

## **CITY COUNCIL REGULAR MEETING**

**MARCH 20, 2012**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 20, 2011 at 6:00 p.m.

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

Staff Present: City Manager Jason Gray; Deputy City Manager Joe Williams; City Attorney Mark Houser; City Secretary Sandy Hart; Finance Director Rodney Rhoades; Director of Development Services Rob Daake; Planning Director Jennifer Cox; Director of Engineering Jack Carr; Arborist Emily Braht; Assistant to the City Manager Aretha Harvey; Parks, Recreation, and Open Space Director Lemuel Randolph; Chief of Police Doug Kowalski; Fire Chief Danny Kistner; Assistant Fire Chief Neil Howard; Police Officer Eric Stephenson; Engineering - Paul Tucker, Patricia Jackson, and Emily Braht; Communications and Media Manager Anna Clark; Parks Superintendent Steve Brainerd; Affordable Housing Administrator Cristel Todd; and Purchasing Coordinator Lisa Littrell.

There were 16 guests present.

Mayor Loughmiller called the meeting to order at 6:07 p.m. after determining a quorum was present. Invocation was given by Pastor Kevin Clinton of Liberty Missionary Baptist Church. Mayor Loughmiller led the Pledge of Allegiance.

**12-147** Presentation to Sophie Guillory, the 2012 First Place Recipient - McClure Elementary School's "What Makes McKinney a Great Place to Live" Writing Competition. Mayor Loughmiller read the award winning essay by Sophie Guillory.

**12-148** County Commission Joe Jaynes Check Presentations:

- Alma Road from Stacy to Fire Station #8/Silverado Trail from Alma Road to Comstock Elementary School for \$ 1,523,676.00
- McKinney Public Library System for \$64,866.93.

County Commissioners Joe Jaynes and Matt Sheehan presented

checks to Mayor Loughmiller for the Alma Road project and for the McKinney Public Library System.

Mayor Loughmiller called for Citizen Comments and there were none.

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

- 12-149** Minutes of the City Council Work Session of March 6, 2012
- 12-150** Minutes of the City Council Regular Meeting of March 6, 2012
- 12-109** Minutes of the Historic Preservation Advisory Board Meeting of January 11, 2012
- 12-151** Minutes of the McKinney Airport Development Corporation Meeting of February 9, 2012.
- 12-152** Minutes of the McKinney Community Development Corporation Meeting of January 26, 2012
- 12-153** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of January 24, 2012
- 12-154** Minutes of the McKinney Housing Authority Board of Commissioners Meeting of December 13, 2011
- 12-155** Minutes of the McKinney Housing Authority Board of Commissioners Meeting of January 9, 2012
- 12-156** Minutes of the McKinney Housing Authority Board of Commissioners Meeting of January 13, 2012
- 12-138** Minutes of the McKinney Main Street Board Meeting of February 9, 2012
- 12-157** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of January 5, 2012
- 12-158** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of February 9, 2012.
- 12-105** Minutes of the Planning and Zoning Commission Regular Meeting of February 14, 2012
- 12-132** Minutes of the Reinvestment Zone Number One Meeting of April 19, 2011

**12-135** Minutes of the Reinvestment Zone Number Two Meeting of April 5, 2011

**12-159** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Supplemental Agreement for Professional Services Related to the Design of the US 75 Water and Wastewater Main Relocation - North Section Project. Caption reads as follows:

RESOLUTION NO. 2012-03-036 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENTAL AGREEMENT FOR PROFESSIONAL SERVICES RELATED TO THE DESIGN OF THE US 75 WATER AND WASTEWATER MAIN RELOCATION – NORTH SECTION PROJECT

**12-160** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Professional Services Industries, Inc. (PSI) for the Construction Materials Testing Related to the Construction of the New Parking Lot at the Public Safety Building. Caption reads as follows:

RESOLUTION NO. 2012-03-037 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR CONSTRUCTION MATERIALS TESTING SERVICES RELATED TO THE CONSTRUCTION OF THE NEW PARKING LOT LOCATED AT THE PUBLIC SAFETY BUILDING

**12-161** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Professional Services Industries, Inc. (PSI) for the Construction Materials Testing Related to the Construction of the New Parking Lot at the John & Judy Gay Library. Caption reads as follows:

RESOLUTION NO. 2012-03-038 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR CONSTRUCTION MATERIALS TESTING SERVICES RELATED TO THE CONSTRUCTION OF THE NEW PARKING LOT LOCATED AT THE JOHN & JUDY GAY LIBRARY

**12-162** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with JDK Associates, Inc. of Pilot Point, Texas for the

Construction of the Bonnie Wenk Hike and Bike Trail Project. Caption reads as follows:

RESOLUTION NO. 2012-03-039 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH JDK ASSOCIATES, INC. OF PILOT POINT, TEXAS FOR THE CONSTRUCTION OF THE BONNIE WENK HIKE AND BIKE TRAIL PROJECT

- 12-163** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Irricon Construction Company of Plano, Texas for the Construction of the Wilson Creek Pedestrian Bridge and Channel Improvements Project. Caption reads as follows:

RESOLUTION NO. 2012-03-040 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH IRRICON CONSTRUCTION COMPANY OF PLANO, TEXAS FOR THE CONSTRUCTION OF THE WILSON CREEK PEDESTRIAN BRIDGE AND CHANNEL IMPROVEMENTS PROJECT

- 12-165** Consider/Discuss/Act on a Resolution Approving the 2011 Annual Report for Tax Increment Reinvestment Zone Number Two (TIRZ No. 2) .  
Caption reads as follows:

RESOLUTION NO. 2012-03-042 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE 2011 ANNUAL REPORT FOR TAX INCREMENT REINVESTMENT ZONE NUMBER TWO

- 12-166** Consider/Discuss/Act on a Resolution to Approve the 2011 Annual Report for Tax Increment Reinvestment Zone Number One (TIRZ I) .  
Caption reads as follows:

RESOLUTION NO. 2012-03-043 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE 2011 ANNUAL REPORT FOR TAX INCREMENT REINVESTMENT ZONE NUMBER ONE

END OF CONSENT

- 12-164** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Awarding Contract to Total Rewards Partners for Parks Concessionaire Services. Parks, Recreation and Open Space Director Lemuel Randolph stated that this item is a contract with Total Rewards partners for concessionaire services for all Parks facilities with the exception of Towne Lake. Total Reward Partners included a 25% revenue stream from their gross operations that would go into the City's General Fund. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Ussery, to approve a Resolution awarding a contract to Total Rewards Partners for Parks Concessionaire Services. Caption reads as follows:

RESOLUTION NO. 2012-03-041 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
AWARD A CONTRACT FOR CONCESSIONAIRE SERVICES

- 12-167** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Via Partnership, LLP of St. Louis, Missouri for the Development of a Public Art Master Plan. Assistant to the City Manager Aretha Harvey stated that this item is to authorize the City Manager to enter into an agreement with Via Partnership for the development of a Public Art Master Plan. Three proposals were submitted and accepted, with Via Partnerships being the lowest cost. Council member Ricchi stated that he pulled the item down to discuss his concerns with how art purchases will be vetted through. He stated that he wants to make sure that it is an open and public endeavor. Mayor Loughmiller stated that the Public Art Master Program laid out a process on how art would be funded, primarily through private voluntary contributions. Ms. Harvey stated that the City has an application going before the McKinney Community Development Corporation on Thursday to fund the development of the Public Art Master Plan. Council unanimously approved the motion by Council

member Ricchi, seconded by Council member Kever, to approve a Resolution authorizing the City Manager to execute a contract with Via Partnership, LLP of St. Louis, Missouri for the Development of a Public Art Master Plan. Caption reads as follows:

RESOLUTION NO. 2012-03-044 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH VIA PARTNERSHIP, LLP. OF ST. LOUIS, MISSOURI FOR THE DEVELOPMENT OF A PUBLIC ART MASTER PLAN

- 12-168** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Housing Finance Corporation. Council unanimously approved the motion by Council member Brooks, seconded by Council member Ricchi, to appoint Tim Kerby to fill the unexpired term ending September 30, 2013 on the McKinney Housing Finance Corporation.
- 12-169** Mayor Loughmiller called for Consideration/Discussion/Action an Ordinance of the City Council of the City of McKinney Amending Chapter 70 of the Code of Ordinances Relating to Miscellaneous Offenses, by Adding a Section 70-220, Entitled "Residency Requirements of Sex Offenders"; by Adding a Definition of "Private or Public School". Chief of Police Doug Kowalski stated that in August 2010, the City of McKinney adopted an Ordinance providing for Residency Requirements of Sex Offenders. The amendment to the Code of Ordinances prohibits sexual offenders from residing within 2,000 feet of public parks, public playgrounds, public or private schools, libraries, public swimming pools, public or private youth centers, and child day care centers, if the person is required to register on the Texas Department of Public Safety's Sex Offender Database. The Ordinance before Council tonight defines private or public school to include a facility, established, conducted and maintained by a non-governmental or a governmental agency, offering educational classes or courses to children who are under the age of

eighteen (18) years, which would include the Collin County Community College. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Day, to approve an Ordinance amending Chapter 70 of the Code of Ordinances Relating to Miscellaneous Offenses, by adding a Section 70-220, Entitled "Residency Requirements of Sex Offenders"; by adding a Definition of "Private or Public School". Caption reads as follows:

ORDINANCE NO. 2012-03-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, RELATING TO MISCELLANEOUS OFFENSES, CHAPTER 70, SECTION 70-220, ENTITLED "RESIDENCY REQUIREMENTS OF SEX OFFENDERS" BY ADDING A DEFINITION OF "PRIVATE OR PUBLIC SCHOOL"; PROVIDING A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING FOR SAID ORDINANCE TO TAKE EFFECT FROM AND AFTER ITS DATE OF PUBLICATION

- 12-170** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending Chapter 14 "Alcoholic Beverages", Article II "Unlawful Consumption", Section 14-21 "On Public Places" to Expand the Sidewalk Use Permit Zone. Planning Director Jennifer Cox stated that in June 2007 the City Council approved to allow restaurants and wineries in the downtown area to receive a Sidewalk Use Permit in order to lease space on the City's sidewalks to construct fenced, outdoor seating areas to allow customers to be served and consume alcohol. In 2008, the Council amended the Ordinance to lower the fence height requirement. Since the ordinance's implementation, eight downtown restaurants and wineries have been permitted through this process for outdoor seating areas allowing the consumption of alcohol. The current limits are generally in the areas of the downtown core. Staff is recommending expanding that zone to include additional property to the east, crossing over McDonald Street. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve an Ordinance amending to Chapter 14 "Alcoholic Beverages",

Article II "Unlawful Consumption", Section 14-21 "On Public Places" to  
Expand the Sidewalk Use Permit Zone. Caption reads as follows:

ORDINANCE NO. 2012-03-009

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS  
AMENDING THE CODE OF ORDINANCES CHAPTER 14 -  
ALCOHOLIC BEVERAGES, ARTICLE II – UNLAWFUL  
CONSUMPTION, SECTION 14-21 – ON PUBLIC PLACES, TO  
EXPAND THE SIDEWALK USE PERMIT ZONE; PROVIDING A  
PENALTY; PROVIDING A REPEALER CLAUSE; PROVIDING A  
SEVERABILITY CLAUSE; PROVIDING FOR THE PUBLICATION  
OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING  
FOR AN EFFECTIVE DATE HEREOF

**12-171** Mayor Loughmiller called for a Public Hearing for Consider/Discuss/Act  
on the Request by the City of McKinney, for Approval of the Request to  
Amend Chapter 142 - Subdivision Regulations of the Code of  
Ordinances, to Modify Requirements for Median Landscaping, and  
Accompanying Ordinance. Arborist Emily Braht stated that this item is  
modify the median landscaping to include: eliminate the requirement for  
one crape myrtle per 15 linear feet of median; encourage a design that  
complements the existing medians; promote a variety of plant materials;  
and design to consider city street design standards. Council  
unanimously approved the motion by Council member Kever, seconded  
by Council member Brooks, to close the public hearing and approve an  
Ordinance amending Chapter 142 - Subdivision Regulations of the Code  
of Ordinances, to modify requirements for Median Landscaping. Caption  
reads as follows:

ORDINANCE NO. 2012-03-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MCKINNEY, TEXAS AMENDING THE CODE OF ORDINANCES,  
CITY OF MCKINNEY, TEXAS, SECTION 142-105(10)(C)  
RELATED TO MEDIAN LANDSCAPING REGULATIONS;  
ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE  
PUBLICATION OF THE CAPTION OF THIS ORDINANCE;  
REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A  
SEVERABILITY CLAUSE; AND PROVIDING FOR AN  
EFFECTIVE DATE HEREOF

Mayor Loughmiller called for Council and Manager Comments

Council member Ricchi Ray stated that he is very pleased with conversations he  
is having with citizens about where the City is going and they feel they feel the City is



well represented by their Council members. Mr. Ricchi stated that in his conversations with citizens have indicated they are getting tremendous service from staff.

Council member Day stated that over the last 6-8 months he has met with seven City Managers from other cities around the State of Texas that have come to McKinney to look at our downtown. Mr. Day stated that the City Manager of Sulpher Springs told him that the previous week he had met with the City Manager of New Braunsfels and they had agreed that McKinney had the finest downtown in the State of Texas. Mr. Day stated that a new business, AMI Monitoring, has located to 210 N. Tennessee building and have done a fantastic job of renovating the building. He stated that it is one of the top two renovations in the City over the last two decades. AMI Monitoring currently has 84 employees and they expect to double that number over the next eight months. Mr. Day encouraged council to take a tour of their building to see what changes they made. Mr. Day stated that he met with developers of another building on east Louisiana Street and they commented that the City of McKinney was the easiest City they have ever had to work with. The following day he met with the developer of a new charter school on Jordan Street and he stated that the City staff is the best staff he has ever worked with. Mr. Day complimented Staff and the new leadership doing a great job.

Council member Kever expressed her hope that everyone had a great spring break. Ms. Kever stated that after the recent rains, Lake Lavon and the other surrounding lakes are almost at capacity. Ms. Kever invited everyone to the Chamber of Commerce Collin County Day in McKinney on March 27<sup>th</sup>. She stated that they will have lots of experts and lots of issues put forward. This is a great opportunity to hear discussion on what issues will be affecting our City over the next legislative year.

Council member Brooks echoed his fellow Council members' comments regarding the City Staff as he has also heard very positive comments around town about the City Staff and particularly about Mr. Daake's Development Services staff and how they have been working with people who have had issues to help them try to find a solution. Mr. Brooks complimented City Manager Jason Gray for his hard work and wearing both the City Manager and the MEDC hats.

Mayor Pro-Tem Ussery thanked staff for what they do, day in and day out. It is also reflected in the essay we heard tonight from a young lady who has only lived in the City for a year and a half.

Mayor Loughmiller stated that there has been a lot of interesting news recently both locally and nationally about the economy. Mr. Loughmiller wanted to point out to the Community that there are a lot of worthwhile projects that the City and Council have been working on for some time now and that he believes that in the near future that we will have some good news to announce. He stated that one of our number one priorities is to bring economic development to the City. Recently on a regional level there have been a lot of statements and news about 4A and 4B community and economic development money as it relates to how it impacts transportation. Mr. Loughmiller stated that Ms. Kever is working a lot on transportation issues at a Regional Transportation Commission (RTC). Mr. Loughmiller stated that he wrote a letter to the RTC emphasizing that cities the size of McKinney use 4A and 4B for economic development. We are going to defend our right to use 4A/4B for economic development in the future. Mr. Loughmiller announced that the annual Relay for Life that is held for cancer survivors will be held on April 27<sup>th</sup>. Mr. Loughmiller stated that McKinney's Relay for Life has ranked in the top one or two in the State of Texas for the past ten years and has raised over \$3 million for cancer research – all through private donations. He invited everyone to go out and celebrate cancer survivorship and to encourage those battling cancer on a day to day basis.

City Manager Gray expressed his appreciation for the accolades to staff tonight. He stated that he knows that he has a very talented group of staff people at all levels of the organization and he appreciates their efforts and their ongoing efforts to mold the culture of this organization. Mr. Gray stated that sometimes the internal operations go unnoticed. Because of the flexibility the Council gave staff several weeks ago about bond refinancing, we were able to save the community approximately \$3 million dollars by executing a sale of bonds within the parameters that were set out by Council. Since the refinancing of the bonds, the bond market has inched up about 30 basis points over the last week. Mr. Gray thanked finance staff and the City's finance advisors.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to adjourn. Mayor Loughmiller adjourned the meeting at 6:52 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary