



**CITY OF PLANO
COUNCIL AGENDA ITEM**

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		02/25/13		
Department:		Public Works		
Department Head:		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #): Kathleen Schonne (7198)				Project No. 5925
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Second Amendment to an Advance Funding Agreement By and Between the City of Plano and the Texas Department of Transportation for Preston Road Corridor, authorizing its execution by the City Manager or his designee; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	222,439	2,328,561	993,000	3,544,000
Encumbered/Expended Amount	-222,439	-109,280	0	-331,719
This Item	0	-1,529,899	0	-1,529,899
BALANCE	0	689,382	993,000	1,682,382
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: Funds are included in the FY 2012-13 Street Improvement CIP. This item, in the amount of \$1,529,899, will leave a current year balance of \$689,382 for the Preston Road Corridor project. STRATEGIC PLAN GOAL: Working with the State of Texas to fund street improvements more quickly and improve traffic flow relates to the City's Goal of Partnering for Community Benefit.				
SUMMARY OF ITEM				
This Second Amendment adds the intersection of Preston Road at Tennyson Parkway to the project, deletes the article which prohibits the use of condemnation to acquire real property and increases the City's estimated participation in funding the project from \$651,590 to \$1,529,899.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Resolution; Exhibit A			N/A	

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of a Second Amendment to an Advance Funding Agreement By and Between the City of Plano and the Texas Department of Transportation for Preston Road Corridor, authorizing its execution by the City Manager or his designee; and providing an effective date.

WHEREAS, the City of Plano and the Texas Department of Transportation entered into an Advance Funding Agreement for a Project Using Funds Held In the State Highway 121 Subaccount (the Funding Agreement) on October 16, 2009 for intersection improvements along Preston Road at Headquarters Drive, Hedcoxe Road, Spring Creek Parkway, and Parker Road; and

WHEREAS, a First Amendment to the Funding Agreement was entered into on December 8, 2009; and

WHEREAS, the City Council has been presented a proposed Second Amendment to the Funding Agreement, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (the Second Amendment) to add the intersection of Preston Road at Tennyson to the Funding Agreement and to remove the prohibition on condemnation for acquisition of property necessary for the project; and

WHEREAS, upon full review and consideration of the Second Amendment, and all matters attendant and related thereto, the City Council is of the opinion that the terms and conditions thereof should be approved, and that the City Manager or his designee shall be authorized to execute it on behalf of the City of Plano.

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

Section I. The terms and conditions of the Second Amendment, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interests of the City of Plano and its citizens, are hereby in all things approved.

Section II. The City Manager, or his designee, is hereby authorized to execute the Second Amendment and all other documents in connection therewith on behalf of the City of Plano.

Section III. This Resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED this the 25th day of February, 2013.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

CSJ #: 0091-05-057

District #: 18-Dallas

Code Chart 64 #: 33100

Project: SH 289 (Preston Road)

Limits: Headquarters Drive, Hedgcoxe Road, Spring Creek Parkway; Parker Road; Tennyson Parkway

Funding Category: RTR (Subaccount SH 121)

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
FOR PROJECT USING FUNDS HELD IN THE
STATE HIGHWAY 121 SUBACCOUNT**

AMENDMENT #2

(On-System)

THIS AMENDMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and the City of Plano, acting by and through its duly authorized officials, called the Local Government.

W I T N E S S E T H

WHEREAS, the State and the Local Government executed a contract on October 16, 2009, and Amendment #1 executed on December 8, 2009 to effectuate their agreement to design and construct dual left turn lanes and right turn lanes on SH 289 (Preston Road) at Headquarters Drive, Hedgcoxe Road, Spring Creek Parkway and Parker Road in the City of Plano; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the Local Government do agree as follows:

A G R E E M E N T

1. Description of Amended Items

Article 2. Scope of Work of the original agreement is deleted in its entirety and is replaced with:

"Article 2. Scope of Work. The Local Government will fund and develop the Project described as the design and construction of dual left turn lanes and dedicated right turn lanes on SH 289 (Preston Road) at Headquarters Drive, Hedgcoxe Road, Spring Creek Parkway, Parker Road and Tennyson Parkway in the City of Plano, as shown in Attachment B-2, Project Location Map."

Article 3. C. Right of Way – "Condemnation shall not be used to acquire real property" of the original agreement is deleted in its entirety.

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Funding Category: RTR (Subaccount SH 121)

Attachment B, Project Location Map of the original agreement is deleted in its entirety and is replaced with:

Attachment B-2, Project Location Map, which is attached to and made part of this Agreement.

Attachment C-1, Estimated Project Budget of Amendment #1 is deleted in its entirety and is replaced with:

Attachment C-2, Estimated Project Budget, which is attached to and made part of this Agreement.

All other provisions of the original contract are unchanged and remain in full force and effect.

2. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT – CITY OF PLANO

By: _____

Bruce Glasscock
City Manager

Date: _____

THE STATE OF TEXAS

By: _____

Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date: _____

CSJ #: 0091-05-057

District #: 18-Dallas

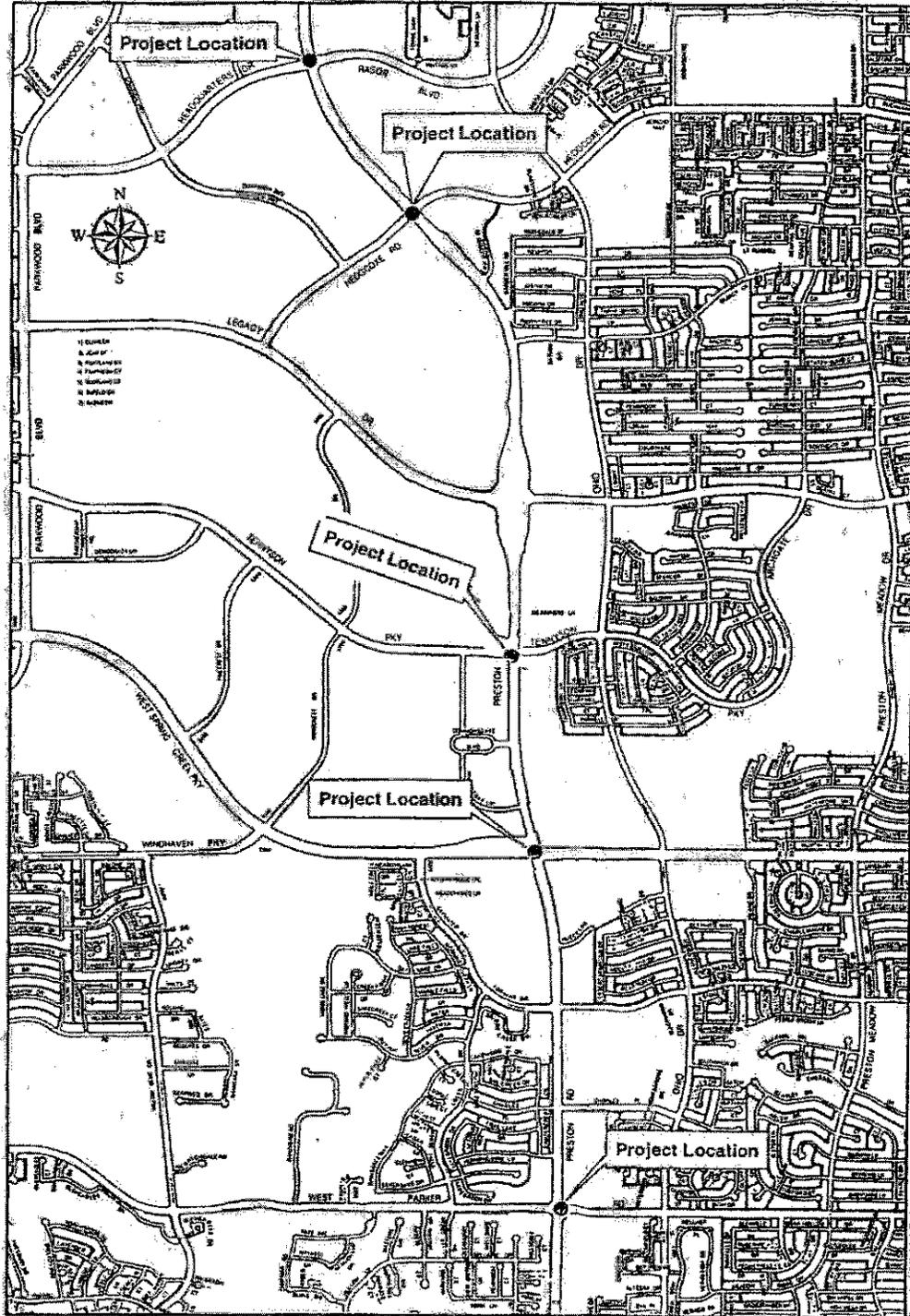
Code Chart 64 #: 33100

Project: SH 289 (Preston Road)

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Funding Category: RTR (Subaccount SH 121)

ATTACHMENT B-2 Project Location Map



CSJ #: 0091-05-057

District #: 18-Dallas

Code Chart 64 #: 33100

Project: SH 289 (Preston Road)

Limits: Headquarters Drive, Hedgcoxe Road, Spring Creek Parkway ; Parker Road; Tennyson Parkway

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ATTACHMENT C-2

Estimated Project Budget

The State will pay \$2,606,362 from the SH 121 Subaccount to the Local Government for the engineering and construction of dual left turn lanes and dedicated right turn lanes on SH 289 (Preston Road) at Headquarters Drive, Hedgcoxe Road, Spring Creek Parkway, Parker Road and Tennyson Parkway in the City of Plano. The SH 121 Subaccount funds shall be used for the Project's preliminary engineering, design, construction, construction management and material testing services. Tennyson Parkway is 100% local contribution of \$878,309.

In accordance with the allocation of funds approved by the RTC, and concurred with by the Texas Transportation Commission, the State will make the payments for the following work in the following Fiscal Years:

Description	Fiscal Year	Total Estimate Cost	Regional Toll Revenue (RTR)		Local Government Participation	
			SH 121 Subaccount Funds Participation			
Engineering (by Local)	2013	\$216,320.00	80%	\$173,056.00	20%	\$43,264.00
Construction (by Local)	2013	\$2,740,209.00	80%	\$2,192,167.00	20%	\$548,042.00
Construction (by Local)		\$878,309.00	0%	\$0	100%	878,309.00
Total Construction		\$3,618,518.00		\$2,192,167.00		\$1,426,351.00
Direct State Cost – Eng	2013	\$27,402.00	80%	\$21,922.00	20%	\$5,480.00
Direct State Cost –CST @ 10%	2013	\$274,021.00	80%	\$219,217.00	20%	\$54,804.00
TOTAL		\$4,136,261.00		Fixed \$2,606,362.00		\$1,529,899

Total Estimated Local Government's Participation = \$1,529,899

The Local Government required SH 121 Local Match is \$651,590

The Local Government 100% contribution is \$878,309

Total Payment paid by Local Government to State = \$60,284.00 (10/28/2009);

Direct State Costs will be based on actual charges.

Funding Reports

For work performed by the Local Government, the Local Government must provide, to the RTC, monthly reports on the Project's expenses, including expenditure of local match funds. The report shall list separately the expenditure by Project phase and described interest earned, interest rate, interest earned during the month, and accumulative interest earned on the SH 121 Subaccount funds. The report shall also describe the status of the Project.

Upon completion of the Project, the Local will issue a signed "Notification of Completion" document to the State. The notice shall certify that the Project has been completed, all necessary inspections have been conducted, and the Project is open to traffic.