

May 27, 2020

WHEREAS, on February 13, 2019, City Council authorized a design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail; and the first amendment to the existing operations and maintenance agreement with the Friends of the Katy Trail, Inc. for the developed portions of the Katy Trail bounded by Lyte Street on the south end and Airline Road on the north end to include, but not limited to maintenance of the extension of the soft surface trail on the portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and the existing soft surface trail; extension options to allow for one ten-year extension option and two additional five-year extension options; and updating the agreement to current City Standards by Resolution No. 19-0275; and

WHEREAS, on June 26, 2019, City Council authorized a first amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail, in an amount not to exceed \$1,000,000.00 from 2017 Bond Funds for construction by Resolution No. 19-1031; and

WHEREAS, this action will authorize a second amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc. for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include additional 2017 Bond Funds, in an amount not to exceed \$99,000.00, increasing the agreement amount from \$1,000,000.00 to \$1,099,000.00.

Now, Therefore,

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

SECTION 1. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a second amendment to the existing design and construction agreement with the Friends of the Katy Trail, Inc., approved as to form by the City Attorney, for the extension of the soft surface trail on a portion of the Katy Trail located between Blackburn Street and Armstrong Avenue and for resurfacing of the existing soft surface trail to include additional 2017 Bond Funds, in an amount not to exceed \$99,000.00, increasing the agreement from \$1,000,000.00 to \$1,099,000.00.

SECTION 2. That the Chief Financial Officer is hereby authorized to disburse funds in an amount not to exceed \$1,099,000.00 to the Friends of Katy Trail from Park and Recreation Facilities (B) Fund, Fund 1V00, Department PKR, Unit VB27, Object 4599, Activity PKLA, Program PK17VB27, Encumbrance/Contract No. Contract No. PKR-2019-00008966, Vendor VS0000045658.

May 27, 2020

SECTION 3. That the amendment will include the following terms:

1. City shall provide match funding in an amount not to exceed \$99,000.00 for amendments to the alignment of the soft surface and concrete trails in an area south of Fitzhugh Avenue.
 - a. The \$99,000.00 will be funded by the Land Acquisition and Partnership Match Funding item in Proposition B of the 2017 Bond Program and represents 30% of the total cost of the \$325,000.00. The Friends of Katy Trail will provide a private match in the amount of \$226,000.00, which represents 70% of the total cost.
2. The Friends must have raised a total minimum of \$1,099,000.00 in private or grant funding prior to the City's funds being used. The \$1,099,000.00 amount represents the original \$1,000,000.00 City contribution, plus the additional \$99,000.00 contribution included in this action.
3. The Friends will be responsible for all other project costs associated with the originally defined project and the modifications defined in the second amendment to the agreement.
4. As an alternative to the City publicly procuring their portion of the project, the City can reimburse the Friends 30% of their site development costs per Texas Local Government Code, Sections 212.071, 212.072, and 212.073, in a total amount not to exceed \$1,099,000.00, which includes the previously approved \$1,000,000.00 amount, plus the \$99,000.00 included in this action. The First Amendment to the Agreement allowed for the 30% reimbursement option, so the Second Amendment will increase the not to exceed amount of the reimbursement from \$1,000,000.00 to \$1,099,000.00. The 30% reimbursement option requires that the Friends provide a Performance Bond to the City for the total amount of their construction contract.
5. All other terms of the original agreement will remain in place.

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.