

## CITY COUNCIL REGULAR MEETING

OCTOBER 16, 2012

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on October 16, 2012 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Travis Ussery, Council members: David Brooks, GERALYN KEVER, Don Day, Ray Ricchi, and Roger Harris.

Staff Present: City Manager Jason Gray; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Chief of Police Joe Williams; Executive Director of Development Services Barry Shelton; Director of Engineering Jack Carr; Director of Planning Michael Quint; Engineering - Gary Graham, Corey Nesbit, and Patricia Jackson; Human Resources Director Tadd Phillips; Main Street and MPAC Director Ty Lake; Chief Financial Officer Rodney Rhoades; Fire Chief Danny Kistner; Assistant Fire Chief Tim Mock; Fire Marshal Dwayne Henderson; Senior Planner Ross Altobelli; Senior Planner Brandon Opiela; Assistant Chief of Police Ron Jones; Police - Eric Stephens, Kim Malolepszy, Dan Johnson, Rusty May, Tom Macri, and Farrel Ritchie; Fire - Steve Dorris, Tony Jones, Kalil Martin, Joel Boyd, Justin Shelley, Ruben Reyes, Desiree Novatzyk, Darell Groves, Keri Grant, Chris Mayzner; Grants Coordinator Janay Tieken; Assistant to the City Manager Aretha Adams; and Communications and Marketing Director CoCo Good.

There were approximately 110 guests present.

Mayor Loughmiller called the meeting to order at 6:03 p.m. after determining a quorum was present. Invocation was given by Rick Ballard Sr., Waddill Street Baptist Church. Mayor Loughmiller led the Pledge of Allegiance.

**12-907** Presentation of "Certificate of Achievement for Planning Excellence".

Senior Planner Ross Altobelli presented the Certificate of Achievement.

Mayor Loughmiller called for Citizen Comments

The following individuals spoke about recent Police Events surrounding the termination of Police Chief Doug Kowalski:

Mr. Jon Dell Antonia, 8609 Grand Haven, McKinney

Mr. Peter Bailey, 2003 Skyline, McKinney

Ms. Jolie Williams, 3613 Cockrill, McKinney

Mr. Bill Shaw, 2003 Deep Valley Drive, McKinney

Ms. Tracy Rath, 2403 Cayenne, McKinney

Ms. Juanita Horne, 3191 Medical Center Drive, McKinney

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

- 12-908** Minutes of the City Council and Planning and Zoning Commission Joint Meeting of October 1, 2012
- 12-909** Minutes of the City Council Work Session of October 2, 2012
- 12-910** Minutes of the City Council Regular Meeting of October 2, 2012
- 12-911** Minutes of the City Council Work Session of October 8, 2012
- 12-789** Minutes of the Board of Adjustment Regular Meeting of July 25, 2012
- 12-826** Minutes of the Historic Preservation Advisory Board Regular Meeting of September 12, 2012.
- 12-790** Minutes of the McKinney Community Development Corporation Board Meeting of August 23, 2012
- 12-912** Minutes of the McKinney Housing Authority Board Meeting of April 24, 2012
- 12-913** Minutes of the McKinney Housing Authority Board Meeting of August 28, 2012
- 12-798** Minutes of the Planning and Zoning Commission Regular Meeting of September 11, 2012.
- 12-914** Consider/Discuss/Act on an Ordinance Establishing School Zones and Crosswalks for Various Schools in McKinney. Caption reads as follows:

ORDINANCE NO. 2012-10-052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING THE SCHOOL ZONES AT VARIOUS SCHOOLS IN MCKINNEY; ESTABLISHING A CROSSWALK ON SILVERADO TRAIL AT BLUE MOON; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR PUBLICATION OF THE CAPTION OF THE ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 12-915** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept and Implement Urban Area Security Initiative (UASI) Program Grant Funding from the Department of Homeland Security through the North Central Texas Council of Governments (NCTCOG) for a Training Lab Use of Force Simulator. Caption reads as follows:

RESOLUTION NO. 2012-10-131 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND IMPLEMENT URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) FOR A TRAINING USE OF FORCE SIMULATOR

- 12-916** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept and Implement Urban Area Security Initiative (UASI) Program Grant Funding from the Department of Homeland Security through the North Central Texas Council of Governments (NCTCOG) for Enhancements to Existing Police Surveillance Van. Caption reads as follows:

RESOLUTION NO. 2012-10-132 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND IMPLEMENT URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) FOR ENHANCEMENTS TO EXISTING POLICE SURVEILLANCE VAN

- 12-917** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept and Implement Urban Area Security Initiative (UASI) Program Grant Funding from the Department of Homeland Security through the North Central Texas Council of Governments (NCTCOG) for Training and Equipment for Members of the McKinney Vertical Rescue Team. Caption reads as follows:

RESOLUTION NO. 2012-10-133 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT AND IMPLEMENT URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS

(NCTCOG) FOR TRAINING AND EQUIPMENT FOR MEMBERS  
OF THE MCKINNEY VERTICAL RESCUE TEAM

END OF CONSENT

**12-918** McKinney Housing Authority Update. McKinney Housing Authority Chair Alonzo Tutson introduced commissioners that were to present at the meeting. Mr. Martin Sanchez with Sanchez & Associates stated that they met a few months ago and spoke with the community about where they were in the process. He stated that the new development would continue the architecture of the apartments formerly known as the Alexan. He stated that the proposed project has gone through the Planning and Zoning Commission and they were given unanimous approval. Mr. Allen McDonald, Ground Floor Development, stated that this program is through the Texas Department of Housing and Community Affairs TDHCIA and have a 9% tax rate allocation. Director of Planning Michael Quint stated that that the development does not meet the city's standards and that is the reason they are requesting modifications to the development standards. Ms. Debra Guerrero, NRP Group, presented the Strategic Plan for the Housing Authority. Ms. Guerrero stated that they are responsible for the McKinney Housing Authority strategic plan and to look at the existing assets and determine how they can redevelop them. Mr. Michael Bowen, HAS, stated that his team was hired by the MHA Board to develop a plan to replace public housing in the city of McKinney. He stated that they assembled a team of partners that represent both national aspirants as well as local aspirants.

Council member Brooks stepped down from the dais on the following two items.

**12-03GDP** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by IBG Adriatica Holdings, Inc., for Approval of a General Development Plan for a Portion of the Adriatica Town Center

District, Approximately 13.40 Acres, Located on the Northwest Corner of Adriatic Parkway and Mediterranean Drive. Director of Planning Michael Quint gave the staff report and stated that the applicant requested that the item be tabled to allow additional time to work with the residents and adjacent property owners to address their concerns. Staff is recommended that the public hearing be continued and the item be tabled to the next council meeting on November 6, 2012. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to continue the public hearing and table this item until November 6, 2012.

**12-104SP** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by IBG Adriatica Holdings, Inc., for Approval of a Site Plan for the Adriatica St. Paul's Square Apartments, Approximately 13.32 Acres, Located on the Northwest Corner of Adriatic Parkway and Mediterranean Drive. Director of Planning Michael Quint gave the staff report and stated that the applicant requested that this item be tabled until the November 6, 2012 Council meeting. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to continue the public hearing and table this item until November 6, 2012.

Council member Brooks returned to the dais.

**12-164AA** Mayor Loughmiller called for a Public Hearing to Consider/Consider/Discuss/Act on the Request by Clint and JoAnn Scofield, for Approval of a Right-of-Way Vacation for an Unimproved Portion of an East/West Alley, Approximately 0.17 Acres, Located Between Francis Street and Byrne Street, and Approximately 155 Feet South of Hill Street, and Accompanying Ordinance. Director of Planning Michael Quint gave stated that the applicant has requested to abandon

a portion of an unimproved alley and that staff has worked with the applicant to ensure that there are no utilities in the area. Staff is recommending approval of the right-of-way alley abandonment as indicated in the staff report. Applicant, Ms. JoAnn Scofield 1502 West Virginia Street, McKinney, Texas, stated that they are requesting approval. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to close the public hearing and approve an Ordinance vacating a Right-of-Way for an unimproved portion of an east/west alley, approximately 0.17 acres, located between Francis Street and Byrne Street, and approximately 155 feet south of Hill Street. Caption reads as follows:

ORDINANCE NO. 2012-10-053

AN ORDINANCE VACATING AN UNIMPROVED PORTION OF AN EAST/WEST ALLEY (APPROXIMATELY 0.17 ACRES), LOCATED BETWEEN FRANCIS STREET AND BYRNE STREET, AND APPROXIMATELY 155 FEET SOUTH OF HILL STREET, PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 12-174Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney, for Approval of a Request to Rezone Approximately 5.13 Acres, from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally to Clarify the Applicable Regulations, Located on the Northwest Corner of U.S. Highway 380 (University Drive) and Skyline Drive, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is proposing to rezone approximately 5 acres to clarify what regulations apply to the property and that the purpose of this proposed rezoning request is to clarify that the amendments to the Zoning Ordinance (Chapter 146 of the Code of Ordinances) and Subdivision Ordinance (Chapter 142 of the Code of Ordinances) contained within Ordinance Numbers 2010-05-011 and 2010-12-053

shall not be applicable to the subject property. Staff recommends approval of the proposed rezoning request with the special ordinance provisions listed in the staff report. Mayor Loughmiller called for public comment.

Mr. Art Anderson, 1201 Elm Street, McKinney, spoke in favor of this item. Council unanimously approved the motion by Council member Keever, seconded by Council member Day, to close the public hearing and approve an Ordinance rezoning approximately 5.13 acres, from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally to clarify the applicable regulations, located on the northwest corner of U.S. Highway 380 (University Drive) and Skyline Drive. Caption reads as follows:

ORDINANCE NO. 2012-09-054

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1317, AND AS AMENDED, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 5.13 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF SKYLINE DRIVE AND UNIVERSITY DRIVE (U.S. HIGHWAY 380), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO CLARIFY THE APPLICABLE REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 12-919** Mayor Loughmiller called for Consideration/Discussion/Action on a Specific Use Permit for a Private Club (Dawgs N Hawgs), Approximately 0.11 Acres, Located on the South Side of Louisiana Street and Approximately 100 Feet West of McDonald Street. Chief Financial Officer Rodney Rhoades stated that in October 2011, City Council placed Dawgs n Hawgs on a six month probation period after the report that they were not meeting their 35 percent quota for their Specific Use Permit and in accordance to the city's ordinance. He stated that in May

2012, council extended the probation period for another six month period and requested that staff report back with progress that has been made. Mr. Rhoades stated that since May 2012 through August of 2012, they have complied with their SUP requirements. Over the last 4 months they have complied with their specific use permit requirements. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to allow Dawgs and Hawgs to continue their Specific Use Permit for a Private Club (Dawgs N Hawgs), approximately 0.11 acres, located on the south side of Louisiana Street and approximately 100 feet west of McDonald Street.

**12-920** Mayor Loughmiller called for Consideration/Discussion/Action Upon Adoption of a Resolution Determining a Public Necessity to Acquire Certain Properties for Public Use by Eminent Domain for Right-of-Way (in Fee Simple), Drainage Easements, Slope Easements and Temporary Construction Easements for the Construction, Access and Maintenance Associated with the FM 543 Realignment Project Commencing from US 75 Continuing Northwesterly for Approximately 2400 Feet; Authorizing the City Manager to Establish Procedures for Acquiring the Right of Way (in Fee Simple) and Easements on Said Properties, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions. Director of Engineering Jack Carr stated that due to Senate Bill 18 this item can no longer be approved on the consent agenda and that a roll call vote would be required. Mr. Carr stated that staff would make a reasonable effort to negotiate with property owners and this Resolution allows the opportunity for acquisitions for eminent domain, if necessary. Mr. Carr stated that in most of the cases that have come forth in the past few months, staff has been able to negotiate fully without using eminent domain. Council unanimously approved the motion by Council member Keever, seconded by Council member Brooks, that the City of McKinney, Texas, City



Council approve this item as written and adopt the Resolution described in this agenda item and authorize the use of the power of eminent domain to acquire for public use all necessary right-of-way (in fee simple) and easements from the owners of the properties depicted on and described by metes and bounds attached to said Resolution, said depictions and descriptions being incorporated in their entirety into this motion for all purposes including the construction, access, maintenance and realignment of FM 543 from US 75 continuing northwesterly for approximately 2400 feet. Mayor Loughmiller, Mayor Pro-Tem Ussery, Geralyn Keever, Don Day, Roger Harris, David Brooks, and Ray Ricchi.

Against: (none) Caption reads as follows:

RESOLUTION NO. 2012-10-134 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DETERMINING A PUBLIC NECESSITY TO ACQUIRE CERTAIN PROPERTIES FOR PUBLIC USE BY EMINENT DOMAIN FOR RIGHT-OF-WAY (IN FEE SIMPLE), DRAINAGE EASEMENTS AND SLOPE EASEMENTS FOR THE CONSTRUCTION, ACCESS AND MAINTENANCE ASSOCIATED WITH THE FM 543 REALIGNMENT PROJECT COMMENCING FROM US 75 CONTINUING NORTHWESTERLY FOR APPROXIMATELY 2400 FEET; AUTHORIZING THE CITY MANAGER TO ESTABLISH PROCEDURES FOR ACQUIRING THE RIGHT-OF-WAY (IN FEE SIMPLE) AND EASEMENTS ON SAID PROPERTIES, AND TAKE ALL STEPS NECESSARY TO ACQUIRE THE NEEDED PROPERTY RIGHTS

**12-921** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Abandoning County Road 160 North of US 380. Development Manager Corey Nesbit stated that CR 160 is an unimproved road that was closed in December, 2011 and that both the city and the county are looking into abandoning the unimproved roadway to make it accessible for the adjacent developers to incorporate this into their project. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to close the public hearing and approve an Ordinance abandoning County Road 160 north of US 380. Caption reads as follows:

ORDINANCE NO. 2012-10-055

AN ORDINANCE ABANDONING COUNTY ROAD 160 NORTH OF US 380, AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**12-922** Mayor Loughmiller called for Consideration/Discussion/Action on Approving a Development Agreement, Economic Development Agreement, Ground Lease Hotel Agreement, a Ground Lease Agreement, an Event Center Lease Agreement, and Covenants, Conditions and Restrictions for Gateway. City Manager Jason Gray stated the items are not fully negotiated and he recommends that they be tabled until the November 6, 2012 meeting. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to table this item until the November 6, 2012 meeting.

**12-923** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Letter of Intent with VCIM Partners, L.P. to Initiate a Chapter 380 Agreement to Provide Incentives to the Craig Ranch Corporate Center. City Manager Jason Gray stated that this is a letter of intent and not a final agreement that includes the construction of an entry feature, landscaping and lake amenity for the McKinney Corporate Center of Craig Ranch in addition to the construction of a new entrance road and it also provides a commitment from Craig Ranch and VCIM Partners to provide not less than 120,000 square foot office building to be located within the Corporate Center to be completed by October 2014. Mr. Miles Preston, 6850 TPC Drive, McKinney, was available for questions from Council. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Kever, to approve a Resolution authorizing the City Manager to execute a Letter of Intent with VCIM Partners, L.P. to Initiate a Chapter 380 Agreement to provide incentives to the Craig Ranch Corporate Center. Caption reads as follows:

RESOLUTION NO. 2012-10-135 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A LETTER OF INTENT TO INITIATE A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF McKINNEY AND VCIM PARTNERS, L.P.; AND PROVIDING AN EFFECTIVE DATE

Mayor Loughmiller called for Council and Manager Comments.

Council member Ricchi stated that he appreciated everyone that came out tonight and that he continued to hold with what he said in his public statement.

Council member Day stated that there has been a lot of statements flying around the community over the past week regarding the reassignment of the Police Chief. He read a paragraph of a letter that he received from the McKinney Police Association and stated that they believe in giving Chief Williams a chance to be their leader. Mr. Day stated that Chief Williams has spoken to everyone in their department and explained his direction in moving forward. He stated that some of them have worked with Chief Williams through the meet and confer process and he has proved to them that he is a man of his word. He stated that the Police Association believes that Chief Williams is capable of handling that job. Mr. Day stated that he has worked with Chief Williams when he held the Deputy City Manager position and thought that he was a fine Deputy City Manager and will be a fine Chief of Police. He stated that when they hired Jason Gray 18 months ago, they hired him to manage the city, departments, boards and commissions as well manage the Economic Development Corporation Development. Mr. Day stated that thanks to Mr. Gray, the city has had 2 balanced budgets, supervised a number of departments, have made great strides in economic development. Emerson, Wistron, Craig Ranch Development as well as the Gateway Hotel are all projects that will add hundreds of millions of dollars to the city's tax base as well as jobs. He stated that over the last 18 months they have seen the City Manager do a great job and knew that they were not going to agree with every decision that he would make. Being a public official means that you will irritate people at times and that if they fired the City Manager every time they disagree with them then nothing would ever get done. Mr. Day stated that while he regrets what has happened, they have to move forward and he supports him.

Council member Keever stated that everyone at the dais considers public safety to be the most important thing and highest priority to the community. Ms. Keever stated

that they have seen Mr. Gray work on all departments and change leadership. Progress has been made in Information Technology, Planning, Finance, Fire, and the Economic Development Corporation. She stated that when she first was appointed to serve on the council there were many complaints regarding how hard the City was to deal with and it was difficult to get development permits. This not the case anymore because we are customer focused and we are interested in the development community bringing good projects to the table. Ms. Kever stated that Mr. Gray knows how to affect change for long term value. She stated that he managed the budget over a difficult economy with a zero increase in the tax rate as more citizens were added to the community. She stated that he is not a good ole boy, does not play up to certain groups, and he has a nose to the grindstone. Ms. Kever stated that she didn't believe in being judged after one mistake or error. She stated that she was not going to argue with anyone about how the message was delivered and stated that she already spoken to the City Manager about things that she would have done differently and she thought if he could do things over he might have done things differently. She stated that it would have been a lot easier to just do nothing and let the status quo go on. Ms. Kever stated that the right decision was made and that it was unfair to criticize the City Manager when he is not allowed to defend himself due to confidentiality laws. Ms. Kever stated that people from the outside are looking at the city and is being recognized and receiving awards not through the efforts of one person but through the efforts of the community and stated that we are a great community and stated that she is confident in going forward there are some lessons to be learned and it is time to move on.

Council member Harris stated that he appreciated everyone coming with their opinion. He stated that they were elected to make decisions and not all can be shared with the public. He stated that during his campaign he used the terms strategy and tactics. Council provides the strategy and Staff is responsible for the tactics for the day to day operations. Mr. Harris stated that Doug Kowalski is a fantastic individual. He stated that the misinformation surrounding this subject is astounding and that the City Manager was hired to do a job and by the City Charter, Council cannot interfere with the day to day decisions. Mr. Harris stated that this Council is responsible for the way things are communicated to the public and apologized for failing the public and that he

will make sure and fix that as soon as possible. Mr. Harris stated that Police Sergeant Paul Gade was involved in a motorcycle accident today and he would like for everyone to have him in their thoughts and prayers.

Council member Brooks stated he dittos Mr. Day, Ms. Keever, and Mr. Harris's comments and added that nothing is more important than public safety. He stated that information is protected by law in this state and in this country and as Ms. Keever stated that it is not fair to pick a fight with someone that cannot defend himself. Mr. Brooks stated that the City Manager acted on good information after 18 months of working with the Police Chief to create a bond, a relationship, and an understanding. When they could not come to that he made a change and that it was his right to do. He stated that there were at least 5 changes in significant positions with the city over the last 18 months and not one time did anyone at the dais complain because everyone liked the changes. Mr. Brooks stated that what we have seen these past few days is an attack on the City Manager form of government. He stated that there is nothing more important for Council than to preserve that. He stated that you cannot pick and choose to be a fan of Council/Manager form of government as long as the City Manager does what he is told to do. Mr. Brooks stated that there will be times that we will not be in agreement with what the City Manager does, but it is not up to them to step out publicly and undermine the City Manager. Mr. Brooks stated that he strongly supports the City Manager.

Mayor Pro-Tem Ussery thanked staff for what they do, day in and day out. He thanked the citizens for their input.

Mayor Loughmiller thanked everyone for being out here tonight. Mr. Loughmiller expressed his appreciation to the Police Association for coming forward and showing everyone your professionalism as we move forward. He thanked Chief Kowalski for his 12 years of service to the community. He stated that everyone has stated that they don't have to agree. This was a difficult situation for Mr. Gray. When the Council hired Mr. Gray, they were aware that he would have to make tough decisions. Mayor Loughmiller stated that we are trying to move the City forward with development, improve the quality of life through increasing the tax rate, and continuing to have good fiscal policies. He stated that their role as a Council, as it relates to the City Manager, is

to evaluate him on an annual basis and their evaluation will not be based on just one or two decisions but based on the body of his work over that period of time. He stated that they have to give transition a chance to be successful in order for this community to be successful. Mayor Loughmiller stated that there will be an article coming out in the Dallas Business Journal on Friday regarding the Wistron GreenTech (Texas) Corporation that will be locating to the City of McKinney. The City was in a nationwide competition with 25 other cities. Mayor Loughmiller invited everyone to attend Scare on the Square on October 31<sup>st</sup>. Mr. Loughmiller expressed his condolences to Dr. Tim Shannon's family. Dr. Shannon passed away after a long battle with cancer.

City Manager Jason Gray stated that he appreciates the commentary of the public over the last week and that democracy is the freedom of its citizens to criticize the decisions of its leaders. He will learn from the criticism to the extent that it is productive. He is hopeful that this community, as a whole, can learn from the nonproductive nature of personal attacks. He stated that he will meet with anyone that has concerns about his decision but will not disclose the specifics of a personnel decision for the reasons that have been previously stated. His desire is to make decisions that are truly based on the benefit of the entire community. Mr. Gray stated that while they will not agree in every issue, he believes that most people will see that his intent is to do what is best for this community in the long run and that will be his intention for the rest of his career.

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke about recent Police Events surrounding the termination of Police Chief Doug Kowalski:

Ms. Ann Mason, 3308 Foxfield Trail, McKinney

Mr. Jason Burress, 7204 Cleridge Lane, McKinney

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to adjourn. Mayor Loughmiller adjourned the meeting at 7:45 p.m.

---

BRIAN LOUGHMILLER  
Mayor

ATTEST:

---

SANDY HART, TRMC, MMC  
City Secretary