


**JANUARY 11, 2012 CITY COUNCIL AGENDA
CERTIFICATION**

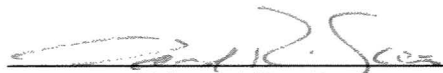
This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated January 11, 2012. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



Mary K. Suhm
City Manager

12/30/11

Date



Edward Scott
City Controller

12/30/11

Date

RECEIVED

2011 DEC 30 PM 3:50

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

January 11, 2012

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)
(La Información General Y Reglas De Cortesía Que Deben Observarse
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 before 9:00 a.m. on the meeting date. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

Informacion General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaidía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner CityCable* Canal 16. El Ayuntamiento Municipal se reúne el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 9 de la mañana del día de la asamblea. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

Reglas de Cortesia

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal.

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que esté presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que esté presidiendo la sesión a tomar acción." Según la sección 3.3(c) de las reglas de procedimientos del Ayuntamiento.

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, JANUARY 11, 2012
ORDER OF BUSINESS**

Agenda items for which individuals have registered to speak will be considered no earlier than the time indicated below:

9:00 a.m. **INVOCATION AND PLEDGE OF ALLEGIANCE**

OPEN MICROPHONE

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 21

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 22 - 29

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 30 - 39

NOTE: A revised order of business may be posted prior to the date of the council meeting if necessary.

AGENDA
CITY COUNCIL MEETING
JANUARY 11, 2012
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the December 14, 2011 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a two-year service contract for window glass replacement services and repairs - Peruna Glass, Inc. dba Glass Doctor of North Texas, lowest responsible bidder of three - Not to exceed \$638,180 - Financing: Current Funds (\$553,180), Convention and Event Services Current Funds (\$45,000), Aviation Current Funds (\$25,000) and Stormwater Drainage Management Current Funds (\$15,000) (subject to annual appropriations)
3. Authorize a three-year service contract for purchase and installation of remanufactured/rebuilt automatic transmissions - Inland Truck Parts in the amount of \$387,570, R Wilson Enterprises, a franchise of Eagle Transmission in the amount of \$280,050, VFR Limited, Inc. dba All State Transmission in the amount of \$228,137 and AAMCO Transmission in the amount of \$30,200, lowest responsible bidders of four - Total not to exceed \$925,957 - Financing: Current Funds (subject to annual appropriations)

CONSENT AGENDA (Continued)**Business Development & Procurement Services** (Continued)

4. Authorize a three-year master agreement for the purchase of hydrofluosilicic acid to be used for the treatment of potable water - Pencoco, Inc., lowest responsible bidder of four - Not to exceed \$2,048,288 - Financing: Water Utilities Current Funds
5. Authorize a three-year master agreement for vehicle exhaust extraction parts - Air Cleaning Technologies, Inc., lowest responsible bidder of three - Not to exceed \$304,855 - Financing: Current Funds
6. Authorize the purchase of a vertical mix flow pump - Pierce Pump Co. L.P., lowest responsible bidder of two - Not to exceed \$169,000 - Financing: Stormwater Drainage Management Capital Construction Funds
7. Authorize the purchase of one bio-solids distribution vehicle and two sewer cleaner vehicles - Texarkana Tractor Company dba Nor-Tex Tractor in the amount of \$439,629 and Rush Medium Duty Truck Center in the amount of \$230,386, lowest responsible bidders of seven - Total not to exceed \$670,015 - Financing: Water Utilities Current Funds
8. Authorize the purchase of time clock synchronization hardware to be installed on the City's existing radio towers utilized in the communication infrastructure for public safety and other departments in order to provide narrowbanding capabilities required by the Federal Communication Commission - Spectracom Corporation, lowest responsible bidder of two - Not to exceed \$177,250 - Financing: Current Funds

City Attorney's Office

9. Authorize settlement of a claim filed by Claude Manning, Claim No. 10-00006-01-30 - Not to exceed \$8,000 - Financing: Current Funds
10. Authorize settlement of a claim filed by Opal Leonard, Claim No. 11-00505-01-31 - Not to exceed \$23,143 - Financing: Current Funds

Equipment & Building Services

11. Authorize **(1)** acceptance of a Bailment Agreement entered into by and between the City of Dallas and Boulder Electric Vehicle, Inc. on July 25, 2011, for the use and testing of three electric vehicles and the installation of three charging stations to reduce Nitrogen oxide (NOx) pollutants and other emissions; and **(2)** execution of the bailment agreement - Not to exceed \$1,000 - Financing: Current Funds
12. Authorize a license agreement with Electric Transportation Engineering Corporation dba ECOtality North America for the installation of three electric vehicle charging stations located at Fair Park, Dallas Love Field, and Dallas Executive Airport for the City's electric vehicles as part a grant from the U.S. Department of Energy for the collection and analysis of data for the Electric Vehicle Pilot Project through April 30, 2013 - Estimated Revenue: \$34

CONSENT AGENDA (Continued)**Equipment & Building Services** (Continued)

13. Authorize **(1)** the acceptance of electric vehicle charging stations at various City facilities from TXU Energy Retail Energy Company, LLC (TXU); and **(2)** an Interlocal Agreement with TXU for the installation, maintenance and reimbursement of expenses associated with electric vehicle charging stations for a period of three years - Financing: This action has no cost consideration to the City

Office of Financial Services

14. Authorize a professional services contract with Diversified Utility Consultants, Inc. for expert consulting services and testimony in matters related to Atmos Energy Mid-Tex Division's "Dallas Annual Rate Review" filing - Not to exceed \$80,000 - Financing: Current Funds (to be fully reimbursed by Atmos Energy)

Office of Management Services

15. Authorize **(1)** the acceptance of the 2011 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Areas Security Initiative and the Metropolitan Medical Response System, to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through February 28, 2014; and **(2)** execution of the grant agreement - Not to exceed \$9,685,972 - Financing: U.S. Department of Homeland Security Grant Funds

Park & Recreation

16. Authorize Supplemental Agreement No. 1 to the professional services contract with Newman, Jackson, Bieberstein, Inc. for additional study, design and construction documents to upgrade the gazebo lighting, electrical requirements, and all electrical service in the plaza at Pike Park located at 2807 Harry Hines Boulevard - Not to exceed \$5,200, from \$24,995 to \$30,195 - Financing: 2006 Bond Funds

Sustainable Development and Construction

17. Authorize acquisition of approximately 344,760 square feet of land from M. C. Curry and Charles Ester Curry located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project - Not to exceed \$31,000 (\$27,702 plus closing costs and title expenses not to exceed \$3,298) - Financing: Water Utilities Capital Improvement Funds
18. A resolution authorizing the conveyance of an easement containing approximately 627 square feet of land to Oncor Electric Delivery Company, LLC for the purpose of construction and maintenance of electric facilities across City-owned land located near the intersection of St. Augustine Drive and Lake June Road - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Sustainable Development and Construction (Continued)

19. An ordinance authorizing the release and termination of a residential use only restriction and private drive conditions on abandoned portions of Odeans, Walter and Anniels Drives and various alleys located near the intersection of Colorado Boulevard and Fort Worth Avenue - Revenue: \$72,920

Trinity Watershed Management

20. Authorize Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for the design of relief drainage systems for Mill Creek, Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to investigate, analyze and design a tunnel extension to provide drainage relief for the State-Thomas area and for additional survey and right-of-way services for required property and easement acquisition - Not to exceed \$2,602,200, from \$11,796,600 to \$14,398,800 - Financing: 2006 Bond Funds

Water Utilities

21. Authorize an increase in the contract with Camino Construction, L.P. for additional work associated with the installation of water and wastewater mains at various locations (list attached) - Not to exceed \$293,050, from \$6,805,115 to \$7,098,165 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

22. Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
23. Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 1, 4, 6 and 9 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)

Sustainable Development and Construction

24. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lino Orona and Arturo Orona of approximately 7,500 square feet of land improved with a single-family dwelling located near the intersection of Jim Miller Road and Toland Street for the replacement of Fire Station No. 32 - Not to exceed \$69,987 (\$68,000 plus closing costs and title expenses not to exceed \$1,987) - Financing: 2006 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)**Sustainable Development and Construction** (Continued)

25. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Auto Latin, Inc. of approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway for the Fire Station No. 50 Project - Not to exceed \$209,656 (\$207,156 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds

Trinity Watershed Management

26. Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, of approximately one acre of unimproved land being that portion of Long Acre Lane extending south from Great Trinity Forest Way for the Trinity River Corridor Project Audubon Center (list attached) - Not to exceed \$86,600 (\$82,400 plus closing costs and title expenses not to exceed \$4,200) - Financing: 1998 Bond Funds

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic DevelopmentLancaster Urban Village

Note: Item Nos. 27, 28 and 29 must be considered collectively.

27. * Authorize a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, US Bank Corp (US Bank) and its subsidiaries, and Lancaster Urban Village Commercial LLC and its affiliates (Developer) for the development of the commercial portion of the Lancaster Urban Village project located at 4417 South Lancaster Road (Project) - Financing: No cost consideration to the City
28. * Authorize an amendment to the Chapter 380 loan documents with City Wide Community Development Corporation to modify the timing at which the Borrower is released from indebtedness on the note for the corresponding loan proceeds, and such other modifications necessary to facilitate the use of the Chapter 380 Loan Proceeds and/or repayments thereof, directly or indirectly, to provide leverage sources for the NMTC transaction - Financing: No cost consideration to the City
29. * Authorize an amendment to the development agreement for the Lancaster Urban Village Project located in the TOD TIF District, by Resolution Nos. 10-1259 and 10-1260, previously approved on May 12, 2010, to extend certain project deadlines by an additional 12 months beyond the first extension approved by the TOD TIF District Board - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS**Sustainable Development and Construction**ZONING CASES - CONSENT

30. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1581 for a child-care facility on property zoned a TH-3(A) Townhouse District on the north side of Ryan Road, west of Garapan Drive
Recommendation of Staff: Approval for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions
Recommendation of CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site/landscape plan and conditions
Z089-185(OTH)
31. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Ann Arbor Avenue, between South Marsalis Avenue and Maryland Avenue
Recommendation of Staff: Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions
Z101-339(MG)
32. A public hearing to receive comments regarding an application for and an ordinance granting an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on property zoned Planned Development Subdistrict No. 29 for Single family uses with the D Liquor Control Overlay on the northwest line of Sale Street, north of Gillespie Street
Recommendation of Staff and CPC: Approval, with retention of the D Liquor Control Overlay
Z101-357(RB)
33. A public hearing to receive comments regarding an application for and an ordinance granting the expansion of Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, on property zoned an R-7.5(A) Single Family District on the east side of Gardenview Drive, south of Dell Garden Avenue and west of South Buckner Boulevard
Recommendation of Staff and CPC: Approval, subject to conditions
Z101-383(MW)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - CONSENT (Continued)

34. A Landmark Commission authorized hearing to consider an Historic District Overlay on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of Leland Avenue and Southland Street an ordinance granting the Historic District Overlay Recommendation of Staff and CPC: Approval, subject to preservation criteria Z112-119(MD)

ZONING CASES - INDIVIDUAL

35. An application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Lake June Road between Baywood Street and Holcomb Road
Recommendation of Staff: Approval of the D-1 Liquor Control Overlay limited to the Specific Use Permit request area only and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval of the D-1 Liquor Control Overlay limited to the Specific Use Permit request area only and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions
Z101-389(MG)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

36. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-1 Mixed Use District on the west side of Knoll Trail Drive, north of Arapaho Road
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z101-249(MW)
Note: This item was considered by the City Council at a public hearing on December 14, 2011, and was taken under advisement until January 11, 2012, with the public hearing open.

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

THOROUGHFARE PLAN AMENDMENTS

Sustainable Development and Construction

37. A public hearing to receive comments to amend the City of Dallas Thoroughfare Plan to change the dimensional classification of Beckley Avenue from IH-30 to West Main Street from a six-lane divided roadway M-6-D(A*) within 120 feet of right-of-way to a special four-lane divided roadway (SPCL 4-D) with bicycle lanes within 100 feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

MISCELLANEOUS HEARINGS

Sustainable Development and Construction

38. A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Louise Kahn Elementary School required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 30,000 square feet [El Rio Grande (Maya Foods)] on property on the north side of West Jefferson Drive, west of Hampton Road - Financing: No cost consideration to the City
39. An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to the Phase I portion of Planned Development Subdistrict No. 20 for certain GR General Retail Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Oak Lawn Avenue and Gillespie Street - Financing: No cost consideration to the City

January 11, 2012

9

**Additional Work Associated with the Installation of Water and Wastewater Mains
at Various Locations**
Agenda Item #21

District 2

Glencoe Street from north of Bonita Avenue to Henderson Avenue

District 13

Edgemere Road from Woodland Drive to Prestonsire Lane
Douglas Avenue from Chatham Hill Road to Deloache Avenue

Long Acre Lane Property Owners
Agenda Item #26

Gary James Heathcock
Bette Heathcock
Shirley Ann Heathcock Dunn
Clair Dugas
The Estate of Anna Liebundgnt, deceased
Earlene McKnight Hamner
Mary Lee Frazer
Nancy Lee Perry Brecht
Earline Perry, a Life Estate
David Shannon Eatherly
Anna Marie Reeves
Jerry Katherine Reeves Weatherly
Barbara Jean Reeves
Fortunato Mata
Valerie Suzanne Reeves
James Harold Reeves, II
Kimberly Allison Reeves
James Michael Reeves, Jr.
Barbara Kathryn Reeves Bovinette
Jason William Reeves

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding Economic Development negotiations. Section 551.087 of the Texas Open Meetings Act.

January 11, 2012

12

PUBLIC MEETINGS FOR JANUARY 1 - JANUARY 15, 2012

Tuesday, January 3, 2012

Civil Service Board

8:30 a.m.

City Hall, Suite 1C-South

AGENDA DATE January 11, 2012

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of December 14, 2011 City Council Meeting
2			All	C	PBD, AVI, CES, EBS, PKR, TWM	\$638,180.00	100.00%	0.00%	Authorize a two-year service contract for window glass replacement services and repairs
3			All	C	PBD, EBS, FIR	\$925,957.00	100.00%	24.80%	Authorize a three-year service contract for purchase and installation of remanufactured/rebuilt automatic transmissions
4			All	C	PBD, WTR	\$2,048,287.50	0.00%	7.81%	Authorize a three-year master agreement for the purchase of hydrofluosilicic acid to be used for the treatment of potable water
5			All	C	PBD, FIR	\$304,855.00	0.00%	0.00%	Authorize a three-year master agreement for vehicle exhaust extraction parts
6			2, 3	C	PBD, TWM	\$169,000.00	100.00%	0.00%	Authorize the purchase of a vertical mix flow pump
7			All	C	PBD, WTR	\$670,015.00	34.39%	0.00%	Authorize the purchase of one bio-solids distribution vehicle and two sewer cleaner vehicles
8			N/A	C	PBD, CIS	\$177,250.00	0.00%	0.00%	Authorize the purchase of time clock synchronization hardware to be installed on the City's existing radio towers utilized in the communication infrastructure for public safety and other departments in order to provide narrowbanding capabilities required by the Federal Communication Commission
9			N/A	C	ATT, POL	\$8,000.00	NA	NA	Authorize settlement of a claim filed by Claude Manning, Claim No. 10-00006-01-30
10			N/A	C	ATT, POL	\$23,142.17	NA	NA	Authorize settlement of a claim filed by Opal Leonard, Claim No. 11-00505-01-31
11			All	C	EBS, CCS	\$1,000.00	NA	NA	Authorize acceptance of a Bailment Agreement entered into by and between the City of Dallas and Boulder Electric Vehicle, Inc. on July 25, 2011, for the use and testing of three electric vehicles and the installation of three charging stations to reduce Nitrogen oxide (NOx) pollutants and other emissions; and execution of the bailment agreement
12			7, 8, 14	C	EBS, AVI, PKR	REV \$34	NA	NA	Authorize a license agreement with Electric Transportation Engineering Corporation dba ECotality North America for the installation of three electric vehicle charging stations located at Fair Park, Dallas Love Field, and Dallas Executive Airport for the City's electric vehicles as part a grant from the U.S. Department of Energy for the collection and analysis of data for the Electric Vehicle Pilot Project through April 30, 2013
13			2	C	EBS, PBW, LIB	NC	NA	NA	Authorize the acceptance of electric vehicle charging stations at various City facilities from TXU Energy Retail Energy Company, LLC (TXU); and an Interlocal Agreement with TXU for the installation, maintenance and reimbursement of expenses associated with electric vehicle charging stations for a period of three years
14			N/A	C	OFS	\$80,000.00	NA	NA	Authorize a professional services contract with Diversified Utility Consultants, Inc., for expert consulting services and testimony in matters related to Atmos Energy Mid-Tex Division's "Dallas Annual Rate Review" Filing
15			All	C	MGT, IGS	GT	NA	NA	Authorize the acceptance of the 2011 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Areas Security Initiative, and the Metropolitan Medical Response System to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through February 28, 2014; and execution of the grant agreement
16			2	C	PKR	\$5,200.00	15.38%	36.86%	Authorize Supplemental Agreement No. 1 to the professional services contract with Newman, Jackson, Bieberstein, Inc. for additional study, design and construction documents to upgrade the gazebo lighting, electrical requirements, and all electrical service in the plaza at Pike Park located at 2807 Harry Hines Boulevard
17			Outside	C	DEV, WTR	\$31,000.00	NA	NA	Authorize acquisition, of approximately 344,760 square feet of land from M. C. Curry and Charles Ester Curry located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project
18			5	C	DEV, PBW	NC	NA	NA	A resolution authorizing the conveyance of an easement containing approximately 627 square feet of land to Oncor Electric Delivery Company, LLC for the purpose of construction and maintenance of electric facilities across City-owned land located near the intersection of St. Augustine Drive and Lake June Road
19			3	C	DEV	REV \$72,920	NA	NA	An ordinance authorizing the release and termination of a residential use only restriction and private drive conditions on abandoned portions of Odeans, Walter and Anniels Drives and various alleys located near the intersection of Colorado Boulevard and Fort Worth Avenue
20			2, 7, 14	C	TWM	\$2,602,200.00	85.01%	37.71%	Authorize Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for the design of relief drainage systems for Mill Creek, Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to investigate, analyze and design a tunnel extension to provide drainage relief for the State-Thomas area and for additional survey and right-of-way services for required property and easement acquisition
21			2, 13	C	WTR	\$293,050.00	18.62%	51.21%	Authorize an increase in the contract with Camino Construction, L.P. for additional work associated with the installation of water and wastewater mains at various locations

AGENDA DATE January 11, 2012

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
22			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)
23			N/A	I	SEC	NC	N/A	N/A	Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 1, 4, 6 and 9 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)
24			4	I	DEV, PBW	\$69,987.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lino Orona and Arturo Orona of approximately 7,500 square feet of land improved with a single-family dwelling located near the intersection of Jim Miller Road and Toland Street for the replacement of Fire Station No. 32
25			6	I	DEV, PBW	\$209,656.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Auto Latin, Inc. of approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway for the Fire Station No. 50 Project
26			5	I	TWM	\$86,600.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain if such becomes necessary, of approximately one acre of unimproved land being that portion of Long Acre Lane extending south from Great Trinity Forest Way for the Trinity River Corridor Project Audubon Center
27			4	I	ECO	NC	NA	NA	Lancaster Urban Village: Authorize a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, US Bank Corp (US Bank) and its subsidiaries, and Lancaster Urban Village Commercial LLC and its affiliates (Developer) for the development of the commercial portion of the Lancaster Urban Village Project located at 4417 South Lancaster Road (Project)
28			4	I	ECO	NC	NA	NA	Lancaster Urban Village: Authorize an amendment to the Chapter 380 loan documents with City Wide Community Development Corporation to modify the timing at which the Borrower is released from indebtedness on the note for the corresponding loan proceeds, and such other modifications necessary to facilitate the use of the Chapter 380 Loan Proceeds and/or repayments thereof, directly or indirectly, to provide leverage sources for the NMTC transaction
29			4	I	ECO	NC	NA	NA	Lancaster Urban Village: Authorize an amendment to the development agreement for the Lancaster Urban Village Project located in the TOD TIF District, by Resolution Nos. 10-1259 and 10-1260, previously approved on May 12, 2010, to extend certain project deadlines by an additional 12 months beyond the first extension approved by the TOD TIF District Board
30			3	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1581 for a child-care facility on property zoned a TH-3(A) Townhouse District on the north side of Ryan Road, west of Garapan Drive
31			4	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Ann Arbor Avenue, between South Marsalis Avenue and Maryland Avenue
32			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on property zoned Planned Development Subdistrict No. 29 for Single family uses with the D Liquor Control Overlay on the northwest line of Sale Street, north of Gillespie Street
33			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the expansion of Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, on property zoned an R-7.5(A) Single Family District on the east side of Gardenview Drive, south of Dell Garden Avenue and west of South Buckner Boulevard
34			7	PH	DEV	NC	NA	NA	A Landmark Commission authorized hearing to consider an Historic District Overlay on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of Leland Avenue and Southland Street an ordinance granting the Historic District Overlay
35			5	PH	DEV	NC	NA	NA	An application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Lake June Road between Baywood Street and Holcomb Road

AGENDA DATE January 11, 2012

ITEM		IND							DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
36			11	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-1 Mixed Use District on the west side of Knoll Trail Drive, north of Arapaho Road
37			6	PH	DEV	NC	NA	NA	A public hearing to receive comments to amend the City of Dallas Thoroughfare Plan to change the dimensional classification of Beckley Avenue from IH-30 to West Main Street from a six-lane divided roadway M-6-D(A*) within 120 feet of right-of-way to a special four-lane divided roadway (SPCL 4-D) with bicycle lanes within 100 feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change
38			1	PH	DEV	NC	NA	NA	A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Louise Kahn Elementary School required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store greater than 30,000 square feet [El Rio Grande (Maya Foods)] on property on the north side of West Jefferson Drive, west of Hampton Road
39			14	PH	DEV	NC	NA	NA	An appeal of the City Plan Commission's decision to deny a waiver of the two-year waiting period to submit an application for an amendment to the Phase I portion of Planned Development Subdistrict No. 20 for certain GR General Retail Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Oak Lawn Avenue and Gillespie Street

TOTAL \$8,343,379.67

AGENDA ITEM # 2

KEY FOCUS AREA:	Make Government More Efficient, Effective and Economical
AGENDA DATE:	January 11, 2012
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Aviation Convention and Event Services Equipment & Building Services Park & Recreation Trinity Watershed Management
CMO:	Jeanne Chipperfield, 670-7804 A. C. Gonzalez, 671-8925 Ryan S. Evans, 670-3314 Forest E. Turner, 670-3390 Paul D. Dyer, 670-4071 Jill A. Jordan, P.E., 670-5299
MAPSCO:	N/A

SUBJECT

Authorize a two-year service contract for window glass replacement services and repairs – Peruna Glass, Inc. dba Glass Doctor of North Texas, lowest responsible bidder of three - Not to exceed \$638,180 - Financing: Current Funds (\$553,180), Convention and Event Services Current Funds (\$45,000), Aviation Current Funds (\$25,000) and Stormwater Drainage Management Current Funds (\$15,000) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for goods or services, for a specific term, which are ordered on an as needed basis.

This service contract will provide on-site replacement of window glass and glass repairs for all City buildings; breakage is commonly caused by vandalism or weather related incidents. There are various types, thickness and tints of glass subject to replacement under this contract, including:

- Tempered
- Laminate
- Plate
- Mirror
- Black spandrel

BACKGROUND (Continued)

This solicitation was structured in a manner which required bidders to submit a response using unit pricing; this bid resulted in a 3% decrease over comparable prices for the service contract awarded in 2010.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 954 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 11, 2010, City Council authorized a twenty-four-month service contract for window glass replacement services and repairs by Resolution No.10-1934.

FISCAL INFORMATION

\$553,180.00 - Current Funds (subject to annual appropriations)

\$ 45,000.00 - Convention and Event Services Current Funds (subject to annual appropriations)

\$ 25,000.00 - Aviation Current Funds (subject to annual appropriations)

\$ 15,000.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

M/WBE INFORMATION

219 - Vendors contacted

219 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

954 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Peruna Glass, Inc. dba Glass Doctor of North Texas

White Male	13	White Female	2
Black Male	1	Black Female	0
Hispanic Male	4	Hispanic Female	0
Other Male	1	Other Female	1

BID INFORMATION

The following bids were received from solicitation number BJ1203 and were opened on November 3, 2011. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Peruna Glass, Inc. dba Glass Doctor of North Texas	2001 Midway Rd. #121 Carrollton, TX 75006	\$638,180.00
Vitro dba Binswanger Glass	4222 Harry Hines Blvd. Dallas, TX 75219	\$679,502.50
Stafford Juneau Holdings, Inc. dba B.J. Glass Co.	579 County Rd. 4106 Crandall, TX 75114	\$812,729.55

OWNER

Peruna Glass, Inc. dba Glass Doctor of North Texas

Larry Patterson, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a two-year service contract for window glass replacement services and repairs – Peruna Glass, Inc. dba Glass Doctor of North Texas, lowest responsible bidder of three - Not to exceed \$638,180 - Financing: Current Funds (\$553,180), Convention and Event Services Current Funds (\$45,000), Aviation Current Funds (\$25,000) and Stormwater Drainage Management Current Funds (\$15,000) (subject to annual appropriations)

Peruna Glass, Inc. dba Glass Doctor of North Texas is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$638,180.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$638,180.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 11, 2012

WHEREAS, on August 11, 2010, City Council authorized a twenty-four-month service agreement for window glass replacement services and repairs by Resolution No. 10-1934;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Peruna Glass, Inc. dba Glass Doctor of North Texas (517192) for window glass replacement services and repairs for a term of two years in an amount not to exceed \$638,180.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Peruna Glass, Inc. dba Glass Doctor of North Texas shall be based only on the amount of the services directed to be performed by the City and properly performed by Peruna Glass, Inc. dba Glass Doctor of North Texas under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$638,180.00 (subject to annual appropriations).

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.

AGENDA ITEM # 3

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services
Fire

CMO: Jeanne Chipperfield, 670-7804
Forest E. Turner, 670-3390
A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for purchase and installation of remanufactured/rebuilt automatic transmissions - Inland Truck Parts in the amount of \$387,570, R Wilson Enterprises, a franchise of Eagle Transmission in the amount of \$280,050, VFR Limited, Inc. dba All State Transmission in the amount of \$228,137 and AAMCO Transmission in the amount of \$30,200, lowest responsible bidders of four - Total not to exceed \$925,957 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of a service contract is to establish firm pricing for transmission services, for a specific term, which are ordered on an as needed basis.

This service contract will provide automatic transmission repair and replacement services on City vehicles maintained by Equipment and Building Services and on fire trucks maintained by Dallas Fire-Rescue. The transmissions are installed in various types of vehicles and these vehicles are manufactured by:

- General Motors
- Chrysler
- Ford
- Honda
- Allison

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 299 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach. The Business Development and Procurement Services' ResourceLINK Team has submitted AAMCO Transmission's M/WBE application for an expeditious certification process for this contract. The additional project planned M/WBE participation for this contract will be 3.26%.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$925,957.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 34 - Vendors contacted
- 33 - No response
 - 1 - Response (Bid)
 - 0 - Response (No bid)
 - 1 - Successful

299 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Inland Truck Parts

White Male	26	White Female	0
Black Male	1	Black Female	0
Hispanic Male	20	Hispanic Female	1
Other Male	2	Other Female	0

ETHNIC COMPOSITION (Continued)

AAMCO Transmission

White Male	2	White Female	0
Black Male	0	Black Female	0
Hispanic Male	4	Hispanic Female	0
Other Male	0	Other Female	1

VFR Limited, Inc. dba All State Transmission

White Male	3	White Female	0
Black Male	0	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	1	Other Female	0

R Wilson Enterprises, a franchise of Eagle Transmission

White Male	3	White Female	1
Black Male	0	Black Female	0
Hispanic Male	4	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1201 and were opened on November 3, 2011. This service contract is being awarded to the lowest responsive and responsible bidders by group.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Inland Truck Parts	2001 Midway Rd. #121 Carrollton, TX 75006	Multiple Groups
*R Wilson Enterprises, a franchise of Eagle	4010 Lakeview Pkwy. Rowlett, TX 75088	Multiple Groups
*VFR Limited, Inc. dba All State Transmission	160 W Main St. Richardson, TX 75081	Multiple Groups
*AAMCO Transmission	1100 West LBJ FWY # 100 Irving, TX 75063	Multiple Groups

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
MHC Kenworth	4040 Irving Blvd. Dallas, TX 75247	Multiple Groups

OWNERS

Inland Truck Parts

Dave Scheer, President

R Wilson Enterprises, a franchise of Eagle Transmission

Robbie Wilson, President

VFR Limited, Inc. dba All State Transmission

Richard Hubbard Sr, President

AAMCO Transmission

Kanwar Suri, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for purchase and installation of remanufactured/rebuilt automatic transmissions - Inland Truck Parts in the amount of \$387,570, R Wilson Enterprises, a franchise of Eagle Transmission in the amount of \$280,050, VFR Limited, Inc. dba All State Transmission in the amount of \$228,137 and AAMCO Transmission in the amount of \$30,200, lowest responsible bidders of four - Total not to exceed \$925,957 - Financing: Current Funds (subject to annual appropriations)

Inland Truck Parts, R Wilson Enterprises a franchise of Eagle Transmission and AAMCO Transmission are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. VFR Limited, Inc. dba All State Transmission is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$925,957.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$925,957.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
V.F.R Limited Inc dba All State Transmission	NMDL11113Y0312	\$229,637.00	24.80%
Total Minority - Local		\$229,637.00	24.80%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$229,637.00	24.80%	\$229,637.00	24.80%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$229,637.00	24.80%	\$229,637.00	24.80%

January 11, 2012

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

Section 1. That the City Manager is authorized to execute a service contract with Inland Truck Parts (269741) in the amount of \$387,570.00, R Wilson Enterprises a franchise of Eagle Transmission (503590) in the amount of \$ 280,050.00, VFR Limited, Inc. dba All State Transmission (VS0000049528) in the amount of \$ 228,137.00 and AAMCO Transmission (246308) in the amount of \$30,200.00 for purchase and installation of remanufactured/rebuilt automatic transmissions for a term of three years in a total amount not to exceed \$925,957.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Inland Truck Parts, R Wilson Enterprises a franchise of Eagle Transmission, VFR Limited, Inc. dba All State Transmission and AAMCO Transmission shall be based only on the amount of the services directed to be performed by the City and properly performed by Inland Truck Parts, R Wilson Enterprises a franchise of Eagle Transmission, VFR Limited, Inc. dba All State Transmission and AAMCO Transmission under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$925,957 (subject to annual appropriations).

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.

AGENDA ITEM # 4

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of hydrofluosilicic acid to be used for the treatment of potable water – Pencco, Inc., lowest responsible bidder of four – Not to exceed \$2,048,288 - Financing: Water Utilities Current Funds

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods, for a specific term, which are ordered on an as needed basis.

This master agreement will provide hydrofluosilicic acid (fluoride) for the treatment of potable water as required by Resolution No. 65-4383, August 9, 1965 to fluoridate drinking water at all three purification plants. To conduct a product and cost evaluation, the following agencies were surveyed; this bid price compares with the following:

<u>Vendor</u>	<u>City</u>	<u>Price/ton</u>	<u>Bid date</u>	<u>Term</u>
Pencco, Inc.	Dallas	\$573.75	November 2011	3 yrs
Mosaic Crop Nutrition, LLC.	Oklahoma City	\$625.00	April 2011	2 yrs
Harcros	Trinity River Authority	\$690.00	December 2010	1 yr
Pencco, Inc.	Forth Worth	\$698.00	March 2010	3 yrs
DPC Industries	Arlington	\$749.80	October 2008	5 yrs

BACKGROUND (Continued)

Water Utilities provides service to an estimated two million people in Dallas and surrounding communities. On average, the City pumps over 417 million gallons of water per day.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing; this bid resulted in a 14% decrease over comparable unit prices for the bid awarded in 2011.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 357 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On January 12, 2011, City Council authorized a one-year master agreement for the purchase of hydrofluosilicic acid (fluoride) to be used for the treatment of potable water by Resolution No. 11-0155.

On April 22, 2009, City Council authorized a twenty-four-month master agreement for hydrofluosilicic acid to be used for the treatment of potable water by Resolution No. 09-1044.

On December 12, 2007, City Council authorized a twenty-four-month master agreement for hydrofluosilicic acid to be used for the treatment of potable water by Resolution No. 07-3688.

FISCAL INFORMATION

\$2,048,287.50 - Water Utilities Current Funds

M/WBE INFORMATION

20 - Vendors contacted
20 - No response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

357 - M/WBE and Non-M/WBE vendors were contacted

M/WBE INFORMATION (Continued)

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Pennco, Inc.

White Male	32	White Female	6
Black Male	0	Black Female	0
Hispanic Male	7	Hispanic Female	1
Other Male	1	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BD1202 and opened on November 3, 2011. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Pennco, Inc.	831 Bartlett Rd. Sealy, TX 77474	\$2,048,287.50
Mosaic Crop Nutrition, LLC.	13830 Circa Crossing Dr. Lithia, FL 33547	\$2,134,860.00
Bures	7127 Larkin Dr. Dallas, TX 75227	\$2,281,230.00
Key Chemical, Inc.	9503 Dovewood Place Waxhaw, NC 28173	\$2,461,479.30

OWNER

Pennco, Inc.

R.L. Horne, President
Aline Horne, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of hydrofluosilicic acid to be used for the treatment of potable water – Pencco, Inc., lowest responsible bidder of four – Not to exceed \$2,048,288 - Financing: Water Utilities Current Funds

Pencco, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$2,048,287.50	100.00%
TOTAL CONTRACT	\$2,048,287.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ricochet Fuel Distributors, Inc	WFWB51364Y1212	\$160,000.00	7.81%
Total Minority - Non-local		\$160,000.00	7.81%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$160,000.00	7.81%
Total	\$0.00	0.00%	\$160,000.00	7.81%

January 11, 2012

WHEREAS, on December 12, 2007, City Council authorized a twenty-four-month master agreement for hydrofluosilicic acid to be used for the treatment of potable water by Resolution No. 07-3688; and,

WHEREAS, on April 22, 2009, City Council authorized a twenty-four-month master agreement for hydrofluosilicic acid to be used for the treatment of potable water by Resolution No. 09-1044; and,

WHEREAS, on January 12, 2011, City Council authorized a one-year master agreement for the purchase of hydrofluosilicic acid (fluoride) to be used for the treatment of potable water by Resolution No. 11-0155;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of hydrofluosilicic acid to be used for the treatment of potable water is authorized with Pencco, Inc. (266895) for a term of three years in an amount not to exceed \$2,048,287.50.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for hydrofluosilicic acid (fluoride) to be used for the treatment of potable water. If a written contract is required or requested for any or all purchases of hydrofluosilicic acid (fluoride) to be used for the treatment of potable water under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$2,048,287.50.

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.

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Jeanne Chipperfield, 670-7804
A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for vehicle exhaust extraction parts - Air Cleaning Technologies, Inc., lowest responsible bidder of three - Not to exceed \$304,855 - Financing: Current Funds

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods for a specific term, which are ordered on an as needed basis.

This three-year master agreement will provide exhaust extraction parts for the Plymovent Exhaust Extraction Systems for Dallas Fire-Rescue. All fifty-seven City fire stations are equipped with the Plymovent Exhaust Extraction Systems. The Plymovent exhaust systems serve as a ventilation source to reduce the amount of exhaust created when a vehicle is started inside the fire garage. Fire fighters are exposed to carbon monoxide and other particulates from breathing the air in the fire station, and are also exposed to them by absorption. Fire stations built after 2003 are required to have a source capture exhaust system installed according to the National Fire Protection Agency (NFPA) regulations and stations built prior to 2003 have an exhaust system retrofitted into them. The City is compliant with these regulations.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 372 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$304,855.00 - Current Funds

M/WBE INFORMATION

- 44 - Vendors Contacted
- 44 - No response
 - 0 - Response (bid)
 - 0 - Response (no bid)
 - 0 - Successful

372 M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Air Cleaning Technologies, Inc.

White Male	14	White Female	2
Black Male	1	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BJ1205 and opened on November 10, 2011. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Air Cleaning Technologies, Inc.	1300 West Detroit Broken Arrow, OK 74012	\$304,855.00
Air Cleaning Specialists, Inc.	3875 Elm Street Denver, CO 80207	\$326,350.00
Air Cleaning Technologies, Inc.	221 Oak Street Bonner Springs, KS 66012	\$340,500.00

OWNER

Air Cleaning Technologies, Inc.

Dave Duncan, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for vehicle exhaust extraction parts - Air Cleaning Technologies, Inc., lowest responsible bidder of three - Not to exceed \$304,855 - Financing: Current Funds

Air Cleaning Technologies, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$304,855.00	100.00%
TOTAL CONTRACT	\$304,855.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

January 11, 2012

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

Section 1. That a master agreement for the purchase of vehicle exhaust extraction parts is authorized with Air Cleaning Technologies, Inc. (VS0000023279) for a term of three years in an amount not to exceed \$304,855.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for vehicle exhaust extraction parts. If a written contract is required or requested for any or all purchases of vehicle exhaust extraction parts under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$304,855.00.

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.

AGENDA ITEM # 6

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): 2, 3

DEPARTMENT: Business Development & Procurement Services
Trinity Watershed Management

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: 45S 45W 43H

SUBJECT

Authorize the purchase of a vertical mix flow pump - Pierce Pump Co. L.P., lowest responsible bidder of two - Not to exceed \$169,000 - Financing: Stormwater Drainage Management Capital Construction Funds

BACKGROUND

The purpose for this purchase is to provide a spare vertical mix flow pump for Trinity Watershed Management. The pump will be available as a backup in the event one of the pumps at the stormwater pump stations becomes disabled. The pump could be utilized at one of the follow stations: Small Able, Charlie and Delta.

The current pumps have been in place since the early to mid 1960's. The vertical mix flow pump discharges stormwater to the Trinity River during a rain event from the pump station sump. The pump has the stormwater capacity of 40,000 gallons per minute.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 186 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$169,000 - Stormwater Drainage Management Capital Construction Funds

<u>Council District</u>	<u>Amount</u>
2	\$112,666.67
3	<u>\$ 56,333.33</u>
Total	\$169,000.00

M/WBE INFORMATION

- 17 - Vendors contacted
- 17 - No response
- 0 - Response (Bid)
- 0 - Response (No bid)
- 0 - Successful

186 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Pierce Pump Co. L.P.

White Male	30	White Female	6
Black Male	0	Black Female	0
Hispanic Male	3	Hispanic Female	1
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BM1140 and opened on September 1, 2011. This purchase is being awarded in its entirety to the most responsible and responsive bidder

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Pierce Pump Co. L.P.	9010 John W. Carpenter Frwy. Dallas, TX 75247	\$169,000.00
Patterson Pump Company	1290 S. Willis #214 Abilene, TX 79605	\$213,000.00

OWNER

Pierce Pump Co. L.P.

Don Reece, President
Jim Reece, Vice President
Brenda Jared, Secretary/Treasurer
Lelia Drumm, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize the purchase of a vertical mix flow pump - Pierce Pump Co. L.P., lowest responsible bidder of two - Not to exceed \$169,000 - Financing: Stormwater Drainage Management Capital Construction Funds

Pierce Pump Co. L.P is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$169,000.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$169,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

January 11, 2012

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

Section 1. That the purchase of a vertical mix flow pump is authorized with Pierce Pump Co. L.P. (059246) in an amount not to exceed \$169,000.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for a vertical mix flow pump. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed \$169,000.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>
0063	SDM	4793	4720	SDM4792MS01	\$169,000.00

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.

AGENDA ITEM # 7

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize the purchase of one bio-solids distribution vehicle and two sewer cleaner vehicles - Texarkana Tractor Company dba Nor-Tex Tractor in the amount of \$439,629 and Rush Medium Duty Truck Center in the amount of \$230,386, lowest responsible bidders of seven - Total not to exceed \$670,015 - Financing: Water Utilities Current Funds

BACKGROUND

This purchase will provide Water Utilities with one bio-solids distribution vehicle and two sewer cleaner vehicles. The bio-solids distribution vehicle will be used to apply digested (stabilized) sludge in the dedicated sludge disposal fields at the Southside Wastewater Treatment Plant. Sludge is a solid by-product of treated wastewater at the Central and Southside Wastewater Treatment Plants. These solids are separated from the water, producing a clear and clean effluent that is discharged into the Trinity River. All sludge disposal operations must meet stringent regulations as required by Texas Commission of Environmental Quality (TCEQ) and Environmental Protection Agency (EPA). Both agencies require proper application and disposal to prevent odor problems and insect/rodent attraction; both of which, if not done properly, can adversely affect public health and quality of life. Failure to dispose of sludge in a timely manner will result in odor complaints from residents and possible fines from the regulatory agencies.

Currently, the City has a fleet of seven bio-solids distribution vehicles and fifteen small sewer cleaner vehicles. These vehicles have a replacement life of 10 years and have gone through an evaluation process using an established criterion to ensure that only vehicles that have exceeded their regular maintenance program are replaced. The equipment evaluation process uses criterion that includes life-to-date maintenance costs, recommended replacement mileage and recommended replacement life. All vehicles being removed from service will be disposed of through public auction.

BACKGROUND (Continued)

The bio-solids vehicles being removed from service will be disposed of through public auction; and the sewer cleaner vehicles being removed from service will be stripped of usable parts.

The purchase of the two sewer cleaner vehicles will be used to perform maintenance on the sanitary sewer system. The large sewer cleaner is used by staff primarily to conduct scheduled maintenance and preventive cleaning. The sewer cleaner bodies will be used on existing trucks. These are used by personnel for emergency calls when immediate service is required. When the sewer cleaners are not on emergency calls, they are being used in the preventative scheduled maintenance process. Preventative inspections and cleanings are important in identifying existing or potential problem areas in the sewer system. Replacement of this equipment will also help in the reduction of sanitary sewer overflows and reduce overtime usage.

DWU maintains over 4,200 miles of wastewater mains, and this equipment will assist in its efforts to decrease the number of sewer backups and overflows by utilizing an aggressive and proactive preventative maintenance program.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 1311 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 10, 2009, City Council authorized the purchase of one bio-solids distribution vehicle, three sewer cleaner vehicles and one television pipe inspection vehicle by Resolution No. 09-1434.

On September 10, 2008, City Council authorized the purchase of a bio-solids distribution vehicle, one combination sewer/vacuum vehicle and two sewer cleaner vehicles by Resolution No.08-2408.

On September 12, 2007, City Council authorized the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant by Resolution No. 07-2546.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

On June 27, 2007, City Council authorized the purchase of one sewer cleaner inspection truck and a sewer cleaner truck to be used for sanitary sewer system cleaning and internal television pipe inspections by Resolution No. 07-1960.

FISCAL INFORMATION

\$670,015.00 - Water Utilities Current Funds

M/WBE INFORMATION

196 -Vendors Contacted
196 - No response
 0 - Response (bid)
 0 - Response (no bid)
 0 - Successful

1311 M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Texarkana Tractor Company dba Nor-Tex Tractor

White Male	8	White Female	1
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

Rush Medium Duty Truck Center

White Male	26	White Female	1
Black Male	2	Black Female	0
Hispanic Male	4	Hispanic Female	1
Other Male	1	Other Female	1

BID INFORMATION

The following bids were received from solicitation number BJ1207 and opened on November 3, 2011. This purchase is being awarded to the lowest responsive and responsible bidders by group.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Texarkana Tractor Company dba Nor-Tex Tractor	1400 W. Shannon Rd. Sulphur Springs, TX 75482	Group 1 - No Bid Group 1A - No Bid Group 2 - \$439,629.00
*Rush Medium Duty Truck Center	4000 Irving Blvd. Dallas, TX 75247	Group 1 - \$206,646.00 Group 1A - \$ 30,798.00 Group 2 - No Bid
*Rush Medium Duty Truck Center - Alternate	4000 Irving Blvd. Dallas, TX 75247	Group 1 - \$225,140.00 Group 1A - \$ 23,740.00 Group 2 - No Bid
Texarkana Tractor Company dba Bowie County Equipment	421 E. Front St. Dekalb, TX 75559	Group 1 - No Bid Group 1A - No Bid Group 2 - \$454,589.00
Rush Medium Duty Truck Center - Alternate	4000 Irving Blvd. Dallas, TX 75247	Group 1 - \$214,606.00 Group 1A - \$ 28,880.00 Group 2 - No Bid
Rush Medium Duty Truck Center - Alternate	4000 Irving Blvd. Dallas, TX 75247	Group 1 - \$231,250.00 Group 1A - \$ 29,080.00 Group 2 - No Bid
Rush Medium Duty Truck Center - Alternate	4000 Irving Blvd. Dallas, TX 75247	Group 1 - \$231,250.00 Group 1A - Non-Responsive Group 2 - No Bid

OWNERS

Texarkana Tractor Company dba Nor-Tex Tractor

James Carlow, President

Rush Medium Duty Truck Center

W.M. "Rusty" Rush, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize the purchase of one bio-solids distribution vehicle and two sewer cleaner vehicles - Texarkana Tractor Company dba Nor-Tex Tractor in the amount of \$439,629 and Rush Medium Duty Truck Center in the amount of \$230,386, lowest responsible bidders of seven - Total not to exceed \$670,015 - Financing: Water Utilities Current Funds

Texarkana Tractor Company dba Nor-Tex Tractor is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Rush Medium Duty Truck Center, Dallas is a local, non-minority firm, and has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$230,386.00	34.39%
Total non-local contracts	\$439,629.00	65.61%
TOTAL CONTRACT	\$670,015.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

January 11, 2012

WHEREAS, on June 27, 2007, City Council authorized the purchase of one sewer cleaner inspection truck and a sewer cleaner truck to be used for sanitary sewer system cleaning and internal television pipe inspections by Resolution No. 07-1960; and,

WHEREAS, on September 12, 2007, City Council authorized the purchase of a bio-solids distribution vehicle to be used at the Southside Wastewater Treatment Plant by Resolution No. 07-2546; and,

WHEREAS, on September 10, 2008, City Council authorized the purchase of a bio-solids distribution vehicle, one combination sewer/vacuum vehicle and two sewer cleaner vehicles by Resolution No.08-2408; and,

WHEREAS, on June 10, 2009, City Council authorized the purchase of one bio-solids distribution vehicle, three sewer cleaner vehicles and one television pipe inspection vehicle by Resolution No. 09-1434;

NOW, THEREFORE,

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

Section 1. That the purchase of one bio-solids distribution vehicle and two sewer cleaner vehicles is authorized with Texarkana Tractor Company dba Nor-Tex Tractor (VS0000065753) in the amount of \$439,629.00 and Rush Medium Duty Truck Center (520505) in the amount of \$230,386.00, for a total amount not to exceed \$670,015.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for one bio-solids distribution vehicle and two sewer cleaner vehicles. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriations, in an amount not to exceed \$670,015.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0100	DWU	7450	4720	\$439,629.00	2012	PO DWU 00000100989
0100	DWU	7410	4720	\$230,386.00	2012	PO DWU 00000101010

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.

AGENDA ITEM # 8

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize the purchase of time clock synchronization hardware to be installed on the City's existing radio towers utilized in the communication infrastructure for public safety and other departments in order to provide narrowbanding capabilities required by the Federal Communication Commission - Spectracom Corporation, lowest responsible bidder of two - Not to exceed \$177,250 - Financing: Current Funds

BACKGROUND

The purchase of this hardware is required to upgrade the City's existing communication infrastructure to provide narrowbanding capabilities. This external time-based equipment (oscillator clocks) must be installed on the transmitters and receivers in the City's Radio Communication Network infrastructure to maintain the necessary frequencies for the mandated narrowband transition. This hardware provides a very precise reference frequency used to prevent frequency drift and ensure a stable environment in which synchronized radio signals transmit from communication tower to communication tower.

This equipment is required to complete narrowbanding upgrades of existing communication infrastructures at 17 sites. This time-based technology equipment will work with any radio or device required to operate on the wideband network the City of Dallas is currently configuring for narrowbanding.

Narrowbanding compliance is part of a Federal Communication Commission (FCC) mandate which must be completed prior to January 1, 2013. Failure to complete this mandate can result in fines and/or loss of FCC licenses required to operate the City's communication infrastructure for several departments including Police, Dallas Fire-Rescue and Dallas Water Utilities.

BACKGROUND (Continued)

This bid was extended by three weeks in order to allow for greater participation. During the extension, four additional vendors were contacted in attempts to increase participation; these efforts resulted in one additional bidder.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 128 email bid notifications to vendors registered under respective commodities.

To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$177,250.00 – Current Funds

M/WBE INFORMATION

- 33 - Vendors contacted
- 32 - No response
- 1 - Response (Bid)
- 0 - Response (No bid)
- 0 - Successful

128 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Spectracom Corporation

White Male	40	White Female	14
Black Male	1	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	2	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BH1229 and were opened on November 17, 2011. This purchase is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Spectracom Corporation	1565 Jefferson Road #460 Rochester, NY 14623	\$177,250.00
REMtec, LLC	610 Uptown Boulevard Suite 2000 Cedar Hill, TX 75104	\$265,206.00

OWNER

Spectracom Corporation

Lisa Withers, President
Alan Olderstein, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize the purchase of time clock synchronization hardware to be installed on the City's existing radio towers utilized in the communication infrastructure for public safety and other departments in order to provide narrowbanding capabilities required by the Federal Communication Commission - Spectracom Corporation, lowest responsible bidder of two - Not to exceed \$177,250 - Financing: Current Funds

Spectracom Corporation is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$177,250.00	100.00%
TOTAL CONTRACT	\$177,250.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$0.00</u>	<u>0.00%</u>

January 11, 2012

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

Section 1. That the purchase of hardware to be installed on the City's existing radio towers utilized in the communication infrastructure for public safety and other departments in order to provide narrow banding capabilities required by the Federal Communication Commission is authorized with Spectracom Corporation (267661) in an amount not to exceed \$177,250.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for hardware to be installed on the City's existing radio towers utilized in the communication infrastructure for public safety and other departments in order to provide narrow banding capabilities required by the Federal Communication Commission. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds from the following appropriation, in an amount not to exceed \$177,250.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>
0197	DSV	1812	4760	PODSV101482	\$177,250.00

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.

AGENDA ITEM # 9

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police

CMO: Thomas P. Perkins, Jr., 670-3491
A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize settlement of a claim filed by Claude Manning, Claim No. 10-00006-01-30 - Not to exceed \$8,000 - Financing: Current Funds

BACKGROUND

Claimant Claude Manning filed a claim against the City of Dallas seeking compensation for bodily injuries allegedly sustained in an automobile accident on November 21, 2009 involving a Dallas Police Department vehicle. Plaintiff is represented by The Rodgers Law Firm.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum concerning this item.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

\$8,000.00 - Current Funds

January 11, 2012

WHEREAS, a claim was filed by Claude Manning, Claim No. 10-00006-01-30, seeking compensation for alleged bodily injuries sustained in an automobile accident on November 21, 2009, involving a Dallas Police Department vehicle; and,

WHEREAS, claimant Claude Manning, through his attorney, The Rodgers Law Firm, has agreed to settle this claim for the amount of \$8,000.00; **Now, Therefore**,

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

Section 1. That settlement of the claim filed by Claude Manning, Claim No. 10-00006-01-30, in an amount not to exceed \$8,000.00, is hereby approved.

Section 2. That the City Controller is authorized to pay to Claude Manning and his attorney The Rodgers Law Firm the amount of \$8,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor MVATT001.

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.

AGENDA ITEM # 10

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police

CMO: Thomas P. Perkins, Jr., 670-3491
A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize settlement of a claim filed by Opal Leonard, Claim No.11-00505-01-31 - Not to exceed \$23,143 - Financing: Current Funds

BACKGROUND

Claimant Opal Leonard filed a claim against the City of Dallas seeking compensation for property damages allegedly sustained in an automobile accident on July 5, 2011 involving a Dallas Police Department vehicle.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council will be briefed by memorandum concerning this item.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

\$23,142.17 - Current Funds

January 11, 2012

WHEREAS, a claim was filed by Opal Leonard, Claim No. 11-00505-01-31, seeking compensation for property damages sustained in an automobile accident on July 5, 2011, involving a Dallas Police Department vehicle; and,

WHEREAS, claimant Opal Leonard has agreed to settle this claim for the amount of \$23,142.17; **Now, Therefore**,

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

Section 1. That settlement of the claim filed by Opal Leonard, Claim No. 11-00505-01-31, in an amount not to exceed \$23,142.17, is hereby approved.

Section 2. That the City Controller is authorized to pay to Opal Leonard the amount of \$23,142.17 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor MVATT001.

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.

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Equipment & Building Services
Code Compliance

CMO: Forest E. Turner, 670-3390
Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize **(1)** acceptance of a Bailment Agreement entered into by and between the City of Dallas and Boulder Electric Vehicle, Inc. on July 25, 2011 for the use and testing of three electric vehicles and the installation of three charging stations to reduce Nitrogen oxide (NOx) pollutants and other emissions; and **(2)** execution of the bailment agreement - Not to exceed \$1,000 - Financing: Current Funds

BACKGROUND

The City of Dallas was awarded a bailment agreement approved by the City Manager on July 25, 2011, by Boulder Electric Vehicle, Inc. as authorized by the Texas Commission of Environmental Quality (TCEQ) and the Boulder Electric Vehicle Demonstration Project Grant to reduce Nitrogen oxide (NOx) pollutants and other emissions in Texas metropolitan non-attainment areas.

The City applied for and was authorized to participate as a Municipal User in the Texas Commission of Environmental Quality (TCEQ) and Boulder Electric Vehicle Demonstration Project Grant of three electric work vehicles for testing and use in the City's municipal fleet for calendar year 2012. This grant requires the installation of three charging stations at a cost of \$1,000, the operation of the grant funded electric vehicles for a minimum of a calendar year, and reporting requirements.

This action will accept the bailment agreement for use of these vehicles for testing as awarded by Boulder Electric Vehicle, Inc. through the Texas Commission of Environmental Quality.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$1000 - Current Funds

January 11, 2012

WHEREAS, the City applied for this grant as a municipal user under the Texas Commission of Environmental Quality Texas Emissions Reduction Plan through the TCEQ and Boulder Electric Vehicle Demonstration Project Grant; and,

WHEREAS, the City was awarded a bailment agreement by Boulder Electric Vehicle, Inc. on July 25, 2011; and,

WHEREAS, the Texas Commission of Environmental Quality Texas Emissions Reduction Plan has awarded the City of Dallas the use of three electric vehicles and charging stations through the Boulder Electric Vehicle, Inc.; and,

WHEREAS, the City agrees to install three charging stations, and to operate three electric vehicles for a minimum of one calendar year and submit reports set forth in the bailment agreement.

NOW, THEREFORE;

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

Section 1. That the City Manager is authorized to accept the bailment agreement for the use of three electric vehicles for testing in the Boulder Electric Vehicle Demonstration Project Grant from the Texas Commission on Environmental Quality through the Boulder Electric Vehicle, Inc.

Section 2. That the City Controller is authorized to transfer funds not to exceed \$1000 from Fund 0001, Department CCS, Unit 3470, Object Code 3070 to Fund 0001, Department EBS, Unit 3064, Object Code 5011 for reimbursement of cost related to installation of charging stations.

Section 3. That the City Manager is authorized to execute the bailment agreement, after it has been approved as to form by the City Attorney.

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.

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): 7, 8, 14

DEPARTMENT: Equipment & Building Services
Aviation
Park & Recreation

CMO: Forest E. Turner, 670-3390
A. C. Gonzalez, 671-8925
Paul D. Dyer, 670-4071

MAPSCO: 34E 46P 63L

SUBJECT

Authorize a license agreement with Electric Transportation Engineering Corporation dba ECOTALITY North America for the installation of three electric vehicle charging stations located at Fair Park, Dallas Love Field, and Dallas Executive Airport for the City's electric vehicles as part a grant from the U.S. Department of Energy for the collection and analysis of data for the Electric Vehicle Pilot Project through April 30, 2013 - Estimated Revenue: \$34

BACKGROUND

Electric Transportation Engineering Corporation dba ECOTALITY North America received a grant from the U.S. Department of Energy for the Electric Vehicle (EV) Project, and proposes to install electric vehicle charging stations at select City of Dallas facilities as a pilot project. Pursuant to license agreements with the City's Park and Recreation Department and Department of Aviation, ECOTALITY North America will install stations at three locations (10 charging points), provide maintenance and back-office data support until the conclusion of the project on April 30, 2013. The City will be paid \$1 upon execution of the agreement and \$1 per month per contract for the life of the project.

Participation in this pilot program will allow the City to continue demonstrating leadership in the development of green infrastructure, encouraging public adoption of alternative fuels and improving air quality. The City and Electric Transportation Engineering Corporation dba ECOTALITY North America will analyze data from the stations to characterize vehicle use for potential future needs.

BACKGROUND (Continued)

Planned facility locations include Aviation and Park and Recreation sites as follows:

Dallas Love Field	6 charging points
Dallas Executive Airport	2 charging points
Fair Park	2 charging points

This action allows Electric Transportation Engineering Corporation dba ECOtality North America to install charging stations, provide maintenance, data collection and back-office support for the grant period.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

The Fair Park agreement was approved by the Park and Recreation Board on December 1, 2011.

ESTIMATED SCHEDULE OF PROJECT

Begin station installations	January 2012
Open stations for public access	February 2012

FISCAL INFORMATION

\$34 – Estimated Revenue

OWNER(S)

Electric Transportation Engineering Corporation dba ECOtality North America

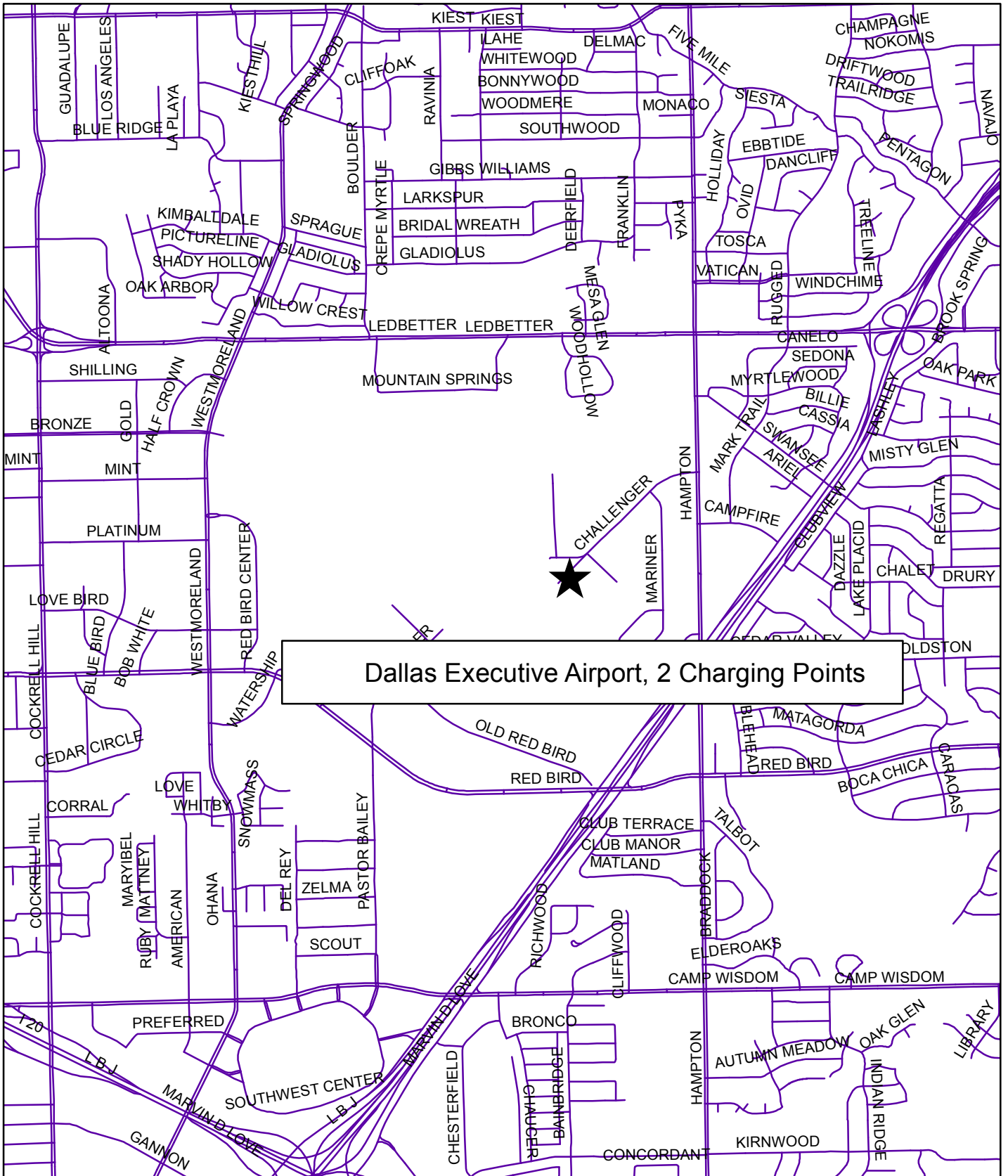
Donald Karner - President

MAP(S)

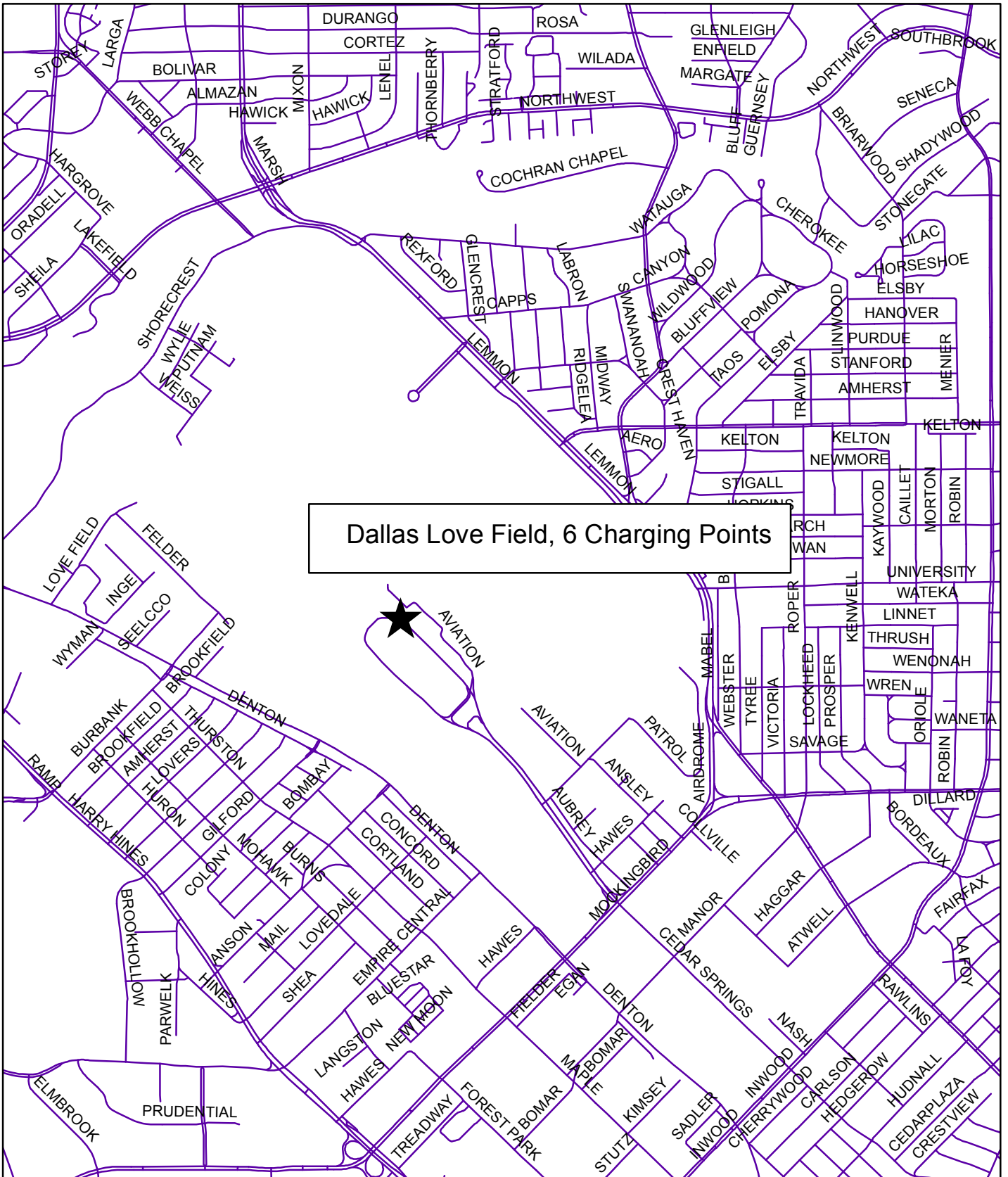
Attached



ECOtality Electric Vehicle Charging Station Locations
Fair Park
Council District 7



ECOtality Electric Vehicle Charging Station Locations
 Dallas Executive Airport
 Council District 8



ECOtality Electric Vehicle Charging Station Locations
 Dallas Love Field
 Council District 14

January 11, 2012

WHEREAS, electric vehicles are expected to become more prevalent in the Metroplex in 2012; and,

WHEREAS, Electric Transportation Engineering Corporation dba ECOtality North America received a \$115 million dollar grant from the U.S. Department of Energy and matched it with an additional \$115 million dollars to install electric vehicle charging stations; and,

WHEREAS, Electric Transportation Engineering Corporation dba ECOtality North America seeks to collect and analyze data on electric vehicle use throughout the United States; and,

WHEREAS, Electric Transportation Engineering Corporation dba ECOtality North America wishes to use the data gathered to facilitate future deployments of electric vehicles; and,

WHEREAS, the City wishes to continue demonstrating leadership in the development of green infrastructure, encouraging public adoption of alternative fuels and improving air quality; and,

WHEREAS, Electric Transportation Engineering Corporation dba ECOtality North America and City desire to establish a pilot program for electric vehicle charging stations to be located at Fair Park, Dallas Love Field, and Dallas Executive Airport.

NOW, THEREFORE;

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

Section 1. That the City Council hereby authorizes license agreements with Electric Transportation Engineering Corporation dba ECOtality North America for installation of electric vehicle charging stations.

Section 2. That the City Manager is authorized to enter into said license agreements, approved as to form by the City Attorney, with Electric Transportation Engineering Corporation dba ECOtality North America to install and maintain the electric vehicle charging stations at Fair Park, Dallas Love Field and Dallas Executive Airport through April 30, 2013.

Section 3. That the City Controller is authorized to receive and deposit funds from the Aviation agreement in Fund 0130, Dept AVI, Unit 7710, Revenue Source 6352.

Section 4. That the City Controller is authorized to receive and deposit funds from the Park and Recreation agreement in Fund 0001, Dept PKR, Unit 5206, Revenue Source 6352.

January 11, 2012

Section 5. 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.

KEY FOCUS AREA: A Cleaner, Healthier City Environment

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): 2

DEPARTMENT: Equipment & Building Services
Public Works Department
Library

CMO: Forest E. Turner, 670-3390
Jill A. Jordan, P.E., 670-5299
Joey Zapata, 670-1204

MAPSCO: 45K 45P 45Q

SUBJECT

Authorize **(1)** the acceptance of electric vehicle charging stations at various City facilities from TXU Energy Retail Energy Company, LLC (TXU); and **(2)** an Interlocal Agreement with TXU for the installation, maintenance and reimbursement of expenses associated with electric vehicle charging stations for a period of three years - Financing: This action has no cost consideration to the City

BACKGROUND

TXU offered the City a gift of electric vehicle charging stations in order to demonstrate leadership in the development of green infrastructure and improving air quality. The stations will be installed at select City facilities and may be used for City and/or public vehicles. TXU is promoting this program to provide the City with a no-cost way to gain experience with the deployment and operation of electric vehicle charging infrastructure. TXU will install and maintain the stations for three years. In addition, TXU will reimburse the City for electricity used for a period of one year for public vehicles and three years for City vehicles.

City Hall will be the first installation and others will be added as funding allows. Planned facilities are:

- | | |
|-----------------|-----------------|
| City Hall | 2 charge points |
| Central Library | 1 charge point |

This action allows for Council acceptance of TXU's gift, authorizes the City Manager to enter into a no-cost contract with TXU to install and maintain the charging stations, and to accept refunds of electricity costs.

ESTIMATED SCHEDULE OF PROJECT

Begin station installations	January 2012
Stations available to the public	February 2012

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

This action has no cost consideration to the City

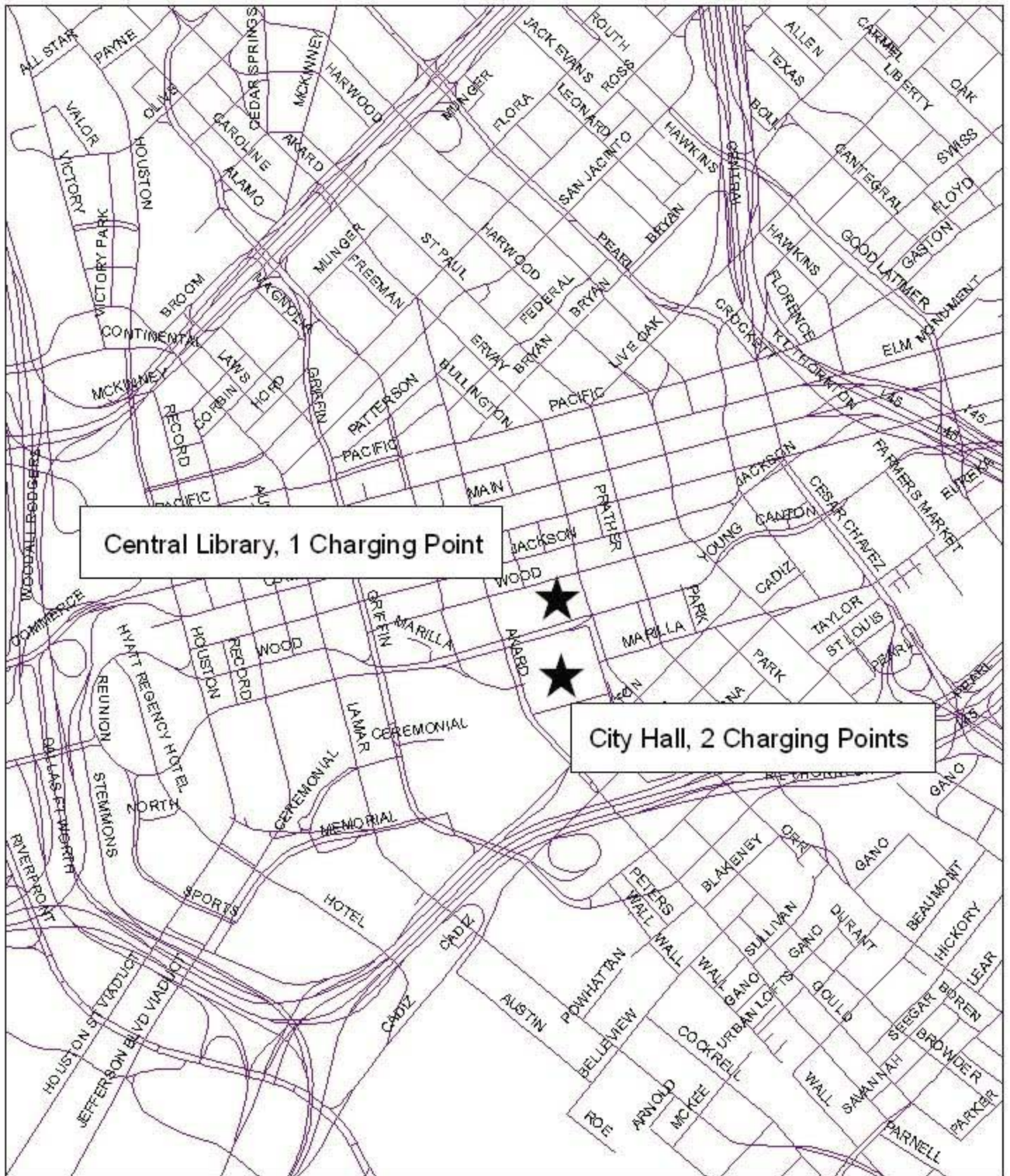
OWNER(S)

TXU Energy Retail Company, LLC

James Burke, CEO

MAP

Attached



TXU Electric Vehicle Charging Station Locations
City Hall, Central Library
Council District 2

January 11, 2012

WHEREAS, electric vehicles are expected to become more prevalent in the Metroplex in 2012; and,

WHEREAS, TXU Energy Retail Electric Company, LLC wishes to present the City with a gift of electric vehicle charging stations; and,

WHEREAS, the City wishes to continue demonstrating leadership in the development of green infrastructure, encouraging public adoption of alternative fuels and improving air quality; and,

WHEREAS, both parties wish to begin installation of the stations;

NOW, THEREFORE;

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

Section 1. That the City Council accepts the gift of electric vehicle charging stations and reimbursement for electricity use and commends TXU Energy Retail Company, LLC on their support of this new technology.

Section 2. That the City Manager is authorized to enter into a contract with TXU Energy Retail Company, LLC to install and maintain the stations for a period of three years at no cost consideration to the City.

Section 3. That the City Controller be authorized to receive and deposit funds from the City Hall installation in Fund 0001, Department EBS Unit 3069, Revenue Source 8411.

Section 4. That the City Controller be authorized to receive and deposit funds from the Central Library installation in Fund 0001, Department LIB, Unit 5310, Revenue Source 8411.

Section 5. 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.

AGENDA ITEM # 14

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize a professional services contract with Diversified Utility Consultants, Inc., for expert consulting services and testimony in matters related to Atmos Energy Mid-Tex Division's "Dallas Annual Rate Review" filing – Not to exceed \$80,000 - Financing: Current Funds (to be fully reimbursed by Atmos Energy)

BACKGROUND

Atmos Energy Mid-Tex Division (Atmos) is to make its first filing under the "Dallas Annual Rate Review" (DARR) on or about January 15, 2012. Since this is the first year of the new rate review mechanism, it is necessary that filing be fully investigated to determine if the requested rates are justified and if the DARR is performing its intended purpose.

Diversified Utility Consultants, Inc. (DUCI) has expertise in gas regulatory matters and is currently assisting the City with gas related issues before the Railroad Commission of Texas and in the state district court. DUCI provided expert testimony on behalf of the City in Atmos' last full rate case (GUD 9869) and is familiar with the findings in that case. The DARR uses the methodologies and depreciation rates approved in the most recent full rate case. The DARR is intended to recognize changes in net investment and expenses without the expense of a full rate case.

Because DUCI has intimate knowledge of that prior case and is currently assisting the City with other appeals, both at the Railroad Commission of Texas and State District Court, staff solicited a proposal from DUCI to assist the City with its review of the case.

Pursuant to the DARR, the City must make a determination as to appropriate rates within 135 days of the filing (May 29, 2012). By contracting with DUCI prior to the filing being received by the City, it will maximize the time that DUCI has to review the filing and make appropriate recommendations to the City.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

FISCAL INFORMATION

\$80,000 - Current Funds (to be fully reimbursed by Atmos Energy)

M/WBE INFORMATION

Diversified Utility Consultants, Inc., is performing services under this contract with its own employees. There are no subcontracting opportunities.

ETHNIC COMPOSITION

Diversified Utility Consultants, Inc.

White Male	02	White Female	01
African-American Male	00	African-American Female	00
Hispanic Male	00	Hispanic Female	00
Other Male	00	Other Female	00

OWNER

Diversified Utility Consultants, Inc.

Jack Pous, President

January 11, 2012

WHEREAS, on June 22, 2011, the City of Dallas, by Ordinance No. 28281, authorized tariff “DARR – Dallas Annual Rate Review” (DARR); and

WHEREAS, Atmos Energy Mid-Tex Division (Atmos) is required to make its first filing under the tariff DARR on or about January 15, 2012; and

WHEREAS, the City requires outside assistance in reviewing the filing to determine fair and reasonable rates to be charged by Atmos; and

WHEREAS, Diversified Utility Consultants, Inc. has expertise in this area and has assisted the city in its most recent gas rate reviews; and

WHEREAS, the expert consulting services and testimony of Diversified Utility Consultants, Inc. are necessary in this matter; **Now, Therefore,**

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

SECTION 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into a professional services contract with Diversified Utility Consultants, Inc., for expert consulting services and testimony necessary in Matters Related to the DARR filing, in an amount not to exceed \$80,000.

SECTION 2. That the City Controller is authorized to disburse, in periodic payments to Diversified Utility Consultants, Inc., an amount not to exceed \$80,000 from Fund 0001, Dept. BMS, Unit 1246, Obj. 3070, Encumbrance No. BMS1246D1201, Vendor No. 249678.

SECTION 3. That the City Controller is authorized to deposit reimbursement revenue received from Atmos Energy Corp. to Fund 0001, Dept. BMS, Unit 1246, Revenue Code 8428.

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.

AGENDA ITEM # 15

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Intergovernmental Services

CMO: Jeanne Chipperfield, 670-7804
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize **(1)** the acceptance of the 2011 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Areas Security Initiative, and the Metropolitan Medical Response System to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through February 28, 2014; and **(2)** execution of the grant agreement - Not to exceed \$9,685,972 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

The Department of Homeland Security (DHS) was created in 2002 and began releasing funds to state and local governments through grant programs. Since 2003, the City of Dallas has received over \$53 million in grant funds under the initiatives that make up the Homeland Security Grant Program. In 2011, the City of Dallas was awarded funds under two initiatives: the Urban Areas Security Initiative (UASI) and the Metropolitan Medical Response System (MMRS). In order to facilitate the distribution of these federal funds, each State is required to establish a State Administrative Agency (SAA) to administer and distribute the grant funding to local governments. In Texas, the SAA has been established within the Texas Division of Emergency Management.

These initiatives provide funding for equipment acquisition, and planning and training activities to increase the ability of the City of Dallas to prevent, protect against, respond to, and recover from natural and man-made disasters. Some of the activities that these funds support include planning and training for first responders and departmental staff, as well as for citizens participating in the Citizen Emergency Response Team and a public awareness campaign. Additionally, these funds are also used to assist departments with meeting national, state and regional preparedness goals through the procurement of equipment for various initiatives such as increasing interoperability during incidents.

BACKGROUND (Continued)

Each initiative focuses on a component of the overall needs of Dallas to respond in conjunction with state and federal agencies during times of natural and man-made disasters. UASI focuses on the unique planning, equipment, training, and exercise needs of high-threat, high-density urban areas. MMRS focuses on the methods and practices of addressing prevention of and response to mass casualties.

Previous funding from the Homeland Security Grant Program has been used for equipment and programs to support public safety and homeland security initiatives such as the Computer Aided Dispatch System (CAD) for Police and Fire, development of the Urban Search and Rescue Team (USAR), renovation and enhancements of the Emergency Operations Center, upgrading the Public Safety radio system, development of the Fusion Center and equipment to ensure continuity of operations for City functions, including water systems.

Listed below are the levels of funding for each initiative:

Urban Areas Security Initiative	-	\$9,418,362.80
Metropolitan Medical Response System	-	\$ 267,608.35

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item will be briefed by memorandum.

FISCAL INFORMATION

\$9,685,971.15 – U. S. Department of Homeland Security Grant Funds

January 11, 2012

WHEREAS, the U.S. Department of Homeland Security has made funding available to the City of Dallas to build our capacity to prevent, protect against, respond to, and recover from a terrorist attack or natural disaster; and

WHEREAS, grant funds have been awarded to the City of Dallas to procure equipment and provide training for first responders; and

WHEREAS, the City of Dallas will benefit from increased preparedness throughout the city;

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

Section 1. That the City Manager is hereby authorized to accept the 2011 Homeland Security Grant from the Department of Homeland Security, which includes the Urban Areas Security Initiative (UASI, unit #1680) and the Metropolitan Medical Response System (MMRS, unit #1682) to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through February 28, 2014, and to execute the grant agreement with Texas Division of Emergency Management (the State Administrative Agency) in an amount not to exceed \$9,685,971.15.

Section 2. That the City Controller is hereby authorized to deposit Homeland Security grant funds in an amount not to exceed \$9,418,362.80 in Fund F352, Department MGT, Unit 1680, Revenue Code 6506.

Section 3. That the City Controller is hereby authorized to deposit Homeland Security grant funds in an amount not to exceed \$267,608.35 in Fund F354, Department MGT, Unit 1682, Revenue Code 6506.

Section 4. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$9,418,362.80 in Fund F352, Department MGT, Unit 1680, Object Code 3099.

Section 5. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$267,608.35 in Fund F354, Department MGT, Unit 1682, Object Code 3099.

Section 6. That the City Controller is hereby authorized to disburse funds from Fund F352, Department MGT, Unit 1680, Object Code 3099, not to exceed \$9,418,362.80.

Section 7. That the City Controller is hereby authorized to disburse funds from Fund F354, Department MGT, Unit 1682, Object Code 3099, not to exceed \$267,608.35.

January 11, 2012

Section 8. That the City Manager is hereby authorized to transfer existing positions into Unit 1680 and Unit 1682.

Section 9. 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.

KEY FOCUS AREA: Better Cultural, Arts and Recreational Amenities

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): 2

DEPARTMENT: Park & Recreation

CMO: Paul D. Dyer, 670-4071

MAPSCO: 45-E

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Newman, Jackson, Bieberstein, Inc. for additional study, design and construction documents to upgrade the gazebo lighting, electrical requirements, and all electrical service in the plaza at Pike Park located at 2807 Harry Hines Boulevard - Not to exceed \$5,200, from \$24,995 to \$30,195 - Financing: 2006 Bond Funds

BACKGROUND

The original professional services contract with Newman, Jackson, Bieberstein, Inc. was authorized on June 9, 2010, by Administrative Action No. 10-1552 for renovation of the gazebo/bandstand to include woodwork, audio and electrical, redevelopment of entrances and existing plaza, and development of additional plaza space with pedestrian connecting walkways at Pike Park, in an amount not to exceed \$24,995.

This action will authorize Supplemental Agreement No. 1 to the professional services contract with Newman, Jackson, Bieberstein, Inc. for additional study, design and construction documents to upgrade the gazebo lighting, electrical requirements, and all electrical service in the plaza at Pike Park, in an amount not to exceed \$5,200, making a revised contract amount of \$30,195.

ESTIMATED SCHEDULE OF PROJECT

Began Design August 2010
Complete Design August 2012

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Park and Recreation Board authorized award of the professional services contract on December 1, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$5,200

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Newman, Jackson, Bieberstein, Inc.

White Male	5	White Female	6
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

OWNERS

Newman, Jackson, Bieberstein, Inc.

H. Rowland Jackson, President

Karl Von Bieberstein, Vice President/Secretary/Treasurer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Newman, Jackson, Bieberstein, Inc. for additional study, design and construction documents to upgrade the gazebo lighting, electrical requirements, and all electrical service in the plaza at Pike Park located at 2807 Harry Hines Boulevard - Not to exceed \$5,200, from \$24,995 to \$30,195 - Financing: 2006 Bond Funds

Newman, Jackson, Bieberstein, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$800.00	15.38%
Non-local contracts	\$4,400.00	84.62%
TOTAL THIS ACTION	\$5,200.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

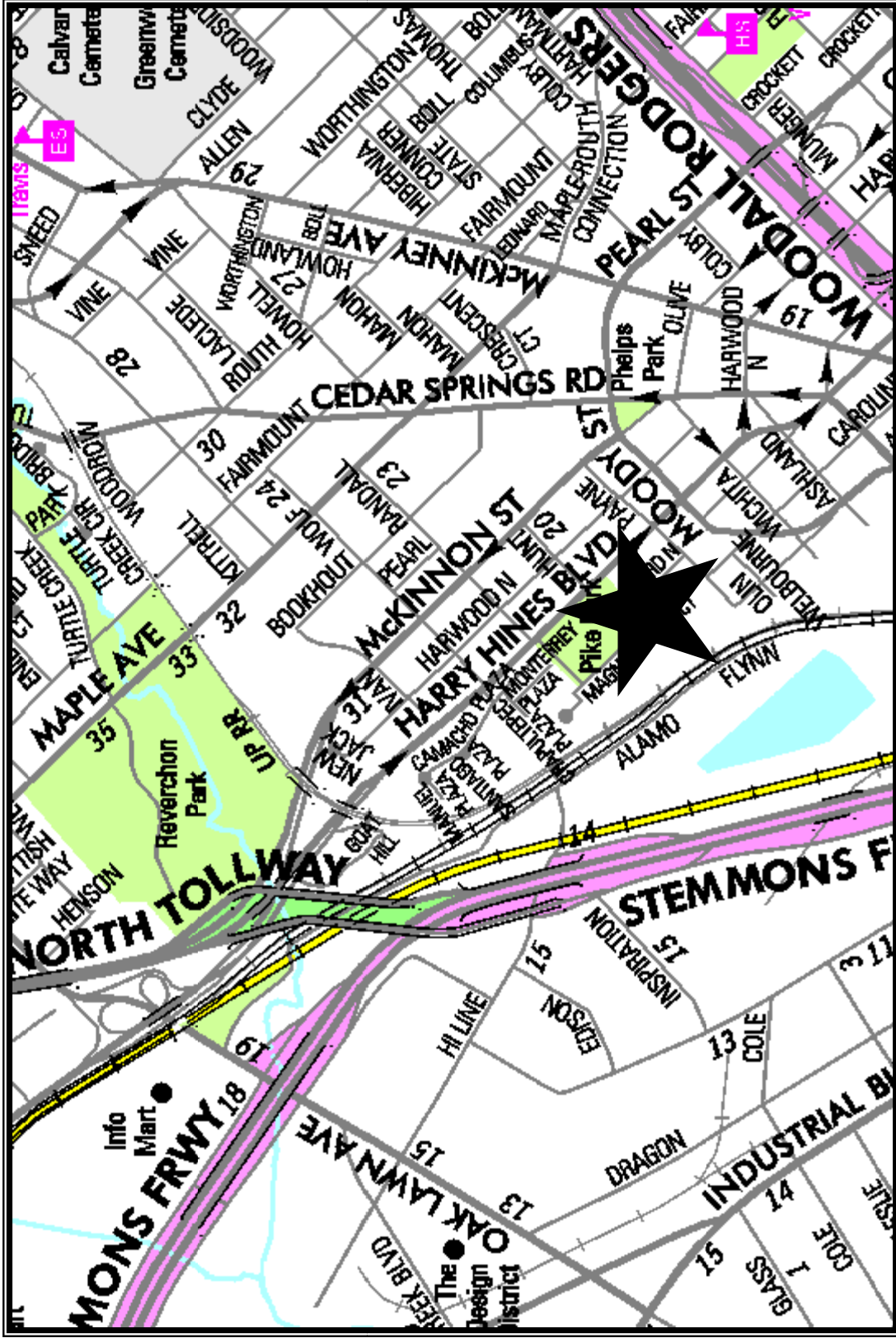
None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$11,130.00	36.86%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$11,130.00	36.86%

Pike Park

Council District 2



2807 Harry Hines Boulevard

Mapsco # 45-E

January 11, 2012

WHEREAS, on June 9, 2010, Administrative Action No. 10-1552, Newman, Jackson, Bieberstein, Inc. was awarded a contract for renovation of the gazebo/bandstand to include woodwork, audio and electrical, redevelopment of entrances and existing plaza, and development of additional plaza space with pedestrian connecting walkways at Pike Park located at 2807 Harry Hines Boulevard, in an amount not to exceed \$24,995; and

WHEREAS, it is now desired to enter into Supplemental Agreement No. 1 to the professional services contract with Newman, Jackson, Bieberstein, Inc. for additional study, design and construction documents to upgrade the gazebo lighting, electrical requirements, and all electrical service in the plaza at Pike Park, in an amount not to exceed \$5,200, increasing the contract amount from \$24,995 to \$30,195.

Now, Therefore,

BE IT RESOLVED BY THE PARK AND RECREATION BOARD AND THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Newman, Jackson, Bieberstein, Inc. for additional study, design and construction documents to upgrade the gazebo lighting, electrical requirements, and all electrical service in the plaza at Pike Park, in an amount not to exceed \$5,200, increasing the contract amount from \$24,995 to \$30,195.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Newman, Jackson, Bieberstein, Inc., after approval as to form by the City Attorney's Office.

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$5,200 to Newman, Jackson, Bieberstein, Inc. from (2006) Park and Recreation Facilities Improvement Fund, Fund 9T00, Department PKR, Unit T253, Object 4114, Activity RFSI, Program PK06T253, CT-PKR10019178, Commodity 92500, Vendor 092467.

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 670-3314
Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize acquisition, of approximately 344,760 square feet of land from M. C. Curry and Charles Ester Curry, located in Kaufman County for the Lake Tawakoni 144-inch Pipeline Project – Not to exceed \$31,000 (\$27,702 plus closing costs and title expenses not to exceed \$3,298) - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition of approximately 344,760 square feet of land in Kaufman County. This property will be used for the construction of a 144-inch raw water transmission line for the Lake Tawakoni Pipeline. The consideration is based on an independent appraisal.

This acquisition is part of the Lake Fork Project, currently underway by Dallas Water Utilities, which will allow the construction of a third pipeline from Lake Tawakoni to the Tawakoni Balancing Reservoir, and then to the Eastside Water Treatment Plant. Ultimately, a new 144-inch pipeline will be placed parallel to the existing 72-inch and 84-inch pipelines. The construction of the third pipeline from Lake Tawakoni to Dallas will allow capacity for Lake Fork to supply water to meet current city needs and future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Water Utilities Capital Improvement Funds - \$31,000 (\$27,702 plus closing costs and title expenses not to exceed \$3,298)

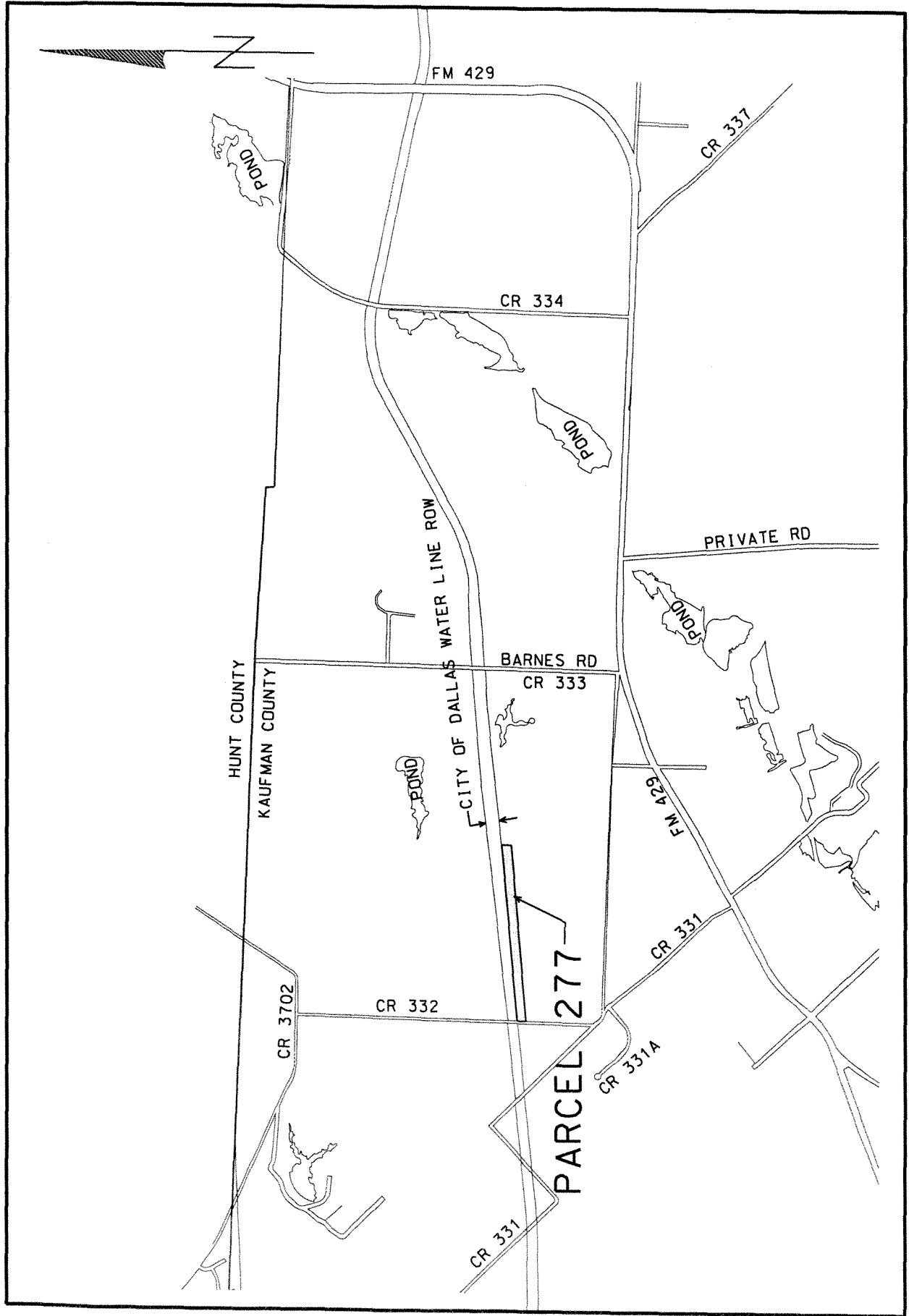
OWNERS

M. C. Curry

Charles Ester Curry

MAPS

Attached



VICINITY MAP
 APPROXIMATE SCALE 1" = 2000'

January 11, 2012

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS PURCHASE FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 344,760 square feet of land located in Kaufman County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Lake Tawakoni 144-inch Raw Water Transmission Pipeline

"USE": The installation, use, and maintenance of a pipeline or lines for the transmission of treated water together with such appurtenant facilities as may be necessary provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

"PROPERTY INTEREST": Fee Simple subject to the exceptions, reservations, covenants, conditions and/or interests, if any, provided in the instrument more particularly described in Exhibit "B"

"OWNER": M. C. Curry and Charles Ester Curry provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"PURCHASE AMOUNT": \$27,702

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,298

"AUTHORIZED AMOUNT": Not to exceed \$31,000

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

January 11, 2012

SECTION 3. That the City Manager, and/or the City Manager's designees, is hereby authorized and directed to consummate and accept the purchase, grant and conveyance to CITY of the PROPERTY INTEREST in and to the PROPERTY pursuant to the conveyancing instrument substantially in the form described in Exhibit "B", attached hereto and made a part hereof for all purposes, and approved as to form by the City Attorney and to execute, deliver and receive such other usual and customary documents necessary, appropriate and convenient to consummating this transaction.

SECTION 4. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 5. That OWNER has been provided with a copy of the Landowner's Bill of Rights as contemplated by applicable state statute.

SECTION 6. That in the event this acquisition closes, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Improvement Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041FD. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 7. That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 8. 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.

APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney

BY *Juice Woods*
Assistant City Attorney

FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-
WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 277

BEING a 7.915 acre tract of land in the R. Christian Survey, Abstract No. 89, and being located in Kaufman County, Texas, and being a portion of a tract of land described in Warranty Deed with Vendor's Lien to John T. Clayton and Margaret Clayton, dated April 7, 1958, as recorded in Volume 416, Page 397 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and being more particularly described as follows:

COMMENCING at a found concrete monument with a brass disk stamped "City of Dallas" on the west line of Kaufman County Road No. 332, an unrecorded right-of-way, said point also being on the northwest line of a City of Dallas Water Line Right-of-Way (130-foot wide) as recorded in Volume 431, Page 64, D.R.K.C.T.;

THENCE North 81 degrees 35 minutes 54 seconds East, departing the west line of said Kaufman County Road No. 332 along the northwest line of said City of Dallas Water Line Right-of-Way as recorded in Volume 431, Page 64, a distance of 20.47 feet to a PK nail set for the northeast corner of said City of Dallas Water Line Right-of-Way as recorded in Volume 431, Page 64, and the northwest corner of a City of Dallas Water Line Right-of-Way (variable width) as recorded in Volume 446, Page 183, D.R.K.C.T., also being in said Kaufman County Road No. 332;

THENCE South 00 degrees 31 minutes 16 seconds East, along the common line between the east line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 431, Page 64, and the west line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 446, Page 183, along said Kaufman County Road No. 332, a distance of 131.20 feet to a PK nail set for the POINT OF BEGINNING, said point being on the west line of said Clayton tract;

THENCE North 81 degrees 35 minutes 54 seconds East, departing the west line of said Clayton tract and said Kaufman County Road No. 332 and along the southeast line of said City of Dallas Water Line Right-of-Way as recorded in Volume 446, Page 183, a distance of 2,652.00 feet to a found concrete monument with a brass disk stamped "City of Dallas" for the northwest corner of a tract of land described as "56.365 acres" in Warranty Deed to Bonnet Family Partnership, L.P., dated January 21, 2002, as recorded in Volume 1945, Page 267, D.R.K.C.T. and in the east line of said Clayton tract;

THENCE South 00 degrees 31 minutes 16 seconds East, departing the southeast line of said City of Dallas Water Line Right-of-Way along the common line between the east line of said Clayton tract and the west line of said "56.365 acres" tract, a distance of 131.24 feet to a 1/2-inch set iron rod with a red plastic cap stamped "DAL-TECH" (hereinafter referred to as "with cap");

THENCE South 81 degrees 35 minutes 54 seconds West, departing said common line, crossing said Clayton tract along a line parallel with and 130 feet perpendicularly distant southeast from the southeast line of said City of Dallas Water Line Right-of-Way, as recorded in Volume 446, Page 183, a distance of 2,652.00 feet to a PK nail set on the west line of said Clayton tract and in said Kaufman County Road No. 332;

THENCE North 00 degrees 31 minutes 16 seconds West, along the west line of said Clayton tract and said Kaufman County Road No. 332, a distance of 131.24 feet to the POINT OF BEGINNING AND CONTAINING 344,760 square feet or 7.915 acres of land, more or less.

REVIEWED BY *llk* 11-5-07

**FIELD NOTES
DESCRIBING A TRACT OF LAND TO BE ACQUIRED FOR THE RIGHT-OF-
WAY FOR THE LAKE TAWAKONI RAW WATER TRANSMISSION MAIN
KAUFMAN COUNTY, TEXAS
Parcel: 277**

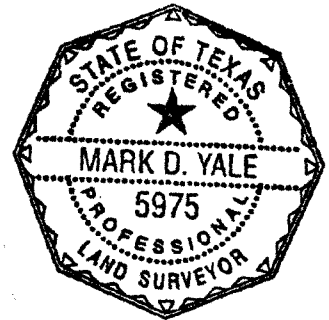
All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale factor of 1.000114077 as published by the Texas Department of Transportation, Dallas District was used for this project.

A plat of even survey date herewith accompanies this legal description.

Company Name: DAL-TECH Engineering, Inc.

By: *Mark D. Yale* Date: 2-22-08

Surveyor's Name: Mark D. Yale
Registered Professional Land Surveyor
Texas No. 5975



REVIEWED BY *DBH* 11-05-07



R. CHRISTIAN SURVEY
ABSTRACT NO. 89

CITY OF DALLAS WATER LINE RIGHT-OF-WAY
VOL. 446, PG. 183
D.R.K.C.T.
(VARIABLE WIDTH RIGHT-OF-WAY)

N81° 35'54" E 2,652.00'
S81° 35'54" W 2,652.00'

PARCEL 277
344,760 S.F.
7.915 AC.

OWNER:
JOHN T. CLAYTON AND
MARGARET CLAYTON
VOL. 416, PG. 397
D.R.K.C.T.

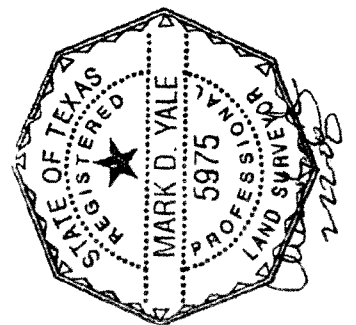
POINT OF
COMMENCEMENT

FOUND CONCRETE
MONUMENT W/BRASS
DISK STAMPED
"CITY OF DALLAS"
(C.M.)

CITY OF DALLAS WATER
LINE RIGHT-OF-WAY
VOL. 431, PG. 64
D.R.K.C.T.

POINT OF
BEGINNING
N00° 31'16" W
131.24'

S.P. HEATH
SURVEY
ABSTRACT
NO. 208



NOTE: THIS SURVEY WAS PERFORMED BASE UPON
RECORD DATA PROVIDED UNDER TICOR TITLE
INSURANCE COMPANY COMMITMENT G.F. NUMBER
22148-KF0T, WITH AN EFFECTIVE DATE OF MAY 01, 2007

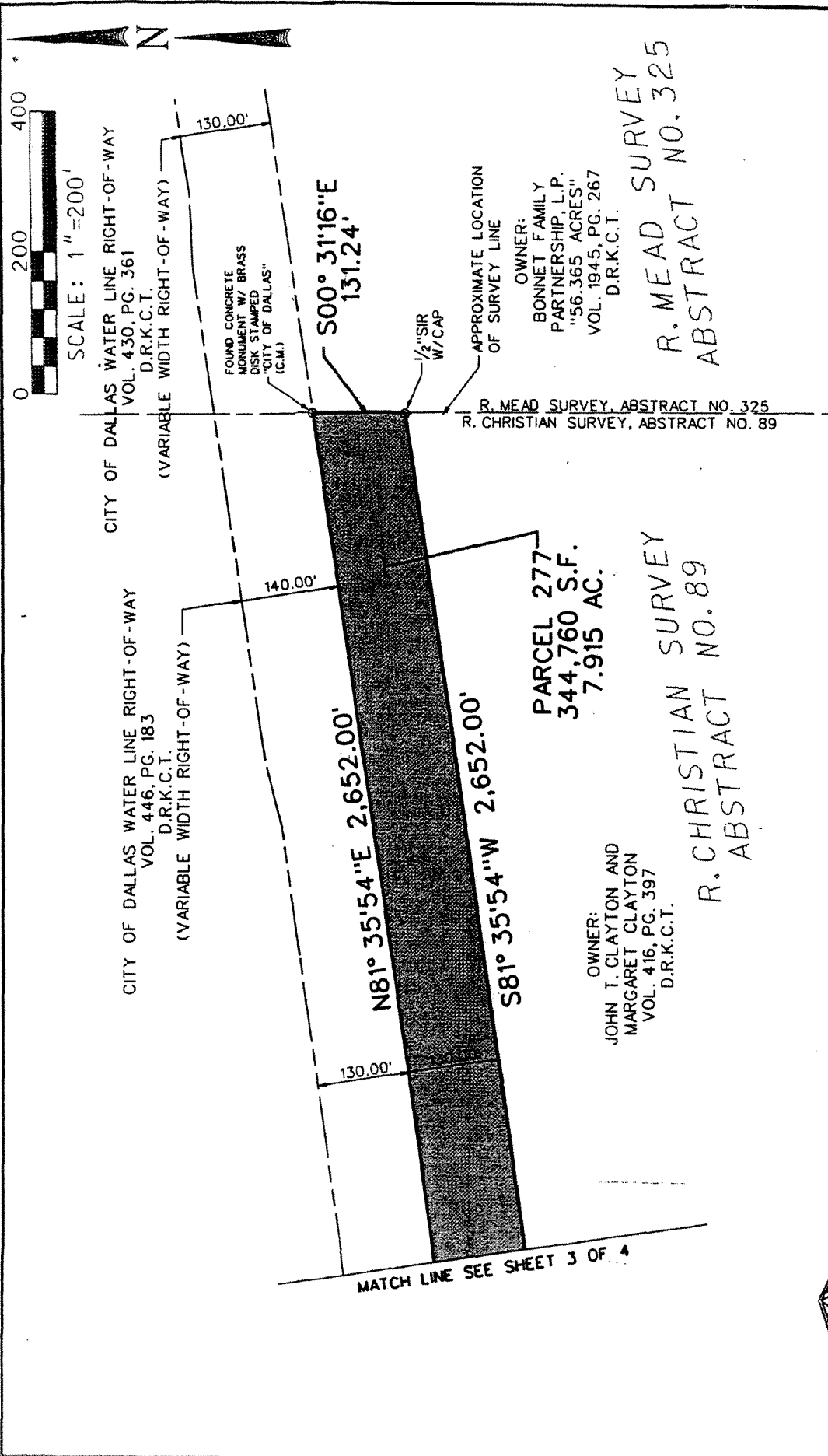
LEGEND:

S.F.	SQUARE FEET
C.M.	CONTROL MONUMENT
O.F.I.R.	FOUND IRON ROD
O.F.I.P.	FOUND IRON PIPE
O'2" S.I.R.	1/2" SET IRON ROD
W/CAP	WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
SX	SET "X" CUT IN CONCRETE
FPK	FOUND PK. NAIL
SPK	SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83
TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL
ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS
CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN
CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER
CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS
DISTRICT WAS USED FOR THIS PROJECT.

REVIEWED BY *[Signature]* 11-5-07

EXHIBIT
OF A
RIGHT-OF-WAY ACQUISITION
SITUATED IN THE
R. CHRISTIAN SURVEY, ABSTRACT NO. 89
KAUFMAN COUNTY, TEXAS
FOR THE
CITY OF DALLAS
BY
DAL-TECH ENGINEERING, INC., 17311 DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75248, TEL. (972)250-2727, FAX (972)250-1774



NOTE: THIS SURVEY WAS PERFORMED BASE UPON RECORD DATA PROVIDED UNDER TIGOR TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER 22148-KFOT, WITH AN EFFECTIVE DATE OF MAY 01, 2007

LEGEND:

S.F. SQUARE FEET
C.M. CONTROL MONUMENT
O F IR FOUND IRON ROD
O F IP FOUND IRON PIPE
O 1/2" SIR 1/2" SET IRON ROD
W/ CAP WITH A RED PLASTIC CAP STAMPED "DAL-TECH"
SX SET "X" CUT IN CONCRETE
FPK FOUND PK. NAIL
SPK SET PK. NAIL

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83 TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, ACCORDING TO MEASUREMENTS MADE AT NGS CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN CORS ARP, DALLAS CORS ARP, KAUFMAN CORS ARP, TYLER CORS ARP, AND PARIS CORS ARP. THE KAUFMAN COUNTY SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS DISTRICT WAS USED FOR THIS PROJECT.

REVIEWED BY *[Signature]* 11-5-07

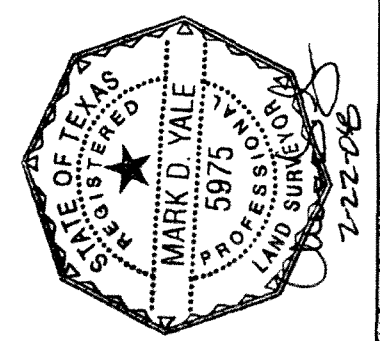


EXHIBIT OF A

RIGHT-OF-WAY ACQUISITION

SITUATED IN THE
R. CHRISTIAN SURVEY, ABSTRACT NO. 89
KAUFMAN COUNTY, TEXAS

FOR THE
CITY OF DALLAS

BY
DAL-TECH ENGINEERING, INC., 17311 DALLAS PKWY., SUITE 300
DALLAS, TEXAS 75248, TEL. (972) 250-2727 FAX (972) 250-4774

DATE: FEB. 08 REVISED: SCALE: 1" = 200' FILE: 095 SHEET 4 OF 4

Exhibit B

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

WARRANTY DEED

THE STATE OF TEXAS §
 § KNOW ALL PERSONS BY THESE PRESENTS:
COUNTY OF KAUFMAN §

That M. C. Curry and Charles Ester Curry, a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWENTY SEVEN THOUSAND SEVEN HUNDRED TWO AND 00/100 DOLLARS (\$27,702.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: None

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

EXECUTED this _____ day of _____, _____.

M. C. Curry

Charles Ester Curry

Exhibit B

* * * * *

STATE OF TEXAS
COUNTY OF KAUFMAN

This instrument was acknowledged before me on _____
by M. C. Curry.

Notary Public, State of TEXAS

* * * * *

STATE OF TEXAS
COUNTY OF KAUFMAN

This instrument was acknowledged before me on _____
by Charles Ester Curry.

Notary Public, State of TEXAS

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Lisa Andrews

Warranty Deed Log No. 36796

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction
Public Works Department

CMO: Ryan S. Evans, 670-3314
Jill A. Jordan, P.E., 670-5299

MAPSCO: 59K

SUBJECT

A resolution authorizing the conveyance of an easement containing approximately 627 square feet of land to Oncor Electric Delivery Company, LLC for the purpose of construction and maintenance of electric facilities across City-owned land, located near the intersection of St. Augustine Drive and Lake June Road - Financing: No cost consideration to the City

BACKGROUND

This item authorizes the conveyance of an easement to Oncor Electric Delivery Company, LLC located near the intersection of St. Augustine Drive and Lake June Road. This easement will allow for the installation and maintenance of power lines and electric transformer facilities to service the City's Prairie Creek Branch Library. The operation, construction, repair and full maintenance of this project shall be at no cost to the City of Dallas.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

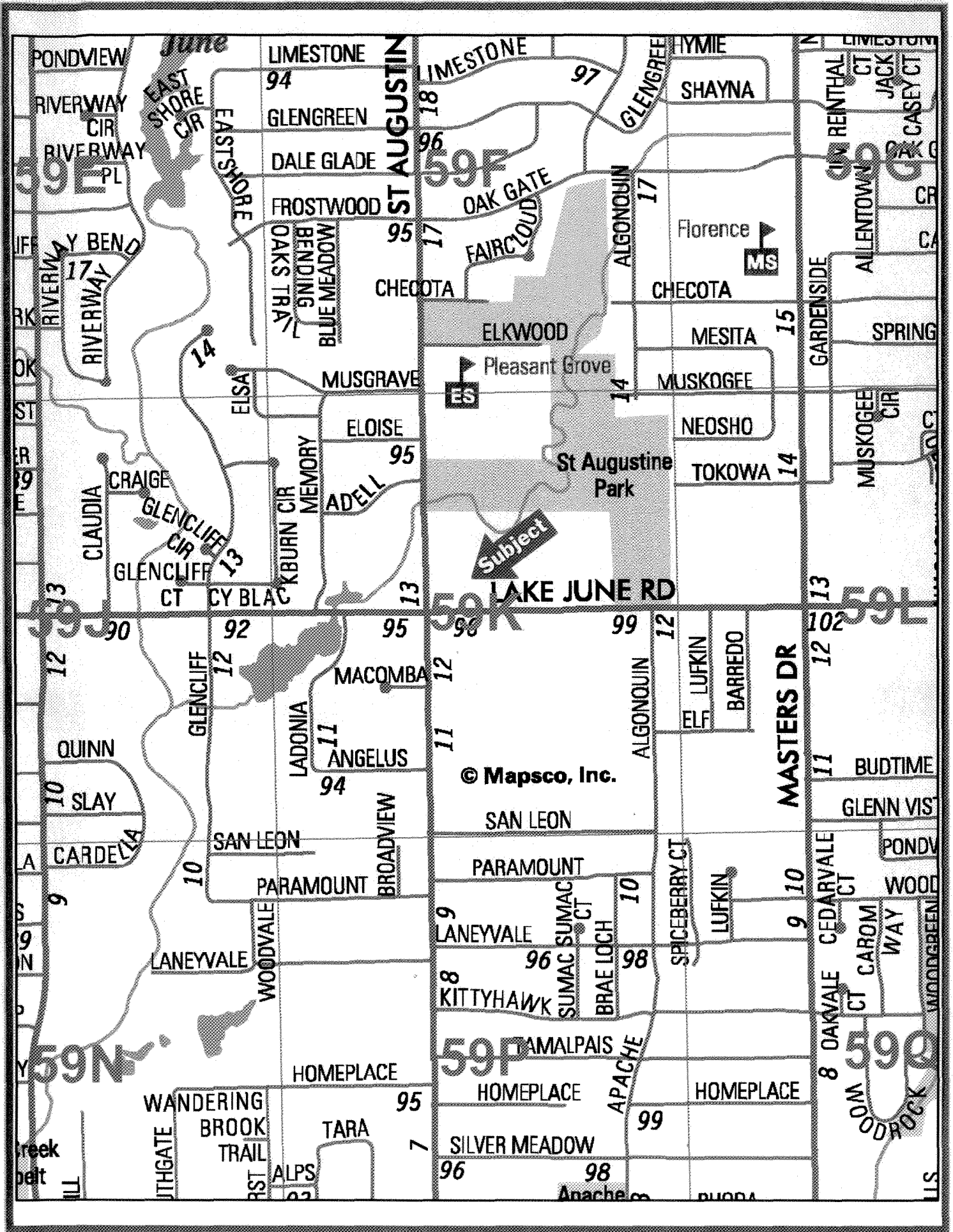
This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

MAPS

Attached



ST AUGUSTINE ROAD

A/6715



LAKE JUNE ROAD



EASEMENT AREA

January 11, 2012

WHEREAS, the City of Dallas owns certain land in City Block A/6715, Dallas, Dallas County, Texas which is used for the City's Prairie Creek Branch Library; and

WHEREAS, Oncor Electric Delivery Company, LLC has requested an Easement and Right of Way containing approximately 627 square feet of land, and being more fully described in Exhibit "A", attached hereto and incorporated herein for all purposes, for the construction, maintenance and use of power lines and electric transformer facilities to service the Prairie Creek Branch Library; and

WHEREAS, the City of Dallas needs and desires said utility service to the Prairie Creek Branch Library and will be benefited by the granting of this Easement and Right of Way;
Now Therefore,

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

SECTION 1. That the City Manager is authorized to execute and deliver to Oncor Electric Delivery Company, LLC an Easement and Right of Way to be attested by the City Secretary upon approval as to form by the City Attorney for the construction, maintenance and use of power lines and electric transformer facilities as to the approximately 627 square feet of land more fully described in Exhibit "A", attached hereto and incorporated herein for all purposes.

SECTION 2. 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.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

BY: _____


Assistant City Attorney

EXHIBIT A

Field Notes Describing a 627 Square Foot (0.0144 Acre)
Electric Easement To Be Acquired in City Block A/6715
From City of Dallas

Being a 627 Square Foot (0.0144 Acre) tract of land situated in the Solomon Carver Survey, Abstract Number 260, City of Dallas Block Number A/6715, Dallas County, Texas, being part of that certain 1.14 acre tract of land described in a Warranty Deed to the City of Dallas recorded in Instrument Number 20070139429, Official Public Records, Dallas County, Texas, being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the Southeast corner of said 1.14 acre tract, same corner being the Northeast corner of that certain 1.52 acre tract of land described in the Agreed Judgment to the City of Dallas recorded in Instrument Number 201100103250, Official Public Records, Dallas County, Texas, same corner lying in the West line of that certain 1.21 acre tract of land described in the Corrected Judgment in the Absence of Objections to the City of Dallas recorded in Instrument Number 200900341071, Official Public Records, Dallas County, Texas, said 1.21 acre tract being all of Lot 1 of a Subdivision of a Lot out of the D.B. Blaine 55 Acre Tract, an addition to the City of Dallas, Texas, recorded in Volume 27, Page 253, Map Records, Dallas, Texas;

THENCE North 89°56'34" West, along the North line of said 1.52 acre tract, a distance of 42.75 feet to a 5/8" iron rod with a cap stamped "JQ ENG" set for corner;

THENCE North 00°03'26" East, departing the North line of said 1.52 acre tract and crossing said 1.14 acre tract, a distance of 20.00 feet to a 5/8" iron rod with a cap stamped "JQ ENG" set for corner;

THENCE South 89°56'34" East, crossing said 1.14 acre tract, a distance of 20.00 feet to a 5/8" iron rod with a cap stamped "JQ ENG" set for corner;

THENCE South 00°03'26" West, crossing said 1.14 acre tract, a distance of 10.00 feet to a 5/8" iron rod with a cap stamped "JQ ENG" set for corner;

THENCE South 89°56'34" East, crossing said 1.14 acre tract, a distance of 22.73 feet to a 5/8" iron rod with a cap stamped "JQ ENG" set for corner in the west line of said 1.21 acre tract of land;

THENCE South 00°02'17" East, along the west line of said 1.21 acre tract, a distance of 10.00 feet to the **POINT OF BEGINNING**, containing 627 Square Feet, or 0.0144 of an acre of land.

BASIS OF BEARINGS: Bearings are based on the East line of South St. Augustine Road (being North 00°15'50" West) as recorded in Instrument Number 20070347229, Official Public Records, Dallas County, Texas.

Company Name: Jaster-Quintanilla Dallas, LLP

By: Christopher Maman 5/10/2011
Surveyor's Name: Christopher Maman
Registered Professional Land Surveyor, Texas No. 5532

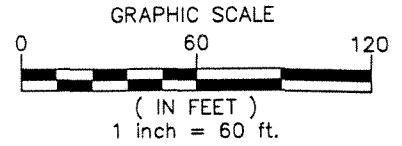


REVIEWED BY *WJ* 5/24/11

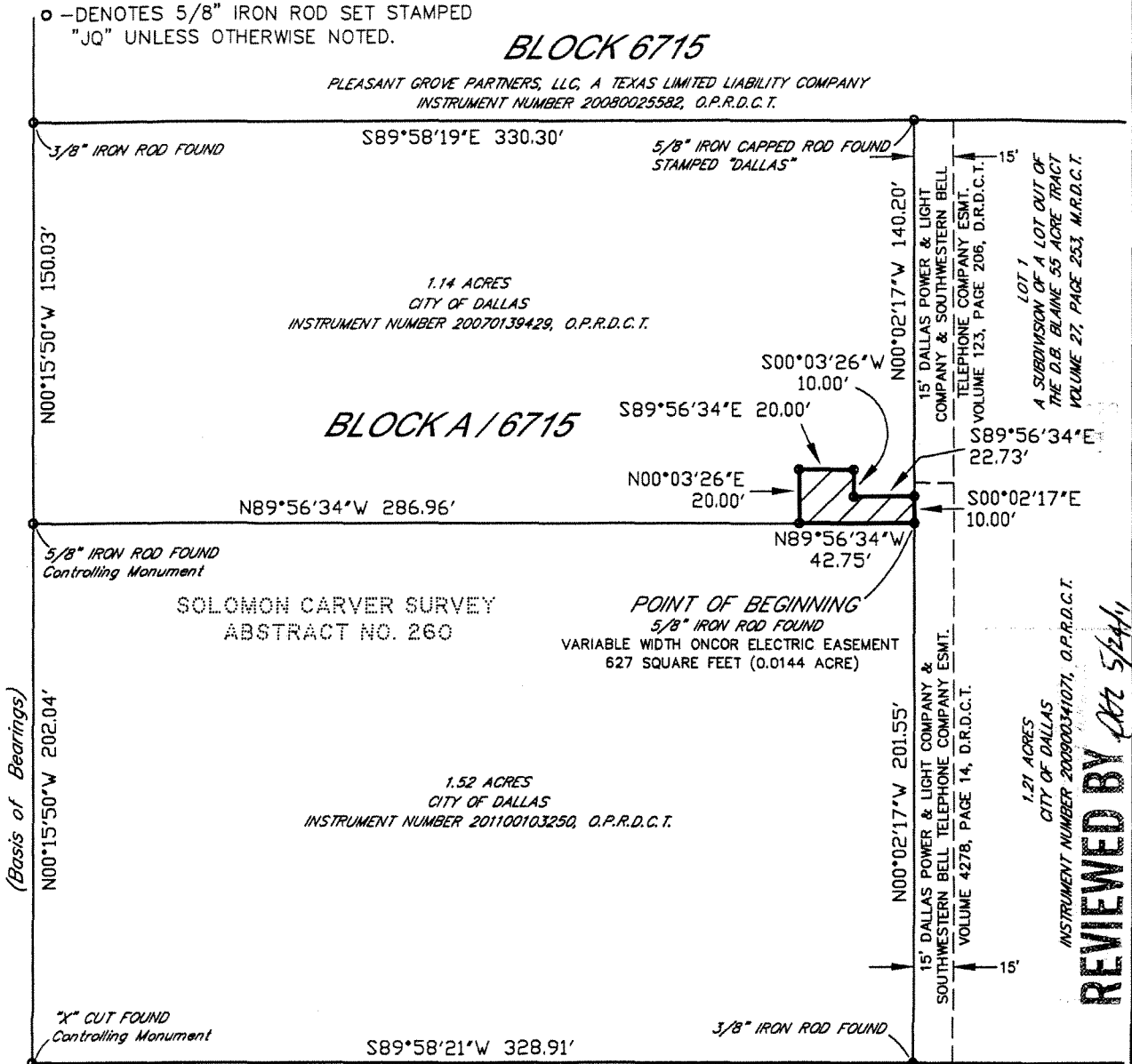
BASIS OF BEARINGS:

The east line of South St. Augustine Road (being North 00°15'50" West), as recorded in Instrument Number 20070347229, Official Public Records of Dallas County, Texas.

○ -DENOTES 5/8" IRON ROD SET STAMPED "JQ" UNLESS OTHERWISE NOTED.



Variable Width Right of Way
S.T. AUGUSTINE ROAD
(Basis of Bearings)



Variable Width Right of Way
LAKE JUNE ROAD

SOLOMON CARVER SURVEY, ABSTRACT NO. 260
JOEL ROBERTS SURVEY, ABSTRACT NO. 1224

LEGEND

O.P.R.D.C.T.—OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
D.R.D.C.T.—DEED RECORDS, DALLAS COUNTY, TEXAS
M.R.D.C.T.—MAP RECORDS, DALLAS COUNTY, TEXAS

EASEMENT TO BE ACQUIRED

PREPARED BY:
JASTER—QUINTANILLA DALLAS, LLP
2105 COMMERCE STREET
DALLAS, TEXAS 75201
TELEPHONE: 214 752-9098

VARIABLE WIDTH ONCOR ELECTRIC EASEMENT

FOR THE CONSTRUCTION OF A NEW ELECTRIC TRANSFORMER
CITY OF DALLAS BLOCK NUMBER A/6715
SOLOMON CARVER SURVEY, ABSTRACT NUMBER 260
CITY OF DALLAS, DALLAS COUNTY, TEXAS
MAY 2011
SCALE: 1"=60'

REVIEWED BY *AKZ SP/HL*

Chth Maman
5/10/2011



KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 3
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 43Z

SUBJECT

An ordinance authorizing the release and termination of a residential use only restriction and private drive conditions on abandoned portions of Odeans, Walter and Anniels Drives and various alleys located near the intersection of Colorado Boulevard and Fort Worth Avenue - Revenue: \$72,920

BACKGROUND

This item authorizes the release of a 40-year residential use restriction and private drive conditions on abandoned portions of Odeans, Walter and Anniels Drives and various alleys. On November 11, 1998, the City Council of the City of Dallas approved Ordinance No. 23696, abandoning portions of said streets and various alleys to Colorado Place Partners, L.P., the abutting owner.

As part of the consideration for the abandonment, and as an offset to the abandonment fee, the owner dedicated the abandoned areas as private drives and alleys. Pursuant to the City Code and the abandonment ordinance, the private drives and alleys were restricted to residential use only for 40 years from the date of passage of the ordinance. Such use restriction may be removed by ordinance duly passed by the City Council and upon receipt of payment of the non-prorated abandonment fee that would have otherwise been payable on the date the ordinance was originally passed.

The current owner of record, The Park at Kessler, L.P. desires to develop the abutting and abandoned areas as a mixed-use development.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 11, 1998, Council approved Ordinance No. 23696.

FISCAL INFORMATION

Revenue: \$72,920

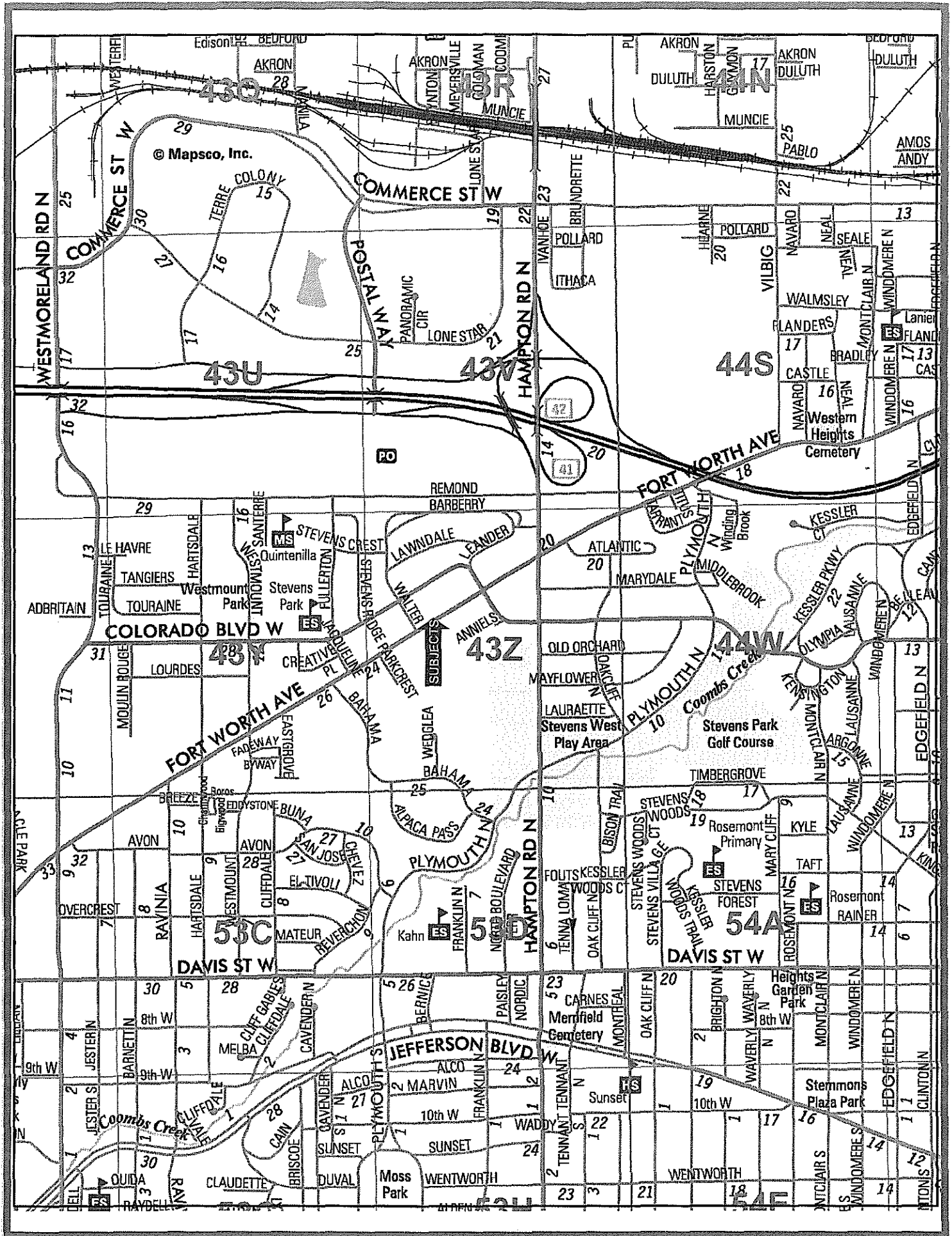
OWNER

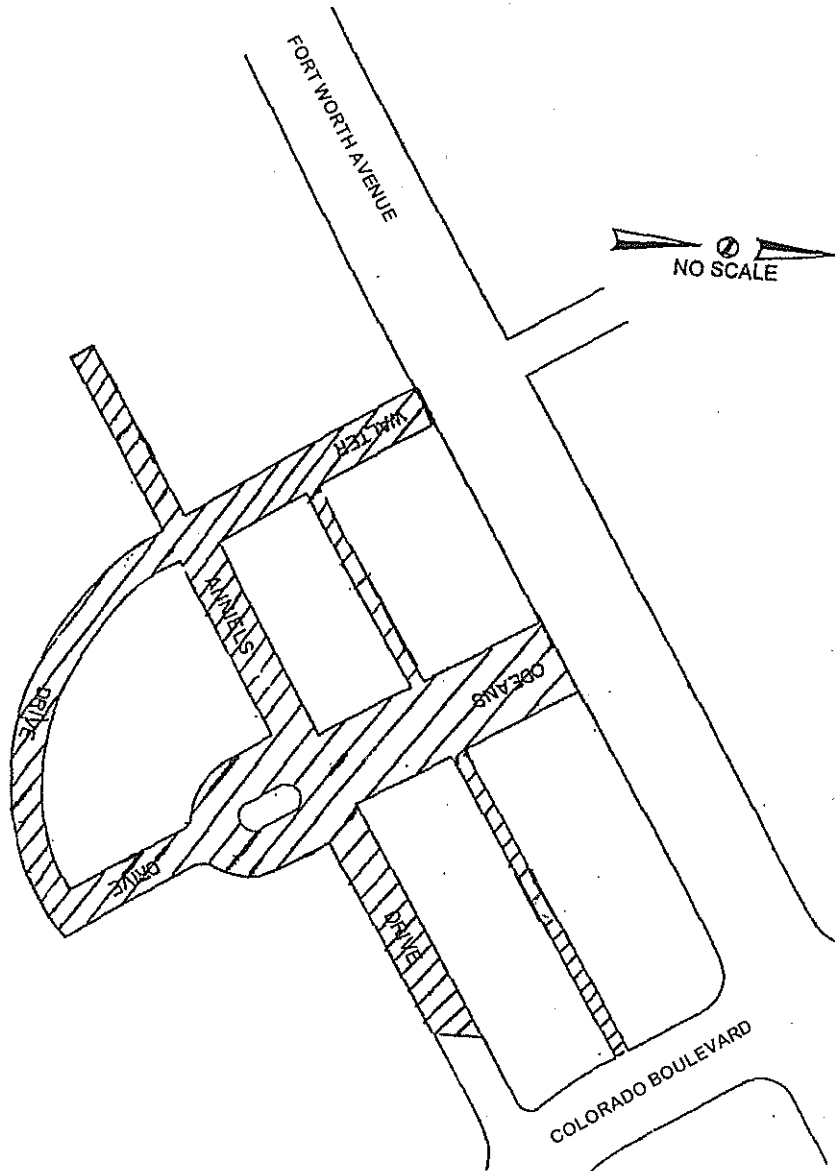
The Park at Kessler LP


Cielo Realty Partners, LLC, General Partner
Gandy Robert IV, Manager

MAPS

Attached





 Previously abandoned areas for removal of residential use only restrictions

ORDINANCE NO. _____

An ordinance providing for the release and termination of residential use only restrictions and private drive conditions and requirements on certain abandoned portions of Odeans Drive, Walter Drive, Anniels Drive and various alleys located adjacent to City Blocks 4689, 5130, 5310, 5934, 5935 in the City of Dallas and County of Dallas, Texas; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date for this ordinance.

ooo0ooo

WHEREAS, the City Council of the City of Dallas approved Ordinance No. 23696 on November 11, 1998, abandoning portions of Odeans Drive, Walter Drive, Anniels Drive and various alleys to Colorado Place Partners, L.P., Grantee, subject to certain terms, conditions and requirements provided therein; and

WHEREAS, as part of the consideration for the abandonment and quitclaim of said streets and alleys, and as an offset to the abandonment fee otherwise required by Dallas City Code, Grantee was to re-dedicate the abandoned areas as private drives and alleys; and

WHEREAS, pursuant to Dallas City Code and the abandonment ordinance the private drives and alleys were restricted to a residential use only for 40 years from the date of passage of the ordinance, unless such use restriction is sooner removed by ordinance duly passed by the City Council of the City of Dallas and payment of the non-prorated abandonment fee that would have otherwise been payable calculated in accordance with the Dallas City Code requirements on the date the ordinance was originally passed; and

WHEREAS, Sections 10, 11 and 12 of Ordinance No. 23696 provided for certain other terms, conditions and requirements applicable to a private drive subdivision; and

WHEREAS, the current owner of record of the abandoned areas is The Park at Kessler, LP, hereinafter referred to as **OWNER**; and

WHEREAS, the City Council of the City of Dallas, deems it advisable to release and terminate such use restrictions and private drive terms, conditions and requirements on

said streets and alleys to facilitate and promote the use and development of the property for the consideration hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That for and in monetary consideration of the sum of **SEVENTY-TWO THOUSAND NINE HUNDRED TWENTY AND NO/100 DOLLARS (\$72,920.00)** paid by **OWNER**, being the non-prorated abandonment fee calculated in accordance with the original abandonment Ordinance No. 23696 and Dallas City Code, the City of Dallas does hereby release and terminate the residential use only restriction and the terms, conditions and requirements as described in Sections 10, 11 and 12 of abandonment Ordinance No. 23696, as to the abandoned areas, more fully described in Exhibit A, attached hereto and incorporated herein for all purposes by reference.

SECTION 2. That the City Controller is authorized to deposit the sum paid by **OWNER** pursuant to Section 1 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction- Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

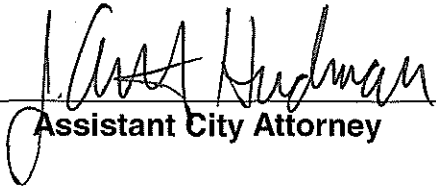
SECTION 3. That the terms and conditions contained in this ordinance shall be binding upon **OWNER**, its successors and assigns.


SECTION 4. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 1, plus the fee for the publishing of this ordinance, which **OWNER** shall likewise pay, the Director of Sustainable Development and Construction, or designee: (i) shall deliver to **OWNER** a certified copy of this ordinance. The Director of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:
THOMAS P. PERKINS, JR.
City Attorney

THERESA O'DONNELL
Director of Sustainable Development and
Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A 23696

983265

EXHIBIT A

ABANDONMENT
Portion of Annies Drive
Blocks 4689 & 5130
City of Dallas, Dallas County, Texas

BEING situated in the Anson McCracken Survey, Abstract No. 838, Dallas County, Texas, and being a 28,623 square feet portion of Annies Drive right-of-way adjoining Blocks 4689 and 5130, official City of Dallas numbers, and being all of Tract 1 and Tract 5, Dedication of Street as recorded in Volume 2127, Page 581, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 3/4" iron rod found for corner situated in the southerly line of Annies Drive (50' R.O.W.), and the most southeasterly corner of said Tract 5;

THENCE S59°11'00"W, along the southerly line of said Annies Drive 945.14 feet to an "x" cut found for corner,

THENCE N30°49'00"W, 30.00 feet to a point for corner being the most northwesterly corner of said Tract 1;

THENCE N59°11'00"E, 963.08 feet to a point for corner;

THENCE S00°04'00"W, 34.95 feet to the POINT OF BEGINNING and containing 28,623 square feet or 0.657 acres of land. *ll*

REVIEWED BY *ll*

The Basis of Bearings is the southerly right-of-way line of Annies Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.

SHEET 1 of 2



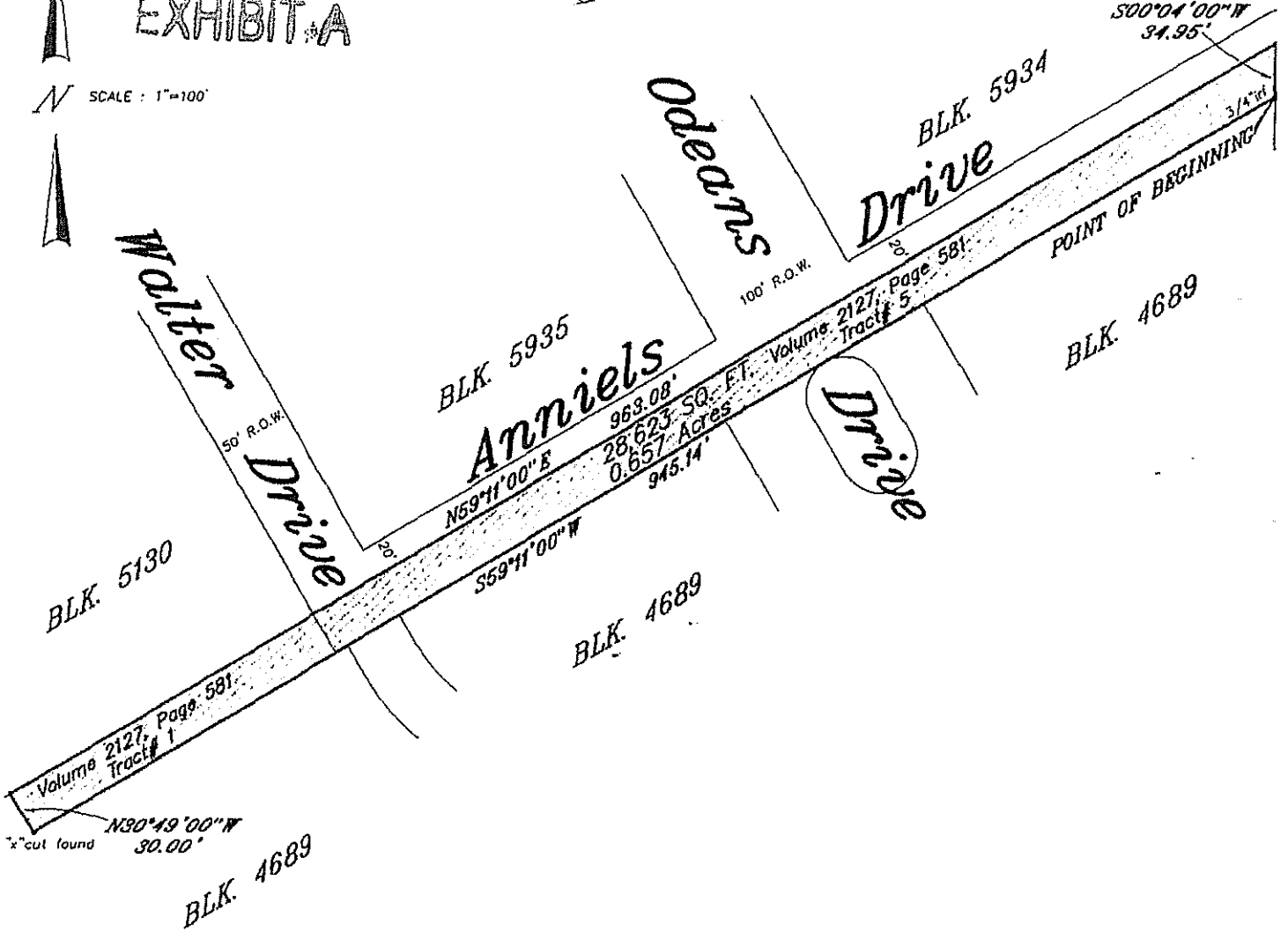
Stanley Ray Felts
6-29-98

The Basis of Bearings is the southerly right-of-way line of Anniels Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 581, D.R.D.C.T.

EXHIBIT A

EXHIBIT A

SCALE: 1"=100'



RECEIVED BY
Mr. Jones



Stanley Ray Felts
6-29-98

Abandonment

Portion of Anniels Drive
Anson McCracken Survey, Abst. No. 868
Dallas, Dallas County, Texas

B BROCKETTE · DAVIS · DRAKE, inc.
D consulting engineers

Civil & Structural Engineering · Surveying
4144 N. Central, Suite 1100 · Dallas, Texas 75204 (214)824-3647

EXHIBIT A

EXHIBIT A
23696

983265

ABANDONMENT
18' Alley
Block 5935
City of Dallas, Dallas County, Texas

BEING situated in the Anson McCracken Survey, Abstract No. 868, Dallas County, Texas, and being in Block 5935, official City of Dallas numbers, and being all of that 4,854 square feet, 18 feet wide tract of land conveyed to the City of Dallas for street and alley purposes and described as "Tract No. 1" in a Warranty Deed dated November 22, 1947, and recorded in Volume 2912, Page 546, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "x" cut found for corner situated in the intersection of the westerly line of Odeans Drive (100' R.O.W.), and the southerly line of said 18' alley;

THENCE S59°11'00"W, along the southerly line of said 18' alley, 269.67 feet to an "x" cut found for corner situated in the easterly line of Walter Drive (50' R.O.W.);

THENCE N30°49'00"W, 18.00 feet to an "x" cut found for corner;

THENCE N59°11'00"E, along the northerly line of said 18' Alley, 269.67 feet to an "x" cut found for corner situated in the westerly line of said Odeans Drive;

THENCE S30°49'00"E, 18.00 feet to the POINT OF BEGINNING and containing 4,854 square feet or 0.1114 acres of land.

REVIEWED BY *ASG*

Basis of Bearings is the southerly right-of-way line of Anniels Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.



Stanley Ray Felts
6-29-98

The Basis of Bearings is the southerly right-of-way line of Anniels Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.

983265

EXHIBIT A

SCALE : 1"=60'



FORT WORTH AVENUE
120' R.O.W.

Obearns Drive
100' R.O.W.

BLK. 59.

BLK. 5935

S30°49'00"E
18.00'

269.67'
18' ALLEY
269.67'

POINT OF BEGINNING

N59°11'00"E
Volume 2912, Page 546
4.854 Square Feet of 0.1114 Acres

S59°11'00"W
N30°49'00"W
18.00'

BLK. 5935

Water Drive
50' R.O.W.

Anniels Drive
50' R.O.W.

BLK. 4689

REVIEWED BY
Dr. [Signature]

BLK. 5130



*Stanley Ray Felts
6-29-78*

Abandonment

18' Alley
Anson McCracken Survey, Abst. No. 868
Dallas, Dallas County, Texas

BROCKETTE DAVIS DRAKE, inc.
 consulting engineers

Civil & Structural Engineering Surveying
4144 N. Central, Suite 1100 · Dallas, Texas 75204 (214)824-3647

C98176.DWG

23696

983265

EXHIBIT A

ABANDONMENT
Portion of Odeans Drive
Blocks 5934 & 5935
City of Dallas, Dallas County, Texas

BEING situated in the Anson McCracken Survey, Abstract No. 1558, Dallas County, Texas, and being a 30,000 square feet portion of Odeans Drive right-of-way adjoining Blocks 5934 and 5935, official City of Dallas numbers, and being all of Tract 2, Dedication of Street as recorded in Volume 2127, Page 581, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for corner situated in the intersection of the easterly line at Odeans Drive (100' R.O.W.), and the southerly line of Fort Worth Avenue (120' R.O.W.);

THENCE S30°49'00"E, along the easterly line of said Odeans Drive, 300.00 feet to a 5/8" iron found for corner on the northerly line of Anniels Drive (50' R.O.W.);

THENCE S59°11'00"W, 100.00 feet to a 5/8" iron rod found for corner;

THENCE N30°49'00"W, along the westerly line of said Odeans Drive 300.00 feet to a 1/2" iron rod found for corner situated in the southerly line of said Fort Worth Avenue;

THENCE N59°11'00"E, 100.00 feet to the POINT OF BEGINNING and containing 30,000 square feet or 0.689 acres of land.

REVIEWED BY *AL* 6/21/98

The Basis of Bearings is the southerly right-of-way line of Anniels Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.



Stanley Ray Felts
6-21-98

The Basis of Bearings is the southerly right-of-way line of Anniels Drive (S20 76' N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.

INDEX & UP &

983265

EXHIBIT A

SCALE: 1"=60'



FORT WORTH AVENUE

EXHIBIT A

REVIEWED BY
Aul K. 8/2/80

BLK. 5935

BLK. 5934

BLK. 5934

18' ALLEY

18' ALLEY

BLK. 5935

Odeans Drive
Volume 2127, Page 581
30,000.00 Acres
38888.89 Acres

S30°45'00"E

N30°45'00"E

S30°00'

S30°00'

S59°11'00"W
100.00'

ANNIELS DRIVE
50' R.O.W.

Drive

Odeans

BLK. 461



Stanley Ray Felts
6-29-98

BLK. 4689

Abandonment

Portion of Odeans Drive
Anson McCracken Survey, Abst. No. 868
Dallas, Dallas County, Texas

BROCKETTE · DAVIS · DRAKE, inc.
consulting engineers

Civil & Structural Engineering · Surveying
4144 N. Central, Suite 1100 · Dallas, Texas 75204 (214)824-3647

EXHIBIT A

ABANDONMENT
18' Alley
Block 5934
City of Dallas, Dallas County, Texas

BEING situated in the Anson McCracken Survey, Abstract No. 868, Dallas County, Texas, and being in Block 5934, official City of Dallas numbers, and being all of that 7,524 square feet, 18 feet wide tract of land conveyed to the City of Dallas for street and alley purposes and described as "Tract No. 2" in a Warranty Deed dated November 22, 1947, and recorded in Volume 2912, Page 546, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an "x" cut found for corner situated in the intersection of the westerly line of Colorado Boulevard (variable R.O.W.), and the southerly line of said 18' alley;

THENCE S59°11'00"W, along the southerly line of said 18' alley, 418.00 feet to an "x" cut found for corner situated in the easterly line of Odeans Drive (100' R.O.W.);

THENCE N30°49'00"W, 18.00 feet to an "x" cut found for corner;

THENCE N59°11'00"E, along the northerly line of said 18' Alley, 418.00 feet to an "x" cut found for corner situated in the westerly line of said Colorado Boulevard;

THENCE S30°49'00"E, 18.00 feet to the POINT OF BEGINNING and containing 7,524 square feet or 0.1727 acres of land. *CRD*

REVIEWED BY *Ann-Feltz-98*



Stanley Ray Felts
6-29-98

Basis of Bearings is the southerly right-of-way line of Anniels Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.

The Basis of Bearings is the southerly right-of-way line of Anniels Drive
N59°11'00"E as dedicated by instrument recorded in Volume 2127, Page 581, D.R.O.C.T.

23696

983265

EXHIBIT A

SCALE: 1"=60'

FORT WORTH AVENUE
120' R.O.W.

COLORADO BOULEVARD
Variable R.O.W.
3' CUT FORD
3' CUT FORD

S30°49'00"E
18.00'

POINT OF BEGINNING

BLK. 5934

18' ALLEY
418.00'
418.00'

N59°11'00"E
Volume 2912, Page 546
7,524 Square Feet or 0.1727 Acres
S59°11'00"W

BLK. 5934

N30°49'00"W
18.00'

Anniels Drive
50' R.O.W.

BLK. 4689

Abandonment

18' Alley
Anson McCracken Survey, Abst. No. 660
Dallas, Dallas County, Texas

BROCKETTE DAVIS DRAKE, inc.
 consulting engineers

Civil & Structural Engineering Surveying
4144 N. Central, Suite 1100 · Dallas, Texas 75204 (214)824-3647

C98176.DWG



Stanley Ray Felts
6-29-78

REVIEWED BY
J.P. 8-7-78
Odearns Drive
100' R.O.W.

EXHIBIT A

EXHIBIT A 23696

983265

ABANDONMENT
Portion of Odeans Drive & Walter Drive
Block 4689
City of Dallas, Dallas County, Texas

BEING situated in the Anson McCracken Survey, Abstract No. 868, Dallas County, Texas, and being a 44,954 square feet or 1.032 acre portion of Odeans Drive and Walter Drive right-of-way in Block 4689, official City of Dallas numbers, and being all of Tract 3 and Tract 4, Dedication of Street as recorded in Volume 2127, Page 581, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for corner situated in the intersection of the southerly line of Anniels Drive (50' R.O.W.) and the easterly line of Odeans Drive (variable R.O.W.);

THENCE along the easterly line of said Odeans Drive the following:

S30°49'00"E, 70.00 feet to a 5/8" iron rod found for corner and the beginning of a curve to the right;

Along said curve having a delta angle of 61°22'00", a radius of 75.00 feet, and an arc length of 80.33 feet to a 5/8" iron rod found for corner and the beginning of reverse curve to the left;

Along said curve having a delta angle of 61°22'00", a radius of 21.00 feet, and an arc length of 22.49 feet to an "x" cut found for corner;

S30°49'00"E, 178.50 feet to a 5/8" iron rod found for corner;

S50°31'00"W, along the southerly line of said Odeans Drive, 48.34 feet to a 5/8" iron rod found for corner and the beginning of a curve to the right;

THENCE along the curving southerly line of Walter Drive (40' R.O.W.) the following:

Along said curve having a delta angle of 53°20'00", a radius of 238.00 feet, and an arc length of 221.54 feet to a P.K. nail found for corner and the beginning of a compound curve to the right;

Along said curve having a delta angle of 24°20'00", a radius of 556.50 feet, and an arc length of 236.34 feet to a P.K. nail found for corner and the beginning of a compound curve to the right;

Along said curve having a delta angle of 21°00'00", a radius of 147.00 feet, and an arc length of 53.88 feet to a P.K. nail found for corner;

N30°49'00"W, 24.99 feet to a P.K. nail found for corner situated in the intersection of the southerly line of said Anniels Drive and the westerly line of said Walter Drive;

THENCE N59°11'00"E, 40.00 feet to a P.K. nail found for corner situated in the easterly line of said Walter Drive and the southerly line of said Anniels Drive;

THENCE along the easterly line of said Walter Drive the following:

S30°49'00"E, 24.99 feet to a P.K. nail found for corner and the beginning of a curve to the left;

Along said curve having a delta angle of 21°00'00", a radius of 107.00 feet, and an arc length of 39.22 feet to a 5/8" iron rod found for corner and the beginning of a compound curve to the left;

Along said curve having a delta angle of 24°20'00", a radius of 516.50 feet, and an arc length of 219.36 feet to a 5/8" iron rod found for corner and the beginning of a compound curve to the left;

Along said curve having a delta angle of 53°20'00", a radius of 198.00 feet, and an arc length of 184.31 feet to a 5/8" iron rod found for corner;

REVIEWED BY A. 12/2/98

N50°31'00"E, 3.86 feet to a 5/8" iron rod found for corner and situated in the westerly line of said Odeans Drive;

THENCE along the westerly line of said Odeans Drive the following:

N30°49'00"W, 145.66 feet to a 5/8" iron rod found for corner and the beginning of a curve to the left;

Along said curve having a delta angle of 61°22'00", a radius of 21.00 feet, and an arc length of 22.49 feet to a 5/8" iron rod found for corner and the beginning of a reverse curve to the right;

Along said curve having a delta angle of 61°22'00", a radius of 75.00 feet, and an arc length of 80.33 feet to a 5/8" iron rod found for corner;

N30°49'00"W, 70.00 feet to a 5/8" iron rod found for corner situated in the southerly line of Annies Drive and the westerly line of said Odeans Drive;

THENCE N59°11'00"E, 75.00 feet to a P.K. nail found for corner and the beginning of a curve to the left;

THENCE along said curve having a delta angle of 90°00'00", a radius of 25.00 feet, an arc length of 39.27 feet, and a chord bearing of S14°11'00"W, to a P.K. nail found for corner;

THENCE S30°49'00"E, 45.00 feet to a P.K. nail found for corner and the beginning of a curve to the left;

THENCE along said curve having a delta angle of 180°00'00", a radius of 25.00 feet, and an arc length of 78.54 feet to a P.K. nail found for corner;

THENCE N30°49'00"W, 45.00 feet to a P.K. nail found for corner and the beginning of a curve to the left;

THENCE along said curve having a delta angle of 90°00'00", a radius of 25.00 feet, and an arc length of 39.27 feet to a P.K. nail found for corner;

THENCE N59°11'00"E, 75.00 feet to the POINT OF BEGINNING and containing 44,954 square feet or 1.032 acres of land. *GRD*

REVIEWED BY *Mr. G. 8/25/98*

The Basis of Bearings is the southerly right-of-way line of Annies Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.

STATE OF TEXAS
REGISTERED
STANLEY RAY FELTS
4625
LAND PROFESSIONAL SURVEYOR
Stanley Ray Felts
7-15-98

The Basis of Bearings is the southerly right-of-way line of Anniels Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 212, Page 581, D.R.D.C.T.

SHEET 3 OF 3
733265

EXHIBIT A

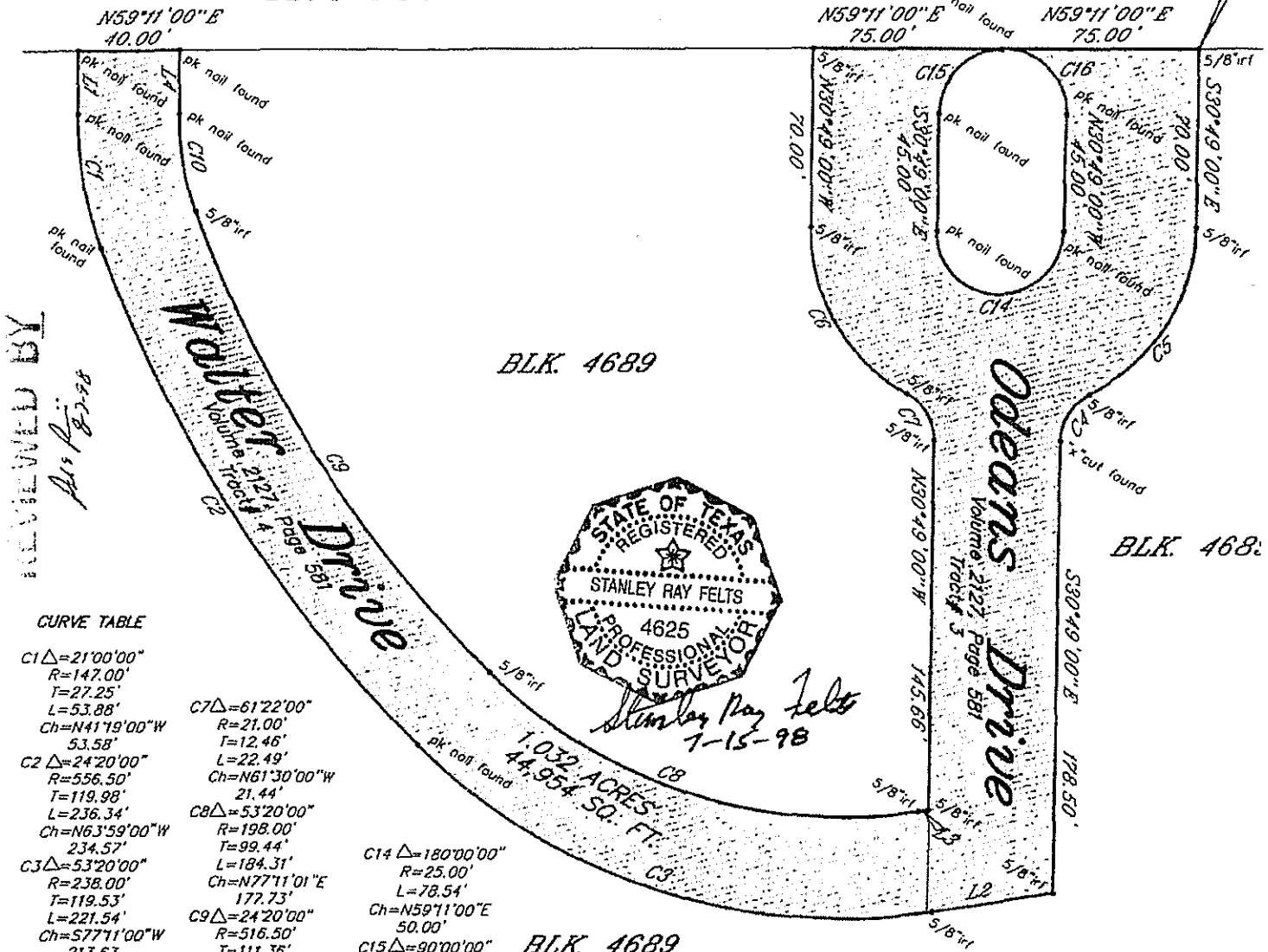
EXHIBIT A

SCALE: 1"=60'

BLK. 5935

Anniels Drive 50' R.O.W.

POINT OF BEGINNING



REVIEWED BY
A.S. Felt 8-98

CURVE TABLE

C1 Δ=21'00"00" R=147.00' T=27.25' L=53.88' Ch=N41°19'00"W 53.58'	C7 Δ=61'22"00" R=21.00' T=12.46' L=22.49' Ch=N61°30'00"W 21.44'	C8 Δ=53'20"00" R=198.00' T=99.44' L=184.31' Ch=N77°11'01"E 177.73'	C14 Δ=180°00'00" R=25.00' L=78.54' Ch=N59°11'00"E 50.00'
C2 Δ=24'20"00" R=556.50' T=119.98' L=236.34' Ch=N63°59'00"W 234.57'	C8 Δ=53'20"00" R=198.00' T=99.44' L=184.31' Ch=N77°11'01"E 177.73'	C9 Δ=24'20"00" R=516.50' T=111.36' L=219.36' Ch=S63°59'00"E 217.71'	C15 Δ=90°00'00" R=25.00' L=39.27' Ch=S14°11'00"W 35.36'
C3 Δ=53'20"00" R=238.00' T=119.53' L=221.54' Ch=S77°11'00"W 213.63'	C9 Δ=24'20"00" R=516.50' T=111.36' L=219.36' Ch=S63°59'00"E 217.71'	C10 Δ=21°00'00" R=107.00' T=19.83' L=39.22' Ch=N75°49'00"E 39.00'	C16 Δ=90°00'00" R=25.00' L=39.27' Ch=N75°49'00"W 35.36'
C4 Δ=61'22"00" R=21.00' T=12.46' L=22.49' Ch=S00°08'00"E 21.43'	C10 Δ=21°00'00" R=107.00' T=19.83' L=39.22' Ch=N75°49'00"E 39.00'	C11 Δ=61'22"00" R=75.00' T=44.50' L=80.33' Ch=S00°08'00"E 76.54'	C16 Δ=90°00'00" R=25.00' L=39.27' Ch=N75°49'00"W 35.36'
C5 Δ=61'22"00" R=75.00' T=44.50' L=80.33' Ch=S00°08'00"E 76.54'	C11 Δ=61'22"00" R=75.00' T=44.50' L=80.33' Ch=S00°08'00"E 76.54'	C6 Δ=61'22"00" R=75.00' T=44.50' L=80.33' Ch=N61°30'00"W 76.54'	

LINE TABLE

L1	N30°49'00"W	24.99'
L2	S50°31'00"W	48.34'
L3	N50°31'00"E	3.86'
L4	S30°49'00"E	24.99'



Stanley Ray Felts
7-15-98

BLK. 4689

Abandonment

Portion of Odeans Drive & Walter Drive
Anson McCracken Survey, Abst. No. 868
Dallas, Dallas County, Texas

BROCKETTE • DAVIS • DRAKE, inc.
consulting engineers

Civil & Structural Engineering • Surveying
4144 N. Central, Suite 1100 Dallas, Texas 75204 (214)824-3647

EXHIBIT A

TRIM A
23696

983265

ABANDONMENT
PORTION OF WALTER DRIVE & ANNIELS DRIVE
Block 5130, 5935 & 5934
City of Dallas, Dallas County, Texas

BEING situated in the Anson McCracken Survey, Abstract No. 868, Dallas County, Texas, and being adjacent to Blocks 5130, 5935 and 5934, official City of Dallas numbers, and being a 29,884 square feet portion of Walter Drive and Anniels Drive right-of-way dedicated by plat recorded in Volume 6, Page 77, Map Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found for corner situated in the southerly line of Fort Worth Avenue (120' R.O.W.), and the westerly line of Walter Drive (50' R.O.W.);

THENCE N59°11'00"E, along the southerly line of said Fort Worth Avenue, 80.00 feet to a 5/8" iron rod found for corner and the beginning of a curve to the left;

Along said curve having a delta angle of 90°00'00", a radius of 15.00 feet, an arc length of 23.56 feet, and a chord bearing and distance of S14°11'00"W, 21.21 feet to an "x" cut found for corner;

THENCE S30°49'00"E, along the easterly line of said Walter Drive (50' R.O.W.), 270.00 feet to a "x" cut found for corner and the beginning of a curve to the left;

Along said curve having a delta angle of 90°00'00", a radius of 15.00 feet and an arc length of 23.56 feet to an "x" cut found for corner;

THENCE N59°11'00"E, along the northerly line of Anniels Drive (50' R.O.W.), 677.93 feet to a "x" cut found for corner;

THENCE S00°04'00"W, 23.30 feet to an "x" cut found for corner;

THENCE S59°11'00"W, 730.97 feet to an "x" cut found for corner;

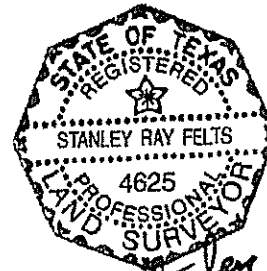
THENCE N30°49'00"W, along the westerly line of said Walter Drive (50' R.O.W.), 305.00 feet to an "x" cut found for corner and the beginning of a curve to the left;

THENCE along said curve and the westerly line of said Walter Drive having a delta angle of 90°00'00", a radius of 15.00 feet and an arc length of 23.56 feet to the POINT OF BEGINNING and containing 29,884 square feet or 0.686 acres of land.

GAD

REVIEWED BY *Amf 6/29/98*

Basis of Bearings is the southerly right-of-way line of Anniels Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.



Stanley Ray Felts
6-29-98

The Basis of Bearings is the southerly right-of-way line of Anniels Drive (N59°11'00"E) as dedicated by instrument recorded in Volume 2127, Page 581, D.R.D.C.T.

EXHIBIT A
23696

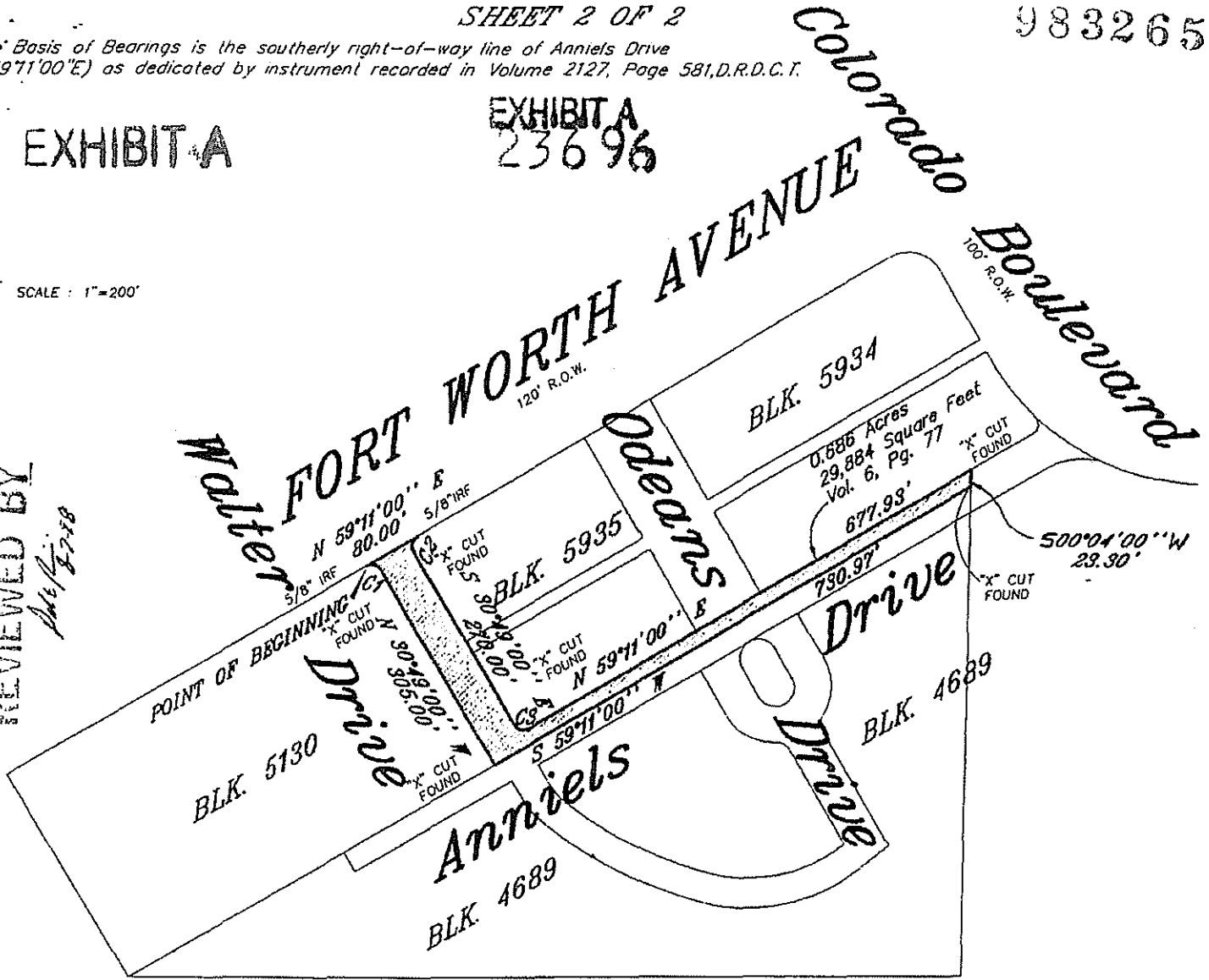
EXHIBIT A



SCALE: 1"=200'



REVIEWED BY
Phyllis G. 8-7-98

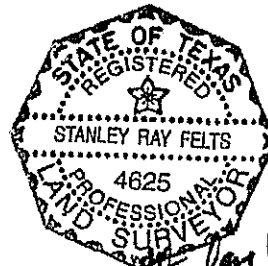


CURVE TABLE

C1 Δ=90°00'00"
R=15.00'
T=15.00'
L=23.56'
Ch=N75°49'00"W
21.21'

C2 Δ=90°00'00"
R=15.00'
T=15.00'
L=23.56'
Ch=S14°11'00"W
21.21'

C3 Δ=90°00'00"
R=15.00'
T=15.00'
L=23.56'
Ch=S75°49'00"E
21.21'



*Stanley Ray Felts
6-29-98*

Abandonment

Portion of Walter Drive & Anniels Drive
Anson McCracken Survey, Abst. No. 868
Dallas, Dallas County, Texas

B BROCKETTE · DAVIS · DRAKE, inc.
consulting engineers

Civil & Structural Engineering · Surveying
4144 N. Central, Suite 1100 · Dallas, Texas 75204 (214)824-3647

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 2, 7, 14
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 45D 45H 46E 46J 46K 46L 46M 47N

SUBJECT

Authorize Supplemental Agreement No. 2 to the contract with Halff Associates, Inc., for the design of relief drainage systems for Mill Creek, Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to investigate, analyze and design a tunnel extension to provide drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property and easement acquisition - Not to exceed \$2,602,200, from \$11,796,600 to \$14,398,800 - Financing: 2006 Bond Funds

BACKGROUND

A professional services contract was authorized by City Council on June 13, 2007, with Halff Associates, Inc., for the design of drainage improvements and relief systems to reduce flooding in some portions of the Mill Creek and Middle Peaks Branch watersheds.

On August 6, 2008, Council was briefed on a staff recommendation to proceed with the design of Phase II of Mill Creek, based on an agreement with the Texas Department of Transportation (TxDOT) to participate in the construction cost. Council authorized additional engineering funding and authorized a proposed change of alignment of both Mill Creek and Peaks Branch drainage relief systems that included a deep tunnel that will drain both basins into Lower White Rock Creek.

Supplemental Agreement No. 1 was authorized by City Council on March 25, 2009, for the design of drainage improvements for Mill Creek, Phase II, which extends flooding protection to Fair Park, Baylor Hospital and Buckner Park. Supplemental Agreement No. 1 also provided for developing and updating the Master Drainage Plans for Mill Creek and Peaks Branch.

BACKGROUND (Continued)

On January 9, 2012, the Council’s Trinity River Corridor Project Committee will be briefed on a staff recommendation to extend the Mill Creek and Peaks Branch deep drainage relief tunnel to the State-Thomas area north of Woodall Rodgers Freeway. This tunnel extension will provide a drainage outfall to reduce flooding in the State-Thomas and Uptown area.

The 2006 Bond Program provided for a drainage study, and the design and construction of a drainage relief system for the State-Thomas and Woodall Rodgers area. The State-Thomas tunnel extension to the Mill Creek/Peaks Branch drainage relief tunnel will provide drainage relief to the State Thomas area system more efficiently and economically with less construction disruption than other possible alignment and outfall locations.

This action authorizes Supplemental Agreement No. 2 which provides for the design of the extension tunnel to the State-Thomas area including complete project investigation, and engineering design. Supplemental Agreement No. 2 also provides for survey and right-of-way services for required property and easement acquisition and preparation of construction plans for phased construction.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	June 2007
Complete Design	July 2013
Begin Construction	March 2014
Complete Construction	December 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc., for engineering design on June 13, 2007, by Resolution No. 07-1833.

Briefed the Council on alternate combined drainage tunnel alignment for both Mill Creek and Peaks Branch on August 6, 2008.

Authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc., for engineering design on March 25, 2009, by Resolution No. 09-0835.

Briefed the Trinity River Committee on the State-Thomas tunnel extension to the Mill Creek and Peaks Branch drainage relief tunnel on December 6, 2011.

FISCAL INFORMATION

2006 Bond Funds - \$2,602,200

<u>Council District</u>	<u>Amount</u>
2	\$676,600
7	\$936,800
14	<u>\$988,800</u>
Total	\$2,602,200

Original contract	\$8,571,100
Supplemental Agreement No. 1	\$3,225,500
Supplemental Agreement No. 2 (this action)	<u>\$2,602,200</u>

Design Total \$14,398,800

M/WBE INFORMATION

See attached

ETHNIC COMPOSITION

Half Associates, Inc.

Hispanic Female	11	Hispanic Male	59
African-American Female	6	African-American Male	5
Other Female	5	Other Male	7
White Female	80	White Male	258

OWNER

Half Associates, Inc.

Walter Skipwith, P.E., Chairman
Martin Malloy, P.E., President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the contract with Half Associates, Inc., for the design of relief drainage systems for Mill Creek, Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to investigate, analyze and design a tunnel extension to provide drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property and easement acquisition - Not to exceed \$2,602,200, from \$11,796,600 to \$14,398,800 - Financing: 2006 Bond Funds

Half Associates, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$2,212,200.00	85.01%
Non-local contracts	\$390,000.00	14.99%
TOTAL THIS ACTION	\$2,602,200.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Nathan D. Maier Consulting Engineers, Inc	WFWB50129Y0712	\$1,014,250.00	45.85%
Total Minority - Local		\$1,014,250.00	45.85%

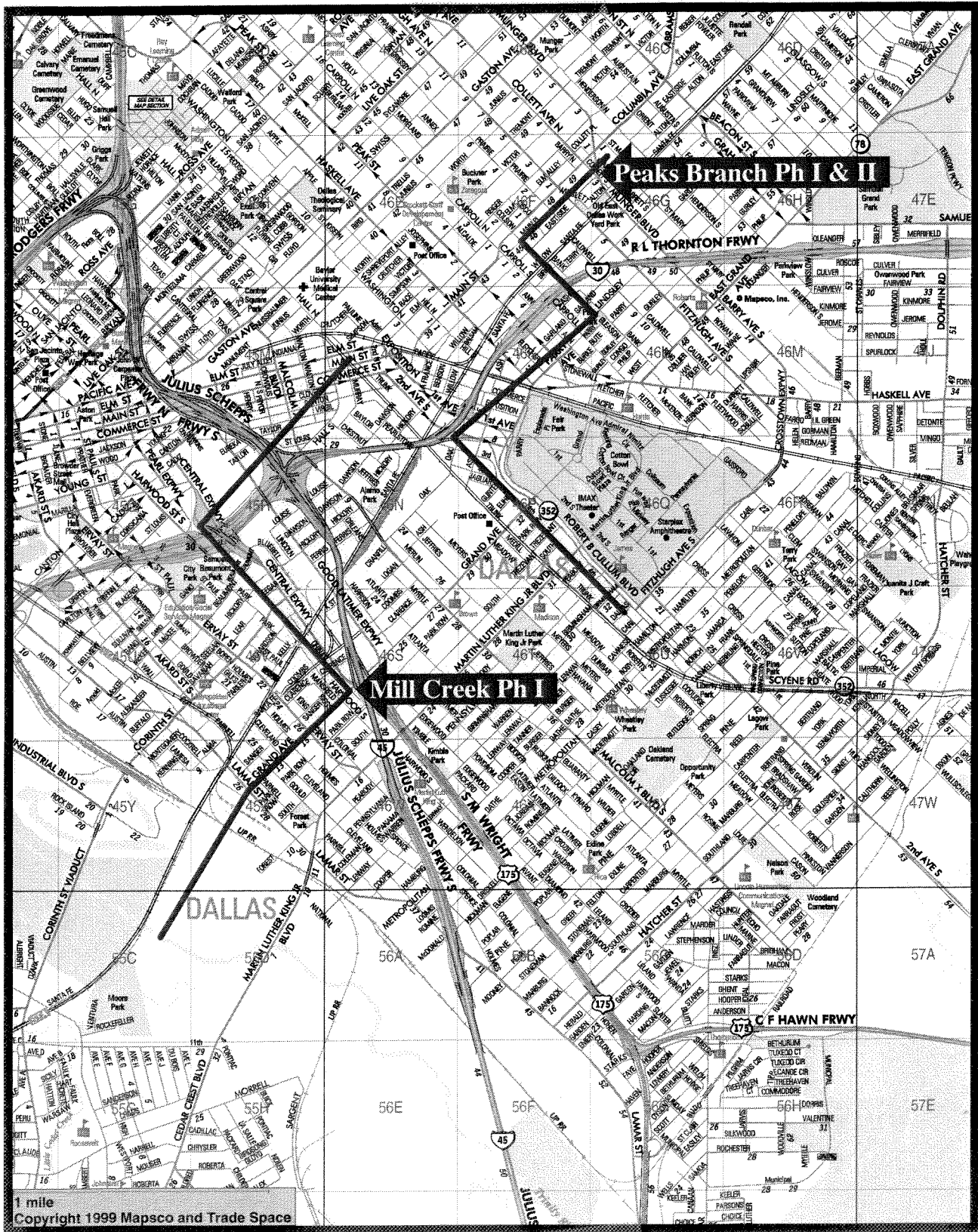
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Jenny Engineering Corp	IMMB48847N0312	\$280,000.00	71.79%
Total Minority - Non-local		\$280,000.00	71.79%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$770,900.00	5.35%
Hispanic American	\$0.00	0.00%	\$1,439,100.00	9.99%
Asian American	\$280,000.00	10.76%	\$1,814,843.00	12.60%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,014,250.00	38.98%	\$1,404,250.00	9.75%
Total	\$1,294,250.00	49.74%	\$5,429,093.00	37.71%

MILL CREEK PHASE I PEAKS BRANCH PHASE I AND II



January 11, 2012

WHEREAS, on June 13, 2007, Resolution No. 07-1833 authorized professional services contracts with four engineering firms, including Halff Associates, Inc., to provide program management and engineering design of major flood management and storm drainage projects; and,

WHEREAS, on March 25, 2009, Resolution No. 09-0835 authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional design and analysis for drainage relief for Mill Creek Phase I, and Middle Peaks Branch, Phases I and II, for scope of works to develop and update master drainage plans for Mill Creek and Middle Peaks Branch, including design of the Mill Creek, Phase II system; and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. to provide for additional scope of work for design and analysis for drainage relief for the State-Thomas area, and for additional survey and right-of-way services for required property acquisition and, for additional design services for construction plans preparation for phased construction.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the contract with Halff Associates, Inc. for the design of relief drainage systems for Mill Creek, Phase I, and Middle Peaks Branch, Phases I and II, for additional scope of work to investigate, analyze and design a tunnel extension to provide drainage relief for the State-Thomas area and for additional survey and right-of-way services for required property and easement acquisition in an amount not to exceed \$2,602,200, increasing the contract amount from \$11,796,600 to \$14,398,800.

Section 2. That the City Controller is hereby authorized to distribute funds in accordance with the terms and conditions of the contract from:

Flood Protection and Storm Drainage Facilities Fund	
Fund BT23, Department TWM, Unit T536, Act. SDRS	
Obj. 4111, Program #PB06T536, CT PBW06T536I1	
Vendor #089861, in an amount not to exceed	\$2, 602,200

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 2, 13
DEPARTMENT: Water Utilities
CMO: Forest E. Turner, 670-3390
MAPSCO: 25 Q S U 36 S W

SUBJECT

Authorize an increase in the contract with Camino Construction, L.P. for additional work associated with the installation of water and wastewater mains at various locations (list attached) - Not to exceed \$293,050, from \$6,805,115 to \$7,098,165 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

On August 12, 2009, the City Council authorized the installation of water and wastewater mains at 27 locations within the City of Dallas. During construction of the mains, unforeseen site conditions were encountered at three locations, necessitating additional paving on the project. In one location, the road base was thicker than shown on the plans, requiring more concrete base material than originally quantified for the project. In all three locations, the extent of the paving repair was increased beyond the normal trench width, or required slurry seal surface treatment, in order to restore the streets to a condition that meet the requirements of the City's Pavement Cut and Repair Standards.

The additional work also includes the installation of a 16-inch water main, which is needed to improve capacity and meet the intent of the Water Distribution Master Plan.

The contractor has submitted an acceptable proposal for the additional work. Approval of this change order will provide for a more suitable riding surface for vehicles, as well as meet the City of Dallas Customer Service Initiative.

ESTIMATED SCHEDULE OF PROJECT

Began Design	June 2005
Completed Design	February 2009
Began Construction	October 2009
Complete Construction	March 2012

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract with Camino Construction, L.P. for the installation of water and wastewater mains at 27 locations on August 12, 2009, by Resolution No. 09-1943.

FISCAL INFORMATION

\$293,050.00 - Water Utilities Capital Improvement Funds

<u>Council District</u>	<u>Amount</u>
2	\$ 84,433.33
13	<u>\$208,616.67</u>
Total	\$293,050.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Camino Construction, L.P.

Hispanic Female	2	Hispanic Male	45
Black Female	0	Black Male	2
Other Female	0	Other Male	0
White Female	0	White Male	2

OWNER

Camino Construction, L.P.

Rogelio T. Ayala, President

MAPS

Attached

**Additional Work Associated with the Installation of Water and Wastewater Mains
at Various Locations**

District 2

Glencoe Street from north of Bonita Avenue to Henderson Avenue

District 13

Edgemere Road from Woodland Drive to Prestonsire Lane
Douglas Avenue from Chatham Hill Road to Deloache Avenue

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Camino Construction, L.P. for additional work associated with the installation of water and wastewater mains at various locations (list attached) - Not to exceed \$293,050, from \$6,805,115 to \$7,098,165 - Financing: Water Utilities Capital Improvement Funds

Camino Construction, L.P. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$54,570.00	18.62%
Non-local contracts	\$238,480.00	81.38%
TOTAL THIS ACTION	\$293,050.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

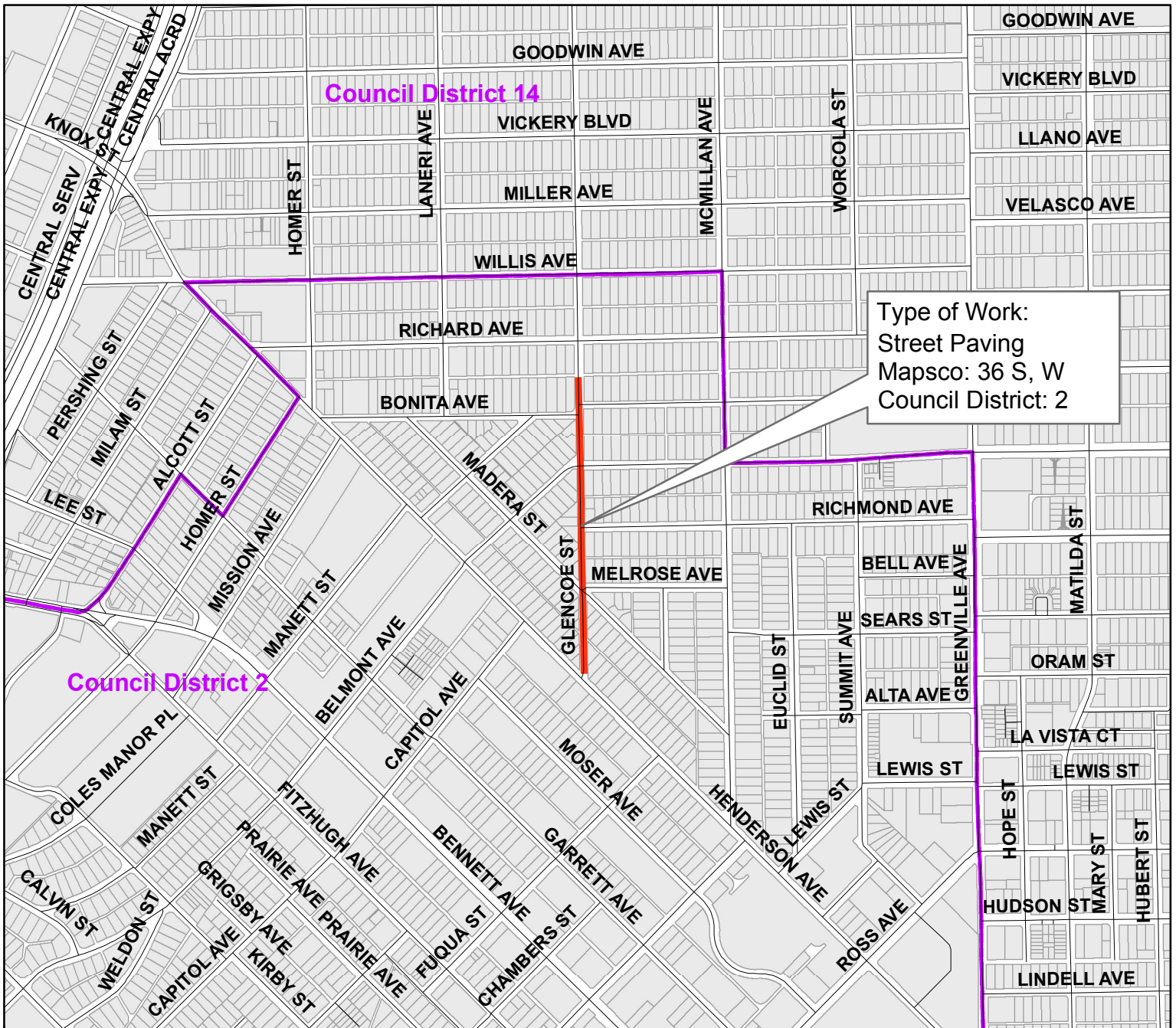
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Andrews Paving & Construction	WFDB49221Y0512	\$23,400.00	42.88%
Total Minority - Local		\$23,400.00	42.88%

Non-Local Contractors / Sub-Contractors

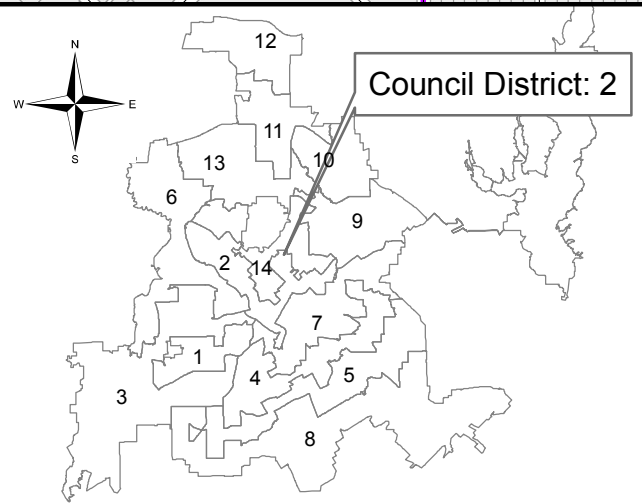
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Camino Construction, L.P.	HMDB50657Y0912	\$51,000.01	21.39%
Total Minority - Non-local		\$51,000.01	21.39%

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$51,000.01	17.40%	\$3,494,731.51	49.23%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$23,400.00	7.98%	\$140,475.00	1.98%
Total	\$74,400.01	25.39%	\$3,635,206.51	51.21%



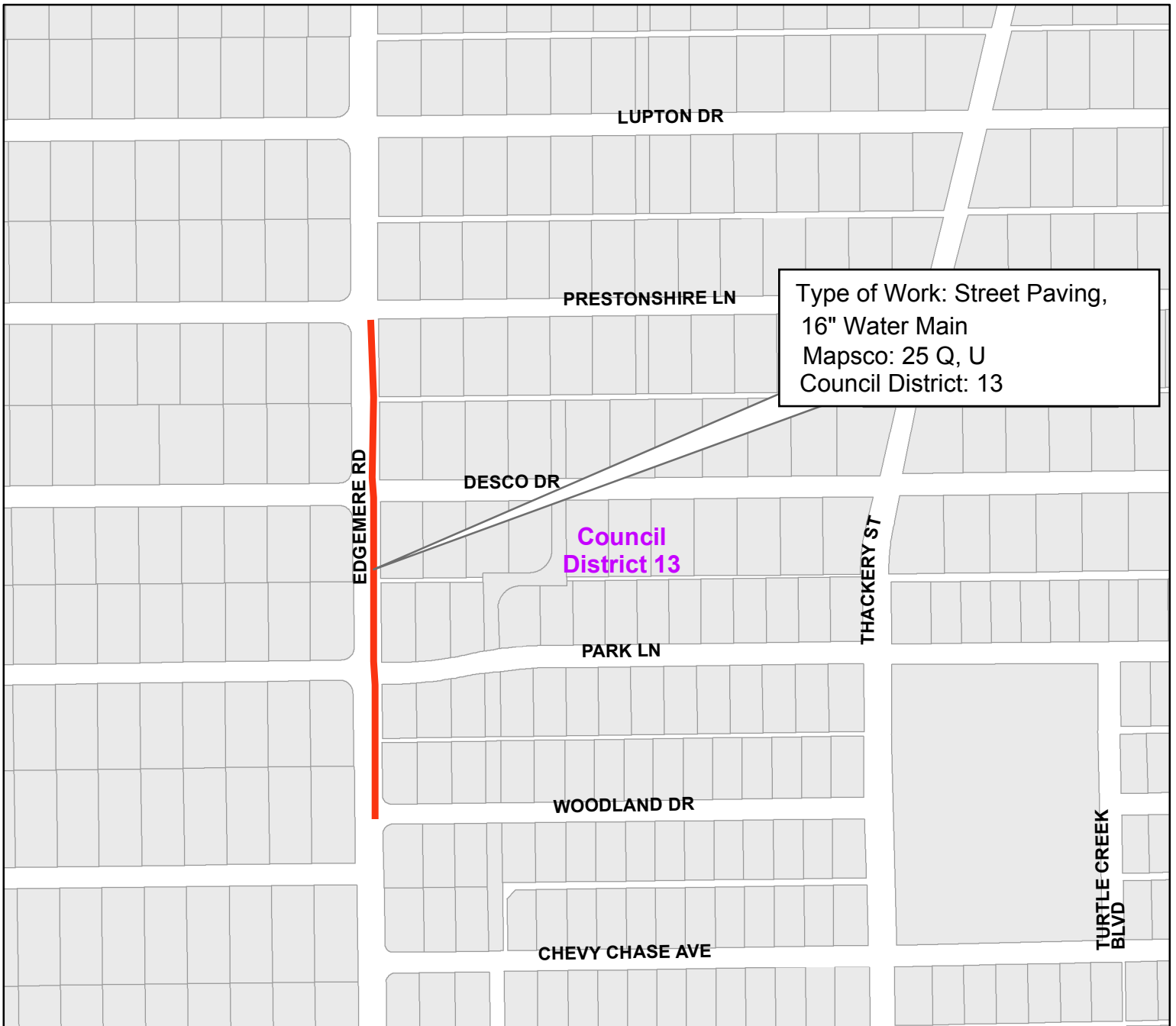
Glencoe Street
from north of Bonita Avenue to Henderson
Avenue



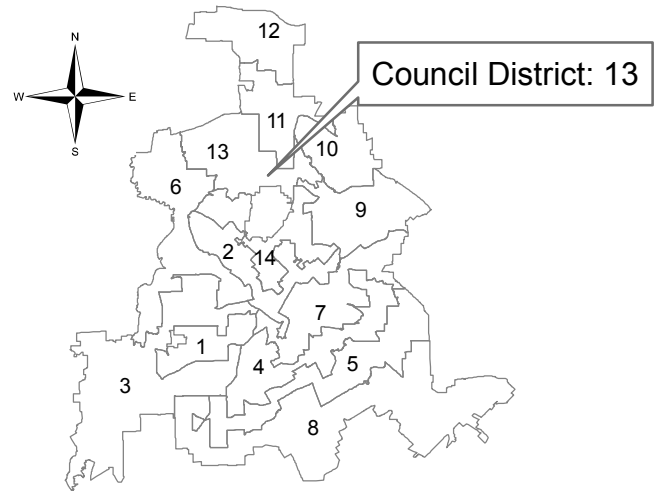
Water Utilities Department

Contract No. 09-057/058, Change Order No. 1

Water and Wastewater Mains at Various Locations



Edgemere Road
from Woodland Drive to Prestonshire Lane

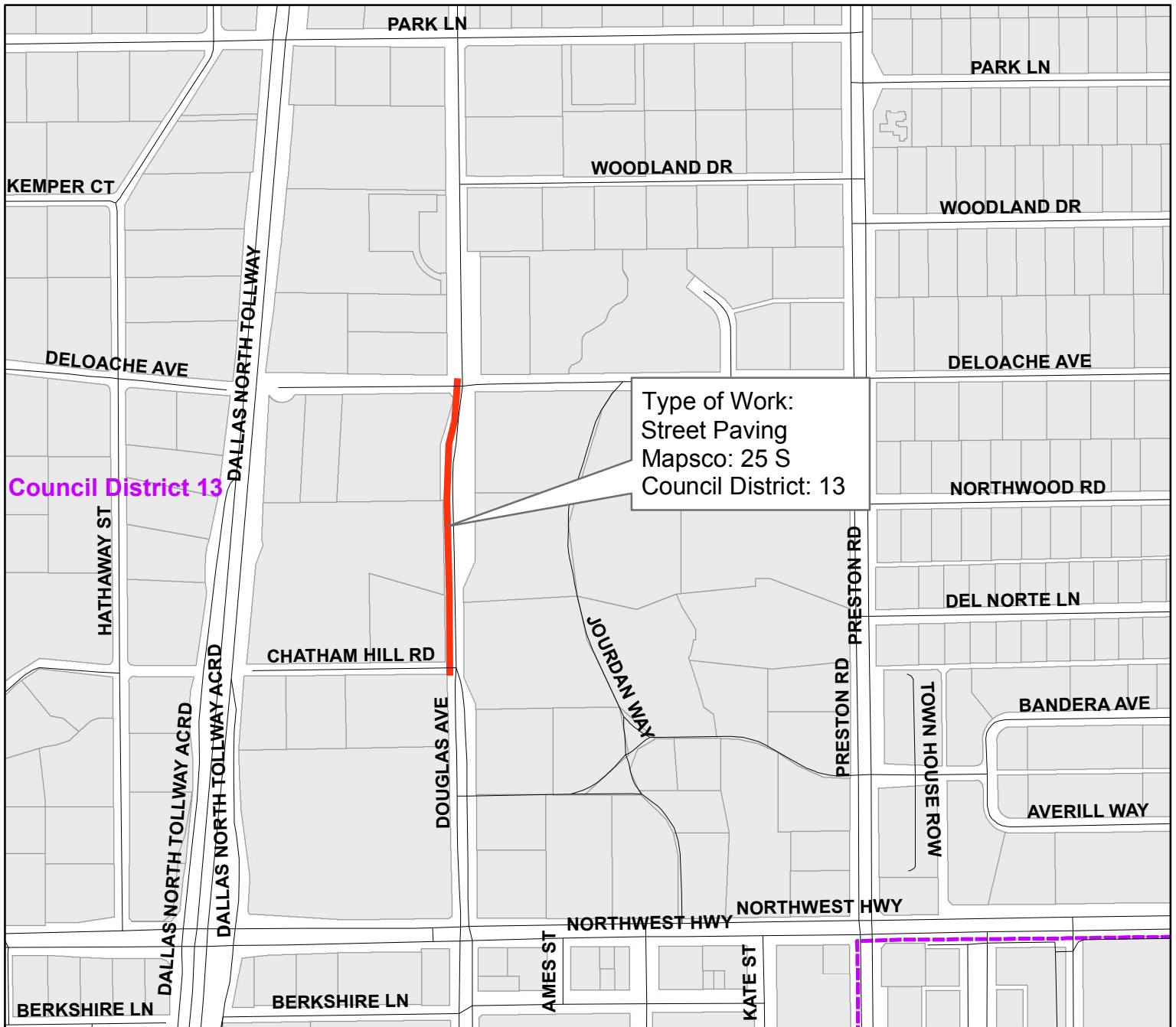


Water Utilities Department

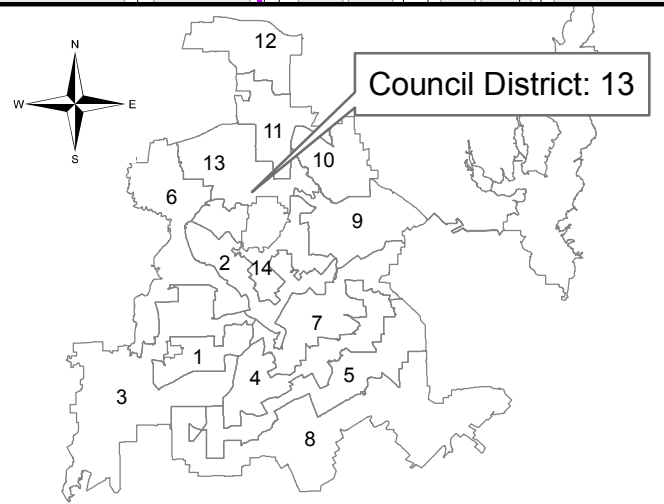
Contract No. 09-057/058, Change Order No. 1

PID: 1955

Water and Wastewater Mains at Various Locations



Douglas Avenue
 from Chatham Hill Road to DeLoache Avenue



Water Utilities Department

Contract No. 09-057/058, Change Order No. 1

Water and Wastewater Mains at Various Locations

January 11, 2012

WHEREAS, on August 12, 2009, the City Council awarded Contract No. 09-057/058 in the amount of \$6,805,114.50 by Resolution No. 09-1943, to Camino Construction, L.P., 1208 Metro Park Boulevard, Lewisville, Texas 75057, for the installation of water and wastewater mains at 27 locations; and,

WHEREAS, additional work is necessary due to unforeseen site conditions during the installation of the mains; and,

WHEREAS, Camino Construction, L.P. has submitted an acceptable proposal for this additional work; and,

WHEREAS, the Water Utilities Department recommends that Contract No. 09-057/058 be increased by \$293,050.00, from \$6,805,114.50 to \$7,098,164.50; **Now, Therefore,**

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 09-057/058 with Camino Construction, L.P., be revised accordingly.

Section 2. That the City Controller be and is hereby authorized to pay the amount of \$293,050.00 from the Water Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>ACT</u>	<u>OBJ</u>	<u>PRO</u>	<u>REP</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0115	DWU	PW40	MPSA	4550	709057	W2RT	CTDWU709057CP	144735

Camino Construction, L.P. - (Contract No. 09-057) - \$293,050.00

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
Public Works Department
CMO: Ryan S. Evans, 670-3314
Jill A. Jordan, P.E., 670-5299
MAPSCO: 48P

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Lino Orona and Arturo Orona of approximately 7,500 square feet of land improved with a single-family dwelling located near the intersection of Jim Miller Road and Toland Street for the replacement of Fire Station No. 32 - Not to exceed \$69,987 (\$68,000 plus closing costs and title expenses not to exceed \$1,987)
Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 7,500 square feet of land improved with a single-family dwelling. This property will be used for the replacement of Fire Station No. 32. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on March 25, 2009, by Resolution No. 09-0765.

FISCAL INFORMATION

2006 Bond Funds - \$69,987 (\$68,000 plus closing costs and title expenses not to exceed \$1,987)

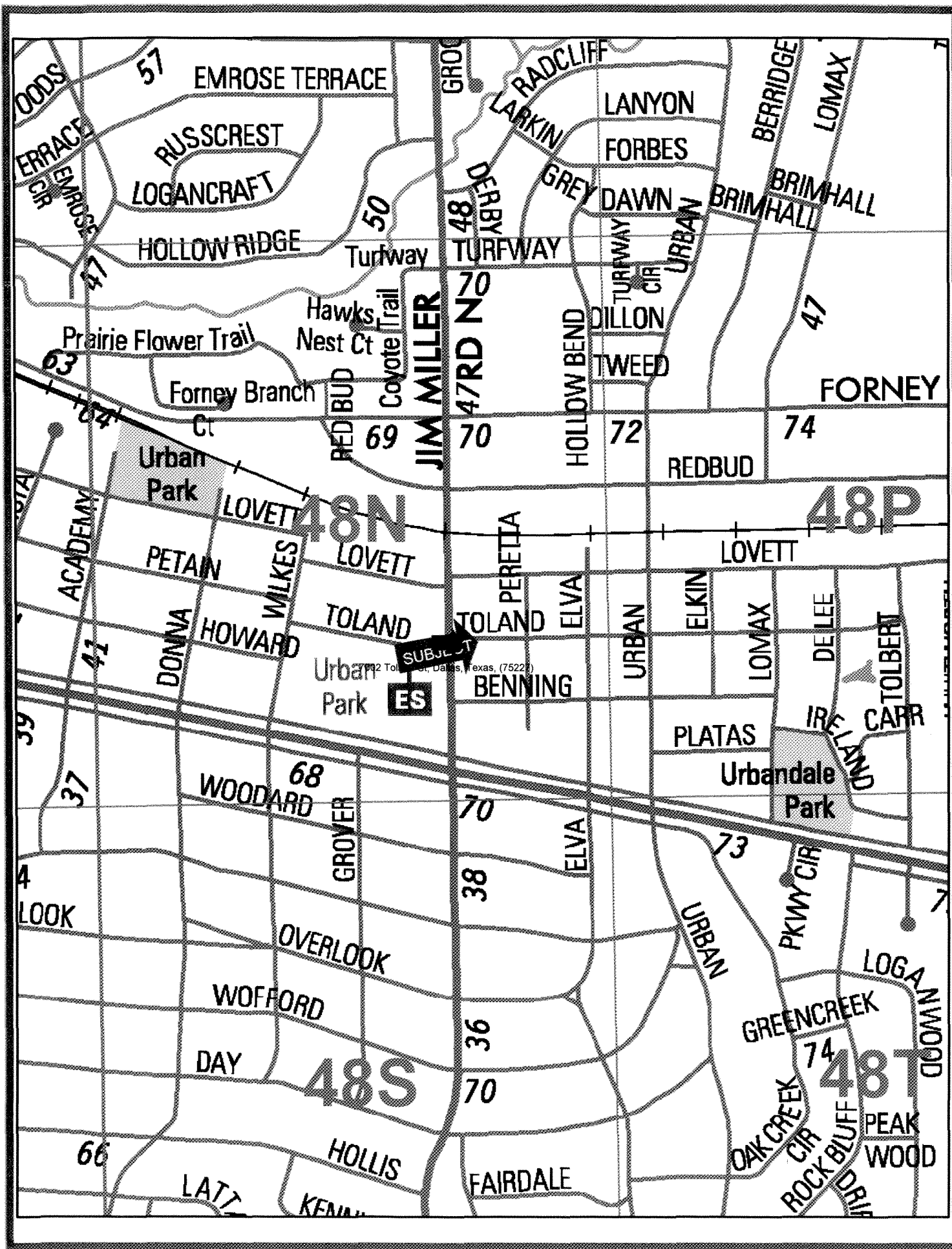
OWNERS

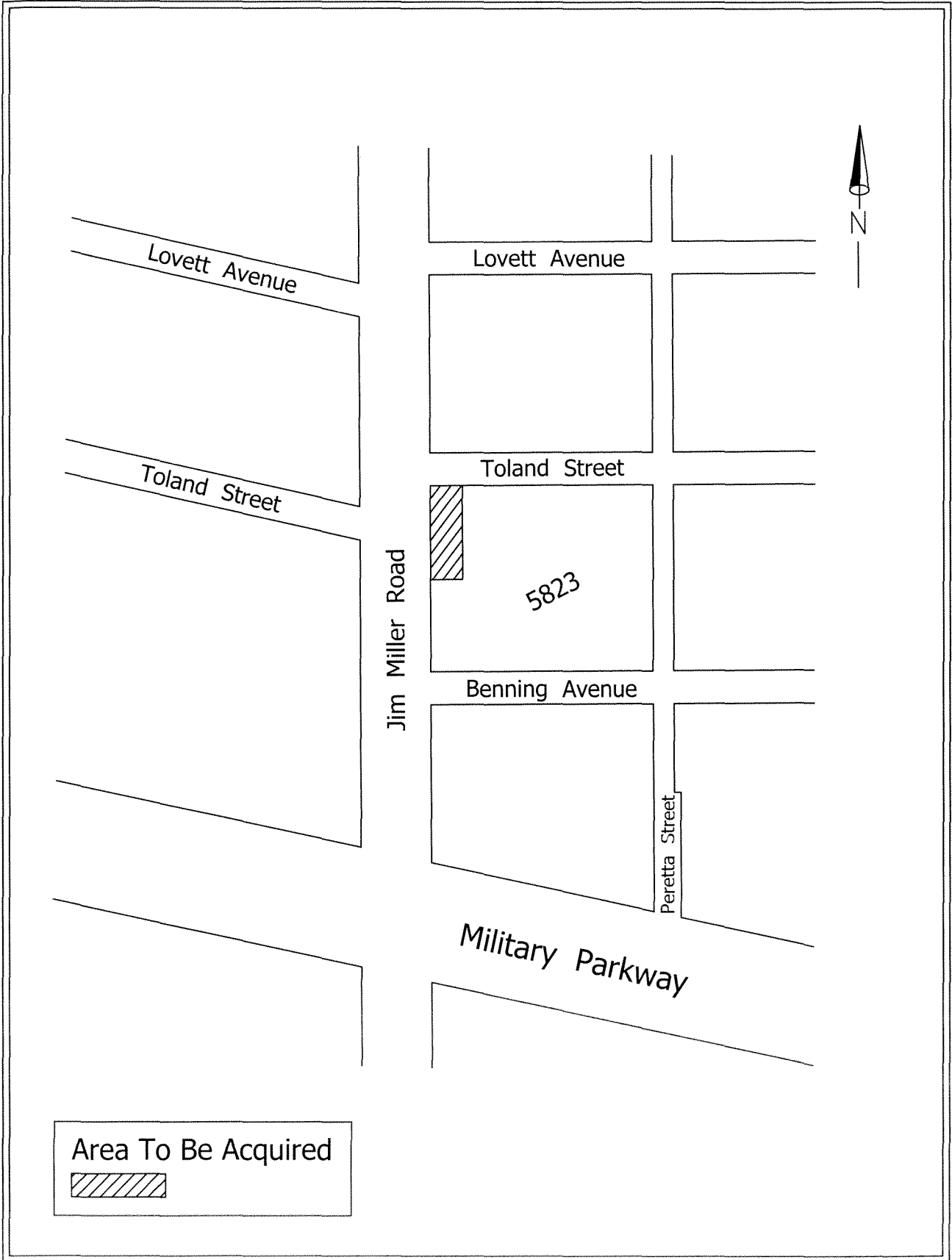
Lino Orona

Arturo Orona

MAPS

Attached





Area To Be Acquired



January 11, 2012

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR A MUNICIPAL PURPOSE AND PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": The tracts or parcels of land described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Fire Station No. 32

"USE": The construction, use and maintenance of a fire station.

"PROPERTY INTEREST": Fee Simple

"OWNER": Lino Orona and Arturo Orona, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$68,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,987

"AUTHORIZED AMOUNT": \$69,987

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Sustainable Development and Construction, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

January 11, 2012

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES payable out of Public Safety Facilities Fund No. 7T33, Department PBW, Unit T839, Activity FIRF, Program No. PB06T839, Object 4210, Encumbrance No. CT-DEVT841VL05. The OFFER AMOUNT (\$68,000.00) and the CLOSING COSTS and TITLE EXPENSES (\$1,987.00) together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

SECTION 10. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

January 11, 2012

SECTION 11. 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.

**APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney**

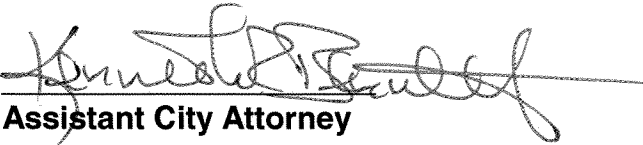
BY 
Assistant City Attorney

Exhibit "A"

7500 Square Feet of Land to be Acquired by the City of Dallas in Lot 34, Block 5823 from Lino Orona and Arturo Orona

ALL THAT certain lot, tract, or parcel of land lying and being situated in the City and County of Dallas, Texas, more particularly described as follows:

Being an approximate 7500 square foot tract of land situated in the Samuel Beeman Survey, Abstract number 68, Dallas County, Texas and being a part of Lot 34, Block 5823, Official City of Dallas Block Numbers of the First Installment Urbandale Addition to the City of Dallas according to the map or plat thereof recorded in Volume 3, Pages 403, Map Records of said County, and being a part of the property conveyed to Lino Orona and Arturo Orona by warranty deed dated November 16, 1990 and recorded in Volume 90235, Page 291, Deed Records, Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at an "x" set in concrete sidewalk in the east line of Jim Miller Road, a 100 foot right of way, and the south line of Toland Street, a 50 foot right of way:

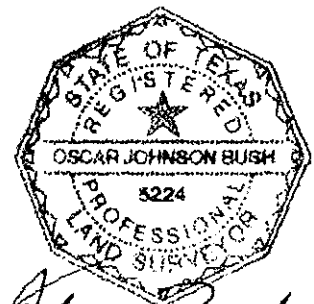
Thence S 00° 25' 08" E, with the said east line of Jim Miller Road a distance of 150 feet to a found ¾" pipe at the southwest corner of said Lot 34, Block 5823, same being the northwest corner of Lot 33, Block 5823 of said Addition;

Thence Departing the last mentioned common line and continuing N 89°15'15"E, along the north line of said Lot 33, same being the south line of said Lot 34 a distance of 50 feet to an "x" set in concrete pad in the east line of the herein described tract;

Thence N 00° 25' 08" W along the east line of the herein described tract, same being the west line of a tract conveyed to Thomas W. Wurtz and wife, Teresa K. Wurtz by warranty deed dated June 1, 1978 and recorded in Volume 78112, Page 1782, of said Deed Records, a distance of 150 feet to a found ¾ "iron pipe in the south line of Toland Street;

Thence S 89° 15' 15" W along the south line of Toland Street a distance of 50 feet to the Point of **Beginning** and containing approximately 7500 square feet of land, .172 acres.

BASIS OF BEARINGS: East line of Jim Miller Road between Toland Street and Benning Street being N 00° 25' 08" W, First Installment Urbandale Addition, Volume 3, Page 403 Map Records, Dallas County, Texas



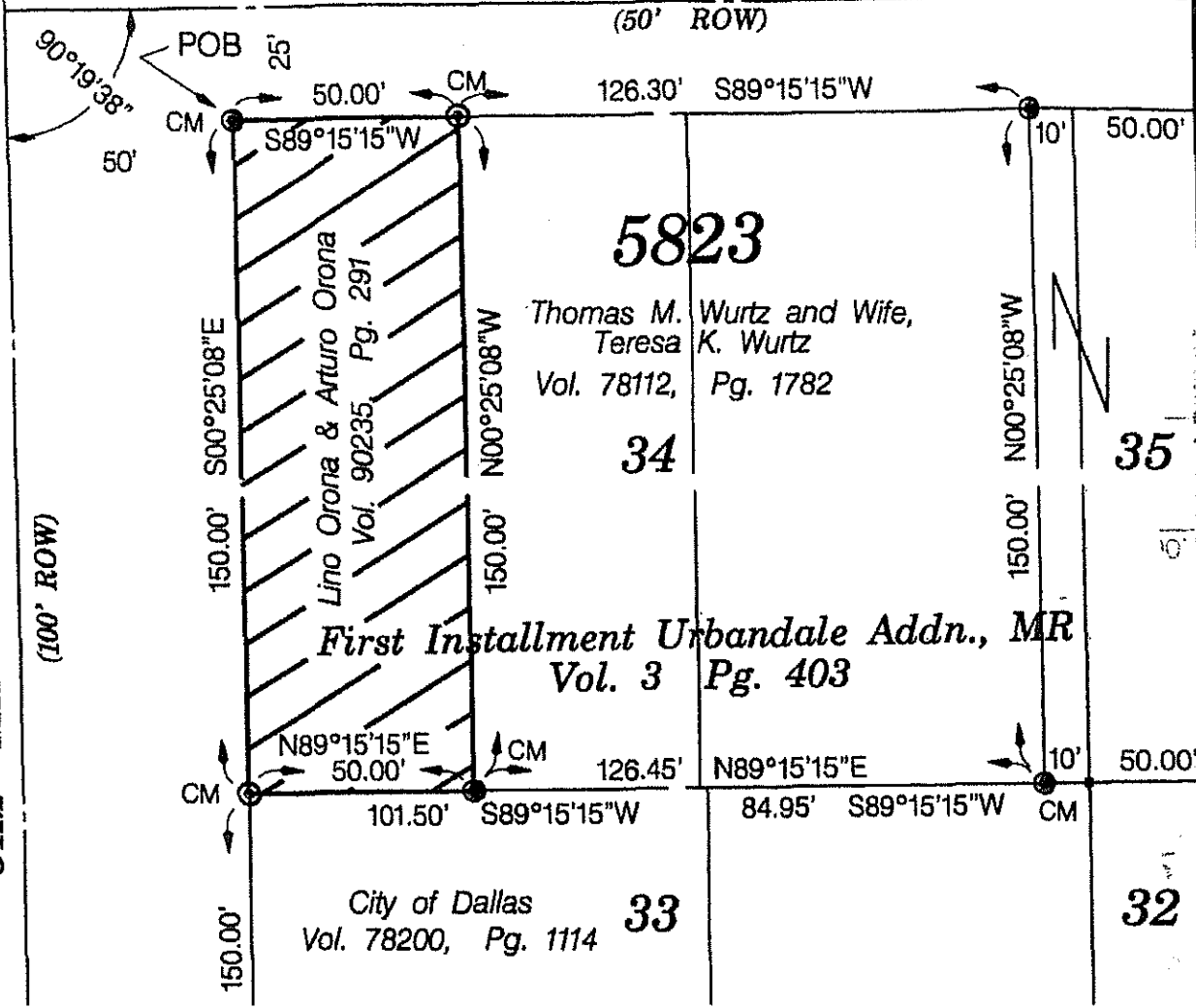
Oscar Johnson Bush



JIM MILLER ROAD
(100' ROW)

TOLAND ST.

(50' ROW)



Area To Be Acquired
(7,500 Square Feet)

LEGEND:

- 3/4" Iron Pipe Found
- ⊗ 5/8" IR w/ Red Cap Stamped "Dallas"
- CM (Controlling Monument)
- POB (Point Of Beginning)

GENERAL NOTE:
 Bearings are based on the East Line of Jim Miller Road & West Line of Lot 33 Vol. 78200, Pg. 1114 between Toland Street and Benning Street being N00°25'08"W.

Lot 34, Block 5823

Scale: 1" = 40'

SURVEYOR'S CERTIFICATION

I certify that the Right-of-Way Boundaries and monumentation shown on this sheet were established or verified by an on-the-ground survey performed under my supervision. These Right-of-Way Boundaries were established from historical records, including those on file in the City of Dallas Survey Records Vault. The benchmarks and monuments set or found comply with the City of Dallas, Department of Public Works and Transportation's Paving Design Manual, dated June 1998. This certification only pertains to the survey performed under my direction, as shown on City of Dallas Public Works and Transportation original drawing, file number _____, on file in the City of Dallas Survey Records Vault. Any additions or modifications made to this drawing, or points set or calculated by others are not a part of this certification.

Oscar J. Bush, RPLS #5224
 Name
Oscar J. Bush

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction
Public Works Department

CMO: Ryan S. Evans, 670-3314
Jill A. Jordan, P.E., 670-5299

MAPSCO: 52J

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Auto Latin, Inc. of approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway for the Fire Station No. 50 Project - Not to exceed \$209,656 (\$207,156 plus closing costs and title expenses not to exceed \$2,500) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of approximately 20,643 square feet of land located near the intersection of Walton Walker Boulevard and Keeneland Parkway. The consideration is based on an independent appraisal.

The site acquisition is required to provide the Dallas Fire Rescue additional access to reduce emergency response time. Currently, the only access to the fire station is from the Walton Walker Boulevard one-way service road.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on August 24, 2011, by Resolution No. 11-2200.

FISCAL INFORMATION

2006 Bond Funds - \$209,656 (\$207,156 plus closing costs and title expenses not to exceed \$2,500)

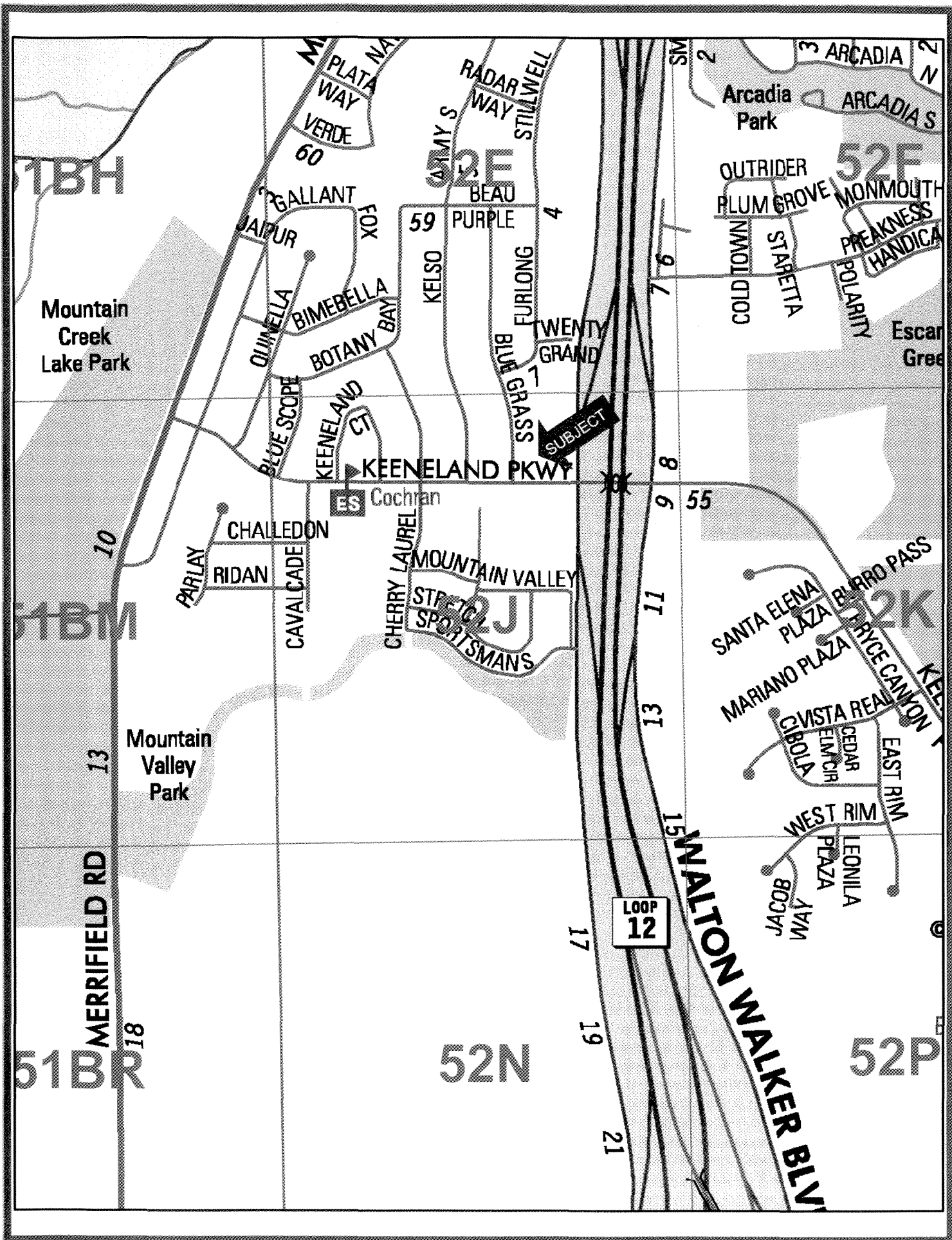
OWNER

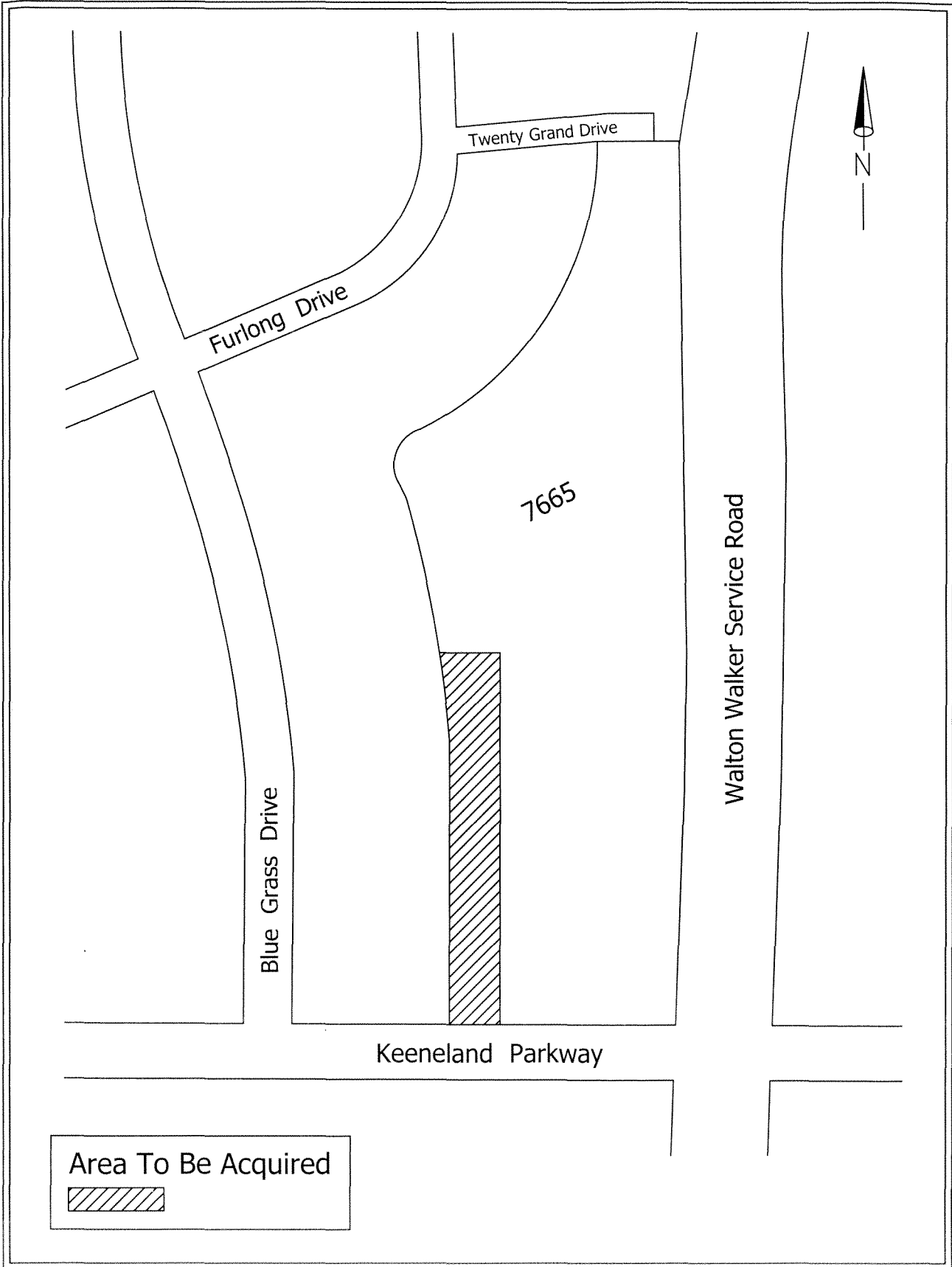
Auto Latin Inc.

David Varela, President

MAPS

Attached





Area To Be Acquired



Blue Grass Drive

Furlong Drive

Twenty Grand Drive

7665

Keeneland Parkway

Walton Walker Service Road



January 11, 2012

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately 20,643 square feet of property located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Fire Station No. 50

"USE": The construction, use and maintenance of a fire station.

"PROPERTY INTEREST": Fee Simple

"OWNER": Auto Latin Inc., a Texas corporation, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$207,156

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$2,500

"AUTHORIZED AMOUNT": \$209,656

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

January 11, 2012

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds-Public Safety Facility Funds, Fund No. 8T33, Department PBW, Unit T845, Activity FIRF, Program No. PB06T845, Object 4210, Encumbrance No. CT- SUSVLT84534. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

SECTION 10. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

January 11, 2012

SECTION 11. 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.

**APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney**

BY 
Assistant City Attorney

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED BY THE CITY OF DALLAS IN BLOCK 7665 FROM AUTO LATIN, INC. FOR AN ACCESS EASEMENT


Being approximately 20,643 square feet of land situated in the Enoch Horton Survey, Abstract Number 613, Dallas County, Texas and being in Block 7665, Official City of Dallas Block Numbers, and being part of a 2.883 acre tract of land conveyed to Auto Latin, Inc., a Texas corporation by a Special Warranty Deed dated April 23, 2003, recorded in Volume 2003128, Page 8288, deed records of said county, and being more particularly described as follows:

BEGINNING at a 5/8 inch iron rod found at the southeast corner of the said 2.883 acre tract in the north right-of-way line Keeneland Parkway (a 60 foot right-of-way width), said iron rod also being the southwest corner of the Gulf Oil Company Addition, No. 4, according to the plat recorded in Volume 76074, Page 1303, Deed Records of Dallas County, Texas;

THENCE North 89°43'53" West along the south line of the said 2.883 acre tract and the north line of said Keeneland Parkway a distance of 52.63 feet to a set 5/8" Iron Rod with red plastic cap stamped "City of Dallas", at the southwest corner of the said 2.883 acre tract, the same being the southeast corner of Lot 15, Block 2/7667 of the Mountain Valley Estates, Installment No. 1, according to the plat recorded in Volume 565, Page 1983, Deed Records of Dallas County, Texas;

THENCE North 00°21'16" East along the east line of said Lot 15, passing the northeast corner of said Lot 15 at a distance of 122.25' and continuing along the east line of said Mountain Valley Estates, Installment No. 1 a total distance in all of 246.25 feet to found 5/8" Iron Rod, at the beginning of a non-tangent curve to left having a radius of 1280.50 feet, a central angle of 06°53'58", a long chord which bears North 03°05'42" West, a distance of 154.10 feet;

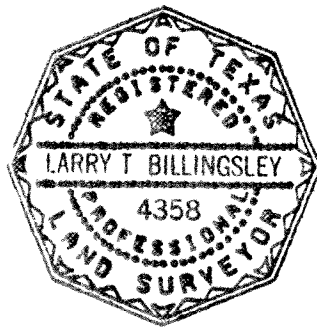
THENCE in a northwesterly direction along the said curve to the left and along, east line of said Mountain Valley Estates, Installment No. 1, same being the west line of the said 2.883 acre tract an arc distance of 154.20 feet to a set 5/8" Iron Rod with red plastic cap stamped "City of Dallas";

THENCE South 89°47'29" East departing the east line of said Mountain Valley Estates, Installment No. 1, same being the west line of the said 2.883 acre tract and over and across the said 2.883 acre a distance of 57.46 feet to a 3 inch Aluminum Disc Stamped "FS-50, RPLS 4358" Set at the northwest corner of a tract of land conveyed to the City of Dallas, dated February 14, 1977, recorded in Volume 77037, Page 1267, Deed Records of said county; .

FIELD NOTES DESCRIBING LAND TO BE ACQUIRED BY THE CITY OF DALLAS IN BLOCK 7665 FROM AUTO LATIN, INC. FOR AN ACCESS EASEMENT

THENCE South 00°16'51" East along the west line of said City of Dallas tract and passing a found ½ inch iron rod with yellow cap at the southwest corner of the City of Dallas tract at a distance of 260.00 feet, the same being the northwest corner of the said Gulf Oil Company Addition, No. 4 and continuing along the west line of said Gulf Oil Company Addition, No. 4 a total distance in all of 400.16 feet to the **POINT OF BEGINNING** and containing approximately 20,643 square feet of land;

BASIS OF BEARING: is east line of the said City of Dallas tract between a found 3/8 inch iron at the northeast corner of said city tract and a found 3" Aluminum Disc Stamped Gulf Oil at the southeast corner of the said city tract, having a bearing of South 00°16'51" East based upon Texas State Plane Coordinate System, Texas, North Central Zone 4202, North American Datum 1983 (NAD83), 1993 adjustment, using Geoid03 Model with a grid to surface adjustment factor of 1.000136506. Bearings shown herein are grid values. Distance shown herein are surface values. *G.S.*



Larry T. Billingsley
20th Aug., 2010



ENOCH HORTON SURVEY Abstract # 613

J.C. READ SURVEY Abstract # 1195

Auto Latin, Inc.
Vol. 2003128, Pg 8288

BLOCK 7665

MOUNTAIN VALLEY ESTATES
INSTALLMENT No. 1
Vol. 565, Pg. 1983

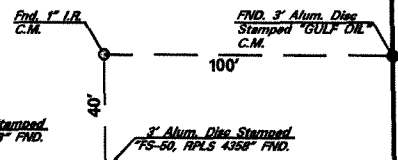
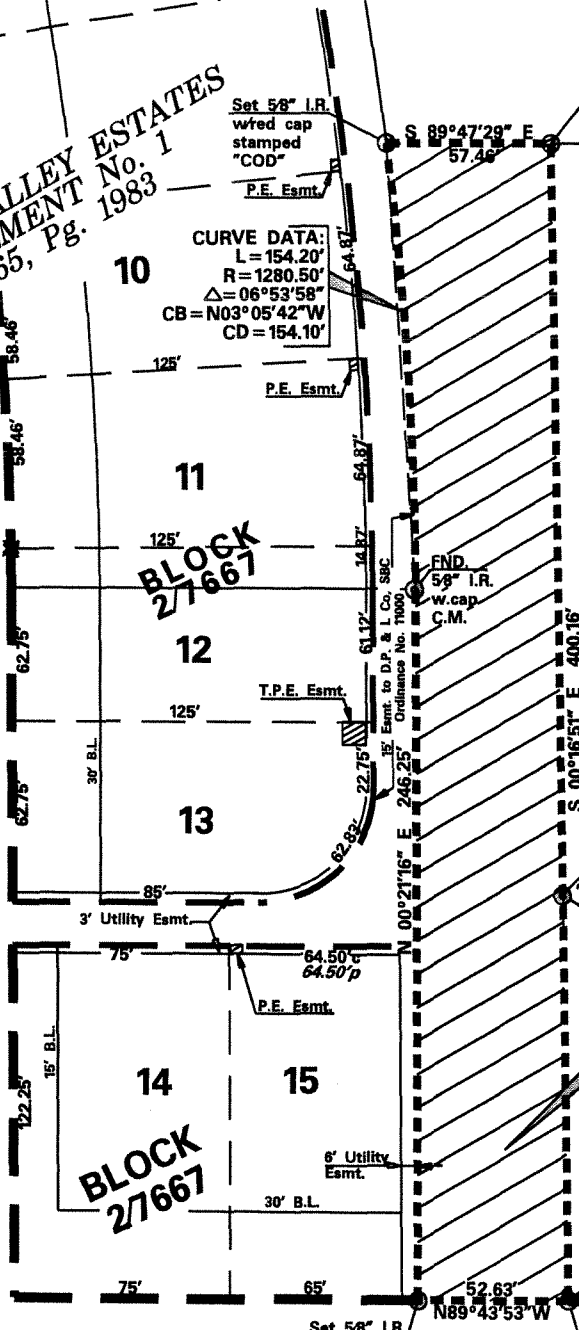
CURVE DATA:
L = 154.20'
R = 1280.50'
 $\Delta = 06^{\circ}53'58''$
CB = N03°05'42"W
CD = 154.10'

LEGEND	
C.C.F.# = County Clerk File Number	d = Deed Distance
VOL. = Volume	P = Plat Distance
PG. = Page	Δ = Central Angle
FND I.R. = Found Iron Rod	CH = Chord Bearing & Distance
IRS WCAP = Iron Rod Set with Cap	R = Radius
IPF = Iron Pipe found	L = Length
Alum. Disc. = Aluminum Disc	COD = City of Dallas

LOT 1
BLOCK 7665

City of Dallas
Vol. 77037, Pg. 1267

BLUE GRASS DRIVE
(50' Right-of-Way)



Lot 1
GULF OIL CO. ADDITON
No.4
Vol. 76074, Pg. 1303
BLOCK C7665

KEENELAND PARKWAY
(60' Right-of-Way)

20,643 SQUARE FEET ACCESS EASEMENT PART OF
2.883 ACRE TRACT, BLOCK 7665 ENOCH HORTON
SURVEY, ABSTRACT NO. 613
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BLOCK C7665

Page 3 of 3
LTB

Basis of Bearing: is east line of the said City of Dallas tract between a found 38 inch iron rod at the northeast corner of said city tract and a found 3" Aluminum Disc Stamped Gulf Oil at the southeast corner of the said city tract, having a bearing of South 00°16'51" East based upon Texas State Plane coordinate System, Texas, North central Central Zone 4202, North American Datum 1983 (NAD83), 1993 adjustment, using Geoid03 Model with a grid to surface adjustment factor of 1.000136506. Bearings shown herein are grid values. Distance shown herein are surface values.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 5
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 57 Z

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, of approximately one acre of unimproved land being that portion of Long Acre Lane extending south from Great Trinity Forest Way for the Trinity River Corridor Project Audubon Center (list attached) - Not to exceed \$86,600 (\$82,400 plus closing costs and title expenses not to exceed \$4,200) - Financing: 1998 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately one acre of unimproved land being that portion of Long Acre Lane extending south from Great Trinity Forest Way which will be used for the Trinity River Corridor Project - Audubon Center.

This property was originally conveyed to the City as a street easement and is currently being utilized as the entrance to the Trinity River Audubon Center. The consideration is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

1998 Bond Funds - \$86,600 (\$82,400 plus closing costs and title expenses not to exceed \$4,200)

OWNERS

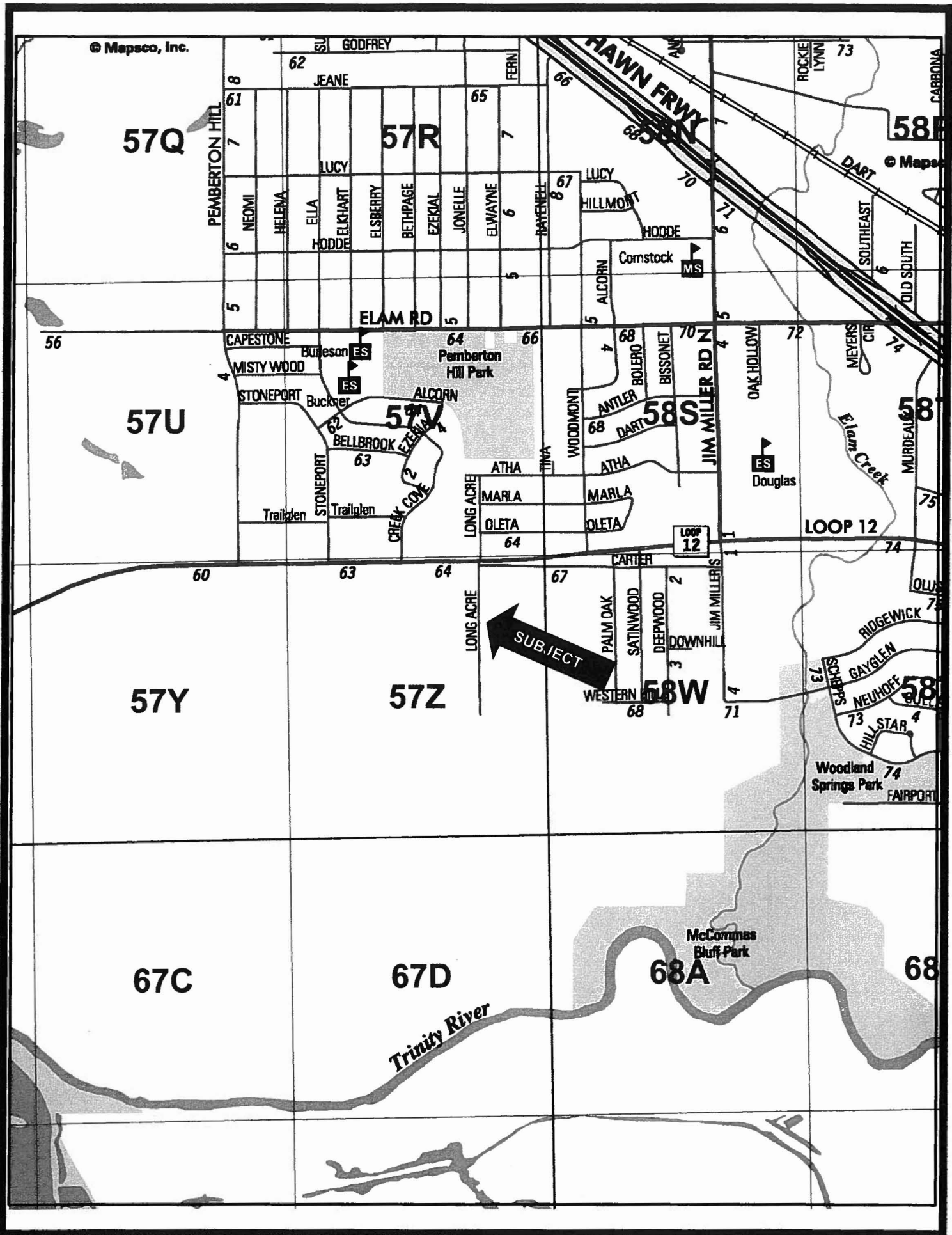
Gary James Heathcock
Bette Heathcock
Shirley Ann Heathcock Dunn
Clair Dugas
The Estate of Anna Liebundgnt, deceased
Earlene McKnight Hamner
Mary Lee Frazer
Nancy Lee Perry Brecht
Earline Perry, a Life Estate
David Shannon Eatherly
Anna Marie Reeves
Jerry Katherine Reeves Weatherly
Barbara Jean Reeves
Fortunato Mata
Valerie Suzanne Reeves
James Harold Reeves, II
Kimberly Allison Reeves
James Michael Reeves, Jr.
Barbara Kathryn Reeves Bovinette
Jason William Reeves

MAPS

Attached

Long Acre Lane Property Owners

Gary James Heathcock
Bette Heathcock
Shirley Ann Heathcock Dunn
Clair Dugas
The Estate of Anna Liebundgnt, deceased
Earlene McKnight Hamner
Mary Lee Frazer
Nancy Lee Perry Brecht
Earline Perry, a Life Estate
David Shannon Eatherly
Anna Marie Reeves
Jerry Katherine Reeves Weatherly
Barbara Jean Reeves
Fortunato Mata
Valerie Suzanne Reeves
James Harold Reeves, II
Kimberly Allison Reeves
James Michael Reeves, Jr.
Barbara Kathryn Reeves Bovinette
Jason William Reeves



Long Acre Lane

Great Trinity Forest Way

Carter Road

Long Acre Lane

6259



AREA TO BE ACQUIRED

January 11, 2012

A RESOLUTION DETERMINING UPON THE NECESSITY OF ACQUIRING REAL PROPERTY AND AUTHORIZING ITS APPROPRIATION AND/OR CONDEMNATION FOR PUBLIC USE.

DEFINITIONS: For the purposes of this resolution, the following definitions of terms shall apply:

"CITY": The City of Dallas

"PROPERTY": Approximately one acre of property located in Dallas County, and being the same property more particularly described in "Exhibit A" attached hereto and made a part hereof for all purposes.

"PROJECT": Trinity River Corridor Project - Audubon Center

"USE": Entrance to the Trinity River Audubon Center.

"PROPERTY INTEREST": Fee Simple

"OWNER": Gary James Heathcock
Bette Heathcock
Shirley Ann Heathcock Dunn
Clair Dugas
The Estate of Anna Liebundgnt, deceased
Earlene McKnight Hamner
Mary Lee Frazer
Nancy Lee Perry Brecht
Earline Perry, a Life Estate
David Shannon Eatherly
Anna Marie Reeves
Jerry Katherine Reeves Weatherly
Barbara Jean Reeves
Fortunato Mata
Valerie Suzanne Reeves
James Harold Reeves, II
Kimberly Allison Reeves
James Michael Reeves, Jr.
Barbara Kathryn Reeves Bovinette
Jason William Reeves

provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

January 11, 2012

"OFFER AMOUNT": \$82,400.00

"CLOSING COSTS AND TITLE EXPENSES ": Not to exceed \$4,200.00

"AUTHORIZED AMOUNT": \$86,600.00

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

SECTION 1. That the USE of the PROPERTY for the PROJECT is a public use.

SECTION 2. That public necessity requires that the CITY acquire the PROPERTY INTEREST in the PROPERTY for the PROJECT.

SECTION 3. That for the purpose of acquiring the PROPERTY INTEREST in the PROPERTY, the Assistant Director of the Sustainable Development and Construction Department, Real Estate Division, or such person as she may designate, is hereby authorized and directed to offer the OFFER AMOUNT as payment for the PROPERTY INTEREST in the PROPERTY.

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Trinity River Corridor Project Fund, Fund No. 4P14, Department PBW, Unit N966, Activity TRPP, Program No. PB98N966, Object 4210, Encumbrance No. CT-PBW98N966C3. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 5. That the CITY is to have possession of the PROPERTY at closing; and the CITY will pay any title expenses and closing costs. In the event of condemnation, the CITY will pay court costs as may be assessed by the Special Commissioners or the court. Further, that litigation expenses determined by the City Attorney to be necessary are authorized for payment. All costs and expenses described in this section shall be paid from the previously described funds.

SECTION 6. That if the OWNER refuses to accept the OFFER AMOUNT, the CITY will appropriate the PROPERTY INTEREST in the PROPERTY for the PROJECT under the laws of eminent domain and the provisions of the Charter of the City of Dallas. In such case, the City Attorney is authorized and requested to file the necessary suit(s) and take the necessary action for the prompt acquisition of the PROPERTY INTEREST in the PROPERTY by condemnation or in any manner provided by law.

January 11, 2012

SECTION 7. That in the event it is subsequently determined that additional persons other than those named herein have an interest in the PROPERTY, the City Attorney is authorized and directed to join said parties as defendants in said condemnation suit(s).

SECTION 8. That to the extent the PROPERTY is being purchased wholly or partly with bond proceeds CITY has obtained an independent appraisal of the PROPERTY'S market value.

SECTION 9. That OWNER has been provided with a copy of the Landowner's Bill of Rights as required by Texas Property Code Section 21.0112.

SECTION 10. That in the event the Special Commissioners in Condemnation appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the lawsuit for that amount and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the Commissioners' award made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council.

SECTION 11. 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.

**APPROVED AS TO FORM:
THOMAS P. PERKINS, JR., City Attorney**

BY 
Assistant City Attorney

**FIELD NOTES DESCRIBING 0.935 ACRES (40,736 Sq. Ft.) OF LAND IN
BLOCK 6259, TO BE ACQUIRED FROM
The Heirs of: RUDOLPH VONAESCH & HAL C. WORTH
Being All The Property Known As "LONGACRE LANE"**

BEING a 0.935 Acre (40,736 Sq. Ft.) tract of land in the Gideon Pemberton Survey, Abstract Number 1155, Dallas County, Texas, lying in Block 6259, Official City of Dallas Numbers, and being all of the land conveyed to Rudolph Vonaesch from W.S. Kirby, by Deed dated February 28, 1916 and recorded in Volume 670, Page 290 of the Deed Records of Dallas County, being the same tract granted to the City of Dallas by Rudolph Vonaesch and Edna M. Worth for a twenty-foot wide roadway easement, known as "Longacre Lane," by Deed dated April 16, 1963 and recorded in Volume 60, Page 1331 of the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING at a wooden Railroad Tie fence corner with a PK nail set in the top, found in the South line of Carter Road (a variable-width Right-of-Way) at the Northwest corner of a tract of land conveyed to LaPoleon Denson, Jr., by deed dated April 14, 1995, recorded in Volume 95077, Page 03368 of the Dallas County Deed Records, same being the most Easterly Northeast corner of a tract of land conveyed to North Benson, Inc., by deed dated April 4, 2003 and recorded in Volume 2003065, Page 05458 of said deed records:

THENCE North 89°34'18" West, along the North line of said North Benson, Inc. tract, same being the South line of said Carter Road, pass at 688.76 feet the most Westerly Northwest corner of said North Benson, Inc. tract, being also the Northeast corner of a tract of land conveyed to James Robert McDaniel by Deed dated October 30, 1968 and recorded in Volume 68217, Page 1480 of the Deed Records of Dallas County, pass at 787.20 feet the common North corner between said McDaniel tract and a tract of land conveyed to Lanny and Steve Gatlin by Deed recorded in Vol. 88207, Pg. 4256, and continuing for a total distance of 896.27 feet to a 5/8 inch dia. steel rod with cap marked "CITY OF DALLAS" set at the common North corner between said Gatlin tract and said Longacre Lane Roadway Easement, and being the Northeast corner and **POINT OF BEGINNING** of the herein described tract:

THENCE South 00°14'11" East, departing the last said South line of Carter Road, with the common line between Longacre Lane and said Gatlin tract, a distance of 500.55 feet to a 5/8 inch dia. steel rod with cap marked "CITY OF DALLAS" set at the Southwest corner of said Gatlin Tract, being also the most Westerly Northwest corner of a 39.6347 Acre tract of land conveyed to Trigger Gap, Inc., by Deed recorded in Volume 2002001, page 4116 of the Dallas County Deed Records:

**FIELD NOTES DESCRIBING 0.935 ACRES (40,736 Sq. Ft.) OF LAND IN
BLOCK 6259, TO BE ACQUIRED FROM
The Heirs of: RUDOLPH VONAESCH & HAL C. WORTH
Being All The Property Known As "LONGACRE LANE"**

THENCE South 00°44'48" East with the common line between Longacre Lane and said Trigger Gap tract, a distance of 1,010.72 feet to a 5/8 inch dia. steel rod with cap marked "CITY OF DALLAS" set at the Northwest corner of a tract of land conveyed to Herman Nethery, Recorded in Volume 96211, Page 00765 of the Deed Records of Dallas County:

THENCE continuing at South 00°44'48" East with the common line between said Nethery tract and Longacre Lane a distance of 495.07 feet to a 5/8 inch dia. steel rod with cap marked "CITY OF DALLAS" set at the Southwest corner of said Nethery tract, being also the Northwest corner of a tract of land conveyed to Rudolph Vonaesch by deed recorded in Volume 629, Page 687 of the Deed Records of Dallas County:

THENCE continuing at South 00°44'48" East with the common line between said Vonaesch tract and Longacre Lane a distance of 30.26 feet to the Southeast corner of this tract:

THENCE South 89°15'12" West with the South line of Longacre Lane a distance of 20.00 feet to the Southwest corner of this tract, being an inside corner of a 190.96 acre tract conveyed to the Metropolitan Sand & Gravel Co., LLC, by deed recorded in Volume 98253, Page 1948 of the Deed Records of Dallas County:

THENCE North 00°44'48" West with the common line between said Metropolitan Sand & Gravel Co. tract and Longacre Lane a distance of 1,536.14 feet to an outside corner of this tract:

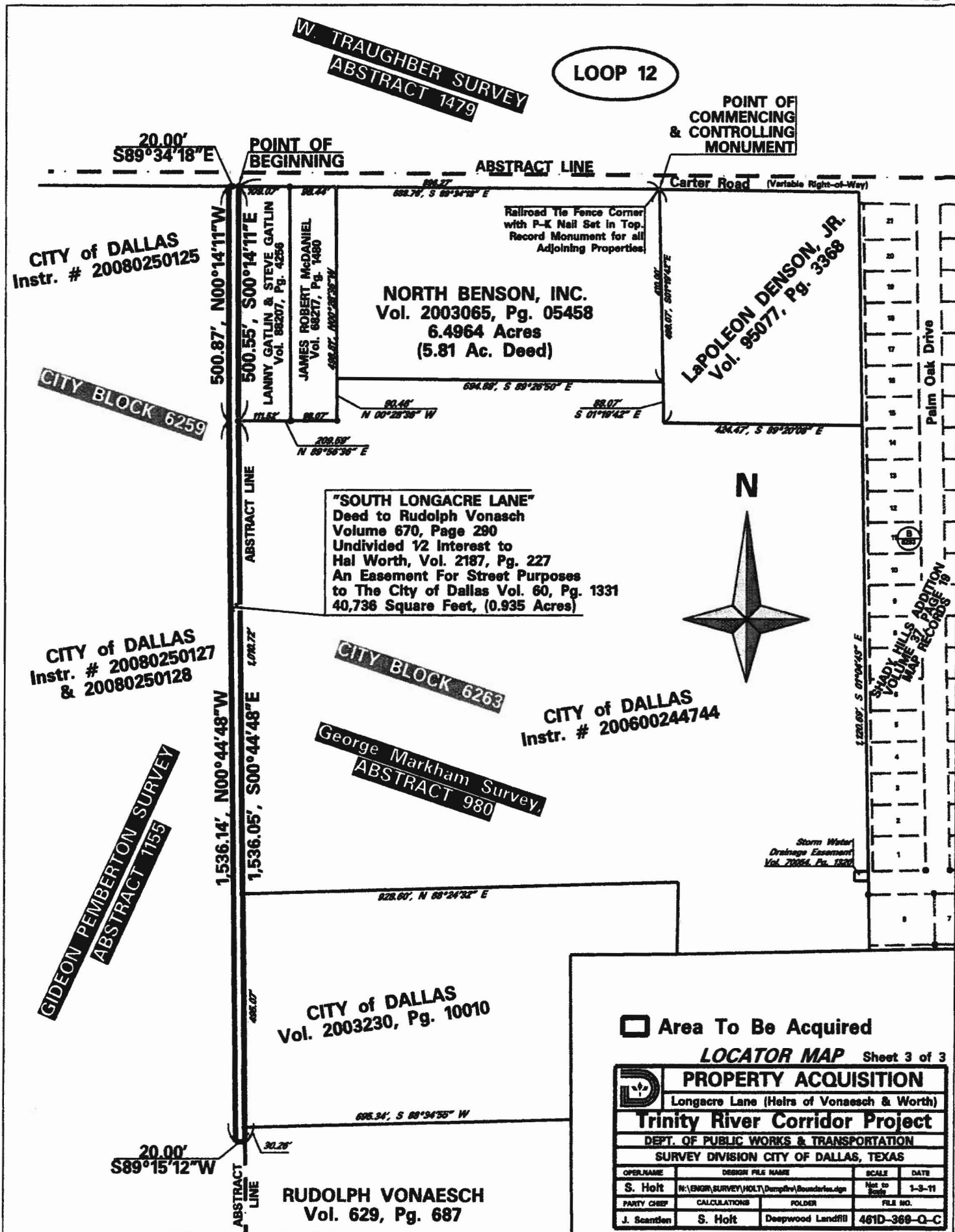
THENCE North 00°14'11" West, continuing with said common line between the Metropolitan Sand & Gravel Co. tract and Longacre Lane a distance of 500.87 feet to the intersection with the said South line of Carter Road:

THENCE South 89°34'18" East with the said South line of Carter Road a distance of 20.00 feet to the **POINT OF BEGINNING**, containing 0.935 acres, or 40,736 Sq. Ft. of land.

BASIS OF BEARINGS is the Texas State Plane, North Central Zone, Geodetic bearing as established by Global Positioning System observations taken from the U.S.C. & G.S. Triangulation Station "BUCKNER RESET," North American Datum of 1983.

Scott Holt
1/4/2011





KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 4
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 670-3314
MAPSCO: N/A

SUBJECT

Lancaster Urban Village

- * Authorize a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, US Bank Corp (US Bank) and its subsidiaries, and Lancaster Urban Village Commercial LLC and its affiliates (Developer) for the development of the commercial portion of the Lancaster Urban Village Project located at 4417 South Lancaster Road (Project) - Financing: No cost consideration to the City
- * Authorize an amendment to the Chapter 380 loan documents with City Wide Community Development Corporation to modify the timing at which the Borrower is released from indebtedness on the note for the corresponding loan proceeds, and such other modifications necessary to facilitate the use of the Chapter 380 Loan Proceeds and/or repayments thereof, directly or indirectly, to provide leverage sources for the NMTC transaction - Financing: No cost consideration to the City
- * Authorize an amendment to the development agreement for the Lancaster Urban Village Project located in the TOD TIF District, by Resolution Nos. 10-1259 and 10-1260, previously approved on May 12, 2010, to extend certain project deadlines by an additional 12 months beyond the first extension approved by the TOD TIF District Board - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE), by Resolution No. 09-0461 on February 11, 2009, to apply for a New Markets Tax Credit (NMTC) allocation from the U.S. Department of Treasury's Community Development Financial Institutions Fund in its 2009 funding cycle. DDF was awarded a \$55 million allocation under the 2009 cycle, and that allocation was officially accepted by DDF on March 31, 2010.

BACKGROUND (Continued)

The NMTC program permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated CDEs. These investments must be used by the CDE for projects and investments in low-income communities, as defined by the NMTC program.

The credit provided to the investor totals 39% of the cost of the investment and is claimed over a 7-year credit allowance period.

On November 29, 2011, DDF considered and unanimously approved a NMTC transaction between DDF, US Bank, and the Developer. This NMTC transaction will use up to \$12.0 million of DDF's \$55 million NMTC allocation. US Bank will invest in up to \$12.0 million in NMTC allocation from DDF, which will in turn generate up to approximately \$3.37 million in NMTC equity for the benefit of the Project.

This NMTC transaction will facilitate Developer's development of the commercial portion of the mixed-use Lancaster Urban Village project located at 4417 S. Lancaster Road. The commercial project will contain 14,000 square feet of retail and 395 parking spaces, to be shared between the retail and residential development as well as the Urban League. The residential component of the project consists of 193 mixed-income multi-family rental units, with 51% deed restricted as affordable units. The total Project cost is approximately \$27.8 million. The commercial costs are \$11.9 million and the residential costs are \$15.9 million.

The Project will be a catalytic new mixed-used development in the Lancaster corridor across from the VA Hospital and adjacent to the VA DART station. It provides new affordable housing and retail opportunities to Lancaster Corridor and VA employees. The project is designed to achieve LEED certification. A second phase will include an expansion of the Urban League to include a new job training facility.

Other funding sources for the project include (1) \$8.4 million from U.S. Housing and Urban Development (HUD) Section 108 funds for the commercial and residential portion of the project, (2) \$12.4 million from HUD 221d-4 funds for the residential portion and (3) \$3.9 million in public private partnership funds for the commercial portion of the project. In addition, TIF funds have been pledged to repay the section 108 loan.

The Public/Private Partnership funds were authorized by two separate council resolutions on May 28, 2008 and April 22, 2009. Resolution No. 08-1583 authorized a forgivable loan of \$850,000 and Resolution No. 09-1101 authorized a forgivable loan of \$3,000,000. To ensure financing structure compatibility with both the NMTC program and the HUD 108 loan program, a modification to the loan agreement to make such modifications as are necessary to facilitate the use of the Chapter 380 Loan Proceeds and/or repayments thereof, directly or indirectly, to provide leverage sources for the NMTC transaction is necessary.

BACKGROUND (Continued)

In May 2010, the City Council authorized a development agreement dedicating up to \$8,492,273 in future TIF revenues in support of the Lancaster Urban Village project. The TIF funding will underwrite (as the repayment source) the principal and interest reserve amount for the Section 108 Guaranteed Loan.

For the purposes of TIF funding, the Lancaster Urban Village project is a mixed-use building located near the southwest corner of Lancaster Road and Ann Arbor Avenue and includes the following parcels: 4400, 4408, 4412, 4416, 4344, and 4345 (portion of tract) Denley Drive; 4411, 4415, 4417, 4419, 4425, 4343 S. Lancaster Road; and 4338 Fernwood Avenue.

Staff has worked extensively with City Wide Community Development Corporation and their partner Catalyst Urban Development, LLC on coordination for other funding programs to complete the financing package for the project. Given the complexity of coordinating the various sources of financing, additional time is needed to meet deadlines in the TIF development agreement.

In December 2010, the TOD TIF District Board approved a 12 month deadline extension for the project deadlines (per a provision in Resolution No. 10-1259 authorizing this one time extension). The development team has made significant progress with the financing package; however, it is anticipated that all sources will not be finalized until first quarter 2012 necessitating another deadline extension related to the TIF funding agreement. On December 9, 2011, the TOD TIF District Board reviewed the status of the project and recommended an amendment to extend certain project deadlines for an additional 12 months.

The owner of the commercial Project will be Lancaster Urban Village Commercial, LLC.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 28, 2008, the City Council authorized a Chapter 380 economic development forgivable loan in the amount of \$850,000 to City Wide Community Development Corporation by Resolution No. 08-1583.

On February 11, 2009, the City Council authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE) by Resolution No. 09-0461.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS) (Continued)

On April 22, 2009, the City Council authorized a Chapter 380 economic development forgivable loan in the amount of \$3,000,000 to City Wide Community Development Corporation by Resolution No. 09-1101.

On January 13, 2010, the City Council authorized the acceptance of the \$55 million NMTC allocation by Resolution No. 10-0210.

On January 19, 2010, the Economic Development Committee was briefed on the DDF and the NMTC program.

On January 27, 2010, the City Council authorized the bylaw and certificate of formation changes to the DDF by Resolution No. 10-0371.

On May 12, 2010, the City Council authorized a development agreement dedicating up to \$8,492,273 in future TIF revenues in support of the Lancaster Urban Village project by Resolution No. 10-1259.

On December 17, 2010, the TIF Board approved a 12 month deadline extension for the Lancaster Urban Village project.

On June 8, 2011, the City Council approved authorization to accept \$8,492,000 of Community Development Block Grant Section 108 Guaranteed Loan funds from the U.S. Department of Housing and Urban Development for the Lancaster Urban Village community economic development project by Resolution No. 11-1583.

On November 29, 2011, the Dallas Development Fund was briefed on the Lancaster Urban Village project and unanimously approved the transaction.

On December 5, 2011, the Economic Development Committee was briefed on the request for approval of a New Markets Tax Credit (NMTC) transaction, as approved by the Dallas Development Fund (DDF) board and to reprogram the Public/Private Partnership funding.

On December 9, 2011, the TOD TIF District Board reviewed the status of the project and recommended an amendment to extend project deadlines for an additional 12 months.

FISCAL INFORMATION

No cost consideration to the City

OWNER(S)

**City Wide Community
Development Corporation
A non-profit corporation**

Sherman Roberts, President/CEO

**Lancaster Urban Village Commercial, LLC
LLC**
c/o Sherman Roberts

DEVELOPER(S)

**City Wide Community
Development Corporation
A non-profit corporation**

Sherman Roberts, President/CEO

Lancaster Urban Village Commercial,
c/o Sherman Roberts

January 11, 2012

WHEREAS, the City is committed to supporting enhanced economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

WHEREAS, the United States Department of Treasury has established the New Markets Tax Credit (NMTC) program to stimulate investments in predominately low-income communities; and

WHEREAS, the goals and purposes of the NMTC program are consistent with and complementary to the economic development programs previously established by the City to support expanded economic development opportunities for low-income communities within the City and to low-income persons residing within those communities; and

WHEREAS, under the NMTC program, tax credits are competitively awarded annually by the Treasury Department through its Community Development Financial Institutions (CDFI) Fund to qualified Community Development Entities (CDEs) after review and evaluation of applications submitted by CDEs, which are then made available to investors; and

WHEREAS, the City of Dallas created the Dallas Development Fund (DDF) as a non-profit Texas corporation in order to apply for an award under the NMTC program; and

WHEREAS, the DDF was awarded a \$55 million NMTC allocation under the 2009 NMTC program; and

WHEREAS, the DDF board has approved awarding of up to \$12.0 million in NMTC allocation to the Lancaster Urban Village Project located at 4417 South Lancaster Road.

NOW, THEREFORE,

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

Section 1. That the City Manager upon approval as to the form by the City Attorney's Office is hereby authorized to executive a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, US Bank Corp (US Bank) and its subsidiaries, and Lancaster Urban Village Commercial LLC and its affiliates (Developer) for the development of the commercial portion of the Lancaster Urban Village project located at 4417 South Lancaster Road as further described in **Attachment A**.

January 11, 2012

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City, and it is accordingly so resolved.

DATE: November 29, 2011

SUBJECT: Lancaster Urban Village Commercial Project (“Project”)

FROM: City of Dallas Department of Economic Development

Project Description

Applicant

City Wide Community Development Corporation (“Citywide”) is a Dallas-based 501(c)(3) nonprofit founded in 2001. The organization is recognized as a Community Based Development Organization (CBDO) by the City of Dallas. Its mission is to revitalize communities through economic development activities, and development of affordable housing. Formerly known as Neighborhood Vision Community Development Corporation, City Wide was founded in September 2001 to deliver affordable housing in core communities of the City of Dallas, with specific focus on Southeast Oak Cliff.

The NMTC borrower is anticipated to be Lancaster Urban Village Commercial LLC (“Borrower”), an entity managed and predominantly owned by Citywide. The Borrower entity is anticipated to have one additional member, a newly formed nonprofit.

Related/Sponsoring Entities

The Borrower is working closely with an affiliated entity, Lancaster Urban Village Residential, LLC, which is developing a mixed-income residential rental building in close proximity to the proposed project. The Project is also being developed in close collaboration with the Urban League of Greater Dallas and North Central Texas (“Urban League”). The Urban League will provide land for a portion of the Project, and the Project will include structured parking spaces that will in part benefit the Urban League. Ultimately, the Urban League intends to develop a 50,000 square foot addition to its existing facility directly adjacent to the Project site to allow for expanded job training activities. The City of Dallas (“City”) has been working closely with the Developer and Urban League to facilitate both of these efforts as part of an overall effort to develop a transit village urban revitalization project in the vicinity of the existing Dallas VA Medical Center.

Project Description

The Project involves the acquisition, site preparation, and redevelopment of about 2.5 acres of blighted land along Lancaster Road near Ann Arbor Avenue near the VA Medical Center station on the Dallas Area Rapid Transit Blue Line. The overall site redevelopment includes two major components:

- The NMTC-financed Project (the subject of this proposed approval): Land acquisition, site preparation, and development of about 14,000 square feet of commercial space and 400+ structured parking spaces.
- A residential phase of development containing 193 rental units, of which 51% will be deed-restricted to be affordable to households earning 80% or less of Area Median Income. This

building will be constructed adjacent to the Project, with a portion of the building integrated into a vertical mixed-use arrangement above the Project retail and lining the Project parking structure. This residential phase will be separately financed using HUD’s 221(d)4 mortgage guarantee program and HUD’s Section 108 loan program, and will be developed on an overlapping timeline with the Project.

The project is located in the City’s Transit-Oriented Development Tax Increment Financing District (“TOD TIF”) and represents a major priority for the City under both the TOD TIF plans and the City’s HUD Section 108 loan program.

Total project costs are estimated to be about \$12 million, subject to final refinement.

Financing Terms

NMTC Allocation Proposed

Up to \$12,000,000MM (\$11.3-11.6MM anticipated)

NMTC Investor

The Dallas Development Fund has been in negotiations with US Bancorp Community Development Corporation (USBCDC) to purchase the NMTCs generated by the project.

Anticipated Closing Costs and Fees

The Dallas Development Fund will charge a Sub-allocation Fee of 3% of the QEI, (estimated at up to \$348,000). In addition, the DDF will charge an annual Asset Management Fee of 0.25% of the QEI, (estimated at up to \$29,000).

DDF will seek to separately secure reimbursement for costs associated with closing this transaction, as well as costs associated with maintaining the financing structure during the 7-year NMTC compliance period.

Financing Structure

Based on the current anticipated NMTC financing of \$11.6 million, the financing sources for this project are summarized in the table below:

Sources for NMTC Structure	Proposed Amount
HUD 108 Loan Proceeds	\$4,800,000
PPP Funds	\$3,900,000
NMTC Equity (USBCDC)	\$2,900,000
Total	\$11,600,000

City Wide CDC will borrow up to \$4.8 million in HUD Section 108 Loan proceeds from the City of Dallas. It will then lend these funds to Investment Fund owned by USBCDC. Additionally, The City of Dallas has granted approximately \$3.9MM in Public Private Partnership (“P3”) funds to City Wide for land acquisition and construction as part of a larger grant supporting the Project and the residential phase of development. \$3.5MM of these P3 funds are anticipated to be used as a source of a Leverage Loan to

the Investment Fund, while the remaining \$400,000 P3 funds are anticipated to fund a Borrower equity contribution rounding out the financing sources.

This Investment Fund will contribute the NMTC Equity to this fund for a total QEI of approximately \$11.3-\$11.6 million. This range is based on pending structuring analysis by tax counsel, as well as review of required HUD Section 108 interest reserves. Depending on the City's credit analysis and NMTC tax counsel review, some or all of these reserves may need to be held outside the NMTC structure and therefore be excluded from the total QEI. The proposed approval is for up to \$12.0 million to allow flexibility in case total development cost is increased due to contractor pricing or other cost issues.

The QEI will be made to a Sub-allocatee of the Dallas Development Fund (anticipated to be DDF Charlie, LLC), which will in turn make one or more Qualified Low-Income Community Investment (QLICI) Loans to a special purpose entity designated as the Qualified Active Low-Income Community Business (QALICB). These loans will be estimated at \$11.25 million.

Additional Sources of NMTC Allocation

None

Closing Timeline

This Project is expected to close in 1st Quarter 2012

Community Benefits and Need for Assistance

Community Benefits

The Project is estimated to create 72 permanent full-time positions. The Project also plans to pursue 25%+ M/WBE participation in construction. It will provide retail amenities for the nearby VA Medical Center, which employs over 4,000 staff, and it will facilitate the adjacent residential phase of development, which will offer 193 housing units well suited to accommodate VA employees. The Project will represent a high-impact component of a major revitalization effort for the Lancaster Corridor, a historically important commercial corridor for Southern Dallas.

The Project will pursue LEED certification, which will reduce future energy usage and enhance the overall sustainability. It is also being developed adjacent to a DART light rail station, offering a high level of accessibility and transit-sensitive design.

As a mixed-use TOD project in Southern Dallas, the Project supports a number of the objectives DDF articulated in its initial application to CDFI Fund for NMTC allocation. The Project was specifically mentioned in DDF's narratives.

Need For NMTC Assistance

This Project would not be financially feasible without NMTC assistance. The Project has very limited debt capacity, and without NMTC assistance would not be able to finance the large number of structured parking spaces needed to make the overall site redevelopment work.

Other Public Assistance

The Project is receiving a grant of approximately \$3.9MM in P3 funds. It is also receiving up to \$8.492 million in HUD 108 loan proceeds from the City of Dallas for both the residential and commercial components of the project. HUD 108 is a program funded through the City's Community Development Block Grant (CDBG) allocation, allowing for low-interest flexible loans to support revitalization projects that would not otherwise be conventionally financeable.

Project Images



Figure 1: Model of Proposed Project from north of the site on Lancaster Road.



Figure 2: Site Plan of Project

January 11, 2012

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, the City seeks to spur acquisition and redevelopment of certain areas in the southern sector, including the Lancaster Corridor, to foster the public purpose of economic development; and

WHEREAS, on April 9, 2008, the City Council elected to continue its participation in economic development grants per Chapter 380 of the Texas Local Government Code with adoption of its Public/Private Partnership Program Guidelines and Criteria by Resolution No. 08-1050, as amended; and

WHEREAS, the City Wide Community Development Corporation seeks to redevelop two sites in the Lancaster Corridor; and

WHEREAS, the City Council has determined that the proposed project will foster the public purpose of economic development in accordance with the City Council's goals as outlined in the City's Public/Private Partnership Program; and

WHEREAS, on May 28, 2008, the City Council authorized an economic development forgivable loan agreement with City Wide Community Development Corporation, located at 3440 S. Polk, Suite B, Dallas, Texas in the amount of \$850,000 for the acquisition, demolition and redevelopment of real property commonly known as 4343 Lancaster Road and 4411 Lancaster Road, both in Dallas, Texas by Resolution No. 08-1583; and

WHEREAS, on April 22, 2009, the City Council authorized an economic development forgivable loan agreement with City Wide Community Development Corporation, located at 3440 S. Polk, Suite B, Dallas, Texas in the amount of \$3,000,000 for the development and other related cost including land assemblage for a skills training center for the Dallas Urban League, mixed-use retail, housing, office and other commercial use in the Lancaster Corridor Neighborhood Investment Program Area from Stella Avenue north of Lancaster Road to Simpson Stuart/Camp Wisdom Road south of Lancaster Road by Resolution No. 09-1101.

NOW, THEREFORE,

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

January 11, 2012

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute an amendment to the Chapter 380 loan documents with City Wide Community Development Corporation to modify the timing at which the Borrower is released from indebtedness on the note for the corresponding loan proceeds, and such other modifications necessary to facilitate the use of the Chapter 380 Loan Proceeds and/or repayments thereof, directly or indirectly, to provide leverage sources for the NMTC transaction.

Section 2. Modifications to the loan agreement are to facilitate the use of the loan proceeds in a manner compatible with the NMTC structure, and may include the following:

- (a) At or prior to Project financial closing, Borrower will be released from indebtedness on the note for the corresponding loan proceeds advanced; and/or
- (b) The City may advance funds that have been repaid by the Borrower pursuant to the loan to the Borrower or its affiliates in the form of a loan or grant under a new agreement and/or
- (c) The City may agree to modifications and/or assignments of the loan documents and associated collateral documents.

Section 3. That if Borrower fails to timely comply with amended requirements hereof, and the NMTC transaction has not yet closed, the City of Dallas has the option to require Borrower to convey to the City of Dallas fee simple title to the properties acquired with funds under the loan from the City of Dallas, free of any liens or encumbrances not acceptable to the City.

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.

January 11, 2012

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on December 10, 2008, the City Council authorized the adoption of Ordinance No. 27432 which created Tax Increment Financing Reinvestment Zone Number Seventeen, (the "TOD TIF District") in accordance with V.T.C.A. Tax Code, Chapter 311 ("Act"); and

WHEREAS, the TOD TIF District was created to encourage transit-oriented development (TOD) around DART stations in the central portion of the City and help create a series of unique destinations, as well as foster the construction of structures or facilities that will be useful or beneficial to the development of transit stations along the DART light rail system in the central portion of the City; and

WHEREAS, on April 14, 2010, the City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the TOD TIF District by Ordinance No. 27854; and

WHEREAS, on April 14, 2010, the City Council authorized the establishment of the TOD TIF District Grant Program to implement the Project Plan and Reinvestment Zone Financing Plan by Resolution No. 10-0916; and

WHEREAS, on May 12, 2010, the City Council authorized a development agreement with City Wide Community Development Corporation and/or its affiliates Lancaster Urban Village Residential, LLC; Lancaster Urban Village Garage, LLC; and Lancaster Urban Village Commercial, LLC to dedicate future TIF revenues for an economic development grant and other eligible project costs related to the Lancaster Urban Village located at the southwest corner of Lancaster Road and Ann Arbor Avenue in the TOD TIF District and the TOD TIF District Board of Directors to dedicate up to \$8,492,273 from future TOD TIF District revenues by Resolution Nos. 10-1259 and 10-1260; and

WHEREAS, on December 17, 2010, TOD TIF District Board of Directors reviewed the status of the Lancaster Urban Village and approved a request for a 12 month extension of project deadlines pursuant to Section 8 of Resolution No. 10-1259; and

WHEREAS, City Wide Community Development Corporation and its affiliates have begun demolition on the project site and made significant progress towards securing all necessary project financing; however, additional time is necessary given the complexity of the financing structure; and

WHEREAS, on December 9, 2011, TOD TIF District Board of Directors reviewed the current status of the Lancaster Urban Village and recommended an additional 12 month extension of certain project deadlines.

January 11, 2012

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute an amendment to the development agreement between City Wide Community Development Corporation and/or its affiliates Lancaster Urban Village Residential, LLC; Lancaster Urban Village Garage, LLC; and Lancaster Urban Village Commercial, LLC (the "Owner") and the City of Dallas, on behalf of the TOD TIF District for the Lancaster Urban Village.

Section 2. That the facts and recitations contained in the preamble of this Resolution are hereby found and declared to be true and correct.

Section 3. That Section 6 of Resolution No. 10-1259 is replaced entirely with the following:

That in addition to the conditions set out in the other Section of Resolution No. 10-1259, an amended Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Owner shall redevelop the project site for a minimum of 150,000 rentable square feet of residential, retail, office, or amenity space (of which a minimum of 5,000 square feet will contain one or more active ground floor uses).
- B. Owner shall have a minimum project investment of \$16.0 million for acquisition cost, sitework/infrastructure, and hard for construction (excludes soft costs).
- C. TIF funding is contingent on approval by other funding sources necessary to complete the financing package for the project by December 31, 2012 and an intercreditor agreement with the Owner if required.
- D. Owner shall start construction as evidenced by a building permit by December 31, 2013.
- E. Owner shall complete construction and obtain a Certificate of Acceptance by the Department of Public Works and Transportation for the public improvements associated with the project by December 31, 2014.
- F. Owner shall complete construction and obtain a Certificate of Occupancy for the private improvements by December 31, 2014.

January 11, 2012

Section 3. (Continued)

- G. Owner shall execute an Operating and Maintenance agreement for all non-standard public improvements installed as part of the Project by December 31, 2014.
- H. The Owner shall submit the proposed management group for the mixed-use building by September 30, 2014 or at least three months prior to opening, whichever occurs first for review by the Director of the Office of Economic Development to consider acceptance based on a review of the management group's comparable experience managing other residential or mixed-use projects, such approval not being unreasonably withheld.
- I. At least 20 percent of the housing units will meet affordability criteria for at least 15 years.
- J. Owner shall cause the residential development of the property to be marketed pursuant to an affirmative fair housing marketing plan approved by the City.
- K. Owner shall comply with the Business Inclusion and Development ("BID") goal of twenty-five percent (25%) for TIF reimbursable improvements, and make a good faith effort to achieve a goal of certified minority/women-owned business enterprise (M/WBE) participation for the private improvement construction with a participation goal in an amount proportional to the TIF investment in the project, and meet all reporting requirements for each.
- L. The Owner shall provide evidence that reasonable efforts were made to promote the hiring of neighborhood residents for any new jobs created.
- M. Owner shall submit quarterly (once in every three months, from the start of construction) project status reports to the OED Staff.
- N. The Project shall be consistent in general form, material and character with the conceptual design for both the private development and improvements in public right-of-way as presented and approved by the TOD TIF District Board Design Review Process and with any subsequent design review conditions agreed upon with final site layout and building features that may vary.

Section 4. That Section 8 of Resolution No. 10-1259 is replaced in its entirety by this section. The Director of the Office of Economic Development, after approval and recommendation of the TOD TIF District Board of Directors, may authorize minor modifications to the project including development mix and/or an extension of the project deadlines up to 6 months.

January 11, 2012

Section 5. That with the exception of the sections above, all other requirements of Resolution Nos. 10-1259 and 10-1260 will remain in full force and effect.

Section 6. 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.

AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 3
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 54 X

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1581 for a child-care facility on property zoned a TH-3(A) Townhouse District on the north side of Ryan Road, west of Garapan Drive

Recommendation of Staff: Approval for a three-year period with eligibility for automatic renewals for additional three-year periods, subject to a site/landscape plan and conditions

Recommendation of CPC: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site/landscape plan and conditions Z089-185(OTH)

FILE NUMBER: Z089-185 (OTH)

DATE FILED: March 20, 2009

LOCATION: On the north side of Ryan Road, west of Garapan Drive.

COUNCIL DISTRICT: 3

MAPSCO: 54-X

SIZE OF REQUEST: 15,559 square feet

CENSUS TRACT: 60.01

APPLICANT/OWNER: Sharon Harris

REQUEST: An application to renew Specific Use Permit No. 1581 for a child-care facility on property zoned a TH-3(A) Townhouse District.

SUMMARY: The applicant is proposing to restart the use of the property as a child-care facility.

CPC RECOMMENDATION: Approval for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site/landscape plan and revised conditions

STAFF RECOMMENDATION: Approval for a period of three years with eligibility for automatic renewals for additional three-year periods, subject to a site plan/landscape plan and conditions.

BACKGROUND INFORMATION:

- The property is currently developed with a 3,423 square feet building. The applicant proposes to relocate her existing child-care facility on the site. Originally, the property had two buildings, A and B. Building A is a two story building. The original buildings had a total of 2,004 square feet. The two buildings are connected by the new addition. The new construction has not been completed.
- The facility had been operating on and off as a child-care facility since 1984.
- Specific Use Permit No. 904 was approved on August 29, 1984, for a child-care facility on a portion of the request site for a two-year period, and a certificate of occupancy was issued for a daycare center for SUP No. 904 on 813 Ryan Road for the current owner. SUP No. 904 was not renewed, and expired on August 29, 1986.
- On September 30, 1999, the applicant was awarded a combined total of \$150,000 for the expansion of the facility on the request site. The proposed expansion connected the two buildings on the site. The expanded structure has a total of 3,423 square feet. The property has been under construction since.
- Specific Use Permit No. 1453 was approved September 12, 2001, for a child-care facility on the request site for a two-year period with eligibility for automatic renewals for additional two-year periods. SUP No. 1453 was not renewed, and expired on September 12, 2003.
- Specific Use Permit No. 1581 was approved on May 11, 2005 for two years with eligibility for automatic renewals of additional two-year periods. The applicant missed the deadline to submit the automatic renewal application. However, she submitted the application to renew the SUP. The SUP was renewed on August 22, 2007 for a period of two years with eligibility for automatic renewals of additional five-year periods.
- On March 20, 2009, the applicant submitted an application to automatically renew SUP No. 1581, well within the required time to submit the application for automatic renewal. At the time of the application, the applicant submitted the site plan approved by City Council on August 22, 2005. Automatic renewal is approved only on the basis that conditions have been complied with, and that no changes to the conditions or other SUP ordinance provisions are being requested. Therefore, the site must comply with the existing approved site plan. The existing site plan was approved on August 22, 2007. The existing conditions on the site do not comply with either one of the approved plans.
- The originally proposed site plan did not meet Code requirements. The applicant's originally proposed site plan showed an obstruction to the visibility triangle; therefore, in order to be allowed to maintain the obstruction the applicant

needed to go to the Board of Adjustment to obtain a special exception to the visual obstruction regulations. The proposed parking does not meet the requirements for parking design. Therefore, the applicant applied to the Board for a special exception for 2 parking spaces. On March 16, 2011, the Board of Adjustment action was as follows:

- Granted:
 - A request to reimburse the filing fees submitted in conjunction with the application.
 - The request for a special exception to the off-street parking regulations of 2 parking spaces, subject to the conditions that the special exception shall automatically and immediately terminate if and when the child-care facility use is changed or discontinued.
 - The request for a special exception to the visual obstruction regulations, subject to the conditions that the property complies with the submitted site plan.
- The applicant is not meeting Article X but is submitting a landscape plan in conjunction with the site plan. The landscape plan will need to be approved by the City Council.

Zoning History:

There have been two zoning change requests and one Board of Adjustment request in the area. All requests are on the subject site:

1. BDA 101-116 On March 16, 2011, the Board of Adjustment granted a request for reimbursement of the application fee; a special exception to the off-street parking regulations with conditions; a special exception to the visual obstruction regulations on property located at 813 Ryan Road.
2. Z045-186 On May 11, 2005, the City Council approved Specific use Permit No. 1581 for a child-care facility for a two-year period with eligibility for automatic renewals for additional two-year periods, subject to a site plan and conditions, on property zoned a TH-3(A) Townhouse District located on the northwest side of Ryan Road, southwest of Garapan Drive.
3. Z067-184 On Wednesday, August 22, 2007, the City Council approved the renewal and amendment of Specific Use Permit No. 1581, for a child-care facility for a two-year period with eligibility for automatic renewals for additional five-year periods, on property

Z089-185(OTH)

zoned a TH-3(A) Townhouse District located on the northwest side of Ryan Road, southwest of Garapan Drive.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW	Proposed ROW
Ryan Road	Local	50 feet	50 feet
Garapan Drive	Local	50 feet	50 feet

Land Use:

	Zoning	Land Use
Site	TH-3(A)	Child-care facility
North	TH-3(A)	Single Family Residential
East	TH-3(A)	Single Family Residential
West	TH-3(A)	Single Family Residential
South	TH-3(A)	Single Family and Multifamily Residential

STAFF ANALYSIS:

Comprehensive Plan:

The requested use is compatible with the residential character of the neighborhood because it has been part of the community since 1984 and is providing a small-scale neighborhood service. However, it is noted that typically the locations of these uses should be near the perimeter of a neighborhood.

NEIGHBORHOOD ELEMENT

GOAL 7.1 Promote vibrant and viable neighborhoods.

Policy 7.1.2 Promote neighborhood-development compatibility.

Land Use Compatibility:

The 15,559 square foot request site is located on the northwest side of Ryan Road, southwest Garapan Drive. The site is developed with a 3,423 square feet building. The new construction added approximately 1,419 square feet of floor area. The property is surrounded by a TH-3(A) Townhouse District which is developed with single family uses and some multifamily uses.

Specific Use Permit No. 1581 was amended and renewed on August 22, 2007 and was approved for automatic renewal for additional five-year periods.

The applicant submitted the automatic renewal application within the legally required period of time. However, due to noncompliance with the conditions and site plan, staff could not grant the automatic renewal of the SUP. Automatic renewals are granted based on compliance with the SUP conditions and the site and landscape plans.

Staff compared the existing conditions of the originally submitted site and the approved conditions and site/landscape plan. Deficiencies to the approved site plan included parking layout and landscaping.

The parking, as was on the site, did not comply with the approved site plan. The driveways were shifted, thus impeding the safe maneuvering and ingress/egress of traffic. The layout of the parking could not be approved due to the lack of compliance with Code. The applicant applied to the Board of Adjustment for a special exception for two parking spaces. The variance was granted; therefore the parking provided on the site must comply with the parking as shown on the site plan that the Board of Adjustment approved (attached as the site plan).

The City Arborist visited the site and determined that the existing landscaping does not comply with the approved site plan. All of the required landscaping is along the south side of the property. None of the required landscaping is in place, with the exception of the foundation planting. No required trees are provided, and the trees that are on the site are dead. The required shrubs along the building are to be 3' in height. They are scattered and do not reach the required height. The trees planted on the front of the property are not the required trees and are not in healthy condition.

The landscaping shown on the proposed site plan did not meet Article X requirements. Staff worked with the applicant to provide an acceptable landscape plan. The applicant will have to provide the landscape plan on the site plan. City Council may approve the same landscape as the landscape plan for the SUP Site/Landscape Plan.

Typically, if a child-care facility is located within a residential neighborhood, they are generally not encouraged to locate in the interior of the neighborhood. However given the tenure that the facility has coexisted in the neighborhood, with appropriate conditions the facility could be beneficial to the neighborhood.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing

certain uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
TH-3(A) Townhouse	0'	0'	12 Dwelling Units/ Acre	36'	60%	Min. Lot: 2,000 sq. ft	Single family

Parking:

The Dallas Development Code requires one parking space for every 500 square feet of floor area. The required parking for the facility is seven parking spaces for the proposed 3,423 square foot facility. Due to property constrictions, the applicant could not provide the parking as required per code. The applicant obtained a special exception to the parking requirements and it was approved. Parking requirements for the child-care facility must comply with the site plan as approved by the Board on March 16, 2011. The Board of Adjustment granted the special exception to the off-street parking regulations of 2 parking spaces, subject to the use of a child-care facility. If the child-care use is changed or discontinued, the variance will automatically terminate.

Landscaping:

The landscaping on the site did not comply with the approved site/landscape plan. The applicant agreed to provide the landscaping on the site as shown in the site plan submitted to. The landscape plan is acceptable to the Chief Arborist. The City Council may approve a landscape plan that does not meet Article X requirements.

Visual Obstruction Regulations: On March 16, 2011, the Board of Adjustment granted a special exception to the visual obstruction regulations subject to complying with the site plan as submitted to the Board of Adjustment. The site plan is for the child-care facility. If the site plan approved by the Board is changed, the special exception to the visual obstruction will automatically terminate.

CPC ACTION:

September 15, 2011

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1581 for a Child-care facility for a three-year period with eligibility for automatic renewals for additional five-year periods, subject to a site/landscape plan and revised conditions to include the following: 1) Hours of operation be extended to 6:00 a.m. to 6:00 p.m., Monday through Saturday. 2) Strike Conditions 5, 8 and 10 on property zoned a TH-3(A) Townhouse District on the north side of Ryan Road, west of Garapan Drive.

Maker: Anglin

Second: Schwartz

Result: Carried: 13 to 0

For: 13 - R. Davis, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Wolfish, Schwartz, Peterson, Alcantar

Against: 0

Absent: 2 - Wally, Bernbaum

Vacancy: 0

Notices: Area: 200 Mailed: 36

Replies: For: 3 Against: 0

Speakers: For: Sharon Harris, 738 Ryan Rd., Dallas, TX, 75224
Marilyn Cox, 622 Dogwood Trail., Dallas, TX, 75224
Against: None

**CPC RECOMMENDED CONDITIONS
SUP NO. 1581
Z089-185**

3. Use: The only use authorized by this specific use permit is a child-care facility.
3. Site plan: Use and development of the Property must comply with the attached site plan.

CPC Recommendation:

3. Time limit: This specific use permit is approved for a time period that expires on August 22, 2009 (three-year period), but is eligible for automatic renewal for additional three-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

Staff Recommendation:

3. Time limit: This specific use permit is approved for a time period that expires on August 22, 2009 (three-year period), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)

4. Landscaping: Before the final inspection of a building permit for new improvements, landscaping must be provided in the area shown on the site plan. Plant materials must be maintained in a healthy, growing condition.
- ~~5. Enrollment: Enrollment in the child-care facility may not exceed 53 children.~~
6. Fencing: The outdoor play area must be enclosed by a minimum four-foot high fence, as shown on the attached site plan.

7. Hours of operation: The child-care facility use may only operate between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday.
8. ~~Indoor Floor Area: A minimum of 50 square feet of indoor floor area must be provided for each child in attendance. The maximum floor area authorized by this specific use permit is 3,423 square feet for child care facility. This use may only be provided in the location shown on the attached site plan.~~
9. Ingress-egress: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
10. ~~Outdoor Play Area: A minimum of 100 square feet of outdoor play area must be provided for each child in the outdoor play area at one time. The outdoor play area must be located as shown on the attached site plan~~
11. Parking: Before the final inspection of a building permit for new improvements, parking must be located as shown on the attached site plan and screened from adjacent residential uses.
12. Screening: Before the final inspection of a building permit for new improvements, a six-foot-high solid screening fence must be provided as shown on the attached site plan.
13. Maintenance: The Property must be properly maintained in a state of good repair and neat appearance.
14. General Requirements: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SUP EXISTING CONDITIONS

072411

8-16-07

ORDINANCE NO. 26898

An ordinance amending Ordinance No. 25973, passed by the Dallas City Council on May 11, 2005, which amended the zoning ordinances of the City of Dallas, and granted Specific Use Permit No.1581 for a child-care facility; amending the conditions in Section 2 of that ordinance; providing a revised site plan; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to Specific Use Permit No. 1581; and

WHEREAS, the city council finds that it is in the public interest to amend Specific Use Permit No. 1581; Now, Therefore,

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

SECTION 1. That the conditions in Section 2 of Ordinance No. 25973 are amended to read as follows:

1. USE: The only use authorized by this specific use permit is a child-care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit [~~is approved for a period that~~] expires on August 22, 2009 [~~May 11, 2007~~], but [~~and~~] is eligible for automatic renewal for additional five [~~two~~]-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. [~~In order~~] E[~~f~~]or automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the

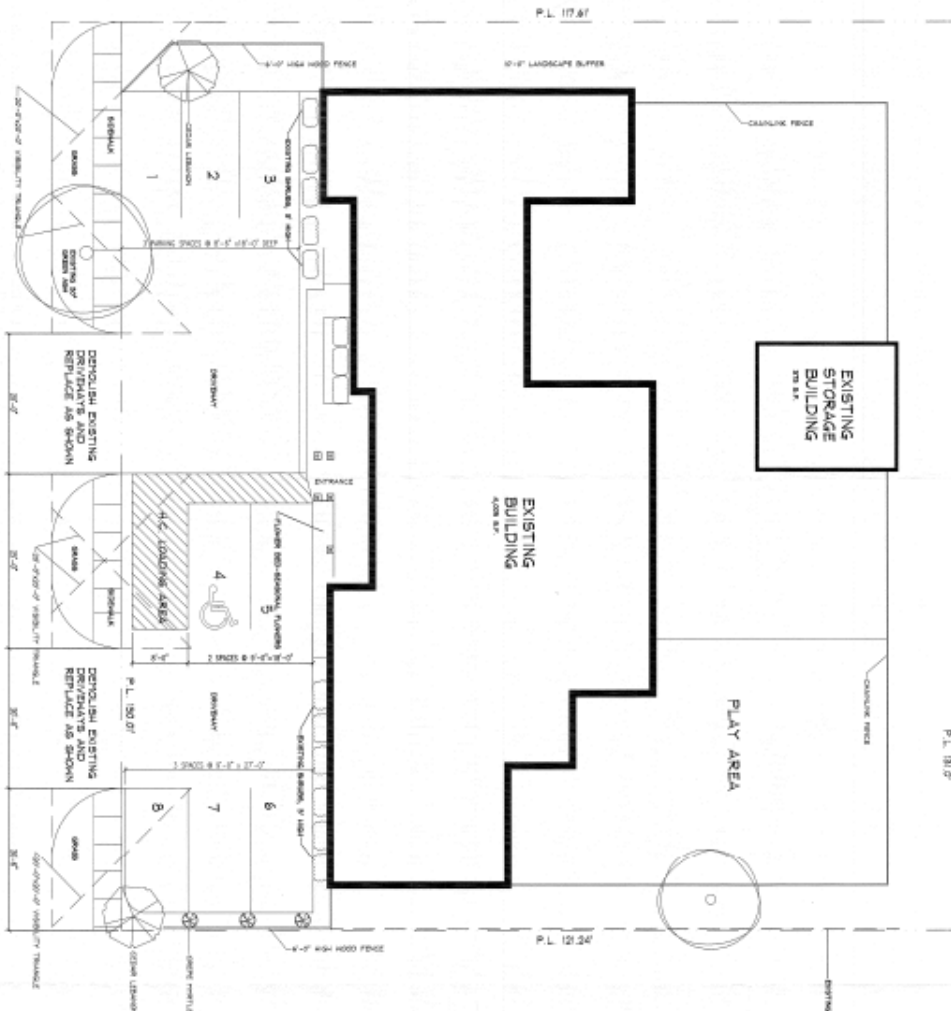
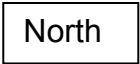
26898

072418

expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).

4. LANDSCAPING: Before the final inspection of a building permit for new improvements, l[L]andscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.
5. ENROLLMENT: Enrollment in the child-care facility may not exceed 53 children.
6. FENCING: The outdoor play area must be enclosed by a minimum four-foot-high fence, as shown on the attached site plan.
7. HOURS OF OPERATION: The child-care facility may only operate between 6:00 a.m. and 6:00 p.m., Monday through Friday.
8. INDOOR FLOOR AREA: A minimum of 50 square feet of indoor floor area must be provided for each child in attendance. The maximum floor area authorized by this specific use permit is 3,423 square feet. This use must be located as shown on the attached site plan.
9. INGRESS AND EGRESS: Ingress and egress must be provided as shown on the attached site plan. No other ingress or egress is permitted.
10. OUTDOOR PLAY AREA: A minimum of 100 square feet of outdoor play area must be provided for each child in the outdoor play area at one time. The outdoor play area must be located as shown on the attached site plan.
11. PARKING: Before the final inspection of a building permit for new improvements, p[P]arking must be located as shown on the attached site plan and screened from adjacent residential uses.
12. SCREENING: Before the final inspection of a building permit for new improvements, a[A] six-foot-high solid screening fence must be provided as shown on the attached site plan.
13. MAINTENANCE: The [entire] Property must be properly maintained in a state of good repair and neat appearance.
14. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas."

**PROPOSED SITE PLAN
BOARD OF ADJUSTMENT ACTION
APPROVED SPECIAL EXCEPTION FOR TWO PARKING SPACES,
APPROVED SPECIAL EXCEPTION FOR VISIBILITY TRIANGLE**



PLANT LEGEND:

PLANT LEGEND:

SITE PLAN
SCALE: 1/8"=1'-0"
LOT NO. 54, BLOCK N-5710

PARKING	REQUIRED	PROVIDED
5,124 S.F.	0	9
ZONING:	TR9	
AREAS		
LOT	15,594 S.F.	
EXISTING BUILDING (1st FLOOR)	4,029 S.F.	
EXISTING BUILDING (2nd FLOOR)	811 S.F.	
EXISTING STORAGE	379 S.F.	
TOTAL	5,124 S.F.	

PLANS APPROVED
SUBJECT TO
BOARD ACTION
DATE: 3-24-11
ADMINISTRATOR: [Signature]

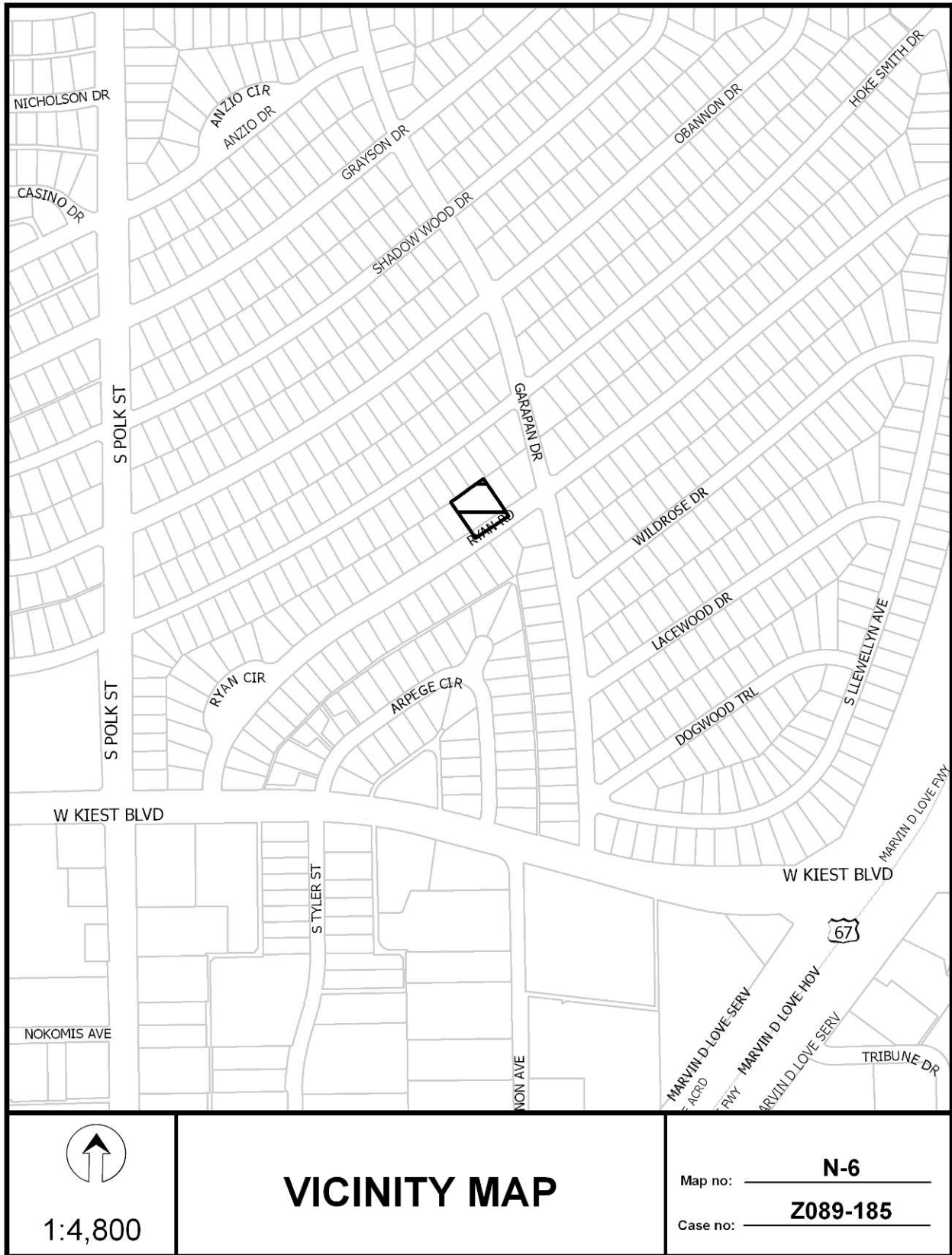
DATE: 11-2-2008
SHEET NO: C-1

MP DESIGN ASSOCIATES
ARCHITECTURAL • STRUCTURAL • MECHANICAL • CIVIL
540 COLE ROAD
RED OAK, TEXAS 75084
TELEPHONE (972) 471-4886

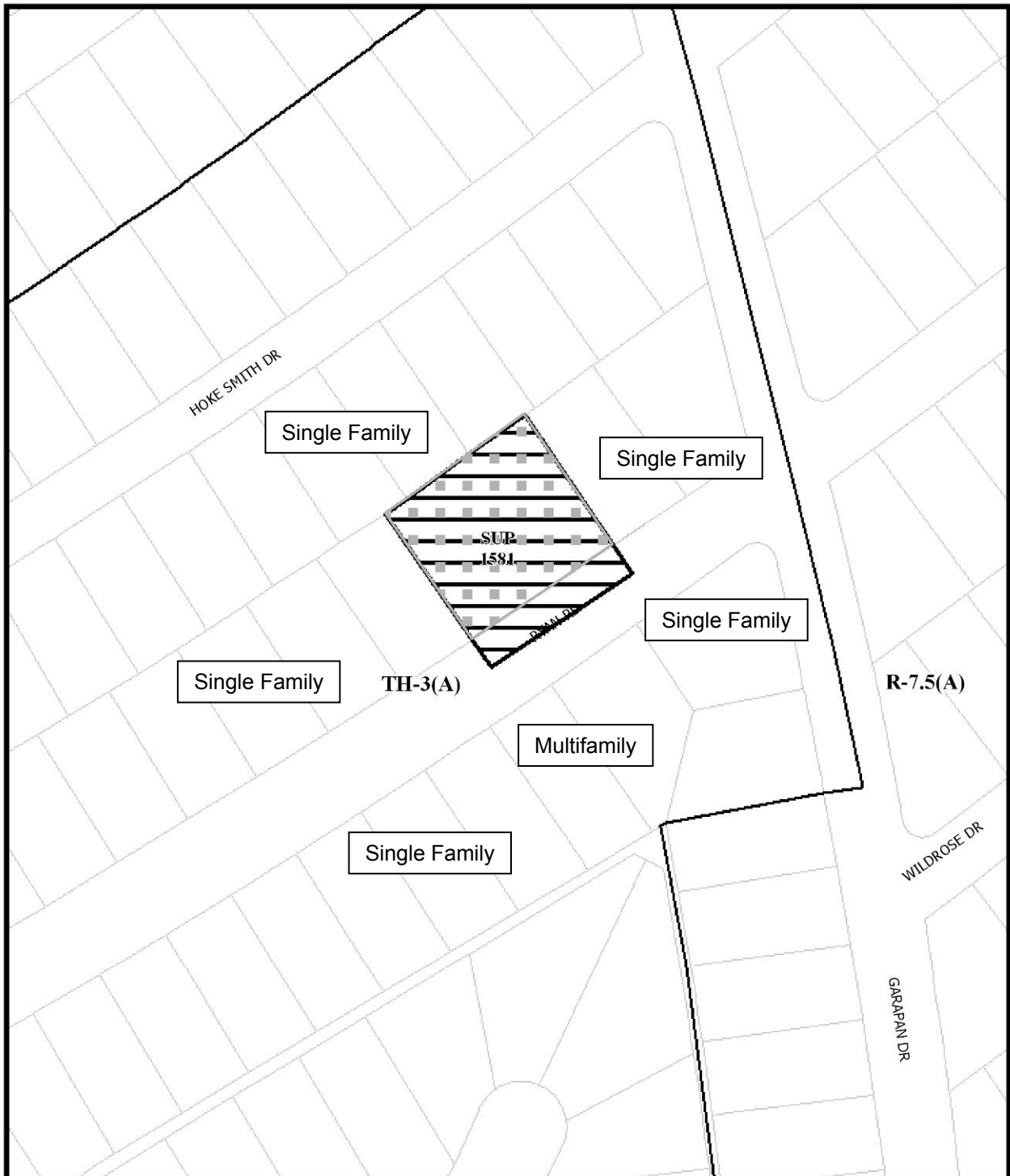
SITE PLAN
E's HAVEN ACADEMY
812 RYAN ROAD DALLAS, TEXAS

REVISIONS

* Note that this plan was prepared under the general contract conditions of the general contract between the architect and the client. The client is responsible for the accuracy of the information provided to the architect. The architect is not responsible for the accuracy of the information provided to the client.



DATE: August 09, 2010



1:1,200

ZONING AND LAND USE

Map no: N-6

Case no: Z089-185

DATE: August 09, 2010



1:1,200

ZONING HISTORY

Map no: N-6

Case no: Z089-185

DATE: August 09, 2010

CPC RESPONSES



8/9/2010

Notification List of Property Owners**Z089-185****36 Property Owners Notified**

Label #	Address	Owner
1	813 RYAN	HARRIS SHARON E
2	817 RYAN RD	HARRIS SHARON E
3	655 WILDROSE	HALL MYRA MANETTE
4	738 RYAN	HARRIS SHARON
5	735 RYAN	SOLORZANO VICENTE SALVADOR SOLORZANO
6	905 HOKE SMITH	MEZA SILVERIO C
7	901 HOKE SMITH	SOTO ERNESTO & MARTINA
8	829 HOKE SMITH	WASHINGTON BETTYE L
9	825 HOKE SMITH	CONTRERAS MARTINA
10	821 HOKE SMITH	CAGLE JAMES D
11	815 HOKE SMITH	TRIPLE TRUST ROBERTSON JAMES A TRUSTEE
12	811 HOKE SMITH	YANCY ROOSEVELT
13	804 HOKE SMITH	DEESE RAYMOND
14	808 HOKE SMITH	BANDY LEROY JR & MONICA M
15	812 HOKE SMITH	SALAZAR MARIA
16	818 HOKE SMITH	DAVILLE CLARICE
17	822 HOKE SMITH	JONES SAMUEL E & EARNIE M
18	826 HOKE SMITH	PEREZ JOSE E &
19	900 HOKE SMITH	PUENTE JORGE & REBECCA
20	904 HOKE SMITH	FINANCE PLUS INC
21	910 HOKE SMITH	EDMONDS JONATHON
O 22	837 RYAN	JACKSON ALICE RUTH
O 23	833 RYAN	DIAZ JESUS & RAFAELA
24	827 RYAN	CHARLES ENRIQUE JR & EDUVIGES
25	823 RYAN	SERRANO HUMBERTO & GRACIELA
26	807 RYAN	LOOMIS JAMES C TRUSTEE LOOMIS SEP PROP REVOC TR

Z089-185(OTH)

Monday, August 09, 2010

	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	801 RYAN	SMITH RUTH C S
	28	3175 GARAPAN	AREVALO ANA
O	29	3169 GARAPAN	ISSAC THURMAN
	30	808 RYAN	WALESCO INC % MORRISON MGMT CO
	31	816 RYAN	WALESCO INC % MORRISON MGMT INC
	32	822 RYAN	BROWN ESTER M
	33	826 RYAN	RIVERA JOSE & EDULINA ENRIQUEZ
	34	832 RYAN	HANSEN JOE S
	35	803 ARPEGE	DUARTE JESUS &
	36	745 ARPEGE	DUARTE MARIA DELALUZ &

Monday, August 09, 2010

AGENDA ITEM # 31

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 65 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Ann Arbor Avenue, between South Marsalis Avenue and Maryland Avenue

Recommendation of Staff: Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions
Z101-339(MG)

FILE NUMBER: Z101-339 (MG)

DATE FILED: July 27, 2011

LOCATION: North side of Ann Arbor Avenue, between S. Marsalis Avenue and Maryland Avenue

COUNCIL DISTRICT: 4

MAPSCO: 65 E

SIZE OF REQUEST: Approx. 0.2619 acres

CENSUS TRACT: 59.01

REPRESENTATIVE: Hisham Awadelkariem

APPLICANT/OWNER: Hoang Chau & Tu Huynh

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing general merchandise or food store.

CPC RECOMMENDATION: Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of the D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with an approximately 3,506 square foot general merchandise and food store use.
- The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing convenience store.
- The general merchandise use is permitted by right in the CR Community Retail District. The sale of alcoholic beverages on property regulated by the D Liquor Control Overlay is prohibited.
- The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay is allowed with a Specific Use Permit only.

Zoning History

There have been no recent zoning requests within the immediate vicinity.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Ann Arbor Avenue	Collector	60 ft.	60 ft.

Land Use:

	Zoning	Land Use
Site	CR-D	General Merchandise/Food Store
North	R-7.5(A)	Single family
South	CR	General merchandise/Personal service/Auto
East	CR-D	General Merchandise/Food Store/Motor vehicle fueling
West	CR	General Merchandise/Food Store/undeveloped

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The Plan identifies the request site as being in the Residential Neighborhood Block.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility:

The approximately 0.2619 acre request site is zoned a CR Community Retail District with a D Liquor Control Overlay and is currently developed with an approximately 3,506 square foot general merchandise/food store. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, which requires changing the overlay district from D to D-1 and a Specific Use Permit.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,

Z101-339 (MG)

- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The adjacent commercial and residential uses are compatible with the existing and proposed use on the subject property. The applicant is proposing to maintain the general merchandise and food store use. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR- existing Community Retail	15'	20' adjacent to residential OTHER: No Min.	NA	54'	60%	Proximity Slope Visual Intrusion	Business, community

Parking/Traffic:

The Dallas Development Code requires off-street parking to be provided for a general merchandise use at one space for each 200 square feet of floor. The existing development requires 18 spaces, and 19 spaces are provided as shown on the attached site plan.

A parking lot on the subject site abuts a single family residential property to the north. As a result, screening is required per Sec. 4.602(b). This requirement may be met by a six-foot tall wooden fence.

Landscaping:

Landscaping required per Article X of the Dallas Development Code.

CPC ACTION: November 3, 2011

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay and **approval** of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet for a two-year period, subject to a site plan and conditions on property zoned a CR-D Community Retail District with a D Liquor

Z101-339 (MG)

Control Overlay on the north line of Ann Arbor Avenue, between S. Marsalis Avenue and Maryland Avenue.

Maker: M. Davis
Second: Shellene
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Alcantar

Against: 0

Absent: 1 - Peterson

Vacancy: 0

Notices: Area: 200 Mailed: 16

Replies: For: 1 Against: 1

Speakers: None

DPD Report

DALLAS POLICE DEPARTMENT UCR Codes Year Codes Property Class Codes 										
Virtual Viewer - Public Access									Welcome	
Search Records - Offense										
Filter <input style="width: 100px;" type="text"/>										
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0027366-X	01/28/2010	MATTHEWS, BRIAN, K.	TRAFFIC MOTOR VEHICLE	00717		ANNARBORAVE	751	4302	32090	
0053531-Y	03/03/2011	MASTERS, CHARLES	TRAFFIC MOTOR VEHICLE	00717		ANNARBORAVE	751	4302	32090	
0093204-Y	04/13/2011	NEAL, LAVORIS	FOUND PROPERTY	00717		ANNARBORAVE	751	4302	43020	
0139150-W	05/14/2009	THOMAS, FATRA	THEFT	00717		ANNARBORAVE	751	4302	26000	06901
0143473-X	05/24/2010	*SAM'S FOOD MARKET	BURGLARY	00717		ANNARBORAVE	751	4302	05122	
0165033-W	06/05/2009	*GODS GOSPEL TEMPLE CHURC	THEFT	00717		ANNARBORAVE	751	4302	06901	
0182178-Y	07/08/2011	@CITY OF DALLAS (VICE)	FOUND PROPERTY	00717		ANNARBORAVE	751	4302	43020	
0183040-Y	07/12/2011	@CITY OF DALLAS (VICE)	FOUND PROPERTY	00717		ANNARBORAVE	751	4302	43020	
0184896-W	06/25/2009	*SAMS FOOD MART	THEFT	00717		ANNARBORAVE	751	4302	06904	
0191041-T	03/19/2007	*STOP AND SAVE # 3	BURGLARY	00717		ANNARBORAVE	448	4302	05137	
0202620-V	06/29/2008	GREEN, LARRY	ROBBERY	00717		ANNARBORAVE	723	4302	04212	03412
0562696-T	07/27/2007	BROWN, BILLY	ASSAULT	00717		ANNARBORAVE	448	4302	08221	
0566831-R	07/26/2006	*OAKCLIFF FOOD MART	BURGLARY	00717		ANNARBORAVE	448	4302	05131	
0639724-T	08/29/2007	*DR, PEPPER BOTTLING CO	THEFT	00717		ANNARBORAVE	448	4302	06902	
0660253-T	09/18/2007	BROWN, BILLY	AGGRAVATED ASSAULT	00717		ANNARBORAVE	448	4302	04222	

Search Records - Offense										
Filter <input style="width: 100px;" type="text"/>										
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0690372-T	10/16/2007	*SHOP & SAVE #3	BURGLARY	00717		ANNARBORAVE	448	4302	05132	
0691164-T	10/16/2007	JONES, ELI	OTHER OFFENSES	00717		ANNARBORAVE	448	4302	26140	
0715191-R	09/20/2006	*OAK CLIFF FOOD MARKET	BURGLARY	00717		ANNARBORAVE	448	4302	05132	
0792183-R	10/18/2006	@CEDAR HILL PD	FOUND PROPERTY	00717		ANNARBORAVE	448	4302	43030	
0836653-R	11/04/2006	DEWBERRY, WALTER	TRAFFIC MOTOR VEHICLE	00717		ANNARBORAVE	448	4302	32090	

CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC'S RECOMMENDATION

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>). |
|--|

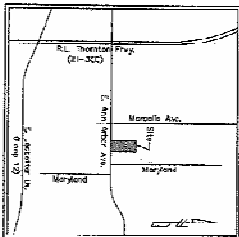
STAFF'S RECOMMENDATION

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>), but is eligible for automatic renewal for additional <u>five-year</u> periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) |
|--|
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

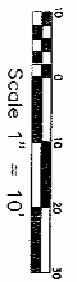
SITE PLAN

VEHICLE FEATURES		PARKING TABLE	
15 Regular Spaces	PROVIDED PARKING	PROVIDED PARKING	AREA OF OUTLINE
1 Handicap Space	NO KIOSK STATION	Handicap Space	3.50m S.F.

NOTE: Property not shown in 2,000-year Flood Plain
 4811500000, 1, 1/8 Section 28, 4th E. & 23, 2801.

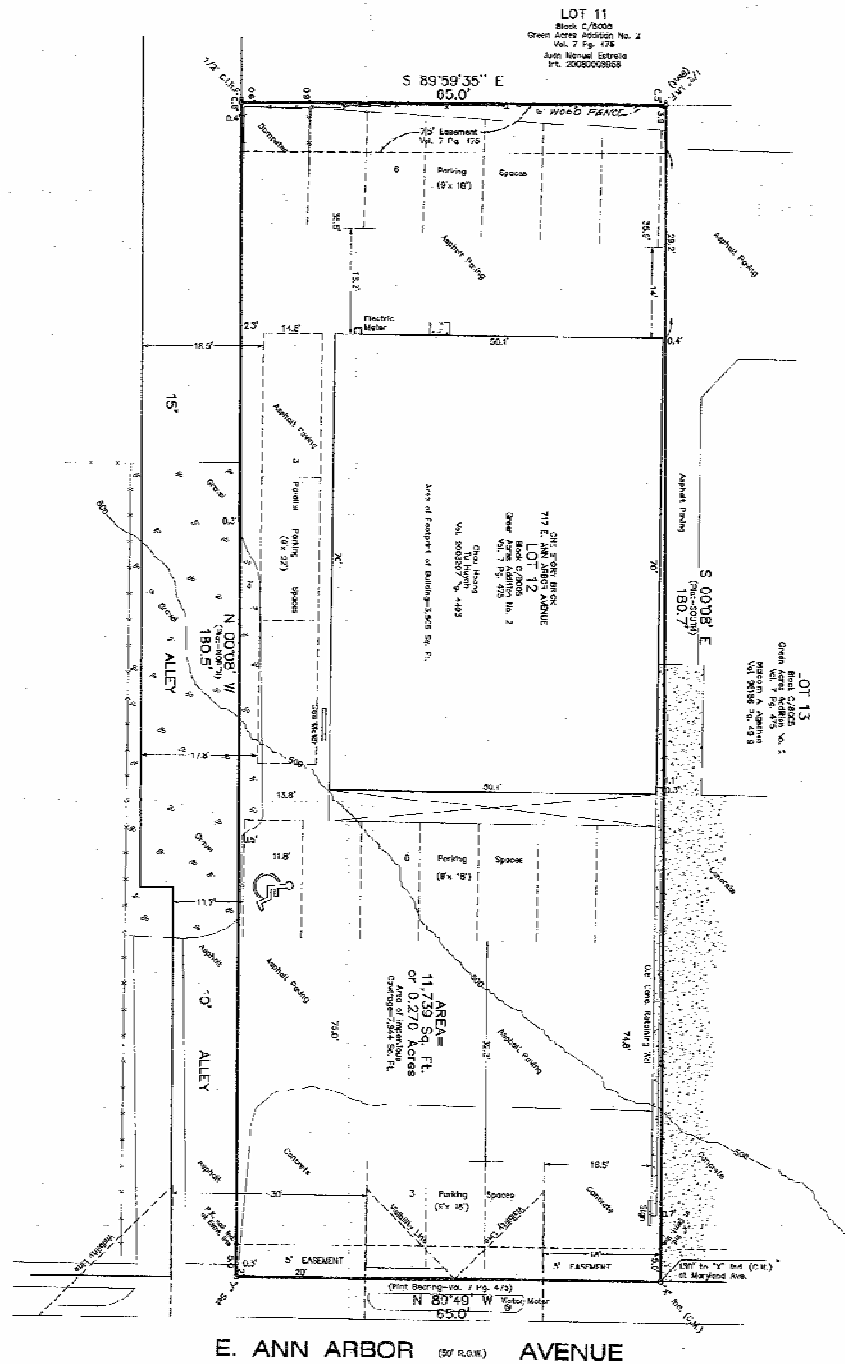


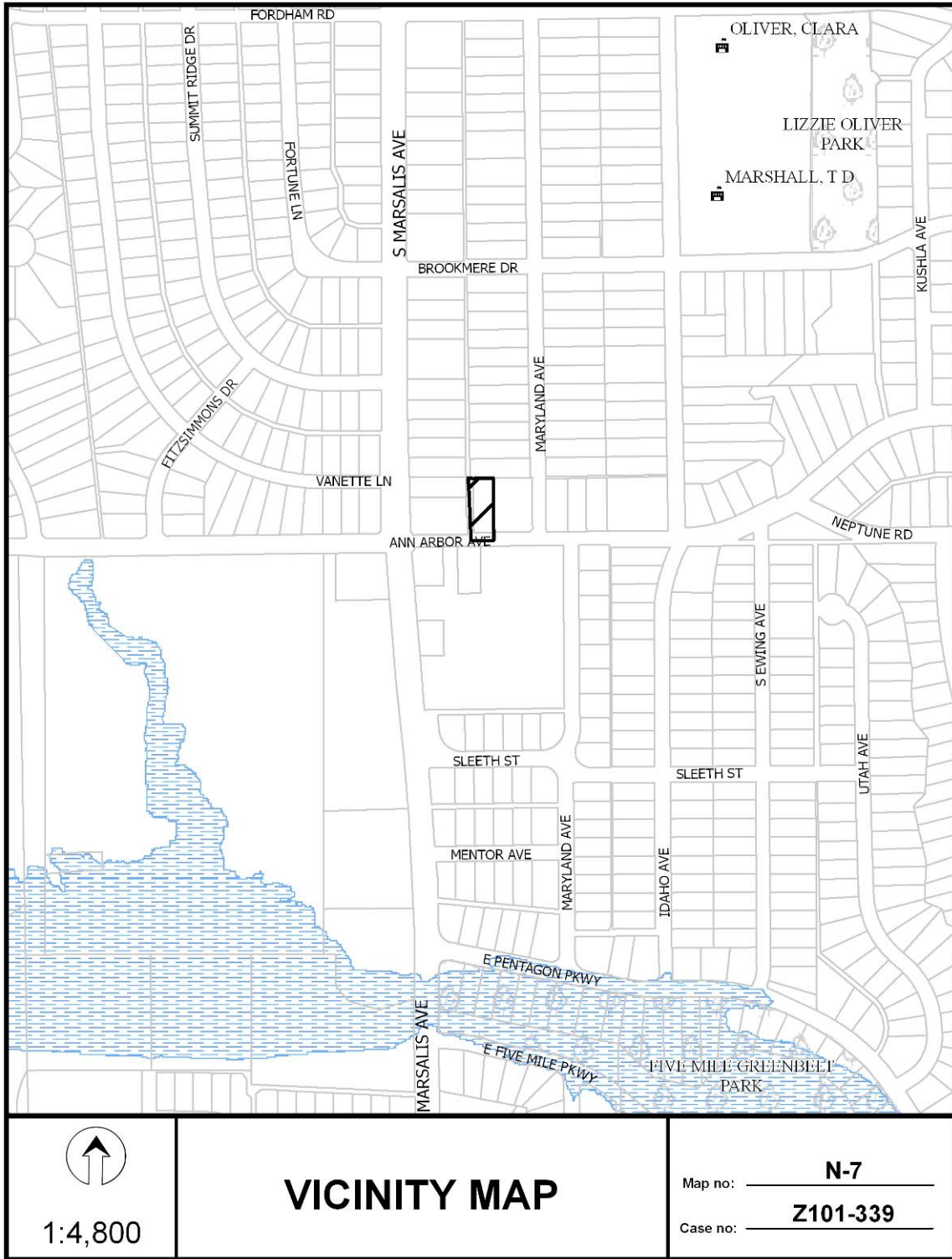
Vicinity Map



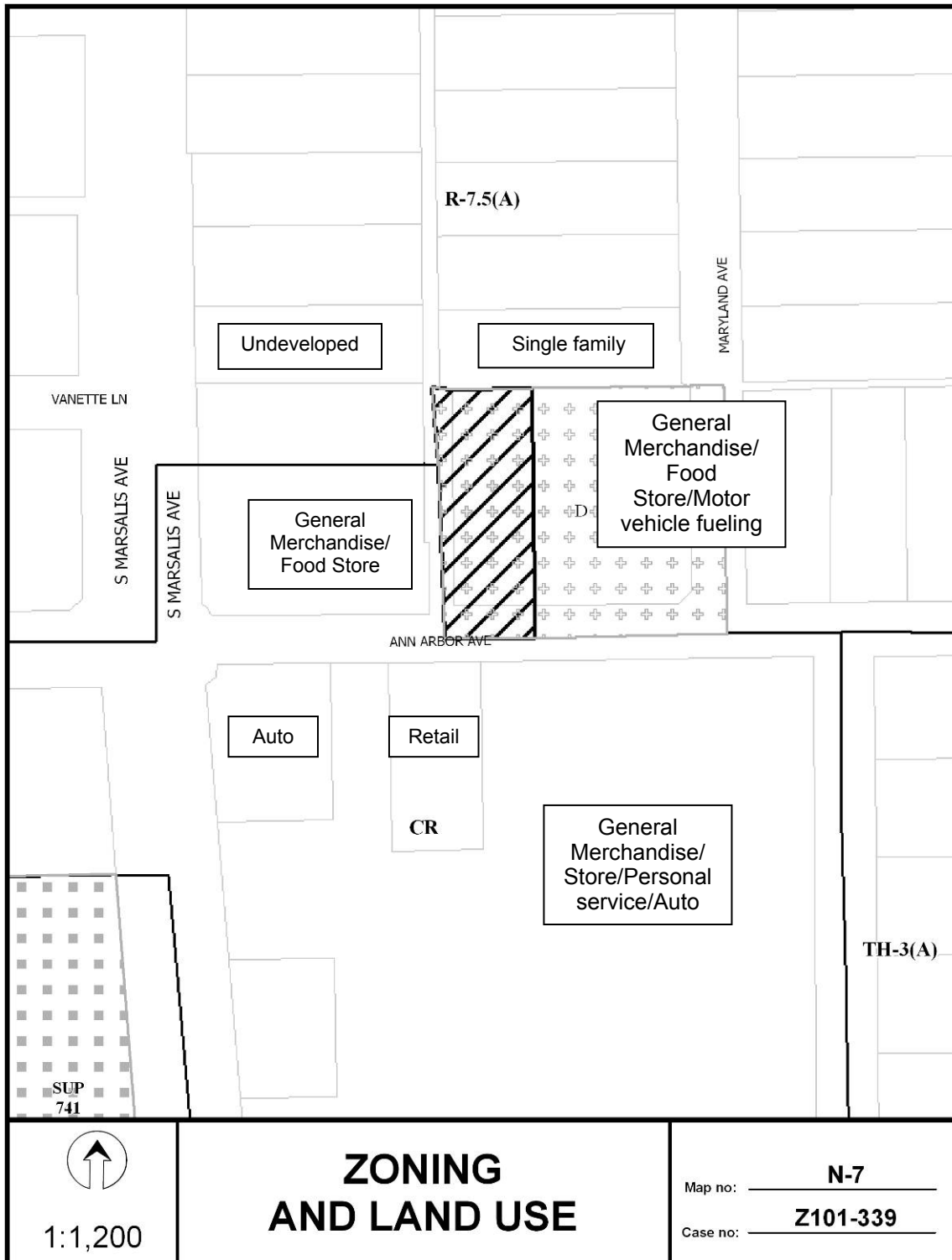
LEGEND	
	EASEMENT
	RIGHT OF WAY
	UTILITY
	PROPERTY LINE
	SURVEY LINE
	BOUNDARY LINE
	EASEMENT
	RIGHT OF WAY
	UTILITY
	PROPERTY LINE
	SURVEY LINE
	BOUNDARY LINE

SURVEYING ASSOC
 1018 SOUTH BECKLEY AVE.
 DALLAS, TEXAS 75208



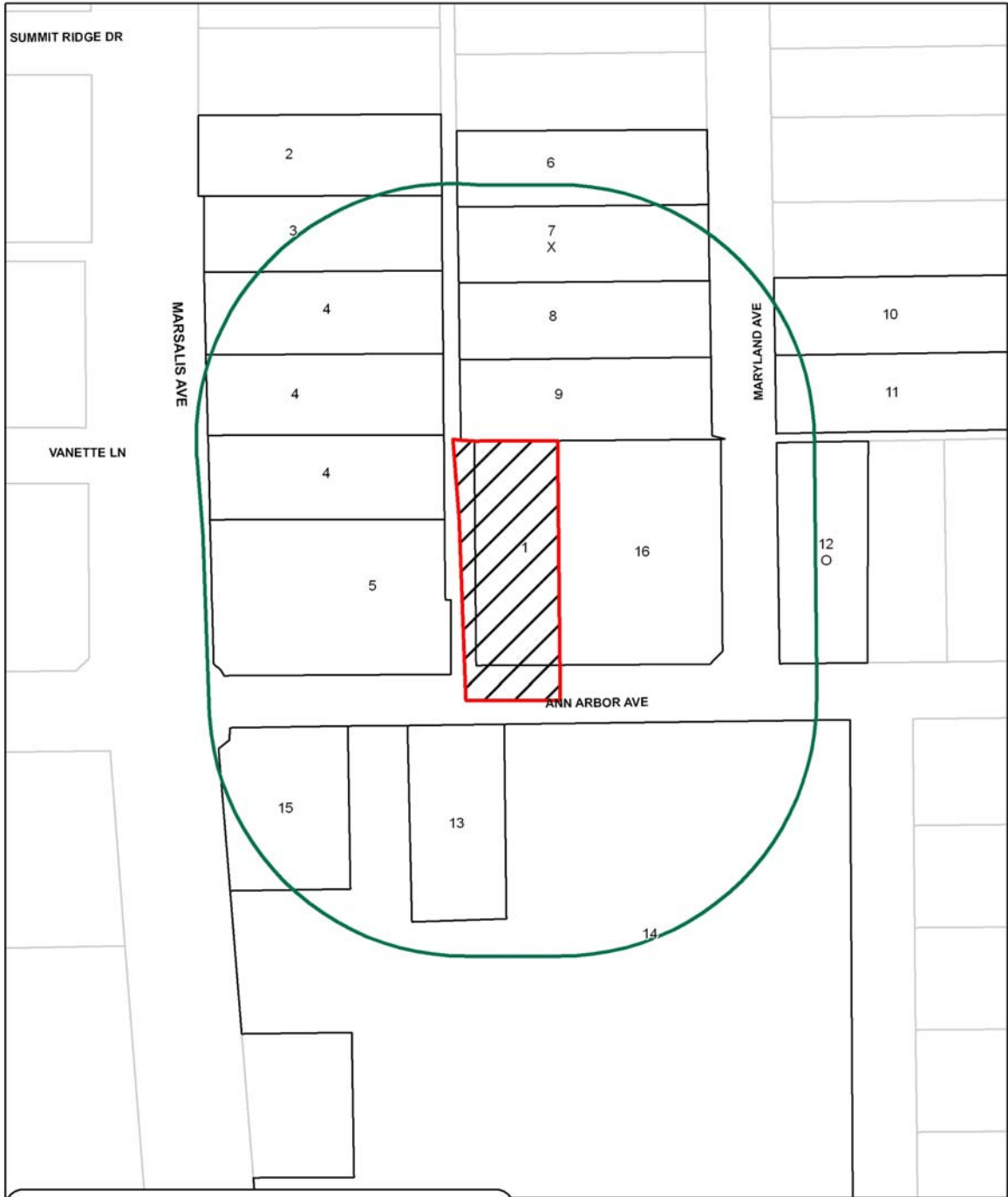


DATE: August 18, 2011



DATE: August 18, 2011

CPC RESPONSES



<u>16</u>	Property Owners Notified (18 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>11/3/2011</u>	Date <u>10/20/2011</u> Under Advisement

Z101-339

N-7

CPC



1:1,200

Notification List of Property

Z101-339

16 Property Owners Notified 1 Property Owner Opposed 1 Property Owner in Favor

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	1	717 ANN ARBOR	HOANG CHAU & TU HUYNH
	2	4304 MARSALIS	HAWKINS PATRICIA JO ANN
	3	4310 MARSALIS	HAWKINS PATRICIA DEAL
	4	4314 MARSALIS	HAWKINS PATRICIA
	5	4328 MARSALIS	FISHER DENNIS
	6	4237 MARYLAND	HOLCOMB IRMA GONZALEZ
X	7	4241 MARYLAND	PALACIOS HERMAN
	8	4247 MARYLAND	DICKSON ANGIE L
	9	4251 MARYLAND	ESTRELLA JUAN MANUEL
	10	4246 MARYLAND	MAYAGALLEGOS ANGEL &
	11	4250 MARYLAND	GREATER ANN ARBOR
O	12	803 ANN ARBOR	RAMIREZ ALFONSO
	13	710 ANN ARBOR	HERRON ALFRED
	14	4404 MARSALIS	GALLOWAY HERRON REALTORS
	15	4404 MARSALIS	JEFFERS J C
	16	727 ANN ARBOR	AGESHEN MALCOLM A

Friday, November 04, 2011

AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 45 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on property zoned Planned Development Subdistrict No. 29 for Single family uses with the D Liquor Control Overlay on the northwest line of Sale Street, north of Gillespie Street
Recommendation of Staff and CPC: Approval, with retention of the D Liquor Control Overlay
Z101-357(RB)

FILE NUMBER: Z101-357(RB)

DATE FILED: August 19, 2011

LOCATION: Northwest Line of Sale Street, North of Gillespie Street

COUNCIL DISTRICT: 14

MAPSCO: 45 B

SIZE OF REQUEST: Approx. 3,532 Sq. Ft.

CENSUS TRACT: 5

APPLICANT: Edward Lennox

REPRESENTATIVE: Peter Kavanagh

OWNERS: Edward and Lisa Lennox

REQUEST: An application for an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on property zoned as Planned Development Subdistrict No. 29 for Single family uses with the D Liquor Control Overlay.

SUMMARY: The applicant is proposing to provide off-street parking for an abutting duplex currently under construction.

CPC RECOMMENDATION: Approval, with retention of the D Liquor Control Overlay.

STAFF RECOMMENDATION: Approval, with retention of the D Liquor Control Overlay.

BACKGROUND INFORMATION:

- The request area is undeveloped.
- On September 9, 1998, the City Council approved PDS No. 29 for Single family uses. The property remains undeveloped.
- The applicant proposes to provide surface parking and a landscaped area for the duplex under construction on the abutting property.
- The property is being removed from PDS No. 29, rezoned an MF-3 Subdistrict with retention of the D Liquor Control Overlay, so as provide for the parking.

Zoning History: There has been no recent zoning activity in the immediate area relevant to the request

<u>Street</u>	<u>Existing & Proposed ROW</u>
Sale Street	Local; Variable ROW
Gillespie Street	Local; Variable ROW

STAFF ANALYSIS

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for

multiple-family neighborhoods and commercial areas.

- (7) To promote landscape/streetscape quality and appearance.

The request site is undeveloped, with proposed improvements consisting of off-street parking and landscaping for the abutting duplex (under construction). Objective Nos. 4, 6, and 7 are maintained/enhanced by the request. The balance of the Objectives are not applicable to the request. It is staff's opinion that the proposed improvements for the parcel are consistent with the objectives as stated in this section.

Comprehensive Plan: The request site is located in an area considered Urban Mixed-Use. The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility: The request site is undeveloped. Current zoning (PDS No. 29) is limited to single family and handicapped group dwelling unit uses. The applicant is proposing to remove the site from the PDS to permit surface parking and landscaping for an abutting duplex, currently under construction. A replat of both parcels will be considered by the City Plan Commission on December 15, 2011. Lastly, the applicant has agreed to retain the D Liquor Control Overlay.

Surrounding land use consists of low to high density residential (single family and multiple family structures). Office uses are developed southeast of the intersection of Sale Street and Gillespie Street, while the Oak Lawn Avenue corridor (northwest of the site) finds office and retail uses developed along its alignment.

Z101-357(RB)

Staff has determined the applicant's request maintains the commitment to residential uses in the area by providing on-site parking for residents and guests. Due to the variable pavement width along Sale Street, the applicant's plan for development of the site (see attached Parking/Landscaping Exhibit) maintains a safer environment for pedestrians and vehicular movements along this portion of the right-of-way.

As a result of staff's analysis, the request is recommended for approval, with the retention of the D Liquor Control Overlay.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request determined they will not impact the surrounding street system.

CPC ACTION

(November 17, 2011)

Motion: It was moved to recommend **approval** of an MF-3 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District with retention of the D Liquor Control Overlay on property zoned as Planned Development Subdistrict No. 29 for Single family uses with the D Liquor Control Overlay on the northwest line of Sale Street, north of Gillespie Street.

Maker: Tarpley
Second: Shellene
Result: Carried: 13 to 0

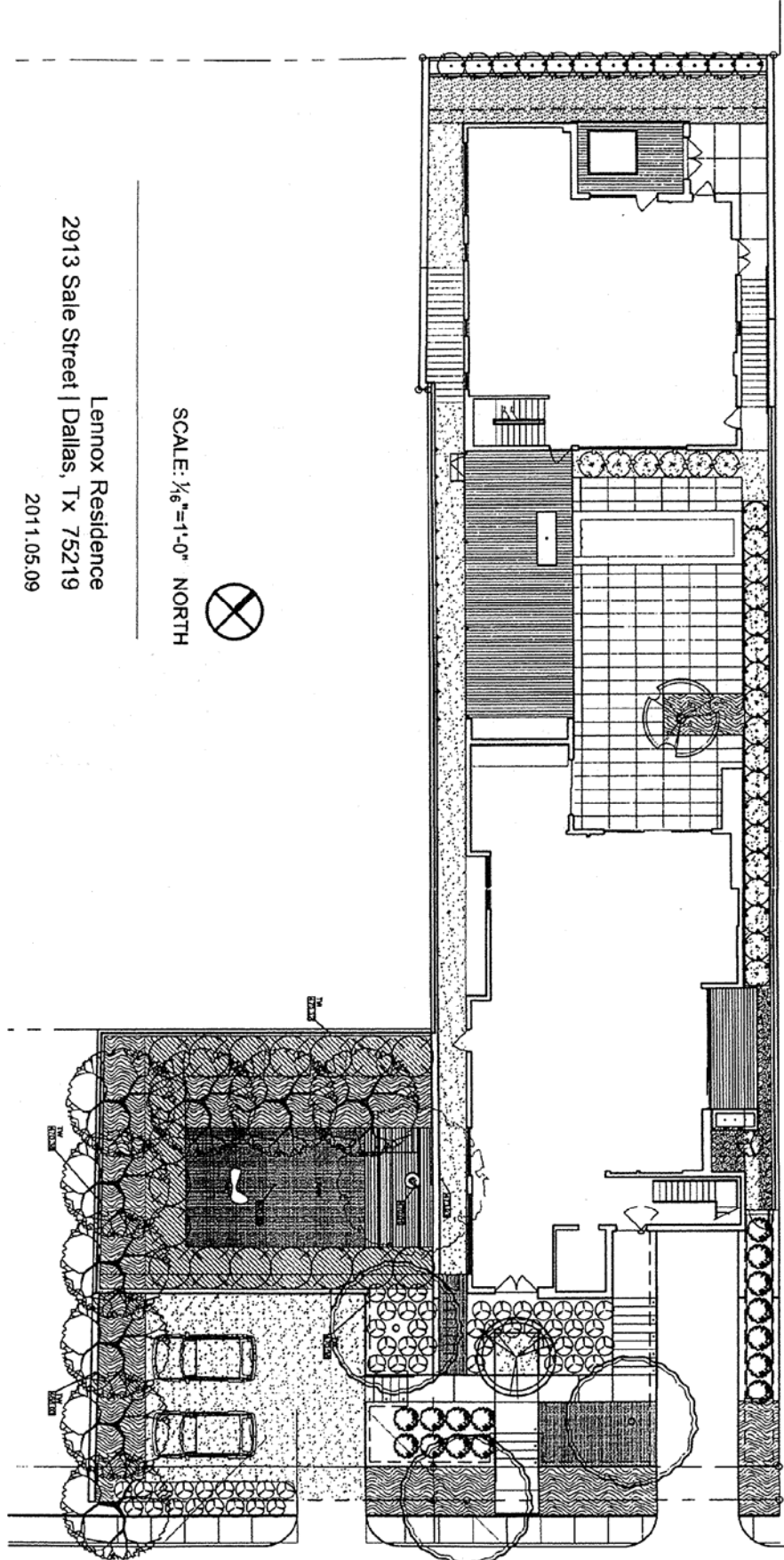
For: 13 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Wolfish, Schwartz, Alcantar

Against: 0
Absent: 1 - Peterson
Vacancy: 0
Conflict: 1 - Bernbaum

Notices: Area: 200 Mailed: 76
Replies: For: 3 Against: 0

Speakers: For (Did not speak): Peter Kavanagh, 1620 Handley Dr., Dallas, TX, 75208
Against: None

HOCKERDESIGNGROUP
918 Dragon Street, Dallas, TX 75207
P 214.546.7477 hockerdesign.com



Lennox Residence
2913 Sale Street | Dallas, Tx 75219
2011.05.09

SCALE: 1/8"=1'-0" NORTH

SALE STREET

Parking/Landscaping Exhibit
(for illustrative purposes, only)

EXISTING CONDITIONS

Division S-29. PD Subdistrict 29.

SEC. S-29.101. LEGISLATIVE HISTORY.

PD Subdistrict 29 was established by Ordinance No. 23640, passed by the Dallas City Council on September 9, 1998. Ordinance No. 23640 amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended. (Ord. Nos. 10962; 21859; 23640; 25267)

SEC. S-29.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 29 is established on property generally fronting on the northeast line of Gillespie Avenue, southeast of the southeast line of Hood Street. The size of PD Subdistrict 29 is approximately 1.211 acres. (Ord. Nos. 23640; 25267)

SEC. S-29.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations contained in Chapter 51 and in Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls. In this division, SUBDISTRICT means a subdistrict of PD 193.

(b) Unless otherwise stated, all code references are to Chapter 51.

(c) This subdistrict is considered to be a residential zoning district. (Ord. Nos. 23640; 25267)

SEC. S-29.104. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development/landscape plan (Exhibit S-29A). In the event of a conflict between the provisions of this division and the development/landscape plan, the provisions of this division apply. (Ord. Nos. 23640; 25267)

SEC. S-29.105. MAIN USES PERMITTED.

(a) Single-family.

(b) Handicapped group dwelling unit. (Ord. Nos. 23640; 25267)

SEC. S-29.106. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Part I of this

article. For more information regarding accessory uses, consult Part I of this article. (Ord. Nos. 23640; 25267)

SEC. S-29.107. YARD, LOT, AND SPACE REGULATIONS.

- (a) Front yard. Minimum front yard is 15 feet.
- (b) Side and rear yard. No minimum side and rear yards.
- (c) Dwelling units. Maximum number of dwelling units permitted in this PD subdistrict is 14.
- (d) Height. Maximum structure height is 60 feet, measured to the roof ridge.
- (e) Lot coverage. Maximum lot coverage is 80 percent. (Ord. Nos. 23640; 25267)

SEC. S-29.108. OFF-STREET PARKING AND LOADING.

- (a) Two off-street parking spaces must be provided for each single-family dwelling unit.
- (b) For a handicapped group dwelling unit, parking must be provided pursuant to Part I of this article. (Ord. Nos. 23640; 25267)

SEC. S-29.109. FENCING.

Fencing must be provided as shown on the development/landscape plan. (Ord. Nos. 23640; 25267)

SEC. S-29.110. LANDSCAPING.

Tree mitigation must comply with Article X. Landscaping must be provided and installed as required in PD 193. Plant material must be maintained in a healthy, growing condition. (Ord. Nos. 23640; 25267)

SEC. S-29.111. SIGNS.

Signs must comply with the provisions for non-business zoning districts contained in Article VII. (Ord. Nos. 23640; 25267)

SEC. S-29.112. INGRESS-EGRESS.

Ingress and egress must be provided as shown on the development/landscape plan. (Ord. Nos. 23640; 25267)

SEC. S-29.113. ADDITIONAL PROVISIONS.

- (a) The entire Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 23640; 25267; 26102)

SEC. S-29.114. PAVING.

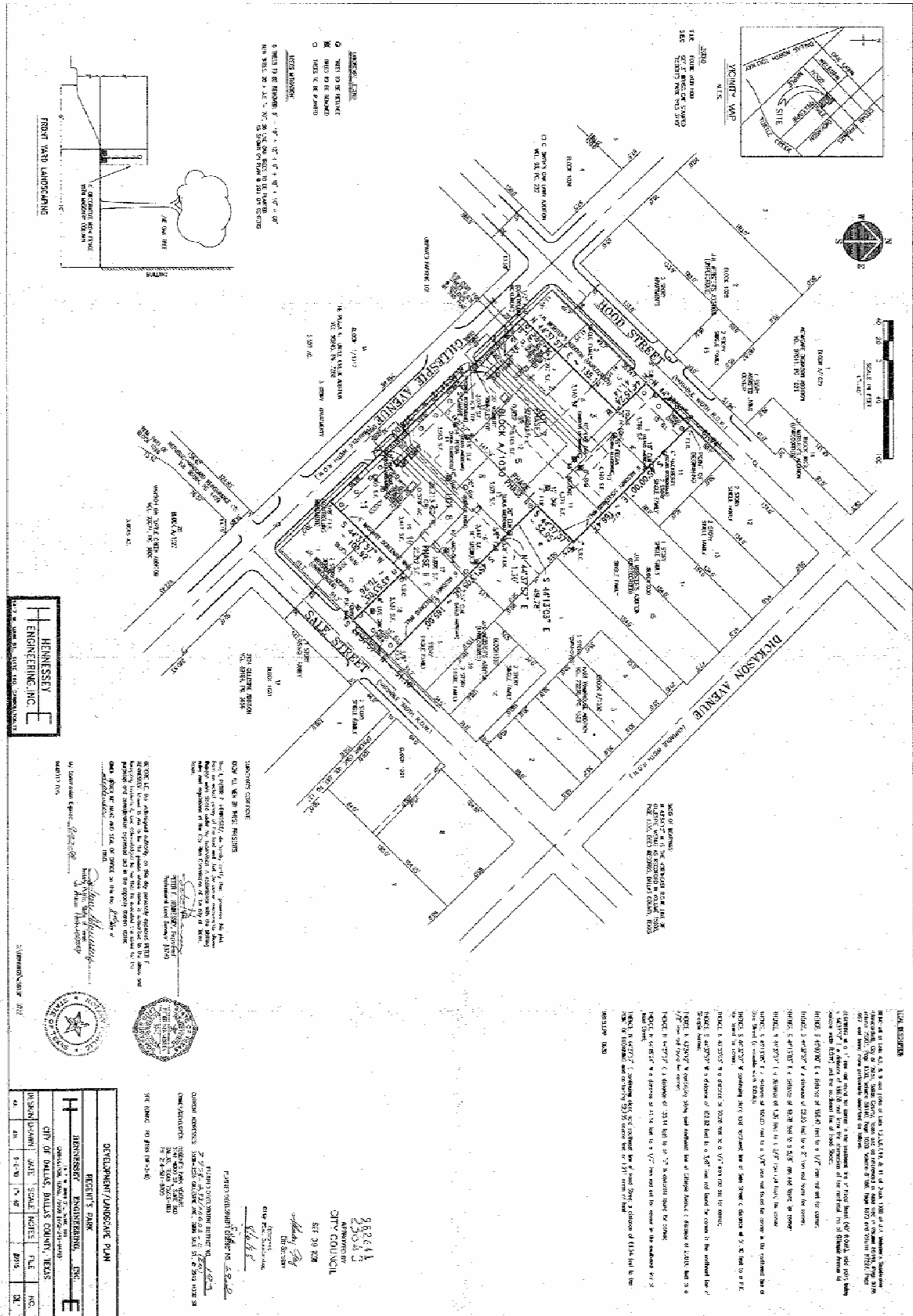
All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation. (Ord. Nos. 23640; 25267; 26102)

SEC. S-29.115. COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or a certificate of occupancy for a use in this PD subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 23640; 25267; 26102)

SEC. S-29.116. ZONING MAP.

PD Subdistrict 29 is located on Zoning Map No. I-7. (Ord. Nos. 23640; 25267)



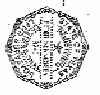
APPROVED: [Signature]

DATE: 08/20/2018

PROJECT: DEVELOPMENT/LANDSCAPE PLAN

CLIENT: HENNESSY ENGINEERING, INC.

NO.	DATE	DESCRIPTION
01	08-20-2018	ISSUED FOR PERMIT
02	08-20-2018	REVISION: []
03	08-20-2018	REVISION: []
04	08-20-2018	REVISION: []
05	08-20-2018	REVISION: []



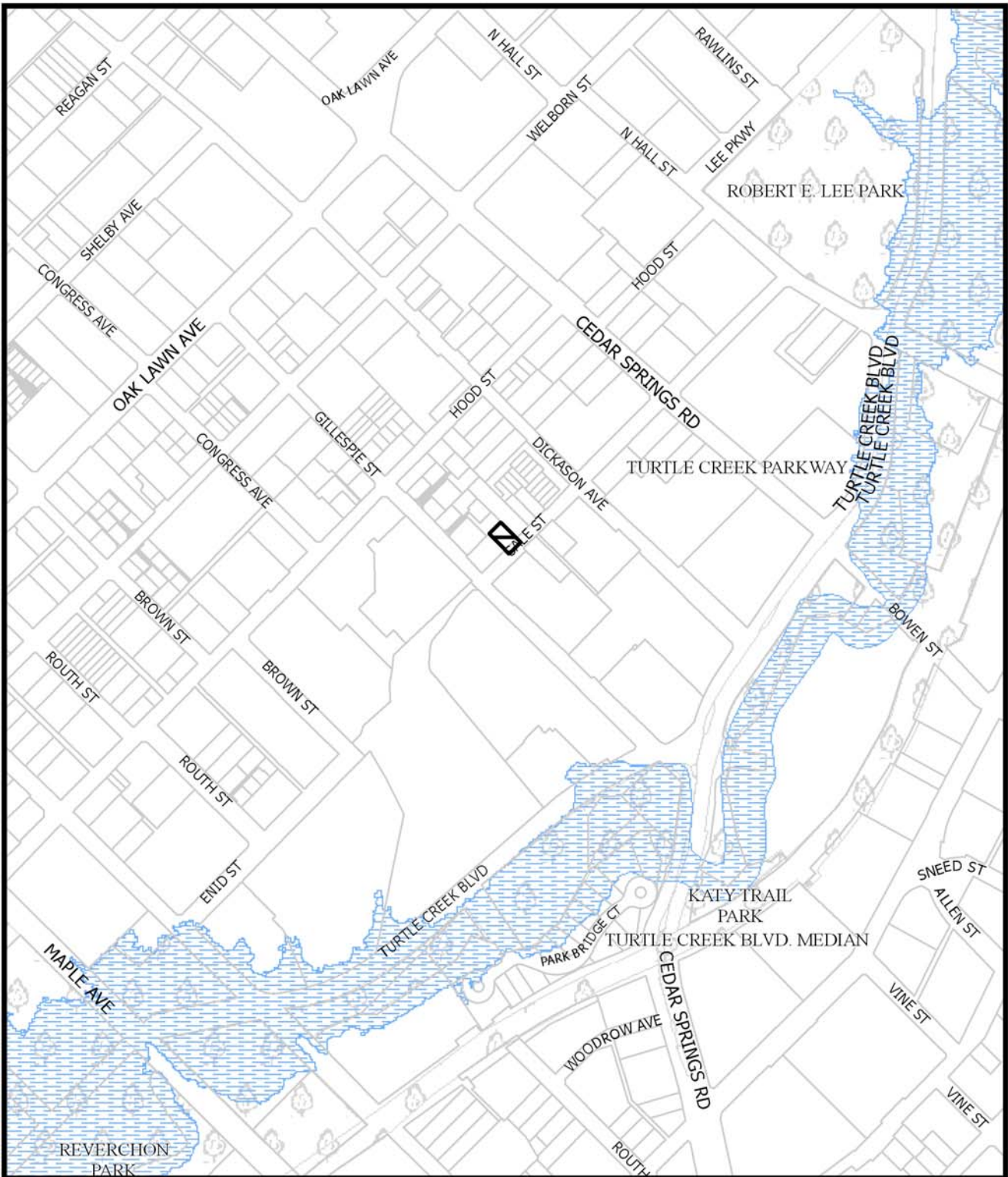
APPROVED: [Signature]

DATE: 08/20/2018

CITY COUNCIL:

COMMISSIONER: [Signature]

DATE: 08/20/2018



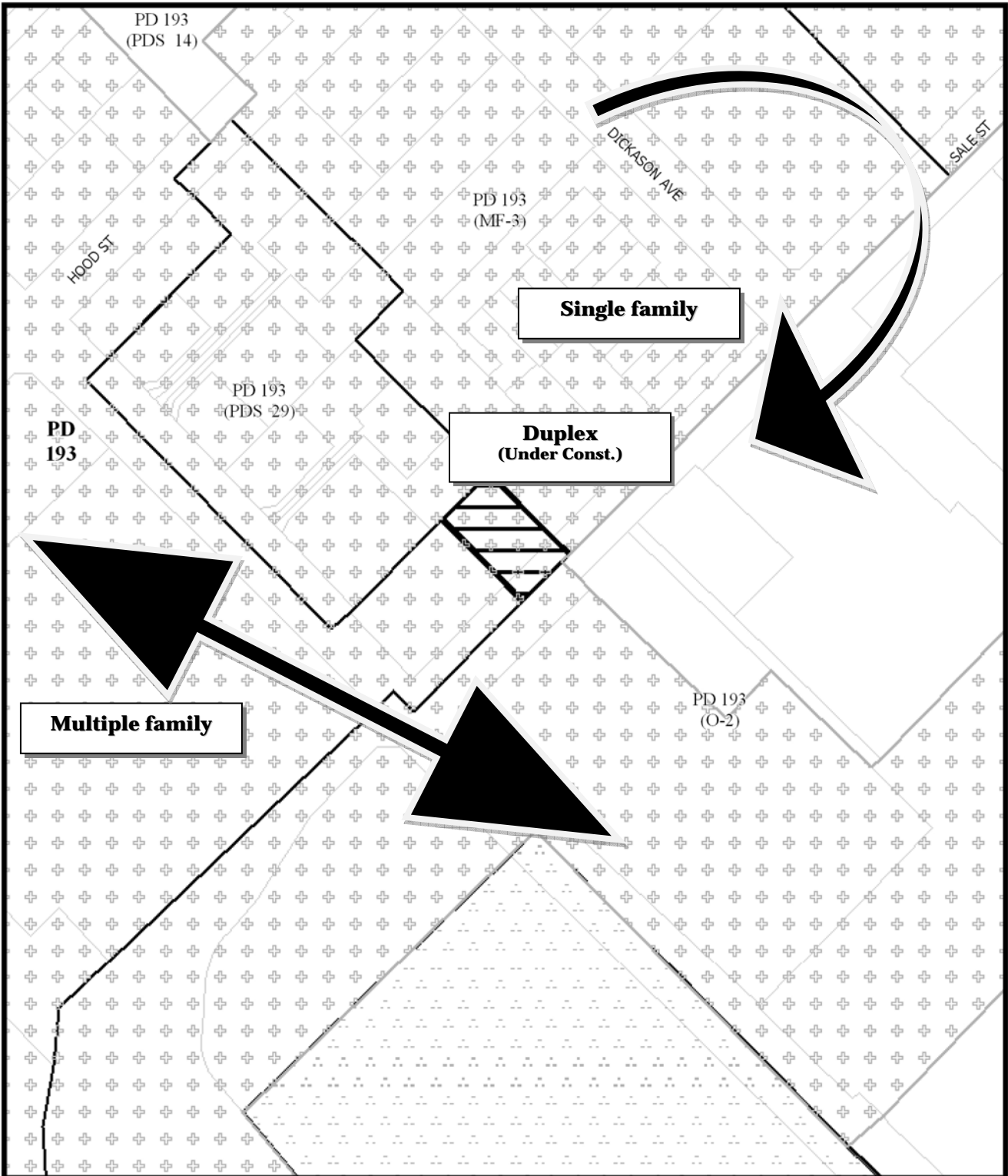
1:4,800

VICINITY MAP

Map no: I-7

Case no: Z101-357

DATE: October 20, 2011



1:1,200

ZONING AND LAND USE

Map no: I-7

Case no: Z101-357

DATE: October 20, 2011

CPC RESPONSES



<u>76</u>	Property Owners Notified (37 parcels)
<u>3</u>	Replies in Favor (3 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>11/17/2011</u>	Date

Z101-357
CPC



1:1,200

Notification List of Property**Z101-357**

76 Property Owners Notified **0 Property Owners Opposed** **3 Property Owners in**

Vote	Label	Address	Owner
	1	3502 GILLESPIE ST	KLEMENT MICHAEL
	2	2909 SALE ST	LENNOX EDWARD L & LISA
	LENNOX		
	3	2727 TURTLE CREEK BLVD	FIRST TEXAS HOMES INC
	4	3519 DICKASON AVE	BECKER STEPHEN J
	5	2921 SALE ST	PERKINS JOE B LIFE ESTATE
	6	3515 DICKASON AVE	BECKER STEPHEN
	7	2913 SALE ST	LENNOX EDWARD &
	8	3511 DICKASON AVE	LENTZ HAROLD CALVIN III
	9	3511 DICKASON AVE	LIN CHUN HAN &
	10	3509 DICKASON AVE	STREIDL LISA
	11	3509 DICKASON AVE	WAINSCOTT MICHAEL P
	12	3507 DICKASON AVE	ARKAN EROL E
	13	3507 DICKASON AVE	ROSA EMILIO
	14	3505 DICKASON AVE	ADAMS DAVID G
O	15	3505 DICKASON AVE	STILES DONNA M
	16	3503 DICKASON AVE	HOSFORD LESLIE L SORRELL
	17	3503 DICKASON AVE	BARBER MONTY C
	18	3501 DICKASON AVE	MORRIS JAMES D & MIRIAM R
	19	3501 DICKASON AVE	ARMSTRONG JIMMY U
	20	2916 SALE ST	DEWEY JOHN PEYTON JR
	21	2918 SALE ST	LINPRO ESPLANADE LAND
	22	3441 DICKASON AVE	LINPRO ESPLANADE LAND
	23	2821 TURTLE CREEK BLVD	MOTC L P
	24	3500 DICKASON AVE	SALE STREET HOMEOWNERS
	AS		
	25	3524 GILLESPIE ST	ANDERSON WILLIAM
	BRANTLEY		
O	26	3522 GILLESPIE ST	MCKEON JOHN C & DEBORAH

Z101-357(RB)

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	27	3514 GILLESPIE ST	REGENTS PARK RESIDENCES
	28	2917 SALE ST	GRANOWSKI SCOTT
O	29	3424 GILLESPIE ST	PUIG A WINSTON
	30	3535 GILLESPIE ST	ALTERNATIVE ASSET
HOLDINGS LLC			
	31	3535 GILLESPIE ST	FLOOD JOAN M
	32	3535 GILLESPIE ST	GUERIN DEAN & JO ALICE
	33	3535 GILLESPIE ST	MURPHY SUSAN W
	34	3535 GILLESPIE ST	AUGUR MARILYN
	35	3535 GILLESPIE ST	BRINDELL CHARLES R JR &
	36	3535 GILLESPIE ST	GREEN LEE A
	37	3535 GILLESPIE ST	MONTANA ROBERT C II &
	38	3535 GILLESPIE ST	MIRKEN MARK C
	39	3535 GILLESPIE ST	CROZIER LESLIE ANN
	40	3535 GILLESPIE ST	CROZIER LESLIE ANN
	41	3535 GILLESPIE ST	GREEN G GARDINER JR &
	42	3535 GILLESPIE ST	MALONE MARY LINK
	43	3535 GILLESPIE ST	SWEENEY FRANCIS & PAULA
	44	3535 GILLESPIE ST	FARRAR WILLIAM D
	45	3535 GILLESPIE ST	FRANK ANDREW G
	46	3535 GILLESPIE ST	HOWELL BILLYE
	47	3535 GILLESPIE ST	ANTIOCO JOHN F
	48	3535 GILLESPIE ST	ALVAREZ SERGIO R
	49	3535 GILLESPIE ST	KELLEY CHARLES D &
	50	3535 GILLESPIE ST	MARCHBANK SUNIE G TR
	51	3535 GILLESPIE ST	SALMANS TODD L &
	52	3535 GILLESPIE ST	NAVIAS LOUIS & ARLENE
	53	3535 GILLESPIE ST	HEATHER DAVID &
	54	3535 GILLESPIE ST	KRAUSSE BILLIE B
	55	3535 GILLESPIE ST	KNEESE CAROLYN C
	56	3535 GILLESPIE ST	SAVARIEGO VELINDA
	57	3535 GILLESPIE ST	MCWILLIAMS GEORGE L &

Tuesday, November 22, 2011

Z101-357(RB)

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	58	3535 GILLESPIE ST	DESRUISSEAU ANNE E
LLC	59	3535 GILLESPIE ST	PARK REAL ESTATE PLAZA 501
	60	3535 GILLESPIE ST	LAPHAM PHYLLIS
	61	3535 GILLESPIE ST	PARK DAVID J & KIMMIE J
	62	3535 GILLESPIE ST	SANDERS GEORGE
	63	3535 GILLESPIE ST	PADILLA EZEQUIEL & MARIA
ZEIDMAN	64	3535 GILLESPIE ST	ZEIDMAN MARK & MAGGIE
	65	3535 GILLESPIE ST	BRADLEY KATRINA D
	66	3535 GILLESPIE ST	STEPHENSON KAREN
	67	3535 GILLESPIE ST	COULTER JAMIE B
SANDRA	68	3535 GILLESPIE ST	FERNANDES GARY J &
BEVERLY	69	3535 GILLESPIE ST	BOWMAN BRUCE W &
	70	3535 GILLESPIE ST	RITZ ESTHER
	71	3535 GILLESPIE ST	LARSON WILLIAM D
	72	3535 GILLESPIE ST	SHAMIS CAROLYN T ESTATE
	73	3535 GILLESPIE ST	KIVOWITZ DONALD P
	74	3535 GILLESPIE ST	WOLFSWINKEL RANDALL V
	75	3535 GILLESPIE ST	MCGONIGLE J OLIVER
	76	3535 GILLESPIE ST	TEMPLETON WILLIAM M

Tuesday, November 22, 2011

AGENDA ITEM # 33

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 58 Q

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the expansion of Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District, on property zoned an R-7.5(A) Single Family District on the east side of Gardenvue Drive, south of Dell Garden Avenue and west of South Buckner Boulevard
Recommendation of Staff and CPC: Approval, subject to conditions
Z101-383(MW)

FILE NUMBER: Z101-383(MW)

DATE FILED: September 6, 2011

LOCATION: East side of Gardenview Drive, south of Dell Garden Avenue and west of South Buckner Boulevard.

COUNCIL DISTRICT: 5

MAPSCO: 58-Q

SIZE OF REQUEST: ±2.18 acres

CENSUS TRACT: 93.01

REPRESENTATIVE: Mark C. Webb

APPLICANT/OWNER: Public Autos, LTD.

OWNER: Prestonwood Partners, LTD
(Jerome M. Skibell, sole member/owner)

REQUEST: An application to expand Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District on property zoned an R-7.5(A) Single Family District.

SUMMARY: The applicant proposes to expand Planned Development District (PDD) No. 336 to incorporate the request site, which is currently utilized for vehicle display, sales and service in conjunction with adjacent property zoned PDD No. 336. The vehicle display, sales and service use is not allowed in the R-7.5(A) Single Family District. The applicant wishes to make the use legal and to continue the operation of the existing business.

CPC RECOMMENDATION: Approval; subject to conditions.

STAFF RECOMMENDATION: Approval; subject to conditions.

BACKGROUND INFORMATION:

- The ±2.18-acre request site is currently utilized; in conjunction with an adjacent ±3.25-acre property (925 South Buckner Boulevard) which is zoned Subarea 2 within PDD No. 336, for vehicle display, sales and service.
- Per the applicant, the request site has been utilized by the referenced vehicle display, sales and service operation since 1971; however, the use is not allowed in the R-7.5(A) Single Family District. The applicant wishes to make the use legal and to continue the operation of the existing business.
- The request site is currently accessed through the adjacent property, which fronts South Buckner Boulevard. The request site is fenced and is not currently accessed via Gardenview Drive (a portion of which is unimproved).
- The request site is surrounded by single family residential to the north; vehicle display, sales and service to the east; a church to the south and unimproved right-of-way (Gardenview Drive) and undeveloped land to the west.

Zoning History:

1. Z067-293: On December 12, 2007, the City Council approved a new subarea within Planned Development District No. 366 on property zoned a portion of Subdistrict No. 2 within Planned Development District No. 366, the Buckner Special Purpose District, and an R-7.5(A) Single Family District.

Thoroughfares/Streets:

Thoroughfares/Streets	Type	Existing ROW
Gardenview Drive	Local	50 feet

Land Use:

	Zoning	Land Use
Site	R-7.5(A)	Vehicle display, sales and service
North	R-7.5(A)	Single family
East	PDD No. 366 (Subarea 2)	Vehicle display, sales and service
South	R-7.5(A)	Church
West	R-7.5(A)	Unimproved right-of-way; undeveloped

STAFF ANALYSIS:

Comprehensive Plan:

The Vision Illustration depicts the request site as within a *Residential Neighborhood*. While single family dwellings are the dominant land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

While the applicant's request is not entirely consistent with Goal 1.1 of the Comprehensive Plan, which is to promote desired development, Vision Building Blocks serve as a general guide for development. The request site has been used for vehicle display, sales and service for 40 years; the applicant proposes to continue the operation of the existing business. No new development is proposed by this application. The request is consistent with the following goal and policy of the Comprehensive Plan.

URBAN DESIGN

GOAL 5.2 Strengthen community and neighborhood identity

Policy 5.2.1 Maintain neighborhood scale and character.

Land Use Compatibility:

The ±2.18-acre request site is currently utilized; in conjunction with an adjacent ±3.25-acre property (925 South Buckner Boulevard) which is zoned Subarea 2 within PDD No. 336, for vehicle display, sales and service. Per the applicant, the request site has been utilized by the referenced vehicle display, sales and service operation since 1971; however, the use is not allowed in the R-7.5(A) Single Family District. The applicant wishes to make the use legal and to continue the operation of the existing business.

The request site is surrounded by single family residential to the north; vehicle display, sales and service to the east; a church to the south and unimproved right-of-way (Gardenview Drive) and undeveloped land to the west. It is noted that the undeveloped property to the west is owned by a church.

While staff does not typically support the encroachment of a nonresidential zoning district into an existing residential district, staff does supports this request. It is not clear why this property was not included in PDD No. 366 at the time of adoption (January 2000). The applicant proposes to continue an established use, which appears to be operating compatibly with the surrounding land uses.

Development Standards:

District	Setbacks		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: R-7.5(A) Single Family	25'	5'	1 Dwelling Unit/ 7,500 sq. ft.	30'	45%	N/A	Single family
Proposed: PDD 366 Subarea 2	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Construction and Development has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Pursuant to §51A-4.210 of the Dallas Development Code, the off-street parking requirement for a vehicle display, sales or service use is one (1) space for each 500 square feet of floor area and site area exclusive of parking area.

Landscaping:

Landscaping must be provided in accordance with Planned Development District No. 366 (§51P-366.110). Regarding screening, PDD No. 366 requires a six-foot-high solid screening fence along all rear and side lot lines that are adjacent to residential districts.

CPC Action: November 17, 2011

Motion: It was moved to recommend **approval** of an application to expand Subarea 2 within Planned Development District No. 366, the Buckner Boulevard Special Purpose District on property zoned an R-7.5(A) Single Family District on the east side of Gardenview Drive, south of Dell Garden Avenue and west of South Buckner Boulevard.

Maker: Wally
Second: Lavallaisaa
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Alcantar

Against: 0
Absent: 1 – Peterson
Vacancy: 0

Notices: Area: 500 feet Mailed: 60

Replies: For: 4 Against: 2

Speakers: None

Proposed Conditions: No changes to existing PDD No. 366 Conditions are proposed

ARTICLE 366.

PD 366.

Buckner Boulevard Special Purpose District

SEC. 51P-366.101. LEGISLATIVE HISTORY.

PD 366 was established by Ordinance No. 21211, passed by the Dallas City Council on February 26, 1992. Ordinance No. 21211 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Subsequently, Ordinance No. 21211 was amended by Ordinance No. 21313, passed by the Dallas City Council on June 10, 1992, and Ordinance No. 24159, passed by the Dallas City Council on January 12, 2000. (Ord. Nos. 19455; 21211; 21313; 24159; 25164)

SEC. 51P-366.102. PROPERTY LOCATION AND SIZE.

PD 366 is established on property generally located along both sides of Buckner Boulevard from Heinen Drive and Hoyle Avenue on the north to the T. & N.O. Railroad on the south, and along Lake June Road between Carbona Drive on the west and Pleasant Drive on the east. The size of PD 366 is approximately 403.35 acres. (Ord. Nos. 21211; 21313; 24159; 25164; 27034)

SEC. 51P-366.103. DEFINITIONS AND INTERPRETATIONS.

- (a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) Section 51A-2.101, "Interpretations," applies to this article.
- (d) The following rules apply in interpreting the use regulations in this article:
 - (1) The absence of a symbol appearing after a listed use means that the use is permitted by right.
 - (2) The symbol *[SUP]* appearing after a listed use means that the use is permitted by specific use permit only.
 - (3) The symbol *[DIR]* appearing after a listed use means that a site plan must be submitted and approved in accordance with the requirements of Section 51A-4.803. ("DIR" means "development impact review." For more information regarding development impact review generally, see Division 51A-4.800.)
 - (4) The symbol *[RAR]* appearing after a listed use means that, if the use has a residential adjacency as defined in Section 51A-4.803, a site plan must be submitted and approved in accordance with the requirements of that section. ("RAR" means "residential adjacency review." For more information regarding residential adjacency review generally, see Division 51A-4.800.)
 - (5) For purposes of determining the applicability of regulations in this article and in Chapter 51A triggered by adjacency or proximity to another zoning district, and for purposes of

interpreting the DIR and RAR requirements of Division 51A-4.800, this district is considered to be a nonresidential zoning district.

(e) PD 366 is to be known as the Buckner Boulevard Special Purpose District. (Ord. Nos. 21211; 25164)

SEC. 51P-366.104. CREATION OF SUBAREAS AND DEVELOPMENT PLAN.

(a) Creation of subareas. This district is divided into five subareas as described in Exhibit 366A, and as shown on the map referenced in Ordinance No. 21211 as Exhibit B. In the event of a conflict between Exhibit 366A and Exhibit B, Exhibit 366A controls. *[Note: No record exists of the Exhibit B referenced in Ordinance No. 21211.]*

(b) Development plan.

(1) Except as provided in this subsection, no development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, and development schedule do not apply.

(2) Development and use of Subarea 5 must comply with the development plan (Exhibit 366B). In the event of a conflict between the text of this article and the development plan, the text of this article controls. (Ord. Nos. 21211; 21313; 24159; 25164; 27034; 27322)

SEC. 51P-366.105. MAIN USES PERMITTED.

(a) Subarea 1.

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

- Building repair and maintenance shop. *[RAR]*
- Catering service.
- Custom business services.
- Electronics service center.
- Machine or welding shop. *[SUP]*
- Medical or scientific laboratory. *[SUP]*
- Tool or equipment rental.
- Vehicle or engine repair or maintenance. *[SUP]*

(3) Institutional and community service uses.

- Adult day care facility.
- Cemetery or mausoleum. *[SUP]*
- Child-care facility.
- Church.
- College, university, or seminary.
- Community service center.
- Convalescent and nursing homes, hospice care, and related institutions.

- Convent or monastery.
 - Foster home. *[SUP]*
 - Hospital. *[SUP]*
 - Library, art gallery, or museum.
 - Public or private school. *[RAR]*
- (4) Lodging uses.
- Hotel and motel. *[SUP]*
 - Lodging or boarding house. *[SUP]*
- (5) Office uses.
- Financial institution without drive-in window.
 - Financial institution with drive-in window.
 - Medical clinic or ambulatory surgical center.
 - Office.
- (6) Recreation uses.
- Country club with private membership.
 - Private recreation center, club, or area.
 - Public park, playground, or golf course.
- (7) Residential uses.
- College dormitory, fraternity, or sorority house.
- (8) Retail and personal service uses.
- Ambulance service. *[RAR]*
 - Animal shelter or clinic without outside run. *[RAR]*
 - Auto service center. *[RAR]*
 - Business school.
 - Car wash. *[DIR]*
 - Commercial amusement (inside).
 - Commercial amusement (outside). *[SUP]*
 - Commercial parking lot or garage. *[RAR]*
 - Dry cleaning or laundry store.
 - Furniture store.
 - General merchandise or food store 3,500 square feet or less.
 - General merchandise or food store greater than 3,500 square feet.
 - Home improvement center, lumber, brick, or building materials sales yard. *[DIR]*
 - Household equipment and appliance repair.
 - Mortuary, funeral home, or commercial wedding chapel.
 - Motor vehicle fueling station.
 - Nursery, garden shop, or plant sales.
 - Pawnshop.
 - Personal service uses.
 - Restaurant without drive-in or drive-through service. *[RAR]*
 - Restaurant with drive-in or drive-through service. *[DIR]*
 - Swap or buy shop. *[SUP]*

- Taxidermist. *[SUP]*
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service. *[SUP]*
- (9) Transportation uses.
 - Transit passenger shelter. *[See Section 51A-4.211.]*
 - Transit passenger station or transfer center. *[See Section 51A-4.211.]*
- (10) Utility and public service uses.
 - Commercial radio or television and transmitting station.
 - Electrical substation.
 - Local utilities.
 - Police or fire station.
 - Post office.
 - Radio, television, or microwave tower. *[SUP]*
 - Utility or government installation other than listed. *[SUP]*
- (11) Wholesale, distribution, and storage uses.
 - Mini-warehouse. *[SUP]*
 - Office showroom/warehouse. *[SUP]*
 - Outside storage (with visual screening). *[SUP]*
 - Recycling collection center. *[RAR]*
- (b) Subarea 2.
 - (1) Agricultural uses.
 - Crop production.
 - (2) Commercial and business service uses.
 - Building repair and maintenance shop. *[RAR]*
 - Bus or rail transit vehicle maintenance or storage facility. *[RAR]*
 - Catering service.
 - Commercial cleaning and laundry plant. *[RAR]*
 - Custom business services.
 - Custom woodworking, furniture construction, or repair.
 - Electronics service center.
 - Job or lithographic printing. *[RAR]*
 - Machine or welding shop. *[RAR]*
 - Machinery, heavy equipment, or truck sales and service. *[RAR]*
 - Medical or scientific laboratory.
 - Technical school.
 - Tool or equipment rental.
 - Vehicle or engine repair or maintenance. *[RAR]*
 - (3) Institutional and community service uses.
 - Adult day care facility.

- Cemetery or mausoleum. *[SUP]*
 - Child-care facility.
 - Church.
 - College, university, or seminary.
 - Community service center.
 - Convalescent and nursing homes, hospice care, and related institutions.
 - Convent or monastery.
 - Foster home. *[SUP]*
 - Hospital. *[SUP]*
 - Library, art gallery, or museum.
 - Public or private school. *[RAR]*
- (4) Lodging uses.
- Hotel and motel. *[RAR]*
 - Lodging or boarding house.
- (5) Office uses.
- Financial institution without drive-in window.
 - Financial institution with drive-in window. *[RAR]*
 - Medical clinic or ambulatory surgical center.
 - Office.
- (6) Recreation uses.
- Country club with private membership.
 - Private recreation center, club, or area.
 - Public park, playground, or golf course.
- (7) Residential uses.
- College dormitory, fraternity, or sorority house.
- (8) Retail and personal service uses.
- Ambulance service. *[RAR]*
 - Animal shelter or clinic without outside run. *[RAR]*
 - Animal shelter or clinic with outside run. *[SUP]*
 - Auto service center. *[RAR]*
 - Business school.
 - Car wash. *[RAR]*
 - Commercial amusement (inside).
 - Commercial amusement (outside). *[DIR]*
 - Commercial parking lot or garage. *[RAR]*
 - Dry cleaning or laundry store.
 - Furniture store.
 - General merchandise or food store 3,500 square feet or less.
 - General merchandise or food store greater than 3,500 square feet.
 - Home improvement center, lumber, brick, or building materials sales yard. *[RAR]*
 - Household equipment and appliance repair.
 - Mortuary, funeral home, or commercial wedding chapel.

- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Outside sales. [SUP]
- Pawnshop.
- Personal service uses.
- Restaurant without drive-in or drive-through service. [RAR]
- Restaurant with drive-in or drive-through service. [DIR]
- Swap or buy shop. [SUP]
- Taxidermist.
- Temporary retail use.
- Theater.
- Vehicle display, sales, and service.

(9) Transportation uses.

- Commercial bus station and terminal. [DIR]
- Heliport. [SUP]
- Helistop. [SUP]
- Railroad passenger station. [SUP]
- Transit passenger shelter. [See Section 51A-4.211.]
- Transit passenger station or transfer center. [See Section 51A-4.211.]

(10) Utility and public service uses.

- Commercial radio or television transmitting station.
- Electrical substation.
- Local utilities.
- Police or fire station.
- Radio, television, or microwave tower. [RAR]
- Utility or government installation other than listed. [SUP]

(11) Wholesale, distribution, and storage uses.

- Auto auction. [SUP]
- Building mover's temporary storage yard. [SUP]
- Contractor's maintenance yard. [RAR]
- Freight terminal. [RAR]
- Manufactured building sales lot. [RAR]
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening). [RAR]
- Petroleum product storage and wholesale. [SUP]
- Recycling collection center. [RAR]
- Sand, gravel, or earth sales and storage. [SUP]
- Trade center.
- Vehicle storage lot. [SUP]
- Warehouse. [RAR]

(c) Subarea 3. The uses permitted in Subarea 3 are all uses permitted in the LI Light Industrial District, as set out in Chapter 51A subject to the same conditions applicable in the LI Light Industrial District. For example, a use only permitted in the LI Light Industrial District by specific use permit (SUP) is only permitted in this planned development district by SUP; a use subject to development

impact review (DIR) in the LI Light Industrial District is subject to DIR in this planned development district; etc. Exception: The vehicle display, sales, and service use is permitted by SUP only.

(d) Subarea 4. The uses permitted in Subarea 4 are all uses permitted in the IM Industrial Manufacturing District, as set out in Chapter 51A, subject to the same conditions applicable in the IM Industrial Manufacturing District. For example, a use only permitted in the IM Industrial Manufacturing District by specific use permit (SUP) is only permitted in this planned development district by SUP; a use subject to development impact review (DIR) in the IM Industrial Manufacturing District is subject to DIR in this planned development district; etc.

(e) Subarea 5.

(1) Agricultural uses.

-- Crop production.

(2) Commercial and business service uses.

-- Catering service.
-- Custom business services.
-- Custom woodworking, furniture construction, or repair.
-- Electronics service center.
-- Medical or scientific laboratory.
-- Technical school.

(3) Industrial uses.

None permitted.

(4) Institutional and community service uses.

-- Adult day care facility.
-- Cemetery or mausoleum. [SUP]
-- Child-care facility.
-- Church.
-- College, university, or seminary.
-- Community service center.
-- Convalescent and nursing homes, hospice care, and related institutions.
-- Convent or monastery.
-- Foster home. [SUP]
-- Hospital. [SUP]
-- Library, art gallery, or museum.
-- Public or private school. [RAR]

(5) Lodging uses.

None permitted.

(6) Miscellaneous uses.

None permitted.

- (7) Office uses.
 - Financial institution without drive-in window.
 - Financial institution with drive-in window. *[RAR]*
 - Medical clinic or ambulatory surgical center.
 - Office.

- (8) Recreation uses.
 - Country club with private membership.
 - Private recreation center, club, or area.
 - Public park, playground, or golf course.

- (9) Residential uses.
 - College dormitory, fraternity, or sorority house.

- (10) Retail and personal service uses.
 - Ambulance service. *[RAR]*
 - Animal shelter or clinic without outside runs. *[RAR]*
 - Animal shelter or clinic with outside runs. *[SUP]*
 - Business school.
 - Commercial parking lot or garage. *[RAR]*
 - Dry cleaning or laundry store.
 - Furniture store.
 - Nursery, garden shop, or plant sales.
 - Personal service uses.
 - Restaurant without drive-in or drive-through service. *[RAR]*
 - Temporary retail use.
 - Theater.

- (11) Transportation uses.
 - Commercial bus station and terminal. *[DIR]*
 - Railroad passenger station. *[SUP]*
 - Transit passenger shelter. *[See Section 51A-4.211.]*
 - Transit passenger station or transfer center. *[See Section 51A-4.211.]*

- (12) Utility and public service uses.
 - Commercial radio or television transmitting station.
 - Electrical substation.
 - Local utilities.
 - Police or fire station.
 - Radio, television, or microwave tower. *[RAR]*
 - Utility or government installation other than listed. *[SUP]*

- (13) Wholesale, distribution, and storage uses.

None permitted.

(Ord. Nos. 21211; 25164; 27034)

SEC. 51P-366.106. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217. (Ord. Nos. 21211; 25164)

SEC. 51P-366.107. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

- (a) Subareas 1 and 2.
 - (1) Front yard. Minimum front yard is:
 - (A) 15 feet where adjacent to an expressway or a thoroughfare; and
 - (B) no minimum in all other cases.
 - (2) Side and rear yard. Minimum side and rear yard is:
 - (A) 20 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and
 - (B) no side and rear yard required in all other cases.
 - (3) Dwelling unit density. No dwelling unit density.
 - (4) Floor area ratio. Maximum floor area ratio is:
 - (A) 0.5 for any combination of lodging, office, and retail and personal service uses; and
 - (B) 0.75 for all uses combined.
 - (5) Height.
 - (A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. (See Section 51A-4.412.) Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.
 - (B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 45 feet.
 - (6) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.
 - (7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories above grade is three. Parking garages are exempt from this requirement, but must comply with the height regulations of Paragraph (5).

(b) Subarea 3. Except as otherwise provided, the yard, lot, and space regulations for this subarea must comply with the yard, lot, and space regulations applicable to the LI Light Industrial District, as set out in Chapter 51A. Minimum side and rear yard is:

(1) 20 feet where adjacent to or directly across the street from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(2) no side or rear yard required in all other cases.

(c) Subarea 4. Except as otherwise provided, the yard, lot, and space regulations for this subarea must comply with the yard, lot, and space regulations applicable to the IM Industrial Manufacturing District, as set out in Chapter 51A. Minimum side and rear yard is:

(1) 20 feet where adjacent to or directly across the street from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district; and

(2) no side or rear yard required in all other cases.

(d) Subarea 5.

(1) Front yard. Minimum front yard is 25 feet.

(2) Side and rear yard. Minimum side yard is 25 feet. Minimum rear yard is 50 feet.

(3) Dwelling unit density. No dwelling unit density.

(4) Floor area ratio. Maximum floor area ratio is:

(A) 0.5 for any combination of lodging, office, and retail and personal service uses; and

(B) 0.75 for all uses combined.

(5) Height.

(A) Residential proximity slope. If any portion of a structure is over 26 feet in height, that portion may not be located above a residential proximity slope. (See Section 51A-4.412.) Exception: Structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less.

(B) Maximum height. Unless further restricted under Subparagraph (A), maximum structure height is 45 feet.

(6) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(7) Lot size. No minimum lot size.

(8) Stories. Maximum number of stories above grade is three. Parking garages are exempt from this requirement, but must comply with the height regulations of Paragraph (5). (Ord. Nos. 21211; 25164; 27034)

SEC. 51P-366.108. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, off-street parking and loading must be provided in accordance with the Dallas Development Code, as amended.

(b) Subarea 5.

(1) For a college, university, or seminary use, off-street parking must be provided at a ratio of 0.23 parking spaces per student and employee.

(2) Surface parking is permitted in the required side and rear yards. (Ord. Nos. 21211; 25164; 27034)

SEC. 51P-366.109. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI. (Ord. Nos. 21211; 25164)

SEC. 51P-366.110. LANDSCAPING.

(a) Application.

(1) Parkway landscaping provisions shall become applicable to a lot when an application is made for a building permit for construction work that increases building height, floor area ratio, required parking, or nonpermeable coverage of the lot.

(2) Site area landscaping, front yard strip landscaping, screening, and sidewalk provisions shall become applicable to a lot when an application is made for a building permit for construction work that increases either the floor area ratio, building height, or nonpermeable coverage of the lot by more than 20 percent.

(3) Front yard strip landscaping and screening provisions may be imposed during required development impact or residential adjacency review procedures.

(b) Parkway landscaping. One tree at least three and one-half inches in diameter, or two trees at least one and one-half inches in diameter must be provided between the street curb and the sidewalk per 30 feet of frontage, exclusive of driveways, visibility triangles, and accessways at points of ingress and egress. No underground irrigation system is required for parkway landscaping.

(c) Front yard strip landscaping.

(1) The 10-foot-wide strip of land along the entire length of the front yard and immediately adjacent to the property line must be landscaped as follows:

(A) Twenty percent of the surface must be permeable.

(B) Ten percent must be landscaped with trees, shrubs, or a combination of trees and shrubs that have the potential to attain a minimum height of 30 inches within a three-year time period.

(C) An underground irrigation system must be provided.

(2) Front yard strip landscaping must be approved by the director of the department of development services.

(d) Site area landscaping. The remainder of the lot must be landscaped in accordance with the provisions contained in Article X. An underground irrigation system must be provided.

(e) Screening.

(1) A six-foot-high solid screening fence must be provided along all rear and side lot lines that are adjacent to residential districts.

(2) On-site parking must be screened with:

(A) a minimum three-foot-high solid fence, with an 18-inch wide planting bed located on its street side; or

(B) shrubs with the potential to attain a minimum height of 30 inches within a three-year time period.

(3) Manufactured building sales lot and vehicle display, sales, and service uses must be screened with a minimum two and one-half-foot-high fence with a screening factor of less than 66 percent, and an 18-inch-wide planting bed located on its street side.

(f) Sidewalks. A sidewalk with a minimum width of five feet must be provided in the 12 foot area parallel to and in back of the projected street curb.

(g) Completion. All landscaping must be completed in accordance with the provisions contained in Article X.

(h) General maintenance.

(1) Required landscaping must be maintained in a healthy, growing condition at all times. The property owner is responsible for regular weeding, mowing of grass, irrigating, fertilizing, pruning, and other maintenance of all plantings as needed. Any plant that dies must be replaced with another living plant that complies with the approved landscape plan within 90 days after notification by the city.

(2) Any damage to utility lines resulting from the negligence of the property owner or his agents or employees in the installation and maintenance of required landscaping in a utility easement is the responsibility of the property owner. If a public utility disturbs a landscaped area in a utility easement, it shall make every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless, some plant materials die, it is the obligation of the property owner to replace the plant materials.

(i) Points. For purposes of tabulating the number of points earned toward the minimum number required by Article X, 15 points are awarded for parkway landscaping. Ten points are awarded

for required or voluntary front yard strip landscaping. Five points are awarded for the screening of on-site parking. (Ord. Nos. 21211; 25164)

SEC. 51P-366.111. PRIVATE LICENSE GRANTED.

(a) The city council hereby grants a private license to each of the abutting property owners of property in the Buckner Boulevard Special Purpose District for the exclusive purpose of authorizing compliance with the parkway landscaping requirements of this article. An abutting property owner is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit in accordance with Chapter 52 of the Dallas City Code, as amended. This private license shall not terminate at the end of any specific time period, however, the city council retains the right to terminate this license whenever in its judgment the purpose or use of this license is inconsistent with the public use of the right-of-way or whenever the purpose or use of this license is likely to become a nuisance.

(b) To the extent that the provisions contained in this section conflict with the applicable licensing provisions contained in Chapter 43 of the Dallas City Code, the provisions contained in Chapter 43 are waived.

(c) In no event shall the license granted by this section be construed to grant an easement or real property interest of any kind to the licensees. (Ord. Nos. 21211; 25164)

SEC. 51P-366.112. LANDSCAPE PLAN.

(a) A landscape plan must be submitted to and approved by the director of the department of development services prior to the installation of landscaping required by this article.

(b) Upon the submission of a plan for or including the installation of parkway landscaping, the director of the department of development services shall circulate it to all affected city departments and all utilities and communication companies for review and comment. If, after receiving comments from affected city departments, utilities, and communication companies, the director determines that the construction and planting proposed is in compliance with this article, and will not be inconsistent with and will not impair the public, utility, or communications company use of the right-of-way, the director shall approve the landscape plan; otherwise, the director shall disapprove the plan.

(c) A property owner is not required to comply with any parkway landscaping requirement of this article if compliance is made impossible due to the director of the department of development services's disapproval of a plan to install parkway landscaping on the basis that the installation of the landscaping will be inconsistent with, or will unreasonably impair the public, utility, or communication company use of the right-of-way.

(d) The approval of a plan to install parkway landscaping does not excuse the property owner, his agents, or employees from liability in the installation or maintenance of trees, landscaping, or pavement in the public right-of-way. (Ord. Nos. 21211; 25164)

SEC. 51P-366.113. SIGNS.

All signs must comply with the provisions for business zoning districts contained in Article VII. (Ord. Nos. 21211; 25164)

SEC. 51P-366.114. NONCONFORMING USES.

(a) Existing nonconforming uses and uses made nonconforming by this article are not subject to amortization by the board of adjustment.

(b) The right to operate a nonconforming use terminates if the nonconforming use is discontinued or remains vacant for one year or more. The board may grant a special exception to this provision only if the owner can state an extreme circumstance that demonstrates that there was not an intent to abandon the use even though the use was discontinued for one year or more.

(c) Except as otherwise provided in this section, Section 51A-4.704 applies to all nonconforming uses and structures in this district. (Ord. Nos. 21211; 25164)

SEC. 51P-366.115. GENERAL REQUIREMENTS.

Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. Nos. 21211; 25164; 26102)

SEC. 51P-366.116. WAIVER OF CERTAIN SUP FEES IN SUBAREA 1.

The city council waives the application fee for a specific use permit for nonconforming uses located in Subarea 1 in those cases where:

(1) the nonconforming use was existing on February 26, 1992, or made nonconforming by this article; and

(2) upon inspection by the director of the department of code compliance or the director's designee, it is determined that the nonconforming use and the property on which it is located is in compliance with all applicable ordinances, rules, and regulations of the city other than the requirement of a specific use permit. (Ord. Nos. 21211; 25164; 26102)

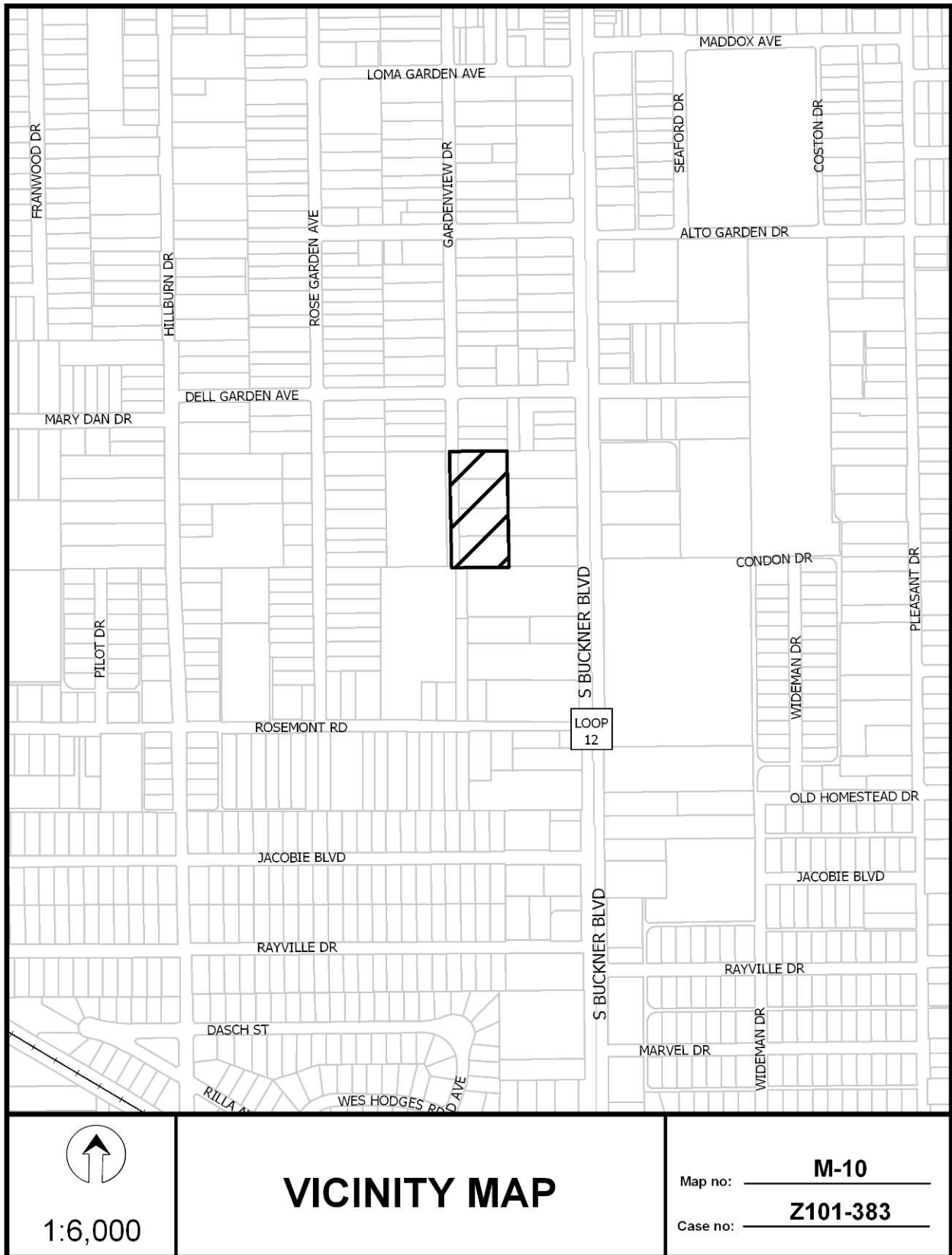
SEC. 51P-366.117. COMPLIANCE WITH CONDITIONS.

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

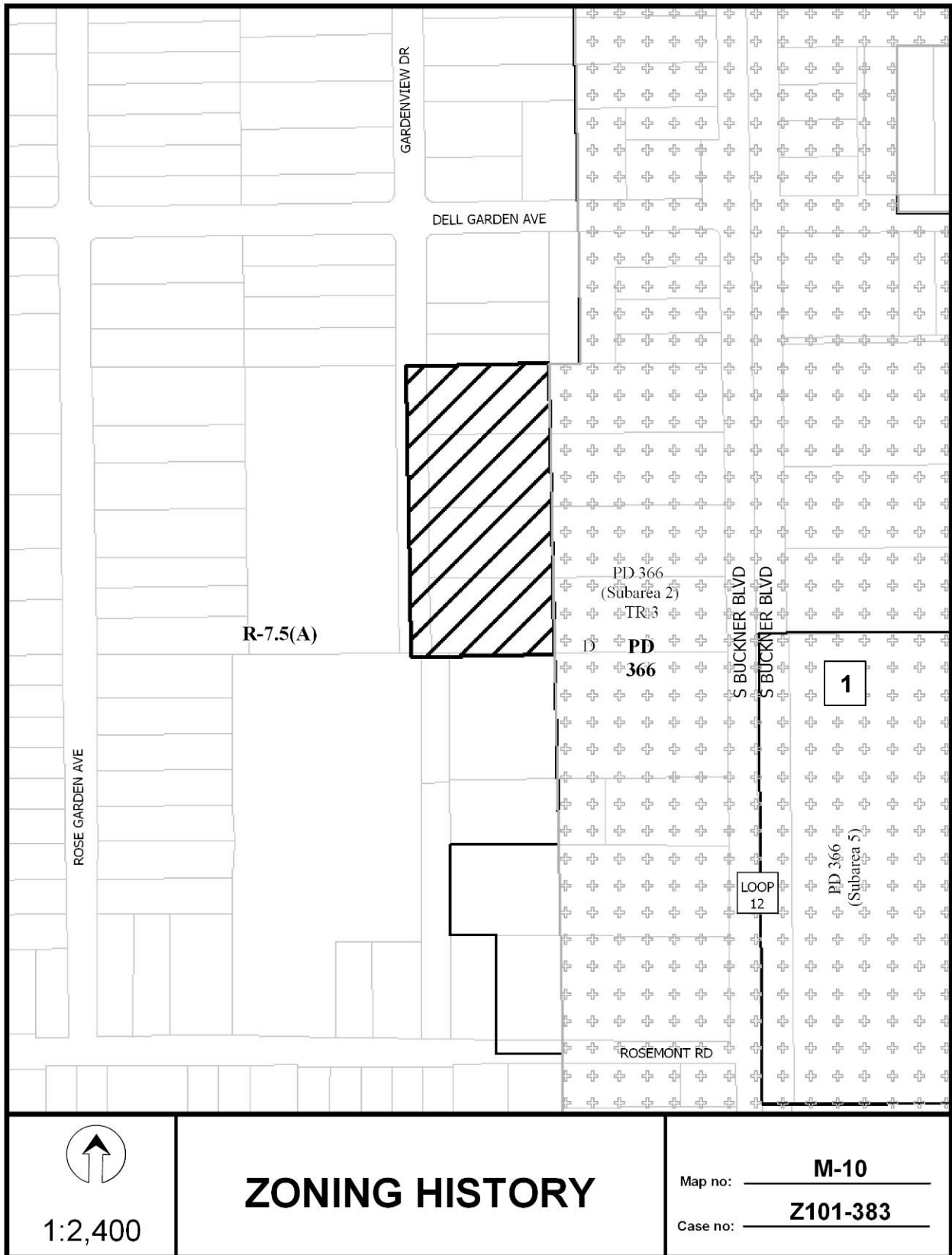
(b) The building official shall not issue a building permit or a certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city. (Ord. Nos. 21211; 25164; 26102)

SEC. 51P-366.118. ZONING MAP.

PD 366 is located on Zoning Map Nos. J-10, K-10, L-10, and M-10. (Ord. Nos. 21211; 25164)



DATE: November 03, 2011



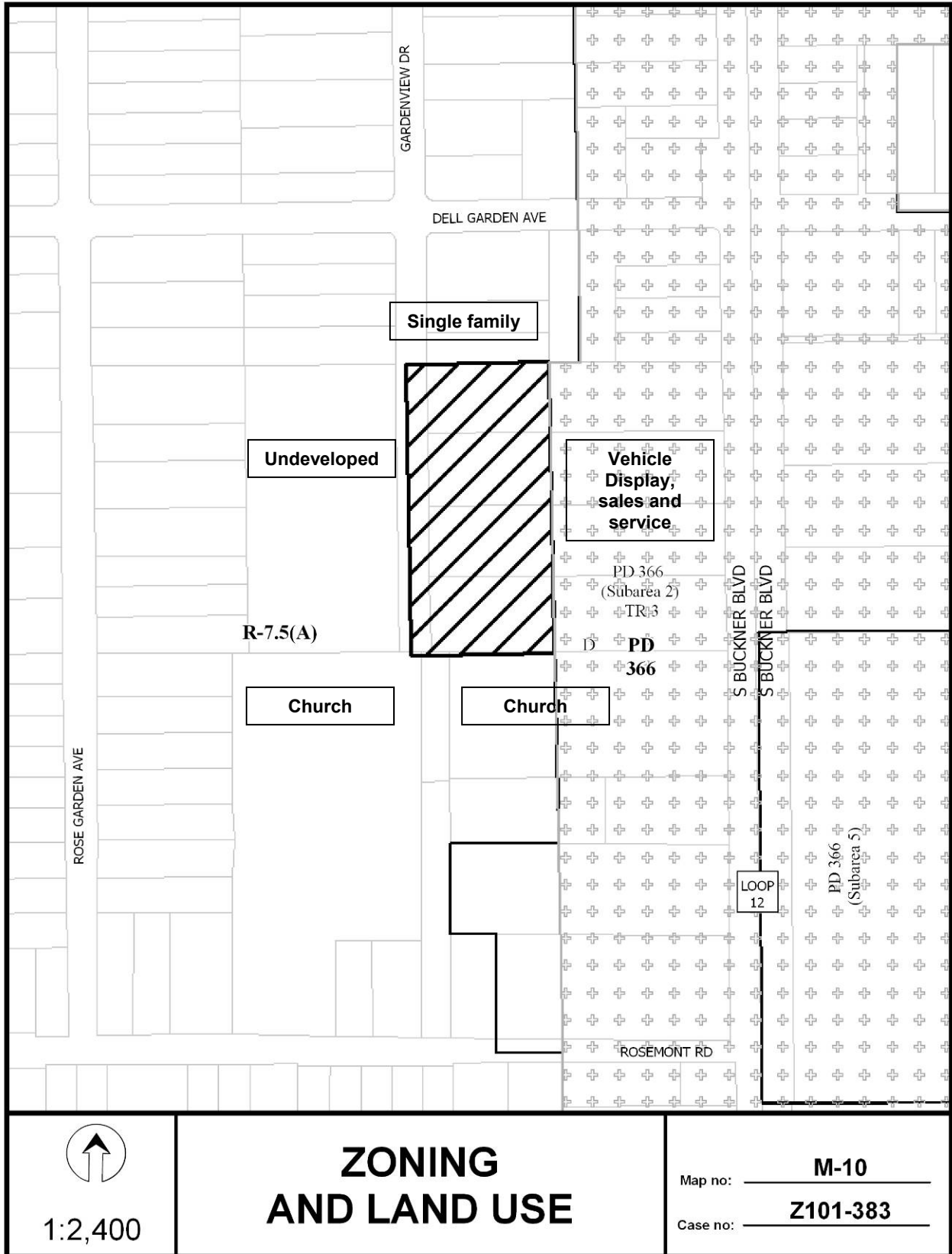
1:2,400

ZONING HISTORY

Map no: M-10

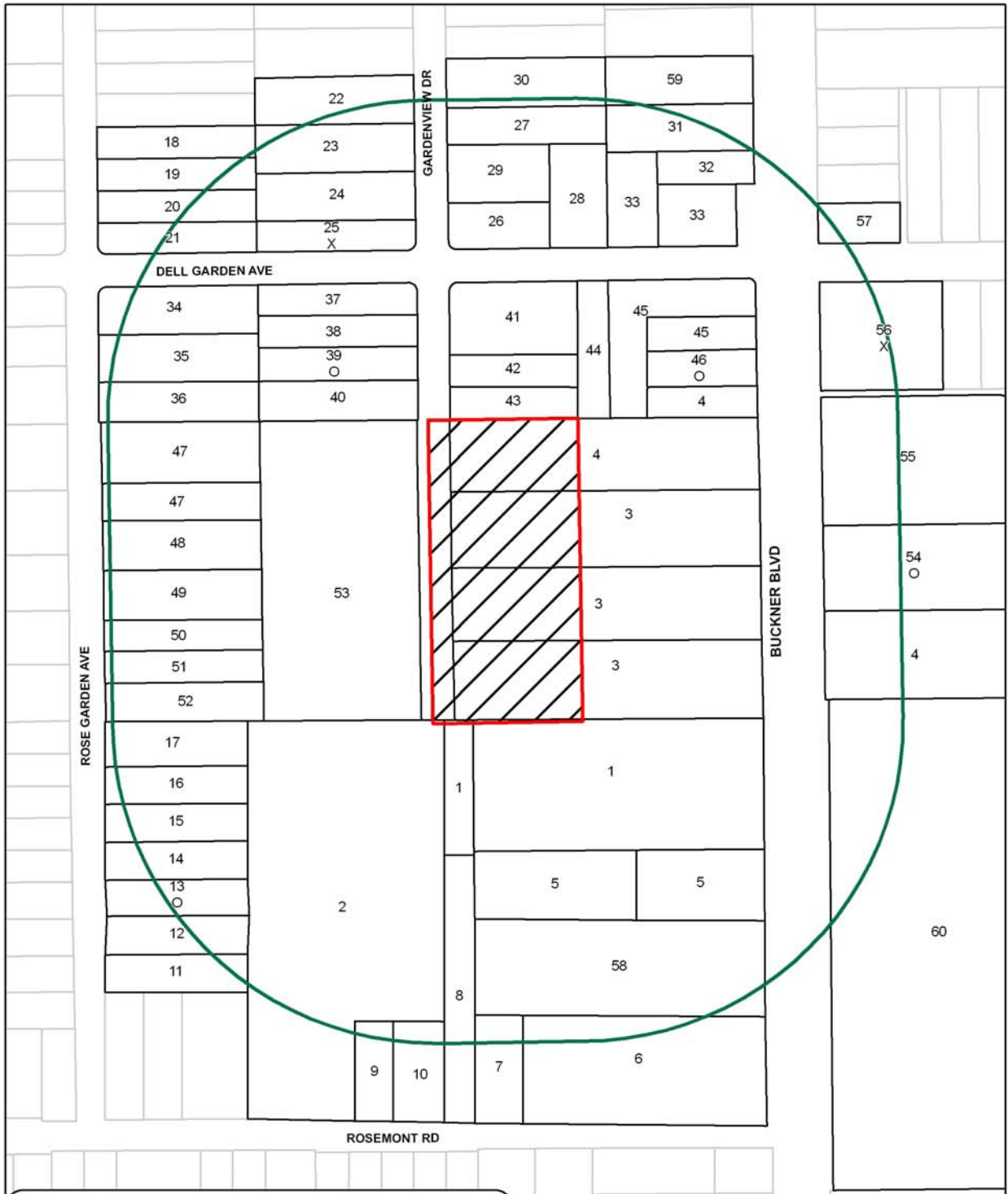
Case no: Z101-383

DATE: November 03, 2011



DATE: November 03, 2011

CPC Responses



<u>60</u>	Property Owners Notified (69 parcels)
<u>4</u>	Replies in Favor (4 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>500'</u>	Area of Notification
<u>11/17/2011</u>	Date

Z101-383
CPC



1:2,400

Notification List of Property
Z101-383

60 Property Owners Notified 2 Property Owners Opposed 4 Property Owners in Favor

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	1	845 BUCKNER BLVD	WAY OF TRUTH CHURCH INC
THE	2	7919 ROSEMONT RD	TEXAS CONFERENCE ASSOC
	3	925 BUCKNER BLVD	SANDERSON CHERYL JEAN &
	4	941 BUCKNER BLVD	PUBLIC AUTOS LTD
	5	829 BUCKNER BLVD	MAYHALL JAMES & JANE
	6	805 BUCKNER BLVD	SANCHEZ MARTIN R
	7	8003 ROSEMONT RD	BENITEZ HELIDIA
	8	7945 ROSEMONT RD	SANCHEZ MARTIN
	9	7933 ROSEMONT RD	FUENTES ADRIAN O &
	10	7939 ROSEMONT RD	MARTINEZ ROGELIO L
	11	818 ROSE GARDEN AVE	CRUZ LILIANA S &
	12	822 ROSE GARDEN AVE	RUIZ SANTANA
O	13	826 ROSE GARDEN AVE	HARTLINE LEONARD H &
	14	830 ROSE GARDEN AVE	WOOLBRIGHT FRANCES
	15	834 ROSE GARDEN AVE	GARCIA-PADRON JULIA
	16	842 ROSE GARDEN AVE	RUBIO MIGUEL ANGEL
	17	848 ROSE GARDEN AVE	AVILES VIRGINIA &
	18	1012 ROSE GARDEN AVE	PINA REBECCA
	19	1010 ROSE GARDEN AVE	NORIEGA ELOY ET UX
	20	1006 ROSE GARDEN AVE	NORIEGA ELOY & JUANITA
	21	1002 ROSE GARDEN AVE	ARRELLANO JOSE & MARIA G
	22	1019 GARDENVIEW DR	GUTIERREZ CERVANDO
	23	1011 GARDENVIEW DR	MESTER LURA BECCA
	24	1007 GARDENVIEW DR	ESTALA MARCELINO &
X	25	1001 GARDENVIEW DR	RODRIQUEZ FRANCISCO J &
	26	1002 GARDENVIEW DR	MACIAS MANUELA

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	27	1012 GARDENVIEW DR	CAZARES ISMAEL
	28	8015 DELL GARDEN AVE	BRIONES FERNANDO
	29	1006 GARDENVIEW DR	VALERO JUAN
	30	1020 GARDENVIEW DR	ACOSTA LAURA
	31	1015 BUCKNER BLVD	ALCARAZ REFUGIO &
MARCELA			
	32	1011 BUCKNER BLVD	HAMPTON JAMES K & ETAL
	33	8023 DELL GARDEN AVE	BAKER GORDON L &
	34	952 ROSE GARDEN AVE	GAMEZ MARIA EST OF
	35	944 ROSE GARDEN AVE	GARCIA RAFAEL &
FRANCISCA			
	36	940 ROSE GARDEN AVE	RANGEL MARCOS & ROSA
	37	951 GARDENVIEW DR	RODRIGUEZ GILSARDO L
	38	947 GARDENVIEW DR	PERSON LULA MAE
O	39	943 GARDENVIEW DR	1G CAPITAL LLC
	40	939 GARDENVIEW DR	ALMENDAREZ NICANOR
ETAL			
	41	944 GARDENVIEW DR	CARBONE BARBARA EST OF
	42	942 GARDENVIEW DR	PAREDES CLEMENTE M ETAL
	43	938 GARDENVIEW DR	LOPEZ ANTONIO G &
	44	8018 DELL GARDEN AVE	CRIGGAR HELEN &
	45	953 BUCKNER BLVD	PEEK KENNETH
O	46	945 BUCKNER BLVD	PEEK KENNETH &
	47	932 ROSE GARDEN AVE	ESTALA MARCELINO
	48	920 ROSE GARDEN AVE	SAENZ MARIA OLIVIA &
	49	914 ROSE GARDEN AVE	LEDEZMA ALEJANDRO
	50	910 ROSE GARDEN AVE	GONZALEZ ANTONIO
	51	906 ROSE GARDEN AVE	PUENTE CARLOS A
	52	902 ROSE GARDEN AVE	CALDERON ARACELI
	53	935 GARDENVIEW DR	TEXAS CONFERENCE ASSN
O	54	920 BUCKNER BLVD	CHILDRESS DENNIS K TR &
	55	928 BUCKNER BLVD	GRG PROPERTIES INC
X	56	944 BUCKNER BLVD	PRICE A F FAMILY LP
	57	1002 BUCKNER BLVD	REYNOLDS ROBERT L

Tuesday, November 22, 2011

Z101-383(MW)

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
58		815 BUCKNER BLVD	SANCHEZ MARTIN
59		1021 BUCKNER BLVD	SALAZAR MARCIAL
60		802 BUCKNER BLVD	DALLAS COUNTY
COMMUNITY			

AGENDA ITEM # 34

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 56 C

SUBJECT

A Landmark Commission authorized hearing to consider an Historic District Overlay on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of Leland Avenue and Southland Street an ordinance granting the Historic District Overlay Recommendation of Staff and CPC: Approval, subject to preservation criteria Z112-119(MD)

ACM: RYAN S. EVANS

FILE NUMBER: Z112-119 (MD) **DATE FILED:** September 1, 2011
LOCATION: North corner of Leland Avenue and Southland Street
COUNCIL DISTRICT: 7 **MAPSCO:** 56 C
SIZE OF REQUEST: 0.18 ac. **CENSUS TRACT:** 38.00

REQUEST: A Landmark Commission authorized hearing for consideration of an Historic District Overlay on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District.

SUMMARY: The Good Samaritan Hospital is a two-story Prairie foursquare that was originally constructed in 1920. The building, expanded several times beginning in 1933, served as a small community-centered hospital until 1945, when it became a residential hotel for African-Americans. A significant property must meet 3 of 10 designation criteria. This property has been determined to meet 6.

CITY PLAN COMMISSION RECOMMENDATION: Approval, subject to preservation criteria.

LANDMARK COMMISSION RECOMMENDATION: Approval, subject to preservation criteria.

STAFF RECOMMENDATION: Approval, subject to preservation criteria.

BACKGROUND INFORMATION:

- Good Samaritan Hospital was built in 1920 in Wilson’s Subdivision of the Reeves South Side Addition. Replacing an earlier structure, Good Samaritan is one of the only historic commercial buildings located on a streetcar stop on the Harwood Line from downtown.
- Good Samaritan is a Prairie foursquare beneath a hipped roof and was expanded in 1933, 1934, 1941, and 1957.
- Under the supervision of registered nurse Martha Schutze, Good Samaritan Hospital was an example of an efficient almshouse care community hospital. Operating without the supervision of physicians, Good Samaritan specialized in maternity-related cases.
- James L. and Bertha Baker applied for a license to operate the Baker Residential Hotel, which could possibly be the first licensed residential hotel for African-Americans in Dallas. The Baker Residential Hotel remained open until 2006.

Comprehensive Plan:

The historic overlay is consistent with both the Urban Design and the Neighborhood Elements of the Comprehensive Plan. Historic preservation has played a key role in defining Dallas’ unique character. Preservation historic neighborhoods and buildings creates a direct, visual link to the past, contributing to a “sense of place.”

Goal 5.1 Create a Sense of Place, Safety and Walkability

Policy 5.1.3 Encourage complementary building height, scale, design and character.

Goal 5.2 Strengthen Community and Neighborhood Identity

Policy 5.2.1 Maintain neighborhood scale and character.

Goal 7.2 Preservation of Historic and Cultural Assets

Policy 7.2.2 Create a sense of place through the built environment while maintaining the existing historic fabric.

Policy 7.2.4 Protect historic and cultural assets.

STAFF ANALYSIS:

- Both the Landmark Commission and its Designation Committee have determined this complex to be historically significant under 6 designation criteria. These criteria include; history, heritage and culture, significant persons, historic context, unique visual feature, national and state recognition and historic education.
- This overlay designation does not change the base zoning or permitted uses for the property.

CITY PLAN COMMISSION ACTION: (November 17, 2011)

Motion: It was moved to recommend **approval** of an Historic District Overlay, subject to preservation criteria on property zoned an R-5(A) Single Family Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District, on the north corner of Leland Avenue and Southland Street.

Maker: Wally
Second: Lavallaisaa
Result: Carried: 14 to 0

For: 11 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Alcantar

Against: 0
Absent: 1- Peterson
Vacancy: 0

Notices: Area 200 Mailed: 35
Replies: For: 0 Against: 0

Speaks: None

LANDMARK COMMISSION ACTION: (September 6, 2011)

This item appeared on the Commission’s discussion agenda.
Motion: Approval, subject to revised preservation criteria.

Maker: Flabiano
Second: Ridley
Results: 11/0

Ayes: Asberry, Burgin, Cruz, Flabiano, Gonzales, Norcross, Piper, Ridley, Silva, Strickland, and Ward
Against: None
Absent: Johnson
Vacancies: 4, 6 and 12

7. Representation on Existing Surveys

Alexander Survey (citywide) *local state national National Register*
 H.P.L. Survey (CBD) *A B C D Recorded TX Historic Ldmk*
 Oak Cliff *TX Archaeological Ldmk*
 Victorian Survey
 Dallas Historic Resources Survey, Phase *high medium low*

For Office Use Only

Date Rec'd: _____ Survey Verified: *Y N* by: _____ Field Check by: _____ Petitions Needed: *Y N*
 Nomination: *Archaeological Site Structure(s) Structure & Site District*

8. Historic Ownership

original owner: Martha Schultze
significant later owner(s):

9. Construction Dates

original: 1920
alterations/additions: 1933, 1934, 1941, and 1957

10. Architect

original construction: unknown
alterations/additions:

11. Site Features

natural:
urban design: 50 x 150 foot lot in historic south Dallas

12. Physical Description

Condition, check one:
 excellent *deteriorated* *unaltered* *Check one:*
 good *ruins* *altered* *original site*
 fair *unexposed* *moved(date _____)*

Describe present and original (if known) physical appearance. Include style(s) of architecture, current condition and relationship to surrounding fabric (structures, objects, etc). E laborate on pertinent materials used and style(s) of architectural detailing, embellishments and site details.

The Good Samaritan Hospital is located in Wilson's Subdivision in historic south Dallas. It is a two-story Prairie School foursquare occupying a 50 x 150 foot lot at the intersection of Leland Avenue and Southland Street. The hospital is located approximately 4 miles from downtown Dallas and approximately 1 mile from the Wheatley Place Historic District and ½ mile from the Colonial Hills National Register District.

The Good Samaritan Hospital was built in 1920 in Wilson's Subdivision of the Reeves South Side Addition. It replaced an earlier structure from 1910 by the same owner, Mr. and Mrs. Ernest Shultze.¹ The hospital faces west and its current address is 4526 Leland Avenue. The building was expanded in multiple phases beginning in 1933 and ending with a small addition in 1957.

Today, the building retains its original Prairie foursquare shape beneath a hipped roof on a raised brick foundation. The front façade features an inset brick porch with four square columns and a heavy balustrade. The exterior is sheathed in stucco. Three sets of paired one-over-one wood windows appear on the second-story. The entrance is off-set with one-over-one windows on either side.

The front yard is enclosed with a four-foot iron fence. To the left of the front sidewalk are the remnants of a small water feature fountain from the mid to late 1930s.²

Historic photographs, oral interviews, newspaper articles, and Sanborn Insurance maps help piece together a timeline for the various alterations and additions. An early photograph, taken just a few years after the building's construction, shows the foursquare was originally lap siding and featured a simple wood porch with a shed roof. The first story is unchanged, but the original second-story is revealed showing the original lap siding and three sets of one-over-one windows, a single window to the left and center, and a set of three windows to the right. A sign advertising The Good Samaritan Hospital is seen perched on the porch roof, below the set of three windows (Figure 1).

A second historic photograph, presumably taken a few years later, shows the removal of the white picket fence, and the addition of small plantings in the front and side yard (Figure 2). The Good Samaritan sign is seen in the same locations. Leland Avenue and Southland Street are still unpaved.

Sometime between the late 1920s and 1933, the original wood porch was removed and replaced with the brick porch that remains today, and a second-story was extended over the front porch. Three sets of paired windows were added. A new free-standing marquee was located at the corner of the lot, visible from both Leland Avenue and Southland Street. There is physical evidence that a rear addition was also made, although it is unclear how large.

Then in 1933 a major addition was made, roughly tripling the size of the hospital. A newspaper article dated February 19 of that year announced "(t)hese new accommodations serviced a larger population, as it renders treatment to the general public, charity patients, the aged and the infirm." The enlargement provided "35 beds, of which 14 were in well-equipped private rooms."³ The upgrade also included an upstairs operating room, a delivery room, and a downstairs laboratory.⁴ Historic photographs corroborate the article, showing the major rear addition. In one image taken

¹ Building Permit Archive, Dallas Public Library

² Interview with Tina Schutlze Smith, December 2010, conducted by Vanessa Baker.

³ Dallas Morning News, *General Service Opened at Good Samaritan Hospital*, Section 1, pg. 11, 1933-02-19

⁴ Ibid.

of the front façade, five nurses are standing on the steps of the hospital beneath a large sign (Figure 3). The image also shows the addition of a Venus de Milo statue standing in the bird fountain (Figure 4).⁵

The south side of the building, facing Southland Street, reflects the building's multiple additions. Like the front façade, the south side is wood lap siding covered with stucco. The original building is punctuated with one-over-one, double-hung wood windows.

The middle part of the addition included a second entrance to the hospital, facing Southland Street, which would eventually become the main entrance to the hospital. The Harwood Line streetcar ran down Southland Street, and stopped at the intersection of Southland and Leland and it seems likely that the main entrance was moved for increased visibility. The 1933 entrance consisted of a small gabled porch, which is now missing, and a wooden staircase, now steel. A large boxey addition was created in the rear and included an open-air loggia supported by brick columns, and a second floor ward. The second floor's one-over-one, double-hung windows still exist. The second floor loggia was enclosed in 1941 with six-over-six windows. A 1941 building permit was issued for new front and rear stairs as well as the conversion of windows to doors.

In 1957, new owners Bertha and James Baker made a small ground-level addition, adjacent to the side entry. At this time the wood stair was repaired and re-configured with the current day steel stair.

The north side of the building was never stuccoed, and still retains the original lap siding and one-over-one, double-hung wooden windows. A 6-inch indentation, one bay wide, remains from the second addition. The open-floor loggia was subsequently enclosed.

The east façade, or rear of the property, is stuccoed, with ribbon, one-over-one wooden windows across the back.

The Good Samaritan Hospital is one of the only historic commercial buildings in the area that has a streetcar stop for the Harwood Line that connected South Dallas to downtown.

⁵ Dallas Public Library Photo Archives of Good Samaritan Hospital, PA2006-3-1.

13. Historical Significance

Statement of historical and cultural significance. Include: cultural influences, special events and important personages, influences on neighborhood, on the city, etc.

The Good Samaritan Hospital began as a small community-centered hospital, owned and operated by German immigrant Martha Schultze. Martha's husband, Ernest Schultze (Figure 5), purchased the property in 1910. He was listed in the 1911 City of Dallas Directories as a grocer. The directory did not list an address, simply the north east corner of Leland at Southland. The property continued to be listed as the home of Ernest Shultze Sr. and Ernst Schultze Jr. until 1915 when Martha Schultze first appears as a nurse residing at the property (Figure 6).

In 1921, the original 1910 structure was replaced with the current building (Figure 7). The following year, Ernest Schultze deeded the property to his wife.⁶ According to City Directories, the primary purpose of the hospital, which was listed as 4618 and later 4526 Leland Avenue, was a birthing clinic. One hundred sixty-eight births were accredited to Good Samaritan Hospital in the Dallas Morning News *Birth Announcements* section from March 1938 to October 1940.⁷ This count does not include the births that resulted in adoptions. Many of the hospital's pregnant patients were unwed charity cases. Their condition was kept secret.⁸ Another population served was wealthy unwed mothers. Their condition was kept secret. To maintain anonymity for the wealthy patients, letters were fabricated, sent in bulk to Europe, and then returned to family and friends with detailed accounts of traveling with friends and seeing the sights.⁹ The babies were adopted through Hope Cottage¹⁰, and Dallas agencies¹¹ allowing the young mothers to return to school or home.

In 1929, Martha and Ernest Schultze's son, Ernest Walter, married 16-year-old Gertrude (Tudie) Klempin.¹²

The hospital was enlargement between 1932 and 1933 to include more beds; a "completely equipped operating room," in addition to the existent delivery room; and a lab (Figures 8). Along with caring for maternity patients, it rendered treatment to the general public, charity patients, the aged and the infirm.¹³ Ernest Walter Schultze operated the lab at Good Samaritan and his wife, Tudie, was a nurse. Good Samaritan Hospital closed in 1945.

During the early 1950s, the building had a second life as a residential hotel for African Americans. South Dallas was one of the areas targeted for change. As Blacks moved to what had been an all white South Dallas, some residents were not receptive, and some took extreme measures to prevent any possibility of having African American neighbors.

⁶ Dallas County Texas, Deed of Records, Warranty Deed, Volume 945, Page 190; Filed 5-17-22.

⁷ DallasNews.com Historical Archives-1885-1977, *Birth Announcements*, March 1938-October 1940.

⁸ Interview with Tina Schultze Smith January 2009, conducted by Vanessa Baker.

⁹ Oral History shared by Martha Schultze to Bertha Baker during the sale transaction of Good Samaritan., 1951.

¹⁰ Kathy Cobb, Hope Cottage Pregnancy and Adoption Center, Director of Post Adoptions, Interview conducted by Vanessa Baker.

¹¹ Interview with Tina Schultze Smith, January 2009, conducted by Vanessa Baker.

¹² Klempin Recorded History, Klempin/Schultze Photo Album.

¹³ DallasNews.com Historical Archives-1885-1977, *General Service Opened at Good Samaritan*, 1933-02-19 > Sec: I Page Eleven.

In the summer of 1951, over an 18-month period from 1950 to the summer of 1951, a 42-year old clothes presser, Claude Thomas Wright, resided at 4522 Leland, next door to the hospital. Wright admitted to taking part in five bombings on the African American community.¹⁴ Piqued by curiosity, James L. Baker and his wife, Bertha, drove to see the bomber's house. Next door to it, they saw a 'For Sale' sign in front of the former hospital. The Bakers purchased the old Good Samaritan hospital, closing on it the day before Mrs. Baker gave birth to her fourth child, VonCiel. Years later, Mrs. Baker recalled, "Ironically, Mr. Wright became the best neighbor."¹⁵

Today, the home is still owned by Mrs. Baker and her youngest daughter Vanessa.

MARTHA SCHULTZE Biography

Born in Solengen, Germany in 1879, Martha Horsch Schultze (Figure 8), was the first of 12 children. There seems to be no recorded or remembered history of Martha's childhood and young adulthood while she lived in Germany, nor is her parental history available; however, two significant facts are known. While in Germany, she received her training in the field of nursing, a skill she employed as a life career when she migrated to the United States; and while in Germany, she met Ernest Schultze of Dusseldorf, Germany. Ernest was reportedly in love with Martha's sister, Millie, yet Martha and he wed. The story behind the decision that led to Ernest and Martha's union has also been lost.

Martha and Ernest Schultze came to Dallas, Texas, around 1908. She secured employment in the field of medicine as a Registered Nurse in Dallas hospitals. On February 3, 1910, Ernest and she purchased property at 4526 Leland Avenue, at the corner of Leland Avenue and Southland Street, south of downtown Dallas. This property had been recently annexed to the city. A structure that would serve as their home was soon erected. In 1909, when Ernest was 26 years of age and Martha 30, they had a son, Ernest Walter Schultze (Figure 9). Ernest and Martha lived as husband and wife for several years before divorcing.

After Ernest and Martha divorced, Ernest deeded their home to Martha and moved to South Texas. In 1920, after 12 years of private duty nursing and working in hospitals, Martha opened the doors of the Leland Avenue property as the newly established *Good Samaritan Hospital*, a community service entity that specialized in maternity-related cases. Many births were to unwed mothers.¹⁶ During the first half of the twentieth century, unwed mothers were often stigmatized, and many women gave their children up for adoption. In some cases, unwed mothers abandoned their babies to the streets.¹⁷ In a few cases, unwed mothers were incarcerated and sterilized.¹⁸ Martha Schultze recognized this critical social concern, and privately addressed it. The German immigrant opened the *Good Samaritan* to balance the scales. She nurtured these clients and provided shelter and anonymity to them until their babies were placed in homes through Dallas' Hope Cottage and other Dallas adoption agencies. The maternal treatment she provided to this population was the foundation of her business.

¹⁴ DallasNews.com Historical Archives–1885-1977, *Suspect Tells Officers of Part in Bomb Plot*, 1951-07-14, p3.

¹⁵ Interview with Bertha Baker conducted by Vanessa Baker, March 2008.

¹⁶ Interview with Tina Schultze Smith conducted by Vanessa Baker, October 2008.

¹⁷ Hope Cottage Pregnancy and Adoption Center. History.

¹⁸ Luker, Kristin. *Dubious Conceptions: The Politics of Teenage Pregnancy*.

Good Samaritan Hospital appears to have been very successful. Martha Schultze moved to 1808 Park Row in what is now South Dallas' South Boulevard-Park Row Historic District. Between 1932 and 1933, she oversaw a major renovation of the Good Samaritan Hospital (Figure 10), and hired three registered nurses, two student nurses, and several helpers to broaden the facility's services beyond maternity needs. *Good Samaritan* rendered treatment to the general public, charity patients, the aged and the infirm—many of whom society had discarded. A *Dallas Morning News* article described her support as that which reached “a lot of charity patients.”¹⁹ Martha Schultze's granddaughter, Ernestine (Tina) Schultze Smith (Figure 11)—the only living descendant of the Schultze lineage—remembers her grandmother taking care of many who could not pay. Martha Schultze “had a chair in the upstairs hall where she sat many nights keeping watch on patients. The girls who worked in the kitchen area were pregnant, unwed and needed help. She gave them a home and then arranged to have their babies adopted.”²⁰

A pioneer in her field, Martha Schultze applied for a license to expand her maternity and nursing care services to include the 1808 Park Row residence, but the city denied her petition.²¹ She continued to manage Good Samaritan until 1945 when she could no longer keep a nursing staff due to the demand of World War II. After the hospital closed, Martha Schultze converted the structure into a multi-tenant apartment complex and operated it until 1951 when she sold it to James L. and Bertha Baker.

For 25 years, in a country where Schultze had not received citizenship, this German immigrant recognized the needs of a discarded population, and operated a facility that addressed the call. Schultze became a United States citizen on March 12, 1947 (Figure 12).²² When she left the *Good Samaritan* in 1951, she resided in the Lawnview area of Dallas. Her daughter-in-law, Mrs. Ernest Walter Schultze, cared for her after she had a stroke. Martha Schultze passed away in May, 1966, at the age of 87, survived by her son and daughter-in-law, Ernest Walter and Gertrude (Tudie), and their two children, Donald W. and Ernestine (Tina) Schultze.²³ Martha's former husband, Ernest, had passed in 1958.²⁴

BERTHA BAKER Biography

Born in Haynesville, Louisiana on February 12, 1917, Bertha Evans was the only child of 13-year-old Ola Sims. Ola, the oldest of nine siblings, had been raped. In rural Louisiana at that time, an African American man was not held accountable for such action, yet the law allowed the child to take his surname, thus Ola Sims' daughter was named Bertha Evans. 18 months after Bertha was born, her mother passed away from complications of the influenza virus that swept through America after World War I. Bertha Evans was reared by her grandmother, Agnes Sims, who had lost her husband

¹⁹ DallasNews.com Historical Archives–1885-1977, Samaritan Hospital Quarters Enlarged, 1932-01-16 Sec: II Page One.

²⁰ Interview with Tina Schultze Smith conducted by Vanessa Baker, June 2008.

²¹ DallasNews.com Historical Archives–1885-1977, *Good Samaritan Home Application Refused*, 1934-05-19, Sec: I Page Five.

²² DallasNews.com Historical Archives–1885-1977, *Naturalization Granted to 55*, 1947-03-13Sec: II Page Eleven.

²³ DallasNews.com Historical Archives–1885-1977, *Mrs. Martha Schultze*, (1966-05-10), Sec: D, Page 18

²⁴ DallasNews.com Historical Archives–1885-1977, *Deaths and Funerals* (1958-02-09), Section: Part 3, p 3

only six months before Ola passed. Agnes Sims reared her granddaughter with her nine remaining children.

Agnes Sims' family worked her father's 40-acre farm in rural Haynesville, a land grant he received at slavery's end. She and her extended family worked the land until 1929 when it was confiscated for delinquent taxes.²⁵ Agnes Sims and her children moved to town seeking domestic work until the 1933 Texas oil boom when the family moved to Kilgore, Texas. When Bertha finished her formal education, she worked in restaurants and as a domestic. Never satisfied with that condition, she took employment in the local hospital, cleaning the nurses' quarters and preparing diet trays for patients.

With the onset of World War II, many nurses left for the war. Bertha trained to become a nurse's aid. Friends encouraged her to move to Dallas where the salaries were better. In 1941, she joined the staff at Dallas' Parkland Hospital, but the following year, began work manufacturing airplane parts for the war effort. Once the war ended, she returned to Parkland and became a certified Licensed Vocational Nurse.

In 1944, Bertha married a Navy serviceman, Stanley Mason, who was from Hot Springs, Arkansas. They remained married until 1947.

Bertha's first daughter, Velorian, was born in 1946. When the young mother became pregnant with her second child, Vetia, in 1948, and had no childcare system in place, she consulted the advice of her pastor who suggested that she apply for the government's Welfare program. The divorced mother would not go on Welfare; instead, she asked what she should do to start a business keeping children. Her pastor advised her to acquire an official business license through the City of Dallas.

At city hall, the representative sent her to a downstairs window for a *Beer License*. Bertha informed the clerk that she wanted a license to keep children, not sell beer; she was told that there were no licensed facilities in Dallas for *colored* children. Bertha's persistence prevailed, and in October of 1948, Bertha received a permit for the first licensed African American nursery in the city of Dallas, *Mason's Lullaby Nursery*.²⁶

Bertha took the funds she had saved while building airplane parts to start her business. She renovated her home, and a neighbor's son printed a sign on a cardboard box. Two hours later, the first child enrolled. Word quickly spread, and the next day Bertha had four babies in the newly established, *Mason's Lullaby Nursery* at 2714 Cochran Street in the Thomas and Hall Streets community north of downtown (today Uptown Dallas).

The city representative who helped Bertha get her business license collected donations for the nursery such as sheets, cribs, blankets, infant clothes, and diapers. As Bertha's business grew, she made improvements, purchasing a washer and drier for the facility, installing central heat, and hiring several helpers. *Mason's Lullaby* offered 24-hour, seven-days-a-week daycare for working mothers, and served as many as 40 infants. This much-needed service helped many single-mothers secure employment, keeping them off the government's Welfare system.

²⁵ Interview with Bertha Baker conducted by Vanessa Baker, May 2008.

²⁶ Ibid.

Prior to the 1950s, the City of Dallas city directories did not include most African American businesses. *Mason's Lullaby Nursery* was not listed in the City Directory until 1951. Bertha (Mason) was listed as the proprietor.²⁷

In 1950 Bertha Mason and James L. Baker married. Bertha continued to operate the nursery. James owned an independent cab that served the African American community, and in 1949, he owned and operated *Baker's Music Company*, the only African American enterprise that placed juke boxes in both African American and White cafes in the city. Bertha and James lived at 2714 Cochran until 1951, when they purchased the *Good Samaritan* from Martha Schultze.

Along with other major cities across the South in the 1940s and '50s, Dallas' turbulent racial inequality gained national attention as the Separate-but-Equal (Jim Crow) Law was challenged. South Dallas was one of the areas targeted for change. As Blacks moved to what had been an all-white community, some residents were not receptive. Over an 18-month period from 1950 to the summer of 1951, a band led by 42-year-old clothes presser Claude Thomas Wright took deliberate measures to keep the all-white neighborhood segregated. The group was later exposed for bombing several African American-owned homes in South Dallas. Wright admitted to taking part in five of the attacks.²⁸

Piqued by curiosity, James and Bertha drove to see Claude Wright's home. Next door stood a sign, 'For Sale.' It was in the front yard of the former Good Samaritan Hospital that had become a newly converted apartment complex. Undaunted, the Bakers bought the building, closing the deal the day before Bertha gave birth to her fourth child, VonCiel.

The Bakers applied for a license to operate the *Baker Residential Hotel* to provide efficiency apartments and single-rooms for African Americans in Dallas. Dallas' African American demography supported the need for such residential facilities. According to the U.S. Census, the total population for the city had reached 612,500 citizens. Of that number, 82,922 were *Negro* residents, many of whom needed residential options.²⁹

The Bakers received their license for the *Baker Residential Hotel* at 4526 Leland Avenue from the City of Dallas in 1951. This African American business operated next door to Claude Wright, the lead bomber. In regards to his manner, Bertha would recall that "Mr. Wright, ironically, became the best neighbor."³⁰ Wright would occupy his property for another year before moving.

James and Bertha reared six children: Cornelius, James' son from a previous marriage; Velorian; Vetia; James, Jr.; VonCiel; and Vanessa. Bertha was not granted a license to operate *Mason's Lullaby* out of the *Good Samaritan* facility, but James continued the *Baker's Music Company* until 1964, when the couple divorced. Just as the former owner Ernest Schultze deeded the Good Samaritan

²⁷ City of Dallas City Directory, (1951).

²⁸ DallasNews.com Historical Archives-1885-1977, *Suspect Tells Officers of Part in Bomb Plot* 1951-07-14, p3.

²⁹ U.S. Census Bureau, Table 34, Vol. 2, Part 43, Page 43-98 of the Standard Metropolitan Area of Dallas, Dallas Public Library.

³⁰ Interview with Bertha Baker conducted by Vanessa Baker, February 2008.

property to Martha, James deeded the *Baker Residential Hotel* to Bertha when they divorced. Bertha Baker was proprietor of the *Baker Residential Hotel* until 2006.

In 1957, Bertha Baker trained to become a Physical Therapist Assistant. She was hired by the Dallas Independent School District and worked until 1971. From there, she went to *Dallas Easter Seal Society*, (then the *Dallas Society for Crippled Children*), to work with small children with physical challenges. For 13 years, she taught children how to walk with the goal of transferring them into mainstream education.

Bertha married Ernest Hilburn in 1977. She retired from *Dallas Easter Seal Society* in 1984 to care for her husband until he passed in 1987. She then began community volunteer work at food and clothes pantries and in missions, shelters, and outreach programs for the homeless. She cooked food for the sick and cared for many cancer patients.

At 94 years old, Bertha still owns the old *Good Samaritan Hospital* structure. Active and independent, she and her daughter Vanessa Baker work to preserve this historic building.

HISTORY OF THE AMERICAN SMALL HOSPITAL MARTHA SHULTZE AND THE GOOD SAMARITAN HOSPITAL

American Hospital care emerged during the early 19th Century as custodial assistance for the ailing poor.³¹ It was rooted in a tradition of British Christian institutions known as almshouses, established during the 10th century as services and residence to support the poor and indigent, old and distressed.³² These institutions appeared in cities and communities to shelter and treat the chronically ill, deprived, and disabled.³³ Privilege society, however, “gave birth and endured illness and even surgery at home.”³⁴ Many well-known hospitals began from the wards of almshouses.

Over the span of approximately 60 years leading to the time of the Civil War—1860s, the characteristics that are present in today’s American hospitals began to evolve. As urbanization, economic expansion and massive immigration evinced, trends in medicine produced “physician-staffed hospitals (Figures 13 and 14), with professional nursing and specialized departments and services...[H]ospitals became symbolic of their new optimism and authority.”³⁵

Prior to the 1920s, all hospitals had functioned with little money. Costs for nurses and staff were minimal, and physicians donated their time. As the urban hospital industry began to affiliate with universities and medical schools, the idea of the hospital evolved into a sophisticated and highly regarded institution. By the 1920s, the field promised hope of successfully treating and curing illnesses. The care of charity patients, thus, became less favorable, and hospitals yielded their services to the prestigiously attractive upper middle class clientele. Though challenged economically,

³¹ National Association of Public Hospitals and Health Systems, (History).

³² Alms houses...All Things British.

³³ Cutter, J. B., MD, *Early Hospital History in the United States* California State Journal of Medicine, Vol. XX, No. 8.

³⁴ National Association of Public Hospitals and Health Systems, (History).

³⁵ National Association of Public Hospitals and Health Systems, (Emergence of Public Hospitals).

the small public hospitals continued to operate as the almshouses with a commitment to treating the poor. Their meager staffs created a need. These facilities called for trained personnel as they generally functioned with merely nurses. Physicians contributed their services only when necessary (Figure 13).

In the early 1900s, a paper entitled *A Neglected Field of Nursing: The County Almshouses* was presented to the Michigan Association in Kalamazoo, Michigan. It brought attention to the immediate need for “trained nurses to work in these institutions and for pupil nurse education [to prepare student nurses to work] in almshouses.”³⁶ The Michigan State Nurses Association would provide nurses and the Michigan State Federation of Women’s Clubs would provide the salary. A 1907 follow-up editorial in the *American Journal of Nursing* endorsed the alliance between the nurses’ association and the Federation of Women’s Clubs to generate revenue to employ nurses in the almshouses; to monitor almshouse conditions; and to provide pupil nurse education.³⁷ A call for nurses to render scientific and humane care to the indigent aged was also addressed.

Dallas’ 1920 Good Samaritan Hospital was an example of efficient almshouse care. Under the supervision of registered nurse Martha Schultze, it operated without physicians. Yet the Good Samaritan had three registered nurses (Figure 15), two student nurses, and several helpers to care for the general public, charity patients, the aged and the infirm. A community of physicians was on call only when necessary. Good Samaritan also offered a unique service. This community hospital specialized in maternity-related cases. Many of the births within the hospital were to unwed mothers who could not afford medical treatment. Good Samaritan began its operation in 1920 and continued until it closed its doors of service in 1945.

LIVING QUARTERS FOR AFRICAN AMERICANS IN THE 1950s

BERTHA BAKER AND THE BAKER RESIDENTIAL HOTEL

There is little information on the residential options that were afforded to African Americans in the early half of the 1950s. The combined 1941-42/47-48 Dallas Negro City Directory was the sole index of African American businesses. During the seven-year span, the directory lists only eight to 12 hotels for *Negroes* that were possibly accommodations for African American artists and dignitaries that frequented Dallas. The directory also includes a few exclusive apartments for *Negroes*.³⁸ No licensed residential hotel was among the entries. Most African Americans that migrated to Dallas were housed in single rooms of private homes. Relatives, friends, and word-of-mouth were the liaisons for these accommodations.

Dallas’ African American demography supported the need for residential facilities in the 1950. According to the U.S. Census Bureau, the total population (that included all races counted) for the city had reached 612,500 citizens. Of that number, according to Table 34, Vol. 2, Part 43, Page 43-98 of the Standard Metropolitan Area of Dallas, there were 82,922 *Negro* residents.³⁹

³⁶ Ebersole Priscilla, and Touhy, Theris A. *First Almshouses for the Ill in the United States; Geriatric nursing: growth*

of a specialty.

³⁷ *Ibid.*

³⁸ Dallas Negro City Directory, 1941-42/47-48.

³⁹ U.S. Census Bureau, Table 34, Vol. 2, Part 43, Page 43-98 of the Standard Metropolitan Area of Dallas, Dallas

James L. and Bertha Baker took the converted apartment complex (old *Good Samaritan*) and applied for a license to own and operate the *Baker Residential Hotel*. The hotel provided efficiency apartments and single rooms with kitchen and bath accessibility for African Americans who moved to Dallas to obtain better employment.⁴⁰ The *Baker Residential Hotel* at 4526 Leland Avenue is possibly the first licensed residential hotel for African Americans in Dallas. Bertha and James Baker received their license to own and operate the business from the City of Dallas in 1951. When James and Bertha divorced in 1964, James deeded the *Baker Residential Hotel* to Bertha. Bertha Baker was proprietor of the *Baker Residential Hotel*, providing clean and safe living for people in transition, until 2006.

As the community changed, many of the surrounding homes became occupied by grandchildren, great grandchildren and renters. Illegal activity dominated the neighborhood and the *Baker Residential Hotel*, as it was known, closed its doors to occupants. Its name has been changed to *The Baker Estate*, and it is now in transition to reopen as an outreach facility for the community.

Public Library.
⁴⁰ Interview with Bertha Baker conducted by Vanessa Baker, December 2007.



Figure 1: Good Samaritan Hospital, (early to mid-1920s).



Figure 2: Good Samaritan Hospital, (mid to late-1920s).



Figure 3: Five Nurses On the Front Porch of Good Samaritan Hospital, (1933).



Figure 4: Venus de Milo Fountain.



Figure 5: Martha and Ernest Walter in front of Good Samaritan Hospital, (early 1930s).



Figure 6: Good Samaritan Hospital, south façade entrance, (post- 1933 addition).



Figure 7: Good Samaritan Hospital, (post-1933 addition).



Figure 8: Martha Schultze.



Figure 9: Martha, her son Ernest Walter, and a nurse, (early 1900s).



Figure 10: Good Samaritan Hospital, northwest corner, (post-1933 addition).



Figure 11: Tina Schultze, age 3, at Good Samaritan Hospital.

THE UNITED STATES OF AMERICA

ORIGINAL
TO BE GIVEN TO
THE PERSON NATURALIZED

CERTIFICATE OF
NATURALIZATION

No. 6463874

Petition No. 3571

Personal description of holder as of date of naturalization: Age 68 years, sex Female
complexion Fair color of eyes Blue color of hair Brown height 5 feet 1 inches
weight 139 pounds, visible distinctive marks mole lobe right ear
Marital status Divorced former nationality Germany
I certify that the description above given is true, and that the photograph affixed hereto is a likeness of me.

(Sign here)



Seal

(Complete and true signature of holder)

United States of America, s.s.
Northern District of Texas
Be it known that at a term of the U. S. District Court of
Northern District of Texas
Dallas, Texas
held pursuant to law of
March 12, 1947 the Court having found that
MARTHA SCHULTZE
then residing at 4528 Leland St., Dallas, Texas
intends to reside permanently in the United States (as here so required by the
Naturalization Laws of the United States, had in all other respects complied with
the applicable provisions of such naturalization laws, and was entitled to be
admitted to citizenship, thereupon ordered that such person be and she was
admitted as a citizen of the United States of America.
In testimony whereof the seal of the court is hereunto affixed this 12
day of March in the year of our Lord nineteen hundred and
forty-seven and of our Independence the one hundred
and seventy first year.

George W. Parker
Clerk of the U. S. District Court
By Russelle Schaeffer Deputy Clerk.

DEPARTMENT OF JUSTICE

*It is a violation of the U. S. Code (and
punishable as such) to copy, print, photograph,
or otherwise illegally use this certificate.*

Figure 12: Martha Schultze's Citizenship Document.



Figure 13: Doctors' Meeting at Good Samaritan Hospital, (c. 1933).



Figure 14: Dr. Kollie (sometimes spelled Kolly) who worked at Good Samaritan Hospital, (unknown date).



Figure 15: Martha Schultze, Head Nurse Dixie McCaleb, and Nurse Phil at south entrance, (1933).

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15. Attachments

<i>District or Site Map</i>	<input type="checkbox"/>	<i>Additional descriptive material</i>	<input type="checkbox"/>
<i>Site Plan</i>	<input type="checkbox"/>	<i>Footnotes</i>	<input type="checkbox"/>
<i>Photos (historic & current)</i>	<input type="checkbox"/>	<i>Other:</i>	<input type="checkbox"/>

16. Inventory of Structures-Historic District Only (Page ___ of ___)

Please complete this form for each structure in a proposed historic district

a. Location and Name

b. Development History

Original owner:

Architect/builder:

Construction/alteration dates:

c. Architectural Significance

Dominant style:

Condition:

Alterations:

d. Category

*Contributing ___
excellent example of an
architectural style that is
typical of or integral to the
district; retaining essential
integrity of design*

*Compatible ___
supportive of the district in age,
style and massing but is not
representative of the significant
style, period and detailing, or
area of significance typical of
the district*

*Non-contributing ___
intrusive; detracts from the
character of the district*

e. Statement of Significance

17. Designation Criteria

History, heritage and culture: Represents the historical development, ethnic heritage or cultural characteristics of the city, state, or country.

Historic event: Location of or association with the site of a significant historic event.

Significant persons: Identification with a person or persons who significantly contributed to the culture and development of the city, state, or country.

Architecture: Embodiment of distinguishing characteristics of an architectural style, landscape design, method of construction, exceptional craftsmanship, architectural innovation, or contains details which represent folk or ethnic art.

Architect or master builder: Represents the work of an architect, designer or master builder whose individual work has influenced the development of the city, state or country.

Historic context: Relationship to other distinctive buildings, sites, or areas which are eligible for preservation based on historic, cultural, or architectural characteristics.

Unique visual feature: Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city that is a source of pride or cultural significance.

Archeological: Archeological or paleontological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

National and state recognition: Eligible of or designated as a National Historic Landmark, Recorded Texas Historic Landmark, State Archeological Landmark, American Civil Engineering Landmark, or eligible for inclusion in the National Register of Historic Places.

Historic education: Represents as era of architectural, social, or economic history that allows an understanding of how the place or area was used by past generations.

Recommendation

The Designation Committee requests the Landmark Commission to deem this nominated landmark meritorious of designation as outlined in Chapter 51 and Chapter 51A, Dallas Development Code.

Further, the Designation Task Force endorses the Preservation Criteria, policy recommendations and landmark boundary as presented by the Department of Planning and Development.

Date:


Chair 27 July 2011
Designation Committee


7/27/11
Historic Preservation Planner

ORDINANCE NO. _____

An ordinance changing the zoning classification on the following property:

Being lot 7 in City Block 2/1762 located on the north corner of Leland Avenue and Southland Street; and containing approximately .18 acres;

by establishing Historic Overlay District No. 140 (Good Samaritan Hospital Historic Overlay District); providing procedures, regulations, and preservation criteria for structures and property in the district; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding the rezoning of the Property hereinafter described; and

WHEREAS, the city council finds that the Property is an area of historical, cultural, and architectural importance and significance to the citizens of the city; and

WHEREAS, the city council finds that it is in the public interest to establish this historic overlay district; Now, Therefore,

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

SECTION 1. That the zoning classification is changed by establishing Historic Overlay District No. 140 on the following property (“the Property”):
Being lot 7 in City Block 2/1762 located on the north corner of Leland Avenue and Southland Street; and containing approximately .188 acres.

SECTION 2. That the establishment of this historic overlay district shall not affect the existing underlying zoning classification of the Property, which shall remain subject to the regulations of the underlying zoning district. If there is a conflict, the regulations in this ordinance control over the regulations of the underlying zoning district.

SECTION 3. That a person shall not alter the Property, or any portion of the exterior of a structure on the Property, or place, construct, maintain, expand, demolish, or remove any structure on the Property without first obtaining a certificate of appropriateness or certificate for demolition or removal in accordance with the Dallas Development Code, as amended, and this ordinance. All alterations to the Property must comply with the preservation criteria attached to and made a part of this ordinance as Exhibit A.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000. In addition to punishment by fine, the City may, in accordance with state law, provide civil

penalties for a violation of this ordinance, and institute any appropriate action or proceedings to prevent, restrain, correct, or abate the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, demolition, or removal of a building, structure, or land on the Property.

SECTION 6. That the zoning ordinances of the City of Dallas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section I-4 of Chapter I of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By _____
Assistant City Attorney

Passed _____

**EXHIBIT A
PRESERVATION CRITERIA
GOOD SAMARITAN HOSPITAL
4526 LELAND AVE.
DALLAS, TEXAS 75215**

1. GENERAL.

- 1.1 All demolition, maintenance, new construction, public works, renovations, repairs, and site work in this district must comply with these preservation criteria.
- 1.2 Any alterations to property within this district must comply with the regulations in Chapter 51A of the Dallas City Code, as amended. If there is a conflict, these preservation criteria control.
- 1.3 Certificate of appropriateness.
 - a. A person may not alter a site within this district, or alter, place, construct, maintain, or expand any structure on the site without first obtaining a certificate of appropriateness in accordance with Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
 - b. The certificate of appropriateness review procedure outlined in Section 51A-4.501 of the Dallas Development Code, as amended, applies to this district.
 - c. Any work done under a certificate of appropriateness must comply with any conditions imposed in the certificate of appropriateness.
 - d. After the work authorized by the certificate of appropriateness is commenced, the applicant must make continuous progress toward completion of the work, and the applicant shall not suspend or abandon the work for a period in excess of 180 days. The Director may, in writing, authorize a suspension of the work for a period greater than 180 days upon written request by the applicant showing circumstances beyond the control of the applicant.
- 1.4 A person may not demolish or remove any structure in this district without first obtaining a certificate for demolition or removal in accordance with Section 51A-4.501 of the Dallas Development Code, as amended.

- 1.5 Preservation and restoration materials and methods used must comply with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library.
- 1.6 No person shall allow a structure in this district to deteriorate through demolition by neglect. Demolition by neglect is neglect in the maintenance of a structure that results in deterioration of the structure and threatens preservation of the structure. All structures in this district must be preserved against deterioration and kept free from structural defects. See Section 51A-4.501 of the Dallas Development Code, as amended, for regulations concerning demolition by neglect.
- 1.7 Consult Article XI, "Development Incentives," of the Dallas Development Code, as amended, for tax incentives that may be available in this district.
- 1.8 The period of historic significance for this district is the period from 1921 to 1951.

2. DEFINITIONS.

- 2.1 Unless defined below, the definitions in Chapter 51A of the Dallas City Code, as amended, apply.
- 2.2 APPROPRIATE means typical of the historic architectural style, compatible with the character of this district, and consistent with these preservation criteria.
- 2.3 CERTIFICATE OF APPROPRIATENESS means a certificate required by Section 51A-4.501 of the Dallas Development Code, as amended, and these preservation criteria.
- 2.4 COLUMN means the entire column, including the base and capital.
- 2.5 CONTRIBUTING STRUCTURE means a structure that retains its essential architectural integrity of design and whose architectural style is typical of or integral to this district.
- 2.6 CORNERSIDE FACADE means a facade facing a side street.
- 2.7 CORNERSIDE FENCE means a fence adjacent to a side street.

- 2.8 CORNERSIDE YARD means a side yard abutting a street.
- 2.9 DIRECTOR means the Director of the Department of Sustainable Development and Construction or the Director's representative.
- 2.10 DISTRICT means Historic Overlay District No. 140, the Good Samaritan Hospital Historic Overlay District. This district contains the property described in Section 1 of this ordinance and as shown on Exhibit B.
- 2.11 ERECT means to attach, build, draw, fasten, fix, hang, maintain, paint, place, suspend, or otherwise construct.
- 2.12 FENCE means a structure or hedgerow that provides a physical barrier, including a fence gate.
- 2.13 INTERIOR SIDE FACADE means a facade not facing a street or alley.
- 2.14 INTERIOR SIDE FENCE means a fence not adjacent to a street or alley.
- 2.15 INTERIOR SIDE YARD means a side yard not abutting a street or alley.
- 2.16 MAIN BUILDING means the Good Samaritan Hospital building, as shown on Exhibit B.
- 2.17 NO-BUILD ZONE means that part of a lot in which no new construction may take place.
- 2.18 PROTECTED means an architectural or landscaping feature that must be retained and maintain its historic appearance, as near as practical, in all aspects.
- 2.19 REAL ESTATE SIGN means a sign that advertises the sale or lease of an interest in real property.

3. BUILDING SITE AND LANDSCAPING

- 3.1 New construction is prohibited in the no-build zone shown on Exhibit B.
- 3.2 The main building is protected.

- 3.3 New driveways, sidewalks, steps, and walkways must be constructed of brick, brush finish concrete, or other appropriate material. Artificial grass, artificially-colored concrete, asphalt, exposed aggregate, and outdoor carpets are not permitted.
- 3.4 Circular driveways and parking areas are not permitted in a front yard.
- 3.5 Carports or garages are permitted outside of the no-build zone shown on Exhibit B..
- 3.6 Any new mechanical equipment may not be erected in the front yard or front 50 percent of the side yards and cornerside yards, and must be screened.
- 3.7 Landscaping
 - a. Landscaping must be appropriate, enhance the structure and surroundings, and not obscure significant views of protected facades.
 - b. The historic water feature in the front yard may be:
 - 1. repaired in its current configuration; or
 - 2. removed and replaced with an historically accurate replica.
 - c. Existing trees are protected, except that unhealthy or damaged trees may be removed.
- 3.8 Fences
 - a. Fences in the front yard must be at least 80 percent open area and no more than four feet in height.
 - b. Interior side fences must be located at least twenty feet from the front facade.
 - c. Interior side yard fences and rear yard fences may not exceed eight feet in height.
 - d. Cornerside yard fences in the front 50 percent of the cornerside yard must be at least 80 percent open area. Solid fencing may be used if the fence is in the rear 50 percent of the cornerside yard, and screening is necessary to ensure privacy due to unusually high pedestrian or vehicular traffic.

- e. Cornerside fences may not exceed six feet in height.
- f. Fences must be constructed of brick, iron, wood, a combination of these materials, or other appropriate materials.

3.9 Lighting

- a. Outdoor lighting must be appropriate and enhance the structure.
- b. Outdoor security lighting must be reviewed through the Routine Maintenance CA process.

4. **FACADES.**

4.1 Protected facades.

- a. The facades shown on Exhibit B are protected.
- b. Reconstruction, renovation, repair, or maintenance of protected facades must be appropriate and must employ materials similar to the historic materials in texture, color, pattern, grain, and module size.
- c. Historic solid-to-void ratios of protected facades must be maintained.
- d. Brick added to protected facades must match in color, texture, module size, bond pattern, and mortar color.
- e. Brick, cast stone, and concrete elements on protected facades may not be painted, except that portions of the structure that had been painted prior to the effective date of this ordinance may remain painted.
- f. The one-story 1957 addition at Southland Street may be removed.
- g. The historic porch and stair facing Southland Street may be reconstructed.

4.2 Reconstruction, renovation, repair, or maintenance of non-protected facades must be compatible with protected features.

- 4.3 Wood siding, trim, and detailing must be restored wherever practical.
- 4.4 All exposed wood must be painted, stained, or otherwise preserved.
- 4.5 Historic materials must be repaired if possible; they may be replaced only when necessary.
- 4.6 Stucco surfaces may remain. Stucco applied to wood surfaces may be removed or repaired
- 4.7 Paint must be removed in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, prior to refinishing.
- 4.8 Aluminum siding and vinyl cladding are not permitted.
- 4.9 Historic color must be maintained wherever practical. Color schemes for non-masonry elements should conform to any available documentation as to historic color.
- 4.10 Exposing and restoring historic finish materials is recommended.
- 4.11 Cleaning of the exterior of a structure must be in accordance with the Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library. Sandblasting and other mechanical abrasive cleaning processes are not permitted.

5. FENESTRATION AND OPENINGS.

- 5.1 Historic doors and windows must remain intact except when replacement is necessary due to damage or deterioration.
- 5.2 Replacement of doors and windows that have been altered and no longer match the historic appearance is recommended.
- 5.3 Replacement doors and windows must express profile, muntin and mullion size, light configuration, and material to match the historic.
- 5.4 Storm doors and windows are permitted if they are appropriate and match the existing doors and windows in profile, width, height, proportion, glazing material, and color.

- 5.5 Decorative ironwork and burglar bars are not permitted over doors or windows of protected facades. Interior mounted burglar bars are permitted if appropriate.
- 5.6 Glass and glazing must match historic materials as much as practical. Films and tinted or reflective glazings are not permitted on glass.
- 5.7 Windows in non-protected facades may be re-glazed with insulated lights. Windows must maintain the appearance of the existing units.
- 5.8 New door and window openings in protected facades are permitted only where there is evidence that historic openings have been filled or the safety of life is threatened.
- 5.9 The second-story entry door facing Southland Street may be altered to align with the finished floor level of the second floor.
- 5.10 The Secretary of the Interior's Standards for Rehabilitation and Preservation Briefs published by the United States Department of the Interior, copies of which are available at the Dallas Public Library, should be referred to for acceptable techniques to improve the energy efficiency of historic fenestration.

6. ROOFS.

- 6.1 The historic slope, massing, configuration, and materials of the roof must be preserved and maintained.
- 6.2 The following roofing materials are allowed: clay tiles, composition shingles, slate tiles, terra-cotta tiles, and wood shingles. The following roofing materials are not allowed: built-up, metal, single-ply membrane, synthetic wood shingle, and synthetic clay tile.
- 6.3 Historic eaves, coping, cornices, dormers, parapets, and roof trim must be retained, and should be repaired with material matching in size, finish, module, and color.
- 6.4 Mechanical equipment, skylights, and solar panels on the roof must be set back or screened so that they are not visible to a person standing at ground level on the opposite side of Leland Street.

7. PORCHES AND BALCONIES.

- 7.1 Historic porches and balconies on protected facades are protected.

- 7.2 Porches and balconies on protected facades may not be enclosed. It is recommended that existing enclosed porches on protected facades be restored to their historic appearance.
- 7.3 Historic columns, detailing, railings, and trim on porches and balconies are protected.
- 7.4 Porch floors must be brick, concrete, stone, or wood. Brick, concrete, and stone porch floors may not be covered with carpet or paint. Wood floors must be painted or stained. A clear sealant is acceptable on porch floors.

8. EMBELLISHMENTS AND DETAILING

- 8.1 The following architectural elements are considered important features and are protected:
 - a. The front porch masonry columns and railings.
 - b. Ganged windows except the ganged windows that enclose the side porch.

9. NEW CONSTRUCTION AND ADDITIONS.

- 9.1 Stand-alone new construction is permitted outside of the no-build zone shown on Exhibit B.
- 9.2 Vertical additions to the main building must be set back so that they are not visible to a person standing at ground level on the opposite side of any adjacent right-of-way.
- 9.3 Horizontal additions to the main building are permitted outside of the no-build zone shown on Exhibit B.
- 9.4. The color, details, form, materials, and general appearance of new construction and additions must be compatible with the existing historic structure.
- 9.5. New construction and additions must have appropriate color, detailing, fenestration, massing, materials, roof form, shape, and solid-to-void ratios.
- 9.6. The height of new construction and additions must not exceed the height of the historic structure.
- 9.7. Aluminum siding and vinyl cladding are not permitted.

9.8. The setback of new construction and additions must conform to the setback of adjacent historic structures.

9.9 New construction and additions must be designed so that connections between new construction or additions and the historic structure are clearly discernible as suggested by the Secretary of the Interior in Preservation Brief No. 14. A clear definition of the transition between new construction or additions and the historic structure must be established and maintained. Historic details in the coping, eaves, and parapet of the historic structure must be preserved and maintained at the point where the historic structure abuts new construction or additions.

10. SIGNS

10.1 Signs may be erected if appropriate.

10.2 All signs must comply with the provisions of the Dallas City Code, as amended.

10.3 Temporary political campaign signs and temporary real estate signs may be erected without a certificate of appropriateness.

11. ENFORCEMENT

11.1 A person who violates these preservation criteria is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a certificate of appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

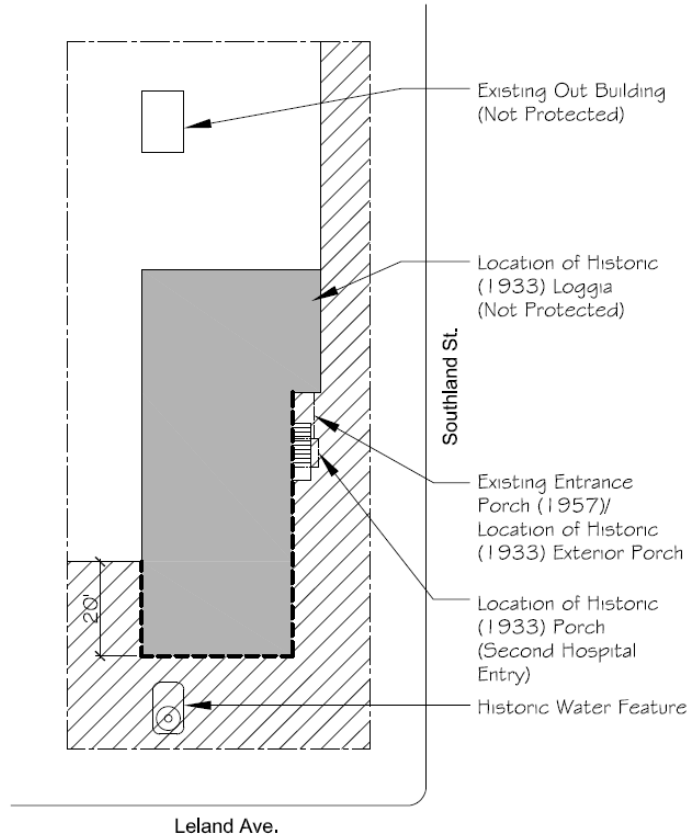
11.2 A person is criminally responsible for a violation of these preservation criteria if the person owns part or all of the property where the violation occurs, the person is the agent of the owner of the property and is in control of the property, or the person commits the violation or assists in the commission of the violation.

11.3 Any person who adversely affects or demolishes a structure in this district in violation of these preservation criteria is liable pursuant to Section 315.006 of the Texas Local Government Code for damages to restore or replicate, using as many of the original materials as possible, the structure to its appearance and setting prior to the violation. No certificates of appropriateness or building permits will be issued for construction on the site except to restore or replicate the structure. When these restrictions become applicable to a site, the Director shall cause to be filed a verified notice in the

county deed records and these restrictions shall be binding on future owners of the property. These restrictions are in addition to any fines imposed.

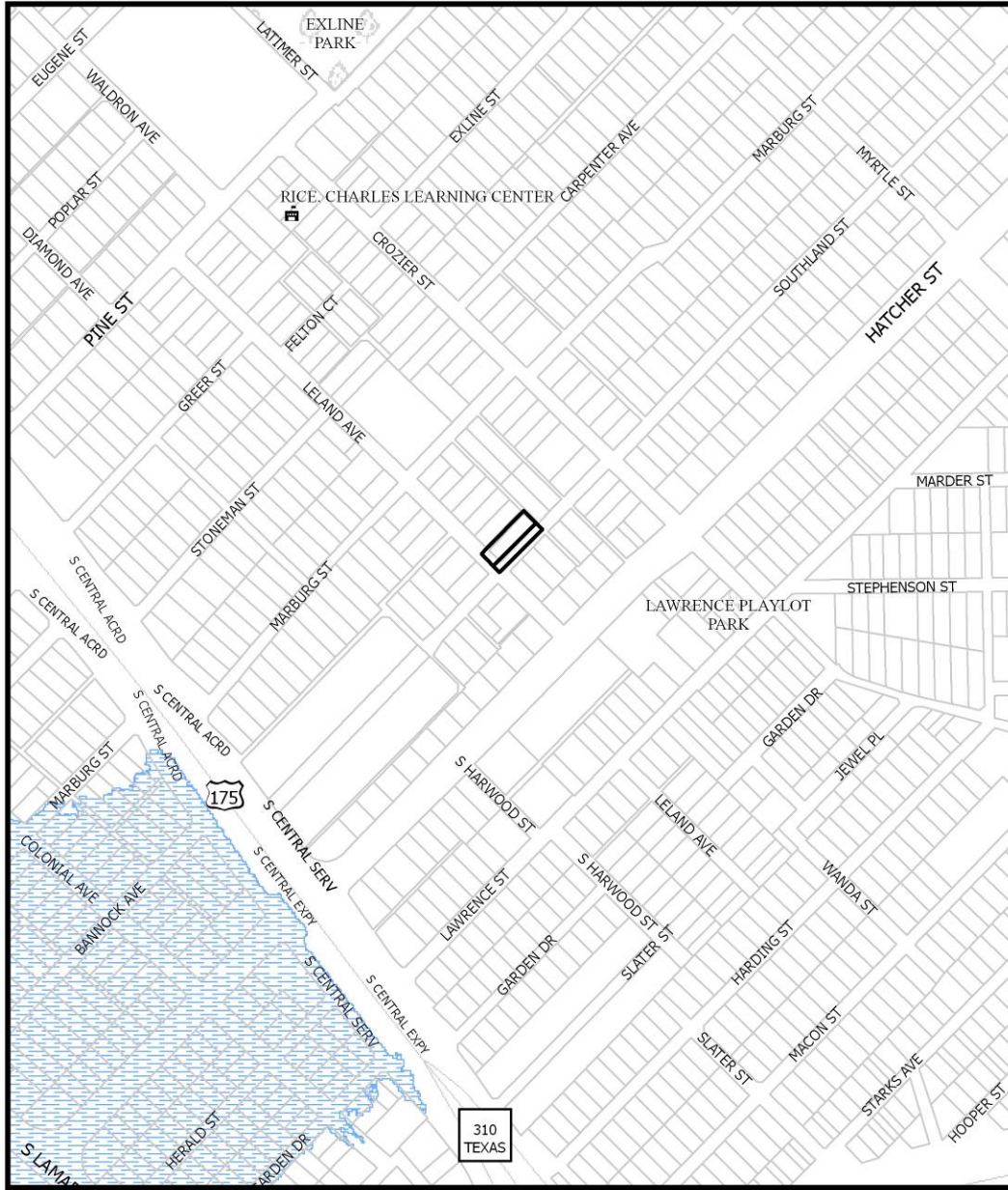
11.4 Prosecution in municipal court for a violation of these preservation criteria does not prevent the use of other enforcement remedies or procedures provided by other city ordinances or state or federal laws applicable to the person charged with or the conduct involved in the offense.

Exhibit B
Good Samaritan Hospital
4526 Leland Ave.
Dallas, Texas 75215



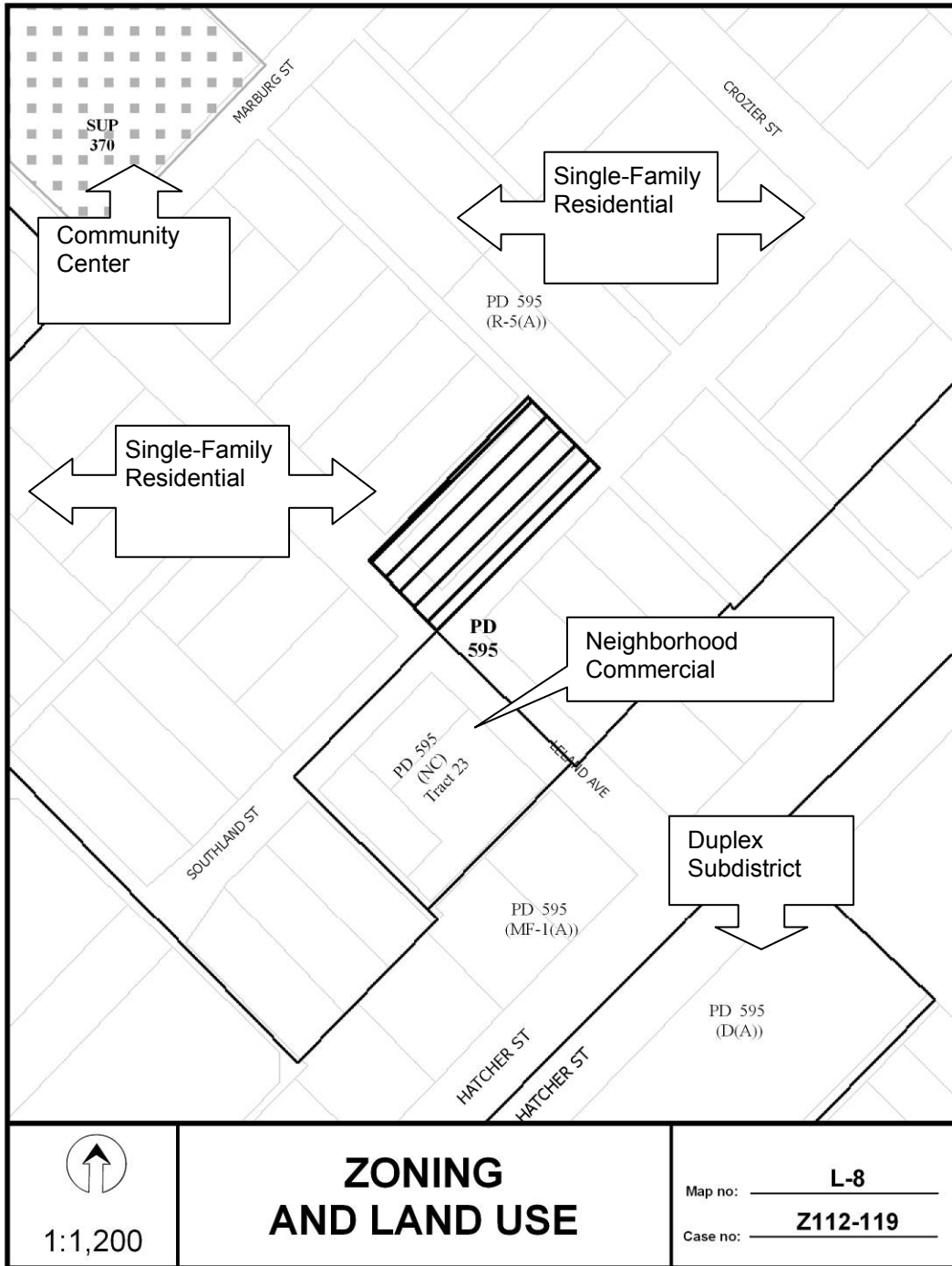
- LEGEND**
- Protected Facades
 - Limits of Designation
 - Protected Building
 - ▨ No Build Zone

November 8, 2011



 1:4,800	<h3>VICINITY MAP</h3>	Map no: <u> L-8 </u> Case no: <u> Z112-119 </u>
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DATE: October 28, 2011



DATE: October 28, 2011

CPC Responses



<u>35</u>	Property Owners Notified (38 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>11/17/2011</u>	Date

Z112-119
CPC



1:1,200

10/28/2011

Notification List of Property Owners***Z112-119******35 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4526 LELAND AVE	BAKER BERTHA LEE & BAKER VANESSA DENISE
2	4507 LELAND AVE	TRED HOLDINGS LP % JEFF BURRELL
3	4511 LELAND AVE	HUNT ROBERT R & MATTIE M HUNT
4	2319 SOUTHLAND ST	SANDERS GARY L & THELMA L KNOX
5	4515 LELAND AVE	BANKS SHIRLEY
6	4519 LELAND AVE	PENNINGTON HERMAN E
7	4523 LELAND AVE	MCGEE EDNA
8	4510 LELAND AVE	DONALDSON VERTA M
9	4514 LELAND AVE	GODBOLT BOBBY G S
10	4518 LELAND AVE	STRICKLIN MICHAEL D
11	4522 LELAND AVE	DUNN R T JR
12	2416 MARBURG ST	HUBBARD JOHN W & WANDA
13	2418 MARBURG ST	BIRCH DORIS A
14	2415 SOUTHLAND ST	WILKINS BETTY
15	2417 SOUTHLAND ST	SMITH SHERIAN L
16	4509 CROZIER ST	TONEY JAMES C
17	4513 CROZIER ST	WASHINGTON SHAWANA
18	4519 CROZIER ST	TONEY CRAIG E & SHARON
19	4527 CROZIER ST	WRIGHT RICKIE M
20	2320 SOUTHLAND ST	HICKS COURTNEY
21	2330 SOUTHLAND ST	KHAZEM ALI
22	4609 LELAND AVE	LELAND STREET BAPTIST
23	2322 SOUTHLAND ST	BLALOCK BOBBIE JEAN
24	2404 SOUTHLAND ST	LEWIS PERCY F JR
25	2408 SOUTHLAND ST	COOK REBA
26	2400 SOUTHLAND ST	MCGREGOR EUOLLIS ESTATE OF

Z112-119 (MD)

10/28/2011

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	4607 CROZIER ST	LEWIS PERCY F
28	4611 CROZIER ST	FUQUEZ INVESTMENTS INC FUNDING INC
29	2441 HATCHER ST	TOPLETZ HAROLD ET AL STE 301
30	2414 SOUTHLAND ST	WILLIAMS CAMELLIA & RODERICK W SHIRLEY
31	2418 SOUTHLAND ST	LEWIS PERCY FRANK JR
32	2435 HATCHER ST	TOPLETZ JACK M ET AL SUITE 301
33	4603 CROZIER ST	LEWIS JUANITA MARIE
34	2403 HATCHER ST	KOUROSH INVESTMENT LLC
35	2425 HATCHER ST	KOUROSH INV LLC

Tuesday, April 19, 2011

AGENDA ITEM # 35

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 58 M

SUBJECT

An application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use of greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Lake June Road between Baywood Street and Holcomb Road

Recommendation of Staff: Approval of the D-1 Liquor Control Overlay limited to the Specific Use Permit request area only and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval of the D-1 Liquor Control Overlay limited to the Specific Use Permit request area only and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions

Z101-389(MG)

FILE NUMBER: Z101-389 (MG)

DATE FILED: September 16, 2011

LOCATION: North line of Lake June Road between Baywood Street and Holcomb Road

COUNCIL DISTRICT: 5

MAPSCO: 58 M

SIZE OF REQUEST: Approx. 5.18 acres

CENSUS TRACT: 92.01

REPRESENTATIVE: Michael R. Coker Company

APPLICANT/OWNER: Ruben Martinez

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet on property zoned a CR-D Community Retail District with a D Liquor Control Overlay.

SUMMARY: The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing general merchandise or food store.

CPC RECOMMENDATION: Approval of the D-1 Liquor Control Overlay limited to the Specific Use Permit request area only and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of the D-1 Liquor Control Overlay limited to the Specific Use Permit request area only and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The 5.18 acre request site is currently developed with a retail strip center containing general merchandise and personal service uses including an approximately 19,781 square foot general merchandise and food store use.
- The request site is surrounded by single family development to the north, personal service and auto related uses to the east, retail furniture outlet to the south and a church adjacent to the west.
- The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing general merchandise and food store.
- The general merchandise use is permitted by right in the CR Community Retail District. The sale of alcoholic beverages on property regulated by the D Liquor Control Overlay is prohibited.
- The sale of alcoholic beverages on property regulated by the D-1 Liquor Control Overlay is allowed with a Specific Use Permit only.
- The proposal as submitted is to change the D Liquor Control Overlay on the entire 5.18 acre request site and for a Specific Use Permit on a portion limited to the existing 19,781 square foot general merchandise store.
- In regards to the D-1 Liquor Control Overlay, CPC and staff's recommendation is for approval limited to the Specific Use Permit request area.

Zoning History: There have been three zoning changes requested in the area.

1. Z101-239 On Wednesday, August 10, 2011, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet.
2. Z101-186 On Wednesday, June 22, 2011, the City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet.
3. Z101-181 On Wednesday, June 22, 2011, the City Council approved a D-1 Liquor Control Overlay

and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lake June Road	Principal Arterial	80 ft.	80 ft.

Land Use:

	Zoning	Land Use
Site	CR-D	General Merchandise/Food Store
North	R-7.5(A)	Single family
South	CR-D	Retail
East	CR-D/RR-D	Personal Service/Auto Service
West	CR-D, R-7.5(A)	Church/Single family

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Residential Neighborhood Block.

This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

LAND USE

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility:

The request site is currently developed with a retail strip center containing general merchandise and personal service uses including an approximately 19,781 square foot general merchandise and food store use. The request site is surrounded by single family development to the north, personal service and auto related uses to the east, retail furniture outlet to the south and a church adjacent to the west. The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing general merchandise and food store.

The proposal as submitted is to change the D Liquor Control Overlay on the entire 5.18 acre request site and for a Specific Use Permit on a portion limited to the existing 19,781 square foot general merchandise store.

The "D" Overlay District is a Liquor Control Overlay District which prohibits an individual from selling or serving alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The above mentioned church is located immediately adjacent to the western boundary of the subject property. The proposed use must be a minimum of 300 feet away. This

distance is measured front door to front door along right-of-way lines. The front door of the church is 427.2 feet away from the front door of the request site.

The adjacent commercial and residential uses are compatible with the existing and proposed use on the subject property. The applicant is proposing to maintain the general merchandise and food store use. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

With the limitation of the D-1 Liquor Control Overlay to the requested Specific Use Permit area, the applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR- existing Community Retail	15'	20' adjacent to residential OTHER: No Min.	NA	54'	60%	Proximity Slope Visual Intrusion	Business, community

Parking/Traffic:

The Dallas Development Code requires off-street parking to be provided for a general merchandise use at one space for each 200 square feet of floor. The existing development requires 99 spaces, and 99 spaces are provided as shown on the attached site plan. The request area is part of a shopping center that requires 195 parking spaces, while 248 parking spaces are provided.

Landscaping:

Landscaping required per Article X of the Dallas Development Code.

CPC Action: November 17, 2011

Motion: It was moved to recommend **approval** of a D-1 Liquor Control Overlay limited to the Specific Use Permit request area only and **approval** a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store use greater than 3,500 square feet for a two-year period, subject to a site plan and conditions on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the north line of Lake June Road between Baywood Street and Holcomb Road.

Maker: Rodgers
 Second: Bernbaum
 Result: Carried: 14 to 0

Z101-389 (MG)

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Alcantar

Against: 0

Absent: 1 - Peterson

Vacancy: 0

Notices: Area: 400 Mailed: 123

Replies: For: 6 Against: 5

Speakers: For: Michael Coker, 2700 Swiss Ave., Dallas, TX, 75204

Against: None

DPD Report

DALLAS POLICE DEPARTMENT										
Virtual Viewer - Public Access										Welcome
Search Records - Offense Filter										
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0003883-Y	01/05/2011	ORTIZ, JESSIE	ASSAULT	08443		LAKEJUNERD	333	1253	08112	
0020492-Y	01/24/2011	JOHNSON, LONYTENNE	ASSAULT	08443		LAKEJUNERD	333	1253	08411	
0056865-Y	03/07/2011	DURAN,GABRIEL G	TRAFFIC MOTOR VEHICLE	08443		LAKEJUNERD	333	1253	32090	
0093208-W	04/04/2009	PINTO,VERONICA,C	THEFT	08443		LAKEJUNERD	333	1253	06903	
0172397-W	06/14/2009	*TIP; & TOE NAIL	FRAUD	08443		LAKEJUNERD	333	1253	11020	
0193530-Y	07/22/2011	VILLASENOR,FLORENCIO	AUTO THEFT-UUMV	08443		LAKEJUNERD	333	1253	07A11	
0237868-V	08/01/2008	HODGE,CHERYL	DISORDERLY CONDUCT	08443		LAKEJUNERD	336	1253	24230	
0253338-T	04/10/2007	*IMAGEN LATIN UNISEX	ROBBERY	08443		LAKEJUNERD	329	1253	03731	
0320215-V	10/15/2008	AGUILAR, ARNULFO	THEFT	08443		LAKEJUNERD	336	1253	06951	
0367537-V	12/02/2008	*JJM TIRES	CRIMINAL MISCHIEF/VANDALISM	08443		LAKEJUNERD	336	1253	14083	
0372118-W	12/18/2009	NOVEDADES, SAN JUD	OTHER OFFENSES	08443		LAKEJUNERD	333	1253	26000	
0400507-T	05/31/2007	FAVELA, MARIA	THEFT	08443		LAKEJUNERD	329	1253	06121	
0749493-T	11/25/2007	*IMAGEN LATINA	ROBBERY	08443		LAKEJUNERD	336	1253	03712	
0971299-R	12/29/2006	*VERO EXPRESSIONS BOUTIQU	CRIMINAL MISCHIEF/VANDALISM	08443		LAKEJUNERD	329	1253	14082	

Page 1 of 1 (14 items)

Search Records - Offense Filter										
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0034292-X	02/05/2010	GONZALEZ,MIREYA	ASSAULT	08433		LAKEJUNERD	333	1253	08312	08322
0052219-T	01/23/2007	*NNA COMMUNICATIONS	BURGLARY	08433		LAKEJUNERD	329	1253	05138	
0064259-W	03/07/2009	*NNA COMMUNICATIONS	THEFT	08433		LAKEJUNERD	333	1253	06931	
0098032-Y	04/18/2011	SILVA,MARISOL	THEFT	08433		LAKEJUNERD	333	1253	06901	06121
0127336-X	05/08/2010	NAVARRO, MIGUEL	ASSAULT	08433		LAKEJUNERD	333	1253	08122	
0160259-Y	06/18/2011	*T-MOBILE	THEFT	08433		LAKEJUNERD	333	1253	06931	
0165763-W	06/09/2009	*NEVERIA ICE CREAM	CRIMINAL MISCHIEF/VANDALISM	08433		LAKEJUNERD	333	1253	14081	
0192392-W	07/02/2009	GONZALES, MIREYA	ASSAULT	08433		LAKEJUNERD	333	1253	26760	08392
0209847-X	07/26/2010	BERTA,AGUILAR	ASSAULT	08433		LAKEJUNERD	333	1253	08311	
0264388-W	09/05/2009	*T-MOBILE USA	ROBBERY	08433		LAKEJUNERD	333	1253	03411	
0496912-T	07/04/2007	*N & A COMMUNICATIONS	BURGLARY	08433		LAKEJUNERD	329	1253	05138	
0497033-T	07/03/2007	*EL PALETON LLC	CRIMINAL MISCHIEF/VANDALISM	08433		LAKEJUNERD	329	1253	14082	
0744165-T	11/20/2007	*N AND A COMMUNICATIONS	BURGLARY	08433		LAKEJUNERD	336	1253	05137	14092
0758841-T	12/04/2007	*N & A COMMUNICATIONS LL	BURGLARY	08433		LAKEJUNERD	336	1253	05231	

Page 1 of 1 (14 items)

CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

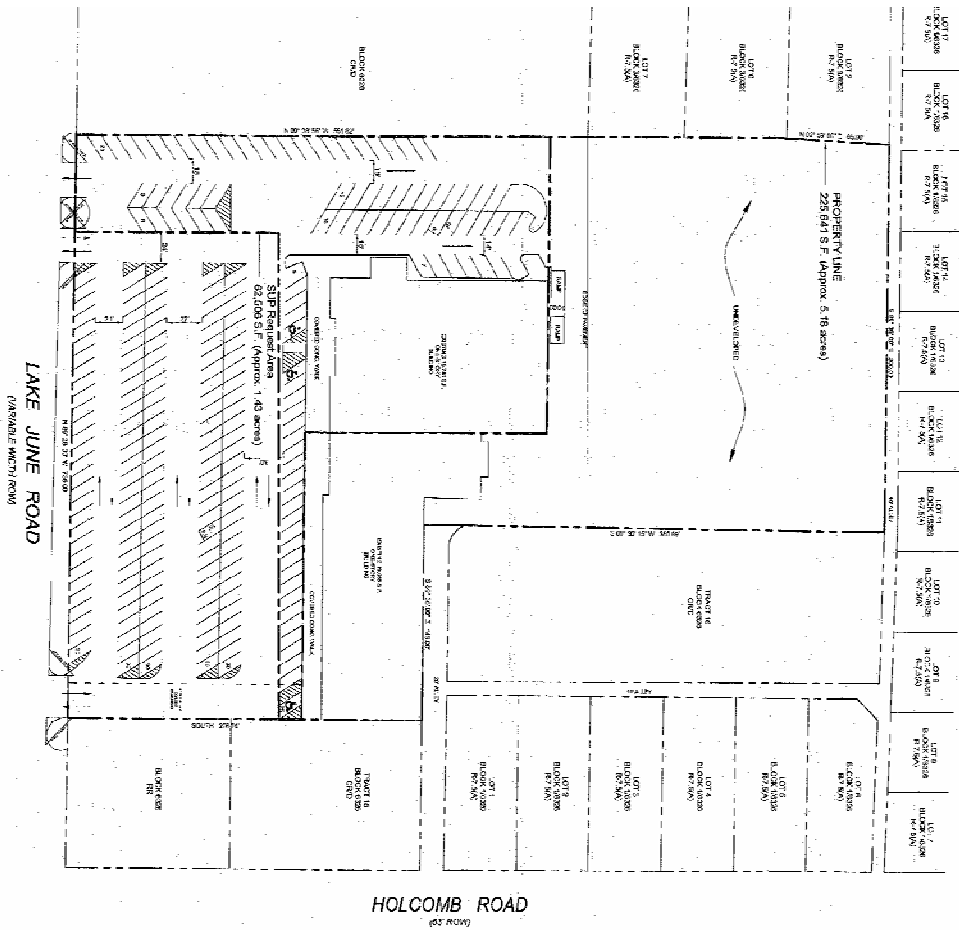
CPC'S RECOMMENDATION

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>). |
|--|

STAFF'S RECOMMENDATION

- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (<u>two years</u>), but is eligible for automatic renewal for additional <u>five-year</u> periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.) |
|--|
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

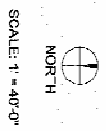
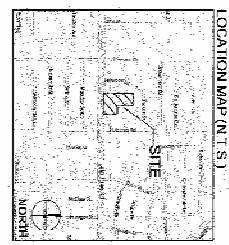
SITE PLAN



HOLCOMB ROAD
60' ROW

LAKE JUNE ROAD
(PARALLEL W/CHY ROW)

LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.	LOT 16 BLOCK 1608 16,750 S.F.
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NOTES

OWNER: RUBEN MARTINEZ
 200 E. JEFFERSON BOULEVARD
 DALLAS, TEXAS 75201

SITE:
 LOT AREA: 818 ACRES (225.64 S.F.)
 TOTAL BUILDING AREA: 83,598 S.F.
 CONCRETE PAVEMENT: 5,287 S.F.
 LOT COVERAGE: 20%
 PAR. 0.17

PARKING:
 8431 LAKE JUNE GEN. MERCHANDISE/FOOD STORE ->
 3,500 S.F. - 19,761 S.F./200 = 99 SPACES REQUIRED

8411 LAKE JUNE GEN. MERCHANDISE/FOOD STORE ->
 3,500 S.F. - 0,000 S.F./200 = 30 SPACES REQUIRED

8428 LAKE JUNE PERSONAL SERVICE, 2,418 S.F./200 =
 12 SPACES REQUIRED

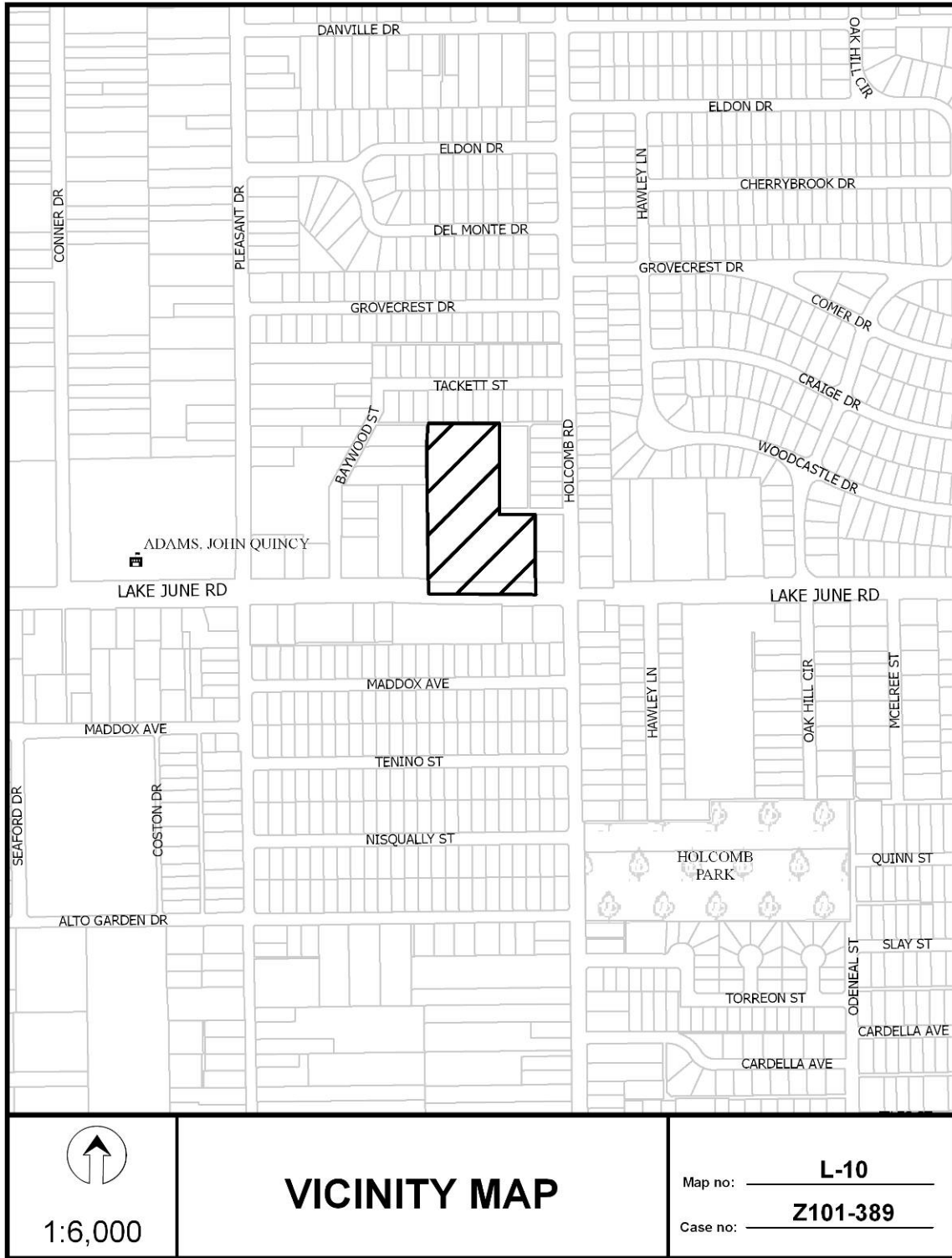
8427 LAKE JUNE GEN. MERCHANDISE/FOOD STORE ->
 3,500 S.F. - 2,300 S.F./200 = 12 SPACES REQUIRED

8431 LAKE JUNE DRY CLEANING/LAUNDRY STORE
 2,788 S.F./200 = 14 SPACES REQUIRED

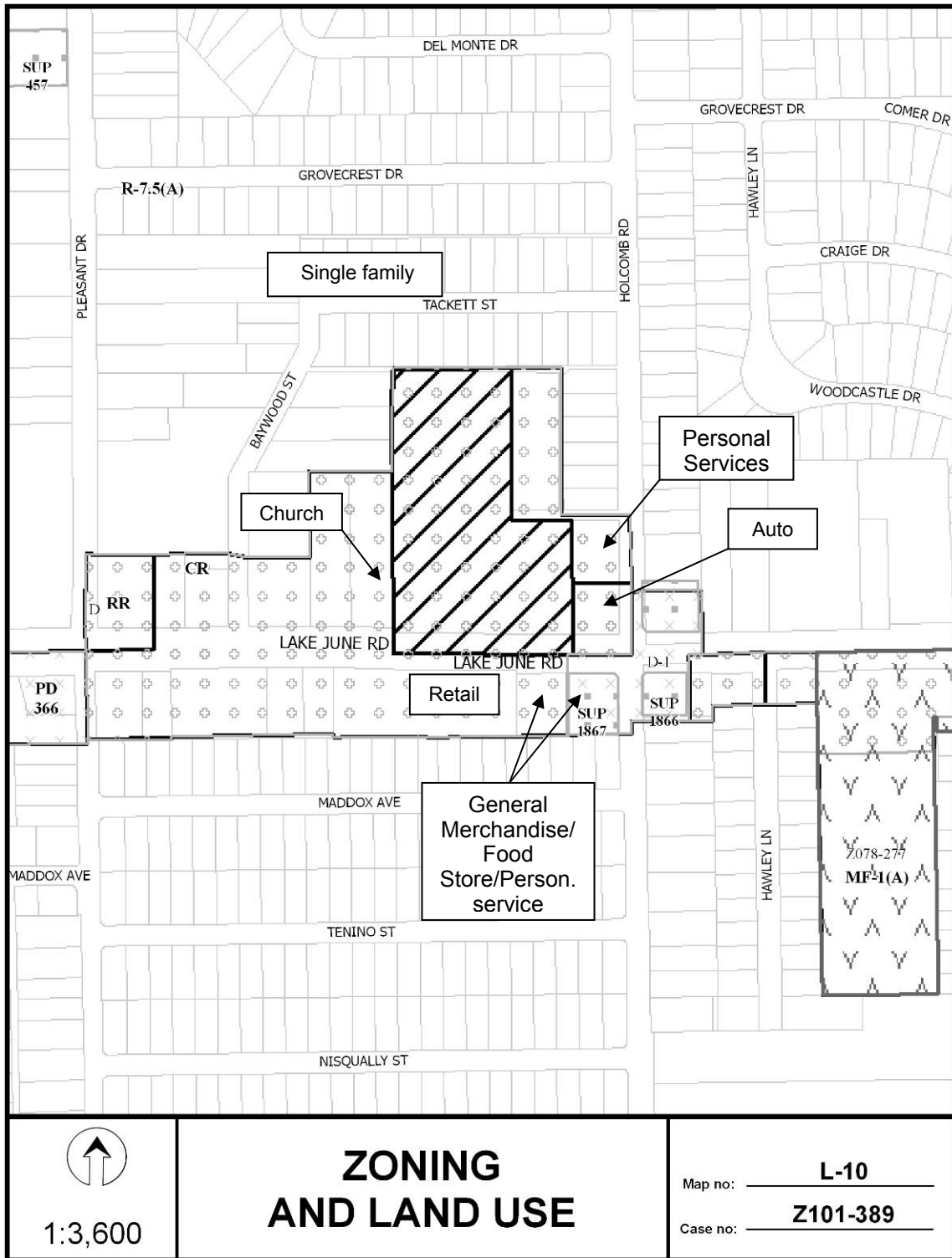
8433 LAKE JUNE GEN. MERCHANDISE/FOOD STORE ->
 3,500 S.F. - 5,519 S.F./200 = 28 SPACES REQUIRED

TOTAL PARKING REQUIRED: 196 SPACES
TOTAL PARKING PROVIDED: 208 SPACES

SUP. REQUIRES:
 SUP. AREA: 82,806 S.F. (Approx. 1.43 acres)
 H/LOCK AREA: 18,781 S.F.
 SUP. PARKING PROVIDED: 80 SPACES
 SUP. PARKING PROVIDED: 80 SPACES

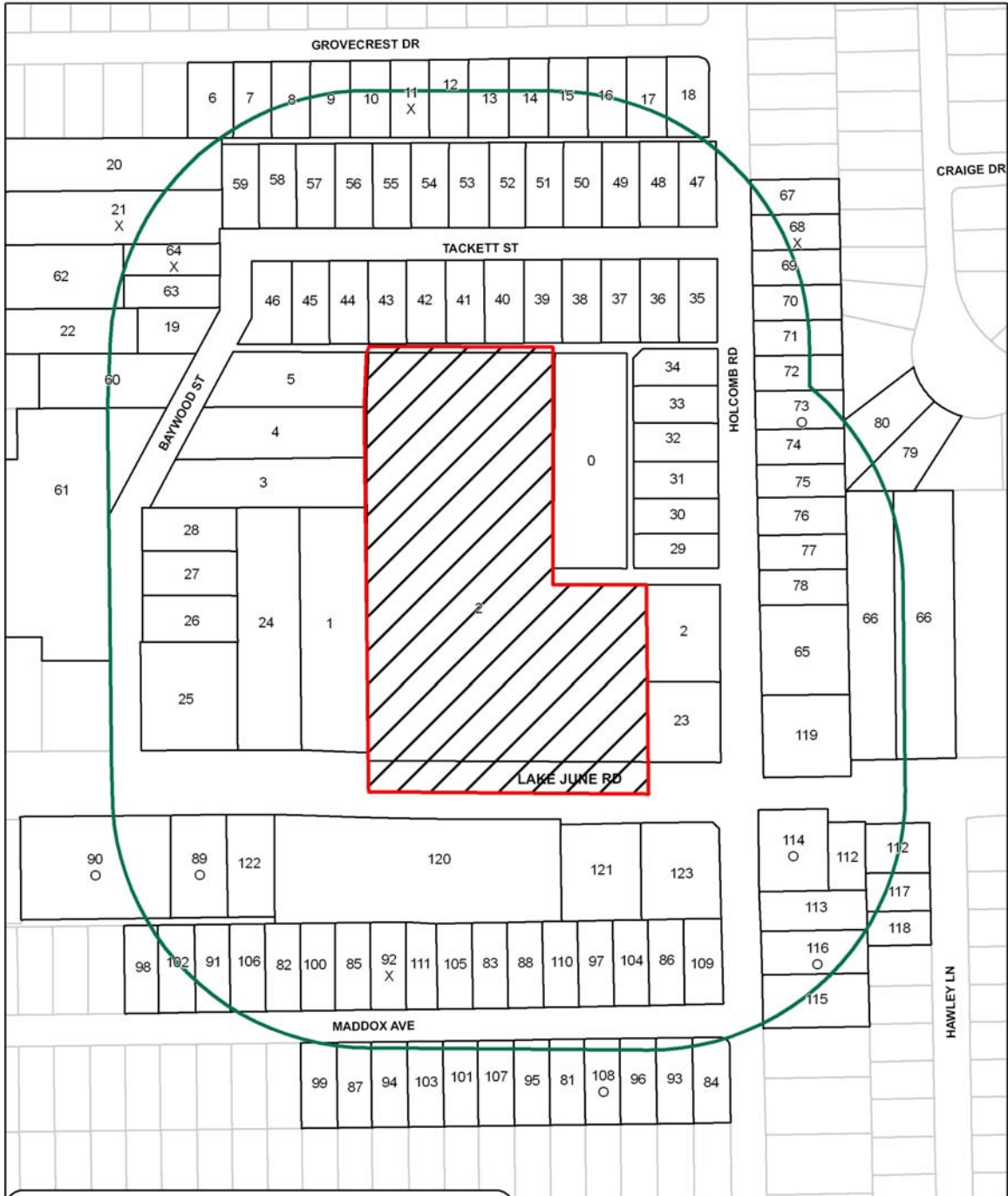


DATE: October 27, 2011



DATE: November 02, 2011

CPC RESPONSES



<u>123</u>	Property Owners Notified (127 parcels)
<u>6</u>	Replies in Favor (6 parcels)
<u>5</u>	Replies in Opposition (5 parcels)
<u>400'</u>	Area of Notification
<u>11/17/2011</u>	Date

Z101-389
CPC



1:2,400

Notification List of Property

Z101-389

123 Property Owners Notified 5 Property Owners Opposed 6 Property Owners in

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	1	8353 LAKE JUNE RD	GRACE & TRUTH APOSTOLIC
	2	8407 LAKE JUNE RD	MARTINEZ RUBEN
	3	1338 BAYWOOD ST	MARTINEZ GUSTAVO
	4	1404 BAYWOOD ST	LUVIANO ROGELIO & CRUZ PATRICIA
	5	1410 BAYWOOD ST	CASTANEDA SEBASTIAN G
	6	8330 GROVECREST DR	FLORES ESPERANZA S
	7	8334 GROVECREST DR	WEED KELLY & KATHY
	8	8338 GROVECREST DR	HERNANDEZ NICOLAS
	9	8402 GROVECREST DR	SANCHEZ ISIDRO & GLORIA
	10	8406 GROVECREST DR	CAPPS MATTIE ESTELLE
X	11	8410 GROVECREST DR	GIBBONS LORETTA MARY
	12	8414 GROVECREST DR	GARCIA LEOPOLDO JR &
	13	8418 GROVECREST DR	RUIZ JOSE G
	14	8422 GROVECREST DR	VELAZQUEZ ALFONSO H &
	15	8426 GROVECREST DR	HEIMANN WAYNE EDWARD
	16	8430 GROVECREST DR	SANTOYO SAUL &
	17	8434 GROVECREST DR	SANTOYO MARIA DEL CARMEN
	18	8438 GROVECREST DR	SANTOYO SAUL
	19	1415 BAYWOOD ST	HERNANDEZ MARIA CECILIA
	20	1432 PLEASANT DR	DELGADO IGNACIO & PAULINA ACOSTA
X	21	1426 PLEASANT DR	ROSILLO MANUEL &
	22	1414 PLEASANT DR	GONZALEZ MARBELLA
	23	8449 LAKE JUNE RD	ORTIZ JOSE & SANDRA
	24	8341 LAKE JUNE RD	MENDOZA JUAN
	25	8333 LAKE JUNE RD	MARTIN MARLIN RAY JR
	26	1320 BAYWOOD ST	SIERRA LUIS & CLARITA

Z101-389 (MG)

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
27		1326 BAYWOOD ST	ANDRADE ALFREDO
28		1332 BAYWOOD ST	ORTIZ AGUSTIN SALAZAR & JOSEFINA
29		1329 HOLCOMB RD	ROMANS MATTIE W
30		1333 HOLCOMB RD	LOY BARBARA JO
31		1339 HOLCOMB RD	SANTILLAN DANIEL GARCIA &
32		1403 HOLCOMB RD	JOHNSON EVELENE &
33		1407 HOLCOMB RD	FACUNDO ELIBERIO
34		1411 HOLCOMB RD	SERRATOS AGUSTIN
35		8458 TACKETT ST	MATA CARMEN
36		8454 TACKETT ST	TINAJERO JOSE D & TERESA
37		8450 TACKETT ST	FAVELA MANUEL
38		8444 TACKETT ST	CARCAMO JOSE G
39		8440 TACKETT ST	MCGLOTHLIN OUIDA F
40		8436 TACKETT ST	MCCARTER JAMES E JR
41		8430 TACKETT ST	ZAMUDIO ARMANDO R
42		8426 TACKETT ST	GONZALEZ JAVIER ALVARADO &
43		8422 TACKETT ST	MONTER HERMINIO
44		8416 TACKETT ST	OJEDA JOSE A
45		8412 TACKETT ST	BERGMANN FREDERICK JOHN
46		8406 TACKETT ST	BEAM JEFFREY L
47		8459 TACKETT ST	MALDONADO JOSE A &
48		8455 TACKETT ST	RIVERA MARISSA RENE
49		8449 TACKETT ST	MARTINEZ JOSE M
50		8445 TACKETT ST	SPRIGGS REALTY TRUST
51		8441 TACKETT ST	CARCAMO JOSE G &
52		8435 TACKETT ST	ROBLES GERARDO &
53		8431 TACKETT ST	VEGA LEONEL & YOLANDA
54		8427 TACKETT ST	BOCANEGRA OUDELIA R
55		8423 TACKETT ST	VELIZ GRACIELA
56		8417 TACKETT ST	RODRIGUEZ LUIS ALFONSO &
57		8413 TACKETT ST	ESQUIVEL PEDRO &

Z101-389 (MG)

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	58	8407 TACKETT ST	URIBE LETICIA
	59	8403 TACKETT ST	OPOKUBOATENG KWASI
	60	1409 BAYWOOD ST	PLEASANT GROVE
	61	1324 PLEASANT DR	PLEASANT GROVE CHRISTIAN
	62	1418 PLEASANT DR	GONZALES ELEAZAR ALVAREZ
	63	1419 BAYWOOD ST	OVALLE NICOLAS &
X	64	1423 BAYWOOD ST	GRAHAM PEGGY
	65	1316 HOLCOMB RD	SILVA JOSEFINA
	66	8513 LAKE JUNE RD	SMITH ALVIE DOUGLAS
	67	1434 HOLCOMB RD	MARSHALL RICHARD L
X	68	1430 HOLCOMB RD	PEACH GROVE HOLDINGS
	69	1424 HOLCOMB RD	LEE CHARLES E
	70	1420 HOLCOMB RD	ALVARADO FEDERICO
	71	1416 HOLCOMB RD	COURSEY KENNETH RAY
	72	1410 HOLCOMB RD	GARCIA RAMIRO
O	73	1406 HOLCOMB RD	HOLCOMB JOINT VENTURE
	74	1402 HOLCOMB RD	CONTRERAS CATARINO
	75	1338 HOLCOMB RD	MCINTIRE JAMEY S HAWKINS
	76	1332 HOLCOMB RD	GOMEZ MARIA
	77	1328 HOLCOMB RD	MORENO ROSA
	78	1324 HOLCOMB RD	MONGE JOSE &
	79	8600 WOODCASTLE DR	RODRIGUEZ ZENON &
	80	1401 HAWLEY LN	DURON RICARDO MENDOZA
	81	8434 MADDOX AVE	RAMIREZ JOHN M
	82	8347 MADDOX AVE	TORRES WALTER A GONZALEZ
	83	8425 MADDOX AVE	BOBOTAS ALEXANDER LF EST
	84	8450 MADDOX AVE	HERNANDEZ MARIA
	85	8407 MADDOX AVE	BRUNO ADEAN
	86	8447 MADDOX AVE	HERNANDEZ JOSE GUADALUPE
	87	8406 MADDOX AVE	GUTIERREZ DEBORAH
	88	8429 MADDOX AVE	SALDIVAR DOMINGO M

Z101-389 (MG)

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
O	89	8336 LAKE JUNE RD	FROSSARD T V JR
O	90	8318 LAKE JUNE RD	FROSSARD T E JR
	91	8339 MADDOX AVE	RUIZ CLAUDIA
X	92	8411 MADDOX AVE	HANSON ELSIE &
	93	8446 MADDOX AVE	BOWEN BRENDA
	94	8410 MADDOX AVE	HERNANDEZ ANSBERTO
	95	8428 MADDOX AVE	APOLLO FINANCIAL INC
	96	8442 MADDOX AVE	HERNANDEZ GIL
	97	8439 MADDOX AVE	PERRUSQUIA VERONICA
	98	8329 MADDOX AVE	STILWELL TOM BILL
	99	8402 MADDOX AVE	ARREDONDO JULIO CESAR HERNANDEZ &
	100	8403 MADDOX AVE	CASTILLO NOEMY
	101	8420 MADDOX AVE	LLAMAS MIGUEL
	102	8335 MADDOX AVE	SALAZAR WILLIAM F
	103	8416 MADDOX AVE	MADRID JESUS
	104	8443 MADDOX AVE	HERNANDEZ JOSE BELEN
	105	8421 MADDOX AVE	FLORES LUCIO Z & MARIA
	106	8343 MADDOX AVE	GARCIA JOSE MANUEL JR &
	107	8424 MADDOX AVE	MENDEZ FRANCISCO JAVIER
O	108	8438 MADDOX AVE	MECCA APRIL INC
	109	8451 MADDOX AVE	ALVARADO JAVIER &
OLIMPIA			
	110	8435 MADDOX AVE	STANFORD JOHN M
	111	8417 MADDOX AVE	URBINA ROLANDO
	112	8516 LAKE JUNE RD	MUMITH FAHIM
	113	1236 HOLCOMB RD	DURAN JOSE JORGE
O	114	8502 LAKE JUNE RD	CHIN ROBERT K &
	115	1224 HOLCOMB RD	MARTINEZ JACINTO &
O	116	1232 HOLCOMB RD	WILLIAMSON LINDA E
	117	1231 HAWLEY LN	HERNANDEZ ROGELIO
	118	1227 HAWLEY LN	MENDEZ BELEN V
	119	8505 LAKE JUNE RD	IBRAHIM RETAIL GROUP INC

Z101-389 (MG)

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
120		8416 LAKE JUNE RD	K KELLER ENTERPRISES INC
121		8440 LAKE JUNE RD	WASH JUNE INC
122		8388 LAKE JUNE RD	DIAZ JUAN
123		8470 LAKE JUNE RD	A & Z TASTY FOODS LP

Tuesday, November 22, 2011

AGENDA ITEM # 36

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 11
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 4 Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-1 Mixed Use District on the west side of Knoll Trail Drive, north of Arapaho Road

Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions

Z101-249(MW)

Note: This item was considered by the City Council at a public hearing on December 14, 2011, and was taken under advisement until January 11, 2012, with the public hearing open.

FILE NUMBER: Z101-249 (MW)

DATE FILED: April 12, 2011

LOCATION: West side of Knoll Trail Drive, north of Arapaho Road

COUNCIL DISTRICT: 11

MAPSCO: 4-Z

SIZE OF REQUEST: ±9,912 square feet

CENSUS TRACT: 136.12

OWNER: Prestonwood Partners, LTD
(Jerome M. Skibell, sole member/owner)

APPLICANT: Adanac Hospitality, Inc.

REPRESENTATIVE: Logos and Company, Rebekah Kim

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-1 Mixed Use District.

SUMMARY: The applicant proposes to operate a ±9,912-square foot alcoholic beverage establishment within an existing shopping center.

CPC RECOMMENDATION: Approval for a two-year period subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The request site comprises ±9,912 square feet of floor area within an existing shopping center. The shopping center includes a variety of retail and personal service uses.
- The establishment operating on the request site was issued a certificate of occupancy for a restaurant without drive-in service on August 18, 2010.
- The establishment includes a 25-square foot dance floor which is allowed by right in the MU-1 Mixed Use District.
- The establishment previously held a dance hall license which expired on August 10, 2011. The Dallas Police Department's Vice Unit confirmed that, as of September 26, 2011, the applicant had not applied for renewal of the dance hall license.
- The request site is surrounded by a railroad corridor and electrical substation to the north; retail and personal service uses to the east; office uses to the south and vacant retail space and office uses the west.

Zoning History:

1. **Z090-110:** On Thursday, April 1, 2010, the City Plan Commission recommended denial without prejudice of a Planned Development District for mixed uses.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Arapaho Road	Principal Arterial	110 feet
Knoll Trail	Minor Arterial	64 feet

Land Use:

	Zoning	Land Use
Site	MU-1	Restaurant; retail and personal services
North	R-16(A); RR ; MU-1	Railroad corridor; electrical substation; office
East	MU-1	Retail and personal services
South	MU-1	Retail and personal services
West	CR	Vacant retail

Comprehensive Plan:

The comprehensive plan does not make a specific land use recommendation related to the request, however the ***forwardDallas! Vision Illustration***, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The subject site is identified as being within an *Urban Neighborhood* on the ***forwardDallas! Vision Illustration***, adopted June 2006. Urban neighborhoods are predominantly residential, but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single family detached dwellings, townhomes and low- to mid-rise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residents.

The applicant’s proposal to operate an alcoholic beverage establishment in this area of the City is consistent with the *forwardDallas! Vision* and further complies with the following goals and policies of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

STAFF ANALYSIS:

Land Use Compatibility:

The request site comprises ±9,912 square feet of floor area within an existing shopping center. The shopping center includes a variety of retail and personal service uses. The

establishment operating on the request site was issued a certificate of occupancy for a restaurant without drive-in service on August 18, 2010.

The request site is surrounded by a railroad corridor and electrical substation to the north; retail and personal service uses to the east; office uses to the south and vacant retail space and office uses the west.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject to a site plan and conditions, complies with the general provisions for consideration of a Specific Use Permit. However, It is noted that the Dallas Police Department's offense incident reports available online indicate a significant amount of police activity for the shopping center within which the request site is located. While it is not clear if the reported incidents originated from the request site, staff recommends an initial two-period of two years. This will allow the use's impacts to surrounding properties to be revaluated within a fairly short time period.

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined it will not significantly impact the surrounding street system.

Parking:

Parking must be provided pursuant to §51A-4.200 of the Dallas Development Code. The alcoholic beverage establishment requires one (1) space per 100 square feet of floor area; the dance hall portion, which is allowed by right, requires one (1) space per 25 square feet of dance floor. Therefore, 111 spaces are required.

Landscaping:

Landscaping of any new development will be required in accordance with Article X of the Dallas Development Code.

Z101-249 (MW)

CPC Action: October 2, 2011

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern for a two-year period, subject to a site plan and revised conditions on property zoned an MU-1 Mixed Use District on the west side of Knoll Trail Drive, north of Arapaho Road.

Maker: Bernbaum
Second: M. Davis
Result: Carried: 14 to 0

For: 14 - Wally, Anglin, M. Davis, Rodgers, Hinojosa, Bagley,
Lavallaisaa, Tarpley, Shellene, Bernbaum, Wolfish, Schwartz, Peterson,
Alcantar

Against: 0
Absent: 1 - R. Davis
Vacancy: 0

Notices: Area: 200 Mailed: 7
Replies: For: 0 Against: 2

Speakers: For: Charles Williams, 15203 Knoll Trl., Dallas, TX, 75248
Marshall Armstrong, 15203 Knoll Trl., Dallas, TX, 75248
Against: None

Z101-249 (MW)

Police Report:

An online search of the Dallas Police Department's offense incident reports for the shopping center within which the request site is located revealed the following records for the period from January 1, 2005 to September 20, 2011. It is noted that the establishment operating on the request site was issued a certificate of occupancy for a restaurant without drive-in service on August 18, 2010.



Virtual Viewer - Public Access

Welcome

Search Records - Offense										Filter	
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
0002159-V	01/02/2008	*MANOLO SALONS	BURGLARY	15203		KNOLLTRAI...	625	1004	05131		
0011279-W	01/10/2009	FIGUEROA, MARIA	OTHER OFFENSES	15203		KNOLLTRAI...	622	1004	26000		
0012331-V	01/14/2011	HUTSON, KHADJAH	THEFT	15203		KNOLLTRAI...	622	1004	06904	42020	
0017066-V	01/19/2008	HALES, BENJAMIN	ACCIDENTAL INJURY - PUBLIC PR...	15203		KNOLLTRAI...	625	1004	33070		
0025334-V	01/25/2008	LIGHTFOOT, JORONE	ASSAULT	15203		KNOLLTRAI...	625	1004	08221		
0030280-W	01/29/2009	WASHINGTON, LOUISE	THEFT	15203		KNOLLTRAI...	622	1004	06902		
0032103-V	02/01/2008	FENNELL, KENNETH	ACCIDENTAL INJURY - PUBLIC PR...	15203		KNOLLTRAI...	625	1004	33070		
0033148-V	02/01/2008	WILLIAMS, CAROLYN	ASSAULT	15203		KNOLLTRAI...	625	1004	08421		
0035653-V	02/03/2008	JOHNSON, REJKE	THEFT	15203		KNOLLTRAI...	625	1004	06901		
0037209-W	02/08/2009	WILLIAMS, NATISHA	THEFT	15203		KNOLLTRAI...	622	1004	06901		
0042494-V	02/11/2008	ONTIVEROS, SUSAN	ASSAULT	15203		KNOLLTRAI...	625	1004	08321		
0046201-V	02/15/2008	FERRELL, ANGELA	LOST PROPERTY	15203		KNOLLTRAI...	625	1004	42020		
0047454-T	01/21/2007	*KARMA	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	616	1004	14082		
0048364-V	02/26/2011	PIERRELOUIS, BREANA	ASSAULT	15203		KNOLLTRAI...	622	1004	08411		
0048753-V	02/26/2011	MCQUEEN, CASCANCIA	OTHER OFFENSES	15203		KNOLLTRAI...	622	1004	26000		

Page 1 of 8 (108 items)

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Virtual Viewer - Public Access

Welcome

Search Records - Offense										Filter	
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
0049221-V	02/27/2011	WELCH, LATESHA	ASSAULT	15203		KNOLLTRAI...	622	1004	08421		
0050450-T	01/21/2007	*KARMA DISCOTEQUE	BURGLARY	15203		KNOLLTRAI...	616	1004	05337		
0053338-T	01/21/2007	*COLLINS, CANDACE	THEFT	15203		KNOLLTRAI...	616	1004	06901		
0055363-V	02/24/2008	MIKED, RONNY	AGGRAVATED ASSAULT	15203		KNOLLTRAI...	625	1004	04121		
0058630-P	01/22/2005	MARIVATH, MONICA	ASSAULT	15203		KNOLLTRAI...	616	1004	08321		
0071333-W	03/13/2009	*CHINA TOWN BUFFET	OTHER OFFENSES	15203		KNOLLTRAI...	622	1004	26000		
0076266-V	03/27/2011	SANCHEZ, CYNTHIA	AUTO THEFT-UUMV	15203		KNOLLTRAI...	622	1004	07172		
0081426-V	04/02/2011	WALKER, RODERICK	ASSAULT	15203		KNOLLTRAI...	622	1004	08211		
0083297-W	02/27/2009	WATSON, KIMBERLY	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	622	1004	14081		
0088931-W	03/31/2009	SALMON, STEVEN	AUTO THEFT-UUMV	15203		KNOLLTRAI...	622	1004	07223		
0091073-V	04/09/2011	MEDINA, BRANDON RENE	OTHER OFFENSES	15203		KNOLLTRAI...	622	1004	26000		
0092391-V	03/23/2008	*KARMA	EMBEZZLEMENT	15203		KNOLLTRAI...	625	1004	12021		
0107829-T	02/16/2007	OSAGIE, EFOSA	THEFT	15203		KNOLLTRAI...	616	1004	06941		
0116005-W	04/25/2009	*RESULTS NUTRITION	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	622	1004	14081		
0116826-V	05/07/2011	SMITH, CRYSTAL	ASSAULT	15203		KNOLLTRAI...	622	1004	08411		

Page 2 of 8 (108 items)

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Welcome

Search Records - Offense										Filter	
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
0118429-W	04/24/2009	*PRESTIGE COMMUNITY C...	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	622	1004	14092		
0142662-R	02/26/2006	ARNOLD, NATALIE	THEFT	15203		KNOLLTRAI...	616	1004	06942		
0142684-R	02/26/2006	GOMEZ, PRISCILLA	THEFT	15203		KNOLLTRAI...	616	1004	06941		
0144905-X	05/25/2010	SANCHEZ, CANDIDO	AUTO THEFT-UUMV	15203		KNOLLTRAI...	622	1004	07A92		
0147025-W	05/23/2009	*CHINA TOWN BUFFET	THEFT	15203		KNOLLTRAI...	622	1004	06902		
0149822-V	06/09/2011	@CITY OF DALLAS	FOUND PROPERTY	15203		KNOLLTRAI...	622	1004	43020		
0151298-V	05/21/2008	@CITY OF DALLAS	FOUND PROPERTY	15203		KNOLLTRAI...	625	1004	43020		
0152176-V	05/23/2008	WARD, DAKETHA	ASSAULT	15203		KNOLLTRAI...	625	1004	08421		
0153111-V	03/23/2008	WARD, TRIMEKA	ASSAULT	15203		KNOLLTRAI...	625	1004	08411		
0160813-V	06/19/2011	CRUZ, MICHAEL	THEFT	15203		KNOLLTRAI...	622	1004	06102		
0161852-V	06/01/2008	MA, MICHAEL	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	625	1004	14081		
0163635-W	06/07/2009	REYES, RUBEN	AUTO THEFT-UUMV	15203		KNOLLTRAI...	622	1004	07171		
0168900-P	03/05/2005	GARCIA, MIGUEL	AGGRAVATED ASSAULT	15203		KNOLLTRAI...	616	1004	04121		
0170729-W	07/08/2011	FARRAR, BRODRICK, DON...	TRAFFIC MOTOR VEHICLE	15203		KNOLLTRAI...	622	1004	32090		
0180339-X	07/17/2011	*PRO-TAN RESULTS	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	622	1004	14082		

Page 3 of 8 (108 items)

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Welcome

Search Records - Offense										Filter	
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
0189293-V	06/29/2009	CASTON, DAVID	AUTO THEFT-UUMV	15203		KNOLLTRAI...	622	1004	07613		
0190193-T	03/17/2007	WEST, AMBER	ASSAULT	15203		KNOLLTRAI...	616	1004	08321		
0190293-T	03/17/2007	NAVA-LOPEZ, NATASHA	ASSAULT	15203		KNOLLTRAI...	616	1004	08321		
0191262-V	07/18/2011	PEREZ, JOSE, R	FRAUD	15203		KNOLLTRAI...	622	1004	11011		
0201932-V	07/29/2011	GASTON, LATASHA	THEFT	15203		KNOLLTRAI...	622	1004	06901		
0207512-V	08/08/2011	*SMITH, SHANNON #7086	AGGRAVATED ASSAULT	15203		KNOLLTRAI...	622	1004	04961	08951	
0215202-V	08/13/2011	WEISS, JUSTIN	AUTO THEFT-UUMV	15203		KNOLLTRAI...	622	1004	07171		
0218984-V	07/04/2008	SHRIVER, MARK	LOST PROPERTY	15203		KNOLLTRAI...	625	1004	42020		
0227384-V	08/27/2011	BECKMAN, DANIEL	ASSAULT	15203		KNOLLTRAI...	622	1004	08111		
0229318-V	08/28/2011	MOLINA, GUSTAVO	ASSAULT	15203		KNOLLTRAI...	622	1004	08121		
0228528-V	08/27/2011	JOHNSON, KIMBERLY	THEFT	15203		KNOLLTRAI...	622	1004	06901		
0228544-V	08/27/2011	WARD-BEAMON, TIA	ASSAULT	15203		KNOLLTRAI...	622	1004	08411		
0228546-V	08/27/2011	ADAMS, KAMILA	ASSAULT	15203		KNOLLTRAI...	622	1004	08411		
0232535-V	08/27/2011	REED, JESSICA	THEFT	15203		KNOLLTRAI...	622	1004	06902		
0234022-W	08/09/2009	COLAROSI, RYAN	THEFT	15203		KNOLLTRAI...	622	1004	05941		

Page 4 of 8 (108 items)

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UCR Codes Year Codes Property Class Codes

Welcome

Search Records - Offense		Filter									
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
0241721-X	08/28/2010	@CITY OF DALLAS	FOUND PROPERTY	15203		KNOLLTRAI...	622	1004	43020		
0246722-Y	09/17/2011	PARKER, DARTAUVIS	ACCIDENTAL INJURY - PUBLIC PR...	15203		KNOLLTRAI...	622	1004	33020		
0278352-T	04/20/2007	VELA, VALORIE	ASSAULT	15203		KNOLLTRAI...	616	1004	08311		
0288715-X	10/16/2010	SALGADO, JAIME	OTHER OFFENSES	15203		KNOLLTRAI...	622	1004	26000		
0294294-X	10/23/2010	NGOC-THAO, VY	ASSAULT	15203		KNOLLTRAI...	622	1004	08322		
0294340-X	10/23/2010	NAM, DAVID	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	622	1004	14081		
0294432-V	09/21/2008	STRICKLAND, ANGELA	THEFT	15203		KNOLLTRAI...	625	1004	05901		
0298552-T	04/27/2007	BRUMFIELD, SHANTELE	ACCIDENTAL INJURY - PUBLIC PR...	15203		KNOLLTRAI...	616	1004	33030		
0307315-P	04/21/2005	*OCEAN CLUB	BURGLARY	15203		KNOLLTRAI...	616	1004	05336		
0313467-W	08/13/2009	*PRESTONWOOD PARTNE...	THEFT	15203		KNOLLTRAI...	622	1004	06901	11020	
0320623-X	11/20/2010	GASSNER, STEPHANIE	OTHER OFFENSES	15203		KNOLLTRAI...	622	1004	26000		
0323245-X	11/20/2010	GARCIA, GISELA	THEFT	15203		KNOLLTRAI...	622	1004	26000	05905	
0326763-X	11/21/2010	GONZALES, ALEXIA	FRAUD	15203		KNOLLTRAI...	621	1004	11110		
0328282-V	10/23/2008	PRESA, CARLOS	TRAFFIC MOTOR VEHICLE	15203		KNOLLTRAI...	625	1004	32090		
0339514-X	12/12/2010	GEARHART, JASON, A	OTHER OFFENSES	15203		KNOLLTRAI...	622	1004	26000		

Page 5 of 8 (108 Items)

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UCR Codes Year Codes Property Class Codes

Welcome

Search Records - Offense		Filter									
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
0358724-T	05/14/2007	TUBBS, JANELLE	THEFT	15203		KNOLLTRAI...	616	1004	05111		
0360317-W	12/06/2009	*RESULTS, NUTRITION	THEFT	15203		KNOLLTRAI...	622	1004	06932		
0360823-Y	05/19/2007	HANCE, APRIL	ASSAULT	15203		KNOLLTRAI...	616	1004	08311		
0402725-T	05/31/2007	MCCUTCHEEN, KIANA	THEFT	15203		KNOLLTRAI...	616	1004	06941		
0403946-T	06/01/2007	CANNON, JANIA ALINA	AGGRAVATED ASSAULT	15203		KNOLLTRAI...	616	1004	04471		
0411853-P	05/25/2005	*OCEANS CLUB	BURGLARY	15203		KNOLLTRAI...	616	1004	05332		
0419757-P	05/28/2005	*DONUT TOWN	THEFT	15203		KNOLLTRAI...	616	1004	06902		
0432387-T	06/10/2007	LEE, JESSICA	THEFT	15203		KNOLLTRAI...	616	1004	06901		
0452561-P	06/08/2005	*DONUT TOWN	THEFT	15203		KNOLLTRAI...	616	1004	06904		
0488534-P	06/20/2005	*CHINA HALL BUFFET	BURGLARY	15203		KNOLLTRAI...	616	1004	09191		
0565242-T	07/26/2007	*CITY OF DALLAS	LOST PROPERTY	15203		KNOLLTRAI...	616	1004	42020		
0566817-T	07/29/2007	NAM, HOANH, TRINH	AGGRAVATED ASSAULT	15203		KNOLLTRAI...	616	1004	04171		
0566818-T	07/29/2007	TUAN, THAI, TRIEU	AGGRAVATED ASSAULT	15203		KNOLLTRAI...	616	1004	04171		
0568130-Y	07/29/2007	VU, QUAN, HOANG	AGGRAVATED ASSAULT	15203		KNOLLTRAI...	616	1004	04171		
0609989-T	08/12/2007	VU, SACH	ASSAULT	15203		KNOLLTRAI...	616	1004	08121		

Page 6 of 8 (108 Items)

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UCR Codes Year Codes Property Class Codes

Welcome

Search Records - Offense		Filter									
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
0612279-P	07/31/2005	*UNIVISION RADIO	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	616	1004	14082		
0612273-T	08/17/2007	HARRINGTON, BRANDON	ROBBERY	15203		KNOLLTRAI...	616	1004	03931		
0616165-T	08/26/2007	DAM, CHARLES	ASSAULT	15203		KNOLLTRAI...	616	1004	08121		
0637248-T	08/24/2007	EDWARDS, ZVICHANZIYI	THEFT	15203		KNOLLTRAI...	616	1004	06901		
0663610-Y	09/21/2007	HERNANDEZ, DEANNA	ASSAULT	15203		KNOLLTRAI...	616	1004	08321		
0687854-T	10/12/2007	YTUARTE, ANGELINA	THEFT	15203		KNOLLTRAI...	616	1004	05941		
0689089-T	10/13/2007	EDINBORO, ROSS	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	616	1004	14082		
0699471-T	10/13/2007	GRACIA, PABLO	ROBBERY	15203		KNOLLTRAI...	625	1004	03941		
0723276-T	11/10/2007	HOLY, CHRISTINA	THEFT	15203		KNOLLTRAI...	625	1004	06901		
0726119-K	09/27/2006	GARCIA, RIGO	THEFT	15203		KNOLLTRAI...	616	1004	06951		
0749207-T	11/21/2007	DURHAM, DARREN	LOST PROPERTY	15203		KNOLLTRAI...	625	1004	42020		
0764135-T	12/09/2007	BUI, LUCY UYEN	CRIMINAL MISCHIEF/VANDALISM	15203		KNOLLTRAI...	625	1004	14081		
0772812-T	12/15/2007	NGUYEN, TINA	THEFT	15203		KNOLLTRAI...	625	1004	06902		
0870809-R	11/19/2006	*KARMA	BURGLARY	15203		KNOLLTRAI...	616	1004	05331		
0922716-P	11/18/2005	BOYD, MARIE	ASSAULT	15203		KNOLLTRAI...	616	1004	08311		

Page 7 of 8 (108 Items)

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Welcome

Search Records - Offense		Filter									
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2	
0228321-R	12/12/2006	*DOMINOS PIZZA	BURGLARY	15203		KNOLLTRAI...	616	1004	05331		
1021269-P	12/25/2005	PHOMAVONGS, THIAMCH...	LOST PROPERTY	15203		KNOLLTRAI...	616	1004	42020		
1021932-P	12/27/2005	*DONUT SHOP	BURGLARY	15203		KNOLLTRAI...	616	1004	05334		

Z101-249 (MW)

Partners/Principals/Officers:

Adanac Hospitality, Inc
15203 Knoll Trail Drive, Suite 125
Dallas, TX 75248
Ph) 214-298-2852

March 28, 2011

Re) List of Officers

Charles Williams: President/Treasurer/Director
Broderick Donnell Farrar: Vice President/Director
Marshall James Armstrong, Jr.: Secretary/Director

Prestonwood Partners, LTD

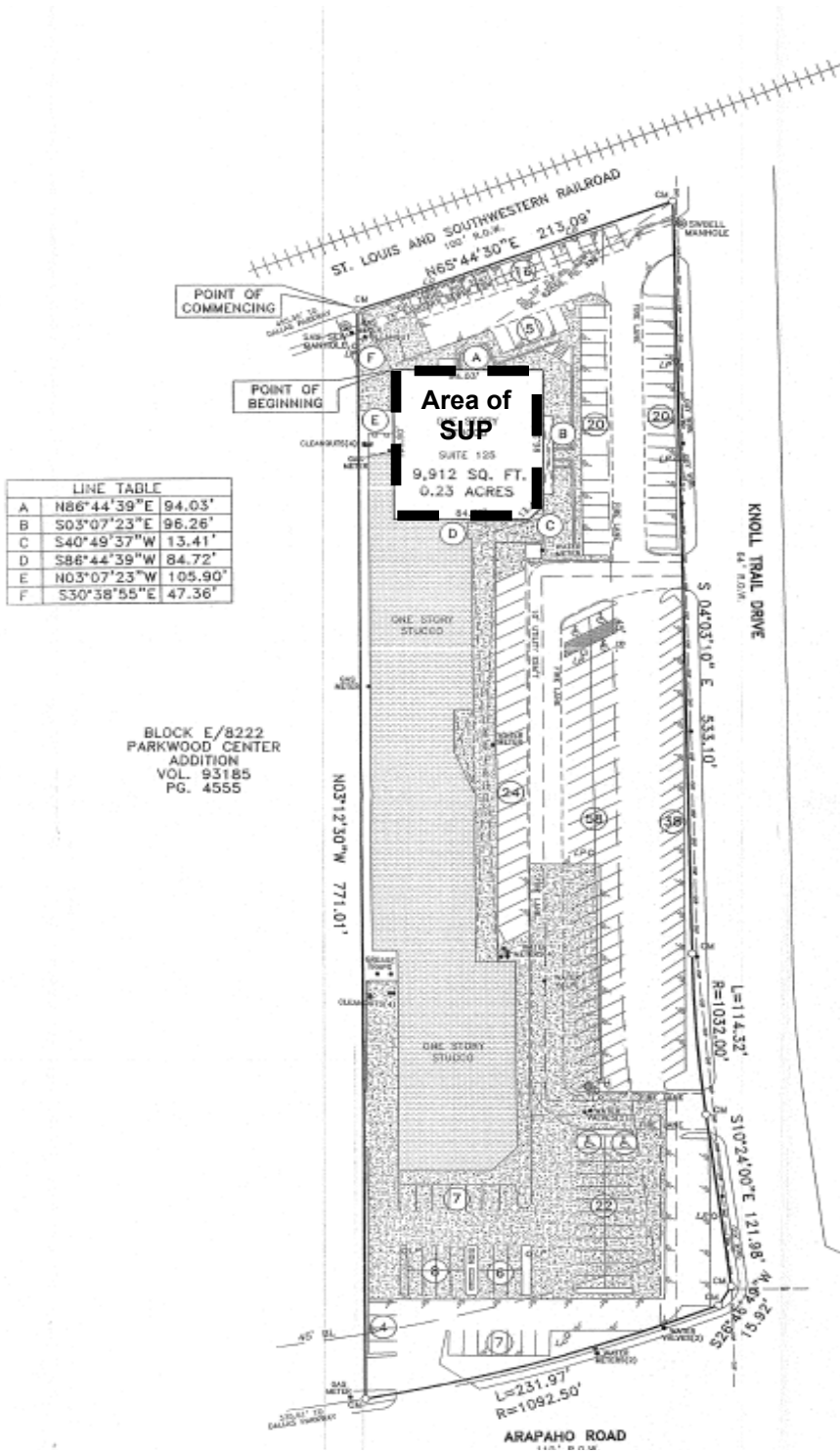
Jerome M. Skibell, Member/Owner

Z101-249

CPC Recommended Conditions

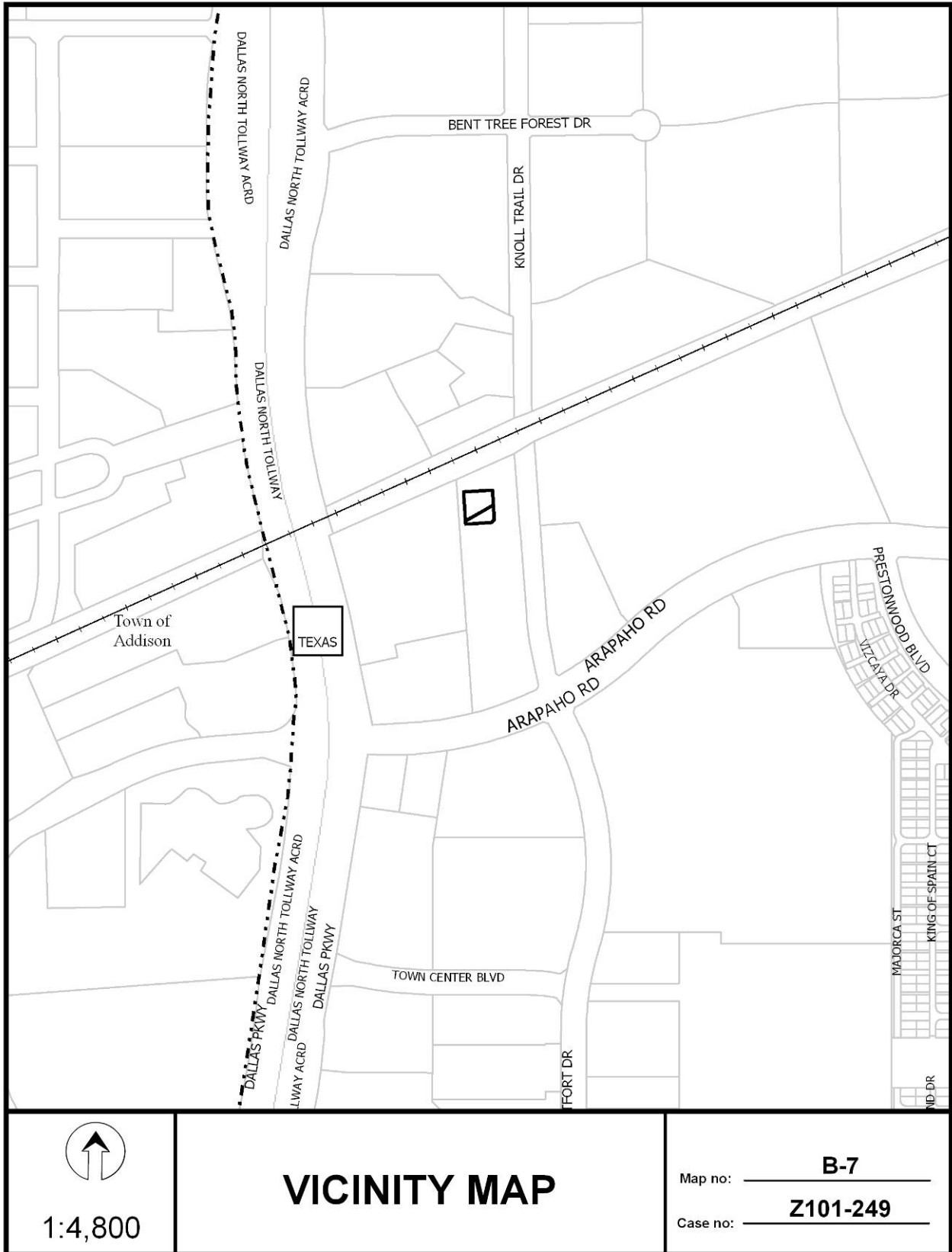
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit automatically terminates on _____ (two years from passage of the ordinance).
4. FLOOR AREA: The maximum floor area is 9,912 square feet in the location shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a private-club bar may only operate between 5:00 pm and 2:00 am (the next day), Monday through Sunday.
6. SECURITY: Four (4) peace officers must provide onsite security from 11:00 pm to close, on nights the establishment is in operations.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN



LINE TABLE		
A	N86°44'39"E	94.03'
B	S03°07'23"E	96.26'
C	S40°49'37"W	13.41'
D	S86°44'39"W	84.72'
E	N03°07'23"W	105.90'
F	S30°38'55"E	47.36'

BLOCK E/8222
 PARKWOOD CENTER
 ADDITION
 VOL. 93185
 PG. 4555

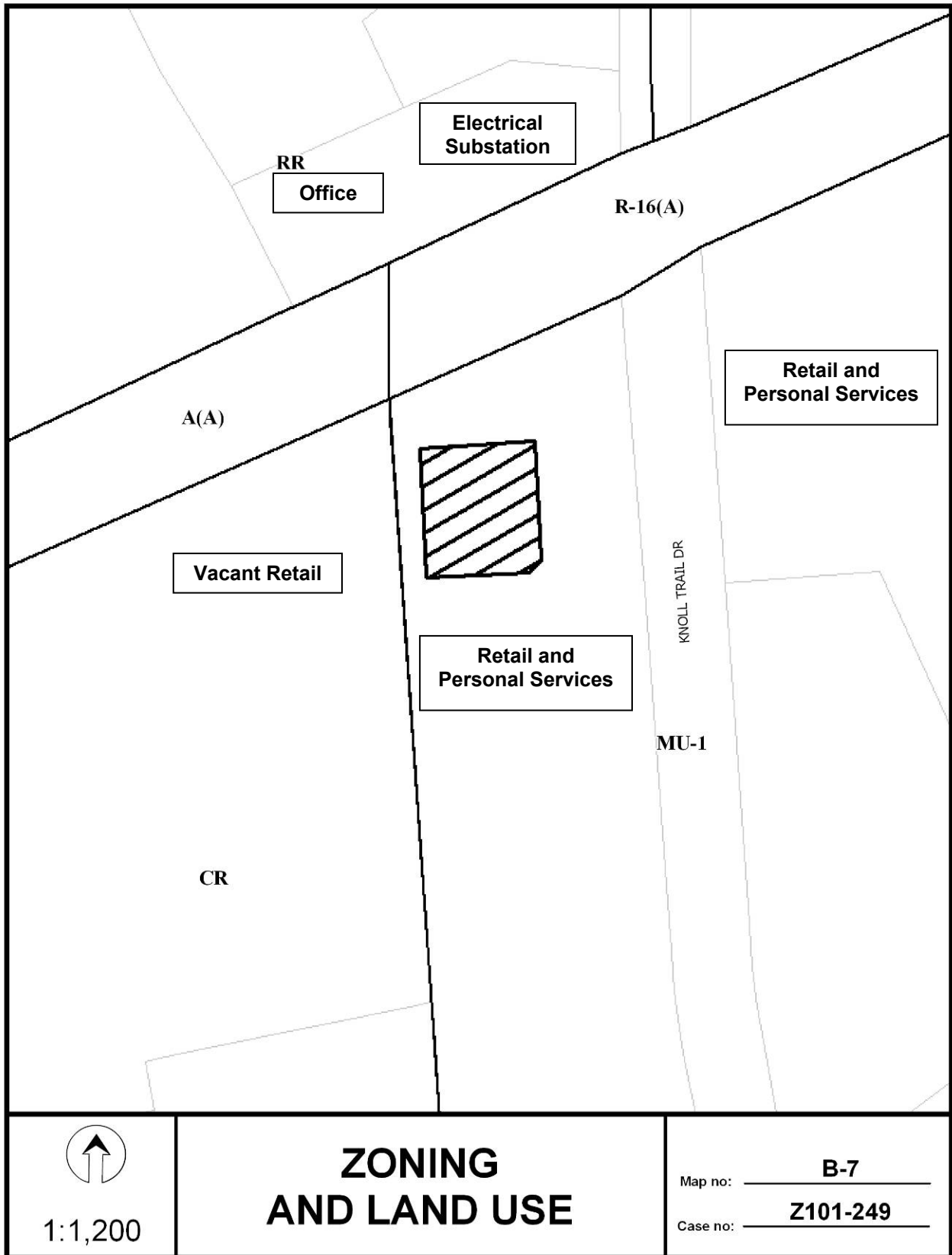


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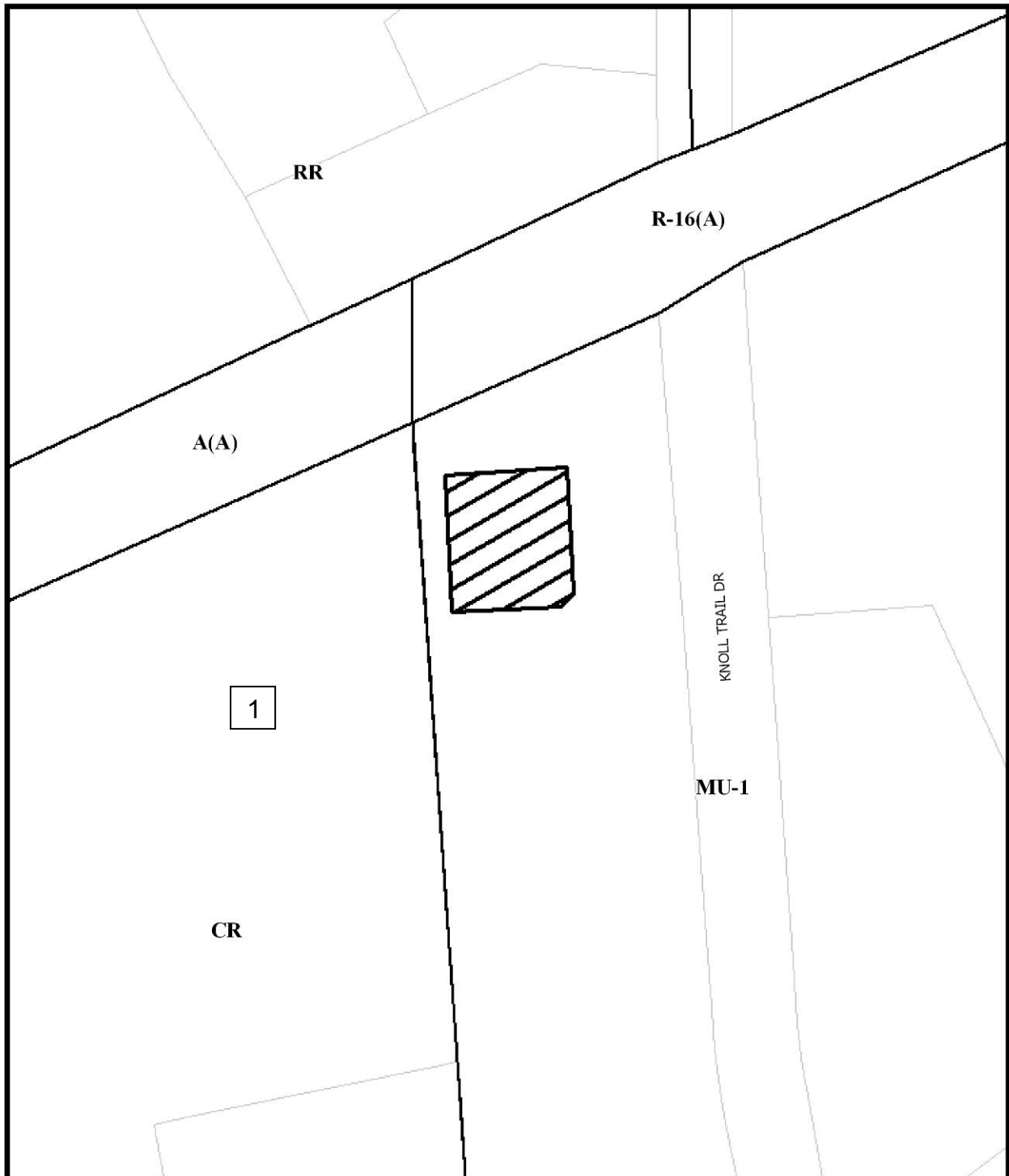
VICINITY MAP

Map no: B-7
Case no: Z101-249

DATE: August 04, 2011



DATE: August 04, 2011



1:1,200

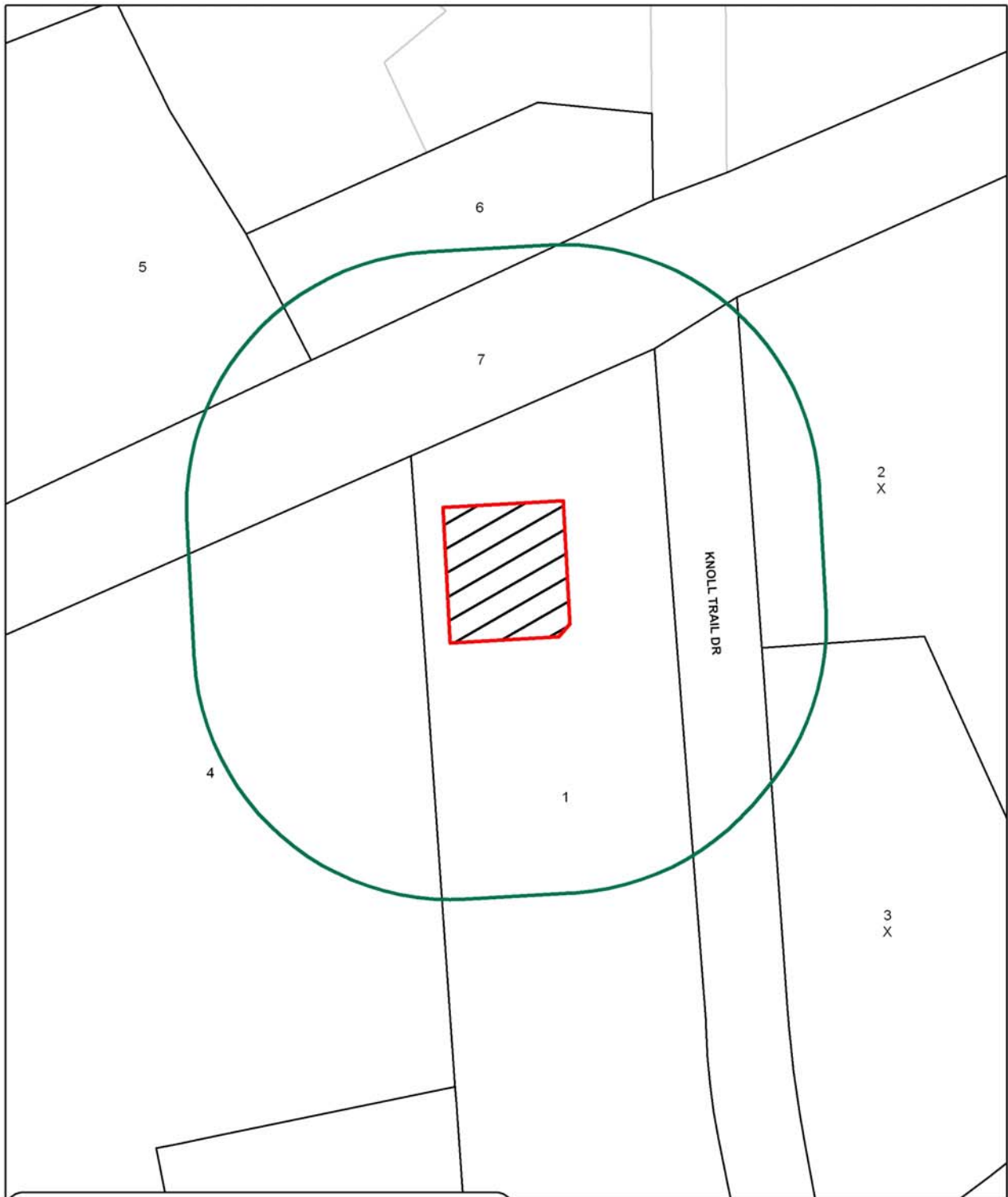
ZONING HISTORY

Map no: B-7

Case no: Z101-249

DATE: August 04, 2011

CPC Responses



<u>7</u>	Property Owners Notified (7 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>200'</u>	Area of Notification
<u>10/20/2011</u>	Date <u>10/6/2011</u> Under Advisement

Z101-249
B-7
CPC



1:1,200

Z101-249 (MW)

Page 1 of 1
10/10/2011

***Notification List of Property
Z101-249***

7 Property Owners Notified 2 Property Owners Opposed 0 Property Owners in Favor

<i>Vote</i>	<i>Label</i>	<i>Address</i>	<i>Owner</i>
	1	15203 KNOLL TRAIL	PRESTONWOOD PARTNERS
LTD			
X	2	5519 ARAPAHO	PV PRESTONWOOD I LTD
X	3	5519 ARAPAHO	PV PRESTONWOOD II LTD
	4	15490 DALLAS	SA OMAX 2007 LP
	5	15660 DALLAS	GRANITE ONE WEST LTD
	6	15401 KNOLL TRAIL	TEXAS UTILITIES ELEC CO
	7	8008 ELAM	DART

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 6
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 44 R

SUBJECT

A public hearing to receive comments to amend the City of Dallas Thoroughfare Plan to change the dimensional classification of Beckley Avenue from IH-30 to West Main Street from a six-lane divided roadway M-6-D(A*) within 120 feet of right-of-way to a special four-lane divided roadway (SPCL 4-D) with bicycle lanes within 100 feet of right-of-way; and at the close of the hearing, authorize an ordinance implementing the change - Financing: No cost consideration to the City

BACKGROUND

The Public Works Department is requesting an amendment to the City of Dallas Thoroughfare Plan to change dimensional classifications on Beckley Avenue from IH-30 to West Main Street from a six-lane divided roadway M-6-D(A*) within 120 feet of right-of-way to a special four-lane divided roadway (SPCL 4-D) with bicycle lanes within 100 feet of right-of-way.

This segment of Beckley Avenue currently operates as follows: (1) Beckley Avenue between IH-30 and Commerce Street currently operates as a six-lane divided roadway within 120 feet of right-of-way; and (2) Beckley Avenue between Commerce Street and West Main Street currently operates as a four-lane undivided roadway within 120 feet of right-of-way.

In a series of meetings and negotiations with community stakeholders from October 2008 to January 2010, the Public Works Department staff presented a design approach that incorporates the vision of the Community by placing emphasis on creating a multi-modal street system that facilitates walking, bicycling and automobile use while incorporating landscaping amenities in the area. The design approach will support access to adjacent land uses.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 17, 2011, the City Plan Commission recommended approval.

On October 20, 2011, the City Plan Commission Transportation Committee Recommended approval.

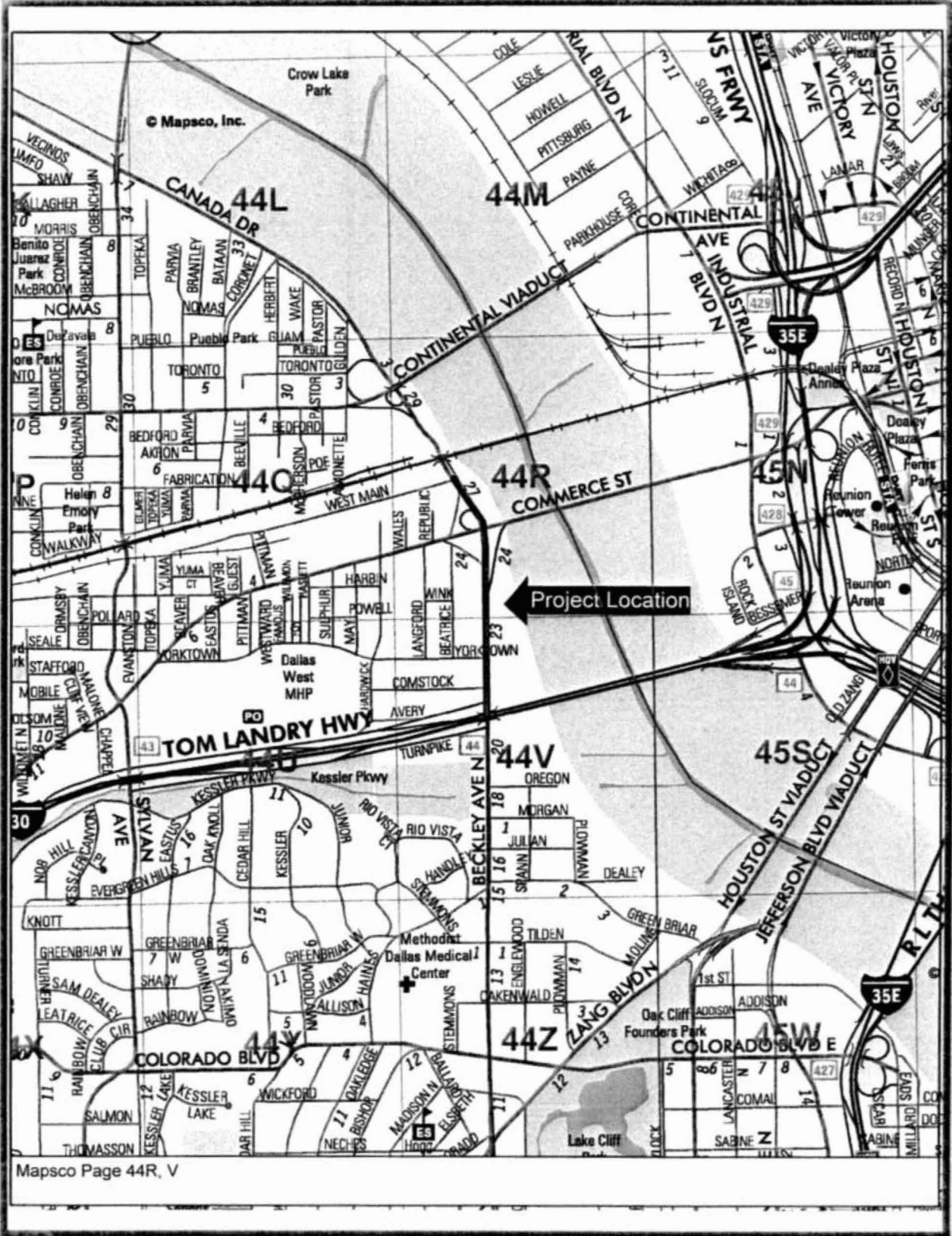
FISCAL INFORMATION

No cost consideration to the City.

MAPS

Attached.

Beckley Avenue

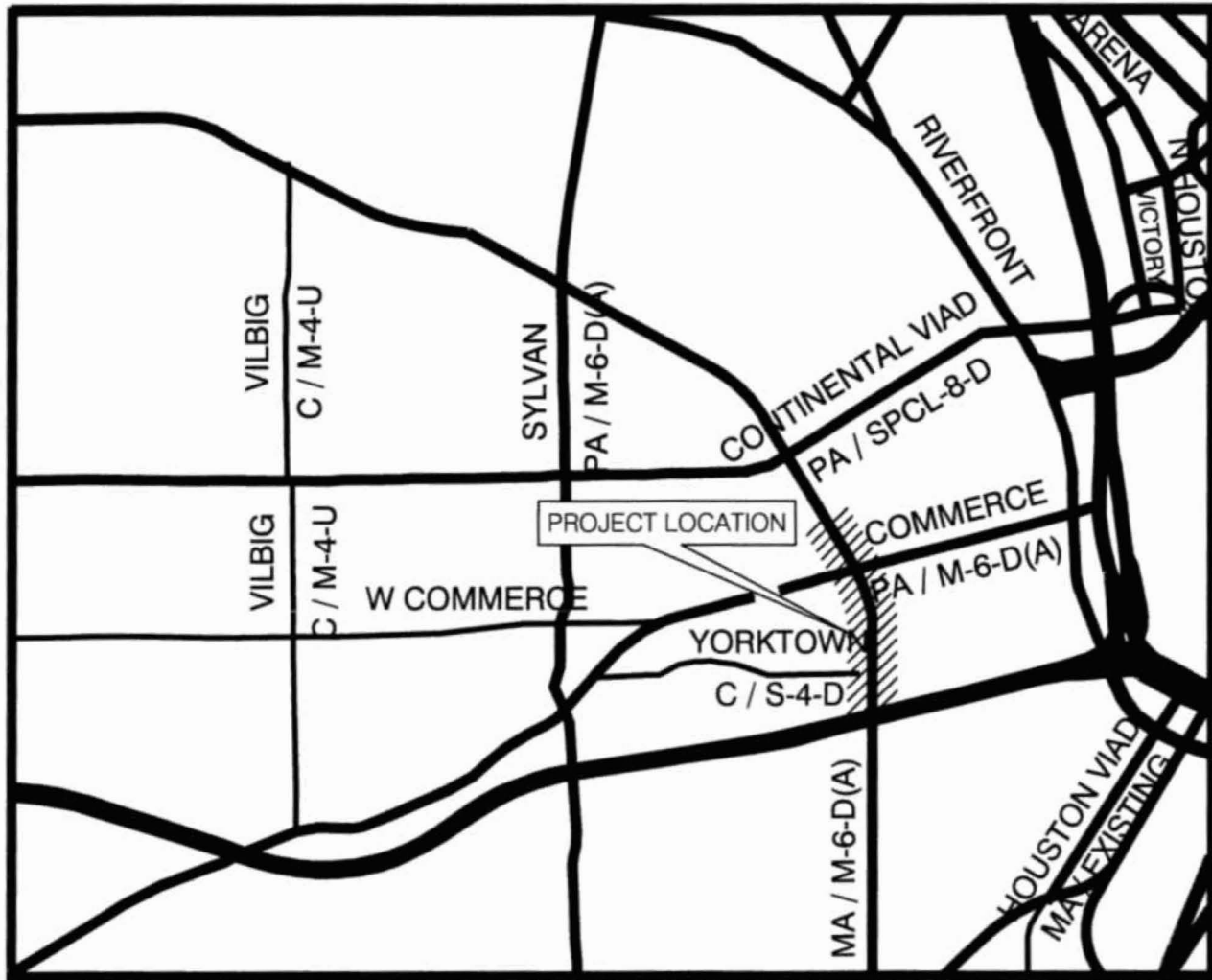
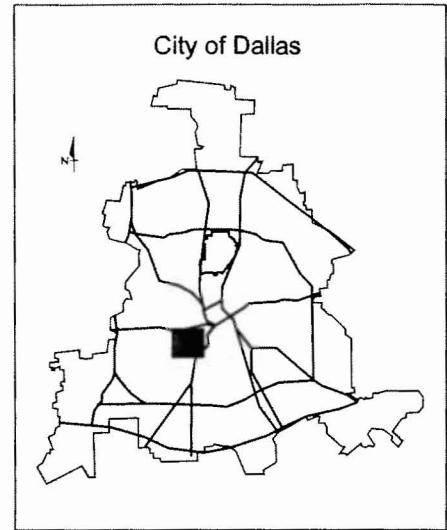


Mapsco Page 44R, V

Mapsco Page 44R, V

BECKLEY AVENUE WEST MAIN ST. TO I-30 FREEWAY

Thoroughfare Plan Amendment
Thoroughfare Map



LOCATOR MAP
NOT TO SCALE

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 1
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 53 D

SUBJECT

A public hearing on an application for and a resolution granting a variance to the alcohol spacing requirements from the Louise Kahn Elementary School required by Section 6-4 of the Dallas City Code to allow a wine and beer retailer's off-premise permit for a general merchandise or food store of greater than 30,000 square feet [El Rio Grande (Maya Foods)] on property on the north side of West Jefferson Drive, west of Hampton Road - Financing: No cost consideration to the City

BACKGROUND

Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code allows Council to grant a variance from the usual spacing required between an alcohol business and a protected use. The usual spacing requirement is 300 feet between the property line of the business and the property line of the school.

The standard for approval of the variance is that:

- A. the application is for (i) a wine and beer retailer's permit pursuant to Chapter 25 of the Texas Alcoholic Beverage Code with a food and beverage certificate; (ii) a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code; or (iii) a mixed beverage permit pursuant to Chapter 28 of the Texas Alcoholic Beverage Code with a food and beverage certificate;
- B. the application is for (i) a general merchandise or food store use with 30,000 square feet or more of floor area or (ii) a restaurant without drive-in or drive-through service;
- C. the front door of the business where alcoholic beverages will be sold does not face the property of the protected use;
- D. alcoholic beverages will not be sold by drive-in or drive-through service; and

BACKGROUND (Continued)

- E. enforcement of the spacing requirements in this particular instance:
- (i) is not in the best interest of the public;
 - (ii) constitutes waste or inefficient use of land or other resources;
 - (iii) creates an undue hardship on an applicant for an alcohol permit;
 - (iv) does not serve its intended purpose;
 - (v) is effective or necessary; or
 - (vi) for any other reason that the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

An application for a waiver of the spacing requirements was submitted on November 16, 2011, by El Rio Grande (Maya Foods). The owner of the property is Realty Income Properties 4, LLC. The Louise Kahn Elementary School is located to the north beyond the retail uses directly across West Davis Street and is the school that creates the need for the variance.

The applicant has submitted the following information regarding item E above:

“(i) The sale of beer and wine for off-premise consumption would allow this grocer to better compete in the market place after the local option election of November 2010. The existing elementary school (as measured door to door) is more than 900 feet away from the store across a six-lane divided thoroughfare.

(ii) The existing 300 foot spacing requirement from a public school at this location creates large area along an important commercial corridor in which a much needed grocery store cannot provide a service which the marketplace desires. The existing elementary school, although within 300 feet as measured from lot to lot, is located behind existing commercial uses on Davis Street.

(iii) The measurement from the existing school creates an undue hardship on the grocer without a corresponding benefit for the neighborhood on the existing school. The school is located behind existing commercial uses on the north side of Davis while the grocery store, located on the south side of Davis, is not located near any residential uses in which school children may be walking from and have to pass in front of the store.

(iv) the intended purpose of the 300 foot spacing from a public school is further mitigated in this circumstance because of the location of the school, behind commercial uses on Davis, and the intervening retail uses, DD’s Discount (a clothing store), on the same lot as El Rio Grande.

(v) As mentioned above the school is well screened from the sale location and would not be distraction nor nuisance from the school or school children.”

BACKGROUND (continued)

The site is approximately five acres developed with a two-tenant shopping center and is located in Subdistrict No. 6 within Planned Development District No. 830. The site abuts retail to the east and west. Retail uses are also located north of the site across West Davis Street. Single family uses are located to the south across West Jefferson Boulevard. The Louise Kahn Elementary School is located to the north of the site beyond the retail uses across Hampton Road. The site is located on two major thoroughfares (West Davis Street and West Jefferson Boulevard). On October 26, 2011, City Council approved a D-1 Liquor Control Overlay and a Specific Use Permit No. 1919 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet (CVS) on the northwest corner of Hampton Road and West Jefferson Boulevard, which is to the east of the business requesting the distance variance. Due to the request site being located between two major thoroughfares and the approval of the SUP to sell alcohol to the east of the site, staff can support this request.

This item requires two seconds to pass.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On November 9, 2009, the City Council approved an amendment to Section 6-4 of Chapter 6, "Alcoholic Beverages," of the Dallas City Code to allow a process for a variance to the spacing requirements between a business selling alcohol and a public or private school.

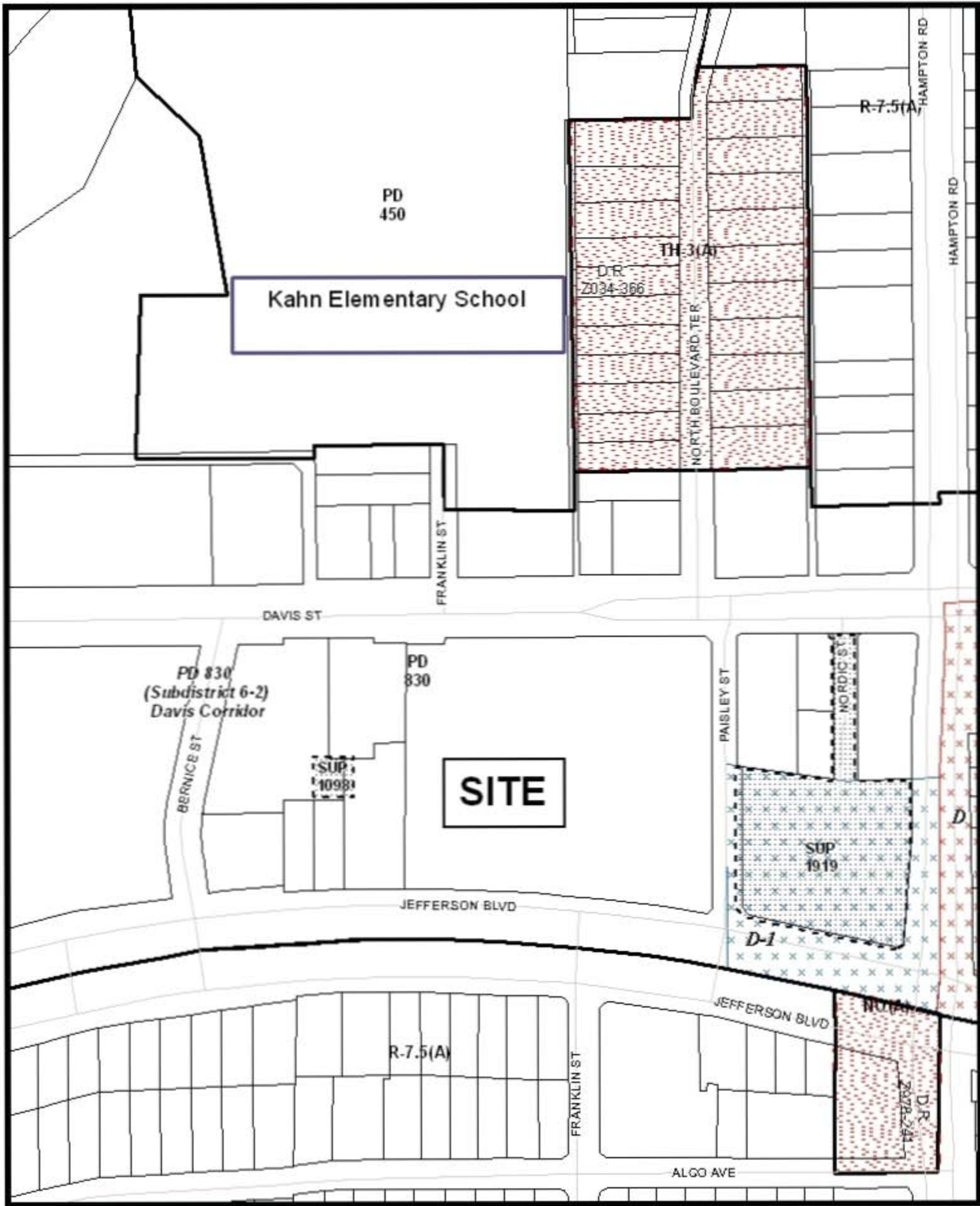
On October 26, 2011, the City Council further amended Section 6-4 of Chapter 6.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



1:2,400

AV112-004
January 11, 2012

AV 112-004



November 14, 2011

Ms. Theresa O'Donnell, Director
Department of Sustainable Development and Construction
City of Dallas
1500 Marilla, Room 5DS
Dallas, TX 75201

RE: Variance for general merchandise store greater than 30,000 square feet selling beer and wine for off-premise consumption

Dear Ms. O'Donnell:

As the authorized representative for Realty Income Properties, owner and El Rio Grande (Maya Foods), operator/tenant, we submit this letter as an official application for a variance to the distance restrictions for alcohol sales pursuant to Chapter 6-4(g) of the Dallas City Code.

(A) The name of the owner of the property where the alcohol business is located is Realty Income Properties 4, LLC.

(B) The applicant for the alcohol permit at this location is Maya Foods, Inc., 2515 W. Jefferson Blvd., Suite 300, Dallas, TX 75211.

(C) The alcohol permit sought for this location is for wine and beer retailer's off-premise permit pursuant to the Texas Alcohol Beverage Code Chapter 26.

(D) The public or private school that creates the need for a variance is the Kahn Elementary School, 610 N. Franklin Street, Dallas TX 75211.

(E) A certified survey that identifies the distance from the main entrance of the El Rio Grande store to the front door of the Kahn Elementary School exceeds 912.36 feet.

(F) The El Rio Grande Store has been at this location since June, 2007, prior to this grocery store the building was originally developed as an Albertson's store. The Albertson's and Kahn Elementary School were both constructed in the late 1990's. After the Albertson's closed in 2006 the building was subdivided with the development of the El Rio Grande and a DD's clothing store.

E(i) the sale of beer and wine for off-premise consumption would allow this grocer to better compete in the market place after the local option election of November 2010. The existing

MASTERPLAN
Founders Square
900 Jackson St., Suite 640
Dallas, Texas 75202

Phone: (214) 761-9197
Fax: (214) 748-7114
Web: masterplanconsultants.com

census 45.00
CC 1
mapsc 530

zoning PD 330
Subdist 6

RECEIVED BY
NOV 16 2011



elementary school (as measured door to door) is more than 900 feet away from a six-lane divided thoroughfare.

(ii) The existing 300 foot spacing requirement from a public school at this location creates a large area along an important commercial corridor in which a much needed grocery store cannot provide a service which the marketplace desires. The existing elementary school although within 300 feet as measured from lot to lot is located behind existing commercial uses on Davis Street.

(iii) The measurement from the existing school creates an undue hardship on the grocer without a corresponding benefit for the neighborhood on the existing school. The school is located behind existing commercial uses on the north side of Davis while the grocery store, located on the south side of Davis is not located near any residential uses in which school children maybe walking from and have to pass in front of the store.

(iv) The intended purpose of the 300 foot spacing from a public school is further mitigated in this circumstance because of the location of the school, behind commercial uses on Davis , and the intervening retail use, DD's Discount (a clothing store), on the same lot as El Rio Grande.

(v) As mentioned above the school is well screened from the sale location and would not be a distraction or nuisance for the school or school children.

We have included a TABC field survey, existing site plan for this general merchandise use greater than 30,000 square feet, and the filing fee for this request.

Please feel free to contact our offices if you need any additional information regarding this application.

Karl A Crawley
Authorized representative for
Realty Income Properties, owner
El Rio Grande, operator/tenant

MASTERPLAN

Founders Square
900 Jackson St., Suite 640
Dallas, Texas 75202

Phone: (214) 761-9197

Fax: (214) 748-7114

Web: masterplanconsultants.com

November 3, 2011

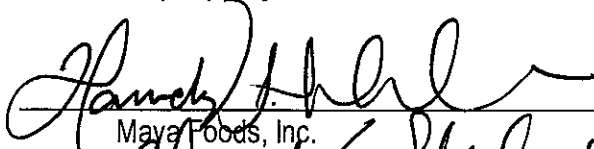
Mr. David Cossum, Assistant Director
Department of Development Services
Dallas City Hall
Dallas, Texas 75201

RE: Variance to Chapter 6, Variance for Spacing Requirements for
Alcohol Permits, 2515 Jefferson Boulevard

Dear Mr. Cossum:

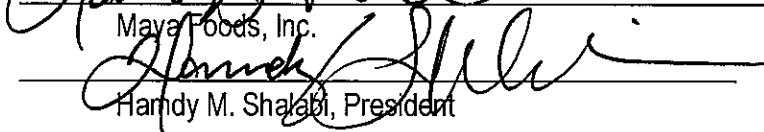
The undersigned tenant hereby authorizes MASTERPLAN to represent the undersigned in all matters regarding a Variance to the Spacing Requirements for Alcohol Permits for the property described above.

Owner:



Maya Foods, Inc.

By:

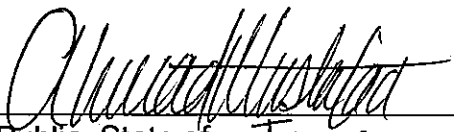


Hamdy M. Shalabi, President

Before me, the undersigned authority, on this day personally

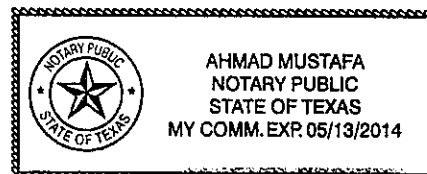
appeared Hamdy M. Shalabi, President of Maya Foods, Inc., known to me to be the person whose name is subscribed to this letter, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated as the act and deed of said corporation.

Given under my hand and seal of office on this 10th day of November



Notary Public, State of Texas

My commission expires 05/13/2014





The Monthly Dividend Company*

Kim Aaron
Property Manager
Realty Income Corporation
600 La Terraza Boulevard, Escondido, CA 92025
New York Stock Exchange Symbol "O"
Direct Dial: 760-317-2976
E-Mail: kaaron@realtyincome.com

VIA E-MAIL: HAMDY@ELRIOGRANDE.NET

November 2, 2011

Hamdy Shalabi
Maya Foods Inc.
5308 Maple Avenue
Dallas, TX 75235

Re: **El Rio Grande**
2515 W. Jefferson Blvd., Dallas, TX 75211 ("Premises")
Our File #2737

Sbj: Variance to Chapter 6, Variance for Spacing Requirements for Alcohol Permits ("Request for Authorization")

To Whom It May Concern:

Maya Foods, Inc., as "Lessee" under that certain Lease dated September 14, 2010 (if and as amended, the "Lease"), proposes to obtain a variance to Chapter 6, Variance for Spacing Requirements for Alcohol Permits at the Premises, all as more particularly set forth in that certain e-mail dated October 31, 2011.

Realty Income Properties 4, LLC ("Realty Income") is the fee owner and landlord of the Premises. Realty Income leases the Premises to Lessee, and Lessee, therefore, is the owner of the leasehold interest in the Premises. Pursuant to the Lease between Realty Income and Lessee, Lessee is permitted to use the Premises for a full service supermarket selling groceries, bakery products, deli and other related meats.

Subject to the limitations described herein, Realty Income hereby authorizes Lessee to execute any and all documents required or desired in connection with Lessee's use and occupancy of the Premises pursuant to and within the terms of the Lease, including in connection with the subject matter of this Request for Authorization. Under no circumstances shall Realty Income be liable under any contract or agreement, written or otherwise, entered into by Lessee, except as may be provided in a separate written agreement executed by an authorized officer of Realty Income.

Please feel free to contact Kim Aaron at (760) 317-2976 with any questions.

Sincerely,

REALTY INCOME PROPERTIES 4, LLC

Kim Aaron
Property Manager

Patrick Rea
Associate Vice President, Property Management

I HAVE CONDUCTED (OR CAUSED TO BE CONDUCTED) A PHYSICAL INSPECTION OF THE AREA AND A DILIGENT SEARCH FOR UNRECORDED ENCUMBRANCES. THIS SURVEY MAP IS LOCATED NEAR AND PROXIMATE TO THE BUSINESS SHOWING THAT THE PLACE OF BUSINESS WHERE ALCOHOLIC BEVERAGES ARE SOLD IS IN THE LOCATION RECORDED IN DALLAS CITY CODE SECTION 8-4.

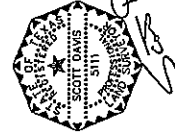


SURVEY MAP FOR BEER AND WINE SALES APPLICATION

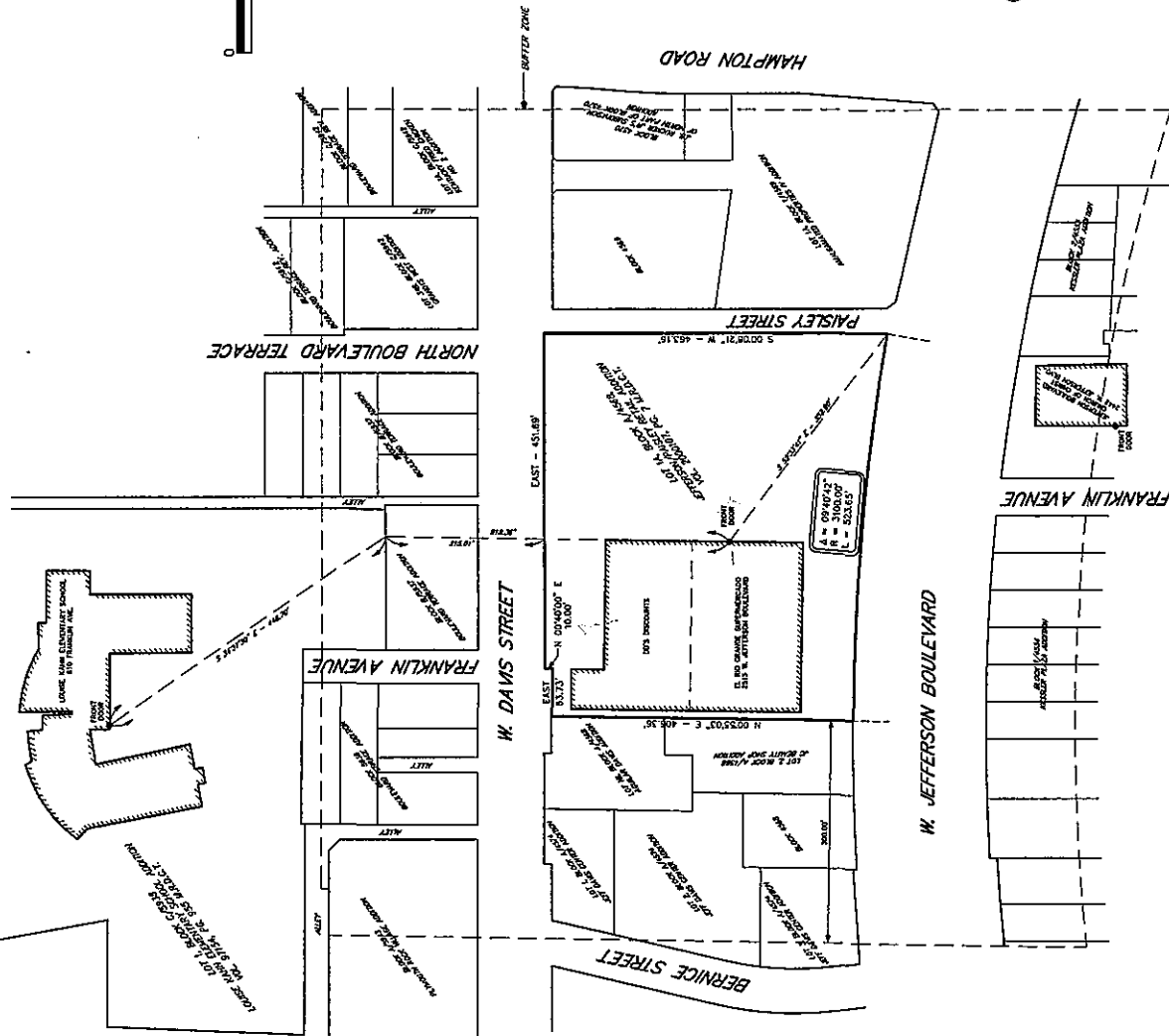
2515 W. JEFFERSON BOULEVARD
 EL RIO GRANDE SUPERMERCADO
 PART OF LOT 1A, BLOCK A/4568,
 JEFFERSON/PAISLEY RETAIL ADDITION
 VOL. 2000107, Pg. 7 M.R.D.C.T.

OWNER

MAYA JEFFERSON
 2515 W. JEFFERSON BOULEVARD, STE. 300
 DALLAS, TEXAS 75221



DATE: 11/9/11
 JOB NO. 11803
DAVIS LAND SURVEYING CO., INC.
 9777 FERGUSON ROAD, SUITE 105
 DALLAS, TEXAS 75228 214-321-0569



January 11, 2012

WHEREAS, Subsection 6-4(g) of the Dallas City Code authorizes the City Council to grant variances from the alcohol spacing requirements prescribed by Subsection 6-4(a) of the Dallas City Code; and

WHEREAS, an application has been submitted requesting a variance to the alcohol spacing requirements for property on the north side of West Jefferson Drive, west of Hampton Road from the Louise Kahn Elementary School; and

WHEREAS, the City Council, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds that enforcement of the alcohol spacing requirements in this particular instance:

- (1) is not in the best interest of the public;
- (2) constitutes waste or inefficient use of land or other resources;
- (3) creates an undue hardship on an applicant for an alcohol permit;
- (4) does not serve its intended purpose; and
- (5) is not effective or necessary; and

WHEREAS, the City Council desires to grant the alcohol spacing variance; **Now, Therefore,**

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

Section 1. That the variance to the alcohol spacing requirements for property on the north side of West Jefferson Drive, west of Hampton Road from the Louise Kahn Elementary School is granted, subject to the following conditions:

- (1) This alcohol spacing variance is valid only for a wine and beer retailer's off-premise permit pursuant to Chapter 26 of the Texas Alcoholic Beverage Code.
- (2) This alcohol spacing variance is valid only for a general merchandise or food store use greater than 3,500 square feet use, as defined in Section 51A-4.210(b)(14) of the Dallas Development Code, with 30,000 square feet or more of floor area.
- (3) The front door of the business where alcoholic beverages will be sold may not face the property of the Louise Kahn Elementary School or any other protected use.

January 11, 2012

- (4) Alcoholic beverages may not be sold by drive-in or drive-through service.
- (5) This alcohol spacing variance is valid for subsequent renewals of the alcohol permit.
- (6) This alcohol spacing variance may not be transferred to another location or to another alcohol permit holder.

Section 2. 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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 35W

SUBJECT

An appeal of the City Plan Commission’s decision to deny a waiver of the two-year waiting period to submit an application for an amendment to the Phase I portion of Planned Development Subdistrict No. 20 for certain GR General Retail Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Oak Lawn Avenue and Gillespie Street – Financing: No cost consideration to the City

BACKGROUND

Section 51A-4.701(d) of the Dallas Development Codes states that “after a final decision is reached by the Commission or City Council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision.” The code allows for a property owner to apply for a waiver of the two-year limitation. The Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing. If the City Plan Commission denies the request, the applicant may appeal to the City Council.

An applicant submitted an application for an amendment to the Phase I portion of Planned Development Subdistrict No. 20 for certain GR General Retail Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Oak Lawn Avenue and Gillespie Street. This request was approved by the City Council on February 9, 2011. Thereafter, on December 1, 2011, the City Plan Commission denied a request for a waiver for the two-year waiting period.

The applicant indicates the change in circumstances regarding the property to warrant a new hearing is Planned Development Subdistrict No. 20 does not allow a dry cleaner and tailor use.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 9, 2011, the City Council approved an amendment to the Phase I portion of Planned Development Subdistrict No. 20 for certain GR General Retail Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Oak Lawn Avenue and Gillespie Street.

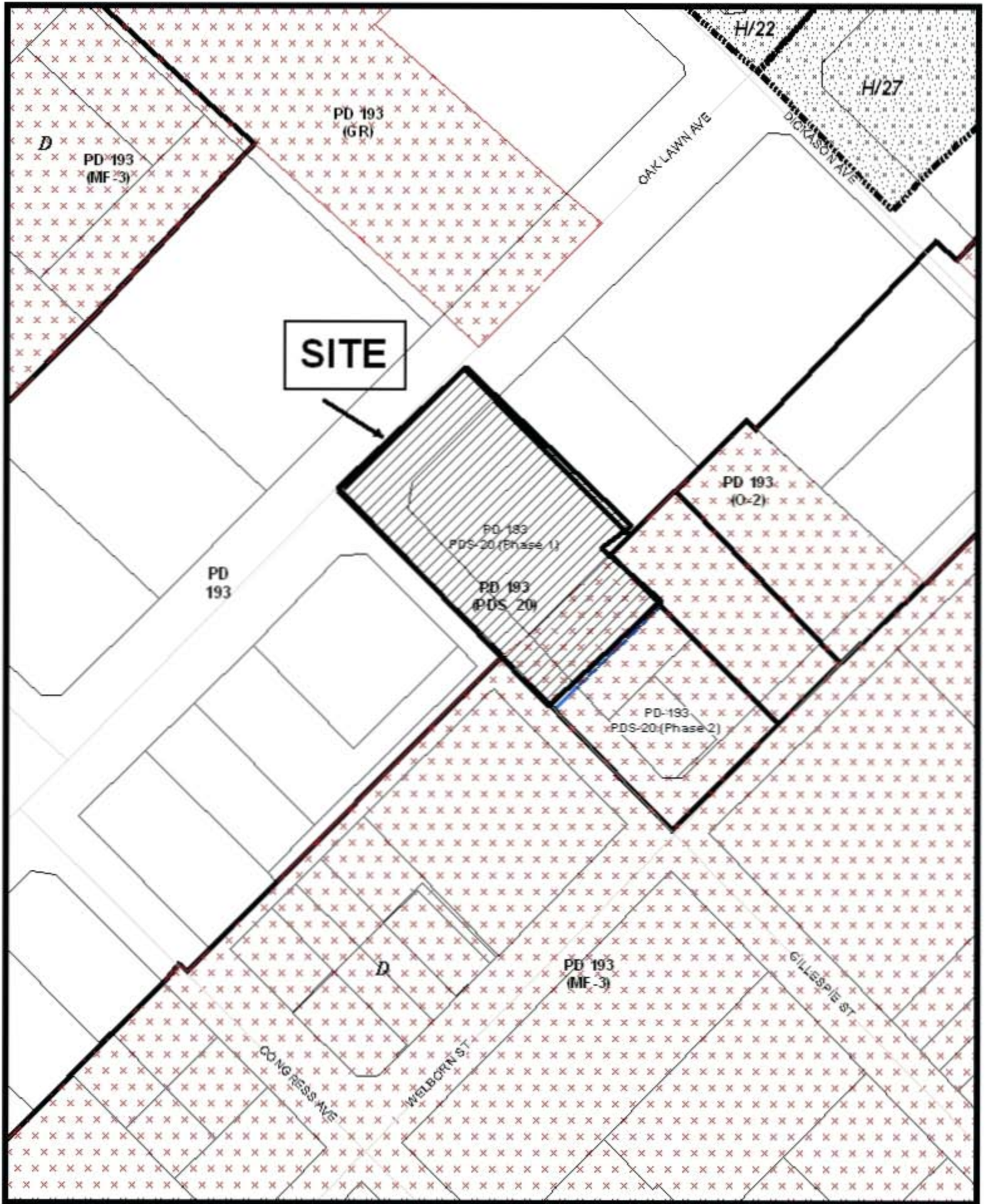
On December 1, 2011, the City Plan Commission denied a request for a waiver for the two-year waiting period.

FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.



1:1,000

W112-001
December 1, 2011

W112-001

APPLICATION FOR WAIVER OF TWO-YEAR WAITING PERIOD

Zoning File No. 2101-111 (CRB)

Location 2904 Oak Lawn Ave. Dallas, TX 75219

Date of last CPC or CC Action Feb. 09, 2011

Applicant's Name, Address & Phone Number Ji Seon Ahn

18527 Gibbons Dr. Dallas, TX 75287 (214-336-126)

Property Owner's Name, Address and Phone No., if different from above

Dallas Heartland Partners

P.O. Box 8357 Tyler, TX 75711 (903-561-1900)

State briefly change of circumstances since the last hearing on the property that would warrant reconsideration of another request in less than two years.

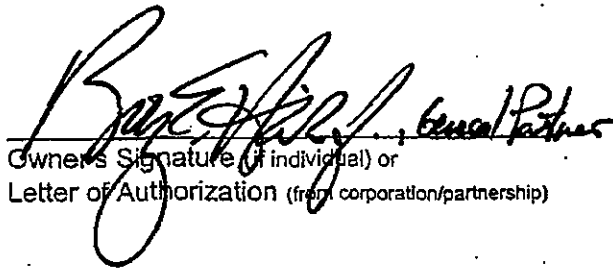
Existing building Restaurant & Wine Warehouse
Change to Dry cleaner & Tailor with
Drive thru.


Applicant's Signature

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NOV 16 2011

Current Planning


Owner's Signature (if individual) or
Letter of Authorization (from corporation/partnership)

Date Received
Fee: \$300.00

City of Dallas
City Plan Commission

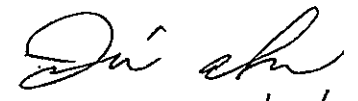
In the Council Meeting held on December 1st, 2011, file number W112-001 was denied.
We would like to appeal this case with the Council.

If any further information is required, please do not hesitate to ask.

Zoning File Number: Z101-111 (RB)

Location: 2904 Oak Lawn Ave. Dallas, TX 75219

Thank You,


Ji Seon Ahn 12/2/11
(Applicant)

PLAN COMMISSION MINUTES
December 1, 2011

W112-001

Motion: It was moved to **deny** a waiver of the two-year waiting period in order to submit an application to amend Planned Development Subdistrict No. 20 to allow a dry cleaner and tailor use on the east corner of Oak Lawn Avenue and Gillespie Street.

Maker: Wally
Second: Shellene
Result: Carried: 14 to 0

For: 14 - R. Davis, Wally, Anglin, M. Davis, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Bernbaum, Schwartz, Alcantar

Against: 0
Absent: 1 - Wolfish
Vacancy: 1 - District 14

Speakers: Neil Emmons, 2525 Turtle Creek, Dallas, Texas (in opposition)

January 11, 2012

WHEREAS, Section 51A-4.701(d) of the Dallas Development Code states that “after a final decision is reached by the commission or city council either granting or denying a request for a change in a zoning district classification or boundary, no further applications may be considered for that property for two years from the date of the final decision; and

WHEREAS, the code allows a property owner to apply for a waiver of the two-year limitation; and

WHEREAS, the City Plan Commission may waive the time limitation if there are changed circumstances regarding the property sufficient to warrant a new hearing; and

WHEREAS, if the City Plan Commission denies the request, the applicant may appeal to the City Council; and

WHEREAS, on February 9, 2011, the City Council approved an amendment to the Phase I portion of Planned Development Subdistrict No. 20 for certain GR General Retail Subdistrict Uses within Planned Development District No. 193, the Oak Lawn Special Purpose District, on the east corner of Oak Lawn Avenue and Gillespie Street; and

WHEREAS, on December 1, 2011, in case no. W112-001, the City Plan Commission denied a request for a waiver of the two-year waiting period; and

WHEREAS, the City applicant is appealing this decision to the City Council; **Now, Therefore,**

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

Section 1. That the City Plan Commission’s decision to deny a waiver of the two-year waiting period to submit an application for an amendment to the Phase I portion of Planned Development Subdistrict No. 20 within Planned Development District No. 193, is reversed.

Section 2. 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.

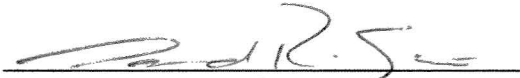
**JANUARY 11, 2012 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated January 11, 2012. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



Mary K. Suhm
City Manager

1/6/12
Date



Edward Scott
City Controller

1/6/12
Date

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 11, 2012
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

Aviation

1. Authorize **(1)** an amendment to Resolution No. 11-1505, previously approved on June 8, 2011, and an application for and acceptance of an Interlocal Agreement with the Texas Department of Transportation (TxDOT), Aviation Division, to perform Rolling Dynamic Deflectometer (RDD) testing as part of the capital improvement projects at Dallas Executive Airport under TxDOT's State Block Grant Program, for TxDOT to assume responsibility for administering the FAA's Airport Improvement Program (AIP) grants at airports classified as "other than primary" airports, the capital project was amended by TxDOT on December 1, 2011 due to a change in the project scope; **(2)** a TxDOT match of 90% of project costs under the State Block Grant Program in an amount not to exceed \$430,200; **(3)** a 10% local match of the project costs in an amount not to exceed \$47,800; and **(4)** execution of the grant agreement for the period July 2011 through July 2012 - Total not to exceed \$478,000 - Financing: Aviation Capital Construction Funds (\$47,800) and Texas Department of Transportation Grant Funds (\$430,200)

Business Development & Procurement Services

2. Authorize a three-year service contract for temporary clerical and professional labor citywide - Romulus Group, Inc., lowest responsible bidder of thirteen - Not to exceed \$13,503,090 - Financing: Current Funds (\$10,354,171), Water Utilities Current Funds (\$2,207,940), Convention and Event Services Current Funds (\$674,331), Aviation Current Funds (\$233,198) and Stormwater Drainage Management Current Funds (\$33,450) (subject to annual appropriations)
3. Authorize a three-year service contract for maintenance and support for forensic software, hardware and appliances for litigation support - SHI Government Solutions, Inc., lowest responsible bidder of two - Not to exceed \$141,637 - Financing: Current Funds (subject to annual appropriations)
4. Authorize a three-year service contract for maintenance and support of computer desktop management software for Police - SHI Government Solutions, Inc., lowest responsible bidder of four - Not to exceed \$164,152 - Financing: Current Funds (subject to annual appropriations)

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 11, 2012**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Business Development & Procurement Services (Continued)

5. Authorize a **(1)** one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment - Sam Pack's Five Star Ford, LLC in the amount of \$4,889,820, Caldwell Country Chevrolet in the amount of \$639,551, Southwest International Trucks, Inc. in the amount of \$487,354, Reliable Chevrolet in the amount of \$300,742, Landmark Equipment, Inc. in the amount of \$118,977, Holt Texas, LTD in the amount of \$98,358, RDO Equipment in the amount of \$97,382, Bobcat of Dallas in the amount of \$74,572, Rush Truck Centers of Texas, LP in the amount of \$66,974, B&C Body Company in the amount of \$48,850, Kirby-Smith Machinery in the amount of \$25,218 and McKinney Dodge, Inc. in the amount of \$23,985, lowest responsible bidders of fifteen; and **(2)** one-year master agreement for the purchase of one hundred three pieces of fleet equipment - Dallas Dodge Chrysler Jeep in the amount of \$2,532,850 through the Houston-Galveston Area Council of Governments - Total not to exceed \$9,404,633 - Financing: Current Funds (\$3,115,600), Water Utilities Current Funds (\$2,773,624), Municipal Lease Agreement Funds (\$1,700,253), Stormwater Drainage Management Capital Construction Funds (\$916,521), 2010 Equipment Acquisition Notes (\$782,723), Aviation Current Funds (\$90,861) and U.S Department of Justice Grant Funds (\$25,051)

City Attorney's Office

6. Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C., for additional legal services necessary in the lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$30,000, from \$190,000 to \$220,000 - Financing: Current Funds

Civil Service

7. Authorize **(1)** the reappointment of one Administrative Law Judge (ALJ), Willie Crowder; **(2)** the appointment of Jean B. Crutchfield and Douglas J. Lapidus as Administrative Law Judges (ALJ) for the period January 1, 2012 through December 31, 2013 to hear employee appeals of terminations and demotions; and **(3)** contracts with each ALJ in the amount of \$8,000 each - Total not to exceed \$24,000 (\$12,000 to be reimbursed by the appealing employees) - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 11, 2012**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction

8. An ordinance amending Ordinance No. 28083, which abandoned portions of St. Rita, St. Gabriel, St. Sebastian, St. Matthew, St. Agnes and St. Gerard Drives, 21 utility easements, six utility/transformer pad easements, nine drainage easements, two wall maintenance easements and two wastewater easements located near the intersection of St. Rita and St. David Drives to Dallas Independent School District to extend the final replat and dedication requirements from one year to 545 days - Revenue: \$5,400 plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

9. A resolution designating absences by Councilmember Dwaine Caraway as being for "official city business" - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

Urban Mixed Use, LLC

Note: Addendum Item Nos. 10, 11 and 12 must be considered collectively.

10. * Authorize a conditional grant agreement with Urban Mixed Use, LLC for the purpose of constructing residential development as part of the Economic Development Plan for the JB Jackson Transit Area - Not to exceed \$500,000 - Financing: 2006 Bond Funds
11. * Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, governing City incentives promoting private investment, tax base growth and job creation to include the authority to accept and administer resources from the federal government to implement the City's economic development programs, in particular, incentives supporting transit-oriented and mixed-use commercial developments within the City in accordance with Local Government Code Chapter 380.001 (b)(2) and (3) - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
JANUARY 11, 2012**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Housing/Community Services (Continued)

Urban Mixed Use, LLC (Continued)

Note: Addendum Item Nos. 10, 11 and 12 must be considered collectively.

12. * Authorize a 380 grant agreement, pursuant to the City of Dallas Public/Private Partnership Program, as amended, with Urban Mixed Use, LLC for the purpose of planning and preconstruction activities related to mixed-use development and offsite improvements as part of the four-phase, mixed-use development at the JB Jackson Transit Area - Not to exceed \$200,000 - Financing: HUD Community Challenge Planning Grant Funds

PUBLIC HEARINGS AND RELATED ACTIONS

FLOODPLAIN APPLICATIONS

Trinity Watershed Management

13. A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix for approximately 1.54 acres of the current 2.84 acres of land within the floodplain of Joe's Creek located at 10505 Denton Drive; Fill Permit 11-01 - Financing: No cost consideration to the City

ADDENDUM DATE January 11, 2012

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			8	C	AVI	\$47,800.00	NA	NA	Authorize an amendment to Resolution No. 11-1505, previously approved on June 8, 2011, and an application for and acceptance of an interlocal agreement with the Texas Department of Transportation (TxDOT), Aviation Division, to perform Rolling Dynamic Deflectometer (RDD) testing as part of the capital improvement projects at Dallas Executive Airport under TxDOT's State Block Grant Program, for TxDOT to assume responsibility for administering the FAA's Airport Improvement Program (AIP) grants at airports classified as "other than primary" airports, the capital project was amended by TxDOT on December 1, 2011 due to a change in the project scope; a TxDOT match of 90% of project costs under the State Block Grant Program in an amount not to exceed \$430,200; a 10% local match of the project costs in an amount not to exceed \$47,800; and execution of the grant agreement for the period July 2011 through July 2012
2			All	C	PBD, HRD	\$13,503,090.00	100.00%	100.00%	Authorize a three-year service contract for temporary clerical and professional labor citywide
3			All	C	PBD, CIS	\$141,637.00	0.00%	100.00%	Authorize a three-year service contract for maintenance and support for forensic software, hardware and appliances for litigation support
4			All	C	PBD, CIS, POL	\$164,151.20	0.00%	100.00%	Authorize a three-year service contract for maintenance and support of computer desktop management software for Police
5			All	C	PBD, EBS	\$9,379,581.00	88.91%	0.01%	Authorize a one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment; and one-year master agreement for the purchase of one hundred three pieces of fleet equipment
6			N/A	C	ATT	\$30,000.00	100.00%	NA	Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C., for additional legal services necessary in the lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV, and any other proceedings relating to the subject matter of this litigation
7			N/A	C	CVS	\$24,000.00	NA	NA	Authorize the reappointment of one Administrative Law Judge (ALJ), Willie Crowder; (2) the appointment of Jean B. Crutchfield and Douglas J. Lapidus as Administrative Law Judges (ALJ) for the period January 1, 2012 through December 31, 2013, to hear employee appeals of terminations and demotions; and contracts with each ALJ in the amount of \$8,000 each
8			3	C	DEV	REV \$5,400	NA	NA	An ordinance amending Ordinance No. 28083, which abandoned portions of St. Rita, St. Gabriel, St. Sebastian, St. Matthew, St. Agnes and St. Gerard Drives, 21 utility easements, six utility/transformer pad easements, nine drainage easements, two wall maintenance easements and two wastewater easements located near the intersection of St. Rita and St. David Drives to Dallas Independent School District to extend the final replat and dedication requirements from one year to 545 days
9			All	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Dwaine Caraway as being for "official city business"
10			7	I	HOU, ECO	\$500,000.00	NA	NA	Urban Mixed Use, LLC: Authorize a conditional grant agreement with Urban Mixed Use, LLC, for the purpose of constructing residential development as part of the Economic Development Plan for the JB Jackson Transit Area
11			7	I	HOU, ECO	NC	NA	NA	Urban Mixed Use, LLC: Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, governing City incentives promoting private investment, tax base growth and job creation to include the authority to accept and administer resources from the federal government to implement the City's economic development programs, in particular, incentives supporting transit-oriented and mixed-use commercial developments within the City in accordance with Local Government Code Chapter 380.001 (b)(2) and (3)
12			7	I	HOU, ECO	GT	NA	NA	Urban Mixed Use, LLC: Authorize a 380 grant agreement, pursuant to the City of Dallas Public/Private Partnership Program, as amended, with Urban Mixed Use, LLC for the purpose of planning and preconstruction activities related to mixed-use development and offsite improvements as part of the four-phase, mixed-use development at the JB Jackson Transit Area

ADDENDUM DATE January 11, 2012

ITEM		IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF								
13				6	PH	TWM	NC	NA	NA	A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix for approximately 1.54 acres of the current 2.84 acres of land within the floodplain of Joe's Creek, located at 10505 Denton Drive; Fill Permit 11-01

TOTAL \$23,790,259.20

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 8
DEPARTMENT: Aviation
CMO: A. C. Gonzalez, 671-8925
MAPSCO: 63L

SUBJECT

Authorize **(1)** an amendment to Resolution No. 11-1505, previously approved on June 8, 2011, and an application for and acceptance of an interlocal agreement with the Texas Department of Transportation (TxDOT), Aviation Division, to perform Rolling Dynamic Deflectometer (RDD) testing as part of the capital improvement projects at Dallas Executive Airport under TxDOT's State Block Grant Program, for TxDOT to assume responsibility for administering the FAA's Airport Improvement Program (AIP) grants at airports classified as "other than primary" airports, the capital project was amended by TxDOT on December 1, 2011 due to a change in the project scope; **(2)** a TxDOT match of 90% of project costs under the State Block Grant Program in an amount not to exceed \$430,200; **(3)** a 10% local match of the project costs in an amount not to exceed \$47,800; and **(4)** execution of the grant agreement for the period July 2011 through July 2012 - Total not to exceed \$478,000 - Financing: Aviation Capital Construction Funds (\$47,800) and Texas Department of Transportation Grant Funds (\$430,200)

BACKGROUND

Dallas Executive Airport is designated a reliever airport under the NPIAS (National Plan of Integrated Airport Systems) eligible projects. The Rolling Dynamic Deflectometer (RDD) is a non-destructive deflection testing device developed by researchers at The University of Texas at Austin in the 1990s. The developmental work was funded by Texas Department of Transportation (TxDOT). The RDD, which is used to measure continuous deflection profiles along highway and airport pavements, is an effective tool for identifying critical sections, cracks, or joints along a pavement test section that need repair. It is also an effective tool for monitoring deterioration in pavement sections over time.

The RDD will test both runways (13/31 and 17/35) at Dallas Executive Airport and all associated taxiways. The findings from this testing methodology will allow the Department of Aviation to establish a prioritized pavement rehabilitation schedule.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 8, 2011, authorized an application for and acceptance of TxDOT's State Block Grant Program, by Resolution No. 11-1505.

FISCAL INFORMATION

\$47,800 - Aviation Capital Construction Funds

\$430,200 - Texas Department of Transportation Grant Funds

January 11, 2012

WHEREAS, the City of Dallas intends to enhance the city's economic vibrancy; particularly within the city's southern sector; and,

WHEREAS, Dallas Executive Airport is proven to be a significant economic generator within the city's southern sector; and,

WHEREAS, it is desirable to maintain the airport infrastructure to provide a safe and attractive environment for aircraft owners and operators to conduct business at Dallas Executive Airport; and,

WHEREAS, the Texas Department of Transportation (TxDOT) has indicated that capital improvement projects is a program that is eligible for federal funding through the FAA State Block Grant Program through which it has responsibilities for the federal improvement program for general aviation airports and will participate in 90% of eligible costs, not to exceed \$430,200; and,

WHEREAS, on June 8, 2011, the City Council authorized an application for and acceptance of TxDOT's State Block Grant Program, by Resolution No. 11-1505; and,

WHEREAS, it is advantageous to apply for and accept reimbursement funds from TxDOT for eligible costs for capital improvement projects at Dallas Executive Airport; and,

WHEREAS, the total project costs are estimated to be \$478,000, and the City of Dallas will be responsible for 10% of the project costs, estimated to be \$47,800; and,

WHEREAS, the City of Dallas names TxDOT as its agent for the purpose of receiving and disbursing all funds for the capital improvement project and for the administration of contracts necessary for completing this project.

Now, Therefore,

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

Section 1. That the City Manager be and is hereby authorized to enter into an interlocal agreement, subject to the approval of the City Attorney as to form, on behalf of the City of Dallas with the Texas Department of Transportation, Aviation Division, to conduct capital improvement projects for Dallas Executive Airport in an amount not to exceed the total project cost which is currently estimated to be \$478,000. Under the State Block Grant Program, TxDOT will match 90% (\$430,200) and the City will match 10% (\$47,800) of the project costs.

January 11, 2012

Section 2. That the City Manager be and is hereby authorized to execute at the appropriate time, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, Aviation Division and such other parties as shall be necessary and appropriate for the execution of capital improvement projects at Dallas Executive Airport.

Section 3. That the City Controller be and is hereby authorized to disburse funds in an amount not to exceed \$47,800 from Aviation Capital Construction Funds 0131, Dept. AVI, Unit 1460, Activity AVTR, Object 3070, Vendor No. 020318, Encumbrance AVITXDOT0112, to pay the City's share of this project.

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.

ADDENDUM ITEM # 2

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Human Resources

CMO: Jeanne Chipperfield, 670-7804
Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for temporary clerical and professional labor citywide - Romulus Group, Inc., lowest responsible bidder of thirteen - Not to exceed \$13,503,090 - Financing: Current Funds (\$10,354,171), Water Utilities Current Funds (\$2,207,940), Convention and Event Services Current Funds (\$674,331), Aviation Current Funds (\$233,198) and Stormwater Drainage Management Current Funds (\$33,450) (subject to annual appropriations)

BACKGROUND

This action does not encumber funds; the purpose of this service contract is to establish firm pricing for goods or services, for a specific term, which are ordered on an as needed basis.

Temporary staffing agencies provide clerical employees and skilled professionals who will work on a temporary "as-needed" basis. Temporary labor contracts allow the City to mitigate employee turnover, retirement, longer than anticipated time frame for hiring new employees and unplanned or urgent projects. The new specifications identified several additional job classifications not previously available on the prior contract. Temporary employees may be hired by the City any time after twelve consecutive weeks of work as a temporary without any additional fees or charges.

BACKGROUND (Continued)

Examples of job classifications provided by this contract include:

- Office Assistant I
- Office Assistant II
- Cashier
- Call Taker
- Executive Assistant
- Executive Secretary
- Council Assistant
- Accountant
- Accountant II
- Accountant III
- Senior Accountant
- Financial Analyst
- Program Manager

This solicitation was structured in a manner which required bidders to submit a response using unit pricing; this bid resulted in a 11.8% decrease over comparable unit prices for the bid awarded in 2008.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services used its procurement system to send out 158 email bid notifications to vendors registered under respective commodities. To further increase competition, Business Development and Procurement Services uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally in an effort to secure more bids, notifications were sent by the Business Development and Procurement Services' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized a thirty-six-month service contract for temporary clerical and professional labor by Resolution No. 08-1756.

On August 9, 2006, City Council authorized a thirty-six-month service contract for temporary clerical help by Resolution No. 06-2007.

FISCAL INFORMATION

- \$10,354,171.00 - Current Funds (subject to annual appropriations)
- \$ 2,207,940.00 - Water Utilities Current Funds (subject to annual appropriations)
- \$ 674,331.00 - Convention and Event Services Current Funds (subject to annual appropriations)
- \$ 233,198.00 - Aviation Current Funds (subject to annual appropriations)
- \$ 33,450.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 66 - Vendors contacted
- 62 - No response
- 4 - Response (Bid)
- 0 - Response (No bid)
- 1 - Successful

158 M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Romulus Group, Inc.

White Male	24	White Female	23
Black Male	5	Black Female	2
Hispanic Male	2	Hispanic Female	9
Other Male	0	Other Female	2

BID INFORMATION

The following bids were received from solicitation number BA1203 and opened on December 1, 2011. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Romulus Group, Inc.	2351 W. Northwest Highway Suite #1302 Dallas, TX 75220	\$13,503,090.00

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
CTJ Maintenance, Inc.	3649 Conflans Road Suite #102 Irving, TX 75061	\$13,799,010.00
Lane Staffing, Inc.	1810 Park Row Dallas, TX 75215	\$14,224,770.00
Stark Holding, Inc.	2121 W. Airport Freeway Suite #101 Irving, TX 75062	\$14,629,200.00
Abacus Corporation	610 Gusryan Street Baltimore, MD 21224	\$14,853,470.00
Ecom Consulting, Inc.	3940 Hatherly Drive Plano, TX 75023	\$16,628,820.00
Elahi Enterprises	400 E. Royal Lane Suite #218 Irving, TX 75039	\$16,921,890.00
Apple One Employment Services	990 Knox Street Torrance, CA 90502	\$18,933,810.00
Temporary Medical Staffing	662 Big Stone Gap Suite #115 Duncanville, TX 75137	\$19,938,920.00
Tolman Building Maintenance	3224 Irving Boulevard Dallas, TX 75247	\$20,484,920.00
Dploit, Inc.	14673 Midway Road Suite #108 Addison, TX 75001	\$20,946,720.00
The Moore Group	3027 Marina Bay Drive Suite #103 League City, TX 77573	Non-responsive**
Elite Staffing	120 Browning Lane Grand Prairie, TX 75052	Non-responsive**

BID INFORMATION (Continued)

**The Moore Group and Elite Staffing were deemed non-responsive due to not meeting specifications.

OWNER

Romulus Group, Inc.

Elaine Biata, President
Serge Wankombe, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for temporary clerical and professional labor citywide - Romulus Group, Inc., lowest responsible bidder of thirteen - Not to exceed \$13,503,090 - Financing: Current Funds (\$10,354,171), Water Utilities Current Funds (\$2,207,940), Convention and Event Services Current Funds (\$674,331), Aviation Current Funds (\$233,198) and Stormwater Drainage Management Current Funds (\$33,450) (subject to annual appropriations)

Romulus Group, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor's.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$13,503,090.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$13,503,090.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
TBey & Associates	BFDB49092Y0512	\$2,430,556.20	18.00%
Romulus Group, Inc.	BMDB50764Y1012	\$11,072,533.80	82.00%
Total Minority - Local		\$13,503,090.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$11,072,533.80	82.00%	\$11,072,533.80	82.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$2,430,556.20	18.00%	\$2,430,556.20	18.00%
Total	\$13,503,090.00	100.00%	\$13,503,090.00	100.00%

January 11, 2012

WHEREAS, on August 9, 2006, City Council authorized a thirty-six-month service contract for temporary clerical help by Resolution No. 06-2007; and,

WHEREAS, on June 25, 2008, City Council authorized a thirty-six-month service agreement for temporary clerical and professional services Resolution No. 08-1756;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Romulus Group, Inc. (VS0000009599) for temporary clerical and professional labor citywide for a term of three years in an amount not to exceed \$13,503,090.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Romulus Group, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Romulus Group, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$13,503,090.00 (subject to annual appropriations).

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.

ADDENDUM ITEM # 3

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for maintenance and support for forensic software, hardware and appliances for litigation support - SHI Government Solutions, Inc., lowest responsible bidder of two - Not to exceed \$141,637 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This service contract will provide the City with an ongoing software maintenance and support agreement which will enable the City to receive full support for all issues related to the software, hardware and support services for the e-Discovery Forensics Systems.

In 2007, the City procured various “e-Discovery Systems” for the management of digital forensics. Some of these systems included processing servers, software, tools, other e-Discovery appliances and professional services from Clearwell Systems, Inc. for the processing of electronically stored information (ESI).

These “e-Discovery Systems” are used by the Communication and Information Services department to streamline the support for the identification, preservation, collection, processing, analysis and review of the vast amounts of ESI information stored on various electronic equipment within the City.

These systems provide an efficient and accurate method of conducting searches in such instances as responding to open records request or other instances where ESI is required by City attorneys, external attorneys and other parties to litigate cases involving the City and its employees.

BACKGROUND (Continued)

This bid was extended by six weeks in order to allow for greater participation. During the extension, five additional vendors were contacted in attempts to increase participation; these efforts resulted in one additional bidder.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 867 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$141,637.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 166 - Vendors contacted
- 166 - No response
 - 0 - Response (Bid)
 - 0 - Response (No Bid)
 - 0 - Successful vendor

868 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

SHI Government Solutions, Inc.

White Male	189	White Female	90
Black Male	38	Black Female	24
Hispanic Male	27	Hispanic Female	12
Other Male	14	Other Female	43

BID INFORMATION

The following bids were received from solicitation number BU1118 and opened on July 14, 2011. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount Of Bid</u>
*SHI Government Solutions, Inc.	1301 South MoPac Exprwy. Suite 375 Austin, TX 78746	\$ 141,637.00
Clearwell System, Inc.	441 Logue Ave. Mountain View, CA 94043	\$142,075.00

OWNER

SHI Government Solutions, Inc.

Thai Lee, President
Paul Ng, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for maintenance and support for forensic software, hardware and appliances for litigation support - SHI Government Solutions, Inc., lowest responsible bidder of two - Not to exceed \$141,637 - Financing: Current Funds (subject to annual appropriations)

SHI Government Solutions, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$141,637.00	100.00%
TOTAL CONTRACT	\$141,637.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
SHI Government Solutions, Inc.	PFDL11219NY312	\$141,637.00	100.00%
Total Minority - Non-local		\$141,637.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$141,637.00	100.00%
Total	\$0.00	0.00%	\$141,637.00	100.00%

January 11, 2012

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

Section 1. That the City Manager is authorized to execute a service contract with SHI Government Solutions, Inc. (502145) for maintenance and support for forensic software, hardware and appliances for litigation support for a term of three years in the amount not to exceed \$141,637.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SHI Government Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by SHI Government Solutions, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$141,637.00 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0198	DSV	1633	3438	\$71,075.00	2012	CTDSV12CLEAR
0198	DSV	1633	3438	\$35,281.00	2013	CTDSV13CLEAR
0198	DSV	1633	3438	\$35,281.00	2014	CTDSV14CLEAR

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.

ADDENDUM ITEM # 4

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services
Police

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299
A. C. Gonzalez, 671-8925

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for maintenance and support of computer desktop management software for Police - SHI Government Solutions, Inc., lowest responsible bidder of four - Not to exceed \$164,152 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

This service contract will allow Communication and Information Services (CIS) to continue to utilize the VMWare vCenter Configuration Manager software. This software collects information such as installed software, hardware configuration, patch level, users of specific computers, and various other information on all computers deployed in the Dallas Police Department (DPD) network. The software is also used to deliver software updates, patches and assist with asset tracking. This software has been used by DPD since 2005.

Maintenance and support includes: upgrades to current releases of software and technical support directly from the manufacturer. CIS intends to continue to use this software as a management, maintenance and software delivery tool for DPD computers, including mobile computers in DPD vehicles when applicable.

This bid was extended by fourteen weeks in order to allow for greater participation. During the extension, fifteen additional vendors were contacted in attempts to increase participation; these efforts resulted in three additional bidders.

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 839 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$164,151.20 – Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 149 - Vendors contacted
- 149 - No response
 - 0 - Response (Bid)
 - 0 - Response (No bid)
 - 0 - Successful

842 - M/WBE and Non-M/WBE vendors were contacted

The recommended awardee has fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

SHI Government Solutions, Inc.

White Male	189	White Female	90
Black Male	38	Black Female	24
Hispanic Male	27	Hispanic Female	12
Other Male	14	Other Female	43

BID INFORMATION

The following bids were received from solicitation number BU1116 and were opened on July 14, 2011. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*SHI Government Solutions, Inc.	1301 South MoPac Exprwy. Suite 375 Austin, TX 78746	\$164,151.20
Mark III Systems, Inc.	3600 S. Gessner Suite 170 Houston, TX 70630	\$165,940.18
Komia, LLC	3131 McKinney Ave. Suite 600 Dallas, TX 75204	\$209,333.00
Technology for Education LLC dba TFE	658 Alliance Pkwy. Hewitt, TX 76643	\$227,595.95

OWNER

SHI Government Solutions, Inc.

Thai Lee, President
Paul Ng, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for maintenance and support of computer desktop management software for Police - SHI Government Solutions, Inc., lowest responsible bidder of four - Not to exceed \$164,152 - Financing: Current Funds (subject to annual appropriations)

SHI Government Solutions, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$164,151.20	100.00%
TOTAL CONTRACT	\$164,151.20	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
SHI Government Solutions, Inc.	PFDL11219NY312	\$164,151.20	100.00%
Total Minority - Non-local		\$164,151.20	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$164,151.20	100.00%
Total	\$0.00	0.00%	\$164,151.20	100.00%

January 11, 2012

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

Section 1. That the City Manager is authorized to execute a service contract with SHI Government Solutions, Inc. (502145) for maintenance and support of computer desktop management software for Police for a term of three years in an amount not to exceed \$164,151.20, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to SHI Government Solutions, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by SHI Government Solutions, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$164,151.20 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0198	DSV	1675	3437	\$81,058.40	2012	CTDSV12CONFIG
0198	DSV	1675	3437	\$41,546.40	2013	CTDSV13CONFIG
0198	DSV	1675	3437	\$41,546.40	2014	CTDSV14CONFIG

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.

ADDENDUM ITEM # 5

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction
A Cleaner, Healthier City Environment

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services

CMO: Jeanne Chipperfield, 670-7804
Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize a **(1)** one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment - Sam Pack's Five Star Ford, LLC in the amount of \$4,889,820, Caldwell Country Chevrolet in the amount of \$639,551, Southwest International Trucks, Inc. in the amount of \$487,354, Reliable Chevrolet in the amount of \$300,742, Landmark Equipment, Inc. in the amount of \$118,977, Holt Texas, LTD in the amount of \$98,358, RDO Equipment in the amount of \$97,382, Bobcat of Dallas in the amount of \$74,572, Rush Truck Centers of Texas, LP in the amount of \$66,974, B&C Body Company in the amount of \$48,850, Kirby-Smith Machinery in the amount of \$25,218 and McKinney Dodge, Inc. in the amount of \$23,985, lowest responsible bidders of fifteen; and **(2)** one-year master agreement for the purchase of one hundred three pieces of fleet equipment - Dallas Dodge Chrysler Jeep in the amount of \$2,532,850 through the Houston-Galveston Area Council of Governments - Total not to exceed \$9,404,633 - Financing: Current Funds (\$3,115,600) Water Utilities Current Funds (\$2,773,624), Municipal Lease Agreement Funds (\$1,700,253), Stormwater Drainage Management Capital Construction Funds (\$916,521), 2010 Equipment Acquisition Notes (\$782,723), Aviation Current Funds (\$90,861) and U.S Department of Justice Grant Funds (\$25,051)

BACKGROUND

This action does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods for a specific term, which are ordered on an as needed basis.

A master agreement process gives the City the flexibility to acquire its equipment needs as funding becomes available or as needs arise. Procuring vehicles through a master agreement process also affords the City the opportunity to lock in favorable pricing throughout the end of the model year thus becoming the preferred method of vehicle acquisition.

BACKGROUND (Continued)

This agreement will allow for the purchase of two hundred ninety-nine pieces of fleet equipment. Forty-nine are alternative fuel; including twenty-seven Compressed Natural Gas and twenty-two gasoline/electric hybrids. All of the following equipment has met replacement criteria or are additions to the fleet. The equipment will be used by various departments throughout the City in their daily activities. Below is a list of the units:

- 2 passenger vans
- 6 dump trucks
- 68 pickups
- 16 SUVs
- 12 vans
- 34 utility trucks
- 2 air compressor trailers
- 3 mixers
- 2 wheel loaders
- 1 repair truck
- 1 backhoe truck
- 1 backhoe trailer
- 1 backhoe
- 2 air compressors
- 103 marked squad cars
- 22 mid-size sedans
- 6 live animal vans
- 3 paddy wagons
- 1 commercial van
- 3 crane trucks
- 1 flat bed wrecker
- 1 50 ton wrecker
- 2 skid steer loader
- 1 flat bed truck
- 2 chemical vans
- 2 stake bed trucks
- 1 refuse truck

Replacement vehicles have gone through an evaluation process using an established criterion to ensure that only vehicles that have exceeded their useful life are replaced. The equipment evaluation includes life-to-date maintenance costs, recommended replacement mileage and recommended replacement life.

BACKGROUND (Continued)

Competitive bids were issued and opened on September 8, 2011. Bid pricing was then compared to Texas local cooperative purchasing agreements, and it was determined that the Houston-Galveston Area Council of Governments (H-GAC) provided the most advantageous pricing to the City. Houston-Galveston Area Council of Governments (H-GAC) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, H-GAC receives bids from manufacturers and dealers throughout the United States.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1114 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 26, 2010, City Council authorized a one-year master agreement for fleet vehicles by Resolution No. 10-1282.

On January 13, 2010, City Council authorized a one-year master agreement for fleet vehicles and equipment by Resolution No. 10-0137.

On March 25, 2009, City Council authorized a twelve-month master agreement for automobiles, light trucks, vans and utility trucks by Resolution No. 09-0860.

On June 25, 2008, City Council authorized a twelve-month master agreement for refuse trucks, transfer trucks, forklifts and air compressors by Resolution No. 08-1762.

On February 27, 2008, City Council authorized a twelve-month master agreement for automobiles, light trucks, motorcycles, vans and utility trucks by Resolution No. 08-0629.

On March 28, 2007, City Council authorized a twelve-month price agreement for automobiles, light trucks, motorcycles, vans and utility trucks by Resolution No. 07-0975.

On February 28, 2007, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution No. 07-0748.

FISCAL INFORMATION

\$3,115,600.00 - Current Funds
\$2,773,624.00 - Water Utilities Current Funds
\$1,700,253.00 - Municipal Lease Agreement Funds
\$ 916,521.00 - Stormwater Drainage Management Capital Construction Funds
\$ 782,723.00 - 2010 Equipment Acquisition Notes
\$ 90,861.00 - Aviation Current Funds
\$ 25,051.00 - U.S. Department of Justice Grant Funds

M/WBE INFORMATION

119 - Vendors Contacted
119 - No response
0 - Response (bid)
0 - Response (no bid)
0 - Successful

1114 M/WBE and Non-M/WBE vendors were contacted

The recommended awardees have fulfilled the good faith requirements set forth in the Business Inclusion and Development (BID) Plan adopted by Council Resolution No. 08-2826 as amended.

ETHNIC COMPOSITION

Sam Pack's Five Star Ford, LLC

White Male	103	White Female	17
Black Male	19	Black Female	2
Hispanic Male	66	Hispanic Female	6
Other Male	3	Other Female	0

Caldwell Country Chevrolet

White Male	20	White Female	10
Black Male	5	Black Female	2
Hispanic Male	0	Hispanic Female	1
Other Male	0	Other Female	1

Southwest International Trucks, Inc.

White Male	237	White Female	36
Black Male	17	Black Female	2
Hispanic Male	56	Hispanic Female	4
Other Male	1	Other Female	0

ETHNIC COMPOSITION (Continued)

Reliable Chevrolet

White Male	90	White Female	8
Black Male	7	Black Female	0
Hispanic Male	24	Hispanic Female	5
Other Male	5	Other Female	0

Landmark Equipment , Inc.

White Male	42	White Female	8
Black Male	4	Black Female	1
Hispanic Male	7	Hispanic Female	0
Other Male	0	Other Female	2

Holt Texas, LTD

White Male	193	White Female	28
Black Male	27	Black Female	3
Hispanic Male	29	Hispanic Female	21
Other Male	10	Other Female	0

RDO Equipment

White Male	31	White Female	3
Black Male	3	Black Female	0
Hispanic Male	8	Hispanic Female	2
Other Male	0	Other Female	0

Bobcat of Dallas

White Male	15	White Female	3
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

Rush Truck Centers of Texas, LP

White Male	26	White Female	5
Black Male	2	Black Female	0
Hispanic Male	4	Hispanic Female	1
Other Male	1	Other Female	1

ETHNIC COMPOSITION (Continued)

B&C Body Company

White Male	51	White Female	1
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Kirby-Smith Machinery

White Male	28	White Female	3
Black Male	2	Black Female	0
Hispanic Male	5	Hispanic Female	0
Other Male	0	Other Female	0

McKinney Dodge, Inc.

White Male	37	White Female	9
Black Male	4	Black Female	0
Hispanic Male	24	Hispanic Female	5
Other Male	0	Other Female	0

Dallas Dodge Chrysler Jeep

White Male	68	White Female	12
Black Male	10	Black Female	3
Hispanic Male	29	Hispanic Female	5
Other Male	4	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1122 and opened on September 8, 2011. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

BID INFORMATION (Continued)

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Sam Pack's Five Star Ford, LLC	1635 IH 35E North Carrollton, TX 75006	Multiple Lines
*Caldwell Country Chevrolet	P.O. Box 27 Caldwell, TX 77836	Multiple Lines
*Southwest International Trucks, Inc.	3722 Irving Blvd. Dallas, TX 75247	Multiple Lines
*Reliable Chevrolet	800 N. Central Expwy. Richardson, TX 75080	Multiple Lines
*Landmark Equipment, Inc.	1351 S. Loop 12 Irving, TX 75060	Multiple Lines
*Holt Texas, LTD	3302 S.WW White Rd. San Antonio, TX 78222	Multiple Lines
*RDO Equipment	3230 E. Airport Frwy. Irving, TX 75062	Multiple Lines
*Bobcat of Dallas	1302 S. I-35 E. Lewisville, TX 75067	Multiple Lines
*Rush Truck Centers of Texas, LP	4000 Irving Blvd. Dallas, TX 75247	Multiple Lines
*B&C Body Company	4757 Irving Blvd. Dallas, TX 75247	Multiple Lines
*Kirby-Smith Machinery	8505 S. Central Expwy. Dallas, TX 75241	Multiple Lines
*McKinney Dodge, Inc.	700 S. Central Expwy. McKinney, TX 75070	Multiple Lines
*Dallas Dodge Chrysler Jeep through HGAC	11550 Lyndon B. . Johnson Frwy Dallas, TX 75238	Multiple Lines

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
Bane Machinery, Inc.	2449 Manana Rd. Dallas, TX 75220	Multiple Lines
The Around The Clock Freightliner Group LLC. Dallas Freightliner Western Star	4200 Port Blvd. Dallas, TX 75241	Multiple Lines
Four Seasons Equipment, Inc.	4120 Cedar Lake Dr. Dallas, TX 75227	Multiple Lines

OWNERS

Sam Pack's Five Star Ford, LLC

Sam Pack, President

Caldwell Country Chevrolet

Stephen Way, President

Southwest International Trucks, Inc.

Russ Trimble, President

Reliable Chevrolet

Darrell McCutchson, President

Landmark Equipment, Inc.

Mike Lyle, President

Holt Texas, LTD.

Paul C. Hensley, Vice President Finance

RDO Equipment

Ron Offutt, President

OWNERS (Continued)

Bobcat of Dallas

Walter Berry, , President

Rush Truck Centers of Texas, LP

W.M. "Rusty" Rush, President

B&C Body Company

Bill Bankston, President

Kirby-Smith Machinery

Ed Kirby, President

McKinney Dodge, Inc.

Agustin Rodriguez, President

Dallas Dodge Chrysler Jeep

Earl Hester Beru, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a **(1)** one-year master agreement for the purchase of one hundred ninety-six pieces of fleet equipment - Sam Pack's Five Star Ford, LLC in the amount of \$4,889,820, Caldwell Country Chevrolet in the amount of \$639,551, Southwest International Trucks, Inc. in the amount of \$487,354, Reliable Chevrolet in the amount of \$300,742, Landmark Equipment, Inc. in the amount of \$118,977, Holt Texas, LTD in the amount of \$98,358, RDO Equipment in the amount of \$97,382, Bobcat of Dallas in the amount of \$74,572, Rush Truck Centers of Texas, LP in the amount of \$66,974, B&C Body Company in the amount of \$48,850, Kirby-Smith Machinery in the amount of \$25,218 and McKinney Dodge, Inc. in the amount of \$23,985, lowest responsible bidders of fifteen; and **(2)** one-year master agreement for the purchase of one hundred three pieces of fleet equipment - Dallas Dodge Chrysler Jeep in the amount of \$2,532,850 through the Houston-Galveston Area Council of Governments - Total not to exceed \$9,404,633 - Financing: Current Funds (\$3,115,600), Water Utilities Current Funds (\$2,773,624), Municipal Lease Agreement Funds (\$1,700,253), Stormwater Drainage Management Capital Construction Funds (\$916,521), 2010 Equipment Acquisition Notes (\$782,723), Aviation Current Funds (\$90,861) and U.S Department of Justice Grant Funds (\$25,051)

B&C Body Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor. Sam Pack's Five Star Ford, LLC, Reliable Chevrolet, Landmark Equipment, Inc., RDO Equipment, Southwest International Trucks, Inc., Rush Truck Centers of Texas, LP, Kirby-Smith Machinery, Bobcat of Dallas and Dallas Dodge Chrysler Jeep are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Holt Texas, LTD, McKinney Dodge, Inc. and Caldwell Country Chevrolet are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$6,109,889.00	88.91%
Total non-local contracts	\$761,894.00	11.09%
TOTAL CONTRACT	\$6,871,783.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Excel Traffic Consultants, Inc.	HMMB48536N0312	\$600.00	0.01%
Total Minority - Local		\$600.00	0.01%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$600.00	0.01%	\$600.00	0.01%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	<u>\$600.00</u>	<u>0.01%</u>	<u>\$600.00</u>	<u>0.01%</u>

January 11, 2012

WHEREAS, on February 28, 2007, City Council authorized a twelve-month price agreement for automobiles, light trucks and vans by Resolution No. 07-0748; and,

WHEREAS, on March 28, 2007, City Council authorized a twelve-month price agreement for automobiles, light trucks, motorcycles, vans and utility trucks by Resolution No. 07-0975; and,

WHEREAS, on February 27, 2008, City Council authorized a twelve-month master agreement for automobiles, light trucks, motorcycles, vans and utility trucks by Resolution No. 08-0629; and,

WHEREAS, on June 25, 2008, City Council authorized a twelve-month master agreement for refuse trucks, transfer trucks, forklifts and air compressors by Resolution No. 08-1762; and,

WHEREAS, on March 25, 2009, City Council authorized a twelve-month master agreement for automobiles, light trucks, vans and utility trucks by Resolution No. 09-0860; and,

WHEREAS, on January 13, 2010, City Council authorized a one-year master agreement for fleet vehicles and equipment by Resolution No. 10-0137; and,

WHEREAS, on May 26, 2010, City Council authorized a one-year master agreement for fleet vehicles by Resolution No. 10-1282;

NOW, THEREFORE,

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

Section 1. That (1) a master agreement for the purchase of one hundred ninety six pieces of fleet equipment is authorized with Sam Pack's Five Star Ford, LLC (113696) in the amount of \$4,889,820.00, Caldwell Country Chevrolet (399371) in the amount of \$639,551.00, Southwest International Trucks, Inc. (003940) in the amount of \$487,354.00, Reliable Chevrolet (VS0000028788) in the amount of \$300,742.00, Landmark Equipment, Inc. (025326) in the amount of \$118,977.00, Holt Texas, LTD (506724) in the amount of \$98,358.00, RDO Equipment (500465) in the amount of \$97,382.00, Bobcat of Dallas (VC0000008555) in the amount of \$74,572.00, Rush Truck Centers of Texas, LP (371932) in the amount of \$66,974.00, B&C Body Company (341365) in the amount of \$48,850.00, Kirby-Smith Machinery (502341) in the amount of \$25,218.00 and McKinney Dodge, Inc. (VS0000013894) in the amount of \$23,985.00; and (2) a master agreement for the purchase of one hundred three units is authorized with Dallas Dodge Chrysler Jeep (519732) in the amount of \$2,532,850.00 through the Houston-Galveston Area Council of Governments, for term of one year in a total amount not to exceed \$9,404,633.00.

January 11, 2012

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for two hundred ninety-nine pieces of fleet equipment. If a written contract is required or requested for any or all purchases of two hundred ninety-nine pieces of fleet equipment under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$9,404,633.00.

Section 4. That in order to reimburse and finance the lease/purchase acquisition of the equipment described herein over a period not to exceed the estimated useful life (5 years) thereof, any Authorized Officer of the City designated in the Master Equipment Lease/Purchase Agreement (the "Master Lease") between Banc of America Public Capital Corp and the City is hereby authorized and directed to execute, acknowledge and deliver a Schedule A (as defined in the Master Lease) pertaining to such equipment including all attachments, financing statements and schedules thereto, in substantially the form attached to the Master Lease, with such changes as the signing officer shall determine to be advisable. Each Authorized Officer of the City is also authorized to execute, acknowledge and deliver any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Schedule A. The financing terms for such equipment, to be determined pursuant to the provisions of the Master Lease and reflected in such Schedule A, and the granting of a security interest in the financed equipment pursuant to the Master Lease, are hereby approved.

Section 5. 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.

ADDENDUM ITEM # 6

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

CMO: Thomas P. Perkins, Jr., 670-3491

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C., for additional legal services necessary in the lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$30,000, from \$190,000 to \$220,000 - Financing: Current Funds

BACKGROUND

The additional legal services of Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. are necessary for the resolution of the matters in the lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. for legal services on March 24, 2004, by Resolution No. 04-1047.

Authorized Supplemental Agreement No. 1 to the professional services contract with Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. for additional legal services on January 12, 2005, by Resolution No. 05-0197.

Authorized Supplemental Agreement No. 2 to the professional services contract with Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. for additional legal services on April 11, 2007, by Resolution No. 07-1145.

Authorized Supplemental Agreement No. 4 to the professional services contract with Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. for additional legal services on April 14, 2010, by Resolution No. 10-0861.

FISCAL INFORMATION

Funding for this item is budgeted in the current fiscal year.

\$30,000.00 - Current Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Hankinson Levinger, L.L.P.

Hispanic Female	1	Hispanic Male	0
Black Female	0	Black Male	0
Other Female	0	Other Male	0
White Female	4	White Male	5

OWNER

Hankinson Levinger, L.L.P.

Rick Thompson, Managing Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 5 to the professional services contract with the law firm of Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C., for additional legal services necessary in the lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV, and any other proceedings relating to the subject matter of this litigation - Not to exceed \$30,000, from \$190,000 to \$220,000 - Financing: Current Funds

Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$30,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$30,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$0.00	0.00%	\$0.00	0.00%

January 11, 2012

WHEREAS, the City of Dallas is involved in a lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV; and,

WHEREAS, on March 24, 2004, the City Council authorized a professional services contract to Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. in the amount of \$60,000.00, by Resolution No. 04-1047, for legal services necessary to represent the City in this lawsuit; and,

WHEREAS, on January 12, 2005, the City Council authorized Supplemental Agreement No. 1, in the amount of \$50,000.00, to Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. by Resolution No. 05-0197, for additional legal services necessary to represent the City in this lawsuit increasing the contract amount from \$60,000.00 to \$110,000.00; and,

WHEREAS, on April 11, 2007, the City Council authorized Supplemental Agreement No. 2, in the amount of \$50,000.00 to Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. by Resolution No. 07-1145, for additional legal services necessary to represent the City in this lawsuit increasing the contract amount from \$110,000.00 to \$160,000.00; and,

WHEREAS, on July 9, 2008, pursuant to Administrative Action No. 08-1936, the City authorized Supplemental Agreement No. 3 to the professional services contract to Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. to increase the hourly rates paid for legal services provided; and,

WHEREAS, on September 3, 2008, pursuant to Administrative Action No. 08-2358, the City authorized assignment of the professional services contract to Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C.; and,

WHEREAS, on April 14, 2010, the City Council authorized Supplemental Agreement No. 4, in an amount of \$30,000.00, to Hankinson Levinger, L.L.P. f/k/a Law Offices of Deborah Hankinson, P.C. by Resolution No. 10-0861, increasing the contract amount from \$160,000.00 to \$190,000.00; and,

WHEREAS, the legal services of the law firm of Hankinson Levinger, L.L.P. continue to be necessary for representation of the City in this lawsuit; **Now, Therefore,**

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 5 to the professional services contract with the law firm of Hankinson Levinger, L.L.P., for additional legal services necessary in the lawsuit styled City of Dallas v. Kenneth E. Albert, et al., Case No. 05-03-01297-CV, and any other proceedings related to the subject matter of this lawsuit, in an amount not to exceed \$30,000.00, increasing the contract amount from \$190,000.00 to \$220,000.00.

January 11, 2012

Section 2. That the City Controller is authorized to disburse, in periodic payments to the law firm of Hankinson Levinger, L.L.P. an amount not to exceed \$30,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389010F123, Vendor No. VC0000005988.

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.

ADDENDUM ITEM # 7

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Civil Service

CMO: Mary K. Suhm, 670-5306

MAPSCO: N/A

SUBJECT

Authorize **(1)** the reappointment of one Administrative Law Judge (ALJ), Willie Crowder; **(2)** the appointment of Jean B. Crutchfield and Douglas J. Lapidus as Administrative Law Judges (ALJ) for the period January 1, 2012 through December 31, 2013, to hear employee appeals of terminations and demotions; and **(3)** contracts with each ALJ in the amount of \$8,000 each - Total not to exceed \$24,000 (\$12,000 to be reimbursed by the appealing employees) - Financing: Current Funds

BACKGROUND

The City Charter was amended August 12, 1989, to establish the Administrative Law Judge alternative to the Trial Board. The employee has the option of an Administrative Law Judge (ALJ) or Trial Board. ALJs have either five years experience adjudicating personnel issues or three years as a licensed attorney in the state of Texas and are compensated \$400 per day, with the appealing employee paying half of this amount. ALJ hearings are conducted to provide a due process hearing for discharged or demoted City employees. The ALJ hears sworn testimony, reviews documentary evidence and renders a decision following the same hearing procedures as used by the Trial Board.

The Dallas City Council passed Ordinance No. 22612 on December 6, 1995, to empower the Judicial Nominating Commission to recruit, interview, and nominate candidates to serve as Administrative Law Judges for Council approval.

Contracts for the current two ALJs expire December 31, 2011.

The Judicial Nominating Commission conducted interviews in connection with its required evaluation of Administrative Law Judges on Monday, October 3, 2011, including two current ALJs and new applicants.

BACKGROUND (Continued)

The Ad Hoc Legislative Committee has forwarded three nominees for new terms as Administrative Law Judge. One nominee for ALJ is a reappointment. The other two nominees for ALJ are new appointments.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 13, 1989, the City Council authorized Personnel Rules revision to implement the Administrative Law Judge option for employee appeal hearings by Ordinance No. 20526.

On October 23, 1991, the City Council authorized an increase in the term of appointment from one year to two years by Ordinance No. 21091.

On December 6, 1995, the City Council authorized placing the selection responsibilities with the Judicial Nominating Commission by Ordinance No. 22612.

FISCAL INFORMATION

\$24,000 - Current Funds (\$12,000 to be reimbursed by the appealing employees)

ETHNIC COMPOSITION

African-American Females	1	African-American Males	0
Hispanic Females	0	Hispanic Males	0
Caucasian Females	1	Caucasian Males	1
Other Females	0	Other Males	0

Individuals recommended by the Judicial Nominating Commission are as follows:

Willie Crowder - African-American Female - Reappointment
4039 Oak Arbor, Dallas, Texas 75233

Jean B. Crutchfield - Caucasian Female - Appointment
332 Waterview Dr., Coppell, Texas 75019

Douglas J. Lapidus - Caucasian Male - Appointment
15851 Dallas Parkway, Suite 600, Addison, Texas 75001

January 11, 2012

WHEREAS, the contracts for two Administrative Law Judges (ALJ) will expire on December 31, 2011; and

WHEREAS, the Ad Hoc Legislative Committee has recommended that Willie Crowder, Jean B. Crutchfield and Douglas J. Lapidus be appointed as Administrative Law Judges.

NOW THEREFORE,

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

Section 1. That the City Council appoints Willie Crowder, Jean B. Crutchfield and Douglas J. Lapidus as Administrative Law Judges for a two-year term beginning January 1, 2012 and expiring December 31, 2013.

Section 2. That the City Manager upon approval as to form by the City Attorney, is hereby authorized to execute a contract of appointment with each of the Administrative Law Judge appointees setting out the terms of appointment and providing compensation at a rate of \$400 per day worked, total contract amount not to exceed \$8,000 per judge. Appealing employees will pay 50% of all ALJ contracts.

Section 3. That the City Controller is hereby authorized to receive and deposit funds into Fund 0001, Department CVS, Unit No. 1412, Revenue Code 7456, all fees collected as a result of appeal hearings before an Administrative Law Judge.

Section 4. That the City Controller is hereby authorized to encumber and disburse funds from Fund 0001, Department CVS, Unit No. 1412, Object Code 3070, Willie Crowder, Encumbrance No. CT CVS1412C607, \$8,000, Vendor Code 351467; Jean B. Crutchfield, Encumbrance No. CT CVS1412C609, \$8,000, and Douglas J. Lapidus, Encumbrance No. CT CVS1412C608, \$8,000, total not to exceed \$24,000.

Section 5. 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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 3
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 670-3314
MAPSCO: 53Y

SUBJECT

An ordinance amending Ordinance No. 28083, which abandoned portions of St. Rita, St. Gabriel, St. Sebastian, St. Matthew, St. Agnes and St. Gerard Drives, 21 utility easements, six utility/transformer pad easements, nine drainage easements, two wall maintenance easements and two wastewater easements located near the intersection of St. Rita and St. David Drives to Dallas Independent School District to extend the final replat and dedication requirements from one year to 545 days - Revenue: \$5,400 plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the amendment of Ordinance No. 28083, which abandoned portions of St. Rita, St. Gabriel, St. Sebastian, St. Matthew, St. Agnes and St. Gerard Drives, 21 utility easements, six utility/transformer pad easements, nine drainage easements, two wall maintenance easements and two wastewater easements located near the intersection of St. Rita and St. David Drives, to Dallas Independent School District, the abutting owner. This amendment will allow for the extension of the final replat and dedication requirements from one year to 545 days.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 12, 2011, City Council approved Ordinance No. 28083.

FISCAL INFORMATION

Revenue: \$5,400 plus the \$20 ordinance publication fee

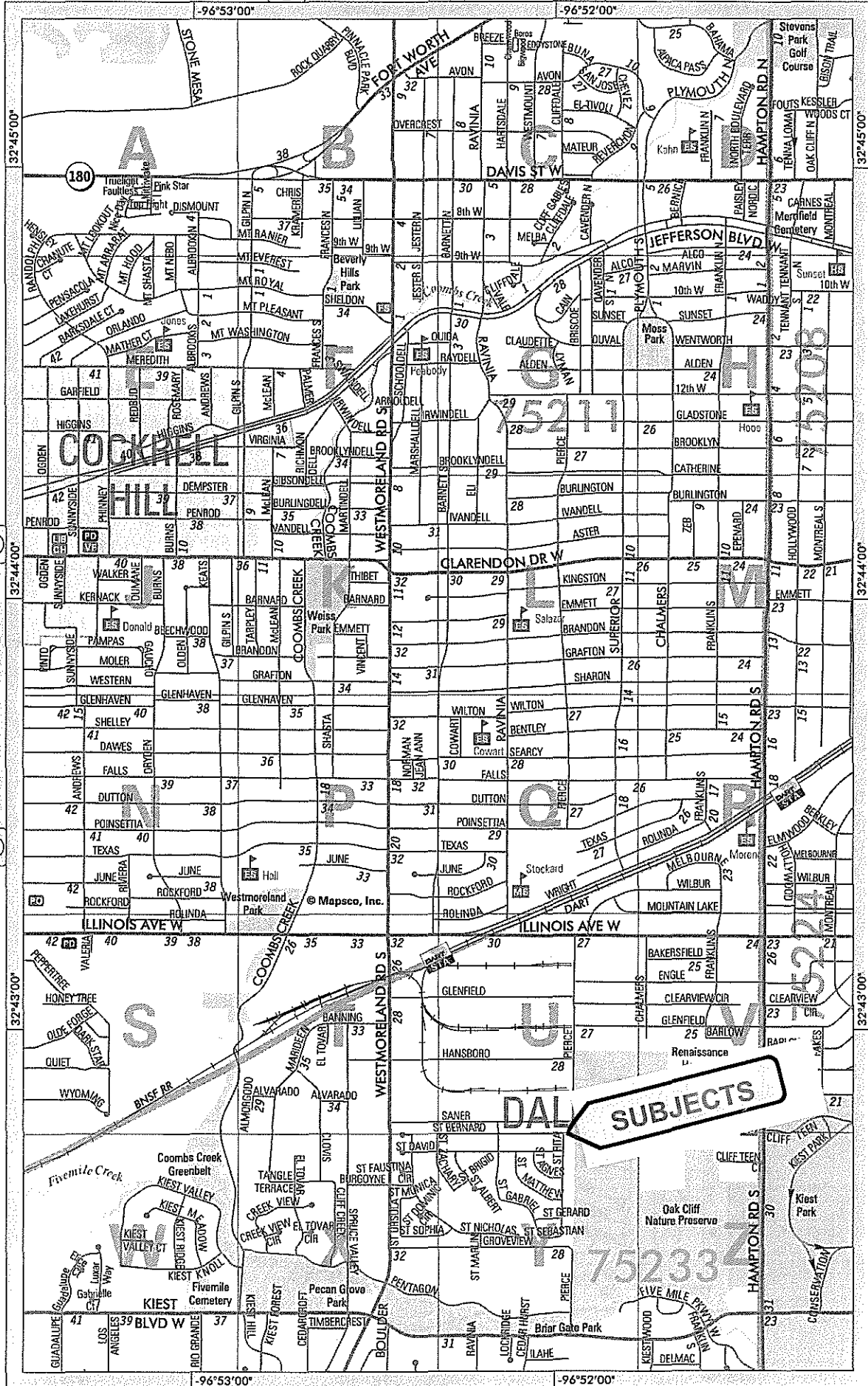
OWNER

Dallas Independent School District

Dr. Lew Blackburn, President

MAP

Attached

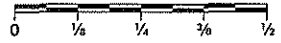


CONTINUED ON MAP 52

CONTINUED ON MAP 54

DAL SUBJECTS

SCALE IN MILES



CONTINUED ON MAP 63

SCALE IN FEET



ORDINANCE NO. _____

An ordinance amending Ordinance No. 28083 by altering Section 9 to extend the one year deadline to replat and dedicate needed right-of-way; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

oooOooo

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

SECTION 1. That Ordinance No. 28083 adopted by the City Council of the City of Dallas on January 12, 2011, be and the same is hereby amended by altering Section 9 to read as follows:

“SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within [~~one year~~] 545 days of the effective date of this ordinance showing the fee simple dedication of not less than 71,008 square feet of needed street right-of-way in City Block 12/6116. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned areas and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned areas are located before a certified copy of this ordinance shall be delivered to **GRANTEE.**”

SECTION 2. That, as consideration for amending Ordinance No. 28083, Dallas Independent School District agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

SECTION 3. That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in the General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

SECTION 4. That the terms and conditions of Ordinance No. 28083 shall remain in full force and effect except as amended hereby.

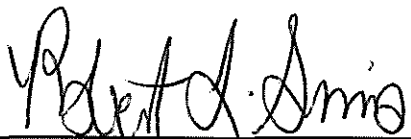
SECTION 5. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or her designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Sustainable Development and Construction, or her designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Sustainable Development and Construction, or her designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

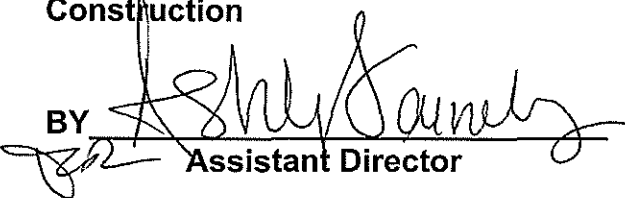
SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provision of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

Thomas P. Perkins, Jr.
City Attorney

THERESA O'DONNELL
Director of Sustainable Development and
Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

ADDENDUM ITEM # 9

KEY FOCUS AREA: Make Government More Efficient, Effective and Economical

AGENDA DATE: January 11, 2012

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-0653

MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Dwaine Caraway as being for "official city business" - Financing: No cost consideration to the City

BACKGROUND

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city councilmember, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city councilmember's compensation...for that year will be reduced proportionately by the number of meetings missed... Meetings missed by a city councilmember while he or she is on official business of the city and at the direction of the city council will not be counted towards the percentage of meetings missed for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a councilmember for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the councilmember has been appointed by the mayor, or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city councilmember for purposes of determining the councilmember's annual compensation.

BACKGROUND (continued)

Section 4.11 (c) of the City Council Rules of Procedure provides that in addition to those absences automatically considered to be on "official city business at the direction of the city council," under Section 4.11(b) above, the city council may by resolution designate whenever a councilmember's absence is for official city business and not counted as a missed meeting for purposes of determining the councilmember's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

January 11, 2012

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides, in part, "If any city councilmember, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city councilmember's compensation ... for that year will be reduced proportionately by the number of meetings missed.... Meetings missed by a city councilmember while he or she is on official business of the city and at the direction of the city council will not be counted towards the percentage of meetings missed for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business." and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a councilmember for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the councilmember has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city councilmember for purposes of determining the councilmember's annual compensation; and

WHEREAS, Section 4.11 (c) of the City Council Rules of Procedure provides that in addition to those absences automatically considered to be on "official city business at the direction of the city council," under Section 4.11(b) above, the city council may by resolution designate whenever a councilmember's absence is for official city business and not counted as a missed meeting for purposes of determining the councilmember's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Dwaine Caraway participated in several events/meetings as noted in **Exhibit A** attached, which required him to miss most or all of some city council committee meetings; and

WHEREAS, the purposes for participating in these events/meetings required Councilmember Dwaine Caraway to miss most or all of some city council committee meetings as noted in **Exhibit A** attached; **Now, Therefore,**

BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF DALLAS

January 11, 2012

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the purpose for Councilmember Dwaine Caraway's absences from most or all of some city council committee meetings as noted in **Exhibit A** attached, are hereby deemed to be for "official city business" and such absences will not be counted against Councilmember Dwaine Caraway in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11 of the City Council Rules of Procedure, the City Secretary shall maintain a record of these absences so that such absences will not count against Councilmember Dwaine Caraway in determining his annual compensation under Chapter III, Section 4 of the Dallas City Charter.

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.

EXHIBIT A
CITY COUNCIL MEMBER(S)
TRIP/EVENT – REQUEST ABSENT ON OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE*	MEETING(S) MISSED	STATUS
Dwaine Caraway	Television interview	Dallas, Texas	09/07/10	Provide public information on Garage Sale Ordinance	Housing Committee – 09/07/10	Complete
Dwaine Caraway	Press conference	Dallas, Texas	09/20/10	Provide public information on Prairie View/Grambling event in District 4	Economic Development Committee – 09/20/10	Complete
Dwaine Caraway	Meeting regarding redevelopment project	Dallas, Texas	10/04/10	Discuss proposed redevelopment of Glendale Shopping Center	Housing Committee – 10/04/10	Complete
Dwaine Caraway	Roundtable event	Dallas, Texas	10/18/10	Attend event honoring Bill Blair, Sr. of Elite News	Public Safety Committee – 10/18/10	Complete
Dwaine Caraway	Meeting with Dallas Youth Council	Dallas, Texas	02/22/11	Discuss crime statistics in District 4	Housing Committee – 02/22/11	Complete
Dwaine Caraway	Meeting with Walmart representatives	Dallas, Texas	12/12/11	Discuss an addendum item pertaining to Walmart	Quality of Life Committee – 12/12/11	Complete

* Attendance for issues relating to District 4

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 7
DEPARTMENT: Housing/Community Services
Office of Economic Development
CMO: Ryan S. Evans, 670-3314
MAPSCO: 46P

SUBJECT

Urban Mixed Use, LLC

- * Authorize a conditional grant agreement with Urban Mixed Use, LLC for the purpose of constructing residential development as part of the Economic Development Plan for the JB Jackson Transit Area - Not to exceed \$500,000 - Financing: 2006 Bond Funds
- * Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, governing City incentives promoting private investment, tax base growth and job creation to include the authority to accept and administer resources from the federal government to implement the City's economic development programs, in particular, incentives supporting transit-oriented and mixed-use commercial developments within the City in accordance with Local Government Code Chapter 380.001 (b)(2) and (3) - Financing: No cost consideration to the City
- * Authorize a 380 grant agreement, pursuant to the City of Dallas Public/Private Partnership Program, as amended, with Urban Mixed Use LLC for the purpose of planning and preconstruction activities related to mixed-use development and offsite improvements as part of the four-phase, mixed-use development at the JB Jackson Transit Area - Not to exceed \$200,000 - Financing: HUD Community Challenge Planning Grant Funds

BACKGROUND

Urban Mixed Use, LLC owns 6 acres of land bounded by the DART green line, Park Row, and JB Jackson, Jr. Blvd which they wish to develop. Phase I of this development would be 38 unit apartment complex with 6 one-bedroom units and 32 two-bedroom units. The units will be provided to households with incomes at or below 140% of area median family income. The total Phase I development will be approximately \$4,000,000.

Other phases of the development include a walking path to provide access to the DART station, an additional 30 unit multi-family unit (Phase II), and two mixed-use buildings (Phases III and IV). The first mixed use building (Phase III) is proposed to contain 60 apartments and 12,000 sq ft for commercial use; the second mixed use building (Phase IV) is projected to include 110 apartments and 28,000 sq ft of commercial space. Phase II is estimated to cost \$3.68 million; Phase III is estimated to cost \$12.26 million and Phase IV is estimated to cost \$22.67 million. The total development cost is approximately \$43 million.

The City is proposing to use \$500,000 in 2006 bond funds to provide assistance for construction related activities in Phase I, and \$200,000 in Community Challenge HUD grant funds for eligible planning and preconstruction activities for Phases I, II, III and IV.

City Council approval of this agenda item will 1) provide a conditional grant from FY06 Bond proceeds in the amount of \$500,000 to Urban Mixed Use, LLC, for the construction of residential units at 3215 Elihu Street as part of the master plan for the area and 2) amend and authorize the use of the 380 grant program to use HUD Community Challenge grant funds for eligible preconstruction activities on phases I-IV.

Urban Mixed Use, LLC's grant carrying a three year term, and require leasing the residential housing to persons at 140% or less of area median family income or obtain a certificate of occupancy for completed residential structures. Urban Mixed Use, LLC will be required to file deed restrictions and a lien on the property in order to assure its redevelopment in accordance with Bond Program requirements.

The amendment to the 380 grant program will allow the city to administer and accept resources from the Federal government to administer the City's economic development program in accordance with the Local Government Code Chapter 380.001 (b)(2) and (3) and to expand existing 380 programs to support mixed-use, commercial development leading to private investment and job creation with the assistance of these Federal funds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 9, 2006, the City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements.

On December 12, 2007, the City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas.

On January 18, 2011, the Economic Development Committee was briefed regarding an application for and acceptance of an application for and acceptance of the Community Challenge Planning Grant from the U.S. Department of Housing and Urban Development's Office of Sustainable Housing and Communities for planning and land acquisition related to affordable housing and Transit Oriented Development.

On January 18, 2011, the Housing Committee was briefed regarding an application for and acceptance of an application for and acceptance of the Community Challenge Planning Grant from the U.S. Department of Housing and Urban Development's Office of Sustainable Housing and Communities for planning and land acquisition related to affordable housing and Transit Oriented Development.

On January 26, 2011, the City Council authorized an application for, acceptance of and the establishment of appropriations for the Community Challenge Planning Grant Funds from the U.S. Department of Housing and Urban Development's Office of Sustainable Housing and Communities for planning and land acquisition related to affordable housing and Transit Oriented Development by Resolution No. 11-0260.

On October 17, 2011, the Housing Committee was briefed on the Hall Family Redevelopment as part of the Economic Development Plan for the JB Jackson Transit Area

FISCAL INFORMATION

2006 Bond Funds - \$500,000

HUD Community Challenge Planning Grant Funds - \$200,000

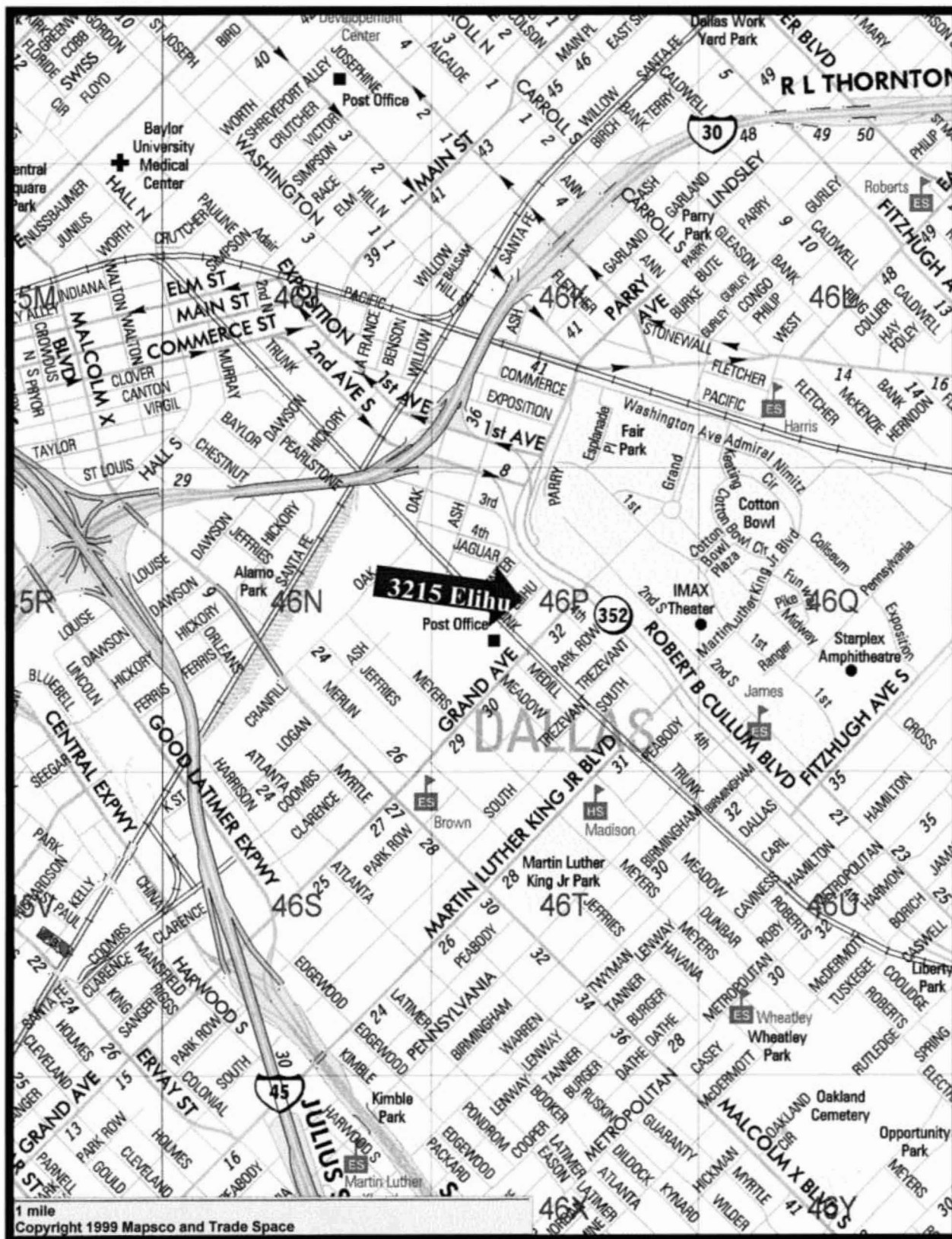
OWNERS

Urban Mixed Use, LLC

Devin Hall, Owner

MAP(S)

Attached



MAPSCO 46P

January 11, 2012

WHEREAS, the City of Dallas seeks to increase the supply of new affordable workforce housing in order to attract and retain economic growth; and

WHEREAS, on August 9, 2006, the City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements; and

WHEREAS, On November 7, 2006, the voters of Dallas approved a \$1.35 billion General Obligation Bond Program of which \$41,495,000 was set aside for the purpose of providing funds for promoting economic development in the Southern area of the city, and promoting economic development in other areas of the city in connection with transit-oriented development; and

WHEREAS, on December 12, 2007, the City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas; and,

WHEREAS, on October 17, 2011, the Housing Committee of the City Council was briefed on the Hall Family Redevelopment as part of the Economic Development Plan for the JB Jackson Transit Area; and,

WHEREAS, Urban Mixed Use, LLC proposes to work with the City of Dallas to construct residential units as part of the master plan for the area; **NOW, THEREFORE,**

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

Section 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute a conditional grant agreement in the amount of \$500,000 to Urban Mixed Use, LLC, for the purpose of constructing residential development as part of the Economic Development Plan for the JB Jackson Transit Area.

Section 2. That the grant agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Urban Mixed Use, LLC will invest a minimum of \$400,000 into the Project
- B. Project shall contain a minimum of 38 units
- C. Urban Mixed Use, LLC must present documentation that all renters have incomes at or below 140% of Area Median Family Income through full lease-up
- D. Urban Mixed Use, LLC shall begin construction by June 2012
- E. Urban Mixed Use, LLC shall make best efforts to promote the hiring of neighborhood residents for any new jobs created

January 11, 2012

Section 3. That the grant agreement with Urban Mixed Use, LLC may be transferred with City Manager or designee approval.

Section 4. That the Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the contracts as follows:

Urban Mixed Use, LLC Vendor # VS0000067379

Fund 9T52, Dept HOU, Unit T808, Obj 3016, Program # JacksonTR
CT HOUT808C640 - in an amount not to exceed \$500,000

Section 5. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available bondfunding, and there will be no liability or obligation on the City until final contract documents are approved, executed, and final closing completed.

Section 6. 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.

January 11, 2012

WHEREAS, the City of Dallas seeks to support new transit-oriented and mixed-use development which contains affordable workforce housing in order to attract and retain economic growth, including private investment and job creation; and

WHEREAS, the City recognizes the importance of its continued aggressive role in local economic development; and

WHEREAS, there is a need for general policy guidelines to coordinate various City incentive programs to assure judicious use of economic development resources in order to safeguard the financial position of the City; and

WHEREAS, on June 27, 2010, pursuant to Resolution No.1 0-1731, the City Council authorized the adoption of the City of Dallas' Public/Private Partnership Program Guidelines & Criteria governing tax abatement agreements and other economic development incentives including infrastructure cost participation, development fee rebates, right-of-way abandonment rebates and credits, and a program for loans and grants; and

WHEREAS, it is in the best interest of the City of Dallas to adopt Guidelines & Criteria for the Public/Private Partnership Program in order to make use of available economic development incentives for the promotion of new businesses, the retention and expansion of existing businesses, enhancement of the tax base, and the creation and retention of job opportunities for Dallas citizens; and

WHEREAS, it is in the best interest of the City of Dallas to amend Guidelines & Criteria for the Public/Private Partnership Program in order to have the ability to receive resources from other political subdivisions for Economic Development purposes; and

WHEREAS, the City of Dallas' Public/Private Partnership Program Guidelines & Criteria shall not be construed as implying or suggesting that the City of Dallas is under obligation to provide tax abatement or other incentive to any applicant, and all applicants shall be considered on a case-by-case basis: **NOW, THEREFORE,**

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

January 11, 2012

Section 1. Authorize an amendment to the City of Dallas Public/Private Partnership Program Guidelines and Criteria, pursuant to the Property Redevelopment and Tax Abatement Act (V.T.C.A., Tax Code, Chapter 312), governing tax abatement agreements and other City incentives intended to promote private investment, tax base growth and job creation to include the authority to accept and administer resources from the federal government to implement the City's economic development programs, in accordance with the Local Government Code Chapter 380.001 (b)(2) and (3), to support transit-oriented mixed-use commercial developments within the city and that the City elects to create a program under the 380 grant program to support mixed-use, commercial development leading to private investment and job creation with the assistance of these federal funds.

Section 2. That the documents attached hereto and made a part of this Resolution entitled "Public/Private Partnership Program Summary" including Public/Private Partnership Program Guidelines and Criteria, Exhibit A, are hereby adopted as Guidelines and Criteria for governing abatement agreements, as specified in the Property Redevelopment and Tax Abatement Act, as well as for other City of Dallas economic development programs.

Section 3. That this resolution takes 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.

City of Dallas Public/Private Partnership Program Summary for Non-Residential Projects

City of Dallas Public/Private Programs

It is the purpose of the following programs to provide assistance only for projects where such assistance is necessary to stimulate private investment. Accordingly, these programs are available when agreements between the City and private parties that are not tax-exempt are approved by City Council prior to private investment occurring. Projects seeking economic incentives must provide written assurance that 'but for' the incentives sought, the proposed project would be substantially altered such that the project would not otherwise occur in the city or the economic returns to the city would be reduced. Projects occurring in Southern Dallas are provided special consideration.

The information contained herein shall not be construed as implying or suggesting that the City of Dallas is offering or is under any obligation to provide tax abatement or other incentives to any applicant, and all applicants shall be considered on a case-by-case basis. Pawnshops, sexually oriented businesses, bars, truck stops, and truck dealerships are excluded from consideration for incentives provided under this program.

Eligibility Requirements

Each geographic area of the City has a minimum requirement in order to be considered for incentives:

- **Southern Dallas:** Projects must create/retain 25 jobs or provide \$1 million of investment;
- **Northern Dallas and Central Business District:** Projects must create/retain 150 jobs or provide \$10 million of investment; and
- **Non-Conforming Projects:** Projects will be considered on a case-by-case basis.

Tax Abatement

Temporary abatement of either real estate or personal property taxes. Recipient firms must meet primary considerations of capital improvements and job creation/retention. City staff may consider secondary considerations such as Dallas resident employment, efforts to exceed minimum environmental regulations, wage rates, community activities, target industry projects, and M/WBE participation when negotiating this incentive. A firm's tax abatement percentage will be reduced by 25 percent for any single year of the tax abatement term in which secondary considerations included in the agreement are not met unless an alternative method is prescribed by City Council in a project specific resolution. Real property tax abatement is not available in TIF Districts. In limited cases, projects may be considered for a combination of both real and personal property tax abatement when the combined amount does not exceed 90 percent of the City taxes on total new improvement value. All tax abatements must begin by January 1 of the second calendar year following City Council authorization.

Abatement Benefits:

- **Southern Dallas:** Real property tax abatement up to 90 percent for 10 years and/or a business personal property tax abatement of up to 50 percent for five years;
- **Northern Dallas:** Real property tax abatement up to 50 percent for 10 years and/or a business personal property tax abatement of up to 50 percent for five years;
- **Central Business District:** Business personal property tax abatement of up to 75 percent for five years and/or for non-TIF District sites real property tax abatement of up to 90 percent for 10 years; and
- **Non-Conforming Projects:** Projects will be considered on a case-by-case basis.

Business Development Chapter 380 Grant Program

Companies considering a relocation/expansion or new commercial development may be eligible for a grant in lieu of tax abatement or to defray project costs such as: land purchase, building costs, public infrastructure costs, development fees, right of way abandonment fees, loan guarantees, training costs, relocation costs, etc. Grants will be considered on a case-by-case basis and are subject to funding limitations and investment/job eligibility requirements. Companies will be required to meet eligibility requirements of the Public/Private Partnership Program. Pursuant to this program the City may administer and accept resources from other political subdivision of the state to support this program, and may administer and accept resources from the Federal government to support transit-oriented and mixed-use commercial developments.

Transit-Oriented Development (TOD) Program

Minimum eligibility for consideration of city incentives through the Public/Private Partnership Program will require a cumulative investment of \$300 million for new mixed-use, commercial, retail and/or residential development in proximity of at least two DART light-rail transit stations (with one or both in Southern Dallas). TOD projects are eligible for consideration for the full complement of necessary and appropriate incentives available through this program including, but not limited to, tax increment financing, tax abatement, grants and loans, and infrastructure cost participation. Residential developments seeking incentives will be required to have a 20 percent affordable housing set aside in North Dallas and mixed-income housing in Southern Dallas. Further, projects must meet the City's established Good Faith Effort guidelines for M/WBE participation.

Economic Development GO Bond Program for Southern Dallas

General Obligation Bond funding may be used as described in this paragraph for private commercial, industrial, retail, residential, and mixed-use development in the Southern area of the city that promotes economic development. Funding may be provided as a catalyst to promote private economic development and may be used for planning, designing, extending, constructing and acquiring land for public streets, utilities and other related infrastructure facilities or uses consistent with this purpose. Funding is also available in support of mixed-use or residential development, for the acquisition of improved and unimproved properties and for the cost of demolition of existing structures. Private developments may be eligible for economic development grants and loans pursuant to Chapter 380 of the Texas Local Government Code. Grants and loans will be considered for infrastructure improvements and/or land acquisition consistent with the scope of funding and other uses described above. Grants or loans will be considered on a case-by-case basis subject to funding limitations and development

agreements approved by City Council, which agreements will contain appropriate conditions, safeguards and benchmarks to ensure that the public purpose of economic development will be carried out. Residential developments will be required to have a mixed-income set aside. Further, it is anticipated that resources and other forms of development assistance from other applicable City economic development programs may be utilized to support this program.

Local Government Corporation (LGC) Chapter 380 Grant Program

The City of Dallas will consider making grants from its general fund to a LGC, subject to annual appropriation of funds and the approval of the Dallas City Council. These funds will be restricted to the payment of project costs, including the payment of debt service on any bonds issued by the LGC to finance project costs, and the funding of any necessary reserve fund or capitalized interest accounts and the payment of the cost of issuance of bonds.

City of Dallas Regional Center - EB 5

The City of Dallas Regional Center (CDRC) is dedicated to assisting individuals and their families through the EB-5 immigration process via investment into businesses and development projects located within the Dallas city limits. The CDRC offers a variety of investments to foreign investors that meet or exceed requirements and offer investors features unique to the EB-5 community. Minimum foreign investment is \$500,000 in Targeted Employment Areas or \$1M in other areas. All opportunities supported by the CDRC must provide 10 full-time jobs (directly or indirectly) per investor.

New Market Tax Credits

The City of Dallas participates in the New Market Tax Credit Program (NMTC), a federal program operated by the Department of Treasury, that provides opportunities for new development in traditionally underserved areas. The program provides NMTC investors with a 39% federal tax credit payable over seven years. These investments are partnered with additional funds for businesses and real estate development in Low Income Neighborhoods.

Target Industry Projects

Target Industry projects are provided special consideration for economic incentives and are generally defined as follows: Brownfields or recycling, information technology, building materials and furnishings, company headquarters, logistics, telecommunications, transportation manufacturing and assembly, film/television/media, advanced instruments and food processing/distribution. Due to the temporary nature of film/television production, projects in this industry are not required to meet minimum job or investment eligibility established for the Public/Private Partnership Program. Rather, these projects are considered on a case-by-case basis with consideration given to the positive economic returns projects bring to the City. Target Industry projects must be confirmed in advance by the City in order to receive consideration under this designation.

Non-Conforming Projects

Non-Conforming projects are considered on a case-by-case basis for high impact projects, unique developments and competitive situations where projects may receive competing offers of incentives. These projects require a simple majority vote of City Council in Southern Dallas and a 3/4 vote of City Council in the CBD and in Northern Dallas. High Impact Project - Projects creating/retaining a minimum of 500 jobs with substantial capital investment. In addition, this status may be granted to major projects by Fortune 500, Manufacturers 400, or Global 500 listed firms.

Competitive and Retention Projects

In special cases, companies receiving competing offers of incentives or those currently located in the city of Dallas considering a relocation/expansion are eligible to apply for financial incentives with negotiable terms. Existing firms must expand job base by 25 percent to be eligible for consideration. Incentives may be offered in specific cases to 'match other offers.' Companies may be required to demonstrate competing cities, offers, land/lease costs, taxes at current rates, utility rates, relocation costs, other significant costs and 'gap' to be filled, etc.

Other Sources of Financial Assistance

Tax Increment Districts

Special districts funding public improvements (not services) with increased tax revenues resulting from new private development. Tax rates are the same as elsewhere in the City and no added cost to private parties is incurred.

Public Improvement Districts

Special districts created by petition to privately fund public improvements or special supplemental services over and above those provided by City, when such services are supportive of related City investments in capital improvements.

Foreign Trade Zone

Allows duty-free importing of foreign-made components into the Zone, where they may be assembled, manufactured, processed or packaged. Duties are charged only when products are subsequently distributed into the U.S. market - if they are shipped to international markets, no duty is levied.

State Incentives

The City of Dallas will facilitate applications for assistance from State programs including Enterprise Zone Projects, Texas Enterprise Fund, and the Texas Emerging Technology Fund.

To obtain more detail on these programs, or to inquire regarding other assistance, contact:
Office of Economic Development, Dallas City Hall, Room 5CS, Dallas, Texas 75201, Phone:
(214) 670-1685, Fax: (214) 670-0158.

January 11, 2012

WHEREAS, the City of Dallas seeks to support new transit-oriented and mixed-use development which contains affordable workforce housing in order to attract and retain economic growth, including private investment and job creation; and

WHEREAS, on January 26, 2011, the City Council authorized an application for, acceptance of and the establishment of appropriations for the Community Challenge Planning Grant Funds from the U.S. Department of Housing and Urban Development's Office of Sustainable Housing and Communities for planning and land acquisition related to affordable housing and Transit Oriented Development by Resolution No. 11-0260, and

WHEREAS, on October 17, 2011, the Housing Committee was briefed on the Hall Family Redevelopment as part of the Economic Development Plan for the JB Jackson Transit Area; and

WHEREAS, the City supports the project as proposed by Urban Mixed Use, LLC to construct a 6 acre, four phase, mixed-use development that will consist of an estimated 240 multi-family housing units and 40,000 sq feet of commercial space as transit-oriented development; and

WHEREAS, City desires to enter into a Chapter 380 economic development grant agreement with Urban Mixed Use, LLC in order to promptly complete the planning, preconstruction activities and public improvements to allow for the development of a mixed-use, transit-oriented development; **NOW, THEREFORE,**

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

Section 1. That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a 380 economic development grant agreement with Urban Mixed Use LLC that includes the following:

- (a) That the actual amount and payment of the grant shall equal the actual costs incurred that include: planning, architectural and engineering for public improvements, offsite improvements, and the development of mixed-use and commercial development associated with the project up to \$200,000 from the City to be reimbursed by the U.S. Department of Housing and Urban Development Community Challenge Grant.

January 11, 2012

(b) Urban Mixed Use, LLC, shall comply with the rules, regulations and requirements of all City, State and Federal law. Urban Mixed Use, LLC intend to treat all reimbursements it receives from the City for the Project costs as an Economic Development Grant pursuant to Section 380.001 of the Texas Local Government Code and the City's Public/Private Partnership Program Guidelines and Criteria. Accordingly, Urban Mixed Use, LLC.

(c) That the proposed mixed-use planning and preconstruction work will be substantially completed by January, 2014. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for a period up to six months for just cause.

Section 2. That the Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the contracts as follows:

Urban Mixed Use, LLC Vendor # VS0000067379

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance</u>	<u>Amount</u>
F324	ECO	4725	3016	ECO4725C002	\$200,000

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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: January 11, 2012
COUNCIL DISTRICT(S): 6
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 23 S, T

SUBJECT

A public hearing to receive comments regarding the application for and approval of the fill permit and removal of the floodplain (FP) prefix for approximately 1.54 acres of the current 2.84 acres of land within the floodplain of Joe’s Creek located at 10505 Denton Drive; Fill Permit 11-01 – Financing: No cost consideration to the City

BACKGROUND

This request is to fill approximately 1.54 acres of the current 2.84 acres of land within the floodplain of Joe’s Creek (total acreage for the lot is 4.71-acres) to be used for the Letot Girls’ Residential Treatment Center. The proposed fill is located at 10505 Denton Drive, within the floodplain of Joe’s Creek.

A neighborhood meeting was held at the Bachman Recreation Center on December 6, 2011. Several staff and representatives of the applicant were present, but no other persons attended. Notices were sent to all property owners within 500 feet on the boundaries of the property as well as all persons on the early notification list.

The fill permit application meets the engineering requirements for filling in the floodplain as specified in Part II of the Dallas Development Code, Section 51A-5.105(h). Accordingly, the City Council should approve this application; or, it may pass a resolution to authorize acquisition of the property under the laws of eminent domain and may then deny the application in order to preserve the status quo until acquisition.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the city.

OWNER/APPLICANT

Dallas County

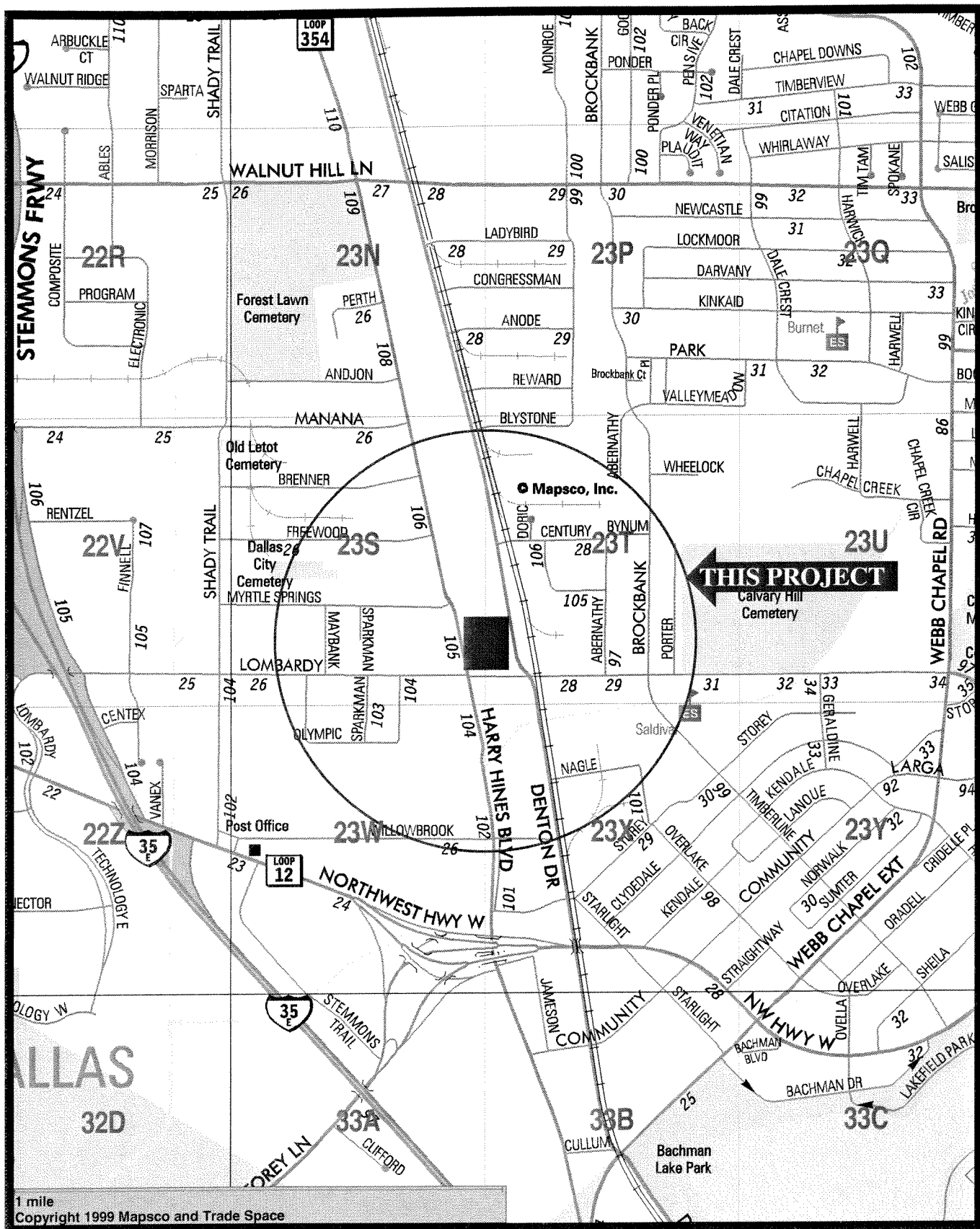
APPLICANT'S ENGINEER

Brad W. Pickering, P.E. (TX), CFM
Kimley-Horn and Associates, Inc.
12700 Park Central Drive, Suite 1800
Dallas, Texas 75251

MAP

Attached

Fill Permit 11-01



Mapsco 23-T, S

