

## CITY COUNCIL SPECIAL MEETING AND WORK SESSION

**JUNE 4, 2019**

The City Council of the City of McKinney, Texas met in special and work session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on June 4, 2019 at 3:00 p.m.

Council Present: Mayor George C. Fuller, and Council Members Charlie Philips, Scott Elliott, La'Shadion Shemwell, Frederick Frazier, and Rainey Rogers

Council Absent: Council Member Richard Franklin

City of McKinney Staff Present: City Manager Paul Grimes, Deputy City Manager Jose Madrigal, Assistant City Managers Barry Shelton and Steve Tilton, City Attorney Mark S. Houser, Executive Director of Development Services Michael Quint, Director of Engineering Gary Graham, Director of Planning Jennifer Arnold, Planners Kaitlin Gibbon and Derrick Rhys Wilson, Capital Improvement Projects Manager Nicholas Ataie, Transportation Engineering Manager Matt Tilke, Director of Code Services Lori Dees, Facilities Construction Manager Patricia Jackson, Assistant Director of Parks & Recreation Ryan Mullins, Purchasing Manager Lisa Littrell, Contract Administrator Rosanne Lemus, Chief of Police Greg Conley, Chief Financial Officer Mark Holloway, Director of Finance Trudy Mathis, Investment & Treasury Manager Kelvin Bryant, President of McKinney Economic Development Corporation (MEDC) Peter Tokar III, President of McKinney Community Development Corporation (MCDC) Cindy Schneible, Municipal Court Administrator April Morman, City Marshal Timothy Rich, Graphic Designer Laura Smetak, City Secretary Intern Cayla Simpson, and City Secretary Empress Drane

There were six guests present.

Mayor Fuller called the meeting to order at 3:05pm after determining a quorum of the Council was present, then called for the following item:

- 19-0459** Presentation of Incoming Council Members Elected on May 4, 2019. The election of Council Members Rogers, Frazier, and Franklin were recognized, with comments from City Manager Paul Grimes and Council members present. Mayor Fuller noted the absence of Council Member Franklin who was away on vacation.

Council Member Philips wished the new members “good luck.”

Council Member Elliott congratulated the elected on winning and welcomed them to Council.

Council Member Rogers congratulated the elected on securing wins without a runoff election; complimented Council Member Franklin on his knowledge of McKinney and the desire to see the city grow; noted his recent acquaintance to Council Member Franklin and hope his past work will translate into helping McKinney.

Council Member Shemwell congratulated, thanked, extended well wishes to the elected, and encouraged members to be themselves with the expectations of doing great things. Mr. Shemwell stated politics are sometimes perceived as nasty and ugly, but it’s actually the people who make it so.

The newly elected Council Member Frazier thanked his supporters, and his wife whom he described as his biggest cheerleader and best friend. Mr. Frazier said he’d been around politics for 24 years and that he knows the game well, understands it, and is ready to play. Mr. Frazier recognized meeting attendee, Fred Fink, thanking him for his vote.

Mayor Fuller congratulated the elected and noted the absence of former Mayor Pro Tem Tracy Rath. Mayor Fuller said Mrs. Rath, who was present in the audience, would be dearly missed on Council, as a great mentor and example.

City Manager Grimes welcomed and congratulated the elected the members. Mr. Grimes thanked them for the commitment to serve and mentioned the upcoming strategic planning and budget projects, offering support in making policy decisions on behalf of the community.

Mayor Fuller called for Citizen Comments:

Brian Loughmiller, Former McKinney Mayor, 6305 Wildwood Drive, McKinney, TX, spoke in support of special agenda item #19-0462 to Establish Training and Travel Policies for City Council Members.

Mayor Fuller called for discussion of the Regular Meeting agenda items.

Mark Holloway, Staff was called to speak regarding Agenda Item #19-0468.

Jennifer Arnold, Staff was called to speak regarding Agenda Item #19-0032Z2.

Mayor Fuller called for the Special Meeting agenda item:

**19-0462** Consider/Discuss/Act on a Resolution Establishing Training and Travel Policies for City Council Members and Providing an Effective Date. Mayor Fuller stated the purpose of the item was to establish a formal policy and to replace the generally agreed upon and accepted travel behaviors of Council in the past. Council Rogers requested to include clarifying language expressing the policy relates to city funding travel and training. The policy will not apply to training and travel obtained independently of city funding. Council Member Shemwell expressed disagreement to the proposed item, the requirement for Council to ask permission to travel, and the subjectivity and discretion of the Mayor in determining whether a Council Member can engage in travel and training. Mr. Shemwell also requested to include the sponsor and co-sponsor names on agenda items introduced by Council Members. Council Member Elliott and Mayor Fuller agreed. Council Member Elliott expressed general agreement with the item, emphasizing the importance of discernment by Council Members to select training conferences that will best utilize public funds. Mr. Elliott identified less costly alternatives to training, including free online information and communication with other local elected officials.

City Attorney Mark Houser was called to speak regarding permissible uses of campaign funds related to travel and training, and solicitation of donations for purposes of travel and training.

City Manager Paul Grimes was called to speak regarding budgeting Council allowances for travel and training.

Council Member Shemwell's motion to deny the resolution did not receive a second and failed.

Council approved the motion by Council Member Rogers, seconded by Council Member Philips, to approve the Resolution Establishing Training and Travel Policies for

City Council Members and Providing an Effective Date with a vote of 5 - 1, Council Member Shemwell voting no. Resolution caption reads as follows:

**RESOLUTION NO. 2019-06-060 (R)**

**A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING TRAINING AND TRAVEL POLICIES FOR CITY COUNCIL MEMBERS AND PROVIDING AN EFFECTIVE DATE**

Mayor Fuller called for the following Work Session items:

**19-0460** Overview of Chamber Technology for Council and Board Meetings

City Secretary Empress Drane provided instructions to Council Member for utilizing the equipment and software required for viewing agendas and conducting voting operations during meetings in Council Chambers.

City Attorney Mark Houser was called to speak regarding Texas Penal Code, Section 38.13 - Hindering Proceedings by Disorderly Conduct, under Title 8 - Offenses Against Public Administration, Chapter 38 - Obstructing Governmental Operation; and Section 42.05 - Disrupting Meeting or Procession, under Title 9 - Offenses Against Public Order and Decency, Chapter 42 - Disorderly Conduct and Related Offenses.

City Attorney Mark Houser was called again to speak regarding campaign fundraising and expenditures, stating an officeholder can raise and use campaign funds for events subject to their office, if the funds are not reimbursed by the city. Mr. Houser added the fundraising and use of funds are subject to challenge, and subject to the opinion of the Texas Ethics Committee.

Mayor Fuller requested City Attorney Houser to produce a memo to Council addressing the role and authority of the Mayor in leading Council meetings.

Mayor Fuller called for the following Work Session item:

**19-0461** Discuss Court of Record

Municipal Court Administrator April Morman presented information on the causes, requirements, costs and other impacts of establishing the McKinney Municipal Court as a Court of Record. The resolution for establishing the Court of Record would be presented to Council on June 18, 2019, with an effective date of July 15, 2019, if approved.

Mark Houser was called to speak, clarifying the terms of service for the Municipal Courts Judges: Presiding Judge Roger Dickey, who is contracted by the city; and Associate Municipal Court Judge Claire Petty, a city employee.

Mayor Fuller provided the opportunity for Citizen Comments. There were no requests to speak.

Mayor Fuller called for Council Liaison Updates. There were no updates.

Mayor Fuller called for Executive Session (with no action) in accordance with the Texas Government Code:

A. Section 551.071(2) Consultations with Attorney on any Work Session, Special Session, or Regular Session agenda item requiring confidential attorney/client advice necessitated by the deliberation or discussion of said items (as needed)

B. Section 551.071 (A) Pending or contemplated litigation

- Petition of the Cities of Garland, Mesquite, Plano, and Richardson Appealing Wholesale Water Rates Implemented by North Texas Municipal Water District, PUC Docket No. 46662, Public Utility Commission of Texas

C. Section 551.072. Deliberations about Real Property

D. Section 551.074. Personnel Matters

E. Section 551.087. Deliberation Regarding Economic Development Matters

- Chapter 380 Agreement by and between the City of McKinney and Craig Ranch

- Southern Land Company / Stonebridge Drive

Mayor Fuller recessed the meeting into Executive Session at 4:12 p.m. and reconvened the meeting into open session at 5:14 p.m.

Council Members present unanimously approved the motion by Mayor Fuller, seconded by Council Member Elliott, to adjourn. Council Member Shemwell did not return to the open session and was absent from the vote to adjourn.

Mayor Fuller adjourned the meeting at 5:14 p.m.

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GEORGE C. FULLER, Mayor

ATTEST:

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EMPRESS DRANE, City Secretary