

CITY COUNCIL REGULAR MEETING

DECEMBER 15, 2009

The City Council of the City of McKinney, Texas, met in regular session in the Council Chambers of the Municipal Building on December 1, 2009 at 5:30 p.m.

Council Present: Mayor Brian Loughmiller; Mayor Pro-Tem Pete Huff; Council members Don Day, Geralyn Kever, Travis Ussery, and Ray Ricchi. Absent: David Brooks.

Staff Present: City Manager Frank Ragan; City Secretary Sandy Hart; Deputy City Manager Rick Chaffin; Deputy City Manager Jim Parrish; Fire – Mark Wallace and Frank Roma; Finance – Jennifer Fung, Jason Weeks, Kelvin Bryant, Donna Chamberlain, Sheryl Coleman, Pam Dennis, Trudy Mathis, and Mindy Resley; Assistant to the City Manager Aretha Harvey; Executive Director of Development Services John Kessel; Director of Engineering Jack Carr; Director of Planning Jennifer Cox; Project Expediter Dana Stillwell; Police – Doug Kowalski and Roger Thornhill; Director of Parks, Recreation, and Open Space Lemuel Randolph; Environmental Stewardship Manager Julie Smith; Communications and Media Manager Anna Folmsbee; and Grants Administrator Janay Tieken.

There were 14 guests present.

Mayor Loughmiller called the meeting to order at 5:33 p.m. after determining a quorum was present. Invocation was given by Reverend Patrick McCoy, Trinity Presbyterian Church. Mayor Loughmiller led the Pledge of Allegiance.

Information Sharing:

09-581 Presentation of Excellence in Financial Reporting Award: Executive Director of Finance Jennifer Fung presented the Council with the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association. Ms. Fung presented an Award of Financial Reporting Achievement to Assistant Finance Director Jason Weeks for preparing the award-winning comprehensive annual financial report (CAFR).

09-582 Presentation of Budget Award: Executive Director of Finance Jennifer Fung presented the Council with the Distinguished Budget Presentation

Award from the Government Finance Officers Association. Mayor Loughmiller presented a Certificate of Recognition for Budget Presentation to Ms. Fung. Ms. Fung presented a Certificate of Appreciation to Financial Analyst Donna Chamberlain in recognition of her contributions to the Budget and CAFR document preparations.

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke regarding safe access for students to the future McClure Elementary School:

Mr. Scott Mauk, 6808 Cunningham Road, McKinney

Mr. Andrew Musarra, 812 Mayberry Drive, McKinney

Mr. John Chatham, 6821 Studebaker Drive, McKinney

Mrs. Tracy Rath, 2403 Cayenne Drive, McKinney, spoke about a recreation center and aquatics facility on the southeast corner of Hardin Boulevard and White Street.

Mr. Curtis Rath, 2403 Cayenne Drive, McKinney, spoke about options for the McKinney Municipal Center.

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

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

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. Caption reads as follows:

ORDINANCE NO. 2009-12-084

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET
AMENDMENTS PERTAINING TO THE FISCAL YEAR 2009-2010
BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

09-546 Consider/Discuss/Act on an Ordinance Establishing Speed Limits on Various Roadways. Caption reads as follows:

ORDINANCE NO. 2009-12-085

AN ORDINANCE ESTABLISHING SPEED ZONES ON VARIOUS ROADWAYS IN McKINNEY; AMENDING THE CODE OF ORDINANCES, CITY OF McKINNEY, TEXAS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 09-547** Consider/Discuss/Act on a Resolution Authorizing the Healthy Creeks and Lakes Grading and Clearing of Drainage Channels Contract. Caption reads as follows:

RESOLUTION NO. 2009-12-148 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR HEALTHY CREEKS AND LAKES GRADING AND CLEARING OF DRAINAGE CHANNELS

- 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 Associated with the Tournament Pavilion at the McKinney Soccer Complex at Craig Ranch. Caption reads as follows:

RESOLUTION NO. 2009-12-149 (R)

A RESOLUTION OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH LANARC DESIGN, INC. OF McKINNEY, TEXAS FOR DESIGN AND ENGINEERING SERVICES ASSOCIATED WITH THE 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. Caption reads as follows:

RESOLUTION NO. 2009-12-150 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE 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. Caption reads as follows:

RESOLUTION NO. 2009-12-151 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AMENDING THE 2010 – 2014 CAPITAL
IMPROVEMENTS PROGRAM FOR THE CONSTRUCTION OF
RIDGE ROAD FROM CREEKSIDE DR TO US 380

- 09-550** Consider/Discuss/Act on the CDBG FY 2008-2009 Consolidated Annual Performance and Evaluation Report (CAPER)
- 09-551** Mayor Loughmiller called for Consideration/Discussion/Action 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 Kever, seconded by Mayor Pro-Tem Huff, to approve the contract with Paradigm Traffic Systems of Arlington, Texas to provide LED pedestrian signals and countdown modules.
- 09-548** Mayor Loughmiller called for Consideration/Discussion/Action 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. City Manager Frank Ragan stated that the proposed Resolution would authorize contracting with Brinkley Sargent for the design and engineering of a community center and aquatic facility at White and Hardin. Council member Kever stated that she hoped Council would table this item indefinitely because the MISD School Board does not plan to act on this issue until February in order that the new Superintendent can be brought up to speed. Mayor Loughmiller stated that a public meeting involving all the members of Council and the School Board may be necessary. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Huff, to table this item indefinitely.
- 09-552** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Rescinding Resolution No. 2006-03-050 Pertaining to Fire Department Policies and Replacing with Updated Departmental Policies. Deputy City Manager Jim Parrish stated that the McKinney Fire Fighters'

Association recommends approval of the proposed Resolution. Council unanimously approved the motion by Council member Day, seconded by Council member Ussery, to approve the Resolution rescinding Resolution No. 2006-03-050 pertaining to Fire Department policies. Caption reads as follows:

RESOLUTION NO. 2009-12-152 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, RESCINDING RESOLUTION NO. 2006-03-
050 PERTAINING TO FIRE DEPARTMENT POLICIES AND
PROVIDING FOR AN EFFECTIVE DATE

09-554 Mayor Loughmiller called for Consideration/Discussion/Action on a Second Amendment to the Robinson Ridge Facilities Agreement Deferring Parkland Dedication until December 31, 2010. Director of Planning Jennifer Cox stated that the developer of the Robinson Ridge subdivision currently has a facilities agreement in place that requires parkland to be dedicated or cash in lieu of parkland paid to the City by December 31, 2009. The developer has indicated that they are not prepared at this time to dedicate the land to the city and have requested an extension until December 31, 2010. Staff is comfortable allowing the extension due to the fact that the subdivision is currently not completed therefore there is no road access to the proposed land dedication and the specifics of the parkland agreement and the remainder of the facilities agreement will not change. Staff recommends approval. Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Kever, to approve the second amendment to the Robinson Ridge facilities agreement deferring parkland dedication until December 31, 2010.

09-587 Mayor Loughmiller called for Consideration/Discussion/Action 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. Environmental Stewardship Manager Julie Smith gave a PowerPoint presentation of the Energy Efficiency and Conservation Block Grant application process. Ms. Smith answered questions from Council. Council unanimously approved

the motion by Council member Kever, seconded by Mayor Pro-Tem Huff, to approve a submission to the U.S. Department of Energy for an Energy Efficiency and Conservation Block Grant in the amount of \$971,500.

09-140AP Mayor Loughmiller called for Consideration/Discussion/Action 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. Director of Planning Jennifer Cox stated that the proposed amending plat combines three existing lots into one and the requested variance to the Subdivision Ordinance requires Council approval. Staff recommends approval. The applicant was available to answer questions from Council. Council unanimously approved the motion by Council member Ussery, seconded by Council member Day, to approve the 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 with the following conditions: the applicant satisfy the following conditions as shown on the Standard Conditions for Amending Plat Approval Checklist; the applicant provide any additional easements as determined necessary by the City Engineer; approval of building permit plans by the Chief Building Official; approval of grading and drainage plans by the City Engineer; approval of utility construction plans by the City Engineer; the associated plat for the subject property be filed for record with the county clerk; the applicant receive approval of a variance from Section 142-105 (Improvements) of the Subdivision Ordinance to allow the minimum right-of-way width of Wilcox Street to be reduced from 50 feet to 40 feet; and the applicant revise the plat to reflect an amending plat (instead of minor replat) in the dedication language.

09-142AP Mayor Loughmiller called for Consideration/Discussion/Action 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. Director of Planning Jennifer Cox stated that the proposed amending plat combines two existing lots into one and the requested variance to the Subdivision Ordinance requires Council approval. Staff recommends approval. The applicant was available to answer questions from Council. Council unanimously approved the motion by Mayor Pro-Tem Huff, seconded by Council member Day, to approve the 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 with the following conditions: The applicant satisfy the following conditions as shown on the Standard Conditions for Amending Plat Approval Checklist; the applicant provide any additional easements as determined necessary by the City Engineer; approval of building permit plans by the Chief Building Official; approval of grading and drainage plans by the City Engineer; approval of utility construction plans by the City Engineer; the associated plat for the subject property be filed for record with the county clerk; and the applicant receive approval of a variance to the Section 102-105 (Improvements) of the Subdivision Ordinance to eliminate the required dedication of right-of-way.

09-129M Mayor Loughmiller called for 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. Director of Planning Jennifer Cox stated that she understands that Council may want to table this item because of technical difficulties associated with opening some of the attachments. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Ricchi, to continue the public hearing and table this item until the January 5, 2010 Regular Meeting.

09-147Z Mayor Loughmiller called for 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. Director of Planning Jennifer Cox stated that the applicant is requesting to rezone the subject property in order to amend the development standards of the existing PD Zoning Ordinance and that Staff is recommending approval. The applicant, Mr. Mac McCloud, 101 E. Davis Street, McKinney, was available to answer questions from Council. 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 close the public hearing and approve the Ordinance rezoning 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 with the following special ordinance provisions: Use and development of the subject property shall conform to regulations of Planned Development District Ordinance No. 2006-11-133, "SUP" – Specific Use Permit Ordinance No. 2006-01-002 and the "REC" – Regional Employment Center Overlay District, and as amended, except as follows; the minimum side yard setbacks shall be five feet on both sides of each residential unit for a total of 10 feet minimum separation between buildings; the minimum rear yard setback for all of Block G and the portion of Block F that backs to the commercial tracts to the west of the subject property shall be 15 feet; the minimum rear yard setback for all of Block E and the portion of Block F that backs to the

residential tracts to the east of the subject property shall be 15 feet; the minimum rear yard setback for all of Block H and Block I shall be 10 feet; the maximum lot coverage shall be 60%; the subject property shall be exempt from the REC Overlay District's requirement that 80% of a street block's buildings adhere to a consistent build-to line; and the subject property shall generally develop according to the attached Zoning Exhibit (Exhibit B). Caption reads as follows:

ORDINANCE NO. 2009-12-086

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2006-11-133 OF THE CITY OF McKINNEY, TEXAS; SO THAT AN APPROXIMATELY 24.21 ACRE PROPERTY, LOCATED APPROXIMATELY 300 FEET NORTH OF COLLIN McKINNEY PARKWAY AND APPROXIMATELY 1,000 FEET EAST OF CUSTER ROAD, 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 DEVELOPMENT STANDARDS; 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

Mayor Loughmiller called for City Council and Manager Comments:

Council member Ricchi wished City Staff and Council happy holidays.

Council member Day expressed his appreciation for Habitat for Humanity. Mr. Day stated that four members of Council attended the opening of a Habitat for Humanity home on Anthony Street in east McKinney and each time he attends such an event he becomes more impressed with the organization and what it does for the residents in his district.

Council member Kever echoed what was said by Council members Ricchi and Day. Ms. Kever expressed her appreciation for the gentlemen who spoke regarding road construction near McClure Elementary School.

Council member Ussery thanked Staff for all they do everyday and wished a joyous Christmas season to everyone watching.

Mayor Pro-Tem Huff complimented the Finance Department on the awards that they earned. Mr. Huff complimented City Secretary Sandy Hart on the progress with the

new high tech software systems. Mr. Huff commented on the difficulty of getting all of the information in front of all parties in a timely manner when the City is partnering with a school system on a project such as the proposed natatorium.

Mayor Loughmiller stated that at one time the City scheduled quarterly meetings with the School Board and Collin College with the intent of trying to come to some mutual agreements. Mr. Loughmiller stated that it may be time to resurrect that process with a goal-driven agenda. Mr. Loughmiller expressed his appreciation for Council members Kever, Ussery, and Ricchi attending the City employee Christmas lunch. Mr. Loughmiller presented the Salvation Army Red Kettle Challenge between the Mayors of McKinney and Frisco.

City Manager Frank Ragan wished everyone a merry Christmas.

Mayor Loughmiller called for Citizen Comments.

Mr. Ray Ricchi, 1408 Lakewood Drive, McKinney, spoke about lawsuits involving the Heard Natural Science Museum and Wildlife Sanctuary and the North Texas Municipal Water District (NTMWD). "A 42 inch water pipe is being requested or acting in condemnation of a sewer line from Frisco through the Heard Natural Wildlife Museum prairie lands and wetlands." Mr. Ricchi stated that NTMWD Staff had acted without the knowledge or the consent of the respective Boards.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to adjourn the meeting. Mayor Loughmiller adjourned the meeting at 7:00 p.m.

BRIAN LOUGHMILLER, Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary