



McKINNEY CITY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 20, 2009
COUNCIL CHAMBERS
222 N. TENNESSEE

5:30 P.M.

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation given by Father Mike Michie, St. Andrew's Episcopal Church

INFORMATION SHARING

- Presentation of "Certificate of Achievement for Planning Excellence"

CITIZEN COMMENTS *(Comments are limited to 3 minutes per person)*

CONSENT AGENDA *(This portion of the agenda consists 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

- 09-475** Minutes of the City Council Special Meeting of September 28, 2009
- 09-476** Minutes of the City Council Work Session of October 5, 2009
- 09-477** Minutes of the City Council Regular Meeting of October 6, 2009
- 09-478** Minutes of the Historic Preservation Advisory Board Meeting of September 3, 2009
- 09-479** Minutes of the McKinney Airport Development Corporation Board Meeting of September 9, 2009

- 09-480** Minutes of the McKinney Convention and Visitors Bureau Board Meeting of August 24, 2009
- 09-481** Minutes of the McKinney Housing Authority Board Meeting of August 4, 2009
- 09-482** Minutes of the McKinney Housing Authority Board Meeting of August 11, 2009
- 09-483** Minutes of the Regular Planning and Zoning Commission Meeting of September 8, 2009

ORDINANCES

- 09-484** Consider/Discuss/Act on an Ordinance Amending the 2009-2010 Annual Budget, including the 2010-2014 Capital Improvements Program for the Lake 1A Rehabilitation Project
- 09-485** Consider/Discuss/Act on an Ordinance Amending the 2009-2010 Annual Budget, including the 2010-2014 Capital Improvements Program for the Eldorado Lake Sediment Removal Project

RESOLUTIONS

- 09-486** Consider/Discuss/Act on a Resolution Authorizing the Award of a Contract for the Construction of the Murray Street Back-Lot Storm Sewer Project
- 09-487** Consider/Discuss/Act on a Resolution to Approve a Supplemental Agreement with Easterling Consultants for the Eldorado Lake Sediment Removal Project
- 09-488** Consider/Discuss/Act on a Resolution Authorizing a Reimbursement to DR Horton – Texas, Ltd. and Custer West Partners IV, L.P. for the Installation of Oversized Waterlines Constructed within the Custer West Development
- 09-489** Consider/Discuss/Act on a Resolution Authorizing a Supplemental Agreement with PSI for Material Testing Services on the Wilcox, Graham, Jefferson, and Gerrish Street Reconstruction Project
- 09-490** Consider/Discuss/Act on a Resolution Adopting Written Definitions and Criteria for Accurately Determining the Safety Record of a Bidder on City Construction Contracts

MISCELLANEOUS

- 09-106PF** Consider/Discuss/Act on the Request by Geer Surveying and Engineering, on Behalf of Ken and Pamela Hall and Randall and Hilda Wilkinson, for Approval of a Preliminary-Final Plat for Lots 1-3, Block A of the Free Rein #1 Addition, Approximately 20.59 Acres, Located on the East Side of County Road 406 and Approximately 1,800 Feet South of County Road 408

END OF CONSENT AGENDA

PUBLIC HEARINGS

- 09-052Z** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Bracewell & Guiliani, L.L.P., on Behalf of Betty M. Bacon Trust c/o Jim Bacon, for Approval of a Request to Rezone Approximately 0.64 Acres from "AG" – Agricultural District to "PD" – Planned Development District, Generally to Modify the Development Standards, Allow for a Support Tower with Communication Antennas, and for General Business Uses, Located on the North Side of Virginia Parkway and Approximately 1,000 Feet West of Hardin Boulevard, and Accompanying Ordinance. **TABLED FROM SEPTEMBER 15, 2009. REQUEST TO BE TABLED.**

CITY COUNCIL AND MANAGER COMMENTS

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 *(Comments are limited to 3 minutes per person)*

EXECUTIVE SESSION

In Accordance with the *Texas Government Code*:

- A. 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)

B. Section 551.071 (1) (A) – Litigation / Anticipated 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*

C. Section 551.072 – Discuss Real Property

- Municipal Facilities

ACTION ON EXECUTIVE SESSION ITEMS

ADJOURN

Posted in accordance with the Texas Government Code, Chapter 551, on the 15th day of October at or before 5:00 p.m.

Sandy Hart, TRMC, MMC
City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements, please contact Sandy Hart, City Secretary at 972-547-7505 or Lincoln Thompson, Deputy City Secretary at 972-547-7504, 48 hours prior to the scheduled meeting. Reasonable accommodations will be made to assist you.