

## CITY COUNCIL SPECIAL MEETING

APRIL 10, 2012

The City Council of the City of McKinney, Texas met in special session in the Council Chambers of the Municipal Building on April 10, 2012 at 12:00 p.m.

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

Staff Present: City Manager Jason Gray; Deputy City Manager Joe Williams; City Attorney Mark Houser; City Secretary Sandy Hart; Finance Director Rodney Rhoades; Director of Development Services Rob Daake; Environmental Manager Kyle Odom; Director of Engineering Jack Carr; and Assistant Director of Development Services Barry Shelton.

There were 4 guests present.

Mayor Loughmiller called the meeting to order at 12:05 p.m. after determining a quorum present.

Mayor Loughmiller recessed the meeting into executive session at 12:05 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), and Section 551.087 Discuss Economic Development Matter as listed on the posted agenda. Mayor Loughmiller recessed to the open session at 12:10 p.m.

**12-213** Mayor Loughmiller called for Consideration/Action on an Ordinance Creating a Municipal Setting Designation (MSD) bounded to the west by Couch Drive, to the east by FM 546 and approximately 1,220 feet south of Industrial Blvd on Behalf of Kone Inc. City Manager Jason Gray stated that this is a request from the property owner for a Municipal Setting Designation (MSD). This Ordinance supports a Municipal Setting Designation (MSD) for a property bounded to the west by Couch Drive, to the east by FM 546 and approximately 1,220 feet south of Industrial Blvd. A TCEQ certified MSD requires an ordinance and restrictive covenant that prohibits potable use of the property's associated underlying groundwater.

Council unanimously approved the motion by Mayor Pro-Tem Ussery, seconded by Council member Day, to approve an Ordinance creating a Municipal Setting Designation (MSD) bounded to the west by Couch Drive, to the east by FM 546 and approximately 1,220 feet south of Industrial Blvd on Behalf of Kone Inc. Caption reads as follows:

ORDINANCE NO. 2012-04-015

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, PROHIBITING THE USE OF DESIGNATED GROUNDWATER FROM BENEATH THE PROPERTIES WHOSE ADDRESSES ARE 2101 COUCH DRIVE AND 1650 FM 546 AND WHICH IS BOUNDED TO THE WEST BY COUCH DRIVE, TO THE EAST BY FM 546 AND APPROXIMATELY 1,220 FEET SOUTH OF INDUSTRIAL BLVD CONTAINING APPROXIMATELY 59.0318 ACRES OF LAND IN MCKINNEY, TEXAS, TO FACILITATE THE CERTIFICATION OF SAID PROPERTY WITH A MUNICIPAL SETTING DESIGNATION BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY PURSUANT TO THE TEXAS SOLID WASTE DISPOSAL ACT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR CRIMINAL PENALTIES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

Council unanimously approved the motion by Council member Kever, seconded by Council member Harris, to adjourn. Mayor Loughmiller adjourned the meeting at 12:15 p.m.

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary