

CITY OF SEGUIN

RESOLUTION NO. _____

STATE OF TEXAS

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEGUIN TEXAS,
AUTHORIZING APPROVAL OF THE ADVANCE FUNDING AGREEMENT OF A
PROJECT AWARDED THROUGH THE ALAMO AREA PLANNING ORGANIZATION
FOR FUNDING THE TRANSPORTATION ALTERNATIVES SET-ASIDE (TASA) GRANT
OFF-SYSTEM IMPROVEMENT PROGRAM, COMMITTING MATCHING FUNDS FOR
THE PROJECT GRANT; AND DECLARING AN EFFECTIVE DATE**

WHEREAS, the City of Seguin is a member of the Alamo Area Metropolitan Planning Organization (the "AAMPO"); and

WHEREAS, in February 2022, the City was notified by the AAMPO that the Sidewalk Rehab Project (the "Project") was selected for funding; and

WHEREAS, the Texas Department of Transportation ("TxDOT") requires that the City enter into a Local Project Advanced Funding Agreement ("AFA"); and

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, Federal law, 23 USC §134 and 49 USC §5303, requires that State and Metropolitan Planning Organizations (MPOs) develop transportation plans and programs for urbanized areas of Texas, and

WHEREAS, Federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the rules and procedures for the Transportation Alternatives Set-Aside Program (TASA) are established in 23 USC §133(h), and 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418, and

WHEREAS, the Local Government prepared and submitted to the State or Metropolitan Planning Organization (MPO) a project nomination package for TASA funding consideration, which is briefly described as construct pedestrian infrastructure (Project), and

WHEREAS, The City, a Local Government, is authorized to enter into an agreement with TxDOT, and

WHEREAS, the Texas Transportation Commission (Commission) passed Minute Order Number 116073 dated August 31, 2021, and 116522 (MO) dated August 16, 2023, awarding funding for TASA projects in the TASA Program Call of the San Antonio-Bexar County MPO, including Project, and

WHEREAS, the governing body of the Local Government has approved entering into this Agreement by resolution or ordinance dated **May 7, 2024**, which is attached to and made a part of this Agreement as Attachment C, Resolution or Ordinance. A map showing the Project location appears in Attachment A, Project Location Map, which is attached to and made a part of this Agreement, a

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Seguin, Texas:

Section 1. The City Council of the City of Seguin authorizes the City Manager, Steve Parker, to execute the Advanced Funding Agreement (AFA).

Section 2. The City Council directs and designates the City Manager as the City's Chief Executive Office and Authorized Representative to act in all matters in connection with the City's Participation in the TIP, TASA & STBG Programs.

Section 3. The City Council approves and authorizes payment of 100% of the development costs of the Project; the City is responsible for payment of costs overruns above Grant funding, and a 20% local match for construction costs in the anticipated participation amount associated with construction is \$467,886. The City will pay TxDOT \$33,520 for oversight of the project resulting in the City's Total Participation, after in-kind contribution (PSE, ROW, ENV, Engineer, etc.) for a total of \$501,406.

Section 4. This Resolution shall be in full force and effect immediately from and after its passage.

Approved and Adopted this 7th Day of May 2024.

Donna Dodgen, Mayor

Kristin Mueller, City Secretary