



## Legislation Text

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### Agenda Information Sheet

**DEPARTMENT:** Engineering Services

**CM/ ACM:** Jon Fortune

**Date:** September 13, 2016

#### **SUBJECT**

Consider adoption of an ordinance approving an Advance Funding Agreement between the City of Denton and the Texas Department of Transportation (TxDOT), concerning City cost participation in TxDOT's grade separation improvements project for IH 35E, between State School Road/Mayhill Road and Loop 288 (CSJ No. 0196-01-106); authorizing the City Manager to execute the agreement; and providing for an effective date.

#### **BACKGROUND**

At the Council's direction, City staff has been working with TxDOT staff since the Fall of 2015 to have TxDOT construct grade separation improvements along I-35E at Mayhill (add a U-Turn on the west side), Brinker Rd. (add an I-35E overpass to connect Brinker Rd. to the I-35E south frontage road) and Loop 288 (replace the existing I-35E overpass with a longer overpass to allow 4-lanes of Loop 288 in each direction to alleviate congestion at this highly congested intersection). TxDOT has completed the roadway plans to accomplish this work and advertised the project. Bids are scheduled to be received on September 9, 2016, with construction contract award scheduled for September 29, 2016.

As part of the Chapter 380 Economic Development Agreement with Buc-ee's, the developer agreed to fund a portion of the Brinker Rd. overpass to expedite the I-35E improvements, with those costs being reimbursed by the City under terms of the agreement. TxDOT has identified that total participation requirement to be \$2,148,894, as a fixed cost to the City (TxDOT will only enter into agreements with governmental agencies, not private parties). TxDOT requires the funding be provided prior to award of the construction contract on September 29, 2016. The developer has agreed to provide this funding to the City in a timely fashion for transfer to TxDOT. The mechanism for this funding participation is an Advance Funding Agreement (Exhibit 1) between the City and TxDOT.

#### **OPTIONS**

1. Approve the ordinance approving the Advance Funding Agreement with TxDOT and authorizing the City Manager to execute the agreement.
2. Decline to approve the ordinance, resulting in cancellation of the project.

#### **RECOMMENDATION**

Staff recommends approval of the ordinance.

### **ESTIMATED SCHEDULE OF PROJECT**

TxDOT plans to complete the grade separation improvements project by mid-year in 2018.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

City Council approval of a Chapter 380 Economic Development Agreement for the Buc-ee's development on December 1, 2015.

### **FISCAL INFORMATION**

The total \$2,148,894 fixed cost of this agreement is to be provided by the developer.

### **BID INFORMATION**

TxDOT will receive bids for the project on September 9, 2016.

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area:**     **Public Infrastructure**

**Related Goal:**               **2.2 Seek solutions to mobility demands and enhance connectivity**

### **EXHIBITS**

1.     Advance Funding Agreement
2.     AFA Ordinance

Respectfully submitted:  
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Director of Engineering Services