WHEREAS, on August 10, 2022, the City Council designated and authorized Venue Projects within the City of Dallas, as described, defined, and permitted by Chapter 334 to: (1) expand the Kay Bailey Hutchison Convention Center Dallas ("KBHCCD") and its vicinity, and undertake other related improvements, including related infrastructure, to enhance the KBHCCD and its vicinity; (2) improve Fair Park Facilities -- the Automotive Building, an exhibit hall; the Centennial Building, an exhibit hall; the Band Shell, a music hall; the Music Hall, a music hall; the Cotton Bowl, a stadium; the Coliseum, a stadium, and related infrastructure; as well as designated a method of financing authorized by Chapter 334 to finance the Venue Projects, subject to approval at a duly ordered special election by Resolution No. 22-1136; and

WHEREAS, on November 21, 2022, the City Council received, approved, and adopted the report of the Ad Hoc City Council Canvassing Committee (AHCCCC) declaring that a majority of the votes cast at a duly ordered special election held on November 8, 2022 were in favor of Proposition A, on the question of approving and implementing a proposition: (1) designating the expansion of the Kay Bailey Hutchison Convention Center Dallas and certain improvements at Fair Park within the City of Dallas as venue projects and (2) designating the method of financing as an additional two percent hotel occupancy tax pursuant to Chapter 334, by Resolution No. 22-1720; and

WHEREAS, on December 14, 2022, the City Council authorized a resolution (1) making certain findings and determinations regarding the Convention Center Expansion Venue Project and the Fair Park Facilities Venue Project ("Venue Projects"); (2) creating and establishing among its various funds and accounts the Venue Projects Fund required by Texas Local Government Code Section 334.042; (3) directing the Chief Financial Officer to create all necessary accounts within the Venue Projects Fund; and (4) providing for the use of monies in the fund by Resolution No. 22-1817; and

WHEREAS, on December 14, 2022, the City Council authorized an ordinance amending Chapter 44, "Taxation," of the Dallas City Code, by amending Sections 44-48, 44-49, 44-50, and 44-52 to (1) provide for the imposition of an additional two percent hotel occupancy tax pursuant to Chapter 334 of the Texas Local Government Code and limiting its use to financing the Convention Center Expansion and Fair Park Facilities Venue Projects; (2) provide collection, reporting, payment, and recordkeeping requirements and procedures; (3) make certain non-substantive changes; and (4) provide an effective date by Resolution No. 22-1818; and

WHEREAS, on June 14, 2023, the City Council authorized a resolution authorizing the preparation of plans and the payment of potential future costs and expenses for the issuance of (1) Special Tax and Revenue Bonds (Convention Center Venue Project), Series 2023 in a principal amount not to exceed $172,000,000.00; and (2) Special Tax Bonds (Fair Park Venue Project), Series 2023, in a principal amount not to exceed $51,000,000.00, by Resolution No. 23-0769; and

WHEREAS, the Park & Recreation Department desires to undertake a renovation, rehabilitation and addition project at the Fair Park Cotton Bowl facility that includes improvements to mechanical, electrical and plumbing systems, concessions areas, restrooms and vertical transportation systems as well as an expansion to the west side concourses (Project); and

WHEREAS, due to factors including budget, complexity, and schedule constraints arising out of State Fair's annual use of Fair Park, city staff determined that utilizing a Construction Manager at Risk (CMAR) project delivery to be solicited in a two-step solicitation process, with a Request for Qualifications and a Request for Proposals, under Chapter 2269, Subchapter f, of the Texas Government Code would be the most efficient way to accomplish the Project; and

WHEREAS, the Project has a total estimated construction budget of $110,000,000.00 and will be constructed over two timeframes as Part One, with an estimated construction budget of $56,000,000.00 (of which $32,145,000.00 was appropriated by Resolution No. 23-1688), to be completed by August 1, 2024 and Part Two, with an estimated construction budget of $54,000,000.00, to be completed by August 1, 2025; and

WHEREAS, on October 4, 2023, a Request for Qualifications solicitation for CMAR Services for the Project was publicly advertised by the City of Dallas; and

WHEREAS, on October 23, 2023, a selection committee scored and ranked the statements of qualifications and on October 25, 2023, the Park and Recreation Department sent a request for proposals to the two highest ranking respondents; and

WHEREAS, on November 3, 2023, two proposals were received and on November 6, 2023, the selection committee interviewed the two proposers and ranked the proposals; and

WHEREAS, JE Dunn-Russell, a joint venture, received the highest ranking, making them the best value CMAR proposer of the two respondents; and

WHEREAS, on December 13, 2023, the City of Dallas authorized a Construction Manager at Risk agreement (CMAR agreement) with JE Dunn-Russell, a joint venture, to provide the preconstruction and construction services for the Project with a preconstruction services fee in the amount of $145,000.00 and a construction management services rate of two and ninety-five hundredths percent (2.95%) of the cost of construction within the total estimated project construction budget by Resolution No. 23-1688; and

WHEREAS, this action will authorize Supplemental Agreement No. 1 to the construction manager at risk agreement with JE Dunn-Russell, a joint venture, to provide construction services for Part One of the Cotton Bowl Renovation, Rehabilitation and Addition Project located at 3750 The Midway in Fair Park, in an amount not to exceed $52,926,620.00 (which includes an owner's contingency of $1,541,553.00 and a Guaranteed Maximum Price of $51,385,067.00), increasing the agreement amount from $145,000.00 to $53,071,620.00.

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. 1 to the Construction Manager at Risk Agreement with JE Dunn-Russell, a joint venture, approved as to form by the City Attorney, for construction services for Part One of the Cotton Bowl Renovation, Rehabilitation and Addition Project, located at 3750 The Midway in Fair Park (which includes an owner's contingency of $1,541,553.00 and a Guaranteed Maximum Price of $51,385,067.00), in an amount not to exceed $52,926,620.00; increasing the agreement amount from $145,000.00 to $53,071,620.00.

SECTION 2. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed $31,426,620.00 in the 2024 Certificate of Obligation Fund, Fund 0798, Department PKR, Unit X074, Object 4310.

SECTION 3. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $31,426,620.00 in accordance with the terms and conditions of the contract with JE Dunn-Russell, a joint venture from the 2024 Certificate of Obligation Fund, Fund 0798, Department PKR, Unit X074, Object 4310, Activity FPRK, Program PKCOTTON, Commodity 91200 and 95826, Vendor VC29970, Encumbrance/Contract No. PKR-2023-00023254.

SECTION 4. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed $21,500,000.00 in accordance with the terms and conditions of the contract with JE Dunn-Russell, a joint venture from the Fair Park Revenue Bonds, Series 2023 Fund, Fund 2128, Department PKR, Unit X064, Object 4310, Activity FPRK, Program PKCOTTON, Commodity 91200 and 95826, Vendor VC29970, Encumbrance/Contract No. PKR-2023-00023254.

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.