

CITY COUNCIL REGULAR MEETING

JUNE 2, 2015

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on June 2, 2015 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Travis Ussery, Council members: Don Day, Roger Harris, Randy P. Pogue, Rainey Rogers, and Ray Ricchi.

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Rob Daake; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Interim Assistant to the City Manager Chandler Merritt; Budget Manager Mark Holloway; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Director of Engineering Mark Hines; IT Desk Support Tech II David Linson; Chief of Police Greg Conley; CIP Construction Manager Patricia Jackson; Arborist Emily Braht; Planner Steven Doss; and Police Corporal Jonathan Meyer.

There were 22 guests present.

Mayor Loughmiller called the meeting to order at 6:06 p.m. after determining a quorum was present. Invocation was given by Council member Rainey Rogers. Boy Scout Troop 123 led the Pledge of Allegiance.

INFORMATION SHARING

15-521 Presentation of Budget Award. Budget Manager Mark Holloway presented the 31st consecutive Distinguished Budget Award from the Government Finance Officers Association.

15-522 Presentation of 2015 Platinum Leadership Circle Award for Financial Transparency. Budget Manager Mark Holloway presented the award from the Texas Comptroller's Office that recognizes local governments that meet high standards for financial transparency.

Mayor Loughmiller called for Citizen Comments.

Ms. Valerie New, 308 Northwood Drive, McKinney spoke in objection to the Gay Pride Event on June 14th at Mellow Mushroom Restaurant on the downtown square.

Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to approve the following consent items:

- T15-523** Minutes of the City Council Work Session of May 18, 2015
- 15-524** Minutes of the City Council Regular Meeting of May 19, 2015
- 15-457** Minutes of the Community Grants Advisory Commission Meeting of March 19, 2015
- 15-458** Minutes of the Community Grants Advisory Commission Meeting of April 8, 2015
- 15-459** Minutes of the Community Grants Advisory Commission Meeting of April 9, 2015
- 15-477** Minutes of the Library Advisory Board Meeting of April 16, 2015
- 15-447** Minutes of the Main Street Board Work Session of August 26, 2014
- 15-446** Minutes of the Main Street Board Meeting of April 9, 2015
- 15-494** Minutes of the McKinney Airport Development Corporation Meeting of March 20, 2015
- 15-435** Minutes of the McKinney Armed Services Memorial Board Meeting of April 8, 2015
- 15-498** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of April 28, 2015
- 15-501** Minutes of the McKinney Convention & Visitors Bureau Marketing & Development Committee Meeting of May 18, 2015
- 15-500** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of April 24, 2015
- 15-499** Minutes of the McKinney Convention & Visitors Bureau HR Committee Meeting of April 24, 2015
- 15-481** Minutes of the McKinney Economic Development Corporation Meeting April 21, 2015
- 15-482** Minutes of the McKinney Economic Development Corporation Meeting April 29, 2015

- 15-483** Minutes of the McKinney Economic Development Corporation Meeting
May 1, 2015
- 15-452** Minutes of the Parks, Recreation and Open Space Advisory Board
Meeting of April 2, 2015
- 15-453** Minutes of the Parks, Recreation and Open Space Advisory Board
Meeting of April 9, 2015
- 15-442** Minutes of the Planning and Zoning Commission Regular Meeting of April
28, 2015
- 15-525** Consider/Discuss/Act on a Curfew Ordinance, Article VIII, Chapter 70,
"Curfew Hours for Minors". Caption reads as follows:

ORDINANCE NO. 2015-06-044

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, REPEALING ARTICLE VIII OF CHAPTER 70, "CURFEW HOURS FOR MINORS" IN ITS ENTIRETY AND ADOPTING A NEW ARTICLE VIII, CHAPTER 70, TO THE CITY OF MCKINNEY'S CODE OF ORDINANCES ENTITLED "CURFEW HOURS FOR MINORS;" ESTABLISHING A CURFEW BETWEEN THE HOURS OF 11:00 P.M. ON ANY SUNDAY, MONDAY, TUESDAY, WEDNESDAY, OR THURSDAY UNTIL 6:00 A.M. ON THE FOLLOWING DAY; AND 12:01 A.M. UNTIL 6:00 A.M. ON ANY SATURDAY OR SUNDAY FOR PERSONS UNDER SEVENTEEN (17) YEARS OF AGE; DEFINING TERMS; CREATING OFFENSES FOR MINORS, PARENTS AND GUARDIANS OF MINORS AND BUSINESS ESTABLISHMENTS VIOLATING CURFEW REGULATIONS; PROVIDING DEFENSES; PROVIDING FOR ENFORCEMENT BY THE POLICE DEPARTMENT; PROVIDING FOR WAIVER BY THE MUNICIPAL COURT OF JURISDICTION OVER A MINOR WHEN REQUIRED UNDER THE TEXAS FAMILY CODE; PROVIDING A PENALTY NOT TO EXCEED \$500.00; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- 15-526** Consider/Discuss/Act on an Ordinance Approving a Negotiated
Resolution Between the Atmos Cities Steering Committee and Atmos
Energy Corporation, Mid-Tex Division Regarding the Company's 2015
Annual Rate Review Mechanism Filing. Caption reads as follows:

ORDINANCE NO. 2015-06-045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ("CITY") APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2014 AND 2015 RATE REVIEW MECHANISM FILINGS;

APPROVING A SETTLEMENT AGREEMENT WITH ATTACHED RATE TARIFFS AND PROOF OF REVENUES; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING THE RATES TO BE SET BY THE SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL

- 15-527** Consider/Discuss/Act on Ordinance Amending the Fiscal Year 2014-2015 Budget Mid-Year to Fund Additional Improvements, Projects and Increased Contractual Obligations. Caption reads as follows:

ORDINANCE NO. 2015-06-046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2014-2015 ANNUAL BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 15-528** Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance of the U.S. Department of Justice 2015 Byrne Justice Assistance Grant, if Awarded, and Designating the Interim City Manager, or his Designee, as Official Representative of the City in Matters Relating to the Program. Caption reads as follows:

RESOLUTION NO. 2015-06-059 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO APPLY FOR, AND ACCEPT, IF AWARDED, THE U.S. DEPARTMENT OF JUSTICE 2015 BYRNE JUSTICE ASSISTANCE GRANT, AND DESIGNATING THE INTERIM CITY MANAGER, OR DESIGNEE, AS OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATING TO THE PROGRAM

- 15-529** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Supplemental Contract with Freese and Nichols, Inc., for Engineering Design Services for a Second Westbound Left Turn Lane at the Intersection of Custer Road and Stacy Road and a Traffic

Signal at the Intersection of Custer Road and Fountain View Drive, and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2015-06-060 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SUPPLEMENTAL CONTRACT IN THE AMOUNT OF \$51,678 WITH FREESE AND NICHOLS, INC., FOR ENGINEERING DESIGN SERVICES OF INTERSECTION IMPROVEMENTS TO CUSTER ROAD AT STACY ROAD AND CUSTER ROAD AT FOUNTAIN VIEW DRIVE AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$166,678

END OF CONSENT

- 15-530** Mayor Loughmiller called for Consideration/Discussion/Action on City Council Election of Mayor Pro Tem. Mayor Loughmiller stated that Mr. Ussery has served as Mayor Pro Tem for the bulk of his tenure as Mayor and has done a very good job. Mayor Loughmiller requested that Mr. Ussery continue in the capacity of Mayor Pro Tem for the coming year. Council approved the motion by Council member Harris, seconded by Council member Rogers, to elect Council member Travis Ussery as Mayor Pro Tem.
- 15-118SP** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for McKinney North High School, Located on the Northwest Corner of Wilmeth Road and Community Avenue. Director of Planning Michael Quint stated that the McKinney Independent School District (MISD) is proposing a series of building expansions to the McKinney North High School site. MISD is also proposing new practice fields for the band which will also serve as parking. City staff has evaluated the plans and has no concerns. Applicant, Mr. Frank Kennedy, RLK Engineering, representing MISD, stated that the applicant is in agreement with the staff report. Mayor Loughmiller called for public comment on the item. Mr. Tim Manley, 2409 Brinlee Branch, McKinney, inquired about

the location of the buildings. Mr. Kennedy pointed out the location for the parking lot, an enclosed remote storage area, an extension of the gym, an expansion for additional classrooms, and an extension to the arts building. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Harris, to close the public hearing and approve the site plan for McKinney North High School, located on the Northwest corner of Wilmeth Road and Community Avenue, with the following conditions: the applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist, the applicant revise the site plan to provide a fire lane that is between 60 feet and 90 feet in length to be located between the existing tennis courts and the proposed addition to the Multi-Purpose Building, subject to review and approval of the City Fire Marshal.

15-531 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney on an Ordinance Amending the Screening and Buffering Requirements of Chapter 142, of the Subdivision Regulations. Arborist Emily Braht stated that staff is proposing to amend the Screening and Buffering requirements. A common area is currently required for screening and buffering for a residential lot with back and side to a street. Many single family townhome developments are placing perimeter roads and alleys immediately adjacent to the public thoroughfare and the screening and buffering ordinance no longer is applicable. The proposed provision states that it is not necessary for the back or side of a residential lot to be physically touching or immediately adjacent to a public thoroughfare or its right-of-way to be compliant. The placement of an alley or parallel road does not circumvent the minimum requirements of the screening and buffering. Mayor Loughmiller called for public comments and there were none. Council approved the motion by Council member Pogue, seconded by Council member Ricchi, to close the public hearing and

approve an Ordinance amending the Screening and Buffering Requirements of Chapter 142, of the Subdivision Regulations with the following alternate language for Section 146-106 (b) to read as follows: The placement of an alley, parallel road, easement, fence, wall, common area, hardscaping, landscaping, or any other type of improvement, whether individually or in combination, to restrict the visibility of such residential lot and which screening and buffering does not meet the minimum requirements of this Section 142-106 shall not circumvent, replace or otherwise satisfy the requirements of this Section 142-106. Rather, the rear and/or side of any such residential lot shall be screened and buffered in accordance with the provisions of this Section 142-106. Notwithstanding the foregoing, a residential lot (a) that does not physically touch and is not immediately adjacent to a public thoroughfare or its right-of-way and (b) which residential lot is screened by future development or the residential lot is developed in a phase of development of a larger subdivision that has been pre-final platted and is being constructed in phases may be excepted from this requirement by the landscape administrator, in consultation with the director of engineering, if it is determined that the back or side of such residential lot will be screened from view by the development of a future phase of the larger pre-final platted subdivision of which the subject residential lot is a part, as provided to Council tonight. Caption reads as follows:

ORDINANCE NO. 2015-06-047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE SCREENING AND BUFFERING REQUIREMENTS OF CHAPTER 142, OF THE SUBDIVISION 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

- 15-045M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Make Amendments to Various

Sections of the Comprehensive Plan, Including References to the Northwest Sector Study Phase 1 Report and State Highway 5 Corridor Master Plan, and Minor Amendments to the Master Thoroughfare Plan and Corresponding Amendments to the Future Land Use Plan and Future Land Use Plan Module Diagram, and Accompanying Ordinance. Director of Planning Michael Quint stated that city staff is proposing a number of changes previously approved by Council. These changes include but are not limited to changes to the Master Thoroughfare Plan, including modifications to the street sections, alignment changes, items of this nature. All of the changes as part of this recommendation are minor amendments, not to be confused with the Comprehensive Plan update. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to close the public hearing and approve an Ordinance amending various sections of the Comprehensive Plan, including references to the Northwest Sector Study Phase 1 Report and State Highway 5 Corridor Master Plan. Caption reads as follows:

ORDINANCE NO. 2015-06-048

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE 2004 CITY OF MCKINNEY COMPREHENSIVE PLAN; PROVIDING FOR MODIFICATIONS TO THE PLAN INCLUDING REFERENCES TO THE NORTHWEST SECTOR STUDY PHASE 1 REPORT AND STATE HIGHWAY 5 CORRIDOR MASTER PLAN, UPDATING OUTDATED TEXT, GRAPHICS AND FIGURES, AND THE CORRECTION OF TYPOGRAPHICAL ERRORS; PROVIDING FOR AN AMENDMENT TO THE MASTER THOROUGHFARE PLAN, FUTURE LAND USE PLAN, FUTURE LAND USE PLAN MODULE DIAGRAM, PRESERVATION PLAN, HIKE AND BIKE TRAILS MASTER PLAN, AND URBAN DESIGN PLAN; PROVIDING FOR AN EFFECTIVE DATE THEREOF

Mayor Pro Tem Ussery, Council members Day and Harris stepped down from the dais for the following agenda item.

- 15-532** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a

Professional Services Contract with Carl Walker, Inc. of Frisco, Texas for Architectural and Engineering Services Related to the Design of a Downtown Parking Structure. Facilities Construction Manager Patricia Jackson stated that this item is for architectural engineering services related to the design of the downtown parking structure. The proposal presented tonight includes a six to eight month timeframe for the project. Council approved the motion by Council member Pogue, seconded by Council member Ricchi, to approve the Resolution authorizing the Interim City Manager to execute a Professional Services contract with Carl Walker, Inc., of Frisco, Texas, for Architectural and Engineering Services including potential changes to the scope of services, for an amount not to exceed \$950,000, related to the Design of a Downtown Parking Structure, with a vote of 4-0-3, Mayor Pro Tem Ussery, Council members Day and Harris abstaining. Caption reads as follows:

RESOLUTION NO. 2015-06-061 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH CARL WALKER, INC. OF FRISCO, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN OF THE DOWNTOWN PARKING STRUCTURE

Mayor Pro Tem Ussery, Council members Day and Harris returned to the dais.

Mayor Loughmiller called for Citizen Comments.

Mr. Steve Vanlandingham, 205 N. Church Street, McKinney, spoke against the location of the future downtown parking garage.

Mayor Loughmiller called for Council and Manager Comments.

Council member Ricchi welcomed his son Michael who attended the meeting tonight. Mr. Ricchi encouraged everyone to vote in the runoff election. Mr. Ricchi stated that he and Council member Harris' last meeting will be on June 22nd.

Council member Pogue welcomed Council member Rogers to the dais and he is looking forward to working with him.

Council member Rogers wished his wife a happy birthday today.

Council member Harris thanked staff for all their hard work during the recent heavy rains, including the public safety personnel. Mr. Harris also thanked the North Texas Municipal Water District board for their leadership during the recent droughts. Mr. Harris thanked the city staff who worked hard on the recent Bike the Bricks event. Mr. Harris encouraged those who ran for office and were unsuccessful to stay engaged with the city. He encouraged everyone to get out and vote during the runoff election. Mr. Harris announced the McKinney Chamber will be hosting an event on June 10th to provide information about volunteering opportunities in McKinney and to learn more about the City's various boards and commissions.

Mayor Pro Tem Ussery welcomed Council member Rogers to the dais. Mr. Ussery thanked Council member Harris and Ricchi for the opportunity to work with them on Council. Mr. Ussery thanked staff sincerely for what they do each and every day. He expressed his appreciation for the recognition of serving another year as Mayor Pro Tem and the opportunity to serve with the best Mayor the City of McKinney has ever had and he looks forward to moving the city ahead with Mayor Loughmiller's leadership.

Mayor Loughmiller welcomed Council member Rogers and appreciated his willingness to run and serve for the next four years. Mr. Loughmiller stated that school will be out soon and there will be kids on the streets and going to and from playgrounds. Mr. Loughmiller requested that everyone be mindful when you are driving to watch for our young citizens to make sure they are safe. Mayor Loughmiller stated that he ran twice for Council member District 2 and twice as Mayor. I ran in three contested races and understand the challenges of running a contested race and understand the difficulties and the ebb and flow of your emotions to things you see and read and do while running for office. I appreciate the fact that a lot of times what people say and do in their campaign is what I would call campaign rhetoric, designed to try to get elected as opposed to the reality of what is happening. I bring that up because I do not expect people to agree with every decision this Council makes, but I think what is important is where we are philosophically in terms of the budget and tax rate, in bringing economic development into the community, quality of life programs, housing, and all things we work on year in and year out. We are a consensus form of government. The people that get elected, whoever they may be, will be working with this Council in trying to form

a consensus for decisions as we move forward. I think when you are out there making comments about what is right and wrong with the City of McKinney, or what you believe you can do, you have to remember it takes a consensus to make positive change in a community. We have had many achievements over the last several years, especially the last two or three years. Despite what some may say in their campaign materials in terms of whether the city is moving forward or backwards, I am proud of the fact that going back to 2009, McKinney has moved from number 14, to number five, to number two and now number one, as the best city in America in populations under 300,000 by Money Magazine. In 2015, we conducted a citizen survey throughout the community, East, North, South and West, that showed 96% approval or satisfaction for the services provided by the city staff, including services provided in terms of quality of life, fiscal responsibility and response of the gentlemen and ladies that work for this City, some of which are at every Council meeting. In 2015, we received a Platinum Award from the State of Texas Comptroller's Office for financial transparency and the Dallas Morning News gave us a 98% rating for transparency in government. We have a AAA bond rating. We have recently passed a 10 year plan that will help us plan for the future growth of the city as we build out into the Northwest sector of our community, as well as looking at the areas already developed where we will need additional maintenance and improvements. In 2015, the airport is recognized as a top 10 fixed base operations airport in the country. In 2015, all three of our high schools are ranked in the top 3% in the country for academic achievement by Newsweek magazine. In 2015, USA Today and CQ Press listed McKinney as the 7th safest city in Texas and the 51st safest city nationwide. NerdWallet.com named McKinney the fourth best city for jobseekers. America's Promise Alliance listed us in the top 100 best communities for young people. There are several internet sites that rate cities under the category of happiest cities. When you hear about that, you're not sure you want to talk about that because how do you measure happiness? But they do have tests that include stress factors such as unemployment rate, commute rate, cost of living, personal safety, number of marriages, homeownership, residents with Bachelor's Degree or higher, convenience of amenities, and based on those criteria, they ranked the City of McKinney at number 10 nationwide. We had the highest median income growth from 1990 to 2010 with a 171% increase in

median income. We have been listed in the top 10 places to move to by Forbes Magazine. Best Life Magazine named us in the top 100 best places to raise a family. We have a balanced budget, our expenditures to our revenues, which results in us getting recognition by the Government Finance Officer's Association of the United States and Canada for 31 years in a row. I know we talk about these accolades a lot. I think they bear repeating because I think, whether you agree with the individual decisions on a daily basis, the city is moving in the right direction. We have tremendous city staff that work hard every day. If you look at our ratio of city employees to residents compared to other cities, we have fewer people working and working harder, in my opinion, than what you see in other cities just based on that ratio. We will continue to do the work as a City Council to make improvements for the City of McKinney as we move forward. I will certainly try to do that with whoever is sitting up here at the dais as we move forward over the next two years and four years with the new Council Members. Mr. Loughmiller urged everybody to get out and vote. I urge everybody to educate themselves on the issues that we are dealing with as a City Council as it relates to moving the city from a population of 156,000 to over 300,000 over the next 10 to 20 years. These issues include transportation, water, infrastructure, economic development and fiscal responsibility. When you educate yourself on the issues, you will see that we are doing the best we can and we are doing a great job.

Council member Harris commented that the Mayor's speech is one of the best speeches he has heard in the four years on Council. Mayor Loughmiller has done such a remarkable job as Mayor and it has been a privilege to serve with you.

Council unanimously approved the motion by Council member Harris, seconded by Council member Rogers, to adjourn. Mayor Loughmiller adjourned the meeting at 7:00 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

