

RESOLUTION NO. 2016-03_____(R)

A RESOLUTION 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, TEXAS, 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 Median 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 Reimbursement 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 Reimbursement 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 Maintenance Reimbursement Agreement and make a recommendation to the City Council
- The City Council shall consider a Resolution allowing for the execution of the Median Maintenance Reimbursement Agreement and authorize execution by the City Manager or their designee.
- Once the initial agreement has been approved by City Council, the City Manager shall be authorized to renew that agreement administratively with no further City Council action required, unless substantive changes are made to the agreement.

Section 2. 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.

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