

CITY COUNCIL REGULAR MEETING

NOVEMBER 2, 2010

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on November 2, 2010 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Pete Huff, Council members: David Brooks, Travis Ussery, GERALYN KEVER, Don Day, and Ray Ricchi.

Staff Present: Interim City Manager Rick Chaffin; Deputy City Manager Jim Parrish; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services John Kessel; Assistant to the City Manager Aretha Harvey; Historic Preservation Officer Guy Giersch; Communications and Media Manager Anna Folmsbee; Chief of Police Doug Kowalski; Fire Chief Mark Wallace; Parks, Recreation and Open Space Director Lemuel Randolph; Finance Director Jennifer Fung; Assistant Finance Director Jason Weeks; Affordable Housing Coordinator Cristel Pruneda, Director of Engineering Jack Carr; and Police Sergeant Roger Thornhill.

There were 20 guests present.

Mayor Loughmiller called the meeting to order at 6:07 p.m. after determining a quorum was present. Invocation was given by Minister James Nored, High Pointe Church of Christ. Mayor Loughmiller led the Pledge of Allegiance

10-487 Recognition of the Preserve Historic McKinney - Historic Home Recognition Program and Calendar

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to approve the following consent items:

- 10-488** Minutes of the City Council Special Meeting of October 19, 2010
- 10-489** Minutes of the City Council Work Session of October 19, 2010
- 10-490** Minutes of the City Council Regular Meeting of October 19, 2010
- 10-491** Minutes of the City Council and Planning and Zoning Commission Joint Meeting of October 25, 2010
- 10-492** Minutes of the Community Grants Advisory Commission Meeting of July 8, 2010
- 10-493** Minutes of the Library Advisory Board Meeting of September 16, 2010

- 10-494** Minutes of the McKinney Airport Development Corporation Meeting of September 9, 2010
- 10-495** Minutes of the McKinney Armed Services Memorial Board Meeting of September 7, 2010
- 10-496** Minutes of the McKinney Arts Commission Meeting of July 22, 2010
- 10-497** Minutes of the McKinney Arts Commission Special Meeting of August 28, 2010
- 10-498** Minutes of the McKinney Economic Development Corporation Board Meeting of September 21, 2010
- 10-499** Minutes of the McKinney Housing Authority Meeting of August 3, 2010
- 10-500** Minutes of the McKinney Housing Authority Meeting of August 31, 2010
- 10-501** Minutes of the McKinney Housing Finance Corporation Meeting of August 13, 2010
- 10-502** Minutes of the McKinney Main Street Board Meeting of September 9, 2010
- 10-503** Minutes of the Parks, Recreation and Open Space Meeting of September 9, 2010
- 10-504** Minutes of the Planning and Zoning Commission Regular Meeting of October 12, 2010
- 10-505** Consider/Discuss/Act on Ordinance Amending the Fiscal Year 2010-2011 Budget to Re-appropriate Projects/Items Carried from Last Fiscal Year. Caption reads as follows:

ORDINANCE NO. 2010-11-044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2010-2011 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 10-506** Consider/Discuss/Act on Amendments to the Gas Franchise Code of Ordinances to Provide Continuity Between Current Franchise Agreements and the Code of Ordinances. Caption reads as follows:

ORDINANCE NO. 2010-11-045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

MCKINNEY, TEXAS AMENDING CHAPTER 110, ARTICLE V, DIVISION 2, SECTIONS 110-341 AND 110-344 OF THE CODE OF ORDINANCES BY AMENDING PAYMENT TERMS RELATED TO THE SALE OF GAS WITHIN THE CITY; DELETING APPENDIX A, "SCHEDULE OF FEES", SECTION 110-342; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

- 10-507** Consider/Discuss/Act on a Resolution to Authorize the City Manager to Participate in Execution of a Special Warranty Deed for 815 Fenet Street.

Caption reads as follows:

RESOLUTION NO. 2010-11-133 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE AND THE MCKINNEY ISD

- 10-508** Consider/Discuss/Act on a Resolution Authorizing a Contract for Professional Services with KIP Realty, LLC for Appraisal Services for the US 75 Utility Relocation Project. Caption reads as follows:

RESOLUTION NO. 2010-11-134 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR APPRAISAL SERVICES NECESSARY FOR THE RELOCATION OF WATER AND SEWER MAINS ALONG US 75 FROM SH 121 TO WHITE AVENUE

- 10-509** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with SFCC, Inc. for the Construction of the Gabe Nesbitt Baseball Spectator Shade Structures Project. Caption reads as follows:

RESOLUTION NO. 2010-11-135 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SFCC, INC. OF FARMERS BRANCH, TEXAS FOR THE CONSTRUCTION OF THE GABE NESBITT BASEBALL SPECTATOR SHADE STRUCTURE PROJECT

- 10-510** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with SFCC, Inc. for the Construction of the Mouzon Baseball Spectator and Dugout Shade Structures Projects.

Caption reads as follows:

RESOLUTION NO. 2010-11-136 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH SFCC, INC. OF FARMERS BRANCH, TEXAS FOR THE CONSTRUCTION OF THE MOUZON BASEBALL SPECTATOR AND DUGOUT SHADE STRUCTURES PROJECTS

- 10-511** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with SFCC, Inc. for the Construction of the McKinney Soccer Complex Tournament Pavilion. Caption reads as follows:

RESOLUTION NO. 2010-11-137 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH SFCC, INC. OF FARMERS BRANCH, TEXAS FOR THE CONSTRUCTION OF THE SOCCER FIELDS TOURNAMENT PAVILION PROJECT

- 10-512** Consider/Discuss/Act on a Resolution Amending the 2011-2015 Capital Improvements Program for the Mouzon Baseball Spectator Shade Structures, Mouzon Baseball Dugout Shade Structures, and McKinney Soccer Complex Tournament Pavilion Projects. Caption reads as follows:

RESOLUTION NO. 2010-11-138 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN AMENDMENT TO THE 2011-2015 CAPITAL IMPROVEMENTS PROGRAM FOR THE CONSTRUCTION OF THE MOUZON BASEBALL DUGOUT SHADE STRUCTURES PROJECT AND THE SOCCER FIELDS TOURNAMENT PAVILION PROJECT

- 10-513** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Clark Condon Associates of Houston, Texas for Design and Engineering Services Associated with the Bonnie Wenk Park Phase I Project. Caption reads as follows:

RESOLUTION NO. 2010-11-139 (R)

A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH CLARK CONDON ASSOCIATES OF HOUSTON, TEXAS FOR DESIGN AND ENGINEERING SERVICES ASSOCIATED WITH THE BONNIE WENK PARK

PHASE I PROJECT

10-514 Consider/Discuss/Act on a Request by Baylor Medical Center of McKinney to Defer Collection of Roadway Impact Fees Relating to the Construction of Two Unfinished Floors of the Baylor Medical Center at McKinney located on the Northwest Corner of U.S. Highway 380 (University Drive) and Lake Forest Drive.

10-515 Mayor Loughmiller called for Discussion on an Upcoming Rezoning Request (10-115Z) for the Adriatica Development. Mayor Loughmiller stated that this item was originally linked to agenda item 10-098Z which the developer subsequently withdrew to allow time to make modifications. The zoning item will be considered by the Planning & Zoning Commission at their November 9th meeting. Their recommendation will be forwarded to the November 16th City Council meeting. Planning Director Jennifer Cox stated that Jeff Blackard removed the addition of multi-family dwellings and increased building heights in the Town Center of Adriatica. The applicant is requesting the following modifications: provision for five directional signs within the Adriatica Development; allowance of vertical mixed uses along the Stonebridge Drive frontage; modification of a timing mechanism that requires 40,000 square feet of commercial uses to be constructed concurrently with the first 50 residential units within the Town Center, allowing that commercial to be free standing or vertically integrated; modification to allow 13 rather than 30 dwelling units in the Villa District to be built prior to building residential units in the Town Center; allowance of a Farmers Market within the Town Center; allowing for 2 pedestrian bridges over right-of-ways; and that certain provisions of the Zoning Ordinance in regards to screening devices, landscape buffers, parking area screening, and height restrictions for multi-family do not apply to the subject property. Mayor Loughmiller confirmed that they currently have constructed 13 dwellings in the Villa District and would be able to begin

residential unit construction now in the Town Center.

10-098Z Mayor Loughmiller stated that this item has been withdrawn and no public hearing or action will be necessary. Public Hearing for Consideration/Discussion/Action on the Request by SB Harbor Market, J.V., for Approval of a Request to Rezone Approximately 35.15 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Virginia Parkway and Stonebridge Drive. THIS ITEM HAS BEEN WITHDRAWN. NO FURTHER ACTION IS NECESSARY.

10-063A2 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion on the Request by Petsche and Associates, Inc., on Behalf of Blue Star Land L.P., on a Petition to Annex Approximately 238.92 Acres, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road. Executive Director of Development Services John Kessel stated that this is the second public hearing for a request to annex 238 acres of land at the corner of US 380 and Coit Road. Mr. Kessel stated that annexation is the easiest way for the City to control zoning. The associated zoning of this land will be presented at the December 7th meeting. Highlights discussed about the site were the inclusion of an Prosper Independent School District elementary school site, a 3 acre park, 20 acres of open space and a tie into the hike and bike trail. The plans have a slightly larger home provision for homes up to approximately 4,000 square feet. Mr. Kessel stated that at build out this development will have a conservation revenue estimate of \$1,000,000.00 for the City. Mr. Kessel stated that Staff is looking at this project not just from a quality standpoint, but also a quantity. Staff feels that the positives of this development outweigh the negatives. The third public hearing is scheduled for December 7th. Applicant, Mr. Pete Petsche stated that the standards for this

development are under Ordinance 1621. There are to be 575 single family unit homes with the 50 foot lots that will sell for \$170,000-\$220,000 and the 60 foot lots will sell in the \$200,000-\$280,000 price range. Mr. Kessel stated that Fire Station 7 already services the area. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Ussery, to close the public hearing.

10-082SUP Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by O'Reilly Automotive, Inc., for Approval of a Specific Use Permit and Site Plan for an Indoor Automotive Parts Sales Building (O'Reilly Auto Parts), Approximately 0.78 Acres, Located on the West Side of Custer Road and Approximately 900 Feet North of Virginia Parkway. Planning Director Jennifer Cox stated that Staff is recommending denial of O'Reilly Auto Parts' request for a specific use permit and site plan for an indoor automotive parts sales. Staff's concerns were the noise to the neighborhood and people working on cars in the parking lot. Applicant Ken Paxton, 5613 Woodstock Circle, McKinney stated that it is O'Reilly's policy to prohibit working on cars in the parking lot of their stores. Mr. Paxton stated that there will be no additional noise from the store. Civil Engineer Paul Ingall stated that 50% of their store sales are delivery to mechanics and auto repair businesses. Mr. Ingall stated that there will be an 8 foot masonry screening wall built and it will be put up prior to any of the other construction to further shield the neighbors. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Ray Ricchi, seconded by Council member Pete Huff, to close the public hearing and approve the specific use permit and site plan that will be ratified by Ordinance on November 16, 2010 with the following conditions: Use and development of the subject property (0.78 acre) shall conform to the following regulations: The

subject property shall develop in accordance with Ordinance Nos. 2006-04-039, 2004-11-116, 2004-01-006, and 98-08-44, except as follows: the subject property shall generally develop in accordance with the site plan, landscape plan, and building elevations; an eight-foot (8') masonry screening wall of a uniform screening type and neutral color, matching the existing screening wall adjacent to the subject property on its south side, shall be provided along the north and west property lines where adjacent to single family residential uses; Mechanical or repair work shall be prohibited on the subject property; hours of operation shall be limited to Monday through Friday 8 a.m. to 8 p.m. and Saturday through Sunday 8 a.m. to 6 p.m.

Mayor Loughmiller called for Council and Manager Comments and Liaison Reports.

Council member Brooks reminded everyone that the Veteran's Day Ceremony is scheduled for November 13th at 11 a.m. at Craig Ranch. "This time next year we will be having our inaugural Veteran's Day Ceremony at the completed Veteran's Memorial Park."

Council member Ussery stated that the Housing Authority met on October 26th and elected Alonzo Tutson as their new Chairman. The Planning and Zoning Commission met on October 26th and approved two applications and tabled one for a later date. Mr. Ussery thanked staff for all that they do.

Mayor Pro-Tem Huff stated that he represented the Council at the Boys & Girls Club celebration of the after school program. The Boys & Girls Club had their Chrysalis Ball, which is their big fundraiser for the year. The McKinney Community Development Corporation met Thursday, October 28th with their three new members joining the board. Tracy Rath was elected Chairman, George Fuller, Vice Chairman, and Dan Hall Secretary. The Flour Mill project was discussed in detail from a legal, business development, MCDC, and City view points and it was denied.

Council member Ricchi stated that the McKinney Convention and Visitors Bureau met and decided that they were going to send members to the other board meetings to

keep informed. They are encouraging local hotels to participate in promoting tourism for the City. They are also going to hold their meetings at local hotels instead of at the tourism office. Downtown was rocking on October 29th with the performance of the Rocky Horror Picture Show. Mr. Ricchi stated that US Representatives Sam Johnson and Ralph Hall along with General Harvey McCarter and Mayor Brian Loughmiller will be speaking at the Veterans Memorial Day event.

Council member Day stated that Scare on the Square that was held on October 29th was a success with several thousand kids in costumes trick or treating around the downtown square. Downtown McKinney continues to get good press with a travel writer posting a new article in a San Antonio Magazine extolling the virtues of Downtown McKinney.

Council member Kever thanked City Secretary Sandy Hart for the Oath's of office she has given to the various new Board and Commission members over the last month. The Community Grants Advisory Board elected Aaron McMahon as their Chairman. The Board reviewed 24 grant applications totaling \$647,000.00. The board has \$120,000.00 available to award and will be deciding how they will award the grant money. The Library has an amnesty program going on to forgive any fines owed to the library between now and November 15th. Mr. Kevin Magavern was elected the new Chairman of the Library Board. The McKinney Arts Commission elected Nicole Bedford as the new chairman and they will be meeting on November 4th to discuss a public arts policy. Ms. Kever attended the Dallas Regional Mobility Commission meeting where they discussed proposals for the 82nd session legislative agenda. Texas Transportation Institute said that if we do nothing, the cost to Texas will be the loss of 288,000 jobs by 2035. They stated that proper maintenance can extend the life of a roadway by 18 years. Traffic delays will cost \$3,300 per person by 2035 with 140 hours spent in traffic by the average commuter, compared to the 38 spent today. Ms. Kever attended the Texas A&M ballgame at Kyle Stadium and was proud of McKinney's own, Jeff Fuller, who graduated from McKinney Boyd. He is a standout player with 11 catches and 2 touchdowns on Saturday's game.

Mayor Loughmiller thanked Mayor Pro-Tem Huff and Council member Ricchi for attending the Chrysalis Ball and representing the City. The Mayor has had a busy 8

days and spent Saturday attending his son's band competition. Mayor Loughmiller spoke to the Voyagers group, giving him a great opportunity to give insight on what the City's plans are and how we are moving McKinney forward. The City Council had a joint meeting with the McKinney Independent School District Board of Trustees on Monday and discussed issues from a budgetary standpoint, communication goals, collaboration, and future meetings. The City Council's November 29th work session will be focused on ordinance revisions, annexation policy, density issues, building heights, and ways to encourage commercial development for the next 10-20 years. The Mayor thanked staff for all they do to make McKinney the Best Place to Live.

Interim City Manager Chaffin stated that there are approximately 20 future work session agenda items that will be scheduled over the next several months. Mr. Chaffin stated that he has provided the Council with the Mission/Vision/Goals that were talked about at the retreat. Mr. Chaffin requested their comments, corrections and/or additions so that they can be incorporated. Mr. Chaffin thanked Mr. Kessel for attending tonight's meeting since he has been out of the office recovering from surgery.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Mayor Pro-Tem Pete Huff, seconded by Council member Ussery, to adjourn. Mayor Loughmiller adjourned the meeting at 8:12 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary