

RESOLUTION NO. 2010-MM-____ (R)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY,
TEXAS SUPPORTING THE HISTORIC FLOUR MILL CATALYST TOD
SUSTAINABLE DEVELOPMENT GRANT PROJECT AND AUTHORIZING
THE CITY MANAGER TO ENTER INTO AN INTERLOCAL COOPERATIVE
AGREEMENT WITH THE NORTH CENTRAL TEXAS COUNCIL OF
GOVERNMENTS**

WHEREAS, the Regional Transportation Council (RTC) comprised primarily of local elected officials, is the regional transportation policy board associated with the North Central Texas Council of Governments, is the regional forum for cooperative decisions on transportation; and,

WHEREAS, the Regional Transportation Council approved \$44.8 million for the current Sustainable Development Call for Projects on June 3, 2010; and,

WHEREAS, the City of McKinney submitted a sustainable development grant project application for the Historic Flour Mill Catalyst TOD Project to the North Central Texas Council of Governments prior to the October 2, 2009 deadline; and,

WHEREAS, the Regional Transportation Council approved \$1,760,000 in Regional Toll Revenue funds for the Historic Flour Mill Catalyst TOD Project through the 2009-2010 Sustainable Development Call for Projects; and,

WHEREAS, the Regional Transportation Council requires the submittal of this resolution prior to the execution of an Interlocal Cooperative Agreement with the North Central Texas Council of Governments and the use of funds pending the receipt of an Interlocal Cooperative Agreement, and the requirement that, for each project, a resolution of the City Council of the City of McKinney be submitted to NCTCOG offices by 5 p.m. on September 3, 2010.

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

- Section 1. The City of McKinney supports the Historic Flour Mill Catalyst TOD Project as applied for in the original 2009-2010 Sustainable Development Call for Projects application. The City of McKinney supports the project's programmed fiscal year, FY 2010-2011.
- Section 2. The City of McKinney will serve as the public sponsor and lead project contact on this project. The City Manager is authorized to designate a single point of contact for the project.
- Section 3. The City of McKinney commits to fund or pass through funds from the private sector for a minimum local cash match of 20% of the total project cost or \$440,000.
- Section 4. The City of McKinney confirms that the local partners, not the Regional Transportation Council, will be responsible for any cost overruns.
- Section 5. The City of McKinney authorizes the City Manager to enter into an Interlocal Cooperative Agreement with the North Central Texas Council of Governments.
- Section 6. The City of McKinney confirms that infrastructure built with Regional Toll Revenue funds will follow the administrative process, procurement, and design standards of the City of McKinney. In the event that federal funds are used for the project, the City of McKinney supports the use of state and federal design guidelines.

- Section 7. The City of McKinney confirms that all funding is handled on a reimbursement basis and City expenditures made prior to signing an Interlocal Cooperative Agreement for the Historic Flour Mill Catalyst TOD Project will not be eligible expenses for reimbursement.
- Section 8. The City of McKinney confirms that currently there are no outstanding local regulation encumbrances associated with the proposed land uses related to the development project.
- Section 9. The City of McKinney confirms that the private developer Bradley S. Kidwell, owner of the historic Flour Mill, will participate in the Historic Flour Mill Catalyst TOD Project by adaptively reusing the Flour Mill complex into a setting that incorporates urban-style living with complementary ground floor commercial uses. The City Manager is authorized to modify arrangements with the current developer including securing a replacement developer as necessary.
- Section 10. The City of McKinney concurs with the Sustainable Development Call for Projects Program rules.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE ____ DAY OF JULY, 2010.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

ATTEST:

SANDY HART, TRMC, MMC
City Secretary

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney