

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

ORDINANCE

APPROVING AN ADVANCED FUNDING AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), ACCEPTING REIMBURSEMENT IN THE ESTIMATED AMOUNT NOT TO EXCEED \$11,988,000.00 FROM TXDOT FOR CONSTRUCTION-RELATED EXPENSES AND AUTHORIZING PAYMENT IN THE AMOUNT NOT TO EXCEED \$210,510.00 TO TXDOT FOR ADMINISTRATIVE OVERSIGHT OF FEDERAL FUNDS FOR THE OLD HIGHWAY 90 PHASE 2 (STATE HIGHWAY 151 TO US HIGHWAY 90 WEST) PROJECT, LOCATED IN COUNCIL DISTRICT 6. THE MATCH FOR THIS PROJECT IS \$2,997,000.00 WHICH WILL BE PAID FOR BY THE CITY AND FUNDING IS AVAILABLE FROM 2022 GENERAL OBLIGATION BOND FUNDS INCLUDED IN THE FY 2024 – FY 2029 CAPITAL IMPROVEMENT PROGRAM.

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WHEREAS, Old Highway 90 Phase 2 (State Highway 151 to US Highway 90 West) project was included as part of the Alamo Area Metropolitan Planning Organization’s (AAMPO) 2050 Metropolitan Transportation Plan and as part of the City of San Antonio 2022-2027 General Obligation Bond Program. Local Agency Managed projects are managed by the City but receive federal funds administered through TxDOT. The funds paid to TxDOT by the City are for costs associated with oversight of the administration of the federal funds; and

WHEREAS, the project will reconstruct the road, a shared-use path, sidewalks, drainage and traffic improvements in the vicinity of Old Highway 90, improving connectivity for motorists, bicyclists, and pedestrians in the area. The City will design and construct the improvements leveraging funding from TxDOT. Project construction is anticipated to begin in Summer 2026 and is estimated to be completed in Fall 2028; and

WHEREAS, under the terms of the Agreement, the City is responsible for 20% of the construction cost, with the remaining 80% being provided by federal funds through TxDOT. This Advanced Funding Agreement with TxDOT will allow construction-related project costs to qualify for federal cost-sharing up to the federally approved amount not to exceed \$11,988,000.00. The remaining construction cost of \$2,997,000.00 will be the responsibility of the City of San Antonio; and

WHEREAS, this ordinance authorizes the acceptance of funds from TxDOT for reimbursement of construction costs in an amount not to exceed \$11,988,000.00 in federal funds allocated to the

City from TxDOT and administered by TxDOT as a federal pass-through grant associated with the construction of the Old Highway 90 Phase 2 (State Highway 151 to US Highway 90 West) LF project. Actual costs to be reimbursed by TxDOT will be finalized with the award of a construction contract; and

WHEREAS, this ordinance also authorizes a one-time capital improvement expenditure to TxDOT in the amount not to exceed \$210,510.00 for the Old Highway 90 Phase 2 (State Highway 151 to US Highway 90 West) LF project. The match for this project is \$2,997,000.00, and the City will also pay \$210,510.00 for administrative oversight of federal funds associated with the project. Funding is available from 2022 General Obligation Bond Funds included in the FY 2024 – FY 2029 Capital Improvement Program; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or designee, or the Director of the Public Works Department or designee, is authorized to execute an Advance Funding Agreement between the City of San Antonio and Texas Department of Transportation (TXDOT) accepting funding of \$11,988,000.00 for the Old Highway 90 Phase 2 (State Highway 151 to US Highway 90 West) project. The agreement requires a match of \$2,997,000.00 which will come from previously appropriated General Obligation bond funds. A copy of the agreement in substantially final form is attached hereto and incorporated herein for all purposes as Attachment III.

SECTION 2. The City Manager or designee, or the Director of the Public Works Department or designee, is further authorized to execute any and all necessary documents to effectuate said agreement and acceptance.

SECTION 3. Upon acceptance of this award, a new fund and internal order number will be created, upon which the award amount up to \$11,988,000.00 from TXDOT will be appropriated in said fund. A final budget, including a department specific fund, an Internal Order number, and General Ledger numbers will be submitted by the department upon award.

SECTION 4. Funds in the amount of \$11,988,000.00 are authorized to be appropriated in Fund 45099000 Project 23-03910, WBS 23-03910-90-xx and GL Account 6101100.

SECTION 5. Funds in the amount of \$11,988,000.00 are authorized to be appropriated in Fund 45099000 Project 23-03910, WBS 23-03910-05-02-09 and GL Account 5201245.

SECTION 6. The budget in Fund 45099000 Project 23-03910, WBS 23-03910-05-06 and GL Account 5201140 shall be reduced in the amount of \$2,302,000.00.

SECTION 7. The budget in Fund 45099000 Project 23-03910, WBS 23-03910-05-05-01 and GL Account 5201170 shall be reduced in the amount of \$52,000.00.

SECTION 8. The budget in Fund 45099000 Project 23-03910, WBS 23-03910-05-01-01 and GL Account 5402050 shall be reduced in the amount of \$173,556.01.

SECTION 9. The budget in Fund 45099000 Project 23-03910, WBS 23-03910-05-01-01 and GL Account 5402030 shall be reduced in the amount of \$352,412.18.

SECTION 10. The budget in Fund 45099000 Project 23-03910, WBS 23-03910-04-02-01 and GL Account 5201040 shall be reduced in the amount of \$162,268.42.

SECTION 11. The budget in Fund 45099000 Project 23-03910, WBS 23-03910-01-02-01 and GL Account 5201170 shall be reduced in the amount of \$7,000.00.

SECTION 12. The budget in Fund 45099000 Project 23-03910, WBS 23-03910-05-02-01 and GL Account 5201140 shall be increased in the amount of \$52,236.61.

SECTION 13. Payment is authorized to be encumbered and made payable to TXDOT in an amount not to exceed \$210,510.00. Payment is in support of the Old Highway 90 Phase 2 (State Highway 151 to US Highway 90 West) project using Fund 45099000, Project 23-03910, WBS element 23-03910-05-02-01 and GL account 5201140. Funding for this project is provided by General Obligation bond funds and TXDOT and is in the FY 2024 - FY 2029 CIP Budget as amended above.

SECTION 14. The financial allocations in this Ordinance are subject to approval by the Deputy Chief Financial Officer, City of San Antonio. The Deputy Chief Financial Officer may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 15. This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED and APPROVED this ____ day of June, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney

DRAFT