

CITY COUNCIL REGULAR MEETING

MARCH 1, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 1, 2011 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, Interim Deputy City Manager Lemuel Randolph, Airport Director Ken Wiegand, Planner Craig Sykora; Environmental Stewardship Manager Julie Smith; Planning Director Jennifer Cox; Interim Finance Director Larry Cunningham; Executive Director of Development Services John Kessel; Executive Director of Public Works Hal Cranor; Environmental and Fleet Services Manager Eric Hopes; Facilities Construction Manager Patricia Jackson; Fire Chief Mark Wallace; Grants Coordinator Janay Tieken; Senior Help Desk Technician Richard Sewell; and Police Sergeant Roger Thornhill.

There were 21 guests present.

Mayor Loughmiller called the meeting to order at 6:04 p.m. after determining a quorum was present. Invocation was given by Pastor Kenneth Diggs, Eternity Community Church. Mayor Loughmiller led the Pledge of Allegiance.

INFORMATION SHARING

- 11-095** Presentation of Certificate of Recognition to Nathan Bush. Council member Ricchi presented a Certificate of Recognition for the fundraising efforts of Nathan Bush for CASA.

Mayor Loughmiller called for Citizen Comments

Mr. Victor Hawkins, 1701 Park Central, McKinney, spoke about DART coming to McKinney and the benefits the transit system would have for the residents.

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

- 11-096** Minutes of the City Council Special Meeting of February 9, 2011
- 11-097** Minutes of the City Council Work Session of February 15, 2011
- 11-098** Minutes of the City Council Regular Meeting of February 15, 2011

- 11-099** Minutes of the City Council Special Meeting of February 21, 2011
- 11-100** Minutes of the Library Advisory Board Meeting of January 20, 2011
- 11-101** Minutes of the McKinney Airport Development Corporation Meeting of January 13, 2011
- 11-102** Minutes of the McKinney Armed Services Memorial Board Meeting of January 12, 2011
- 11-103** Minutes of the McKinney Arts Commission Work Session on November 30, 2010
- 11-104** Minutes of the McKinney Arts Commission Special Meeting of November 30, 2010
- 11-105** Minutes of the McKinney Arts Commission Work Session of January 6, 2011
- 11-106** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of January 13, 2011
- 11-107** Minutes of the Planning and Zoning Commission Regular Meeting of January 25, 2011
- 11-108** Consider/Discuss/Act On an Ordinance Repealing Chapter 86 of the Code of Ordinances and Adopting a New Chapter 86 with Updated Provisions Regarding the Collection and Disposition of Solid Waste and Recyclable Material. Caption reads as follows:

ORDINANCE NO. 2011-03-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REPEALING CHAPTER 86 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY AND ADOPTING A NEW CHAPTER 86 WITH UPDATED PROVISIONS REGARDING THE COLLECTION AND DISPOSITION OF SOLID WASTE AND RECYCLABLE MATERIAL IN THE CITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

- 11-109** Consider/Discuss/Act on a Ordinance Repealing Chapter 30 of the Code of Ordinances and Adopting a New Chapter 30 of the Code of Ordinances. Caption reads as follows:

ORDINANCE NO. 2011-03-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REPEALING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY AND ADOPTING A NEW CHAPTER 30 WITH UPDATED PROVISIONS REGARDING AIRPORT MINIMUM STANDARDS AND RULES AND REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

- 11-110** Consider/Discuss/Act on an Ordinance Amending the FY 2010-2011 Grants Budget. Caption reads as follows:

ORDINANCE NO. 2011-03-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2010-2011 GRANTS BUDGET

- 11-111** Consider/Discuss/Act on an Ordinance Amending the FY 2010-2011 Grants Budget. Caption reads as follows:

ORDINANCE NO. 2011-03-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2010-2011 GRANTS BUDGET

- 11-112** Consider/Discuss/Act on a Resolution Supporting Improvements to Interstate 35 East from Interstate Highway 635 in Dallas County to U.S. Highway 380 in Denton County. Caption reads as follows:

RESOLUTION NO. 2011-03-026 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REQUESTING IMPROVEMENTS TO INTERSTATE 35 EAST AS DESIGNED BY THE TEXAS DEPARTMENT OF TRANSPORTATION TO BE FULLY FUNDED AND IMPLEMENTED FOR THE FULL PROJECT LENGTH FROM INTERSTATE HIGHWAY 635 IN DALLAS COUNTY TO U.S. HIGHWAY 380 IN DENTON COUNTY

- 11-113** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with H.W. Lochner Inc., BWR Division for Environmental Site Assessment Services and Associated Support for Brownfields Grant Administration. Caption reads as follows:

RESOLUTION NO. 2011-03-027 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH H.W. LOCHNER INC., BWR DIVISION FOR ENVIRONMENTAL SITE ASSESSMENT SERVICES AND ASSOCIATED SUPPORT FOR BROWNFIELDS GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE

- 11-116** Consider/Discuss/Act on a Resolution to Authorize a Design/Build Contract in Relation to the State Energy Conservation Office (SECO) Grant Solar Array Project to be Located at Fire Station #6. Caption reads as follows:

RESOLUTION NO. 2011-03-030 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR DESIGN/BUILD SERVICES RELATED TO THE STATE ENERGY CONSERVATION OFFICE (SECO) GRANT FOR A SOLAR PANEL ARRAY PROJECT TO BE LOCATED AT FIRE STATION #6

- 11-117** Consider/Discuss/Act on Acceptance of the Comprehensive Annual Financial Report (CAFR)

END OF CONSENT

- 11-114** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution of the City Council of the City of McKinney, Texas, Authorizing the City Manager to Execute a Contract with the Texas Comptroller of Public Accounts to Receive a \$322,253.68 Distributed Renewable Energy Program Grant for a 51.06 kw Solar Array for Fire Station #6. Environmental Stewardship Manager Julie Smith stated that the City applied for this grant back in September 2010 through the State Energy Conservation Office. Ms. Smith stated that in addition to the \$322,253.68 grant, the City would qualify for an additional rebate from Oncor. Council unanimously approved the motion by Council member Geralyn Keever, seconded by Council member Brooks, to the Resolution of the City Council of the City of McKinney, Texas authorizing the City manager to execute a contract with the Texas Comptroller of Public Accounts to receive a \$322,253.68 Distributed Renewal Energy Program grant for a

51.06 kw Solar Array for Fire Station #6. Caption reads as follows:

RESOLUTION NO. 2011-03-028 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE TEXAS COMPTROLLER OF PUBLIC ACCOUNTS TO RECEIVE A \$322,253.68 DISTRIBUTED RENEWABLE ENERGY PROGRAM GRANT FOR A SOLAR ARRAY FOR FIRE STATION #6

- 11-115** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution of the City Council of the City of McKinney, Texas, Authorizing the City Manager to Execute a Contract with the North Central Texas Council of Governments to Receive a \$38,646 Clean Fleets North Texas Grant for Converting Three City Priuses to Electric Plug-In Hybrids. Environmental Stewardship Manager Julie Smith stated that TXU Electric is in the process of installing four electric charging stations. She stated that two of the charging stations will be for the public and two will be located at Public Works for city vehicles. Ms. Smith stated that the Prius' will be converted from battery/combustion engine hybrids to a plug in/combustion engine. Ms. Smith stated that there will be a charging station at the main public library and another at the Senior Center. Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Ussery, to approve a Resolution of the City Council of the City of McKinney, Texas, Authorizing the City Manager to Execute a Contract with the North Central Texas Council of Governments to Receive a \$38,646 Clean Fleets North Texas Grant for Converting Three City Priuses to Electric Plug-In Hybrids. Caption reads as follows:

RESOLUTION NO. 2011-03-029 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS TO RECEIVE A \$38,646 CLEAN FLEETS NORTH TEXAS GRANT FOR CONVERTING THREE PRIUSES TO ELECTRIC PLUG-IN HYBRIDS

11-061 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Code of Ordinances - Appendix A - Schedule of Fees, Chapter 18 Relative to Ambulance Service Charges. Interim City Manager Chaffin stated that staff is requesting that agenda items 11-061 and 11-062 be tabled until the April 1st meeting. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to table this item until the April 1, 2011 regular meeting.

11-062 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Code of Ordinances, Chapter 42 - Fire Prevention and Protection and Appendix A Schedule of Fees. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to table this item until the April 1, 2011 regular meeting.

10-140Z Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Cross Engineering Consultants, Inc., on Behalf of McKinney North Central Business Park, L.P., for a Request to Rezone Approximately 1.89 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for Open Storage, Located Approximately 400 Feet East of Graves Street and Approximately 500 Feet South of Corporate Drive, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is requesting to rezone the subject property to allow for public storage. She stated that Staff is recommending approval of the proposed rezoning request as proposed with the necessary screening and stated that the applicant is in agreement with Staff's recommendation. Applicant, Mr. Jon David Cross. 106 W. Louisiana Street 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 Ussery, seconded by Mayor Pro-Tem Huff, to approve the Ordinance

rezoning approximately 1.89 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to allow for open storage, located approximately 400 feet east of Graves Street and approximately 500 feet south of Corporate Drive, with the following special ordinance provisions: The use and development of the subject property shall conform to "PD" - Planned Development District Ordinance No. 1563, except as follows: open storage shall be an allowed use on the subject property, portable storage containers shall be allowed to be stored on the subject property, not to exceed eight (8) feet in height, and shall be screened with a living plant screen of Nellie R. Stevens shrubs, spaced five (5) feet on center and a minimum of three (3) feet in height at the time of planting, the screening of all other open storage items shall require a continuous and solid living screen with a minimum height of seven (7) feet or the screening device shall comply with Section 146-132 (Fences, Walls, and Screening Requirements) of the Zoning Ordinance, and as amended. All other open storage shall also be stacked no higher than one foot below the top of the screening wall or visual barrier, and the subject property generally develop according to the proposed zoning exhibit. Caption reads as follows:

ORDINANCE NO. 2011-03-012

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.89 ACRE PROPERTY, LOCATED APPROXIMATELY 400 FEET EAST OF GRAVES STREET AND APPROXIMATELY 500 FEET SOUTH OF CORPORATE DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW OPEN STORAGE; 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

Mayor Loughmiller called for Action on Executive Session Items.

Council approved the motion by Mayor Brian Loughmiller, seconded by Council member Keever, to approve a settlement agreement in the case styled City of McKinney,

Texas, Plaintiff vs. Alan Plummer Associates, Inc., with a vote of 6 - 1 - 0, Mayor Pro-Tem Huff voting against.

Mayor Loughmiller called for Council and Manager Comments and Liaison Reports

Council member David Brooks had no comments.

Council member Ussey gave the Planning and Zoning Commission report that included denial of one zoning request and approval of two other requests. Mr. Ussey thanked Staff for all they do, day in and day out. He also thanked Mayor Loughmiller for all the time he gives to make McKinney a wonderful city.

Mayor Pro-Tem Huff complimented and supported the Deputy City Manager Jim Parish on his efforts on containing health costs. He stated that he recently attended a retreat for a local hospital and the majority of the comments and predictions from experts were that the future of health care is uncertain. Mr. Huff also complimented Nathan Bush on his fundraising efforts for CASA.

Council member Ricchi stated that filled in for the Mayor at Kid Council and for Mayor Pro-Tem Huff at the McKinney Community Development Corporation meeting. Council member Ricchi stated that the McKinney Convention and Visitors Bureau is working on a smart phone application to highlight activities that are going on in McKinney. Mr. Ricchi complimented all those who had a part in making the groundbreaking for the Veteran Memorial an outstanding success.

Council member Day had no comments.

Council member Kever stated that last Monday the City Council announced that Jason Gray is the new City Manager. Ms. Kever thanked Interim City Manager Rick Chaffin for all his work over the last eight months. She stated that after the announcement the City Council attended a School Transportation Workshop with the McKinney Independent School Board, representatives from the North Central Texas Council of Governments, and TxDOT. Ms. Kever thanked the Council for approving the Resolution supporting improvements to Interstate 35.

Mayor Loughmiller stated that the Council has stepped out and are leading efforts outside our community to be a leader in the county, region and state level. Mr. Loughmiller thanked Interim City Manager Rick Chaffin for his efforts for the last 8

months. Mayor Loughmiller acknowledged that Jason Gray has been attending Council meetings even though he has not officially started as City Manager. Mr. Loughmiller mentioned that there have been several businesses inquiring about the possibility of bringing international companies to McKinney. Mayor Loughmiller stated that the City of McKinney is one of 4 cities that are finalists for a US relocation of a Fortune 500 company with 60,000 employees. McKinney will be hosting a reception on March 22, 2011 to introduce the executives from that organization as they are touring the final cities. Mayor Loughmiller stated that on March 24, 2011, there will be an "Invest in McKinney" reception with General Joseph Chen Future to promote business opportunities that are Taiwanese based. Mayor Loughmiller announced that we have several fitness races that are happening in McKinney. Mayor Loughmiller suggested that he would like to have May as "Fitness Month" in McKinney to promote healthy activities for all residents. Mayor Loughmiller stated that he will be in Austin to speak to the Committee on Urban Affairs as a representative of medium sized cities. Mayor Loughmiller announced that the Council would be holding a Planning Retreat on March 10th and the 11th.

Interim City Manager Rick Chaffin stated that Fire Chief Wallace announced his retirement effective June 1, 2011. Mr. Chaffin stated that he appreciates all that Chief Wallace has accomplished during his 10 years with McKinney. "He leaves behind a great legacy and we I am proud to have him as part of my team."

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Brooks, to adjourn. Mayor Loughmiller adjourned the meeting at 6:45 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary