CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: **Engineering**

AGENDA DATE: **July 6, 2010**

CONTACT PERSON NAME AND PHONE NUMBER: **R. Alan Shubert, P.E., (915) 541-4423**

DISTRICT(S) AFFECTED: **3**

SUBJECT:

Resolution authorizing the City Manger to sign Amendment #1 to the Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State") dated June 16, 2006. The scope of work for the original agreement was for the realignment of El Paso Drive at the intersection of SH 20 (Alameda Avenue). Amendment #1 replaces Attachment C-1, Project Budget Estimate and Source of Funds with a new Attachment C-1, Project Budget Estimate and Source of Funds that reflects the increase to the budget for property acquisition.

BACKGROUND / DISCUSSION:

This amendment increases the total project budget by $249,999 and allocates this increase to the property acquisition line item for the realignment of El Paso Drive at Alameda. The increase in allocation has been approved through the Transportation Policy Board at the MPO.

PRIOR COUNCIL ACTION:

Council approved the original Funding Agreement on June 16, 2007 for a total of $500,000.

AMOUNT AND SOURCE OF FUNDING:
The increase in allocation requires an additional $49,800 of City Match approved by Council in March 2010.

BOARD / COMMISSION ACTION:
N/A

**********REQUIRED AUTHORIZATION**********

DEPARTMENT HEAD: _____

(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign Amendment # 1 to the Local Project Advance Funding Agreement (LPAFA) between the City of El Paso ("City") and the State of Texas, acting by and through the Texas Department of Transportation ("State") dated June 16, 2006. The scope of work for the original agreement was for the realignment of El Paso Drive at the intersection of SH 20 (Alameda Avenue). Amendment # 1 replaces Attachment C-1, Project Budget Estimate and Source of Funds with a new Attachment C-1, Project Budget Estimate and Source of Funds that reflects the increase to the budget for property acquisition.

ADOPTED this _____ day of _____, 2010.

THE CITY OF EL PASO

_____
John Cook
Mayor

ATTEST:

_____
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

Mark Shoesmith
Mark Shoesmith
Assistant City Attorney

APPROVED AS TO CONTENT:

Patricia D. Adauto
Patricia D. Adauto, Deputy City Manager for Development and Infrastructure Services

CSJ #0924-06-268
District # 24-El Paso
Code Chart 64 # 13400
Project: El Paso Drive Intersection
CFDA # 20.205

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT
AMENDMENT # 1

THIS AMENDMENT IS MADE BY AND BETWEEN the State of Texas, acting through the Texas Department of Transportation, hereinafter called the State, and the City of El Paso, acting by and through its duly authorized officials, hereinafter 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 16, 2006 to effectuate their agreement to perform the realignment of El Paso Drive at the intersection of SH 20 (Alameda Avenue); and,

WHEREAS, it has become necessary to amend that contract to account for additional allocation for right-of-way that was awarded to the project;

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

A G R E E M E N T

Article 1. Description of Amended Items

Attachment C, Project Budget Estimate and Source of Funds, of the original agreement is deleted in its entirety and replaced with the attached Attachment C-1, Project Budget Estimate and Source of Funds;

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

Article 2. Signatory Warranty

The signatories to this amendment warrant that each has the authority to enter into this agreement on behalf of the organization they represent.

IN WITNESS WHEREOF, THE STATE AND THE LOCAL GOVERNMENT have executed duplicate counterparts to effectuate this agreement.

THE LOCAL GOVERNMENT

By: _____
Joyce Wilson, City Manager

Date: _____

APPROVED AS TO CONTENT:

Patricia D Adauto

Patricia D. Adauto
Deputy City Manager
for Development & Infrastructure Services

APPROVED AS TO FORM:

Mark Shoesmith

Mark Shoesmith
Assistant City Attorney

THE STATE OF TEXAS
Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.

By: _____
Janice Mullenix
Director of Contract Services
Texas Department of Transportation

Date: _____

ATTACHMENT C-1
PROJECT BUDGET ESTIMATE AND SOURCE OF FUNDS

Description	Total Estimate Cost	Federal Participation	State Participation	Local Participation		
		80%	EDC Adjustment 50% (+)	Prior to EDC (20%)	EDC Adjustment 50% (-)	Actual Participation
Land (no cash contribution)	$449,999	$359,999		$90,000		$90,000
Utilities (no cash contribution)						
Environmental (no cash contribution)						
Preliminary Engineering	$30,000	$24,000	$3,000	$6,000	$3,000	$3,000
Construction	$300,000	$240,000	$30,000	$60,000	$30,000	$30,000
SUBTOTAL	$779,999	$623,000	$33,000	$156,000	$33,000	$123,000
Direct State Costs (including plan review, inspection and oversight)	$30,000	$24,000		$6,000	$	$6,000
Indirect State Costs (no local participation required except for service projects)	$20,670	$16,536	$4,134			
TOTAL	$830,669	$664,535	$37,134	$162,000	$33,000	$129,000
First payment due prior to PS&E by State	$3,000					$3,000
Second payment due 60 days prior to the project letting	$126,000					$126,000

Total participation required from the local government = $129,000