

CITY COUNCIL REGULAR MEETING

JANUARY 19, 2010

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 19, 2010 at 5:30 p.m.

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

Staff present: City Manager Frank Ragan; Deputy City Manager Rick Chaffin; Deputy City Manager Jim Parrish; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services John Kessel; Engineering - Jack Carr and Robyn Root; Parks, Recreation and Open Space Director Lemuel Randolph; Planning Director Jennifer Cox; Purchasing - John Lemmond and Erin Boddie; Police Sergeant Roger Thornhill; Executive Director of Public Works Hal Cranor; Assistant to the City Manager Aretha Harvey; Communications and Marketing - CoCo Good and Anna Folmsbee; Public Safety Chaplain Ricky Hargrave; and Executive Director of Finance Jennifer Fung.

There were 13 guests present.

Mayor Loughmiller called the meeting to order at 5:45 p.m. after determining a quorum was present. Invocation was given by City of McKinney Public Safety Chaplain Rickey Hargrave. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller turned the meeting over to Mayor Pro-Tem Huff before leaving the meeting at 5:50 p.m. to attend the U.S. Conference of Mayors in Washington, D.C.

Mayor Pro-Tem Huff called for Citizen Comments.

The following individual spoke in opposition to previous Council recommendations concerning the McKinney Performing Arts Center (MPAC):

Ms. Donna Kobrin, 604 S. College Street, McKinney

The following individuals did not wish to speak but wanted their opposition to previous Council recommendations concerning MPAC entered into the record:

Mr. Jake Scott, 607 N. Church Street, McKinney

Mr. Terry Scott, 607 N. Church Street, McKinney

Ms. Heidi Zuber, 2323 Brookview Drive, McKinney

Mayor Pro-Tem Huff called for Consideration/Discussion/Action on the Consent Minutes. Council unanimously approved the motion by Council member Kever, seconded by Council member Brooks, to approve the following minutes:

10-029 Minutes of the City Council Work Session of January 4, 2010

10-030 Minutes of the City Council Regular Meeting of January 5, 2010

10-022 Mayor Pro-Tem Huff called for Consideration/Discussion/Action on Ordinance Authorizing a Budget Amendment for the Construction of Oak Hollow Golf Course Clubhouse and Authorizing the Borrowing of Funds from the Solid Waste Fund. Parks, Recreation and Open Space Director Lemuel Randolph and Executive Director of Finance Jennifer Fung answered questions from Council. Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to approve an Ordinance authorizing a Budget Amendment for the construction of Oak Hollow Golf Course Clubhouse and authorizing the borrowing of funds from the Solid Waste Fund. Caption reads as follows:

ORDINANCE NO. 2010-01-002

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

10-023 Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution Authorizing a Contract for Consulting Services for the Design of Traffic Signals at Various Locations. Director of Engineering Jack Carr explained that the proposed contract is for design services for eight locations throughout the City. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to approve a Resolution authorizing a contract for consulting services for the design of traffic signals at various locations. Caption reads as follows:

RESOLUTION NO. 2010-01-007 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH SAVANT GROUP FOR DESIGN SERVICES FOR TRAFFIC SIGNAL IMPROVEMENTS AT EIGHT LOCATIONS

Mayor Pro-Tem Huff called for Consideration/Discussion/Action on agenda items 10-024 and 10-025. Parks, Recreation and Open Space Director Lemuel Randolph discussed the response to residents' requests for shade structures at the City's Parks, Recreation and Open Space facilities. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to approve the following items:

- 10-024** 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 Shade Structures at the Mouzon Ball Fields. Caption reads as follows:

RESOLUTION NO. 2010-01-008 (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 SHADE STRUCTURES AT THE MOUZON BALL FIELDS

- 10-025** 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 Shade Structures at Gabe Nesbitt Community Park. Caption reads as follows:

RESOLUTION NO. 2010-01-009 (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 SHADE STRUCTURES AT GABE NESBITT COMMUNITY PARK

- 09-144M** Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution to Accept and File the Semiannual Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Planning Director Jennifer Cox stated that the Semiannual Report is required by Chapter 395 of the Texas Local Government Code and mandates that the Capital Improvements Advisory Committee review the progress of the Capital Improvements Plan for Roadway and Utility

Impact Fees and report any perceived inequities in its implementation. Planning Director Jennifer Cox and Executive Director of Development Services John Kessel answered questions from Council. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Ussery, to approve a Resolution to accept and file the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Caption reads as follows:

RESOLUTION NO. 2010-01-010 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, ACCEPTING AND FILING THE SEMI-ANNUAL REPORT WITH RESPECT TO THE PROGRESS OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY AND UTILITY IMPACT FEES

- 10-026** Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute an Amended Professional Services Contract with Gateway Planning Group in Support of Phase 2 of the Town Center Study Initiative. Planning Director Jennifer Cox stated that this Resolution authorizes the City Manager to execute an amended professional services contract with Gateway Planning Group in order to perform a parking rate analysis. Based on findings and recommendations from the Comprehensive Downtown Parking Analysis presented to City Council in November 2009, a parking rate analysis is now needed to measure the market's acceptance for paid parking in the Town Center as well as the price customers are willing to pay, and under what conditions in terms of reasons for parking, time of day, etc. This analysis will then facilitate the definition and quantification of the necessary level of City participation in the financing of parking costs in the Town Center. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve the Resolution authorizing the City Manager to execute an amended professional services contract with Gateway Planning Group in support of

Phase 2 of the Town Center Study Initiative. Caption reads as follows:

RESOLUTION NO. 2010-01-011 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDED PROFESSIONAL SERVICES CONTRACT WITH GATEWAY PLANNING GROUP ASSOCIATED WITH PROFESSIONAL SERVICES IN SUPPORT OF PHASE 2 OF THE TOWN CENTER STUDY INITIATIVE; PROVIDING AN EFFECTIVE DATE

- 10-031** Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Establish Just Compensation for the Property Rights to be Acquired and Authorizing the City Manager to Take All Necessary Steps to Acquire the Needed Property Rights for the Relocation of an Existing Atmos Gas Line Located along Virginia Parkway near Aero Country Airport. Director of Engineering Jack Carr explained that Atmos Gas is proposing to reconstruct the existing gas line along the north side of Virginia Parkway between Aero Country Airport and Independence Parkway. Mr. Carr stated that Atmos Gas will provide the work and the City will provide the easement. Council unanimously approved the motion by Council member Brooks, seconded by Council member Ussery, to approve the Resolution authorizing the City Manager to establish just compensation for the property rights to be acquired and authorizing the City Manager to take all necessary steps to acquire the needed property rights for the relocation of an existing Atmos Gas line located along Virginia Parkway near Aero Country Airport. Caption reads as follows:

RESOLUTION NO. 2010-01-012 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE EXECUTION OF DOCUMENTS FOR THE ACQUISITION OF PROPERTY RIGHTS NECESSARY FOR THE RELOCATION OF AN EXISTING ATMOS GAS LINE LOCATED ALONG VIRGINIA PARKWAY NEAR AERO COUNTRY AIRPORT; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS AND RIGHT-OF-WAY; APPOINTING AN APPRAISER AND NEGOTIATOR AS NECESSARY; AUTHORIZING THE CITY MANAGER OF THE CITY OF MCKINNEY, TEXAS, TO ESTABLISH JUST COMPENSATION FOR THE PROPERTY RIGHTS TO BE ACQUIRED; AND AUTHORIZING THE CITY MANAGER TO TAKE ALL STEPS

NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS
IN COMPLIANCE WITH ALL APPLICABLE LAWS AND
RESOLUTIONS

- 10-032** Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute an Agreement with TxDOT for High Mast Lighting on US 75 near Wilmeth Road. Director of Engineering Jack Carr answered questions from Council. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve the Resolution authorizing the City Manager to execute an agreement with TxDOT for high mast lighting on US 75 near Wilmeth Road. Caption reads as follows:

RESOLUTION NO. 2010-01-013 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING THE CITY MANAGER TO SIGN AND EXECUTE A LOCAL PARTICIPATION ADVANCE FUNDING AGREEMENT (LPAFA) WITH TxDOT FOR OPERATION AND MAINTENANCE OF ROADWAY LIGHTING ALONG US 75 AT WILMETH ROAD

- 10-027** Consider/Discuss/Act on a Facilities Agreement to Provide Roadway Impact Fee Credits to BVJV Watauga, LP for Bloomdale Road. Executive Director of Development Services John Kessel explained that this agenda item is in regard to right of way acquisition for a capital improvement project at Bloomdale Road and the east side of US 75. Council unanimously approved the motion by Council member Ussery, seconded by Council member Day, to approve the facilities agreement to provide roadway impact fee credits to BVJV Watauga, LP for Bloomdale Road.

Mayor Pro-Tem Huff called for Council and Manager Comments.

Council member Kever stated that last week she had the opportunity to attend a transportation forum in Austin on behalf of Mayor Loughmiller.

Council member Day stated that yesterday he became a grandfather for the third time. His daughter gave birth to a baby named Ava.

Council member Ricchi stated that the McKinney Convention and Visitors Bureau (MCVB) is hosting a cultural tourism meeting this Friday. MCVB is also working on a golf brochure and the MCVB Board will be meeting on Monday, January 25, 2010.

Council member Brooks stated that "Our committees have been working aggressively here. The holidays are over and our committees are meeting. I am the liaison to three different boards. All are working hard and active. I think that economic development is the theme of 2010."

Council member Ussery thanked the members of the Bond Committee and thanked City staff for all that they do.

Mayor Pro-Tem Huff commented on the priorities identified at the City Council Special Meeting of January 14, 2010. Mr. Huff invited visitors to view the lists of priorities posted on the wall in the Council Chambers. Mr. Huff stated that Habitat for Humanity held a wall raising this week which signifies the construction of another Habitat for Humanity home.

Mayor Pro-Tem Huff called for Action on Executive Session Items. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery, to authorizing the City Attorney to bring suit against TMDS to collect amounts owing to the City in the most expeditious and cost-effective manner, including joining with other cities who have similar claims against TMDS.

Mayor Pro-Tem Huff adjourned the meeting at 6:25 p.m.

BRIAN LOUGHMILLER, MAYOR

PETE HUFF, MAYOR PRO-TEM

ATTEST:

SANDY HART, TRMC, MMC
City Secretary