

CITY COUNCIL REGULAR MEETING

JULY 20, 2010

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on July 20, 2010 at 5:30 p.m.

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

Staff Present: Interim City Manager Rick Chaffin; Deputy City Manager Jim Parrish; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Aretha Harvey; Main Street Director Ty Lake; Planning Director Jennifer Cox; Finance Director Jennifer Fung; Police Support Services Randy Haak; Finance Department - Alex Casey and Donna Chamberlain; Engineering - Paul Tucker and Robyn Root; Director of Parks, Recreation, and Open Space Lemuel Randolph; Director of Engineering Jack Carr; Planning - Guy Giersch, Kevin Spath, Michael Quint, and Brandon Opiela; Environmental Stewardship Manager Julie Smith; Executive Director of Public Works Hal Cranor; Assistant Fire Chief Frank Roma; Chief of Police Doug Kowalski; Assistant Chief of Police Randy Haak; Police Sergeant Roger Thornhill; Communications and Media Manager Anna Folmsbee; Assistant Director of Development Services Rob Daake; Executive Director of Development Services John Kessel; and Airport Director Ken Wiegand.

There were 25 guests present.

Mayor Loughmiller called the meeting to order at 5:37 p.m. after determining a quorum was present.

Invocation was given by Father Harold Lowe, Holy Family Episcopal Church. Mayor Loughmiller led the Pledge of Allegiance.

INFORMATION SHARING

- 10-305** Presentation of Bike the Bricks Donation to the City of McKinney
- 10-306** Presentation of Mayor's Challenge Invitational Winning Trophy
- 10-307** Presentation of Government Finance Officers Association Distinguished Budget Award
- 10-308** Presentation of Gold Leadership Circle Award for Financial Transparency
- 10-309** 2010 National Night Out Proclamation

Mayor Loughmiller called for Citizen Comments.

Dr. Grant Byrd, 2700 Rockhill Road, McKinney, did not wish to speak but wanted his support of agenda item 10-347 relating to a Resolution supporting legislation to ban K2 substance be recorded.

Dr. Grant Byrd, 2700 Rockhill Road, McKinney, did not wish to speak but wanted his support of agenda 10-348 relating to an Ordinance banning K2 substance in McKinney be recorded.

Mr. Mark Sass, 5414 S. Tennessee, McKinney, expressed his appreciation to the City for all that they have done.

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

- 10-310** Minutes of the City Council Work Session of June 15, 2010
- 10-311** Minutes of the City Council Regular Meeting of June 15, 2010
- 10-312** Minutes of the City Council Special Meeting of June 21, 2010
- 10-313** Minutes of the City Council Special Meeting of June 28, 2010
- 10-314** Minutes of the City Council Special Meeting of July 6, 2010
- 10-315** Minutes of the Community Grants Advisory Commission Meeting of May 19, 2010
- 10-316** Minutes of the Community Grants Advisory Commission Meeting of May 20, 2010
- 10-317** Minutes of the Community Grants Advisory Committee Meeting of June 16, 2010
- 10-318** Minutes of the Library Advisory Board Meeting of May 20, 2010
- 10-319** Minutes of the McKinney Airport Development Corporation Special Meeting of March 9, 2010
- 10-320** Minutes of the McKinney Airport Development Corporation Meeting of May 11, 2010
- 10-321** Minutes of the McKinney Airport Development Corporation Meeting of June 10, 2010
- 10-322** Minutes of the McKinney Armed Services Memorial Board, Inc. Meeting

of April 14, 2010

10-323 Minutes of the McKinney Community Development Corporation Board Meeting of April 27, 2010

10-324 Minutes of the McKinney Convention & Visitors Bureau Board Meeting of May 24, 2010

10-325 Minutes of the McKinney Economic Development Corporation Board Meeting of May 18, 2010

10-326 Minutes of the McKinney Housing Authority Board Meeting April 27, 2010

10-327 Minutes of the McKinney Housing Authority Meeting of May 25, 2010

10-328 Minutes of the McKinney Main Street Board Meeting of May 13, 2010

10-329 Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of May 13, 2010

10-332 Consider/Discuss/Act on an Ordinance to Name the Crape Myrtle World Collection Park Site. Caption reads as follows:

ORDINANCE NO. 2010-07-022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING ARTICLE 1; PROVIDING FOR THE REPEAL OF ANY SECTION OF ANY ORDINANCE FOR THE SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

10-333 Consider/Discuss/Act on an Ordinance Amending the 2010-2014 Capital Improvements Program for the Crape Myrtle World Collection Project. Caption reads as follows:

ORDINANCE NO. 2010-07-023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING CERTAIN AMENDMENT TO THE 2010-2014 CAPITAL IMPROVEMENTS PROGRAM FOR THE CONSTRUCTION OF THE CRAPE MYRTLE WORLD COLLECTION PROJECT

10-334 Consider/Discuss/Act on a Resolution Authorizing a Contract for Engineering Design Services for the Design of the 20" Water Main at Eldorado Parkway and Stonebridge Drive Project. Caption reads as follows:

RESOLUTION NO. 2010-07-095 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ENGINEERING DESIGN SERVICES FOR THE 20" WATER MAIN AT ELDORADO PARKWAY AND STONEBRIDGE DRIVE PROJECT

- 10-336** Consider/Discuss/Act on a Resolution Authorizing a Contract for Material Testing Services for the Construction of the US 75 Utility Relocation - North Section Project. Caption reads as follows:

RESOLUTION NO. 2010-07-097 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR MATERIAL TESTING SERVICES FOR ON THE US 75 UTILITY RELOCATION – NORTH SECTION PROJECT

- 10-337** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with American Landscape Systems, Inc. for the Construction of the Crape Myrtle World Collection Project. Caption reads as follows:

RESOLUTION NO. 2010-07-098 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH AMERICAN LANDSCAPE SYSTEMS, INC OF LEWISVILLE, TEXAS FOR THE CONSTRUCTION OF THE CRAPE MYRTLE WORLD COLLECTION PROJECT

- 10-338** Consider/Discuss/Act on a Resolution Authorizing a Contract for the Construction of the US 380 Water Main - 850 Pressure Plane Connection - East Project. Caption reads as follows:

RESOLUTION NO. 2010-07-099 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE US 380 WATER MAIN – 850 PRESSURE PLANE CONNECTION - EAST PROJECT

- 10-339** Consider/Discuss/Act on a Resolution Authorizing a Contract for the Construction of the US 380 Water Main - 920 Pressure Plane Connection - West Project. Caption reads as follows:

RESOLUTION NO. 2010-07-100 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE US 380 WATER MAIN – 920 PRESSURE PLANE CONNECTION - WEST PROJECT

- 10-340** Consider/Discuss/Act on a Resolution Authorizing a Contract for Material Testing Services Related to the Construction of the US 380 Water Main - 920 Pressure Plane Connection - West Project. Caption reads as follows:

RESOLUTION NO. 2010-07-101 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR MATERIAL TESTING SERVICES ON THE US 380 WATER MAIN – 920 PRESSURE PLANE CONNECTION - WEST PROJECT

- 10-342** Consider/Discuss/Act on a Resolution Amending the 2010-2014 Capital Improvements Program for the Cottonwood Creek Under Grade Crossing Project. Caption reads as follows:

RESOLUTION NO. 2010-07-103 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE 2010-2014 CAPITAL IMPROVEMENTS PROGRAM FOR THE CONSTRUCTION OF THE COTTONWOOD CREEK UNDER GRADE CROSSING PROJECT

- 10-343** Consider/Discuss/Act on a Resolution Supporting the Historic Flour Mill Catalyst TOD Sustainable Development Grant Project and Authorizing the City Manager to Enter Into an Interlocal Cooperative Agreement with the North Central Texas Council of Governments. Caption reads as follows:

RESOLUTION NO. 2010-07-104 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS SUPPORTING THE HISTORIC FLOUR MILL CATALYST TOD SUSTAINABLE DEVELOPMENT GRANT PROJECT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

- 10-344** Consider/Discuss/Act on a Resolution Supporting the State Highway 5

Corridor Planning Study Sustainable Development Grant and Authorizing the City Manager to Enter Into an Interlocal Cooperative Agreement with the North Central Texas Council of Governments. Caption reads as follows:

RESOLUTION NO. 2010-07-105 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, SUPPORTING THE STATE HIGHWAY 5 CORRIDOR PLANNING STUDY SUSTAINABLE DEVELOPMENT PROJECT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

- 10-345** Consider/Discuss/Act on a Resolution Authorizing the Transfer of \$5,177,500 McKinney Economic Development Corporation (MEDC) Loans Receivable from General Fund to Solid Waste Fund. Caption reads as follows:

RESOLUTION NO. 2010-07-106 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE TRANSFER OF \$5,177,500 MCKINNEY ECONOMIC DEVELOPMENT CORPORATION LOANS RECEIVABLE FROM GENERAL FUND TO SOLID WASTE FUND

- 10-346** Consider/Discuss/Act on a Resolution to Authorize a Supplemental Agreement for Material Testing Services on the Ridge Road Construction Project. Caption reads as follows:

RESOLUTION NO. 2010-07-107 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR MATERIAL TESTING SERVICES FOR THE RIDGE ROAD CONSTRUCTION PROJECT

- 10-330** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Establishing School Zones and Crosswalks for Various Schools. Council member Kever requested that this item be pulled down for discussion. Ms. Kever requested that dynamic speed signals be installed at the two new school locations. One near the new Frisco ISD Sonntag Elementary School and the new McKinney ISD McClure

Elementary School sites to alert residents to slow down and be aware of the new school zones. Traffic Engineer, Robyn Root stated that the City has temporary trailer speed signs that would give driver's feedback on their speed limit. Council unanimously approved the motion by Council member Kever, seconded by Council member Ricchi, to approve the Ordinance establishing school zones and crosswalks for various schools. Caption reads as follows:

ORDINANCE NO. 2010-07-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, ESTABLISHING SCHOOL ZONES AND CROSSWALKS FOR VARIOUS SCHOOLS; 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

- 10-331** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Establishing a Speed Limit on Ridge Road, South of US 380. Council member Ricchi pulled this item down for discussion. Traffic Engineer Robyn Root stated that there are several elementary schools that are located on roadways with a posted speed of 40 miles per hour. Ms. Root stated that during the school zones the speed is reduced to 20 miles per hour. Mr. Ricchi stated that he is concerned with the safety of the children not only during the school zones but also outside of the school hours. Council approved the motion by Mayor Pro-Tem Huff, seconded by Council member Ussery, to approve the Ordinance establishing a speed limit on Ridge Road, south of US 380, with a vote of 6-1-0, with Council member Ricchi voting against. Caption reads as follows:

ORDINANCE NO. 2010-07-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, ESTABLISHING SPEED ZONES ON VARIOUS ROADWAYS 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

- 10-335** Mayor Loughmiller called for Consideration/Discussion/Action on a

Resolution Authorizing a Contract for the Construction of the US 75 Utility Relocation - North Section Project. City Attorney Mark Houser stated that staff is recommending awarding the bid to the second lowest bidder due to the lowest bidder being a non-responsive bid. The lowest bidder has requested to address the Council. Mr. Jason Daniels, P.O. Box 152957, Dallas, President, Interstate Pipeline Utility Construction, LLC. Mr. Daniels stated that they were the apparent low bidder on this project at \$478,204.05 and represents a fair price for the job. Mr. Daniels stated that by awarding the bid to the next lowest, the citizens of McKinney will be paying \$50,000 more for this project. Mr. Houser stated that the Interstate Pipeline bid is a non-conforming it is not a conforming bid due to length of time in business. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to approve the Resolution authorizing a contract for the construction of the US 75 Utility Relocation - North Section Project to Wilson Contractor Services L.L.C. Caption reads as follows:

RESOLUTION NO. 2010-07-096 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE US 75 UTILITY RELOCATION – NORTH SECTION PROJECT

- 10-341** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution to Adopt the Parks, Recreation, and Open Space Master Plan. Mayor Loughmiller pulled this item down for discussion. Mr. Loughmiller stated he wanted to make sure that this is a living document that the City will look at from time to time to make sure it is meeting the needs of the community, that there is a need for partnerships with other entities, that the City should also consider public/private partnerships to cut down on the costs and expense from a public entity stand point, and making sure the policy with regards to land acquisition and flood plain reclamation has some flexibility. Parks, Recreation, and Open Space Director Lemuel Randolph stated that there was considerable discussion

at the staff level and with the consultant with regard to the management of flood plain. It was determined through this process that we would not have the document be the defining document on the management of flood plain. Mr. Randolph stated that this plan is to be used as a guide. Council unanimously approved the motion by Kever, seconded by Council member Brooks, to approve the Resolution adopting the Parks, Recreation, and Open Space Master Plan. Caption reads as follows:

RESOLUTION NO. 2010-07-102 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A PARKS, RECREATION, OPEN SPACE MASTER PLAN AND PROVIDING AN EFFECTIVE DATE

Mayor Loughmiller called for any action on Executive Session items. Council unanimously approved the motion by Council member Day, seconded by Council member Ussery, to increase the not to exceed amount on the Ridge Road Project to \$3.5 million.

10-347 Mayor Loughmiller called for Consideration/Discussion/Action on Resolution Supporting Legislation Adding Certain Substances to the List of Controlled and Regulated Substances under the Texas Health and Safety Code. Council member Kever stated that this item put before Council a Resolution supporting the legislative efforts to ban K2, is a synthetic form of marijuana, at the State level. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Huff, to approve a Resolution supporting Legislation adding certain substances to the list of controlled and regulated substances under the Texas Health and Safety Code. Caption reads as follows:

RESOLUTION NO. 2010-07-108 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, SUPPORTING THE INCLUSION OF CERTAIN SUBSTANCES INTO THE LIST OF CONTROLLED SUBSTANCES UNDER THE STATE LAW; URGING LEGISLATIVE ACTION TO ADOPT SUCH SUBSTANCES AS CONTROLLED SUBSTANCES; AND PROVIDING AN EFFECTIVE DATE

10-348 Mayor Loughmiller called for Consideration/Discussion/Action on

Amending Chapter 70, Article VII, "Smoking," of the Code of Ordinances. Police Chief Doug Kowalski stated that this Ordinance will ban K2 and Salvia which are synthetic forms of marijuana and LSD. Chief Kowalski stated that this is both a public safety and health issue. Chief Kowalski stated that if Council approves this Ordinance it will be a Class C misdemeanor. Council unanimously approved the motion by Council member Kever, seconded by Council member Brooks, to approve the Ordinance amending Chapter 70, Article VII, "Smoking," of the Code of Ordinances. Caption reads as follows:

ORDINANCE NO. 2010-07-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 70, ARTICLE VII, "SMOKING," THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY RELATIVE TO RESTRICTED SUBSTANCES; PROVIDING DEFINITIONS; PROVIDING A PURPOSE; RESTRICTING THE SALE, DELIVERY, OFFER, OR GIFT OF RESTRICTED SUBSTANCES; RESTRICTING THE USE OR POSSESSION OF RESTRICTED SMOKING MATERIAL; RESTRICTING THE USE OR POSSESSION OF RESTRICTED SMOKING PARAPHERNALIA; PROVIDING DEFENSES TO PROSECUTION; ESTABLISHING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

- 10-349** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing a Contract for the Demolition of at Least One Former County Building Located at 210 South McDonald Street. Interim City Manager Rick Chaffin stated that this is a long discussed topic that started in 2006. Mr. Chaffin stated that the City wanted to ensure that the University of North Texas was not interested in the 6 story building or Annex A. They have indicated that they are not interested in either building. Staff is recommending to approve the contract for demolition of both buildings. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to approve the Resolution authorizing a contract for the demolition of both the six story building and Annex A located at 210 South McDonald Street at a cost not to exceed \$450,000. Caption reads as follows:

RESOLUTION NO. 2010-07-109 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING A CONTRACT FOR THE
DEMOLITION OF TWO FORMER COUNTY BUILDINGS
LOCATED ON SOUTH MCDONALD STREET

10-350 Mayor Loughmiller called for Consideration/Discussion/Action on the Request by Jim Wilson, for Eric Ciskowski, to Appeal the Decision by the Historic Preservation Advisory Board to Deny a Certificate of Appropriateness for the Proposed Installation of Wood Replacement Windows at 402 Parker Street. Historic Preservation Officer Guy Giersch stated that staff is not recommending granting this request and to support the Historic Preservation Advisory Board's 3-1 decision to deny this request. Applicant, Mr. Jim Wilson, 217 Wood Street, McKinney, stated that windows are old, rotten, and falling out. He stated that the new molding profile and trim will match the existing trim. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to overturn the Historic Preservation Advisory Board's decision and allow the installation of wood replacement windows at 402 Parker Street.

10-351 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on an Ordinance Granting Grayson-Collin Electric Cooperative, Inc., a Non-Exclusive Franchise to Use Public Rights-of-Way for the Purpose of Constructing and Operating an Electric Distribution System. Finance Director Jennifer Fung stated that this Ordinance will grant Grayson-Collin Electric Cooperative to install and maintain an electric distribution system in the right of way within the City for five years and can be renewed for an additional term of five years. There are three public hearings required. The second public hearing will be held on July 26, 2010 and the third one will be held on August 17, 2010. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member

Kever, seconded by Council member Ussery, to close the public hearing.

10-040AA Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by McKinney Saddlehorn II, Ltd., SB 506 Ventures, Ltd., and Stonebridge Ranch Community Association, for Approval of a Right-of-Way Vacation for Approximately 1,254 Linear Feet of Gray Branch Road, Located Between Virginia Parkway and Ridge Road, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is proposing to vacate a section of Gray Branch Road right of way located between Virginia Parkway and Ridge Road. Ms. Cox stated that the adjacent property owners have signed a petition in approval of this request. Applicant, Mr. Jeff Miles, 16301 Quorum Drive, Addison, stated this is an old County road. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery, to approve the Ordinance approving a right-of-way vacation for approximately 1,254 linear feet of Gray Branch Road, located between Virginia Parkway and Ridge Road, with the following condition: The City of McKinney reserves an exclusive, perpetual utility easement within the entirety of the vacated prescriptive right-of-way. Caption reads as follows:

ORDINANCE NO. 2010-07-025

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS VACATING APPROXIMATELY 1,254 LINEAR FEET OF GRAY BRANCH ROAD, LOCATED BETWEEN VIRGINIA PARKWAY AND RIDGE ROAD, PROVIDING FOR AN EFFECTIVE DATE HEREOF

10-351 Mayor Loughmiller called Reconsideration/Discussion/Action on an Ordinance Granting Grayson-Collin Electric Cooperative, Inc., a Non-Exclusive Franchise to Use Public Rights-of-Way for the Purpose of Constructing and Operating an Electric Distribution System. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery, to amend the previous motion to close the

public hearing and approve the Ordinance as presented.

10-048SP Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by the City of McKinney, for Approval of a Site Plan for the Veterans Memorial Park in McKinney, Approximately 0.57 Acres, Located on the Northeast Corner of Weiskopf Avenue and Collin David South Drive. Planning Director Jennifer Cox stated that the City is proposing to construct the Veterans Memorial Park at the northeast corner of Weiskopf Avenue and Collin David South Drive. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to approve the Site Plan for the Veterans Memorial Park in McKinney, located on the Northeast Corner of Weiskopf Avenue and Collin David South Drive with the following condition: 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, 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; and 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..

10-044AA Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Cross Engineering Consultants, Inc., on Behalf of LINFER, L.L.C., for Approval of a Right-of-

Way Vacation (Bevoe Street), Approximately 0.08 Acres, Located Between State Highway 5 (McDonald Street) and Wilcox Street, and Accompanying Ordinance. Planning Director Jennifer Cox stated this is a request to abandon a portion of a right of way that is currently a section of Bevoe Street. Ms. Cox stated Staff has received a petition signed by both adjacent property owners agreeing to this request. Applicant, Mr. Dwayne Zin, 106 W. Louisiana, McKinney was available for questions and there was none. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve the Ordinance granting a right-of-way vacation (Bevoe Street), approximately 0.08 acres, located between State Highway 5 (McDonald Street) and Wilcox Street. Caption reads as follows:

ORDINANCE NO. 2010-07-026

AN ORDINANCE VACATING APPROXIMATELY 166 LINEAR FEET OF BEVOE STREET, LOCATED BETWEEN STATE HIGHWAY 5 (MCDONALD STREET) AND WILCOX STREET, PROVIDING FOR AN EFFECTIVE DATE HEREOF

10-061Z Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by John Thomas Engineering, on Behalf of Frank Williams, Jr., for Approval of a Request to Rezone Approximately 1.50 Acres, from "PD" - Planned Development District to "BG" - General Business District, Located on the Northwest Corner of U.S. Highway 380 (University Drive) and Graves Street, and Accompanying Ordinance. Senior Planning Michael Quint stated that the applicant is proposing to rezone approximately 1.5 acres from PD – Planned Development to BG – General Business. Staff is recommending approval with the conditions listed in the staff report. Applicant - John Measels, 7813 Great Divide Lane, McKinney, stated that they are requesting to rezone this property back to the previous BG zoning to remove an existing site plan. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the

motion by Council member Ussery, seconded by Council member Day, to approve the Ordinance rezoning approximately 1.50 Acres, from "PD" - Planned Development District to "BG" - General Business District, located on the northwest Corner of U.S. Highway 380 (University Drive) and Graves Street, with the following special ordinance provision: the subject property be developed according to "BG" - General Business District regulations. Caption reads as follows:

ORDINANCE NO. 2010-07-027

AN ORDINANCE AMENDING ORDINANCE NO. 2004-09-102, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.50 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF UNITED STATES HIGHWAY 380 (UNIVERSITY DRIVE) AND GRAVES STREET, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "BG" – GENERAL BUSINESS DISTRICT; 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 Council and Manager Comments

Council member Ricchi congratulated the Parks Department for the successful Hawaiian Night event. Mr. Ricchi announced that the Heard Natural Science Museum is offering McKinney residents free admission on July 25th, a Night Hike on July 24th, and Ice Age Mammals are there through October 10th. Mr. Ricchi congratulated the McKinney Convention and Visitors Bureau and Tourism Director Diann Bayes for their efforts with the filming of the television series The Chase in McKinney. Mr. Ricchi recognized Ms. Bayes for being selected to serve on the State board.

Council member Day stated that McKinney was named by Money Magazine as the fifth most desirable place to live in the Country. They based this recommendation on a large part to "A Gem of a Downtown." Mr. Day expressed his thanks to everyone that has worked for over a decade to create that downtown. "The City Fathers saw the need to change the ordinances that effected downtown to allow mixed uses." Mr. Day gave a special thanks to Chief Building Official Bennie Reed for not taking the hard line and making all buildings meet modern codes because they never would have been able to renovate the old buildings. Mr. Reed came up with renovation practices that made

the buildings safer and let us put them back into use. Mr. Day congratulated the City for spending \$2 million in 2008 to renovate downtown, widened the sidewalks to allow the outside patio dining, widen the streets, repaired the landscaping, and made it a very desirable place.

Council member Kever stated that the Library Advisory Board has some outstanding members. Ms. Kever commended Library Board member Kathryn Wait for suggesting, after hearing there are \$500,000 in past due fines, an innovative way to collect the past due fines. Ms. Kever mentioned that she attended a TML Legislative update in Arlington. Ms. Kever mentioned that properties are desirable along our southern border due to Highway 121 and the easy access to the DFW airport. There is a real link between economic development and our roads. Ms. Kever mentioned that the North Texas Tollway Authority is vetting through the alignment for the north extension of the Dallas North Toll Road.

Council member Brooks stated that the Armed Services Memorial Board has surpassed their goal to complete the Veterans Memorial. Mr. Brooks stated that the McKinney Economic Development Corporation is working through some incentives to attract jobs and economic development in McKinney.

Council member Ussery stated that the Planning & Zoning Commission met on July 13th and acted on the rezoning case we heard tonight along Highway 380. Mr. Ussery thanked Staff for their efforts every day and the number 5 ranking does not come from Council but from what you do day in and day out. "We have made some mistakes but McKinney has done a lot of things right and the staff and citizens are a big part of it."

Mayor Pro-Tem Huff stated that the McKinney Community Development Corporation (MCDC) met on June 24th. They adjusted this year's sales tax expectation down. MCDC addressed the expiration of the agreement with the Paul Kike Company who had planned on building a data center in McKinney but had not met their time commitment. MCDC is working on their strategic plan, grant processes and time line, and criteria. Mr. Huff stated that this year the October Fest will be held for 2 days along with making Dickens bigger & better. Mr. Huff stated that he attended a special meeting at Commissioner's Court where they discussed redistricting at the state level. County

Commissioner Joe Jaynes is working on trying to keep from splitting any city into multiple districts or at least no more than two per city.

Mayor Loughmiller stated that Council member Day, Interim City Manager Rick Chaffin, our consultant and he attended a meeting with Judge Keith Self. Mr. Loughmiller stated that he has joined with other Mayors and City Managers in Collin County to unify on issues that we would like the Commissioners Court to address. "We will be going in front of the Commissioners Court on August 16th to discuss TIF districts for the Airport and Highway 5 corridor and request County participation. City of McKinney has been fortunate in the last 6 months to get a lot of recognition through different publication with the latest being the Money Magazine's the 5th Best City to Live, Live Healthy North Texas Award, tonight's Finance Reporting award, and the award we received from the State Comptroller for transparency in reporting, and last year McKinney was recognized as One of the Safest Cities in America. A lot of these awards are coming about due to the sense of community we have here in McKinney. Mr. Loughmiller congratulated the citizens of McKinney. Mr. Loughmiller stated that Main Street has put together a brochure that lists the restaurants and shops in downtown. Mr. Loughmiller suggested that we make an effort to these brochures out in other areas of the City to build a larger awareness of what is going on in downtown.

Interim City Manager Chaffin stated that the McKinney Economic Development Alliance members which is a partnership between the City, the Chambers of Commerce, McKinney Economic Development Corporation, and McKinney Community Development Corporation. Through this group, they are working with TIP Strategies to look at a number of our corridors and how best to develop these corridors. Serving on the Committee for the City are the Mayor, Council members Day & Brooks, John Kessel, and Aretha Harvey. This is a high priority and we are working on this almost daily.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 8:07 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as

needed), Section 551.071 (1) (A) Litigation / Anticipated Litigation, Section 551.074 Personnel Matters, and Section 551.072 Discuss Real Property, as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 9:25 p.m.

Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro-Tem Huff, to adjourn. Mayor Loughmiller adjourned the meeting at 9:26 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary