



**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:		11/14/2011		
Department:		Public Works		
Department Head		Gerald P. Cosgrove, P.E.		
Agenda Coordinator (include phone #):			Irene Pegues (7198)	
			Project No. 5741	
CAPTION				
A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Advance Funding Agreement Amendment No. 1 by and between the Texas Department of Transportation and the City of Plano; 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 type="checkbox"/> REVENUE <input checked="" type="checkbox"/> CIP				
FISCAL YEAR: 2011-12	Prior Year (CIP Only)	Current Year	Future Years	TOTALS
Budget	0	0	0	
Encumbered/Expended Amount	0	0	0	
This Item	0	0	0	
BALANCE	0	0	0	0
FUND(S): STREET IMPROVEMENT CIP				
COMMENTS: This item allows the City to amend the terms and conditions of Advance Funding Agreement Amendment No. 1 due to changes to the scope of work for the Windhaven – City Limits to Spring Creek project. STRATEGIC PLAN GOAL: Amending the scope of the Windhaven – City Limits to Spring Creek project relates to the City's Goal of Financially Strong City with Service Excellence.				
SUMMARY OF ITEM				
The attached Amendment will authorize the revision of the scope of this project to widen Windhaven Parkway from Parkwood Boulevard to Spring Creek Parkway, Project No. 5741, from two lanes to four lanes divided. The current project scope widens this part of the road from two lanes to six lanes divided.				
List of Supporting Documents:			Other Departments, Boards, Commissions or Agencies	
Location Map; Contract Modification			N/A	



Windhaven Parkway Amendment No . 1 Advanced Funding Agreement

A Resolution of the City Council of the City of Plano, Texas, approving the terms and conditions of an Advance Funding Agreement Amendment No. 1 by and between the Texas Department of Transportation and the City of Plano; authorizing its execution by the City Manager or his authorized designee; and providing an effective date.

WHEREAS, the City Council has been presented a proposed Advance Funding Agreement Amendment No. 1 for Project No. 5741 – Windhaven Parkway between the Texas Department of Transportation, and the City of Plano, a substantial copy of which is attached hereto as Exhibit “A” and incorporated herein by reference (hereinafter called “Agreement”); and,

WHEREAS, upon full review and consideration of the Agreement, 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 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 Agreement, 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 authorized designee is hereby authorized to execute the Agreement 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 Agreement.

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

DULY PASSED AND APPROVED this the 14th day of November, 2011.

Phil Dyer, MAYOR

ATTEST:

Diane Zucco, CITY SECRETARY

APPROVED AS TO FORM:

Diane C. Wetherbee, CITY ATTORNEY

CSJ # 0918-24-143
District # 18 – Dallas
Code Chart 64 # 33100
Project: From W. Plano City Limits
to Spring Creek Parkway
Federal Highway Administration
CFDA # 20.205
Not Research and Development

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 the 2nd of January 2007 to effectuate their agreement for the development and construction to widen the existing road to a six lane urban divided on Windhaven Parkway from West Plano City limits to Spring Creek Parkway 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

Article 4. Scope of Work of the original contract is deleted in its entirety and replaced with,
Article 4. Scope of Work.

The scope of work is described as the development and construction of the Windhaven Parkway from 200 feet west of Gentle Way to Spring Creek Parkway: from 200 feet west of Gentle Way to Parkwood Blvd, widen from 2 to 6 lanes divided; from Parkwood Blvd. to Spring Creek Parkway, widen from 2 to 4 lanes divided.

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

CSJ # 0918-24-143
District # 18 – Dallas
Code Chart 64 # 33100
Project: From W. Plano City Limits
to Spring Creek Parkway
Federal Highway Administration
CFDA # 20.205
Not Research and Development

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

Signature

Bruce D. Glasscock

Typed or Printed Name

City Manager

Title

Date

THE STATE OF TEXAS

Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date