

## **CITY COUNCIL REGULAR MEETING**

**FEBRUARY 19, 2013**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on February 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; Chief Financial Officer Rodney Rhoades; Assistant to the City Manager Aretha Adams; Executive Development Services Director Barry Shelton; Assistant Development Services Director 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 Tim Mock; Assistant Fire Chief Neil Howard; Director of Engineering Jack Carr; Facilities Construction Manager Patricia Jackson; Grants Coordinator Janay Tieken; McKinney Community Development Corporation Director Cindy Schneible; McKinney Convention and Visitors Bureau Interim Director Dee-dee Guerra; Transportation Engineering Manager Gary Graham; McKinney Economic Development Corporation Vice President Abby Liu; Airport Operations Manager Steve Gould; Police Officer Melissa Robillard; Planning Manager Ross Altobelli; Airport Executive Director Ken Wiegand; Purchasing Manager Debbie Nye; and Senior Help Desk Technician Amy Greer.

Mayor Loughmiller called the meeting to order at 6:05 p.m. after determining a quorum was present. Invocation was given by Council member Geralyn Kever. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Mr. Thomas Tolan, 710 North Church Street, McKinney

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

- 13-151** Minutes of the City Council Strategic Planning Retreat Meeting of January 31, 2013

- 13-152** Minutes of the City Council Work Session of February 5, 2013
- 13-153** Minutes of the City Council Regular Meeting of February 5, 2013
- 13-154** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2012 - 2013 Annual Budget and Amending the 2013-2017 Capital Improvements Program, to Provide Funds for the Aerial Wastewater Crossing Replacement Project. Caption reads as follows:

ORDINANCE NO. 2013-02-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2012-2013 ANNUAL BUDGET AND THE 2013 – 2017 CAPITAL IMPROVEMENTS PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 13-155** Consider/Discuss/Act on an Ordinance Establishing a Speed Limit on Wilmeth Road from Ridgeknoll Avenue and Extending Westward Approximately 1,250 Feet to the Existing City Limits. Caption reads as follows:

ORDINANCE NO. 2013-02-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING A SPEED ZONE ON WILMETH ROAD; 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

- 13-156** Consider/Discuss/Act on an Ordinance Establishing a Speed Limit on Coit Road from Westridge Boulevard to the Existing Southern City Limits. Caption reads as follows:

ORDINANCE NO. 2013-02-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING A SPEED ZONE ON COIT ROAD; 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

- 13-157** Consider/Discuss/Act on an Ordinance Establishing a Speed Limit on Westridge Boulevard from Eden Drive to Coit Road. Caption reads as follows:

ORDINANCE NO. 2013-02-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING A SPEED ZONE ON WESTRIDGE BOULEVARD; 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

- 13-158** Consider/Discuss/Act on a Resolution Authorizing a Contract with Collin County Elections Administration to Conduct the May 11, 2013 General Election and Authorizing a Joint Election Agreement with McKinney Independent School District, Frisco Independent School District, Allen Independent School District, and Collin College District. Caption reads as follows:

RESOLUTION NO. 2013-02-018 (R)

A RESOLUTION AUTHORIZING A CONTRACT WITH COLLIN COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE MAY 11, 2013 ELECTION AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF MCKINNEY, MCKINNEY INDEPENDENT SCHOOL DISTRICT, COLLIN COLLEGE DISTRICT, FRISCO INDEPENDENT SCHOOL DISTRICT, AND ALLEN INDEPENDENT SCHOOL DISTRICT, TO HOLD A JOINT ELECTION FOR THE MAY 11, 2013 GENERAL ELECTION

- 13-159** Consider/Discuss/Act on a Resolution Authorizing the Purchase of One Replacement Mower. Caption reads as follows:

RESOLUTION NO. 2013-02-019 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF ONE (1) JOHN DEERE 997 ZERO-TURN MOWER

- 13-160** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Seven (7) 2013 Chevrolet Tahoe PPV. Caption reads as follows:

RESOLUTION NO. 2013-02-020 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF SEVEN (7) CHEVROLET TAHOE PPV

- 13-161** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with North Texas Contracting for the Construction of the Gabe Nesbitt Softball Sanitary Sewer Replacement Project. Caption reads as follows:

RESOLUTION NO. 2013-02-021 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NORTH TEXAS CONTRACTING OF KELLER, TEXAS FOR THE CONSTRUCTION OF THE GABE NESBITT SOFTBALL SANITARY SEWER REPLACEMENT PROJECT

- 13-162** Consider/Discuss/Act on a Resolution Approving an Amendment to Existing Agreement for Commercial/Industrial Tax Abatement with Traxxas, L.P. Caption reads as follows:

RESOLUTION NO. 2013-02-022 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A THIRD AMENDMENT TO THE COMMERCIAL-INDUSTRIAL TAX ABATEMENT AGREEMENT WITH TRAXXAS, L.P., A TEXAS LIMITED PARTNERSHIP; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE THIRD AMENDED TAX ABATEMENT AGREEMENT

- 13-163** Consider/Discuss/Act on a Resolution Approving an Amendment to the Agreement for Commercial-Industrial Tax Abatement with Wistron GreenTech (Texas) Corp. Caption reads as follows:

RESOLUTION NO. 2013-02-023 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A FIRST AMENDMENT TO THE COMMERCIAL-INDUSTRIAL TAX ABATEMENT AGREEMENT PREVIOUSLY EXECUTED EFFECTIVE NOVEMBER 6, 2012, WITH WISTRON GREENTECH (TEXAS) CORP.; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE TAX ABATEMENT AGREEMENT

- 13-164** Consider/Discuss/Act on a Resolution Approving Raytheon Company for Enterprise Project Status. Caption reads as follows:

RESOLUTION NO. 2013-02-024 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NOMINATING RAYTHEON COMPANY TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM (OOGEDT) THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS A QUALIFIED BUSINESS AND ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE

- 13-165** Consider/Discuss/Act on a Resolution Approving Chapter 380 Economic Development Agreement Between the City of McKinney, Texas and WinCo Foods, LLC., a Delaware Limited Liability Company. Caption reads as follows:

RESOLUTION NO. 2013-02-025 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCKINNEY AND WINCO FOODS, LLC., A DELAWARE LIMITED LIABILITY COMPANY; AND PROVIDING AN EFFECTIVE DATE

END OF CONSENT

- 13-120** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Housing Authority. City Secretary Sandy Hart stated that this item was tabled from the last meeting due to the lack of four affirmative votes for any one candidate. This appointment is to fill the unexpired term of Alonzo. Council approved the motion by Council member Council member Kever, seconded by Council member Brooks, to appoint Julianne Smith to fill the unexpired term on the McKinney Housing Authority Board ending September 30, 2014, with a vote of 6-0-1, Council member Ricchi abstaining.
- 13-011A2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss on the Request by Skorburg Retail Corporation, on Behalf of William and Barbara Docekal, on a Petition to Annex Fewer than 30 Acres, Located on the Northeast Corner of Wilmeth Road and County Road 161 (Future Ridge Road). Director of Planning Michael Quint stated that the applicant has requested that this item be tabled indefinitely. 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 table this item indefinitely. Mayor Pro-Tem Ussery stepped down on the following agenda item.
- 12-236Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on

Behalf of Early B. & Lena Milstead, for Approval of a Request to Rezone Less than 16 Acres from "ML" - Light Manufacturing District to "PD" - Planned Development District, Generally to Allow for a Homeless Shelter and Related Uses, Located Approximately 350 Feet North of Power House Drive and on the East Side of State Highway 5 (McDonald Street), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property to allow a homeless shelter and there are special ordinance provisions that staff is recommending. After the Planning and Zoning Commission meeting, there has been concern from adjacent property owners with the proposed use of the subject property. Staff has been working with the applicant to try and address those concerns before bringing it to Council. Mr. Quint presented several proposed changes to address the adjacent property owners concerns. Applicant, Mr. Randy Pogue, 1512 Bray Central Drive, McKinney, stated that they are in agreement with staff's recommended changes. Mr. Quint stated that that the protest petition that the City has received requires a super majority vote. Mayor Loughmiller called for public comment.

The following were individuals that did not wish to speak but wanted their support for the requested zoning change to be entered into the record:

Mr. Ted Cantrell, 4380 Remembrance Hill, McKinney

Ms. Brenda Nelson, 2220 Woodbridge Drive, McKinney

Ms. Connie Tyler, 3006 Quail Hollow, McKinney

Mr. Mark Gribbin, 3521 Dartmouth Drive, McKinney

Ms. Brenda Gribbin, 3521 Dartmouth Drive, McKinney

Mr. Barry Rumac, 4700 Lasso Lane, McKinney

Mr. and Mrs. Ron and Charlotte Waters, 9113 Manassas Rdg, McKinney

Mr. Charles Jasper, 3045 Preston Hills Circle, Prosper

Ms. Kathryn Jasper, 3045 Preston Hills Circle, Prosper

Mr. and Mrs. Gary and Ronda Fleming, 6820 Creekside Lane, Plano

Mr. David Lucas, 3809 Silverstone Drive, Plano

Mr. Wes Akin, 7686 F.M. 1377, Blue Ridge

Mr. Michael Murtha, 1614 Maple Leaf Falls, Allen

Mr. Jim Malatich, 1725 North McDonald, McKinney

Mr. Phil Maternowsla, 4055 Heritage Trail, Celina

Ms. Mysti, Hively, 1801 Cedar Wood Trail, Anna

Mr. Terry Mann, 4663 C.R. 862, McKinney

Mr. Richard Hanson, 600 Legacy Drive, Plano

Ms. Sheila Williamson, 2103 Rock Wood, McKinney

Ms. Debbie Wilson, 3201 Weeping Willow, McKinney

Mr. Casey Bond, 809 West Field, Anna

Ms. Sarah Roth, 5313 Rain Forest Drive, McKinney

Ms. Cynthia Wideney, 1723 N. McDonald Suite 105, McKinney

Mr. and Mrs. G.G. and Amoret, 7600 Harbor Town, McKinney

Mr. Steve Hesten, 7412 Summer Glow, McKinney

Ms. Maureen McKenna, 1616 Berwick Drive, McKinney

Mr. Stan McWilliams, 2713 Virginia Parkway, McKinney

Ms. Paula Darby, 3075 Willow Grove #1904, McKinney

The following individuals spoke in favor of the proposed rezoning request:

Ms. Naomi Fudge, P.O. Box 3338, McKinney

Mr. Victor Manuel, 2816 East 15<sup>th</sup> Street, Plano

Mr. Justin Hershberger, 1710 North McDonald, McKinney

Mr. Ben Whsewant, 6908 Shoreview, McKinney

Mr. Rafe Wright, 3909 Lakehill Lane, McKinney

Mr. Balon B. Bradley, 5473 Blair Road #100, Denton

Mr. James Keith, 300 Dale Drive, McKinney

Mr. Roger Wessels, 299 Cheyenne Drive, Fairview

Ms. Lynn Sipiora, 1801 Temper Grain, McKinney

Ms. Beth Allsop, 505 Barnes Street, McKinney

Ms. Juanita Horne, Medical Center Drive, McKinney

Mr. Rick Wells, 670 Windy Lane, Lucas

The following individual spoke against the rezoning request:

Mr. Bill Harlan, 401 Powerhouse Suite 501, McKinney

Council approved the motion by Council member Brooks, seconded by Council member Harris, to close the public hearing with a vote of 6-0-1, Mayor Pro-Tem Ussery abstaining. Council approved the motion by Council member Harris, seconded by Council member Brooks, to approve an Ordinance rezoning less than 16 Acres from "ML" - Light Manufacturing District to "PD" - Planned Development District, Generally to allow for a homeless shelter and related uses, located approximately 350 feet north of Power House Drive and on the east side of State Highway 5 (McDonald Street), with the following special ordinance provisions: The use and development of the subject property, more fully depicted on Exhibits "A" and "B", shall develop in accordance with Section 146-90 ("ML" - Light Manufacturing District) of the Zoning Ordinance, and as amended, except as follows: Homeless shelter uses shall be permitted on the subject property, a homeless shelter on the subject property shall be required to satisfy the following: the shelter shall offer temporary (typically around 6 months) lodging to individuals who have never been convicted of a violent crime and who have not used drugs and/or alcohol for a minimum of 30 days, the shelter shall not provide emergency (one night only) services, and no more than one family may reside in a room, parking for a homeless shelter shall be provided at a ratio of one parking space per dwelling unit, no screening shall be required between homeless shelter, daycare, or retail uses on the subject property and adjacent properties, any non-industrial uses developed on the subject property shall be subject to the "other non-residential uses in non-industrial districts" standards as specified in Section 146-139 (Architectural and Site Standards) of the Zoning

Ordinance, and as amended, one canopy tree shall be provided for every 30 linear feet along State Highway 5 (McDonald Street) and may be clustered to enhance visibility of retail uses, with a vote of 6-0-1, Mayor Pro-Tem Ussery abstaining. Caption reads as follows:

ORDINANCE NO. 2013-02-016

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 15.56 ACRE PROPERTY, LOCATED APPROXIMATELY 350 FEET NORTH OF POWER HOUSE DRIVE AND ON THE EAST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET), IS REZONED FROM "ML" – LIGHT MANUFACTURING DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND ALLOW FOR A HOMELESS SHELTER AND RELATED 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

Mayor Pro-Tem Ussery returned to the dais.

**13-003PFR** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Glas Land Surveying, on Behalf of James Harper for Approval of a Preliminary-Final Replat for Lots 12R and 18, of the Bloomdale Farms Addition, Being Fewer than 11 Acres, Located on the North Side of Bloomdale Road and Approximately 1,750 Feet East of County Road 163. Director of Planning Michael Quint stated that the applicant is requesting to replat the property and is requesting several variances. He stated that staff recommends denial of the proposed preliminary final replat due to nonconformance. Applicant, Mr. James Harper, 6290 C.R. 123, McKinney, stated that the deed restriction only allows the property to be subdivided once. Mr. Harper stated that he is in agreement with staff's recommendation except that he would like to request that the easement be located on the east side of the property. Mr. Quint stated that he is not able to commit to that request at this point but will be willing to work with the applicant. Mayor Loughmiller called for public comment.

Mr. Stan McWilliams, 2713 Virginia Parkway, McKinney, stated that he is in favor of this item.

Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing and approve a Preliminary-Final Replat for Lots 12R and 18, of the Bloomdale Farms Addition, Being Fewer than 11 Acres, Located on the North Side of Bloomdale Road and Approximately 1,750 Feet East of County Road 163, is approved with the variances requested by the applicant, the following conditions of approval should also apply: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Replat Approval Checklist; prior to filing the plat for record: the applicant revise the plat to show a 15' wide sanitary sewer easement along the entire western boundary of proposed Lots 12R and 18. The exact location of said easement will be subject to the review and approval of the City Engineer; and the applicant revise the plat to show a 10' sanitary sewer easement, north of the existing 15' utility easement, along the entire southern boundary of proposed Lots 12R and 18. The exact location of said easement will be subject to the review and approval of the City Engineer.

- 13-166** Mayor Loughmiller called for Consideration/Discussion/Action on All Matters Incident and Related to the Issuance and Sale of City of McKinney, Texas Tax and Limited Pledge Hotel Occupancy Tax Revenue Certificates of Obligation, Taxable Series 2013, Including the Adoption of an Ordinance Authorizing the Issuance of Such Bonds, Establishing Parameters for the Sale and Issuance of Such Bonds and Delegating Certain Matters to an Authorized Official of the City. City Manager Gray stated there are 3 related items. Two of those issues are upcoming and allow for the restructuring and refunding of some existing bonds and that this item is relating to the event center cost at the Gateway/Hotel Event Center development. Mr. Doug Whitt,

Southwest Securities provided an update on current interest rates. He stated that they have had a consistent market with low levels and they are looking to taking advantage of that today with refinancing of some bonds. He stated that the parameter delegation is good for up to a year. He stated that they prepared to enter into a very good market on the refunding of the bonds with Council's approval. Council approved the motion by Council member Day, seconded by Council member Brooks, to approve an Ordinance related to the issuance and sale of City of McKinney, Texas Tax and Limited Pledge Hotel Occupancy Tax Revenue Certificates of Obligation, Taxable Series 2013 and authorizing the issuance of such bonds, establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized official of the City with a vote of 5-2-0, Mayor Pro-Tem Ussery and Council member Ricchi voting against. Caption reads as follows:

ORDINANCE NO. 2013-02-017

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, TAX AND LIMITED PLEDGE HOTEL OCCUPANCY TAX REVENUE CERTIFICATES OF OBLIGATION, TAXABLE SERIES 2013," PROVIDING FOR THE PAYMENT OF SAID CERTIFICATES OF OBLIGATION BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE CITY'S HOTEL OCCUPANCY TAX REVENUES AND RESOLVING OTHER MATTERS INCIDENT AND RELATING TO THE ISSUANCE, SALE, PAYMENT, AND DELIVERY OF SAID CERTIFICATES OF OBLIGATION AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID CERTIFICATES TO AN AUTHORIZED CITY OFFICIAL, ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 13-167** Mayor Loughmiller called for Consideration/Discussion/Action on All Matters Incident and Related to the Issuance and Sale of City of McKinney, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, Including the Adoption of an Ordinance Authorizing the Issuance of Such Bonds, Establishing Parameters for the Sale and Issuance of Such Bonds and Delegating Certain Matters to an Authorized

Official of the City. Council unanimously approved the motion by Council member Harris, seconded by Council member Day, to approve an Ordinance related to the issuance and sale of City of McKinney, Texas Waterworks and Sewer System Revenue Refunding Bonds, Series 2013, and authorizing the issuance of such bonds, establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized official of the City. Caption reads as follows:

ORDINANCE NO. 2013-02-018

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 2013," 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

- 13-168** Mayor Loughmiller called for Consideration/Discussion/Action on All Matters Incident and Related to the Issuance and Sale of City of McKinney, Texas General Obligation Refunding Bonds, Series 2013, Including the Adoption of an Ordinance Authorizing the Issuance of Such Bonds, Establishing Parameters for the Sale and Issuance of Such Bonds and Delegating Certain Matters to an Authorized Official of the City. Council approved the motion by Council member Harris, seconded by Council member Brooks, to approve an Ordinance related to the issuance and sale of City of McKinney, Texas General Obligation Refunding Bonds, Series 2013, authorizing the issuance of such bonds, establishing parameters for the sale and issuance of such bonds and delegating certain matters to an authorized official of the City with a vote of 5-2-0, Mayor Pro-Tem Ussery and Council member Ricchi voting against. Caption reads as follows:

ORDINANCE NO. 2013-02-019

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 2013"; 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

- 13-169** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the 2012-2013 Annual Budget, Including the 2013-2017 Capital Improvements Program, for the Gateway Hotel and Events Center Projects. Chief Financial Officer Rodney Rhoades stated that this is a companion to the previously approved item and stated that it establishes the budget for the hotel and event center. He stated that part of the funding will come from the Certificates of Obligation that are sold. The budget amendment is to transfer \$6 million from the general fund to the Gateway project. Council approved the motion by Council member Brooks, seconded by Council member Harris, to approve an Ordinance amending the 2012-2013 annual budget, including the 2013-2017 Capital Improvements Program, for the Gateway Hotel and Events Center Projects with a vote of 5-2-0, Mayor Pro-Tem Ussery and Council member Ricchi voting against. Caption reads as follows:

ORDINANCE NO. 2013-02-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENTS PERTAINING OF THE FISCAL YEAR 2012-2013 BUDGET AND THE 2013-2017 CAPITAL IMPROVEMENTS PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 13-170** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing a Professional Services Contract for Owner's Representative Services for the Gateway Hotel and Events Center

Project. City Manager Gray stated that one of the items that was considered as part of the negotiation of the development agreement and the related agreements for the hotel and event center at the Gateway project would be that the City's interests in the construction are represented through an independent owner's representative. Through a selection process, Aguirre Roden was selected as the most qualified group to provide those owners representative services. Council approved the motion by Council member Kever, seconded by Council member Harris, to approve a Resolution authorizing a Professional Services Contract for Owner's Representative Services for the Gateway Hotel and Events Center Project, with a vote of 5-2-0, Mayor Pro-Tem Ussery and Council member Ricchi voting against. Caption reads as follows:

RESOLUTION NO. 2013-02-026 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING A PROFESSIONAL  
SERVICES CONTRACT FOR OWNER'S REPRESENTATIVE  
SERVICES FOR THE GATEWAY HOTEL AND EVENTS  
CENTER PROJECT

- 13-171** Mayor Loughmiller called for Consideration/Discussion on The Public Art Master Plan. Assistant to the City Manager Aretha Adams stated that the Arts Commission has worked for over 6 months on the draft Public Art Master Plan. Ms. Adams stated that the plan was developed through community input and in collaboration with City departments on how they think this will impact the City. She stated that it does speak to occasional City funding through possibly setting aside funds from the McKinney's Art Commission art grants. Chairman Linda Spina, stated that they have already secured pledges from the community to match the \$12 thousand approved by Council for public art from the Arts Commission budget. In addition, they have identified a grant with Mid America Arts Alliance which could support one of the near term projects. Ms. Meredith McKinley, presented the Draft Art Master Plan as well as the Public Art

Administrative Guidelines that contains three principles: Civic Design, Community Place Marketing, and Tourism and Economic Development which come together to form a vision for the public art program. Ms. McKinley stated that the first near set projects are the Alleyscapes Project, and the Towne Lake Recreations Area Sculpture Trail Project. She stated that mid-term projects are also high priority projects but due to cost they might require City participation which includes Highway 5 Gateway Project, Gabe Nesbit Gathering Place Project, and Bonnie Wenk Gathering Place Project. She stated that the long term projects are projects include: Mitchell Park, Virginia/Louisiana Gateway, and Finch Park. Ms. Adams stated that the current art projects are maintained by the Parks Department and future art projects will be maintained by the same department but funded by the Arts Commission. Ms. McKinley stated that the budget for any proposed project should reflect the total cost of the project including maintenance. Ms. Adams stated that when they come back with the Master Plan they will designate a percentage of the Art's funding for art projects.

- 13-172** Mayor Loughmiller called for Consideration and Discussion on the Scope and Budget for the Northwest Sector Planning Study. Planning Manager Ross Altobelli stated that the discussion tonight is regarding the scope and budget for the Northwest Sector Study. Mr. Altobelli stated that area to be included in the study incorporates areas north of US 380, west of US 75, the US 75 corridor, as well as the US 380 corridor. The areas include areas in the extraterritorial jurisdiction as well as within the city limits. From August 30, 2012 to October 4, 2012, the City of McKinney issued a Request for Qualifications (RFQ), for a qualified professional planning consultant to assist in the preparation of a sector planning study for the northwest sector of the City of McKinney (including city limits and extraterritorial jurisdiction). Four firms responded to the RFQ. The interview panel scored each firm based on 7 criteria (qualifications,

experience, capacity, etc.) and identified the firm of Parsons Brinkerhoff as the most qualified. Over the last 2 months, Staff has been in negotiations with Parsons Brinkerhoff on the development of a detailed scope of services, timeline, and contract for services to be provided in support of the Study. The draft scope includes the following Primary Tasks: Multiple public input sessions, stakeholder interviews and a Development Preference Survey will be conducted in order to solicit involvement and input to identify issues and shape the preferred vision for the area; conduct Market Analysis of Development Opportunities; conduct Land Use, Open Space, Transportation and Infrastructure Analyses; and develop Alternatives and Implementation Strategies. In addition to the Primary Tasks listed above, Staff is recommending specific additional Implementation Tasks in order to achieve the final vision and desired development goals of the Study: Annexation and Development Agreements and an Infrastructure Investment Plan. Director of Planning Michael Quint stated that this study may take from 12 to 18 months to complete.

Mayor Loughmiller called for Council and Manager Comments

Council member Harris did not have any comments.

Council member Brooks did not have any comments.

Mayor Pro-Tem Ussery thanked Boy Scout Troop 531 who allowed him to be interviewed. It was a pleasure to be around them. Mr. Ussery thanked staff for what they do day in and day out and putting up with things we never see.

Council member Ricchi stated that he appreciates the democratic system and he appreciates the Council with the lively and spirited debates. It is wonderful to live in a Country where you can voice your opinion and majority rules. Mr. Ricchi expressed his appreciation to the Staff for what they do even though sometimes we don't agree.

Council member Day did not have any comments.

Council member Kever stated that the topics around the Council table are very broad and varied. In the last few days the Council has discussed fluoride in the water, bonds, art, and homelessness. The discussion on the wide spectrum of issues is what

makes McKinney a great place to live. Ms. Kever expressed her appreciation to the Planning staff for the wonderful comments received tonight regarding their professionalism, eagerness to do the right thing, and that they are easy to work with.

Mayor Loughmiller thanked staff for everything that you do with limited resources.

City Manager Gray recognized Police Lieutenant Steve Riley who celebrated 30 years of service with the City of McKinney.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Brooks, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 8:31 p.m.

---

BRIAN LOUGHMILLER  
Mayor

ATTEST:

---

SANDY HART, TRMC, MMC  
City Secretary