

CITY COUNCIL REGULAR MEETING

MARCH 3, 2015

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 3, 2015 at 6:00 p.m.

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

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Rob Daake; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Assistant to the City Manager Darrek Ferrell; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Director of Engineering Mark Hines; Director of Parks, Recreation, and Open Space Rhoda Savage; IT Service Desk Supervisor Amy Greer; Police Officer Jason Ogburn; Assistant Fire Chief Tim Mock; Housing and Community Services Manager Janay Tieken; Contract Administrator Abri Sterlacci; and Contract Specialist Connie Brown.

There were 30 guests present.

Mayor Pro Tem Ussery called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Pastor Brad Banks, Faith Bible Church. Joshua Wong, Boy Scout Troop 496 led the Pledge of Allegiance.

Mayor Pro Tem Ussery called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to approve the following consent items:

- 15-212** Minutes of the City Council Work Session of February 16, 2015
- 15-213** Minutes of the City Council Regular Meeting of February 17, 2015
- 15-214** Minutes of the City Council Work Session of February 23, 2015
- 15-181** Minutes of the Library Advisory Board Meeting of January 15, 2015
- 15-145** Minutes of the Main Street Board Meeting of January 8, 2015
- 15-135** Minutes of the McKinney Armed Services Memorial Board Meeting of November 5, 2014
- 15-176** Minutes of the McKinney Arts Commission Meeting of January 15, 2015

15-166 Minutes of the McKinney Economic Development Corporation Meeting of January 20, 2015

15-151 Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of January 8, 2015

15-215 Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2014-2015 Annual CIP Budget and Amending the 2015-2019 Capital Improvements Program to Provide Funds for the Median Landscape Improvements along Ridge Road, Hardin Boulevard, and Airport Road. Caption reads as follows:

ORDINANCE NO. 2015-03-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2014-2015 BUDGET AND THE 2015-2019 CAPITAL IMPROVEMENTS PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

15-216 Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide Miscellaneous Drainage and Floodplain Management Services, Miscellaneous Surveying Services, and Miscellaneous Geotechnical and Material Testing Services, and Authorizing the Interim City Manager to Execute Agreements for Professional Services. Caption reads as follows:

RESOLUTION NO. 2015-03-023 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO PROVIDE MISCELLANEOUS DRAINAGE AND FLOODPLAIN MANAGEMENT SERVICES, MISCELLANEOUS SURVEYING SERVICES, AND MISCELLANEOUS GEOTECHNICAL AND MATERIALS TESTING SERVICES AND AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AGREEMENTS FOR PROFESSIONAL SERVICES

15-217 Consider/Discuss/Act on a Resolution Adopting the Revised City of McKinney Policy Statement on Economic Development and Community Redevelopment Incentives (Tax Abatement Policy). Caption reads as follows:

RESOLUTION NO. 2015-03-024 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING THE POLICY FOR TAX ABATEMENTS; AND PROVIDING AN EFFECTIVE DATE

- 15-218** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Apply for and Accept, if Awarded, a Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the Federal Emergency Management Agency (FEMA) to Hire Fire Department Personnel. Caption reads as follows:

RESOLUTION NO. 2015-03-025 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO HIRE FIRE DEPARTMENT PERSONNEL

- 15-220** Consider/Discuss/Act on a Resolution of Non-Objection for the Issuance of Bonds for the Cultural Education Facilities Corporation for WholeLife Craig Ranch. Caption reads as follows:

RESOLUTION NO. 2015-03-027 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE FINANCING BY THE NEW HOPE CULTURAL EDUCATION FACILITIES FINANCE CORPORATION OF HEALTH FACILITIES LOCATED WITHIN MCKINNEY, TEXAS FOR WHOLELIFE CRAIG RANCH, LLD

END OF CONSENT

Council member Pogue stepped down from the dais on the following item.

- 15-219** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Authorizing Staff to Act on the Solid Waste Agreement with Progressive Waste Solutions of Texas Inc. Chief Financial Officer Rodney Rhoades stated that this is the annual request from Progressive Waste for the CPI increase. An audit was conducted this past year outside of the budget process and staff agrees with the request for an increase and recommends approval at this time. Council approved the

motion made by Council member Harris, seconded by Council member Kever, to approve a Resolution authorizing staff to act on the Solid Waste Agreement with Progressive Waste Solutions of Texas Inc., with a vote of 4-0-1, Council member Pogue abstaining. Caption reads as follows:

RESOLUTION NO. 2015-03-026 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, ADOPTING THE SOLID WASTE
AGREEMENTS PROGRESSIVE WASTE SOLUTIONS OF
TEXAS INC

Council member Pogue returned to the dais.

14-189A2 Mayor Pro Tem Ussery called for a Public Hearing to Consider and Discuss on a Request to Annex the Property Located Approximately 500 Feet North U.S. Highway 380 (University Drive) and on the South Side of Wilmeth Road. Director of Planning Michael Quint stated that the applicant is requesting to annex approximately 314 acres of land into the City of McKinney. The property is located approximately 1700 feet west of Lake Forest and approximately 500 feet north of US 380. The City considers a number of factors prior to annexing property in its corporate limits. The first is the current population of the land; the second is the City's ability to provide services and utilities to the property; and the last being the fiscal impact to the City. Staff has evaluated these factors and has no concerns. State law does mandate a number of public hearings. The first public hearing on this annexation was held last night at 5:30 p.m. This is the second public hearing and the final public hearing will be at the regular City Council meeting on April 7th at 6:00 p.m. at which time the associated zoning will also be considered by the Council. Staff is recommending the Council hold a public hearing and take no further action at this time. Mayor Pro Tem Ussery called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing.

15-028A2 Mayor Pro Tem Ussery called for a Public Hearing to Consider and Discuss on a Request to Annex the Subject Property, Located on the East Side of State Highway 5 (McDonald Street) and on the South Side of County Road 278. Director of Planning Michael Quint stated that the applicant is requesting to annex approximately 307 acres of land into the city limits. The property is located generally east of S.H. 5 and south of County Road 278. Similar to the previous item, the City does consider several factors prior to annexing land into its corporate limits. The first being the current population of the land; the second being the ability to provide City services and utilities, and the last being the fiscal impact to the city. Staff has evaluated these factors and has no concerns. The first public hearing was held last night at 5:30 p.m. This is the second public hearing and the third and final public hearing will occur at the regular City Council meeting on April 7th at 6:00 p.m. at which time the associated zoning request will also be considered by the Council. One thing of note on this request is that it is currently subject to an executed and approved pre-annexation agreement so any zoning that is adopted on the property will be in conformance with that pre-annexation agreement. Staff recommends that the City Council hold a public hearing and take no further action at this time. Mayor Pro Tem Ussery called for public comment and there was none. Council unanimously approved the motion by Council member Keever, seconded by Council member Harris, to close the public hearing.

14-166Z5 Mayor Pro Tem Ussery called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Townhome Uses, Located on the Southwest

Corner of McKinney Place Drive and Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property from its current PD multi-family zoning to a PD for attached single family use. This item was originally considered by City Council on February 17th and was tabled at that time to allow the applicant to address some concerns indicated by Council regarding the quality and tying down the land plan for this property. Since that time, the applicant has worked with staff to solve logistical issues that were present in the land plan that was presented. The proposed concept does address those logistical issues including fronting issues, right-of-way issues, and street intersection issues. Applicant has also done a good job of addressing screening and buffering landscaping as well as supplemental landscaping. One issue that is not resolved concerns the front entry townhomes on a 25 foot product. Staff still feels this product does not meet the benchmark for quality that Council previously set and as such staff is recommending denial. Applicant, Mr. Levi Wild, 402 N. Tennessee Street, McKinney, stated that the fire lane, when it was installed, did not have the scrutiny that a public street would have. The developer has eliminated any frontage on to that street so there will not be any expectation from the homeowners for the City to maintain the street. Mayor Pro Tem Ussery called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by council member Keever, to close the public hearing. Council member Pogue stated that he appreciated the efforts of the applicant on the landscaping and the revised layout to make this a better product than what was seen previously. Mr. Pogue stated that he thinks a townhome use on this property is appropriate but he is not on board with this particular configuration. Council member Harris expressed his concern about the parking on this layout. While he does agree townhomes would be good

on this property, but not with the proposed plan. Council member Kever stated that she does see some advantages of townhomes on this property but she has some concerns about the quality with the front entry garages. This is a product that is unbecoming in McKinney. In the past, this Council has been consistent on insisting on rear entry garages and preserving the quality of townhomes in our City. The aesthetics, the quality, and the parking are disappointing. This proposal is at the low end of aesthetic appeal. Council member Day stated that the only issue here is front loaded townhomes. When you have rear loaded garages, townhomes lose the backyard. You either have a yard in front or a yard in back. Mr. Day stated that he would vote for it. Mr. Quint stated that the Applicant would like to table this item until the full Council could be here. Mayor Pro Tem Ussery stated he sees about half as many units as what could be built on the property which means half as many infrastructure needs and half as many capacity needs for the City. Mr. Ussery stated that he has no problem with the proposal. The item was put aside to wait to see if the Mayor Loughmiller and Council member Ricchi arrived prior to the end of the agenda.

14-135PF Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Preliminary-Final Plat for Lot 1, Block A, of the 380 Investors Addition, Located on the South Side of U.S. Highway 380 (University Drive) and Approximately 2,100 Feet East of F.M. 1827 (New Hope Road). Planning Director Michael Quint stated that the applicant is requesting to plat the property generally to allow a landfill. Platting does not look at land uses but the property is currently zoned for landfill-type operation. The applicant has requested two variances waiving the requirements to dedicate easements for and construct the off-site portions of the required master planned water and sanitary sewer lines. The water and sewer demands for this property, based on the current site plan are very limited. Due to the extremely low flows and significant infrastructure investment

that would be required to construct the master planned lines to the property, staff recommends a variance to waive construction of the offsite master planned water and sanitary sewer lines. We would typically recommend denial but in this case the recommendation is for approval of the requested variance as well as the plat. Applicant, Mr. Levi Wild, 402 N. Tennessee Street, McKinney, stated he has read the staff report and agrees with the report. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve a Preliminary-Final Plat for Lot 1, Block A, of the 380 Investors Addition, located on the south side of U.S. Highway 380 (University Drive) and approximately 2,100 feet east of F.M. 1827 (New Hope Road), in add to the following conditions: approval of a variance to Section 142-105 (improvements) of the Subdivision Ordinance waiving the requirement to construct offsite sanitary sewer and water lines (and associated easements) to the subject property; prior to filing the lot for record: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat/Replat Approval Checklist; the applicant revise the plat to reflect additional onsite flood study areas, subject to the review and approval of the City Engineer; the applicant revise the plat to reflect additional onsite easements necessary for construction of the 24" master planned water line, subject to the review and approval of the City Engineer; the applicant revise the plat to label the FEMA and 100-year fully developed floodplain, erosion hazard setback easement, minimum finished floor elevation, and drainage easements necessary for the development of the property, subject to the review and approval of the City Engineer; the applicant receive TxDOT approval for the proposed access drive off of U.S. Highway 380; and the applicant revise the plat to show the correct ownership information.

14-321PF2 Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Preliminary-Final Plat for 193 Single Family Residential Lots and 12

Common Areas (Spicewood @ Craig Ranch), Located on the Southwest Corner of Collin McKinney Parkway and Meyer Way. Planning Director Michael Quint stated that the applicant is requesting to subdivide the property for a detached, single-family residential product. The zoning for this property was previously approved by Council. This item was previously tabled in order for Staff to look at life safety concerns, specifically some alleys that were not wide enough to facilitate fire access. There were also concerns regarding parking. The applicant has provided a concept plan showing how parking will be addressed. The applicant is requesting a variance to the Subdivision Ordinance allowing single-family lots to not front on a public street, instead fronting on a muse. Staff has considered the applicant's request and recommends approval of the variance as well as the preliminary-final plat. Applicant, Mr. Joshua Luke, JBI Partners, 16301 Quorum Drive, Addison, stated that they met with the engineering staff, planning staff, and fire department staff to arrive at the parking solution presented to Council this evening. Council unanimously approved the motion by Council member Keever, seconded by Council member Harris, to approved a Preliminary-Final Plat for 193 single family residential lots and 12 common areas (Spicewood @ Craig Ranch), located on the southwest corner of Collin McKinney Parkway and Meyer Way, in addition to the following condition: approval of a variance to Section 142-99 (Lots) of the Subdivision Ordinance waiving the requirement that all single family lots have frontage on a public street and prior to filing the plat for record: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist.

Council member Pogue stepped down from the dais on the following item.

15-221 Mayor Pro Tem Usery called for Consideration/Discussion/Action on the Need for a Service Plan for the Future Annexation of Properties

Generally Located at and Around the Intersections of Laud Howell Parkway (F.M. 543 Connector), Trinity Falls Parkway (F.M. 543) and Central Expressway (U.S. Highway 75). Director of Planning Michael Quint stated that this item fulfills a statutory obligation. Council approved the motion made by Council member Harris, seconded by Council member Kever, to approve the need for a Service Plan for the future annexation of properties generally located at and around the intersections of Laud Howell Parkway (F.M. 543 Connector), Trinity Falls Parkway (F.M. 543) and Central Expressway (U.S. Highway 75) with a vote of 4-0-1, Council member Randy P. Pogue abstaining.

Council member Pogue returned to the dais.

15-222 Mayor Pro Tem Ussery called for Consideration/Discuss/Act on Appointment of Members and Providing Direction and Charge to the 2015 Bond Election Committee. Interim City Manager Tom Muehlenbeck requested that this item be tabled until all Council members are present. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to table this item until the March 17th meeting.

14-166Z5 Mayor Pro Tem Ussery called back for Consideration/Discussion/Action on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Townhome Uses, Located on the Southwest Corner of McKinney Place Drive and Collin McKinney Parkway, and Accompanying Ordinance. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to reopen the public hearing and table this item until the March 17th meeting.

Mayor Pro Tem Ussery called for Citizen Comments and there were none.

Mayor Pro Tem Ussery called for Council and Manager Comments.

Council member Pogue thanked staff and especially Michael Quint for what you do. Some items are easier than others and you do them all well.

Council member Day stated that this past week he attended the grand opening of the new Sheraton Hotel. Mr. Day stated that he was very impressed with the hotel and invited anyone interested to go and look at the wonderful addition to the City.

Council member Keever stated she agreed with Council member Day on the Sheraton Hotel as a fine facility. Ms. Keever invited the public to attend the community forum to meet the Police Chief candidates at the Sheraton Hotel on Wednesday from 7 to 9 p.m. Ms. Keever expressed her appreciation to all the City Staff for keeping the roadways safe and dealing all the associated issues over the last week with the arctic blast that hit McKinney.

Council member Harris stated that he echoed Council member Day's comments regarding the Sheraton Hotel. The hotel is very well done and the event center is very nice. He stated that he is looking forward to that being a welcome addition to the community. Mr. Harris stated that last night Mr. Sylo complimented City staff on how responsive they were during the process of submitting the request for annexation into the City. Mr. Harris thanked staff for their great customer service and the leadership that has turned around the prior opinions of the public toward the Development Services team. It is wonderful for the Council to hear such great accolades for the City staff. Mr. Harris stated that he attended a book signing on Sunday for Dr. Steve Conover from McKinney. He wrote a book entitled "Neutering the National Debt: How Reagan Got It Right, and How Today's Left and Right Get It Wrong." Mr. Harris thanked him for getting the book out and he wished him great success.

Mayor Pro Tem Ussery echoed the comments of Council member Day regarding the Sheraton Hotel. Mr. Ussery stated that the Sheraton exceeds what he expected. The grand opening was a landmark event and we hope to move forward with more activity. Mr. Ussery stated that he sincerely appreciates Staff for what they do and you are what make this City the number one best place to live.

Interim City Manager Muehlenbeck stated there will be a Community Reception on Wednesday at 7:00 p.m. for the public to meet the four Police Chief finalists. At the end of the event, the public will have a chance to complete a comment card to express their pros and cons as well as any comments they would like to make regarding the finalists. There will also be a website that the public can use to file additional comments.

Mayor Pro Tem Ussery recessed the meeting into executive session at 6:45 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 6:57 p.m.

Council unanimously approved the motion by Council member Kever, seconded by Council member Roger Harris, to adjourn. Mayor Pro Tem Ussery adjourned the meeting at 7:00 p.m.

TRAVIS USSERY
Mayor Pro Tem

ATTEST:

SANDY HART, TRMC, MMC
City Secretary