

CITY COUNCIL REGULAR MEETING

OCTOBER 21, 2014

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on October 21, 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: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Interim Assistant City Manager Barry Shelton; Assistant to the City Manager Darrek Ferrell; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Director of Engineering Mark Hines; Parks, Recreation, and Open Space Director Rhoda Savage; CIP and Traffic Engineer Gary Graham; Engineering – Patricia Jackson, Lissa Shepherd, Paul Tucker, and Robyn Root; Assistant Director of Engineering Michael Hebert; Senior Plans Examiner Jeff Harris; IT Service Desk Supervisor Amy Greer; Assistant Director of Engineering Michael Hebert; and Communications and Media Manager Anna Clark.

There were 26 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present.

Invocation was given by Father Jovita Okoli, St. Gabriel the Archangel Catholic Community. Boy Scouts from Troop 531 and Troop 406 led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Ms. June Owens, 8105 Elk Mountain Trail, McKinney was not present but wanted her concerns regarding pedestrian safety and the lack of a tunnel under Stacy Road between Rowlett Park and Dr. Kenneth Cooper Park entered into the record.

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

- 14-1055** Minutes of the City Council Work Session of October 6, 2014
- 14-1056** Minutes of the City Council Regular Meeting of October 7, 2014
- 14-964** Minutes of the Historic Preservation Advisory Board Regular Meeting of

August 7, 2014

- 14-999** Minutes of the McKinney Armed Services Memorial Board of September 10, 2014
- 14-1008** Minutes of the McKinney Housing Finance Corporation Meeting of September 5, 2014
- 14-994** Minutes of the Main Street Board Meeting of September 11, 2014
- 14-1004** Minutes of the Parks, Recreation and Open Space Advisory Board of September 11, 2014
- 14-913** Consider/Discuss/Act on a Resolution Readopting the City of McKinney Comprehensive Policy Statement on Economic Development and Community Redevelopment Incentives (Tax Abatement Policy). Caption reads as follows:

RESOLUTION NO. 2014-10-121 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, READOPTING THE CITY GUIDELINES AND CRITERIA REGARDING TAX ABATEMENTS; AND PROVIDING FOR AN EFFECTIVE DATE

- 14-107** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Developer Participation Agreement with M/I Homes of DFW, LLC for Sewer Improvements to Serve a City Tract and the Proposed Park Ridge Subdivision. Caption reads as follows:

RESOLUTION NO. 2014-10-122 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A DEVELOPER PARTICIPATION AGREEMENT WITH M/I HOMES OF DFW, LLC

END OF CONSENT

- 14-171Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request to Rezone Fewer than 13 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 Allow for Single Family Detached Residential Uses and Modify the Development Standards, Located on the South Side of McKinney Ranch Parkway and East Side of Ridge Road, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property to allow for detached single-family uses. The applicant is requesting a base zoning designation of SF5 with an increased maximum density to 4.7 units per acre with a maximum of 60 dwelling units, a median and mean lot size of 5,500 square feet, and the REC Overlay District will no longer be applicable to the property. The proposed request is also reducing the amount of commercial land that is designated for the corner of this intersection and Staff is recommending denial from a policy and professional standpoint. The zoning ordinance requires that when a planned development ordinance is considered by the Council, it requires a provision mandating some exceptional or innovative qualities. At this point, the applicant is not satisfying said Ordinance provision. Secondly, the applicant is requesting densities that are consistent with single-family communities in the REC; however, those communities in the REC carry with them some urban design guidelines which are being omitted from this request. From Staff's perspective, it does not make sense to give them densities consistent with an urban community without those urban design features. Lastly, the applicant's reshaping of the non-residential property on the corner will do away with access to a median opening. Staff feels the wide-ranging viability is diminished for this commercial property. The urban design guidelines that are being omitted by the applicant's request include finished floor grade changes, articulated entrances so the doors are easily identifiable, porches, the façade offsets between garages and the front face of the home. These requirements are located in the overarching design guidelines of the REC and the applicant is requesting to not have these

guidelines apply to this property. Applicant Mr. Levi Wild, 402 N. Tennessee Street, McKinney stated that their Client does not intend to rezone the commercial corner of the overall parent tract, however, through the planning process, they have chosen to buffer the future residential homes by backing the residential homes to the future commercial area instead of having future homes face the commercial development. Mr. Wild stated that he would not be comfortable adding the REC standards to this request but would be more comfortable with architectural or landscape standards that spoke more towards quality.

Mayor Loughmiller called for public comment.

Mr. Andrew Sokel, 4116 Plymouth Drive, McKinney spoke in favor of this request.

The following individuals did not wish to speak but wanted their support of this item entered into the record:

Allyson and Andrew Spires, 5928 Silver Buckle Dr., McKinney

Mr. Gene Grounds, 5917 Wilford, McKinney

Ma. Prashan T. Dodia, 5925 Wilford Drive, McKinney

Mr. Danny Hibbs, 4120 Plymouth Drive, McKinney

Ms. Bobbie Peterson, 9917 George Washington, McKinney

Mr. Chris C. Carter, 921 Scotia Drive, Allen

Ms. Ronda Wilkins, 1025 King's Row, McKinney

Ms. Christy Jackson, 1025 King's Row, McKinney

Ms. Sherri Hoar, 970 Lehigh Lane, Allen

Mr. John Hoar, 970 Lehigh, Allen

Mr. Carlos Parra, 4812 Lasso Lane, McKinney

Mr. Stan Koper Jr., 5513 Flowerwood Lane, McKinney

Ms. Jackie Grime, 4409 Corral Court, McKinney

Ms. Sandy Grime, 4409 Corral Court, McKinney

Ms. Melissa Guy, 5900 Round Up Lane, McKinney

Mr. Tim Hayes, 5704 Pinecrest Court, McKinney

Ms. Kari Pratt, 4121 Plymouth Drive, McKinney

Ms. Sandra Lohr, 4913 Lasso Lane, McKinney

Mr. Christopher Tobolka, 4700 S. Ridge Road #724, McKinney

Ms. Graeson Tobolka, 4700 S. Ridge Road #724, McKinney

Ms. Ashley Lawson, 5912 Broken Spur, McKinney

Mr. William A. Rohloff, Jr., 2904 Quail Hollow, McKinney

Mr. Doug Schueler, 2609 Clublake Trail, McKinney

Mr. Robert Hoffman, 500 Elm Creek Drive, McKinney

Mr. Jeremy Lawson, 5712 Broken Spur, McKinney

Ms. Deborah Casey, 5812 Silver Buckle, McKinney

Mr. Daniel Casey, 5812 Silver Buckle, McKinney

Ms. Cassandra Chavez, 3300 N. McDonald Street, Apt. 122, McKinney

Mr. Brian Colehour, 5909 Wilford Drive, McKinney

Mr. James Wilson, 1604 Hackett Creek, McKinney

Ms. Sylvia T. Chavez, 5904 Edgewood Drive, McKinney

Ms. Sheila Brown, 4420 San Fernando, McKinney

Ms. Siobham L'Heureux, 5900 Silver Buckle Drive, McKinney

Ms. Linwood Smith, 1629 Fife Hills Drive, McKinney

Mr. Wesley Llamas, 5904 Edge Wood Drive, McKinney

Ms. Becky Smith, 1629 Fife Hills Drive, McKinney

Mr. James Reames, 4113 Plymouth Drive, McKinney

Ms. Angela Sokol, 4116 Plymouth Drive, McKinney

Mr. Guy Canova 5701 Silver Buckle Drive, McKinney

Mr. David Snow, 4209 Plymouth Drive, McKinney

Mr. Tim Barr, 3021 Normandy, McKinney

Ms. Melissa Pieper-Barr, 3021 Normandy, McKinney

Mr. Paul Barr, 4308 Copper Crossing, McKinney

Ms. Maureen Barr, 4308 Copper Crossing, McKinney

Mr. Bill Metzger, 4802 Silver Buckle, McKinney

Mr. Jeff Wertz, 4109 Plymouth Drive, McKinney

Ms. Jeannie Wertz, 4109 Plymouth Drive, McKinney

Mr. Michael Smith, 7513 Shasta, McKinney

David and Sara Geise, 4800 Lasso Lane, McKinney

Ms. Kendi Kimball, 4925 Six Gun Lane, McKinney

Ms. Penny Pearson, 9808 Southgate Drive, McKinney

Ms. Maria Getchell, 8700 Stacy Road, Apt. 5706, McKinney

Mr. Jason Matisoff, 8613 Papa Trail, McKinney

Ms. Laura Mullen, 8704 Aviary Drive, McKinney

Mr. Andrew Jones, 4929 Six Gun Lane, McKinney

Ms. Elizabeth Jones, 4929 Six Gun Lane, McKinney

Ms. Lucine Roma, 4112 Plymouth Drive, McKinney

Ms. Angela Hubbs, 4120 Plymouth Drive, McKinney

Ms. Kate Mefford, 7101 Buckleigh Point Court, McKinney

Ms. Megan Hainline 4701 Newbridge Drive, McKinney

Ms. Ashley Miller, 5925 Desperado Drive, McKinney

Ms. Adrienne Levy, 5212 Dunster Drive, McKinney

Ms. Kelly Collins, 7804 Trixie Trail, McKinney

Ms. Lisa Dean, 7709 Roland Drive, McKinney

Ms. Jackie Kestler, 8100 Blue Hole Court, McKinney

Ms. Shayla Robinson, 3800 Amon Carter Drive, McKinney

Mr. Mike Fackrell, 4805 Crawford Street, McKinney

Ms. Connie Brown, 4805 Crawford Street, McKinney

Ms. Amy Barlow, 4405 Pecan Knoll Drive, McKinney

Ms. Emily Beckham, 5644 Hampshire Drive, McKinney

Ms. Emily Thurgood, 5948 Chisholm Trail, McKinney

Ms. Beth Finlinson, 4129 Plymouth Drive, McKinney

Ms. Vicki Shapior, 8108 Brasstown Drive, McKinney

Ms. Lori Shapiro, 6000 Pine Ridge Blvd., McKinney

Mr. Linwood Smith, 1207 Lakewood Drive, McKinney

Ms. Gretchen Smith, 1207 Lakewood Drive, McKinney

Ms. Gina Nerd, 2262 Wakefield Lane, Allen

Mr. Tom Nerd, 2262 Wakefield Lane, Allen

Mr. Neil Aure, 5820 Pebble Drive, McKinney

Ms. Jeannette Aure, 5820 Pebble Drive, McKinney

Mr. Jerry Samonte, 5901 Saddle Club Trail, McKinney

Ms. Elizabeth Samonte, 5901 Saddle Club Trail, McKinney

Ms. Astrid Datuin, 4102 Plymouth Drive, McKinney

Mr. Jeffrey Utt, 4108 Plymouth Drive, McKinney

Ms. Debbie Williams, 4124 Plymouth Drive, McKinney

Mr. Scot Herod, 6213 Sidney Lane, McKinney

Mr. Jason Huggins, 5221 Hawks Nest, McKinney

Ms. Shannon Van Donk, 8916 Papa Trail, McKinney

Ms. Kelly Ferdinandsen, 5908 Chisholm Trail, McKinney

Ms. Chris Camela, 6530 Virginia Parkway, Apt. 231, McKinney

Mr. Jose L. Mendoza, 5925 Chisholm Trail, McKinney

Mr. David Douglas, 4604 Jubilee Drive, McKinney

Mr. Matt Grindler, 5937 Chisholm Trail, McKinney

Ms. Chia Wells, 5900 Chisholm Trail, McKinney

Mr. Gary F. Price, 5916 Desperado Drive, McKinney

Ms. Rosland McFadden, 4504 Mesa, McKinney

Mr. Jacques Crump, 5833 Rancho Lane, McKinney

Mr. Michael Foster, 5909 Desperado Drive, McKinney

Ms. Marcia Silveirn, 5925 Saddle Club Trail, McKinney

Ms. Jerri Smith, 5921 Chisholm Trail, McKinney

Ms. Theresa Whaley, 704 Mayberry, McKinney

Ms. Sandra Lohr, 4913 Lasso Lane, McKinney

Ms. Stephanie McDonald, 4908 Lasso Lane, McKinney

Mr. Richard Klopp, 4940 Stray Creek Lane, McKinney

Ms. Drenda Roman, 4112 Plymouth Drive, McKinney

Ms. Margaret Carter, 4117 Plymouth Drive, McKinney

Mr. Ike Carter, 4117 Plymouth Drive, McKinney

Mr. Zac Sokol, 4116 Plymouth, McKinney

Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro Tem Ussery, to close the public hearing. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to approve an rezoning fewer than 13 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 allow for single family detached residential uses and modify the development standards, located on the south side of McKinney Ranch Parkway and east side of Ridge Road, with the following special ordinance provisions: the use and development of the subject property shall develop in accordance with the "SF5" - Single Family Residential District, and as amended, except as follows: the maximum density shall be 4.7 dwelling units per acre (maximum of 60 single family detached residential lots), the minimum mean and median lot size shall be 5,500 square feet, the use and development of the subject property shall not be subject to Appendix B-2 (Regional Employment Center - Overlay Urban Design Standards) of the Zoning Ordinance, with the addition of a set of single family residential architectural and site standards that were dispersed at the meeting and increased landscape standards of one canopy tree per every linear 25 feet as part of the screening and buffering requirements along McKinney Ranch Parkway and Ridge Road. Caption reads as follows:

ORDINANCE NO. 2014-10-077

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 12.80 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF MCKINNEY RANCH PARKWAY AND ON THE EAST SIDE OF RIDGE 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 ALLOW FOR SINGLE FAMILY DETACHED RESIDENTIAL USES AND 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

14-223CP2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Concept Plan for Commercial, Retail, Restaurant and Self-Storage Uses, Being Fewer than 30 Acres, Located on the Northeast Corner of Stacy Road and State Highway 121 (Sam Rayburn Tollway). Director of Planning Michael Quint stated that the applicant is proposing to develop a mini-warehouse facility on the northern portion of this property. In order to do that, the PD Ordinance requires the Council's approval of a concept plan. Mr. Quint stated that he discussed with the applicant the Council's request regarding cross access. Applicant, Mr. Tony Callaway, 1207 Hampshire Ln., Richardson, TX, explained the proposed concept plan request. Mr. Callaway stated that it didn't make sense to have a mutual access point to the adjacent property that is designated in the Future Land Use Plan for multi-family. He stated that he would work with the adjacent property regarding the mutual access when they start to develop it. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro Tem Ussery, to close the public hearing and approve a Concept Plan for commercial, retail, restaurant and self-storage uses, being fewer than 30 acres, located on the northeast corner of Stacy Road and State Highway 121 (Sam Rayburn Tollway).

14-224SP2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for a Self-Storage Facility, Being Fewer than 4 Acres, Located Approximately 1,200 Feet North of State Highway 121 (Sam Rayburn Tollway) and on the East Side of Stacy Road. Director of Planning Michael Quint stated that the applicant is proposing to construct a mini-

warehouse facility on the subject property. Site plans can typically be approved by Staff; however, the governing zoning ordinances on the property require that prior to development of subject property, a site plan be approved by City Council. Applicant Mr. Joshua Baran, JAB Engineering, 313 Cedar Lake Boulevard, Georgetown, TX, was available for questions and there were none. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to close the public hearing and approve a Site Plan for a self-storage facility, being fewer than 4 acres, located approximately 1,200 feet north of State Highway 121 (Sam Rayburn Tollway) and on the east side of Stacy Road with the following condition: the applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist.

- 14-227Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone Fewer than 26 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the South Side of Westridge Boulevard and Approximately 320 Feet West of Independence Parkway; and on the South Side of Westridge Boulevard and on the East Side of Coit Road, and Accompanying Ordinance. Director of Planning Michael Quint stated the applicant is proposing to rezone the property to modify the front and rear setbacks. The applicant has requested that the setbacks be reduced from 25 feet to 20 feet to be consistent with the rest of the neighborhood. After the discussion at the Work Session last night, vinyl lap siding option has been removed. The revised architectural standards that have been given to the Council tonight are the same as in the packet with the exception of the removal of the vinyl lap siding option. Applicant, Mr. Warren Corwin, Corwin Engineering, Inc., 200 W. Belmont, Allen, was available to answer questions and there were none. Mayor

Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to close the public hearing and approve an Ordinance rezoning fewer than 26 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards, located on the south side of Westridge Boulevard and approximately 320 feet west of Independence Parkway; and on the south side of Westridge Boulevard and on the east side of Coit Road, with the following special ordinance provisions: the subject property shall develop in accordance with "PD" - Planned Development District Ordinance No. 2001-08-087, except as follows: the front yard setback for single family residential uses shall be twenty (20) feet, the rear yard setback for single family residential uses shall be twenty (20) feet, and the single family residential uses on subject property shall develop in conformance with the modified Architectural and Site Standards.

- 14-1058** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending Ordinance 2014-09-069 to Locate the Subject Property within City Council District Number Two. Director of Planning Michael Quint stated on September 16, 2014, the City Council approved annexation request number 14-144A (Melton Farms) and adopted Ordinance No. 2014-09-069 which incorporated approximately 29.02 acres of land located approximately 1,900 feet north of Eldorado Parkway and on the east side of Custer Road into the City of McKinney's corporate limits. The adopted ordinance failed to establish which City Council district the subject property would be located within. The proposed ordinance will establish the subject property's location within City Council District Number Two. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve an Ordinance amending Ordinance 2014-09-069 to locate the

subject property within City Council District Number Two. Caption reads as follows:

ORDINANCE NO. 2014-10-079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE 2014-09-069 AND INCORPORATING 29.02 ACRES OF ANNEXED TERRITORY INTO THE BOUNDARIES OF CITY COUNCIL DISTRICT 2; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

- 14-988** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Renaming Millerd Pond Drive to Millard Pond Drive from Rosebury Circle to Stonebridge Drive. Transportation and CIP Manager Gary Graham stated that in August 2001, Millerd Pond Drive within Saddlehorn Ridge Phase 1 was dedicated by plat to the City of McKinney, which is the portion east of Stonebridge Drive. In November 2001, Millerd Pond Drive within WyndSOR Grove was dedicated by plat to the City of McKinney, which is the portion just west of Stonebridge Drive extending from Stonebridge Drive to Glendevon Drive. In December 2001, Millard Pond Drive within Stratford Manor Addition was dedicated by plat to the City of McKinney which extends from Glendevon Drive to Rosebury Circle. During the next year, it was discovered that there was a misspelling and City Council approved Ordinance No 2002-11-110 to change the name to Millerd Pond Drive. In 2003, the homes were constructed along Millerd Pond Drive. The builder for the Stratford Manor Addition constructed stone façades on the front of each house with the address using the name Millard Pond Drive. The residents of Stratford Manor Addition along Millerd Pond Drive have requested that Millerd Pond Drive from Rosebury Circle to Stonebridge Drive be renamed to Millard Pond Drive. The residents state mail gets lost, that motorists are confused by the street name being different than the name on the house façade, and the original Plat with the misspelled street name is still filed at the Collin County offices creating a title issue. If the Council approves

the Ordinance changing the name to Millard Pond, a Certificate of Correction would need to be filed at Collin County for the portion of Millard Pond Drive in the Wyndors Grove neighborhood which is just west of Stonebridge Drive to Glendevon Drive. No changes will be needed for the portion of Millard Pond Drive in the Stratford Manor Addition which extends from Glendevon Drive to Rosebury Circle. Council unanimously approved the motion by Council member Harris, seconded by Council member Day, to approve an Ordinance renaming Millard Pond Drive to Millard Pond Drive from Rosebury Circle to Stonebridge Drive. Caption reads as follows:

ORDINANCE NO. 2014-10-080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS RENAMING MILLERD POND DRIVE BETWEEN ROSEBURY CIRCLE TO STONEBRIDGE DRIVE TO MILLARD POND DRIVE IN MCKINNEY; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 14-1064** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing an Operations and Maintenance Agreement with the USDA-NRCS and the Collin County Soil and Water Conservation Service for East Fork above Lavon Floodwater Retarding Structure Site 2A. Civil Engineer Lissa Shepard stated this is an operations and maintenance agreement necessary to obtain funding that was approved by Council last month to participate in the rehabilitation of NRCS Site 2A. The maintenance responsibility will not take effect until August, 2016 and NRCS has estimated the annual cost to the City to be approximately \$3,500 per year. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Harris, to approve a Resolution authorizing an Operations and Maintenance Agreement with the USDA-NRCS and the Collin County Soil and Water Conservation Service for East Fork above Lavon Floodwater Retarding Structure Site 2A. Caption reads as follows:

RESOLUTION NO. 2014-10-123 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING EXECUTION OF AN OPERATIONS AND MAINTENANCE AGREEMENT WITH THE U.S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE AND COLLIN COUNTY SOIL AND WATER CONSERVATION DISTRICT FOR FLOODWATER RETARDING STRUCTURE SITE 2A IN THE EAST FORK ABOVE LAVON WATERSHED, COLLIN COUNTY, TEXAS

- 14-922** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending Ordinance No. 2006-06-082 that Established a Sinking Fund for the Funding of Operations and Maintenance Obligations Under the Operation and Maintenance Agreements with the USDA-NRCS for Certain Floodwater Retarding Structures in the City of McKinney, Collin County, Texas by Providing for the Inclusion of Future Funding Obligations Associated with Operations and Maintenance Agreements for Additional Floodwater Retarding Structures in Said Sinking Fund and by Providing for the Periodic Update of Costs Associated with Said Sinking Fund. Director of Engineering Mark Hines stated that this is a companion item for the previous agenda item that the Council just approved. This is an amendment to an existing Ordinance to add Lake 2A to that Ordinance and establish a sinking fund to fund the operation and maintenance for Lake 2A. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve an Ordinance amending Ordinance No. 2006-06-082 that established a sinking fund for the funding of operations and maintenance obligations under the Operation and Maintenance Agreements with the USDA-NRCS for certain floodwater retarding structures in the City of McKinney, Collin County, Texas by providing for the inclusion of future funding obligations associated with Operations and Maintenance Agreements for additional floodwater retarding structures in said sinking fund and by providing for the periodic update of costs associated with said sinking fund. Caption reads as follows:

ORDINANCE NO. 2014-10-081

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO.2006-06-082 THAT ESTABLISHED A SINKING FUND FOR THE FUNDING OF OPERATION AND MAINTENANCE OBLIGATIONS UNDER THE OPERATION AND MAINTENANCE AGREEMENTS WITH THE UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, ("NRCS") FOR CERTAIN FLOODWATER RETARDING STRUCTURES IN THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, BY PROVIDING FOR THE INCLUSION OF FUTURE FUNDING OBLIGATIONS ASSOCIATED WITH OPERATION AND MAINTENANCE AGREEMENTS FOR ADDITIONAL FLOODWATER RETARDING STRUCTURES IN SAID SINKING FUND, AND BY PROVIDING FOR THE PERIODIC UPDATING OF COSTS ASSOCIATED WITH SAID SINKING FUND; PROVIDING FOR THE LEVYING AND COLLECTION OF A SUFFICIENT TAX TO PAY THE SUCH OBLIGATION; PLEDGING SUCH TAX FOR THE PAYMENT OF SAID AMOUNT; CONTAINING OTHER INCIDENTAL AND RELATED MATTERS; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE

- 14-1059** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Contract and All Necessary Change Orders with Crescent Constructors, Inc. for the Construction of the University Pump Station 10 MG Ground Storage Tank Project. Director of Engineering Mark Hines stated that this item is for approval of a contract with Crescent Constructors, Inc. for the construction of a new 10 million gallon ground storage tank at the University Pump Station. Crescent Constructors, Inc. submitted the low bid. Crescent Constructors, Inc. had two minor irregularities in their bid. Staff determined that in accordance with the North Central Texas Council of Governments (NCTCOG) 2004 Edition of the Public Works Construction Standards, General Provisions, Item 102.10, the irregularities were not critical to the project and could be waived. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to approve a Resolution authorizing the Interim City Manager to execute a contract and all necessary change orders with Crescent Constructors, Inc. for the construction of the University Pump Station 10 MG Ground Storage Tank Project. Caption

reads as follows:

RESOLUTION NO. 2014-10-124 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$6,398,000 WITH CRESCENT CONSTRUCTORS, INC. FOR THE CONSTRUCTION OF THE UNIVERSITY PUMP STATION 10 MG GROUND STORAGE TANK PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$7,100,000

- 14-1060** Mayor Loughmiller called for Consideration/Discussion/Action on a Meritorious Exception to the Sign Ordinance, on Behalf of the City of McKinney Communications and Marketing Department, for Special Event Banners Displayed on Light Poles within City of McKinney Right-of-Way. Senior Plans Examiner Jeff Harris stated that City of McKinney Communications and Marketing Department is requesting a Meritorious Exception to the Sign Ordinance to allow 50 Light Pole banners to promote City Sponsored Special Events, as well as, promote City Awards, Recognition, and Accomplishments. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve a Meritorious Exception to the Sign Ordinance, for Special Event Banners displayed on light poles within City of McKinney right-of-way.

Council member Ricchi stepped down from the dais for the following agenda item.

- 14-1061** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving TAPS Proposed Changes to Fixed Routes in McKinney. Assistant to the City Manager Darrek Ferrell stated that the City entered into an Interlocal Agreement with TAPS. Before any routes or services which are paid all or in part by the funds provided by the City are modified, TAPS is required by the Interlocal Agreement (ILA) to provide an implementation report describing routes and schedules to the

McKinney City Council for consideration and final approval. Council approved the motion made by Council member Day, seconded by Council member Harris, to approve a Resolution approving TAPS proposed changes to Fixed Routes in McKinney with the addition of the Gateway stop location added to the map, with a vote of 6-0-1, Council member Ricchi abstaining. Caption reads as follows:

RESOLUTION NO. 2014-10-125 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, APPROVING THE MODIFICATIONS TO
FIXED ROUTE TRANSIT SERVICES PROVIDED BY TEXOMA
AREA PARATRANSIT SYSTEMS (TAPS)

Council member Ricchi returned to the dais.

14-1062 Mayor Loughmiller called for Consideration/Discussion/Action on an Agreement Modifying the Extraterritorial Jurisdiction Boundary Between the City of McKinney and the Town of Fairview. Director of Planning Michael Quint stated the property owner of approximately 16.482 acres of land within McKinney's Extraterritorial Jurisdiction (ETJ) has requested that their property be removed from McKinney's ETJ and placed in the Town of Fairview's ETJ due to the inability to serve the property with McKinney utility services. The subject property does not currently have access to City of McKinney water and sanitary sewer services. The extension of these services to the property is problematic due to its location between the Heard Natural Science Museum and properties located within the Town of Fairview. Council unanimously approved the motion by Council member Harris, seconded by Council member Day, to approve an agreement modifying the Extraterritorial Jurisdiction Boundary between the City of McKinney and the Town of Fairview.

14-1063 Mayor Loughmiller called for Consideration/Discussion/Action on Naming the Event Rooms at the Gateway Events Center. Mayor Loughmiller stated that a Council Committee consisting of Mayor Loughmiller, Mayor Pro Tem Ussery, and Council member Harris met to discuss proposed

names for the event center. The Committee wanted to maintain a historical significance to the naming of each of these rooms. The Committee is recommending naming the meetings rooms as follows: Davis (William and Margaret Davis who donated the land for the town square in 1849), Abernathy (established a law firm and organized the first volunteer fire department where he served as the first Fire Chief), Dowell (J.P. who owned the first hardware store), Wilmeth (Joseph Brice who helped establish McKinney as the County seat and was a founding member of the first church in 1848 and helped open up the first free school), and Lovejoy (John who had the first non-residential building moved to McKinney prior to the incorporation in 1848 which also served as the first Post Office). The Boardroom to be named for Doggett (J.L. was the first recorded Mayor of McKinney in 1881, President of the First National Bank of McKinney, and was President of the Collin County Bar Association). The Ballroom to be named Throckmorton (James Webb who was the only resident of McKinney who served as Governor of the State of Texas and also served in the U.S. House of Representatives. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to approve names as presented by Mayor Loughmiller.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Kever stated that she and Mayor Pro Tem Ussery serve as liaisons to the MEDC Board. They have committed to the MEDC Board to bring forward to Council their request to look in more depth to the role of the Alternate. Mayor Loughmiller stated that the Council Committee is working on a written document on the expectations for the Boards that the role of Alternate can be addressed and discussed. Mayor Loughmiller suggested that the Committee look at separate documents for each of the different boards to address the types of things that each board deals with.

Council member Pogue thanked Michael Quint for what he and his staff does and for the great job that Planning Manager Brandon Opiela did at the last meeting during Mr. Quint's absence.

Council member Harris complimented TAPS on coming in to the City and doing a fantastic job. He stated that he continues to be impressed with TAPS' Staff representation of their Company. Mr. Harris congratulated Mayor Loughmiller on his successful and effective presentation yesterday to the Collin County Commissioners Court. Mr. Harris complimented Staff on all the different facets and activities that are addressed in City Hall on a daily basis. The desire to succeed, the professionalism, and the leadership is amazing and thank you for allowing me to be a part of it. Mr. Harris congratulated the Communications and Marketing Department for their part in designation of Number 1 by Money Magazine.

Mayor Pro Tem Ussery invited everyone to attend the District 3 Town Hall meeting on Tuesday, October 28th at 7:00 p.m. at Cockrill Middle School. Mr. Ussery gave a special thanks to Troop 531 for allowing him to be a part of their merit badge process. He stated that it was challenging fielding tough questions from unfettered developing minds. Mr. Ussery sincerely thanked Staff for what they do day in and day out and the City of McKinney is Number 1 for what you do.

Mayor Loughmiller stated that Scare on the Square will be held on October 31st and is a fun event for the kids. Mr. Loughmiller stated that he received several letters today from some second graders at McGowen Elementary all commenting how great it is that McKinney received the Number 1 rating from Money Magazine. Everyone is paying attention to this including the kids in the elementary schools. It is great that they are learning about City government and what is going on in their City. Mr. Loughmiller thanked the current City Council, past Council members, and Staff for the professional working relationships that have helped the City move forward.

Interim City Manager Muehlenbeck invited everyone to two public input meetings that will be held in the Council Chambers on Wednesday and Thursday from 6:30 p.m. until 8:00 p.m. to share the qualities they would like to see in a new Chief of Police. The feedback gathered at these meetings will be used to establish the job profile for the Chief of Police as our national search begins tomorrow morning. Mr. Muehlenbeck

stated that the City would like to know how the City is doing through a resident survey that is being conducted to gauge the citizens' satisfaction on several key issues facing the community. Questions cover areas such as quality of life, neighborhood safety, city services and programs. This is a great chance to give feedback how City and tax dollars serve our residents. We encourage you to complete the survey on the City's website by November 14th. The Community Development Department has announced the availability of 2014-2015 funding for eligible non-profit agencies and community organizations that serve the residents of McKinney. Applications and instructions are available on the City's website and applications must be received by October 27, 2014 at 4 p.m. All applications will be reviewed followed by a recommendation to City Council for consideration and approval. Mr. Muehlenbeck invited residents to the next McKinney Connects District 3 meeting at 7:00 p.m. on October 28th at Dr. Jack Cockrill Middle School.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 7:40 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary