

April 12, 2023

WHEREAS, on August 30, 2022, the Texas Transportation Commission passed Minute Order Number 116292, authorizing the State to undertake and complete a highway improvement or other transportation project generally described as design and construct 22 signals in area damaged by 2019 tornado, which included this project; and

WHEREAS, the City of Dallas and Texas Department of Transportation (TxDOT) has entered into a Master Agreement which states the general terms and conditions for the development of transportation projects through Advanced Funding Agreements (AFA); and

WHEREAS, the City of Dallas desires to enter into an AFA with TxDOT for a United States Department of Transportation Federal Highway Administration Congestion Mitigation and Air Quality Improvement (CMAQ) Program Project for design and construction of 22 signals in the area damaged by the 2019 tornado; and 9 signals along Hampton Road; and 13 signals along Lancaster Road, with all signal work including signal retiming; and

WHEREAS, funding for the 22 signals in the area damaged by 2019 tornado includes 80% federal CMAQ funds and 20% local match funds with the City of Dallas' participation being \$2,122,500.00 for engineering, construction, and direct state costs; and

WHEREAS, design and construction of the 9 signals along Hampton Road and the 13 signals along Lancaster Road is funded 100% with federal CMAQ funds, and the use of 1,162,000 Transportation Development Credits ("TDCs") will serve as the City's participation in lieu of a local cash match; and

WHEREAS, TDCs are non-cash credits approved by the Federal Highway Administration that allow for the use of federal funding without the requirement of a cash match; and

WHEREAS, TxDOT will be responsible for the Indirect State Costs in an estimated amount of \$778,291.09; and

WHEREAS, the City of Dallas is the lead agency to administer the engineering and construction of the project pursuant to the terms of the AFA; and

WHEREAS, the City of Dallas is responsible for project cost overruns in excess of Federal and State funding participation as required by terms of the AFA; and

WHEREAS, Coronavirus State and Local Fiscal Recovery Funds are eligible within the Qualified Census Tract areas to improve various intersections to promote the safety of all right-of-way users including motorist, cyclists, and pedestrians; and

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WHEREAS, on September 22, 2021, the City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the American Rescue Plan Act funds from the U.S. Department of Treasury for the Coronavirus State and Local Fiscal Recovery Fund by Resolution No. 21-1590; and

WHEREAS, TxDOT requires that a city resolution or ordinance be made part of the AFA.

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager, or the City Manager's authorized designee, is hereby authorized to accept a grant from the United States Department of Transportation Federal Highway Administration through the Texas Department of Transportation (TxDOT) for the Congestion Mitigation and Air Quality Improvement (CMAQ) Program (Agreement No. CSJ 0918-47-392 and 393, CFDA No. 20.205) in the amount of \$14,300,000.00 as federal share in the total project cost of \$17,200,791.09 (Federal share \$14,300,000.00, Indirect State Costs \$778,291.09, and City of Dallas participation \$2,122,500.00 of which \$21,225.00 is to be paid to TxDOT for initial costs prior to construction and includes the use of 1,162,000 Transportation Development Credits for a portion of the local cash match) for costs related to the design and construction of 22 signals in the area damaged by the 2019 tornado; and 9 signals along Hampton Road; and 13 signals along Lancaster Road, as shown on the Map, with all signal work including signal retiming; provide actual cost overruns from the General Fund; and execute an AFA with TxDOT, and all terms, conditions, and documents required by the agreement, approved as to form by the City Attorney, or the City Attorney's authorized designee.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in the amount of \$14,157,000.00 in the CMAQ – 44 Signals Project Fund, Fund F731, Department TRN, Unit 337C, Object 4820.

SECTION 3. That the Chief Financial Officer is hereby authorized to receive and deposit funds in the amount of \$14,157,000.00 in the CMAQ – 44 Signals Project Fund, Fund F731, Department TRN, Unit 337C, Revenue Code 6506.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$14,157,000.00 from the CMAQ – 44 Signals Project Fund, Fund F731, Department TRN, Unit 337C, Object 4820, Activity INGV, Major Program MJRTRN, and Program TP23337C.

SECTION 5. That the Chief Financial Officer is hereby authorized to disburse part of the local match as initial payment prior to construction in the amount of \$21,225.00 in

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SECTION 5. (continued) accordance with the terms and conditions of the AFA from the Coronavirus State and Local Fiscal Recovery Fund, Fund FC18, Department TRN, Unit AG31, Object 4820, Activity INGV, Major Program MJRTRN, to TxDOT, Vendor 020318.

SECTION 6. That the Chief Financial Officer is hereby authorized to disburse the remaining amount of the local match in the amount of \$2,101,275.00 in accordance with the terms and conditions of the AFA from the Coronavirus State and Local Fiscal Recovery Fund, Fund FC18, Department TRN, Unit AG31, Object 4820.

SECTION 7. That the City Manager is hereby authorized to reimburse the granting agency any expenditures identified as ineligible and notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 8. That this contract is designated as Contract No. TRN-2023-00021514.

SECTION 9. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.