

CITY COUNCIL REGULAR MEETING

MARCH 4, 2014

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 4, 2014 at 6:00 p.m.

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

Staff Present: Deputy City Manager Jose Madrigal; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Director of Engineering Mark Hines; McKinney Economic Development Corporation - Jim Wehmeier and John Valencia; Chief of Police Joe Williams; Fire Chief Danny Kistner; Assistant to the City Manager Darrek Ferrell; Interim Director of Public Works Paul Sparkman; McKinney Community Development Corporation President Cindy Schneible; CIP and Traffic Manager Gary Graham; Assistant Fire Chief Tim Mock; Assistant Fire Chief Chris Lowry; Fire Department - Dwayne Henderson, Andrew Barr, Mark Anderson, Brian Judd, Charlie Skaggs, James Graham, Ruben Reyes, , Justin Shelley, Joel Boyd, and Robert Rippy Hermonat; Communications and Media Specialist Denise Lessard; Police Officer Travis Ray; Facilities Construction Manager Patricia Jackson; IT Desk Support Technician II Charles Brown; Planning Manager Matt Robinson; Airport Executive Director Ken Wiegand; MPAC/Main Street Director Amy Rosenthal; and Senior Financial Services Manager Trudy Mathis.

There were 30 guests present.

Mayor Loughmiller called the meeting to order at 6:05 p.m. after determining a quorum was present. Invocation was given by Council member Geralyn Keever. Mayor Loughmiller led the Pledge of Allegiance.

14-226 Presentation of the City of McKinney's IOS Class 1 Rating by State Fire Marshal Chris Connealy. Fire Chief Danny Kistner introduced State Fire Marshal Chris Connealy, representing ISO - Phillip Bradley and Mike

McCormick, and with the State Fire Marshal's Office Jessie Williams. Mr. Bradley stated that ISO grades communities based on their fire suppression rating schedule that is based not only on the Fire Department but the community as a whole. The rating is on a scale of 1-10 based on the City's communication, Fire Department evaluation, the water system, and all the fire prevention activities of the community. They have classified approximately 48,000 communities nationwide. Of the 48,000 communities, there are approximately only 60 with the Class 1 rating. In Texas, there are currently 18 cities with a Class 1 rating. This classification rating is provided to the insurance industry that will modify their homeowners and commercial policy premiums based on the fire protection of the community. State Fire Marshal Chris Connealy presented a plaque on behalf of the State Fire Marshal's Office.

14-227 Multiple Myeloma Awareness Month Proclamation. Mayor Loughmiller read a proclamation for Multiple Myeloma Awareness Month.

14-228 Presentation of Certificate of Achievement for Excellence in Financial Reporting for the fiscal year ended September 30, 2012. Chief Financial Officer Rodney Rhoades presented the Certificate of Achievement for Excellence in Financial Reporting for the period ending September 30, 2012.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Travis Ussery, seconded by Council member Roger Harris, to approve the following consent items: These items consist of non-controversial or housekeeping items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.

14-229 Minutes of the City Council Work Session of February 17, 2014

14-230 Minutes of the City Council Regular Meeting of February 18, 2014

14-231 Minutes of the City Council Special Meeting of February 24, 2014

14-143 Minutes of the Joint McKinney Community Development Corporation and

Parks Advisory Board Meeting of December 12, 2013.

- 14-140** Minutes of the Main Street Board Meeting of December 12, 2013
- 14-147** Minutes of the Planning and Zoning Commission Regular Meeting of January 28, 2014
- 14-232** Consider/Discuss/Act on an Amendment to Chapter 14 and Chapter 122 of the Code of Ordinances of the City of McKinney Relating to Sidewalk Use Permits; and Accompanying Ordinance. Caption reads as follows:

ORDINANCE NO. 2014-03-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 14, ENTITLED "ALCOHOLIC BEVERAGES," THROUGH THE AMENDMENT OF ARTICLE II, ENTITLED "UNLAWFUL CONSUMPTION," BY DELETING SECTION 14-21(4), "SIDEWALK USE PERMIT," AND REPLACING SAID SECTION WITH A NEW SECTION 14-21(4), ALSO ENTITLED "SIDEWALK USE PERMIT," TO RELOCATE THE SIDEWALK USE PERMIT PROVISIONS TO ANOTHER CHAPTER; THROUGH THE AMENDMENT OF CHAPTER 122, ENTITLED "CONSTRUCTION REGULATIONS," THROUGH THE AMENDMENT OF ARTICLE IV, ENTITLED "FENCES," BY CREATING SECTION 122-181, ENTITLED "SIDEWALK USE AND FENCE PERMITS," RELATING TO SIDEWALK USE PERMITS AS SET FORTH HEREIN BELOW; AND BY AMENDING APPENDIX A "SCHEDULE OF FEES," TO ESTABLISH ADMINISTRATIVE FEES FOR FENCE INSTALLATION AND SIDEWALK LEASE AGREEMENTS AS PERMITTED UNDER SECTION 122-175, "PERMITS," OF THE CODE OF ORDINANCES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE

- 14-237** Consider/Discuss/Act on an Ordinance Amending the 2013-2014 Annual Budget to Allow for a Fire Department Training Tower in Fire Improvement Funds. Caption reads as follows:

ORDINANCE NO. 2014-03-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2013-2014 BUDGET AND THE 2014 – 2018 CAPITAL IMPROVEMENTS PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 14-233** Consider/Discuss/Act on a Resolution Authorizing a Deputy City Manager

to Execute a Contract with Nathan D. Maier Consulting Engineers, Inc., for Engineering Services to Evaluate the Existing Bridge and Adjacent Roadway on Stonebridge Drive Across Rowlett Creek and Any Necessary Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2014-03-017 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A DEPUTY CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$42,055 WITH NATHAN D. MAIER CONSULTING ENGINEERS, INC., FOR ENGINEERING DESIGN SERVICES TO EVALUATE THE EXISTING BRIDGE AND ADJACENT ROADWAY ON STONEBRIDGE DRIVE ACROSS ROWLETT CREEK AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$49,000

END OF CONSENT

Council member Pogue stepped down from the dais on the following item.

- 14-234** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution of the City Council of the City of McKinney, Texas, Approving a Chapter 380 Agreement by and Between the City of McKinney, Texas and SLMP Facility, L.L.C, and Authorizing the Deputy City Manager to Execute the Agreement; and Providing an Effective Date. City Attorney Mark Houser stated that this is a Chapter 380 Agreement with a local company that is relocating its Corporate Headquarters to the University Business Park which is currently owned by McKinney Economic Development Corporation and being transferred to this company. Council approved the motion by Council member Keever, seconded by Council member Harris, to approve a Resolution of the City Council of the City of McKinney, Texas, approving a Chapter 380 Agreement by and Between the City of McKinney, Texas and SLMP Facility, L.L.C, and authorizing the Deputy City Manager to execute the agreement; and providing an effective date, with a vote of 6-0-1, Council member Pogue

abstaining. Caption reads as follows:

RESOLUTION NO. 2014-03-018 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A CHAPTER 380 AGREEMENT BY AND BETWEEN THE CITY OF MCKINNEY, TEXAS AND SLMP FACILITY, L.L.C., AND AUTHORIZING THE DEPUTY CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

Council member Pogue returned to the dais.

- 14-236** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving a List of Neighborhood Streets East of US 75 to be Included in the 2014-2016 Infrastructure Initiative Program. Mayor Loughmiller requested this item be pulled down for information sharing. Mr. Loughmiller stated that this program has been implemented in McKinney since 1999. Some of these projects have been funded through bond elections. This program has included projects to improve streets and infrastructure on the east side. CIP and Traffic Manager Gary Graham stated that to date, \$65 million dollars has been spent east of US 75 to improve the infrastructure to include streets, water, and sewer. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve a Resolution approving a list of neighborhood streets east of US 75 to be included in the 2014-2016 Infrastructure Initiative Program. Caption reads as follows:

RESOLUTION NO. 2014-03-019 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A LIST OF NEIGHBORHOOD STREETS EAST OF US 75 TO BE INCLUDED IN THE 2014-2016 INFRASTRUCTURE INITIATIVE PROGRAM

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

- 14-011Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by McKinney Christian Academy, for Approval of a Request to Rezone Fewer than 60 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the

Development Standards, Located on the South Side of Bois D'Arc Road and Approximately 800 Feet West of Jordan Road, and Accompanying Ordinance. Director of Planning Michael Quint stated the applicant is McKinney Christian Academy that is requesting to rezone the property to allow two additional portable buildings. Currently, they have 11 portable buildings and 6 permanent buildings on site. The two additional portable buildings will increase the total number of portable buildings to 13. It is the applicant's intent that these portable buildings be allowed to remain indefinitely on the property. Mr. Quint stated that the property was originally zoned in 2001 from AG to RS 84. In 2004, the property was rezoned to Planned Development with a requirement for a business plan including a timeline for portables removal, funding activity, and construction of permanent buildings no later than July 1, 2009. In 2011, they were unable to meet the special Ordinance provisions so the property was rezoned again to cap the number of portable buildings that could remain indefinitely on the property to a maximum of 11. Mr. Quint stated that at this time, staff cannot support this request. Mr. Michael Quint, Director of Planning for the City of McKinney, stated that the architectural standards were different for private versus public schools. He stated that the public schools were allowed to have portable buildings on their campuses indefinitely; however, private schools were only allowed to have portable buildings on their campuses for 30 months. Mr. Quint stated that these portable buildings are viewable from Bois d'Arc. Mr. Quint stated that he did not see any reason why they cannot meet the architectural standards for the portable buildings. Mr. Bob Lovelady, McKinney Christian Academy, 3601 Bois D'Arc Rd., McKinney, TX, explained the proposed rezoning request is to address the growth of the school and the need for additional classroom space. Mr. Lovelady stated that they have brick and stone on the decking of the existing buildings that add to the aesthetics. He stated that they have already staggered

some of the start and end times of the school to help with the stacking issues. Mr. Quint addressed some issues with the circulation through the property and the stacking of cars. Mr. Lovelady stated that the current enrollment is 560 students with 570 projected for next year. The ultimate build out of the school would be 900 students. Each portable building provides two classrooms with 25 students in each building. The school would need to have an enrollment of 640 students before they would be able to start a feasibility study. Mr. Lovelady stated that it will be next spring before they would start on the feasibility study and then another 2-3 years for the capital campaign to raise the funds prior to starting the construction of new buildings at the school. Mayor Loughmiller called for public comment.

The following individuals spoke against the rezoning request.

Mr. Marty Webb, 904 Canyon Valley Drive, McKinney

Mr. Jerry Laplank, 3602 Bois D'Arc, McKinney

The following individual spoke in favor of the rezoning request.

Mr. James Casey, 3511 Bois D'Arc, McKinney

Council approved the motion by Mayor Pro Tem Ussery, seconded by Council member Roger Harris, to close the public hearing, with a vote of 6-0-1, Council member Pogue abstaining. Council approved the motion by Council member Kever, seconded by Council member Harris, to rescind closing the public hearing and table this item until the March 18, 2014 meeting, with a vote of 6-0-1, Council member Pogue abstaining.

Council member Pogue returned to the dais.

14-030CVP Mayor Loughmiller called for Consideration/Discussion/Action on the Request by Kimley-Horn and Associates, Inc., on Behalf of CH-B Trinity Falls, L.P., for Approval of a Conveyance Plat for Lots 1 and 2, Block A, of the Trinity Falls North Addition, Being Fewer than 1,200 Acres, Located on the Southeast Corner of County Road 281 and County Road 206. Director of Planning Michael Quint stated that the applicant is proposing to

subdivide the subject property for conveyance purposes into two lots and also has requested several variances. One of those variances is to not dedicate public rights of way throughout this property and the other being not to dedicate utility and drainage easements to Lot 1. Staff is comfortable with the variance for the dedication of right-of-way. Staff is recommending approval of the conveyance plat and approval of variance to not require dedication of public rights of way as required by the Subdivision Ordinance. But Staff does not recommend approval of the variances to not require dedication of water lines, drainage and sewer line easements. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that this is a companion item for the next agenda item. Mr. Roeder stated that the goal is for this property to be conveyed to GCEC for a future substation site and the goal is for the northern part of that track to be conveyed to Trinity Falls to add it to the current subdivision and the subdivision plat that will be coming to you. Trinity Falls cannot get title to those 3-acres north of the subdivision site without a conveyance plat. Nor can we give title to GCEC without a conveyance plat. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Day, to close the public hearing. Council unanimously approved the motion by Council member Pogue, seconded by Council member Keever, to approve a Conveyance Plat for lots 1 and 2, Block A, of the Trinity Falls North Addition, being fewer than 1,200 acres, located on the southeast corner of County Road 281 and County Road 206, with the following conditions: the applicant received approval of variances waiving the requirement to dedicate the necessary right-of-way for C.R. 281, C.R. 206, C.R. 228, Trinity Falls Parkway, C.R. 279, and the Future Collin County Outer Loop and the requirement to dedicate water line, drainage, and sanitary sewer line easements to proposed Lot 1, prior to filing the plat for record: the applicant revise the plat to change the

approval signature block to Mayor, City Council, the applicant revise the dedication language on the plat to include the lot and block information, and the applicant provide a note on the plat indicating that easements for public services including drainage, storm sewers, fire lane access sewers, to serve the adjoining lots will be required at the time of platting for development purposes.

Mayor Pro Tem Ussery stepped down from the dais on the following item.

14-031CVP Mayor Loughmiller called for Consideration/Discussion/Action on the Request by Kimley-Horn and Associates, Inc., on Behalf of Grayson Collin Electric Cooperative, for Approval of a Conveyance Plat for Lots 1 and 2, Block A, of the GCEC Chambersville Substation Addition, Being Fewer than 7 Acres, Located on the Southeast Corner of County Road 281 and County Road 206. Director of Planning Michael Quint stated that the applicant is requesting to subdivide the property for conveyance purpose and that this item is very similar to the last item asking for approval of two variances. One variance being the waiver of the obligation to dedicate right-of-way for FM 543 20 along the southern portion of the property. The second variance is to not dedicate an access easement to the northern portion of the subject property. Staff sees no reason why the 20 foot right-of-way dedication along FM 543 should not be dedicated. The City would have to go through the eminent domain process to acquire that right-of-way. At this point, if this plat was approved and filed this property would not have access to a right-of-way. Staff is not comfortable supporting those two variances. Staff is comfortable supporting the variance for the conveyance plat with the conditions outlined in the staff report. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that GCEC has built their substation in the right-of-way so they do not have twenty feet to give. Mr. Roeder requested that the Council grant the exception and allow the conveyance plat so they can convey the properties back and forth. Council approved the motion by Council member Pogue, seconded

by Council member Harris, to approve a Conveyance Plat for Lots 1 and 2, Block A, of the GCEC Chambersville Substation Addition, Being Fewer than 7 Acres, Located on the Southeast Corner of County Road 281 and County Road 206, with the following conditions: the applicant received approval of variances waiving the requirement to dedicate 20 feet of right-of-way along F.M. 543 (Weston Road) and the requirement to provide access to proposed Lot 1 and prior to filing the plat for record: the applicant revise the plat to change the approval signature block to Mayor, City Council, the applicant revise the dedication language on the plat to include the lot and block information, and the applicant revise the plat to show a right-of-way dedication (extension of proposed Red River Trail) from the eastern property line of proposed Lot 1 to the western property line of proposed Lot 1.

Mayor Pro Tem Ussery returned to the dais.

13-218A3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of Starnes Creek Venture, Ltd., and Crown S, Ltd., on a Petition to Annex Fewer than 400 Acres, Located Generally on the North Side of F.M. 1461 and Along the West Side of C.R. 168, and Accompanying Ordinance. Director of Planning Michael Quint stated that the property owner is requesting to annex the subject property into the City of McKinney. The City will consider a number of things including the population of the land to be annexed, the ability for the City to provide services and utilities, and the fiscal impact to the City. Staff has reviewed all the criteria and has no objections or concerns. The first public hearing was held on February 3, 2014, the second public hearing was February 4, 2014, and this is the third and final public hearing. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that on behalf of the two property owners petitioning annexation, they request that the Council acts on this annexation. Mayor Loughmiller called for public comment and there was

none. Council approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve an Ordinance annexing fewer than 400 acres, located generally on the north side of F.M. 1461 and along the west Side of C.R. 168, with a vote of 6-0-1, Council member Kever abstaining. Caption reads as follows:

ORDINANCE NO. 2014-03-015

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

14-235 Mayor Loughmiller called for Consideration/Discussion/Action on a Development Agreement with Starnes Creek Venture, LTD. and Crown S, LTD., Located on the North Side of F.M. 1461 and on the West Side of C.R. 168. Director of Planning Michael Quint stated that this is the Development Agreement for the previous annexed property. The City is not in a position to extend those utilities or infrastructure to the property. Because the requested annexation is at the request of the property owner, the developer of the subject property will be responsible for extending adequate infrastructure to the subject property as the property is developed, in accordance with the City's Subdivision Ordinance. All necessary public improvements will be required at time of platting, unless specified in a separate approved facilities agreement. Staff recommends approval of the annexation agreement. Council approved the motion by Council member Harris, seconded by Council member Pogue, to approve a Development Agreement with Starnes Creek Venture, LTD. and Crown S, LTD., located on the north side of F.M. 1461 and on the west side of C.R. 168, with a vote of 6-0-1, with Council member Kever abstaining.

13-219Z2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of Starnes Creek Venture, Ltd. and Crown S, Ltd., for Approval of a Request to Zone Fewer than 400 Acres to "PD" - Planned Development District, Located

on the North Side of F.M. 1461 and Along the West Side of C.R. 168, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property previously annexed. The applicant is requesting to develop the subject property for residential and office uses. Staff recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that they have proposed the PD zoning to include single family median lot size of 7,200 square feet. We are not seeking to increase the densities and we're not seeking to lower the average or median lot size. Track three is pretty unique and has provided an alternate use for senior independent living. Track four is designed to be a pharmacy or other day to day services in the immediate local. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve an Ordinance zoning fewer than 400 Acres to "PD" - Planned Development District, located on the north side of F.M. 1461 and along the west side of C.R. 168, with the following special ordinance provision: use and development of the subject property shall conform to the attached development regulations. Caption reads as follows:

ORDINANCE NO. 2014-03-016

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 379.15 ACRE PROPERTY IS ZONED "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL, INDEPENDENT LIVING, OFFICE, AND AGRICULTURAL USES, LOCATED ON THE NORTH SIDE OF F.M. 1461 AND ALONG THE WEST SIDE OF C.R. 168; 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

- 14-010Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Cates Clark Associates, on Behalf of 810/811 Ventures at Stonebridge Ranch, Ltd., for Approval of a Request to Rezone Fewer

than 27 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Northeast Corner of Eldorado Parkway and Custer Road and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is asking to rezone the subject property generally to modify some of the ordinance provisions that apply to gas stations and car washes. Applicants Mr. Daniel Stewart, 14800 Quorum Drive, Dallas and Mr. John Rose, 4215 Walnut Hill, Dallas, stated that they had no objections to the Staff's recommendations. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to close the public hearing and approve an Ordinance rezoning fewer than 27 Acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the Development Standards, located on the northeast corner of Eldorado Parkway and Custer Road, with the following special ordinance provisions: use and development of the subject property shall develop in accordance with "PD" – Planned Development District Ordinance No. 2005-11-114, except as follows: Motor vehicle fuel sales that do not conduct any type of automotive repairs or servicing and is only an accessory use to a grocery store, shall be allowed within 750 feet of the intersection of Eldorado Parkway and Custer Road. No fuel pump may be located closer than 650 feet from a single family residential lot, motor vehicle fuel sales shall be allowed facilities to fuel a maximum of twelve (12) vehicles at one time, an unmanned, fully automated carwash that accommodates only one vehicle at a time shall be allowed only as an accessory use to a fuel sales facility and be located no closer than 575 feet from a single family residential lot, and site plan and/or concept plan be approved administratively by Staff. Caption reads as follows:

ORDINANCE NO. 2014-03-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2005-11-114 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 26.31 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF ELDORADO PARKWAY AND CUSTER ROAD, 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

14-014M2 Mayor Loughmiller called for Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend Sections 146-46 (Definitions), 146-70 (RS 120 District), 146-71 (RS 84 District), 146-72 (RS 72 District), 146-73 (RS 60 District), 146-74 (RS 45 District), 146-75 (RD 30 District), 146-76 (RG 27 District), 146-77 (RG 25 District), 146-83 (NC District), 146-84 (BN District), 146-85 (BG District), 146-86 (C District), 146-87 (O-1 District), 146-88 (O District), 146-89 (BC District), 146-90 (ML District), 146-91 (MH District), 146-130 (Vehicle Parking), Appendix F-1 (Schedule of Yards and Setbacks), Appendix F-2 (Schedule of Heights, Areas, and Densities) and Appendix F-4 (Schedule of Uses) of the Zoning Regulations; and to Establish Sections 146-102 (SF12 District), 146-103 (SF10 District), 146-104 (SF8 District), 146-105 (SF7.2 District), 146-106 (SF5 District), 146-107 (DR District), 146-108 (TH District), 146-109 (SO District), 146-110 (RO District), 146-111 (C1 District), 146-112 (C2 District), 146-113 (C3 District), 146-114 (LI District) and 146-115 (HI District) of the Zoning Regulations, and Accompanying Ordinance. Director of Planning Michael Quint stated that this Ordinance provides for a series of new zoning ordinances or zoning districts that we will utilize going forward. Some of the older antiquated zoning districts and zoning ordinances will not be used after an effective date. The remaining zoning districts would still be available for zoning and rezoning uses going forward. These provisions were taken to the McKinney

Economic Development Corporation advocacy group and received a fair amount of support. They recommended a frozen date of July 1, 2014. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to close the public hearing. Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to approve an Ordinance amending Sections 146-46 (Definitions), 146-70 (RS 120 District), 146-71 (RS 84 District), 146-72 (RS 72 District), 146-73 (RS 60 District), 146-74 (RS 45 District), 146-75 (RD 30 District), 146-76 (RG 27 District), 146-77 (RG 25 District), 146-83 (NC District), 146-84 (BN District), 146-85 (BG District), 146-86 (C District), 146-87 (O-1 District), 146-88 (O District), 146-89 (BC District), 146-90 (ML District), 146-91 (MH District), 146-130 (Vehicle Parking), Appendix F-1 (Schedule of Yards and Setbacks), Appendix F-2 (Schedule of Heights, Areas, and Densities) and Appendix F-4 (Schedule of Uses) of the Zoning Regulations; and to Establish Sections 146-102 (SF12 District), 146-103 (SF10 District), 146-104 (SF8 District), 146-105 (SF7.2 District), 146-106 (SF5 District), 146-107 (DR District), 146-108 (TH District), 146-109 (SO District), 146-110 (RO District), 146-111 (C1 District), 146-112 (C2 District), 146-113 (C3 District), 146-114 (LI District) and 146-115 (HI District) of the Zoning Regulations. Caption reads as follows:

ORDINANCE NO. 2014-03-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING SECTIONS 146-46 (DEFINITIONS), 146-70 (RS 120 DISTRICT), 146-71 (RS 84 DISTRICT), 146-72 (RS 72 DISTRICT), 146-73 (RS 60 DISTRICT), 146-74 (RS 45 DISTRICT), 146-75 (RD 30 DISTRICT), 146-76 (RG 27 DISTRICT), 146-77 (RG 25 DISTRICT), 146-83 (NC DISTRICT), 146-84 (BN DISTRICT), 146-85 (BG DISTRICT), 146-86 (C DISTRICT), 146-87 (O-1 DISTRICT), 146-88 (O DISTRICT), 146-89 (BC DISTRICT), 146-90 (ML DISTRICT), 146-91 (MH DISTRICT), 146-130 (VEHICLE PARKING), APPENDIX F-1 (SCHEDULE OF YARDS AND SETBACKS), APPENDIX F-2 (SCHEDULE OF HEIGHTS, AREAS, AND DENSITIES) AND APPENDIX F-4 (SCHEDULE OF USES) OF THE ZONING REGULATIONS; AND TO ESTABLISH SECTIONS 146-102 (SF12 DISTRICT), 146-103 (SF10 DISTRICT), 146-104 (SF8 DISTRICT),

146-105 (SF7.2 DISTRICT), 146-106 (SF5 DISTRICT), 146-107 (DR DISTRICT), 146-108 (TH DISTRICT), 146-109 (SO DISTRICT), 146-110 (RO DISTRICT), 146-111 (C1 DISTRICT), 146-112 (C2 DISTRICT), 146-113 (C3 DISTRICT), 146-114 (LI DISTRICT) AND 146-115 (HI DISTRICT) OF THE ZONING REGULATIONS; 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

14-187 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving the Payment of Additional Funds to Gateway Hotel One, Ltd. as Reimbursement for Additional Architectural Services and Authorizing a Deputy City Manager to Make Said Payment for those Architectural Services Related to Potential Exterior Enhancements on the Sheraton Gateway and Events Center Project. Deputy City Manager Jose Madrigal stated that staff recommends this item be tabled until we receive more information. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Harris, to table this item until the April 1, 2014 meeting.

14-238 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing a Deputy City Manager to Negotiate an Agreement with Jason Adams, CEO of Curious Complex for the Redevelopment of City-Owned Real Property (Primary Downtown Site of approximately 9.2-acres) in the Downtown Area for a period of 120-days. Executive Director of Development Services Barry Shelton stated that prior to the meeting, a revised Resolution was presented to Council that indicates an exclusive period of 120 days. We also inserted section 3, which states if during the 120 days exclusive negotiation period the City receives a bona fide cash offer for the purchase of all or a portion of the property, Mr. Adams should have the opportunity to match the offer in order to continue in his efforts to negotiate redevelopment of the property. Applicant, Mr. Jason Adams, stated that they are evaluating the impact and looking at the overall scope of the project. We are looking at some options to discuss with the City as far as possible participation:

a parking structure, the land, and what other types of participation the City may consider. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve a Resolution authorizing a Deputy City Manager to negotiate an agreement with Jason Adams, CEO of Curious Complex for the redevelopment of City-owned real property (primary downtown site of approximately 9.2-acres) in the downtown area for a period of 120-days with the addition of the following language in Section 3: "If, during the 120 day exclusive negotiation period, the City receives a bona fide, cash offer for the purchase of all, or a portion of, the property, Mr. Adams shall have the opportunity to match the offer within 14 business days in order to continue in his efforts to negotiate to redevelop the property." Caption reads as follows:

RESOLUTION NO. 2014-03-020 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A DEPUTY CITY MANAGER TO NEGOTIATE AN AGREEMENT WITH JASON ADAMS FOR THE REDEVELOPMENT OF CITY-OWNED REAL PROPERTY IN THE DOWNTOWN AREA

14-239 Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the Planning and Zoning Commission. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to appoint Dick Stevens to fill the vacant position on the Planning and Zoning Commission beginning March 5, 2014 and ending September 30, 2014.

14-240 Mayor Loughmiller called for Consideration/Discussion/Action on the Acceptance of the Comprehensive Annual Financial Report (CAFR) and the Federal Single Audit Report for the Fiscal Year Ended September 30, 2013. Chief Financial Officer Rodney Rhoades presented the 2013 Comprehensive Annual Financial Report (CAFR). The City received a clean opinion this year from our outside auditor. The only finding this year was some overstatement of some of the capitalization from the

airport from a prior year entry that we did correct. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Kever, to accept the Comprehensive Annual Financial Report (CAFR) and the Federal Single Audit Report for the Fiscal Year Ended September 30, 2013.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council Member Pogue thanked staff for how they are handling the City Manager transition. Mr. Pogue congratulated Chief Financial Officer Rodney Rhoades and the Finance Department for their award tonight.

Council Member Harris congratulated Fire Chief Danny Kistner for being only one of 68 cities out of 48,000 to receive an ISO rating of 1. This rating will have a substantial impact for homeowners to save money on their insurance rates. Mr. Harris thanked Olympian Johnny Quinn for representing the City of McKinney at the Olympics in Russia. Mr. Harris thanked the McKinney Chamber of Commerce for the Awards Ceremony last Friday. Mr. Harris stated that he attended the McKinney Community Development Corporation meeting this week and he was impressed with Firefighter Dirk Hedges for his enthusiasm and commitment to the Fire museum,

Council Member Ricchi thanked all the citizens who got out and voted in primaries. Mr. Ricchi expressed his appreciation to all those who serve in the armed forces so that we can vote. Mr. Ricchi recognized Council member Harris' daughter Allison who is sitting at a news desk in Tulsa. We are proud to have her represent our City. Mr. Ricchi stated that the new 2014 Board and Commission applications are available on the City's website and at City Hall. Applications for the current year appointments will be accepted through the end of business on June 27, 2014.

Council Member Day welcomed Deputy City Manager Jose Madrigal to the dais. I have appreciated the way he has stepped into his role over the last few days.

Council Member Kever thanked staff who are stepping up and getting things done. Ms. Kever stated that the storm water drainage group gave us some good recommendations last night at the Work Session. Ms. Kever expressed appreciation to

Staff for vetting through all the zoning regulation changes that were approved tonight. Ms. Kever stated that the new Parks Guide was mailed out this week that covers the period March through August. Everyone should find something of interest. Ms. Kever stated that she also attended the Chamber Awards Dinner on Friday and the Mayor finished 10 minutes early.

Mayor Pro Tem Ussery thanked staff from top to bottom who are always number one in his eyes. Mr. Ussery thanked Deputy City Manager Madrigal for the way he stepping up during the City Manager transition. Your efforts have not gone unnoticed.

Mayor Loughmiller stated that he would like to recognize Olympian Johnny Quinn for his achievements at either an event downtown or a future Council meeting. Mr. Loughmiller stated that he has known him since he was seven years old and he knew that he would do great things. Mr. Loughmiller reminded everyone that Relay for Life is coming up soon. McKinney has been in the top two in fundraising in the state of Texas. McKinney is now looked at as one of the top fundraising cities nationwide. Mr. Loughmiller invited everyone to the McKinney Connects Town Hall meeting on March 6th at McKinney High School. The staff will have tables there with information to provide to citizens. Mr. Loughmiller requested that he, Mayor Pro Tem Ussery and Council member Kever start looking over the next few months at a Code of Conduct so we as a group can better serve this community. We currently have general rules, but I want to at least look into other areas so we can better serve this community.

Deputy City Manager Madrigal thanked staff, Council, and the community for allowing him to serve. Mr. Madrigal extended thanks to all city employees as we go through this transition.

Mayor Loughmiller recessed the meeting into executive session at 8:46 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.074 Personnel Matters, Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 9:50 p.m.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded Council member Kever to adjourn. Mayor Loughmiller adjourned the meeting at 9:52 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary