

CITY COUNCIL REGULAR MEETING

APRIL 2, 2013

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on April 2, 2013 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: David Brooks, GERALYN KEVER, Don Day, Ray Ricchi, and Roger Harris. Absent: Council member David Brooks.

Staff Present: City Manager Jason Gray; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Director of Planning Michael Quint; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; McKinney Economic Development Corporation President Jim Wehmeier; Airport Executive Director Ken Wiegand; Facilities Construction Manager Trish Jackson; McKinney Community Development Corporation Executive Director Cindy Schneible; Director of Engineering Jack Carr; Police Officer Sonia Henriques; Senior Help Desk Technician Amy Greer; Grants Coordinator Janay Tieken; Community Services Administrator Shirletta Best; Assistant Fire Chief Neil Howard; and Parks, Recreation and Open Space Director Lemuel Randolph.

There were 27 guests present.

Mayor Loughmiller called the meeting to order at 6:07 p.m. after determining a quorum was present. Invocation was given by Pastor Tim Radke from Savior Lutheran Church.

INFORMATION SHARING

13-320 Proclamation National Community Development Week

Mayor Loughmiller called for Citizen Comments.

Ms. Dana Riley, 2150 S. Central Expressway, Suite 150, McKinney, thanked the City Council for their support of volunteerism in McKinney

Mr. Peter Bailey, 2003 Skyline Drive, McKinney spoke about the great work that the Parks, Recreation, and Open Space Department has done with the new Dog Park and the soon to open Skatepark.

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

- 13-321** Minutes of the City Council Special Meeting of March 18, 2013
- 13-322** Minutes of the City Council Work Session of March 18, 2013
- 13-323** Minutes of the City Council Regular Meeting of March 19, 2013
- 13-324** Minutes of the City Council and Collin County Airport Development Corporation Joint Meeting of March 25, 2013
- 13-236** Minutes of the Collin County Airport Development Corporation Meeting of February 14, 2013
- 13-278** Minutes of the Library Advisory Board Meeting of February, 21 2013
- 13-279** Minutes of the McKinney Arts Commission Meeting of January 17, 2013
- 13-280** Minutes of the McKinney Arts Commission Meeting of February 6, 2013
- 13-248** Minutes of the McKinney Main Street Board Meeting of February 14, 2013
- 13-256** Minutes of the Reinvestment Zone Number One Meeting of March 6, 2012
- 13-261** Minutes of the Reinvestment Zone Number Two Meeting of March 6, 2012
- 13-234** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of February 14, 2013
- 13-247** Minutes of the Planning and Zoning Commission Regular Meeting of February 26, 2013
- 13-325** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney Texas Authorizing Certain Budget Amendment Pertaining to the Fiscal Year 2012-13 Budget for CDBG Reallocation. Caption reads as follows:

ORDINANCE NO. 2013-04-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET
AMENDMENT PERTAINING TO THE FISCAL YEAR 2012-2013
BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE
HEREOF

- 13-326** Consider/Discuss/Act on Amending Ordinance 2005-03-023 Section 2-194 Terms of Office, Section 2-197 Meetings and Section 2-198 Duties

and Responsibilities Relating to the McKinney Arts Commission. Caption reads as follows:

ORDINANCE NO. 2013-04-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-03-023 TERMS OF OFFICE, MEETINGS, AND DUTIES AND RESPONSIBILITIES

- 13-328** Consider/Discuss/Act on an Ordinance Amending the 2012-2013 Annual Budget, Including the 2013-2017 Capital Improvements Program, from the Park Construction Fund to Project PK5029 for the Tennis Complex at 3253 Alma Road. Caption reads as follows:

ORDINANCE NO. 2013-04-032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2012-2013 BUDGET AND THE 2013-2017 CAPITAL IMPROVEMENTS PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 13-329** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract Amendment with Pogue Construction of McKinney, Texas for the Construction Services Associated with the Proposed Changes to the Tournament Court Area at the Tennis Complex at Gabe Nesbitt Community Park. Caption reads as follows:

RESOLUTION NO. 2013-04-042 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT FOR CONSTRUCTION SERVICES WITH POGUE CONSTRUCTION RELATED TO THE PROPOSED CHANGES ASSOCIATED WITH THE TOURNAMENT COURT AREA OF THE TENNIS COMPLEX AT GABE NESBITT PARK

- 13-330** Consider/Discuss/Act on a Resolution to Approve the 2012 Annual Report and Authorization to Invoice the Participating Taxing Jurisdictions for Tax Increment Reinvestment Zone Number One (TIRZ No.1). Caption reads as follows:

RESOLUTION NO. 2013-04-043 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE TAX

INCREMENT REINVESTMENT ZONE NUMBER ONE (TIRZ No.1) 2012 ANNUAL REPORT AND AUTHORIZATION TO INVOICE THE PARTICIPATING TAXING JURISDICTIONS

- 13-332** Consider/Discuss/Act on a Resolution to Approve the 2012 Annual Report and Authorization to Invoice the Participating Taxing Jurisdictions for Tax Increment Reinvestment Zone Number Two (TIRZ No.2).
Caption reads as follows:

RESOLUTION NO. 2013-04-045 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE TAX INCREMENT REINVESTMENT ZONE NUMBER TWO (TIRZ No.2) 2012 ANNUAL REPORT AND AUTHORIZATION TO INVOICE THE PARTICIPATING TAXING JURISDICTIONS

END OF CONSENT

- 13-327** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Budget to Fund Air Traffic Control Services at Collin County Regional Airport. City Manager Gray stated at that the last Council meeting the Council authorized the funding of air traffic control services at the Collin County Regional Airport. This is the budget amendment for the allocation of those dollars. Mr. Gray stated that the City learned last week that the Texas Department of Transportation (TxDOT) is planning on providing a reimbursement to the cities or entities that would be out of the money to keep the air traffic control towers fully functional and operational in a manner that they have run historically. The budget amendment is necessary because the TxDOT funding would be a reimbursement. The City will expend the funds upfront and TxDOT will reimburse the City 90% of the cost. Mr. Gray stated that these funds would come out of the Airport reserve funds and when the reimbursement is received, the funds would be put back in the Airport reserve funds. Council unanimously approved the motion by Council member Keever, seconded by Council member Harris, to approve an

Ordinance amending the budget to fund Air Traffic Control Services at Collin County Regional Airport with the addition of the following: Should Texas Department of Transportation Aviation Division grant the City of McKinney a ninety percent reimbursement of the contract for air traffic control services, funds received from the reimbursement will be deposited back into the Airport Fund to be used for future airport related expenses. Caption reads as follows:

ORDINANCE NO. 2013-04-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2012-2013 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 13-331** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution for the Purchase of Approximately 298 Acres of Land South of US 380 and East of the East Fork Trinity River. City Manager Gray stated that this is for Park Land with the exception of a portion of land that includes \$66,000 of bond dollars to buy approximately 11 acres that will become future right-of-way for a roadway. Park bond dollars will be spent on the remaining portion (approximately 287 acres) of the property purchase. Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro-Tem Ussery, to approve a Resolution for the purchase of approximately 298 acres of land south of US 380 and east of the East Fork Trinity River. Caption reads as follows:

RESOLUTION NO. 2013-04-044 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF APPROXIMATELY 298 ACRES SOUTH OF US 380 AND EAST OF THE EAST FORK TRINITY RIVER

- 13-333** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Adopting Public Art Master Plan and Administrative Guidelines. Grants Coordinator Janay Tieken and McKinney Arts Commission Chair Linda Spina were available to answer questions from Council. Ms. Spina stated that the only change to the Plan was the

addition of the Council requested language that up to ten percent of the City allocated grant funds be used to support public art projects and initiatives. When this or any other source of City funding is used to support public art, the Arts Commission will contribute at least a 50-50 match from external fundraising. Council unanimously approved the motion by Council member Harris, seconded by Council member Council member Ricchi, to approve a Resolution adopting Public Art Master Plan and Administrative Guidelines. Caption reads as follows:

RESOLUTION NO. 2013-04-046 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY COUNCIL TO ADOPT THE PUBLIC ART MASTER PLAN AND GUIDELINES AND AUTHORIZING THE CITY MANAGER TO ADMINISTER AND AMEND THE PUBLIC ART GUIDELINES

Mayor Pro-Tem Usery stepped down on the next agenda item.

- 13-033SP2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn and Associates, Inc., on Behalf of Castle Hill Partners, for Approval of a Site Plan for a City Elevated Water Storage Tank (Trinity Falls), Being Fewer than 3 Acres, Located Approximately 3,000 Feet East of C.R. 229 and on the North Side of F.M. 543 (Weston Road). Director of Planning Michael Quint stated that the applicant is proposing to construct a 222 feet tall elevated water storage tank on the north side of F.M. 543 (Weston Road) and approximately 3,000 feet east of C.R. 229 which is part of the Trinity Falls MUD agreement. The applicant is proposing to enclose the property with a wrought iron screen device with masonry columns on 20 foot centers with an evergreen living screen. The applicant is requesting a meritorious exception to allow for chain linked fencing for approximately 250 feet of the western boundary line. Staff is in support of the site plan with the exception of the request for the meritorious exception. Applicant, Mr. Russell Kennedy, 750 Genesis Court, Suite 200, Frisco, stated Grayson County Election has a substation adjacent to the property on the west side that has a six foot

chain link fence with barbed wire along the property. Mayor Loughmiller called for public comment and there was none. Council approved the motion by Council member Kever, seconded by Council member Day, to approve a Site Plan for a City elevated water storage tank (Trinity Falls), being fewer than 3 acres, located approximately 3,000 feet east of C.R. 229 and on the north side of F.M. 543 (Weston Road), with the following conditions: The applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist and the applicant receive approval of a meritorious exception requiring an approximately 62' long section of wrought iron fencing with masonry columns 20' on center with living plant screen along the western property line from the F.M. 543 (Weston Road) right-of-way, northward, in conjunction with a maximum of an approximately 256' long section of chain linked fencing along the western side of the subject property with a vote of 5-0-1, with Mayor Pro-Tem Ussery abstaining.

13-029M2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Repeal Ordinance Number 2012-11-056 which Modified Chapters 138, 142, and 146 of the Code of Ordinances, and Accompanying Ordinance. Director of Planning Michael Quint stated that on November 5, 2012, the City Council adopted Ordinance number 2012-11-056 which featured modifications to Chapters 138, 142, and 146 of the Code of Ordinances. Subsequent to that concerns were expressed by the development community as well as the City Council that those amendments negatively impacted property rights. Mr. Quint stated that staff is proposing to repeal those adopted Ordinance amendments adopted on November 5, 2012 and reinstate the Ordinances to their status prior to that date. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to close the public hearing. Council unanimously approved the motion by

Mayor Pro-Tem Ussery, seconded by Council member Harris, to approve and Ordinance repealing Ordinance Number 2012-11-056 which modified Chapters 138, 142, and 146 of the Code of Ordinances. Caption reads as follows:

ORDINANCE NO. 2013-04-033

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS RESCINDING AND REPEALING ORDINANCE NO. 2012-11-056 IN ITS ENTIRETY AND REINSTATING ALL OF THOSE PORTIONS OF SECTIONS 138-429, 142-5, 142-8, 142-9, 142-73, 142-74, 142-75, 142-76, 142-77, 142-78, 142-79, 142-81, 142-99, 142-106, 146-40, 146-41, 146-42, 146-44, 146-45, 146-67, 146-68, 146-69, 146-70, 146-71, 146-73, 146-74, 146-75, 146-77, 146-78, 146-79, 146-80, 146-81, 146-83, 146-84, 146-85, 146-86, 146-87, 146-88, 146-89, 146-90, 146-91, 146-95, 146-96, 146-132, 146-133, 146-134, 146-137, 146-162, 146-164, AND 146-165, TOGETHER WITH APPENDIX C TO CHAPTER 146, APPENDIX F-1 TO CHAPTER 146, AND APPENDIX F-2 TO CHAPTER 146 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY THAT WERE AMENDED BY ORDINANCE NO. 2012-11-056, AND BY DELETING SECTIONS 142-42, 142-82, AND 146-141, WHICH ORDINANCE PROVISIONS WERE CREATED BY ORDINANCE NO. 2012-11-056, IN THEIR ENTIRETY, SO AS TO RETURN ALL OF THE FOREGOING IDENTIFIED SECTIONS AND APPENDICES OF THE CODE OF ORDINANCES TO THE WORDING THAT EXISTED IMMEDIATELY PRIOR TO THE APPROVAL OF ORDINANCE NO. 2012-11-056 BY THE CITY COUNCIL ON NOVEMBER 5, 2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY

- 13-053M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend Sections 142-73 (General Development Plan) and 142-99 (Lots) of the Subdivision Regulations and Sections 146-40 (Nonconforming Uses and Nonconforming Structures), 146-44 (Access Management Plan Approval), and 146-45 (Site Plan Approval) of the Zoning Regulations, and Accompanying Ordinance. Director of Planning Michael Quint subsequent to the repeal of Ordinance number 2012-11-056, Staff is requesting that a few amendments contained within that ordinance be re-adopted as they result in an improvement to the overall development process and minimally impact existing property rights. The amendments that Staff recommends be re-adopted address the elimination of the General Development Plan and Access Management Plan processes,

grant Staff the ability to approve site plans that conform to the regulations of the Zoning Ordinance, and update the non-conforming uses and structures section of the Zoning Ordinance in an attempt to streamline the development and redevelopment in nonconforming situations. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to close the public hearing. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to approve the Ordinance amending Sections 142-73 (General Development Plan) and 142-99 (Lots) of the Subdivision Regulations and Sections 146-40 (Nonconforming Uses and Nonconforming Structures), 146-44 (Access Management Plan Approval), and 146-45 (Site Plan Approval) of the Zoning Regulations. Caption reads as follows:

ORDINANCE NO. 2013-04-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTIONS 142-73 (GENERAL DEVELOPMENT PLAN) AND 142-99 (LOTS) OF THE SUBDIVISION REGULATIONS AND SECTIONS 146-40 (NONCONFORMING USES AND NONCONFORMING STRUCTURES), 146-44 (ACCESS MANAGEMENT PLAN APPROVAL), AND 146-45 (SITE PLAN APPROVAL) OF THE ZONING REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE

- 13-334** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2012-2013 Annual Budget to Fund One Additional Planner I Position. Director of Planning Michael Quint stated that due to the increase in work load, Staff is requesting the addition of one Planner I position which will aid in the expeditious processing of development applications; updating, creation, and

manipulation of Geographic Information Systems (GIS) data and maps; as well as the completion of various current and forthcoming long range initiatives. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to approve an Ordinance Amending the Fiscal Year 2012-2013 Annual Budget to fund one additional Planner I position. Caption reads as follows:

ORDINANCE NO. 2013-04-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING AMENDMENTS TO THE FISCAL YEAR 2012-2013 ANNUAL BUDGET PERTAINING TO THE FUNDING OF AN ADDITIONAL PLANNER I POSITION; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Mayor Loughmiller called for Council and Manager Comments.

Council member Harris stated that he remembered when he was campaigning to run for City Council he heard comments on how difficult it was to work with the City of McKinney. Mr. Harris applauded City staff including Development Services for turning that around. Mr. Harris stated that efficiencies can be gained with improved technology. Mr. Harris complimented the Parks Department for the successful Dog Park and the popularity among the residents of McKinney. Mr. Harris stated that when a City becomes an airport sponsor it has a responsibility including the safety operations of the air side of the facility. In addition, there are tremendous benefits to the community. Aircraft based at the airport provides a substantial tax base. It was once said that a private jet pays in taxes as a three story office building. Aircraft do not require utility infrastructure or have children attending public school. Many types of businesses locate close to airports and bring with them high paying jobs. Our airport is the entry way to our community for anyone using general aviation. When the Federal Government indicated it would close airport control towers due to financial issues, our Mayor took the decisive action to direct the City of McKinney to find some other method of funding to continue the control tower operation. A few weeks later, TxDOT Aviation Department looked at the issue and agreed with our Mayor that the control tower operations were not only vital to our travelling public but also vital to the State's economy. Mr. Harris stated that he commended the Mayor's foresight to continue the safe operations for all of the citizens of McKinney.

Mayor Pro- Tem Ussery stated that he and Council member Day had the opportunity to attend a Town Hall meeting. He stated that he appreciated the opportunity to meet before the citizens. Mr. Ussery thanked staff for what they do every day. The Dog Park is a great example of staff's commitment to the community. Mr. Ussery thanked Michael Quint for working through the zoning ordinance amendments. He expressed his attentiveness to these issues. Mr. Ussery said that he enjoyed serving ice cream to the public on Saturday night

Council member Keever stated that Council spends a lot of time discussing economic development, ways to bring new businesses to our community, what that means to our tax base, and what that means to our ability to provide services and quality of lifestyle to the community. Ms. Keever stated that the Council spends a fair bit of time talking about how to retain and grow businesses that are already here. The City currently has only one publicly traded company headquartered in McKinney (Encore Wire). Independent Bank that is headquartered in McKinney will be going public tomorrow with an initial public offering. Ms. Keever showed a video clip of a news story discussing the Independent Bank public offering that referenced the City of McKinney.

Council member Day did not have any comments.

Council member Ricchi mentioned that Mayor Loughmiller was in the current Forbes Magazine. Mr. Ricchi stated that several of the Mayor and Council will be attending and participating in the opening ceremonies for the McKinney Independent School District Special Olympics. Mr. Ricchi encouraged everyone to get out there in support and get involved in the fantastic program that MISD does for all our special Olympians.

Mayor Loughmiller stated that there are a lot of events happening this month. This Thursday night will be the MISD Teacher of the Year celebration. We have been fortunate enough in McKinney to not only have recognized teachers but one of our elementary teachers who was named as Teacher of the Year. We have the Special Olympics on Friday that is a wonderful event with terrific kids participating. On Saturday, there will be a Trails 5K that is part of the Mayor's Health Initiative to encourage people to get out and participate in healthy activities. One of the fourth grade classes at Vega Elementary School decided to give up their chairs that they

normally use to sit around and do their work and replaced them with exercise balls. This Thursday night there will be a presentation to Holy Family School by the organizers of the Believe Run. On April 19th there will be a Say Yes to Youth Conference, with the help of Volunteer McKinney and Christ Fellowship Church. It is a Summit designed to focus on at risk youths and ways to improve their lives. At the end of this month there will be a Together We Serve event in east and Relay for Life. There are a lot of activities going on that are community driven which add to McKinney being one of the best places to live.

City Manager Gray stated that the City Council will be receiving presentations next Monday night at 5:30 p.m. in the Council Chambers. The presentations are for potential plans for the redevelopment of downtown area. The City has issued an RFP for development partners for portions of the downtown area. Mr. Gray stated that there are four different companies that will be coming forth with potential plans and presenting those to the City Council. There will also be an opportunity for citizens to provide some input on what they believe should be the best plan on moving forward as we break out into smaller groups.

Mayor Loughmiller called for Citizen Comments.

Ms. Alice McCaulley, 2706 Summerwood Court, McKinney requested a band stand where we can have live music for the more mature people in the area.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 7:10 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary