

## CITY COUNCIL REGULAR MEETING

**MARCH 19, 2013**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 19, 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; Director of Planning Michael Quint; Assistant Director of Development Services Rick Leisner; Executive Director of Development Services; Parks, Recreation, and Open Space Director Lemuel Randolph; Transportation Engineering Manager Gary Graham; Airport Executive Director Ken Wiegand; Director of Engineering Jack Carr; Grants Coordinator Janay Tieken; Senior Help Desk Technician Clif Carnley; McKinney Economic Development Corporation President Jim Wehmeier; Deputy Police Chief Scott Brewer; Recreation Superintendent Ryan Mullins; Contract Specialist Lincoln Thompson; Fire - Ops Battalion Chief Dwayne Henderson; and Police Officer Jaime Cisneros.

There were 18 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 Tom Ogdon of Victory Christian Church. Boy Scout Grayson Sumner led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Boy Scout Grayson Sumner inquired as to the lowering of the crime rate and future population increases within the City of McKinney

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

- 13-264** Minutes of the City Council Regular Meeting of March 5, 2013
- 13-208** Minutes of the Community Grants Advisory Commission Regular Meeting of November 28, 2012
- 13-212** Minutes of the Historic Preservation Advisory Board Regular Meeting of January 9, 2013

- 13-192** Minutes of the McKinney Community Development Corporation Board Meeting of January 24, 2013
- 13-186** Minutes of the McKinney Convention & Visitors Bureau Meeting of January 22, 2013
- 13-265** Minutes of the McKinney Housing Authority Board Meeting of January 22, 2013
- 13-232** Minutes of the McKinney Housing Finance Corporation Meeting of January 11, 2013
- 13-207** Minutes of the Planning and Zoning Commission Regular Meeting of February 12, 2013
- 13-266** Consider/Discuss/Act on an Ordinance Amending the 2012-13 Annual Budget from the Golf Course Fund Balance for Irrigation Repairs at Oak Hollow Golf Course. Caption reads as follows:

ORDINANCE NO. 2013-03-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE 2012-13 ANNUAL BUDGET FROM THE GOLF COURSE FUND BALANCE FOR IRRIGATION REPAIRS AT OAK HOLLOW GOLF COURSE

- 13-267** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney Amending the Code of Ordinances, Article I by Adopting a New Section 74-25 of the Code of Ordinance to be Entitled "Dog Park Rules". Caption reads as follows:

ORDINANCE NO. 2013-03-027

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 74, "PARKS AND RECREATION," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, THROUGH THE AMENDMENT OF ARTICLE I, ENTITLED "IN GENERAL," BY ADOPTING A NEW SECTION 74-25 TO BE ENTITLED "DOG PARK RULES"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE

- 13-294** Consider/Discuss/Act on a Resolution Authorizing a Contract with North Collin Water Supply Corporation to Relocate an

Existing Waterline along FM 543 as Necessary for Construction of the FM 543 Realignment Project. Caption reads as follows:

RESOLUTION NO. 2013-03-034 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NORTH COLLIN WATER SUPPLY CORPORATION TO RELOCATE AN EXISTING WATERLINE ALONG FM 543 FOR THE CONSTRUCTION OF THE FM 543 REALIGNMENT PROJECT

- 13-269** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Horizon for Irrigation Repairs at Oak Hollow Golf Course. Caption reads as follows:

RESOLUTION NO. 2013-03-035 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH HORIZON FOR IRRIGATION REPAIRS AT OAK HOLLOW GOLF COURSE

- 13-270** Consider/Discuss/Act on a Resolution Awarding Contracts to 4-D Property Maintenance, GenX Lawn Care, DWW Landscaping, Weisz Selection and Newell Total Lawn Care for Mowing and Grounds Maintenance. Caption reads as follows:

RESOLUTION NO. 2013-03-036 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR MOWING AND GROUNDS MAINTENANCE WITH 4-D PROPERTY MAINTENANCE; GEN-X LAWN CARE; DWW LANDSCAPING; WEISZ SELECTION; AND NEWELL TOTAL LAWN CARE

- 13-271** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept a Juvenile Justice and Delinquency Prevention Grant from the Governor's Criminal Justice Division for a Juvenile Case Manager. Caption reads as follows:

RESOLUTION NO. 2013-03-037 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT TO APPLY FOR AND ACCEPT A JUVENILE JUSTICE AND DELINQUENCY PREVENTION GRANT FROM THE GOVERNOR'S CRIMINAL JUSTICE DIVISION FOR A JUVENILE CASE MANAGER

- 13-272** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept a Selective Traffic Enforcement Program (STEP) Click It or Ticket Grant from the Texas Department of Transportation. Caption reads as follows:

RESOLUTION NO. 2013-03-038 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT A STEP (SELECTIVE TRAFFIC ENFORCEMENT PROGRAM) CLICK IT OR TICKET GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION

- 13-273** Consider/Discuss/Act on a Resolution Approving Funding De-Obligation and Reallocation Under the FY 2013 Community Support Grant. Caption reads as follows:

RESOLUTION NO. 2013-03-039 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING FUNDING DE-OBLIGATION AND REALLOCATION UNDER THE FY13 COMMUNITY SUPPORT GRANT

END OF CONSENT

- 13-274** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the Board of Adjustment. City Secretary Sandy Hart stated that she has received a letter of resignation from Anatasia Tutson. The appointment will be to fill her unexpired term that ends September 30, 2013. Council member Kever stated that she and the Mayor had conducted the interviews for this back in the fall and reminded council that this is a 5 member board with 2 members appointed as alternates. She stated that the recommendation from the Mayor and her is to appoint Alternate Charles Shepard to fill the unexpired term and leave the open Alternate position open until the annual appointments in August. Council unanimously approved the motion by Council member Harris, seconded by Council member Day, to appoint Charles Shepard to fill the unexpired term on the Board of Adjustment ending September 30,

2013.

**12-222M3** Mayor Loughmiller called for Consideration/Discussion/Action on Rescheduling the Date of a Joint Meeting of the Planning and Zoning Commission and the City Council in order to Conduct a Public Hearing and Consider/Act on the Proposed Adoption and Integration of the McKinney Town Center (MTC) Form-Based Zoning District Regulations. Director of Planning Michael Quint stated that at the February 25, 2013 Joint meeting with the Planning and Zoning Commission, this item was tabled to the April 2<sup>nd</sup> meeting. Due to scheduling conflicts, the item needs be rescheduled until the April 22, 2013 Joint meeting that will be held at 5:30 p.m. Council unanimously approved the motion by Council member Harris, seconded by Council member Keever, to reschedule this item until the April 22<sup>nd</sup> Joint Meeting of the Planning and Zoning Commission and the City Council.

**13-001M3** Mayor Loughmiller called for Consideration/Discussion/Action on Rescheduling the Date of a Joint Meeting of the Planning and Zoning Commission and the City Council in order to Conduct a Public Hearing and Consider/Act on the Proposed Rezoning of Fewer Than 262 Acres to the McKinney Town Center (MTC) Form-Based Zoning District. Director of Planning Michael Quint stated that this is a companion item to the previous agenda item and requested that Council table this item until the April 22<sup>nd</sup> Joint meeting with the Planning and Zoning Commission. Council unanimously approved the motion by Council member Harris, seconded by Council member Keever, to reschedule this item until the April 22<sup>nd</sup> Joint Meeting of the Planning and Zoning Commission and the City Council.

**13-031A2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss on the Request by JBI Partners, Inc., on Behalf of D.R. Horton - Texas, Ltd., a Petition to Annex Fewer than 4 Acres, Located Approximately 2,200 Feet

West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway. Director of Planning Michael Quint stated that the applicant is requesting to annex approximately 3 acre property into the City of McKinney. Mr. Quint stated that Staff evaluated factors such as current population, ability to provide city services, and fiscal impact to the city and has no objections. Mr. Quint stated that this is the second of three public hearings. The first one was held last night at 5:30 p.m., this is the second public hearing, and the third public hearing will be held on April 16, 2013 at 6:00 p.m. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing.

**12-225Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Sanchez and Associates, on Behalf of Today McKinney Ranch II, L.P., and TCI McKinney Ranch, Inc., for Approval of a Request to Rezone Fewer than 34 Acres from "AG" - Agricultural District, "PD" - Planned Development District, and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, to Allow for Single Family Residential and Commercial Uses, Located on the Northeast Corner of Stacy Road and Future Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property in order to allow for single family detached residential and neighborhood commercial development within the "REC". Additionally, the applicant has provided a general site layout depicting how future development of both the residential and commercial tracts will generally occur. He stated that the proposed lots are consistent with size and shape that is currently found within the Village Park development and some of the special ordinance provisions that are being sought are consistent with that development. Applicant, Mr. Levi

Wild, 220 East Virginia Street, McKinney, stated that they are in agreement with staff's comments. 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 and approve an Ordinance rezoning fewer than 34 acres from "AG" - Agricultural District, "PD" - Planned Development District, and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, to allow for single family residential and commercial uses, located on the northeast corner of Stacy Road and Future Collin McKinney Parkway, with the following special ordinance provisions: the subject property be rezoned to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District and shall be subject to the following special ordinance provisions: tract 1 (approximately 23.50 acres) - The use of this area shall conform to the REC Residential District and develop in accordance with the single family detached, standard lot requirements of the Neighborhood Zone as specified in the "REC" - Regional Employment Center Overlay District, and as amended, except as follows: attached garages accessed by driveways from the front of the house shall be set back at least 10 feet from the front façade of the house; tract 2 (approximately 10.00 acres) - The use of this area shall conform to the REC Neighborhood Center District and develop in accordance with the requirements of the Collin-McKinney Parkway Corridor Zone as specified in the "REC" - Regional Employment Center Overlay District, and as amended; the subject property shall generally develop according to the attached site layout (Exhibit "B"); and landscaping, as generally depicted on the attached site layout (Exhibit "B"), shall be provided in addition to the minimum requirements of the "REC" - Regional Employment Center Overlay District, and as amended. Caption reads as follows:

ORDINANCE NO. 2013-03-028

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 33.55 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF STACY ROAD AND FUTURE COLLIN MCKINNEY PARKWAY, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT, "PD" – PLANNED DEVELOPMENT DISTRICT, AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, TO ALLOW FOR SINGLE FAMILY RESIDENTIAL AND 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

- 13-275** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Six-month Emergency Services Agreement with Robinson Aviation, Inc. to Provide Air Traffic Control Services (ATCS) at Collin County Regional Airport (TKI). Airport Executive Director Ken Wiegand stated that on March 5, 2013, the FAA notified the City that the control tower was on the list that would not be funded beyond April 7, 2013. He stated that there are 19 airports in Texas that are affected by this and almost 48 percent of all the towers in Texas that will be closed are non-funded. He stated that since the notification they worked on 2 efforts to retain the airport funding and one of them is through congressional efforts and were notified that both efforts have failed. Mr. Wiegand stated that the second effort was submitting a letter that asks that the tower be removed from the list for reasons that closing the tower would have a negative impact on national interest and are scheduled to receive feedback on Friday March 22, 2013. He stated that he took this issue to the Airport Board on March 14, 2013 and discussed 5 options on how they might make a recommendation to Council. The Board recommended that the tower remain open for safety and economic development. City Manager Gray



stated that if things did not change, he would bring forward a line item in the proposed FY 2014 budget that would address this issue. Council member Harris stated that this is a huge issue and McKinney has gone a long way to bring in corporations and development because of the airport. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to approve the Resolution presented tonight authorizing the City Manager to execute a six-month Emergency Services Agreement with Robinson Aviation, Inc. to provide Air Traffic Control Services (ATCS) at Collin County Regional Airport (TKI). Caption reads as follows:

RESOLUTION NO. 2013-03-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN EMERGENCY AGREEMENT BETWEEN ROBINSON AVIATION, INC. AND THE CITY OF MCKINNEY TO CONDUCT AIR TRAFFIC CONTROL SERVICES FOR COLLIN COUNTY REGIONAL AIRPORT

- 13-229** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Supporting the Designation of an Interstate Highway Route Beginning at the Junction of Interstate Highway 30 and the Outer Loop in Rockwall County, Continuing North and West Along the Future Alignment of the Outer Loop to its Junction with US 75 and then Continuing North Along US 75. Transportation Engineering Manager Gary Graham stated that this Resolution takes the following actions: supports the designation of an interstate highway route beginning at the junction of Interstate Highway 30 and the Outer Loop in Rockwall County, continuing north and west along the future alignment of the Outer Loop to its junction with US 75 and then continuing north along US 75; supports the efforts of Collin County officials to have the Outer Loop added to the 2040 Mobility Plan; and supports the concept that the Outer Loop should serve as a bypass of the Metroplex, thereby allowing the section of US 75 from McKinney to Dallas to be used as a commuter corridor, as it functions today. Mr. Graham stated that it is staff's

recommendation to bring the interstate down to US 75 and take it across the outer loop down to Interstate 30. Mr. Graham stated that an Interstate can be terminus in different locations and this proposed alignment would terminate at I30 and I44 in Oklahoma. Mayor Loughmiller stated that he would not support interstate status through the City of McKinney from what he has heard and seen in the community. City Manager Gray stated that there are some economic development prospects that use proximity to an Interstate as their criteria. Council unanimously approved the motion by Council member Keever, seconded by Mayor Pro-Tem Ussery, to approve a Resolution supporting the designation of an Interstate Highway Route beginning at the junction of Interstate Highway 30 and the Outer Loop in Rockwall County, continuing north and west along the future alignment of the Outer Loop to its junction with US 75 and then continuing north along US 75. Caption reads as follows:

RESOLUTION NO. 2013-03-041 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, SUPPORTING THE DESIGNATION OF AN INTERSTATE HIGHWAY ROUTE BEGINNING AT THE JUNCTION OF INTERSTATE HIGHWAY 30 AND THE OUTER LOOP IN ROCKWALL COUNTY, CONTINUING NORTH AND WEST ALONG THE FUTURE ALIGNMENT OF THE OUTER LOOP TO ITS JUNCTION WITH US 75 AND THEN CONTINUING NORTH ALONG US 75

Mayor Loughmiller called for Council and Manager Comments

Council member Ricchi did not have any comments.

Council member Day stated that he saw in the news that there was going to be a meeting about the Town Center Study and that they were characterizing it as a way to streamline all of the outdated ordinances that were delaying development in the downtown area. Mr. Day stated that McKinney was rated the #2 Best Places to Live so you can't believe everything you read in the paper.

Council member Keever complimented the good information contained in a brochure that our marketing department put together about the McKinney Economic Development Corporation.

Council member Harris did not have any comments.

Mayor Pro-Tem Ussery stated Oktober Fest this year will expand the area of alcohol consumption to the adjoining street areas. He stated that Mercy Me will be performing at the McKinney Performing Arts Center and is already sold out. He thanked staff for what they do, day in and day out.

Mayor Loughmiller stated that the City released an article for the 2013 Strategic Plan and if anyone would like to know what the City Council is working on, this would be a good article to read. He stated that he appreciates staff's work on various items to make the City of McKinney the best place to live.

City Manager Gray stated that the City has prepared a Voter's Guide to help the citizens of McKinney better understand and appreciate the different areas where they can go vote in the upcoming May 11, 2013 election. The Voter's Guide is also available on the City's website. Mr. Gray thanked Aretha Adams for her work and service for the City of McKinney and wished her well in her new role as Assistant City Manager for the City of Lancaster, Texas.

Mayor Loughmiller called for citizen comments and there was none.

Mayor Loughmiller recessed the meeting into executive session at 6:45 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 551.072 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 7:42 p.m.

Council unanimously approved the motion by Council member Day, seconded by Mayor Pro-Tem Ussery, to adjourn. Mayor Loughmiller adjourned the meeting at 7:45 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary