

CITY COUNCIL REGULAR MEETING

JUNE 1, 2010

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on June 1, 2010 at 3:00 p.m.

Council Present: Mayor Brian Loughmiller, Council members: Ray Ricchi, Don Day, Geralyn Kever, Travis Ussery, and David Brooks. Absent: Mayor Pro-Tem Pete Huff.

Staff Present: City Manager Frank Ragan; Deputy City Manager Jim Parrish; Deputy City Manager Rick Chaffin; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Jennifer Cox; Planning - Guy Giersch; Executive Director of Development Services John Kessel; Director of Engineering Jack Carr; Chief of Police Doug Kowalski; McKinney Performing Arts Center - David Taylor, Lara Marsh, Joyce Nissen and Amy Rosenthal; Assistant Chief of Police Randy Roland; Planning - Michael Quint, Brandon Opiela, Guy Giersch, and Kevin Spath; Engineering - Robyn Root, Carla Easton, Paul Tucker, and Matt Richardson; Public Safety Chaplain Rickey Hargraves; Police Sergeant Scott Brewer; Library Director Beth Scudder; Parks, Recreation, and Open Space Director Lemuel Randolph; Assistant to the City Manager Aretha Harvey; and Communications and Media Manager Anna Folmsbee.

There were approximately 150 guests present.

Mayor Loughmiller called the meeting to order at 5:40 p.m. after determining a quorum was present. Invocation was given by Public Safety Chaplain Rickey Hargrave. Mayor Loughmiller led the Pledge of Allegiance.

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke in favor of agenda items 10-250 and 10-251 relating to the demolition of the historic post office:

Mr. Jay Halderman, 2736 Sylvan Way, McKinney

Mr. Chris Rickwartz, 307 W. Hunt, McKinney

Mr. Norman Dolch, 6209 Blackstone Dr., McKinney

Mr. Stan McWilliams, 2713 Virginia Pkwy, McKinney

Dr. Jim Palmer, 315 N. Church, McKinney

The following individuals spoke against agenda items 10-250 and 10-251 relating to the demolition of the historic post office:

Mr. Johnny Moore, 2728 Frontier Lane, McKinney

Ms. Brigitte Barnard, 604 W. Lamar, McKinney

Mr. Andy Harris, 514 W. Hunt St., McKinney

Mr. Rudy Littrell, 405 W. Hunt St., McKinney

Ms. Diane Craig, 309 N. Benge St., McKinney

Ms. Gretchen Gayowski, 603 Forest, McKinney

Mr. Duane Brown, 200 S. Bass, McKinney

Ms. Nina Ringley, 313 N Benge, McKinney

Ms. Brenda Waggoner, 705 N. Berge St, McKinney

The following individuals did not wish to speak but wished that their support of agenda items 10-250 and 10-251 be entered into the record:

Mr. David Madry, 407 W. Virginia, McKinney

Mr. Gary Clay, 5902 Summer Point, McKinney

Mr. Elliott Bradley, 1821 Meadow Ranch, McKinney

Ms. Barbara Tomes, 6009 Settlement Way, McKinney

Mr. Robert B. Tomes, 6009 Settlement Way, McKinney

Dr. Brad Wysong, 2707 Club Lake Tr., McKinney

Ms. Patti Sanders, 6505 Oak Hollow Lane, McKinney

Mr. John Braselton, 2486 CR 856, McKinney

Ms. Carolyn McGown, 105 E Virginia, McKinney

Mr. Tom Miller, 2612 Aspen, McKinney

Ms. Suzy Kuhlman, 1709 Pembroke, McKinney

Ms. Shona Dunson, 2905 Ellington Ct., McKinney

Ms. Cynthia Waddill, 4300 Wembley Ct., McKinney

Mr. Rich Elliott, 6012 Autumn Way, McKinney

Mr. Sean Patrick, 9212 Harrisburg, McKinney

Mr. Jay, R. Harvis, 505 Audubon Dr., McKinney

Ms. Catherine Kays, 7213 Meredith Court, McKinney

Mr. Nigel Smith, 803 N. Church St., McKinney

Ms. Ann Spaight, 1211 Big Bend, McKinney

Ms. Jennifer Patrick, 9212 Harrisburg Lane, McKinney

Mr. Mark Hanes, 2805 Quail View Dr., McKinney

Mr. Dan Kays, 7213 Meredith Ct., McKinney
Ms. Mary Nelle Cummins, 2022 Hillcrest Ct, McKinney
Ms. Cheridy Dodd, 3332 Woodglen, McKinney
Ms. Mollie McCune, 1709 Singletree, McKinney
Ms. Edith Banton, 608 Tucker, McKinney
Ms. Jan Elwell, 506 Wood Duck Lane, McKinney
Ms. Karen Mitzner, 1808 Victoria Creek, McKinney
Ms. Judy Cox, 2405 Forest Ct., McKinney
Ms. Ann Hubbard, 913 Grand Cypress Lane, McKinney
Mr. Steve Hubbard, 913 Grand Cypress Lane, McKinney
Mr. Jerry Malone, 800 Buckhill Drive, McKinney
Mr. Tom Pence, 4505 Knightbridge Dr., McKinney
Ms. Luanne Malnory, 1 Roberts Ave., McKinney
Mr. Greg Sweet, 5134 Mohegan Lane, Frisco
Ms. Jan Johnson, 2600 Cedarwood Ct., McKinney
Ms. Patty McWilliams, 2703 Club Lake Trail, McKinney
Ms. Ann Koenig, 2905 Gabriel Dr, McKinney
Ms. Vicki Risinger West, 2122 Redondo Dr., McKinney
Ms. Linda Faulk, 2202 Cherry Hill Lane, McKinney
Mr. Bob Roeder, 1700 Redbud #300, McKinney
Mr. John Faulk, 2202 Cherry Hill, McKinney
Ms. Sue Wagstaff, 303 Eagle Point, McKinney
Ms. Sally & Mr. Bill Selvidge, 262 Brookside Ct., McKinney
Ms. Jane Boyd, 5910 Autumn Pt. Dr., McKinney
Ms. Beverly Bess, 2112 Hobkirks Hill, McKinney
Ms. Vancie Hamm, 308 Paula Rd. McKinney
Ms. Sue Reeves, 870 Scenic Ranch Circle, Fairview
Ms. Patricia Roberts, 521 W. Hunt, McKinney
Mr. Jerry Roberts, 521 W. Hunt, McKinney
Ms. Nita Thedford, 505 Hunt, McKinney
Mr. and Mrs. Jim Staif, 2619 Brookside Ct. McKinney
Ms. Laurie Sweet, 5134 Mohegan Lane, Frisco

The following individuals spoke against agenda item 10-015Z regarding the rezoning request for AutoZone:

Mr. Jerry Patrick, 7516 Summer Glenn, McKinney

Ms. Christine Jenkins, 3100 New York Avenue, McKinney

Mr. Terry Gaddis, 6316 Baltic Avenue, McKinney

The following individual requested that sidewalks along Habersham Way be completed before the new McClure Elementary School opens. Mr. Chatham presented a petition in support of completing Habersham Way to Ridge Road to allow a safe access for the children to McClure Elementary School.

Mr. John Chatham, 6821 Studebaker Drive, McKinney

The following individuals spoke in support of the McKinney Performing Arts Center:

Mr. Jerry Rosenthal, 7623 Kevin Dr, Dallas

Ms. Laura Bartlett, 214 Colorado St., McKinney

Ms. Sara Akers, 1301 Custer Road, #706, Plano

Council unanimously approved the motion by Council member Ussery, seconded by Council member Brooks, to approve the following consent items:

- 10-258** Minutes of the City Council and the Planning and Zoning Commission Joint Meeting of May 17, 2010
- 10-259** Minutes of the City Council Work Session of May 17, 2010
- 10-260** Minutes of the City Council Regular Meeting of May 18, 2010
- 10-261** Minutes of the City Council Work Session of May 24, 2010
- 10-262** Minutes of the Animal Services Facility Advisory Committee Meeting of February 3, 2010
- 10-263** Minutes of the Library Advisory Board Meeting of March 18, 2010
- 10-264** Minutes of the McKinney Airport Development Corporation meeting of April 13, 2010
- 10-265** Minutes of the McKinney Main Street Board Meeting of April 15, 2010
- 10-266** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of May 13, 2010
- 10-267** Minutes of the Planning and Zoning Commission Meeting of May 11,

2010

- 10-241** Consider/Discuss/Act on a Resolution Authorizing a Construction Contract for the Throckmorton Street Drainage Project. Caption reads as follows:

RESOLUTION NO. 2010-06-072 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONSTRUCTION CONTRACT WITH RKM UTILITY SERVICES INC. FOR THE CONSTRUCTION OF THROCKMORTON STREET DRAINAGE IMPROVEMENTS

- 10-242** Consider/Discuss/Act on a Resolution Authorizing a Contract for the Reconstruction of Josephine Street from West Street to Church Street, and Oak Street from Tucker Street to Josephine Street. Caption reads as follows:

RESOLUTION NO. 2010-06-073 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR THE CONSTRUCTION OF THE JOSEPHINE AND OAK STREETS RECONSTRUCTION PROJECT

- 10-243** Consider/Discuss/Act on a Resolution Authorizing a Contract for Design Services for the Aerial Wastewater Crossings Improvements Project. Caption reads as follows:

RESOLUTION NO. 2010-06-074 (R)

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH RJN GROUP, INC. FOR DESIGN SERVICES FOR THE AERIAL WASTEWATER CROSSINGS IMPROVEMENTS PROJECT

- 10-244** Consider/Discuss/Act on a Resolution Authorizing the Award of a Contract with PSI Inc. for the Materials Testing on the Throckmorton Street Drainage Project. Caption reads as follows:

RESOLUTION NO. 2010-06-075 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE AWARD OF A CONTRACT WITH PSI, INC. FOR THE MATERIALS TESTING ON THE THROCKMORTON STREET DRAINAGE IMPROVEMENTS PROJECT

- 10-245** Consider/Discuss/Act on a Resolution Authorizing a Contract for Materials Testing Services on the Josephine and Oak Streets Construction Project. Caption reads as follows:

RESOLUTION NO. 2010-06-076 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR MATERIAL TESTING SERVICES FOR THE JOSEPHINE AND OAK STREET CONSTRUCTION PROJECT

- 10-246** Consider/Discuss/Act on a Resolution Amending the 2010-2014 Capital Improvements Program to Provide Funds for the Josephine & Oak Street Reconstruction Project. Caption reads as follows:

RESOLUTION NO. 2010-06-077 (R)

A RESOLUTION AMENDING THE 2010 – 2014 CAPITAL IMPROVEMENTS PROGRAM FOR THE CONSTRUCTION OF THE JOSEPHINE & OAK STREET RECONSTRUCTION PROJECT

- 10-247** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter Into an Interlocal Agreement with Collin County through its Department of Homeland Security for Sharing of Law Enforcement Data. Caption reads as follows:

RESOLUTION NO. 2010-06-078 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH COLLIN COUNTY THROUGH ITS DEPARTMENT OF HOMELAND SECURITY FOR SHARING OF LAW ENFORCEMENT

- 10-268** Consider/Discuss/Act on a Resolution Authorizing a Contract for the Construction of Traffic Signals at Three Locations. Caption reads as follows:

RESOLUTION NO. 2010-06-079 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ROADWAY SOLUTIONS, INC. FOR CONSTRUCTION SERVICES FOR TRAFFIC SIGNALS AT THREE INTERSECTIONS

- 10-269** Consider/Discuss/Act on a Resolution Authorizing a Contract for Material

Testing Services Related to the Construction of Traffic Signals at Three Locations. Caption reads as follows:

RESOLUTION NO. 2010-06-080 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH PROFESSIONAL SERVICES INDUSTRIES, INC. FOR MATERIAL TESTING SERVICES ON TRAFFIC SIGNALS AT THREE LOCATIONS

- 10-270** Consider/Discuss/Act on a Resolution Authorizing a Contract for Engineering Design Services of the US 75 Utility Relocation - South Section Project. Caption reads as follows:

RESOLUTION NO. 2010-06-081 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT FOR ENGINEERING DESIGN SERVICES FOR US 75 UTILITY RELOCATION – SOUTH SECTION

- 10-248** Consider/Discuss on a Facilities Agreement with Earl B. Milstead to Defer Construction of Required Improvements for Lot 22 of the W.J.S. Russell's 2nd Addition.

- 10-271** Mayor Loughmiller called for Consideration/Discussion/Action on City Council Election of Mayor Pro-Tem. Council unanimously approved the motion by Council member Ussery, seconded by Council member Kever, to elect Pete Huff as Mayor Pro-Tem.

Council member Ricchi left the meeting at 6:15 p.m.

- 10-015Z** Mayor Loughmiller called for Consideration/Discussion/Action on the Request by AutoZone Texas, L.P., on Behalf of ASG Eldorado Pavilion, Ltd., for Approval of a Request to Rezone Approximately 1.36 Acres from "PD" - Planned Development District to "PD" - Planned Development District, to Allow Neighborhood Business Uses, Located on the West Side of Ridge Road and Approximately 350 Feet South of Eldorado Parkway, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is requesting to rezone the subject property for commercial uses to build an AutoZone store. Ms. Cox stated that the

subject property was included in an approximately 220-acre area that was zoned "PD" - Planned Development District in 1998 that provided for a mixture of uses including office, retail, multiple family residential, park/open space, and single family residential. The subject property has been designated for office uses to act as a transition/buffer between the retail-related uses along Eldorado Parkway and the low density residential neighborhood to the south. Ms. Cox stated that staff is recommending denial of the rezoning request. Ms. Cox stated that since this item was tabled at the May 18th meeting, the applicant has met with the residents of the adjacent subdivision. At that meeting, the applicant offered to limit some of the uses on the property and they offered to construct the required masonry wall along the entire property line at one time rather than being constructed as development occurred as would be required by the Ordinance. The residents have indicated that they still oppose the rezoning even with those provisions offered by the applicant. Applicant, Mr. Bob Roeder, 1700 Redbud Trail, McKinney, requested that the Council agree with the Planning and Zoning Commissions favorable approval. Council member Kever stated that she does not feel that this is the right location for AutoZone and she supports the residents. Council member Day expressed his support of this zoning request. Council approved the motion by Council member Kever, seconded by Council member Brooks, to deny AutoZone's rezoning request with a vote of 4 - 1 - 0, with Council member Day voting against.

Council member Ricchi returned to the meeting at 7:30 p.m.

10-250

Mayor Loughmiller called for Consideration/Discussion/Action on the Request by Mr. Alan Heath, for First United Methodist Church, to Appeal the Decision by the Historic Preservation Advisory Board to Deny a Certificate of Appropriateness for the Demolition of the Building at 102 West Lamar Street. Historic Preservation Officer Guy Giersch stated that the City of McKinney Zoning Ordinance, requires the following standards,

guidelines and criteria to be used in a balanced evaluation of the request for a Certificate of Appropriateness: 1) The Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, 2) checklist of design elements (not applicable for demolition), and 3) the preservation priority rating of the building according to the Historic Resource Survey. Mr. Giersch stated that the proposed demolition of this building is not in keeping with the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings. According to the information outlined in the Building Site section of the Standard's, it is recommended that, in order to preserve the historic character of a site, features that are important in defining the overall historic character be identified and retained. It is not recommended to remove or radically change buildings and their features or site features that are important in defining the overall historic character of a building. In other words, once the building is gone, the historic character is lost. Mr. Stan McWilliams, Chairman of the Board of Trustees of the First United Methodist Church, 2713 Virginia Pkwy., Ste. 100, McKinney, TX 75071, gave a presentation to the Council regarding the Certificate of Appropriateness Application and the Certificate of Economic Hardship Application. He presented the reasons that the First United Methodist Church is requesting the demolition of the property and what they intent to build in its place. He stated that they are requesting permission to raze the old Post Office building and replace it with a building dedicated to their church youth. He stated that their Church had been founded in 1851. He stated that when the Post Office property became available, it seemed logical that their Church purchase it. He stated that this property fit into their long term plan for addressing the Church's future needs. The Church felt that if they could refurbish the building at a realistic and reasonable cost, then it would be a speedy, if temporary, solution to their youth and children's space challenges. Mr. McWilliams stated that the estimates topped two million seven hundred

thousand dollars (\$2,700,000). He stated that, regardless of how much money they spend, they will have an old building with serious space restrictions, use limitations, and energy issues. Reverend Douglas Fox, 475 Wood Ridge Dr., McKinney, stated that the Church is committed to staying in downtown McKinney. Council unanimously approved the motion by Council member Day, seconded by Council member Brooks, to approve the request by Mr. Alan Heath, for First United Methodist Church, to approve a Certificate of Appropriateness for the Demolition of the Building at 102 West Lamar Street with the following conditions: Prior to issuance by the Chief Building Official of a permit to demolish the building at 102 West Lamar, a building permit shall have been issued for the construction of a new building on the same site or on the adjacent site immediately to the south.

10-251 Mayor Loughmiller called for Consideration/Discussion/Action on the Request by Mr. Alan Heath, for First United Methodist Church, to Appeal the Decision by the Historic Preservation Advisory Board to Deny a Certificate of Economic Hardship for the Demolition of the Building at 102 West Lamar Street. Council unanimously approved the motion by Council member Day, seconded by Council member Kever, to approve request by Mr. Alan Heath, for First United Methodist Church, for a Certificate of Economic Hardship for the demolition of the building at 102 West Lamar Street with the following condition: prior to issuance by the Chief Building Official of a permit to demolish the building at 102 West Lamar, a building permit shall have been issued for the construction of a new building on the same site or on the adjacent site immediately to the south.

10-249 Mayor Loughmiller called for a Public Hearing on Application #10-05 as Submitted by ManeGait Therapeutic Horsemanship Requesting Two Hundred Fifty Thousand (\$250,000) for Construction of a Covered Riding Arena. McKinney Community Development Corporation Executive

Director Cindy Schneible presented the request to fund a covered riding arena. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Brooks, seconded by Council member Kever, to approve \$125,000 for Construction of a Covered Riding Arena to ManeGait Therapeutic Horsemanship.

10-032SUP Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on a Request by G. M. Geer Engineering and Surveying, on Behalf of Joe Reyes, for Approval of a Specific Use Permit for a Private Club, Approximately 0.11 Acres, Located on the South Side of Louisiana Street and Approximately 100 Feet West Of McDonald Street, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is requesting approval of a Specific Use Permit (SUP) in order to designate the proposed restaurant, Dawgs N Hawgs, as a private club. The proposed private club will be located on the south side of Louisiana Street and approximately 100 feet west of Highway 5 (McDonald Street), in the Commercial Historic District and within the Historic Preservation Overlay District. She stated that the applicant has met all the requirements necessary to allow a private club in the City of McKinney, including adequate floor area, minimum seating requirements, and minimum distances from schools, churches, hospitals and parks. Ms. Cox stated that staff is recommending approval. Applicant, Ms. Sherry Williams, 1514 N. McDonald Street, McKinney, was available to answer questions from the Council. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Ussery, to close the public hearing and approved the Ordinance granting a Specific Use Permit for a Private Club, approximately 0.11 acres, Located on the south side of Louisiana Street and approximately 100 feet west Of McDonald Street, and Accompanying Ordinance.

Caption reads as follows:

ORDINANCE NO. 2010-06-015

AN ORDINANCE AMENDING CHAPTER 146 (ZONING REGULATIONS) OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE CLUB (DAWGS N HAWGS), Located ON THE SOUTH SIDE OF LOUISIANA STREET AND APPROXIMATELY 100 FEET WEST OF STATE HIGHWAY 5 (MCDONALD STREET); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

09-123MRP Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by Geer Engineering and Surveying, on Behalf of Earl B. Milstead, for Approval of a Minor Replat for Lots 19R and 22, Block 8, of the W.J.S. Russell's 2nd Addition, Approximately 0.46 Acres, Located Between Rockwall Street and Lindsey Street and Approximately 300 Feet North of Elm Street. Planning Director Jennifer Cox stated Council unanimously approved the motion by Geralyn Kever, seconded by David Brooks, to Approved 09-123MRP Conduct a Public Hearing to Consider/Discuss/Act on the Request by Geer Engineering and Surveying, on Behalf of Earl B. Milstead, for Approval of a Minor Replat for Lots 19R and 22, Block 8, of the W.J.S. Russell's 2nd Addition, Approximately 0.46 Acres, Located Between Rockwall Street and Lindsey Street and Approximately 300 Feet North of Elm Street, with the following condition: the applicant satisfy the following conditions as shown on the Standard Conditions for Minor Replat Approval Checklist: prior to issuance of a development permit: approval of public improvement construction plans, including location of any required sidewalks, Hike and Bike Trails, and fire hydrants, by the City Engineer, approval of utility construction plans by the City Engineer, approval of grading and drainage plans by the City Engineer, the applicant comply with the requirements of the Tree Preservation Ordinance and obtain any necessary tree permits within the time frames

specified within the Ordinance, subject to review and approval by the City Arborist, prior to filing the record plat for recordation: acceptance of all required public improvements by the City Engineer, unless otherwise specified within an approved facilities agreement, the applicant provide any additional easements as determined necessary by the City Engineer, the applicant satisfy park land dedication obligations, in accordance with Article VI of the Subdivision Ordinance, subject to review and approval by the Director of Parks and Recreation, and prior to issuance of a building permit: payment of impact fees in accordance with Ordinances 2008-10-174 (utilities) and 2008-10-173 (roadway), or as specified within an approved facilities agreement or development agreement; Prior to filing the plat for record: the applicant revise the plat by providing the filing information for the separate instrument dedicating 10 feet of right-of-way for the expansion of Lindsey Street.

05-384Z Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Request by C&C Development LP, on Behalf of Craig Children's Trust, for Approval of a Request to Rezone Approximately 7.28 Acres from AG - Agricultural District to PD Planned Development District, Generally for Office and Commercial Uses, Located on the East Side of Lake Forest Drive and Approximately 1,000 Feet South of U.S. Highway 380, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is proposing to rezone approximately 7.28 acres of land, located on the east side of Lake Forest Drive and approximately 1,000 feet south of U.S. Highway 380 (University Drive) from AG - Agricultural District to PD - Planned Development District, generally for office and commercial uses, to allow some low intensity uses, and some modifications to the front and rear setback and building heights. Applicant, Mr. Mac McCloud, 6850 TPC Drive, McKinney, stated that they agree to staff's recommendations and requests favorable approval. Council unanimously approved the motion

by Council member Ussery, seconded by Council member Brooks, to approved the Ordinance rezoning approximately 7.28 acres from AG - Agricultural District to PD Planned Development District, generally for office and commercial uses, located on the east side of Lake Forest Drive and approximately 1,000 feet south of U.S. Highway 380, with the following special ordinance provisions: the subject property be developed according to O - Office District regulations of the Zoning Ordinance, except as follows: the minimum front yard setback shall be 25 feet, the minimum rear yard setback shall be 25 feet, the maximum building height shall be 25 feet, and all uses listed in the Retail and Service Uses Section of the Schedule of Uses (Appendix F, Section F-4 of the Zoning Ordinance) shall be permitted except as follows: automobile related uses shall not be permitted, and drive-in and drive-through uses shall not be permitted. Caption reads as follows:

ORDINANCE NO. 2010- 06-016

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 7.28 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF LAKE FOREST DRIVE AND APPROXIMATELY 1,000 FEET SOUTH OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT 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

Mayor Loughmiller called for Council and Manager Comments.

Council member Brooks stated that he appreciated the citizens that came to the meeting tonight to express their opinions, thoughts and concerns. "You hate nights like this in a lot of ways because some people leave disappointed and sometimes a lot of people leave disappointed. No one likes to do that but he believes that the Council shares a commitment to the future of this City."

Council member Ussery thanked Staff for all the work that they do that is never seen but is appreciated very much. Mr. Ussery wished Mayor Pro-Tem Huff a continued recovery.

Council member Ricchi wished Mayor Pro-Tem Huff the best of luck for a speedy recovery. Mr. Ricchi expressed gratitude to Nancy Huff for her patience and the great care she is giving to Pete. Mr. Ricchi expressed his appreciation to the Council and the audience for their indulgence for allowing him to leave the meeting to attend his daughter's 8th grade graduation. Mr. Ricchi congratulated and best wishes to the 350 kids that graduated from Dowell Middle School and are now heading off to High School. Mr. Ricchi congratulated Dr. Jennifer Buchanan and all the volunteers who made last Sunday's Smiles for Habitat concert so successful. A lot of money was raised to help support Habitat for Humanity and a family that was homeless will soon be in a new home. Mr. Ricchi stated that the concert was attended by nearly 12,000 people who all sang Happy Birthday to Mayor Loughmiller in honor of his 50th birthday.

Council member Day did not have any comments.

Council member Kever announced that US 380 and Bloomdale Road along Highway 75 construction project was awarded last month. Ms. Kever informed the audience that it costs between \$4.2 to \$5.3 million to build one lane mile of highway and between \$1 and \$1.5 million to build a major city street.

Mayor Loughmiller stated that he attend two Memorial Day ceremonies this past weekend. The 26th annual Pecan Grove Memorial Day ceremony was a very moving celebration. Mr. Loughmiller sent prayers to U.S. Congressman Sam Johnson who couldn't be at the Pecan Grove ceremony due to the illness of his wife. Mr. Loughmiller stated that the other ceremony he attended was held at the Roth Cemetery which is an old black cemetery dating back to the mid-to late 1800s. There is a group of several churches who have came together to restore that cemetery. They are searching for markers for people who have served in various wars including buffalo soldiers who served post civil war, WWI and WWII. "We need to pay tribute to all of our soldiers at both Pecan Grove and Roth Cemeteries because they are all an important part of our history." Mr. Loughmiller encouraged everyone to go to the Veterans Memorial website and remember the listed veterans from Collin County and McKinney who died while serving our Country. "It is very significant to look at each battle back to World War I, World War II, Korean War, Vietnam, Afghanistan, and the War on Terrorism. We have had McKinney residents that have died serving our country in all of those efforts

including most recently Brian Smith who was recognized at the Pecan Grove ceremony who died in Iraq.”

City Manager Ragan extended well wishes to Pete Huff for a speedy recovery.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller recessed the meeting into executive session at 8:08 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.072 Discuss Real Property, as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 8:20 p.m.

Council unanimously approved the motion by Council member Ricchi, seconded by Council member Brooks, to adjourn. Mayor Loughmiller adjourned the meeting at 8:25 p.m.

BRIAN LOUGHMILLER, Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary