

CITY COUNCIL REGULAR MEETING

JUNE 15, 2010

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on June 15, 2010 at 5:30 p.m.

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

Staff Present: Interim City Manager Rick Chaffin; Deputy City Manager Jim Parrish; City Attorney Mark Houser; City Secretary Sandy Hart; Engineering - Trish Jackson, Carla Easton, Danny Still, Paul Tucker, and Michael Hebert; Director of Engineering Jack Carr; Assistant to the City Manager Aretha Harvey; Executive Director of Public Works Hal Cranor; Executive Director of Development Services John Kessel; Police Administration Manager Cathy Lennox; Assistant Police Chief Randy Roland; Director of Planning Jennifer Cox; Chief of Police Doug Kowalski; Parks, Recreation, and Open Space Director Lemuel Randolph; Assistant Finance Director Jason Weeks; Senior Planner Kevin Spath; Communications and Marketing CoCo Good and Anna Folmnsbee; Finance Director Jennifer Fung; Police Sergeant Roger Thornhill; and Assistant Fire Chief Frank Roma.

There were 5 guests present.

Mayor Pro-Tem Huff called the meeting to order at 5:36 p.m. after determining a quorum was present. Invocation was given by Deacon Betty Breyfogle, St. Peters Episcopal Church. Mayor Pro-Tem Huff led the Pledge of Allegiance.

Mayor Pro-Tem Huff called for Citizen Comments and there were none.

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

- 10-278** Minutes of the City Council Work Session of June 1, 2010
- 10-279** Minutes of the City Council Regular Meeting of June 1, 2010
- 10-280** Minutes of the City Council Special Meeting of June 7, 2010
- 10-281** Minutes of the Building and Standards Board Meeting of February 8, 2010.
- 10-282** Minutes of the Community Grants Advisory Commission Meeting of

March 18, 2010

- 10-283** Minutes of the Historic Preservation Advisory Board Meeting of May 6, 2010
- 10-284** Minutes of the McKinney Convention & Visitors Bureau Board Meeting March 22, 2010
- 10-285** Minutes of the McKinney Economic Development Corporation Board Meeting of April 27, 2010
- 10-286** Minutes of the Regular Planning and Zoning Commission Meeting of May 25, 2010
- 10-295** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of April 8, 2010
- 10-272** Consider/Discuss/Act on an Ordinance Amending the Parks, Recreation and Open Space Budget for Fiscal Year 2009-2010. Caption reads as follows:

ORDINANCE NO. 2010-06-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2009-2010 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 10-033M** 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. 2010-06-083(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

- 10-273** Consider/Discuss/Act on a Resolution Authorizing a Contract for the Construction of Bloomdale Road from US 75 to Shawnee Drive. Caption reads as follows:

RESOLUTION NO. 2010-06-084 (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 BLOOMDALE ROAD FROM US 75 TO SHAWNEE DRIVE

- 10-274** Consider/Discuss/Act on a Resolution Authorizing a Supplemental Agreement for Design Services Related to the Water and Wastewater Design along Industrial Boulevard (FM 546) for the Dudperkins Street Sewer Project. Caption reads as follows:

RESOLUTION NO. 2010-06-085 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL TO THE DESIGN CONTRACT FOR PROFESSIONAL SERVICES FOR DUDPERKINS STREET SEWER PROJECT

- 10-275** Consider/Discuss/Act on a Resolution Authorizing a Contract for Materials Testing Services for the Construction of Bloomdale Road from US 75 to Shawnee Drive. Caption reads as follows:

RESOLUTION NO. 2010-06-086 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR MATERIALS TESTING SERVICES FOR THE CONSTRUCTION OF BLOOMDALE ROAD FROM US 75 TO SHAWNEE DRIVE

- 10-276** Consider/Discuss/Act on a Resolution Authorizing the Acceptance of the U.S. Department of Justice 2010 Byrne Justice Assistance Grant and Designating the City Manager, or his Designee, as Official Representative of the City in Matters Relating to the Program. Caption reads as follows:

RESOLUTION NO. 2010-06-087(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE ACCEPTANCE OF THE U.S. DEPARTMENT OF JUSTICE 2010 BYRNE JUSTICE ASSISTANCE GRANT AND DESIGNATING THE CITY MANAGER, OR HIS DESIGNEE, AS OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATING TO THE PROGRAM

- 10-277** Consider/Discuss/Act on Amending Resolution No. 2006-01-010, Exhibit C, Personnel Complaints of the McKinney Police Department General Orders. Caption reads as follows:

RESOLUTION NO. 2010-06-088 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING RESOLUTION NO. 2006-01-010, EXHIBIT C, PERSONNEL COMPLAINTS OF THE MCKINNEY POLICE DEPARTMENT GENERAL ORDERS. AND PROVIDING AN EFFECTIVE DATE

- 10-287** Consider/Discuss/Act on a Resolution Authorizing a Professional Services Contract to Study a Tributary of the East Fork Trinity River.
- Caption reads as follows:

RESOLUTION NO. 2010-06-089 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFEESIONAL SERVICES CONTRACT WITH FREESE AND NICHOLS, INC., TO STUDY A TRIBUTARY OF THE EAST FORK TRINITY RIVER

- 10-288** Consider/Discuss/Act on a Resolution Authorizing a Contract for Professional Auditing Services with Weaver and Tidwell, L.L.P. Caption reads as follows:

RESOLUTION NO. 2010-06-090 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CONTRACT WITH WEAVER AND TIDWELL, L.L.P. FOR PROFESSIONAL AUDITING SERVICES FOR PERFORMANCE OF THE CITY'S ANNUAL FINANCIAL AUDIT AND SINGLE AUDIT OF STATE AND FEDERAL GRANTS

- 10-289** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept a Grant, if Awarded, Under the COPS Hiring Program (CHP), Office of Community Oriented Policing Services (COPS) of the U.S. Department of Justice. Caption reads as follows:

RESOLUTION NO. 2010-06-091 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPLY FOR A GRANT UNDER THE COPS HIRING PROGRAM (CHP), OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) OF THE U.S. DEPARTMENT OF JUSTICE AND TO ACCEPT THE GRANT, IF AWARDED

- 10-290** Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution Authorizing a City of McKinney Redistricting Engagement Agreement with Bickerstaff Heath Delgado Acosta LLP. Council

unanimously approved the motion by Geralyn Kever, seconded by David Brooks, to Approved and Finalized 10-290 Consider/Discuss/ Act on a Resolution Authorizing a City of McKinney Redistricting Engagement Agreement with Bickerstaff Heath Delgado Acosta LLP. Caption reads as follows:

RESOLUTION NO. 2010-06-092 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING A REDISTRICTING
PROPOSAL AND CONSULTANT CONTRACT

10-029Z Mayor Pro-Tem Huff called for a Public Hearing for Consideration/Discussion/Action on the Request by Abernathy, Roeder, Boyd & Joplin, P.C., on Behalf of Virginia Ruth Crutcher Hayes, for a Request to Rezone Approximately 22.79 Acres from "AG" - Agricultural District to "PD" - Planned Development District, Generally to Allow General Business Uses, Located on the Northwest Corner of Virginia Parkway and Hardin Boulevard, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is requesting to rezone the subject property with three additional special ordinance provisions: (1) removing thirteen uses related to automobile uses that would normally be allowed in a general business district, (2) they are proposing to eliminate multi-family uses; and (3) prohibiting placing a building or structure within 200 feet of a residential property line. Ms. Cox stated that Staff and the Planning and Zoning Commission are recommending approval. Applicant, Bob Roeder, 1700 Redbud Suite 300, McKinney, stated that the applicant is in agreement with Staff's recommendations. Council unanimously approved the motion by Council member Day, seconded by Council member Ussery, to close the public hearing and approve the Ordinance rezoning approximately 22.79 Acres from "AG" - Agricultural District to "PD" - Planned Development District, Generally to Allow General Business Uses, Located on the Northwest Corner of Virginia Parkway and Hardin Boulevard, and Accompanying

Ordinance. with the following special ordinance provisions: Use and development of the subject property, more fully described in Exhibit B, attached hereto, shall conform to Section 146-85 of the Zoning Ordinance ("BG" - General Business District) and as amended, except as follows: the following uses shall be prohibited: auto display and sales, auto glass, muffler, or brake shop, auto painting and body shop, automobile sales or repair, boat sales, storage, or repair, farm implement sales and service, garage, auto repair, motorcycle sales and service, multiple family dwelling (apartment), three or more dwelling units per lot, pawnshops, hotel or motel, tires, batteries, and accessories, and trailer, light truck, tool rental; buildings or accessory structures (i.e. canopies) of the following uses shall be prohibited within 200 feet of an adjacent residential district property line, which exists on the date this planned development district is adopted: auto laundry, restaurant or cafeteria (drive-in service), restaurant or cafeteria (including drive-through window), and service station or motor vehicle fuel sales; and single family dwellings (attached) shall be an allowed use on the subject property without a specific use permit. Development of single family dwellings (attached) shall conform to Section 146-76 of the Zoning Ordinance ("RG 27" - General Residence Townhome District) and as amended. Caption reads as follows:

ORDINANCE NO. 2010-06-018

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 22.79 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF VIRGINIA PARKWAY AND HARDIN BOULEVARD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW GENERAL BUSINESS USES; 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

- 10-291** Mayor Pro-Tem Huff called for a Public Hearing to Consider/Discuss/Act on an Ordinance Designating an Area as Reinvestment Zone No. 25 for Commercial/Industrial Tax Abatement. City Attorney Mark Houser stated that this Ordinance creates a Reinvestment Zone and will allow the Council to consider a Tax Abatement agreement. Mayor Pro-Tem Huff called for public comments and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve the Ordinance designating an area as Reinvestment Zone No. 25 for Commercial/Industrial Tax Abatement. Caption reads as follows:

ORDINANCE NO. 2010-06-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. 25 FOR THE CITY OF MCKINNEY, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; APPROVING THE TERMS AND CONDITIONS OF COMMERCIAL-INDUSTRIAL TAX ABATEMENT AGREEMENTS; AUTHORIZING EXECUTION OF SUCH AGREEMENTS BY THE CITY MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE

- 10-292** Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution Approving an Agreement for Commercial/Industrial Tax Abatement with Traxxas, L.P. City Attorney Mark Houser stated that this Resolution approves the Tax Abatement Agreement for Traxxas as an incentive to move to McKinney. Mr. Houser stated that this company produces radio controlled cars. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery, to approve the Resolution adopting a commercial-industrial tax agreement with Traxxas, L.P. Caption reads as follows:

RESOLUTION 2010-06-093 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING A COMMERCIAL-INDUSTRIAL TAX ABATEMENT AGREEMENT WITH TRAXXAS, L.P.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE TAX ABATEMENT AGREEMENT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE

Mayor Pro-Tem Huff called for Council and Manager Comments

Council member Brooks stated he supported the tax abatement agreement approved tonight. It was a community effort between the Developer, the McKinney Economic Development Corporation and the City to put together a package to attract Traxxas to McKinney. Mr. Brooks stated that he is looking forward to having Traxxas in McKinney.

Council member Ussery welcomed back Mayor Pro-Tem Huff. Mr. Ussery thanked staff for what they do every day to make McKinney a better place to live.

Council member Ricchi welcomed back Mayor Pro-Tem Huff and recognized Nancy Huff for the outstanding job she has done caring for Pete during his recovery. Mr. Ricchi announced that the winning flavor at the annual Ice Cream Crank Off was Bacon Waffle Honey. Mr. Ricchi recognized Chestnut Square, Cindy Johnson, and all the volunteers that did an outstanding job on the Ice Cream Crank Off. Mr. Ricchi encouraged everyone to support the Heard Natural Science Museum's Night Hike to be held on July 24th, courses that will be given on how to kayak and canoe and the Ice Age Mammals that are there through October 10th. Mr. Ricchi read a letter he received from the wife of a Garland firefighter who took ill and was at McKinney Medical Center. Mrs. Chandler complimented all the McKinney fire fighters who showed her and her husband great support. Mrs. Chandler thanked Assistant Chief Frank Roma for sitting with her for many hours both before and after her husband's death. "Assistant Chief Roma's actions have changed my life forever."

Council member Day stated that Bike the Bricks was held this past weekend with thousands of people in attendance. Mr. Day suggested that next year's Mayor's Challenge include a race between the firefighters and the police officers to see if the police are as slow as the firefighters. Mr. Day acknowledged the hard work put in by staff to make it a great event.

Council member Brooks suggested that the Mayor present the Mayor's Challenge Invitational trophy to a representative of the winning team at the July 20th meeting.

Council member Kever updated the public on the progress of getting State legislation for a K-2 ban. Ms. Kever stated that Senator Florence Shapiro is working on

vetting through a bill for the Senate and Ken Paxton is leading the fight in the House. “The Council will support all efforts to ban K-2 here in McKinney but with its easy availability in surrounding cities and on the internet it must be a State and even Federal effort.” Ms. Kever stated that she would like to request Council’s support at the July 20th meeting to support those legislators in banning K-2.

Mayor Pro-Tem Huff expressed his appreciation to the Council members supporting him as Mayor Pro-Tem for another year. “I want to do all I can to make the City the best it can be.” Mr. Huff thanked everyone for the emails, cards, letters, and phone calls that were overwhelming during his recent illness.

Mayor Pro-Tem Huff called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Ricchi, seconded by Council member Day, to adjourn. Mayor Pro-Tem Huff adjourned the meeting at 6:10 p.m.

PETE HUFF
Mayor Pro-Tem

ATTEST:

SANDY HART, TRMC, MMC
City Secretary