

CITY COUNCIL REGULAR MEETING

OCTOBER 19, 2010

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on October 19, 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 Jim Parrish; Deputy City Manager Jim Parrish; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Jennifer Cox; Senior Planner Michael Quint; Communications and Media Manager Anna Folmnsbee; Assistant Fire Chief Frank Roma; Parks, Recreation and Open Space Director Lemuel Randolph, Police Administration Manager Cathy Lennox; Emergency Services Coordinator Karen Adkins; Executive Director of Development Services John Kessel; Director of Engineering Jack Carr; Fire Chief Mark Wallace; Chief Building Official Bennie Reid; Environment Stewardship Manager Julie Smith; Sergeant David Rodriguez Officer; Development Engineer Daniel Heischman, and Chief of Police Doug Kowalski.

There were approximately 75 guests present.

Mayor Loughmiller called the meeting to order at 6:10 p.m. after determining a quorum was present. Invocation was given by Reverend Neill Grimes, First Christian Church. Mayor Loughmiller led the Pledge of Allegiance.

INFORMATION SHARING:

10-464 Blue Star Flag Presentation to Greg Cox on behalf of his son, Michael Cox

10-465 Presentation of Certificates of Recognition to Barney & Me Boxing Club

10-466 Proclamation Presentation to Pam Wenzel

Mayor Loughmiller called for Citizen Comments:

The following individuals spoke about the North Texas History Center:

Ms. Linda Fisher, 831 Timberwood Lane, Fairview

Mr. Joseph Moia, 7505 Ponder Horn Lane, McKinney

Ms. Sarah Hatcher, 1603 West, McKinney

Mr. Bruce Arledge, 1200 Historic Lane, Cross Roads

Ms. Mary Carole Strother, 2404 Rockhill Road, McKinney

Ms. LuVorise Dahlman, 9840 Hedge Bell, McKinney

Mr. Stewart Pearlman, 602 Country Lane, McKinney

Ms. Deborah Kilgore, 1013 Howell Street, McKinney

Ms. Cindy Johnson, 3103 Voltaire Blvd., McKinney, spoke about the Special Event Ordinance.

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

- 10-467** Minutes of the City Council Work Session of October 5, 2010
- 10-468** Minutes of the City Council Regular Meeting of October 5, 2010
- 10-469** Minutes of the City Council Retreat of October 7, 2010
- 10-470** Minutes of the City Council Retreat of October 8, 2010
- 10-471** Minutes of the Historic Preservation Advisory Board Meeting of September 2, 2010
- 10-472** Minutes of the McKinney Community Development Corporation Meeting of August 19, 2010
- 10-473** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of August 23, 2010
- 10-474** Minutes of the Planning and Zoning Commission Regular Meeting of September 14, 2010
- 10-475** Minutes of the Planning and Zoning Commission Regular Meeting of September 28, 2010
- 10-479** Consider/Discuss/Act on Amending Ordinances No. 2010-10-034 and No. 2010-10-035 to Include the Sales and Use Taxes Generated and Collected within Reinvestment Zone Number One, City Of McKinney and within Reinvestment Zone Number Two, City of McKinney. Caption reads as follows:

ORDINANCE NO. 2010-10-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCES NO. 2010-09-034

AND NO. 2010-09-035 TO INCLUDE THE SALES AND USE TAXES GENERATED AND COLLECTED WITHIN REINVESTMENT ZONE NUMBER ONE, CITY OF MCKINNEY AND WITHIN REINVESTMENT ZONE NUMBER TWO, CITY OF MCKINNEY INTO THE RESPECTIVE TAX INCREMENT FUNDS OF EACH ZONE PURSUANT TO SECTION 311.0123 OF THE TEXAS TAX CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

- 10-476** Consider/Discuss/Act on a Resolution Supporting the Texas Department of Transportation Project Related to the Reconstruction of US 75 from Spur 399 to US 380. Caption reads as follows:

RESOLUTION NO. 2010-10-131 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS SUPPORTING THE TEXAS DEPARTMENT OF TRANSPORTATION PROJECT TO RECONSTRUCT ELDORADO PARKWAY AT US 75 WITH A SINGLE POINT URBAN INTERCHANGE

Council member Ricchi stepped down from the dais on the following two agenda items.

- 10-047PF** Mayor Loughmiller called for Consideration/Discussion/Action on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Encore Wire Corporation, for Approval of a Preliminary-Final Plat for the Airport-Elm Addition, Approximately 62.21 Acres, Located on the Northwest Corner of Airport Drive and Elm Street. Council approved the motion by Mayor Pro-Tem Huff, seconded by Council member Brooks, to approved the Request by Pogue Engineering & Development Company, Inc., on Behalf of Encore Wire Corporation, for approval of a Preliminary-Final Plat for the Airport-Elm Addition, approximately 62.21 acres, located on the northwest corner of Airport Drive and Elm Street, with a vote of 6-0-1, Council member Ricchi abstaining.

- 10-477** Mayor Loughmiller called for Consideration/Discussion/Action on a Development Agreement with Encore Wire Corporation Regarding the Extension and Construction of a New Right-of-Way Extending from the Terminus of Gerrish Street to the Terminus of Bumpas Street. Council approved the motion by Council member Kever, seconded by Council

member Ussery, to approve the Development Agreement with Encore Wire Corporation Regarding the Extension and Construction of a New Right-of-Way Extending from the Terminus of Gerrish Street to the Terminus of Bumpas Street, with a vote of 6-0-1, Council member Ricchi abstaining.

Council member Ricchi returned to the dais.

- 10-478** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing a Contract for Consulting Services to Develop an On-Street Bicycle Master Plan for the City of McKinney in Conjunction with the Proposed Sustainability Plan and Funded Through the Department of Energy (DOE) Energy Efficiency Conservation Block Grant. Development Engineer Daniel Heischman stated that the Resolution will authorize the City Manager to execute a contract with Renaissance Planning Group, Inc. for consultant services to develop an On-Street Bicycle Master Plan. The On-Street Bicycle Master Plan shall be integrated into the City's Comprehensive Plan. Mr. Heischman stated that the City has been awarded a Department of Energy Efficiency Conservation Block Grant in the amount of \$1,071,500 for nine energy savings activities, including \$200,000 for an On-Street Bicycle Master Plan. The top priority is safety and there may be streets that just aren't safe to route bicycles on. Mayor Loughmiller stated that different cities have gotten the grant money for the plan. Columbia, Missouri is an example that put together a Bike and Bus route and presented the plan and was given a \$25 million grant to retrofit the entire city. On the smaller scale Frisco took the plan and instead of building new bike lanes, they established a safe bike route and put in signage to direct them off the more dangerous routes. Mr. Heischman stated that there are two public meetings planned for late January or early February. The second public meeting will be a presentation of where we are and what we did with the information that was shared during the first meeting. Council

unanimously approved the motion by Council member Brooks, seconded by Council member Ussery, to approve a Resolution authorizing a contract for Consulting Services to Develop an On-Street Bicycle Master Plan for the City of McKinney in conjunction with the proposed Sustainability Plan and funded through the Department of Energy (DOE) Energy Efficiency Conservation Block Grant. Caption reads as follows:

RESOLUTION NO. 2010-10-132 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH RENAISSANCE PLANNING GROUP, INC. TO DEVELOP AN ON-STREET BICYCLE TRANSPORTATION MASTER PLAN FOR THE CITY OF MCKINNEY

10-071Z Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Southern Land Company, on Behalf of SLC McKinney Partners, L.P., for Approval of a Request to Rezone Approximately 332.68 Acres, from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 2,000 Feet East of Stonebridge Drive, and Accompanying Ordinance. Senior Planner Michael Quint stated that the applicant is requesting to rezone approximately 332.68 acres of land, located on the north side of U.S. Highway 380 (University Drive) and approximately 2,000 feet east of Stonebridge Drive, from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards. The subject property represents a fraction of the larger 900 acre development, Tucker Hill, which is located generally to the east of Future Stonebridge Drive and north of U.S. Highway 380 (University Drive). Tucker Hill will consist of detached and attached single family residential uses, non-residential uses, live/work uses and vertical mixed-uses. Applicant, Mr. Doug Harp, 1550 W. McEwen, Franklin, Tennessee, was available to answer questions from Council and there were none.

Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro-Tem Huff, to approved the Ordinance rezoning approximately 332.68 acres, from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards, located on the north side of U.S. Highway 380 (University Drive) and approximately 2,000 feet east of Stonebridge Drive, with the following special ordinance provisions: The subject property be rezoned to "PD" - Planned Development District and be developed according to the following standards: the subject property shall develop in accordance with the attached Tucker Hill Pattern Book regulations, Exhibit B and the architectural concepts as detailed within the attached Tucker Hill Pattern Book regulations shall be achieved while also satisfying the requirements of the Architectural Standards (Section 146-139) of the Zoning Ordinance. Caption reads as follows:

ORDINANCE NO. 2010-10-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2007-09-084 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 332.68 ACRE PROPERTY, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND APPROXIMATELY 2,000 FEET EAST OF STONEBRIDGE DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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

Council member Ricchi stepped down from the dais for the following agenda item.

10-022AA Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Encore Wire Corporation, for Approval of a Vacation of a North/South Unimproved Right-of-Way (Bumpas Street), Approximately 0.92 Acres, Located on the

North Side of Elm Street and Approximately 1,550 Feet West of Airport Drive, and Accompanying Ordinance. Senior Planner Michael Quint stated that the applicant is proposing to vacate an approximately 31 foot wide right-of-way that extends south from the terminus of Bumpas Street south towards Elm Street. Currently, the entire portion of this street proposed to be vacated is unimproved but public utilities do exist within the right-of-way. Applicant, Mr. Randall Pogue, 1512 Bray Central Drive, McKinney, stated that he has no objections to any of the conditions in the staff report. Mayor Loughmiller called for public comment and there was none. Council approved the motion by Mayor Pro-Tem Huff, seconded by Council member Kever, to approve the Ordinance vacating a north/south unimproved right-of-way (Bumpas Street), approximately 0.92 acres, located on the north side of Elm Street and approximately 1,550 feet west of Airport Drive, with the following special ordinance provisions: the City of McKinney reserves an exclusive, perpetual utility easement within the entirety of the vacated right-of-way, with a vote of 6-0-1, Council member Ricchi abstaining. Caption reads as follows:

ORDINANCE NO. 2010-10-043

AN ORDINANCE VACATING A NORTH/SOUTH RIGHT-OF-WAY, BUMPAS STREET, APPROXIMATELY 0.92 ACRES, LOCATED ON THE NORTH SIDE OF ELM STREET AND APPROXIMATELY 1,550 FEET WEST OF AIRPORT DRIVE, PROVIDING FOR AN EFFECTIVE DATE HEREOF

Council member Ricchi returned to the dais.

04-410A2 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion the Request by Kimley-Horn and Associates, Inc., on Behalf of Haggard Enterprises, Ltd. on a Petition to Annex Approximately 67 Acres, Located on the South Side of F.M. 1461 and Approximately 1,400 Feet East of F.M. 2478 (Custer Road). Planning Director Jennifer Cox stated that this is the second of three public hearings regarding a petition to annex approximately 67 acres. Ms. Cox stated that subsequent to the first public hearing, Staff spoke with the

applicant regarding a fire station within the proposed annexed property.

The applicant has found a possible location for a fire station. The applicant will have to go back and talk to the owner regarding this site.

Applicant, Ms. Ashley Frysinger, 12700 Park Central, Dallas, stated that she will have to talk to the owner of the property regarding the possible fire station site. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to close the public hearing.

Mayor Loughmiller called for Council and Manager Comments and Liaison Reports

Council member Ricchi stated that he stepped down on the three agenda items tonight due to his ownership of stock in Encore Wire. Mr. Ricchi stated that the Parks, Recreation, and Open Space department will be holding a Family Fall Festival on Saturday, October 23rd at 4 p.m. at Town Lake Softball Complex. Al Ruschhaupt Park will host on October 23rd at 10:00 a.m. a dedication of the improvements that include the first 100% ADA accessible playground with synthetic turf, a splash pad, and amphitheater. The McKinney Convention and Visitors Bureau (MCVB) has been honored with a five page spread in the Texas Highways Magazine that highlights many of our shops downtown, parks and hike and bike trails. Mr. Ricchi stated that MCVB will be presenting questions to Council on how they can measure their efforts against what the Council is expecting from them. Mr. Ricchi stated that he, Mayor Loughmiller, and Mayor Pro-Tem Huff and are now certified in the Texas Engineering Extension Services of Emergency Management Agency. Mr. Ricchi praised Emergency Management Coordinator Karen Adkins for the outstanding job she does for the City. "Be assured - our city is well prepared in the case of an emergency."

Council member Day reminded everyone that early voting started yesterday. "Please go out and vote!" Mr. Day invited everyone to attend the Guardians of the Ribbon activities tomorrow that will start at 10:00 a.m. at Fire Station 1 followed by a parade of five pink fire trucks around the square at 11:30 a.m. From noon until 2 p.m. streets will be blocked off with ongoing programs to raise Cancer Awareness.

Council member Kever stated that the Council spent 2 days in Council retreat and she is looking forward to the Council moving towards solidarity of purpose and specific action items in the next few months. Ms. Kever also thanked Mr. Chaffin for summarizing the retreat. Ms. Kever stated that today marks a threshold where the City Council held five official meetings that began at 3 p.m.

Council member Brooks stated that the McKinney Economic Development Corporation (MEDC) will be holding a retreat in November. Keith Clifton was elected as the new MEDC Chairman. Mr. Brooks reminded everyone of the Veteran's Day ceremony that will be held on November 13th at 11 a.m. The finalizing of plans for the Veterans Memorial are moving forward with construction to begin in the spring with the dedication about a year from now.

Council member Ussery stated that the Planning and Zoning Commission met and denied an application in Adriatic for zoning changes. The Planning and Zoning Commission approved a site plan for an auto parts store on Custer Road. Mr. Ussery thanked the Planning staff for all the work on the Reinvestment Zone boards.

Mayor Pro-Tem Huff stated that he attended the emergency preparedness training and the first question they asked the attendees "what is your job in Emergency Preparedness?" Mr. Huff stated that it is basically to look professional, have the straight story from those in the know, and step out of the way. Mr. Huff stated that Johnny Galyean was re-elected as Chairman of Main Street Board. Mr. Huff stated that Octoberfest reported attendance of over 25,000 people and a net profit over \$28,000 for Main Street. Mr. Huff stated that the TxDOT Aviation Advisory Committee met and reviewed funding for the future that should remain the same or better.

Mayor Loughmiller stated that October is Breast Cancer Awareness month. Everyone knows someone affected by breast cancer and there are many things going on to raise the awareness. The National Breast Cancer Foundation is located here in Collin County. Mr. Loughmiller reminded everyone that men can also get breast cancer. Mr. Loughmiller expressed his appreciation to Council member Kever who has been asked to serve on a committee with Senator Shapiro regarding the K-2. Mr. Loughmiller stated that the City Council is looking at what we want the City to do in the next 20 years. The Council will be developing a strategic plan for moving towards future goals.

Interim City Manager Chaffin thanked the Mayor and Council for the time commitment for the retreat and their day to day activities on behalf of the City. Mr. Chaffin stated that November 29th work session will be focusing on Development Services items.

Mayor Loughmiller called for Citizen Comments.

Ms. Darlene Amrhein, 112 Wensley Circle, McKinney, spoke about the problems she has encountered with a house she purchased in McKinney.

Mr. James West, 504 Tucker, McKinney spoke about the North Texas History Museum.

Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Ussery, to adjourn. Mayor Loughmiller adjourned the meeting at 7:45 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary