

CITY COUNCIL REGULAR MEETING

APRIL 16, 2013

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on April 16, 2013 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 Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant Director of Development Services Rick Leisner; Director of Engineering Jack Carr; Municipal Judge Roger Dickey; Assistant Fire Chief Neil Howard; Chief of Police Joe Williams; Senior Help Desk Technician Clif Carnley; Police Officer Roger Thornhill; Communications and Marketing - CoCo Good and Anna Clark; McKinney Economic Development Corporation President Jim Wehmeier; McKinney Community Development Corporation Executive Director Cindy Schneible; Parks, Recreation, and Open Space - Lemuel Randolph, Ryan Mullins; and Steve Brainerd; Planning - Leo Bethge; Alex Glushko; and Samantha Gleinser; McKinney Convention and Visitors Bureau Interim Director Dee-dee Guerra; Community Services Administrator Shirletta Best; Juvenile Case Manager Shelai Mullins; and Airport Operations Manager Steve Gould.

There were approximately 30 guests present.

Mayor Loughmiller called the meeting to order at 6:01 p.m. after determining a quorum was present. Invocation was given by Pastor Bill Rosnett, Northwest Christian Church. Mayor Loughmiller led the Pledge of Allegiance.

INFORMATION SHARING

13-370 Proclamation Say YES to Youth Summit

Mayor Loughmiller CITIZEN COMMENTS

Mr. Rob Bellamy, 1607 Harvest Glen, Allen spoke in support of prohibiting bikes at the new skatepark.

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

13-371 Minutes of the City Council Work Session of April 2, 2013

- 13-372** Minutes of the City Council Regular Meeting of April 2, 2013
- 13-373** Minutes of the City Council Special Meeting of April 8, 2013
- 13-307** Minutes of the Board of Adjustment Regular Meeting of September 26, 2012
- 13-335** Minutes of the McKinney Community Development Corporation Board Meeting of February 28, 2013
- 13-297** Minutes of the McKinney Convention & Visitors Bureau Meeting of February 26, 2013
- 13-374** Minutes of the McKinney Housing Authority Meeting of February 26, 2013
- 13-375** Minutes of the McKinney Housing Authority Meeting of March 6, 2013
- 13-315** Minutes of the Planning and Zoning Commission Regular Meeting of March 12, 2013
- 13-376** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney Amending Section 74-26 of the Code of Ordinance to Include Skatepark Rules. Caption reads as follows:

ORDINANCE NO. 2013-04-036

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 74, "PARKS AND RECREATION," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, THROUGH THE AMENDMENT OF ARTICLE I, ENTITLED "IN GENERAL," BY ADOPTING A NEW SECTION 74-26 TO BE ENTITLED "SKATEPARK RULES"; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE

- 13-377** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2012 - 2013 Annual Budget and Amending the 2013-2017 Capital Improvements Program, to Provide Funds for the Couch Drive 12-inch Water Line Loop Project. Caption reads as follows:

ORDINANCE NO. 2013-04-037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2012-2013 ANNUAL BUDGET AND THE 2013 - 2017 CAPITAL IMPROVEMENTS PROGRAM AND PROVIDING FOR AN

EFFECTIVE DATE HEREOF

- 13-378** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Grantham and Associates to Provide Consulting Engineering Services for the Couch Drive 12-inch Water Line Loop Project. Caption reads as follows:

RESOLUTION NO. 2013-04-047 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH GRANTHAM AND ASSOCIATES FOR THE DESIGN OF COUCH DRIVE 12-INCH WATER LINE LOOP PROJECT

- 13-379** Consider/Discuss/Act on a Resolution to Authorizing a Wildlife Hazard Assessment. Caption reads as follows:

RESOLUTION NO. 2013-04-048 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT PARTICIPATION AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF MCKINNEY TO CONDUCT A WILDLIFE HAZARD ASSESSMENT FOR COLLIN COUNTY REGIONAL AIRPORT

- 13-380** Consider/Discuss/Act on a Resolution to Re-appropriate \$16,500 from Fund Balance to McKinney Convention and Visitors Bureau Budget. Caption reads as follows:

RESOLUTION NO. 2013-04-049 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2012-2013 BUDGET

END OF CONSENT

- 13-381** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending Chapter 106 of the Code of Ordinances of the City of McKinney Amending the Composition of the Board of Directors. McKinney Convention and Visitors Bureau Interim Director Dee-dee Guerra was available for questions from Council and there was none.

Council unanimously approved the motion by Council member Brooks, seconded by Council member Harris, to approve an Ordinance amending Chapter 106 of the Code of Ordinances of the City of McKinney amending the Composition of the Board of Directors. Caption reads as follows:

ORDINANCE NO. 2013-04-043

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY; AMENDING THE COMPOSITION OF THE BOARD OF DIRECTORS OF THE MCKINNEY CONVENTION AND VISITORS BUREAU, INC.; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

- 13-382** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending the McKinney Convention and Visitors Bureau Bylaws. McKinney Convention and Visitors Bureau Interim Director Dee-dee Guerra was available for questions from Council and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to a Resolution amending the McKinney Convention and Visitors Bureau Bylaws.

RESOLUTION NO. 2013-04-050 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING AMENDMENT OF THE BYLAWS PERTAINING TO THE MCKINNEY CONVENTION AND VISITORS BUREAU

- 13-028SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Turrentine Family Partnership, Ltd., for Approval of a Specific Use Permit to Allow for a Restaurant with Drive-Through Window (Bahama Buck's), Being Less than 1 Acre, Located Approximately 400 Feet East of Jordan Road and on the South Side of Virginia Parkway and Accompanying Ordinance. Planner Leo Bethge stated that the applicant is requesting a specific use permit (SUP) to allow a restaurant with drive through window on the subject property. The subject property is currently zoned "PD" Planned Development District No. 2005-12-132, which allows for a second restaurant with a drive-through window, subject to the approval of a Specific Use Permit by the City Council. Applicant, Mr.

Charles McKissick, 1515 Herritage Drive, #209, McKinney, representing the Turrentine Family Trust, stated that they are in agreement with the Staff's recommendations. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing and approve an Ordinance authorizing a Specific Use Permit to allow for a Restaurant with Drive-Through Window (Bahama Buck's), being less than 1 acre, located approximately 400 feet east of Jordan Road and on the south side of Virginia Parkway, with the following special ordinance provision: the site shall generally develop in accordance with the site layout exhibit. Caption reads as follows:

ORDINANCE NO. 2013-04-038

AN ORDINANCE AMENDING ORDINANCE NO. 2005-12-132 OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A RESTAURANT WITH DRIVE-THROUGH WINDOW USE, APPROXIMATELY 0.55 ACRES, LOCATED ON THE SOUTH SIDE OF VIRGINIA PARKWAY AND APPROXIMATELY 400 FEET EAST OF JORDAN ROAD; 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

13-045SU2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Pross Design Group, Inc., on Behalf of Virginia Custer Holdings, L.L.C., for Approval of a Specific Use Permit for an Indoor Gun Range (McKinney Gun Club), Being Fewer than 4 Acres, Located on the East Side of Custer Road and Approximately 950 Feet North of Virginia Parkway, and Accompanying Ordinance. Planner Alex Glushko stated that the applicant is requesting approval of a specific use permit (SUP) for an approximately 3.30 acre tract located on the east side of Custer Road and approximately 950 feet north of Virginia Parkway to allow for an indoor gun range (McKinney Gun Club). There is currently an existing approximately 25,675 square foot building on the subject property that was formerly used for indoor commercial amusement uses. The

applicant is proposing to retrofit the existing building for use as an indoor gun range, including shooting lanes, instructional classrooms, and retail sales. Subsequent to the Planning and Zoning Commission meeting on March 26, 2013, the applicant has modified their request to remove the additional special ordinance provision that would limit the noise level at the property lines to 25 decibels, and will instead comply with all applicable City noise level standards. The proposed development will be subject to the performance standards of Section 146-134 of the Zoning Ordinance, as well as Chapter 54 of the Code of Ordinances regarding shooting ranges. Staff is comfortable supporting the modified request and recommends approval of the specific use permit. Applicant, Mr. Frank Richardson, Cross Design Group, 11297 Covey Point Lane, Frisco, stated that they are still doing some engineering evaluations based on the construction of the existing building. Mr. Richardson stated that based on the type of fire arm used, the inside decibel level could range from 140 to 160 plus. They are considering adding an additional block wall with a six inch air space around the area of the firing range. With the two block walls, the air space, and some insulation in the walls will take down the inside level by 40 to 45 decibels. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Ricchi, to close the public hearing and approve an Ordinance authorizing a Specific Use Permit for an Indoor Gun Range (McKinney Gun Club), being fewer than 4 acres, located on the east side of Custer Road and approximately 950 feet north of Virginia Parkway. Caption reads as follows:

ORDINANCE NO. 2013-04-039

AN ORDINANCE AMENDING ORDINANCE NO. 1741 OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR AN INDOOR GUN RANGE, APPROXIMATELY 3.30 ACRES, LOCATED ON THE EAST SIDE OF CUSTER ROAD AND APPROXIMATELY 950 FEET NORTH OF VIRGINIA PARKWAY, 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

- 10-146Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Petsche & Associates, Inc., on Behalf of John Mathews, for Approval of a Request to Rezone Fewer than 7 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. Planner Alex Glushko stated that the applicant is requesting to rezone approximately 6.66 acres of land, located on the east side of Ridge Road and approximately 1,000 feet north of Virginia Parkway from "PD" - Planned Development District generally for single family residential uses to "PD" - Planned Development District generally to allow for a private street development and to modify the development standards. The proposed private street development includes five residential lots over half an acre in size each and five common areas on Parcel 511 within Planning Area 5 of Stonebridge Ranch. The five proposed lots all face the private cul-de-sac, with a controlled access gate and wrought iron fencing with landscaping along Ridge Road and the public portion of proposed Altamura Lane. The proposed controlled access gate is a steel frame with Cedar insert planks which is seven feet tall in the center and six feet tall on the sides. Six-foot wooden privacy fences are proposed along the northern property line to screen the subject property from the adjacent property to the north, and a large greenbelt common area is provided along the east side of the subject property adjacent to a creek running north-south along the eastern property line. There is a required 10-foot Hike and Bike Trail proposed along Ridge Road which will connect to the existing 10-foot Hike and Bike Trail in the southern portion

of the subject property. Applicant, Mr. Pete Petsche, 2600 Eldorado Parkway, McKinney, stated that they agree with the staff's report in its entirety. Mayor Loughmiller called for public comment.

Mr. Mike Brown, 5800 Creekside Court, McKinney spoke in favor of this rezoning but requested that the trees contained in the tree line be preserved and protected. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Ussery, to close the public hearing and approve and Ordinance rezoning fewer than 7 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, with the following special ordinance provisions: the subject property develop according to the "SF-1" Single Family District regulations as found in "PD" - Planned Development District Ordinance No. 1621, and as amended, except as follows: the required side yard setback shall be 15 feet; a private street development shall be allowed and shall develop in accordance with Section 146-41 (Specific Use Permits) of the Zoning Ordinance; and the subject property shall generally develop in accordance with the attached zoning exhibits: Site Plan (Exhibit B), Legal Description (Exhibit C), Master General Development Plan (Exhibit D), and Master General Development Plan Hike and Bike Trail Location (Exhibit E). Caption reads as follows:

ORDINANCE NO. 2013-04-040

AN ORDINANCE AMENDING ORDINANCE NO. 1621, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 6.66 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF RIDGE ROAD AND APPROXIMATELY 1,000 FEET NORTH OF VIRGINIA PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR A PRIVATE STREET DEVELOPMENT AND 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

13-031A3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of D.R. Horton - Texas, Ltd., a Petition to Annex Fewer than 4 Acres, Located Approximately 2,200 Feet West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway, and Accompanying Ordinance. Planner Samantha Gleisner stated that the applicant has submitted a petition for voluntary annexation to the City of McKinney for an approximately 3.00 acre tract of land. The subject property is located approximately 2,200 feet west of Independence Parkway and 2,300 feet south of Virginia Parkway. The subject property is an out parcel that was a formerly a Texas Municipal Power Agency and Brazos Electric Power Cooperative tower site. The subject property is located within the developing area of the Reserve at Westridge Subdivision, with future phases currently underway on all sides of the property. Because this annexation is at the request of the property owner, the developer of the subject property will be responsible for extending adequate infrastructure to the subject property as the property is developed. The applicant has executed an agreement dealing with the provision of services associated with the proposed annexation. This agreement, along with the associated zoning request, will be considered for final action concurrently with the annexation request. Applicant, Mr. Jerry Sylo, 16301 Quorum Drive, Addison, representing DR Horton, was available to answer questions from Council and there were none. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing and approve an Ordinance annexing fewer than 4 acres, located approximately 2,200 feet west of Independence Parkway and approximately 2,300 feet south of Virginia Parkway. Caption reads as follows:

ORDINANCE NO. 2013-04-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

- 13-030Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of D.R. Horton - Texas, Ltd., for Approval of a Request to Zone Fewer than 4 Acres to "PD" - Planned Development District, to Allow for Single Family Residential Uses, Located Approximately 2,200 Feet West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway, and Accompanying Ordinance. Planner Samantha Gleisner stated that this is the accompanying Ordinance to the previous annexation agenda item. Staff understands the applicant's desire to create continuity and consistency between the future surrounding adjacent neighborhoods and the subject property; however, Staff is unable to support a density (4.67 dwelling units per acre) that exceeds the maximum allowed (up to 3.4 dwelling units per acre) per the Comprehensive Plan. Applicant, Mr. Jerry Sylo, 16301 Quorum Drive, Addison, stated that they are requesting a rezoning to mirror the surrounding properties. The entire areas surrounding this property are zoned SF2 that are basically a 50 foot wide lot with a 90 foot depth minimum. Mr. Sylo stated that they are requesting to rezone to allow for 14 single family residential lots. The staff's recommendation would only allow 9 single family residential lots. He stated that his lots range from 5,500 square feet to over 10,000 square feet. Based on their request for 14 lots, 9 of the lots would be over 7,200 square feet. Mr. Sylo stated that Planning and Zoning approved their request for 14 residential lots. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Mayor Pro-Tem Ussery, to close the public hearing and approve an Ordinance zoning Fewer than 4 Acres to "PD" -

Planned Development District, to Allow for Single Family Residential Uses, Located Approximately 2,200 Feet West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway, with the following special ordinance provisions: the subject property shall develop in accordance with Ordinance No. 1270, and as amended, except as follows: the mean and median lot size shall be 7,200 square feet; the subject property shall conform to the attached development standards; one hundred (100) percent of each elevation shall be finished with masonry materials, to include brick, stone, or synthetic stone. Walls provided in conjunction with an architectural element which is located above the roof line (example: walls for dormers or chimneys) may only be finished with brick, stone, synthetic stone, stucco, wood lap siding, vinyl siding, cast concrete modular siding (including cementitious fiber siding; i.e., Hardie Board or Hardiplank), or EIFS. Sheet siding fabricated to look like wood lap siding is prohibited. The masonry percentage is to be calculated exclusive of doors and windows. Caption reads as follows:

ORDINANCE NO. 2013-04-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 3.00 ACRE PROPERTY, LOCATED APPROXIMATELY 2,200 FEET WEST OF INDEPENDENCE PARKWAY AND APPROXIMATELY 2,300 FEET SOUTH OF VIRGINIA PARKWAY, IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL USES; 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

- 13-383** Mayor Loughmiller called for Consideration/Discussion/Action on an Annexation Agreement with D.R. Horton - Texas, L.T.D., Being Fewer than 4 Acres, Located Approximately 2,200 Feet West of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway. Planner Samantha Gleisner stated that this is a companion item to the previous annexation and zoning agenda items. The proposed

annexation agreement upon development of the property, public improvements, including but not limited to, roadways and utilities will be required to be provided by the owner which are covered in greater detail within the agreement. Other items such as park land dedication and pro rata reimbursements/payments are also included within the agreement.

Applicant Mr. Jerry Sylo, 16301 Quorum Drive, Addison, was available to answer questions from Council and there were none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to approve an Annexation Agreement with D.R. Horton - Texas, L.T.D., being fewer than 4 acres, located approximately 2,200 feet west of Independence Parkway and Approximately 2,300 Feet South of Virginia Parkway.

12-234Z3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Verizon Wireless, on Behalf of Roanoke Manor, L.L.C., for Approval of a Request to Rezone Fewer than 4 Acres from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District, to Allow for a Support Tower for Cellular Communication Antennas, Located Approximately 900 Feet East of Lake Forest Drive and on the South Side of Future Collin McKinney Parkway (REQUEST TO BE TABLED). Planner Samantha Gleisner stated that the applicant has requested that this item be tabled indefinitely. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing and table this item indefinitely.

13-384 Mayor Loughmiller called for Consideration/Discussion/Action on Adoption of a Resolution Determining a Public Necessity to Acquire Certain Property for Public Use by Eminent Domain for Right-of-Way (in

Fee Simple) for the Construction, Access and Maintenance Associated with a Roadway Infrastructure Project Along Louisiana Street from State Highway 5 to Throckmorton Street; Along Greenville Street from Louisiana Street to Andrews Street; Along Throckmorton Street from Louisiana Street to Virginia Street; and Along Louisiana Street from Throckmorton Street to Old Settler's Park and Authorizing the City Manager to Establish Procedures for Acquiring the Right-of-Way (in Fee Simple) on Said Property, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions. Director of Engineering Jack Carr stated that this authorizes the acquisition of one parcel at the southeast corner of Louisiana and Greenville Streets. This Resolution provides authority to the City Manager to execute documents for the acquisition of right-of-way and the use of Eminent Domain to condemn property to construct: Paving, drainage, utility, and streetscape improvements on: Louisiana Street from SH 5 to Throckmorton Street; and Greenville Street from Louisiana Street to Andrews Street and sidewalk improvements on: Throckmorton Street from Louisiana Street to Virginia Street; and Louisiana Street from Throckmorton Street to Old Settler's Park. Director of Engineering Jack Carr stated that due to Senate Bill 18 this item can no longer be approved on the consent agenda and that a roll call vote would be required. Mr. Carr stated that staff would make a reasonable effort to negotiate with property owners and this Resolution allows the opportunity for acquisitions for eminent domain, if necessary. Council unanimously approved the motion by Council member Don Day, seconded by Council member Roger Harris, that the City of McKinney, Texas, City Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary right-of-way (in fee simple) from the owner of the property depicted on and described by metes and bounds

attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access and maintenance of infrastructure improvements along Louisiana Street from State Highway 5 to Throckmorton Street; and Greenville Street from Louisiana Street to Andrews Street; Throckmorton Street from Louisiana Street to Virginia Street; and Louisiana Street from Throckmorton Street to Old Settler's Park associated with the Roadway Infrastructure Project. Mayor Loughmiller, Mayor Pro-Tem Ussery, Geralyn Kever, Don Day, Roger Harris, David Brooks, and Ray Ricchi.

Against: (none)

RESOLUTION NO. 2013-04-051 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT OF WAY (IN FEE SIMPLE) ASSOCIATED WITH THE HISTORIC FLOUR MILL INFRASTRUCTURE PROJECT ALONG LOUISIANA STREET FROM STATE HIGHWAY 5 TO THROCKMORTON STREET; GREENVILLE STREET FROM LOUISIANA STREET TO ANDREWS STREET; THROCKMORTON STREET FROM LOUISIANA STREET TO VIRGINIA STREET; AND LOUISIANA STREET FROM THROCKMORTON STREET TO OLD SETTLER'S PARK; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT OF WAY (IN FEE SIMPLE) ON SAID PROPERTIES, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS

Mayor Loughmiller called for Action on Executive Session Items.

Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro-Tem Ussery, to approve a renewal Employment Agreement with Presiding Municipal Judge Dickey and a renewal Independent Contactor Agreement with Associate Municipal Judge Ordonez in accordance with the Council's discussion in Closed Session last night.

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 acknowledged through the Mayor's proclamation that the City has said "Say Yes to Youth" which means we are supportive of programs and

activities that impact the viability of youth development. Ms. Kever showed a picture of an example of Saying Yes to Youth and gave a shout out to McKinney High School Soccer team. Both McKinney High School and Boyd High School played in the Region II finals. All the McKinney soccer teams had a great season. Ms. Kever announced that on April 20th the City will be holding the grand opening of the Skatepark which is another indication of the City's support of our youths.

Council member Harris did not have any comments.

Council member Brooks expressed thoughts and prayers for the families and victims of the bombing in Boston this week as our citizens are attacked again on our own soil. During these difficult times we are optimistic but mindful.

Mayor Pro-Tem Ussery thanked staff for the refreshing and rewarding the Annual Service Award Ceremony that he attended last week. Mr. Ussery thanked each and every one of the City staff.

Mayor Loughmiller stated that his heart goes out to the families of those who were injured at the Boston Marathon. Mr. Loughmiller stated that the runners from the McKinney were not harmed in the bomb explosion. Mr. Loughmiller mentioned upcoming events: Skatepark Grand Opening on April 20th and the annual McKinney Relay for Life event on April 26th that draws 3-4,000 people to spend the night celebrating the survivors of cancer and helping to raise funds for cancer research. Mr. Loughmiller reminded everyone that early voting will run from April 29th through May 7th for the upcoming municipal election that will be held on May 11th.

City Manager Gray did not have any comments.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 6:50 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, Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 7:22 p.m.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to adjourn. Mayor Loughmiller adjourned the meeting at 7:24 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary