

## CITY COUNCIL REGULAR MEETING

OCTOBER 4, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on October 4, 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; City Attorney Mark Houser; Deputy City Manager Rick Chaffin; City Secretary Sandy Hart; Help Desk Technician Clif Carnley; Police Sergeant Roger Thornhill; Assistant Planning Director Kevin Spath; Finance Director Rodney Rhoades; Executive Director of Development Services Rob Daake; Assistant to the City Manager Aretha Harvey; and Budget and Strategic Services Manager Jason Cooley.

There are 8 guests present

Mayor Loughmiller called the meeting to order at 6:03 p.m. after determining a quorum was present. Invocation was given by Reverend Doug Fox, Associate Pastor, First United Methodist Church. Mayor Loughmiller led the Pledge of Allegiance.

**11-459** Budget and Strategic Services Director Jason Cooley presented the 27<sup>th</sup> Consecutive Government Finance Officers Association Distinguished Budget Presentation Award to Mayor Loughmiller.

Mayor Loughmiller called for Citizen Comments

Mr. Peter Bailey, 2003 Skyline Drive, McKinney, spoke about water restrictions.

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

- 11-460** Minutes of the City Council Special Meeting of September 20, 2011
- 11-461** Minutes of the City Council Work Session of September 20, 2011
- 11-462** Minutes of the City Council Regular Meeting of September 20, 2011
- 11-463** Minutes of the City Council Special Meeting of September 26, 2011
- 11-464** Minutes of the City Council Work Session of September 26, 2011
- 11-465** Minutes of the Animal Services Facility Advisory Committee Meeting of

May 25, 2011

- 11-466** Minutes of the Library Advisory Board Meeting of July 21, 2011
- 11-467** Minutes of the Library Advisory Board Meeting of August 19, 2010
- 11-468** Minutes of the McKinney Community Development Corporation Meeting of August 25, 2011
- 11-469** Minutes of the McKinney Economic Development Corporation of August 16, 2011
- 11-470** Minutes of the McKinney Main Street Board meeting of August 11, 2011
- 11-471** Consider/Discuss/Act on a Resolution Awarding Contract to David's Paint & Body for Automotive Paint & Body Services. Caption reads as follows:

RESOLUTION NO. 2011-10-105 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
AWARD A CONTRACT FOR AUTOMOTIVE PAINT & BODY  
SERVICES

END OF CONSENT

- 11-136M** Mayor Loughmiller called for Consideration/Discussion/Action on an Appeal to Chapter 130 of the Code of Ordinances Regarding Roadway Impact Fees Associated with the Louisiana Street Grill, Located on the South Side of Louisiana Street and East of McDonald Street. Assistant Planning Director Kevin Spath stated that on June 13, 2011, the developers of Louisiana Street Grill paid roadway impact fees in the amount of \$8,262.87 associated with the rehabilitation of a portion of an existing building and associated required construction of a new parking lot. No utility impact fees were assessed as the developer was not changing the size, type, or quantity of the existing water meter service to the building. Per Section 130-113(A) of the Roadway Impact Fee Ordinance, the developers of Louisiana Street Grill have submitted an appeal, requesting a refund of the roadway impact fees in the amount of \$8,262.87. Approval of the appeal would result in foregone impact fee

revenues of \$8,262.87 that would otherwise be available for roadway system improvements in Service Area K. Staff recommends denial based on upholding the integrity of the Roadway Impact Fee Ordinance. The proposed redevelopment of the site (i.e. rehabilitation of a portion of an existing building and construction of a new parking lot) involves a change in land use category from General Light Industrial to Sit-Down Restaurant, which increases the number of service units (vehicle miles generated by the site in the afternoon peak hour of traffic). Mr. Spath stated that in Staff's professional judgment, the applicant has not met the burden of proof required by Section 130-113(A) of the Roadway Impact Fee Ordinance and has not demonstrated that the amount of the fee was not calculated according to the rules set forth in the Roadway Impact Fee Ordinance. Mr. Spath stated that during the Town Center Initiative Phase 2 Update at the Work Session on September 26, City Council discussed the policy issue of impact fees as a monetary disincentive to redevelopment in the Town Center. Based on City Council discussion at the September 26th Work Session, Staff will be drafting proposed modifications to the Impact Fee Ordinances. Applicants Mr. Jesus Ramundo, 350 E. Louisiana Street, McKinney and Ms. Sherry Geer Williams, 1514 N. McDonald Street, McKinney presented their appeal request. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to table this item until the October 18th meeting.

**11-136M** Mayor Loughmiller called back for Consideration/Discussion/Action on an Appeal to Chapter 130 of the Code of Ordinances Regarding Roadway Impact Fees Associated with the Louisiana Street Grill, Located on the South Side of Louisiana Street and East of McDonald Street. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Kever, to bring a discussion item to the November 1<sup>st</sup> work session on possible Ordinance changes and to table this item until

the November 15<sup>th</sup> regular meeting.

**11-472** Consider/Discuss/Act on a Resolution Amending the Policy on Board and Commission Member Appointment and Eligibility. City Attorney Mark Houser presented the edits that came about after the last work session as well as some additional proposed amendments submitted by Council member Kever regarding concurrent services for spouses. Council approved the motion by Council member Ricchi, seconded by Council member Day, to approve a Resolution amending the Policy on Board and Commission Member Appointment and Eligibility with the following changes: Section III (i) Spousal Service and Successive Appointments to Certain Board/Commissions to read: "Spouses may serve concurrently on separate boards or commissions; however no concurrent spousal service shall be permitted on any combination of the following boards and commissions: McKinney Economic Development Corporation, McKinney Community Development Corporation, McKinney Airport Development Corporation, Main Street Board and McKinney Convention and Visitors Bureau. Spouses may serve concurrently on any separate board or commission not listed herein..." and to add to Section IV. (c) Appointed board or commission members appearing before any board or commission. Board or commission members may not appear on behalf of a business, client, or other private or public interest before any City board or commission, save and except for an appearance concerning a business or property owned in whole or in part by such member, where approval by said board or commission is required for action by the business, client, private or public interest during their term on such board or commission. ", with a vote of 6-1-0, Council member Harris voting against. Caption reads as follows:

RESOLUTION NO. 2011-10-106 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ITS POLICY FOR BOARD AND COMMISSION MEMBER APPOINTMENTS; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE

Mayor Loughmiller called for Council and Manager Comments.

Council member Ricchi thanked City staff and Mr. Gray for building an outstanding organization. The Heard Museum is now selling tickets to Halloween at the Heard where children can walk through the trails and collect candy as they go. Mr. Ricchi stated that he will be participating in the Susan B. Komen 3 Day Walk for the Cure for Breast Cancer Awareness. Mr. Ricchi stated that he is raising funds for that cause and anyone who wishes to contribute can log into 3day.org.

Council Day Don complimented the City Staff, Main Street, and the Police Department for the successful Oktoberfest event that brought out 35,000 people to the downtown square. Mr. Day announced that Scare on the Square will be the next event downtown on October 31<sup>st</sup> where kids can come down and get candy. Mr. Day complimented the new City Manager who is doing a great job.

Council member Kever announced that 2 neighborhoods (Fairway Ridge and Brookside Court) in her district are participating in National Night Out tonight. Ms. Kever stated that this is a great opportunity for neighbors to gather and get to know folks.

Council member Harris complimented the City Manager and his Staff for the team they are putting together and it is a pleasure to work with you. Mr. Harris stated that he is looking forward to future discussions with staff regarding impact fees and possible changes to these Ordinances. Mr. Harris congratulated Mr. Gray and the Finance staff for the Award that was presented tonight.

Council member Brooks stated that he is very pleased with the progress we are making as a City and the great start the City Manager has made. Mr. Brooks stated that he is looking forward to the Gray family moving to McKinney.

Mayor Pro-Tem Ussery thanked staff for what they do each day. Mr. Ussery complimented staff on their willingness to revisit the impact fee Ordinance. Mr. Ussery thanked Jason Gray for the great job he is doing.

Mayor Loughmiller stated that in addition to attending Oktoberfest he attended the Mane Gait Gala on Saturday night. On Sunday he was speaking with other Mayors in Addison at a Taiwanese 100 Centennial event. Mr. Loughmiller stated that he has heard on numerous occasions from people who do not live in McKinney - how great the City of McKinney is, the downtown area, the events, and the people. Mr. Loughmiller

stated that it is good to hear those sentiments from people who do not live in McKinney. Mr. Loughmiller thanked the City staff for everything that they do and the Council for their efforts for moving the City forward and for coming up with a plan for not just today but for the next 10-20 years.

City Manager Gray thanked the Council for their compliments today and it is a pleasure for our staff to serve you and the community. Mr. Gray encouraged everyone who is seeking information on transportation projects to check the City's website regularly or sign up to be a friend of the City on Facebook. Mr. Gray announced that U.S. 380 and U.S. 75 are currently under construction and will be for some time into the future and updates will be provided on the City's website, Facebook, and Twitter.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to adjourn. Mayor Loughmiller adjourned the meeting at 7:20 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary