

CITY COUNCIL REGULAR MEETING

JANUARY 18, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 18, 2011 at 6:00 p.m.

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

Staff Present: Interim City Manager Rick Chaffin; Deputy City Manager Jim Parrish; Interim Deputy City Manager Lemuel Randolph; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services John Kessel, Environmental Stewardship Manager Julie Smith, Assistant to the City Manager Aretha Harvey; Interim Finance Director Larry Cunningham; Executive Director of Public Works Hal Cranor; Purchasing - John Lemmond and Erin Boddie; Senior Help Desk Technician Amy Greer; Senior Planner Brandon Opiela, Planning Director Jennifer Cox; Affordable Housing Coordinator Cristel Pruneda; Assistant Fire Chief Frank Roma; Fire Chief Mark Wallace; Communications and Media Manager Anna Folmnsbee; Engineering - Paul Tucker and Patricia Jackson; and Police Sergeant David Rodriguez.

There were 11 guests present.

Mayor Pro-Tem Huff called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Council member David Brooks. Mayor Pro-Tem Huff led the Pledge of Allegiance

Mayor Pro-Tem Huff called for Citizen Comments:

Mr. Dennis Williams, 406 Brook Lane, McKinney, thanked all the organizations and individuals that participated in the bell ringing for the Salvation Army.

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

11-028 Minutes of the City Council Work Session of January 4, 2011

11-029 Minutes of the City Council Regular Meeting of January 4, 2011

11-030 Minutes of the Planning and Zoning Commission Regular Meeting of December 14, 2010

- 11-031** Consider/Discuss/Act on an Ordinance of the City Council of the City of McKinney, Texas Authorizing a Budget Amendment Pertaining to the Fire Department. Caption reads as follows:

ORDINANCE NO. 2011-01-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENTS PERTAINING TO THE FISCAL YEAR 2010-2011 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 11-032** Consider/Discuss/Act on a Resolution Authorizing a Contract for Engineering Services for the Design of the Hardin Blvd. Elevated Storage Tank Project. Caption reads as follows:

RESOLUTION NO. 2011-01-005 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES FOR THE DESIGN OF THE HARDIN BLVD. ELEVATED STORAGE TANK PROJECT

- 11-033** Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas Authorizing the Interim City Manager to Execute an Amendment to the Contract with Gresham, Smith and Partners to Develop a Sustainability Plan for the City of McKinney. Caption reads as follows:

RESOLUTION NO. 2011-01-006 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH GRESHAM, SMITH AND PARTNERS TO DEVELOP A SUSTAINABILITY PLAN FOR THE CITY OF MCKINNEY

- 11-034** Consider/Discuss/Act on a Resolution Authorizing the Execution of Documents for the Acquisition of Easements and Take All Necessary Steps to Acquire the Needed Property Rights for the US 75 Water and Sewer Main Relocation Project - South Section along the East and West sides of US 75 from SH 121 to White Avenue. Caption reads as follows:

RESOLUTION NO. 2011-01-007 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE EXECUTION OF DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; AND

THE ACQUISITION OF PROPERTY RIGHTS NECESSARY TO RELOCATE AND CONSTRUCT WATER MAINS AND SEWER MAINS ALONG THE WEST AND EAST SIDES OF US 75 FROM SH 121 TO WHITE AVENUE; AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS FOR THE ACQUISITION OF EASEMENTS; 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

- 11-035** Consider/Discuss/Act on a Resolution Awarding Contract to Boyd Electric for Electrical Services. Caption reads as follows:

RESOLUTION NO. 2011-01-008 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR ELECTRICAL SERVICES

- 11-036** Consider/Discuss/Act on a Resolution Authorizing a Design/Build Contract for the Skatepark at Gabe Nesbit Park. Caption reads as follows:

RESOLUTION NO. 2011-01-009 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR DESIGN/BUILD SERVICES RELATED TO THE SKATEPARK AT GABE NESBIT PARK

- 11-037** Consider/Discuss/Act on a Resolution Awarding Contract to Bill Joplin's for HVAC Services. Caption reads as follows:

RESOLUTION NO. 2011-01-010 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR HVAC SERVICES

- 11-038** Consider/Discuss/Act on a Resolution Awarding Contract to Brent Murley Plumbing for Plumbing Services. Caption reads as follows:

RESOLUTION NO. 2011-01-011 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AWARD A CONTRACT FOR PLUMBING SERVICES

- 11-039** Consider/Discuss/Act on a Resolution Authorizing the Interim City

Manager to Pursue Grant Funding through the Texas Department of Housing and Community Affairs (TDHCA) HOME Investments Partnerships Program Reservation System. Caption reads as follows:

RESOLUTION NO. 2011-01-012 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO MAKE APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS (TDHCA) FOR HOME INVESTMENTS PARTNERSHIP PROGRAM FUNDING UNDER THE *RESERVATION SYSTEM* (RSP); AND PROVIDING FOR AN EFFECTIVE DATE

- 11-040** Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution of the City Council of the City of McKinney Authorizing the City Manager to Execute an Annual Fixed-Price Contract for Twelve Months with a Twenty-Four Month Option (up to \$100,000 per Year) with Hadco/Philips of Littlestown, Pennsylvania, to Provide Street Light Luminaries with L.E.D. Lighting. Environmental Stewardship Manager Julie Smith stated that this grant will provide for staff to replace 97 street lights as they go out. Council unanimously approved the motion by Council member Kever, seconded by Council member Brooks, to approve the Resolution approving an annual fixed-price contract for twelve months with a twenty-four month option (up to \$100,000 per year) with Hadco/Philips of Littlestown, Pennsylvania, to provide street light luminaries with L.E.D. lighting. Caption reads as follows:

RESOLUTION NO. 2011-01-013 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN ANNUAL FIXED-PRICE CONTRACT FOR TWELVE MONTHS WITH A TWENTY-FOUR MONTH OPTION (UP TO \$100,000 PER YEAR) WITH HADCO/PHILIPS OF LITTLESTOWN, PENNSYLVANIA, TO PROVIDE STREET LUMINARIES WITH L.E.D. LIGHTING

- 11-041** Mayor Pro-Tem Huff called for Consideration/Discussion/Action on a Resolution Adopting the City's 2011 State Legislative Agenda. Interim City Manager Chaffin stated that there was one change on page five to reflect the Dallas Regional Mobility Coalition instead of the RTC.

Council unanimously approved the motion by Council member Ricchi, seconded by Council member Ussery, to the Resolution adopting the City's 2011 State Legislative Agenda. Caption reads as follows:

RESOLUTION NO. 2011-01-014 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE APPROVAL OF THE
2011 STATE LEGISLATIVE AGENDA

11-042 Mayor Pro-Tem Huff called for Consideration/Discussion/Action on Filling a Vacant Position on the McKinney Arts Commission. Council unanimously approved the motion by Council member Geralyn Kever, seconded by Council member Travis Ussery, to appoint Nina Ringley to fill the unexpired term on the McKinney Arts Commission ending September 30, 2011.

10-063A5 Mayor Pro-Tem called for a Public Hearing for Consideration/Discussion on the Request by Petsche and Associates, Inc., on Behalf of Blue Star Land L.P. and 206 McKinney, L.L.C., on a Petition to Annex Approximately 238.92 Acres, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road. Planning Director Jennifer Cox stated that Staff this is the second of three public hearings with no action required this evening. The final public hearing will be held on February 15, 2011 and at that time staff will be requesting action on the annexation, associated rezoning, and the associated development agreement. The first public hearing was held this afternoon at 4 p.m. Ms. Elizabeth Morris, Insight Research presented an economic analysis of the proposed annexed property. Ms. Morris stated that two analyses were run on this model, including the Fast-Tracker analysis and the Big Model Economic analysis. Side by side comparison was performed at a 20 year basis with equal results in the net cost benefit, direct employment, and taxes areas. Ms. Morris stated that the sales tax calculation was derived from the Bureau of Economic Development that average consumables

based on income levels as revenue US standards. Mr. Chaffin asked if there is a factor that you have placed in the equation reflecting how much of the sales tax actually stays in McKinney. Ms. Morris stated that she did not have that information but her assumptions are based on 100% stays in McKinney. Mr. Brooks suggested that if we ignore the breakeven point on schools we are harming the school districts. The last numbers he heard reflected that it costs \$55,000 to educate each student and we need to be careful to include the education cost as it is a large part of making a great community. Mr. Day agreed with Mr. Brooks' comments about the school but we need to remember in this case the retail should more than compensate what is lacking for the schools in the residential. Mr. Pete Petsche, 2600 Eldorado Parkway, McKinney, was available for any questions and there were none. Mayor Pro-Tem Huff called for public comment and there were none. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to close the public hearing.

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

Council member Kever stated that she was invited by Senator Shapiro to speak at the press conference on Senate Bill 331 banning K-2. Representative Jerry Madden is sponsoring a companion bill in the House. Ms. Kever stated that the latest edition of the Texas Towns & City magazine includes an article regarding K-2 that she co-wrote with Tony Dale from Cedar Park. Ms. Kever mentioned that there will be a public workshop with the City Council, McKinney Independent School District, TxDOT, and the North Central Texas Council of Governments on February 21st.

Council member Day did not have any comments.

Council member Ricchi did not have any comments.

Council member Ussery thanked Staff for what they do day in and day out to make this the 5th best place to live.

Council member Brooks stated that the Veterans Memorial Board met last Wednesday night where they began selecting the materials for the Memorial Wall to honor the fallen soldiers. Construction for the Veterans Memorial should begin soon with an anticipated completion and public dedication in November 2011.

Deputy City Manager Chaffin thanked the Streets, Police, and Fire Departments for their work during the ice and snow on January 9th & 10th. The Streets Department spread 36,000 pounds of sand and ice melt. The Streets Department switched to 12 hour shifts with 161 man hours utilized to cover the 723 miles of streets. "Kudos to the Street Department for a great job."

Mayor Pro-Tem Huff stated that he participated in a meeting in Austin last week with TxDOT Aviation Advisory Committee. There are five Commissioners all appointed by the Governor. Mr. Huff took a tour of an Airport under construction on the north side of Houston where a man is spending \$45 million dollars for this airport. Main Street Board held a board meeting/retreat last week. There was a review of events in downtown. Mr. Huff stated that it is such events that made McKinney the 5th best place to live. There are tentative plans to again have a two day Oktoberfest in 2011. Each event this year will have a committee to drive it and not just staff. All board members will sign up for an event.

Mayor Pro-Tem Huff called for action out of Executive Session.

Council unanimously approved the motion by Council member Geralyn Kever, seconded by Council member Ussery, to approve an independent contractor agreement with Efren Ordonez for a one year term for services as an Associate Municipal Court Judge for the City of McKinney.

Council unanimously approved the motion by Council member Brooks, seconded by Council member Ricchi, to approve a settlement agreement with all parties in the City of McKinney vs. Fanning et al case under terms discussed in closed session.

Mayor Pro-Tem Huff called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Travis Ussery, seconded by Council member Geralyn Kever, to adjourn. Mayor Pro-Tem Huff adjourned the meeting at 6:56 p.m.

PETE HUFF
Mayor Pro-Tem

ATTEST:

SANDY HART, TRMC, MMC
City Secretary