AN ORDINANCE

authorizing the City Manager to execute a transportation enhancement funds supplemental agreement with the Missouri Highways and Transportation Commission relating to the extension of the Hinkson Creek Trail (Phase 2) from Grindstone Park to Stephens Lake Park; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized to execute a transportation enhancement funds supplemental agreement with the Missouri Highways and Transportation Commission relating to the extension of the Hinkson Creek Trail (Phase 2) from Grindstone Park to Stephens Lake Park. The form and content of the agreement shall be substantially as set forth in "Exhibit A" attached hereto and made a part hereof as fully as if set forth herein verbatim.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _________ day of ______________________, 2010.

ATTEST:

______________________________  ______________________________
City Clerk      Mayor and Presiding Officer

APPROVED AS TO FORM:

______________________________
City Counselor
MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
TRANSPORTATION ENHANCEMENT FUNDS
SUPPLEMENTAL AGREEMENT

THIS SUPPLEMENTAL AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, "Commission") and the City of Columbia (hereinafter, "City").

WITNESSETH:

WHEREAS, on October 18, 2005, the Commission and the City previously entered into a Transportation Enhancement Funds Agreement as to public improvements designated as STP-2100 (518), for the construction of Hinkson Creek Trail – Grindstone Park to Stephens Lake Park, (hereinafter, "Original Agreement"); and

WHEREAS, the Commission and the City now desire to revise the Original Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises and representations contained herein, the parties agree as follows:

(1) **REVISION**: Paragraph (14) of the Original Agreement is removed and replaced with the following:

(14) **REIMBURSEMENT**: With regard to work under this Agreement, the City agrees as follows:

(A) Any federal funds for transportation enhancement activities shall only be available for reimbursement of eligible costs which have been incurred by City. Any costs incurred by City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs. The ratio for federal reimbursement of eligible costs for the herein improvements is 60% up to a maximum of $468,000. Any costs for the herein improvements which exceed any federal reimbursement or are not
eligible for federal reimbursement shall be the sole responsibility of City. The Commission shall not be responsible for any costs associated with the herein improvement unless specifically identified in this Agreement or subsequent written amendments. The Commission shall not provide more than Four Hundred Sixty Eight Thousand dollars ($468,000) for this Transportation Enhancement project. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(B) The authority to advertise for bids shall be granted by the Commission when all right-of-way clearances, environmental clearances, and the approval of the Plans, Specification, and Estimate have been completed. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(C) In the event that the City does not submit the Plans, Specification, and Estimate for this project by May 31, 2010, and does not have construction authorization (authority to advertise for bids) by June 1, 2010, the City agrees to reimburse the Commission for any monies previously reimbursed to the City under this Agreement. All monies previously programmed for this project shall be surrendered by City at this time. Any costs incurred by the City prior to authorization from FHWA and notification to proceed from the Commission are not reimbursable costs.

(2) ORIGINAL AGREEMENT: Except as otherwise modified, amended, or supplemented by this Supplemental Agreement, the Original Agreement between the parties shall remain in full force and effect.
IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

Executed by the City this _______ day of ____________, 20____.  

Executed by the Commission this _____ day of ____________, 20____.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION  

CITY OF COLUMBIA

______________________________  

Title: __________________________

By ____________________________  

H. William Watkins  

Title: City Manager

ATTEST:  

______________________________  

Secretary to the Commission

ATTEST:  

______________________________  

By ____________________________  

Sheela Amin  

Title: City Clerk

Approved as to Form:  

______________________________

Commission Counsel

Approved as to Form:  

______________________________  

Fred Boeckmann  

Title: City Counselor

Ordinance No.:____________________
TO: City Council
FROM: City Manager and Staff
DATE: January 8, 2010
RE: Supplemental Agreement No 2, Hinkson Creek Trail from Grindstone Park to Stephens Lake Park

**EXECUTIVE SUMMARY:**
The Missouri Highways and Transportation Commission has submitted to the City supplemental agreement no 2 for the Hinkson Creek Trail project from Grindstone Park to Stephens Lake Park STP-2100 (518). This supplemental agreement changes the dates for PS&E submittal along with the construction authorization date.

**DISCUSSION:**
The new supplemental agreement no 2 would require that the City submit the Plans, Specification, and Estimate (PS&E) for this project by May 31, 2010 and receive construction authorization (authority to advertise for bids) from the Missouri Highways and Transportation Commission by June 1, 2010.

**FISCAL IMPACT:**
The proposed agreement revisions should not have any fiscal impact on the Hinkson Creek trail project’s construction budget.

**SUGGESTED COUNCIL ACTIONS:**
Approve the ordinance authorizing the City Manager to sign supplemental agreement no. 2 between the Missouri Highways and Transportation Commission and the City of Columbia.

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