

CITY COUNCIL REGULAR MEETING

DECEMBER 15, 2015

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on December 15, 2015 at 6:00 p.m.

Council Present: Mayor Pro Tem Travis Ussery, Council members: Chuck Branch, Don Day, Randy P. Pogue, Tracy Rath, and Rainey Rogers. Council Absent: Mayor Brian Loughmiller.

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Director of Strategic Services Chandler Merritt; Assistant Director of Public Works Paul Sparkman; IT Systems Analyst Richard Sewell; Police Corporal Jonathan Meyer; Senior Engineer II Paul Tucker; Acting Human Resources Director Roxie Held; Housing and Community Services Manager Janay Tieken; Community Services Administrator Shirletta Best; Planning Manager Matt Robinson; Historic Preservation Officer Guy Giersch; and Purchasing Manager Lisa Littrell.

There were five guests present.

Mayor Pro Tem Ussery called the meeting to order at 6:00 p.m. after determining a quorum was present.

Invocation was given by Pastor Gary Marrone, Pathway Church. Mayor Pro Tem Ussery led the Pledge of Allegiance.

Mayor Pro Tem Ussery called for Citizen Comments and there were none.

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

- 15-1221** Minutes of the City Council Special Meeting of November 20, 2015
- 15-1222** Minutes of the City Council Work Session of November 30, 2015
- 15-1223** Minutes of the City Council Regular Meeting of December 1, 2015
- 15-1065** Minutes of the Historic Preservation Advisory Board Regular Meeting of October 1, 2015
- 15-1203** Minutes of the McKinney Convention & Visitors Bureau Work Session of

November 10, 2015

- 15-1224** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Fidelity Insurance Through Arbor Benefits for Specific and Aggregate Stop Loss Insurance Protection on the Medical Plan. Caption reads as follows:

RESOLUTION NO. 2015-12-153 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH FIDELITY INSURANCE THROUGH ARBOR BENEFITS FOR STOP LOSS INSURANCE ON THE MEDICAL PLAN

- 15-1225** Consider/Discuss/Act on a Resolution Amending the 2016-2020 Capital Improvements Program to Provide Funds for the WW4423 - Wastewater Main Replacement for 6-inch Sanitary Sewer Project. Caption reads as follows:

RESOLUTION NO. 2015-12-154 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING A BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2015-2016 BUDGET AND THE 2016-2020 CAPITAL IMPROVEMENTS PROGRAM

- 15-1226** Consider/Discuss/Act on a Resolution Authorizing the Award of a Contract with Total Highway Maintenance, LLC to Provide Street Striping and Pavement Markers. Caption reads as follows:

RESOLUTION NO. 2015-12-155 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT FOR STREET STRIPING AND PAVEMENT MARKERS

END OF CONSENT

- 15-1227** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Contract with Strategic Government Resources (SGR) for Executive Search Services for Chief Information Officer and Human Resources Director.

Interim City Manager Muehlenbeck requested that this item be pulled down. Mr. Muehlenbeck stated that he wanted to be sure the City Council and the public know that he worked as an independent contractor for SGR for two years. The process followed for recommending SGR was handled by the City's Purchasing Department. He had no part or influence in the recommendation before you today. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve a Resolution authorizing the Interim City Manager to execute a contract with Strategic Government Resources (SGR) for Executive Search Services for Chief Information Officer and Human Resources Director. Caption reads as follows:

RESOLUTION NO. 2015-12-156 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH STRATEGIC GOVERNMENT RESOURCES FOR EXECUTIVE SEARCH SERVICES FOR A CHIEF INFORMATION OFFICER AND HUMAN RESOURCES DIRECTOR

15-1228 Mayor Pro Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the CDBG 2014-2015 Consolidated Annual Performance Report (CAPER). Community Services Administrator Shirletta Best stated this is a public hearing regarding enacting the 2014-2015 Consolidated Annual Performance Report (CAPER) for the City of McKinney CDBG program. We have met annual compliance, provided opportunities for resources for the citizens who are low to moderate income, as well as those overall. Staff would like to take this opportunity to thank the City Council and Community Grants Advisory Commission for their support. Ms. Best stated that throughout the year there are opportunities for citizens to participate in planning meetings such as the upcoming Comprehensive Plan where they can hear more about the City's overall processes, quarterly PRIDE community meetings, and there are opportunities when we have public forums where citizens can answer

questions whether in person, online, or by phone. Mayor Pro Tem Ussery called for public comments and there were none. Council unanimously approved the motion by Council member Rogers, seconded by Council member Pogue, to close the public hearing and approve the CDBG 2014-2015 Consolidated Annual Performance Report (CAPER).

15-306M Mayor Pro Tem Ussery called for a Public Hearing to Consider/Discuss/Act on an Ordinance Amending Chapter 98 of the City of McKinney Code of Ordinances by Amending the Historic Neighborhood Improvement Zone Tax Exemption Program, and Accompanying Ordinance. Planning Manager Matt Robinson stated that staff brought forward an item related to the historic neighborhood tax exemption program as it relates to the cap. At that time, we were looking for guidance for the potential raising of the cap from \$100,000 to \$150,000. The existing cap is anticipated to be reached in 2016 due to the program and rising assessed values. Mayor Pro Tem Ussery called for public comments and there were none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Day, to close the public hearing and approve an Ordinance amending Chapter 98 of the City of McKinney Code of Ordinances by amending the Historic Neighborhood Improvement Zone Tax Exemption Program. Caption reads as follows:

ORDINANCE NO. 2015-12-105

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 98, ENTITLED "TAXATION," BY DELETING SUBSECTION (4), "AGGREGATE CAP (PER YEAR)," OF SECTION 98-84, "HISTORIC NEIGHBORHOOD IMPROVEMENT ZONE PROGRAM," IN ITS ENTIRETY AND REPLACING SAID SUBSECTION WITH A NEW SUBSECTION (4) THAT IS ALSO TITLED "AGGREGATE CAP (PER YEAR)" TO INCREASE THE AMOUNT OF THE AGGREGATE CAP ON EXEMPTED AD VALOREM TAXES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN

EFFECTIVE DATE

15-1229 Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Accepting the Donation of the Tobolowsky Sculpture, "The Tearing Down". Housing and Community Development Manager Janay Tieken stated that this item is a donation of a sculpture which has been on loan since 2011 in the Development Services Department from Mark and Geralyn Kever. The sculpture was made by Mr. Tobolowsky in 2011 from the remnants of the old courthouse building that was torn down and is aptly named "The Tearing Down". The Kevers had the sculpture on loan and have expressed an interest in donating the sculpture to the City. An appraisal was obtained by the Kevers and the value was established at \$18,000. Ms. Tieken stated in order to be accepted as a donation, the art goes through a process with the Arts Commission. There are a number of criteria they look at and evaluate, including the aesthetic quality and suitability of the piece. Council member Rogers expressed his disapproval of the piece. He stated he did not know anybody who likes the piece. Ms. Tieken noted that Mr. Tobolowsky is a well-known sculptor and the Arts Commission was in favor of accepting the piece. Ms. Tieken stated there are no stipulations with the donation. The protocol for the City accepting donated artwork is through the Arts Commission and they make a recommendation to Council to accept the piece or not to accept. There has been an informal process where pieces have been on loan to the City and we are now formalizing that process. This is the first donation that the City has received so we went through the process laid out in the Public Art Master Plan. The donor will receive a tax-deductible donation receipt. Council approved the motion by Council member Day, seconded by Council member Pogue, to approve a Resolution accepting the donation of the Tobolowsky Sculpture, "The Tearing Down" with a vote of 5-1-0, Council member Rogers voting against. Caption reads as follows:

RESOLUTION NO. 2015-12-157 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE ACCEPTANCE OF
THE DONATION OF THE TOBOLOWSKY SCULPTURE, "THE
TEARING DOWN"

15-1230 Mayor Pro Tem Ussery called for Consideration/Discussion/Action on Designating Chairman of the Reinvestment Zone Number One. Mayor Pro Tem Ussery stated that Don Day has served as Chairman since the establishment of the Board. Council approved the motion made by Mayor Pro Tem Ussery, seconded by Council member Pogue, to designate Don Day as Chairman of the Reinvestment Zone Number One with a vote of 5-0-1, Council member Day abstaining.

15-1231 Mayor Pro Tem Ussery called for Consideration/Discussion/Action on Designating Chairman of the Reinvestment Zone Number Two. Mayor Pro Tem Ussery stated that he has served as Chairman of Reinvestment Zone Number Two since its inception. Council approved the motion made by Council member Day, seconded by Council member Pogue, to approve designating Travis Ussery as Chairman of the Reinvestment Zone Number Two with a vote of 5-0-1, Mayor Pro Tem Ussery abstaining.

Mayor Pro Tem Ussery called for Citizen Comments and there were none.

Mayor Pro Tem Ussery called for Council and Manager Comments.

Council member Rogers wished everyone a Merry Christmas and Happy New Year.

Councilwoman Rath also wished everyone a happy holiday.

Council member Branch wished everyone a Merry Christmas. Remember what the season is about and be a blessing to others and help them understand the value they have on this Earth to each and every one of us.

Council member Day wished everyone a happy holiday.

Council member Pogue extended greetings of Merry Christmas, Happy New Year, and happy holidays to all. Mr. Pogue thanked City Secretary Hart for the gift of goodies and for what you and your staff do throughout the year. Mr. Pogue announced

that he has recently sold Pogue Engineering, a company he founded almost 17 years ago. For the last six months he has been in negotiations with a company out of Minnesota looking for a strategic acquisition in this area for the skill set and style of work that we provide. As of December 1, we have been acquired. The company is called Westwood Professional Services. It is the nation's number nine ranked architecture, engineering and construction firm by the Zweig Group and number eight ranked surveying firm by Point of Beginning (POB) Magazine. The company has about 330 employees with 10 offices in 7 states. It does services in wind, power, solar, oil and gas, and land. It's a good opportunity for us and I'd like to say thank you to Westwood for believing in us for that and thanks to all of our clients over the years that provided us an opportunity to serve them.

Mayor Pro Tem Ussery expressed congratulations to Mr. Pogue for his early Christmas. Mr. Ussery stated that he has become more aware of how fortunate he is, in many respects, to serve in the City whose staff is dedicated to making this the best place in America in which to live. Mr. Ussery wished season's greetings and Merry Christmas to all of our staff and to my Council colleagues. Mr. Ussery stated that he is fortunate to have the opportunity to serve with this group who come from different backgrounds but we all share a common denominator of trying to act in the best interest of the City. Mr. Ussery stated that he is certain the Mayor would echo those sentiments although he is not here tonight. Mr. Ussery wished a Merry Christmas to all of his colleagues.

Interim City Manager Muehlenbeck stated that he would like to remind everyone that holiday activities are taking place this month in historic downtown McKinney. Mr. Muehlenbeck thanked the residents and businesses that came out to support the Santa's Helpers Toy Drive. With your generosity, we collected more than 3,000 toys and 47 bikes for the children in Collin County. On behalf of the City staff and City Council, we would also like to wish you and your family happy holidays, a Merry Christmas, and prosperous New Year.

Mayor Pro Tem Ussery recessed the meeting into executive session at 6:26 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 Pro Tem Ussery recessed to the open session at 6:43 p.m.

Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to adjourn. Mayor Pro Tem Ussery adjourned the meeting at 6:45 p.m.

TRAVIS USSERY
Mayor Pro Tem

ATTEST:

SANDY HART, TRMC, MMC
City Secretary