



RESOLUTION NO. 2017-061

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, APPROVING THE FIRST AMENDED AND RESTATED PROFESSIONAL SERVICES AGREEMENT WITH TRC ENVIRONMENTAL CORPORATION FOR SERVICES RELATING TO THE WATERS OF FARMERS BRANCH CREEK; RATIFYING PAST ACTIONS OF THE CITY MANAGER AND OTHERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on or about January 22, 2014, the City Manager entered into a Professional Services Agreement (“the Original Agreement”) with TRC Environmental Corporation (“TRC”) to perform a flow study of Farmers Branch Creek; and

WHEREAS, at the request of the City Manager and with the knowledge of the City Council, TRC has performed additional consulting and engineering services with respect to Farmers Branch Creek in relation to the City’s complaint to the Texas Commission on Environmental Quality (TCEQ) regarding the Town of Addison’s water rights permits relating to the impoundment of the waters of Farmers Branch Creek that were not contemplated in the Original Agreement; and

WHEREAS, City Administration recommends, and the City Council of the City of Farmers Branch finds it to be in the public interest to, amend and restate the Original Agreement to include the additional services that have been and will in the future need to be performed by TRC on behalf of the City and to provide adequate compensation therefor:

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 to negotiate and sign on behalf of the City an amended and restated agreement with TRC Environmental Corporation to amend the scope of work to include services performed in association with the City’s complaint to the TCEQ relating to the water rights permits held by the Town of Addison for the impoundment and/or diversion of waters in Farmers Branch Creek, with the cost for services in said amendment and restated agreement not to exceed \$195,000.

SECTION 2. The City Council finds that the prior acts of the City Manager and other City employees in authorizing TRC to perform additional services beyond the scope of work in the Original Agreement and to pay TRC for same was and continue to be in the best interest of the City, were necessary for the preservation of the health and safety of the City and its residents, and are hereby ratified and affirmed as if originally approved by the City Council prior to taking such actions.

SECTION 3. This resolution shall become effective immediately upon its approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS
BRANCH, TEXAS, THIS 2ND DAY OF MAY, 2017.**

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Bob Phelps, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:4/10/17:85207)