

CITY COUNCIL REGULAR MEETING

FEBRUARY 18, 2014

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on February 18, 2014 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: Don Day, Ray Ricchi, Roger Harris, and Randy P. Pogue. Council member Kever arrived at 6:15 p.m.

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; McKinney Economic Development Corporation President Jim Wehmeier; Chief of Police Joe Williams; Interim Parks, Recreation, and Open Space Director Ryan Mullins; Assistant to the City Manager Darrek Ferrell; Interim Director of Public Works Paul Sparkman; Community Engagement Director Ty Lake; Communications and Marketing – CoCo Good and Denise Lessard; McKinney Community Development Corporation President Cindy Schneible; Facilities Construction Manager Patricia Jackson; Assistant Fire Chief Tim Mock; Assistant Chief of Police Joe Ellenburg, IT Business Coordinator David Linson; Police Corporal Melissa Taylor; and Fire Department – Captain Steve Dorris, Thomas Kosten, Ryan Chalk, Sean Stephens, and Nick Mackey.

There were 25 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 Bruce B. Miller, Christ Fellowship. Mayor Loughmiller led the Pledge of Allegiance.

14-150 Blue Star Flag Presentation to Kevin and Tonni Lanning in Honor of their Son, Brandon Lanning, U.S. Army. Council member Day presented the Blue Star Flag to Kevin and Tonni Lanning in honor of their son Brandon Lanning.

14-151 Recognition of Fire Station No. 5 Firefighters - Captain Steve Dorris, Thomas Kosten, Ryan Chalk, Sean Stephens, and Nick Mackey. Mayor

Loughmiller recognized Fire Station #5, Shift B: Captain Steve Dorris, Thomas Kosten, Ryan Chalk, Sean Stephens, and Nick Mackey for their for their extreme act of kindness going above and beyond the call of duty for their community and to the Poltl family.

Mayor Loughmiller called for Citizen Comments

Mr. Marty Webb, 904 Canyon Valley, Dr., McKinney spoke about the McKinney Christian Academy rezoning request that will be coming before the City Council on March 4, 2014.

Ms. Laura Kayata, 805 Howell Street, McKinney spoke about City Manager Gray.

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

- 14-152** Minutes of the City Council Strategic Planning Work Session of January 30, 2014
- 14-153** Minutes of the City Council Special Meeting of February 3, 2014
- 14-154** Minutes of the City Council Regular Meeting of February 4, 2014
- 14-155** Minutes of the City Council and McKinney Independent School District Board of Trustees Joint Meeting of February 10, 2014
- 14-114** Minutes of the Historic Preservation Advisory Board Regular Meeting of December 5, 2013
- 14-104** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of December 10, 2013
- 14-105** Minutes of the McKinney Convention & Visitors Bureau Development Committee Meeting of January 7, 2014
- 14-106** Minutes of the McKinney Convention & Visitors Bureau Work Session/Strategic Planning meeting of January 10, 2014.
- 14-107** Minutes of the McKinney Convention & Visitors Bureau Marketing/PR Committee Meeting of January 14, 2014
- 14-113** Minutes of the Planning and Zoning Commission Regular Meeting of January 14, 2014
- 14-157** Consider/Discuss/Act on a Resolution Authorizing a Contract with Collin

County Elections Administration to Conduct the May 10, 2014 Charter Election. Caption reads as follows:

RESOLUTION NO. 2014-02-010 (R)

A RESOLUTION AUTHORIZING A CONTRACT WITH COLLIN COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE MAY 10, 2014 SPECIAL ELECTION

- 14-158** Consider/Discuss/Act on a Resolution Amending the McKinney Police Department Personnel Policies. Caption reads as follows:

RESOLUTION NO. 2014-02-012 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ADOPTING CERTAIN MCKINNEY POLICE DEPARTMENT GENERAL ORDERS; PROVIDING FOR THE AMENDMENT OF SAID GENERAL ORDERS; AND PROVIDING AN EFFECTIVE DATE

- 14-160** Discuss/Consider/Act on a Resolution Authorizing the City Manager to Execute an Agreement with the Texas Department of Transportation for the Sharing of Intelligent Transportation Systems (ITS) Data. Caption reads as follows:

RESOLUTION NO. 2014-02-013 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE SHARING OF INTELLIGENT TRANSPORTATION SYSTEMS (ITS) DATA

END OF CONSENT

- 14-156** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Calling a Special City Charter Election to be Held on May 10, 2014. Council member Kever requested this item be pulled down for acknowledgement of the changes that the City Secretary made to the proposed Charter changes that removes gender bias from the document. City Secretary Sandy Hart stated that the redline version of the proposed changes will be posted to the City's website for the public to view.

Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to approve an Ordinance calling a Special City Charter Election to be held on May 10, 2014. Caption reads as follows:

ORDINANCE NO. 2014-02-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ORDERING AN ELECTION TO BE HELD IN SAID CITY ON THE 10TH DAY OF MAY, 2014, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF MCKINNEY, TEXAS, CERTAIN PROPOSED AMENDMENTS TO THE EXISTING CITY CHARTER; DESIGNATING THE PLACES AT WHICH SAID ELECTION IS TO BE HELD; APPOINTING THE EARLY VOTING CLERK; MAKING PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION; AND PROVIDING FOR AN EFFECTIVE DATE

ORDENANZA NO. 2014-02-011

UNA ORDENANZA DEL CONCEJO MUNICIPAL DE LA CIUDAD DE MCKINNEY, TEXAS, QUE ORDENA UNA ELECCIÓN A REALIZARSE EN DICHA CIUDAD EL DÍA 10 DE MAYO, 2014, CON EL FIN DE PRESENTAR A LOS VOTANTES ELEGIBLES DE LA CIUDAD DE MCKINNEY, TEXAS, CIERTAS ENMIENDAS PROPUESTAS AL FUERO MUNICIPAL ACTUAL; DESIGNA LOS LUGARES DONDE SE LLEVARÁ A CABO DICHA ELECCIÓN; DESIGNA SITIOS DE VOTACIÓN; NOMBRA EL SECRETARIO ENCARGADO DE LA VOTACIÓN ANTICIPADA, Y NOTIFICA Y PUBLICA LAS ELECCIONES

- 14-159** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving the Budget Guidelines for Fiscal Year 2014-15. Mayor Pro Tem Ussery stated that after the discussion last night at the Work Session, it was suggested to change the second bullet point of the budget guidelines to indicate that it is the Council's goal to reduce taxes. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Kever, to approve a Resolution approving the Budget Guidelines for Fiscal Year 2014-15 with the following change: second bullet to read as follows: "The City Manager will propose a fully funded and balanced budget with a target reduction of the ad valorem tax rate in FY15 as long as economic conditions make the reduction prudent as determined by the City Council." Caption reads as follows:

RESOLUTION NO. 2014-02-011 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE ADOPTION OF
BUDGET GUIDELINES FOR FISCAL YEAR 2014-15

13-164Z3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates. L.L.C., on Behalf of Prime Income Management, for Approval of a Request to Rezone Fewer than 70 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, Tract 1 is Located on the Southwest Corner of McKinney Ranch Parkway and Ridge Road, Tract 2 is Located on the Northwest Corner of McKinney Ranch Parkway and Stacy Road, Tract 3 is Located on the Northeast Corner of McKinney Ranch Parkway and Stacy Road and Tract 4 is Located on the Southeast Corner of McKinney Ranch Parkway and Ridge Road, and Accompanying Ordinance. Planning Director Michael Quint stated that the applicant is requesting to rezone the subject property generally to clarify and clarify what the land uses will be going forward. Currently, on the subject property there are a wide range of uses that are currently allowed. The applicant would like Tract 4B to generally allow townhome uses and the option to do some commercial uses. Tracts 1A and 4A would be designated for commercial uses only. Tract 1B would be for commercial uses or townhome uses. Tract 3 would be for commercial uses. Track 2 would be commercial uses or townhome uses. Tracts 2, 3, and 1A would allow for gas stations. Staff has provided to Council a revised Ordinance with the added verbiage to include in "Building locations and circulation network" to clarify when development will generally conform to the exhibit regarding the placement of buildings and circulation spines. Also, Section 2D will include one row of head in parking oriented towards the proposed building with a dedicated fire lane. The applicant is comfortable with these changes. Applicant, Mr. Levi

Wild, 402 N. Tennessee Street, McKinney stated that tonight we are here to talk about my clients remaining parcels in regards to McKinney Ranch. The area between McKinney Parkway, Ridge Road, and Stacy Road has four multi-family communities with two that have been constructed and the other two have been sold by my client. They total about a million-square feet of multi-family. If we go to the PD, 1 shows a maximum area of 7 ½:1. You can see there is a maximum building height of 15 stories. When you do the math on how big that 98-acre parcel of land is, what you see is the zoning area requires a minimum of 3.2 million square feet and maximum is 6.4 million square feet of multi-family. When looking at the case summary, the proposed zoning is no more multi-family, provides some traditional neighborhood of townhomes, and reduction to the more desirable type of retail. The idea of having tract 1B designated as either townhomes or commercial makes it easier for us to market that property. Mayor Loughmiller asked Mr. Wild if they would consider the possibly of a Specific Use Permit requirement for a gas station use. Mr. Wild stated that when we go to gas stations on tract 1A and 4A it is because they are at the intersection of two arterials and this site might be valuable for a gas station. Mr. Wild stated that they do not want to eliminate the possibly of having a parking structure, but would agree to not have it visible from the right-of-way. Mayor Loughmiller called for public comment.

The following individuals spoke in opposition to the rezoning request:

Mr. Robert Baker, 3913 Tablestone Drive, McKinney

Ms. Bridgette Wallis, 6320 Blackstone Drive, McKinney

Mr. Jose Zurita, 6209 Blackstone Drive, McKinney

Mr. Matt Falk, 5816 Pebble Ridge Drive, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Kever, to close the public hearing. Mr. Quint stated that BG zoning has no limitation on the pumps or the

location. The BN requires you to be within 350 feet of an arterial intersection and also reduces the amount of pumps to four. Mr. Quint stated that they could do a parking structure by right and the REC has over-arching design guidelines that would mandate if a parking garage was not wrapped with a building, then it is be designed to look like it was wrapped with a building. Mayor Loughmiller stated that one of the concerns he has relates to BN versus BG specifically to the gas station issue and he would personally recommend the requirement of an SUP on the gas station use and they have already agreed to wrapping the garage. Mr. Wild stated that they have been in communication with their client and he is fine with the SUP requirement. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Kever, to approve an Ordinance rezoning fewer than 70 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, Tract 1 is located on the southwest corner of McKinney Ranch Parkway and Ridge Road, Tract 2 is located on the northwest corner of McKinney Ranch Parkway and Stacy Road, Tract 3 is located on the northeast corner of McKinney Ranch Parkway and Stacy Road and Tract 4 is located on the southeast corner of McKinney Ranch Parkway and Ridge Road, with the following special ordinance provisions: the use and development of the subject property shall conform to the attached development regulations and with the following stipulations: parking structures must be no taller than the buildings wrapping it and buildings must wrap any proposed parking structure and gas stations will only be allowed on all of the tracts if approval of a Specific Use Permit is granted by City Council. Caption reads as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT A TOTAL OF APPROXIMATELY 69.37 ACRES OF PROPERTY 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, WITH TRACT 1 BEING LOCATED ON THE SOUTHWEST CORNER OF MCKINNEY RANCH PARKWAY AND RIDGE ROAD, TRACT 2 BEING LOCATED ON THE NORTHWEST CORNER OF MCKINNEY RANCH PARKWAY AND STACY ROAD, TRACT 3 BEING LOCATED ON THE NORTHEAST CORNER OF MCKINNEY RANCH PARKWAY AND STACY ROAD, AND TRACT 4 BEING LOCATED ON THE SOUTHEAST CORNER OF MCKINNEY RANCH PARKWAY AND RIDGE ROAD; 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

- 14-161** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Brinkley Sargent Architects (BSA) of Dallas, Texas for Architectural and Engineering Services Related to the Design and Construction of the Aquatics and Fitness Center Project. Interim Parks, Recreation, and Open Space Director Ryan Mullins stated that the Resolution is for architectural design of the aquatics and fitness center at Gabe Nesbitt Park. It was approved by the Parks, Recreation, and Open Space Board on February 13, 2014. McKinney Community Development Corporation (MCDC) President Cindy Schneible stated that 11 firms submitted proposals for the Construction Manager. The MCDC Evaluation Committee are in the process of completing the initial review. The rankings of the 11 firms will be followed by an interview and then a recommendation will be made to Council. Council member Ricchi stated that he has an issue with a \$33 million Aquatic Center. City Manager Gray stated that the design will tell which elements maybe included, but not specifically. All these different elements have an impact on operational cost. As we go through the design we will gain a better

understanding of the potential operating cost. None of the scenarios that we talked about are of the cost recovery model that we talked about and do not include recovery of the original capital expenditure to actually build the facility. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to approve a Resolution authorizing the City Manager to execute a Professional Services Contract with Brinkley Sargent Architects (BSA) of Dallas, Texas for Architectural and Engineering Services related to the design and construction of the Aquatics and Fitness Center Project. Caption reads as follows:

RESOLUTION NO. 2014-02-014 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH BRINKLEY SARGENT ARCHITECTS OF DALLAS, TEXAS FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE AQUATICS AND FITNESS CENTER

Mayor Loughmiller called for Citizen Comments.

Mr. Marty Webb, 904 Canyon Valley Drive, McKinney spoke about the McKinney Christian Academy and the traffic issues surrounding the school.

Mayor Loughmiller called for Council and Manager Comments

Council member Ricchi stated that he appreciates and applauds the Council who agree and disagree. I also appreciate staff and everything that you do. You truly make the City what it is today.

Council member Day did not have any comments.

Council member Kever invited everyone to participate on February 27th with the Boys and Girls of Collin County charity poker tournament. Information can be obtained on their website.

Council member Pogue thanked the Lanning family, the Blue Star Flag recipients tonight who have sacrificed to allow their son to serve our Country. Mr. Pogue thanked the Fire Department personnel that were recognized tonight for what they do.

Council member Harris thanked all the great public safety employees for what they do for the community. Mr. Harris stated that he received an email last night from a

resident expressing appreciation of one of our Police Officers. Mr. Harris stated that in regards to the progress of boards and commissions, he was very proud today at the PSA ground breaking when he stated that this was a project that had come up through one of our Boards and Commission as well as the work done on the Aquatic Center. At last night's Work Session, we discussed the acquisition and transition of the Airport. While I think that the McKinney Airport Development Corporation meeting this week will line out some of the finances to make it clearer, we will see that investing in ourselves is never a bad thing to do. Mr. Harris addressed some of the comments made about transparency. I know sometimes we have a lot of discussion up here. Sometimes it's perceived good and sometimes not so good. But it is all in the light of transparency. I appreciate some of the comments tonight and in the end it will make us all better. We are making great strides in improvements and getting recognition for that. So I would like to say I am proud to be a part of this Council and a part of this City. I appreciate everyone's involvement.

Mayor Pro Tem Ussery stated he certainly has an appreciation for each and every member of this staff. Ultimately, whatever happens good to this City you are as much a part of it as anyone that sits up here. I certainly applaud Ryan Mullins serving in the Parks department. It's great to see natives rise to the top. Mr. Ussery stated that he appreciates the Lanning family and their son's service to the country.

Mayor Loughmiller stated that he appreciates the work of the MCDC board has done to keep the aquatic center moving forward. The good thing is as long as it has taken to get to this point, I am now old enough to use the pool at the senior center. So Mr. Loughmiller read a letter from the Texas Historical Commission announcing the Main Street Program has received National Accreditation. Anytime we can get national recognition it is a benefit to McKinney from not only from a community standpoint but it also brings economic development to our community from those around the country who are looking to see why McKinney, what I already know to be, the number one place to be.

City Manager Gray stated the PSA facility that is planning to be open before the end of the year in time for the winter basketball season. We hope to put in a high quality relatively low cost indoor use sports facility that has a great reputation

throughout the region in providing those services to kids. We are very excited about that and you will see the construction activity beginning tomorrow. Several weeks ago, the Council gave a Blue Star Flag to the family of Sergeant Rivera. He was able to come home safe and sound this weekend. At 6:00 p.m. on March 6th, we will embark on our first community Town Hall meeting. Information will be shared on projects, priorities, and people of the community. We will also have departmental tables for people to see what different departments do who they may not have direct contact with on a day to day basis. We will have plenty of staff there to provide plenty of information and to get a better understanding of what we do here. This weekend is the Trout Derby at Town Lake from 8 a.m. to noon. The City's website has more information on the event. Mr. Gray stated that the Fire Department took 2nd place of the McKinney Education Foundation Spelling Bee last week. Mr. Gray reminded everyone to cheer on McKinney's own Olympian Johnny Quinn who will be competing on the bobsled team in Sochi, Russia.

Council unanimously approved the motion by Council member Travis Ussery, seconded by Council member Randy P. Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 7:28 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary