

## CITY COUNCIL REGULAR MEETING

**MARCH 6, 2013**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 5, 2013 at 6:30 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: David Brooks, GERALYN KEVER, Don Day, Ray Ricchi, and Roger Harris.

Staff Present: City Manager Jason Gray; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Executive Director of Development Services Barry Shelton; Director of Planning Michael Quint; McKinney Economic Development Corporation President Jim Wehmeier; Fire Chief Danny Kistner; Assistant Fire Chief Neil Howard; Director of Engineering Jack Carr; Fire Department - Juan Zapata, Steve Dorris, Don McKinney, and Karen Atkins; Facilities Construction Manager Patricia Jackson; Transportation Engineering Manager Gary Graham; McKinney Economic Development Corporation Vice President Abby Liu; Police Officer Juan Cisneros; Planning Manager Brandon Opiela; Airport Executive Director Ken Wiegand; Chief Information Officer Chris Chiancone; Senior Help Desk Technician Clif Carnley; Network Designer Pedro Gonzalez; Director of Public Works Hal Cranor; Innovations Director Jason Cooley; Human Resources Director Tadd Phillips; and Human Resources Manager Lana Raimbault.

There were approximately 125 guests present.

Mayor Loughmiller called the meeting to order at 6:30 p.m. after determining a quorum was present. Invocation was given by Mayor Loughmiller. Boy Scout Troops 531 and 909 led the Pledge of Allegiance.

### INFORMATION SHARING

- 13-214** Recognition of Sarah Waller for Achievements at the Pan American Junior Fencing Championships
- 13-215** Liberty Mutual National Finance Mark Award Presentation to Juan Zapata for Outstanding Community Service and Public Education
- 13-216** Emergency Management Association of Texas (EMAT) Distinguished

Service Award Presentation to Karen Adkins

Mayor Loughmiller called for Citizen Comments and there were none.

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

- 13-231** Minutes of the City Council Work Session of February 18, 2013
- 13-218** Minutes of the City Council Regular Meeting of February 19, 2013
- 13-219** Minutes of the City Council Special Meeting of February 25, 2013
- 13-220** Minutes of the City Council and Planning and Zoning Commission Joint Meeting of February 25, 2013
- 13-127** Minutes of the Collin County Airport Development Corporation Meeting of January 10, 2013
- 13-147** Minutes of the Library Advisory Board Meeting of January 17, 2013
- 13-173** Minutes of the McKinney Economic Development Corporation Board Meeting of January 15, 2013
- 13-136** Minutes of the McKinney Main Street Board meeting of January 10, 2013
- 13-141** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of January 10, 2013
- 13-146** Minutes of the Planning and Zoning Commission Regular Meeting of January 22, 2013
- 13-221** Consider/Discuss/Act on a Resolution Awarding Contracts to NT Communications and Network Cabling Services for Data Cabling Services and Related Products. Caption reads as follows:

RESOLUTION NO. 2013-03-028 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD CONTRACTS FOR DATA CABLING SERVICES AND RELATED PRODUCTS

- 13-222** Consider/Discuss/Act on a Resolution Awarding Contracts to Rose Contracting and Donald Sadler Demolition for Cleaning and Regrading Drainage Channels. Caption reads as follows:

RESOLUTION NO. 2013-03-029 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
AWARD CONTRACTS FOR CLEANING AND REGRADING  
DRAINAGE CHANNELS

- 13-223** Consider/Discuss/Act on a Resolution Awarding a Contract to IPS Advisors for Benefits Broker/Consultant Services. Caption reads as follows:

RESOLUTION NO. 2013-03-030 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
EXECUTE A CONTRACT FOR BENEFITS  
BROKER/CONSULTANT SERVICES WITH IPS ADVISORS

- 13-224** Consider/Discuss/Act on a Resolution Authorizing the Restructure of Debt for the McKinney Economic Development Corporation's Repayment of a Loan from the Solid Waste Fund. Caption reads as follows:

RESOLUTION NO. 2013-03-031 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE RESTRUCTURE OF  
DEBT FOR THE McKINNEY ECONOMIC DEVELOPMENT  
CORPORATION'S REPAYMENT OF A LOAN FROM THE SOLID  
WASTE FUND

- 13-225** Consider/Discuss/Act on a Resolution Authorizing Payment to Stonebridge Ranch Homeowners Association for the City Share of the Cost to Replace Landscape Materials and Repair the Irrigation System Disturbed by the Construction of Custer Road. Caption reads as follows:

RESOLUTION NO. 2013-03-032 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING PAYMENT TO  
STONEBRIDGE RANCH HOMEOWNER ASSOCIATION FOR  
THE CITY SHARE OF THE COST TO REPLACE LANDSCAPE  
MATERIALS AND REPAIR THE IRRIGATION SYSTEM  
DISTURBED BY THE CONSTRUCTION OF CUSTER ROAD

END OF CONSENT

- 13-226** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Requesting that the North Texas Municipal Water District Board of Directors Discontinue Fluoridation of the Treated Water Supply

Prior to its Distribution to Member Cities. North Texas Municipal Water District (NTMWD) Board President Charles McKissick and Ms. Denise Hickey, Public Relations Coordinator presented information regarding the NTMWD water supply. Ms. Denise Hickey stated that the water supply provided by the water district does contain natural fluoridation which ranges from .03 milligrams per liter to .05 milligrams per liter. The NTMWD adds additional fluoride to bring the average level .05 milligrams to .07 milligrams per liter. Ms. Hickey stated that Fluorosilicic acid is a form of fluoride that NTMWD adds to the water supply. She stated that the EPA has safe drinking water standards Ms. Hickey stated that NTMWD provides monthly water quality reports that are posted on their website and also reports this information to the state. NTMWD also provides annually to their customers a Consumer Confidence Report. Ms. Hickey stated that the standards are set by the EPA and they do not mandate that fluoride must be added to the water supply. In 1981, 3 member cities requested that fluoride be added to the water system. The NTMWD does not have the records from 1981 indicating which cities requested the addition of fluoride. Mayor Loughmiller called for public comment.

The following individuals spoke in support of this agenda item:

McKinney Boyd High School – Samuel Baxter, Erin Burge, Haley Dickschat, Adrienne Howard, Jordan Peterson, and Conner Randall

Mr. Bob Romans, 1203 Steeple Ridge Court, McKinney

Ms. Rae Nadler, 1205 E. 52<sup>nd</sup> Street, Austin

Ms. Pam Wenzel, 520 Creekside, McKinney

Ms. Nicole Hagan, 525 Pecan Lane, Rowlett

Mr. Scott Bryson, 770 Pierre Lane, Plano

Ms. Lin Burress, Plano

Mr. Jeremiah Hammer, 502 N. College, McKinney

Ms. Jolie Williams, 3613 Cockrill, McKinney

Ms. Alyssa Summey, 502 N. College, McKinney

Mr. Richard Rhodes, 4201 Elder Dr., McKinney

Ms. Amber Wince, 13 Harper Drive, Allen

The following individuals spoke in opposition to this agenda item:

Dr. David McCarley, 2315 W. Virginia Parkway, McKinney

Mr. Hilton Israelson, 9191 Kyser Way, Suite 601, Frisco

Dr. John S. Findley, 1410 14<sup>th</sup> Street, Plano

Dr. Tammy Gough, 6217 Avalon, McKinney

Mr. Harold Simpson, 100 N. Central Expressway, Suite 1108, Richardson

Mr. Jerry Hopson, 270 W. Sam Rayburn Dr., Bonham

Mr. John Wise, 3109 Custer Road #100, McKinney

Mr. Robert Neal, 7151 Preston Road #431 D, Frisco

Dr. Arthur Nelson, 4700 Eldorado Parkway, McKinney

Dr. David Philosfsky, 3609 Shadow Ridge, McKinney

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

Ms. Lara Marsh, 1211 Bonner Street, McKinney

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Council member Keever, to close the public hearing. Council member Ricchi stated that he was proud that there were many folks that attended the meeting and did research on this subject. He stated that the government is trying to control his health and that he wants to control his own health and his own children's health. Mr. Ricchi stated that there is no scientific study that supports ingesting fluoridation and that it costs \$750 thousand for the water district to fluoridate the water. Council member Brooks stated that he appreciated everyone being here tonight and that he appreciates the passion on both sides. He stated that his concern is that there is an assumption that everyone has a dentist but not everyone in their

community does. He stated that fluoride in water is not going to fix teeth but it will protect teeth as it runs through the teeth when it is consumed. He stated that he supports the continued fluoridation until he sees scientific evidence that fluoridation causes cancer or other illness. Council member Harris stated that he appreciated everyone that came out to talk about this item on both sides. He stated that he would like to have more scientific data before he goes against fluoridation. Council member Kever stated that she appreciates everyone that came. She stated that she is concerned that if the chemical is removed it will harm those that do not have access to dental care. Mayor Pro-Tem Ussery stated that a lot of information has been brought to him from both sides and that he does not feel comfortable making a decision tonight. Council member Day stated that he is not in favor of removing the fluoride from the water supply. City Manager Gray stated that he has proposed an alternative to recommend that the NTMWD not exceed .07 milligrams per liter of fluoride in the water supply. Mr. Gray stated that his recommendation is based on the 2011 report he obtained from the Department of Health and Human Services, the Center for Disease Control, as well as the EPA. Mayor Loughmiller stated that the information provided by both sides is very interesting. There are some areas that are similar and most of them agree that the 0.7 mg per liter is the maximum amount allowed for fluoridation. Mayor Loughmiller stated that this is not going to be a decision made by the NTMWD tonight but will have to be a decision made by all participating cities. Mr. Loughmiller stated that he would like to see more information before he can make an informed decision. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to table this item indefinitely. Mayor Loughmiller requested that this item be brought back to the April 2<sup>nd</sup> Work Session with North Texas Municipal Water District providing information on water testing results

along with recommendations for fluoride additives.

**12-191Z4** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by J Rose Architecture, on Behalf of Bungalow Builders, for Approval of a Request to Rezone Less than 1 Acre from "RS 60" - Single Family Residence District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Allow for a Two Family Dwelling (Duplex), Located on the Northwest Corner of Barnes Street and Griffin Street, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property to allow for a duplex on the property. The Planning and Zoning Commission recommended denial of the proposed rezoning request which will now require a super majority by Council to approve this item. Staff is recommending denial due to lack of conformance of the Comprehensive Plan and due to the incompatibility to the adjacent land uses. Applicant, Mr. Jason Rose, 2120 Cosmos Way, Argyle, Texas, stated that this property was a very large property and has been for sale for a year and half but due to the size of the property they have not been able to sell it. Mr. Rose stated that there are no duplexes next to it and that the duplex they are proposing are high end that the area will benefit from. Mr. Quint stated that in the proposed Ordinance provision that they have drafted ties down the elevations to the subject property. Mr. Quint stated that these are two attached homes that classifies it a duplex. Mayor Loughmiller called for public comment. The following individuals spoke against this zoning request:

Ms. Wendy Long, 608 Parker Street, McKinney

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Kever, to deny the rezoning request.

**13-015Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of R.D. Offutt Company, for Approval of a Request to Rezone Fewer than 11 Acres

from "C" - Planned Center 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 Southeast Corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property to generally to allow for the additional use of heavy machinery sales and service and to modify various development standards for the subject property. After consideration by the Planning and Zoning Commission on February 12, 2013, the applicant modified the rezoning request in order to address certain items that were discussed at the meeting. Specifically, the applicant has revised the site layout exhibit and architectural renderings to address concerns regarding required parking in the overnight vehicle storage area, the use of certain screening materials, and minimum architectural standards. Mr. Quint stated that staff is recommending the following ordinance provisions: 1) Heavy machinery sales is allowed; 2) Development is in accordance with the site layout; 3) Gravel is allowed in the overnight vehicle storage area; 4) Parking of overnight vehicle storage area is in accordance with site layout; 5) Screening of overnight vehicle storage area is in accordance with site layout; 6) Orientation of overhead bay doors is allowed toward Wilmeth Road; 7) Building construction achieve LEED certification; and 8) Building construction does not require 50 percent masonry (staff recommends denial of this item). Mr. Quint stated that typically a wrought iron fence with masonry columns and a six foot living screen or a 6' tall masonry wall are required. Applicant, Mr. Jeff Schaumann, 700 South 7<sup>th</sup> Street, Fargo, North Dakota, stated that they modified their request after hearing comments from staff and the Planning and Zoning Commission. Mayor Pro-Tem Ussery stated that he opposed the QT across from this property due to

lack of consistency in that area and that he would be inconsistent if he voted for this project. Jon David Cross, Cross Engineering stated that he and his client have consulted and they will agree to an improved screening device where a chain link fence is currently shown. Mayor Loughmiller called for public comment and there was none. Council approved the motion by Council member Day, seconded by Council member Harris, to close the public hearing and approve an Ordinance rezoning fewer than 11 acres from "C" - Planned Center 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 southeast corner of Wilmeth Road and U.S. Highway 75 (Central Expressway), with the following special ordinance provisions: Use and development of the subject property shall conform to the regulations of Section 146-86 "C" - Planned Center District, and Section 146-101 "CC" - Corridor Commercial Overlay District, and as amended, except as follows: heavy machinery sales and service shall be a permitted use; heavy machinery sales and service on the subject property shall generally conform to the layout of the proposed zoning exhibit (Exhibit "B"); the use of gravel for tracked equipment, in conjunction with heavy machinery sales and service, shall be allowed as a paving material in the overnight vehicle storage area with the associated screening devices, as shown on the attached zoning exhibit (Exhibit "B"); for heavy machinery sales and service use, the overnight vehicle storage area shall be allowed to develop without paved and striped spaces for the overnight storage of vehicles, as shown on the attached zoning exhibit (Exhibit "B"); for heavy machinery sales and service use, the overnight vehicle storage area shall be screened as shown on the attached zoning exhibit (Exhibit "B"); the orientation of overhead bay doors shall be allowed toward street frontage (Wilmeth Road), in conjunction with the associated screening devices, as

shown on the attached zoning exhibit (Exhibit "B"); the construction of the proposed building on the subject property shall achieve a Leadership in Energy and Environmental Design (LEED) certification; the subject property shall conform to the architectural rendering of the proposed zoning exhibit (Exhibit "C") and chain link fencing would not be allowed; and an approved screening device is allowed, with a vote of 4-3-0, Mayor Pro-Tem Ussery and Council member Kever and Brooks, voting against. Caption reads as follows:

ORDINANCE NO. 2013-03-022

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 10.79 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF WILMETH ROAD AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM "C" – PLANNED CENTER 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

- 12-187Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Sanchez and Associates, on Behalf of TCI McKinney Ranch, Inc., for Approval of a Request to Rezone Fewer than 35 Acres 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 Modify the Development Standards, Located on the Northwest Corner of State Highway 121 (Sam Rayburn Tollway) and U.S. Highway 75 (Central Expressway), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property to modify the development standards for

multi-family residential development on the site. The Zoning Ordinance currently requires 1 enclosed parking space to be provided for each multi-family residential dwelling unit plus an additional ½ parking space per bedroom. The applicant is proposing an ordinance provision that would require 1 parking space for every multi-family residential dwelling unit (30% of which must be enclosed) plus an additional ½ parking space per bedroom. Applicant, Levi Wild, 220 E. Virginia, McKinney, stated that he is in agreement with staff's recommendation. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem ssery, seconded by Council member Kever, to close the public hearing and approve an Ordinance rezoning fewer than 35 acres 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 modify the development standards, located on the northwest corner of State Highway 121 (Sam Rayburn Tollway) and U.S. Highway 75 (Central Expressway), with the following special ordinance provisions: Use and development of the subject property shall conform to "PD" - Planned Development District Ordinance No. 2003-04-033, "CC" - Corridor Commercial Overlay District, and "REC" - Regional Employment Center Overlay District, except as follows: the subject property shall be subject to the attached development regulations (Exhibit "B"); the character of any multi-family residential development shall generally conform to the attached architectural rendering and shall also be subject to the Architectural and Site Standards section of the Zoning Ordinance, except as amended herein (Exhibit "C"); landscape buffers along property lines of multi-family development, as required by Section 146-135 of the Zoning Ordinance, shall be reduced for buildings located closer than 20

feet from a property line, as specified in the attached development regulations (Exhibit "B"). Caption reads as follows:

ORDINANCE NO. 2013-03-025

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 34.56 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF STATE HIGHWAY 121 (SAM RAYBURN TOLLWAY) AND U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED 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 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

- 13-014Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of Heritage Christian Church, for Approval of a Request to Rezone Less than 1 Acre, from "AG" - Agricultural District to "O-1" - Neighborhood Office District, Located on the Northwest Corner of Greenville Road and Airport Boulevard, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is proposing to construct a church on the subject property. Church uses are allowed by right within the "AG" - Agricultural District but the subject property does not meet the minimum lot size requirement (10 acres) to be platted for development within this district. The applicant is requesting to rezone to "O-1" - Neighborhood Office District in order to meet the minimum lot size requirement allowing for the construction of a church. Applicant, Mr. Jon David Cross 101 S. Tennessee Street was available for questions and there were none. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to close the public hearing and

approve an Ordinance rezoning less than 1 acre, from "AG" - Agricultural District to "O-1" - Neighborhood Office District, located on the northwest corner of Greenville Road and Airport Boulevard. Caption reads as follows:

ORDINANCE NO. 2013-03-023

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 0.80 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF GREENVILLE ROAD AND AIRPORT BOULEVARD, IS REZONED FROM "AG" - AGRICULTURAL DISTRICT TO "O-1" - NEIGHBORHOOD OFFICE 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

- 13-025AA** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of VCIM Partners, L.P., for Approval of a Right-of-Way Vacation for a Portion of Henneman Way, Being Less than 1 Acre, Located at the Eastern Terminus of Henneman Way and Approximately 100 Feet East of Dr. Kenneth Cooper Drive, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting the vacation of two pieces of existing Henneman Way right-of-way (approximately 2,000 square feet) for the purposes of acquiring the property and incorporating it into a future roundabout with enhanced landscaping. The larger piece of the proposed right-of-way vacation will be located in a future common area (maintained by the property owner's association) in the center of the roundabout and the smaller triangular piece will no longer be necessary for vehicular circulation and will be incorporated into the property to the north. Staff has no objections to this item and is recommending approval. Applicant, Mr. Jonathan Hake, Cross Engineering stated that they are in agreement with staff's recommendation. Mayor Loughmiller called for public comment and

there was none. Council unanimously approved the motion by Council member Brooks, seconded by Council member Harris, to close the public hearing and approve an Ordinance vacating a right-of-way for a portion of Henneman Way, being less than 1 acre, located at the eastern terminus of Henneman Way and approximately 100 feet east of Dr. Kenneth Cooper Drive. Caption reads as follows:

ORDINANCE NO. 2013-03-024

AN ORDINANCE VACATING A PORTION OF HENNEMAN WAY, APPROXIMATELY 0.05 ACRES, LOCATED AT THE EASTERN TERMINUS OF HENNEMAN WAY AND APPROXIMATELY 100 FEET EAST OF DR. KENNETH COOPER DRIVE, PROVIDING FOR AN EFFECTIVE DATE HEREOF

**12-153MRP** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Boundary Solutions, on Behalf of Luis Jonathan Estrada and Jose Luis Estrada, for Approval of a Minor Replat for Lots 1 and 2, Block A, of the Estrada Addition, Being Fewer than 2 Acres, Located on the Southeast Corner of Greenville Road and Neilson Street. Director of Planning stated that the applicant is proposing to replat the subject property in order to modify the location of a common lot line between two existing tracts of land. There is currently a single family residence located primarily on the platted lot (existing Lot 10); however, the eastern portion of the existing residence is situated over the common lot line onto a portion of the unplatted lot. The applicant has stated that they are platting in order to rectify this issue and that there are no immediate plans for development of the balance of land. Applicant, Mr. Jonathan Estrada, 1314 Greenville Road, McKinney, stated that the property belongs to him and his father. Director of Engineering Jack Carr stated that the roadways around the property are very narrow and the roads will need to be improved and will require additional right-of-way to build them to a standard width. Mr. Carr stated that the City would have the ability to obtain the right-of-way during the platting process rather than having to go through condemnation when the street needs to be constructed. Mr.

John Estrada stated he would be agreeable to dedicate the right-of-way as long as he does not have to build the street. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Day, to close the public hearing and approve a Minor Replat for Lots 1 and 2, Block A, of the Estrada Addition located on the southeast corner of Greenville Road and Neilson Street, with the following conditions: the applicant satisfy the conditions as shown on the Standard Conditions for Minor Replat Approval Checklist; prior to filing the plat for record: the applicant revise the plat to provide approximately 25' of right-of-way dedication for Gough Street (variable width in accordance with the centerline of the street), subject to review and approval by the City Engineer; and the applicant revise the plat to provide state plane coordinates tied to two points along the boundary of the plat, in accordance with the Subdivision Ordinance; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct Gough Street and improve Neilson Street as well as sidewalks adjacent to the subject property; the applicant shall dedicate 11 feet of right-of-way for Neilson Street; and the applicant receive approval of a variance from Section 142-158 of the Subdivision Ordinance to waive the parkland dedication fee for one lot.

**13-227** Mayor Loughmiller called for Consideration/Discussion/Action on the Acceptance of the Comprehensive Annual Financial Report (CAFR), Federal Single Audit Report and Management Letter for Fiscal Year Ending September 30, 2012. Chief Financial Officer Rodney Rhoades stated that an annual independent audit of the City's funds and account groups is required by Section 24 of the City of McKinney Charter. This year's audit was conducted by Weaver and Tidwell and Jerry Gather is here tonight to answer any questions from Council. Council unanimously

approved the motion by Council member Harris, seconded by Council member Day, to approve the Comprehensive Annual Financial Report (CAFR), Federal Single Audit Report and Management Letter for Fiscal Year Ending September 30, 2012.

- 13-228** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Adopting the City Council's 2013 Strategic Plan. City Manager Jason Gray stated that based on the Strategic Planning Retreat that was held on January 31<sup>st</sup>, the Resolution approves the contents of the Council's 2013 Strategic Plan, which include: Council's strategic goals for the next year; deliverable projects; and anticipated start and end dates for each project. Council identified five major goals for which to focus, with economic development related issues being prevalent throughout the list. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to approve a Resolution Adopting the City Council's 2013 Strategic Plan. Caption reads as follows:

RESOLUTION NO. 2013-03-033 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, APPROVING THE COUNCIL'S 2013  
STRATEGIC PLAN

- 13-229** Consider/Discuss/Act on a Resolution Supporting Interstate Status Designation for the Section of US 75 North of the Collin County Outer Loop. Transportation Engineering Manager Gary Graham stated the member cities of the US 75 corridor study have gotten together and agreed with the same concept of having US 75 operate as a commuter corridor. Collin County Judge Keith Self is moving forward to get US 75 designated at interstate status. The Interstate status would stop north of McKinney. This Resolution is supporting Judge Self's memo that he is writing to the North Central Texas Council of Governments (NCTCOG) requesting that they do not look at Interstate status for US 75 from McKinney south to Interstate 635 as part of that study. There is

NCTCOG support for changing to Interstate status north of McKinney into Oklahoma to Interstate 44. The Resolution before you tonight is to add the Outer Loop as a by-pass around the region for the truck traffic that would be generated from the expansion of the Panama Canal and supports the Interstate status north of McKinney. Ms. Kever stated that if US 75 from I635 through McKinney was going to be designated as a commuter corridor, then how are we going to get the actual truck traffic that is heading from the Panama Canal up north to Oklahoma. The agreement was to pull the Outer Loop up from I30 around and connect north of McKinney and designate the Outer Loop as Interstate status. Ms. Kever stated there would be a temporary termination of Interstate status at US 75 and FM 543 and the long term termination would be at the Outer Loop. Mayor Loughmiller stated that one of his concerns is that the City of McKinney will need to have assurance that there will be ingress and egress from that road. Ms. Kever stated that this Resolution is also requesting that this road be put in the Mobility Plan. The long term goal is to pull the freight traffic up north from the Gulf of Mexico. Mayor Loughmiller stated that in the meetings that he has attended he has raised concerns regarding US 75 south of US 380 through McKinney. City Manager Gray stated that the Collin County Outer Loop is not within the city limits of McKinney and that is why they have suggested FM 543 which is the next logical terminus to the south of the proposed Collin County Outer Loop. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Ussery, to table to this item until the March 19, 2013 meeting.

**13-230** Discuss Transportation in and within City of McKinney and Collin County (Mayor Loughmiller and Council member Kever). Mayor Loughmiller stated that this item has to do with ongoing discussions relating to our rural and urban transit authority provider which is currently Collin County Area Rural Transit (CCART). Mayor Loughmiller and Collin County

Precinct 3 Commissioner Chris Hill will be participating in a meeting with representatives of several CCART cities to talk about what their proposed plans are and the status of transportation as it relates to within McKinney and within the County. Collin County controls who is designation for the rural provider and the City of McKinney controls the designation for the urban provider. The two entities will be holding these discussions on how we move forward from here. Collin County Precinct 3 Commissioner Hill stated that the County Commissioners will have this item on the March 11<sup>th</sup> agenda to discuss the designation of a rural transit district and determining a provider for the rural area. To date, CCART has been the designee for both areas. The Commissioners Court will be re-examining that decision at the Commissioners Court level to appoint CCART as that designee for the rural area. At this time, there are three providers servicing the rural area: CCART, DART, and TAPS. DART has a model that does not allow for growing and inviting other cities in unless those cities entertain their sales tax model. DART is off the table for discussion of becoming the rural provider. The Commissioners Court will be meeting to discuss the pros and cons of CCART and TAPS as being designated as the rural provider. The Commissioners Court would like to work in harmony with the City of McKinney on designating a provider for both the rural and the urban area. Council member Kever stated that it would not be the most efficient use of resources if there was a different provider for the rural area and urban areas. Mr. Hill stated that there will be a meeting on March 8<sup>th</sup> to discuss this matter with representatives from the City, Commissioners Court, NCTCOG, and TxDOT. The meeting on March 8<sup>th</sup> will be held from 8:00 a.m. to 10:00 a.m. at the Collin County Administration Building and will be open to the public.

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 Harris did not have any comments.

Council member Brooks did not have any comments.

Mayor Pro-Tem Ussery thanked staff especially tonight for the marathon meeting. He thanked each of the staff for what they do every day.

Mayor Loughmiller thanked the Council for hanging in this long and for being respectful in the differences of opinions we heard tonight. It is very important that we don't create an environment where people are afraid to come down and talk to us. Mr. Loughmiller expressed his appreciation in that effort.

City Manager Gray did not have any comments.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 10:53 p.m. per Texas Government Code Section 551.071 (2). Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 10:58 p.m.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Keever, to adjourn. Mayor Loughmiller adjourned the meeting at 11:00 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary