

CITY COUNCIL REGULAR MEETING

MARCH 1, 2016

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 1, 2016 at 6:00 p.m

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Travis Ussery, Council members: Chuck Branch, Don Day, Randy P. Pogue, Tracy Rath, and Rainey Rogers.

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Director of Strategic Services Chandler Merritt; Fire Chief Danny Kistner; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; Assistant Director of Public Works Paul Sparkman; Facilities Construction Manager Patricia Jackson; IT Service Desk Supervisor Amy Greer; Planning Manager Brandon Opiela; Public Works – Morgan Dadgostar and Johnny Briggs; and Police Corporal Melissa Taylor.

There were approximately 40 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum present. Invocation was given by Dr. Brad Cox, Senior Minister at High Pointe Church of Christ. Mayor Loughmiller led the Pledge of Allegiance.

16-169 U Matter Presentation. Deputy City Manager Jose Madrigal introduced the U Matter presentation.

Mayor Loughmiller called for Citizen Comments.

Ms. Margo Turner, 2717 Dog Leg Trail, McKinney, requested a property tax freeze for individuals over 65 years of age.

Mr. Frank Bures, 809 Snyder Drive, McKinney, spoke about a freeze on assessed values and property tax increases for those individuals over 65 and the disabled.

Ms. Juanita Horne, 3400 Craig Drive #1827, McKinney, spoke about the problems for those voters who do not have a driver's license and the challenges that creates when trying to vote in an election.

Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to approve the following consent items:

- 16-253** Minutes of the City Council Work Session of February 15, 2016
- 16-254** Minutes of the City Council Regular Meeting of February 16, 2016
- 16-255** Minutes of the City Council Work Session of February 22, 2016
- 16-217** Minutes of the Animal Service Facilities Advisory Committee Meeting of September 30, 2015
- 16-203** Minutes of the Library Advisory Board Meeting of January 21, 2016
- 16-160** Minutes of the Main Street Board Meeting of January 14, 2016
- 16-149** Minutes of the McKinney Armed Services Memorial Board Meeting of January 13, 2016
- 16-204** Minutes of the McKinney Economic Development Corporation Meeting of January 19, 2016
- 16-165** Minutes of the McKinney Housing Finance Corporation Meeting of November 13, 2015
- 16-154** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of January 21, 2016
- 16-147** Minutes of the Planning and Zoning Commission Work Session of January 26, 2016
- 16-148** Minutes of the Planning and Zoning Commission Regular Meeting of January 26, 2016
- 16-256** Consider/Discuss/Act on a Resolution Amending the 2016 - 2020 Capital Improvements Program to Provide Funds for the WW4213 - Oversize Participation Bloomdale (Tucker Hill) Project. Caption reads as follows:

RESOLUTION NO. 2016-03-032 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MCKINNEY, TEXAS AUTHORIZING A BUDGET AMENDMENT
PERTAINING TO THE 2016 - 2020 CAPITAL IMPROVEMENTS
PROGRAM

- 15-010DA** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Developer Participation Agreement with W/J

Wilmeth Ridge, L.P., for the Construction of an Oversized Off-site Wastewater Main and Related Infrastructure Improvements, Being Extended to the Wilmeth Ridge North and Wilmeth Ridge South Subdivisions, Generally Located East of Ridge Road (CR 161) and on the North and South Sides of Wilmeth Road (CR 164). Caption reads as follows:

RESOLUTION NO. 2016-03-033 (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 W/J WILMETH RIDGE, L.P., FOR THE CONSTRUCTION OF AN OVERSIZED OFF-SITE WASTEWATER MAIN AND RELATED INFRASTRUCTURE IMPROVEMENTS, BEING EXTENDED TO THE WILMETH RIDGE NORTH AND WILMETH RIDGE SOUTH SUBDIVISIONS

- 16-257** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Kimley Horn Inc., for the Design of a Retaining Wall Along Hardin Boulevard. Caption reads as follows:

RESOLUTION NO. 2016-03-034 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH KIMLEY HORN, INC., FOR ENGINEERING DESIGN SERVICES FOR THE DESIGN OF A RETAINING WALL ALONG HARDIN BOULEVARD, AND ANY NECESSARY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$80,000

- 16-258** Consider/Discuss/Act on a Resolution Authorizing the Rejection of All Bids Associated With 16-33FP - Utility Cuts. Caption reads as follows:

RESOLUTION NO. 2016-03-035 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REJECTING ALL BIDS ASSOCIATED WITH 16-33FP UTILITY CUTS

- 16-259** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Professional Services Contract with Quorum Architects, Inc. of Ft. Worth, Texas for Architectural and Engineering Services Related to Master Planning of the Public Works Facilities Site.

Caption reads as follows:

RESOLUTION NO. 2016-03-036 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH QUORUM ARCHITECTS, INC. OF FT. WORTH, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE MASTER PLANNING OF THE PUBLIC WORKS FACILITIES SITE

16-008CP2 Consider/Discuss/Act on a Concept Plan for a Grocery Store, Fueling Station, Retail and Restaurants (Westridge Retail), Located on the Northwest Corner of Westridge Boulevard and Independence Parkway.

END OF CONSENT

15-343Z5 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 "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Northeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, and Accompanying Ordinance. Director of Planning Brian Lockley stated the applicant has requested that the public hearing be continued and the item tabled to the March 15, 2016 City Council meeting. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Branch, to continue the public hearing and table this item to the March 15, 2016 meeting.

16-004Z2 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 "C1" - Neighborhood Commercial District, Located on the

Northwest Corner of Lake Forest Drive and Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Brian Lockley stated that the applicant is requesting to rezone the property located at the corner of Lake Forest Drive and Collin McKinney Parkway in order to offer more retail and remove the setback requirement that is part of the Regional Employment Center Overlay District. That requirement calls for the rear setback to be 55', which moves the building up to the street. The applicant would like to reduce that setback to allow for a more suburban-type development. Applicant, Mr. Patrick Filson, Kirkman Engineering, 4221 Merlot Avenue, Grapevine, was available for questions and there were none. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Pogue, to close the public hearing. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Branch, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, located on the northwest corner of Lake Forest Drive and Collin McKinney Parkway. Caption reads as follows:

ORDINANCE NO. 2016-03-017

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 .82 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF LAKE FOREST DRIVE AND COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "C1" – NEIGHBORHOOD COMMERCIAL DISTRICT; 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

16-005SP Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on

a Site Plan for a Parking Lot (Buick-GMC Inventory Parking), Located on the North Side of Collin McKinney Parkway and at the Terminus of Test Drive. Director of Planning Brian Lockley stated the applicant is requesting to add a parking lot for approximately 136 parking spaces adjacent to the property to address inventory overflow. It is a requirement of the PD that it come to Council for approval. Applicant, Mr. Robert Sanders with Berkshire Hathaway Automotives was present to answer questions. Mayor Loughmiller called for public comments.

The following citizens spoke in opposition of the item:

Ms. Karen Tegeler, 2113 Hobkirks Hill, McKinney

Mr. John Tegeler, 2113 Hobkirks Hill, McKinney

Mr. Michael Murray, 2101 Valcour Bay, McKinney

Ms. Sarah Spears, 2101 Camden, McKinney

The following citizens did not wish to speak but wanted their opposition entered into the record:

Wyatt and Beverly Skaine, 2112 Hobkirks Hill, McKinney

Dave & Misty Verschaer, 2109 Hobkirks Hill, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to close the public hearing. Mr. Lockley stated that the applicant proposed a six foot tubular fence with masonry columns along the perimeter of the property. The landscape plan will provide a live screen as well as buffer the impact to the adjacent properties. Lighting will have to be downcast and the foot candles will have to meet the minimums at the property lines to ensure they are downcast and not spilling over into the adjacent properties. Director of Engineering Mark Hines stated plans have been submitted to dig a ditch that will handle the 100 year flood with one foot of free board which should handle the drainage issues. This development will contribute to that drainage but they will be required to either take the water into a pond to the north or make provisions on site for detention.

They will be required to mitigate the drainage so that there will be no additional damage to adjacent properties. Mr. Lockley stated there is a grade change between the properties of about 15 feet that will affect the height and effectiveness of the screening wall. The lighting ordinance does not require shielding of any kind. It requires that no more than .25 foot candles spill over into residential properties. Pole heights are regulated by the lighting ordinance and the zoning ordinance. Mr. Charles Garcia, Freeland and Kauffman, Inc., Civil Engineers, stated that this is an inventory lot that will be lit minimally for security only. For drainage, there is a storm line coming in from the south across Collin McKinney Parkway that is discharging into the ditch on site. That will be piped to the back of the property and should eliminate any concern of drainage. The screening wall will be put at the curb level if we are allowed to do that. Applicant is also willing to make the screening wall adjacent to the residents a solid masonry wall. Council unanimously approved the motion by Council member Pogue, seconded by Mayor Pro Tem Ussery, to approve a Site Plan for a parking lot (Buick-GMC Inventory Parking), located on the north side of Collin McKinney Parkway and at the Terminus of Test Drive with modifications of the location of the six foot tubular wrought iron screening wall and live screening to be moved within the area proximity back of curb and the area in the northwest corner adjacent to the single-family converted to a solid screen wall as proposed by the applicant.

- 16-260** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Purchase of One New Fire Apparatus Equipped with a 100' Aerial Ladder from Hall-Mark Fire Utilizing the Houston Galveston Area Council Cooperative Contract FS12-15. Fire Chief Danny Kistner stated that the Fire Department is requesting approval to purchase the 100' aerial ladder apparatus as replacement to existing apparatus number 750 that has exceeded its service life. Office

of Emergency Management recommends replacement after 9,000 hours of service and this apparatus has 12,000 hours. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve a Resolution authorizing the purchase of one new Fire Apparatus equipped with a 100' aerial ladder from Hall-Mark Fire Utilizing the Houston Galveston Area Council Cooperative Contract FS12-15. Caption reads as follows:

RESOLUTION NO. 2016-03-037 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF ONE NEW FIRE APPARATUS EQUIPPED WITH 100' AERIAL LADDER FROM HALL-MARK FIRE UTILIZING THE HOUSTON GALVESTON AREA COUNCIL COOPERATIVE CONTRACT FS12-15

16-261 Mayor Loughmiller called for Consideration/Discussion/Action on Water Service Line Replacement Program. Interim City Manager Tom Muehlenbeck stated the details of this project on how to reduce the water loss was presented to Council during the work session on February 29, 2016. Two options were presented. One is to contract that service out and one is to do the work in house. Water Wastewater Superintendent Morgan Dadgostar stated that this is a 10-year program in which over 14,000 of these connections will be replaced. The plan is to purchase the equipment during this budget year but funding for staffing will not be available until October 2016. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Councilwoman Rath, to approve the Water Service Line Replacement Program with staff's recommendation that the process be done internally.

16-262 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget to Provide Funds for the Water Service Line Replacement Program. Interim City Manager Tom Muehlenbeck stated this item is the request for a budget transfer for fiscal year 2015-16 of \$1,759,647 to provide the funds

for purchasing the equipment in order to be ready to start the water service line replacement project on October 1, 2016. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve an Ordinance amending the Fiscal Year 2015-2016 Annual Budget to provide funds for the Water Service Line Replacement Program. Caption reads as follows:

ORDINANCE NO. 2016-03-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2015-2016 ANNUAL BUDGET TO PROVIDE FUNDS FOR PURCHASING EQUIPMENT FOR THE WATER SERVICE LINE REPLACEMENT PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

16-263 Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Housing Finance Corporation. Councilwoman Rath stated that she and Council member Rogers conducted the interviews and Bridgette Wallis is very interested in serving on the Housing Finance Committee. Council unanimously approved the motion by Council member Rogers, seconded by Council member Pogue, to appoint Bridgette Wallis to fill the vacant position on the McKinney Housing Finance Corporation starting March 2, 2016 and ending September 30, 2017.

16-264 Mayor Loughmiller called for Consideration/Discussion/Action on Appointing Members to the Model Code Evaluation Subcommittee. Executive Director of Development Services Michael Quint stated that staff is requesting Council appoint five members to the Model Code Evaluation Subcommittee. Council reviewed the list of recommended names and preferenced their selection. Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to appoint the following individuals to serve on the Model Code Evaluation Subcommittee: Paul Abernathy, Jon David Cross, Levi Wild, and Kobey Seale. Council unanimously approved the motion by Council

member Branch, seconded by Councilwoman Rath, to appoint David Vartian to serve on the Model Code Evaluation Subcommittee.

16-265 Mayor Loughmiller called for Consideration/Discussion/Action on Appointing Members to the Downtown Parking Committee. Mayor Loughmiller stated the names submitted for consideration are: District 1 – Rick Wells and Tom Meredith; District 3 – George Bush and Larry Curfman; Council member Pogue – Larry Horner and Kim Black; Councilwoman Rath – Karen Chandler and Kathryn Waite; Mayor – Rick Weaver; District 2 – Wes Hendricks; District 4 – Tracy Carruth; City Manager's as non-voting members – Barry Shelton and Patricia Jackson; and City Council representatives as non-voting members – Mayor Loughmiller and Councilwoman Rath. These meetings will be held in the Council Chamber and will be televised. Interim City Manager stated that staff will provide copies of the studies and background material to each member. The committee has a target date of mid-May for presentation to Council and will provide updates with liaison reports. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to appoint the following individuals to serve as voting members of the Downtown Parking Committee: Rick Wells, Tom Meredith, George Bush, Larry Curfman, Larry Horner, Kim Black, Karen Chandler, Kathryn Waite, Rick Weaver, Wes Hendricks, and Tracy Carruth.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Branch thanked staff for providing good information to him relating to parks, traffic study, as well as the low income housing project.

Council member Day did not have any comments.

Council member Pogue did not have any comments.

Council member Rogers stated that on February 20th the City lost a life-long member of the community. My Father-in-Law, Mr. William Crump, was a good guy and will be missed.

Councilwoman Rath did not have any comments.

Mayor Pro Tem Ussery stated that Mr. Crump was a great man and will be missed. Mr. Ussery stated that the Crump family have been pillars of the community for quite some time. Mr. Ussery thanked staff for what they do day in and day out.

Mayor Loughmiller requested assistance from Interim City Manager Muehlenbeck with preparation of a McKinney update powerpoint that he will present at the Stonebridge HOA Annual meeting on March 10th.

Interim City Manager Muehlenbeck stated that the McKinney Performing Arts Center is celebrating 10 years with a special performance by Robert Earl Keen on Friday, April 1st. General admission tickets go on sale March 4th. Mr. Muehlenbeck announced that the City will be holding a "Spring into Action Fun Festival" on March 12th. Information about all City events can be found on our website at www.McKinneyTexas.org.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 7:25 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary