CITY COUNCIL REGULAR MEETING

APRIL 17, 2012

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on April 17, 2012 at 6:00 p.m.

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

Staff Present: City Manager Jason Gray; Deputy City Manager Joe Williams; City Attorney Mark Houser; City Secretary Sandy Hart; Assistant to the City Manager Aretha Harvey; Director of Development Services Rob Daake; Planning Director Jennifer Cox; Director of Engineering Jack Carr; Arborist Emily Braht; Traffic Engineer Robyn Root; Airport Director Ken Wiegand; Grants Coordinator Janay Tieken; Affordable Housing Administrator Cristel Todd; Community Development Block Grant Administrator Shirletta Best; Planners - Arrie Mitchell and Alex Glushko; Chief of Police Doug Kowalski; Assistant Fire Chief Neil Howard; Fire Chief Danny Kistner; Assistant Fire Chief Tim Mouk; Municipal Judge Roger Dickey; Police Officer Eric Stephens; Plans Examiner Jeff Harris; Communications and Marketing - CoCo Good and Anna Clark; Firefighters - Dwayne Henderson, Chris Lowry, Jeremy Spencer, Charlie Skaggs, Mike Roberts, Gregg Mulkey, Robert Clark, Ben Venable, Thomas Kosten, Paul Testa, Scott Barnett, and Dane Crocker.

There were approximately 65 guests present.

Mayor Loughmiller called the meeting to order at 6:08 p.m. after determining a quorum present. Council member David Brooks gave the invocation. Mayor Loughmiller led the Pledge of Allegiance.

INFORMATION SHARING

12-191 McKinney Firefighter Recognition. Chief Danny Kistner presented the Firefighters that were recently promoted. Chief Kistner read a Proclamation recognizing April as Wild Fire Awareness month.

12-235 McKinney Health Challenge Days Proclamation. Mayor Loughmiller presented the Proclamation for the McKinney Health Challenge Days.

Mayor Loughmiller called for Citizen Comments

The following individuals spoke in support of Dawgs n Hawgs:

Ms. Shelley Miller, 3818 Rochelle Rd. Irving

Mr. Billy Wier, Farmersville Texas

Mr. Peter Bailey, 2003 Skyline Drive, McKinney spoke about an issue with a shooting between a member of the Citizens on Patrol and a young man that occurred in Florida

The following individuals did not wish to speak but wanted their support of Dawgs n Hawgs entered into the record:

Ms. Melody Botha, 10050 Billwright Road, Princeton

Mr. Randy Corzine, 305 Gwendola, McKinney

Mr. Robert Kaufman, McKinney

Mr. Joey Walmack, 512 West Street, McKinney

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

12-236 Minutes of the City Council Regular Meeting of April 3, 2012

12-237 Minutes of the City Council Special Meeting of April 10, 2012

12-238 Minutes of the Board of Adjustment Meeting of November 23, 2011

12-182 Minutes of the Community Grants Advisory Board Meeting of January 5, 2012

12-180 Minutes of the Planning and Zoning Commission Regular Meeting of March 13, 2012

12-239 Consider/Discuss/Act on an Ordinance Authorizing a Fiscal Year 2011-2012 Budget Amendment for the Tax Increment Reinvestment Zones (TIRZ). Caption reads as follows:

ORDINANCE NO. 2012-04-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS AUTHORIZING CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2011-2012 BUDGET; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

12-240 Consider/Discuss/Act on a Resolution Establishing the School Zone Summer Hours for Each School Holding Summer School in 2012.

Caption reads as follows:

RESOLUTION NO. 2012-04-049 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ESTABLISHING SCHOOL ZONE HOURS FOR EACH SCHOOL HOLDING SUMMER SCHOOL IN 2012

12-241 Consider/Discuss/Act on a Resolution Approving the McKinney Airport Development Corporation's Airport Layout Plan. Caption reads as follows:

RESOLUTION NO. 2012-04-050 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, APPROVING AN AIRPORT LAYOUT PLAN FOR COLLIN COUNTY REGIONAL AIRPORT

12-242 Consider/Discuss/Act on a Resolution Authoring a Contract with CoServ for the Installation of Median Lighting along Silverado Trail and Alma Road. Caption reads as follows:

RESOLUTION NO. 2012-04-051 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AUTHORIZING A CONTRACT WITH COSERV FOR THE INSTALLATION OF MEDIAN LIGHTING ON SILVERADO TRAIL BETWEEN ALMA ROAD AND MCKINNEY RANCH PARKWAY; AND ALMA ROAD BETWEEN STACY ROAD AND RANCHO DE LA OSA TRAIL

END OF CONSENT

12-243 Mayor Loughmiller called for Consideration/Discussion/Action on Resolution Amending Authorized Representatives for Local Government Investment Cooperative ("LOGIC"). Council member Ricchi requested that items 12-243 and 12-244 be pulled down for an explanation. City Manager Gray stated that these items relate to the City’s two investment pools that are managed by the State of Texas and are regulated through the Public Funds Investment Act. The items tonight are to authorize the updating of signature cards and the approval mechanisms to reflect our current employees. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Brooks, to approve the Resolution amending authorized representatives for Local

Government Investment Cooperative ("LOGIC"). Caption reads as follows:

RESOLUTION NO. 2012-04-052 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING THE DESIGNATED LOCAL GOVERNMENT INVESTMENT COOPERATIVE AUTHORIZED REPRESENTATIVES

12-244 Mayor Loughmiller called for Consideration/Discussion/Action on Resolution Amending Authorized Representatives for TexPool/TexPool Prime. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve the Resolution amending authorized representatives for TexPool/TexPool Prime. Caption reads as follows:

RESOLUTION NO. 2012-04-053 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS, AMENDING THE DESIGNATED TEXPOOL/TEXPOOL PRIME AUTHORIZED REPRESENTATIVES

12-185 Mayor Loughmiller called for a Public Hearing to Substantially Amend the FY 12 Annual Action Plan and the 2010 - 2016 Housing and Community Development Consolidated Plan to Include Tenant-Based Rental Assistance. Community Development Block Grant Administrator Shirletta Best stated that this is an amendment to the FY 2010-2014 Consolidated Plan. Under the current action plan, any substantial amendments must be viewed under a 30 day public comment period before any changes are considered. The proposed substantial amendment creates and implements a tenant based rental assistance (TBRA) program, contingent upon approval from the Texas Department of Housing and Community Affairs (TDHCA). This substantial amendment affects the FY12 Annual Action Plan and the 2010-2016 Housing and Community Development Consolidated Plan of the City of McKinney through the Department of Housing and Urban Development. Citizens will be able to provide written comments for consideration. The Public Comment Period

will end May 15, 2012. The Substantial Amendment will be submitted to the U.S. Department of Housing and Urban Development (HUD) for review and approval as an additional program area to the Consolidated Plan. Ms. Best stated that there is no obligation for the City to provide rental assistance but it does open the door for the opportunity for agencies to apply for public funding through the annual Community Development Block Grants. Mayor Loughmiller called for public comment.

Mr. Marty Mascard, 11370 Strittmattey Road, Pilot Point, Texas stated that he is the Project Coordinator for the North Central Texas Aging and Disability Resource Center and the area Agency on Aging.

Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to close the public hearing and approve the amendments to the FY 12 Annual Action Plan and the 2010 - 2016 Housing and Community Development Consolidated Plan to Include Tenant-Based Rental Assistance.

Mayor Pro-Tem Ussery stepped down from the dais for the following item.

12-245 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing City Manager to Apply for and Accept, if Awarded, Grant Funding through the Texas Department of Housing and Community Affairs (TDHCA) for A Tenant-Based Rental Assistance Program. Affordable Housing Administrator Cristel Todd stated that this Resolution authorizes the City Manager to apply for and accept, if awarded, a grant through the Texas Department of Housing and Community Affairs (TDHCA) for Tenant Based Rental Assistance (TBRA) to assist residents of McKinney. The City will partner with nonprofit agencies, such as Samaritan Inn, to implement the plan to assist clients toward self-sufficiency. The grant will provide assistance to persons completing Samaritan Inn's Self Sufficiency Program. The program

offers household financial counseling, job training, day care, and individual counseling. Council approved the motion by Council member Harris, seconded by Council member Ricchi, to approve a Resolution authorizing City Manager to apply for and accept, if awarded, grant funding through the Texas Department of Housing and Community Affairs (TDHCA) for a Tenant-Based Rental Assistance Program, with a vote of 6-0-1, Mayor Pro-Tem Ussery abstaining. Caption reads as follows:

RESOLUTION NO. 2012-04-054 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED A TENANT BASED RENTAL ASSISTANCE GRANT FROM THE TEXAS DEPARTMENT OF HOUSING & COMMUNITY AFFAIRS (TDHCA); AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Pro-Tem Ussery returned to the dais.

12-246 Mayor Loughmiller called for Consideration/Discussion/Action on Filling the Vacant Position on the Historic Preservation Advisory Board. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Day, to appoint Wes Shannon to fill the unexpired term ending September 30, 2013 on the Historic Preservation Advisory Board

12-248 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Apparent Noncompliance with an Approved Specific Use Permit for a Private Club (Dawgs N Hawgs), Approximately 0.11 Acres, Located on the South Side of Louisiana Street and Approximately 100 Feet West of McDonald Street. Mayor Loughmiller called for public comment. The following individuals spoke in favor of Dawgs n Hawgs remaining open:

Mr. George Pat Thurman, 3600 Elm Grove Rd. Rowlett

Mr. Dan Lindsey, 2225 E. Randall Mill Road, Suite. 126, Arlington

Mr. Lowell Barton, 1106 Collin Dr., Allen,

Mr. Nate Fuller, 5820 Blue Spruce Lane, McKinney

Mr. Joshua Moses, 3610 E. Melissa Rd., Melissa

Mr. Gene Childress, 1004 Margaret Dr., McKinney

Ms. Cindy Maddox, 506 Mirth Road St. Rockwall

Mr. Jimmy Hamilton, 2108 Green Hill Dr. McKinney

Mr. Benny Watkins, 761 Country Club Rd., McKinney

Mr. Bradley Harris, 531 English Oak Road, Allen

The following individuals did not wish to speak but wanted their support for Dawgs n Hawgs entered into the record.

Mr. Robert McFaddin, 937 Collin Circle, Princeton

Ms. Kim Fuller, 501 Oxford Loop, Princeton

Mr. Doug Hayes, 3601 Virginia Parkway, McKinney

Ms. Roseann Hayes, 3601 Virginia Parkway, McKinney

Mr. Dalton Smith, 3690 Stanley Smith Dr, Melissa

Mr. Evan Perlman,1500 Eldorado Parkway #427, McKinney

Ms. Mallory Rogers, 1500 Eldorado Parkway #427, McKinney,

Mr. Nate Fuller, 5820 Blue Spruce St., McKinney

Ms. Jeri Montgomery, 2304 Rockhill Road, McKinney

Mr. Ron Standfield, 3400 Craig Dr. McKinney

Mr. Jerry Pinson, 244 CR 557, Farmersville

Mr. Stephen Mackay, 2600 Preston Road # 1610, Plano

Ms. Anne Mazzo, 1107 Hyde Park Ct., McKinney

Ms. Kristi Hortman, 5311 Jefferson Dr. Sachse

Mr. Ivan Rubb, 271 Salman Lake Dr. Melissa

Mr. George “Buddy” White, 5809 Wilford Dr., McKinney

Ms. Melissa Thompson, 1815 Parker Rd., Wylie

Mr. Derek Eastham, 3600 E. Melissa Rd., Melissa

Mr. Larry Plake, 2505 Lake Meadow Dr., McKinney

Ms. Amy Moye, 3521 Deep Valley Trail, Plano

Mr. Brandon Brewer, 106 E. Graham St. McKinney

Mr. Casey Smith, 305 E. Louisiana St., McKinney

Mr. Charles True, 405 N. Main St., Farmersville

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to close the public hearing

12-247 Mayor Loughmiller called for Consideration/Discussion/Action on the Six Month Probation on a Specific Use Permit for a Private Club (Dawgs N Hawgs), Approximately 0.11 Acres, Located on the South Side of Louisiana Street and Approximately 100 Feet West of McDonald Street. City Manager Gray stated that the Ordinance does talk about percentage of food sales and gross sales and that within the 6 month probation period, the food sales did not equate to the minimum of 35% of food sales in the establishment and stated that staff recommends that the Specific Use Permit be pulled. City Attorney Mark Houser stated that if the Council wanted to extend the probation period, the Ordinance for Specific Use Permits for private clubs would have to be amended. Mr. Houser stated that the current Ordinance has been in place since 1982. Applicant, Mr. George Thurman stated that he thought Dawgs n Hawgs would be in compliance within 3 to 4 months. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to defer the finding of non-compliance until the May 1st City Council meeting.

12-248 Mayor Loughmiller called for a Public Hearing for Consideration/Discussion/Action on the Apparent Noncompliance with an Approved Specific Use Permit for a Private Club (Dawgs N Hawgs), Approximately 0.11 Acres, Located on the South Side of Louisiana Street and Approximately 100 Feet West of McDonald Street. Council unanimously approved the motion by Council member Ricchi, seconded by Council member Harris, to defer this item until the May 1st City Council meeting.

12-030Z2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act the Request by Roland Foerster Civil Engineer, on Behalf of First United Methodist Church of McKinney, for Approval of a Request to Rezone

Approximately 0.90 Acres from "BG" - General Business District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Modify the Development Standards, Located on the Northwest Corner of Kentucky Street and Lamar Street, and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is requesting to rezone a portion of their property to construct a youth ministry building and stated that staff is recommending approval of the rezoning request. Applicant, Mr. Tom Willis, 5910 N. Central Expressway Ste. 1200, Dallas, was available for questions and there were none. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Brooks, seconded by Council member Harris, to approve the Ordinance rezoning approximately 0.90 acres from "BG" - General Business District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, generally to modify the development standards, located on the northwest corner of Kentucky Street and Lamar Street, with the following special ordinance provisions: the subject property shall be rezoned “PD” - Planned Development District and “H” -- Historic Preservation Overlay District and the subject property shall develop in accordance with the “BG” - General Business District, as set forth in Section 146-85 of the Zoning Ordinance, and as amended; the subject property shall develop in accordance with Section 146-135 Landscaping Requirements of the City of McKinney Zoning Ordinance, except as follows: a) the subject property shall not be required to satisfy the requirement to provide a 30-foot landscape buffer parallel to the corner clip right-of-way dedication at the intersection of two dedicated public streets, b) the subject property shall not be required to satisfy the requirement to provide a landscape buffer adjacent to any public street, the subject property shall develop in accordance with

Section 146-139 Architectural and Site Standards of the City of McKinney Zoning Ordinance, except as follows: a) the subject property shall not be required to satisfy the requirement to provide a minimum of 85 points for the scoring calculation for *other non-residential uses in non-industrial districts, t*he subject property shall not be required to satisfy the requirement to provide masonry finishing material that covers at least 50 percent of each wall, the subject property shall not be limited to a maximum of 10 percent of approved architectural metal finishing materials; and the subject property shall generally develop in accordance with the attached site layout exhibit and the attached architectural elevation exhibits. Caption reads as follows:

ORDINANCE NO. 2012-04-018

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.90 ACRE PROPERTY LOCATED ON THE NORTHWEST CORNER OF KENTUCKY STREET AND LAMAR STREET, IS REZONED FROM "BG" – GENERAL BUSINESS DISTRICT AND "H" – HISTORIC PRESERVATION OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "H" – HISTORIC PRESERVATION OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

12-249 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney for Approval of an Amendment to the Code of Ordinances, Appendix A of Chapter 146 - Zoning Regulations by Adding Xeriscape Plants to the Approved Landscape Plant List. Arborist Emily Braht stated that the Council held a work session on February 24, 2012 to discuss the median landscaping ordinance. The focus of the discussion was an amendment that would encourage a variety of plant materials in the medians of arterial roadways. Because of recurring drought conditions, the use of Xeriscape plants in our region is desirable. These plants require less water, resulting in a long-term benefit from the reduction in the amount of

water used for irrigation. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Harris, seconded by Council member Kever, to approve an amending the Code of Ordinances, Appendix A of Chapter 146 - Zoning Regulations by adding Xeriscape Plants to the approved Landscape Plant List. Caption reads as follows:

ORDINANCE NO. 2012-04-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF McKINNEY, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF McKINNEY, TEXAS, CHAPTER 146 APPENDIX (A) PLANTS APPROVED FOR LANDSCAPE REQUIREMENTS; ESTABLISHING PRESUMPTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

12-250 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Sign Variance Request by Applebee's, Appealing the Denial of a Sign Permit to Allow Additional Signage Located on the North side of University Drive Approximately 150 feet East of U.S. Highway 75. Plans Examiner Jeff Harris stated that the applicant has requested a sign variance to raise their pole sign from its current height of 24 feet to 40 feet due to the number of trees that line their property within the landscape easement. He stated that Chapter 134 – 7 Table 1, of the City of McKinney sign ordinance, states the maximum height for a pole sign along University Drive is 24 feet and staff is recommending a six foot tall ground monument sign allowing for visibility while still maintaining a high esthetic quality. Ms. Braht stated that Applebee’s cut the trees and she requested that they not to cut them that short because they would end up killing the trees. Applicant, Mr. Robert McDonald, 10212 Metric Blvd.., Austin , Texas, stated that the Applebee’s sign is not visible due to the trees blocking it. He stated that this property has the most trees in that area and asked if Council would take into consideration their concerns. Mr. Harris stated that the set back requirement for a monument

sign is 3 ½ feet to the leading edge of the sign. Mayor Loughmiller called for public comment.

Mr. Fred Hebert, 3104 Almeta Lane, McKinney, spoke in favor of the sign variance.

Director of Development Services Rob Daake stated that the sign ordinance will be brought to Council at the April 23rd work session and if Council is in agreement, it would go be brought back at a regular meeting for action. Council unanimously approved the motion by Council member Ricchi, seconded by Mayor Pro-Tem Ussery, to close the public hearing and table this item until Staff presents and the Council accepts amendments to the sign Ordinance.

12-053Z2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Levi A. Wild of Sanchez and Associates, on Behalf of J. Martin Sanchez of S.P. 2 301 E. Virginia, LLC, for Approval to Rezone Approximately 0.57 Acres from "BG" - General Business District to "PD" - Planned Development District, Generally to Modify Development Standards, Located on the Northeast Corner of Virginia Street and Chestnut Street and Accompanying Ordinance. Planning Director Jennifer Cox stated that the applicant is proposing to rezone approximately 0.57 acres of land from “BG” - General Business District to “PD” - Planned Development District with a base zoning of “CHD” - Commercial Historic District in order to redevelop the property with a new building and associated parking lot. If the new building is 1-story (approximately 7,500 square feet), the intended use is restaurant/retail. If the new building is 2-4 stories (15,000-30,000 square feet), vertical mixed use is intended (restaurant/retail on the ground floor and residential units on the upper floors). She stated that staff recommends approval of the rezoning request. Applicant, Mr. Levi Wild, 220 E. Virginia Street, McKinney, stated that they have read the staff report and are in agreement with staffs comments. Mayor Loughmiller called for public

comment and there was none. Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Brooks, to Approved 12-053Z2 - Conduct a Public Hearing to Consider/Discuss/Act on the Request by Levi A. Wild of Sanchez and Associates, on Behalf of J. Martin Sanchez of S.P. 2 301 E. Virginia, LLC, for Approval to Rezone Approximately 0.57 Acres from "BG" - General Business District to "PD" - Planned Development District, Generally to Modify Development Standards, Located on the Northeast Corner of Virginia Street and Chestnut Street and Accompanying Ordinance., with the following special ordinance provisions: the subject property shall be rezoned “PD” - Planned Development District and the subject property shall develop in accordance with the “CHD” - Commercial Historic District, as set forth in Section 146-96 of the Zoning Ordinance, and as amended, except that multi-family residential uses shall be permitted on upper floors without a Specific Use Permit; the subject property shall generally develop in accordance with the attached Site Layout exhibit; the subject property shall be exempt from the Architectural and Site Standards as set forth in Section 146-139 of the Zoning Ordinance but the subject property shall generally develop in accordance with the attached Building Design Standards exhibit. To ensure conformance with the Building Design Standards, architectural elevations of proposed building(s) shall be submitted and considered with the Site Plan approval process; the subject property shall develop in accordance with the following landscaping requirements: internal landscape areas shall have one tree within 65 feet of every parking space, internal landscape areas shall have one tree in the parking area for every 10 parking spaces, within parking lots, landscaped areas with concrete curbs and gutters shall be provided to define parking areas, a landscape island shall be located at the terminus of each parking row and shall contain at least one canopy tree, evergreen shrubs (acceptable for

a 6-foot living screen) shall be provided around dumpster enclosure screening wall, and the plant materials shall be minimum 3-feet in height at time of planting, and at least 75% of the frontage of parking lots, adjacent to a public right-of-way, shall be screened from Chestnut Street and Herndon Street with evergreen shrubs attaining a minimum height of 3 feet, a low masonry wall of a minimum height of 3 feet, or a combination of the above with a minimum combined height of 3 feet. The masonry wall must be of a similar finished quality and color to the building façade on Chestnut Street; and the subject property shall develop in accordance with Section 134-9 of the Code of Ordinances, and as amended, specifically governing Sign Requirements in the Downtown Commercial Historic District. Caption reads as follows:

ORDINANCE NO. 2012-04-019

AN ORDINANCE AMENDING ORDINANCE NO. 1270, OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 0.57 ACRE PROPERTY LOCATED ON THE NORTHEAST CORNER OF VIRGINIA STREET AND CHESTNUT STREET, IS REZONED FROM "BG" – GENERAL BUSINESS 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 Harris did not have any comments.

Council member Brooks congratulated Mayor Loughmiller for the completion of the 116th Boston marathon.

Mayor Pro-Tem Ussery thanked staff for what they do, day in and day out. Mr. Ussery invited everyone to the Samaritan Inn basketball tournament against the City of Frisco on May 6th. He has been asked to participate along with the Mayor and the City Manager.

Council member Ricchi stated that the Boston marathon was a great accomplishment for the Mayor. Mr. Ricchi invited everyone to the Heard Museum as it is a great place to take your kids. Mr. Ricchi stated that the McKinney Ladies

Association raised $7,500 through their fashion show that benefited Community Lifeline. Mr. Ricchi stated that the McKinney Ladies Association is going to have a garage sale May 5th at the Stonebridge United Methodist Church. Mr. Ricchi thanked staff for their hard work.

Council member Day stated that the State of Texas Visitors and Convention Bureau held their annual meeting at the Grand Hotel and Rick's Chophouse. Their comments included statements that "there is no other downtown in the State of Texas comparable to McKinney." He reminded everyone that this coming Friday, Collin Ray will be performing at McKinney Performing Arts Center.

Council member Kever stated that she was busy this last week at the Regional Transportation Council meeting and the Dallas Regional Mobility meeting. She stated that there was a motion made and failed by the City of Plano at the RTC meeting to designate JARC funds only to transit participating cities. The request was tabled for future discussion. Ms. Kever stated that 45% of population lives outside the transit area, 31% lives within the DART area, 13% lives within the Fort Worth T, and 11% lives within the Denton County Transit Authority. Ms. Kever stated that 20% of the transportation improvement plan dollars are going to transit related projects.

Mayor Loughmiller thanked staff for all their hard work and the effort to bring agenda items before the Council. He stated that he is looking forward to the discussion regarding signs at the April 23rd work session.

Mayor Loughmiller called for Citizen's comment.

Mr. Fred Hebert, 3104 Almeta Lane, McKinney, stated that the airport construction has torn up the pavement on Enloe Road.

Mayor Loughmiller called for Action on Executive Session Items.

Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to approve the contract for the City Manager as discussed in Executive Session.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Ricchi, to adjourn. Mayor Loughmiller adjourned the meeting at 8:50 p.m.

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BRIAN LOUGHMILLER
Mayor

ATTEST:

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SANDY HART, TRMC, MMC
City Secretary