

WHEREAS, the 1998 Bond Program authorized funding to implement flood control, lake development, environmental, transportation, and recreation projects within the Dallas Floodway; and,

WHEREAS, the City of Dallas and other local governments, through an Interlocal Agreement with the North Central Texas Council of Governments (NCTCOG) dated January 1, 1990, have been cooperating and intend to continue cooperating with other local, state and federal entities through the NCTCOG in pursuit of a Common Vision for the Trinity River Corridor; and,

WHEREAS, on July 1, 1996, Supplemental Agreement No. 1 (in the amount of \$1,252,500), by Resolution No. 96-2007, provides the mechanisms for local participation and cost sharing with the U.S. Army Corps of Engineers for the Upper Trinity River Feasibility Study and provides specific study cost requirements and scope of work to participate on the Dallas Floodway and Elm Fork studies; and,

WHEREAS, on November 10, 2004, Supplemental Agreement No. 2 (in the net amount of \$1,070,000), by Resolution No. 04-3165, amends the specific study cost requirements and scope of work to include the Balanced Vision Plan as the foundation for the Dallas Floodway project; and,

WHEREAS, Supplemental Agreement No. 3 (in the amount of \$1,797,000) will further amend the specific study cost requirements and scope of work to provide the U.S. Army Corps of Engineers funding to maintain progress with the ongoing feasibility study and integrated Environmental Impact Statement until late 2009; and,

WHEREAS, subsequent to Supplemental Agreement No. 3, a new 50/50 cost sharing agreement will be created for the U.S. Army Corps of Engineers and the City of Dallas to reflect the language in the Water Resources Development Act of 2007 which allows City of Dallas credit for advance design and construction of the Dallas Floodway project and advanced funding to the Corps by the City of Dallas to keep the Corps on schedule when federal funding is lacking; and,

WHEREAS, Council authorized execution of a Pre-construction, Engineering and Design (PED) Agreement with the Corps for completion of the Dallas Floodway study and start of Dallas Floodway design in an amount not to exceed \$2,500,000 on February 25, 2009, by Resolution No. 09-0550 and this action will rescind the agreement with the U.S. Army Corps of Engineers previously approved by Council on February 25, 2009, by Resolution No. 09-0550 and release \$2,500,000 from the PED Agreement; and,

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to the Interlocal Agreement with the North Central Texas Council of Governments to continue the ongoing study of the Dallas Floodway for the Trinity River Corridor Project with the U. S. Army Corps of Engineers which will increase the City of Dallas' share of project costs in the amount of \$1,797,000, from \$2,322,500 to \$4,119,500.

Section 2. That the City Manager or designee be and is hereby authorized to execute this contract after it has been approved as to form by the City Attorney.

Section 3. The City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Trinity River Corridor Bond Fund
Fund 6P14, Agency PBW, Org N963, Act. TRPP
Object 4111, Job #PB98N963, CT PBW98N963B3
Vendor #265554, in an amount not to exceed \$1,797,000

Section 4. The authority for the City Manager or designee is hereby withdrawn with regard to executing the Pre-construction, Engineering, and Design (PED) Agreement with the Corps previously approved on February 25, 2009 by Resolution 09-0550.

Section 5. Further, rescind the PED Agreement with the U.S. Army Corps of Engineers for \$2,500,000 that was approved on February 25, 2009, by Resolution No. 09-0550. The City Controller is hereby authorized to release encumbrance of \$2,500,000 from:

Trinity River Corridor Bond Fund
Fund 6P14, Dept. PBW, Unit N963, Activity TRPP
Object 4111, Program #PB98N963,
Encumbrance No. CT PBW98N963E1
Vendor #352290, in an amount not to exceed (\$2,500,000)

Section 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

Distribution: Trinity River Corridor Project, Rebecca Dugger, 6BS
City Attorney
Office of Financial Services

APPROVED BY
CITY COUNCIL

JUN 10 2009

Rebecca Dugger
City Secretary