

CITY COUNCIL REGULAR MEETING

FEBRUARY 5, 2013

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on February 5, 2013 at 6:00 p.m.

Council Present: Mayor Pro-Tem Travis Ussery, Council members: Geralyn Keever, Don Day, Ray Ricchi, and Roger Harris. Absent: Mayor Brian Loughmiller and Council member David Brooks.

Staff: City Manager Jason Gray; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Chief of Police Joe Williams; Airport Executive Director Ken Wiegand; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Public Works Director Hal Cranor; Director of Planning Michael Quint; Fire Chief Danny Kistner; Communications and Marketing - CoCo Good and Anna Clark; Chief Financial Officer Rodney Rhoades; Director of Engineering Jack Carr; Assistant to the City Manager Aretha Adams; McKinney Economic Development Corporation President Jim Wehmeier; McKinney Economic Development Corporation Vice President Abby Liu; Airport Operations Manager Steve Gould; Environmental Health Manager Lori Dees; Code Enforcement Supervisor Mike Morrissey; Human Resources Director Tadd Phillips; IT Operations Manager Marcus Coleman; Senior Help Desk Technician Clif Carnley; Engineering - Gary Graham and Matt Richardson; Police - Randy Haak and Melissa Robillard; Assistant Fire Chief Tim Mock; Assistant Fire Chief Neil Howard; Contract Administrator Erin Boddie; and Planning Manager Brandon Opiela. There were approximately 45 guests present.

Mayor Pro-Tem Ussery called the meeting to order at 6:05 p.m. after determining a quorum was present. Invocation was given by Arnulfo Alvarado of First Hispanic

INFORMATION SHARING

13-102 Presentation of 2012 National Night Out Award. Police Officer Randy Haak presented the Award that the City received for 2012 National Night Out.

13-103 Presentation of 2012 Gold Leadership Circle Award for Financial Transparency. Chief Financial Officer Rodney Rhoades presented the

City's 2012 Gold Leadership Circle Award.

Mayor Pro-Tem Ussery called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve the following consent items:

- 13-104** Minutes of the City Council Work Session of January 14, 2013
- 13-105** Minutes of the City Council Regular Meeting of January 15, 2013
- 13-106** Minutes of the City Council Special Meeting of January 15, 2013
- 13-107** Minutes of the City Council Work Session of January 28, 2013
- 13-010** Minutes of the Collin County Airport Development Corporation Meeting of December 19, 2012.
- 13-024** Minutes of the Historic Preservation Advisory Board Regular Meeting of December 6, 2012
- 13-031** Minutes of the Library Advisory Board Meeting of November 15, 2012
- 13-034** Minutes of the McKinney Arts Commission Work Session of November 14, 2012
- 13-035** Minutes of the McKinney Arts Commission Special Meeting of November 14, 2012
- 13-017** Minutes of the McKinney Armed Services Memorial Board Meeting of November 7, 2012
- 13-075** Minutes of the McKinney Community Development Corporation Board Meeting of December 20, 2012
- 13-068** Minutes of the McKinney Convention & Visitors Bureau Meeting of December 4, 2012
- 13-059** Minutes of the McKinney Economic Development Corporation Board Meeting of November 20, 2012
- 13-108** Minutes of the McKinney Housing Authority Board of Commissioners Meeting of December 11, 2012
- 13-109** Minutes of the McKinney Housing Authority Board of Commissioners Meeting of December 18, 2012
- 13-110** Minutes of the McKinney Housing Authority Board of Commissioners

Meeting of December 31, 2012

- 13-027** Minutes of the McKinney Housing Finance Corporation Meeting of November 9, 2012
- 13-001** Minutes of the McKinney Main Street Board meeting of December 13, 2012
- 13-006** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of December 13, 2012
- 13-088** Minutes of the Planning and Zoning Commission Regular Meeting of January 8, 2013
- 13-111** Consider/Discuss/Act on an Ordinance Calling the May 11, 2013 General Election (Considerar/Discutir/Actuar en una Ordenanza para Llamar la Elección General de Mayo 11, 2013). Caption reads as follows:

ORDINANCE NO. 2013-02-005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, CALLING A GENERAL ELECTION FOR MAY 11, 2013, TO ELECT A MAYOR AND THREE COUNCIL MEMBERS; DESIGNATING POLLING PLACES; APPOINTING THE EARLY VOTING CLERK; AND PROVIDING FOR NOTICE AND PUBLICATION OF THE ELECTION

ORDENANZA NO. 2013-02-005

ORDENANZA DEL CONCEJO DE LA CIUDAD DE MCKINNEY, TEXAS, QUE CONVOCA ELECCIONES GENERALES PARA EL 11 DE MAYO DE 2013, CON EL FIN DE ELEGIR UN ALCALDE Y TRES CONCEJALES; DESIGNA SITIOS DE VOTACIÓN; NOMBRA EL SECRETARIO ENCARGADO DE LA VOTACIÓN ANTICIPADA, Y NOTIFICA Y PUBLICA LAS ELECCIONES

- 13-112** Consider/Discuss/Act on an Ordinance to the Modify the School Zone Times at Imagine Charter School in McKinney. Caption reads as follows:

ORDINANCE NO. 2013-02-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING THE SCHOOL ZONE TIMES AT IMAGINE CHARTER SCHOOL IN MCKINNEY; 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

- 13-113** Consider/Discuss/Act on an Ordinance to Modify the School Zone and Parking Restrictions at Wilmeth Elementary School. Caption reads as

follows:

ORDINANCE NO. 2013-02-007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING THE SCHOOL ZONES AND PARKING REGULATIONS AT WILMETH ELEMENTARY SCHOOL IN MCKINNEY; 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

- 13-114** Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide Professional Engineering Services for the Design of Major Utility Improvements. Caption reads as follows:

RESOLUTION NO. 2013-02-012 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF MAJOR UTILITY IMPROVEMENTS

- 13-115** Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide Professional Engineering Services for the Design of Major Roadway Improvements. Caption reads as follows:

RESOLUTION NO. 2013-02-013 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF MAJOR ROADWAY IMPROVEMENTS

- 13-116** Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide Professional Engineering Services for the Design of Minor Roadway Improvements. Caption reads as follows:

RESOLUTION NO. 2013-02-014 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF MINOR ROADWAY IMPROVEMENTS

- 13-117** Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide Professional Engineering Services for the Design of Minor Utility Improvements. Caption reads as follows:

RESOLUTION NO. 2013-02-015 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF MINOR UTILITY IMPROVEMENTS

- 13-118** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Replacement Vehicles and Equipment. Caption reads as follows:

RESOLUTION NO. 2013-02-016 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF TEN (10) CHEVROLET TAHOE PPV, FIVE (5) PICKUP TRUCKS AND ONE (1) MINI HYDRAULIC EXCAVATOR

- 13-119** Consider/Discuss/Act on a Resolution Amending the McKinney Police Department Personnel Policies. Caption reads as follows:

RESOLUTION NO. 2013-02-017 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING THE ADOPTING CERTAIN McKINNEY POLICE DEPARTMENT GENERAL ORDERS; PROVIDING FOR THE AMENDMENT OF SAID GENERAL ORDERS; AND PROVIDING AN EFFECTIVE DATE

END OF CONSENT

- 13-120** Mayor Pro-Tem Consider/Discuss/Act on Filling the Vacant Position on the McKinney Housing Authority. City Secretary Sandy Hart stated that Alonzo Tutson had resigned from the McKinney Housing Authority. There are five candidates to be considered to fill the unexpired term. Council member Ricchi abstained from the discussion and voting. A motion by Council member Keever, seconded by Council member Day to appoint Julianne Smith to fill the unexpired term on the McKinney Housing Authority failed due to a lack of 4 affirmative votes, with a vote of 3-1-1, Council members Keever, Day, and Harris voting for, Mayor Pro-Tem Ussery voting against, and Council member Ricchi abstaining. Council approved the motion by Council member Keever, seconded by Council member Day, to table to this item until the February 19, 2013 regular meeting with a vote of 4-1-1, Council member Ricchi abstaining.

- 13-121** Mayor Pro-Tem Ussery called for discussion on Police and Fire

Accreditation. Chief of Police Joe Williams presented a new initiative of the Police Department to become a nationally accredited law enforcement agency through CALEA. He stated that CALEA was created in 1979 in collaboration with the International Association of Chiefs of Police and National Sheriffs association and the Police Executive Research foundation. He stated that these associations desired a professional credentialing capability for law enforcement agencies. Chief Williams stated that the policies and procedures of CALEA accreditation formalize the essential management procedures, establish fair personnel practices and improve service delivery to the citizens. Mr. Williams stated that accreditation must be obtained within 36 months of application and stated that he believes their department can obtain it within 18 months or less. He stated that it will require a full time compliance and inspection manager and they will use a vacant position from a non-sworn administrative position that is currently in the budget. Mr. Williams stated that the initial cost of CALEA is \$15,000 and covers the cost of onsite inspectors travel, conferences, and CALEA staff and this amount is in their current budget. He stated that after accreditation there is a \$5,000 annual fee that would be included in future budgets. Mr. Williams stated that they will be required to meet the accreditation every 3 years. Mr. Williams stated that they are currently a recognized Texas Police Agency through the Texas Police Chief Association and stated that they intend to maintain that certification as well. He stated that once they have completed the accreditation, the City of McKinney Police Department will be the second Texas agency holding both accreditations. Fire Chief Danny Kistner stated that Fire accreditation will be slightly different than the Police Department. He stated that accreditation within the fire services not based on an existing written standard rather than a community defines what fire services. He stated that the Texas Fire Chiefs participated on a project to create the same type of standards

within Texas which didn't exist until 2012. He stated that the accreditation is from the Commission on International Fire Accreditation. The purpose is to improve organizational performance and potential ISO rating, reduce organizational risk, and enhance budget management. He stated that the accreditation normally takes about 18 months. He stated that there is a full time accreditation manager and once they get the accreditation status. Mr. Kistner stated that the initial fee will be \$7,700 for the application and an additional \$7,500 for the site visit. After accreditation, the annual fee will be \$1,500 to maintain the accreditation and a re-accreditation every 5 years.

13-122 Mayor Pro-Tem Ussery called for discussion on Process of Substandard Housing Abatement. Environmental Health Manager Lori Dees gave a presentation regarding substandard structures which included goals, objectives, common misperceptions, identifying substandard structures, initial notification, inspection process, administrative action, Building and Standard hearing process, staff assistance, and enforcement. Ms. Dees stated that staff works diligently to assist home owners in any way possible throughout the entire process. Ms. Dees stated that 36 homes were tagged last year and 3 were demolished. Ms. Dees stated that homes that are tagged are mailed and Administrative Order that will state how long that they have 30 days to obtain a permit. Council member Day stated that his concern is that he gets a call once a month with someone that is in a panic. He thought that 30 days is a very short time to obtain a permit. He stated that his concern is that staff is trying to push the citizens too fast. City Manager stated that the standard time frame needs to be extended in order to avoid panic. Executive Director of Development Services Barry Shelton commented that the initial contact is what causes the citizens to panic and stated that they could take a look at the document so that they can have an opportunity to talk to the citizens rather than having them look at the time frame on the tag. Mayor

Pro-Tem Ussery stated that it is not the most pleasant job but understands that it is a necessary task that they do appreciate.

12-067A3 Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of Clark Partners, L.P., on a Petition to Annex Fewer than 67 Acres, Located on the Southeast Corner of Bloomdale Road (C.R. 123) and Custer Road, and Accompanying Ordinance. Planning Director Michael Quint stated that the applicant is requesting that approximately 66 acres be annexed into the City of McKinney and when considering annexing of a property the city focuses on 3 major issues which are the current population, ability to provide city services, as well as long term fiscal impact. He stated that state law requires that before annexing a property, three public hearings be held. The first public hearing was held on January 15, 2013 at 5:30 p.m., the second public hearing was held on January 15, 2013 at 6:00 p.m., and tonight is the third and final public hearing. Mr. Quint stated that concurrent with this request, Council will be considering a development agreement as well as a zoning request. He stated that staff recommends approval of the proposed annexation and the applicant is in agreement with staff's recommendation. Mayor Pro-Tem Ussery called for public comment and there was none. Council unanimously approved the motion by Council member Keever, seconded by Council member Harris, to close the public hearing and approve an Ordinance annexing fewer than 67 Acres, located on the southeast corner of Bloomdale Road (C.R. 123) and Custer Road. Caption reads as follows:

ORDINANCE NO. 2013-02-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

12-068Z2 Mayor Pro-Tem Ussery called for a Public Hearing to

Consider/Discuss/Act on the Request by JBI Partners, Inc., on Behalf of Clark Partners, L.P., for Approval of a Request to Zone Fewer than 67 Acres to "PD" - Planned Development District, Generally for Single Family Residential and Commercial Uses, Located on the Southeast Corner of Bloomdale Road (C.R. 123) and Custer Road, and Accompanying Ordinance. Planning Director Michael Quint stated that the applicant is requesting to zone approximately 18 acres of general business/commercial uses and 38 acres for single family residential. Mr. Quint stated that the requested "PD" – Planned Development District is in conformance with the General Development Plan and stated that staff recommends approval of the proposed zoning request. Mayor Pro-Tem Ussery called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to close the public hearing and approve an Ordinance rezoning fewer than 67 Acres to "PD" - Planned Development District, generally for single family residential and commercial uses, located on the southeast corner of Bloomdale Road (C.R. 123) and Custer Road, with the following special ordinance provisions: Tract 1 (approximately 18.60 acres) shall develop in accordance with the requirements of Section 146-85 "BG" - General Business District, and as amended and Tract 2 (approximately 38.10 acres) shall develop in accordance with the requirements of Section 146-72 "RS 72" - Single Family Residence District, and as amended, except as follows: the layout of the residential lots shall generally develop in accordance with the attached zoning exhibit and the mean and median lot size shall be a minimum of 7,200 square feet. Caption reads as follows:

ORDINANCE NO. 2013-02-009

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 66.61 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF CUSTER ROAD AND BLOOMDALE ROAD (C.R. 123), IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL

AND 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

13-123 Mayor Pro-Tem Ussery called for Consideration/Discussion/Action on a Development Agreement with Clark Partners L.P., Being Fewer than 67 Acres, Located at the Southeast Corner of Custer Road and Bloomdale Road (C.R. 123). Director of Planning Michael Quint stated that this item is the companion item for the annexation and zoning item that the Council just approved. The development and annexation agreement addresses the extension of city services. Council unanimously approved the motion by Council member Keever, seconded by Council member Harris, to approve a Development Agreement with Clark Partners L.P., being fewer than 67 acres, located at the southeast corner of Custer Road and Bloomdale Road (C.R. 123).

12-236Z2 Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Pogue Engineering & Development Company, Inc., on Behalf of Early B. & Lena Milstead, for Approval of a Request to Rezone Less than 16 Acres from "ML" - Light Manufacturing District to "PD" - Planned Development District, Generally to Allow for a Homeless Shelter and Related Uses, Located Approximately 350 Feet North of Power House Drive and on the East Side of State Highway 5 (McDonald Street) (REQUEST TO BE TABLED). Director of Planning Michael Quint stated that the applicant has requested that this item be tabled until the February 19, 2013 meeting. Mayor Pro-Tem Ussery called for public comment and there was none. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Harris, to continue the public hearing and table this item until the February 19, 2013 regular meeting.

12-229Z2 Mayor Pro-Tem Ussery called for a Public Hearing to

Consider/Discuss/Act on the Request by Cross Engineering Consultants, on Behalf of McKinney Independent School District, for Approval of a Request to Rezone Less than 14 Acres from "AG" - Agricultural District to "PD" - Planned Development District, Generally to Modify the Development Standards for Single Family Residential Uses, Located Approximately 300 Feet East of Hardin Boulevard and on the South of White Avenue, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property generally to allow an age restricted 55 and over detached single family residential development. He stated that staff has no objections and recommends approval. Mr. Quint stated that currently, the city does not have architectural standards for single family residential homes so there are no existing standards that they need to meet. Applicant, Mr. Jon David Cross, 131 S. Tennessee Street, McKinney, stated that they are in agreement with staff's recommendations. He stated that the homes will be built on-sight and will not be manufactured. Mayor Pro-Tem Ussery stated that residents adjoining the proposed development had concerns about traffic increase off Bois D'Arc. Director of Engineering Jack Carr stated that Bois D'Arc has always been intended to have this kind of product and that the sight distance meets the criteria. He stated that as per traffic volume, there are about 65 hundred vehicles per day on White Avenue. Mr. Carr stated that parking along Bois D'Arc, that they are proposing will be 31 feet wide instead of 37 feet wide. Mayor Pro-Tem Ussery 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 approve an Ordinance rezoning less than 14 acres from "AG" - Agricultural District to "PD" - Planned Development District, generally to modify the development standards for single family residential uses, located approximately 300 feet east of

Hardin Boulevard and on the South of White Avenue, with the following special ordinance provisions: Use and development of the subject property shall conform to the "RS 45" - Single Family Residence District regulations of the Zoning Ordinance, and as amended, except as follows: the subject property shall generally conform to the layout of the proposed zoning exhibit (Zoning Exhibit "B"); all residential structures on the subject property shall conform to the character of the attached architectural elevations (Zoning Exhibit "C"); residents of the proposed development shall be restricted to persons age 55 or older, in conformance with the Fair Housing Act; the size and location of open spaces and walking trails shall generally conform to the proposed zoning exhibit (Zoning Exhibit "B"); the minimum allowed lot depth shall be 82 feet; the minimum allowed lot width shall be 65 feet; and the maximum allowed density shall be 3.7 units per acre. Caption reads as follows:

ORDINANCE NO. 2013-02-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 13.14 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF WHITE AVENUE AND BOIS D'ARC ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS FOR SINGLE FAMILY 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

- 12-216Z2** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by h/z studio P.L.L.C., on Behalf of Collin County Texas Property, for Approval of a Request to Rezone Less than 12 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southwest Corner of Waddill Street and U.S. Highway 380 (University Drive), and Accompanying Ordinance. Director

of Planning Michael Quint stated that the applicant is requesting to rezone approximately 11.82 acres of land, located on the southwest corner of Waddill Street and U.S. Highway 380 (University Drive) from "PD" - Planned Development District Ordinance to "PD" - Planned Development District, generally to modify the development standards. The subject property is currently owned by Collin County, who has requested a rezoning to allow for the private development of a discount grocery store and two future retail/restaurant pad sites. Currently, the subject property is zoned for commercial ("BG" - General Business District) and office ("O-1" - Neighborhood Office District) uses. The office zoning designation does not allow for the retail use proposed, thus the property must be rezoned to accommodate said use. Mayor Pro-Tem Ussery inquired about truck traffic into this development. Mr. Quint stated that the trucks would be accessing through Graves Street that turns into Harroun Street and that one of the provisions prohibits truck traffic until the streets are improved. City Manager Gray stated that the City is in the process of negotiating an economic development agreement with this potential user. We will make sure to include a provision in the agreement that there will not be any truck traffic south of Harroun on Graves and not on Waddill Street. Council member Harris asked for some level of assurance that they would minimize sound and minimize the impact that this will have on the neighborhood. Mr. Quint stated that there will be wing walls in areas and that they are also proposing an 8 foot screening wall. Applicant, Mr. Dan Zimmerman, 404 South 8th Street, Boise, Idaho, stated that they are in agreement with staff's recommendations. Mr. Zimmerman stated that he is in agreement with the truck traffic requirements and that trucks will be using the street that Sam's currently uses which is north of US 380 to enter the property. He stated that they also are providing a 75 foot landscape buffer. Mayor Pro-Tem Ussery called for public comment and there was none. Council

unanimously approved the motion by Council member Day, seconded by Council member Harris, to close the public hearing and approve an Ordinance rezoning less than 12 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the Development Standards, located on the southwest corner of Waddill Street and U.S. Highway 380 (University Drive), with the following special ordinance provisions: use and development of the subject property shall conform to the "BG" - General Business District regulations of the Zoning Ordinance, and as amended, except as follows: the subject property shall generally conform to the site layout, as shown on the attached Zoning Exhibit "B;" the subject property shall generally conform to the architectural elevations, as shown on the attached Zoning Exhibit "C;" an 8 foot masonry screening device shall be provided along the east and south sides of the subject property, as shown on the attached site layout exhibit (Zoning Exhibit "B"); a 12 foot minimum wing wall screening device shall be provided along the east side of the proposed compactor well, as shown on the attached site layout exhibit (Zoning Exhibit "B"); a 65 foot minimum landscape setback with additional canopy trees shall be provided along the east side of the subject property, as shown on the attached site layout exhibit (Zoning Exhibit "B"); crape myrtle trees (2" caliper and 8' tall at the time of planting) shall be provided every 15 linear feet along Harroun Avenue and within the required 20' landscape buffer, as shown on the attached site layout exhibit (Zoning Exhibit "B"); and no driveway access point along Harroun Avenue shall be utilized as an entry/exit for semi-trailer trucks (with at least three axles that are designed to tow trailers), until such time that Harroun Avenue and Graves Street have been constructed to accommodate said trucks under the then-existing street construction standards, subject to review and approval of the City Engineer. Caption reads as follows:

ORDINANCE NO. 2013-02-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

McKINNEY, TEXAS, AMENDING ORDINANCE NO. 2008-07-067 OF THE CITY OF McKINNEY, TEXAS; SO THAT AN APPROXIMATELY 11.82 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF WADDILL STREET AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, 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

Mayor Pro-Tem Ussery called for Council and Manager Comments.

Council member Day did not have any comments.

Council member Keever did not have any comments.

Council member Ricchi expressed his appreciation to Mayor Pro-Tem Ussery for running a quick and efficient meeting tonight during the absence of Mayor Loughmiller absence.

Council member Harris did not have any comments.

Mayor Pro-Tem Ussery invited everyone to attend the Krewe of Barkus this Sunday in downtown McKinney from 12:30 p.m. to 4:00 p.m. Mr. Ussery Thanked Troop 531 for their attendance tonight and leading the Pledge of Allegiance. Mr. Ussery thanked staff for what they do day in and day out for making the City what it is today.

City Manager Gray stated that the Dallas Morning News announced today that the City of McKinney is the location for the world's largest triathlon specific retail store in Craig Ranch that will be over 10,000 square feet. This store will sell the goods and wears for triathletes as well as providing some level of training and triathlon assistance. One of the reasons they chose McKinney due to the prevalence of the community's interest in health and welfare. This is an initiative that Mayor Loughmiller has pushed. The City supports these efforts to improve the health and welfare of the residents.

Mayor Pro-Tem Ussery called for Citizen Comments and there were none.

Mayor Pro-Tem Ussery recessed the meeting into executive session at 7:33 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 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Pro-Tem Ussery recessed to the open session at 7:40 p.m.

Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to adjourn. Mayor Pro-Tem Ussery adjourned the meeting at 7:45 p.m.

TRAVIS USSERY
Mayor Pro-Tem

ATTEST:

SANDY HART, TRMC, MMC
City Secretary