

RESOLUTION NO. 2017-01-___ (R)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, DIRECTING THE CITY'S FINANCE DIRECTOR TO INCREASE THE SINKING FUND FOR FLOOD RETARDING STRUCTURES ("FRS SINKING FUND") ESTABLISHED BY ORDINANCE NO. 2006-06-082 AND AMENDED BY ORDINANCE NO. 2014-10-081 ("ORDINANCES") BY AN AMOUNT EQUAL TO TWO PERCENT (2%) OF THE ESTIMATED OPERATION AND MAINTENANCE COSTS OF THE FLOOD RETARDING STRUCTURE FOR NRCS LAKE 4 THROUGH THE PROGRAM LIFE OF SAID FLOOD RETARDING STRUCTURE AS REQUIRED BY CONTRACT AND THEREAFTER MODIFYING THE AMOUNT OF THE FRS SINKING FUND IN ACCORDANCE WITH THE ORDINANCES

WHEREAS, the City of McKinney, Texas ("City"), desires to receive financial assistance from and through the United States Department of Agriculture - Natural Resources Conservation Service ("NRCS") and the Collin County Soil and Water Conservation District ("District") for the modification and repair of floodwater retarding structures within the City's corporate limits in exchange for the obligation to perform certain maintenance and operations on said structures, subject to the provisions of the Home Rule Charter of the City and the City's Code of Ordinances; and

WHEREAS, the City Council of the City ("City Council") has previously approved contracts with the NRCS and District related to the modification and repair of a number of floodwater retarding structures within the City's corporate limits in exchange for the obligation to perform certain maintenance and operations thereon for the respective defined program life of each such flood retarding structure; and

WHEREAS, on or about June 20, 2006, the City Council approved Ordinance No. 2006-06-082 and thereafter on or about October 21, 2014, approved Ordinance No. 2014-10-081 amending and superseding Ordinance No. 2006-06-082 to allow the long-term funding obligation for the maintenance and operation of the various NRCS lake flood retarding structures for which the City accepted responsibility to be included in the same FRS Sinking Fund; and

WHEREAS, the City is now contracting with the NRCS and District for the rehabilitation of Flood Retarding Structure 4 ("NRCS Lake 4") that is situated in the City's corporate limits and is again entering into an operation and maintenance agreement for the long-term maintenance and operation of such flood retarding structure during its defined program life and desires to include the City's obligation regarding Lake 4 in the FRS Sinking Fund pursuant to the Ordinances.

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

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

Section 2. The City Council hereby directs the City's Finance Director to add into the FRS Sinking Fund that has been created and maintained within the Stormwater Drainage Utility Fund an amount equal to two percent (2%) of the estimated operation and maintenance costs associated with the flood retarding structure at NRCS Lake 4 through the program life of such flood retarding structure as defined in the agreement for the modification and repair of said structure pursuant to the Ordinances.

Section 3. The City's Finance Director is hereby further directed to manage the estimated operation and maintenance costs associated with the flood retarding structure at NRCS Lake 4 within the FRS Sinking Fund in the same manner directed and required by the Ordinances.

Section 4. 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 3rd DAY OF JANUARY, 2017.

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