

## **CITY COUNCIL REGULAR MEETING**

**JANUARY 5, 2010**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 5, 2010.

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: City Manager Frank Ragan; Deputy City Manager Rick Chaffin; Deputy City Manager Jim Parrish; City Secretary Sandy Hart; Planning - Jennifer Cox, Kevin Spath, Nathaniel Barnett, and Guy Giersch; Parks, Recreation and Open Space Director Lemuel Randolph; Communications and Marketing - Anna Folmsbee and Heidi Stark; Executive Director of Development Services John Kessel; Director of Engineering Jack Carr; Assistant to the City Manager Aretha Harvey; Police Sergeant Roger Thornhill; and Information Technology Director Don Grammar.

There were 30 guests present.

Mayor Loughmiller called the meeting to order at 5:32 p.m. after determining a quorum was present. Invocation was given by Sergeant Carl Ungurait, Salvation Army. Mayor Loughmiller led the Pledge of Allegiance.

### **INFORMATION SHARING:**

- 10-008** Recognition of the Historic Preservation Officer (Guy Giersch). Council member Ussery presented the recognition to Guy Giersch.
- 10-009** Presentation of the 2009-2010 Calendar for the Preserve Historic McKinney - Home Recognition Program. Historic Preservation Officer

MCKINNEY CITY COUNCIL MINUTES

JANUARY 5, 2010

PAGE 2

Guy Giersch presented the 2009-2010 Calendar and expressed appreciation to the home owners who allowed their homes to be featured in the calendar.

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke in support of the McKinney Performing Arts Center:

Mr. Jake Carroll, Vice President, McKinney Repertory Theater

Mr. Andy Harris, 514 W. Hunt Street, McKinney

Ms. Sherry Tucker David, 1809 Provine Court, McKinney

Ms. Tracy Rath, 2403 Cayenne Drive, McKinney

Ms. Gerry Ruschhaupt, 304 Brook Lane, McKinney

Ms. Sophie Nguyen, 3416 Grant Street, McKinney

The following individuals did not wish to speak but wanted their support of the McKinney Performing Arts Center entered into the record:

Ms. Nina Ringley, 313 N. Benge, McKinney

Ms. Cynthia Van Landingham, 107 E. Virginia Street, McKinney

Ms. Dorie Helsley, 103 E. Virginia, McKinney

Ms. Shari Richter, 8405 Gallery Way, McKinney

Mr. Jim Parker, 207 N. Tennessee, McKinney

Mr. Jose Facundo, 1332 370 E. County Road, Anna

Mr. Matt Hamilton, 207 Byrne Street, McKinney

Ms. Wendy Shelley, 1306 Lakewood Drive, McKinney

Ms. Mary Kimble-Hellen, 4411 San Fernando Lane, McKinney

MCKINNEY CITY COUNCIL MINUTES

JANUARY 5, 2010

PAGE 3

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

- 10-010** Minutes of the City Council Work Session of December 14, 2009
- 10-011** Minutes of the City Council Regular Meeting of December 15, 2009
- 10-012** Minutes of the Building and Standards Commission Meeting of October 12, 2009
- 10-013** Minutes of the McKinney Airport Development Corporation Meeting of November 12, 2009
- 10-014** Minutes of the McKinney Community Development Corporation Meeting of November 18, 2009
- 10-015** Minutes of the McKinney Community Development Corporation Special Meeting of December 8, 2009
- 10-016** Minutes of the McKinney Convention and Visitors Bureau Meeting of October 26, 2009
- 10-017** Minutes of the McKinney Main Street Board Meeting of November 11, 2009
- 10-018** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of November 12, 2009
- 10-019** Minutes of the Regular Planning and Zoning Commission Meeting of November 10, 2009
- 10-001** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Marimon, Inc. to Provide Printer Services and Supplies. Caption reads as follows:

RESOLUTION NO. 2010-01-001 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH MARIMON INC TO PROVIDE PRINTER SERVICES AND SUPPLIES TO THE CITY OF MCKINNEY

- 10-003** Consider/Discuss/Act on a Resolution Authorizing a Contract for Railroad Track Repair Work along the Dallas Area Rapid Transit (DART) Railroad Line near Railroad Street and Smith Street. Caption reads as follows:

RESOLUTION NO. 2010-01-003 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH DALLAS, GARLAND, AND NORTHEASTERN RAILROAD, INC., (DGNO) FOR RAILROAD TRACK REPAIR WORK ALONG THE DALLAS AREA RAPID TRANSIT (DART) RAILROAD LINE NEAR THE INTERSECTION OF RAILROAD STREET AND SMITH STREET

- 10-004** Consider/Discuss/Act on a Resolution Authorizing a Contract for the Construction of Lake Forest Drive from US 380 to Wilmeth Road. Caption reads as follows:

RESOLUTION NO. 2010-01-004 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF LAKE FOREST DRIVE FROM US 380 TO WILMETH

- 10-005** Consider/Discuss/Act on a Resolution Authorizing Agreement Between T-Mobile West Corporation, a Delaware Corporation and City of McKinney for Placement of a Wireless Communication Antennae on a Water Tower Located at 10153 Westridge. Caption reads as follows:

RESOLUTION NO. 2010-01-005 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN  
A LEASE AGREEMENT WITH T-MOBILE WEST  
CORPORATION, A DELAWARE CORPORATION FOR  
WIRELESS COMMUNICATIONS EQUIPMENT LEASE SPACE

- 10-020** Consider/Discuss/Act on a Resolution to Submit a Revised Nomination  
for a Statewide Transportation Enhancement Program Reimbursement  
for the Construction of a Hike and Bike Trail. Caption reads as follows:

RESOLUTION NO. 2010-01-006 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
SUBMIT A NOMINATION FOR A STATEWIDE  
TRANSPORTATION ENHANCEMENT PROGRAM FOR THE  
CONSTRUCTION OF A HIKE AND BIKE TRAIL

- 09-124AP** Consider/Discuss/Act on the Request by The Bungalow Company, for  
Approval of an Amending Plat for Lots 1-2, Block A, of the Craftsman  
Addition, Approximately 0.38 Acres, Located on the West Side of  
Kentucky Street and Approximately 150 Feet North of Walker Street.

Mayor Pro-Tem Huff and Council member Kever stepped down from the  
dais for the following item.

- 10-002** Mayor Loughmiller called for Consideration/Discussion/Action on a  
Resolution Approving the 2009-2010 Community Support Grant Funding  
Allocations. Council approved the motion by Council member Ussery,  
seconded by Council member Day, to approve the Resolution approving  
the 2009-2010 Community Support Grant Funding Allocations, with a  
vote of 5-0-2, Mayor Pro-Tem Huff and Council member Kever

abstaining. Caption reads as follows:

RESOLUTION 2010-01-002 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, APPROVING THE 2009-2010 COMMUNITY  
SUPPORT GRANT FUNDING ALLOCATIONS, AND PROVIDING  
AN EFFECTIVE DATE

Mayor Pro-Tem Huff and Council member Kever returned to the dais.

**10-007** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on Application #09-11 as Submitted by City of McKinney for Two Million Four Hundred Forty Thousand Dollars (\$2,440,000) for Expenses Related to Park Improvement and Expansion. McKinney Community Development Corporation Board member Tracy Rath presented the City of McKinney's request for \$2,440,000 for park improvement and expansion. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Huff, to close the public hearing and approve Application #09-11 for two million four hundred forty thousand dollars (\$2,440,000) for expenses related to park improvement and expansion.

**09-129M** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by the City of McKinney to Make Minor Amendments to the Comprehensive Plan, and Accompanying Ordinance TABLED FROM THE DECEMBER 15, 2009 MEETING. Planning Director Jennifer Cox stated that the

implementation section of the Comprehensive Plan states that periodic refinements may be necessary. Ms. Cox stated that there was a major overhaul of the plan in 2004 with minor amendments in 2005, 2006 and 2008. There are no substantive changes with these amendments. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to close the public hearing and approve the Ordinance approving minor amendments to the Comprehensive Plan. Caption reads as follows:

ORDINANCE NO. 2010-01-001

AN ORDINANCE AMENDING THE 2004 CITY OF MCKINNEY COMPREHENSIVE PLAN; PROVIDING FOR GENERAL REFORMATTING THE ENTIRE DOCUMENT TO REFLECT THE NEW CITY LOGO AND COLOR SCHEME; PROVIDING FOR CORRECTING TYPOGRAPHICAL ERRORS; PROVIDING FOR REFINING OUTDATED TEXT, GRAPHICS, AND FIGURES TO REFLECT CURRENT CONDITIONS; PROVIDING FOR REFINING MAPS TO REFLECT BOUNDARY CHANGES AND PROJECTS COMPLETED SINCE 2003; PROVIDING FOR INTEGRATING RECENTLY COMPLETED UPDATES OF SUPPORTING ENGINEERING/PLANNING STUDIES AND MODELS; PROVIDING FOR AN EFFECTIVE DATE THEREOF

**09-112SP** Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by JDJR Engineers and Consultants, Inc., on Behalf of AKAL III Management, Inc., for Approval of a Site Plan for a Multi-Story Hotel (Hampton Inn), Approximately 2.00 Acres, Located Approximately 700 Feet South of Bray Central Drive and Approximately 300 Feet East of U.S. Highway 75 (Central Expressway).

Planning Director Jennifer Cox stated that this site plan request is for a Hampton Inn. Ms. Cox stated that the planned development district that regulates this property requires City Council approval for the site plan. Applicant, Jim Dewey, 2500 Texas Drive, Suite 100, Irving, Texas stated that they have complied with all of staff's requirements and that they agree to all conditions. Mr. Dewey stated that they would like to start construction midyear with completion in approximately 12 months. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to approve the site plan for a Multi-Story Hotel (Hampton Inn), approximately 2.00 acres, located approximately 700 feet south of Bray Central Drive with the following conditions: The applicant satisfy the following conditions as shown on the Standard Conditions for Site Plan Approval Checklist: approval of building permit plans by the Chief Building Official, approval of architectural building elevations, in accordance with Section 146-139 of the Zoning Ordinance, by the Chief Building Official, approval of grading and drainage plans by the City Engineer, approval of public improvement construction plans by the City Engineer, approval of utility construction plans by the City Engineer, final location of fire hydrants be subject to review and approval by the Fire Marshal, the applicant provide any additional easements as determined necessary by the City Engineer, the associated plat for the subject property be filed for record with the county clerk, the applicant comply



with the requirements of the Tree Preservation Ordinance and obtain any necessary tree permits within the time frames specified within the Ordinance, subject to review and approval by the City Arborist, payment of impact fees in accordance with Ordinance 2008-10-174 (utilities) and 2008-10-173 (roadway), or as specified within an approved facilities agreement or development agreement, all signage is to comply with the current Sign Ordinance of the City of McKinney, and as amended, and final location of all signage, as well as the dimension and construction specifications, be subject to review and approval by the Chief Building Official, under separate permit; prior to issuance of a building permit: the applicant revise the site plan to provide and clearly distinguish fire lane, mutual access, and water easements at each drive, to the south of the subject property, in order to connect the proposed north-south fire lanes with the existing east-west fire lane to the south of the subject property; and the applicant revise the site plan to provide the filing information for the two necessary fire lane, mutual access, and water easements by separate instrument at each drive, to the south of the subject property.

Mayor Loughmiller called for Council and Manager Comments.

Council member Ricchi stated that after meeting with one of his constituents that he will be looking outside City Hall to start a quarterly program to pick up trash to beautify the City. Mr. Ricchi apologized to Mayor Loughmiller for falling \$70 short in the Mayors Salvation Army Challenge against the City of Frisco.

Council member Day had no comment.

# MCKINNEY CITY COUNCIL MINUTES

JANUARY 5, 2010

PAGE 10

Council member Kever stated that she and the City Manager had an opportunity to meet the new McKinney Independent School District Superintendent, Dr. Kennedy this afternoon along with the School Board President. Ms. Kever stated that she is looking forward to a future joint meeting with the School Board to discuss specific goals.

Council member Brooks stated that he is looking forward to 2010 and setting out some goals for the Council and achieving those goals.

Council member Ussery stated that on December 18<sup>th</sup> McKinney Housing Authority (MHA) Director Beth Bentley and McKinney Housing Authority Board Chairman Arthur Simmons went to Washington to receive an award for the MHA's work with Katrina and Rita disaster housing assistance. They were one of 20 authorities recognized across the Nation. "Congratulations to Ms. Bentley for the good job she does and it is a thankless job." Mr. Ussery thanked staff for all that they do.

Mayor Pro-Tem Huff commented on all the good things that have been done in the Historic area of McKinney that include tax credits for maintenance and improvements to the housing structures as well as the contributions Guy Giersch has made. Mr. Huff stated that no one on this Council wants to close the McKinney Performing Arts Center (MPAC). There are ideas on the table to try to make it not cost so much, make it more effective, or more activities. The City Manager and staff have taken on our input along with peer review input and they will be reviewing that and coming back in the next few months with a summary and recommendation. "No one wants to close it and we all know it is a great asset." Mr. Huff stated that he is happy to see Hampton Inn come to McKinney. Mr. Huff thought it was a great idea that Council member Ricchi proposed on cleaning up the west side of McKinney. Mr. Huff stated

# MCKINNEY CITY COUNCIL MINUTES

JANUARY 5, 2010

PAGE 11

that it will be a great idea for the west side to join up with the east side on the annual Neighborhood Clean Up program.

Mayor Loughmiller stated that the Mayors Salvation Army Challenge was initiated in response to the contributions to the Salvation Army being less than expected. During the 4 hour period the cities raised almost \$3,500 for the Salvation Army. Mr. Loughmiller spoke about how he is looking forward to 2010 and the projects that the Council will be working on. Council will be meeting in the next few weeks to set our goals and priorities for the next twelve months. Mr. Loughmiller spoke about a meeting he had on December 30, 2009 with the Mayors of Allen, Frisco, and Plano to discuss how the largest four cities in Collin County should communicate with the County on issues that will benefit all of our communities. I have the support of the other Mayors to continue expansion of our airport. We also discussed as the County works on their Tax Increment Financing policies and other policies that effect all of us that the four of us are going to try to get together with our staff members to come up with a unified approach to addressing those as well.

City Manager Ragan stated that they had an outstanding meeting today with the MISD Board Chairman and the new Superintendent. Mr. Ragan spoke about MISD's strong commitment to the natatorium even though they made a decision to postpone their bond election until November. They consider this to be one of their two top priorities for this calendar year. We also talked about future school site selection where we feel we have some joint responsibility. Not only in the terms of planning but in the results, outcomes of those decisions regarding the infrastructure and the safety, as well as the positioning of those schools as to whether they are located to fill the needs of the

MCKINNEY CITY COUNCIL MINUTES

JANUARY 5, 2010

PAGE 12

school district. There was a commitment to work closer together on these issues. Mr. Ragan spoke about the Economic Development Alliance that the Council has endorsed with representatives from the McKinney Community Development Corporation, McKinney Economic Development Corporation, Chamber of Commerce, City Council, and the McKinney Airport Development Corporation. This is important to work together as one community. Mr. Ragan, in response to questions last night at the Work Session, requested Deputy City Manager Jim Parrish provide an update to Council regarding CCART. Mr. Parrish introduced CCART Chairman Mark Heidenheimer to provide an update to Council in response to questions that were asked at the Work Session. Mr. Heidenheimer answered questions from the Council. Mayor Loughmiller stated that It sounds to him that the concept that is on the table is to potentially funding a portion of it for a month to bring more data back to determine whether or not we continue to do that or also for you to bring information back as to whether you are allowed to get your matching funds doing it that way. The consensus of the Council was to take 1/12<sup>th</sup> of the requested \$115,000, give permission to go that direction if it is matched, for cash flow purposes. If there are no matching funds, then for one month double that amount, in order to get the information that we have asked for this evening.

Mayor Loughmiller called for citizen comments and there were none.

Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to adjourn the meeting. Mayor Loughmiller adjourned the meeting at 6:50 p.m.

---

BRIAN LOUGHMILLER, MAYOR

MCKINNEY CITY COUNCIL MINUTES  
JANUARY 5, 2010  
PAGE 13  
ATTEST:

---

SANDY HART, TRMC, MMC  
City Secretary