

City of Houston, Texas, Resolution No. 2020-28

**A RESOLUTION AMENDING RESOLUTION NO. 2018-0018, A RESOLUTION APPROVING THE CITY OF HOUSTON'S REQUEST FOR THE TEXAS DEPARTMENT OF TRANSPORTATION TO WAIVE THE LOCAL FUND PARTICIPATION REQUIREMENT FOR A PROJECT UNDER THE FEDERAL OFF-SYSTEM BRIDGE PROGRAM TO REPLACE OR REHABILITATE A BRIDGE AT TIFFANY DRIVE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE SUBJECT.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Houston, Texas ("City") adopted Resolution No. 2018-0018 on March 7, 2018 supporting a waiver of the local match requirements in the Federal Off-System Bridge Program; and

**WHEREAS**, the Texas Administrative Code, Title 43, Section 15.55 provides that under specified conditions, the 10 percent local government match requirement may be waived if the local government performs an equivalent dollar amount of structural improvement work on another deficient bridge within its jurisdiction; and

**WHEREAS**, the City has identified the bridge located at 4100 Oxford as an appropriate candidate for replacement under this program to receive the credit; and

**WHEREAS**, the City desires to amend the estimated amount to reflect \$37,994.00 as the local match participation requirement for the reconstruction of the Participation-Waived Federal Off-System Bridge Program;

**NOW, THEREFORE,**

\* \* \* \* \*

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

Section 1. That the findings of the City and its actions approving this Resolution taken at the Council meeting are hereby approved and adopted.

Section 2. That Resolution No. 2018-0018 is hereby amended to include the following recitals:

**WHEREAS**, the Texas Department of Transportation ("TXDOT") administers the Federal Off-System Bridge Program (the "Program") to replace or rehabilitate structurally deficient and functionally obsolete bridges located on public roads and streets not located in the designated state highway system; and

**WHEREAS**, the City of Houston, hereinafter referred to as the Local Government, owns the bridge listed below; and

<b>Location of Bridge</b>	<b>Key Map No.</b>	<b>NB Structure No.</b>	<b>Control Section Job No.</b>	<b>Council District</b>
Tiffany Drive at HCFC Ditch	571Q	121020B64329531	0912-72-403	K

**WHEREAS**, the Texas Transportation Commission approved Minute Order No. 115550, dated August 29, 2019, for the reconstruction of the above-stated bridge under the Program ("Participation-Waived Project"); and

**WHEREAS**, under the Program, the usual fund participation ratio for projects is 80 percent federal, 10 percent state, and 10 percent local government; and

**WHEREAS**, the Texas Administrative Code, Title 43, Section 15.55(d) ("43 TAC Section 15.55(d)") provides that under specified conditions, the 10 percent local government fund participation requirement may be waived on a project if the local government performs an equivalent dollar amount of structural improvement work on another deficient bridge within its jurisdiction ("Equivalent-Match Project"); and

**WHEREAS**, the estimated amount of the local fund participation requirement on the Participation-Waived Project is **\$37,994.00**; and

**WHEREAS**, the Local Government will perform, or cause to be performed, an Equivalent-Match Project, and proposes, in return, for TXDOT to waive the local fund participation requirement on the Participation-Waived Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

**Section 1.** That the City Council hereby acknowledges the preamble and recitals set forth above.

**Section 2.** That the Local Government will perform, or cause to be performed, the following Equivalent-Match Project, which has not been awarded, in return for TXDOT to waive the local fund participation requirement under the Program:

LOCATION	ON SCHOOL BUS ROUTE?	DESCRIPTION OF STRUCTURAL IMPROVEMENT WORK	ESTIMATED COST
4100 Oxford	Yes	Replace an existing deficient 1 span bridge with a single barrel concrete box culvert crossing	\$379,940.00

**Section 3.** That in receiving this waiver the Local Government acknowledges its obligation to conform with all conditions of 43 TAC Section 15.55(d); such conditions include but are not restricted to the following:

1. The Local Government must be currently in compliance with load posting and closure regulations as defined in National Bridge Inspection Standards under the U.S. Code of Federal Regulations, Title 23, Section 650.303.
2. The bridge on the proposed Equivalent-Match Project is a deficient bridge, or a bridge that is weight restricted for school buses.
3. The Equivalent-Match Project increases the load capacity of the existing bridge or other mainlane cross-drainage structure or upgrades the structure to its original load capacity with a minimum upgrade to safely carry school bus loading if located on a school bus route.
4. In performing, or causing to be performed, the Equivalent-Match Project, the Local Government assumes all responsibilities for engineering and construction, and for complying with all applicable State and federal environmental regulations and permitting requirements for the bridges on the Equivalent-Match Project.
5. The work on the proposed Equivalent-Match Project has not begun and will not begin until the approval process is complete for the local match fund participation waiver.
6. Local Government will be allowed three (3) years after the contract award of the Participation-Waived Project to complete the structural improvement work on the Equivalent-Match Project.
7. Should this waiver requirement be approved, the State of Texas and the Local Government shall execute an appropriate written agreement or amendment to a previously executed agreement.

**Section 4.** That this Resolution shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Resolution

within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND APPROVED** this 3rd day of June, 2020

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Mayor of the City of Houston, Texas

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Resolution is JUN 09 2020.

[Signature]  
City Secretary

(Prepared by Legal Dept. ( DocuSigned by: Marina Banks )  
(MB/sjl 3/5/2020) Assistant City Attorney  
(Requested by: Carol Ellinger Haddock, P.E., Director, Houston Public Works)  
(L.D. File No.: 0671800005002)

CAPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: JUN 09 2020

AYE	NO	
✓		<b>MAYOR TURNER</b>
••••	••••	<b>COUNCIL MEMBERS</b>
✓		PECK
✓		DAVIS
✓		KAMIN
✓		EVANS-SHABAZZ
✓		MARTIN
✓		THOMAS
✓		TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		POLLARD
✓		MARTHA CASTEX-TATUM
✓		KNOX
✓		ROBINSON
✓		KUBOSH
✓		PLUMMER
✓		ALCORN
CAPTION	ADOPTED	