

RESOLUTION NO. 2020-07-__(R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DECLARING THE INCOMPLETE FBO TERMINAL AT THE MCKINNEY NATIONAL AIRPORT AN EMERGENCY AND DECLARING IT A NECESSITY TO REMEDY SAID EMERGENCY; DIRECTING THE CITY MANAGER TO MOVE FORWARD WITH THE SELECTION OF A COMPLETION CONTRACTOR TO FINISH THE CONSTRUCTION OF THE INCOMPLETE FBO TERMINAL PURSUANT TO THE PROCUREMENT PROVISIONS OF TEXAS LOCAL GOVERNMENT CODE §§ 252.022(a)(2) AND 252.022(a)(3), SUBJECT TO CERTAIN LIMITATIONS AS REFERENCED HEREIN; MAKING FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of McKinney is a home-rule municipal corporation duly organized under the laws of the State of Texas; and

WHEREAS, Section 252.022(a)(2) of the Texas Local Government Code exempts from the State's competitive bidding requirements an expenditure for "a procurement necessary to preserve or protect the public health or safety of the municipality's residents"; and

WHEREAS, Section 252.022(a)(3) of the Texas Local Government Code exempts from the State's competitive bidding requirements an expenditure for "a procurement necessary because of unforeseen damage to public machinery, equipment, or other property"; and

WHEREAS, the prior building owner, Western TKILeasing, LLC, filed for bankruptcy protection, abandoned and left incomplete the FBO Terminal at the McKinney National Airport which FBO Terminal has remained in an unfinished state for a significant period of time, to the point where exposed materials are becoming degraded and deteriorating in a manner that they pose a risk of being blown into and across the adjacent runway, taxiways and hangars as well as endangering aircraft taking off and landing and taxiing upon, over and about the airport property; all of which constitutes a threat to the public health and safety of the residents of the City of McKinney; and

WHEREAS, the abandoned and incomplete FBO Terminal at the McKinney National Airport has remained in an unfinished state for a significant period of time, to the point where exposed beams and construction materials used in the structural framing are becoming degraded and damaged; and

WHEREAS, competitively bidding to select a completion contractor to finish the construction of the abandoned and incomplete FBO terminal would be time consuming and threaten the health and safety of the residents of the City of McKinney by preventing the City from remedying this dangerous situation in an expeditious manner; and

WHEREAS, the City Council of the City of McKinney finds that it is in the best interest of the health, safety and welfare of the residents of McKinney to select a completion contractor to finish the construction of the incomplete FBO Terminal pursuant to Sections 252.022(a)(2) and 252.022(a)(3) of the Texas Local Government Code rather than through the processes described in Chapter 2269 of the Texas Government Code.

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

Section 1. All of the above premises are found to be true and correct and are incorporated into the body of this Resolution as if copied in their entirety.

Section 2. The City Council hereby declares the dangerous state of disrepair of the incomplete FBO Terminal to be an emergency, and thereby creating the urgent necessity to remedy said emergency.

Section 3. The City Council hereby directs and authorizes the City Manager to move forward with the selection of a completion contractor to finish the construction of the incomplete FBO Terminal pursuant to Sections 252.022(a)(2) and 252.022(a)(3) of the Texas Local Government Code, utilizing competitive processes as practicable in making the procurement.

Section 4. This Resolution is effective immediately upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, THIS 7th DAY OF JULY, 2020.

CITY OF MCKINNEY, TEXAS

GEORGE C. FULLER
Mayor

ATTEST:

EMPRESS DRANE
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney