

CITY COUNCIL REGULAR MEETING

JANUARY 7, 2014

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 7, 2014 at 6:00 p.m.

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

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; Director of Engineering Mark Hines; Chief of Police Joe Williams; Fire Chief Danny Kistner; Interim Director of Public Works Paul Sparkman; Assistant to the City Manager Darrek Ferrell; McKinney Community Development Corporation President Cindy Schneible; IT Business Coordinator David Linson; and Parks Development Superintendent Tony Nielsen.

There were approximately 55 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. p.m. after determining a quorum was present. Invocation was given by Pastor Dave Jenkins, The New Covenant Fellowship Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments

Ms. Laura Kayata, 805 Howell Street, McKinney, spoke about the City's ethics.

Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve the following consent items.

- 14-006** Minutes of the City Council Work Session of December 16, 2013
- 14-007** Minutes of the City Council Regular Meeting of December 17, 2013
- 13-1051** Minutes of the Collin County Airport Development Corporation Meeting of September 9, 2013.
- 13-1110** Minutes of the Community Grant Advisory Commission Meeting of May 23, 2013
- 13-1217** Minutes of the Community Grants Advisory Commission Meeting of

November 13, 2013

- 13-1218** Minutes of the Community Grants Advisory Commission Meeting of November 14, 2013
- 13-1304** Minutes of the Joint McKinney Community Development Corporation and Parks, Recreation, and Open Space Advisory Board Meeting of December 12, 2013
- 13-1193** Minutes of the Library Advisory Board Meeting of September 19, 2013
- 13-1293** Minutes of the Library Advisory Board Meeting of November 12, 2013
- 13-1209** Minutes of the McKinney Airport Development Corporation Meeting of October 14, 2013.
- 13-1305** Minutes of the McKinney Airport Development Corporation Meeting of November 22, 2013
- 13-1125** Minutes of the McKinney Community Development Corporation Board Meeting of September 26, 2013
- 13-1195** Minutes of the McKinney Community Development Corporation Board Meeting of October 24, 2013
- 13-1297** Minutes of the McKinney Community Development Corporation Board Meeting of November 21, 2013
- 13-1239** Minutes of the McKinney Convention and Visitors Bureau Board Meeting of October 22, 2013
- 13-1240** Minutes of the McKinney Convention and Visitors Bureau Finance Committee Meeting of October 21, 2013
- 13-1241** Minutes of the McKinney Convention and Visitors Bureau Marketing/PR Committee Meeting of November 14, 2013
- 13-1201** Minutes of the McKinney Economic Development Corporation Board Meeting of October 15, 2013
- 13-1247** Minutes of the McKinney Economic Development Corporation Board Meeting of November 19, 2013
- 13-1259** Minutes of the McKinney Main Street Board Meeting of November 14, 2013

13-1255 Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of November 14, 2013

13-263M2 Consider/Discuss/Act on a Resolution to Accept and File the Semiannual Impact Fee Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Caption reads as follows:

RESOLUTION NO. 2014-01-001 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ACCEPTING AND FILING THE SEMI-ANNUAL REPORT WITH RESPECT TO THE PROGRESS OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY AND UTILITY IMPACT FEES

14-008 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Awarded, FY 2014 Brownfields Assessment Grant from the Environmental Protection Agency (EPA). Caption reads as follows:

RESOLUTION NO. 2014-01-002 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, FY 2014 BROWNFIELDS ASSESSMENT GRANT FUNDING FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY

14-009 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept, if Awarded, a Grant from the Firehouse Subs Public Safety Foundation. Caption reads as follows:

RESOLUTION NO. 2014-01-003 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT, IF AWARDED, A GRANT FROM THE FIREHOUSE SUBS PUBLIC SAFETY FOUNDATION

END OF CONSENT

13-245Z2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd and Joplin, on Behalf of VCIM Partners, L.P., Tournament Players Club at Craig Ranch, L.P., and

McKinney Seven 185, L.P., for Approval of a Request to Rezone Fewer than 143 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located Approximately 200 Feet South of Collin McKinney Parkway and Approximately 230 Feet East of Custer Road, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is proposing to rezone approximately 142.04 acres of land generally to modify the development standards for single family residential (attached and detached) and multi-family residential uses. The subject property currently allows multi-family residential uses ranging from 2 stories up to 6 stories in height. He stated that the proposed rezoning request is a significant decrease in the allowable density. Mr. Quint stated the proposed rezoning request is not in keeping with the character outlined by the "REC"- Regional Employment Center Overlay District, staff is recommending denial. Mr. Quint stated that he spoke with the applicant about some additional requests subsequent to the Planning and Zoning Commission meeting pertaining to multi-family and building heights in certain areas. The applicant is seeking approval for a 4 story multi-family building generally along the northwestern portion and southern portion of that site with a 2 story maximum building height within 125 feet of the single family area. The current multi-family entitlements will allow from 2-6 stories. Staff does not have any opposition to this additional request. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that they are trying to reduce something that has five thousand units within the 140 acres to about a thousand units of multi-family. They are seeking to set a standard for the height and multi-family buildings within Tract 1 instead of having all the various applications out there which would be 4 stories except for those buildings within 125 feet of the

common property line between Tract 1 and Tract 2. Mr. Roeder stated that they are not seeking any additional height for buildings on Tract 3. 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 143 acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, generally to modify the development standards, located approximately 200 feet south of Collin McKinney Parkway and approximately 230 feet east of Custer Road, with the following special ordinance provisions: The use and development of the subject property shall develop in accordance with the attached development regulations and with the addition of the following language: Maximum building height for apartment dwellings shall be four (4) stories (buildings within 125 feet of a single family zoning district shall be limited two (2) stories). Caption reads as follows:

ORDINANCE NO. 2014-01-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 142.04 ACRE PROPERTY, LOCATED APPROXIMATELY 200 FEET SOUTH OF COLLIN MCKINNEY PARKWAY AND APPROXIMATELY 230 FEET EAST OF CUSTER ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 13-241Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Bob Tomes Ford, on Behalf of McKinney Lone Star

Enterprises, L.P., for Approval of a Request to Rezone Fewer than 6 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Park View Avenue and North Brook Drive, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone approximately 5.32 acres of land, located on the southeast corner of Park View Avenue and North Brook Drive from "PD" - Planned Development District to "PD" - Planned Development District, generally to reduce the required landscape buffer from 60 feet to 20 feet along Park View Avenue and to modify the screening requirements for the storage of vehicles on the property. There is currently a collision center on the northern portion of the subject property, and the applicant has indicated their intent to expand the collision center and install additional parking spaces for the storage of vehicles onto the southern portion of the lot. The subject property was previously rezoned in 1999 in order to allow an auto paint and body shop on the property. The existing 60 foot landscape buffer along Park View Avenue was put in place as part of "PD" - Planned Development District Ordinance No. 99-04-38 specifically to mitigate any land use conflicts with surrounding properties (including single family residential and park uses) that were created by adding the auto painting and body shop use to the subject property. The applicant is also proposing to construct a six foot tall masonry screening wall along Parkview Avenue to screen the storage of vehicles as shown on the attached layout. The applicant is also proposing a six foot tall wrought iron fence with sufficient evergreen landscaping to create a screening effect along the eastern property line as shown on the layout. Mr. Quint stated that staff is recommending denial of this request and stated that they don't see that anything has changed from 1999 when Council adopted the 60 foot landscape buffer. Applicant, Mr. Bob Tomes, 6009 Settlement Way, McKinney, stated that

they have seen the growth of McKinney in a very positive fashion and because of the city's growth, they have entered into an agreement to plan and execute an expansion of their parts and services facilities and expanding their service department with 12 service bays and a high speed car wash. By doing those expansions they have a shortage of parking spaces for 70-85 new vehicles and trucks. He stated that the proposed development would only be for new vehicles and nothing else. Mr. Tomes stated that they are looking for available land where they will be able to build a parts distribution center. He stated that the area on the Parkview land will remain with the 60 foot setback as they have honored for the last 15 years. Council member Pogue asked if Mr. Tomes would be willing to introduce a prohibition of any new structure on the area covered in this request. Mr. Tomes stated that he would be willing to introduce that prohibition on an expansion of their collision repair center to the west and where they would cap the service expansion to 9,500 square feet, if at some point in the future, they would want to add another 6-10 service stalls. He would embrace the prohibition on honoring and preserving the greenbelt of the 60 foot setback on the area to the west and the entire area surrounding of the collision repair center on the north portion of that plat.

Mayor Loughmiller called for public comment.

The following individuals spoke against the zoning request:

Ms. Leslie Vestal, 2334 North Ridge Road, McKinney

Mr. Tim Smolen, 908 Inland, McKinney

Ms. Laney Baker, McKinney

Ms. Holly Baker, 612 Dogwood Trail, McKinney

Ms. Zoe Baker, McKinney

Ms. Stacy Tritt, 605 Dogwood Trail, McKinney

Ms. Mary Carole Strother, 2404 Rockhill, McKinney

Ms. Jeannie Graham, 2329 North Ridge Road, McKinney

Mr. Ralph Graham, 2329 North Ridge Road, McKinney

Ms. Helene Gilbert, 114 Poppy Lane, McKinney

Ms. Nita Lucassen, 2333 Cuesta Lane, McKinney

Mr. Bill Stewart, 406 Dogwood Trail, McKinney

The following individual spoke in favor of the zoning request:

Mr. Jon David Cross, 131 S. Tennessee Street, McKinney

The following individuals did not wish to speak but wanted their opposition to this zoning request entered into the record:

Ms. Eva Biddle, 2335 Cuesta Lane, McKinney

Ms. Jessica Mauerhan, 2234 Brookview Drive, McKinney

Mr. Alex Vestal, 2334 North Ridge Road, McKinney

Ms. Cassie Vestal, 2334 North Ridge Road, McKinney

Mr. Tim Strother, 2404 Rockhill, McKinney

Mr. Ward Vestal, 2334 North Ridge Road, McKinney

Ms. Tammy Smolen, 908 Inland, McKinney

Ms. Gloria Drumm, 1008 Inland Lane, McKinney

Ms. Rachel Constantinescu, 103 Poppy Lane, McKinney

Ms. Denise Dobbs, 815 Inland Lane, McKinney

Ms. Melanie Stewart, 406 Dogwood Trail, McKinney

Mayor Loughmiller stated that he is recommending this item be tabled to allow for a meeting with the residents and the developer. Council unanimously approved the motion by Mayor Loughmiller, seconded by Mayor Pro-Tem Ussery, to continue the public hearing and table this item to the January 21st meeting.

- 13-255Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Hendrick Automotive Group, on Behalf of Carleton Group II, Inc., for Approval of a Request to Rezone Fewer than 6 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Rockhill Road and Wilson Creek Boulevard, and

Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant has requested that this item be tabled indefinitely. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Ussery, to close the public hearing and table this item indefinitely.

Council member Pogue stepped down from the dais on the following agenda item.

- 13-223Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of McKinney Growth III, for Approval of a Request to Rezone Fewer than 16 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located at the Southeast Corner of Lake Forest Drive and Highlands Drive, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property to modify the allowable uses on 15.25 acres of land, located at the southeast corner of Lake Forest Drive and Highlands Drive, from "PD" - Planned Development District to "PD" - Planned Development District, generally to allow for a mix of office, retail and commercial uses. The applicant has agreed to eliminate any windows oriented toward the single family residents. There is a 200-250 foot channel between the proposed mini warehouse facility property and the adjacent single family residents. The property currently allows for multi-family residential uses and the applicant is proposing to strike that usage from the property along with automobile repair and related uses. Staff is recommending approval. Applicant, Mr. Bry Taylor, 2600 Eldorado Parkway, McKinney, stated that he is seeking approval to rezone 15.25 acres at northeast corner of McKinney Ranch and Lake Forest Drive. It is roughly 50% general business and 50% multi-family. We are requesting 1.7 acres to be office, 5.19 acres to be neighborhood commercial, 3.6 acres to be general

business with self-storage as an allowed use, and 4.67 acres to be general business with approximately 1/3 of the general businesses removed. The self-storage will be constructed of 100% brick. Mayor Loughmiller called for public comment.

The following individuals did not wish to speak but asked that their support be entered into the record:

Mr. Dwayne Zinn, 131 S. Tennessee, McKinney

Mr. Jon David Cross, 131 S. Tennessee Street, McKinney

Council approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Day, to close the public hearing and approve an Ordinance rezoning fewer than 16 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards, located at the southeast corner of Lake Forest Drive and Highlands, Drive, with the following special ordinance provision: Use and development of the subject property shall conform to the attached development regulations, with a vote of 6-0-1, Council member Pogue abstaining. Caption reads as follows:

ORDINANCE NO. 2014-01-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 15.25 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF LAKE FOREST DRIVE AND HIGHLANDS DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Council member Pogue returned to the dais.

Mayor Pro-Tem Ussery stepped down from the dais for the next two agenda items.

14-010 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Strategic Partnership Agreement Between the City of McKinney and

McKinney Municipal Utility District Number 1 of Collin County. Executive Director of Development Services Barry Shelton stated that this is the second of two required public hearings for a Strategic Partnership Agreement between the Municipal Utility District Number 1 and the City of McKinney. The Strategic Partnership Agreements contain terms which allow the City to receive sales and use taxes from the sale of goods within the district, even though the sales occur outside of the city limits. The primary terms of these agreements are unchanged from its initial adoption in 2006, wherein the City and the district split the City's (\$0.01) sales taxes on a 75% to the City and 25% to the MUD District. The district's share of the sales taxes must be used on repayment of developer expenses for primary infrastructure and district bonds. The City may use its share for any municipal purpose. The terms of the agreement will also allow the City to receive sales and use taxes from the sale of goods within the district authorized for Type A and Type B economic development corporations. No portion of these Type A and Type B sales taxes shall be paid to the district. Mayor Loughmiller called for public comment and there were none. Council approved the motion by Council member Kever, seconded by Council member Harris, to approve a Strategic Partnership Agreement Between the City of McKinney and McKinney Municipal Utility District Number 1 of Collin County, with a vote of 6-0-1, Mayor Pro-Tem Ussery abstaining.

- 14-011** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Strategic Partnership Agreement Between the City of McKinney and McKinney Municipal Utility District Number 2 of Collin County. Executive Director of Development Services Barry Shelton stated that this is identical to the previous item for the Municipal Utility District Number 2 which is the northern portion of the Trinity Falls development. Mayor Loughmiller called for public comment and there was none. Council approved the motion by Council member Kever, seconded by Council

member Harris, to approve a Strategic Partnership Agreement Between the City of McKinney and McKinney Municipal Utility District Number 2 of Collin County, with a vote of 6-0-1, Mayor Pro-Tem Ussery abstaining. Mayor Pro-Tem Ussery returned to the dais.

14-012 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Barker Rinker Seacat Architecture of Denver, Colorado for Architectural and Engineering Services Related to the Design and Construction of the Aquatics and Fitness Center Project. City Manager Gray requested that this item be tabled indefinitely due to the City and the Architect not on the same page regarding some contract terms. If an agreement can be reached, this item will be brought back for consideration, if not, a secondary negotiating firm will be brought back at the next Council meeting. Council unanimously approved the motion by Council member Randy P. Pogue, seconded by Council member Roger Harris, to table this item indefinitely.

14-013 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Amending Chapter 142 - Subdivision Regulations of the Code of Ordinances Related to Median Landscaping Requirements. Park Development Superintendent Tony Nielsen stated that item will extend the deadline for the expenditure of median landscaping funds paid into escrow by developers in situations where the median area has not yet been created. Mayor Loughmiller called public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Kever, to close the public hearing and approve an Ordinance amending Chapter 142 - Subdivision Regulations of the Code of Ordinances Related to Median Landscaping Requirements. Caption reads as follows:

ORDINANCE NO. 2014-01-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AMENDING SECTION 142-105, ENTITLED

“IMPROVEMENTS” OF THE SUBDIVISION ORDINANCE;
ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE
PUBLICATION OF THE CAPTIONS OF THE ORDINANCE;
REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A
SEVERABILITY CLAUSE; AND PROVIDING FOR AN
EFFECTIVE DATE HEREOF

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments

Council member Pogue wished everyone a very Happy New Year and may it be the best one you ever experienced.

Council member Harris did not have any comments.

Mayor Pro-Tem Ussery wished everyone a Happy New Year. Mr. Ussery thanked staff for their work that make the City what it is today. Mr. Ussery recognized the Public Works Department for their work on the cleanup from the ice storm. “It is a thankless job but a job well done.”

Council member Ricchi did not have any comments.

Council member Day did not have any comments.

Council member Kever thanked the staff of the Public Works Department who have done an outstanding job moving tons of debris from the recent ice storm. Ms. Kever also expressed her appreciation to not only Public Works and Public Safety Departments but all the staff of the IT, Library, and operations who pulled together and came in during the early days of the storm to help with the answering phone calls.

Mayor Loughmiller stated that with a new year there is a new semester of kids going to school. Be mindful that school zones are back up and running. Mr. Loughmiller stated that the next Council meeting will be held at 6:00 p.m. on January 21st. The next Work Session will be held on January 27th and a Strategic Planning Retreat on January 30th at the Collin College Central Campus.

City Manager Gray did not have any comments.

Mayor Loughmiller recessed the meeting into executive session at 7:24 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, 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 Mayor Pro-Tem Ussery, seconded by Council member Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 7:45 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary