



RESOLUTION NO. 2017-083

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, AUTHORIZING APPROVAL OF THE FIRST AMENDMENT TO THE DALLAS COUNTY CAPITAL IMPROVEMENT PROJECT FUNDING AGREEMENT WITH DALLAS COUNTY RELATIVE TO THE WESTSIDE TRAIL PROJECT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, in May 2016, the City and Dallas County (“the County”) entered into a Capital Improvement Project Funding Agreement (“Funding Agreement”) to provide funds and set out other agreements relating to the construction of a multi-modal trail facility relative to the City’s Westside Trail Project (“the Project”); and

WHEREAS, the County was designated as the Lead Agency for the Project in the Funding Agreement; and

WHEREAS, as planning for the Project proceeded, it was determined by County and City staffs that the Project could proceed more efficiently if the City were to serve as the Lead Agency for the Project and recommend the Funding Agreement be amended accordingly; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it to be in the public interest to concur in the foregoing recommendation;

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

SECTION 1. The City Manager is authorized to sign on behalf of the City the First Amendment to the Dallas County Capital Improvement Program Funding Agreement substantially in the form attached hereto and incorporated herein by reference.

SECTION 2. This resolution shall become effective immediately upon final passage.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, THIS THE 11TH DAY OF JULY, 2017.

ATTEST:

APPROVED:

Amy Piukana, City Secretary

Robert C. Dye, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:7/2/17:87693)

RESOLUTION NO. 2017-083
EXHIBIT “A”

**FIRST AMENDMENT TO THE
DALLAS COUNTY CAPITAL IMPROVEMENT PROGRAM
PROGRAM FUNDING AGREEMENT**

This Amendment is entered into this 11th day of July, 2017, to amend the Program Funding Agreement (“FA”) between the City of Farmers Branch, Texas (the, “City”), and County of Dallas acting by and through the Dallas County Commissioners Court (the “County”) for the implementation of the Westside Trail MCIP Project 20501, hereinafter called (the “Project”).

Whereas, Chapter 791 of The Texas Government Code and Texas Transportation Code Article 251 provides authorization for local governments to contract with each other for the performance of governmental functions and services, as well as for joint funding of road or street projects; and

Whereas, pursuant to Dallas County Commissioners Court Order 2011- 1203 dated July 5, 2011, the County acting by and through the Dallas County Commissioners Court, and the City entered into a Master Agreement to jointly fund various street improvement projects; and

Whereas, pursuant to Dallas County Commissioners Court Order No. 2016-0769 dated June 21, 2016 County and City entered into a Program Funding Agreement for the implementation of the Westside Trail MCIP Project 20501; and

Now therefore, this First Amendment is made by and entered into by the City and the County for the mutual consideration stated herein.

I. Purpose

City and County mutually agree to amend said FA in accordance with the terms of the existing Agreement, except as modified below. The purpose of this Agreement is to amend the funding.

II. Amended Provisions

1. Witnesseth section of the FA shall be amended by deleting and replacing the second whereas section, with the following:

City has requested that it be designated as the Lead Agency for the Project and will provide the Project Manager

2. Article III, “Incorporated Documents” of this FA shall be amended by replacing the following attachment:

The Project Scoping Sheets, as shown in Attachment “A”

3. Article VI, Agreements, I. City Responsibilities shall be amended by deleting and replacing the following:

1. Paragraph 1 shall read as follows: City will be the Lead Agency for the Project.

2. Paragraph 3 shall read as follows: The Project may require the acquisition of road right-of-way within the alignment which is all real property needed or convenient for roadway purposes as shown in the Project design or right-of-way plans and shall include all real property outside of the designed right-way needed or convenient to the construction, drainage, interface with adjoining streets or alleys, driveways or other access ways or other Project permanent or temporary easements which is approved by City and County. Such right-of-way acquisition shall be the responsibility of City as Lead Agency, and shall be funded as part of Project costs. Such acquisitions will be in the ownership of City as City solely will be responsible for maintenance after construction is completed.

IV. Effect of Amendment

This First Amendment does not change or waive any contractual provisions, clauses or conditions of the original FA, unless otherwise provided for herein. The original FA, including any and all incorporated or referenced documents and any and all exhibits, attachments and amendments that by their terms have been incorporated into any of the foregoing documents, are collectively referred to herein as the FA. All provisions of the FA shall remain in full force and effect throughout the term of the FA and any duly authorized amendments or extensions, including this First Amendment, with the exception of the amended provisions provided herein.

The County of Dallas, State of Texas, has executed this Agreement pursuant to Commissioners Court Order Number _____ and passed on the 11th day of July, 2017.

The City of Farmers Branch, State of Texas, has executed this Agreement pursuant to duly authorized City Council Resolution No. 2017-083 dated the 11th day of July, 2017.

City of Farmers Branch

County of Dallas

By: _____
Charles S. Cox
City Manager

Clay Lewis Jenkins
Dallas County Judge

Date _____

Attest:

Amy Piukana, City Secretary

Approved as to Form*:
Dallas County
Faith Johnson
District Attorney

Approved as to Form:

City Attorney

By: _____
Sherri Turner
Assistant District Attorney

*By law, the District Attorney's Office may only advise or approve contracts or legal documents on behalf of its clients. It may not advise or approve a contract or legal document on behalf of other parties. Our review of this document was conducted solely from the legal perspective of our client. Our approval of this document was offered solely for the benefit of our client. Other parties should not rely on this approval, and should seek review and approval by their own respective attorney(s).

ATTACHMENT A
**Project Supplemental Agreement to Master Agreement Governing
Transportation Major Capital Improvement Projects**
PROJECT SCOPING SHEETS

**Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501**

SPECIFIC R.O.W. ALIGNMENT DESCRIPTION

City Council approves of the Financing, Construction or Improvement on Westside Trail beginning at Farmers Branch Rail Station and ending at John F. Burke Nature Preserve/Campion Trail, with an approximate width of 10'-12' or as otherwise necessary and convenient for construction of the project, as more fully described in the City/NCTCOG Thoroughfare/Transportation Plan.

LEAD AGENCY:	City of Farmers Branch
LEAD AGENCY'S PROJECT MANAGER:	Mitzi Davis
CONTACT INFORMATION:	(972) 919-2586
PROJECT LIMITS:	XXXXXXXXXXXXXXXXXX
PROJECT LENGTH:	XXXXXXXXXX

PAVEMENT AND ALIGNMENT TOPICS

PAVEMENT SECTION

PAVING DESIGN CRITERIA

RECREATIONAL TRAILS "OFF" STREET, HARD SURFACE

ROW WIDTH:

Existing:

Proposed:

PAVEMENT WIDTH:

Existing:

Proposed:

No. of lanes proposed:

ATTACHMENT A

Project Supplemental Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

PROJECT SCOPING SHEETS

**Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501**

PAVEMENT CROSSFALL:

PROPOSED

2%

MINIMUM

1%

MAXIMUM

2%

MEDIANS - N/A

MEDIAN WIDTH

N/A

ANY MID BLOCK OPENINGS TO CONSIDER?

☐ YES

X NO

ANY SIDE STREETS TOO CLOSE FOR OPENING?

☐ YES

X NO

STANDARD TURN LANE WIDTH

N/A

STANDARD NOSE WIDTH

N/A

PARKWAY:

Proposed Width

N/A

Proposed Sidewalk Width

N/A

Parkway cross fall slope maximum

N/A

GRADE REQUIREMENTS:

Is TC 6" below adjacent ground criteria to be followed?

☐ YES

X NO

Any deep cuts, high fills?

☐ YES

X NO

VERTICAL GRADE:

MINIMUM

1%

MAXIMUM

5%

CENTERLINE ALIGNMENT POSITION:

ATTACHMENT A

Project Supplemental Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

PROJECT SCOPING SHEETS

**Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501**

IN CENTER OF EXISTING ROW? ☒ YES ☐ NO

OFFSET FROM CENTER? ☐ YES ☒ NO If yes, what distance?

ON BRAND NEW ALIGNMENT? ☐ YES ☒ NO

LEFT TURN LANES: ☐ YES ☒ NO

If yes, are left turn lanes designated or continuous? ☐ DESIGNATED ☐ CONTINUOUS

MINIMUM LENGTH:

MINIMUM STORAGE:

WIDTH:

ANY DUAL LEFT TURN LANES? ☐ YES ☒ NO

ANY FREE RIGHT TURN LANES? ☐ YES ☒ NO

CRASH CUSHIONS/ATTENUATORS INVOLVED? ☐ YES ☒ NO

RAILROAD CROSSINGS INVOLVED? ☐ YES ☒ NO

NOTE: IF CURRENT CROSSING IS NOT USED, IS ABANDONMENT AN OPTION?

☐ YES ☐ NO ☒ N/A

PAVEMENT STRUCTURE

DESIGN WHEEL LOAD

BUS AND HEAVY TRUCK TRAFFIC? ☐ YES ☒ NO

ROADWAY CLASSIFICATION

MINIMUM PAVEMENT STRUCTURE THICKNESS:

MINIMUM PAVEMENT BASE OR SUBGRADE THICKNESS:

ATTACHMENT A
**Project Supplemental Agreement to Master Agreement Governing
Transportation Major Capital Improvement Projects**
PROJECT SCOPING SHEETS

**Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501**

DESIGN SPEED

N/A

POSTED

N/A

SPEED

DRIVEWAYS

MAXIMUM RESIDENTIAL GRADE (%)

N/A

MAXIMUM COMMERCIAL GRADE

N/A

(%)

MINIMUM COMMERCIAL DRIVEWAY

N/A

WIDTH

c. SIDE STREET CONSIDERATIONS:

TURNING RADIUS, MINIMUM

N/A

PAVEMENT THICKNESS

N/A

COMMERCIAL DRIVEWAY THICKNESS

N/A

DRAINAGE TOPICS

STORM SEWER DESIGN CRITERIA:

☐

TxDOT

X CITY

☐

HYDRO-35

☐

TP-40

INLET DEPTHS (APPROPRIATE FOR PAVEMENT THICKNESS)

N/A

MINIMUM COVER FOR LATERALS

N/A

BRIDGES/BOX CULVERTS INVOLVED? ☐ YES X NO

If yes, specify involvement: ☐ BRIDGE(S) ☐ BOX CULVERT(S)

100 YEAR FLOOD PLAIN CONSIDERATION? X YES ☐ NO

If yes, how many feet of freeboard are required?

N/A

ATTACHMENT A
**Project Supplemental Agreement to Master Agreement Governing
Transportation Major Capital Improvement Projects**
PROJECT SCOPING SHEETS

**Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501**

PERMITS

COE 404 PERMITS NEEDED	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
TNRCC 401 PERMIT	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
CDC PERMIT	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
EIS	<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
ADA PERMIT	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO

ANY OTHER PERMITS FROM OTHER AGENCIES SUCH AS TxDOT, DFW AIRPORT,
DART, ETC.? ☒ YES ☐ NO

If yes, please document below:

VALWOOD IMPROVEMENT AUTHORITY, TRINITY RIVER AUTHORITY, TXDOT, CITY
OF IRVING, NORTH TEXAS TOLLWAY AUTHORITY

UTILITIES

LIST OF ALL KNOWN UTILITIES:

WATER, SANITARY SEWER, ONCOR, ATMOS GAS, RAILROAD, TELECOMMUNICATIONS

DOCUMENT KNOWN RISKS (TRA lines, Transmission Towers, Lone Star Gas Valve
Stations) FOR OUR UTILITY PARTNERS:

ATMOS HIGH PRESSURE GAS MAIN

ARE UTILITIES ON EXISTING STREET R.O.W.? ☒ YES ☐ NO

DO UTILITIES OWN THEIR R.O.W. OR HAVE PREVIOUS EASEMENTS?

☐ YES ☐ NO ☒ UNDETERMINED

If yes, please describe below:

ATTACHMENT A
**Project Supplemental Agreement to Master Agreement Governing
Transportation Major Capital Improvement Projects**
PROJECT SCOPING SHEETS

**Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501**

HAS WORK ORDER BEEN ISSUED FOR SUE (Subsurface Utility Engineering)?

☐ YES X NO

ANY UNUSUAL CONSIDERATIONS? ☐ YES X NO

If yes, please document below:

R-O-W ACQUISITION

RIGHT OF WAY CONSTRAINTS, IF ANY, PROVIDE A LIST AND DESCRIPTION ALONG
WITH DATA FOR RISK ASSESSMENT: ☐ YES X NO

ANY NON-ROUTINE, i.e., CEMETARY, JUNK YARD, OLD CHURCHES, SERVICE
STATIONS, CONTAMINATED SOILS, LANDFILLS, NOISE WALL CONSIDERATIONS,
TRAILER PARKS, TREE ORDINANCES? ☐ YES X NO

If yes, please define below:

ANY NON-CONFORMING ISSUES? ☐ YES X NO

R.O.W. MAP NEEDED? X YES ☐ NO

FIELD NOTES NEEDED? X YES ☐ NO

R.O.W. PLATS NEEDED? X YES ☐ NO

RELOCATION ASSISTANCE INVOLVED? ☐ YES X NO

PARKING/LOSS OF PARKING CONSIDERATIONS? ☐ YES X NO

HISTORICAL SITE CONSIDERATION? ☐ YES X NO

USUAL CITY TOPICS OF CONCERN

ATTACHMENT A

Project Supplemental Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

PROJECT SCOPING SHEETS

**Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501**

DESIGN STANDARDS TO BE USED?

NCTCOG AND FARMERS BRANCH

ORDER OF PRECEDENCE OF

NCTCOG AND FARMERS BRANCH

STANDARDS

AUXILIARY LANES? ☐ YES ☒ NO

PROVISIONS FOR FUTURE WIDENING? ☐ YES ☒ NO

LANDSCAPING? ☐ YES ☒ NO

EXPOSED AGGREGATE DRIVEWAYS, SIDEWALKS? ☐ YES ☒ NO

STAMPED/COLORED CONCRETE? ☐ YES ☒ NO

IRRIGATION? ☐ YES ☒ NO

BRICK PAVERS? ☐ YES ☒ NO

If yes, please define location(s):

STREET LIGHTING? ☐ YES ☒ NO

TRAFFIC SIGNALS? ☐ YES ☒ NO

PAVEMENT MARKINGS? ☒ YES ☐ NO

BIKE LANES (EXTRA WIDTH)? ☒ YES ☐ NO If yes, specify width:

NEW SIDEWALKS? ☒ YES ☐ NO

BUS TURNOUTS? ☐ YES ☒ NO

BUS STOPS OR BUS SHELTERS? ☐ YES ☒ NO

WATER UTILITY BETTERMENTS? ☐ YES ☒ NO

ATTACHMENT A

Project Supplemental Agreement to Master Agreement Governing Transportation Major Capital Improvement Projects

PROJECT SCOPING SHEETS

**Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501**

WATER UTILITY RELOC.? ☐ YES X NO

SAN. SEWER BETTERMENTS? ☐ YES X NO

SAN. SEWER RELOC.? ☐ YES X NO

RETAINING WALLS? ☐ YES X NO

If yes, please specify wall type (stone, blocks, gabions, proprietary types, etc.):

SOD, SEEDING, TOPSOIL?

X SOD X SEEDING ☐ TOPSOIL ☐ OTHER:

DRAINAGE IMPROVEMENTS? ☐ YES X NO

RR CROSSING IMPROVEMENTS? ☐ YES X NO ☐ N/A

GRADE SEPARATIONS? ☐ YES X NO

RAMPS OR CONNECTORS TO TxDOT FACILITIES? ☐ YES X NO

If yes, please specify facility(ies) below:

SPECIAL SCHOOL OR EMERGENCY VEHICLE CONSIDERATIONS

ANY NEARBY OR ADJACENT SCHOOLS, CITY HALL, FIRE OR POLICE DEPARTMENT
REQUIRING SPECIAL CONSIDERATION? ☐ YES X NO

If yes, please list the special consideration(s) below:

ATTACHMENT A
**Project Supplemental Agreement to Master Agreement Governing
Transportation Major Capital Improvement Projects**
PROJECT SCOPING SHEETS

Project Name: West Side Trail (Farmers Branch)
MCIP Project 20501

PUBLIC INVOLVEMENT

CITY COUNCIL APPROVAL OF ALIGNMENT REQUIRED? ☐ YES ☒ NO

NEIGHBORHOOD MEETING, REQUIRED? ☒ YES ☐ NO

HAVE ALL NEIGHBOR GROUPS PROVIDED EARLY INPUT?

☒ YES ☐ NO ☐ N/A

IF REQUIRED WHO CONDUCTS, CITY OR COUNTY?

☒ CITY ☒ COUNTY ☐ N/A

DOCUMENT POTENTIAL SITES FOR PUBLIC AND/OR NEIGHBORHOOD MEETINGS:

CONSTRUCTIBILITY REPORT

FROM INSPECTION STAFF, DOCUMENT ANY AND ALL ISSUES THAT MAY AFFECT
PROJECT SCOPE, BUDGET, CONSTRUCTIBILITY, THE PROJECT SCHEDULE AND/OR
THE SAFETY OF THE PROJECT?