

## **CITY COUNCIL REGULAR MEETING**

**FEBRUARY 17, 2015**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on February 17, 2015 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; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Darrek Ferrell; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Director of Engineering Mark Hines; Fire Chief Danny Kistner; Police Officer Travis Ray; IT Desk Support Tech II David Linson; Assistant Fire Chief Chris Lowry; Housing and Community Services Manager Janay Tieken; Assistant Fire Chief Tim Mock; Airport Executive Director Ken Wiegand; Planning - Jennifer Arnold, Jason Aprill, and Steven Doss; and McKinney Economic Development Corporation President Jim Wehmeier.

There were approximately 40 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 Scott Doust, Christ Fellowship. Mayor Loughmiller led the Pledge of Allegiance.

**15-158** Engineers Week Proclamation. Mayor Loughmiller presented the Engineers Week Proclamation.

Mayor Loughmiller called for citizen comments and there were none.

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

**15-159** Minutes of the City Council Special Meeting of January 29, 2015

**15-160** Minutes of the City Council Work Session of February 2, 2015

**15-161** Minutes of the City Council Regular Meeting of February 3, 2015

**15-054** Minutes of the Animal Service Facilities Advisory Committee Meeting of December 3, 2014

- 15-025** Minutes of the Board of Adjustment Regular Meeting of November 19, 2014
- 15-114** Minutes of the Historic Preservation Advisory Board Regular Meeting of December 4, 2014
- 15-133** Revised Minutes of the Planning and Zoning Commission Meeting of January 13, 2015
- 15-179** Minutes of the McKinney Housing Authority Work Session of December 15, 2014
- 15-180** Minutes of the McKinney Housing Authority Meeting of December 16, 2014
- 15-132** Minutes of the Planning and Zoning Commission Regular Meeting of January 27, 2015
- 15-162** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Lease/Purchase Agreement on an E-One Aerial and E-One Pumper Between the City of McKinney and First Bankers. Caption reads as follows:

RESOLUTION NO. 2015-02-019 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A LEASE/PURCHASE AGREEMENT FOR AN E-ONE AERIAL AND AN E-ONE PUMPER BETWEEN THE CITY OF MCKINNEY AND FIRST BANKERS

- 15-163** Consider/Discuss/Act on a Facilities Agreement Waiving the Requirement for Beazer Homes Texas, L.P. to Construct Two Lanes of Silverado Trail from Custer Road to Rowlett Creek as Required by Chapter 142 (Subdivision Regulations) of the Code of Ordinances

END OF CONSENT

- 15-164** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Execution of Documents for the Acquisition of Easements and the Consideration of the Use of Eminent Domain to

Condemn Property for the Construction of Utility Lines Along the West Side of SH 5 (McDonald Street) from FM 543 North to Approximately CR 275 and in an Area Located to the West of the Dallas Area Rapid Transit (DART) Right-of-Way Approximately 1600 Feet North and 3800 Feet East of the Intersection of SH 5 and FM 543. Director of Engineering Mark Hines stated that this item will authorize the City to utilize Eminent Domain to acquire a total of five easement tracts. The City currently has two easement tracts and needs to acquire the remaining three tracts. These tracts are necessary to enable a large master water line as well as sewer and smaller water lines to serve the entire area. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to approve a Resolution as written and authorize the use of the power of eminent domain to acquire all necessary easements from property owners, generally indicated on the attached property locator map, for the construction of utility lines generally known as the SH 5 Off-Site 36" Water Main, the Willow Wood Off-Site Sanitary Sewer and the Willow Wood Off-Site Water Line. Caption reads as follows:

RESOLUTION NO. 2015-02-020 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE EXECUTION OF DOCUMENTS FOR THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE CONSTRUCTION OF UTILITY LINES ALONG THE WEST SIDE OF SH 5 (MCDONALD STREET) FROM FM 543 NORTH TO APPROXIMATELY CR 275; AND IN AN AREA LOCATED TO THE WEST OF THE DALLAS AREA RAPID TRANSIT (DART) RIGHT-OF-WAY APPROXIMATELY 1600 FEET NORTH AND 3800 FEET EAST OF THE INTERSECTION OF SH 5 AND FM 543; AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE INTERIM CITY MANAGER OF THE CITY OF MCKINNEY, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AND AUTHORIZING THE INTERIM CITY MANAGER THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

- 15-165** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending Resolution 2015-01-005 (R) of the City Council of the City of McKinney, Texas, Determining No Objection to the Application of the "Newsome Homes" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the Rehabilitation of Multi-Family Units Within the Project. Housing and Community Development Manager Janay Tieken stated that there were two deficiencies in the Resolution previously passed by Council on January 26, 2015. TDHCA is requesting that the deficiencies be amended and brought back to Council for approval. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to approve a Resolution amending Resolution 2015-01-005 (R) of the City Council of the City of McKinney, Texas, determining no objection to the application of the "Newsome Homes" to the Texas Department of Housing and Community Affairs (TDHCA), for 4% Tax Credits for the rehabilitation of multi-family units within the project. Caption reads as follows:

RESOLUTION NO. 2015-02-021 (R)

AN AMENDMENT TO RESOLUTION 2015-01-005 (R), A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING NO OBJECTION TO THE APPLICATION OF THE "NEWSOME HOMES" TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) FOR 4% TAX CREDITS FOR THE DEMOLITION AND RECONSTRUCTION OF MULTI-FAMILY UNITS WITHIN THE PROJECT

- 14-166Z4** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Townhome Uses, Located on the Southwest

Corner of McKinney Place Drive and Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property to allow for a townhome product. The property is currently zoned for multi-family uses. The applicant is requesting a front-entry garage townhome product and staff feels it does not meet the bench mark for quality that Council has set for the community. The Planning and Zoning Commission did approve the item with four stipulations: 1) that no more than 50% of the townhomes be front entry; 2) that no garages face each other on opposing sides of the street; 3) a site plan be tied down; and 4) carriage-style doors be mandated throughout the development. Applicant indicated to staff that they do not want to produce a concept plan per the Planning and Zoning Commission's recommendation. A plat has been submitted for staff approval and if Council approves, we will move forward with that plat. Staff is recommending denial of the request. Mr. Levi Wild, 402 N. Tennessee Street, McKinney, presented information on the townhome product. Mr. Wild noted that the applicant has conformed to the Planning and Zoning Commission motion and the four stipulations. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Kever, to close the public hearing. Council approved the motion by Mayor Loughmiller, seconded by Council member Pogue, to re-open the public hearing and table the item until the March 3, 2015 meeting, with a vote of 6-1-0, Council member Kever voting against.

- 14-302Z4** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject 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 Modify the Development Standards, Located on the Northwest Corner of Meyer Way

and Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone approximately 8.57 acres of land, generally for mixed uses. More specifically, the proposed rezoning request modifies the development standards, including, but not limited to, lot area, width, and depth, maximum height, density, setbacks, landscaping, parking, and architectural requirements, as detailed in the attached development regulations and associated exhibits. The regulating plan includes both residential multi-family and vertical mixed use. Staff is recommending approval at this time. Applicant, Mr. Don Paschal, 904 Parkwood, McKinney, presented information on the rezoning request. He stated the request is for 5.6 acres for multi-family and 3.0 acres for commercial mixed use. Mr. Paschal stated that this is a five story use and the current zoning allows up to eight stories. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to approve an Ordinance rezoning the subject 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 modify the development standards, located on the northwest corner of Meyer Way and Collin McKinney Parkway, with the following special ordinance provisions: the subject property shall develop in accordance with the "PD" - Planned Development District, and as amended, except as follows: the subject property shall develop in accordance with the attached Regulating Plan - Exhibit "B"; the subject property shall generally develop in accordance with the attached Concept Plan - Exhibit "C"; and the subject property shall develop in accordance with the attached Development Regulations -

Exhibit "D". Caption reads as follows:

ORDINANCE NO. 2015-02-007

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 8.57 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF MEYER WAY AND COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**15-034AA** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Right-of-Way Vacation of Uplands Drive, Located Between Wessex Court and Hewitt Drive, and a Right-of-Way Vacation of Uplands Drive, Located Between Hewitt Drive and Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the City of McKinney is requesting Council's approval to abandon the right of way in order to make the rezoning request that Council just approved possible. In order to make the rezoning happen, these roads need to become fire lanes. The applicant has agreed to do so. Staff is recommending approval. Applicant, Mr. Don Paschal, 904 Parkwood, McKinney, introduced Mr. John Lowery, President of Whole Life Company who will be handling and managing the project. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to close the public hearing and approve an Ordinance approving a Right-of-Way Vacation of Uplands Drive, Located Between Wessex Court and Hewitt Drive, and a Right-of-Way Vacation of Uplands Drive, Located Between Hewitt Drive and Collin McKinney Parkway. Caption reads as follows:

ORDINANCE NO. 2015-02-008

AN ORDINANCE VACATING TWO PORTIONS OF UPLANDS DRIVE, APPROXIMATELY 0.71 ACRES, LOCATED BETWEEN WESSEX COURT AND HEWITT DRIVE AND BETWEEN HEWITT DRIVE AND COLLIN MCKINNEY PARKWAY, PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 15-037M** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Approving the Northwest Sector Study Phase I Report. Planning Manager Jennifer Arnold stated that staff is presenting the final report for the Northwest Sector Study Phase I that creates a vision for the Northwest Sector that guides the pattern of growth and desired development quality over the near, mid, and long term. The report outlines the goals of the initiative and the public process, provides a summary of the existing physical, demographic and economic characteristics of the Northwest Sector, details the overall vision for the Northwest Sector, provides an economic discussion of the potential added value of key principles and priorities included in the vision, and outlines potential implementation strategies for realizing the vision for the Northwest Sector. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, 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 a Resolution Approving the Northwest Sector Study Phase I Report. Caption reads as follows:

RESOLUTION NO. 2015-02-022 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS APPROVING THE NORTHWEST SECTOR STUDY PHASE I REPORT

Mayor Loughmiller called for Citizen Comments and there was none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Ricchi did not have any comments.



Council member Day did not have any comments.

Council member Kever stated at the McKinney EDC meeting Angela Hale provided a briefing on our Legislative efforts and recommended citizen involvement in the Legislative efforts in Austin. She would like to see the City implement ways to encourage citizens to get involved with their elected Legislative officials.

Council member Pogue did not have any comments.

Council member Harris did not have any comments.

Mayor Pro Tem Ussery reiterated what the Mayor and Mr. Muehlenbeck rolled out at our last meeting "McKinney First". It is important that we sell and market that as what our priorities should be. Staff is what makes McKinney First and he thanked Staff for what they do.

Mayor Loughmiller announced that the City Council has a work session on February 23, 2015 which is a public meeting for anyone who would like to attend. The next Council meeting is March 3, 2015.

Interim City Manager Muehlenbeck announced that, following a nation-wide search, Mr. Barry Shelton was selected as the new Assistant City Manager.

Mayor Loughmiller recessed the meeting into executive session at 7:52 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 Deliberations about Real Property, 551.071 (1) (A). Litigation / Anticipated Litigation, Section 551.074 Discuss Personnel Matters, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:05 p.m.

Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to Adjourn. Mayor Loughmiller adjourned the meeting at 8:07 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary