

## **CITY COUNCIL REGULAR MEETING**

**DECEMBER 1, 2009**

The City Council of the City of McKinney, Texas, met in regular session in the Council Chambers of the Municipal Building on December 1, 2009 at 5:30 p.m.

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

Staff Present: City Manager Frank Ragan; City Secretary Sandy Hart; Executive Director of Development Services John Kessel; Deputy Director of Development Services Brian James; Communications and Media Manager Anna Folmsbee; Director of Engineering Jack Carr; Human Resources Director Tadd Phillips; Parks, Recreation, and Open Space Director Lemuel Randolph; and Police Lieutenant Roger Thornhill.

There were 30 guests present.

Mayor Loughmiller called the meeting to order at 5:33 p.m. after determining a quorum was present. Invocation was given by Mr. Gary Anderson, Covenant Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Mr. Will Spencer, 1604 West Street, McKinney, spoke about the possibility of opening a funeral home at 500 McDonald Street.

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

- 09-527** Minutes of the City Council Work Session of November 2, 2009
- 09-528** Minutes of the City Council Regular Meeting of November 3, 2009
- 09-529** Minutes of the Animal Services Facility Advisory Committee Meeting of July 15, 2009
- 09-530** Minutes of the Board of Adjustment Meeting of August 26, 2009
- 09-531** Minutes of the Community Grants Advisory Commission Meeting of June 4, 2009
- 09-532** Minutes of the Historic Preservation Advisory Board Meeting of October 1, 2009
- 09-533** Minutes of the McKinney Convention and Visitors Bureau Board Meeting of September 28, 2009

- 09-534** Minutes of the McKinney Economic Development Corporation Board Meeting of September 24, 2009
- 09-535** Minutes of the Planning and Zoning Commission Meeting of October 13, 2009
- 09-555** Minutes of the City Council Economic Development Summit of November 16, 2009
- 09-556** Minutes of the City Council Work Session of November 16, 2009
- 09-557** Minutes of the City Council Regular Meeting of November 17, 2009
- 09-558** Minutes of the Community Grants Advisory Commission Meeting of October 29, 2009
- 09-559** Minutes of the Community Grants Advisory Commission Meeting of November 11, 2009
- 09-560** Minutes of the Community Grants Advisory Commission Meeting of November 12, 2009
- 09-561** Minutes of the Library Advisory Board Meeting of October 15, 2009
- 09-562** Minutes of the McKinney Airport Development Corporation Board Meeting of October 8, 2009
- 09-563** Minutes of the McKinney Armed Services Memorial Board Meeting of October 14, 2009
- 09-564** Minutes of the McKinney Community Development Corporation Board Meeting of October 15, 2009
- 09-565** Minutes of the McKinney Community Development Corporation Board Meeting of November 3, 2009
- 09-566** Minutes of the McKinney Economic Development Corporation Board Meeting of October 20, 2009
- 09-567** Minutes of the McKinney Economic Development Corporation Board Meeting of October 29, 2009
- 09-568** Minutes of the McKinney Housing Authority Board Meeting of August 26, 2009
- 09-569** Minutes of the McKinney Housing Authority Board Meeting of October 6, 2009

- 09-570** Minutes of the McKinney Main Street Board Meeting of October 14, 2009
- 09-571** Minutes of the Parks, Recreation, and Open Space Advisory Board Meeting of October 8, 2009
- 09-572** Minutes of the Planning and Zoning Commission Meeting of October 27, 2009
- 09-536** Consider/Discuss/Act on an Ordinance Modifying the Locations of Loading Zones in the Downtown Area, Modifying Parking Designations near the Municipal Courts Building, and Designating Three-Hour Parking for the Spaces along the North Side of Cloyd Street between Johnson Street and Chestnut Street. Caption reads as follows:

ORDINANCE NO. 2009-12-081

AN ORDINANCE MODIFYING THE LOCATIONS OF LOADING ZONES IN THE DOWNTOWN AREA, REMOVING RESERVED PARKING DESIGNATIONS NEAR THE MUNICIPAL COURTS BUILDING, AND DESIGNATING THREE-HOUR PARKING FOR THE SPACES ALONG THE NORTH SIDE OF CLOYD STREET; 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

- 09-538** Consider/Discuss/Act on a Resolution to Submit a Nomination for a Statewide Transportation Enhancement Program Reimbursement for the Construction of a Hike and Bike Trail. Caption reads as follows:

RESOLUTION NO. 2009-12-145 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO SUBMIT A NOMINATION FOR A STATEWIDE TRANSPORTATION ENHANCEMENT FOR THE CONSTRUCTION OF A HIKE AND BIKE TRAIL

- 09-539** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Interlocal Participation Agreement with Public Employee Benefits Alliance (PEBA). Caption reads as follows:

RESOLUTION NO. 2009-12-146 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL PARTICIPATION AGREEMENT WITH PUBLIC EMPLOYEE BENEFITS ALLIANCE (PEBA)

**09-540** Consider/Discuss/Act on Award of Contract with Boundtree Medical of Dublin, OH for EMS Medical Supplies & Medications

**09-541** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Casting Votes for the Board of Directors for the Central Appraisal District of Collin County. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Huff to approve the Resolution casting 201 votes for Wayne Mayo, candidate for the Board of Directors for the Central Appraisal District of Collin County. Caption reads as follows:

RESOLUTION NO. 2009-12-147 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, CASTING 201 VOTES FOR WAYNE MAYO,  
CANDIDATE FOR THE BOARD OF DIRECTORS FOR THE  
CENTRAL APPRAISAL DISTRICT OF COLLIN COUNTY, AND  
PROVIDING FOR AN EFFECTIVE DATE

**09-059SUP/SP** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering and Development Company, Inc., on Behalf of Virginia 100 L.P. for Approval of a Specific Use Permit and Site Plan for 12 Hangar/Townhomes and 22 Freestanding Hangars, (Aero Country East, Phase 1), Approximately 9.95 Acres, Located on the North Side of Virginia Parkway and Approximately 700 Feet East of Aero Country Road, and Accompanying Ordinance. Deputy Director of Development Services Brian James explained that the applicant is requesting a specific use permit (SUP) to develop a private street. Mr. James stated that the subdivision ordinance requires approval of a site plan along with the SUP and that Staff is recommending approval of both the SUP and site plan. The applicant, Mr. Brandon Cox, 1512 Bray Central, McKinney, was available to answer questions from Council. Mayor Loughmiller called for public comment.

The following individuals did not wish to speak but wanted their opposition to the proposed SUP and site plan in the record:

Mr. Ron Arriaga, 112 Lansdale Drive, McKinney

Mr. Scott Chancellor, 116 Lansdale Drive, McKinney

Mr. Tracey Chancellor, 116 Lansdale Drive, McKinney

Mr. Michael W. Rayfield, 400 Wentworth Drive, McKinney

The following individuals spoke in opposition to the proposed SUP and site plan:

Mr. Dominic Crespo, 9329 Jerico Drive, McKinney, presented a petition signed by 369 individuals

Mr. Barry Goukler, 108 Lansdale Drive, McKinney

Ms. Pat Goukler, 108 Lansdale Drive, McKinney

Mr. Wes Kouba, 9412 Stonewood Drive, McKinney

Mr. Gary Newlin, 9313 Sterling Gate Drive, McKinney

Mr. John Rees, 104 Lansdale Drive, McKinney

The following individual spoke in favor of the proposed SUP and site plan:

Mr. Al Rivas, 9324 Bedford Lane, McKinney

Council unanimously approved the motion by Council member Ussery, seconded by Council member Day to close the public hearing and approve the Ordinance approving a specific use permit and site plan for twelve hangar/townhomes and 22 freestanding hangars, (Aero Country East, Phase 1), approximately 9.95 acres, located on the north side of Virginia Parkway and approximately 700 feet east of Aero Country Road with the following special ordinance provisions: Approval of the specific use permit for a private street development shall also constitute site plan approval and the applicant satisfy the following conditions as shown on the Standard Conditions for Site Plan Approval Checklist: approval of building permit plans by the Chief Building Official; approval of architectural building elevations, in accordance with Section 146-139 of the Zoning Ordinance and "PD" – Planned Development District Ordinance No. 2008-11-106, by the Chief Building Official; approval of grading and drainage plans by the City Engineer; approval of public improvement construction plans by the City Engineer; approval of utility construction plans by the City Engineer; final location of fire hydrants be subject to review and approval by the Fire Marshal; the applicant provide

any additional easements as determined necessary by the City Engineer; the associated plat for the subject property be filed for record with the county clerk; the applicant comply with the requirements of the Tree Preservation Ordinance and obtain any necessary tree permits within the time frames specified within the Ordinance, subject to review and approval by the City Arborist; payment of impact fees in accordance with Ordinance 2008-10-174 (utilities) and 2008-10-173 (roadway), or as specified within an approved facilities agreement or development agreement; all signage is to comply with the current Sign Ordinance of the City of McKinney, and as amended; and final location of all signage, as well as the dimension and construction specifications, be subject to review and approval by the Chief Building Official, under separate permit. Caption reads as follows:

ORDINANCE NO. 2009-12-082

AN ORDINANCE AMENDING ORDINANCE NUMBER 2008-11-106 AND 2009-07-051 OF THE CITY OF MCKINNEY, TEXAS; TO ALLOW A SPECIFIC USE PERMIT FOR A PRIVATE STREET DEVELOPMENT FOR AN APPROXIMATELY 9.55 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF VIRGINIA PARKWAY AND APPROXIMATELY 700 FEET EAST OF AERO COUNTRY ROAD, PROVIDING FOR THE APPLICATION OF ARTICLE VII OF THE SUBDIVISION REGULATIONS (CHAPTER 146 OF THE CITY OF MCKINNEY CODE OF ORDINANCES); 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

**09-060PF** Mayor Loughmiller called for Consideration/Discussion/Action on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Virginia 100, L.P., for Approval of a Preliminary-Final Plat for Lots 1-36, Block A, of the Aero Country East Addition, Approximately 39.97, Located on the North Side of Virginia Parkway and Approximately 700 Feet East of Aero Country Road. Deputy Director of Development Services Brian James explained that this item is the preliminary-final plat for the SUP and site plan approved in the previous agenda item. The applicant, Mr. Brandon Cox, 1512 Bray Central, McKinney, was available to answer questions from Council. Council unanimously approved the motion by

Mayor Pro-Tem Huff, seconded by Council member Kever to approve the preliminary-final plat for Lots 1-36, Block A, of the Aero Country East Addition, approximately 39.97, located on the north side of Virginia Parkway and approximately 700 feet east of Aero Country Road with the following conditions: The applicant satisfy the following conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist: submit a record plat or plats conforming to the approved preliminary-final plat, subject to review and approval by Staff; the record plat must be approved before a development permit is issued; once the public improvements are accepted by the City Engineer, the record plat will be filed at the County; approval of public improvement construction plans, including location of any required sidewalks, Hike and Bike Trails, and fire hydrants, by the City Engineer; approval of utility construction plans by the City Engineer; approval of grading and drainage plans by the City Engineer; approval of the proposed street names within this development by the City Engineer; the applicant comply with the requirements of the Tree Preservation Ordinance and obtain any necessary tree permits within the time frames specified within the Ordinance, subject to review and approval by the City Arborist; acceptance of all required public improvements by the City Engineer, unless otherwise specified within an approved facilities agreement; the applicant provide any additional easements as determined necessary by the City Engineer; approval of annexation documentation, and filing thereof, incorporating the proposed development into the homeowners' association for the proposed development, including the dedication of common areas, and its maintenance responsibilities, and be subject to review and approval by the City Attorney, and filed for record; the applicant satisfy park land dedication obligations, in accordance with Article IV of the Subdivision Ordinance, subject to review and approval by the Director of Parks and Recreation; payment of median landscaping fees for medians within divided roadways, in lieu of the applicant

landscaping and irrigating the medians, in the amount of \$25.50 per linear foot for the distance parallel to the subject property; and payment of impact fees in accordance with Ordinances 2008-10-174 (utilities) and 2008-10-173 (roadway), or as specified within an approved facilities agreement or development agreement.

**09-134Z** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by G. M. Geer Engineering-Surveying, on Behalf of Joe Reyes, for Approval of a Request to Rezone Approximately 0.11 Acres from “BG” – General Business District and “H” – Historic Preservation Overlay District, to “CHD” – Commercial Historic District, and “H” – Historic Preservation Overlay District, Located on the South Side of Louisiana Street and Approximately 100 Feet West of State Highway 5 (McDonald Street), and Accompanying Ordinance. Deputy Director of Development Services Brian James explained that the request for rezoning from general business to Commercial Historic District was primarily related to parking requirements. Mr. James answered questions from Council. The applicant, Ms. Sherry Geer Williams, 1514 N. McDonald Street, McKinney, answered questions from Council. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Council member Ricchi, to close the public hearing and approve the Ordinance rezoning approximately 0.11 acres from “BG” – General Business District and “H” – Historic Preservation Overlay District, to “CHD” – Commercial Historic District, and “H” – Historic Preservation Overlay District, located on the south side of Louisiana Street and approximately 100 feet west of State Highway 5 (McDonald Street) with the following special ordinance provision: The subject property shall be developed accordance with Section 146-96 “CHD” - Commercial Historic District of the Zoning Ordinance. Caption reads as follows:

ORDINANCE NO. 2009-12-083



AN ORDINANCE AMENDING ORDINANCE NUMBER 1271 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.11 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF LOUISIANA STREET AND APPROXIMATELY 100 FEET WEST OF STATE HIGHWAY 5 (MCDONALD STREET), IS REZONED FROM "BG" – GENERAL BUSINESS DISTRICT AND "H" – HISTORIC PRESERVATION OVERLAY DISTRICT TO "CHD" – COMMERCIAL HISTORIC DISTRICT AND "H" – HISTORIC PRESERVATION OVERLAY DISTRICT; 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

Mayor Loughmiller called for City Council and Manager Comments:

Council member Brooks had no comments.

Council member Ussery thanked Staff for all they do everyday with special thanks to Executive Director of Development Services John Kessel for assistance with a neighborhood matter and to Deputy Director of Development Services Brian James for all he has done for the City.

Mayor Pro-Tem Huff expressed admiration and appreciation for the talents of Mr. James.

Council member Ricchi thanked Mr. James for being an outstanding public servant. Mr. Ricchi expressed admiration and appreciation for the dedication of his fellow Council members.

Council member Day had no comments.

Council member Kever echoed what was said about the knowledge, skills, and abilities of Mr. James. Ms. Kever thanked Deputy City Manager Jim Parrish for all his help in the search for a new McKinney Community Development Corporation Executive Director.

Mayor Loughmiller commented on recent community events including the Believe Run, Dickens of a Christmas, and lighting the City's living Christmas Tree. Mr. Loughmiller thanked Ms. Ty Lake and Main Street for organizing the events. Mr. Loughmiller recognized Mr. James for his years of service to the City of McKinney and wished him well in his new position with the City of San Antonio.

City Manager Frank Ragan stated that he would withhold comments about Mr. James until the City Council meeting on the 14<sup>th</sup> however he shares the sentiments expressed tonight by Council.

Mayor Loughmiller called for Citizen Comments.

Mr. Barney Flores, 1510 Sandy Ridge Drive, McKinney, spoke about the upcoming Texas Silver Gloves boxing tournament and the parking lot lights at Old Settlers Recreation Center.

Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Ussery, to adjourn the meeting. Mayor Loughmiller adjourned the meeting at 6:28 p.m.

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BRIAN LOUGHMILLER, Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary