

RESOLUTION NO. 2016-XX\_\_\_\_\_(R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE INTERIM CITY MANAGER TO ESTABLISH PROCEDURES FOR APPROVING A MEDIAN MAINTENANCE REIMBURSEMENT AGREEMENT BY AND BETWEEN THE CITY OF MCKINNEY, A TEXAS MUNICIPAL CORPORATION (THE "CITY") AND A PRIVATE ENTITY CONCERNING MAINTENANCE OF CITY OWNED MEDIANS AND RIGHTS-OF-WAY**

**WHEREAS**, the City has entered into a Maintenance Reimbursement Agreement allowing for an enhanced level of landscape design, installation and maintenance of Stonebridge Drive; and

**WHEREAS**, that Agreement has allowed for a much higher level of landscaping and maintenance than the City could provide independently; and

**WHEREAS**, the higher level of landscaping and maintenance has resulted in a positive impact on the community allowing a very beautiful amenity and enhanced user experience for people driving or walking along the roadway; and

**WHEREAS**, the Agreement is a mechanism allowing formalized partnerships that can help achieve many of the City Council Goals and Strategies, specifically: Direction for Strategic Growth; Operational Excellence; Financially Sound Government; and Safe & Secure Community; and

**WHEREAS**, the City would like to continue working with existing partners as needed to allow execution of and extensions to Median Maintenance Agreements in the future; and

**WHEREAS**, the City would like to allow new developments to enter into Median Maintenance Agreements in the future as long as the applicant is qualified and the terms and conditions required by the City have been satisfied.

**NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS THAT:**

Section 1. The City Council of the City of McKinney, Texas hereby adopts the following terms and conditions for entering into a Median Maintenance Agreement with outside entities, and shall read as follows:

**Purpose.** To establish terms and conditions for entering into a Median Maintenance Reimbursement Agreement for City Owned roadway medians and rights-of-way by a private entity.

**Definitions.** *Eligible Roadway medians and rights-of-way* shall be limited to those included in the City Thoroughfare Plan and identified as a Principal Arterial; Major Arterial; Minor Arterial; Greenway Arterial; or Town Thoroughfare.

**Private entities** shall include groups or agencies with the ability to provide initial landscaping and long-term maintenance of City medians and rights-of-way at a higher level than the City's typical standard.

**Median Maintenance Reimbursement Agreement** shall be a written contract with terms and conditions that help achieve the Goals and Strategies of the City Council as well as protect the long term interests of the City.

**Terms.** Terms of the Median Maintenance Reimbursement shall provide a method for a private entity to provide enhanced landscaping at no cost to the City, but a higher level of maintenance at a shared cost with the City. The following terms shall be included in each Median Maintenance Reimbursement Agreement:

- Length of Contract
- City's Obligations
- Private Entity Obligations
- Payment
- Maintenance Standards
- Meeting Requirements
- Termination Clause
- Financial Audit Provisions
- Other conditions deemed appropriate by the City

**Guidelines.** The following guidelines to accomplish the above shall be used to qualify a private entity for such agreement. A written application shall be submitted that includes the following information:

- Name, address and contact information for representative of the Private Entity
- Detailed description of the property including appropriate maps, plats or surveys
- Proposed initial project improvements to be paid by applicant and level of funding
- Proposed maintenance standards and funding commitment
- Method of delivery for project design, installation and maintenance
- Amount of funding requested from the City of McKinney (please note that the City's contribution shall not exceed the current level of service for maintenance of other City properties including city athletic facilities.)
- Timeframe

**Procedure.** Approval of a Resolution allowing for the execution of the Median Maintenance Reimbursement Agreement is required. The process for receiving approval includes:

- The Parks, Recreation and Open Space Board shall consider each Median Reimbursement Agreement and make a recommendation to the City Council
- The City Council shall consider a Resolution allowing for the execution of the Median Reimbursement Agreement

Section 2. This Resolution shall take effect immediately from and after the date of passage and is so resolved.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

CITY OF MCKINNEY, TEXAS

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BRIAN LOUGHMILLER  
Mayor

ATTEST:

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SANDY HART, TRMC, MMC  
City Secretary  
DENISE VICE, TRMC  
Assistant City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER / City Attorney