

CITY COUNCIL REGULAR MEETING

AUGUST 16, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on August 16, 2011 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: David Brooks, GERALYN KEVER, Don Day, Ray Ricchi, and Roger Harris.

Staff Present: City Manager Jason Gray; Deputy City Manager Joe Williams; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Jennifer Cox; Senior Planner Brandon Opiela; Parks, Recreation, and Open Space Director Lemuel Randolph; Communications and Media Manager Anna Clark; Assistant Building Official Garry Adams; Environmental Health Manager Lori Dees; Assistant Chief of Police Randy Roland; Police Administration Manager Cathy Lennox; Fire Chief Danny Kistner; Assistant Fire Chief Frank Roma; Fire Division Chief Neil Howard; Emergency Preparedness Coordinator Karen Adkins; Help Desk Technician Clif Carnley; Police Sergeant Roger Thornhill; and Fire Marshal John Nickles.

There were 22 guests present.

Mayor Loughmiller called the meeting to order at 6:06 p.m. after determining a quorum was present. Invocation was given by Father Mathew Hoffman, St. Peters Episcopal Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller recessed the meeting into executive session at 6:10 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) and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 6:18 p.m.

11-383 Oath of Office - Fire Chief Danny Kistner. City Secretary Sandy Hart administered the oath of office to Fire Chief Danny Kistner.

11-384 Blue Star Flag Presentation: Council member Brooks presented the Blue Star Flag to Jordan and Jake Allen in Honor of their Father, James W. Allen.

Mayor Loughmiller called for Citizen Comments

Mr. Peter Bailey, 2003 Skyline Drive, McKinney, spoke about the continued need for Public Transportation in McKinney.

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

- 11-372** Minutes of the City Council Work Session of August 1, 2011
- 11-373** Minutes of the City Council Regular Meeting of August 1, 2011
- 11-374** Minutes of the City Council Work Session of August 5, 2011
- 11-375** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of June 27, 2011
- 11-376** Minutes of the McKinney Community Development Corporation Meeting of June 23, 2011
- 11-353** Minutes of the Historic Preservation Advisory Board Meeting of April 7, 2011
- 11-005PZ** Minutes of the Planning and Zoning Commission Regular Meeting of July 12, 2011.
- 11-379** Consider/Discuss/Act on an Ordinance Approving a Settlement Agreement Between Atmos Mid-Tex and the Steering Committee of Cities Adopting Adjusted Rate Tariffs. Caption reads as follows:

ORDINANCE NO. 2011-08-053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ("CITY") APPROVING A NEGOTIATED SETTLEMENT 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 FOURTH ANNUAL RATE REVIEW MECHANISM ("RRM") FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; 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; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE

STEERING COMMITTEE'S LEGAL COUNSEL

- 11-378** Consider/Discuss/Act on a Resolution Authorizing a Contract for Professional Services with Golf Scapes of Arlington, Texas for the Master Plan for the Oak Hollow Golf Course. Caption reads as follows:

RESOLUTION NO. 2011-08-084(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR PROFESSIONAL SERVICES WITH GOLF SCAPES OF ARLINGTON, TEXAS FOR THE MASTER PLAN FOR OAK HOLLOW GOLF COURSE

END OF CONSENT

- 11-377** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Code of Ordinances by Repealing Chapter 70, Article VI, "Purchase and Sale of Certain Property for Resale or Salvage" in its Entirety and Adopting a new Chapter 70, Article VI to be Entitled "Secondary Metal Recyclers". Council member Kever stated that she is aware that the purpose of this ordinance is to make it more difficult for individuals to sell stolen metal and agrees that those are positive responses. Assistant Chief of Police Randy Roland stated that there are currently 3 scrap metal buyers within the City and the proposed ordinance would be consistent with the county wide regulations that have been put in place by the Collin County Commissioner's. Assistant Chief Roland stated that the city was approached by the County's Sheriff's Office about working together on this issue. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve an Ordinance amending the Code of Ordinances by Repealing Chapter 70, Article VI, "Purchase and Sale of Certain Property for Resale or Salvage" in its entirety and adopting a new Chapter 70, Article VI to be entitled "Secondary Metal Recyclers". Caption reads as follows:

ORDINANCE NO. 2011-08-052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 70, ARTICLE VI, "PURCHASE AND SALE OF CERTAIN PROPERTY FOR RESALE OR SALVAGE," IN ITS ENTIRETY; ADOPTING A NEW CHAPTER 70, ARTICLE VI TO BE ENTITLED "SECONDARY METAL RECYCLERS"; ESTABLISHING A PURPOSE; PROVIDING DEFINITIONS; ESTABLISHING RECORDS REQUIREMENTS; REQUIRING NOTICES TO SELLERS OF SECONDARY METALS; REQUIRING SPECIFIC NOTIFICATION EQUIPMENT; ESTABLISHING RESTRICTIONS ON THE PURCHASE OF SECONDARY METALS; ESTABLISHING EXCEPTIONS; ESTABLISHING A LICENSE REQUIREMENT; ESTABLISHING AN APPLICATION PROCESS; PROVIDING FOR SUSPENSION AND REVOCATION OF A LICENSE; ESTABLISHING AN APPEAL PROCESS; PROVIDING REMEDIES; CREATING AN OFFENSE; PROVIDING A PENALTY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

11-380 Mayor Loughmiller stated that the Budget Update was covered during the work session and there is nothing new to add that was not covered in the work session.

11-382 Mayor Loughmiller stated that the Update on the Redistricting Process (if needed) was discussed at the work session. The public hearing and possible adoption of the redistricting plan will be held on September 6, 2011 at 6:00 p.m.

11-097M2 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 Chapter 146 - Zoning Regulations of the Code of Ordinances, to Modify the Definition of a Church or Rectory to Allow a Temporary Not-for-Profit Housing Shelter as an Accessory Use, and Accompanying Ordinance. Senior Planner Brandon Opiela explained the proposed modification to the ordinance and stated that the changes would be to allow an onsite housing shelter which would provide no more than fourteen guests per evening and it would limit the accessory use to a maximum of 30 nights per calendar year. He stated that a nonprofit organization "Family Promise of Collin County" approached the city with providing a place for homeless people. Mr.

Opiela stated that the current ordinance only housed ministers, rabbis, priests, nuns, and similar staff personnel. He stated that the provision of temporary free overnight lodging allowed shall be limited to a maximum of 30 nights per calendar year, shall provide housing for no more than 14 guests per night, and shall require an annual permit for such accessory use issued by the Chief Building Official. Mr. Opiela stated that staff recommends approval of the amendment. Mr. Opiela stated that the churches would be required to meet the fire and safety conditions that other businesses have to meet. City Attorney Mark Houser stated that as long as the facilities meet the city's requirements then the city is protected from liability. City Manager Jason Gray stated that Staff has approached this as adding it to an existing use as opposed to adding a new use category or changing the definition that other uses currently fall under. Mr. Houser stated that there is no provision in the ordinance that would allow an organization to add more than the allowed 30 nights per year. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Harris, to close the public hearing and approve the Ordinance amending Chapter 146 - Zoning Regulations of the Code of Ordinances, to modify the definition of a Church or Rectory to allow a Temporary Not-for-Profit Housing Shelter as an accessory use. Caption reads as follows:

ORDINANCE NO. 2011-08-054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 146 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATIVE TO THE AMENDMENT OF SECTION 146-46 (DEFINITIONS) OF THE 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

Mayor Loughmiller called for Council and Manager Comments

Council member Ricchi did not have any comments.

Council member Day did not have any comments.

Council member Kever stated that she attended a transportation infrastructure summit in Irving. Ms. Kever presented a summary of a TxDOT budget comparison for 2010-2011 to 2011-201. Ms. Kever stated that the Council will be discussing public transportation at the September 6th work session. Ms. Kever stated that the RTC passed a HUD sustainable community regional planning grant and stated that McKinney is highlighted as a partner.

Council member Harris thanked the City Manager and City Staff on putting together a presentation on the budget and bringing forth a fiscally responsible balanced budget. Mr. Harris complimented the members of the City Council for doing a good job to bring forward a good redistricting proposal. He stated that the North Central Workforce Development Board will have a grand opening on August 25th at 10:30 a.m. for their new Workforce Office with Congressman Sam Johnson and Collin County Judge Keith Self in attendance.

Council member Brooks echoed the comments of Mr. Harris regarding the budget and the redistricting map and the great work of the City Manager and his staff. Mr. Brooks stated how proud he was to be a participant in the Blue Star Flag presentation tonight. Mr. Brooks stated that he appreciates all the tens of thousands of men and women who are in the armed services and fighting to defend our Country.

Mayor Pro-Tem Ussery thanked staff for what they do day in and day out. He stated that he appreciates all that everyone does to make this a fine place to live. Mr. Ussery thanked the Mayor for all that he does to move the City in a positive direction.

Mayor Loughmiller thanked the City Council for being a part of a great team. Mr. Loughmiller thanked everyone that participated at Victory Plaza for the WFAA-TV Daybreak broadcast of Party on the Plaza that featured the City of McKinney.

City Manager Gray thanked staff for their patience through the budget process. Mr. Gray expressed a debt of gratitude for the staff for allowing them to continue to serve. Mr. Gray encouraged everyone to make sure to check out our website for updates on items of interest. Mr. Gray stated that there will be a public input meeting regarding median landscaping. Mr. Gray invited everyone to attend the anniversary honoring the men and women who lost their lives on 9/11. Mr. Gray stated tonight we

had the swearing in of the new Fire Chief and on Monday the City will welcome the new Finance Director Rodney Rhoades.

Mayor Loughmiller called for Citizen Comments.

Mr. Alonzo Tutson, 1011 Murray Street, McKinney, thanked Staff and the City Council for their efforts in the redistricting process and for listening to the concerns of the public. He stated he was supportive of the new Map H.

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

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary