

## **CITY COUNCIL REGULAR MEETING**

**MARCH 2, 2010**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 2, 2010 at 5:30 p.m.

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

Staff Present: City Manager Frank Ragan; Deputy City Manager Jim Parrish; Deputy City Manager Rick Chaffin; City Secretary Sandy Hart; Planning Director Jennifer Cox; Planning - Michael Quint and Brooks Wilson; Director of Engineering Jack Carr; Executive Director of Development Services John Kessel; Communications and Media Manager Anna Folmsbee; Assistant to the City Manager Aretha Harvey; Finance Director Jennifer Fung; Community Development Block Grant Administrator Shirletta Best; and Police Sergeant Roger Thornhill.

There were 14 guests present.

Mayor Loughmiller called the meeting to order at 5:33 p.m. after determining a quorum was present. Invocation was given by Pastor Joel Miller, The Summit. Mayor Loughmiller led the Pledge of Allegiance.

### **INFORMATION SHARING**

**10-091** Proclamation for 2010 Census Week - March 22-27, 2010. Mayor Loughmiller read and presented the Proclamation for 2010 Census Week to Pastor Mark Turman, Chairman of the 2010 Census Complete Count Committee.

Mayor Loughmiller called for Citizen Comments.

Ms. Juanita Horne, 3191 Medical Center Drive, McKinney, spoke about her support of Council member Day and his vision for the McKinney Performing Arts Center. Ms. Horne wanted her concerns regarding the non-working clock at Heritage Square and the unfinished development project on U.S. 75 to be entered into the record.

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

**10-092** Minutes of the City Council Work Session of February 15, 2010

**10-093** Minutes of the City Council Regular Meeting of February 16, 2010

- 10-094** Minutes of the City Council and McKinney Economic Development Corporation Board Joint Meeting of February 16, 2010
- 10-095** Minutes of the Building and Standards Commission Meeting of December 7, 2009
- 10-096** Minutes of the Library Advisory Board Meeting of January 21, 2010
- 10-097** Minutes of the McKinney Airport Development Corporation Board Meeting of January 14, 2010
- 10-098** Minutes of the McKinney Armed Services Memorial Board Meeting of November 18, 2009
- 10-099** Minutes of the McKinney Housing Authority Meeting of October 27, 2009
- 10-100** Minutes of the McKinney Housing Authority Meeting of November 12, 2009
- 10-101** Minutes of the McKinney Housing Authority Meeting of December 1, 2009
- 10-102** Minutes of the McKinney Main Street Board Meeting of January 13, 2010
- 10-103** Minutes of the Planning and Zoning Commission Training Session of January 26, 2010
- 10-086** Consider/Discuss/Act on a Resolution Approving and Authorizing the Redemption of Certain Outstanding Certificates of Obligation, Series 2001A and General Obligation Bonds, Series 2001. Caption reads as follows:

RESOLUTION NO. 2010-03-027 (R)

A RESOLUTION PROVIDING FOR THE REDEMPTION OF A PORTION OF THE OUTSTANDING CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2001 AND A PORTION OF THE OUTSTANDING CITY OF MCKINNEY, TEXAS, TAX AND LIMITED PLEDGE WATERWORKS AND SEWER SYSTEM REVENUE CERTIFICATES OF OBLIGATION, SERIES 2001A; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE REDEMPTION OF SUCH OBLIGATIONS

- 10-087** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Award a Contract to Linebarger, Goggan, Blair, and Sampson, LLP for the Collection of Delinquent Fines, Costs, and Fees. Caption reads as

follows:

RESOLUTION NO. 2010-03-028 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT TO LINEBARGER, GOGGAN, BLAIR AND SAMPSON, LLP. TO COLLECT COURT ORDERED FINES, COSTS AND FEES

- 10-088** Consider/Discuss/Act on a Resolution Approving and Authorizing Publication of a Notice of Intention to Issue Certificates of Obligation, Series 2010. Caption reads as follows:

RESOLUTION NO. 2010-03-029 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE SERIES 2010 CERTIFICATES OF OBLIGATION

- 10-104** Consider/Discuss/Act on a Resolution Amending the 2010-2014 Capital Improvements Program for Fire Projects. Caption reads as follows:

RESOLUTION NO. 2010-03-030 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE 2010 – 2014 CAPITAL IMPROVEMENTS PROGRAM FOR FIRE CONSTRUCTION PROJECTS

- 10-105** Consider/Discuss/Act on a Resolution Authorizing a Supplemental Agreement for Material Testing Services Related to the Construction of Alma Fire Station. Caption reads as follows:

RESOLUTION NO. 2010-03-031 (R)

A RESOLUTION AUTHORIZING A SUPPLEMENTAL AGREEMENT FOR MATERIAL TESTING SERVICES RELATED TO THE CONSTRUCTION OF ALMA FIRE STATION

- 10-089** Consider/Discuss/Act on Acceptance of the Comprehensive Annual Financial Report (CAFR)

- 10-106** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the Parks, Recreation and Open Space Board. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Huff, to appoint Mr. Chris McHale to the Parks, Recreation, and Open Space Board to fill the unexpired term

ending September 30, 2010.

- 10-090** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on a Resolution Approving the Substantial Amendment to the Community Development Block Grant (CDBG) 2009-2010 Annual Action Plan. Community Development Block Grant Administrator Shirletta Best stated that the proposed change to the Annual Action Plan was requested by the McKinney Branch of the YMCA of Metropolitan Dallas, to change the location of summer day camp services for youth ages 6-12 who live in McKinney Housing Authority facilities. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery, to close the public hearing and approve the Resolution approving a substantial amendment to the CDBG 2009-2010 Annual Action Plan. Caption reads as follows:

RESOLUTION NO. 2010-03-032 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A SUBSTANTIAL AMENDMENT TO THE 2009-2010 ANNUAL ACTION PLAN AND PROVIDING AN EFFECTIVE DATE

- 09-080Z** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Hillcrest Funeral Home, on Behalf of St. James CME Church, for Approval of a Request to Rezone Approximately 0.44 Acres from "BG" - General Business District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the East Side of State Highway 5 (McDonald Street) and Approximately 250 Feet South of Watt Street, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is requesting to open a funeral home in the existing building on the subject property. Ms. Cox stated that a funeral home is an allowed use within the current zoning district. The Chief Building Official determined that he could not issue a certificate of occupancy for the proposed use because the site does not meet the necessary

requirements of the Zoning Ordinance with regards to parking, screening, and landscaping. Ms. Cox stated that the applicant is proposing to rezone the property from "BG" - General Business District to "PD" - Planned Development District in order to modify the development regulations for the subject property. The applicant has provided a zoning exhibit illustrating how he would like to develop the site. Ms. Cox stated that the applicant is requesting to modify several development standards, including: the off street parking and maneuvering material, the type of screening structure, and several landscape requirements. Staff is recommending denial of the proposed rezoning request. Ms. Cox stated that in January the Planning and Zoning Commission recommended denial of the proposed rezoning request and, as a result, will require a super majority vote of City Council to approve the item. Ms. Cox answered questions from Council. The applicant, Mr. Will Spencer, 1604 West Street, McKinney, stated that he has been trying to establish a funeral home at 500 McDonald Street since April, 2009. Mr. Spencer answered questions from Council. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to close the public hearing and deny the request to rezone approximately 0.44 acres from "BG" - General Business District to "PD" - Planned Development District, generally to modify the development standards, located on the east side of State Highway 5 (McDonald Street) and approximately 250 feet south of Watt Street.

**09-166Z** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Robert and Joyce Schwaller, for Approval of a Request to Rezone Approximately 0.41 Acres from "RS 60" - Single Family Residence District to "RS 60" - Single Family Residence District and "H" - Historic Preservation Overlay District, Located on the East Side of Church Street and Approximately 150 Feet

South of Erwin Avenue, and Accompanying Ordinance. Planning Director Jennifer Cox stated that staff is recommending approval. The applicant, Mr. Robert Schwaller, 910 N. Church Street, McKinney, stated that it seems like a good idea for the property to be preserved and the historic character of the house maintained in the future. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Huff to approve the Ordinance rezoning approximately 0.41 acres from "RS 60" - Single Family Residence District to "RS 60" - Single Family Residence District and "H" - Historic Preservation Overlay District, located on the east side of Church Street and approximately 150 feet south of Erwin Avenue with the following special ordinance provision: The subject property be developed according to "RS 60" - Single Family Residence District and "H" - Historic Preservation Overlay District regulations. Caption reads as follows:

ORDINANCE NO. 2010-03-004

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.41 ACRE PROPERTY, LOCATED GENERALLY ON THE EAST SIDE OF CHURCH STREET AND APPROXIMATELY 150 FEET SOUTH OF ERWIN AVENUE, IS REZONED FROM "RS 60" – SINGLE FAMILY RESIDENCE DISTRICT TO "RS 60" – SINGLE FAMILY RESIDENCE DISTRICT AND "H" – HISTORIC PRESERVATION OVERLAY 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 City Council and Manager Comments.

Council member Day commented on the City's high quality staff and the fabulous job they do administering the Community Development Block Grant.

Council member Kever did not have any comments.

Council member Brooks did not have any comments.

Council member Ussery thanked the Primrose School for inviting and allowing the Mayor and him to participate in their Lead America ceremony. Mr. Ussery thanked

staff for what they do every day with a special thanks to Bobby Butler for 30+ years as a firefighter. Mr. Ussery also thanked Melissa Henderson for 10+ years in the Planning Department.

Mayor Pro-Tem Huff did not have any comments.

Mayor Loughmiller stated that the month of February was Black History Month and in recognition of that he had signed a proclamation that made February 28, 2010 Mozelle Holmes Thornton Day. Ms. Thornton is the oldest living African American resident of McKinney. Mr. Loughmiller stated that Ms. Thornton was born in McKinney on December 25, 1912 and thanked her for choosing to live in McKinney throughout the most eventful century in this world's history. Mr. Loughmiller read a statement about the challenges facing the City Council that included seeking new ways to implement policies that further the Council's goals by City staff, City management, and all of the boards and commissions working as a team. Mr. Loughmiller stated that the boards and commissions are an extension of the City Council and they serve at the discretion and will of the City Council. Mr. Loughmiller stated that the City Council has had joint meetings with the McKinney Economic Development Corporation and the Planning and Zoning Commission and plans to have joint meetings with the McKinney Community Development Corporation, the Convention and Visitors Bureau, the Airport Board, and the Parks, Recreation, and Open Space Board. Mr. Loughmiller expressed his respect for his fellow members of Council, the City management team, and all those that have requested or been chosen to serve on a board or commission. Mr. Loughmiller thanked all of the board and commission members and the City Council members for their service. He thanked the citizens of McKinney for the opportunity to serve them.

City Manager Frank Ragan did not have any comments.

Council member Ricchi congratulated Council member Day and Rick's Chophouse on their 4 star rating.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to adjourn. Mayor Loughmiller adjourned the meeting at 6:26 p.m.

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BRIAN LOUGHMILLER, MAYOR

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary