CITY COUNCIL REGULAR MEETING

FEBRUARY 15, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on February 15, 2011 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro-Tem Pete Huff, Council members: David Brooks, Travis Ussery, Geralyn Kever, Don Day, and Ray Ricchi.

Staff Present: Interim City Manager Rick Chaffin; Deputy City Manager Jim Parrish; Interim Deputy City Manager Lemuel Randolph; City Attorney Mark Houser; City Secretary Sandy Hart; Director of Engineering Jack Carr; Executive Director of Development Services John Kessel; Chief of Police Doug Kowalski; Assistant Chief of Police Randy Roland; Communications and Marketing - CoCo Good and Anna Folmnsbee; Environmental Stewardship Manager Julie Smith; Arborist Emily Braht; Engineering - Paul Tucker, Robyn Root, Patricia Jackson, and Gary Graham; Police - Cathy Lennox, David Rodriguez, Ronnie Butler, Ron Jones, Craig Cox, Emory McCall,, Shelby Bain, Whit Price, Ana Navarro, and Ralph Colberg; Fire Chief Mark Wallace; Assistant Fire Chief Frank Roma; Fire Department – JC Stinson, Emory McCall, Greg Cox, Whit Price, and Shelby Bain; Planning Director Jennifer Cox; Interim Finance Director Larry Cunningham; Grants Coordinator Janay Tieken; Assistant to the City Manager Aretha Harvey; Records and Information Coordinator Sonya Paul; Assistant City Secretary Blanca Garcia; and Executive Assistant Mona Robinson.

There were approximately 60 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Reverend Danny Tutweiler, Our Saviour Lutheran Church. The Police and Fire Color Guard presented the colors.

11-045 Mayor Loughmiller presented a Gold Star Flag in Honor of Private FirstClass Cody Board.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to approve the following consent items:

11-047 Minutes of the City Council Special Meeting of January 11, 2011

11-048	Minutes of the City Council Work Session of January 18, 2011		
11-049	Minutes of the City Council Special Meeting of January 18, 2011		
11-050	Minutes of the City Council Regular Meeting of January 18, 2011		
11-051	Minutes of the City Council Work Session of January 24, 2011		
11-069	Minutes of the City Council Special Meeting of January 26, 2011		
11-070	Minutes of the City Council Special Meeting of February 4, 2011		
11-071	Minutes of the City Council Special Meeting of January 29, 2011		
11-072	Minutes of the Board of Adjustment Meeting of November 24, 2010		
11-073	Minutes of the Community Grants Advisory Commission Meeting		
	November 18, 2010		
11-074	Minutes of the Historic Preservation Advisory Board Meeting of		
	December 2, 2010		
11-052	Minutes of the Library Advisory Board Meeting of December 16, 2010		
11-053	Minutes of the McKinney Airport Development Corporation Meeting of		
	December 14, 2010		
11-054	Minutes of the McKinney Armed Services Memorial Board Meeting of		
	December 8, 2010		
11-075	Minutes of McKinney Community Development Corporation Special		
	Meeting of December 7, 2010		
11-076	Minutes for McKinney Community Development Corporation Board		
	Meeting December 15, 2010		
11-055	Minutes of the McKinney Convention & Visitors Bureau Board Meeting of		
	December 6, 2010		
11-077	Minutes of the McKinney Economic Development Corporation Special		
	Board Meeting of December 7, 2010		
11-078	Minutes of the McKinney Economic Development Corporation Board		
	Meeting of December 7, 2010		
11-079	Minutes of the McKinney Housing Authority Board Meeting of December		
	14, 2010		
11-056	Minutes of the McKinney Main Street Board Meeting of December 9,		

2010

- 11-057 Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of December 9, 2010
- 11-080 Minutes of the Planning and Zoning Commission Regular Meeting of January 11, 2011.
- 11-058 Consider/Discuss/Act on an Ordinance Calling the May 14, 2011 General Election. Caption reads as follows:

ORDINANCE NO. 2011-02-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CALLING A GENERAL ELECTION FOR MAY 14, 2011, TO ELECT THREE COUNCIL MEMBERS; DESIGNATING POLLING PLACES; APPOINTING THE EARLY VOTING CLERK; AND PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION

ORDENANZA NO. 2011-02-005

ORDENANZA DEL CONCEJO DE LA CIUDAD DE MCKINNEY, TEXAS, QUE CONVOCA A ELECCIONES GENERALES PARA EL 14 DE MAYO DE 2011, CON EL FIN DE ELEGIR TRES CONCEJALES; DESIGNA SITIOS DE VOTACIÓN; NOMBRA EL SECRETARIO ENCARGADO DE LA VOTACIÓN ANTICIPADA, Y NOTIFICA Y PUBLICA LAS ELECCIONES

11-082 Consider/Discuss/Act on an Ordinance Amending the 2010-11 Annual Budget, Including the 2010-2014 Capital Improvements Program, to Furnish Traffic Signal Equipment Related to the Reconstruction of US 75 from Spur 399 to US 380. Caption reads as follows:

ORDINANCE NO. 2011-02-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS AMENDING THE 2010-2011 ANNUAL BUDGET AND THE 2010 – 2014 CAPITAL IMPROVEMENTS PROGRAM TO FURNISH TRAFFIC SIGNAL EQUIPMENT FOR THE RECONSTRUCTION OF THE US 75 CORRIDOR

11-083 Consider/Discuss/Act on a Resolution Authorizing a Contract with Collin County Elections Administration to Conduct the May 14, 2011 General Election and Authorizing a Joint Election Agreement with McKinney Independent School District, Frisco Independent School District, Allen Independent School District, and Prosper Independent School District. Caption reads as follows:

RESOLUTION NO. 2011-02-017 (R)

A RESOLUTION AUTHORIZING A CONTRACT WITH COLLIN COUNTY ELECTIONS ADMINISTRATOR TO CONDUCT THE MAY 14, 2011 SPECIAL ELECTION AND AUTHORIZING AN AGREEMENT BETWEEN THE CITY OF MCKINNEY, MCKINNEY INDEPENDENT SCHOOL DISTRICT, FRISCO INDEPENDENT SCHOOL DISTRICT, ALLEN INDEPENDENT SCHOOL DISTRICT, AND PROSPER INDEPENDENT SCHOOL DISTRICT TO HOLD A JOINT ELECTION FOR THE MAY 14, 2011 GENERAL ELECTION

11-084 Consider/Discuss/Act on a Resolution to Authorize the City Manager to Enter into a Local Project Advance Funding Agreement (LPAFA) with the Texas Department of Transportation (TxDOT) to Furnish Traffic Signal Equipment Related to the Reconstruction of US 75 from Spur 399 to US 380. Caption reads as follows:

RESOLUTION NO. 2011-02-018 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO FURNISH TRAFFIC SIGNAL EQUIPMENT FOR THE RECONSTRUCTION OF US 75 FROM SPUR 399 TO US 380

11-086 Consider/Discuss/Act on a Resolution of the City Council of the City of McKinney, Texas, Authorizing the City Manager to Execute a Contract, Funded by the Department of Energy's Energy Efficiency Conservation Block Grant, with Texas Trees Foundation to Conduct an Urban Forestry Assessment and Make Recommendations for an Urban Canopy Plan for the City of McKinney. Caption reads as follows:

RESOLUTION NO. 2011-02-020 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH TEXAS TREES FOUNDATION TO CONDUCT AN URBAN FORESTRY ASSESSMENT AND MAKE RECOMMENDATIONS FOR AN URBAN CANOPY PLAN FOR THE CITY OF McKINNEY

11-087 Consider/Discuss/Act on a Resolution to Authorize a Design/Build

Contract in Relation to the Renewable Energy Demonstration (RED)

Project to be Located at Gabe Nesbit Park. Caption reads as follows:

RESOLUTION NO. 2011-02-021 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR DESIGN/BUILD SERVICES RELATED TO THE RENEWABLE ENERGY DEMONSTRATION (RED) PROJECT AT GABE NESBIT PARK

11-088 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept the 3rd Year of a Three Year 421 State Criminal Justice Planning Fund Grant, if awarded, from the Governor's Criminal Justice Division. Caption reads as follows:

RESOLUTION NO. 2011-02-022 (R)

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT THE 3rd YEAR OF A THREE YEAR 421 STATE CRIMINAL JUSTICE PLANNING FUND GRANT FROM THE GOVERNOR'S CRIMINAL JUSTICE DIVISION

11-089 Consider/Discuss/Act on a Resolution Authorizing the Interim City

Manager to Apply for and Accept the 3rd Year of a Three Year Juvenile

Justice and Delinquency Prevention Grant from the Governor's Criminal

Justice Division. Caption reads as follows:

RESOLUTION NO. 2011-02-023 (R)

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT THE 3rd YEAR OF A THREE YEAR JUVENILE JUSTICE AND DELINQUENCY PREVENTION GRANT FROM THE GOVERNOR'S CRIMINAL JUSTICE DIVISION

11-090 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept a Selective Traffic Enforcement Program (STEP) Comprehensive Grant from the Texas Department of Transportation. Caption reads as follows:

RESOLUTION NO. 2011-02-024 (R)

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) COMPREHENSIVE GRANT FROM THE TEXAS DEPARTMENT OF TRANSPORTATION

11-091 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept a Three Year 421 State Criminal Justice Planning Fund Grant for a Crime Scene Technician, if Awarded, from the

Governor's Criminal Justice Division. Caption reads as follows:

RESOLUTION NO. 2011-02-025 (R)

A RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT A THREE YEAR 421 STATE CRIMINAL JUSTICE PLANNING FUND GRANT FOR A CRIME SCENE TECHNICIAN, IF AWARDED, FROM THE GOVERNOR'S CRIMINAL JUSTICE DIVISION

END OF CONSENT

11-081 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Modifying the School Zone for Baker Elementary School. Council member Ricchi requested this item be pulled down for discussion. Mr. Ricchi asked about speed limits and placement of signs. Traffic Engineer Robin Root stated that staff has looked at this site and "School Zone Ahead" signs have been added on White Street. Mayor Loughmiller suggested that this would be a good topic to discuss at the Monday, February 21st Workshop with the McKinney Independent School Board. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Kever, to approve the Resolution modifying the School Zone for Baker Elementary School. Caption reads as follows:

ORDINANCE NO. 2011-02-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS MODIFYING THE SCHOOL ZONE FOR BAKER ELEMENTARY SCHOOL

11-085 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing a Contract for Engineering Services to Perform the Sanitary Sewer Evaluation Study for the Inflow/Infiltration Phase V Project. Council member Kever requested this item be pulled down for discussion. Senior Utility Engineer Paul Tucker stated that this contract is part of the annual Request For Qualifications process that is done by the CIP team. This vendor was picked on the qualifications of design. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery, to approve Resolution authorizing

a contract for engineering services to perform the Sanitary Sewer Evaluation Study for the Inflow/Infiltration Phase V Project. Caption reads as follows:

RESOLUTION NO. 2011-02-019 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE TO EXECUTE A CONTRACT FOR ENGINEERING SERVICES TO PERFORM THE SANITARY SEWER EVALUATION STUDY FOR THE INFLOW/INFILTRATION PHASE V PROJECT

11-092 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Supporting a Texas Department of Housing and Community Affairs Application of McKinney Senior Living Community, L.P. for HOME Funds for a Proposed Senior Community in the City of McKinney, Texas. City Attorney Mark Houser stated that this is an application that is pending with the State of Texas by a developer who asked the Council to consider the Resolution. Mr. Houser stated that favorable consideration of either of these Resolutions before Council will enhance their application Texas Department of Housing and Community Affairs (TDHCA) for a project on the west side of McKinney. Applicant, Mr. Miles Prestemon, 6850 TPC Drive, McKinney, COO of Craig Ranch, explained that TDHCA awards funding on a points system. Churchill Residential project will add about \$18 million to the tax roll. Mr. Prestemon stated that if the City passes on these Resolutions it will drive the project to Frisco. Mr. Tony Sisk, 5605 N. MacArthur, Irving, stated that there are a number of projects that compete for this funding. He stated that without these home funds they would not be able to develop this project. His company is one of the few that utilize the state funding that allows them to build in prime areas. Mayor Loughmiller stated that his concerns are not with this project or the quality. Mr. Loughmiller stated that the City has historically not offered resolutions in support to avoid disparate treatment of projects. McKinney has statistically a greater number of multi-family dwellings than the remainder of Collin County. Council approved the motion by Council member Brooks, seconded by Mayor Pro-Tm Huff, to deny the request contained in Resolution A, with a vote of 6 - 1 - 0, Council member Day voting against. Council approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to deny the request contained in Resolution B with a vote of 6 - 1 - 0, Council member Day voting against.

11-062 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Code of Ordinances, Chapter 42 - Fire Prevention and Protection and Appendix A Schedule of Fees Interim City Manager Rick Chaffin stated that the next three items - 11-062, 11-061, and 11-063. Mr. Chaffin stated that staff is requesting that agenda item 11-061 be tabled until a later time since it is not related to 11-062 and 11-063. The idea for these cost recover fees were brought forward through the Employee Gain Sharing Program. The City Manager's office determines which of these items will be presented to Council for consideration. Mr. Chaffin stated that these two items are before you tonight at his request and not the Fire or Police Chiefs. Fire Chief Mark Wallace stated that the City currently charges the plan review fee and was last updated in 2007. Mr. Chaffin suggested that this item be tabled to allow staff to bring it back with a breakdown of individual fees. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to table this item until the March 1,

11-061 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Code of Ordinances - Appendix A - Schedule of Fees, Chapter 18 Relative to Ambulance Service Charges. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Huff, to table this item until the March 1, 2011 meeting.

2011 meeting.

11-063 Mayor Loughmiller called for Consideration/Discussion/Action on an

Ordinance Amending Chapter 82, "Police" of the Code of Ordinances, by Adding Section 82-3, "Motor Vehicle Accident Response Cost Recovery Fees". Police Chief Doug Kowalski stated a Police study was conducted in 2009 with the conclusion that the police force was understaffed and that corrective action needed to be taken to bring on more personnel. Due to the economy, the City was unable to increase the staff over the last two years. In November last year it was also established that we were still understaffed and we were charged with looking for ways to generate revenue or cut costs. This item has a lot of positives with it; however it has not been without controversy, one of which is the effect it would have on visitors to McKinney. Chief Kowalski stated that this is not a fee that would be charged for every accident in the City. This would be for accidents caused by a non-resident that tie up resources for an extended length of time. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to deny this item.

10-063A6

Mayor Loughmiller called for а Public Hearing for Consideration/Discussion on the Request by Petsche and Associates, Inc., on Behalf of Blue Star Land L.P. and 206 McKinney, L.L.C., on a Petition to Annex Approximately 238.92 Acres, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the Applicant has requested that items 10-063A6, 10-064, and 10-574 be tabled indefinitely. Applicant, Mr. Pete Petsche, 2600 Eldorado Parkway, McKinney, regrets that they have to ask a table all three items. D.R. Horton who is still working on the details of the Developer Agreement as it relates to the Site Agreement. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Brooks, seconded by Mayor Pro-Tem Huff, to table this item indefinitely.

10-064Z1 Mayor Loughmiller called for Public Hearing for а Consideration/Discussion/Action on the Request by Petsche Associates, Inc., on Behalf of Blue Star Land, L.P. and 206 McKinney, L.L.C., for Approval of a Request to Zone Approximately 238.92 Acres, Planning Area 17, to "PD" - Planned Development District, Generally for Single Family Residential, Retail, Elementary School, and Open Space Uses, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the Applicant has requested that this item be Mayor Loughmiller called for public comment and tabled indefinitely. there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Ussery, to table this item indefinitely.

Development Agreement with Blue Star Land, L.P., 206 McKinney, L.L.C., and D.R. Horton, Inc., as Transferees of Custer West Partners, L.P., Approximately 238.92 Acres, Located Generally on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road. Planning Director Jennifer Cox stated that Staff is requesting that this item be tabled indefinitely. Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Huff to table this item indefinitely.

Mayor Loughmiller called for Council and Manager Comments and Liaison Reports.

Council member Brooks stated that the Veterans Memorial Park will break ground tomorrow morning at 11:00 a.m. and everyone is invited. The Veterans Memorial will honor every service member who has died while on active duty on behalf of our Country who was born in Collin County. Their names will be engraved in granite at this Memorial Park. The approximate cost of the Memorial is \$1.1 million. The anticipated completion and public dedication is Veteran's day November 2011.

Council member Ussery gave recognition to Council member Brooks for all he has done for the Memorial. Mr. Ussery stated he had the opportunity to attend the Sustainability Program kick off last Saturday. Mr. Ussery encouraged everyone to attend the second gathering on April 16th at the Senior Citizens Center. Mr. Ussery thanked Staff for what they do day in and day out to make this better than the 5th best place to live in the Country.

Mayor Pro–Tem Huff stated that he wanted to reiterate that the Council supports what the Police and Fire Chiefs do every day and the efforts they make to hold the budget as well as generate revenue. Economic times are tough out there and the reality of non citizens who want to come and shop and eat here. The vote tonight is in no way indicating displeasure for the daily efforts of the Police and Fire Departments. Mayor Pro-Tem Huff stated that the Veterans Memorial Wall started out as a pipe dream four years ago and now has come to fruition and will be an amazing facility.

Council member Ricchi stated this Saturday the Boyd Baladora's dance team is hosting a competition with teams from all over Texas and Oklahoma. "If you love what they do at half time on Friday nights come out and see them at Boyd High School this Saturday." Next Thursday the Mayor, Mr. Ricchi and Mr. Ussery will be competing next in the McKinney Education Foundation Spelling Bee at Eldorado Country Club. Mr. Ricchi thanked the Council and Staff for the work they do.

Council member Day stated that the Super Bowl was held in this area and there were 23 large planes scheduled to be at our airport. Out of the 23 planes, 8 had to cancel due to the icy weather. The new tower is completed and will go into service this week. Mr. Day stated that there are six large corporations that are looking to move their corporate jets to the airport.

Council member Kever stated that on January 29th the North Texas Dental Society in conjunction with Collin College Hygiene School, North Texas Hispanic Dentist Society & students from Baylor College all got together at Collin College Central Campus to serve 128 underprivileged school kids from 9 a.m. to 4 p.m. Eight-five of the children were referred to local dentist for further treatment at no charge. Thirty dental providers have volunteered their services to treat these children in their offices. There are many doctors in the community that quietly try to help the less fortunate. Ms.

Kever stated she wanted to publicly thank the four groups that partnered together to do such a great job.

Mayor Loughmiller stated that the Relay for Life kick off was held on Saturday morning at both downtown and Market Street. The event is scheduled for April 29th & 30th at the Ballparks at Craig Ranch. Last year \$483,000 was raised bringing the total for the event of over \$3,000,000 in the last 10 years. The goal this year is to raise over \$500,000. The Trout Derby was held this weekend at Town Lake with not a single spot left to drop in another line. "I am not sure how the fish liked it, but the kids were having a great time." On Sunday, the Mayor stated that he was invited to St. Marks Baptist Church for a Black History Month celebration, They had members of the Buffalo Soldiers in attendance as well as Elijah who won a Martin Luther King, Jr. Oratory award who gave a great speech about legacy. Mr. Loughmiller pointed out that with the Gold Flag presentation tonight emphasizes the importance of those that serve our Country and pay the ultimate price. Mayor Loughmiller wanted to state publicly that from time to time, the City Council has tough issues that come before us to debate and consider. Mr. Loughmiller stated that as the Council decides these issues, we are trying to stay consistent with our policies and long range planning. Mr. Loughmiller expressed his thanks for the efforts of the City Council to have a shared vision toward that goal.

Interim City Manager Chaffin talked about a presentation that John Nalbandian made yesterday to Staff with Mayor Loughmiller, Council member Kever and Council member Ricchi in attendance. Mr. Nalbandian covered the differences between the political world that Council operates in and the administrative side that the Staff operates in. Interim City Manager Chaffin stated it is okay for the Council to say to staff that we support you but we cannot support what you are presenting. Mr. Chaffin stated that he would like to bring Mr. Nalbandian back for a future Council work session.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 7:38 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, Section 551.072 Discuss Real Property,

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and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:45 p.m.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Day, to adjourn the meeting. Mayor Loughmiller adjourned the meeting at 8:46 p.m.

	BRIAN LOUGHMILLER Mayor	
ATTEST:		
SANDY HART, TRMC, MMC City Secretary		