

CITY COUNCIL REGULAR MEETING

FEBRUARY 16, 2016

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on February 16, 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; 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; Assistant Director of Parks and Recreation Ryan Mullins; Assistant Director of Public Works Paul Sparkman; Systems Analyst Richard Sewell; Police Sergeant Sherwood Holmes; Housing and Community Services Manager Janay Tieken; Planning Manager Jennifer Arnold; Planning Manager Matt Robinson; GIS Planner Neil Rose; Budget Manager Mark Holloway; Senior Financial Analyst Trevor Minyard; McKinney Convention and Visitors Bureau Director Dee Dee Guerra; Planner II Samantha Pickett; McKinney Community Development Corporation President Cindy Schneible; and Facilities Construction Manager Patricia Jackson.

There were approximate 120 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Senior Pastor DeWayne Owens, Kingdom Faith Bible Church. Boy Scout Troop 23 led the Pledge of Allegiance.

16-169 U Matter Presentation. Due to technical difficulties, this item will be brought back at the March 1, 2016 regular meeting.

Mayor Loughmiller called for Citizen Comments.

Mr. T.J. Lane, 802 W. Hunt Street, McKinney, spoke against agenda item 16-190 relating to the Development Agreement with Columbus Realty.

Ms. Ellen Wooley, 513 Lewis Canyon Lane, McKinney, spoke about the removal of affordable transportation for handicap people in McKinney.

Ms. Pat Dowell, 208 Oak Street, McKinney, did not wish to speak but wanted her opposition to short term rentals entered into the record.

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

- 16-170** Minutes of the City Council Work Session of January 28, 2016
- 16-171** Minutes of the City Council Work Session of February 1, 2016
- 16-172** Minutes of the City Council Regular Meeting of February 2, 2016
- 16-124** Minutes of the Historic Preservation Advisory Board Regular Meeting of January 7, 2016
- 16-081** Minutes of the McKinney Arts Commission Meeting of October 15, 2015
- 16-094** Minutes of the McKinney Community Development Corporation Meeting on December 17, 2015
- 16-173** Minutes of the McKinney Housing Authority Meeting of December 8, 2015
- 16-123** Minutes of the Planning and Zoning Commission Regular Meeting of January 12, 2016
- 16-128** Minutes of the Reinvestment Zone Number One Meeting of August 31, 2015
- 16-174** Consider/Discuss/Act on an Ordinance Amending Chapter 126 of the Code of Ordinances (Housing), Specifically Pertaining to the Building and Standards Commission (Article II, Division 2). Caption reads as follows:

ORDINANCE NO. 2016-02-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 126, ENTITLED "HOUSING," BY RE-NUMBERING EXISTING SECTION 126-44, "REVIEW," AS SECTION 126-46, BY DELETING SECTIONS 126-41 THROUGH 126-43 IN THEIR ENTIRETY AND REPLACING SAID SECTIONS WITH NEW SECTIONS 126-41 THROUGH 126-45 REGARDING THE MEMBERSHIP AND ROLES OF THE BUILDING AND STANDARDS COMMISSION INCLUDING MAKING RECOMMENDATIONS REGARDING THE ADOPTION OF NEW EDITIONS OF THE MODEL CODES, TOGETHER WITH PROPOSED LOCAL AMENDMENTS THERETO, AND HEARING APPEALS RELATED TO THE MODEL CODES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND

REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 16-175** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget and Amending the 2016 - 2020 Capital Improvements Program, to Provide Funds for the Ash Woods Park Pedestrian Bridge Project (PK4368). Caption reads as follows:

ORDINANCE NO. 2016-02-012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A 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

- 16-176** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget and 2016 - 2020 Capital Improvements Program to Furnish Traffic Signal Equipment Related to the Construction of Harry McKillop Boulevard (FM 546) for the Intersection at Harry McKillop Boulevard and McDonald Street (SH 5). Caption reads as follows:

ORDINANCE NO. 2016-02-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2015-2016 ANNUAL BUDGET AND 2016 - 2020 CAPITAL IMPROVEMENT PROGRAM TO FURNISH TRAFFIC SIGNAL EQUIPMENT FOR HARRY MCKILLOP BOULEVARD (FM 546) AND McDONALD STREET (SH 5); 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

- 16-177** Consider/Discuss/Act on a Resolution Authorizing the Interim 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 Construction of Harry McKillop Boulevard (FM 546) for the Intersection at Harry McKillop Boulevard and McDonald Street (SH 5). Caption reads as follows:

RESOLUTION NO. 2016-02-016 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION TO FURNISH TRAFFIC SIGNAL EQUIPMENT FOR THE INTERSECTION OF HARRY MCKILLOP BOULEVARD (FM 546) AT McDONALD STREET (SH 5)

- 16-178** Consider/Discuss/Act on a Resolution Amending the Contract with Ralph Andersen & Associates to Include Additional Services for the City Manager Search. Caption reads as follows:

RESOLUTION NO. 2016-02-017 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING A CONTRACT AMENDMENT WITH RALPH ANDERSEN & ASSOCIATES TO INCREASE THE CURRENT CONTRACT IN AN AMOUNT NOT TO EXCEED \$8,600 FOR ADDITIONAL EXECUTIVE SEARCH SERVICES FOR A CITY MANAGER

- 16-179** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Standard Utility Agreement with TxDOT for Reimbursement of Expenses for the WA4409 and WW4410 FM 546 Utility Relocations - Water and Wastewater Project from SH 5 to Airport Road. Caption reads as follows:

RESOLUTION NO. 2016-02-018 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A STANDARD UTILITY AGREEMENT WITH TxDOT FOR REIMBURSEMENT OF EXPENSES FOR THE WA4409 AND WW4410 UTILITY RELOCATIONS – WATER AND WASTEWATER PROJECT

- 16-180** Consider/Discuss/Act on a Resolution Awarding a Contract to Aqua Bore, LLC of Terrell, Texas, for Boring Services. Caption reads as follows:

RESOLUTION NO. 2016-02-019 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO AQUA BORE, LLC OF TERRELL, TEXAS, FOR BORING SERVICES

- 16-181** Consider/Discuss/Act on a Resolution Awarding a Contract to Brent Murley Plumbing of Van Alstyne, Texas, as the Primary Vendor and Innovation HVAC Services, LLC of Dallas, Texas, as the Secondary

Vendor for Plumbing Services. Caption reads as follows:

RESOLUTION NO. 2016-02-020 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT TO BRENT MURLEY PLUMBING AS PRIMARY VENDOR AND INNOVATION HVAC SERVICES, LLC AS SECONDARY VENDOR FOR PLUMBING SERVICES

- 16-182** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with Wall Enterprises of Whitewright, Texas, for the Construction of Ash Woods Park Bridge Project. Caption reads as follows:

RESOLUTION NO. 2016-02-021 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH WALL ENTERPRISES OF WHITEWRIGHT, TEXAS, FOR THE CONSTRUCTION OF THE ASH WOODS PARK BRIDGE PROJECT

- 16-183** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 1A, Block 59 of The Shorts Addition, aka 608 Jefferson Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2016-02-022 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 1A, BLOCK 59 OF THE SHORTS ADDITION, AKA 608 JEFFERSON STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 16-184** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 1, Block 2 of The Hight & Horn Addition, aka 902 Throckmorton Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2016-02-023 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 1, BLOCK 2 OF THE HIGHT & HORN ADDITION, AKA 902 THROCKMORTON STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 16-185** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 15A, Block 10 of Russell #01 Addition, aka 902 Anthony Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2016-02-024 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 15A, BLOCK 10 OF RUSSELL #01 ADDITION, AKA 902 ANTHONY STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 16-186** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property Being Lots 782C & 783C of The McKinney Outlots Addition, aka 402 N. McDonald Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2016-02-025 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOTS 782C & 783C OF THE MCKINNEY OUTLOTS ADDITION, AKA 402 N. MCDONALD STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 16-187** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property Being Lots 4 & 5B, Block 3 in The Fitzhugh Addition, aka 808 Fitzhugh Street, City of McKinney, Collin County, Texas. Caption reads

as follows:

RESOLUTION NO. 2016-02-026 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOTS 4 & 5B, BLOCK 3 IN THE FITZHUGH ADDITION, AKA 808 FITZHUGH STREET, CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 16-188** Consider/Discuss/Act on a Resolution Approving the 2015 Annual Report for Tax Increment Reinvestment Zone Number One (TIRZ No. 1).

Caption reads as follows:

RESOLUTION NO. 2016-02-027 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE TAX INCREMENT REINVESTMENT ZONE NUMBER ONE (TIRZ No.1) 2015 ANNUAL REPORT

- 16-189** Consider/Discuss/Act on a Resolution Approving the 2015 Annual Report for Tax Increment Reinvestment Zone Number Two (TIRZ No. 2).

Caption reads as follows:

RESOLUTION NO. 2016-02-028 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, APPROVING THE TAX INCREMENT REINVESTMENT ZONE NUMBER TWO (TIRZ No.2) 2015 ANNUAL REPORT

- 16-191** Consider/Discuss/Act on a Parkland Dedication Facilities Agreement for Southern Hills at Craig Ranch, Located Approximately 240 Feet East of Custer Road and Approximately 325 Feet South of Collin McKinney Parkway

END OF CONSENT

- 16-192** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on Public Parking Throughout McKinney's Historic Downtown Including the "Nine-Acre" Site Located at the Southwest Corner of Davis Street and

McDonald Street (S.H. 5). Executive Director of Development Services Michael Quint presented a brief history of the Columbus Realty agreement with the City of McKinney in which public parking has been a focal point. There has been some consideration of additional 100 parking spaces on the nine acre site at a cost to the City of an additional \$2 million. At the January 25, 2016 meeting, Council requested a public hearing for a broader discussion of downtown public parking. There are 523 spaces currently on the nine acre site. The construction proposal accommodates bringing back approximately 444 spaces. In 2009, the City went through a downtown parking study with an update in 2014. In the 2009 study, seven potential sites in and around downtown were selected that would be appropriate for a structured parking facility. Staff is requesting Council hold a public hearing on downtown parking and provide feedback on Council's desire to move forward with a downtown public parking solution. Mayor Loughmiller called for public comments. The following individuals provided input regarding public parking in downtown:

Mr. Rick Wells, 670 Wendy, Lucas

Ms. Karen Hoffman, 2610 Binary Creek Court, Carrollton

Ms. Linda Spina, 5804 Spring Hill, McKinney

Mr. Jack Harvard, 110 Tennessee Street, McKinney

Mr. J. Martin Sanchez, 2602 Saratoga, McKinney

Mr. Keith Fowler, 1109 W. Lamar Street, McKinney

Mr. Tom Meredith, 7217 Verde, McKinney

Mr. Hamilton Doak, 2304 Breadham Dr., McKinney

Mr. Matt Hamilton, 714 E. Tennessee Street, McKinney

Ms. Cynthia Vanlandingham, 205 N. Church Street, McKinney

Mr. Jim Schwalls, 905 Hunt, McKinney

Ms. Mari McGowan, 902 W. Hunt Street, McKinney

Mr. Elliott Bradley, 1821 Meadow Ranch, McKinney

The following individuals did not wish to speak but wanted their opinions regarding not adding additional parking spaces on the Nine Acre site, recommending incorporating a master parking plan, downtown parking enforcement, and better signage and lighting entered into the record:

Ms. Chayse Harvard, 941 Circle in the Woods, Fairview

Mr. Clint Scofield, 1101 Hill Street, McKinney

Ms. Joann Scofield, 1101 Hill Street, McKinney

Ms. Kathryn Waite, 417 W. Louisiana, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Councilwoman Rath, to close the public hearing.

Council will work to organize a committee consisting of staff, Council members, and stakeholders from the downtown area to develop a plan of action for a parking solution in the downtown area. Council approved the motion by Councilwoman Rath, seconded by Council member Day, to deny the request to add additional public parking on the "Nine-Acre" site located at the southwest corner of Davis Street and McDonald Street (S.H. 5) with a vote of 6-1-0, Council member Rogers voting against.

16-190 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving a Chapter 380 Economic Incentive and Master Development Agreement by and 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). Interim City Manager Tom Muehlenbeck stated Council had previously approved a working agreement that has been acknowledged by the developer. This item is for approval of the development agreement. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Day, to approve a Resolution approving a Chapter 380 Economic Incentive and Master Development Agreement by and 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). Caption reads as follows:

RESOLUTION NO. 2016-02-029 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A CHAPTER 380 ECONOMIC INCENTIVE AND MASTER DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MCKINNEY, TEXAS AND COLUMBUS REALTY PARTNERS, LTD., FOR A MIXED-USE ECONOMIC DEVELOPMENT PROJECT LOCATED ON APPROXIMATELY 8.766 ACRES GENERALLY AT THE SOUTHWEST CORNER OF MCDONALD STREET (S.H. 5) AND DAVIS STREET IN THE CITY OF MCKINNEY; AND PROVIDING AN EFFECTIVE DATE

- 16-193** Presentation Regarding Past and Existing Conditions of Transit Services in McKinney. Mr. Barry Goodman and Susan McClay with The Goodman Corporation stated their company was retained to look at the existing conditions for transportation in the absence of the TAPS program. TAPS provided a substantial amount of service to McKinney residents through 11 fixed routes, paratransit, ADA paratransit demand response service, and a commuter service, which ended in FY2015. Mr. Goodman stated the key ingredients to rebuilding a transit program are: gain control of your federal and state taxpayer dollars; gain control of the transit equipment that was purchased with McKinney UZA funds over the last few years which may be used to help solve transit services to those in need; start by providing basic service to those who need it the most; and create a practical, financially sustainable transit plan for the future. Federal and state transit funds can be used to build sidewalks, lighting, landscaping, drainage, pedestrian amenities, public art, gateways, multi-modal parking transit facilities, and many more capital improvements using local value to leverage federal money. The next step is for the City to gain direct recipient status. The policy council at the North Central Texas Council of Governments (NCTCOG) will vote in March on that proposition. Once you have the direct recipient status, you are able to be

reimbursed for the local expenditures on public transit services. The Goodman Corporation has looked at proposals provided by NCTCOG and Dallas Area Rapid Transportation (DART) for emergency services. The proposal by DART is to provide 90 day service and would maintain the City's contribution of \$8,800 per month during the 90 days at about the same rate that has been with TAPS. After that 90 days, there is uncertainty as to what happens. DART is willing to continue providing that service but without the subsidy being provided by NCTCOG for the first 90 days. The local share commitment by the City would then double to about \$16,000 or \$17,000 per month. If the City does nothing, it will take until October of this year to create a financially sustainable plan to solicit a transit operator for long-term service, for demand response service, and to secure that operator for the future. The amount of service that was provided to McKinney over the last several years through TAPS was a large amount of service for a disproportionately small amount of investment. Based on three months of data from TAPS and NCTCOG, the demand response ridership in McKinney was approximately 35,000 trips annually or 9,000 per quarter. It is important to note that the vast majority of that ridership was ambulatory. A small percentage do need wheelchair equipped vehicles but many others could take advantage of lower cost services such as taxi vouchers. Mr. Goodman stated that the level of service he would expect to be appropriate for McKinney is in the range of \$1 to \$1.2 million per year, which would include demand response and fixed-route services. Mr. Goodman stated that if the city provided that service through a private contractor, which would enable you to gain federal money through what's called capital cost contracting, you would get approximately 65% federal money reimbursed. If you have \$1 million of service, you can expect to put in \$250,000 of local money with the remainder from state dollars and 50 to 65% from federal dollars. To provide demand response service, you can create limited

liability guidelines for elderly, disabled, and low income with unlimited trips. You could limit the service by requiring it to begin and end within the City limits. Once you reach a population of 200,000, you are limited on the amount of federal funds you can use to off-set the operating expense. If you privatize the service, you can get up to 65% federal reimbursement on your operating dollar. Beyond 90 days of the DART service, McKinney would not be expected to be a DART City. The options are to do nothing until we get the equipment in place or go with DART for 90 days at \$8,800 per month. After the initial 90 days, the cost to stay with DART would double to approximately \$17,600 per month. During that time you can be developing a long-term solution. After the initial 90 days with DART, we can seek an emergency operator to take over for the next 90 day period. The Goodman Corporation has identified two vehicles that were purchased with McKinney UZA funds that are sitting in Sherman, Texas. If you implement emergency services with what NCTCOG and DART have proposed, McKinney would want to maintain that service until an alternate operator could take over.

16-194 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on Future Transit Services in McKinney. Interim City Manager Tom Muehlenbeck stated that the Council has heard from the transportation consultant and received a status report on the federal funds. The Council requested that we solicit responses from the citizens regarding public transportation. Mayor Loughmiller called for public comments.

The following individuals spoke about the need for public transportation in McKinney:

Ms. Ellen D. Wooley, 513 Lewis Canyon Lane, McKinney

Ms. Marta Gore, 1821 Savannah Drive, McKinney

Mr. Steven Spainhouer, 2801 Palo Dura Canyon, McKinney

Mr. Peter Bailey, 4700 S. Ridge Road, McKinney

Mr. Ray Ricchi, 600 N. Tennessee Street, McKinney

Mr. Justin Mann, 109 Thickett Drive, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Branch, to close the public hearing.

Interim City Manager Tom Muehlenbeck stated that cost is very important and we are trying not to be in the same position as we were with TAPS. Frisco has signed a contract with Denton County Transit Authority for \$40 an hour plus fuel, which is about \$3 an hour so that is \$43 an hour that they have contracted for. For DART, I've heard of figures running all the way from \$60 to \$100 per hour. From a budgeting point of view, we are trying to get an hourly cost and what we should be looking at as an hourly charge. Secondly, we have talked about starting very small, and taking a step at a time. Mr. Goodman stated they have discussed with DART representatives that the first 90 days includes some start-up costs built into the \$100 hourly figure. Ms. Jessie Huddleston, NCTCOG, stated that as far as additional funding goes, getting the emergency funding of \$100,000 for McKinney was a little rough around the edges at the RTC meeting. At this point she did not know if NCTCOG would have anything else after the 90 days. The only other additional information she added was on the capital side of things. In our region, we have something called transportation development credits, which are a tool that allows you to further leverage your federal funds. So, on the capital side of things, on buses, maintenance, planning, you can expect those, in most cases, to be paid out at 100% federal. Mr. Todd Plesko, DART Vice President of Planning and Development, stated that he has been working with the City of McKinney and with NCTCOG. DART would be operating this with a private operator which would be competitively procured. The cost of operating the vehicle, the drivers, their benefits, not fuel but the maintenance of those vehicles, is roughly \$41 an hour plus fuel. On any paratransit service, you also have a dispatching and scheduling function. You will

not find the cost for providing paratransit service to be less than \$60 per hour. Secondly, the stipulation from NCTCOG was that DART must start the service in February. So you need to get the 260 residents of McKinney that were on the TAPS database into the DART database. We began to call people to ask them if they were interested. Once we were informed that we were premature, we canceled that immediately. Paratransit services are probably the most costly service per passenger that are provided. However, it allows people with disabilities and people that don't drive mobility within a community. You've got to determine who is eligible. Again, you've got to be 65 and be able to prove your 65 and/or have a disability. So, whether it be DCTA or DART or the City of McKinney, there will be other costs you incur beyond the cost of the driver's wage and fuel. Mr. Gary Thomas, President and Executive Director of DART suggested that, as far as funding in the future goes, we have been approached by a corporate foundation that has expressed an interest in providing a significant amount of money for continued service in the cities we are serving in Collin County beyond the 90 days. We are continuing conversations with them and with NCTCOG to determine if there's an opportunity for a local match to extend that further, but based on what we think we know today, with that corporate foundation sponsorship it would extend service at the levels we're currently talking about, including McKinney, Allen, Fairview and Wylie, probably through the end of this calendar year. Mayor Loughmiller stated that ultimately, whatever we decide to do, we have to realize that it is going to be significantly limited versus what we had in the past in order for it to work. Anything we have tried to do in the past has not worked. Based on Mr. Goodman's report, it looks like actual cost to the City of McKinney would be about \$216,000 over a 12 month period, if its \$18,000 per month. I guess the point I'm trying to make ultimately from my standpoint is I would support something on a limited basis that would

be in keeping with the dollar commitment we have made previously, which was in the neighborhood of \$200,000 per year, for on-demand service limited to, as you said, disabled, elderly, 65 or older, and low income. I appreciate DART coming to the table with the City of McKinney but since we don't have the sales tax element in our City by virtue of a citizen vote, then the funding model for that has to be from our general fund. So it has to be in the general framework of our overall budget. I would also add that it all hinges on our ability to get that direct recipient status. I believe I can support, regardless of who the provider is, the on-demand service to elderly, low-income, and disabled, assuming we can do it for that cost that we had budgeted before. The issue is can we negotiate service that prevents a cessation of service for an extended period of time. Mayor Pro Tem Ussery stated that he echoes the comments from Mayor Loughmiller and the direction he has stated on this matter. Council member Pogue stated that cost is important. This decision is not just the cost for the next 90 days. It is something that goes in perpetuity that is of greater concern for him, and what we strap the future with, whether that be with an organization such as TAPS or DART. It's hard for me to cast a vote on a prospect when it's not a tangible. I don't believe that transportation is a by right. But from a perspective of the disabled, the low income, the elderly, and the geographically constrained, that is something I could back on a limited perspective. Mayor Loughmiller suggested Council authorize the Interim City Manager to do a 90 day agreement with the understanding that beyond that 90 days, we want to continue negotiations and make sure we do have a limitation in terms of what service we can provide relative to that limited budget of about \$200,000 per year. Beyond that 90 day period, I would think we are going to have to have a contract negotiated by the Interim City Manager and approved by this Council for an extended period. Council member Pogue stated that without the direct

recipient component, he would prefer to wait until we knew for certain. Mayor Loughmiller stated that he is viewing this as two separate elements. One is we have an offer from NCTCOG for 90 days that terminates in May. Anything we do beyond that has to be based on the fact of whether or not we have the direct recipient status and whether it's something we can afford within the budget constraints we have. Council denied the motion by Mayor Pro Tem Ussery, seconded by Mayor Loughmiller, to agree to the 90 day emergency service through NCTCOG with the understanding that we will continue to work on direct recipient status and determine after that what we do. The motion failed 5-2-0, Mayor Loughmiller and Mayor Pro Tem Ussery voting for and Council members Rogers, Day, Pogue, Branch, and Rath voting against. Mayor Loughmiller requested another motion. There not being any other motion, no action is taken. The motion on the table was whether or not we were going to enter into the 90 day agreement for emergency services. That motion failed. Mayor Loughmiller asked the question as to whether or not we're going to do anything at this point in terms of continuing discussions whether that be continuing the services of Mr. Goodman to help us develop other alternatives. Council member Pogue stated that from a perspective of where he would be, that the demand response component for the disabled, low income, elderly and the geographical restriction is something I could support, but within reason. Mayor Loughmiller stated that we have no consensus for a future plan for transit at this time. So, at this point there is no 90 day agreement, there is no plan to move forward beyond 90 days or anytime in the future. There does seem to be somewhat of an appetite for further discussion along the lines of dealing with some of the concerns expressed here tonight. Councilwoman Rath stated that Council received a lot of information tonight that we have never seen. She expressed that it is impossible to make a decision now that will affect us

for a very long time. She was not opposed to having further discussions but she was not prepared to make a decision tonight based on the amount of information we have. Council member Branch stated we should have had a definite, distinctive plan and strategy for going forward. If we are to have further discussion, I want us to be more solidified that we are voting on something specific, strategic, and permanent. Council member Day stated we should move forward with trying to obtain the direct recipient status. Interim City Manager Tom Muehlenbeck stated that when we first heard that TAPS was going to pull the plug, this Council asked us to come up with a backup plan. We got the consultant on board, developed a program that we brought before the City Council, and the total amount was approved. As they started their work in producing the first report and then developing the information on the direct recipient status, NCTCOG came to us with an offer to provide some money on an interim basis, and as a result of that, we will not have to move as quickly in producing transit. Mayor Loughmiller stated that whatever service we are going to have he would support a cap from a monetary standpoint where we are not exceeding the level of contribution we have historically budgeted for that service. In order to do that, that would mean a limitation to the on-demand service for the elderly, handicapped, and potentially low-income. My understanding is we can ultimately authorize the Interim City Manager to negotiate agreements with limitations, with caps that would provide that level of protection. Mr. Goodman stated that the proposal that's been articulated by NCTCOG and DART are two vehicles operating 11 hours each day for five days a week. The direct recipient status will be accomplished within the next 30 days. What we have been trying to express to you is that, in order to put a sustainable plan for the future at whatever level you decide you want to sustain, it will take time to do that and take time to procure the most cost effective way of providing that

service. Council member Pogue stated that as Council denied the prior motion, I think we should let the motion stand. Consensus of the Council is to not pursue the direct recipient status. Mayor Loughmiller stated that as of right now, we are doing nothing.

15-113Z4 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District, "RS 60" - Single Family Residence District, and "PD" - Planned Development District to "PD" - Planned Development District, Generally for Single Family Residential Uses, Located Approximately 250 Feet East of Graves Street and on the South Side of Rockhill Road, and Accompanying Ordinance. Director of Planning Brian Lockley stated the request before you is to rezone the property as shown on the location map. One of the issues that was discussed during the Planning and Zoning Commission hearing was how this zoning relates to the SF 5 district to the west. As you can see, the proposed zoning does match up more consistently with what exists already. The primary difference being the density and encroachment zone. You did receive letters of opposition in the form of a written protest representing greater than 20% of the surrounding properties within 200 feet of this property. As a result of that opposition, a super majority vote is required for this item to be approved by Council. The Planning and Zoning Commission and staff recommend approval. Applicant, Mr. Gary Schell, 7033 Coverdale, Plano, stated they are proposing to develop and build 54 single-family luxury homes of vintage style architecture. One of the big concerning issues for the residents of Chapel Hill adjacent to this development is drainage. Another issue is the screening. We agreed to install an 8 foot fence for all the property owners in Chapel Hills that back up to our property. Any quality tree within 15 feet of the property line has to remain. The only way around the tree mitigation would be to get a variance from the Council. Currently we are looking at 48 lots, all 65 feet by 120 feet deep. We are

proposing 4.4 units per acre. Until we find out about the drainage issue, we will not know for sure if it will be 4.4 or 4 units per acre. Mayor Loughmiller called for public comments.

The following individuals spoke in favor of the rezoning request:

Ms. Deborah Diviney, 2216 Grayson Road, McKinney

Mr. Richard Bass, 1605 Rockhill Road

Boone Nerren, 320 Beechwood Lane, Coppell

The following individuals spoke against the zoning request:

Ms. Deborah Kilgore, 1013 Howell, McKinney

Ms. Eileen R. Quinn, 712 Chapel Hill Lane, McKinney

Mr. Joseph Glahn, 716 Chapel Hill Lane, McKinney

The following individuals did not wish to speak but requested their opposition be entered into the record:

Ms. Charlene Glahn, 716 Chapel Hill Lane, McKinney

Ms. Linda Hayes, 812 Chapel Hill, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to close the public hearing.

Council approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to table this item for two weeks to allow the applicant to bring forward a more detailed layout of both trees and lot design, by a vote of 6-1-0 with Council member Rogers voting against.

Director of Planning Brian Lockley stated that two weeks would not be enough time. There will be another public hearing for Mr. Schell to provide a planned development with potentially a new site layout that will have a copy of the tree survey attached and how the drainage issues will be resolved. By default, the drainage components will be taken care of, but the tree preservation plan and lot layout will be the components tied to the planned development (PD) and the fencing, screening and buffer areas. Based on comments from staff, Council approved the amended motion by Mayor Pro Tem Ussery, seconded by Council member Pogue,

to postpone the item indefinitely, by a vote of 6-1-0 with Council member Rogers voting against.

15-343Z4 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 that the applicant has requested that this item be tabled for two weeks. Council unanimously approved the motion by Council member Branch, seconded by Council member Pogue, to continue the public hearing and table the item to the March 1, 2016 meeting.

15-331SP2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for an Auto Body Repair Facility (Caliber Collision), Located on the Southeast Corner of Bray Central Drive and Redbud Boulevard. Director of Planning Brian Lockley stated the applicant is proposing to construct a 17,609 square foot auto body repair facility (Caliber Collision) on 2.23 acres on the southeast corner of Bray Central Drive and Redbud Boulevard. Site plans can typically be approved by Staff; however, the governing zoning ordinance on the property ("PD" - Planned Development District Ordinance No. 1563) requires that prior to development of subject property, a site plan be submitted for review by the Planning and Zoning Commission, which is then forwarded on to the City Council for consideration of approval. The site plan does meet all the requirements. There is a condition that staff has included that is simply just the site plan checklist the applicant goes through, which is standard for all site plans, and then the requirement that prior to the issuance of a building permit that the fire hydrants be spaced no closer than 450 feet. Applicant was available for questions but there were none. Mayor

Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Rogers, seconded by Council member Branch, to close the public hearing and approve a Site Plan for an Auto Body Repair Facility (Caliber Collision), located on the southeast corner of Bray Central Drive and Redbud Boulevard, with the following conditions: the applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist and prior to issuance of a building permit: the applicant revise the fire hydrants to be spaced no further than 450 feet, subject to review and approval of the Fire Marshal.

15-302PFR Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Replat for 71 Single Family Residential Lots, 1 Commercial Lot and 10 Common Areas (The Tour at Craig Ranch), Located Approximately 940 Feet East of Custer Road and on the North Side of Tour Drive. Director of Planning Brian Lockley stated that under the requirements of Section 142-106 (Screening and Buffering) of the Subdivision Ordinance, all single family lots are required to provide screening buffering if adjacent to public thoroughfares. The applicant is requesting a variance from this requirement for one common area (Common Area B-4) to reduce the required 20 foot landscape buffer to 10 feet. Mr. Lockley stated that Staff is simply moving forward with enforcement of that requirement that is now part of our zoning ordinance and as such is recommending denial. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that they are asking that the mandatory 20 foot for these five lots be reduced to a 10 foot buffer for consistency on both sides of the street. You can tell from the aerial exhibit that when Tour Drive was installed 7-8 years ago for this private subdivision, live oak trees were planted on both sides of Tour Drive and would all be located within that 10 foot landscape buffer. There is a variance provision that gives you the opportunity to grant a variance and

the standard by which you are judged or by which you can judge the variance is it would not be detrimental to the public welfare. Mayor Loughmiller called for public comment.

The following individuals did not wish to speak but wanted their opposition entered into the record:

Lisa Trigsted, 5604 River Highlands Drive, McKinney

Mr. Jack Boyd, 5600 River Highlands Drive, McKinney

Mr. Eric J. Hinkle, 5608 River Highlands Drive, McKinney

Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Pogue, to close the public hearing.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Branch, to approve a Preliminary-Final Replat for 71 single family residential lots, 1 commercial lot and 10 common areas (The Tour at Craig Ranch), located approximately 940 feet east of Custer Road and on the north side of Tour Drive with the following: a variance to Section 142-106 of the Subdivision Ordinance (Screening and Buffering) reducing the requirement to provide the required 20 foot landscape buffer to 10 foot located within Common Area B-4; prior to filing the plat for record: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Replat Approval Checklist and the applicant revise the plat to remove the "10 foot wall easement" located within common area B-4, subject to review and approval of the City Engineer.

16-195

Mayor Loughmiller called for 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. Budget Manager Mark Holloway stated in accordance with Section 118 of the City Charter this is the second of two required public hearings on the proposed renewal of

franchise agreement between the City and Grayson Collin Electric Cooperative. The major change is the increase in franchise from 4% to 5%. This will make this agreement consistent with all other franchise agreements. Mayor Loughmiller called for public comment and there was none. Council approved the motion made by Council member Rogers, seconded by Council member Branch, to approve 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 with a vote of 6-0-1, Councilwoman Rath abstaining. Caption reads as follows:

ORDINANCE NO. 2016-02-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, GRANTING TO GRAYSON-COLLIN ELECTRIC COOPERATIVE, INC., A TEXAS ELECTRIC COOPERATIVE CORPORATION, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE RIGHT TO USE AND OCCUPY RIGHTS-OF-WAY WITHIN THE CITY OF MCKINNEY FOR THE CONSTRUCTION AND OPERATION OF AN ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEM; PRESCRIBING CONDITIONS GOVERNING THE USE OF THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR COMPENSATION THEREFORE; PROVIDING FOR AN EFFECTIVE DATE AND A TERM OF SAID FRANCHISE; PROVIDING FOR WRITTEN ACCEPTANCE OF THIS FRANCHISE; FINDING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC; AND PROVIDING FOR SEVERABILITY

- 16-196** 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. Budget Manager Mark Holloway stated that this is the second of two required public hearings for the proposed renewal of this franchise agreement between the City of McKinney and Atmos Energy Corporation. There are no changes in this agreement. 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 approve 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. Caption reads as follows:

ORDINANCE NO. 2016-02-015

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES

16-197 Mayor Loughmiller called for Consideration/Discussion/Action on the Need for a Service Plan for the Future Annexation of Properties Generally Located Adjacent to and Around the McKinney National Airport. Planning Manager Jennifer Arnold stated that this item is in accordance with Section 43 of the Local Government Code requiring the staff to develop a service plan regarding the anticipated annexation proceedings. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve the need for a Service Plan for the future annexation of properties generally located adjacent to and around the McKinney National Airport.

16-198 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute Development Agreements Associated with the City of McKinney's Pending Annexation Proceedings Adjacent to and Around the McKinney National Airport. Planning Manager Jennifer Arnold stated that similar to the previous item, this item is also in accordance with Section 43 of the Texas Local Government Code authorizing the Interim City Manager to execute the required pre-annexation agreements with agricultural exempt properties.

Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to approve a Resolution authorizing the Interim City Manager to Execute Development Agreements Associated with the City of McKinney's pending annexation proceedings adjacent to and around the McKinney National Airport. Caption reads as follows:

RESOLUTION NO. 2016-02-030 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE DEVELOPMENT AGREEMENTS ASSOCIATED WITH THE CITY OF MCKINNEY'S ANNEXATION OF PROPERTY GENERALLY LOCATED ADJACENT TO AND AROUND THE MCKINNEY NATIONAL AIRPORT

16-199 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget to Provide Funds for the 2016 Public Art Mural. Housing and Community Development Manager Janay Tieken stated that this item is a budget amendment to provide funds for the artist contract of \$13,500 and wall repair of \$6,402. Ms. Tieken stated that they are working with the Historic Preservation Officer Guy Giersch to make sure the cleaning of the wall is done in a way that preserves the brick and mortar. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve an Ordinance Amending the Fiscal Year 2015-2016 Annual Budget to Provide Funds for the 2016 Public Art Mural. Caption reads as follows:

ORDINANCE NO. 2016-02-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2015-2016 ANNUAL BUDGET TO PROVIDE FUNDS FOR THE 2016 PUBLIC ART MURAL AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

16-200 Mayor Loughmiller called for Consideration/Discussion/Action on License Agreement for Public Art Mural 2016 on Building Located at 112 S. Kentucky. Housing and Community Development Manager Janay Tieken

stated that this item is a ten-year license agreement with the building owners for the first public art mural on the Cadillac Pizza building. Ms. Tieken stated that if the Artist requests additional funds, the request would first go to the Arts Commission and then to City Council. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Branch, to approve a License Agreement for Public Art Mural 2016 on Building Located at 112 S. Kentucky.

- 16-201** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving a Contract with Misty Oliver-Foster for 2016 Public Art Mural. Housing and Community Development Manager Janay Tieken stated that this item is for the contract with Misty Oliver-Foster for \$13,500 for the Public Art Mural. She will start the mural as soon as the wall repair has been completed. Council unanimously approved the motion by Council member Branch, seconded by Council member Pogue, to approve a Resolution approving a Contract with Misty Oliver-Foster for 2016 Public Art Mural. Caption reads as follows:

RESOLUTION NO. 2016-02-031 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT IN AN AMOUNT NOT TO EXCEED \$13,500.00 FOR THE ARTIST SERVICES OF MISTY OLIVER-FOSTER

- 16-202** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the Planning and Zoning Commission. Council member Pogue stated that he and Council member Day are recommending Brian Mantzey to move up from alternate to fill the position to replace Mr. Egan that resigned and to appoint Mark McReynolds as the alternate. Council unanimously approved the motion by Council member Pogue, seconded by Council member Day, to appoint Brian Mantzey to fill the unexpired term on the Planning and Zoning Commission beginning February 17, 2017 and ending September 30, 2016 and to appoint Mark McReynolds to fill the unexpired term as

Alternate beginning February 17, 2016 and ending September 30, 2016.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Rogers stated he has been sitting here for over five hours. He was thinking about the e-mail we got complaining that too much money was spent on these chairs. "God bless whoever bought these from the guy who has lower back problems. They were worth the money."

Councilwoman Rath thanked all the staff that was here tonight bringing and removing chairs for the overflow crowd. Ms. Rath thanked Officer Holmes for his attendance tonight as well as the rest of staff. The attendance of staff tonight went above and beyond the usual.

Council member Branch stated that last week they received a call from a 15 year old friend of his daughter who had been flown to Children's Hospital in Dallas at Baylor. Mr. Branch requested prayers and well wishes for her while she waits on a permanent pacemaker.

Council member Day stated that he is delighted that we finally found a home for our mural.

Council member Pogue expressed thanks to staff for their attendance tonight. Mr. Pogue requested an update on the technology for the Council Chambers. Interim City Manager Muehlenbeck stated that we are looking right now at designing a new system that is compatible that we can move into a new facility if we need to. We will be bringing a proposal before we go out for bids to make sure that Council is comfortable with the solution. The Request for Qualifications for the consultant will go out on Sunday. To get the consultant on board we widened the scope to not only include Council Chambers but to also include improving technology in the conference rooms.

Mayor Pro Tem Ussery expressed thanks to the staff for having to endure the long meeting tonight as well as to all staff for what they do day in and day out. Your efforts do not go unnoticed.

Mayor Loughmiller thanked the Council for hanging in at the meeting tonight until 11:20 p.m. Mr. Loughmiller stated that this reminded him of his early days on the

Council when they had a lot of planning items to go through and the meetings lasted until after midnight. Mr. Loughmiller expressed his appreciation to Council for their service up here as well as to the staff. Mr. Loughmiller thanked all the residents who come down here and appreciate the fact that, we as the representative body, take your comments seriously.

Interim City Manager Tom Muehlenbeck recognized Deputy City Manager Madrigal's birthday today. Mr. Muehlenbeck also recognized Assistant City Manager Shelton's one year anniversary as Assistant City Manager.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Rogers, to adjourn. Mayor Loughmiller adjourned the meeting at 11:20 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary