

RESOLUTION NO. 18-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS, APPROVING ADVANCE FUNDING AGREEMENT AMENDMENT # 2 WITH THE STATE OF TEXAS, ACTING THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, FOR THE STATE HIGHWAY 6 WIDENING PROJECT EXTENDING FROM NORTH OF BROOKS STREET TO LEXINGTON BOULEVARD; PROVIDING A FUNDING LIMIT; AND MAKING THIS RESOLUTION PART OF THE AGREEMENT.

WHEREAS, by Resolution No. 15-14 adopted on May 5, 2015, the City Council authorized an Advance Funding Agreement (Advance Funding Agreement) with the State of Texas, acting by and through the Texas Department of Transportation, for the State Highway 6 widening project extending from north of Brooks Street to Lexington Boulevard (Project); and

WHEREAS, the City and the State of Texas entered into the Advance Funding Agreement on June 4, 2015; and

WHEREAS, on September 23, 2016, the Transportation Policy Council approved an amendment to the 2017-2020 Transportation Improvement Program resulting in additional funding for the Project; and

WHEREAS, the City's maximum contribution under the Advance Funding Agreement increased to \$4,460,000; and

WHEREAS, by Resolution No. 16-42 adopted on November 15, 2016, the City Council authorized Advance Funding Agreement Amendment #1, which was executed by the City and the State of Texas on March 17, 2017 (Advance Funding Agreement Amendment #1); and

WHEREAS, it has become necessary to amend the Advance Funding Agreement, as amended by Advance Funding Agreement Amendment #1, to remove the funding for right-of-way and to revise the Project Budget; and

WHEREAS, under the Advance Funding Agreement, as amended by the Advance Funding Agreement #1, and as further amended by the attached Advance Funding Agreement Amendment #2, the City's maximum contribution now will not exceed \$ 2,960,000, without the City's prior written approval; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUGAR LAND, TEXAS:

Section 1. That it adopts the findings and recitals in the preamble of this Resolution, which are found to be true and correct.

Section 2. That it approves Advance Funding Agreement Amendment #2 attached as Exhibit A to this Resolution.

Section 3. That the City's maximum contribution under the Advance Funding Agreement, as amended by the Advance Funding Agreement Amendment #1, as further amended by the attached Advance Funding Agreement Amendment #2, will not exceed \$2,960,000 without the City's prior written approval.

Section 4. That this Resolution is incorporated into and made a part of the Advance Funding Agreement Amendment #2 by attaching it to the Advance Funding Agreement Amendment #2 as Attachment A.

APPROVED on _____, 2018.

Joe R. Zimmerman, Mayor

ATTEST:

Reviewed for Legal Compliance:

Eugenia A. Cano

Thomas Harris III,
Acting City Secretary

Attachment: Exhibit A- Advance Funding Agreement Amendment#2

EXHIBIT A
Advance Funding Agreement Amendment #2

STATE OF TEXAS §

COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT #2**

THIS AMENDMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and the City of Sugar Land acting by and through its duly authorized officials, called the Local Government.

W I T N E S S E T H

WHEREAS, the State and the Local Government executed a contract on June 4, 2015 to effectuate their agreement to widen SH 6 to eight (8) lanes from north of Brooks Street to Lexington Boulevard; and,

WHEREAS, the State and the Local Government executed Amendment #1 on March 17, 2017; and,

WHEREAS, it has become necessary to amend that contract to remove the funding for Right of Way;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the Local Government do agree as follows:

A G R E E M E N T

1. Description of Amended Items

- A. The title is deleted in its entirety and replaced with Advance Funding Agreement For A Surface Transportation Block Grant Project – On System.
- B. Attachment C-1, Project Budget, is deleted in its entirety and replaced with Attachment C-2, Project Budget, which is attached to this Amendment. Right of Way funds are removed from the budget.
- C. Article 9 has been deleted in its entirety and replaced with:
Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

All other provisions of the original contract are unchanged and remain in full force and effect.

2. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Allen Bogard
City Manager

Date

THE STATE OF TEXAS

Kenneth Stewart
Director of Contract Services
Texas Department of Transportation

Date

ATTACHMENT C-2 PROJECT BUDGET

Construction costs will be allocated for STBG funding based on 80% Federal funding and 20% Local Government funding until the federal funding reaches the maximum obligated amount. The Local Government will then be responsible for 100% of the costs, including any overruns.

Description	Total Estimated Cost	Federal Participation Cost		State Participation Cost		Local Participation Cost	
Engineering (by Local Government)	\$ 560,000	0%	\$ -	0%	\$ -	100%	\$ 560,000
Construction (by State) Funds: STBG	\$ 6,375,000	80%	\$ 5,100,000	0%	\$ -	20%	\$ 1,275,000
Construction Additional Local Contribution	\$ 1,125,000	0%	\$ -	0%	\$ -	100%	\$ 1,125,000
Subtotal	\$ 8,060,000		\$ 5,100,000		\$ -		\$ 2,960,000
Environmental Direct State Costs	\$ 6,000	0%	\$ -	100%	\$ 6,000	0%	\$ -
Right of Way Direct State Costs	\$ 6,000	0%	\$ -	100%	\$ 6,000	0%	\$ -
Engineering Direct State Costs	\$ 42,000	0%	\$ -	100%	\$ 42,000	0%	\$ -
Utility Direct State Costs	\$ 6,000	0%	\$ -	100%	\$ 6,000	0%	\$ -
Construction Direct State Costs	\$ 500,000	0%	\$ -	100%	\$ 500,000	0%	\$ -
Indirect State Costs	\$ 225,000	0%	\$ -	100%	\$ 225,000	0%	\$ -
TOTAL	\$ 8,845,000		\$ 5,100,000		\$ 785,000		\$ 2,960,000

Initial payment by the Local Government to the State: \$0

Payment by the Local Government to the State before construction: \$2,400,000

Estimated total payment by the Local Government to the State \$2,400,000

This is an estimate. The final amount of Local Government participation will be based on actual costs.