

## CITY COUNCIL REGULAR MEETING

**MAY 5, 2015**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on May 5, 2015 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Travis Ussery, Council members: Geralyn Kever, Don Day, Ray Ricchi, Roger Harris, and Randy P. Pogue.

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Rob Daake; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Assistant Director of Engineering Michael Hebert; Chief Building Official Rick Herzberger; Director of Parks, Recreation, and Open Space Rhoda Savage; Assistant Director of Parks, Recreation, and Open Space Ryan Mullins; Parks Superintendent Tony Nielsen; CIP and Traffic Engineer Gary Graham; Traffic Engineer Robyn Root; Facilities Construction Manager Patricia Jackson; IT Service Desk Supervisor Amy Greer; Police Sergeant Paul Gade; Planning Manager Brandon Opiela; Building Inspections - Jason Smith and Jeff Harris; Chief of Police Greg Conley; and Engineer Joshua Cotton.

There were approximate 70 guests present.

Mayor Loughmiller called the meeting to order at 6:02 p.m. after determining a quorum was present.

Invocation given by Father Harold C. Lowe, Holy Family Episcopal Church. Mayor Loughmiller led the Pledge of Allegiance.

### INFORMATION SHARING

**15-417** Building Safety Month Proclamation. Mayor Loughmiller presented the Building Safety Month Proclamation to Chief Building Office Rick Herzberger.

Mayor Loughmiller called for Citizen Comments.

Mr. David West, 203 N. Morris Street, McKinney spoke in favor of agenda item 15-430 regarding the bids for traffic calming along Virginia and Louisiana.

Mr. Francisco J. Nuno, 8665 Parket Street, McKinney spoke about general issues in McKinney.

Mr. Neal Ator, 512 W. Virginia, McKinney, spoke in favor of agenda item 15-430 regarding the bids for traffic calming along Virginia and Louisiana.

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

- 15-418** Minutes of the City Council Regular Meeting of April 21, 2015
- 15-419** Minutes of the City Council Work Session of April 27, 2015
- 15-375** Minutes of the Animal Service Facilities Advisory Committee Meeting of January 21, 2015
- 15-349** Minutes of the Library Advisory Board Meeting of March 19, 2015
- 15-353** Minutes of the McKinney Arts Commission Meeting on February 16, 2015
- 15-406** Minutes of the McKinney Convention & Visitors Bureau Marketing & Development Committee Meeting of March 19, 2015
- 15-407** Minutes of the McKinney Convention & Visitor's Bureau Finance Committee Meeting of March 20, 2015
- 15-405** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of March 24, 2015
- 15-381** Minutes of the McKinney Community Development Corporation Meeting of March 26, 2015
- 15-344** Minutes of the McKinney Housing Finance Corporation Meeting of November 14, 2014
- 15-340** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of March 12, 2015
- 15-348** Minutes of the Planning and Zoning Commission Regular Meeting of March 24, 2015
- 15-420** Consider/Discuss/Act on an Ordinance Repealing a Section of Ordinance No. 94-08-23 which Restricted the Left Turn Movement for Southbound Redbud Boulevard at Virginia Parkway (Louisiana Street) so Turn Modifications can be Made. Caption reads as follows:

ORDINANCE NO. 2015-05-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS REPEALING A SECTION OF ORDINANCE NO. 94-08-23 WHICH RESTRICTED THE LEFT TURN MOVEMENT FOR SOUTHBOUND REDBUD BOUELVARD AT VIRGINIA PARKWAY (LOUSINANA STREET) IN MCKINNEY SO TURN MODIFICATIONS CAN BE MADE; 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

- 15-421** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2014-2015 Annual CIP Budget and Amending the 2015-2019 Capital Improvements Program to Provide Funds for the Valley Creek Park Retaining Walls Project. Caption reads as follows:

ORDINANCE NO. 2015-05-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2014-2015 BUDGET AND THE 2015-2019 CAPITAL IMPROVEMENTS PROGRAM TO PROVIDE FUNDS FOR THE VALLEY CREEK PARK RETAINING WALLS PROJECT; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 15-422** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract with 2L Construction, LLC, of Rhome, Texas for the Construction of the Valley Creek Park Retaining Walls Project. Caption reads as follows:

RESOLUTION NO. 2015-05-045 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT WITH 2L CONSTRUCTION, LLC, OF RHOME, TEXAS FOR THE CONSTRUCTION OF THE VALLEY CREEK PARK RETAINING WALLS PROJECT

- 15-423** Consider/Discuss/Act on a Resolution Amending the 2015-2019 Capital Improvements Program to Provide Funds for the WA4409 - FM 546 Water Line Relocations and WW4410 - FM 546 Wastewater Line Relocations Projects. Caption reads as follows:

RESOLUTION NO. 2015-05-046 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING A BUDGET AMENDMENT

PERTAINING TO THE FISCAL YEAR 2014-2015 BUDGET AND  
THE 2015-2019 CAPITAL IMPROVEMENTS PROGRAM

- 15-424** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract and any Supplemental Agreements for Engineering Services for WA4409 - FM 546 Water Line Relocations and WW4410 - FM 546 Wastewater Line Relocations Projects. Caption reads as follows:

RESOLUTION NO. 2015-05-047 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$74,915.00 FOR ENGINEERING SERVICES TO PERFORM THE FM 546 WATER AND WASTEWATER RELOCATIONS PROJECT AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS

- 15-425** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a License Agreement with Dallas Area Rapid Transit for the Construction of a Sanitary Sewer to Serve the Willow Wood Development and the Surrounding Area. Caption reads as follows:

RESOLUTION NO. 2015-05-048 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A LICENSE AGREEMENT WITH DALLAS AREA RAPID TRANSIT (DART) FOR THE CONSTRUCTION OF A SEWER LINE CROSSING THE DART RIGHT OF WAY

- 15-426** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Enter into a Facilities Agreement with McKinney Partners 306, LP Regarding the Provision of Sanitary Sewer Serving the Willow Wood Development. Caption reads as follows:

RESOLUTION NO. 2015-05-049 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A FACILITIES AGREEMENT WITH MCKINNEY PARTNERS 306, LP FOR THE CONSTRUCTION OF A SEWER LINE CROSSING THE DART RIGHT OF WAY AND PAYMENT FOR THE CONSTRUCTION OF A SEWAGE METERING STATION

- 15-427** Consider/Discuss/Act on a Resolution Authorizing the Interim City

Manager to Enter into an Interlocal Agreement with North Texas Municipal Water District (NTMWD) to Utilize City Sewer Easements for the Duration of the Wilson Creek Interceptor Repair Project. Caption reads as follows:

RESOLUTION NO. 2015-05-050 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE NORTH TEXAS MUNICIPAL WATER DISTRICT TO ALLOW THE USE OF A CITY SEWER EASEMENT

- 15-428** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Enter into a Professional Services Agreement with the McKinney Independent School District for School Resource Officers. Caption reads as follows:

RESOLUTION NO. 2015-05-051 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE MCKINNEY INDEPENDENT SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

- 15-429** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Enter into a Professional Services Agreement with the Frisco Independent School District for School Resource Officers. Caption reads as follows:

RESOLUTION NO. 2015-05-052 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH THE FRISCO INDEPENDENT SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

END OF CONSENT

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

- 15-073A3** Mayor Loughmiller called for Consideration/Discussion/Action on a Request by the City of McKinney to Annex Less Than 675 Acres of Land

Generally Located at and Around the Intersection of Laud Howell Parkway (F.M. 543 Connector), Trinity Falls Parkway (F.M. 543) and Central Expressway (U.S. Highway 75) into the City of McKinney's Corporate Limits, and Accompanying Ordinance. Director of Planning Michael Quint stated that the City is initiating annexation proceedings on approximately 674 acres generally located at and around the intersection of Laud Howell Parkway, Trinity Falls Parkway, and Central Expressway. Prior to annexing property into its corporate limits, the City considers a number of factors; one being the population of the land being annexed, next the ability to provide city services and utilities; and the last being the fiscal impact to the city. Staff has evaluated these factors and has no concerns. Mr. Quint stated that the City has entered into a pre-annexation agreement with five property owners totaling about 206 acres in and around this area. State law requires a number of public hearings, the first of which was held on April 6, 2015 at 5:30 p.m., the second public hearing was held on April 7, 2015 at 6:00 p.m., and final action is taking place tonight. Staff recommends approval of this item. Council approved the motion made by Council member Keever, seconded by Mayor Pro Tem Ussery, to approve an Ordinance annexing less than 675 acres of land generally located at and around the intersection of Laud Howell Parkway (F.M. 543 Connector), Trinity Falls Parkway (F.M. 543) and Central Expressway (U.S. Highway 75) into the City of McKinney's Corporate Limits with a vote of 6-0-1, Council member P. Pogue abstaining. Caption reads as follows:

ORDINANCE NO. 2015-05-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING LESS THAN 700 ACRES OF LAND GENERALLY LOCATED AT AND AROUND THE INTERSECTION OF LAUD HOWELL PARKWAY (F.M. 543 CONNECTOR), TRINITY FALLS PARKWAY (F.M. 543) AND CENTRAL EXPRESSWAY (U.S. HIGHWAY 75) INTO THE CORPORATE LIMITS OF THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

Council member Pogue returned to the dais.

**15-010Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Located approximately 1,490 Feet West of Lake Forest Drive and on the South Side of McKinney Ranch Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property generally to modify the standards to allow an assisted living facility. At the Planning and Zoning Commission meeting, there was a fair amount of discussion on screening wall devices, additional landscaping, and buffering. The applicant has listed those in the special ordinance provision listed in the staff report. Staff is in agreement with all the special Ordinance provisions. Staff is recommending approval of this item. Applicant, Mr. Dylan Blackshear, 9820 Ashcreek Drive, Dallas, was present to answer any questions. Mayor Loughmiller called for public comments and there were none. Council approved the motion by Council member Harris, seconded by Council member Pogue, to close the public hearing and approve the Ordinance rezoning the subject property from "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, located approximately 1,490 feet west of Lake Forest Drive and on the south side of McKinney Ranch Parkway with the following special ordinance provisions: the use and development of the subject property shall follow the rules and regulations of Section 146-111 ("C1" – Neighborhood Commercial District) of the Zoning Ordinance, and as amended, the use and development of the subject property shall not be subject to Appendix B-2 (Regional Employment Center – Overlay Urban Design Standards) of the Zoning Ordinance, buildings constructed on the subject property shall be finished with 100% masonry exterior finishing

materials (brick, stone, or synthetic stone) per elevation, and shall conform to Section 146-139 (Architectural and site standards) of the Zoning Ordinance, a minimum 12' wide landscape buffer shall be provided along the southern property line of the subject property, and a 6' tall masonry wall shall be required along the southern and western property lines of the subject property. Caption reads as follows:

ORDINANCE NO. 2015-05-037

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 2.37 ACRE PROPERTY, LOCATED APPROXIMATELY 1,490 FEET WEST OF LAKE FOREST DRIVE AND ON THE SOUTH SIDE OF MCKINNEY RANCH PARKWAY, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL 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

**15-008Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Allow for Single Family Attached Residential Uses, Located Approximately 300 Feet South of Eldorado Parkway and on the East Side of Ridge Road, and Accompanying Ordinance. Director of Planning Michael Quint stated the applicant is requesting to rezone the property generally to modify the development standards for an attached single-family residential unit. Townhomes are currently allowed on the property via the commercial zoning district that is in place. The applicant would like to modify the minimum lot size requirements on the current zoning district including the minimum lot width, the front yard setback, and additional development standards as listed in the staff report. Staff has not been made aware of any reason why the applicant cannot currently satisfy these standards and as such we see no reason why these standards should be deviated from. Staff is recommending denial.



Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that they are not seeking to rezone the property, but rather to simply change some of the development standards for this property. In essence, we are seeking to take the minimum lot size of 2,500 square feet down to 2,200 square feet and take the minimum lot width from 25 feet to 22 feet. We are also asking for side yard modifications and to reduce the number of trees required for each lot. We are asking for a density of 10 units per acre so we are at the low end of the scale. These are townhome units grouped together in four, five, and six units to a building. This is the same property where the three SUPs for the fast food restaurants along Eldorado were approved at the last City Council meeting. This creates the buffer between the restaurant uses and the surrounding single-family detached homes that comprise the Pine Ridge Estates. This is a 100% brick product and I believe we have satisfied the homeowners' concerns about the look and feel of the property and about traffic and safety issues. Mr. Roeder stated that the air conditioning units for these townhomes are located on the roof of the buildings. The material will be a masonry material or fiberboard material but they are more than two stories high and fairly unobtrusive. The price range of these townhomes is \$225,000 to \$285,000 as the base price. There is a planned entry feature that will be no higher than 25 feet but it will be an entry feature announcing you are at the development. The restaurants are required to put in screening devices and that has been coordinated. Director of Planning Michael Quint stated, the Council set a standard for the community and staff did not see anything in this request that warranted deviating from the standard so staff recommended denial. Mr. Steve Schumerhorn, 2805 North Dallas Parkway, Plano, representing CB Jeni Homes, stated that the lot width will allow for an affordable product and to provide a good price point for the buyers. Mayor Loughmiller called for public comments.

The following individuals spoke in favor of the rezoning request:

Mr. Michael Henke, 6104 Pine Ridge Boulevard, McKinney

Ms. Christine Jenkins, 3100 New York Avenue, McKinney

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

Mr. Randy Foster, 5505 Dark Forest Drive, McKinney

Council approved the motion by Council member Keever, seconded by Mayor Pro Tem Ussery, to close the public hearing. Mr. Quint stated that a base zoning of BN would allow gasoline service stations but not an auto repair facility on this property. Some other more typical commercial uses that would be allowed on the property would include banks, barbershops, laundromat, drug store, medical office, that type of generic retail usage would be allowed but not an auto repair. Council approved the motion by Council member Keever, seconded by Mayor Pro Tem Ussery, to approve an Ordinance rezoning the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, generally to allow for single family attached residential uses, located approximately 300 feet south of Eldorado Parkway and on the east side of Ridge Road with a vote of 6-1-0, Council member Pogue voting against, with the following special ordinance provisions: the subject property shall generally develop in accordance with the attached Concept Plan, the use and development of the subject property shall develop in accordance with Section 146-108 ("TH" - Townhome Residential District) of the Zoning Ordinance, and as amended, except as follows: the minimum lot size shall be reduced from 2,700 square feet to 2,200 square feet, the minimum lot width shall be reduced from 25 feet to 22 feet, the minimum front yard setback shall be reduced from 20 to 10 feet, the minimum side yard at corner setback shall be reduced from 15 feet to 10 feet, required canopy trees shall be reduced from a minimum of two (2) canopy trees per lot to one (1) canopy tree per lot, all single

family residential units shall be 100 percent masonry, with the exception of porch posts and lintels, box or bay windows, dormers, and rooftop screening elements, an entry feature tower shall be constructed at the main entry to the development, and shall be a maximum of 15 feet tall constructed of masonry material except for a cedar fascia and metal roof, six (6) foot wide sidewalks shall be provided on both sides of all public streets, and rooftop equipment shall be screened using either fiber cement board (hardi plank or hardi board) or architectural metal. Caption reads as follows:

ORDINANCE NO. 2015-05-038

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 8.12 ACRE PROPERTY, LOCATED APPROXIMATELY 300 FEET SOUTH OF ELDORADO PARKWAY AND ON THE EAST SIDE OF RIDGE ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY ATTACHED RESIDENTIAL 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

- 14-166Z7** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District and "CC" - Corridor Commercial Overlay District, Generally to Allow for Townhome Uses, Located on the Southwest Corner of McKinney Place Drive and Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant notified Staff just before the meeting tonight that they are requesting this item be tabled indefinitely. Staff is recommending the public hearing be closed and the item be tabled indefinitely. Staff will re-

notice for the next public hearing. Applicant, Mr. J. Martin Sanchez, 402 N. Tennessee, McKinney was available for questions. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing and table this item indefinitely.

**14-151Z6** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone a Portion of the Property from "AG" - Agricultural District, "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Located Approximately 1,100 Feet West of Custer Road and on the South Side of U.S. Highway 380 (University Drive), and Accompanying Ordinance. Director of Planning Michael Quint stated the applicant is requesting to rezone the subject property for residential and commercial uses. The applicant has provided a plan showing the commercial uses would be constructed along the US 380 frontage and the residential will be placed to the south of the commercial frontage. The property is currently zoned for office uses. The applicant has modified their request since the last time Council has seen this to include an eight-foot tall masonry wall and lower residential building heights. All of these things point to good use of the property and staff is recommending approval. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, spoke on behalf of the applicant. Mr. Roeder stated that from the threshold of the paved runway to the southwest corner of the client's property is more than two football fields. The client is proposing to erect an 8 foot masonry fence that would prevent the kind of intrusion that was being spoken about previously. The client went to the FAA and asked the FAA if there is a restriction on how high they can build something in an area bounded by two points selected by the client. The answer was, no. The FAA stated

they would not want to have a structure higher than 31 feet in the designated area, but anywhere else, the 35 foot maximum height of your residential zoning is more than adequate as a height limitation. Because of that feedback from the FAA, we are limiting the first row of houses to 31 feet in height. We believe we have addressed the issues regarding noise and compatibility with the 700 foot separation. To address noise, we have provided as an item in your planned development ordinance a disclosure notice which specifically identifies that this property is adjacent to an active airport, specifically states it is not one the city regulates, and specifically states there is noise out there. I propose to you that whoever buys a home in this development is going to buy it with eyes and ears wide-open. They will understand there is an active airport and they will make a decision as to whether or not that is acceptable. Mayor Loughmiller called for public comment.

The following individuals spoke in favor of the zoning request:

Mr. Tim Gamache, 2768 Chatswood Drive, Trophy Club

Mr. Fred Phillips, 5055 Keller Springs, Addison

The following individuals spoke against the zoning request:

Ms. Averille Dawson, 10000 County Road 134, Celina

Mr. Richard Ferguson, 10004 Ashmont Drive, Frisco

Mr. Eugene A. Robinson, 1200 Lake Point Circle, McKinney

Mr. Pete Huff, 1700 Pembroke, McKinney

Mr. Rick Prindle, 10025 Champion Lane, McKinney

Mr. Tom Udall, 3005 Teal Lane, McKinney

Mr. Mike Roberts, 10055 Bucker Lane, McKinney

Mr. Mark McLaughlin, 509 Castlewood Drive, McKinney

Mr. Mike Hance, 10025 Eagle Drive, McKinney

Mr. Jack Wybenga, 10015 S. Taylor Craft, McKinney

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

Mr. W.P. Staley, P. O. Box 280, Weston

Mr. Ron Roland, 10015 Kinner Drive, McKinney

Ms. Nancy Staley, P. O. Box 280, Weston

Mr. Steve Afeman, 10130 General Bond Ct., McKinney

Ms. Kathy Brown, 1809 Buckingham, McKinney

Mr. Brad Mitchell, 16335 Red Oak Circle, McKinney

Mr. A.D. Donald, P. O. Box 250501, Plano

Mr. Mark Brown, 1809 Buckingham Street, McKinney

Mr. Kevin Ganey, 825 Market Street, Allen

Ms. Karen Swick, 10010 Champion Lane, McKinney

Ms. Mary Jane Walker, 10120 General Bond Court, McKinney

Mr. B.J. Boyle, 2656 New Caslte Dr., Carrollton

Mr. Carl Best, 10060 North American Lane, McKinney

Ms. Amy Ganey, 825 Market Street, Allen

Mr. David Shields, 16301 Quorum Drive, Allen

Mr. Jim Shields, 16301 Quorum Drive, Addison

Mr. Chris Farmer, 9316 Leesburg Court, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Harris, to close the public hearing. Mr. Quint stated that the south end of this proposed development is zoned for office and the existing PD limits any building within 200 feet of the southern boundary line to 35 feet in height. The Virginia Hills PD has something similar with the buyer notification to what the applicant is proposing here but the Virginia Hills PD does not tie it to deed restrictions. Likewise, this rezoning request is not requiring that a notification letter be required by the deed restrictions, but rather a letter be given out and required only by zoning. City Attorney Houser stated that the Council has authority to make the zoning changes requested as long as it is in the best interest, health and safety interest of the citizens. Mayor Loughmiller stated that a negative vote on this item

would not prevent a developer from coming in with another rezoning request that is different from what is on the table right now. Council approved the motion by Council member Kever, seconded by Council member Harris, to deny the request to rezone a portion of the property from "AG" - Agricultural District, "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, located approximately 1,100 feet west of Custer Road and on the south side of U.S. Highway 380 (University Drive) with a vote of 4-3-0, Mayor Pro Tem Ussery, Council members Pogue and Ricchi voting against.

**15-075M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Amend Sections 146-99 (REC Regional Employment Center Overlay District), 146-132 (Fences, Walls, and Screening Requirements), and 146-139 (Architectural and Site Standards) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances); and to Amend Sections 1 (Introduction), 7 (Land Use Element), 8 (Transportation), 11 (Urban Design), and Appendix E (An Informal Guide to the Multi-Family Policy in the City of McKinney) of the Comprehensive Plan, and Accompanying Ordinance. Planning Manager Brandon Opiela stated that staff is proposing a series of amendments to Zoning Ordinance in and Comprehensive Plan pertaining to the REC overlay which establishes a new provision for future development that addresses current development issues in the overlay district with respect to existing property rights. The majority of the amendments were discussed in detail at the April 6<sup>th</sup> work session. Staff has received broad support for the proposed amendments that reduces the scope and vision for urban style development within the REC while preserving current property entitlements and mitigating the challenges developments face within the REC. The basis of the proposed amendments is to remove the applicability of the REC for all new rezoning requests moving forward

while keeping the REC regulations on the books for existing properties currently governed by those regulations. In conjunction with this approach, Staff proposed amendments to the comprehensive plan to guide staff, City Council and the Planning and Zoning Commission with future rezoning requests. These amendments allow the regulations for properties currently subject to the REC requirements to remain unchanged with regard to screening walls, story heights, and window orientations for multi-family developments. With regard to the comprehensive plan amendments, staff has updated page numbers and figures throughout the plan, integrated the tollway commercial and urban mix modules and associated definitions, modified the future land use plan and future land use plan module diagram, and removed general references to the REC throughout. Based on feedback, staff has added verbiage to Section 7 and 11 of the Comprehensive Plan saying residential uses within the commercial tollway module should generally be located no closer than 1,000 feet from State Highway 121. The only change to the proposed future land use plan is a slight tweak to ensure that the first 1000 feet north of State Highway 121 were all shown as commercial. The proposed future land use plan module diagram, which has not been modified since the work session, coordinates the percentage of land use in each module with the proposed future land use plan. The last component of the proposed amendments looks at the city's multi-family policy. As proposed by staff the exemption of the REC area for multifamily policy will be removed, however, a new exemption has been created for urban multi-family residential developments which would incorporate urban design elements such as structured parking, ground floor units constructed for future commercial use, integrated open spaces, and 10 foot wide sidewalks. The Planning and Zoning Commission voted unanimously to recommend approval and the Commission has asked City Council to raise the minimum density for



single-family residential within this REC area to 4.5 to 4.7 dwelling units per acre, which is different from the standard 3.2 or 3.4 found in the current Comprehensive Plan. Staff recommends approval of the proposed amendments. Mayor Pro Tem Ussery asked if these amendments change any existing entitlements already in place. Director of Planning Michael Quint stated this is simply showing future land use if they were to come in and rezone. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Keever, to close the public hearing. Council approved the motion by Mayor Pro Tem Ussery, seconded by Council member Keever, to approve an Ordinance amending Sections 146-99 (REC Regional Employment Center Overlay District), 146-132 (Fences, Walls, and Screening Requirements), and 146-139 (Architectural and Site Standards) of the Zoning Ordinance (Chapter 146 of the Code of Ordinances); and to Amend Sections 1 (Introduction), 7 (Land Use Element), 8 (Transportation), 11 (Urban Design), and Appendix E (An Informal Guide to the Multi-Family Policy in the City of McKinney) of the Comprehensive Plan, as presented by staff with the amendment that Mayor Loughmiller noted as to the density number of 4.5 units per acre. Caption reads as follows:

ORDINANCE NO. 2015-05-039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTION 146-99 (REC REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT), SECTION 146-132 (FENCES, WALLS, AND SCREENING REQUIREMENTS), AND SECTION 146-139 (ARCHITECTURAL AND SITE STANDARDS) OF THE ZONING ORDINANCE (CHAPTER 146 OF THE CODE OF ORDINANCES); AND AMENDING SECTION 1 (INTRODUCTION) INCLUDING THE TABLE OF CONTENTS, SECTION 7 (LAND USE ELEMENT), SECTION 8 (TRANSPORTATION), SECTION 11 (URBAN DESIGN), AND APPENDIX E (AN INFORMAL GUIDE TO THE MULTI-FAMILY POLICY IN THE CITY OF MCKINNEY) OF THE COMPREHENSIVE PLAN; 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

**15-430** Mayor Loughmiller called for Consideration/Discussion/Action on a Decision to Either Reject All Bids or Approve a Resolution Authorizing the Interim City Manager to Execute a Contract and All Necessary Change Orders with Pavecon Public Works, L.P. for the Construction of TR3215 Virginia Street and Louisiana Street Traffic Calming Improvements Project from Graves Street to College Street. CIP and Traffic Manager Gary Graham stated that on April 9<sup>th</sup>, staff conducted the bid opening for this project. The low bid was received from Pavecon Public Works for \$722,000. This is over the allocated construction budget of \$600,000 for the project. Staff is asking the Council for direction on the three options:

Option 1: Reject all bids and do not pursue the project further. This option would free up approximately \$600,000 for other CIP projects.

Option 2: Reject all bids and re-bid the project next Spring for 4 of the 8 intersections. This option would allow the City to construct the 4 intersections near Caldwell Elementary along Virginia and Louisiana Streets next Summer within the current project budget.

Option 3: Approve the Resolution authorizing the Interim City Manager to execute a contract and all necessary change orders with Pavecon Public Works, L.P. for the construction of all 8 intersections for a total amount not to exceed \$830,000. Staff would recommend we move forward with option three as designed. The goal would be to help slow down vehicles as they approach or leave the downtown square, address ADA concerns in the area, provide additional safety around the school, and provide a gateway feature into the square. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Keever, to approve a Resolution authorizing the Interim City Manager to execute a contract and all necessary change orders with Pavecon Public Works, L.P. for the Construction of TR3215 Virginia Street and Louisiana Street Traffic Calming Improvements Project from Graves Street to College Street.

Caption reads as follows:

RESOLUTION NO. 2015-05-053 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$722,391.11 WITH PAVECON PUBLIC WORKS, L.P. FOR THE CONSTRUCTION OF TR3215 VIRGINIA STREET AND LOUISIANA STREET TRAFFIC CALMING IMPROVEMENTS PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$830,000

- 15-431** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending the 2015-2019 Capital Improvements Program for Construction of TR3215 Virginia Street and Louisiana Street Traffic Calming Improvements from Graves Street to College Street. Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to approve a Resolution amending the 2015-2019 Capital Improvements Program for construction of TR3215 Virginia Street and Louisiana Street Traffic Calming Improvements from Graves Street to College Street. Caption reads as follows:

RESOLUTION NO. 2015-05-054 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE 2015-2019 CAPITAL IMPROVEMENTS PROGRAM FOR CONSTRUCTION OF TR3215 VIRGINIA STREET AND LOUISIANA STREET TRAFFIC CALMING IMPROVEMENTS PROJECT

Mayor Pro Tem Ussery, Council members Day and Harris stepped down from the dais for the following agenda item.

- 15-432** Mayor Loughmiller called for Consideration/Discussion/Action to Formalize Direction on the Site Selection, Design Concepts and Design Contract Pertaining to the Construction of a Structured Parking Facility in Downtown McKinney. Facilities Construction Manager Patricia Jackson stated that Staff is asking for confirmation of Site 1 for the location for the parking garage, the number of parking levels above grade (either five or six), and also asking for direction on whether you would like to have one level below grade for parking that will depend on the geotechnical report.

Staff is also asking for direction on the ability to negotiate a design services contract with our current team to be brought back to Council at a later date for approval. Council was provided a briefing and overview last night. Ms. Jackson stated that her preference would be 1B to allow for one floor below and five above without closing Church Street so we can maximize the 400 space parking number without adding the additional height. We currently have a projected budget currently that shows a maximum of \$13 million. We have site selection and full design widths traffic studies, geotechnical, environmental, and surveying as well as appraisals that have been done on properties that accounts for \$1.2 million. That leaves us \$850,000 in contingency to handle anything that might happen whether it is additional cost for materials going up or if we have environmental concerns we have to handle. I certainly think there may be a possibility of designing for six levels within the current budget but I'm not sure we could accommodate the six levels within the \$13 million total budget. Ms. Jackson stated that the City could design the parking structure for future vertical expansion. We could be five levels now and design the foundations to accommodate a sixth level in the future if we need it. As far as the construction schedule, it would take about 12 months to build this parking structure and between 6 to 8 months for the design. Council approved the motion made by Council member Pogue, seconded by Council member Kever, to approve Site 1, option 1B with five levels above grade and one below grade with a not to exceed cost of \$13 million for the design concepts and design contract for the construction of a structured parking facility in Downtown McKinney, with a vote of 4-0-3, Mayor Pro Tem Ussery and Council members Day and Harris abstaining.

Mayor Pro Tem Ussery, Council members Day and Harris returned to the dais.

**15-433** Mayor Loughmiller called for Consideration/Discussion/Action on

Appointing a Member to the North Texas Municipal Water District Board.  
Council unanimously approved the motion by Council member Harris, seconded by Council member Day, to reappoint Joe Joplin to the North Texas Municipal Water District Board effective June 1, 2015 and ending May 31, 2017.

- 15-434** Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the McKinney Convention and Visitors Bureau. Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to appoint Melissa Moreno from the alternate position to fill the vacant position on the McKinney Convention and Visitors Bureau starting May 6, 2015 and ending September 30, 2015.

Mayor Loughmiller called for Citizen Comments.

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

Ms. Diane Craig, 309 North Benge Street, McKinney, spoke in opposition to closing Church Street for the parking garage and in favor of the traffic calming project on Louisiana and Virginia.

Mayor Loughmiller called for Council and Manager Comments.

Council member Ricchi stated that seven years ago the parking garage was talked about when he was attending Council candidate forums. I am very proud of staff and proud of the accomplishments this Council has achieved. Mr. Ricchi recognized Mr. Harris' son who was in the audience tonight.

Council member Day did not have any comments.

Council member Kever stated that she is thankful that Council concluded the parking garage decision and she encouraged staff to work hard on a more efficient interim parking solution while it is being constructed. . There are a lot of options out there that we can be creative and take advantage of during this period. Ms. Kever encouraged everyone to get out and vote on Saturday. We have elections covering the City Council, School Districts, and Collin College. Ms. Kever recognized Mayor Pro

Tem Ussery and Council member Pogue for their great showing at the McKinney Education Foundation Spelling Bee. Ms. Kever recognized all the employees who were recognized last Thursday at the Employee Award Celebration. Employees were recognized for service from five years to thirty years.

Council member Pogue wished everyone a Happy Cinco de Mayo and a happy birthday to the City of McKinney is celebrating 167 years old..

Council member Harris stated that one of the greatest aspects of the City of McKinney is the fact that we have people that work hard to get out there and run for office so they can be a part of this great team. All of us appreciate what people go through to be there and I want to get a shout out to the people out there now working hard trying to be a part of the leadership team of the City. He wished all the candidates good luck in the upcoming election.

Mayor Pro Tem Ussery stated that he had a large thank you banner from the Press Elementary School. He and the Mayor spoke to the kids at a very worthwhile event. Mr. Ussery thanked staff for what they do from top to bottom as you are the ones that make McKinney what it is.

Mayor Loughmiller stated that tonight is his son's Senior Class Appreciation Award Event that he is missing tonight. My son is graduating, the top 7% of his class and will be attending the University of Alabama on an academic scholarship in the fall. He has done really well and his lacrosse team won regionals last week in Houston and will be going to Austin this week to compete in the state tournament. If they win their first game, they play Sunday for the state championship. Because I am now going to Austin, as opposed to being in McKinney, and I will not be at election night on the square for the first time in 15 years. Mayor Pro Tem Ussery will be attending in my place. Mr. Loughmiller thanked those of you who stepped up to run for office.

Interim City Manager Muehlenbeck stated that the bond committee will meet this Thursday at 6 o'clock. The chairman, Councilman Harris will be presiding over the meeting. It will be an opportunity for us to provide a briefing to the bond committee. The members of the committee will break out into subcommittees that evening to look at their first bit of detailed information on the proposed projects.

Council unanimously approved the motion by Mayo Pro Tem Ussery, seconded by Council member Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 9:50 p.m.

---

BRIAN LOUGHMILLER  
Mayor

ATTEST:

---

SANDY HART, TRMC, MMC  
City Secretary