

## **CITY COUNCIL REGULAR MEETING**

**JANUARY 19, 2016**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on January 19, 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; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Director of Engineering Mark Hines; Director of Strategic Services Chandler Merritt; Director of Parks and Recreation Rhoda Savage; Assistant Director of Parks and Recreation Ryan Mullins; Assistant Director of Public Works Paul Sparkman; Engineering - Paul Tucker and Gary Graham; IT Systems Analyst Richard Sewell; Chief of Police Greg Conley; Airport Executive Director Ken Wiegand; Purchasing - Lisa Littrell and Abri Sterlacci; Library Director Spencer Smith; Police Corporal Melissa Taylor; and Police Officer Jeff McGee.

There were approximately 40 guests present.

Mayor Loughmiller called the meeting to order at 6:01 p.m. after determining a quorum was present. Invocation was given by Pastor Derrick Wilson, Milestone Church. Mayor Loughmiller led the Pledge of Allegiance.

**16-065** Proclamation for Cas J. Franklin. Mayor Loughmiller presented a proclamation to Cas J. Franklin for his contribution to McKinney with his design and landscaping.

**16-066** Proclamation for Rob Daake. Mayor Loughmiller presented a proclamation to former Assistant City Manager Rob Daake for his service to the City of McKinney.

Mayor Loughmiller called for Citizen Comments.

Mr. Peter Bailey, 4700 S. Ridge Road, McKinney, spoke about the lack of public transportation in McKinney.

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

- 16-067** Minutes of the City Council Work Session of January 4, 2016
- 16-068** Minutes of the City Council Regular Meeting of January 5, 2016
- 16-069** Minutes of the City Council Work Session of January 8, 2016
- 16-028** Minutes of the Building and Standards Commission Meeting of March 19, 2015
- 16-001** Minutes of the Historic Preservation Advisory Board Regular Meeting of December 3, 2015
- 16-041** Minutes of the McKinney Armed Services Memorial Board Meeting of December 9, 2015
- 16-070** Consider/Discuss/Act on an Ordinance Naming the Dog Park Located in Craig Ranch. Caption reads as follows:

ORDINANCE NO. 2016-01-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY AMENDING ARTICLE 1; PROVIDING FOR THE REPEAL OF ANY SECTION OF ANY ORDINANCE FOR THE SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 16-071** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract and All Necessary Change Orders with Felix Construction Company for the Construction of WA4342 Gerrish Street Pump Station Improvements Project. Caption reads as follows:

RESOLUTION NO. 2016-01-007 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$666,720 WITH FELIX CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF WA4342 GERRISH STREET PUMP STATION IMPROVEMENTS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$766,000

- 16-072** Consider/Discuss/Act on a Resolution Awarding a Contract to Tallent Roofing, Inc. dba Demo & Excavation Services, Inc. of McKinney, Texas

as Primary Vendor and Fannin Tree Farm Sales, LLC of Frisco, Texas as a Secondary Vendor for Hazardous Tree Trimming. Caption reads as follows:

RESOLUTION NO. 2016-01-008 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO TALLENT ROOFING, INC. DBA DEMO & EXCAVATION SERVICES, INC. AS PRIMARY VENDOR AND FANNIN TREE FARM SALES, LLC AS A SECONDARY VENDOR FOR HAZARDOUS TREE TRIMMING

- 16-073** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract and All Necessary Change Orders with XIT Paving and Construction, Inc. for the Construction of Intersection Improvements for Custer Road and Fountain View Drive, Custer Road and Stonebridge Drive, and Custer Road and Stacy Road. Caption reads as follows:

RESOLUTION NO. 2016-01-009 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$582,335 WITH XIT PAVING AND CONSTRUCTION, INC. FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS FOR CUSTER ROAD AND FOUNTAIN VIEW DRIVE, CUSTER ROAD AND STONEBRIDGE DRIVE, AND CUSTER ROAD AND STACY ROAD AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$640,000

END OF CONSENT

- 15-343Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "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 U.S. Highway 380 (University Drive) and Hardin Boulevard, and Accompanying Ordinance. Director of Planning Brian Lockley stated the applicant has requested

that this item be tabled and the Public Hearing be continued until the February 2, 2016 City Council meeting. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to continue the public hearing and table this item until the February 2, 2016 meeting.

**16-074** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on Amending Ordinance No. 2010-05-014 for the City of McKinney's Continued Participation in the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code and Providing Additional Potential Business and Tax Incentives. Interim City Manager Tom Muehlenbeck stated that Council had previously approved Ordinance 2010-05-014. Staff has worked with Raytheon to include in the amended Ordinance additional incentives that the City currently makes available. Those have been incorporated into this Ordinance and will provide an opportunity for additional points to be included in the Company's request for State monies. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to close the public hearing and approve an Ordinance amending Ordinance No. 2010-05-014 for the City of McKinney's continued participation in the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code and providing additional potential business and tax incentives. Caption reads as follows:

ORDINANCE NO. 2016-01-006

AN ORDINANCE AMENDING ORDINANCE NO. 2010-05-014, ORDAINING THE CITY OF MCKINNEY'S CONTINUED PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE (ACT), PROVIDING ADDITIONAL POTENTIAL BUSINESS AND TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH THE INTERESTED PARTIES, AND NOMINATING RAYTHEON COMPANY TO THE OFFICE OF THE GOVERNOR, ECONOMIC DEVELOPMENT AND TOURISM (OOGEDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS A TEXAS ENTERPRISE PROJECT (PROJECT)

**16-076** Mayor Loughmiller called for Consideration of the Qualifications of Submitted Responses to the City of McKinney's Request for Qualifications (16-45RFQ) from Executive Search Firms for the Recruitment of a City Manager. Purchasing Manager Lisa Littrell introduced three of the five firms selected to move forward in the search process. Ms. Littrell stated that Council will hear presentations from Chris Hartung Consulting, LLC, GovHR USA, and Ralph Andersen & Associates tonight. Slavin Management Consultants will make a presentation on Monday, January 25, 2016. The Novak Consulting Group that made a presentation on December 21, 2015 did not want to return to make another presentation but would like to be considered in the selection process. Mayor Loughmiller stated Council will not make a decision tonight in order to allow Slavin Management Consultants to make their presentation on Monday. Mr. Chris Hartung, Chris Hartung Consulting, LLC, and Ms. Joellen Earl, GovHR USA, provided presentations on their firm's organization, approach, and experience for Council's consideration. Mayor Loughmiller called for a short recess and the following agenda item before continuing with the final presentation.

**16-077** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Approval and Ratification of a Letter of Intent Between the City of McKinney, Texas and Columbus Realty Partners, Ltd. for a Mixed-Use, Economic Development Project (on Approximately 8.766 Acres Located Generally Between Davis Street, Tennessee Street, McDonald (SH5) Street, and Anthony Street). Executive Director of Development Services Michael Quint stated that this item is the Letter of Intent that the City of McKinney has been negotiating with Columbus Realty for the development of the nine-acre site. The major inclusions are the construction of 329 Class A multifamily residential units, 20,000 square feet of ground floor retail space, a structured parking garage with 200 nonresident parking spaces, 100 of those spaces dedicated to the City of

McKinney, 119 on-street parking spaces and an option for a 45,000 square foot Class A office building with an approximate 125 parking space lot, for a total of 444 additional parking spaces. There are currently 523 spaces currently on the existing lot. The proposed development would have a net loss of about 80 spaces. Staff is recommending approval of the Letter of Intent. The last appraisal of this property was done in 2014 with an appraised value at \$3 million. We are working on a new appraisal and will have that information to Council as soon as it is finalized. At this point, we do not have plans for additional parking in downtown. The plan to lure development downtown is a multi-pronged approach. Any time we meet with developers, we promote the downtown area and offer up opportunities for tax abatements, incentives, impact fee waivers, as well as downtown tax abatements through our NEZ and HNIZ. Based on the proposed plan, they will have parallel parking spaces on the future extension of Chestnut along both sides. There is an unnamed road with parallel parking spaces on both sides and there will be angled parking spaces on Tennessee and Davis Streets. We will be bringing some parking options back to Council at the January 25, 2016 meeting. At that meeting, we will request Council to give us direction on if they would like Staff to get back with the developer on additional parking spaces. The developer indicated that he thought an additional 100 spaces could be added one level below grade at a cost of \$20,000 per space. We request that these agreements be approved tonight and if Council decides to give us that direction, the definitive agreements will include the additional parking spaces and be available for discussion at the January 25<sup>th</sup> meeting. The Letter of Intent anticipates the transfer of the property in May and there would be other approvals for façade, design and a site plan. As written, the commencement of the project would be January 2017. Design exceptions will be brought back to the Council rather than the Planning and Zoning Commission. Mr. Shaw has

indicated that he wants this to be a very public process. The 45,000 square foot Class A office space is optional. Mr. Shaw has a certain timeframe within which to get the building preleased. If he does not feel like he can get the building preleased to a point where he can get financing, he will be able to not exercise that option and not build on Block 3 in this drawing, which means that the 45,000 square foot office building and the associated 125 parking spaces would not be developed. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve and ratify a Letter of Intent between the City of McKinney, Texas and Columbus Realty Partners, Ltd. for a Mixed-Use, Economic Development Project (on approximately 8.766 acres located generally between Davis Street, Tennessee Street, McDonald (SH5) Street, and Anthony Street).

**16-076** Mayor Loughmiller called back for consideration of the Qualifications of Submitted Responses to the City of McKinney's Request for Qualifications (16-45RFQ) from Executive Search Firms for the Recruitment of a City Manager. Mr. Greg Nelson, Ralph Andersen, provided a presentation on his firm's organization, approach, and experience for Council's consideration.

**15-1257** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution for Selection and Engagement of an Executive Search Firm for City Manager Search. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Ussery, to table this item until the January 25, 2016 Special Meeting.

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 thanked Mr. Daake for his service and for what he has meant to the City of McKinney. I think the City is better because of his time here. I wish him well in his future endeavors.

Council member Rogers did not have any comments.

Councilwoman Rath noted that the McKinney Police Department conducted a promotion ceremony last Thursday, January 14, 2016. The following officers were promoted: Matt Kasmerski to Deputy Chief, Tom Macri to Lieutenant, and Michael Best, Todd Lowry, Brent Shropshire, and Jimmy Thomas to Sergeant. I would also like to thank Chief Conley for his Community Forum at the Martin Luther King Power of Leadership Breakfast at Collin College. Thank you for your weekend work. Ms. Rath invited everyone to attend the ONE McKinney 2040 Workshop this Thursday evening at 6:00 p.m. at the Senior Center.

Mayor Pro Tem Ussery thanked staff for what they do day in and day out. Mr. Ussery echoed Mr. Pogue's comments about Mr. Daake. He is symbolic of what staff does. He doesn't look for accolades; he always looks for positive results. Each and every one of you should be proud as we are very proud of you.

Mayor Loughmiller noted that a letter has been drafted stating that the City of McKinney has been working with the Rotary Club on the All Abilities Playground which the City has approved. The Rotary Club is raising money from the private sector toward the completion of that project. This is truly a public-private partnership between the City and private entities. Mayor Loughmiller stated that he has prepared a letter for signature by any of the Council members who wish to sign. We have a great opportunity to provide a quality of life for all residents regardless of physical ability or challenge. The McKinney Rotary Clubs in partnership with the City of McKinney have proposed the development of an All Abilities Playground as part of the master plan development of Bonnie Wenk Park. The All Abilities playground focuses on providing for children with special needs, with developmental delays, special sensory requirements, or physical challenges. This playground will be but one piece of the overall master planned regional Bonnie Wenk Park and would be included as part of phase 2 of the park. The Rotary Clubs of McKinney have committed to raise \$530,000.00 towards completion of the All Abilities playground's specialized equipment and foundation. I am writing the letter to



encourage community support for this park amenity. Participation will be recognized as providing a vital contribution to the quality of life for families of children with special needs in McKinney. The McKinney City Council has approved the addition of the All Abilities playground, assuming funds are raised for construction and completion of the project. The Rotary Clubs of McKinney have already invested \$30,000 for design expenses and a design contract has been approved by the City. The City has provided reserved park property, developing road and access to the playground, parking, ADA restroom facilities and landscaping. Should you want to be part of this project, contact Juli Smith or Larry Offerdahl to obtain additional information or to make a contribution. The purpose of the letter is not to place the project ahead of any other project that may be out there that people are interested in. It is more designed to provide information and give the Rotary Clubs working on the project an opportunity to raise the capital to contribute toward the public-private partnership. Obviously, the City of McKinney's role in this park is conditioned on the ability of the Rotary Clubs to raise funds. This will not be something that will come back to us in the form of a request from the general fund for any dollars to make up money they are trying to raise. The only other potential City investment may be from an application for funding from the McKinney Community Development Corporation. I have the letter that I will sign and I am asking if any Council member would so choose to sign as well.

Interim City Manager Tom Muehlenbeck stated that the police department is offering a Citizens Police Academy to educate residents about personal safety, crime scene investigations, and police functions. The class will begin on February 18<sup>th</sup> and will meet every Thursday for 14 weeks. Applications are due February 4<sup>th</sup> and can be found on the City of McKinney website.

Mayor Loughmiller recessed the meeting into executive session at 9:02 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 9:38 p.m.

Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to adjourn. Mayor Loughmiller adjourned the meeting at 9:40 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary