

February 22, 2023

**WHEREAS**, on October 9, 2002, City Council authorized an amendment to the Thoroughfare Plan to change the dimensional classification of Motor Street from Interstate Highway (IH) 35E (Stemmons Freeway) to Harry Hines Boulevard from a four-lane undivided (M-4-U) to a six-lane divided (M-6-D(A)), by Resolution No. 02-2971; and

**WHEREAS**, on August 27, 2003, City Council authorized submission of the list of candidate projects to Dallas County's Major Capital Improvement Fund Thoroughfare Program's Call for Projects and authorized acceptance and implementation of the projects selected by Dallas County for this program by Resolution No. 03-2345; and

**WHEREAS**, on October 26, 2005, City Council authorized submission of the list of candidate projects to the North Central Texas Council of Governments for the Regional Transportation Council Partnership Program 3 Call for Projects; and authorized acceptance and implementation of the projects selected by the North Central Texas Council of Governments' Regional Transportation Council for the Partnership Program 3, funding by Resolution No. 05-3032; and

**WHEREAS**, Medical District Drive from IH 35E to Harry Hines Boulevard was submitted and subsequently selected for Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) funding; and

**WHEREAS**, in 2005, Congresswoman Eddie Bernice Johnson secured additional congressional earmark funds to cover estimated project funding shortfalls; and

**WHEREAS**, the Texas Department of Transportation (TxDOT) is responsible for engineering review and construction oversight to ensure federal guidelines are followed; and

**WHEREAS**, on April 13, 2011, City Council authorized a new ten-year Master Agreement with Dallas County governing major transportation capital improvement projects, by Resolution No. 11-0927; and

**WHEREAS**, on August 24, 2011, City Council authorized a Project Supplemental Agreement to the Master Interlocal Agreement with Dallas County for the preliminary design of paving and drainage improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue, and payment of the City's share of preliminary design costs, in an amount not to exceed \$720,000.00, by Resolution No. 11-2193; and

**WHEREAS**, on August 24, 2011, City Council authorized a Local Project Advance Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisition, and construction of paving and drainage improvements on Medical District Drive from IH 35E to Harry Hines Boulevard, in an amount not to exceed \$235,484.00, by Resolution No. 11-2194; and

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**WHEREAS**, on June 25, 2014, City Council authorized an ordinance amending Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by adding a new Division 51A-7.2300; creating the Southwestern Medical District Sign District by Resolution No. 14-1070 and Ordinance No. 29392; and

**WHEREAS**, on August 13, 2014, City Council authorized termination of the existing Local Project Advance Funding Agreement with the Texas Department of Transportation for the design, right-of-way acquisition, and construction of paving and drainage improvements on Medical District Drive from IH 35E to Harry Hines Boulevard by Resolution No. 14-1241; and

**WHEREAS**, on August 13, 2014, City Council authorized the First Amendment to the Project Supplemental Agreement with Dallas County, for the design, right-of-way acquisition, construction of paving, drainage, water main and wastewater main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue and payment to Dallas County for the City's share of design, right-of-way acquisition and construction costs for the Medical District Drive from IH 35E to Southwestern Medical Avenue, in an amount not to exceed \$1,292,322.00, by Resolution No. 14-1242; and

**WHEREAS**, on August 13, 2014, City Council authorized an agreement with Dallas Area Rapid Transit for construction, maintenance, and use of the Trinity Railway Express underpass structure on Medical District Drive within the railroad right-of-way by Resolution No. 14-1243; and

**WHEREAS**, on September 28, 2016, City Council authorized a professional services contract with Urban Engineers Group, Inc. for the design of additional drainage improvements for Medical District Drive from IH 35E to Southwestern Medical Avenue, in an amount not to exceed \$92,784.00, by Resolution No. 16-1576; and

**WHEREAS**, on September 28, 2016, City Council authorized a maintenance agreement with the Southwestern Medical District for maintenance of the District's signs as defined in section 51A-7-2303 of the Dallas City Code, bridge façade and landscape within the Southwestern Medical District by Resolution No. 16-1577; and

**WHEREAS**, on June 28, 2017, City Council authorized the Second Amendment to the Project Supplemental Agreement with Dallas County, for the design, right-of-way acquisition, construction of paving, drainage, water main and wastewater main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue and payment to Dallas County for the City's share of additional drainage construction costs for Medical District Drive from IH 35E to Southwestern Medical Avenue, in an amount not to exceed \$300,000.00, by Resolution No. 17-1057; and

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**WHEREAS**, on June 28, 2017, City Council authorized an amendment to the License Agreement with DART to allow for the installation of an additional 12-inch water main within the TRE right-of-way and to clarify the maintenance responsibilities during and after construction by Resolution No. 17-1058; and

**WHEREAS**, on November 16, 2017, Dallas County received construction bids for the Medical District Drive from IH 35E to Southwestern Medical Avenue Project, which the lowest bid was \$14,368,982.20 that will require an additional \$189,663.00 from Dallas Water Utilities for the water main improvements; and

**WHEREAS**, on February 28, 2018, City Council authorized the Third Amendment to the Project Supplemental Agreement with Dallas County to provide the City's share of additional construction costs for water main improvements on Medical District Drive from IH 35E to Southwestern Medical Avenue, in an amount not to exceed \$189,663.00, by Resolution No. 18-0330; and

**WHEREAS**, on September 22, 2021, City Council authorized the final reading and adoption of the appropriation ordinance for the FY 2021-22 City of Dallas Operating, Capital, and Grant & Trust Budgets, which included the ARPA funds from the U.S. Department of Treasury for the Coronavirus Local Fiscal Recovery Funds by Resolution No. 21-1590; and

**WHEREAS**, on November 10, 2021, City Council authorized the Fourth Amendment to the Project Supplemental Agreement with Dallas County for the Medical District Drive from IH 35E to Southwestern Medical Avenue to provide the City's share of additional construction costs for paving and drainage improvements, in an amount not to exceed \$500,000.00, by Resolution No. 21-1817; and

**WHEREAS**, Dallas County is the lead agency for the project and is responsible for administering the design, right-of-way acquisition, utility relocations, and construction; and

**WHEREAS**, the total estimated cost of construction has increased by \$1,503,166.00, from \$28,222,129.00 to \$29,725,295; and

**WHEREAS**, it is now necessary to authorize the Fifth Amendment to the Project Supplemental Agreement with Dallas County for the Medical District Drive from IH 35E to Southwestern Medical Avenue to provide the City's share of additional construction costs for paving and drainage improvements, water main improvements, and transportation betterment, in an amount not to exceed \$303,072.00.

**Now, Therefore,**

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

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**SECTION 1.** That the City Manager is hereby authorized to execute the Fifth Amendment to the Project Supplemental Agreement with Dallas County, approved as to form by the City Attorney, for additional construction costs for paving and drainage improvements, water and wastewater improvements, and conduit installation for Medical District Drive from IH-35E to Southwestern Medical Avenue and for payment to Dallas County for the City's share of additional construction costs for the Medical District Drive from Interstate Highway 35E to Southwestern Medical Avenue, in an amount not to exceed \$303,072.00.

**SECTION 2.** That in order to reimburse and finance the authorized disbursements described herein, the City intends to issue one or more commercial paper notes as part of its General Obligation Commercial Paper Notes Series A, and Series B, and use the proceeds thereof to reimburse the disbursements described herein.

**SECTION 3.** That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$303,072.00 to Dallas County, as follows:

Street and Transportation (A) Fund Fund 1V22, Department PBW, Unit U222, Object 4111 Activity INGV, Program PB06U222, Encumbrance CT-PBW06U222K1 Vendor 014003	\$157,171.57
Coronavirus State and Local Fiscal Recovery Fund Fund FC18, Department TRN, Unit AG31, Object 4820 Activity TR01, Program ARPA Encumbrance CT-PBW06U222K1 Vendor 014003	\$ 78,828.43
Water Capital Improvement F Fund Fund 4115, Department DWU, Unit PW42, Object 4550 Activity N/A, Program 715009 Encumbrance DWU715009CP Vendor 014003	\$ 64,808.00
Wastewater Capital Improvement G Fund Fund 5116, Department DWU, Unit PS42, Object 4560 Activity N/A, Program 715010 Encumbrance DWU715010CP Vendor 014003	<u>\$ 2,264.00</u>
Total amount not to exceed	\$303,072.00

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**SECTION 4.** That the Chief Financial Officer is hereby authorized to deposit any unused Street and Transportation Funds advanced to Dallas County pertaining to this project in 8488.

**SECTION 5.** That this contract is designated as Contract No. STS-2017-00001986.

**SECTION 6.** That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.