

CITY COUNCIL REGULAR MEETING

MAY 7, 2013

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on May 7, 2013 at 6:00 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; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; McKinney Economic Development Corporation President Jim Wehmeier; Chief of Police Joe Williams; Parks, Recreation, and Open Space Director Lemuel Randolph; Fire Chief Danny Kistner; Assistant Fire Chief Neil Howard; Director of Engineering Jack Carr; Transportation Engineering Manager Gary Graham; Airport Executive Director Ken Wiegand; Detective Craig Owens; Chief Information Officer Chris Chiancone; Senior Help Desk Technician Amy Greer; and Assistant Planning Director Kevin Spath.

There were approximately 85 guests present.

Mayor Loughmiller called the meeting to order at 6:03 p.m. after determining a quorum was present. Invocation was given by Pastor Louis L. Rosenthal, McKinney First Baptist Church. Mayor Loughmiller led the Pledge of Allegiance.

13-469 Proclamation Honoring Dr. Mack Hill. Mayor Loughmiller presented Dr. Mack Hill with a Proclamation in recognition of his service to McKinney and in honor of his 90th birthday. Collin County Judge Keith Self presented a plaque to Dr. Hill from Collin County. McKinney Independent School District Superintendent acknowledged Dr. Hill's many accomplishments and service.

Mayor Loughmiller called for Citizen Comments.

Ms. Tara Alt, 8608 Tanglewood Drive, McKinney spoke against the Gun Range at 448 N. Custer Road.

Ms. Mary McGowan, 3325 Woodglen, McKinney spoke about the Police Department's reaction to a theft.

Mr. Peter Bailey, 2003 Skyline Drive, McKinney spoke in favor of agenda item 13-453.

Mr. Dean Phillips, 1900 Canyon Wren, McKinney spoke against the owner/operator of the Gun Range at 448 N. Custer Road that was approved at the last City Council meeting.

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

- 13-443** Minutes of the City Council Work Session of April 15, 2013
- 13-444** Minutes of the City Council Regular Meeting of April 16, 2013
- 13-445** Minutes of the City Council and Planning and Zoning Commission Joint Meeting of April 22, 2013
- 13-346** Minutes of the Collin County Airport Development Corporation Meeting of March 14, 2013
- 13-385** Minutes of the Library Advisory Board Meeting of March 21, 2013
- 13-357** Minutes of the McKinney Armed Services Memorial Board meeting of January 9, 2013.
- 13-401** Minutes of the McKinney Community Development Special Session Board Meeting of March 27, 2013
- 13-402** Minutes of the McKinney Community Development Corporation Board Meeting of March 28, 2013
- 13-403** Minutes of the McKinney Community Development Corporation Special Board Meeting of April 12, 2013
- 13-392** Minutes of the McKinney Convention & Visitors Bureau Meeting of February 4, 2013
- 13-393** Minutes of the McKinney Convention & Visitors Bureau Special Meeting of February 20, 2013
- 13-394** Minutes of the McKinney Convention & Visitors Bureau Regular Board Meeting of March 26, 2013

- 13-395** Minutes of the McKinney Convention and Visitors Bureau Special Meeting on April 8, 2013
- 13-366** Minutes of the McKinney Housing Finance Corporation Meeting of March 8, 2013
- 13-354** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of March 12, 2013
- 13-364** Minutes of the Planning and Zoning Commission Regular Meeting of March 26, 2013
- 13-400** Minutes of the Planning and Zoning Commission Regular Meeting of April 9, 2013
- 13-079M2** Consider/Discuss/Act on a Resolution Setting a Public Hearing Date for June 18, 2013 for Approval of the Land Use Assumptions for the 2012-2013 Roadway Impact Fee Update. Caption reads as follows:

RESOLUTION NO. 2013-05-052(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, SETTING A PUBLIC HEARING DATE FOR JUNE 18, 2013 TO CONSIDER/DISCUSS/ACT ON THE APPROVAL OF THE LAND USE ASSUMPTIONS FOR THE 2012-2013 ROADWAY IMPACT FEE UPDATE

- 13-079M3** Consider/Discuss/Act on a Resolution Setting a Public Hearing Date for June 18, 2013 for Approval of the Land Use Assumptions for the 2012-2013 Utility Impact Fee Update. Caption reads as follows:

RESOLUTION NO. 2013-05-053(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, SETTING A PUBLIC HEARING DATE FOR JUNE 18, 2013 TO CONSIDER/DISCUSS/ACT ON THE APPROVAL OF THE LAND USE ASSUMPTIONS FOR THE 2012-2013 UTILITY IMPACT FEE UPDATE

- 13-446** Consider/Discuss/Act on a Resolution Establishing the School Zone Summer Hours for Each School Holding Summer School for 2013. Caption reads as follows:

RESOLUTION NO. 2013-05-054(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ESTABLISHING SCHOOL ZONE HOURS

FOR EACH SCHOOL HOLDING SUMMER SCHOOL IN 2013

- 13-447** Consider/Discuss/Act on a Resolution Authorizing the Lease of 55 Panasonic Toughbook, CF-53 with Accessories. Caption reads as follows:

RESOLUTION NO. 2013-05-055(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE LEASE OF 55 PANASONIC TOUGHBOOK, CF-53 WITH ACCESSORIES

- 13-448** Consider/Discuss/Act on a Resolution Authorizing the Purchase of 57 WatchGuard In-Car Camera Systems and 15 CopVu Wearable Cameras. Caption reads as follows:

RESOLUTION NO. 2013-05-056(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF 57 WATCHGUARD IN-CAR CAMERA SYSTEMS AND 15 COPVU WEARABLE CAMERAS

- 13-449** Consider/Discuss/Act on the First Amended Facilities Agreement for the Timber Creek Addition, to Defer Parkland Dedication and Certain Hike and Bike Trail Improvements, Provide for the Phasing of Roadway and Utility Improvements, and Provide for the City Reimbursement of Oversize Utility Lines, Being Fewer than 212 Acres, Located on the East and West Sides of Hardin Boulevard and on the South Side of Bloomdale Road.

END OF CONSENT

- 13-450** Mayor Loughmiller called for Consideration/Discussion/Action on Appointing a Member to the North Texas Municipal Water District Board. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to appoint Joe Joplin to serve a two year term on the North Texas Municipal Water District Board starting June 1, 2013 through May 31, 2015.

13-451 Mayor Loughmiller called for Consideration/Discussion/Action on a Development Agreement (ETJ) for the Estates of Willow Wood, Approximately 307 Acres, Located Within the City's Extra-territorial Jurisdiction Generally East of State Highway 5 (McDonald Street) and Approximately 3,000 Feet North of F.M. 543. Director of Planning Michael Quint stated that the applicant has requested that this item be tabled indefinitely. Council unanimously approved the motion by Council member Harris, seconded by Council member Keever, to table this item indefinitely.

13-081M Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Authorizing the City Manager to Negotiate an Agreement(s) with a Development Firm(s) for the Redevelopment of City-Owned Properties in the Downtown Area. Assistant Director of Planning Kevin Spath stated that after evaluating the proposals based on the selection criteria as well as on the results of the interviews and the Open House event, Staff recommends moving forward with the following: Primary Site: Zenstar Development (Proposal #4) and Secondary Sites: In Town Homes (Proposal #2). City Council's approval of the Resolution represents formal selection of the proposals and authorizes the City Manager to negotiate the terms of public/private partnerships with the selected development firms for the development, design, and construction of the City-owned properties. City Council's approval of the Resolution does not obligate the City to participate in a public/private partnership. 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. City Manager stated that Staff has laid out what they consider to be the best options on this project based on the RFP process. Mr. Gray stated that Staff recognizes that this is a process based on the size

and scope of the project that will require a lot of commentary from the Council. Mayor Loughmiller stated that one of his concerns regarding Zenstar's proposal that is centered around a City Hall that has not been established by Council as the preferred site for a future City Hall. Mr. Loughmiller stated that another concern he had was diverting attention away from the Gateway project that is Council's number one priority at this time. The Gateway project is in the process of finalizing documents so that the project can get back under construction. The future City Hall site needs to be discussed as it relates to the existing City Hall, Development Services building, and the Wysong Fire Station. There also needs to be a discussion as it relates to density of the residential component of these proposals. Council member Day stated that he would like to see the process moving forward. Mr. Day stated that first and foremost is that the Council needs to decide where they want to put a new City Hall before we tie up the properties north of the existing City Hall with the InTown Home project or if townhomes are the best use of those properties. Mr. Day stated that he was in favor of moving forward with the Zenstar proposal since they are going to do it in phases. Council member Keever stated that the Council does need to discuss the policy decision on where the new City Hall site will be located. Ms. Keever expressed her appreciation to all the staff of Development Services who put forth effort on this RFP to include the public into the discussions. Council member Harris agreed that the Council needs to have discussions on what we want to see downtown. Mayor Pro-Tem Ussery stated that Council needs to define whether the priority is to designate a location for a future City Hall or to designate and find the best uses of properties to the maximum public good and make City Hall secondary function of that. Council unanimously approved the motion by Council member Keever, seconded by Council member Brooks, to table this item indefinitely. City Manager Gray stated that Staff will

schedule a Work Session to discuss the overall development issues with regard to public versus private facilities in the downtown area.

- 13-452** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Parsons Brinckerhoff for Professional Services to be Provided in Support of the Northwest Sector Study. Director of Planning Michael Quint stated that staff is proposing a Resolution to authorize the City Manager to execute a contract with Parsons Brinckerhoff for professional services for the northwest sector study for an amount not to exceed \$169,950. The City Council has approved \$150,000 in the FY 2012-2013 Budget for completion of the Northwest Sector Study. The Planning Department has identified \$19,950 in the current fiscal year budget that is unallocated. At this time, no additional funds will be necessary to fund this study. The study will focus on four primary tasks: Project Initiation and Analysis; Develop Alternatives and Implementation Strategies with the Community; Draft a Northwest Sector Plan; and Participation in the Public Approval Process. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to approve a Resolution Authorizing the City Manager to execute a contract with Parsons Brinckerhoff for professional services to be provided in support of the Northwest Sector Study. Caption reads as follows:

RESOLUTION NO. 2013-05-057(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PARSONS BRINCKERHOFF FOR PROFESSIONAL SERVICES IN ASSOCIATION WITH THE NORTHWEST SECTOR PLANNING STUDY; PROVIDING AN EFFECTIVE DATE

Council member Ricchi stepped down from the dais for the next agenda item.

- 13-453** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Naming TAPS the McKinney UZA Direct Recipient and the Urban Transit District. Transportation Engineer Manager Gary Graham

stated on April 15, 2013, the City Council received a presentation regarding transit issues related to the McKinney UZA. At the conclusion of the discussion at the work session, the Council directed the City Manager to start negotiating an Interlocal Agreement (ILA) with TAPS to define expectations of both parties. After a resolution is approved by Council, the City Manager will continue to negotiate the ILA with TAPS. As soon as the negotiations are complete, the ILA will be brought back to Council on May 21st for approval. TxDOT has tentatively scheduled to take action finalizing the change in Direct Recipient status from CCART to TAPS at the May 30th Texas Transportation Commission. At the April 22, 2013 Collin County Commissioners meeting, the Commissioners named TAPS as the Rural Transit District. Council approved the motion by Council member Kever, seconded by Council member Harris, to approve a Resolution naming TAPS the McKinney UZA Direct Recipient and the Urban Transit District with the following changes: Section 1 to read as follows: Conditioned upon the negotiation and execution of an Interlocal Agreement, the City Council of the City of McKinney, Texas hereby designates Texoma Area Paratransit System (TAPS) as the Direct Recipient for the Federal Transit Administration Section 5307 funds, effective on or before July 1, 2013 and Section 2 to read as follows: Conditioned upon the negotiation and execution of an Interlocal agreement, the City Council designates TAPS as the Urban Transit District as defined in Chapter 458 of the Texas Transportation Code, effective on or before July 1, 2013, with a vote of 6-0-1, Council member Ricchi abstaining. Caption reads as follows:

RESOLUTION NO. 2013-05-059(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NAMING TEXOMA AREA PARATRANSIT SYSTEM (TAPS) THE MCKINNEY URBANIZED AREA DIRECT RECIPIENT AND URBAN TRANSIT DISTRICT

Council member Ricchi returned to the dais.

13-454

Mayor Loughmiller called a Public Hearing to Consider/Discuss/Act on an

Ordinance Amending the Code of Ordinances of the City of McKinney by Amending Chapter 134, "Signs". Executive Director of Development Services Barry Shelton stated that the Council in August 2012 amendments to the sign ordinance following an extensive public input process. The proposed amendments would allow for additional temporary signage and banners for properties fronting on Highway 75 during the ongoing reconstruction process. The additional temporary signage and banners would only be permitted during the construction process in an effort to help businesses along the construction corridor identify themselves. The extensive construction project, with rerouting of frontage roads and entrance drives has made it difficult for customers to locate businesses. According to the schedule provided by the Texas Department of Transportation ("TxDOT"), the reconstruction of US 75 will be completed before June 1, 2015. The temporary allowance for additional signage provided by these amendments will expire on July 1, 2015 and all signs and banners approved in accordance with this section must be removed prior to that date. Mayor Loughmiller called for public comment and there was none. Ray Ricchi, seconded by Council member Harris, to close the public hearing and approve an Ordinance amending the Code of Ordinances of the City of McKinney by amending Chapter 134, "Signs". Caption reads as follows:

ORDINANCE NO. 2013-05-046

AN ORDINANCE AMENDING CHAPTER 134, "SIGNS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF SECTION 134-7, ENTITLED "BUSINESS AND AGRICULTURAL ZONING DISTRICTS," BY DELETING SUBPARAGRAPH (L), "TEMPORARY DIRECTIONAL SIGNS DURING STREET CONSTRUCTION," IN ITS ENTIRETY AND REPLACING SAID PROVISION WITH A NEW SUBPARAGRAPH (L) THAT IS ALSO ENTITLED "TEMPORARY DIRECTIONAL SIGNS DURING STREET CONSTRUCTION" TO ALLOW TEMPORARY SIGNAGE FOR BUSINESSES FRONTING ON HIGHWAY 75, CENTRAL EXPRESSWAY, DURING THE RECONSTRUCTION OF HIGHWAY 75, CENTRAL EXPRESSWAY; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE, INCLUDING CERTAIN PRESUMPTIONS; PROVIDING FOR

INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE
CAPTION OF THIS ORDINANCE AND PROVIDING AN
EFFECTIVE DATE

13-455 Mayor Loughmiller called for the CIP Program Manager Quarterly Updates (Matt Richardson and Lemuel Randolph). CIP Program Manager Matt Richardson and Parks, Recreation, and Open Space Director Lemuel Randolph presented the CIP Quarterly Update. Included were the TxDOT Road Projects - US 75 Corridor, US 380 Corridor, and State Highway 5 Corridor. Mr. Richardson provided an update on street projects, intersection improvements, and utility projects. Mr. Randolph provided an update on park projects that included Bonnie Wenk Park, Finch Park improvements, Gabe Nesbitt baseball fields, skatepark, Sonntag neighborhood park, and the natatorium.

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 stated that she joined the Mayor, Mayor Pro-Tem, and the City Manager to meet with DART officials regarding 4A and 4B dollars. Ms. Kever stated that they have requested the numbers from DART regarding the cost to allow passengers to be transported from McKinney to the Plano DART station.

Council member Harris did not have any comments.

Council member Brooks did not have any comments. Mayor Pro-Tem Ussery thanked staff for what they do each day.

Mayor Pro-Tem Ussery reminded everyone that there is an election going on in McKinney. Mr. Ussery expressed his appreciation to City Secretary Sandy Hart for her efforts in coordinating all the aspects of running an election. Mr. Ussery announced that there will be an Ice Cream Crankoff on June 8th.

Mayor Loughmiller thanked staff for all the hours they put in beyond their normal workday. Mr. Loughmiller stated that he attended a focus group regarding the State Highway 5 corridor on Saturday. The entire Planning Department coordinated focus groups through the day on Saturday at City Hall. Mr. Loughmiller expressed his

appreciation for their dedication to the City of McKinney. Mr. Loughmiller stated that they had a very successful Relay for Life that raised over \$350,000. This puts McKinney's 12 year total to over \$3.5 million to help with cancer research. Last weekend there was a Strikes Against Cancer baseball tournament. Through their efforts, they were able to attract 383 baseball teams to McKinney to raise money for cancer research. Mayor Loughmiller wished his Mother a very Happy Mother's Day and encouraged everyone to wish their Mother's a Happy Mother's Day on Sunday.

City Manager Gray welcomed Raytheon Space and Airborne Systems Business to McKinney which is \$6 billion division of Raytheon. They will be locating their headquarters here in McKinney. This is a big win for McKinney, the community, McKinney Economic Development Corporation, and McKinney Community Development Corporation that partnered to make this a reality.

Mayor Loughmiller called for Citizen Comments

Ms. Sara Collins, 1709 Canyon Creek, McKinney spoke against the Gun Range that was approved at the April 126, 2013 Council meeting. Ms. Julie Smith, 3206 St. Pierre, McKinney spoke about restroom facilities at parks.

Mayor Loughmiller recessed the meeting into executive session at 7:34 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 8:20 p.m.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to adjourn. Mayor Loughmiller adjourned the meeting at 8:22 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

