

A Resolution of the City of Plano, Texas, approving the terms and conditions of an Advance Funding Agreement for a Congestion Mitigation and Air Quality (CMAQ) Improvement Program Utilizing Transportation Development Credits On-System by and between the City of Plano and the Texas Department of Transportation, authorizing its execution by the City Manager or his designee, and providing an effective date.

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision; and

WHEREAS, the City of Plano wishes to enter into an Advance Funding Agreement for a Congestion Mitigation and Air Quality (CMAQ) Improvement Program Utilizing Transportation Development Credits On-System with the Texas Department of Transportation (“Agreement”); and

WHEREAS, costs will be allocated based on 100% federal funding until the federal funding reaches the maximum obligated amount. Transportation Development Credits will be used in lieu of the City participation for the construction costs. The City is responsible for direct state costs, except for direct state costs for construction. The City will then be responsible for 100% of the project cost overruns, as more fully described in the Agreement; and

WHEREAS, upon full review and consideration of the Agreement, and all matters attendant and related hereto, 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; and

WHEREAS, the City Council hereby finds and determines that the adoption of this resolution is in the best interests of the residents of the City.

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 interest 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 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.

PASSED AND APPROVED on the 23rd day of October, 2023.

John B. Muns, MAYOR

ATTEST:

Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

Paige Mims, CITY ATTORNEY