



# CITY OF MCKINNEY, TEXAS

## Agenda

### City Council Regular Meeting

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Tuesday, July 16, 2013

6:00 PM

Council Chambers  
222 N. Tennessee Street  
McKinney, Texas 75069

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#### CALL TO ORDER

#### INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation given by Pastor Randall Wright, Clearview Church

#### INFORMATION SHARING

**13-664**     [Presentation of the "Celebrating Leadership in Development Excellence" Award \(CLIDE Award\)](#)

**Attachments:**   [Agenda Item Summary](#)  
                          [Award Certificate](#)  
                          [Award Brochure](#)

#### CITIZEN COMMENTS

#### CONSENT AGENDA

*These items consist of non-controversial or housekeeping items required by law. Items may be considered individually by any Council member making such request prior to a motion and vote on the Consent Items.*

#### MINUTES

**13-665**     [Minutes of the City Council Budget Retreat of June 14, 2013](#)

**Attachments:**   [Minutes](#)

**13-666**     [Minutes of the City Council Special Meeting of June 17, 2013](#)

**Attachments:**   [Minutes](#)

**13-667**     [Minutes of the City Council Regular Meeting of June 18, 2013](#)

**Attachments:** [Minutes](#)

13-571 [Minutes of the Collin County Airport Development Corporation Meeting of May 9, 2013.](#)

**Attachments:** [Minutes](#)

13-527 [Minutes of the Community Grants Advisory Commission Board Meeting of May 8, 2013](#)

**Attachments:** [Minutes](#)

13-528 [Minutes of the Community Grant Advisory Commission Meeting of May 9, 2013](#)

**Attachments:** [Minutes](#)

13-623 [Minutes of the Library Advisory Board Meeting of May 16, 2013](#)

**Attachments:** [Minutes](#)

13-583 [Minutes of the McKinney Armed Services Memorial Board Meeting of May 8, 2013](#)

**Attachments:** [Minutes](#)

13-559 [Minutes of the McKinney Arts Commission Special Meeting of March 21, 2013](#)

**Attachments:** [Minutes](#)

13-560 [Minutes of the McKinney Arts Commission Meeting of April 18, 2013](#)

**Attachments:** [Minutes](#)

13-626 [Minutes of the McKinney Community Development Corporation Board Meeting of May 23, 2013](#)

**Attachments:** [Minutes](#)

13-613 [Minutes of the McKinney Economic Development Corporation Board Meeting of May 21, 2013](#)

**Attachments:** [Minutes](#)

**13-668**     [Minutes of the McKinney Housing Authority Meeting of May 28, 2013](#)

**Attachments:**   [Minutes](#)

**13-589**     [Minutes of the Planning and Zoning Commission Regular Meeting of May 28, 2013](#)

**Attachments:**   [Minutes](#)

**13-636**     [Minutes of the Planning and Zoning Commission Regular Meeting of June 11, 2013](#)

**Attachments:**   [Minutes](#)

#### ORDINANCES

**13-669**     [Consider/Discuss/Act on an Ordinance Approving and Adopting Rate Schedule "RRM - Rate Review Mechanism" for Atmos Energy Corp, Mid-Tex Division](#)

**Attachments:**   [Agenda Item Summary](#)  
                          [Ordinance](#)  
                          [Rate Review Mechanism](#)  
                          [Staff Report](#)  
                          [RRM Comparison to GRIP](#)

**13-670**     [Consider/Discuss/Act on an Ordinance Adopting the 2012 International Residential, Building, Plumbing, Mechanical, Energy, Fuel Gas Codes, the 2011 National Electrical Code, the North Central Texas Council of Governments Recommended Local Code Amendments, and the City Code Amendments.](#)

**Attachments:** [Agenda Item Summary](#)  
[Ordinance](#)  
[Attachment A-NCTCOG Amend. Building](#)  
[Attachment B- NCTCOG Amend.-Residential](#)  
[Attachment C- NCTCOG Amend.-Mechanical](#)  
[Attachment D- NCTCOG Amend.-Plumbing](#)  
[Attachment E- NCTCOG Amend.-Fuel Gas](#)  
[Attachment F- NCTCOG Amend.-Energy](#)  
[Attachment G- NCTCOG Amend.-Electrical](#)  
[2006-2012 Significant Changes](#)  
[Public Handout of 2006-2012 Key Changes](#)

**13-671** [Consider/Discuss/Act on an Ordinance Adopting the 2012 International Fire Code](#)

**Attachments:** [Agenda Item Summary](#)  
[Ordinance](#)  
[Exhibit A - NCTCOG 2012 Amendments](#)  
[2012 Significant Changes 2006 to 2012](#)  
[2012 Significant McKinney Changes](#)

**13-672** [Consider/Discuss/Act on an Ordinance Repealing Chapter 42, Article III, Sections 42-56 through 42-67 of the Code of Ordinances of the City of McKinney, Texas, entitled "Open Burning," and Adopting a New Chapter 42, Article III, Sections 42-56 through 42-68, entitled "Open Burning"](#)

**Attachments:** [Agenda Item Summary](#)  
[Ordinance](#)

## RESOLUTIONS

**13-673** [Consider/Discuss/Act on a Resolution Authorizing the Application and Acceptance of the U.S. Department of Justice 2013 Byrne Justice Assistance Grant, if Awarded, and Designating the City Manager, or his Designee, as Official Representative of the City in Matters Relating to the Program](#)

**Attachments:** [Agenda Item Summary](#)  
[Resolution](#)  
[Interlocal Agreement](#)  
[Memorandum of Understanding](#)

**13-674** [Consider/Discuss/Act on a Resolution Authorizing the Mayor to Sign the North Central Texas Public Works Mutual Aid Agreement](#)

**Attachments:** [Agenda Item Summary](#)  
[Resolution](#)  
[Public Works Mutual Aid Agreement](#)

**13-675** [Consider/Discuss/Act on a Resolution Authorizing the City Manager to Enter into a Real Estate Purchase Agreement for Property Located at 1620 W. Virginia St., McKinney, Texas](#)

**Attachments:** [Agenda Item Summary](#)  
[Resolution](#)

#### MISCELLANEOUS

**13-676** [Consider/Discuss/Act on a Chapter 380 Economic Development Agreement with Jeff and Gayle Haynes, Reinvestment Zone Number One and the City of McKinney for the Sidestreet Redevelopment Project Located on the Southwest Corner of Virginia Street and Johnson Street](#)

**Attachments:** [Agenda Item Summary](#)  
[Haynes TIRZ 380 Agreement](#)  
[Location Map](#)

#### END OF CONSENT

#### REGULAR AGENDA AND PUBLIC HEARINGS

*This portion of the agenda consists of items requiring individual consideration by the Council.*

**13-677** [Conduct a Public Hearing to Consider/Discuss/Act on a Resolution Approving the Community Development Block Grant](#)

(CDBG) FY 2013-14 Annual Action Plan

**Attachments:** Agenda Item Summary  
Resolution  
Action Plan

**13-120M2** Conduct a Public Hearing to Consider/Discuss/Act on a Development Agreement (ETJ) with Central and Fannin Wilson 155, L.L.L.P., Being Fewer than 154 Acres, Located on the North and South Sides of Future F.M. 543 and West of U.S. Highway 75 (Central Expressway)

**Attachments:** Agenda Item Summary  
PZ Meeting Minutes  
Proposed Development Agreement

**13-098A3** Conduct 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 North and South of Future F.M. 543 and West of U.S. Highway 75 (Central Expressway), and Accompanying Ordinance

**Attachments:** Agenda Item Summary  
Draft CC Minutes 6/17/2013  
Draft CC Minutes 6/18/2013  
Location Map and Aerial Exhibit  
Letter of Intent  
Petition Request to Annex  
Proposed Ordinance with Exhibits  
Exhibit A - Location Map  
Exhibit B - Legal Description  
Exhibit C - Service Plan  
Exhibit D - Property Description  
PowerPoint Presentation

**13-099Z2** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Shupe Ventura Lindelow Olsen, on Behalf of Central & Fannin Wilson 155, L.L.L.P., for Approval of a Request to Zone Fewer than 154 Acres to "PD" - Planned Development

District, Generally to Allow for Commercial Uses and to Modify the Development Standards, Generally Located North and South of Future F.M. 543 and West of U.S. Highway 75 (Central Expressway), and Accompanying Ordinance

**Attachments:** [Agenda Item Summary](#)  
[PZ Staff Report](#)  
[PZ Minutes](#)  
[Maps](#)  
[Letter of Intent](#)  
[Fiscal Analysis](#)  
[Module Tracking Spreadsheet](#)  
[Proposed Ordinance with Exhibits](#)  
[Exhibit A - Location Map](#)  
[Exhibit B - Metes and Bounds](#)  
[Exhibit C - Survey](#)  
[Exhibit D - Development Regulations](#)  
[PowerPoint Presentation](#)

**13-110SU2** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Eldorado Bar Concepts, Inc., on Behalf of Orchid Shopping Center Dallas, TX L.P., for Approval of a Specific Use Permit for a Private Club (Jack's Pub), Being Fewer than 4 Acres, Located on the East Side of Orchid Drive and Approximately 200 Feet North of Eldorado Parkway, and Accompanying Ordinance

**Attachments:** [Agenda Item Summary](#)  
[PZ Minutes 062513](#)  
[PZ Staff Report](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Proposed Ordinance with Exhibits](#)  
[Exhibit A Location Map](#)  
[Exhibit B Proposed Floorplan](#)  
[PowerPoint Presentation](#)

**13-061Z3** Conduct a Public Hearing to Consider/Discuss/Act on the Request by Creative Architects, on Behalf of Paul Sturkie, for

[Approval of a Request to Rezone Less than 1 Acre from "PD" - Planned Development District and "H" - Historic Preservation Overlay District to "PD" - Planned Development District and "H" - Historic Preservation Overlay District, Generally to Allow for a Townhome Development, Located on the Northeast Corner of Willie Street and Parker Street, and Accompanying Ordinance \(REQUEST TO BE TABLED\)](#)

**Attachments:** [Agenda Item Summary](#)  
[Location Map and Aerial Exhibit](#)

**12-234Z6** [Conduct 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](#)

**Attachments:** [Agenda Item Summary](#)  
[PZ Minutes 052813](#)  
[PZ Minutes 032613](#)  
[PZ Minutes 031213](#)  
[PZ Report](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Existing Ordinance 2000-09-064](#)  
[Propagation Map - Before](#)  
[Propagation Map - After](#)  
[Proposed Ordinance with Exhibits](#)  
[Exhibit A - Location Map](#)  
[Exhibit B - Metes and Bounds](#)  
[Exhibit C - Site Plan](#)  
[PowerPoint Presentation](#)

**13-093Z2** [Conduct a Public Hearing to Consider/Discuss/Act on the Request by Geer Surveying & Engineering, on Behalf of Bonnie Phennel, for Approval of a Request to Rezone Fewer than 11 Acres from "AG" - Agricultural District to "ML" - Light Manufacturing District, Located Approximately 4,200 Feet East of FM 1827 \(New Hope Road\) and on the South Side of U.S. Highway 380 \(University Drive\), and Accompanying Ordinance](#)

**Attachments:** [Agenda Item Summary](#)  
[PZ Minutes 061113](#)  
[PZ Staff Report](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Land Use Module Tracking Sheet](#)  
[Fiscal Analysis](#)  
[Proposed Ordinance with Exhibits](#)  
[Exhibit A Location Map](#)  
[Exhibit B Zoning Exhibit](#)  
[PowerPoint Presentation](#)

**13-095Z2** [Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd and Joplin, on Behalf of SW Hillcrest/380, L.P., for Approval of a Request to Rezone Fewer than 11 Acres from "AG" - Agricultural District to "ML" - Light Manufacturing District, Located on the South Side of U.S. Highway 380 \(University Drive\) and Approximately 1,200 Feet East of C.R. 1827 \(New Hope Road\), and Accompanying Ordinance](#)

**Attachments:** [Agenda Item Summary](#)  
[PZ Minutes 061113](#)  
[PZ Staff Report](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Land Use Module Tracking Sheet](#)  
[Fiscal Analysis](#)  
[Proposed Ordinance with Exhibits](#)  
[Exhibit A Location Map](#)  
[Exhibit B Zoning Exhibit](#)  
[PowerPoint Presentation](#)

**13-101Z2** [Conduct a Public Hearing to Consider/Discuss/Act on the Request by Abernathy, Roeder, Boyd & Joplin, on Behalf of McKinney Seven Stacy, L.P., for Approval of a Request to Rezone Fewer than 85 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 Southeast Corner of Custer Road and Future Silverado Trail, and Accompanying Ordinance](#)

**Attachments:** [Agenda Item Summary](#)  
[PZ Minutes](#)  
[PZ Report](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Fiscal Analysis](#)  
[Existing Ordinance No. 1756](#)  
[Proposed Ordinance with Exhibits](#)  
[Exhibit A - Location Map](#)  
[Exhibit B - Boundary](#)  
[Exhibit C - Land Use Plan](#)  
[PowerPoint Presentation](#)

**13-686** [Consider/Discuss/Act on a Chapter 380 Economic Development Agreement with McKinney Seven Stacy, LP for the Construction](#)

of the Eastbound Lanes and Bridge of Silverado Trail between Custer Road and Amon Carter Drive

**Attachments:** [Agenda Item Summary](#)  
[Location Map of Silverado Trail](#)  
[Chapter 380 Agreement](#)

**13-102Z2** [Conduct a Public Hearing to Consider/Discuss/Act on the Request by Barnett Signs, Inc., on Behalf of WinCo Foods, for Approval of a Request to Rezone Fewer than 12 Acres from “PD” - Planned Development District to “PD” - Planned Development District, Generally to Modify the Freestanding Signage Requirements, Located on the Southwest Corner of Waddill Street and U.S. Highway 380 \(University Drive\), and Accompanying Ordinance](#)

**Attachments:** [Agenda Item Summary](#)  
[PZ Minutes 062513](#)  
[PZ Staff Report](#)  
[Location Map and Aerial Exhibit](#)  
[Letter of Intent](#)  
[Proposed Ordinance with Exhibits](#)  
[Zoning Exhibit A - Location Map](#)  
[Zoning Exhibit B - Sign Locations](#)  
[Zoning Exhibit C - Elevations](#)  
[Zoning Exhibit D - Sign Matrix](#)  
[PowerPoint Presentation](#)

**13-121M2** [Conduct a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Amend the Comprehensive Plan, Including Amendments to the Transportation Element Section \(Section 8\) to Include References to the On-Street Bicycle Transportation Master Plan, Minor Amendments to the Master Thoroughfare Plan, and Corresponding Amendments to the Future Land Use Plan and Future Land Use Plan Module Diagram](#)

**Attachments:** [Agenda Item Summary](#)  
[Proposed Ordinance](#)  
[P&Z Staff Report](#)  
[Draft P&Z Minutes](#)  
[Proposed Transportation Element](#)  
[Redlined Transportation Element](#)  
[Existing Master Thoroughfare Plan](#)  
[Proposed Master Thoroughfare Plan](#)  
[Existing FLUP](#)  
[Proposed FLUP](#)  
[Existing FLUP-MD](#)  
[Proposed FLUP-MD](#)  
[PowerPoint Presentation](#)

#### **CITIZEN COMMENTS**

#### **COUNCIL AND MANAGER COMMENTS**

Council and Manager Comments relating to items of public interest: Announcements regarding local or regional civic and charitable events, staff recognition, commendation of citizens, traffic issues, upcoming meetings, informational update on City projects, awards, acknowledgement of meeting attendees, birthdays, requests of the City Manager for items to be placed on upcoming agendas, and condolences.

#### **EXECUTIVE SESSION**

In Accordance with the Texas Government Code:

- A. Section 551.071 (2). Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed)
- Wilson 155 Development Agreement
  - Chen Tract Development Agreement
- B. Section 551.071 (1) (A). Litigation / Anticipated Litigation
- RKM Utility Services (Throckmorton project)

- C. Section 551.072. Deliberations about Real Property
- John R. Jones Survey, Abstract 497, Tract 2, 102.52
  - Land Development – FM 546 to US 380 and Airport Drive to New Hope Road
- D. Section 551.074 Discuss Personnel Matters
- City Manager Executive Team Evaluation
- E. Section 551.087 – Discuss Economic Development Matters
- Project A71
  - Project A72
  - Project A78
  - Project A90
  - Project A94
  - Project A97
  - Project A98
  - Project A99
  - Project A100
  - Project A101
  - Project A102
  - Project A103

#### **ACTION ON EXECUTIVE SESSION ITEMS**

#### **ADJOURN**

Posted in accordance with the Texas Government Code, Chapter 551, on the 12th day of July, 2013 at or before 5:00 p.m.

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Sandy Hart, TRMC, MMC  
City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements, please contact Sandy Hart, City Secretary at 972-547-7505 or Blanca Garcia, Assistant City Secretary at 972-547-7504, 48 hours prior to the scheduled meeting. Reasonable accommodations will be made to assist you.