



RESOLUTION NO. 2024-041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AUTHORIZING CHANGE ORDER NO. 2 TO THE DESIGN-BUILD CONTRACT WITH LEE LEWIS CONSTRUCTION, INC. FOR THE PLANNING, DESIGN, AND CONSTRUCTION OF A MULTI-SPORT RECREATIONAL FACILITY IN THE AMOUNT OF \$1,486,459 FOR ADDITIONAL WORK RELATING TO SUCH PROJECT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. 2022-162 approved on December 13, 2022, the City Manager negotiated and executed a design-build contract with a maximum guaranteed price of \$23,355,161 (the “Contract”) with Lee Lewis Construction, Inc. (the “Contractor”) for the design and construction of a multi-sport recreation facility on the City’s property located at the northeast corner of I-35E North and Carrick Street (the “Project”); and

WHEREAS, pursuant to Resolution No. 2024-016, the City Council authorized the negotiation and execution of Change Order No. 1, increasing the maximum guaranteed price of the Contract to an amount not to exceed \$23,810,000; and

WHEREAS, City Administration advises the plans and specifications for the reconstruction of utilities and streets and the construction of new parking adjacent to the Project are complete; and

WHEREAS, in addition to benefitting the Project, such work is part of the City’s overall master plan to redevelop the City’s property north of the City’s Star Center property; and

WHEREAS, in reviewing various options, City Administration has determined that construction of the improvements surrounding the Project property will be conducted more expediently and at a lesser cost if constructed by the Contractor; and

WHEREAS, City Administration recommends the City Manager be authorized to negotiate and execute a change order to the Contract increasing the maximum guaranteed price of the Contract by \$1,486,459 to an amount not to exceed \$25,296,459, such additional amount to be paid from funds available in the Pike Street Bond Fund and;

WHEREAS, the City Council of the Farmers Branch, Texas has deemed it in the best interest of the City and its citizens to concur in the above recommendation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THAT:

SECTION 1. The City Manager is hereby authorized, on behalf of the City, to negotiate and execute Change Order No. 2 to the Contract, increasing the maximum guaranteed price of the Contract to an amount not to exceed \$1,486,459 for a total maximum guaranteed price not to

exceed \$25,296,459, with such increase to be paid from funds available in the Pike Street Improvement Fund; and is further authorized to execute such change orders as the City Manager determines to be reasonable and necessary to ensure completion of the Project subject to applicable city policies and state laws and, in the case of an increase in the contract price, the availability of current funds to pay such increased price.

SECTION 2. This Resolution shall take effect immediately upon its passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS 16th DAY OF APRIL 2024.

ATTEST:

APPROVED:

Stacy Henderson, City Secretary

Terry Lynne, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:3/28/2024:4860-2660-6514 v1)