

CITY COUNCIL WORK SESSION

JULY 16, 2024

The City Council of the City of McKinney, Texas met in work session in the City Hall Council Chambers, 222 N. Tennessee Street, McKinney, Texas on Tuesday, July 16, 2024 at 4:00 p.m.

The work session was broadcast live on cable television Spectrum Channel 16 and AT&T U-Verse Channel 99; and online at <https://mckinneytx.new.swagit.com/views/130>. A video recording of the meeting is available to members of the public through the City of McKinney meeting archive.

Mayor George Fuller called the meeting to order at 4:00 p.m. upon determining a quorum of the City Council consisting of himself and the following members were present: Mayor Pro Tem Geré Feltus, and City Councilmembers Charlie Philips, Patrick Cloutier, Rick Franklin, and Michael Jones.

City Councilmember Justin Beller was absent.

These City of McKinney Staff were present: City Manager Paul Grimes, Assistant City Manager Kim Flom, Assistant City Manager Barry Shelton, Assistant City Manager Steve Tilton, City Attorney Mark Houser, Director of Public Safety Greg Conley, Chief Financial Officer Mark Holloway, Executive Director of Development Services Michael Quint, Director of Planning Jennifer Arnold, Director of Engineering Gary Graham, Director of Public Works Ryan Gillingham, Chief of Police Joe Ellenburg, Director of Parks and Recreation Amy Kinkade, Director of Cultural District Andrew Jones, Director of Strategic Services Trevor Minyard, Deputy City Secretary Tenitrus Bethel Parchman, Assistant Director of Public Works Paul Sparkman, Parks Planning & Development Manager Jenny Baker, Environmental Manager Kyle Odom, Procurement Services Manager Tracey Epps, Real Estate Acquisitions Administrator Todd Wright, Civil Engineer II Robyn Root, Senior Engineer II Paul Tucker, Buyer II Sean Fu, Buyer II Kae Chin, Senior Engineer I Daniel Still, Financial Analyst Cammie Martin, Audio/Visual Technician Joshua Arias, and ICMA Fellowship Larenz Taylor.

Mayor Fuller called for Public Comments on Agenda and Non-Agenda Items. Miranda Vanderheiden, 5721 Mariposa Dr, McKinney, Texas 75070 spoke regarding Collin County homelessness.

Mayor Fuller called for Work Session Items.

24-1754 Consider/Discuss an Appeal of a Drainage Maintenance Policy Decision
Regarding Erosion at the Provence Townhomes

The City Manager communication to the Provence Townhomes HOA President, not posted on the meeting agenda, is included in these minutes as *Appendix A: City Manager Letter to Provence Townhomes HOA*

Mayor Fuller called for Council Liaison Updates regarding City Boards & Commissions. There were no updates.

Mayor Fuller called for Executive Session at 4:23 p.m., in Accordance with the Texas Government Code:

A. Section 551.071(2) Consultations with Attorney on any Work Session, Special Session, or Regular Session agenda item requiring confidential attorney/client advice necessitated by the deliberation or discussion of said items (as needed)

- Block A, Lot CA-1, PROVENCE TOWNHOME ADDITION PHASE 1 / UDC
Article 802E.1.

B. Section 551.071 (A) Pending or contemplated litigation

C. Section 551.072. Deliberations about Real Property

- Honey Creek Development Agreement

D. Section 551.074. Personnel Matters

E. Section 551.087. Deliberation Regarding Economic Development Matters

- CR JW Hotel, LLC

A quorum of the City Council consisting of Mayor Fuller, Mayor Pro Tem Feltus and City Council members Cloutier and Jones returned from the Executive Session at 5:27 p.m. No action was taken on items discussed in the Executive Session.

Council members present unanimously approved the motion by Councilmember Cloutier, seconded by Mayor Pro Tem Feltus, to Adjourn the Work Session at 5:27 p.m.

These minutes were approved by the City Council on August 6, 2024.

SIGNED:

GEORGE C. FULLER, Mayor
GERÉ FELTUS, Mayor Pro Tem

ATTEST:

EMPRESS DRANE, City Secretary
TENITRUS BETHEL, Deputy City Secretary

City of McKinney, Texas

Appendix A: City Manager Letter to Provence Townhomes HOA

*Appendix A: City Manager Letter to Provence Townhomes HOA
Page 1 of 2*



July 10, 2024

Ms. Laura Wallace
Provence HOA President
Provence Townhomes Homeowner's Association
McKinney, TX 75070

Dear Ms. Wallace:

This letter addresses your request on behalf of the Provence Townhomes HOA to review the determination of the Director of Engineering pursuant to the Drainage Maintenance Policy, within the overall scope of the McKinney Uniform Development Code (the "Governing Regulations"), related to the parties' obligations for the Stonebridge retention pond and drainage channel near the Provence community.

The correspondence, aerial photos, photographs and video clearly show erosion in this area that has been occurring over time and has worsened in the past year.

The Governing Regulations were established to provide transparent and clear parameters related to the responsibility and maintenance of drainage areas in the City.

The Governing Regulations require that:

- Private property owners shall perform all routine landscape maintenance on private property.
- Private property owners shall perform all structural maintenance for privately owned drainage structures on private property.

Furthermore, notes on the recorded Phase 1 Record Plat for the Provence Townhome Addition, dated December 14, 2016, state that *Common Areas are owned and maintained by the HOA and the HOA is solely responsible for maintenance of the creek (including all erosion control).*

After reviewing the details of this case, I concur that the Director of Engineering made the correct determination under the Governing Regulations. That said, it does not appear that the entire issue exists on Provence HOA property. Rather, the erosion has occurred along the pond owned by the Stonebridge Ranch Community Association and the drainage common area owned by Provence. We are hopeful that a shared approach to addressing the issue might reduce the financial impact on the Provence Townhomes HOA.

CITY OF MCKINNEY

P.O. Box 517 • McKinney, Texas 75070 • Main 972-547-7500

www.mckinneytexas.org

*Appendix A: City Manager Letter to Provence Townhomes HOA
Page 2 of 2*

I genuinely sympathize with the issues your owners are experiencing and know that the responsibility of maintaining common area properties can be challenging. While this may not be the response you were seeking for this situation, please know that my review capacity is limited to determining whether the Director made the correct determination under the Governing Regulations. In this instance, I feel that he did. We will continue to the next step of the review and schedule this item for discussion at the July 16, 2024, City Council Work Session that will begin at 4:00 pm.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Grimes', with a long horizontal stroke extending to the right.

Paul G. Grimes
City Manager