

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 12, 2017  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Mobility and Street Services  
Water Utilities  
**CMO:** Majed A. Al-Ghafry, 670-3302  
Jill Jordan, 670-5299  
**MAPSCO:** 45F

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## **SUBJECT**

Authorize **(1)** alley paving, water and wastewater main improvements, for Alley Group 12-1126; provide for partial payment of construction costs by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law (list attached); and **(2)** a benefit assessment hearing to be held on May 24, 2017, to receive comments - Financing: No cost consideration to the City

## **BACKGROUND**

The alley between Hibernia Street and State Street from Boll Street to Worthington Street was requested by property owner petition and accepted on August 2, 2010. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street was requested by property owner petition and accepted on August 11, 2010. The alley between State Street and Thomas Avenue from Routh Street to Boll Street was requested by property owner petition and accepted on September 14, 2010. All of these alley projects were subsequently funded in the 2012 Bond Program. A professional services contract for the design was authorized by City Council on January 22, 2014, by Resolution No. 14-0190. This action will authorize the project, partial payment of cost by assessment, and a benefit assessment hearing. The alley improvements will consist of upgrading the unimproved gravel and dirt alleys with 10-foot wide concrete pavement; water and wastewater main improvements.

The paving assessment process requires the following three steps:

1. Authorize paving improvements
2. Authorize a benefit assessment hearing
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction

These actions are the 1st and 2nd steps in the process.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	March 2014
Completed Design	February 2017
Begin Construction	August 2017
Complete Construction	February 2018

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a professional services contract for engineering services on January 22, 2014, by Resolution No.14-0190.

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

**FISCAL INFORMATION**

Design	\$ 36,653.50
Construction	
Paving (MSS)	\$236,215.00 (est.)
Water & Wastewater (WTR)	<u>\$167,758.00 (est.)</u>
Total Project Cost	\$440,626.50 (est.)

This project does involve assessments.

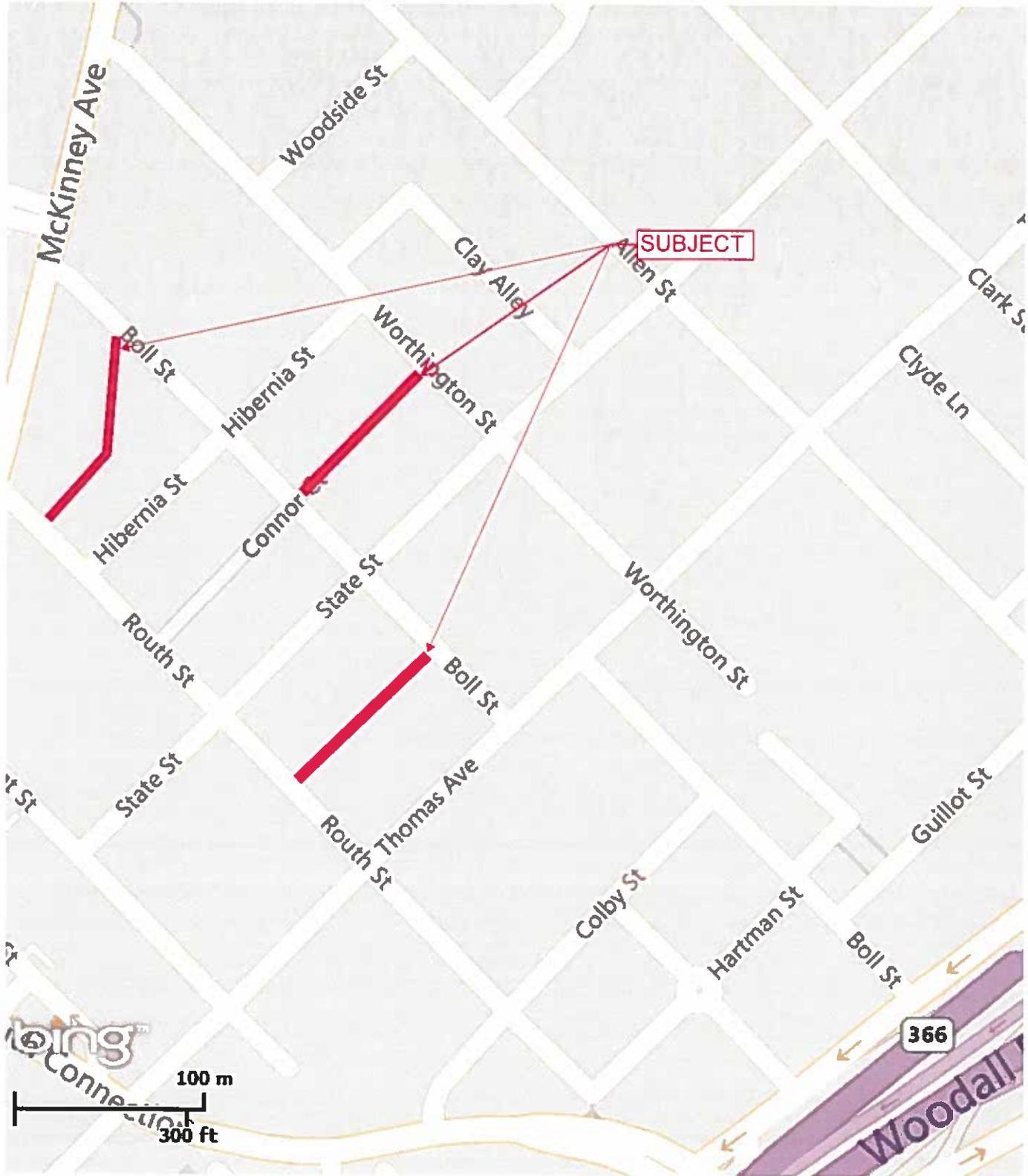
**MAP**

Attached.

## Alley Group 12-1126

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Alley between Hibernia Street and State Street	from Boll Street to Worthington Street	14
Alley between Hibernia Street and McKinney Avenue	from Routh Street to Boll Street	14
Alley between State Street and Thomas Avenue	from Routh Street to Boll Street	14

ALLEY GROUP 12-1126



MAPSCO 45F



April 12, 2017

**WHEREAS**, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

**Alley Group 12-1126**

1. Alley between Hibernia Street and State Street from Boll Street to Worthington Street
2. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street
3. The alley between State Street and Thomas Avenue from Routh Street to Boll Street

for a part of the cost of improving said alleys, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

**WHEREAS**, the City Council has heretofore, by resolution, ordered the improvement of the alleys enumerated above, by paving said alleys with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

**WHEREAS**, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

**Now, Therefore,**

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

**SECTION 1.** That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

**SECTION 2.** That it is hereby found and determined that the cost of improvements on the hereinafter described alleys, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

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**Alley Group 12-1126**

1. Alley between Hibernia Street and State Street from Boll Street to Worthington Street
2. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street
3. The alley between State Street and Thomas Avenue from Routh Street to Boll Street

shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and

The estimated cost of the improvements is **\$403,973.00 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$53.46/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for concrete alley is: **\$21.21/L. F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

**SECTION 3.** That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **24th** day of **May**, A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

April 12, 2017

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

**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.

April 12, 2017

**WHEREAS**, the City of Dallas deems it necessary to permanently improve the hereinafter named alleys within the City of Dallas.

**Now, Therefore,**

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

**SECTION 1.** That the following alleys

**Alley Group 12-1126**

1. Alley between Hibernia Street and State Street from Boll Street to Worthington Street
2. The alley between Hibernia Street and McKinney Avenue from Routh Street to Boll Street
3. The alley between State Street and Thomas Avenue from Routh Street to Boll Street

shall be improved in the following manner, to wit:

- (1) That said alleys shall be profiled so as to bring same to design grade.
- (2) That said alleys shall be paved with 6-inch thick, 4500-pounds per square inch reinforced concrete, 10 feet in width; with a 6-inch thick flex base subgrade; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

That the cost of said improvements shall be paid for as follows, to wit:

- (a) That the City of Dallas shall pay only an amount equal to the cost of storm sewers, and all the cost of improving intersections of said alleys with other street and alleys, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets, railways, and steam railways, as provided in Subsection (a)
- (b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks and alleys shall be paid by the owners of property abutting on said streets and alleys named to be paved, in the following manner, to wit:

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That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

April 12, 2017

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

**SECTION 2.** That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street and alley improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

**SECTION 3.** 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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 12, 2017  
**COUNCIL DISTRICT(S):** 1  
**DEPARTMENT:** Mobility and Street Services  
Water Utilities  
**CMO:** Majed A. Al-Ghafry, 670-3302  
Jill A. Jordan, P.E., 670-5299  
**MAPSCO:** 54C G

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## **SUBJECT**

Authorize **(1)** street paving and water improvements for Adams (N) Avenue from Tenth Street to Davis Street; provide for partial payment of construction cost by assessment of abutting property owners; an estimate of the cost of the improvements to be prepared as required by law; and **(2)** a benefit assessment hearing to be held on May 24, 2017, to receive comments - Financing: No cost consideration to the City

## **BACKGROUND**

Adams (N) Avenue from Tenth Street to Davis Street was included in the 2012 Bond Program as a Target Neighborhood project. A professional services contract for the design of this project was authorized by City Council on September 25, 2013, by Resolution No. 13-1731, and this action will authorize the project, partial payment of costs by assessment, and a benefit assessment hearing. The improvements will consist of a 40-foot wide concrete pavement with curbs, sidewalks, on-street parking, drive approaches, and installation of a water main improvements.

The paving assessment process requires the following three steps:

1. Authorize paving improvements.
2. Authorize a benefit assessment hearing.
3. Benefit assessment hearing, ordinance levying assessments and authorize contract for construction.

These actions are the 1st and 2nd steps in the process.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	October 2013
Completed Design	March 2017
Begin Construction	July 2017
Complete Construction	April 2018

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a professional services contract for engineering services on September 25, 2013, by Resolution No. 13-1731.

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

## **FISCAL INFORMATION**

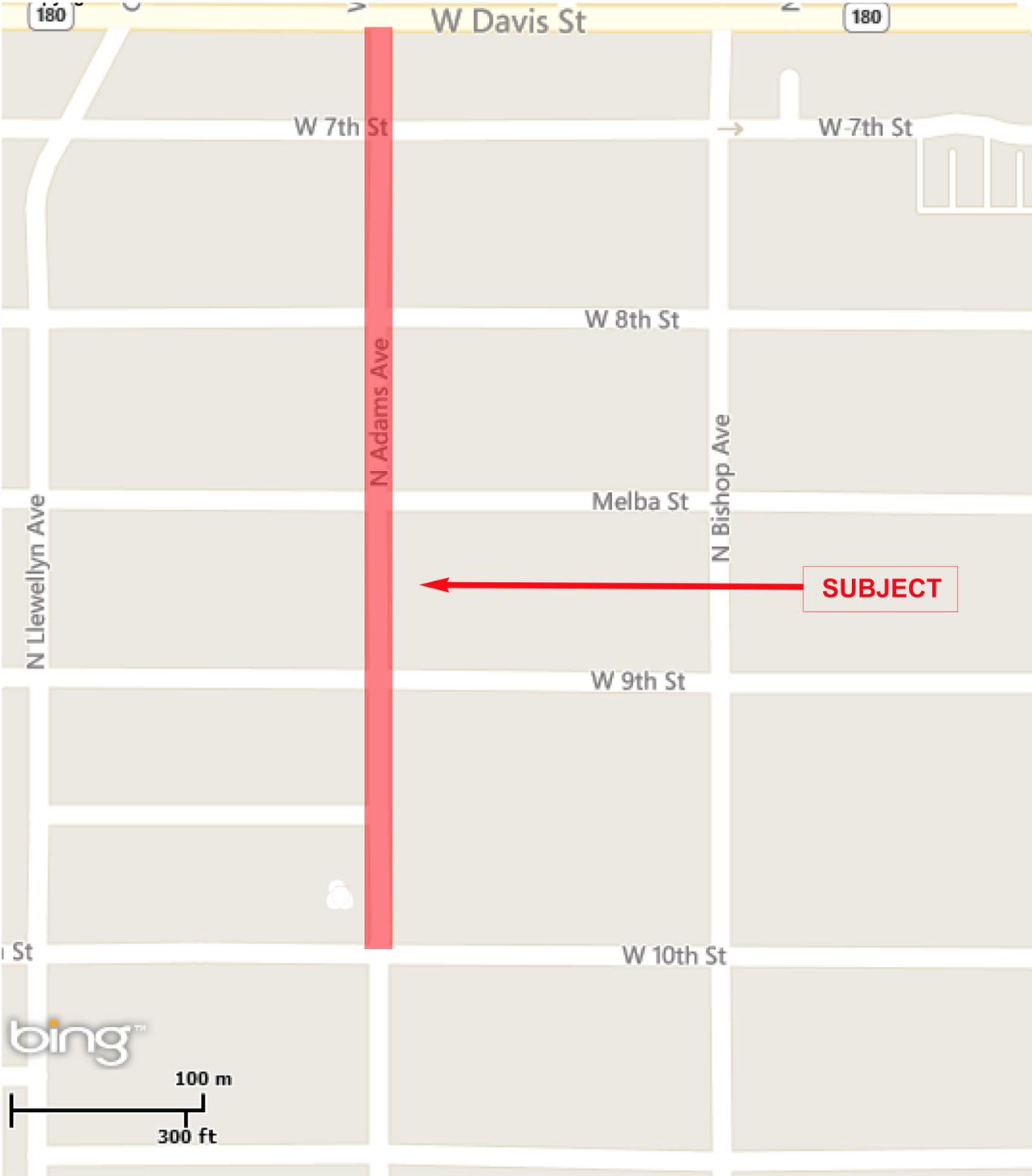
Design	\$103,636.00
Construction	
Paving - MSS	\$702,525.00 (est.)
Water - WTR	<u>\$154,253.00</u> (est.)
Total Project Cost	\$960,414.00 (est.)

This project does involve assessments.

## **MAP**

Attached.

**ADAMS (N) AVENUE FROM TENTH STREET TO DAVIS STREET**



**MAPSCO 54C, G**



April 12, 2017

**WHEREAS**, the City of Dallas deems it necessary to permanently improve the hereinafter named street within the City of Dallas.

**Now, Therefore,**

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

**SECTION 1.** That the following street

**Adams (N) Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street**

shall be improved in the following manner, to wit:

- (1) That said street shall be profiled so as to bring same to design grade.
- (2) That said street shall be paved from curb to curb with 8-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with on-street parking, so that the roadway shall be 40 feet in width; and,

That any permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments.

That bids shall be taken for the construction of the work for the type of construction enumerated above, and the work shall be done with the materials and according to plans and methods selected by the City Council after the bids are opened.

That the cost of said improvements shall be paid for as follows, to wit:

- (a) That the City of Dallas shall pay only an amount equal to the cost of water main, and also all the cost of improving intersections of said street with other street, and partial adjusted frontages on side property, except so much thereof as shall be borne by streets.
- (b) That after deducting the proportion of the cost provided for in said Subsection (a) above, the whole remaining cost, including the cost of concrete curbs or curbs and gutters, driveways, sidewalks shall be paid by the owners of property abutting on said street named to be paved, in the following manner, to wit:

April 12, 2017

That the cost shall be assessed against said owners and their property respectively, in accordance with what is known as the "Front-Foot Plan", in proportion as the frontage of the property of each owner is to the whole frontage improved and shall be payable in monthly installments not to exceed one hundred twenty (120) in number, the first of which shall be payable within thirty (30) days from the date of the completion of said improvements and their acceptance by the City of Dallas, and one installment each month thereafter until paid, together with interest thereon at the current rate established and adopted by the City Council applicable to Public Improvement Assessment Accounts being paid by installments and not to exceed the statutory rate, with the provision that any of said installments may be paid at any time before maturity by the payment of the principal and the accrued interest thereon. Any property owner against whom and whose property an assessment has been levied may pay the whole assessment chargeable to him without interest within thirty (30) days after the acceptance and completion of said improvements.

Provided that, if the application of the above-mentioned rule of apportionment between property owners would, in the opinion of the City Council, in particular cases be unjust or unequal, it shall be the duty of the said Council to assess and apportion said cost in such manner as it may deem just and equitable, having in view the special benefits in enhanced value to be received by each owner of such property, the equities of owners, and the adjustment of such apportionment, so as to produce a substantial equality of benefits received by and burdens imposed upon such owners.

That no such assessment shall be made against any owner of abutting property, if any, until after the notice and hearing provided by law, and no assessment shall be made against an owner of abutting property in excess of the benefits to such property in enhanced value thereof by means of such improvements.

That the contractor shall be paid for the work performed under the specifications, upon monthly estimates to be prepared by the Director of Mobility and Street Services. That there shall be deducted as a retainage fee, five (5%) percent of such monthly estimates, to be held by the City of Dallas until the contract is performed and executed to the satisfaction of the Director of Mobility and Street Services. The monthly estimates shall be paid on or before the 10th day of the next succeeding month for the work performed during the previous month.

April 12, 2017

For that part of the cost of the improvements that shall be determined to be levied against the owners of abutting property and their property shall be levied by assessment as herein provided, and said improvements may further be secured by Mechanic's Liens to be executed in favor of the City of Dallas, provided by law in accordance with the terms and provisions of this resolution. Paving certificates evidencing the assessment shall be issued in favor of the City of Dallas for the amount of the assessment, whether the property owners have executed Mechanic's Liens to secure the payment or not, and shall be payable for the use and benefit of the Revolving Fund established for the purpose of financing paving improvements.

That the Director of Mobility and Street Services is hereby directed to prepare at once the specifications and an estimate of the cost of such improvements and file the same with the City Council for the hereinabove described pavement and improvements. That in the specifications prepared, provision shall be made to require all contractors to give such bonds as may be necessary or as required by law.

That such specifications shall require the bidder to make a bid upon the type of improvements above described, with such bonds as may be required.

That the specifications shall also state the amounts of the required bonds, as well as the method by which it is proposed to pay the cost of said improvements, said method being in accordance with this resolution.

**SECTION 2.** That the City Council, in initiating this proceeding, is acting under the terms and provisions of the Act passed at the First Called Session of the Fortieth Legislature of the State of Texas, and known as Chapter 106 of the Acts of said Session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Sections 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the Charter of said City, being Chapter XX of said Charter.

**SECTION 3.** 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.

April 12, 2017

**WHEREAS**, the City Council of the City of Dallas is of the opinion that it is necessary to levy an assessment against the property and the owners thereof abutting upon the following:

**Adams (N) Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street**

for a part of the cost of improving said street, fixing a time for the hearing of the owners of said property concerning the same, and directing the City to give notice of said hearing, as required by law; and,

**WHEREAS**, the City Council has heretofore, by resolution, ordered the improvement of the street enumerated above, by paving said street from curb to curb with 8-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with on-street parking, so that the roadway shall be 40 feet in width; and

Any existing permanent improvements in place, meeting these specifications, or which can be utilized, shall be left in place, if any, and corresponding credits to the property owners shall be allowed on the assessments; and,

**WHEREAS**, the Director of Mobility and Street Services of the City of Dallas has, in accordance with the law, filed his report with the City Council, and the property owners, in the cost thereof, together with the names of the owners and the description of said property, and the work to be done adjacent thereto, and the amounts proposed to be assessed against each lot or parcel and its owners and all other matters required by the applicable law.

**Now, Therefore,**

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

**SECTION 1.** That the report or statement filed by the Director of Mobility and Street Services having been duly examined is hereby approved.

**SECTION 2.** That it is hereby found and determined that the cost of improvements on the hereinafter described street, with the amount or amounts per front foot proposed to be assessed for such improvements against abutting property and the owners thereof, are as follows, to wit:

April 12, 2017

**Adams (N) Avenue from Tenth Street to Ninth Street to Melba Street to Eighth Street to Seventh Street to Davis Street**

shall be improved from curb to curb with 8-inch thick 4000-pounds per square inch reinforced concrete pavement; with 6-inch thick lime treated subgrade and cement stabilization; with 6-inch high integral curbs; with 6-inch thick reinforced concrete drive approaches; with 4-inch thick reinforced concrete sidewalk 6 feet wide, with on-street parking, so that the roadway shall be 40 feet in width; and

The estimated cost of the improvements is **\$856,778.00 (est.)**

- a. The estimated rate per square yard to be assessed against abutting property and the owners thereof for concrete drive approaches is **\$53.46/S. Y.**
- b. The estimated rate per front foot to be assessed against abutting property and the owners thereof for pavement improvements is as follows:

**Where Property Classification is WSR-I (Residential)**

The side frontage rate for 8-inch adjusted to 6-inch thick reinforced concrete pavement 2.5 feet wide with curb: **\$20.52/L. F.**

The side frontage rate for 4-inch thick reinforced concrete sidewalk is: **\$5.17/L. F.**

**Where Property Classification is WSR-II (Multifamily)**

The rate for 8-inch thick reinforced concrete pavement 18.5 feet wide with curb: **\$133.57/L. F.**

The rate for 8-inch thick reinforced concrete pavement 18.5 feet wide with existing curb: **\$130.71/L. F.**

The rate for 8-inch thick reinforced concrete pavement 13.5 feet wide with curb: **\$98.24/L. F.**

**Where Property Classification is WSR-III (Commercial)**

The rate for 8-inch thick reinforced concrete pavement 18.5 feet wide with curb: **\$133.57/L. F.**

The rate for 4-inch thick reinforced concrete sidewalk is: **\$10.35/L. F.**

All assessments, however, are to be made and levied by the City Council as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of the apportionment of the cost of improvements so as to produce a substantial equality of benefits received and burdens imposed.

April 12, 2017

**SECTION 3.** That a hearing shall be given to said owners of abutting property, or their agents or attorneys and all persons interested in said matter, as to the amount to be assessed against each owner and his abutting property and railways and street railways and as to the benefits to said property by reason of said improvement, or any other matter of thing in connection therewith, which hearing shall be held in the Council Chamber of the City Hall of the City of Dallas, County of Dallas, on the **24th** day of **May**, A.D. **2017**, at **1:00** o'clock P.M., at which time all the said owners, their agents or attorneys or other interested persons are notified to appear and be heard, and at said hearing said owners and other persons may appear, by counsel or in person, and may offer evidence, and said hearing shall be adjourned from day to day until fully accomplished.

That the City shall give notice of the time and place of such hearing and of other matters and facts in accordance with the terms of provisions of the Act passed at the First called session of the Fortieth Legislature of the State of Texas, and known as

Chapter 106 of the Acts of said session, together with any amendments thereto, now shown as Texas Transportation Code Annotated Section 311 and 313 (Vernon's 1996), which said law, as an alternative method for the construction of street improvements in the City of Dallas, Texas, has been adopted and made a part of the charter of said City, being Chapter XX of said Charter. Said notice shall be by advertisement inserted at least three times in a newspaper published in the City of Dallas, Texas, the first publication to be made at least twenty-one (21) days before the date of said hearing. Said notice shall comply with and be in accordance with the terms and provisions of said Act.

That the City shall give additional written notice of said hearing by mailing to said owners a copy of said notice deposited in the Post Office at Dallas, Texas, at least fourteen (14) days prior to the date of said hearing, provided however, that any failure of the property owners to receive said notice, shall not invalidate these proceedings.

**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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 12, 2017  
**COUNCIL DISTRICT(S):** 12  
**DEPARTMENT:** Mobility and Street Services  
**CMO:** Majed A. Al-Ghafry, 670-3302  
**MAPSCO:** 6F

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## **SUBJECT**

Authorize **(1)** the receipt and deposit of funds in the amount of \$254,561 from Highland Springs for the construction of a new traffic signal at Frankford Road and Unnamed Street FN3; and **(2)** an increase in appropriations in the amount of \$254,561 in the Capital Projects Reimbursement Fund - Not to exceed \$254,561 - Financing: Capital Projects Reimbursement Funds

## **BACKGROUND**

The Highland Springs senior living facility is located on the south side of Frankford Road just east of Coit Road. All residents and visitors enter and leave the facility through one driveway onto Frankford Road. Highland Springs had agreed to contribute all construction costs associated with building a new traffic signal at the intersection of the Highland Springs driveway and Frankford Road. The Highland Springs driveway will be the south leg to the signalized intersection, while the north leg is a currently unnamed City street that connects to the eastbound frontage road of President George Bush Turnpike. The full cost of this traffic signal will be covered by Highland Springs and the signal will be constructed using an existing City Master Agreement for traffic signal construction.

This intersection was previously studied by the City of Dallas in June 2015 and was found to meet signal warrants with existing traffic volumes.

Highland Springs understands that, upon City Council approval of the required funding, funds in the amount of \$254,560.43 are to be deposited with the City of Dallas before any signal-related materials or labor can be provided by the City.

It is understood that the final construction costs will be determined by the City upon completion of the project, and that Highland Springs will be billed for any amount over the prepayment amount or refunded any unused funds.

**BACKGROUND (Continued)**

This estimate includes all City of Dallas signal equipment, materials and labor associated with the construction of the signalized location.

**Intersection**

**Council District**

Frankford Road and Unnamed Street FN3

12

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction      April 2017  
Complete Construction    December 2017

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item was provided to the Transportation and Trinity River Project Committee on March 27, 2017.

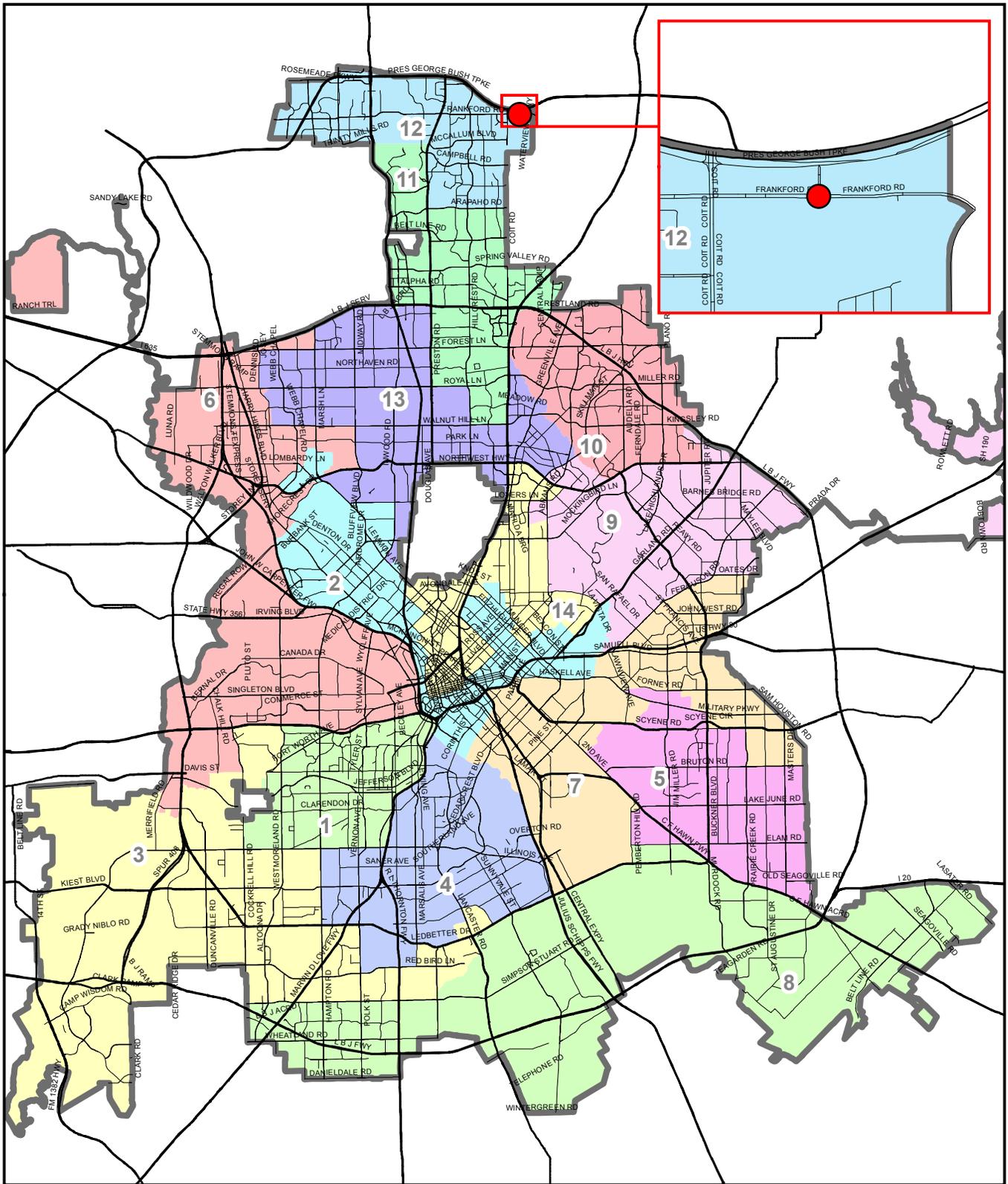
**FISCAL INFORMATION**

Capital Projects Reimbursement Funds - \$254,560.43

**MAP**

Attached

# New Traffic Signal Frankford Road and "Unnamed Street FN3"(George Bush Connector east of Coit Road)



**Council District 12  
Mapsco Page 6F**

April 12, 2017

**WHEREAS**, Highland Springs is contributing 100% of the construction costs for a new traffic signal at the intersection at Frankford Road and Unnamed Street FN3; and,

**WHEREAS**, the intersection was studied by the City of Dallas and was found to meet the traffic volume criteria for warranting a new traffic signals; and,

**WHEREAS**, Highland Springs has agreed to reimburse the City of Dallas for material, equipment and labor costs related to the construction of the traffic signal.

**Now, Therefore,**

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

**Section 1.** That the Chief Financial Officer is hereby authorized to receive and deposit funds from Highland Springs for material, equipment and labor costs related to the construction of the traffic signal being modified at the intersection of Frankford Road and Unnamed Street FN3 in an amount not to exceed \$254,560.43 in the Capital Projects Reimbursement Fund 0556, Dept. STS, Unit W171, Revenue Source 8492.

**Section 2.** That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Dept. STS, Unit W171, Obj. 4820, Act. THRG, Program TPW17171 in an amount not to exceed \$254,560.43.

**Section 3.** That the Chief Financial Officer is hereby authorized to disburse funds received from Highland Springs in the amount of \$254,560.43 from Fund 0556, Dept. STS, Unit W171, Obj. 4820, Act. THRG, Program TPW17171 for services related to the construction of the new traffic signal.

**Section 4.** That the Chief Financial Officer is hereby authorized to bill Highland Springs for any amount over the prepayment amount or refund any unused funds.

**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.

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 12, 2017

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Mobility and Street Services  
Water Utilities

**CMO:** Majed Al-Ghafry, 670-3302  
Jill A. Jordan, P.E., 670-5299

**MAPSCO:** 45L

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## **SUBJECT**

Authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street - Not to exceed \$112,444, from \$466,347 to \$578,791 - Financing: 2006 Bond Funds (\$97,479), and Water Utilities Capital Construction Funds (\$14,965)

## **BACKGROUND**

A professional services contract with EJES, Inc. for engineering design was authorized by on April 23, 2008, by Council Resolution No. 08-1278 for the engineering design of street paving, drainage, streetscaping, water and wastewater main improvements for Pearl Expressway from Commerce Street to Live Oak Street. Supplemental Agreement No. 2 to the professional services contract with EJES, Inc. was authorized on June 27, 2012 by Council Resolution No. 12-1643.

Pearl Expressway between Pacific Avenue and Live Oak Street was originally included in the scope for the ongoing Cesar Chavez/Central Expressway from Commerce Street to Live Oak Street construction project. The original scope included realigning and converting Pearl Expressway from Live Oak Street to Jackson Street to two-way traffic and constructing the block between Live Oak Street and Pacific Avenue as a six-lane divided roadway. However, the construction for this section of Pearl Expressway has been put on hold and will be constructed at a later date as a separate project so the roadway can be redesigned to accommodate planned improvements to John W. Carpenter Park. The proposed redesign of Pearl Expressway will reduce the street cross-section from the originally planned six-lane divided roadway to a four-lane divided roadway. The proposed redesign will serve to slow vehicular traffic and create a more pedestrian-friendly roadway conducive to the urban park environment envisioned for the future-improved John W. Carpenter Park.

**BACKGROUND** (Continued)

This action will authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of Pearl Expressway from Pacific Avenue to Live Oak Street. This engineering design is for street paving, sidewalk, drainage, traffic signal, striping, and water main improvements. Also, this contract will include landscaping, streetscaping and irrigation design. This design will provide for a four-lane divided roadway. Once the design is complete, the project will be bid for construction.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design            September 2008  
Complete Design    October 2017  
Begin Construction   January 2018  
Complete Construction    January 2019

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a professional services contract for engineering services on April 23, 2008, by Resolution No. 08-1278.

Authorized Supplemental Agreement No. 2 to the professional services contact with EJES, Inc. on June 27, 2012, by Resolution No. 12-1643.

On October 20, 2016, the City Plan Commission Transportation Committee acted on the proposed amendment to the City of Dallas Central Business District (CBD) Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street, and followed staff recommendation of approval.

On November 17, 2016, the City Plan Commission acted on the proposed amendment to the City of Dallas CBD Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street, and followed staff recommendation of approval.

A public hearing was conducted to authorize an amendment to the City of Dallas Central Business District Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a 5-lane roadway southbound within 85-146 feet of right-of-way to a 2-lane roadway northbound and a 2-lane roadway southbound within 85 feet of right-of-way on January 11, 2017, by Resolution No. 17-0120.

Information about this item will be provided to the Transportation and Trinity River Project Committee on April 10, 2017.

**FISCAL INFORMATION**

2006 Bond Funds - \$97,479.00

Water Utilities Capital Construction Funds - \$14,965.00

Design	\$ 274,057.35
Supplemental Agreement No. 1	\$ 21,196.48
Supplemental Agreement No. 2	\$ 149,164.32
Supplemental Agreement No. 3	\$ 21,928.40
Supplemental Agreement No. 4 (this action)	\$ 112,444.00
Construction	
Paving and Drainage - STS	\$12,071,235.99 (est.)
Water and Wastewater - DWU	\$ 3,501,640.00 (est.)
Total	\$16,151,666.54 (est.)

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

EJES, Inc.

African-American Female	0	African-American Male	0
Hispanic Female	0	Hispanic Male	0
White Female	0	White Male	0
Other Female	0	Other Male	0

**OWNER**

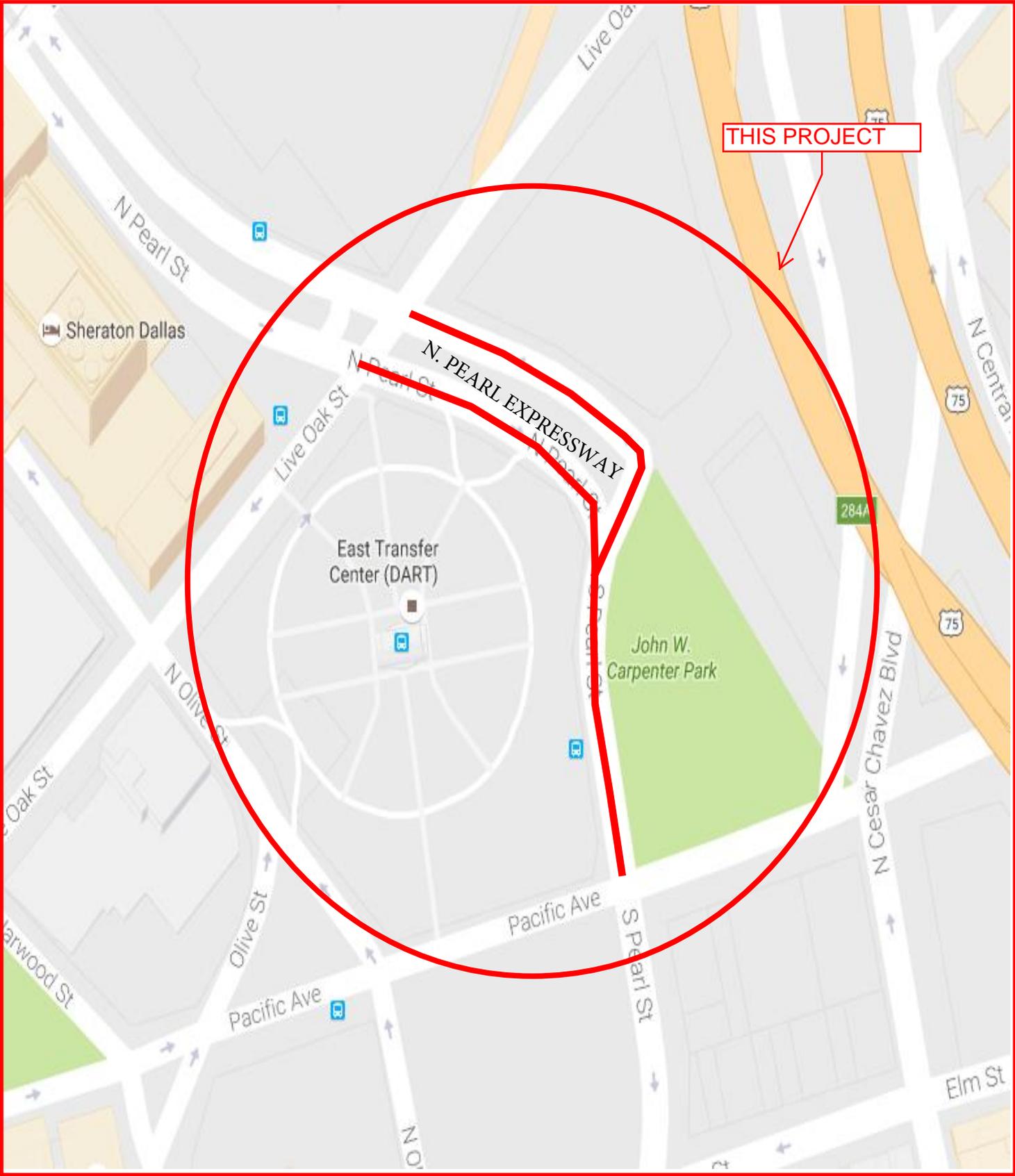
**EJES, Inc.**

Edwin Jones, P.E., President

**MAP**

Attached.

PEARL EXPRESSWAY  
FROM PACIFIC AVENUE TO LIVE OAK STREET



## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street - Not to exceed \$112,444, from \$466,347 to \$578,791 - Financing: 2006 Bond Funds (\$97,479), and Water Utilities Capital Construction Funds (\$14,965)

EJES, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Professional Services

### **LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$101,534.00	90.30%
Non-local contracts	\$10,910.00	9.70%
<b>TOTAL THIS ACTION</b>	<b>\$112,444.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
EJES, Inc.	BMDB53984Y1017	\$101,534.00	100.00%
Caye Cook & Associates	WFWB56133Y0618	\$10,910.00	10.75%
<b>Total Minority - Local</b>		<b>\$112,444.00</b>	<b>110.75%</b>

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE PARTICIPATION**

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$101,534.00	90.30%	\$368,269.59	63.63%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$56,858.50	9.82%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$10,910.00	9.70%	\$96,072.46	16.60%
<b>Total</b>	<b>\$112,444.00</b>	<b>100.00%</b>	<b>\$521,200.55</b>	<b>90.05%</b>

April 12, 2017

**WHEREAS**, on April 23, 2008, Resolution No. 08-1278 authorized a professional services contract for the engineering design of Pearl Expressway from Commerce Street to Live Oak Street for street paving, storm drainage, water and wastewater improvements in the amount of \$274,057.35; and,

**WHEREAS**, on January 5, 2011, Administrative Action No. 11-0458 authorized Supplemental Agreement No. 1 to the professional services contract with EJES, Inc. to extend the project limits from Commerce Street to Jackson Street for sidewalk improvements, striping and traffic signal upgrades in the amount of \$21,196.48, from \$274,057.35 to \$295,253.83; and,

**WHEREAS**, on June 27, 2012, Resolution No. 12-1643 authorized Supplemental Agreement No. 2 to the professional services contract with EJES, Inc. to include street modifications for the DART transfer station, sidewalks and barrier free ramps for the Pearl Expressway from Commerce Street to Live Oak Street Project in the amount of \$149,164.32, from \$295,253.83 to \$444,418.15; and,

**WHEREAS**, on June 2, 2016, Administrative Action No. 16-6303 authorized Supplemental Agreement No. 3 to the professional services contract with EJES, Inc. to modify the paving, drainage, striping and signal plans to comply with the City of Dallas Thoroughfare Plan in the amount of \$21,928.40, from \$444,418.15 to \$466,346.55; and,

**WHEREAS**, on January 11, 2017, Resolution No. 17-0120 authorized an amendment to the City of Dallas Central Business District Streets and Vehicular Circulation Plan to change the operational characteristic on Pearl Expressway between Pacific Avenue and Live Oak Street from a 5-lane roadway southbound within 85-146 feet of right-of-way to a 2-lane roadway northbound and a 2-lane roadway southbound within 85 feet of right-of-way; and,

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 4 to the professional services contract with EJES, Inc. for additional engineering design of street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street in the amount of \$112,444.00, from \$466,346.55 to \$578,790.55.

April 12, 2017

**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. 4 to the contract with EJES, Inc. for additional engineering design of street paving, drainage, sidewalk, streetscaping, traffic signal, street lights, landscaping, and water main improvements for Pearl Expressway from Pacific Avenue to Live Oak Street in the amount of \$112,444.00, from \$466,346.55 to \$578,790.55, after it has been approved as to form by the City Attorney.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund Fund 8T22, Department STS, Unit U798, Act. THRF Obj. 4111, Program #PB06U798, CT PBW06U798G1 Vendor #505524, in an amount not to exceed	\$ 97,479.00
Water Construction Fund Fund 0102, Department DWU, Unit CW42 Obj. 4111, Program #708043, CT PBW708043EN Vendor #505524, in an amount not to exceed	\$ 13,965.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42 Obj. 4111, Program #708044, CT PBW708044EN Vendor #505524, in an amount not to exceed	<u>\$ 1,000.00</u>
Total amount not to exceed	\$112,444.00

**Section 3.** 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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 12, 2017  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 45H

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## **SUBJECT**

Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. Bryan/Haskell, Ltd., a Colorado limited partnership, et al., Cause No. CC-15-05434-B, pending in Dallas County Court at Law No. 2, of a subsurface easement under approximately 12,070 square feet of land from Bryan/Haskell, Ltd., located on Haskell Avenue at its intersection with Bryan Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** the deposit of the settlement amount reached through negotiation of the condemnation suit for an amount not to exceed the settlement amount – Not to exceed \$20,752, increased from \$79,748 (\$77,248 plus closing costs and title expenses not to exceed \$2,500) to \$100,500 (\$98,000 being the settlement amount plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds

## **BACKGROUND**

This item authorizes settlement for the acquisition of a subsurface easement located under approximately 12,070 square feet of land from Bryan/Haskell, Ltd. for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The first resolution approved on March 25, 2015, by Resolution No. 15-0563 authorized the purchase and/or condemnation in the total amount of \$47,159, based on an independent appraisal and inclusive of title expenses and closing costs. The appraisal was updated March 11, 2016, and the offer amount was revised to \$60,350. The owner rejected the official offer and the City Attorney filed the condemnation proceeding for the acquisition of the property for the project.

The Special Commissioners awarded \$77,248 on March 29, 2016. The Defendant filed Objections to the Special Commissioners' Award on March 29, 2016.

**BACKGROUND** (Continued)

On April 13, 2016, Resolution No. 16-0594 authorized the Special Commissioner’s Award amount of \$79,748, which included the award and closing costs and title expenses. The Special Commissioners’ Award was deposited with the County Clerk of Dallas County, Texas on May 10, 2016.

The City and Bryan/Haskell, Ltd. entered into negotiation discussions and agreed on the proposed amount to settle the lawsuit.

**PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)**

Authorized acquisition on March 25, 2015, by Resolution No. 15-0563.

Authorized deposit of Special Commissioners’ Award on April 13, 2016, by Resolution No. 16-0594.

Information about this item was provided to the Transportation and Trinity River Project Committee on April 10, 2017.

**FISCAL INFORMATION**

2006 Bond Funds - Not to exceed \$20,752

Resolution No. 15-0563	\$44,659
Resolution No. 16-0594	\$77,248
Additional Amount (this action)	\$20,752
Total Authorized Amount	\$98,000

**OWNER**

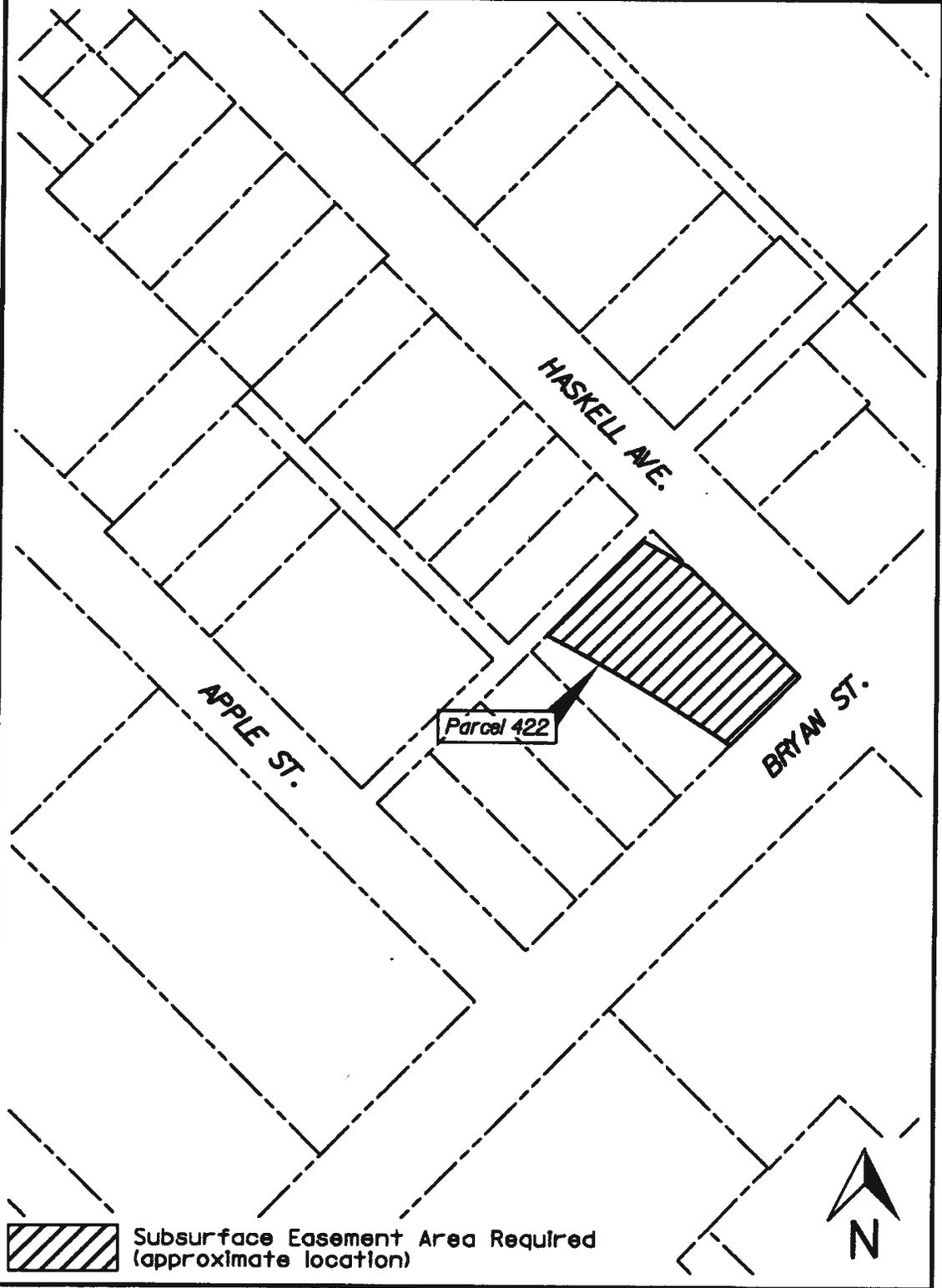
**Bryan/Haskell, Ltd.**

**SLJ Company, LLC, General Partner**

Louis H. Lebowitz, President

**MAP**

Attached



Subsurface Easement Area Required  
(approximate location)



April 12, 2017

**A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.**

*All capitalized terms are defined in Section 1 below.*

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or condemnation, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

**WHEREAS**, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized and directed the City Attorney to file the necessary proceeding and to take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation, or in any other manner provided by law; and

**WHEREAS**, the City Attorney, pursuant to the FIRST RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

**WHEREAS**, the Dallas City Council by the SECOND RESOLUTION authorized the City Attorney to deposit the SPECIAL COMMISSIONERS' AWARD AMOUNT rendered by the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING; and

**WHEREAS**, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

**WHEREAS**, OWNERS have agreed to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT; and

**WHEREAS**, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT:

April 12, 2017

**NOW, THEREFORE,**

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

**SECTION 1.** For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-0563 approved by the Dallas City Council on March 25, 2015, authorizing negotiations and/or filing of a condemnation proceeding, which is incorporated herein by reference.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. CC-15-05434-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. Bryan/Haskell, Ltd., a Colorado limited partnership, et al., filed pursuant to the FIRST RESOLUTION.

“SECOND RESOLUTION”: Resolution No. 16-0594 approved by the Dallas City Council on April 13, 2016, authorizing deposit of the SPECIAL COMMISSIONERS’ AWARD AMOUNT, which is incorporated herein by reference.

“PROPERTY”: Located under approximately 12,070 square feet in area, lying between the subsurface elevations of 224 feet and 398 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

“PROPERTY INTEREST”: Flood Control Tunnel Easement

“PROJECT”: Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

“USE”: The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage, together with such appurtenant facilities as may be necessary, however, to the extent flood control tunnel easement title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

“OFFICIAL OFFER AMOUNT”: \$44,659.00, as approved in the FIRST RESOLUTION.

April 12, 2017

“SPECIAL COMMISSIONERS’ AWARD AMOUNT”: \$77,248.00, the same having been previously deposited pursuant to the SECOND RESOLUTION.

“SETTLEMENT AMOUNT”: \$98,000.00, which includes the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“ADDITIONAL AMOUNT”: \$20,752.00, the difference between the SETTLEMENT AMOUNT and the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,500.00

“AUTHORIZED AMOUNT”: Not to exceed \$23,252.00 (ADDITIONAL AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

“DESIGNATED FUNDS”: Payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-TWM06T525H6A-1, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525F28.

**SECTION 2.** That the City Attorney and the City Manager are authorized to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

**SECTION 3.** That the City Attorney and the City Manager are authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

**SECTION 4.** That if the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the ADDITIONAL AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the ADDITIONAL AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The ADDITIONAL AMOUNT and the CLOSING COSTS

AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**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 AS TO FORM:**  
**LARRY E. CASTO, City Attorney**

**BY** \_\_\_\_\_  
**Assistant City Attorney**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 12, 2017  
**COUNCIL DISTRICT(S):** 2  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 46E

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## **SUBJECT**

Authorize **(1)** settlement in lieu of proceeding further with condemnation in the condemnation suit styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., Cause No. CC-16-00392-B, pending in Dallas County Court at Law No. 2, of a subsurface easement under approximately 10,702 square feet of land from M.I. Gaston Partners, Ltd., located on Gaston Avenue near its intersection with Peak Street for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project; and **(2)** the deposit of the settlement amount reached through negotiation of the condemnation suit for an amount not to exceed the settlement amount – Not to exceed \$19,000, increased from \$70,500 (\$68,000 plus closing costs and title expenses not to exceed \$2,500) to \$89,500 (\$87,000 being the settlement amount plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds

## **BACKGROUND**

This item authorizes settlement for the acquisition of a subsurface easement located under approximately 10,702 square feet of land from M.I. Gaston Partners, Ltd. for the Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The first resolution approved on May 13, 2015, by Resolution No. 15-0857 and a modification of elevation reference for the subsurface easement resolution approved on September 9, 2015, by Resolution No. 15-1662 which authorized the purchase and/or condemnation in the total amount of \$34,606, based on an independent appraisal and inclusive of title expenses and closing costs. The appraisal was updated March 8, 2016, and the offer amount was revised to \$53,510. The owner rejected the official offer and the City Attorney filed the condemnation proceeding for the acquisition of the property for the project.

The Special Commissioners awarded \$68,000 on June 2, 2016. The Defendant filed Objections to the Special Commissioners' Award on June

7, 2016.

On June 15, 2016, Resolution No. 16-1028 authorized the Special Commissioner's Award amount of \$70,500, which included the award and closing costs and title expenses. The Special Commissioners' Award was deposited with the County Clerk of Dallas County, Texas on September 15, 2016.

The City and M.I. Gaston Partners, Ltd. entered into negotiation discussions and agreed on the proposed amount to settle the lawsuit.

**PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)**

Authorized acquisition on May 13, 2015, by Resolution No. 15-0857.

Authorized the modification of elevation reference for the subsurface easement on September 9, 2015, by Resolution No. 15-1662.

Authorized deposit of Special Commissioners' Award on June 15, 2016, by Resolution No. 16-1028.

Information about this item was provided to the Transportation and Trinity River Project Committee on April 10, 2017.

**FISCAL INFORMATION**

2006 Bond Funds - Not to exceed \$19,000

Resolution No. 15-0857	\$32,106
Resolution No. 15-1662	\$32,106
Resolution No. 16-1028	\$68,000
Additional Amount (this action)	\$19,000

Total Authorized Amount	\$87,000
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**OWNER**

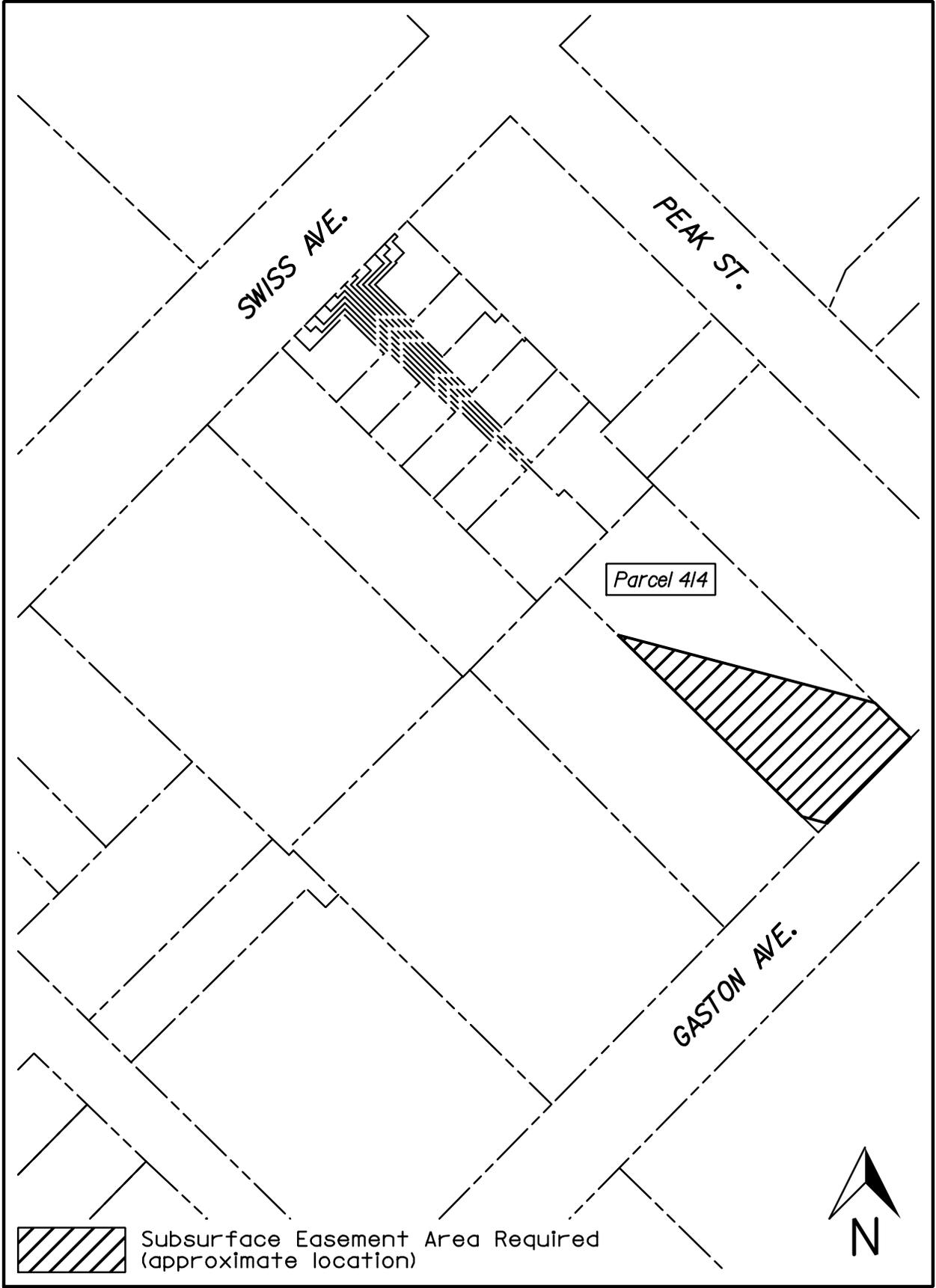
**M.I. Gaston Partners, Ltd.**

**KM3 Operating, Inc., General Partner**

Kenneth Murchison, III, President

**MAP**

Attached



SWISS AVE.

PEAK ST.

Parcel 414

GASTON AVE.



Subsurface Easement Area Required (approximate location)



April 12, 2017

**A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION LAWSUIT.**

*All capitalized terms are defined in Section 1 below.*

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that the USE of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT is a public use; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION found that a public necessity requires that CITY acquire the PROPERTY INTEREST in and to the PROPERTY from OWNER for the PROJECT; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized acquisition, by purchase and/or condemnation, of the PROPERTY INTEREST in and to the PROPERTY held by OWNER for the PROJECT; and

**WHEREAS**, the Dallas City Council by the SECOND RESOLUTION modified the elevation reference for the subsurface easement in the legal description of the PROPERTY; and

**WHEREAS**, OWNER refused to sell the PROPERTY INTEREST in and to the PROPERTY to CITY for the OFFICIAL OFFER AMOUNT contained in the FIRST RESOLUTION; and

**WHEREAS**, the Dallas City Council by the FIRST RESOLUTION authorized and directed the City Attorney to file the necessary proceeding and to take the necessary action for the acquisition of the PROPERTY INTEREST in and to the PROPERTY by condemnation, or in any other manner provided by law; and

**WHEREAS**, the City Attorney, pursuant to the FIRST RESOLUTION, filed a CONDEMNATION PROCEEDING for the acquisition of the PROPERTY INTEREST in and to the PROPERTY for the PROJECT; and

**WHEREAS**, the Dallas City Council by the THIRD RESOLUTION authorized the City Attorney to deposit the SPECIAL COMMISSIONERS' AWARD AMOUNT rendered by the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING; and

**WHEREAS**, objections to the SPECIAL COMMISSIONERS' AWARD AMOUNT were filed, turning the CONDEMNATION PROCEEDING into a CONDEMNATION LAWSUIT; and

April 12, 2017

**WHEREAS**, OWNERS have agreed to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT; and

**WHEREAS**, the Dallas City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT:

**NOW, THEREFORE,**

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

**SECTION 1.** For the purposes of this resolution, the following definitions shall apply:

“CITY”: The City of Dallas

“FIRST RESOLUTION”: Resolution No. 15-0857 approved by the Dallas City Council on May 13, 2015, authorizing negotiations and/or filing of a condemnation proceeding, which is incorporated herein by reference.

“SECOND RESOLUTION”: Resolution No. 15-1662 approved by the Dallas City Council on September 9, 2015, authorizing modification of elevation reference for the subsurface easement, which is incorporated herein by reference.

“CONDEMNATION PROCEEDING/LAWSUIT”: Cause No. CC-16-00392-B, in Dallas County Court at Law No. 2, and styled City of Dallas v. M.I. Gaston Partners, Ltd., a Texas limited partnership, et al., filed pursuant to the FIRST RESOLUTION.

“THIRD RESOLUTION”: Resolution No. 16-1028 approved by the Dallas City Council on June 15, 2016, authorizing deposit of the SPECIAL COMMISSIONERS’ AWARD AMOUNT, which is incorporated herein by reference.

“PROPERTY”: Located under approximately 10,702 square feet in area, lying between the subsurface elevations of 214 feet and 389 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, as described in the CONDEMNATION PROCEEDING.

“PROPERTY INTEREST”: Flood Control Tunnel Easement

“PROJECT”: Mill Creek/Peaks Branch/State-Thomas Drainage Relief Tunnel Project

April 12, 2017

“USE”: The below ground construction, installation, use, and maintenance of a deep tunnel for storage and transmission of storm drainage, together with such appurtenant facilities as may be necessary, however, to the extent flood control tunnel easement title to the PROPERTY is acquired through instrument, such title in and to the PROPERTY shall not be limited to, or otherwise deemed restricted to, the USE herein provided.

“OFFICIAL OFFER AMOUNT”: \$32,106.00, as approved in the FIRST RESOLUTION.

“SPECIAL COMMISSIONERS’ AWARD AMOUNT”: \$68,000.00, the same having been previously deposited pursuant to the THIRD RESOLUTION.

“SETTLEMENT AMOUNT”: \$87,000.00, which includes the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“ADDITIONAL AMOUNT”: \$19,000.00, the difference between the SETTLEMENT AMOUNT and the SPECIAL COMMISSIONERS’ AWARD AMOUNT.

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$2,500.00

“AUTHORIZED AMOUNT”: Not to exceed \$21,500.00 (ADDITIONAL AMOUNT plus CLOSING COSTS AND TITLE EXPENSES)

“DESIGNATED FUNDS”: Payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525G48A, CLOSING COSTS AND TITLE EXPENSES payable out of the 2006 Bond Funds, Fund No. 3T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525G49.

**SECTION 2.** That the City Attorney and the City Manager are authorized to settle the CONDEMNATION LAWSUIT for the SETTLEMENT AMOUNT.

**SECTION 3.** That the City Attorney and the City Manager are authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

April 12, 2017

**SECTION 4.** That if the PROPERTY INTEREST in and to the PROPERTY is being acquired by instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the ADDITIONAL AMOUNT, made payable to OWNER, or the then current owner(s) of record, or to the title company insuring the transaction described herein. If the PROPERTY INTEREST in and to the PROPERTY is not being acquired through instrument, the Chief Financial Officer is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in an amount not to exceed the ADDITIONAL AMOUNT, made payable to the County Clerk of Dallas County, Texas, which is to be deposited into the registry of the Court. The Chief Financial Officer is further authorized and directed to issue another check, to be paid out of and charged to the DESIGNATED FUNDS, in the amount of the CLOSING COSTS AND TITLE EXPENSES, made payable to the title company insuring the transaction described herein. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**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 AS TO FORM:**  
**LARRY E. CASTO, City Attorney**

BY \_\_\_\_\_  
**Assistant City Attorney**

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 12, 2017  
**COUNCIL DISTRICT(S):** 10  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 17Y 27B 27C

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**SUBJECT**

Authorize a professional services contracts with O'Brien Engineers, Inc. for the engineering design of two erosion control improvement projects (list attached) - Not to exceed \$91,998 - Financing: 2012 Bond Funds

**BACKGROUND**

This action will authorize a professional services contract with O'Brien Engineers, Inc. for the engineering design of two erosion control improvement projects. These projects were funded in the 2012 Bond Program. The erosion control projects have been divided into geographically based groups. This item will provide engineering design for Group 3 (9737/9747 Whitehurst Drive, and 11601/11655 Audelia Road) as outlined in the 2012 Bond Program.

The erosion control improvement projects will include the installation of gabion walls, retaining walls, gabion mattresses, and slope and channel improvements to protect structures and minimize creek bank erosion along various creeks throughout the city.

The selected consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas AD 4-5 procurement guidelines.

**ESTIMATED SCHEDULE OF PROJECT**

**Erosion Control Improvement Projects**

<b><u>Location</u></b>	<b><u>Begin Design</u></b>	<b><u>Complete Design</u></b>
<b><u>Group 3</u></b>		
9737/9747 Whitehurst Drive	March 2017	August 2017
11601/11655 Audelia Road	March 2017	August 2017

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Information about this item will be presented to the Transportation and Trinity River Project Committee on April 10, 2017.

**FISCAL INFORMATION**

2012 Bond Funds - \$91,997.60

**Erosion Control Improvement Projects**

**Group 3**

Design	\$ 91,997.60 (est.)
Construction	<u>\$871,145.00</u> (est.)
Total Project Cost	\$963,142.60 (est.)

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

O'Brien Engineers, Inc.

Hispanic Female	0	Hispanic Male	1
African-American Female	0	African-American Male	0
White Female	4	White Male	6
Other Female	1	Other Male	0

**OWNER**

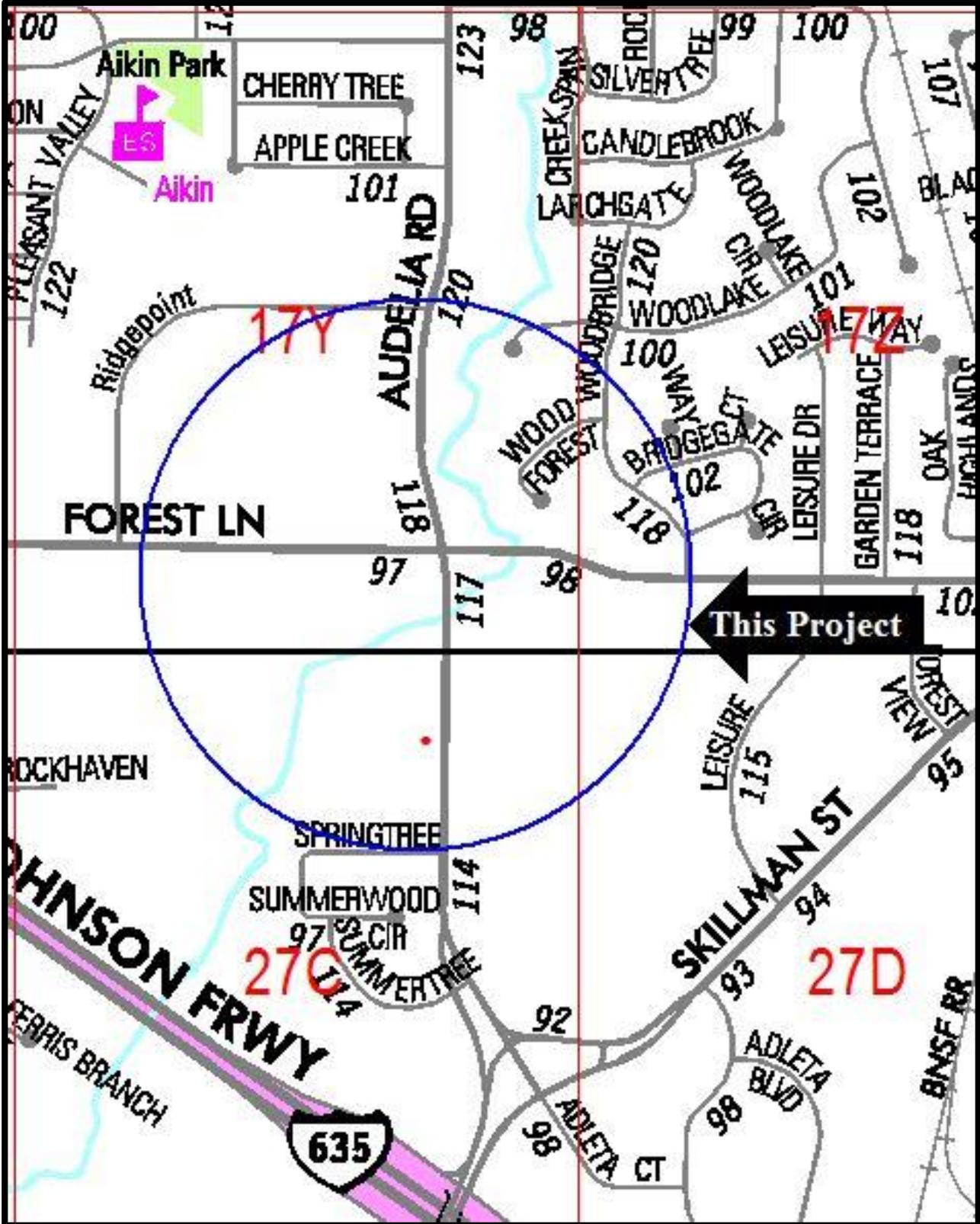
**O'Brien Engineers, Inc.**

Jim O'Brien, Principal

**MAPS**

Attached

EROSION CONTROL GROUP 3



## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a professional services contracts with O'Brien Engineers, Inc. for the engineering design of two erosion control improvement projects (list attached) - Not to exceed \$91,998 - Financing: 2012 Bond Funds

O'Brien Engineers, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

**PROJECT CATEGORY:** Professional Services

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$91,997.60	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$91,997.60</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Group, Inc.	BMDB94986Y0117	\$15,200.00	16.52%
Pacheo Koch Consulting Engineers, Inc.	HMMB25567Y0917	\$15,165.00	16.48%
<b>Total Minority - Local</b>		<b>\$30,365.00</b>	<b>33.01%</b>

#### **Non-Local Contractors / Sub-Contractors**

None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$15,200.00	16.52%	\$15,200.00	16.52%
Hispanic American	\$15,165.00	16.48%	\$15,165.00	16.48%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$30,365.00</b>	<b>33.01%</b>	<b>\$30,365.00</b>	<b>33.01%</b>

April 12, 2017

**WHEREAS**, O'Brien Engineers, Inc. was selected to provide the engineering design of two erosion control improvement projects.

**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 professional services contracts with O'Brien Engineers, Inc. for the engineering services for erosion control improvement projects in an amount not to exceed \$91,997.60, after it has been approved as to form by the City Attorney.

**Section 2.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contracts from:

Flood Protection and Storm Drainage Facilities  
Fund 3U23, Dept. TWM, Unit S702, Activity ERCT  
Object 4111, Program No. TW12S702, CT TWM12S702E5  
Vendor No. 352724, in an amount not to exceed \$59,738.20

Flood Protection and Storm Drainage Facilities  
Fund 3U23, Dept. TWM, Unit S762, Activity ERCT  
Object 4111, Program No. TW12S762, CT TWM12S702E5  
Vendor No.352724, in an amount not to exceed \$32,259.40

Total amount not to exceed \$ 91,997.60

**Section 3.** 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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 12, 2017  
**COUNCIL DISTRICT(S):** 8  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 57Z 68A

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## **SUBJECT**

Authorize (1) a contract with Flow-Line Construction, Inc., lowest responsible bidder of three, for the construction of the Trinity Raw Water Transfer Line, in an amount not to exceed \$2,458,715, and (2) assignment of the contract to the Company of Trinity Forest Golfers, Inc. for construction management, and (3) receipt and deposit funds from the Company of Trinity Forest Golfers, Inc., in an amount not to exceed \$509,225 - Financing: XXXX Fund (\$1,949,490) and Company of Trinity Forest Golfers Fund (\$509,225)

## **BACKGROUND**

On May 28, 2008, Council authorized the acquisition of this site and remediation efforts to be made for environmental conditions at the site to be in compliance with regulations by the state regulatory agency, Texas Commission on Environmental Quality (TCEQ).

On May 15, 2013, Council authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course. As part of the agreement, the City agreed to pursue certain infrastructure improvements.

On April 9, 2014, Council authorized a professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide engineering designs for infrastructure improvements that include Elam Road paving and drainage, Trinity Hike and Bike Trail, water and wastewater improvements, traffic improvements along Great Trinity Forest Boulevard, the Audubon Center Irrigation System improvements, and vegetative support layer improvements for Elam and South Loop 12 Landfills.

The Audubon Center Irrigation System also known as the Trinity Raw Water Transfer Line calls for the design and construction of a new 12" raw water line, a pump station and an intake structure necessary to transfer raw water from the Trinity River to help replenish nearby ponds and provide water for irrigation at the Audubon Center and the Trinity Forest Golf Course.

**BACKGROUND** (Continued)

According to the lease agreement between the City of Dallas and the Company of Trinity Forest Golfers, Inc., the City of Dallas is responsible for infrastructure improvements of up to \$12 million. To-date, the City of Dallas has authorized a total of \$10,050,510 for improvements associated with the lease agreement. Upon City Council authorization of this item, the City's funding for the Raw Water Transfer Line in the amount of \$1,949,490 will satisfy City's commitment of \$12 million under the lease agreement.

This action is necessary to authorize a contract with Flow-Line Construction, Inc., lowest responsible bidder of three, for the construction of the Trinity Raw Water Transfer Line, and assign the contract to the Company of Trinity Forest Golfers, Inc. for construction management. The Trinity Forest Golfers, Inc. is responsible for providing funding in the amount of \$509,225. In addition, the Company of Trinity Forest Golfers, Inc. will be responsible for project overruns including change orders.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	April 2017
Complete Construction	December 2017

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized acquisition of approximately 61 acres from Weir Bros, Partners, L.L.C. out of the above referenced 111 acres tract on April 28, 2004, by Resolution No. 04-1416.

Authorized acquisition of approximately 1,415 acres from Metropolitan Sand & Gravel Co., L.L.C. on February 13, 2008, by Resolution No. 08 -0398.

Authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project on May 28, 2008, by Resolution No. 08-1591.

Authorized a professional services contract with Terracon Consultants, Inc., on October 22, 2008, by Resolution No. 08-2874.

Authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) responsible for development, management and operation of a championship golf course on May 15, 2013, by Resolution No. 13-0776.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

Authorized a professional services contract with Pacheco Koch Consulting Engineering, Inc. for engineering design services for improvements associated with Elam Road and Simpkins Remediation on April 9, 2014, by Resolution No. 14-0627.

Authorized Supplemental Agreement No. 1 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide additional engineering design services for improvements associated with the Elam Road and Simpkins Remediation on October 28, 2015, by Resolution 15-1979.

Authorized a contract with Rebcon, Inc. for the construction of paving, drainage, water and wastewater improvements for Elam Road and Shared-Use Path on March 23, 2016, by Resolution 16-0453.

Authorize Supplemental Agreement No. 3 with Pacheco Koch, Inc. to provide additional engineering design associated with Elam Road and Simpkins remediation on October 11, 2016, by Resolution 16-1680.

Authorize Change Order No. 1 with Rebcon, Inc. for additional work associated with Elam Road construction contract on October 26, 2016, by Resolution 16-1758

**FISCAL INFORMATION**

XXX Funds - \$1,949,490  
Company of Trinity Forest Golfers Funds - \$509,225

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION**

Flow-Line Construction, Inc.

Hispanic Female	0	Hispanic Male	10
African-American Female	0	African-American Male	1
Other Female	0	Other Male	0
White Female	2	White Male	2

**BID INFORMATION**

The following bids were received and opened on February 10, 2017:

\*Denotes successful bidder(s)

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
*Flow-Line Construction, Inc.	\$2,458,715.00
Ark Contracting Services, LLC	\$3,664,910.00
Joe Funk Construction + Diversity Group Joint Venture	Non-responsive

**OWNER**

**Flow-Line Construction, Inc.**

Eduardo M. Hernandez  
President

**MAP**

Attached

April 12, 2017

**WHEREAS**, on May 28, 2008, Resolution No. 08-1591 authorized settlement in lieu of proceeding further with condemnation for the acquisition of approximately 1,415 acres of land located near the intersection of Loop 12 and Pemberton Hill Road from Metropolitan Sand and Gravel Company, L.L.C. or its successor, and approximately 111 acres of land located near the intersection of Linfield Road and Hull Avenue from Weir Bros. Partners, L.L.C., for the Trinity River Corridor Project; and

**WHEREAS**, on May 28, 2008, Resolution No. 08-1591 authorized the City Attorney to assume, on behalf of the City, the responsibility for the costs to remediate environmental conditions on the Metropolitan Tract Metropolitan Tract and the Linfield Tract known by the City as of the date the settlement closed, and to waive any right to contribution for those costs from Metropolitan Sand and Gravel Co., L.L.C. and Weir Brothers Partners, L.L.C., including their officers, successors, and assigns; and

**WHEREAS**, Terracon Consultants Inc., has conducted a Phase I Environmental Site Assessment on August 24, 2005. In addition, Terracon also prepared a Limited Solid Waste Evaluation Report on October 12, 2005, a Limited Site Investigation on January 8, 2008, and a Methane and Landfill Cap Evaluation and Proposed Response Actions on January 30, 2008. Based on the preliminary investigation and findings, Terracon Consultants, Inc. recommended further detailed investigation and assessment, before remedial designs are prepared; and

**WHEREAS**, on October 22, 2008, Resolution No. 08-2874 authorized a professional services contract with Terracon Consultants Inc., for such detailed environmental investigation, assessment, remedial designs, and coordination with TCEQ, in an amount not to exceed \$814,464.00, and

**WHEREAS**, on May 15, 2013, Resolution No. 13-0776 authorized a lease agreement with the nonprofit corporation, Company of Trinity Forest Golfers, Inc. (CTFG) for development, management and operation of a championship golf course; and

**WHEREAS**, on April 9, 2014, Resolution No. 14-0627 authorized a contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design for improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00; and

**WHEREAS**, on April 9, 2014, Resolution No. 14-0627 authorized a contract with Pacheco Koch Consulting Engineering, Inc. for the engineering design for improvements associated with Elam Road and Simpkins Remediation in an amount not to exceed \$842,290.00; and

April 12, 2017

**WHEREAS**, on October 28, 2015, Resolution No. 15-1979 authorized Supplemental Agreement No. 1 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide additional engineering design services for improvements associated with the Elam Road and Simpkins Remediation in an amount not to exceed \$288,900.00, from \$842,290.00 to \$1,131,190.00; and

**WHEREAS**, on March 23, 2016, Resolution No. 16-0453 authorized a contract with Rebcon, Inc. for the construction of paving, drainage, water and wastewater improvements for Elam Road and Shared-Use Path in an amount not to exceed \$2,870,718.40; and

**WHEREAS**, on April 21, 2016, Administrative Action No. 16-0408 authorized construction materials testing contract with Alliance Geotechnical Group, Inc. in an amount not to exceed \$29,525.00; and

**WHEREAS**, on May 25, 2016, Administrative Action No. 16-6371 authorized Supplemental Agreement No. 2 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide additional engineering design services for improvements associated with the Elam Road and Simpkins Remediation in an amount not to exceed \$24,000.00, from \$1,131,190.00 to \$1,155,190.00; and

**WHEREAS**, on October 11, 2016, Resolution No. 16-1680 authorized Supplemental Agreement No. 3 to the professional services contract with Pacheco Koch Consulting Engineers, Inc. to provide additional engineering design services for infrastructure improvements associated with Elam Road and Simpkins Remediation, in an amount not to exceed \$37,800.00 from \$1,155,190.00 to \$1,192,990.00; and

**WHEREAS**, on October 26, 2016, Resolution No. 16-1758 authorized Change Order No. 1 to the contract with Rebcon, Inc. for additional work associated with the construction of paving, drainage, water and wastewater improvements for Elam Road and Share-Use path in the amount of \$211,401.46, increasing the contract from \$2,870,718.40 to \$3,082,119.86; and

April 12, 2017

**WHEREAS**, on February 10, 2017, bids were received for the Trinity Raw Water Transfer Line as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Flow-Line Construction, Inc.	\$2,458,715.00
Ark Contracting Services, LLC	\$3,664,910.00
** Joe Funk Construction + Diversity Group Joint Venture	Non-responsive

\*\* Joe Funk Construction + Diversity Group Joint Venture was deemed non-responsive due to errors including a no dollar amount Schedule 1 Bid Item 101 and failure to comply with the requirements of Addendum No. 2.

**WHEREAS**, it is now necessary to authorize a contract with Flow-Line Construction, Inc., lowest responsible bidder of three, for the construction of the Trinity Raw Water Transfer Line in an amount not to exceed \$2,458,715, and assign the contract to the Company of Trinity Forest Golfers, Inc. for construction management.

**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 a contract with Flow-Line Construction, Inc., lowest responsible bidder of three, for the construction of the Trinity Raw Water Transfer Line in an amount not to exceed \$2,458,715, this being the lowest responsive bid received as indicated in the tabulation of bids.

**Section 2.** That the City Manager is hereby authorized to execute the contract after approval as to form by the City Attorney.

**Section 3.** That the City Manager is hereby authorized to assign the contract to the Company of Trinity Forest Golfers, Inc. for construction management.

**Section 4.** That the City Controller is hereby authorized to receive and deposit funds in an amount not to exceed \$509,225 from the Company of Trinity Forest Golfers, Inc. in the Company of Trinity Forest Golfers Fund, Fund XXXX, Dept. TWM, Revenue Source XXXX, Act. XXXX.

**Section 5.** That the City Manager is hereby authorized to establish appropriations in the amount of \$509,225 in the Company of Trinity Forest Golfers Fund XXXX, Dept. TWM, Unit XXXX, Object XXXX.

April 12, 2017

**Section 6.** That the Chief Financial Officer is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

XXXXXXXX Fund	
Fund XXXX, Department XXX, Unit XXXX, Act. XXXX	
Obj. XXXX, Program# PBSWM007, CT XXXXXXXXX	
Vendor #XXXXXX, in an amount not to exceed	\$1,949,490.00

Company of the Trinity Forest Golfers Fund	
Fund XXXX, Dept. XXX, Unit XXXX, Act. XXXX	
Obj. XXXX, Program# PBSWM007, CT XXXXXXXXX	
Vendor #XXXXXX, in an amount not to exceed	<u>\$ 509,225.00</u>
Total Amount not to exceed	\$2,458,715.00

**Section 7.** That the Chief Financial Officer is hereby authorized to return any unused Company of Trinity Forest Golfers funds to the Company of Trinity Forest Golfers, Inc.

**Section 8.** 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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 12, 2017  
**COUNCIL DISTRICT(S):** 2, 3, 6  
**DEPARTMENT:** Trinity Watershed Management  
**CMO:** Mark McDaniel, 670-3256  
**MAPSCO:** 44V 45S

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## **SUBJECT**

Authorize **(1)** Supplemental Agreement No. 3 to decrease the value of the professional services contract with Santiago Calatrava, LLC for the Margaret McDermott (IH30) Bridge over the Trinity Floodway for a contract credit in an amount not to exceed (\$125,000), from \$10,688,500 to \$10,563,500 without any change in the services to be performed under the contract; and **(2)** payment to the Texas Department of Transportation in an amount not to exceed \$222,017 for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway — Financing: IH30 Bridge Donation Fund (\$97,017) and XXXX Fund (\$125,000)

## **BACKGROUND**

Since the early 1990's, the Trinity River Corridor Project has been discussed with the community at large. Thousands of participants have contributed to the overall plan which includes flood protection, recreation, transportation, ecosystem restoration and economic development. Signature bridges have been considered a critical component of both the transportation and economic development initiatives. The City worked with Santiago Calatrava, LLC as a part of the 1998 Bond Program to design signature bridge components for the Trinity River Corridor Project. The first Calatrava bridge is the Margaret Hunt Hill Bridge which was completed in 2012. The Margaret McDermott (IH30) Bridge form the second Calatrava Bridge project.

The Texas Department of Transportation (TxDOT) is responsible for the construction of the Margaret McDermott Bridge (IH30) and the project has been included into the Horseshoe Project. The Horseshoe Project's scope entails the reconstruction of the Margaret McDermott (IH30) and IH35 bridges across the Trinity River Floodway and the connecting freeway segment locally known as the downtown "mixmaster". Design of the signature bridges was completed in August 2012.

**BACKGROUND** (Continued)

Texas Department of Transportation (TxDOT) awarded the Horseshoe Design-Build contract to Pegasus Link Constructors (PLC) on November 15, 2012. The Actual bids for the IH30 signature bridges came in at \$114,987,000. However, due to several value engineering strategies, the costs have been reduced to a total of \$112,563,459 which has been made available for the construction of the signature bridges including \$91,353,860 in federal funding, \$11,633,140 in Regional Transportation Council funding, and \$9,576,459 in City and private funding. Recently, TxDOT informed the City of additional costs associated with the construction of the signature bridges in the amount of \$222,017 for additional cable testing and dampers. Per the City's Local Project Advance Funding Agreement with TxDOT, the City is responsible for construction cost change orders.

This action will authorize Supplemental Agreement No. 3 to decrease the value of the professional services contract with Santiago Calatrava, LLC for the Margaret McDermott (IH30) Bridge over the Trinity Floodway for a contract credit in an amount not to exceed (\$125,000), and a payment to TxDOT for the City's share of additional construction costs in an amount not to exceed \$222,017.

**ESTIMATED SCHEDULE OF PROJECT**

Began Design	June 2011
Complete Design	January 2013
Began Construction	April 2013
Complete Construction	December 2017

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized support of the concept of signature bridges on June 23, 1999, by Resolution No. 99-2138.

Trinity River Corridor Project Committee was briefed on IH30 Bridge New Strategy on April 5, 2011 and recommended approval of agenda item on IH30 Bridge New Strategy and contract for Santiago Calatrava, LLC.

Authorized a professional services contract with Santiago Calatrava, LLC for engineering and design services for IH30 Bridge Pedestrian and Bicycle Components across the Trinity River in an amount not to exceed \$10,688,500; the acceptance of a grant from the Trinity Trust Foundation in an amount not to exceed \$5,000,000; an increase in appropriations in an amount not to exceed \$5,000,000 in the IH30 Bridge Donation Fund; and the termination of the IH30 Bridge contract with Santiago Calatrava, LLC and applying remaining funds in that contract to the new IH30 Bridge Pedestrian and Bicycle Components contract with Santiago Calatrava, LLC on April 11, 2011, by Resolution No. 11-1004.

**PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)** (Continued)

Authorized an Interlocal Agreement with the Texas Department of Transportation to establish responsibilities for construction funding for the bicycle and pedestrian components for the Margaret McDermott (IH30) Bridge over the Trinity River on June 27, 2012, by Resolution No. 12-1739.

Briefed the Trinity River Corridor Project Committee on the Margaret McDermott (IH30) Bridge Update on January 14, 2013.

Authorized payment to the Texas Department of Transportation in the amount of \$8,438,228 for the City's construction funding responsibilities for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway on January 23, 2013, by Resolution No. 13-0250.

Authorized a Project Specific Agreement with Dallas County for funding participation in design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue, including the Margaret McDermott (IH30) Bicycle and Pedestrian Bridges over the Trinity River Floodway on January 23, 2013, by Resolution No. 13-0251.

Authorized payment to the Texas Department of Transportation (TxDOT) in the amount of \$1,093,206 for additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway.

Information about this item will be provided to the Transportation and Trinity River Project Committee on March 27, 2017.

**FISCAL INFORMATION**

XXXX Fund - \$125,000  
IH30 Bridge Donation Fund - \$97,016.18

<b><u>Council District</u></b>	<b><u>Amount</u></b>
2	\$ 74,005.39
3	\$ 74,005.39
6	<u>\$ 74,005.39</u>
Total	\$ 222,016.18

**MAP**

Attached.

April 12, 2017

**WHEREAS**, on June 23, 1999, Resolution No. 99-2138 supported the concept of one or more signature bridges and design enhancements for all new and replacement bridges across the Trinity River; and,

**WHEREAS**, the City of Dallas administered the design of the signature Margaret McDermott (IH30) Pedestrian and Bicycle Bridges across the Trinity River Floodway; and,

**WHEREAS**, on June 27, 2012, Resolution No. 12-2138 authorized an Interlocal Agreement with the Texas Department of Transportation to establish responsibilities for construction funding for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity River Floodway; and,

**WHEREAS**, the Texas Department of Transportation will administer the construction of the Margaret McDermott Pedestrian and Bicycle Bridges as part of their Horseshoe Design-Build Project which entails the reconstruction of the IH30 and IH35E freeway bridges over the Trinity River and the connecting freeway segment locally known as the downtown “mixmaster”; and,

**WHEREAS**, the Texas Department of Transportation conditionally awarded the Horseshoe Design-Build Project to Pegasus Link Constructors (PLC) on November 15, 2012; and,

**WHEREAS**, on January 23, 2013, Resolution No. 13-0250, authorized payment to the Texas Department of Transportation for the City’s construction funding responsibility for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; and,

**WHEREAS**, on January 23, 2013, Resolution No. 13-0251, authorized a Project Specific Agreement with Dallas County for funding participation in design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue, including the Margaret McDermott (IH30) Bicycle and Pedestrian Bridges over the Trinity River Floodway; and,

**WHEREAS**, on June 22, 2016, Resolution No. 16-1082, authorized payment to the Texas Department of Transportation for the City’s share of construction funding difference for the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; and,

**WHEREAS**, on December 2, 2016, Administrative Action No. 16-1266, authorized payment to the Texas Department of Transportation for the City’s share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; and,

April 12, 2017

**WHEREAS**, on March 8, 2017, Administrative Action No. 17- 0317, authorized payment to the Texas Department of Transportation for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway; and,

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 3 to decrease the value of the professional services contract with Santiago Calatrava, LLC for the Margaret McDermott (IH30) Bridge over the Trinity Floodway for a contract credit in an amount not to exceed (\$125,000) without any change in the services to be performed, and a payment to the Texas Department of Transportation for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway in an amount not to exceed \$222,016.18.

**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. 3 to decrease the value of the professional services contract with Santiago Calatrava, LLC. for the Margaret McDermott (IH30) Bridge over the Trinity Floodway for a contract credit in an amount not to exceed (\$125,000) without any change in the services to be performed, from \$10,688,000 to \$10,563,000.

**Section 2.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 3 to the professional services contract with Santiago Calatrava, LLC, after approval as to form by the City Attorney.

**Section 3.** That the City Financial Officer is hereby authorized to reduce encumbrances to Santiago Calatrava, LLC. as follows:

XXXXX Fund  
Fund XXXX, Department TWM, Unit XXXX, Act. XXXX  
Object XXXX, Program # PB98P107, CT XXXXXXXXXX  
Vendor #XXXX, in an amount not to exceed (\$125,000.00)

**Section 4.** That the City Financial Officer is hereby authorized to disburse funds to the Texas Department of Transportation for the City's share of additional costs associated with the construction of the bicycle and pedestrian components of the Margaret McDermott (IH30) Bridge over the Trinity Floodway in accordance with the terms and conditions of the Local Transportation Project Advance Funding Agreement from:

IH30 Bridge Donation Fund  
Fund XXXX, Department TWM, Unit XXXX, Act. XXXX  
Object XXXX, Program # PB98P107, CT XXXXXXXXXX

Vendor #239588, in an amount not to exceed \$97,016.18

XXXXX Fund  
Fund XXXX, Department TWM, Unit XXXX, Act. XXXX  
Object XXXX, Program # PB98P107, CT XXXXXXXXXX  
Vendor #239588, in an amount not to exceed \$125,000.00

**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.