

CITY COUNCIL SPECIAL MEETING

MARCH 20, 2017

The City Council of the City of McKinney, Texas met in special session in the Council Chambers of the Municipal Building on March 20, 2017 at 5:30 p.m.

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

Staff Present: City Manager Paul Grimes; 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; Planning Manager Matt Robinson; McKinney Economic Corporation President Darrell Auterson; Airport - Ken Wiegand, Mark Jaraczewski, and Eric Pratt; CIP and Transportation Engineering Manager Gary Graham; Engineering – Danny Still, Kyle Odom, and Blake Sills; Housing and Community Services Manager Janay Tieken; Court Administrator April Morman; City Marshal Tim Rich; Purchasing Manager Lisa Littrell; Human Resources Director Ike Obi; and Learning and Talent Development Administrator Joe Mazzola.

There were fifteen guests present.

Mayor Loughmiller called the meeting to order at 5:30 p.m. after determining a quorum present.

16-336A Mayor Loughmiller called for a Public Hearing to Consider and Discuss a Petition to Annex the Subject Property, Located Approximately 2,200 Feet West of Lake Forest Drive and on the North Side of County Road 123 (Future Bloomdale Road) and the South Side of Baxter Well Road. Planning Manager Matt Robinson stated the applicant is requesting to annex approximately 54 acres of land west of Lake Forest Drive and north of future Bloomdale Road. The City considers a number of factors before annexing property. These include the ability to serve and provide City utilities and the fiscal impact to the City. State law does require two public hearings, the first being tonight, the second being tomorrow night at 6:00 p.m. The final consideration will be held on April 18th at 6:00 p.m.

when a rezoning request will also be considered. There is no action required tonight. Mr. Robinson stated the applicant has submitted an associated zoning request for SF5, single-family residential district. Mayor Pro Tem Pogue stated there has been discussion regarding lawsuits between different owners in that area. If the City approves this, does that put the City in danger of any exposure to litigation? City Attorney Mark Houser stated the case filed involves restricted covenants on this parcel and some parcels surrounding it. It is not a case that involves the authority of the City Council to annex or zone the property and the underlying action would not affect the Council's ability to take action as requested by the applicant. From an annexation standpoint, it is within Council's purview to annex the property into the City of McKinney, zone it as the Council sees fit, and if the lawsuit affects the rights of the parties as to covenants, they would still be bound by the District Court's decision and the Council's zoning case would go forward. I do not see a delay being required on the part of the Council. Mr. Houser stated the affected parties would be bound by the restricted covenants regardless of what the zoning is on the property. One option would be to zone it agriculture until the lawsuit is resolved. Mr. Robinson stated that this is a voluntary annexation and they would be required to bring forth any roadways and utilities. CIP and Transportation Engineering Manager Gary Graham stated we currently do not have any other street projects scheduled for this stretch of Bloomdale Road nor do we have a project planned to expand the road to this property. Mr. Graham stated this is a development consisting of approximately 180 houses and that will not add significantly to the traffic count at this point. The existing two-lane roadway could support it. Mr. Robinson stated the current homes on the property are on approximately ten acre tracts and would be in compliance if Council zoned to agriculture or residential estate two (RE2) zoning. Mr. Randy Hullett, 1700 Redbud, Suite 300,

McKinney, addressed the Council on behalf of the applicant. The applicant is attempting to purchase the property and is not party to the pending lawsuit. The land use restrictions will trump the zoning in terms of the use of the property. Mayor Loughmiller asked if the applicant is willing to not zone the property specifically to SF5 until there is a decision on the lawsuit. Mr. Hullett stated that may be possible and he will find out prior to the final reading before Council. He stated the opposition is to the proposed use and density of the rezone, not to the annexation.

Mayor Loughmiller called for public comment.

The following individuals spoke in opposition to the annexation.

Mr. Kevin Voigt, 6290 CR 123, McKinney

Ms. Stephanie Weyenberg, 5861 Baxter Well, McKinney

Ms. Holly Pry, CR 163, McKinney

The following individual did not wish to speak but wanted their opposition entered into the record.

Ms. Karla Tripp, 5859 Baxter Well, McKinney

The following individuals did not wish to speak but wanted their opposition to the U.S. 380 Bypass entered into the record:

Mr. Gary Pierce, 2214 CR 856, McKinney

Ms. Melinda Pierce, 2214 CR 856, McKinney

Mayor Loughmiller stated there will not be any action taken tonight or tomorrow night on the annexation since these items are only for the required public hearings.

Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to close the public hearing.

Mayor Loughmiller called for Discussion on Regular Meeting Agenda Items.

Mayor Loughmiller called for discussion on the following work session items with no action taken:

- 17-303** Review and Discuss Draft Revisions to the Stormwater Management Ordinance

17-304 Training Needs Assessment Briefing

Mayor Loughmiller called for Council Liaison Updates.

Mayor Loughmiller recessed the meeting into executive session at 7:07 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 551.071 (A). Litigation / Anticipated Litigation, Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Loughmiller recessed back into open session at 8:30 p.m.

Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Councilwoman Rath, to adjourn. Mayor Loughmiller adjourned the meeting at 8:35 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary