

April 10, 2013

WHEREAS, on April 28, 1999, Resolution No. 99-1459 authorized the submission, acceptance and implementation of City of Dallas candidate projects for the Congestion Mitigation Air Quality Program (CMAQ); and,

WHEREAS, Katy Trail was accepted in March 2000 as a candidate project in the First Call for Projects in the Congestion Mitigation Air Quality Program (CMAQ) under the Transportation Equity Act of the 21st Century (TEA-21); and,

WHEREAS, on October 10, 2001, Resolution No. 01-3024 authorized a professional services contract with Washington Infrastructure Services, Inc. to provide engineering services for bicycle and pedestrian enhancements on Phase III of the Katy Trail extension from McCommas Boulevard at North Central Expressway to Sandhurst Street just west of Skillman Street and from Lyte Street at north Houston Street to Levee Street at Manufacturing Street in the amount of \$234,190; and,

WHEREAS, on October 10, 2001, Resolution No. 01-3025 authorized an Interlocal Agreement with the Texas Department of Transportation for design, right-of-way acquisition, utility relocations, and construction of bicycle and pedestrian enhancements for Phase III of the Katy Trail Extension; and,

WHEREAS, on April 24, 2002, Resolution No. 02-1346 authorized Supplemental Agreement No. 1 to the Interlocal Agreement with TxDOT; and,

WHEREAS, on December 11, 2002, Resolution No. 02-3488 authorized Supplemental Agreement No. 2 to the Interlocal Agreement with TxDOT; and,

WHEREAS, on November 8, 2006, Resolution No. 06-3064 authorized a professional services contract with HNTB Corporation to provide preliminary design services for the Katy Trail, Phase VI from Ellsworth Street to Worcola Street in the amount of \$265,748; and,

WHEREAS, on November 8, 2006, Resolution No. 06-3065 authorized a Local Project Advanced Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisitions, and construction of bicycle and pedestrian enhancements for the Katy Trail, Phase VI; and,

WHEREAS, on February 25, 2009, Resolution No. 09-0548 authorized Supplemental Agreement No. 1 to the professional services contract with HNTB Corporation to provide final design services for Phase VI of the Katy Trail in the amount of \$1,109,612, increasing the contract from \$265,748 to \$1,375,360; and,

WHEREAS, on August 11, 2010, Resolution No. 10-1971 authorized Supplemental Agreement No. 2 to the professional services contract with HNTB Corporation to provide design services for revisions to the pedestrian bridge design for Phase VI of the Katy Trail in an amount not to exceed \$506,734, increasing the contract from \$1,375,360 to \$1,882,094; and,

WHEREAS, the State of Texas has received money from the North Texas Tollway Authority for the SH 121 toll project, and, pursuant to the Transportation Code, 228.006, the State of Texas shall authorize the use of surplus revenue of a toll project for transportation project, highway project, or air quality project within the district of the Texas Department of Transportation (TxDOT) in which any part of the toll project is located; and,

WHEREAS, the Regional Transportation Council (RTC), which is the transportation policy body of the North Central Texas Council of Governments (NCTCOG) and a federally designated metropolitan planning organization (MPO), was designated by the Texas Transportation Commission on October 26, 2006, to select and oversee projects to be financed using the Regional Toll Revenue (RTR) fund; and,

WHEREAS, in June 2010, the RTC approved the replacement of federal CMAQ funds for the Katy Trail, Phase VI from Ellsworth Street to Worcola Street with RTR funds; and,

WHEREAS, the Katy Trail, Phase VI from Ellsworth Street to Worcola Street is now approved to receive \$6,480,000 from the RTR fund to be matched by \$1,620,000 of local funds from the City's 2006 Bond Program and Dallas County; and,

WHEREAS, in order to accept the RTR funds, the existing Interlocal agreement with TxDOT for the use of federal CMAQ funds needs to be terminated; and,

WHEREAS, the City is required to pay TxDOT for their up-to-date engineering review cost at the termination of the agreement in the amount of \$194,000; and,

WHEREAS, on June 8, 2011, Resolution No. 11-1523 authorized an agreement with Atmos Energy Corporation for relocation of a gas pipeline in the vicinity of the Katy Trail, Phase VI, and authorized payment to Atmos Energy Corporation in an amount not to exceed \$37,573.68; and,

WHEREAS, on June 22, 2011, Resolution No. 11-1697 authorized a license agreement with DART for the use of its right-of-way to construct and maintain the proposed Phase VI of the Katy Trail extension and authorized Supplemental Agreement No. 9 to the Master Agreement with DART for the use of its right-of-way to construct and maintain the pedestrian bridges over Mockingbird Lane and the DART Light Rail Red Line track near Twin Sixties Drive; and,

WHEREAS, on June 22, 2011, Resolution No. 11-1698 authorized the termination of the previous Interlocal Agreement for Phase VI of the Katy Trail, previously approved on November 8, 2006, by Resolution No. 06-3065, and authorized a new Advance Funding Agreement with TxDOT and receipt of payment for Phase VI of the Katy Trail in the amount of \$6,480,000; and,

WHEREAS, on June 22, 2011, Resolution No. 11-1699 authorized a Project Specific Agreement with Dallas County and receipt of payment from Dallas County for the County's share of project costs for Phase VI of the Katy Trail in the amount of \$1,000,000; and,

WHEREAS, on June 22, 2011, Resolution No. 11-1700 authorized a contract with AUI Contractors, LLC, for the construction of Phase VI of the Katy Trail in an amount not to exceed \$6,974,628.44; and,

WHEREAS, on June 22, 2011, Resolution No. 11-1700 authorized reprogramming of eleven projects associated with the City Lights development from the 2006 Bond Program to the Katy Trail, Phase VI from Ellsworth Street to Worcola Street in an amount not to exceed \$2,499,998, as follows: Live Oak Street from Cantegral Street to Texas Street (\$125,000), Texas Street from Bryan Street to Live Oak Street (\$200,000), Cantegral Street reconstruction (\$299,999), Cantegral Street / Texas Street traffic signalization (\$175,000), Cantegral Street streetscaping (\$360,000), Cantegral Street utility modifications (\$125,000), Good Latimer Street deceleration lane (\$250,000), Live Oak Street from Cantegral Street to Good Latimer Street (\$290,000), Live Oak Street left turn lane (\$175,000), Live Oak Street/ Good Latimer Street traffic signal modifications (\$99,999), and City Lights streetscaping (\$400,000); and,

WHEREAS, on December 14, 2011, Resolution No. 11-3258 authorized Supplemental Agreement No. 3 to the professional services contract with HNTB Corporation to provide additional engineering design services related to construction oversight of the Mockingbird Lane Bridge for Phase VI of the Katy Trail from Ellsworth Street to Worcola Street in an amount not to exceed \$461,890; and,

WHEREAS, on December 12, 2012, Resolution No. 12-3059 authorized Supplemental Agreement No. 4 to the professional services contract with HNTB Corporation to provide additional engineering services related to partial realignment of Phase VI of the Katy Trail from Ellsworth Street to Worcola Street in an amount not to exceed \$138,842, from \$2,343,984 to \$2,482,826; and,

WHEREAS, on December 12, 2012, Resolution No. 12-3060 authorized Change Order No. 1 to the contract with AUI Contractors, LLC to provide for material and labor cost escalations associated with the construction of Phase VI of the Katy Trail from Ellsworth Street to Worcola Street in an amount not to exceed \$534,257.02, from \$6,974,628.44 to \$7,508,885.46; and,

WHEREAS, it is now necessary to authorize an amendment to Resolution No. 11-1523, previously approved on June 8, 2011, which authorized an agreement with Atmos Energy Corporation for relocation of a gas pipeline for Katy Trail, Phase VI to revise the payment amount not to exceed \$389,164.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to amend Resolution No. 11-1523, previously approved on June 8, 2011, which authorized an agreement with Atmos Energy Corporation for relocation of a gas pipeline for Katy Trail, Phase VI to revise the payment amount not to exceed \$389,164, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to release encumbered funds from:

Street and Thoroughfare Improvements Fund
Fund 8T22, Dept. PBW, Unit P653, Act. INGV
Obj. 4155, Program #PB06P653, CT PBW06P653I1
Vendor #202855, in an amount not to exceed (\$37,573.68)

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

Street and Thoroughfare Improvements Fund
Fund 1T22, Dept. PBW, Unit P653, Act. INGV
Obj. 4155, Program #PB06P653, CT PBW06P653I1
Vendor #202855, in an amount not to exceed \$389,164.00

Section 4. That the City Controller is hereby authorized to deposit any unused Bond Funds advanced to Atmos Energy Corporation pertaining to this project in Fund 1T22, Department PBW, Unit P653, Object Code 4155.

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.

