

## CITY COUNCIL REGULAR MEETING

**JULY 16, 2013**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on July 16, 2013 at 6:00 p.m.

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

Staff Present: Staff Present: City Manager Jason Gray; Deputy City Manager Rob Daake; 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; McKinney Economic Development Corporation President Jim Wehmeier; Chief of Police Joe Williams; Fire Chief Danny Kistner; Assistant Director of Engineering Michael Hebert; McKinney Community Development Corporation Director Cindy Schneible; Airport Executive Director Ken Wiegand; IT Business Coordinator David Linson; CIP Manager Matt Richardson; Director of Public Works Hal Cranor; Chief Building Official Rick Herzberger; Emergency Management Coordinator Karen Adkins; Assistant Emergency Management Coordinator Randall Gurney; Deputy Fire Marshal Andrew Barr; Purchasing Manager Debbie Nye; Communications and Marketing CoCo Good and Anna Clark; Certified Police Officer Brad Williams; and Community Services Administrator Shirletta Best.

There were approximately 38 guests present.

Mayor Loughmiller called the meeting to order at 6:33 p.m. after determining a quorum was present. Invocation was given by Mayor Loughmiller. Mayor Loughmiller led the Pledge of Allegiance.

### INFORMATION SHARING

- 13-664** Presentation of the "Celebrating Leadership in Development Excellence" Award (CLIDE Award). Assistant Director of Planning Kevin Spath presented the CLIDE Award.

Mayor Loughmiller called for Citizen Comments and there were none.

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

- 13-665** Minutes of the City Council Budget Retreat of June 14, 2013
- 13-666** Minutes of the City Council Special Meeting of June 17, 2013
- 13-667** Minutes of the City Council Regular Meeting of June 18, 2013
- 13-571** Minutes of the Collin County Airport Development Corporation Meeting of May 9, 2013.
- 13-527** Minutes of the Community Grants Advisory Commission Board Meeting of May 8, 2013
- 13-528** Minutes of the Community Grant Advisory Commission Meeting of May 9, 2013
- 13-623** Minutes of the Library Advisory Board Meeting of May 16, 2013
- 13-583** Minutes of the McKinney Armed Services Memorial Board Meeting of May 8, 2013
- 13-559** Minutes of the McKinney Arts Commission Special Meeting of March 21, 2013
- 13-560** Minutes of the McKinney Arts Commission Meeting of April 18, 2013
- 13-626** Minutes of the McKinney Community Development Corporation Board Meeting of May 23, 2013
- 13-613** Minutes of the McKinney Economic Development Corporation Board Meeting of May 21, 2013
- 13-668** Minutes of the McKinney Housing Authority Meeting of May 28, 2013
- 13-589** Minutes of the Planning and Zoning Commission Regular Meeting of May 28, 2013
- 13-636** Minutes of the Planning and Zoning Commission Regular Meeting of June 11, 2013
- 13-669** Consider/Discuss/Act on an Ordinance Approving and Adopting Rate Schedule "RRM - Rate Review Mechanism" for Atmos Energy Corp, Mid-Tex Division. Caption reads as follows:

ORDINANCE NO. 2013-07-060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS APPROVING AND ADOPTING RATE SCHEDULE "RRM – RATE REVIEW MECHANISM" FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL

- 13-672** Consider/Discuss/Act on an Ordinance Repealing Chapter 42, Article III, Sections 42-56 through 42-67 of the Code of Ordinances of the City of McKinney, Texas, entitled "Open Burning," and Adopting a New Chapter 42, Article III, Sections 42-56 through 42-68, entitled "Open Burning".  
Caption reads as follows:

ORDINANCE NO. 2013-07-063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS REPEALING CHAPTER 42, ARTICLE III, SECTIONS 42-56 THROUGH 42-67 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, ENTITLED "OPEN BURNING," AND ESTABLISHING A NEW CHAPTER 42, ARTICLE III, SECTIONS 42-56 THROUGH 42-68, ENTITLED "OPEN BURNING"; ESTABLISHING A PROHIBITION OF OPEN BURNING IN THE CITY OF MCKINNEY UNLESS CONSISTENT WITH THIS ORDINANCE; ESTABLISHING VIOLATIONS AND PENALTIES; REPEALING CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

- 13-673** Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance of the U.S. Department of Justice 2013 Byrne Justice Assistance Grant, if Awarded, and Designating the City Manager, or his Designee, as Official Representative of the City in Matters Relating to the Program. Caption reads as follows:

RESOLUTION NO. 2013-07-090 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR, AND ACCEPT, IF AWARDED, THE U.S. DEPARTMENT OF JUSTICE 2013 BYRNE JUSTICE ASSISTANCE GRANT, AND DESIGNATING THE CITY MANAGER, OR DESIGNEE, AS OFFICIAL REPRESENTATIVE OF THE CITY IN MATTERS RELATING TO THE PROGRAM

- 13-674** Consider/Discuss/Act on a Resolution Authorizing the Mayor to Sign the North Central Texas Public Works Mutual Aid Agreement. Caption reads as follows:

RESOLUTION NO. 2013-07-091 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE MAYOR TO SIGN THE NORTH CENTRAL TEXAS PUBLIC WORKS MUTUAL AID AGREEMENT ("AGREEMENT") ENTERED INTO BY, BETWEEN, AND AMONG THE NORTH CENTRAL TEXAS PARTICIPATING LOCAL GOVERNMENTS AND/OR POLITICAL SUB-DIVISIONS LOCATED WHOLLY OR PARTIALLY WITHIN THE STATE OF TEXAS

- 13-676** Consider/Discuss/Act on a Chapter 380 Economic Development Agreement with Jeff and Gayle Haynes, Reinvestment Zone Number One and the City of McKinney for the Sidestreet Redevelopment Project Located on the Southwest Corner of Virginia Street and Johnson Street.

END OF CONSENT

- 13-670** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Adopting the 2012 International Residential, Building, Plumbing, Mechanical, Energy, Fuel Gas Codes, the 2011 National Electrical Code, the North Central Texas Council of Governments Recommended Local Code Amendments, and the City Code Amendments. Mayor Pro-Tem Ussery requested that this item be pulled down for discussion. Mr. Ussery inquired if someone requested to make changes to an existing building or apply to get a permit would they be required to conform to the new code amendments. Executive Director of Development Services Barry Shelton stated that the proposed code changes are "moving forward" standards and would not affect those coming in to get permits on existing structures. He stated that once adopted, there will be a grace period. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Pogue, to approve an Ordinance adopting the 2012 International

Residential, Building, Plumbing, Mechanical, Energy, Fuel Gas Codes, the 2011 National Electrical Code, the North Central Texas Council of Governments Recommended Local Code Amendments, and the City Code Amendments. Caption reads as follows:

ORDINANCE NO. 2013 -07-061

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY BY ADOPTING THE UPDATED VERSIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL ENERGY CONSERVATION CODE, AND NATIONAL ELECTRICAL CODE; AMENDING CERTAIN PROVISIONS OF THE CITY CODE TO UPDATE RELATED CODE PROVISIONS AND NATIONAL ELECTRICAL CODE REFERENCES; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

**13-671** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Adopting the 2012 International Fire Code. Mayor Pro-Tem Ussery requested that this item be pulled down for discussion. Mr. Ussery stated that the same question applies to this Ordinance as with the previous one. Fire Chief Danny Kistner stated that this is also prospective as well. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to approved an Ordinance adopting the 2012 International Fire Code. Caption reads as follows:

ORDINANCE 2013-07-062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, BY REPEALING ARTICLE II OF CHAPTER 42, SECTIONS 42-23 THROUGH 42-26; ESTABLISHING A NEW CHAPTER 42, ARTICLE II, ENTITLED "FIRE PREVENTION CODE," AND ADOPTING THE 2012 EDITION OF THE INTERNATIONAL FIRE CODE; PROVIDING FOR ENFORCEMENT; ESTABLISHING AMENDMENTS IN ACCORDANCE WITH THE NORTH CENTRAL TEXAS COUNCIL OF GOVERNMENTS RECOMMENDED AMENDMENTS TO THE 2012 INTERNATIONAL CODES AND INDUSTRY STANDARDS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING AN EFFECTIVE DATE

Mayor Pro-Tem Ussery stepped down on the following item:

- 13-675** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the City Manager to Enter into a Real Estate Purchase Agreement for Property Located at 1620 W. Virginia St., McKinney, Texas. Council approved the motion by Council member Harris, seconded by Council member Pogue, to approve on a Resolution authorizing the City Manager to enter into a Real Estate Purchase Agreement for property located at 1620 W. Virginia St., McKinney, Texas, with a vote of 5-0-1, Mayor Pro-Tem Ussery abstaining. Caption reads as follows:

RESOLUTION NO. 2013-07-092 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR PROPERTY LOCATED AT 1620 W. VIRGINIA ST., MCKINNEY, TEXAS; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Pro-Tem Ussery and Council member Ricchi stepped down on the following item.

- 13-677** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Resolution Approving the Community Development Block Grant (CDBG) FY 2013-14 Annual Action Plan. Community Services Administrator Shirletta Best stated that the CDBG is a flexible program that provides communities with resources to address a wide range of unique community development needs. She stated that the City of McKinney uses the funds as a quality of life investment strategy to impact its housing and community goals. Ms. Best stated that the public has had an opportunity to make public comments and review the funding allocations. She stated that the Community Grants Advisory Commission met twice during the month of May and had the opportunity to hear applications for the funding. The public hearing period will end tomorrow. Ms. Best stated that the following agencies are recommended for funding, The Samaritan Inn, Community Lifeline, Health Services of

North Texas, City House, CASA of Collin County, Collin County Committee on Aging, Children in Community Health Center, Salvation Army Corps, Holy Family School, Community Dental Care, Boys and Girls Club of Collin County and Habitat for Humanity. She stated that funding under the City's program includes the City's housing rehabilitation program, City services, CDBG economic development and a portion of the funds for grant administration. Mayor Loughmiller called for public comment and there was none. Council approved the motion by Council member Harris, seconded by Council member Day, to close the public hearing and approve a Resolution approving the Community Development Block Grant (CDBG) FY 2013-14 Annual Action Plan, with a vote of 4-0-2, with Mayor Pro-Tem Ussery and Council member Ricchi abstaining. Caption reads as follows:

RESOLUTION NO. 2013-07-093 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE 2013-14 ANNUAL  
ACTION PLAN, AND PROVIDING AN EFFECTIVE DATE

**13-061Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Creative Architects, on Behalf of Paul Sturkie, for Approval of a Request to Rezone Less than 1 Acre from "PD" - Planned Development District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Allow for a Townhome Development, Located on the Northeast Corner of Willie Street and Parker Street, and Accompanying Ordinance (REQUEST TO BE TABLED). Director of Planning Michael Quint stated that the applicant requested that the item be tabled indefinitely. Mr. Quint stated that the Planning and Zoning Commission voted to deny this request which would require a super majority vote of the Council (6 votes). Mayor Loughmiller stated that he will give anyone in the audience an opportunity to speak.

The following individuals did not wish to speak but wanted their

opposition to the rezoning request entered into the record:

Ms. Sallye Norris, 810 Parker Street, McKinney

Ms. Lisa Brooks, 706 Parker Street, McKinney

Mr. Tom B. Warden, Jr., 812 Parker Street, McKinney

Ms. Ann Dunham, 712 Parker Street, McKinney

Mr. Jay Crum, 903 Parker Street, McKinney

The following individuals spoke against the rezoning request:

Mr. Stuart Norris, 810 Parker Street, McKinney

Mr. Gary Deats, 804 Parker Street, McKinney

Mr. Paul Brewer, 10300 Canyon Lake, McKinney

Mr. Scott J. Brewer, 2610 Greenway Drive, McKinney

Mr. Quint stated that if this item were brought back to Council, the surrounding property owners would be notified. Council unanimously approved the motion by Council member Pogue, seconded by Mayor Pro-Tem Ussery, to close the public hearing and table this item indefinitely.

- 13-120M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Development Agreement (ETJ) with Central and Fannin Wilson 155, L.L.L.P., Being Fewer than 154 Acres, Located on the North and South Sides of Future F.M. 543 and West of U.S. Highway 75 (Central Expressway). Director of Planning Michael Quint stated that the property owner and the City of McKinney are proposing to enter into a development agreement under Section 212.172 of the Texas Local Government Code that will govern the development of the subject property, both prior to and after annexation into the City. He stated that the property owner agrees to: dedicate to the City approximately 8 acres of right-of-way for the realignment/construction of FM 543 and dedicate to the City approximately 24 acres of drainage easements, slope easements, temporary access easements, and temporary construction easements. The City agrees to construct FM 543, for the dedication of

right-of-way and easements, the City agrees to grant \$1.15MM in roadway impact fee credits. Mr. Quint stated that staff continued to work on the development agreement after the agenda packet was finalized and a modified agreement containing modified easement acquisition language was created. He stated that staff recommends approval of the modified agreement. Mayor Loughmiller 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 and at 6:33 p.m. approved a Development Agreement (ETJ) with Central and Fannin Wilson 155, L.L.L.P., being fewer than 154 acres, located on the north and south sides of future F.M. 543 and west of U.S. Highway 75 (Central Expressway).

**13-098A3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss on the Request by Shupe Ventura Lindelow & Olson, on Behalf of Central & Fannin Wilson 155, L.L.L.P, on a Petition to Annex Fewer than 154 Acres, Generally Located North and South of Future F.M. 543 and West of U.S. Highway 75 (Central Expressway), and Accompanying Ordinance. Director of Planning Michael Quint stated that the property owner is requesting to annex into the City 153.62 acres located in the northwest corner of F.M. 543 and U.S. 75. Prior to annexing property into the City, the City considers a number of factors that consist of current population of land to be annexed, the ability to provide city services and utilities to the property and fiscal impact. Mr. Quint stated that State Law requires three public hearings prior to annexation. The first public hearing was held on June 17<sup>th</sup> at 5:30 p.m., the second public hearing was held on June 18<sup>th</sup> at 6:00 p.m., this is the third and final hearing. Staff recommends approval of the proposed annexation. Applicant Ms. Melissa Lindelow; Shupe, Ventura, Lindelow & Olson, PLLC, 500 Main Street, Suite 800, Fort Worth, stated that they are in agreement with the annexation. Mayor Loughmiller called for public

comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to close the public hearing and approve an Ordinance annexing fewer than 154 acres generally located north and south of future F.M. 543 and west of U.S. Highway 75 (Central Expressway). Caption reads as follows:

ORDINANCE NO. 2013-07-064

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

- 13-099Z2** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Shupe Ventura Lindelow Olsen, on Behalf of Central & Fannin Wilson 155, L.L.L.P., for Approval of a Request to Zone Fewer than 154 Acres to "PD" - Planned Development District, Generally to Allow for Commercial Uses and to Modify the Development Standards, Generally Located North and South of Future F.M. 543 and West of U.S. Highway 75 (Central Expressway), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting approval of a "PD"- Planned Development District to allow for commercial and high intensity retail uses and stated that staff has reviewed this item and has no issues with it and stated that it is in conformance with the comprehensive plan and is consistent with the development agreement that council approved and signed. Director of Planning Michael Quint stated that the applicant is requesting approval of a "PD"- Planned Development District to allow for commercial and high intensity retail uses. The request is in conformance with the comprehensive plan and consistent with the development agreement that Council approved and signed this evening. Applicant Ms. Melissa Lindelow; Shupe, Ventura, Lindelow & Olson, PLLC, 500 Main Street, Suite 800, Fort Worth stated that they are in agreement with staff's recommendation. 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 close the public hearing and approving an Ordinance zoning fewer than 154 acres to "PD" - Planned Development District to allow for commercial uses and to modify the Development Standards generally located north and south of future F.M. 543 and West of U.S. Highway 75 (Central Expressway), with the following special ordinance provisions: the subject property shall be zoned "PD" - Planned Development District and shall conform to the following special ordinance provisions: use and development of the subject property shall conform to the attached development regulations. Caption reads as follows:

ORDINANCE 2013-07-065

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 153.62 ACRE PROPERTY IS ZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL USES AND TO MODIFY THE DEVELOPMENT STANDARDS, GENERALLY LOCATED NORTH AND SOUTH OF FUTURE F.M. 543 AND WEST OF U.S. HIGHWAY 75 (CENTRAL EXPRESSWAY); PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 13-110SU2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Eldorado Bar Concepts, Inc., on Behalf of Orchid Shopping Center Dallas, TX L.P., for Approval of a Specific Use Permit for a Private Club (Jack's Pub), Being Fewer than 4 Acres, Located on the East Side of Orchid Drive and Approximately 200 Feet North of Eldorado Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting approval of a Specific Use Permit for a private club. Mr. Quint stated that private clubs are allowed a higher percentage of alcohol sales versus food than a restaurant. Staff has evaluated this request and has no concerns at this time. Applicant, Mr. Mark Winnubst, 4920 Basil Drive, McKinney, stated

that he is in agreement with staff's recommendation. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to close the public hearing and approve an Ordinance approving a Specific Use Permit for a Private Club (Jack's Pub), being fewer than 4 acres, located on the east side of Orchid Drive and Approximately 200 feet north of Eldorado Parkway. Caption reads as follows:

ORDINANCE NO. 2013-07-066

AN ORDINANCE AMENDING CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE CLUB (JACK'S PUB), LOCATED ON THE EAST SIDE OF ORCHID DRIVE AND APPROXIMATELY 200 FEET NORTH OF ELDORADO PARKWAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 12-234Z6** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Verizon Wireless, on Behalf of Roanoke Manor, L.L.C., for Approval of a Request to Rezone Fewer than 4 Acres from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District, to Allow for a Support Tower for Cellular Communication Antennas, Located Approximately 1,500 Feet East of Lake Forest Drive and Approximately 230 Feet South of Future Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant has requested that this item be tabled until the August 5, 2013 meeting. Mr. Quint stated that this item received a negative recommendation from the Planning and Zoning Commission which will require a super majority vote from Council. Mayor Loughmiller called for public comment and

there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Roger Harris, to continue the public hearing and table this item until the August 5, 2013 meeting.

**13-093Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Geer Surveying & Engineering, on Behalf of Bonnie Phennel, for Approval of a Request to Rezone Fewer than 11 Acres from "AG" - Agricultural District to "ML" - Light Manufacturing District, Located Approximately 4,200 Feet East of FM 1827 (New Hope Road) and on the South Side of U.S. Highway 380 (University Drive), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting approval rezone "AG"- Agricultural District to "ML" – Light Manufacturing District. Staff has evaluated this request and it is in conformance with the Comprehensive Plan. Mr. Quint stated that the applicant will not be able to make it to the meeting and requested that City Council move forward per Staff's recommendation. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to close the public hearing and approve an Ordinance rezoning fewer than 11 Acres from "AG" - Agricultural District to "ML" - Light Manufacturing District, located approximately 4,200 feet east of FM 1827 (New Hope Road) and on the south side of U.S. Highway 380 (University Drive), with the following special ordinance provision: the subject property develop in accordance with Section 146-90 "ML" - Light Manufacturing District of the Zoning Ordinance, and as amended. Caption reads as follows:

ORDINANCE NO. 2013-07-067

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 10.00 ACRE PROPERTY, LOCATED APPROXIMATELY 4,200 FEET EAST OF FM1827 (NEW HOPE ROAD) AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "ML" – LIGHT MANUFACTURING 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

**13-095Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd and Joplin, on Behalf of SW Hillcrest/380, L.P., for Approval of a Request to Rezone Fewer than 11 Acres from "AG" - Agricultural District to "ML" - Light Manufacturing District, Located on the South Side of U.S. Highway 380 (University Drive) and Approximately 1,200 Feet East of C.R. 1827 (New Hope Road), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting approval rezone "AG"- Agricultural District to "ML" – Light Manufacturing District. Staff recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud Boulevard Suite 300, McKinney,, stated that they are in agreement with staff's recommendation and was available for questions. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Harris, seconded by Council member Pogue, to close the public hearing and approve an Ordinance rezoning fewer than 11 acres from "AG" - Agricultural District to "ML" - Light Manufacturing District, located on the south side of U.S. Highway 380 (University Drive) and approximately 1,200 feet east of C.R. 1827, with the following special ordinance provision: the subject property develop in accordance with Section 146-90 "ML" - Light Manufacturing District of the Zoning Ordinance, and as amended. Caption reads as follows:

ORDINANCE NO. 2013-07-068

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 10.00 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND APPROXIMATELY 1,200 FEET EAST OF FM 1827 (NEW HOPE ROAD), IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "ML" – LIGHT

MANUFACTURING 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

**13-101Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of McKinney Seven Stacy, L.P., for Approval of a Request to Rezone Fewer than 85 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 Custer Road and Future Silverado Trail, and Accompanying Ordinance. Director of Planning Michael Quint stated that staff recommends that the public hearing be continued and this item be tabled to the August 5, 2013 City Council meeting. Applicant, Mr. Bob Roeder, 1700 Redbud Boulevard, Suite 300, McKinney, stated that his client concurs with this item being tabled until the August 5, 2013 City Council meeting. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to continue the public hearing and table this item until the August 5, 2013 meeting.

**13-686** Mayor Loughmiller called for Consideration/Discussion/Action on a Chapter 380 Economic Development Agreement with McKinney Seven Stacy, LP for the Construction of the Eastbound Lanes and Bridge of Silverado Trail between Custer Road and Amon Carter Drive. Director of Planning Michael Quint stated that staff recommends this item be tabled to the August 5, 2013 City Council meeting. Applicant, Mr. Bob Roeder, 1700 Redbud Boulevard, Suite 300, McKinney, stated that his client concurs with this item being tabled until the August 5, 2013 City Council meeting. Council unanimously approved the motion by Council member

Pogue, seconded by Council member Day, to table this item until the August 5, 2013 meeting.

**13-10222** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Barnett Signs, Inc., on Behalf of WinCo Foods, for Approval of a Request to Rezone Fewer than 12 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Freestanding Signage Requirements, Located on the Southwest Corner of Waddill Street and U.S. Highway 380 (University Drive), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property to modify the free standing monument signage requirements for the subject property, approximately 11.82 acres. The applicant is proposing to reduce the total number of signs allowed on the site, reduce the allowable square footage for each sign, and increase the height of one of the proposed signs. The site plan for the future WinCo Foods store (12-224SP) on the subject property has been approved by Staff and the site will also include two smaller pad sites fronting U.S. Highway 380. He stated that they meet all the standards and the deviation they are requesting is regarding the height which is a maximum 10 feet. The applicant is requesting to go up to 15 feet and poles off of Hwy 380 are allowed up to 15 feet. Staff feels this is a good compromise and recommends approval of this item. Mr. Michael Quint stated that the proposed signs would not interrupt traffic. Applicant, Mr. Zeke Bullock, Barnett Signs, 4250 Action Dr., Mesquite, stated that he is in agreement with staff's comments. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Harris, seconded by Council member Day, to close the public hearing and approve an Ordinance rezoning fewer than 12 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the freestanding signage requirements,

located on the southwest orner of Waddill Street and U.S. Highway 380 (University Drive), with the following special ordinance provisions: the subject property shall develop according to "PD" - Planned Development District Ordinance No. 2013-02-011, except as follows: freestanding monument signage shall be allowed only in the locations shown on the attached Zoning Exhibit "B" and freestanding monument signage shall conform to the elevations and dimensions shown on the attached Zoning Exhibits "C" and "D". Caption reads as follows:

ORDINANCE 201-307-069

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 2013-02-011 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 11.82 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF WADDILL STREET AND U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVEOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE FREESTANDING SIGNAGE REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

**13-121M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend the Comprehensive Plan, Including Amendments to the Transportation Element Section (Section 8) to Include References to the On-Street Bicycle Transportation Master Plan, Minor Amendments to the Master Thoroughfare Plan, and Corresponding Amendments to the Future Land Use Plan and Future Land Use Plan Module Diagram. Director of Planning Michael Quint stated that staff is proposing a number of minor amendments to the Comprehensive Plan and the amendments are a result to policy decisions that Council has made. He stated that they are trying to modify the plan to update any inconsistencies with any recently approved development plans and any modified alignments on roadway sections as a result of development plans. Mr. Quint stated that staff recommends approval. Mr. Quint stated that they are not proposing to modify any

streets to accommodate the bicycle plan, they are referencing that there is a bicycle plan. Mayor Loughmiller called 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 and approve an Ordinance amending the Comprehensive Plan, Including Amendments to the Transportation Element Section (Section 8) to Include References to the On-Street Bicycle Transportation Master Plan, Minor Amendments to the Master Thoroughfare Plan, and Corresponding Amendments to the Future Land Use Plan and Future Land Use Plan Module Diagram. Caption reads as follows:

ORDINANCE NO. 2013-07-070

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS AMENDING THE 2004 CITY OF MCKINNEY COMPREHENSIVE PLAN; PROVIDING FOR MODIFICATIONS TO THE TRANSPORTATION ELEMENT SECTION, INCLUDING REFERENCES TO THE ON-STREET BICYCLE TRANSPORTATION MASTER PLAN, UPDATING OUTDATED TEXT, GRAPHICS AND FIGURES AND THE CORRECTION OF TYPOGRAPHICAL ERRORS; PROVIDING FOR AN AMENDMENT TO THE MASTER THOROUGHFARE PLAN, FUTURE LAND USE PLAN AND THE FUTURE LAND USE PLAN MODULE DIAGRAM; PROVIDING FOR AN EFFECTIVE DATE HEREOF

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Council member Ricchi did not have any comments.

Council member Day did not have any comments.

Council member Pogue congratulated staff and the Council on receiving the CLIDE Award.

Council member Harris thanked the Mayor, City Manager, Airport Director and McKinney Economic Development Corporation President for their recent trip to Washington D.C. From all the comments that he has heard, the visit with the FAA went very well. He stated that after attending the McKinney Community Development Corporation meeting the other day, he learned some statistics that they recently received from the citizen survey. The majority of those polled were satisfied or extremely satisfied with what is going on in the City of McKinney. Mr. Harris stated that

the City and City staff should be congratulated that the citizens are very pleased with hard work that everyone is putting into the job.

Mayor Pro-Tem Ussery thanked everyone that took part in the 4<sup>th</sup> of July events that were all well attended and he was honored to be a part of it. Mr. Ussery thanked staff for what they do, day in and day out. Mr. Ussery expressed his appreciation to the Mayor for the great ambassadorship that he does for the City of McKinney.

Mayor Loughmiller stated that they had a successful trip to Washington D.C. They went primarily to talk about compliance issues and how things that are going on with the City as it relates to any developments that include some element of federal funding or federal approval from a compliance standpoint. It was a very good meeting on a number of fronts and that one of the issues that he was concerned about was the status of the contract tower program. Mayor stated that they also had successful meetings with Senators Cornyn and Cruz as well as Congressman Ralph Hall. He thanked Council and the Mayor-Pro Tem for attending events and representing the City. Mayor Loughmiller announced the following upcoming events and meetings: July 19<sup>th</sup> at 6:30 p.m. the formal Bonnie Wenk Park Opening, August 3<sup>rd</sup> – Public Safety Open House from 10 a.m. to 2 p.m., Budget Retreat on August 2<sup>nd</sup>, and a Joint Meeting with the Planning and Zoning Commission on July 29<sup>th</sup>. Mr. Loughmiller reminded everyone that the next regular meeting will be held on Monday, August 5<sup>th</sup> with National Night Out on Tuesday, August 6<sup>th</sup>.

City Manager Gray did not have any comments.

Mayor Loughmiller recessed the meeting into executive session at 7:05 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 551.071 (1) (A). Litigation / Anticipated Litigation, 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 7:36 p.m.

Mayor Loughmiller called for Action on Executive Session Items. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Ricchi, to approve the items as discussed in Executive Session.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Ricchi, to Adjourn. Mayor Loughmiller adjourned the meeting at 7:40 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary