

**RESOLUTION NO. 2023-10-\_\_\_\_(R)**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS, AUTHORIZING THE CITY MANAGER TO AMEND THE PREDEVELOPMENT AGREEMENT AND THE REIMBURSEMENT AGREEMENT WITH GRIFFIN/SWINERTON, LLC (DEVELOPER) FOR THE PERFORMANCE AND PURCHASE OF PHASE 1 SERVICES FOR MULTIPLE FACILITIES AT MCKINNEY NATIONAL AIRPORT.**

**WHEREAS,** the City Council of the City of McKinney, Texas, has determined the need for an additional aircraft hangar and a Federal Inspection Station (U.S. Customs facility) at McKinney National Airport (collectively the “Proposed Facilities”); and,

**WHEREAS,** the Developer was selected through a formal RFQ process that included evaluating each respondent’s experience, technical competence, and capability to design and construct the Proposed Facilities.

**WHEREAS,** the City has engaged the services of Developer for professional predevelopment services to include A/E Services, Geotechnical Services, Predevelopment Construction Services, Development Management Services and Miscellaneous Consultant Services.

**WHEREAS,** The City has elected to issue Certificate of Obligation debt to finance the design and construction of the project rather than have Developer establish a special purpose entity through which to obtain and provide financing for the design and construction of the Proposed Facilities.

**WHEREAS,** The Predevelopment Agreement and Reimbursement Agreement are amended to remove the Developer’s obligation to establish a special purpose entity through which to obtain and provide financing for the design and construction of the Proposed Facilities and extend the time period for completion of the Phase 1 services.

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

Section 1. The City Manager is authorized to amend the Predevelopment Agreement to remove the Developer’s obligation to establish a special purpose entity through which to obtain and provide financing for the design and construction of the Proposed Facilities in favor of the issuance of Certificate of Obligation debt by the City and extend the time period for completion of the Phase 1 services.

Section 2. The City Manager is also authorized to amend the Reimbursement Agreement to extend the time period for completion of the Phase 1 services and align the timing for reimbursing the Developer for the costs associated with the Phase 1 services performed with the extension of the project schedule and completion of the Phase 1 services under the Predevelopment Agreement.

Section 3. If City does not move forward with the project (e.g., Phase 2 services) City will be obligated to repay Developer up to \$3,586,076 for the Phase 1 services performed by Developer.

Section 3. 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 2<sup>ND</sup> DAY OF OCTOBER 2023.**

CITY OF MCKINNEY, TEXAS

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GEORGE C. FULLER

Mayor

ATTEST:

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EMPRESS DRANE

City Secretary

TENITRUS BETHEL

Deputy City Secretary

APPROVED AS TO FORM:

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MARK S. HOUSER

City Attorney