

## **CITY COUNCIL REGULAR MEETING**

**SEPTEMBER 4, 2012**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on September 4, 2012 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; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Assistant to the City Manager Aretha Adams; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Planning Director Michael Quint; Parks, Recreation, and Open Space Director Lemuel Randolph; Fire Chief Danny Kistner; EMS Chief Kyle Easley; Assistant Fire Chief Neil Howard; Director of Engineering Jack Carr; Human Resources Director Tadd Phillips; Engineering - Patricia Jackson, Gary Graham, Robyn Root and Danny Still; Senior Planner Brandon Opiela; Community Development Block Grant Administrator Shirletta Best; Strategic Services and Budget Director Jason Cooley; Library Director Beth Scudder; HR Analyst Lana Raimbault; Director of Public Works Hal Cranor; Airport Director Ken Wiegand; Assistant Chief of Police Randy Roland; McKinney Economic Development Corporation Director John Valencia; Parks Superintendent Steve Brainerd; and Police Officer Melissa Robillard.

There were 6 guests present.

Mayor Loughmiller called the meeting to order at 6:03 p.m. after determining a quorum was present. Invocation was given by Pastor Paul Woosey of The Vintage Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments and there was none.

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

- 12-686** Minutes of the City Council Work Session of August 20, 2012
- 12-687** Minutes of the City Council Work Session of August 21, 2012
- 12-688** Minutes of the City Council Regular Meeting of August 21, 2012

- 12-689** Minutes of the City Council Special Meeting of August 27, 2012
- 12-622** Minutes of the Library Advisory Board Meeting of June 21, 2012
- 12-596** Minutes of the McKinney Armed Services Memorial Board Meeting of July 11, 2012
- 12-629** Minutes of the Planning and Zoning Commission Regular Meeting of July 24, 2012.
- 12-690** Consider/Discuss/Act on an Ordinance Amending Budget Appropriations for Fiscal Year 2011-2012. Caption reads as follows:

ORDINANCE NO. 2012-09-043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING A BUDGET AMENDMENT FOR FISCAL YEAR 2011-2012

- 12-644** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Purchase Equipment from Texas Highway Products and Paradigm Traffic Systems for a Radio-Operated School Flashing Beacon System. Caption reads as follows:

RESOLUTION NO. 2012-09-099 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO PURCHASE EQUIPMENT FROM TEXAS HIGHWAY PRODUCTS AND PARADIGM TRAFFIC SYSTEMS FOR A RADIO-OPERATED SCHOOL FLASHING BEACON SYSTEM

- 12-646** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Two Replacement Ambulances and Equipment for the McKinney Fire Department. Caption reads as follows:

RESOLUTION NO. 2012-09-100 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO PURCHASE TWO AMBULANCES AND EQUIPMENT FOR THE FIRE DEPARTMENT

- 12-647** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Remotely Controlled Sports Lighting for Nine Park Locations. Caption reads as follows:

RESOLUTION NO. 2012-09-101 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
PURCHASE REMOTELY CONTROLLED SPORTS LIGHTING  
FOR NINE PARK LOCATIONS

- 12-691** Consider/Discuss/Act on a Resolution Authorizing the Purchase of a Genie Self-Propelled Scissor Lift. Caption reads as follows:

RESOLUTION NO. 2012-09-102 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
PURCHASE A GENIE SELF-PROPELLED SCISSOR LIFT FOR  
THE BUILDING OPERATIONS DEPARTMENT

- 12-692** Consider/Discuss/Act on a Resolution Authorizing the Purchase of a Tractor and a Rotary Cutter for Collin County Regional Airport. Caption reads as follows:

RESOLUTION NO. 2012-09-103 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
PURCHASE A TRACTOR AND A ROTARY CUTTER FOR  
COLLIN COUNTY REGIONAL AIRPORT

- 12-694** Consider/Discuss/Act on a Resolution Authorizing the Rebuilding of Unit 750 (E-One CR100 Quint) for the McKinney Fire Department. Caption reads as follows:

RESOLUTION NO. 2012-09-104 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
REFURBISH ONE 2001 QUINT FOR THE FIRE DEPARTMENT

- 12-702** Consider/Discuss/Act on a Resolution Authorizing the Purchase of One Police Chevrolet PPV Tahoe and Needed Equipment for the McKinney Police Department. Caption reads as follows:

RESOLUTION NO. 2012-09-105 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
PURCHASE ONE 2013 SUV CHEVY TAHOE PPV, EQUIPMENT  
AND INSTALLATION

- 12-693** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Transfer Funds for the Contract Agreement Contained in a Letter of Intent with Champ Hospitality and Beck Development that was Approved

by the City Council on June 5, 2012. Caption reads as follows:

RESOLUTION NO. 2012-09-106 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO TRANSFER FUNDS FOR THE CONTRACT AGREEMENT CONTAINED IN A LETTER OF INTENT WITH CHAMP HOSPITALITY AND BECK DEVELOPMENT

- 12-695** Consider/Discuss/Act on a Resolution Authorizing a Contract to Deer Oaks EAP for Employee Assistance Program Benefits. Caption reads as follows:

RESOLUTION NO. 2012-09-107 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR EMPLOYEE ASSISTANCE PROGRAM BENEFITS

- 12-696** Consider/Discuss/Act on a Resolution Authorizing a Contract to Cobra Guard for Cobra Administration Benefits. Caption reads as follows:

RESOLUTION NO. 2012-09-108 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR COBRA ADMINISTRATION BENEFITS

- 12-697** Consider/Discuss/Act on a Resolution Authorizing a Contract to Wage Works/AFLAC for Flexible Spending Account Benefits. Caption reads as follows:

RESOLUTION NO. 2012-09-109 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR FLEXIBLE SPENDING ACCOUNT BENEFITS

- 12-698** Consider/Discuss/Act on a Resolution Authorizing a Change Order to the Contract with North Texas Contracting, Inc. for the Dudperkins Sanitary Sewer Improvements. Caption reads as follows:

RESOLUTION NO. 2012-09-110 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CHANGE ORDER TO THE CONTRACT WITH NORTH TEXAS CONTRACTING, INC. FOR THE DUDPERKINS SANITARY SEWER IMPROVEMENTS

END OF CONSENT

**12-699** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing Contract Amendments for Guaranteed Maximum Prices (GMP) with Dean Construction, Inc. for the Construction Associated with the Skatepark and the Two-Field Baseball projects at Gabe Nesbitt Community Park. Council member Kever requested this item be pulled down for discussion. Parks, Recreation, and Open Space Director Lemuel Randolph stated that at the March 6, 2012 City Council meeting staff stated that they would report back to City Council with a final Guaranteed Maximum Price (GMP) for combining the skateboard park and two field baseball projects based on final design development. The Skatepark (PK1214) approved budget is \$2,000,000 and the Gabe Nesbitt Community Park Phase VI (PK1210) approved budget is \$1,849,000. The budget amendments would set the Guaranteed Maximum Price (GMP) under the combined budgets of \$3,849,000. Mr. Randolph stated that the final design includes specific amenities such as construction materials testing, lighting, additional sod and seating that was not included in the preliminary design development stage in March. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to approve a Resolution authorizing contract amendments for Guaranteed Maximum Prices (GMP) with Dean Construction, Inc for the Construction associated with the Skatepark and the two-field baseball projects at Gabe Nesbitt Community Park. Caption reads as follows:

RESOLUTION NO. 2012-09-111 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENTS WITH DEAN CONSTRUCTION, INC. FOR GUARANTEED MAXIMUM PRICES (GMP'S) FOR SERVICES ASSOCIATED WITH THE CONSTRUCTION OF THE SKATEPARK AND TWO-FIELD BASEBALL AT GABE NESBITT COMMUNITY PARK

**12-133Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by American Legend Homes, on Behalf of McKinney Village Park North, L.P., for Approval of a Request to Rezone Approximately 40.63 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located on the Northeast Corner of Colt Lane and Berkley Drive, and Accompanying Ordinance. Planning Director Michael Quint stated that the applicant is requesting to rezone the subject property to modify the existing "PD"-Planned Development District development standards that are currently applicable to the property. He stated that currently there is a provision that requires a 10 foot off-set between the face of the garage and the face of the house. The applicant would like to modify that so instead of having a portion of the house that extends farther than 10 feet from the garage, they would like to create an outdoor enclosed courtyard to create that off-set. Mr. Quint stated that the applicant is modifying the existing building extension and replacing it with an outdoor courtyard. He stated that staff recommends approval of the proposed rezoning request. Mr. Quint stated that the applicant stated at the Planning and Zoning Commission meeting that they were in agreement with staff's recommendation. The applicant was not in attendance at the meeting. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Day, to close the public hearing and approve an Ordinance rezoning approximately 40.63 acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, generally to modify the development standards, located on the northeast corner of Colt Lane and

Berkley Drive with the following special ordinance provisions:1) Use and development of the subject property shall conform to the regulations of "PD" - Planned Development District Ordinance Nos. 2002-05-038 and 2005-01-005 and the "REC" - Regional Employment Center Overlay District, and as amended, except as follows: for homes with front loading garages, a minimum garage setback of 10 feet shall be provided and measured from the front façade of the home, extended porch, or courtyard that conforms to Exhibit B, attached hereto; the Director of Planning may permit minor deviations from Exhibit B, with regard to shrub species, location, and spacing; as follows: podocarpus (spaced at 3'-0" on center), Nellie R. Stevens Holly (spaced at 4'-0" on center), Wax Myrtle (spaced at 6'-0" on center), and Cherry Laurel (spaced at 6'-0" on center). Caption reads as follows:

ORDINANCE NO. 2012-09-044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-01-005 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 40.63 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF COLT LANE AND BERKLEY DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY 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

- 12-700** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney Parks, Recreation and Open Space Department for Approval of a Request to Use Approximately 476.5 Square Feet of Land, more or less, Located Within Public Land Designated as a Park (Bonnie Wenk Park) for the Construction of the Eastern One-Half of a 24' Wide Shared Drive/Fire Lane Located on the North Side of Virginia Parkway Approximately 730' East of Hardin

Boulevard for the Mutual Benefit of the Bonnie Wenk Park Development Project and the Adjacent Property Including the Conveyance of a Reciprocal or Mutual Fire Lane and Access Easement Upon, Over and Across said Approximate 476.5 Square Feet of Land, more or less, to the Owners of the Adjacent Property and Accompanying Ordinance. City Attorney Mark Houser stated that the Parks, Recreation and Open Space Department is requesting to use approximately 476 square feet of land located within public land (Bonnie Wenk Park) for the construction of the eastern one half of a 24' wide shared drive and fire lane located on the north side of Virginia Parkway and approximately 730' east of Hardin Boulevard. This drive approach will mutually benefit the Bonnie Wenk Park as well as the adjacent property owner. This also includes the conveyance of a reciprocal or mutual fire lane and access easement upon, over and across the subject property. Mr. Houser stated that this process is in accordance with the requirements of the Texas Parks and Wildlife Code, Sections 21.001, *et seq.*, which requires newspaper advertising 3 consecutive times prior to the hearing as well as written notification to the City to allow the private property owner to have some rights on a public park. Parks, Recreation, and Open Space Director Lemuel Randolph stated that the City is working on putting signs directional signs for the park. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Keever, seconded by Council member Brooks, to close the public hearing and approve an Ordinance approving a request to use approximately 476.5 square feet of land, more or less, located within public land designated as a park (Bonnie Wenk Park) for the construction of the eastern one-half of a 24' wide shared drive/fire lane located on the north side of Virginia Parkway approximately 730' east of Hardin Boulevard for the mutual benefit of the Bonnie Wenk Park Development Project and the adjacent property including the conveyance



of a Reciprocal or Mutual Fire Lane and Access Easement upon, over and across said approximate 476.5 square feet of land, more or less, to the owners of the adjacent property. Caption reads as follows:

ORDINANCE NO. 2012-09-045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A REQUEST TO USE APPROXIMATELY 476.5 SQUARE FEET OF LAND, MORE OR LESS, LOCATED WITHIN PUBLIC LAND DESIGNATED AS A PARK (BONNIE WENK PARK) FOR THE CONSTRUCTION OF THE EASTERN ONE-HALF OF A 24' WIDE SHARED DRIVE/FIRE LANE LOCATED ON THE NORTH SIDE OF VIRGINIA PARKWAY APPROXIMATELY 730' EAST OF HARDIN BOULEVARD FOR THE MUTUAL BENEFIT OF THE BONNIE WENK PARK DEVELOPMENT PROJECT AND THE ADJACENT PROPERTY OWNER INCLUDING THE CONVEYANCE OF A RECIPROCAL OR MUTUAL FIRE LANE AND ACCESS EASEMENT FOR SAID SHARED DRIVE/FIRE LANE TO THE ADJACENT PROPERTY OWNERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 12-701** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Budget Appropriation Ordinance for FY 2012-13 - 1st Reading. City Manager Jason Gray presented the FY 2012-13 budgets. Mr. Gray stated that revenues and expenditures are currently projected at \$89,869,758 million. Mr. Gray stated that there is a projection of FY 11 savings of \$3,473,292. Mr. Gray stated that \$1,589,000 of that savings would go toward the purchase of a Police vehicle, 2 Fire Department ambulances, refurbishing of a Fire Department fire engine, a street sweeper and a scissor lift for Public Works, school zone remote flasher, park lighting, and costs associated with the Gateway project that were approved in the Letter of Intent with Champ Hospitality and Beck Construction. Mr. Gray stated that the .5855 tax rate has remained constant since 2008. Mr. Gray stated that the budget includes adding 17.5 new positions. Mr. Gray stated that the projected revenues for the Water and Wastewater Fund are \$57,560,353 and expenses are projected at \$57,986,557 resulting in a loss of \$426,204 due to an increase in depreciation. He stated that there are proposed equipment

purchases for equipment that are needed to get the job done in an efficient and effective manner. Mr. Gray stated that they are projecting a fund balance at the end of FY12-13 to be \$31,361,569 which is higher than the required to maintain a 90 day reserve. Mr. Gray stated that they expect the fund balance to decrease within the next several years as the cost of water that the City pays to the North Texas Municipal Water District will increase. The City is recommending as part of the budget a 2-1/2 percent water rate increase to remain consistent with passing along the actual cost of doing business rather than waiting for several years and then having to do a significant increase in one year. He stated that tonight is the first public hearing on the budget and the second public hearing and adoption of the budget is scheduled for September 18, 2012. Deputy City Manager Joe Williams stated that the NTMWD is adding an overall 9 percent. Council member Ricchi and Council member Harris requested that they would like to add a work session item with NTMWD to discuss this further as well as their budget system. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Loughmiller, seconded by Council member Brooks, to close the public hearing.

Mayor Loughmiller called for Council and Manager Comments

Council member Ricchi stated that he appreciates what staff does and he wished Travis Ussery a happy birthday tomorrow.

Council member Day did not have any comments.

Council member Kever wished Travis Ussery a happy birthday. Ms. Kever thanked City Secretary Sandy Hart for all her work on the Boards and Commissions appointments. Ms. Kever passed out a Dallas Regional Mobility Coalition survey anticipating conversation regarding legislative priorities for transportation. Ms. Kever stated that she has been invited by the Chamber to give a list of the City Council's agenda for the next legislative session. Ms. Kever stated that she was going to list the top five road projects, moving US 75 to Interstate status, and adding that the City of

McKinney actively seeks non-interference with 4A and 4B cities and strongly opposes any proposed legislation to limit use of 4A and 4B funds for voter approved purposes.

Mayor Pro-Tem Ussery thanked Council members Ricchi and Kever for their birthday wishes. He thanked staff for what they do, day in and day out particularly through the difficult budget process.

Council member Brooks echoed Council member Kever's comments regarding City Secretary Sandy Hart for a great job in handling the Boards and Commissions appointments. Mr. Brooks encouraged individuals who were not appointed to continue to apply. We definitely need people to serve.

Council member Harris echoed David Brooks' comments and also thanked the other Council members that participated with him on the interview committees. Mr. Harris thanked Mayor Loughmiller for the procedures and the leadership. Mr. Harris stated that now would be a good time to talk about board orientations and some operational training to supplement the mandatory open government training to assist them coming up to speed on their roles and functions. He stated that he spoke with the City Manager regarding the West Nile and mosquito outbreak and would like to see some sort of update at a future meeting. Mr. Harris stated that he would like to point out to the residents of McKinney that at the beginning of the meeting the Council talked about the \$3.4 million in budget savings in what he feels is an excellent execution of the budget for FY11-12. Mr. Harris congratulated the City Manager and his staff for a great job executing on the budget while building a very strong organization. Mr. Harris stated that he received a copy of the Money Magazine that had a wonderful article about the City of McKinney being the #2 best places to live in the nation.

Mayor stated that there are a couple of initiatives going on in McKinney which are good for our citizens relating to health and wellness. Currently, we are working on a health and wellness initiative in partnership with the McKinney Independent School District, Dr. Cooper and the Cooper Aerobics Center, local hospitals, and non-profit organizations. These initiatives will promote a healthy lifestyle. HEB groceries are having a health challenge amongst cities in which cities will compete against each other for some recognition in that area and the City of McKinney is participating in that. Mr. Loughmiller stated that the City of McKinney received the featured facility in the United

States from the U.S. Tennis Association as the best new facility in the nation. Mayor Loughmiller thanked Parks, Recreation, and Open Space Director Lemuel Randolph and his staff for bringing this project in under budget and for receiving national recognition. Mayor Loughmiller also thanked Council for their comments regarding the Boards and Commission appointments. Mayor Loughmiller extended birthday wishes Travis Ussery. Mr. Loughmiller expressed his appreciation to Mayor Pro-Tem Ussery for stepping up and covering events when he is unavailable.

City Manager Jason Gray mentioned the City has a very informative website that includes information for anyone interested in updated information about the efforts the City is doing regarding West Nile virus mosquito issue. The website includes interactive maps to show what areas have been sprayed and are scheduled for spraying. The City is following the Center for Disease and Control protocols for spraying. Mr. Gray encouraged the citizens to visit the website and to get informed.

Mayor Loughmiller called for Citizen Comments and there was none.

Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Ussery, to adjourn. Mayor Loughmiller adjourned the meeting at 6:51 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary