

## CITY COUNCIL REGULAR MEETING

NOVEMBER 18, 2014

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on November 18, 2014 at 6:00 p.m.

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

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Interim Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant City Secretary Denise Vice; Assistant to the City Manager Darrek Ferrell; Director of Planning Michael Quint; McKinney Economic Development Corporation President Jim Wehmeier; Parks, Recreation, and Open Space Director Rhoda Savage; Parks, Recreation, and Open Space Assistant Director Ryan Mullins; Airport Executive Director Ken Wiegand; Facilities Construction Manager Patricia Jackson; IT Service Desk Supervisor Amy Greer; Housing and Community Development - Shirletta Best and Christine Lawton; Director of Engineering Mark Hines; Assistant of Development Services Rick Leisner; Landscape Architect Emily Braht; Airport - Mark Jaraczewski and Eric Pratt; and Police Officer Trent Davis.

There were approximately 75 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by President Meredith Packard, The Church of Jesus Christ of Latter-day Saints

**14-1186** Blue Star Flag Presentation to Curtis and Tracy Rath in Honor of their Son, Petty Officer 2nd Class Trenton Rath, U.S. Navy. Mayor Loughmiller presented the Blue Star Flag to Curtis and Tracy Rath in honor of their son, Petty Officer 2<sup>nd</sup> Class Trenton Rath.

**14-1187** Proclamation of National Homeless Awareness Week. Mayor Loughmiller presented the National Homeless Awareness Week Proclamation to Housing Services Coordinator Christine Lawton.

Mayor Loughmiller called for Citizen Comments.

Mr. Peter Bailey, 2003 Skyline Drive, McKinney, spoke about homelessness in McKinney.

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

- 14-1188** Minutes of the City Council Special Meeting of November 3, 2014
- 14-1189** Minutes of the City Council Work Session of November 3, 2014
- 14-1190** Minutes of the City Council Regular Meeting of November 4, 2014
- 14-1092** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of September 18, 2014
- 14-1140** Minutes of the McKinney Armed Services Memorial Board Meeting of October 8, 2014
- 14-1093** Minutes of the McKinney Convention & Visitors Bureau Marketing Committee Meeting of September 18, 2014
- 14-1091** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of September 23, 2014
- 14-1191** Minutes of the McKinney Housing Authority Meeting of September 23, 2014
- 14-1102** Minutes of the Planning and Zoning Commission Regular Meeting of October 14, 2014
- 14-1193** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for 1100 W. Louisiana Street. Caption reads as follows:

RESOLUTION NO. 2014-11-140 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY AT LOT 1B, BLOCK 1, WADDILL ADDITION, AKA 1100 W. LOUISIANA STREET, MCKINNEY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

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

**14-1192** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving Encore Wire Corporation for Enterprise Project Status. Council approved the motion by Council member Harris, seconded by Council member Keever, to approve a Resolution approving Encore Wire Corporation for Enterprise Project Status, by a vote of 5-0-1, Council member Pogue abstaining. Caption reads as follows:

RESOLUTION NO. 2014-11-139 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NOMINATING ENCORE WIRE CORPORATION TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM (OOGEDT) THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS A QUALIFIED BUSINESS AND ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE

Council member Pogue returned to the dais.

**14-1194** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Enter into a 2-year Maintenance Reimbursement Agreement with Stonebridge Ranch Community Association, Inc. Council member Keever requested this item be pulled down for discussion. Director of Parks, Recreation and Open Spaces Rhoda Savage presented an overview of the item. Since 1994, the City has entered into a Maintenance Reimbursement Agreement with Stonebridge Ranch HOA allowing the City to reimburse a portion of the cost of about 50 acres of median landscaping within the Stonebridge development. The term is for two years and the rate of reimbursement is essentially a 1:1 match. The cost is approximately \$8,000 per acre, with the City reimbursing Stonebridge about \$3,700 per acre. Mayor Loughmiller stated there are three options: maintain the current level of service without the increase; approve the increase requested; or lower the City's contribution from a policy standpoint to what the City generally spends on median landscaping throughout the City. Council unanimously approved the motion by Council member Keever, seconded

by Council member Harris to table the item to the December 1, 2014 meeting.

END OF CONSENT

**14-151Z4** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone a Portion of the Property from "AG" - Agricultural District, "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "SF5" - Single Family Residential District and "CC" - Corridor Commercial Overlay District; and Rezone a Portion of the Property from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located Approximately 1,100 Feet West of Custer Road and on the South Side of U.S. Highway 380 (University Drive). Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property from PD to SF5 and C2 Local Commercial zoning. The property is currently zoned for commercial, office, and light manufacturing uses, specifically mini warehouses. In its current zoning there are concerns regarding the access to the property from Custer Road. The drainage feature that bisects the property makes traffic across the property problematic for commercial uses. The request is in opposition to the Council's stated goals of preserving non-residential tax base and is in non-conformance with the Comprehensive Plan which designates this property for office use; however, Staff has no significant objections to approving the applicant's request. Mr. Quint stated that with the property being located next to the Aero Country airport, the appropriate time to involve the FAA would be during the platting process, at which time the FAA could mandate that the plat be modified to eliminate lots within a certain distance to the airport runway. If the PD is determined to be the appropriate zoning, a sign could be placed on the property announcing it is located next to an airport. The land plan tied to the existing zoning

does not allow for a buffer but does require mini warehouses next to the airport property with office use to the east of the water feature and commercial use next to Highway 380. The 500' buffer was originally a landscape buffer and was established in negotiation with Aero Country in 1998. In 2008, the buffer on the property to the south of the subject property was removed. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that the FAA deals with air space and not ground use issues. They have also dealt with these types of conflicts for decades and have volumes of regulations. When the Virginia Hills subdivision was built next to the airport years ago, Council ruled that there would be a 500' wide buffer of land between any housing and the airport property. Mr. Roeder stated he is unaware of any builder that has plans to build in the commercial area along Highway 380 at this time. The developer is anticipating homes to be two-story, as allowed in the SF5 zoning, with an estimated value of \$450,000 to \$500,000. Access to the east of the property is for emergency purposes only through a fire lane easement. Access through Virginia Hills would only be available for emergencies through a locked gate, which was requested by the Virginia Hills residents. Mayor Loughmiller called for public comment.

The following individuals spoke in opposition to the rezoning request:

Mr. Mark Brown, 1809 Buckingham Street, McKinney

Mr. Carl A. Best, 2604 Winterstone Drive, McKinney

Mr. Ron Medellin, 2505 Lakeside Drive, McKinney

Mr. Chuck Webster, 10651 Wildrose Court, McKinney

Mr. B.J. Boyle, 2656 Newcastle Drive, Carrollton

Mr. Mike Hance, 10025 Eagle Drive, McKinney

Ms. Amy Ganci, 825 Market Street #220, Allen

Mr. Kevin A. Ganci, 825 Market Street #220, Allen

Mr. Klaus Truemper, 2304 Cliffside, Plano

Mr. Craig Taylor, 10055 Taylorcraft, McKinney

Mr. Wendell Brock, 201 Lake Village Drive, McKinney

Mr. Thomas C. Willis, 9900 Pronghorn Road, McKinney

Mr. Jack Wybenga, 10015 Stearman, McKinney

Mr. Chris Farmer, 9136 Leesburg Court, McKinney

Mr. Ron Roland, 7515 S. Ballantrae, McKinney

Mr. Jim Shields, 16301 Quorum, Addison

The following individuals did not wish to speak but wanted their opposition to the rezoning request entered into the record:

Mr. Ken Whitehead, 7112 Faraday, McKinney

Mr. Kartie Kramer, 10010 Mooney Drive, McKinney

Ms. Mary Jane Walker, 10120 General Bond Court, McKinney

Mr. Ashby Toulmin, 10020 Phantom Lane, McKinney

Mr. Art Willems, 141 Aero Country Road, McKinney

Mr. Aubrey Hair, 10110 General Bond Court, McKinney

Mr. Richard Stadel, 1569 Yuma Drive, Frisco

Mr. Bill Olson, 145 Aero Country Road, McKinney

Mr. Don Hite, 10030 North American Lane, McKinney

Mr. Chuck Wiker, 325 Turtle Creek, McKinney

Mr. David Buono, 265 Aero Country Road, McKinney

Mr. Rock Tofil, 10035 Phantom Lane, McKinney

Mr. Mark Artizzzone, 6004 Pin Oak, McKinney

Ms. Maria Emilia Wybenga, 2129 Stone Creek Drive, Plano

Mr. Tim Thompson, 6200 Carlton, McKinney

Mr. A.D. Donald, 10030 Rearwin, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Keever, to close the public hearing. Council unanimously approved the motion by Council member Keever, seconded by Council member Harris, to table this item indefinitely.

**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 stated that as a response to the Drought Contingency Plan, Staff has proposed a reduction in tree applications from three to one, the addition of drought tolerant plants, the addition of trees approved near overhead wires, and an updated tree detail. Additional amendments were made per the Council's suggestions made at the November 17, 2014 Work Session. Questions were brought forth on the Certificate of Occupancy issuance and the escrow drawdown of funds, tree requirements near foundations, and perhaps considering the size of the project by implementing a tiered system. Mayor Loughmiller called for public comment.

The following individual spoke in opposition to the proposed amendments.

Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussey, seconded by Council member Keever, to close the public hearing. Council requested that additional comments made by Council member Pogue and Council member Day be incorporated into the Landscape Requirements. Council unanimously approved the motion by Council member Keever, seconded by Council member Pogue, to reopen the public hearing and table this item until the December 1, 2014 meeting.

- 14-1196** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Professional Services Contract with Don Jackson Construction Company of Reisel, Texas for Design / Build (D/B) Services Related to the Design and Construction of the Airport Maintenance Building (AI4315) Located at McKinney National Airport. Facilities Construction Manager Patricia Jackson stated that this item is for pre-construction services in the amount not to exceed \$75,000 for a design / build of a 10,000 square foot

maintenance building at the airfield. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue to approve a Resolution authorizing the Interim City Manager to execute a professional services contract with Don Jackson Construction Company. Caption reads as follows:

RESOLUTION NO. 2014-11-141 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR PRECONSTRUCTION SERVICES ONLY WITH DON JACKSON CONSTRUCTION COMPANY OF DALLAS, TEXAS FOR DESIGN / BUILD SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE AIRPORT MAINTENANCE BUILDING LOCATED AT MCKINNEY NATIONAL AIRPORT

**14-1197** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Professional Services Contract with Don Jackson Construction Company of Reisel, Texas for Design / Build (D/B) Services Related to the Design and Construction of the Airport Transient Hangar (AI4369) Located at McKinney National Airport. Facilities Construction Manager Patricia Jackson stated that this item is for the design / build services for Don Jackson Construction Company for only pre-construction services in an amount not to exceed \$85,000. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue to approve a Resolution authorizing the Interim City Manager to execute a professional services contract with Don Jackson Construction Company. Caption reads as follows:

RESOLUTION NO. 2014-11-142 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR PRECONSTRUCTION SERVICES ONLY WITH DON JACKSON CONSTRUCTION COMPANY OF DALLAS, TEXAS FOR DESIGN / BUILD SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE AIRPORT TRANSIENT HANGAR LOCATED AT MCKINNEY NATIONAL AIRPORT



**14-1198** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Main Street Board. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to approve the appointment of Rebecca Drekman to fill the unexpired term on the McKinney Main Street Board starting November 19, 2014 and ending September 30, 2016.

**14-1199** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Alternate Position on the Planning and Zoning Commission. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Harris, to approve the appointment of Cameron McCall to fill the unexpired term as an Alternate member on the Planning and Zoning Commission starting November 19, 2014 and ending September 30, 2016.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Day stated that he and Council member Pogue occasionally get into the weeds on discussions but only when they know about the subject matter.

Council member Kever expressed her condolences to the family of David Melton who passed away recently.

Council member Harris wished everyone a Happy Thanksgiving.

Mayor Pro Tem Ussery stated that he appreciates Staff for what they do day in and day out and for the Staff that are attending these meetings with a smile on their faces. Mr. Ussery expressed his condolences for the passing of David Melton.

Mayor Loughmiller thanked Staff for everything that they do. Mr. Loughmiller announced that in addition to Home for the Holidays being held in downtown McKinney over the Thanksgiving weekend, the Believe Run that benefits Holy Family will be held on Saturday, November 29<sup>th</sup>. The Believe Run has had in the past, between 2,500 and 3,000 runners. The children will also have an opportunity to chase Santa Claus. Mr. Loughmiller reminded everyone that the holiday season is not always a happy time for everyone. There are people who are dealing with homelessness as well as battling an

illness. This is a great time to donate or volunteer at your favorite charity and help those in need. Mayor Loughmiller stated that the attendance at the Veteran's Memorial event has started to diminish. He encourages citizens to remember the sacrifices of our veterans by attending these events.

Interim City Manager Tom Muehlenbeck announced that the Regular City Council meeting that was scheduled for 6:00 p.m. on December 2, 2014 has been moved to Monday, December 1, 2014 at 6:00 p.m. in the Council Chambers at 222 N. Tennessee Street. All zoning, annexations, and land development cases including all public hearings that were originally scheduled for December 2, 2014 will be considered at the December 1, 2014 Council meeting. Mr. Muehlenbeck announced that Home for the Holidays will be held in downtown McKinney over the Thanksgiving holidays. The downtown area will be turned into a winter wonderland with shopping, entertainment, activities, and food. After you have done your shopping, you can take advantage of the free gift wrapping at the American Express wrapping station and then ship your gifts at the Fedex mobile ship center. McKinney will be the first City in the country to debut the Fedex mobile ship center. There will be live performances of A Christmas Carol at the McKinney Performing Arts Center. The City will be lighting the Christmas Tree on Friday, November 28, 2014 at 6:00 p.m. at Mitchell Park. After the Tree Lighting, there will be a live concert by Emerald City Band. Mr. Muehlenbeck wished everyone a happy and safe Thanksgiving holiday.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 9:05 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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DENISE VICE, TRMC  
Assistant City Secretary