

## CITY COUNCIL REGULAR MEETING

DECEMBER 1, 2014

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on December 1, 2014 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; Interim Assistant City Manager Barry Shelton; City Attorney Mark Houser; Assistant to the City Manager Darrek Ferrell; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Director of Engineering Mark Hines; Parks, Recreation, and Open Space Director Rhoda Savage; Fire Chief Danny Kistner; Assistant Fire Chief Chris Lowry; Assistant Fire Chief Tim Mock; Assistant Director of Water Utilities and Infrastructure Paul Sparkman; CIP and Traffic Engineer Gary Graham; IT Service Technician David Linson; Assistant Director of Parks, Recreation, and Open Space Ryan Mullins; Parks Maintenance Superintendent Tim White; Planning Manager Jennifer Arnold; CIP Engineering - Carla Easton; Paul Tucker; Annita McCormick; Assistant Director of Engineering Michael Hebert; Planning Manager Brandon Opiela; Planner Steven Doss; Chief Information Officer Chris Chiancone; Development Services Project Manager Dedra Bates; Purchasing Manager Lisa Littrell; Interim Human Resources Director Kathryn Usrey; Fire Battalion Chief Jason Hockett; IT Manager Lucien Matillano; Landscape Architect Emily Braht; Police Officer Kyle Wilkerson

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum present. Invocation was given by Mayor Pro Tem Ussery. Mayor Loughmiller led the Pledge of Allegiance.

### INFORMATION SHARING

**14-1254** Manda Maxwell Day Proclamation. Mayor Loughmiller presented the Proclamation Manda Maxwell Day to her husband Aaron Maxwell.

**14-1255** Presentation of Budget Award. Chief Financial Officer Rodney Rhoades presented the 30<sup>th</sup> Budget Award to the Mayor and Council.

Mayor Loughmiller called for Citizen Comments.

Mr. Don Paschal, 904 Parkwood Court, McKinney, commended the Finance Department staff for receiving the Budget Award that was presented tonight.

Mr. Barney Flores, 1510 Sandy Ridge Drive, McKinney, thanked the City Council for their support of the upcoming Silver Gloves that will be held at Barney and Me on December 11, 2014.

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

- 14-1256** Minutes of the City Council Work Session of November 17, 2014
- 14-1257** Minutes of the City Council Regular Meeting of November 18, 2014
- 14-1044** Minutes of the Board of Adjustment Regular Meeting of May 28, 2014
- 14-1202** Minutes of the Library Advisory Board of September 18, 2014
- 14-1144** Minutes of the Community Grants Advisory Commission Meeting of October 22, 2014
- 14-1235** Minutes of the Community Grants Advisory Commission Meeting of November 10, 2014
- 14-1237** Minutes of the Community Grants Advisory Commission Meeting of November 13, 2014
- 14-1236** Minutes of the Community Grants Advisory Commission Meeting of November 12, 2014
- 14-1156** Minutes of the Main Street Board Meeting of October 9, 2014
- 14-1225** Minutes of the McKinney Airport Development Corporation Meeting of October 16, 2014
- 14-1226** Minutes of the McKinney Airport Development Corporation Meeting of November 10, 2014
- 14-1204** Minutes of the McKinney Community Development Corporation Meeting of October 23, 2014
- 14-1212** Minutes of the McKinney Economic Development Corporation Meeting of October 21, 2014
- 14-1163** Minutes of the Parks, Recreation and Open Space Advisory Board

Meeting of October 9, 2014

**14-1154** Minutes of the Planning and Zoning Commission Regular Meeting of October 28, 2014

**14-1258** Consider/Discuss/Act on Ordinance Amending the Fiscal Year 2014-2015 Budget to Re-appropriate Projects/Items Carried from Last Fiscal Year. Caption reads as follows:

ORDINANCE NO. 2014-12-089

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

**14-1260** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2014-2015 Annual Budget to Add One Full Time Equivalent (FTE) Position in the Human Resources Department. Caption reads as follows:

ORDINANCE NO. 2014-12-091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2014-2015 ANNUAL BUDGET TO ADD ONE FULL TIME EQUIVALENT POSITION IN THE HUMAN RESOURCES DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**14-1261** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Brown & Gay Engineers, Inc., for Engineering Design Services for the Reconstruction of Cole Street from Bass Street to College Street, and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2014-12-143 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH BROWN & GAY ENGINEERS, INC., FOR ENGINEERING DESIGN SERVICES FOR THE RECONSTRUCTION OF COLE STREET FROM BASS STREET TO COLLEGE STREET, AND ANY NECESSARY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$230,000

**14-1263** Consider/Discuss/Act on a Resolution Authorizing the Interim City

Manager to Execute a Lease/Purchase Agreement on Six Lucas CPR Devices, Between the City of McKinney and Physio-Control. Caption reads as follows:

RESOLUTION NO. 2014-12-145 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A LEASE/PURCHASE AGREEMENT WITH PHYSIO-CONTROL FOR SIX LUCAS CPR DEVICES

- 14-1264** Consider/Discuss/Act on a Resolution Awarding a Contract to KT Construction as Primary Vendor and Jim Bowman Construction for Back Up as a Secondary Vendor for Concrete Street Repairs & Concrete Sidewalk Construction & Repair. Caption reads as follows:

RESOLUTION NO. 2014-12-146 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AWARDED A CONTRACT TO KT CONSTRUCTION AS PRIMARY VENDOR AND JIM BOWMAN CONSTRUCTION AS SECONDARY VENDOR FOR CONCRETE STREET REPAIRS & CONCRETE SIDEWALK CONSTRUCTION & REPAIR

- 14-1265** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Transaction Confirmation with the Energy Provider that will be Selected with the Help of the City's Energy Advisor, 5, for the Procurement of Electricity for the City Beginning April 1, 2017. Caption reads as follows:

RESOLUTION NO. 2014-12-147 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A TRANSACTION CONFIRMATION WITH THE ENERGY PROVIDER THAT WILL BE SELECTED WITH THE HELP OF THE CITY'S ENERGY ADVISOR, 5, FOR THE PROCURMENT OF ELECTRICITY FOR THE CITY BEGINNING APRIL 1, 2017

END OF CONSENT

- 14-1259** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2014-2015 Annual Budget and

Amending the 2015-2019 Capital Improvements Program, to Provide Additional Funds for ST4257 Redbud Boulevard from Wilmeth Road to Bloomdale Road. Council member Pogue requested this item be pulled down for discussion regarding how many other projects will need additional funding and how this will impact the fund balance. CIP Traffic Manager Gary Graham stated that Staff is working on prioritizing the remaining projects. Within the next year, the City will have five projects on the street side and five or six projects on the water/wastewater side that will require funding. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to approve an Ordinance amending the Fiscal Year 2014-2015 Annual Budget and amending the 2015-2019 Capital Improvements Program, to provide additional funds for ST4257 Redbud Boulevard from Wilmeth Road to Bloomdale Road. Caption reads as follows:

ORDINANCE NO. 2014-12-090

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

- 14-1262** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Supplemental Agreement with Kimley-Horn and Associates, Inc., for Engineering Design Services for the Redbud Boulevard from Wilmeth Road to Bloomdale Road Project. Council member Pogue requested this item be pulled down for discussion. Council member Pogue questioned the high percentage of the fee. Senior Utility Engineer Paul Tucker stated that the 16.4% consists of 9.1% for basic services and the overall is at 16.4%. Special services are calculated on an hourly basis and include a tree survey along the creek which is dependent on the potential alignment chosen and perhaps will require a permit, if they need to apply for one, which is added to the scope. The amount of work depends on

which alignment is chosen. It may not be necessary to use the full 16.4%, in which case the funds will not be used. Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to approve a Resolution authorizing the Interim City Manager to execute a Supplemental Agreement with Kimley-Horn and Associates, Inc., for Engineering Design Services for the Redbud Boulevard from Wilmeth Road to Bloomdale Road Project. Caption reads as follows:

RESOLUTION NO. 2014-12-144 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT IN THE AMOUNT OF \$98,400 WITH KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE ADDITIONAL PROFESSIONAL ENGINEERING SERVICES FOR THE REDBUD BOULEVARD FROM WILMETH ROAD TO BLOOMDALE ROAD AND 12-INCH WATER LINE PROJECT, FOR AN AGGREGATE CONTRACT AMOUNT NOT TO EXCEED \$340,000

**14-263A3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Annex the Property Located on the West Side of County Road 168 and Approximately 2,700 Feet South of County Road 125, and Accompanying Ordinance. Director of Planning Michael Quint stated that the property owner is requesting to annex approximately 82 acres into the city limits. The City considers a number of factors prior to annexation, one being the current population, another being the ability to provide city services and utilities, and the last being the fiscal impact to the city. Staff has evaluated the impacts and has no concerns. State law requires a number of public hearings prior to annexing property into city limits. The first public hearing was held November 3, 2014, the second public hearing was held November 4, 2014, and this is the third and final public hearing. Applicant Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that he concurs with the Staff report and requests Council's approval. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro

Tem Ussery, seconded by Council member Harris, to close the public hearing and approve an Ordinance annexing the property located on the west side of County Road 168 and approximately 2,700 feet south of County Road 125. Caption reads as follows:

ORDINANCE NO. 2014-12-092

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

**14-264Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Zone the Subject Property to "SF5" - Single Family Residential District, Located on the West Side of County Road 168 and Approximately 2,700 Feet South of County Road 125, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to zone the previous annexed property to SF5, Single Family Residential District. This zoning request is in conformance with the Comprehensive Plan and staff recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, requested the Council's approval. 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 zoning the subject property to "SF5" - Single Family Residential District, located on the west side of county road 168 and approximately 2,700 feet south of County Road 125, with the following ordinance provision: the subject property shall develop in accordance with the rules and regulations of Section 146-106 ("SF5" - Single Family Residential District) of the Zoning Ordinance. Caption reads as follows:

ORDINANCE NO. 2014-12-093

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 82.39 ACRE PROPERTY, LOCATED ON THE WEST SIDE OF COUNTY ROAD 168 AND APPROXIMATELY 2,700 FEET

SOUTH OF COUNTY ROAD 125, IS ZONED "SF5" – SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**14-1266** Mayor Loughmiller called for Consideration/Discussion/Action on a Development Agreement with Robinson 83 Partners L.P., Located on the West Side of County Road 168 and Approximately 2,700 Feet South of County Road 125. Director of Planning Michael Quint stated that this is the Development Agreement that accompanies the previous annexation and zoning items approved by Council. This agreement covers the provision of services to the property. Staff has evaluated the request and recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that his client has reviewed the terms of the Development Agreement and consents to the terms. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to approve a Development Agreement with Robinson 83 Partners L.P., Located on the West Side of County Road 168 and approximately 2,700 feet south of County Road 125.

**14-275PF** Mayor Loughmiller called for Consideration/Discussion/Action on a Preliminary-Final Plat for 69 Single Family Attached Residential Lots, 3 Single Family Detached Residential Lots, and 3 Common Areas (Gateway Townhomes Addition), Located Approximately 500 Feet East of Collin McKinney Parkway and on the North Side of McKinney Ranch Parkway. Director of Planning Michael Quint stated that the applicant is requesting to subdivide the subject property for attached single family residential uses. Staff has been in discussion with the applicant over the past months, regarding the appropriate ultimate right-of-way width of McKinney Ranch Parkway between Collin McKinney Parkway and U.S. Highway 75 Frontage Road (Central Expressway). Staff is of the opinion



that the ultimate right-of-way width for this portion of McKinney Ranch Parkway can be reduced from 120 feet to 100 feet, while accommodating the existing and future traffic demand in the immediate vicinity. As such, a variance reducing the amount of right-of-way to be dedicated adjacent to the subject property is being requested. Staff and the applicant agree that 100 foot of roadway right-of-way width for McKinney Ranch Parkway will be appropriate due to the close proximity to State Highway 121 and Hardin Boulevard. Staff has no objection to the variance being requested by the applicant and as such recommends approval of the variance as well as the preliminary final plat. Applicant, Mr. Martin Sanchez, 402 N. Tennessee, McKinney, concurs with Staff's recommendations and requests Council's support. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve a Preliminary-Final Plat and associated variance for 69 single family attached residential lots, 3 single family detached residential lots, and 3 common areas (Gateway Townhomes Addition), located approximately 500 feet east of Collin McKinney Parkway and on the north side of McKinney Ranch Parkway, with the following conditions: approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance reducing the required width of right-of-way dedication from 20 feet (ultimate right-of-way of 120 feet) to 10 feet (ultimate right-of-way of 100 feet) for future McKinney Ranch Parkway; prior to filing the plat 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 show the offsite portion of right-of-way for Street "A" to be dedicated with associated filing information near the southwest corner of the property, subject to the review and approval of the City Engineer; the applicant revise the plat so that the extension of Street "C" south of Street "D" is no longer shown as right-of-way and is labeled as a "Fire Lane and Emergency Access Easement", subject to

the review and approval of the City Engineer; and the applicant revise the setback exhibit so that Lot 26, Block B illustrates the full 25' front yard setback.

**14-291Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, Located Approximately 450 Feet East of Jordan Road and on the South Side of Virginia Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property to C1 Neighborhood Commercial District and has expressed a desire to eventually come in with a fast food restaurant at this location. The C1 District does require an SUP with fast food restaurants. Staff has evaluated the request in conformance with the Comprehensive Plan and has no objections or concerns and recommends approval. Applicant, Mr. Don Paschal, 904 Parkwood Court, McKinney, stated that all improvements and internal access has been completed to the property. Mayor Loughmiller 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 and approve an Ordinance rezoning the subject property from "PD" - Planned Development District to "C1" - Neighborhood Commercial District, Located approximately 450 feet east of Jordan Road and on the south side of Virginia Parkway, with the following ordinance provision: the subject property shall develop in accordance with the rules and regulations of Section 146-111 ("C1" - Neighborhood Commercial District) of the Zoning Ordinance. Caption reads as follows:

ORDINANCE NO. 2014-12-094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.76 ACRE PROPERTY, LOCATED APPROXIMATELY 450

FEET EAST OF JORDAN ROAD AND ON THE SOUTH SIDE OF VIRGINIA PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "C1" – NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 14-294Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone from "AG" - Agricultural District to "PD" - Planned Development District, Generally for Single Family Residential Detached Uses, 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 from AG Agricultural District to PD Planned Development for single family residential uses. The prior rezoning request was denied in October 2014. At that time, the applicant was requesting a base zoning designation of RS45 with a density of 4.26 dwelling units per acre, a median lot size of 5,879 square feet, and a mean lot size of 6,249 square feet. The architectural standards are the same. The request has been modified and resubmitted to staff and Council. The applicant is requesting a planned development district with a base zoning designation of SF5 which carries a median and mean lot size of 7,200 square feet which is in conformance with the City's Comprehensive Plan, however, the applicant is requesting a modified density to 3.88 dwelling units per acre. The Comprehensive Plan calls for 3.2 dwelling units per acre or up to 3.4 if the Comprehensive Plan's design for density criteria is met. Staff sees no reason why the 3.2 or 3.4 density cannot be met and as such is recommending denial. The Comprehensive Plan also designates this property as office use and rezoning this property to residential is against the Council's stated policy of preserving non-residential tax base. Applicant, Mr. Don Plunk, 1400 Dallas Parkway, Dallas, stated that the

proposal is to build the same product that is now being constructed by the same builder in Robinson Ridge. The applicant is proposing this residential development to be a buffer from the middle school located adjacent to the property to what is proposed as office to the north of the property. The lot count has been reduced from the original 86 to 77 lots. To reduce it further would require a price increase of \$25,000 to \$30,000 per home and the lots would increase in size to an average of 10,000 square feet. Mayor Loughmiller called for public comment. The following individuals spoke in favor of the zoning request:

Mr. Joe Joplin, 407 S. Tennessee Street, McKinney

Mr. Thad Helsley, 1650 W. Virginia Parkway, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Kever, to close the public hearing. It is Council's consensus that this property is best suited for residential development. Concerns included making an exception to the Comprehensive Plan by increasing the density, adding landscape requirements to enhance the architectural standards, and eliminating the cross-access to the north. Council approved the motion by Council member Ricchi, seconded by Council member Day, to approve an Ordinance rezoning from "AG" - Agricultural District to "PD" - Planned Development District, generally for single family residential detached uses, located approximately 1,400 feet south of U.S. Highway 380 (University Drive) and on the west side of Bois D'Arc Road, with the following special provisions: the use and development of the subject property shall develop in accordance with Section 146-106 ("SF5" - Single Family Residential District) of the Zoning Ordinance, and as amended, except as follows: the maximum density shall be 3.88 dwelling units per acre; the subject property shall develop in accordance with the attached Architectural and Site Standards; and no street shall extend to the adjacent northern property, save and except Bois D Arc

Road with a vote of 4-3-0, Mayor Loughmiller, Council member Kever, and Council member Pogue voting against. Caption reads as follows:

ORDINANCE NO. 2014-12-095

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 19.86 ACRE PROPERTY, LOCATED APPROXIMATELY 1,400 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ON THE WEST SIDE OF BOIS D'ARC ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL DETACHED USES; 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

- 14-1194** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Enter into a Maintenance Reimbursement Agreement with Stonebridge Ranch Community Association, Inc. Director of Parks, Recreation, and Open Space Rhoda Savage stated that this item was tabled from the November 18, 2014 meeting. Council requested that this item be brought back with some options. In 1994, City Council approved and authorized execution of a 2-year Median Maintenance Reimbursement Agreement ("Agreement") with Stonebridge Ranch Community Association, Inc. ("Association"). The current Agreement allows the City to reimburse the Association for median maintenance of various areas within Stonebridge Ranch in lieu of City crews providing the service. The existing Agreement expires on December 31, 2014. City staff met with the Stonebridge Ranch Association representatives and they indicated there were two contract options (Options A and B) they could execute immediately upon City Council. Other options would have to be taken before their Board. Option A would allow a two (2) year contract during which the Association will maintain the medians at their current level (\$16,733.34 / acre) for an annual reimbursement by the City of \$187,405

(\$3,794 / acre). Option B would allow a one (1) year contract during which the Association will maintain the medians at their current level (\$16,733.34 / acre) for an annual reimbursement by the City of \$187,405 (\$3,794 / acre). Option C would allow a one (1) year contract with an annual reimbursement by the City of \$88,920 (\$1,800/acre). This Option would be presented to the HOA Board for consideration. Option D would be to terminate the agreement. This option would also be presented to the HOA Board as needed to determine the continued level of service to be provided by the Association. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Harris, to approve a Resolution authorizing the Interim City Manager to enter into a Maintenance Reimbursement Agreement with Stonebridge Ranch Community Association, Inc. Caption reads as follows:

RESOLUTION NO. 2014-12-148 (R)

A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS APPROVING A MEDIAN MAINTENANCE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF MCKINNEY, A TEXAS MUNICIPAL CORPORATION (THE "CITY") AND STONEBRIDGE RANCH COMMUNITY ASSOCIATION, INC. (THE "ASSOCIATION"), CONCERNING MAINTENANCE OF ROADWAY MEDIANS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE SAID AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 14-1195** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney on an Ordinance Amending the Landscape Requirements, Tree Preservation and Appendix A (Plants Approved for Landscape Requirements) of Chapter 146, of the Zoning Regulations. Landscape Architect Emily Braht presented the Council requested changes made as a result of the discussion at the November 18, 2014 meeting. Changes were made to the issuance of Certificates of Occupancy during drought conditions. The City will allow a temporary Certificate of Occupancy to be issued when landscape installation falls within June, July or August or during Stage 3 or Stage 4 drought conditions. The landscape would be installed within 120 days after the

drought conditions are lifted or the temporary Certificate of Occupancy (CO) was issued, whichever occurs last. Once landscaping is installed, a full CO will be issued. The second change states that a Landscape Architect, Architect, or Engineer shall not be required for a development of one acre or less. The third change states that, pertaining to a single family structure or commercial development, if a required canopy tree is within 12 feet of a building foundation, an alternate planting location on site shall be approved. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Day, to close the public hearing and approve an Ordinance amending the Landscape Requirements, Tree Preservation and Appendix A (Plants Approved for Landscape Requirements) of Chapter 146, of the Zoning Regulations. Caption reads as follows:

ORDINANCE NO. 2014-12-096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING LANDSCAPE REQUIREMENTS, TREE PRESERVATION AND APPENDIX A (PLANTS APPROVED FOR LANDSCAPE REQUIREMENTS) OF CHAPTER 146, OF THE ZONING REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 14-1267** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Contract and All Necessary Change Orders with Tiseo Paving Company for the Construction of Redbud Boulevard from Wilmeth Road to Bloomdale Road and Associated 12-inch Water Line. CIP and Traffic Manager Gary Graham stated that this item is for approval of a construction contract with Tiseo Paving Company for the extension and realignment of Redbud Boulevard. Staff received eight bids, with low bid from RKM Utility Services, Inc., however, the City is in an ongoing dispute with this contractor and as a result disqualified this bidder. Tiseo Paving Company

submitted the second low bid in the amount of \$1,907,632.90. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Harris, to approve a Resolution authorizing the Interim City Manager to execute a contract and all necessary change orders with Tiseo Paving Company for the Construction of Redbud Boulevard from Wilmeth Road to Bloomdale Road and associated 12-inch water line. Caption reads as follows:

RESOLUTION NO. 2014-12-149 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$1,907,632.90 WITH TISEO PAVING COMPANY FOR THE CONSTRUCTION OF REDBUD BOULEVARD FROM WILMETH ROAD TO BLOOMDALE ROAD AND ASSOCIATED 12-INCH WATER LINE AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$2,130,000

**14-1268** Mayor Loughmiller called Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Contract with Tyler Technologies, Inc., for Acquisition of an Enterprise Class Land Management Software System (ECLMSS). Chief Information Officer Chris Chiancone stated that the Enterprise Class Land Management Software System (ECLMSS) is an internal, web-based system that supports all aspects of land management, building permitting, code enforcement, citizen web access solution, mobile inspection solution, GIS integration, and interactive electronic plan review, along with a system for the management of the Capital Improvements Program. ECLMSS will enable the City to become more efficient, flexible, transparent and adaptable. Mobile applications will allow more efficiency for City Staff in the field to provide them the ability to look up permits, plans or complaints, attach photos, and approve or reschedule inspections. ECLMSS will provide a centralized system of development-related software applications that will allow staff to track and manage activities, thereby speeding up the process of getting from application to



occupancy, while reducing errors and redundancy. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro Tem Ussery, to approve a Resolution authorizing the Interim City Manager to execute a contract with Tyler Technologies, Inc., for Acquisition of an Enterprise Class Land Management Software System (ECLMSS). Caption reads as follows:

RESOLUTION NO. 2014-12-150 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH TYLER TECHNOLOGIES, INC., FOR AN ENTERPRISE CLASS LAND MANAGEMENT SOFTWARE SYSTEM

**14-1269** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute an Amendment to a Contract with Projectess, LLC for Project Manager Services Related to the Procurement, Integration and Implementation of the Enterprise Land Management Software System (ELMSS). Chief Information Officer Chris Chiancone stated the implementation of the Land Management system previously approved requires a consultant that will act as the project manager and will provide technical support throughout the duration of the project. This item is to continue the relationship with Projectess, LLC. and amend their contract to include Project Manager Services for the Land Management project. Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to approve a Resolution authorizing the Interim City Manager to execute an amendment to a contract with Projectess, LLC related to the procurement, integration and implementation of the Enterprise Land Management Software System (ELMSS). Caption reads as follows:

RESOLUTION NO. 2014-12-151 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE AN AMENDMENT TO A CONTRACT WITH PROJECTESS, LLC FOR PROJECT MANAGER SERVICES RELATED TO THE PROCUREMENT, INTEGRATION

AND IMPLEMENTATION OF THE ENTERPRISE LAND  
MANAGEMENT SOFTWARE SYSTEM

**14-1270** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Convention and Visitors Bureau. Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to appoint Bonnie Tinsley to fill the vacant position on the McKinney Convention and Visitors Bureau starting December 2, 2014 and ending September 30, 2015 and to appoint Melissa Moreno to serve as an Alternate member on the McKinney Convention and Visitors Bureau starting December 2, 2014 and ending September 30, 2016.

**.14-1271** Mayor Loughmiller called for discussion on the Surface Drainage Utility System Fee and Ordinance. Assistant Director of Engineering Michael Hebert stated that the recent amendment to the stormwater management ordinance removed some requirements for developers, such as small-storm detention and downstream stability studies/improvements. Increasing the SDUS fee is proposed to help recover the costs. Mr. Hebert presented the Council Subcommittee's recommendations that included: \$4.00/SFLUE, currently \$2.75/SFLUE; 1 SFLUE = 3,000 sf, currently 1 SFLUE = 2,343 sf ; remove the cap on commercial property; calculate multifamily the same as commercial and industrial property based on impervious surface; and include a notation in the ordinance that the fee should be revisited no less than every 5 years. Council requested additional information on revenue projections for commercial and multifamily properties at different rates, along with a list of users that would be significantly impacted by the increased fee. Staff will bring this item back for further discussion at the December 15, 2014 Work Session.

**14-1272** Mayor Loughmiller called for an Informational Update on the Northwest Sector Planning Initiative. Planning Manager Jennifer Arnold presented an informational update of the Northwest Sector Planning Initiative,

specifically to provide a summary of the activities completed thus far and to present the draft vision framework for the Northwest Sector. The Northwest Sector consists of 30,000 acres of land consisting of several sub-sectors including the Collin County Outer Loop, Trinity Falls, US 75, US 380, Central West and Central East Sub-Areas. Over the next two months, Staff and the consultant team will begin work on refining the northwest sector vision and creating the formal Northwest Sector Master Plan. The Master Plan will outline the sector-wide goals and objectives in addition to sub-area and place type (focus area) principles which will serve to guide future development in the City's Northwest Sector and will also make recommendations regarding possible implementation strategies. These recommendations will likely include annexation strategy analysis and reform, updated development regulations, market demand analysis, and the evaluation of funding options to assist with public infrastructure costs. Staff anticipates presenting a final draft of the Master Plan to a Joint Work Session of the City Council and Planning and Zoning Commission on January 26, 2015, with possible adoption in February 2015.

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 did not have any comments.

Council member Pogue congratulated Chief Financial Officer Rodney Rhoades and the Finance Department for receiving the Budget Award for the 30<sup>th</sup> consecutive year.

Council member Harris did not have any comments.

Mayor Pro Tem Ussery thanked staff for their hard work. Special thanks to the Public Works Department for their hard work on the Home for the Holidays event.

Mayor Loughmiller stated that the McKinney Job Corps will be hosting a job fair to fill 40 to 50 positions. Mr. Loughmiller stated that we don't really thank and appreciate the work that goes into the events that go on in McKinney. He expressed his thanks and appreciation to MPAC/Main Street Director Amy Rosenthal for how well she planned the Home for the Holidays. This was one of the most successful events we have had that started Friday night with the tree lighting, the performance of the Emerald City Band and all the activities that occurred through Saturday. Mr. Loughmiller stated that he will be traveling tomorrow to Washington, DC with Interim City Manager Muehlenbeck and Airport Director Ken Wiegand to meet with our Congressional delegation, the FAA, and various entities that are involved in the McKinney National Airport. Mayor Loughmiller will also be traveling to Austin to meet with Governor Rick Perry and Governor-Elect Abbot on the Texas One project.

Interim City Manager Tom Muehlenbeck noted that the first Monthly Financial Report was handed out this evening and will be on the Work Session agenda for December 15<sup>th</sup> for further discussion.

Mayor Loughmiller recessed the meeting into executive session at 9:55 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, 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 10:31 p.m.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 10:32 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary