

CITY COUNCIL REGULAR MEETING

OCTOBER 18, 2011

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on October 18, 2011 at 6:00 p.m.

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

Staff Present: City Manager Jason Gray; Deputy City Manager Joe Williams; Deputy City Manager Rick Chaffin; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Public Works Hal Cranor; Help Desk Technician Richard Sewell; Planning - Guy Giersch, Michael Quint, and Brandon Opiela; Planning Director Jennifer Cox; Police Sergeant David Rodriguez; Assistant Planning Director Kevin Spath; Fire Chief Danny Kistner; Communications and Media Manager Anna Clark; Engineering - Robyn Root and Gary Graham; Director of Engineering Jack Carr; Assistant to the City Manager Aretha Harvey; Executive Director of Development Services Rob Daake; Parks, Recreation, and Open space Director Lemuel Randolph; Chief of Police Doug Kowalski; Finance Director Rodney Rhoades; Environmental Stewardship Manager Julie Smith; Senior Accountant Kelvin Bryant; and Plans Examiner Jeff Harris.

There were 45 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Father Harold Lowe, Church of the Holy Family. Mayor Loughmiller led the Pledge of Allegiance.

11-480 Assistant Planning Director Kevin Spath presented the City of McKinney's Award for being a Named Recipient of the 2011 Downtown Merit Award by the International Downtown Association.

Mayor Loughmiller called for Citizen Comments.

Mr. Peter Bailey, 2003 Skyline Drive, McKinney spoke about the water restrictions.

Mr. Terry Haines, 1508 Timber Edge, McKinney spoke about the dog park.

Ms. Cynthia Janelek, 7113 Regal Road, McKinney spoke about the dog park.

Mr. Curt Jagger, 2650 Fairway Ridge, Drive, McKinney spoke about the dog park

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

- 11-481** Minutes of the City Council Work Session of October 4, 2011
- 11-482** Minutes of the City Council Regular Meeting of October 4, 2011
- 11-473** Minutes of the Historic Preservation Advisory Board Regular Meeting of September 7, 2011
- 11-456** Minutes of the Planning and Zoning Commission Regular Meeting of September 13, 2011
- 11-478** Minutes of the Planning and Zoning Commission Regular Meeting of September 27, 2011
- 11-483** Consider/Discuss/Act on an Ordinance Designating Three-Hour Parking for the Spaces along Tennessee Street between Cloyd Street and Davis Street and the Removal of the No Parking Zone on Davis Street between Tennessee Street and McDonald Street. Caption reads as follows:

ORDINANCE NO. 2011-10-061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS DESIGNATING THREE-HOUR PARKING FOR THE SPACES ON TENNESSEE STREET BETWEEN CLOYD STREET AND DAVIS STREET; REMOVING THE NO PARKING ZONE ON DAVIS STREET BETWEEN TENNESSEE STREET AND MCDONALD STREET; 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

- 11-484** Consider/Discuss/Act on the first reading of an Ordinance Granting to Denton County Electric Cooperative, Inc., D/B/A CoServ Electric, a Non-Exclusive Franchise to Use and Occupy Public Rights-of-Way Within the City of McKinney for the Constructing and Operating of an Electric transmission and Distribution System.
- 11-486** Consider/Discuss/Act on a Resolution Adopting the 2011 Investment Policy. Caption reads as follows:

RESOLUTION NO. 2011-10-107 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING THE INVESTMENT POLICY

- 11-487** Consider/Discuss/ Act on a Resolution Authorizing an Increase for Redistricting Consulting Services with Bickerstaff Heath Delgado Acosta LLP. Caption reads as follows:

RESOLUTION NO. 2011-10-108 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING AN INCREASE FOR
REDISTRICTING CONSULTANTING SERVICES

- 11-488** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Real Estate Exchange Agreement with Standard Pacific of Texas, Inc. Caption reads as follows:

RESOLUTION NO. 2011-10-109 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO
EXECUTE A REAL ESTATE EXCHANGE AGREEMENT WITH
STANDARD PACIFIC OF TEXAS

END OF CONSENT

- 11-485** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Authorizing an Amendment to the Code of Ordinances, Section 62-801 "Control Requirements for Motor Vehicle Idling", Prohibiting Drivers from Idling While Using a Vehicle's Sleeper Berth at a Service Station, Fueling Station or Gasoline Station and Limiting the Number of Motor Vehicles Allowed to Idle While Waiting to Access a Fueling Pump, and Accompanying Ordinance. Council member Day requested that this item be pulled down for discussion. Mr. Day stated that he disagrees with the amendments as they will impact future economic development. Mayor Loughmiller stated that he was concerned on how the City can enforce vehicles that are waiting in line to get fuel. Planning Director Jennifer Cox stated that the proposed changes do not affect vehicles that weigh less than 14 thousand pounds and do not have a sleeper cab. Police Chief Doug Kowalski stated that the reason the idling ordinance was originally created was due to the City having issues with trucks staying overnight in certain commercial parking

lots around town. Chief Kowalski stated the ordinance does not affect generators on RV's or refrigeration units on trucks. Council approved the motion by Council member Brooks, seconded by Council member Ricchi, to approve an Ordinance authorizing an amendment to the Code of Ordinances, Section 62-801 "Control Requirements for Motor Vehicle Idling", prohibiting drivers from idling while using a vehicle's sleeper berth at a service station, fueling station or gasoline station and limiting the number of motor vehicles allowed to idle while waiting to access a fueling pump, with a vote of 5-2-0, Council members Day and Harris voting against. Caption reads as follows:

ORDINANCE NO. 2011-10-062

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS AMENDING CHAPTER 62, "MOTOR VEHICLES AND TRAFFIC," OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, BY AMENDING SECTION 62-801, ENTITLED "Control Requirements for Motor Vehicle Idling," RELATING TO IMPROVING AIR QUALITY IN MCKINNEY BY ENFORCING NO-IDLING RESTRICTIONS AGAINST CERTAIN ENUMERATED TYPES OF VEHICLES BY PROHIBITING DRIVERS FROM IDLING WHILE USING A VEHICLE'S SLEEPER BIRTH AT A GASOLINE STATION AND LIMITING THE NUMBER OF MOTOR VEHICLES ALLOWED TO IDLE WHILE WAITING TO ACCESS A FUEL PUMP; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE

11-489 Mayor Loughmiller called for Discussion on Specific Provisions of the Proposed Improvements to the Historic District Zoning Ordinances. Council member Day stated that he has a problem with this ordinance. He stated that a renovated historic home adds more value to the community than a non-renovated home. The more regulations that are placed on historic homes does more harm than good. Mr. Day stated that he had concerns requiring a third party to evaluate replacement of windows and siding. This discourages renovations and he believes that homeowners have the right to renovate their homes in the manner that they choose. Mr. Day stated that he disagrees with the appeal

process and would hate to see it move to the Board of Adjustment Board. Mayor Pro-Tem Ussery stated that the proposed amended ordinance is a reduction of standards. Assistant Planning Director Kevin Spath clarified that Staff is not proposing any changes to the standards by which the Historic Preservation Officer or the Historic Preservation Advisory Board evaluates applications for certificate of appropriateness and stated that there are no proposals to change the standards either up or down. He stated that Staff is proposing an improvement to the application process in an effort to improve what has been problematic over the last few years in terms of dealing specifically with cases where applicants wanted to repair or remove authentic original historic windows and or siding. Mr. Spath stated that the concerns that Council member Day expressed are allowed under the current ordinance, however, the problem has been whether items can be repaired before they are replaced. Mayor Loughmiller stated that the Secretary of the Interior's Standards for Rehabilitation are designed to determine whether someone can get a tax credit based on what they are doing in terms of renovations. City Manager Jason Gray stated that he would like for Staff to go back and see if there are alternatives that they could present along with an analysis. Mayor Loughmiller stated that he would like to see properties improved as opposed to walking away and properties deteriorating. Council member Harris suggested forming a committee with someone like Jim Wilson serving on the committee to provide his professional expertise. Mr. Day stated that he is in agreement with Mr. Harris' suggestion to form a committee and to ask Jim Wilson to be part of it as well as other people from the community.

11-490 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Amending Stage 3 Policy for the Drought Contingency Plan. City Manager Gray stated the North Texas Municipal Water District (NTMWD) has notified the City that Stage 3 will be implemented on

November 1, 2011 to include the following major requests: Landscape watering with sprinklers or irrigation systems is limited to once per week on the day of weekly scheduled trash/recycling collection for the service address's trash/recycling collection zone, prohibit hosing of paved areas, buildings, or windows, pressure washing of impervious surfaces is allowed, prohibit operation of all ornamental fountains or other amenity impoundments to the extent they use treated water, prohibit washing or rinsing of vehicles by hose except where the washing or rinsing is accomplished with a hose that has an end cut-off, and foundations, new landscaping, new plantings (first year) of shrubs, and trees may be watered for up to 2 hours on any day by a hand held hose, a soaker hose, or a dedicated zone using drip irrigation system. Exempt uses are as follows: soaker hoses to water the foundation, new plantings such as shrubs and trees could be watered up to 2 hours any day of the week for up to one month, hand watering by soaker hoses and drip irrigations system. Mr. Gray stated that in the past Stages 2-4 have all been criminal violations and what is being recommended is to take it out of the criminal system and make the penalty an administrative fine. He stated that the first violation would be a warning, 2nd violation would be a \$50 fee, 3rd violation would be \$100 fee and the 4th and subsequent violations would be \$150. The fines would be collected through their water bill. The enforcement piece will be handle through the Code Department with two additional staff hired in the evening. He stated that this is not a way for the City to make money, but rather a method for the City to enforce the new restrictions. Mr. Gray stated that the fines collected would pay for personnel to enforce it. Executive Director of Public Works Hal Cranor stated that new construction will have the option to add new plantings and water for 30 days or wait to add new plantings once the drought is over. North Texas Municipal Water District Director Jim Parks stated that the amount of rain required to bring us out of the drought would be

15 inches of rain per month. Mr. Gray stated that we are living in a time where there is decreased water and we have to recognize that if we continue to trend the way that we have, at some point we will lose access to the water that is currently available. He stated if we go to Stage 4, then we have to start talking about significant water rationing. Mr. Gray stated that it is wise to stay with the take or pay program in order to prepare and plan rather than react when there is a need. He stated that the number of the take or pay does not change unless the City has exceeded the amount. Mr. Parks presented a water supply update for the area that demonstrated the surrounding lake levels. Mr. Gray stated that the enforcement positions would be notified that these are temporary positions. Mr. Gray stated that neither the water or sewer rates were raised this year. Council approved the motion by Council member Geralyn Keever, seconded by Council member Travis Ussery, to Approved 11-489 Discuss Specific Provisions of the Proposed Improvements to the Historic District Zoning Ordinances with a vote of 6-1-0, Council member Ray Ricchi voting against. Caption reads as follows:

RESOLUTION NO. 2001-10-110 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY AMENDING THE STAGE 3 POLICY ADOPTED PURSUANT TO SECTION 110-371(C) OF THE CITY OF MCKINNEY CODE OF ORDINANCES DROUGHT CONTINGENCY PLAN

11-503 Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending Chapter 110, Article VI of the Code of Ordinances Relating to Drought Contingency Plans. Council approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to approve an Ordinance Amending Chapter 110, Article VI of the Code of Ordinances Relating to Drought Contingency Plans with a vote of 6-1-0, with Council member Ricchi voting against. Caption reads as follows:

ORDINANCE NO. 2011-10-063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY AMENDING CHAPTER 110, ARTICLE VI OF THE CODE OF ORDINANCES RELATING TO DROUGHT

CONTINGENCY PLANS; AMENDING THE ENFORCEMENT PROCESS; ADOPTING AN APPEAL PROCESS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE

10-032SU2 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Apparent Noncompliance with an Approved Specific Use Permit for a Private Club (Dawgs N Hawgs), Approximately 0.11 Acres, Located on the South Side of Louisiana Street and Approximately 100 Feet West of McDonald Street. Planning Director Jennifer Cox stated that on June 1, 2010, City Council approved Ordinance No. 2010-06-015 providing for a SUP for a private club for Dawgs N Hawgs. In addition to obtaining the SUP, the applicant also obtained the necessary alcohol permits from the Texas Alcoholic Beverage Commission (TABC) and the City in order to sell alcohol on the premises. Ordinance 2010-06-015 provides that as a private club, the club shall be operated in accordance with Section 146-46 of the City's Code of Ordinances. Section 146-46(84)(d) provides that a private club special use permit holder is subject to the terms and conditions of Chapter 138, Article II. Therefore, as the holder of a SUP operating a private club, the club must comply with Section 138-22, which provides that "[n]ot less than 35 percent of the gross receipts of such establishment shall be derived from the sale of food consumed on the premises." Section 138-22 further provides that "[t]he holder of such permit shall provide audits at its expense". On September 20, 2011, the City received the club's 2010 financial report from its accountant stating that the club had food sales of \$14,725 and alcohol sales of \$91,416. This represents less than 14 percent of their 2010 total sales from food. Based upon the finance report provided by the club, the City has determined that the club is not in compliance with Section 138-22 and the Alcohol Permit for the club was revoked effective October 8, 2011, however the City Council must still conduct a public hearing and

determine compliance or noncompliance with Dawgs N Hawgs' SUP for a private club during the 2010 audit year. She stated that Staff is asking that the City Council conduct a public hearing and determine compliance or non compliance with Dawgs N Hawgs. In accordance with the ordinance provision, should the Council determine non compliance, the City Council must then go on to do one of the following items: Immediately suspend the permittee's operation of the private club and immediate implementation of procedures to revoke and delete the SUP for a private club designation from the zoning of the permittee's property; or establish a six month probationary period during which the permittee may continue to operate under its SUP for a private club. The purpose of this probationary period is to allow the permittee to come into compliance with the requirements that were found to be noncompliant as a result of the public hearing. If Council decides to allow the permittee a probationary period, Council may grant a probationary alcohol permit during that time to allow the holder to come into compliance. Mayor Loughmiller stated that if the Council approved a six month probationary period, the City has the right to pick the auditor and the permittee would have to pay for the service. Mayor Loughmiller called for public comment.

The following individuals spoke against this item:

Mr. James Hamilton, 2108 Green Hill Drive, McKinney

Ms. Kristen McClendon, 3224 Melody Lane, Princeton

Ms. Lynn Windle, 5121 White Spruce, McKinney

The following individuals did not wish to speak but wanted their opposition to this item entered into the record:

Mr. Glenn Robinson, 202 N. Sycamore, Leonard

Ms. Sue Harris, 4 Jennifer Court, Allen

Mr. C.J. Harris, 4 Jennifer Court, Allen

Mr. Joshua L. Moses, 1308 Caroline Drive, Princeton

Mr. Davon McClendon, 3224 Melody Lane, Princeton

Mr. Charles True, 11916 CR 1065, Princeton

Ms. Cayle Cotton, 11916 CR 1065, Princeton

Mr. JayDee Santiago, 4100 Morriss Road, Flower Mound

Ms. Melanie Rice, 3224 Melody Lane, Princeton

Ms. Michelle Erter, 8690 Virginia Parkway, Apt. 727, McKinney

Mr. Casey Knight, 120 CR 408, McKinney

Mr. Jerry Knight, 120 CR 408, McKinney

Mr. Scott Wanner, 1003 Cole, McKinney

Mr. Douglas Hayes, 3601 Virginia Parkway, McKinney

Mr. George Thurman, 310 E. Louisiana, McKinney

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to close the public hearing and grant a six month probationary period for Dawgs N Hawgs and to authorize the City Manager to engage an auditor of the City's choosing to monitor the probationary period. Council unanimously approved the motion by Council member Keever, seconded by Mayor Pro-Tem Ussery to authorize the City Secretary to reinstate their alcohol permit during this probationary period.

11-124Z3 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Pogue Engineering and Development Company, Inc., on Behalf of Covenant Church for Approval of a Request to Rezone Approximately 3.07 Acres, from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C" - Planned Center District and "CC" - Corridor Commercial Overlay District, Located on the East Side of United States Highway 75 and Approximately 800 Feet North of Park View Avenue, and Accompanying Ordinance. Senior Planner Michael Quint stated that the applicant is requesting to rezone from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "C" – Planned Center District and "CC" – Corridor Commercial Overlay District. The

applicant is proposing to remove the planned development district requirements and rezone to the district's base zoning district of "C" – Planned Center and stated that Staff recommends approval of the proposed zoning request. Applicant, Mr. Eric Seeley, 1512 Bray Central #100, McKinney, was available for questions and there were none. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Harris, to approve an Ordinance rezoning approximately 3.07 acres, from "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District to "C" - Planned Center District and "CC" - Corridor Commercial Overlay District, located on the east side of U. S, Highway 75 and approximately 800 feet north of Park View Avenue, with the following special ordinance provision: the subject property shall develop according to Section 146-86 ("C" - Planned Center District) of the City of McKinney Zoning Ordinance, and as amended, and the "CC" - Corridor Commercial Overlay District, and as amended. Caption reads as follows:

ORDINANCE NO. 2011-10-064

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 3.07 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 75 AND APPROXIMATELY 800 FEET NORTH OF PARK VIEW AVENUE, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "C" – PLANNED CENTER DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY 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

Council member Keever stepped down for the following item.

- 11-131M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Baylor Healthcare Systems, for Approval of a Comprehensive Sign Package for Baylor Hospital, Approximately 57.75 Acres, Located on the Northwest Corner of Lake Forest Drive and U.S. Highway 380 (University Drive). Senior Planner Brandon Opiela stated

that the applicant is requesting approval of a comprehensive sign package for Baylor Hospital. He stated that Staff feels that the proposed sign package is appropriately scaled for a large regional hospital use and that the proposed increases in height and affective sign area has been appropriately balanced by reductions in the number of signs and the effective sign areas for the balance of proposed signage. Mr. Opiela stated that Staff recommends approval. Mr. Opiela- stated that when looked at other Baylor facilities and the signs looked balanced by the size of their facilities. Applicant, Mr. Bernie Babendure, 8140 Walnut Hill Lane, Suite 103, Dallas, was available for questions. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Brooks, to close the public hearing and approve the Comprehensive Sign Package for Baylor Hospital, approximately 57.75 acres, located on the northwest corner of Lake Forest Drive and U.S. Highway 380 (University Drive), with a vote of 6-0-1, Council member Kever abstaining.

Council member Kever returned to the dais.

10-063A9 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Petsche and Associates, Inc., on Behalf of Blue Star Land L.P. and 206 McKinney L.L.C., on a Petition to Annex Approximately 238.92 Acres, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road, and Accompanying Ordinance. Planning Director Jennifer Cox stated that this is the third and final public hearing on the annexation request. This item is being held concurrently with the zoning and development agreement. She stated that the applicant requested that the property be zoned according to the Stonebridge Ranch and Custer West Planned Developments with approximately 49 acres of retail use and approximately 142 acres of single family residential use and stated

that the applicant has provided a density of 4.0 for dwelling units per gross acre, a medium lot size of 7,615 square feet and a medium lot size of 7,020 square feet. She stated that the associated zoning request also has a designated area of 13 acres for a future elementary school site for Prosper ISD next to a 16 acre park site. She stated that the applicant provided several ordinance provisions which include conformance with zoning exhibits, conceptual site plan, general development plan, and a development standard matrix. She went over development as well as landscape. Applicant Mr. Pete Petsche, Petsche and Associates, 2600 Eldorado Parkway, McKinney representing DR Horton, Blue Star Land, and 206 McKinney stated that they are in total agreement with all three staff reports. 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 the Ordinance annexing approximately 238.92 acres, located on the southeast corner of U.S. Highway 380 (University Drive) and Coit Road. Caption reads as follows:

ORDINANCE NO. 2011-10-065

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

10-064Z2 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Petsche & Associates, Inc., on Behalf of Blue Star Land, L.P. and 206 McKinney, L.L.C., for Approval of a Request to Zone Approximately 238.92 Acres, Planning Area 17, to "PD" - Planned Development District, Generally for Single Family Residential, Retail, Elementary School, and Open Space Uses, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road, and Accompanying Ordinance. Mayor Loughmiller called for public comment and there were none. Council unanimously

approved the motion by Council member Kever, seconded by Mayor Pro-Tem Ussery, to close the public hearing and approve the Ordinance zoning approximately 238.92 Acres, Planning Area 17, to "PD" - Planned Development District, generally for Single Family Residential, Retail, Elementary School, and Open Space Uses, located on the southeast corner of U.S. Highway 380 (University Drive) and Coit Road, with the following special ordinance provisions: the subject property shall develop according to "PD" - Planned Development District No. 1621, and as amended, except as follows: the subject property shall generally develop according to the attached Zoning Exhibits "A," "B," "C," "D," and "E," the side yard setback for lots within Parcel 1705 shall be a minimum of five feet, the front elevation of all residential structures shall be 100 percent masonry, and each side and rear elevation shall be a minimum of 75 percent masonry. Required masonry percentages shall be calculated excluding exterior wall areas built on top of a roof. "Masonry" shall be defined according to Section 146-139 (Architectural and Site Standards) of the Zoning Ordinance, and as amended, and for all single family parcels, there shall be three canopy trees required per lot, and at least one of the trees shall be located in the front yard. "Canopy tree" shall be defined according to Section 146-135 (Landscape Requirements) of the Zoning Ordinance, and as amended. Caption reads as follows:

ORDINANCE NO. 2011-10-066

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 238.92 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND COIT ROAD, IS ZONED TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY FOR SINGLE FAMILY RESIDENTIAL, RETAIL, ELEMENTARY SCHOOL, AND OPEN SPACE 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

11-491 Mayor Loughmiller called for Consideration/Discussion/Action on the

Second Amended and Restated Development Agreement with Blue Star Coit 32, LLC, 206 McKinney, LLC and D.R. Horton-Texas, Ltd., as Transferees of Custer West Partners, L.P., regarding approximately 238.92 Acres, Located Generally on the Southeast Corner of U.S. Highway 380 (University Drive) and Coit Road. Council unanimously approved the motion by Council member Brooks, seconded by Council member Day, to approve the Second Amended and Restated Development Agreement with Blue Star Coit 32, LLC, 206 McKinney, LLC and D.R. Horton-Texas, Ltd., as transferees of Custer West Partners, L.P., regarding approximately 238.92 acres, located generally on the southeast corner of U.S. Highway 380 (University Drive) and Coit Road.

Mayor Loughmiller called for Council and Manager Comments

Council member Ricci expressed his appreciation for the hard work that went into today's announcement that Emerson will be building their new offices at the Gateway site. Mr. Ricchi reminded everyone about to get tickets for the Heard Museum's Halloween event. Mr. Ricchi asked everyone to support their favorite cancer awareness program.

Council member Day stated that he is pleased that Emerson is staying in the City, Mr. Day stated that with the Emerson announcement and the Texas Rangers going to the World Series -- it has been a good week.

Council member Kever stated that today signaled a rebirth of the Gateway Project by the announcement of Emerson to be a flagship presence on that site. Ms. Kever spoke about the breast cancer awareness sculpture that was on display at the McKinney Performing Arts Center.

Council member Harris stated he is impressed with the Emerson Project and commended Mayor and Council members who played a part in working through the issues.

Council member Brooks spoke about the Veterans Memorial Park that is the culmination of 6-7 years of fundraising and planning efforts. The project is currently

under construction at Craig Ranch and will be completed for Veteran's weekend November 11th and 12th. The first ceremony will be a quiet one at 5:00 p.m. on November 11th with the reading of the names of those who will be on the Memorial. The dedication ceremony will be at 11:00 a.m. on November 12th.

Mayor Pro-Tem Ussery thanked Staff for what they do day in day out.

Mayor Loughmiller invited everyone to attend the State of the Community that will be held on November 3rd. This is a great opportunity for Collin County, McKinney Independent School District, City of McKinney, and College District to motivate the community to move forward in a positive way. Mr. Loughmiller stated that the Council is focused on Economic Development and the reality is that these projects take a lot of time to get to this point. Emerson discussions began a year ago on how do we develop a plan to get a company to relocate a corporate headquarters here in McKinney. If you are in the private sector and you are out and about, please promote your City in a positive way. It takes each and every one of us to put on a positive face. Collin County is stepping up to pass a tax abatement policy which sends a positive message out to the business sector that we are trying to attract businesses to come to Collin County. Mayor Loughmiller requested a Resolution be placed on an agenda prior to November 21st regarding private business development within a TIRZ zone to fund infrastructure. Mr. Loughmiller reminded everyone that that Scare on the Square will be held on October 31st. Mayor Loughmiller gave a shout out to McKinney North High School for the Rachel's Challenge event.

City Manager Gray expressed his sincere thanks for the opportunity to continue to serve the Council and the community on behalf of his staff and himself.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Kever, seconded by Mayor Pro-Tem Ussery, to adjourn.

Mayor Loughmiller adjourned the meeting at 8:55 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary