

**WHEREAS**, on March 3, 2004, Resolution No. 04-0855 authorized the City's locally preferred route for the proposed power transmission line from the West Levee switching station to the Norwood switching station along Irving Boulevard on aerial structures, across the Trinity River on aerial structures near Sylvan Bridge, and underground along Canada Drive; and,

**WHEREAS**, on April 18, 2007, the City Council was briefed in Closed Session on this matter; and,

**WHEREAS**, the City of Dallas was a party to a Public Utility Commission of Texas ("PUC") administrative proceeding (PUC docket no. 32455) involving the application of TXU Electric Delivery, now known as Oncor Electric Delivery ("Oncor") for a certificate of convenience and necessity for a proposed 345-kilovolt electric transmission line within the City of Dallas (the "Proceeding"), and that in the Proceeding the City has sought, among other relief, an order of the PUC eliminating or limiting any cost to the City for underground installation of approximately 0.7 miles of the Transmission Line in the vicinity of Oncor's West Levee Switching Station and the Woodall-Rogers bridge across the Trinity River in furtherance of the City's Trinity River Project; and,

**WHEREAS**, on April 25, 2007, Resolution No. 07-1346 authorized a commitment to fund up to twenty-five percent of incremental cost of undergrounding approximately 0.7 miles of the proposed West Levee to Norwood transmission line from the West Levee switching station to near Sylvan Avenue, and directed the City Manager to include such funding in future budgets as appropriate; and,

**WHEREAS**, on April 26, 2007, at an open meeting of the PUC whereat it voted to approve the City's preferred route and also to approve the underground installation of the segments along Canada Drive as the City requested, so long as the City entered into a binding agreement with Oncor to pay twenty-five percent of the estimated incremental cost of the underground installation of the line, and the remainder of the costs will be included in Oncor's transmission cost of service; and,

**WHEREAS**, Oncor's 2007 estimated cost for the underground installation was \$18,000,000, of which the City's twenty-five percent share was \$4,500,000; and,

**WHEREAS**, on May 23, 2007, Resolution No. 07-1598 authorized a contract with Oncor Electric Delivery permitting the escrow of City funds in the amount of \$4,500,000 for disbursement of the City's twenty-five percent share of the estimated incremental cost to underground approximately 0.7 miles of the PUC approved 345-kilovolt West Levee to Norwood transmission line from the West Levee switching station to near Sylvan Avenue; and,

**WHEREAS**, on September 20, 2007, Administrative Action No. 07-2866 authorized Supplemental Agreement No. 1 to the contract with Oncor Electric Delivery, at no cost to the City, to extend the timeframe for the City and Oncor to execute an Escrow Agreement and to extend the timeframe for the City to establish an escrow account; and,

**WHEREAS**, on November 30, 2007, an escrow agreement was executed between the City and Oncor pertaining to the payment of a portion of incremental underground construction costs of the West Levee to Norwood transmission line; and,

**WHEREAS**, Oncor, under the terms and conditions of the contract, submitted the actual costs for the completed installation of the underground portion of the transmission line to the City; and,

**WHEREAS**, the actual incremental cost to underground the transmission line totaled \$22,337,681, of which the City's twenty-five percent share is \$5,584,421; and,

**WHEREAS**, as a result of the actual cost being higher than the 2007 estimated cost, the City's twenty-five percent share is \$1,084,421 higher than the 2007 estimated share of \$4,500,000 on the actual incremental costs for the completed installation of the underground portion of the transmission line; and,

**WHEREAS**, the City entered into a binding agreement with Oncor which requires the City to pay twenty-five percent of the incremental cost of the underground installation of the line; and,

**WHEREAS**, it is now necessary to increase the escrow of City funds for disbursement of the City's twenty-five percent share of the incremental cost to underground approximately 0.7 miles of the PUCT approved 345-kilovolt West Levee to Norwood transmission line from the West Levee switching station to near Sylvan Avenue by \$1,084,421, from \$4,500,000 to \$5,584,421; 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. 2 to the contract with Oncor Electric Delivery Company LLC to increase the escrow of City funds for disbursement of the City's twenty-five percent share of the incremental cost to underground approximately 0.7 miles of the Public Utility Commission of Texas approved 345-kilovolt West Levee to Norwood transmission line from the West Levee switching station to near Sylvan Avenue by \$1,084,421, from \$4,500,000 to \$5,584,421, after it has been approved as to form by the City Attorney.

**SECTION 2.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from:

Trinity River Corridor Project Fund  
Fund 6P14, Dept. TWM, Unit P741, Activity TRPP  
Object 4010, Program # PB98P741, CT - PBW98P74111  
Vendor #255302, in an amount not to exceed \$1,084,421

**SECTION 3.** That the City Controller is hereby authorized to deposit any reimbursed funds from Oncor pertaining to this project in Trinity River Corridor Project Fund, Fund 6P14, Dept. TWM, Unit P741, Object 4010.

**SECTION 4.** That the City Controller is hereby authorized to deposit any interest earning received from the Escrow account pertaining to this project in Trinity River Corridor Project Fund 6P14, Dept. TWM, Revenue Source 8103.

**SECTION 5.** 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.

APPROVED BY  
CITY COUNCIL

JUN 27 2012

  
City Secretary