

PLANO CITY COUNCIL

WILL CONVENE INTO SPECIAL CALLED SESSION AT 5:00 P.M. FEBRUARY 3, 2006, IN THE PLANO MUNICIPAL BUILDING, IN COMPLIANCE WITH VERNON'S TEXAS CODES ANNOTATED, GOVERNMENT CODE CHAPTER 551 (OPEN MEETINGS ACT), AS FOLLOWS:

Mission Statement: The mission of the City of Plano is to provide outstanding services and facilities, through cooperative efforts with our citizens, that contribute to the quality of life in our community.

The City Council may convene into Executive Session to discuss posted items in the regular meeting as allowed by law.

- I. Selection and Designation of Mayor Pro Tem And Deputy Mayor Pro Tem Council

- II. Resolution of the City Council of the City of Plano, Collin County, Texas, Rescinding Resolution No. 2005-8-6(R) and Supporting the North Texas Tollway Authority Proposal to Construct, Maintain and Operate SH 121 as a Toll Road in Collin County from the Dallas North Toll Road to US 75; Authorizing Its Execution by the Mayor or, in her absence, the Mayor Pro Tem; and providing an effective date Council

In accordance with the provisions of the Open Meetings Act, during Preliminary Open Meetings, agenda items will be discussed and votes may be taken where appropriate.

Municipal Center is wheelchair accessible. A sloped curb entry is available at the main entrance facing Avenue L, with specially marked parking spaces nearby. Access and special parking are also available on the north side of building. The Council Chamber is accessible by elevator to the lower level. Requests for sign interpreters or special services must be received forty-eight (48) hours prior to the meeting time by calling the City Secretary at 972-941-7120.



I certify that the above notice of meeting was posted on the bulletin board in the Municipal Building, 1520 Avenue K Plano, Texas on the 31 day of JAN 2006 at 5:00 o'clock PM

ast Diane Tuccio
City Secretary

**I. Selection and Designation of Mayor Pro Tem
and Deputy Mayor Pro Tem**

Council

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CITY OF PLANO COUNCIL AGENDA ITEM

CITY SECRETARY'S USE ONLY		Reviewed by Purchasing	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory		Reviewed by Budget	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Not Applicable
Council Meeting Date:	02/03/06	Reviewed by Legal <i>EL</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Not Applicable
Department:	Engineering	Initials	Date	
Department Head	Alan L. Upchurch	Executive Director		
Dept Signature:	<i>Alan L. Upchurch</i>	City Manager	<i>AMW</i>	<i>1/31/06</i>
Agenda Coordinator (include phone #):		Irene Pegues (7198) <i>v.s.</i>		
ACTION REQUESTED: <input type="checkbox"/> ORDINANCE <input checked="" type="checkbox"/> RESOLUTION <input type="checkbox"/> CHANGE ORDER <input type="checkbox"/> AGREEMENT <input type="checkbox"/> APPROVAL OF BID <input type="checkbox"/> AWARD OF CONTRACT <input type="checkbox"/> OTHER				
CAPTION				
A resolution of the City Council of the City of Plano, Collin County, Texas, rescinding Resolution No. 2005-8-6(R) and supporting the North Texas Tollway Authority proposal to construct, maintain and operate SH 121 as a toll road in Collin County from the Dallas North Toll Road to US 75; authorizing its execution by the Mayor or, in her absence, the Mayor Pro Tem; and providing an effective date.				
FINANCIAL SUMMARY				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	2005-06	Prior Year (CIP Only)	Current Year	Future Years
Budget				TOTALS
Encumbered/Expended Amount				
This Item				
BALANCE				
FUND(s):				
COMMENTS:				
SUMMARY OF ITEM				
The cities of Allen, Frisco, Plano and McKinney and Collin County have been working with the NTTA to develop a proposal to allow NTTA to construct, operate and maintain SH 121 as a toll road. The NTTA board has approved an agreement with TxDOT to allow NTTA to take on the SH 121 Toll Road project in Collin County. The attached resolution indicates Plano's support in the NTTA 121 Toll Road project and rescinds the previous resolution which supported a local government corporation. The resolution has, as exhibits, the summary of the NTTA/TxDOT proposal and the Regional Transportation Council policy on the use of excess toll revenue.				
All four cities and the county will be approving this resolution prior to the February 9 RTC meeting to show unified local support of the NTTA 121 Toll Road project. Based on the RTC approval, the NTTA proposal will be considered at the February 23 Texas Transportation Committee meeting.				
List of Supporting Documents:		Other Departments, Boards, Commissions or Agencies		
N/A		N/A		

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLANO, COLLIN COUNTY, TEXAS, RESCINDING RESOLUTION NO. 2005-8-6(R) AND SUPPORTING THE NORTH TEXAS TOLLWAY AUTHORITY PROPOSAL TO CONSTRUCT, MAINTAIN AND OPERATE SH 121 AS A TOLL ROAD IN COLLIN COUNTY FROM THE DALLAS NORTH TOLL ROAD TO US 75; AUTHORIZING ITS EXECUTION BY THE MAYOR OR, IN HER ABSENCE, THE MAYOR PRO TEM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Plano, Texas, previously approved Resolution No. 2005-8-6(R) that indicated support of the construction of SH 121 as a toll facility with the cities of Allen, Frisco, McKinney and Plano and Collin County providing local control, financing and operations of the facility through formation of a Local Government Corporation; and

WHEREAS, the Texas Department of Transportation (TxDOT) has indicated that it would not support the Local Government Corporation concept; and

WHEREAS, the Cities and County have jointly requested that the North Texas Tollway Authority (NTTA) construct, operate and maintain the SH 121 Toll Road project as a part of the NTTA system; and

WHEREAS, the NTTA is negotiating to reach agreement with TxDOT to allow the NTTA to construct, operate and maintain SH 121 as a toll road; and

WHEREAS, the NTTA expects the SH 121 Toll Road to generate revenues in excess of project costs; and

WHEREAS, the NTTA has proposed that the revenue in excess of project costs from SH 121 Toll Road would be paid to TxDOT as a development or lease payment and would be allocated to the Regional Transportation Council (RTC) for use in Collin County for transportation projects.

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

Section I. The City Council of the City of Plano, Texas, rescinds Resolution No. 2005-8-6(R).

Section II. The City Council supports the construction, operations and maintenance of SH 121 as a toll road, including the interchanges at DNT and US 75, by the NTTA under substantial approval of the following conditions:

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a. The NTTA will keep the toll rates consistent with the tolls on Dallas North Toll Road (DNT) and President George Bush Toll Road (PGBT), currently estimated to be twelve cents per mile when the toll road is opened and with an inflation factor of 1.5% per year, assuming substantial conformance with NTTA's projections.

b. The NTTA and TxDOT reach agreement for the NTTA to construct, operate and maintain the SH 121 Toll Road per the attached summary, as Exhibit A.

c. The excess revenue will be allocated to the Cities of Allen, Frisco, McKinney and Plano and Collin County per the attached policy to be adopted by the RTC, attached as Exhibit B.

Section III. The Mayor or, in her absence, the Mayor Pro Tem, is hereby authorized to execute a proposal or other such documents on behalf of the City of Plano with the Cities, Collin County, NTTA, and TxDOT that would provide for the construction, operations and maintenance of SH 121 as a toll road by NTTA, substantially according to the terms and conditions set forth in the Summary attached as Exhibit A hereto.

Section IV. If there is substantial deviation from Section II by the State of Texas, the Texas Transportation Commission, TxDOT, the RTC, or any entity having authority over the project, then the City's support for converting SH 121 to a toll road shall be automatically revoked and this resolution shall be null and void.

Section V. This resolution shall become effective immediately upon its passage.

DULY PASSED AND APPROVED the _____ day of _____, 2006.

Pat Evans, MAYOR

ATTEST:

Elaine Bealke, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

Summary of the Joint Proposal by the North Texas Tollway Authority, Collin County, and the Cities of Allen, McKinney, Plano and Frisco to Develop SH 121 CC

As one of the most financially feasible tollway projects in the nation, the Project provides a unique opportunity to capture an ongoing funding source for the region's future transportation needs while assuring reasonable levels of toll rates for North Texas citizens. Development of the Project by a locally controlled political subdivision maintains the future flexibility to respond to ever-evolving regional transportation needs.

Project Description

SH 121 Collin County is a six-lane 12.8 mile roadway extending from the Dallas North Tollway on the west to US 75 on the east. The Project includes 3-lane frontage roads in each direction and full interchanges at both its eastern and western termini.

The Proposal

The North Texas Tollway Authority (NTTA), Collin County (the "County") and the Cities of Allen, Frisco, McKinney, and Plano (the "Participating Cities") are proposing the following project development plan to the Regional Transportation Council (RTC) and the Texas Department of Transportation (TxDOT).

- Under a 50-year agreement with TxDOT, NTTA will develop, operate and maintain the Project and provide to TxDOT all annual toll revenues exceeding annual Project Costs
- Annual Project Costs include Project Coverage of 0.15x debt service and \$7,000 per lane mile paid to the Participating Cities to maintain the Project frontage roads to TxDOT standards.
- The County and Participating Cities intend to enter into an agreement with TxDOT and the RTC providing that all Project revenues are dedicated to future transportation projects in the area.
- The NTTA will finance the Project as part of the DNT System, with a projected 2010 opening date.
- The NTTA will assume all customary development risks associated with the Project.
- Payments to TxDOT will have a guaranteed component and a variable component based on actual traffic volume. *TxDOT will receive all revenues of the Project except those necessary to pay Project Costs*
- Toll rates are expected to be \$0.12/mile, growing at 1.5% annually, adjusted every 5 years. Actual toll rates will be set at financial closing, but are expected to be consistent with the Dallas North Tollway and the President George Bush Turnpike.
- If Project revenues are lower than required to pay Project Costs, meet NTTA legal obligations, and provide the guaranteed payments to TxDOT, the NTTA is required to adjust the toll rate on the Project and, if necessary, thereafter on the DNT System to pay these costs.

Advantages to the Participating Parties

- Maximizes SH 121 "return" to TxDOT with over \$500 million in today's dollars for transportation in the region
- Maintains SH 121 CC toll rates at levels comparable to other area tollroads
- Reinvests all project revenues in regional transportation systems
- Meets TxDOT District and RTC Objectives:
 - Return is comparable to or better than a CDA
 - No dilution of NTTA resources for other planned projects in the region
- The region's ability to implement critical capacity improvements is unconstrained
- Provides faster project delivery than any alternative delivery method
- Including the SH 121 construction funding (\$370 million), SH 121 guaranteed development payments (\$500 million), the expected DNT System funding for unidentified regional projects (\$2 billion), and the NTTA's project revenue bond capacity for completion of the Trinity Parkway, Lewisville Lake Bridge, the Southwest Parkway and the Eastern Extension of the PGBT (\$1.5 billion), the NTTA is prepared to provide approximately \$4.5 billion in today's dollars for transportation in North Texas.

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Excess Toll Revenue Policy for S.H. 121 in Collin County

Purpose: To transfer the September 9, 2004, Regional Transportation Council (RTC) policy to a North Texas Tollway Authority (NTTA) project. This policy excludes managed lane projects.

1. The focus of this policy is NTTA sponsored toll project. ¹
2. Excess Toll Revenue (ETR) is defined as revenue received by the Texas Department of Transportation (TxDOT) from NTTA. This will be done through mutual agreement by both agencies. ²
3. ETR from individual projects may be used to help pay down the bonds on other NTTA toll projects. ³
4. All ETR generated from individual projects shall remain in the TxDOT district in which that revenue generating project is located. ⁴
5. All (or a portion of) the excess revenue generated from individual toll projects shall remain in the counties in which that revenue generating project is located. These projects can be either on or off the state system. In addition, these funds are restricted to transportation purposes that include engineering, construction, preventative maintenance, reconstruction or upgrade of thoroughfare projects. ⁵
6. Projects funded with excess toll revenue should be selected by the impacted local governments and recommended to TxDOT and the Regional Transportation Council for approval. This cooperative process intends to fund projects that meet city, county and TxDOT needs. ⁶
7. This project or policy shall not impact local government allocation of future transportation funds through the RTC or TxDOT.

Footnotes:

- ¹ This policy only applies to S.H. 121 in Collin County.
- ² This will include payments to local governments for maintenance of the Frontage roads. A separate Memorandum of Understanding between TxDOT, Texas Transportation Commission and the Regional Transportation Council will assure project selection authority remains within the region.
- ³ It is not anticipated that this provision would be necessary; however, it is in the best interest of the region that NTTA not default on any bond obligation. Local governments in Collin County would have to approve specific funding uses.
- ⁴ This provision is necessary to cap revenue sharing for #3 above to NTTA toll projects from the eastern side of the region. Western side NTTA toll projects needing assistance on bond obligations will come from the west. This provision is also necessary to potentially share excess revenue outside the county. If necessary, the Regional Transportation Council would want funds to go to projects in close proximity to Collin County (i.e., "near neighbor").
- ⁵ Transit projects are excluded at this time but could be included through mutual agreement of Local Governments in Collin County, the Collin County Commissioners' Court, TxDOT and the Regional Transportation Council. Local Governments in Collin County would have to approve specific funding uses
- ⁶ In Collin County for the S.H. 121 toll project, Local Governments include Collin County, Allen, Frisco, McKinney, and Plano. Project shares will be equal between the five (5) parties.

