

## RESOLUTION 2012-37

### **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LA FERIA AUTHORIZING AND DIRECTING THE SUBMISSION OF AN APPLICATION TO THE TEXAS DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL FUNDS FOR THE CITY'S SAFE ROUTES TO SCHOOL PROJECT**

**WHEREAS**, in November 2009, the City of La Feria submitted an application to the Texas Department of Transportation (TXDOT), requesting a grant of \$500,000 to construct sidewalks and install crosswalks and school zone flashers; and

**WHEREAS**, the laudable purposes of the Safe Routes to School Program include enhanced safety of school children through improved bicycle and pedestrian infrastructure; the encouragement of a healthy and active lifestyle from an early age; and to reduce traffic, fuel consumption, and air pollution in the vicinity of schools; and

**WHEREAS**, by way of a letter dated June 9, 2010 the City was notified by TXDOT that its application had been selected for funding; and

**WHEREAS**, said letter of June 9, 2010 provides that "if the project is not on the state highway system, the Local Government may be responsible for all non-federal and non-state participation costs associated with the project. Overrun funding of up to fifteen percent (15%) in excess of the approved project cost may be approved by the State with acceptable justification."

**WHEREAS**, the Advanced Funding Agreement was executed by the City Manager on behalf of the City of La Feria on January 11, 2011 and by the Director of the Traffic Operations Division on behalf of TXDOT on March 1, 2011; and

**WHEREAS**, said Advanced Funding Agreement also provides that overrun funding of up to fifteen percent (15%) in excess of the approved project cost may be approved by the State with acceptable justification." and

**WHEREAS**, the Texas Administrative Code, Title 43, Part 1, Chapter 25, Subchapter I, Rule §25.505 provides that "No local contribution is required for projects submitted for funding under the Safe Routes to School Program" and that "Project overruns will be evaluated by the responsible division administering the program on a case-by-case basis to determine if the project will continue and how the additional costs will be covered."

**WHEREAS**, construction costs have risen since the Engineer's Cost Estimate for the Project was prepared (November 2009); and

**WHEREAS**, TXDOT would not permit the City, in light of the cost overruns, to modify the plans from those that were included in the application; and

**WHEREAS**, by way of a letter dated August 3, 2012, the City has been informed by TXDOT that the estimated cost overrun is \$124,756.95; and

**WHEREAS**, the City of La Feria has on this same date authorized the expenditure of local funds to cover the cost overrun in the Safe Routes to School program,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LA FERIA, THAT:**

1. The recitals set forth above are found to be true and correct and are hereby incorporated as part of this Resolution; and,
2. The City Manager is hereby directed and authorized to prepare and submit an application to TXDOT requesting \$75,000 in additional funding available from TXDOT's Safe Routes to School Program and to execute any necessary related documents to said application.

**PASSED AND APPROVED** by the City Commission of the City of La Feria, Texas on this the 14<sup>TH</sup> day of August 2012.

**APPROVED:**




**Steve Brewer, Mayor**

**ATTEST:**

  
**Olga Oberwetter, City Secretary**

**APPROVED AS TO FORM:**

  
**Richard S. Talbert, City Attorney**