

CITY COUNCIL REGULAR MEETING

FEBRUARY 7, 2012

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on February 7, 2012 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 Joe Williams; Deputy City Manager Rick Chaffin; City Attorney Mark Houser; City Secretary Sandy Hart; Human Resources Director Tadd Phillips; Police Officer Melissa Robillard; Senior Planner Michael Quint; Planning Director Jennifer Cox; Fire Chief Danny Kistner; Transportation Engineering Manager Gary Graham; Public Works Director Hal Cranor; Assistant Director of Engineering Michael Hebert; Affordable Housing Administrator Cristel Todd; Fire Marshal John Nickles; Finance Director Rodney Rhoades; and Director of Engineering Jack Carr. There were approximately 80 guests present.

There were approximately 80 guests present.

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

Mayor Loughmiller called for Citizen Comments

The following individuals spoke in opposition of the Sustainability Plan

Ms. Charlotte Giles, 3213 Gillespie, McKinney

Mr. Mike Giles, 3213 Gillespie, McKinney

Mr. TJ Lane, 802 W. Hunt, McKinney

Mr. Neal Ator, 512 W. Virginia, McKinney

Ms. Ann Sampson, 227 McCarley Place, McKinney

Mr. Donald Rutledge, 212 Nob Hill Place, McKinney

Ms. Laura Lutek, 2901 Cedar Ridge Drive, McKinney

Ms. Alice McCaulley, 2706 Summerwood Circle, McKinney

Ms. Patti Kelleher, 1301 Meadow Brook McKinney

Mr. Justin Mann, 3109 Thicket Drive, McKinney spoke about Collin County Area Rural Transit (CCART) regarding providing services for the citizens of McKinney and stated that he is in opposition of the Sustainability Plan.

The following individuals spoke in favor of the Sustainability Plan:

Mr. David West, 203 North Morris Street, McKinney

Mr. Rick Moreno, 606 Barnes Street, McKinney

Ms. Laurie Jay, 2603 Cedarwood Court, McKinney

Ms. Lisa West, 203 N. Morris, McKinney

The following individuals did not wish to speak but wanted their support of the Sustainability Plan to be entered into the record:

Ms. Alyssa Summey, 502 N. College Street, McKinney

Mr. Jeremiah Hammer, 502 N. College Street, McKinney

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

- 12-061** Minutes of the City Council Strategic Planning Budget Retreat Meeting of January 13, 2012
- 12-062** Minutes of the City Council Work Session Meeting of January 17, 2012
- 12-063** Minutes of the City Council Regular Meeting of January 17, 2012
- 12-064** Minutes of the City Council Special Meeting of January 23, 2012
- 12-065** Minutes of the City Council and McKinney Community Development Corporation Joint Work Session of January 30, 2012
- 12-020** Minutes of the Historic Preservation Advisory Board Regular Meeting of December 1, 2011
- 12-066** Minutes of the Library Advisory Board Meeting of December 15, 2011
- 12-067** Minutes of the McKinney Airport Development Corporation Meeting of December 16, 2011.
- 12-028** Minutes of the McKinney Arts Commission Meeting of October 20, 2011
- 12-029** Minutes of the McKinney Arts Commission Special Meeting of November 2, 2011
- 12-068** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of

December 6, 2011

12-069 Minutes of the McKinney Community Development Corporation Board Meeting for December 15, 2011

12-070 Minutes of the McKinney Economic Development Corporation Board Meeting of November 15, 2011

12-071 Minutes of the McKinney Economic Development Corporation Board Meeting for December 12, 2011

12-072 Minutes of the McKinney Main Street Board meeting of November 10, 2011

12-022 Minutes of the Planning and Zoning Commission Regular Meeting of December 13, 2011

12-056 Minutes of the Planning and Zoning Commission Regular Meeting of January 10, 2012

12-073 Consider/Discuss/Act on an Ordinance Revising the Speed Limit on a Section of US 380 (University Drive). Caption reads as follows:

ORDINANCE NO. 2012-02-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, ESTABLISHING SPEED ZONES ON U.S. HIGHWAY NO. 380 IN MCKINNEY; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

12-074 Consider/Discuss/Act on Ordinance Amending the Fiscal Year 2011-2012 Budget to Re-appropriate Projects/Items Carried from Last Fiscal Year. Caption reads as follows:

ORDINANCE NO. 2012-02-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2011-2012 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

12-075 Consider/Discuss/Act on a Resolution to Authorize City Manager to Participate in Execution of Special Warranty Deeds for 212 Lincoln Street and 308 Lincoln Street. Caption reads as follows:

RESOLUTION NO. 2012-02-009 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE AND THE MCKINNEY ISD

- 12-076** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Landscape Maintenance Agreement for FM 546 (Industrial Boulevard). Caption reads as follows:

RESOLUTION NO. 2012-02-010 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A LANDSCAPE MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION AND MAINTENANCE OF LANDSCAPE AND IRRIGATION SYSTEM ALONG THE MEDIAN OF FM 546 (INDUSTRIAL BOULEVARD)

- 12-077** Consider/Discuss/Act on a Resolution Awarding Contract to Tallent Roofing for Roofing Services. Caption reads as follows:

RESOLUTION NO. 2012-02-011 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR ROOFING REPAIRS

- 12-078** Consider/Discuss/Act on a Resolution Awarding Contract to Myelyn Contractors for Painting Services. Caption reads as follows:

RESOLUTION NO. 2012-02-012 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR PAINTING SERVICES

- 12-079** Consider/Discuss/Act on a Resolution Authorizing the City Manager, or Authorized Designee, to Execute an Interlocal Agreement between the Cities of McKinney, Frisco, and Plano, Texas for Participation in First-Time Homebuyer Education Classes for Residents of Each Municipal Jurisdiction Who Wish to Purchase a Home. Caption reads as follows:

RESOLUTION NO. 2012-02-013 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER, OR HIS AUTHORIZED DESIGNEE, TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN CITY OF

MCKINNEY, TEXAS, THE CITY OF FRISCO, TEXAS AND CITY OF PLANO, TEXAS FOR PARTICIPATION IN THE HOMEBUYER EDUCATION CLASSES TO PROVIDE AN EDUCATIONAL PROGRAM FOR INDIVIDUALS ATTEMPTING TO PURCHASE HOMES IN EACH MUNICIPAL JURISDICTION; AND PROVIDING FOR AN EFFECTIVE DATE

- 12-081** Consider/Discuss/Act on a Resolution Adopting the Budget Guidelines for Fiscal Year 2012-13. Caption reads as follows:

RESOLUTION NO. 2012-02-014 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ADOPTION OF BUDGET GUIDELINES FOR FISCAL YEAR 2012-13

- 12-082** Consider/Discuss/Act on a Resolution Adopting the Financial Policy. Caption reads as follows:

RESOLUTION NO. 2012-02-015 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING THE FINANCIAL POLICY

- 12-083** Consider/Discuss/Act on a Resolution Ratifying the Amended and Restated Meet and Confer Agreement with the McKinney Fire Fighters Association. Caption reads as follows:

RESOLUTION NO. 2012-02-016 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE AMENDED AND RESTATED MEET AND CONFER AGREEMENT WITH THE MCKINNEY FIRE FIGHTERS ASSOCIATION

END OF CONSENT

- 12-080** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Adopting Revised Grants Policies and Procedures. Council member Keever requested that this item be pulled because she was not able to view the redline changes and asked if this item can be tabled until February 21, 2012. Council unanimously approved the motion by Council member Keever, seconded by Council member Brooks, to table this item until the February 21, 2012 meeting.

- 12-085** Mayor Loughmiller called for Consideration/Discussion/Action on an

Ordinance Approving and Authorizing the Refunding of Certain Outstanding Waterworks and Sewer System Revenue Bonds, Series 2002. City Manager Gray explained that the City has the option to refund in whole or in part the Waterworks and Sewer System Revenue Bonds, Series 2002, maturing in years 2013 to 2023, and aggregating in principal amount of \$5,380,000. Refunding bonds is similar to refinancing debt obligations to take advantage of lower interest rates. Mr. Doug Whitt, Southwest Securities stated that back in October they came before Council to discuss the refinancing of bonds for interest cost savings to save tax payers money. He stated that in January 2012, there were extraordinary low levels of interest rates. Mr. Whitt stated that since October, interest rates have broken through prior record low levels to establish new record low levels. He stated that as interest rates have come down, the City has gotten closer to the optional August 12th redemption date. As these refunding dates get closer, they become more efficient and allow for additional interest cost savings. Mr. Whitt stated that they have been tracking these refunds since 2011 and the city administration has shown extraordinary patience in evaluating refunding opportunities. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to approve an Ordinance approving and authorizing the refunding of certain outstanding Waterworks and Sewer System Revenue Bonds, Series 2002. Caption reads as follows:

ORDINANCE NO. 2012-02-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES 2012," MAKING PROVISIONS FOR THE PAYMENT AND SECURITY OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED

TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE;
AND PROVIDING AN EFFECTIVE DATE

- 12-086** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Approving and Authorizing the Refunding of Certain Outstanding General Obligation Refunding Bonds, Series 2002 and Certificates of Obligation, Series 2003. Council unanimously approved the motion by Council member Roger Harris, seconded by Council member Geralyn Keever, to approve an Ordinance approving and authorizing the refunding of certain outstanding General Obligation Refunding Bonds, Series 2002 and Certificates of Obligation, Series 2003. . Caption reads as follows:

ORDINANCE NO. 2012-02-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2012"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT AND SECURITY OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 12-084** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Repealing Resolution No. 2010-11-144(R) and Adopting a City Council Policy Pursuant to its Governance Initiatives Providing that Seated City Council Members Refrain from Endorsing and Campaigning for Candidates in Certain Local Elections. City Attorney Mark Houser stated this Resolution limits the prior policy to City Council and school board elections. It also restricts the use of a City Council member's title in any endorsement. Council approved the motion by Council member Brooks, seconded by Council member Keever, to approved a Resolution repealing Resolution No. 2010-11-144(R) and adopting a City Council Policy pursuant to its Governance Initiatives providing that seated City

Council Members refrain from endorsing and campaigning for candidates in certain local elections with a vote of 6-1, Council member Ricchi voting against. Caption reads as follows:

RESOLUTION NO. 2012-02-017 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS REPEALING RESOLUTION NO. 2010-11-144(R) AND ADOPTING A CITY COUNCIL POLICY PURSUANT TO ITS GOVERNANCE INITIATIVES PROVIDING THAT SEATED CITY COUNCIL MEMBERS REFRAIN FROM ENDORSING AND CAMPAIGNING FOR CANDIDATES IN CERTAIN LOCAL ELECTIONS; AND PROVIDING AN EFFECTIVE DATE

12-006PF Mayor Loughmiller called for Consideration/Discussion/Action on the Request by Boundary Solutions, on Behalf of Herb and Melba Parker, for Approval of a Preliminary-Final Plat for Lots 1-3, Block A of the Herb and Melba Parker Addition, Approximately 8.51 Acres, Located on the West Side of C.R. 410 and Approximately 700 Feet South of F.M. 2933. Senior Planner Michael Quint stated that the applicant is proposing to subdivide approximately 8.51 acres of land into three lots within the City of McKinney's Extraterritorial Jurisdiction (ETJ). Because the subject property is located within McKinney's ETJ, the regulations of the Zoning Ordinance do not apply to the subject property but the regulations of the Subdivision Ordinance do apply. This preliminary-final plat is being considered by the City Council because the applicant has requested several variances to requirements of the Subdivision Ordinance and International Fire Code. Per the Subdivision Ordinance, only the City Council can grant a variance. Mr. Quint stated that staff is recommending denial. Mayor Loughmiller stated that Mr. and Mrs. Parker are not developers and stated that because they live in the ETJ of McKinney they obtained building permits for the two buildings erected through Collin County. Mr. Quint stated that in the ETJ whenever anyone wants to subdivide their property, they come to the city and for any building permits they go through the county. Mayor Loughmiller

stated that the county issued permits and the duplexes have already been built. City Manager Gray stated that there are nine variances requested and that he is recommending denial of Variance 1 relating to the requirements for dedicating right-of-way for public rights-of-way and Variance 3 relating to the requirement to dedicate easements for public utilities and drainage. Mr. Gray stated that the county issuing permits is an issue that needs to be taken to Austin and stated that he shares the Council's concerns. Mr. Herb Parker, 342 2488 CR 342, McKinney, thanked the Council for their consideration and stated that he agrees with denial of the two variances. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Day, to approved Preliminary-Final Plat for Lots 1-3, Block A of the Herb and Melba Parker Addition, approximately 8.51 acres, located on the West Side of C.R. 410 and approximately 700 feet south of F.M. 2933, with the following conditions: The applicant submit a record plat or plats conforming to the approved preliminary-final plat, subject to review and approval by Staff; approval of the following variances: to Section 142-105 of the Subdivision Ordinance waiving the requirement to construct public streets including the associated street lighting and sidewalks adjacent to the subject property; to Section 142-105 of the Subdivision Ordinance waiving the requirement to construct sanitary sewer and water lines to the subject property and extend them to the adjacent upstream property; to Section 142-105 of the Subdivision Ordinance allowing the use of individual septic systems; to Section 142-9(22) of the Subdivision Ordinance waiving the requirement that lots utilizing individual septic systems be at least 1.5 acres in size; to the Storm Water Management Ordinance waiving the requirement to collect drainage in an underground storm water system; to the Storm Water Management Ordinance prohibiting lot to lot drainage; and to the 2006 Edition of the International Fire Code, including local amendments, waiving the requirement that fire

hydrants and minimum fire flows be provided. The following variances were not approved: a variance to Section 142-105 of the Subdivision Ordinance waiving the requirement to dedicate right-of-way for public rights-of-way and a variance to Section 142-105 of the Subdivision Ordinance waiving the requirement to dedicate easements for public utilities (water, sanitary sewer, and storm sewer) and drainage.

11-141PFR Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Rockbrook Development, L.L.C., for Approval of a Preliminary-Final Replat for Lots 1-4, Block A, of the Rose Addition, Approximately 0.16 Acres, Located on the Northeast Corner of Tennessee Street and Walnut Street. Senior Planner Michael Quint explained the preliminary final replat and stated that the applicant is proposing to subdivide approximately 7023 square feet into four lots for townhomes and asked for the following variances be considered: (1) Section 142-105 of the Subdivision Ordinance waiving the requirement to construct portions of Walnut Street located adjacent to the subject property; (2) Section 142-105 of the Subdivision Ordinance waiving applicable storm water detention requirements; (3) to Section 142-105 of the Subdivision Ordinance allowing a 4 inch sanitary sewer line to serve the proposed lots; and (4) to Section 142-157 of the Subdivision Ordinance waiving the requirement to dedicate park land or pay cash in lieu of a park land dedication. Mr. Quint stated that Staff is recommending approval of the plat with the approval of one of the variance (1) waiving the requirement to construct portions of Walnut Street located adjacent to the subject property. Planning Director Jennifer Cox explained that Staff is currently working on a form based code for the Town Center to review various fees that come to play with development or redevelopment. Staff is evaluating on whether to discount, waive, or offer some sort of solution to those fees in the Town Center or areas doing infill redevelopment projects. She stated that they

have drafted a standard that would allow for open space such as roof terraces, and balconies that would count towards the parkland dedication because there already developed parks within the Town Center. Assistant Director of Engineering Michael Hebert stated that the direction that the City has gone regarding drainage is everyone addresses the impact that they have on the system. Whether it is done in a Town Center or in another environment, we look to development to address the issues they create with respect to storm water. Applicant, Mr. Jason Rose, 2120 Cosmos Way, Argyle, stated that they have come up with a different system for water detention and stated he is not in agreement with the staff's recommendation on the storm water detention conditions that the city is requiring. Mr. Hebert stated that homeowners, on their own, do have rain barrels but the barrels would not hold the amount of rain that would come down all at once for this complex. City Manager Gray stated that as a lot develops and roof is increased and developed area means that water has less of a chance of getting soaked into the property which would run into the public storm water system. Mr. Gray suggested that this item be tabled until the February 21st meeting to give staff an opportunity to address issues. Mr. Rose stated that he is in agreement with tabling the item. Mr. Ron Lustig, 410 Spinnaker Drive, Allen did not wish to speak but wanted his support entered into the recorded. Council unanimously approved the motion by Council member Day, seconded by Mayor Pro-Tem Ussery, to continue the public hearing and table this item until the February 21st meeting.

Mayor Loughmiller called for Council and Manager Comments

Council member Harris stated he appreciates working with his colleagues on Council and City staff. We have a lot of things going on in McKinney.

Council member Brooks stated that he concurs with Mr. Harris' comments and that we have had a good start to the year.

Mayor Pro-Tem Ussery stated that he concurs with Mr. Harris' comments and that he is glad to be a part of a good team. Mr. Ussery thanked staff for what they do each and every day.

Council member Ricchi stated that a great man was born on February 6, 1911, President Ronald Regan, whom he thought was an excellent leader and he expressed that he wished he was still with us this today. Mr. Ricchi stated that we are stewards of the community not to override but to guide.

Council member Day did not have any comments.

Council member Kever stated that the city hosted a meeting on transportation on January 20th and stated that it was a great day because our City staff was ready to tackle the related issues.. She stated on January 31th she attended had a transit meeting and talked about CCART and about the issues that are underway now and the role of the city on various transportation related issues. On February 2nd she was at a Texas Star Conference where they talked about taxation and at the end of the day they said that Texas is behind in vehicle registration fees and that might be a way to raise millions of dollars.

Mayor Loughmiller stated that Mr. Mann's issues are not related to a communication problem but more of an issue of allocating tax dollars. Each year CCART continues to cut routes due to budgetary issues. Mr. Loughmiller stated that on February 13th he will be speaking in Allen Texas at a Transportation Summit on challenges and opportunities associated with development and expansion of U.S. 75 corridor through McKinney as well as issues related to our airport. On February 15th and 16th Council member Harris, Mayor Pro-Tem Ussery, Airport Director Ken Wiegand and the City Manager will be joining him on a trip to Washington D.C. to meet with the FAA regarding various airport issues. On February 17th we have the Community Awards Banquet that is hosted by the Chamber of Commerce. He wished everyone a Happy Valentine's Day.

City Manager Gray did not have any comments.

Mayor Loughmiller called for Citizen Comments

Mr. Justin Mann, 3109 Thicket Drive, McKinney, asked that the Council get with CCART to work out something for the citizens of McKinney.

Mayor Loughmiller recessed the meeting into executive session at 7:55 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 551.071 (1) (A). Litigation / Anticipated Litigation, Section 551.074 Personnel Matters, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:48 p.m.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Ricchi, to adjourn. Mayor Loughmiller adjourned the meeting at 8:48 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary