

## **CITY COUNCIL REGULAR MEETING**

**MAY 3, 2011**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on May 3, 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; Deputy City Manager Rick Chaffin; City Attorney Mark Houser; City Secretary Sandy Hart; Senior Help Desk Technician Richard Sewell; Interim Executive Director of Development Services Rob Daake; Director of Engineering Jack Carr; Planning Director Jennifer Cox; Planning - Brandon Opiela and Michael Quint; Civil Engineer Robyn Root; Police Sergeant Roger Thornhill; Parks, Recreation, and Open Space Director Lemuel Randolph; Assistant Fire Chief Frank Roma; Communications and Media Manager Anna Clark; and Assistant to the City Manager Aretha Harvey. There were 14 guests present.

Mayor Loughmiller called the meeting to order at 6:02 p.m. after determining a quorum was present.

Invocation was given by Pastor Mark Turman, Crosspoint Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments

Mr. Frank Roma, 4403 San Fernando Lane, McKinney, praised the City for supporting City employees who are serving in the military.

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

- 11-198** Minutes of the City Council Work Session Meeting of April 19, 2011
- 11-199** Minutes of the City Council Regular Meeting of April 19, 2011
- 11-200** Minutes of the City Council, McKinney Economic Development Corporation, and the McKinney Community Development Corporation Joint Work Session of April 25, 2011
- 11-201** Minutes of the Animal Services Facility Advisory Committee Meeting of December 8, 2010

- 11-202** Minutes of the Library Advisory Board Meeting of February 17, 2011
- 11-203** Minutes of the McKinney Airport Development Corporation Meeting of March 10, 2011
- 11-204** Minutes of the McKinney Armed Services Memorial Board Meeting of March 9, 2011
- 11-205** Minutes of the McKinney Arts Commission Meeting of February 17, 2011
- 11-206** Minutes of the McKinney Arts Commission Work Session of March 24, 2011
- 11-207** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of February 28, 2011
- 11-208** Minutes of the McKinney Economic Development Corporation Board Meeting of March 23, 2011
- 11-209** Minutes of the McKinney Main Street Board meeting of March 10, 2011
- 11-210** Minutes of the Parks, Recreation and Open Space Meeting of February 10, 2011
- 11-211** Minutes of the Planning and Zoning Commission Regular Meeting of March 22, 2011
- 11-005TR1** Minutes of the Tax Increment Reinvestment Zone Number One Board Meeting of March 15, 2011
- 11-212** Consider/Discuss/Act on a Resolution Establishing the School Zone Summer Hours for Each School Holding Summer School in 2011.  
Caption reads as follows:

RESOLUTION NO. 2011-05-038 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MCKINNEY ESTABLISHING SCHOOL ZONE HOURS FOR EACH  
SCHOOL HOLDING SUMMER SCHOOL IN 2011

- 11-213** Consider/Discuss/Act on a Resolution Authorizing a Contract for Professional Services with KIP Realty, LLC for Appraisal Services for the Intersection Improvement Project Located at the Intersections of Lake Forest Drive at Virginia Parkway and Lake Forest Drive at Eldorado Parkway. Caption reads as follows:

RESOLUTION NO. 2011-05-039 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR APPRAISAL SERVICES FOR THE INTERSECTION IMPROVEMENT PROJECT LOCATED AT THE INTERSECTIONS OF LAKE FOREST DRIVE AT VIRGINIA PARKWAY AND LAKE FOREST DRIVE AT ELDORADO PARKWAY

- 11-214** Consider/Discuss/Act on a Resolution Authorizing the Execution of Documents for the Acquisition of Right-of-Way and Take All Necessary Steps to Acquire the Needed Property Rights for the Intersection Improvement Project Located at the Intersections of Lake Forest Drive at Virginia Parkway and Lake Forest Drive at Eldorado Parkway. Caption reads as follows:

RESOLUTION NO. 2011-05-040 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE EXECUTION OF DOCUMENTS FOR THE ACQUISITION OF RIGHT-OF-WAY; AND THE ACQUISITION OF PROPERTY RIGHTS NECESSARY TO CONSTRUCT TURN LANES AT THE INTERSECTIONS OF LAKE FOREST DRIVE AT VIRGINIA PARKWAY AND LAKE FOREST DRIVE AT ELDORADO PARKWAY; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF RIGHT-OF-WAY; 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

- 11-215** Mayor Loughmiller called for Consideration/Discussion/Action on Appointing a Member to the North Texas Municipal Water District Board. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to Approved to reappoint Joe Joplin to serve on the North Texas Municipal Water Board starting June 1, 2011 and ending on May 31, 2013.
- 11-039Z** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Rawls Architects, on Behalf of ASG Eldorado Pavilion, Ltd., for Approval to Request to Rezone

Approximately 1.19 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow a Veterinarian Clinic, Located on the West Side of Ridge Road and Approximately 400 Feet South of Eldorado Parkway, and Accompanying Ordinance. Senior Planner Michael Quint stated that the applicant is requesting to rezone the subject property to allow a Veterinary Clinic. He stated that the applicant is requesting to modify the existing Office use to a Veterinarian Clinic, which is classified as a Retail use. Mr. Quint stated that Staff is recommending denial of the proposed rezoning request due to a general non conformity with the Comprehensive Plan. Mr. Quint stated that the Schedule of Uses classifies a veterinary clinic as a retail use. Mr. Quint stated that the Planning and Zoning Commission voted unanimously to recommend approval of the proposed rezoning request. Mr. Ed Rawls, Rawls Architects, 901 N. McDonald Street, McKinney, explained the proposed veterinary clinic and stated that they would not board animals nor will animals be walked without a leash. Mayor Loughmiller called for public comment and there were none. Council approved the motion by Council member Kever, seconded by Council member Ussery, to close the public hearing and approve the Ordinance rezoning approximately 1.19 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to allow a Veterinarian Clinic, located on the west side of Ridge Road and approximately 400 feet south of Eldorado Parkway, with the following provisions: The subject property shall develop according to "PD" – Planned Development District Ordinance No. 99-05-44, except as follows: Veterinarian clinic shall be an allowed use, with a vote of 6-1-0, Mayor Pro-Tem Huff voting against.

ORDINANCE NO. 2011-05-027

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.19 ACRE PROPERTY, LOCATED ON THE WEST SIDE OF RIDGE ROAD AND APPROXIMATELY 400 FEET SOUTH OF ELDORADO PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW A

VETERINARIAN CLINIC; 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

**11-043SP** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by la terra studio, on Behalf of City of McKinney, for Approval of a Site Plan for The Courts at Gabe Nesbitt Park, Approximately 10.38 Acres, Located Approximately 2,100 Feet South of Eldorado Parkway and Approximately 800 Feet East of Alma Road. Senior Planner Brandon Opiela stated that the City is proposing 11 tennis courts located at Gabe Nesbitt Park. Mr. Opiela stated that additional parking spaces will be provided. Mr. Opiela stated that Staff recommends approval of the propose site plan. Parks, Recreation, and Open Space Director Lemuel Randolph stated that pending City Council's action tonight, he will come back within 3 weeks to present the cost of the proposed tennis courts to City Council for consideration. The construction should start at the beginning of 2012. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Kever, to close the public hearing and approve the Site Plan for The Courts at Gabe Nesbitt Park, approximately 10.38 acres, located approximately 2,100 feet south of Eldorado Parkway and approximately 800 feet east of Alma Road, with the following condition: the applicant satisfy the following conditions as shown on the Standard Conditions for Site Plan Approval Checklist: prior to issuance of a building permit: approval of building permit plans by the Chief Building Official; approval of architectural building elevations, in accordance with Section 146-139 of the Zoning Ordinance, by the Chief Building Official; approval of grading and drainage plans by the City Engineer; approval of utility construction plans by the City Engineer; final location of fire hydrants be subject to review and approval by the Fire

Marshal; the applicant provide any additional easements as determined necessary by the City Engineer; the applicant comply with the requirements of the Tree Preservation Ordinance and obtain any necessary tree permits within the time frames specified within the Ordinance, subject to review and approval by the City Arborist; all signage is to comply with the current Sign Ordinance of the City of McKinney, and as amended; and final location of all signage, as well as the dimension and construction specifications, be subject to review and approval by the Chief Building Official, under separate permit.

Mayor Loughmiller called for Council and Manager Comments and Liaison Reports

Council member Ricchi thanked everyone that attended and volunteered at the Relay for Life event last Friday. Mr. Ricchi congratulated the McKinney Christian Academy and their volunteers for a successful golf fundraiser where they raised \$42,000 for scholarships. Mr. Ricchi congratulated the McKinney Boyd High School Girl's 5A State Champion Soccer Team.

Council member Day reminded everyone that early voting for the May 14<sup>th</sup> election began yesterday. Mr. Day invited everyone to come to Election Night on the Square that will be held on May 14, 2011 with food and entertainment.

Council member Kever announced that the Community Development Block Grant funding hearings will be held Wednesday, May 11, 2011 and Thursday, May 12, 2011.

Council member Brooks thanked City Manager Gray for the hard work with the budget and also thanked him for giving the Council updates at every work session. Mr. Brooks announced that Blockbuster will be moving their corporate headquarters to McKinney. He congratulated the Mayor and the McKinney Economic Development Corporation team for their hard work. Mr. Brooks recognized David Pitstick for the time he served as President of the McKinney Economic Development Corporation.

Council member Ussery thanked the City Manager for presenting the program to the Kiwanis Club last week. Mr. Ussery thanked Staff for their efforts that do not go unnoticed.

Mayor Pro-Tem Huff stated that on April 26, 2011, there was a quarterly meeting of the TxDOT Aviation Advisory Committee. The main subject was the outlook for FAA provided funding in the State of Texas for Texas General Aviation Airports. He stated that they continue to pass short term continuance resolutions which covers funding for next year. He stated that Tracy Rath, Chairman of the McKinney Community Development Corporation reported that the board has given the community about \$98 million. Mr. Huff stated that the McKinney Community Development Corporation approved several grants at their last meeting. One of the grants was given for \$97,500 to purchase land next to the historic Flour Mill for parking. Another grant was approved for Habitat for Humanity that will be coming before Council at the next meeting.

Mayor Loughmiller thanked the volunteers and organizers that attended the Relay for Life event this past Friday. Mr. Loughmiller announced that May is Get Fit Month in McKinney and residents can log their exercise activity on the City's website. Mr. Loughmiller encouraged everyone to participate in this challenge to encourage a healthier life style and promote the City of McKinney as a healthy city nationwide. He stated that the McKinney ISD 5<sup>th</sup> graders have challenged him to go to one of their track meets and participate. He announced National Day of Prayer will be observed on May 5, 2011 at Mitchell Park. Mr. Loughmiller stated that the City Council has adopted a policy to not endorse any local candidates and that he has not endorsed anyone and will not endorse anyone. Mr. Loughmiller encouraged everyone to go out and vote.

City Manager Gray stated that there are several road closings of the west bound side streets along Custer Road that will be closed until August. Mr. Gray stated that staff will be looking into the Zoning Ordinance regarding the classification of a Veterinary Clinic.

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 6:50 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary