

CITY COUNCIL REGULAR MEETING

DECEMBER 3, 2019

The City Council of the City of McKinney, Texas met in regular session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas, on Tuesday, December 3, 2019 at 6:00 p.m.

Council Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Philips, Scott Elliott, La'Shadion Shemwell, Frederick Frazier, and Richard Franklin

Absent: None

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Strategic Services Manager Trevor Minyard, Executive Director of Development Services Michael Quint, Director of Planning Jennifer Arnold, Assistant Director of Planning Mark Doty, Director of Engineering Gary Graham, Capital Improvement Projects Manager Nicholas Ataie, Assistant Director of Public Works Paul Sparkman, Facilities Construction Manager Patricia Jackson, Director of Human Resources Ike Obi, Housing & Community Development Manager Janay Tieken, President of McKinney Community Development Corporation (MCDC) Cindy Scheible, Police Officer Shannon Seabrook, City Secretary Intern Isabel Duran, and City Secretary Empress Drane

There were approximately one hundred (100) guests were present.

Mayor George Fuller called the meeting to order at 6:00 p.m. upon determining a quorum of the City Council was present.

Mayor Fuller called for the Invocation and recital of the Pledge of Allegiance, which were led by Reverend William Spearman of St. James Christian Methodist Episcopal Church.

Mayor Fuller called for the Consent Agenda of Minutes. Council unanimously approved the motion by Council Member Richard Franklin, seconded by Council member La'Shadion Shemwell, to approve the following minutes:

- 19-0998** Minutes of the McKinney City Council Work Session of November 5, 2019
- 19-0999** Minutes of the McKinney City Council Regular Meeting of November 5,

2019

- 19-0976** Minutes of the Community Grants Advisory Commission Meeting of October 10, 2019
- 19-0820** Minutes of the McKinney Armed Services Memorial Board Meeting of September 11, 2019
- 19-0979** Minutes of the Library Advisory Board Meeting of October 17, 2019
- 19-0960** Minutes of the McKinney Economic Development Corporation Meeting of October 21, 2019
- 19-0964** Minutes of the McKinney Community Development Corporation Meeting of October 24, 2019
- 19-0916** Minutes of the McKinney Tax Increment Reinvestment Zone Number One (TIRZ1) Board Meeting of September 18, 2018
- 19-0945** Minutes of the McKinney Urban Transit District (MUTD) Board Meeting of August 14, 2019
- 19-0897** Minutes of the Visit McKinney Board Meeting of September 24, 2019

Mayor Fuller called for Public Comments.

The following individuals spoke regarding community relationships, City Council actions and leadership, and civil discourse regarding the recall petition:

Sean Howe, 4209 Hawkins Drive, McKinney TX 75072

Beth Bentley, 316 Watt Street, McKinney TX 75069

The following individual spoke regarding community support of efforts to address homelessness and poverty:

Paul Ballesteros, 6508 Marvin Gardens, McKinney TX 75070

Mayor Fuller called for Information Sharing Items.

- 19-0997** Presentation of Blue Star Flag. Mayor Fuller presented a Blue Star Flag to the family of Alec M. Mack, Private First Class, in support and appreciation of his service in the United States Army. The Blue Star Flag is displayed at the home of a family with a loved one serving in an active combat zone. Family members and friends in attendance were Alec's mother Tamara Johnson, grandmother Shirley Mack, aunt Beth Bentley

(husband Kenneth), and family friend Jesse McGowen. The group stood for photographs with the City Council and City Manager Paul Grimes, and they received a standing ovation from the audience.

Mayor Fuller called for the Consent Agenda of Ordinances, Resolutions, and Miscellaneous items. The Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council Member Scott Elliott, to approve the following Consent Agenda of Ordinances, Resolutions, and Miscellaneous Items:

- 19-1000** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Annual Budget and Amending the 2020-2024 Capital Improvements Program to Provide Funds for the Downtown Parking Lot Lighting Improvements Project (FC2059). Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2019-2020 BUDGET AND THE 2020-2024 CAPITAL IMPROVEMENTS PROGRAM FOR THE DOWNTOWN PARKING LOT LIGHTING IMPROVEMENTS (PROJECT FC2059); AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 19-1001** Consider/Discuss/Act on a Resolution Naming a Park, Located at 6135 Alma Road. Resolution caption reads as follows:

RESOLUTION NO. 2019-12-135 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, NAMING A PARK LOCATED AT 6135 ALMA ROAD, CREEKSIDE PARK

- 19-1002** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with DCBA Landscape Architecture of Plano, Texas for Landscape Architectural and Engineering Services Related to the Master Planning of and Various Improvements to the McKinney Soccer Complex at Craig Ranch. Resolution caption reads as follows:

RESOLUTION NO. 2019-12-136 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH DCBA LANDSCAPE

ARCHITECTURE OF PLANO, TEXAS FOR LANDSCAPE ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE MASTER PLANNING OF THE MCKINNEY SOCCER COMPLEX AT CRAIG RANCH, LOCATED AT 6372 COLLIN MCKINNEY PARKWAY

- 19-1003** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Kimley-Horn and Associates, Inc. of McKinney, Texas for Landscape Architectural Services Related to the Design of the Master Plan for the Al Ruschhaupt Park Restroom / Concession Renovation Project (PK4392). Resolution caption reads as follows:

RESOLUTION NO. 2019-12-137 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH KIMLEY – HORN AND ASSOCIATES, INC. OF MCKINNEY, TEXAS FOR LANDSCAPE ARCHITECTURAL SERVICES RELATED TO THE DESIGN OF THE MASTER PLAN FOR THE AL RUSCHHAUPT PARK RESTROOM / CONESSION RENOVATION PROJECT, LOCATED AT 1986 PARK VIEW AVE

- 19-1004** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Dunaway Associates, L.P., of Fort Worth, Texas for Professional Planning and Landscape Architectural Services for an Update to the 2017 Parks, Recreation and Open Space Master Plan and Hike and Bike Trails Plan

RESOLUTION NO. 2019-12-138 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH DUNAWAY ASSOCIATES, L.P. OF FORT WORTH, TEXAS FOR PLANNING AND LANDSCAPE ARCHITECTURAL SERVICES RELATED TO AN UPDATE TO THE PARKS, RECREATION AND OPEN SPACE MASTER PLAN AND HIKE AND BIKE TRAILS PLAN

- 19-1005** Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance, if Awarded, of a Texas Parks & Wildlife Grant for the Construction of the Erwin Park Redevelopment Project at 4300 CR 1006
- Council unanimously approved the motion by Council member Rainey Rogers, seconded by Council member Scott Elliott, to Approved 19-1005 Consider/Discuss/Act on a Resolution Authorizing the Application

and Acceptance, if Awarded, of a Texas Parks & Wildlife Grant for the Construction of the Erwin Park Redevelopment Project at 4300 CR 1006. Resolution caption reads as follows:

RESOLUTION NO. 2019-12-139 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY AND ACCEPT, IF AWARDED, A TEXAS PARKS & WILDLIFE GRANT FOR THE CONSTRUCTION OF THE ERWIN PARK REDEVELOPMENT PROJECT AT 4300 CR 1006; AND PROVIDING AN EFFECTIVE DATE

- 19-1006** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Professional Services Contract with Quorum Architects, Inc. of Fort Worth, Texas for Architectural and Engineering Services Related to the Design and Construction of the North Public Works Complex (Project FC2058) Located at 3501 North Central Expressway, McKinney. Resolution caption reads as follows:

RESOLUTION NO. 2019-12-140 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH QUORUM ARCHITECTS, INC. OF FORT WORTH, TEXAS, FOR ARCHITECTURAL AND ENGINEERING SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE NORTH PUBLIC WORKS COMPLEX (FC2058)

- 19-1007** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Professional Engineering Design Services for the WA2052 - McLarry Water Line Project and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2019-12-141 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$236,000 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE MCLARRY WATER LINE PROJECT (WA2052), FOR A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$272,000

- 19-0206CVP** Consider/Discuss/Act on a Conveyance Plat for Lots 1 and 2, Block A, of Addison Wilson Addition, Located on the North Side of Laud Howell

Parkway and on the East Side of Trinity Falls Parkway

Mayor Fuller called for the following Public Hearings and Regular Agenda Items:

19-0087Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family Residential Uses, Located Approximately 650 Feet South of Craig Drive and on the West Side of Collin McKinney Parkway, and Accompanying Ordinance

City Staff recommended approval of the request, and the Planning & Zoning Commission (PZ) unanimously approved the proposed rezoning request on October 22, 2019. In accordance with Subsection 146-164(5) "Negative Recommendations; Written Protest Procedures" of the Zoning Ordinance, a valid, written protest to a proposed zoning amendment, supplement, or change must be filed by the owners of at least twenty (20) percent of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area. If a valid, written protest is received by the City Secretary's Office before 5:00 p.m. on the fourth working day immediately preceding the date advertised for the City Council public hearing, the proposed zoning amendment, supplement, or change shall require a favorable vote of three-fourths of all members of the City Council.

Director of Planning Jennifer Arnold presented letters of opposition from citizens residing near the subject property and a formal petition from among qualifying properties, including several of which were delivered after the filing deadline. Director Arnold stated the number of petition entries opposing the rezone did not meet the 20 percent threshold to require a super majority favorable vote by the Council. City Attorney Mark Houser spoke to clarify the rules of petition and super majority vote regarding this request. Housing & Community Development Manager Janay Tieken and Bob Roeder, on behalf of developer NRG Group, spoke in review of the decision and procedures over the past year by the McKinney Housing Finance Corporation to secure and partner with a developer (NRP Group) on an affordable housing development.

The following individuals made comments during the Public Hearing:

Lisa Hermes, 400 W. Virginia Street, McKinney TX 75069, President of the McKinney Chamber of Commerce, spoke on behalf of the business community expressing the lack of and need for affordable housing for the McKinney work force without specifying support or opposition to this rezone request.

The following individuals spoke in opposition to the rezone request:

Michael James Hatch, 2100 Camden, McKinney TX 75070

Paul Felts, 2317 Bennington, McKinney TX 75070

Sarah Spears, no address provided, stated her property is near subject property

Byron Gannaway, 2604 Bunker Hill, McKinney TX 75070

Michael Murray, 2101 Valcour Bay, McKinney TX 75070

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Richard Franklin, to close the public hearing.

Mayor Fuller and Council Members Shemwell, Franklin and Elliott expressed support for the rezone request. The concerns and opposition by residents were acknowledged while recognizing the pressing need for affordable housing, concerns for continuing the prolong an already lengthy process for providing housing. The ability to conform to the city's strategic plan and the school district's ability to effectively accommodate imminent campus growth was also mentions as supporting factors. It was noted that the developer already has the ability by right and without the approval from Council to develop the property in a manner that would be seemingly less desirable to residents than the proposed development for which it is now requesting permission.

Mayor Pro Tem Rainey Rogers and Council Members Frazier and Philips expressed opposition to the rezone request. The need for affordable work force housing in the city was acknowledge, though concerns for not enough housing units in this project, flawed design, lack of communication from city staff, crowded schools, congested traffic, failure to enhance or promote the existing neighborhood, and negative input from citizens were mentioned as opposing factors.

Council approved the motion by Council member La'Shadion Shemwell, seconded by Mayor George Fuller, to approve the Request to Rezone the Subject

Property from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards and to Allow Multi-Family Residential Uses, Located Approximately 650 Feet South of Craig Drive and on the West Side of Collin McKinney Parkway, and Accompanying Ordinance with a vote of 4 - 3, Mayor Pro Tem Rogers and Council Members Charlie Philips, and Frederick Frazier voting no. Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-078

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 12.07 ACRE PROPERTY, LOCATED APPROXIMATELY 650 FEET SOUTH OF CRAIG DRIVE AND ON THE WEST SIDE OF COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" - PLANNED DEVELOPMENT DISTRICT TO "PD" - PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR MULTI-FAMILY RESIDENTIAL USES AND 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

- 19-** Conduct a Public Hearing to Consider/Discuss/Act on a Request for a **0001SUP2** Specific Use Permit to Allow for a Utility Substation, Located Approximately 850 Feet West of the Terminus of Laud Howell Parkway and Approximately 6,260 Feet South of FM 543, and Accompanying Ordinance

Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member Frederick Frazier, to Close the public hearing and Approve the Request for a Specific Use Permit to Allow for a Utility Substation, Located Approximately 850 Feet West of the Terminus of Laud Howell Parkway and Approximately 6,260 Feet South of FM 543, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-079

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A UTILITY SUBSTATION, LOCATED APPROXIMATELY 850 FEET WEST OF TERMINUS OF LAUD HOWELL PARKWAY AND APPROXIMATELY 6,260 FEET SOUTH OF FM 543, PROVIDING REGULATIONS; 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

- 19-0007SUP3** Conduct a Public Hearing to Consider/Discuss/Act on a Request for a Specific Use Permit to Allow for Motor Vehicle Fuel Sales (7-Eleven), Located on the East Side of Hardin Boulevard and Approximately 1400 Feet South of University Drive (U.S. Highway 380), and Accompanying Ordinance

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Richard Franklin, to Close the public hearing and Approve the Request for a Specific Use Permit to Allow for Motor Vehicle Fuel Sales (7-Eleven), Located on the East Side of Hardin Boulevard and Approximately 1400 Feet South of University Drive (U.S. Highway 380), and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-080

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR MOTOR VEHICLE FUEL SALES (7-ELEVEN), LOCATED APPROXIMATELY 1400 FEET SOUTH OF U.S. 380 (UNIVERSITY DRIVE) AND ON THE EAST SIDE OF HARDIN BOULEVARD; PROVIDING REGULATIONS; 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

- 19-0090Z2** Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "LI" - Light Industrial District, Located Approximately 160 Feet South of Spur 195 and on the West Side of State Highway 5 (McDonald Street), and Accompanying Ordinance

Council unanimously approved the motion by Council member Richard Franklin, seconded by Council member La'Shadion Shemwell, to Close the public hearing and Approve 19-0090Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "LI" - Light Industrial District, Located Approximately 160 Feet South of Spur 195 and on the West Side of

State Highway 5 (McDonald Street), and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-081

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 22.11 ACRE PROPERTY, LOCATED APPROXIMATELY 160 FEET SOUTH OF SPUR 195 AND ON THE WEST SIDE OF STATE HIGHWAY 5 (MCDONALD STREET), IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "LI" – LIGHT INDUSTRIAL DISTRICT, GENERALLY TO ALLOW FOR INDUSTRIAL 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

18-0075Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "BG" - General Business District to "PD" - Planned Development District, Generally to Allow a Soccer Training Facility, Located Approximately 1,630 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Lake Forest Drive, and Accompanying Ordinance

On November 12, 2019, the Planning and Zoning Commission voted unanimously to recommend approval of the proposed rezoning request.

Elizabeth Haynes, 1609 Meadow Ranch Road, McKinney TX 75071 spoke in opposition to the request with concerns for potential negative impact to the nearby watershed, animal life, and human access to nature.

The following individual did not wish to speak but requested his opposition to the rezone request be recorded:

Jason Haynes, 1609 Meadow Ranch Road, McKinney TX 75071

Council unanimously approved the motion by Mayor George Fuller, seconded by Council member La'Shadion Shemwell, to Close the public hearing and approve the Request to Rezone the Subject Property from "BG" - General Business District to "PD" - Planned Development District, Generally to Allow a Soccer Training Facility, Located Approximately 1,630 Feet South of U.S. Highway 380 (University Drive) and on the West Side of Lake Forest Drive, and Accompanying Ordinance, with requirements for

the facility to operate as a training facility and not utilized for games or tournaments.

Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-082

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 32.927 ACRE PROPERTY, LOCATED APPROXIMATELY 1,630 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ON THE WEST SIDE OF LAKE FOREST DRIVE, IS REZONED FROM "BG" – GENERAL BUSINESS DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW A SOCCER TRAINING FACILITY ; 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

19-0068Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "LI" - Light Industrial District to "PD" - Planned Development District, Generally to Modify the Use and Development Standards, Located on the South Side of University Drive (U.S. Highway 380) and Approximately 8,800 Feet East of Airport Drive), and Accompanying Ordinance

Director of Planning Jennifer Arnold recommended Council to table the item to further work with the applicant regarding development standards. Council unanimously approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council member Charlie Philips, to Close the public hearing and table to another meeting 19-0068Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "LI" - Light Industrial District to "PD" - Planned Development District, Generally to Modify the Use and Development Standards, Located on the South Side of University Drive (U.S. Highway 380) and Approximately 8,800 Feet East of Airport Drive), and Accompanying Ordinance

19-0085Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" Regional Employment Center Overlay District, Generally to Modify Uses and Development Standards Located on the Northeast Corner of Stacy Road and Arroyo Trail, and

Accompanying Ordinance

The Planning & Zoning Commission voted to recommend approval of the request with consideration of the "quiet zone" designation per the city's noise ordinance. The property lies within five hundred (500) feet of a residential area so there are concerns about noise related to the outdoor activity. Staff recommends approval with requirements to develop in accordance with specific development regulations to address concerns.

Council approved the motion by Mayor Pro Tem Rainey Rogers, seconded by Council member Richard Franklin, to Close the public hearing and approve the Request to Rezone the Subject Property 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 Uses and Development Standards Located on the Northeast Corner of Stacy Road and Arroyo Trail, and Accompanying Ordinance with a vote of 6 - 1, Council Member Charlie Philips voting no. Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-083

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 3.91 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF STACY ROAD AND ARROYO TRAIL, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE USES AND 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

19-0067Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "SF-5" - Single Family Residence District and "TH"- Townhome District to "PD"- Planned Development District, Generally to Modify the Development Standards, Located on the East Side of Lake Forest Drive and Approximately 900 Feet South of McKinney Ranch Parkway, and Accompanying Ordinance

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Richard Franklin, to Close the public hearing and approve the Request to Rezone the Subject Property from "SF-5" - Single Family

Residence District and "TH"- Townhome District to "PD"- Planned Development District, Generally to Modify the Development Standards, Located on the East Side of Lake Forest Drive and Approximately 900 Feet South of McKinney Ranch Parkway, and Accompanying Ordinance. Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-084

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 21.88 ACRE PROPERTY, LOCATED APPROXIMATELY 900 FEET SOUTH OF MCKINNEY RANCH PARKWAY AND ON THE EAST SIDE OF LAKE FOREST DRIVE, IS REZONED FROM "TH" – TOWNHOME DISTRICT AND "SF5"- SINGLE FAMILY RESIDENCE DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 19-1008** Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2019-2020 Annual Budget and Amending the 2020-2024 Capital Improvements Program to Provide Funds for the McKinney StarCenter Expansion Project (FC1709)

Council unanimously approved the motion by Council member Scott Elliott, seconded by Council member Charlie Philips, to Approve an Ordinance Amending the Fiscal Year 2019-2020 Annual Budget and Amending the 2020-2024 Capital Improvements Program to Provide Funds for the McKinney StarCenter Expansion Project (FC1709). Ordinance caption reads as follows:

ORDINANCE NO. 2019-12-085

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2019-2020 BUDGET AND THE 2020 – 2024 CAPITAL IMPROVEMENTS PROGRAM FOR THE MCKINNEY STARCENTER EXPANSION PROJECT (FC1709); EFFECTIVE DATE HEREOF

- 19-1009** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Standard AIA-A141 (2014) Agreement with Stellar Industrial Solutions for Design/Build Services for the McKinney StarCenter Expansion Project (FC1709) Located at 6993 Stars Avenue Conditioned Upon Receipt of Participant Funds from the Dallas Stars and Execution of

an Agreement with the Dallas Stars for Partial Funding of the Project

Council unanimously approved the motion by Mayor George Fuller, seconded by Council member Richard Franklin, to Approve a Resolution Authorizing the City Manager to Execute a Standard AIA-A141 (2014) Agreement with Stellar Industrial Solutions for Design/Build Services for the McKinney StarCenter Expansion Project (FC1709) Located at 6993 Stars Avenue Conditioned Upon Receipt of Participant Funds from the Dallas Stars and Execution of an Agreement with the Dallas Stars for Partial Funding of the Project. Resolution caption reads as follows:

RESOLUTION NO. 2019-12-142 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH STELLAR INDUSTRIAL SOLUTIONS FOR DESIGN/BUILD SERVICES FOR THE MCKINNEY STARCENTER EXPANSION PROJECT LOCATED AT 6993 STARS AVENUE CONDITIONED UPON RECEIPT OF PARTICIPANT PROJECT FUNDS FROM THE DALLAS STARS THROUGH THE CITY MANAGER'S EXECUTION OF AN AGREEMENT WITH THE DALLAS STARS FOR PARTIAL FUNDING OF THE PROJECT

19-1010 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Engineering Services for CO1633 - SH 5 Utility Relocations Project and Any Necessary Supplemental Agreements

Council unanimously approved the motion by Council member La'Shadion Shemwell, seconded by Council member Scott Elliott, to Approved 19-1010 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Contract with Kimley-Horn and Associates, Inc. for Engineering Services for CO1633 - SH 5 Utility Relocations Project and Any Necessary Supplemental Agreements. Resolution caption reads as follows:

RESOLUTION NO. 2019-12-143 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$1,592,000 WITH KIMLEY-HORN AND ASSOCIATES, INC. FOR PROFESSIONAL ENGINEERING DESIGN SERVICES FOR THE SH 5 UTILITY RELOCATIONS PROJECT (CO1633), FOR A TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY SUPPLEMENTAL AGREEMENTS, NOT TO EXCEED \$1,830,000

19-1011 Consider/Discuss/Act on a Resolution Requesting the Board of Adjustment of the City of McKinney Consider the Amortization of a

Nonconforming Concrete Batch Plant Use (Cowtown Redi-Mix), Located at 2015 South McDonald Street and the Establishment of a Compliance Date in Conformance with Section 146-40 of the Zoning Ordinance (Nonconforming Uses and Nonconforming Structures)

Council unanimously approved the motion by Council member Richard Franklin, seconded by Council member La'Shadion Shemwell, to Approved 19-1011 Consider/Discuss/Act on a Resolution Requesting the Board of Adjustment of the City of McKinney Consider the Amortization of a Nonconforming Concrete Batch Plant Use (Cowtown Redi-Mix), Located at 2015 South McDonald Street and the Establishment of a Compliance Date in Conformance with Section 146-40 of the Zoning Ordinance (Nonconforming Uses and Nonconforming Structures). Resolution caption reads as follows:

RESOLUTION NO. 2019-12-144 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REQUESTING THAT THE BOARD OF ADJUSTMENT OF THE CITY OF MCKINNEY, TEXAS CONSIDER AMORTIZATION OF A NONCONFORMING CONCRETE BATCH PLANT USE (COWTOWN REDI-MIX), LOCATED AT 2015 SOUTH MCDONALD STREET AND THE ESTABLISHMENT OF A COMPLIANCE DATE IN CONFORMANCE WITH SECTION 146-40 (NONCONFORMING USES AND NONCONFORMING STRUCTURES) OF THE ZONING ORDINANCE OF THE CITY OF MCKINNEY

19-1012 Consider/Discuss/Act on a Resolution Requesting the Board of Adjustment of the City of McKinney Consider Amortization of a Nonconforming Concrete Batch Plant Use (TXI Operations LP / Martin Marietta Redi-Mix), Located at 2005 South McDonald Street and the Establishment of a Compliance Date in Conformance with Section 146-40 of the Zoning Ordinance (Nonconforming Uses and Nonconforming Structures)

Council unanimously approved the motion by Council member Charlie Philips, seconded by Council member Richard Franklin, to Approved 19-1012 Consider/Discuss/Act on a Resolution Requesting the Board of Adjustment of the City of McKinney Consider Amortization of a Nonconforming Concrete Batch Plant Use (TXI Operations LP / Martin Marietta Redi-Mix), Located at 2005 South McDonald Street and the Establishment of a Compliance Date in Conformance with Section 146-40 of

the Zoning Ordinance (Nonconforming Uses and Nonconforming Structures).

Resolution caption reads as follows:

RESOLUTION NO. 2019-12-145 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REQUESTING THAT THE BOARD OF ADJUSTMENT OF THE CITY OF MCKINNEY, TEXAS CONSIDER AMORTIZATION OF A NONCONFORMING CONCRETE BATCH PLANT USE (TXI OPERATIONS, LP / MARTIN MARIETTA REDI-MIX), LOCATED AT 2005 SOUTH MCDONALD STREET AND THE ESTABLISHMENT OF A COMPLIANCE DATE IN CONFORMANCE WITH SECTION 146-40 (NONCONFORMING USES AND NONCONFORMING STRUCTURES) OF THE ZONING ORDINANCE OF THE CITY OF MCKINNEY

HP2019-0022 Consider/Discuss/Act on a Request by Boilermaker Rockhill LLC, for the Waiver of Roadway Impact Fees in Accordance with the Neighborhood Empowerment Zone Impact Fee Waiver Program for the Proposed Multi-Family Project Located at the Southeast Corner of Rockhill Road and Wilson Creek Parkway

Council approved the motion by Council member La'Shadiion Shemwell, seconded by Council member Richard Franklin, to Approved HP2019-0022 Consider/Discuss/Act on a Request by Boilermaker Rockhill LLC, for the Waiver of Roadway Impact Fees in Accordance with the Neighborhood Empowerment Zone Impact Fee Waiver Program for the Proposed Multi-Family Project Located at the Southeast Corner of Rockhill Road and Wilson Creek Parkway with a vote of 6 - 1, Mayor Pro Tem Rainey Rogers voting no.

Mayor Fuller called again for Public Comments, to which there were no requests from the public.

Mayor Fuller called for Council and Manager Comments.

Council Member Charlie Philips congratulated the McKinney North High School and McKinney High School football teams, and the McKinney Boyd High School volleyball team, for all the teams each advancing two games into the state high school playoffs. McKinney North volleyball advanced to the playoffs. McKinney North and McKinney Boyd high school cross country runners qualified for state. Duncanville and Southlake Carroll high schools will be competing in a football playoff game at McKinney ISD Athletics Stadium on Saturday, December 7.

Council Member Scott Elliott announced the NCAA Division II Football Championship Game will be December 21 at McKinney ISD Athletics Stadium, congratulating the staff and volunteers who contributed to securing an agreement for the game to be played in McKinney for three consecutive years (2018, 2019 and 2020)

Mayor Pro Tem Rainey Rogers expressed disappointment for the affordable housing rezoning decision and lack of information from the City Manager and staff regarding the super majority requirements.

Council Member La'Shadion Shemwell expressed excitement for the upcoming high school football playoff games. Council Member Shemwell reflected on the popular trend of the "What Would Jesus Do?" movement and encouraged the Council to approach decision making with consideration of the best interests of the city as a whole.

Council Member Richard Franklin congratulated the city staff, volunteers, and McKinney Main Street Board on the success of the recent Home for the Holidays event. Council Member Franklin congratulated the McKinney Housing Authority on the Merritt Homes housing redevelopment project and grand reopening which will be held in January.

Council Member Frederick Frazier commented on the affordable housing rezoning issue, stating Brigette Wallis requested to not be reappointed to the McKinney Housing Finance Corporation board due to the affordable housing project. Council Member Franklin restated some of the concerns from citizens and suggested doing a better job of evaluating where such developments should go. Council Member Frazier congratulated the Police Department on its community involvement through its third annual youth flag football tournament. The team he coached went undefeated and won.

City Manager Paul Grimes announced the Santa's Helpers Toy Drive in historic downtown will be Thursday, December 12, 5:30-10:00 p.m. McKinney is the designated drop-off location in Collin County to collect new and unused toys, and live broadcasts of the event will be covered by Channel 8 during the 5 p.m., 6 p.m. and 10 p.m. news. City Manager Grimes encouraged families, schools, and businesses to participate in the toy drive which supports more than fifty thousand (50,000) area children. Mr. Grimes stated Ferris State, which competed in the 2018 Division II Football Championship, is in this year's Final Four and might be returning for this year's Championship.

Mayor Fuller commented on the affordable housing rezone decision, respecting the voices of all involved and supporting the work of city staff to consider the relevant factors in decision making.

There was no executive session.

Council unanimously approved the motion by Mayor George Fuller, seconded by Council member Richard Franklin, to adjourn. Mayor Fuller adjourned the meeting at 9:11 p.m.

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary