

City Council Regular Meeting

September 7, 2021

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, September 7, 2021 at 6:00 p.m.

Council Present: Mayor George Fuller, Mayor Pro Tem Rainey Rogers, and Council Members Charlie Phillips, Geré Feltus, Frederick Frazier, Rick Franklin, and Justin Beller.

City of McKinney Staff Present: City Manager Paul Grimes, Assistant City Manager Steve Tilton, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, City Attorney Mark Houser, City Secretary Empress Drane, Deputy City Secretary Joshua Stevenson, City Secretary Records Specialist Juametta Terrel, City Secretary Administrative Assistant Blenda Sim, Executive Director of Development Services Michael Quint, Director of Planning Jennifer Arnold, Planning Manager Caitlyn Strickland, Planner II Kaitlin Sheffield, Chief Financial Officer Mark Holloway, Assistant Director of Parks & Recreation Ryan Mullins, Assistant Recreation Center Supervisor Calie Willis, Customer Service Rep Stephanie Albertini, Aquatic Supervisor Natalia Robalik, Assistant Aquatic Supervisor John Griffin White, Aquatics Coordinator Sarah Larche, Executive Assistant of Parks & Recreation Flora Ray, Facilities Construction Manager Trish Jackson, Chief of Police Greg Conley, Police Officer Bruno Siqueira, Police Officer Lindsey Paul, and Desktop Support Technician Logan Atwood.

There were approximately twenty-five (25) members of the public present in the audience.

Mayor Fuller called the meeting to order at 6:02p.m. upon determining a quorum of the Council was present.

Mayor Fuller called for the Invocation and Pledge of Allegiance. The Invocation given by Pastor Luis Rosenthal of McKinney First Baptist Church. The Pledge of Allegiance led by Mayor Fuller.

Mayor Fuller called for the Information Sharing Agenda.

- 21-0760** Proclamation for McKinney Police Officer Lindsey Paul, Cold Bore World Record Holder
- 21-0761** Proclamation for National Senior Center Month
- 21-0762** Proclamation for Prostate Cancer Awareness Month

Mayor Fuller called for Public Comments regarding Agenda items. There were none when called.

Mayor Fuller called for the Consent Agenda.

Council unanimously approved the motion by Council Member Feltus, seconded by Council Member Franklin, to approve the following Consent items:

- 21-0763** Minutes of the Joint Meeting of City Council and McKinney Independent School District of Board of Trustees of February 22, 2021
- 21-0584** Minutes of the Joint Meeting of Parks, Recreation, and Open Space Advisory Board and McKinney Community Development Corporation of June 10, 2021
- 21-0764** Minutes of the City Council Budget Work Session of August 12, 2021
- 21-0765** Minutes of the City Council Work Session of August 17, 2021
- 21-0766** Minutes of the City Council Regular Meeting of August 17, 2021
- 21-0767** Minutes of the City Council Special Meeting of August 24, 2021 for Boards & Commissions Appointments
- 21-0697** Minutes of the Animal Service Facilities Advisory Committee
- 21-0736** Minutes of the Building and Standards Commission Meeting of February 8, 2021
- 21-0739** Minutes of the McKinney Community Development Corporation Meeting of July 22, 2021
- 21-0708** Minutes of the McKinney Economic Development Corporation Meeting of July 20, 2021
- 21-0768** Minutes of the McKinney Housing Authority Minutes of October 27, 2020

- 21-0706** Minutes of the McKinney Housing Finance Corporation Meeting July 16, 2021
- 21-0692** Minutes of the McKinney Main Street Board Meeting of July 8, 2021
- 21-0346** Minutes of the McKinney Urban Transit District Board Meeting of February 9, 2021
- 21-0714** Minutes of the McKinney Urban Transit District Board Meeting of May 19, 2021
- 21-0749** Minutes of the Planning & Zoning Commission Regular Meeting of August 10, 2021
- 21-0754** Minutes of the Visit McKinney Board Meeting of July 27, 2021
- 21-0775** Consider/Discuss/Act on a Resolution Adopting the Fiscal Year 2021-2022 Financial Policies. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-103 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING THE FINANCIAL POLICIES

- 21-0776** Consider/Discuss/Act on a Resolution Adopting the Fiscal Year 2021-2022 Investment Policy. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-104 (R)

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

- 21-0777** Consider/Discuss/Act on a Resolution Approving a Negotiated Settlement Between the Atmos Cities Steering Committee (“ACSC”) and Atmos Energy Corp., Mid-Tex Division Regarding the Company’s 2021 Rate Review Mechanism Filing; Declaring Existing Rates to be Unreasonable; Adopting Tariffs that Reflect Rate Adjustments Consistent With the Negotiated Settlement; Finding Rates to be Set by the Attached Settlement Tariffs to be Just and Reasonable and in the Public Interest; Approving and Attached Exhibit Establishing a Benchmark for Pensions and Retiree Medical Benefits; Approving an Attached Exhibit Regarding

Amortization of Regulatory Liability; Requiring the Company to Reimburse ACSC'S Reasonable Ratemaking Expenses; Determining that this Resolution was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Adopting a Savings Clause; Declaring an Effective Date; and Requiring Delivery of this Resolution to the Company and the ACSC'S Legal Counsel. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-110 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A NEGOTIATED SETTLEMENT BETWEEN THE ATMOS CITIES STEERING COMMITTEE ("ACSC") AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2021 RATE REVIEW MECHANISM FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT; FINDING RATES TO BE SET BY THE ATTACHED SETTLEMENT TARIFFS TO BE JUST AND REASONABLE AND IN THE PUBLIC INTEREST; APPROVING AN ATTACHED EXHIBIT ESTABLISHING A BENCHMARK FOR PENSIONS AND RETIREE MEDICAL BENEFITS; APPROVING AN ATTACHED EXHIBIT REGARDING AMORTIZATION OF REGULATORY LIABILITY; REQUIRING THE COMPANY TO REIMBURSE ACSC'S REASONABLE RATEMAKING EXPENSES; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND THE ACSC'S LEGAL COUNSEL

21-0778 Consider/Discuss/Act on a Resolution Approving Qualified Firms to Provide On Cal Roadway Professional Services and On Call Utility Professional Services, and Authorizing the City Manager to Execute Agreements for Professional Services. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-105 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING QUALIFIED FIRMS TO PROVIDE ON CALL ROADWAY PROFESSIONAL SERVICES AND ON CALL UTILITY PROFESSIONAL SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS FOR PROFESSIONAL SERVICES

21-0779 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into an Interlocal Cooperation Agreement for Police Academy Training Services

RESOLUTION NO. 2021-09-106 (R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS,
AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL
AGREEMENT WITH THE CITIES OF RICHARDSON AND PLANO, TEXAS FOR
PARTICIPATION IN THE BASIC POLICE OFFICER TRAINING ACADEMY**

21-0780 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute an Interlocal Cooperation and Settlement Agreement Establishing the Location of the Extraterritorial Jurisdiction (ETJ) between the City of McKinney and the Town of New Hope. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-107 (R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS,
AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL
COOPERATION AND SETTLEMENT AGREEMENT REGARDING
EXTRATERRITORIAL JURISDICTIONAL BOUNDARIES WITH THE TOWN OF NEW
HOPE**

21-0781 Consider/Discuss/Act on a Resolution Awarding a Contract to J & M Robertson, Inc. dba JMR Construction of McKinney, Texas for the Rehabilitation of 208 S. Bradley Street, McKinney, Texas 75069. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-108 (R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS,
AUTHORIZING THE AWARD OF A CONTRACT TO J & M ROBERTSON, INC. DBA
JMR CONSTRUCTION OF MCKINNEY, TEXAS FOR THE REHABILITATION OF 208
S. BRADLEY STREET, MCKINNEY, TEXAS 75069**

21-0782 Consider/Discuss/Act on a Resolution Naming a 10 Acre Neighborhood Park Site Located in the Prestwyck Subdivision. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-109 (R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS,
NAMING A 10-ACRE NEIGHBORHOOD PARK LOCATED AT 1617 PRESTWICK
HOLLOW DRIVE**

Mayor Fuller called for the Regular Agenda and Public Hearing items.

21-0783 Conduct a Public Hearing to Consider/Discuss/Act on the Adoption of the Budget Appropriation Ordinance for FY 2021-22

Council unanimously approved the motion by Council Member Philips, seconded by Mayor Pro Tem Rogers, to close the public hearing and approve the Adoption of the Budget Appropriation Ordinance for FY 2021-22.

The record vote is documented below:

Mayor Fuller – Aye

Mayor Pro Tem Rogers – Aye

Council Member Philips – Aye

Council Member Feltus – Aye

Council Member Franklin – Aye

Council Member Beller – Aye

The Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-089

AN ORDINANCE ADOPTING A BUDGET FOR THE ENSUING FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022, IN ACCORDANCE WITH THE CHARTER OF THE CITY OF MCKINNEY, APPROPRIATING THE VARIOUS AMOUNTS THEREOF, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR A PUBLIC HEARING; PROVIDING FOR PUBLICATION OF THIS ORDINANCE AND FOR AN EFFECTIVE DATE HEREOF

21-0784 Consider/Discuss/Act on an Ordinance to Ratify the Property Tax Revenue Increase in the Fiscal Year 2021-22 Budget as a Result of the City Receiving More Revenues from Property Taxes than the Previous Fiscal Year

Council Member Philips made the following motion: "I move that the increased revenue from property taxes in the 2021-22 City budget is hereby ratified with the following declaration: Based on the Tax Rate of \$0.497655: **THIS BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$6,803,430 or**

5.41%, AND OF THAT AMOUNT, \$3,844,498 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.”

The motion was seconded by Mayor Pro Tem Rogers.

Council unanimously approved the motion by Council Member Philips, seconded by Mayor Pro Tem Rogers to approve an Ordinance to Ratify the Property Tax Revenue Increase in the Fiscal Year 2021-22 Budget as a Result of the City Receiving More Revenues from Property Taxes than the Precious Fiscal Year. The Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-090

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, RATIFYING THE PROPERTY TAX REVENUE INCREASE IN THE 2021-22 BUDGET AS A RESULT OF THE CITY RECEIVING MORE REVENUES FROM PROPERTY TAXES IN THE 2021-22 BUDGET THAN IN THE PREVIOUS FISCAL YEAR; AND PROVIDING AN EFFECTIVE DATE

21-0785 Conduct Public Hearing to Consider/Discuss/Act on an Ordinance
Adopting a Tax Rate for Fiscal Year 2021-022 (Tax Year 2021)

Council Member Philips made the following motion: **“I MOVE THAT THE PROPERTY TAX RATE BE INCREASED BY THE ADOPTION OF A TAX RATE OF 0.497655, WHICH IS EFFECTIVELY A 2.57 PERCENT INCREASE IN THE TAX RATE.”**

The motion was seconded by Council Member Franklin. The record vote is documented below:

Mayor Fuller – Aye

Mayor Pro Tem Rogers – Aye

Council Member Philips – Aye

Council Member Feltus – Aye

Council Member Franklin – Aye

Council Member Beller – Aye

The Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-091

AN ORDINANCE LEVYING TAXES FOR THE CITY OF MCKINNEY, TEXAS, FOR THE TAX YEAR 2021; PROVIDING FOR A DATE ON WHICH SUCH TAXES BECOME DELINQUENT; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE THE PAYMENT OF TAXES DUE THEREON; PROVIDING FOR PENALTY AND INTEREST FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR A 15% COLLECTION FEE FROM AN EFFECTIVE DATE HEREOF; PROVIDING FOR ACCEPTANCE OF THE TAX ROLL TOGETHER WITH ANY SUPPLEMENTS THERETO; AND PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE

21-0786 Consider/Discuss/Act on an Ordinance to Change Rates/Fees for City Services

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Feltus, to approve an Ordinance to Change Rates/Fees for City Services. Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-092

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATING TO FEES, BY AMENDING THE CODE OF ORDINANCES SECTION 30-85, AND BY AMENDING APPENDIX A SCHEDULE OF FEES, IN PART, BY AMENDING SECTIONS 30-71,30-85, 30-86, 30-175, 30-205, 110-35, 110-37, 110-42, 110-44, 110-45, 110-95, 110-139, 110-142, 110-230, 142-133, AND 146-193; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

21-0787 Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Pre-Construction Contract with Pogue Construction Co., LP for Pre-Construction Services Related to the Design and Construction of the McKinney Municipal Complex Project (FC1707)

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Frazier, to approve a Resolution Authorizing the City Manager to Execute a Pre-Construction Contract with Pogue Construction Co., LP for Pre-

Construction Services Related to the Design and Construction of the McKinney Municipal Complex Project (FC1707). Resolution caption reads as follows:

RESOLUTION NO. 2021-09-111 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES CONTRACT WITH POGUE CONSTRUCTION CO., LP WHOSE LOCAL OFFICE IS IN MCKINNEY, TEXAS FOR CONSTRUCTION MANAGER AT RISK (CMAR) PRECONSTRUCTION SERVICES RELATED TO THE DESIGN AND CONSTRUCTION OF THE MCKINNEY MUNICIPAL COMPLEX PROJECT (FC1707)

21-0788 Consider/Discuss/Act on a Resolution Adopting a Policy Governing Public Improvement Districts (PID) within the City of McKinney

Council approved the motion by Council Member Philips, seconded by Mayor Pro Tem Rogers, to approve a Resolution Adopting a Policy Governing Public Improvement Districts (PID) within the City of McKinney in a vote of 5-2, Council Members Feltus and Beller voting no. Resolution caption reads as follows:

RESOLUTION NO. 2021-09-112 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ADOPTING A POLICY ESTABLISHING MINIMUM REQUIREMENTS FOR THE EVALUATION AND CONSIDERATION OF PUBLIC IMPROVEMENT DISTRICTS (PID) IN THE CITY OF MCKINNEY AND WITHIN ITS EXTRATERRITORIAL JURISDICTION

21-0008SUP2 Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit to Allow for a Private Club (Barons Creek Vineyard), Located at 301 W Louisiana Street, and Accompanying Ordinance

Council unanimously approved the motion by Council Member Feltus, seconded by Council Member Frazier, to close the public hearing and approve a Specific Use Permit to Allow for a Private Club (Barons Creek Vineyard), Located at 301 W Louisiana Street. Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-093

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 PRIVATE CLUB (BARONS CREEK VINEYARD), LOCATED AT 301 W LOUISIANA STREET; 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.

21-0005Z6 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” – Planned Development District, “AG” – Agricultural District, and “CC” – Corridor Commercial Overlay District to “C2” – Local Commercial District and “CC” – Corridor Commercial Overlay District, Located on the Southeast Corner of U.S. Highway 280 (University Drive) and Meadow Ranch Road, and Accompanying Ordinance

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Feltus, to continue the public hearing and table the item until the first meeting in October 2021. This item will be on the Agenda for the Regular Meeting of the City Council on October 4, 2021.

21-0046Z3 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, Generally to Modify the Uses and Development Standards, Located on the South Side of U.S. Highway 380 (University Drive) and approximately 500 Feet East of Custer

Bob Roeder (Applicant), 1700 Redbud #300, McKinney, TX 75069 spoke in favor of this item.

Brian W. dela Houssaye, 8508 Grand Haven Ln., McKinney, TX 75071, spoke regarding this item.

Ruth Lopez, 8504 Grand Hare Ln., McKinney, TX 75071, spoke regarding this item.

John Del'Antonia, no address given, spoke regarding this item.

Robert Lopez, 8504 Grand Hare Ln., McKinney, TX 75071, spoke regarding this item.

Dennis Farr, no address given, spoke regarding this item.

John Finter, no address given, spoke regarding this item.

Council unanimously approved the motion by Council Member Franklin, seconded by Council Member Frazier to close the public hearing.

Artemio De La Vega (Applicant), no address given, spoke regarding this item.

Council approved the motion by Mayor Pro Tem Rogers, seconded by Mayor Fuller, to approve a Request to Rezone the Subject Property from "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, Generally to Modify the Uses and Development Standards, Located on the South Side of U.S. Highway 380 (University Drive) and approximately 500 Feet East of Custer in a vote of 5-2, Council Members Philips and Frazier voting no. Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-095

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 51.45 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND APPROXIMATELY 500 FEET EAST OF CUSTER ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL AND MULTI-FAMILY 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

21-0083Z2 Conduct a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" – Agricultural District and "CC" – Corridor Commercial Overlay District to "PD" – Planned Development District and "CC" – Corridor Commercial Overlay District, to Allow Multi-

Family Uses and to Modify the Development Standards, Located on the West Side of Bois D’Arc Road and Approximately 540 Feet South of U.S. Highway 380 (University Drive), and Accompanying Ordinance

The applicant presentation will be included in the Minutes as “Appendix A – 21-0083Z3 Applicant Presentation”.

Bob Roeder (Applicant), 1700 Redbud #300, McKinney, TX 75069 spoke in favor of this item.

John Paul (Applicant), 8712 Brunswick Lane, McKinney, TX 75072, spoke in favor of this item.

Bhadresh Trivied, no address given, spoke in favor of this item.

David Craig, 6850 TPC Drive Suite 104, McKinney, TX 75070, spoke in favor of this item.

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

Council approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Philips, to approve a Request to Rezone the Subject Property from “AG” – Agricultural District and “CC” – Corridor Commercial Overlay District to “PD” – Planned Development District and “CC” – Corridor Commercial Overlay District, to Allow Multi-Family Uses and to Modify the Development Standards, Located on the West Side of Bois D’Arc Road and Approximately 540 Feet South of U.S. Highway 380 (University Drive). Ordinance caption reads as follows:

ORDINANCE NO. 2021-09-096

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 14.99 ACRE PROPERTY, LOCATED APPROXIMATELY 540 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND ON THE WEST SIDE OF BOIS D’ARC ROAD, IS REZONED FROM “AG” – AGRICULTURAL DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT AND “CC” – CORRIDOR COMMERCIAL OVERLAY 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

Mayor Fuller called for Citizen Comments on matters not on the Agenda.

Daniel Porzio, 5500 McKinney Place Dr., McKinney, TX 75070, spoke regarding general development in the City.

Mayor Fuller called for Council and Manager Comments.

Council Member Philips spoke regarding Municipal Courts, Highschool football, and McKinney North players Luke Paley & Corbin Hendricks.

Mayor Pro Tem Rogers spoke regarding the recent Hurricanes and Nonprofit organization Minutemen Disaster Relief.

Council Member Beller spoke regarding Boards & Commission, Root policy, the Code over-haul, Comprehensive Housing Plan, Habitat for Humanities, Light up Louisiana, and the 20th Anniversary of 9/11.

Council Member Franklin spoke regarding the applicants that spoke during the meeting and thanked them for speaking to the surrounding residents.

Council Member Frazier spoke regarding the 20th Anniversary of 9/11 and the trash that is on Highway 75.

City Manager Grimes spoke regarding Preparedness and America's Prepare-athon.

Mayor Fuller spoke regarding the 20th Anniversary of 9/11, Nonprofit organization Minutemen Disaster Relief, McKinney Firefighters, and Hurricane relief.

Council unanimously approved the motion by Mayor Pro Tem Rogers, seconded by Council Member Feltus, to adjourn the meeting at 8:39 p.m.

The video recording of this meeting is available online through the City of McKinney video archives.

These minutes were approved by the City Council on September 21, 2021.

SIGNED:

GEORGE C. FULLER, Mayor

ATTEST:

EMPRESS DRANE, City Secretary

JOSHUA STEVENSON, Deputy City Secretary

City of McKinney, Texas



BOIS D' ARC: HOMEOWNER COMMUNITY ENGAGEMENT

As a normal course of cultivating effective community relations, JPI DEVELOPMENT brings its weighty resources and best engagement practices to its business development strategies in advance of final site planning for **BOIS'D ARC** in McKinney, TX. It remains a fundamental cornerstone for any collaborative investment and promotes common interests between our company, city stakeholders, and the adjacent homeowners and business owners within the community.

To this end, JPI DEVELOPMENT has implemented a direct outreach program and market analysis of the nearby trade area, with special emphasis to engage the homeowners of **HARDIN VILLAGE**, a subdivision located directly to the South and is in close proximity to the 15.06 acres of vacant land that the subject of a rezoning application.

The following materials reflect our sincere efforts to engage and present relevant materials for our development proposal and initiate a conversation with neighbors to best respond to their noteworthy cares and concerns. JPI has already incorporated requested design changes from homeowners within its conceptual site plan and consider these improvements of mutual interest to all parties.

STEP #1

Introduction to Neighborhood

JPI canvassed the entire neighborhood of HARDIN VILLAGE with roughly **75** homes of which **50** appeared occupied, **14** were under construction, and the remainder were **11** vacant lots.

The day of the canvas JPI contacted approximately **12** neighbors in person who expressed various individual responses. The comments included an equal combination of opposition and indifference, but most all were interested in more information.

JPI left a printed letter at each home with an invitation and options to participate in 1) *an in-person or group meeting at their home*, 2) *a community meeting being held at a local coffee shop* or 3) *to provide greater flexibility, a group ZOOM meeting at the end of a business day*.





JPI DEVELOPMENT: BOIS D' ARC MULTIFAMILY COMMUNITY MEETINGS

JPI Development is an Irving-based real estate and development company that has applied for zoning approval with the City of McKinney regarding a proposed gated housing community to be located along Bois D' Arc Road, consisting of multifamily and townhome housing units and amenities built on roughly 15.06 acres of vacant land.

We build state-of-the-art multifamily communities located across the country that include innovative site planning and landscape designs to provide buffering for adjacent residential neighborhoods.

Our intent is to engage in a collaborative dialogue with local homeowners about the specific design and site plan for our proposed development along Bois D' Arc Road, listen to specific cares and concerns regarding our new community, answer homeowners' questions or respond to comments, and establish how we can best meet the collaborative needs of the local neighborhood and City of McKinney as a whole.

We offer three separate choices for engagement based upon individual homeowners' schedules and cordially invite you to one or all the following options:

OPTION #1: If you prefer a personal or group meeting at your home, please email me at jwp9225@gmail.com with your contact information and best day and time to meet, and I'll work to accommodate your request between Monday (8/30) through Friday (9/3).

OPTION #2: Attend in-person at an upcoming neighborhood discussion of the development this **Wednesday, September 1st, at 6:00pm CST**, at PJ's Coffee of New Orleans, 6091 West University Drive, Suite 100, McKinney, TX 75071 (SEC of Hwy 380 and Ridge Road).

OPTION #3: Participate in a ZOOM meeting call that is accessible through the following link. You simply click on the link from your computer and shall be automatically admitted to the meeting on **Thursday, September 2, at 6:00pm CST**.

<https://us02web.zoom.us/j/87887484718>

Please let us know how we can best accommodate your schedule and provide any information, as necessary.

Respectfully,

John W. Palmer, Community Coordinator
McKinney, TX 75072
Mobile: 248.752.6622
jwp9225@gmail.com

Miller Sylvan, Senior Vice President
600 E. Las Colinas Blvd., Suite 1800 | Irving, TX 75039
Office: 972-373-3931 | Mobile: 949-278-7762
Miller.Sylvan@jpi.com | www.jpi.com

STEP #2

Community Group Meeting

JPI held a community group meeting for HARDIN VILLAGE homeowners on **Thursday, September 1st, at 6:00pm CST**, at PJ's Coffee of New Orleans, 6091 West University Drive, Suite 100, McKinney, TX 75071 (SEC of Hwy 380 and Ridge Road).

JPI engaged with 8 participants who had relevant questions about problematic traffic congestion, proposed site planning and building heights, density, feasibility and required studies, future property values, JPI residency requirements and property management, fencing and landscaping, adjacent property ownership and maintenance, and other pertinent.

JPI responded with image boards that included satellite photos, conceptual sites plans, line-of-sight renderings to illustrate distances between building to building, and other materials to help landowners better understand the quality of what is being proposed and built, a timetable for approvals and construction, and specifics about the recognized reputation and deep resume of JPI as the developer.





JPI DEVELOPMENT

CITY OF MCKINNEY: COMMUNITY ENGAGEMENT MEETING

Date: Wednesday, September 1, 2021, at 6pm CST

Location: PJ's Coffee of New Orleans, 6091 West University Drive, Suite 100, McKinney, TX 75071

Hosts: **Miller Sylvan**, Senior Vice President
600 E. Las Colinas Blvd., Suite 1800 | Irving, TX 75039
Office: 972-373-3931 | Mobile: 949-278-7762
Miller.Sylvan@jpi.com | www.jpi.com

John W. Palmer, Community Coordinator
McKinney, TX 75072
Mobile: 248.752.6622
Jwp9225@gmail.com

SUMMARY

JPI De has invited local community residents to a forum to discuss the proposed gated housing community to be located along Bois D' Arc Road, McKinney, Texas, consisting of multifamily and townhome housing units and amenities built on roughly 15.06 acres of vacant land.

DISCUSSION POINTS

- I. JPI Company Resume
- II. History of Land Tract
- III. Boundary Survey
- IV. Conceptual Site Plan
- V. Exterior & Interior Renderings
- VI. Line of Sight Exhibit
- VII. Question & Answer

STEP #3

Community ZOOM Meeting

JPI held a community ZOOM meeting for HARDIN VILLAGE homeowners on **Thursday, September 2nd, at 6:00pm CST.**

JPI engaged with 4 participants online who likewise had relevant questions about problematic traffic congestion, proposed site planning and building heights, density, feasibility and required studies, future property values, JPI residency requirements and property management, fencing and landscaping, adjacent property ownership and maintenance, and other pertinent.

JPI responded with a PPT presentation that is included in this packet with the same pertinent information that was included in the previous meetings.

JPI continues to provide information as requested, as well as provide in-person group or individual meetings for homeowners.



JPI BOIS D'ARC
McKinney, TX

HARDIN VILLAGE HOMEOWNER PRESENTATION
Proposed Multifamily & Townhome Development
(15.06 Acres)

Meeting Agenda
JPI Company Resume
Future Land Use Map
Satellite Location Views
Conceptual Site Plan
Line-of-Sight Exhibit
Resident Questions & Answers
Contact

September 2, 2021



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HOMEOWNER MEETING AGENDA

SUMMARY

JPI Development has invited local homeowners from HARDIN VILLAGE to a ZOOM meeting to discuss the proposed gated housing community to be located along Bois D' Arc Road, McKinney, Texas, consisting of multifamily and townhome housing and amenities built on roughly 15.06 acres of vacant land.

DISCUSSION POINTS

- I. JPI Company Resume
- II. History of Land Tract
- III. McKinney Future Land Use Map
- IV. Boundary Survey & Proximity Map
- V. Conceptual Site Plan
- VI. Line of Sight Exhibit
- VII. Resident Questions & Answers
- VIII. Group Question & Answers



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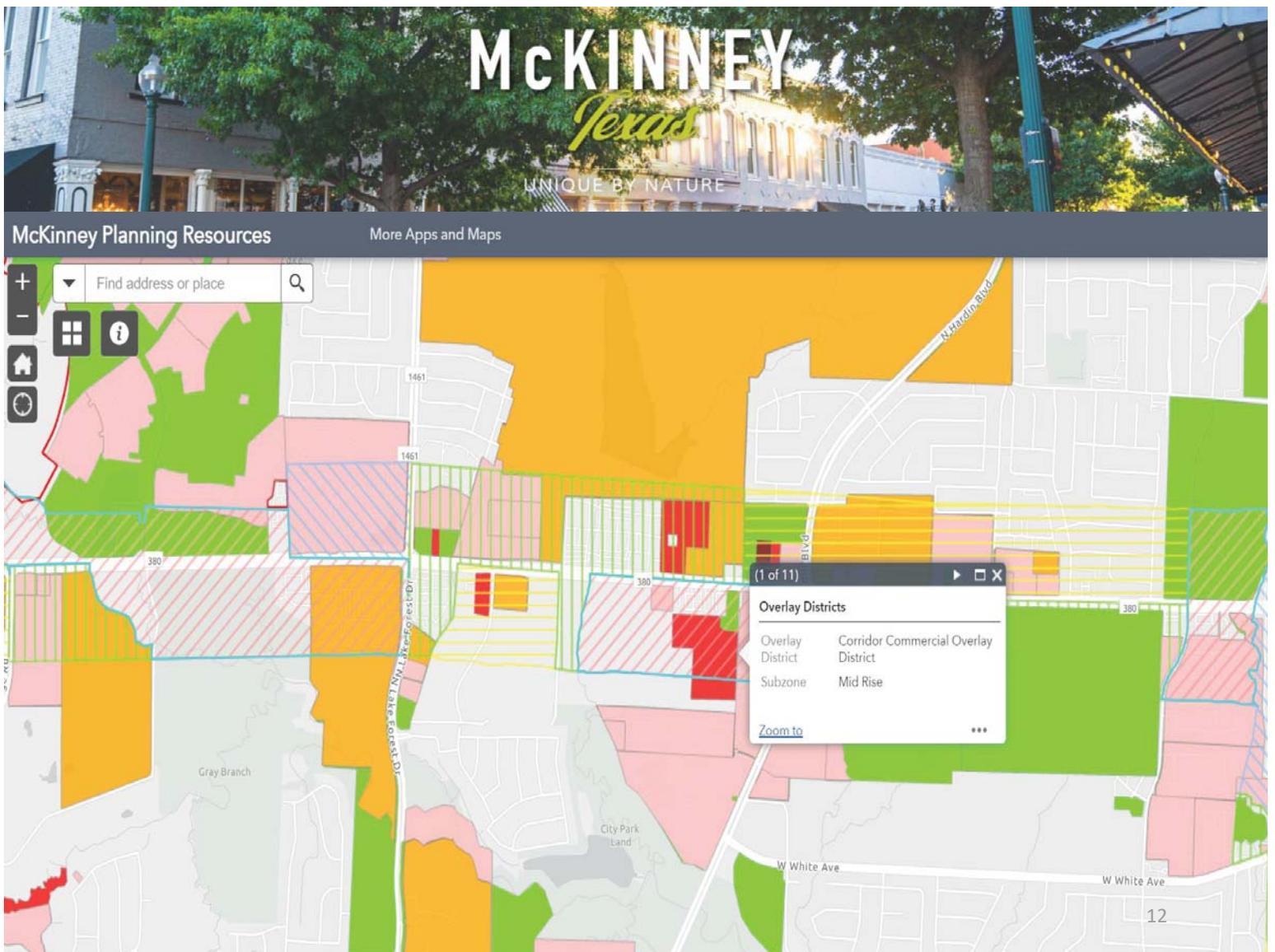
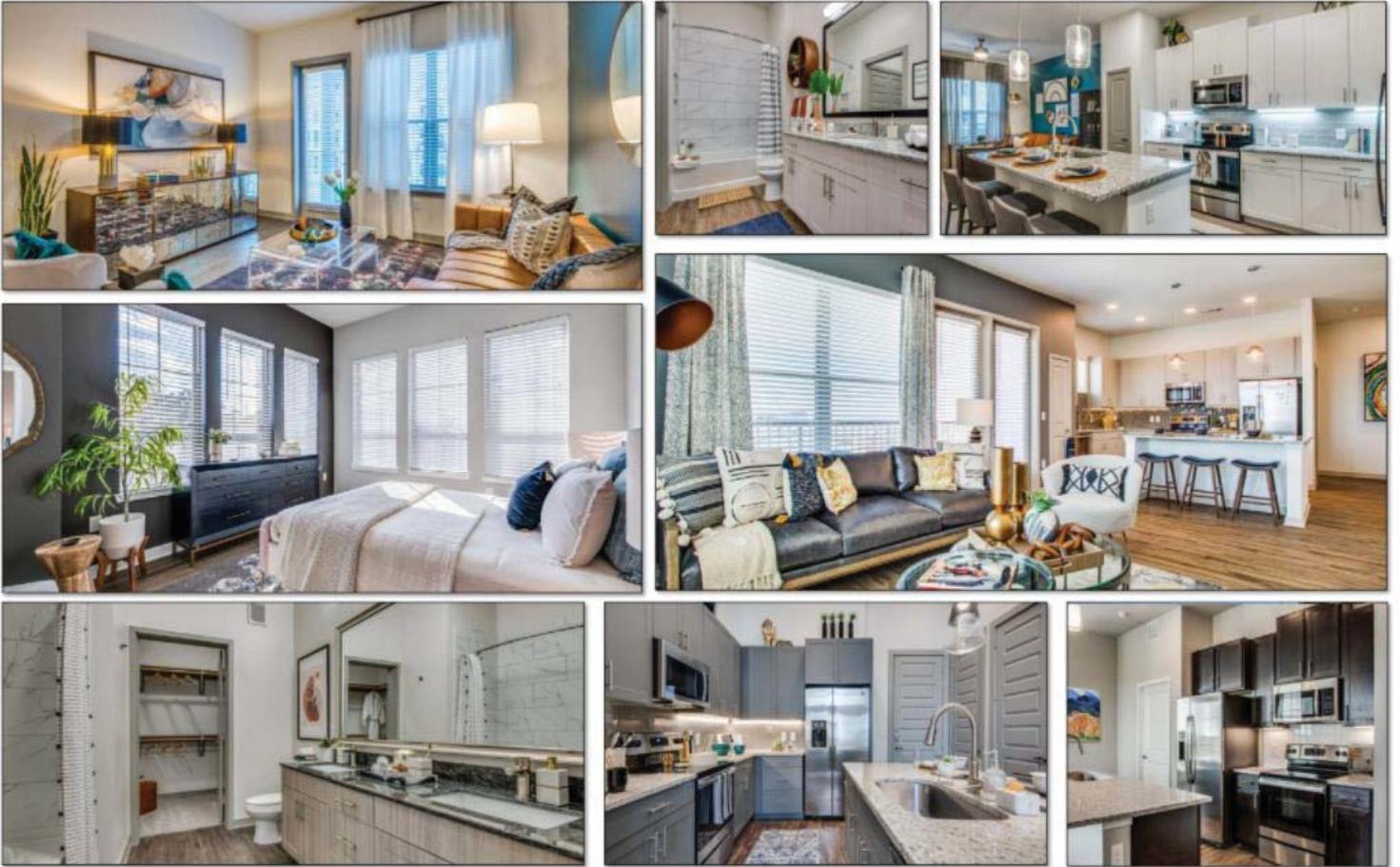


- Headquartered in Dallas-Fort Worth, with over **30 years** of development, construction and investment management experience.
- A fully integrated team of professionals in specialized fields: **Development, Acquisitions, Construction, Asset Management, Finance/Accounting and Project Capitalization.**
- A development and acquisition history of over **330 projects** consisting of over **98,000 homes** located in **140 cities** covering **27 States** and Canada, valued at over **\$13.2 billion.**
- Currently **30 communities** under various phases of development, consisting of over **10,000 homes** located in **17 different cities** at a value of over **\$2.9 Billion.**
- In DFW, JPI has developed **51** apartment communities totaling **20,122 homes.**



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8/30/2021 Question & Answer

I am curious how you plan to mitigate traffic on Bois De Arc. This road is becoming more and more congested by traffic trying to avoid the red light at Hardin and HWY 380.

Yes, we are experiencing unprecedented population growth due to an exodus of people leaving many other states and moving to North Texas. We agree that traffic congestion is of concern, not just along Bois D'Arc, but throughout all McKinney major thoroughfares. The influx of new single family and multifamily communities are compounded by the complementary need for commercial/retail businesses and additional traffic to service such planned growth. However, as is the case in all new and established neighborhoods, an independent and approved traffic study shall be submitted to the City of McKinney before any site plan can be approved. Consideration and analysis to improve access, reduce speeds for safety, limit turns, add deceleration lanes, and signalization are a part of these comprehensive traffic studies.

How will your drainage effect my neighborhood?

Just like with your single-family subdivision, our site plan application and approval process require an in-depth civil engineering and utilities plan to be submitted for consideration by the City of McKinney. The final design must meet rigorous city ordinance thresholds for storm water run-off and capture that ultimately eliminate current and future problems. Hence, new developments over time must invest in underground infrastructure that is never visible but creates greater collaborative user capacity and safety for the entire neighborhood.

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How will noise be mitigated from the apartment complex?

Likewise, noise and lighting mitigation studies ensure compliance and are a part of the regular site plan application and approvals process required by the City of McKinney. In addition, the private property located directly to the North of your subdivision, lengthy buildings distances for improved line-of-site, perimeter fencing, and considerable landscape buffering shall combine to offer less noise than currently exists between your own neighborhood single-family properties.

How will you insure that home values will not be negatively affected in the area?

All of us are concerned about property values and taxes, especially given the red-hot housing market we currently enjoy. Wisdom suggests that a gated multifamily community and performing asset located directly to the North of your subdivision will have no negative impact on home values. To the contrary, it has been established in other JPI communities that a \$ 80,000,000 capital investment may very well increase home values, especially when building on a vacant and unused land tract.

How will your community be walled or gated? E.G. Rot Iron, Brick, Sone, Concrete etc.?

Ours is a gated community with the highest residency qualifications and property management standards in the industry. We invest heavily in the initial design and quality building materials that create a long-term sustainable asset. New construction, effective property management with experienced on-site staff is in direct contrast to older, absentee owned properties that don't care about who lives there and what the property looks like 25 years from now.

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STEP #4

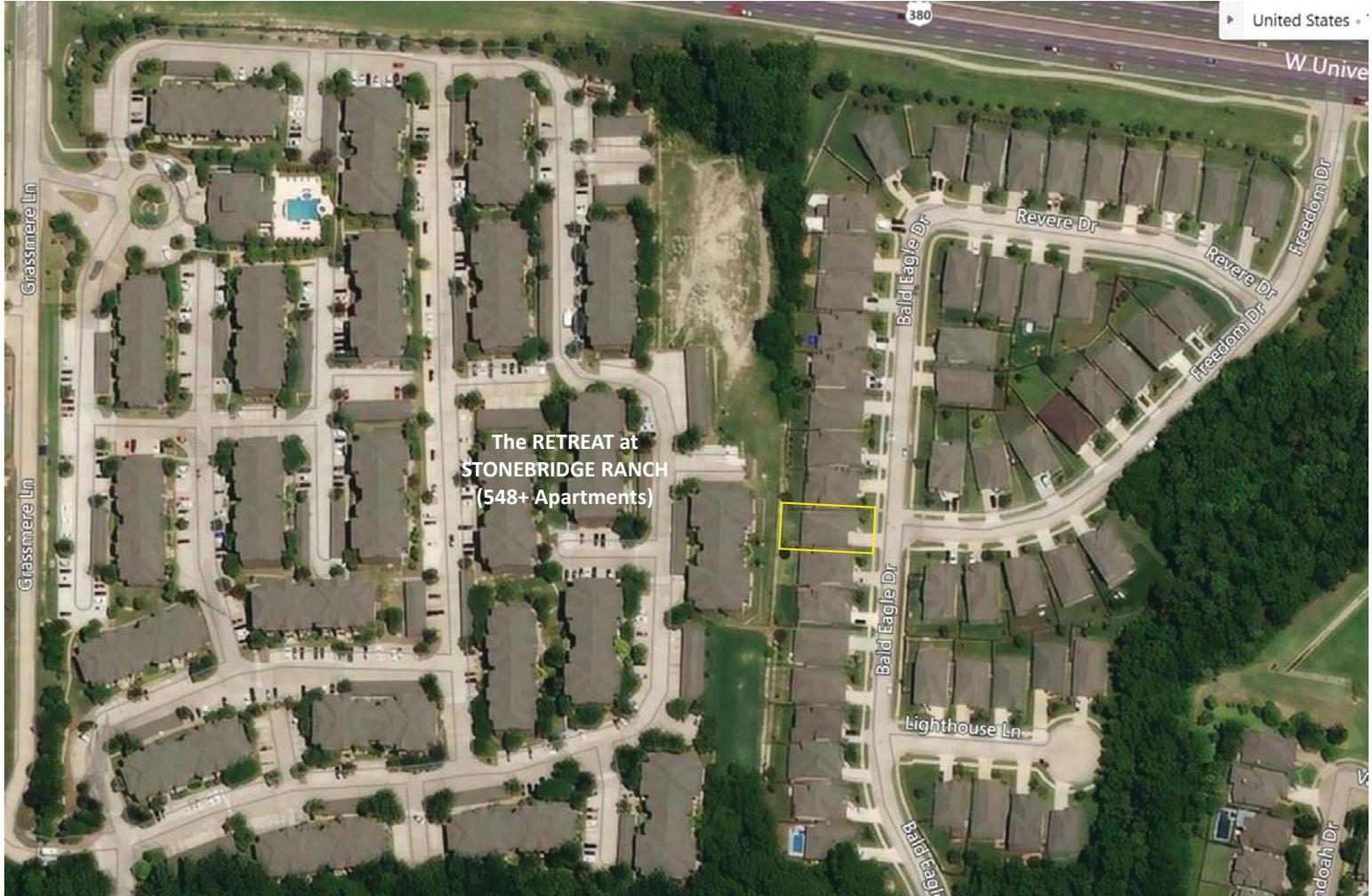
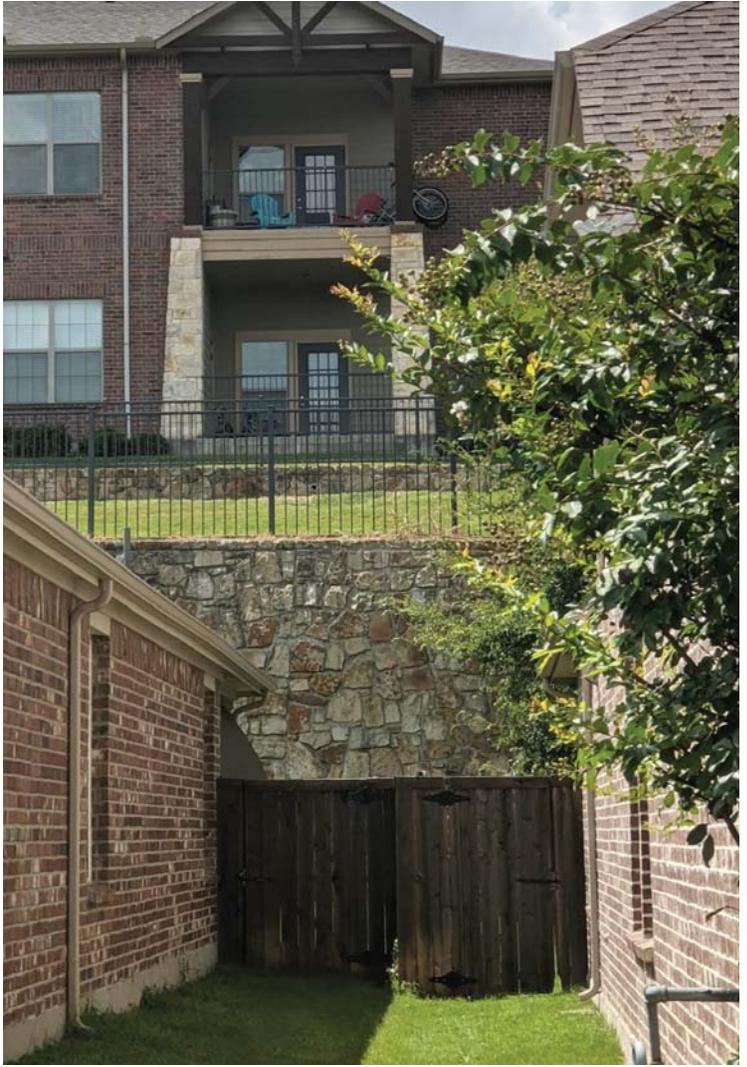
West McKinney Single Family & Multifamily Proximity Analysis

JPI has conducted a proximity case study of five multifamily to single family home distances that measure line-of-site for building-to-building. These case studies are included below and reflect comparative scope and scale, as well as illustrate real linear distances of multifamily complexes and their closeness to single family homes on the fence line.

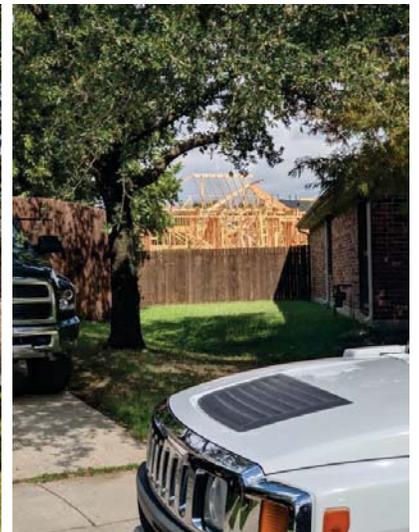
Our findings suggest that by comparison, many of the noted communities offer much shorter distances than are proposed at BOIS D' ARC, and in some case are dramatically less distances. In direct conversations with homeowners at a couple of these neighborhoods, no negative impacts to the single-family residences have been recorded, although their fence line is directly against these identified multifamily communities.

The same fact holds true for inquiries about potential reduction of property values, which is not the case homeowners who cited dramatic valuation increases and offers made to purchase over the last year.

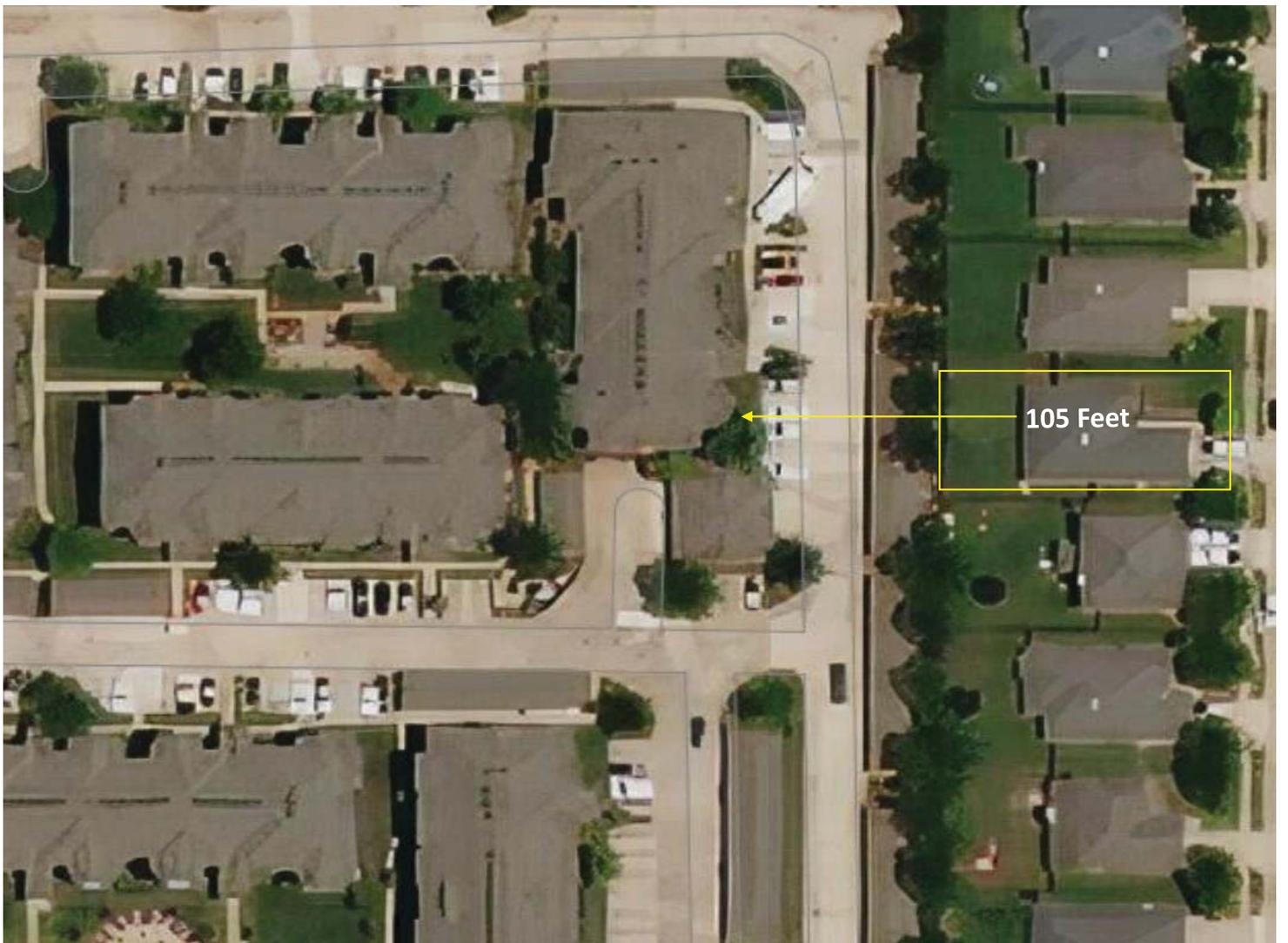
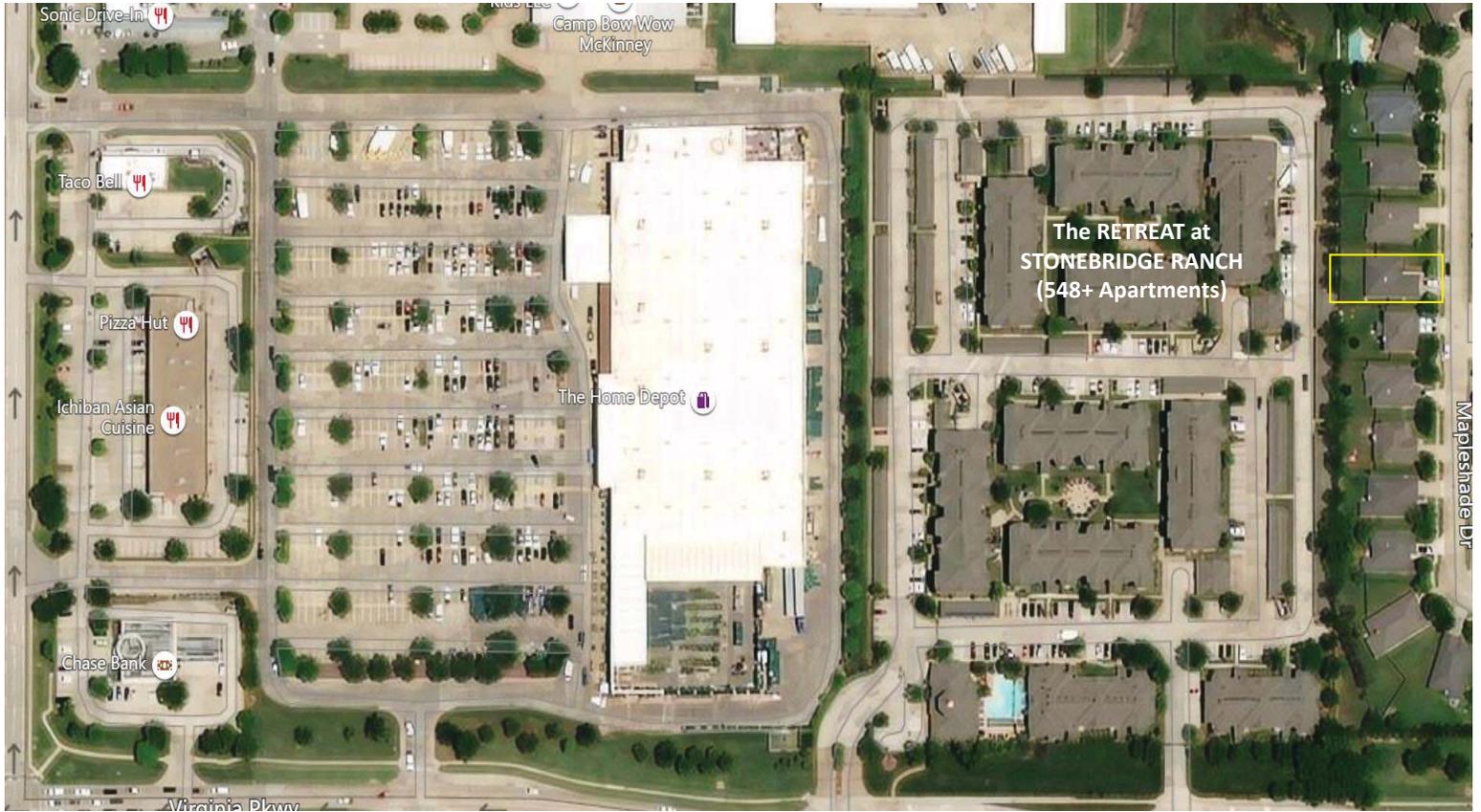




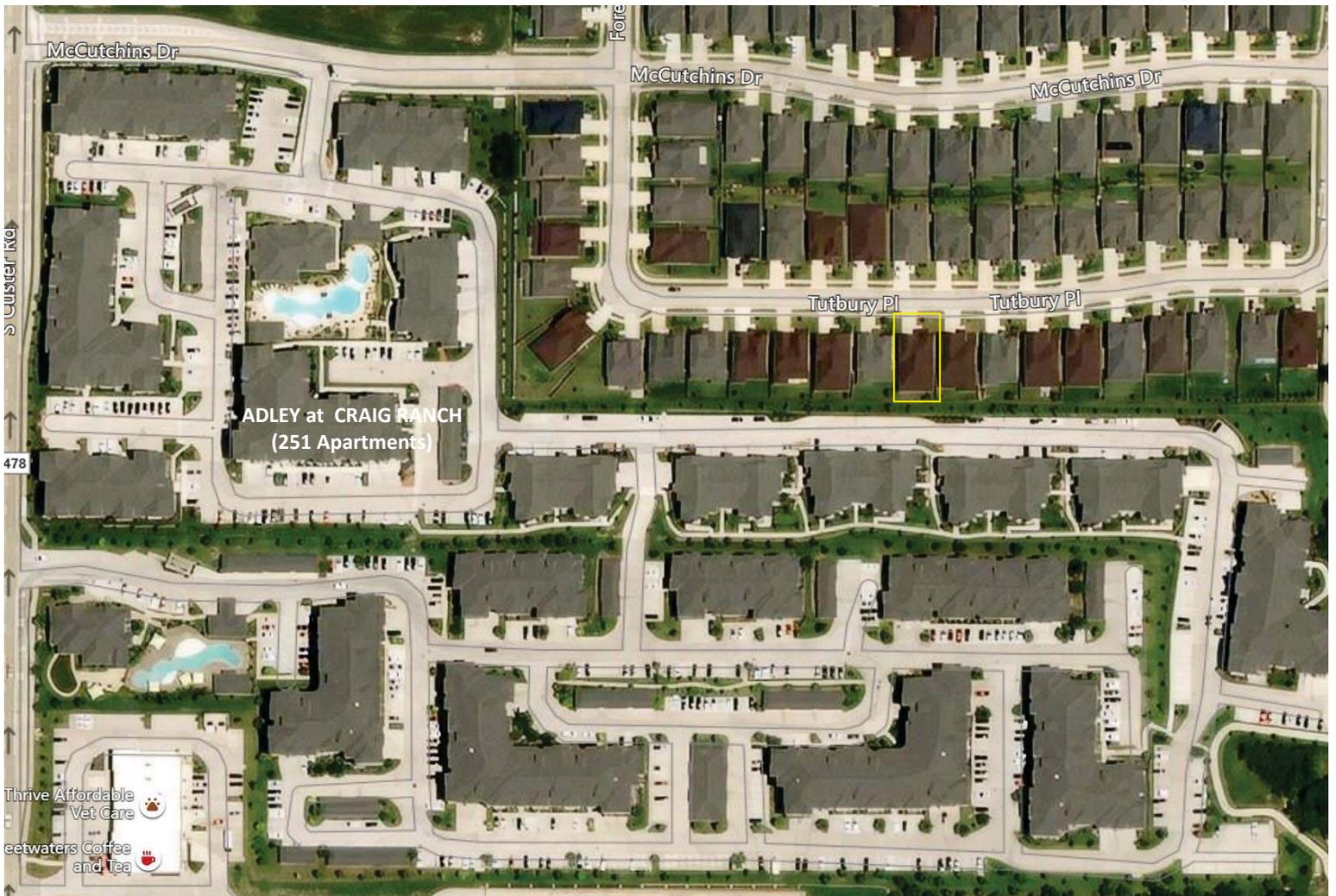
Appendix A – 21-0083Z3 Applicant Presentation



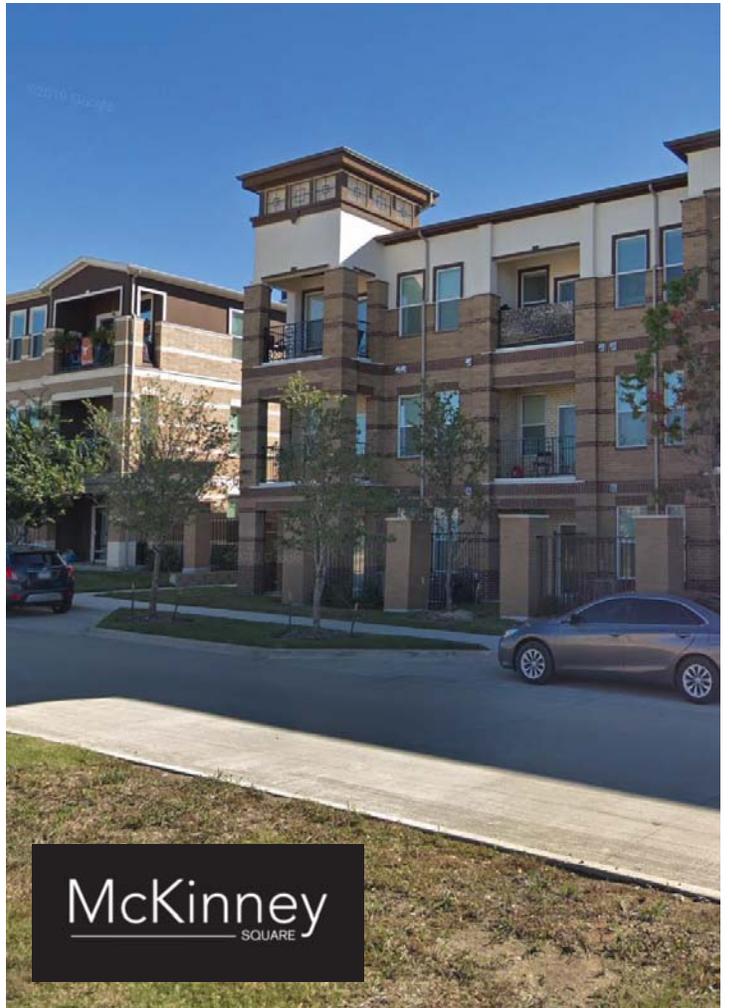
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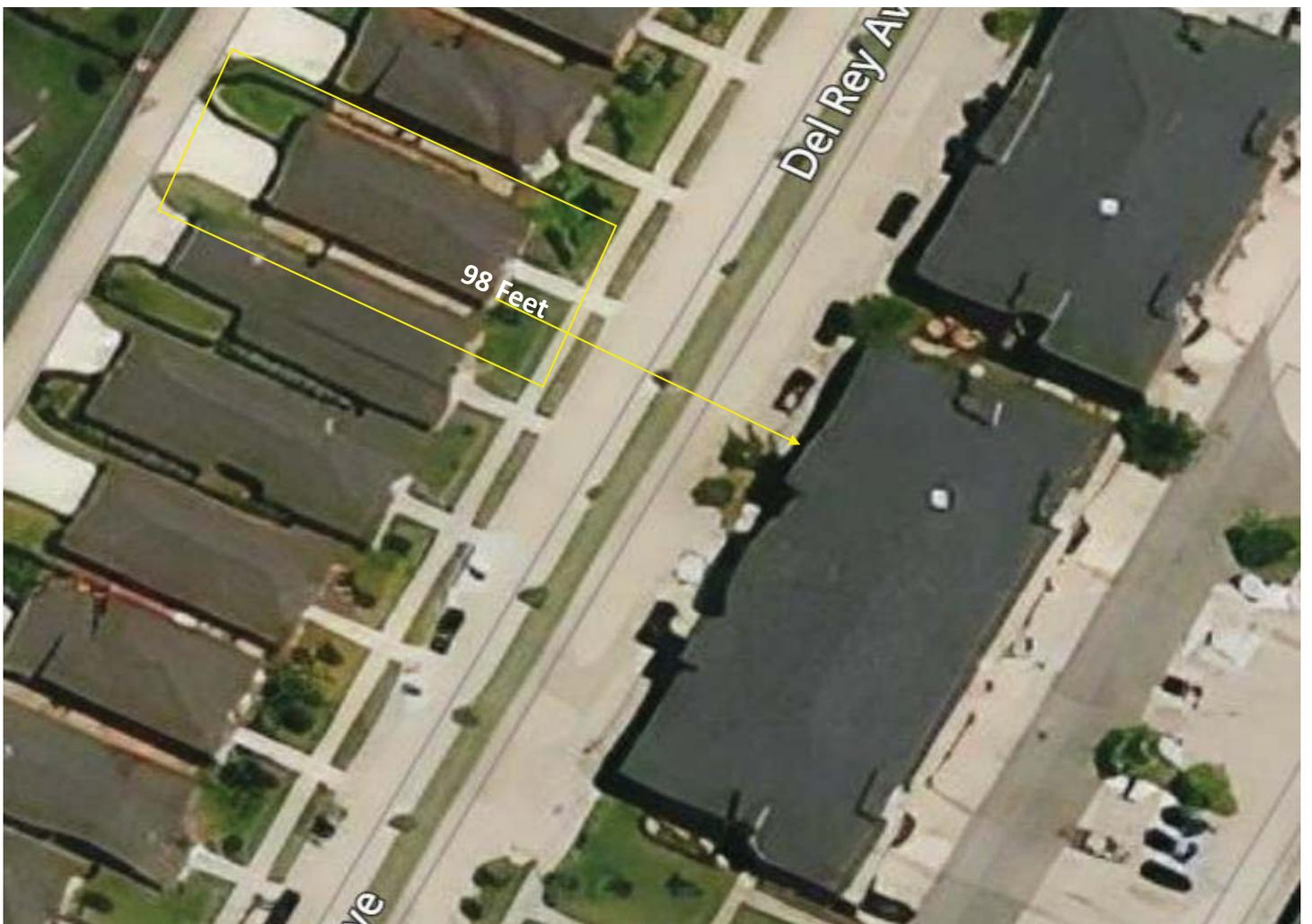
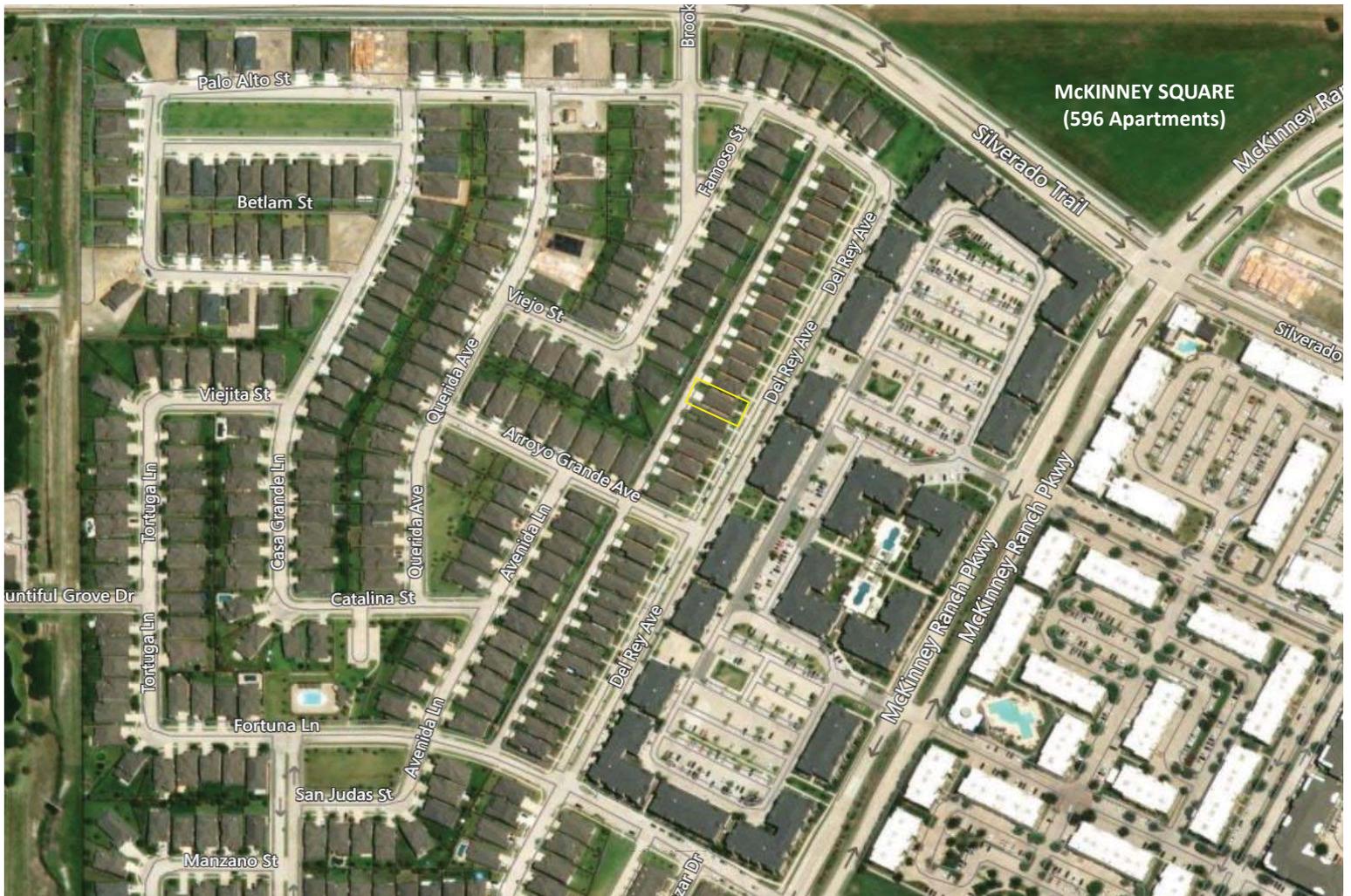
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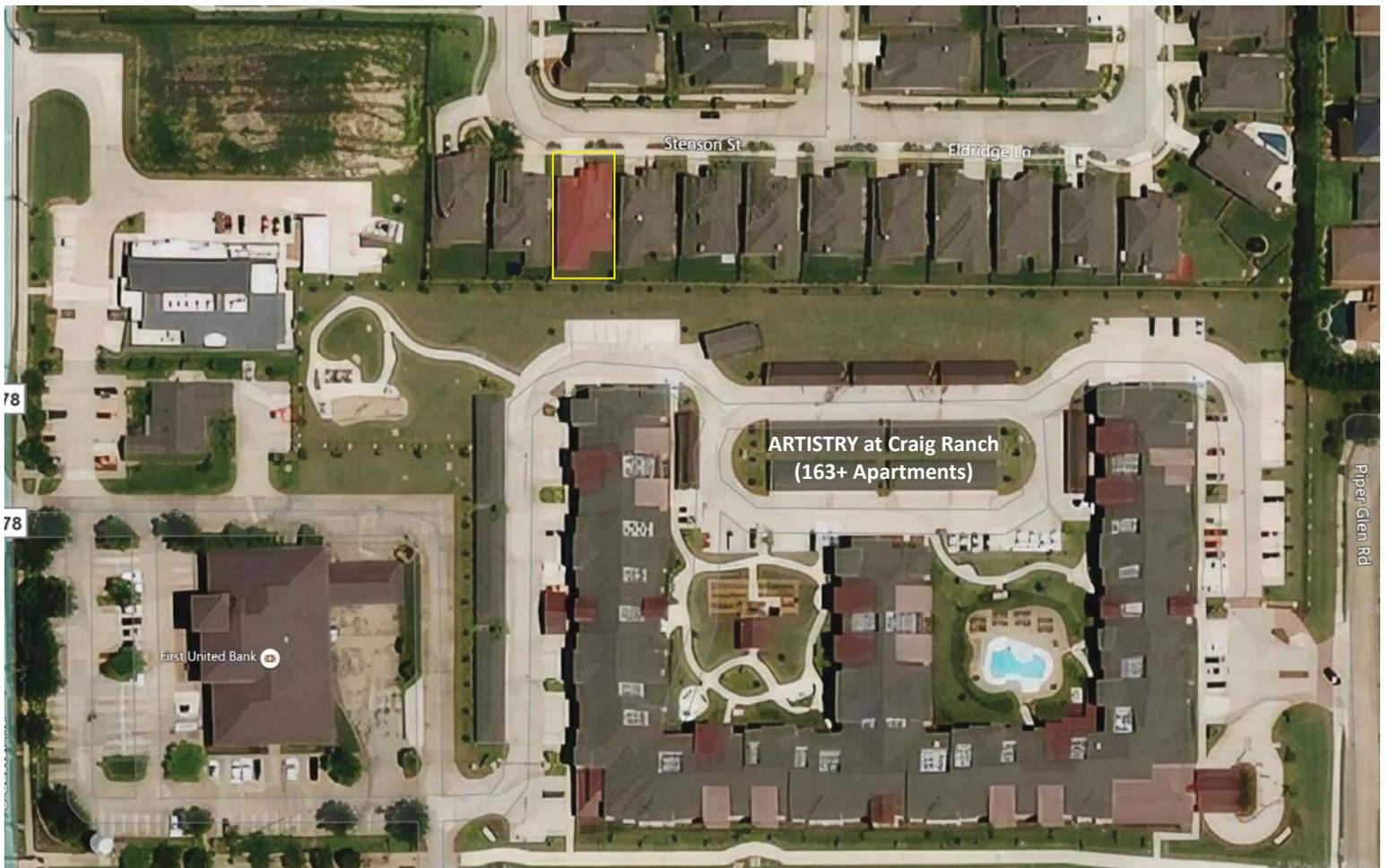
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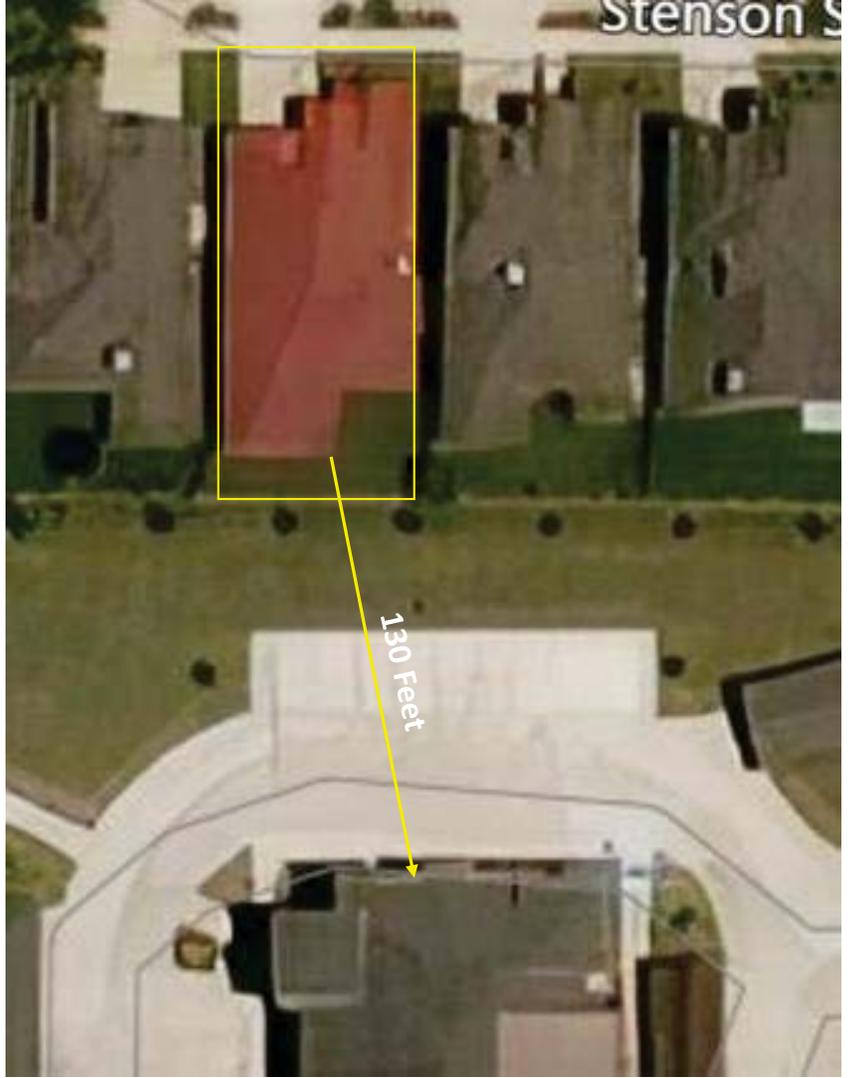
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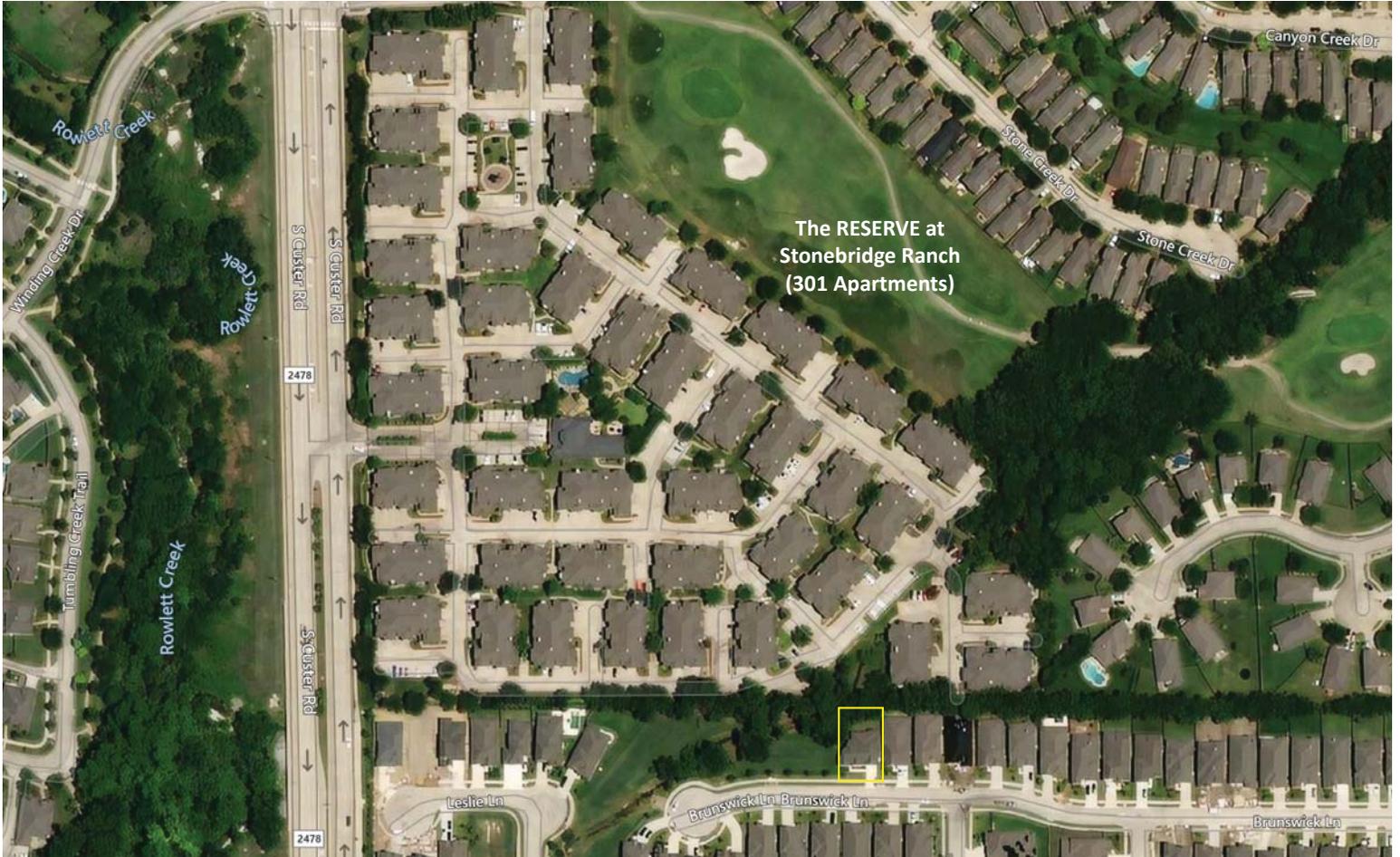
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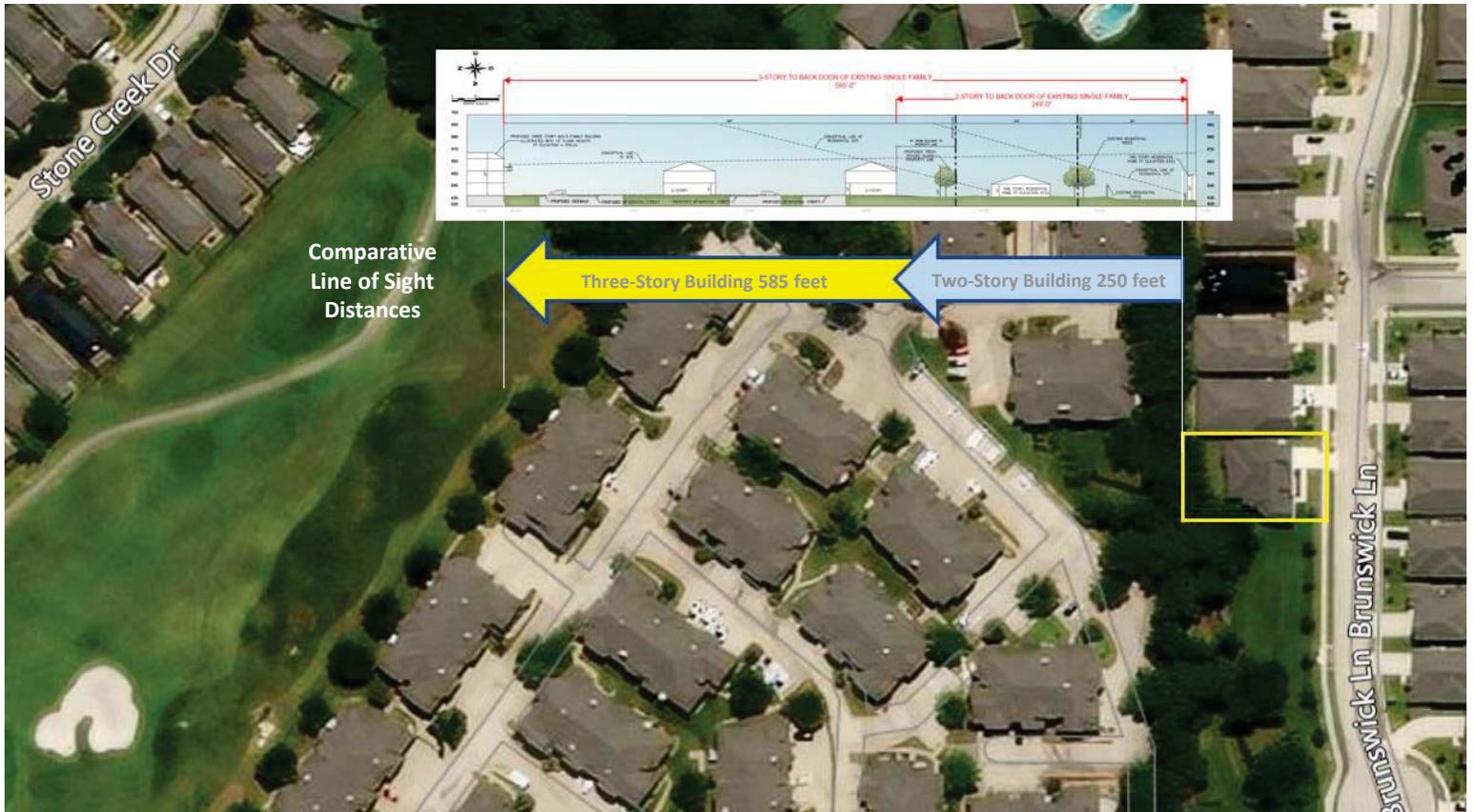
Purchased house in Melton Ridge Subdivision in McKinney that is adjacent to The RESERVE at Stonebridge Ranch (301 Apartments) on October 16, 2019 for a purchase price of: **\$510,000**



Hi John,
To get your exact offer price, click [here](#) to schedule a call with someone at Opendoor.

Your new Opendoor preliminary offer: **\$711,000**





Business Owner Outreach

JPI has canvassed many businesses in the immediate trade area and in close proximity to the proposed gated community at BOIS ' D ARC. In our many conversations, there has not been a single business in opposition to the proposed community, given the call and focus to provide new construction housing for employees and increase revenue that can support local businesses and planned growth in the area.



THANK YOU

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