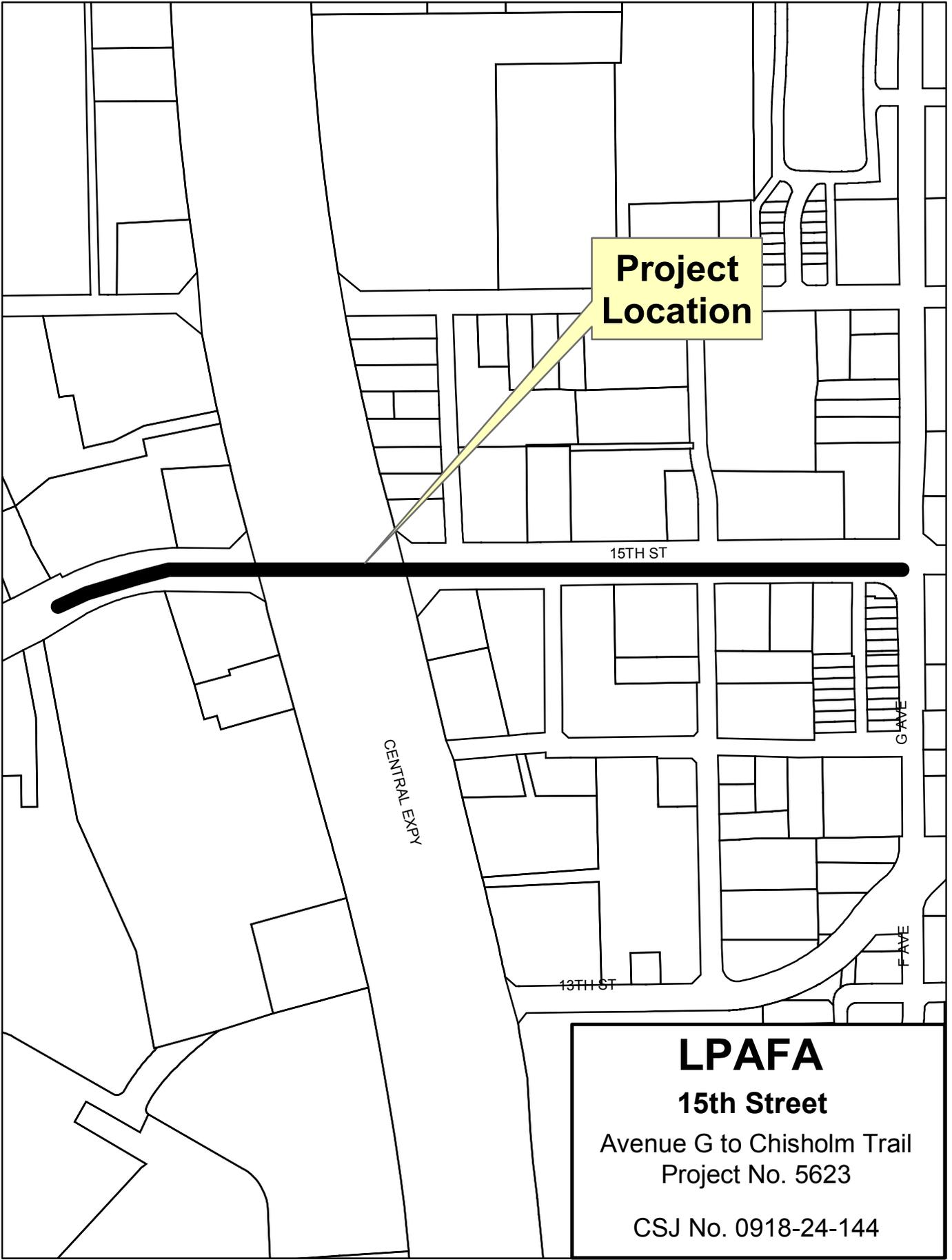




CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		6/24/13		
Department:		Engineering		
Department Head		Gerald P. Cosgrove		
Agenda Coordinator (include phone #): Kathleen Schonke X-7198 Project No. 5623				
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of Amendment No. 1 to the Advance Funding Agreement for project using funds held in the State Highway 121 Sub-Account for bicycle, pedestrian and vehicular improvements on 15 th Street from Avenue G to Chisholm Trail; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2012-13	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	0
Encumbered/Expended Amount	0	0	0	0
This Item	0	900,000	0	900,000
BALANCE	0	900,000	0	900,000
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: This item, in the amount of \$900,000, approves terms and conditions of an agreement with the Texas Department of Transportation (TXDOT) necessary to obtain state funds in the State Highway 121 sub-account in connection with 15 th Street - G Avenue to Chisholm Trail project.				
STRATEGIC PLAN GOAL: Supporting the reconstruction and enhancement of Plano streets and sidewalks by partnering with the Texas Department of Transportation relates to the City's Goals of Financially Strong City with Service Excellence and Partnering for Community Benefit.				
SUMMARY OF ITEM				
The attached Resolution authorizes the City Manager to execute Amendment No. 1 to an Advance Funding Agreement with TxDOT to provide funding from the SH 121 project for 15 th Street from Avenue G to Chisholm Trail. TxDOT will provide up to an additional \$900,000 for the construction cost of the project for bicycle, pedestrian and vehicular improvements. The City does not have to provide any matching funds for the \$900,000.				
This amendment to this contract provides up to \$900,000 for right of way, utility relocation and construction cost and modifies the original allocation to include the cost of the street improvements.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
Resolution		N/A		
Location Map				



**Project
Location**

15TH ST

CENTRAL EXPY

G AVE

13TH ST

F AVE

LPAFA
15th Street
Avenue G to Chisholm Trail
Project No. 5623
CSJ No. 0918-24-144

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of Amendment No. 1 to the Advance Funding Agreement for project using funds held in the State Highway 121 Sub-Account for bicycle, pedestrian and vehicular improvements on 15th Street from Avenue G to Chisholm Trail, authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code, authorizes governmental entities to contract with each other to perform government functions and services under the terms thereof; and

WHEREAS, the City Council approved the original Advance Funding Agreement on September 24, 2012; and

WHEREAS, the City Council has been presented a proposed Advance Funding Agreement Amendment for a project using funds held in the State Highway 121 Sub-Account, a substantial copy of which is attached hereto as Exhibit "A" and incorporated herein by reference (hereinafter called "Agreement"); and

WHEREAS, the project to be funded in the Amendment is 15th Street, from Avenue G to Chisholm Trail; and

WHEREAS, upon full review and consideration of the 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 authorized designee should 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 Amendment, having been reviewed by the City Council of the City of Plano and found to be acceptable and in the best interest of the City of Plano and its citizens, are hereby in all things approved.

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

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

DULY PASSED AND APPROVED the 24th day of June, 2013.

Harry LaRosiliere, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

CSJ #: 0918-24-144
District #: 18-Dallas
Code Chart 64 #: 33100
Project: 15th Street
Limits: From Avenue G to Chisholm Trail
Funding: RTR (SH 121 Subaccount)

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT #1**

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.

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on October 17, 2012 to effectuate their agreement to construct bicycle and pedestrian improvements along 15th Street from Avenue G to Chisholm Trail 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:

AGREEMENT

1. Description of Amended Items

- A.** The fourth Whereas of the original agreement is deleted in its entirety and replaced with:
Whereas, the Local Government has requested money from the SH 121 Subaccount for bicycle, pedestrian and vehicular improvements on 15th Street from Avenue G to Chisholm Trail to include the reconstruction of existing pavement, bus stop location improvements, enhancement of pedestrian crossing, optimization of traffic signals, modification of sidewalks and driveway aprons, wayfinding signage and landscaping, and add on-street bike lane in the City of Plano, (CSJ 0918-24-144) (Project); the RTC has selected the Project to be funded from the SH 121 Subaccount; and the Commission concurred in the selection and authorized the expenditure of money in Minute Order 113344, dated October 25, 2012.
- B.** Attachment A, Payment Provision and Work Responsibilities, of the original agreement is deleted in its entirety, and replaced with:

Attachment A-1, Payment Provision and Work Responsibilities, 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.

CSJ #: 0918-24-144
District #: 18-Dallas
Code Chart 64 #: 33100
Project: 15th Street
Limits: From Avenue G to Chisholm Trail
Funding: RTR (SH 121 Subaccount)

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 #: 0918-24-144
 District #: 18-Dallas
 Code Chart 64 #: 33100
 Project: 15th Street
 Limits: From Avenue G to Chisholm Trail
 Funding: RTR (SH 121 Subaccount)

**ATTACHMENT A-1
 Payment Provision and Work Responsibilities**

For CSJ: 0918-24-144, the State will pay \$900,000, for a total of \$2,060,000 from SH 121 Subaccount for bicycle, pedestrian and vehicular improvements on 15th Street from Avenue G to Chisholm Trail to include the reconstruction of existing pavement, bus stop location improvements, enhancement of pedestrian crossing, optimization of traffic signals, modification of sidewalks and driveway aprons, wayfinding signage and landscaping, and add on-street bike lane in the City of Plano,

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

PROJECT COSTS						
Description	Fiscal Year	Total Estimate Cost	Regional Toll Revenue (RTR) SH 121 Subaccount Funds Participation		Local Government Participation	
Utility	2013	\$500,000	100%	\$500,000	0%	\$0
Right of Way	2013	\$200,000	100%	\$200,000	0%	\$0
Construction	2013	\$200,000	100%	\$200,000	0%	\$0
Construction	2013	\$1,450,000	80%	\$1,160,000	20%	\$290,000
Total		\$2,350,000		\$2,060,000		\$290,000

The Local Government required Local Match is not applicable to the \$900,000 RTR SH 121 funding participation

Upon completion of the Project, the Local Government 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.