



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER _____

PAGE 1 OF 11

DATE: 12/13/2022

SUBJECT: **APPROVAL OF THE LONG AVENUE AND ALMENA ROAD
INTERLOCAL AGREEMENT WITH THE CITY OF RIVER OAKS
RELATED TO THE 2006 TRANSPORTATION BOND PROGRAM**

***** CONSENT AGENDA *****

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court approve an Interlocal Agreement (ILA) with the City of River Oaks related to funding through the 2006 Transportation Bond Program (TBP) for the construction phase of the Long Avenue and Almena Road reconstructions.

BACKGROUND

In response to the attached funding request letter from the City of River Oaks, the County and the City desire to enter into an ILA for financial support of up to \$295,315.00 through the 2006 TBP for the construction phase of the Long Avenue and Almena Road reconstructions. Funds will be used to reimburse the City for the cost of asphalt materials, barricade and flagging for traffic control, and milling part replacements. The labor and equipment for this project will be provided by Precinct 4 as part of a separate ILA.

With approval, this ILA will facilitate the timely implementation of the project based on the schedule developed by Precinct 4 in consultation with the City. The 2006 TBP funding for this project will be provided through discretionary funds from Precinct 4.

The ILA is attached has been reviewed by the Auditor's Office and has been approved as to form by the Criminal District Attorney's Office. In addition, this ILA has been approved and signed by the City of River Oaks.

FISCAL IMPACT

The fiscal impact to Tarrant County related to this action will be \$295,315.00 in 2006 TBP funds to be disbursed in accordance with the schedule in Attachment A of this ILA. Funds are available in Account No. 579061/47700-2023/6840100000.

SUBMITTED BY: Transportation

PREPARED BY: Mike Galizio
APPROVED BY: Randy Skinner

STATE OF TEXAS § Funding Interlocal Agreement for
§ Long Avenue and Almena Road Reconstructions
COUNTY OF TARRANT §

This interlocal agreement (ILA) is entered into between Tarrant County, Texas, hereinafter referred to as COUNTY, and the City of River Oaks, hereinafter referred to as CITY, and collectively referred to as the parties, for the purpose of providing funding through the 2006 Tarrant County Transportation Bond Program (TBP) to a needed transportation project within the boundaries of both parties which the Commissioners Court of the COUNTY and the governing body of the CITY find serves a public purpose and promotes the public welfare of the citizens of Tarrant County.

The COUNTY and the CITY make the following findings of fact:

1. This ILA is made pursuant to Chapter 791 of the Texas Government Code;
2. To the extent necessary, the parties will use current revenues to pay obligations in this ILA;
3. The project benefits the public in that it is a needed transportation project;
4. The COUNTY and the CITY each has the legal authority to perform its obligations in this ILA;
5. The division of costs provided in this ILA constitute adequate consideration to each party; and
6. Both parties acknowledge they are each a “governmental entity” and not a “business entity” as those terms are defined in Texas Government Code Section 2252.908, and therefore, no disclosure of interested parties is required.

I.
PROJECT DESCRIPTION

This project, hereinafter referred to as the “Project”, will consist of: A) reconstruction and asphalt overlay of Long Avenue from River Oaks Boulevard to Thurman Street; B) reconstruction and asphalt overlay of Almena Road from Long Avenue to Byrd Street; and C) asphalt overlay of Almena Road from Byrd Street to Shenna Boulevard.

II.
SCOPE OF SERVICES

The services and responsibilities to be provided by the CITY and the COUNTY shall be addressed in a separate Construction ILA.

III. **TERM**

This ILA shall become effective upon the approval of both parties and shall terminate on September 30, 2023, unless terminated as described in Section XIII or extended in writing and approved by both parties.

IV. **FISCAL FUNDING ACKNOWLEDGEMENT**

In the event no funds or insufficient funds are appropriated and budgeted or are otherwise unavailable by any means whatsoever in any fiscal period for payments due under this ILA, then the affected party will immediately notify the other party of such occurrence and this ILA shall be terminated on the last day of the fiscal period for which appropriations were received without penalty or expense to the affected party of any kind whatsoever, except to the portions of annual payments herein agreed upon for which funds shall have been appropriated.

V. **COST**

The COUNTY agrees to reimburse the CITY for the cost of the asphalt materials, barricade and flagging for traffic control, and milling part replacements required for the Project in an amount not to exceed \$295,315.00 in accordance with the reimbursement schedule in Attachment A. Any reimbursement request from the CITY should include: 1) a copy of the invoice or billing for asphalt materials, barricades and flagging for traffic control, and milling part replacements; and 2) a copy of the check, a certification letter, or other documentation to verify the CITY's proof of payment.

The CITY understands that the CITY will be responsible for any other expenses incurred by the CITY in performing the services under the Construction ILA.

VI. **AGENCY-INDEPENDENT CONTRACTOR**

Neither the COUNTY nor any employee thereof is an agent of the CITY, and neither the CITY nor any employee thereof is an agent of the COUNTY. This ILA does not and shall not be construed to entitle either party or any of their respective employees, if applicable, to any benefit, privilege or other amenities of employment by the other party.

The COUNTY will have no right to control the manner or means of construction of the CITY's contractor for this Project.

VII. **ASSIGNMENT**

Neither party may assign, in whole nor in part, any interest it may have in this ILA without the prior written consent of the other party.

VIII.
THIRD-PARTY BENEFICIARY EXCLUDED

No person other than a party to this ILA may bring a cause of action pursuant to this ILA as a third-party beneficiary. This ILA may not be interpreted to waive the sovereign or governmental immunity of any party to this ILA to the extent such party may have immunity under Texas law.

IX.
AUDIT OF RECORDS

The CITY's records regarding this Project shall be subject to audit by the COUNTY during the term of this ILA and for two years after the completion of the Project.

X.
ENTIRE AGREEMENT

This ILA represents the entire understanding of and between the parties and superseded all prior representations. This ILA may not be varied orally but must be amended by written document of subsequent date duly executed by these parties.

XI.
VENUE

This ILA shall be governed by the laws of the State of Texas and venue for any action under this ILA shall be in the district courts of Tarrant County, Texas.

XII.
SCHEDULING

The CITY agrees that the COUNTY retains control over the reimbursement schedule identified in Attachment A. The COUNTY agrees to notify the CITY of any changes to the reimbursement schedule 30 days in advance. Such notification will be in writing by e-mail or regular mail.

XIII.
TERMINATION

Until funded by the COUNTY as described in Section V, this ILA may be terminated by either party by providing written notice to the other party at least thirty (30) days prior to the intended date of termination. Such notice shall be deemed given when personally delivered or mailed by certified or registered mail (with return-receipt and postage prepaid) and addressed to:

COUNTY:
County Administrator
Tarrant County
100 E Weatherford St
Fort Worth, Texas 76196

CITY:
City Manager
City of River Oaks
4900 River Oaks Boulevard
River Oaks, Texas 76114

XIV.
SOVEREIGN POWERS

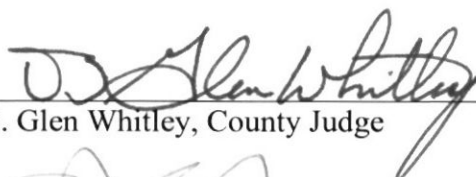
The COUNTY and the CITY agree and understand neither Party waives or surrenders any of its governmental powers by execution of this ILA.

APPROVED on this day the 13 day of December, 2022, by Tarrant County.

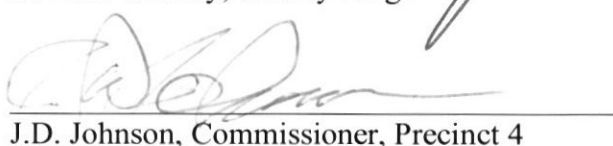
Commissioners Court Order No. 139978.

TARRANT COUNTY, TEXAS

CITY OF RIVER OAKS

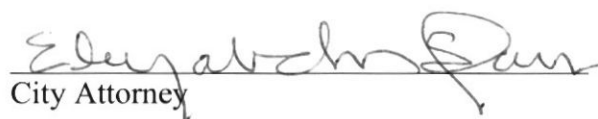

B. Glen Whitley, County Judge


Joe Ashton, Mayor


J.D. Johnson, Commissioner, Precinct 4

APPROVED AS TO FORM:


Criminal District Attorney's Office*


City Attorney

* By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

CERTIFICATION OF AVAILABLE FUNDS IN THE AMOUNT OF

\$ 295,315⁰⁰ as follows:

Fiscal year ending September 30, 2023:	\$295,315.00

	\$295,315.00**


Auditor's Office

** Funded by 2006 TBP discretionary funds from Precinct 4

ATTACHMENT A

Project Information

Jurisdiction: City of River Oaks
Project Name: Long Avenue/Almena Road Reconstructions

Project Schedule

	Start Date	Duration (mo.)	End Date
Design:	-	-	-
ROW Acquisition:	-	-	-
Utility Relocation:	-	-	-
Construction:	Feb-2023	5	Jun-2022

Reimbursement Payment by Phase

Design:	\$0.00
ROW Acquisition:	\$0.00
Utility Relocation:	\$0.00
Construction:	<u>\$ 295,315.00</u>
TOTAL:	\$ 295,315.00*

* Funded by 2006 TBP discretionary funds from Precinct 4

Reimbursement Schedule by Calendar Quarter (SUBJECT TO CHANGE)

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
2022	\$0.00	\$0.00	\$0.00	\$0.00
2023	\$145,315.00	\$150,000.00	\$0.00	\$0.00
2024	\$0.00	\$0.00	\$0.00	\$0.00



4900 River Oaks Boulevard  River Oaks, Texas  76114

Mayor

Joe Ashton

City Council

Mayor Pro-Tem-Place 5

Dan Chisholm

Place 1

John Claridge

Place 2

Steve Holland

Place 3

Leigh Ann Turner

Place 4

Yolie Rodriguez

City Officers

City Manager

Marvin Gregory

City Secretary

Paula Luck

Fire Chief

Clinton "Russell"

Shelley

Police Chief

Charles Stewart

Public Works Director

Gordon Smith

Event Center Co- Directors

Shirley Bloomfield

Shirley Wheat

Emergency Management
Coordinator

James Myrick

Phone

(817) 626-5421

Fax

(817) 624-2154

Website

www.riveroakstx.com

November 23, 2022

Commissioner J.D. Johnson

Precinct 4 Tarrant County

6713 Telephone Rd., Suite 301

Fort Worth, TX 76135

RE: River Oaks Amended Change Request for "2006 TBP discretionary funds from Precinct 4" as follows:

- Street reconstruction and asphalt overlay of Long Avenue from River Oaks Blvd. to Thurston St.
- Street reconstruction and asphalt overlay of Almena Rd. from Long Ave. to Byrd St. including concrete approaches and curb-n-gutter replacement.
- Asphalt overlay of Almena Rd from Byrd St. to Shenna Blvd.

Dear Commissioner Johnson:

Please accept this letter as the *amended* request approved by the City Council on November 22, 2022 revising the former request sent to your office on November 9, 2022. Doug Deweese, Director of Field Operations for Tarrant County Precinct 4 in reviewing our cost tabulations found that our cost estimates were too low and recalculated the costs based on current material costs and recommended we revise the cost estimates from a project total of \$481,924.06 to the current cost of \$590,630.10 of which at 50 cents on the dollar our part would be \$295,315.05 instead of \$240,960.03 in our original submittal.

I am writing on behalf of the City of River Oaks to submit for your consideration, a request to include two street improvement projects for River Oaks from the "2006 TBP discretionary funds from Precinct 4".

Long Avenue is one of our main collector streets through River Oaks for vehicular travel interconnecting travel to and from River Oaks Blvd (Highway 183) to SH 199. Long Avenue is badly in need of road reconstruction/asphalt overlay. Our requested proposal for Long Avenue is from the intersection of River Oaks Blvd north to its intersection with Thurston Street., approximately 1,383 feet long and 48-foot wide. The costs associated with the requested project **is \$303,744.60 including contingencies.**

Almena Rd. is a minor collector between Long Avenue and Shenna Blvd. the 4700 block of Almena Rd. is in failure. The City is proposing to bid concrete approaches and curb-n-gutter replacement then ask Tarrant County crews to reconstruct the road base and asphalt overlay. The 4400 to 4600 blocks just need a 1 ½ inch asphalt overlay capping over existing to level up previous work completed by the City. The costs associated with the requested project **is \$286,885.50 including contingencies.**

If funding is available now, with City Council approval, the City of River Oaks would participate with the required 50% commitment of \$295,315.05 of the total estimated project cost for Long Avenue and Almena Rd. in the amount of \$590,630.10. **We are requesting that Precinct 4 provide the labor and equipment on both roads.**



4900 River Oaks Boulevard  River Oaks, Texas  76114

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Website

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These projects if selected are shovel ready with the water and sewer lines already replaced and Atmos gas lines are clear. I have enclosed the exhibit highlighting the cost tabulations as revised for the Long Avenue Project and the Almerna Road Project. Also included are location maps for your review.

Thank you for your time in considering this project and apologize for having to send back to you a revised cost tabulation. We are happy to meet at your convenience to discuss the project in more detail if need be. Completing these projects unlocks the opportunity to continuing improving our collector streets vehicular travel benefiting our citizenry. The City stands firm in support of the bond program, and earnestly desires to be included if there is still funding available from the "2006 TBP discretionary funds from Precinct 4".

Sincerely,



Marvin C. Gregory III
City Manager
City of River Oaks

CC: Emily Randolph and Doug DeWeese, Tarrant County Precinct 4

CCC: Mayor & City Council, PWD Gordon Smith & City Secretary Paula Luck



City of River Oaks 2022 Street Projects for Future Capital Improvements

Street	Description	Length	Width	SQ. FT.	SQ.YDS.	Quantity	Price	Total
Long Ave.	From River Oaks Blvd. to Thurston St.	1385	48	66,480.00	7,386.67			
	Cement /Grading/Stabilization					180	300	54,000.00
	Tack Oil					2585	1.5	3,877.50
	4 inch Asphalt Binder Base					1662	71	118,002.00
	Tack Oil					1080	1.5	1,620.00
	2 inch Asphalt Type D Surface					831	91	75,621.00
	Sub Total							253,120.50
	20% Contingency							50,624.10
	Total							303,744.60
Almena Rd.	From Long St. to Byrd St.	514	24	12,336.00	1,370.67			
	Cement /Grading/Stabilization					32	300	9,600.00
	Tack Oil					220	1.5	330.00
	4 inch Asphalt Binder Base					308	71	21,868.00
	Tack Oil					220	1.5	330.00
	2 inch Asphalt Type D Surface					154	91	14,014.00
	Sub Total							46,142.00
	20% Contingency							9,228.40
	Total							55,370.40
Almena Rd.	From Long St. to Byrd St.							
	Replace Concrete curb-n-gutter	1018				1018	120	122,160.00
	Replace Single Driveway approach	8				8	2500	20,000.00
	Replace double driveway approach	6				6	4500	27,000.00
	satbilizationn under curb-n-gutter	1018				1018	125	6,250.00
	Sub Total							175,410.00
	15% Contingency							26,311.50
	Total							201,721.50
Almena Rd.	From Byrd St. to Shenna Blvd.	1131	24	27,144.00	3,016.00			
	Tack Oil					1810	1.5	2,715.00
	1 1/2 inch Asphalt Type D Surface					243	91	22,113.00
	Sub Total							24,828.00
	20% Contingency							4,965.60
	Total							29,793.60
	Almena Rd. Total							286,885.50
	Total Request							590,630.10

Funding

Note:	Funded by Street improvement tax note	50% City of River Oaks	\$295,315.05
	Request remaining funds 2006 street bond	50% Tarrant County	\$295,315.05

Google Maps



Google Maps



Imagery ©2022 Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 200 ft