

**RESOLUTION NO. 2018-12-149 R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT IN THE AMOUNT OF \$440,000.00 WITH FREESE AND NICHOLS, INC. FOR CONSTRUCTION INSPECTION SERVICES FOR PUBLIC INFRASTRUCTURE IN THE TRINITY FALLS MUNICIPAL UTILITY DISTRICT DEVELOPMENT AND RELATED TCEQ BOND INSPECTIONS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS,** Trinity Falls Holdings LP (“Trinity Falls”), an entity controlled by The Johnson Development Corp., is the assignee and successor-in-interest to CH-B Trinity Falls, LP, and is developing property pursuant to the 2012 Development Agreement, as currently amended, between CH-B Trinity Falls, LP and the City of McKinney, Texas (“City”) with the original effective date of December 4, 2012 (“Development Agreement”).

**WHEREAS,** Section 3.7 of the Second Amendment of the Development Agreement (“Second Amendment”) requires the City to engage one or more “Certified Inspectors,” as defined therein, to inspect the construction or installation of all Public Infrastructure in accordance with the approved plans and specifications and the Governing Regulations and to provide Texas Commission on Environmental Quality (“TCEQ”) bond submittal reports prepared in accordance with procedures to be adopted by McKinney Municipal Utility District No. 1 (“MUD #1”) and McKinney Municipal Utility District No. 2 (“MUD #2”) and TCEQ’s bond submittal requirements (the “Inspection Services”); and

**WHEREAS,** Section 3.7 of the Second Amendment also requires the OWNER to pay for the cost of the Certified Inspectors; and

**WHEREAS,** the CITY has selected Freese and Nichols, Inc. (“CONSULTANT”) as the most qualified firm under 17-58RFQ (Construction Inspection Services), and has negotiated the terms of an agreement with the CONSULTANT to provide construction inspection services for public infrastructure in the Trinity Falls Municipal Utility District Development and related TCEQ bond inspections by Certified Inspectors for a period of one year in the amount of Four Hundred Forty Thousand and No Cents (\$440,000.00) (the “Inspection Agreement”); and

**WHEREAS,** Trinity Falls has submitted payment to the City in the full amount of \$440,000 for the Inspection Agreement and those funds have been placed into the City’s general fund and will be used to pay the costs for the Inspection Services in accordance with Section 3.7 of the Second Amendment.

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

Section 1. The City Manager is hereby authorized to execute a contract with Freese and Nichols, Inc. to provide construction inspection services for public infrastructure in the Trinity Falls Municipal Utility District Development and related TCEQ bond inspections for a total aggregate contract amount not to exceed \$440,000.

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

*[Remainder of page intentionally left blank.]*

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF  
McKINNEY, TEXAS ON THE 4<sup>th</sup> DAY OF DECEMBER, 2018.

CITY OF McKINNEY, TEXAS:

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TRACY RATH  
Mayor Pro Tem

ATTEST:

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EMPRESS DRANE  
City Secretary  
MELISSA LEE  
Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER  
City Attorney