

## **CITY COUNCIL REGULAR MEETING**

**JANUARY 5, 2016**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 5, 2016 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; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Chief Financial Officer Rodney Rhoades; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Director of Strategic Services Chandler Merritt; Director of Parks and Recreation Rhoda Savage; Fire Chief Danny Kistner; Facilities Construction Manager Patricia Jackson; IT Service Desk Supervisor Amy Greer; Assistant Director of Parks and Recreation Ryan Mullins; Police Corporal Jonathan Meyer; Chief of Police Greg Conley; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; Housing and Community Services Manager Janay Tieken; Community Services Administrator Shirletta Best; Planner Jason Aprill; Fire Department - Firefighter Del Ray Pope, Captain Vince Edwards, and Firefighter Micah Maxon; MPAC/Main Street Director Amy Rosenthal; Revenue Collections Manager Alex Casey; Budget Manager Mark Holloway; McKinney Community Development Corporation President Cindy Schneible; Police - Officer Maureen "Mo" Messner, Officer Randy Haak, Sergeant David Rodriguez, Officer Sabrina Boston; Lieutenant Steve Riley, and Sergeant Drew Caudell; and Communications and Media Specialist Denise Lessard.

There were approximately 80 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Mayor Loughmiller. Mayor Loughmiller led the Pledge of Allegiance.

**16-006** Recognition of Emerson Process Management for Their Support of the McKinney Performing Arts Center. Mayor Loughmiller expressed appreciation to Emerson Process Management for their continued

support of the McKinney Performing Arts Center.

**16-007** Recognition of Officer Maureen Messner. Mayor Loughmiller presented a Proclamation to Officer Maureen “Mo” Messner for her heroic acts at Evans Middle School.

**16-008** McKinney Police Department National Recognition for National Night Out. Mayor Loughmiller recognized the Police and Fire Departments for their National Recognition and great job they do for National Night Out.

**16-009** Recognition of the McKinney Fire Department for 2015 Thanksgiving Rescues. Mayor Loughmiller recognized the Fire Department for their Thanksgiving swiftwater rescue of a man and his dog. Mayor Loughmiller recognized the crew: Battalion Chief Kyle Easley, Captain Greg Edwards, Firefighter/Paramedic Del Ray Pope, Captain Chad Husbands, Firefighter/Paramedic Cory Jones, Firefighter/Paramedic Micah Maxon, Firefighter/Paramedic Kris Michael, Firefighter/Paramedic Jason Newell, Firefighter/Paramedic Jared Oliver, Firefighter/Paramedic Kyle Rice, Firefighter/Paramedic Sean Stephens, Driver Operator Michael Stokes, Driver Operator Paul Testa, and Captain Brandon Watson. Ms. Mary Prothro, representing PETA, presented a Certificate to the Fire Department for the dog rescue.

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke in favor of keeping Krewe of Barkus in downtown:

Ms. Toni Andrukaitis, 5600 Centeridge Lane, McKinney

Mr. Steve Spainhauer, 2801 Palo Duro Canyon, McKinney

Ms. Blynda Christian, 214 Sparrow Hawk, McKinney

Mr. David West, 703 N. Morris Street, McKinney

Ms. Amy Cox, 2860 Hidden Creek Lane, McKinney

Ms. Cynthia Van Landingham, 107 E. Virginia, McKinney, spoke in favor of Krewe of Barkus and her concern with safety issues in the downtown area.

Ms. Dana Riley, 400 W. Virginia, McKinney, thanked City Council and Staff for the financial and emotional support they have given to Volunteer McKinney.

Mr. Neal Ator, 512 W. Virginia Street, McKinney, spoke about the residential leasing that is going on in the Historic District that is operating as a commercial business without rezoning or obtaining a specific use permit to operate a bed and breakfast.

Ms. Margaret Harsch, 513 Heard Street, McKinney, did not wish to speak but wanted her support of Krewe of Barkus entered into the record. She also wanted the Council to consider resident and business input if there is a proposal for limiting the events around the downtown square. Ms. Mari McGowan, 902 W. Hunt Street, McKinney, did not wish to speak but wanted her thanks to the City Council for their service and devotion to the City of McKinney entered into the record.

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

- 16-010** Minutes of the City Council Special Meeting of December 9, 2015
- 16-011** Minutes of the City Council Regular Meeting of December 15, 2015
- 16-012** Minutes of the City Council Special Meeting of December 21, 2015
- 15-1163** Minutes of the Community Grants Advisory Commission Meeting of October 21, 2015
- 15-1164** Minutes of the Community Grants Advisory Commission Meeting of November 11, 2015
- 15-1165** Minutes of the Community Grants Advisory Commission Meeting of November 12, 2015
- 15-1208** Minutes of the Main Street Board Meeting of November 12, 2015
- 15-1199** Minutes of the McKinney Armed Services Memorial Board Meeting of October 14, 2015
- 15-1242** Minutes of the McKinney Community Development Corporation Meeting on November 19, 2015
- 15-1232** Minutes of the McKinney Economic Development Corporation Meeting of November 17, 2015
- 15-1233** Minutes of the McKinney Economic Development Corporation Special

Meeting of December 7, 2015

**16-013** Minutes of the McKinney Housing Authority Meeting of October 27, 2015

**15-1214** Minutes of the Parks, Recreation and Open Space Advisory Board  
Meeting of November 12, 2015

**15-1218** Minutes of the Planning and Zoning Commission Regular Meeting of  
November 10, 2015

**16-014** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2015-  
2016 Budget and the 2016-2020 Capital Improvements Program to Re-  
appropriate Projects/Items Carried from Last Fiscal Year and to  
Appropriate Funds to the Fire Improvement Fund and Facilities  
Improvement Fund. Caption reads as follows:

ORDINANCE NO. 2016-01-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET  
AMENDMENT PERTAINING TO THE FISCAL YEAR 2015-2016  
BUDGET AND THE 2016-2020 CAPITAL IMPROVEMENTS  
PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE  
HEREOF

**16-015** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2015-  
2016 Budget for MEDC, MCDC & MCVB to Re-appropriate  
Projects/Items Carried from Last Fiscal Year. Caption reads as follows:

ORDINANCE NO. 2016-01-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET  
AMENDMENT PERTAINING TO THE FISCAL YEAR 2015-2016  
BUDGET FOR MCVB, MEDC AND MCDC; AND PROVIDING  
FOR AN EFFECTIVE DATE HEREOF

**16-016** Consider/Discuss/Act on an Ordinance Approving Revisions to Chapter  
110 of the Code of Ordinances Regarding Utility Billings, Deposits, and  
Reconnections. Caption reads as follows:

ORDINANCE NO. 2016-01-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, APPROVING REVISIONS TO CHAPTER  
110 OF THE CODE OF ORDINANCES REGARDING UTILITY  
BILLINGS, DEPOSITS, AND RECONNECTIONS

**15-307M2** Consider/Discuss/Act on a Resolution to Accept and File the Semiannual

Impact Fee Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Caption reads as follows:

RESOLUTION NO. 2016-01-001 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ACCEPTING AND FILING THE SEMI-ANNUAL REPORT WITH RESPECT TO THE PROGRESS OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY AND UTILITY IMPACT FEES

- 16-017** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Halff Associates, Inc., for Engineering Design Services for the Alignment Study of Laud Howell Parkway, and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2016-01-002 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH HALFF ASSOCIATES, INC., FOR ENGINEERING DESIGN SERVICES FOR THE ALIGNMENT STUDY OF LAUD HOWELL PARKWAY AND ANY NECESSARY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$225,000

- 16-018** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Apply for and Accept, If Awarded, a Selective Traffic Enforcement Program (STEP) Grant for Fiscal Year 2017 from the Texas Department of Transportation. Caption reads as follows:

RESOLUTION NO. 2016-01-003 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FOR FISCAL YEAR 2017

- 16-019** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Professional Services Contract with Schrickel Rollins and Associates, Inc. of Arlington, Texas for Landscape, Architectural and Engineering Services Related to the Design and

Construction of the Gabe Nesbitt Tennis Expansion Project, Additional Park Amenities and Landscape Enhancements. Caption reads as follows:

RESOLUTION NO. 2016-01-004 (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 SCHRICKEL, ROLLINS AND ASSOCIATES, INC. OF ARLINGTON, TEXAS FOR LANDSCAPE, ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE GABE NESBITT TENNIS CENTER EXPANSION, ADDITIONAL PARK AMENITIES AND LANDSCAPE ENHANCEMENTS

- 16-020** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Professional Services Contract with Brinkley, Sargent, Wiginton Architects of Dallas, Texas for Architectural and Engineering Services Related to the Design and Construction of Phase 3 of the Public Safety Facility. Caption reads as follows:

RESOLUTION NO. 2016-01-005 (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 BRINKLEY, SARGENT, WIGINTON ARCHITECTS OF DALLAS, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF PHASE 3 OF THE PUBLIC SAFETY BUILDING

- 16-021** Consider/Discuss/Act on a Resolution Approving Funding Recommendations Under the FY 2016 Community Support Grant. Caption reads as follows:

RESOLUTION NO. 2016-01-006 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE 2015-2016 COMMUNITY SUPPORT GRANT FUNDING ALLOCATIONS, AND PROVIDING AN EFFECTIVE DATE

END OF CONSENT

**15-270SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Self-Storage Facility (Marketplace Retail Self Storage), Located Approximately 1,020 Feet East of Custer Road and on the North Side of Stacy Road, and Accompanying Ordinance. Director of Planning Brian Lockley stated that this request is for a Specific Use Permit (SUP) to allow for a self-storage facility located at the Northeast corner of Custer Road and Stacy Road that is part of a larger retail development. If approved, the SUP will permit a self-storage, mini warehouse facility totaling approximately 99,000 square feet on approximately 4.7 acres. The zoning for the property is Planned Development (PD) which is why an SUP is required to be granted in order to allow for this use. The mini warehouse must satisfy the following development standards: no overhead bay doors or loading areas shall be visible from an adjacent use or public right-of-way; each building shall be covered with 100% masonry; proposed buildings located directly adjacent to residential zones shall be limited to a single story; and buildings located adjacent to single-family residential zones shall feature a pitch roof. At the time of staff's review, it was not known that the property centrally located within the development had already been purchased for retail development. Based on this site as it is being developed, the Planning and Zoning Commission did recommend approval of this site. It was recommended for approval subject to the condition that the site develop in conformance with the attached site plan and the building elevations in conformance with the planned development requirements. Applicant, Mr. Dallas Cothrum, 900 Jackson street, Suite 640, Dallas, explained the specific use permit request and gave a PowerPoint presentation of the proposed development. He stated that they were working with the United States Postal Service to have a postal unit located inside the front retail area of the proposed development. He stated that this is a mixed use project developed in conjunction with the

surrounding development. There is a Walmart planned as part of the development. The storage facility will be a high-end facility and the only one in McKinney that will offer an area for special storage items. 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 approve an Ordinance granting a Specific Use Permit for a Self-Storage Facility (Marketplace Retail Self Storage), located approximately 1,020 feet east of Custer Road and on the north side of Stacy Road with the following special Ordinance provisions: a mini-warehouse facility shall be permitted on the subject property and the property shall generally develop in conformance with the attached site layout exhibit. Caption reads as follows:

ORDINANCE NO. 2016-01-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A MINI-WAREHOUSE USE (SELF-STORAGE FACILITY), APPROXIMATELY 4.7 ACRES, LOCATED APPROXIMATELY 1,020 FEET EAST OF CUSTER ROAD AND ON THE NORTH SIDE OF STACY ROAD; 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

- 16-022** Conduct a Public Hearing to Consider/Discuss/Act on an Ordinance Granting Grayson Collin Electric Cooperative a Non-Exclusive Franchise to Use Public Rights-of-Way for the Purpose of Constructing and Operating an Electric Distribution System Within the Corporate Limits of the City of McKinney. Chief Financial Officer Rodney Rhoades stated that this item is the first of two required public hearings on the renewal of the franchise agreement between the City of McKinney and the Grayson County Electric Coop. The second and final public hearing will be held on February 16<sup>th</sup>, at which time staff will request Council adopt the renewal to the franchise ordinance. The current proposed ordinance



contains two changes to the existing ordinance. The first one includes a vegetation management plan as required by the PUC. The second change is an increase of the franchise agreement from 4% to 5%, which is consistent with the rest of our franchise agreements. Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to close the public hearing.

**16-023** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on an Ordinance Granting Atmos Energy Corporation a Non-Exclusive Franchise to Use Public Rights-of-Way for the Purpose of Constructing and Operating a Gas Distribution System. Chief Financial Officer Rodney Rhoades stated that this item is the first of two required public hearings on the renewal of the franchise agreement between the City of McKinney and Atmos Energy Corporation. The second and final public hearing will be held on February 16<sup>th</sup>, at which time staff will request Council adopt the renewal to the franchise ordinance. This agreement is for a term of ten (10) years and expires on March 21, 2026. The agreement allows for an automatic five (5) year renewal unless a sixty (60) day written notice of cancelation is given by either party. No existing terms change with the exception of the expiration date. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to close the public hearing.

Mayor Loughmiller called for Council and Manager Comments.

Council member Rogers had no comments.

Councilwoman Rath thanked all the groups and citizens in McKinney for their care and support of the surrounding communities affected by the devastating storms over the holidays. It is nice to be a resident of such a caring community.

Council member Branch wished everyone a happy and prosperous New Year. He thanked everyone for their support of the city and Council. He also thanked staff for their time and efforts.

Council member Day did not have any comments.

Council member Pogue recognized and thanked Emerson for being a good community partner and their support of the City as well as the McKinney Education Foundation. He thanked Officer "Mo" for her representation of the City of McKinney and what she does for the school district, City, and citizens. Mr. Pogue also thanked the Fire Department, Battalion Chief Kyle Easley and Firefighter Del Ray Pope who were recognized earlier. Thank you all for your heroic actions. Mr. Pogue expressed his congratulations on National Night Out to both the police and fire departments.

Mayor Pro Tem Ussery echoed Council member Pogue's comments regarding the public safety departments and the great community Partner we have with Emerson Process Management. Mr. Ussery stated that his father was on Council when Emerson first arrived in McKinney. They have been a corporate citizen for 50+ years and what they do is a shining example of what goes on in corporate America. Mr. Ussery thanked staff for what they do, day in and day out. Mr. Ussery echoed the Mayor's comments last night at the Work Session for the perseverance and dedication that MPAC/Main Street Director Amy Rosenthal does every day as she seeks to gain consensus with the business owners and public. She does an outstanding job for both MPAC and Main Street.

Mayor Loughmiller stated that Council will have a work session on January 25<sup>th</sup> and a Strategic Planning meeting on January 28<sup>th</sup>. Mr. Loughmiller announced that the next Coffee with the Mayor will be held on January 26<sup>th</sup> from 7:30 a.m. to 9:00 a.m. at the Public Safety Building. Mayor Loughmiller stated that he believes the more information we can give out to the public provides a transparency into the City government. When a subcommittee is formed, the Mayor will appoint members to the subcommittee. Sometimes he will serve on the subcommittee and other times he will not as it depends on the issues. What is important to understand is that there is no decision made and no vote taken in a subcommittee meeting. These come back to the entire Council for discussion and other direction or action that needs to take place. We have a number of different committees that are required by Statute such as the Audit Committee, and most recently, a subcommittee working on the Parks Master Plan. At a public meeting in late 2014, a subcommittee was formed to talk about street closures

versus non street closures and an issue in regards to the noise Ordinance in and around the downtown area. We will continue to have subcommittees from time to time. I can assure you that when it comes time to take action it will be done here in front of the public with full discussion with the entire Council. We have three new Council members who came on in June and are doing a great job. But there will always be a carry-over from Council to Council where things have happened in prior years that will carry forward into the next group. Mr. Loughmiller stated that in his opinion, what makes a city great is being consistent and carrying plans forward so that you are not constantly back tracking, redirecting and starting over every four years. This group works well together, we are fiscally conservative, and we will continue to pay close attention to the budget. Mayor Loughmiller stated that as we move forward on the special events issue and the parking issue, we will do so after we have input from the business merchants, the residents, and the community at large that are interested in those issues.

Interim City Manager Tom Muehlenbeck stated that the City encourages residents to recycle holiday decorations and is offering curbside pickup of Christmas trees on the regular trash collection day until January 15<sup>th</sup>. The City was successful in getting \$100 million in bond money passed recently. Two issues were turned down. Those issues played a very important part in our 10-year Capital Improvement Program and our 10 year operating budget. Mr. Muehlenbeck requested for Council to consider appointing two Council subcommittees: (1) on the 10-year Capital Improvement Program for adjustments that will need to be made as a result of the citizen referendum; and (2) a subcommittee on the 10 year operating budget. The operating budget is what we use to support the Capital Improvement Program. Adjustments have to be made in both. Subcommittee recommendations will come back to Council as a whole and will provide public information on the items. Mayor Loughmiller recommended Mayor Pro Tem Ussery, Council member Pogue, and Council member Rogers to serve on the CIP subcommittee. Mayor Loughmiller recommended he, Council member Branch and Councilwoman Rath serve as 10 year operating budget subcommittee. Mayor Loughmiller stated the subcommittees will report back to the Council as a whole.

Mayor Loughmiller stated there is no work session on January 18th due to the Martin Luther King holiday. The next Council regular meeting will be held on January 19<sup>th</sup>. The Tax Increment Reinvestment Zone Number 2 meeting will also be on January 19<sup>th</sup> at 5:15 p.m. prior to the City Council regular meeting at 6:00 p.m.

Mayor Loughmiller recessed the meeting into executive session at 7:10 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 Matters as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 7:21 p.m.

Council unanimously approved the motion by Council member Pogue, seconded by Councilwoman Rath, to adjourn. Mayor Loughmiller adjourned the meeting at 7:21 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary