



City of Las Cruces®

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Council Action and Executive Summary

Item # 11 Ordinance/Resolution# 11-042 Council District:

For Meeting of August 16, 2010

TITLE: A RESOLUTION ALLOWING TRANSIT SECTION STAFF TO ACCEPT A FEDERAL TRANSIT ADMINISTRATION GRANT AWARD IN THE AMOUNT OF \$650,000 REQUIRING A CITY MATCH OF \$162,500 FOR THE PURPOSE OF ENHANCING THE GRANT FUNDING APPLIED TO THE TRANSIT INTERMODAL CENTER IN FY 2012.

PURPOSE(S) OF ACTION:

This Resolution would permit Transit Staff to accept an award from Federal Transit Administration (FTA) for \$650,000 requiring a City match of \$162,500 for a total addition to the project of \$812,500. This funding would be used in FY 2012 as a planned enhancement of the construction phase. The FTA anticipates release of this award by mid August 2010 and the award must be accepted before the end of August 2010, because the request includes lapsing funds.

Drafter and Staff Contact: Michael J. Bartholomew		Department: Public Services / Transit		Phone: 541-2500	
Department	Signature	Phone	Department	Signature	Phone
Department Director		528-3477	Budget		541-2107
Other			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On June 7, 2010 City Council approved the Resolution 10-300 for the Transit Section to apply for Federal Transit Administration (FTA) funding from two Section 5309 (Capital) appropriations awarded to Las Cruces under the SAFETEA-LU transportation bill. The requested funding would be applied to the existing grant-funded intermodal center project to enhance the planned level of federal funding for this project. The City match for the federal share of \$650,000 would be \$162,500 and would add a total of \$812,500 to the intermodal center project. It is anticipated that the expenditure of these funds, would occur in FY 2012.

The project budget information in the table below was also included in the Council packet for Resolution 10-300. The existing grant funding for the intermodal center, came from a 2002 earmark appropriation, is \$1,868,050 requiring a local match of \$467,105 for a total project of \$2,335,065. The existing grant-funded project is already budgeted in the Intermodal Center Fund (5921). To date, the only expenditure on this grant was for the purchase of the land for the intermodal center; the purchase price was \$397,401, of which \$317,921 (80%) was drawn from federal funds. An architectural and engineering contract was awarded by Council on May 17, 2010; however no expenditures have yet occurred.

At a future date, staff will bring forward an additional request to obligate \$394,000 in Federal Section 5307 formula funds that has been reserved for the final planned funding enhancement of the intermodal project budget in FY 2012. This funding is not in imminent danger of lapsing and would require a separate FTA grant request because it is funded from a different section of the transportation bill. Then this is requested, it will require a local match of \$98,500 and add a total of \$492,500 to the project.

Existing Grant Project budgeted by the City		
Fund Name	Revenue	Expenditures
Federal Share	\$1,868,050 (80%)	\$1,868,050
City Share	\$ 467,015 (20%)	\$ 467,015
Original budget in 5921	\$2,335,065	\$2,335,065
<i>Less purchase of land</i>	<i>(\$397,401)</i>	<i>(\$397,401)</i>
<i>Less A&E Services (est.)</i>	<i>(\$412,544)</i>	<i>(\$412,544)</i>
<i>Est. remaining funds 5921</i>	<i>\$1,525,120</i>	<i>\$1,525,120</i>
Proposed Additional project funding from new FTA Section 5309 Grant (this request)		
Federal Share	\$650,000 (80%)	\$650,000 (80%)
City Share	\$162,500 (20%)	\$162,500 (20%)
Additional budget for project	\$812,500	\$812,500
Proposed Additional project funding from new FTA Section 5307 Grant (future request)		
Federal Share	\$394,000	\$394,000
City Share	\$ 98,500	\$ 98,500
Additional budget for project	\$492,500	\$492,500
Total Identified Funding for Intermodal Center		
Total Identified Funding	\$3,640,065	\$3,640,065

SUPPORT INFORMATION:

1. Resolution
2. Exhibit "A" – Copy of Grant as shown in TEAM, FTA's Grant Management System.

SOURCE OF FUNDING:

Is this action already budgeted? No, this would be planned in the FY 2012 budget.	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from:
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
	<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.	
Does this action create any revenue? Yes, the Federal grant reimbursement would be \$650,000	Yes	<input checked="" type="checkbox"/>	
	No	<input type="checkbox"/>	There is no new revenue generated by this action.

FUND SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
Planned for the FY 2012 budget		\$812,500	n/a	n/a	n/a

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; and approve the Resolution that will enable staff to accept award of FTA capital funding of \$650,000 requiring a City match of \$162,500 for a total project of \$812,500. The purpose of this grant is to enhance funding applied to the intermodal center project in FY 2012 before this appropriation expires on September 30, 2010.
2. Vote "No"; and not approve the Resolution which will result in \$300,000 of the appropriation lapsing at the end of September and would delay the implementation of planned federal funding for the intermodal center.
3. Vote to "Amend"; non-acceptance of this grant will result in a loss of the expiring funds.
4. Vote to "Table"; non-acceptance of this grant will result in a loss of expiring funds.

REFERENCE INFORMATION

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. **Resolution No.** – 10-300 (June 7, 2010) – City Council approval to submit a grant project request for the purpose of funding enhancements for the Intermodal Center project.

RESOLUTION NO. 11-042

A RESOLUTION ALLOWING TRANSIT SECTION STAFF TO ACCEPT A FEDERAL TRANSIT ADMINISTRATION GRANT AWARD IN THE AMOUNT OF \$650,000 REQUIRING A CITY MATCH OF \$162,500 FOR THE PURPOSE OF ENHANCING THE GRANT FUNDING APPLIED TO THE TRANSIT INTERMODAL CENTER IN FY 2012.

The City Council is informed that:

WHEREAS, the City of Las Cruces receives annual Federal Transit Administration (FTA) Section 5309 capital funding apportionments as authorized by Congress under the SAFETEA-LU program ; and

WHEREAS, on June 7, 2010 in Resolution 10-300, City Council authorized staff to apply for \$650,000 in federal funds for the purpose of a planned funding enhancement for the Intermodal Center project; and

WHEREAS, Section 5309 funding for capital projects requires a federal/local match ratio of 80/20; and

WHEREAS, the required local match of 20% for these funds would be \$162,500 making a total project of \$812,500; and

WHEREAS, the Federal Transit Administration (FTA) anticipates the award of these grant funds in mid August 2010; and

WHEREAS, City staff is requesting permission to accept the award before the end of August 2010.

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

RESOLUTION NO 11-042, cont
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(I)

THAT City Staff are hereby authorized to apply to the Federal Transit Administration for remaining Section 5309 funds in the amount of \$650,000 requiring a City match of \$162,500 for a total of \$812,500 to be used for planned funding enhancements for the Intermodal Center project.

(II)

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

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Exhibit "A"

DOT**FTA**

U.S. Department of Transportation

Federal Transit Administration

Application

Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Project ID:	NM-04-0016-00
Budget Number:	1 - Budget Pending Approval
Project Information:	Las Cruces IMC additional construction

Part 1: Recipient Information

Project Number:	NM-04-0016-00
Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Address:	P.O. Box 20000 , LAS CRUCES, NM 88004 9002
Telephone:	(575) 541-2500
Facsimile:	(575) 541-2545

Union Information

Recipient ID:	1580
Union Name:	STEELWORKERS UNION
Address 1:	
Address 2:	
City:	, 00000 0000
Contact Name:	
Telephone:	() -
Facsimile:	() 0-0000
E-mail:	
Website:	

Recipient ID:	1580
Union Name:	UNITED STEELWORKERS OF AMERICA, AFL-CIO/CLC
Address 1:	1880 N. Solano
Address 2:	
City:	Las Cruces, NM 88001

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Contact Name:	David Carrillo
Telephone:	(505) -52-3-94
Facsimile:	
E-mail:	dlcarrillo@las-cruces.org
Website:	

Part 2: Project Information

Project Type:	Grant	Gross Project Cost:	\$812,500
Project Number:	NM-04-0016-00	Adjustment Amt:	\$0
Project Description:	Las Cruces IMC additional construction	Total Eligible Cost:	\$812,500
Recipient Type:	City	Total FTA Amt:	\$650,000
FTA Project Mgr:	Tony Ogboli 817-978-0566	Total State Amt:	\$0
Recipient Contact:	Mike Bartholomew, Transit Admin.	Total Local Amt:	\$162,500
New/Amendment:	None Specified	Other Federal Amt:	\$0
Amend Reason:	Initial Application	Special Cond Amt:	\$0
Fed Dom Asst. #:	20500	Special Condition:	None Specified
Sec. of Statute:	5309-2	S.C. Tgt. Date:	None Specified
State Appl. ID:	None Specified	S.C. Eff. Date:	None Specified
Start/End Date:	Jul. 01, 2011 - Jun. 30, 2012	Est. Oblig Date:	None Specified
Recvd. By State:	Jun. 15, 2010	Pre-Award Authority?:	No
EO 12372 Rev:	Not Applicable	Fed. Debt Authority?:	No
Review Date:	None Specified	Final Budget?:	No
Planning Grant?:	NO		
Program Date (STIP/UPWP/FTA Prm Plan) :	Oct. 02, 2009		
Program Page:	7		
Application Type:	Electronic		
Supp. Agreement?:	No		
Debt. Delinq. Details:			

Urbanized Areas

UZA ID	UZA Name
353520	LAS CRUCES, NM

Congressional Districts

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State ID	District Code	District Official
35	2	Harry Teague

Project Details

The City of Las Cruces is applying for a grant project to add to the construction funding available for the original Intermodal Transit Center NM-03-0052. From the time of the initial conceptual design, we have known that we will need to piece together additional funding in order to construct a facility that will meet its original purpose. The project is in the STIP, page 10, control #TL00015.

It is anticipated that the construction phase of the project will occur in FY 2012. The site selected has received a Categorical Exclusion from the obligation of the initial grant in 2005.

The is one final piece of funding that will be requested from 5307 funds to complete the funding package planned for this project. This final piece will request \$394,000 in Section %307 with a City match of \$98,500. This funding too will go toward the construction of the building and development of the site into an intermodal center. It is anticipated that the request for this funding will occur in early FY 2011.

Earmarks

Earmark Details

Earmark ID	Earmark Name	Orig. Balance	Amount Applied
E2008-BUSP-0404	Las Cruces, NM, Road Runner	\$300,000	\$300,000
E2009-BUSP-591	Las Cruces, NM, Road Runner	\$350,000	\$350,000

Number of Earmarks: 2

Total Amount Applied: \$650,000

Date Sent for Release: 7/22/2010 4:51:19 PM

Date Released:

Security

No information found.

Part 3: Budget

Project Budget

	<u>Quantity</u>	<u>FTA Amount</u>	<u>Tot. Elig. Cost</u>
<u>SCOPE</u>			
113-00 BUS - STATION/STOPS/TERMINALS	0	\$650,000.00	\$812,500.00
<u>ACTIVITY</u>			
11.33.03 CONSTRUCT - INTERMODAL BUS TERMINAL	0	\$650,000.00	\$812,500.00

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Exhibit "A"

Estimated Total Eligible Cost:	\$812,500.00
Federal Share:	\$650,000.00
Local Share:	\$162,500.00

OTHER (Scopes and Activities not included in Project Budget Totals)NoneSOURCES OF FEDERAL FINANCIAL ASSISTANCE

<u>UZA ID</u>	<u>Accounting Classification</u>	<u>FPC</u>	<u>FY</u>	<u>SEC</u>	<u>Previously Approved</u>	<u>Amendment Amount</u>	<u>Total</u>
353520	2008.25.04.31.2	00	2010	04	\$0.00	\$0.00	\$0.00
353520	2009.25.04.31.2	00	2010	04	\$0.00	\$0.00	\$0.00
Total Previously Approved:							\$0.00
Total Amendment Amount:							\$0.00
Total from all Funding Sources:							\$0.00

Alternative Fuel CodesExtended Budget Descriptions

113-00	BUS - STATION/STOPS/TERMINALS	0	\$650,000.00	\$812,500.00
<p>This is to enhance the funding in order to meet the anticipated needs for construction of the Las Cruces Intermodal Center Project as outlined in Grant NM-03-0052-00.</p> <p>The initial design concept done in 2006 estimated the cost of the building to exceed \$3 million. This design concept was based on the desired outcome of the original project as define in grant NM-03-0052-00.</p>				
11.33.03	CONSTRUCT - INTERMODAL BUS TERMINAL	0	\$650,000.00	\$812,500.00
<p>This is to enhance the funding in order to meet the anticipated needs for construction of the Las Cruces Intermodal Center Project as outlined in Grant NM-03-0052-00.</p> <p>The initial design concept done in 2006 estimated the cost of the building to exceed \$3 million. This design concept was based on the desired outcome of the original project as define in grant NM-03-0052-00.</p>				

Changes since the Prior Budget

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Unable to find change amount information.**Part 4. Milestones**

11.33.03 CONSTRUCT - INTERMODAL BUS TERMINAL 0 \$650,000 \$812,500

	Milestone Description	Est. Comp. Date
1.	RFP/IFB Issued	Jul. 01, 2011
	The milestones align with the revised milestones in Grant NM-03-0052-00.	
2.	Contract Award	Sep. 15, 2011
3.	Begin construction	Nov. 01, 2011
4.	Contract Complete	Jun. 30, 2012

Part 5. Environmental Findings

113303 CONSTRUCT - INTERMODAL BUS TERMINAL 0 \$650,000 \$812,500

Finding No. 1 - Class II(d)**D10 - Construction of bus transfer facilities**

Construction of bus transfer facilities (an open area consisting of passenger shelters, boarding areas, kiosks and related street improvements) when located in a commercial area or other high activity center in which there is adequate street capacity for projected bus traffic.

Finding Details: A Categorical Exclusion was given for this project in grant NM-03-0052-00. This grant is simply a funding enhancement of that grant.

Part 6: Fleet StatusNo information found.**Part 7. FTA Comments**General Review

Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Jun. 10, 2010
Date Updated:	None Specified
Ref Section:	Unknown

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Comment:	This grant meets all planning and environmental requirements.
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Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Jun. 10, 2010
Date Updated:	None Specified
Ref Section:	Unknown

Comment Title:	Engineering Review
Comment By:	Suleman Shoab
Date Created:	Jul. 15, 2010
Date Updated:	Jul. 22, 2010
Ref Section:	Unknown
Comment:	<p>Please provide estimated total cost of construction in 2012 dollars and how much has been secured to date. Need updated information as to who will be occupying the facility and how much area each will be occupying. Please provide site plan.</p> <p>-----</p> <p>Grantee has indicated the estimated project cost to be \$3,640,065. It has secured \$1,525,120 to date plus \$812,500 in this grant request, and has plans to fund \$492,500 from FY 11' section 5307 funds. Funding detail is attached as paperclip under project information in TEAM. Review of this portion of the grant is complete.</p>

Comment Title:	New Comment
Comment By:	William Jones
Date Created:	Jul. 16, 2010
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	I have reviewed the Civil Rights requirements and concur with this portion of project application

Conditions of Award

Comment Title:	DOL Certification
Comment By:	Erica Matos
Date Created:	Jul. 15, 2010
Date Updated:	Jul. 15, 2010
Ref Section:	Unknown
Comment:	This award of Federal financial assistance is subject to the terms and conditions set forth in the U.S. Department of Labor's certification letter dated July 13, 2010, to the Federal Transit Administration with respect to this numbered grant, including any attachments to the letter, which are fully incorporated herein by reference.

Comments to DOL

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Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Jun. 10, 2010
Date Updated:	Jun. 15, 2010
Ref Section:	Unknown
Comment:	<p>LAPSING FUND.</p> <p>The Federal Transit Administration's (FTA) projected timetable for acting upon the subject grant is 35 days from the date of this application. In order to meet the timetable, Department of Labor certification is requested not later than two weeks prior to that date. Please establish a time schedule for negotiations pursuant to 29 DFR 215.3(d). Based on the time deadlines in the 12/7/95, DOL guidelines, please advise us of the 49 USC sec 5333(b) terms and conditions for inclusion in the grant contract.</p> <p>Person to notify at FTA: Tony Ogboli, Community Planner 819 Taylor Street Room 8A36 Forth Worth, TX 79102 Phone 817-978-0566 tony.ogboli@dot.gov</p> <p>Grantee Contact: Mike Bartholomew, RoadRUNNER Transit Administrator City of Las Cruces, NM Phone (575) 541-2500</p>

Part 8: Results of Reviews

The reviewer did not find any errors

Part 9: Agreement

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL TRANSIT ADMINISTRATION**

**GRANT AGREEMENT
(FTA G-16, October 1, 2009)**

On the date the authorized U.S. Department of Transportation, Federal Transit Administration (FTA) official's electronic signature is entered for this Grant Agreement, FTA has Awarded Federal assistance in support of the Project described below. Upon Execution of this Grant Agreement by the Grantee named below, the Grantee affirms this FTA Award, and enters into this Grant Agreement with FTA. The following documents are incorporated by reference and made part of this Grant Agreement:

- (1) "Federal Transit Administration Master Agreement," FTA MA(16), October 1, 2009,
<http://www.fta.dot.gov/documents/16-Master.pdf>
- (2) The Certifications and Assurances applicable to the Project that the Grantee has selected and provided to FTA,
and
- (3) Any Award notification containing special conditions or requirements, if issued.

FTA OR THE FEDERAL GOVERNMENT MAY WITHDRAW ITS OBLIGATION TO PROVIDE FEDERAL ASSISTANCE IF THE GRANTEE DOES NOT EXECUTE THIS GRANT AGREEMENT WITHIN 90 DAYS FOLLOWING THE DATE OF THIS FTA AWARD SET FORTH HEREIN.

FTA AWARD

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FTA hereby awards a Federal grant as follows:

Project No: NM-04-0016-00

Grantee: CITY OF LAS CRUCES

Citation of Statute(s) Authorizing Project: 49 USC 5309 - Bus and Bus Facilities (FY2006 forward)

Estimated Total Eligible Cost (in U.S. Dollars): \$812,500

Maximum FTA Amount Awarded [Including All Amendments] (in U.S. Dollars): \$650,000

Amount of This FTA Award (in U.S. Dollars): \$650,000

Maximum Percentage(s) of FTA Participation:

Percentages of Federal participation are based on amounts included in the Approved Project Budget, modified as set forth in the text following the Project Description.

U.S. Department of Labor Certification of Public Transportation Employee Protective Arrangements:

Original Project Certification Date: 7/13/2010

Project Description:

Las Cruces IMC additional construction

The Project Description includes information describing the Project within the Project Application submitted to FTA, and the Approved Project Budget, modified by any additional statements displayed in this Grant Agreement, and, to the extent FTA concurs, statements in other documents including Attachments entered into TEAM-Web.

Special Provision. Text Messaging While Driving.

In accordance with Executive Order No. 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, 23 U.S.C.A. § 402 note, and DOT Order 3902.10, Text Messaging While December 30, 2009, the Grantee is encouraged to comply with the terms of the following Special Provision.

a. Definitions. As used in this Special Provision:

(1) "Driving" means operating a motor vehicle on a roadway, including while temporarily stationary because of traffic, a traffic light, stop sign, or otherwise. "Driving" does not include being in your vehicle (with or without the motor running) in a location off the roadway where it is safe and legal to remain stationary.

(2) "Text Messaging" means reading from or entering data into any handheld or other electronic device, including for the purpose of short message service texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication. The term does not include the use of a cell phone or other electronic device for the limited purpose of entering a telephone number to make an outgoing call or answer an incoming call, unless the practice is prohibited by State or local law.

b. Safety. The Grantee is encouraged to:

(1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving-

(a) Grantee-owned or Grantee-rented vehicles or Government-owned, leased or rented vehicles;

(b) Privately-owned vehicles when on official Project related business or when performing any work for or on behalf of the Project; or

(c) Any vehicle, on or off duty, and using an employer supplied electronic device.

(2) Conduct workplace safety initiatives in a manner commensurate with the Grantee's size, such as:

(a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and

(b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

(3) Include this Special Provision in its subagreements with its subrecipients and third party contracts and also encourage its subrecipients, lessees, and third party contractors to comply with the terms of this Special Provision,

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and include this Special Condition in each subagreement, lease, and third party contract at each tier financed with Federal assistance provided by the Federal Government.

This award of Federal financial assistance is subject to the terms and conditions set forth in the U.S. Department of Labor's certification letter dated July 13, 2010, to the Federal Transit Administration with respect to this numbered grant, including any attachments to the letter, which are fully incorporated herein by reference.