

## **CITY COUNCIL REGULAR MEETING**

**JUNE 18, 2013**

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on June 18, 2013 at 6:00 p.m.

Council Present: Mayor Pro-Tem Travis Ussery, Council members: Randy Pogue, Geralyn Kever, Don Day, and Ray Ricchi. Absent: Mayor Brian Loughmiller and Council member Roger Harris.

Staff Present: City Manager Jason Gray; Deputy City Manager Rob Daake; City Attorney Mark Houser; City Secretary Sandy Hart; Executive Director of Development Services Barry Shelton; Assistant Director of Development Services Rick Leisner; Director of Planning Michael Quint; Assistant Director of Planning Kevin Spath; Engineering - Carla Easton, Paul Tucker, and Matt Richardson; Assistant Director of Planning Michael Hebert; Chief of Police Joe Williams; Fire Chief Danny Kistner; Deputy Chief of Police Joe Ellenberg; Assistant Fire Chief Neil Howard; Parks, Recreation, and Open Space Director Lemuel Randolph; Senior Help Desk Technician Amy Greer; Parks Planner Jenny Baker; Planning Manager Jennifer Arnold; Police Officer Brad Williams; Communications and Media Manager Anna Clark; and Housing and Community Development Manager Janay Tieken.

There were 19 guests present.

Mayor Pro-Tem Ussery called the meeting to order at 6:00 p.m. after determining a quorum was present. Invocation was given by Dewayne Owens of Kindom Faith Bible Church. Mayor Pro-Tem Ussery led the Pledge of Allegiance.

Mayor Pro-Tem Ussery called for Citizen Comments and there were none.

Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to approve the following consent items:

- 13-597** Minutes of the City Council Work Session of June 4, 2013
- 13-598** Minutes of the City Council Regular Meeting of June 4, 2013
- 13-464** Minutes of the Community Grants Advisory Commission Board Meeting of February 28, 2013
- 13-509** Minutes of the McKinney Community Development Corporation and McKinney Economic Development Corporation Joint Meeting of April 25,

2013

- 13-470** Minutes of the Library Advisory Board Meeting of April 18, 2013
- 13-527** Minutes of the Community Grants Advisory Commission Board Meeting of May 8, 2013
- 13-508** Minutes of the McKinney Community Development Corporation Board Meeting of April 25, 2013
- 13-537** Minutes of the McKinney Convention & Visitors Bureau Meeting of April 23, 2013
- 13-536** Minutes of the McKinney Convention & Visitors Bureau Special Meeting of April 29, 2013
- 13-292** Minutes of the McKinney Economic Development Corporation Board Meeting of February 19, 2013
- 13-518** Minutes of the McKinney Economic Development Corporation Board Meeting of March 19, 2013
- 13-519** Minutes of the McKinney Economic Development Corporation Special Board Meeting of April 11, 2013
- 13-599** Minutes of the McKinney Housing Authority Meeting of February 19, 2013
- 13-600** Minutes of the McKinney Housing Authority Meeting of May 2, 2013
- 13-601** Minutes of the McKinney Housing Authority Meeting of May 21, 2013
- 13-531** Minutes of the Planning and Zoning Commission Regular Meeting of May 14, 2013
- 13-602** Consider/Discuss/Act on an Ordinance Amending the 2012-2013 Annual Budget for One Additional School Resource Officer. Caption reads as follows:

ORDINANCE NO. 2013-06-055

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS AUTHORIZING AMENDMENTS TO THE  
FISCAL YEAR 2012-2013 ANNUAL BUDGET PERTAINING TO  
THE FUNDING OF A SCHOOL RESOURCE OFFICER; AND  
PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 13-603** Consider/Discuss/Act on a Resolution Authorizing the City Manager to Execute a Construction Agreement with Tiseo Paving Company for the

Construction of the FM 543 Realignment at US 75 Project and  
Authorizing any Change Orders. Caption reads as follows:

RESOLUTION NO. 2013-06-080 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
EXECUTE A CONTRACT IN THE AMOUNT OF \$2,758,095.71  
AS WELL AS ALL REQUIRED CHANGE ORDERS THERETO,  
WITH TISEO PAVING COMPANY, FOR THE FM 543  
REALIGNMENT AT US 75 CONSTRUCTION PROJECT, FOR A  
TOTAL AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF  
ANY CHANGE ORDERS, FOR AN AMOUNT NOT TO EXCEED  
\$3,000,000

- 13-604** Consider/Discuss/Act on a Resolution Authorizing the City Manager to  
Execute a Contract with Moss Brothers for the Construction of the Couch  
Drive 12-inch Water Line Loop Project and Authorizing Any Change  
Orders. Caption reads as follows:

RESOLUTION NO. 2013-06-081 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
EXECUTE A CONTRACT IN THE AMOUNT OF \$258,756.10 AS  
WELL AS ALL REQUIRED CHANGE ORDERS THERETO, WITH  
MOSS BROTHERS FOR THE CONSTRUCTION OF THE  
COUCH DRIVE 12-INCH WATER LINE PROJECT FOR A TOTAL  
AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY  
CHANGE ORDERS, NOT TO EXCEED \$298,000

- 13-605** Consider/Discuss/Act on a Resolution Authorizing the City Manager to  
Execute a Contract with Terracon Consultants, Inc. for Materials Testing  
Services for the Couch Drive 12-inch Water Line Loop Project and  
Authorizing any Supplemental Agreements. Caption reads as follows:

RESOLUTION NO. 2013-06-082 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO  
EXECUTE A CONTRACT IN THE AMOUNT OF \$7,355 AS WELL  
AS ALL REQUIRED SUPPLEMENTAL AGREEMENTS  
THERETO, WITH TERRACON CONSULTANTS, INC., FOR  
MATERIALS TESTING SERVICES FOR THE COUCH DRIVE 12-  
INCH WATER LINE LOOP PROJECT FOR A TOTAL  
AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY  
SUPPLEMENTAL AGREEMENTS, FOR AN AMOUNT NOT TO  
EXCEED \$8,200

- 13-606** Consider/Discuss/Act on a Resolution Authorizing the City Manager to  
Execute a Contract with Terracon Consultants, Inc., for Material Testing

on the FM 543 Realignment at US 75 Construction Project. Caption reads as follows:

RESOLUTION NO. 2013-06-084 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$41,455.00, AS WELL AS ALL REQUIRED CHANGE ORDERS THERETO, WITH TERRACON CONSULTANTS, INC., TO PROVIDE MATERIAL TESTING SERVICES RELATED TO THE FM 543 REALIGNMENT AT US 75 CONSTRUCTION PROJECT, FOR AN AMOUNT NOT TO EXCEED \$46,000

- 13-608** Consider/Discuss/Act on a Resolution for the Purchase of Approximately 50 Acres of Land South of US 380 and East of Gray Branch Road. Caption reads as follows:

RESOLUTION NO. 2013-06-086 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE PURCHASE OF APPROXIMATELY 50 ACRES SOUTH OF US 380 AND EAST OF GRAY BRANCH ROAD

- 13-609** Consider/Discuss/Act on a Resolution Authorizing Execution of an Agreement with the Texas Department of Transportation for all Work Associated with the Design and Construction of Aircraft Parking Apron Reconstruction and Expansion at Collin County Regional Airport. Caption reads as follows:

RESOLUTION NO. 2013-06-087 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AIRPORT PARTICIPATION AGREEMENT BETWEEN THE TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF MCKINNEY FOR THE RECONSTRUCTION OF AIRCRAFT PARKING APRON AND CONSTRUCTION OF EXPANDED APRON AT COLLIN COUNTY REGIONAL AIRPORT

END OF CONSENT

- 13-528** Mayor Pro-Tem Ussery called for Consideration/Discussion/Action on the Minutes of the Community Grant Advisory Commission of the May 9, 2013 Board Meeting. Council member Pogue requested this item be

pulled down for discussion. Mr. Pogue stated that in reviewing the Ordinance creating the Community Grants Advisory Committee that he did not see where a request from a private school would qualify for funding. He stated that if a private school or daycare business would be allowed funding, it would set precedence for other daycares or other private schools to request funding. Housing and Community Development Manager Janay Tieken stated that this is an allowable expense under the Community Development Block Grant program. The national objective is to serve low to moderate income persons, those making 80% or less of the area median income. It also serves the priority need of youth services and is an allowable expense. Ms. Tieken stated that all of the families that are served by Holy Family make at or below the 80% of the area median income. The grant provides emergency assistance to those families so that they can continue to receive child care while they look for or continue their job during a time of emergency. Council approved the motion by Council member Pogue, seconded by Council member Kever, to approve the Minutes of the Community Grant Advisory Commission of the May 9, 2013 Board Meeting, with a vote of 4-0-1, Council member Ricchi abstained.

**13-100M1** Mayor Pro-Tem Ussery called for Consideration/Discussion/Action on a Resolution to Accept and File the Semiannual Report with Respect to the Progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Council member Pogue requested that this item be pulled down for discussion. Planning Manager Jennifer Arnold stated that this item is to accept and file the semiannual report as it relates to the existing impact fee structure. The City of McKinney's Semiannual Report includes a summary of the total roadway and utility impact fee funds collected, transferred, and available for capital improvement projects. It also lists recently completed and ongoing capital improvement projects. Ms. Arnold stated that an engineering firm does a technical calculation for

the maximum assessable fee per service area and that is determined by the cost of constructing anticipated new roadways divided by the new vehicle miles that would be anticipated as a result of that new development. This calculation is the maximum assessable fee not necessarily what is charged. The City Council actually decides where within the threshold they want to set the fees. Ms. Arnold stated that the vehicle miles are then generated through trip generations based on the land use. Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to approve a Resolution to accept and file the Semiannual Report with respect to the progress of the Capital Improvements Plan for Roadway and Utility Impact Fees. Caption reads as follows:

RESOLUTION NO. 2013-06-083 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, ACCEPTING AND FILING THE  
SEMIANNUAL REPORT WITH RESPECT TO THE PROGRESS  
OF THE CAPITAL IMPROVEMENTS PLAN FOR ROADWAY  
AND UTILITY IMPACT FEES

- 13-607** Consider/Discuss/Act on a Resolution Authorizing a Contract with Oncor Electric Delivery to Relocate the Existing Overhead Electric Lines along Virginia Street as Necessary for the Town Center Phase 2 Infrastructure Improvements Project. Council member Pogue requested that this item be pulled down for discussion. CIP Manager Matt Richardson stated that this item authorizes a contract with Oncor to relocate overhead lines related to Town Center Infrastructure Phase 2 project. Council member Pogue inquired about the City's policy regarding a fee collection for relocating overhead utility lines throughout the City. Mr. Richardson stated that he is not aware of a City policy to relocate overhead utilities underground and capital projects are handled on a case by case basis. Mr. Pogue stated that Frisco and Plano have policies that address overhead lines. City Manager Gray stated that they will bring this back to a future work session. Council unanimously approved the motion by

Council member Pogue, seconded by Council member Kever, to approve a Resolution authorizing a contract with Oncor Electric Delivery to relocate the existing overhead electric lines along Virginia Street as necessary for the Town Center Phase 2 Infrastructure Improvements Project. Caption reads as follows:

RESOLUTION NO. 2013-06-085 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH ONCOR ELECTRIC DELIVERY TO RELOCATE EXISTING OVERHEAD ELECTRIC LINES ALONG VIRGINIA STREET AS NECESSARY FOR THE TOWN CENTER PHASE 2 CONSTRUCTION PROJECT

**13-098A2** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss on the Request by Shupe Ventura Lindelow & Olson, on Behalf of Central & Fannin Wilson 155, L.L.L.P, on a Petition to Annex Fewer than 154 Acres, Generally Located on the Northwest Corner of F.M. 543 and U.S. Highway 75 (Central Expressway). Director of Planning Michael Quint stated that the applicant is requesting to annex the property into the City of McKinney and the property is approximately 153 acres in size. He stated that prior to annexing a piece of property into the City, the City considers a number of factors. (1) the current population of the land to be annexed, (2) the ability for the City to provide services and utilities, and (3) the fiscal impact to the City. Mr. Quint stated that state law requires three public hearings prior to annexing a piece of property into the City of McKinney. The first public hearing was held on June 17, 2013 at 5:30 p.m. and this is the second public hearing. The third and final public hearing will be held on July 16, 2013 at 6:00 p.m. where final action will be taken concurrently with an associated development agreement and zoning request. Staff recommends that Council hold a public hearing and take no further action. Mayor Pro-Tem Ussery called for public comments and there was none. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to close the public hearing.

**12-204A3** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Fourth Avenue Investments, L.L.C., on Behalf of Jon W. & Rebecca L. Bayless and Honey Creek Partners L.P., on a Petition to Annex Fewer than 2 Acres, Located on the North Side of Country Club Road and Approximately 600 Feet East of Nature Place, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to annex 1.44 acres into the City of McKinney. Mr. Quint stated that state law requires three public hearings prior to annexing a piece of property into the City of McKinney. In accordance with the Texas Local Government Code, the City Council held the first public hearing at a special meeting on May 21, 2013 (5:30 p.m.) and held a second public hearing at a regular meeting on May 21, 2013 (6 p.m.). This is the final public hearing for action regarding the petition for annexation, and it is being considered concurrently with an associated zoning/rezoning request (12-199Z) and annexation agreements. Staff recommends approval of the proposed annexation. Mayor Pro-Tem Ussery called for public comment and there none. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to close the Public Hearing and approve an Ordinance annexing fewer than 2 acres, located on the north side of Country Club Road and approximately 600 feet east of Nature Place. Caption reads as follows:

ORDINANCE NO. 2013-06-056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ANNEXING CERTAIN TERRITORIES TO THE CITY OF MCKINNEY; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE AND PROVIDING FOR AN EFFECTIVE DATE THEREOF

**13-610** Mayor Pro-Tem Ussery called for Consideration/Discussion/Action on an Annexation Agreement with Honey Creek Partners, L.P., Being Less Than 1 Acre, Located on the North Side of Country Club Road and Approximately 560 Feet East of Nature Place. Director of Planning



Michael Quint stated that this is the first of two annexation agreements for this property. The previous agenda item approving the annexation of this property set out the provisions of services to the property as well as future development for the property. Staff has no concerns and recommends approval. Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to approve an Annexation Agreement with Honey Creek Partners, L.P., being less than 1 acre, located on the north side of Country Club Road and approximately 560 feet east of Nature Place.

**13-611** Mayor Pro-Tem Ussery called for Consideration/Discussion/Action on an Annexation Agreement with Jon W. and Rebecca L. Bayless, Being Fewer than 2 Acres, Located on the North Side of Country Club Road and Approximately 600 Feet East of Nature Place. Director of Planning Michael Quint stated that this is the second of two annexation agreements for this property. Staff has no concerns and recommends approval. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to approve an Annexation Agreement with Jon W. and Rebecca L. Bayless, being fewer than 2 acres, located on the north side of Country Club Road and approximately 600 feet east of nature place.

**12-199Z2** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by 4th Avenue Investments, on Behalf by Coleman Inma Leigh and Honey Creek Partners, L.P., for Approval of a Request to Rezone Fewer than 5 Acres from "AG" - Agricultural District to "PD" - Planned Development District and Zone Fewer than 2 Acres to "PD" - Planned Development District, Generally to Allow for Single Family Residential Uses and to Modify the Development Standards, Located on the Northeast Corner of Country Club Road and Nature Place, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject

property to allow for the construction of small single family residential neighborhood. He stated that development standards generally conform to the RS-84 standard with the minimum lot size of 8,400 square feet. Staff recommends approval. Mayor Pro-Tem Ussery called for public comment and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to close the Public Hearing and approve an Ordinance rezoning fewer than 5 acres from "AG" - Agricultural District to "PD" - Planned Development District and zone fewer than 2 acres to "PD" - Planned Development District, generally to allow for single family residential uses and to modify the Development Standards, located on the northeast corner of Country Club Road and Nature Place, with the following special ordinance provisions: the subject property develop in accordance with Section 146-71 "RS 84" - Single Family Residence District the Zoning Ordinance, and as amended, except as follows: setbacks on the subject property shall conform to the attached zoning exhibit, density of the subject property shall be a maximum of 2.4 dwelling units per acre, three 4" caliper canopy trees (providing at least two of the trees in the front yard) or two 6" caliper trees (providing at least one of the trees in the front yard) shall be provided for each residential lot, and the development of the subject property shall generally conform to the attached zoning exhibit. Caption reads as follows:

ORDINANCE NO. 2013-06-057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 4.51 ACRE PROPERTY IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND SO THAT AN APPROXIMATELY 1.44 ACRE PROPERTY IS ZONED "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY RESIDENTIAL USES AND TO MODIFY THE DEVELOPMENT STANDARDS, LOCATED ON THE NORTHEAST CORNER OF COUNTRY CLUB ROAD AND NATURE PLACE; 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

**12-234Z5** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Verizon Wireless, on Behalf of Roanoke Manor, L.L.C., for Approval of a Request to Rezone Fewer than 4 Acres from "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District, "REC" - Regional Employment Center Overlay District, and "CC" - Corridor Commercial Overlay District, to Allow for a Support Tower for Cellular Communication Antennas, Located Approximately 1,500 Feet East of Lake Forest Drive and Approximately 230 Feet South of Future Collin McKinney Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant has requested that this item be tabled until the July 16, 2013 Council meeting. Mayor Pro-Tem Ussery called for public comment and there were none. Council unanimously approved the motion by Council member Kever, seconded by Council member Day, to continue the public hearing and table this item to the July 16, 2013 meeting.

**99-283MR3** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Waldo & Lee R. Turner, for Approval of a Minor Replat for Lots 765R, 766, and 777R of the McKinney Outlots, Being Less than 1 Acre, Located on the Southeast Corner of State Highway 5 (McDonald Street) and Watt Street. Director of Planning Michael Quint stated that the applicant is proposing to subdivide two existing lots into three lots for future commercial use. Under the requirements of the Subdivision Ordinance, the applicant will be required to construct all necessary public improvements prior to filing the associated replat such as dedicating and constructing right-of-way and sidewalks to the south of the property. The applicant has requested a variance waiving the requirement to provide these improvements. The

applicant has requested not to dedicate a 5 foot right-of-way along the southern portion of the subject property, not to construct a 20 foot wide street to the south of the subject property, and not to construct a sidewalk adjacent to that street. Staff has no objections to the requested variances and recommends approval of the proposed minor replat. Mayor Pro-Tem Ussery called for public comment and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to close the Public Hearing and approve the request by Waldo & Lee R. Turner, for a Minor Replat for Lots 765R, 766, and 777R of the McKinney Outlots, being less than 1 acre, located on the southeast corner of State Highway 5 (McDonald Street) and Watt Street, with the following conditions: the applicant satisfy the conditions as shown on the Standard Conditions for Minor Replat Checklist, the applicant receive approval of a variance to Section 142-105 (Improvements) of the Subdivision Ordinance waiving the requirement to dedicate 5 feet of right-of-way and construct a 24 foot wide section of roadway with associated sidewalk, adjacent to the south side of the property, prior to filing the plat for record: the applicant revise the plat to show "2013" on all signature block dates, the applicant revise the plat to provide two state plane coordinates, the applicant revise the plat to show the current right-of-way widths for all adjacent streets, the applicant revise the plat to provide a note stating the purpose of the plat, the applicant revise the plat to provide the filing information for the 10' Street Dedication along Watt Street and Railroad Street previously dedicated, and the applicant revise the plat to provide the filing information for both of the 15' corner clips previously dedicated.

**13-11222** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Middleton & Associates, L.L.C., on Behalf of Heavy Ventures, L.L.C., Mike Shell, Timothy Thompson, and Stephen C. Matthews for Approval of a Request to Rezone Fewer

than 2 Acres from "PD" - Planned Development District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the West Side of Lloyd Stearman Drive and Approximately 450 Feet North of Virginia Parkway, and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property to modify how many stories are allowed. Currently, the "PD" – Planned Development District allows a maximum of 2 stories with a maximum building height of 35 feet. The applicant is requesting the ability to go up to 3 stories in height but maintain the 35 foot building height. He stated that staff recommends approval of this item. Mayor Pro-Tem Ussery called for public comment and there were none. Council approved the motion by Council member Kever, seconded by Council member Day, to close the Public Hearing and approve an Ordinance rezoning fewer than 2 acres from "PD" - Planned Development District to "PD" - Planned Development District, generally to modify the development standards, located on the west side of Lloyd Stearman Drive and approximately 450 feet north of Virginia Parkway, with a vote of 4-0-1, with Council member Pogue abstaining, with the following special ordinance provision: use and development of the subject property shall conform to "PD" - Planned Development District Ordinance No. 2008-11-106, except as follows: Townhome/hangar units shall be a maximum of 3 stories tall (35 feet). Caption reads as follows:

ORDINANCE NO. 2013-06-058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 2008-11-106 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 1.51 ACRE PROPERTY IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE DEVELOPMENT STANDARDS, LOCATED ON THE WEST SIDE OF LLOYD STEARMAN DRIVE AND APPROXIMATELY 450 FEET NORTH OF VIRGINIA PARKWAY; 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

**13-085Z2** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on the Request by Kimley-Horn And Associates, Inc., on Behalf of Creststone Investors, L.L.C., for Approval of a Request to Rezone Fewer than 15 Acres from "MH" - Heavy Manufacturing District and "ML" - Light Manufacturing District to "PD" - Planned Development District, Generally to Modify the Uses and Development Standards, Located Approximately 1,700 Feet North of Plateau Drive and on the East Side of McDonald Street (State Highway 5), and Accompanying Ordinance. Director of Planning Michael Quint stated that the applicant is requesting to rezone the subject property to allow for smaller scale commercial and retail type operations along the frontage road on Highway 5. Staff recommends approval. Mayor Pro-Tem Ussery called for public comment and there were none. Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to close the Public Hearing and approve an Ordinance rezoning fewer than 15 acres from "MH" - Heavy Manufacturing District and "ML" - Light Manufacturing District to "PD" - Planned Development District, generally to modify the uses and development standards, located approximately 1,700 feet north of Plateau Drive and on the east side of McDonald Street (State Highway 5), with the following special ordinance provisions: Tract 1, as shown on the attached zoning exhibit, of the subject property shall develop in accordance with Section 146-86 "C" - Planned Center District, and as amended, except as follows: Office/Retail/Warehouse Flex Space shall be an allowed use and shall be defined as a commercial building that features a small retail or office use in combination with a larger warehouse use. The warehouse use of this building shall be no more than five times larger than the office or retail use that it is associated with

or a maximum of 10,000 square feet, whichever is smaller. This building type shall be subject to the “non-residential uses in non-industrial districts” architectural design requirements of Section 146-139 of the Zoning Ordinance, residential uses shall be prohibited, Tract 2, as shown on the attached zoning exhibit, of the subject property shall develop in accordance with Section 146-90 “ML” - Light Manufacturing District, and as amended, with the following exceptions: a concrete or asphalt batch plant shall be an allowed use, dirt, topsoil, sand, gravel, and other similar material storage shall be an allowed use, and one canopy tree shall be required for every 30 linear feet of street frontage. Caption reads as follows:

ORDINANCE NO. 2013-06-059

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING ORDINANCE NO. 1270 OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 14.60 ACRE PROPERTY IS REZONED FROM “MH” – HEAVY MANUFACTURING DISTRICT AND “ML” – LIGHT MANUFACTURING DISTRICT TO “PD” – PLANNED DEVELOPMENT DISTRICT, GENERALLY TO MODIFY THE USES AND DEVELOPMENT STANDARDS, LOCATED APPROXIMATELY 1,700 FEET NORTH OF PLATEAU DRIVE AND ON THE EAST SIDE OF MCDONALD STREET (STATE HIGHWAY 5); 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

**13-079M4** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on a Resolution to Approve the Land Use Assumptions for the 2012-2013 Roadway Impact Fee Update. Planning Manager Jennifer Arnold stated Staff is presenting the Land Use Assumptions report for approval for the purpose of moving forward with the 2012-2013 Impact Fee update process. The land use assumptions projects growth in McKinney over a ten-year period by service area for residential and non-residential uses. These projections help determine the amount of capital improvements needed over a 10 year planning horizon. Ms. Arnold stated that there will be a joint meeting with the City

Council and the Planning and Zoning Commission for July 29, 2013 to present the CIP report as well as the calculations and methodologies used to establish the maximum assessable fee. Ms. Arnold stated that approval of the land use assumptions allows Staff to move forward with the Utility Impact Fee update process. Mayor Pro-Tem Ussery called for public comment and there were none. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to close the Public Hearing and approve a Resolution to approving the Land Use Assumptions for the 2012-2013 Roadway Impact Fee Update. Caption reads as follows:

RESOLUTION NO. 2013-06-089 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, APPROVING THE LAND USE  
ASSUMPTIONS FOR THE 2012-2013 UTILITY IMPACT FEE  
UPDATE

**13-079M5** Mayor Pro-Tem Ussery called for a Public Hearing to Consider/Discuss/Act on a Resolution to Approve the Land Use Assumptions for the 2012-2013 Utility Impact Fee Update. Planning Manager Jennifer Arnold stated that this is for approval of the Land Use Assumptions so Staff can use it as input for the Utility Impact Fee update process. Mayor Pro-Tem Ussery called for public comment and there were none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to close the Public Hearing and approve a Resolution to approving the Land Use Assumptions for the 2012-2013 Utility Impact Fee Update. Caption reads as follows:

RESOLUTION NO. 2013-06-089 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS, APPROVING THE LAND USE  
ASSUMPTIONS FOR THE 2012-2013 UTILITY IMPACT FEE  
UPDATE

**13-612** Mayor Pro-Tem Ussery Consideration/Discussion/Action on a Development Agreement (ETJ) for the Estates of Willow Wood,



Approximately 307 Acres, Located Within the City's Extra-Territorial Jurisdiction Generally East of State Highway 5 (McDonald Street) and Approximately 3,000 Feet North of F.M. 543. Director of Planning Michael Quint stated that the property owner has approached the City in an effort to enter into a Development Agreement that is authorized under Section 212.172 of the Texas Local Government Code. The owner agrees to the voluntary annexation (full purpose) of the subject property into the City prior to the commencement of any construction, and the Agreement serves as a voluntary application for such annexation. Concurrent with annexation is the requirement that the Owner/Applicant seek zoning consistent with the land uses described in the Agreement, the Owner/Applicant shall be permitted to construct no more than 859 single family residential lots: no more than 655 lots be constructed to the south of the future un-named east/west arterial (approved via a record plat on 11/18/09), no more than 204 lots be constructed to the north of the future un-named east/west arterial (7,440 square foot minimum lot size), the Owner/Applicant agrees that all residential units shall be subject to residential architectural design standards, the Owner/Applicant agrees that the portion of the subject property located to the north of the future un-named east/west arterial roadway shall be subject to the Tree Preservation requirements of the City's existing Zoning Ordinance, the Owner/Applicant agrees that the portion of the subject property located to the south of the future un-named east/west arterial roadway shall be subject to the Tree Preservation requirements of the City's Zoning Ordinance existing at the time of the Record Plat approval, the Owner/Applicant shall dedicate, at its expense, a 9 acre park site adjacent to a future Melissa ISD school site, the Owner/Applicant shall provide, at its expense, a hike and bike trail through the property to the future park site, the Owner/Applicant shall extend, at its expense, all public utilities (water and wastewater) to serve the subject property

(estimated cost of approximately \$4.8MM), the Owner/Applicant shall construct, at its expense, all off-site water and wastewater lines before the 213th unit is constructed, the Owner/Applicant agrees that no building permits shall be issued prior to the acquisition of all off-site easements, the Owner/Applicant agrees that no more than 655 units shall be constructed before the Bloomdale Pump Station is completed (tentative completion date of 2018), the Owner/Applicant shall design and construct, at its expense, four (4) lanes of the future un-named east/west arterial through the subject property (estimated cost of approximately \$2.8MM), the Owner/Applicant shall improve, at its expense, State Highway 5 (McDonald Street) by adding turn lanes adjacent to the subject property, the Owner/Applicant shall improve, at its expense, State Highway 5 (McDonald Street) by adding turn lanes adjacent to the Trinity Heights residential neighborhood and the Creekpoint Apartments, the Owner/Applicant shall improve, at its expense, the McDonald Street/Wilmeth Road intersection or the McDonald Street/F.M. 543/Bloomdale Road intersection by adding turn lanes and additional lane capacity, the Owner/Applicant agrees to develop the subject property according to the general development plan (Exhibit A-1), the City agrees to use its eminent domain authority in accordance with state law to acquire offsite easements necessary for the extension of public infrastructure (all costs to be reimbursed by the Owner/Applicant), the City agrees to grant impact fee credits equaling all impact fee requirements for the subject property, and the City agrees to install a Pressure Relief Valve ("PRV") prior to September 1, 2014 between the 794 and 850 pressure planes. The PRV is a 2013-14 CIP project. Mr. Quint stated that subsequent to the agenda item being finalized and given to the City Council, staff has had a conversation with the property owner regarding an additional need for a 15 foot water line easement extending to the eastern property line across the northern portion of the

elementary school site and the Master Hike and Bike Plan as well as the Comprehension Plan shows a hike and bike trail running parallel to the DART rail. Mr. Quint stated that the property has no objections to these two additional items. Council unanimously approved the motion by Council member Kever, seconded by Council member Pogue, to approve a Development Agreement (ETJ) for the Estates of Willow Wood, approximately 307 acres, located within the City's Extra-Territorial Jurisdiction generally east of State Highway 5 (McDonald Street) and approximately 3,000 feet north of F.M. 543 with the following changes: adding a 15 foot wide water line easement along the northern boundary of the proposed school site and adding the requirement to dedicate and construct of a 10' wide hike and bike trail in a 15' wide easement parallel to the 12 inch water line shown just outside the southeastern most portion of the subject property.

Mayor Pro-Tem Ussery called for Citizen Comments and there were none.

Mayor Pro-Tem Ussery called for Council and Manager Comments

Council member Pogue thanked staff for coordination with the applicant on the last agenda item regarding the Willow Wood development. Mr. Pogue inquired if there was an update from City Manager Gray regarding an email he has received about the animal shelter and any update relating to a meeting that he and Council member Ricchi attended with the Freedom Park Homeowners Association concerning their request for pavement markings and a stop sign. City Manager Gray stated that he will be happy to send out a summary to Council with an update on the animal shelter issues that were raised. Deputy City Manager Daake stated that Staff has been out to the Freedom Park site, done some additional investigation, are in the process of formalizing their findings, and will be preparing a memo for the residents and the City Council within the next week.

Council member Kever thanked staff for a very development concentric agenda tonight and all the work that went into preparing them. Thanks to Staff for vetting through all issues, there were not many questions from Council on these agenda items.

Ms. Kever expressed congratulations to the Development team for receiving the Celebrating Leadership in Development Efforts (CLIDE) award from the North Central Texas Council of Governments for the comprehensive implementation strategy for the Town Center Initiative, Phase 2 on June 14th.

Council member Day did not have any comments.

Council member Ricchi stated that the Freedom Park Homeowners Association complimented the City Staff for getting out and painting the rail that they had requested. Mr. Ricchi complimented Director of Public Works Hal Cranor who took care of some sidewalk issues in City. Council has received a lot of emails complimenting staff on getting that done so quickly. Mr. Ricchi stated that we have a very active and proactive staff. Mr. Ricchi stated that last week the Council had their first meeting on the 2013-2014 budget and we will continue to have a balanced budget. City Manager Gray and staff have done an excellent job on bringing the information to Council.

Mayor Pro-Tem Ussery expressed his appreciation to Staff for all they do and a lot of work that Council never sees but we all get the benefit of. Mr. Ussery stated that he and the Mayor have met with some economic development candidates and they are interested in being in McKinney by what we all do together to make this a great City.

City Manager Gray stated that currently we have the summer reading program going on at the Library and there are two additional Jammin in June concerts at 7:30 p.m. at Town Lake Park on June 20 and 27<sup>th</sup>.

Council unanimously approved the motion by Council member Pogue, seconded by Council member Kever, to adjourn. Mayor Pro-Tem Ussery adjourned the meeting at 6:50 p.m.

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TRAVIS USSERY  
Mayor Pro-Tem

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary