

CITY COUNCIL REGULAR MEETING

DECEMBER 7, 2010

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on December 7, 2010 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: Interim City Manager Rick Chaffin; Deputy City Manager Jim Parrish; City Attorney Mark Houser; City Secretary Sandy Hart; Director of Engineering Jack Carr; Information Technology - Gavin Metoyer and Clif Carnley; Interim Finance Director Larry Thompson; Human Resources Director Tadd Phillips; Police Sergeant Roger Thornhill; Chief of Police Doug Kowalski; Parks, Recreation and Open Space Director Lemuel Randolph; McKinney Community Development Corporation Director Cindy Schneible; Municipal Court Administrator Mary Jane Grubb; Parks, Recreation, and Open Space - Laura Cegleski, Trish Yanes, and Ryan Mullins; Planning Director Jennifer Cox; Engineering - Lissa Shepard and Corey Nesbit; Assistant Director of Development Services Rob Daake; Executive Director of Development Services John Kessel; Communications and Media Manager Anna Folmsbee; Director of Engineering Jack Carr; and Assistant to the City manager Aretha Harvey.

There were 30 guests present.

Mayor Loughmiller called the meeting to order at 6:05 p.m. after determining a quorum was present. Invocation was given by Pastor Tommy Brumett, First United Methodist. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Mr. Barney Flores, 1510 Sandy Ridge, McKinney, spoke about the Barney and Me Silver Gloves tournament that will be starting with a welcoming on Thursday at 3:00 p.m.

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

- 10-551** Minutes of the City Council Work Session of November 16, 2010
- 10-552** Minutes of the City Council Regular Meeting of November 16, 2010
- 10-553** Minutes of the City Council Work Session of November 29, 2010

- 10-554** Minutes of the Board of Adjustment Meeting of March 24, 2010
- 10-555** Minutes of the Community Grants Advisory Commission Meeting of October 27, 2010
- 10-556** Minutes of the Community Grants Advisory Commission Meeting of October 28, 2010
- 10-557** Minutes of the Historic Preservation Advisory Board Meeting of October 7, 2010
- 10-558** Minutes of the Library Advisory Board Meeting of October 21, 2010
- 10-559** Minutes of the McKinney Airport Development Corporation Meeting of October 14, 2010
- 10-560** Minutes of the McKinney Armed Services Board Meeting of October 13, 2010
- 10-561** Minutes of the McKinney Arts Commission Meeting of October 21, 2010
- 10-562** Minutes of the McKinney Arts Commission Worksession of November 4, 2010
- 10-563** Minutes of the McKinney Economic Development Corporation Board Meeting of October 12, 2010
- 10-564** Minutes of the McKinney Housing Authority Board of Commissioners Meeting October 26, 2010
- 10-565** Minutes of the McKinney Main Street Board Meeting of October 14, 2010
- 10-566** Minutes of the Parks, Recreation and Open Space Advisory Board of October 14, 2010
- 10-567** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney, Texas Authorizing a Budget Amendment Pertaining of the Seized Funds Account of the McKinney Police. Caption reads as follows:

ORDINANCE NO. 2010-12-054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET
AMENDMENTS PERTAINING OF THE FISCAL YEAR 2010-2011
BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE
HEREOF

- 10-568** Consider/Discuss/Act on a Ordinance Waiving the City's Right of First Refusal to Purchase Certain Unused Surplus Portions of the Former Farm-to-Market Road 720 ("FM 720") Right-of-Way from the Texas Department of Transportation. Caption reads as follows:

ORDINANCE NO. 2010-12-055

AN ORDINANCE WAIVING THE CITY'S RIGHT OF FIRST REFUSAL TO PURCHASE CERTAIN UNUSED SURPLUS PORTIONS OF THE FORMER FARM-TO-MARKET ROAD 720 ("FM 720") RIGHT-OF-WAY FROM THE TEXAS DEPARTMENT OF TRANSPORTATION, AND PROVIDING FOR AN EFFECTIVE DATE

- 10-570** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept a STEP (Selective Traffic Enforcement Program) Impaired Driving Mobilization Grant. Caption reads as follows:

RESOLUTION NO. 2010-12-147 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT A STEP (SELECTIVE TRAFFIC ENFORCEMENT PROGRAM) - IMPAIRED DRIVING MOBILIZATION GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION

- 10-571** Consider/Discuss/Act on Resolution Amending Authorized Representatives for TexPool/TexPool Prime. Caption reads as follows:

RESOLUTION NO. 2010-12-148 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING PARTICIPATION IN TEXPOOL/TEXPOOL PRIME AND DESIGNATING AUTHORIZED REPRESENTATIVES

END OF CONSENT

- 10-569** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing a Construction Contract for the Rehabilitation of East Fork above Lavon Floodwater Retarding Structure Site 2B and Site 17. Civil Engineer Lissa Shepard stated that all property owners in Summit View area were sent notices. Ms. Shepard stated that signs will also be posted for this project. Council unanimously approved the motion by Council member Keever, seconded by Council member Ussery, to approve a Resolution authorizing a construction contract for the

Rehabilitation of East Fork above Lavon Floodwater Retarding Structure

Site 2B and Site 17. Caption reads as follows:

RESOLUTION NO. 2010-12-146 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION CONTRACT WITH BEAVERS CONTRACTING, LLC., FOR THE REHABILITATION OF NRCS FLOODWATER RETARDING STRUCTURES SITE 2B AND SITE 17

Council member Kever stepped down from the dais for the following agenda item.

- 10-572** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving the 2010-2011 Community Support Grant Funding Allocations. Planning Director Jennifer Cox stated that the Community Support Grant Funding is given to organizations which can be reasonably categorized under the heading of providing a public service that promotes the health, safety and welfare of McKinney residents. The Community Grants Advisory Board received applications from 24 area non-profit agencies requesting a total of \$647,622 in funding, when only \$119,700 is available. Council approved the motion by Mayor Pro-Tem Huff, seconded by Council member Brooks, to approve a Resolution Approving the 2010-2011 Community Support Grant Funding Allocations, with a vote of 6-0-1, Council member Kever abstaining. Caption reads as follows:

RESOLUTION 2010-12-149 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE 2010-2011 COMMUNITY SUPPORT GRANT FUNDING ALLOCATIONS, AND PROVIDING AN EFFECTIVE DATE

Council member Kever returned to the dais.

- 10-535** Mayor Loughmiller called for Consideration/Discussion/Action on Resolution Authorizing a Two Year Term Maintenance Reimbursement Agreement with Stonebridge Ranch Community Association, Inc. Parks, Recreation, and Open Space Director Lemuel Randolph stated that staff

is recommending renewing the contract with Stonebridge Ranch Community Association, Inc. with no increase at this time. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Ussey, to approve a Resolution authorizing a two year term maintenance reimbursement agreement with Stonebridge Ranch Community Association, Inc. Caption reads as follows:

RESOLUTION NO. 2010-12-150 (R)

A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS APPROVING A MEDIAN MAINTENANCE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF MCKINNEY AND STONEBRIDGE RANCH COMMUNITY ASSOCIATION, INC., CONCERNING MAINTENANCE OF ROADWAY MEDIANS, AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

10-573 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on Application #10-08 as Submitted by City of McKinney Parks, Recreation and Open Space Requesting \$226,620 for Equipment, Community and Senior Recreation Centers Flooring and Recreation Equipment, Pool Equipment, and Pool Repair. McKinney Community Development Corporation (MCDC) Director Cindy Schneible stated that the MCDC Board approved the request for \$226,620 from the Parks, Recreation, and Open Space Department for equipment, Community and Senior Recreation Centers flooring and recreation equipment, pool equipment, and pool repair. Mayor Loughmiller called for public comment.

The following individuals spoke in favor of this request:

Mr. Kenneth White, 719 Mockingbird Lane, Bonham

Ms. Victoria Chase, 3701 Daffodil Lane, McKinney

Ms. Wanda Parker, 2252 CR 342, McKinney

Mr. Tom Cumbie, 575 Virginia Hills Drive, McKinney

Mr. Kyle Osborn, 1111 Aylesbury, Allen

The following individuals did not wish to speak but wanted their support recorded:

Mr. Dan Driskell, 2513 Brinlee Branch, McKinney

Mr. H.G. Foster, 2024 CR 906 Princeton, McKinney

Mr. Robert Loeber, 600 S. Graves, McKinney

Ms. Betty Veal, 103 Butler Street, Anna

Ms. Mary Ann Jurak, 5224 Stone Brooke Crossing, McKinney

Mr. James Pitrone, 1218 Sage Drive, Princeton

Mr. James Sanders, 3392 Medical Center Drive, McKinney

Mr. Don McQueen, 1207 Greenbriar Lane, McKinney

Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Ricchi, to approve the request of the City of McKinney Parks, Recreation and Open Space requesting \$226,620 for equipment, Community and Senior Recreation Centers flooring and recreation equipment, pool equipment, and pool repair.

10-063A3 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Petsche and Associates, Inc., on Behalf of Blue Star Land L.P., on a Petition to Annex Approximately 238.92 Acres, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant has requested that this item be tabled. Ms. Cox stated that a public hearing will need to be held and then closed for this item and the following two items. The new public hearings will be renoticed for January and February. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Ussery, seconded by Mayor Pro-Tem Huff, to table this item indefinitely.

10-064Z Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Petsche & Associates, Inc., on Behalf of Blue Star Land, L.P. and 206 McKinney, L.L.C., for Approval of a Request to Zone Approximately 238.92 Acres, Planning Area 17, to "PD" - Planned Development District, Generally for

Single Family Residential, Retail, Elementary School, and Open Space Uses, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road, and Accompanying Ordinance. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery to close the public hearing and table this item until the February 15, 2011 meeting.

10-574 Mayor Loughmiller called for Consideration/Discussion/Action on the Second Amended and Restated Development Agreement with Blue Star Land, L.P., 206 McKinney, L.L.C., and D.R. Horton, Inc., as Transferees of Custer West Partners, L.P., Approximately 238.92 Acres, Located Generally on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road. Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to table this item until the February 15, 2011 meeting.

Mayor Loughmiller called for Action on Executive Session Items. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Loughmiller, to approve a settlement agreement that was recommended to Council by our Attorneys for a global settlement with all parties to the Gateway matter and the Gateway litigation.

Mayor Loughmiller called for Council and Manager Comments and Liaison Reports

Council member Brooks stated that the Veterans Day Ceremony was a great event at the future site of the Veterans Memorial that will be under construction in early 2011. The McKinney Economic Development Corporation met this morning and approved their new strategic plan and a few small incentive agreements.

Council member Ussery thanked staff for all they do day in and day out for making this a wonderful City to live. Mr. Ussery wished everyone a joyous holiday season.

Mayor Pro-Tem Huff stated that the Christmas Tree Lighting was excellent event that had a large attendance. There were more people in downtown area at this event than for any other event that has been held in downtown.

Council member Ricchi stated that McKinney was selected as one of six Cities to be highlighted as a Big Texas Adventure. Mr. Ricchi stated that there will be a Bloomin and Boomin event that will be held June 10 through July 4th. The City organizations have pooled their money together to place an ad in the Southwest Airlines magazine that will be highlighted during the Superbowl. Mr. Ricchi wished everyone good health, family memories, caring friends, and God's blessing.

Council member Day wished everyone a great holiday season.

Council member Kever wished everyone a Merry Christmas. Ms. Kever stated that the McKinney Arts Commission has been working on some policy issues. Ms. Kever stated that the City Council would begin discussion tonight during Executive Session regarding the hiring of a new City Manager.

Mayor Loughmiller stated that a meeting will be held on December 13th with County Commissioner Joe Jaynes and County Engineers to discuss the Outer Loop project and the Council's consensus of a southern preferred route through City of McKinney. On January 4, 2011, a Resolution will be before the Council for consideration to support a southern route. This decision is ultimately Collin County's but it is important for the County to know what the City's interest and desires are as it relates to the construction of the outer loop. Mr. Loughmiller stated that this is the last meeting of the City Council for 2010. Mayor Loughmiller wished everyone a Merry Christmas and a Happy New Year. Mr. Loughmiller reminded everyone that charity begins at home and that there are a number of organizations at this time of year that need our support.

City Manager Chaffin thanked all City employees who work hard all year round to serve our citizens. Mr. Chaffin wished everyone a safe and Happy Christmas.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 6:40 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 551.071 (1) (A) – Litigation / Anticipated Litigation, Section 551.074 Personnel Matters, and Section 551.072 Discuss Real Property, as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 7:59 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary