

CITY COUNCIL REGULAR MEETING

MARCH 15, 2016

The City Council of the City of McKinney, Texas met in regular session in the Council Chambers of the Municipal Building on March 15, 2016 at 6:00 p.m.

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

Staff Present: Interim City Manager Tom Muehlenbeck; Deputy City Manager Jose Madrigal; City Attorney Mark Houser; City Secretary Sandy Hart; Planning Director Brian Lockley; Executive Director of Development Services Michael Quint; Director of Engineering Mark Hines; Director of Strategic Services Chandler Merritt; Director of Parks and Recreation Rhoda Savage; Assistant Fire Chief Tim Mock; Assistant Director of Public Works Paul Sparkman; Facilities Construction Manager Patricia Jackson; IT System Analyst Richard Sewell; Assistant Director of Parks and Recreation Ryan Mullins; Police Corporal Melissa Taylor; Chief of Police Greg Conley; Planning - Matt Robinson, Jennifer Arnold, and Neil Rose.

There were approximately 85 guests present.

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

Invocation was given by Mayor Loughmiller. A Boy Scout from Troop 496 led the Pledge of Allegiance.

16-287 Recognition of the McKinney Ice Hockey Varsity Team. Mayor Loughmiller presented Certificates of Recognition to the McKinney Ice Hockey Varsity Team for winning the State Championship.

Mayor Loughmiller called for Citizen Comments.

Mr. Jay Ray, 1601 Timber Edge Drive, McKinney, spoke about the recognition for the McKinney Ice Hockey Varsity Team.

Mr. Thomas Tolan, 710 N. Church Street, McKinney, did not wish to speak but wanted an update regarding a fire hydrant on the 700 block of Church Street.

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

- 16-288** Minutes of the City Council Work Session of February 29, 2016
- 16-289** Minutes of the City Council Regular Meeting of March 1, 2016
- 16-266** Minutes of the Historic Preservation Advisory Board Regular Meeting of February 4, 2016
- 16-230** Minutes of the McKinney Community Development Corporation Meeting of January 28, 2016
- 16-221** Minutes of the McKinney Convention & Visitors Bureau Board Meeting of January 26, 2016
- 16-222** Minutes of the McKinney Convention & Visitors Bureau Finance Committee Meeting of January 22, 2016
- 16-291** Minutes of the McKinney Housing Authority Meeting of January 26, 2016
- 16-292** Minutes of the McKinney Housing Authority Meeting of February 16, 2016
- 16-248** Minutes of the Planning and Zoning Commission Regular Meeting of February 9, 2016
- 16-269** Minutes of the Planning and Zoning Commission Work Session of February 23, 2016
- 16-270** Minutes of the Planning and Zoning Commission Regular Meeting of February 23, 2016
- 16-290** Consider/Discuss/Act on an Ordinance Amending Section 122-Article IV (Fences) of the Construction Regulations to Address Front Yard Fence Heights. Caption reads as follows:

ORDINANCE NO. 2016-03-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MCKINNEY, TEXAS, THROUGH THE AMENDMENT OF CHAPTER 122, ENTITLED "CONSTRUCTION REGULATIONS," THROUGH THE AMENDMENT OF ARTICLE IV, "FENCES," BY AMENDING SECTION 122-176, "GENERAL STANDARDS," BY AMENDING SUBPARAGRAPHS (b)(2) AND (b)(5) AND REPLACING FIGURES 1 THROUGH 4 TO INCREASE THE HEIGHT OF FENCES ALLOWED TO BE CONSTRUCTED IN THE FRONT YARD SETBACK BY RIGHT FROM 2-½ FEET TO 4 FEET, AND BY AMENDING SECTION 122-178, "SPECIAL EXCEPTIONS, TO ADD A NEW SUBPARAGRAPH (c) TO ALLOW A SPECIAL EXCEPTION TO BE GRANTED FOR FRONT YARD FENCES OF UP TO 6 FEET IN HEIGHT PROVIDED CERTAIN CONDITIONS ARE FULFILLED; REPEALING ALL CONFLICTING ORDINANCES;

PROVIDING A SEVERABILITY CLAUSE; RESERVING ALL EXISTING RIGHTS AND REMEDIES; PROVIDING FOR IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

- 16-302** Consider/Discuss/Act on a Resolution Authorizing the Interim City Manager to Execute a Contract and All Necessary Change Orders with McMahon Contracting, L.P. for the Construction of WA4409 and WW4410 FM 546 Utility Relocations - Water and Wastewater Project. Caption reads as follows:

RESOLUTION NO. 2016-03-038 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$346,296.93 WITH MCMAHON CONTRACTING, L.P. FOR THE CONSTRUCTION OF WA4409 AND WW4410 UTILITY RELOCATIONS – WATER AND WASTEWATER PROJECT AND AUTHORIZING ALL NECESSARY CHANGE ORDERS UNDER SAID CONTRACT UP TO AN AGGREGATE CONTRACT AMOUNT, INCLUSIVE OF ANY CHANGE ORDERS, NOT TO EXCEED \$400,000

- 16-303** Consider/Discuss/Act on a Resolution Amending the 2016 - 2020 Capital Improvements Program to Provide Funds for the WW1604 - Interchange Street Cured In Place Pipe (CIPP) Liner for 10-inch and 12-inch Sanitary Sewer Project. Caption reads as follows:

RESOLUTION NO. 2016-03-039 (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING A BUDGET AMENDMENT PERTAINING TO THE FISCAL YEAR 2015-2016 BUDGET AND THE 2016 - 2020 CAPITAL IMPROVEMENTS PROGRAM

- 14-331SU6** Consider/Discuss/Act on a Specific Use Permit Extension for a Restaurant with Drive-Through Window, Located on the South Side of Eldorado Parkway and Approximately 220 Feet East of Ridge Road
- 14-332SU6** Consider/Discuss/Act on a Specific Use Permit Extension for a Restaurant with Drive-Through Window, Located on the South Side of Eldorado Parkway and Approximately 550 Feet East of Ridge Road
- 14-333SU6** Consider/Discuss/Act on a Specific Use Permit Extension for a Restaurant with Drive-Through Window, Located on the South Side of

Eldorado Parkway and Approximately 700 Feet East of Ridge Road

END OF CONSENT

- 16-304** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Establishing a Policy for Median Maintenance Reimbursement Agreements. Council member Pogue requested that this item be pulled down for discussion. The Resolution before Council tonight has been amended to include a six year sunset clause that was discussed during last night's Work Session. Council unanimously approved the motion by Council member Pogue, seconded by Council member Branch, to Approved a Resolution Establishing a Policy for Median Maintenance Reimbursement Agreements as revised. Caption reads as follows:

RESOLUTION NO. 2016-03-040 (R)

A RESOLUTION OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER OR THE CITY MANAGER TO ESTABLISH PROCEDURES FOR APPROVING A MEDIAN MAINTENANCE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF MCKINNEY, TEXAS AND PRIVATE ENTITIES CONCERNING THE MAINTENANCE OF CITY-OWNED MEDIANS AND RIGHTS-OF-WAY, AND PROVIDING FOR AN EFFECTIVE DATE

- 16-305** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Accepting Loan of New Ken Toki Artwork for John & Judy Gay Library. Council unanimously approved the motion by Council member Branch, seconded by Council member Pogue, to table this item until the April 5th meeting.

- 16-01822** Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request to Rezone the Subject Property from "C" - Planned Center District, "PD" - Planned Development District, "AG" - Agricultural District, and "CC" - Corridor Commercial Overlay District to "GC" - Governmental Complex District and "CC" - Corridor Commercial Overlay District, Located on the Southeast Corner of Hardin Boulevard and McKinney

Ranch Parkway, and Accompanying Ordinance. Planning Manager Matt Robinson stated that the applicant is requesting to rezone the subject property to allow for school district uses. The McKinney ISD owns the property and is not required to rezone the property as there is precedent that allows school uses within any zoning district. MISD has requested the rezoning for reasons related to development standards and regulations such as setbacks and height requirements and to consolidate zoning of the property. Staff recommends approval of the request. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated that this item is to consolidate three different zoning classifications on the 64 acre site into one zoning classification that is designed for this use. The applicant will be required to develop infrastructure to the property including sanitary sewer, water, and roadways. A traffic study has been done and work is underway on the traffic improvements that will need to be made. The CIP program shows the widening of Hardin from four-lanes divided to six-lanes divided. The developer will participate in this project by providing funds for the right-turn lanes, double left-turn lanes, stacking lanes that impact traffic at the intersection of Sam Rayburn Tollway and Hardin, at the intersection of Hardin and McKinney Ranch Road, where McKinney Ranch Road and Collin McKinney Parkway join, and where Craig Drive joins Highway 75. The applicant is required to comply with the City's lighting and noise standards. Additionally, the applicant will need to provide an overall government complex plan prior to the site plan submittal. Mayor Loughmiller called for public comments.

The following individuals spoke in opposition of the item:

Ms. Laura Lutek, 2901 Cedar Ridge Drive, McKinney

Mr. Mike Giles, 3213 Gillespie Road, McKinney

Mr. John Haggerty, 2809 Vail Drive, McKinney

Mr. Curtis Rath, 2403 Cayenne Drive, McKinney

The following individuals spoke in favor of the item:

Mr. Jeff Markiewicz, 7012 Tillberry Court, McKinney

Mr. Larry Pereira, 1608 Crown Point Road, McKinney

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

Mr. Mark Criss, 1204 Thornberry Drive, McKinney

Ms. Pam Criss, 1204 Thornberry Drive, McKinney

Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Pogue, to close the public hearing. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Branch, to approve an Ordinance rezoning the subject property from "C" - Planned Center District, "PD" - Planned Development District, "AG" - Agricultural District, and "CC" - Corridor Commercial Overlay District to "GC" - Governmental Complex District and "CC" - Corridor Commercial Overlay District, located on the southeast corner of Hardin Boulevard and McKinney Ranch Parkway with notation of concerns over lighting and thoroughfares be addressed at the appropriate time. Caption reads as follows:

ORDINANCE NO. 2016-03-020

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 64.39 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF MCKINNEY RANCH PARKWAY AND HARDIN BOULEVARD, IS REZONED FROM "C" – PLANNED CENTER DISTRICT, "PD" – PLANNED DEVELOPMENT DISTRICT, "AG" – AGRICULTURAL DISTRICT, AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT TO "GC" – GOVERNMENTAL COMPLEX DISTRICT AND "CC" – CORRIDOR COMMERCIAL OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INJUNCTIVE RELIEF, PROVIDING FOR NO VESTED INTEREST; PROVIDING FOR THE PUBLICATION OF THE CAPTION OF THIS ORDINANCE; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF

- 15-243Z2** 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 Allow for an Independent Living Facility, Assisted Living Facility and a Memory Care Center, and Commercial Uses, Located on the Southwest Corner of McKinney Ranch Parkway and Ridge Road, and Accompanying Ordinance. Planning Manager Matt Robinson stated that the applicant is requesting to rezone approximately 13.50 acres of land from "PD" - Planned Development District and "REC" - Regional Employment Center Overlay District to "PD" - Planned Development District, generally to allow for an independent living facility, assisted living facility and a memory care center and commercial uses. The applicant is requesting approval of the concept plan on nine acres of the property, leaving four and a half acres reserved for commercial uses. The height for all buildings on the subject property shall be limited to four stories or 62 feet in height, and the independent living facility shall be permitted by right where designated on the concept plan. In addition to the following changes the "REC" – Regional Employment Center Overlay District shall no longer apply to the subject property since the REC Regulations no longer apply for properties zoned after the regulations of the Regional Employment Center were removed on May 5, 2015. The applicant has proposed an open space with a tree planter, landscaping, and seating to ensure a level of exceptional quality or innovation for the project. The applicant has also proposed a special ordinance provision for the commercial tract that will require all future buildings to be constructed on the commercial tract to utilize 75% masonry on each building elevation. Mr. Robinson stated that Staff feels the rezoning request is compatible with surrounding land uses and recommends approval of the item. Applicant, Mr. Martin Sanchez, 402 N. Tennessee, McKinney, 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 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 allow for an independent living facility, assisted living facility and a memory care center, and commercial uses, located on the southwest corner of McKinney Ranch Parkway and Ridge Road, with the following special ordinance provisions: the subject property shall develop in accordance with "PD" - Planned Development District Ordinance 2014-02-012, except as follows: the subject property shall conform only to the development regulations within the Planned Development Standards (III)(A) for Tract 1A within PD Ordinance 2014-02-012; the subject property shall develop in accordance with the proposed Concept Plan; the independent living facility shall be permitted on the subject property; the height for all buildings on the subject property shall be limited to 4 stories or 62 feet; and buildings to be constructed on the Commercial Tract (4.49 Acres) shall be finished with 75% masonry exterior finishing materials (brick, stone or synthetic stone) per elevation, and shall conform to Section 146-139 (Architectural and site standards) of the Zoning Ordinance, and as amended. Caption reads as follows:

ORDINANCE NO. 2016-03-021

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 13.5 ACRE PROPERTY, LOCATED ON THE SOUTHWEST CORNER OF MCKINNEY RANCH PARKWAY AND RIDGE 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

15-335Z3 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 Northeast Corner of Weiskopf Avenue and Van Tuyl Parkway, and Accompanying Ordinance. Planning Manager Matt Robinson stated that the applicant is requesting to rezone approximately 14.05 acres of land, generally to modify the existing development standards. More specifically, the applicant is requesting to modify the allowed uses and establish design standards for the buildings along Van Tuyl Plaza and Collin McKinney Parkway. The applicant is requesting to modify the current zoning to allow multi-family residential uses on the first floor and to create design standards with a retail appearance and that have the ability to be converted for retail uses without major renovation. The applicant has indicated that there is very little demand for first floor retail currently in the market and that building first floor retail would make the tracts uneconomical for development. Staff feels that with the design standards and the ability for the first floor to convert to commercial and retail uses in the future will provide the ability to adapt to future market demands. Applicant, Mr. Bob Roeder, 1700 Redbud, Suite 300, McKinney, stated this item involves the three remaining undeveloped tracts in the urban core of the Craig Ranch Town Center area. Mayor Loughmiller called for public comments and there were none. Council approved the motion by Councilwoman Rath, seconded by Council member Pogue, 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, generally to modify the development standards, located on the northeast corner of Weiskopf Avenue and Van Tuyl Parkway, with a vote of 5-1-0, Council member Branch voting against, with the following special ordinance provisions: to

modify "PD" - Planned Development District Ordinance No. 2014-11-087 Exhibit D as follows: Section 2d. Overarching Design Guidelines subsections 4, 5, and 6 to: "4. Blank walls that exceed 20 horizontal feet in length without a window or architectural opening and are oriented toward a public or private right-of-way shall be prohibited, except for upper floors of a structured parking facility which upper floors must contain at least two (2) of the following architectural features: columns that create articulation, cornice treatments on the horizontal elements of the parking facility, screening materials and/or configurations acceptable to the Director of Planning, exterior architectural materials matching those incorporated into the balance of the building, or other features approved by the Planning Director; the first floor of buildings facing Collin McKinney Parkway shall conform to the design requirements in Subsection v. of Section 4.a. hereafter; the architectural treatment and design of a building's front façade shall be continued around all sides that are visible from the public right-of-way; provided, however, the foregoing shall not apply to a building's first floor that fronts on Van Tuyl Plaza or Collin McKinney Parkway or the façade of a structured parking facility incorporated in a building"; Section 4a. Craig Ranch Urban Core-2 (UC2) Development Standards subsection v. to: "v. Multi-family residential uses subject to the following: Units within the first floors fronting on Van Tuyl Plaza and Collin McKinney Parkway shall be designed and constructed with minimum ceiling heights of twelve (12) feet and in a manner that allows conversion to a retail or commercial use without major renovation; the first floors adjacent to Van Tuyl Plaza and Collin McKinney Parkway shall be separated visually from the floors above through the use of a cornice, an articulation line or other architectural features acceptable to the Director of Planning; the façades of the units on the first floors adjacent to Van Tuyl Plaza and Collin McKinney Parkway shall have large storefront windows with base plates of no higher than 30 inches in a

configuration acceptable to the Director of Planning and shall incorporate at least two (2) of the following elements: an entranceway that is recessed no less than two (2) feet, awnings covering the windows or door, or both, transom windows above the windows or door, or both, horizontal bands for signage with a width of no less than 24 inches, such other architectural elements approved by the Director of Planning that are designed to facilitate the unit's future conversion to a commercial use; a minimum ten (10) foot wide sidewalk shall be adjacent to each first floor that faces Van Tuyl Plaza and Collin-McKinney Parkway; 80% of the required parking spaces shall be provided within a structured parking facility"; and Section 4b. Craig Ranch Urban Core-2 (UC2) Development Standards subsection i. to: "Front Build-to Line: 10' with a 5' encroachment area, into which improvements such as, but not limited to, awnings, signage, fixtures, and other projections from the building frontage can be placed." Caption reads as follows:

ORDINANCE NO. 2016-03-022

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 14.04 ACRE PROPERTY, LOCATED ON THE NORTHEAST CORNER OF WEISKOPF AVENUE AND VANTUYL PARKWAY, 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

- 16-020Z3** 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 "RS 60" - Single Family Residence District to "C2" - Local Commercial District, Located on the Southeast Corner of U.S. Highway 380 (University Drive) and Church Street, and Accompanying Ordinance. Planning Manager Matt Robinson stated that

the applicant is requesting to rezone the subject property to remove the concept plan and the associated development regulations for a QuikTrip convenience store and gas station, which are mandated by the governing zoning "PD" – Planned Development District Ordinance 2004-09-094. The rezoning request encompasses eight parcels with a total of five property owners. The request was submitted jointly by all property owners to remove the existing PD zoning on the property which includes a concept plan for a QuikTrip gas station. The request is in conformance with land use designation with the Future Land Use map and is appropriate along U.S. Highway 380. Staff recommended approval of the zoning request. Applicant, Mr. Siamak Hasiri, 1302 N. Church Street, McKinney, is one of the property owners and was unaware of a zoning issue when he purchased the property. Mayor Loughmiller called for public comments and there were none. Council unanimously approved the motion by Mayor Pro Tem Ussery, seconded by Council member Branch, to close the public hearing and approve an Ordinance Rezoning the subject property from "PD" - Planned Development District and "RS 60" - Single Family Residence District to "C2" - Local Commercial District, located on the southeast corner of U.S. Highway 380 and Church Street. Caption reads as follows:

ORDINANCE NO. 2016-03-023

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 1.8 ACRE PROPERTY, LOCATED ON THE SOUTHEAST CORNER OF U.S. HIGHWAY 380 (UNIVERSITY DRIVE) AND CHURCH STREET, IS REZONED FROM "PD" – PLANNED DEVELOPMENT DISTRICT AND "RS 60" – SINGLE FAMILY RESIDENCE 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

- 15-343Z6** 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 "CC" - Corridor Commercial Overlay District to "C2" - Local Commercial District and "CC" - Corridor Commercial Overlay District, Located on the Northeast Corner of U.S. Highway 380 (University Drive) and Hardin Boulevard, and Accompanying Ordinance. Interim City Manager Muehlenbeck stated that the applicant has requested that this item be tabled until the April 5th 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 April 5, 2016 Regular Meeting.

16-043A2 Mayor Loughmiller called for a Public Hearing to Consider/Discuss/Act on a Request by the City of McKinney to Annex Approximately 1,600 Acres of Land, Generally Located in an Area East of the McKinney National Airport and Along the Eastern North-South Section of Enloe Road from an Area Situated Approximately 2,900 Feet South of U.S. Highway 380 and Approximately 3,900 Feet East of Airport Road and Extending in a Southerly Direction to an Area Situated South Along Either and/or Both Sides of the East-West Section of C.R. 722 and in an Area East of the McKinney National Airport and Along the Southern East-West Section of F.M 546 from an Area Situated Approximately 3,900 Feet East of Airport Road and Extending in a Southerly Direction to an Area Situated South Along Either and/or Both Sides of the North-South Section of C.R. 317 into the City of McKinney's Corporate Limits. Planning Manager Jennifer Arnold stated this is the second of two public hearings on a potential action for annexation of approximately 1,600 acres adjacent to the McKinney National Airport. This item will be coming back to City Council at the April 19th meeting for action. 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 close the public hearing.

Council member Pogue stepped down from the dais for the following item.

- 16-306** Mayor Loughmiller called for Consideration/Discussion/Action on a Resolution Authorizing the Interim City Manager to Execute a Professional Services Contract with Pogue Construction Company of McKinney, Texas for Construction Manager at Risk (CMAR) Services Related to the Design and Construction of Phase 3 of the Public Safety Facility. Facilities Construction Manager Patricia Jackson stated that this item is for approval of the professional services contract for the Construction Manager at Risk services for Phase 3 of the Public Safety facility. This company was the Construction Manager at Risk for the construction of original building, Phase 1. Council approved the motion made by Councilwoman Rath, seconded by Council member Branch, to approve a Resolution authorizing the Interim City Manager to execute a Professional Services Contract with Pogue Construction Company of McKinney, Texas for Construction Manager at Risk (CMAR) services related to the design and construction of Phase 3 of the Public Safety Facility with a vote of 5-0-1, Council member Pogue abstaining.

Mayor Loughmiller called for Citizen Comments and there were none.

Mayor Loughmiller called for Council and Manager Comments.

Councilwoman Rath congratulated Martha Fipps for receiving the Keep McKinney Beautiful Award through the Governor's Community Achievement Awards. McKinney placed first in category 9 and was given a \$290,000 landscape award to be used somewhere throughout the City.

Council member Branch thanked staff for all the hard work and extra efforts that they put forth. Mr. Branch expressed thanks to his family for allowing him to come here and serve every Council night. "I appreciate them and am thankful to be here."

Council member Day had no comments.

Council member Pogue congratulated the McKinney ice hockey team for their state championship and wish them well going forward for the national championship.

Mayor Pro Tem Ussery echoed the comments regarding the hockey team. Being a graduate of McKinney High it is good to see the tradition continue. Congratulations to the team. As with every meeting, I want to sincerely thank the staff from my heart because you make the City what it is.

Mayor Loughmiller stated that growing up in the north, he did play some hockey but it was usually 1:30 in the morning with guys in college that were playing hockey rather loosely but it was a lot of fun. Mr. Loughmiller announced that the parking committee will have its first meeting this Thursday night at 5:30 p.m. in the Council Chambers. The committee meetings will be televised so the public can see what we are talking about. The Committee will also have at least one public input meeting event during that process where we can take comments from people that are interested in providing input. Mayor Loughmiller asked the Council to consider moving the MEDC and MCDC board meetings into the Council Chambers in order for their meetings to be televised and streamed over the cable access. This will allow people to watch our boards at work, especially boards that are involved in the utilization of tax money on behalf of the City and citizens of McKinney. Mayor Pro Tem Ussery stated he is good with the idea and willing to give it a try and see how it goes. Mayor Loughmiller stated that he has not had the opportunity to talk to any of the board members about it. I want to be perfectly clear, this is not because there is anything happening at any board meeting to suggest there is any inappropriate action or any incentive given that shouldn't have been given. It is an effort to try to bring another level of transparency to what we do in the City of McKinney regarding the use of tax dollars. Both of these boards currently have, at their disposal, approximately nine million dollars per year, they have bonding capacity that does not require a citizen vote like we do with our general obligation bonds, and they have the ability to issue bonds without voter approval. Council member Branch stated he is good with the idea and likes the idea of offering more transparency. Mayor Loughmiller asked for Council's consensus tonight, Interim City Manager Muehlenbeck will speak with Interim President Abby Liu and President Cindy Schneible about talking to their boards. Their meeting times do not conflict with anything else that goes on in this room because their meetings are during the day.

Mayor Loughmiller recessed the meeting into executive session at 7:08 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, Section 551.072 Discuss Real Property, and Section 551.087 Discuss Economic Development Matters as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 7:23 p.m.

Council unanimously approved the motion by Council member Pogue, seconded by Mayor Pro Tem Ussery, to adjourn. Mayor Loughmiller adjourned the meeting at 7:25 p.m.

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary