

November 8, 2023

WHEREAS, on June 3, 2010, the Regional Transportation Council (RTC) approved \$13,779,712.00 in Regional Toll Revenue (RTR) or RTC local funds for nine infrastructure and three planning projects in the City of Dallas; and

WHEREAS, on August 25, 2010, the City Council authorized support for projects selected within the City of Dallas for the Regional Transportation Council Sustainable Program and authorized the City Manager to negotiate agreements with the North Central Texas Council of Governments (NCTCOG) and private sector partners, where applicable by Resolution No. 10-2152; and

WHEREAS, on February 24, 2011, the Texas Transportation Commission concurred with the RTC's selection of projects for the Collective Sustainable Development Infrastructure Development Project and its funding of \$1,986,250.00; and

WHEREAS, the Sustainable Development Program requires a minimum local match of 20 percent of the total project cost of \$2,482,813.00, or \$496,563.00, which was provided by the Fort Worth Avenue Tax Increment Financing (TIF) Fund; and

WHEREAS, on September 26, 2012, the City Council authorized an agreement with NCTCOG and TxDOT to obtain funding to reimburse a private developer, The Park at Kessler, LP, for the cost of construction of the Collective Sustainable Development Infrastructure Project, in the amount of \$1,986,250.00, by Resolution No. 12-2360; and

WHEREAS, on September 26, 2012, the City Council authorized an agreement with The Park at Kessler, LP, and/or its assigns ("Owner") for reimbursement of the cost of construction of the Collective Sustainable Development Infrastructure Project in an amount not to exceed \$1,986,250.00 and to establish appropriations for funds received from the North Central Texas Council of Governments, in an amount not to exceed \$1,986,250.00, by Resolution No. 12-2361; and

WHEREAS, on December 12, 2016, the Fort Worth Avenue TIF Board of Directors reviewed and unanimously approved dedicating up to \$496,562.00 in Fort Worth Avenue District-wide TIF funds as the local match for the Collective Sustainable Development Infrastructure Project in partnership with North Central Texas Council of Governments Regional Transportation Council for its Sustainable Development Program; and

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WHEREAS, on September 27, 2017, the City Council authorized an amendment to Resolution No. 12-2360, previously approved on September 26, 2012, for the Collective Sustainable Development Infrastructure Project to (1) delete the reimbursements to The Park at Kessler, LP; (2) correct the funding source to receive and deposit funds from the Texas Department of Transportation; (3) authorize the Fort Worth Avenue Tax Increment Financing (TIF) Board of Directors to dedicate up to \$496,563.00 in the Fort Worth Avenue TIF District Funds as the required local matching funds for the North Central Texas Council of Governments Sustainable Development Program associated with the Collective Sustainable Development Infrastructure Project in the Fort Worth Avenue TIF District; and (4) increase appropriations, in an amount not to exceed \$496,563.00 in the Fort Worth Avenue TIF District Fund, by Resolution No. 17-1546; and

WHEREAS, on September 27, 2017, the City Council authorized to amend Resolution No. 12-2361, previously approved on September 26, 2012, to rescind the execution of the development agreement with The Park at Kessler, LP for the Collective Sustainable Development Infrastructure Project, and associated reimbursement of project costs by Resolution No. 17-1547; and

WHEREAS, on April 13, 2022, the City Council authorized a construction services contract for the construction of Collective Sustainable Development Infrastructure Project with The Fain Group, Inc., in an amount not to exceed \$1,980,984.00, by Resolution No. 22-0543; and

WHEREAS, this action will authorize Change Order No. 1 to the construction services contract with The Fain Group, Inc. for additional traffic signal and pedestrian improvements at Fort Worth Avenue and Bahama Drive for the Collective Mixed-Use Sustainable Development Project the Collective Sustainable Development Infrastructure Project, in an amount not to exceed \$287,498.84, increasing the contract amount from \$1,980,984.00 to \$2,268,482.84.

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

Now, Therefore,

SECTION 1. That an increase in the construction services contract with The Fain Group, Inc. (Change Order No. 1) is authorized for additional traffic signal and pedestrian improvements at Fort Worth Avenue and Bahama Drive not included in the Phase 2 budget for the Collective Mixed-Use Sustainable Development Project the Collective Sustainable Development Infrastructure Project, in an amount not to exceed \$287,498.84, increasing the contract amount from \$1,980,984.00 to \$2,268,482.84.

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SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$287,498.84 to The Fain Group, Inc. from the Fort Worth Avenue Tax Increment Financing Fund, Fund 0058, Department ECO, Unit W180, Object 4510, Activity FWT1, Program ECSD0004, Encumbrance/Contract No. CX-PBW-2022-00018127, Vendor VS0000040276.

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.