

CITY COUNCIL REGULAR MEETING

APRIL 19, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on April 19, 2011 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: City Manager Jason Gray; Deputy City Manager Jim Parrish; City Attorney Mark Houser; City Secretary Sandy Hart; Interim Finance Director Larry Cunningham; Assistant to the City Manager Aretha Harvey; Interim Executive Director of Development Services Rob Daake; Communications and Media Manager Anna Clark; Planning Director Jennifer Cox; Director of Engineering Jack Carr; Assistant Planning Director Kevin Spath; Engineering - Robyn Root, Gary Graham, and Lissa Shepard; Police Sergeant David Rodriguez; Senior Help Desk Technician Amy Greer; and Senior Planner Michael Quint.

There were 14 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Pastor Michael Gamble, Covenant Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Ms. Jill G, Alcantara, 2837 Dog Leg Trail, McKinney, presented a petition requesting landscaping along US 75 through McKinney.

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

- 11-182** Minutes of the City Work Session Meeting of April 5, 2011
- 11-183** Minutes of the City Council Regular Meeting of April 5, 2011
- 11-184** Minutes of the City Council Planning Retreat Meeting of April 11, 2011
- 11-185** Minutes of the Historic Preservation Advisory Board Meeting of February 3, 2011
- 11-001TR2** Minutes of the Tax Increment Reinvestment Zone Number Two Board Meeting of October 19, 2010
- 11-186** Consider/Discuss/Act on a Resolution Authorizing a Professional

Services Contract for Drainage Improvements along Powerhouse Creek
Upstream of College Street. Caption reads as follows:

RESOLUTION NO. 2011-04-035 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO
EXECUTE A PROFESSIONAL SERVICES CONTRACT FOR
DRAINAGE IMPROVEMENTS ALONG POWERHOUSE CREEK

- 11-188** Consider/Discuss/Act on a Resolution Approving the 2010 Annual Report
for Tax Increment Reinvestment Zone Number Two (TIRZ No. 2).
Caption reads as follows:

RESOLUTION NO. 2011-04-037 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE
ANNUAL REPORT FOR TAX INCREMENT REINVESTMENT
ZONE NUMBER TWO WITH RESPECT TO THE STATUS OF
THE ZONE

- 11-189** Consider/Discuss/Act on a Renewal Employment Agreement with the
McKinney Municipal Court Presiding Judge

- 11-187** Mayor Loughmiller called for Consideration/Discussion/Action on a
Resolution Approving the 2010 Annual Report for Tax Increment
Reinvestment Zone Number One (TIRZ No. 1). Assistant Planning
Director Kevin Spath stated that was a slight change to the TIRZ1 Annual
Report that was recommended for approval by the TIRZ1 Board at their
March 15, 2011 meeting. Mr. Spath stated that the change is in the ad
valorem table in Section 4 of the report relative to the base year and net
taxable value for the current reporting year. Staff had previously used a
freeze adjusted taxable value of \$229,283,394 in the version of the report
that the Board approved. Since that time, Staff has received clarifying
instructions from the Collin County Appraisal District to use net taxable
value as it appears in the Certified Totals Report with a value of
\$230,127,454. This value is what is included in the report that you will be
considering tonight with a slight increase of \$844,060 in Collin County's
base year values. Council unanimously approved the motion by Council
member Kever, seconded by Mayor Pro-Tem Huff, to the 2010 Annual

Report for Tax Increment Reinvestment Zone Number One (TIRZ No. 1).

RESOLUTION NO. 2011-04-036 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE ANNUAL REPORT FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ONE WITH RESPECT TO THE STATUS OF THE ZONE

Council member Day stepped down for the following agenda item.

- 11-190** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Adding a Loading Zone on Louisiana Street East of Wood Street. Traffic Engineer Robyn Root stated that Staff has worked with Downtown property owners and merchants to address a need for additional loading zone space in the Downtown area. The proposed loading zone is located on the north side of Louisiana Street adjacent to the Grand Hotel in the first two parking spaces east of Wood Street. A valet service currently utilizes four spaces along the north side of Louisiana Street east of Wood Street, but operates only on Friday and Saturday nights. The two proposed loading zone spaces will overlap the two westernmost valet spaces. Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Kever, to approve an Ordinance adding a Loading Zone on Louisiana Street East of Wood Street. Caption reads as follows:

ORDINANCE NO. 2011-04-024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ADDING A LOADING ZONE ON LOUISIANA STREET, EAST OF WOOD STREET; 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

Council member Day returned to the dais.

- 11-195** Mayor Loughmiller called for Consideration/Discussion/Action on a Chapter 380 Economic Development and Project Plan Implementation Agreement with Bradley S. Kidwell Family LP and Reinvestment Zone Number One, City of McKinney for Approximately 1.71 Acres Generally Located on the Northwest Corner of Louisiana Street and Throckmorton

Street. Assistant Planning Director Kevin Spath stated that the proposed agreement with Bradley S. Kidwell Family LP and Reinvestment Zone Number One is intended for the primary purpose of constructing, renovating and operating a mixed use historic project known as the Historic Flour Mill Redevelopment Project. The proposed agreement is also intended to allow for the subsequent execution of the related grant funding agreement for \$1,760,000 by and between the City of McKinney, the North Central Texas Council of Governments (NCTCOG), and the State of Texas for the construction of the related public infrastructure in support of the Historic Flour Mill Redevelopment Project as designated by the Sustainable Development Infrastructure Grant Program of the NCTCOG. Upon execution of the agreement Bradley S. Kidwell Family LP shall fund and complete construction of all private development phases of the project and satisfy all conditions of the NCTCOG grant, which are described in greater detail within the agreement. Bradley S. Kidwell Family LP shall convey to the City, at no cost to the City, the triangular-shaped parcel of land on the south side of the subject property, and any additional strips of land owned by Bradley S. Kidwell Family LP to allow the City to make any required public infrastructure improvements described in the NCTCOG grant. The City of McKinney shall waive any applicable roadway, water and wastewater impact fees and park dedication fees so long as no default exists at the time that Bradley S. Kidwell Family LP is required to pay such fees. Reinvestment Zone Number One shall fund a one-time grant in the amount of \$200,000 payable to Bradley S. Kidwell Family LP upon the satisfaction of the express terms and conditions outlined in the agreement. Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to approve a Chapter 380 Economic Development and Project Plan Implementation Agreement with Bradley S. Kidwell Family LP and Reinvestment Zone Number One, City of

McKinney for approximately 1.71 acres generally located on the northwest corner of Louisiana Street and Throckmorton Street.

11-025SUP Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Merriman Associates/Architects, Inc., on Behalf of TRAXXAS, for Approval of a Specific Use Permit to Allow a Rooftop Helistop on the TRAXXAS Auditorium Building, Approximately 15.91 Acres, Located on the Northwest Corner of Stacy Road and Henneman Way, and Accompanying Ordinance. Planning Director Jennifer Cox stated that this request is for a rooftop helipad (helistop) on the TRAXXAS campus. The base zoning for the subject property is "ML" Light Manufacturing, heliports/helistops are allowed with a temporary use permit. Ms. Cox stated that there will be no fueling on site and that there will be two to four takeoffs/landings per day during standard business hours. Ms. Cox stated that special ordinance provision would require the applicant to submit Form 7480-1 "Notice of Landing Area Proposal" to the Federal Aviation Administration (FAA) and receive a favorable determination prior to the use of the helistop. Applicant, Mr. Mac McCloud, C&C Development, 6850 TPC Drive, McKinney, TX 75070, stated that the FAA would regulate the flight path. Mayor Loughmiller called for public comment.

The following individuals spoke against the Specific Use Permit:

Mr. Bill Wines, 705 Skyhawk, Horsehoe Bay, Texas

Ms. Sherri Briley, 5500 McKinney Place, McKinney

The following individual spoke in favor of the Specific Use Permit:

Mr. David Craig, 6850 TPC Drive, Suite 210, McKinney

Council unanimously approved the motion by Council member Day, seconded by Council member Ussery, to approve an Ordinance granting a Specific Use Permit to allow a rooftop helistop on the TRAXXAS Auditorium Building, approximately 15.91 acres, located on the northwest

corner of Stacy Road and Henneman Way, with the following special ordinance provision: The applicant submit Form 7480-1 "Notice of Landing Area Proposal" to the Federal Aviation Administration (FAA) and receives a favorable determination prior to the use of the helistop. Caption reads as follows:

ORDINANCE NO. 2011-04-025

AN ORDINANCE AMENDING ORDINANCE NO. 1726 OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A ROOFTOP HELISTOP USE, APPROXIMATELY 15.91 ACRES, LOCATED ON THE NORTHWEST CORNER OF STACY ROAD AND HENNEMAN WAY; PROVIDING REGULATIONS; 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

11-029M Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by the City of McKinney, for Approval of the Request to Amend Multiple Sections of the Code of Ordinances (Chapters 142 - Subdivision Regulations, Chapter 146 - Zoning Regulations, and Appendix A - Schedule of Fees), Generally to Correct Errors, Create a Conveyance Plat Process, and to Modify Building Site Provisions, and Accompanying Ordinance. Senior Planner Michael Quint presented the proposed amendments to the Code of Ordinances Section 142-9 (Definitions) of the Subdivision Regulations, Section 146-39 (Creation of a Building Site) of the Zoning Regulations, Section 142-81 (Conveyance Plat) of the Subdivision Regulations, Section 146-75 ("RD 30" – Duplex Residence District) of the Zoning Regulations, Section 146-96 ("CHD" – Commercial Historic District) of the Zoning Regulations, Section 146-133 (Accessory Buildings and Uses) of the Zoning Regulations, and Appendix "A" (Schedule of Fees) of the Code of Ordinances. Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Brooks, to approve the amending multiple sections of the Code of Ordinances (Chapters 142

- Subdivision Regulations, Chapter 146 - Zoning Regulations, and Appendix A - Schedule of Fees), generally to correct errors, create a Conveyance Plat Process, and to modify Building Site Provisions.

Caption reads as follows:

ORDINANCE NO. 2011-04-026

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTERS 142, 146, AND APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATIVE TO THE AMENDMENT OF MULTIPLE SECTIONS OF THE SUBDIVISION AND ZONING REGULATIONS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Council member Ricchi left the meeting at 6:42 p.m.

10-146Z Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Petsche & Associates, Inc., on Behalf of John Mathews, for Approval of a Request to Rezone Approximately 6.66 Acres, from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for a Private Street Development and to Modify the Development Standards, Located on the East Side of Ridge Road and Approximately 1,000 Feet North of Virginia Parkway, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is requesting that this item be tabled indefinitely. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery, to table this item indefinitely.

Mayor Loughmiller called for Council and Manager Comments and Liaison Reports.

Council member Day had no comments.

Council member Kever stated that the City of McKinney had an outstanding opportunity today to name a new control tower after Pete and Nancy Huff. The City has recently secured funding jointly with several other entities and now we have a quality, impressive Control Tower at the Collin County Regional Airport.

Council member Brooks agreed with Ms. Kever's comments concerning the well deserved honor given to Pete and Nancy Huff. The McKinney Economic Development Corporation has had more activity in the last several months than the City has seen in the last 4 or 5 years. There are many new companies talking about relocation to McKinney from within Texas, other states, and countries along with current local companies expanding. The citizens should be pleased in the next few months as we make announcements.

Council member Ussery agreed with his fellow Council members congratulating the Huffs. Mr. Ussery thanked staff for what they do day in and day out for the City of McKinney.

Mayor Pro-Tem Huff stated that he has been overwhelmed with all the wonderful comments. The new control tower is a great milestone for the City and it was a great ceremony with people from all different positions in the government as well as people from all walks of life in attendance. Mr. Huff stated that he attended the Tree North Texas event yesterday where they have pledged to grow 3 million trees over the next 10 years.

Mayor Loughmiller thanked Mayor Pro-Tem Huff for attending the Tree North Texas to represent the City of McKinney. McKinney's participation is in line with what is in the Parks plan and won't be any additional financial burden. This past weekend the McKinney Boyd High School girls won the State 5A Soccer Championship. The team consists of many of the same girls that won the State 4A Soccer Championship as freshmen. Mr. Loughmiller echoed the Council's congratulations to the Huffs for their recognition today. "You cannot under estimate the value he has brought to this City in Austin as it relates to the airport." Mr. Loughmiller stated that tomorrow TexasOne group will be coming to McKinney. This organization holds an annual meeting in a chosen city each year and this year it is McKinney. "It is a great way to get McKinney spotlighted in Austin. I want to thank you publically for what you have done for this airport." Mr. Loughmiller has declared May as "Get Fit Month" delivering a positive message to the City on helping reduce health care by getting into shape. Citizens will be able to log on to the City's website for 30 days and keep track of minutes of

activities. Many of the local gyms and health clubs will be participating. Mr. Loughmiller wished everyone a Happy Easter.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro-Tem Huff, to adjourn. Mayor Loughmiller adjourned the meeting at 7:00 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary