

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF DENTON, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A “NATIONAL HIGHWAY SYSTEM (NHS) PROGRAM PROJECT AGREEMENT FOR STATE-CONTRACTED TRAFFIC SIGNAL CONSTRUCTION, WITH A MUNICIPALITY PROVIDING LIMITED MATERIALS OR LABOR” BETWEEN THE CITY OF DENTON AND THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), REGARDING THE CITY’S REQUEST FOR REIMBURSEMENT OF THE FEDERAL ALLOWABLE PERCENTAGE OF THE COST OF INSTALLING A TRAFFIC SIGNAL, AND OTHER ITEMS DIRECTLY RELATED TO THE OPERATION OF THE INTERSECTION OF US 77 AND NICOSIA STREET, WITHIN THE CITY THAT ARE SPECIFIED IN SAID AGREEMENT; PROVIDING THE CITY MANAGER WITH AUTHORITY TO CARRY OUT THE RIGHTS, AND DUTIES OF THE CITY REGARDING SAID AGREEMENT; PROVIDING THE CITY MANAGER WITH AUTHORITY TO EXPEND FUNDS THEREFOR; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Intermodal Surface Transportation Efficiency Act of 1991 (“ISTEA”), codified under Title 23, U.S.C. Section 101, et seq., authorizes funding for Metropolitan Planning at 23 U.S.C. Sec. 104(f), which has been reauthorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (“SAFETEA-LU”); and

WHEREAS, 23 U.S.C. Section 104, creates a surface transportation program (“STP”); and

WHEREAS, 23 U.S.C. Section. 134, establishes that Metropolitan Planning Organizations (“MPOs”), and the State’s Transportation Agencies develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, 23 U.S.C. Section. 120, establishes the Federal share of funding for STP programs involving the procurement, and installation of traffic signals, as defined elsewhere in this agreement; and

WHEREAS, the State is empowered under existing laws to operate and maintain a system of highways and roadways for public use and benefit; and

WHEREAS, the City has requested the State of Texas to reimburse to it the Federal allowable percentage of the cost of installing traffic signals, and other items directly related to the operation of an intersection at the intersections established in this agreement (hereafter the “Project”); and

WHEREAS, the Project has been designated as a federal-aid project and accordingly, this agreement shall be made in accordance with Federal Highway Administration (“FHWA”) procedures and regulations; and

WHEREAS, the City has offered to participate in the development and construction of the Project, as defined elsewhere in the agreement; and

WHEREAS, it is in the best interest of the City and the State to assist the State by furnishing and installing traffic signal equipment on the Project; and

WHEREAS, the State will secure the Federal cost share, and reimburse the City for their appropriate costs associated with the Project as defined elsewhere in this agreement; and

WHEREAS, the Texas Transportation Commission passed Minute Order No. 113074 authorizing the Project through the State Transportation Improvement Program; and

WHEREAS, the State of Texas is authorized to enter into an agreement with the City for the Project pursuant to Texas Transportation Code, Sec. 221.002; and

WHEREAS, the City Council has reviewed the National Highway System Program Project Agreement for State-Contracted Traffic Signal Construction with a Municipality Providing Limited Materials or Labor, (hereafter the "Agreement") to be entered into by the State of Texas and the North Central Texas Council of Governments ("NCTCOG"), a Metropolitan Planning Organization, chartered under the laws of the State of Texas; however, acting through the City of Denton, Texas; and the Council notes that Federal Funds in the amount of \$38,240 are available for reimbursement to the City, from the Federal government through the State of Texas; and accordingly it finds that this Agreement is in the best interests of the citizens of the City and should be approved; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference as if fully set forth herein.

SECTION 2. The National Highway System Program Project Agreement for State-Contracted Traffic Signal Construction with a Municipality Providing Limited Materials or Labor attached hereto as Exhibit "A," and incorporated by reference herein, is hereby approved; and the City Manager or his designee, is hereby authorized to execute and deliver said Agreement on behalf of the City of Denton, Texas.

SECTION 3. The City Manager is hereby authorized to expend funds and to carry out the rights and duties of the City under the Agreement.

SECTION 4. This ordinance shall become effective immediately upon its passage and approval.

PASSED AND APPROVED this the _____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: Stephanie M. Berry