

## **CITY COUNCIL REGULAR MEETING**

**JUNE 17, 2014**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on June 17, 2014 at 6:00 p.m.

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

Absent: Council member Ray Ricchi.

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Interim Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Director of Engineering Mark Hines; McKinney Economic Development Corporation President Jim Wehmeier; Interim Parks, Recreation, and Open Space Director Ryan Mullins; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; Assistant to the City Manager Darrek Ferrell; Director of Water Utilities and Infrastructure Chris Browning; Assistant Director of Water Utilities and Infrastructure Paul Sparkman; McKinney Community Development Corporation President Cindy Schneible; CIP and Traffic Engineer Gary Graham; Chief Information Officer Chris Chiancone; Housing and Community Services - Janay Tieken and Cristel Todd; Airport - Ken Wiegand, Mark Jaraczewski, and Eric Pratt; Fire - Steve Dorris, Brian Judd, Dirk Hedges, Chris Mayzner, Austin Hendricks, Kyle Easley, Karen Adkins, and Sean Stephens; Interim Human Resources Director Kathryn Usrey; Information Technology - David Linsen and Brian Longoria; Traffic Engineer II Robyn Root; and Officer Nolan Palmer.

There were 35 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Pastor Brian Belflower of the Intersect Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Mr. T.J. Lane 503 N. Kentucky Street, McKinney, spoke about noise pollution at the McKinney National Airport.

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

- 14-564** Minutes of the City Council Joint Meeting with Planning & Zoning Commission of June 2, 2014
- 14-565** Minutes of the City Council Regular Meeting of June 3, 2014
- 14-483** Minutes of the Board of Adjustment Regular Meeting of May 1, 2014
- 14-545** Minutes of the Historic Preservation Advisory Board Regular Meeting of May 1, 2014
- 14-566** Minutes of the McKinney Housing Authority Special Board Meeting of April 15, 2014
- 14-567** Minutes of the McKinney Housing Authority Regular Board Meeting of April 22, 2014
- 14-528** Minutes of the Planning and Zoning Commission Regular Meeting of May 13, 2014
- 14-568** Consider/Discuss/Act on an Ordinance to Change Certain Sections of Airport Minimum Standards and Rules and Regulations. Caption reads as follows:

ORDINANCE NO. 2014-06-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REPEALING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY AND ADOPTING A NEW CHAPTER 30 WITH UPDATED PROVISIONS REGARDING AIRPORT MINIMUM STANDARDS AND RULES AND REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

- 14-569** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a License Agreement with Bob Tomes Ford for Communication System Improvements under North Brook Drive. Caption reads as follows:

RESOLUTION NO. 2013-06-065 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH BOB TOMES FORD FOR COMMUNICATION SYSTEM IMPROVEMENTS UNDER

NORTH BROOK DRIVE

- 14-570** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Agreement with JFB McKinney/2003, Ltd. for the Maintenance of Public Improvements for Lake Forest Drive and Bloomdale Road. Caption reads as follows:

RESOLUTION NO. 2014-06-066 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH JFB MCKINNEY/2003, LTD FOR MAINTENANCE OF PORTIONS OF BLOOMDALE ROAD AND LAKE FOREST DRIVE

- 14-571** Consider/Discuss/Act on a Resolution Authorizing Agreement Between New Cingular Wireless PCS, LLC, a Delaware limited liability company and City of McKinney for Placement of a Wireless Communication Antennae on a Water Tower Located at 109 Industrial Boulevard. Caption reads as follows:

RESOLUTION NO. 2014-06-067 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR WIRELESS COMMUNICATIONS EQUIPMENT LEASE SPACE

- 14-572** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager, or their Designee, to Accept and Implement a Urban Area Security Initiative (UASI) Program Grant Award from the Department of Homeland Security through the North Central Texas Council of Governments (NCTCOG) Combining Two Existing Grants to Purchase a Multi-Use Mass Casualty Incident (MCI) Vehicle to be Housed at the McKinney National Airport. Caption reads as follows:

RESOLUTION NO. 2014-06-068 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER, OR THEIR DESIGNEE, TO ACCEPT AND IMPLEMENT THE GRANT AWARD COMBINING EXISTING URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE NORTH TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) TO PURCHASE A MULTI-USE, MASS CASUALTY INCIDENT (MCI) VEHICLE TO BE HOUSED

AT THE MCKINNEY NATIONAL AIRPORT

END OF CONSENT

**14-573** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Ratifying the Third Meet and Confer Agreement with the McKinney Fire Fighters Association. President of McKinney Fire Fighters Association IAFF Local 621 Steve Dorris stated that the process started with 47 proposals brought before the group. Agreement was reached on 38 of the proposals. Mr. Dorris thanked Deputy City Manager Jose Madrigal and his staff and recognized his team, Chris Mayzner, Austin Hendricks, Jim Floyd, Dean Crane, Jason Hockett, Chad Watson, Brad Watson, and Dirk Hedges. Mr. Madrigal thanked his staff for their hours of work, Assistant City Manager Rob Daake, Fire Chief Danny Kistner, Interim Human Resources Manager Kathryn Usery, Chief Financial Officer Rodney Rhoades, Assistant Fire Chief Chris Lowry, Assistant Fire Chief Tim Mock and Assistant to the City Manager Darrek Ferrell. Negotiations on the agreement began February 26<sup>th</sup> and concluded on May 27<sup>th</sup>. The agreement was ratified by the Association with a 91% approval on June 10, 2014. Mr. Madrigal presented the contract changes that included the contract term, base salary, sick leave payout, assignment pay, certification pay, mileage reimbursement, holiday buy back, and Fire Department catastrophic leave bank. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve a Resolution ratifying the Third Meet and Confer Agreement with the McKinney Fire Fighters Association. Caption reads as follows:

RESOLUTION NO. 2014-06-069 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE THIRD MEET AND CONFER AGREEMENT WITH THE MCKINNEY FIRE FIGHTERS ASSOCIATION IAFF LOCAL 2661

**14-574** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Determining No Objection to the Application of the "Lakes of Eldorado" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Rehabilitation of Multi-Family Units Within the Project. Affordable Housing Administrator Cristel Todd stated that the Lakes of Eldorado has applied to the Texas Department of Housing and Community Affairs (TDHCA) for 4% tax credits to rehabilitate the existing 220 units. North Star LLC of Eldorado is requesting a Resolution of no objection from Council to submit with their application to TDHCA. Housing & Community Development Manager Janay Tieken stated that the 4% tax credit comes from their IRS tax and they are allowed to take that money and use it toward the project. Applicant, Ms. Stephanie Baker, North Star representing Lakes of Eldorado, stated that the project will take approximately 18 months to complete. They will be spending \$18,000 per unit as well as repairing the parking lot and replacing the roof. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Don Day, seconded by Council member Randy P. Pogue, to close the public hearing and approve a Resolution of the City Council of the City of McKinney, Texas, determining No Objection to the application of the "Lakes of Eldorado" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Rehabilitation of Multi-Family units within the project. Caption reads as follows:

RESOLUTION NO. 2014-06-070 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING NO OBJECTION TO THE APPLICATION OF THE "LAKES OF ELDORADO" TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR 4% TAX CREDITS FOR THE REHABILITATION OF MULTI-FAMILY UNITS WITHIN THE PROJECT

Council member Day stepped down from the dais on the following

item.

**14-121SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Monica Rojas Baker, on Behalf of Lisa Day and Nye Gore Langton, for Approval of a Specific Use Permit Request for a Bed and Breakfast, Being Less than 1 Acre, Located on the East Side of Tennessee Street and Approximately 150 Feet North of Christian Street, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is seeking a Specific Use Permit for a Bed and Breakfast that will feature three rental rooms. Staff recommends approval. Applicant Rojas Baker and John Prosser, 40 Secluded Pond Drive, Frisco, were available for questions. Mayor Loughmiller called for public comment and there was none. Council approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing and approve an Ordinance approving a Specific Use Permit request for a Bed and Breakfast, being less than 1 acre, located on the east side of Tennessee Street and approximately 150 feet north of Christian Street, with the following special ordinance provision: the property shall generally develop in accordance with the associated site layout exhibit, with a vote of 5-0-1, Council member Day abstaining. Caption reads as follows:

ORDINANCE NO. 2014-06-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A BED AND BREAKFAST AT 703 S. TENNESSEE STREET; PROVIDING REGULATIONS; 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

Council member Day returned to the dais.

**14-118Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Spiars Engineering, Inc., on Behalf of Ysis Partners, L.P.,

for Approval of a Request to Rezone Fewer than 17 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the South Side of Bloomdale Road and on the West Side of Lake Forest Drive, and Accompanying Ordinance. Planning Director Michael Quint stated that the applicant has requested that the public hearing be continued and the item tabled until the July 15, 2014 Council meeting. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by Mayor Pro Tem Ussery, to continue the public hearing and table the item until the July 15, 2014 meeting.

**14-066PF** Mayor Loughmiller called for Consideration/Discussion/Action on the Request by JBI Partners, Inc., on Behalf of GA Land Development, L.P., for Approval of Preliminary-Final Plat for 441 Single Family Lots, 1 Multi-Family Residential Lot, and 18 Common Areas (Southern Hills at Craig Ranch), Being Fewer than 136 Acres, Located Approximately 240 Feet East of Custer Road and Approximately 325 Feet South of Collin McKinney Parkway. Director of Planning stated that the applicant is requesting to subdivide the property for multi-family and single-family residential uses. As proposed, the applicant has provided a layout that is not in conformance with the Street Design Manual, Master Thoroughfare Plan of the City's Comprehensive Plan, and the requirements of an associated development agreement with the City. As such, the applicant has requested a number of variances from the City's Subdivision Ordinance. Each of the requested variances have been discussed in greater detail below. Additionally, the applicant has requested that the associated development agreement and offsite portions of right-of-way be modified, but cannot be acted on with this request as it is not a part of the preliminary-final plat. The applicant is seeking a number of variances: a variance to the subdivision ordinance to waive the

requirement to dedicate a 120' right-of-way for a master planned arterial known as Craig Ranch Parkway, a variance to waive the requirement to construct the four lanes of that roadway as required by the subdivision ordinance, a variance waive the required maximum street tangent length of 600 feet, and a variance to allow deviations from the street section that are prescribed in the city's street design manual. Staff is not supportive of these variances. Staff feels the roadway needs to remain as it is in the Master Thoroughfare Plan as it serves as a regional reliever for traffic on Custer Road and Highway 121. Staff is recommending denial of this plat and denial of the variances requested. CIP and Traffic Manager Gary Graham stated that a four-lane arterial is necessary to relieve traffic and the future demand in this area. Mayor Loughmiller stated that when Council approved the rezoning of this tract from predominantly multi-family to single-family residential, he did not envision us creating a reliever for Custer Road where we have 12,000 cars a day running through the middle of a residential area. Mr. Quint stated that when this zoning came through, we were still working on the road classification. From a staff's perspective, we did anticipate at least a four-lane roadway going through here. At the time, the applicant wanted a two-lane roadway so we were trying to work with the applicant to allow the zoning to go forward. From a planning standpoint it does not make for as nice of a neighborhood when you are bisected by an arterial. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that they have looked at several layouts. The goal is to make this a connected community. The more cul-de-sacs there are, the more disconnected the community becomes. Council approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve a Preliminary-Final Plat for 441 single family lots, 1 multi-family residential lot, and 18 common areas (Southern Hills at Craig Ranch), being fewer than 136 acres, located approximately 240 feet east of Custer Road and



approximately 325 feet south of Collin McKinney Parkway, with the following variances: approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to dedicate 120 feet of right-of-way for a master planned major arterial roadway (Future Craig Ranch Parkway), as shown on the City's Comprehensive Plan - Master Thoroughfare Plan, approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct four lanes of a master planned major arterial roadway (Future Craig Ranch Parkway), as shown on the City's Comprehensive Plan - Master Thoroughfare Plan, approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the required maximum street tangent length of 600 feet, approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance allowing deviation from the street section requirements prescribed by the City's Street Design Manual, to allow for a varying right-of-way width which accommodates a gatehouse, the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist; and prior to filing the plat for record: the applicant revise the plat to show required the detention, subject to the review and approval of the City Engineer, the applicant revise the plat to provide street names for all unnamed streets, and the applicant submit a modified development agreement subject to the review, approval, and execution by the City of McKinney, with a vote of 5-1-0, Council member Kever voting against.

**14-146M** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Adopting the State Highway 5 Corridor Context Sensitive Master Plan. Director of Planning Michael Quint presented the State Highway 5 Corridor Context Sensitive Master Plan. The SH 5 Master Plan serves as the conclusion to the SH 5 Corridor Context Sensitive Transportation Study (commonly referred to as the SH 5 Corridor Study),

which was undertaken in order to establish a context sensitive vision for the redesign of SH 5 through McKinney. The 16-month SH 5 Corridor Study included an analysis of existing conditions, identification of issues and opportunities along the corridor; a series of public outreach events; the development of design parameters and alternatives; and extensive coordination with the North Central Texas Council of Governments (NCTCOG) and Texas Department of Transportation (TxDOT). The Master Plan itself extends from the southern city limits to the northern city limits. Details were previously presented to Council on June 3. We are looking for Council's approval of this Master Plan tonight. Staff recommends approval of the item. Mayor Loughmiller called for public comment. The following individual spoke against the plan:

Mr. T.J. Lane, 503 N. Kentucky Street, McKinney

The following individual spoke in favor of the plan:

Ms. Julie Smith, 3206 St. Pierre, McKinney

Council unanimously approved the motion by Council member Keever, seconded by Council member Day, to close the public Hearing and approve a Resolution adopting the State Highway 5 Corridor Context Sensitive Master Plan. Caption reads as follows:

RESOLUTION NO. 2014-06-071 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS ADOPTING THE STATE HIGHWAY 5  
CORRIDOR CONTEXT SENSITIVE MASTER PLAN

- 14-575** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Naming a Section of F.M. 543 Between U.S. Highway 75 and Trinity Falls Parkway and Naming a Newly Constructed Roadway Section Between U.S. Highway 75 and Former F.M. 543. Director of Engineering Mark Hines stated that a section of former FM 543 between Highway 75 and Trinity Falls Parkway has been turned over to the City by TxDOT at our request. It is no longer FM 543 so we need a new name for it. There is a new section being built that will extend to Custer Road and Frontier

Parkway in Prosper that has no name. As Council requested, a list of names has been provided in their packets. Mayor Loughmiller stated that unless we have consensus on a specific name, he would recommend that Council table this item. Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to table this item until the July 15, 2014 meeting. Council unanimously approved amending the motion to change the date to the August 4, 2014 meeting.

**14-576** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the Planning and Zoning Commission. Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to appoint Mark McReynolds to fill the vacant position on the Planning and Zoning Commission starting June 18, 2014 and ending on September 30, 2015.

Mayor Loughmiller called Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Day did not have any comments.

Council member Kever invited everyone to the next McKinney Connects Ice Cream Social at Gabe Nesbitt Park on Thursday from 6:00 to 8:00 p.m.

Council member Pogue thanked staff for what they do and all the work on the planning items presented tonight. Mr. Pogue stated that there will be a Texoma Area Paratransit (TAPS) Town Hall meeting tomorrow at 10:00 a.m. at the McKinney Senior Rec Center.

Council member Harris also thanked staff, especially the team who worked on the Highway 5 Corridor Study. Mr. Harris also invited citizens to get involved by submitting an application by 5 p.m. on June 27<sup>th</sup> to serve on one of the City's Boards or Commissions.

Mayor Pro Tem Ussery appreciates staff for what they do each and every day. Mr. Ussery gave a special shout out to Ms. Abby Liu at the McKinney Economic Development Corporation.

Mayor Loughmiller thanked staff for everything that you do. Your hard work does not go unnoticed. Our upcoming meeting schedule includes a Budget Retreat this Friday at 8:30 a.m., a Work Session on July 14<sup>th</sup>, followed by a regular Council meeting on July 15<sup>th</sup>. I would like to wish everyone a safe and happy Fourth of July. We have several events in McKinney celebrating the holiday and invite everybody to attend.

Interim City Manager Tom Muehlenbeck announced that children and teens are invited to the Summer Reading Program at the Library which runs through August 15<sup>th</sup>. Applications for promotional and community event grants are available through the McKinney Community Development Corporation and will be accepted through June 30<sup>th</sup>. These grants are used for activities that promote the City of McKinney and/or tourism. And lastly, the McKinney Performing Arts Center will host a downtown music series beginning July 19<sup>th</sup> and include several great acts including Clint Black who will perform August 27<sup>th</sup>. We are looking forward to hosting these musicians.

Mayor Loughmiller recessed the meeting into executive session at 8:00 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, 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 8:11 p.m.

Mayor Loughmiller called for Action on Executive Session Items. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to approve the terms for Project Brown as discussed in Executive Session.

Council unanimously approved the motion by Mayor Pro Ussery, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 8:15 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary