

June 10, 2009

**WHEREAS**, improved traffic mobility in this region may accelerate economic development, improve air quality, advance traffic safety, and generally enhance the quality of life for all residents; and,

**WHEREAS**, as the City recognizes the value and necessity of the Trinity Parkway to stimulate, facilitate and sustain the diversity and vitality of local and regional economic development; and,

**WHEREAS**, with the completion of the Texas Department of Transportation's Trinity Parkway Corridor Major Transportation Investment Study (MTIS) the Dallas City Council passed Resolution No. 97-2918 on September 10, 1997, which endorsed the recommended Plan of Action; and,

**WHEREAS**, Council authorized adoption of the Balanced Vision Plan for the Dallas Floodway on December 8, 2003, by Council Resolution No. 03-3391, and amended the Balanced Vision Plan on April 14, 2004, by Council Resolution No. 04-1252.

**WHEREAS**, the North Texas Tollway Authority (the "NTTA"), at the request of the City of Dallas (the "City"), has initiated studies to evaluate the feasibility of the Trinity Parkway as a toll supported project and, as a component of those studies, has produced a Draft Environmental Impact Statement in 2005 to assess the social, economic and environmental impacts associated with each alternative developed; and,

**WHEREAS**, on April 13, 2005 the City Council approved its recommended locally preferred alignment for the Trinity Parkway as "Alternative Alignment 3B", also referred to as the Combined Parkway – Modified in the Draft Environmental Impact Statement by Resolution No. 05-1210; and,

**WHEREAS**, on April 20, 2005 the NTTA Board of Directors identified "Alternative Alignment 3B" as its locally preferred alternative; and,

**WHEREAS**, Council authorized Supplemental Agreement No. 1 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA to continue with the second phase of work associated with the Trinity Parkway Environmental Impact Statement in the amount of \$2,000,000, from \$5,000,000 to \$7,000,000 on April 27, 2005, by Resolution No. 05-1377; and,

**WHEREAS**, Council authorized Supplemental Agreement No. 2 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA in order to address concerns expressed by the Corps regarding the proximity of the Parkway alternatives to the Dallas Floodway levees and incorporation of 2030 demographic data into the Trinity Parkway Environmental Impact Statement in the amount of \$1,500,000, from \$7,000,000 to \$8,500,000 on April 25, 2007, by Resolution No. 07-1351; and,

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**WHEREAS**, Council authorized Supplemental Agreement No. 3 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA in order to produce a schematic design for the Trinity Parkway “locally preferred alternative” (3C) and amend the Trinity Parkway alternative to be compatible with the Balanced Vision Plan as authorized by the Water Resource Development Act 2007 into the Trinity Parkway Environmental Impact Statement and schematic design in the amount of \$1,500,000, from \$8,500,000 to \$10,000,000 on February 13, 2008, by Resolution No. 08-0456; and,

**WHEREAS**, Council authorized Supplemental Agreement No. 4 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA in order to address new Corps requirements, changes with the design of the Trinity Parkway project due to Value Engineering process, and environmental plus surveying to assist the real estate acquisition process for the Trinity Parkway Environmental Impact Statement and schematic design in the amount of \$4,500,000, from \$10,000,000 to \$14,500,000 on December 10, 2008, by Resolution No. 08-3363; and,

**WHEREAS**, the Federal Highway Administration requests a Limited Scope Supplement Draft Environmental Impact Statement that will include the City’s Dallas Floodway levees assessment to address Corps’ concerns and future potential plans for levee remedies and provide more detail for the Trinity Parkway plan formulation process to ensure that no other practicable alternative exists with respect to the current Alternative 3C alignment along the floodway side of the East Levee; and,

**WHEREAS**, it is now necessary for Supplemental Agreement No. 5 to the Interlocal Agreement with NTTA and TxDOT permitting a \$1,310,630 increase in the escrow of City funds for disbursement to NTTA in order to produce a Limited Scope Supplement Draft Environmental Impact Statement that would extend the total cost of the NTTA agreement for the ongoing development of the Trinity Parkway Environmental Impact Statement from \$14,500,000 to \$15,810,630; and,

**WHEREAS**, it is expected that this Supplemental Agreement No. 5 will be sufficient to complete the Environmental Impact Statement process through the Record of Decision, however, it may be necessary for the City to provide additional supplemental funding to complete the process depending on the results of the City’s levee assessment for the Dallas Floodway and the potential for any additional studies that may be mandated by the various resource agencies in order to secure their project approval, and additionally, this action would authorize deposit of any reimbursed funds or interest earnings pertaining to this project from NTTA to the City; and,

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**WHEREAS**, it is now necessary and appropriate for the City to provide an increase in the escrow of City funds for disbursement to NTTA to continue with the additional work associated with the Trinity Parkway Environmental Impact Statement.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into Supplemental Agreement No. 5 to the Interlocal Agreement with NTTA and TxDOT permitting an increase in the escrow of City funds for disbursement to NTTA to continue with the additional work associated with the Trinity Parkway Environmental Impact Statement, the schematic design, and real estate activities in the amount of \$1,310,630, from \$14,500,000 to \$15,810,630

**SECTION 2.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 5 after it has been approved as to form by the City Attorney.

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

Trinity River Corridor Project Fund  
Fund 6P14, Agency PBW, Unit N965, Activity TRPP  
Object 4111, Program No. PB98N965  
Encumbrance No. CT-PBW98N965C5  
Vendor #237925, in an amount not to exceed \$1,310,630

**SECTION 4.** 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

APPROVED BY  
CITY COUNCIL

JUN 10 2009

  
City Secretary