



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 7 Resolution # 10-091 Council District: All

For Meeting of September 21, 2009

(Adoption Date)

**TITLE:** A RESOLUTION AUTHORIZING THE TRANSIT ADMINISTRATOR TO ACCEPT AN AWARD OF SECTION 5309 CAPITAL FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$58,730 REQUIRING A CITY MATCH OF \$14,683 FOR THE PURPOSE OF BUYING SUPPORT EQUIPMENT IN FISCAL YEARS 2010 AND 2011.

**PURPOSE(S) OF ACTION:** This Resolution would permit the Transit Administrator to accept and thereby obligate a Section 5309 capital funding award from the Federal Transit Administration for \$58,730. This award is the unobligated remainder of a Federal Fiscal Year 2007 apportionment awarded under the Federal SAFETEA-LU legislation. These funds must be obligated no later than September 30, 2009, or they will lapse.

Name of Drafter: Michael Bartholomew		Department: Public Services / Transit		Phone: 541-2500	
Department	Signature	Phone	Department	Signature	Phone
Originating Department		528-3077	Budget		2300
			Assistant City Manager		2271
Legal			City Manager		2076

### BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

On June 16, 2009, Council approved Resolution 09-307 permitting the Transit Section to apply for expiring Section 5307 funding in the amount of \$58,730. The Transit Section requested to obligate these funds into a project for "support equipment". This project has been vetted through the MPO process and is included in the State Transportation Improvement Program (STIP).

These funds will be used for replacement of a staff vehicle in FY 2010 used for driver "change-out" vehicle in the field. The existing driver van has exceeded its useful life and Council approved replacement of this vehicle in the budget approved in May 2009. Additional projects included in this grant will include shop equipment and another staff vehicle; these final two projects will be requested in the FY2011 budget, but the City will be able to use it sooner should the opportunity arise.

These funds requested for this grant are the unobligated balance of some Section 5309 funds apportioned to the City of Las Cruces in Federal Fiscal Year 2007. This grant must be obligated before the end of the current Federal Fiscal Year which is September 30, 2009. If those funds are not obligated by that date, they will be lost. Once the funds are obligated into a specific project, there will be no specific deadline to get these funds expended. The \$58,730 in federal funds requires a 20% local match of \$14,683, making a total grant project of \$73,413.

The one phase of this project planned for FY10, the purchase of a driver "change-out" vehicle, was approved by Council in the FY10 budget approved in May 2009; therefore, no additional budget adjustment is required for this action.

### **SUPPORT INFORMATION:**

<b>Fund Name / Account Number</b>	<b>Amount of Revenue FY2010</b>	<b>Budget Amount FY 2010</b>
FTA Operating Assistance 59680020-551004-24110	\$ 73,413	\$ 73,413
Federal Share	\$ 58,730	\$ 58,730
City Share	\$ 14,683	\$ 14,683

1. Resolution.
2. Exhibit "A", Detail of Section 5309 awarded by the FTA.

### **OPTIONS / ALTERNATIVES:**

1. Approval of the Resolution will enable Staff to obligate \$58,730 in Section 5309 (capital) funding before it expires on September 30, 2009 for the purpose of acquiring replacement support vehicles and shop equipment.
2. Not approve the Resolution will result in these funds lapsing.
3. Modify the Resolution and provide alternative direction to Staff. Any delay in obligating these funds will result in the lapsing of these funds.

**RESOLUTION NO. 10-091**

**A RESOLUTION AUTHORIZING THE TRANSIT ADMINISTRATOR TO ACCEPT AN AWARD OF SECTION 5309 CAPITAL FUNDS FROM THE FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$58,730 REQUIRING A CITY MATCH OF \$14,683 FOR THE PURPOSE OF BUYING SUPPORT EQUIPMENT IN FISCAL YEARS 2010 AND 2011.**

The City Council is informed that:

**WHEREAS**, in Resolution 09-307 on June 15, 2009, the City Council authorized Transit Staff to apply to the Federal Transit Administration for expiring Section 5309 funding for the purposes of acquiring support equipment for the Transit Section; and

**WHEREAS**, staff did submit an application for these funds and now require authorization to accept an award of funds; and

**WHEREAS**, the amount of the award is \$58,730 and requires a local match of \$14,683 for a total grant project of \$73,413; and

**WHEREAS**, this appropriation set to expire on September 30, 2009; and

**WHEREAS**, the City of Las Cruces wishes to apply these remaining Section 5309 funds for the purpose of purchasing support equipment over the next two fiscal years to include staff vehicles and shop equipment; and

**WHEREAS**, a project for support equipment is included in the State Transportation Improvement Program (STIP); and

**WHEREAS**, City Council approved the City FY 2010 Budget on May 18, 2009, which includes replacement of a vehicle to which this funding will be applied and will require no additional budget adjustments for FY2010.

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

**(I)**

**THAT** City Staff are hereby authorized to accept and obligate a grant from the Federal Transit Administration for remaining Section 5309 funds in the amount of \$58,730, requiring a \$14,683 local match for a total grant project of \$73,413, to be used for support of capital equipment in Transit Operations over the next two fiscal years.

**(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 \_\_\_\_\_, 2009.

(SEAL)

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

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

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

VOTE:  
Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Connor: \_\_\_\_\_  
Councillor Archuleta: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Jones: \_\_\_\_\_  
Councillor Thomas: \_\_\_\_\_

APPROVED AS TO FORM:

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

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-04-0013-00
Budget Number:	1 - Budget Pending Approval
Project Information:	Las Cruces 5309 support equipment

Part 1: Recipient Information

Project Number:	NM-04-0013-00
Recipient ID:	1580
Recipient Name:	CITY OF LAS CRUCES
Address:	P.O. Box 20000 , LAS CRUCES, NM 88004 0000
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

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:	\$73,413
Project Number:	NM-04-0013-00	Adjustment Amt:	\$0
Project Description:	Las Cruces 5309 support equipment	Total Eligible Cost:	\$73,413
Recipient Type:	City	Total FTA Amt:	\$58,730
FTA Project Mgr:	Tony Ogboli 817-978-0566	Total State Amt:	\$0
Recipient Contact:	Michael Bartholomew	Total Local Amt:	\$14,683
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, 2009 - Jun. 30, 2011	Est. Oblig Date:	None Specified
Recvd. By State:	Aug. 18, 2009	Pre-Award Authority?:	Yes
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) :	May. 30, 2009		
Program Page:	see note below		
Application Type:	Electronic		
Supp. Agreement?:	No		
Debt. Delinq. Details:			

### Urbanized Areas

UZA ID	UZA Name
353520	LAS CRUCES, NM

### Congressional Districts

State ID	District Code	District Official
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35	2	Harry Teague
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**Project Details**

This project request will be to obligate the remaining unobligated portion of a FY2007 earmark. We will use it to purchase a staff vehicle in the City FY 2010 and another staff vehicle and shop equipment in FY2011.

The NM STIP has been updated several times recently for ARRA projects. The most recent amendment approved at the end of May 2009 has not been put up on the web yet.

**Earmarks**

**Earmark Details**

Earmark ID	Earmark Name	Orig. Balance	Amount Applied
E2007-BUSP-0405	Las Cruces, NM, Road Runner	\$250,000	\$58,730

Number of Earmarks: 1

Total Amount Applied: \$58,730

Date Sent for Release:

Date Released:

**Security**

No information found.

**Part 3: Budget**

**Project Budget**

	Quantity	FTA Amount	Tot. Elig. Cost
SCOPE			
<b>114-00 BUS: SUPPORT EQUIP AND FACILITIES</b>	0	\$58,730.00	\$73,413.00
ACTIVITY			
<b>11.42.11 ACQUIRE - SUPPORT VEHICLES</b>	0	\$22,000.00	\$27,500.00
<b>11.42.06 ACQUIRE - SHOP EQUIPMENT</b>	0	\$14,730.00	\$18,413.00
<b>11.42.11 ACQUIRE - SUPPORT VEHICLES</b>	0	\$22,000.00	\$27,500.00
<b>Estimated Total Eligible Cost:</b>			<b>\$73,413.00</b>
<b>Federal Share:</b>			<b>\$58,730.00</b>





## Part 6: Fleet Status

No information found.

## Part 7. FTA Comments

### General Review

Comment Title:	New Comment
Comment By:	William Jones
Date Created:	Aug. 10, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	I have reviewed the Civil Rights requirements and concur with this protion of the project application

### Comments to DOL

Comment Title:	New Comment
Comment By:	Tony Ogboli
Date Created:	Aug. 04, 2009
Date Updated:	None Specified
Ref Section:	Unknown
Comment:	<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>

## Part 8: Results of Reviews

The reviewer did not find any errors

## Part 9: Agreement

**GRANT AGREEMENT**  
**(FTA G-15, October 1, 2008)**

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(15), October 1, 2008,  
<http://www.fta.dot.gov/documents/15-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**

FTA hereby awards a Federal grant as follows:

Project No: NM-04-0013-00

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): \$73,413

Maximum FTA Amount Awarded [Including All Amendments] (in U.S. Dollars): \$58,730

Amount of This FTA Award (in U.S. Dollars): \$58,730

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:

Project Description:

Las Cruces 5309 support equipment

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.