

CITY COUNCIL REGULAR MEETING

JULY 21, 2015

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on July 21, 2015 at 6:00 p.m.

Council Present: Mayor Brian Loughmiller, Mayor Pro Tem Travis Ussery, Council members: Chuck Branch, Don Day, Randy P. Pogue, Tracy Rath, and Rainey Rogers.

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; Assistant City Manager Barry Shelton; City Attorney Mark Houser; City Secretary Sandy Hart; Interim Assistant to the City Manager Chandler Merritt; Chief Financial Officer Rodney Rhoades; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Assistant Director of Public Works Paul Sparkman; Traffic Engineer Robyn Root; IT Service Desk Supervisor Amy Greer; Planning Manager Brandon Opiela; Assistant Director of Parks and Recreation Ryan Mullins; Police Sergeant Drew Caudell; Planning - Jennifer Arnold and Jason Aprill; Housing and Community Development - Shirletta Best, and Cristel Todd; Police Sergeant Rusty May; Police Chief Greg Conley; Aquatics Supervisor Natalia Robalik; and Accounting Manager Trudy Mathis.

There were approximately 50 guests present.

Mayor Loughmiller called the meeting to order at 6:00 p.m. after determining a quorum was present.

Invocation was given by Pastor Jason Duke, Ranchland Christian Church. Mayor Loughmiller led the Pledge of Allegiance.

15-667 Youth Peace Day International Proclamation

15-669 Presentation of the "Celebrating Leadership in Development Excellence" Award (CLIDE Award) for Phase I of the Northwest Sector Study Initiative

15-668 Recognition of McKinney Lifeguards Competing at the 18th Annual North Texas Guard Game

Mayor Loughmiller called for Citizen Comments.

Mr. Sepehr Parnian, 6733 Thaxton Trail, Fort Worth, TX spoke about the zoning requirements for his client's property.

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

- 15-670** Minutes of the City Council Work Session of June 15, 2015
- 15-671** Minutes of the City Council Regular Meeting of June 16, 2015
- 15-672** Minutes of the City Council and the McKinney Community Development Corporation Joint Meeting of June 22, 2015
- 15-673** Minutes of the City Council Special Meeting of June 22, 2015
- 15-553** Minutes of the Community Grants Advisory Commission Meeting of May 20, 2015
- 15-554** Minutes of the Community Grants Advisory Commission Meeting of May 21, 2015
- 15-544** Minutes of the Main Street Board Meeting of May 14, 2015
- 15-627** Minutes of the Main Street Board Meeting of June 11, 2015
- 15-537** Minutes of the McKinney Armed Services Memorial Board Meeting of May 13, 2015
- 15-620** Minutes of the McKinney Armed Services Memorial Board Meeting of June 10, 2015
- 15-598** Minutes of the McKinney Community Development Corporation Meeting on May 28, 2015
- 15-589** Minutes of the McKinney Economic Development Corporation Meeting May 19, 2015
- 15-591** Minutes of the McKinney Economic Development Corporation Special Meeting June 9, 2015
- 15-590** Minutes of the McKinney Economic Development Corporation Special Meeting May 29, 2015
- 15-674** Minutes of the McKinney Housing Authority Board Meeting of May 26, 2015
- 15-632** Minutes of the McKinney Housing Finance Corporation Meeting of April 10, 2015
- 15-550** Minutes of the Parks, Recreation and Open Space Advisory Board

Meeting of May 14, 2015

15-535 Minutes of the Planning and Zoning Commission Work Session of May 26, 2015

15-536 Minutes of the Planning and Zoning Commission Regular Meeting of May 26, 2015

15-615 Minutes of the Planning and Zoning Commission Regular Meeting of June 9, 2015

15-675 Consider/Discuss/Act on an Ordinance Amending the Fiscal Year 2014-2015 Annual Budget to Fund One Owner Occupied Single Family Full Rehabilitation. Caption reads as follows:

ORDINANCE NO. 2015-07-062

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A CERTAIN BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2014-2015 ANNUAL BUDGET TO FUND ONE OWNER OCCUPIED SINGLE FAMILY FULL REHABILITATION; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

15-677 Consider/Discuss/Act on an Ordinance Consenting to the Annexation of a 1.272 Acre Property (Eaton Tract) into Municipal Utility District No. 1 (Trinity Falls). Caption reads as follows:

ORDINANCE NO. 2015-07-065

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE ANNEXATION BY MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY OF 3.055 ACRES OF LAND

15-679 Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property Being Lots 6A, 7A & 8A, Block C of The Snapp-Lewis Addition, Less R.O.W., City of McKinney, Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2015-07-073 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOTS 6A, 7A & 8A, BLOCK C OF THE SNAPP-LEWIS ADDITION, LESS R.O.W., CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF

MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY
COLLEGE DISTRICT AND THE MCKINNEY ISD

- 15-680** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property Being Lots 13 & 14, Block 5, Gerrish Addition, aka 717 Rike St., City of McKinney, Collin County, Texas, and Being More Fully Described in Volume 3740, Page 254 in the Deed Records of Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2015-07-074 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOTS 13 & 14, BLOCK 5, GERRISH ADDITION, AKA 717 RIKE ST., CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN VOLUME 3740, PAGE 254 IN THE DEED RECORDS OF COLLIN COUNTY, TEXAS HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 15-681** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property aka 1002 Healy Ave., Being .115 Acres of Land in Abstract 811 in the Mary Standifer Survey, as described in a Warranty Deed in Volume 324, Page 216, filed in Collin County, Texas. Caption reads as follows:

RESOLUTION NO. 2015-07-075 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY AT 1002 HEALY AVE., BEING .115 ACRES OF LAND IN ABSTRACT 811 IN THE MARY STANDIFER SURVEY, AS DESCRIBED IN A WARRANTY DEED IN VOLUME 324, PAGE 216, FILED IN COLLIN COUNTY, TEXAS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 15-682** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Participate in Execution of Special Warranty Deed for Property Being Lots 5A & 6A, Block 5, Gerrish Addition, aka 1102 S. Railroad St., City of McKinney, Collin County, Texas, as Recorded in Vol.

388, Page 250, of The Collin County Deed Records. Caption reads as follows:

RESOLUTION NO. 2015-07-076 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AUTHORIZING INTERIM CITY MANAGER TO PARTICIPATE IN THE SALE OF PROPERTY BEING LOTS 5A & 6A, BLOCK 5, GERRISH ADDITION, AKA 1102 S. RAILROAD ST., CITY OF MCKINNEY, COLLIN COUNTY, TEXAS, AS RECORDED IN VOL. 388, PAGE 250, OF THE COLLIN COUNTY DEED RECORDS, HELD IN TRUST BY THE CITY OF MCKINNEY, COLLIN COUNTY, COLLIN COUNTY COMMUNITY COLLEGE DISTRICT AND THE MCKINNEY ISD

- 15-683** Consider/Discuss/Act on a Resolution on a First Amendment to Professional Full Tennis Services Management Agreement with Lifetime Tennis Inc., a Texas Corporation. Caption reads as follows:

RESOLUTION NO. 2015-07-077 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO PROFESSIONAL FULL TENNIS SERVICES MANAGEMENT AGREEMENT WITH LIFETIME TENNIS INC., A TEXAS CORPORATION

- 15-684** Consider/Discuss/Act on a Resolution of a Second Amendment to the Professional Full Golf Services Management Agreement with DWW Golf Management, a Texas Limited Liability Corporation. Caption reads as follows:

RESOLUTION NO. 2015-07-078 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A SECOND AMENDMENT TO THE PROFESSIONAL FULL GOLF SERVICES MANAGEMENT AGREEMENT WITH DWW GOLF MANAGEMENT, A TEXAS LIMITED LIABILITY CORPORATION

- 15-685** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Reject All Proposals Associated With 15-48RFP - Medical Surveillance, Occupational Medical Program. Caption reads as follows:

RESOLUTION NO. 2015-07-079 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, REJECTING ALL PROPOSALS ASSOCIATED WITH 15-48RFP, MEDICAL SURVEILLANCE; OCCUPATIONAL

MEDICAL PROGRAM

- 15-686** Consider/Discuss/Act on a Resolution Approving the Third Amended Bylaws for McKinney Main Street. Caption reads as follows:

RESOLUTION NO. 2015-07-080 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE THIRD AMENDED BYLAWS OF MCKINNEY MAIN STREET CORPORATION; AND PROVIDING AN EFFECTIVE DATE

- 15-687** Consider/Discuss/Act on a Resolution Authorizing a Contract for Professional Auditing Services with BKD, LLP. Caption reads as follows:

RESOLUTION NO. 2015-07-081 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CONTRACT WITH BKD, L.L.P. FOR PROFESSIONAL AUDITING SERVICES

END OF CONSENT

- 15-676** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Amending Appendix A (Schedule of Fees) of the Code of Ordinances as it Pertains to Fees for Mobile Vendors and Hot Trucks (Section 46-9). Council member Day stated that he pulled this item down for discussion as it affects downtown. Most of the events downtown has various vendors and food trucks. Executive Director of Development Services Michael Quint stated that currently we have two fees in place – one is for a mobile vendor which is \$200 every six months and the other is for hot trucks at \$500 every six months. Staff is recommending lowering the six month fee into one category for both the mobile vendors and the hot trucks of \$150 every six months which will keep us more competitive with our sister cities. Council unanimously approved the motion by Council member Day, seconded by Council member Rogers, to approve an Ordinance amending Appendix A (Schedule of Fees) of the Code of Ordinances as it pertains to fees for mobile vendors and hot

trucks (Section 46-9). Caption reads as follows:

ORDINANCE NO. 2015-07-063

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING APPENDIX A, ENTITLED "SCHEDULE OF FEES", OF THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, RELATING TO FEES, BY AMENDING SECTION 46-9 PERTAINING TO FOOD SERVICE FEES AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

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

- 15-678** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance Consenting to the Annexation of a 3.055 Acre Property (GCEC Tract) into Municipal Utility District No. 1 (Trinity Falls). Assistant City Manager Barry Shelton stated that this is an Ordinance consenting to an annexation into Trinity Falls Municipal Utility District. This property is already included into the agreement between the City and the Municipal Utility District. Council approved the motion made by Council member Rogers, seconded by Council member Pogue, to approve an Ordinance consenting to the annexation of a 3.055 acre property (GCEC Tract) into Municipal Utility District No. 1 (Trinity Falls) with a vote of 6-0-1, Mayor Pro Tem Ussery abstaining. Caption reads as follows:

ORDINANCE NO. 2015-07-065

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPROVING THE ANNEXATION BY MCKINNEY MUNICIPAL UTILITY DISTRICT NO. 1 OF COLLIN COUNTY OF 3.055 ACRES OF LAND

Mayor Pro Tem Ussery returned to the dais.

- 15-688** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Substantial Amendment to the CDBG 2014-15 Annual Action Plan. Community Services Administrator Shirletta Best stated that under the CDBG Action Plan, if there is any change in use of funds previously approved, it requires a substantial amendment to the Plan. Per requirements of HUD, we are required to have a 30 day public comment

period which began June 14 through July 16 and was published in the McKinney newspaper. It provided opportunity for public comment. We received four positive comments from the public which will be submitted to the City Secretary and forwarded to the U.S. Department of Public Housing and Development. The City received a request from the McKinney Housing Authority for a change in the use of funds which were awarded for infrastructure in the redevelopment of Newsome Homes. The change will move funds from infrastructure to professional services including engineering and surveying. Upon approval from HUD, we will have a revised agreement and funds will be expended by the end of the program year. Ms. Best stated that she received the following positive comments for the change:

Ms. Juli Smith

Ms. Phyllis Tippit

Dr. Sandra Froese

Mr. and Mrs. Ed Everett

Mayor Loughmiller called for public comments. The following individuals did not wish to speak but they wanted their support entered into the record:

Ms. Eleanor Williams, 904 Throckmorton Place, McKinney

Ms. Rebecca Salinas, 9473 Olive Street, Princeton

Council unanimously approved the motion by Council woman Rath, seconded by Council member Day, to close the public hearing and approve the Substantial Amendment to the CDBG 2014-15 Annual Action Plan.

- 15-099Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District and "CC" - Corridor Commercial Overlay District to "SF7.2" - Single Family Residential District and "CC" - Corridor Commercial Overlay District, Located on the South Side of U.S. Highway 380

(University Drive) and on the West Side of Gray Branch Road (WITHDRAWN). Executive Director of Development Services Michael Quint stated the applicant requested that the item be withdrawn. No action was taken on this item.

15-006Z3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property 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 Allow for Single Family Residential and Commercial Uses, Located on the South Side of Stacy Road and at the Terminus of McKinney Ranch Parkway, and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is requesting to rezone the subject property generally for single-family detached residential uses and commercial uses. The applicant has submitted a general development plan indicating the commercial uses will be located at the intersection of Ridge Road and Stacy Road. Staff evaluated the request and recommends approval. Mayor Loughmiller stated Council had denied a similar request in July 2014 and asked what is different from this request versus the request in 2014. Mr. Quint stated that in 2014 staff was operating under a strict non-residential to residential flip denial. At that time it was important that we expand the non-residential tax base. Since that time, we have had a number of conversations with the development community about the Regional Employment Center Overlay District, the future of the REC, and a modified Future Land Use Plan. This property was identified as being appropriate for more single-family residential uses. A modified Land Use Plan was approved and that is what we are recommending for approval. The previous request had a fair amount of multi-family residential proposed, which staff was not in favor of supporting. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300,

McKinney, stated that he commended the staff for their hard work on this proposal. Mr. Roeder pointed out the location that has been identified for construction of the next Frisco High School. He stated that the previous proposal placed 20 acres of multi-family residential adjacent to the proposed ball fields of the high school and Council denied the proposal. Since that time, the applicant conducted a study and proposes single-family residential with 4 to 5 acres of fast-food commercial along the roadway. The current zoning is commercial office uses but given the limitations of accessible roadways, the single-family residential is more appropriate. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Day, seconded by Mayor Pro Tem Ussery, to approve an Ordinance rezoning the subject property 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 allow for single family residential and commercial uses, located on the south side of Stacy Road and at the terminus of McKinney Ranch Parkway, with the following conditions: the use and development of the subject property shall develop in accordance with Section 146-94 ("PD" - Planned Development District) of the Zoning Ordinance, and as amended, except as follows: the subject property shall develop in accordance with the attached development regulations and the subject property shall generally conform to the attached boundary exhibit. Caption reads as follows:

ORDINANCE NO. 2015-07-066

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 54.58 ACRE PROPERTY, LOCATED ON THE SOUTH SIDE OF STACY ROAD AND AT THE TERMINUS OF MCKINNEY RANCH PARKWAY, 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 ALLOW FOR SINGLE FAMILY RESIDENTIAL AND

COMMERCIAL USES; 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

15-082Z2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, Generally to Modify the Development Standards, Located on the Southwest Corner of Van Tuyl Parkway and Alma Road, and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is requesting to rezone the subject property generally to modify the pattern book that is in place. The pattern book is another word for PD – Planned Development District and is the set of regulations that guide development on the property. Some of the changes the applicant is seeking is to change the governing general development plan. They are adding the allowance for food trucks and they are also proposing to modify the architectural standards and reduce the amount of on-street parking within the development. Staff has evaluated this request and recommends approval. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney stated that one of the requests is to reduce the amount of surface parking and increase the amount of structured parking. There are no restaurants in the community so providing the food trucks will provide this amenity to the residents during special events. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Don Day, to close the public hearing. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Day, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development

District, generally to modify the development standards, located on the southwest corner of Van Tuyl Parkway and Alma Road, with the following special ordinance provision: the subject property shall develop in accordance with the attached pattern book. Caption reads as follows:

ORDINANCE NO. 2015-07-067

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 33.63 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF VAN TUYL PARKWAY AND ALMA ROAD, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT 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

- 15-084Z3** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "AG" - Agricultural District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, Generally to Allow for Single Family Detached and Attached Residential Uses, Located Approximately 800 Feet East of Alma Road and on the North Side of Collin McKinney Parkway, and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is requesting to rezone the subject property generally for detached single-family uses. The tract is broken into two sections. The south section is for detached single-family only whereas the north section will have allowance for some attached, single-family townhome uses. Staff has evaluated this request, which conforms to the Future Land Use Plan, and has no concerns. Mr. Quint stated that the majority of the properties designated for residential on the Future Land Use Plan already have residential zoning. He does not anticipate that Council will

see many more that have non-residential zoning. Council member Rogers inquired why there was not some land left on Collin McKinney Parkway for commercial. Mr. Quint noted that a concern is the location being mid-block. The City's practice is to keep the commercial near intersections, transition into office uses in the mid-block and on into residential. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that a portion of the tract is zoned high density residential and this rezoning request brings that back down. Mayor Loughmiller called for public comment and there were none. Council unanimously approved the motion by Council member Pogue, seconded by Mayor Pro Tem Ussery, to close the public hearing. Mr. Quint stated that there is about a 200 foot buffer between the City-owned Crape Myrtle Park and any adjacent single-family residential uses. Director of Engineering Mark Hines stated there is about 500 feet of frontage along Barcelona so there could be two access points if they decided to reclaim the flood plain. The motion by Council member Pogue, seconded by Mayor Loughmiller, to deny the request failed without four affirmative votes with a vote of 3-4-0, Mayor Pro Tem Ussery, Council members Rath, Day, and Rogers voting against. Council disapproved the motion by Council member Pogue, seconded by Mayor Loughmiller, to deny the request, by a vote of 3-4-0, Mayor Pro Tem Ussery, Council members Rogers, Rath and Day voting against. Council approved the motion by Mayor Pro Tem Ussery, seconded by Council member Day, to approve an Ordinance rezoning the subject property from "PD" - Planned Development District, "AG" - Agricultural District and "REC" - Regional Employment Center overlay District to "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District, generally to allow for single family detached and attached residential uses, located approximately 800 feet east of Alma Road and on the north side of Collin McKinney Parkway, with a vote of 4-3-0, Mayor

Loughmiller, Council members Pogue and Branch voting against, with the following special ordinance provisions: Tract 1 of the subject property, as shown on the attached Land Use Plan, shall develop in accordance with the Single Family Detached, Standard Lot requirements of the REC Neighborhood Zone as specified in the "REC" - Regional Employment Center Overlay District, and as amended, except as follows: there shall be no maximum lot width, single family detached dwelling units shall be constructed in accordance with the attached Architectural Standards, Tract 2 of the subject property, as shown on the attached Land Use Plan, shall develop in accordance with the Single Family Detached, Standard Lot requirements of the REC Neighborhood Zone as specified in the "REC" - Regional Employment Center Overlay District or Section 146-108 "TH" Townhome Residential District, and as amended, except as follows: there shall be no maximum lot width and single family detached dwelling units shall be constructed in accordance with the attached Architectural Standards. Caption reads as follows:

ORDINANCE NO. 2015-07-068

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 43.92 ACRE PROPERTY, LOCATED APPROXIMATELY 800 FEET EAST OF ALMA ROAD AND ON THE NORTH SIDE OF COLLIN MCKINNEY PARKWAY, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, "AG" – AGRICULTURAL DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT TO "PD" – PLANNED DEVELOPMENT DISTRICT AND "REC" – REGIONAL EMPLOYMENT CENTER OVERLAY DISTRICT, GENERALLY TO ALLOW FOR SINGLE FAMILY DETACHED AND ATTACHED RESIDENTIAL USES; 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

- 15-13522** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "AG" - Agricultural District to "C2" - Local Commercial District, Located on the Southeast Corner of Future Collin McKinney Parkway and Stacy Road, and

Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is requesting to rezone the subject property generally for commercial uses in conformance with the City's Comprehensive Plan and staff is recommending approval. Applicant, Mr. Tyler Scott, 4002 N. Tennessee Street, McKinney, addressed Council requesting approval of the item. Mayor Loughmiller called for public comments 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 the subject property from "AG" - Agricultural District to "C2" - Local Commercial District, located on the southeast corner of future Collin McKinney Parkway and Stacy Road. Caption reads as follows:

ORDINANCE NO. 2015-07-069

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 2.70 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF FUTURE COLLIN MCKINNEY PARKWAY AND STACY ROAD, IS REZONED FROM "AG" – AGRICULTURAL DISTRICT TO "C2" – LOCAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 15-083Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property 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 Northwest Corner of Chief Spotted Tail Drive and Alma Road, and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is requesting to rezone the subject property generally for residential uses and commercial uses along the frontage of Stacy Road.

The applicant is proposing a zoning exhibit which shows the location of the commercial frontage along Stacy and the single-family residential to the south of that frontage. Mr. Quint stated that this was discussed on an earlier agenda item about any remaining properties that may be currently zoned for nonresidential uses that may be going to residential. Staff does not anticipate many more of these requests. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that the original 2001 zoning was a mixed bag. About four years ago, we came in and rezoned 6.88 acres for a retirement assisted living center. That zoning included an elevation that never came to fruition. We decided we would restart the process and see where it went. About 3 of the 12 acres of this property will be single family with the frontages represented by commercial zoning. Mayor Loughmiller called for public comments and there were none. Council approved the motion by Mayor Pro Tem Ussery, seconded by Council member Day, to close the public hearing and approve an Ordinance rezoning the subject property 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 northwest corner of Chief Spotted Tail Drive and Alma Road, with a vote of 6-1-0, Council member Branch voting against, with the following special ordinance provisions: the use and development of Tract 1 (approximately 12.10 acres), as shown on the attached Boundary Exhibit (Exhibit C), shall develop in accordance with the Single Family Detached, Standard Lot of the Neighborhood Zone as specified in the "REC" - Regional Employment Center Overlay District, and as amended, with the following exceptions: there shall be no maximum lot width, single family detached residential dwelling units shall be constructed in accordance with the attached Single Family Architectural Standards (Exhibit D), and the use and development of

Tract 2 (approximately 3.20 acres), as shown on the attached Boundary Exhibit (Exhibit C), shall develop in accordance with Section 146-112 ("C2" - Local Commercial District) of the Zoning Ordinance, and as amended. Caption reads as follows:

ORDINANCE NO. 2015-07-070

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 15.30 ACRE PROPERTY, LOCATED ON THE NORTHWEST CORNER OF CHIEF SPOTTED TAIL DRIVE AND ALMA ROAD, 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

15-136Z3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "PD" - Planned Development District, "AG" - Agricultural District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, Generally for Commercial and Single Family Attached and Detached Residential Uses, Located Approximately 600 Feet West of Custer Road and on the South Side of U.S. Highway 380 (University Drive), and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is requesting to rezone the subject property generally for commercial uses, detached single-family residential uses, and attached single-family residential uses. The rezoning request was denied several months earlier because of concerns with the adjacency of residential homes next to the Aero Country Airport runway. Since that time, the applicant has reached a compromise that includes an open space buffer that is tied down to the zoning that nothing can be developed within this

150 foot wide, about 700 foot long north/south buffer. The applicant indicates they have broad support from the Aero Country Airport property owners association. With this compromise in place and the development challenges that make non-residential uses of this property difficult, staff is recommending approval of this modified rezoning request. Mr. Quint provided a modified ordinance that includes verbiage on deed restrictions mandating that an affidavit be signed by the homeowner acknowledging that they are purchasing a home next to Aero Country Airport. The maximum building height for homes that back up to the buffer to the west will be 35 feet. Applicant, Mr. Steve Bell, 6401 W. Eldorado Parkway, Suite 328, McKinney, stated that the buffer is 150 feet wide and 724 feet long. The fence is a cast fence, not a wooden fence, and is not one that can easily be climbed. Along the fence there is a tree line with trees over 30 feet tall. The property that is landlocked has been landlocked since the day the owner purchased the property. Mr. Eric Morgan stated that the entrance to the development will be off of US 380 just west of the drainage easement, splitting the property. In the center of the property will be an eight acre lake, which will be the focal point. The second point of entry will be off of Monticello Drive and serves as an emergency access to the property. Mayor Loughmiller called for public comment. The following individuals spoke in favor of the zoning request:

Mr. Carl Best, 2604 Winter Stone Drive, Plano

Mr. B. J. Boyle, 2656 Newcastle Drive, Carrollton

Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to close the public hearing and approve an revised Ordinance rezoning the subject property from "PD" - Planned Development District, "AG" - Agricultural District, and "CC" - Corridor Commercial Overlay District to "PD" - Planned Development District and "CC" - Corridor Commercial Overlay District, generally for commercial and single family attached and detached residential uses,

located approximately 600 feet west of Custer Road and on the south side of U.S. Highway 380 (University Drive), with the following special ordinance provisions: the use and development of Tract 1 (approximately 11.72 acres) shall conform to the regulations of Section 146-112 ("C2" - Local Commercial District) of the Zoning Ordinance and "CC" - Corridor Commercial Overlay District, and as amended, the use and development of Tract 2 (approximately 20.05 acres) shall conform to the regulations of Section 146-108 ("TH" - Townhome Residential District) of the Zoning Ordinance and "CC" - Corridor Commercial Overlay District, and as amended, except as follows: no residential structures shall be permitted within 150 feet of the adjacent airport runway as designated on the attached boundary exhibit, prior to the issuance of a building permit for any residential structures on the subject property, an 8' tall solid pre-cast masonry wall shall be constructed along the western property line of Tract 2 (within common area owned and maintained by the homeowner's association) in the location shown on the attached boundary exhibit, the use and development of Tract 3 (approximately 28.05 acres) shall conform to the regulations of Section 146-106 ("SF5" - Single Family Residential District) of the Zoning Ordinance and "CC" - Corridor Commercial Overlay District, and as amended, except as follows: all single family detached residential units shall conform to the attached architectural standards, and Developer shall record a covenant/agreement, acceptable to the City Attorney, binding it to notify property owners of the adjacent airport use. Caption reads as follows:

ORDINANCE NO. 2015-07-071

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT AN APPROXIMATELY 59.82 ACRE PROPERTY, LOCATED APPROXIMATELY 600 FEET WEST OF CUSTER ROAD AND ON THE SOUTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT, "AG" – AGRICULTURAL DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "PD" – PLANNED

DEVELOPMENT DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT, GENERALLY TO ALLOW FOR COMMERCIAL AND SINGLE FAMILY ATTACHED AND DETACHED RESIDENTIAL USES; 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

15-123SP2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for Mercedes-Benz of McKinney, Located on the Southeast Corner of Bray Central Drive and U.S. Highway 75 (North Central Expressway). Executive Director of Development Services Michael Quint stated the applicant is proposing to construct a 61,640 square foot automobile sales facility for Mercedes-Benz. Typically site plans are approved at a staff level; however, the PD District in place does mandate Council action. The applicant is requesting approval of an alternate screening device. There are bay doors oriented toward North Central Expressway that require a screening device. The applicant is proposing a living screen for the screening device. The standard in the landscape ordinance for a living screen is three foot tall at the time of planting, with growth up to six foot tall within two growing cycles. Staff has no concerns and is recommending approval. Applicant, Mr. Charles Garcia stated that they agreed that if required they could use a more mature product with the initial planting of the living screen if necessary. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Rogers, seconded by Council member Pogue, to close the public hearing and approve a Site Plan for Mercedes-Benz of McKinney, located on the southeast corner of Bray Central Drive and U.S. Highway 75 (North Central Expressway) with the following conditions: the applicant receive a variance to allow an alternate screening device (evergreen living screen composed of "Cleyera") for the western facing overhead bay doors, prior to issuance of a building permit: the applicant satisfy the conditions as shown on the

Standard Conditions for Site Plan Approval Checklist, the applicant revise the site plan to label the radii for the proposed fire lane on the subject property, subject to review and approval of the Fire Marshal, and with a change of a six foot tall evergreen shrub at the time of planting.

15-132SU3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Private Street Subdivision (Auburn Hills, Phase 5), Located on the North Side of U.S. Highway 380 (University Drive), South Side of Wilmeth Road and East of County Road 160, and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated the applicant is proposing a private street subdivision just north of US 380, west of the Baylor site. This SUP is required per the ordinance in order to get approval of a private street subdivision. Staff has evaluated this request, has no concerns with it and recommends approval. Mayor Loughmiller inquired if the developer is aware that the private street development requires the HOA be responsible for maintenance of the roadway and the financial responsibility they are taking on. Mr. Quint stated that they have let them know that there is a 20 year obligation that they have to divide up 1/20th every year and put into a pot for maintenance obligations. Knowing that there is a possibility at the end of that 20 year obligation that the private street obligation could go public, all streets are designed to City standards. The streets will also have to be brought up to the City's standards, at their cost, before the City takes over the maintenance. Applicant, Mr. Jerry Silo, 1601 Quorum Drive, Addison, stated that the entrance off of US 380 into the subdivision is grand and creates an upscale community. The density has been decreased from 3.2 per acre on the preliminary plat to 2.95 per acre, increasing the average lot size. The concept plan will be integrated from 55 foot wide lots up to 70 foot wide lots with four different product types. Mayor Loughmiller called for public comment and there was none. Council unanimously approved the

motion by Mayor Pro Tem Ussery, seconded by Council member Day, to close the public hearing and approve an Ordinance granting a Specific Use Permit for a Private Street Subdivision (Auburn Hills, Phase 5), located on the north side of U.S. Highway 380 (University Drive), south side of Wilmeth Road and east of County Road 160, with the following condition: the subject property shall generally develop in accordance with the attached Concept Plan Exhibit "D", and Entrance Exhibit - Exhibit "E". Caption reads as follows:

ORDINANCE NO. 2015-07-072

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; PROVIDING FOR A SPECIFIC USE PERMIT FOR A PRIVATE STREET SUBDIVISION (AUBURN HILLS PHASE 5), APPROXIMATELY 102.38 ACRES, LOCATED ON THE NORTH SIDE OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE), SOUTH SIDE OF WILMETH ROAD, AND EAST OF COUNTY ROAD 160; 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

15-128PF Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Preliminary-Final Plat for 301 Single Family Residential Lots and 14 Common Areas (Auburn Hills, Phase 5), Located on the North Side of U.S. Highway 380 (University Drive), South Side of Wilmeth Road and East of County Road 160. Executive Director of Development Services Michael Quint stated the applicant is proposing to subdivide approximately 102 acres into 301 single-family detached residential lots. This is the companion item to the item just approved. Typically preliminary final plats stop at the Planning and Zoning Commission; however, to expedite the developer's timeline the item has been brought to Council. Staff has reviewed the request and recommends approval at this time. Applicant, Mr. Jerry Silo, JBI Partners, 1601 Quorum Drive, Addison, was present to answer any questions and there were none. Mayor Loughmiller called for public comments 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 a Preliminary-Final Plat for 301 single family residential lots and 14 common areas (Auburn Hills, Phase 5), located on the north side of U.S. Highway 380 (University Drive), south side of Wilmeth Road and East of County Road 160, with the following condition, which must be satisfied prior to filing the plat for record: the applicant satisfy the conditions as shown on the Standard Conditions for Preliminary-Final Plat Approval Checklist.

- 15-120SP2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Site Plan for Freedom Powersports, Located at 2110 North Central Expressway. Executive Director of Development Services Michael Quint stated the applicant is proposing an approximate 3,000 square foot expansion to an existing building. Typically a site plan of this type would be approved at a staff level however the PD ordinance does mandate City Council action and as such we are recommending approval. Applicant, Mr. Alan Ross, 14902 Preston Road, Dallas stated he is aware of the condition that they will be required to submit a shared dumpster agreement, subject to the review and approval of the City Attorney. Council unanimously approved the motion by Council member Day, seconded by Council member Pogue, to close the public hearing and approve a Site Plan for Freedom Powersports, located at 2110 North Central Expressway.
- Council member Pogue stepped down from the dais for the following agenda item.

- 15-157Z2** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on the Request by the City of McKinney to Zone Less than 675 Acres of Land to "AG" - Agricultural District, Generally Located At and Around the Intersection of Trinity Falls Parkway (F.M. 543), Laud Howell Parkway (F.M. 543 Connector), and Central Expressway (U.S. Highway 75), and

Accompanying Ordinance. Executive Director of Development Services Michael Quint stated that the City of McKinney is proposing to zone approximately 675 acres of land. This land was recently annexed by the City Council in May / June of this year. At that time, staff failed to bring forth the zoning application. Staff is proposing an AG zoning designation as a holding pattern as we are not aware of any long-term development in the area. It is anticipated that when long-term development comes to the area, a property owner will come back with a rezoning request at that time. Staff is recommending approval of the zoning application. Council member Rogers inquired about the irregular and inconsistent area of the acreage. Mr. Quint noted that per state law, the City offered pre-annexation development agreements to several property owners. Those pre-annexation development agreements would allow them to stay in the ETJ for 10 years and as long as they use their property for specific uses. The properties notched out agreed to a pre-annexation development agreement so their property stayed in the City's ETJ. Any property owner not wanting to be annexed can speak in opposition and follow procedures outlined in state law to oppose that but the City did not receive any oppositions. Mayor Pro Tem Ussery called for public comments and there were none. Council approved the motion made by Council member Day, seconded by Council woman Rath, to close the public hearing and approve and Ordinance zoning less than 675 acres of land to "ag" - agricultural district, generally located at and around the intersection of Trinity Falls Parkway (F.M. 543), Laud Howell Parkway (F.M. 543 Connector), and Central Expressway (U.S. Highway 75), with a vote of 6-0-1, Council member Pogue abstaining. Caption reads as follows:

ORDINANCE NO. 2015-07-073

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF MCKINNEY, TEXAS; SO THAT LESS THAN 675 ACRES OF LAND GENERALLY LOCATED AT AND AROUND THE INTERSECTION OF TRINITY FALLS PARKWAY (F.M. 543), LAUD HOWELL PARKWAY (F.M. 543 CONNECTOR), AND CENTRAL EXPRESSWAY (U.S. HIGHWAY 75), IS ZONED "AG"

– AGRICULTURAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

Council member Pogue returned to the dais.

15-102SU3 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request to Allow for an Auto Body Repair and Paint Shop (Caliber Collision), Located on the North Side of U.S. Highway 380 (University Drive) and Approximately 400 Feet West of Hardin Boulevard, and Accompanying Ordinance. Executive Director of Development Services Michael Quint stated that the applicant is requesting to continue the public hearing and table the item to the August 3, 2015 meeting. This item was denied by the Planning and Zoning Commission and will therefore require a super majority vote by the Council for approval. Applicant, Mr. Jonathan Vincent, 901 Main Street, Dallas requested that the public hearing remain open until the August 3rd meeting. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to continue the public hearing and table this item until the August 3, 2015 Regular Meeting.

15-689 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Ratifying the Second Meet and Confer Agreement with the McKinney Police Association. Deputy City Manager Jose Madrigal thanked the team that participated in the Meet and Confer. There were three goals with the agreement: open communication; maintain competitiveness in the marketplace; and financial sustainability for the future. Negotiations began on March 24th and ended on March 25th. On July 8th the agreement was ratified by the Police Association by an 83% approval. The current agreement ends on September 30, 2015, this agreement, if approved tonight, will begin on October 1, 2015. Key

changes in this Meet and Confer Agreement are: Judicial Supervisor or Marshal and Deputy Police Chief positions are removed from the definition of police officer; the market data definition is now defined as average rates of pay for the benchmark cities plus 1.5%; the duration of the agreement will be two years to coincide with the Fire Meet and Confer Agreement; a rollback option; bulletin boards allowed only for the bargaining agent which is the McKinney Police Association; implementing payroll deduction for dues; same benefits received by the fire fighters in their Meet and Confer Agreement; and minor compensation adjustments including increasing the clothing allowance by \$50 per year and an increase in assignment pay from \$13 per day to \$20 per day. Some notable new sections that were included: meeting rights with the Chief; no strike/no lockout clause; MPA communications; and management rights. Staff recommends approval of this agreement. Sergeant Russel May, 2200 Taylor Burke, McKinney, representing the McKinney Police Association, stated that the MPA would like to thank the City Council and City management for the negotiations and requested Council's approval. It was noted that the Fraternal Order of Police is covered under the agreement as far as the benefits from the contract. Sergeant May stated that once approval was received from the City, permission was received from the City Manager and the Police Chief to send a department-wide email explaining how the vote would be held. The Association met with each shift and divisions. Everyone received a ballot which was placed in an envelope that was dropped into a locked box located in the lobby. Sergeant May, Chief Conley and Sergeant Farrel Ritchie counted the votes in the CID room and presented the results to City management. The Agreement was approved by a vote of 123 for and 21 against. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to a Resolution Ratifying the Second Meet and Confer Agreement with the McKinney Police

Association. Caption reads as follows:

RESOLUTION NO. 2015-07-082 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
McKINNEY, TEXAS, RATIFYING THE SECOND MEET AND
CONFER AGREEMENT WITH THE McKINNEY POLICE
ASSOCIATION

- 15-690** Mayor Loughmiller called for Consideration/Discussion/Action on an Ordinance to Select Names for Several Roadways in McKinney. Traffic Engineer Robyn Root stated that Staff is asking the City Council to name these roadways. Old FM 543, a small portion of a collector roadway, is anticipated to be vacated in the future. Staff is recommending naming this roadway Old FM 543 or Old Weston Road. Old Redbud Boulevard that tees into the new Redbud Boulevard needs to be renamed. The McCleary family has requested that this street be named after their family. There are three new roadways constructed with the US 75 construction. The Bridge Street was formerly the old southbound frontage road. It can be named Valley Creek or given a new name. There are two connectors between the service roads and Parkview, one on the east and one on the west, which need to be named. The new alignment for FM 546 is under design by TxDOT. TxDOT has requested that the City name this roadway so that it can be used on design maps. Mayor Loughmiller requested that, with the number of roadways to be named and the list of possible names, a committee of Mayor Pro Tem Ussery, Councilwoman Rath, and Council member Day work with the list of names and come back with a recommendation for each of the streets. If any Council member wants a name considered that is not on this list, the name should be submitted to City Attorney Houser so that it can be given to the committee and added for consideration. Council unanimously approved the motion by Council woman Rath, seconded by Council member Branch, to table the item pending the recommendation of the subcommittee that will work directly with Ms. Root.

15-691 Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Appointing Members to the Reinvestment Zone Number One and Ratifying the Prior Appointments to Reinvestment Zone Number Two. City Secretary Sandy Hart stated that the By-laws of TIRZ One and TIRZ Two state that all appointments to these boards are to be made by Resolution. The Resolution will appoint members to Reinvestment Zone Number One and ratify the appointments made to Reinvestment Zone Number Two on June 22, 2015. Council unanimously approved the motion by Council member Day, seconded by Mayor Pro Tem Ussery, to a Resolution appointing members to the Reinvestment Zone Number One and ratifying the prior appointments to Reinvestment Zone Number Two. Caption reads as follows:

RESOLUTION NO. 2015-07-083 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, APPOINTING THREE (3) MEMBERS TO THE BOARD OF DIRECTORS FOR REINVESTMENT ZONE NUMBER ONE AND RATIFYING THE THREE (3) PRIOR APPOINTMENTS TO REINVESTMENT ZONE NUMBER TWO, CITY OF MCKINNEY; AND PROVIDING FOR AN EFFECTIVE DATE

Mayor Loughmiller called for Citizen Comments.

The following individuals spoke about the zoning requirements for a property in McKinney:

Mr. Sepehr Parnian, 6733 Thaxton Trail, Fort Worth

Mr. Mahmmod Shahsiah, 3505 Brustter Drive, Plano

Mayor Loughmiller called for Council and Manager Comments.

Council member Branch thanked everyone for staying late this evening.

Council member Pogue congratulated Mr. Quint on his recent promotion and he was looking forward to working with him in his new role. Mr. Pogue thanked the Police Department for being here and for all that they do.

Council member Rogers stated that during his campaign, he let everyone know that he was not always politically correct and that sometimes he will say things that are not popular. In the spirit of that and to the voters of District 2, he submitted the

following. "On June 26th five lawyers changed the course of American history by legalizing same sex marriage. My belief is that marriage and a family is more than a mere social institution. From the beginning of time, God instituted marriage between a man and a woman so that they could bring children into this world and create families. So I believe marriage is a divine institution, not man-made. I firmly believe the country is going down the wrong path with this decision. Having said that, I understand that right now the law has been changed. My concern for the citizens of McKinney is that this decision is only the beginning of what will be our fight to protect our freedom of religion. For many people this change in law is not enough. They want acceptance of a lifestyle that many of us in the Christian community find wrong. Ultimately, if we will not accept their lifestyle, they want forced acceptance. This includes forcing businesses to participate in marriages that some feel are wrong or forcing ministers to participate in marriages they do not feel right in participating in. Several communities across the country have instituted these types of laws and ordinances. It is my hope that the City of McKinney will do all they can to protect the religious rights of the people in our City that do not want to participate in these ceremonies. Once again, these are my own thoughts and opinions and something that is dear to my heart. It is not the opinion of the City of McKinney. I realize it is not a popular thing to say and that some will say that I am full of hate or bigoted. Nothing could be farther from the truth. Anybody that knows me, knows that I have a love for everyone I meet. It truly amazes me that the phrase "I support traditional marriage" has somehow become hate speech and my comments are motivated by love I have for the institution of marriage and the right we have to worship as we want and not motivated by anything else."

Councilwoman Rath stated that the Aquatics Center ground breaking event yesterday was a great event. Ms. Rath stated that she is very happy to be here.

Mayor Pro Tem Ussery echoed Councilwoman Rath's comments about the groundbreaking and the Aquatics Center. It is a big step forward for McKinney and that park as well. Congratulations to Mr. Quint for the award received by your department and your promotion. Both well deserved. Also well deserved, my sincere appreciation to staff, across from top to bottom, for what you do every day, day in and day out.

Mayor Loughmiller congratulated Mr. Quint on his promotion as this is quite an accomplishment for a cow poke out of Oklahoma State. Mr. Loughmiller stated that he appreciated the work of the Council at last night's work session. I was unfortunately detained in Houston. We have a work session next Monday and I will be out of the state so Mayor Pro Tem will be handling that meeting.

Interim City Manager Tom Muehlenbeck stated that at next Monday's meeting we will have a presentation by The Retail Coach. They will bring us up-to-date on their efforts along with the development of a retail strategy that the Council requested. Secondly, I have asked Chief Conley to present to Council his initial work on developing a 10-year police staffing report for your edification.

Mayor Loughmiller recessed the meeting into executive session at 8:25 p.m. per Texas Government Code Section 551.071 (2) Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed), Section 551.074 Personnel Matters, and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 9:50 p.m.

Mayor Loughmiller called for Action on Executive Session Items.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to approve the City Manager to post a Special Meeting of the McKinney Airport Development Corporation before August 3, 2015 which Special Meeting agenda shall contain one action item to dissolve the corporation, as this Council hereby directs.

Council unanimously approved the motion by Mayor Loughmiller, seconded by Council woman Rath, to approve per discussion in Executive Session, a change to the policy regarding individuals who want to serve on a Board or Commission, may turn in an application at any time throughout the year, however, they cannot take the position at the time of swearing in if they do not have a valid application on file. For the purposes of preferencing, the City Council will perform annual reviews of the entire board, including board members that may not be up for appointment. Board and Commission

members have the ability to serve term limits as allowed by statute or by the City Council's Policy on Board and Commission Member Appointment and Eligibility.

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Randy P. Pogue, to adjourn. Mayor Loughmiller adjourned the meeting at 9:55 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary