

## **CITY COUNCIL REGULAR MEETING**

**NOVEMBER 4, 2014**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on November 4, 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; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Darrek Ferrell; Chief Financial Officer Rodney Rhoades; Director of Planning Michael Quint; Director of Engineering Mark Hines; CIP and Traffic Engineer Gary Graham; Facilities Construction Manager Patricia Jackson; Interim Human Resources Director Kathryn Usrey; Affordable Housing Administrator Cristel Todd; Senior Plans Examiner Jeff Harris; Court Administrator Gilbert Hernandez; Planning - Brandon Opiela, Matt Robinson, and Steven Doss; Parks, Recreation, and Open Space Director Rhoda Savage; Airport - Ken Wiegand and Mark Jaraczewski; IT Service Desk Supervisor Amy Greer; Purchasing - Lisa Littrell and Ian Coubrough; Police Officer Trent Davis; Municipal Court - Debbie Biscarro, Sandra Vicencio, and Abraham Renteria; and Fire Captain Steve Dorris.

There were approximately 65 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Major Linda White, The Salvation Army. Boy Scout Troop 2150 led the Pledge of Allegiance.

**14-1107** Salvation Army Red Kettle Proclamation. Mayor Loughmiller presented the Salvation Army Red Kettle Proclamation to Major Paul White to kick off the start of the Red Kettle Campaign.

**14-1108** Proclamation Presented to Nick Dominque. Mayor Loughmiller presented a Proclamation to Nick Dominque for saving a fellow student from choking.

- 14-1109** Lung Cancer Awareness Proclamation. Mayor Loughmiller presented the Lung Cancer Awareness Proclamation to Angie Nelson.
- 14-1110** American Diabetes Month Proclamation. Mayor Loughmiller presented the American Diabetes Month Proclamation to Dr. J.D. Kennedy.
- 14-1111** Municipal Court Week Proclamation. Mayor Loughmiller presented the Municipal Court Week Proclamation to Municipal Court Staff: Gilbert Hernandez, Debbie Biscarro, Sandra Vicencio, and Abraham Renteria.
- 14-1112** U Matter Presentation. Deputy City Manager Jose Madrigal presented the October U Matter awards.
- 14-1113** Presentation of Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year that Ended September 30, 2013. Chief Financial Officer Rodney Rhoades stated that this is 30<sup>th</sup> year that the City has received the Certificate of Achievement for Excellence in Financial Report.

Mayor Loughmiller called for Citizen Comments.

Ms. June Owens, 8105 Elk Mountain Trail, McKinney did not wish to speak but wanted her comments regarding pedestrian safety around the area connecting Rowlett Park and Dr. Kenneth Cooper Park entered into the record.

The following individuals spoke against Site 2 for the Downtown parking garage:

Ms. Denise Moltzan, 201 W. Davis St., McKinney

Mr. Kiran Singh, 204 W. Davis Street, McKinney

Mr. David Salas, 202 W. Davis Street, McKinney

Mr. Anthony Nagid, 201 W. Davis Street, McKinney

Ms. Dusti L. Calander, 203 W. Davis Street, McKinney

Mr. Scott Moltzan, 201 W. Davis Street, McKinney

Ms. Ethel Horne, 3400 Craig Drive, McKinney spoke against the Site 2 for the Downtown parking garage and a control bridge crossing US 75 to Craig Drive.

Ms. Linda Day, 701 Shallow Creek, Plano, spoke in favor of Site 2 for the Downtown parking garage.

Mr. Larry Horner, 4100 Canvasback, McKinney, spoke about the Virginia Parkway Phase 2 project.

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

- 14-1114** Minutes of the City Council Work Session of October 20, 2014
- 14-1115** Minutes of the City Council Regular Meeting of October 21, 2014
- 14-1116** Minutes of the City Council Work Session of October 27, 2014
- 14-1054** Minutes of the Community Grants Advisory Commission Meeting of June 11, 2014
- 14-1015** Minutes of the McKinney Airport Development Corporation Meeting of September 18, 2014
- 14-1029** Minutes of the McKinney Arts Commission Meeting of July 24, 2014
- 14-1067** Minutes of the McKinney Community Development Corporation Meeting of September 25, 2014
- 14-1079** Minutes of the McKinney Economic Development Corporation Meeting of September 9, 2014
- 14-1078** Minutes of the McKinney Economic Development Corporation Special Meeting of September 29, 2014
- 14-1025** Minutes of the Planning and Zoning Commission Regular Meeting of September 23, 2014
- 14-1117** Consider/Discuss/Act on an Ordinance Designating Reserved Parking for Law Enforcement Only near the McKinney Police Department Storefront.

Caption reads as follows:

ORDINANCE NO. 2014-11-082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS DESIGNATING RESERVED PARKING FOR LAW ENFORCEMENT ONLY NEAR THE MCKINNEY POLICE STOREFRONT 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

- 14-1118** Consider/Discuss/Act on an Ordinance Designating Reserved Parking Spaces for the Handicapped or Disabled Parking Around the Downtown

Square. Caption reads as follows:

ORDINANCE NO. 2014-11-083

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS DESIGNATING RESERVED PARKING FOR HANDICAPPED OR DISABLED PARKING AROUND THE DOWNTOWN SQUARE 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

- 14-1119** Consider/Discuss/Act on an Ordinance Repealing Ordinance 1997-04-20 which Established a No Parking Zone on Bumpas Street between Murray Street and the South Dead End of Bumpas Street. Caption reads as follows:

ORDINANCE NO. 2014-11-084

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS REPEALING ORDINANCE 1997-04-20 WHICH ESTABLISHED A NO PARKING ZONE ON BUMPAS STREET BETWEEN MURRAY STREET AND THE SOUTH DEAD END 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

- 14-1120** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2014-2015 Annual Budget and Amending the 2015-2019 Capital Improvements Program, to Provide Funds for the US 380 and Tremont Boulevard Traffic Signal. Caption reads as follows:

ORDINANCE NO. 2014-11-085

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2014-2015 BUDGET AND THE 2015-2019 CAPITAL IMPROVEMENTS PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 14-1121** Consider/Discuss/Act on a Resolution of the City of McKinney Authorizing the Interim City Manager to Enter into a Cooperative Agreement with the Texas State Soil and Water Conservation Board for the Rehabilitation of NRCS EFAL Site 2A. Caption reads as follows:

RESOLUTION NO. 2014-11-126 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY

MANAGER TO ENTER INTO A COOPERATIVE AGREEMENT  
WITH THE TEXAS STATE SOIL AND WATER CONSERVATION  
BOARD FOR THE REHABILITATION OF NRCS EFAL SITE 2A

- 14-1122** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Replacement and Supplemental Vehicles and Equipment for Various Departments Utilizing Cooperative Purchasing Contracts. Caption reads as follows:

RESOLUTION NO. 2014-11-127 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF REPLACEMENT AND SUPPLEMENTAL VEHICLES AND EQUIPMENT FOR VARIOUS DEPARTMENTS

- 14-1123** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager, or Designee, to Apply for and Accept, If Awarded, Grant Funding through the Texas Department of Housing and Community Affairs (TDHCA) for the Amy Young Barrier Removal Program. Caption reads as follows:

RESOLUTION NO. 2014-11-128 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO APPLY FOR AND ACCEPT, IF AWARDED, THE AMY YOUNG BARRIER REMOVAL GRANT FROM THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA); AND PROVIDING FOR AN EFFECTIVE DATE

- 14-1124** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager or Designee to Continue Participation in the Reservation System to Access HOME Grant Funding, through the Texas Department of Housing and Community Affairs (TDHCA), for Continuation of the Tenant-Based Rental Assistance Program (TBRA) . Caption reads as follows:

RESOLUTION NO. 2014-11-129 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO CONTINUE PARTICIPATION IN THE RESERVATION SYSTEM TO ACCESS HOME FUNDS, FOR A TENANT BASED RENTAL ASSISTANCE GRANT FROM THE TEXAS DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS (TDHCA); AND PROVIDING FOR AN

EFFECTIVE DATE

- 14-1125** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for 1401 N. College Street, McKinney, Texas. Caption reads as follows:

RESOLUTION NO. 2014-11-130 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY AT LOT 4A, BLOCK 2, COLLEGE ADDITION, AKA 1401 N. COLLEGE ST., MCKINNEY, TEXAS HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 14-1126** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for William Davis Abstract, Tract 130, McKinney, Texas. Caption reads as follows:

RESOLUTION NO. 2014-11-131 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY AT WILLIAM DAVIS SURVEY, BLOCK 1, TRACT 130, MCKINNEY, TEXAS HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 14-1127** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for 1211 Garcia Street, McKinney, Texas. Caption reads as follows:

RESOLUTION NO. 2014-11-132 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY AT LOT 1B & 2B, BLOCK 5, DITTO & HIGHT #01 ADDITION, AKA 1211 GARCIA STREET, MCKINNEY, TEXAS HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 14-1128** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for 808 Fitzhugh Street, McKinney, Texas. Caption reads as follows:

RESOLUTION NO. 2014-11-133 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY AT LOTS 4 & 5B, BLOCK 3, FITZHUGH ADDITION, MCKINNEY, TEXAS HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 14-1129** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for 1706 N. College Street, McKinney, Texas. Caption reads as follows:

RESOLUTION NO. 2014-11-134 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY AT LOT 9, BLOCK A, MILLIE MUSE ADDITION, AKA 1706 N. COLLEGE ST., MCKINNEY, TEXAS HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 14-1130** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for William Davis Abstract, Tract 129, McKinney, Texas. Caption reads as follows:

RESOLUTION NO. 2014-11-135 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY AT WILLIAM DAVIS SURVEY, BLOCK 1, TRACT 129, MCKINNEY, TEXAS HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

END OF CONSENT

- 13-195Z7** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Property from "PD" - Planned Development District to "PD" - Planned Development District, to Allow for Townhome Uses and to Modify the Development Standards, Located Approximately 600 Feet South of Virginia Parkway and on the East Side of Hardin

Boulevard, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property from office uses to attached single-family residential uses. The item was presented to Council previously and Council requested that issues with the item, including architectural quality, design quality, and parking, be addressed. The applicant now presents a 100% alley-serviced townhome product that alleviates all of the concerns that Staff and Council had previously. Staff is recommending approval and feels that it is a good transition from the non-residential uses on the corner of Hardin Boulevard and Virginia Parkway. Applicant, Mr. Adam Buczek, Skorburg Co., 8214 Westchester Drive, Suite 710, Dallas, confirmed that Skorburg has altered the plan to be 100% alley served with 90% minimum masonry requirements. He also stated they met with the neighbors to the south of the development who back up to the open space. He stated that the neighbors expressed a desire for the developer to individually plat lots and blocks extending from their backyard fences to the center line of the creek. The developer will see that it is deed restricted so that no improvements or fencing will be allowed in that area. It will maintain its natural state and provide ease of maintenance. If a neighbor does not want the responsibility of the additional land, that section will be deeded to the HOA so that maintenance can continue. Mr. Quint stated that, through the platting process of these lots, the City can obtain drainage and maintenance easements for access and service. Mr. Buczek agreed to add in the motion tonight that everything from the center line of the creek south stays in its natural state. Mr. Buczek also stated that the property has a natural slope below the street grade of Hardin Boulevard. The developer will install a landscape buffer along Hardin Boulevard and a masonry wall along the alley. Mayor Loughmiller called for public comment.

The following individuals did not wish to speak but wanted their



opposition entered into the record.

Ms. Alice McCaulley, 2706 Summerwood Court, McKinney

Ms. Laura Lutek, 2901 Cedar, McKinney

Council approved the motion made by Mayor Pro Tem Ussery, seconded by Council member Pogue, to close the public hearing, with a vote of 6-0-1, Council member Kever abstaining. Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to approve an Ordinance rezoning the property from "PD" - Planned Development District to "PD" - Planned Development District, to allow for townhome uses and to modify the development standards, located approximately 600 feet south of Virginia Parkway and on the east side of Hardin Boulevard, Center line of the creek with the following special ordinance provisions: the use and development of the subject property shall develop in accordance with the attached development regulations; the development of the subject property shall generally conform to the attached concept plan exhibit, the attached site layout may not be constructed until all Engineering regulations have been satisfied, subject to review and approval by Director of Engineering, and with the additional stipulation that consistent maintenance levels of the floodplain be mandated. Caption reads as follows:

ORDINANCE NO. 2014-11-086

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 12.72 ACRE PROPERTY, LOCATED APPROXIMATELY 600 FEET SOUTH OF VIRGINIA PARKWAY AND ON THE EAST SIDE OF HARDIN BOULEVARD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW TOWNHOME 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

**14-202Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Property 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, Commercial, Office, Multi-Family Residential and Civic Uses, Located on the Southwest Corner of Collin McKinney Parkway and Alma Road, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property to allow for a mix of single family residential. The applicant has indicated that the increased employment opportunities in the area, increased demand for residential options, and the changing market for retail space have triggered the need to revisit the overall plan for the Craig Ranch Town Center. The applicant feels that the original plan for high density, urban mixed-use development spanning such a large area is no longer feasible within the changing market and has requested to modify the vision of the Craig Ranch Town Center to accommodate the development growth in the area over the past 13 years. Staff recommends approval of the item noting that it is in conflict with the Council's stated goals of preserving and expanding the non-residential tax base. Applicant Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that the owners VCIM and Palladium are both in full support of this plan and does not foresee any changes to this development. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing and approve an Ordinance rezoning the property 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, commercial,

office, multi-family residential and civic uses, located on the southwest corner of Collin McKinney Parkway and Alma Road, following special ordinance provisions: the use and development of the subject property shall develop in conformance with the "PD" - Planned Development District, and as amended, except as follows: the subject property shall develop in accordance with the attached Development Regulations and the subject property shall develop in accordance with the attached Regulating Plan. Caption reads as follows:

ORDINANCE NO. 2014-11-087

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 78.21 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF COLLIN MCKINNEY PARKWAY AND ALMA 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, COMMERCIAL, OFFICE, MULTI-FAMILY RESIDENTIAL AND CIVIC USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 14-263A2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss on a Request to Annex the Property Located on the West Side of County Road 168 and Approximately 2,700 Feet South of County Road 125. Director of Planning Michael Quint stated that the applicant is requesting that the property be annexed into the City. The City considers several factors in annexations, including the population of the area being annexed, the ability to provide city services and utilities, and the fiscal impact to the city. The city has evaluated these factors and has no concerns. State law requires three public hearings and this is the second public hearing. The third public hearing will be held December 2 when the item will be considered by Council. 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.

Mayor Pro Tem Ussery, Council member Harris, and Council member Day stepped down from the dais for the following agenda item.

- 14-1131** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Seek Out and Contract with a Parking Garage Design Professional. Director of Planning Michael Quint stated that Staff is requesting Council approve staff seeking out a design professional to assist in evaluating several items as they relate to the downtown parking facility. It would be beneficial to this project if a parking design professional evaluated a number of concerns, including but not limited to necessary adjacent roadway improvements, long-term maintenance and operation, traffic impact, estimated construction costs, and variances or waivers to other applicable regulations. Interim City Manager Tom Muehlenbeck stated that if the parking garage is a paid parking facility, the City cannot issue general obligation debt for the construction of the facility but would have to issue revenue debt. There are some exceptions and the City will need to make this a part of the analysis with the consultant. The City anticipates that the design professional evaluation will include schematics, the layout, the efficiency, and the level of service of the parking structure. The RFQ can be tailored to the scope of the project with a desired dollar amount as set by the Council. Site 3 would not require the relocation of utilities that is associated with Site 2; however, Site 3 would be evaluated in phases. The City does not own all of the land on any of the sites and further study to clarify total costs would be beneficial to Council in their decision. The RFQ can be written for the contractor to evaluate both Site 2 and Site 3 in a comparable analysis with a "not to exceed" dollar amount for Council's approval. Council approved the motion by Council member Kever, seconded by Council

member Pogue and amended by Mayor Loughmiller to approve a Resolution authorizing the Interim City Manager to seek out and contract with a Parking Garage Design Professional for Site 2 and Site 3 with a not to exceed amount of \$75,000 and the scope of work include an “apples to apples” comparison in terms of basis and associated costs, as discussed here tonight, with a vote of 4-0-3, Mayor Pro Tem Ussery, Council members Day and Harris abstaining. Caption reads as follows:

RESOLUTION NO. 2014-11-136 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT NOT TO EXCEED \$75,000 WITH A QUALIFIED PROFESSIONAL IN THE STRUCTURED PARKING GARAGE DESIGN AND CONSTRUCTION INDUSTRY FOR SERVICES PROVIDED IN ASSOCIATION WITH THE EVALUATION AND ANALYSIS OF A MUNICIPALLY-OWNED AND OPERATED STRUCTURED PARKING FACILITY LOCATED ON THE NORTHWEST CORNER OF DAVIS STREET AND KENTUCKY STREET (ALSO KNOWN AS “SITE 2”) AND ON THE NORTHEAST CORNER OF VIRGINIA STREET AND JOHNSON STREET (ALSO KNOWN AS “SITE 3”); AND PROVIDING AN EFFECTIVE DATE

- 14-1132** 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 Accelerated Critical Path, Inc. for the Rehabilitation of NRCS East Fork above Lavon Site 2A. Director of Engineering Mark Hines stated that bids were received for the rehabilitation of Site 2A. The low bidder was Accelerated Critical Path, Inc. with a bid in the amount of \$3,641,789.50. Staff is requesting Council’s approval to enter into a contract with Accelerated Critical Path, Inc. in an amount not to exceed \$4,188,000.00. Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro Tem Ussery, to approve a Resolution authorizing the Interim City Manager to execute a contract and all necessary change orders with Accelerated Critical Path, Inc. for the Rehabilitation of NRCS East Fork above Lavon Site 2A. Caption reads as follows:

RESOLUTION NO. 2014-11-137 (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 \$3,641,789.50 WITH ACCELERATED CRITICAL PATH, INC. FOR THE CONSTRUCTION OF REHABILITATION OF NATURAL RESOURCES CONSERVATION SERVICE EAST FORK ABOVE LAVON FLOODWATER RETARDING STRUCTURE SITE 2A AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$4,188,000

- 14-1133** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Adopting the City of McKinney and McKinney Chamber of Commerce 2015 Joint Legislative Agenda. Assistant to the City Manager Darrek Ferrell stated that based on Council's input, items on workforce education in the high schools, hotel occupancy tax collections, and support of aviation and transportation were added. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve a Resolution adopting the City of McKinney and McKinney Chamber of Commerce 2015 Joint Legislative Agenda. Caption reads as follows:

RESOLUTION NO. 2014-11-138 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE APPROVAL OF THE CITY OF MCKINNEY AND MCKINNEY CHAMBER OF COMMERCE 2015 JOINT LEGISLATIVE AGENDA

- 14-1134** Mayor Loughmiller called for Consideration/Discussion/Action on a Sign Meritorious Exception Request by Chandler Signs, to Reallocate Allowable Wall Signage to Various Elevations of the Sheraton Gateway Development. Senior Plans Examiner Jeff Harris stated that this is a request for a meritorious exception request to reallocate wall signage to the west and south elevations of the Sheraton Hotel site. The north elevation is allowed a total of 450 square feet of wall signage. The applicant is requesting that a 90 square foot wall sign be placed on the

north elevation and a wall sign totaling 104 square feet on the west side and a 144 square foot Sheraton logo to the south elevation. The total wall sign package does not exceed the total allowed. Staff agrees with the reallocation and feels it is appropriate to the site. Mayor Pro Tem Ussery, to approve a meritorious sign exception to reallocate allowable wall signage to various elevations of the Sheraton Gateway Development with a vote of 6-1-0, Council member Ricchi voting against.

**14-1135** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Removing the Statutory Maximum Contribution Rate Limit Regarding TMRS Benefits. Interim Human Resources Director Kathryn Usrey stated that this ordinance will remove the statutory cap of the TMRS benefit. This enables the City to be fully funded with the retirement plan in 30 years. Mayor Loughmiller stated that Council is required to approve the Financial Policy for the City of McKinney annually. If Council votes to remove the cap, Council should include a statement that as part of the evaluation of the financials on an annual basis, Council will include an evaluation of the status of this TMRS benefit. Ms. Usrey clarified that the City is not increasing the benefit but is simply increasing the amount to make up for the unfunded liabilities created in the past. Annually, an actuarial review is conducted and the City receives a rate to pay. That rate jumped up just over the cap this year and that prompted Human Resources to request removal of the cap. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Kever, to approve an Ordinance Removing the Statutory Maximum Contribution Rate Limit regarding TMRS Benefits and adding a statement to the Financial Policy to include review of the annual TMRS rate. Caption reads as follows:

ORDINANCE NO. 2014-11-088

AN ORDINANCE OF THE CITY OF MCKINNEY ELECTING FOR THE CITY TO MAKE CURRENT SERVICE AND PRIOR SERVICE CONTRIBUTIONS TO THE CITY'S ACCOUNT IN THE BENEFIT ACCUMULATION FUND OF THE TEXAS MUNICIPAL

RETIREMENT SYSTEM AT THE ACTUARIALLY DETERMINED  
RATE OF TOTAL EMPLOYEE COMPENSATION

- 14-1136** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Airport Development Corporation. Mayor Loughmiller stated that there is a vacancy on the McKinney Airport Development Corporation Board due to the resignation of Fritz Mowery. Council member Harris and Mayor Loughmiller recommend applicant Doc Vranici as the alternate member and moving alternate member David Vaughan up to the vacant seat on the Board. Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro Tem Ussery, to appoint David Vaughn to fill the unexpired term on the McKinney Airport Development Corporation starting November 5, 2014 and ending on September 30, 2015 and to appoint Doc Vranici to serve as the Alternate member on the McKinney Airport Development Corporation starting on November 5, 2014 and ending on September 30 2016.
- 14-1137** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the Reinvestment Zone Number Two. Due to Mr. Mowery's resignation, a vacancy was created on the Reinvestment Zone Number Two. Mayor Pro Tem Ussery recommended appointing Steve McCarter to fill the unexpired term as the McKinney Airport Development Corporation representative on the Reinvestment Zone Number Two. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to appoint Steve McCarter to fill the unexpired term on the Reinvestment Zone Number Two, starting November 5, 2014 and ending September 30, 2016.
- 14-1138** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Housing Authority. Mayor Pro Tem Ussery stated that due to the resignation of James DeCoste, a vacancy for a resident member was created on the McKinney Housing



Authority. Mayor Pro Tem Ussery suggested Detrise Lefall to fill the vacancy. Ms. Lefall is an active member of the Newsome community. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Harris, to approve appointing Detrise Lefall to the fill the unexpired term on the McKinney Housing Authority starting November 5, 2014 and ending September 30, 2015.

- 14-1139** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Alternate Position on the Planning and Zoning Commission. Council members Day and Ricchi expressed that they felt there was not a need for an Alternate on the Planning and Zoning Commission. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to table this item indefinitely.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Pogue stated that it is a good time to be in the City of McKinney.

Council member Harris complimented staff on their work with the State to get the traffic signal approved on US 380 at Tremont Boulevard. He also complimented the Finance Department on receiving the CAFR award and the Development staff on working with the neighborhoods and developers to bring new projects to McKinney. Mr. Harris complimented Interim Human Resources Director Usrey on the difficult TMRS item that she presented tonight. Mr. Harris stated that it is remarkable how a good management team puts together these difficult items.

Council member Ricchi complimented City Attorney Mark Houser and Deputy City Manager Jose Madrigal and Assistant City Manager Rob Daake for the ethical manner in which they handled a recent investigation.

Council member Day did not have any comments.

Council member Kever stated that we had seven information sharing items to celebrate tonight. It is a fun time to be around the dais.

Mayor Pro Tem Ussery recognized the Finance Department for receiving the CAFR award. He also thanked Mr. Muehlenbeck for his service to McKinney.

Mayor Loughmiller announced that the McKinney North High School Girl's Tennis Team is going to State playoffs and wishes them good luck and success in representing McKinney. This Thursday is the State of the City event and Saturday is the Veteran's Day celebration. Mr. Loughmiller announced that the Annie Moses Band will be performing at the end of November at the Stonebridge United Methodist Church. Mr. Loughmiller stated that the City Council has to make a lot of tough decisions that always impact people in our community and we have to make decisions on what is best for the entire community. Mr. Loughmiller stated that he appreciates those who come to the Council meetings and give us their opinion.

Interim City Manager Tom Muehlenbeck noted that new seasonal watering restrictions are now in place. You can water once every other week on your regular scheduled trash day. The City continues to ask for feedback through a residential survey in order to gauge how the City is doing. Staff encourages residents to complete the survey on the website by November 14<sup>th</sup>. The Chamber of Commerce hosts the State of the City this Thursday. Leaders from Collin College and MISD will join Mayor Loughmiller to share recent accomplishments and the vision for the future of McKinney.

Mayor Loughmiller recessed the meeting into executive session at 8:22 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, Section 551.074 Personnel Matters, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:55 p.m.

Council unanimously approved the motion by Council member Randy P. Pogue, seconded by Council member Roger Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 8:56 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary