

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

WHEREAS, the City has entered into a Median Maintenance Reimbursement Agreement with the Stonebridge Master Homeowners' Association (hereinafter the "Stonebridge Agreement") allowing for an enhanced level of landscape design, installation and maintenance of the Stonebridge Ranch Master Planned development (hereinafter "Stonebridge"); and

WHEREAS, the Agreement allows for a higher level of landscaping and maintenance than the City provides to other areas of the City; and

WHEREAS, the higher level of landscaping and maintenance at Stonebridge has resulted in a positive impact on the community allowing a beautiful amenity and enhanced user experience for people driving or walking along the affected thoroughfares; 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 desires to continue working with existing and future partners, as needed, by authorizing the City Manager to execute extensions to the Agreement and to other Median Maintenance Agreements in the future; and

WHEREAS, the City desires that new developments enter into Median Maintenance Reimbursement Agreements in the future as long as the private entity 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 policies and authorizations for entering into Median Maintenance Reimbursement Agreements with private entities, which shall read as follows:

Purpose. To establish terms and conditions for entering into Median Maintenance Reimbursement Agreements for City-owned roadway medians and rights-of-way by private entities.

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

Private entities shall mean legal entities with the financial ability to provide initial landscaping and long-term maintenance of City medians and rights-of-way at a higher level than the City's maintenance standard.

Median Maintenance Reimbursement Agreement shall mean a written contract with standardized 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 a Median Maintenance Reimbursement Agreement shall provide a method for a private entity to i) provide enhanced landscaping installation at no cost to the City and ii) provide 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 (as a percentage)
- Private Entity Obligations
- Payment
- Maintenance Standards
- Termination Clause
- Non-Appropriation Clause
- Financial Audit Provisions

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 solely by applicant
- Applicant's representation that it will install landscape designs which allow for growth, including future road widenings and median cuts
- Proposed maintenance standards and funding commitment
- Method of delivery for project design, installation and maintenance
- Timeline for installation

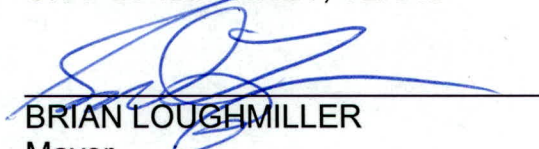
Procedure. Approval of a separate City Council Resolution allowing for the execution of any initial Median Maintenance Reimbursement Agreement is required. The process for receiving approval includes:

- The Parks, Recreation and Open Space Board shall consider each initial Median Maintenance Reimbursement Agreement and make a recommendation to the City Council.
- The City Council shall consider a Resolution approving any initial Median Maintenance Reimbursement Agreement and authorizing the City Manager to execute said initial Median Maintenance Reimbursement Agreement.
- Subject to the existence of a budgeted line item in the applicable fiscal year's budget, once an initial Median Maintenance Reimbursement Agreement has been approved by City Council, the City Manager shall be authorized to renew the agreement administratively for successive, one (1) year terms, not to exceed five (5) consecutive renewals after which City Council approval is required. Any renewal shall be on the same substantive terms and conditions as the initial Median Maintenance Reimbursement Agreement

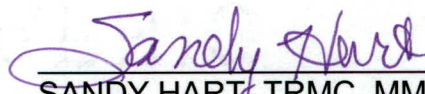
- Section 2. The renewal of the Stonebridge Agreement shall be considered as an "initial Median Maintenance Reimbursement Agreement" at the end of its current term, December 31, 2016. Approval of any renewal of the current Stonebridge Agreement shall follow the "Procedure" in Section 1 above.
- Section 3. In the best interest of the citizens of the City, the City Council hereby requires that action be taken immediately upon the passage of this Resolution.
- Section 4. This Resolution shall be reconsidered by the City Council on or before April 1, 2022, and if it is not approved and extended by City Council action, it shall expire on such date. Any Median Maintenance Reimbursement Agreement or the Stonebridge Agreement in existence on such date shall remain valid until its respective term has expired.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, ON THIS THE 15th DAY OF MARCH, 2016.

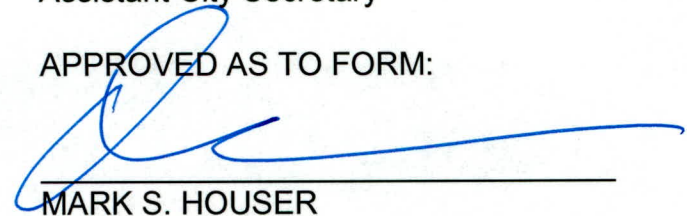
CITY OF MCKINNEY, TEXAS


BRIAN LOUGHMILLER
Mayor

ATTEST:


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

APPROVED AS TO FORM:


MARK S. HOUSER
City Attorney