

## **CITY COUNCIL REGULAR MEETING**

**NOVEMBER 6, 2012**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on November 6, 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 Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Chief Financial Officer Rodney Rhoades; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Engineering – Patricia Jackson, Gary Graham, Matt Richardson, and Daniel Heischman; Assistant Director of Planning Kevin Spath; Planning Managers Ross Altobelli and Brandon Opiela; Fire Chief Danny Kistner; Assistant Fire Chief Tim Mock; Assistant Fire Chief Neil Howard; Parks, Recreation, and Open Space Director Lemuel Randolph; Assistant to the City Manager Aretha Adams; Director of Engineering Jack Carr; McKinney Economic Development Corporation – Jim Weheimer, Abby Liu, and John Valencia; Assistant Chief of Police Ron Jones; Historic Preservation Officer Guy Giersch; Police Officer Melissa Robillard; and Communications and Media Manager Anna Clark.

There were approximately 80 guests present.

Mayor Loughmiller called the meeting to order at 6:10 p.m. after determining a quorum was present. Invocation was given by Major Robert Winters of the Salvation Army. Mayor Loughmiller led the Pledge of Allegiance.

### **INFORMATION SHARING**

**12-961**        Salvation Army Red Kettle Proclamation

**12-962**        2012 Citation of Honor Award from the Texas Society for the American  
Institute of Architects

**12-963**        McKinney High School Presentation

Mayor Loughmiller called for Citizen Comments

Mr. William Shaw, 2003 Deep Valley Drive, McKinney, spoke about a position letter he was submitting to the Council.

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

- 12-964** Minutes of the City Council Work Session of October 15, 2012
- 12-965** Minutes of the City Council Regular Meeting of October 16, 2012
- 12-966** Minutes of the City Council, McKinney Economic Development Corporation, and the McKinney Community Development Corporation Joint Meeting of October 22, 2012
- 12-831** Minutes of the Collin County Airport Development Meeting of September 13, 2012
- 12-905** Minutes of the Library Advisory Board of September 20, 2012
- 12-842** Minutes of the McKinney Armed Services Memorial Board meeting of September 12, 2012
- 12-861** Minutes of the McKinney Arts Commission Meeting of July 11, 2012
- 12-862** Minutes of the McKinney Arts Commission Meeting of July 19, 2012
- 12-863** Minutes of the McKinney Arts Commission Meeting of August 15, 2012
- 12-864** Minutes of the McKinney Arts Commission Meeting of August 16, 2012
- 12-865** Minutes of the McKinney Arts Commission Meeting of September 12, 2012
- 12-884** Minutes of the McKinney Community Development Corporation Board Meeting of September 27, 2012
- 12-927** Minutes of the McKinney Convention & Visitors Bureau Meeting of September 8, 2012
- 12-928** Minutes of the McKinney Convention & Visitors Bureau Meeting of September 18, 2012
- 12-929** Minutes of the McKinney Convention & Visitors Bureau Meeting of September 25, 2012
- 12-930** Minutes of the McKinney Convention & Visitors Bureau Meeting of October 9, 2012
- 12-892** Minutes of the McKinney Economic Development Corporation Board Meeting of September 18, 2012

- 12-967** Minutes of the McKinney Housing Authority Meeting of September 25, 2012
- 12-876** Minutes of the McKinney Housing Finance Corporation Meeting of May 11, 2012
- 12-852** Minutes of the McKinney Main Street Board meeting of September 13, 2012
- 12-848** Minutes of the Parks, Recreation and Open Space Advisory Board Meeting of September 13, 2012
- 12-851** Minutes of the Planning and Zoning Commission Regular Meeting of September 25, 2012.
- 12-944** Minutes of the Planning and Zoning Commission Regular Meeting of October 9, 2012
- 12-968** Consider/Discuss/Act on an Ordinance Amending the 2012-13 Annual Budget, Including the 2013-2017 Capital Improvements Program, from the Park Construction Fund to Project PK3240 for the Tom Allen, Jr. Park Parking Lot Lighting Project. Caption reads as follows:

ORDINANCE NO. 2012-11-057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2012-2013 BUDGET AND THE 2013-2017 CAPITAL IMPROVEMENTS PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE HEREOF ORDINANCE

- 12-969** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept and Implement Urban Area Security Initiative (UASI) Program Grant Funding from the Department of Homeland Security through the North Central Texas Council of Governments (NCTCOG) to Enhance the Existing CBRNE/SWAT Vehicle to Further Protect the Safety of Citizens and Responders During Tactical Operations. Caption reads as follows:

RESOLUTION NO. 2012-11-136 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT AND IMPLEMENT URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE

NORTH TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) FOR  
THE ENHANCEMENT OF AN EXISTING CBRNE/SWAT  
RESPONSE VEHICLE

- 12-970** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept and Implement Urban Area Security Initiative (UASI) Program Grant Funding from the Department of Homeland Security through the North Central Texas Council of Governments (NCTCOG) to Implement Web EOC in Collin County. Caption reads as follows:

RESOLUTION NO. 2012-11-137 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT AND IMPLEMENT URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE NORTH TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) TO IMPLEMENT WEB EOC IN COLLIN COUNTY

- 12-971** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Accept and Implement Urban Area Security Initiative (UASI) Program Grant Funding from the Department of Homeland Security through the North Central Texas Council of Governments (NCTCOG) to Implement a Debris Monitoring Program in the City of McKinney. Caption reads as follows:

RESOLUTION NO. 2012-11-138 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT AND IMPLEMENT URBAN AREA SECURITY INITIATIVE (UASI) PROGRAM GRANT FUNDING FROM THE DEPARTMENT OF HOMELAND SECURITY THROUGH THE NORTH TEXAS COUNCIL OF GOVERNMENTS (NCTCOG) TO CREATE A DEBRIS MONITORING AND MANAGEMENT PROGRAM

- 12-972** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Apply for and Accept, if Funded, Brownfields Revolving Loan Fund (RLF) Grant Funding from the U.S. Environmental Protection Agency (EPA). Caption reads as follows:

RESOLUTION NO. 2012-11-139 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO APPLY FOR AND ACCEPT, IF AWARDED BROWNFIELDS

REVOLVING LOAN FUND (RLF) GRANT FUNDING FROM THE  
U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)

- 12-975** Consider/Discuss/Act on a Resolution Authorizing the Purchase of Two  
15 Cubic Yard Dump Trucks. Caption reads as follows:

RESOLUTION NO. 2012-11-141 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF TWO  
15 CUBIC YARD DUMP TRUCKS

- 12-976** Consider/Discuss/Act on a Resolution Authorizing the Purchase of a  
Replacement 800 Gallon Vacuum Excavation Machine. Caption reads  
as follows:

RESOLUTION NO. 2012-11-142 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF A  
VACUUM EXCAVATION MACHINE (800 GALLON)

END OF CONSENT

- 12-973** Mayor Loughmiller called for Consideration/Discussion/Action on a  
Resolution Approving a Chapter 380 Economic Development and  
Incentive Agreement by and between the City of McKinney and BBV  
Texas Development, L.L.C. and Authorizing the City Manager to  
Execute the Agreement. City Manager Jason Gray stated that an  
assisted living center is being developed at the corner of Lake Forest  
and Highway 380. Mr. Gray stated that a Chapter 380 agreement is one  
of the tools that is available to the City to provide some level of  
economic assistance. One of the reasons they use the Chapter 380  
agreements is because it allows a lot of flexibility to add conditions  
which the applicant must meet in order to receive the incentives.  
Council unanimously approved the motion by Council member Kever,  
seconded by Mayor Pro-Tem Ussery, to approve a Resolution approving  
a Chapter 380 Economic Development and Incentive Agreement by and  
between the City of McKinney and BBV Texas Development, L.L.C. and

authorizing the City Manager to Execute the Agreement. Caption reads as follows:

RESOLUTION NO. 2012-11-140 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A CHAPTER 380 ECONOMIC DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF MCKINNEY, TEXAS AND BBV TEXAS DEVELOPMENT, L.L.C., AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE

- 12-974** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution approving a Chapter 380 Economic Development Agreement between the City of McKinney and VCIM Partners, L.P. to Provide Incentives to the McKinney Corporate Center at Craig Ranch. City Manager Gray requested that this item be tabled until the December 4, 2012 meeting to allow the applicant time to work on additional details. Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to table this item until the December 4, 2012 meeting.
- Council member Brooks stepped down from the dais for the next two agenda items.

- 12-03GD2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by IBG Adriatica Holdings, Inc., for Approval of a General Development Plan for a Portion of the Adriatica Town Center District, Approximately 13.40 Acres, Located on the Northwest Corner of Adriatic Parkway and Mediterranean Drive. Director of Planning Michael Quint gave the staff report and stated that the applicant is proposing to revise a portion of the approved general development plan (GDP) for Adriatica. The governing planned development ordinance requires a general development plan be approved for all development within Adriatica's Town Center District. The current governing general development plan for the subject property (05-345GDP) shows a different layout and design than what is being proposed. Applicant, Mr. George Fuller, 6991

Mediterranean Drive, McKinney, stated that their zoning requires that at every stage when they are introducing a new building, it is required to come forward with a GDP and a site plan reflecting the actual uses. He stated that they don't have a specific user at this time and nor do they have identified buildings, just the orientation of the development. Mr. Fuller stated that the site plan would show specifically the building layout and site plan of what they are proposing to build and will also show elevations of that building. Mr. Quint stated that there are 2 requests, a general development plan for the Town Center and a site plan which shows the detailed development plan for several buildings. He stated that in order to move forward with the site plan, the general development plan needs to be approved. Mayor Loughmiller called for public comment.

The following individuals spoke in favor of this agenda item:

Ms. Reno Marsh, 6909 Shoreview Drive, McKinney

Ms. Anne and Joe Petrasell, 508 Seaside, McKinney

Mr. Bill McManus, 604 Seaside Lane, McKinney

Ms. Mellany Corich, 512 Seaside Lane, McKinney

Ms. Jackie Dellinger, 600 Seaside Lane, McKinney

Mr. Ken Dellinger, 600 Seaside Lane, McKinney

Mr. Kevin Dingman, 8446 Winged Foot Drive, Frisco

The following individuals spoke against this agenda item:

Ms. Amy Goodwin, 501 Park Lake Drive, McKinney

Ms. Nancie Poppema, 821 Creekline, McKinney

The motion by Council member Day to close the public hearing and approve the General Development Plan as submitted died for a lack of a second to the motion. Council approved the motion by Council member Ricchi, seconded by Council member Harris, to close the public hearing and approve the general development plan subject to the two buildings on the southeast portion of Adriatica's Tract D being overlaid onto the existing approved general development plan (conceptual site plan), with

a vote of 6-0-1, Council member Brooks abstaining.

**12-104SP2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by IBG Adriatica Holdings, Inc., for Approval of a Site Plan for the Adriatica St. Paul's Square Lofts, Approximately 13.32 Acres, Located on the Northwest Corner of Adriatic Parkway and Mediterranean Drive. Director of Planning Michael Quint gave the staff report and stated that the applicant is requesting to site plan 2 vertical mixed use buildings and the proposed site plan is in conformance with the recently approved general development plan. He stated that staff recommends approval of the proposed site plan. Applicant, Mr. George Fuller, 6991 Mediterranean Drive, McKinney, recommended that the site plan can be approved as overlay to the General Development Plan that would accurately represent what area is being replaced and what would remain the same. Mr. Fuller stated that one of the things that they are trying to get into Adriatica is retail and that without moving forward with the residential component they would not get the retail and commercial community that they need. Council member Harris stated that there are a lot of residences in that area that were working this issue and were very concerned about how that area would develop. Mr. Fuller stated that most of the residents that live in Adriatica that will be affected by the development, are at the meeting in support. Council member Ricchi asked if the proposed site plan is for a townhouse, condo, apartment, or loft. Mr. Fuller stated that they would be Condo mapped and that gives them the ability to have separate meters and to sell them individually.

Mayor Loughmiller called for public comment.

The following individual read a letter written by Jeff Blackard regarding his vision of the development:

Mr. Kevin Dingman, 8446 Winged Foot Drive, Frisco

The following individual spoke against the proposed site plan.

Ms. Nancie Poppema, 821 Creekline, McKinney



Council approved the motion by Council member Day, seconded by Council member Kever, to close the public hearing and approve a Site Plan for the Adriatica St. Paul's Square Lofts, approximately 13.32 acres, located on the northwest corner of Adriatic Parkway and Mediterranean Drive, with the following conditions: the applicant satisfy the conditions as shown on the Standard Conditions for Site Plan Approval Checklist; prior to issuance of a building permit: the applicant revise the landscape plan to show the landscape calculation for the required street trees. one canopy tree is required every 40' along Mediterranean Drive and Adriatica Parkway; these trees may be clustered and the applicant revise the landscape plan to correctly call-out the proposed cedar elm trees as 4" caliper instead of 3" in the plant list, with a vote of 6-0-1, Council member Brooks abstaining.

Council member Brooks returned to the dais.

- 12-922** Mayor Loughmiller called for Consideration/Discussion/Action on Approving a Hotel and Event Center Development Agreement, Economic Development Agreement, Hotel Ground Lease Agreement, and an Event Center Lease and Management Agreement. Mayor Loughmiller called for public comment.

The following individuals spoke against the agenda item:

Mr. Zach Glen, 3220 Craig Drive, McKinney

Mr. Charles Helm, 3220 Craig Drive, McKinney

City Manager Jason Gray gave a background timeline of the Gateway Hotel and Event Center. He stated that in 2012 a letter of intent was entered into with approval of the City Council and the McKinney Community Development Corporation outlining eventual agreements and negotiation of final agreements to finish the project. Mr. Gray stated that the project includes a 3-½ star, full-service hotel with 186 guestrooms and is currently being negotiated to be a Sheraton or a Sheraton type quality hotel. He stated that it will have a full service event

center and that will serve as an anchor to the Gateway Development. Mr. Gray stated that they will use the existing structure that is on site and will fit onto roughly 4 acres. He stated that the City retains the ability to approve design of exterior elevations of the entire project and they have full design authority over the interior and exterior of the Event Center. Mr. Gray stated that construction would begin around June 2013 and would be completed by December 2014. Mr. Gray stated that the project cost would be about \$35–38 million and the public incentive would be \$18–20.25 million. Mr. Gray stated that the guaranteed maximum price would have to include all of the costs associated with preparing the hotel to be open for business. Mr. Gray stated that the hotel unit will be owned and operated by a private owner and they will have the primary construction and oversight over the hotel. The event center will be owned and leased by a City entity and they will have an owner's representative overlooking the entire process from design to completion. Council approved the motion by Council member Brooks, seconded by Council member Kever, to approve a Hotel and Event Center Development Agreement, Economic Development Agreement, Hotel Ground Lease Agreement, and an Event Center Lease and Management Agreement Settlement and release of purchase agreement, with a vote of 5 - 2 - 0, Mayor Pro-Tem Ussery and Council member Ricchi voting against.

**12-978** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Creating Reinvestment Zone No. 26 for Wistron GreenTech (Texas) Corp. City Attorney Mark Houser stated that the next two items are companion items that will create a reinvestment zone and if approved a tax abatement agreement would then be approved. He stated that Wistron GreenTech is a new company in McKinney. Mr. Houser stated that the first item under state law will create a zone for the purpose of providing tax abatement to this new company. The reinvestment zone is

located on Couch Drive at the former Kone site. He stated that the tax abatement is a five year tax abatement for 50% of the increased value of building improvements which Wistron will be doing to the existing structure. They will be locating significant new equipment inventory into the building. There are requirements for amounts to be achieved prior to the abatement and once achieved they will be abated over a 5 year period. He stated that there is a provision that states that if they miss a particular year they can still achieve abatement for the remaining subsequent years. He stated that this was part of the parcel of a jointly developed incentive agreement with MEDC. Staff is recommending approval of both items. Council unanimously approved the motion by Council member Harris, seconded by Mayor Pro-Tem Ussery, to approve the Ordinance creating Reinvestment Zone No. 26 for Wistron GreenTech (Texas) Corp. Caption reads as follows:

ORDINANCE NO. 2012-11-058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DESIGNATING A CERTAIN AREA AS REINVESTMENT ZONE NO. 26 FOR THE CITY OF MCKINNEY, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; APPROVING THE TERMS AND CONDITIONS OF COMMERCIAL-INDUSTRIAL TAX ABATEMENT AGREEMENTS; AUTHORIZING EXECUTION OF SUCH AGREEMENTS BY THE CITY MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE

**12-979** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Approving an Agreement for Commercial-Industrial Tax Abatement with Wistron GreenTech (Texas) Corp. Council unanimously approved the motion by Council member Brooks, seconded by Council member Harris, to approve the Resolution approving a Commercial-Industrial Tax Abatement Agreement with Wistron GreenTEch (Texas) Corporation. Caption reads as follows:

RESOLUTION NO. 2012-11-143 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING A COMMERCIAL-INDUSTRIAL TAX ABATEMENT AGREEMENT WITH WISTRON GREENTECH (TEXAS) CORP.; AUTHORIZING THE CITY MANAGER TO EXECUTE THE TAX ABATEMENT AGREEMENT

**12-093Z5** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Douglas Properties, Inc., on Behalf of David Huang (Trustee) and Seminole Bloominfive L.P., for Approval of a Request to Rezone Approximately 112.89 Acres from "AG" - Agricultural District to "PD" - Planned Development District, Generally to Allow for Single Family Residential and Commercial Uses, Located on the Southwest Corner of F.M. 543 and State Highway 5 (McDonald Street), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the property generally for commercial and residential uses and that the Future Land Use plan indicates industrial uses for this property. He stated that staff is not in support due to lack of conformance with the Comprehensive Plan. Mr. Quint stated that currently there are residential development on both sides of the property. Mr. Quint stated that currently, the industrial zone is to the south and everything else is zoned agricultural. Mayor Loughmiller asked if the City moves forward on Highway 5 Corridor Study, how would this zoning impact the land use. Mr. Quint stated that existing zoning will be taken into account and what impact they have on future marketability for those uses. The study should be completed within a year. Mr. Quint stated that Staff received a petition in favor from the adjacent residences and that they have received a letter in opposition from the southern property owner. Applicant, Mr. Jim Douglas, 2309 Avenue K, Suite 101, Plano, explained the proposed rezoning request. He stated that they are not asking for any type of abatements or incentives and they will be paying their own bill. Mayor Loughmiller called for public comment.

The following individuals spoke in favor of the rezoning request:

Mr. Sid Goldstein, 12551 County Road #220, Celina

Mr. Jason Lewis, 416 Interchange Street, McKinney

Mr. Jamal Talukder, 1006 FM 543, McKinney

The following individual spoke against the zoning request: Mr. Bill Cox,

321 N. Central Expressway, McKinney

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

Mrs. Nazneen Talukder, 1006 FM 543, McKinney

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Kever, to close the public hearing. Council member Day stated that this is new housing development being proposed for the east side of McKinney and he does not see anyone coming to build a warehouse in the near future and he is in favor of the proposed development. Council member Kever stated that she does not have a problem with the proposed zoning exhibit but does have a problem with where it is located. Ms. Kever stated that she has an issue with changing zoning that impacts the public. There is a lot of land within McKinney that has the designated areas for this type of proposed development. Council member Ricchi stated that there is already a mix of residential and light industrial. Mr. Quint stated that the adjacent residential development was approved prior to the 1990 Comprehensive Plan. Council approved the motion by Council member Kever, seconded by Council member Brooks, to deny the request to rezone approximately 112.89 acres from "AG" - Agricultural District to "PD" - Planned Development District, generally to allow for single family residential and commercial uses, located on the southwest corner of F.M. 543 and State Highway 5 (McDonald Street), with a vote of 5-2-0, Council members Day and Ricchi voting against.

- 12-146Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by Sanchez & Associates, on Behalf of TCI McKinney Ranch, Inc., for Approval of a Request to Rezone Approximately 9.48 Acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District,

Generally to Modify the Development Standards, Located on the East Side of McKinney Ranch Parkway and at the Terminus of Silverado Trail, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property generally to modify a few specific provisions that include parking requirements and architectural standards. He stated that Council recently approved a rezoning request for a property in which the enclosed parking requirement was reduced to 30% as opposed to the 100% per unit. He stated that the applicant is requesting the same reduction. He stated that the parking standard would be 1 parking space for each unit and 30% of those spaces be enclosed. The current requirement is one enclosed parking space for each unit. He stated that in exchange for the reduction in perceived quality, the applicant is proposing to tie down a series of architectural standards and a proposed rendering that shows the character of the development. Staff is in support of the rezoning request. Applicant, Mr. Martin Sanchez 220 E. Virginia Street, McKinney, stated that he is in agreement with staff recommendations and is available for questions. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the motion by Council member Day, seconded by Council member Harris, to approve an Ordinance rezoning approximately 9.48 acres from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, generally to modify the development standards, located on the east side of McKinney Ranch Parkway and at the terminus of Silverado Trail with the following special ordinance provisions: Use and development of the subject property shall conform to "PD" - Planned Development District Ordinance No. 2002-03-019 and "REC" - Regional Employment Center Overlay District, except as follows: the subject property shall be subject

to the attached development regulations, the subject property shall generally conform to the attached concept plan and landscape plan, and the character of any multi-family residential development shall generally conform to the attached architectural rendering and shall also be subject to the Architectural and Site Standards section of the Zoning Ordinance, except as amended herein. Caption reads as follows:

ORDINANCE NO. 2012-11-059

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2002-03-019 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 9.48 ACRE PROPERTY, LOCATED ON THE EAST SIDE OF MCKINNEY RANCH PARKWAY AND AT THE TERMINUS OF SILVERADO TRAIL, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO MODIFY 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

- 12-980** Mayor Loughmiller called for Consideration/Discussion/Action on Authorizing the City Manager to Implement Specific On-Street Bicycle Treatments and Approving a Resolution Supporting the Nomination of a Project for the Transportation Enhancement Program. Transportation Engineering Manager Gary Graham explained the bicycle plan and two issues he would like to address. He stated that before he begins he would like to apologize to Council for his miscommunication regarding the matching dollars to the TXDOT grant. He stated that when Council adopted the Bicycle Plan in June 2012, Council gave staff direction to come back before they implement any project. As part of the Department of Energy grant they purchased the first phase of signage which they talked about in June and those signs must be installed by March 2013 to comply with the requirements of that grant. Mr. Grant

stated that these signs are the wide regulatory signs that say "bikes may use full lane". Mayor Loughmiller stated that he would like to talk about the funding issue. Mr. Graham stated this is an opportunity to leverage city dollars to receive federal dollars for installation of bike treatments. He stated that this is a federal program administered by TxDOT and there is \$70 million in potential funding and is a highly competitive program. He stated that the program is slightly different this year and out of the \$70 million it would be split into 2 pools of money. The first pool is for our region and the NCTCOG is projecting that they will get about \$13 million. If a project is not selected by the NCTCOG, it falls into a second pool that competes for \$35 million in a statewide competition. Mr. Graham stated that we have an application due on November 16, 2012 to TxDOT. To submit for the project, the application must include a Resolution of support by Council in order for them to proceed with the application. He stated that staff is recommending that \$250 thousand project would require a 20% match or \$50 thousand. Mr. Graham stated that they are recommending that they do bicycle boulevards and signed roadways that would allow them to put signs up only for those types of treatments. He stated that initially he thought they would be able to leverage the money from their DOE grant and then as they investigated they were informed that money has to be new dollars not grant money. Council member Kever asked if Council choses to support this item, where he would recommend getting the \$50 thousand. Mr. Graham stated that they have identified some savings in CIP dollars from their transportation funds that they could be used. Mr. Graham stated that the City would be responsible for covering the full \$250 thousand and if they were awarded the grant, then they would be reimbursed 80% by the NCTCOG. Council member Ricchi stated that Council has already said no to getting money from the general fund before and he is opposed to the project. City Manager Gray stated that he sees no



problem in getting the funds from the general fund or CIP funds for the project and clarified that if the grant is not awarded to the City, the City does not have to spend that money. Council approved the motion by Council member Kever, seconded by Council member Brooks, to approve a Resolution authorizing submission of an application to NCTCOG supporting the nomination of a project for the Transportation Enhancement Program subject to City Council review at a future work session to determine if the Council desires to withdraw the application or deny accepting the grant with a vote of 4-3-0, Mayor Loughmiller, Mayor Pro-Tem Ussery, and Council member Ricchi voting against. Council approved the motion by Council member Kever, seconded by Council member Brooks, to approve a Resolution authorizing submission of a nomination package for a Transportation Enhancement Program project and schedule further discussion during a work session, regarding the funding source for the \$50,000 local share. If funding is not identified the nomination may be withdrawn or, if the project is selected, the Council may choose to not accept the project with a vote of 4-3-0, Mayor Loughmiller, Mayor Pro-Tem Ussery, and Council member Ricchi voting against. Caption reads as follows:

RESOLUTION NO. 2012-11-144 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, SUPPORTING THE NOMINATION OF A  
PROJECT FOR THE TxDOT TRANSPORTATION  
ENHANCEMENT PROGRAM

- 12-157M2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend the Comprehensive Plan, Including the Master Thoroughfare Plan Regarding the Proposed Alignment of the Intersection of Custer Road (F.M. 2478) and the Future Extension of Wilmeth Road, and Accompanying Ordinance. Director of Planning Michael Quint that Staff has been working on the Thoroughfare Plan since 2008 and after a lot of analysis, staff saw that the proposed location is the best location for the proposed Thoroughfare Plan.

Director of Engineering Jack Carr stated that staff looked at other options for the alignment but due to creeks, gas lines, and other issues, that it was determined that this was the best location. Council member Ricchi stated that he is not in agreement with the location for the proposed Thoroughfare location. Mayor Loughmiller called for public comment.

The following individual spoke in favor of this agenda item:

Mr. Dale Clark, 16250 Knoll Trail, Dallas

The following individuals spoke in opposition to this agenda item:

Mr. V.R. Jim Damiano, 3550 N. Custer Road, McKinney

Mr. Chris Gebhardt, 2204 Old Orchard Dr., Plano

Ms. Rebecca Gebhardt, 2204 Old Orchard, Plano

The following individuals did not wish to speak but were in opposition of this item:

Ms. Candace Damiano, 3598 N. Custer Road, McKinney

Ms. Savannah Damiano, 3598 N. Custer Road, McKinney

Ms. Betty Damiano, 3550 N. Custer Road, McKinney Ms. Brooklyn Damiano, 3598 N. Custer Road

Mr. Shane Humphrey, 1621 Winding Creek, Prosper

Mr. Justin Humphrey, 1621 Winding Creek, Prosper

Ms. Cheryl Humphrey, 1621 Winding Creek, Prosper

Mr. Taylor Humphrey, 1621 Winding Creek Road, Prosper

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

Council approved the motion by Council member Kever, seconded by Mayor Pro-Tem Ussery, to approve the amending the Comprehensive Plan, including the Master Thoroughfare Plan regarding the proposed alignment of the intersection of Custer Road (F.M. 2478) and the future extension of Wilmeth Road, and direct staff to work with Damiano family toward a reasonable and equitable solution on their property, with a vote of 6-1-0, Council member Ricchi voting against.

Mayor Loughmiller called for Council and Manager Comments

Council member Harris stated that action taken on Gateway tonight is a strong indication of where this Council has been working and where they are headed. He stated that there are a lot of projects that are under way including the Emerson project, Traxxas has started vertical construction, Columbus realty, airport work, Craig Ranch Corporate Center, and Wistron. He stated that McKinney has a great economic and community development team. Mr. Harris stated that the citizens are going to be overwhelmed as these new projects hit the tax roll. Mr. Harris stated that he would like to look over the next 30-60 days on how the City can communicate with the citizens. Mr. Harris stated that Council would be negligent if they were not building the tax base and financial future for the citizens of McKinney. He complimented the Mayor's leadership and initiatives. He stated that there was a Boards and Commission orientation last week and he has heard nothing but good comments about that meeting. He stated that they recently had a joint meeting with McKinney Independent School District and he walked away with nothing but positive things. Mr. Harris stated that they also had Joint meetings with the Planning and Zoning Commission, McKinney Community Development Corporation, and McKinney Economic Development Corporation and the future is very bright for this Council and the City. He stated that they will have the opportunity to enjoy their Thanksgiving holiday and wished everyone a safe and happy holiday.

Council member Brooks echoed the comments of Mr. Harris and stated that it was a long and difficult meeting in trying to do the work of the City. The decision on Gateway is one of the most momentous decisions they have made on this Council. He stated that given the financial climate, they made the most reasonable decision they could make. Mr. Brooks stated that they resolved a very high priority of the Council and the citizens and it has taken heavy lifting on their part. He stated that the project could be moving within the next 60-90 days with a quality convention center and full service hotel.

Mayor Pro-Tem Ussery stated that he appreciates his colleagues and thanked staff for what they do, day in and day out. He wished everyone a good holiday season.

Council member Kever stated that there 21 individuals from the McKinney Economic Development Corporation, the McKinney Community Development Corporation, and the City Council who have been working for years on the Gateway project. She thanked City Manager Gray for getting the information out to the public today and the citizens need to hear and understand the story. Ms. Kever stated that we have Veterans Day ceremonies at Veterans Park at 11 a.m. next Saturday and a sundown ceremony on Sunday. She stated that on October 18, 2012, she, the Mayor, and the City Manager met with some DART leaders in Dallas with some leaders from NCTCOG as well as city leaders from McKinney and Allen to discuss the topic of providing access via bus transportation from our respective cities to a DART station. She stated that in addition, they are working on beefing up transportation in and around our city. Ms. Kever stated that there will be a discussion in the near future regarding Interstate 635 managed lane.

Council member Day did not have any comments.

Council member Ricchi stated that because he believes in the Constitution, this meeting was lengthy with spirited debate this evening. He stated that the consensus of Council has spoken and we will work together to make this community much better for the citizens and the future of our children. He stated that he appreciates the Mayor and Council and will see them at the next meeting.

Mayor Loughmiller wished everyone a Happy Thanksgiving. Mr. Loughmiller invited everyone to the State of the Community on November 8, 2012 at Christ Fellowship Church at 11:30 a.m., the Veterans Day events that was mentioned by Ms. Kever, and 7<sup>th</sup> annual Believe charity on the Saturday after Thanksgiving. He stated that the Dickens of a Christmas will be starting over the Thanksgiving weekend in the downtown square. Mayor stated that it would be helpful as they organize their work sessions in the future and if they could pick one work session per month where Council could provide a 5 to 10 minute update on things that are happening. Mr. Loughmiller asked if Staff could look into potential sign monuments on Industrial Boulevard toward the airport. Mr. Loughmiller wished his wife a happy 25<sup>th</sup> wedding anniversary tomorrow.

City Manager Gray did not have any comments.

Mayor Loughmiller called for Citizen Comments and there were none.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 10:50 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary