

## **MCKINNEY CITY COUNCIL REGULAR MEETING DECEMBER 15, 2009**

### **CALL TO ORDER**

Council Present: Geralyn Kever, Don Day, Ray Ricchi, Travis Ussery, Brian Loughmiller, and Pete Huff.

Staff Present: None.

### **INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation given by Reverend Patrick McCoy, Trinity Presbyterian Church

### **INFORMATION SHARING**

**09-581** Presentation of Excellence in Financial Reporting Award

**09-582** Presentation of Budget Award

### **CITIZEN COMMENTS**

### **CONSENT AGENDA**

Council unanimously approved the motion by Council Member Travi Uery, seconded by Council Member , to Approved the following consent items

These items consist of non-controversial or "housekeeping" items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

### **MINUTES**

**09-583** Minutes of the City Council Work Session of November 30, 2009

**09-584** Minutes of the City Council Regular Meeting of December 1, 2009

### **ORDINANCES**

**09-545** Consider/Discuss/Act on an Ordinance of the City Council of the City of

McKinney, Texas Authorizing a Budget Amendment Pertaining to the Seized  
Funds Account of the McKinney Police Department

- 09-546** Consider/Discuss/Act on an Ordinance Establishing Speed Limits on Various Roadways

RESOLUTIONS

- 09-547** Consider/Discuss/Act on a Resolution Authorizing the Healthy Creeks and Lakes Grading and Clearing of Drainage Channels Contract
- 09-549** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with LanArc Design, Inc. of McKinney, Texas for Design and Engineering Services for a Tournament Pavilion at the McKinney Soccer Complex at Craig Ranch
- 09-585** Consider/Discuss/Act on a Resolution Authorizing an Agreement with Atmos Energy Corporation for the Relocation of a Gas Main Crossing Ridge Road
- 09-586** Consider/Discuss/Act on a Resolution Amending the 2010-2014 Capital Improvements Program to Allocate Funds for the Construction of Ridge Road from Creekside Drive to US 380

MISCELLANEOUS

- 09-550** Consider/Discuss/Act on the CDBG FY 2008-2009 Consolidated Annual Performance and Evaluation Report (CAPER)

END OF CONSENT

- 09-551** Consider/Discuss/Act on Award of Contract with Paradigm Traffic Systems of Arlington, Texas to Provide LED Pedestrian Signals & Countdown Modules.

Council unanimously approved the motion by Council Member , seconded by Council Member , to Approved 09-551 Consider/Discuss/Act on Award of Contract with

Paradigm Traffic Systems of Arlington, Texas to Provide LED Pedestrian Signals & Countdown Modules.

## REGULAR AGENDA

This portion of the agenda consists of items requiring individual consideration by the Council.

- 09-548** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Brinkley Sargent Architects of Dallas, Texas for Design and Engineering Services Associated with the Recreation Center and Aquatics Facility.

Council unanimously approved the motion by Council Member , seconded by Council Member , to Tabled Indefinitely to table this item indefinitely

- 09-552** Consider/Discuss/Act on a Resolution Rescinding Resolution No 2006-03-050 Pertaining to Fire Department Policies and Replacing such Resolution with Updated Departmental Policies

Council unanimously approved the motion by Council Member , seconded by Council Member Travi Uery, to Approved 09-552 Consider/Discuss/Act on a Resolution Rescinding Resolution No 2006-03-050 Pertaining to Fire Department Policies and Replacing such Resolution with Updated Departmental Policies

- 09-554** Consider/Discuss/Act on a Second Amendment to the Robinson Ridge Facilities Agreement Deferring Parkland Dedication until December 31, 2010.

Council unanimously approved the motion by Council Member , seconded by Council Member , to Approved 09-554 Consider/Discuss/Act on a Second Amendment to the Robinson Ridge Facilities Agreement Deferring Parkland Dedication until December 31, 2010.

Asking for an extension. Staff is recommending approval. jenn

**09-587** Consider/Discuss/Act on Approval of Submission to the U.S. Department of Energy for an Energy Efficiency and Conservation Block Grant in the Amount of \$971, 500

Council unanimously approved the motion by Council Member , seconded by Council Member , to Approved 09-587 Consider/Discuss/Act on Approval of Submission to the U.S. Department of Energy for an Energy Efficiency and Conservation Block Grant in the Amount of \$971, 500

**09-140** AP Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of IVEFERR Investments, L.P., for Approval of an Amending Plat for Lot 1, Block A, of the McDonald Office Park East Addition, Approximately 0.45 Acres, Located on the East Side of McDonald Street and Approximately 200 Feet South of Davis Street.

Council unanimously approved the motion by Council Member Travi Uery, seconded by Council Member , to Approved 09-140AP Consider/Discuss/Act on the Request by Cross Engineering Consultants, Inc., on Behalf of IVEFERR Investments, L.P., for Approval of an Amending Plat for Lot 1, Block A, of the McDonald Office Park East Addition, Approximately 0.45 Acres, Located on the East Side of McDonald Street and Approximately 200 Feet South of Davis Street.

**09-142** AP Consider/Discuss/Act on the Request by The British Builder for Approval of an Amending Plat for Lot 1, Block A, of the Goodall Addition, Approximately 0.17 Acres, Located on the East Side of Oak Street and Approximately 150 Feet South of Hunt Street.

Council unanimously approved the motion by Council Member , seconded by Council Member , to Approved 09-142AP Consider/Discuss/Act on the Request by The British Builder for Approval of an Amending Plat for Lot 1, Block A, of the Goodall Addition,

Approximately 0.17 Acres, Located on the East Side of Oak Street and Approximately 150 Feet South of Hunt Street.

## PUBLIC HEARINGS

- 09-129** M Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Make Minor Amendments to the Comprehensive Plan, and Accompanying Ordinance.

Council unanimously approved the motion by Council Member Travi Uery, seconded by Council Member , to Tabled to Another Meeting Table to the January 5, 2010 meeting

- 09-147** Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by C & C Development, L.P., on Behalf of Porchview Estates, L.L.P., for Approval of a Request to Rezone Approximately 24.21 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 Approximately 300 Feet North of Collin McKinney Parkway and Approximately 1,000 Feet East of Custer Road, and Accompanying Ordinance.

Council unanimously approved the motion by Council Member Travi Uery, seconded by Council Member , to Approved 09-147Z Conduct a Public Hearing to Consider/Discuss/Act on the Request by C & C Development, L.P., on Behalf of Porchview Estates, L.L.P., for Approval of a Request to Rezone Approximately 24.21 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 Approximately 300 Feet

North of Collin McKinney Parkway and Approximately 1,000 Feet East of Custer Road, and Accompanying Ordinance.

#### COUNCIL AND MANAGER COMMENTS

Ray - Wish everyone City staff and Council enjoy holidays. Nice we are coming to end of year and all that we have accomplished. Hard working Council and I appreciate all that has been done. Appreciate the citizens coming forward. Don - 4 of us went to an open house for Habitat on Anthony street - I appreciate Habitat - I become more impressed each time. Geralyn - Ditto to everything said. comment on individuals who spoke about McClure - I think we can do better. I think we need to have a louder voice at the table. We need to have a louder presence and voice concerning safety when we sites are selected. Everyone can center around priority of safety. I want us to encourage our City Manager our presence around the table when they occur - ask for your consideration on how we might strengthen our voice cost of access and ingress and egress. Travis - thank you to staff what you do for the City day in and day out. I wish a joyous christmas season to everyone watching. Pete - Finance Dept - I have been in a lot of organizations who didn't get the numbers - we get good numbers timely. Compliments to them. City Secretary Sandy Hart - new system. Under gun on these new systems. Various cooperative systems with the school systems throughout the city. In public Aquatic center to be fair for the joint agreement - timing, cost, usage, etc. The City does not need to subsidize and neither the school. Lets talk turkey upfrton. Have a Merry Christmas. Brian - Issue with school district. Citizens expect more. Quarterly meetings. We had an employee Christmas lunch today and well attended. Appreciate City manager, ussery, Kever, ricchi attending. It is good that we as a Council to interact when possible with staff to show our appreciation. I appreciate you attending. Mayor of Frisco and I today had a press conference - challenge - opportunity challenge for Salvation Army. This Saturday 10-2 p.m. and Ray will be at Market Street Eldorado and Ridge - Mayor Maso they will be at Market Street in Frisco.

Which city can generate the most donations. Wear Tshirt to Work session and bring Resolution. If you have a favorite charity - please reach out.

City manager merry christmas

Council and Manager Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, requests of the City Manager for items to be placed on upcoming agendas, and condolences.

#### CITIZEN COMMENTS

Ray - condemnation of Heard Museum. November 28th took resolution to file condemnation staff. Member cities was not being representatives. 42" water pipe sewer line from Frisco through Heard.. Unique feature in McKinney and SW - 1,000 of school children go to. petition has over 8,000 at this time. Great outcry of population for this endeavor. Green philosophy - transpired without our knowledge. City look into why it was done without approval of board. City put on agenda Resolution would safe this from taking care of. heard board does not want it to damage their area.

#### EXECUTIVE SESSION

In Accordance with the Texas Government Code: A. Section 551.071(2) Consultations with Attorney on any Work Session. Special Session, or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed) B. Section 551.071 (A) Pending or contemplated litigation \* McKinney Economic Development Corporation v. McKinney Shores Properties, Inc v. City of McKinney (Counter-Defendant) ; McKinney Shores Hotel Partners, Inc. v. City of McKinney, McKinney Economic Development Corporation, McKinney Community Development Corporation, Thad Helsley and Bill Cox Cause No. 296-01372-2009 ; In the District Court,

Collin County, Texas, 296th Judicial District \* El Dorado Land Company, LP vs. City of  
McKinney

ACTION ON EXECUTIVE SESSION ITEMS

ADJOURN

Council unanimously approved the motion by Council Member Travi Uery, seconded  
by Council Member , to Adjourn ADJOURN

ATTEST:

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SANDY HART, TRMC, MMC

CITY SECRETARY