

STATE OF TEXAS §
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
AMENDMENT #1**

THIS AMENDMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the State, and **County of Hidalgo**, acting by and through its duly authorized officials, called the Local Government.

WITNESSETH

WHEREAS, the State and the Local Government executed a contract on the **3rd day of August, 2018** to effectuate their agreement for the **widening of Dicker Road to a 4 lane divided urban facility from SP 115 to FM 2061**; and,

WHEREAS, it has become necessary to amend that contract;

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties, the State and the Local Government do agree as follows:

A G R E E M E N T

1. Description of Amended Items

Attachment C "Project Budget" is deleted in its entirety and replaced with Attachment C-1 "Project Budget", which is attached to this amendment.

As a result of recent updates to the construction and construction engineering costs approved by the Hidalgo County Metropolitan Planning Organization, Category 7, Surface Transportation Block Grant, funds are reduced from \$21,315,827 to \$18,358,500; a total reduction of \$2,957,327

All other provisions of the original contract are unchanged and remain in full force and effect.

2. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Richard F. Cortez
Signature

Richard F. Cortez
Typed or Printed Name

Hidalgo County Judge
Title

04/09/19
Date

APPROVED BY
COMMISSIONERS' COURT
ON: 4/9/19 ms

THE STATE OF TEXAS

Kenneth Stewart
Texas Department of Transportation
Kenneth Stewart
Director of Contract Services

05/06/19
Date

**ATTACHMENT C-1
 PROJECT BUDGET**

The budget includes \$18,358,500 in Category 7 (Surface Transportation Block Grant funds) which may include any combination of Federal and State funds in addition to Local Government funds, for ROW, utilities, construction, and construction engineering. Considering the approved 91% Economically Disadvantaged County Program reduction to the required local match for construction and construction engineering costs, the Federal share is 80%, State's share is 18.2% and the Local Government's share is 1.8% for these costs until the federal funding reaches the maximum obligated amount. The Local Government will be responsible for 100% of the Preliminary Engineering (PE), the Direct State Costs for PE and ROW, and all project costs exceeding the approved federal and state funding. The following is an estimated breakdown of the project costs and funding participation:

| Description | Total Estimated Cost | Federal Participation | | State Participation | | | Local Participation | | |
|--|---------------------------------------|-----------------------|---------------------|---------------------|------------------|---------------------|---------------------|------------------|---------------------|
| | | % | Cost | % Before EDC Adj. | % After EDC Adj. | Cost After EDC Adj. | % Before EDC Adj. | % After EDC Adj. | Cost After EDC Adj. |
| Preliminary Engineering (by LG) | \$1,667,175 | 0% | \$0 | 0% | 0% | \$0 | 100% | 100% | \$1,667,175 |
| ROW (by LG) Cat 7 | \$200,000 | 80% | \$160,000 | 0% | 0.0% | \$0 | 20% | 20% | \$40,000 |
| Utilities (by LG) Cat 7 | \$1,200,000 | 80% | \$960,000 | 0% | 0.0% | \$0 | 20% | 20% | \$240,000 |
| Construction (by LG) Cat 7 | \$15,498,000 | 80% | \$12,398,400 | 0% | 18.2% | \$2,820,636 | 20% | 1.8% | \$278,964 |
| Construction Engineering (by LG) Cat 7 | \$1,168,400 | 80% | \$934,720 | 0% | 18.2% | \$212,649 | 20% | 1.8% | \$21,031 |
| Subtotal | \$19,733,575 | | \$14,453,120 | | | \$3,033,285 | | | \$2,247,170 |
| Preliminary Engineering Direct State Costs \$166,718 | Environm. Direct State Costs (30%) | \$50,015 | \$0 | 0% | 0% | | 100% | 100% | \$50,015 |
| | Right of Way Direct State Costs (10%) | \$16,672 | \$0 | 0% | 0% | | 100% | 100% | \$16,672 |
| | Engineer. Direct State Costs (50%) | \$83,359 | \$0 | 0% | 0% | | 100% | 100% | \$83,359 |
| | Utility Direct State Costs (10%) | \$16,672 | \$0 | 0% | 0% | | 100% | 100% | \$16,672 |
| ROW Direct State Costs (ROW Division's review and oversight) | \$2,500 | 0% | \$0 | 0% | 0.0% | \$0 | 0% | 100% | \$2,500 |
| Construction Direct State Costs (State review and oversight) Cat 7 | \$292,100 | 80% | \$233,680 | 0% | 18.2% | \$53,162 | 20% | 1.8% | \$5,258 |
| Indirect State Costs (5.9%) | \$1,137,568 | 0% | \$0 | 100% | 100% | \$1,137,568 | 0% | 0% | \$0 |
| Subtotal | \$1,598,886 | | \$233,680 | | | \$1,190,730 | | | \$174,475 |
| TOTAL | \$21,332,461 | | \$14,686,800 | | | \$4,224,015 | | | \$2,421,646 |

Initial payment by the Local Government to the State: \$ 169,218
Payment by the Local Government to the State before construction: \$ 5,258
Estimated total payment by the Local Government to the State: \$ 174,475

This is an estimate. The final amount of Local Government participation will be based on actual costs.

RECEIVED
MAY 03 2019
CS



600 W. Interstate 2 | Pharr, Texas 78577-1231 | (956) 702-6100 | www.txdot.gov

May 9, 2019

The Honorable Richard F. Cortez
Hidalgo County Judge
P.O. Box 1356
Edinburg, Texas 78540

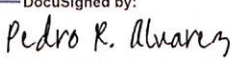
**RE: Executed Advance Funding Agreement (AFA) – Amendment #1
Dicker Road, from SP 115 to FM 2061
CSJ#0921-02-312**

Dear Judge Cortez,

Enclosed for your records is a fully executed AFA Amendment #1 on the aforementioned project. This amendment reduced Category 7 (Surface Transportation Block Grant) funds from \$21,315,827 to \$18,358,500; a total reduction of \$2,957,327.

Please contact Ms. Melba Schaus, District Planning Engineer, or me at (956)702-6100 if you have any questions regarding this submission.

Sincerely,

DocuSigned by:

EABA335C2DAA48C...
Pedro R. Alvarez, P.E.
Pharr District Engineer

Enclosures

cc: Rex Costley, Deputy District Engineer
Homero Bazan, Jr., P.E., Director of Transportation Planning and Development
Melba Schaus, P.E., District Planning Engineer
Rene Garza, P.E., Pharr Area Engineer
Eduardo Saenz, P.E., Project Manager



600 W. Interstate 2 | Pharr, Texas 78577-1231 | (956) 702-6100 | www.txdot.gov

March 28, 2019

The Honorable Richard F. Cortez
Hidalgo County Judge
P.O. Box 1356
Edinburg, Texas 78540

**RE: Advance Funding Agreement (AFA) – Amendment #1
Dicker Road, from SP 115 to FM 2061
CSJ#0921-02-312**

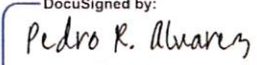
Dear Judge Cortez,

Enclosed please find two originals of Amendment #1 to the subject Advance Funding Agreement (AFA). Per the County's request, due to recent updates to the construction and construction engineering costs, Category 7(Surface Transportation Block Grant) funds are reduced from \$21,315,827 to \$18,358,500; a total reduction of \$2,957,327.

Please sign and return both originals of Amendment #1 to the attention of Ms. Melba Schaus, District Planning Engineer, at the above address for further processing.

Please contact Ms. Schaus or me at (956)702-6100 if you have any questions regarding this submission.

Sincerely,

DocuSigned by:

Pedro R. Alvarez, P.E.
Pharr District Engineer

Enclosures

cc: Rex Costley, Deputy District Engineer
Homero Bazan, Jr., P.E., Director of Transportation Planning and Development
Melba Schaus, P.E., District Planning Engineer
Rene Garza, P.E., Pharr Area Engineer
Eduardo Saenz, P.E., Project Manager

SPECIAL MEETING - April 9, 2019

BE IT REMEMBERED, that on this 9th day of April A.D., 2019, there was begun and held a SPECIAL MEETING of the Honorable Commissioners' Court of Hidalgo County, Texas, wherein the following members thereof were present, to-wit:

- HONORABLE RICHARD F. CORTES
- HONORABLE DAVID FUENTES
- HONORABLE EDUARDO "EDDIE" CANTU
- HONORABLE JOE M. FLORES
- HONORABLE ELLIE TORRES
- HIDALGO COUNTY JUDGE
- COMMISSIONER, PRECINCT NO. 1
- COMMISSIONER, PRECINCT NO. 2
- COMMISSIONER, PRECINCT NO. 3
- COMMISSIONER, PRECINCT NO. 4

and ARTURO GUJARDO, JR., COUNTY CLERK & EX-OFFICIO CLERK OF THE COMMISSIONERS' COURT of Hidalgo County, Texas, wherein the following proceedings were had, to-wit:

Date: 4-30-19
I, Arturo Guajardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document filed in my office.
By: [Signature]
Deputy Clerk



April 9, 2019



**AGENDA
CC REGULAR
HIDALGO COUNTY
COMMISSIONERS COURT
MEETING
April 9, 2019
9:30 A.M.**

NOTICE is hereby given in accordance with Chapter 551, Texas Government Code, that a SPECIAL MEETING of the Commissioners Court will be held in the Commissioners Courtroom of the Administration Building, 100 E. Cano, 1st floor, Edinburg, Hidalgo County, Texas. Discussion and possible action relating to the following business will be transacted:

1. **Roll Call**

Judge Richard Cortez called the meeting to order at 10:00 a.m.
All members of the Court were present for the meeting.

2. **Pledge of Allegiance**

Children from Hidalgo County Head Start Program lead the Court in the Pledge of Allegiance.

3. **Prayer**

Opening prayer was offered by Julia Sullivan.
Court moved to 20.A.

4. **Approval of Consent Agenda**

The court moved to approve the consent agenda with the exception of items 7. A. and 7. B.1 and 2. to be pulled for further discussion.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously

5. **County Judge's Office:**

A. **AI-69830** Proclamation for Child Abuse Awareness and Prevention Month.

McAllen Commissioner Veronica Whitacre thanks the Court for their support.

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 4, ELLIE TORRES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously

B. **AI-69834** United Blood Services-Vitalant blood drive presentation.

Frank Esparza, Talent Director, presents Precinct 1 with a trophy for the most units of blood collected during the blood drive.

The Court moved to agenda item 4.

6. **District Attorney's Office:**



Date: 4-30-19
I, Arturo Guajardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document filed in my office.
By: [Signature]
Deputy Clerk

April 9, 2019

- B. **AI-69733** Discussion consideration and action to approve the FY 2019 Community Service Block Grant Program (CSBG) Discretionary Contract No. 61190003089 in the amount of \$23,968.00 with authorization for Jaime Longoria to electronically sign any and all pertinent documents.

On motion by COMMISSIONER PCT. 3, JOE FLORES, seconded by COMMISSIONER PCT. 4, ELLIE TORRES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously.
Moved to agenda item 20.B.

19. **Head Start Program:**

- A. **AI-69767** Proclamation Declaring April 15-19, 2019 as "Week Of The Young Child"

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously
Moved to agenda item 5.A.

20. **Precinct #1 - Comm. Fuentes:**

- A. **AI-69758** Resolution commending the City of Weslaco.

Weslaco City Manager Mike Perez and Weslaco Mayor David Suarez were present to accept the Resolution. Mr. Perez thanks Commissioner Fuentes for the recognition.

Commissioner David Fuentes thanks the City of Weslaco and all the staff for always being so welcoming with him and all the Precinct 1 staff. He presents the Mayor and City Manager with a Precinct 1 Flag.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously
The Court moved to agenda item 21. A.

- B. **AI-69797** Pct. 1 (1315):
Requesting approval of contract of sale for the tract of land known as Parcel No.16 associated with the Mile 6 W Road Improvement Project (CSJ# 0921-02-356) with authority for the County Judge to sign the contract of sale documents.

On motion by COMMISSIONER PCT. 4, ELLIE TORRES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously

- C. **AI-69801** Pct. 1 (1351):
Requesting approval to accept the counter offer to purchase a tract of land known as Parcel No. 51 associated with the Mile 6 W Road Improvement Project (CSJ# 0921-02-356) with authority for the County Judge to sign the Administrative Evaluation and Approval Form.

On motion by COMMISSIONER PCT. 4, ELLIE TORRES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously
Moved to agenda item 21. B.

21. **Precinct #2 - Comm. Cantu:**



Date: 4-30-19
I, Arturo Guajardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document filed in my office.
By: [Signature]
Deputy Clerk

April 9, 2019

- A. **AI-69796** Proclamation designating the week of April 8th through the 12th, 2019 as Boys and Girls Club week in Hidalgo County.

Alfredo Mata from Pharr Boys and Girls Club thanks the Court for their support.

On motion by COMMISSIONER PCT. 2, EDUARDO "EDDIE" CANTU, seconded by COMMISSIONER PCT. 1, DAVID FUENTES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously
The Court moved to agenda item 19.A.

- B. **AI-69798** TXDOT Pct 2 Dicker Rd Project (1315):
Requesting acceptance and approval of Advance Funding Agreement (AFA) - Amendment #1 between Hidalgo County and Texas Department of Transportation for Pct 2 Dicker Road Project from SP 115 (23rd St) to FM 2061 (Jackson Rd) (CSJ:0921-02-312) with authority for the County Judge to sign all required documentation.

On motion by COMMISSIONER PCT. 4, ELLIE TORRES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously

22. **Precinct #3 - Comm. Flores:**

- A. **AI-69742** 1. Requesting approval of an Interlocal Cooperation Agreement (ICA) between Hidalgo County and City of Penitas.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

2. In accordance with Texas Government Code 791.014, Hidalgo County, acting by and through Precinct 3 has been advised of a proposed project to overlay Tom Gill Road from the intersection of Follow Street and Tom Gill Road north five thousand (5000) linear feet.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

- B. **AI-69666** 1. Requesting approval of an Interlocal Cooperation Agreement (ICA) between Hidalgo County and City of Penitas, to assist one another in multiple projects.

On motion by COMMISSIONER PCT. 3, JOE M. FLORES, seconded by COMMISSIONER PCT. 4, ELLIE TORRES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 – Unanimously

2. In accordance with Texas Government Code 791.014 Hidalgo County, Texas, acting by and through the Hidalgo County Commissioners Court, has been advised of a proposed project. County and City desires to assist each other in projects to be defined by mutual agreement through an Interlocal Cooperation Agreement agreeing to assist each other with equipment, materials, and manpower.

On motion by COMMISSIONER PCT. 1, DAVID FUENTES, seconded by COMMISSIONER PCT. 3, JOE M. FLORES, the Court made a UNANIMOUS vote of approval.

Vote: 5 - 0 - Unanimously

23. **Budget & Management:**



Date: 4-30-19
I, Arturo Guajardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document filed in my office.
By: [Signature]
Deputy Clerk

April 9, 2019

There being no further business to come before said Court, the meetings of the Commissioners' Court and the Drainage District #1 Board are now hereby adjourned.

Dated this the 9th day of April, 2019

ARTURO GUAJARDO, JR., County Clerk
Hidalgo County, Texas

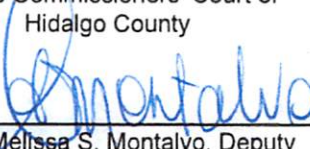
By: 
Melissa S. Montalvo, Deputy

I, ARTURO GUAJARDO, JR., County Clerk attest that this is an accurate accounting of a proceeding of the Commissioners' Court held on April 09, 2019.


Signed this 9th day of April, 2019



ATTEST:
ARTURO GUAJARDO, JR.
County Clerk and Ex-Officio Clerk
Of the Commissioners' Court of
Hidalgo County

By: 
(Seal) Melissa S. Montalvo, Deputy



Date: 4-30-19
I, Arturo Guajardo, Jr. County Clerk do hereby certify that this is a true and correct copy of the original document filed in my office. 
By: _____
Deputy Clerk

AI-69798
CC - REGULAR

Precinct #2 21. B.

Meeting Date: 04/09/2019

Submitted For: Eddie Cantu, COMM. PCT. #2

Submitted By: Erika Zamora, COMM. PCT. #2

Department: COMM. PCT. #2

Information

CAPTION

TXDOT Pct 2 Dicker Rd Project (1315):

Requesting acceptance and approval of Advance Funding Agreement (AFA) - Amendment #1 between Hidalgo County and Texas Department of Transportation for Pct 2 Dicker Road Project from SP 115 (23rd St) to FM 2061 (Jackson Rd) (CSJ:0921-02-312) with authority for the County Judge to sign all required documentation.

BACKGROUND

This amendment results in a total reduction of Category 7 funds in the amount of \$2,957,327.00 due to recent updates to the construction and construction engineering costs approved by HCMPO.

Fiscal Impact

CALENDAR YEAR: 2019

ACCT. #: 9-1315-431-00-122-062-0-721

FUNDS AVAILABLE Y/N?: Y

MATCHING FUNDS Y/N?: N

BUDGETARY IMPACT:

No fiscal impact at this time.

Open POs for L & G Consulting Engineers, Inc.

PO #778854, 762740, & 749052

Attachments

AFA Amendment No. 1

Form Review

| Inbox | Reviewed By | Date |
|---------------------------------|--------------------|---------------------------------|
| Budget & Management | Veronica Ortiz | 04/05/2019 11:29 AM |
| Ivan Cantu | Ivan Cantu | 04/05/2019 02:15 PM |
| Final Approval | Monica Salinas | 04/05/2019 05:05 PM |
| Form Started By: Erika Zamora | | Started On: 04/04/2019 06:15 PM |
| Final Approval Date: 04/05/2019 | | |



Hidalgo County Precinct 2
 300 W Hall Acres, Suite G
 Pharr, TX 78577
 Phone (956) 787-1891

Letter of Transmittal

| | |
|-----------------|---|
| To: | Texas Department of Transportation – Attn: Melba Schaus, District Planning Engineer |
| From: | Eduardo “Eddie” Cantu – Hidalgo County Commissioner |
| Date: | 4/30/19 |
| Subject: | Dicker Road Project(SP115-FM 2061) (CSJ#0921-02-312) |

We are sending you the following:

- | | | |
|----------------------------------|---|--|
| <input type="checkbox"/> Invoice | <input type="checkbox"/> Under Separate Cover Via _____ | the following items: |
| <input type="checkbox"/> AFA | <input type="checkbox"/> Prints | <input type="checkbox"/> Plans <input type="checkbox"/> Samples |
| <input type="checkbox"/> Check | <input type="checkbox"/> Copy of Letter | <input type="checkbox"/> Change Order <input type="checkbox"/> Other _____ |

| Copies | Date | Number | Description |
|--------|---------|--------|--|
| 2 | 4/30/19 | | Two (2) Original partially executed AFA Amendment No. 1 for signature by TxDOT |
| | | | |
| | | | |
| | | | |
| | | | |

These are transmitted as checked below:

- | | | |
|---|---|---|
| <input type="checkbox"/> For Approval | <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Resubmit _____ copies for Approval |
| <input type="checkbox"/> For your Use | <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> Hand Delivered | | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> For Bids due _____ 200__ | | <input type="checkbox"/> Prints returned after loaned to us |

Remarks:

Attached for TxDOT signature are two originals of the Advance Funding Agreement Amendment No. 1, along with Commissioners Court minutes as the County’s resolution authorizing the AFA. Please sign and return one original to the attention of Erika Zamora, Director of Administration at 300 W Hall Acres Rd, Suite G, Pharr, TX 78577.

Received by: *Jimmie M. Pedigo* Date: 4/30/19