

## CITY COUNCIL REGULAR MEETING

JULY 18, 2017

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on July 18, 2017 at 6:00 p.m.

Council Present: Mayor George C. Fuller, Mayor Pro Tem Rainey Rogers, Council members: Chuck Branch, Scott Elliott, Charlie Philips, Tracy Rath, and La'Shadion Shemwell.

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; Assistant City Manager Steve Tilton; Assistant to the City Manager Trevor Minyard; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Michael Quint; Planning Director Brian Lockley; Director of Public Works David Brown; Planning Manager Matt Robinson; Director of Parks and Recreation Michael Kowski; Assistant Director of Parks and Recreation Ryan Mullins; Fire Chief Danny Kistner; Chief of Police Greg Conley; McKinney Economic Development Corporation President Darrell Auterson; Airport Executive Director Ken Wiegand; Interim Director of Engineering Gary Graham; Facilities Construction Manager Patricia Jackson; IT Desktop Support Technician Asif Ali; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; Battalion Chief David Herron; Chief Financial Officer Mark Holloway; Director of Finance Trudy Mathis; Airport - Eric Pratt; Police Officer Derrick Byrd; Library Director Spencer Smith; Assistant Director of Engineering Michael Hebert; Investment and Treasury Manager Kelvin Bryant; Housing and Community Development Manager Janay Tieken; Purchasing Manager Lisa Littrell; Sergeant Sherwood Holmes; Fire - Eric Daniels, Travis Irick, Dennis Guinn, Brian Judd, and Brandon Prill.

There were approximately 85 guests present.

Mayor Fuller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Dr. Bruce Austin, Pastor, Community North Baptist Church. Boy Scout Brock from Troop 23 led the Pledge of Allegiance.

**17-687** Parents Day Proclamation. Mayor Fuller presented the Parents Day Proclamation to Council member Charlie Philips.

**17-688** Honor Guards Day Proclamation. Mayor Fuller presented the Honor

Guards Day Proclamation to the Honor Guard members from the Police Department and Fire Department.

- 17-689** Presentation of an American Public Works Association Texas Chapter Project of the Year Award. Mr. Spencer Maxwell, Awards Committee Chair, Texas Chapter of the American Public Works Association, presented the award.

Mayor Fuller called for Citizen Comments.

The following individuals spoke against a U.S. 380 Bypass:

Ms. Shannon Raines, Walnut Grove, McKinney

Ms. Tracy Thomas, 5124 Grovewood Drive, McKinney

Ms. Janet Anders, 8168 C.R. 859, McKinney

Ms. Stephanie Weyenberg, 5861 Baxter Well Road, McKinney

The following individuals did not wish to speak but wanted their opposition to a U.S. 380 Bypass entered into the record:

Ms. Linda Soltysik, 8537 C.R. 858, McKinney

Mr. Robert Soltysik, 8537 C.R. 858, McKinney

Ms. Lynette Terrell, 8564 CR 858, McKinney

Ms. Jan Clare, 8469 CR 858, McKinney

Mr. Gary Pierce, 2214 CR 858, McKinney

Mr. Charles & Joan Pyne, 2737 CR 856, McKinney

Mr. Maria Mercer, 8137 CR 859, McKinney

Mr. Nolen Barber, 2121 Parkhaven Dr. Plano

Mr. Nickey Leech, 1200 N. Tennessee Street, McKinney, spoke in favor of the McKinney Housing Authority

Ms. Juanita Horne, 2580 Collin McKinney Parkway, McKinney, spoke about the furniture in the lobby of City Hall and the upcoming Larry Gatlin performance at the McKinney Performing Arts Center.

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

- 17-690** Minutes of the City Council Special Meeting of June 19, 2017

- 17-691** Minutes of the City Council Regular Meeting of June 20, 2017
- 17-692** Minutes of the City Council Special Meeting of June 26, 2017
- 17-667** Minutes of the Building and Standards Commission Meeting of February 13, 2017
- 17-520** Minutes of the Community Grants Advisory Commission Meeting of April 10, 2017
- 17-521** Minutes of the Community Grants Advisory Commission Meeting of May 10, 2017
- 17-522** Minutes of the Community Grants Advisory Commission Meeting of May 11, 2017
- 17-665** Minutes of the Historic Preservation Advisory Board Regular Meeting of June 1, 2017
- 17-602** Minutes of the Library Advisory Board Meeting of May 18, 2017
- 17-605** Minutes of the McKinney Armed Services Memorial Board Meeting of May 10, 2017
- 17-650** Minutes of the McKinney Community Development Corporation Meeting of May 25, 2017
- 17-693** Minutes of the McKinney Housing Authority Meeting of May 23, 2017
- 17-648** Minutes of the Planning and Zoning Commission Work Session of June 13, 2017
- 17-649** Minutes of the Planning and Zoning Commission Regular Meeting of June 13, 2017
- 17-670** Minutes of the Planning and Zoning Commission Regular Meeting of June 27, 2017
- 17-694** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept, if Awarded, a Grant from the Firehouse Subs Public Safety Foundation. Caption reads as follows:

RESOLUTION NO. 2017-07-131 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
ACCEPT, IF AWARDED, A GRANT FROM THE FIREHOUSE  
SUBS PUBLIC SAFETY FOUNDATION

- 17-695** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, If Awarded, Federal Airport Improvement Grant Funding for Various Airport Projects. Caption reads as follows:

RESOLUTION NO. 2017-07-132 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND RECEIVE, IF AWARDED, FEDERAL AVIATION FUNDS FOR PROJECTS AT MCKINNEY NATIONAL AIRPORT

- 17-696** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, If Awarded, State Aviation Grant Funding for Various Airport Projects. Caption reads as follows:

RESOLUTION NO. 2017-07-133 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND RECEIVE, IF AWARDED, STATE AVIATION FUNDS FOR PROJECTS AT MCKINNEY NATIONAL AIRPORT

- 17-697** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Civil Consulting Group, PLLC for Professional Engineering Design Services for the Accessibility Improvements within the Downtown Area Project (ST1649) and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2017-07-134 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$173,738.20 WITH CIVIL CONSULTING GROUP, PLLC FOR ENGINEERING DESIGN SERVICES FOR THE ACCESSIBILITY IMPROVEMENTS WITHIN THE DOWNTOWN AREA PROJECT (ST1649) AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$195,000

- 17-698** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with North Rock Construction, LLC. of Denton, Texas for the Construction of Hike and Bike Trail Handrails. Caption reads as follows:

RESOLUTION NO. 2017-07-135 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH NORTH ROCK CONSTRUCTION, LLC. FOR THE CONSTRUCTION SERVICES OF HIKE AND BIKE TRAIL HANDRAILS

- 17-699** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with PST Services LLC, a McKesson Company of Alpharetta, Georgia for EMS Billing and Collection Services and Texas Ambulance Supplemental Payment Program (TASPP). Caption reads as follows:

RESOLUTION NO. 2017-07-136 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PST SERVICES LLC, A MCKESSON COMPANY FOR EMS BILLING AND COLLECTION SERVICES AND TEXAS AMBULANCE SUPPLEMENTAL PAYMENT PROGRAM (TASPP)

- 17-700** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Pogue Construction Company, LP of McKinney, Texas for Construction Manager at Risk (CMAR) Preconstruction Services Associated with the Expansion and Renovation of the John and Judy Gay Library (JJGLE&R) Located at 6861 W. Eldorado Parkway. Caption reads as follows:

RESOLUTION NO. 2017-07-137 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR PRECONSTRUCTION SERVICES ONLY WITH POGUE CONSTRUCTION COMPANY, LP OF MCKINNEY, TEXAS FOR CONSTRUCTION MANAGER AT RISK SERVICES ASSOCIATED WITH THE EXPANSION AND RENOVATION OF THE JOHN AND JUDY GAY LIBRARY (JJGLE&R) LOCATED AT 6861 W. ELDORADO PARKWAY

- 17-701** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Memorandum of Agreement on Behalf of the City Between the Dallas-Fort Worth Metropolitan Planning Organization and the Texas Department of Transportation and Other Public Transportation Operators. Caption reads as follows:

RESOLUTION NO. 2017-07-138 (R)

A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF AGREEMENT ON BEHALF OF THE CITY BETWEEN THE DALLAS-FORT WORTH METROPOLITAN PLANNING ORGANIZATION AND THE TEXAS DEPARTMENT OF TRANSPORTATION AND OTHER PUBLIC TRANSPORTATION OPERATORS

- 17-702** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 426B, McKinney Outlots Addition, aka 416 W. Standifer Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2017-07-139 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 426B OF THE MCKINNEY OUTLOTS ADDITION, AKA 416 W. STANDIFER 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

- 17-703** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 13B, Block 2, Russell #4 Addition, AKA 926 E. Gerrish Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2017-07-140 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 13B, BLOCK 2, RUSSELL #4 ADDITION, AKA 926 E. GERRISH 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

- 17-704** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property being Lot 16C, Block 4, Russell's Third Addition, AKA 1211 Gough Street, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2017-07-141 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 16C, BLOCK 4, RUSSELL'S THIRD ADDITION, AKA 1211 GOUGH 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

- 17-705** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property 2054 CR 326, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2017-07-142 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING 2054 CR 326, 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

- 17-706** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Participate in Execution of Special Warranty Deed for Property Being Lot 35 of The Windmill Estates Addition, City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2017-07-143 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOT 35 WINDMILL ESTATES ADDITION, 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

- 17-707** Consider/Discuss/Act on a Resolution Authorizing the 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. 2017-07-144 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE 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

- 17-708** Consider/Discuss/Act on a Resolution of the City of McKinney, Texas Finding that Oncor Electric Delivery Company LLC's ("Oncor" or "Company") Application to Change Rates Within the City Should be Denied; Finding that the City's Reasonable Rate Case Expenses Shall be Reimbursed by the Company; Finding that the Meeting at Which this Resolution is Passed is Open to the Public as Required by Law; Requiring Notice of this Resolution to the Company and Legal Counsel.  
Caption reads as follows:

RESOLUTION NO. 2017-07-145 (R)

A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS FINDING THAT ONCOR ELECTRIC DELIVERY COMPANY LLC'S ("ONCOR" OR "COMPANY") APPLICATION TO CHANGE RATES WITHIN THE CITY SHOULD BE DENIED; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL

- 17-064SP** Consider/Discuss/Act on a Site Plan for Maverick Builders, Located at 3651 Eldorado Parkway

END OF CONSENT

- 17-709** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Authorizing the Issuance of "City of McKinney, Texas, General Obligation Refunding Bonds, Series 2017", and Delegating Matters Relating to the Sale to an Authorized City Official(s). City Manager Paul Grimes stated that this item is General Obligation refunding bonds where we can refinance debt at lower interest rates and achieve savings. When we issue debt it is rated by Standard & Poor's and Moody's credit rating agencies. Both agencies now rate the City at AAA credit rating, making us one of the few municipalities in the state of Texas with the highest



credit rating. Chief Financial Officer Mark Holloway stated tonight we are requesting approval on two Resolutions that set parameters in order for the City to sell debt. The first is the refunding of the 2008 General Obligation bonds in the amount of \$14.5 million and Certificates of Obligation of \$7.5 million. We anticipate saving about \$3.46 million in interest on these bonds. The second approval we are requesting is in two parts on the revenue side for the Waterworks and Sewer System Revenue Refunding and Improvement Bonds. The first part is refunding our 2008 and 2009 revenue bonds. The net savings would be \$1.3 million over the remaining life of those bonds. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to approve an Ordinance Authorizing the Issuance of "City of McKinney, Texas, General Obligation Refunding Bonds, Series 2017", and delegating matters relating to the sale to an authorized City Official(s). Caption reads as follows:

ORDINANCE NO. 2017-07-076

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, SERIES 2017"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 17-710** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Authorizing the Issuance of "City of McKinney, Texas, Waterworks and Sewer System Revenue Refunding and Improvements Bonds, Series 2017", and Delegating Matters Relating to the Sale and Issuance of Said Bonds to an Authorized City Official(s). Chief Financial Officer Mark Holloway stated that this is the second part of the item previously

presented. Council unanimously approved the motion by Councilwoman Rath, seconded by Council member Branch, to approve an Ordinance authorizing the Issuance of "City of McKinney, Texas, Waterworks and Sewer System Revenue Refunding and Improvements Bonds, Series 2017", and delegating matters relating to the sale and issuance of said bonds to an authorized City Official(s). Caption reads as follows:

ORDINANCE NO. 2017-07-077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING AND IMPROVEMENT BONDS, SERIES 2017," MAKING PROVISIONS FOR THE PAYMENT AND SECURITY OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

Council member Shemwell stepped down from the dais for the following agenda item.

**17-039Z**

Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "RG 18" - General Residence District to "PD" - Planned Development District, for Multi-Family Residential Uses and Generally to Modify the Development Standards, Located at 1200 N. Tennessee Street, and Accompanying Ordinance. Planning Manager Matt Robinson stated the applicant is requesting to rezone the property from General Residence to Planned Development District for multi-family general uses and to modify the development standards. The applicant intends to redevelop the existing Merritt Homes community. The applicant is requesting to follow the multi-family, residential low-density district with special ordinance provisions which includes a maximum dwelling count of 140 units, maximum building height of three stories, and modified building setbacks and

parking requirements. To offset the special ordinance provisions, the applicant is proposing to provide special amenities including a centralized open space. Staff is of the opinion that the zoning is appropriate for the property and recommends approval. Applicant, Mr. Martin Sanchez, 2000 N. McDonald, Suite 100, McKinney, stated this is an old site that was developed back in the 1940's and 1950's with federal money and is in dire need of redevelopment. The site will be demolished and will go from 80 units to 136 units. The new zoning is necessary in order to be eligible for the TDHCA credits. Residents will be moved to temporary housing for approximately 18 months. Mayor Fuller called for public comments.

Ms. Bethany Chavez, 1200 N. Tennessee Street, McKinney, wanted her support of this project read into the record.

Council approved the motion made by Council member Philips, seconded by Councilwoman Rath, to close the public hearing and approve an Ordinance rezoning the subject property from "RG 18" - General Residence District to "PD" - Planned Development District, for Multi-Family Residential Uses and generally to modify the development standards, located at 1200 N. Tennessee Street, with the following special ordinance provisions: the subject property shall be zoned "PD" - Planned Development District and shall be subject to the following special ordinance provision: the subject property shall be developed in accordance with the attached development standards with a vote of 6-0-1, Council member Shemwell abstaining. Caption reads as follows:

ORDINANCE NO. 2017-07-078

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 10.05 ACRE PROPERTY, LOCATED AT 1200 NORTH TENNESSEE STREET, IS REZONED FROM "RG 18" - GENERAL RESIDENCE DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, FOR MULTI-FAMILY RESIDENTIAL USES AND GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; 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

Council member Shemwell returned to the dais.

**17-148Z**

Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "LI" - Light Industrial District, Located Approximately 955 Feet South of F.M. 546 and on the West Side of Country Lane; and Accompanying Ordinance. Planning Director Brian Lockley stated the applicant is requesting to rezone the property from Agricultural to Light Industrial District zoning. The applicant is in the process of negotiating a land swap with Waste Solutions. Waste Solutions will take the back part of the property and give Mr. McCracken the frontage part of the property. This rezoning will allow the land swap to take place. Mayor Fuller called for public comments. Mr. Henry Lu, 2138 Country Lane, McKinney, Waste Solutions, stated the McCracken property is zoned Agricultural but is completely surrounded by Light Industrial. The rezoning will allow the land swap to be possible so that Waste Solutions can expand in the future as their facility and service to McKinney grows. Mr. McCracken submitted a letter that he is in favor of the rezoning. Council unanimously approved the motion by Council member Elliott, seconded by Council member Branch, to close the public hearing and approve an Ordinance rezoning the subject property from "AG" - Agricultural District to "LI" - Light Industrial District, located approximately 955 feet south of F.M. 546 and on the West Side of Country Lane. Caption reads as follows:

ORDINANCE NO. 2017-07-079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 6.09 ACRE PROPERTY, LOCATED APPROXIMATELY 955 FEET SOUTH OF F.M. 546 AND ON THE WEST SIDE OF COUNTRY LANE, IS REZONED FROM "AG" - AGRICULTURAL DISTRICT TO "LI" - LIGHT INDUSTRIAL DISTRICT; 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

**17-133Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District for Townhome Uses and to Generally Modify the Development Standards, Generally Located on the Southeast Corner of Avondale Drive and Uplands Drive, and Accompanying Ordinance. Planning Manager Matt Robinson stated this item is a request to rezone the subject property to Planned Development for Townhome Uses. The property was previously planned for Townhome Uses but rezoned to Single Family Residential in 2014. As part of the Planned Development the applicant has requested deviations to the density to allow for a maximum of nine units, reduce the side and front yard setback to 5' and reduce the minimum lot size to 2040 square feet. The applicant has provided several enhancements including 100% masonry for each building façade, three different types of masonry, detailed brick work, and the addition of eight canopy trees along the rear of the buildings and two canopy trees along the sides of the buildings. Staff is in support of this rezoning request as it will remain compatible with the adjacent single family residential uses and will provide a transition from the multi-family uses to the south. Applicant, Mr. Casey McBroom, 131 S. Tennessee Street, McKinney, stated this was intended to be a Townhome property originally. The developer built the streets and then folded. The property was rezoned single family, however, the developer realized they did not have a product to fit this particular lot, therefore we are requesting to rezone for townhomes. Mayor Fuller called for public comments and there was none. Council unanimously approved the motion by Councilwoman Rath, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve an Ordinance rezoning the subject property from "PD" - Planned Development District

and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District for Townhome Uses and to generally modify the development standards, generally located on the southeast corner of Avondale Drive and Uplands Drive, with the following special ordinance provisions: the subject property shall be zoned "PD" - Planned Development District and shall be subject to the following special ordinance provision: the subject property shall be developed in accordance with the attached development standards. Caption reads as follows:

ORDINANCE NO. 2017-07-080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.487 ACRE PROPERTY, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF AVONDALE DRIVE AND UPLANDS DRIVE, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT AND "REC" - REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, FOR TOWNHOME USES; 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

- 17-113Z** Mayor Fuller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C" - Planned Center District and "CC" - Corridor Commercial Overlay District to "C3" - Regional Commercial District, "LI" - Light Industrial District and "CC" - Corridor Commercial Overlay District, Located Approximately 1,875 Feet North of Wilmeth Road and on the East Side of U.S. Highway 75 (Central Expressway); and Accompanying Ordinance. Planning Director Brian Lockley stated this item is a request from Business Parks of America to rezone the property to Regional Commercial District, Light Industrial District, and Corridor Commercial Overlay District. The plan is to rezone the 1.9 acres in the front of the property to Regional Commercial and the 1.7 acres in the rear of the property to Light Industrial in order to allow for

commercial uses along the frontage road of US 75 and light industrial uses along McLarry in the rear of the property. Staff has reviewed the request and has no objections. Applicant, Mr. Dan Claassen, 15380 County Road 1100, Blue Ridge, stated that they are proposing a flex space office park. The dual zoning request is to allow for multi-uses typically found in this type of facility. Mayor Fuller called for public comments and there was none. Council unanimously approved the motion by Council member Branch, seconded by Council member Elliott, to close the public hearing and approve an Ordinance rezoning the subject property from "C" - Planned Center District and "CC" - Corridor Commercial Overlay District to "C3" - Regional Commercial District, "LI" - Light Industrial District and "CC" - Corridor Commercial Overlay District, located approximately 1,875 feet north of Wilmeth Road and on the east side of U.S. Highway 75 (Central Expressway). Caption reads as follows:

ORDINANCE NO. 2017-07-081

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 3.89 ACRE PROPERTY, LOCATED APPROXIMATELY 1,875 FEET NORTH OF WILMETH ROAD AND ON THE EAST SIDE OF U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY), IS REZONED FROM "C" – PLANNED CENTER DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "C3" – REGIONAL COMMERCIAL DISTRICT, "LI" – LIGHT INDUSTRIAL DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT; 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

- 17-711** Mayor Fuller called for Consideration/Discussion/Action on a Facilities Agreement for Lots 1 and 2, Block A, of the George Addition, Located Approximately 2,400 Feet West of County Road 409 and on the South Side of County Road 341. Planning Manager Matt Robinson stated this item is for two lots on the George Addition located in the City's Extra Territorial Jurisdiction (ETJ). The applicant has indicated not to construct or escrow the typical required improvements associated with the plat,

including construction of public streets, sidewalks, and lighting, construction of a 12" water line and an 8" sewer line, and construction of off-site water lines to provide fire supply to the properties. Staff recommends approval of the Facilities Agreement. Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council member Shemwell, to approve a Facilities Agreement for Lots 1 and 2, Block A, of the George Addition, located approximately 2,400 feet west of County Road 409 and on the south side of County Road 341.

**17-139PF** Mayor Fuller called for Consideration/Discussion/Action on a Preliminary-Final Plat for Lots 1 and 2, Block A, of the George Addition, Located Approximately 2,400 Feet West of County Road 409 and on the South Side of County Road 341. Planning Manager Matt Robinson stated this item is the Preliminary Final Plat for the two lots of the George Addition and was brought to Council due to the six variances approved in the Facilities Agreement. Council unanimously approved the motion by Councilwoman Rath, seconded by Council Elliott, to approve a Preliminary-Final Plat for Lots 1 and 2, Block A, of the George Addition, located approximately 2,400 feet west of County Road 409 and on the south side of County Road 341, with the following conditions: the applicant receive approval of the associated facilities agreement; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct public streets, including the associated street lighting and sidewalks adjacent to the property; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct sanitary sewer and water lines to the subject property and extend them to the adjacent property upstream; the applicant receive variance to Section 142-105 (Improvements) of the Subdivision Ordinance allowing the use of individual septic systems; the applicant receive a variance to the Storm Water Management Ordinance waiving



the requirement to collect drainage in an underground storm water system; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to allow lot to lot drainage; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance requiring water systems to be of a sufficient size to furnish fire protection to all lots; prior to the issuance of a building permit: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist; and the associated facilities agreement be filed with the county prior to filing the plat, subject to review and approval of the City Attorney.

**17-167PF**

Mayor Fuller called for Consideration/Discussion/Action on a Preliminary-Final Plat for Lots 1 and 2, Block A, of the Shenandoah Ranch Addition, Located Approximately 4,200 Feet North of Laud Howell Parkway and on the East Side of Trinity Falls Parkway. Planning Manager Matt Robinson stated that this item is for approval of the Preliminary Final Plat for two lots located in the Shenandoah Ranch Addition. This item is brought to Council due to the seven variances being requested as part of the plat. The applicant has indicated the desire not to construct or escrow for the typical required improvements. The intended use of the lots is for two single-family detached homes, one of which is already existing. Staff has no objections to the variances and recommends approval of the plat. Applicant Mr. Arlen Samuelson, Westwood Services, 2740 Dallas Parkway, #280, Plano stated that the requested variances are from constructing the typical infrastructure associated with this type of plat. Council unanimously approved the motion by Council member Rogers, seconded by Council member Branch, to approve a Preliminary-Final Plat for Lots 1 and 2, Block A, of the Shenandoah Ranch Addition, located approximately 4,200 feet North of Laud Howell Parkway and on the East Side of Trinity Falls Parkway, with the following conditions: the applicant receive a variance to Section 142-105 (Improvements) of the

Subdivision Ordinance waiving the requirement to construct public streets, including the associated street lighting and sidewalks adjacent to the property; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to construct sanitary sewer and water lines to the subject property and extend them to the adjacent property upstream; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance allowing the use of individual septic systems; the applicant receive a variance to the Storm Water Management Ordinance waiving the requirement to collect drainage in an underground storm water system; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance to allow lot to lot drainage; the applicant receive a variance to Section 142-105 (Improvements) of the Subdivision Ordinance requiring water systems to be of a sufficient size to furnish fire protection to all lots; the applicant receive a waiver to Section 142-105 (Improvements) of the Subdivision Ordinance requiring median landscape fees along the frontage of the property abutting the right-of-way of a divided thoroughfare; and prior to the issuance of a building permit: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist.

**17-712** Mayor Fuller called for Consideration/Discussion/Action on an Ordinance Creating Section 122-178(d) of the Code of Ordinances Establishing a Special Exception for Increased Fence Heights in the Historic Overlay District. Executive Director of Development Services Michael Quint stated this proposal will amend the Code of Ordinances to allow for a special exception for increased fence heights in the Downtown Historic Overlay District. Staff recommends approval. The special exception would allow an applicant to go before the Board of Adjustment and request an exception to go from 6'8", which is the current maximum height, up to 8'6", which would be the new maximum height. Council

unanimously approved the motion by Council member Shemwell, seconded by Councilwoman Rath, to approve an Ordinance creating Section 122-178(d) of the Code of Ordinances establishing a special exception for increased fence heights in the Historic Overlay District.

Caption reads as follows:

ORDINANCE NO. 2017-07-082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CREATING SECTION 122-178(d) OF THE CODE OF ORDINANCES ESTABLISHING A SPECIAL EXCEPTION FOR INCREASED FENCE HEIGHTS IN THE HISTORIC OVERLAY DISTRICT; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**17-717** Mayor Fuller called for Consideration/Discussion/Action on the Memorandum of Understanding on the Gateway Project. Council member Philips stated that based on the conversation from last night he is requesting that no action be taken. There was no action taken on this item. No action taken.

Mayor Fuller called for Citizen Comments and there were none.

Mayor Fuller called for Council and Manager Comments.

Council member Philips stated he attended the Main Street Board meeting last week. He commended our downtown merchants for being actively involved in the Board. It was very well attended and I am very pleased with the status of that Board and the work that they are doing. Mr. Philips also thanked Dana Riley for her work with Volunteer McKinney.

Council member Elliott stated he attended the MEDC meeting this morning with a large number of projects that are in process. I commend President Darrell Auterson, the Board, and staff for what they are doing to help McKinney.

Mayor Pro Tem Rogers did not have any comments.

Councilwoman Rath wished her husband Curtis a Happy Birthday. He is here tonight waiting for me so that we can have dinner together.

Council member Branch encouraged residents to attend the Global Leadership Summit, which is August 10 and 11 at over 600 locations. This is hosted by Bill Hybels of Willow Creek Community Church and is a great opportunity to improve your leadership skills.

Council member Shemwell announced a 3-on-3 tournament at Old Settlers Park. This is a fundraiser for CASA. District 1 is putting together a back-to-school drive. We are asking for participation for this as well.

City Manager Grimes congratulated Fire Chief McKinney who retired today after many years of service. A reminder that starting July 24<sup>th</sup> we are starting renovations in the Council Chambers to update our technology. You will be able to view live meetings on tablets and mobile devices as well as online and through your cable provider. As renovations take place, City meetings will move to alternative locations. The City Council and Planning and Zoning Commission meetings will be held in the Commissioners Court at the Jack Hatchell Collin County Administration Building. The McKinney Economic Development Corporation and McKinney Community Development Corporation meetings will be held at the John and Judy Gay Library. All meetings will still be aired live on Spectrum Cable channel 16 and AT&T Uverse channel 99. The meetings will also be rebroadcast throughout the week on air and online. Also, due to progress of the construction on the nine-acre site adjacent to Chestnut Square, the McKinney Farmers Market is relocating to Hunt and Tennessee Street.

Mayor stepped down from the dais at 7:15 p.m.

Mayor Pro Tem Rogers recessed the meeting into executive session at 7:15 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 551.071 (A). Litigation / Anticipated Litigation, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Pro Tem Rogers recessed back into open session at 7:20 p.m.

Mayor Pro Tem Rogers called for Action on Executive Session Items.

Council approved the motion made by Council member Branch, seconded by Council member Elliott, to approve the incentive agreement for Project Llama as discussed in Executive Session, with a vote of 6-0, Mayor Fuller had left the meeting.

Council unanimously approved the motion by Council member Philips, seconded by Council member Branch, to adjourn. Mayor Pro Tem Rogers adjourned the meeting at 7:22 p.m.

---

GEORGE C. FULLER  
Mayor

---

RAINEY ROGERS  
Mayor Pro Tem

ATTEST:

---

SANDY HART, TRMC, MMC  
City Secretary