

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: November 18, 2014		DATE SUBMITTED: October 27, 2014	
DEPARTMENT OF ORIGIN: Public Works - Engineering		SUBMITTED BY: W. Paul Kaspar	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input checked="" type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input checked="" type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consideration of a Resolution to approve the final payment to the State of Texas (through the Texas Department of Transportation) in the amount of \$21,678.82 for the City's portion of the Briarcrest (FM1179) TXDOT Project.			
SUMMARY STATEMENT: The City of Bryan passed Resolution 3413, which authorized the City to enter into an Advanced Funding Agreement with TXDOT for the City's portion of the Briarcrest (FM1179) project from Kent Street to Earl Rudder Freeway (State Highway 6) in the not to exceed amount of \$306,860. Subsequent to the Advanced Funding Agreement being executed, the City paid TXDOT \$306,860. TXDOT then constructed the project and has recently performed their end of project audit and sent a payment request to the City of Bryan for \$21,678.82 more than the previously paid \$306,860. Since Resolution 3413 was passed with specific "not to exceed" language, the Bryan City Council will need to authorize payment of this remaining \$21,678.82. Approval of this resolution will allow the payment to be made and increase the total not to exceed amount from \$306,860 to \$328,538.82 for the City's participation in the TXDOT project.			
Note: Section 2. C. of the Advance Funding Agreement (attached) states, "In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification."			
STAFF ANALYSIS AND RECOMMENDATION: Staff recommends approval of the Resolution to approve the final payment to the State of Texas (through the Texas Department of Transportation) in the amount of \$21,678.82 for the City's portion of the Briarcrest (FM1179) TXDOT Project. TXDOT has constructed the project and recently performed an audit of the project and sent a payment request to the City of Bryan for \$21,678.82 more than the previously paid \$306,860.			
OPTIONS (In Suggested Order of Staff Preference):			
<ol style="list-style-type: none"> 1. Approve the Resolution 2. Do not approve the Resolution and provide direction to staff. 			
ATTACHMENTS: (new resolution in MS Word, remaining items are in a single pdf file)			
<ol style="list-style-type: none"> 1. New Resolution 2. Additional Payment Request from TXDOT 3. Signed Resolution 3413 4. Signed Advanced Funding agreement 			

FUNDING SOURCE: NA
APPROVALS: Jayson E. Barfknecht 11/03/14; Hugh R. Walker, 11/04/2014
APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 11-04-2014
APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 11-04-2014

Revised 05/2013

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY THE STATE OF TEXAS, ACTING BY AND THROUGH THE TEXAS DEPARTMENT OF TRANSPORTATION, AN ADDITIONAL \$21,678.82 REQUESTED BY THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CITY'S PORTION OF THE COSTS TO ADD RIGHT TURN LANES AT COUNTRY CLUB DRIVE AND OAK RIDGE DRIVE AND UPGRADE THE TRAFFIC SIGNAL AT OAK RIDGE DRIVE AS PART OF THE FM 1179 IMPROVEMENT PROJECT WITH PROJECT LIMITS BEING FROM STATE HIGHWAY 6 (EARL RUDDER FREEWAY) TO KENT STREET; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State of Texas, acting by and through the Texas Department of Transportation (State) is requesting the City of Bryan (City) to pay the final amount owed to the State for the City's share of costs associated with the already completed work to add right turn lanes at Country Club Drive and Oak Ridge Drive and upgrade the traffic signal at Oak Ridge Drive as part of the FM 1179 Improvement Project with Project limits being from State Highway 6 (Earl Rudder Freeway) to Kent Street; and

WHEREAS, the City passed Resolution 3413 which authorized the Mayor to enter into an Advanced Funding Agreement with the State for the not to exceed amount of \$306,860.00, for the proper development and construction of the project and said Advanced Funding Agreement was executed on March 21, 2012 after which the City paid the State \$306,860.00; and

WHEREAS, the State constructed the project using procedures in accordance with policies of state, and federal laws and performed an audit at the end of the project which identified an additional \$21,678.82 due the State from the City above the already paid \$306,860.00; and

WHEREAS, the City wishes to pay its portion of the costs associated with the improvements to FM 1179 which are crucial to the enhancement of circulation and safety;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

1.

The matters set forth in the preamble are true and correct and incorporated as if fully set forth herein.

2.

The City of Bryan agrees to pay the State the final outstanding amount of \$21,678.82 for its share of the improvements to Country Club Drive and Oak Ridge Drive associated with the State's FM 1179 Improvement Project between State Highway 6 and Kent Street.

3.

The City Manager is hereby authorized to make payment on behalf of the City of Bryan, Texas to the State.

4.

This Resolution shall be effective immediately upon its adoption.

APPROVED AND ADOPTED by the City Council of the City of Bryan, Texas, this 18th day of November, 2014.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney