

February 8, 2023

**WHEREAS**, on August 14, 2019, City Council authorized a business personal property tax abatement agreement and economic development grant agreements associated with job creation and fee reimbursement funding with Uber Technologies, Inc. (“Uber”) to support the proposed expansion and relocation of select corporate functions of Uber within the City of Dallas by Resolution No. 19-1166; and

**WHEREAS**, the Regional Transportation Council (RTC) approved a mobility partnership program with Uber on September 12, 2019, that included five transportation elements: transit planning to maintain good accessibility to Dallas Area Rapid Transit light rail stations; improving sidewalks and bicycle connections to and from Uber Headquarters; improving the quality of signalized intersections in the area; implementing next generation electric battery technology for a transit shuttle aiding the circulation of Deep Ellum to Downtown; and better use of the land under Interstate Highway 345 adjacent to Uber’s Headquarters for recreational activities and potential parking; and

**WHEREAS**, on July 18, 2021, the RTC approved the Deep Ellum Area Pedestrian and Traffic Signal Improvements Project in connection with the mobility partnership program with Uber and awarded the City of Dallas \$5,000,000.00 in federal funding for the Project to construct new sidewalks, Americans with Disabilities Act (ADA) ramps, curb extensions, pedestrian lighting, and upgrades to traffic signals from Live Oak Street to the North to Hall Street to the East, Interstate Highway 30 to the South and Cesar Chavez Boulevard to the West in the City of Dallas; and

**WHEREAS**, the City of Dallas desires to enter into an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) for a U.S. Department of Transportation - Federal Highway Administration Congestion Mitigation and Air Quality Improvement Program grant to complete the Project; and

**WHEREAS**, the U.S. Department of Transportation will provide the State with 100 percent of the costs for construction and Direct State Costs as Federal Participation, in the estimated amount of \$5,500,000.00; and

**WHEREAS**, TxDOT will be responsible for the Indirect State Costs in an estimated amount of \$18,541.60; and

**WHEREAS**, the total estimated project cost is \$5,518,541.60 which includes \$5,390,000.00 in Federal reimbursement, \$110,000.00 in Direct State Costs, \$18,541.60 in Indirect State Costs, and the City of Dallas’ portion covered by the use of 1,100,000 in Transportation Development Credits (“TDCs”) 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

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**WHEREAS**, the City of Dallas will be responsible for 100 percent of project and direct state costs that exceed the Federal funding maximum obligated amount.

**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 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 0918-47-362, CFDA No. 20.205) in the amount of \$5,500,000.00 as federal share in the total project cost of \$5,518,541.60, which includes \$5,390,000.00 in Federal reimbursement, \$110,000.00 in Direct State Cost, \$18,541.60 in Indirect State Cost, and the City of Dallas' portion covered by the use of 1,100,000 Transportation Development Credits in lieu of a local cash match, for cost related to the construction of new sidewalks, ADA ramps, curb extensions, pedestrian lighting, and upgrades to traffic signals from Live Oak Street to the North to Hall Street to the East, Interstate Highway 30 to the South and Cesar Chavez Boulevard to the West 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 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. This AFA may be terminated by the State if the project is inactive for 36 consecutive months or longer and no expenditures have been charged against Federal funds.

**SECTION 2.** That the City Manager is hereby authorized to establish appropriations in the amount of \$5,390,000.00 in the Deep Ellum Area PEDS & Traffic Signal Fund, Fund F729, Department TRN, Unit 332C, Object 4820.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to receive and deposit funds in the amount of \$5,390,000.00 in the Deep Ellum Area PEDS & Traffic Signal Fund, Fund F729, Department TRN, Unit 332C, Revenue Code 6506.

**SECTION 4.** That the Chief Financial Officer is hereby authorized to disburse funds in the amount of \$5,390,000.00 in the Deep Ellum Area PEDS & Traffic Signal Fund, Fund F729, Department TRN, Unit 332C, Object 4820, Activity INGV, Program TPF72923, Encumbrance/ Contract No. TRN-2023-00021132.

**SECTION 5.** 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.

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**SECTION 6.** 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.