

CITY COUNCIL REGULAR MEETING

APRIL 4, 2017

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on April 4, 2017 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Randy P. Pogue, Council members: Chuck Branch, Don Day, Tracy Rath, Rainey Rogers, and Travis Ussery.

Staff Present: City Manager Paul Grimes; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Executive Director of Development Services Michael Quint; Chief of Police Greg Conley; Assistant Director of Public Works Paul Sparkman; Director of Strategic Services Chandler Merritt; Director of Public Works David Brown; Planning Manager Matt Robinson; Airport - Ken Wiegand and Eric Pratt; Engineering - Nick Ataie; Help Desk Technicians - Nicholas Martin and Asif Ali; Finance Mark Holloway and Trudy Mathis; Police Officer Bruno Siqueira; Police Sergeant Sherwood Holmes; Library Director Spencer Smith; Emergency Management - Randall Guerney; and Fire Chief Danny Kistner.

There were approximately 40 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Pastor Jason Duke, Ranchland Christian Church. Mayor Loughmiller led the Pledge of Allegiance.

17-336 Motorcycle Safety & Awareness Month Proclamation. Mayor Loughmiller presented the Motorcycle Safety & Awareness Proclamation to Black Sheep Kackle.

Mayor Loughmiller called for Citizen Comments.

Mr. Rick Wells, 670 Wendy, Lucas, spoke in favor of a parking garage.

Ms. Deborah Kilgore, 1013 Howell, McKinney, spoke about preserving or repurposing the historic water tower.

Mr. Chris Grollneck, McKinney, spoke about the Police Department unresponsiveness to calls at his house.

Mr. Jim Schwalls, 905 W. Hunt Street, McKinney, spoke in favor of the parking garage.

Ms. Juanita Horne, 2580 Collin McKinney Parkway, #2923, McKinney, spoke against a parking garage.

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

- 17-337** Minutes of the City Council Special Meeting of March 20, 2017
- 17-338** Minutes of the City Council Regular Meeting of March 21, 2017
- 17-283** Minutes of the Library Advisory Board Meeting of February 16, 2017
- 17-254** Minutes of the Main Street Board Meeting of February 9, 2017
- 17-317** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of February 28, 2017
- 17-318** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of February 24, 2017
- 17-319** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of March 3, 2017
- 17-295** Minutes of the McKinney Economic Development Corporation Meeting of January 17, 2017
- 17-296** Minutes of the McKinney Economic Development Corporation Meeting of February 21, 2017
- 17-330** Minutes of the Planning and Zoning Commission Regular Meeting of March 14, 2017
- 17-339** Consider/Discuss/Act on an Ordinance Establishing a Speed Limit on Coit Road Between Virginia Parkway and a Point 525 Feet South of Rambling Road. Caption reads as follows:

ORDINANCE NO. 2017-04-038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING A SPEED LIMIT ON COIT ROAD FROM VIRGINIA PARKWAY TO A POINT 525 FEET SOUTH OF RAMBLING ROAD; 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

- 17-343** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for, Accept, Reject, Alter, or Terminate an Urban Area Security Initiative (UASI) Program Grant Award from the Department of Homeland Security Through the Office of the Governor (OOG) to Purchase an Armored Vehicle to Respond to Hazardous Situations. Caption reads as follows:

RESOLUTION NO. 2017-04-079 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, REJECT, ALTER AND TERMINATE AN URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT AWARD FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE OFFICE OF THE GOVERNOR (OOG) TO PURCHASE AN ARMORED VEHICLE

- 17-344** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, If Awarded, a Selective Traffic Enforcement Program (STEP) Grant for Fiscal Year 2018 from the Texas Department of Transportation For Overtime Traffic Safety Enforcement. Caption reads as follows:

RESOLUTION NO. 2017-04-080 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED, A SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT FOR FISCAL YEAR 2018 FOR OVERTIME TRAFFIC SAFETY ENFORCEMENT

- 17-345** Consider/Discuss/Act on a Resolution of the City of McKinney, Amending Resolution No. 2017-02-033, Authorizing the City Manager to Apply for, Accept, Reject, Alter or Terminate, a Grant to the U. S. Department of Justice, Administered Through the State of Texas, Office of the Governor, for a Victims of Crime Act (VOCA) Grant, to Hire a Victim Advocate. Caption reads as follows:

RESOLUTION NO. 2017-04-081 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING RESOLUTION NO. 2017-02-033, AUTHORIZING THE CITY MANAGER TO APPLY FOR, ACCEPT, REJECT, ALTER OR TERMINATE, A GRANT TO THE U.S. DEPARTMENT OF JUSTICE, ADMINISTERED THROUGH THE STATE OF TEXAS, OFFICE OF THE GOVERNOR, FOR A

VICTIMS OF CRIME ACT (VOCA) GRANT, TO HIRE A VICTIM ADVOCATE

- 17-346** Consider/Discuss/Act on a Resolution Authorizing the Acceptance of a "NASA at My Library Partners" Grant, if Awarded, To Provide Science, Technology, Engineering and Mathematics Learning Opportunities for Library Patrons. Caption reads as follows:

RESOLUTION NO. 2017-04-082 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT A "NASA AT MY LIBRARY PARTNERS" GRANT, IF AWARDED, TO PROVIDE SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS (STEM) OPPORTUNITIES TO LIBRARY PATRONS

- 17-347** Consider/Discuss/Act on a Resolution Establishing the School Zone Summer Hours for Each School Holding Summer School in 2017. Caption reads as follows:

RESOLUTION NO. 2017-04-083 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ESTABLISHING SCHOOL ZONE HOURS FOR EACH SCHOOL HOLDING SUMMER SCHOOL IN 2017

- 17-361** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Real Estate Purchase Agreement and Any Other Documents Related Thereto, for Property Located at Park Place Tract 1, McKinney, Texas. Caption reads as follows:

RESOLUTION NO. 2017-04-084 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL ESTATE PURCHASING AGREEMENT AND ANY OTHER DOCUMENTS RELATED THERETO, FOR PROPERTY LOCATED AT PARK PLACE TRACT 1, MCKINNEY, TEXAS

- 17-349** Consider/Discuss/Act on a Resolution to Suspend Oncor Electric's Rate Increase. Caption reads as follows:

RESOLUTION NO. 2017-04-085 (R)

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, SUSPENDING THE APRIL 21, 2017, EFFECTIVE DATE OF ONCOR ELECTRIC DELIVERY COMPANY'S REQUESTED RATE CHANGE TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH

REASONABLE RATES; APPROVING COOPERATION WITH THE STEERING COMMITTEE OF CITIES SERVED BY ONCOR TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL FOR THE STEERING COMMITTEE

- 17-350** Consider/Discuss/Act on a Resolution Amending Authorized Representatives for the Texas Local Government Investment Pool (TexPool). Caption reads as follows:

RESOLUTION NO. 2017-04-086 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE DESIGNATED TEXPOOL/TEXPOOL PRIME AUTHORIZED REPRESENTATIVES

- 17-351** Consider/Discuss/Act on a Resolution Authorizing a Second Amendment to the Lease And Easement Agreement with the North Texas Municipal Water District for the Former City Landfill Property and Authorizing the City Manager to Execute All Necessary Documents. Caption reads as follows:

RESOLUTION NO. 2017-04-087 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE LEASE AND EASEMENT AGREEMENT WITH NORTH TEXAS MUNICIPAL WATER DISTRICT RELATING TO THE LANDFILL TRACT

- 17-352** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a New or Renewal Agreement for the Procurement of Electricity. Caption reads as follows:

RESOLUTION NO. 2017-04-088 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE ENERGY PROVIDER THAT WILL BE SELECTED, WITH THE HELP OF THE CITY'S ENERGY ADVISOR, 5, FOR THE PROCUREMENT OF ELECTRICITY FOR THE CITY BEGINNING DECEMBER 1, 2021

- 17-353** Consider/Discuss/Act on a Resolution Adopting the 2017-18 Federal Legislative Agenda. Caption reads as follows:

RESOLUTION NO. 2017-04-089 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE APPROVAL OF THE
CITY OF McKINNEY 2017-18 FEDERAL LEGISLATIVE AGENDA

END OF CONSENT

17-340 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending the 2017-2021 Capital Improvements Program to Provide Funds for Various Citywide Rehabilitation Projects for FY 16-17. Civil Engineer Nicholas Ataie presented an update on projects and expenditures on the east side of McKinney. Mr. Ataie stated that since 1999, the City has spent \$100 million dollars in CIP project expenditures east of US 75, including \$60 million in comprehensive infrastructure reconstruction projects, \$1 million on drainage improvements, \$16 million on larger arterial projects such as Airport Drive, Redbud Boulevard, and Bloomdale Road, \$1 million in traffic calming, and close to \$20 million in water and wastewater projects. Over the last ten years, excluding city-wide parks and facilities projects, the City has spent \$140 million on the west side of US 75, of which 70% was CIP infrastructure expenditures. With 49 square miles, or 72% of the total city land area west of US 75, this equates to \$2.88 million per square mile. This compares to \$60 million spent on the east side of US 75, 30% of which was CIP infrastructure expenditures. With 19 square miles, or 28% of the total city land area east of US 75, this equates to \$3.16 million per square mile. These numbers do not include any park projects unless they were handled as a CIP project. These numbers are specific infrastructure improvements, streets, water, sewer, and does not include the nine-acre site. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve a Resolution amending the 2017-2021 Capital Improvements Program to provide

funds for various citywide rehabilitation projects for FY 16-17. Caption reads as follows:

RESOLUTION NO. 2017-04-076 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE FISCAL YEAR 2017 - 2021 CAPITAL IMPROVEMENT PROGRAM TO TRANSFER FUNDS TO MCKINNEY SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION UMBRELLA PROJECTS EAST OF SH 5 (CO1704) AND MCKINNEY SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION UMBRELLA PROJECTS SOUTH OF VIRGINIA (CO1705)

- 17-341** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Grantham & Associates, Inc. (Grantham) for Professional Engineering Design Services for the McKinney Substandard Utility Replacement and Street Rehabilitation Umbrella Projects East of SH 5 and Any Necessary Supplemental Agreements. Council unanimously approved the motion by Council member Branch, seconded by Council member Rogers, to approve a Resolution authorizing the City Manager to execute a contract with Grantham & Associates, Inc. (Grantham) for Professional Engineering Design Services for the McKinney Substandard Utility Replacement and Street Rehabilitation Umbrella projects east of SH 5 and any necessary supplemental agreements. Caption reads as follows:

RESOLUTION NO. 2017-04-077 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$414,120.00 WITH GRANTHAM & ASSOCIATES, INC. FOR ENGINEERING DESIGN SERVICES FOR THE SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION UMBRELLA PROJECTS EAST OF SH 5 AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$455,000

- 17-342** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Contract with Birkhoff, Hendricks & Carter, LLP (BHC) for Professional Engineering Design Services for the McKinney Substandard Utility Replacement and

Street Rehabilitation Umbrella Projects South of Virginia and Any Necessary Supplemental Agreements. Council unanimously approved the motion by Mayor Pro Tem Pogue, seconded by Council member Branch, to approve a Resolution authorizing the City Manager to execute a contract with Birkhoff, Hendricks & Carter, LLP (BHC) for Professional Engineering Design Services for the McKinney Substandard Utility Replacement and Street Rehabilitation Umbrella Projects south of Virginia and any necessary supplemental agreements. Caption reads as follows:

RESOLUTION NO. 2017-04-078 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$297,130.00 WITH BIRKHOFF, HENDRICKS & CARTER, LLP FOR ENGINEERING DESIGN SERVICES FOR THE SUBSTANDARD UTILITY REPLACEMENT AND STREET REHABILITATION UMBRELLA PROJECTS SOUTH OF VIRGINIA AND AUTHORIZING ANY SUPPLEMENTAL AGREEMENTS UNDER SAID CONTRACT UP TO THE AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF SAID SUPPLEMENTAL AGREEMENTS, OF \$327,000

- 17-037Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, Located Approximately 200 Feet West of Lake Forest Drive and on the South Side of Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Brian Lockley stated the applicant is requesting to rezone the property in order to allow for commercial uses in a more suburban manner. The existing PD has requirements that push the development up to the front of the street to allow for parking in the rear of the building. The applicant would like to relax those requirements and allow it to develop similar to the neighboring properties. The commercial uses generally allowed with this zoning include bakeries, barber and beauty shops, garden shops, office uses, pet stores, retail, and

restaurants. A drive-through restaurant would require a Specific Use Permit. Applicant, Mr. Byron Waddey, Vasquez Engineering, 1919 S. Shiloh Road, Suite 440, Garland, was present to answer questions and there were none. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Branch, seconded by Council member Rogers, to close the public hearing and approve an Ordinance rezoning the subject property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "C1" - Neighborhood Commercial District, located approximately 200 feet west of Lake Forest Drive and on the south side of Collin McKinney Parkway. Caption reads as follows:

ORDINANCE NO. 2017-04-039

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 1.81 ACRE PROPERTY, LOCATED APPROXIMATELY 200 FEET WEST OF LAKE FOREST DRIVE AND ON THE SOUTH SIDE OF COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "C1" – NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

16-318Z3 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 for Single Family Residential Detached and Attached Uses, Located Approximately 900 Feet West of McDonald Street and on the South Side of Stewart Road, and Accompanying Ordinance. Planning Manager Matt Robinson stated the applicant is requesting to rezone the property to allow for a mixture of single-family attached and detached uses. The property was used as a golf course. The applicant has included a proposed concept plan that shows the layout with a mixture of single-

family uses, various lot sizes, and townhomes. Staff's opinion is that the proposed development will remain compatible with adjacent uses to the north which is single-family and to the south and west which are both multi-family. Staff recommends approval of the rezoning request. Mr. Robinson stated that as part of this development, Stewart Road will need to be improved. Applicant, Mr. Bob Roeder, 1700 Redbud Blvd., Suite 300, McKinney, stated that this is a unique opportunity to repurpose property that has laid hollow for over a year. This property was formerly The Greens of McKinney Golf Course. Mr. Roeder stated that part of this property is in the floodplain and will remain in the floodplain as open space. Mayor Loughmiller called for public comment.

The following individuals spoke in favor of the rezoning:

Ms. Jill Alcantara, 2837 Dog Leg Trail, McKinney

Ms. Linda Hooper, 2505 Dog Leg Trail, McKinney

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

Ms. Ronda Steffey, 2833 Dog Leg Trail, McKinney

Mr. Don McClendon, 2941 Dog Leg Trail, McKinney

Mr. Michael Acevedo 2973 Berryhill, McKinney

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

Council unanimously approved the motion by Council member Branch, seconded by Council member Rogers, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District to "PD" - Planned Development District, generally for single family residential detached and attached uses, located approximately 900 feet west of McDonald Street and on the south side of Stewart Road. Caption reads as follows:

ORDINANCE NO. 2017-04-040

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

47 ACRE PROPERTY, LOCATED APPROXIMATELY 900 FEET WEST OF MCDONALD STREET AND ON THE SOUTH SIDE OF STEWART ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL DETACHED AND ATTACHED USES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

17-006Z4 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, to Allow for Single Family Residential Uses, Located on the Southeast Corner of Crutcher Crossing and Virginia Parkway, and Accompanying Ordinance. Director of Planning Brian Lockley stated the applicant is requesting to rezone the property to allow for single-family homes within the planned development district. This property is part of a larger PD of which the permitted uses are office as well as restaurants with no drive-through. The existing surrounding properties are single-family residential, office, and a senior assisted living facility. The applicant did provide a plat of what they are proposing to develop but it is non-binding. In accordance with the Council's goal of developing the non-residential tax base, staff is recommending denial. The Planning and Zoning Commission did recommend approval by a vote of 4-3. The Future Land Use Plan being developed will take into account the existing uses and the amount of taxes generated by that use along with what future uses would also generate. The information we have right now is a tax-based summary showing how it is broken down into residential and non-residential development. The entrances to the property would be determined during the platting process. Applicant, Mr. Jimmy Tanghongs, 5201 Collin McKinney #12112, McKinney, stated he is looking to build 11 single-family homes that will range from 2,700 square feet to 5,500 square feet. They will be high-end and sell for \$750,000 on average. Total retail

property tax value will be around \$8 million. There is approximately two acres of creek that we will not develop. We will only build in the area above the floodplain. Lot sizes will range from 8,500 square feet to 13,000 square feet. Mr. Warren Hilla, Civil Engineer and Project Manager, Dynamic Engineering Consultants, 9660 Zaharias Drive, McKinney stated the property slopes 30 feet from Virginia Parkway to the creek. We did a flood study for this property which is shown on the concept plan that should be in front of you. There is 1.4 acres of floodplain including the setback which was a limiting factor to how much we can develop. The plan is to maintain that floodplain and preserve as many trees as possible. The property is 5.5 acres, 1.4 acres is the floodplain, leaving us with 4 acres to develop. We are planning on 11 houses which works out to be a density of 2.75 houses per acre. There is a future traffic light at Crutcher Crossing and Virginia Parkway so we will take access from Crutcher Crossing. One of the concerns of the Planning and Zoning Commission was the use against Virginia Parkway since it is being widened to six lanes. We will provide a landscape buffer as well as a wall buffer for sound. Mayor Loughmiller called for public comment.

The following individuals spoke in favor of the rezoning:

Mr. Charles McKissick, 1833 W. Hunt, #102, McKinney

Mr. George Tanghongs, 9708 Indian Canyon Drive, Plano

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

Mayor Loughmiller noted that one of the diagrams presented to Council shows the property to be suburban mix. Mr. Lockley stated that the suburban mix module is made up of land uses that promote neighborhood settings with single-family detached houses as its primary development. The single-family residential component drives the module with retail and office development providing convenient access. The

percentages of acreages of land use for single-family - 65%, office - 5%, retail - 5%, medium residential density - 10% and community facilities - 15%. Those totals equal 100% of the suburban mix. In staff's recommendation, it states the request lacks conformance with the comprehensive plan. The proposed plan is a majority of residential without the office component that provides complementary uses to support that residential use. Mayor Loughmiller stated the people that have spoken indicated they were retaining some of the commercial uses but on the plan presented it appears to be 100% residential. Mr. Lockley stated the base zoning being requested is S5 and what you have in front of you is a layout that shows 10,000 square foot lots. If this is approved, he would only be required to meet the minimums of the SF5 district and not what you have in front of you. Mayor Pro Tem Pogue stated he realizes that in recommending denial of this rezoning request, Mr. Lockley is protecting the commercial to residential base that Council has directed him to follow and he applauds Mr. Lockley for that. Council approved the motion by Council member Rogers, seconded by Council member Day, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District to "PD" - Planned Development District, to allow for single family residential uses, located on the southeast corner of Crutcher Crossing and Virginia Parkway, with a vote of 4-3-0, Mayor Loughmiller, Mayor Pro Tem Pogue, and Councilwoman Rath, voting against, with the following special Ordinance provisions: "PD" - Planned Development District Ordinance No. 97-05-34 is amended to allow single family residential uses on the subject property, which, if developed, shall develop in accordance with Section 146-106 ("SF5" - Single Family Residential District) of the Zoning Ordinance, and as amended. Caption reads as follows:

ORDINANCE NO. 2017-04-041

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

5.57 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF CRUTCHER CROSSING AND VIRGINIA PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW 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

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

17-025SP Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for Medical/General Offices, Located on the Northwest Corner of Bush Drive and Laura Lane. Director of Planning Brian Lockley stated that this item is a request for a site plan for medical/general offices. According to the PD, elevations and site plans have to be approved by the City Council. This was not reviewed by the Planning and Zoning Commission. The site plan submitted does meet all the requirements, however, the applicant is requesting a variance of the front buffer area from the required 20 feet to 10 feet. This would be consistent with what has been approved for property to the north. Applicant, Mr. Kevin Patel, 1333 McDermott, Suite 150, Allen, stated they are proposing two 5,100 square foot general office buildings and are in compliance with all City Ordinances. Mayor Loughmiller called for public comment and there was none. Council approved the motion made by Mayor Pro Tem Pogue, seconded by Councilwoman Rath, to close the public hearing and approve a site plan for Medical/General Offices, located on the northwest corner of Bush Drive and Laura Lane. with a vote of 6-0-1, Council member Rogers abstaining, with the following conditions: the applicant receive approval of a request for a variance to reduce the landscape buffer from 20 feet to 10 feet along Laura Lane; the applicant revise the site plan to indicate the FDC location, subject to review and approval of

the Deputy Fire Marshal; and prior to issuance of a building permit: the applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist.

17-354 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Execute a Parking Garage Lease Between Virginia@5, LLC, SP2 301 E Virginia, LLC and the City of McKinney. Assistant City Manager Barry Shelton stated that he has been working on parking in downtown McKinney since 2001. Last year, the Council appointed a downtown parking committee comprised of citizens that have put in many hours and presented a lot of positive things including short-term and long-term recommendations for downtown parking. We now have an opportunity to partner with a property owner to build a parking garage in downtown. We brought forward a Development Agreement in November 2016 that was approved by City Council. This started the schematic design phase with options presented on March 7th to City Council. At that meeting, Council selected Option C. We are here today with a Lease Agreement for Option C that leaves Herndon Street open and five levels of parking with 310 spaces for just under \$7.6 million in construction and other associated costs. This item is the Lease Agreement that contemplates proposing a \$3 million prepayment of rent that will allow us to offset the interest accumulated and there will be 60 monthly payments of \$86,405. There are no prepayment penalties which will allow us to pay the remaining balance on the loan at any time during the 60 months and then we would take ownership. If we choose not to exercise the prepayment option, we will take ownership of the property at the end of the 60 months, so this is a lease buy option. We have not negotiated any reserved spaces for the property owner or any other use which leaves all 310 spaces available for the public. Mr. Shelton stated that this item is to approve a Resolution authorizing the City Manager to sign the lease agreement, however, we are not going to sign the lease

agreement until we have a construction contract tied to the lease. There will be a bid process for the construction contract and at that time the City Manager will sign the lease that will be tied to the construction contract. This is an opportunity to partner with a property owner downtown who is offering to donate the land rather than the City purchase the land so that is a benefit to the City. The value of the land has been incorporated into the project. According to Collin CAD, the value of the property is just under \$600,000. The property owner will obtain three bids for the construction cost and take the lowest bidder. If the costs go down, the monthly lease payments go down as well, however, if they were to go up, our lease agreement states the City is not responsible for additional costs. This public-private partnership was formed based on the asset of having the land and their ability to build the structure at their cost and lease it to the City. As we see more success in downtown, public parking will be necessary. The final cost will depend on if we choose to use the prepayment option. At some point in the future, we may choose as a budgetary item to go ahead and prepay the remaining loan balance to save on the interest costs. Mayor Loughmiller stated that the motion should include the execution of the lease agreement at the same time that a construction contract is executed. Mayor Loughmiller stated at some time we are going to need more than one garage. In reality, there is no perfect location or one location we will get 100% consensus on within the community or how much money should be spent. The practical reality is to drive retail development and keep downtown as a vibrant area of the City, there will have to be public participation and centralized parking. This is recognized by other cities, so it's something McKinney residents are going to have to grasp if we want to develop and be vibrant. Council member Branch states he feels we are overpaying for the garage based on per space cost. Mayor Pro Tem Pogue stated he is happy to be sitting here at this moment in time to participate in a solution for the

downtown parking. We've been working on this for so long. Council approved the motion by Council member Ussery, seconded by Mayor Pro Tem Pogue, to approve a Resolution authorizing the City Manager to execute a parking garage lease between Virginia@5, LLC, SP2 301 E Virginia, LLC and the City of McKinney in conjunction with the awarding of the construction contract, with a vote of 5-2-0, Council members Branch and Rogers voting against. Caption reads as follows:

RESOLUTION NO. 2017-04-090 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH VIRGINIA@5, LLC AND SP2 301 E VIRGINIA, LLC FOR A DOWNTOWN PARKING GARAGE

17-309 Mayor Loughmiller called for Consideration/Discussion/Action on An Ordinance Repealing Chapter 30 of the Code of Ordinances and Adopting a New Chapter 30 with Updated Revisions Regarding Airport Minimum Standards and Rules and Regulations. Director of Airport Ken Wiegand stated this is a request to repeal Chapter 30 of the Code of Ordinances and adopt a new chapter. This is administrative and deletes all references to McKinney Airport Development Corporation (MADC) in Section 2. It adds several new definitions for clarity, expands the explanation of dealing with fences, expands hanger development standards, control of vehicles and personnel inside the airport safety areas, enhances procedures for vehicle operations after tower hours, expands procedures that deal with abandoned aircraft, and introduces an appeal process. We have been working on this for about 18 months and have consulted with representatives of all of the Airport major tenants. Mayor Pro Tem Pogue thanked Mr. Wiegand for delaying this two weeks and incorporating the requested revision. Council unanimously approved the motion by Council member Branch, seconded by Mayor Pro Tem Pogue, to approve an Ordinance repealing Chapter 30 of the Code of Ordinances and adopting a new Chapter 30 with updated revisions

regarding Airport Minimum Standards and Rules and Regulations.

Caption reads as follows:

ORDINANCE NO. 2017-04-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REPEALING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY AND ADOPTING A NEW CHAPTER 30 WITH UPDATED PROVISIONS REGARDING AIRPORT MINIMUM STANDARDS AND RULES AND REGULATIONS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Loughmiller called for Citizen Comments.

Ms. Deborah Kilgore, 1013 Howell, McKinney, spoke in favor of the parking garage.

Mayor Loughmiller called for Council and Manager Comments.

Council member Day did not have any comments.

Council member Branch did not have any comments.

Council member Rogers did not have any comments.

Councilwoman Rath did not have any comments.

Council member Ussery expressed thanks to staff and a special thank you to Assistant City Manager Shelton for his perseverance on the parking garage. You've evolved in the parking world and I'm sure you're glad to see this come to fruition. I'd be remiss if I did not say congratulations to the 2017 Invitational Basketball Champions.

Mayor Pro Tem Pogue reminded everyone to remember that there are motorcycles on the road.

Mayor Loughmiller expressed appreciation for the work of the staff and the Council. We have a lot of projects that we are working on and things we are dealing with. We appreciate the professionalism and the manner in which each of you approach this position and even if we don't agree all the time, I think everyone is looking out for the best interest of the community.

City Manager Grimes reminded residents that the final day to register to vote in upcoming City Council election is April 6. Residents are invited to help us keep the City beautiful by picking up litter along roadways and creeks during the trash off this

Saturday, April 8th. Another way to clean up on Saturday is to bring your own documents to the free community paper shredding event on April 8th from 9 AM to 12:45 PM at the McKinney High School parking lot. All paper collected will be shredded on site and recycled. Each vehicle will be limited to four boxes. The City is hosting the Annual Arts n Bloom Festival in downtown McKinney this coming weekend. The event this year has been expanded to three days featuring artwork, food and fun for the family so we hope to see you there. Information about these events can be found on the City's website. Mr. Grimes personally thanked our Assistant City Manager Barry Shelton and City Attorney Houser for all their work on the parking deck and addressing all of these issues. It is a lot of work and a lot of blood, sweat and tears went into it and we appreciate it.

Council unanimously approved the motion by Council member Ussery, seconded by Council member Rogers, to adjourn. Mayor Loughmiller adjourned the meeting at 7:52 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary