

CITY COUNCIL REGULAR MEETING

NOVEMBER 1, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on November 1, 2011 at 6:00 p.m.

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

Staff Present: City Manager Jason Gray; City Attorney Mark Houser; City Secretary Sandy Hart; Fire Chief Danny Kistner; Police Sergeant Roger Thornhill; CIP Manager Matt Richardson; Director of Public Works Rob Daake; Planning Director Jennifer Cox; Building Inspections Jeff Harris; Director of Engineering Jack Carr; Parks, Recreation, and Open Space Director Lemuel Randolph; Help Desk Technician Clif Carnley; Assistant to the City Manager Aretha Harvey; Communications and Marketing - CoCo Good and Anna Clark; Senior Planner Michael Quint; and Police Chief Doug Kowalski.

There were 20 guests present.

Mayor Loughmiller called the meeting to order at 6:05 p.m. after determining a quorum was present. Invocation was given by Major Robert Winters, Salvation Army. Mayor Loughmiller led the Pledge of Allegiance.

11-509 Salvation Army's Red Kettle Kick Off and Proclamation

Mayor Loughmiller called for Citizen Comments

Ms. Theresa Lane, 4403 Shadywood Lane, McKinney, spoke in favor of the McKinney Tennis Center contract.

Mr. W.A. Richardson, 202 S. Bass Street, McKinney, spoke in favor of the McKinney Tennis Center contract. Mr. Richardson also commended the Animal Control Department for their work. Mr. Richardson also requested that U.S. 380 or the Collin County Regional Airport be named for Audey Murphy.

Ms. Cynthia Jones, 1905 Spring Blossom Court, McKinney, spoke in favor of the McKinney Tennis Center contract.

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

- 11-510** Minutes of the City Council Special Meeting of October 18, 2011
- 11-511** Minutes of the City Council Regular Meeting of October 18, 2011
- 11-512** Minutes of the Community Grants Advisory Commission Meeting of May 26, 2011
- 11-513** Minutes of the Library Advisory Board Meeting of September 15, 2011
- 11-514** Minutes of the McKinney Airport Development Corporation Meeting of September 8, 2011
- 11-515** Minutes of the McKinney Armed Services Memorial Board Meeting of August 10, 2011
- 11-516** Minutes of the McKinney Armed Services Memorial Board Meeting of September 14, 2011
- 11-517** Minutes of the McKinney Economic Development Meeting of September 20, 2011
- 11-518** Minutes of the McKinney Main Street Board meeting of September 15, 2011
- 11-519** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of September 8, 2011
- 11-520** Consider/Discuss/Act on a Resolution Requesting that Properties Located within a City-Initiated, Tax Increment Reinvestment Zone be Eligible for Participation in the Proposed Collin County Policy Regarding Tax Abatements and the Proposed Collin County Economic Development Chapter 312 Tax Abatement Program ("The 50/3 Plan"). Caption reads as follows:

RESOLUTION NO. 2011-11-111 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS REQUESTING THE COMMISSIONERS' COURT OF COLLIN COUNTY TO INCLUDE PROPERTIES WITHIN ANY CITY-INITIATED, TAX INCREMENT REINVESTMENT ZONE AS ELIGIBLE FOR PARTICIPATION IN A TAX ABATEMENT AGREEMENT UNDER THE PROVISIONS OF THE PROPOSED COLLIN COUNTY POLICY ON TAX ABATEMENTS AND THE PROPOSED COLLIN COUNTY ECONOMIC DEVELOPMENT CHAPTER 312 TAX ABATMENT PROGRAM (THE "50/3 PLAN") TO BE CONSIDERED BY THE COMMISSIONERS' COURT IN DECEMBER 2011; AND PROVIDING AN EFFECTIVE DATE

END OF CONSENT

- 11-521** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Lifetime Tennis of Campbell, California for Management Services at the McKinney Tennis Center. Parks, Recreation, and Open Space Director Lemuel Randolph presented the proposed contract with Lifetime Tennis from California for a comprehensive management agreement that would provide services at the new facility. Mr. Randolph stated that the proposal is for a five year agreement and the financial terms would include a minimum of \$30,000 and 8% gross and stated that the contract was modeled after the Oak Hollow operator agreement. The agreement with Lifetime Tennis has financial terms that are more positive with the minimum guarantee that the Oak Hollow agreement does not have. Mr. Randolph stated that Mr. Matt Hanlin, former professional tennis player, will serve as the General Manager and will be responsible for overall on-site business management. Mr. Chris Foltz will serve as Tennis Director and will be responsible for leading the teaching staff. Mr. Randolph stated construction should be completed after the first of the year. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to approve a Resolution Authorizing the City Manager to Execute a Contract with Lifetime Tennis of Campbell, California for Management Services at the McKinney Tennis Center. Caption reads as follows:

RESOLUTION NO. 2011-11-112 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO
EXECUTE A CONTRACT WITH LIFETIME TENNIS OF
CAMPBELL, CALIFORNIA FOR MANAGEMENT SERVICES AT
THE MCKINNEY TENNIS CENTER

- 11-522** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Execution of Documents for the Acquisition of

Right-of-Way/Easements and the Consideration of the Use of Eminent Domain to Condemn Property for the Alma Road Completion Project along Alma Road Northbound from Stacy Road to Fire Station #8 and along Silverado Trail from Alma Road East to Comstock Elementary School. Director of Engineering Jack Carr explained the execution of documents of acquisition of easements and right-of-way from Stacy Road to Silverado Trail and stated that this project must be completed by August 2012 before Comstock Elementary opens. He stated that this item would normally have gone through consent items but due to Senate Bill 18 requires specific language as far as the motion. Council unanimously approved the motion by Council member Harris, seconded by Council member Brooks, to approve the Resolution, as submitted, authorizing the execution of documents for the acquisition of right-of-way/easements and authorize the use of eminent domain to acquire all necessary right-of-way and easements from the property owners, labeled 1 through 7, indicated on the property locator map for the Alma Road Completion Project. City Secretary Sandy Hart called for a record vote:

Mayor Brian Loughmiller - For

Mayor Pro-Tem Ussery – For

Council member Roger Harris – For

Council member David Brooks – For

Council member Geralyn Kever – For

Council member Don Day – For

Council member Ray Ricchi - Absent

- 11-484** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on an Ordinance Granting to Denton County Electric Cooperative, Inc., D/B/A CoServ Electric, a Non-Exclusive Franchise to Use and Occupy Public Rights-of-Way Within the City of McKinney for the Constructing and Operating of an Electric transmission and Distribution System. Assistant to the City Manager

Aretha Harvey stated that the Ordinance grants Denton County Electric Cooperative, Inc., D/B/A CoServ Electric (Cooperatiave) a non-exclusive permission to construct, re-construct, extend, repair, remove, operate and maintain the electric transmission and distribution system within the public rights-of way of the City. The negotiated franchise as set forth in the Ordinance includes compensation that is equivalent to 5% of gross revenues and will be paid to the city on the basis of per kilowatt hour assessments. Ms. Harvey stated that this is the second reading of the Ordinance as required by the City Charter. The final reading will be held on December 6, 2011 and if approved, the agreement will be in effect March 1, 2012. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Day, to close the public hearing and approve the second reading of the Ordinance granting to Denton County Electric Cooperative, Inc., D/B/A CoServ Electric, a non-exclusive franchise to use and occupy public rights-of-way within the City of McKinney for the constructing and operating of an electric transmission and distribution system.

- 11-523** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on a Sign Variance Request by Mona Montessori. Appealing the Denial of a Sign Permit to Allow a 32 Square Foot, 6 Foot Tall, Non-Premise Directional Sign. The Subject Property is Located on the North Side of Bountiful Grove Drive, Approximately 170 feet East of Scare Crow Drive. Resident Plans Examiner Jeff Harris stated that the applicant is requesting a sign variance to place a non-premise directional sign along Stacy Road. He stated that the sign would be placed on approximately 102 acres on the south side of Stacy Road at the intersection of Haystack Drive and Stacy Road. Mr. Harris stated that the subject property has an existing building constructed in 2006, and the staff report and site plan from 2006 for the project indicated that

F.M. 720 was being abandoned and the site's only access would be to Bountiful Grove Drive. The applicant at that time acknowledged (as stated in the minutes of the June 27, 2006 Planning and Zoning Commission meeting) that F.M. 720 was going to be abandoned. The new owner of the subject property, Mona Montessori claims that the closure of F.M. 720 has negatively impacted the site's visibility and is requesting the non-premise, temporary directional signage. Section 134 (e) 2 of the City of McKinney sign ordinance clearly states that non-premise directional signage shall be prohibited within the city limits of McKinney. City Manager Gray stated that he understood the visibility issues of the school, and stated if this sign is approved that would bring in additional businesses with the same request making this an issue. Applicant, Mr. Syed Moeenuddin, 6800 Bountiful Grove Drive, McKinney stated that it is not uncommon to have an offsite sign. He stated that the sign has existed for 3 years and they would like to make modifications to it due to the F.M. 720 closure. He stated that there are many offsite signs throughout the city. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Brooks, to close the public hearing and deny the Sign Variance request by Mona Montessori, appealing the denial of a sign permit to allow a 32 square foot, 6 foot tall, non-premise directional sign.

Council member Brooks stepped down from the dais for the following item.

- 11-149Z2** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by IBG Adriatica Holdings, Inc., for Approval of a Request to Rezone Approximately 4.32 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southeast Corner of Adriatic Parkway and Mediterranean

Drive, and Accompanying Ordinance. Senior Planner Michael Quint stated that the applicant is requesting to rezone approximately 4.32 acres of land, located on the southeast corner of Adriatic Parkway and Mediterranean Drive from "PD" – Planned Development District to "PD" – Planned Development District, generally to modify the development standards. The subject property is currently referred to as Adriatica's Harbor District. Mr. Quint stated that in the development/construction industry, development plans tend to change over long periods of time in reaction to market forces and other development related factors. Mr. Quint stated that two buildings have been combined into one and the 5 story parking garage will be wrapped with a building. Applicant, Mr. George Fuller, 6913 Mediterranean Drive, McKinney, was available for questions. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve the Ordinance rezoning approximately 4.32 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards, located on the southeast corner of Adriatic Parkway and Mediterranean Drive, with the following special ordinance provisions: The use and development of the subject property shall conform to the requirements of "PD" - Planned Development District Ordinance No. 2005-02-017, and as amended, with the following exceptions: the subject property shall generally develop in accordance with the attached Zoning Exhibit (Exhibit C); the architectural character of all buildings to be constructed on the subject property shall generally conform to the character reflected by the attached Building Elevations (Exhibit D) and shall also be subject to all other applicable regulations as found in Planned Development District Ordinance No. 2005-02-017, and as amended, as well as Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended; elevations for

buildings on the subject property shall be approved administratively by Staff per the processes established in Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended, rather than by the City Council as previously required by Planned Development District Ordinance No. 2005-02-017; buildings on the subject property shall only be required to achieve 75 points rather than the 85 points currently prescribed by Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance; approval of a General Development Plan as previously required by Planned Development District Ordinance No. 2005-02-017 is not required for the subject property; site plans for the subject property may be approved administratively by Staff per the processes established in Section 146-45 (Site Plan Approval) of the Zoning Ordinance, and as amended; and the maximum number of residential dwelling units on the subject property shall be limited to 46. Caption reads as follows:

ORDINANCE NO. 2011-11-067

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-02-017 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 4.32 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF ADRIATIC PARKWAY AND MEDITERRANEAN 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 Brooks returned to the dais.

Mayor Loughmiller called for Council and Manager Comments

Council member Day did not have any comments.

Council member Kever expressed her sympathy to Col. Paul Yeager's family who passed away last week. Ms. Kever expressed her thanks to the Mayor for assigning her the U.S. 75 Corridor Task Force. She stated that the intent of the Task Force was to work on obtaining Interstate status on US 75 which will attract economic

development for businesses that like to locate next to Interstate highways. She stated that there was a lot of representation from Collin and Grayson counties and not a lot of representation from Oklahoma or Dallas County.

Council member Harris expressed his sympathies to the Yeager family. Mr. Harris complimented City Staff on the balancing of the budget and the building of the staff organization that the City Manager has been putting together. Mr. Harris stated he compliments the City Manager for the compliments he hears throughout the community regarding the Development Services Department which speaks more and more to a city management that is gearing up and putting together a good organizational structure.

Council member Brooks stated that he is proud to live in the City of McKinney and offered his congratulations to the Mayor on the strong decisive performance of his St. Louis Cardinals in winning the World Series.

Mayor Pro-Tem Ussery thanked staff for all they do day in day out and thanked the Mayor for the trip he made to Taiwan.

Mayor Loughmiller invited everyone to the State of the Community this Thursday from 11:00 a.m. to 1:00 p.m. at Christ Fellowship Church where the City, Collin College, McKinney Independent School District, and the Chamber come together and talk about our goals and what we hope to accomplish in the year to come. Mr. Loughmiller stated that tonight we started the Salvation Army Kettle kick off. Mr. Loughmiller reminded everyone that Dickens of a Christmas will be over the Thanksgiving weekend. Mr. Loughmiller reminded everyone that there is an election going on with State Constitutional Amendments and City's Charter Election with early voting ending on Friday and Election Day next Tuesday.

City Manager Gray stated that there will be an event on November 11th and 12th at the new Veterans Memorial in Craig Ranch and he encouraged everyone to come out and commemorate our veterans.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 7:01 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary