

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

ORDINANCE

AUTHORIZING AN ADVANCED FUNDING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), ACCEPTING GRANT REIMBURSEMENT IN THE ESTIMATED AMOUNT NOT TO EXCEED \$4,800,000.00 FROM TXDOT FOR CONSTRUCTION-RELATED EXPENSES AND AUTHORIZING PAYMENT IN THE AMOUNT NOT TO EXCEED \$57,370.00 TO TXDOT FOR ADMINISTRATIVE OVERSIGHT OF FEDERAL FUND; AND AMENDING THE FY 2021 – FY 2026 CAPITAL IMPROVEMENT PROGRAM WITH GRANT FUNDS IN THE REIMBURSABLE AMOUNT OF \$4,800,000.00 FOR THE CONGESTION MITIGATION AND AIR QUALITY HAMILTON WOLFE CYCLE TRACK PROJECT.

* * * * *

WHEREAS, the Congestion Mitigation and Air Quality Improvement (CMAQ) Hamilton Wolfe Cycle Track Project (Project) will be designed and constructed by the City and will create a second cycle track in the Medical Center, supporting a key connection to the bicycle and trail network by constructing a dedicated two-way bicycle track on the south and west side of Ewing Halsell to Sid Katz to include sidewalks, landscaping, irrigation and streetscape amenities such as bike racks and benches; and

WHEREAS, the Project was selected for funding through the Alamo Area Metropolitan Planning Organization (AAMPO) Transportation Improvement Program (TIP) to increase safety for pedestrians, specifically in a high pedestrian area and transportation sites; and

WHEREAS, the TIP requires the local agency to be responsible for 20% of the construction costs with the remaining 80% being provided federally through TxDOT; and

WHEREAS, this AFA with TxDOT allows construction-related project costs to qualify for federal cost sharing up to the federally approved amount not to exceed \$4,800,000.00 with the remaining construction cost of \$1,200,000.00 being the responsibility of the City of San Antonio; and

WHEREAS, additionally, City will pay to TxDOT the amount not to exceed \$57,370.00 for administrative oversight of federal funds for the Project; and

WHEREAS, when the federal funding reaches the maximum obligated amount, City will then be responsible for project completion in a timely manner with no additional State or Federal funding and without decreasing the scope and/or terms of the work of the Project; and

WHEREAS, once construction is completed, the City will own, operate and maintain the cycle track; and

WHEREAS, this Ordinance authorizes the execution of an Advanced Funding Agreement between the City of San Antonio and TxDOT accepting grant reimbursement in the estimated amount not to exceed \$4,800,000.00 from TxDOT for construction-related expenses and authorizing payment in the amount not to exceed \$57,370.00 to TxDOT for administrative oversight of federal funds; **NOW THEREFORE**:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute an Advance Funding Agreement between the City of San Antonio and Texas Department of Transportation (TxDOT) and accept grant funding in the amount up to \$4,800,000.00 for the Congestion Mitigation and Air Quality (CMAQ) Hamilton Wolfe Cycle Track Project. The City match of up to \$1,200,000.00, available from 2012 General Obligation Bond Program and Certificates of Obligation funds, is hereby authorized. A copy of the agreement in substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I**.

SECTION 2. When the federal funding reaches the maximum obligated amount, City will then be responsible for project completion in a timely manner with no additional State or Federal funding and without decreasing the scope and/or terms of the work of the Project.

SECTION 3. The City Manager or designee, or the Public Works Department Director or designee, is further authorized to execute any and all necessary documents to effectuate said agreement and acceptance.

SECTION 4. Upon acceptance of this award, a new fund and internal order number will be created, upon which the award amount up to \$4,800,000.00 will be appropriated from TxDOT, and a cash match of \$1,200,000.00 will be appropriated from 2012 General Obligation Bond Program and Certificates of Obligation funds for a total of \$6,000,000.00.

SECTION 5. Upon Acceptance of this \$4,800,000.00 award and appropriation to New TXDOT Fund, IO 146000000002(TXDOT), SAP GL account 6102100 - Interfund Transfer Out entitled Transfer to 23-01836-90-06-01 the amount of \$ 4,800,000.00 is authorized to be transferred to fund 43099000.

SECTION 6. The budget in SAP Fund 45908005, 2012 GO Streets Yr5, WBS GO-00271-01-01-50 entitled Trf to 23-01836-90-01-12-03, SAP GL 612100 shall be decreased by the amount of \$1,200,000.00, and SAP Fund 45908005, 2012 GO Streets Yr5, WBS GO-00271-01-01-xx entitled Trf to 23-01836-90-01-12-xx(Match), SAP GL 612100 shall be increased by the amount of \$1,200,000.00.

KRH
04/29/21
Item No. _____

SECTION 7. The budget in SAP Fund 43099000 Certificates of Obligation Capital Projects, SAP Project Definition 23-01836 Hamilton Wolfe Cycle Track (CMAQ Program), shall be revised by decreasing WBS 23-01836-90-01-12-03 entitled Trf fr GO-00271-01-01-50, SAP GL account 6101100 Transfer in, by the amount of \$1,200,000.00 and by increasing WBS 23-01836-90-01-12-xx(Match) entitled Trf fr GO-00271-01-01-xx, SAP GL account 6101100 Transfer in, by the amount of \$1,200,000.00.

SECTION 8. The budget in SAP Fund 43099000, Certificates of Obligation Capital Projects, SAP Project Definition 23-01836 Hamilton Wolfe Cycle Track (CMAQ Program), shall be revised by increasing and decreasing the WBS Elements and GL Accounts by the amounts in the table below for a total increase in the amount of \$4,800,000.00.

WBS	WBS NAME	GL	GL NAME	Increase (Decrease)
23-01836-01-2-01	Design-City	5201170	Engineering Fees	\$1,633,272.00
23-01836-03-14	ROW Acquisition	5209010	Land Acq/Closing	4,680.00
23-01836-04-02-01	Environmental-City	5201040	Fees to Prof Contr	38,678.00
23-01836-05-02-01	Construction-City	5201040	Fees to Prof Contr	57,370.00
23-01836-05-02-01	Construction-City	5201140	Construction Cost	(1,800,000.00)
23-01836-05-02-09	Construction-TxDOT	5201245	CPOther-Constr Costs	4,800,000.00
23-01836-05-05-01	Material Testing	6201170	Engineering Fees	66,000.00
TOTAL				4,800,000.00

SECTION 9. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 10. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this _____ day of April, 2021.

M A Y O R
Ron Nirenberg

KRH
04/29/21
Item No. _____

ATTEST:

APPROVED AS TO FORM:

Tina J. Flores, City Clerk

Andrew Segovia, City Attorney

DRAFT