

## **CITY COUNCIL REGULAR MEETING**

**JULY 15, 2014**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on July 15, 2014 at 6:00 p.m.

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

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Rob Daake; Interim Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Director of Planning Michael Quint; Director of Engineering Mark Hines; Interim Parks, Recreation, and Open Space Director Ryan Mullins; Fire Chief Danny Kistner; Assistant to the City Manager Darrek Ferrell; Director of Water Utilities and Infrastructure Chris Browning; Assistant Director of Water Utilities and Infrastructure Paul Sparkman; Airport Executive Director Ken Wiegand; CIP and Traffic Engineer Gary Graham; Housing and Community Services Manager Janay Tieken; Chief Information Officer Chris Chiancone; McKinney Economic Development Corporation President Jim Wehmeier; McKinney Community Development Corporation President Cindy Schneible; Communications and Media Manager Anna Clark; Finance – Trudy Mathis and Trevor Minyard; Airport –Mark Jaraczewski, and Eric Pratt; Interim Chief of Police Joe Ellenburg; Police Officer Trent Davis; Interim Human Resources Director Kathryn Usrey; IT Service Desk Supervisor Amy Greer; Planning Manager Brandon Opiela, Planning Manager Matt Robinson; Traffic Engineer Matt Sneed; and Environmental Education Coordinator Martha Fipps.

There were approximately 60 guests present.

Mayor Pro Tem Ussery called the meeting to order at 6:03 p.m. after determining a quorum was present.

Invocation was given by Council member Pogue. Mayor Pro Tem Ussery led the Pledge of Allegiance.

Mayor Pro Tem Ussery called for Citizen Comments.

The following individuals spoke in support of the Newsome Redevelopment Project:

Ms. Juli Smith, 3206 St. Pierre, McKinney

Ms. Janeth Ibarra, 4575 Woodsboro Lane, Plano

Ms. Beth Bentley, 316 Watt, McKinney

Ms. Wilma Thomas, 300 McMakin Parkway, McKinney

Ms. Patsy Alexander, 214 Amcott Parkway, McKinney

Mr. Nicky Teeks, 2112 N. Tennessee Street, McKinney

Mr. Alonzo Tutson, P. O. Box 1584, McKinney

Ms. Michelle James, 227 Amcott Parkway, McKinney

Ms. Melissa Willmarth, 8300 Old Hickory Lane, McKinney

Ms. Cloma Porter, 1200 N. Tennessee Street, McKinney

Ms. Patricia Williams, 304 McMakin Parkway, McKinney

Ms. R. Delana Copfield, 617 Seneca Boulevard, McKinney

The following individuals were unable to attend the meeting but wanted their support for the Newsome Redevelopment Project entered into the record:

Mr. Francisco Vazquez, 4109 Amcott, McKinney

Ms. Betty Teafatiller, 202 Amcott Parkway, McKinney

The following individuals spoke about John and Annette Powell and the McKinney National Airport:

Mr. T.J. Lane, 503 N. Kentucky Street, McKinney

Ms. Christy Lane, 802 W. Hunt, McKinney

Ms. Ann Sampson, 227 McCarley Place, McKinney

The following individuals spoke about the new Stage 3 water restrictions and ET Controllers:

Mr. Peter Bailey, 2003 Skyline Drive McKinney

Mr. John Hardin, 77015 Ballantrae, McKinney

Ms. Gilda Garza, 1208 Garcia Street, McKinney spoke about revisiting the smoking Ordinance to address e-cigarettes, support for the Newsome Redevelopment Project, and support for the Powells regarding the sale of the property to the City of McKinney.

- 14-660** Keep Texas Beautiful, Sustained Excellence Award. Executive Director of Water Utilities and Infrastructure presented the award to Environmental Education Coordinator Martha Fipps.
- 14-661** Youth Peace Day International Proclamation. Mayor Pro Tem Ussery presented the Proclamation to Grace Hairston
- 14-662** U Matter Presentation. Deputy City Manager Jose Madrigal presented a YouTube video of the first U Matter recipients.

Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to approve the following consent items.

- 14-663** Minutes of the City Council Work Session of June 16, 2014
- 14-664** Minutes of the City Council Regular Meeting of June 17, 2014
- 14-665** Minutes of the City Council Special Meeting of June 20, 2014
- 14-542** Minutes of the Community Grants Advisory Commission Meeting of May 7, 2014
- 14-607** Minutes of the Library Advisory Board Meeting of May 15, 2014
- 14-618** Minutes of the McKinney Airport Development Corporation Meeting of May 15, 2014
- 14-597** Minutes of the McKinney Armed Services Memorial Board Meeting of May 14, 2014
- 14-588** Minutes of the McKinney Community Development Corporation Board Meeting of January 7, 2014
- 14-589** Minutes of the McKinney Community Development Corporation Board Meeting of May 22, 2014
- 14-611** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of April 22, 2014
- 14-612** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of April 17, 2014
- 14-613** Minutes of the McKinney Convention & Visitors Bureau Marketing Committee Meeting of April 17, 2014

- 14-614** Minutes of the McKinney Convention & Visitors Bureau Development Meeting of May 1, 2014
- 14-577** Minutes of the McKinney Economic Development Corporation Board Meeting of May 20, 2014
- 14-666** Minutes of the McKinney Housing Authority Meeting of May 27, 2014
- 14-550** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of April 10, 2014
- 14-548** Minutes of the Planning and Zoning Commission Regular Meeting of May 27, 2014
- 14-626** Minutes of the Planning and Zoning Commission Regular Meeting of June 10, 2014
- 14-667** Consider/Discuss/Act on an Ordinance Establishing Speed Limit on Coit Road. Caption reads as follows:

ORDINANCE NO. 2014-07-043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ESTABLISHING A SPEED ZONE ON COIT ROAD; AMENDING THE CODE OF ORDINANCES, CITY OF MCKINNEY, TEXAS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE, EFFECTIVE DATE HEREOF AND A PENALTY CLAUSE

- 14-668** Consider/Discuss/Act on an Ordinance Revising Ordinance 2014-06-035 which Established School Zones and Crosswalks for Scott Elementary School, and Modifying Crosswalks at McGowen Elementary and Scott Johnson Middle Schools. Caption reads as follows:

ORDINANCE NO. 2014-07-044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS MODIFYING THE CROSSWALKS AT SCOTT ELEMENTARY SCHOOL, MCGOWEN ELEMENTARY SCHOOL, AND SCOTT JOHNSON MIDDLE 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

- 14-669** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Request the Release of Spur 359 from the State Highway System from US 75 to SH 5. Caption reads as follows:

RESOLUTION NO. 2014-07-073 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO REQUEST THE RELEASE OF SPUR 359 FROM THE STATE HIGHWAY SYSTEM FROM US 75 TO SH 5

- 14-670** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute an Agreement with TxDOT to Furnish and Install City-Wide Bicycle Signage. Caption reads as follows:

RESOLUTION NO. 2014-07-074 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ENTER INTO A LOCAL PROJECT ADVANCE FUNDING AGREEMENT (LPAFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) TO FURNISH AND INSTALL CITY-WIDE BICYCLE SIGNAGE

- 14-671** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager, or Authorized Designee, to Execute an Interlocal Agreement between the Cities of McKinney, Frisco, and Plano, Texas for Participation in First-Time Homebuyer Education Classes for Residents of Each Municipal Jurisdiction Who Wish to Purchase a Home. Caption reads as follows:

RESOLUTION NO. 2014-07-075 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER, OR AUTHORIZED DESIGNEE, TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN CITY OF MCKINNEY, TEXAS, THE CITY OF FRISCO, TEXAS AND CITY OF PLANO, TEXAS FOR PARTICIPATION IN THE HOMEBUYER EDUCATION CLASSES TO PROVIDE AN EDUCATIONAL PROGRAM FOR INDIVIDUALS ATTEMPTING TO PURCHASE HOMES IN EACH MUNICIPAL JURISDICTION; AND PROVIDING FOR AN EFFECTIVE DATE

- 14-672** Consider/Discuss/Act on a Resolution Authorizing Execution of a Project Participation Agreement with the Texas Department of Transportation for the Reimbursement of Land Acquired by the City of McKinney for Airport Use. Caption reads as follows:

END OF CONSENT

- 14-673** Mayor Pro Tem Usery called for Consideration/Discussion/Action on an Ordinance Authorizing the Refunding of Certain Outstanding Tax and Limited Pledge Airport Revenue Tax Notes, Taxable Series 2013 and Delegation of Authority to Pricing Officer(s) to Sell and Deliver the Bonds. Chief Financial Officer Rodney Rhoades stated that this Ordinance will delegate the pricing officer(s) and authorize the sale of the bonds when market conditions are optimal. The City of McKinney issued \$5,050,000 in 12 month tax notes in November of 2013 as a part of the acquisition of the airport facilities. At the time of the acquisition, it was anticipated that one of the hangars would be sold and this portion of the debt would be paid using proceeds from the sale. However, the sale did not take place thus making a restructure of this issuance necessary. This refunding will coincide with the timeline of the remaining bonds issued to acquire the airport facilities. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to approve an Ordinance authorizing the refunding of certain outstanding Tax and Limited Pledge Airport Revenue Tax Notes, Taxable Series 2013 and delegation of authority to pricing officer(s) to sell and deliver the bonds. Caption reads as follows:

ORDINANCE NO. 2014-07-045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION REFUNDING BONDS, TAXABLE SERIES 2014"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT AND SECURITY OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

- 14-674** Mayor Pro Tem Usery called for Consideration/Discussion/Action on an Ordinance Authorizing the Refunding of Certain Outstanding General

Obligation Bonds, Series 2005 and Certificates of Obligations, Series 2005 and Delegation of Authority to Pricing Officer(s) to Sell and Deliver the Bonds. Chief Financial Officer Rodney Rhoades stated that this Ordinance provides the City with the option to refund in whole or in part the General Obligation Bond, Series 2005, maturing in years 2016 to 2025, and aggregating in par amount of \$9,970,000. The City also has the option to refund in whole or in part the Certificate of Obligation Bond, Series 2005 maturing in years 2016 to 2025 and aggregating in par amount of \$11,115,000. The 2005 General Obligation and the 2005 Certificates of Obligation Bonds were issued, sold and delivered subject to the right and authority of the City to refund them prior to maturity. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to approve an Ordinance authorizing the refunding of certain outstanding General Obligation Bonds, Series 2005 and Certificates of Obligations, Series 2005 and delegation of authority to pricing officer(s) to sell and deliver the bonds. Caption reads as follows:

ORDINANCE NO. 2014-07-046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE ISSUANCE OF "CITY OF MCKINNEY, TEXAS, GENERAL OBLIGATION AND REFUNDING BONDS, SERIES 2014"; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS; ESTABLISHING PROCEDURES FOR THE SALE AND DELIVERY OF SAID BONDS; AND DELEGATING MATTERS RELATING TO THE SALE AND ISSUANCE OF SAID BONDS TO AN AUTHORIZED CITY OFFICIAL; ENACTING PROVISIONS INCIDENT AND RELATED TO THE PURPOSES AND SUBJECT OF THIS ORDINANCE; AND PROVIDING AN EFFECTIVE DATE

**14-675** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Approving and Authorizing Publication of Notice of Intention to Issue Tax Exempt Series 2014A Certificates of Obligation. Chief Financial Officer Rodney Rhoades stated that this Resolution will begin

the process of issuance of Certificates of Obligation in a not to exceed amount of \$3,000,000 for the purposes of acquiring, constructing including parking related to, improving, and equipping convention center facilities at the Gateway Conference Center. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to approve a Resolution approving and authorizing publication of Notice of Intention to issue Tax Exempt Series 2014A Certificates of Obligation. Caption reads as follows:

RESOLUTION NO. 2014-07-076 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT PARTICIPATION AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF MCKINNEY FOR REIMBURSEMENT FOR LAND ACQUISITION AT MCKINNEY NATIONAL AIRPORT

**14-676** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Approving and Authorizing Publication of Notice of Intention to Issue Tax Exempt Series 2014B Certificates of Obligation. Chief Financial Officer Rodney Rhoades stated that this Resolution will begin the process of issuance of Certificates of Obligation in a not to exceed amount of \$1,250,000 for the purposes of acquiring, constructing, improving, extending and equipping facilities at the McKinney National Airport. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to approve a Resolution approving and authorizing publication of Notice of Intention to Issue Tax Exempt Series 2014B Certificates of Obligation. Caption reads as follows:

RESOLUTION NO. 2014-07-077 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE SERIES 2014A CERTIFICATES OF OBLIGATION

**14-677** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Approving and Authorizing Publication of Notice of Intention to



Issue Taxable Series 2014 Certificates of Obligation. Chief Financial Officer Rodney Rhoades stated that this Resolution will begin the process of issuance of Certificates of Obligation in a not to exceed amount of \$1,750,000 for the construction of a new transient hangar at the McKinney National Airport. Currently all hangars at the airport are occupied which limits staffs ability to house transient planes. Deputy City Manager Jose Madrigal presented the different options for financing the purchase of additional land and construction of an airport hangar including expenditures versus revenue. Interim City Manager Tom Muehlenbeck requested direction from Council if they desire to fund the purchase of a transient hangar using cash funds through the McKinney Community Development Corporation (MCDC). Mr. Rhoades and Ms. Cindy Schneible have visited regarding the MCDC's ability to fund this purchase and the process that the City and the MCDC would have to go through to obtain the funding. Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to approve a Resolution approving and authorizing publication of Notice of Intention to Issue Taxable Series 2014 Certificates of Obligation and for the City to apply to the McKinney Community Development Corporation for possible funding. Caption reads as follows:

RESOLUTION NO. 2014-07-078 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE SERIES 2014B CERTIFICATES OF OBLIGATION

- 14-678** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on Adoption of a Resolution Determining a Public Necessity to Acquire Certain Property for Public Use by Eminent Domain for Right-of-Way (in Fee Simple) and Temporary Construction Easement for the Construction, Access and Maintenance Associated with a Roadway Infrastructure Project Along Redbud Boulevard from Approximately 1000 Feet North of Wilmeth Road to Bloomdale Road and Authorizing the Interim City

Manager to Establish Procedures for Acquiring the Right-of-Way (in Fee Simple) and Temporary Construction Easement on Said Properties, and Take All Steps Necessary to Acquire the Needed Property Rights in Compliance with all Applicable Laws and Resolutions. Director of Engineering Mark Hines stated that the City has reached an agreement with the property owner and the closing is expected in the near future, therefore no action is necessary on this item.

**14-137Z2** Mayor Pro Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Emerald Cottages of Stonebridge, Ltd., on Behalf of Fourteenth Street, L.P., for Approval of a Request to Rezone Fewer than 8 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and Allow Senior Multi-Family Residential Uses, Located Approximately 900 Feet North of Eldorado Parkway and on the East Side of Alma Road, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone approximately 7.29 acres of land from multi-family and office to senior multi-family. The proposed application is at odds with two stated policies and goals of the Council, one being the multi-family policy and the other being to preserve the non-residential tax base within the City of McKinney. Staff is recommending denial of this application. Council member Pogue requested clarification on the age restriction of senior housing. Mr. Quint stated that the City ordinance has a definition for senior multi-family housing as 55 years of age or older and, in accordance with fair housing, has criteria that the City will check on every year that 80% of their units are designated for senior multi-family. This application will be subject to those requirements and will be inspected annually by the City for compliance. The applicant, Rob Baldwin, 3904 Elm Street, Suite B, Dallas, representing Emerald Cottages was present. 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. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to approve an Ordinance rezoning fewer than 8 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards and allow senior multi-family residential uses, located approximately 900 feet north of Eldorado Parkway and on the east side of Alma Road, with the following special ordinance provisions: the use and development of the subject property shall develop in conformance with the "MF-1" - Multiple Family Residential - Low Density District of the Zoning Ordinance, except as follows: the development of the subject property shall generally conform to the attached site and landscape plan exhibits, Multi-family residential uses shall be limited to Multiple Family Dwelling, Senior (Senior Apartment), as defined in Section 146-46 (Definitions) of the Zoning Ordinance, maximum building height shall be one (1) story, windows within 150 feet of a property line shall be allowed to be oriented towards adjacent single family residences, a masonry screening wall shall not be required along all side and rear property lines, existing residential fences or a new 6' tall board-on-board fence shall serve as a screening device between the proposed multi-family residential use and the adjacent single family dwellings. Alternate screening devices may be approved by the Planning and Zoning Commission as a part of the site plan approval process, a maximum of 44 dwelling units shall be permitted, as shown on the attached site plan exhibit, and the character of any multi-family residential development shall generally conform to the attached elevations, shall satisfy the minimum architectural standards of the Stonebridge Ranch Master Association, and shall also be subject to Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, except as amended herein. Caption reads as follows:

ORDINANCE NO. 2014-07-047

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 7.29 ACRE PROPERTY, LOCATED APPROXIMATELY 900 FEET NORTH OF ELDORADO PARKWAY AND ON THE EAST SIDE OF ALMA ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS AND ALLOW SENIOR MULTI-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

**14-076Z5** Mayor Pro Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Dowdey, Anderson & Associates, Inc., on Behalf of Paul Lehner & Virginia R. Lehner, for Approval of a Request to Rezone Fewer than 102 Acres from "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Establish Development Regulations that Allow for the Development of Neighborhood Center, Multi-Family, Single Family Attached and Detached Residential Uses, and Civic Uses, Located on the Southeast Corner of Stacy Road and Alma Road, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property for general uses. Mr. Quint noted that the overall density of this development is within the parameters of REC standards. Staff is recommending approval. The applicant, David Hicks, 2323 N. Houston Street, Dallas, Texas, stated that the land to the east is being considered for purchase by the City of McKinney for an elevated water storage tank. It was important in the plan to develop multi-family use adjacent to this property instead of single-family use. Mr. Hicks felt that signage along the east side of the property was acceptable but he was not in favor of

making any additional changes to the height of the buildings and would like to keep them at a maximum height of four stories. Mayor Pro Tem Ussery called for public comment and there was none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to close the public hearing. Council unanimously approved the motion by Council member Day, seconded by Council member Keever, to approve an Ordinance rezoning fewer than 102 acres from "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, generally to establish development regulations that allow for the development of neighborhood center, multi-family, single family attached and detached residential uses, and civic uses, located on the southeast corner of Stacy Road and Alma Road, with the following special ordinance provisions: the use and development of the subject property shall develop in accordance with the attached Development Regulations; Concept Plan; and Open Space, Trails, and Screening Plan exhibits and the developer shall erect and maintain three 3' by 4' signs on the subject property, in the general locations shown on the attached sign exhibit, notifying future prospective single family residents of the multi-family development shown on the attached concept plan and providing information including the maximum height and density of multi-family uses on the tract. Caption reads as follows:

ORDINANCE NO. 2014-07-048

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 101.69 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF STACY ROAD AND ALMA ROAD, IS REZONED FROM "AG" - AGRICULTURAL DISTRICT AND "REC" - REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT AND "REC" - REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO ESTABLISH DEVELOPMENT REGULATIONS THAT ALLOW FOR THE DEVELOPMENT OF NEIGHBORHOOD CENTER, MULTI-FAMILY, SINGLE FAMILY ATTACHED AND DETACHED RESIDENTIAL USES, AND CIVIC USES;

PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**14-013Z2**

Mayor Pro Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Southbrook Investments, Inc., on Behalf of Collin CR Wellness Communities, L.L.C., for Approval of a Request to Rezone Fewer than 26 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located on the Southeast Corner of Alma Road and Kickapoo Drive, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property generally for detached single-family and commercial uses. Staff is in support of this item and recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, was present to answer any questions and there were none. Mayor Pro Tem Ussery called for public comment and there were none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Day, to close the public hearing and approve an Ordinance rezone fewer than 26 acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, generally to modify the development standards, located on the southeast corner of Alma Road and Kickapoo Drive, with the following special ordinance provision: the use and development of the subject property shall develop in accordance with the "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, and as amended, except as follows: the single family residential tract, as shown on the attached exhibit, shall develop in accordance with the Area and

bulk regulations for Single family detached, standard lot or small lot of the REC Neighborhood Zone, the maximum density for the single family residential tract shall be six (6.0) dwelling units per acre, the commercial tract, as shown on the attached exhibit, shall develop in accordance with the Area and bulk regulations for Commercial uses and mixed-use buildings of the REC Neighborhood Zone, all uses permitted within the REC Commercial District in the REC Schedule of Uses shall be allowed on the commercial tract, and open spaces along the north side of Hewitt Drive shall generally conform to the character of the Native Open Space Plan. Caption reads as follows:

ORDINANCE NO. 2014-07-049

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 25.63 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF ALMA ROAD AND KICKAPOO DRIVE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY 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

- 14-129Z3** Mayor Pro Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd and Joplin, P.C., on Behalf of Frisco Independent School District and LCGRCRI, L.P., for Approval of a Request to Rezone Fewer than 55 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Modify the Development Standards, Located on the South Side of Stacy Road and at the Terminus of McKinney Ranch Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property generally for

detached single-family and multi-family residential uses. The current zoning allows for office uses and means a non-residential to residential zoning. Staff is recommending denial of the request. Applicant, Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that the property to the southeast is owned by Frisco ISD and is planned for a future high school. With the land use planned for a high school, the opportunity for this site to become a location for an office development is slim. Mayor Pro Tem Ussery call for public comment and there were none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Harris, to close the public hearing. Council member Pogue agreed with Staff's recommendation and would like to preserve this as an office tract. Council member Kever feels that translating this property to residential does not meet with the vision for Craig Ranch, does not meet with the vision of the stakeholders, and does not meet with the timeline for the school district. Council approved the motion by Council member Kever, seconded by Council member Pogue, to deny the rezoning request, with a vote of 4-2-0, Mayor Pro Tem Ussery and Council member Ricchi voting against.

**14-118Z3** Mayor Pro Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Spiars Engineering, Inc., on Behalf of Ysis Partners, L.P., for Approval of a Request to Rezone Fewer than 17 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the South Side of Bloomdale Road and on the West Side of Lake Forest Drive, and Accompanying Ordinance (REQUEST TO BE TABLED). Director of Planning Michael Quint stated that the applicant has requested that the public hearing be continued and the item be tabled until the August 4 meeting. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever to continue the public hearing and table this item to the



August 4, 2014 Council meeting.

**14-679** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Approving Changes to the Airport Layout Plan Drawing. Interim City Manager Tom Muehlenbeck stated that Staff is requesting that this item be tabled indefinitely. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to table this item indefinitely.

**14-680** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Amending Stage 3 Policy for the Drought Contingency Plan. Director of Water Utilities and Infrastructure Chris Browning stated that this item is a recommendation to modify the Stage 3 measures of the Drought Contingency Plan for clarification purposes. In order to be consistent with neighboring cities in regard to watering, staff recommends a modification to the Stage 3 measures of the Drought Contingency Plan to allow watering of turf grass for up to two hours on any day by handheld hose, soaker hose, or drip irrigation system. Mr. Browning stated that the City will monitor the water use reduction over the next month to see how the once every two week watering schedule has impacted the city's water use. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to approve a Resolution Amending Stage 3 Policy for the Drought Contingency Plan. Caption reads as follows:

RESOLUTION NO. 2014-07-073 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO REQUEST THE RELEASE OF SPUR 359 FROM THE STATE HIGHWAY SYSTEM FROM US 75 TO SH 5

**14-681** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on Approving Additional Funding for the Council Chambers Seating. Executive Director of Water Utilities and Infrastructure Chris Browning stated that on June 3, 2014, the City Council approved Ordinance 2014-

06-040 to fund the requested mid-year budget items that included \$26,000 to replace existing Council chairs. Several layouts were considered to replace the existing connected chairs to individual chairs. After evaluating the options, a different type of chair was selected that would enable the flexibility to increase the number of seats within the public seating area. The selected seating will cost an additional \$4000. Council approved the motion by Council member Harris, seconded by Council member Pogue, to approve additional funding for the Council Chambers seating with a vote of 4-2- , Council member Day and Kever voting against.

**14-682** Mayor Pro Tem Ussery called for Consideration/Discussion/Action on a Resolution Authorizing to Extend the Usrey and Associates, Inc. Contract for Interim Human Resources Director Services. Assistant City Manager Rob Daake stated that Staff is proposing to extend the contract with Usrey and Associates, Inc. for at least one additional year and potentially up to two years with the approval of the City Manager to provide an Interim Human Resources Director services. Mr. Daake stated that Ms. Usrey has initiated a full scale audit of Human Resources policies, procedures, and operation. Additional time will be required to complete this effort and ensure compliance with best practices and State and Federal law. She also will be developing staff and programs to help the department better support the City during the expected growth of the upcoming years. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve a Resolution authorizing to extend the Usrey and Associates, Inc. contract for Interim Human Resources Director services. Caption reads as follows:

RESOLUTION NO. 2014-07-081 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING A CONTRACT WITH  
USREY AND ASSOCIATES, INC. FOR SERVICES AS THE

INTERIM HUMAN RESOURCES DIRECTOR

Mayor Pro Tem Ussery called for Citizen Comments.

Mr. John Hardin, 77015 Ballantrae, McKinney, spoke about the water restrictions and the cost of residents installing ET Controllers and not being able to use them with the new restrictions.

Mayor Pro Tem Ussery called for Council and Manager Comments

Council member Kever thanked Mayor Pro Tem Ussery for leading the Council during the Mayor's absence. She also thanked City Secretary Sandy Hart and all the departments who assisted with the Town Hall Meeting in District 2. She also thanked Scott Woodard and Alex Caldwell at Southwest Ice Cream for donating the ice cream.

Council member Ricchi thanked City Secretary Sandy Hart and her staff for the excellent work on the Boards and Commissions handbook and scheduling of the interviews.

Council member Pogue thanked staff for their work on the Council packet. Mr. Pogue responded to the citizen comment earlier this evening with \$25 million on Airport acquisition, \$22 million on Gateway, \$33 million on the Aquatic Center, and \$65 million spent on infrastructure for the east side of McKinney. Mr. Pogue stated that Council is in favor of funding the Newsome project but needs to determine the correct dollar amount.

Council member Harris stated that the Council appreciates citizens attending the meetings and expressing their comments during citizen input. He congratulated Martha Fipps and the Keep Texas Beautiful campaign and her recognition is well deserved. He thanked the airport staff for their recent open house. Mr. Harris thanked all of the City staff for the incredible July 4<sup>th</sup> events. Council member Harris also thanked City Secretary Sandy Hart and her staff for the Boards and Commissions handbook.

Mayor Pro Tem Ussery recognized staff for their hard work. Mr. Ussery stated that he enjoyed attending the McKinney Public Safety Children's Scholarship Foundation presentations.

Interim City Manager Tom Muehlenbeck thanked all the employees who made the Red, White and Boom event such a tremendous success. He noted that the McKinney Housing and Community Development will host a public forum at the Roy and

Helen Hall Memorial Library on July 24<sup>th</sup> at 6:30 p.m. to hear resident comments on community needs to help shape the city's five-year Housing and Community Development Consolidated Plan. Mr. Muehlenbeck also invited residents to participate in National Night Out on August 5<sup>th</sup> to express our gratitude to the police department.

Mayor Pro Tem Ussery recessed the meeting into executive session at 8:35 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; Section 551.074 Personnel Matters, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Pro Tem Ussery recessed to the open session at 9:12 p.m.

Council member Pogue left the meeting at 9:10 p.m.

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

Council approved the motion by Council member Kever, seconded by Council member Day, to approve Project 126 as discussed in Executive Session, with a vote of 5-0-1, Council member Pogue abstaining.

Council approved the motion by Council member Harris, seconded by Council member Ricchi, to adjourn the meeting. Mayor Pro Tem Ussery adjourned the meeting at 9:15 p.m.

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TRAVIS USSERY  
Mayor Pro Tem

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary