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**City of Las Cruces**<sup>62</sup>  
 PEOPLE HELPING PEOPLE

**Council Action and Executive Summary**

Item # 5 Ordinance/Resolution# 10-214 Council District:     

For Meeting of March 1, 2010

**TITLE:**

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE CAPITAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO FUND THE SOLANO DRIVE A.D.A. IMPROVEMENTS PROJECT FROM SPRUCE AVENUE TO CACTUS STREET TO AMEND THE FISCAL YEAR 2009/2010 BUDGET.**

**PURPOSE(S) OF ACTION:            FIRST AMENDMENT TO CAPITAL COOPERATIVE AGREEMENT**

Name of Drafter: Amber Vaughn <i>AV</i>		Department: Public Works		Phone: 528-3228	
Department Public Works	Signature <i>[Signature]</i>	Phone 3333	Department Budget	Signature <i>[Signature]</i>	Phone 2300
			Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	2128	City Manager	<i>[Signature]</i>	2076

**BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:**

The City of Las Cruces was awarded a total of \$49,000.00 from the State of New Mexico as a result of legislative appropriation through the New Mexico Department of Transportation to fund various Public Works projects. A Capital Cooperative Agreement was approved by the City of Las Cruces for the funding of NMDOT Project No. SP-1-10(911); Control No. HW2 M100134; CLC Project No. 09-10-302: Solano Drive A.D.A Improvements Project from Spruce Avenue to Cactus Street in the amount of \$49,000.00 under resolution 10-035 on July 20, 2009.

During their January 20, 2010 meeting, the State Transportation Commission heard and approved award reductions for the 2009/2010 Local Government Road Fund Program (see NMDOT letter dated January 21, 2010). As a result of

(Continue on additional sheets as required)

the approval, grant funding for the above mentioned project has been reduced to reflect the following: NMDOT grant award of \$38,429.00.

This resolution shall amend the original Capital Cooperative Agreement to revise the project funding amounts from \$49,000.00 to \$38,429.00 for the Solano Drive A.D.A Improvements Project from Spruce Avenue to Cactus Street, NMDOT Project No. SP-1-10(911); Control No. HW2 M100134; CLC Project No. 09-10-302. The City match requirement also decreased from \$16,333.00 to \$12,810.00. However, staff recommends the budget for the match remain the same, which will be above the required amount in order to have sufficient funding toward the total project cost of \$54,762.00.

#### **SUPPORT INFORMATION:**

<b>Fund Name / Account Number</b>	<b>Amount of Expenditure</b>	<b>Budget Amount</b>
State Street Imp Grants Fund 4212 42806180-854121-71010	\$38,429.00	\$38,429.00 pending adjustment
GRT Street Maint Fund 4202 42806040-854121-71010	\$16,333.00	\$25,000.00

1. Resolution.
2. Resolution 10-035, Attachment "A"
3. Letter from NMDOT, dated January 21, 2010, Attachment "B".
4. Budget Adjustment, Exhibit "A".

#### **OPTIONS / ALTERNATIVES:**

1. Approve the First Amendment to the Capital Cooperative Agreement with the New Mexico Department of Transportation. This will also approve the recommended fiscal year 2009/2010 budget adjustment.
2. Modify the proposed Resolution and instruct staff to seek an alternate action.
3. Reject the proposed Resolution.

(Continue on additional sheets as required)

**RESOLUTION NO. 10-214**

**A RESOLUTION APPROVING THE FIRST AMENDMENT TO THE CAPITAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF LAS CRUCES AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION TO FUND THE SOLANO DRIVE A.D.A. IMPROVEMENTS PROJECT FROM SPRUCE AVENUE TO CACTUS STREET TO AMEND THE FISCAL YEAR 2009/2010 BUDGET.**

The City Council is informed that:

**WHEREAS**, the City of Las Cruces and the New Mexico Department of Transportation entered into a Capital Cooperative Agreement to fund the Solano Drive A.D.A. Improvements Project from Spruce Avenue to Cactus Street NMDOT Project No. SP-1-10(911); Control No. HW2 M100134; CLC Project No. 09-10-302, on July, 20, 2009; and

**WHEREAS**, the funding amount was \$49,000.00; and

**WHEREAS**, the State Transportation Commission approved award reductions for the 2009/2010 Local Government Road Fund Program on January 20, 2010; and

**WHEREAS**, it has become necessary to amend the said Agreement to revise the fund amount from \$49,000.00 to \$ 38,429.00.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

**(I)**

**THAT** the First Amendment to the Capital Cooperative Agreement, is hereby approved.

(II)

THAT the Mayor is hereby authorized to execute the First Amendment to the Capital Cooperative Agreement on behalf of the City.

(III)

THAT the Fiscal Year 2009/2010 Budget is hereby amended as outlined on the attached Exhibit "A".

(IV)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

(SEAL)

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Connor: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Thomas: \_\_\_\_\_

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**RESOLUTION NO. 10-035**

**A RESOLUTION ACCEPTING A GRANT FROM THE NEW MEXICO DEPARTMENT OF TRANSPORTATION, LOCAL GOVERNMENT ROAD FUND PROGRAM, FISCAL YEAR 2009/2010 IN THE AMOUNT OF \$49,000.00 FOR THE SOLANO DRIVE A.D.A. IMPROVEMENTS PROJECT FROM SPRUCE AVENUE TO CACTUS STREET AND TO AMEND THE FISCAL YEAR 2009/2010 BUDGET.**

The City Council is informed that:

**WHEREAS**, the New Mexico Department of Transportation (NMDOT) have entered into a joint and coordinated effort in Cooperative Agreement Project Number SP-1-10(911), Control Number HW2 M100134 known as Local Government Road Fund Project for Fiscal year 2009/2010 to design and install new A.D.A. Improvements on Solano Drive from Spruce Avenue to Cactus Street. The project will also include the removal and replacement of wheel chair ramps, sidewalks, and drive pads; including curb & gutter, asphalt patching, removal and installation of new pull boxes, and

**WHEREAS**, the City of Las Cruces is being offered an award of \$65,333.00 from the New Mexico Department of Transportation, Local Government Road Fund Program for this project, and

**WHEREAS**, the New Mexico Department of Transportation's share will be 75% or \$49,000.00, and the City of Las Cruces is required to match 25% of the total project award amount of \$65,333.00, for a match of \$16,333.00, and

**WHEREAS**, the City of Las Cruces is required to fund the difference between the Engineer's estimated total project amount and the actual cost of the project, which will incorporate the additional funding necessary for the design, construction costs, materials testing, and inspection for the project, and

**WHEREAS**, the agreement terminates on December 31, 2010 and the City of Las Cruces incorporates all the agreements, covenants and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement, and.

**WHEREAS**, the New Mexico Department of Transportation requires the City to pass a resolution that references the scope of work and monetary amounts submitted to the State Highway Commission and that the project is adopted and has priority standing, and

**WHEREAS**, the City of Las Cruces has the remaining necessary funding in place and have commenced with the project design plans.

**NOW, THEREFORE**, Be it resolved by the governing body of the City of Las Cruces:

**(I)**

**THAT** the City of Las Cruces will enter into a Cooperative Agreement for Project Number SP-1-10(911), Control Number HW2 M100134 with the New Mexico Department of Transportation, Local Government Road Fund Project, Fiscal Year 2009/2010 to design and install new A.D.A. Improvements on Solano Drive from Spruce Avenue to Cactus Street. The project will also include the removal and replacement of wheelchair ramps, sidewalks, and drive pads, including curb & gutter, asphalt patching, and removal and installation of pull boxes within the control of the City of Las Cruces, New Mexico.

**(II)**

**THAT** the grant from the New Mexico Department of Transportation, Local Government Road Fund Program, in the amount of \$49,000.00, is hereby accepted and the City of Las Cruces will commit \$16,333.00 in matching funds and all additional construction costs for the project.

**(III)**

**THAT** the Fiscal Year 2009/2010 Budget is hereby amended as outlined on the attached Exhibit "A".

**(IV)**

**THAT** City Staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

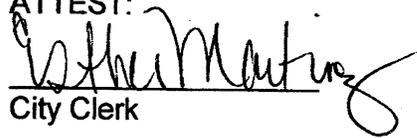
**DONE AND APPROVED** this 20th day of July 2009.

(SEAL)

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

VOTE:

Mayor Miyagishima:	<u>Aye</u>
Councillor Silva:	<u>Aye</u>
Councillor Connor:	<u>Aye</u>
Councillor Archuleta:	<u>Aye</u>
Councillor Small:	<u>Aye</u>
Councillor Jones:	<u>Aye</u>
Councillor Thomas:	<u>Aye</u>

Moved by: Archuleta

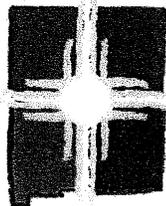
Seconded by: Connor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

**RECEIVED**

JAN 27 2010

CITY OF LAS CRUCES  
PW/PROJECT DEVELOPMENTNew Mexico DEPARTMENT OF  
**TRANSPORTATION**  
MOBILITY FOR EVERYONE

January 21, 2010

Louis Grijalva, Project Development Administrator  
City of Las Cruces  
P.O. Box 20000  
Las Cruces, NM 88004-9002**Re: 2009 - 2010 Local Government Road Fund Program Award Reductions**

Dear Mr. Grijalva:

The State Transportation Commission heard and approved award reductions for the above program during their **January 20th meeting**. **Agreement amendments will be forthcoming**. The impact on your project # **SP-1-10 (911); CN HW2 M100134** is outlined below:

	Entity Share	State Share	Project Total
Cooperative Agreement	\$12,810.00	\$38,429.00	\$51,239.00

**A resolution passed by the governing body or agency head is now needed.** The resolution should state that the local entity adopts the project and verifies its priority standing; as well as list the scope, route & termini and monetary amounts as listed above. Additional information to be included in the resolution is the project number **SP-1-10 (911)** and control number **HW2 M100134**. A sample resolution is included for your convenience.

Amendments will be forwarded for signature upon receipt of the resolution in our office. **Please remember that NO aspect of the project can begin prior to the execution of the amendment.**

We appreciate your assistance and please email [debraa.hudson@state.nm.us](mailto:debraa.hudson@state.nm.us), fax 575-544-7380 or call 575-544-6536 if you should have any questions or need further assistance.

Sincerely,

Debbie Hudson  
District One LGRF CoordinatorBill Richardson  
GovernorGary L. J. Girón  
Cabinet Secretary

Commission

Johnny Cope  
ChairmanJohn Hummer  
Commissioner  
District IDistrict One Office  
2912 E. Pine Street  
Deming, NM 88030-7075  
575-544-6530Frank E. Guzman, P.E.  
District Engineer  
District I

S A M P L E  
RESOLUTION

(ENTITY NAME)

PARTICIPATION IN LOCAL GOVERNMENT ROAD FUND PROGRAM ADMINISTERED  
BY NEW MEXICO DEPARTMENT OF TRANSPORTATION

WHEREAS, the (ENTITY NAME) and the New Mexico Department of Transportation have entered into a joint and coordinated effort.

WHEREAS, the total cost of the project will be (\$XXX.XX) to be funded in proportional share by the parties hereto as follows:

- a. New Mexico Department of Transportation's share shall be 75% or (\$XXX.XX)

and

- b. (ENTITY NAME)'s proportional matching share shall be 25% or (\$XXX.XX)

TOTAL PROJECT COST IS (\$XXX.XX)

(ENTITY NAME) shall pay all costs, which exceed the total amount of (\$XXX.XX).

Now therefore, be it resolved in official session that (ENTITY NAME) determines, resolves, and orders as follows:

That the project for this Cooperative agreement is adopted and has a priority standing.

The agreement terminates on December 31, 2010 and the (ENTITY NAME) incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements and understandings have been merged into the written agreement.

NOW therefore, be it resolved by the (ENTITY NAME) to enter into Cooperative Agreement Project Number (XXXX), Control Number (XXXX) with the New Mexico Department of Transportation for LGRF Project for year 2009 - 2010 to (LIST SCOPE, ROUTE, AND TERMINI) within the control of the (ENTITY NAME) in (CITY/COUNTY), New Mexico.

(Appropriate Signatures below (Council, Commission, School Board, Tribe, Pueblo, Nation, etc.)

\_\_\_\_\_  
(PRINTED NAME, POSITION)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
(PRINTED NAME, POSITION)

\_\_\_\_\_  
DATE

**CITY OF LAS CRUCES  
ADOPTED BUDGET FY 2009/2010**

Page 1 of 2

<b>FUND</b>	<b>DIVISION</b>		<b>FUND TYPE</b>	
<b>State Street Improvement Grants Fund 4212</b>	<b>Public Works</b>		<b>Capital Project</b>	
	<b>FY 2008/09 Actual</b>	<b>FY 2009/10 Adopted</b>	<b>Adjustment</b>	<b>FY 2009/10 Adjusted</b>
<b>RESOURCES</b>				
Beginning Balance	\$ 119,904	119,904		119,904
<b>REVENUES</b>				
60805 Downtown Revitalization	163,345	370,711		370,711
60806 Downtown Revitalization	137,118	122,882		122,882
70400 Flood Control Dam Restoration	0	63,147		63,147
70740 Valley Drive Master Plan	0	20,000		20,000
70A07 Elks Drive Widening	172,930	0		0
70D01 Central/Calico Drainage Channel	150,000	0		0
70E01 El Molino Reconstruction	0	50,000		50,000
70E02 El Molino Reconstruction	0	100,000		100,000
70E05 El Molino Reconstruction	0	50,000		50,000
70E06 El Molino Reconstruction	0	50,000		50,000
70F04 East Mesa Road Improvements	139,105	360,895		360,895
70F17 East Mesa - Davis/Jefferson Roads	21,928	16,755		16,755
70F18 Solano Drive Improvements	48,212	0		0
70K02 Del Rey Blvd Reconstruction	0	541,441		541,441
70M0A Tashiro Road	60,000	0		0
70P00 NM Energy/Mineral Resources (Triviz)	124,155	0		0
70Q00 Union Avenue	0	178,125		178,125
70Q01 Union Avenue Multi Use Path	58,081	11,919		11,919
70R00 NM DOT Grant (Street Lighting)	11,960	20,280		20,280
70R01 Stern Street Lighting	57,000	0		0
70S01 Court Avenue Sidewalks	50,000	0		0
70T01 Fred Way	100,000	0		0
70U01 Jack Rabbit Interchange	107,067	362,625		362,625
70W01 Las Cruces Main Street Downtown	0	1,176,000		1,176,000
70W02 Las Cruces Main Street Downtown	0	500,000		500,000
70Y02 Telshor/Lohman Intersection Imp (GRIP 2)	80,778	3,705,000		3,705,000
71010 Solano Drive A.D.A. Imp (Spruce/Cactus)	0	49,000	(10,571)	38,429
70Z01 Amador Rehab (Archuleta to Motel Blvd)	0	228,000		228,000
<b>Total Revenues</b>	\$ 1,481,679	7,976,780	(10,571)	7,966,209
<b>Total Resources</b>	\$ 1,601,583	8,096,684	(10,571)	8,086,113

**CITY OF LAS CRUCES  
ADOPTED BUDGET FY 2009/2010**

<b>FUND</b>	<b>DIVISION</b>		<b>FUND TYPE</b>	
<b>State Street Improvement Grants Fund 4212</b>	<b>Public Works</b>		<b>Capital Project</b>	
	<b>FY 2008/09 Actual</b>	<b>FY 2009/10 Adopted</b>	<b>Adjustment</b>	<b>FY 2009/10 Adjusted</b>
<b>EXPENDITURES</b>				
60805 Downtown Revitalization	\$ 163,345	370,711		370,711
60806 Downtown Revitalization	137,118	122,882		122,882
70400 Flood Control Dam Restoration	0	63,147		63,147
70740 Valley Drive Master Plan	0	20,000		20,000
70A07 Elks Drive Widening	172,930	0		0
70D01 Central/Calico Drainage Channel	150,000	0		0
70E01 El Molino Reconstruction	0	50,000		50,000
70E02 El Molino Reconstruction	0	100,000		100,000
70E05 El Molino Reconstruction	0	50,000		50,000
70E06 El Molino Reconstruction	0	50,000		50,000
70F04 East Mesa Road Improvements	139,105	360,895		360,895
70F17 East Mesa - Davis/Jefferson Roads	21,928	16,755		16,755
70F18 Solano Drive Improvements	48,212	0		0
70K02 Del Rey Blvd Reconstruction	0	541,441		541,441
70M0A Tashiro Road	60,000	0		0
70P00 Triviz Multi-Use Path	124,155	0		0
70Q00 Union Avenue	0	178,125		178,125
70Q01 Union Avenue Multi Use Path	58,081	11,919		11,919
70R00 Street Lighting	11,960	20,280		20,280
70R01 Stern Street Lighting	57,000	0		0
70S01 Court Avenue Sidewalks	50,000	0		0
70T01 Fred Way	100,000	0		0
70U01 Jack Rabbit Interchange	107,067	362,625		362,625
70W01 Las Cruces Main Street Downtown	0	1,176,000		1,176,000
70W02 Las Cruces Main Street Downtown	0	500,000		500,000
70Y02 Telshor/Lohman Intersection Imp (GRIP 2)	80,778	3,705,000		3,705,000
71010 Solano Drive A.D.A. Imp (Spruce/Cactus)	0	49,000	(10,571)	38,429
70Z01 Amador Rehab (Archuleta to Motel Blvd)	0	228,000		228,000
<b>Total Expenditures</b>	<b>\$ 1,481,679</b>	<b>7,976,780</b>	<b>(10,571)</b>	<b>7,966,209</b>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfer from Fund 1000 - General Fund	\$ 0	(40,370)		(40,370)
<b>Total Other Financing Sources (Uses)</b>	<b>\$ 0</b>	<b>(40,370)</b>	<b>0</b>	<b>(40,370)</b>
<b>ENDING BALANCE</b>	<b>\$ 119,904</b>	<b>79,534</b>	<b>0</b>	<b>79,534</b>