

## CITY COUNCIL REGULAR MEETING

**AUGUST 6, 2012**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on August 6, 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 Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Interim Director of Development Services Barry Shelton; Interim Planning Director Kevin Spath; Senior Planner Michael Quint; Senior Planner Brandon Opiela; Fire Chief Danny Kistner; Assistant Fire Chief Tim Mock; Assistant Fire Chief Neil Howard; Chief of Police Doug Kowalski; Police Officer Randy Haak; Communications and Media Manager Anna Clark; Police Officer Eric Stephens; Grants Coordinator Janay Tieken; and Director of Engineering Jack Carr.

There were 14 guests present.

Mayor Loughmiller called the meeting to order at 6:08 p.m. after determining a quorum was present. Invocation was given by Father Mike Michie, St. Andrews Episcopal Church. Mayor Loughmiller led the Pledge of Allegiance.

**12-594** National Night Out Proclamation. Mayor Loughmiller read and presented a National Night Out Proclamation to Fire Chief Danny Kistner, Police Chief Doug Kowalski and Police Officer Randy Haak.

Mayor Loughmiller called for Citizen Comments

Ms. Dana Riley, 2150 S. Central, McKinney, introduced herself as the new Executive Director of Volunteer McKinney Center.-

Mr. T.J. Lane, 802 W. Hunt Street, McKinney, spoke about the Sign Ordinance.

Council unanimously approved the motion by Council member Brooks, seconded by Council member Harris, to approve the following consent items:

**12-578** Minutes of the City Council Special Meeting of July 10, 2012

- 12-579** Minutes of the City Council Work Session of July 17, 2012
- 12-580** Minutes of the City Council Regular Meeting of July 17, 2012
- 12-581** Minutes of the City Council Work Session of July 23, 2012
- 12-582** Minutes of the City Council Budget Retreat of July 27, 2012
- 12-554** Minutes of the Board of Adjustment Meeting of April 25, 2012
- 12-467** Minutes of the Collin County Airport Development Corporation Meeting of June 14, 2012
- 12-476** Minutes of the McKinney Armed Services Memorial Board Meeting of June 13, 2012
- 12-494** Minutes of the McKinney Arts Commission Meeting of April 19, 2012
- 12-495** Minutes of the McKinney Arts Commission Work Session of May 16, 2012
- 12-557** Minutes of the McKinney Community Development Corporation Board Meeting of June 25, 2012
- 12-506** Minutes of the McKinney Convention & Visitors Bureau Meeting of June 26, 2012
- 12-532** Minutes of the McKinney Economic Development Corporation Board Meeting of June 19, 2012
- 12-583** Minutes of the McKinney Housing Authority Board Meeting of March 12, 2012
- 12-584** Minutes of the McKinney Housing Authority Board Meeting of April 9, 2012
- 12-585** Minutes of the McKinney Housing Authority Board Meeting of April 17, 2012
- 12-586** Minutes of the McKinney Housing Authority Board Meeting of May 22, 2012
- 12-587** Minutes of the McKinney Housing Authority Board Meeting of June 26, 2012
- 12-485** Minutes of the McKinney Main Street Board Meeting of June 21, 2012
- 12-491** Minutes of the Parks, Recreation and Open Space Board Meeting of May

10, 2012

- 12-556** Minutes of the Planning and Zoning Commission Regular Meeting of July 10, 2012

- 12-588** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept, if Awarded, a Texas Forest Service (TFS) Texas Intrastate Fire Mutual Aid System (TIFMAS) grant for a Type VI Apparatus. Caption reads as follows:

RESOLUTION NO. 2012-08-085 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT, IF AWARDED, A TEXAS FOREST SERVICE (TFS) TEXAS INTRASTATE FIRE MUTUAL AID SYSTEM (TIFMAS) GRANT FOR A TYPE VI APPARATUS

- 12-589** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept, if Awarded, an Assistance to Firefighters Grant, through the Department of Homeland Security, to Purchase Self-Contained Breathing Apparatus to Replace Equipment that Does Not Meet Current NFPA Standards. Caption reads as follows:

RESOLUTION NO. 2012-08-086 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT AN ASSISTANCE TO FIREFIGHTERS GRANT, THROUGH THE DEPARTMENT OF HOMELAND SECURITY, TO PURCHASE SELF-CONTAINED BREATHING APPARATUS TO REPLACE EQUIPMENT THAT DOES NOT MEET CURRENT NFPA STANDARDS

- 12-590** Consider/Discuss/Act on a Resolution Authorizing a Contract with Professional Service Industries, Inc. for Materials Testing Services for the US 75 Utility Relocations Project from North of Wilmeth Road to North of Bloomdale Road. Caption reads as follows:

RESOLUTION NO. 2012-08-087 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR MATERIAL TESTING SERVICES FOR THE US 75 UTILITY RELOCATIONS PROJECT FROM NORTH OF WILMETH ROAD TO NORTH OF BLOOMDALE ROAD

- 12-591** Consider/Discuss/Act on a Resolution Authorizing a Contract with North Texas Contracting, Inc. for the Construction of the US 75 Utility Relocations Project from North of Wilmeth Road to North of Bloomdale Road. Caption reads as follows:

RESOLUTION NO. 2012-08-088 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE A CONTRACT FOR THE CONSTRUCTION OF THE US 75 UTILITY RELOCATIONS PROJECT FROM NORTH OF WILMETH ROAD TO NORTH OF BLOOMDALE ROAD

- 12-592** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, a Staffing for Adequate Fire and Emergency Response (SAFER) Grant from the Federal Emergency Management Agency (FEMA) to Hire Fire Department Personnel. Caption reads as follows:

RESOLUTION NO. 2012-08-089 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO HIRE FIRE DEPARTMENT PERSONNEL

- 12-593** Consider/Discuss/Act on Rejection of all Proposals Received for Endpoint Installation and Support Services, 12-11RFP

END OF CONSENT

- 12-109Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by BBV Texas Development, L.L.C., on Behalf of Kayasa Family, Ltd., for Approval of a Request to Rezone Approximately 45.82 Acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Commercial Uses, Located on the Northeast Corner of Lake Forest Drive and U.S. Highway 380 (University Drive). Senior Planner Brandon

Opiela gave the staff report and stated that the applicant is requesting to rezone 18.123 acres for office uses with the additional use of nursing home (currently zoned for commercial, office and townhome uses) and 27.698 acres for commercial uses (currently zoned office and commercial uses). Mr. Opiela stated that the applicant is proposing to remove the 3 acre townhome area to the north and reconfiguring to office on the northern 1/3 of the property and commercial on the southern 2/3 of the property. The applicant has also requested that the maximum building height for the office portion adjacent to the residential property to the north to be restricted to 3 stories. Mr. Opiela stated that the applicant has requested that the office zoning, adjacent to the residential property on the north, allow the additional use of nursing home or rest home for a skilled nursing facility. Staff does not anticipate any negative impacts on surrounding properties from this rezoning request and recommends approval of the proposed rezoning request. Applicant Josh Prusak, 6000 Eldorado Parkway, Frisco, 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 Kever, seconded by Council member Day, to approve an Ordinance rezoning approximately 45.82 acres from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to Allow for Commercial Uses, Located on the Northeast Corner of Lake Forest Drive and U.S. Highway 380 (University Drive), with the following special ordinance provisions: Use and development of Tract 1 (18.123 acres) of the subject property, more fully depicted on Exhibit B, shall conform to Section 146-88 "O" - Office District and Section 146-101 "CC" Corridor Commercial Overlay District of the Zoning Ordinance, and as amended, except as follows: maximum height of buildings be 3 stories, rest home or nursing home be an allowed

use, and use and development of Tract 2 (27.698 acres) of the subject property, more fully depicted on Exhibit B, shall conform to Section 146-86 "C" - Planned Center District and Section 146-101 "CC" Corridor Commercial Overlay District of the Zoning Ordinance, and as amended. Caption reads as follows:

ORDINANCE NO. 2012-08-037

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 45.82 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF LAKE FOREST DRIVE AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 12-114Z3** 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 Approximately 20.87 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located on the Southwest Corner of Silverado Trail and McKinney Ranch Parkway, and Accompanying Ordinance. Senior Planner Michael Quint gave the staff report and stated that the applicant is requesting to rezone the property generally to modify the development standards. Mr. Quint stated that the applicant has proposed to modify the existing parking regulation from one enclosed parking space per unit with an additional half space per bedroom to a proposed requirement of one parking space per bedroom and 30 percent of those parking spaces must be enclosed plus an

additional half space per bedroom. Staff recommends approval with the special ordinance provisions listed in the staff report. Mayor stated that he attended a meeting with the surrounding homeowners. Mayor Loughmiller stated that everyone was in agreement with closing off the access points behind the multi-family and adjacent residential to avoid traffic, landscaping as well as screening, and the aesthetics of the building. Mayor stated that there were some that were not in agreement with the current zoning but were reasonable with what they have to deal with. Applicant, Mr. Levi Wild, 220 East Virginia Street, McKinney, stated that there was a typo on the presentation. He stated that the presentation shows 198 garages instead of the agreed 194 garages. He stated that the only vehicular access points would be off McKinney Ranch Parkway and that an ornamental wrought iron fence will be adjacent to the future single family residences along Silverado Parkway with enhanced landscaping for screening. Mr. Wild stated that all the spaces between the buildings on the multi-family will be screened with a series of staggered walls and landscaping. Mr. Wild stated as a replacement for the reduction in parking garages, they are adding five enhanced architectural features and amenities which include, a swimming pool, a fitness center, dog washing park with plumbing, and architectural façade off-sets and features. Mr. Quint stated that the current architectural requirement is less than what the applicant is proposing. Council member Harris stated that his concern is that the requirements are being negotiated and that he is not comfortable with the issue of trading garages for architectural standards. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro-tem Ussery, seconded by Council member Day, to close the public hearing and approve the Ordinance rezoning approximately 20.87 acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to

"PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, generally to modify the development standards, located on the southwest corner of Silverado Trail and McKinney Ranch Parkway, with the following special ordinance provisions: use and development of the subject property shall conform to "PD" - Planned Development District Ordinance No. 2007-08-072 and "REC" - Regional Employment Center Overlay District, except as follows: the subject property shall be subject to the attached development regulations and with the following items agreed to by the applicant: all the spaces between the buildings on the multi-family units will be screened with landscaping, only 30% of the units shall require enclosed parking spaces or 194, whichever is more, and no vehicular access points will be allowed on the west side of the property. Caption reads as follows:

ORDINANCE NO. 2012-08-038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2007-08-072 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 20.87 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF SILVERADO TRAIL AND MCKINNEY RANCH PARKWAY, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT AND "REC" - REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT AND "REC" - REGIONAL EMPLOYMENT CENTER 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

Mayor Loughmiller called for Council and Manager Comments

Council member Harris complimented the City Manager on all the economic development projects that he reported on during the Work Session. Mr. Harris thanked all the applicants that attended the Boards and Commission interviews and that he is looking forward to the appointments later this month.

Council member Brooks stated that there are a lot of good things going on with the City. He thanked staff for all their work on the budget and the City Manager for his good leadership.



Mayor Pro-Tem Ussery thanked staff for what they do, day in and day out and top to bottom. Mr. Ussery commended the Planning department on the handling of the cases before council tonight. He stated that this year's Boards and Commission process is the most challenging with the amount of quality applicants.

Council member Kever stated that National Night Out is tomorrow evening and that she will not be able to participate this year since she will be in the process of moving her daughter to College Station.

Council member Day did not have any comments.

Council member Ricchi stated that staff is doing a great job for us. Mr. Ricchi complimented Executive Assistant Mona Robinson for the great job she does juggling the Council member schedules getting everyone where they need to be. He stated he drove from Cincinnati, Ohio to Florida recently and that it was really good to get back to McKinney. Mr. Ricchi thanked the Planning Department for a great job with the limited budget. Mr. Ricchi spoke about the North Texas Municipal Water District and the zebra mussel issue that will cost the participating cities about \$300 million for a new pipeline.

Mayor Loughmiller stated that tomorrow night will be the annual National Night Out and he will be attending some of the neighborhood events.

City Manager Gray had no comments.

Mayor Loughmiller called for Action on Executive Session Items

Council unanimously approved the motion by Council member Harris, seconded by Council member Brooks, to approve the settlement agreement with the Standard Pacific Group Corporation relative to the impact fee appeal on the Stone Hollow Subdivision.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 7:08 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 8:00 p.m.

Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Ussery, to adjourn. Mayor Loughmiller adjourned the meeting at 8:02 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary