Hollow Golf Course. He stated that their point is not that detention should not be required but that a detention in this specific case provides insignificant, if any benefit. The concern is the cost of an 8 foot retaining wall and a detention pond that has significant impact on a two acre site that is having a hard time making things work. Assistant City Attorney Alan Lathrom stated that the owner could have liability through the Texas Water Code. Mr. Lathrom stated that adjacent property owner could seek action or claim from the property owner due to damage on their property. Council approved the motion made by Mayor Pro-Tem Ussery, seconded by Council member Keever, to approve a variance regarding detention requirements for the 10-year storm to the Stormwater Management Ordinance for the Oak Hollow Office Park Development and denying the request regarding the requirements for the 1-year storm, with a vote of 4-2-1, Mayor Loughmiller and Council member Harris voting against and Council member Day abstaining.

Council member Day returned to the dais.

- 13-831** Consider/Discuss/Act on Collin County Airport Governance and Related Documents. Mayor Loughmiller stated that we have certain Boards that operate under both the Board policies of the City Council as well as the

governing Bylaws. He stated that he instructed Council members to review all Board Bylaws and board policies that have been approved by Council to ensure that they are all operating under the same rules and the same structure. Mr. Loughmiller, Mayor Pro-Tem Ussery, and Council member Harris are going through their process to look at the Airport Bylaws as well as a management agreement that is in place for the City of McKinney. This item was put on the agenda in anticipation that we would be ready to make recommendation this evening. At this point, the plan of action for other Board Bylaw amendments that would be considered after the August 26, 2013 board appointments. Mayor requested that this item be tabled until the September 3, 2013 meeting. Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro-Tem Ussery, to table this item to the September 3, 2013 meeting.

13-843 Consider/Discuss/Act on an Amendment to the Hotel and Event Center Development Agreement by and between the City of McKinney, the McKinney Community Development Corporation, Gateway Hotel One, Ltd, and Champ-Beck Development, LLC. City Manager Jason Gray stated that this is a cleanup item of the November 2012 Development Agreement regarding the Gateway Hotel and Events Center. There were a number of dates that were associated in the agreement including a completion date and several interim steps that were to be completed within timeframes of the actual execution dates. He stated that the original document was set up as a cascading set of dates that as soon as an event happened, then the developers were required to have the second event take place. Now that the proceeding dates are known, they have come back with a proposed amendment to set the actual dates. Mr. Gray stated that although there have been some unexpected delays in the project up to this point, there is no request for an extension of the required completion date of February 10, 2015 for the hotel and

event center. He recommended one minor change that stated that the delivery dates are no later than the dates on the agreement. Mayor Loughmiller suggested adding language to include “no later than” to the dates. Council approved the motion by Council member Kever, seconded by Council member Harris, to approve an amendment to the Hotel and Event Center Development Agreement by and between the City of McKinney, the McKinney Community Development Corporation, Gateway Hotel One, Ltd, and Champ-Beck Development, LLC with adding the language regarding "no later than" to the dates, with a vote of 5-2-0, with Mayor Pro-Tem Ussery and Council member Ricchi, voting against.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments

Council member Ricchi did not have any comments.

Council member Day did not have any comments.

Council member Kever thanked the City Manager and all Directors within the City for their good work on the City Budget. Ms. Kever expressed her appreciation to the City Manager for the good work he has done on the last agenda item as well as many of the items discussed in Executive Session.

Council member Pogue did not have any comments.

Council member Harris stated that he attended a management meeting in Kalamazoo, Michigan. During the meeting he heard a presentation from an experienced consultant who discussed a book “The Experienced Economy”. Mr. Harris stated that McKinney is primed to offer a unique McKinney experience and to design a City for the citizens of the future. Mr. Harris stated that until he participated in the Board and Commission interviews for the Parks Board, did he realize how much staff time is devoted to building and maintaining the parks in McKinney. When you turn to the City Manager’s office see all the big projects that are being worked on like the Gateway. When we hear positive comments from Developers and applicants regarding City staff, he realized what a pleasure it is being on the City Council and seeing how Staff takes their jobs very seriously and so professionally. “Thank you to all of you,”

Mayor Pro-Tem Ussery stated that participating in the Board and Commission appointments is one of the toughest things that Council has to do. Mr. Ussery encouraged anyone who applied and went through the process to not give up and don't get discouraged if they are not selected and to remain involved in the City. Mr. Ussery thanked all of staff for what they do, not only during the budget process, but every day. Mr. Ussery announced that Restless Heart will be performing on September 6th at MPAC.

Mayor Loughmiller stated that he served on a speaking panel today with the Mayors from Allen and Fairview. Mr. Loughmiller stated that we are fortunate to be in an area that is growing rather than area that is fighting to keep their businesses. All of the cities in this region have different strengths and different things we are trying accomplish. Our historic downtown area is second to none and constantly brings us a lot of awards and recognition. The City of McKinney has some development efforts that we are making now with the Corporate Center, Gateway, and the Airport which we see as economic drivers for this community. Mr. Loughmiller reminded everyone that school starts on Monday and to be mindful and don't text and drive and watch the school zones.

Mayor Loughmiller recessed the meeting into executive session at 8:00 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 (1) (A). Litigation / Anticipated Litigation, Section 551.074 Personnel Matters, Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:30 p.m.

Mayor Loughmiller called for Action on Executive Session Items. Council approved the motion by Mayor Loughmiller, seconded by Council member Harris, to authorize the City Manager to execute a bonafide offer for purchase of airport assets consistent with terms provided in Executive Session subject to Council approval of any final contractual documents upon resolution and vote at a future Council meeting in open session, with a vote of 6-1-0, Mayor Pro-Tem Ussery voting against.

Council unanimously approved the motion by Council member Roger Harris, seconded by Council member Randy P. Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 8:34 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary