



# City of Las Cruces<sup>®</sup>

PEOPLE HELPING PEOPLE

## Council Action and Executive Summary

Item # 9 Ordinance/Resolution# 16-090

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

For Meeting of October 5, 2015  
(Adoption Date)

Please check box that applies to this item:

QUASI JUDICIAL       LEGISLATIVE       ADMINISTRATIVE

**TITLE: A RESOLUTION TO APPROVE THE SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LAS CRUCES (CITY) AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT), TO ACCEPT A GRANT PERIOD EXTENSION THROUGH SEPTEMBER 30, 2017 FOR THE NMDOT SECTION 5339 GRANT AGREEMENT FOR CONTRACT NO. M01284/2.**

**PURPOSE(S) OF ACTION:**

Accept contract amendment.

<b>COUNCIL DISTRICT:</b> All		
<b><u>Drafter/Staff Contact:</u></b> Amy Johnson Bassford	<b><u>Department/Section:</u></b> Financial Services / Grants Administration	<b><u>Phone:</u></b> 541-2281
<b><u>City Manager Signature:</u></b>		

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

The NMDOT requests the City, on behalf of the Transit Section, enter into a Memorandum of Agreement to accept the Second Amendment to NMDOT 5339 grant agreement #M01284/2. This amendment provides for the extension of the grant agreement through September 30, 2017. The extension allows for Transit to purchase the same vehicle types as the rest of the City's Transit fleet. The manufacturer will not begin building the vehicle(s) until September 2016 with a delivery date in 2017.

The amended period of performance is from October 1, 2013 to September 30, 2017. The agreement expires September 30, 2017 or when Federal funding is expended, whichever occurs first. Federal funds not expended by September 30, 2017, shall revert to NMDOT. No other changes to the agreement or additional funding are a part of this amendment.

**SUPPORT INFORMATION:**

1. Resolution.
2. Exhibit "A", Memorandum of Agreement Second Amendment.

(Continue on additional sheets as required)

**SOURCE OF FUNDING:**

<b>Is this action already budgeted?</b>	Yes	<input checked="" 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.	
<b>Does this action create any revenue?</b>	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: _____ in the amount of \$ _____ for FY__.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

**BUDGET NARRATIVE**

Funds for this grant agreement will remain the same with the grant period amended.

**FUND EXPENDITURE SUMMARY:**

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

**OPTIONS / ALTERNATIVES:**

1. Vote "Yes"; this will approve the Second Amendment to Memorandum of Agreement between the City and NMDOT, and accept the grant extension.
2. Vote "No"; this is not an option as the Federal grant funding is awarded to cover the replacement of vehicles for RoadRUNNER Transit.
3. Vote to "Amend"; this is not an option as funding is specific to approved expenditures as stipulated under the NMDOT Section 5339 Bus and Bus Facilities Program.
4. Vote to "Table"; this is not an option as funding is constrained by a specific period of performance.

**REFERENCE INFORMATION:**

The resolutions listed below are only for reference and are not included as attachments or exhibits.

1. Resolution 14-128.
2. Resolution 15-153.

**RESOLUTION NO. 16-090**

**A RESOLUTION TO APPROVE THE SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LAS CRUCES (CITY) AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT), TO ACCEPT A GRANT PERIOD EXTENSION THROUGH SEPTEMBER 30, 2017 FOR THE NMDOT SECTION 5339 GRANT AGREEMENT FOR CONTRACT NO. M01284/2.**

The City Council is informed that:

**WHEREAS**, the NMDOT, under the Section 5339 Bus and Bus Facilities Program, requests the City, on behalf of the Transit Section, enter into a Memorandum of Agreement to accept the Second Amendment to NMDOT 5339 grant agreement #M01284/2 to extend the grant period through September 30, 2017; and

**WHEREAS**, the grant extension will allow for RoadRUNNER Transit to purchase the same vehicle types as the rest of the City's transit fleet, thereby allowing the manufacturer to begin building the vehicle(s) in September 2016 with a delivery date in 2017.

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

**(I)**

**THAT** the City is approved to enter into a Memorandum of Agreement with the NMDOT to accept the grant term extension as indicated in the Second Amendment to the Memorandum of Agreement for the NMDOT 5339 grant through September 30, 2017, as shown in Exhibit "A", attached hereto and made part of this resolution.

**(II)**

**THAT** only eligible costs incurred under this agreement from October 1, 2013 to September 30, 2017 may be reimbursed by NMDOT. This agreement shall expire September 30, 2017 or when Federal funding is expended, whichever occurs first.

(III)

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

DONE AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

(SEAL)

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

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

APPROVED AS TO FORM:

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

VOTE:

Mayor Miyagishima: \_\_\_\_\_  
Councillor Silva: \_\_\_\_\_  
Councillor Smith: \_\_\_\_\_  
Councillor Pedroza: \_\_\_\_\_  
Councillor Small: \_\_\_\_\_  
Councillor Sorg: \_\_\_\_\_  
Councillor Levatino: \_\_\_\_\_

CONTRACT NO: M01284/2  
 VENDOR NO: 000054342

**FISCAL YEAR 2014 (FY 14)**

**SECOND AMENDMENT TO MEMORANDUM OF AGREEMENT**

**BETWEEN**

**THE NEW MEXICO DEPARTMENT OF TRANSPORTATION**

**AND**

**CITY OF LAS CRUCES**

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**This Second Amendment** is to the Memorandum of Agreement between the **STATE OF NEW MEXICO**, acting through its **DEPARTMENT OF TRANSPORTATION** (Department) and the **CITY OF LAS CRUCES** (Subgrantee). This second amendment is effective as of the date of the last party to sign it on the signature page below.

**Recitals**

**Whereas**, the Department and the Subgrantee entered into a Memorandum of Agreement designated as Contract No. M01284, on October 28, 2013; and,

**Whereas**, Section 45, allows the parties to alter the Agreement by written consent of both parties hereto; and,

**Whereas**, it is necessary to extend the term of this Agreement to September 30, 2017, at the request of the Subgrantee; and,

**Whereas**, this extension will allow the Subgrantee to purchase the same vehicle type as the rest of the City's transit fleet. The manufacturer will not begin building the vehicle until September 2016 with a delivery date in 2017.

**Whereas**, 49 U.S.C. §5339 Program funds are available to assist the Subgrantee.

**Now, Therefore**, the parties agree as follows:

1. Replace original Section 6. Term, in the original Agreement with the following:

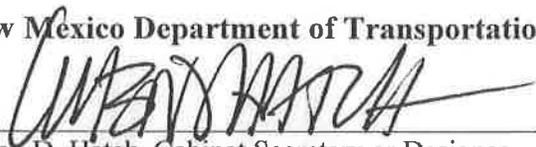
This Agreement becomes effective upon the signature of all parties. The effective date is the date the last party signed the Agreement on the signature page below. Only eligible costs incurred under this Agreement from October 1, 2013 to September 30, 2017 may be reimbursed. This

Agreement shall expire September 30, 2017 or when Federal funding is expended, whichever occurs first. Federal funds not expended by September 30, 2017, shall revert to the Department.

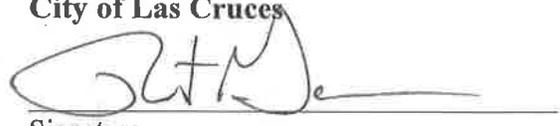
All other obligations set forth in the original Agreement shall remain in full force and effect unless expressly amended or modified by this **Second Amendment**.

**In Witness Whereof**, each party is signing this Agreement on the date stated below that party's signature.

New Mexico Department of Transportation

  
Loren D. Hatch, Cabinet Secretary or Designee

City of Las Cruces

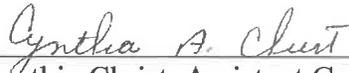
  
Signature

Robert L. Garza P.E., City Manager  
Name/Title (please print)

21 Aug 2015  
Date

8/7/15  
Date

Approved as to Form and Legal Sufficiency by the Department's Office of General Counsel.

  
Cynthia Christ, Assistant General Counsel

7-24-15  
Date

  
City of Las Cruces, Counsel

6 August 2015  
Date



# City of Las Cruces®

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## COUNCIL ACTION AND EXECUTIVE SUMMARY PACKET ROUTING SLIP

For Meeting of \_\_\_\_\_  
(Ordinance First Reading Date)

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TITLE:

A RESOLUTION TO APPROVE THE SECOND AMENDMENT TO THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF LAS CRUCES (CITY) AND THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT), TO ACCEPT A GRANT PERIOD EXTENSION THROUGH SEPTEMBER 30, 2017 FOR THE NMDOT SECTION 5339 GRANT AGREEMENT FOR CONTRACT NO. M01284/2.

Purchasing Manager's Request to Contract (PMRC) {Required?} Yes  No

DEPARTMENT	SIGNATURE	PHONE NO.	DATE
Drafter/Staff Contact Amy Johnson Bassford	<i>[Signature]</i>	541-2281	9/15/15
Finance Department Victoria Fredrick	<i>[Signature]</i> (ACTING FOR V.F.)	541-2080	9/15/15
Transportation David Maestas	<i>[Signature]</i>	541-2559	9-16-15
Management & Budget Manager Robert Lundien	<i>[Signature]</i> for R. Lundien	541-2106	9/17/15
Assistant City Manager /CAO Mark Winson	<i>[Signature]</i>	541-2100	9/17/15
Assistant City Manager/COO Daniel Avilla	<i>[Signature]</i>	541-2271	9/23/15
City Attorney Wm. "Rusty" Babington	<i>[Signature]</i>	541-2128	24 Sep 2015
Interim City Clerk Linda Lewis	<i>[Signature]</i>	541-2115	9/25/15