

## CITY COUNCIL REGULAR MEETING

JUNE 21, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on June 21, 2011 at 6:00 p.m.

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

Staff Present: City Manager Jason Gray; Deputy City Manager Joe Williams; Deputy City Manager Rick Chaffin; City Attorney Mark Houser; City Secretary Sandy Hart; Planning - Michael Quint, Brandon Opiela, and Jennifer Arnold; McKinney Performing Arts Center Director David Taylor; Planning Director Jennifer Cox; Director of Engineering Jack Carr; Communications and Media Manager Anna Clark; Streets Superintendent Paul Sparkman; Engineering - Gary Graham, Trish Jackson, Cory Nesbit, Paul Tucker, Robyn Root, and Carla Easton; Assistant to the City Manager Aretha Harvey; Police Sergeant David Rodriguez; Interim Executive Director of Development Services Rob Daake, Assistant Director of Engineering Michael Hebert, Communications and Media Director CoCo Good; Senior Help Desk Technician Richard Sewell; and Parks Development Superintendent Stephen Brainerd.

There were 15 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Reverend John Wilks, Wesley United Methodist Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments and there were none.

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

- 11-290** Minutes of the City Council Special Meeting and Work Session of June 7, 2011
- 11-291** Minutes of the City Council Regular Meeting of June 7, 2011
- 11-292** Minutes of the McKinney Airport Development Corporation Meeting of May 12, 2011
- 11-293** Minutes of the McKinney Armed Services Memorial Board Meeting of

May 11, 2011

- 11-294** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of April 18, 2011
- 11-295** Minutes of the McKinney Economic Development Corporation Special Board Meeting of March 29, 2011
- 11-296** Minutes of the McKinney Housing Authority Board Meeting of May 3, 2011
- 11-297** Minutes of the McKinney Housing Finance Corporation Meeting of December 10, 2010
- 11-298** Minutes of the McKinney Main Street Board Meeting of May 19, 2011
- 11-299** Consider/Discuss/Act on an Ordinance Modifying School Zones at Various Schools in McKinney. Caption reads as follows:

ORDINANCE NO. 2011-06-040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING SCHOOL ZONES AT VARIOUS SCHOOLS IN MCKINNEY; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 11-300** Consider/Discuss/Act on an Ordinance Amending the 2010-11 Annual Budget, Including the 2011-2015 Capital Improvements Program for McKinney Ranch Limited Water Main Participation. Caption reads as follows:

ORDINANCE NO. 2011-06-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE 2010-11 ANNUAL BUDGET, INCLUDING THE 2011-2015 CAPITAL IMPROVEMENTS PROGRAM FOR MCKINNEY RANCH LIMITED WATER MAIN PARTICIPATION

- 11-301** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2010-11 Annual Budget, Including the 2011-2015 Capital Improvements Program to Add Right-Turn Deceleration Lanes to the Reconstruction of US 380 from Lake Forest Drive to Custer Road (FM 2478). Caption reads as follows:

ORDINANCE NO. 2011-06-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2010-2011

ANNUAL BUDGET AND THE 2011-2015 CAPITAL IMPROVEMENTS PROGRAM FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) TO CONSTRUCT RIGHT-TURN DECELERATION LANES RELATED TO THE RECONSTRUCTION OF US 380 FROM LAKE FOREST DRIVE TO CUSTER ROAD (FM 2478)

- 11-059M2** Consider/Discuss/Act on a Resolution to Accept and File the Semiannual Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Caption reads as follows:

RESOLUTION NO. 2011-06-059 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, ACCEPTING AND FILING THE SEMIANNUAL REPORT WITH RESPECT TO THE PROGRESS OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY AND UTILITY IMPACT FEES

- 11-302** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Schrickel, Rollins and Associates, Inc. of Arlington, Texas for Design and Engineering Services Associated with the Gray Branch Park Master Plan Project. Caption reads as follows:

RESOLUTION NO. 2011-06-060 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SCHRICKEL, ROLLINS AND ASSOCIATES, INC. OF ARLINGTON, TEXAS FOR DESIGN AND ENGINEERING SERVICES ASSOCIATED WITH THE GRAY BRANCH PARK MASTER PLAN PROJECT

- 11-303** Consider/Discuss/Act on a Resolution Authorizing the Execution of Closing Documents Pursuant to a 1994 "Agreement for the Planned Extension of City of McKinney Utility Service into the Danville Water Supply Corporation Certificated Area" to Acquire the Assets and Customers of the Danville Water Supply Corporation. Caption reads as follows:

RESOLUTION NO. 2011-06-061 (R)

A RESOLUTION AUTHORIZING THE EXECUTION OF CLOSING DOCUMENTS PURSUANT TO A 1994 "AGREEMENT FOR THE PLANNED EXTENSION OF CITY OF MCKINNEY UTILITY SERVICE INTO THE DANVILLE WATER SUPPLY CORPORATION CERTIFICATED AREA" TO ACQUIRE THE ASSETS AND CUSTOMERS OF THE DANVILLE WATER SUPPLY CORPORATION

- 11-304** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Jim Bowman Construction Company, LP, for Construction of Jefferson Street, from Rockwall to Healy, and Lindsey Street from Elm to Rockwall. Caption reads as follows:

RESOLUTION NO. 2011-06-062 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH JIM BOWMAN CONSTRUCTION COMPANY, LP, FOR CONSTRUCTION OF JEFFERSON STREET, FROM ROCKWALL TO HEALY, AND LINDSEY STREET FROM ELM TO ROCKWALL

- 11-305** Consider/Discuss/Act on a Resolution Authorizing a Contract with Terracon Consultants, Inc., for Materials Testing Services During Construction of Jefferson Street, from Rockwall to Healy, and Lindsey Street from Elm to Rockwall. Caption reads as follows:

RESOLUTION NO. 2011-06-063 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TERRACON CONSULTING, INC., FOR MATERIAL TESTING SERVICES DURING CONSTRUCTION OF JEFFERSON STREET, FROM ROCKWALL TO HEALY, AND LINDSEY STREET FROM ELM TO ROCKWALL

- 11-306** Consider/Discuss/Act on a Resolution Authorizing a Contract for the Material Testing Services Related to the Construction of the McKinney Tennis Complex at Gabe Nesbitt Park. Caption reads as follows:

RESOLUTION NO. 2011-06-064 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH KLEINFELDER FOR CONSTRUCTION MATERIALS TESTING SERVICES ASSOCIATED WITH THE TENNIS COMPLEX AT GABE NESBITT COMMUNITY PARK

- 11-307** Consider/Discuss/Act on a Resolution Authorizing a Memorandum of Understanding between the City of McKinney, Texas and Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2011-06-065 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH

COLLIN COUNTY TO USE CITY-OWNED PROPERTY LOCATED NEAR THE INTERSECTION OF REDBUD BLVD AND WILMETH RD

- 11-308** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Local Project Advance Funding Agreement (LPAFA) with the Texas Department of Transportation (TxDOT) to Construct Right-Turn Deceleration Lanes Related to the Reconstruction of US 380 from Lake Forest Drive to Custer Road (FM 2478). Caption reads as follows:

RESOLUTION NO. 2011-06-066 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO CONSTRUCT RIGHT-TURN DECELERATION LANES RELATED TO THE RECONSTRUCTION OF US 380 FROM LAKE FOREST DRIVE TO CUSTER ROAD (FM 2478)

END OF CONSENT

- 11-309** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution of the City Council of the City of McKinney, Texas Adopting Criteria for Use in the Redistricting 2011 Process. Council unanimously approved the motion by Council member Keever, seconded by Council member Day, to approve a Resolution of the City Council of the City of McKinney, Texas adopting criteria for use in the Redistricting 2011 Process. Caption reads as follows:

RESOLUTION NO. 2011-06-067 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ADOPTING CRITERIA FOR USE IN THE REDISTRICTING 2011 PROCESS; AND PROVIDING AN EFFECTIVE DATE

RESOLUCIÓN NO. 2011-06-067 (R)

RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE MCKINNEY, ADOPTANDO EL CRITERIO PARA EL PROCESO DE REDISTRIBUCIÓN DE DISTRITOS DEL 2011; ASÍ COMO ESTABLECIENDO FECHA DE VIGENCIA

- 11-310** Mayor Loughmiller called for Consideration/Discussion/Action on a

Resolution of the City Council of the City of McKinney, Texas Establishing Guidelines for Persons Submitting Comments and Specific Redistricting Proposals. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Ussery, to approve a Resolution establishing guidelines for persons submitting comments and specific redistricting proposals. Caption reads as follows:

RESOLUTION NO. 2011-06-068 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING GUIDELINES FOR PERSONS SUBMITTING COMMENTS AND SPECIFIC REDISTRICTING PROPOSALS; AND PROVIDING AN EFFECTIVE DATE

RESOLUCIÓN NO. 2011-06-068 (R)

RESOLUCIÓN DEL CONSEJO DE LA CIUDAD DE MCKINNEY, ESTABLECIENDO GUÍAS PARA LAS PERSONAS QUE DESEEN PRESENTAR PROPUESTAS ESPECÍFICAS PARA LA REDISTRIBUCIÓN DE DISTRITOS Y PROPORCIONAR COMENTARIOS; ASÍ COMO ESTABLECIENDO FECHA DE VIGENCIA

- 11-311** Mayor Loughmiller called for Consideration/Discussion/Action on City Manager's Recommendation in Relation to the Administration and Structure of Certain Boards and Commissions. Council unanimously approved the motion by Council member Keever, seconded by Council member Day, to approve the City Manager's recommendation in relation to the administration and structure of certain Boards and Commissions with the changes discussed during the work session.
- 11-244** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Negotiate an Agreement with Imagine Schools-North Texas for Use of McKinney Performing Arts Center as a School Site for the 2011-2012 School Year. City Manager Gray stated that Imagine Schools has requested that this item be tabled until the July 19<sup>th</sup> meeting. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Day, seconded by

Council member Ricchi, to close the public hearing and table this item to the July 19th meeting.

**11-060Z1** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Ronald Lustig, for Approval of a Request to Rezone Approximately 0.28 Acres from "RS 60" - Single Family Residence District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Modify the Development Standards, Located on the Northwest Corner of Barnes Street and Griffin Street, and Accompanying Ordinance. Senior Planner Michael Quint stated that the applicant is requesting to rezone approximately 0.28 acres of land, located on the northwest corner of Barnes Street and Griffin Street (612 Barnes) from "RS 60" - Single Family Residence District to "PD" - Planned Development District, generally to modify the development standards. The applicant is proposing to reduce the required lot width and front yard setback for Griffin Street and increase the maximum density to accommodate two single family residential lots on the subject property. Staff recommend denial of the proposed rezoning request. Mayor Loughmiller called for public comment. The following individual spoke against the proposed zoning request:

Mr. James Long, 608 Parker Street, McKinney

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to deny the request to rezone approximately 0.28 Acres from "RS 60" - Single Family Residence District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, located on the Northwest Corner of Barnes Street and Griffin Street.

**11-065SU2** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Carrington Partners, for

Approval of a Specific Use Permit to Allow for a Restaurant with Drive Through, Approximately 1.34 Acres, Located on the South Side of Eldorado Parkway and Approximately 200 Feet West of Hudson Crossing, and Accompanying Ordinance. Senior Planner Brandon Opiela stated that the applicant is requesting a specific use permit to construct a restaurant with a drive-through window (Braum's Ice Cream Store) totaling 5,756 square feet, on approximately 1.34 acres at the south side of Eldorado Parkway and approximately 200 feet west of Hudson Crossing. The subject property is located within "PD" - Planned Development District that was approved by Ordinance No. 2011-05-31 on May 17, 2011. Under the governing planned development ordinance, the subject property is to develop under the base zoning designation of "BN" - Neighborhood Business District. Within the "BN" - Neighborhood Business District, restaurants with drive-through windows require the approval of a specific use permit. Staff is recommending approval. Applicant, Arlyn Samuelsen, Pogue Engineering, 1512 Bray Central, McKinney, was available to answer questions from Council and there were none. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Kever, seconded by Council member Ricchi, to approve an Ordinance granting a Specific Use Permit to allow for a Restaurant with Drive Through, Approximately 1.34 Acres, Located on the South Side of Eldorado Parkway and Approximately 200 Feet West of Hudson Crossing, following special ordinance provisions: Drive-through restaurant be an allowed use and the site shall generally develop in accordance with the attached site layout exhibit. Caption reads as follows:

ORDINANCE NO. 2011-06-043

AN ORDINANCE AMENDING ORDINANCE NO. 2011-05-031 OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH WINDOW USE, APPROXIMATELY 1.34 ACRES, LOCATED ON THE SOUTH SIDE OF ELDORADO PARKWAY

AND APPROXIMATELY 200 FEET WEST OF HUDSON CROSSING; PROVIDING REGULATIONS; 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

**11-068SP1** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Birkhoff, Hendricks & Carter, L.L.P., on Behalf of the City of McKinney, for Approval of a Site Plan for a City Elevated Water Storage Tank, Approximately 2.43 Acres, Located on the North Side of Virginia Parkway and Approximately 850 Feet West of Hardin Boulevard. Senior Planner Michael Quint stated that the City of McKinney is proposing to construct an elevated water storage tank on the north side of Virginia Parkway and approximately 850 feet west of Hardin Boulevard on approximately 2.43 acres. The tank is proposed to be 218 feet tall. The location of the tank on the site is proposed to be approximately 196 feet from the western property line (Inwood Hills residential subdivision). Enhanced landscaping and screening is proposed, and the City plans to preserve a significant number of the trees that currently exist on the subject property. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Keever, seconded by Council member Day, to approve a Site Plan for a City elevated water storage tank, approximately 2.43 acres, located on the north side of Virginia Parkway and approximately 850 feet west of Hardin Boulevard with the following conditions: The City satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, prior to issuance of a building permit: the City revise the site and landscape plans to reflect the removal of the diseased 36" Bois D'Arc tree near the southern property line, the City revise the site and landscape plans to label the height of the proposed gate instead of the width, the City revise the site and landscape plans to remove the portions of proposed

sidewalk along Virginia Parkway that are not within the limits of the subject property, the City revise the site plan to correct the zoning designation of the subject property to state "PD" - Planned Development District Ordinance No. 2010-06-018, the City revise the landscape plan to provide and label all overhead and underground utility lines, and the City revise the landscape plan to provide the required irrigation note as follows: "All required landscape areas shall be provided with an automatic underground irrigation system with rain and freeze sensors and evapotranspiration (ET) weather based controllers and said irrigation system shall be designed by a qualified professional and installed by a licensed irrigator."

Mayor Loughmiller called for Council and Manager Comments and Liaison Reports

Council member Brooks stated that there has been a lot of positive work going on with the McKinney Economic Development Board. Mr. Brooks congratulated Roger Harris for a well run race and he is looking forward to serving with him.

Mayor Pro-Tem Ussery thanked staff for what they do day in and day out. Mr. Ussery spoke about the VFW 75th anniversary dedication that he attended.

Council member Ricchi spoke about various activities being held at the Heard Museum. Mr. Ricchi spoke about the Bloomin in Boomin events and Red, White, and Boom event that will be held on July 4<sup>th</sup>.

Council member Day did not have any comments.

Council member Kever commended the McKinney Fire Department, Lions Club, Community Lifeline and TXU Energy for providing box fans to citizens of McKinney. Ms. Kever announced that the McKinney Arts Commission is accepting applications for grants. Ms. Kever stated that she is looking forward to working with Roger Harris.

Mayor Loughmiller announced that there will be a Budget Retreat held on June 24<sup>th</sup> at 8:30 a.m. in the Council Chambers. On June 27<sup>th</sup> there will be a Special Meeting to canvass the Run-Off Election and a farewell tribute for Council member Pete Huff.

City Manager Gray introduced Joe Williams, the new Deputy City Manager. Mr. Gray thanked all those who serve on a Board for the amount of time they dedicate to making our community a better place.

Council unanimously approved the motion by Council member Travis Ussery, seconded by Council member Ray Ricchi, to Approved to adjourn

Mayor Loughmiller adjourned the meeting at 6:40 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary