

CITY COUNCIL REGULAR MEETING

SEPTEMBER 7, 2010

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on September 7, 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 Rick Chaffin; City Attorney Mark Houser; City Secretary Sandy Hart; CDBG Administrator Shirletta Best; Finance Director Jennifer Fung; Assistant Finance Director Jason Weeks; Grants Coordinator Janay Tieken; Planning Director Jennifer Cox; Senior Planner Michael Quint; Executive Director of Development Services John Kessel; Human Resources Director Tadd Phillips; Assistant to the City Manager Aretha Harvey; Director of Engineering Jack Carr; Parks, Recreation, and Open Space Director Lemuel Randolph; and Police Lieutenant Mark Moyle.

There were 27 guests present.

Mayor Loughmiller called the meeting to order at 6:06 p.m. after determining a quorum was present. Invocation was given by Pastor Arnulfo Alvarado, First Hispanic Assembly of God. Mayor Loughmiller led the Pledge of Allegiance

INFORMATION SHARING

10-368 Recognition of Residents and Community Leaders Providing Assistance in the Preparation of the Community Development Block Grant Consolidated Plan

10-395 Presentation of Certificate of Achievement for Planning Excellence

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Geralyn Kever, seconded by Travis Ussery, to approve the following items:

10-396 Minutes of the City Council Special Meeting of August 16, 2010

10-397 Minutes of the City Council Regular Meeting of August 23, 2010

10-398 Minutes of the Library Advisory Board Meeting of June 17, 2010

10-399 Minutes of the McKinney Airport Development Corporation Meeting of July 8, 2010

- 10-400** Minutes of the McKinney Community Development Corporation Meeting of May 27, 2010
- 10-401** Minutes of the McKinney Community Development Corporation Board Meeting of July 22, 2010
- 10-402** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of July 8, 2010
- 10-403** Minutes of the McKinney Economic Development Corporation Board Meeting of June 29, 2010
- 10-404** Minutes of the McKinney Housing Finance Corporation Meeting of March 12, 2010
- 10-405** Minutes of the McKinney Main Street Board Meeting of July 8, 2010
- 10-406** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of June 10, 2010
- 10-407** Minutes of the Planning and Zoning Commission Regular Meeting of July 27, 2010
- 10-408** Consider/Discuss/Act on an Ordinance Approving a Negotiated Resolution Between the Atmos Cities Steering Committee and Atmos Energy Corporation Regarding the Company's Third Rate Review Mechanism Filing. Caption reads as follows:

ORDINANCE NO. 2010-09-031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ("CITY") APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC" OR "STEERING COMMITTEE") AND ATMOS ENERGY CORP., MID-TEX DIVISION ("ATMOS MID-TEX" OR "COMPANY") REGARDING THE COMPANY'S THIRD RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS MID-TEX'S PROOF OF REVENUES; EXTENDING THE RRM PROCESS FOR TWO CYCLES AND ADOPTING A NEW RRM TARIFF; RATIFYING THE SETTLEMENT AGREEMENT, INCLUDING COST RECOVERY FOR A STEEL SERVICE LINE REPLACEMENT PROGRAM; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS

ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL

- 10-410** Consider/Discuss/Act on a Resolution Establishing a Highway Corridor Building Height Policy. Caption reads as follows:

RESOLUTION NO. 2010-09-116 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ADOPTION OF A HIGHWAY CORRIDOR BUILDING HEIGHT POLICY

- 10-411** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with LanArc Design, Inc. of McKinney, Texas for Design and Engineering Services for the Bonnie Wenk Park Hike and Bike Trail Segment of the Wilson Creek Hike and Bike Trail. Caption reads as follows:

RESOLUTION NO. 2010-09-117 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH LANARC DESIGN, INC. OF MCKINNEY, TX FOR DESIGN AND ENGINEERING SERVICES ASSOCIATED WITH THE BONNIE WENK PARK HIKE AND BIKE TRAIL SEGMENT OF THE WILSON CREEK HIKE AND BIKE TRAIL PROJECT

- 10-412** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with LanArc Design, Inc. of McKinney, Texas for Design and Engineering Services for the Landfill Hike and Bike Trail segment of the Wilson Creek Hike and Bike Trail. Caption reads as follows:

RESOLUTION NO. 2010-09-118 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH LANARC DESIGN, INC. OF MCKINNEY, TX FOR DESIGN AND ENGINEERING SERVICES ASSOCIATED WITH THE LANDFILL HIKE AND BIKE TRAIL SEGMENT OF THE WILSON CREEK HIKE AND BIKE TRAIL PROJECT

- 10-413** 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. 2010-09-119 (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

10-409 Mayor Loughmiller called for Consideration/Discussion/Action on Resolution Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired and Authorizing the City Manager to Take All Necessary Steps to Acquire the Needed Property Rights for the Construction of the Alma Road-REC Elevated Storage Tank South of Silverado Trail and East of Alma Road. Director of Engineering Jack Carr stated that this is the first step to acquire the property for the construction of an elevated storage tank. An appraisal will be obtained and then negotiations will occur with the property owner. Once the property has been obtained, a sign will be erected on the property indicating a future site for a water tower. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff to approve the Resolution authorizing the City Manager to establish just compensation for the Property Rights to be acquired and authorizing the City Manager to take all necessary steps to acquire the needed property rights for the construction of the Alma Road-REC elevated storage tank south of Silverado Trail and east of Alma Road. Caption reads as follows:

RESOLUTION NO. 2010-09-115 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ACQUISITION OF PROPERTY RIGHTS NECESSARY TO CONSTRUCT THE ALMA ROAD-REC ELEVATED STORAGE TANK, SOUTH OF SILVERADO TRAIL AND EAST OF ALMA ROAD; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF MCKINNEY, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AND AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

10-414 Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the Building and Standards Commission. Council unanimously approved the motion by Council member Day, seconded by Council member Ricchi, to appoint Douglas Stockford to serve a two year term on the Building and Standards Commission starting October 1, 2010 and ending September 30, 2012.

10-391 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on a Resolution Approving the FY 2010-2014 Community Development Block Grant Consolidated Plan and the 2010-2011 Annual Action Plan. Ms. Rachel Thompson, BBC Research and Consulting presented the 2010-2014 Consolidated Plan and the 2010-2011 Annual Action Plan. The purpose of the Consolidated Plan is: To identify a jurisdiction's housing and community development needs, priorities, goals and strategies; and to stipulate how Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funds will be allocated to housing and community development needs in the community. The five year plan includes the following strategies: Strategy 1. Improve the condition of housing occupied by the city's low and moderate income homeowners and also preserve affordable housing stock; Strategy 2. Support organizations that assist the City's special needs population; Strategy 3. Provide supportive services for residents who encounter homelessness or have a need of prevention; and Strategy 4. Increase homeownership opportunities for low and moderate income households. 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 approve the FY 2010-2014 Community Development Block Grant Consolidated Plan and the 2010-2011 Annual Action Plan. Caption reads as follows:

RESOLUTION NO. 2010-09-120 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE 2010-2014 COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN AND 2010-2011 ANNUAL ACTION PLAN, AND PROVIDING AN EFFECTIVE DATE

10-415 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Budget Appropriation Ordinance for FY 2010-11 - 1st Reading. Finance Director Jennifer Fung presented the proposed budget appropriations for FY2010-2011. Ms. Fung stated that the second public hearing and adoption will be at September 21, 2010 meeting. The proposed budget for all operating funds and CIP projects for FY2010-11 total more than \$191.9 million (excluding interfund transfers). The proposed tax rate remains the same at \$0.5855 per \$100 assessed value. The proposed budget includes an increase in Water and Sewer Franchise Fee from 4% to 5%, an increase billing fee for solid waste and surface water drainage from \$0.45 to \$1 per account per month, and an increase in Water and Wastewater Rate by 5%. The majority of the General Fund Revenues consist of 51% Property Taxes, 19% Sales Tax, and 12% Franchise Fees. Mayor Loughmiller called for public comment and there was none. Council approved the motion by Council member Day, seconded by Mayor Pro-Tem Huff, to a close the public hearing and approve the first reading of the Budget Appropriation Ordinance for FY 2010-11 - 1st Reading and to set September 21, 2010 for the second reading of the Ordinance, with a vote of 6-0-1, with Council member Ricchi abstaining.

10-076Z Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request K Hovnanian Homes, on Behalf of J. Baker Corporation, for Approval of a Request to Rezone Approximately 113.36 Acres, from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the South Side of Bloomdale Road

and Approximately 750 Feet West of Lake Forest Drive, and Accompanying Ordinance. Senior Planner Michael Quint presented the request to rezone approximately 113 acres from PD to PD to eliminate the maximum calculations for maximum lot coverage and floor area ratio. The modification requested would allow greater flexibility in the design of one-story residential units, which the applicant asserts is a more marketable product in today's economy. The applicant is not proposing any changes to the front, side or rear yard setbacks. By allowing home designs to be determined solely by setbacks, a slightly larger footprint for single-story homes than that which is allowed utilizing setbacks plus the lot coverage calculation (see comparison below) would be allowed. Staff is recommending approval with the following special ordinance provision: Maximum Lot Coverage and Floor Area Ratio: None. Applicant, Mr. Jimmy Brownlee, 5808 W. Plano Parkway, Plano, stated that this request is to allow larger one story floor plans. Mayor Loughmiller called for public comment. Mr. Roman Wrobel, 2853 Laurel Oak, McKinney, spoke against the proposed rezoning. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to approve the Ordinance rezoning approximately 113.36 acres, from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards, located on the south side of Bloomdale Road and approximately 750 feet west of Lake Forest Drive with the following special ordinance provision: The use and development of the subject property shall conform to the regulations of Planned Development District Ordinance No. 2006-05-059, and as amended, except as follows: Maximum Lot Coverage and Floor Area Ratio: None. Caption reads as follows:

ORDINANCE NO. 2010-09-032

AN ORDINANCE AMENDING ORDINANCE NO. 2006-05-059, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 113.36 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF BLOOMDALE ROAD AND APPROXIMATELY 750 FEET WEST OF LAKE FOREST 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

Mayor Loughmiller called for Council and Manager Comments

Council Member Brooks had no comments.

Council Member Ussery thanked staff for what they do day in and day out. Mr. Ussery wanted to give special recognition to Ms Cox in the Planning department for the hard work and many hours of work that her team does.

Mayor Pro-Tem Huff stated that the information received tonight regarding the Citizen Survey was interesting and overall positive. Mr. Huff stated that last week he spent some time visiting his daughter in the 2nd most desirable place to live, Ellicott City, just outside of Baltimore. "McKinney is a nicer place and I told my daughter we would be back to battle next year."

Council Member Ricchi had no comments.

Council Member Day had no comments.

Council Member Kever stated that she and Council member Day had the opportunity last week to talk to the Leadership McKinney class. They appreciate what the Chamber does to train and cultivate the next generation of leadership for McKinney. Ms. Kever suggested that the City become a member of the Dallas Regional Mobility Coalition. Ms. Kever stated that she met with Senator Shapiro, Linda Harper Brown, City and County representatives on Aug 24th to discuss the State \$18 billion shortfall for transportation. "Unless we organize ourselves and sit at the table with the Dallas District, we will miss out on funding for our transportation areas."

Mayor Loughmiller stated that Oktoberfest is coming up and is one of the City's most successful events. The City Council will be holding a retreat on Oct 7th and 8th. The Council continues to look at opportunities to bring economic development to McKinney and still maintain our quality of life. Mr. Loughmiller encouraged the City to join the Dallas Regional Mobility Coalition which is divided in to 2 sections - western

which covers the Fort Worth/Tarrant County area and the eastern regional that includes McKinney, Dallas, Richardson, and Plano.

City Manager Chaffin expressed the City's prayers to the family of Planning Technician, A.J. Satarino and his wife Jenny, who lost their 16 month old son Grayson in a drowning accident last Thursday. "Please keep them in your prayers."

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 7:23 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 551.074 Personnel Matters, and Section 551.072 Discuss Real Property, as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 7:57 p.m.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Ricchi, to adjourn. Mayor Loughmiller adjourned the meeting at 7:58 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary