

CITY COUNCIL REGULAR MEETING

AUGUST 18, 2015

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on August 18, 2015 at 6:00 p.m.

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

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; City Attorney Mark Houser; City Secretary Sandy Hart; Interim Planning Director Brian Lockley; Chief Financial Officer Rodney Rhoades; Assistant Director of Development Services Rick Leisner; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Interim Assistant to the City Manager Chandler Merritt; Director of Public Works Chris Browning; Assistant Director of Public Works Paul Sparkman; McKinney Community Development Corporation President Cindy Schneible; Civil Engineer Robyn Root; IT Service Desk Supervisor Amy Greer; Planning Manager Jennifer Arnold; Police Officer Bradley Williams; Interim McKinney Economic Development Corporation - Abby Liu and John Valencia; Community Services Administrator Shirletta Best; Chief Information Officer Chris Chiancone; Finance Manager Trudy Mathis; McKinney Convention and Visitors Bureau Director DeeDee Guerra; and Library Systems Coordinator Lisa Bailey.

There were 35 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Pastor Bo Thompson, Rhea's Mill Baptist Church. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

Ms. Toni Andrukaitis, 5600 Centeridge Lane, McKinney spoke in support of keeping the Mounted Patrol.

Ms. Shirley Mack, 503 N. Chestnut Street, McKinney requested that a street be named for Mr. Bruce Luster.

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

- 15-772** Minutes of the City Council Regular Meeting of August 3, 2015
- 15-773** Minutes of the City Council Budget Work Session of August 7, 2015
- 15-748** Minutes of the Community Grants Advisory Commission Meeting of June 11, 2015
- 15-719** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of May 26, 2015
- 15-720** Amended Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of April 24, 2015
- 15-721** Amended Minutes of the McKinney Convention & Visitors Bureau HR Committee Meeting of April 24, 2015
- 15-722** Minutes of the McKinney Convention & Visitors Bureau Marketing Committee Meeting of July 13, 2015
- 15-774** Minutes of the McKinney Housing Authority Meeting of June 23, 2015
- 15-775** Minutes of the McKinney Housing Authority Meeting of July 23, 2015
- 15-729** Minutes of the Planning and Zoning Commission Work Session of July 14, 2015
- 15-730** Minutes of the Planning and Zoning Commission Regular Meeting of July 14, 2015
- 15-776** Consider/Discuss/Act on an Ordinance to Modify the Reduced Speed School Zone Times at Baker Elementary Within the Prosper ISD Area.
Caption reads as follows:

ORDINANCE NO. 2015-08-077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING REDUCED SPEED SCHOOL ZONE TIMES AT BAKER ELEMENTARY SCHOOL IN MCKINNEY; 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

- 15-777** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Enter into an Interlocal Agreement with North Texas Municipal Water District (NTMWD) for the Reimbursement of Costs Pursuant to a Modification of a Texas Commission on Environmental

Quality (TCEQ) Permit on a Certain 4.812 Acre Tract of Land Situated in the S. McFarland Survey, Abstract No. 558. Caption reads as follows:

RESOLUTION NO. 2015-08-087(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NORTH TEXAS MUNICIPAL WATER DISTRICT FOR REIMBURSEMENT OF COSTS PURSUANT TO A MODIFICATION OF A TCEQ SOLID WASTE PERMIT ON A CERTAIN 4.812 ACRE TRACT OF LAND SITUATED IN THE S. MCFARLAND SURVEY, ABSTRACT NO. 558

- 15-778** Consider/Discuss/Act on a Resolution Authorizing the Application for and Acceptance of, If Awarded, a Grant from the Collin County Adult Literacy Council by the McKinney Public Library System. Caption reads as follows:

RESOLUTION NO. 2015-08-088 (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, A GRANT FROM THE COLLIN COUNTY ADULT LITERACY COUNCIL BY THE MCKINNEY PUBLIC LIBRARY SYSTEM

- 15-779** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Hardware, Licenses, and Installation Services for Additional Citywide Security Camera Installations. Caption reads as follows:

RESOLUTION NO. 2015-08-089 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF HARDWARE AND INSTALLATION SERVICES FOR ADDITIONAL CITYWIDE SECURITY CAMERA INSTALLATIONS

END OF CONSENT

- 15-780** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Changing the Use of 2015 Community Development Block Grant (CDBG) Funds for Newsome Homes Redevelopment. Community Services Administrator Shirletta Best stated that at the August 3rd City Council meeting, Council approved a change in the use of funds from

infrastructure to use of funds for professional services which would include relocation consulting. Upon further consultation with the Housing and Urban Development (HUD), they requested an administrative adjustment to make that change from relocation consulting services to direct relocation assistance. To continue on the scope of transparency and accountability, we have provided a Resolution to ensure the full scope of changes taking place from the original use to this final adjustment. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to close the public hearing and approve a Resolution changing the use of 2015 Community Development Block Grant (CDBG) Funds for Newsome Homes Redevelopment. Caption reads as follows:

RESOLUTION NO. 2015-08-090 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE CHANGE IN USE OF FUNDS FOR THE 2014-2015 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN, AND PROVIDING AN EFFECTIVE DATE

- 15-160Z4** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C" - Planned Center District, "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Northeast Corner of Custer Road and U.S. Highway 380 (University Drive), and Accompanying Ordinance. Interim Director of Planning Brian Lockley stated that staff has received a request to table this item. Staff has reviewed that request, has no objections, and we recommend the public hearing be continued and the item be tabled to the September 1st meeting. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Rogers, to continue the public

hearing and table this item until the September 1, 2015 Regular Meeting.

15-781 Mayor Loughmiller called for the First Public Hearing on Proposed Tax Rate for Fiscal Year 2015-16. Chief Financial Officer Rhoades stated that this is the first of two public hearings on the proposed tax rate for fiscal year 2016. The proposed tax rate is proposed at \$0.5830, which is the same as adopted 2015 tax rate and is consistent with the Council's 10-year plan. The existing property values have increased 9% for fiscal 2016 while new values account for about 4.4%. The taxable value for fiscal 2016 came in at \$15.2 billion, which is up from \$13.4 billion in fiscal 2015. The second public hearing on the tax rate will be held at 6:00 p.m. on September 1st. The first public hearing on the budget will be held on September 1st. On September 15th the Council will consider adoption of the appropriations Ordinance, take two votes on the tax rate, and adopt the fee schedule. 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. Mayor Loughmiller encouraged residents to take a look at the 10-year plan which includes potential construction in excess of \$100 million for roads that need to be built as well as some rehabilitation that needs to be done, three fire stations, public improvements that are core necessities to the City. Council member Rogers stated that he is very aware of the growth of the City and there is no waste in the City's proposed budget.

15-782 Mayor Loughmiller called for Consideration/Discussion/Action on Ordinance Calling for a November 3, 2015 Special Bond Election. Interim City Manager Tom Muehlenbeck stated there is a question from last night's meeting about the wording for Proposition 2. Chief Financial Officer Rhoades visited with Bond Counsel Bob Dransfield who stated that the best approach would be through the education process rather than rewording the proposition. Council member Pogue stated that his

question last night was in regards to how the language was created, how we get the message to the voters as to what the funds can be used for, the reimbursement potential through TxDOT or the FAA. Mr. Bob Dransfield, Norton, Rose, Fulbright, 2200 Ross Avenue, Dallas, stated that as he understood the question, it is associated with the airport proposition as to whether or not you want to reference the relationship between FAA and reimbursement for projects and expenditures at the airport. The purpose for going to the voters is to put forth permanent public improvements. If you want to give the voters the full picture of what is going on financially, the better way is to deal with that through the voter information process. Mr. Rhoades pointed out that in Section 6 of the ordinance, there is a slight change proposed regarding vote centers versus precinct voting. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve an Ordinance Calling for a November 3, 2015 Special Bond Election with the change in wording for Section 6 to read as follows: All resident qualified electors of the City shall be permitted to vote at said election, and on the day of the election, such electors shall vote at any of the Collin County Election Day Vote Centers. Caption reads as follows:

ORDINANCE NO. 2015-08-078

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION AND ORDAINING OTHER MANNERS INCIDENT AND RELATED TO SUCH ELECTION

DECRETO NO. 2015-08-078

UN DECRETO DEL CONSEJO DE ADMINISTRACIÓN DE LA CIUDAD DE MCKINNEY, TEXAS, QUE DISPONE LLEVAR A CABO LA ELECCIÓN Y ORDENAR OTROS ASUNTOS INCIDENTALES Y RELACIONADOS A DICHA ELECCIÓN

- 15-783** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing a Contract with Collin County Elections Administration to Conduct the November 3, 2015 Special Bond Election

and Authorizing an Election Agreement. Interim City Manager Muehlenbeck stated that this request is to authorize a contract with Collin County Elections Administration to conduct a November 3, 2015 Special Bond Election on behalf of the City of McKinney. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Pogue, to approve a Resolution authorizing a contract with Collin County Elections Administration to conduct the November 3, 2015 Special Bond Election and authorizing an Election Agreement. Caption reads as follows:

RESOLUTION NO. 2015-08-091 (R)

A RESOLUTION AUTHORIZING A CONTRACT WITH COLLIN COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE NOVEMBER 3, 2015 SPECIAL BOND ELECTION

15-784 Mayor Loughmiller called for Consideration/Discussion/Action on a North Texas Municipal Water District Memorandum of Understanding Regarding Development of a Regional Capacity, Management, Operation, and Maintenance (CMOM) Program. Executive Director of Public Works Chris Browning stated that the EPA is conducting inspections where wastewater collection systems exceed flows of 10 million gallons per day. Wastewater collection systems include the permit holder, which in our case is the North Texas Municipal Water District and all connected satellite systems, which would be the 12 member cities. Their key objectives are to correct operations and maintenance issues and to ensure the respective cities' systems have proper design standards and models to manage system capacity. All water District member's city systems have been inspected and have received reports from the EPA. Based on the inspections, the EPA indicated an official action will be drafted and presented to the North Texas Municipal Water District and all connected cities. The directives of the action will focus on the findings of the inspections, the respective City's willingness to be proactive, their corrective measures, and the City's ongoing corrective

action plan. The EPA indicated corrective measures should align with generally accepted standards for operating collective systems, which is known as the Capacity Management Operation Maintenance (CMOM). In the program, there are nine elements. The City of McKinney has already developed and implemented all elements except for one. Funding for that element is in the FY 2016 budget and the program has been developed. If the funding is approved, we will be fully compliant with those elements. Any changes in the capital program would be submitted to Council for consideration. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve a North Texas Municipal Water District Memorandum of Understanding regarding development of a Regional Capacity, Management, Operation, and Maintenance (CMOM) Program.

15-785 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance to Approve Selected Names for Several Roadways in McKinney. Traffic Engineer Robyn Root stated that this item was tabled at the August 3rd meeting so a committee could select the names for the six streets. The committee recommended the street names as follows: old FM 543 between Trinity Falls Parkway and US 75 to be named Crump Garden Way; old Redbud Boulevard from Bloomdale to the new alignment for Redbud Boulevard to be named McLarry Drive; old US 75 Southbound frontage road bridge between Parkview Avenue and Valley Creek Trail bridge to be named Creek Trail Bridge; the roadway between US 75 Southbound frontage road and Parkview Avenue to be named Gerry R. Lane; the roadway between US 75 Northbound frontage road and Parkview Avenue to be named Bruce Luster Place; and the new alignment of FM 546 from US 75 at McDonald heading east toward the airport to be named Harry McKillop Boulevard. Council member Rogers stepped down from the dais for the vote on Crump Garden Way. Mayor Pro Tem Ussery noted that even though Crump Garden Way is an

institution in the City of McKinney, historically, Council has leaned towards recognizing the families as opposed to a place of business for naming streets. Council member Pogue agreed with Mayor Pro Ussery. Mr. Pogue asked if it could be changed to Crump Drive versus Crump Way. Mayor Pro Tem Ussery stated that all these names listed on the street recognitions are very deserving and it is important to remember the heritage of McKinney in this manner. Council approved the motion made by Council member Pogue, seconded by Council member Day, to approve an Ordinance to name old FM 543 between Trinity Falls Parkway and US 75 "Crump Drive", with a vote of 6-0-1, Council member Rogers abstaining. Caption reads as follows:

ORDINANCE NO. 2015-08-080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS TO A SELECT NAME FOR THE OLD ALIGNMENT OF FM 543 IN MCKINNEY; 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

Council member Rogers returned to the dais.

Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Ussery, to approve an Ordinance naming the following roadways: old Redbud Boulevard from Bloomdale to the new alignment for Redbud Boulevard to be named "McLarry Drive"; old US 75 Southbound frontage road bridge between Parkview Avenue and Valley Creek Trail Bridge to be named "Creek Trail Bridge"; the roadway between US 75 Southbound frontage road and Parkview Avenue to be named "Gerry R. Lane"; the roadway between US 75 Northbound frontage road and Parkview Avenue to be named "Bruce Luster Place"; and the new alignment of FM 546 from US 75 at McDonald and heading East toward the airport to be named "Harry McKillop Boulevard". Caption reads as follows:

ORDINANCE NO. 2015-08-079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, TO SELECT NAMES FOR SEVERAL

ROADWAYS IN MCKINNEY; 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

- 15-786** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Enter into a Lease Agreement with Dell Marketing for Computer Refresh Equipment and Accessories. Chief Information Officer Chris Chiancone stated that this agenda item is to authorize a contract with Dell Marketing Group. In May, we put out a Request for Proposals out with four criteria: total proposed price; qualifications, experience and references; proposed products and services; and technical support and warranty. This continues a three-year refresh plan on the end-user computers. Council unanimously approved the motion by Council member Pogue, seconded by Council member Day, to approve a Resolution authorizing the Interim City Manager to enter into a Lease Agreement with Dell Marketing for Computer Refresh Equipment and Accessories. Caption reads as follows:

RESOLUTION NO. 2015-08-092 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A LEASE AGREEMENT WITH DELL MARKETING FOR THE COMPUTER REFRESH PLAN

- 15-787** Mayor Loughmiller called for Consideration/Discussion/Action on Appointing Members to the Advisory Committee for the Comprehensive Plan Update. Planning Manager Jennifer Arnold noted that at the last meeting, Council discussed creating an Advisory Committee for the Comprehensive Plan Update. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to appoint: Michael Puhl, Scott Lewis, Daniel Jones, Brandon Johnson, Thad Helsley, George Bush, Mark Messer, Roger Harris, Bob Roeder, Cragg Rogers, Lance Abbott, Erik Templin, Brian White, John Mathews, JR Richardson, Bill Cox, Katina Zepp, Scott Morrissey, Sherry Tucker,

Rick Franklin and Michael Henke Members to the Advisory Committee for the Comprehensive Plan Update.

15-788 Mayor Loughmiller called for Consideration/Discussion/Action on Forwarding Certain Amendments to the Bylaws of the McKinney Economic Development Corporation for Review and Consideration by its Board of Directors. City Attorney Mark Houser stated that there are two versions provided to Council that are reflective of the discussion last night that clarify the project powers of the board; clarification of the president's supervisory power over the subordinates of the two entities; and the President's annual review. One of the versions has the President's review with input from the board to the City Manager and one has the President's review involving participation of the board and the City manager. The final area is a clarification of the City Manager's operational control over the employees and a sentence relating to any conflicts between those operational duties and responsibilities. Mayor Loughmiller expressed concern with using the term participation in the review versus input in the review. We discussed it more from the concept of input because the City Manager does have the authority in terms of the decision on hiring and termination of the employees. I do not want inference that the City Manager cannot make the determination without the board's participation, consensus or agreement. Council member Pogue likes the version that allows the board to actually conduct a review of an employee for a checks and balances perspective. I believe that the versions here still do not give the Board the power to terminate an employee but they at least have a voice in one of the versions. Mayor Pro Tem Ussery stated there is nothing that precludes the board from putting an action item on an agenda and conducting a formal vote of no-confidence, which equates to a public record of less than stellar performance. Council member Branch noted that as part of the EDC recent performance review, part of the performance was communication,

whether the communication with the board was appropriate and necessary, and also the performance based on strategies. Council member Day stated he is in favor of the board having input but the final decision should be the City Manager's. Council approved the motion by Councilwoman Rath, seconded by Council member Pogue, to approve forwarding certain amendments to the Bylaws of the McKinney Economic Development Corporation for review and consideration by its Board of Directors with the changes in version 1 which includes participation in the annual review of the President, with a vote of 5-2-0, Mayor Loughmiller and Mayor Pro Tem Ussery voting against.

- 15-789** Mayor Loughmiller called for Consideration/Discussion/Action on Forwarding Certain Amendments to the Bylaws of the McKinney Community Development Corporation for Review and Consideration by its Board of Directors. Mayor Loughmiller stated this item is a mirror of the previous item. We have a version 1 and version 2 and assume opinions are the same as they were on the prior version. Council approved the motion by Council member Pogue, seconded by Council member Branch, to forward certain amendments to the Bylaws of the McKinney Community Development Corporation for review and consideration by its Board of Directors with the changes in version 1 which includes participation in the annual review of the President, with a vote of 5-2-0, Mayor Loughmiller and Mayor Pro Tem Ussery voting against.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Branch did not have any comments.

Council member Day did not have any comments.

Council member Pogue did not have any comments.

Council member Rogers did not have any comments.

Councilwoman Rath congratulated Ms. Castro who received the keys to her new home through the Collin County Habitat for Humanity. The National Back to Church Sunday Event is coming up September 12th at Bonnie Wenk Park from 2:00 to 7:00 p.m.

Mayor Pro Tem Ussery congratulated the families recognized with the street naming tonight as it is well deserved. As with every meeting, thank you to all members of staff for what you do to make this the best City in America to live in. A special thanks to Mr. Muehlenbeck for his efforts day in and day out and for his patience, tolerance, and perseverance.

Mayor Loughmiller thanked the families for coming here tonight for the street naming. It's nice when we name parks and streets after individuals. It is great to see the family members and friends associated with the honoree as it puts more meaning to what we are doing. Mr. Loughmiller stated that he will be on a speaking panel tomorrow in Irving at the Transportation Summit that is hosted once a year for the State of Texas. I will speak on a panel about one of my favorite topics, water issues in North Texas, along with the Mayor of Garland and three or four other Mayors. Mr. Loughmiller reminded everyone that next week school will be starting. For those of you that drive through school zones, I'm sure the police will be out there encouraging you not to speed or talk on the cell phone. Be mindful of the kids that are returning back to school so they can have a safe and enjoyable first week back in the classroom.

Interim City Manager Muehlenbeck did not have any comments.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 6:55 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary