

CITY COUNCIL REGULAR MEETING

JANUARY 17, 2012

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 17, 2012 at 6:00 p.m.

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

Staff Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: Geralyn Kever, Don Day, Ray Ricchi, and Roger Harris. Absent: Council member David Brooks. Staff Present: City Manager Jason Gray; Deputy City Manager Joe Williams; Deputy City Manager Rick Chaffin; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Rob Daake; Finance Director Rodney Rhoades; Fire Chief Danny Kistner; Assistant Director of Development Services Barry Shelton; Director of Engineering Jack Carr; Arborist Emily Braht; Parks, Recreation, and Open Space Director Lemuel Randolph; and Communications and Marketing Director CoCo Good.

There were 10 guests present.

Mayor Loughmiller called the meeting to order at 6:05 p.m. after determining a quorum was present. Invocation was given by Pastor Jason Rolf. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Mr. Barney Flores, 1510 Sandy Ridge, McKinney, spoke about the Silver Gloves Tournament.

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

- 12-042** Minutes of the City Council Work Session of January 3, 2012
- 12-043** Minutes of the City Council Regular Meeting of January 3, 2012
- 12-044** Minutes of the Community Grants Advisory Commission of December 7, 2011
- 12-045** Minutes of the Community Grants Advisory Commission of December 8, 2011.

12-046 Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of November 17, 2011

12-048 Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance of the U.S. Department of Housing and Urban Development FY 2012 Lead-Based Paint Hazard Control Program Grant, if Awarded. Preparing a Budget Amendment for Certain Expenditures Related to this Grant, and Designating the City Manager or Designee, as the Official Representative of the City in Matters Relative to the Program. Caption reads as follows:

RESOLUTION NO. 2012-01-005 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING THE APPLICATION AND ACCEPTANCE OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FY 2012 LEAD-BASED PAINT HAZARD CONTROL PROGRAM GRANT, IF AWARDED. PREPARING A BUDGET AMENDMENT FOR CERTAIN EXPENDITURES RELATED TO THIS GRANT, AND DESIGNATING THE CITY MANAGER OR HIS DESIGNEE, AS THE OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATIVE TO THE PROGRAM

END OF CONSENT

12-047 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Landscape Maintenance Agreement for US 75 at US 380, Council member Kever requested that this item be pulled down to discuss how the drought conditions will effect this agreement. City Manager Gray stated that they are looking into planting native plants that will require minimum irrigation. Council unanimously approved the motion by Council member Geralyn Kever, seconded by Council member Roger Harris, to Approved 12-047 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Landscape Maintenance Agreement for US 75 at US 380

RESOLUTION NO. 2012-01-004 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A LANDSCAPE MAINTENANCE AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE

INSTALLATION AND MAINTENANCE OF LANDSCAPE AND
IRRIGATION SYSTEM AT THE US 75 - US 380 INTERCHANGE

12-049 Mayor Loughmiller called for Consideration/Discussion/Action on Designating Chairman of the Reinvestment Zone Number One. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to appoint Don Day as Chairman of the Reinvestment Zone Number One

12-050 Mayor Loughmiller called for Consideration/Discussion/Action on Designating Chairman of the Reinvestment Zone Number Two. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to appoint Travis Ussey as Chairman of the Reinvestment Zone Number Two

12-051 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Execution of Documents for the Acquisition of Right-of-Way/Easements and the Consideration of the Use of Eminent Domain to Condemn Property for the West Street Infrastructure Initiative Project along West Street from Bonner Street to Erwin Avenue. Director of Engineering Jack Carr explained the execution of documents for acquisition of easements and right-of-way along West Street from Bonner Street to Erwin Avenue and stated that due to Senate Bill 18 that came into effect starting September 2011 now requires a recorded vote. Mr. Carr stated that staff tries to contact the property owners first to reach a fair market value and then purchase at an agreed value with condemnation used as a last resort. Mr. Carr stated that some of the property that is being asked for is about 27 to 900 square feet. City Manager Gray stated that they will not move to condemnation unless it is absolutely necessary. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem, to approve the Resolution and authorizing the use of the power of eminent domain to acquire all necessary right-of-way and easements from the property owners,

labeled 1 through 5, indicated on the attached property locator map for the West Street Infrastructure Initiative Project. City Secretary Sandy Hart called for a record vote:

Mayor Brian Loughmiller - For

Mayor Pro-Tem Ussery – For

Council member Roger Harris – For

Council member Ray Ricchi – For

Council member Geralyn Kever – For

Council member Don Day – For

Council member David Brooks - Absent

Caption reads as follows:

RESOLUTION NO. 2012-01-006 (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 TO CONSTRUCT WEST STREET FROM BONNER STREET TO ERWIN AVENUE; 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 THE USE OF EMINENT DOMAIN TO CONDEMN PROPERTY AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS IN COMPLIANCE WITH ALL APPLICABLE LAWS AND RESOLUTIONS

Mayor Pro-Tem Ussery stepped down for the following item.

- 12-052** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving Funding Recommendations under the FY 2012 Community Support Grant. Grants Administrator Janay Tieken presented the recommendations for the FY2012 Community Support Grant funding. Ms. Tieken stated that \$592,548 was requested and \$119,700 was approved by City Council to support non-profit agencies serving residents of McKinney. Ms. Tieken stated that City Council established the Community Support Grant program to establish a process for evaluating requests from non-profit agencies that provide

activities, programs, and services to residents of McKinney. Organizations, which can be reasonably categorized under the heading of providing a public service and that promotes the health, safety and welfare of McKinney residents, are eligible for funding. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to approve the Resolution approving funding recommendations under the FY 2012 Community Support Grant. Caption reads as follows:

RESOLUTION NO. 2012-01-007 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE 2011-2012 COMMUNITY SUPPORT GRANT FUNDING ALLOCATIONS, AND PROVIDING AN EFFECTIVE DATE

Mayor Pro-Tem Ussery returned to the dais.

Mayor Loughmiller called for Council and Manager Comments.

Council member Ricchi recognized Randy Moss that was in the audience, Mr. Ricchi Mr. Joplin and Mr. McKissick for the work that they do during this challenging water situation.

Council member Day did not have any comments.

Council member Kever extended a big thank you to Rob Daake, Jack Carr, Gary Graham, City Manager, and Mayor for the time that they are going to spend this week on transportation related issues. Dallas District Engineer, Bill Hale will be in McKinney on Friday and they will be giving him a tour of the City of McKinney to show him the roadway projects that are going on in McKinney. She stated that Council approved the Engineering Phase FY2012 Transportation Improvement program budget for the engineering Phase from F.M. 546 west of County Road 317 to U.S. Highway 5. Ms. Kever applauded Staff for their work as they begin the preliminary discussions related to our budget. She invited the public to come look at the art that is being displayed at City Hall as well as the Development Services building. Ms. Kever thanked the Police Department for responding quickly to her house alarm that went off from a golf ball breaking a window.

Council member Harris thanked Staff for all they do and complimented the City Manager on the retreat that was held last Friday. The content was very interesting and well put together. Mr. Harris expressed his appreciation for working with the City Manager's staff and their willingness to bend over backwards and help the citizens of McKinney. Mr. Harris announced that Jim Young will be stepping down at the end of the month from the McKinney Economic Development Corporation. Mr. Harris thanked Joe Joplin and Charles McKissick for representing the City of McKinney on the North Texas Municipal Water District Board.

Mayor Pro-Tem Ussery thanked Staff for what they do day in and day out and stated that he just doesn't say it to say it, but he really means it. As a citizen he applauded the Mayor's efforts in the economic development area.

Mayor Loughmiller stated that the Planning Retreats are open to the public if anyone is interested. We talk about budget but also talk about long range planning and projects we would like to see move forward. Mr. Loughmiller stated that last year they established May as Get Fit Month. City staff along with any residents can participate in Live Healthy North Texas. Any resident that would like to participate can pay a nominal fee of \$20. When logging into the website, use code LHT so we can monitor people who live in McKinney and their efforts through this organization.

City Manager Gray stated that the Live Healthy Texas details will be on the City's website tomorrow.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 6:35 p.m. per Texas Government Code 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), Section 551.074 Personnel Matters, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:07 p.m.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 8:10 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary