

May 10, 2023

**WHEREAS**, the City of Dallas recognizes the emerging evolution of transportation infrastructure within the City as well as the importance of providing an integrated transportation system that balances the needs of pedestrians, transit, bicycles and automobiles; and

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

**WHEREAS**, the City of Dallas desires to enter into an AFA with TxDOT for a United States (U.S.) Department of Transportation - Federal Highway Administration Congestion Mitigation and Air Quality Improvement Program Grant for the construction of sidewalks, crosswalks, and signal improvements along Pine Street from U.S. 175 to Malcolm X Boulevard to along Elsie Faye Heggins Street (Previously Hatcher Road) from U.S. 175 to 2nd Avenue in the City of Dallas; and

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

**WHEREAS**, the total estimated project cost is \$941,293.00, which includes \$698,400.00 in Federal reimbursement, \$21,600.00 as Federal participation for direct state costs, \$41,293.00 as State participation for indirect state cost, and \$180,000.00 as the City of Dallas' portion for environmental assessment, engineering, construction, and direct state costs; and

**WHEREAS**, the City of Dallas will pay TxDOT an amount of \$5,400.00 for direct state costs prior to construction; and

**WHEREAS**, the City will be responsible for 100 percent of project cost overruns that exceed the Federal funding maximum obligated amount; and

**WHEREAS**, TxDOT requires that a City resolution or ordinance be made part 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.

**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 designee, is hereby authorized to accept a grant from the United States (U.S.) Department of Transportation - Federal Highway Administration through the Texas Department of Transportation (TxDOT) for the Congestion Mitigation and Air Quality Improvement Program (Agreement No. CSJ 0918-47-372, CFDA No. 20.205) as Federal share in the total project cost of \$941,293.00, which includes \$698,400.00 in Federal reimbursement, \$21,600.00 as Federal participation for direct state costs, \$41,293.00 as State participation for indirect state cost, and \$180,000.00 (\$174,600.00 for environmental assessment, engineering, and construction costs and \$5,400.00 for direct state costs paid to TxDOT prior to construction) as local participation for cost related to the construction of sidewalks, crosswalks, and signal improvements along Pine Street from U.S. 175 to Malcolm X Boulevard to along Elsie Faye Heggins Street (Previously Hatcher Road) from U.S. 175 to 2nd Avenue in the City of Dallas, which may be terminated under the conditions as stated in the Master Agreement; provide actual cost overruns from the General Fund; and execute an Advanced Funding Agreement (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 Chief Financial Officer is hereby authorized to receive and deposit funds in the amount of \$698,400.00 in the Pine Street & Malcolm X Boulevard Bicycle and Pedestrian Improvements – CMAQ Grant Fund, Fund F734, Department TRN, Unit 551G, Revenue Code 6506.

**SECTION 3.** That the City Manager is hereby authorized to establish appropriations in the amount of \$698,400.00 in the Pine Street & Malcolm X Boulevard Bicycle and Pedestrian Improvements – CMAQ Grant Fund, Fund F734, Department TRN, Unit 551G, Object 4820.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$698,400.00 in the Pine Street & Malcolm X Boulevard Bicycle and Pedestrian Improvements – CMAQ Grant Fund, Fund F734, Department TRN, Unit 551G, Object 4820, Encumbrance/Contract No. TRN-2023-00021786.

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**SECTION 5.** That the Chief Financial Officer is hereby authorized to disburse part of the local match as initial payment to TxDOT prior to construction in the amount of \$5,400.00 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, Program ARPA, Encumbrance/Contract No. TRN-2023-00021786, 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 \$174,600.00 from the Coronavirus State and Local Fiscal Recovery Fund, Fund FC18, Department TRN, Unit AG31, Object 4820, Program ARPA, Encumbrance/Contract No. TRN-2023-00021786.

**SECTION 7.** That the City Manager is hereby authorized to reimburse the granting agency for any funds paid under the agreement that are not expended in accordance with the requirements of the agreement.

**SECTION 8.** 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.