

## **CITY COUNCIL REGULAR MEETING**

**NOVEMBER 19, 2013**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on November 19, 2013 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: Geralyn Kever, Don Day, Ray Ricchi, and Randy P. Pogue. Absent: Council member Roger Harris.

Staff Present: City Manager Jason Gray; Deputy City Manager Jose Madrigal; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; McKinney Economic Development Corporation President Jim Wehmeier; Assistant Fire Chief Chris Lowry; Facilities Construction Manager Patricia Jackson; Assistant to the City Manager Darrek Ferrell; Transportation Engineering Manager Gary Graham; Planning Manager Jennifer Arnold; Senior Help Desk Technician Amy Greer; Director of Engineering Mark Hines; Historic Preservation Officer Guy Giersch; MPAC and Main Street Director Ty Lake; Purchasing Manager Debbie Nye; Utility Engineer Paul Tucker; Interim Director of Public Works Paul Sparkman; Senior Help Desk Technician Amy Greer; and Officer Tracy Rimpel.

There were 15 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 Eric Hollar of One Cause Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments

Ms. Leslie Vestal, 2334 North Ridge Road, McKinney, spoke against the rezoning request for Bob Tomes that was tabled at the November 5, 2013 meeting.

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

**13-1181** Minutes of the City Council Special Meeting of November 4, 2013

**13-1182** Minutes of the City Council Work Session of November 4, 2013

**13-1183** Minutes of the City Council Regular Meeting of November 5, 2013

- 13-1184** Minutes of the City Council Special Meeting of November 12, 2013
- 13-1028** Minutes of the Historic Preservation Advisory Board Regular Meeting of September 11, 2013
- 13-1185** Consider/Discuss/Act on a Resolution Awarding an Annual Service Contract to Priority Public Safety for Installation of Emergency Vehicle Equipment and Related Items. Caption reads as follows:

RESOLUTION NO. 2013-11-180 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR INSTALLATION OF EMERGENCY VEHICLE EQUIPMENT & RELATED ITEMS

- 13-1186** Consider/Discuss/Act on a Resolution to Authorizing the City Manager to Formally Reject All Bids Received and Related to Bid Number 13-37CC for the Construction of the Miscellaneous Utility Adjustments Project. Caption reads as follows:

RESOLUTION NO. 2013-11-181 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO REJECT ALL BIDS RECEIVED AND RELATED TO BID NUMBER 13-37CC FOR THE CONSTRUCTION OF THE MISCELLANEOUS UTILITY ADJUSTMENTS PROJECT

- 13-1187** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Birkhoff, Hendricks & Carter, L.L.P. to Provide Consulting Engineering Services for the SCADA Controlled Pressure Reducing Valve 850 PP to 794 PP Project and Authorizing any Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2013-11-182 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$35,680 WITH BIRKHOFF, HENDRICKS & CARTER, L.L.P. FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES FOR THE SCADA CONTROLLED PRESSURE REDUCING VALVE 850 PP TO 794 PP PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS

- 13-1188** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Birkhoff, Hendricks & Carter, L.L.P. to Provide

Consulting Engineering Services for the University Pump Station 10 MG Ground Storage Tank Project and Authorizing any Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2013-11-183 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$320,050 WITH BIRKHOFF, HENDRICKS & CARTER, L.L.P. FOR PROFESSIONAL CONSULTING ENGINEERING SERVICES FOR THE UNIVERSITY PUMP STATION 10 MG GROUND STORAGE TANK PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS

- 13-1189** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Professional Service Industries, Inc. for Material Testing on the Aquatics and Fitness Center and PSA McKinney Facility Projects Located in Gabe Nesbitt Community Park. Caption reads as follows:

RESOLUTION NO. 2013-11-184 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$19,560, AS WELL AS ALL REQUIRED CHANGE ORDERS THERETO, WITH PROFESSIONAL SERVICES INDUSTRIES, INC. TO PROVIDE MATERIAL TESTING SERVICES RELATED TO THE AQUATICS AND FITNESS CENTER AND PSA MCKINNEY FACILITY LOCATED IN GABE NESBITT COMMUNITY PARK, FOR AN AMOUNT NOT TO EXCEED \$22,000

END OF CONSENT

- 13-1190** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving the Second Amended Bylaws for McKinney Main Street. MPAC and Main Street Director Ty Lake stated the City Council desires to revise the McKinney Main Street Bylaws to get into compliance with the City Council's Policy on Board and Commission Appointment and Eligibility. Several changes have been incorporated to align with the City Council's Policy. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to approve a

Resolution approving the Second Amended Bylaws for McKinney Main Street. Caption reads as follows:

RESOLUTION NO. 2013-11-185 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE SECOND AMENDED BYLAWS OF MCKINNEYMAIN STREET CORPORATION; AND PROVIDING AN EFFECTIVE DATE

**13-185M4** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Amendment of the Capital Improvements Plan for Roadway Impact Fees as Part of the 2012-2013 Impact Fee Update, and Accompanying Resolution. Planning Manager Jennifer Arnold stated that Staff is presenting the final draft of the updated Capital Improvements Plan for Roadway Impact Fees for approval by the City Council as part of the 2012-2013 Roadway Impact Fee Update. The report outlines the methodology and calculations for the maximum assessable impact fees per service areas. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Pogue, to close the public hearing and approve a Resolution amending the Capital Improvements Plan for Roadway Impact Fees as part of the 2012-2013 Impact Fee Update. Caption reads as follows:

RESOLUTION NO. 2013-11-186 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE AMENDMENT OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY IMPACT FEES AS PART OF THE 2012-2013 ROADWAY IMPACT FEE UPDATE

**13-184M4** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Amendment of the Capital Improvements Plans for Utility Impact Fees as Part of the 2012-2013 Impact Fee Update, and Accompanying Resolution. Planning Manager Jennifer Arnold stated that this item is to consider discuss and act on the capital improvements plan for utility impact fees. The report outlines the methodology and calculations for the maximum assessable impact fees per service areas. Caption reads as

follows:

RESOLUTION NO. 2013-11-187 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE AMENDMENT OF THE CAPITAL IMPROVEMENTS PLANS FOR UTILITY IMPACT FEES AS PART OF THE 2012-2013 UTILITY IMPACT FEE UPDATE

- 13-185M5** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Amendment of Roadway Impact Fees as Part of the 2012-2013 Impact Fee Update; and Accompanying Ordinance. Planning Manager Jennifer Arnold stated that this item is setting forth new roadway impact fees for the next five year period. Staff recommends approval of an update to the Roadway Impact Fee Ordinance, setting new fees and providing for a six-month grace period. Caption reads as follows:

ORDINANCE NO. 2013-11-108

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 130, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE III ENTITLED "ROADWAY IMPACT FEES" BY AMENDING PORTIONS OF SECTIONS 130-106, 130-108, 130-109, 130-111, 130-114, 130-144, AND 130-145 AS SET FORTH HEREIN BELOW; BY THE ADOPTION OF A NEW EXHIBIT 1 REGARDING THE 2012-2013 LAND USE ASSUMPTIONS FOR ROADWAY IMPACT FEES; BY THE ADOPTION OF A NEW EXHIBIT 2 REGARDING THE 2012-2013 ROADWAY IMPACT FEE UPDATE ("ROADWAY IMPROVEMENTS PLAN"); AND BY THE ADOPTION OF A NEW SCHEDULE 1 REGARDING THE ASSESSMENT AND COLLECTION OF ROADWAY IMPACT FEES; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

- 13-184M5** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Amendment of Utility Impact Fees as Part of the 2012-2013 Impact Fee Update; and Accompanying Ordinance. Planning Manager Jennifer Arnold stated that this item is to act on the utility impact fee ordinance. The proposed utility impact fees will be going down and will become effective immediately. Mayor Loughmiller stated that while it appears that the Council is running through these impact fee agenda items, there have been several meetings and work sessions where they talked about these

issues. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to close the public hearing and approve an Ordinance amending the Utility Impact Fees as part of the 2012-2013 Impact Fee Update. Caption reads as follows:

ORDINANCE NO. 2013-11-109

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 130, ENTITLED "LAND DEVELOPMENT REGULATIONS," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF EXISTING ARTICLE II ENTITLED "WATER AND WASTEWATER IMPACT FEES" BY AMENDING PORTIONS OF SECTIONS 130-22, 130-26 THROUGH 130-29, AND SECTIONS 130-33, 130-68, AND 130-71 AS SET FORTH HEREIN BELOW; BY THE ADOPTION OF A NEW EXHIBIT 1 REGARDING THE 2012-2013 LAND USE ASSUMPTIONS FOR UTILITY IMPACT FEES; BY THE ADOPTION OF A NEW EXHIBIT 2 REGARDING THE 2012-2013 WATER & WASTEWATER IMPACT FEE UPDATE ("WATER & WASTEWATER IMPROVEMENTS PLANS"); AND BY THE ADOPTION OF A NEW SCHEDULE 1 REGARDING THE ASSESSMENT AND COLLECTION OF WATER AND WASTEWATER IMPACT FEES; PROVIDING THIS ORDINANCE BE CUMULATIVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

- 13-240M** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Amending Chapter 98 of the City of McKinney Code of Ordinances by Amending the Historic Neighborhood Improvement Zone Tax Exemption Program. Jennifer Arnold stated that Staff is proposing amendments to the Historic Neighborhood Improvement Zone Tax Exemption Program in order to improve the administration of the Historic Neighborhood Improvement Zone (HNIZ) program and to expand the current Neighborhood Empowerment Zone (NEZ) program to apply to non-residential, multi-family residential and vertically-integrated mixed use development projects. Currently, Historic Neighborhood Improvement Zone (HNIZ) Historic Tax Exemptions are based on qualifying criteria: Level 1 (100% exemption), Level 2 (50% exemption), and Level 3 (30% exemption). Neighborhood Empowerment Zone (NEZ)

Impact Fee Waivers currently offers 100% impact fee waivers for new single family residential development. The proposed amendments would improve administration of the HNIZ Tax Exemption Program as follows: Modify annual aggregate cap from \$50,000 to \$100,000, Modify term of a Level 1 (100%) exemption from 15 years to 7 years (will not affect existing tax exemptions), add provision to ensure that properties receiving an exemption meet the intent and philosophy of the HNIZ Program, and expand current NEZ Waiver Program to include non-residential, multi-family and vertically-integrated mixed use development projects. Staff recommends expansion of the NEZ Program to address small-scale infill projects within the Town Center as follows: maintain current NEZ boundary, offer a 100% waiver of roadway impact fees for single family residential, non-residential, and vertically mixed-use developments (up to \$49,999 per project), and require City Council approval for all multi-family projects and waiver requests in the amount of \$50,000 and above. Mayor Loughmiller called for public comment.

Mr. Peter Bailey, 2003 Skyline Drive, McKinney, spoke in favor of the proposed amendments.

Mayor Pro-Tem Ussery thanked staff for revisiting this and expanding and encouraging it in an area that is already vibrant and hopefully this will give it more momentum to be what it's always been - one of the best areas in McKinney. Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to close the public hearing and approve an Ordinance amending Chapter 98 of the City of McKinney Code of Ordinances by amending the Historic Neighborhood Improvement Zone Tax Exemption Program. Caption reads as follows:

ORDINANCE NO. 2013-11-110

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 98 OF THE CITY OF MCKINNEY CODE OF ORDINANCES BY AMENDING SECTION 98-84 RELATING TO THE HISTORIC NEIGHBORHOOD IMPROVEMENT ZONE PROGRAM; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY PROVISION; AND PROVIDING FOR AN EFFECTIVE

DATE

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments

Council member Ricchi did not have any comments.

Council member Day did not have any comments.

Council member Kever did not have any comments.

Council member Pogue did not have any comments.

Mayor Pro-Tem Ussery Travis thanked staff for what they do day in and day out. Mr. Ussery gave special thanks to Jennifer Arnold for her hard work on the items she presented tonight.

Mayor Loughmiller echoed the comments of Mayor Pro-Tem Ussery. Mr. Loughmiller thanked staff for their hard work and all that has been accomplished this year. Mayor Loughmiller wished everyone a happy and safe Thanksgiving. Mayor stated that Home for the Holidays will begin the weekend after Thanksgiving with the City's Christmas tree lighting event. That Saturday the Believe Run will be held benefiting Holy Family School which includes a 5K, 10K, and a 1 mile family fun walk/run. This Saturday there will be a 5K Crape Myrtle Run in Craig Ranch. Mr. Loughmiller stated that this time of year is not always a happy time for everyone and there are a lot of non-profits in this community providing a lot of good for people who need it. This time of year they need our support. Please donate to your favorite organization whether it be the Salvation Army, Meals on Wheels, the Samaritan Inn or one that that you desire to support.

City Manager Gray wished everyone a Happy Thanksgiving. He stated that there are a wide variety of non-profits within our community that can use our support.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 6:28 p.m.

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BRIAN LOUGHMILLER  
Mayor



ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary