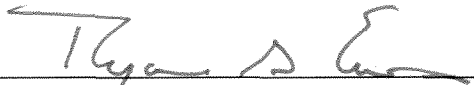
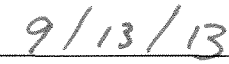


**SEPTEMBER 25, 2013 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated September 25, 2013. 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.



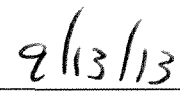
A.C. Gonzalez
Interim City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

2013 SEP 13 PM 5: 38

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

September 25, 2013

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 by 5:00 p.m. of the last regular business day preceding the meeting. 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.

Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 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 City Cable* Canal 16. El Ayuntamiento Municipal se reúne en 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 5:00 pm del último día hábil anterior a la reunión. 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 Cortesía

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 de 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 este 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 este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

**AGENDA
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 25, 2013
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 - 37

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 38 - 53

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 54 - 61

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

AGENDA
CITY COUNCIL MEETING
SEPTEMBER 25, 2013
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 September 11, 2013 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a three-year service contract for grounds maintenance at levees, Hensley Field, Sanitation Services and Court & Detention Services properties - Moir Watershed Services, LLC in the amount of \$809,863 and Good Earth Corporation in the amount of \$250,800, lowest responsible bidders of three - Not to exceed \$1,060,663 - Financing: Current Funds (\$104,200), Naval Air Station Redevelopment Funds (\$146,600) and Stormwater Drainage Management Current Funds (\$809,863) (subject to annual appropriations)
3. Authorize a three-year service contract for radiator repair, supplies and recoring - Centennial Radiator, Inc. in the amount of \$452,340 and Metro Fire Apparatus Specialists, Inc. in the amount of \$16,599, lowest responsible bidders of three - Total not to exceed \$468,939 - Financing: Current Funds (\$431,011), Stormwater Drainage Management Current Funds (\$25,841), Water Utilities Current Funds (\$7,165) and Aviation Current Funds (\$4,922) (subject to annual appropriations)

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

4. Authorize a three-year service contract for citywide temporary clerical and professional services - Lane Staffing, Inc., most advantageous proposer of five - Not to exceed \$20,431,973 - Financing: Current Funds (\$14,030,914), Water Utilities Current Funds (\$2,720,259), Convention Center Current Funds (\$1,663,490), Stormwater Drainage Management Current Funds (\$846,535), Community Development Block Grant Funds (\$354,482), Aviation Current Funds (\$230,069), Ivor O'Conner Morgan Trust Funds (\$196,095), Private Funds (\$196,095), Competitive Housing Opportunities for Persons with Aids Grant Funds (\$118,161), Texas Department of State Health Services Grant Funds (\$59,080) and Children Center Trust Funds (\$16,793) (subject to annual appropriations)
5. Authorize a three-year service contract, with two one-year renewal options, to continue maintenance of hardware and associated software licenses for airport noise and flight tracking monitoring at Dallas Love Field - Exelis, Inc., sole source - Not to exceed \$509,327 - Financing: Aviation Current Funds (subject to annual appropriations)
6. Authorize a five-year service contract for drug and alcohol testing for uniformed employees and applicants for Fire-Rescue - WAB Holdings, LLC dba ARCpoint Labs of Irving, lowest responsible bidder of four - Not to exceed \$390,600 - Financing: Current Funds (subject to annual appropriations)
7. Authorize **(1)** the purchase of fourteen ambulances, five fire pumpers, two aerial trucks and two wildland engines for Fire-Rescue - Metro Fire Apparatus Specialists, Inc. in the amount of \$5,572,705 and Southwest Ambulance Sales, LLC in the amount of \$2,463,586 through the Houston-Galveston Area Council of Governments; and **(2)** the purchase of one lift body truck for Street Services - Sam Pack's Five Star Ford in the amount of \$87,001 through Texas Association of School Boards (BuyBoard) - Total not to exceed \$8,123,292 - Financing: Currents Funds (\$87,001) and Municipal Lease Agreement Funds (\$8,036,291)
8. Authorize a one-year master agreement for anthracite filter media for Water Utilities - CEI Anthracite in the amount of \$374,527, Carbon Sales, Inc. in the amount of \$149,650 and Kleen Industrial Services, Inc. in the amount of \$21,511, lowest responsible bidders of six - Total not to exceed \$545,688 - Financing: Water Utilities Current Funds
9. Authorize **(1)** a three-year master agreement for bulk liquid chlorine supplied in tank trucks in the amount of \$4,480,728; and **(2)** a three-year service contract for storage tank rentals and hydrostatic testing in the amount of \$481,470 - DPC Industries Company, lowest responsible bidder of three - Total not to exceed \$4,962,198 - Financing: Water Utilities Current Funds (subject to annual appropriations)

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

10. Authorize a three-year master agreement for door hardware and key blanks for various City departments - Independent Hardware, Inc. in the amount of \$290,820, Hans Johnsen Company in the amount of \$26,417 and Clark Security Products in the amount of \$10,354, lowest responsible bidders of three - Total not to exceed \$327,591 - Financing: Current Funds (\$159,298), Water Utilities Current Funds (\$135,068), Convention and Event Services Current Funds (\$32,000) and 2012-13 Community Development Block Grant Funds (\$1,225)
11. Authorize a three-year master agreement for the purchase of bicycles, bicycle parts and accessories for Police and Fire-Rescue - The Bike Shop in the amount of \$127,588 and GT Distributors, Inc. in the amount of \$100,731, lowest responsible bidders of two - Total not to exceed \$228,319 - Financing: Current Funds
12. Authorize a three-year master agreement for the purchase of riot gear and accessories for Police - GT Distributors, Inc. in the amount of \$332,813 and Galls, LLC in the amount of \$216,036, lowest responsible bidders of six - Total not to exceed \$548,849 - Financing: Current Funds
13. Authorize a three-year master agreement for breastfeeding products for the Women, Infants and Children's program - Medela, Inc. in the amount of \$131,291, NuAngel, Inc. in the amount of \$34,440, Ameda, Inc. in the amount of \$15,933, Health Care Equipment & Parts, Inc. in the amount of \$15,545 and Practical A/R Solutions, Inc. in the amount of \$7,998, lowest responsible bidders of five - Total not to exceed \$205,207 - Financing: Texas Department of State Health Services Grant Funds
14. Authorize **(1)** the rejection of bids received for automotive glass repair and replacement services; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City
15. Authorize Supplemental Agreement No. 2 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term beginning October 1, 2013 through January 31, 2014 - Not to exceed \$37,329, from \$747,058 to \$784,387 - Financing: Current Funds (subject to appropriations)

City Auditor

16. Authorize the City Auditor's Fiscal Year 2014 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Court & Detention Services

17. Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2013 through September 30, 2014 - Not to exceed \$8,713,637 - Financing: Current Funds (subject to appropriations)

Economic Development

18. Authorize an amendment to the development and operating agreement with the Cypress Waters Municipal Management District (CWMMD) to authorize additions and exclusions and to redefine boundaries in accordance with Texas Water Code Chapter 49, all pursuant to City approval required by Special District Local Laws Code Chapter 3874 (the Act) - Financing: No cost consideration to the City

Housing/Community Services

19. Authorize a contract with Metro Dallas Homeless Alliance to provide training and technical support with respect to the Homeless Management and Information System for the period October 1, 2013 through September 30, 2014 - Not to exceed \$60,704 - Financing: 2013-14 Emergency Solutions Grant Funds
20. Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for Women, Infants and Children for the period October 1, 2013 through March 31, 2014 - Not to exceed \$7,183,199 - Financing: Department of State Health Services Grant Funds
21. Authorize contracts with child care providers pursuant to the City Child Care Services for the period October 1, 2013 through September 30, 2014 (list attached) - Not to exceed \$110,000 - Financing: 2013-14 Community Development Block Grant Funds
22. Authorize an Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period June 1, 2013 through May 31, 2018 - Financing: No cost consideration to the City
23. A resolution authorizing conveyance of 3 unimproved properties and 1 improved property by Deed without Warranty to East Dallas Community Organization, for \$10 and the purchaser's agreement to construct a senior housing rental development on the properties within 3 years of execution of the deed (list attached) - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Housing/Community Services** (Continued)

24. Authorize an amendment to the Mortgage Assistance Program (MAP) to: **(1)** remove the designated funding limits by assistance category; and **(2)** allow the City Manager, or his designee, upon legal review and approval by the City Attorney's office to: **(a)** endorse on behalf of the City of Dallas, as the lien holder, insurance recovery checks issued by insurance companies to MAP borrowers for any recovery of property damage(s) under borrowers' homeowners insurance policies; and **(b)** authorize the insurance recovery proceeds to be used by borrowers to repair the damaged properties secured by City liens - Financing: No cost consideration to the City

Office of Management Services

25. Authorize **(1)** an application for and acceptance of the FY2013 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2012 through September 30, 2016; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed \$932,597 - Financing: US Department of Justice Grant Funds

Park & Recreation

26. Authorize a fifth amendment to the Fair Park Contract ("Agreement") with the State Fair of Texas to grant the State Fair of Texas the right to seek naming rights contracts for the Cotton Bowl Stadium and Summer Adventures at Fair Park and for State Fair to have the right to sell sponsorships advertising at the Coliseum on behalf of the City - Estimated Revenue: \$3,000,000 to \$5,000,000 over the term of the contract

Police

27. Authorize **(1)** the application for and acceptance of the Comprehensive Selective Traffic Enforcement Program grant from the U.S. Department of Transportation pass through in the amount of \$999,999 for travel expenses and overtime reimbursement for the period October 1, 2013 through September 30, 2014; and **(2)** a city contribution of pension in the amount of \$273,383; and **(3)** execution of the grant agreement - Total not to exceed \$1,273,382 - Financing: Texas Department of Transportation Grant Funds (\$999,999), and Current Funds (\$273,383)
28. Authorize a Memorandum of Understanding (MOU) with Dallas County for the purpose of participation in the Urban Counties' TechShare.Juvenile Program - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)**Public Works Department**

29. Authorize a contract with Camino Construction, LP, lowest responsible bidder of three, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 13 on Phantom Hill Road from Bittercreek Drive to Cheyenne Road and Boundbrook Avenue from Stillwater Drive to Woodbrook Drive - Not to exceed \$1,760,240 - Financing: General Obligation Commercial Paper Funds (\$1,140,218), Water Utilities Capital Construction Funds (\$11,775) and Water Utilities Capital Improvement Funds (\$608,247)

Note: Item Nos. 30, 31 and 32 must be considered collectively.

East Dallas Veloway, Phase II Extension

30. * Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of three, for the construction of a hike and bike trail and associated storm drainage, water and wastewater appurtenance adjustments for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue - Not to exceed \$762,953 - Financing: 2006 Bond Funds (\$746,903) and Water Utilities Capital Construction Funds (\$16,050)
31. * Authorize a Multiple Use Agreement with the Texas Department of Transportation for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue - Financing: No cost consideration to the City
32. * Authorize a Hike and Bike Trail Joint Use Agreement with Dallas Area Rapid Transit for the joint use of the railroad corridor right-of-way for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue - Financing: No cost consideration to the City

Sustainable Development and Construction

33. An ordinance granting a TH-2(A) Townhouse District and a resolution accepting deed restrictions volunteered by the applicant and a resolution accepting the termination of existing deed restrictions on property zoned an NO(A) Neighborhood Office District on the northwest corner of Levelland Road and Gold Dust Trail - Z123-261 - Financing: No cost consideration to the City
34. An ordinance abandoning a portion of a sanitary sewer easement to Quiktrip Corporation, the abutting owner, containing approximately 2,872 square feet of land, located near the intersection of Vistawood Boulevard and Ledbetter Drive - Revenue: \$5,400, plus the \$20 ordinance publication fee
35. An ordinance abandoning a street easement and an alley easement to Alamo Manhattan Routh, LLC, the abutting owner, containing a total of approximately 940 square feet of land, located near the intersection of Carlisle and Routh Streets, and authorizing the quitclaim - Revenue: \$68,400, plus the \$20 ordinance publication fee

CONSENT AGENDA (Continued)

Sustainable Development and Construction (Continued)

36. An ordinance abandoning portions of an alley easement, an alley and a screening wall easement to the King of Glory Lutheran Church, the abutting owner, containing a total of approximately 4,775 square feet of land, located near the intersection of Hughes Lane and Lyndon B. Johnson Freeway (Interstate Highway 635), and authorizing the quitclaim - Revenue: \$39,136, plus the \$20 ordinance publication fee

Trinity Watershed Management

37. Authorize Supplemental Agreement No. 7 to the professional services contract with CH2M Hill Engineers, Inc. for additional construction administration services for the Continental Avenue Bridge Project for the Trinity River Corridor Project - Not to exceed \$245,774, from \$21,446,019 to \$21,691,793 - Financing: Private Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

38. 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)

Sustainable Development and Construction

39. Authorize an appeal of the City Plan Commission's decision to approve a minor amendment to the development plan for Planned Development District No. 696 for a Public school other than an open-enrollment charter school and R-16(A) Single Family District uses on property bound by Welch Road, Ridgeside Drive, Crestline Avenue, and Rickover Drive - M123-037 - Financing: No cost consideration to the City

ITEMS FOR FURTHER CONSIDERATION

Public Works Department

40. Authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for the operation of a two year demonstration project for a downtown supplemental shuttle service - Not to exceed \$800,000 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

Sustainable Development and Construction

41. An ordinance abandoning portions of Colorado Boulevard, an alley, railroad right-of-way and a street easement to Southern Foods Group, LLC, the abutting owner, containing a total of approximately 32,279 square feet of land, located near the intersection of Colorado Boulevard and Lancaster Avenue, and authorizing the quitclaim - Revenue: \$48,419, plus the \$20 ordinance publication fee

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

42. Authorize a six-month professional services contract for planning, preconstruction and design work related to a mixed-use development including a new Vickery Meadow branch library and affordable housing development with DMA Development Company, LLC in the amount of \$744,000, the sole respondent - Financing: HUD Community Challenge Planning Grant Funds (\$299,000) and Vickery Meadow TIF District Funds (\$445,000)

Note: Item Nos. 43, 44 and 45 must be considered collectively.

Business Assistance Centers (BACs)

43. * Authorize the second renewal option for seven Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce (BAC #1) located at 4622 Maple Avenue in an amount not to exceed \$80,000; **(2)** Inncity Community Development Corporation (BAC #2) located at 4907 Spring Avenue in an amount not to exceed \$80,000; **(3)** Greater Dallas Hispanic Chamber of Commerce (BAC #3) located at 2060 Singleton Boulevard in an amount not to exceed \$80,000; **(4)** Greater Dallas Hispanic Chamber of Commerce (BAC #4) located at 400 South Zang Boulevard in an amount not to exceed \$80,000; **(5)** Business Assistance Center, Inc. (BAC #5) located at 1201 West Camp Wisdom Road in an amount not to exceed \$80,000; **(6)** Greater Dallas Asian American Chamber of Commerce/Multi-Ethnic Education and Economic Development Center (BAC #6) located at 7610 North Stemmons Freeway in an amount not to exceed \$80,000; and **(7)** Regional Hispanic Contractors Association (BAC #7) located at 2210 West Illinois Avenue in an amount not to exceed \$80,000 - Total not to exceed \$560,000 - Financing: 2013-14 Community Development Block Grant Funds
44. * Authorize the cancellation of the contract and second renewal option with Greater Dallas Indo American Chamber of Commerce (BAC #8) located at 2750 West Northwest Highway - Financing: No cost consideration to the City
45. * Authorize a twelve-month contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises to CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas (BAC #8) located at 1322 Record Crossing - Total not to exceed \$80,000 - Financing: 2013-14 Community Development Block Grant Funds

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

- 46. Authorize the third of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2013 through September 30, 2014 - Not to exceed \$250,000 - Financing: Public/Private Partnership Funds (\$200,000) Current Funds (\$50,000) (subject to appropriations)

Note: Item Nos. 47 and 48 must be considered collectively.

Cedars TIF District

- 47. * Authorize a development agreement with 1400 Belleview GP, LLC to dedicate future Cedars TIF District revenues in an amount not to exceed \$441,225 for eligible project costs related to public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) - Not to exceed \$441,225 - Financing: Cedars TIF District Funds
- 48. * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to reimburse 1400 Belleview GP, LLC up to \$441,225 for certain TIF-eligible project costs related to public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in the Cedars TIF District - Financing: No cost consideration to the City

Note: Item Nos. 49 and 50 must be considered collectively.

Cedars TIF District

- 49. * Authorize a development agreement with TEOF Hotel LLC to dedicate future Cedars TIF District revenues in an amount not to exceed \$2,285,071 for eligible project costs related to infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) - Not to exceed \$2,285,071 - Financing: Cedars TIF District Funds
- 50. * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to reimburse TEOF Hotel LLC up to \$2,285,071 for certain TIF-eligible project costs related to infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

Hillwood IIPOD Development

Note: Item Nos. 51, 52 and 53 must be considered collectively.

- 51. * Authorize a 90 percent real property tax abatement agreement for 10 years with Commerce 20 Development, LLC, a single asset entity owned by Hillwood Investment Properties for phase I of a two-building speculative warehouse development consisting of approximately 650,805 square feet located on approximately 98 acres within an Enterprise Zone near the intersection of Bonnieview Road and Interstate 20 in Dallas pursuant to the City’s Public/Private Partnership Program - Revenue: First year revenue estimated at \$11,943; ten-year revenue estimated at \$119,434 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$1,074,904)
- 52. * Authorize a 90 percent real property tax abatement agreement for 10 years with Commerce 20 Development, LLC, a single asset entity owned by Hillwood Investment Properties for phase II of a two-building speculative warehouse development consisting of approximately 488,565 square feet located on approximately 98 acres within an Enterprise Zone near the intersection of Bonnieview Road and Interstate 20 in Dallas pursuant to the City’s Public/Private Partnership Program - Revenue: First year revenue estimated at \$8,966; ten-year revenue estimated at \$89,659 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$806,931)
- 53. * Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Commerce 20 Development, LLC in an amount up to \$745,000 associated with the site acquisition and new speculative warehouse development to be constructed on 98 acres near the intersection of Bonnieview Road and Interstate 20 in Dallas - Not to exceed \$745,000 - Financing: General Obligation Commercial Paper Funds

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

- 54. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District with deed restrictions west of Marsh Lane, north of Frankford Road
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, landscape plan and conditions
Z123-260(MW)

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

55. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or greater on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of East R.L. Thornton Freeway and east of St. Francis Avenue
Recommendation of Staff: Approval 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 for a two-year period, subject to a site plan and conditions
Z123-278(MW)
56. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions
Z123-282(JH)
57. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south of Lake June Road, east of Temple Cliff Drive
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions
Z123-288(WE)
58. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1893 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and North Prairie Creek Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions
Z123-295(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

59. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse on property zoned an MU-2 Mixed Use District with deed restrictions on the south line of Lyndon B. Johnson Freeway, east of Spurling Drive

Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a thirty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions

Z123-233(WE)

Note: This item was considered by the City Council at a public hearing on September 11, 2013, and was taken under advisement until September 25, 2013, with the public hearing open

60. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1914 for the sale or service of alcoholic beverages in conjunction with a commercial amusement (inside) on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of East R.L. Thornton Freeway, west of South Buckner Boulevard

Recommendation of Staff: Approval for a two-year period, subject to a revised site plan and conditions

Recommendation of CPC: Approval for a three-year period, subject to a revised site plan and conditions

Z123-294(MW)

Note: This item was considered by the City Council at a public hearing on September 11, 2013, and was taken under advisement until September 25, 2013, with the public hearing open

DESIGNATED ZONING CASES - INDIVIDUAL

61. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District Uses on property zoned an IR Industrial Research District on the northwest line of Manor Way, between Maple Avenue and Denton Drive

Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions

Z123-192(RB)

FY 2013-14 Child Care Service Providers' Master List
 Agenda Item # 21

<u>Provider Name</u>	<u>Address</u>
Alternative Parents	14207 Haymeadow Dr. 75254
American Care Academy	530 S. R.L. Thornton Frwy. 75203
DBA Armadillos to Zebras Child Care (Knoll Kids)	14045 Waterfall Way 75240
Born2 Lead Preparatory	8837 Bonnie View Rd. 75241
B & 3J's	8502 - B Willoughby Blvd. 75232
Building Blocks	910 E. Ledbetter Dr. 75216
Cornerstone Christian Learning Center/The Ranch	1050 E. Camp Wisdom Rd. 75241
Creative Steps	3249 W. Northwest Hwy. 75220
Dallas Can Academy	4621 Ross Avenue 75204
Destiny Learning Center	8055 Ferguson Rd. 75228
First Steps	6303 Forest Park 75235
For Keeps Sake	2520 Martin Luther King, Jr. 75215
Healthy Beginnings	14119 Montfort Drive 75254
Heavenly Christian Academy	11421 Shiloh Road 75228
Heavenly Learning Center	9625 Plano Rd. Suite 1700 75238
Ideal Day Care and Learning Center	1000 E. Redbird Lane 75241
Imagination Station/Little Tots Christian Center	7221 Scyene Road 75227
Jeanette's Little Haven	7110 Holly Hill Drive 75231
Kaleidoscope Child Development Center	19310 Midway Road 75287
Kingdom Kids Development Center	845 S. Buckner Blvd. 75217
Kirby's Kreative Learning Center	330 S. R.L. Thornton 75203
Little Texans Academy	18211 Kelly Blvd. 75287
Jackson Playland	2515 Peabody 75215
Margie Faye Foundation	2638 S. Beckley 75224
Metropolitan Christian Academies	3430 S. Polk Street 75224
Park South YMCA	2500 Romine 75215
Preparatory Place Academy	3846 Opal Avenue 75216
Redbird Learning Center	7575 S. Hampton Road 75232
Shiloh Terrace Child Development Center	9810 LaPrada Drive 75228

**Bexar Street Neighborhood Lots to be conveyed to
East Dallas Community Organization**
Agenda Item # 23

<u>Parcel No.</u>	<u>Address</u>	<u>DCAD Amount</u>
W17	2451 Starks Avenue	\$ 2,000
W21	2426 Macon Street	\$ 4,000
W27	2449 Starks Avenue	\$24,310
W28	2445 Starks Avenue	\$ 4,000

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.

PUBLIC MEETINGS FOR SEPTEMBER 16 - SEPTEMBER 30, 2013

Tuesday, September 24, 2013

Municipal Library Board

4:00 p.m.

J. Erik Jonsson Central Library, Municipal Library Board Room

AGENDA DATE September 25, 2013

ITEM	IND									
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION	
1			All	V	NA	NA	NA	NA	Approval of Minutes of September 11, 2013 City Council Meeting	
2			All	C	PBD, EBS, SAN, TWM, CDS, DEV	\$1,060,663.00	17.99%	18.84%	Authorize a three-year service contract for grounds maintenance at levees, Hensley Field, Sanitation Services and Court & Detention Services properties	
3			All	C	PBD, AVI, EBS, FIR, PKR, STS, TWM, WTR	\$468,938.09	96.46%	96.46%	Authorize a three-year service contract for radiator repair, supplies and recoring	
4			All	C	PBD, HRD, OEQ, CCS, STS, PKR, CIS, SCS, EBS, LIB, MCC, CON, TWM, FIR, WTR, POL, AVI, ECO, CVS, HOU, CES	\$19,491,266.12	100.00%	100.00%	Authorize a three-year service contract for citywide temporary clerical and professional services	
5			2	C	PBD, AVI	\$509,327.00	0.00%	0.00%	Authorize a three-year service contract, with two one-year renewal options, to continue maintenance of hardware and associated software licenses for airport noise and flight tracking monitoring at Dallas Love Field - Exelis, Inc., sole source	
6			All	C	PBD, FIR	\$390,600.00	100.00%	0.00%	Authorize a five-year service contract for drug and alcohol testing for uniformed employees and applicants for Fire-Rescue	
7			All	C	PBD, FIR, STS	\$8,123,292.00	NA	NA	Authorize the purchase of fourteen ambulances, five fire pumpers, two aerial trucks and two wildland engines for Fire-Rescue - Metro Fire Apparatus Specialists, Inc. and Southwest Ambulance Sales, LLC through the Houston-Galveston Area Council of Governments; and the purchase of one lift body truck for Street Services - Sam Pack's Five Star Ford through Texas Association of School Boards (BuyBoard)	
8			All	C	PBD, WTR	\$545,688.00	0.00%	8.50%	Authorize a one-year master agreement for anthracite filter media for Water Utilities	
9			All	C	PBD, WTR	\$4,962,197.60	0.00%	0.00%	Authorize a three-year master agreement for bulk liquid chlorine supplied in tank trucks; and a three-year service contract for storage tank rentals and hydrostatic testing	
10			All	C	PBD, CES, EBS, FIR, HOU, PKR, TWM, WTR	\$326,366.00	8.06%	0.00%	Authorize a three-year master agreement for door hardware and key blanks for various City departments	
11			All	C	PBD, FIR, POL	\$228,319.00	55.88%	0.00%	Authorize a three-year master agreement for the purchase of bicycles, bicycle parts and accessories for Police and Fire-Rescue	
12			All	C	PBD, POL	\$548,848.46	0.00%	0.00%	Authorize a three-year master agreement for the purchase of riot gear and accessories for Police	
13			All	C	PBD, HOU	GT	3.90%	20.68%	Authorize a three-year master agreement for breastfeeding products for the Women, Infants and Children's program	
14			N/A	C	PBD	NC	NA	NA	Authorize the rejection of bids received for automotive glass repair and replacement services; and the re-advertisement for new bids	
15			All	C	PBD, CIS, EBS, SAN	\$37,328.44	0.00%	2.10%	Authorize Supplemental Agreement No. 2 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term beginning October 1, 2013 through January 31, 2014	

AGENDA DATE September 25, 2013

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
16			N/A	C	AUD	NC	NA	NA	Authorize the City Auditor's Fiscal Year 2014 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990
17			All	C	CDS	\$8,713,637.00	NA	NA	Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2013 through September 30, 2014
18			6	C	ECO	NC	NA	NA	Authorize an amendment to the development and operating agreement with the Cypress Waters Municipal Management District (CWMMD) to authorize additions and exclusions and to redefine boundaries in accordance with Texas Water Code Chapter 49, all pursuant to City approval required by Special District Local Laws Code Chapter 3874 (the Act)
19			All	C	HOU	GT	NA	NA	Authorize a contract with Metro Dallas Homeless Alliance to provide training and technical support with respect to the Homeless Management and Information System for the period October 1, 2013 through September 30, 2014
20			All	C	HOU	GT	NA	NA	Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for Women, Infants and Children for the period October 1, 2013 through March 31, 2014
21			All	C	HOU	GT	NA	NA	Authorize contracts with child care providers pursuant to the City Child Care Services for the period October 1, 2013 through September 30, 2014
22			All	C	HOU	NC	NA	NA	Authorize an Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period June 1, 2013 through May 31, 2018
23			7	C	HOU	NC	NA	NA	A resolution authorizing conveyance of 3 unimproved properties and 1 improved property by Deed without Warranty to East Dallas Community Organization, for \$10 and the purchaser's agreement to construct a senior housing rental development on the properties within 3 years of execution of the deed
24			All	C	HOU	NC	NA	NA	Authorize an amendment to the Mortgage Assistance Program (MAP) to: remove the designated funding limits by assistance category; and allow the City Manager, or his designee, upon legal review and approval by the City Attorney's office to: endorse on behalf of the City of Dallas, as the lien holder, insurance recovery checks issued by insurance companies to MAP borrowers for any recovery of property damage(s) under borrowers' homeowners insurance policies; and authorize the insurance recovery proceeds to be used by borrowers to repair the damaged properties secured by City liens
25			All	C	IGS, MGT	GT	NA	NA	Authorize an application for and acceptance of the FY2013 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2012 through September 30, 2016; execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and execution of the grant agreement
26			7	C	PKR	REV \$5,000,000	NA	NA	Authorize a fifth amendment to the Fair Park Contract ("Agreement") with the State Fair of Texas to grant the State Fair of Texas the right to seek naming rights contracts for the Cotton Bowl Stadium and Summer Adventures at Fair Park and for State Fair to have the right to sell sponsorships advertising at the Coliseum on behalf of the City
27			All	C	POL	\$273,383.00	NA	NA	Authorize the application for and acceptance of the Comprehensive Selective Traffic Enforcement Program grant from the U.S. Department of Transportation pass through in the amount of \$999,999 for travel expenses and overtime reimbursement for the period October 1, 2013 through September 30, 2014; and a city contribution of pension in the amount of \$273,383; and execution of the grant agreement
28			All	C	POL	NC	NA	NA	Authorize a Memorandum of Understanding (MOU) with Dallas County for the purpose of participation in the Urban Counties' TechShare Juvenile Program
29			5, 10	C	PBW, WTR	\$1,760,239.70	20.98%	53.10%	Authorize a contract with Camino Construction, LP, lowest responsible bidder of three, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 13 on Phantom Hill Road from Bittercreek Drive to Cheyenne Road and Boundbrook Avenue from Stillwater Drive to Woodbrook Drive

AGENDA DATE September 25, 2013

ITEM	IND		DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
#	OK	DEF							
30			2, 7	C	PBW, PKR, WTR	\$762,952.10	100.00%	25.94%	East Dallas Veloway, Phase II Extension: Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of three, for the construction of a hike and bike trail and associated storm drainage, water and wastewater appurtenance adjustments for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue
31			2, 7	C	PBW, PKR, WTR	NC	NA	NA	East Dallas Veloway, Phase II Extension: Authorize a Multiple Use Agreement with the Texas Department of Transportation for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue
32			2, 7	C	PBW, PKR, WTR	NC	NA	NA	East Dallas Veloway, Phase II Extension: Authorize a Hike and Bike Trail Joint Use Agreement with Dallas Area Rapid Transit for the joint use of the railroad corridor right-of-way for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue
33			12	C	DEV	NC	NA	NA	An ordinance granting a TH-2(A) Townhouse District and a resolution accepting deed restrictions volunteered by the applicant and a resolution accepting the termination of existing deed restrictions on property zoned an NO(A) Neighborhood Office District on the northwest corner of Levelland Road and Gold Dust Trail - Z123-261
34			4	C	DEV	REV \$5,400	NA	NA	An ordinance abandoning a portion of a sanitary sewer easement to Quiktrip Corporation, the abutting owner, containing approximately 2,872 square feet of land, located near the intersection of Vistawood Boulevard and Ledbetter Drive
35			14	C	DEV	REV \$68,400	NA	NA	An ordinance abandoning a street easement and an alley easement to Alamo Manhattan Routh, LLC, the abutting owner, containing a total of approximately 940 square feet of land, located near the intersection of Carlisle and Routh Streets, and authorizing the quitclaim
36			11	C	DEV	REV \$39,136	NA	NA	An ordinance abandoning portions of an alley easement, an alley and a screening wall easement to the King of Glory Lutheran Church, the abutting owner, containing a total of approximately 4,775 square feet of land, located near the intersection of Hughes Lane and Lyndon B. Johnson Freeway (Interstate Highway 635), and authorizing the quitclaim
37			6	C	TWM	GT	71.93%	17.76%	Authorize Supplemental Agreement No. 7 to the professional services contract with CH2M Hill Engineers, Inc. for additional construction administration services for the Continental Avenue Bridge Project for the Trinity River Corridor Project
38			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)
39			13	I	DEV	NC	NA	NA	Authorize an appeal of the City Plan Commission's decision to approve a minor amendment to the development plan for Planned Development District No. 696 for a Public school other than an open-enrollment charter school and R-16(A) Single Family District uses on property bound by Welch Road, Ridgeside Drive, Crestline Avenue, and Rickover Drive - M123-037
40			1, 2, 14	I	PBW, CES	\$800,000.00	NA	NA	Authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for the operation of a two year demonstration project for a downtown supplemental shuttle service
41			1	I	DEV	REV \$48,419	NA	NA	An ordinance abandoning portions of Colorado Boulevard, an alley, railroad right-of-way and a street easement to Southern Foods Group, LLC, the abutting owner, containing a total of approximately 32,279 square feet of land, located near the intersection of Colorado Boulevard and Lancaster Avenue, and authorizing the quitclaim
42			13	I	ECO	\$445,000.00	NA	NA	Authorize a six-month professional services contract for planning, preconstruction and design work related to a mixed-use development including a new Vickery Meadow branch library and affordable housing development with DMA Development Company, LLC, the sole respondent

AGENDA DATE September 25, 2013

ITEM #	OK	IND DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
43			All	I	ECO	GT	NA	NA	Business Assistance Centers (BACs): Authorize the second renewal option for seven Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: Greater Dallas Hispanic Chamber of Commerce (BAC #1) located at 4622 Maple Avenue; Innercity Community Development Corporation (BAC #2) located at 4907 Spring Avenue; Greater Dallas Hispanic Chamber of Commerce (BAC #3) located at 2060 Singleton Boulevard; Greater Dallas Hispanic Chamber of Commerce (BAC #4) located at 400 South Zang Boulevard; Business Assistance Center, Inc. (BAC #5) located at 1201 West Camp Wisdom Road; Greater Dallas Asian American Chamber of Commerce/Multi-Ethnic Education and Economic Development Center (BAC #6) located at 7610 North Stemmons Freeway; and Regional Hispanic Contractors Association (BAC #7) located at 2210 West Illinois Avenue
44			All	I	ECO	NC	NA	NA	Business Assistance Centers (BACs): Authorize the cancellation of the contract and second renewal option with Greater Dallas Indo American Chamber of Commerce (BAC #8) located at 2750 West Northwest Highway
45			All	I	ECO	GT	NA	NA	Business Assistance Centers (BACs): Authorize a twelve-month contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises to CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas (BAC #8) located at 1322 Record Crossing
46			All	I	ECO	\$250,000.00	NA	NA	Authorize the third of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2013 through September 30, 2014
47			2	I	ECO	\$441,225.00	NA	NA	Cedars TIF District: Authorize a development agreement with 1400 Belleview GP, LLC to dedicate future Cedars TIF District revenues in an amount not to exceed \$441,225 for eligible project costs related to public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District)
48			2	I	ECO	NC	NA	NA	Cedars TIF District: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to reimburse 1400 Belleview GP, LLC up to \$441,225 for certain TIF-eligible project costs related to public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in the Cedars TIF District
49			2	I	ECO	\$2,285,071.00	NA	NA	Cedars TIF District: Authorize a development agreement with TEOF Hotel LLC to dedicate future Cedars TIF District revenues in an amount not to exceed \$2,285,071 for eligible project costs related to infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District)
50			2	I	ECO	NC	NA	NA	Cedars TIF District: A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to reimburse TEOF Hotel LLC up to \$2,285,071 for certain TIF-eligible project costs related to infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District
51			8	I	ECO	NC	NA	NA	Hillwood IIPOD Development: Authorize a 90 percent real property tax abatement agreement for 10 years with Commerce 20 Development, LLC, a single asset entity owned by Hillwood Investment Properties for phase I of a two-building speculative warehouse development consisting of approximately 650,805 square feet located on approximately 98 acres within an Enterprise Zone near the intersection of Bonnieview Road and Interstate 20 in Dallas pursuant to the City's Public/Private Partnership Program

AGENDA DATE September 25, 2013

ITEM	IND		DESCRIPTION						
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
52			8	I	ECO	NC	NA	NA	Hillwood IIPOD Development: Authorize a 90 percent real property tax abatement agreement for 10 years with Commerce 20 Development, LLC, a single asset entity owned by Hillwood Investment Properties for phase II of a two-building speculative warehouse development consisting of approximately 488,565 square feet located on approximately 98 acres within an Enterprise Zone near the intersection of Bonnieview Road and Interstate 20 in Dallas pursuant to the City's Public/Private Partnership Program
53			8	I	ECO	\$745,000.00	NA	NA	Hillwood IIPOD Development: Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Commerce 20 Development, LLC in an amount up to \$745,000 associated with the site acquisition and new speculative warehouse development to be constructed on 98 acres near the intersection of Bonnieview Road and Interstate 20 in Dallas
54			12	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District with deed restrictions west of Marsh Lane, north of Frankford Road
55			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or greater on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of East R.L. Thornton Freeway and east of St. Francis Avenue
56			5	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. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road
57			5	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. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south of Lake June Road, east of Temple Cliff Drive
58			5	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. 1893 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and North Prairie Creek Road
59			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse on property zoned an MU-2 Mixed Use District with deed restrictions on the south line of Lyndon B. Johnson Freeway, east of Spurling Drive
60			7	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. 1914 for the sale or service of alcoholic beverages in conjunction with a commercial amusement (inside) on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of East R.L. Thornton Freeway, west of South Buckner Boulevard
61			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District Uses on property zoned an IR Industrial Research District on the northwest line of Manor Way, between Maple Avenue and Denton Drive

TOTAL \$53,169,341.51

AGENDA ITEM # 2

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services
Sanitation Services
Trinity Watershed Management
Court & Detention Services
Sustainable Development and Construction

CMO: Jeanne Chipperfield, 670-7804
Forest E. Turner, 670-3390
Jill A. Jordan, P.E., 670-5299
Joey Zapata, 670-3009
Theresa O'Donnell, 671-9195

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for grounds maintenance at levees, Hensley Field, Sanitation Services and Court & Detention Services properties - Moir Watershed Services, LLC in the amount of \$809,863 and Good Earth Corporation in the amount of \$250,800, lowest responsible bidders of three - Not to exceed \$1,060,663 - Financing: Current Funds (\$104,200), Naval Air Station Redevelopment Funds (\$146,600) and Stormwater Drainage Management Current Funds (\$809,863) (subject to annual appropriations)

BACKGROUND

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

This service contract provides for grounds maintenance of Dallas' floodway levees and Hensley Field, Sanitation (SAN) and Court and Detention Services (CTS) properties. Routine levee mowing and vegetation management is needed to ensure proper turf growth and to allow for proper visual inspection of the levees. Mowing and vegetation control is required at Hensley Field, Sanitation Services and Court & Detention properties to remain in compliance with the City's high grass and weed ordinance.

Under this service contract grounds maintenance will be provided for approximately 600 acres of flood control levees, which includes services such as mowing, weed trimming, and litter removal.

BACKGROUND (Continued)

The number of mowing cycles is projected to be approximately once every twenty-three days during the growing season. Cycle frequency can be adjusted during the growing season to accommodate weather conditions.

This service contract will provide grounds maintenance for approximately 400 acres at Hensley Field. The work will consist of mowing, edging, tree and shrub trimming and weed control. During the mowing season, areas with buildings will be serviced biweekly and open field areas will be serviced monthly. SAN and CTS properties will include mowing, trimming and herbicide applications twice monthly during the growing season. The contractor will provide all personnel, labor, tools and supplies necessary to perform these services.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 23.7% increase over comparable unit prices for the bids 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 236 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 June 9, 2010, City Council authorized a three-year service contract for grounds maintenance services at floodway levees and library properties by Resolution No. 10-1464.

On February 23, 2011, City Council authorized a three-year service contract for grounds maintenance at Hensley Field by Resolution No. 11-0516.

FISCAL INFORMATION

\$104,200.00 - Current Funds (subject to annual appropriations)

\$146,600.00 - Naval Air Station Redevelopment Funds (subject to annual appropriations)

\$809,863.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 26 - Vendors contacted
- 25 - No response
 - 1 - Response (Bid)
 - 0 - Response (No Bid)
- 0 - Successful

236 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

Moir Watershed Services, LLC

White Male	7	White Female	1
Black Male	1	Black Female	0
Hispanic Male	2	Hispanic Female	0
Other Male	0	Other Female	0

Good Earth Corporation

White Male	47	White Female	3
Black Male	3	Black Female	0
Hispanic Male	11	Hispanic Female	2
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BL1310 and opened on June 27, 2013. This service contract is being awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Moir Watershed Services, LLC	206 Cole Rd. Red Oak, TX 75154	Multiple Groups
*Good Earth Corporation	8020 Heinen Dr. Dallas, TX 75227	Multiple Groups
JBa Land Management, LLC	10875 Jupiter Rd. Dallas, TX 75218	Multiple Groups

OWNERS

Moir Watershed Services, LLC

James Moir, President

Good Earth Corporation

Ron Points, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for grounds maintenance at levees, Hensley Field, Sanitation Services and Court & Detention Services properties - Moir Watershed Services, LLC in the amount of \$809,863 and Good Earth Corporation in the amount of \$250,800, lowest responsible bidders of three - Not to exceed \$1,060,663 - Financing: Current Funds (\$104,200), Naval Air Station Redevelopment Funds (\$146,600) and Stormwater Drainage Management Current Funds (\$809,863) (subject to annual appropriations)

Moir Watershed Services, LLC is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor. Good Earth Corporation is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$190,800.00	17.99%
Total non-local contracts	\$869,862.65	82.01%
TOTAL CONTRACT	\$1,060,662.65	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	WFWB55806Y1213	\$139,860.00	16.08%
Sun Coast Resources Inc.	WFWB55249N1013	\$60,000.00	6.90%
Total Minority - Non-local		\$199,860.00	22.98%

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%	\$199,860.00	18.84%
Total	<u>\$0.00</u>	<u>0.00%</u>	<u>\$199,860.00</u>	<u>18.84%</u>

September 25, 2013

WHEREAS, on June 9, 2010, City Council authorized a three-year service contract for grounds maintenance services at floodway levees and library properties by Resolution No. 10-1464; and,

WHEREAS, on February 23, 2011, City Council authorized a three-year service contract for grounds maintenance at Hensley Field by Resolution No. 11-0516;

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 Moir Watershed Services, LLC (VS0000071835) in the amount of \$809,863.00 and Good Earth Corporation (510006) in the amount of \$250,800.00 for grounds maintenance at levees, Hensley Field, Sanitation Services and Court & Detention Services properties, for a term of three years, in a total amount not to exceed \$1,060,663.00, 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 Moir Watershed Services, LLC and Good Earth Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by Moir Watershed Services, LLC and Good Earth Corporation under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$1,060,663.00 (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: Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Equipment & Building Services
Fire
Park & Recreation
Street Services
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Theresa O'Donnell, 671-9195
Charles Cato, 671-3908
Forest E. Turner, 670-3390
Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for radiator repair, supplies and recoring - Centennial Radiator, Inc. in the amount of \$452,340 and Metro Fire Apparatus Specialists, Inc. in the amount of \$16,599, lowest responsible bidders of three - Total not to exceed \$468,939 - Financing: Current Funds (\$431,011), Stormwater Drainage Management Current Funds (\$25,841), Water Utilities Current Funds (\$7,165) and Aviation Current Funds (\$4,922) (subject to annual appropriations)

BACKGROUND

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

This service contract will provide radiator repair, supplies and recoring for approximately 8,200 City service, public safety vehicles, tractors and heavy equipment. This contract consists of all repair work or replacement for any and all sizes of internal combustion engine radiators.

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 304 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

- \$431,010.09 - Current Funds (subject to annual appropriations)
- \$ 25,841.00 - Stormwater Drainage Management Current Funds (subject to annual appropriations)
- \$ 7,165.00 - Water Utilities Current Funds (subject to annual appropriations)
- \$ 4,922.00 - Aviation Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 147 - Vendors contacted
- 146 - No response
 - 1 - Response (Bid)
 - 0 - Response (No Bid)
 - 1 - Successful

304 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

Centennial Radiator, Inc.

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

ETHNIC COMPOSITION (Continued)

Metro Fire Apparatus Specialists, Inc.

White Male	47	White Female	3
Black Male	3	Black Female	0
Hispanic Male	11	Hispanic Female	2
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BJ1326 and opened on July 18, 2013. This service contract is being awarded to the lowest responsive and responsible bidders by group. Information regarding this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Centennial Radiator, Inc.	447 W. Mockingbird Lane Dallas, TX 75247	Multiple Groups
*Metro Fire Apparatus Specialists, Inc.	10940 W. Sam Houston Parkway Suite 325 Houston, TX 77064	Multiple Groups
ATC Freightliner Group	4200 Port Boulevard Dallas, TX 75339	Non-responsive**

**ATC Freightliner Group was deemed non-responsive due to not meeting bid specifications.

OWNERS

Centennial Radiator, Inc.

Dina Wood Walker, President

Metro Fire Apparatus Specialists, Inc.

Craig Russell, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for radiator repair, supplies and recoring - Centennial Radiator, Inc. in the amount of \$452,340 and Metro Fire Apparatus Specialists, Inc. in the amount of \$16,599, lowest responsible bidders of three - Total not to exceed \$468,939 - Financing: Current Funds (\$431,011), Stormwater Drainage Management Current Funds (\$25,841), Water Utilities Current Funds (\$7,165) and Aviation Current Funds (\$4,922) (subject to annual appropriations)

Centennial Radiator, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Metro Fire Apparatus Specialists, Inc. is a non-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	\$452,340.00	96.46%
Total non-local contracts	\$16,598.09	3.54%
TOTAL CONTRACT	\$468,938.09	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Centennial Radiator, Inc.	WFDB57602Y0514	\$452,340.00	100.00%
Total Minority - Local		\$452,340.00	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	\$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	\$452,340.00	100.00%	\$452,340.00	96.46%
Total	\$452,340.00	100.00%	\$452,340.00	96.46%

September 25, 2013

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 Centennial Radiator, Inc. (VC0000009460) in the amount of \$452,340.00 and Metro Fire Apparatus Specialists, Inc. (339015) in the amount of \$16,598.09 for radiator repair, supplies and re-coring for a term of three years in an amount not to exceed \$468,938.09, upon approval as to form by the City Attorney. If the service contract was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Centennial Radiator, Inc. and Metro Fire Apparatus Specialists, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Centennial Radiator, Inc. and Metro Fire Apparatus Specialists, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$468,938.09 (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: Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Human Resources
Office Of Environmental Quality
Code Compliance
Street Services
Park & Recreation
Communication and Information Services
Strategic Customer Services
Equipment & Building Services
Library
Mayor and City Council
City Controller
Trinity Watershed Management
Fire
Water Utilities
Police
Aviation
Office of Economic Development
Civil Service
Housing/Community Services
Convention and Event Services

CMO: Jeanne Chipperfield, 670-7804
A. C. Gonzalez, 670-3302
Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299
Charles Cato, 671-9193
Forest E. Turner, 670-3390
Joey Zapata, 670-1204
Ryan S. Evans, 671-9837
Theresa O'Donnell, 671-9195

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for citywide temporary clerical and professional services - Lane Staffing, Inc., most advantageous proposer of five - Not to exceed \$20,431,973 - Financing: Current Funds (\$14,030,914), Water Utilities Current Funds (\$2,720,259), Convention Center Current Funds (\$1,663,490), Stormwater Drainage Management Current Funds (\$846,535), Community Development Block Grant Funds (\$354,482), Aviation Current Funds (\$230,069), Ivor O'Conner Morgan Trust Funds

SUBJECT (Continued)

(\$196,095), Private Funds (\$196,095), Competitive Housing Opportunities for Persons with Aids Grant Funds (\$118,161), Texas Department of State Health Services Grant Funds (\$59,080) and Children Center Trust Funds (\$16,793) (subject to annual appropriations)

BACKGROUND

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

This service contract will provide citywide temporary clerical and professional labor. 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.

Examples of job classifications provided by this contract include:

- Accountant
- Cashier
- Call Taker/CSR Coordinator
- City Council Office Assistant
- Coordinator
- Customer Service Representative
- Executive Assistant
- Executive Secretary
- Financial Analyst
- Human Resource Analysts
- Office Assistant I (General Clerical)
- Program Manager
- Water Instrument Technician

A seven member committee from the following departments reviewed and evaluated the proposals:

- Sanitation Services (1)
- Library (1)
- Human Resources (2)
- Equipment and Building Services (1)
- Business Development and Procurement Services (2)*

BACKGROUND (Continued)

*Business Development and Procurement Services only evaluated the pricing consideration and the Business Inclusion and Development Plan.

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

- Pricing Consideration 30%
- Time Lapse 20%
- Business Inclusion & Development Plan 15%
- Reporting Mechanisms 15%
- References 15%
- Experience 5%

This solicitation was structured in a manner which required proposers to submit a response using hourly pricing. This bid resulted in a 9.42% increase over comparable unit prices for the bid awarded in 2012.

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 799 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 January 11, 2012, City Council authorized a three-year service contract for temporary clerical and professional labor citywide by Resolution No. 12-0159.

FISCAL INFORMATION

\$14,030,914.45 - Current Funds (subject to annual appropriations)
\$ 2,720,258.49 - Water Utilities Current Funds (subject to annual appropriations)
\$ 1,663,490.40 - Convention Center Current Funds (subject to annual appropriations)
\$ 846,535.20 - Stormwater Drainage Management Current Funds (subject to annual appropriations)
\$ 354,481.92 - Community Development Block Grant Funds (subject to annual appropriations)
\$ 230,068.80 - Aviation Current Funds (subject to annual appropriations)
\$ 196,094.70 - Ivor O'Conner Morgan Trust Funds (subject to annual appropriations)
\$ 196,094.70 - Private Funds (subject to annual appropriations)
\$ 118,160.64 - Competitive Housing Opportunities for Persons with Aids Grant Funds (subject to annual appropriations)
\$ 59,080.32 - Texas Department of State Health Services Grant Funds (subject to annual appropriations)
\$ 16,792.50 - Children Center Trust Funds (subject to annual appropriations)

M/WBE INFORMATION

197 - Vendors contacted
195 - No response
2 - Response (Bid)
0 - Response (No bid)
1 - Successful

799 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

Lane Staffing, Inc.

White Male	87	White Female	82
Black Male	193	Black Female	127
Hispanic Male	105	Hispanic Female	110
Other Male	29	Other Female	25

PROPOSAL INFORMATION

The following proposals were received from solicitation number BKZ1313 and opened on May 23, 2013. This service contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount of Bid</u>
*Lane Staffing, Inc.	1810 Park Row Drive Dallas, TX 75215	94.80%	\$20,431,972.12
Manpower Group US, Inc.	100 Manpower Place Milwaukee, WI 53212	89.35%	\$25,378,657.50
AppleOne Employment Services	1999 W. 190th Street Torrance, CA 90504	88.83%	\$22,026,845.28
Pinnacle Technical Resources, Inc.	5501 LBJ Freeway Suite #600 Dallas, TX 75240	87.23%	\$23,914,874.28
BridgeWork Partners, LLC	401 E. Corporate Drive Suite #100 Lewisville, TX 75057	86.27%	\$28,546,153.49

OWNER

Lane Staffing, Inc.

Carla K. Lane, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for citywide temporary clerical and professional services - Lane Staffing, Inc., most advantageous proposer of five - Not to exceed \$20,431,973 - Financing: Current Funds (\$14,030,914), Water Utilities Current Funds (\$2,720,259), Convention Center Current Funds (\$1,663,490), Stormwater Drainage Management Current Funds (\$846,535), Community Development Block Grant Funds (\$354,482), Aviation Current Funds (\$230,069), Ivor O'Conner Morgan Trust Funds (\$196,095), Private Funds (\$196,095), Competitive Housing Opportunities for Persons with Aids Grant Funds (\$118,161), Texas Department of State Health Services Grant Funds (\$59,080) and Children Center Trust Funds (\$16,793) (subject to annual appropriations)

Lane Staffing, Inc. 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	\$20,431,972.12	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$20,431,972.12	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lane Staffing, Inc.	BFMB55191N1013	\$20,431,972.12	100.00%
Total Minority - Local		\$20,431,972.12	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	\$20,431,972.12	100.00%	\$20,431,972.12	100.00%
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	\$20,431,972.12	100.00%	\$20,431,972.12	100.00%

September 25, 2013

WHEREAS, on June 25, 2008, City Council authorized a thirty-six-month service contract for temporary clerical and professional labor by Resolution No. 08-1756; and,

WHEREAS, on January 11, 2012, City Council authorized a three-year service contract for temporary clerical and professional labor citywide by Resolution No. 12-0159;

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 Lane Staffing, Inc. (VS0000050443) for citywide temporary clerical and professional services for a term of three years in an amount not to exceed \$20,431,972.12, 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 Lane Staffing, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Lane Staffing, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$20,431,972.12 (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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): 2

DEPARTMENT: Business Development & Procurement Services
Aviation

CMO: Jeanne Chipperfield, 670-7804
Theresa O'Donnell, 670-9195

MAPSCO: 34E

SUBJECT

Authorize a three-year service contract, with two one-year renewal options, to continue maintenance of hardware and associated software licenses for airport noise and flight tracking monitoring at Dallas Love Field - Exelis, Inc., sole source - Not to exceed \$509,327 - Financing: Aviation 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 services, for a specific term, which are ordered on an as needed basis.

This service contract will provide continued maintenance of hardware and associated software licenses for noise and flight track monitoring at Dallas Love Field. The data generated by this system assists Aviation staff in understanding aircraft generated noise exposure surrounding the airport (noise contours) and allows them to produce printed aircraft flight tracks as well as many customized operational reports. This information is used to support the operations of the airport and the Aviation Department by providing data to effectively respond to citizen inquiries about aircraft generated noise.

This monitoring system, which is internet-based, receives data from remote noise monitoring sensors and from a multi-sensor data feed monitors, and verifies compliance with the Dallas Love Field Voluntary Noise Control Program. The remote noise monitoring sensors are installed at various locations within neighborhoods around the airport.

Maintenance under this service contract includes technical support and upgrades to current releases of software and patches.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$509,327.00 - Aviation Current Funds (subject to annual appropriations)

M/WBE INFORMATION

There were no M/WBE vendors contacted for this item because the recommended awardee is the sole source provider.

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

Exelis, Inc.

White Male	338	White Female	114
Black Male	44	Black Female	37
Hispanic Male	18	Hispanic Female	8
Other Male	23	Other Female	18

BID INFORMATION

<u>Bidder</u>	<u>Address</u>	<u>Amount of Bid</u>
Exelis, Inc.	12930 Worldgate Drive Herndon, VA 20170	\$509,327.00

Note: Pursuant to Business Development and Procurement Services' (BDPS) request, the Auditor's office has reviewed this sole source item and submitted related documentation and has determined BDPS meets the exceptions from competitive bidding as specified in the State of Texas Local Government code, chapter 252.022, General Exemptions (a)(7).

OWNER

Exelis, Inc.

David Melcher, President
Pam Drew, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract, with two one-year renewal options, to continue maintenance of hardware and associated software licenses for airport noise and flight tracking monitoring at Dallas Love Field - Exelis, Inc., sole source - Not to exceed \$509,327 - Financing: Aviation Current Funds (subject to annual appropriations)

Exelis, Inc. is a non-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	\$0.00	0.00%
Total non-local contracts	\$509,327.00	100.00%
TOTAL CONTRACT	<u>\$509,327.00</u>	<u>100.00%</u>

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>

September 25, 2013

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 Exelis, Inc. (VS0000077349) to continue maintenance of hardware and associated software licenses for airport noise and flight track monitoring at Dallas Love Field for a term of three years, with two one-year renewal options, in an amount not exceed \$509,327.00, 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 Exelis, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Exelis, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$509,327.00 (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 # 6

KEY FOCUS AREA: Public Safety
Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

CMO: Jeanne Chipperfield, 670-7804
Charles Cato, 670-9194

MAPSCO: N/A

SUBJECT

Authorize a five-year service contract for drug and alcohol testing for uniformed employees and applicants for Fire-Rescue - WAB Holdings, LLC dba ARCpoint Labs of Irving, lowest responsible bidder of four - Not to exceed \$390,600 - 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 services, for a specific term, which are ordered on an as needed basis.

The City is committed to protecting the public from the effects of illegal drug use, abuse of alcohol or controlled substances. Fire-Rescue requires that all uniformed members, approximately 1,800, to undergo random testing for illegal drug use, alcohol or controlled substance abuse. This testing is to ensure that members of the department who are in positions that can impact the safety of the public are not impaired either physically or mentally by substance abuse. Supervisors may also request alcohol and controlled substance testing when the supervisor has reasonable suspicion that a member is under the influence of alcohol or controlled substances.

The successful vendor is also required to maintain National Institute of Drug Abuse (NIDA) and Substance Abuse and Mental Health Service Administration (SAMHSA) of the United States Department of Health and Human Services (HHS) certifications throughout the contract term.

Business Development and Procurement Services is currently working on a solicitation to provide Police with this service which will be presented to Council at a later date.

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 155 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 January 28, 2009, City Council authorized a sixty month professional services contract for medical examinations, drug and alcohol testing for the Fire Department, Police Department, City Marshal's Office and Human Resources by Resolution No. 09-0338.

FISCAL INFORMATION

\$390,600.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 18 - Vendors contacted
- 18 - No response
- 0 - Response (Bid)
- 0 - Response (No Bid)
- 0 - Successful

155 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

WAB Holdings, LLC dba ARCpoint Labs of Irving

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

BID INFORMATION

The following bids were received from solicitation number BY1328 and opened on July 25, 2013. 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>
*WAB Holdings, LLC dba ARCpoint Labs of Irving	8925 Sterling St., Suite 255 Irving, TX 75063	\$390,600.00
Concentra Health Services, Inc. dba Concentra Medical Centers	5080 Spectrum Dr., Suite 1200W Addison, TX 75001	\$600,720.00
Primary Health Management, Inc. dba CareNow	645 E. State Hwy. 121 S. Suite 600 Coppell, TX 75019	\$432,600.00
Mobile Drug Testing, LLC	P.O. Box 544 Draper, UT 84020	Non-responsive**

**Mobile Drug Testing, LLC was deemed non-responsive due to not meeting the specifications.

OWNER

WAB Holdings, LLC dba ARCpoint Labs of Irving

Wayne Brown, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for drug and alcohol testing for uniformed employees and applicants for Fire-Rescue - WAB Holdings, LLC dba ARCpoint Labs of Irving, lowest responsible bidder of four - Not to exceed \$390,600 - Financing: Current Funds (subject to annual appropriations)

WAB Holdings, LLC dba ARCpoint Labs of Irving 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	\$390,600.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$390,600.00	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>

September 25, 2013

WHEREAS, on January 28, 2009, City Council authorized a sixty month professional services contract for medical examinations, drug and alcohol testing for the Fire Department, Police Department, City Marshal's Office and Human Resources by Resolution No. 09-0338;

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 WAB Holdings, LLC dba ARCpoint Labs of Irving (VS0000075617) for drug and alcohol testing for uniformed employees and applicants for Fire-Rescue for a term of five years in an amount not to exceed \$390,600.00, 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 WAB Holdings, LLC dba ARCpoint Labs of Irving shall be based only on the amount of the services directed to be performed by the City and properly performed by WAB Holdings, LLC dba ARCpoint Labs of Irving under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$390,600.00 (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 # 7

KEY FOCUS AREA:	Public Safety
AGENDA DATE:	September 25, 2013
COUNCIL DISTRICT(S):	All
DEPARTMENT:	Business Development & Procurement Services Fire Street Services
CMO:	Jeanne Chipperfield, 670-7804 Charles Cato, 670-9194 Forest E. Turner, 670-3390
MAPSCO:	N/A

SUBJECT

Authorize **(1)** the purchase of fourteen ambulances, five fire pumpers, two aerial trucks and two wildland engines for Fire-Rescue - Metro Fire Apparatus Specialists, Inc. in the amount of \$5,572,705 and Southwest Ambulance Sales, LLC in the amount of \$2,463,586 through the Houston-Galveston Area Council of Governments; and **(2)** the purchase of one lift body truck for Street Services - Sam Pack's Five Star Ford in the amount of \$87,001 through Texas Association of School Boards (BuyBoard) - Total not to exceed \$8,123,292 - Financing: Currents Funds (\$87,001) and Municipal Lease Agreement Funds (\$8,036,291)

BACKGROUND

The purchase of fourteen ambulances, five fire pumpers, two aerial trucks and two wildland engines will provide replacements for various fire stations. Currently, Fire-Rescue has 75 fire pumpers, 29 aerial trucks, 56 ambulances and 10 wildland engines. All 23 units are replacements for equipment that has met or exceeded the replacement criteria. 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 criteria includes life-to-date maintenance costs, recommended replacement mileage and recommended replacement life. All units being replaced will be decommissioned and sold at auction.

Average age of replacement:

- Aerial trucks - 16 years
- Fire pumpers - 14 years
- Wildland - 12 years
- Ambulances - 6 years

BACKGROUND (Continued)

Fire-Rescue responded to approximately 294,000 emergency calls in fiscal year 2012.

The purchase of one lift body truck for Traffic Sign Division, department of Street Services is needed to upgrade signages on 200 signalized intersections citywide annually. These sign upgrades will include overhead street name signs, lane designation signs, signal ahead signs and signal push button signs. This effort will require the purchase and operation of a dedicated platform lift truck.

The Houston-Galveston Area Council of Governments (H-GAC) currently has ambulances, fire pumpers, aerial trucks and rescues, under contract that meet Fire Rescue specifications. H-GAC conforms to the requirements of Texas State Statutes that are applicable to competitive bids and proposals. In addition, H-GAC is a national environment and receives bids from manufacturers and dealers throughout the United States. The fire and rescue equipment contract is the second largest contract that H-GAC administers with equipment sales in sixteen states, in addition to Texas.

Texas Association of School Boards (BuyBoard) 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, BuyBoard receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 11, 2010, City Council authorized the purchase of nine fire pumpers, three aerial ladder trucks, one haz-mat response vehicle, two battalion/deputy chief vehicles, two breathing air support vehicles and four personnel vehicles for Dallas Fire-Rescue by Resolution No. 10-1941.

On September 21, 2011, City Council authorized an ordinance for the proposed FY 2011-12 City of Dallas Operating, Grants and Trusts, and Capital Budgets by Resolution No. 11-2613.

On July 27, 2012, City Council authorized the purchase of fourteen ambulances, five fire pumpers and two aerial trucks by Resolution No. 12-1616.

FISCAL INFORMATION

\$ 87,001.00 - Current Funds

\$8,036,291.00 - Municipal Lease Agreement Funds

ETHNIC COMPOSITION

Metro Fire Apparatus Specialists, Inc.

White Male	46	White Female	3
Black Male	3	Black Female	0
Hispanic Male	11	Hispanic Female	2
Other Male	0	Other Female	0

Southwest Ambulance Sales, LLC

White Male	9	White Female	2
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Sam Pack's Five Star Ford

White Male	104	White Female	19
Black Male	20	Black Female	2
Hispanic Male	8	Hispanic Female	0
Other Male	5	Other Female	0

OWNERS

Metro Fire Apparatus Specialists, Inc.

Craig N. Russell, President

Southwest Ambulance Sales, LLC

Paul Cartusciello, President

Sam Pack's Five Star Ford

Sam Pack, President

September 25, 2013

WHEREAS, on August 11, 2010, City Council authorized the purchase of nine fire pumpers, three aerial ladder trucks, one haz-mat response vehicle, two battalion/deputy chief vehicles, two breathing air support vehicles and four personnel vehicles for Dallas Fire-Rescue by Resolution No. 10-1941; and,

WHEREAS, on September 21, 2011, City Council authorized an ordinance for the proposed FY 2011-12 City of Dallas Operating, Grants and Trusts, and Capital Budgets by Resolution No. 11-2613; and,

WHEREAS, on July 27, 2012, City Council authorized the purchase of fourteen ambulances, five fire pumpers and two aerial trucks by Resolution No. 12-1616;

NOW, THEREFORE,

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

Section 1. That **(1)** the purchase of fourteen ambulances, five fire pumpers, two aerial trucks and two wildland engines for Fire-Rescue is authorized with Metro Fire Apparatus Specialists, Inc. (339015) in the amount of \$5,572,705.00 and Southwest Ambulance Sales, LLC (VS0000080367) in the amount of \$2,463,586.00 through the Houston-Galveston Area Council of Governments; and **(2)** the purchase of one lift body truck for Street Services is authorized with Sam Pack's Five Star Ford (113696) through Texas Association of School Boards (BuyBoard) in the amount of \$87,001.00, in a total amount not to exceed \$8,123,292.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for fourteen ambulances, five pumpers, two aerial trucks and two wildland engines for Fire-Rescue and one lift body truck for Street Services. 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.

September 25, 2013

Section 3. 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 (12 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 4. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$8,123,292.00:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance</u>	<u>Amount</u>
ML13	DFD	E325	4740	PODFD00000110950	\$2,463,586.00
ML13	DFD	E324	4742	PODFD00000110951	\$5,572,705.00
0001	STS	3055	4740	POEBS00000110871	\$ 87,001.00

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 # 8

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

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 one-year master agreement for anthracite filter media for Water Utilities – CEI Anthracite in the amount of \$374,527, Carbon Sales, Inc. in the amount of \$149,650 and Kleen Industrial Services, Inc. in the amount of \$21,511, lowest responsible bidders of six – Total not to exceed \$545,688 - 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 agreement will provide anthracite which is used as filter media in the drinking water and wastewater purification process. Anthracite is added as needed during the annual preventive maintenance process to aid the filtration of chlorine, organic contaminants, and to improve the color and taste in the water purification process. Anthracite is also used at the wastewater facilities to aid in the removal of suspended solids from the wastewater prior to being discharged to the Trinity River. The removal of solids from wastewater is mandated by regulatory agencies under the Texas Pollutant Discharge Elimination System Permit.

Water Utilities provides service to an estimated 2 million people in Dallas and surrounding communities.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in an 8.01% decrease on comparable unit prices for the bid awarded in 2012.

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 500 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 March 26, 2008, City Council authorized the purchase of anthracite filter media to be used in the water purification process by Resolution No. 08-0834.

On September 8, 2010, City Council authorized the purchase of anthracite filter media to be used in the water purification process by Resolution No. 10-2269.

On September 14, 2011, City Council authorized a one-year master agreement for anthracite filter media to be used in the water purification process by Resolution No. 11-2375.

On August 8, 2012, City Council authorized a one-year master agreement for anthracite filter media to be used in the water purification process by Resolution No. 12-1887.

FISCAL INFORMATION

\$545,688.00 – Water Utilities Current Funds

M/WBE INFORMATION

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

500 - 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

CEI Anthracite

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

Carbon Sales, Inc.

White Male	14	White Female	4
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Kleen Industrial Services, Inc.

White Male	5	White Female	2
Black Male	0	Black Female	1
Hispanic Male	0	Hispanic Female	1
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1307 and opened on July 18, 2013. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*CEI Anthracite	603 South Church St. Hazleton, PA 18201	Multiple Lines
*Carbon Sales, Inc.	375 Johnson St. Wilkes-Barre, PA 18702	Multiple Lines
*Kleen Industrial Services, Inc.	50 Oak Ct. Danville, CA 94526	Multiple Lines
Anthrafilter (U.S.) Inc.	4992 Sweet Home Rd. Niagara Falls, NY 14305	Multiple Lines

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
Unifilt Corporation	373 Johnson St. Wilkes-Barre, PA 18702	Multiple Lines
Carbonfilt LLC.	400 Worthington St . Marco Island, FL 34145	Non-responsive**

**Carbonfilt LLC. was deemed non-responsive due to not meeting specifications.

OWNERS

CEI Anthracite

Ryan Carter, President
Richard Ciminello, Chief Executive Officer
Lou Ciminello, Secretary

Carbon Sales, Inc.

Mathew Dewees, President
Mary Anne Eggleston, Vice President

Kleen Industrial Services, Inc.

Tim Spurgeon, President
Barbara Spurgeon, Vice President
Steve Hagman, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a one-year master agreement for anthracite filter media for Water Utilities – CEI Anthracite in the amount of \$374,527, Carbon Sales, Inc. in the amount of \$149,650 and Kleen Industrial Services, Inc. in the amount of \$21,511, lowest responsible bidders of six – Total not to exceed \$545,688 - Financing: Water Utilities Current Funds

CEI Anthracite and Kleen Industrial Services, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Carbon Sales, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and propose 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	\$545,688.00	100.00%
TOTAL CONTRACT	\$545,688.00	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>
Langley Traffic Service, Inc	WFDB58534Y0814	\$46,400.00	8.50%
Total Minority - Non-local		\$46,400.00	8.50%

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%	\$46,400.00	8.50%
Total	\$0.00	0.00%	\$46,400.00	8.50%

September 25, 2013

WHEREAS, on March 26, 2008, City Council authorized the purchase of anthracite filter media to be used in the water purification process by Resolution No. 08-0834; and,

WHEREAS, on September 8, 2010, City Council authorized the purchase of anthracite filter media to be used in the water purification process by Resolution No. 10-2269; and,

WHEREAS, on September 14, 2011, City Council authorized a one-year master agreement for anthracite filter media to be used in the water purification process by Resolution No. 11-2375; and,

WHEREAS, on August 8, 2012, City Council authorized a one-year master agreement for anthracite filter media to be used in the water purification process by Resolution No. 12-1887;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of anthracite filter media for Water Utilities is authorized with CEI Anthracite (VS0000005087) in the amount of \$374,527.50, Carbon Sales, Inc. (VS0000056371) in the amount of \$149,649.50 and Kleen Industrial Services, Inc. (VS0000043761) in the amount of \$21,511.00, for a term of one year in a total amount not to exceed \$545,688.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for anthracite filter media for Water Utilities. If a written contract is required or requested for any or all purchases of anthracite filter media for Water Utilities 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 \$545,688.00.

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:	Efficient, Effective and Economical Government
AGENDA DATE:	September 25, 2013
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 **(1)** a three-year master agreement for bulk liquid chlorine supplied in tank trucks in the amount of \$4,480,728; and **(2)** a three-year service contract for storage tank rentals and hydrostatic testing in the amount of \$481,470 - DPC Industries Company, lowest responsible bidder of three - Total not to exceed \$4,962,198 - Financing: Water Utilities Current Funds (subject to annual appropriations)

BACKGROUND

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

This three-year master agreement will be used by Water Utilities to purchase bulk liquid chlorine supplied in tank trucks, storage tank rentals and hydrostatic testing. Chlorine is used at the purification plants to disinfect drinking water as required by the United States Environmental Protection Agency and Texas Commission on Environmental Quality. The chemical will be used at the wastewater treatment plant to kill algae and control odor. In order to meet the regulatory requirements, sufficient chlorine must be added to maintain a specified residual level.

Water Utilities department provides service to an estimated 2 million people in Dallas and surrounding communities. On average, the City pumps over 367 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 52.37% decrease on comparable unit prices for the bid awarded in 2006.

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 495 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 June 28, 2006, City Council authorized a thirty-six-month master agreement for anhydrous ammonia and bulk chlorine by Resolution No. 06-1815.

FISCAL INFORMATION

\$4,962,197.60 – Water Utilities Current Funds (subject to annual appropriations)

M/WBE INFORMATION

- 35 - Vendors contacted
- 35 - No response
 - 0 - Response (Bid)
 - 0 - Response (No Bid)
 - 0 - Successful

495 – 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

DPC Industries Company

White Male	91	White Female	18
Black Male	3	Black Female	3
Hispanic Male	15	Hispanic Female	5
Other Male	1	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BP1305 and opened on July 25, 2013. This master agreement/service contract is being awarded to the lowest responsive and responsible bidder by group.

*Denotes successful bidder

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*DPC Industries Company	601 W. Industrial Blvd. Cleburne, TX 76036	Group 1 - \$4,151,607.60 Group 2 - \$ 410,120.00 Group 3 - \$ 400,470.00
Brenntag Southwest, Inc.	704 E. Wintergreen Rd. Lancaster, TX 75134	Group 1 - \$5,568,969.00 Group 2 - No bid Group 3 - No bid
Specialized Response Solution	411 Bolliger Blvd. Fort Worth, TX 76108	Non-responsive**

**Specialized Response Solution was deemed non-responsive due to not meeting specifications.

OWNER

DPC Industries Company

Rickey C. Karm, President
William L. Hickson, Vice President
Sarah C. Morian, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a three-year master agreement for bulk liquid chlorine supplied in tank trucks in the amount of \$4,480,728; and **(2)** a three-year service contract for storage tank rentals and hydrostatic testing in the amount of \$481,470 - DPC Industries Company, lowest responsible bidder of three - Total not to exceed \$4,962,198 - Financing: Water Utilities Current Funds (subject to annual appropriations)

DPC Industries Company 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	\$4,962,197.60	100.00%
TOTAL CONTRACT	\$4,962,197.60	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%

September 25, 2013

WHEREAS, on June 28, 2006, City Council authorized a thirty-six-month master agreement for anhydrous ammonia and bulk chlorine by Resolution No. 06-1815;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of bulk liquid chlorine supplied in tank trucks is authorized with DPC Industries Company (267202) for a term of three years in an amount not to exceed \$4,480,727.60.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for bulk liquid chlorine supplied in tank trucks. If a written contract is required or requested for any or all purchases of bulk liquid chlorine supplied in tank trucks 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 Manager is authorized to execute a service contract with DPC Industries Company (267202) for storage tank rentals and hydrostatic testing for a term three years in an amount not to exceed \$481,470.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed basis, unit price basis for performance of specified tasks, payment to DPC Industries Company shall be based only on the amount of the services directed to be performed by the City and properly performed by DPC Industries Company under the contract.

Section 4. That the City Controller is authorized to disburse funds in an amount not to exceed \$4,962,197.60 (subject to annual appropriations).

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 # 10

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Convention and Event Services
Equipment & Building Services
Fire
Housing/Community Services
Park & Recreation
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Forest E. Turner, 670-3390
Charles Cato, 670-9194
Theresa O'Donnell, 671-9195
Willis Winters, 670-4071
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for door hardware and key blanks for various City departments - Independent Hardware, Inc. in the amount of \$290,820, Hans Johnsen Company in the amount of \$26,417 and Clark Security Products in the amount of \$10,354, lowest responsible bidders of three - Total not to exceed \$327,591 – Financing: Current Funds (\$159,298), Water Utilities Current Funds (\$135,068), Convention and Event Services Current Funds (\$32,000) and 2012-13 Community Development Block Grant Funds (\$1,225)

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 door hardware for approximately 800 City facilities including, fire stations, police stations, libraries, recreation centers, and distribution centers, pumping stations, water treatment plants, wastewater plants, service facilities and offices. The supplies consisting of whole products, cores, parts, including cylinders, and handles.

BACKGROUND (Continued)

This master agreement will also allow for the purchase of key blanks for City's vehicles. Products purchased under this agreement shall be delivered to various City locations.

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 401 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 Resource LINK 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

\$159,298.00 - Current Funds

\$135,068.00 - Water Utilities Current Funds

\$ 32,000.00 - Convention and Event Services Current Funds

\$ 1,225.00 - 2012-13 Community Development Block Grant Funds

M/WBE INFORMATION

74 - Vendors contacted

74 - No response

3 - Response (Bid)

0 - Response (No Bid)

0 - Successful

401 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

Independent Hardware, Inc.

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

Hans Johnsen Company

White Male	29	White Female	2
Black Male	0	Black Female	0
Hispanic Male	10	Hispanic Female	1
Other Male	0	Other Female	0

Clark Security Products

White Male	75	White Female	29
Black Male	19	Black Female	7
Hispanic Male	7	Hispanic Female	3
Other Male	2	Other Female	1

BID INFORMATION

The following bids were received from solicitation number BX1311 and were opened on July 25, 2013. This master agreement is being awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Independent Hardware, Inc.	14 S. Front Street Philadelphia, PA 19106	Multiple Groups
*Hans Johnsen Company	8901 Chancellor Row Dallas, TX 75247	Multiple Groups
*Clark Security Products	1601 Waters Ridge Lewisville, TX 75057	Multiple Groups

OWNERS

Independent Hardware, Inc.

Frank Stanco, President
Vincent Campagna, Vice President

Hans Johnsen Company

Lance Johnsen, President
Reid Hill, Vice President

Clark Security Products

Robert Eck, President
Ted Dosch, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for door hardware and key blanks for various City departments - Independent Hardware, Inc. in the amount of \$290,820, Hans Johnsen Company in the amount of \$26,417 and Clark Security Products in the amount of \$10,354, lowest responsible bidders of three - Total not to exceed \$327,591 – Financing: Current Funds (\$159,298), Water Utilities Current Funds (\$135,068), Convention and Event Services Current Funds (\$32,000) and 2012-13 Community Development Block Grant Funds (\$1,225)

Hans Johnsen Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. Independent Hardware, Inc. and Clark Security Products 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	\$26,417.00	8.06%
Total non-local contracts	\$301,174.00	91.94%
TOTAL CONTRACT	\$327,591.00	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%

September 25, 2013

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

Section 1. That a master agreement for the purchase of door hardware and key blanks for various City departments is authorized with Independent Hardware, Inc. (502175) in the amount of \$290,820.00, Hans Johnsen Company (053479) in the amount of \$26,417.00 and Clark Security Products (506049) in the amount of \$10,354.00 for a term of three years in a total amount not to exceed \$327,591.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for door hardware and key blanks for various City departments. If a written contract is required or requested for any or all purchases of door hardware and key blanks for various City departments under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contact 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 \$327,591.00.

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.

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire
Police

CMO: Jeanne Chipperfield, 670-7804
Charles Cato, 670-9194
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of bicycles, bicycle parts and accessories for Police and Fire-Rescue - The Bike Shop in the amount of \$127,588 and GT Distributors, Inc. in the amount of \$100,731, lowest responsible bidders of two - Total not to exceed \$228,319 - 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 master agreement will provide for the purchase of bicycles, bicycle parts and accessories for use by the Police Department's (DPD) bike patrol units and Fire-Rescue's (DFR) Emergency Medical Services Bureau.

DPD will use the bicycles to patrol the downtown district, neighborhoods throughout the City, various parks and special events. DFR utilizes bicycles for special events where emergency vehicles do not have access to render aid. DPD currently has a fleet of approximately 150 units while DFR has a fleet of 12 units. City staff utilizing the bicycles will purchase parts and accessories to repair their assigned units.

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 255 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.

BACKGROUND (Continued)

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

\$228,319.00 - Current Funds

ETHNIC COMPOSITION

The Bike Shop

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

GT Distributors, Inc.

White Male	37	White Female	16
Black Male	2	Black Female	1
Hispanic Male	5	Hispanic Female	7
Other Male	0	Other Female	2

M/WBE INFORMATION

- 33 - Vendors Contacted
- 33 - No response
- 0 - Response (Bid)
- 0 - Response (No Bid)
- 0 - Successful

255 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.

BID INFORMATION

The following bids were received from solicitation number BL1319 and were opened on June 6, 2013. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*The Bike Shop	2111 E. Arapaho Rd. Richardson, TX 75081	Multiple Lines
*GT Distributors, Inc.	2545 Brockton Dr. Austin, TX 78758	Multiple Lines

OWNERS

The Bike Shop

Gaines J. Lawrence, Owner

GT Distributors, Inc.

Jim Orr, Jr., President
Timothy R. Brown, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of bicycles, bicycle parts and accessories for Police and Fire-Rescue - The Bike Shop in the amount of \$127,588 and GT Distributors, Inc. in the amount of \$100,731, lowest responsible bidders of two - Total not to exceed \$228,319 - Financing: Current Funds

The Bike Shop is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. GT Distributors, 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	\$127,588.00	55.88%
Total non-local contracts	\$100,731.00	44.12%
TOTAL CONTRACT	\$228,319.00	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>

September 25, 2013

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

Section 1. That a master agreement for the purchase of bicycles, bicycle parts and accessories is authorized with The Bike Shop (331007) in the amount of \$127,588.00 and GT Distributors, Inc. (500130) in the amount of \$100,731.00 for a term of three years in an amount not to exceed \$228,319.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for bicycles, bicycle parts and accessories. If a written contract is required or requested for any or all purchases of bicycles, bicycle parts and accessories 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 \$228,319.00.

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.

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Police

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of riot gear and accessories for Police - GT Distributors, Inc. in the amount of \$332,813 and Galls, LLC in the amount of \$216,036, lowest responsible bidders of six - Total not to exceed \$548,849 - 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 master agreement will provide Police officers with riot gear and accessories to protect themselves and the citizens of Dallas. Those officers that respond to critical incidents and near high risk areas have standard issue riot gear. These responses include planned situations such as pre-game rallies, dignitary visits, conventions, as well as unplanned emergencies such as large demonstrations and acts of terrorism.

Riot gear consists of tactical vest, riot helmets, body shields and gas masks. Full issuance of riot equipment is issued to select sworn personnel in specialized areas. Those specialized areas include the following:

- Critical Incident Response Teams - 22 teams, 290 officers
- Homeland Security and Mounted Police - 113 officers
- Narcotics - 123 officers

BACKGROUND (Continued)

The Critical Incident Response Teams are the first responders to handle crowd control issues along with other trained officers who provide assistance to Homeland Security as the situation dictates. With the unfortunate events of 9/11 and the changing of world events, it is mandatory for the department to have officers well trained and with equipment that meets their needs.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 4.74% increase over comparable unit prices for the bids awarded in 2008.

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 336 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 27, 2008, City Council authorized a thirty-six-month master agreement for police riot gear and accessories by Resolution No. 08-2235.

FISCAL INFORMATION

\$548,848.46 - Current Funds

M/WBE INFORMATION

7 - Vendors contacted
7 - No response
0 - Response (Bid)
0 - Response (No Bid)
0 - Successful

336 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

GT Distributors, Inc.

White Male	37	White Female	16
Black Male	2	Black Female	1
Hispanic Male	5	Hispanic Female	7
Other Male	0	Other Female	2

Galls, LLC

White Male	131	White Female	121
Black Male	36	Black Female	49
Hispanic Male	16	Hispanic Female	47
Other Male	8	Other Female	31

BID INFORMATION

The following bids were received from solicitation number BY1347 and opened on July 31, 2013. This master agreement is being awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*GT Distributors, Inc.	2545 Brockton Dr. Suite 100 Austin, TX 78758	Multiple groups
*Galls, LLC	1340 Russell Cove Rd. Lexington, KY 40505	Multiple groups
Dallas Public Safety Supply, Inc.	2707 N. Stemmons Fwy. Suite 200 Dallas, TX 75238	Multiple groups
Lawmen's & Shooters' Supply, Inc.	7750 9th St., S.W. Vero Beach, FL 32968	Multiple groups
Fisher Scientific, LLC	4500 Turnberry Dr. Hanover Park, IL 60133	Multiple groups**
GST Public Safety Supply, LLC	12092 Forestgate Dr. Dallas, TX 75243	Non-responsive**

BID INFORMATION (Continued)

**Fisher Scientific, LLC was deemed non-responsive for group 3 due to not meeting specifications. GST Public Safety Supply, LLC was deemed non-responsive due to not meeting specifications.

OWNERS

GT Distributors, Inc.

Jim Orr, Jr., President
Timothy Brown, Vice President
Deborah Orr, Secretary

Galls, LLC

Michael Wessner, Chief Executive Officer
Michael Andrews, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of riot gear and accessories for Police - GT Distributors, Inc. in the amount of \$332,813 and Galls, LLC in the amount of \$216,036, lowest responsible bidders of six - Total not to exceed \$548,849 - Financing: Current Funds

GT Distributors, Inc. and Galls, LLC 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	\$0.00	0.00%
Total non-local contracts	\$548,848.46	100.00%
TOTAL CONTRACT	\$548,848.46	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%

September 25, 2013

WHEREAS, on August 27, 2008, City Council authorized a thirty-six-month master agreement for police riot gear and accessories by Resolution No. 08-2235;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of riot gear and accessories for Police is authorized with GT Distributors, Inc. (500130) in the amount of \$332,812.50 and Galls, LLC (500101) in the amount of \$216,035.96 for a term of three years in a total amount not to exceed \$548,848.46.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for riot gear and accessories for Police. If a written contract is required or requested for any or all purchases of riot gear and accessories for Police 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 \$548,848.46.

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 # 13

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Housing/Community Services

CMO: Jeanne Chipperfield, 670-7804
Theresa O'Donnell, 671-9195

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for breastfeeding products for the Women, Infants and Children's program - Medela, Inc. in the amount of \$131,291, NuAngel, Inc. in the amount of \$34,440, Ameda, Inc. in the amount of \$15,933, Health Care Equipment & Parts, Inc. in the amount of \$15,545 and Practical A/R Solutions, Inc. in the amount of \$7,998, lowest responsible bidders of five - Total not to exceed \$205,207 - Financing: Texas Department of State Health Services Grant 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 breastfeeding products for the Women Infants and Children's program. Since 1974, the Department of State Health Services has funded the Special Supplemental Nutrition Program for WIC in Dallas. The WIC Program provides nutritious food, nutrition education, breastfeeding promotion and support, and referrals to health and social services. The program serves infants, children under age of 5, pregnant, postpartum and breastfeeding women. WIC is a USDA program administered in Texas by the Department of State Health Services. In Dallas County, the WIC Program is administered by the City of Dallas Housing/Community Services Department.

BACKGROUND (Continued)

WIC's mission is to give the most vulnerable children the best possible start by providing expecting mothers nutrition education, nutritious foods, and access to other health programs during the critical stages of fetal and early childhood development. In addition, WIC provides nutritional status for children before they start school. The WIC Program provides services at 21 clinic sites throughout Dallas County. The WIC Program has extended weekday and Saturday hours of service available to serve working families and students.

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 573 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

\$205,206.81 - Texas Department of State Health Services Grant Funds

M/WBE INFORMATION

- 79 - Vendors contacted
- 79 - No response
- 0 - Response (bid)
- 0 - Response (No bid)
- 0 - Successful

573 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

Medela, Inc.

White Male	149	White Female	254
Black Male	4	Black Female	9
Hispanic Male	55	Hispanic Female	73
Other Male	11	Other Female	12

NuAngel, Inc.

White Male	2	White Female	7
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

Ameda, Inc.

White Male	19	White Female	22
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	3
Other Male	0	Other Female	3

Health Care Equipment & Parts, Inc.

White Male	11	White Female	6
Black Male	0	Black Female	1
Hispanic Male	5	Hispanic Female	0
Other Male	0	Other Female	0

Practical A/R Solutions, Inc.

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

BID INFORMATION

The following bids were received from solicitation number BT1314 and opened on August 1, 2013. This master agreement is being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Medela, Inc.	1101 Corporate Dr. McHenry, IL 60050	Multiple Lines
*NuAngel, Inc.	14717 Friend Rd. Athens, AL 35611	Multiple Lines
*Ameda, Inc.	475 Half Day Rd. Suite 200 Lincolnshire, IL 60069	Multiple Lines
*Health Care Equipment & Parts, Inc.	1901 10 th Ave. Brooklyn, NY 11215	Multiple Lines
*Practical A/R Solutions, Inc.	2300 Valley View Suite 107 Dallas, TX 75234	Multiple Lines

OWNERS

Medela, Inc.

Carolin Archibald, President

NuAngel, Inc.

Teresa P. Carroll, President
Barry L. Carroll, Vice President

Ameda, Inc.

Dustin Epstein, President

Health Care Equipment & Parts, Inc.

Israel Minzer, President
Dou Minzer, Vice President

OWNERS (Continued)

Practical A/R Solutions, Inc.

Sandra Dowell, President
Patty Witt, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for breastfeeding products for the Women, Infants and Children's program - Medela, Inc. in the amount of \$131,291, NuAngel, Inc. in the amount of \$34,440, Ameda, Inc. in the amount of \$15,933, Health Care Equipment & Parts, Inc. in the amount of \$15,545 and Practical A/R Solutions, Inc. in the amount of \$7,998, lowest responsible bidders of five - Total not to exceed \$205,207 - Financing: Texas Department of State Health Services Grant Funds

Medela, Inc., Ameda, Inc. & Health Care Equipment & Parts, Inc. are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. NuAngel, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use their own workforce. Practical A/R Solutions, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$7,998.00	3.90%
Total non-local contracts	\$197,208.81	96.10%
TOTAL CONTRACT	\$205,206.81	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Practical A/R Solutions	HFDB56996Y0314	\$7,998.00	100.00%
Total Minority - Local		\$7,998.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
NuAngel, Inc.	WFWB31521N1013	\$34,440.00	17.46%
Total Minority - Non-local		\$34,440.00	17.46%

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	\$7,998.00	100.00%	\$7,998.00	3.90%
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%	\$34,440.00	16.78%
Total	<u>\$7,998.00</u>	<u>100.00%</u>	<u>\$42,438.00</u>	<u>20.68%</u>

September 25, 2013

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

Section 1. That a master agreement for the purchase of breastfeeding products for the Women, Infants and Children's program is authorized with Medela, Inc. (242382) in the amount of \$131,290.56, NuAngel, Inc. (VS0000065552) in the amount of \$34,440.00, Ameda, Inc. (VC0000012016) in the amount of \$15,932.85, Health Care Equipment & Parts, Inc. (VS0000079709) in the amount of \$15,545.40 and Practical A/R Solutions, Inc. (VS0000019191) in the amount of \$7,998.00, for term of three years in a total amount not to exceed \$205,206.81.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for breastfeeding products for the Women, Infants and Children's program. If a written contract is required or requested for any or all purchases of breastfeeding products for the Women, Infants and Children's program 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 \$205,206.81.

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 # 14

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** the rejection of bids received for automotive glass repair and replacement services; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the rejection of bids received for solicitation BJ1325 for a three-year service agreement for repairing and replacing automotive glass. Business Development & Procurement Services (BDPS) will modify the specifications and bid sheet for clarification. BDPS further determined it would be more advantageous to the City to reject the bids and re-advertise for new bids.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 25, 2013

WHEREAS, on July 17, 2013, three bids were received for repairing and replacing automotive glass; and

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject the three bids that were received for repairing and replacing automotive glass;

NOW, THEREFORE,

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

SECTION 1. That the three bids received for repairing and replacing automotive glass are hereby rejected and authorization to solicit new bids is granted.

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

AGENDA ITEM # 15

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services
Equipment & Building Services
Sanitation Services

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 2 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term beginning October 1, 2013 through January 31, 2014 - Not to exceed \$37,329, from \$747,058 to \$784,387 - Financing: Current Funds (subject to appropriations)

BACKGROUND

This Supplemental Agreement will continue to provide service and support for the global positioning system (GPS) deployed in the Sanitation Services (SAN) equipment fleet. The contract includes monitoring, training and reporting for use in the management of approximately 400 Sanitation field service vehicles. By equipping the entire fleet, Sanitation is able to maximize route efficiency and minimizing the use of overtime hours and fuel. The main function of the system is to provide real time tracking of all Sanitation vehicles. Real time tracking allows for an effective response to unanticipated needs such as missed collections or emergency situations. The GPS system will display on a map the path a vehicle travels which will aid in creating and improving vehicle routes. Reports generated by the system are capable of providing useful information on vehicles such as:

- Fuel consumption
- Extended stops
- Long idle times
- Length of time at one location
- Number of households served
- Speed of vehicle

BACKGROUND (Continued)

The system is also capable of providing alerts for preventative maintenance scheduling by recording odometer readings and engine hours.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On June 23, 2008, the Quality of Life Committee was briefed on Global Positioning System equipment.

On December 10, 2008, this item was deferred by vote by City Council.

On January 14, 2009, this item was deferred by vote by City Council.

On February 18, 2009, City Council authorized a thirty-six month service contract for the purchase, installation, application hosting service and maintenance of Global Positioning System equipment for route optimization of Sanitation fleet vehicles by Resolution No. 09-0482.

FISCAL INFORMATION

\$37,328.44 - Current Funds (subject to appropriations)

ETHNIC COMPOSITION

Telogis, Inc.

White Male	127	White Female	60
Black Male	7	Black Female	0
Hispanic Male	11	Hispanic Female	7
Other Male	15	Other Female	6

OWNER

Telogis, Inc.

Theodore Serentelos, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to increase the service contract with Telogis, Inc. for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term beginning October 1, 2013 through January 31, 2014 - Not to exceed \$37,329, from \$747,058 to \$784,387 - Financing: Current Funds (subject to appropriations)

Telogis, Inc. is a non-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 - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$0.00	0.00%
Non-local contracts	\$37,328.44	100.00%
TOTAL THIS ACTION	\$37,328.44	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%	\$16,475.00	2.10%
Total	\$0.00	0.00%	\$16,475.00	2.10%

September 25, 2013

WHEREAS, on June 23, 2008, the Quality of Life Committee was briefed on Global Positioning System equipment; and,

WHEREAS, on December 10, 2008, this item was deferred by vote by City Council; and,

WHEREAS, on January 14, 2009, this item was deferred by vote by City Council; and,

WHEREAS, on February 18, 2009, City Council authorized a thirty-six month service contract for the purchase, installation, application hosting service and maintenance of Global Positioning System equipment for route optimization of Sanitation fleet vehicles by Resolution No. 09-0482;

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 execute Supplemental Agreement No. 2 to increase the service contract with Telogis, Inc. (VS0000056334) for support of the global positioning system deployed on Sanitation fleet equipment for a four-month term and to extend the term through January 31, 2014 in an amount not to exceed \$37,328.44, increasing the service contract amount from \$747,058.52 to \$784,386.96.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed \$37,328.44:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0001	SAN	3581	3072	\$37,328.44	2014	CTSANGPS3581L13

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 # 16

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Auditor

CMO: Craig Kinton, 670-3222

MAPSCO: N/A

SUBJECT

Authorize the City Auditor's Fiscal Year 2014 Audit Plan as required by paragraph 4(b) of Resolution No. 79-0723, previously approved on February 28, 1979, and as amended by Resolution No. 90-4027, previously approved on December 12, 1990 - Financing: No cost consideration to the City

BACKGROUND

Since February 1979, the City Council has required the City Auditor to submit an annual Audit Plan to include identification of the scope of each audit to be conducted in terms of the organization, program, function, or activities to be addressed.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the City Council Budget, Finance and Audit Committee on September 3, 2013, and the Committee unanimously recommended approval by the City Council.

FISCAL INFORMATION

No cost consideration to the City.

September 25, 2013

WHEREAS, the City Auditor briefed the City Council Budget, Finance and Audit Committee on September 3, 2013, and the Committee unanimously recommended approval by the City Council.

NOW, THEREFORE,

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

SECTION 1. That the City Auditor is authorized to carry out the audits as described in the attached Fiscal Year 2014 Audit Plan.

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.



CITY OF DALLAS

OFFICE OF THE CITY AUDITOR

**AUDIT PLAN
FISCAL YEAR 2014**

**CRAIG D. KINTON
CITY AUDITOR**



AUDIT PLAN FOR FISCAL YEAR 2014

The City of Dallas Office of the City Auditor (Office) performs work for and under the direction of the Dallas City Council. The Fiscal Year 2014 Audit Plan (Audit Plan) is designed to satisfy responsibilities established by the Dallas City Charter, meet the needs of the City Council, and outline the professional services that the Office plans to initiate and / or complete during Fiscal Year 2014.

The Office's mission is to promote public trust and advance accountability by providing independent, objective, and useful professional services for the City of Dallas. The Audit Plan demonstrates the variety of services the Office provides to address its mission and reflects the following Dallas City Council priorities:

- Public Safety
- Economic Vibrancy
- Clean, Healthy Environment
- Culture, Arts and Recreation
- Educational Enhancements
- E³ Government

This Audit Plan is a working document in that the City Auditor is authorized, when deemed necessary in his professional judgment, to amend the Audit Plan. The Dallas City Council will be notified in writing concerning additions to, deletions from, or other changes to this Audit Plan. The Audit Plan includes audits, attestation engagements, and other professional services.

AUDIT AND ATTESTATION SERVICES

The Office complies with generally accepted government auditing standards when performing audits and attestation engagements. These standards provide a framework for conducting high quality audits and attestation engagements with competence, integrity, objectivity, and independence. The types of audits and attestation engagements performed under these standards include:

- **Performance Audits**

Conducted to provide objective analysis to assist management and those charged with governance and oversight to improve program performance and operations, reduce costs, facilitate decision making by parties with responsibility to oversee or initiate corrective action, and contribute to public accountability. Performance audit objectives vary widely and can include assessments of program effectiveness, economy, and efficiency; internal control; compliance; and, prospective analyses.

- **Financial Audits**

Conducted to provide an independent assessment of whether an entity's reported financial information (e.g., financial condition, results, and use of resources) are presented fairly and in accordance with recognized criteria. Financial audits provide users with statements concerning the reliability of information, and provide information about internal control over financial reporting, and compliance with provisions of laws, regulations, contracts and grant agreements that have a material effect on the financial statements.

- **Attestation Engagements**

Conducted to provide a broad range of financial or non-financial objectives. An attestation engagement results in an examination, a review, or an agreed-upon procedures report on a subject matter or an assertion about a subject matter that is the responsibility of another party.

OTHER PROFESSIONAL SERVICES

The Office provides other professional services which may or may not be performed in accordance with generally accepted government auditing standards. These other professional services include:

- **Investigative Services**

The Office provides investigative services to evaluate and investigate allegations of fraud, waste and abuse and maintains a Hotline as a tool for the confidential reporting of allegations. Investigations are conducted in accordance with Quality Standards for Inspection and Evaluation issued by the Council of the Inspectors General on Integrity and Efficiency. Criminal allegations are referred to appropriate law enforcement authorities. Significant findings of fraud are reported to the Mayor, the chairman of the Budget, Finance and Audit Committee, the City Attorney, and City management as required by Council Resolutions and Administrative Directive.

- **City Council Support**

The Office is authorized to conduct audits, attestation engagements, or other professional services for individual City Council Members, provided the request will not impact the completion of the Audit Plan. If, in the judgment of the City Auditor, a request will impact completion of the Audit Plan, the City Auditor is to request that the Council Member submit the request in writing for consideration and approval by the Budget, Finance & Audit Committee and the City Council as an amendment to the Audit Plan. All work products will be produced at the direction of the City Auditor.

- **Management Assistance**

The Office is authorized to perform audits and attestation services and other professional services at the request of management to assist in carrying out management's responsibilities. These services may include, but are not limited to, providing technical advice, such as participating on committees, task forces, panels, and focus groups. The Office may provide management assistance based on consideration of the impact on auditor independence and audit plan completion.

- **Litigation Support**

The Office is authorized to perform audits and attestation services and other professional services at the request of the City Attorney. The services provided by the Office depend on the needs of the City Attorney. These services may include, but are not limited to, research, analysis, and computer forensics.

INDEPENDENCE DISCLOSURES

Section 40-A.2.(c)(C) of the Dallas City Code designates the City Auditor as a voting member of the Employees' Retirement Fund (ERF) Board of Trustees. Generally accepted government auditing standards require the Office to disclose impairments to independence. The Office lacks independence in relation to any audit work that might be conducted at the ERF. To the extent that audits and attestation engagements are performed in this area, the Office is not independent. The effects of this independence concern on audit work will be clearly identified in any final reports, if applicable.

#	Department	Key Focus Area **	Description	Objectives
1	ATT	E3 Government	Litigation Support	Provide audit and attestation services and other professional services, as requested by the City Attorney
2	BDPS	E3 Government	Sole Source / Single Bid Procurements	Determine whether applicable purchasing rules have been followed for sole source or single bid procurements as required by Administrative Directive 4-5
3	CCO / ERF / DFPF	E3 Government	Employees' Retirement Fund / Dallas Police Fire Pension System	Determine the accuracy of members' contributions and service credits in compliance with applicable requirements
4	CCS	Clean, Healthy Environment	Neighborhood Code Enforcement Services	Evaluate Neighborhood Code Enforcement effectiveness, which may include whether: (1) CCS' actions in response to complaints and/or to bring properties into compliance with City Code were timely, and in accordance with policies and procedures; and, (2) Abatements, by the City, consistently resulted in liens on affected properties
5	CES	Economic Vibrancy / E3 Government	Dallas Convention Visitors Bureau	Evaluate the effectiveness of program services provided to the City by the Dallas Convention and Visitors Bureau
6	CIS / CTS	E3 Government / Public Safety	Courts Information System	Evaluate the adequacy of the new Court and Detention Services information system's: (1) access controls; and, (2) internal controls over cash management / collections processes for fines and fees which may include cash bond forfeitures and reinstatement on Class C misdemeanors
7	CIS / HR	E3 Government	Lawson HRIS Application Controls	Evaluate the adequacy of the application controls for the Lawson HRIS system
8	CVS	E3 Government	Civil Service Department	Evaluate Civil Service Department's efficiency and/or effectiveness for selected services and compliance with the City Charter, Civil Service Rules, and policies and procedures

#	Department	Key Focus Area**	Description	Objectives
9	CMO / OFS / CCO	E3 Government	Citizen Centric Report	Using the Association of Government Accountants' criteria, prepare an annual Citizen Centric Report as a means to supplement the City's financial reports and statements and as a method to demonstrate accountability to the City's citizens and residents
10	DFR	Public Safety	Fleet Maintenance	Evaluate efficiency and / or effectiveness of selected aspects of Dallas-Fire Rescue's fleet maintenance management
11	DPD	Public Safety	Police Personnel and Training Services	Evaluate whether DPD's personnel practices, including criminal history screening requirements, comply with State Law, City rules, and regulations or other authoritative requirements
12	DPD / DWU	Public Safety / E3 Government	Parking Management Contract Oversight	Evaluate: (1) management's oversight and monitoring controls to assess the third party's compliance with the contract terms; and, (2) the adequacy of internal controls over cash collections and cash equivalents
13	ECO	Economic Vibrancy	South Dallas Fair Park Trust Fund	Provide an audit of the Trust Fund and its operations as required by Council Resolution 06-1833
14	MGT / CIS / CTS / DWU	E3 Government	Customer Service / 311 Non-Emergency Services	Evaluate the effectiveness of 311 Customer Service in uniformly addressing and accurately monitoring and reporting citizens' complaints.
15	OFS	E3 Government	Revenue Estimates – Budgeted Revenues for Fiscal Year 2014-2015	Determine whether the City has effective processes to ensure reasonable revenue estimates are included in the City Manager's proposed operating budget

#	Department	Key Focus Area**	Description	Objectives
16	OFS	Economic Vibrancy / E3 Government	Verification of Third Party Receipts Collections for Sales / Use Tax and Franchise Fees	Verify that: (1) Sales/Use tax receipts identified by the third party consultant are accurate and properly supported; and, (2) Franchise Fees (which may include utilities, cable, and telephone) identified by the third party consultant(s) are received by the City
17	OFS / HOU	Economic Vibrancy / E3 Government	Contract Monitoring	Evaluate whether the monitoring process(es) used for selected contracted programs are adequate to ensure compliance with contract terms and conditions
18	SDC	Economic Vibrancy	Building Permits	Evaluate the adequacy of internal controls over certain Building Permit processes which may include issuance, billing, cash handling, and cash collections
19	STS	Economic Vibrancy	Paving and Maintenance Program / Capital Program Streets and Thoroughfares	Evaluate the Street Paving and Maintenance Programs which may include administrative and inspection processes
20	TWM	Economic Vibrancy	Trinity Watershed Management	Evaluate management controls related to Trinity Watershed Management
21	Multiple	E ³ Government	Special Audits	Conduct audits, in accordance with Chapter IX, Section 4 of the City Charter, of officers who vacate their offices due to death, resignation, removal, or expiration of term
22	Multiple	Multiple	Performance Measurement Process	Conduct audits of selected departments to evaluate whether performance data are meaningful, accurate, supportable, reliable, and valid
23	Multiple	Multiple	Council Assistance	Provide audit and attestation services and other professional services, as requested by individual Council members
24	Multiple	Multiple	Fraud, Waste and Abuse Investigations	Evaluate allegations of fraud, waste and abuse, conduct investigations, and educate employees

#	Department	Key Focus Area**	Description	Objectives
25	Multiple	Multiple	Management Assistance	Provide audit and attestation services and other professional services as requested by Management
26	Multiple	Multiple	Prior Audit Recommendations Follow-Up	Evaluate Management implementation of prior audit recommendations

** The Fiscal Year 2014 Audit Plan (Audit Plan) is based on a risk assessment updated for City services approved in the Fiscal Year 2013 City of Dallas Adopted Budget. While this year's Audit Plan does not directly address Educational Enhancements, one of the City Council's Fiscal Year 2014 Key Focus Areas, to the extent that it is possible the Office will include this Key Focus Area in projects identified as "Multiple".

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Court & Detention Services

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2013 through September 30, 2014 - Not to exceed \$8,713,637 - Financing: Current Funds (subject to appropriations)

BACKGROUND

On June 11, 1997, the City Council, pursuant to Resolution No. 97-1995, authorized Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County which established a new cost methodology for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center based on direct cost for providing intake/release and housing, indirect costs associated with County Central Services applicable to the jail contract and apportioned costs of certain Sheriff's Office operations. This methodology is reviewed yearly. This action will allow continuation of payments to Dallas County beginning October 1, 2013.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 1999 through September 30, 2000, on September 22, 1999, by Resolution No. 99-3054.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2000 through September 30, 2001, on September 27, 2000, by Resolution No. 00-2986.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2001 through September 30, 2002, on September 26, 2001, by Resolution No. 01-2843.

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

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2002 through September 30, 2003, on September 30, 2002, by Resolution No. 02-2812.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2003 through September 30, 2004, on September 24, 2003, by Resolution No. 03-2583.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2004 through September 30, 2005, on September 22, 2004, by Resolution No. 04-2789.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2005 through September 30, 2006, on September 28, 2005, by Resolution No. 05-2836.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2006 through September 30, 2007, on September 27, 2006, by Resolution No. 06-2643.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2007 through September 30, 2008, on September 26, 2007, by Resolution No. 07-2748.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2008 through September 30, 2009, on September 24, 2008, by Resolution No. 08-2533.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2009 through September 30, 2010, on September 23, 2009, by Resolution No. 09-2368.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2010 through September 30, 2011, on September 22, 2010, by Resolution No. 10-2355.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2011 through September 30, 2012, on September 28, 2011, by Resolution No. 11-2611.

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2012 through September 30, 2013, on September 26, 2012, by Resolution No. 12-2352.

FISCAL INFORMATION

\$8,713,637 - Current Funds (subject to appropriations)

September 25, 2013

WHEREAS, the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County, authorized by Resolution No. 78-3303, dated November 22, 1978, and amendments thereto, granted the City a leasehold estate in the Lew Sterrett Criminal Justice Center for processing and maintaining city jail prisoners for as long as the Criminal Justice Center was used as a jail facility; and,

WHEREAS, on June 11, 1997, pursuant to Resolution No. 97-1995, the City of Dallas authorized Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement to establish a methodology to calculate the city's equitable share of the cost of processing and maintaining city prisoners at the jail facility; and,

WHEREAS, this methodology allows the City to pay Dallas County for the cost of processing and maintaining city prisoners on a per-prisoner basis beginning each fiscal year; and,

WHEREAS, the City is required to pay Dallas County on a monthly basis for the City's share of jail operation costs as prescribed in Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement; and,

WHEREAS, Dallas County's calculation of \$8,713,637 for processing and maintaining city prisoners at the Lew Sterrett Criminal Justice Center for FY2013-14 has been reviewed by the City and determined to be equitable.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to pay Dallas County for processing and maintaining prisoners at the Lew Sterrett Criminal Justice Center pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2013 through September 30, 2014 in the amount of \$8,713,637 (subject to appropriations).

Section 2. That the City Controller is hereby authorized to pay Dallas County over a 12-month period commencing on October 1, 2013 and ending September 30, 2014 in an amount not to exceed \$8,713,637 (subject to appropriations) from:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ.</u>	<u>VENDOR#</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>
0001	CTS	1059	3099	014003	CT CTS1059FY14	\$8,713,637

Section 3. That this resolution take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 6
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 11A B C D E F G H J K L M N P Q & R

SUBJECT

Authorize an amendment to the development and operating agreement with the Cypress Waters Municipal Management District (CWMMMD) to authorize additions and exclusions and to redefine boundaries in accordance with Texas Water Code Chapter 49, all pursuant to City approval required by Special District Local Laws Code Chapter 3874 (the Act) – Financing: No cost consideration to the City

BACKGROUND

This item represents the next steps in the establishment and operation of the Cypress Waters Municipal Management District (CWMMMD), which was created to support the Cypress Waters TIF District, near LBJ Freeway (I-635) and Belt Line Road, within City of Dallas boundaries. In 2011, the developer, Billingsley Development Corporation (Billingsley Company) began to develop 948 acres around North Lake, a 362 acre lake. Leasing has begun on the first phase of the multi-family portion of the development, and several units are occupied. The first phase of multi-family construction is due to be completed in 2014. In addition, the next phase of infrastructure construction has begun. Cypress Waters Boulevard and Saintsbury Street are estimated to be completed in December 2013.

On September 3, 2013, the Cypress Waters MMD board called a hearing to be held on October 10, 2013 to consider the following additions, exclusions, and boundary redefinitions, all of which require Council approval:

Additions to the CWMMMD:

- Include several sites previously intended to be drilling sites. These sites were owned by Luminant Generation Co LLC and as such were specifically excluded from the CWMMMD. They have recently been purchased by Trammell Crow Company No. 43, Ltd. (a company related to Billingsley Company).

BACKGROUND (Continued)

Exclusions from the CWMMMD

- Exclude several parcels on the northeast and southeast sides of the district that are planned for single family development.
- Exclude several properties that are intended to continue to be under the future water line of the lake.
- Exclude one site to be owned by Coppell ISD that is planned as the potential location of a future middle school.

Boundary redefinitions:

- The metes and bounds legal description of the proposed boundary of the entire CWMMMD will reflect small corrections to the survey work previously submitted. The changes are necessary to improve accuracy.

These actions require an amendment to the partial development and operating agreement between the City and the Cypress Waters MMD previously authorized on April 24, 2013.

These modifications do not authorize the MMD to expend or raise money. Any other potential Cypress Waters MMD activity requiring City approval, including building public improvements, levying taxes, and issuing bonds will require an amendment to the development and operating agreement and future specific Council action.

At its meeting on August 23, 2013, the board of directors of the CWMMMD adopted an order calling an election to be held November 5, 2013 to submit propositions to the voters within the boundaries of the CWMMMD authorizing the future issuance of road and utility bonds. If the CWMMMD board wishes to issue such bonds, such issuance would require specific future Council approval of both the general terms and the final terms of the issuance. The CWMMMD board is not requesting this approval from the Council at this time.

The CWMMMD was created by a special act of state legislature codified as Special District Local Laws Code, Chapter 3874 on June 19, 2009, to promote development and redevelopment in the CWMMMD. The operating and maintenance agreement was authorized by Council on April 24, 2013.

The final build out of Cypress Waters includes 10,000 residential units, 4 million square feet of commercial space, and an estimated 150,000 square feet of pedestrian-oriented retail space.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 11, 2009, City Council declared its support of and consent to the establishment of the CWMMMD by Resolution No. 09-0458.

On June 19, 2009, the CWMMMD was created by the special act of legislature codified as Special District Laws Code, Chapter 3874 (the "Act") to promote development and redevelopment in the CWMMMD.

On April 24, 2013, Council authorized (1) a development and operating agreement with CWMMMD, (2) approval of the CWMMMD Economic Development Grant Program ("Grant Program"), and (3) amendments to Resolution No. 09-0458, to replace the draft legislation in Exhibit A with the final version of the Act that created and governs the CWMMMD and to allow for a City approval process in compliance with state law in the event there are any discrepancies between the conditions for the City's consent to the creation of the CWMMMD per Resolution No. 09-0458 and the Act.

On September 3, 2013, after notice as required by Section 3874.052(d) of the Act, the CWMMMD authorized publication of the Texas Water Code Chapter 49 notices, and called a public hearing for October 10, 2013, to consider the additions, exclusions, and boundary redefinitions.

On October 10, 2013, after notice as required by Section 3874.052(d) of the Act, the CWMMMD will consider: (1) an amendment to the development and operating agreement to formalize such additions, exclusions, and boundary redefinitions and (2) additions or exclusions of land to the boundaries of the CWMMMD and redefinition of CWMMMD boundaries.

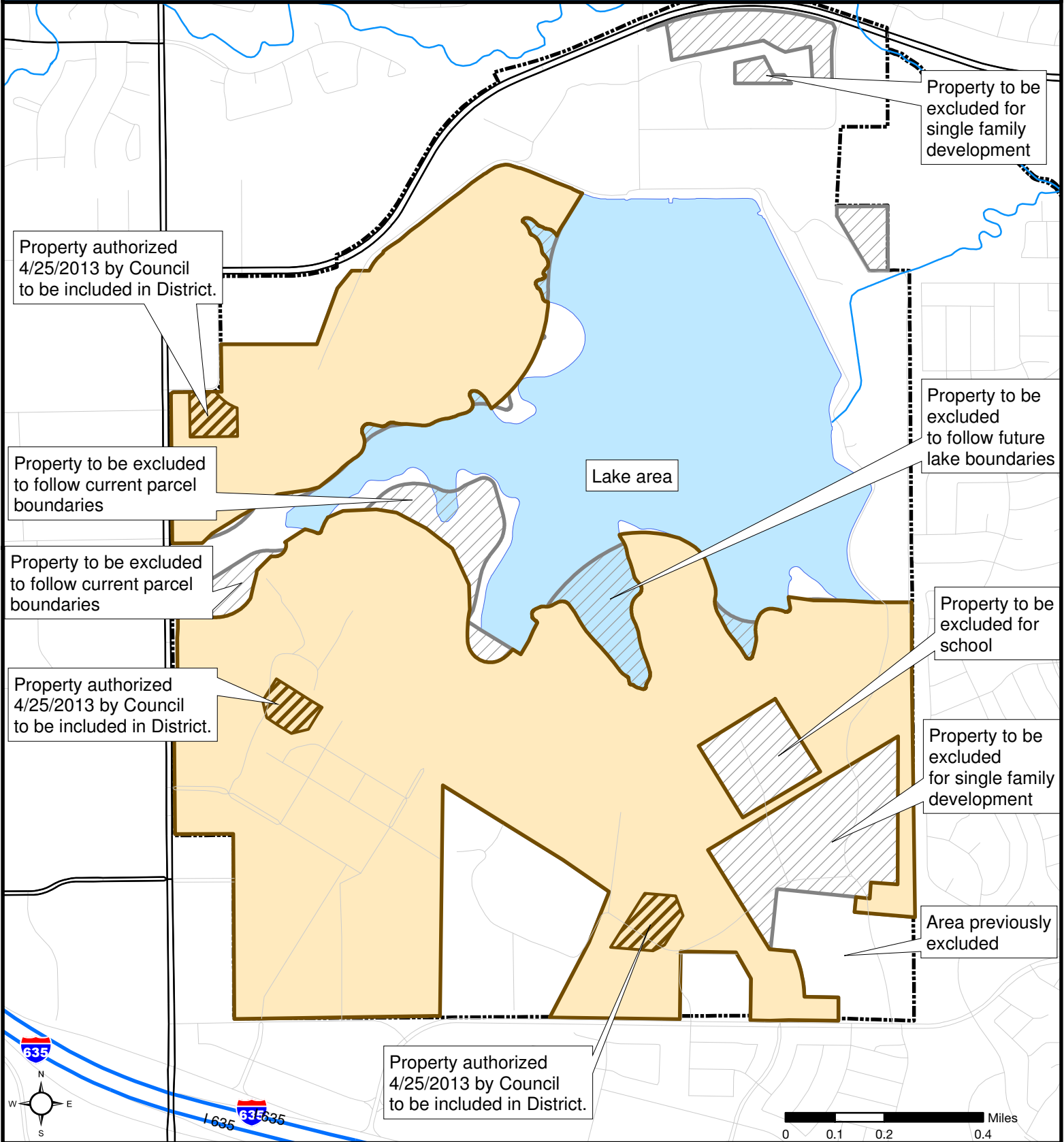
FISCAL INFORMATION

No cost consideration to the City

MAP

Attached.

Cypress Waters MMD Proposed Inclusions/Exclusions



**DALLAS
ECONOMIC
DEVELOPMENT**

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

Created 8/30/2013, Last Updated 8/30/2013
CypressWaters_MMD_2013_September_proposed.mxd

Legend

- excluded
- included
- to be excluded
- lakes
- City of Dallas
- CW MMD property

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on February 11, 2009, City Council declared its support of and consent to the establishment of the Cypress Waters Municipal Management District (the "CWMMMD") by Resolution No. 09-0458; and

WHEREAS, on June 19, 2009, the CWMMMD was created by the special act of legislature codified as Special District Local Laws Code, Chapter 3874 (the "Act") to promote development and redevelopment in the CWMMMD; and

WHEREAS, on April 24, 2013, City Council authorized a development and operating agreement with CWMMMD that also authorized initial additions and exclusions in accordance with Texas Water Code Chapter 49; and

WHEREAS, on September 3, 2013, after notice as required by Section 3874.052(d) of the Act, the CWMMMD authorized publication of the Texas Water Code Chapter 49 notices, and called a public hearing for October 13, 2013, to consider the additions, exclusions, and boundary redefinitions; and

WHEREAS, on April 30, 2013 the Cypress Waters MMD executed the operating and maintenance agreement with the City of Dallas; and

WHEREAS, on October 13, 2013, after notice as required by Section 3874.052(d) of the Act, the CWMMMD will consider: (1) an amendment to the development and operating agreement to formalize such additions, exclusions, and boundary redefinitions and (2) additions or exclusions of land to the boundaries of the CWMMMD and redefinition of CWMMMD boundaries; and

WHEREAS, Texas Water Code Chapter 49 authorizes a district to include certain parcels previously excluded from the CWMMMD, exclude certain parcels previously included, and make certain boundary adjustments, attached here as **Exhibit B**; and

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 and operating agreement attached hereto as **Exhibit A** between the CWMMMD and the City of Dallas in accordance with the requirements of the Act.

September 25, 2013

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 once the amendment to the development and operating agreement is executed, CWMMMD may, without further City consent, exclude and include land and make certain boundary redefinitions in accordance with Texas Water Code 39 Chapter 49 as shown on **Exhibit B**, CWMMMD Inclusion/Exclusion Map.

Section 4. That nothing contained in this resolution shall be construed to authorize the CWMMMD to levy assessments, including assessments in support of the Grant Program, and that any assessments shall require separate City Council actions.

Section 5. That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds and that any specific request to create a special financing district or for individual funding requests shall require separate City Council actions.

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.

Exhibit A

WHEREAS, ~~in such the~~ District ~~intends to hold such an~~ election ~~held on~~ November ~~25,~~ ~~2010~~2013, ~~to request~~ the voters of the District ~~to approved~~ the ballot measures; and

2. That Section 3 shall be amended to read as follows:

LAND INCLUSION/EXCLUSION. In accordance with Texas Water Code Chapter 49, the District may exclude land as described on the exclusion petitions attached hereto as **Exhibit B** and may include land if substantially in conformance with the land inclusion/exclusion map as authorized by City Council on ~~April 24, 2013~~ September 25, 2013 through Resolution No. _____.

3. That Exhibit B to the Development Agreement shall be deleted and the attached revised Exhibit B detailing additions, exclusions, and redefinition of boundaries of the District shall be substituted therefor.
4. All other terms, provisions, conditions, and obligations of the Development Agreement between the City and Developer shall remain in full force and effect, and said Development Agreement, together with this First Amendment Agreement shall be construed together as a single contractual agreement.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE.]

Approved by Resolution of the Board of Directors and Executed as of the _____ day of _____, 2013.

ATTEST: Cypress Waters Municipal Management District

By: _____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

EXECUTED and effective as of the ___ day of _____, 2013, by the City, signing by and through its City Manager, duly authorized to execute same by resolution No. _____ approved by the City Council on September 25, 2013.

APPROVED AS TO FORM:
WARREN M.S. ERNST
Interim City Attorney

CITY OF DALLAS
A.C. GONZALEZ,
Interim City Manager

By: _____
Barbara Martínez
Assistant City Attorney

By: _____
Ryan S. Evans
Interim First Assistant City Manager

RECOMMENDED BY DIRECTOR:

DEVELOPER:
BILLINGSLEY LD LTD
a Texas limited liability company

Frank Karl Zavitkovsky
Office of Economic Development

By: _____
Lucy Billingsley
Director and Treasurer

ATTEST:

Exhibit A

Title: _____

Attachments:

Authorizing Resolution Number _____ approved on September 25, 2013

Exhibit B - Petitions

**PETITION FOR ADDITION OF LANDS
TO CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT**

THE STATE OF TEXAS §

COUNTY OF DALLAS §

TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT

The undersigned (hereinafter called "Petitioner") hereby petitions the Board of Directors of Cypress Waters Municipal Management District, located in Dallas County, Texas (hereinafter called the "District"), for the addition of the territory hereinafter described in Exhibit "A" hereto (the "Property") to said District, so that such Property shall be in addition to, and become a part of, the District.

In support of this Petition, Petitioner would respectfully show:

I.

The Property is located in Dallas County, Texas and totals approximately _____ acres, as described in Exhibit "A" attached hereto and incorporated herein for all purposes.

II.

Petitioner is the record owner of the described land and the lienholder has consented to the petition for addition of Property, as evidenced by the execution of this Petition.

III.

The Property is located within the boundaries of the Cypress Waters Municipal Management District.

IV.

The Property is located within the corporate limits of the City of Dallas, Texas and, pursuant to Section 42.0425, Texas Local Government Code, consent of the City of Dallas, Texas to the addition of the lands described herein has been received and a form of ordinance or resolution exhibiting such consent is attached as Exhibit "B" hereto.

DRILL SITES

Inclusion Drill Sites

V.

Petitioner agrees and states that the addition of the Property to the District is feasible and practicable, and would be a benefit to and to the advantage of the District, the herein described land and all taxable property thereon. The District's present and future water supply, canals, water and wastewater system, drainage system, roadway system and other improvements will be sufficient to provide an adequate supply to the Property without injury to the lands of the District.

VI.

Petitioner elects, accepts and assumes the proportionate part of the outstanding indebtedness which may be owed, contracted or authorized by the District to be chargeable against the Property and all taxable property thereon on a pro rata basis, including any outstanding indebtedness previously issued by the District. Said proportionate part of the indebtedness is ascertained by dividing the taxable value of the Property and all taxable property thereon, as determined and fixed in the tax rolls of the District, by the taxable values of the District as shown by the same tax rolls, and multiplying this resulting percentage by the amount of the outstanding indebtedness of the District. Petitioner also authorizes the Board of Directors to issue the proportionate part of the bond amounts for water, wastewater, drainage and road facilities, and the refunding of obligations related to the facilities, which may be owed, contracted or authorized by the District to be chargeable against the Property and all taxable property thereon on a pro rata basis, as necessary.

VII.

Petitioner elects, accepts, assumes and acknowledges the District's right, power, duty and necessity to assess, levy and collect taxes on and against the Property and all taxable property thereon for the payment of any outstanding indebtedness which may be owed, contracted or authorized by the District, or any taxes levied for or in anticipation of the payment of such outstanding indebtedness which may be owed, contracted or authorized by the District, including any maintenance taxes or debt service taxes currently levied by the District.

VIII.

For and in consideration of the addition of the Property to the District, Petitioner agrees that the covenants contained herein shall become fixed with the land, shall run with the land, and shall be binding on the Petitioner and all stipulations and covenants contained herein shall be binding on Petitioner, its successors and assigns.

IX.

This Petition is filed pursuant to Chapter 49, Texas Water Code, as amended, and any and all other applicable provisions of law.

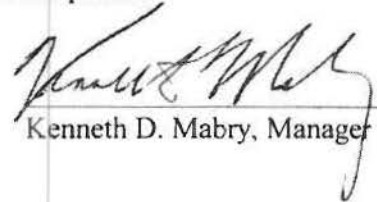
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the Secretary of the Board of Directors, and that, thereafter, this Petition be granted in all respects and that the Property be added to and become a part of Cypress Waters Municipal Management District in the manner provided by law, including particularly Section 49.301, et seq. of the Texas Water Code, as amended; that after this Petition has been granted, that it and the Board's action thereon be filed of record and be recorded in the Office of the County Clerk of Dallas County, Texas; and that Petitioner have such other order and relief to which they may show itself entitled.

RESPECTFULLY SUBMITTED this 3 day of September, 2013.

PETITIONER:

TRAMMELLCROW COMPANY NO. 43, LTD.,
a Texas limited partnership

By: Henry GP, L.L.C.,
a Texas limited liability company
its general partner

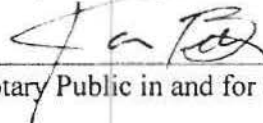
TDB By: 
Kenneth D. Mabry, Manager

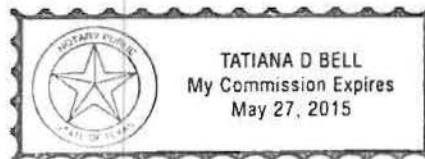
STATE OF TEXAS

COUNTY OF Dallas

§
§
§

This instrument was acknowledged before me on the 3rd day of September, 2013, by Kenneth D. Mabry, Manager of Henry GP, L.L.C., a Texas limited liability company, general partner of TrammellCrow Company No. 43, Ltd., a Texas limited partnership, on behalf of such entities.


Notary Public in and for the State of Texas



SITE A
5.000 ACRES

BEING a tract of land situated in the McKinney F. Williams Survey, Abstract No.1054, City of Dallas, Dallas County, Texas and being part of a tract of land described in deed to Dallas Power and Light Company, recorded in Volume 4424, Page 301, Deed Records of Dallas County, Texas and being a called 5.000 acre save and except tract described in Special Warranty Deed to Cypress Waters Land C, Ltd., recorded in Volume 20080370203, Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a "X" cut in concrete found at the northernmost end of a right-of-way corner clip at the intersection of the east right-of-way line of Beltline Road (a variable width right-of-way) and the south right-of-way line of Sanders Loop (a variable width right-of-way);

THENCE with said south right-of-way line, South 89°37'59" West, a distance of 172.76 feet to a point at the northwest corner of said 5.000 acre tract for the **POINT OF BEGINNING**;

THENCE continuing with said south right-of-way line, North 89°37'59" East, a distance of 278.85 feet to a point at the beginning of a non-tangent curve to the left having a central angle of 32°38'41", a radius of 510.00 feet, a chord bearing and distance of South 52°55'29" East, 286.66 feet; said point being the northernmost northeast corner of said 5.000 acre tract;

THENCE departing said south right-of-way line and with the northeast line of said 5.000 acre tract, in a southeasterly direction, with said curve to the left, an arc distance of 290.58 feet to a point at the end of said curve and at the easternmost northeast corner of said 5.000 acre tract;

THENCE with the east line of said 5.000 acre tract, South 0°22'01" East, a distance of 302.72 feet to a point at the southeast corner of said 5.000 acre tract;

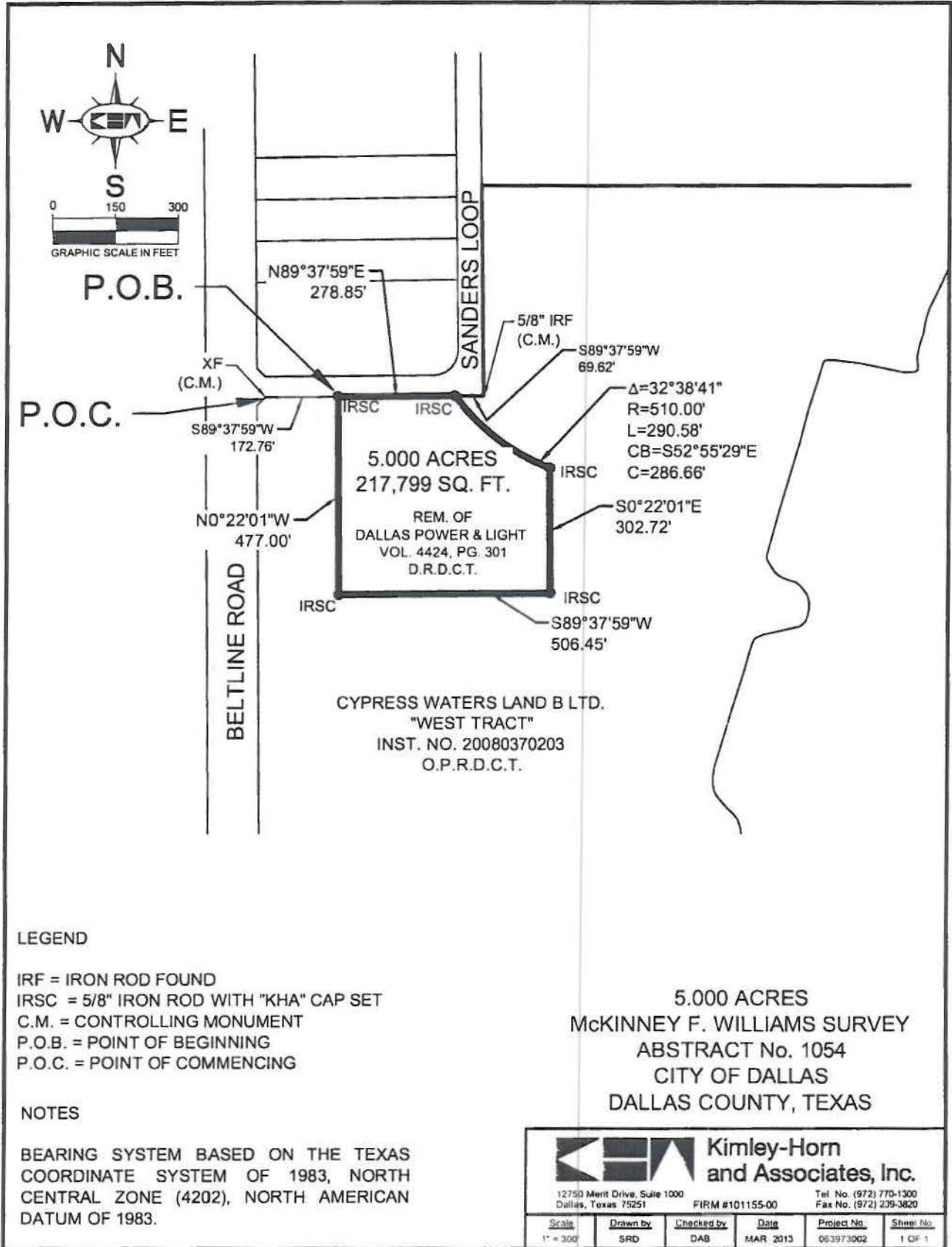
THENCE with the south line of said 5.000 acre tract, South 89°37'59" West, a distance of 506.45 feet to a point at the southwest corner of said 5.000 acre tract;

THENCE with the west line of said 5.000 acre tract, North 0°22'01" West, a distance of 477.00 feet to the **POINT OF BEGINNING** and containing 5.000 acres or 217,799 square feet of land.

Exhibit A
Exhibit B - Petitions

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Inclusion Drill Sites



SITE G
6.885 ACRES

BEING a tract of land situated in the Samuel Layton Survey, Abstract No. 784, in the City of Dallas, Dallas County, Texas, and being part of a tract of land described in Special Warranty Deed to Luminant Generation Company, LLC, recorded in Instrument No. 20080370209, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with cap found in the north right-of-way line of Ranch Trail (a variable width right-of-way) at the southeast corner of a tract of land described in Special Warranty Deed to Coppell Independent School District, recorded in Instrument No. 20080320976, Official Public Records of Dallas County, Texas as corrected in Instrument No. 20080370170, Official Public Records of Dallas County, Texas;

THENCE departing said north right-of-way line and with the southeast line of said Coppell Independent School District tract, North 27°40'25" East, a distance of 906.98 feet to an angle point in said east line;

THENCE departing said east line, South 66°38'44" East, a distance of 245.32 feet to a 5/8" iron rod with cap found at the southwest corner of said Luminant Generation Company, LLC tract for the **POINT OF BEGINNING**;

THENCE with the west line of said Luminant Generation Company, LLC tract, North 32°46'18" East, a distance of 682.55 feet to a point at the northwest corner of said Luminant Generation Company, LLC tract;;

THENCE with the north line of said Luminant Generation Company, LLC tract, South 84°46'39" East, a distance of 330.77 feet to the northeast corner of said Luminant Generation Company, LLC tract;

THENCE with the east line of said Luminant Generation Company, LLC tract, the following courses and distances:

South 20°06'59" East, a distance of 227.25 feet to a point for corner;

South 32°46'18" West, a distance of 369.20 feet to a point for corner;

South 63°59'50" West, a distance of 139.72 feet to 5/8" iron rod with plastic cap found at the southeast corner of said Luminant Generation Company, LLC tract;

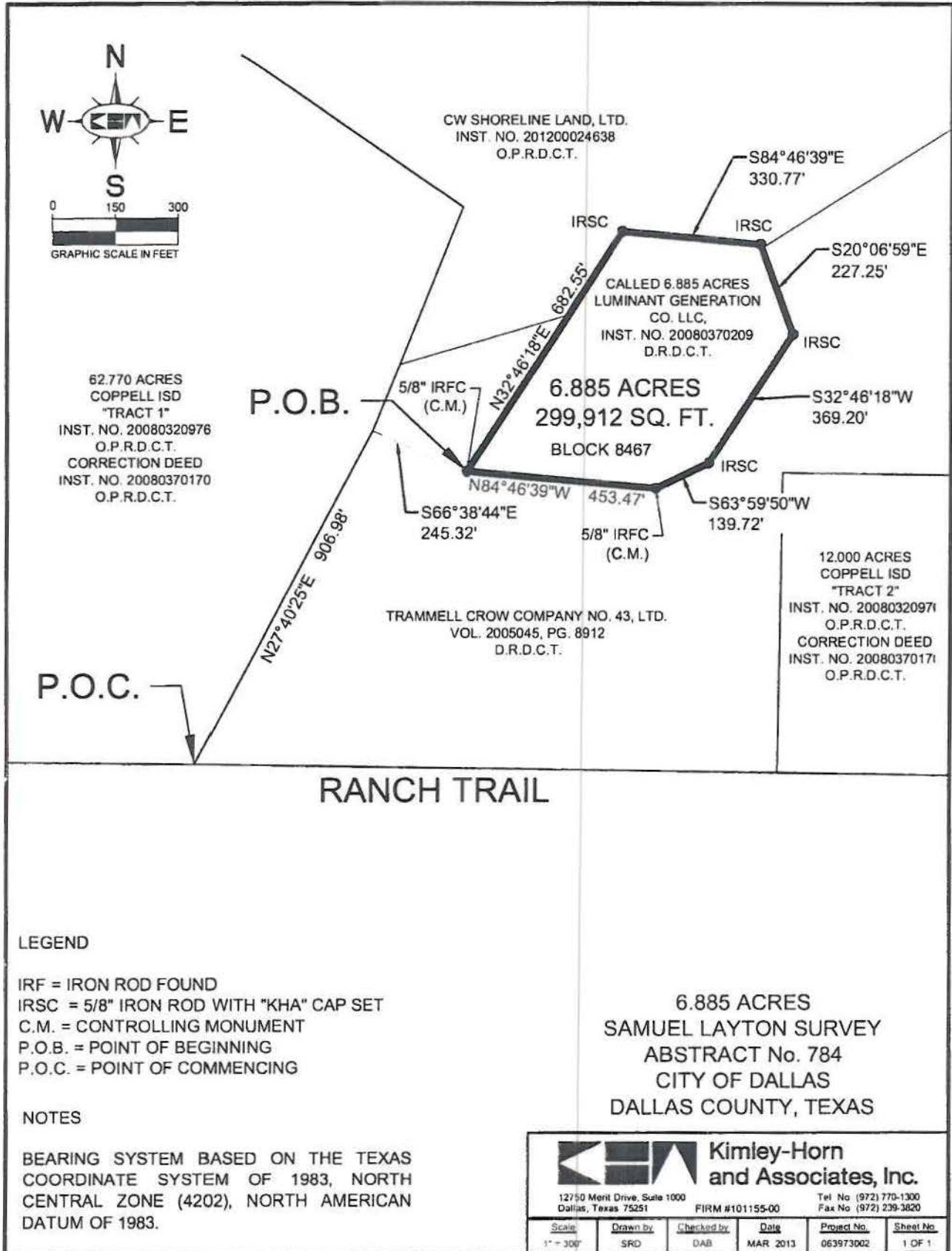
THENCE with the south line of said Luminant Generation Company, LLC tract, North 84°46'39" West, a distance of 453.47 feet to the **POINT OF BEGINNING** and containing 6.885 acres or 299,912 square feet of land.

Exhibit A

Exhibit B - Petitions

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Inclusion Drill Sites



SITE H
5.000 ACRES

BEING a tract of land situated in the G.W. Laws Survey, Abstract No. 843, in the City of Dallas, Dallas County, Texas, and being part of a tract of land described in Special Warranty Deed to TXU Generation Company, L.P., recorded in Instrument No. 20070001193, Official Public Records of Dallas County, Texas, all of a called 0.9675 acre and all of a called 0.1762 acre tract of land described in Special Warranty Deed to Luminant Generation Company, LLC recorded in Instrument No. 20080370209, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod with cap found for corner, said point being in the easterly right-of-way line of Belt Line Road (a variable width right-of-way) at the northwest corner of a tract of land described in Special Warranty Deed to Hackbelt 27 partners, L.P., recorded in Volume 2003167, Page 12149, Deed Records of Tarrant County, Texas;

THENCE with said easterly right-of-way line, North 00°30'48" West, a distance of 1192.95 feet to a point for corner;

THENCE departing said easterly right-of-way line, North 89°29'12" East, a distance of 984.48 feet, to an angle point in the north line of a called 0.9290 acre tract of land described in Special Warranty Deed to Trammell Crow Company No. 43, Ltd., recorded in Instrument No. 20080370213, Deed Records of Dallas County, Texas for the **POINT OF BEGINNING**;

THENCE with the northeast line of said 0.9290 acre tract and the southwest line of said 0.1762 acre tract, North 13°18'20" West, a distance of 186.88 feet to a point for corner;

THENCE with the west line of said 0.1762 acre tract and with a southerly line of said 0.6188 acre tract, North 31°41'40" East, a distance of 277.00 feet to a point at an angle point in said southerly line;

THENCE with said southerly line and the north line of said 0.9675 acre tract, South 58°18'20" East, a distance of 575.00 feet to a point at the easternmost corner of said 0.9675 acre tract;

THENCE with the east line of said 0.9675 acre tract, South 31°41'40" West, a distance of 277.00 feet to a point at the southeast corner of said 0.9675 acre tract;

THENCE with the southerly line of said 0.9675 acre tract and the northerly line of said 0.9290 acre tract, South 76°41'40" West, a distance of 186.88 feet to an angle point in said northerly line;

Exhibit A

Exhibit B - Petitions

THENCE with said northerly line, North 58°18'20" West, a distance of 310.71 feet to the **POINT OF BEGINNING**, and containing 5.000 acres (217,798 square feet) of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Inclusion Drill Sites

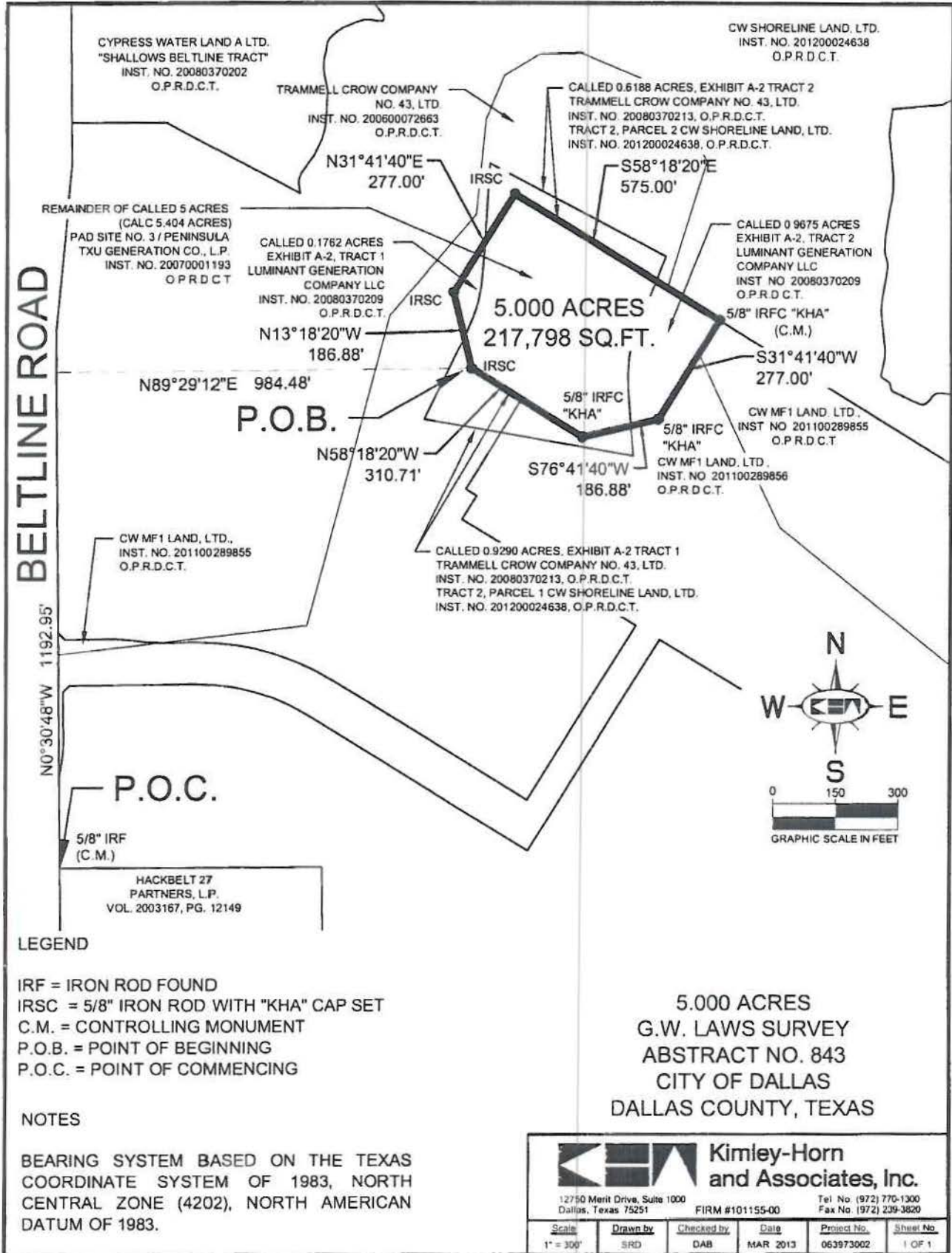


Exhibit A
Exhibit B - Petitions

EXHIBIT "B"

FORM OF ORDINANCE OR RESOLUTION CONSENTING TO ADDITION OF LANDS

Inclusion Drill Sites

THE STATE OF TEXAS §
COUNTY OF DALLAS §
CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT §

I, the undersigned Secretary of the Board of Directors of Cypress Waters Municipal Management District, certify that the foregoing is a true and correct copy of a Petition for Addition of Lands dated September 3, 2013, the original of which is on file in the District's office.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE DISTRICT this 3 day of September, 2013.


_____, Secretary

(DISTRICT SEAL)

**PETITION FOR EXCLUSION OF LANDS
FROM CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT**

THE STATE OF TEXAS §

COUNTY OF DALLAS §

TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT:

The undersigned (hereinafter called "Petitioner") hereby petitions the Board of Directors of Cypress Waters Municipal Management District, located in Dallas County, Texas (hereinafter called the "District"), for the exclusion of the territory hereinafter described in Exhibit "A" hereto (the "Property") to said District, so that such Property shall be in exclusion to the District.

In support of this Petition, Petitioner would respectfully show:

I.

The Property is located in Dallas County, Texas and is described in Exhibit "A" attached hereto and incorporated herein for all purposes.

II.

Petitioner is the record owner of the described land, as evidenced by the execution of this Petition.

III.

The Property is located within the boundaries of the Cypress Waters Municipal Management District.

IV.

Petitioner agrees and states that to retain the Property within the District's taxing power would be arbitrary and unnecessary to conserve the public welfare and would impair or destroy the value of the Property.

V.

For and in consideration of the exclusion of the Property to the District, Petitioner agrees that the covenants contained herein shall become fixed with the land, shall run with the land, and shall be binding on the Petitioner and all stipulations and covenants contained herein shall be binding on Petitioner, its successors and assigns.

VI.

This Petition is filed pursuant to Chapter 49.305, Texas Water Code, as amended, and any and all other applicable provisions of law.

WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the Secretary of the Board of Directors, and that, thereafter, this Petition be granted in all respects and that the Property be excluded from Cypress Waters Municipal Management District in the manner provided by law, including particularly Section 49.301, et seq. of the Texas Water Code, as amended; that after this Petition has been granted, that it and the Board's action thereon be filed of record and be recorded in the Office of the County Clerk of Dallas County, Texas; and that Petitioner have such other order and relief to which they may show itself entitled.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Exhibit A

Exhibit B - Petitions

RESPECTFULLY SUBMITTED TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT.

CROW-BILLINGSLEY NORTHLAKE HB&T JOINT VENTURE, a Texas joint venture

DB
By: *H. Billingsley*
Henry Billingsley

STATE OF TEXAS

§
§
§

COUNTY OF DALLAS

This instrument was acknowledged before me on the 3rd day of September, 2013, by Henry Billingsley, Joint Venture of Crow-Billingsley Northlake HB&T Joint Venture, a Texas joint venture, on behalf of such entity.

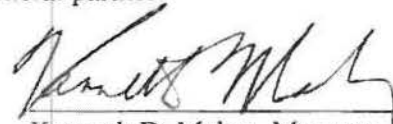
T. Bell

Notary Public in and for the State of Texas



TRAMMELL CROW COMPANY NO. 43, LTD.,
a Texas limited partnership

By: Henry GP, L.L.C.,
a Texas limited liability company
its general partner

DB
By: 
Kenneth D. Mabry, Manager

STATE OF TEXAS §
COUNTY OF Dallas §
§

This instrument was acknowledged before me on the 3 day of September, 2013, by Kenneth D. Mabry, Manager of Henry GP, L.L.C., a Texas limited liability company, general partner of Trammell Crow Company No. 43, Ltd., a Texas limited partnership, on behalf of such entities.



Notary Public in and for the State of Texas

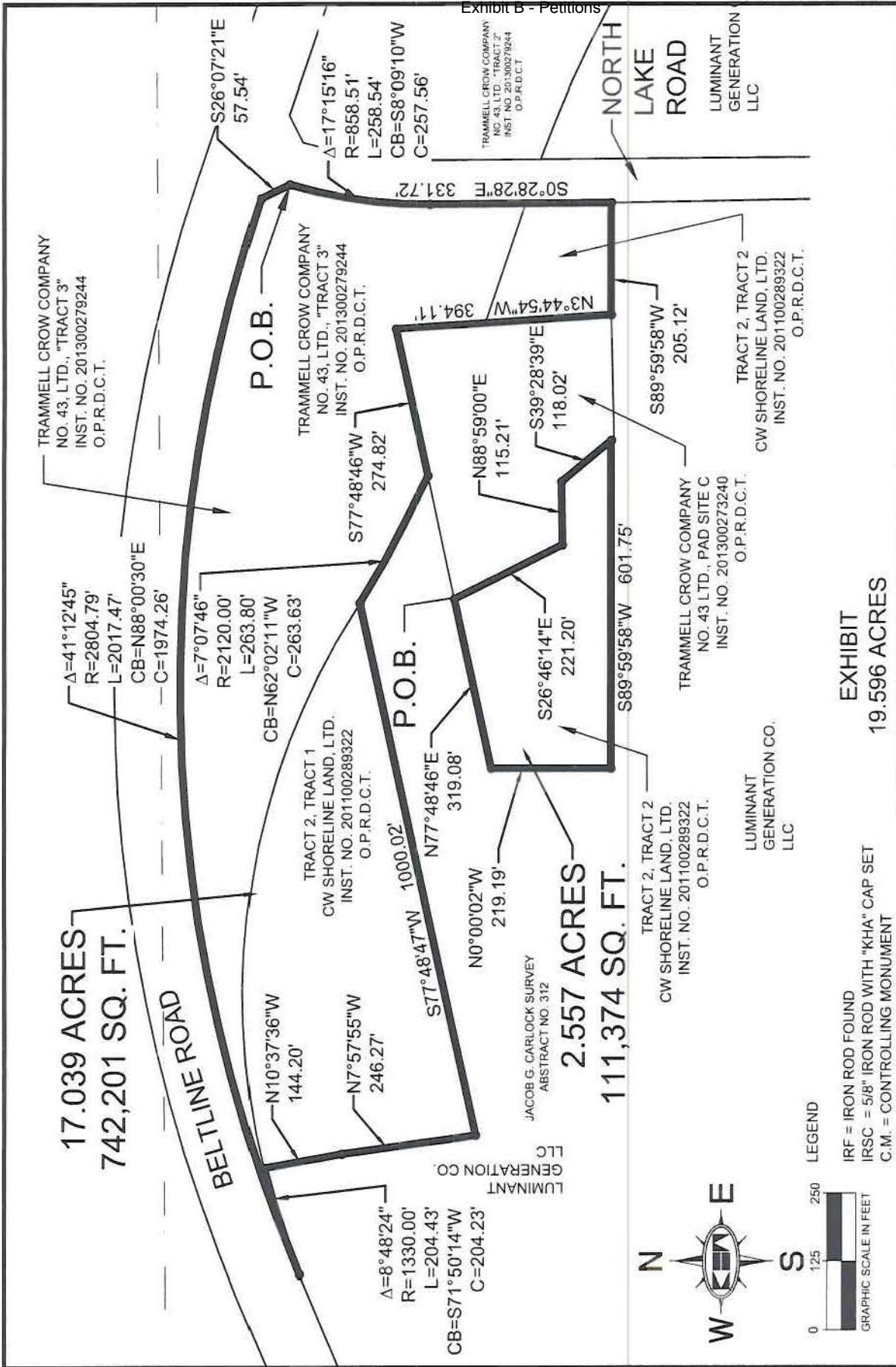


Exhibit A
Exhibit B - Petitions

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY TO BE EXCLUDED

SEE ATTACHED

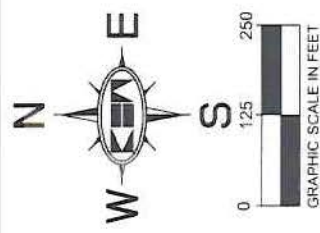


Kimley-Horn and Associates, Inc.
 12750 Merit Drive, Suite 1000
 Dallas, Texas 75251
 Tel No (972) 770-1300
 Fax No (972) 239-3820
 FIRM # 101155-00

Scale	1" = 250'
Drawn by	SRD
Checked by	DAB
Date	SEP 2013
Project No.	063973002
Sheet No.	1 OF 1

EXHIBIT
19.596 ACRES
JACOB G. CARLOCK SURVEY
ABSTRACT NO. 312
CITY OF DALLAS
DALLAS COUNTY, TEXAS

NOTES
 BEARING SYSTEM BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983.
 IRF = IRON ROD FOUND
 IRSC = 5/8" IRON ROD WITH "KHA" CAP SET
 C.M. = CONTROLLING MONUMENT
 P.O.B. = POINT OF BEGINNING
 P.O.C. = POINT OF COMMENCING



LEGAL DESCRIPTION
17.039 ACRES

BEING a tract of land situated in the Jacob G. Carlock Survey, Abstract No. 312, City of Dallas, Dallas County, Texas and being all of a tract of land described as "Tract 2-Tract 1" and "Tract 2-Tract 2" in Special Warranty Deed to CW Shoreline Land, Ltd, recorded in Instrument No. 201100289322, Official Public Records of Dallas County, Texas, all of a tract of land described as "Tract 3" in Special Warranty Deed to Trammell Crow Company No. 43, Ltd., recorded in Instrument No. 201300279244, Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point at the southernmost end of a right-of-way corner clip at the intersection of the south right-of-way line of Belt Line Road (a variable width right-of-way) and the west right-of-way line of North Lake Road (a variable width right-of-way); said point being at the beginning of a non-tangent curve to the left having a central angle of 17° 15' 16", a radius of 858.51 feet, a chord bearing and distance of South 08° 09' 10" West, 257.56 feet;

THENCE with said west right-of-way line the following courses and distances:

In a southwesterly direction, with said curve to the left, an arc distance of 258.54 feet to a point at the end of said curve;
South 00° 28' 28" East, a distance of 331.72 feet to a point for corner;

THENCE departing said west right-of-way line, South 89°59'58" West, a distance of 205.12 feet to a point at the southeast corner of a tract of land described as "Pad Site C" in Special Warranty Deed to Trammell Crow Company, No. 43, Ltd., recorded in Instrument No. 201300273240, Official Public Records of Dallas County, Texas ;

THENCE with the northeast line of said Pad Site C, North 3°44'54" West, a distance of 394.11 feet to a point for corner;

THENCE with the north line of said Pad Site C, South 77°48'46" West, a distance of 274.82 feet to a point at the beginning of a non-tangent curve to the right having a central angle of 7°40'41", a radius of 2120.00 feet, a chord bearing and distance of North 61°45'44" West, 283.88 feet;

THENCE departing said north line and with the southwest line of said Tract 3, in a northwesterly direction, with said curve to the right, an arc distance of 284.10 feet to a point at the end of said curve and at the easternmost corner of said Tract 2-Tract 1;

THENCE with the south and west lines of said Tract 2-Tract 1, the following courses and distances:

South 77°48'47" West, a distance of 1000.02 feet to a point for corner;
North 7°57'55" West, a distance of 246.27 feet to a point for corner;
North 10°37'36" West, a distance of 144.20 feet to the beginning of a non-tangent curve to the left having a central angle of 8°48'24", a radius of 1330.00 feet, a chord bearing and distance of South 71°50'14" West, 204.23 feet;
In a southwesterly direction, with said curve to the left, an arc distance of 204.43 feet to a point for corner at the beginning of a non-tangent curve to the right having a central angle of 41°12'45", a radius of 2804.79 feet, a chord bearing and distance of North 88°00'30" East, 1974.26 feet;

THENCE with said south right-of-way line, in a northeasterly direction with said curve to the right, an arc distance of 2017.47 feet to the northernmost end of said right-of-way corner clip;

THENCE with said right-of-way corner clip, South 26°07'21" East, a distance of 57.54 feet to the **POINT OF BEGINNING** and containing 17.039 acres or 742,201 square feet of land.

LEGAL DESCRIPTION
2.557 ACRES

BEING a tract of land situated in the Jacob G. Carlock Survey, Abstract No. 312, City of Dallas, Dallas County, Texas and being all of a tract of land described "Tract 2-Tract 2" in Special Warranty Deed to CW Shoreline Land, Ltd, recorded in Instrument No. 201100289322, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the northwest corner of a tract of land described as "Pad Site C" in Special Warranty Deed to Trammell Crow Company No. 43, Ltd., recorded in Instrument No. 201300273240, Official Public Records of Dallas County, Texas;

THENCE with the southwest line of said Pad Site C, the following courses and distances:

South 26°46'14" East, a distance of 221.20 feet to a point for corner;
North 88°59'00" East, a distance of 115.21 feet to a point for corner;
South 39°28'39" East, a distance of 118.02 feet to a point for corner;

THENCE departing said southwest line and with the south line of said Tract 2-Tract 2, South 89°59'58" West, a distance of 601.75 feet to a point for corner at the southwest corner of said Tract 2-Tract 2;

THENCE with the west line of said Tract 2-Tract 2, North 0°00'02" West, a distance of 219.19 feet to a point for corner at the northwest corner of said Tract 2-Tract 2;

THENCE with the north line of said Tract 2-Tract 2, North 77°48'46" East, a distance of 319.08 feet to the **POINT OF BEGINNING** and containing 2.557 acres or 111,374 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

THE STATE OF TEXAS §
COUNTY OF DALLAS §
CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT §

I, the undersigned Secretary of the Board of Directors of Cypress Waters Municipal Management District, certify that the foregoing is a true and correct copy of a Petition for Exclusion of Lands dated September 3, 2013, the original of which is on file in the District's office.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE DISTRICT this 3rd
day of September, 2013.

Luis A. Peña
, Secretary

(DISTRICT SEAL)

**PETITION FOR EXCLUSION OF LANDS
FROM CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT**

THE STATE OF TEXAS §

COUNTY OF DALLAS §

TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT:

The undersigned (hereinafter called "Petitioner") hereby petitions the Board of Directors of Cypress Waters Municipal Management District, located in Dallas County, Texas (hereinafter called the "District"), for the exclusion of the territory hereinafter described in Exhibit "A" hereto (the "Property") to said District, so that such Property shall be in exclusion to the District.

In support of this Petition, Petitioner would respectfully show:

I.

The Property is located in Dallas County, Texas and is described in Exhibit "A" attached hereto and incorporated herein for all purposes.

II.

Petitioner is the record owner of the described land, as evidenced by the execution of this Petition.

III.

The Property is located within the boundaries of the Cypress Waters Municipal Management District.

IV.

Petitioner agrees and states that to retain the Property within the District's taxing power would be arbitrary and unnecessary to conserve the public welfare and would impair or destroy the value of the Property.

V.

For and in consideration of the exclusion of the Property to the District, Petitioner agrees that the covenants contained herein shall become fixed with the land, shall run with the land, and shall be

binding on the Petitioner and all stipulations and covenants contained herein shall be binding on Petitioner, its successors and assigns.

VI.

This Petition is filed pursuant to Chapter 49.305, Texas Water Code, as amended, and any and all other applicable provisions of law.


WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the Secretary of the Board of Directors, and that, thereafter, this Petition be granted in all respects and that the Property be excluded from Cypress Waters Municipal Management District in the manner provided by law, including particularly Section 49.301, et seq. of the Texas Water Code, as amended; that after this Petition has been granted, that it and the Board's action thereon be filed of record and be recorded in the Office of the County Clerk of Dallas County, Texas; and that Petitioner have such other order and relief to which they may show itself entitled.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

RESPECTFULLY SUBMITTED TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT.


CW SHORELINE LAND, LTD.,
a Texas limited partnership

By: Billingsley 380 North GP, L.L.C.,
a Texas limited liability company,
Its general partner

TAB
By: 
Kenneth D. Mabry, Manager

STATE OF TEXAS §
§
COUNTY OF DACCLAS §

This instrument was acknowledged before me on the 3 day of September, 2013, by Kenneth D. Mabry, Manager of Billingsley 380 North GP, L.L.C., a Texas limited liability company, general partner of CW Shoreline Land, Ltd., a Texas limited partnership, on behalf of such entities.

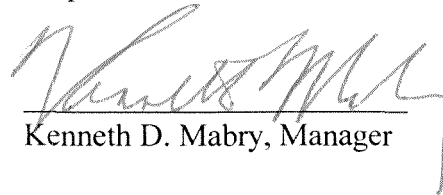


Notary Public in and for the State of Texas



TRAMMELLCROW COMPANY NO. 43, LTD.,
a Texas limited partnership

By: Henry GP, L.L.C.,
a Texas limited liability company
its general partner

By: 
TDB Kenneth D. Mabry, Manager

STATE OF TEXAS §
COUNTY OF Tarrant §
§

This instrument was acknowledged before me on the 3 day of September, 2013, by Kenneth D. Mabry, Manager of Henry GP, L.L.C., a Texas limited liability company, general partner of TrammellCrow Company No. 43, Ltd., a Texas limited partnership, on behalf of such entities.

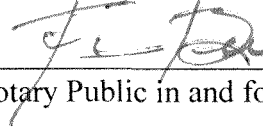

Notary Public in and for the State of Texas



Exhibit A

Exhibit B - Petitions

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY TO BE EXCLUDED

SEE ATTACHED

EXHIBIT "A"
(Legal Description)

SCHOOL TRACT
20.000 ACRES

BEING a tract of land situated in the Francis Jones Survey, Abstract No. 674, the Samuel Layton Survey, Abstract No. 784 and the Grandbury Hendricks Survey, Abstract No. 630, City of Dallas, Dallas County, Texas and being of a tract of land described in Special Warranty Deed to Cypress Waters Land A, Ltd., recorded in Instrument No. 20080370202, Official Public Records of Dallas County, Texas and part of a tract of land described in Special Warranty Deed to CW Shoreline Land, Ltd., recorded in Instrument No. 201200024638, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at the northeast corner of a tract of land described in Deed to Ensearch Corporation, recorded in Volume 84064, Page 1370, Deed Records of Dallas County, Texas at the easternmost southeast corner of a tract of land described in Limited General Warranty Deed to Trammell Crow Company No. 43, Ltd., recorded in Instrument No. 200600072663, Official Public Records of Dallas County, Texas from said point, North Lake control monument No. 4 bears North 27°57'43" West, a distance of 7554.02 feet;

THENCE with the east line of said Trammell Crow Company No. 43, Ltd. tract, North 0°46'21" West, a distance of 2620.15 feet to a point for corner;

THENCE departing said east line, South 89°13'39" West, a distance of 991.65 feet to a point in the north line of a Transmission Easement, recorded in Volume 2001248, Page 11540, Deed Records of Dallas County, Texas for the **POINT OF BEGINNING**;

THENCE with said north line, South 59°21'20" West, a distance of 960.20 feet to a point for corner;

THENCE departing said north line, the following courses and distances:

North 31°47'51" West, a distance of 898.70 feet to a point for corner;

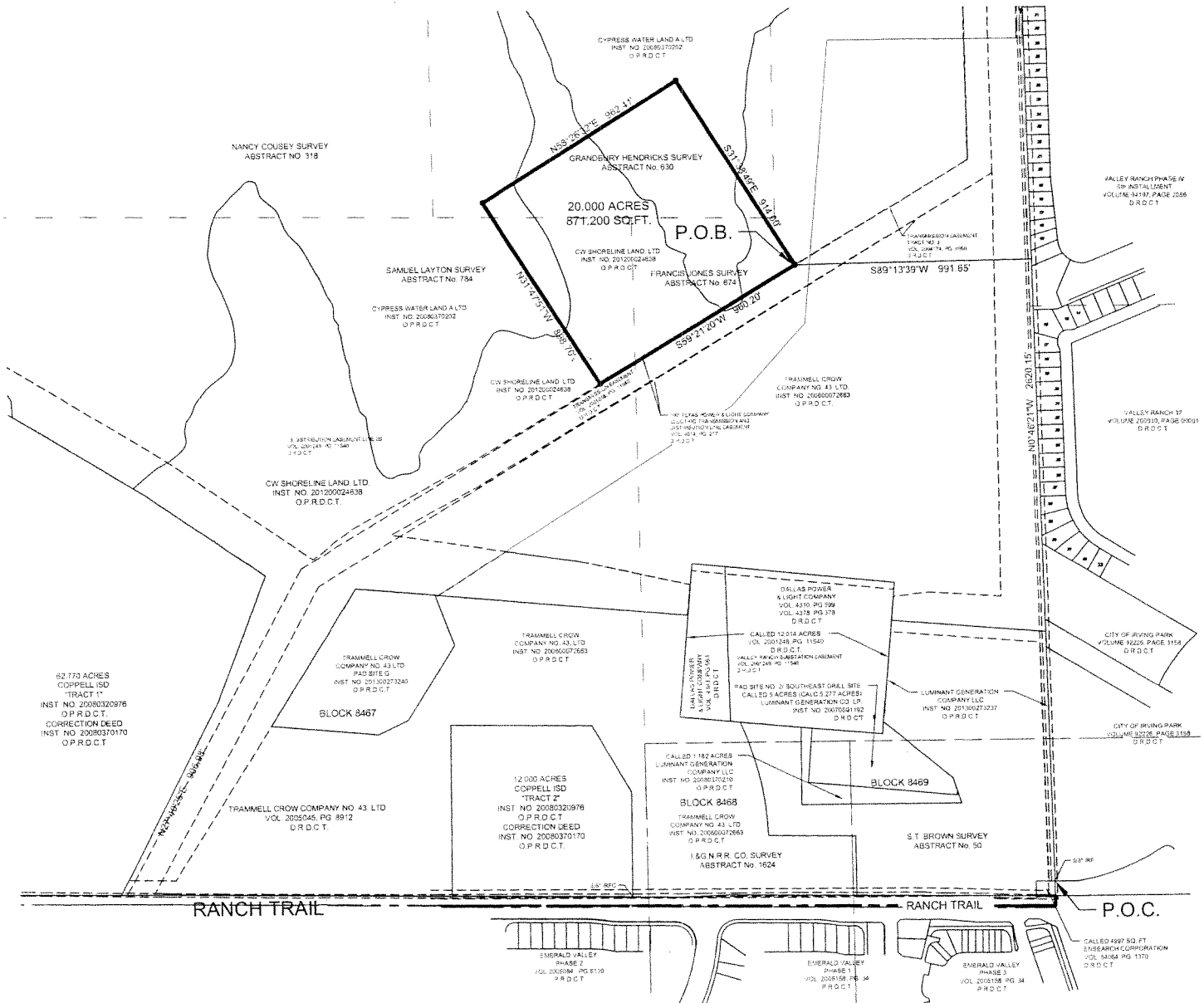
North 58°26'32" East, a distance of 962.41 feet to a point for corner;

South 31°38'49" East, a distance of 914.00 feet to the **POINT OF BEGINNING** and containing 20.000 acres or 871,200 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Exhibit A

Exhibit B - Petitions



LEGEND

- IRF = IRON ROD FOUND
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING

NOTES

BEARING SYSTEM BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983.

LEGAL DESCRIPTION
6.220 ACRES

BEING a tract of land situated in the Jacob G. Carlock Survey, Abstract No. 312, City of Dallas, Dallas County, Texas and being all of a tract of land described in deed to Crow-Billingsley 635 Belt recorded in Instrument No. 20070001189, Official Public Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point at the southernmost end of a right-of-way corner clip at the intersection of the south right-of-way line of Belt Line Road (a variable width right-of-way) and the west right-of-way line of North Lake Road (a variable width right-of-way); said point being at the beginning of a non-tangent curve to the left having a central angle of 17° 15' 16", a radius of 858.51 feet, a chord bearing and distance of South 08° 09' 10" West, 257.56 feet;

THENCE with said west right-of-way line the following courses and distances:

In a southwesterly direction, with said curve to the left, an arc distance of 258.54 feet to a point at the end of said curve;
South 00° 28' 28" East, a distance of 331.72 feet to a point for corner;
South 01°03'30" East, a distance of 446.34 feet to a point for corner;
South 00°41'14" West, a distance of 59.74 feet to the southwest corner of said North Lake Road;

THENCE with the southerly terminus of said North Lake Road North 89°38'49" East, a distance of 37.29 feet to a point for corner;

THENCE departing said terminus, South 00°34'34" East, a distance of 808.61 feet to the **POINT OF BEGINNING**; said point being the northwest corner of said Crow-Billingsley 635-Belt tract;

THENCE North 89°31'11" East, a distance of 538.69 feet, to a 3" fence post found for corner;

THENCE South 00°35'34" East, a distance of 689.26 feet, to a 3" fence post found for corner;

THENCE North 89°32'29" West, a distance of 201.09 feet, to a 1/2" iron pipe with cap found for corner;

THENCE North 30°30'42" West, a distance of 676.98 feet, to a 1/2" iron pipe with cap found for corner;

THENCE North 00°34'34" West, a distance of 99.87 feet, to the **POINT OF BEGINNING**, and containing 6.220 acres (270,922 square feet) of land, more or less.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Exhibit B - Petitions

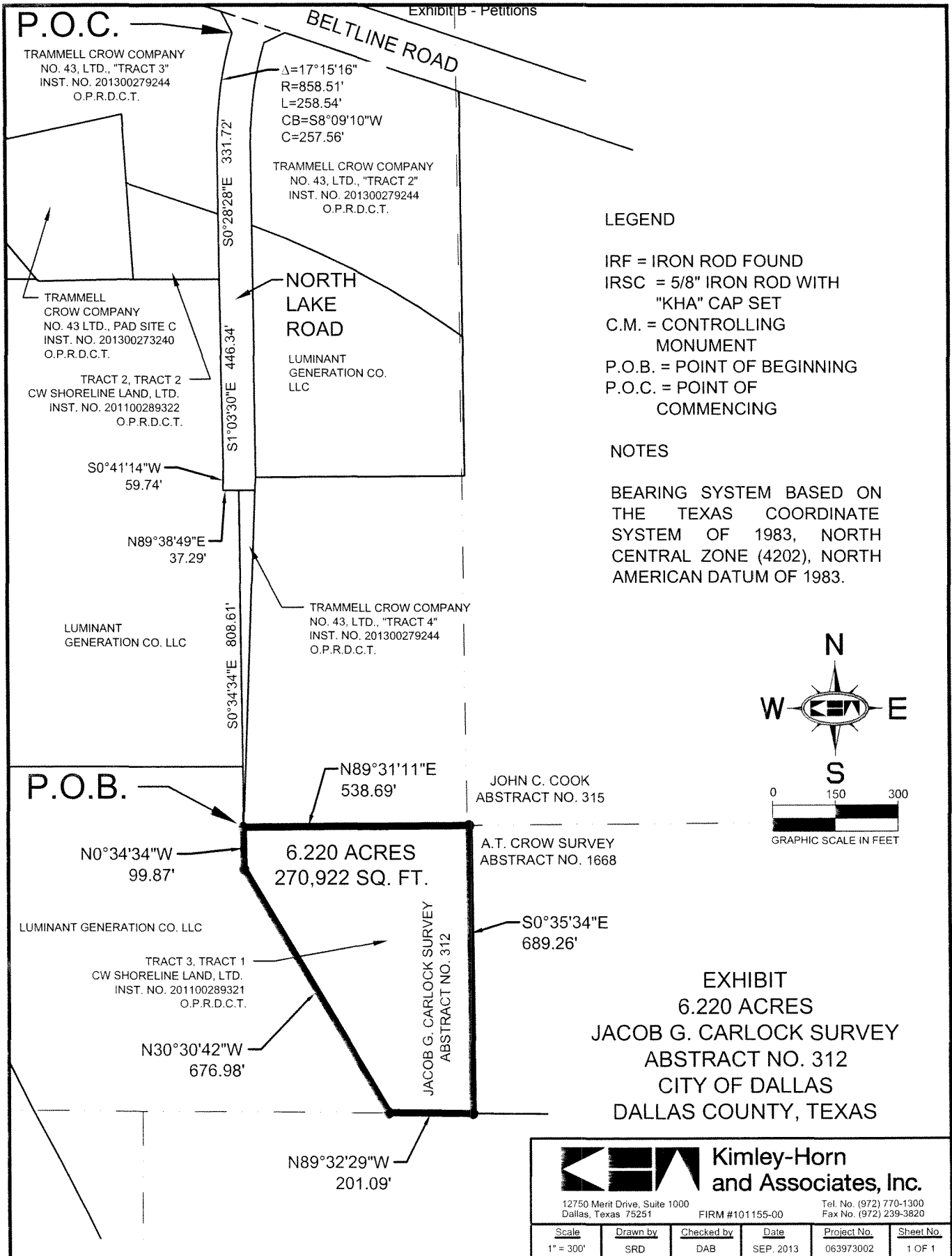



Exhibit A
Exhibit B - Petitions

THE STATE OF TEXAS §
COUNTY OF DALLAS §
CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT §

I, the undersigned Secretary of the Board of Directors of Cypress Waters Municipal Management District, certify that the foregoing is a true and correct copy of a Petition for Exclusion of Lands dated September 3, 2013, the original of which is on file in the District's office.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE DISTRICT this 3
day of September, 2013.


_____, Secretary

(DISTRICT SEAL)

**PETITION FOR EXCLUSION OF LANDS
FROM CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT**

THE STATE OF TEXAS §

COUNTY OF DALLAS §

TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT:

The undersigned (hereinafter called "Petitioner") hereby petitions the Board of Directors of Cypress Waters Municipal Management District, located in Dallas County, Texas (hereinafter called the "District"), for the exclusion of the territory hereinafter described in Exhibit "A" hereto (the "Property") to said District, so that such Property shall be in exclusion to the District.

In support of this Petition, Petitioner would respectfully show:

I.

The Property is located in Dallas County, Texas and is described in Exhibit "A" attached hereto and incorporated herein for all purposes.

II.

Petitioner is the record owner of the described land, as evidenced by the execution of this Petition.

III.

The Property is located within the boundaries of the Cypress Waters Municipal Management District.

IV.

Petitioner agrees and states that to retain the Property within the District's taxing power would be arbitrary and unnecessary to conserve the public welfare and would impair or destroy the value of the Property.

V.

For and in consideration of the exclusion of the Property to the District, Petitioner agrees that the covenants contained herein shall become fixed with the land, shall run with the land, and shall be

binding on the Petitioner and all stipulations and covenants contained herein shall be binding on Petitioner, its successors and assigns.

VI.

This Petition is filed pursuant to Chapter 49.305, Texas Water Code, as amended, and any and all other applicable provisions of law.


WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the Secretary of the Board of Directors, and that, thereafter, this Petition be granted in all respects and that the Property be excluded from Cypress Waters Municipal Management District in the manner provided by law, including particularly Section 49.301, et seq. of the Texas Water Code, as amended; that after this Petition has been granted, that it and the Board's action thereon be filed of record and be recorded in the Office of the County Clerk of Dallas County, Texas; and that Petitioner have such other order and relief to which they may show itself entitled.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

RESPECTFULLY SUBMITTED TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT.


TRAMMELLCROW COMPANY NO. 43, LTD.,
a Texas limited partnership

By: Henry GP, L.L.C.,
a Texas limited liability company
its general partner

TDB
By: 
Kenneth D. Mabry, Manager

STATE OF TEXAS §
COUNTY OF DALLAS §
§

This instrument was acknowledged before me on the 3 day of September, 2013, by Kenneth D. Mabry, Manager of Henry GP, L.L.C., a Texas limited liability company, general partner of TrammellCrow Company No. 43, Ltd., a Texas limited partnership, on behalf of such entities.



Notary Public in and for the State of Texas



Exhibit A
Exhibit B - Petitions

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY TO BE EXCLUDED

SEE ATTACHED

EXHIBIT "A"
(Legal Description)

SCHOOL TRACT
20.000 ACRES

BEING a tract of land situated in the Francis Jones Survey, Abstract No. 674, the Samuel Layton Survey, Abstract No. 784 and the Grandbury Hendricks Survey, Abstract No. 630, City of Dallas, Dallas County, Texas and being of a tract of land described in Special Warranty Deed to Cypress Waters Land A, Ltd., recorded in Instrument No. 20080370202, Official Public Records of Dallas County, Texas and part of a tract of land described in Special Warranty Deed to CW Shoreline Land, Ltd., recorded in Instrument No. 201200024638, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at the northeast corner of a tract of land described in Deed to Ensearch Corporation, recorded in Volume 84064, Page 1370, Deed Records of Dallas County, Texas at the easternmost southeast corner of a tract of land described in Limited General Warranty Deed to Trammell Crow Company No. 43, Ltd., recorded in Instrument No. 200600072663, Official Public Records of Dallas County, Texas from said point, North Lake control monument No. 4 bears North 27°57'43" West, a distance of 7554.02 feet;

THENCE with the east line of said Trammell Crow Company No. 43, Ltd. tract, North 0°46'21" West, a distance of 2620.15 feet to a point for corner;

THENCE departing said east line, South 89°13'39" West, a distance of 991.65 feet to a point in the north line of a Transmission Easement, recorded in Volume 2001248, Page 11540, Deed Records of Dallas County, Texas for the **POINT OF BEGINNING**;

THENCE with said north line, South 59°21'20" West, a distance of 960.20 feet to a point for corner;

THENCE departing said north line, the following courses and distances:

North 31°47'51" West, a distance of 898.70 feet to a point for corner;

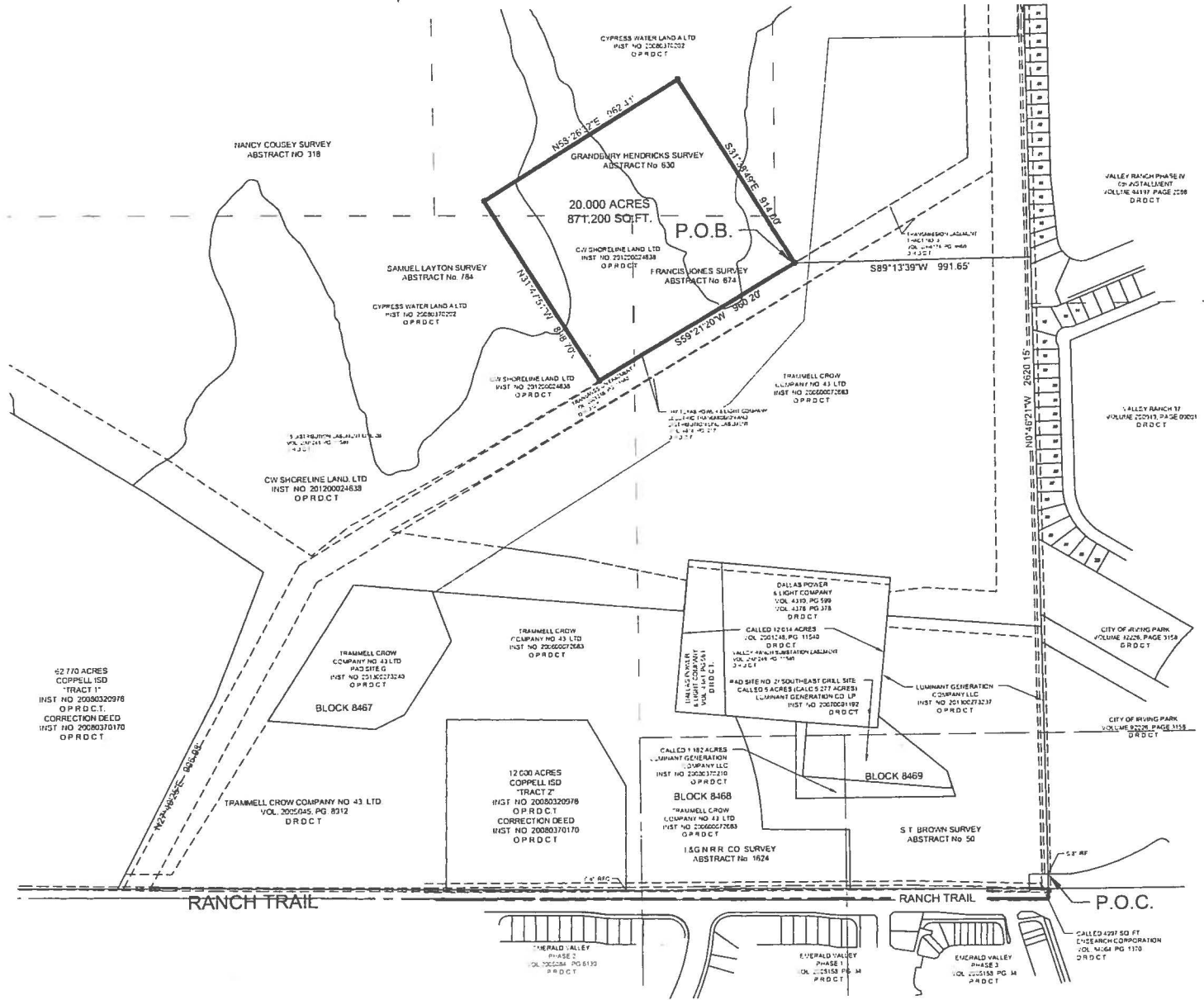
North 58°26'32" East, a distance of 962.41 feet to a point for corner;

South 31°38'49" East, a distance of 914.00 feet to the **POINT OF BEGINNING** and containing 20.000 acres or 871,200 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

Exhibit A

Exhibit B - Petitions



LEGEND

- IRF = IRON ROD FOUND
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCING

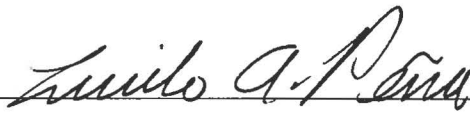
NOTES

BEARING SYSTEM BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983.

THE STATE OF TEXAS §
COUNTY OF DALLAS §
CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT §

I, the undersigned Secretary of the Board of Directors of Cypress Waters Municipal Management District, certify that the foregoing is a true and correct copy of a Petition for Exclusion of Lands dated September 3, 2013, the original of which is on file in the District's office.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE DISTRICT this 3
day of September, 2013.


_____, Secretary

(DISTRICT SEAL)

**PETITION FOR EXCLUSION OF LANDS
FROM CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT**

THE STATE OF TEXAS §

COUNTY OF DALLAS §

TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT:

The undersigned (hereinafter called "Petitioner") hereby petitions the Board of Directors of Cypress Waters Municipal Management District, located in Dallas County, Texas (hereinafter called the "District"), for the exclusion of the territory hereinafter described in Exhibit "A" hereto (the "Property") to said District, so that such Property shall be in exclusion to the District.

In support of this Petition, Petitioner would respectfully show:

I.

The Property is located in Dallas County, Texas and is described in Exhibit "A" attached hereto and incorporated herein for all purposes.

II.

Petitioner is the record owner of the described land, as evidenced by the execution of this Petition.

III.

The Property is located within the boundaries of the Cypress Waters Municipal Management District.

IV.

Petitioner agrees and states that to retain the Property within the District's taxing power would be arbitrary and unnecessary to conserve the public welfare and would impair or destroy the value of the Property.

V.

For and in consideration of the exclusion of the Property to the District, Petitioner agrees that the covenants contained herein shall become fixed with the land, shall run with the land, and shall be

binding on the Petitioner and all stipulations and covenants contained herein shall be binding on Petitioner, its successors and assigns.

VI.

This Petition is filed pursuant to Chapter 49.305, Texas Water Code, as amended, and any and all other applicable provisions of law.

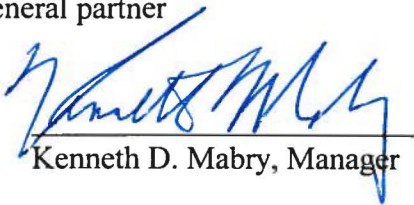
WHEREFORE, PREMISES CONSIDERED, Petitioner prays that this Petition be filed with the Secretary of the Board of Directors, and that, thereafter, this Petition be granted in all respects and that the Property be excluded from Cypress Waters Municipal Management District in the manner provided by law, including particularly Section 49.301, et seq. of the Texas Water Code, as amended; that after this Petition has been granted, that it and the Board's action thereon be filed of record and be recorded in the Office of the County Clerk of Dallas County, Texas; and that Petitioner have such other order and relief to which they may show itself entitled.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

RESPECTFULLY SUBMITTED TO THE BOARD OF DIRECTORS OF CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT.

TRAMMELCROW COMPANY NO. 43, LTD.,
a Texas limited partnership

By: Henry GP, L.L.C.,
a Texas limited liability company
its general partner


TD3
By: 
Kenneth D. Mabry, Manager

STATE OF TEXAS

§
§
§

COUNTY OF Dallas

This instrument was acknowledged before me on the 3 day of September, 2013, by Kenneth D. Mabry, Manager of Henry GP, L.L.C., a Texas limited liability company, general partner of TrammelCrow Company No. 43, Ltd., a Texas limited partnership, on behalf of such entities.



Notary Public in and for the State of Texas



EXHIBIT "A"
(Legal Description)
Exhibit B - Petitions

SINGLE FAMILY TRACT
50.760 ACRES

BEING a tract of land situated in the Francis Jones Survey, Abstract No. 674 and the Samuel Layton Survey, Abstract No. 784, City of Dallas, Dallas County, Texas and being of a tract of land described in Special Warranty Deed to Cypress Waters Land A, Ltd., recorded in Instrument No. 20080370202, Official Public Records of Dallas County, Texas and part of a tract of land described in Special Warranty Deed to CW Shoreline Land, Ltd., recorded in Instrument No. 201200024638, Official Public Records of Dallas County, Texas and part of a tract of land described in Limited General Warranty Deed to Trammell Crow Company No. 43, Ltd., recorded in Instrument No. 200600072663, Official Public Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at the northeast corner of a tract of land described in Deed to Ensearch Corporation, recorded in Volume 84064, Page 1370, Deed Records of Dallas County, Texas at the easternmost southeast corner of said Trammell Crow Company No. 43, Ltd. tract;

THENCE with the east line of said Trammell Crow Company No. 43, Ltd. tract, North 0°46'21" West, a distance of 1407.06 feet to a point for corner;

THENCE departing said east line, South 89°13'39" West, a distance of 180.75 feet to a point in a westerly line of "Tract No. 3" of a transmission easement, recorded in Volume 2004174, Page 8960, Deed Records of Dallas County, Texas and a westerly line of a transmission easement, recorded in Volume 2001248, Page 11540, Deed Records of Dallas County, Texas for **POINT OF BEGINNING**, from said point, North Lake control monument No. 4 bears North 29°28'12" West, a distance of 7990.15 feet;

THENCE departing said westerly lines, the following courses and distances:

North 85°59'16" West, a distance of 287.75 feet to a point for corner;
South 4°00'44" West, a distance of 171.00 feet to a point for corner;
North 84°09'39" West, at a distance of 146.34 feet passing the northeast corner of a called 12.014 acre tract of land described as "Valley Ranch Substation Easement" in Special Warranty Deed to TXU Electric Delivery Company, recorded in Volume 2001248, Page 11540, Deed Records of Dallas County, Texas, continuing with the north line of said 12.014 acre tract, in all a total distance of 995.82 feet to the northwest corner of said 12.014 acre tract;

THENCE with the west line of said 12.014 acre tract, South 5°49'35" West, a distance of 648.07 feet to the southwest corner of said 12.014 acre tract;

THENCE North 85°02'15" West, a distance of 13.40 feet to a point for corner;

THENCE North 31°47'51" West, a distance of 1248.13 feet to a point in the southeast line of a 100-foot wide electric transmission and distribution line easement, recorded in Volume 4614, Page 217, Deed Records of Dallas County, Texas;

THENCE with said southeast line, North 59°12'14" East, a distance of 2295.57 feet to a point in the southeast line of said transmission easement;

EXHIBIT "A"
Exhibit A
(Legal Description)
Exhibit B - Petitions

**SINGLE FAMILY TRACT
50.760 ACRES**

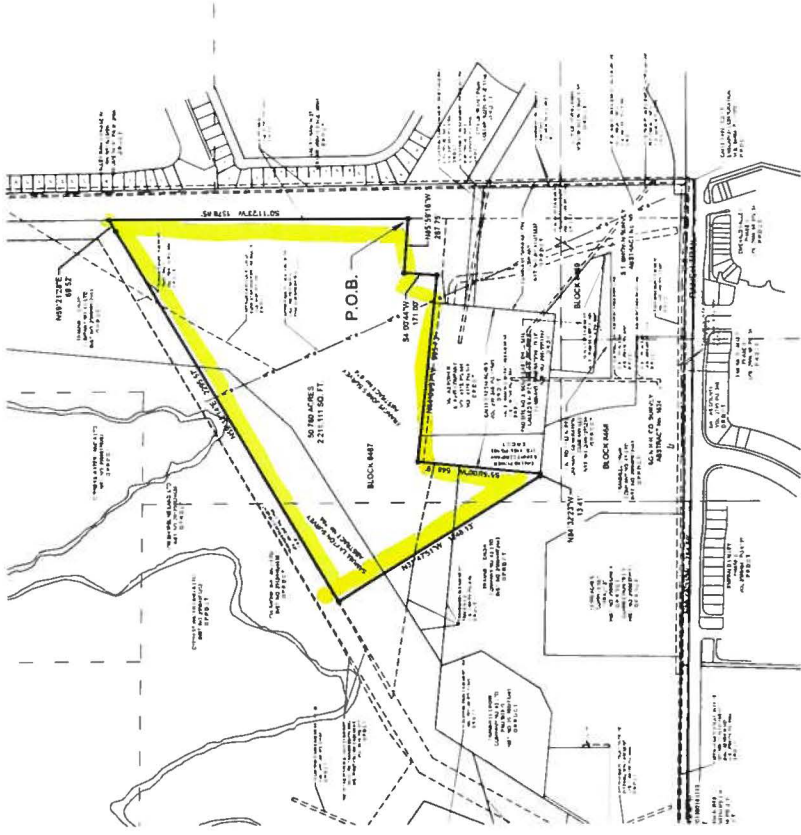
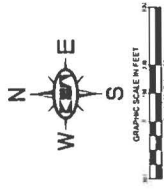
THENCE with said southeast line, North 59°21'28" East, a distance of 69.52 feet to an interior corner of said transmission easement;

THENCE with said westerly line of the transmission easement, South 0°11'23" West, a distance of 1578.85 feet to the **POINT OF BEGINNING** and containing 50.760 acres or 2,211,111 square feet of land.

Bearing system based on the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983.

EXHIBIT A

Exhibit B - Petitions



Exclude SE SF

EXHIBIT
50.760 ACRES
FRANCIS JONES SURVEY, ABSTRACT NO. 674
SAMUEL LAYTON SURVEY, ABSTRACT NO. 784
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Kimley-Horn and Associates, Inc.
 12705 North Central Expressway, Suite 1300
 Dallas, Texas 75243
 Phone: 972-383-8822
 Fax: 972-383-8822
 Email: khorner@kimley-horn.com

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THE STATE OF TEXAS §
COUNTY OF DALLAS §
CYPRESS WATERS MUNICIPAL MANAGEMENT DISTRICT §

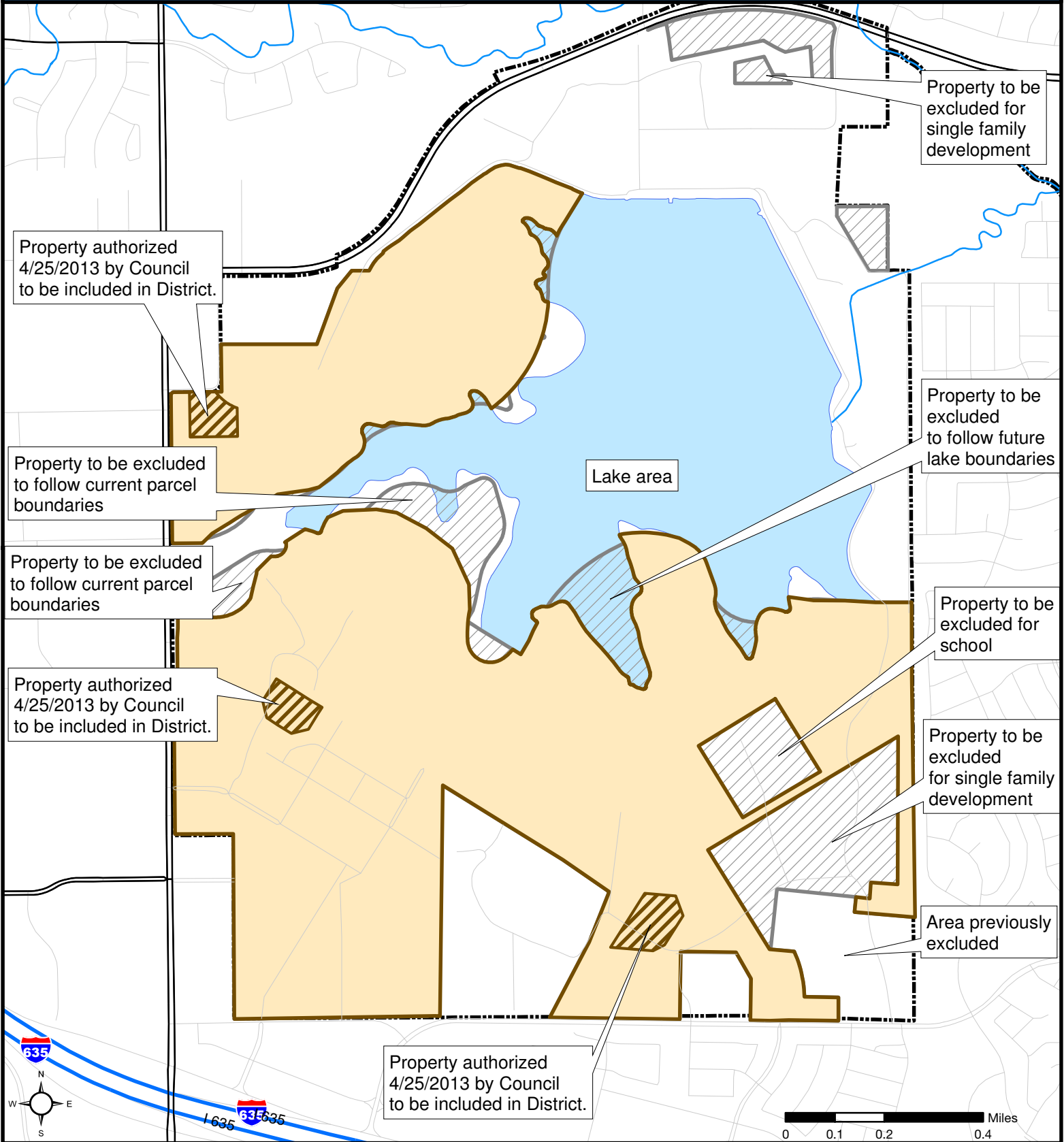
I, the undersigned Secretary of the Board of Directors of Cypress Waters Municipal Management District, certify that the foregoing is a true and correct copy of a Petition for Exclusion of Lands dated September 3, 2013, the original of which is on file in the District's office.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE DISTRICT this 3
day of September, 2013.


_____, Secretary

(DISTRICT SEAL)

Exhibit B: Cypress Waters MMD Proposed Inclusions/Exclusions



Legend

excluded	lakes
included	City of Dallas
to be excluded	CW MMD property

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: N/A

SUBJECT

Authorize a contract with Metro Dallas Homeless Alliance to provide training and technical support with respect to the Homeless Management and Information System for the period October 1, 2013 through September 30, 2014 - Not to exceed \$60,704 - Financing: 2013-14 Emergency Solutions Grant Funds

BACKGROUND

On December 5, 2011, U.S. Department of Housing and Urban Development (HUD) released the interim rule for the HEARTH: Emergency Solutions Grant program and Consolidated Plan Conforming Amendments, which replaced the Emergency Shelter Grant program and mandates recipients/subrecipients to participate in Homeless Management Information System (HMIS).

On June 26, 2013, City Council adopted the FY 2013-14 Consolidated Plan Budget for the HUD grants which includes the Emergency Solutions Grant (ESG) (Grant No. E-13-MC-48-0001) in the amount of \$1,050,237.

The McKinney-Vento Act requires for the first time that projects receiving funding under ESG program participate in a HMIS. The information system is designated by the Continuum of Care (CoC) to comply with HUD's data collection, management, and reporting standards and used to collect client-level data and data on the provision of housing and services to homeless individuals and families and persons at risk of homelessness. Metro Dallas Homeless Alliance is the local administrator of HMIS for the local CoC and sole provider of HMIS as designated by HUD.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2012, City Council adopted the FY 2012-13 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development Grant Funds. Included in the FY 2012-13 Consolidated Plan budget is Emergency Solutions Grant funding in the amount of \$1,375,313 by Resolution No. 12-1629.

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

On October 10, 2012, City Council authorized a contract with Metro Dallas Homeless Alliance to provide operations training, maintenance of the software and computer system and technical support with respect to the Homeless Management and Information System by Resolution No. 12-2518.

On February 27, 2013, City Council authorized a Supplemental Agreement No. 1 to the contract with Metro Dallas Homeless Alliance to add additional funding to provide operations training, maintenance of the software and computer system and technical support with respect to the Homeless Management and Information System, by Resolution No. 13-0404.

FISCAL INFORMATION

\$60,704 - 2013-14 Emergency Solutions Grant Funds

September 25, 2013

WHEREAS, on December 5, 2011, U.S. Department of Housing and Urban Development (HUD) released the interim rule for the HEARTH: Emergency Solutions Grant program and Consolidated Plan Conforming Amendments, which replaced the Emergency Shelter Grant program and mandates recipients/subrecipients to participate in Homeless Management Information System (HMIS); and

WHEREAS, on June 26, 2013, City Council approved the FY 2013-14 Consolidated Plan Budget by Resolution No. 13-1142, which included the Emergency Solutions Grant; and

WHEREAS, funding for HMIS data collection was included in budget allocations; and

WHEREAS, grantees/sub-grantees are required to use the HMIS for the Continuum of Care (CoC); and

WHEREAS, Metro Dallas Homeless Alliance is the local administrator of HMIS for the CoC and the sole provider of HMIS as designated by HUD;

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 contract with Metro Dallas Homeless Alliance to provide training and technical support with respect to the Homeless Management and Information System for the period October 1, 2013 to September 30, 2014, and execute any and all documents required by the contract.

Section 2. That the City Controller is hereby authorized to disburse funds from Fund ES13, Dept. HOU, Unit 243F, Object Code 3099, Encumbrance Number CTGH184617 in an amount not to exceed \$60,704.

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: Clean, Healthy Environment

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: N/A

SUBJECT

Authorize a contract with the Department of State Health Services for the continuation of the Special Supplemental Nutrition Program for Women, Infants and Children for the period October 1, 2013 through March 31, 2014 - Not to exceed \$7,183,199 - Financing: Department of State Health Services Grant Funds

BACKGROUND

Since 1974, the Department of State Health Services has funded a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in Dallas. The WIC Program provides nutritious food, nutrition education, breastfeeding promotion and support, and referrals to health and social services. The program serves infants, children under age 5, and pregnant, postpartum and breastfeeding women. WIC is a United States Department of Agriculture program administered in Texas by the Department of State Health Services. In Dallas County, the WIC Program is administered by the City of Dallas, Housing/Community Services Department.

The WIC Program was established in 1972, following a national nutrition survey that found anemia and inadequate growth to be common among American children in low-income families. The survey also found that many women from low-income families have poor pregnancy outcomes because of inadequate nutrition. WIC's primary mission is to give the most vulnerable children the best possible start by providing nutrition education, nutritious foods, and access to other health programs during the critical stages of fetal and early childhood development and to achieve optimal nutritional status for children before they start school.

The WIC Program provides services at 20 sites throughout Dallas County. The WIC Program has extended weekday and Saturday hours of service available to serve working families and students.

BACKGROUND (Continued)

Studies have shown that each dollar spent on WIC saves at least three dollars in medical expenses for infants who may have been premature or had other medical problems if their mothers had not benefited from participating in WIC Program services.

Funds are available to serve 100,900 participants per month for FY 2013-14. The City of Dallas is reimbursed for all expenses required to operate the WIC Program. Reimbursements are specified in the contract and are, in part, based on the number of WIC participants who are served each month. Approval of this contract will authorize reimbursement to the City of Dallas WIC Program for the first six months of FY 2013-14 in the amount of \$7,183,199.

PERFORMANCE MEASURES	2012-13 <u>Goals</u>	2012-13 <u>Actual*</u>	2013-14 <u>Goals</u>
Participants served (annual)	1,212,000	1,009,392	1,211,000

*Thru July 31, 2013

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a contract for the City of Dallas WIC Program for FY 2008-09 on September 10, 2008, by Resolution No. 08-2426.

Authorized a contract for the City of Dallas WIC Program for FY 2009-10 on September 23, 2009, by Resolution No. 09-2304.

Authorized a contract for the City of Dallas WIC Program for FY 2010-11 on September 22, 2010, by Resolution No. 10-2373.

Authorized a contract for the City of Dallas WIC Program for FY 2011-12 on September 28, 2011, by Resolution No. 11-2531.

Authorized a contract for the City of Dallas WIC Program for FY 2012-13 on September 26, 2012, by Resolution No. 12-2366.

FISCAL INFORMATION

\$7,183,199 - Department of State Health Services Grant Funds

September 25, 2013

WHEREAS, the Department of State Health Services Special Supplemental Nutrition Program for women, infants, and children has awarded \$7,183,199 to the City of Dallas for first six months of fiscal year 2013-14; and

WHEREAS, there is a continued need for the Special Supplemental Nutrition Program for women, infants and children, funded through the Department of State Health Services;

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 contract with the Department of State Health Services (CFDA No. 10.557) for the continuation of the Special Supplemental Nutrition Program for Women, Infants, and Children Program for the period October 1, 2013 through March 31, 2014, and execute any and all documents required by the contract.

Section 2. That the City Manager is hereby authorized to establish appropriations in Fund F403, Dept. HOU, Unit 3897, using specified Object Codes according to the attached Schedule in an amount not to exceed \$7,183,199.

Section 3. That the City Controller is hereby authorized to receive and deposit grant funds from the Department of State Health Services in Fund F403, Dept. HOU, Unit 3897, Revenue Source 6509 in an amount not to exceed \$7,183,199.

Section 4. That the City Controller is hereby authorized to disburse grant funds from the Department of State Health Services in Fund F403, Dept. HOU, Unit 3897, using specified Object Codes according to the attached Schedule in an amount not to exceed \$7,183,199.

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.

SCHEDULE

**Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 2013 through March 31, 2014
Fund F403, Dept. HOU, Unit 3897 (Admin), Revenue Source 6509**

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$3,879,380
1111	Cell Phone Reimbursement	3,600
1201	Overtime	70,000
1203	Service Incentive Pay	66,432
1301	Pension	481,413
1304	Health Insurance	581,624
1306	FICA (Medicare Only)	64,228
2110	Office Supplies	30,000
2140	Light & Power	56,500
2160	Fuel Supplies	6,500
2170	Water & Sewage	807
2181	Fleet Fuel & Lube	277
2200	Chemical/Med/Surgical	54,775
2252	Meter Postage Fund	434
2261	Educational & Recreational Supplies	4,161
3030	Printing & Photo Services	7,426
3050	Communications	30,272
3053	Communications Circuits	10,000
3085	Freight	275
3090	City Forces	2,297
3091	Custodial Services	60,000
3092	Security Services	11,273
3099	Misc. Special Services	7,882
3130	Copy Machine Rental	24,000
3330	Rents	886,146
3340	Membership Dues	525
3361	Professional Development	4,390
3363	Reimbursement Personal Vehicle Use	15,000
3410	Equip & Automotive Rental	1,062
3429	Blackberry Fees	903
3430	Computer Services	15,092
3434	Programming	<u>84,510</u>
	Sub-total	\$6,461,184

SCHEDULE

Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 2013 through March 31, 2014

Fund F403, Dept. HOU, Unit 3444 (BFPC), Revenue Source 6509

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$343,861
1301	Pension	<u>\$ 60,681</u>
	Subtotal	\$404,542

Fund F403, Dept. HOU, Unit 3445 (OPMG), Revenue Source 6509

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$ 8,500
1301	Pension	<u>\$ 1,500</u>
	Subtotal	\$10,000

Fund F403, Dept. HOU, Unit 3446 (RD), Revenue Source 6509

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$63,750
1301	Pension	<u>\$11,250</u>
	Subtotal	\$75,000

Fund F403, Dept. HOU, Unit 3447 (LC), Revenue Source 6509

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$30,600
1301	Pension	<u>\$ 5,400</u>
	Subtotal	\$36,000

SCHEDULE

**Department of State Health Services
Special Supplemental Nutrition Program for Women, Infants, and Children
October 1, 2013 through March 31, 2014**

Fund F403, Dept. HOU, Unit 3448 (LCC), Revenue Source 6509

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
1101	Salaries	\$103,410
1301	Pension	\$ 18,249
2200	Chemical/Med/Surgical	\$ 12,837
3330	Rents	<u>\$ 18,294</u>
	Subtotal	\$152,790

Fund F403, Dept. HOU, Unit 3449 (Training Center), Revenue Source 6509

<u>Object Code</u>	<u>Description</u>	<u>Amount</u>
3330	Rents	\$43,683
	Subtotal	\$43,683

Fund F403 Total \$7,183,199

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: N/A

SUBJECT

Authorize contracts with child care providers pursuant to the City Child Care Services for the period October 1, 2013 through September 30, 2014 (list attached) - Not to exceed \$110,000 - Financing: 2013-14 Community Development Block Grant Funds

BACKGROUND

On June 26, 2013, City Council adopted the FY 2013-14 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds. The grant funds are available beginning October 1, 2013 contingent upon approval of the City's FY 2013-14 Action Plan and execution of grant agreements with HUD. The FY 2013-14 Consolidated Plan Budget includes budget for the City Child Care Services in the amount of \$291,294.

The City Child Care Services promotes stability for 95 low/moderate income working parents and high school students who are given limited assistance to become fully self-sufficient within a short period of time. Approximately 120 children will be subsidized for a one-year period.

The City Child Care Services pays up to \$40 per week per child for child care expenses for working parents whose income falls in the low/moderate income range of Community Development Block Grant (CDBG) funding eligibility. Individuals in this income range are frequently labeled as the "working poor" because their income places them just above the level to be eligible for other forms of public assistance such as Child Care Management Assistance (CCMA) and Head Start of Greater Dallas. Currently, there is a waiting list at CCMA and Head Start of Greater Dallas that has a limited number of slots for children ranging from 3 1/2 - 5 years of age. There are almost no infants or toddlers slots available at Head Start of Greater Dallas and no summer programs. This resolution will also allow the City to enter into contracts with child care service providers listed in the Attachment (with other child care service providers not listed who meet the city's requirements).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

Authorized contracts with child care providers for the City Child Care Services on August 26, 2009, by Resolution No. 09-2065.

Authorized contracts with child care providers for the City Child Care Services on September 22, 2010, by Resolution No. 10-2371.

Authorized contracts with child care providers for the City Child Care Services on September 14, 2011, by Resolution No. 11-2398.

Authorized contracts with child care providers for the City Child Care Services on September 26, 2012, by Resolution No. 12-2365.

FISCAL INFORMATION

\$110,000 - 2013-14 Community Development Block Grant Funds

FY 2013-14 City Child Care Service Providers' Master List

Provider Name / Vendor Number	Director	Address	Phone No.	Info/Dates
Alternative Parents VS0000077162	Stacey Fahmy	14207 Haymeadow Dr. 75254	972-661-8898	01-23-13
American Care Academy 56574	Patricia Williams	530 S. R.L. Thornton Frwy. 75203	214-943-7300 (F)214-943-7302	06-15-10
DBA Armadillos to Zebras Child Care (Knoll Kids) VS0000027219	Paul Knoll	14045 Waterfall Way 75240	972-231-6998	06-22-08
Born2 Lead Preparatory VS0000065709	Yolanda Mitchell	8837 Bonnie View Rd. 75241	214-735-8047	05-31-11
B & 3J's 332344	Fred Porter	8502 - B Willoughby Blvd. 75232	972 -228-3333 (F)972-228-3334	09-21-11
Building Blocks VS0000012672	Lois Gregory	910 E. Ledbetter Dr. 75216	214-375-7447	09-13-11
Cornerstone Christian Learning Center/The Ranch VS0000027710	Reta Hicks	1050 E. Camp Wisdom Rd. 75241	972-224-6716 (F)972-224-6970	05-03-12
Creative Steps VS0000013182	Karen Nichols	3249 W. Northwest Hwy. 75220	214-357-8029 (F)214-375-8051	11-08-12
Dallas Can Academy VS0000026151	Carol Wentworth	4621 Ross Avenue 75204	214-584-2361 (F)214-827-9503	11-01-12
Destiny Learning Center VS0000010614	Linda Johnson	8055 Ferguson Rd. 75228	972-270-1668 (F)214-321-2252	04-16-13
First Steps VS0000024616	Wendy Mireault	6303 Forest Park 75235	214-352-8608 (F)214-350-0285	09-09-12
For Keeps Sake VS0000005077	Rosemary Bell	2520 Martin Luther King, Jr. 75215	214-421-5337 (F)214-421-7253	04-09-13
Healthy Beginnings 399964	Cheryl Watson	14119 Montfort Drive 75254	972-404-1412 (F)972-239-5925	09-19-07

FY 2013-14 City Child Care Service Providers' Master List

Provider Name / Vendor Number	Director	Address	Phone No.	Info/Dates
Heavenly Christian Academy VS0000013797	Tia Ward	11421 Shiloh Road 75228	972-681-7545	06-17-09
Heavenly Learning Center 346147	Kathy Ward	9625 Plano Rd. Suite 1700 75238	214-343-0216	06-22-09
Ideal Day Care and Learning Center VS0000059478	Ray Campbell	1000 E. Redbird Lane 75241	214-371-9228	10-25-10
Imagination Station/Little Tots Christian Center 518802	Marjorie Warren	7221 Scyene Road 75227	214-388-8153 (F)214-275-7401	10-11-11
Jeanette's Little Haven 346127	Jeanette Jones	7110 Holly Hill Drive 75231	214-363-2944 (F)214-363-3837	06-05-13
Kaleidoscope Child Development Center 513152	Diana Docherty	19310 Midway Road 75287	972-248-1543 (F)972-248-0563	07-03-09
Kingdom Kids Development Center VS0000056850	Michael Hodge	845 S. Buckner Blvd. 75217	214-309-9760 (F)214-309-9760	07-07-10
Kirby's Kreative Learning Center 337889	Tina Green	330 S. R.L. Thornton 75203	214-943-7309 (F)214-943-4817	07-04-09
Little Texans Academy 512969	Tony Bolanos	18211 Kelly Blvd. 75287	972-306-5582 (F)972-307-9291	04-02-12
Jackson Playland 519245	Cynthia Jackson	2515 Peabody 75215	214-565-1118 (F)214-4210556	05-28-13
Margie Faye Foundation VS0000018507	Jearline Alexander	2638 S. Beckley 75224	214-948-8684 (F)214-948-9430	01-18-12
Metropolitan Christian Academies 518139	Joe Allen	3430 S. Polk Street 75224	214-375-2227	09-10-10
Park South YMCA 201357	Rodrigua Ross	2500 Romine 75215	214-421-5301 (F)214-426-3756	12-06-11
Preparatory Place Academy 518481	Debra Watson	3846 Opal Avenue 75216	214-372-9667 (F)214-372-9667	09-21-11
Redbird Learning Center VS0000016094	Shirley Brown	7575 S. Hampton Road 75232	972-283-1000 Ext. 242 (F)972-284-1142	09-26-11

FY 2013-14 City Child Care Service Providers' Master List

Provider Name / Vendor Number	Director	Address	Phone No.	Info/Dates
Shiloh Terrace Child Development Center VS09000067081	Terry Finley	9810 LaPrada Drive 75228	972-857-9703 (F)972-857-9777	10-20-11

September 25, 2013

WHEREAS, the Housing/Community Services is administering the City Child Care Services which began in October 1985; and

WHEREAS, the FY 2013-14 Community Development Block Grant (CDBG) Budget was approved by the City Council on June 26, 2013, by Resolution No. 13-1142, and included funding for the City Child Care Services; and

WHEREAS, the City will make monthly partial payments to the current and new child care providers (the current list of child care providers is attached); and

WHEREAS, the City Child Care Services pays a portion of child care expenses for working parents whose income falls in the low/moderate range of CDBG eligibility; and

WHEREAS, it is necessary for the City Council to approve contracts with the providers to facilitate payment;

NOW, THEREFORE,

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to approve contracts with child care providers pursuant to the City Child Care Services for the period October 1, 2013 through September 30, 2014, and execute any and all documents required by the contract.

Section 2. That the City Controller is hereby authorized to make payments to child care providers listed in the Attachment from Fund CD13, Dept. HOU, Unit 212F, Object Code 3099, in an amount not to exceed \$110,000.

Section 3. That this resolution will also allow the City to enter into contracts with child care service providers listed in the Attachment and with other child care service providers not listed who meet the city's program requirements.

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.

FY 2013-14 City Child Care Service Providers' Master List

Provider Name / Vendor Number	Director	Address	Phone No.	Info/Dates
Alternative Parents VS0000077162	Stacey Fahmy	14207 Haymeadow Dr. 75254	972-661-8898	01-23-13
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Imagination Station/Little Tots Christian Center 518802	Marjorie Warren	7221 Scyene Road 75227	214-388-8153 (F)214-275-7401	10-11-11
Jeanette's Little Haven 346127	Jeanette Jones	7110 Holly Hill Drive 75231	214-363-2944 (F)214-363-3837	06-05-13
Kaleidoscope Child Development Center 513152	Diana Docherty	19310 Midway Road 75287	972-248-1543 (F)972-248-0563	07-03-09
Kingdom Kids Development Center VS0000056850	Michael Hodge	845 S. Buckner Blvd. 75217	214-309-9760 (F)214-309-9760	07-07-10
Kirby's Kreative Learning Center 337889	Tina Green	330 S. R.L. Thornton 75203	214-943-7309 (F)214-943-4817	07-04-09
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Jackson Playland 519245	Cynthia Jackson	2515 Peabody 75215	214-565-1118 (F)214-4210556	05-28-13
Margie Faye Foundation VS0000018507	Jearline Alexander	2638 S. Beckley 75224	214-948-8684 (F)214-948-9430	01-18-12
Metropolitan Christian Academies 518139	Joe Allen	3430 S. Polk Street 75224	214-375-2227	09-10-10
Park South YMCA 201357	Rodrigua Ross	2500 Romine 75215	214-421-5301 (F)214-426-3756	12-06-11
Preparatory Place Academy 518481	Debra Watson	3846 Opal Avenue 75216	214-372-9667 (F)214-372-9667	09-21-11
Redbird Learning Center VS0000016094	Shirley Brown	7575 S. Hampton Road 75232	972-283-1000 Ext. 242 (F)972-284-1142	09-26-11

FY 2013-14 City Child Care Service Providers' Master List

Provider Name / Vendor Number	Director	Address	Phone No.	Info/Dates
Shiloh Terrace Child Development Center VS09000067081	Terry Finley	9810 LaPrada Drive 75228	972-857-9703 (F)972-857-9777	10-20-11

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: N/A

SUBJECT

Authorize an Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period June 1, 2013 through May 31, 2018 - Financing: No cost consideration to the City

BACKGROUND

The City of Dallas Housing/Community Services, Women, Infants and Children (WIC) Program currently provides guidance and assistance to routine postpartum women who are breastfeeding and who have babies in the Parkland Memorial Hospital Newborn Nursery (NBN). This Interlocal Agreement will authorize the WIC Program breastfeeding peer counselors, peer dads, and lactation consultants to provide opportunities for indigent and needy moms enrolled in WIC to receive breastfeeding support in Parkland.

The WIC Program breastfeeding peer counselors and lactation consultants have provided breastfeeding information and support to postpartum patients in Parkland Memorial Hospital since 2003. The Peer Dad Program has been providing support to fathers and teaching new dads' classes since 2009. Many of the patients are WIC participants. As a result of this collaboration, the breastfeeding initiation rate of mothers enrolled in WIC is 94%. This is above the Healthy People 2020 Health Objectives to increase at 82% the proportion of mothers who breastfeed their babies in the early postpartum period.

The health benefits of breastfeeding infants during hospital stays are well documented. In the period immediately following birth, the colostrums produced by breastfeeding mothers stimulate gastrointestinal maturation in the infants and facilitate digestion. Colostrums also provide the babies' "first immunizations" by immediately protecting the infants from disease and by boosting their immune systems.

BACKGROUND (Continued)

Research clearly indicates that hospital practices such as separation of mother and infant and delay in getting the baby to the breast following birth have negative effects on successful breastfeeding.

WIC breastfeeding peer counselors and lactation consultants in Parkland Hospital help to create environments that facilitate breastfeeding. They offer new mothers information to get breastfeeding off to a good start, tips on increasing milk supply, and address breastfeeding concerns. The peer dads support fathers with practical tools that empower them to support the mothers in feeding their infants.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a fifty-two month Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding on April 22, 2009, by Resolution No. 09-1056.

FISCAL INFORMATION

No cost consideration to the City

September 25, 2013

WHEREAS, the City of Dallas is a Texas municipal corporation of the State of Texas; and

WHEREAS, the Dallas County Hospital District d/b/a Parkland Health & Hospital System ("Parkland") is a political subdivision of the State of Texas, which furnishes medical aid and hospital care to indigent and needy persons residing in the hospital district; and

WHEREAS, Chapter 791 of the Texas Government Code permits two governmental agencies to contract with each other for the purchase of goods and services; and

WHEREAS, the City of Dallas and Parkland desire to enter into an agreement to provide breastfeeding information to postpartum patients at Parkland Memorial Hospital;

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 an Interlocal Agreement with the Dallas County Hospital District d/b/a Parkland Health & Hospital System to provide guidance and assistance to routine postpartum women who are breastfeeding for the period June 1, 2013 through May 31, 2018, and execute any and all documents required by the agreement.

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: September 25, 2013
COUNCIL DISTRICT(S): 7
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 56C

SUBJECT

A resolution authorizing conveyance of 3 unimproved properties and 1 improved property by Deed without Warranty to East Dallas Community Organization, for \$10 and the purchaser's agreement to construct a senior housing rental development on the properties within 3 years of execution of the deed (list attached) – Financing: No cost consideration to the City

BACKGROUND

The Bexar Street Redevelopment Project includes retail, office, and residential mixed use development. Several private developers as well as CHDO's are involved in the overall planned development. East Dallas Community Organization (EDCO) has proposed a 7-unit senior rental housing development as part of the Bexar Street Redevelopment Project. Each of the rental units will have 1 bedroom and 1 bathroom for rent to senior citizens with incomes at or below 80% Area Median Family Income. Each unit will contain approximately 860 to 960 square feet. Two of the units will be constructed on land that EDCO is in the process of acquiring. EDCO has requested that the City sell EDCO land for construction of the other 5 units.

The City previously acquired 2 unimproved properties and 1 improved property for inclusion in the Bexar Street Redevelopment Project, and is in the process of acquiring 1 additional unimproved property for the same purpose (all referred to as Property). This item authorizes conveyance of all 4 parcels to EDCO for \$10, less than fair market value, for EDCO's covenant to provide a senior housing rental development on the properties within 3 years of execution of the Deed without Warranty. EDCO will seek to replat the Property and agrees to develop senior rental housing on the replatted Property. Construction of senior rental housing will require successful replat of the Property by EDCO. Approval to sell EDCO the Property does not constitute approval of replatting, which approval may be granted or withheld. The construction of the senior housing rental development shall be completed within three (3) years from the execution date of the deed.

BACKGROUND (continued)

The Deed without Warranty to EDCO will contain a reverter that returns the Property to the City if the Property is not replatted within twelve months or not developed within 3 years of execution of the Deed without Warranty. The Property will be deed restricted to remain affordable to low and moderate income senior citizens for 5 years after initial occupancy.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

OWNER

East Dallas Community Organization

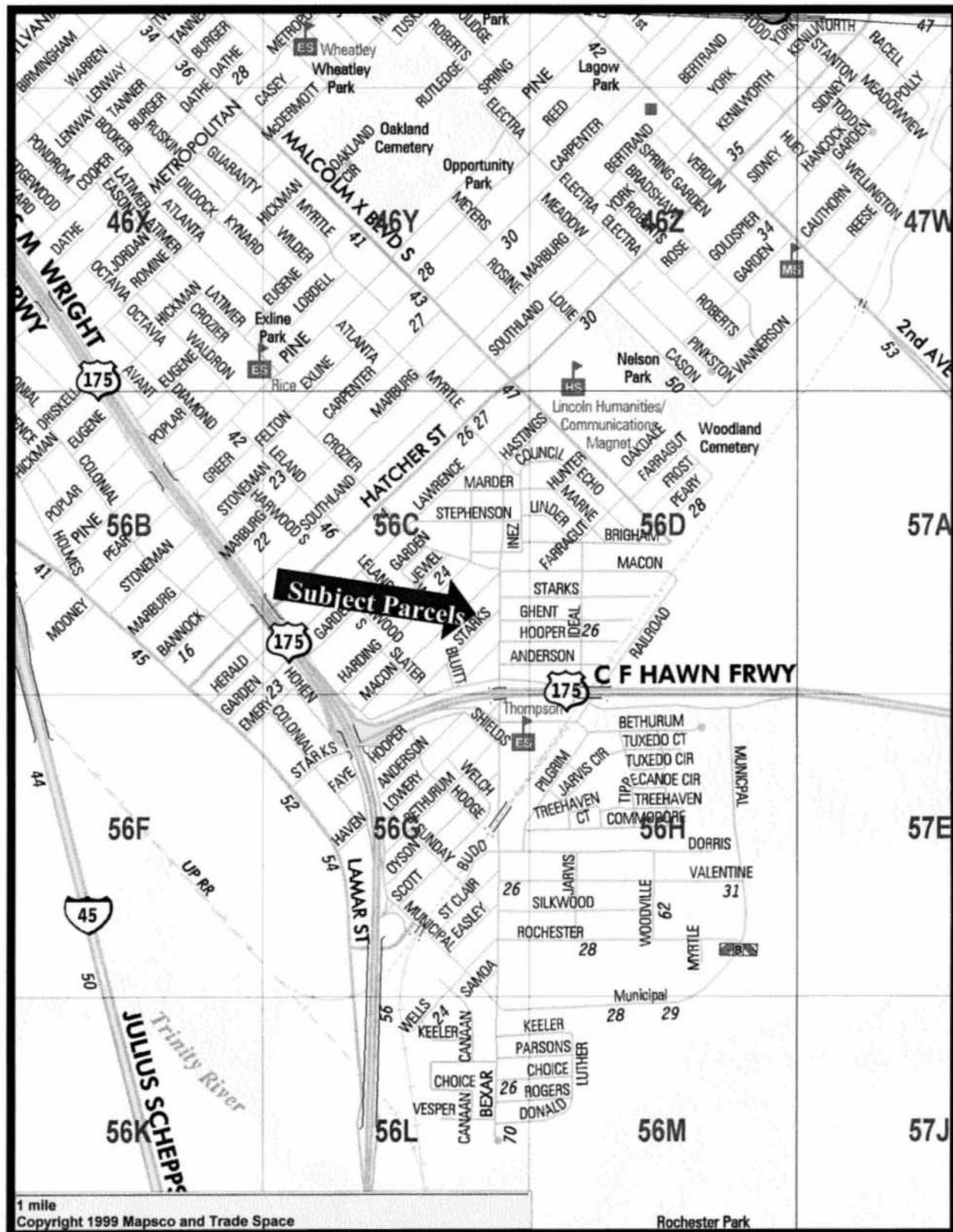
Gerald G. Carlton, President

MAP

Attached

**Bexar Street Neighborhood Lots to be conveyed to
East Dallas Community Organization**

<u>Parcel No.</u>	<u>Address</u>	<u>DCAD Amount</u>
W17	2451 Starks Avenue	\$ 2,000
W21	2426 Macon Street	\$ 4,000
W27	2449 Starks Avenue	\$24,310
W28	2445 Starks Avenue	\$ 4,000



1 mile
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MAPSCO 56C

September 25, 2013

WHEREAS, the City of Dallas acquired three tracts of land and is in the process of acquiring one additional tract of land identified by legal description ("Property") on Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, as authorized by Section 272.001(g) of the Texas Local Government Code, the City desires to sell the Property to a developer for the development of affordable senior rental housing; and

WHEREAS, the Deed without Warranty to this Property will contain:

- (1) a requirement that the purchaser seek to replat the Property within twelve months of execution of the Deed without Warranty, which consent may be withheld,
- (2) a requirement that within 3 years of execution of the Deed without Warranty, the purchaser develop the replatted Property with a senior housing rental development for rent to low and moderate income households with incomes at or below 80% of Area Median Family Income,
- (3) a requirement that the purchaser sign and record deed restrictions on the Property, acceptable to the City, requiring the Property to remain affordable to low and moderate income senior citizens for 5 years after initial occupancy, and
- (4) a right of reverter to be exercised by the City if the conditions in (1), (2) and (3) are not met; and

WHEREAS, the City Council desires to authorize conveyance of the Property to East Dallas Community Organization ("Purchaser") for \$10 and the Purchaser's agreement to construct a senior housing rental development on the Property; **NOW, THEREFORE**,

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

Section 1. That the Property identified on Exhibit "A" was purchased or is being purchased by the City for inclusion in the Bexar Street Redevelopment Project, and is being conveyed to East Dallas Community Organization (EDCO) for development of affordable senior rental housing as part of that Project.

Section 2. That the Deed without Warranty to the Property will contain:

- (1) a requirement that the purchaser seek to replat the Property within twelve months of execution of the Deed without Warranty, which consent may be withheld,
- (2) a requirement that within 3 years of execution of the Deed without Warranty, the purchaser develop the replatted Property with a senior housing rental development for rent to low and moderate income households with incomes at or below 80% of Area Median Family Income,

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(3) a requirement that the purchaser sign and record deed restrictions on the Property, acceptable to the City, requiring the Property to remain affordable to low and moderate income senior citizens for 5 years after initial occupancy, and

(4) a right of reverter to be exercised by the City if the conditions in (1), (2) and (3) are not met.

Section 3. That the conveyance of the Property shall be subject to any visible and apparent easements, any encroachments, and any restrictions, easements, rights-of-way, or other instruments of record.

Section 4. That upon receipt of the monetary consideration from EDCO for the Property the City Manager is hereby authorized to execute a Deed without Warranty, upon approval as to form by the City Attorney and attested by the City Secretary, conveying the Property to EDCO, subject to the requirements and restrictions listed in the aforesaid Section 2 and the City's right of reverter and deed restrictions.

Section 5. That the City Manager is authorized to execute an instrument, approved as to form by the City Attorney, releasing the City's reverter rights and terminating the deed restrictions to the Property upon compliance with all terms and conditions of the deed restrictions.

Section 6. That any procedures required by Code Section 2-24 that are not required by state law are hereby waived with respect to this conveyance.

Section 7. 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

<u>Parcel No.</u>	<u>Property Address</u>	<u>Legal Lot</u>	<u>Description Block</u>
W17	2451 Starks Avenue	25	1/2538
W21	2426 Macon Street	7	9/2539
W27	2449 Starks Avenue	23 & 24	1/2538
W28	2445 Starks Avenue	21 & 22	1/2538

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): All
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: N/A

SUBJECT

Authorize an amendment to the Mortgage Assistance Program (MAP) to: **(1)** remove the designated funding limits by assistance category; and **(2)** allow the City Manager, or his designee, upon legal review and approval by the City Attorney's office to: **(a)** endorse on behalf of the City of Dallas, as the lien holder, insurance recovery checks issued by insurance companies to MAP borrowers for any recovery of property damage(s) under borrowers' homeowners insurance policies; and **(b)** authorize the insurance recovery proceeds to be used by borrowers to repair the damaged properties secured by City liens - Financing: No cost consideration to the City

BACKGROUND

The Mortgage Assistance Program (MAP) is funded with annual entitlement grant allocations from the U.S. Department of Housing and Urban Development (HUD). MAP provides principal reduction and closing cost assistance to eligible homebuyers to purchase a home in the City of Dallas. MAP provides homeownership opportunities for residents of the City of Dallas earning at or below 80% of area median family income.

MAP has three categories of funds: 1) eligible homebuyers purchasing existing homes may receive up to \$8,500 in principal reduction and closing cost assistance as a 5-year forgivable loan; 2) eligible homebuyers purchasing a home constructed by a Certified Community Housing Development Organization (CHDO) may receive up to \$20,000 in principal reduction and closing cost assistance as a 10-year forgivable loan; and 3) eligible homebuyers purchasing a new home that is constructed on properties sold by the Dallas Housing Acquisition and Development Corporation (City of Dallas Land Bank) may receive up to \$10,000 in principal reduction and closing cost assistance as a 5-year forgivable loan.

BACKGROUND (continued)

The existing MAP Program Statement contains funding limits for each assistance category. If demand for funds in any assistance category diminishes, the resulting surplus cannot be used for the other categories without subsequent City Council action. The removal of the designated funding limits by assistance category will allow more flexibility to provide funds to achieve the greatest impact for the eligible homebuyers served by MAP.

When MAP borrowers receive insurance checks under their homeowners insurance policy for damages sustained to their property it is necessary for the City to endorse these two party insurance checks as an additional insured party in order for the homeowner to use the proceeds to repair their property. This resolution provides a program statement amendment including a written policy for processing these insurance checks.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 20, 2012, the Housing Committee of the City Council was briefed on the MAP program changes for FY 2012-13 including bringing the Program in-house.

On September 26, 2012, the City Council approved the FY 2012-13 Mortgage Assistance Program by Resolution No. 12-2403.

On February 27, 2013, the City Council approved an amendment to the FY 2012-13 Mortgage Assistance Program to add a third category of assistance by Resolution No. 13-0406.

On June 26, 2013, the City Council approved the final FY 2013-14 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds by Resolution No. 13-1142.

FISCAL INFORMATION

No Cost Consideration to the City

September 25, 2013

WHEREAS, homeownership is a high priority of the City of Dallas; and

WHEREAS, the Mortgage Assistance Program provides assistance to eligible homebuyers; and

WHEREAS, on September 26, 2012, the City Council approved the FY 2012-13 Mortgage Assistance Program by Resolution No. 12-2403; and

WHEREAS, on October 1, 2012, the City began operating the Mortgage Assistance Program in-house; and

WHEREAS, on February 27, 2013, the City Council approved an amendment to the FY 2012-13 Mortgage Assistance Program to add a new category of assistance by Resolution No. 13-0406; and

WHEREAS, on June 26, 2013, the City Council approved the final FY 2013-14 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds by Resolution No. 13-1142; and

WHEREAS, the City desires to amend the Mortgage Assistance Program to remove the designated funding limits by assistance category which will allow more flexibility to allocate funds to achieve the greatest impact for the citizens served; and

WHEREAS, the City desires to further amend the Mortgage Assistance Program to designate the City Manager to endorse insurance proceeds checks and to provide a written policy for processing insurance recovery proceeds within the Mortgage Assistance Program as outlined in the Mortgage Assistance Program Statement (attached as Exhibit A); **NOW, THEREFORE,**

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

Section 1. That modification to the Program Statement for the Mortgage Assistance Program (MAP) be approved as set forth in Exhibit A, including: 1) removal of the designated funding limits by assistance category; and 2) authorizing the City Manager, or his designee, upon legal review and approval by the City Attorney's office to: a) endorse on behalf of the City of Dallas, as the lien holder, insurance recovery checks issued by insurance companies to MAP borrowers for any recovery of property damage(s) under borrowers' homeowners insurance policies; and b) authorize the insurance recovery proceeds to be used by borrowers to repair the damaged properties secured by City.

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Section 2. That the City Manager is authorized to execute such instruments, upon approval as to form by the City Attorney's office, as may be necessary to carry out the program in accordance with the MAP Program Statement.

Section 3. That the City Controller be authorized to encumber and disburse funds in accordance with the MAP Program Statement.

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.

EXHIBIT A

~~FY 2012-13~~ PROGRAM STATEMENT MORTGAGE ASSISTANCE PROGRAM (MAP)

Program Purpose:

- To provide homeownership opportunities to low to moderate income homebuyers through the provision of financial assistance in purchasing a home in accordance with federal, state and local laws and regulations.
- To incentivize new construction of homes for enhancement of the property tax base.

General Provisions:

- Homes must be located in the Dallas city limits.
- Homebuyer must successfully complete homeownership education from an approved counseling agency.
- Borrower may obtain a conventional, FHA, or portfolio loan through an approved lender. High cost or sub-prime loans, adjustable rate mortgages (ARM), interest only loans are not allowed. Borrower may also pay cash.
- For this program, low to moderate income is defined as a household with calculated income at 80% or less of the Area Median Family Income, adjusted for family size.
- Sufficient income and household size documentation to certify eligibility per HUD guidelines is required.
- Borrower must be a U.S. citizen or a permanent resident, and possess a valid social security card.
- Borrower must occupy the property as a primary residence.
- All properties purchased under this program must meet federal and local requirements including Minimum Acceptable Property Standards (MAPS) and international residential code.
- Home sales prices may not exceed the Single Family Mortgage Limits under Section 203 (b) of the National Housing Act.

- Homebuyer mortgage affordability must meet front-end debt ratio of 35% and back-end debt ratio of 45%.
- The maximum amount of assistance to be used to pay Borrower's closing costs is \$4,000. Cash back at closing and discount points paid by the Borrower are not allowed.
- The City Manager, or his designee, is authorized to implement the Mortgage Assistance (MAP) program as per this Program Statement, execute any documents necessary to implement this program, and grant waivers to the Mortgage Assistance Program guidelines, as set forth in this Program Statement, without further City Council authorization, on a case by case basis.
- Under exceptional cases, loan guarantees may be granted for Community Housing Development Organizations (CHDOs) that provide permanent mortgage financing and have the financial capacity to pay back the MAP loan in the event of default. Guarantees must receive Housing/ Community Services Director approval.
- The City Manager, or his designee, upon legal review and approval by the City Attorney's Office, is authorized pursuant to the Mortgage Assistance Program to:
 - a) endorse on behalf of the City of Dallas, as the lien holder, insurance recovery checks issued by insurance companies to borrowers for any recovery of property damage(s) under borrower's homeowners insurance policies; and
 - b) authorize the insurance recovery proceeds to be used by borrowers to repair the damaged properties secured by City liens.
- The City Manager, or his designee, is authorized to review portfolio loans for appropriate affordability compliance and release those loans that have met those compliance requirements.

Assistance may be provided from only one of the categories listed below.

Categories of Assistance:

Category #1: ~~Available Funding \$340,000~~ – Homebuyer Assistance for Existing Homes

- Provide (i) principal reduction and (ii) closing cost assistance to low to moderate income homebuyers for existing homes
- An existing home is defined as a home which was previously occupied by another homeowner
- Subsidy amount up to \$8,500

- Principal reduction and closing cost assistance will be provided in the form of a lump sum payment at closing. In exchange for the assistance, the homebuyer must execute and place a lien and deed restrictions on the property for a five (5) year term for the amount of principal reduction assistance provided.
- The lien is amortized and forgiven over a five year period.
- All properties assisted with MAP funds must meet Minimum Housing Standards (MHS). As part of the total subsidy, MHS repair funds cannot exceed \$1,500.

Category #2: ~~Available Funding \$1,360,000~~ – Homebuyer Assistance for Newly Constructed Community Housing Development Organization (CHDO) Homes

- Provides (i) principal reduction and (ii) closing cost assistance to low to moderate income homebuyers for newly constructed homes
- A newly constructed CHDO home is defined as a home which has not been previously occupied by another homeowner and constructed by a City of Dallas Certified CHDO
- Subsidy amount up to \$20,000
- Principal reduction and closing cost assistance will be provided in the form of a lump sum payment at closing. In exchange for the assistance, the homebuyer must execute and place a lien and deed restrictions on the property for a ten (10) year term for the amount of principal reduction assistance provided.
- The lien is amortized and forgiven over a ten year period.
- Each ~~organization~~ CHDO, including affiliates, is limited in its access to total funding up to 50% of the available funding for this category. (~~i.e. 50% of \$1,000,000 or \$500,000~~).

Category #3: ~~Available Funding \$400,000~~ – Homebuyer Assistance for Newly Constructed Homes on Lots Purchased from the Dallas Housing Acquisition and Development Corporation (DHADC or City of Dallas Land Bank)

- Provides (i) principal reduction and (ii) closing cost assistance to low to moderate income homebuyers for newly constructed homes on Land Bank lots
- A newly constructed home is defined as a home which has not been previously occupied by another homeowner
- Subsidy amount up to \$10,000

- Principal reduction and closing cost assistance will be provided in the form of a lump sum payment at closing. In exchange for the assistance, the homebuyer must execute and place a lien and deed restrictions on the property for a five (5) year term for the amount of principal reduction assistance provided.
- The lien is amortized and forgiven over a five year period.

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): All

DEPARTMENT: Intergovernmental Services
Office of Management Services

CMO: A. C. Gonzalez, 670-3302
Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** an application for and acceptance of the FY2013 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice to be used for a broad range of activities to help control and prevent crime, and to improve the criminal justice system for the period October 1, 2012 through September 30, 2016; **(2)** execution of the Fiscal Agency and Funds Sharing Agreement between the City of Dallas, Dallas County and eligible units of local government; and **(3)** execution of the grant agreement - Not to exceed \$932,597 - Financing: US Department of Justice Grant Funds

BACKGROUND

Part E of Title 1 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended and the Edward Byrne Memorial Justice Assistance Grant (JAG) Program (the "JAG Program") authorize the Bureau of Justice Assistance (the "BJA") to make funds available to units of local government in order to support a broad range of activities to prevent and control crime and to improve the criminal justice system.

The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system from multijurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. JAG funded projects may address crime through the provision of services directly to individuals and/or communities and by improving the effectiveness and efficiency of criminal justice systems, processes, and procedures.

The City of Dallas, Dallas County, and certain units of local government designated by the BJA are eligible for 2013 JAG funding and have been certified by the BJA as a disparate jurisdiction. The application guidelines ask for one fiscal agent to apply, accept, and disburse funds throughout the disparate jurisdiction. Dallas County and all eligible units of local government in the disparate jurisdiction have agreed to designate the City of Dallas as the applicant and fiscal agent for the JAG Program.

BACKGROUND (Continued)

Dallas County and the eligible cities agree and acknowledge that as a certified disparate jurisdiction, the Parties must reach an agreement regarding the sharing of funds prior to submitting a JAG application with the BJA. Accordingly, this resolution will authorize the City Manager to set forth the following: (i) the amount of funds originally allocated by the BJA before the Parties were certified to be disparate jurisdictions; (ii) the amounts to be transferred among the respective jurisdictions, including the amount to be paid to the City of Dallas as the fiscal agent for the jurisdiction; and (iii) the final amount for each of the Parties. The Grant Number for this grant is 2013-DJ-BX-0502 and the CFDA number is 16.738.

Initial Allocations

For 2013, the BJA has determined the Initial Allocations of JAG Funds for the parties as follows:

Dallas County	\$	0.00
Balch Springs	\$	14,384.00
Carrollton	\$	16,384.00
Dallas (City)	\$	701,791.00
De Soto	\$	11,725.00
Duncanville	\$	11,193.00
Garland	\$	41,279.00
Grand Prairie	\$	43,406.00
Irving	\$	41,709.00
Mesquite	\$	35,783.00
Richardson	\$	15,119.00
TOTAL	\$	932,597.00

Amounts to be Transferred

The eligible cities agree to have the following funds transferred to Dallas County pursuant to the Funds Sharing Agreement as follows:

Dallas County	\$	0.00
Balch Springs	\$	4,315.20
Carrollton	\$	4,862.40
Dallas (City)	\$	210,537.30
DeSoto	\$	3,517.50
Duncanville	\$	3,357.90
Garland	\$	12,383.70
Grand Prairie	\$	13,021.80
Irving	\$	12,512.70
Mesquite	\$	10,734.90
Richardson	\$	4,535.70
TOTAL	\$	279,779.10

BACKGROUND (Continued)

Fiscal Agent Grant Administration Fees

The following amounts reflect each participant's grant administration fee, which shall be transferred to the Fiscal Agent, the City of Dallas.

Dallas County	\$	19,584.54
Balch Springs	\$	704.82
Carrollton	\$	794.19
Dallas (City)	\$	62,365.67
DeSoto	\$	574.53
Duncanville	\$	548.46
Garland	\$	2,022.67
Grand Prairie	\$	2,126.89
Irving	\$	2,043.74
Mesquite	\$	1,753.37
Richardson	\$	740.83
TOTAL	\$	93,259.70

Final Allocations

The following amounts reflect the JAG funds each jurisdiction shall receive upon acceptance of and disbursements of funds from the BJA in accordance with the Fiscal Agency Agreement.

Dallas County	\$	260,194.56
Balch Springs	\$	9,363.98
Carrollton	\$	10,551.41
Dallas (City)	\$	522,147.73
DeSoto	\$	7,632.98
Duncanville	\$	7,286.64
Garland	\$	26,872.63
Grand Prairie	\$	28,257.31
Irving	\$	27,152.56
Mesquite	\$	23,294.73
Richardson	\$	9,842.47
TOTAL	\$	932,597.00

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of \$1,034,178 on May 9, 2012, by Resolution No. 12-1263.

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

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of \$1,409,205 on June 22, 2011, by Resolution No. 11-1810.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of \$1,910,863 on June 9, 2010, by Resolution No. 10-1476.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of \$2,193,395 on June 24, 2009, by Resolution No. 09-1695.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of \$9,158,669 on May 13, 2009, by Resolution No. 09-1182.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of \$651,301 on August 13, 2008, by Resolution No. 08-2068.

Authorized the application for and acceptance of the Edward Byrne Memorial Justice Assistance Grant from the U.S Department of Justice in the amount of \$2,163,235 on June 13, 2007, by Resolution No. 07-1751.

FISCAL INFORMATION

\$932,597.00 – U.S. Department of Justice Grant Funds

September 25, 2013

WHEREAS, the U.S. Department of Justice, Bureau of Justice Assistance (BJA), has made funding available to the City of Dallas, Dallas County and eligible designated cities in order to support a broad range of activities to prevent and control crime and to improve the criminal justice system; and

WHEREAS, grant monies are being awarded to the City of Dallas, Dallas County and eligible designated cities for the 2013 Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, the City of Dallas and other BJA designated cities will benefit from the additional funds that will aid the prevention and control of crime within these areas.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to apply for and accept the Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice, Bureau of Justice Assistance Grant funds to support a broad range of activities to prevent and control crime and to improve the criminal justice system for the period October 1, 2012 through September 30, 2016 in an amount not to exceed \$932,597.00.

Section 2. That the City Manager is hereby authorized to execute a Fiscal Agency Agreement between the City of Dallas, Dallas County, and designated units of local government.

Section 3. That the City Controller is hereby authorized to disburse JAG program funds to Dallas County and other BJA designated cities, as listed, in the amount of \$410,449.27.

Jurisdiction	Amount
Dallas County	\$ 260,194.56
Balch Springs	\$ 9,363.98
Carrollton	\$ 10,551.41
DeSoto	\$ 7,632.98
Duncanville	\$ 7,286.64
Garland	\$ 26,872.63
Grand Prairie	\$ 28,257.31
Irving	\$ 27,152.56
Mesquite	\$ 23,294.73
Richardson	\$ 9,842.47

September 25, 2013

Section 4. That the City Controller is hereby authorized to receive and deposit grant funds in Fund TR13, Department MGT, Unit 1408, Revenue Code 6506, in an amount not to exceed \$532,597.

Section 5. That the City Controller is hereby authorized to receive and deposit grant funds in Fund TR13, Department MGT, Unit 1409, Revenue Code 6506, in an amount not to exceed \$400,000.

Section 6. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$532,597 in Fund TR13, Department MGT, Unit 1408, Object Code 3099.

Section 7. That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$400,000 in Fund TR13, Department MGT, Unit 1409, Object Code 3099.

Section 8. That the City Controller is hereby authorized to disburse funds from Fund TR13, Department MGT, Unit 1408, Object Code 3099, not to exceed \$532,597, which is inclusive of the \$410,449.27 in Section 3 above.

Section 9. That the City Controller is hereby authorized to disburse funds from Fund TR13, Department MGT, Unit 1409, Object Code 3099, not to exceed \$400,000.

Section 10. That the City Manager is hereby authorized to transfer existing positions into Unit 1408 and Unit 1409.

Section 11. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Culture, Arts and Recreation

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a fifth amendment to the Fair Park Contract ("Agreement") with the State Fair of Texas to grant the State Fair of Texas the right to seek naming rights contracts for the Cotton Bowl Stadium and Summer Adventures at Fair Park and for State Fair to have the right to sell sponsorships advertising at the Coliseum on behalf of the City - Estimated Revenue: \$3,000,000 to \$5,000,000 over the term of the contract

BACKGROUND

On August 28, 2002, the City of Dallas entered into a twenty-five-year contract "Agreement", with two five-year extensions, with the State Fair of Texas, Inc. (Resolution No. 02-2405) to provide for the use of the City's Fair Park for the Annual State Fair of Texas (SFT). On August 9, 2006, the City of Dallas approved Amendment No. 1 (Resolution No. 06-2070) to the State Fair of Texas contract whereby the SFT agreed to provide the Phase 1 Improvements to the Cotton Bowl Stadium totaling \$19.5 million in lieu of paying \$13.9 million to the City for rent. The rent payments to the City would be forgiven until early 2018, at which time the total amount of the scheduled rent payment would total \$13.9 million.

On October 22, 2008, the City Council authorized Amendment No. 2 to the Agreement with the State of Texas to grant them the right to seek naming rights contracts for the Cotton Bowl Stadium and Summer Adventures at Fair Park, formerly known as "Summer Place Park Operation" on behalf of the City. The contract is set to expire in October 2013.

The State Fair of Texas has again expressed a willingness to pursue naming opportunities on behalf of the City of Dallas for the Cotton Bowl Stadium and Summer Adventures at Fair Park and pursue the sale of sponsorship advertising at the Coliseum at Fair Park.

BACKGROUND (Continued)

Proposed deal points for a proposed Amendment to the State Fair of Texas, Inc. contract are as follows:

1. The City will grant to the State Fair of Texas (SFT) a period of five years to seek naming opportunities and sell sponsorship advertising in the Coliseum.
2. The naming opportunities will include the Cotton Bowl Stadium facility and the State Fair of Texas' Summer Adventures operation.
3. SFT will insure that any naming arrangements will not exceed ten years.
4. Nothing in this Fifth Amendment will confer any right to a particular name to any individual or entity; and nothing in this Fifth Amendment will require the Board to accept a proposed name merely because the name is not specifically prohibited by an existing naming policy.
5. Any proposed naming rights contracts will be subject to approval by the Park and Recreation Board ("Board"), subject to the right of City Council to veto the Board's approval of the naming rights contracts.
6. The authority to seek naming opportunities in the Amendment will not be assigned to another entity without approval of the Park Board and City Council.
7. The revenue earned from the naming agreements and/or sponsorships from the sale of advertising in the Coliseum, less any administrative fees or percentage of revenue assessed to cover the costs of obtaining and/or supporting the naming agreement, will be retained in a separate multi-year fund of the City of Dallas. The funds may only be spent for improvements or activities benefiting the facility from which the funds were generated, including but not limited to, (a) incentives to attract new games and events, and (b) facility improvements.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Twenty-five year Agreement approved by the Park and Recreation Board on August 15, 2002.

Twenty-five year Agreement approved by City Council on August 28, 2002, by Resolution No. 02-2405.

City Council was briefed on December 5, 2005.

First amendment to the Agreement approved by the Park and Recreation Board on August 3, 2006.

First amendment to the Agreement approved by City Council on August 9, 2006, by Resolution No. 06-2070.

Second amendment to the Agreement approved by the Park and Recreation Board on September 4, 2008.

Second amendment to the Agreement approved by City Council on October 22, 2008, by Resolution No. 08-2858.

Third amendment to the Agreement approved by City Council on April 6, 2011, by Resolution No. 11-0892.

Fourth amendment to the Agreement approved by the Park and Recreation Board on December 6, 2012.

Fourth amendment to the Agreement approved by City Council on February 13, 2013, by Resolution No. 13-0308.

Fifth amendment to the Agreement approved by the Park and Recreation Board on August 15, 2013.

FISCAL INFORMATION

Estimated Revenue: \$3,000,000 to \$5,000,000 over the term of the contract

September 25, 2013

WHEREAS, the City and State Fair entered into the Fair Park Contract, hereinafter referred to as "Agreement" for a term of twenty-five years with two five-year extensions, to provide for the use of the City's Fair Park for the Annual State Fair of Texas Exposition and to further the year round operation of Fair Park and the enhancement, development and improvement of Fair Park as a public entertainment facility, tourist attraction, campus for cultural facilities and public park; and

WHEREAS, on August 9, 2006, by Resolution No. 06-2070, the City authorized a First Amendment to the Agreement to the Cotton Bowl Stadium at Fair Park that identified certain improvements and provided that State Fair would finance and construct the Phase I Improvements totaling an estimated \$19,500,000 (the "Phase 1 Improvements"); and

WHEREAS, on October 22, 2008, by Resolution No. 08-2858, the City authorized a Second Amendment to the Agreement ("Second Amendment") between the City and State Fair to allow State Fair to enter into naming rights contracts for the Cotton Bowl Stadium and Summer Adventures at Fair Park, formerly known as "Summer Place Park Operation" for a period of five years, beginning on October 22, 2008 and ending on October 21, 2013; and

WHEREAS, on April 6, 2011, by Resolution No. 11-0892, the City entered into a Third Amendment whereby City allowed State Fair to pay its annual marketing fee of \$50,000 to Dallas Convention and Visitors Bureau (DCVB) instead of the City; and

WHEREAS, on February 13, 2013, by Resolution No. 13-0308, the City entered into a Fourth Amendment whereby City and State Fair agreed upon construction of a new livestock center and made other modifications to the Fair Park Agreement; and

WHEREAS, the Second Amendment will expire on October 21, 2013 as mentioned herein, and State Fair and City therefore now desire to have another five-year naming rights arrangement to allow State Fair the right to enter into naming rights contracts for the Cotton Bowl Stadium and Summer Place Park Operation and for State Fair to have the right to sell sponsorships advertising at the Coliseum;

WHEREAS, for and in consideration of the mutual undertakings herein provided and other good and valuable consideration, the receipt and sufficiency of which are hereby confessed, the parties agree as follows; **Now, Therefore,**

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

September 25, 2013

SECTION 1. That City grants to the State Fair the right to enter into naming rights contracts for the Cotton Bowl Stadium and Summer Adventures at Fair Park for a period of five years beginning on the effective date of October 22, 2013 and ending five years thereafter. State Fair ensures that all naming right arrangements: (a) not to exceed ten years; (b) be of a first class quality, tasteful, and suitable for facilities catering to families, children and youth patrons; (c) include commercially reasonable terms consistent with industry standards and good practices; and (d) comply with all applicable Park and Recreation Board and City policies, rules and contracts, including the Park Naming Policy unless the Park Director determines that an exception to the Park Naming Policy is warranted.

SECTION 2. That any proposed naming rights contracts will be subject to approval by the Park and Recreation Board ("Board"), subject to the right of City Council to veto the Board's approval of the naming rights contract. If the Board approves the naming rights contract, the Director of the Park and Recreation Department shall submit the proposed naming rights contract to the City Council for their information within five calendar days after approval by the Board. Upon receipt of the naming rights contract, the City Council shall, pursuant to City Council resolution, have sixty calendar days following receipt to exercise its right to veto the Board's approval of the naming rights contract. The naming rights contract may not become effective until after the expiration of the City Council's sixty-day veto period.

SECTION 3. That City also grants the State Fair the right to sell sponsorships or advertising at the Coliseum, subject to Director's approval. State Fair acknowledges that Director's approval may include approval from the Board.

SECTION 4. That any naming rights contract that proposes to name the Cotton Bowl Stadium must retain "Cotton Bowl" in its name.

SECTION 5. That any revenue from any naming rights contracts for the Cotton Bowl Stadium and Summer Adventures at Fair Park and/or sponsorships from the sale of advertising at the Coliseum, less any administrative fees or percentage of revenue assessed to cover the costs of obtaining and/or supporting the naming rights contracts or sponsorships, shall be deposited in a separate multi-year fund of the City of Dallas for the sole benefit for the facility from which the funds were generated.

September 25, 2013

SECTION 6. That the Second Amendment will expire on October 21, 2013 and no longer be in effect. This Amendment ("Fifth Amendment") will take effect the day after the expiration of the Second Amendment, October 22, 2013.

SECTION 7. That the City Manager be and is hereby authorized to enter into a contract with the State Fair of Texas and the City Controller is hereby authorized to receive and deposit funds in Fund 0426, Department PKR, Unit 5234, Revenue Source 8428 for the Cotton Bowl and in Fund 0426, Department PKR, Unit 5278, Revenue Source 8428 for the Coliseum.

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

KEY FOCUS AREA: Public Safety
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): All
DEPARTMENT: Police
CMO: Ryan S. Evans, 671-9837
MAPSCO: N/A

SUBJECT

Authorize **(1)** the application for and acceptance of the Comprehensive Selective Traffic Enforcement Program grant from the U.S. Department of Transportation pass through in the amount of \$999,999 for travel expenses and overtime reimbursement for the period October 1, 2013 through September 30, 2014; and **(2)** a city contribution of pension in the amount of \$273,383; and **(3)** execution of the grant agreement – Total not to exceed \$1,273,382 – Financing: Texas Department of Transportation Grant Funds (\$999,999), and Current Funds (\$273,383)

BACKGROUND

The Comprehensive STEP (Selective Traffic Enforcement Program) Grant provides for the reimbursement of overtime salaries paid to officers and supervisors enforcing specific traffic laws at targeted locations. The focus is on DWI violations, speeding, occupant restraint use, and traffic control device violations. The goals are: 1) To increase effective enforcement and adjudication of traffic safety-related laws to reduce fatal and serious injury crashes, 2) To reduce the number of DWI related crashes, injuries and fatalities, and 3) To increase occupant restraint use in all passenger vehicles and trucks.

The Traffic Section of the Field Services Division is requesting this item. The grant award is for a one year period, beginning October 1, 2013. The match breakdown is Current Funds (pension) \$273,383. The effective date of the grant is October 1, 2013 through September 30, 2014.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program (STEP) Grant for overtime reimbursement on September 28, 2005, by Resolution No. 05-2848.

PRIOR ACTION/REVIEW (Council, Boards, Commissions) (Continued)

Authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program (STEP) Grant for overtime reimbursement on October 25, 2006, by Resolution No. 06-2976.

Authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program (STEP) Grant for overtime reimbursement on October 24, 2007, by Resolution No. 07-3168.

Authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program (STEP) Grant for overtime reimbursement on October 22, 2008, by Resolution No. 08-2859.

Authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program (STEP) Grant for overtime reimbursement on October 26, 2011, by Resolution No. 11-2842.

Authorized an application for and acceptance of the Comprehensive Selective Traffic Enforcement Program (STEP) Grant for overtime reimbursement on September 12, 2012, by Resolution No. 12-2263.

Briefed to the Public Safety Committee on September 23, 2013.

FISCAL INFORMATION

\$999,999 - Texas Department of Transportation Grant Funds

\$273,383 - Current Funds

September 25, 2013

WHEREAS, the Dallas Police Department Comprehensive Selective Traffic Enforcement Program (STEP) grant from the U.S. Department of Transportation pass through the Texas Department of Transportation, has made funds available for overtime salaries for a citywide traffic enforcement campaign, for the period October 1, 2013 through September 30, 2014; and

WHEREAS, the Comprehensive Selective Traffic Enforcement Program (STEP) grant will provide \$999,999; and

WHEREAS, the City of Dallas contributes pension costs of \$273,383; and

WHEREAS, it is in the best interest of the City of Dallas to apply for and accept such funding;

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to apply for and accept the Comprehensive Selective Traffic Enforcement Program (STEP) grant 2014-Dallas-S-1YG-0031, CFDA #20.614 in the amount of \$999,999 and execute the grant agreement.

Section 2. That the City Manager is hereby authorized to establish appropriations in the Comprehensive Selective Traffic Enforcement Program (STEP) grant in the amount of \$1,273,382 in Fund F404, Department DPD, Unit 2107, Object 3899.

Section 3. That the City Controller is authorized to deposit grant funds in the amount of \$999,999 into Fund F404, Department DPD, Unit 2107, and Revenue Source 6506.

Section 4. That the City Controller is authorized to transfer the required match in an amount not to exceed \$273,383 from Fund 0001, Department DPD, Unit 2127, Object 3642 to Fund F404, Department DPD, Unit 2107, Revenue Source 9201.

Section 5. That the City Controller is authorized to transfer funds in an amount not to exceed \$1,273,382 from Fund F404, Department DPD, Unit 2107, Object 3899 to Fund 0001, Department DPD, Unit 2127, Object 5110 after the expenditures of overtime, pension.

September 25, 2013

Section 6. That in the event of the loss or misuse of funds, the grantee will return all funds to the Texas Department of Transportation, in full.

Section 7. 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: Public Safety
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): All
DEPARTMENT: Police
CMO: Ryan S. Evans, 671-9837
MAPSCO: N/A

SUBJECT

Authorize a Memorandum of Understanding (MOU) with Dallas County for the purpose of participation in the Urban Counties' TechShare.Juvenile Program - Financing: No cost consideration to the City

BACKGROUND

In 2007 Dallas County entered into a collaborative partnership with the Texas Conference of Urban Counties (CUC) to develop an integrated information management system for juvenile information sharing.

Currently, the Juvenile Information Sharing case management system has almost 5,000 users with approximately 3,585 of those being Dallas Police Officers. Over 70% of the usage in the case management system is by the Dallas Police Department. This program has allowed the Police Department to function more efficiently when dealing with juvenile offenders. Patrol officers are able to return patrol services faster because they can complete the arrest reports quicker. Detectives are able to utilize more of their time investigating and clearing offenses and less time completing additional paperwork.

In November 2013, Dallas County will be retiring the Juvenile Information sharing case management systems and the new system will be TechShare.Juvenile System.

TechShare.Juvenile System agencies are required to have specific systems, software, security protocols running on the agencies network. This MOU details what is required by Dallas Police Department to utilize TechShare.Juvenile.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The Public Safety Committee was briefed on September 23, 2013.

FISCAL INFORMATION

No cost consideration to the City

September 25, 2013

WHEREAS, participating local governments desire to enter into this Agreement for the Participants' participation in TechShare.Juvenile, an extended case management system that will allow participating agencies within Dallas County to view juvenile information statewide; and,

WHEREAS, the participating local governments will have access to TechShare.Juvenile in order to file cases electronically, perform statewide juvenile record searches, and perform other functions as allowed by statutes and role based permissions; and,

WHEREAS, it is in the best interest of the City to enter this MOU;

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 a memorandum of understanding for the purpose of participation in the Urban Counties' TechShare.Juvenile Program.

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: September 25, 2013

COUNCIL DISTRICT(S): 5, 10

DEPARTMENT: Public Works Department
Water Utilities

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

MAPSCO: 26G 59R

SUBJECT

Authorize a contract with Camino Construction, LP, lowest responsible bidder of three, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 13 on Phantom Hill Road from Bittercreek Drive to Cheyenne Road and Boundbrook Avenue from Stillwater Drive to Woodbrook Drive - Not to exceed \$1,760,240 - Financing: General Obligation Commercial Paper Funds (\$1,140,218), Water Utilities Capital Construction Funds (\$11,775) and Water Utilities Capital Improvement Funds (\$608,247)

BACKGROUND

A professional services contract with Arredondo, Zepeda & Brunz, LLC was authorized on October 28, 2009. This action will authorize a construction contract for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 13 on Phantom Hill Road from Bittercreek Drive to Cheyenne Road and Boundbrook Avenue from Stillwater Drive to Woodbrook Drive. The project will provide reconstruction of reinforced concrete pavement, drive approaches, sidewalks, storm drainage inlets, and water and wastewater main improvements.

The following chart shows Camino Construction, LP completed contractual activities for the past three years:

	<u>PBW</u>	<u>WTR</u>	<u>PKR</u>
Projects Completed	4	0	0
Change Orders	2	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	December 2009
Completed Design	December 2010
Begin Construction	November 2013
Complete Construction	August 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Arredondo, Zepeda & Brunz, LLC for engineering services on October 28, 2009, by Resolution No. 09-2644.

Authorized Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda & Brunz, LLC for engineering services on September 8, 2010, by Resolution No. 10-2294.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$1,140,218.20
Water Utilities Capital Construction Funds - \$11,775.00
Water Utilities Capital Improvement Funds - \$608,246.50

Design	\$ 550,969.59
Supplemental Agreement No. 1	\$ 61,299.24
Supplemental Agreement No. 2	\$ 16,779.07
Supplemental Agreement No. 3	\$ 44,856.20

Construction (this action)	
Paving & Drainage - PBW	\$1,140,218.20
Water & Wastewater - DWU	<u>\$ 620,021.50</u>

Total Project Cost \$2,434,143.80

<u>Council District</u>	<u>Amount</u>
5	\$ 365,128.00
10	<u>\$1,395,111.70</u>
Total	\$1,760,239.70

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Camino Construction, LP

Hispanic Female	2	Hispanic Male	34
African-American Female	0	African-American Male	2
Other Female	0	Other Male	0
White Female	1	White Male	2

BID INFORMATION

The following bids with quotes were received and opened on August 8, 2013:

*Denotes successful bidder(s)

BIDDERS

BID AMOUNT

*Camino Construction, LP 1208 Metro Park Lewisville, TX 75057	\$1,760,239.70
Jeske Construction Company	\$1,996,641.00
Texas Standard Construction, Ltd.	\$2,175,972.00

Original estimate: PBW - \$1,721,773.00 (est.)
DWU - \$ 624,451.50 (est.)
\$2,346,224.50 (est.)

OWNER

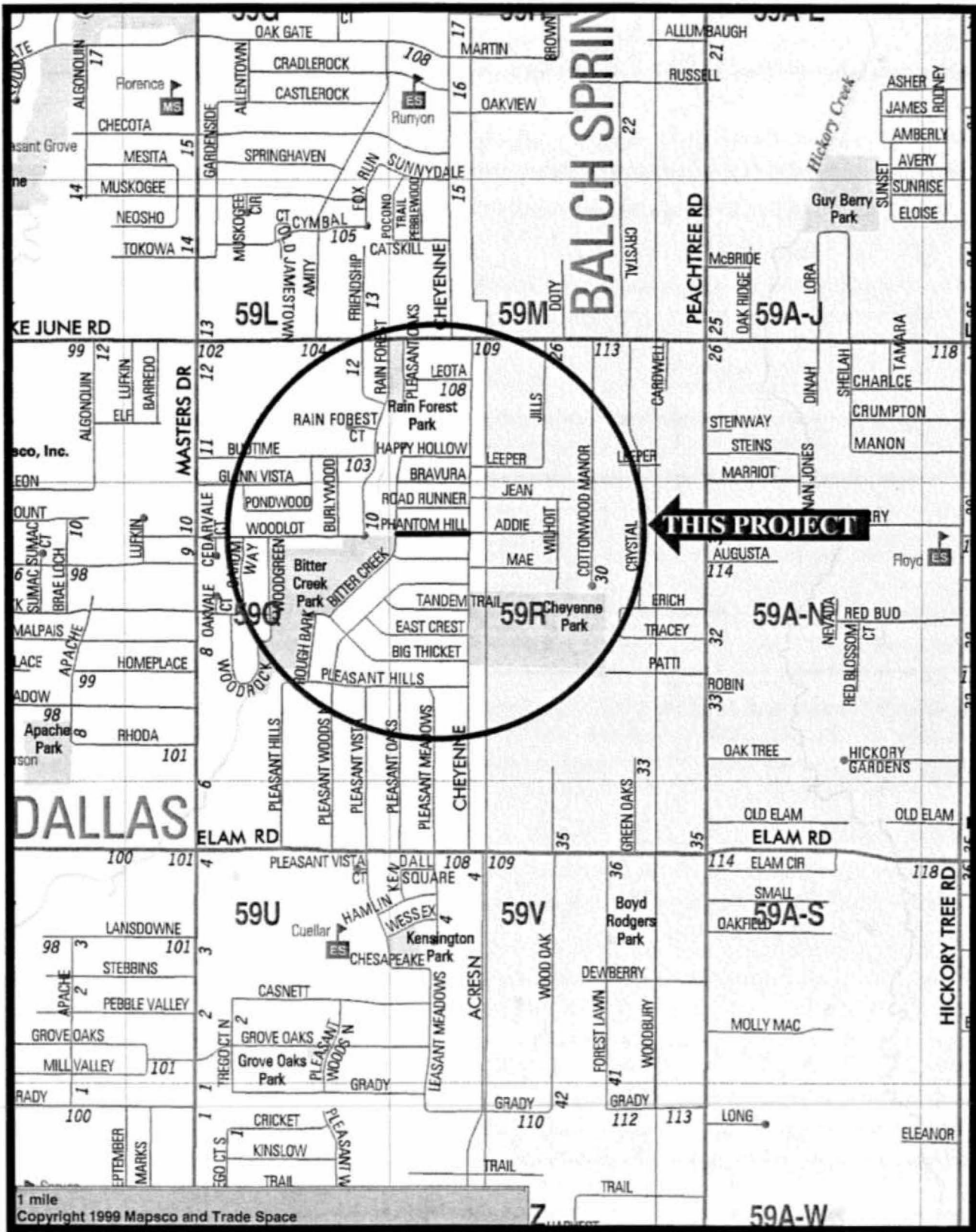
Camino Construction, LP

Roy Ayala, General Manager

MAP

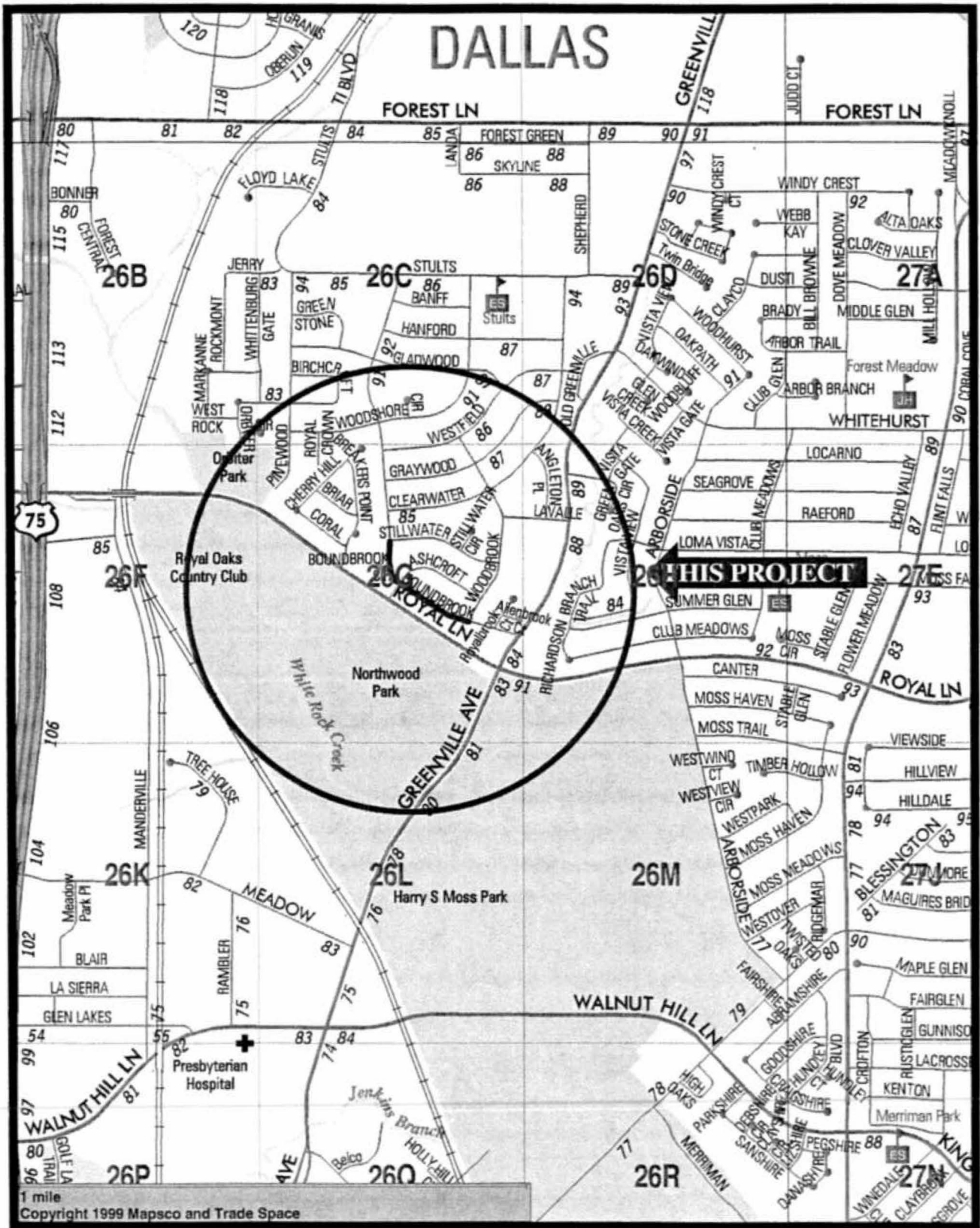
Attached.

PHANTOM HILL ROAD FROM BITTERCREEK DRIVE TO CHEYENNE ROAD



MAPSCO 59R

BOUNDBROOK AVENUE FROM STILLWATER DRIVE TO WOODBROOK DRIVE



MAPSCO 26G

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Camino Construction, LP, lowest responsible bidder of three, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 13 on Phantom Hill Road from Bittercreek Drive to Cheyenne Road and Boundbrook Avenue from Stillwater Drive to Woodbrook Drive - Not to exceed \$1,760,240 - Financing: General Obligation Commercial Paper Funds (\$1,140,218), Water Utilities Capital Construction Funds (\$11,775) and Water Utilities Capital Improvement Funds (\$608,247)

Camino Construction, LP 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$369,324.70	20.98%
Total non-local contracts	\$1,390,915.00	79.02%
TOTAL CONTRACT	\$1,760,239.70	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Magnum Manholes	WFDB56863Y0314	\$9,570.00	2.59%
MMG Disposal	WFWB57725N0614	\$3,388.00	0.92%
Total Minority - Local		\$12,958.00	3.51%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Camino Construction, LP	HMDB50657Y0913	\$904,747.39	65.05%
Miller Surveying	WFWB55499N1113	\$17,000.00	1.22%
Total Minority - Non-local		\$921,747.39	66.27%

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%	\$904,747.39	51.40%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$12,958.00	3.51%	\$29,958.00	1.70%
Total	<u>\$12,958.00</u>	<u>3.51%</u>	<u>\$934,705.39</u>	<u>53.10%</u>

September 25, 2013

WHEREAS, on October 28, 2009, Resolution No. 09-2644 authorized a professional services contract with Arredondo, Zepeda & Brunz, LLC for the engineering design of seven reconstruction projects in the amount of \$550,969.59; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2294 authorized Supplemental Agreement No. 1 to the professional services contract with Arredondo, Zepeda & Brunz, LLC for additional right-of-way/boundary survey and supplemental survey for easements and additional right-of-way for four street reconstruction projects in the amount of \$61,299.24, increasing the contract from \$550,969.59 to \$612,268.83; and,

WHEREAS, on January 5, 2012, Administrative Action No. 12-0226 authorized Supplemental Agreement No. 2 to the professional services contract with Arredondo, Zepeda & Brunz, LLC for additional drainage for Pueblo Street between Sylvan Avenue and Bataan Street in the amount of \$16,779.07, increasing the contract from \$612,268.83 to \$629,047.90; and,

WHEREAS, on September 25, 2012, Administrative Action No. 12-2625 authorized Supplemental Agreement No. 3 to the professional services contract with Arredondo, Zepeda & Brunz, LLC for design of the drainage system for Boundbrook Avenue from Stillwater Drive to Woodbrook Drive and the reconstruction plans for the cul-de-sac pavement of Boundbrook Circle in the amount of \$44,856.20, increasing the contract from \$629,047.90 to \$673,904.10; and,

WHEREAS, bids were received on August 8, 2013, for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 13 on Phantom Hill Road from Bittercreek Drive to Cheyenne Road and Boundbrook Avenue from Stillwater Drive to Woodbrook Drive as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Camino Construction, LP	\$1,760,239.70
Jeske Construction Company	\$1,996,641.00
Texas Standard Construction, Ltd.	\$2,175,972.00

Now, Therefore,

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

September 25, 2013

Section 1. That the City Manager is hereby authorized to execute a contract with Camino Construction, LP for the reconstruction of street paving, storm drainage and water and wastewater main improvements for Street Reconstruction Group 13 on Phantom Hill Road from Bittercreek Drive to Cheyenne Road and Boundbrook Avenue from Stillwater Drive to Woodbrook Drive in an amount not to exceed \$1,760,239.70, this being the lowest responsible bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

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

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit U317, Act. SREC Obj. 4510, Program #PB06U317, CT PBW06U308L1 Vendor #144735, in an amount not to exceed	\$ 221,198.00
Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit U308, Act. SREC Obj. 4510, Program #PB06U308, CT PBW06U308L1 Vendor #144735, in an amount not to exceed	\$ 919,020.20
Water Construction Fund Fund 0102, Department DWU, Unit CW42, Act. RELP Obj. 3221, Program #713035X, REP W3GQ, CT PBW713035EN Vendor #144735, in an amount not to exceed	\$ 4,250.00
Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42, Act. RELP Obj. 3222, Program #713036X, REP T2SY, CT PBW713036EN Vendor #144735, in an amount not to exceed	\$ 7,525.00
Water Capital Improvement Fund Fund 0115, Department DWU, Unit PW42, Act. RELP Obj. 4550, Program #713035, REP W3GQ, CT PBW713035CP Vendor #144735, in an amount not to exceed	\$ 297,186.75
Wastewater Capital Improvement Fund Fund 0116, Department DWU, Unit PS42, Act. RELP Obj. 4560, Program #713036, REP T2SY, CT PBW713036CP Vendor #144735, in an amount not to exceed	<u>\$ 311,059.75</u>
Total amount not to exceed	\$1,760,239.70

September 25, 2013

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: September 25, 2013

COUNCIL DISTRICT(S): 2, 7

DEPARTMENT: Public Works Department
Park & Recreation
Water Utilities

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

MAPSCO: 46JK

SUBJECT

East Dallas Veloway, Phase II Extension

- * Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of three, for the construction of a hike and bike trail and associated storm drainage, water and wastewater appurtenance adjustments for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue - Not to exceed \$762,953 - Financing: 2006 Bond Funds (\$746,903) and Water Utilities Capital Construction Funds (\$16,050)
- * Authorize a Multiple Use Agreement with the Texas Department of Transportation for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue - Financing: No cost consideration to the City
- * Authorize a Hike and Bike Trail Joint Use Agreement with Dallas Area Rapid Transit for the joint use of the railroad corridor right-of-way for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue - Financing: No cost consideration to the City

BACKGROUND

This action will authorize a construction contract for the East Dallas Veloway, Phase II Extension, from Elm Street to Parry Avenue consisting of a 12-foot wide bicycle and pedestrian trail. This trail will be an extension of the East Dallas Veloway Trail and will connect Deep Ellum near Baylor Hospital to Fair Park.

BACKGROUND (Continued)

The trail will be constructed in the unused portion of the Dallas Area Rapid Transit (DART) right-of-way and will be separated from the active rail lines by a continuous fence. It will also extend underneath IH 30 in Texas Department of Transportation right-of-way. The project will provide construction of a reinforced concrete bike and pedestrian path and associated fencing, pavement markings, signage, storm drainage and water and wastewater appurtenance adjustments.

The following chart shows Texas Standard Construction, Ltd. completed contractual activities for the past three years:

	<u>PBW</u>	<u>WTR</u>	<u>PKR</u>
Projects Completed	12	0	0
Change Orders	4	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

ESTIMATED SCHEDULE OF PROJECT

Began Design	January 2009
Completed Design	September 2012
Begin Construction	November 2013
Complete Construction	September 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Nathan D. Maier Consulting Engineers, Inc. for engineering services on May 26, 2004, by Resolution No. 04-1683.

Authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. for engineering services on August 24, 2005, by Resolution No. 05-2421.

Authorized an Interlocal Agreement with Dallas County on August 24, 2005, by Resolution No. 05-2422.

Authorized a License Agreement with the Dallas Area Rapid Transit on August 24, 2005, by Resolution No. 05-2423.

Authorized Supplemental Agreement No. 3 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. for engineering services on January 28, 2009, by Resolution No. 09-0308.

FISCAL INFORMATION

2006 Bond Funds - \$746,902.10

Water Utilities Capital Construction Funds - \$16,050.00

Design	\$ 77,100.00
Supplemental Agreement No. 1	\$ 210,265.00
Supplemental Agreement No. 2	\$ 4,530.00
Supplemental Agreement No. 3	\$ 167,410.00

Construction (this action)	
Paving & Drainage - PBW	\$ 746,902.10
Water & Wastewater - DWU	<u>\$ 16,050.00</u>

Total Project Cost \$1,222,257.10

<u>Council District</u>	<u>Amount</u>
2	\$572,214.07
7	<u>\$190,738.03</u>
Total	\$762,952.10

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Texas Standard Construction, Ltd.

Hispanic Female	2	Hispanic Male	58
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	8

BID INFORMATION

The following bids with quotes were received and opened on August 8, 2013:

*Denotes successful bidder(s)

BIDDERS

BID AMOUNT

*Texas Standard Construction, Ltd. P. O. Box 210768 Dallas, TX 75211	\$ 762,952.10
Jeske Construction Company	\$ 953,208.00
The Fain Group, Inc.	\$1,067,757.98

Original estimate: PBW - \$983,665.10 (est.)
DWU - \$ 8,897.00 (est.)

\$992,562.10 (est.)

OWNER

Texas Standard Construction, Ltd.

Ronald H. Dalton, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of three, for the construction of a hike and bike trail and associated storm drainage, water and wastewater appurtenance adjustments for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue - Not to exceed \$762,953 - Financing: 2006 Bond Funds (\$746,903) and Water Utilities Capital Construction Funds (\$16,050)

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$762,952.10	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$762,952.10	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Kenyatta Sand and Gravel	BMDB54458Y0813	\$197,934.75	25.94%
Total Minority - Local		\$197,934.75	25.94%

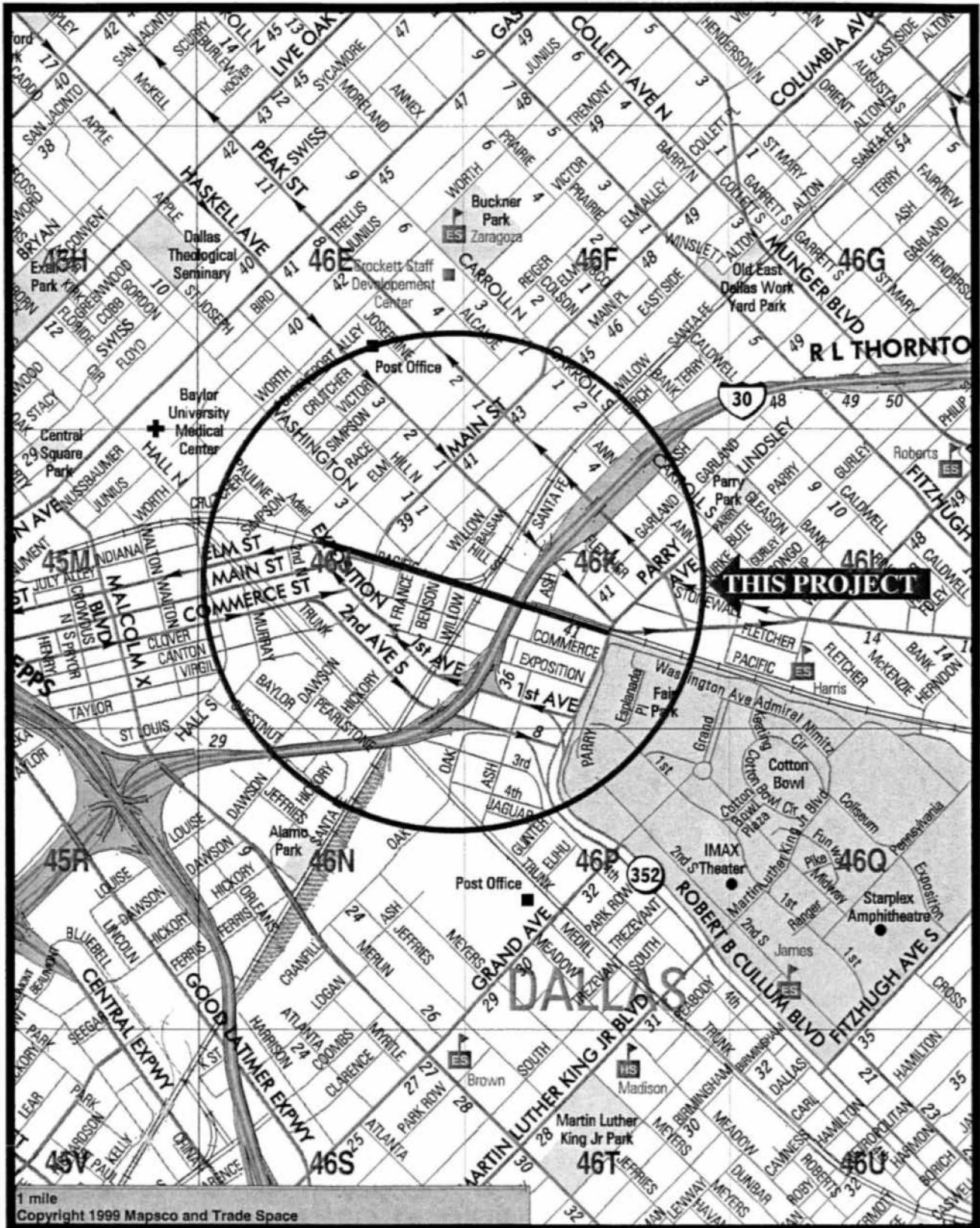
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$197,934.75	25.94%	\$197,934.75	25.94%
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	\$197,934.75	25.94%	\$197,934.75	25.94%

EAST DALLAS VELOWAY PHASE II EXTENSION FROM ELM STREET TO PARRY AVENUE



MAPSCO 46J, K

September 25, 2013

WHEREAS, on May 26, 2004, Resolution No. 04-1683 authorized a professional services contract with Nathan D. Maier Consulting Engineers, Inc. for the design of the East Dallas Veloway Phase II in the amount of \$77,100.00; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2421 authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers to provide additional engineering services for bicycle and pedestrian enhancements on Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street in the amount of \$210,265; increasing the contract from \$77,100.00 to \$287,365.00; and

WHEREAS, on August 24, 2005, Resolution No. 05-2422 authorized an Interlocal Agreement with Dallas County for the development and construction of bicycle and pedestrian enhancements on Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2423 authorized a License Agreement with the Dallas Area Rapid Transit (DART) for the joint use of the right-of-way on the Santa Fe rail corridor for the development of Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street; and,

WHEREAS, on December 23, 2008, Administrative Action No. 08-3515 authorized Supplemental Agreement No. 2 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. for additional services related to East Dallas Veloway, Phase II Extension in the amount of \$4,530.00, increasing the contract from \$287,365 to \$291,895; and,

WHEREAS, on January 28, 2009, Resolution No. 09-0308 authorized Supplemental Agreement No. 3 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. for the design of the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue in the amount of \$167,410.00, increasing the contract from \$291,895 to \$459,305.00; and,

WHEREAS, bids were received on August 8, 2013, for the construction of a hike and bike trail and associated storm drainage and water and wastewater appurtenance adjustments for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Texas Standard Construction, Ltd.	\$ 762,952.10
Jeske Construction Company	\$ 953,208.00
The Fain Group, Inc.	\$1,067,757.98

September 25, 2013

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 a contract with Texas Standard Construction, Ltd. for the construction of a hike and bike trail and associated storm drainage and water and wastewater appurtenance adjustments for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue in an amount not to exceed \$762,952.10, this being the lowest responsible bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

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

Park and Recreation Facilities Fund Fund 7T00, Department PKR, Unit T313, Act. HIBT Obj. 4599, Program #PB06P692, CT PBW06T313L1 Vendor #339573, in an amount not to exceed	\$366,130.00
--	--------------

Park and Recreation Facilities Fund Fund 7T00, Department PKR, Unit T314, Act. HIBT Obj. 4599, Program #PB06P692, CT PBW06T313L1 Vendor #339573, in an amount not to exceed	\$380,772.10
--	--------------

Water Construction Fund Fund 0102, Department DWU, Unit CW42, Act. RELP Obj. 3221, Program #713155, REP W3GM, CT PBW713155EN Vendor #339573, in an amount not to exceed	\$ 3,850.00
--	-------------

Wastewater Capital Construction Fund Fund 0103, Department DWU, Unit CS42, Act. RELP Obj. 3222, Program #713156, REP T2SV, CT PBW713156EN Vendor #339573, in an amount not to exceed	<u>\$ 12,200.00</u>
---	---------------------

Total amount not to exceed	\$762,952.10
----------------------------	--------------

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.

September 25, 2013

WHEREAS, on May 26, 2004, Resolution No. 04-1683 authorized a professional services contract with Nathan D. Maier Consulting Engineers, Inc. for the design of the East Dallas Veloway Phase II in the amount of \$77,100.00; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2421 authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers to provide additional engineering services for bicycle and pedestrian enhancements on Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street in the amount of \$210,265; increasing the contract from \$77,100.00 to \$287,365.00; and

WHEREAS, on August 24, 2005, Resolution No. 05-2422 authorized an Interlocal Agreement with Dallas County for the development and construction of bicycle and pedestrian enhancements on Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2423 authorized a License Agreement with the Dallas Area Rapid Transit (DART) for the joint use of the right-of-way on the Santa Fe rail corridor for the development of Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street; and,

WHEREAS, on December 23, 2008, Administrative Action No. 08-3515 authorized Supplemental Agreement No. 2 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. for additional services related to East Dallas Veloway, Phase II Extension in the amount of \$4,530.00; increasing the contract from \$287,365 to \$291,895; and,

WHEREAS, on January 28, 2009, Resolution No. 09-0308 authorized Supplemental Agreement No. 3 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. for the design of the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue in the amount of \$167,410.00; increasing the contract from \$291,895 to \$459,305.00; and,

WHEREAS, the City of Dallas and Texas Department of Transportation desire the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue; and,

WHEREAS, it is now necessary to authorize a Multiple Use Agreement with the Texas Department of Transportation for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue.

September 25, 2013

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 a Multiple Use Agreement with the Texas Department of Transportation for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue, after it has been approved as to form by the City Attorney.

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.

September 25, 2013

WHEREAS, on May 26, 2004, Resolution No. 04-1683 authorized a professional services contract with Nathan D. Maier Consulting Engineers, Inc. for the design of the East Dallas Veloway Phase II in the amount of \$77,100.00; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2421 authorized Supplemental Agreement No. 1 to the professional services contract with Nathan D. Maier Consulting Engineers to provide additional engineering services for bicycle and pedestrian enhancements on Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street in the amount of \$210,265; increasing the contract from \$77,100.00 to \$287,365.00; and

WHEREAS, on August 24, 2005, Resolution No. 05-2422 authorized an Interlocal Agreement with Dallas County for the development and construction of bicycle and pedestrian enhancements on Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street; and,

WHEREAS, on August 24, 2005, Resolution No. 05-2423 authorized a License Agreement with the Dallas Area Rapid Transit (DART) for the joint use of the right-of-way on the Santa Fe rail corridor for the development of Phase II of the East Dallas Veloway (Santa Fe Trail) from Glasgow Street to Exposition Street; and,

WHEREAS, on December 23, 2008, Administrative Action No. 08-3515 authorized Supplemental Agreement No. 2 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. for additional services related to East Dallas Veloway, Phase II Extension in the amount of \$4,530.00; increasing the contract from \$287,365 to \$291,895; and,

WHEREAS, on January 28, 2009, Resolution No. 09-0308 authorized Supplemental Agreement No. 3 to the professional services contract with Nathan D. Maier Consulting Engineers, Inc. for the design of the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue in the amount of \$167,410.00; increasing the contract from \$291,895 to \$459,305.00; and,

WHEREAS, the City of Dallas and Dallas Area Rapid Transit (DART) desire a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue; and,

WHEREAS, it is now necessary to authorize a Hike and Bike Trail Joint Use Agreement with Dallas Area Rapid Transit (DART) for the joint use of the railroad corridor right-of-way for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue.

September 25, 2013

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 the Hike and Bike Trail Joint Use Agreement with Dallas Area Rapid Transit (DART) for the joint use of the railroad corridor right-of-way for the construction of a hike and bike trail for the East Dallas Veloway, Phase II Extension from Elm Street to Parry Avenue, after it has been approved as to form by the City Attorney.

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: September 25, 2013
COUNCIL DISTRICT(S): 12
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 5 L

SUBJECT

An ordinance granting a TH-2(A) Townhouse District and a resolution accepting deed restrictions volunteered by the applicant and a resolution accepting the termination of existing deed restrictions on property zoned an NO(A) Neighborhood Office District on the northwest corner of Levelland Road and Gold Dust Trail - Z123-261 - Financing: No cost consideration to the City

BACKGROUND

On August 14, 2013, City Council approved the ordinance granting a TH-2(A) Townhouse District on property zoned NO(A) Neighborhood Office District on the northwest corner of Levelland Road and Gold Dust Trail with deed restrictions and termination of deed restrictions to return.

The applicant proposes to terminate the existing deed restrictions that restrict the site to the following:

- 1) to office uses and all uses permitted in an R-10 Single Family District, as those uses are defined by the Dallas Development Code, as amended;
- 2) the maximum permitted height of any non-residential structure or sign is 16 feet measured from grade to the highest point of the structure or sign;
- 3) no access to Levelland Drive is permitted within 30 feet from the property;
- 4) no part of any structures or sign is permitted within 30 feet of the existing right-of-way of Levelland Drive;
- 5) no parking spaces or maneuvering areas are permitted within 30 feet of the existing right-of-way of Levelland Drive;

BACKGROUND (Continued)

- 6) no part of any structure is permitted within 30 feet of the existing right-of-way of Gold Dust Trail;
- 7) no parking spaces or maneuvering areas are permitted within 10 feet of the existing right-of-way of Gold Dust Trail;
- 8) prior to the issuance of any building permit, a site plan, building elevation drawings, and a landscape plan must be submitted to the City Plan Commission and must be approved;
- 9) a six foot tall solid masonry screening wall must be constructed along the northern boundary of the property prior to the issuance of a building permit for any structure which is primarily to be used for office uses, as defined in the Dallas Development Code, as amended. The wall must extend along the northern boundary of the property, from the western boundary of the property to a point 30 feet west of the existing right-of-way of Levelland Drive; and
- 10) the person submitting the site plan, building elevation drawings and landscape plan must send a notice to Ms. Lucie Bellew at 7338 Williamswood Drive, Dallas, Texas, 75252, at least 15 days prior to the meeting at which the plans are submitted to the City Plan Commission.

The proposed deed restrictions include the following provisions:

- 1) Setbacks along Levelland Road will be a minimum of 20 feet.
- 2) Setback along Gold Dust Trail will be a minimum of 30 feet.
- 3) Setbacks along Gold Dust Trail will be a minimum of 5 feet for fences and accessory structures eight feet in height or less and play equipment less than 20 feet in height.
- 4) The maximum structure height is 30 feet, measured to the highest point of a structure.
- 5) Chimneys may extend up to 12 feet above the maximum structure height.

PRIOR ACTION I REVIEW (COUNCIL, BOARDS, COMMISSIONS)

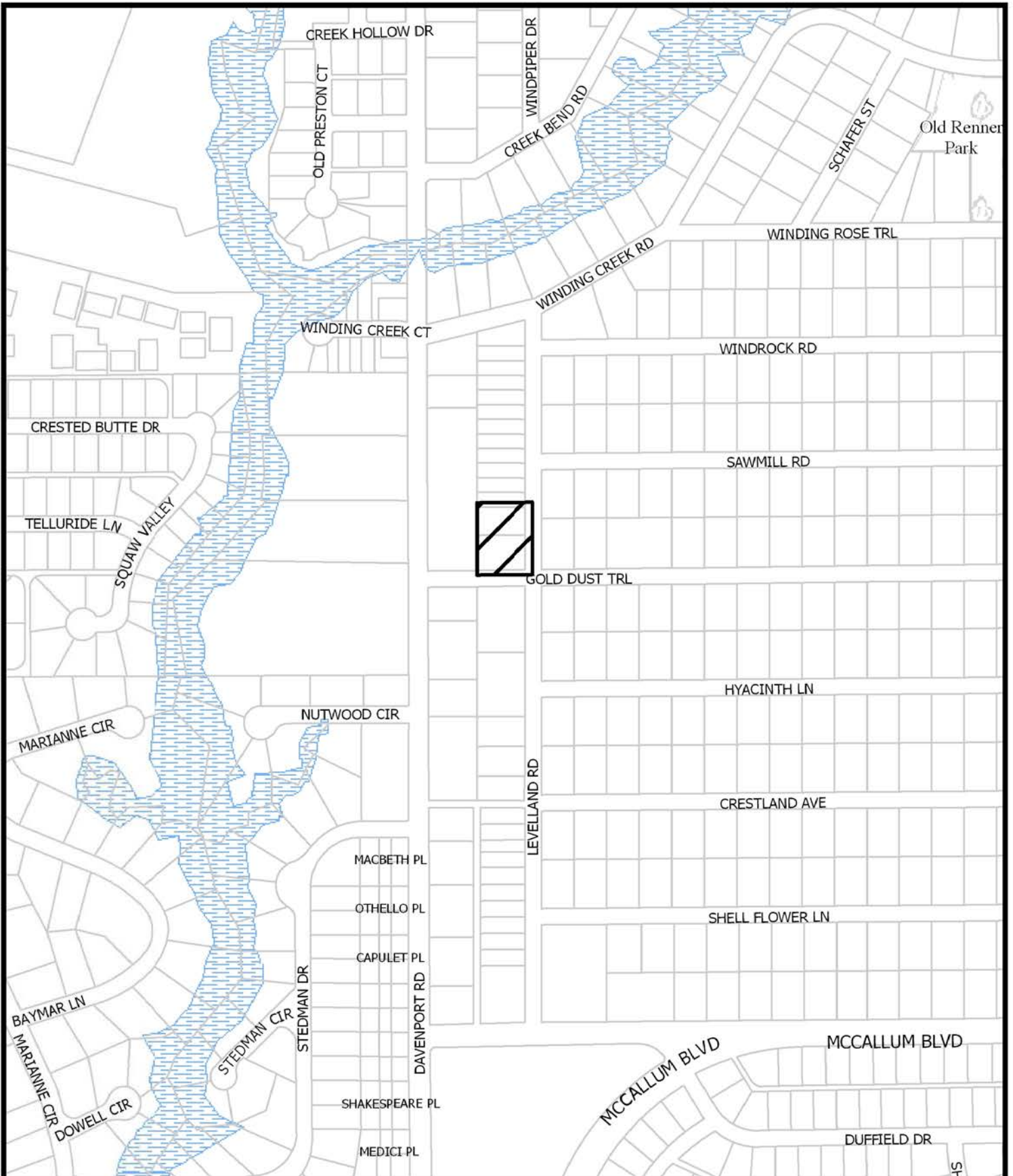
On August 14, 2013, City Council approved the ordinance granting a TH-2(A) Townhouse District on property zoned NO(A) Neighborhood Office District on the northwest corner of Levelland Road and Gold Dust Trail with deed restrictions and termination of deed restrictions to return.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



1:4,800

VICINITY MAP

Case no: Z123-261

Date: 5/15/2013

ACM: Theresa O'Donnell

FILE NUMBER: Z123-261(WE) **DATE FILED:** April 19, 2013
LOCATION: Levelland Road and Gold Dust Trail, northwest corner
COUNCIL DISTRICT: 12 **MAPSCO:** 5- L
SIZE OF REQUEST: Approx. 0.688 acres **CENSUS TRACT:** 317.18

APPLICANT/ OWNER: Stephen L. & Cheryl D. Landers

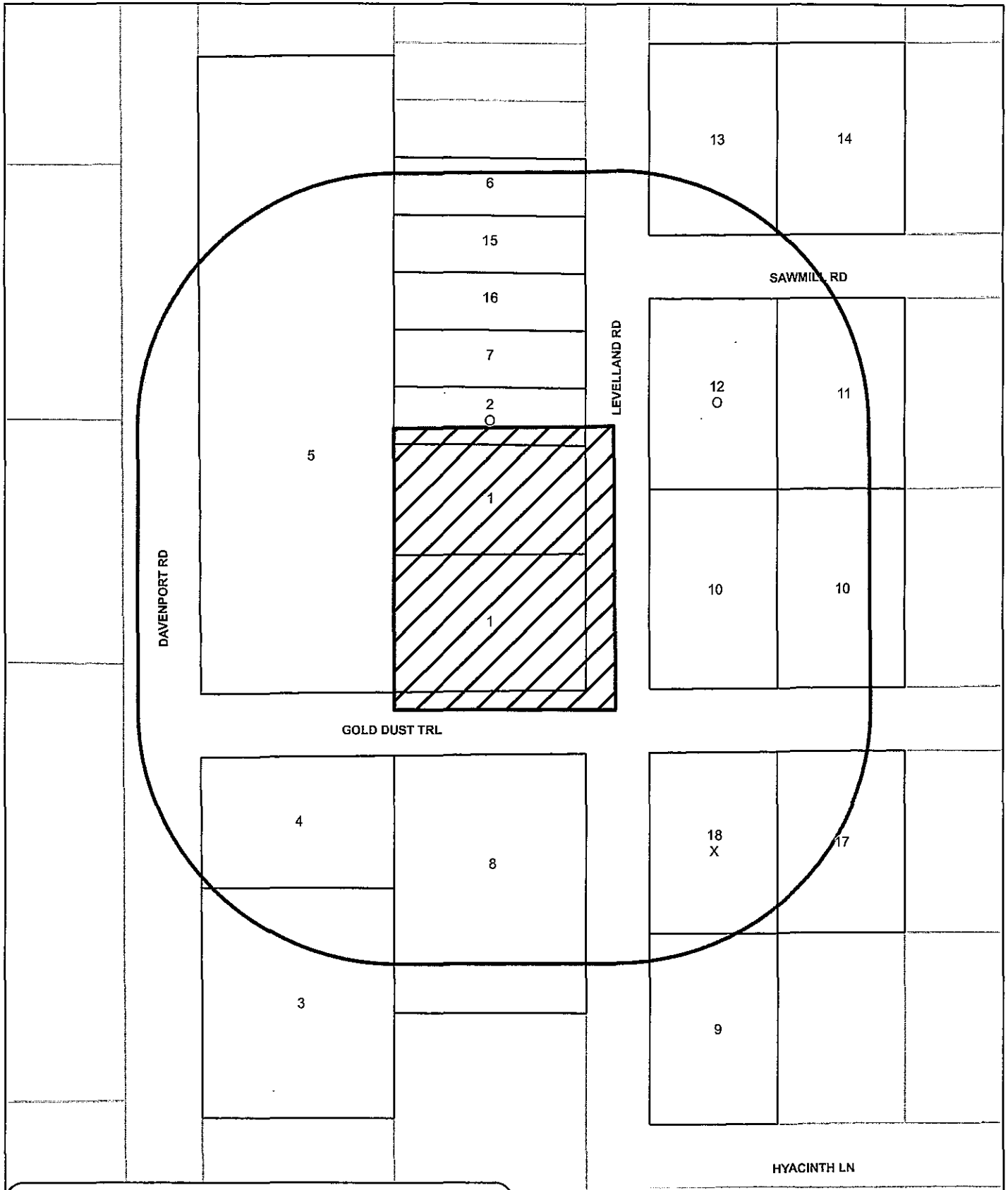
REPRESENTATIVE: Mike Coker
Michael R. Coker Company

REQUEST: An application for a TH-2(A) Townhouse District and termination of the deed restrictions on property zoned an NO(A) Neighborhood Office District.

SUMMARY: The purpose of this request is to permit the development of single family detached residences on the site. The applicant proposes to terminate the existing deed restrictions that currently restrict the site's development to office and R-10(A) Single Family District uses. In addition, the deed restrictions also prohibit access to the site from Levelland Drive.

CPC RECOMMENDATION: Approval for a TH-2(A) Townhouse District and approval of the termination of the deed restrictions.

STAFF RECOMMENDATION: Approval for a TH-2(A) Townhouse District and approval of the termination of the deed restrictions.



<u>18</u>	Property Owners Notified (20 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>8/14/2013</u>	Date

Z123-261
CC



1:1,200

8/13/2013

Notification List of Property Owners**Z123-261****18 Property Owners Notified****1 Property Owner Opposed****2 Property Owners in Favor**

Vote	Label #	Address	Owner
	1	6901 LEVELLAND	TEXAS TORAH INSTITUTE
O	2	6905 LEVELLAND	DAVIS TIMOTHY J
	3	17738 DAVENPORT	BOLD JIMMY
	4	17752 DAVENPORT	HERSON RODNEY AUTOMOTIVE
	5	7800-1781; DAVENPORT	DSW DAVENPORT PROPERTIES LP
	6	6915 LEVELLAND	VAYNMAN JEFF & RITA
	7	6907 LEVELLAND	TABARIA ELI & DANA F
	8	6825 LEVELLAND	LEVELLAND D & S PROPERTIES LP
	9	6601 HYACINTH	MORGAN JAMIE
	10	6605 GOLD DUST	ETHERIDGE LEE R
	11	6606 SAWMILL	POTASH ED & DEBRA
O	12	6602 SAWMILL	QUEVEDO ALDO & ROCIO
	13	6601 SAWMILL	CAMPOS-FIELD LAURIE ANN &
	14	6605 SAWMILL	KATZ BRUCE M ETUX DEBBIE
	15	6911 LEVELLAND	FLANSBURG STEVEN & PATTI M
	16	6909 LEVELLAND	GOAD CHARLES E
	17	6604 GOLD DUST	VAN CREVELD ASHLEY & KAREN
X	18	6600 GOLD DUST	SUPANGAT WELLY L

August 14, 2013



REPLY FORM

Z123-261 (WE)

This notice has been sent to you because your property (or properties) is in or near the area of a proposed zoning change. As a property owner, you can support or oppose this request. To be counted, this form must be received before noon on the business day before the City Council hearing date.

Only the original of this reply form or a written reply that complies with Dallas Development Code Section 51A-4.701 may be used. Faxes or photocopies of this reply form will not be accepted.

18 100002586241
SUPANGAT WELLY L
6600 GOLD DUST TRL
DALLAS, TX 75252-5913

For information contact Warren Ellis at (214)670-4195 or warren.ellis@dallascityhall.com
Si desea información en español, favor de llamar a Olga Torres Holyoak al teléfono (214) 670-4525.

STEP 1 I am authorized to sign this form because I am... (Check only one box.)

Individual

- Property owner (checked)
Authorized by a power of attorney
Representing a majority of property owners

Business/Organization

- President/Vice President
General Partner
Attorney in fact

Condominium

- Governing body*
Individual owner **

* I am authorized to sign by the governing body of the condominium in accordance with its bylaws.

** A condominium unit owner must enclose a copy of the legal document that gives the individual owner the right to act separately from the governing body.

STEP 2 List the street address(es) of your property if different than the address on the label above. (Do not list a P.O. Box.) If you own multiple properties under different appraisal district account names, you may receive multiple forms; please return all of the forms.

Comments: I oppose this zoning change for Public Safety Reasons because this intersection is one of the most heavily traveled in our neighborhood by both automobiles and pedestrians. This intersection has neither CURBS nor SIDEWALKS, therefore a high density development would increase the traffic flow significantly AND it would also...

STEP 3 Indicate your support or opposition to the proposed zoning change request:

- Support
Opposed (checked)

Comments continue, create an overflow of parking in the immediate area. The increased traffic flow would make this intersection even MORE DANGEROUS than it already is. NOT APPROVING this zoning change is the right decision to make sure PUBLIC SAFETY

Thank You.

STEP 4 Sign below. For this form to be valid, the date and time you signed must be provided. Fold the form as indicated on the reverse side and return it by mail or hand delivery. To be counted, this form must be received before noon on the business day before the City Council hearing date.

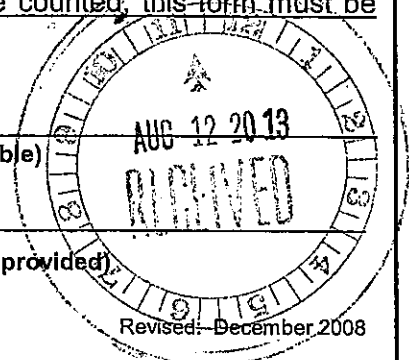
Signature (and Title if applicable)

08/08/2013 9:30 PM

Date and Time (both must be provided)

Signature (and Title if applicable)

Date and Time (both must be provided)



July 11, 2013



REPLY FORM

Z123-261 (WE)

This notice has been sent to you because your property (or properties) is in or near the area of a proposed zoning change. As a property owner, you can support or oppose this request. To be counted, this form must be received before noon on the business day before the City Plan Commission hearing date.

Only the original of this reply form or a written reply that complies with Dallas Development Code Section 51A-4.701 may be used. Faxes or photocopies of this reply form will not be accepted.

18 100002586241
SUPANGAT WELLY L
6600 GOLD DUST TRL
DALLAS, TX 75252-5913

For information contact Warren Ellis at
(214) 670-4195 or
warren.ellis@dallascityhall.com

Si desea información en español, favor de
llamar a Olga Torres-Holyoak al teléfono (214)
670-4525.

STEP 1 I am authorized to sign this form because I am... (Check only one box.)

Individual

- Property owner
Authorized by a power of attorney
Representing a majority of property owners

Business/Organization

- President/Vice President
General Partner
Attorney in fact

Condominium

- Governing body*
Individual owner **

* I am authorized to sign by the governing body of the condominium in accordance with its bylaws.
** A condominium unit owner must enclose a copy of the legal document that gives the individual owner the right to act separately from the governing body.

STEP 2 List the street address(es) of your property if different than the address on the label above. (Do not list a P.O. Box.) If you own multiple properties under different appraisal district account names, you may receive multiple forms; please return all of the forms.

Comments:
Street Address(es): Levelland Rd. & GoldDust Trl. are high traffic streets. Pedestrian Safety is the issue here. This intersection would become more dangerous w/ townhomes product which usually do not have enough parking then more people parking on the street, etc.

STEP 3 Indicate your support or opposition to the proposed zoning change request:

- Support
Opposed

Comments continue:
As a property owner AND an architect myself, you should reconsider it. This is a very tight community with a lot of Jews who use these both streets (walking) everyday. My concerns about Public safety therefore I totally oppose this idea

STEP 4 Sign below. For this form to be valid, the date and time you signed must be provided. Fold the form as indicated on the reverse side and return it by mail or hand delivery. To be counted, this form must be received before noon on the business day before the City Plan Commission hearing date.

Signature (and Title if applicable)
Date and Time (both must be provided)
07/02/2013 7:30 PM

Signature (and Title if applicable)
Date and Time (both must be provided)
RECEIVED BY
JUL 05 2013
Current Planning

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 4
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 64M

SUBJECT

An ordinance abandoning a portion of a sanitary sewer easement to Quiktrip Corporation, the abutting owner, containing approximately 2,872 square feet of land, located near the intersection of Vistawood Boulevard and Ledbetter Drive – Revenue: \$5,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of a sanitary sewer easement to Quiktrip Corporation, the abutting owner. The area will be included with the property of the abutting owner for the construction of a Quicktrip gas station. The cost for this abandonment is the minimum processing fee pursuant to the Dallas City Code, therefore, no appraisal is needed.

PRIOR ACTION /REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: \$5,400, plus the \$20 ordinance publication fee

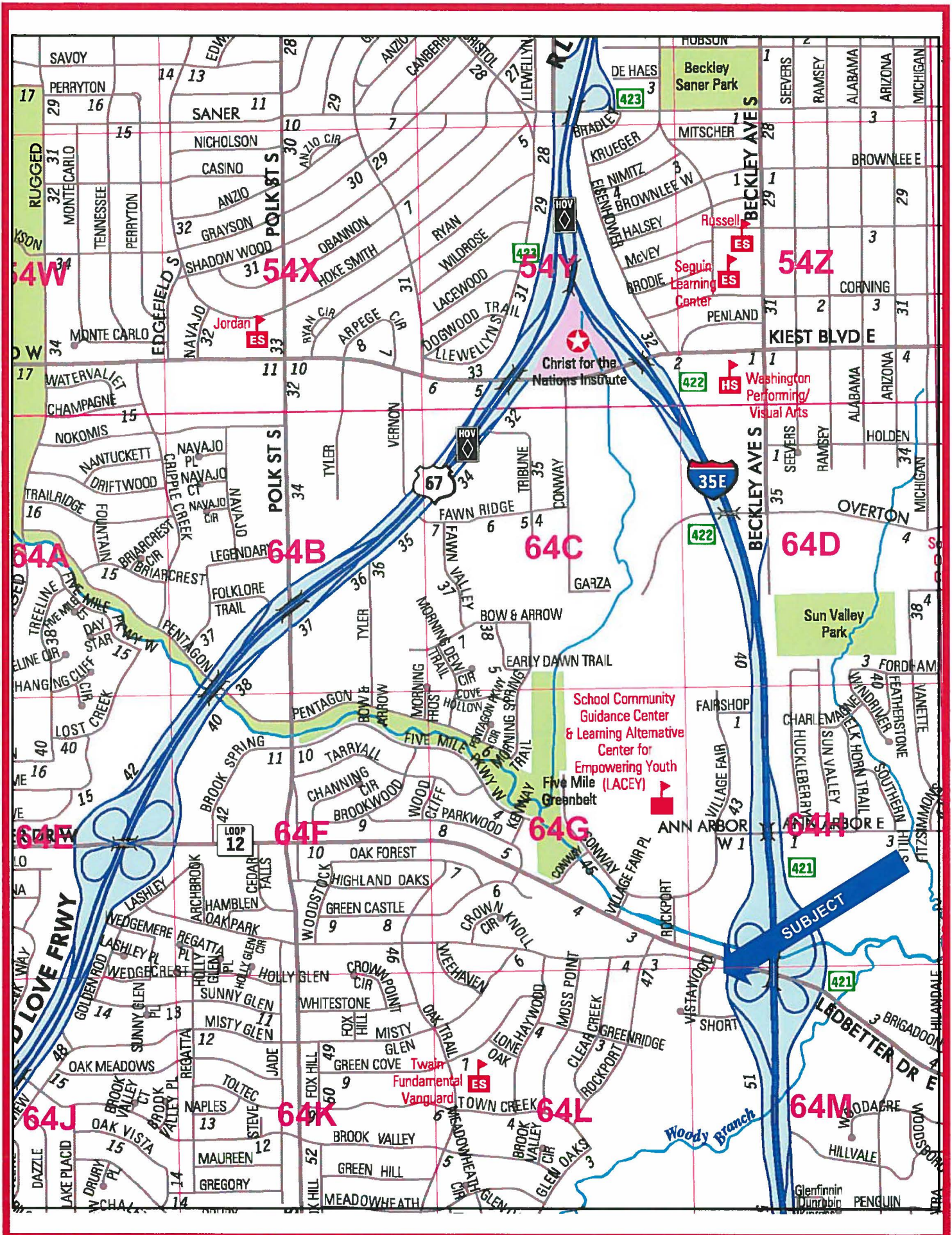
OWNER

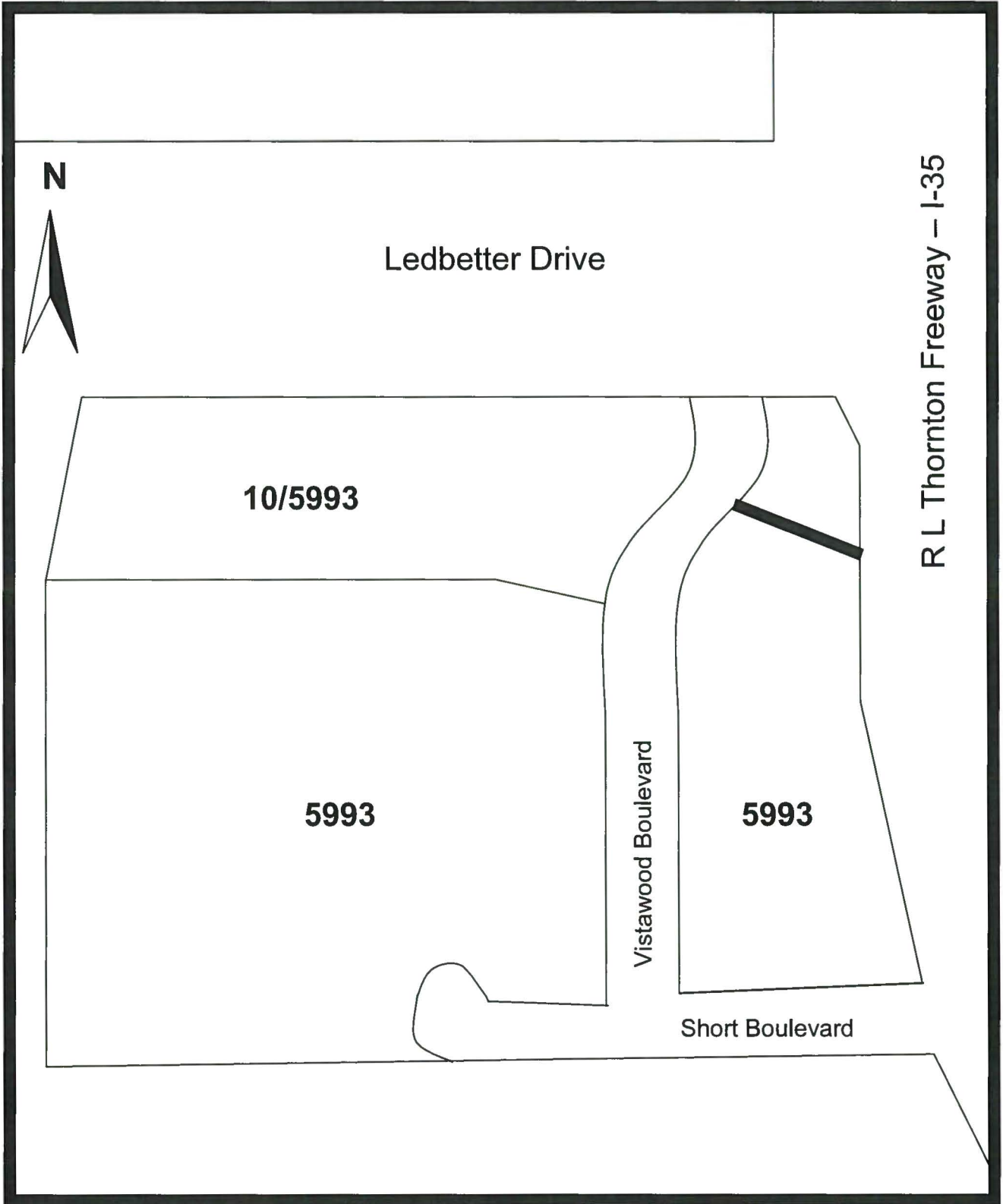
Quiktrip Corporation

Chester Edouard Cadieux III, President

MAPS

Attached





————— = Sanitary Sewer Easement Abandonment Area

ORDINANCE NO. _____

An ordinance providing for the abandonment and relinquishment of a portion of a sanitary sewer easement, located in City Block 5993 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Quiktrip Corporation; providing for the terms and conditions of the abandonment, relinquishment and quitclaim made herein; providing for the conveyance of a new easement to the City of Dallas and the relocation of existing facilities; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing a future effective date for the abandonment, relinquishment and quitclaim made herein; 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, acting pursuant to law and upon the request and petition of Quiktrip Corporation, a Texas corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon, relinquish and quitclaim the City of Dallas' right, title and interest in and to the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of easement is no longer needed for municipal use, and same should be abandoned, relinquished and quitclaimed to **GRANTEE** as hereinafter provided, for the consideration hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the City will be served by abandoning, relinquishing and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the City of Dallas hereby abandons and relinquishes all of its right, title and interest in and to the tract of land described in Exhibit A, attached hereto and made a part hereof; subject, however, to the conditions and future effective date

hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Section 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, future effective date and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all its right, title and interest in and to that certain tract or parcel of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. 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 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 5. That the abandonment, relinquishment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment, relinquishment and quitclaim provided for herein shall extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon, relinquish and quitclaim.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A, (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That this abandonment, relinquishment and quitclaim of the City's right, title and interest in and to said wastewater easement shall not become effective until and unless: (i) the existing installations and facilities are relocated, at **GRANTEE's** expense, to the new easement, if needed to be provided by **GRANTEE** and acceptable to the Director of Department of Sustainable Development and Construction, as is hereinafter provided; and (ii) plans for the construction and relocation of installations within the new easement are approved by the Director of Department of Sustainable Development and Construction; and (iii) said construction and relocation of installations are completed, approved and accepted in writing by the Director of Department of Sustainable Development and Construction. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction. That as a condition of this abandonment and as part of the consideration for the quitclaim made herein, **GRANTEE** shall convey to the City of Dallas an easement for wastewater purposes, within 90 days of the effective date of this ordinance, in, under, through, across and along certain properties located in City Block 5993. Said property to be conveyed shall be acceptable to the Director of Department of Sustainable Development and Construction of the City of Dallas and containing approximately 4,831 square feet of land, the description of which is attached hereto and made a part hereof as Exhibit B. Failure to convey the above described easement as set forth shall render this ordinance null and void and of no further effect.

SECTION 10. That at such time as the instrument described in Section 9 above is executed and delivered to the City of Dallas and has been approved as to form by the City Attorney it be accepted, and thereafter, the Director of Department of Sustainable Development and Construction is authorized and directed to record said instrument in the Deed Records of Dallas County, Texas; and the recorded instrument shall be forwarded to the City Secretary for permanent record.

SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee.

Upon receipt of the monetary consideration set forth in Section 2, the recording of the wastewater easement as set forth in Section 9, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee shall deliver to **GRANTEE** a certified copy of this ordinance. The Director of Department 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 12. 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:
WARREN M. S. ERNST
Interim City Attorney

DAVID COSSUM
Interim Director of Department of
Sustainable Development and
Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A

SANITARY SEWER EASEMENT ABANDONMENT PART OF BLOCK 5993 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 2,872 square foot (0.066 acre) tract of land located in the City of Dallas, Dallas County, Texas, part of the Paul Narboe Survey, Abstract No. 1077, City of Dallas Block No. 5993, being part of a 1.0980 acre tract (Tract 2) conveyed to QuikTrip Corporation by Special Warranty Deed recorded as Instrument No. 201300155803, Official Public Records, Dallas County, Texas, being a portion of an existing 15' Sanitary Sewer Easement as recorded in Volume 4894, Page 53, Deed Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a TXDOT monument found at the northeast corner of said 1.0980 acre tract, being the intersection of the west right-of-way line of R.L. Thorton Freeway (Interstate Highway 35E, a variable width R.O.W.) and the south right-of-way line of Ledbetter Drive (State Highway Loop 12, a variable width R.O.W.);

THENCE, along the east line of said 1.0980 acre tract and the west line of R.L. Thorton Freeway, South 03 degrees 33 minutes 04 seconds West, a distance of 109.79 feet to the **POINT OF BEGINNING**, being in the northerly line of said existing Sanitary Sewer Easement;

THENCE, continuing along said common line, South 03 degrees 33 minutes 04 seconds West, a distance of 16.09 feet to a point in the southerly line of said 15' Sanitary Sewer Easement, from which a TXDOT monument found bears South 03 degrees 33 minutes 04 seconds West, a distance of 122.34 feet;

THENCE, departing said common line and along the southerly line of said 15' Sanitary Sewer Easement, North 65 degrees 16 minutes 38 seconds West, a distance of 198.73 feet to the northwest line of said 1.0980 acre tract, being in the southeast line of a 0.3555 acre tract (Tract 4) conveyed to QuikTrip Corporation by Special Warranty Deed recorded as Instrument No. 201300155803, Official Public Records, Dallas County, Texas;

THENCE, along the southeast line of said 0.3555 acre tract, North 54 degrees 45 minutes 52 seconds East, a distance of 17.33 feet to a point in the northerly line of said 15' Sanitary Sewer Easement;

THENCE, departing the southeast line of said 0.3555 acre tract and along the northerly line of said 15' Sanitary Easement, South 65 degrees 16 minutes 38 seconds East, a distance of 184.25 feet to the **POINT OF BEGINNING**, and containing 2,872 square feet or 0.066 acres of land more or less.

NOTE: The basis of bearings is the east line of said 1.0980 acre tract, held as South 03 degrees 33 minutes 04 seconds West, per deed recorded as Instrument No. 20070178877, Official Public Records, Dallas County, Texas.



William J. Johnson
Registered Professional Land Surveyor No. 5426



REVIEWED BY
DBF
07-12-2013
#2567

EXHIBIT A

SANITARY SEWER EASEMENT ABANDONMENT PART OF BLOCK 5993 CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGEND

BASIS OF BEARINGS
EAST LINE OF 1.0980 ACRE TRACT
S 03°33'04" W
(C.C.F. NO. 20070178877,
O.P.R.D.C.T.)

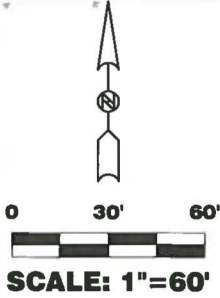
5/8" I.R.S.

5/8" IRON ROD SET WITH CAP STAMPED
R.P.L.S. 5199

AC.
(C.M.)
D.R.D.C.T.
INST. NO.
FND.
MON.
O.P.R.D.C.T.

ACRES
CONTROLLING MONUMENT
DEED RECORDS, DALLAS COUNTY, TEXAS
INSTRUMENT NUMBER
FOUND
MONUMENT
OFFICIAL PUBLIC RECORDS, DALLAS
COUNTY, TEXAS
PAGE
POINT OF BEGINNING
POINT OF COMMENCING
RIGHT-OF-WAY
TEXAS DEPARTMENT OF TRANSPORTATION
VOLUME

PG.
P.O.B.
P.O.C.
R.O.W.
TXDOT
VOL.



**LEDBETTER DR.
(S.H. LOOP 12)
(VARIABLE-WIDTH R.O.W.)**

0.5154 AC.
QUIKTRIP CORPORATION
(TRACT 1)
INST. NO. 201300155803
O.P.R.D.C.T.

0.3555 AC.
QUIKTRIP CORPORATION
(TRACT 4)
INST. NO.
201300155803
O.P.R.D.C.T.

REVIEWED BY
DBF
07.12.2013
H 2567

**VISTA WOOD BLVD.
(VARIABLE-WIDTH R.O.W.)
INST. NO. 201300152141,
O.P.R.D.C.T.)**

ACCESS EASEMENT
"EXHIBIT E"
VOL. 89236, PG. 546
VOL. 89236, PG. 563
D.R.D.C.T.)

PAUL NARBOE SURVEY
ABSTRACT NO. 1077

BLOCK 5993

P.O.C.
TXDOT MON.
FND. (C.M.)

0.0711 AC.
QUIKTRIP CORPORATION
(TRACT 3)
INST. NO.
201300155803
O.P.R.D.C.T.

0.1067 AC.
QUIKTRIP CORPORATION
(TRACT 5)
INST. NO.
201300155803
O.P.R.D.C.T.

N 54°45'52" E
17.33'

PORTION OF 15' SANITARY
SEWER EASEMENT
(VOL. 4894, PG. 53. D.R.D.C.T.)
TO BE ABANDONED
2,872 SQUARE FEET
0.066 ACRES

S 03°33'04" W
16.09'

NON EXCLUSIVE INGRESS, EGRESS
& UTILITY EASEMENT "EXHIBIT C"
VOL. 89236, PG. 546
VOL. 89236, PG. 563
D.R.D.C.T.)

1.0980 ACRE TRACT
QUIKTRIP CORPORATION
(TRACT 2)
INST. NO. 201300155803
O.P.R.D.C.T.

P.O.B.

109.79'
S 03°33'04" W

(LINE OF DIRECTIONAL CONTROL)

**R.L. THORTON FREEWAY (I.H. 35E)
(VARIABLE-WIDTH R.O.W.)**

PORTION OF 15' SANITARY SEWER EASEMENT
(VOL. 4894, PG. 53, D.R.D.C.T.)
TO REMAIN

122.34'
S 03°33'04" W

TXDOT MON.
FND. (C.M.)



William J. Johnson
William J. Johnson
Registered Professional Land Surveyor No. 5426



903 N. Bowser Road
Suite 240
Richardson, Texas 75081
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com

Date: 06/11/2013 Scale: 1"= 60' Project No. 11149101

**WASTEWATER EASEMENT
PART OF BLOCK 5993 AND
PART OF LOT 1A, BLOCK 10/5993
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EXHIBIT B

BEING a 7,065 square foot (0.162 acre) tract of land located in the City of Dallas, Dallas County, Texas, part of the Paul Narboe Survey, Abstract No. 1077, City of Dallas Block No. 5993, being part of Lot 1A, Block 10/5993, Glen Oaks Village, as recorded in Volume 92107, Page 483, Deed Records, Dallas County, Texas, being part of that 0.5154 acre tract (Tract 1), part of that 1.0980 acre tract (Tract 2), part of that 0.0711 acre tract (Tract 3), part of that 0.3555 acre tract (Tract 4), and part of that 0.1067 acre tract (Tract 5), all described in Special Warranty Deed to QuikTrip Corporation as recorded as Instrument No. 201300155803, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a TXDOT monument found at the northeast corner of said 1.0980 acre tract, being the intersection of the west right-of-way line of R.L. Thorton Freeway (Interstate Highway 35E, a variable width R.O.W.) and the south right-of-way line of Ledbetter Drive (State Highway Loop 12, a variable width R.O.W.);

THENCE, along the east line of said 1.0980 acre tract and the west line of R.L. Thorton Freeway, South 03 degrees 33 minutes 04 seconds West, a distance of 170.73 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", the **POINT OF BEGINNING**;

THENCE, continuing along said common line, South 03 degrees 33 minutes 04 seconds West, a distance of 20.00 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199", from which a TXDOT monument found bears South 03 degrees 33 minutes 04 seconds West, a distance of 57.49 feet;

THENCE, departing said common line, over and across said Tracts 2, 5, and 3 as follows:

North 86 degrees 26 minutes 56 seconds West, a distance of 118.66 feet to a 5/8" iron rod set with plastic cap stamped "R.P.L.S. 5199";

North 72 degrees 32 minutes 44 seconds West, a distance of 141.48 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

North 32 degrees 31 minutes 22 seconds West, a distance of 57.66 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

North 88 degrees 03 minutes 41 seconds West, a distance of 34.55 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199", being in the west line of said Tract 3 and the east right-of-way line of Vista Wood Drive (variable width R.O.W.) as recorded as Instrument No. 201300152141, Official Public Records, Dallas County, Texas, the beginning of a non-tangent curve to the right;

THENCE, along the west line of said Tract 3, the east right-of-way line of Vista Wood Boulevard and along said curve to the right through a central angle of 02 degrees 56 minutes 19 seconds, a radius of 390.00 feet, an arc length of 20.00 feet, a chord bearing of North 01 degrees 56 minutes 19 seconds East and a chord distance of 20.00 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

THENCE, departing said right-of-way line, over and across said Tracts 3, 1, 4, 5 and 2 and across said Lot 1A as follows:

South 88 degrees 03 minutes 41 seconds East, a distance of 45.08 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

South 32 degrees 31 minutes 22 seconds East, a distance of 60.90 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

REVIEWED BY

DIBF
07-26-2013
2522

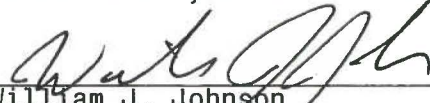
**WASTEWATER EASEMENT
PART OF BLOCK 5993 AND
PART OF LOT 1A, BLOCK 10/5993
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EXHIBIT B

South 72 degrees 32 minutes 44 seconds East, a distance of 131.76 feet to a 5/8" iron rod set with red plastic cap stamped "R.P.L.S. 5199";

South 86 degrees 26 minutes 56 seconds East, a distance of 116.22 feet to the **POINT OF BEGINNING** and containing 7,065 square feet or 0.1622 acres of land more or less.

NOTE: The basis of bearings is the east line of said 1.0980 acre tract, held as South 03 degrees 33 minutes 04 seconds West, per deed recorded as Instrument No. 201300155803, Official Public Records, Dallas County, Texas.

 7/16/13

William J. Johnson
Registered Professional Land Surveyor No. 5426



REVIEWED BY
DBF
07-26-2013
#2522

**WASTEWATER EASEMENT
PART OF BLOCK 5993 AND PART OF LOT 1A, BLOCK 10/5993
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EXHIBIT E

LEGEND

NUMBER	DIRECTION	DISTANCE
L1	N 32°31'22" W	57.66'
L2	N 88°03'41" W	34.55'
L3	S 88°03'41" E	45.08'
L4	S 32°31'22" E	60.90'

(C.M.) CONTROLLING MONUMENT
 D.R.D.C.T. DEED RECORDS, DALLAS COUNTY, TEXAS
 I.R.S. 5/8" IRON ROD SET WITH PLASTIC CAP STAMPED "R.P.L.S. 5199"
 INST. NO. INSTRUMENT NUMBER
 FND. FOUND
 MDN. MONUMENT
 O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
 PG. PAGE
 P.O.B. POINT OF BEGINNING
 P.O.C. POINT OF COMMENCING
 R.O.W. RIGHT-OF-WAY
 TXDOT TEXAS DEPARTMENT OF TRANSPORTATION
 VOL. VOLUME

0 30' 60'
SCALE: 1"=60'

**BASIS OF BEARINGS
EAST LINE OF 2.7272 ACRE TRACT
S 03°33'04" W
(C.C.F. NO. 20070178877,
O.P.R.D.C.T.)**

LOT 1A,
BLOCK 10/5993
GLEN OAKS
VILLAGE
VOL. 92107,
PG. 483
D.R.D.C.T.

VISTA WOOD BLVD.
(VARIABLE-WIDTH R.O.W.)
INST. NO. 201300152141,
O.P.R.D.C.T.)

0.5154 AC.
QUIKTRIP CORPORATION
(TRACT 1)
INST. NO. 201300155803
O.P.R.D.C.T.

LOT 1A,
BLOCK 10/5993
GLEN OAKS VILLAGE
VOL. 92107, PG. 483
D.R.D.C.T.

LEDBETTER DR.
(S.H. LOOP 12)
(VARIABLE-WIDTH R.O.W.)

0.3555 AC.
QUIKTRIP CORPORATION
(TRACT 4)
INST. NO. 201300155803
O.P.R.D.C.T.

25' UTILITY EASEMENT
(VOL. 36, PG. 13,
M.R.D.C.T.)

ACCESS EASEMENT
"EXHIBIT E"
VOL. 89236, PG. 546
VOL. 89236, PG. 563
D.R.D.C.T.)

PAUL NARBOE SURVEY
ABSTRACT NO. 1077

P.O.C.
TXDOT MON.
FND. (C.M.)

0.0711 AC.
QUIKTRIP CORPORATION
(TRACT 3)
INST. NO. 201300155803
O.P.R.D.C.T.

Delta=02°56'19"
Radius=390.00'
Length=20.00'
CB=N 01°56'19" E
CL=20.00'

15' SANITARY
SEWER EASEMENT
(VOL. 4894, PG. 53,
D.R.D.C.T.)

1.0980 ACRE TRACT
QUIKTRIP CORPORATION
(TRACT 2)
INST. NO. 201300155803
O.P.R.D.C.T.

BLOCK 5993

DRAINAGE EASEMENT
(VOL. 92107, PG. 483,
D.R.D.C.T.)

20' WASTEWATER
EASEMENT
7,065 SQUARE FEET
0.162 ACRES

0.1067 AC.
QUIKTRIP CORPORATION
(TRACT 5)
INST. NO. 201300155803
O.P.R.D.C.T.

P.O.B.
I.R.S.

REVIEWED BY
CBF
07.26.2013
#2522

NON EXCLUSIVE INGREGS, EGRESS
& UTILITY EASEMENT "EXHIBIT C"
VOL. 89236, PG. 546
VOL. 89236, PG. 563
D.R.D.C.T.)

REMAINDER OF
2.7272 ACRE TRACT
CORINTH I-35 &
LEDBETTER, LLC
INST. NO. 20070178877
O.P.R.D.C.T.

TXDOT MON.
FND. (C.M.)



William J. Johnson 7/16/13
 William J. Johnson
 Registered Professional Land Surveyor No. 5426



903 N. Bowser Road
Suite 240
Richardson, Texas 75081
(972) 424-7002 Voice
(972) 633-1702 Fax
WWW.SurveyConsultantsInc.Com

Date: 06/12/2013 Scale: 1"= 60' Project No. 11149101

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 45B

SUBJECT

An ordinance abandoning a street easement and an alley easement to Alamo Manhattan Routh, LLC, the abutting owner, containing a total of approximately 940 square feet of land, located near the intersection of Carlisle and Routh Streets, and authorizing the quitclaim – Revenue: \$68,400, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a street easement and an alley easement to Alamo Manhattan Routh, LLC, the abutting owner. The abandonment areas will be included with the property of the abutting owner for construction of a mixed-use development.

The abandonment fee is based on an independent appraisal.

Notices were sent to 29 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION /REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: \$68,400, plus the \$20 ordinance publication fee

OWNER

Alamo Manhattan Routh, LLC

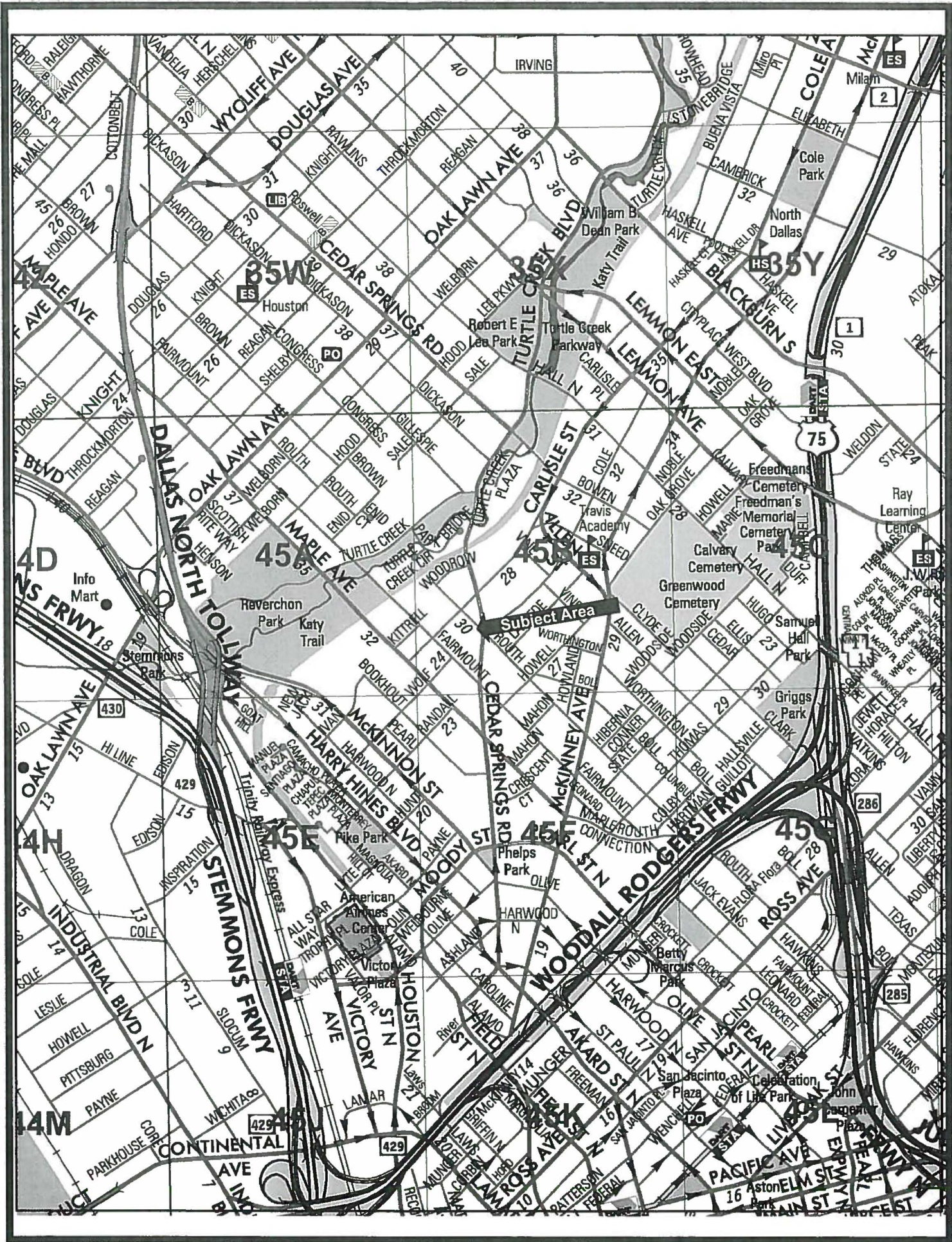
Alamo Manhattan Holdings, Ltd.

Alamo Manhattan, LLC

Matt Secrest, Manager

MAPS

Attached





Carlisle Street

Routh Street

946

946

Abandonment Areas

-  Street Easement
-  Alley Easement

ORDINANCE NO. _____

An ordinance providing for the abandonment of a street easement and an alley easement located adjacent to City Block 11/946 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Alamo Manhattan Routh, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; 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, acting pursuant to law and upon the request and petition of Alamo Manhattan Routh, LLC, a Texas limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said street easement and alley easement are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same are abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **SIXTY-EIGHT THOUSAND FOUR HUNDRED AND NO/100 (\$68,400.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. 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 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 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon

and vacate.

SECTION 8. That as a condition of this abandonment and as part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, “Hazardous Substance” means the following: (a) any “hazardous substances” under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any “hazardous substance” under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any “hazardous chemicals” or “toxic chemicals” under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any “hazardous waste” under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any “chemical substance” under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

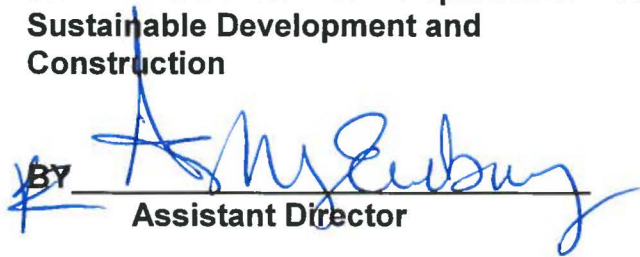
SECTION 11. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the official real property records of the county in which the abandonment areas are located, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance; and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. 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 12. 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:
WARREN M. S. ERNST
Interim City Attorney

DAVID COSSUM
Interim Director of Department of
Sustainable Development and
Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

STREET EASEMENT ABANDONMENT LOT 21, BLOCK 11/946 AMENDED MAP OF NORTH DALLAS IMPROVEMENT COMPANY CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 500 square foot tract of land situated in the J. Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, the subject tract being a portion of Lot 21, Block 11/946, Amended Map of North Dallas Improvement Company, an addition to the City of Dallas according to the plat thereof recorded in Volume 106, Page 258, Deed Records, Dallas County, Texas (DRDCT), being conveyed to Alamo Manhattan Routh, LLC, by Special Warranty Deed with Vendor's Lien, recorded in Instrument Number 201200376567, Official Public Records, Dallas County, Texas (OPRDCT), the subject tract being a 10 foot wide street easement conveyed to the City of Dallas, recorded in Volume 4622, Page 80 DRDCT, and being more particularly described as follows;

COMMENCING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" found for the west corner of Lot 23, Block 11/946, Amended Map of North Dallas Improvement Company, as conveyed to Alvin Bayless, Grantee, by Special Warranty Deed with Vendor's Lien, recorded in Instrument Number 201100200206 OPRDCT, said rod being at the intersection of the southeast line of Carlisle Street (a 50 foot public right-of-way, recorded in Volume 102, Page 400 DRDCT) with the northeast line of an alley (a 16 foot right-of-way), created by North Dallas Improvement Company, recorded in Volume 102, Page 400 DRDCT;

THENCE S 45°32'06" E, 50.79 feet along the southwest line of said Lot 23 and the northeast line of said alley, to the south corner of said Lot 23 and the west corner of said Lot 21, Block 11/946, and being the west corner of said 10 foot street easement, the POINT OF BEGINNING of the herein described tract;

THENCE N 45°04'09" E, 10.00 feet along the southeast line of said Lot 23 and the northwest line of said Lot 21 and said 10 foot street easement, to the north corner of said 10 foot street easement;

THENCE S 45°32'06" E, 50.00 feet along the northeast line of said 10 foot street easement, through said Lot 21 to the southeast line of said Lot 21 and the northwest line of Lot 19, Block 11/946, Amended Map of North Dallas Improvement Company, an addition to the City of Dallas according to the plat thereof recorded in Volume 106, Page 258, (DRDCT), being conveyed to Alamo Manhattan Routh, LLC, by Special Warranty Deed with Vendor's Lien, recorded in Instrument Number 201200376567, (OPRDCT), for the east corner of said 10 foot street easement;

THENCE S 45°04'09" W, 10.00 feet along the southeast line of said Lot 21 and said 10 foot street easement, and along the northwest line of said Lot 19, passing at 1.00 feet the north corner of a 9 foot alley easement conveyed to the City of Dallas, recorded in Volume 5511, Page 245 (DRDCT), continuing along the southeast line thereof to a point on the northeast line of said alley, for the south corner of said Lot 21 and said 10 foot street easement, and for the west corner of said Lot 19 and said 9 foot alley easement, from said point a 1/2" iron rod with plastic cap stamped "SPIARSENG" found bears S 45°32'06" E, 150.01 feet;

THENCE N 45°32'06" W, 50.00 feet along the northeast line of said alley, and along the southwest line of said Lot 21 and said 10 foot street easement, to the POINT OF BEGINNING, and containing 500 square feet, or 0.011 acres of land, more or less.

(For SPRG use only)

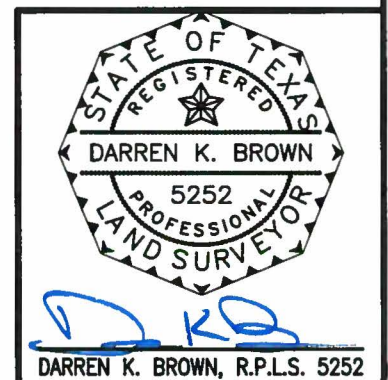
Reviewed By: JL

Date: 5-21-13

SPRG No: 2653

PAGE 1 OF 2

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A plat map of even date accompanies this metes and bounds description.

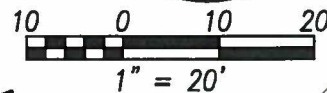
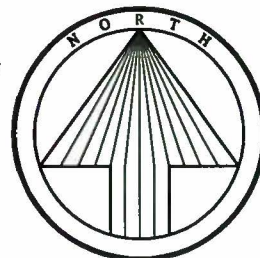
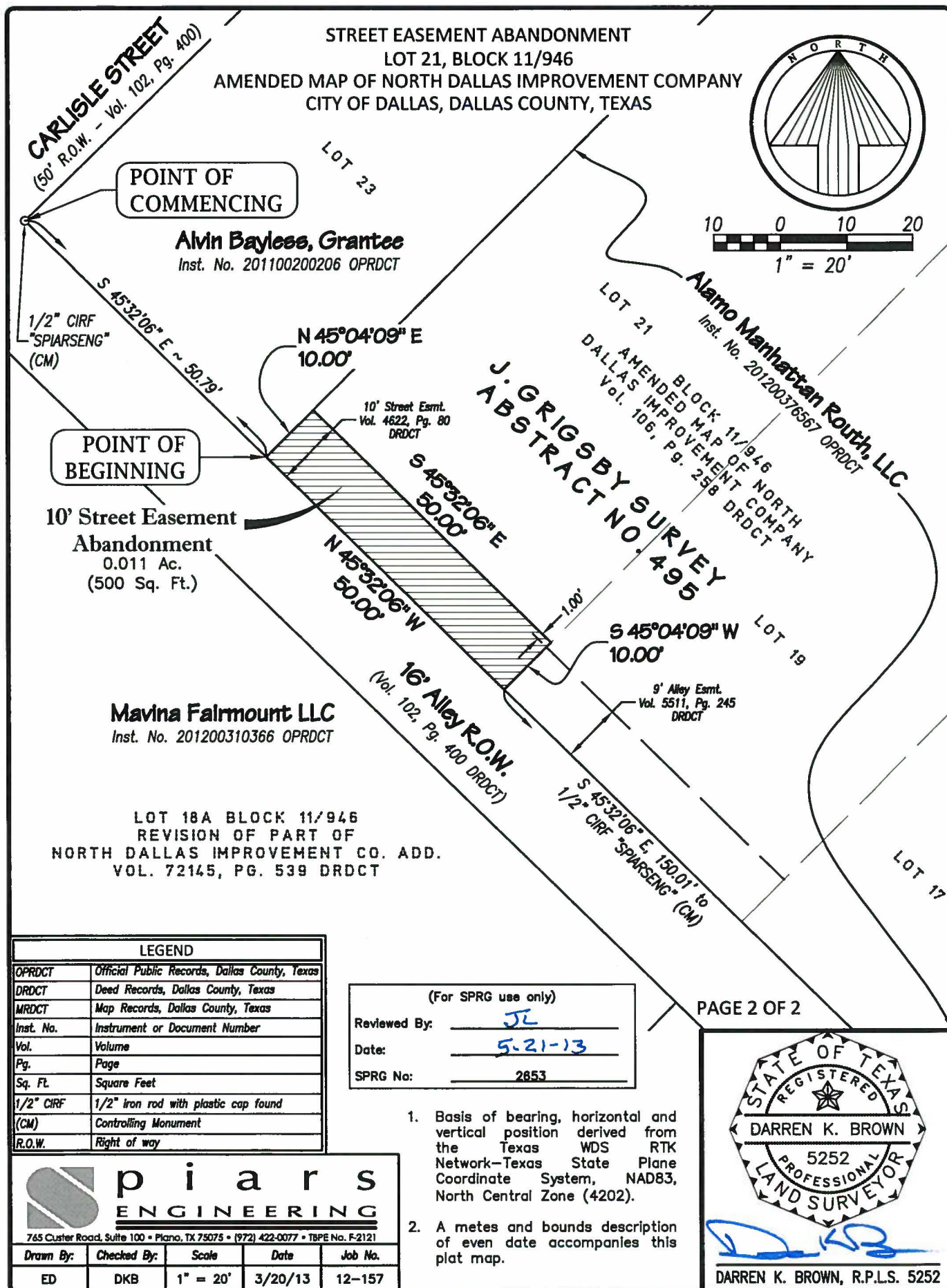


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Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		3/20/13	12-157

EXHIBIT A-TRACT 1



POINT OF COMMENCING

Alvin Bayless, Grantee
Inst. No. 201100200206 OPRDCT

POINT OF BEGINNING

10' Street Easement Abandonment
0.011 Ac.
(500 Sq. Ft.)

Mavina Fairmount LLC
Inst. No. 201200310366 OPRDCT

LOT 18A BLOCK 11/946
REVISION OF PART OF
NORTH DALLAS IMPROVEMENT CO. ADD.
VOL. 72145, PG. 539 DRDCT

Alamo Manhattan Routh, LLC
Inst. No. 201200376567 OPRDCT

J. GRIGSBY SURVEY
ABSTRACT NO. 495

LOT 19

LOT 17

LEGEND

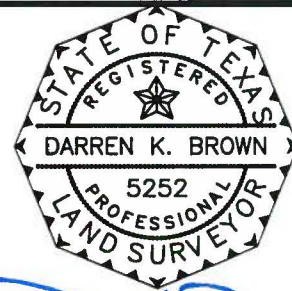
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
MRDCT	Map Records, Dallas County, Texas
Inst. No.	Instrument or Document Number
Vol.	Volume
Pg.	Page
Sq. Ft.	Square Feet
1/2" CIRF	1/2" Iron rod with plastic cap found
(CM)	Controlling Monument
R.O.W.	Right of way

(For SPRG use only)

Reviewed By: JL
Date: 5-21-13
SPRG No: 2853

PAGE 2 OF 2

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network—Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A metes and bounds description of even date accompanies this plat map.



[Signature]
DARREN K. BROWN, R.P.L.S. 5252

p i a r s ENGINEERING
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Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 20'	3/20/13	12-157

EXHIBIT A-TRACT 2

ALLEY EASEMENT ABANDONMENT LOT 19, BLOCK 11/946 AMENDED MAP OF NORTH DALLAS IMPROVEMENT COMPANY CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 450 square foot tract of land situated in the J. Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, the subject tract being a portion of Lot 19, Block 11/946, Amended Map of North Dallas Improvement Company, an addition to the City of Dallas according to the plat thereof recorded in Volume 106, Page 258, Deed Records, Dallas County, Texas (DRDCT), being conveyed to Alamo Manhattan Routh, LLC, by Special Warranty Deed with Vendor's Lien, recorded in Instrument Number 201200376567, Official Public Records, Dallas County, Texas (OPRDCT), the subject tract being a 9 foot alley easement conveyed to the City of Dallas, recorded in Volume 5511, Page 245 (DRDCT), and being more particularly described as follows;

COMMENCING at a 1/2" iron rod with plastic cap stamped "SPIARSENG" found for the west corner of Lot 23, Block 11/946, Amended Map of North Dallas Improvement Company, as conveyed to Alvin Bayless, Grantee, by Special Warranty Deed with Vendor's Lien, recorded in Instrument Number 201100200206 OPRDCT, said rod being at the intersection of the southeast line of Carlisle Street (a 50 foot public right-of-way, recorded in Volume 102, Page 400 DRDCT) with the northeast line of an alley (a 16 foot right-of-way), created by North Dallas Improvement Company, recorded in Volume 102, Page 400 DRDCT;

THENCE S 45°32'06" E, along the southwest line of said Lot 23 and the northeast line of said alley, passing at 50.79 feet the south corner of said Lot 23 and the west corner of Lot 21, Block 11/946, Amended Map of North Dallas Improvement Company, being conveyed to Alamo Manhattan Routh, LLC, by Special Warranty Deed with Vendor's Lien, recorded in Instrument Number 201200376567 (OPRDCT), and being the same for a 10 foot wide street easement conveyed to the City of Dallas, recorded in Volume 4622, Page 80 DRDCT, continuing along the southwest line thereof a total distance of 100.79 feet to the south corner of said Lot 21 and said 10 foot street easement, and being the west corner of said Lot 19 and said 9 foot alley easement, the POINT OF BEGINNING of the herein described tract;

THENCE N 45°04'09" E, 9.00 feet along the southeast line of said Lot 21 and said street easement, and along the northwest line of said Lot 19 and said alley easement, to the north corner of said alley easement;

THENCE S 45°32'06" E, 50.00 feet along the northeast line of said alley easement, through said Lot 19 to the southeast line of said Lot 19 and the northwest line of Lot 17, Block 11/946, Amended Map of North Dallas Improvement Company, an addition to the City of Dallas according to the plat thereof recorded in Volume 106, Page 258, (DRDCT), being conveyed to Alamo Manhattan Routh, LLC, by Special Warranty Deed with Vendor's Lien, recorded in Instrument Number 201200376567, (OPRDCT), for the east corner of said alley easement;

THENCE S 45°04'09" W, 9.00 feet along the southeast line of said Lot 19 and said alley easement, and along the northwest line of said Lot 17, to a point on the northeast line of said alley, for the south corner of said Lot 19 and said alley easement, and for the west corner of said Lot 17, from said point a 1/2" iron rod with plastic cap stamped "SPIARSENG" found bears S 45°32'06" E, 100.01 feet;

THENCE N 45°32'06" W, 50.00 feet along the northeast line of said alley, and along the southwest line of said Lot 19 and said alley easement, to the POINT OF BEGINNING, and containing 450 square feet, or 0.010 acres of land, more or less.

(For SPRG use only)

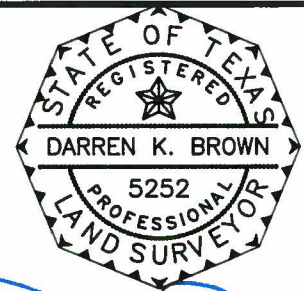
Reviewed By: JL

Date: 5-21-13

SPRG No: 2652

PAGE 1 OF 2

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A plat map of even date accompanies this metes and bounds description.



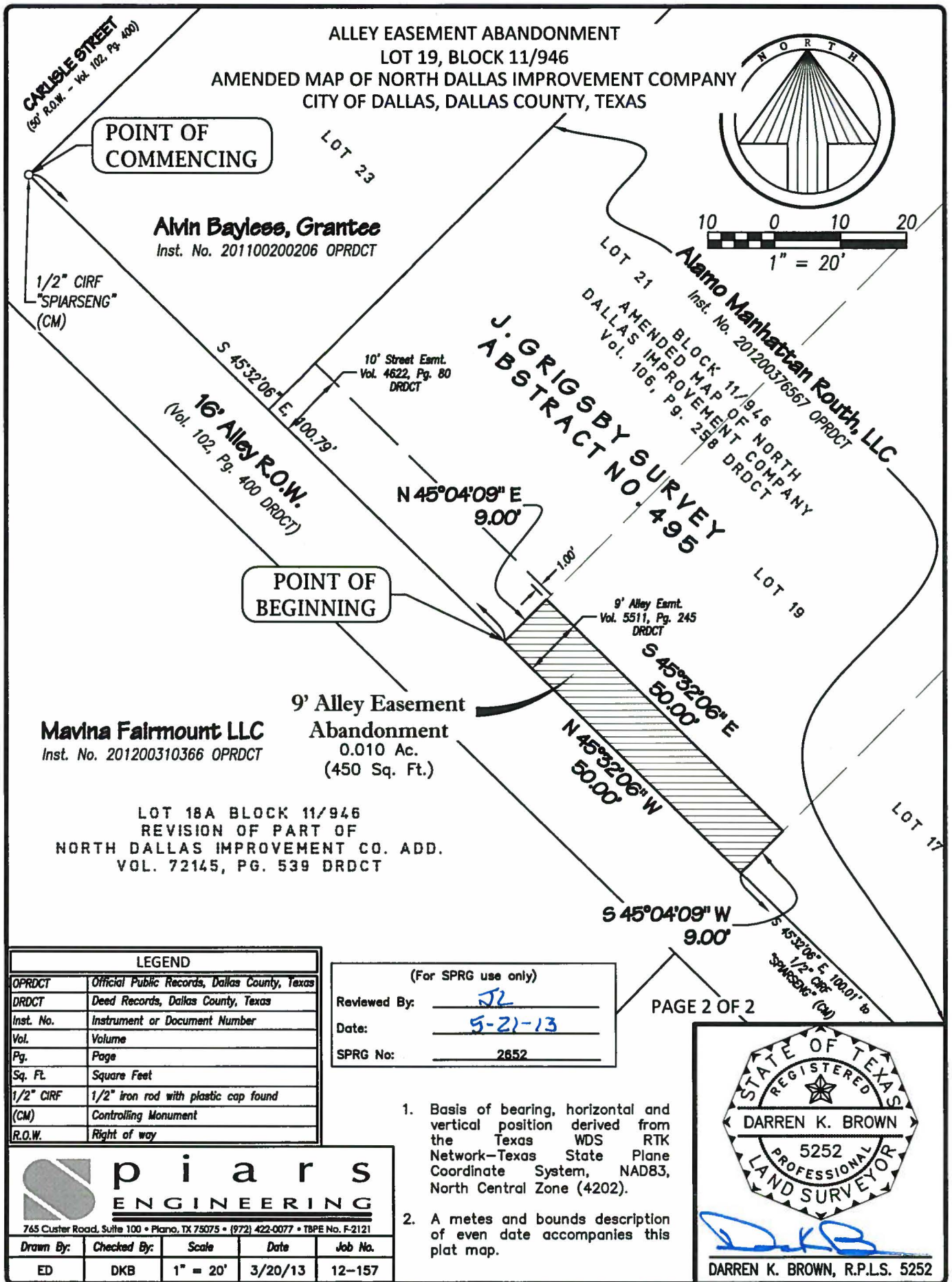
[Signature]
DARREN K. BROWN, R.P.L.S. 5252

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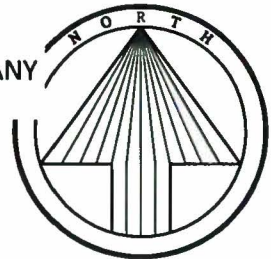
Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		3/20/13	12-157

EXHIBIT A-TRACT 2



POINT OF COMMENCING

Alvin Bayless, Grantee
Inst. No. 201100200206 OPRDCT



10 0 10 20
1" = 20'

POINT OF BEGINNING

9' Alley Easement Abandonment
0.010 Ac.
(450 Sq. Ft.)

Mavina Fairmount LLC
Inst. No. 201200310366 OPRDCT

LOT 18A BLOCK 11/946
REVISION OF PART OF
NORTH DALLAS IMPROVEMENT CO. ADD.
VOL. 72145, PG. 539 DRDCT

PAGE 2 OF 2

LEGEND	
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument or Document Number
Vol.	Volume
Pg.	Page
Sq. Ft.	Square Feet
1/2" CIRF (CM)	1/2" iron rod with plastic cap found Controlling Monument
R.O.W.	Right of way

(For SPRG use only)

Reviewed By: JL

Date: 5-21-13

SPRG No: 2852

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A metes and bounds description of even date accompanies this plat map.

p i a r s ENGINEERING

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Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 20'	3/20/13	12-157

STATE OF TEXAS
REGISTERED
DARREN K. BROWN
5252
PROFESSIONAL
LAND SURVEYOR

[Signature]
DARREN K. BROWN, R.P.L.S. 5252

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 11
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 15Q

SUBJECT

An ordinance abandoning portions of an alley easement, an alley and a screening wall easement to the King of Glory Lutheran Church, the abutting owner, containing a total of approximately 4,775 square feet of land, located near the intersection of Hughes Lane and Lyndon B. Johnson Freeway (Interstate Highway 635), and authorizing the quitclaim - Revenue: \$39,136, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of an alley easement, an alley and a screening wall easement to the King of Glory Lutheran Church, the abutting owner. The area will be included with the property of the abutting owner for the expansion of the church parking lot.

The abandonment fee is based on an independent appraisal.

Notices were sent to 26 property owners located within 300 feet of the proposed abandonment area. There were two responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Revenue: \$39,136, plus the \$20 ordinance publication fee

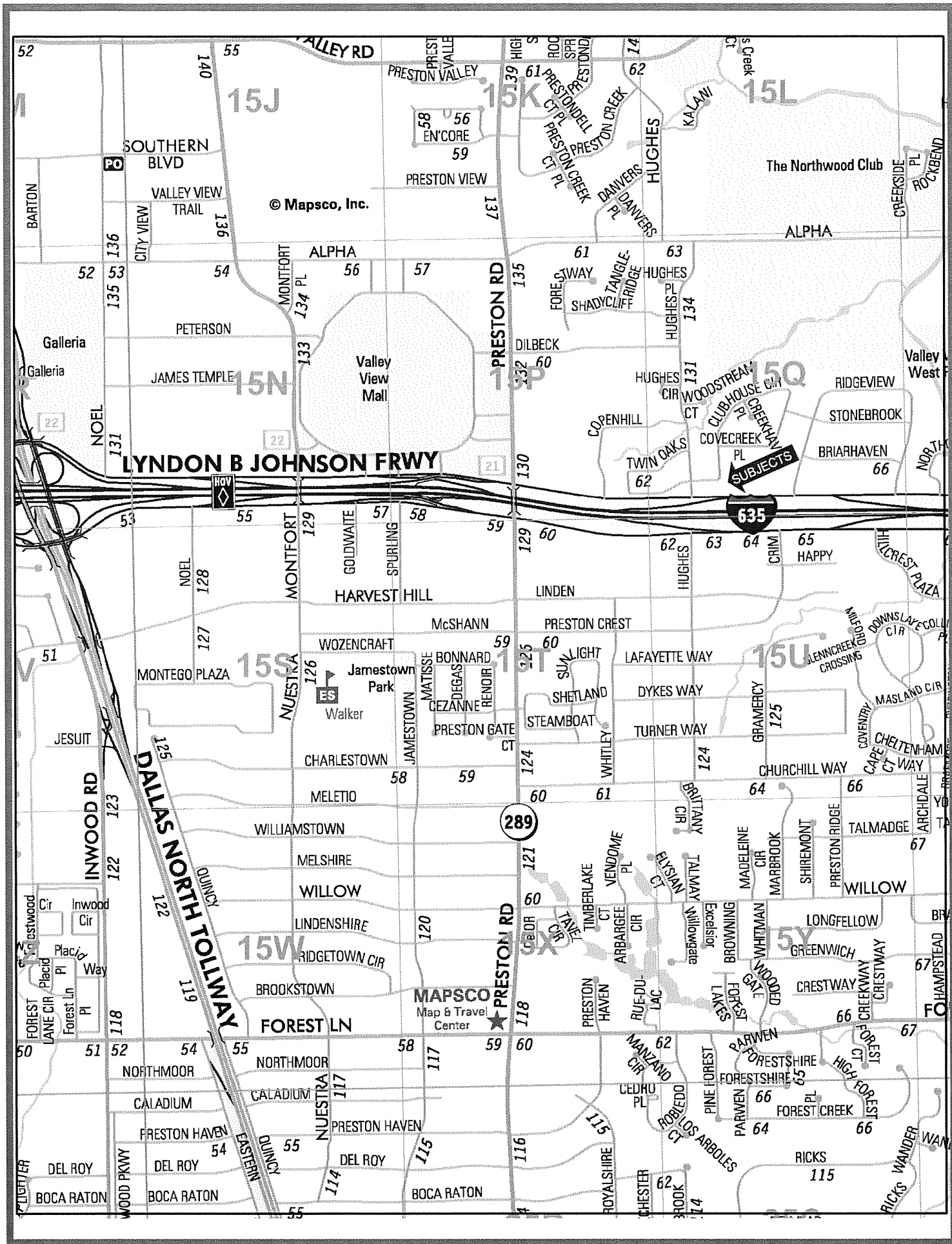
OWNER

King of Glory Lutheran Church

Bonnie Meeder, Congregation Council President

MAPS

Attached



© Mapsco, Inc.

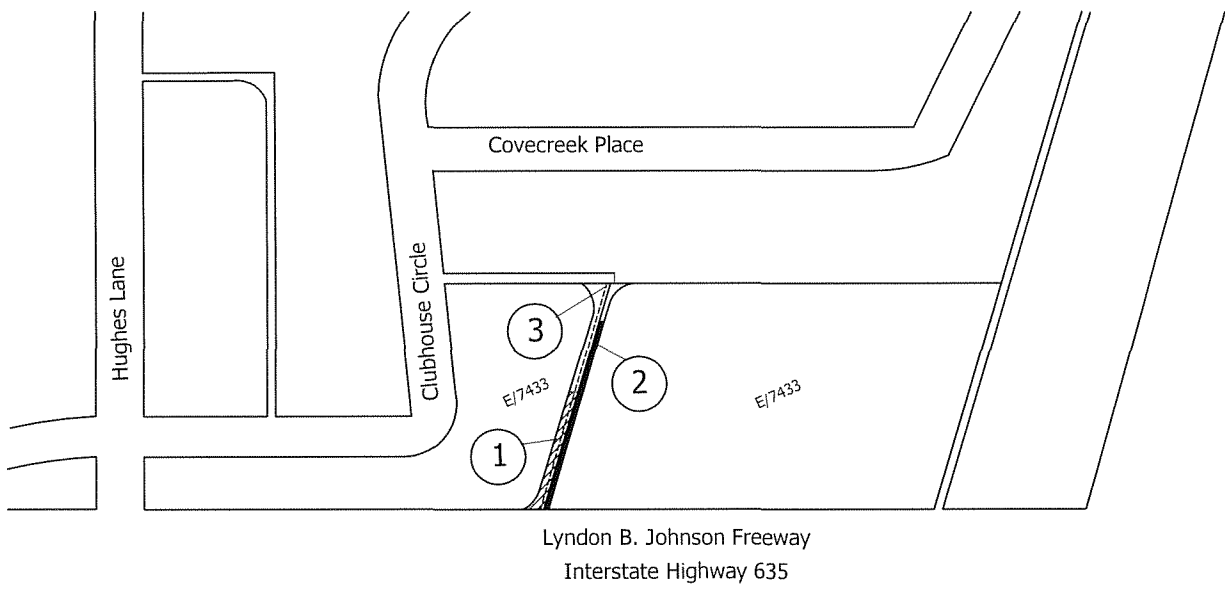
LYNDON B JOHNSON FRWY

635
SUBJECTS

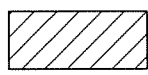
289

MAPSCO
Map & Travel
Center





Abandonment Areas



Tract 1) 15' Alley Easement



Tract 2) 5' Alley



Tract 3) Screening Wall Easement

ORDINANCE NO. _____

An ordinance providing for the abandonment of portions of an alley easement, an alley and a screening wall easement located in and adjacent to City Block E/7433 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to King of Glory Lutheran Church; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; 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, acting pursuant to law and upon the request and petition of King of Glory Lutheran Church, a Texas non-profit corporation, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of an alley easement, an alley and a screening wall easement are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **THIRTY-NINE THOUSAND ONE HUNDRED THIRTY-SIX AND NO/100 DOLLARS (\$39,136.00)** paid by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City

of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions and conditions of this ordinance.

SECTION 4. 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 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 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B as to Exhibit A-Tracts 1 and 2, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned areas are located after its approval by the City Plan Commission of the City of Dallas.

SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this abandonment, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A-Tracts 1 and 2, closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. 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 Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department 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 12. 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:
WARREN M. S. ERNST
Interim City Attorney

DAVID COSSUM
Interim Director of Department of
Sustainable Development and
Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

ALLEY EASEMENT ABANDONMENT THE COTERIE II BLOCK E/7433

BEING a 2,778 square foot tract of land situated in the E. Wilburn Survey, Abstract No. 1583, City of Dallas, Dallas County, Texas, the subject tract being a portion of a 15 foot wide alley easement as shown on Lots 4 and 5, Block E/7433 of the Replat of Lots 4 and 5 of Block E/7433, an addition to the City of Dallas according to the plat thereof recorded in Volume 79049, Page 347, Deed Records, Dallas County, Texas (DRDCT), said easement being created by Volume 77033, Page 992 DRDCT, and being part of the land conveyed to King of Glory Lutheran Church, by Warranty Deed recorded in Instrument Number 201000219131, Official Public Records, Dallas County, Texas (OPRDCT) (Lot 4), and by General Warranty Deed recorded in Instrument Number 201000053546 OPRDCT (Lot 5), the subject tract being more particularly described as follows;

COMMENCING from a 1/2" iron rod found for the northeast corner of Lot 7, Block E/7433 of The Coterie II, an addition to the City of Dallas according to the plat thereof recorded in Volume 77143, Page 1897 DRDCT, and being the most southerly southwest corner of Lot 10, Block E/7433 of said The Coterie II, and the southeast corner of a 15 foot wide alley, said The Coterie II;

THENCE S 89°43'30" W, 2.09 feet along the south line of said alley and the north line of said Lot 7, to a point for corner, said point being on the east line of said alley easement, and being on the west line of a 2 foot wide screening wall easement created by said plat of The Coterie II;

THENCE S 16°17'27" W, 164.57 feet along the east line of said alley easement and the west line of said screening wall easement, to a point on the south line of Lot 6, Block E/7433 of said The Coterie II, and the north line of said Lot 5, for the POINT OF BEGINNING of the subject tract;

THENCE S 16°17'27" W, 179.91 feet passing over and across Lots 5 and 4, Block E/7433, to a point on the north line of the right-of-way of L.B.J. Freeway (a variable width right-of-way, also known as Interstate Highway 635), being on the north line of the tract described to the State of Texas in Deed recorded in Instrument Number 20070080339 OPRDCT, from said point a 1/2" capped iron rod found for the most easterly southeast corner of said Lot 4 bears N 28°07'21" E, 9.75 feet;

THENCE along the north line of said State of Texas tract, around a non-tangent curve to the left having a central angle of 0°34'58", a radius of 2804.46 feet, a chord bearing of S 87°45'48" W, a chord distance of 28.52 feet, an arc length of 28.52 feet to a point on the west line of said alley easement, from which a 1/2" capped iron rod found for the northeast corner of said Lot 4 and the west corner of said Lot 5 bears N 28°04'30" W, 135.04 feet;

THENCE departing said State of Texas tract, along the west line of said alley easement, around a non-tangent curve to the left having a central angle of 45°39'31", a radius of 40.00 feet, a chord bearing of N 39°07'13" E, a chord distance of 31.04 feet, an arc length of 31.88 feet to a point for corner;

THENCE N 16°17'27" E, 154.98 feet over and across the aforementioned Lots 4 and 5, along the west line of said alley easement, to a point for corner on the north line of said Lot 5 and the south line of said Lot 6, Block E/7433;

THENCE N 86°31'59" E, 15.94 feet through said alley, along the north line of said Lot 5 and the south line of said Lot 6, Block E/7433, to the POINT OF BEGINNING with the subject tract containing 2,778 square feet or 0.064 acres of land, more or less.

NOTES:

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network—Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A plat of even date hereby accompanies this legal description.

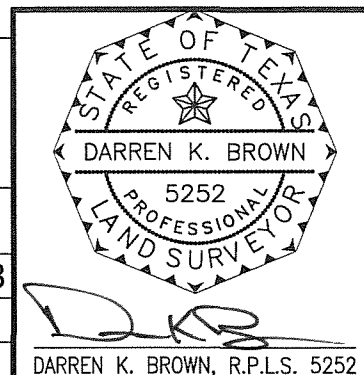
(For SPRG use only)

Reviewed By: *[Signature]*

Date: 07.24.2013

SPRG No: 2694

PAGE 1 OF 2



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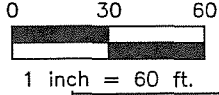
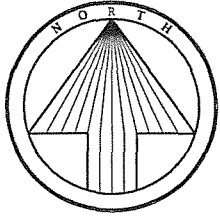
E. WILBURN SURVEY, A-1583

CITY OF DALLAS

DALLAS COUNTY, TEXAS

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	---	7/19/13	12-081

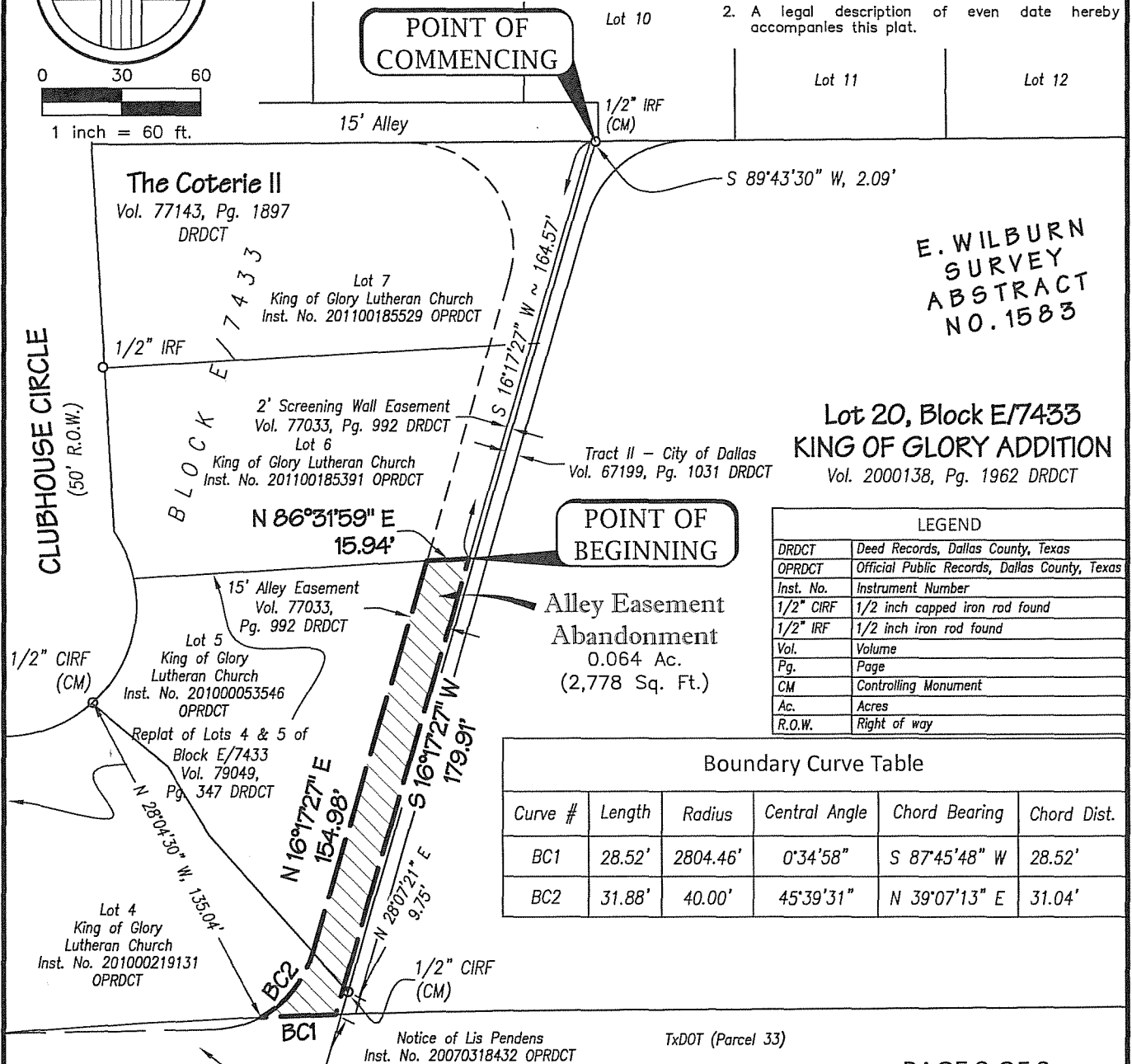
EXHIBIT A-TRACT 1



ALLEY EASEMENT ABANDONMENT THE COTERIE II BLOCK E/7433

NOTES:

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network—Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A legal description of even date hereby accompanies this plat.



**E. WILBURN
SURVEY
ABSTRACT
NO. 1583**

**Lot 20, Block E/7433
KING OF GLORY ADDITION**
Vol. 2000138, Pg. 1962 DRDCT

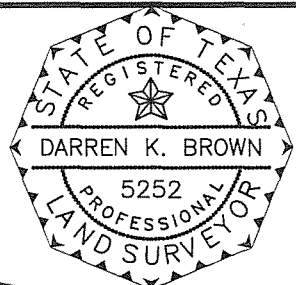
LEGEND	
DRDCT	Deed Records, Dallas County, Texas
OPRDCT	Official Public Records, Dallas County, Texas
Inst. No.	Instrument Number
1/2" CIRF	1/2 inch capped iron rod found
1/2" IRF	1/2 inch iron rod found
Vol.	Volume
Pg.	Page
CM	Controlling Monument
Ac.	Acres
R.O.W.	Right of way

Boundary Curve Table					
Curve #	Length	Radius	Central Angle	Chord Bearing	Chord Dist.
BC1	28.52'	2804.46'	0°34'58"	S 87°45'48" W	28.52'
BC2	31.88'	40.00'	45°39'31"	N 39°07'13" E	31.04'

State of Texas
Inst. No. 20070080339
OPRDCT
L.B.J. FREEWAY (I.H. 635)
(Variable Width R.O.W.)

(For SPRG use only)
Reviewed By: [Signature]
Date: 07.24.2013
SPRG No: 2694

PAGE 2 OF 2



[Signature]
DARREN K. BROWN, R.P.L.S. 5252

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Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 60'	7/19/13	12-081

E. WILBURN SURVEY, A-1583
CITY OF DALLAS
DALLAS COUNTY, TEXAS

EXHIBIT A-TRACT 2

ALLEY ABANDONMENT KING OF GLORY ADDITION BLOCK E/7433

BEING a 1,425 square foot tract of land situated in the E. Wilburn Survey, Abstract No. 1583, City of Dallas Block No. 7433, City of Dallas, Dallas County, Texas, the subject tract being part of a 5 foot wide alley described as Tract II by Warranty Deed to the City of Dallas, recorded in Volume 67199, Page 1031 of the Deed Records, Dallas County, Texas (DRDCT), the subject tract being more particularly described as follows;

COMMENCING at a 1/2" iron rod found for the northwest corner of said Tract II, being the northeast corner of Lot 7, Block E/7433, The Coterie II, an addition to the City of Dallas, recorded in Volume 77143, Page 1897 DRDCT, and the southeast corner of a 15 foot wide alley shown on The Coterie II, and being the most southerly southwest corner of Lot 10, Block E/7433, The Coterie II addition, and being the northeast corner of a 2 foot wide screening wall easement created in Volume 77033, Page 992 DRDCT;

THENCE S 16°17'27" W, 58.59 feet along the west line of said Tract II and the east line of said Lot 7, Block E/7433, to a point for the POINT OF BEGINNING of the subject tract;

THENCE S 73°48'21" E, 5.00 feet through said Tract II, to a point for corner on the east line of said Tract II and on the west line of Lot 20, Block E/7433, King of Glory Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 2000138, Page 1962 DRDCT, for corner;

THENCE S 16°17'27" W, 284.20 feet continuing along the common line of said Tract II and said Lot 20, to the future north line of L.B.J. Freeway (a variable width right-of-way, also known as Interstate Highway 635), described in Notice of Lis Pendens, recorded in Instrument Number 20070318432, Official Public Records, Dallas County, Texas (OPRDCT);

THENCE along the future north line of said L.B.J. Freeway, around a non-tangent curve to the left having a central angle of 0°06'27", a radius of 2804.46 feet, a chord bearing of S 88°09'05" W, a chord distance of 5.26 feet, an arc length of 5.26 feet to a point for corner being the southwest corner of said Tract II and being the northeast corner of the State of Texas tract described in deed recorded in Instrument Number 20070080339 OPRDCT, and being on the east line of Lot 4, Block E/7433 of the Replat of Lots 4 and 5 of Block E/7433, an addition to the City of Dallas according to the plat thereof recorded in Volume 79049, Page 347 DRDCT;

THENCE N 16°17'27" E, along the east line of said Lot 4, Block E/7433, passing at 8.89 feet a 1/2" iron rod found for the most easterly northeast corner of said Lot 4 and being the southeast corner of Lot 5, Block E/7433 of said Replat of Lots 4 and 5, continuing along the east line of said Lot 5 and said Lot 6, Block E/7433, The Coterie II Addition, and said Lot 7, a total distance of 285.83 feet to the POINT OF BEGINNING, with the subject tract containing 1,425 square feet, or 0.033 acres of land, more or less.

NOTES:

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A plat of even date hereby accompanies this legal description.

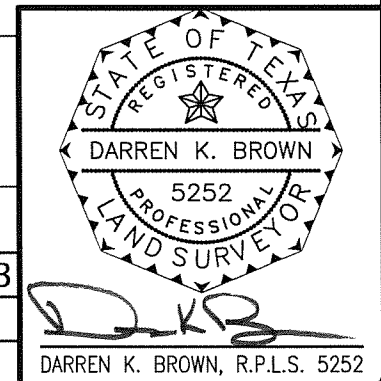
PAGE 1 OF 2

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Reviewed By: JK

Date: 05-09-2013

SPRG No: 2627



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E. WILBURN SURVEY, A-1583

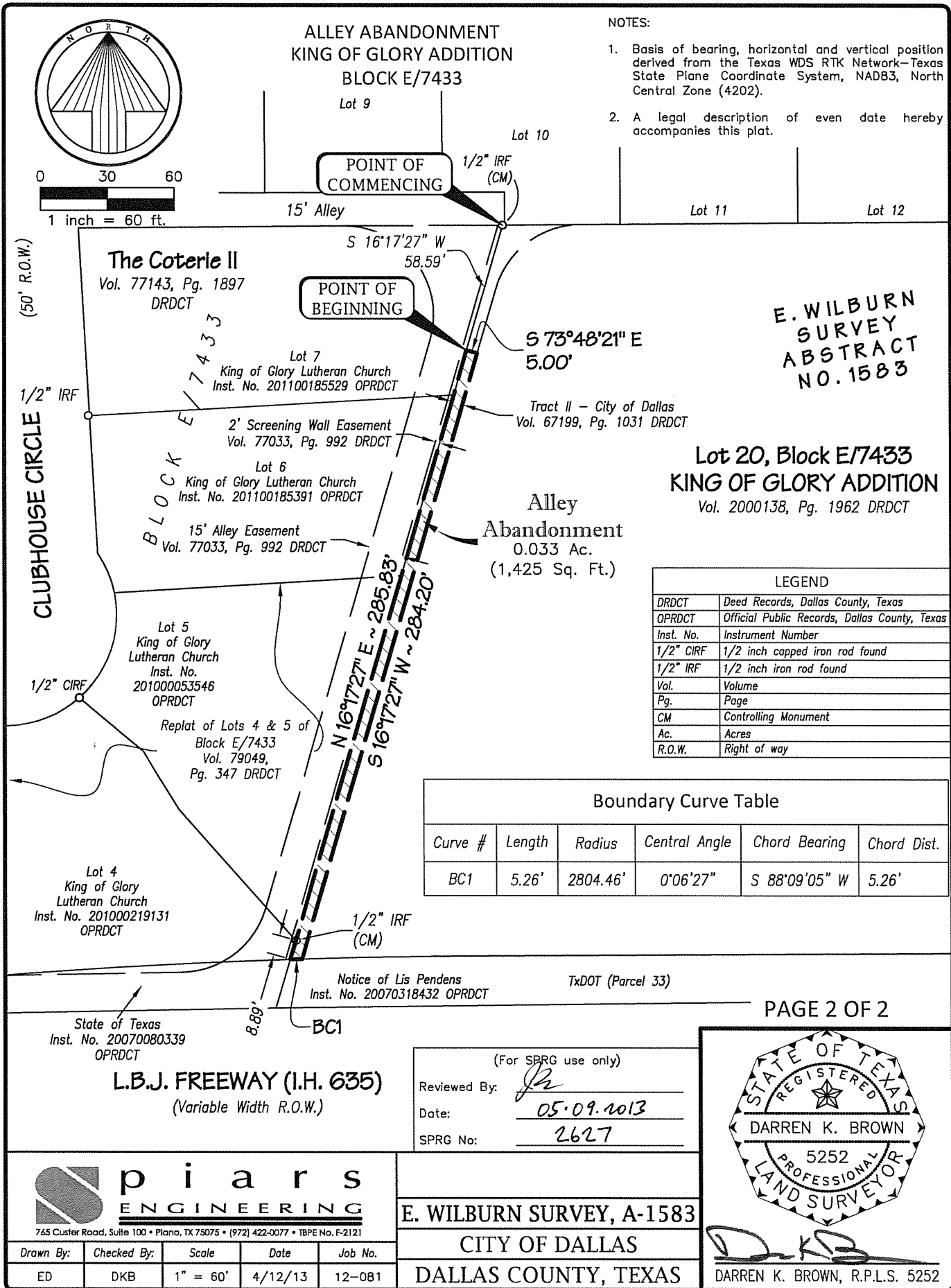
CITY OF DALLAS

DALLAS COUNTY, TEXAS

DARREN K. BROWN, R.P.L.S. 5252

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	---	4/12/13	12-081

EXHIBIT A-TRACT 2



NOTES:

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network—Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A legal description of even date hereby accompanies this plat.

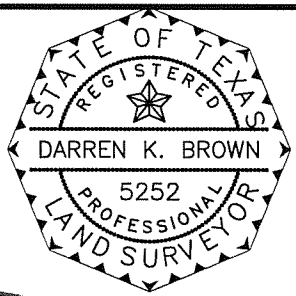
**E. WILBURN
SURVEY
ABSTRACT
NO. 1583**

**Lot 20, Block E/7433
KING OF GLORY ADDITION
Vol. 2000138, Pg. 1962 DRDCT**

LEGEND	
DRDCT	Deed Records, Dallas County, Texas
OPRDCT	Official Public Records, Dallas County, Texas
Inst. No.	Instrument Number
1/2" CIRF	1/2 inch capped iron rod found
1/2" IRF	1/2 inch iron rod found
Vol.	Volume
Pg.	Page
CM	Controlling Monument
Ac.	Acres
R.O.W.	Right of way

Boundary Curve Table					
Curve #	Length	Radius	Central Angle	Chord Bearing	Chord Dist.
BC1	5.26'	2804.46'	0°06'27"	S 88°09'05" W	5.26'

PAGE 2 OF 2



(For SPRG use only)
 Reviewed By: [Signature]
 Date: 05.09.2013
 SPRG No: 2627

[Signature]
DARREN K. BROWN, R.P.L.S. 5252

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E. WILBURN SURVEY, A-1583
CITY OF DALLAS
DALLAS COUNTY, TEXAS

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 60'	4/12/13	12-081

EXHIBIT A-TRACT 3

SCREENING WALL EASEMENT ABANDONMENT THE COTERIE II BLOCK E/7433

BEING a 572 square foot tract of land situated in the E. Wilburn Survey, Abstract No. 1583, City of Dallas, Dallas County, Texas, the subject tract being part of a 2 foot wide screening wall easement as shown on Lots 6 and 7, Block E/7433 of The Coterie II, an addition to the City of Dallas according to the plat thereof recorded in Volume 77143, Page 1897 of the Deed Records, Dallas County, Texas (DRDCT), and shown on Lots 4 and 5, Block E/7433 of the Replat of Lots 4 and 5 of Block E/7433, an addition to the City of Dallas according to the plat thereof recorded in Volume 79049, Page 347 DRDCT, being created by Volume 77033, Page 992 DRDCT, and being part of the land conveyed to King of Glory Lutheran Church, by Warranty Deed recorded in Instrument Number 201000219131, Official Public Records, Dallas County, Texas (OPRDCT) (Lot 4), and by General Warranty Deed recorded in Instrument Number 201000053546 OPRDCT (Lot 5), and by Warranty Deed recorded in Instrument Number 201100185391 OPRDCT (Lot 6), and by Warranty Deed recorded in Instrument Number 201100185529 OPRDCT (Lot 7), the subject tract being more particularly described as follows;

COMMENCING at a 1/2" iron rod found for the northeast corner of said Lot 7, Block E/7433, the most southerly southwest corner of Lot 10, Block E/7433, and the southeast corner of a 15 foot wide alley, The Coterie II addition, and being the northwest corner of Tract II of the land conveyed to the City of Dallas for alley purposes by Warranty Deed recorded in Volume 67199, Page 1031 DRDCT;

THENCE S 16°17'27" W, 58.59 feet along the west line of said Tract II and the east line of said Lot 7, Block E/7433, to a point for the POINT OF BEGINNING of the subject tract;

THENCE S 16°17'27" W, along the common line between said Tract II, and said Lots 7 through 4, Block E/7433, passing at 276.94 feet a 1/2" iron rod found for the southeast corner of said Lot 5 and the most easterly southeast corner of Lot 4, continuing along the common line thereof a total distance of 285.83 feet to a point on the north line of L.B.J. Freeway (a variable width right-of-way, also known as Interstate Highway 635), being the northeast corner of the State of Texas tract described in Deed recorded in Instrument Number 20070080339 OPRDCT;

THENCE along the north line of said State of Texas tract, around a non-tangent curve to the left having a central angle of 0°02'35", a radius of 2804.46 feet, a chord bearing of S 88°04'34" W, a chord distance of 2.11 feet, an arc length of 2.11 feet to a point for corner, from which a 1/2" capped iron rod found for the northeast corner of said Lot 4, and the west corner of said Lot 5, bears N 38°06'49" W, 149.66 feet;

THENCE N 16°17'27" E, 286.48 feet departing said north line of State of Texas tract, over and across the aforementioned said Lots 4 through 7, to a point for corner;

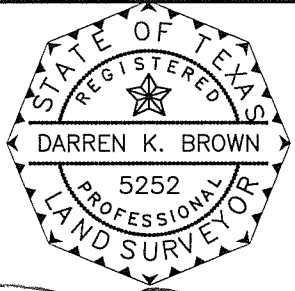
THENCE S 73°48'21" E, 2.00 feet through said Lot 7, to the POINT OF BEGINNING with the subject tract containing 572 square feet or 0.013 acres of land, more or less.

NOTES:

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network—Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A plat of even date hereby accompanies this legal description.


PAGE 1 OF 2

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Reviewed By: <u><i>JK</i></u>
Date: <u>05.09.2013</u>
SPRG No: <u>2628</u>



DARREN K. BROWN
5252
PROFESSIONAL
LAND SURVEYOR

D.K.B.
DARREN K. BROWN, R.P.L.S. 5252



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ED	DKB	---	4/12/13	12-081

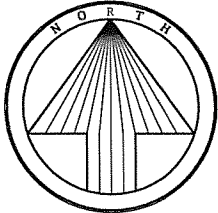
E. WILBURN SURVEY, A-1583

CITY OF DALLAS

DALLAS COUNTY, TEXAS

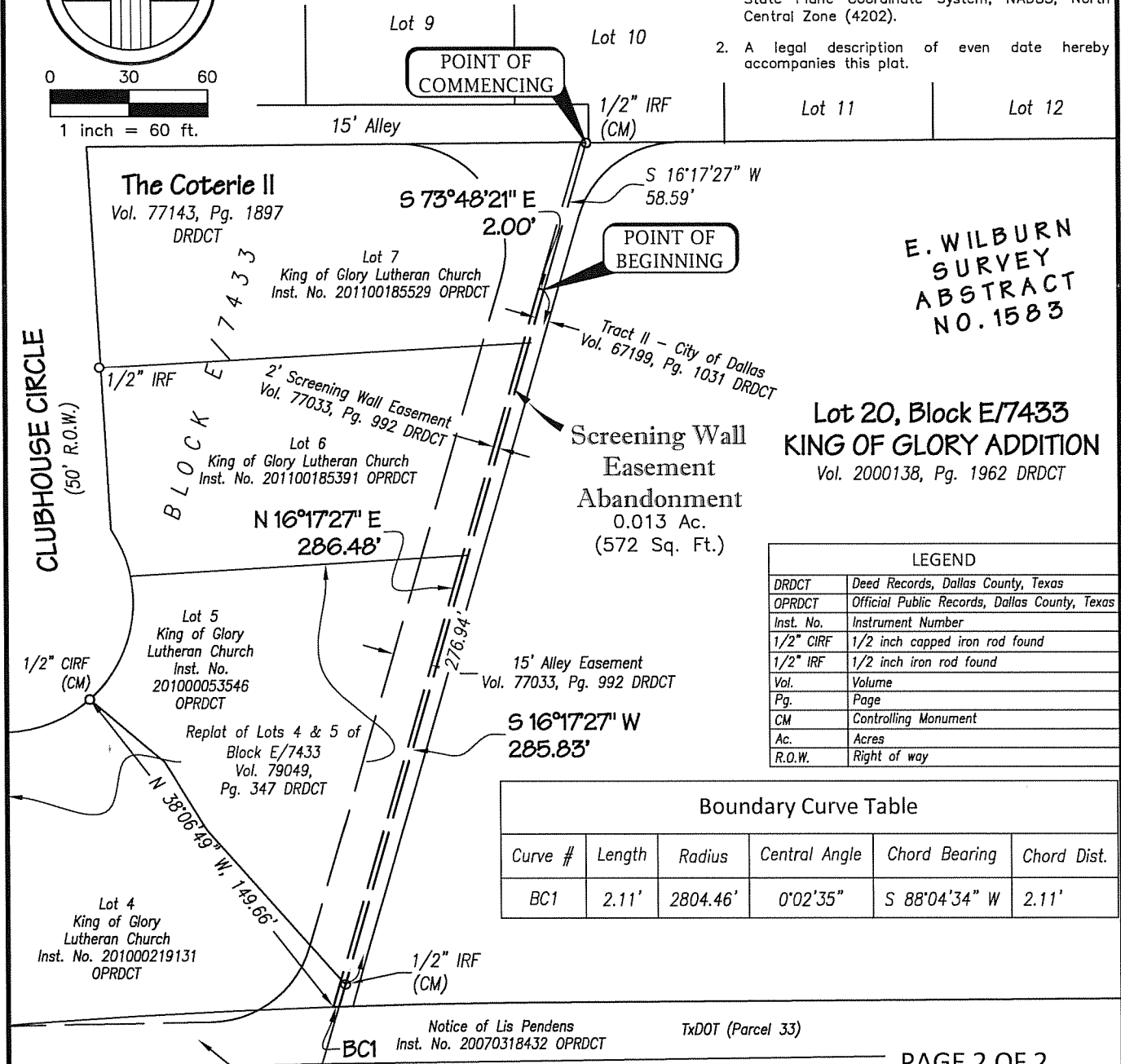
EXHIBIT A-TRACT 3

SCREENING WALL EASEMENT ABANDONMENT THE COTERIE II BLOCK E/7433



NOTES:

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network—Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A legal description of even date hereby accompanies this plat.



**E. WILBURN
SURVEY
ABSTRACT
NO. 1583**

**Lot 20, Block E/7433
KING OF GLORY ADDITION**
Vol. 2000138, Pg. 1962 DRDCT

LEGEND

DRDCT	Deed Records, Dallas County, Texas
OPRDCT	Official Public Records, Dallas County, Texas
Inst. No.	Instrument Number
1/2" CIRF	1/2 inch capped iron rod found
1/2" IRF	1/2 inch iron rod found
Vol.	Volume
Pg.	Page
CM	Controlling Monument
Ac.	Acres
R.O.W.	Right of way

Boundary Curve Table

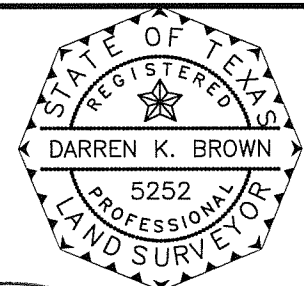
Curve #	Length	Radius	Central Angle	Chord Bearing	Chord Dist.
BC1	2.11'	2804.46'	0°02'35"	S 88°04'34" W	2.11'

Notice of Lis Pendens
Inst. No. 20070318432 OPRDCT
TxDOT (Parcel 33)

PAGE 2 OF 2

State of Texas
Inst. No. 20070080339
OPRDCT
L.B.J. FREEWAY (I.H. 635)
(Variable Width R.O.W.)

(For SPRG use only)
Reviewed By: *[Signature]*
Date: 05.09.2013
SPRG No: 2628



p i a r s
ENGINEERING
765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

E. WILBURN SURVEY, A-1583
CITY OF DALLAS
DALLAS COUNTY, TEXAS

[Signature]
DARREN K. BROWN, R.P.L.S. 5252

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 60'	4/12/13	12-081

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

KEY FOCUS AREA: Culture, Arts and Recreation

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 44 M, Q & R

SUBJECT

Authorize Supplemental Agreement No. 7 to the professional services contract with CH2M Hill Engineers, Inc. for additional construction administration services for the Continental Avenue Bridge Project for the Trinity River Corridor Project - Not to exceed \$245,774, from \$21,446,019 to \$21,691,793 - Financing: Private Funds

BACKGROUND

The City of Dallas has been working toward development of destination areas in and along the Trinity River Corridor as part of the overall planning and implementation efforts. To further these efforts, the 2006 Bond Program included funding to convert the Continental Avenue Bridge from a vehicular bridge to a pedestrian and bicycle bridge, as well as create a West Dallas Gateway.

In 2010, the Trinity Trust provided a grant to the City of Dallas to pay for the design and construction of enhancements to the planned improvements on the Continental Avenue Bridge. The vision included creating daily and special event spaces, and providing a connection between the development activities surrounding the Margaret Hunt Hill Bridge, Los Altos, La Bajada and the Design District.

The City Council adopted the Balanced Vision Plan on December 8, 2003 and amended the plan on April 14, 2004. The Trinity Lakes Design contract was awarded to the CH2M Hill Engineers, Inc. Engineers, Inc. team by City Council on November 8, 2006. Since that time, CH2M Hill Engineers, Inc. has prepared schematic designs and associated for features included in the Balanced Vision Plan from the Elm Fork/West Fork Confluence to the DART Bridge as well as 100% design plans for the Trinity Overlook and the Continental Avenue Bridge.

This action will authorize Supplemental Agreement No. 7 to the professional services contract with CH2M Hill Engineers, Inc. for additional construction administration services for the Continental Avenue Bridge Project. The total design fee increase for the Continental Avenue Bridge is \$245,773.20. Funds will be provided by the grant from the Trinity Trust for Supplemental Agreement No. 7 to the Trinity Lakes Design contract.

ESTIMATED SCHEDULE OF PROJECTS

Began Design	January 2010
Completed Design	February 2013
Began Construction	July 2013
Complete Construction	April 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Trinity Lakes design contract on November 8, 2006, by Resolution No. 06-3121.

Authorized Trinity Lakes design Supplemental Agreement No. 1 on February 13, 2008, by Resolution No. 08-0455.

Authorized Trinity Lakes design Supplemental Agreement No. 2 on June 25, 2008, by Resolution No. 08-1902.

Authorized Trinity Lakes design Supplemental Agreement No. 3 on June 10, 2009, by Resolution No. 09-1499.

Authorized Trinity Lakes design Supplemental Agreement No. 4 on January 27, 2010, by Resolution No. 10-0341.

FISCAL INFORMATION

Private Funds - \$245,773.20

ETHNIC COMPOSITION

CH2M Hill Engineers, Inc.

Hispanic Female	3	Hispanic Male	4
African-American Female	4	African-American Male	2
Other Female	3	Other Male	4
White Female	37	White Male	88

M/WBE INFORMATION

See Attached

OWNER

CH2M Hill Engineers, Inc.

Gregory S. Welch, P.E., Vice-President

Michael Bastian, P.E., Vice-President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 7 to the professional services contract with CH2M Hill Engineers, Inc. for additional construction administration services for the Continental Avenue Bridge Project for the Trinity River Corridor Project - Not to exceed \$245,774, from \$21,446,019 to \$21,691,793 - Financing: Private Funds

CH2M Hill is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$176,796.20	71.93%
Non-local contracts	\$68,977.00	28.07%
TOTAL THIS ACTION	\$245,773.20	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>
CP&Y	PMMB55826Y1213	\$7,287.00	4.12%
Total Minority - Local		\$7,287.00	4.12%

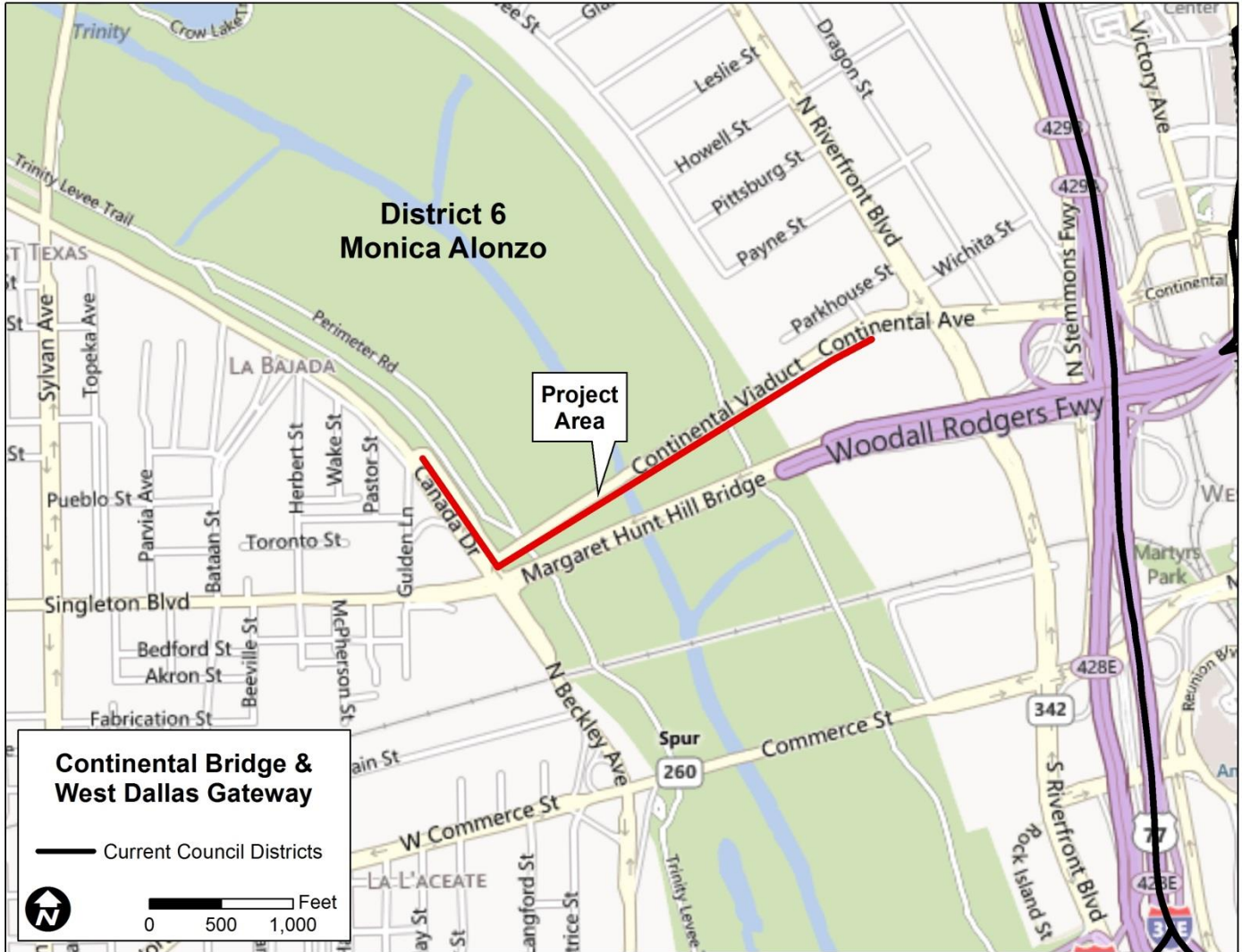
Non-Local Contractors / Sub-Contractors

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%	\$586,995.80	2.71%
Hispanic American	\$0.00	0.00%	\$2,812,670.00	12.97%
Asian American	\$7,287.00	2.96%	\$403,027.00	1.86%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$50,000.00	0.23%
Total	\$7,287.00	2.96%	\$3,852,692.80	17.76%

**CONTINENTAL AVENUE
BRIDGE**



MAPSCO 44 M, Q & R

September 25, 2013

WHEREAS, the 1998 Bond Program authorized funding to implement flood control, lake development, environmental, transportation, and recreation projects within the Dallas Floodway; and,

WHEREAS, City Council adopted the Balanced Vision Plan on December 8, 2003, by Resolution No. 03-3391, and further adopted refinements on April 14, 2004, by Resolution No. 04-1252; and,

WHEREAS, City Council authorized the Trinity Lakes design contract with CH2M Hill, Inc. to initiate design for portions of the Balanced Vision Plan for the Dallas Floodway, Trinity River Corridor Project design guidelines, and Trinity Parkway design guidelines on November 8, 2006, by Resolution No. 06-3121; and,

WHEREAS, City Council authorized Supplemental Agreement No. 1 to the Trinity Lakes design contract with CH2M Hill, Inc. to extend design for portions of the Balanced Vision Plan for the Dallas Floodway on February 13, 2008, by Resolution No. 08-0455; and,

WHEREAS, City Council authorized Supplemental Agreement No. 2 to the Trinity Lakes design contract with CH2M Hill, Inc. to extend design for additional geotechnical sampling and surveying for the Dallas Floodway on June 25, 2008, by Resolution No. 08-1902; and,

WHEREAS, City Council authorized Supplemental Agreement No. 3 to the Trinity Lakes design contract with CH2M Hill, Inc. to extend design for additional environmental and archaeological investigations, and assistance to the U.S. Army Corps of Engineers for their ongoing development of the Environmental Impact Statement on June 10, 2009, by Resolution No. 09-1499; and,

WHEREAS, City Council authorized Supplemental Agreement No. 4 to the contract with CH2M Hill, Inc. for design services for the Continental Avenue Pedestrian Bridge and for design and modeling assistance to the U.S. Army Corps of Engineers (USACE) for their upcoming plan formulation process that is part of their ongoing preparation of the Dallas Floodway Environmental Impact Statement (EIS) for the Trinity River Corridor Project on January 27, 2010, by Resolution No. 10-0341; and,

WHEREAS, the City Manager authorized Supplemental Agreement No. 5 to the contract with CH2M Hill, Inc. to realign the design services fees to better meet the near term needs of the USACE and for advancing the Balanced Vision Plan initiative for the Dallas Floodway on April 27, 2011, by Administrative Action No. 11-1222; and,

September 25, 2013

WHEREAS, the City Manager authorized Supplemental Agreement No. 6 for an assignment agreement between the CH2M Hill, Inc. and the City to allow a corporate name change from CH2M Hill, Inc. to CH2M Hill Engineers, Inc. on October 18, 2011, by Administrative Action No. 11-3089; and,

WHEREAS, it is now desirable to authorize Supplemental Agreement No. 7 to the contract with CH2M Hill Engineers, Inc. for additional construction administration services for the Continental Avenue Bridge Project for the Trinity River Corridor Project in the amount of \$245,773.20 and will increase the design contract from \$21,446,018.10 to \$21,691,791.30.

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. 7 to the contract with CH2M Hill Engineers, Inc. for additional construction administration services for the Continental Avenue Bridge Project in an amount not to exceed \$245,773.20, from \$21,446,018.10 to \$21,691,791.30.

Section 2. That the City Manager or designee be and is hereby authorized to execute this contract after it has been approved as to form by the City Attorney.

Section 3. The City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Continental Avenue Pedestrian Bridge Donation Fund	
Fund P274, Department TWM, Unit 1086, Act. TRPP	
Object 4111, Job #TW101086, CT PBW98N963B3	
Vendor #505225, in an amount not to exceed	\$245,773.20

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: September 25, 2013
COUNCIL DISTRICT(S): 13
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 14 U; Y

SUBJECT

Authorize an appeal of the City Plan Commission's decision to approve a minor amendment to the development plan for Planned Development District No. 696 for a Public school other than an open-enrollment charter school and R-16(A) Single Family District uses on property bound by Welch Road, Ridgeside Drive, Crestline Avenue, and Rickover Drive - M123-037 - Financing: No cost consideration to the City

BACKGROUND

Section 51A-4.702(h) of the Dallas Development Code establishes a process for consideration of a minor amendment to a development plan for property governed by a Planned Development District. This process allows for flexibility as necessary to meet contingencies of development.

The City Plan Commission shall, after a public hearing, authorize minor changes to the development plan that otherwise comply with the PD ordinance and do not:

- alter the basic relationship of the proposed development to adjacent property;
- increase a height shown on the original development plan by more than 10 percent or 12 feet, whichever is less, provided there is no increase in the number of habitable stories or parking levels above grade;
- decrease the amount of required off-street parking spaces shown on the original development plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or
- reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan.

BACKGROUND (Continued)

On May 22, 2013, the property owner submitted a request for consideration of a minor amendment to a development plan for property governed by Planned Development District No. 696 for a Public school other than an open-enrollment charter school and R-16(A) Single Family District Uses to provide for a storage building for athletic equipment being located along the Rickover Drive frontage. The previously approved expansion area has been reduced 3,072 square feet to accommodate for this structure.

On August 8, 2013, the City Plan Commission approved the requested minor amendment to the development plan and landscape plan. Section 51A-4.702(h)(5) allows for an appeal to city council by either the applicant or an owner of real property within the notification area (200 feet). City council shall decide whether the City Plan Commission erred, using the same standards that city plan commission used.

On August 12, 2013, a property owner within the area of notification submitted a written appeal of the City Plan Commission's approval.

PRIOR ACTION I REVIEW (COUNCIL, BOARDS, COMMISSIONS)

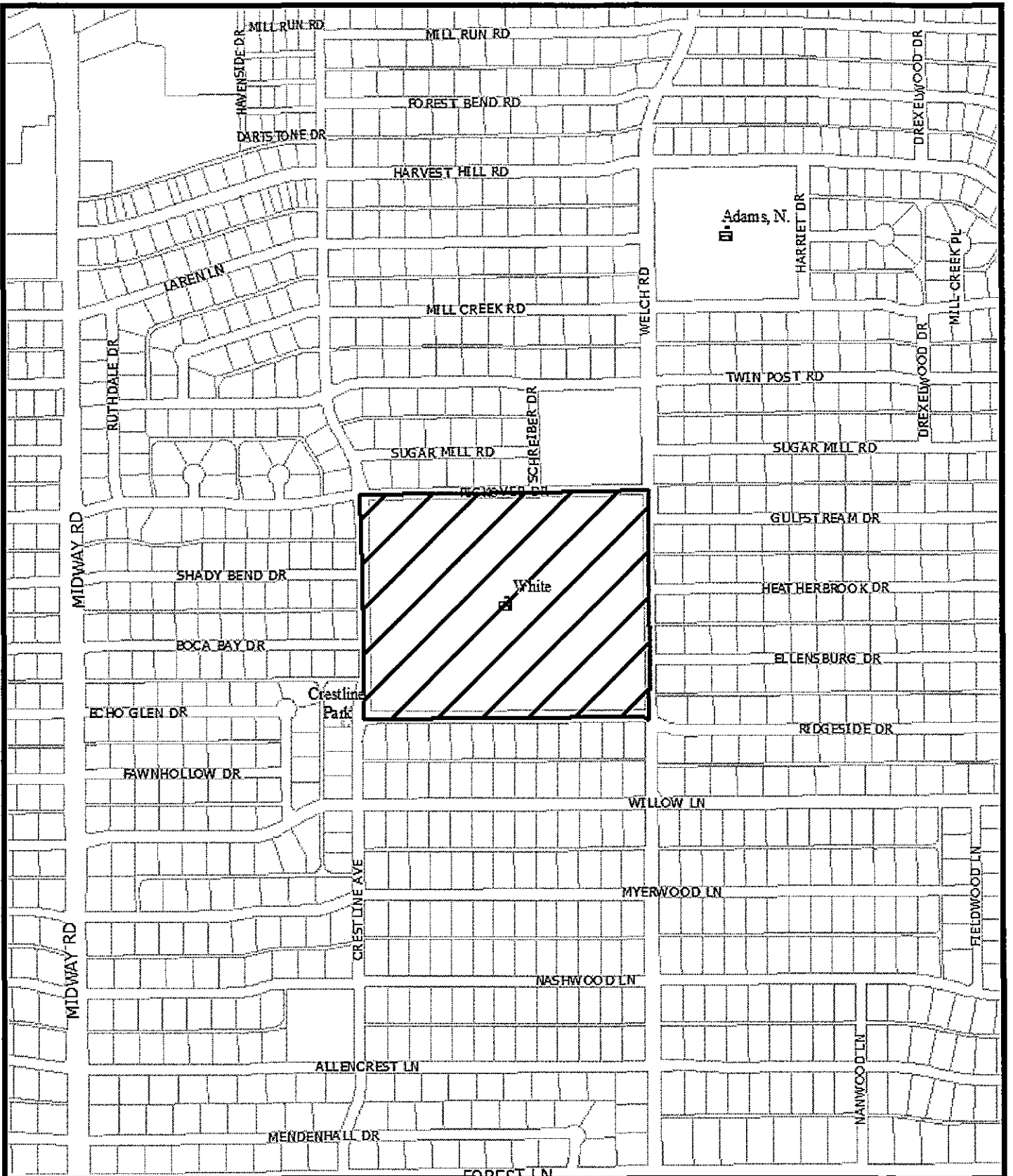
On August 8, 2013, the City Plan Commission recommended approval of a minor amendment to the development plan for Planned Development District No. 696 on property bounded by Welch Road, Ridgeside Drive, Crestline Avenue, and Rickover Drive.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



1:7,200

VICINITY MAP

Case no: M123-037

Date: 8/27/2013

September 25, 2013

WHEREAS, Section 51A-4.702(h) of the Dallas Development Code establishes a process for consideration of a minor amendment to a development plan for property governed by a Planned Development District, and

WHEREAS, the city plan commission shall, after a public hearing, authorize minor changes in the development plan that otherwise comply with the PD ordinance and do not:

- alter the basic relationship of the proposed development to adjacent property;
- increase a height shown on the original development plan by more than 10 percent or 12 feet, whichever is less, provided there is no increase in the number of habitable stories or parking levels above grade;
- decrease the amount of required off-street parking spaces shown on the original development plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or
- reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan;

WHEREAS, on August 8, 2013, in Case No. M123-037, the City Plan Commission approved a minor amendment to the development plan for Planned Development District No. 696, and

WHEREAS, Section 51A-4.702(h)(5) allows for an appeal to City Council by either the applicant or an owner of real property within the notification area, and

WHEREAS, on August 12, 2013, an owner of real property within the notification area appealed 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 approve a minor amendment to the development plan is affirmed.

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.

September 25, 2013

WHEREAS, Section 51A-4.702(h) of the Dallas Development Code establishes a process for consideration of a minor amendment to a development plan for property governed by a Planned Development District, and

WHEREAS, the city plan commission shall, after a public hearing, authorize minor changes in the development plan that otherwise comply with the PD ordinance and do not:

- alter the basic relationship of the proposed development to adjacent property;
- increase a height shown on the original development plan by more than 10 percent or 12 feet, whichever is less, provided there is no increase in the number of habitable stories or parking levels above grade;
- decrease the amount of required off-street parking spaces shown on the original development plan so as to create a traffic hazard or traffic congestion or fail to provide adequate parking; or
- reduce setbacks at the boundary of the site as specified by a building or setback line shown on the original development plan;

WHEREAS, on August 8, 2013, in Case No. M123-037, the City Plan Commission approved a minor amendment to the development plan for Planned Development District No. 696, and

WHEREAS, Section 51A-4.702(h)(5) allows for an appeal to City Council by either the applicant or an owner of real property within the notification area, and

WHEREAS, on August 12, 2013, an owner of real property within the notification area appealed 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 approve a minor amendment to the development plan is overruled.

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.

FILE NUMBER: M123-037

DATE FILED: May 22, 2013

LOCATION: Property bounded by Welch Road, Ridgeside Drive, Crestline Avenue, and Rickover Drive

COUNCIL DISTRICT: 13

MAPSCO: 14 U, Y

SIZE OF REQUEST: Approx. 28.8 Acres

CENSUS TRACT: 96.03

APPLICANT/OWNER: Dallas Independent School District

REPRESENTATIVE: Karl Crawley

MISCELLANEOUS DOCKET ITEM

Minor Amendment for Development Plan

On September 8, 2004, the City Council passed Ordinance No. 25725 which established Planned Development District No. 696 for a Public school other than an open-enrollment charter school and R-16(A) Single Family District Uses on property at the above location.

At this time, the property owner has submitted an application for consideration of a minor amendment to the development plan to provide for a storage building for athletic equipment, located along the Rickover Drive frontage. The expansion area has been reduced 3,072 square feet to accommodate for this structure.

The requested minor amendment does not impact any of the other provisions of the ordinance permitting this use.

STAFF RECOMMENDATION: Approval



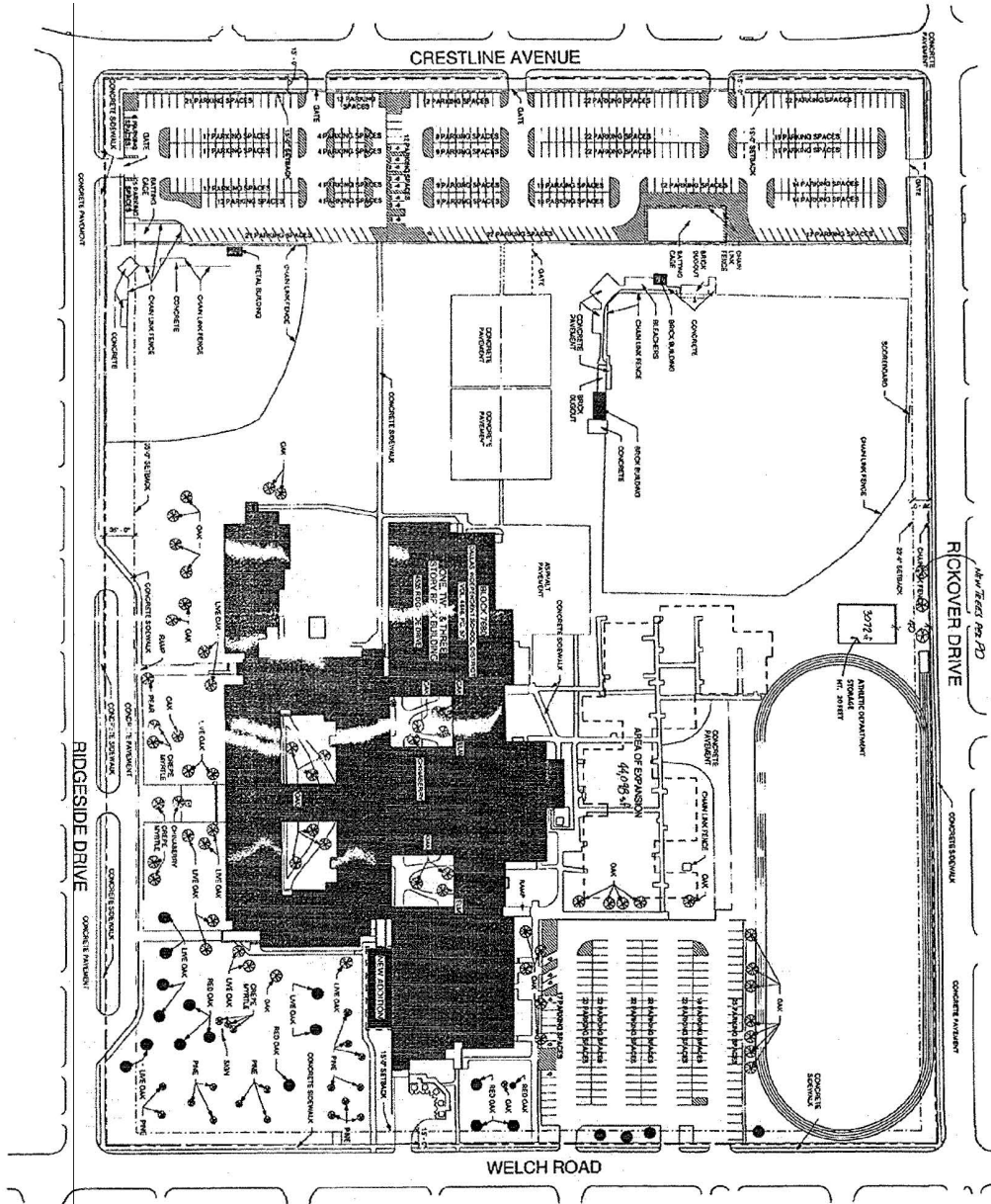
1:3,600

ZONING MAP

Case no: M123-037

Date: 7/18/2013

1 DEVELOPMENT/LANDSCAPE PLAN
1-1-87



W.T. WHITE
HIGH SCHOOL
LOCATED IN THE CITY BLOCK 7680
AND BEING OUT OF THE
A.M. HARWOOD SURVEY, ABSTRACT NO. 581
CITY OF DALLAS, DALLAS COUNTY, TEXAS

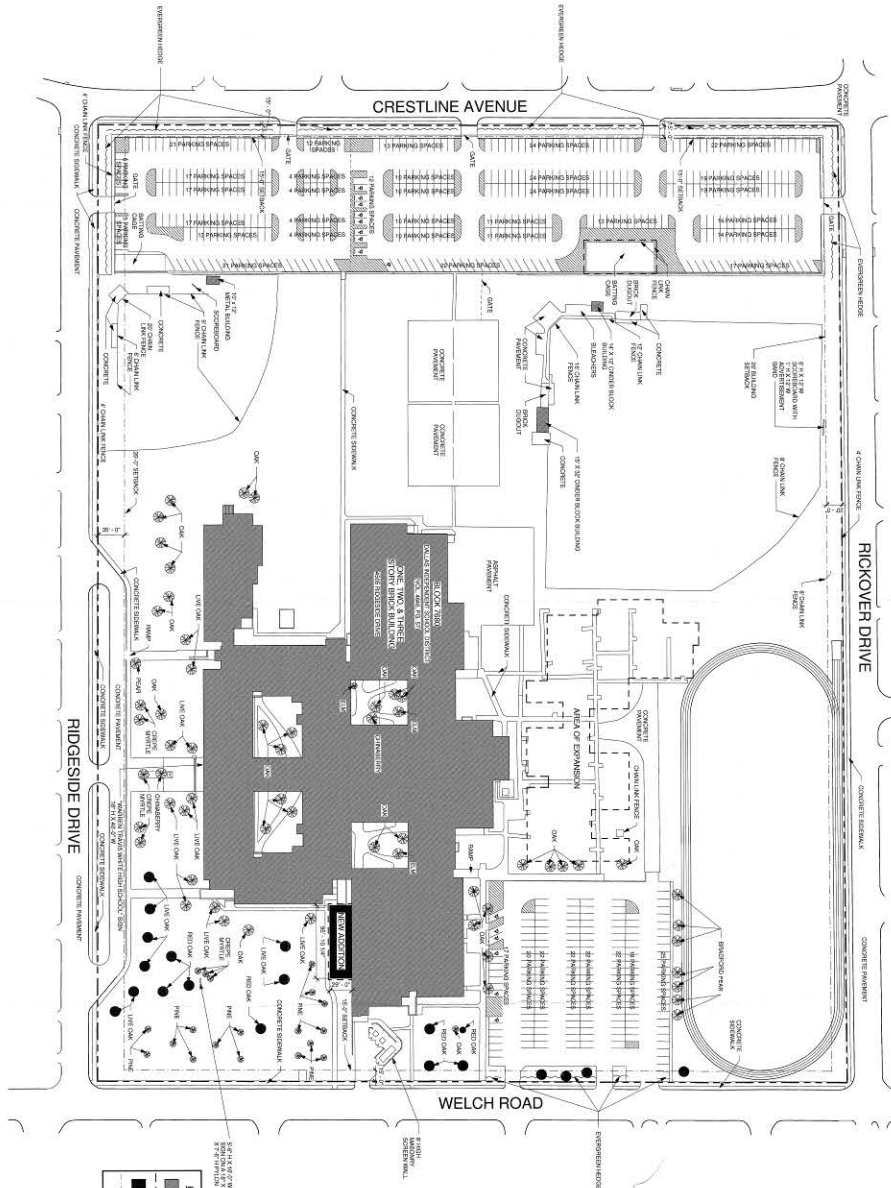


EXISTING		NEW ADDITIONS	
AREA	2,113 SQ FT	AREA	2,113 SQ FT
PERIMETER	3,200 FEET	PERIMETER	3,200 FEET
VOLUME	1,000 CU YD	VOLUME	1,000 CU YD
WEIGHT	100 TONS	WEIGHT	100 TONS
ESTIMATED COST	\$1,000,000	ESTIMATED COST	\$1,000,000
DATE	1-1-87	DATE	1-1-87
DRAWN BY	J.W.	DRAWN BY	J.W.
CHECKED BY	J.W.	CHECKED BY	J.W.
APPROVED BY	J.W.	APPROVED BY	J.W.
SCALE	AS SHOWN	SCALE	AS SHOWN



Proposed Development Plan

1 DEVELOPMENT PLAN
1" = 40' 0"



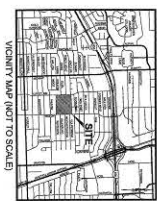
W.T. WHITE
HIGH SCHOOL
LOCATED IN THE CITY BLOCK 7880
A.M. HARBWOOD SURVEY ABSTRACT NO. 281
CITY OF DALLAS, DALLAS COUNTY, TEXAS

LEGEND

- EXISTING
- EXPANSION
- NEW ADDITIONS
- BUILDING SETBACK

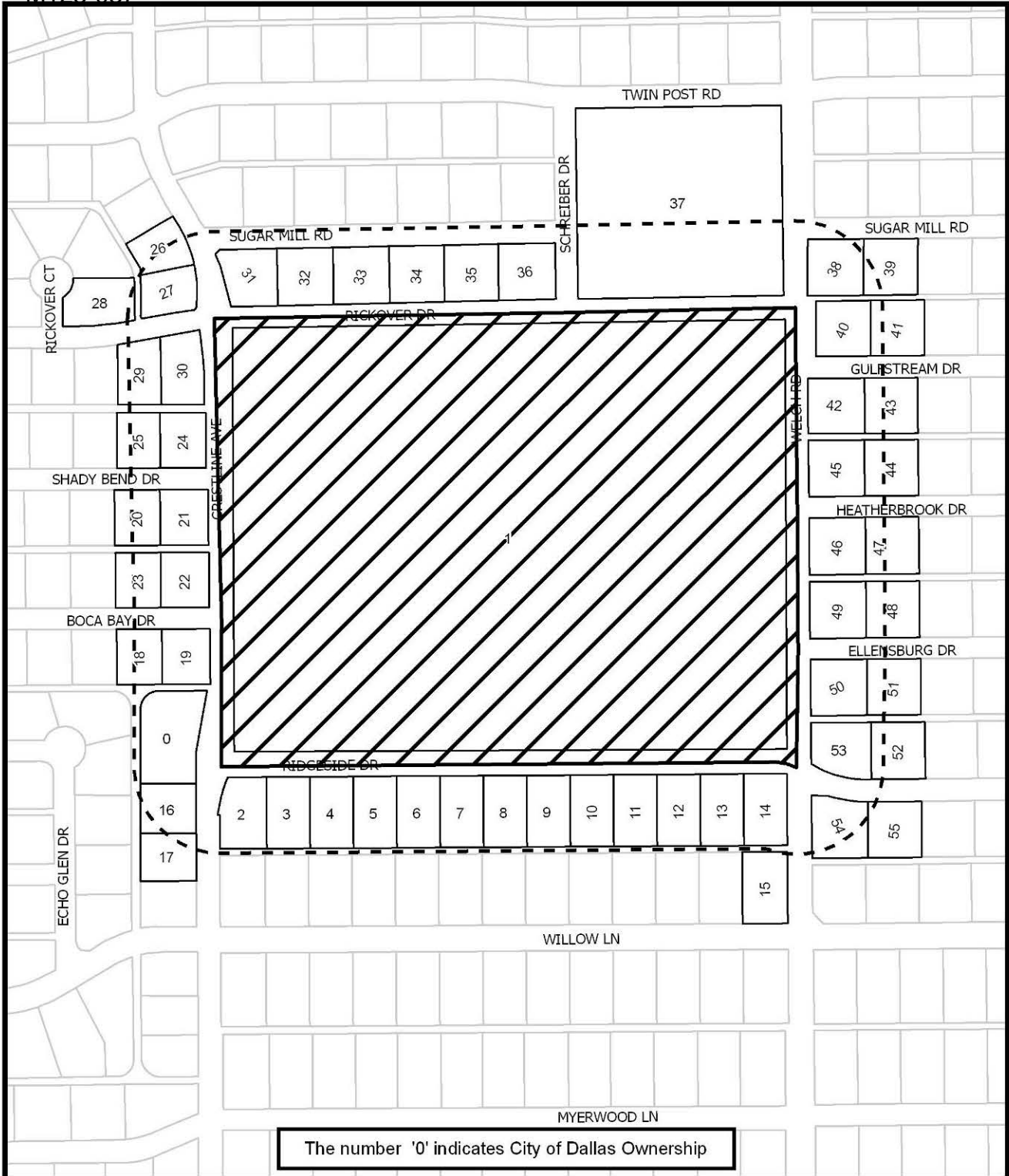
SITE SUMMARY

OWNER	DALLAS INDEPENDENT SCHOOL DISTRICT
ADDRESS	2017 WESS AVENUE
LOT AREA	20.25 ACRES
LOT COVERAGE	26.27 ACRES
BUILDING AREA	203,000 SF
EXPANSION	410,000 SF
NEW ADDITIONS	500,000 SF
TOTAL	1,113,000 SF
CLASSROOMS	64
PROVIDED	64
PARKING	611
PROVIDED	611



DATE: 01/15/2015
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN
PROJECT NO.: M123-037

Existing Development Plan



The number '0' indicates City of Dallas Ownership



1:3,600

NOTIFICATION

200' AREA OF NOTIFICATION
55 NUMBER OF PROPERTY OWNERS NOTIFIED

Case no: **M123-037**

Date: **7/18/2013**

7/18/2013

Notification List of Property Owners***M123-037******55 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	4505 RIDGESIDE DR	Dallas ISD ATTN OFFICE OF LEGAL SERVICES
2	4406 RIDGESIDE DR	GIESING ROSE F
3	4414 RIDGESIDE DR	KEY KEENAN
4	4422 RIDGESIDE DR	MITCHELL TIMOTHY T & DONNA RASHTI MITCHE
5	4430 RIDGESIDE DR	MARLEY SUSANNE M
6	4438 RIDGESIDE DR	CHEETHAM KAREN L
7	4446 RIDGESIDE DR	KRUEGER DIANNA J
8	4454 RIDGESIDE DR	HERZ JOACHIM J & MARIA T HERZ-HAEUPTIE
9	4508 RIDGESIDE DR	VALLALA JOHN
10	4516 RIDGESIDE DR	SINGER PAUL & EDITH
11	4524 RIDGESIDE DR	PALLASCH FAMILY TR
12	4532 RIDGESIDE DR	COX LISA S
13	4540 RIDGESIDE DR	SMITH RUSSELL & PATRICIA
14	4548 RIDGESIDE DR	DISORI FRANK A & KRISTIN M
15	4547 WILLOW LN	MCCALISTER SHAWN D
16	12151 CRESTLINE AVE	SIMMONS BENJAMIN P & CYNTHIA G
17	12143 CRESTLINE AVE	BRYAN WILLIAM R
18	4390 BOCA BAY DR	EARNSHAW ERIK O & JULIE C
19	4398 BOCA BAY DR	CONTRERAS CALIXTO & IRMA R
20	4390 SHADY BEND DR	TYLER RICHARD K & ELIZABETH ANNE
21	4398 SHADY BEND DR	FISHER SHIRLEY KAPLAN
22	4397 BOCA BAY DR	LAYCOCK ROYCE & NORMA TRUST
23	4389 BOCA BAY DR	NAILE CAROLYN SCOTT
24	4399 SHADY BEND DR	YOSS HARRISON H
25	4391 SHADY BEND DR	HEFFLER KATHRYN
26	12395 CRESTLINE AVE	SMITH RAY A

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	12387 CRESTLINE AVE	ZWERNER RUTH
28	4355 RICKOVER CT	FEAGINS KENNETH R & LEATHA F
29	4348 RICKOVER DR	SCHIERMANN FAMILY JOINT REVOCABLE TRUST
30	4356 RICKOVER DR	LOWE MARTY
31	4414 SUGAR MILL RD	LOHR YARON
32	4424 SUGAR MILL RD	OHARA DENNIS M & KATHRYN
33	4434 SUGAR MILL RD	BARTEL NICHOLAS W
34	4442 SUGAR MILL RD	SINGH HARI P & JASWANT KAUR
35	4452 SUGAR MILL RD	STERN KAREN S TRUSTEE
36	4462 SUGAR MILL RD	DIAZ FELIPE JR
37	4525 RICKOVER DR	SCHREIBER MEM METH CHURCH 4525 RICKOVER
38	4606 SUGAR MILL RD	STEPHENS L
39	4616 SUGAR MILL RD	AGUILAR SILVESTER & MARIA
40	4605 GULFSTREAM DR	MCGLOTHLIN KLYLE D & JENNIFER H
41	4611 GULFSTREAM DR	HENTON LORIN & BETH
42	4606 GULFSTREAM DR	FENT DAVID J & MARY M
43	4612 GULFSTREAM DR	ZINN ANDREW R & ELIZABETH A
44	4611 HEATHERBROOK DR	JACKSON JANN CLAIRE LAWS
45	4605 HEATHERBROOK DR	JOHNSON ROBERT J & BETTY A
46	4606 HEATHERBROOK DR	LEWIS CHERYL M & CHIP A
47	4612 HEATHERBROOK DR	ST NICHOLAS HOMES LP
48	4611 ELLENSBURG DR	USVOLK SCOTT & MARSHA J
49	4605 ELLENSBURG DR	THOMPSON GARY E JR & JENNIFER P
50	4606 ELLENSBURG DR	DOSS THOM
51	4612 ELLENSBURG DR	DUERNBERGER SALLY SUE
52	4615 RIDGESIDE DR	WINNIFORD KATHERINE ANN
53	4607 RIDGESIDE DR	LIPSKY KATHERINE L
54	4606 RIDGESIDE DR	MEAZELL DUEWANE & PATSY R
55	4614 RIDGESIDE DR	AUSTIN WILLIAM D

M123-037

Planner: Richard Brown

Motion: It was moved to **approve** a minor amendment to the development plan for Planned Development District No. 696 for a Public school other than an open-enrollment charter school and R-16(A) Single Family District Uses on property bounded by Welch Road, Ridgeside Drive, Crestline Avenue and Rickover Drive.

Maker: Schwartz

Second: Tarpley

Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0

Absent: 0

Vacancy: 1 - District 10

Speakers: None

City of Dallas
Department of Sustainable Development
1500 Marilla Street
5th Floor – 5B North
Dallas, TX 75201

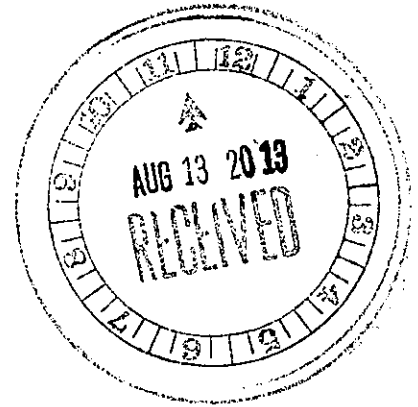
August 12, 2013

To whom it may concern:

I am a homeowner within 200 feet of WT White High School. I am writing this letter to appeal the August 8, 2013 decision of the planning commission to approve M123-037. I am not necessarily opposed to the addition of this structure to the existing campus. I do, however, firmly believe that there is a better place on the WT White campus for this building.

Sincerely,

Mary Fent
Mary Fent
4606 Gulfstream



KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 25, 2013

COUNCIL DISTRICT(S): 1, 2, 14

DEPARTMENT: Public Works Department
Convention and Event Services

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

MAPSCO: 44 Z,Y; 45 E,F,J,K,L,P,S,T,W; 54 B,C,D,F,G,H

SUBJECT

Authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for the operation of a two year demonstration project for a downtown supplemental shuttle service - Not to exceed \$800,000 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

BACKGROUND

The proposed downtown shuttle service will be a two-year demonstration project with service commencing November 4, 2013. Dallas Area Rapid Transit (DART) has collaborated with the City of Dallas and Downtown Dallas Inc. (DDI) to evaluate the demand for a tourist focused downtown bus circulator service as well as plan the most appropriate shuttle to meet the needs of tourists, downtown residents, employees, and visitors. With the completion of the Omni Convention Center Hotel, the Klyde Warren Park, and the Perot Science Center and the increase in the Dallas convention business, the need for downtown bus circulator service appears to be warranted. The service will be evaluated at the end of that period to determine if it should continue.

The proposed shuttle service shall consist of a new route, Route 722. Route 722 will operate between Downtown Dallas and North Oak Cliff serving major destinations in the Central Business District, Victory, the Cedars and the Bishop Arts District. The proposed operating schedule commencing this fall will provide service at a frequency of every 15 minutes from 11:00 a.m. to 10:30 p.m. Monday through Saturday. It is anticipated that there will be no fee to utilize the service. The shuttle service will have a unique identity independent of the regular DART fleet with specific branding on the 30 foot buses and stops.

BACKGROUND (Continued)

The estimated operating expenses of this service are approximately \$1.3 million per year. The City of Dallas will contribute \$400,000 per year and Downtown Dallas, Inc. will contribute \$250,000 per year. Dallas will make 24 monthly payments to DART and DDI will pay Dart once annually in January 2014 and 2015. In addition, DART received a Job Access and Reverse Commute (JARC) grant for Route 722 shuttle in the amount of \$516,664 over a two-year period. The DART Board agreed to provide the remaining funds to operate the service. The City's funding comes from the additional incremental Tourism Public Improvement District assessment. The assessment is taxable, which provides the revenue for the funding.

This action will authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for the operation of a two year demonstration project for a downtown supplemental shuttle service with a financial contribution of \$400,000 annually for the next two years.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was deferred by Councilmember Vonciel Jones Hill on September 11, 2013.

FISCAL INFORMATION

Convention and Event Services Current Funds (subject to annual appropriations) - \$800,000

<u>Council District</u>	<u>Amount</u>
1	\$344,000
2	\$128,000
14	<u>\$328,000</u>
Total	\$800,000

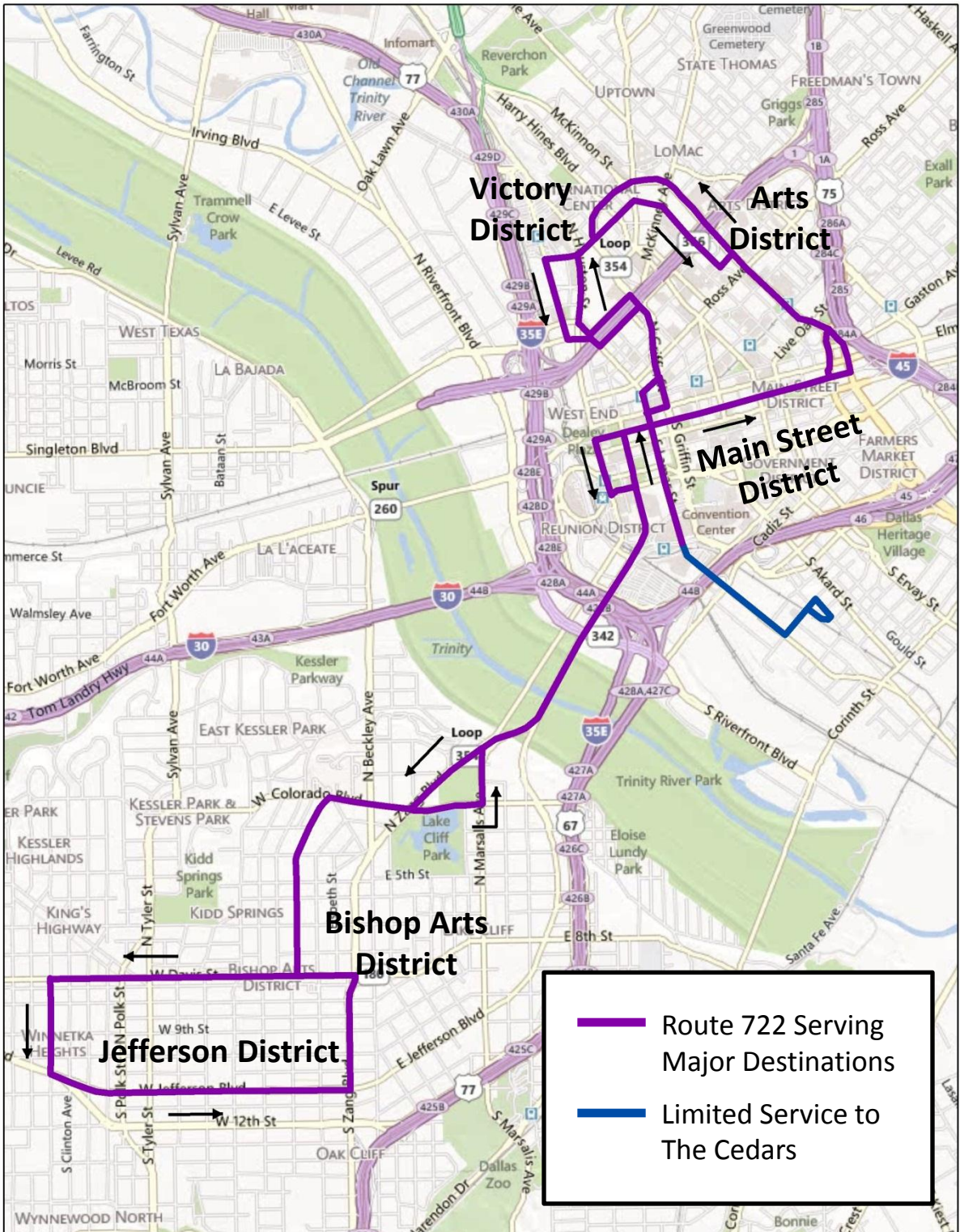
MAP

Attached.

ROUTE 722

Downtown – Edgefield Shuttle

MAPSCO: 44Y,Z 45E,F,J,K,L,P,S,T,W
54B,C,D,F,G,H



September 25, 2013

WHEREAS, with the increase in the Dallas convention business, downtown residential housings, growing employment base, and completed parks and attractions, Downtown Dallas, Inc (DDI) has identified a specific need for bus circulator service to major destinations in and around the Central Business District; and,

WHEREAS, the City of Dallas, DDI, and Dallas Area Rapid Transit (DART) have collaborated to evaluate the demand for a tourist focused downtown bus service as well as plan the most appropriate shuttle to meet that need; and,

WHEREAS, DART proposes to conduct a two year demonstration project of the Downtown Bus Circulator for approximately \$1,300,000 per year with annual contributions from the City of Dallas of \$400,000 and DDI in the amount of \$250,000; and,

WHEREAS, the City of Dallas, DART and DDI desire to enter into an agreement outlining the establishment of Route 722, detailing the proposed stops and hours of operation for the demonstration project; and,

WHEREAS, this agreement is intended to define the financial commitment and responsibilities of the Parties; and,

WHEREAS, it is now desirable to authorize a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for the operation of a two year demonstration project for a downtown supplemental shuttle service in an amount not to exceed \$800,000.

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 a Funding Agreement between Dallas Area Rapid Transit, Downtown Dallas, Inc. and the City of Dallas for the operation of a two year demonstration project for a downtown supplemental shuttle service in an amount not to exceed \$800,000.00, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the agreement from Convention Center Operating Fund 0080, Dept. CCT, Unit 7840, Obj. 3099, Vendor No. 232802 in an amount not to exceed \$800,000 (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.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 1
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 45W

SUBJECT

An ordinance abandoning portions of Colorado Boulevard, an alley, railroad right-of-way and a street easement to Southern Foods Group, LLC, the abutting owner, containing a total of approximately 32,279 square feet of land, located near the intersection of Colorado Boulevard and Lancaster Avenue, and authorizing the quitclaim - Revenue: \$48,419, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of portions of Colorado Boulevard, an alley, railroad right-of-way and a street easement to Southern Foods Group, LLC, the abutting owner. The area will be included with the property of the abutting owner for a future mixed-use development. The abandonment fee is based on an independent appraisal.

Notices were sent to 26 property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was deferred by Councilmember Griggs on September 11, 2013.

FISCAL INFORMATION

Revenue: \$48,419, plus the \$20 ordinance publication fee

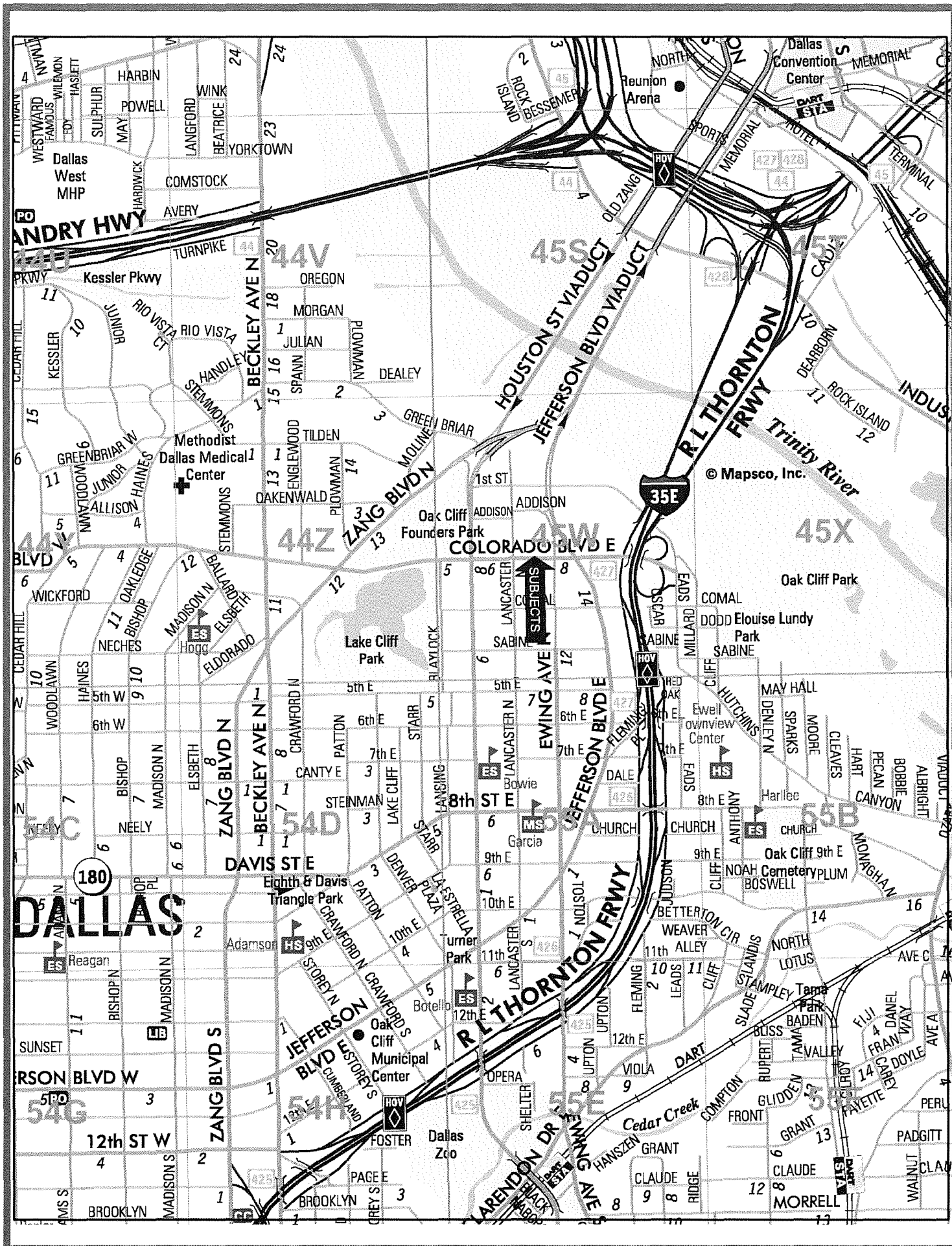
OWNER

Southern Foods Group, LLC

Gregg L. Engles, Chief Executive Officer




MAPS

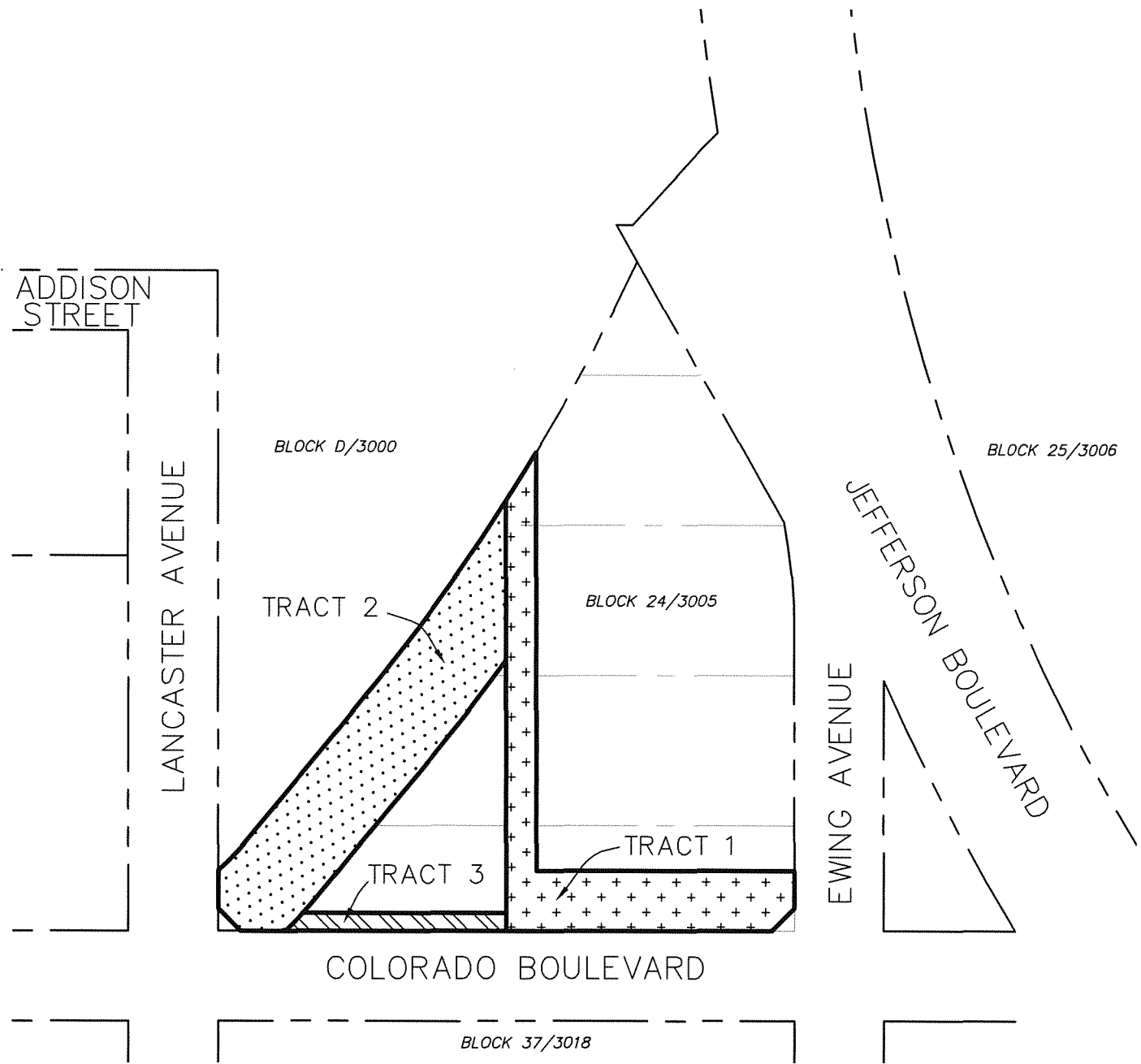
Attached





LEGEND

-  Tract 1 - Colorado Boulevard and Alley
-  Tract 2 - Railroad Right-of-Way
-  Tract 3 - Street Easement



ORDINANCE NO. _____

An ordinance providing for the abandonment of portions of Colorado Boulevard, an alley, railroad right-of-way and a street easement located adjacent to City Block 24/3005 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Southern Foods Group, LLC; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for barricading; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; 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, acting pursuant to law and upon the request and petition of Southern Foods Group, LLC, a Delaware limited liability company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tracts of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portions of Colorado Boulevard, an alley, railroad right-of-way and a street easement are not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms and conditions hereinafter more fully set forth; **Now, Therefore,**

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

SECTION 1. That the tracts of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same are abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

SECTION 2. That for and in monetary consideration of the sum of **FORTY-EIGHT THOUSAND FOUR HUNDRED NINETEEN AND NO/100 DOLLARS (\$48,419.00)** paid

by **GRANTEE**, and the further consideration described in Sections 8, 9 and 10, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tracts of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

SECTION 3. That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

SECTION 4. 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 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 5. That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes.

SECTION 6. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 7. That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

SECTION 8. That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.

SECTION 9. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tracts of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned areas are located after its approval by the City Plan Commission of the City of Dallas.

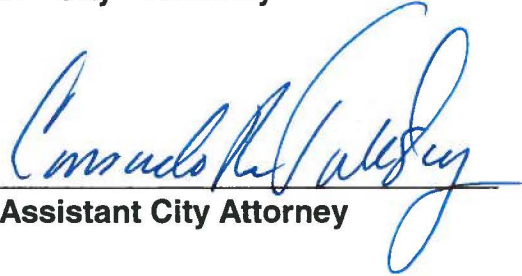
SECTION 10. That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall, immediately upon the passage of this ordinance, close, barricade and/or place signs in the areas described in Exhibit A in accordance with detailed plans approved by the Director of Department of Sustainable Development and Construction. **GRANTEE's** responsibility for keeping the areas described in Exhibit A closed, barricaded and/or the signs in place shall continue until the street improvements and intersection returns are removed by **GRANTEE**, its successors and assigns, to the satisfaction of the Director of Department of Sustainable Development and Construction.

SECTION 11. 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 Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department 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 12. 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:
WARREN M. S. ERNST
Interim City Attorney

DAVID COSSUM
Interim Director of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

EXHIBIT A-TRACT 1

STREET AND ALLEY ABANDONMENT COLORADO BOULEVARD AND ALLEY BLOCK 24/3005

Being a 12,839 square feet tract of land situated in the Elizabeth Robertson Survey, Abstract No. 1211, City of Dallas, Dallas County, Texas, said tract being part of City of Dallas right of way for Colorado Boulevard created as Tract 2 by Warranty Deed to the City of Dallas as recorded in Volume 5265, Page 453, Deed Records of Dallas County, Texas, a 20 foot Alley right of way created by Volume 3335, Page 84, Deed Records of Dallas County, Texas and an Alley right of way dedicated by Volume 5324, Page 349, Deed Records of Dallas County, Texas adjacent to City Block 24/3005 and being more particularly described as follows:

BEGINNING at a set "x" cut on concrete pavement for a corner at the intersection of the existing north line of Colorado Boulevard (a 60 foot right of way) with the west line of the said 20 foot Alley right of way, said point being N 90°00'00" E, a distance of 192.50 feet from the intersection of the north line of Colorado Boulevard with the east line of Lancaster Avenue (a 60 foot right of way);

THENCE, N 00°00'00" W, with the west line of the said 20 foot Alley right of way, passing at a distance of 179.83 feet the common west corner of the said Alley rights of way, said point being in the southeast line of a tract of land conveyed to the City of Dallas by deed recorded in Volume 4527, Page 262, Deed Records of Dallas County, Texas, continuing in all a total distance of 286.27 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner in the southeast line of Lot 1B, Block D/3000 of Oak Farms 2 addition as recorded in Volume 2002237, Page 91, Deed Records of Dallas County, Texas; said point being the beginning of a non-tangent curve to the left with a central angle of 01°33'08", a radius of 1402.69 feet, a chord bearing of N31°45'29"E and a chord distance of 38.00 feet;

THENCE, Northeasterly, with the southeast line of the said Lot 1B and along said curve, an arc distance of 38.00 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner, said point being the most westerly northwest corner of Tract I described in Special Warranty Deed to Southern Foods Group, L.P. recorded under Instrument Number 200503523973, Official Public Records of Dallas County, Texas;

THENCE, S 00°00'00" E, with west line of said Southern Foods Group, L.P. Tract I, passing at a distance of 110.58 feet, the common east corner of the said Alley rights of way, continuing in all a total distance of 278.58 feet to a found 1/2 inch iron rod for a corner in the existing north line of Colorado Boulevard (a 100 foot right of way at this location);

REVIEWED BY

JR 06.28.2013
SARG 2534

EXHIBIT A-TRACT 1

STREET AND ALLEY ABANDONMENT COLORADO BOULEVARD AND ALLEY BLOCK 24/3005

THENCE, N 90°00'00" E, with the existing north line of Colorado Boulevard, a distance of 172.50 feet to a found 60d nail for a corner at the intersection of the existing north line of Colorado Boulevard with the west line of Ewing Avenue (a 60 foot right of way);

THENCE, S 00°00'00" W, with the southward projection of the west line of Ewing Avenue, a distance of 25.00 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner;

THENCE, S 45°00'00" W, a distance of 21.21 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner;

THENCE, S 90°00'00" W, a distance of 177.50 feet to the Point of Beginning and Containing 12,839 square feet or 0.295 acre of land, more or less.

Dated: November 7, 2012



L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952



Basis of Bearing;

The bearing basis for the description is a bearing of N 90°00'00" E for the north line of Colorado Boulevard or as recorded under Instrument Number 200503523973, Official Public Records, Dallas County, Texas.

(For SPRG Use Only)

Reviewed By: _____

Date: _____

SPRG No 2534

REVIEWED BY

JR 06.28.2013
SPRG 2534

STREET AND ALLEY ABANDONMENT EXHIBIT A-TRACT 1 COLORADO BOULEVARD AND ALLEY BLOCK 24/3005

LEGEND

- ROW Right of Way
- FIR Found Iron Rod
- FIP Found Iron Pipe
- SIR Set Iron Rod w/
plastic cap stamped
"Kadleck 3952"
- CM Controlling Monument
- D.R.D.C.T. Deed Records
Dallas County, Texas
- O.P.R.D.C.T. Official Public Records
Dallas County, Texas

(For SPRG use only)
 Reviewed by: _____
 Date: _____
 SPRG No. 2534

SCALE: 1"=100'



Date: November 7, 2012
 Job No. 05020



ROW TO CITY OF DALLAS

- ① TO CITY - TRACT 2
Vol. 5265, Pg. 453, D.R.D.C.T.
- ② TO CITY - TRACT 1
Vol. 5265, Pg. 453, D.R.D.C.T.
- ③ TO CITY
Vol. 4527, Pg. 262, D.R.D.C.T.
- ④ TO CITY - RECORD NOT FOUND
(BY USE AND OCCUPATION)

TO CITY
Vol. 349, Pg. 90,
D.R.D.C.T.

The bearing basis for this description is a bearing of N90°00'00"E for the north line of Colorado Boulevard as recorded under Instrument Number 200503523973, Official Public Records, Dallas County, Texas.

BLOCK D/3000

Lot 1B
Oak Farms 2
Vol. 2002237, Pg. 91,
D.R.D.C.T.

Southern Foods Group, L.P.
Vol. 95078, Pg. 3167,
D.R.D.C.T.

Alley ROW
Vol. 5324, Pg. 349,
D.R.D.C.T.

20' Alley ROW
Vol. 3335, Pg. 84,
D.R.D.C.T.

CONDEMNATION NO. CC-00-07137-A
COUNTY COURT AT LAW NO. 1
Vol. 2001140, Pg. 3044, D.R.D.C.T.

LANCASTER AVENUE
Vol. 3, Pg. 516-517, M.R.D.C.T.

JEFFERSON BOULEVARD
Vol. 3, Pg. 516-517, M.R.D.C.T.

REVIEWED BY
JL 06-18-2013
 SPRG-2534

BLOCK 25/3006

BLOCK 24/3005

Tract 1
Southern Foods Group, L.P.
Inst. No. 200503523973
O.P.R.D.C.T.

Lot 8

Oak Cliff Land Co's revised
plat of Blocks 23,
24A, and 24B
Vol. 250, Pg. 264,
D.R.D.C.T.

Lot 9

1/2" FIR
CM Bearing Basis
N90°00'00"E
172.50'

EWING AVENUE
Vol. 3, Pg. 516-517, M.R.D.C.T.

JEFFERSON BOULEVARD
Vol. 3, Pg. 516-517, M.R.D.C.T.

POINT OF BEGINNING

N90°00'00"E 192.50'
STREET EASEMENT
Vol. 99128, Pg. 2913, D.R.D.C.T.

COLORADO BOULEVARD
Vol. 3, Pg. 516-517, M.R.D.C.T.

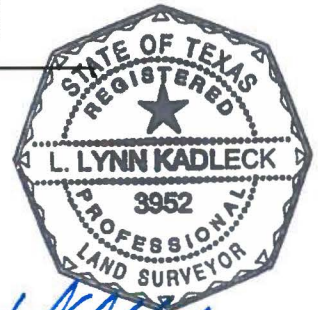
BLOCK 37/3018

Tract 2
Southern Foods Group, L.P.
Inst. No. 200503523973
O.P.R.D.C.T.

ABANDONMENT AREA
12,839 SF/0.295 AC

LINE	BEARING	DISTANCE
L1	S00°00'00"W	25.00'
L2	S45°00'00"W	21.21'

CURVE	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	01°33'08"	38.00'	1402.69'	N31°45'29"E	38.00'



L. Lynn Kadleck
 Registered Professional
 Land Surveyor No. 3952

EXHIBIT A-TRACT 2

ABANDONMENT OLD DALLAS RAILWAY AND TERMINAL COMPANY TRACT BLOCK 24/3005

Being a 17,746 square feet tract of land situated in the Elizabeth Robertson Survey, Abstract No. 1211, City of Dallas, Dallas County, Texas, said tract being in the City Block 24/3005 and consisting of a part of a tract of land conveyed to the City of Dallas by deed recorded in Volume 4527, Page 262, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner in the east line of Lancaster Avenue (a 60 foot right of way), said point being N 00°00'00" E, a distance of 15.00 feet from the intersection of the east line of Lancaster Avenue with the north line of Colorado Boulevard (a 60 foot right of way);

THENCE, N 00°00'00" E, with the east line of Lancaster Avenue, a distance of 24.95 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952", said point being the south corner of Lot 1B, Block D/3000 of Oak Farms 2, an addition as recorded in Volume 2002237, Page 91, Deed Records of Dallas County, Texas, and said point being the beginning of a non-tangent curve to the left with a central angle of 09°06'48", a radius of 161.12 feet, a chord bearing of N 44°05'59" E, and a chord distance of 25.60 feet;

THENCE, the following courses and distances with the southeast line of said Lot 1B:

- Northeasterly, departing the east line of Lancaster Avenue and along said non-tangent curve to the left, an arc distance of 25.63 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" at the end of said curve;
- N 39°34'43" E, a distance of 114.96 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" at the beginning of a tangent curve to the left with a central angle of 07°02'40", a radius of 1,402.69 feet, a chord bearing of N 36°03'23" E and a chord distance of 172.35 feet;
- Northeasterly, along said tangent curve to the left, an arc distance of 172.46 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952", said point being the northwest corner of an Alley right of way dedicated by deed Volume 5324, Page 349, Deed Records of Dallas County, Texas;

REVIEWED BY
JZ 06.28.2013
SPR-2535

EXHIBIT A-TRACT 2

ABANDONMENT
OLD DALLAS RAILWAY AND TERMINAL COMPANY TRACT
BLOCK 24/3005

THENCE, S 00°00'00" E, with the west line of the said Alley right of way, a distance of 106.44 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" in the southeast line of the said City of Dallas tract and being the southwest corner of the said Alley right of way, and the northwest corner of a 20 foot Alley right of way created by Volume 3335, Page 84, Deed Records of Dallas County, Texas, said point being the northeast corner of Tract 2 as described in the Special Warranty Deed to Southern Foods Group, L.P. as recorded in Instrument Number 200503523973, Official Public Records of Dallas County, Texas and said point being the beginning of a non-tangent curve to the right with a central angle of 03°31'37", a radius of 1462.69 feet, a chord bearing of S 37°48'54" W and a chord distance of 90.03 feet;

THENCE, the following courses and distances with the southeast line of the said City of Dallas tract and the northwest line of the said Southern Foods Group, L.P. Tract 2:

- Southwesterly, along said non-tangent curve to the right, an arc distance of 90.04 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" at the end of said curve;
- S 39°34'43" W, a distance of 114.92 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" at the beginning of a tangent curve to the right with a central angle of 07°09'06", a radius of 221.12 feet, a chord bearing of S 43°07'09" W and a chord distance of 27.58 feet;
- Southwesterly, along said tangent curve to the right, an arc distance of 27.60 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" in the north line of Colorado Boulevard (a 60 foot right of way);

THENCE, S 90°00'00" W, with the north line of Colorado Boulevard, a distance of 30.23 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952";

REVIEWED BY
JZ 06.28.2013
SPRG 2535

EXHIBIT A-TRACT 2

ABANDONMENT
OLD DALLAS RAILWAY AND TERMINAL COMPANY TRACT
BLOCK 24/3005

THENCE, N 45°00'00" W, a distance of 21.21 feet to the Point of Beginning and containing 17,746 square feet or 0.407 acre of land, more or less.

Dated: November 7, 2012



L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952



Basis of Bearing:

The bearing basis for this description is a bearing of N 90°00'00" W for the north line of Colorado Boulevard as recorded under Instrument Number 200503523973, Official Public Records, Dallas County, Texas.

(For SPRG Use Only)

Reviewed By: _____

Date: _____

SPRG No 2535

REVIEWED BY

J. 06.28.2013
SPRG-2535

**ABANDONMENT
OLD DALLAS RAILWAY AND TERMINAL COMPANY TRACT
BLOCK 24/3005**

EXHIBIT A-TRACT 2

LEGEND

- ROW Right of Way
- FIR Found Iron Rod
- FIP Found Iron Pipe
- SIR Set Iron Rod w/
plastic cap stamped
"Kadleck 3952"
- CM Controlling Monument
- D.R.D.C.T. Deed Records
Dallas County, Texas
- O.P.R.D.C.T. Official Public Records
Dallas County, Texas

(For SPRG use only)
 Reviewed by: _____
 Date: _____
 SPRG No. 2535

SCALE: 1"=100'



Date: November 7 2012
 Job No. 05020

ROW TO CITY OF DALLAS

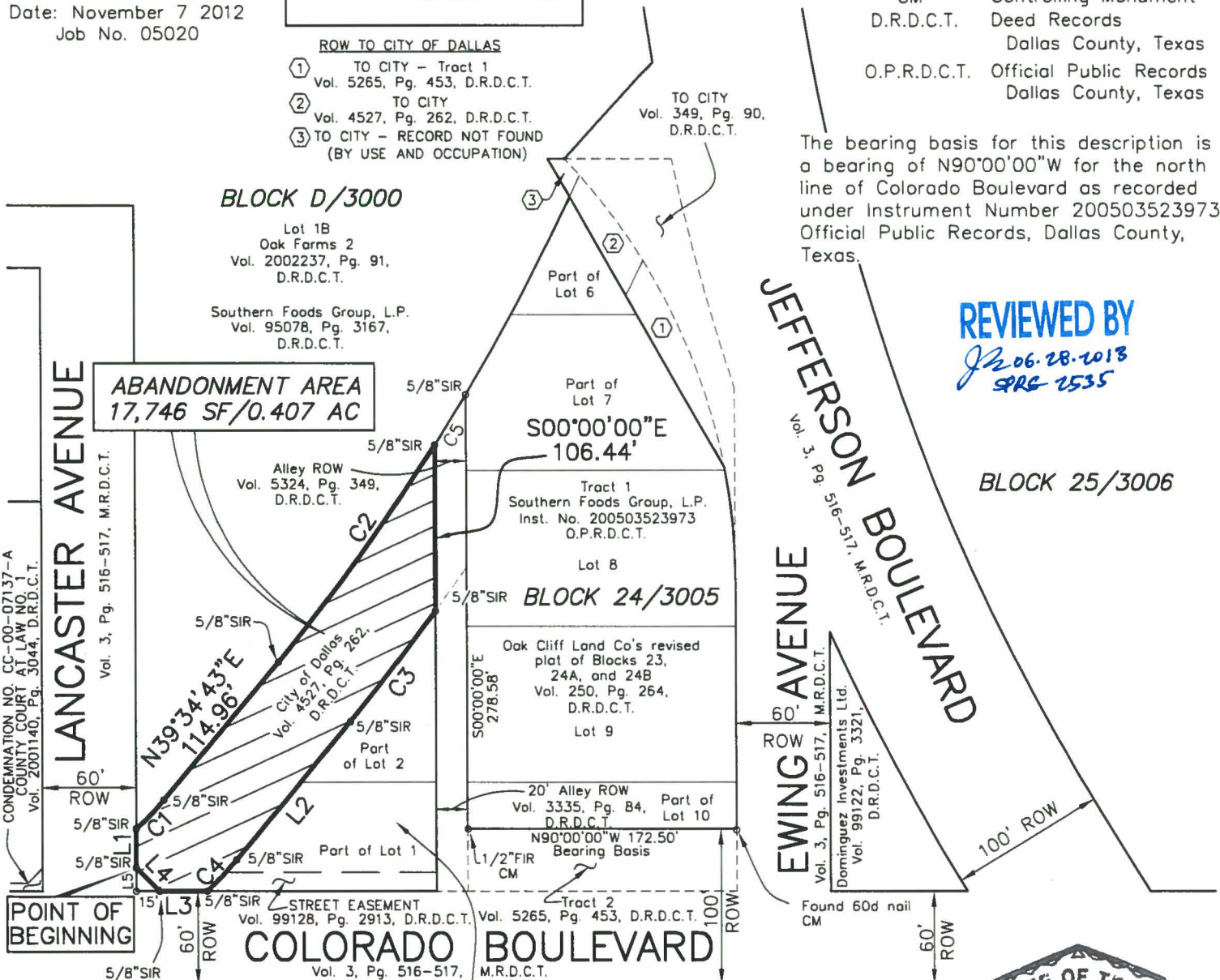
- ① TO CITY - Tract 1
Vol. 5265, Pg. 453, D.R.D.C.T.
- ② TO CITY
Vol. 4527, Pg. 262, D.R.D.C.T.
- ③ TO CITY - RECORD NOT FOUND
(BY USE AND OCCUPATION)

TO CITY
Vol. 349, Pg. 90,
D.R.D.C.T.

The bearing basis for this description is a bearing of N90°00'00"W for the north line of Colorado Boulevard as recorded under Instrument Number 200503523973, Official Public Records, Dallas County, Texas.

REVIEWED BY
J2 06.28.2013
 SPRG 2535

BLOCK 25/3006



LINE	BEARING	DISTANCE
L1	N00°00'00"E	24.95'
L2	S39°34'43"W	114.92'
L3	S90°00'00"W	30.23'
L4	N45°00'00"W	21.21'
L5	N00°00'00"E	15.00'

CURVE	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	09°06'48"	25.63'	161.12'	N44°05'59"E	25.60'
C2	07°02'40"	172.46'	1402.69'	N36°03'23"E	172.35'
C3	03°31'37"	90.04'	1462.69'	S37°48'54"W	90.03'
C4	07°09'06"	27.60'	221.12'	S43°07'09"W	27.58'
C5	01°33'08"	38.00'	1402.69'	N31°45'29"E	38.00'



L. Lynn Kadleck
 Registered Professional
 Land Surveyor No. 3952

EXHIBIT A-TRACT 3

EASEMENT ABANDONMENT COLORADO BOULEVARD BLOCK 24/3005

Being a 1,694 square feet tract of land situated in the Elizabeth Robertson Survey, Abstract No. 1211, City of Dallas, Dallas County, Texas, said tract being part of Lot 1, Block 24/3005 of Oak Cliff Land Co.'s revised plat of Blocks 23, 24A, and 24B as recorded in Volume 250, Page 264, Deed Records, Dallas County, Texas and being part of a tract of land conveyed as Tract 2 described in Special Warranty Deed to Southern Foods Group, L.P. as recorded under Instrument Number 200503523973, Official Public Records of Dallas County, Texas, said tract being all of an easement created by Volume 99128, Page 2913, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner in the north line of Colorado Boulevard (a 60 foot right of way), said point being N 90°00'00" E, a distance of 45.23 feet from the intersection of the north line of Colorado Boulevard with the east line of Lancaster Avenue (a 60 foot right of way), said point being the southwest corner of the said easement tract and the most southerly southeast corner of a tract of land conveyed to the City of Dallas by deed recorded in Volume 4527, Page 262, Deed Records of Dallas County, Texas, said point being the beginning of a non-tangent curve to the left with a central angle of 04°21'49", a radius of 221.12 feet, a chord bearing of N 44°30'48" E and a chord distance of 16.84 feet;

THENCE, Northeasterly, departing the north line of Colorado Boulevard and with the common line of the said City of Dallas tract and the said Southern Foods Group, L.P. Tract 2, an arc distance of 16.84 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner;

THENCE, N 90°00'00" E, parallel with and 12 feet north of the north line of Colorado Boulevard, a distance of 135.47 feet to a set 5/8 inch iron rod with a plastic cap stamped "Kadleck 3952" for a corner in the west line of a 20 foot Alley right of way created by Volume 3335, Page 84, Deed Records of Dallas County, Texas;

THENCE, S 00°00'00" E, with the west line of the said 20 foot Alley right of way, a distance of 12.00 feet to a set "x" cut on concrete pavement for a corner at the intersection of the west line of the said 20 foot Alley right of way with the north line of said Colorado Boulevard;

REVIEWED BY
Jr 06.28.2013
SPR-2656

EXHIBIT A-TRACT 3

EASEMENT ABANDONMENT
COLORADO BOULEVARD
BLOCK 24/3005

THENCE, S 90°00'00" W, with the north line of said Colorado Boulevard, a distance of 147.27 feet to the Point of Beginning and Containing 1,694 square feet or 0.039 acre of land.

Dated: November 7, 2012



L. Lynn Kadleck
Registered Professional
Land Surveyor No. 3952



Basis of Bearing:

The bearing basis for this description is a bearing of N 90°00'00" W for the north line of Colorado Boulevard as recorded under Instrument Number 200503523973, Official Public Records, Dallas County, Texas.

(For SPRG Use Only)

Reviewed By: _____

Date: _____

SPRG No 2656

REVIEWED BY

JR 06.28.1013
SPRG 2656

EASEMENT ABANDONMENT
 COLORADO BOULEVARD
 BLOCK 24/3005

EXHIBIT A-TRACT 3
 LEGEND



SCALE: 1"=100'



Date: November 7, 2012
 Job No. 05020

(For SPRG use only)
 Reviewed by: _____
 Date: _____
 SPRG No. 2656

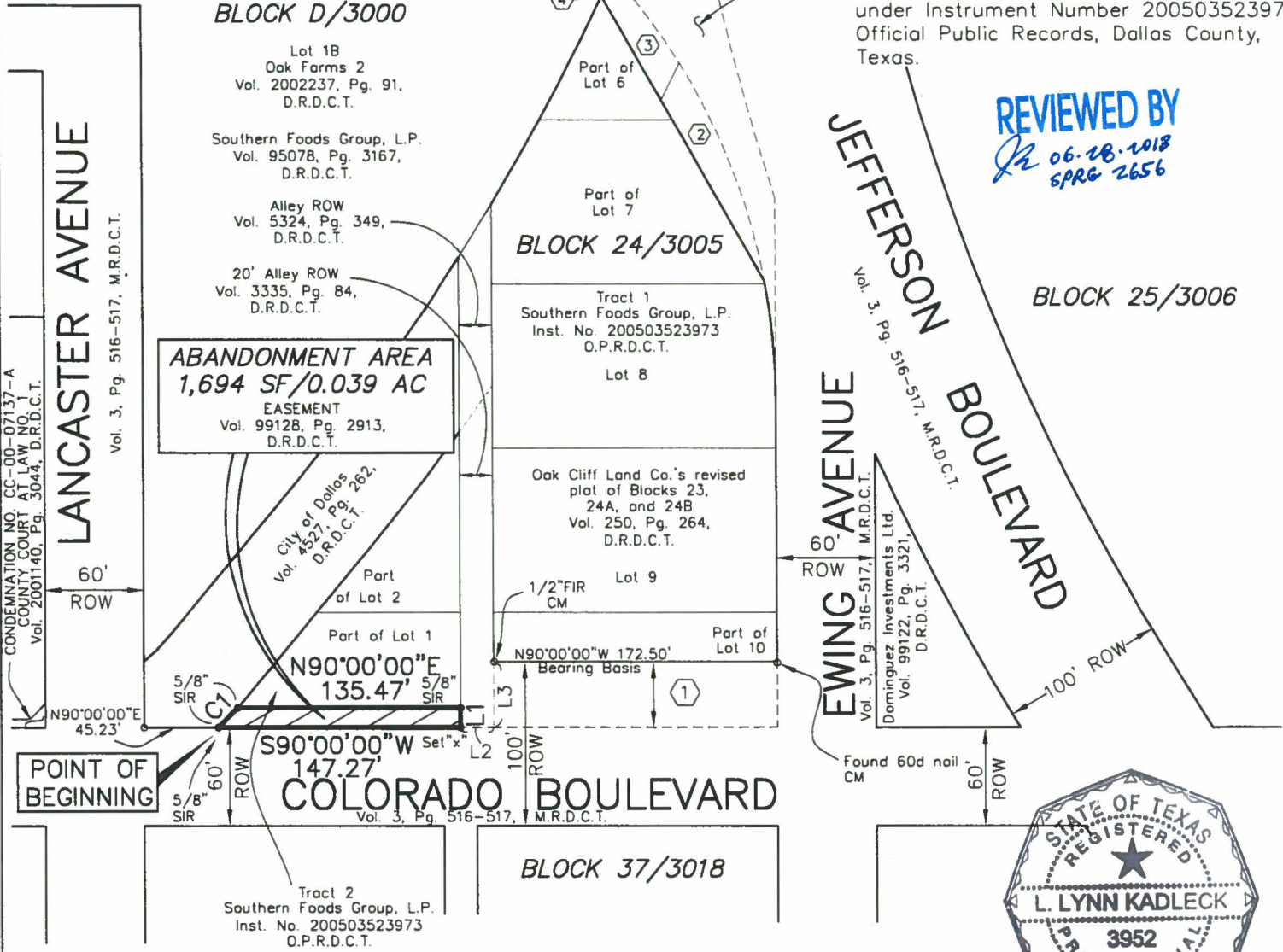
- ROW Right of Way
- FIR Found Iron Rod
- FIP Found Iron Pipe
- SIR Set Iron Rod w/
plastic cap stamped
"Kadleck 3952"
- CM Controlling Monument
- D.R.D.C.T. Deed Records
Dallas County, Texas
- O.P.R.D.C.T. Official Public Records
Dallas County, Texas

- ROW TO CITY OF DALLAS
- ① TO CITY - TRACT 2
Vol. 5265, Pg. 453, D.R.D.C.T.
 - ② TO CITY - TRACT 1
Vol. 5265, Pg. 453, D.R.D.C.T.
 - ③ TO CITY
Vol. 4527, Pg. 262, D.R.D.C.T.
 - ④ TO CITY - RECORD NOT FOUND
(BY USE AND OCCUPATION)

TO CITY
 Vol. 349, Pg. 90,
 D.R.D.C.T.

The bearing basis for this description is a bearing of N90°00'00"W for the north line of Colorado Boulevard as recorded under Instrument Number 200503523973, Official Public Records, Dallas County, Texas.

REVIEWED BY
Jr 06-18-2018
 SPRG 2656



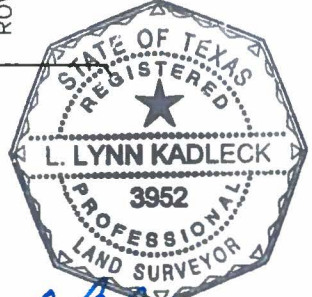
CONDEMNATION NO. CC-00-07137-A
 COUNTY COURT AT LAW NO. 1
 Vol. 2001140, Pg. 3044, D.R.D.C.T.

ABANDONMENT AREA
 1,694 SF/0.039 AC
 EASEMENT
 Vol. 99128, Pg. 2913,
 D.R.D.C.T.

POINT OF BEGINNING

LINE	BEARING	DISTANCE
L1	S00°00'00"E	12.00'
L2	S90°00'00"W	20.00'
L3	S00°00'00"E	28.00'

CURVE	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	04°21'49"	16.84'	221.12'	N44°30'48"E	16.84'



L. Lynn Kadleck
 Registered Professional
 Land Surveyor No. 3952

EXHIBIT B

ADDITIONAL ABANDONMENT PROVISIONS

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 13
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: N/A

SUBJECT

Authorize a six-month professional services contract for planning, preconstruction and design work related to a mixed-use development including a new Vickery Meadow branch library and affordable housing development with DMA Development Company, LLC in the amount of \$744,000, the sole respondent - Financing: HUD Community Challenge Planning Grant Funds (\$299,000) and Vickery Meadow TIF District Funds (\$445,000)

BACKGROUND

This professional services contract will allow the Office of Economic Development to hire a development firm to develop and design a mixed-use residential affordable housing project anchored by a Dallas Public Library branch facility. The deliverables will include the design and preconstruction activities related to the development of a multi-story, multi-family housing development in Vickery Meadow with a Dallas Public Library as the anchor tenant. This project is the catalyst project as identified by the "Vickery Meadow Station Area Plan".

The City was awarded a Community Challenge Planning Grant on October 20, 2010 under the Notice of Funding Availability for the Department of Housing and Urban Development's (HUD) Community Challenge Planning Grants and the Department of Transportation's TIGER II Planning Grants. The HUD Sustainable Communities Challenge Grant effort included planning for appropriate transit-oriented development (TOD) including affordable housing at seven DART stations at five locations. These locations include the Vickery Meadow area between Park Lane and Walnut Hill stations on the DART Red line.

On April 10, 2013, City Council approved the "Dallas TOD Vickery Meadow Area Plan". The area plan identifies a mixed-use library project as the catalyst project for the area.

BACKGROUND (Continued)

Through these activities, the City is supporting HUD’s livability principles of promoting equitable, affordable housing, enhancing economic competitiveness by providing access to employment centers, educational opportunities, services and other basic needs by workers, and supporting existing communities by targeting federal funds for projects that embrace transit-oriented, mixed-use development and land recycling.

This grant provides a total of \$2,225,000 from HUD for planning, land acquisition and pre-construction activities during a three year period. The grant requires a 20% match, which is provided by Vickery Meadow TIF funds (\$445,000).

To date, approximately \$950,000 has been spent on planning and infrastructure analysis and an additional \$835,000 on preconstruction activities supporting six projects.

On April 18, 2013, the City of Dallas issued an RFP to identify a qualified developer for a mixed-use library development at 8255 Park Lane. The City owns this approximately 4 acre site located on Park Lane between Greenville Avenue and the Five Points intersection, at the terminus of Shady Brook Lane. The proposal submissions requested a vertical mixed-use development which may include residential, retail, office, medical, or a mixture of uses, in addition to the library. The design of the ground floor space was requested to be able to accommodate a variety of uses to ensure adaptability as market conditions change in the neighborhood.

A five member evaluation committee was selected from the following departments:

- Economic Development (2)
- Housing/Community Services (1)
- Library (1)
- Sustainable Development and Construction (1)

The successful proposer was selected by the committee on the basis of demonstrated competence and qualifications under the following criteria:

Proven track record of bidder	25%
Proposer to obtain significant private financing	25%
Compatibility with relevant planning documents	10%
Ability to increase direct City revenues at minimum cost to City	35%
Proposed site plan meets all requirements of DPL	5%

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 1905 email bid notifications to vendors registered under respective commodities.

BACKGROUND (Continued)

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.

DMA Development Company out of Austin, Texas was the sole respondent and was determined to be qualified and therefore selected to be the developer of the mixed-use library project. They are partnering with Carleton Developers and proposing a 200+unit, affordable housing (85%) development, anchored by a new Dallas Public Library branch. \$744,000 in grant funds will be used to support a portion of the preconstruction costs associated with the project. Of this, \$445,000 is the grant match coming from the TIF; the remaining \$299,000 is federal funds. Total project cost is estimated to be \$40 million.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 18, 2011, the Economic Development Committee was briefed regarding 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, 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 January 16, 2013, the Vickery Meadow TIF Board of Directors recommended City Council's authorization for the use of \$445,000 in Vickery Meadow TIF funds as the required matching funds for the City's HUD Sustainable Communities Grant to support the development of affordable housing in the Vickery Meadow TIF District.

On February 19, 2013, a memo was submitted to the Economic Development Committee regarding the matching funds request for the City's HUD Sustainable Communities Grant.

On February 27, 2013 the City Council authorized the use of \$445,000 in Vickery Meadow TIF funds as the required matching funds for the City's HUD Sustainable Communities Grant to support the development of affordable housing in the Vickery Meadow TIF District by Resolution 13-0429.

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

On April 10, 2013, the City Council adopted the HUD Challenge Grant "Dallas TOD Plan for the Vickery Meadow Area", which defines issues, sets goals, and provides recommendations related to urban design and planning, as well as providing an implementation guide for future development in the area generally bounded by, Walnut Hill to the north, Fair Oaks Park to the east, Northwest Highway to the south, and 75/Central to the west by Resolution No. 13-0670.

FISCAL INFORMATION

\$299,000 - HUD Community Challenge Planning Grant Funds
\$445,000 - Vickery Meadow TIF District Funds

M/WBE INFORMATION

260 – M/WBE Vendors contacted
260 – No response
 0 – Response (Bid)
 0 – Response (No bid)
 0 – Successful vendor

1905 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

DMA Development Company, LLC

White Male	1	White Female	12
Black Male	0	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	0	Other Female	0

PROPOSAL INFORMATION

The following proposal was received from solicitation number BDZ1322 and opened on June 13, 2013. This contract is being awarded in its entirety to the most advantageous and only proposer.

*Denotes successful and only proposer

<u>Proposer</u>	<u>Address</u>	<u>Score</u>
*DMA Development Company, LLC	4101 Parkstone Heights Drive Suite 200 Austin, Texas 78746	80.00%

Note: Pursuant to Business Development and Procurement Services' (BDPS) request, the Auditor's office has reviewed the single bid item and submitted related documentation and has determined BDPS followed Administrative Directive 4-05 provisions for processing this single bid item and made reasonable efforts to increase bid participation. This proposed procurement meets the requirements for a single bid.

OWNER

DMA Development Company, LLC

Diana McIver, Owner

September 25, 2013

WHEREAS, the U.S. Department of Housing and Urban Development's (HUD) Office of Sustainable Housing and Communities has made funding available to the City of Dallas under a Community Challenge Planning Grant; and

WHEREAS, grant funds may be used for planning, land acquisition and preconstruction activities related to the development of affordable housing and transit-oriented development near Dallas Area Rapid Transit stations in the City; and

WHEREAS, on January 26, 2011, 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 February 27, 2013 the City Council authorized the use of \$445,000 in Vickery Meadow TIF funds as the required matching funds for the City's HUD Sustainable Communities Grant to support the development of affordable housing in the Vickery Meadow TIF District by Resolution 13-0429; and

WHEREAS, on April 10, 2013, City Council adopted the HUD Challenge Grant funded "Dallas TOD Plan for the Vickery Meadow Area", which defines issues, sets goals, and provides recommendations related to urban design and planning, as well as providing an implementation guide for future development in the area generally bounded by, Walnut Hill to the north, Fair Oaks Park to the east, Northwest Highway to the south, and 75/Central to the west by Resolution No. 13-0670; and

WHEREAS, the "Dallas TOD Plan for the Vickery Meadow Area" identifies a mixed-use, library-anchored development at 8255 Park Lane as a catalyst project for Vickery Meadow and the City supports this concept; and

WHEREAS, the City desires to enter into a professional services contract with DMA Development Company, LLC in order to promptly complete the planning and preconstruction activities to allow for the development of a mixed-use, library-anchored development.

NOW, THEREFORE,

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

September 25, 2013

Section 1. That the City Manager is hereby authorized to execute a six-month professional services contract with DMA Development Company, LLC for the predevelopment work related to the mixed-use library and affordable housing development located at 8255 Park Plan related to the U.S Department of Housing and Urban Development Community Challenge Grant in an amount not to exceed \$744,000, 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 DMA Development Company, LLC shall be based only on the amount of the services directed to be performed by the City and properly performed by DMA Development Company, LLC under the contract.

Section 2. That the City Controller is authorized to transfer funds from Fund F324, Department ECO, Unit 4725, Activity HUDG, Revenue Source 9201, (Debit Inter-Fund Revenue Transfer from Other Funds), Balance Sheet A/C 0001(Credit Cash) to Fund 0048, Department ECO, Unit P470, Activity VMTI, Object Code 3690 (Credit Miscellaneous Transfers), Balance Sheet A/C 0001 (Debit Cash), in an amount not to exceed \$445,000.

Section 3. That the City Controller is hereby authorized to encumber and disburse funds from:

Fund 0048, Department ECO, Unit 1451, Object 3070, Activity VMTI, CT ECO1451 K046-01, Vendor No. VS0000078710 in an amount not to exceed \$445,000;

Fund F324, Department ECO, Unit 4725, Object 3070, Activity HUDG, CT ECOF324K046-02, Vendor No. VS0000078710 in an amount not to exceed \$299,000; and

For a total amount not to exceed \$744,000.

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, and it is accordingly so resolved.

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34 Z 47 N 43 R 54 G 64 T 22 M 53 V ??

SUBJECT

Business Assistance Centers (BACs)

- * Authorize the second renewal option for seven Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: **(1)** Greater Dallas Hispanic Chamber of Commerce (BAC #1) located at 4622 Maple Avenue in an amount not to exceed \$80,000; **(2)** Innercity Community Development Corporation (BAC #2) located at 4907 Spring Avenue in an amount not to exceed \$80,000; **(3)** Greater Dallas Hispanic Chamber of Commerce (BAC #3) located at 2060 Singleton Boulevard in an amount not to exceed \$80,000; **(4)** Greater Dallas Hispanic Chamber of Commerce (BAC #4) located at 400 South Zang Boulevard in an amount not to exceed \$80,000; **(5)** Business Assistance Center, Inc. (BAC #5) located at 1201 West Camp Wisdom Road in an amount not to exceed \$80,000; **(6)** Greater Dallas Asian American Chamber of Commerce/Multi-Ethnic Education and Economic Development Center (BAC #6) located at 7610 North Stemmons Freeway in an amount not to exceed \$80,000; and **(7)** Regional Hispanic Contractors Association (BAC #7) located at 2210 West Illinois Avenue in an amount not to exceed \$80,000 - Total not to exceed \$560,000 - Financing: 2013-14 Community Development Block Grant Funds
- * Authorize the cancellation of the contract and second renewal option with Greater Dallas Indo American Chamber of Commerce (BAC #8) located at 2750 West Northwest Highway - Financing: No cost consideration to the City
- * Authorize a twelve-month contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises to CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas (BAC #8) located at 1322 Record Crossing - Total not to exceed \$80,000 - Financing: 2013-14 Community Development Block Grant Funds

BACKGROUND

Since 1993, the City has been using Community Development Block Grant (CDBG) funds in addition to other funding sources to fund the technical assistance and other support services of the Business Assistance Centers (BACs) in the City to promote community and economic development.

The City has recognized the importance of its role in supporting entrepreneurial and microenterprise business development to benefit CDBG eligible persons by supporting the BAC program. Under this contract, BACs are to be located and conduct program activity within the City. BACs will provide technical assistance, incubator space and other eligible support services to microenterprises. Per HUD regulations "microenterprise" means a business having five or fewer employees, one or more of whom own the business.

Technical assistance related microenterprise development services may include, but not be limited to: business development/capacity building counseling, business development workshops/seminars/training, incubator space, business plan, loan application packaging assistance, management strategies and other eligible services which foster economic development opportunities for low-to-moderate income (LMI) persons who already own or are interested in starting a microenterprise within the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2008, City Council authorized the adoption of the FY2008-09 Consolidated Plan Budget which included funding for the Business Assistance Center Program by Resolution No. 08-1807.

On July 31 and August 7, 2008, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas.

On October 2, 2008, the Economic Development Committee was briefed on the BAC program and the FY 2008-09 contracts.

On November 3, 2008, the Economic Development Committee was briefed and updated on the City-BAC-HUD meetings and the recommendation for FY 2008-09 contract award. Several issues were discussed including clarification of the program, eligibility, documentation and reporting requirements, monitoring of the FY 2007-08 contracts and renewal of the contracts for FY 2008-09.

On November 10, 2008, City Council authorized the award and funding for six existing BACs for a twelve-month service contract with two additional twelve-month renewal options by Resolution No. 08-3118.

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

On March 25, 2009, the FY 2008-09 Consolidated Plan Reprogramming Budget authorized the funding for two additional BACs for six-month service contracts by Resolution No. 09-0856.

On June 24, 2009, City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 09-1635.

On September 21, 2009, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2009-10 contracts.

On September 23, 2009, City Council authorized the first renewal option with the BACs for FY 2009-10, by Resolution No. 09-2296.

On June 23, 2010, City Council authorized the adoption of the FY 2010-11 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 10-1594.

On September 20, 2010, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2010-11 contracts.

On September 22, 2010, City Council authorized the adoption of the second renewal option with the BACs for FY 2010-11, by Resolution No. 10-2416.

On June 22, 2011, City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 11-1679.

On June 24 and June 30, 2011, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas.

On September 6, 2011, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2011-12 contracts.

On September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567.

On June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 12-1629.

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

On September 17, 2012 a memo was submitted to the Economic Development Committee regarding the BAC program and FY2012-13 contracts.

On September 26, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362.

On June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 13-1142.

On July 10, 2013, the Greater Dallas Indo-American Chamber of Commerce (GDIACC) notified the City that it was not going to continue with the BAC program; thereby, based on the procurement process of 2011 for microenterprise development technical assistance via a Business Assistance Center program, the next qualified agency to replace GDIACC, is CEN-TEX Certified Development Corporation dba Business Community Lenders of Texas (BCL of Texas). BCL of Texas was qualified; however, there was only funding available for 8 centers, at that time as it is for FY 2013-14; thereby, eligible to enter into a contractual agreement with the City of Dallas for said services to replace GDIACC.

On September 16, 2013, a memo was submitted to the Economic Development Committee regarding the BAC program and FY2013-14 contracts.

FISCAL INFORMATION

\$640,000 - 2013-14 Community Development Block Grant Funds

OWNER(S)

Greater Dallas Hispanic Chamber of Commerce (GDHCC) - Maple
Ricardo Ortiz, President

South Dallas Fair Park Inncity Community Development Corporation (ICDC)
Diane Ragsdale, President

Greater Dallas Hispanic Chamber of Commerce (GDHCC) - West Dallas
Ricardo Ortiz, President

Greater Dallas Hispanic Chamber of Commerce (GDHCC) - Oak Cliff
Ricardo Ortiz, President

Business Assistance Center, Inc.
Van Howard, President

OWNER(S) (Continued)

**Greater Dallas Asian American Chamber of Commerce /
Multi-Ethnic Education and Economic Development Center (MEED)**
Galileo Jumaoas, President

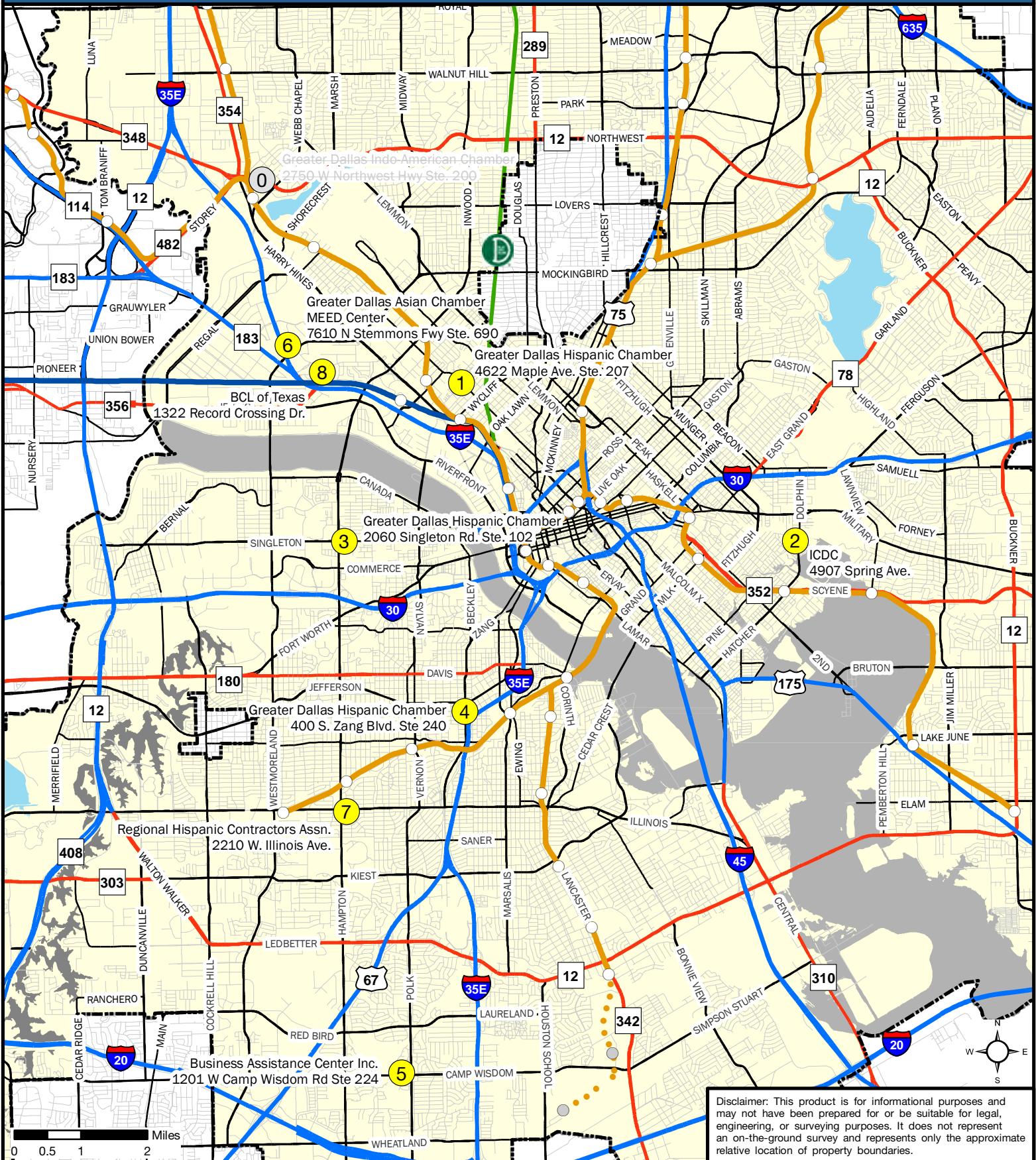
**Organization of Hispanic Contractors Association
dba Regional Hispanic Contractors Association**
John H. Martinez-D, President

**CENT-TEX Certified Development Corporation doing business as Business &
Community Lenders (BCL) of Texas**
Rosa Valdez, General Manager/Executive Director

MAP

Attached.

Dallas Business Assistance Centers (Proposed 2013-14)



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

DALLAS ECONOMIC DEVELOPMENT
 Research & Information Division
 214.670.1685
 dallas-ecodev.org
 Created 8.21.2008, Last Updated 1.4.2013 - BACs_Change.TOG

Legend

○ Rail Station	●●●● Future DART Light Rail	— Arterial	■ Lake
● Future Station	— Freeway	— Local Road	■ City of Dallas
— DART Light Rail	— Tollway	■ Escarpment	
— Trinity Railway Express	— Highway	■ Flood Plain	

Source: City of Dallas, 2013

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 25, 2008, City Council authorized the adoption of the FY2008-09 Consolidated Plan Budget which included funding for the Business Assistance Center Program by Resolution No. 08-1807; and

WHEREAS, on July 31 and August 7, 2008, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers (BAC) within the City of Dallas; and

WHEREAS, on October 2, 2008, the Economic Development Committee was briefed on the BAC program and the FY 2008-09 contracts; and

WHEREAS, on November 3, 2008, the Economic Development Committee was briefed and updated on the City-BAC-HUD meetings and the recommendation for FY 2008-09 contract award; and

WHEREAS, on November 10, 2008, City Council authorized the award and funding for six existing BACs for a twelve-month service contract with two additional twelve-month renewal options by Resolution No. 08-3118; and

WHEREAS, on March 25, 2009, the FY 2008-09 Consolidated Plan Reprogramming Budget authorized the funding for two additional BACs for six-month service contracts by Resolution No. 09-0856; and

WHEREAS, on June 24, 2009, City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 09-1635; and

WHEREAS, on September 21, 2009, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2009-10 contracts; and

WHEREAS, on September 23, 2009, City Council authorized the first renewal option with the BACs for FY 2009-10, by Resolution No. 09-2296; and

WHEREAS, on June 23, 2010, City Council authorized the adoption of the FY 2010-11 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 10-1594; and

September 25, 2013

WHEREAS, on September 20, 2010, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2010-11 contracts; and

WHEREAS, on September 22, 2010, City Council authorized the adoption of second renewal option with the BACs for FY 2010-11, by Resolution No. 10-2416; and

WHEREAS, on June 22, 2011, City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 11-1679; and

WHEREAS, on June 24 and June 30, 2011, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on September 6, 2011, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2011-12 contracts; and

WHEREAS, on September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567; and

WHEREAS, on June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 12-1629; and

WHEREAS, on September 17, 2012 a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2012-13 contracts; and

WHEREAS, on September 26, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362; and

WHEREAS, on June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 13-1142; and

WHEREAS, on September 16, 2013, a memo was submitted to the Economic Development Committee regarding the BAC program and FY2013-14 contracts; and

September 25, 2013

WHEREAS, the City wishes to continue the Business Assistance Center program as a response to the needs of the low to moderate income business community by providing services and programs designed to foster new microenterprise businesses and build the capacity of existing microenterprise businesses.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to exercise a second contract renewal option for seven Business Assistance Centers (BACs) for a twelve-month service contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises listed herein for each contract as follows: (1) Greater Dallas Hispanic Chamber of Commerce (BAC#1) located at 4622 Maple Avenue in an amount not to exceed \$80,000; (2) Inncity Community Development Corporation (BAC#2) located at 4907 Spring Avenue in an amount not to exceed \$80,000; (3) Greater Dallas Hispanic Chamber of Commerce (BAC#3) located at 2060 Singleton Boulevard in an amount not to exceed \$80,000; (4) Greater Dallas Hispanic Chamber of Commerce (BAC#4) located at 400 South Zang Boulevard in an amount not to exceed \$80,000; (5) Business Assistance Center, Inc. (BAC#5) located at 1201 West Camp Wisdom Road in an amount not to exceed \$80,000; (6) Greater Dallas Asian American Chamber of Commerce/Multi-Ethnic Education and Economic Development Center (BAC#6) located at 7610 North Stemmons Freeway in an amount not to exceed \$80,000; and (7) Regional Hispanic Contractors Association (BAC#7) located at 2210 West Illinois Avenue in an amount not to exceed \$80,000 - Total not to exceed \$560,000.

Section 2. That the City Controller is hereby authorized to encumber and disburse funds from: Community Development Grant Funds in an amount not to exceed \$560,000 in accordance with the BAC contract provisions, as follows:

<u>BAC</u>	<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>VENDOR NO.</u>	<u>AMOUNT</u>
1	CD13	ECO	284F	3070	ECO284FJ035	255288	\$80,000
2	CD13	ECO	285F	3070	ECO284FJ036	266539	\$80,000
3	CD13	ECO	286F	3070	ECO284FJ037	255288	\$80,000
4	CD13	ECO	287F	3070	ECO284FJ038	255288	\$80,000
5	CD13	ECO	288F	3070	ECO284FJ039	VC0000010212	\$80,000
6	CD13	ECO	289F	3070	ECO284FJ040	511235	\$80,000
7	CD13	ECO	290F	3070	ECO284FJ041	504570	\$80,000

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.

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 25, 2008, City Council authorized the adoption of the FY2008-09 Consolidated Plan Budget which included funding for the Business Assistance Center Program by Resolution No. 08-1807; and

WHEREAS, on July 31 and August 7, 2008, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers (BAC) within the City of Dallas; and

WHEREAS, on October 2, 2008, the Economic Development Committee was briefed on the BAC program and the FY 2008-09 contracts; and

WHEREAS, on November 3, 2008, the Economic Development Committee was briefed and updated on the City-BAC-HUD meetings and the recommendation for FY 2008-09 contract award; and

WHEREAS, on November 10, 2008, City Council authorized the award and funding for six existing BACs for a twelve-month service contract with two additional twelve-month renewal options by Resolution No. 08-3118; and

WHEREAS, on March 25, 2009, the FY 2008-09 Consolidated Plan Reprogramming Budget authorized the funding for two additional BACs for six-month service contracts by Resolution No. 09-0856; and

WHEREAS, on June 24, 2009, City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 09-1635; and

WHEREAS, on September 21, 2009, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2009-10 contracts; and

WHEREAS, on September 23, 2009, City Council authorized the first renewal option with the BACs for FY 2009-10 by Resolution No. 09-2296; and

WHEREAS, on June 23, 2010, City Council authorized the adoption of the FY 2010-11 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 10-1594; and

WHEREAS, on September 20, 2010, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2010-11 contracts; and

September 25, 2013

WHEREAS, on September 22, 2010, City Council authorized the adoption of second renewal option with the BACs for FY 2010-11 by Resolution No. 10-2416; and

WHEREAS, on June 22, 2011, City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 11-1679; and

WHEREAS, on June 24 and June 30, 2011, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on September 6, 2011, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2011-12 contracts; and

WHEREAS, on September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567; and

WHEREAS, on June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 12-1629; and

WHEREAS, on September 17, 2012 a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2012-13 contracts; and

WHEREAS, on September 26, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362; and

WHEREAS, on June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 13-1142; and

WHEREAS, on July 10, 2013, the Greater Dallas Indo-American Chamber of Commerce notified the City that it was not going to continue with the BAC program; and

WHEREAS, on September 16, 2013, a memo was submitted to the Economic Development Committee regarding the BAC program and FY2013-14 contracts; and

WHEREAS, the City wishes to continue the Business Assistance Center program as a response to the needs of the low to moderate income business community by providing services and programs designed to foster new microenterprise businesses and build the capacity of existing microenterprise businesses.

September 25, 2013

NOW, THEREFORE,

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

Section 1. That City Manager is hereby authorized to cancel the contract and second renewal option with Greater Dallas Indo American Chamber of Commerce (BAC#8) located at 2750 West Northwest Highway.

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.

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 25, 2008, City Council authorized the adoption of the FY2008-09 Consolidated Plan Budget which included funding for the Business Assistance Center Program by Resolution No. 08-1807; and

WHEREAS, on July 31 and August 7, 2008, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers (BAC) within the City of Dallas; and

WHEREAS, on October 2, 2008, the Economic Development Committee was briefed on the BAC program and the FY 2008-09 contracts; and

WHEREAS, on November 3, 2008, the Economic Development Committee was briefed and updated on the City-BAC-HUD meetings and the recommendation for FY 2008-09 contract award; and

WHEREAS, on November 10, 2008, City Council authorized the award and funding for six existing BACs for a twelve-month service contract with two additional twelve-month renewal options by Resolution No. 08-3118; and

WHEREAS, on March 25, 2009, the FY 2008-09 Consolidated Plan Reprogramming Budget authorized the funding for two additional BACs for six-month service contracts by Resolution No. 09-0856; and

WHEREAS, on June 24, 2009, City Council authorized the adoption of the FY 2009-10 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 09-1635; and

WHEREAS, on September 21, 2009, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2009-10 contracts; and

WHEREAS, on September 23, 2009, City Council authorized the first renewal option with the BACs for FY 2009-10 by Resolution No. 09-2296; and

WHEREAS, on June 23, 2010, City Council authorized the adoption of the FY 2010-11 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 10-1594; and

WHEREAS, on September 20, 2010, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2010-11 contracts; and

September 25, 2013

WHEREAS, on September 22, 2010, City Council authorized the adoption of second renewal option with the BACs for FY 2010-11 by Resolution No. 10-2416; and

WHEREAS, on June 22, 2011, City Council authorized the adoption of the FY 2011-12 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 11-1679; and

WHEREAS, on June 24 and June 30, 2011, the City made a Request For Competitive Sealed Proposals (RFCSP) from organizations to establish, manage, and operate microenterprise Business Assistance Centers within the City of Dallas; and

WHEREAS, on September 6, 2011, a memo was submitted to the Economic Development Committee regarding the BAC program and the FY 2011-12 contracts; and

WHEREAS, on September 28, 2011, City Council authorized the adoption of a twelve-month contract with two additional twelve-month renewal options, each subject to funding availability for eight BACs by Resolution No. 11-2567; and

WHEREAS, on June 27, 2012, City Council authorized the adoption of the FY 2012-13 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 12-1629; and

WHEREAS, on September 17, 2012 a memo was submitted to the Economic Development Committee regarding the BAC program and FY 2012-13 contracts; and

WHEREAS, on September 26, 2012, City Council authorized the first renewal option of a twelve-month contract with eight BACs by Resolution No. 12-2362; and

WHEREAS, on June 26, 2013, City Council authorized the adoption of the FY 2013-14 Consolidated Plan Budget which included funding of \$640,000 for the BAC Program by Resolution No. 13-1142; and

WHEREAS, on July 10, 2013, the Greater Dallas Indo-American Chamber of Commerce (GDIACC) notified the City that it was not going to continue with the BAC program and based on the procurement process of 2011 for microenterprise development technical assistance via a Business Assistance Center program, the next qualified agency to replace GDIACC, is CEN-TEX Certified Development Corporation dba Business Community Lenders of Texas (BCL of Texas). BCL of Texas was qualified; however, there was only funding available for 8 centers, as it is for FY 2013-14; thereby, eligible to enter into a contractual agreement with the City of Dallas for said services to replace GDIACC; and

September 25, 2013

WHEREAS, on September 16, 2013, a memorandum was submitted to the Economic Development Committee regarding the BAC program and FY2013-14 contracts; and

WHEREAS, the City wishes to continue the Business Assistance Center program as a response to the needs of the low to moderate income business community by providing services and programs designed to foster new microenterprise businesses and build the capacity of existing microenterprise businesses.

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 Attorneys Office is hereby authorized to execute a twelve-month contract to provide technical assistance, incubator space and other eligible support services to low-to-moderate income persons owning or starting microenterprises to CEN-TEX Certified Development Corporation dba Business & Community Lenders (BCL) of Texas (BAC #8) located at 1322 Record Crossing - Total not to exceed \$80,000.

Section 2. That the City Controller is hereby authorized to encumber and disburse funds from: Community Development Grant Funds in an amount not to exceed \$80,000 in accordance with the BAC contract provisions, as follows:

<u>BAC</u>	<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>VENDOR NO.</u>	<u>AMOUNT</u>
8	CD13	ECO	291F	3070	ECO284FJ042	VS0000057437	\$80,000

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: September 25, 2013
COUNCIL DISTRICT(S): All
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: N/A

SUBJECT

Authorize the third of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2013 through September 30, 2014 – Not to exceed \$250,000 – Financing: Public/Private Partnership Funds (\$200,000) Current Funds (\$50,000) (subject to appropriations)

BACKGROUND

Since February 2003, the City has entered into a series of grant agreements for economic development and protocol services with the World Affairs Council of Dallas/Fort Worth. The World Affairs Council of Dallas/Fort Worth's responsibilities include:

- Supporting the International Business Division of the Office of Economic Development to promote foreign investment and attract foreign companies to Dallas, particularly in the southern sector
- Working with the office of the Mayor, City Council Members and City officials to market Dallas to the international community and provide protocol and logistical support for international delegations visiting Dallas
- Managing the Sister Cities International Program

For the past ten years, the World Affairs Council of Dallas/Fort Worth has received annual grants from the City to fund the City of Dallas Protocol office. The grant agreements stipulated funding to pay for salaries of two full time persons to work exclusively for the City of Dallas, plus a portion of the salaries and overhead of the executive staff of the World Affairs Council of Dallas/Fort Worth.

BACKGROUND (Continued)

The grant agreement with the World Affairs Council of Dallas/Fort Worth is currently managed by International Business Development Division within the Office of Economic Development. The second term of the contract, with four renewal options, will expire on September 30, 2013.

Since economic development is a high priority of the City, in addition to measuring protocol related responsibilities, the grant agreement also measures economic development criteria such as promoting business referrals from targeted trading partners; providing logistical and technical assistance to business-related inbound delegations and supporting partnership events such as trade workshops. Furthermore, the World Affairs Council of Dallas/Fort Worth committed approximately \$137,000 in Fiscal Year 2012-13 in private sector funding and in-kind support for City of Dallas economic development and protocol activities. The goal is to leverage this agreement to create more synergy with economic development programs and priorities. The ultimate objective is to encourage more international companies to move to Dallas, thereby creating a higher tax base and more jobs.

A restricted fund, the "Mayor's International Relations Fund", was established in 2009 under the World Affairs Council's (WAC) 501(c)3 charter. WAC will seek to capitalize the "Mayor's International Relations Fund" by membership contributions with annual fund raising goal of \$35,000, to support international initiatives, specifically protocol activities, hospitality, and business development.

The renewal amount for FY 2013-14 is \$250,000 which is appropriated in the Capital Budget, Economic Development, Public/Private Partnership Fund (\$200,000) and in General Fund (\$50,000).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 12, 2003, City Council authorized a grant agreement with the World Affairs Council of Greater Dallas for the period March 1, 2003 through February 29, 2004, by Resolution No. 03-0664.

On February 11, 2004, City Council authorized a three-year grant agreement with the World Affairs Council of Dallas/Fort Worth for the period March 1, 2004 through February 28, 2007, by Resolution No. 04-0560.

On February 20, 2007, the Economic Development and Housing Committee was briefed on the World Affairs Council of Dallas/Fort Worth grant agreement.

On February 28, 2007, City Council authorized a grant agreement with the World Affairs Council of Dallas/Fort Worth for the period March 1, 2007 through September 30, 2007, by Resolution No. 07-0692.

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

On January 23, 2008, City Council authorized the first of three twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2007 through September 30, 2008, by Resolution No. 08-0307.

On September 24, 2008, City Council authorized the second of three twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2008 through September 30, 2009, by Resolution No. 08-2542.

On April 20, 2009, the Economic Development Committee was briefed on the formation of a privately capitalized restricted fund, Mayor's International Relations Fund, to support international initiatives of the City of Dallas. WAC will initiate solicitations to capitalize Mayor's International Relations Fund.

On September 21, 2009, a memo was submitted to the Economic Development Committee regarding the renewal of the World Affairs Council of Dallas/Fort Worth grant agreement.

On September 23, 2009, City Council authorized the third of three twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2009 through September 30, 2010, by Resolution No. 09-2297.

On September 20, 2010, a memo was submitted to the Economic Development Committee regarding a 90 day extension to the existing contract with the World Affairs Council of Dallas/Fort Worth.

On September 22, 2010, City Council authorized a three-month renewal to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2010 through December 31, 2010, by Resolution No. 10-2415.

On December 3, 2010 a memo was submitted to the Economic Development Committee regarding the authorization of a nine-month Chapter 380 grant agreement with four one-year renewals with the World Affairs Council of Dallas / Fort Worth from the period of January 1, 2011 to September 30, 2011.

On December 8, 2011, City Council authorized a nine-month Chapter 380 grant agreement with four one-year renewals with the World Affairs Council of Dallas / Fort Worth from the period of January 1, 2011 to September 30, 2011, by Resolution No. 10-3037.

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

On September 14, 2011, City Council authorized the first of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2011 through September 30, 2012, by Resolution No. 11-2425.

On September 12, 2012, City Council authorized the second of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period of October 1, 2012 through September 30, 2013, by Resolution No. 12-2286.

On September 16, 2013, a memo was submitted to the Economic Development Committee regarding the authorization of the third of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2013 through September 30, 2014.

FISCAL INFORMATION

\$200,000 - Public/Private Partnership Funds

\$ 50,000 - Current Funds (subject to appropriations)

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, Chapter 380 of the Texas Local Government Code allows the governing body of a municipality to partner with a nonprofit organization to administer a program to promote local economic development and stimulate business and commercial activity in the municipality; and

WHEREAS, the City now desires to authorize the execution of the third of four 12-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for services relating to business development and protocol for the period October 1, 2013 through September 30, 2014.

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 enter into the third of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2013 through September 30, 2014 and execute any and all documents required by the contract.

Section 2. That the City Controller is hereby authorized to set aside and disburse funds in an amount not to exceed \$250,000 from:

Fund	Dept	Unit	Obj	Encumbrance	Activity	Vendor	Amount
0352	ECO	P476	3016	ECOP476K236	PPPF	509630	\$200,000
0001	ECO	1192	3072	ECOP476K236	EC08	509630	\$50,000

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: September 25, 2013
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 U

SUBJECT

Cedars TIF District

- * Authorize a development agreement with 1400 Belleview GP, LLC to dedicate future Cedars TIF District revenues in an amount not to exceed \$441,225 for eligible project costs related to public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) – Not to exceed \$441,225 – Financing: Cedars TIF District Funds
- * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to reimburse 1400 Belleview GP, LLC up to \$441,225 for certain TIF-eligible project costs related to public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in the Cedars TIF District – Financing: No cost consideration to the City

BACKGROUND

On June 22, 2011, City Council approved 1400 Belleview GP, LLC's request for \$1,657,916 in TIF reimbursement for costs related to public infrastructure improvements supporting the development of 1400 Belleview, a mixed use project that will be located at 1401 Browder Street.

In March 2013, Matthews CCH Partners acquired 7.86 acres of property in the Cedars TIF District near the intersection of Belleview Street and Browder Street.

BACKGROUND (Continued)

Approximately 1.64 acres was immediately conveyed to 1400 Belleview LP to accommodate the construction of the 1400 Belleview Project. 1.64 acres was immediately conveyed to 1400 Belleview LP to accommodate the construction of the 1400 Belleview Project. During the course of the project's construction the City identified several needed public improvements (franchise utility relocation, street lighting, street improvements, streetscape improvements and water-wastewater/drainage improvements) that were not included in its original scope of work. These improvements will replace sub-standard public infrastructure and provide much of the needed infrastructure to allow 6.05 acres of property that is adjacent to the 1400 Belleview Project to be redeveloped.

The anticipated total project cost is approximately \$848,746 and consists of the following components: (i) right-of-way easement acquisition costs of approximately \$56,250; (ii) hard construction costs of approximately \$114,993; (iii) soft costs of approximately \$92,528; and (iv) public improvement costs and contingences of approximately \$584,975.

The specific terms for the deal are included in the resolutions.

ESTIMATED PROJECT SCHEDULE

Began Public Infrastructure Improvements	April 2013
Complete Public Infrastructure Improvements	October 2015

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On December 9, 1992, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) by Ordinance No. 21492, as amended.

On April 9, 1997, City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the Cedars TIF District by Ordinance No. 23092, as amended.

On June 22, 2011, the City Council authorized (1) a development agreement with 1400 Belleview GP, LLC to dedicate future TIF revenues supporting the development of 1400 Belleview at 1401 Browder Street located in Tax Increment Financing Reinvestment Zone Four (Cedars TIF District); and (2) the Cedars TIF District Board of Directors to dedicate up to \$1,657,916 from future Cedars TIF District revenues in accordance with the development agreement in an amount not to exceed \$1,657,916, by Resolution Nos. 11-1794 and 11-1795.

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

On September 5, 2013, the Cedars TIF Board of Directors reviewed the proposed public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in the Cedars TIF District and recommended City Council consideration of a development agreement with 1400 Belleview GP, LLC and for authority to dedicate an amount not to exceed \$441,225 in future TIF revenues from the Cedars TIF District for certain TIF-eligible public improvements.

On September 16, 2013, the Economic Development Committee was briefed on the proposed Belleview Browder District-wide Public Improvements Project and recommended approval.

FISCAL INFORMATION

\$441,225 – Cedars TIF District Funds

OWNER

**1400 Belleview GP, LLC
A Texas limited liability company**

Scott Galbraith, Principal

DEVELOPER

**1400 Belleview GP, LLC
A Texas limited liability company**

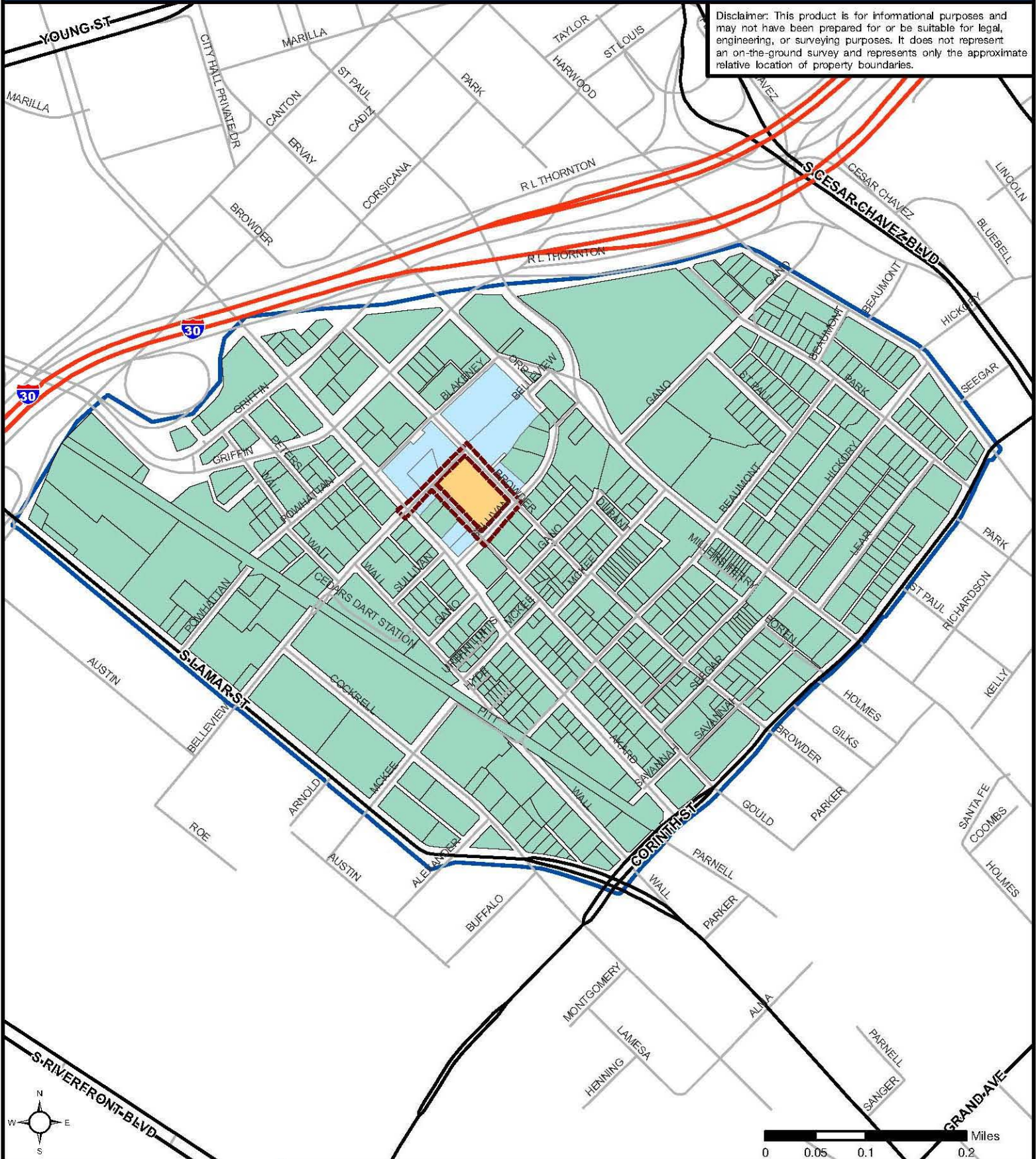
Scott Galbraith, Principal

MAP

Attached.

Cedars TIF District

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**DALLAS
ECONOMIC
DEVELOPMENT**

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

Created 08.29.13, Last Updated 08.29.13 - Bellevue-Browder.ALP

Legend

- Bellevue-Browder District-Wide Public Improvements
- Matthews CCH Partners Properties
- Cedars TIF District Boundary
- 1400 Bellevue
- Cedars Parcels

Data Source: City of Dallas

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on December 9, 1992, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Four (“Cedars TIF District”) in accordance with the Tax Increment Financing Act, as amended, V.T.C.A Texas Tax Code, Chapter 311 (the “Act”) to promote development and redevelopment in the District through the use of tax increment financing by Ordinance No. 21492, as amended; and

WHEREAS, on April 9, 1997, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the Cedars TIF District by Ordinance No. 23092, as amended; and

WHEREAS, on June 22, 2011, City Council authorized (1) a development agreement with 1400 Belleview GP, LLC to dedicate future TIF revenues supporting the development of 1400 Belleview at 1401 Browder Street located in Tax Increment Financing Reinvestment Zone Four (Cedars TIF District); and (2) the Cedars TIF District Board of Directors to dedicate up to \$1,657,916 from future Cedars TIF District revenues in accordance with the development agreement in an amount not to exceed \$1,657,916, by Resolution Nos. 11-1794 and 11-1795; and

WHEREAS, on September 5, 2013, the Cedars TIF Board of Directors reviewed the proposed public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in the Cedars TIF District and recommended City Council consideration of a development agreement with 1400 Belleview GP, LLC and for authority to dedicate an amount not to exceed \$441,225 in future TIF revenues from the Cedars TIF District for certain TIF-eligible public improvements; and

WHEREAS, the public infrastructure improvements are anticipated to further future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, in furtherance of the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan, the City desires to reimburse 1400 Belleview GP, LLC for the cost of public infrastructure improvements along Belleview Street, Gould Street, Browder Street and Sullivan Drive in the Cedars TIF District as described in Conceptual Site Plan attached hereto as **Exhibit A** and Conceptual Elevations attached hereto as **Exhibit B**.

September 25, 2013

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 development agreement between 1400 Belleview GP, LLC and the City of Dallas in an amount not to exceed \$441,225 for TIF-eligible public improvements costs as shown in the TIF Funded Project Budget attached hereto as **Exhibit C** in accordance with the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan.

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 the City Controller is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Cedars TIF District Fund - Fund 0033, Department ECO, Unit P831, Object 4599, Activity TCED, Program No. CEDTIF0008, CT ECOP831K233, Vendor No. VS0000064151, in an amount not to exceed \$441,225.

Section 4. That 1400 Belleview GP, LLC shall fund public infrastructure improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in the Cedars TIF District, in an amount not to exceed \$441,225 for the cost of TIF-eligible public improvements in the Cedars TIF District. Belleview GP, LLC will be paid solely from the Cedars TIF District Fund in accordance with the terms of the development agreement described in hereof, but only to the extent such Cedars TIF District Funds are available for such purpose. No interest will be paid on this award since funds are not advanced to the City for these improvements.

Section 5. That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the Cedars TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Cedars TIF District, due to lack or unavailability of Cedars TIF District Funds shall no longer be considered project costs of the Cedars TIF District or the City and the obligation of the Cedars TIF District to pay 1400 Belleview GP, LLC shall automatically expire.

September 25, 2013

Section 6. That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Design Review including compliance with the Peer Review Committee's recommendations for the design of all public infrastructure improvements along Belleview Street, Gould Street, Browder Street and Sullivan Drive. The Project's TIF funding eligibility requires the Developer/Owner's compliance with Design Review recommendations.
- B. The Project must be consistent in general form and character with the attached conceptual site plan and conceptual streetscape plan (please refer to **Exhibits A** and **B**). Any modification to the plans must be approved by the Cedars TIF Board.
- C. Developer/Owner must complete all public infrastructure improvements along Belleview Street, Gould Street, Browder Street and Sullivan Drive and receive a certificate of acceptance from the City's Department of Public Works by December 31, 2015, for all infrastructure improvements that are to be reimbursed with TIF funds.
- D. Developer/Owner shall make good faith efforts to comply with the Business Inclusion and Development (BID) process and goals established by the City in its BID Plan with the City's Fair Share Goals. Specifically, the Developer/Owner's goals shall be 25% participation by M/WBE firms for all construction work related to the Project that is a TIF Eligible Project Cost and 10% participation by M/WBE firms for the remainder of the Project Construction.
- E. An operating and maintenance agreement must be executed and funded for non-standard public improvements associated with the Project by the earlier of project completion or December 31, 2015.

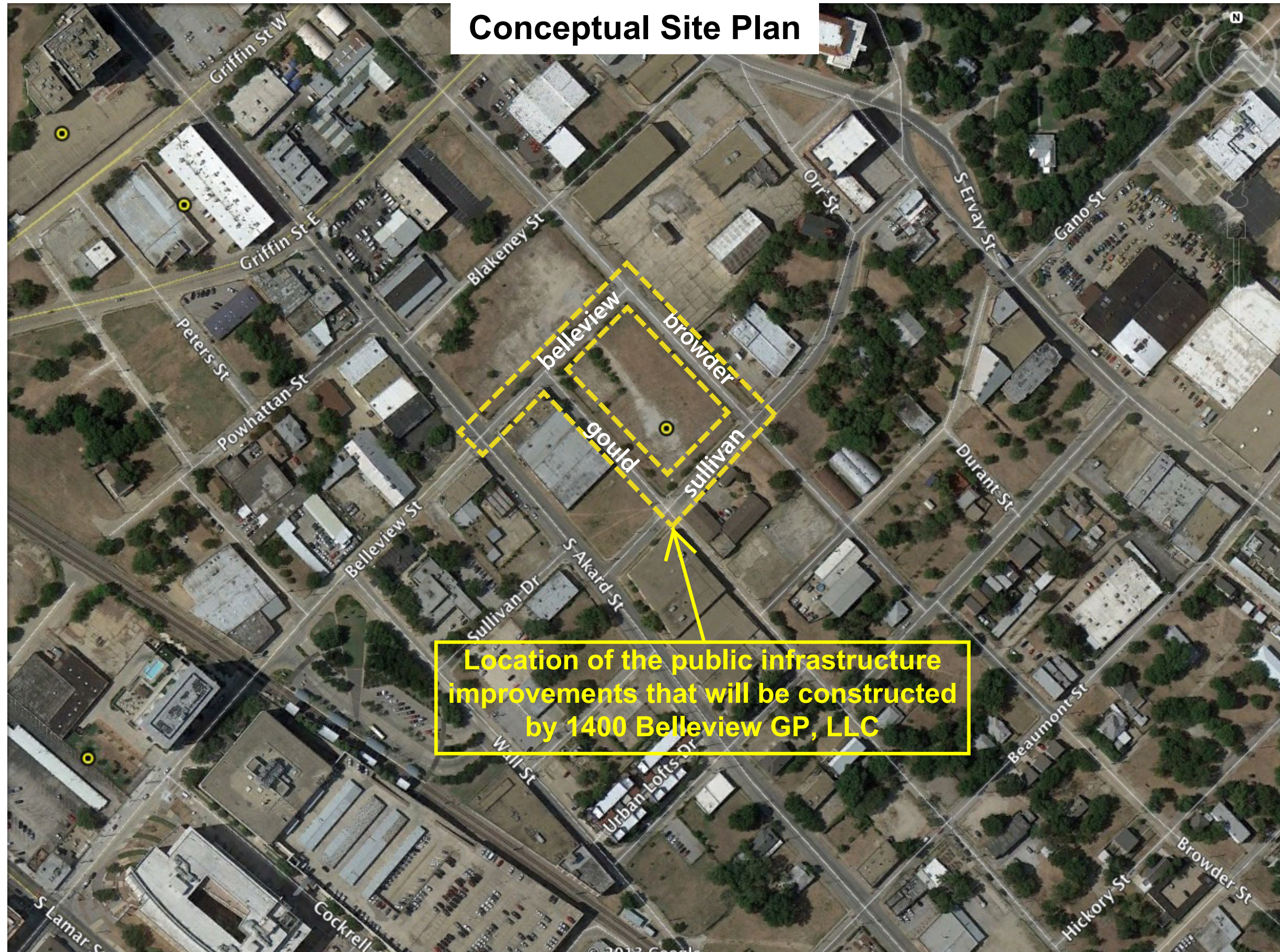
Section 7. That prior to the completion of the public improvements and/or milestone dates listed in Section 6 above, the City agrees to reimburse 1400 Belleview GP, LLC pursuant to a regular draw schedule approved by the Director of Economic Development and/or submission of invoices for work completed. If 1400 Belleview GP, LLC fails to request TIF funds in advance of completing the public improvements, payment of TIF funds shall be made in accordance with the Cedars TIF District Proportional Increment Allocation Policy attached hereto as **Exhibit D**.

September 25, 2013

Section 8. That the Director of the Office of Economic Development, after approval and recommendation of the Cedars TIF District Board of Directors, may authorize minor modifications to the project including development site plan and/or an extension of the project deadlines up to six months.

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.

Exhibit A Conceptual Site Plan



Location of the public infrastructure improvements that will be constructed by 1400 Bellevue GP, LLC

Exhibit B Conceptual Streetscape Plan





PAVED ZONE

AMENITY ZONE

BELLEVUE CONCEPTUAL PERSPECTIVE STREET VIEW



1401 BELLEVUE MIXED-USE

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Exhibit C
TIF Funded Project Budget

Infrastructure Improvements	
(TIF Eligible Project Costs)	
Infrastructure Improvements - Street Construction/Streetscape/Water/Wastewater/Drainage Improvements/East-West Corridor Construction/Public Open Spaces/Economic Development Grants	\$441,225
Total TIF Eligible Project Costs	
	\$441,225

Exhibit D

Proportional Increment Allocation Cedars TIF District 5/7/07

It is important for the City of Dallas to encourage as many projects as possible in the few remaining years of the Cedars TIF District. In that spirit, Cedars TIF District funds will be allocated to projects proportionately, dependent on the portion of the increment created by the project and other projects by that developer in the District.

Developers that are approved for TIF funding from the Cedars TIF District will be eligible, after completion of all requirements, to receive the portion of the increment that their project creates or is anticipated to create each year, (the "Individual Increment"), after (1) administrative fees have been paid and (2) a portion of the increment has been set aside for District-wide improvements. Annual allocations for each project will then be based on the Individual Increment from that project. For example, the Individual Increment for a project worth \$20 million is estimated to be approximately \$300,000 annually, but may be less depending on the actual taxable value as determined by the Dallas County Appraisal District (DCAD).

In addition to the Individual Increment, projects will be eligible to receive a portion of the Available Cash and Shared Increment, if any, from Cedars TIF District funds. Available Cash is defined as cash in the Cedars TIF fund that is not already allocated, encumbered, or otherwise set aside for other purposes. The Shared Increment is defined as the annual amount deposited into the TIF fund from the participating jurisdictions (Total Increment), less (1) expected legal and administrative fees, (2) the portion set aside for district-wide improvements, and (3) the sum of the Individual Increments of all eligible projects. The portion of the Available Cash and Shared Increment allotted to an eligible project shall be the proportion of each eligible project's Individual Increment to the sum of the Individual Increments for all eligible projects for that year.

If the appraised value of property in the TIF District decreases in value, the TIF subsidy for projects that year may be reduced or unpaid. Likewise, if the sum of 1) administrative fees, 2) District-wide improvements, and 3) the sum of the Individual Increments is greater than the Total Increment, then the Individual Increments shall be allotted on a proportional basis dependent on the proportion of each eligible project's Individual Increment to the sum of the Individual Increments for all eligible projects for that year.

In general, the assignment of increment will be done annually, after each participating jurisdiction has deposited its annual increment into the TIF fund. However, in most cases this method requires a developer with a completed project to wait months before receiving any TIF funding. Therefore, in addition to the annual allocations, upon completion of a project, and on a first-in-first-out basis, developers may apply for funding from Available Cash currently in the TIF fund, if any. This funding would be applied toward the outstanding TIF obligation.

The arrangement described herein shall not require the City to modify any prior agreement that may be inconsistent with the foregoing formula. For example, any projects approved under earlier arrangements, particularly under the first-in-first-out arrangement, shall be fully funded from the district's Available Cash and Shared Increment before newer projects are assigned additional increment.

The Cedars TIF Board may make adjustments to this funding formula at its discretion.

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on December 9, 1992, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Four (“Cedars TIF District”) in accordance with the Tax Increment Financing Act, as amended, V.T.C.A Texas Tax Code, Chapter 311 (the “Act”) to promote development and redevelopment in the District through the use of tax increment financing by Ordinance No. 21492, as amended; and

WHEREAS, on April 9, 1997, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the Cedars TIF District by Ordinance No. 23092, as amended; and

WHEREAS, on June 22, 2011, City Council authorized (1) a development agreement with 1400 Belleview GP, LLC to dedicate future TIF revenues supporting the development of 1400 Belleview at 1401 Browder Street located in Tax Increment Financing Reinvestment Zone Four (Cedars TIF District); and (2) the Cedars TIF District Board of Directors to dedicate up to \$1,657,916 from future Cedars TIF District revenues in accordance with the development agreement in an amount not to exceed \$1,657,916 by Resolution Nos. 11-1794 and 11-1795; and

WHEREAS, on September 5, 2013, the Cedars TIF Board of Directors reviewed the proposed public improvements along Belleview Street from Browder Street to South Akard Street, Gould Street from Belleview Street to Sullivan Drive, Browder Street from Belleview Street to Sullivan Drive and Sullivan Drive from Browder Street to Gould Street in the Cedars TIF District and recommended City Council consideration of a development agreement with 1400 Belleview GP, LLC and for authority to dedicate an amount not to exceed \$441,225 in future TIF revenues from the Cedars TIF District for certain TIF-eligible public improvements; and

WHEREAS, the public infrastructure improvements are anticipated to further future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, in furtherance of the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan, the City desires to reimburse 1400 Belleview GP, LLC for the cost of public infrastructure improvements along Belleview Street, Gould Street, Browder Street and Sullivan Drive in the Cedars TIF District.

September 25, 2013

NOW, THEREFORE,

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

Section 1. That the findings, determinations and certifications contained in the recitals above are incorporated herein for all purposes.

Section 2. That the issuer expects to incur debt as one or more series of obligation for the purpose of paying the costs of the Project. The following is a general functional description of the Project for which the expenditures to be reimbursed or paid and a statement of the maximum principal amount of debt expected to be issued for such reimbursement purposes.

Project Description

Public infrastructure improvements along Belleview Street, Gould Street, Browder Street and Sullivan Drive in Reinvestment Zone Number Four, (Cedars TIF District)

Debt To Be Issued

Not to exceed \$441,225 as provided by the Project Plan and Reinvestment Zone Financing Plan

Section 3. That the total Cedars TIF District participation in the cost of public infrastructure improvements for 1400 Belleview GP, LLC's project shall not exceed an amount of \$441,225 all in accordance with the terms of the said development agreement.

Section 4. That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the Cedars District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Cedars TIF District, due to lack or unavailability of Cedars TIF District Funds shall no longer be considered project costs of the Cedars TIF District or the City and any obligation to pay 1400 Belleview GP, LLC shall automatically expire.

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: September 25, 2013
COUNCIL DISTRICT(S): 2
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45 Q and 45 U

SUBJECT

Cedars TIF District

- * Authorize a development agreement with TEOF Hotel LLC to dedicate future Cedars TIF District revenues in an amount not to exceed \$2,285,071 for eligible project costs related to infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) – Not to exceed \$2,285,071 – Financing: Cedars TIF District Funds
- * A resolution declaring the intent of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) to reimburse TEOF Hotel LLC up to \$2,285,071 for certain TIF-eligible project costs related to infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District – Financing: No cost consideration to the City

BACKGROUND

This item commits TIF funding in an amount not to exceed \$2,285,071 to enable the redevelopment of the Plaza Hotel.

The Plaza Hotel Project will include the following improvements at 1011 South Akard Street and South Akard Street and West Griffin Street: (1) conversion of a vacant 12 story hotel into a 220 room full service hotel with an the outdoor pool and amenity area; and (2) infrastructure, streetscaping, and landscaping improvements that will consist of the construction of new sidewalks; the replacement and repair of existing sidewalks; and the planting of native plants and trees along South Akard Street and West Griffin Street.

BACKGROUND (Continued)

The project will also utilize shipping containers to construct approximately 1,800 square feet of commercial space on the southeast corner of the hotel’s parking lot. The sidewalks along South Akard Street (including the portion over the (I-30 Bridge) shall be approximately 10’ wide attached to the curb and separated from vehicular traffic by a painted bike lane and buffer zone. The general width of the Griffin Street sidewalk shall be the same as the existing sidewalk except for landscaped curb extensions and the roadway reduced by one traffic lane to be replaced by a lane of parallel parking subject to Public Works approval. Design aspects of the project have been reviewed by the City Design Studio and Peer Review Committee.

The anticipated total project cost is approximately \$34,085,071 and consists of the following components: (i) land acquisition costs of approximately \$6,500,000; (ii) hard construction costs of approximately \$16,767,733; (iii) soft costs of approximately \$ 6,781,267; (iv) Furniture Fixtures and Equipment Costs of approximately \$2,751,000; and (v) public improvement costs and contingences of approximately \$1,285,071.

This item allows funding for District-wide public improvements, primarily to the South Akard Street Bridge over I-30, out of existing Cedars TIF District Funds.

The specific terms for the deal are included in the resolutions.

ESTIMATED PROJECT SCHEDULE

Begin Hotel Renovation	December 2013
Complete Hotel Renovation	January 2014
Begin Public Infrastructure Improvements	March 2014
Complete Public Infrastructure Improvements	December 2014

PRIOR ACTION/REVIEW (COUNCIL. BOARDS, COMMISSIONS)

On December 9, 1992, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Four (Cedars TIF District) by Ordinance No. 21492, as amended.

On April 9, 1997, City Council authorized the Final Project Plan and Reinvestment Zone Financing Plan for the Cedars TIF District by Ordinance No. 23092, as amended.

On September 5, 2013, the Cedars TIF Board of Directors reviewed the reviewed the proposed infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District and recommended City Council consideration of a development agreement with TEOF Hotel LLC and for authority to dedicate an amount not to exceed \$2,285,071 in future TIF revenues from the Cedars TIF District for certain TIF-eligible public improvements.

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

On September 16, 2013, the Economic Development Committee was briefed on the proposed Plaza Hotel Project and recommended approval.

FISCAL INFORMATION

\$2,285,071 – Cedars TIF District Funds

OWNER

**TEOF Hotel LLC
A Texas limited liability company**

John Greenan, Manager

DEVELOPER

**TEOF Hotel LLC
A Texas limited liability company**

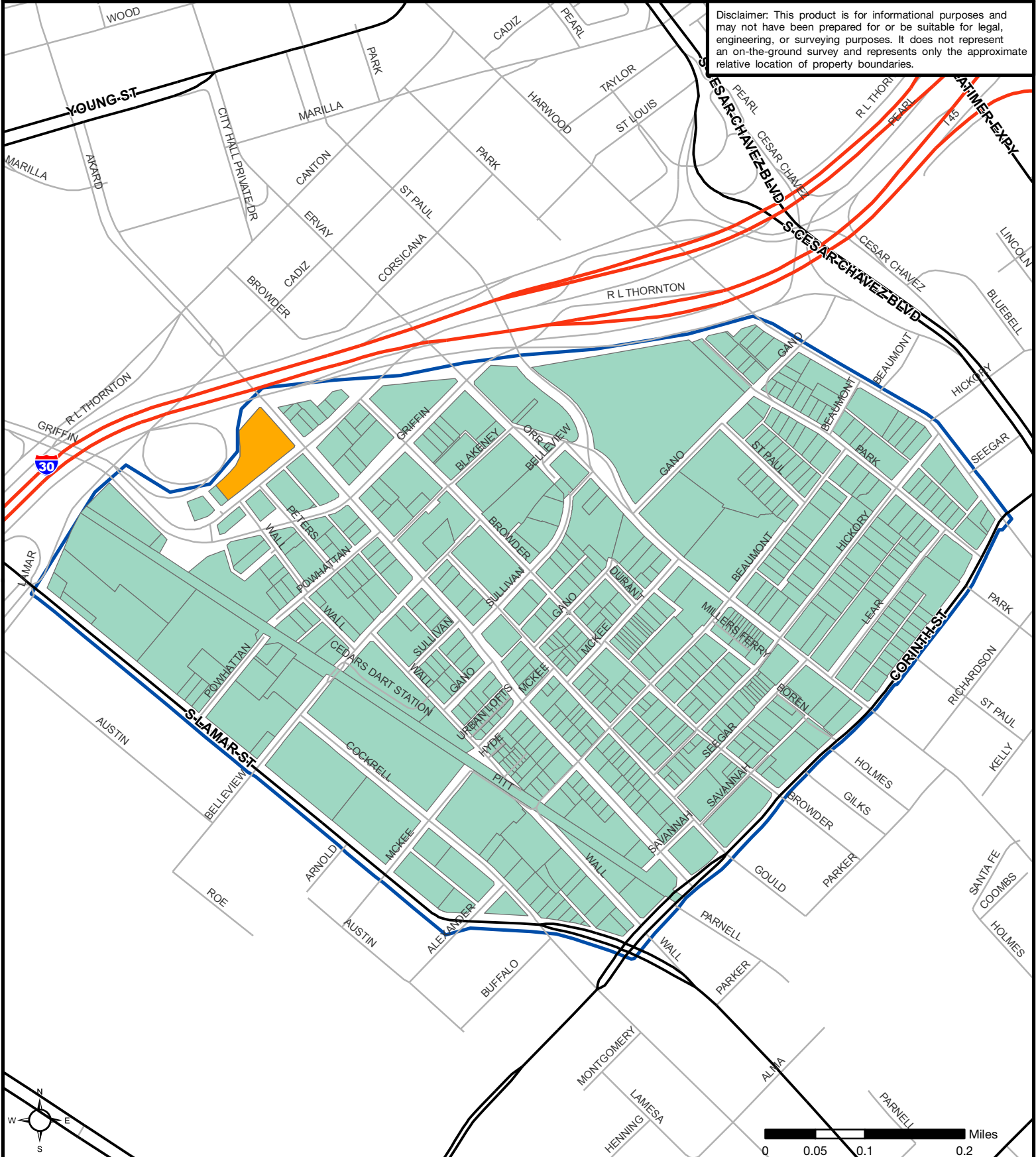
John Greenan, Manager

MAP

Attached.

Cedars TIF District

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



**DALLAS
ECONOMIC
DEVELOPMENT**

Area Redevelopment Division
214.670.1685
dallas-ecodev.org

Created 08.29.13, Last Updated 08.29.13 - PlazaHotel.ALP

Legend

- Plaza Hotel
- Cedars Parcels
- Cedars TIF District Boundary

Data Source: City of Dallas

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on December 9, 1992, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Four (“Cedars TIF District”) in accordance with the Tax Increment Financing Act, as amended, V.T.C.A Texas Tax Code, Chapter 311 (the “Act”) to promote development and redevelopment in the District through the use of tax increment financing by Ordinance No. 21492, as amended; and

WHEREAS, on April 9, 1997, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the Cedars TIF District by Ordinance No. 23092, as amended; and

WHEREAS, on September 5, 2013, the Cedars TIF Board of Directors reviewed the proposed infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District and recommended City Council consideration of a development agreement with TEOF Hotel LLC and for authority to dedicate an amount not to exceed \$2,285,071 in future TIF revenues from the Cedars TIF District for certain TIF-eligible public improvements; and

WHEREAS, the infrastructure, streetscaping, and landscaping improvements are anticipated to further future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, in furtherance of the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan, the City desires to reimburse TEOF Hotel LLC for the cost of infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District as described in Conceptual Site Plan attached hereto as **Exhibit A** and Conceptual Elevations attached hereto as **Exhibit B**.

NOW, THEREFORE,

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

September 25, 2013

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a development agreement between TEOF Hotel LLC and the City of Dallas, subject to future appropriations, in an amount not to exceed \$2,285,071 for TIF-eligible public improvements costs as shown in the TIF Funded Project Budget attached hereto as **Exhibit C** in accordance with the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan.

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 the City Controller is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Cedars TIF District Fund - Fund 0033, Department ECO, Unit P836, Object 4510, Activity TCED, Program No. CEDTIF0009, CT ECOP836K237-01, Vendor No. VS0000077723, in an amount not to exceed \$886,089;

Cedars TIF District Fund - Fund 0033, Department ECO, Unit P836, Object 4510, Activity TCED, Program No. CEDTIF0009, CT ECOP836K237-02, Vendor No. VS0000077723, in an amount not to exceed \$398,982; and

Cedars TIF District Fund - Fund 0033, Department ECO, Unit P836, Object 3016, Activity TCED, Program No. CEDTIF0009, CT ECOP836K237-03, Vendor No. VS0000077723, in an amount not to exceed \$1,000,000

Total in an amount not to exceed \$2,285,071.

Section 4. That TEOF Hotel LLC shall fund infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District, in an amount not to exceed 2,285,071 for the cost of TIF-eligible public improvements in the Cedars TIF District. TEOF Hotel LLC will be paid solely from the Cedars TIF District Fund in accordance with the terms of the development agreement described in hereof, but only to the extent such Cedars TIF District Funds are available for such purpose. No interest will be paid on this award since funds are not advanced to the City for these improvements.

Section 5. Assuming all conditions for payment have been met, the City will administer the payment of the TIF Reimbursement for the Project annually from the Cedars TIF District Fund. Project Infrastructure improvements will be reimbursed from increment created by the project, Shared Increment and the District-wide Improvement Set-aside in accordance with the Cedars TIF District Increment Allocation Policy which is attached.

September 25, 2013**Section 5.** (Continued)

- A. The Project will be eligible to receive its own increment. This individual increment will be directed in the following priority for funding:
- i. \$1,000,000 TIF grant (funds to be awarded to TEOF Hotel LLC over time after the project's completion)
 - ii. Site related improvements
 - iii. South Akard Street/District-wide infrastructure improvements
- B. The Project will be eligible to receive Shared Increment in accordance with the Increment Allocation Policy. Shared Increment will be used to fund TIF expenditures based on the following priority:
- i. \$1,000,000 TIF grant (funds to be awarded to TEOF Hotel LLC over time after the project's completion)
 - ii. Site related improvements
 - iii. South Akard Street/District-wide infrastructure improvements
- C. The District-wide Improvement Set-aside will be used to fund the South Akard Street bridge portion of the project. If there are other District-wide improvements that are eligible for TIF funding, funds will be allocated based on the ratio of a Project's Cumulative Individual Increment to the sum of the Cumulative Individual Increment generated by all Projects that are eligible for reimbursement from the Set-aside for a given year.

Section 6. That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the Cedars TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Cedars TIF District, due to lack or unavailability of Cedars TIF District Funds shall no longer be considered project costs of the Cedars TIF District or the City and the obligation of the Cedars TIF District to pay TEOF Hotel LLC shall automatically expire.

Section 7. That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. A minimum private investment of \$21,500,000 which is defined as including land acquisition, site preparation, hard construction costs, soft cost for the design of public improvements and public infrastructure improvements incurred by the Developer/Owner with respect to the Project as evidenced by an audit of its applicable invoices, contractor payments, and sales agreements.

September 25, 2013**Section 7. (Continued)**

- B. Design Review including compliance with the Peer Review Committee's recommendations for the design of all public infrastructure improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street. The project's TIF funding eligibility requires the Developer/Owner's compliance with Design Review recommendations.
- C. The Project must be consistent in general form and character with the attached conceptual site plan, conceptual streetscape plan and their corresponding elevations (please refer to Exhibits A and B). Any modification to the plans must be approved through the TIF Design Review process.
- D. The project shall contain a minimum of 1500 square feet of commercial/retail space in the form of a new structure or structures that will be constructed on the southeast corner of the hotel's parking lot.
- E. Developer/Owner must complete and receive a Certificate of Occupancy for the commercial/retail structure(s) that will be constructed on the southeast corner of the hotel's parking lot by July 31, 2015.
- F. Developer/Owner must complete and receive a Certificate of Occupancy for the renovated hotel by July 31, 2015.
- G. Developer/Owner must complete all public infrastructure improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street and receive a certificate of acceptance from the City's Department of Public Works by July 31, 2015, for all infrastructure improvements that are to be reimbursed with TIF funds.
- H. Developer/Owner shall make good faith efforts to comply with the Business Inclusion and Development (BID) process and goals established by the City in its BID Plan with the City's Fair Share Goals. Specifically, the Developer/Owner's goals shall be 25% participation by M/WBE firms for all construction work related to the Project that is a TIF Eligible Project Cost and 10% participation by M/WBE firms for the remainder of the Project Construction.
- I. An operating and maintenance agreement must be executed and funded for non-standard public improvements associated with the Project by July 31, 2015.

September 25, 2013

Section 8. That prior to the completion of the District-wide public improvements (i.e. the Akard Street Bridge over I-30) and/or milestone dates listed in Section 7 above, the City agrees to reimburse TEOF Hotel LLC pursuant to a regular draw schedule approved by the Director of Economic Development and/or submission of invoices for work completed.

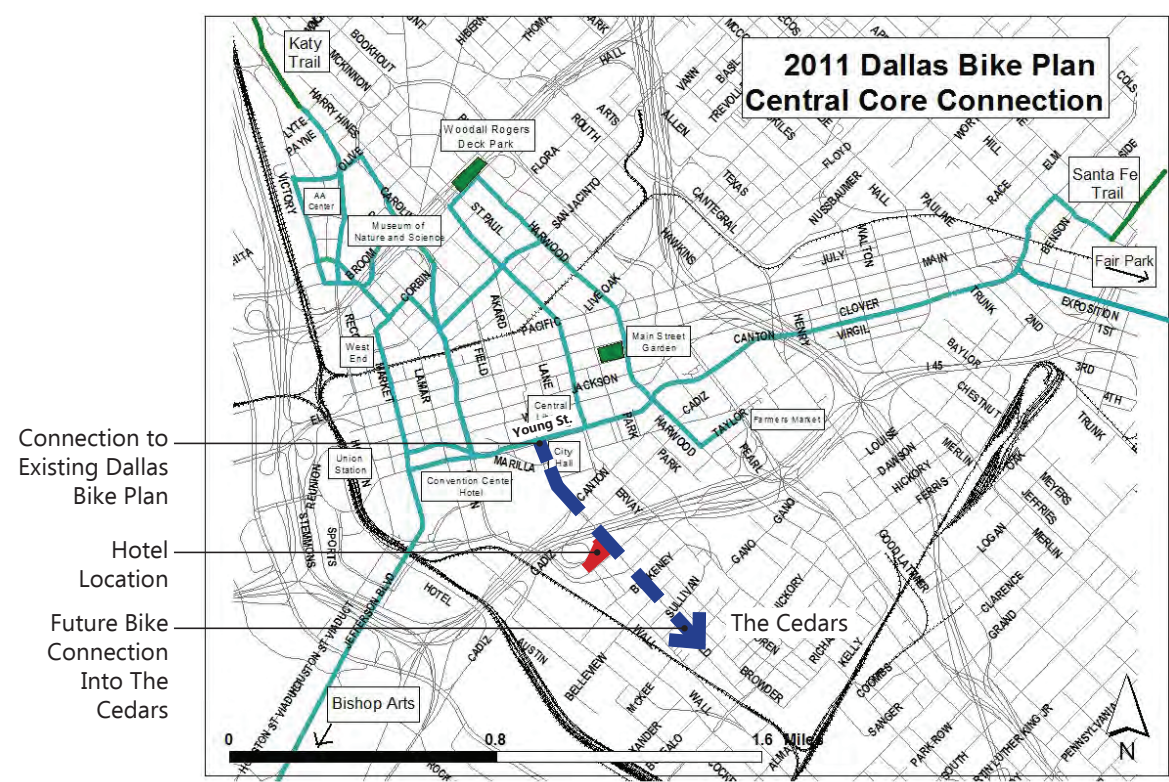
Section 9. That the Director of the Office of Economic Development, after approval and recommendation of the Cedars TIF District Board of Directors, may authorize minor modifications to the project including development site plan and/or an extension of the project deadlines up to six months.

Section 10. 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 Conceptual Site Plan

- Striped Median
- Buffered Bike Lane
- Elevated Sign for The Cedars

- Buffered Bike Lane
- Planted Median With Umbrella Sculpture
- Redeveloped Sidewalk
- Planting Area "Bulb-Out" At Corner
- The Kolache Korner: Eatery With Outdoor Seating & Parking. Container Architecture Including Gallery Space, Office Space, Storage Space, & Public Restrooms



- Connection to Existing Dallas Bike Plan
- Hotel Location
- Future Bike Connection Into The Cedars

- Planting Area "Bulb-Out" Extending Into Street
- Planters w/ Vegetation Growing Down Face of Wall
- Planting Area "Bulb-Out" Extending Into Street



Downtown Dallas Holiday Inn

Exhibit B
Conceptual Streetscape Plan and Elevations



Downtown Dallas Holiday Inn







Exhibit C TIF Funded Project Budget

Infrastructure Improvements	
(TIF Eligible Project Costs)	
Infrastructure Improvements - Street Construction/Streetscape/Water/Wastewater/Drainage Improvements/East-West Corridor Construction/Public Open Spaces/Economic Development Grants	
Infrastructure Improvements related to the Akard Street bridge; along South Akard Street between West Griffin Avenue and Cadiz Street; and I-30 right-of-way (District-wide Improvements)	\$886,089
Site related Public Improvements at the corner of South Akard Street and West Griffin Avenue	\$398,982
TIF Grant	\$1,000,000
Total TIF Eligible Project Costs	\$2,285,071
<p><i>* Cost maybe reallocated among categories as long as the total TIF funding commitment does not exceed \$2,285,071. No interest shall accrue on any portion of the TIF subsidy.</i></p>	

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on December 9, 1992, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Four (“Cedars TIF District”) in accordance with the Tax Increment Financing Act, as amended, V.T.C.A Texas Tax Code, Chapter 311 (the “Act”) to promote development and redevelopment in the District through the use of tax increment financing by Ordinance No. 21492, as amended; and

WHEREAS, on April 9, 1997, City Council authorized the Project Plan and Reinvestment Zone Financing Plan for the Cedars TIF District by Ordinance No. 23092, as amended; and

WHEREAS, on September 5, 2013, the Cedars TIF Board of Directors reviewed the proposed infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District and recommended City Council consideration of a development agreement with TEOF Hotel LLC and for authority to dedicate an amount not to exceed \$2,285,071 in future TIF revenues from the Cedars TIF District for certain TIF-eligible public improvements; and

WHEREAS, the infrastructure, streetscaping, and landscaping improvements are anticipated to further future growth and expansion of residential and commercial activity within the City of Dallas; and

WHEREAS, in furtherance of the Cedars TIF District Project Plan and Reinvestment Zone Financing Plan, the City desires to reimburse TEOF Hotel LLC for the cost of infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in the Cedars TIF District.

NOW, THEREFORE,

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

Section 1. That the findings, determinations and certifications contained in the recitals above are incorporated herein for all purposes.

September 25, 2013

Section 2. That the issuer expects to incur debt as one or more series of obligation for the purpose of paying the costs of the Project. The following is a general functional description of the Project for which the expenditures to be reimbursed or paid and a statement of the maximum principal amount of debt expected to be issued for such reimbursement purposes.

Project Description

Infrastructure, streetscaping, and landscaping improvements at 1011 South Akard Street as well as along South Akard Street and West Griffin Street in Reinvestment Zone Number Four, (Cedars TIF District)

Debt To Be Issued

Not to exceed \$2,285,071
as provided by the Project
Plan and Reinvestment
Zone Financing Plan

Section 3. That the total Cedars TIF District participation in the cost of public infrastructure improvements for TEOF Hotel LLC's project shall not exceed an amount of \$2,285,071 all in accordance with the terms of the said development agreement.

Section 4. That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the Cedars District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Cedars TIF District, due to lack or unavailability of Cedars TIF District Funds shall no longer be considered project costs of the Cedars TIF District or the City and any obligation to pay TEOF Hotel LLC shall automatically expire.

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: September 25, 2013
COUNCIL DISTRICT(S): 8
DEPARTMENT: Office of Economic Development
CMO: Ryan S. Evans, 671-9837
MAPSCO: 76 D

SUBJECT

Hillwood IIPOD Development

- * Authorize a 90 percent real property tax abatement agreement for 10 years with Commerce 20 Development, LLC, a single asset entity owned by Hillwood Investment Properties for phase I of a two-building speculative warehouse development consisting of approximately 650,805 square feet located on approximately 98 acres within an Enterprise Zone near the intersection of Bonnieview Road and Interstate 20 in Dallas pursuant to the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$11,943; ten-year revenue estimated at \$119,434 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$1,074,904)
- * Authorize a 90 percent real property tax abatement agreement for 10 years with Commerce 20 Development, LLC, a single asset entity owned by Hillwood Investment Properties for phase II of a two-building speculative warehouse development consisting of approximately 488,565 square feet located on approximately 98 acres within an Enterprise Zone near the intersection of Bonnieview Road and Interstate 20 in Dallas pursuant to the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$8,966; ten-year revenue estimated at \$89,659 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$806,931)
- * Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Commerce 20 Development, LLC in an amount up to \$745,000 associated with the site acquisition and new speculative warehouse development to be constructed on 98 acres near the intersection of Bonnieview Road and Interstate 20 in Dallas - Not to exceed \$745,000 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

For the past several months, City staff has been in discussions with Hillwood Investment Properties (Hillwood) regarding a potential two-building distribution development to be located on land near the intersection of Bonnieview Road and Interstate-20 within the International Inland Port of Dallas (IIPOD). The proposed facilities would total approximately 1,100,000 square feet and be owned by a single asset entity known as Commerce 20 Development, LLC. Plans call for the first building to be approximately 650,805 square feet, and the second building to be approximately 488,560 square feet. Commerce 20 Development, LLC plans to invest over \$25,000,000 to construct both facilities.

Hillwood anticipates that construction of the first building will begin either in the fall of 2013 or spring of 2014 and be completed by the end of 2014. Construction of the second building is anticipated to begin in 2015 and be completed in 2016.

Hillwood is ranked as one of the top commercial real estate investors and developers in the country. The company's developments currently house facilities for more than 85 companies listed on the Fortune 500, Global 500 or Forbes List of Top Private Firms.

In order to develop this project, Hillwood requests council consideration of an economic development grant in the amount of \$745,000 and a 90 percent real property tax abatement for 10-years on the added value of the improvements. The proposed grant will be paid on or before December 31, 2014, upon verification of substantial completion of the first building consisting of at least 600,000 square feet. The grant funds will help offset costs associated with topographical and infrastructure improvements required to make the site developable.

In consideration of the tax abatements proposed, Commerce 20 Development, LLC will: (1) Invest a minimum of \$14,500,000 in real property improvements and other related project costs such as design, engineering, architects, etc. for the first building in order for the first abatement to be approved and (2) Invest a minimum of \$11,000,000 in real property improvements and other related project costs such as design, engineering, architects, etc. for the second building in order for the second abatement to be approved. Staff estimates that, for buildings of this size designed for this purpose, each building will eventually contain business personal property of approximately \$40,000,000 and result in at least 300 jobs.

The cumulative forgone revenue associated with both of the abatements is \$1,881,835. The ten-year net estimated fiscal impact of this project is \$2,434,233. Staff recommends the proposed incentives.

ESTIMATED SCHEDULE OF THE PROJECT

Begin Construction	Building 1 - October, 2013	Building 2 - June, 2015
Substantial Completion	Building 1 - November, 2014	Building 2 - June, 2016

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was briefed to the Economic Development Committee on September 3, 2013.

FISCAL INFORMATION

\$745,000 - General Obligation Commercial Paper Funds

OWNER

The Commerce 20 Development, LLC

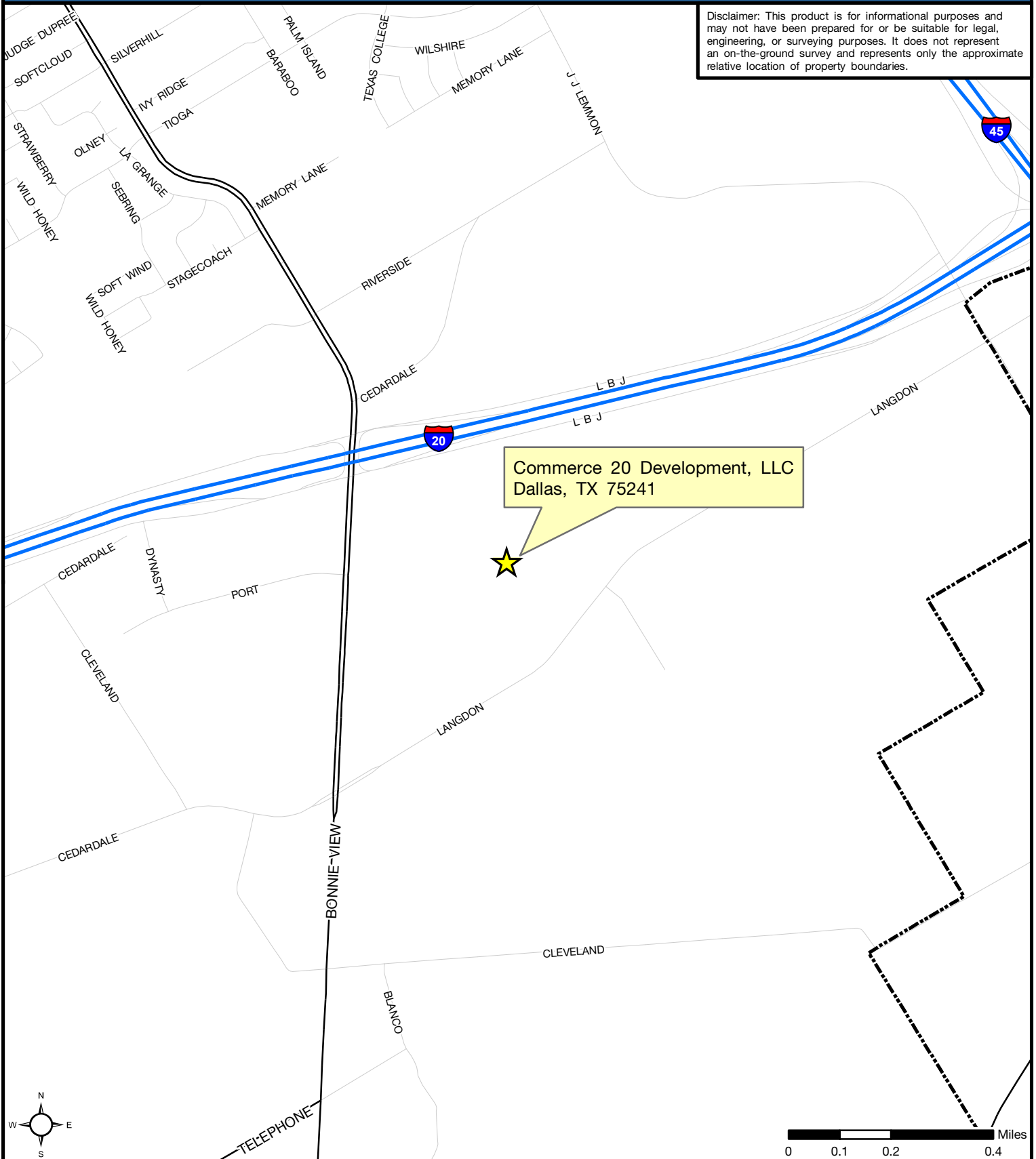
Dan Tatsch, Senior Vice President

MAP

Attached.

Commerce 20 Development, LLC

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.







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Created 8.29.13 - 13-08-28 Chris O'Brien.TCG

Legend

-  City of Dallas
-  Freeway

-  Arterial
-  Local Road

Source: City of Dallas, 2013

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 13, 2012, the City Council elected to continue its participation in tax abatement and the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 12-1520 as amended; and

WHEREAS, the City desires to enter into a real property tax abatement agreement with Commerce 20 Development, LLC for added value to real property located near the intersection of Bonnieview Road and Interstate 20 within an Enterprise Zone.

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 real property tax abatement agreement with Commerce 20 Development, LLC for added value to the real property in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria.

Section 2. That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 3. That the real property which will be described in the tax abatement agreement, attached hereto as **Exhibit A (Metes and Bounds)** and depicted on the attached site map as **Exhibit B (Map - the "Property")**, is located within an Enterprise Zone.

Section 4. That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within an Enterprise Zone, City of Dallas, Texas.
- (b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.

September 25, 2013**Section 4.** (Continued)

- (c) That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the reinvestment zone during the period the tax abatement is in effect.
- (d) The City will provide Commerce 20 Development, LLC a 90 percent abatement of the added value to the real property associated with Building 1 for a period of ten years for real property located within an Enterprise Zone as provided in **Exhibit A (Metes and Bounds)**. The tax abatement will commence on or before January 1, 2016.
- (e) That the \$14,000,000 in proposed real property improvements for Building 1 will be substantially completed by December 31, 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.
- (f) That a proportionate percentage of the property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if improvements to real property are not made as provided by the tax abatement agreement.
- (g) A description of the kind, number, location and costs of all proposed improvements to the Property will be provided to the Office of Economic Development.
- (h) That access to the Property will be provided to allow for the inspection by City inspectors and officials to ensure that the improvements or repairs are made according to the specification and terms of the tax abatement agreement.
- (i) A requirement that the owner of the Property certify annually to the governing body of each taxing unit that the owner is in compliance with each applicable term of the agreement.
- (j) That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.
- (k) That the tax abatement agreement shall be personal to Commerce 20 Development, LLC and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

September 25, 2013

Section 5. That this resolution 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"

LEGAL DESCRIPTION

LEGAL DESCRIPTION

BEING a tract of land situated in the William F. Newton Survey, Abstract No. 1084, City of Dallas, Dallas County, Texas and being part of a tract of land described as Parcel 87 (Tract 23) in Substitute Trustee's Deed to American Bank of Texas recorded in Instrument No. 201100175769, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a nail found for corner in the south right-of-way line of L.B.J. Freeway (Highway 635 or Highway I-20; a variable width right-of-way) and the southwest line of a tract of land described as Parcel 156 in Substitute Trustee's Deed to SouthPort Properties, L.P. recorded in Instrument No. 2001100113978, Official Public Records of Dallas County, Texas;

THENCE departing said south right-of-way line, with the southwest line of said Parcel 156, South 30°53'32" East, a distance of 1,448.24 feet to a 5/8" iron rod with "KHA" cap found for corner in the northwest right-of-way line of Langdon Road (an 80-foot wide right-of-way) at the southernmost corner of said Parcel 156 and the beginning of a non-tangent curve to the left having a central angle of 19°07'44", a radius of 858.64 feet, a chord bearing and distance of South 47°47'37" West, 285.34 feet; from said point a bent 1/2" iron rod found bears North 09°43' West, a distance of 1.00 foot;

THENCE with said northwest right-of-way line, the following courses and distances:

In a southwesterly direction, with said curve to the left, an arc distance of 286.67 feet to a 1/2" iron rod with "TX Reg No. 100189-00" cap found at the end of said curve;

South 38°13'45" West, a distance of 1,166.09 feet to a 1/2" iron rod with "TX Reg No. 100189-00" cap found at the beginning of a tangent curve to the right having a central angle of 20°15'00", a radius of 778.64 feet, a chord bearing and distance of South 48°21'15" West, 273.76 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 275.19 feet to a 5/8" iron rod found at the end of said curve;

South 58°28'45" West, a distance of 911.58 feet to a 5/8" iron rod with "KHA" cap set for corner;

South 58°33'45" West, a distance of 535.18 feet to a 1/2" iron rod with "TX Reg No. 100189-00" cap found for corner; from said point a 5/8" iron rod with "KHA" cap found bears North 34°50' West, 0.2 feet;

South 81°54'55" West, a distance of 95.84 feet to a 1/2" iron rod with "TX Reg No. 100189-00" cap found for corner;

South 37°22'28" West, a distance of 6.34 feet to a point in the centerline of Newton Creek;

THENCE along said creek centerline, the following courses and distances:

North 9°50'29" West, a distance of 68.02 feet to a point for corner;
North 21°55'05" West, a distance of 46.53 feet to a point for corner;
North 25°02'16" East, a distance of 56.97 feet to a point for corner;
North 64°30'23" West, a distance of 46.77 feet to a point for corner;
South 71°21'30" West, a distance of 39.99 feet to a point for corner;
North 64°52'17" West, a distance of 40.13 feet to a point for corner;
North 18°32'50" West, a distance of 124.90 feet to a point for corner;
North 31°58'17" East, a distance of 41.52 feet to a point for corner;
North 70°01'02" East, a distance of 48.25 feet to a point for corner;
North 19°43'19" West, a distance of 27.36 feet to a point for corner;
North 37°55'54" West, a distance of 96.11 feet to a point for corner;
North 40°46'29" West, a distance of 51.24 feet to a point for corner;
North 59°47'06" East, a distance of 25.73 feet to a point for corner;
South 84°21'30" East, a distance of 27.05 feet to a point for corner;
North 24°13'29" East, a distance of 24.30 feet to a point for corner;
North 8°54'42" West, a distance of 29.30 feet to a point for corner;
North 78°51'35" West, a distance of 24.73 feet to a point for corner;
North 76°21'34" West, a distance of 41.26 feet to a point for corner;
North 38°28'03" West, a distance of 38.52 feet to a point for corner;
North 51°02'33" East, a distance of 56.46 feet to a point for corner;
North 1°29'25" East, a distance of 43.27 feet to a point for corner;
North 66°10'22" East, a distance of 29.62 feet to a point for corner;
North 10°21'55" East, a distance of 52.09 feet to a point for corner;
North 84°37'27" East, a distance of 45.59 feet to a point for corner;
North 9°08'46" East, a distance of 53.92 feet to a point for corner;
North 27°30'18" West, a distance of 30.60 feet to a point for corner;
North 46°18'18" West, a distance of 30.67 feet to a point for corner;
South 72°52'07" West, a distance of 21.41 feet to a point for corner;
North 33°48'19" West, a distance of 24.63 feet to a point for corner;
North 17°25'10" West, a distance of 45.80 feet to a point for corner;
North 87°04'04" West, a distance of 19.17 feet to a point for corner;
South 31°52'52" West, a distance of 26.34 feet to a point for corner;
South 81°25'06" West, a distance of 22.00 feet to a point for corner;
North 60°14'10" West, a distance of 17.68 feet to a point for corner;
North 47°40'49" West, a distance of 16.53 feet to a point for corner;
North 53°26'53" East, a distance of 44.58 feet to a point for corner;
North 32°10'13" East, a distance of 24.80 feet to a point for corner;
North 3°34'02" West, a distance of 120.28 feet to a point for corner;
North 43°42'46" East, a distance of 56.99 feet to a point for corner;
North 54°38'30" East, a distance of 33.29 feet to a point for corner;
North 77°41'29" East, a distance of 32.91 feet to a point for corner;
North 47°28'39" East, a distance of 53.54 feet to a point for corner;
North 35°50'48" East, a distance of 177.03 feet to a point for corner;
North 53°53'15" East, a distance of 34.41 feet to a point for corner;
North 79°56'59" East, a distance of 42.58 feet to a point for corner;

North 74°02'44" East, a distance of 78.49 feet to a point for corner,
North 22°37'40" East, a distance of 42.55 feet to a point for corner,
North 18°43'11" West, a distance of 129.53 feet to a point for corner,
North 55°54'26" East, a distance of 71.07 feet to a point for corner,
North 87°57'24" East, a distance of 83.82 feet to a point for corner,
North 15°44'02" East, a distance of 24.28 feet to a point for corner,
North 25°56'15" East, a distance of 143.28 feet to a point for corner,
North 87°15'03" East, a distance of 42.77 feet to a point for corner,
North 75°51'58" East, a distance of 67.56 feet to a point for corner,
North 54°17'51" East, a distance of 66.08 feet to a point for corner,
North 7°11'29" West, a distance of 61.35 feet to a point for corner,
North 59°00'11" West, a distance of 34.32 feet to a point for corner,
North 35°37'14" West, a distance of 35.88 feet to a point for corner,
North 27°42'21" West, a distance of 47.15 feet to a point for corner,
North 16°32'49" East, a distance of 41.82 feet to a point for corner,
North 59°46'19" East, a distance of 29.62 feet to a point for corner,
South 73°00'47" East, a distance of 59.87 feet to a point for corner,
North 67°33'41" East, a distance of 37.37 feet to a point for corner,
North 14°58'15" East, a distance of 90.73 feet to a point for corner,
North 59°07'26" East, a distance of 120.55 feet to a point for corner,
North 17°17'40" East, a distance of 102.24 feet to a point for corner,
North 80°10'16" East, a distance of 78.69 feet to a point for corner,
North 40°41'06" East, a distance of 85.51 feet to a point for corner,
North 6°07'23" East, a distance of 61.25 feet to a point for corner,
North 21°19'31" West, a distance of 53.19 feet to a point for corner,
North 3°14'00" West, a distance of 80.81 feet to a point for corner,
North 7°17'24" East, a distance of 41.87 feet to a point for corner,
North 60°21'52" East, a distance of 63.94 feet to a point for corner,
North 12°46'26" East, a distance of 126.02 feet to a point for corner,
North 8°28'46" West, a distance of 81.26 feet to a point for corner,
North 28°30'33" East, a distance of 54.71 feet to a point for corner,
North 33°11'04" East, a distance of 66.58 feet to a point for corner,
North 4°13'03" East, a distance of 103.82 feet to a point for corner,
North 40°01'48" East, a distance of 51.71 feet to a point for corner,
North 72°26'22" East, a distance of 61.61 feet to a point for corner,
South 80°59'55" East, a distance of 30.51 feet to a point for corner,
North 62°16'36" East, a distance of 45.68 feet to a point for corner,
North 9°36'29" East, a distance of 32.85 feet to a point for corner,
North 25°16'07" East, a distance of 101.00 feet to a point for corner in the said south right-of-way line of L.B.J. Freeway;

THENCE with said south right-of-way line, the following courses and distances:

North 76°41'05" East, a distance of 509.12 feet to a concrete monument found for corner,
North 76°59'02" East, a distance of 34.36 feet to the **POINT OF BEGINNING** and
containing 99.169 acres or 4,319,806 square feet of land.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances.

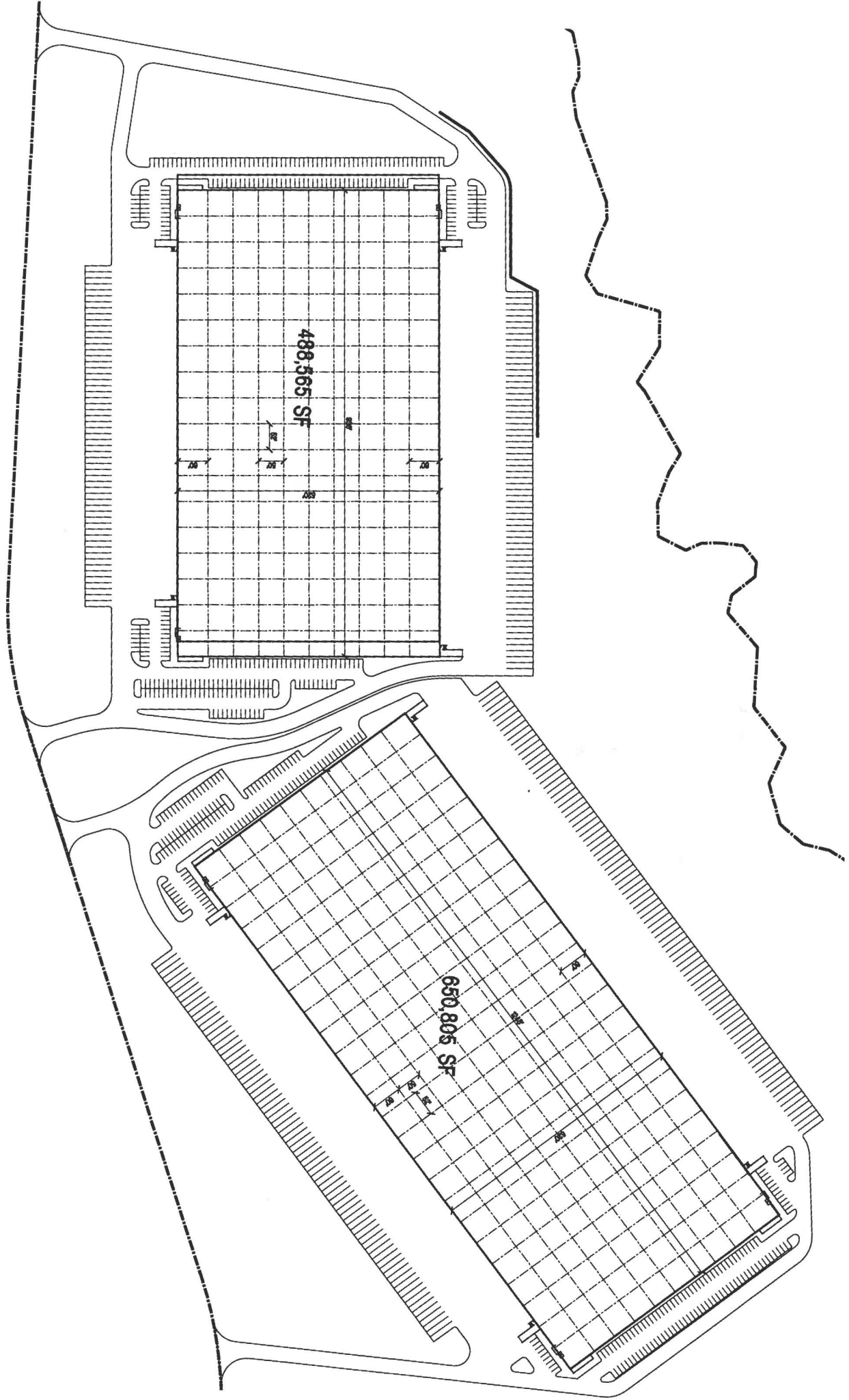
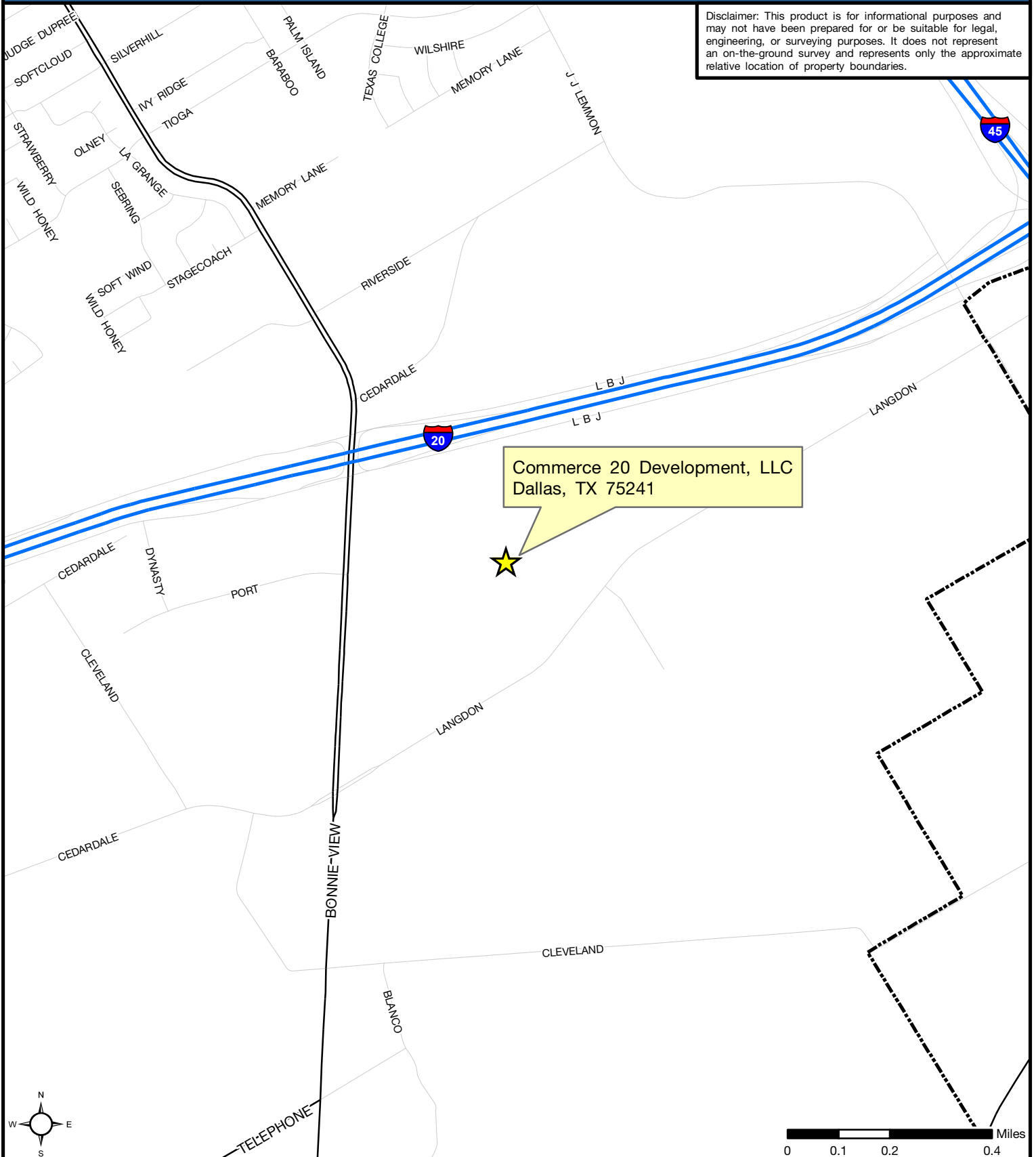


Exhibit B: Commerce 20 Development, LLC

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.







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Created 8.29.13 - 13-08-28 Chris O'Brien.TCG

Legend

-  City of Dallas
-  Freeway

-  Arterial
-  Local Road

Source: City of Dallas, 2013

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, on June 13, 2012, City Council elected to continue its participation in tax abatement and the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 12-1520 as amended; and

WHEREAS, the City desires to enter into a real property tax abatement agreement with Commerce 20 Development, LLC for added value to real property located near the intersection of Bonnieview Road and Interstate 20 within an Enterprise Zone.

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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 real property tax abatement agreement with Commerce 20 Development, LLC for added value to the real property in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria.

Section 2. That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

Section 3. That the real property which will be described in the tax abatement agreement, attached hereto as **Exhibit A (Metes and Bounds)** and depicted on the attached site map as **Exhibit B (Map - the "Property")**, is located within an Enterprise Zone.

Section 4. That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within an Enterprise Zone, City of Dallas, Texas.
- (b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.

September 25, 2013**Section 4. (Continued)**

- (c) That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the reinvestment zone during the period the tax abatement is in effect.
- (d) The City will provide Commerce 20 Development, LLC a 90 percent abatement of the added value to the real property for a period of ten years for real property located within an Enterprise Zone as provided in **Exhibit A (Metes and Bounds)**. The tax abatement will commence on or before January 1, 2015.
- (e) That the \$11,000,000 in proposed real property improvements for Building 2 will be substantially completed by June 31, 2016. 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.
- (f) That a proportionate percentage of the property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if improvements to real property are not made as provided by the tax abatement agreement.
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September 25, 2013

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THENCE departing said south right-of-way line, with the southwest line of said Parcel 156, South 30°53'32" East, a distance of 1,448.24 feet to a 5/8" iron rod with "KHA" cap found for corner in the northwest right-of-way line of Langdon Road (an 80-foot wide right-of-way) at the southernmost corner of said Parcel 156 and the beginning of a non-tangent curve to the left having a central angle of 19°07'44", a radius of 858.64 feet, a chord bearing and distance of South 47°47'37" West, 285.34 feet; from said point a bent 1/2" iron rod found bears North 09°43' West, a distance of 1.00 foot;

THENCE with said northwest right-of-way line, the following courses and distances:

In a southwesterly direction, with said curve to the left, an arc distance of 286.67 feet to a 1/2" iron rod with "TX Reg No. 100189-00" cap found at the end of said curve;

South 38°13'45" West, a distance of 1,166.09 feet to a 1/2" iron rod with "TX Reg No. 100189-00" cap found at the beginning of a tangent curve to the right having a central angle of 20°15'00", a radius of 778.64 feet, a chord bearing and distance of South 48°21'15" West, 273.76 feet;

In a southwesterly direction, with said curve to the right, an arc distance of 275.19 feet to a 5/8" iron rod found at the end of said curve;

South 58°28'45" West, a distance of 911.58 feet to a 5/8" iron rod with "KHA" cap set for corner;

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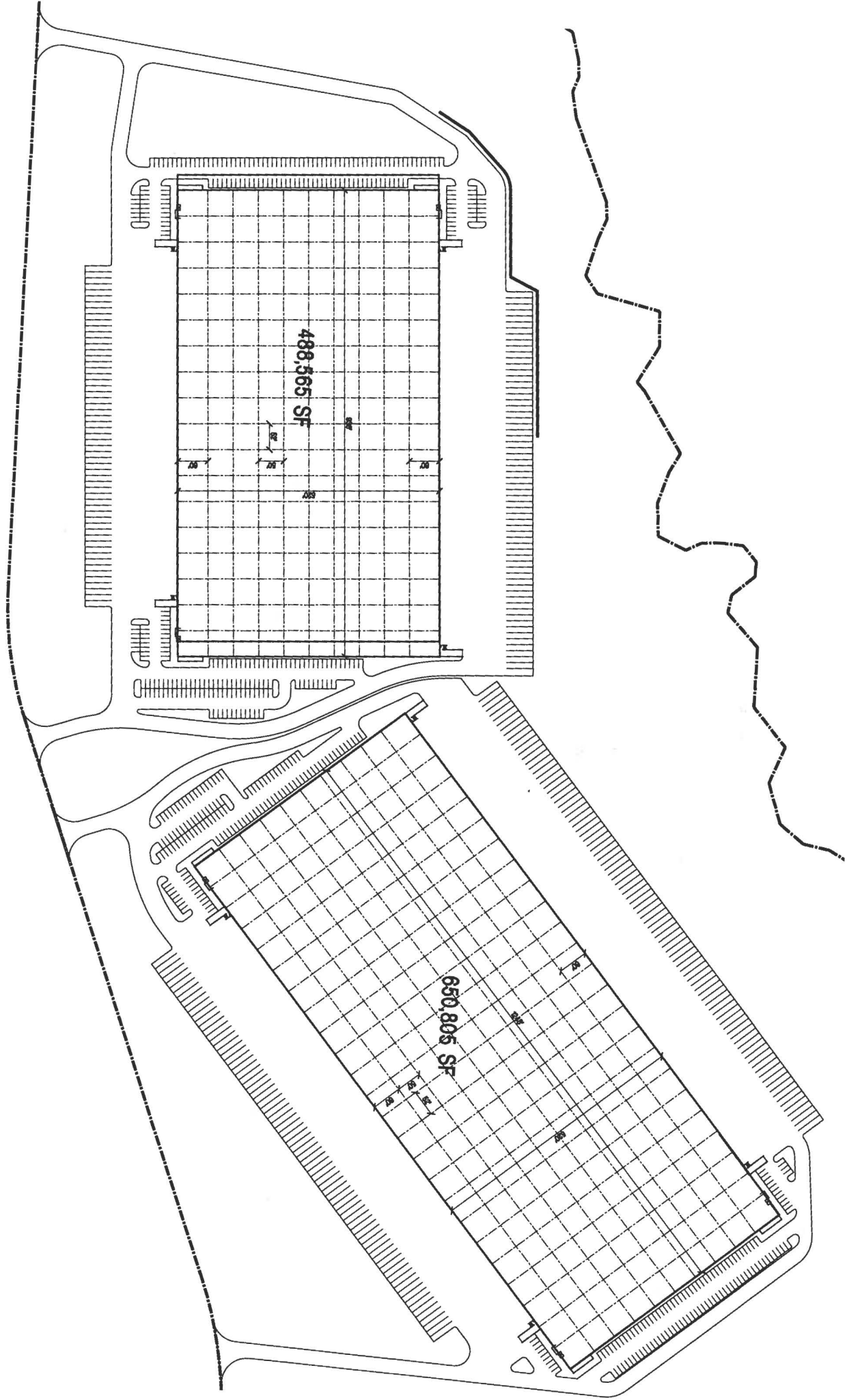
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North 25°02'16" East, a distance of 56.97 feet to a point for corner;
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North 1°29'25" East, a distance of 43.27 feet to a point for corner;
North 66°10'22" East, a distance of 29.62 feet to a point for corner;
North 10°21'55" East, a distance of 52.09 feet to a point for corner;
North 84°37'27" East, a distance of 45.59 feet to a point for corner;
North 9°08'46" East, a distance of 53.92 feet to a point for corner;
North 27°30'18" West, a distance of 30.60 feet to a point for corner;
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South 31°52'52" West, a distance of 26.34 feet to a point for corner;
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North 60°14'10" West, a distance of 17.68 feet to a point for corner;
North 47°40'49" West, a distance of 16.53 feet to a point for corner;
North 53°26'53" East, a distance of 44.58 feet to a point for corner;
North 32°10'13" East, a distance of 24.80 feet to a point for corner;
North 3°34'02" West, a distance of 120.28 feet to a point for corner;
North 43°42'46" East, a distance of 56.99 feet to a point for corner;
North 54°38'30" East, a distance of 33.29 feet to a point for corner;
North 77°41'29" East, a distance of 32.91 feet to a point for corner;
North 47°28'39" East, a distance of 53.54 feet to a point for corner;
North 35°50'48" East, a distance of 177.03 feet to a point for corner;
North 53°53'15" East, a distance of 34.41 feet to a point for corner;
North 79°56'59" East, a distance of 42.58 feet to a point for corner;

North 74°02'44" East, a distance of 78.49 feet to a point for corner,
North 22°37'40" East, a distance of 42.55 feet to a point for corner,
North 18°43'11" West, a distance of 129.53 feet to a point for corner,
North 55°54'26" East, a distance of 71.07 feet to a point for corner,
North 87°57'24" East, a distance of 83.82 feet to a point for corner,
North 15°44'02" East, a distance of 24.28 feet to a point for corner,
North 25°56'15" East, a distance of 143.28 feet to a point for corner,
North 87°15'03" East, a distance of 42.77 feet to a point for corner,
North 75°51'58" East, a distance of 67.56 feet to a point for corner,
North 54°17'51" East, a distance of 66.08 feet to a point for corner,
North 7°11'29" West, a distance of 61.35 feet to a point for corner,
North 59°00'11" West, a distance of 34.32 feet to a point for corner,
North 35°37'14" West, a distance of 35.88 feet to a point for corner,
North 27°42'21" West, a distance of 47.15 feet to a point for corner,
North 16°32'49" East, a distance of 41.82 feet to a point for corner,
North 59°46'19" East, a distance of 29.62 feet to a point for corner,
South 73°00'47" East, a distance of 59.87 feet to a point for corner,
North 67°33'41" East, a distance of 37.37 feet to a point for corner,
North 14°58'15" East, a distance of 90.73 feet to a point for corner,
North 59°07'26" East, a distance of 120.55 feet to a point for corner,
North 17°17'40" East, a distance of 102.24 feet to a point for corner,
North 80°10'16" East, a distance of 78.69 feet to a point for corner,
North 40°41'06" East, a distance of 85.51 feet to a point for corner,
North 6°07'23" East, a distance of 61.25 feet to a point for corner,
North 21°19'31" West, a distance of 53.19 feet to a point for corner,
North 3°14'00" West, a distance of 80.81 feet to a point for corner,
North 7°17'24" East, a distance of 41.87 feet to a point for corner,
North 60°21'52" East, a distance of 63.94 feet to a point for corner,
North 12°46'26" East, a distance of 126.02 feet to a point for corner,
North 8°28'46" West, a distance of 81.26 feet to a point for corner,
North 28°30'33" East, a distance of 54.71 feet to a point for corner,
North 33°11'04" East, a distance of 66.58 feet to a point for corner,
North 4°13'03" East, a distance of 103.82 feet to a point for corner,
North 40°01'48" East, a distance of 51.71 feet to a point for corner,
North 72°26'22" East, a distance of 61.61 feet to a point for corner,
South 80°59'55" East, a distance of 30.51 feet to a point for corner,
North 62°16'36" East, a distance of 45.68 feet to a point for corner,
North 9°36'29" East, a distance of 32.85 feet to a point for corner,
North 25°16'07" East, a distance of 101.00 feet to a point for corner in the said south right-of-way line of L.B.J. Freeway;

THENCE with said south right-of-way line, the following courses and distances:

North 76°41'05" East, a distance of 509.12 feet to a concrete monument found for corner,
North 76°59'02" East, a distance of 34.36 feet to the **POINT OF BEGINNING** and
containing 99.169 acres or 4,319,806 square feet of land.

All bearings shown are based on grid north of the Texas Coordinate System of 1983, North Central Zone (4202), North American Datum of 1983. All dimensions shown are ground distances.

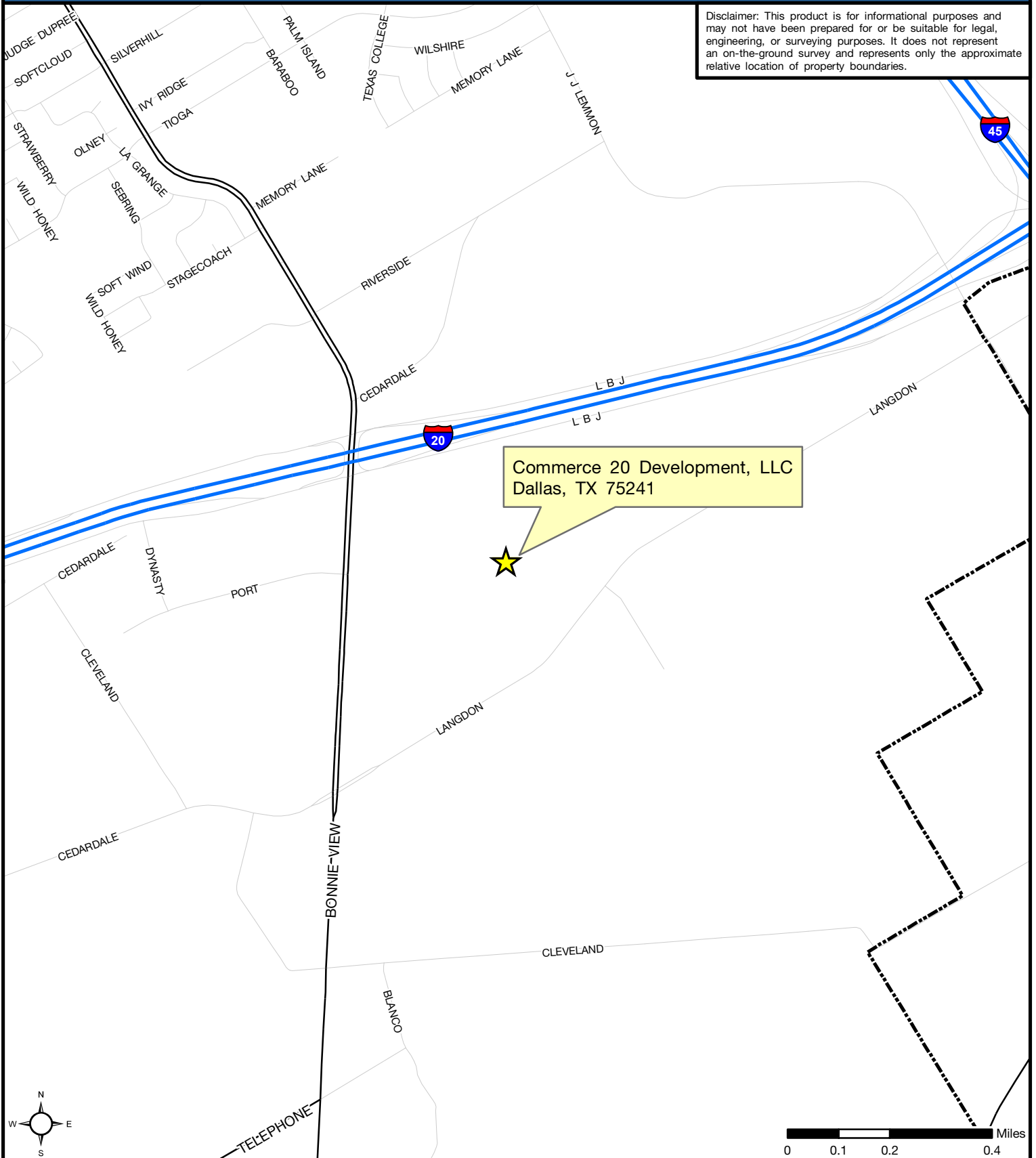


488,565 SF

650,805 SF

Exhibit B: Commerce 20 Development, LLC

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Commerce 20 Development, LLC
Dallas, TX 75241

DALLAS
ECONOMIC
DEVELOPMENT

Research & Information Division
214.670.1685
dallas-ecodev.org

Legend

- City of Dallas
- Freeway

- Arterial
- Local Road

September 25, 2013

WHEREAS, the City recognizes the importance of its role in local economic development; and

WHEREAS, the City of Dallas recognizes the importance of retaining and expanding its existing employment base; and

WHEREAS, by resolution approved on June 13, 2012, the City Council elected to continue its participation in tax abatement and established appropriate Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, the City desires to enter into a Chapter 380 economic development grant agreement with Commerce 20 Development, LLC, in consideration of Commerce 20 Development LLC's investment in a warehouse and distribution building and site improvements in Dallas at its new facility to be located near the intersection of Bonnieview Road and Interstate 20 in Dallas, Texas.

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 Chapter 380 economic development grant agreement with Commerce 20 Development, LLC, associated with the development of a warehouse facility in Dallas.

Section 2. The economic development grant agreement with Commerce 20 Development, LLC shall include:

- An economic development grant in an amount not to exceed \$745,000, to be paid to grantee, on or before December 31, 2015.
- Commerce 20 Development, LLC shall invest a minimum of \$14,000,000 for real property improvements related to a new warehouse facility of more than 600,000 square feet located near the intersection of Bonnieview Road and Interstate 20 in Dallas; and

Section 3. That the City Controller is hereby authorized to encumber and disburse funds from: Fund 1T52, Department ECO, Unit T808 Object 3016, Activity INFS, Encumbrance No. ECOT808K238, Vendor No. VS0000080564, as necessary to make payments as described above in Section 2 in an amount not exceed \$745,000.

September 25, 2013

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 # 54

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 12
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 3 H

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District with deed restrictions west of Marsh Lane, north of Frankford Road
Recommendation of Staff and CPC: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, landscape plan and conditions
Z123-260(MW)

FILE NUMBER: Z123-260(MW)

DATE FILED: April 19, 2013

LOCATION: West of Marsh Lane, north of Frankford Road

COUNCIL DISTRICT: 12

MAPSCO: 3-H

SIZE OF REQUEST: ±2,500 square feet

CENSUS TRACT: 216.37

REPRESENTATIVE: W. Bebb Francis, III

APPLICANT: Capital Telecom Acquisitions, LLC

OWNER: Marsh Road, LLC

REQUEST: An application for a Specific Use Permit for a tower/antenna for cellular communication on property zoned a CR Community Retail District with deed restrictions

SUMMARY: The applicant proposes to construct a 120-foot monopole cellular tower on the request site. In CR Community Retail District, a tower exceeding 65 feet in height is permitted only by Specific Use Permit.

CPC RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, a landscape plan and conditions.

STAFF RECOMMENDATION: **Approval** for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan, a landscape plan and conditions.

BACKGROUND INFORMATION:

- The ±2,500-square foot request site is undeveloped. The applicant proposes to construct a 120-foot tower/antenna for cellular communication on the request site.
- The request site is surrounded by undeveloped land and a restaurant with drive-through service to the north; undeveloped land and multifamily residential to the east; undeveloped land and retail to the south and undeveloped land to the west.

Zoning History:

1. **Z101-225:** On Wednesday, June 22, 2011, the City Council approved the renewal of and an amendment to Specific Use Permit No. 1344 for an open-enrollment charter school or private school.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing /Proposed ROW
Marsh Lane	Principal Arterial	100 feet

Land Use:

	Zoning	Land Use
Site	CR with deed restrictions	Undeveloped
North	CR with deed restrictions	Undeveloped; drive-through restaurant
East	CR with deed restrictions; MF-1(A)	Undeveloped; multifamily
South	CR with deed restrictions	Undeveloped; retail
West	CR with deed restrictions	Undeveloped

STAFF ANALYSIS:

Comprehensive Plan:

The subject site is identified as being within a Commercial Center or Corridor on the forwardDallas! Vision Illustration, adopted June 2006. These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and

stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development.

The applicant's proposal complies with the following goals and policies of the Comprehensive Plan:

LAND USE ELEMENT

Goal 1.1: Promote desired development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±2,500-square foot request site is undeveloped. The applicant proposes to construct a 120-foot tower/antenna for cellular communication. In CR Community Retail District, a tower exceeding 65 feet in height is permitted only by Specific Use Permit.

The request site is surrounded by undeveloped land and a restaurant with drive-through service to the north; undeveloped land and multifamily residential to the east; undeveloped land and retail to the south and undeveloped land to the west.

Pursuant to Section 51A-4.407, a monopole cellular tower is exempt from residential proximity slope (RPS) height restrictions if a specific use permit is required for the monopole cellular tower use. However, the City Council considers each case on its own merits to determine if waiving the RPS height restrictions is appropriate.

In this case, RPS originates from the private property zoned an MF-1(A) Multifamily District located ±254 feet to the east of the request site. However, in the MF-1(A) Multifamily District, RPS terminates at a horizontal distance of 50 feet from the site of origination so is not applicable to the applicant's request.

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 is consistent with the intent of the Dallas Development Code. Therefore, staff recommends approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions.

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 the Dallas Development Code, the required off-street parking for this use is one (1) space if the cellular communication tower/antenna has an auxiliary building housing electronic and communication equipment ("auxiliary building") greater than 120 square feet. Physically separate auxiliary buildings will not be aggregated to determine the area of an auxiliary building for the purpose of determining required off-street parking requirements.

The proposed site plan indicates that equipment will be supported by a rack and will not be housed in a cabinet or auxiliary building; therefore, no off-street parking is required.

Landscaping:

With regard to screening, the applicant proposes a six-foot wood fence around the perimeter of the request site. The request will not trigger the requirements of Article X of the Dallas Development Code; however, the applicant proposes a landscape plan, which depicts planting around the outside perimeter of the fence.

CPC Action: August 22, 2013:

Motion: It was moved to recommend approval for a Specific Use Permit for a tower/antenna for cellular communication for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a revised site plan, landscape plan and conditions with the following changes: 1) The tower be a stealth tower; 2) Tower be finished or painted in a neutral color, 3) The landscape plan that was circulated to commissioners, subject to approval by the City's arborist; 4) The landscape plan include irrigation on property zoned a CR Community Retail District with deed restrictions west of Marsh Lane, north of Frankford Road.

Maker: Wolfish
Second: Hinojosa
Result: Carried: 11 to 0

For: 11 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Bernbaum, Wolfish, Alcantar

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 10
Conflict: 2 - Schwartz, Ridley

Notices: Area: 200 Mailed: 4
Replies: For: 0 Against: 0

Speakers: For: Bebb Francis, III, 112 E. Pecan, San Antonio, TX, 78205
Against: None

Partners/Principals/Officers:

APPLICANT: Capital Telecom Acquisitions, LLC

MEMBERS

**CAPITAL TELECOM ACQUISITION, LLC, a Delaware Limited Liability Company
1500 Mt. Kemble Avenue, Suite 203
Morristown, NJ 07960**

The following are the Members of CAPITAL TELECOM ACQUISITION, LLC, a Delaware Limited Liability Company

1. Charles Louria;
1500 Mt. Kemble Avenue, Suite 203
Morristown, NJ 07960
2. Vincent Casiero;
1500 Mt. Kemble Avenue, Suite 203
Morristown, NJ 07960
3. Craig Letts;
1500 Mt. Kemble Avenue, Suite 203
Morristown, NJ 07960
4. Thomas Waniewski; and
1500 Mt. Kemble Avenue, Suite 203
Morristown, NJ 07960
5. Lapitac Telecom, LLC
1500 Mt. Kemble Avenue, Suite 203
Morristown, NJ 07960

Z123-260

Z123-260(MW)

OWNER: Marsh Road, LLC

MEMBERS

**MARSH ROAD, LLC, a Texas Limited Liability Company
2653 High Heaven Road
McMinnville, Oregon 97128**

The following are the Members of MARSH ROAD, LLC, a Texas limited liability company:

1. Pigsty Holding Limited (BVI)
2653 High Heaven Road
McMinnville, Oregon 97128

Members of Pigsty Holding Limited (BVI):

- James Yue Jia Chen
- Su Hwei Lee

2. Continuity Securities Limited (BVI)
2653 High Heaven Road
McMinnville, Oregon 97128

Members of Continuity Securities Limited (BVI):

- James Yue Jia Chen
- Su Hwei Lee

Z123-260

Z123-260
CPC Recommended Conditions

1. USE: The only use authorized by this specific use permit is a tower/antenna for cellular communication.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (ten years), but is eligible for automatic renewal for additional ten-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. CELLULAR TOWER: The tower/antenna for cellular communication must be a stealth monopole (cables, antennas and other similar equipment must be located within the structure) as shown on the elevation and fence detail plan and must be painted or finished in a neutral color.
5. COLLOCATION: The tower/antenna for cellular communication must be constructed to support the antenna arrays for at least two other wireless communications carriers. The tower/antenna support structure must be made available to other wireless communication carriers upon reasonable terms.
6. HEIGHT: The tower/antenna for cellular communication may not exceed 120 feet in height.
7. ILLUMINATION: The tower/antenna for cellular communication may not be illuminated, except as required by the Federal Aviation Administration.
8. LANDSCAPING: Landscaping must be provided and maintained in accordance with the attached site/landscape plan. Plant material must be maintained in healthy, growing condition.
9. SCREENING: A six-foot-high solid screening fence must be located as shown on the site plan. No equipment, other than the tower/antenna for cellular communication, may exceed the height of the screening fence.
10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

Z123-260(MW)

11. 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.

Existing Deed Restrictions (no changes proposed):

99059!

DEED RESTRICTIONS

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

I.

The undersigned, LAND SOUTHWEST, INC., a Texas corporation ("Owner"), is the owner of that certain real property (the "Property") located in the City of Dallas ("City"), Denton County, Texas, being in particular those tracts of land out of (i) the William Luttrell Survey, Abstract No.766, (ii) the William Miller Survey, Abstract No. 883, and (iii) John Smith Survey, Abstract No. 1225, and being the same property conveyed to the Owner by United SSC Corporation, a Texas corporation, by Special Warranty Deed recorded December 9, 1996, as Instrument No. 96-R0086539, in the Deed Records of Denton County, Texas, more particularly described in EXHIBIT A, attached hereto and by this reference made a part hereof.

II.

Owner does hereby impress all of the Property with the following deed restrictions ("Restrictions"), to wit:

No portion of the Property shall be used for any of the following uses:

- A. building repair and maintenance shop,
- B. adult day care facility,
- C. cemetery or mausoleum,
- D. college, university, or seminary,
- E. lodging or boarding house,
- F. overnight general purpose shelter,
- G. ambulance service,
- H. animal shelter or clinic; however, an animal clinic that is an incidental part of the operation of a pet store, that does not provide boarding or overnight shelter for animals, shall be permitted,

- I. car wash, except in conjunction with a motor vehicle fueling station,
- J. outdoor carnival or amusement park,
- K. mortuary or funeral home or commercial wedding chapel,
- N. commercial radio or television transmitting station,
- O. electrical substation,
- P. radio, television or microwave tower,
- Q. recycling collection center,
- R. pawn shop,
- S. accessory helistop, and
- T. accessory medical/infectious waste incinerator.

III.

These Restrictions shall continue in full force and effect for a period of twenty (20) years from the date of execution, and shall automatically be extended for additional periods of ten (10) years unless amended or terminated in the manner specified in this document.

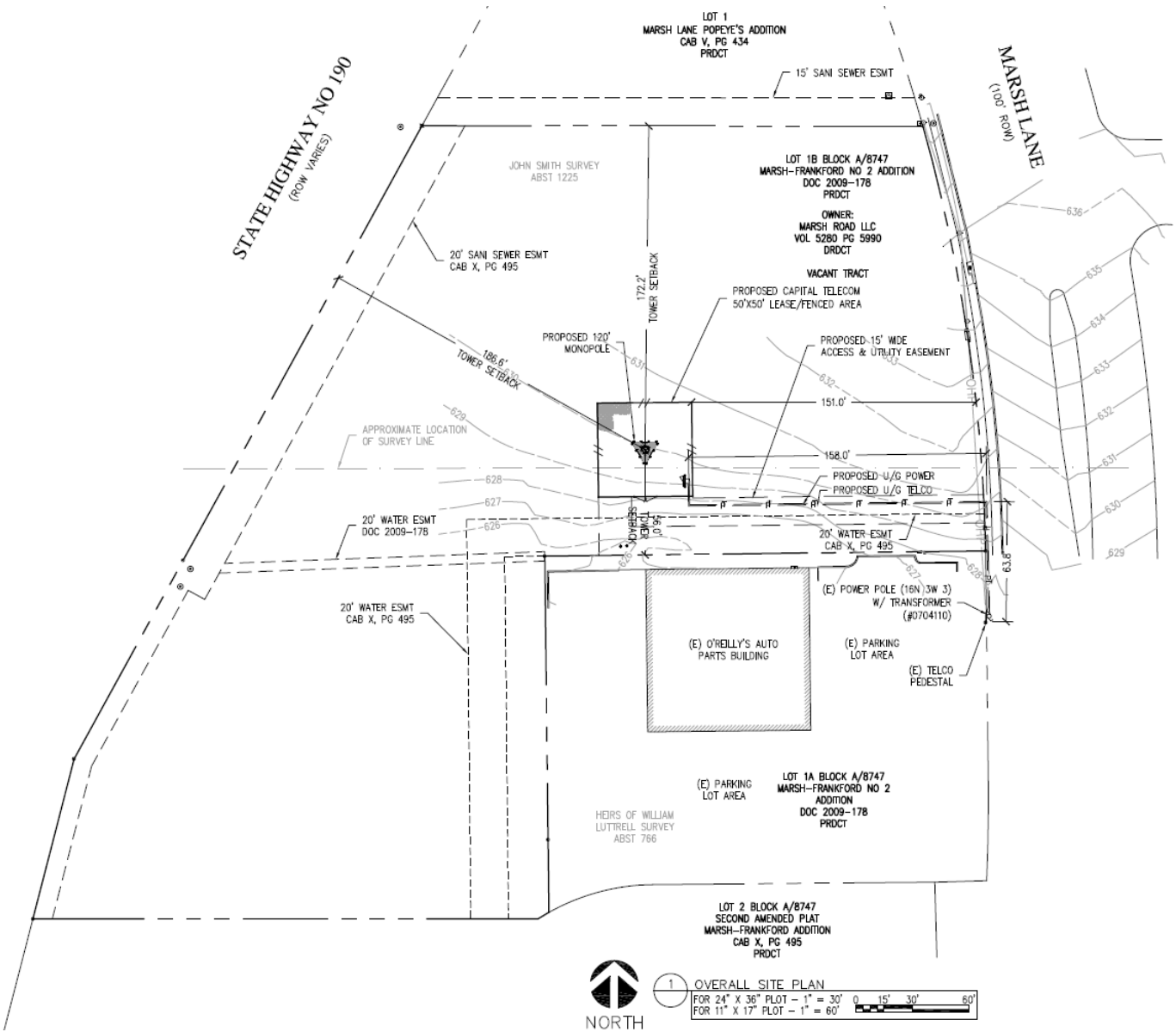
IV.

These Restrictions may be amended or terminated only after a public hearing before the City Plan Commission and a public hearing before and approval by the City Council of the City. Notice of the public hearings must be given as would be required by law for a zoning change on the Property. The amending or terminating instrument must be approved as to form by the city attorney. If the City Council approves an amendment or termination of these restrictions, the Owner must then file the amending or terminating instrument in the Deed Records of the county or counties where the Property is located at his or her sole cost and expense before the amendment or termination becomes effective.

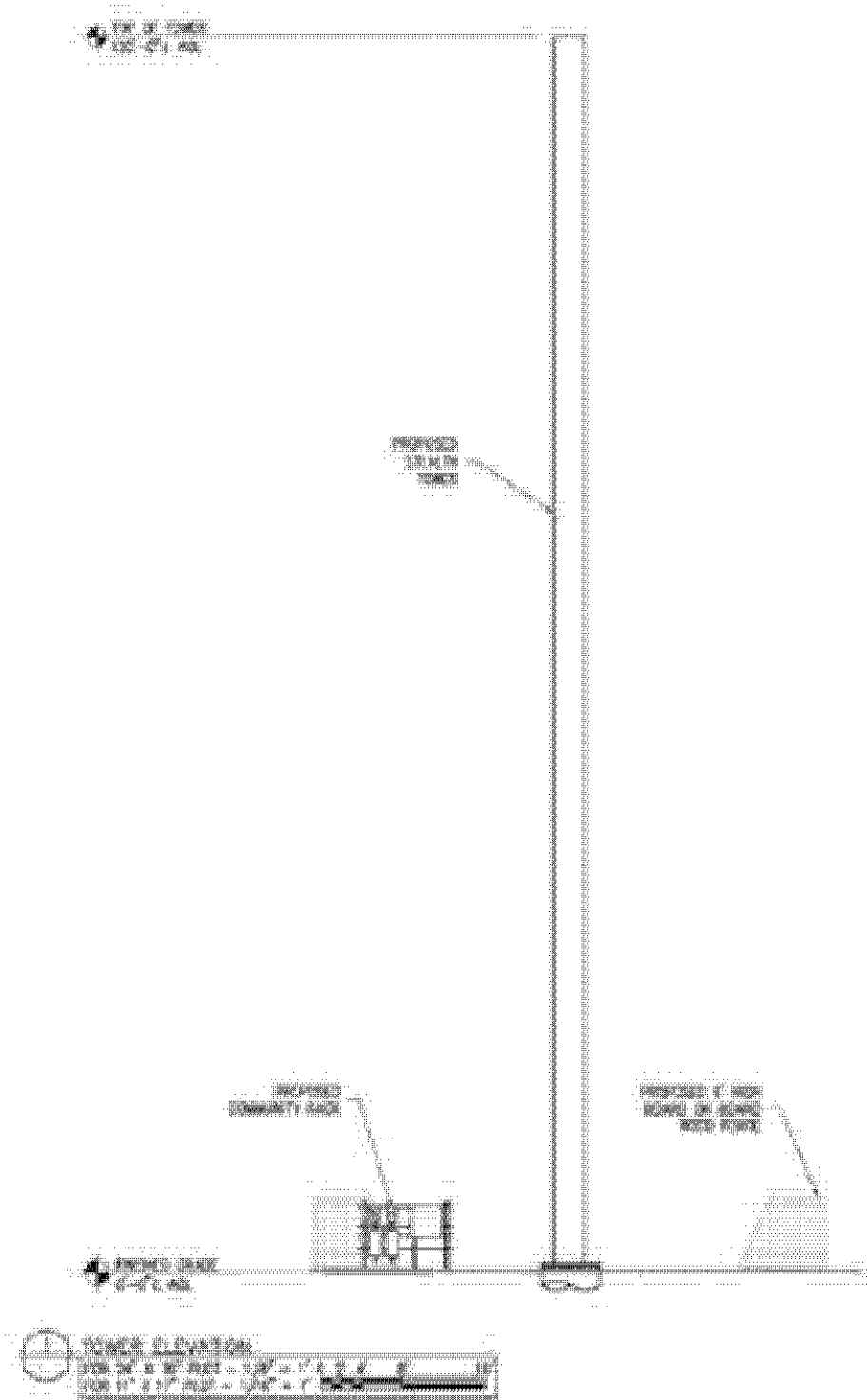
V.

These Restrictions are not intended to restrict the right of the City Council of the City to exercise its legislative duties and powers insofar as zoning of the Property is concerned.

Proposed Site Plan

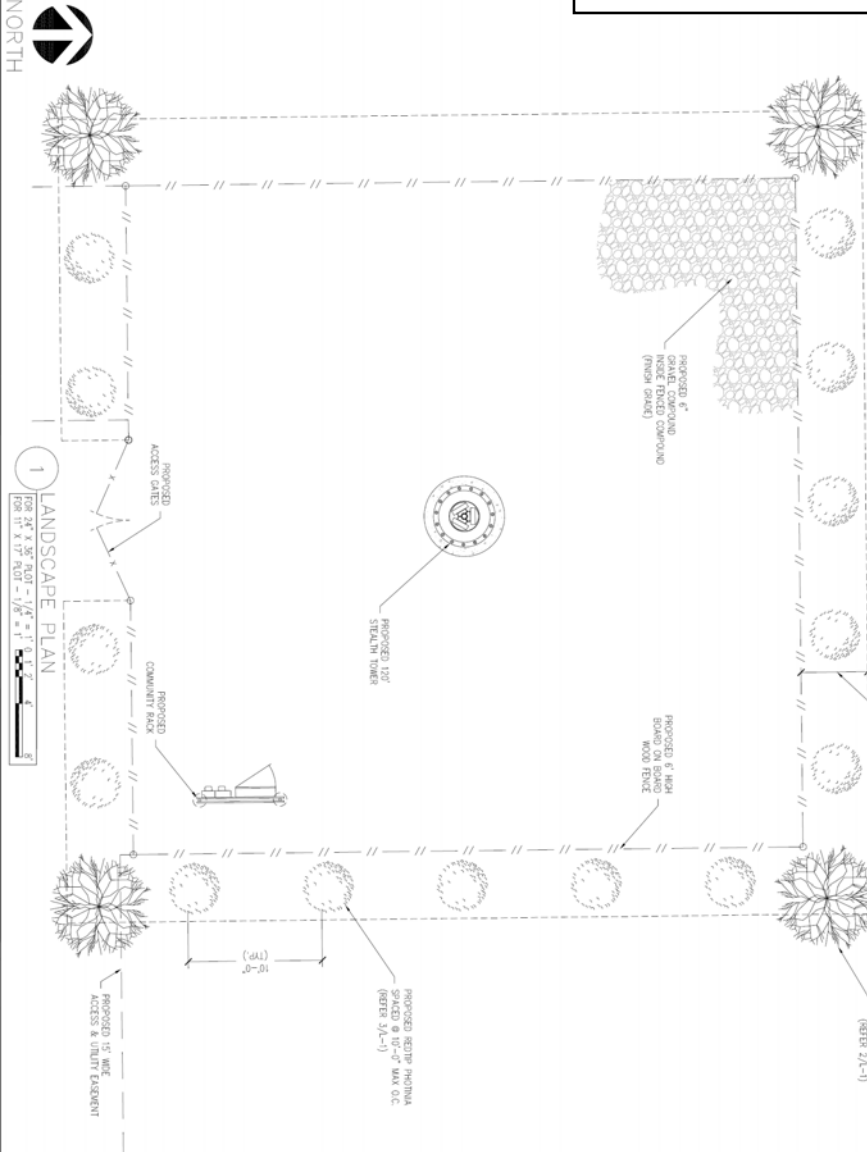


Proposed Elevation



Proposed Landscape Plan

PLANTING SCHEDULE						
BOTANICAL NAME	COMMON NAME	CULTUR	HEIGHT	SPACING	QUANTITY	REMARKS
PHOTINIA + FRAXINUS	REDTIP PHOTINIA	-	3'-6" MIN. HT' O.C.	6' MIN. 25' O.C.	14	FULL DENSE PLANT AS SHOWN
SPRENGERIA + LINDLEYA	LELAND CYPRESS	-	6' MIN. 25' O.C.	4	FULL DENSE PLANT AS SHOWN	
TREE CONTAINERS TO BE MIN. 25 GAL OR EQUIVALENT BALL AND BURLAP						



ALLPRO
CONSULTING GROUP, INC.
1071 LAWRENCE ST., SUITE 100
DALLAS, TX 75201
PHONE: 972-251-4801 FAX: 972-251-4870
WWW.ALLPROGROUP.COM

CAPITAL
1500 W. HIGHTWAY 40, SUITE 200
DALLAS, TX 75205

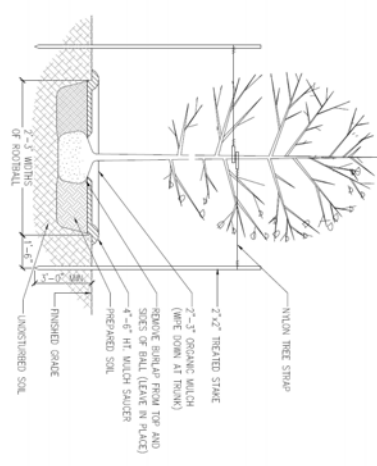
DALLAS (MARSH LN), TX
18259 MARSH LN
DALLAS, TX 75287

NO.	DATE	DESCRIPTION	ACROSS JOB #
1	03/09/13	ADDED LANDSCAPE PLAN	13-2414
2	09/20/13	CHANGE TO STALIN TOWER	
3	09/19/13	REVISIONS	
4	07/20/13	REVISIONS	
5	07/19/13	FINAL CD	
6	07/19/13	REVISIONS	

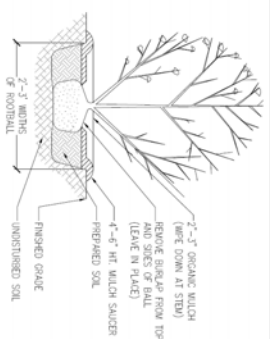


LANDSCAPE PLAN
DRAWING NUMBER
L-1

2 TREE PLANTING DETAIL

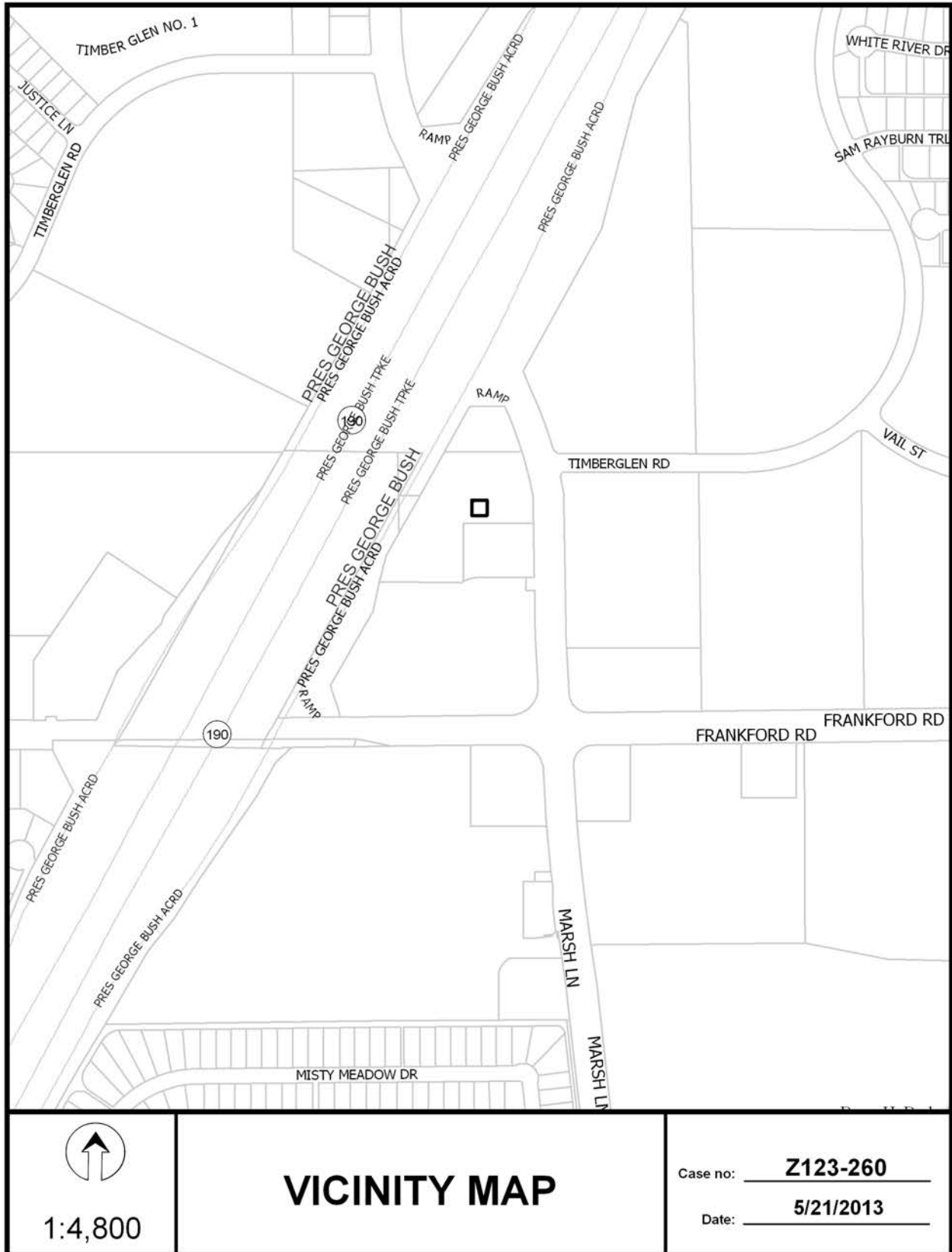


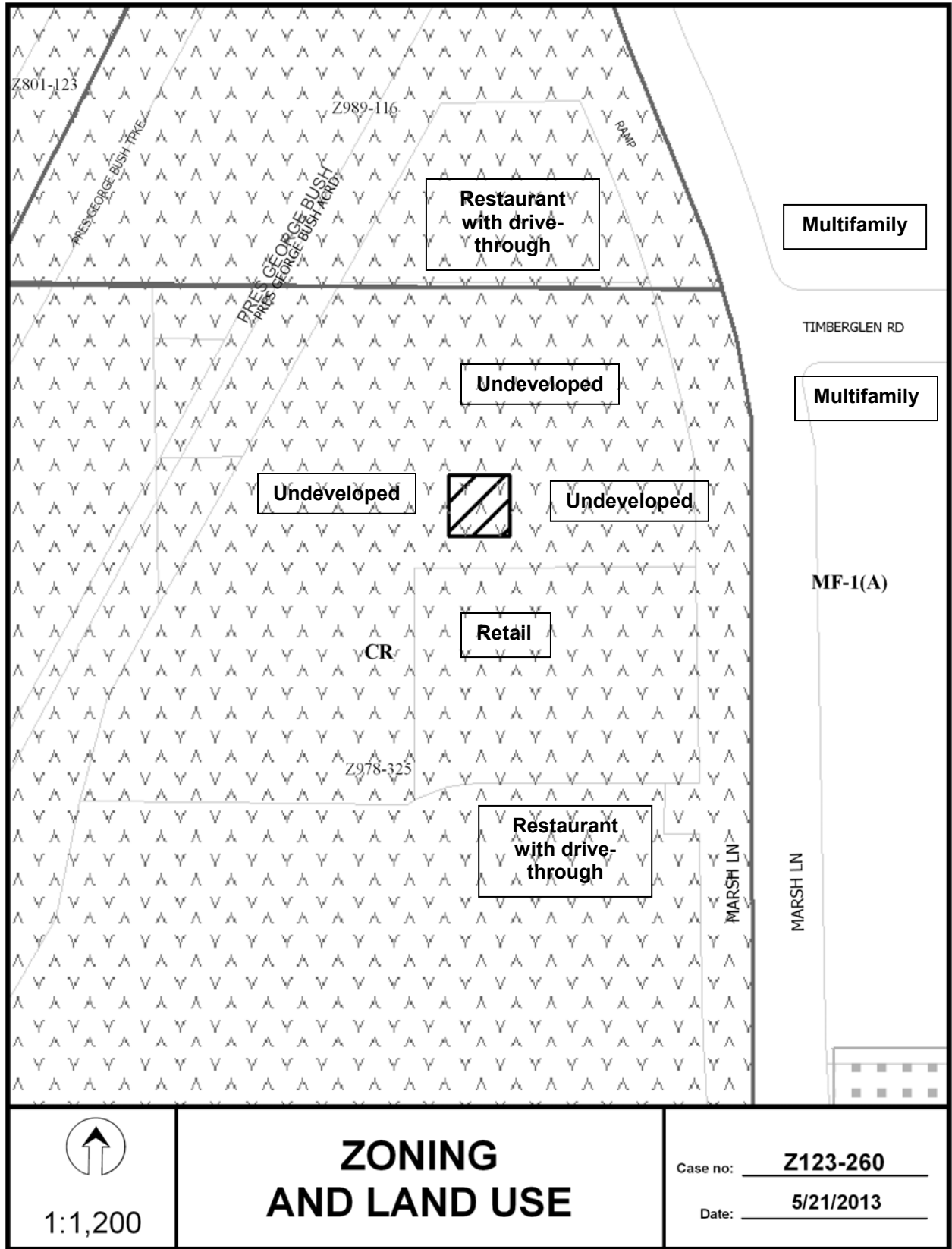
3 SHRUB PLANTING DETAIL

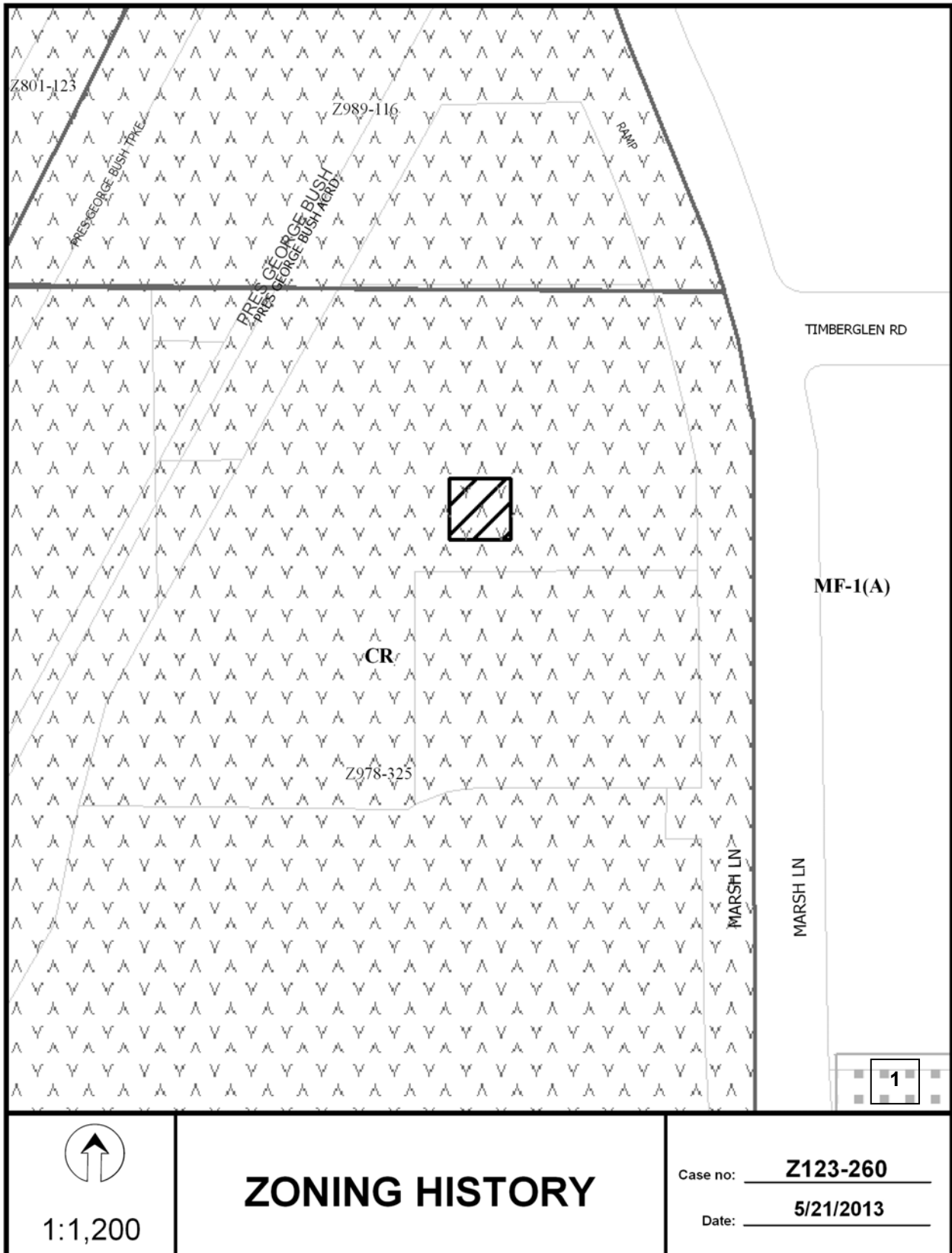


GENERAL PLANTING NOTES:

1. ALL PLANT MATERIALS SHALL BE SPECIFIED TO BE EQUAL TO OR BETTER THAN THE STANDARDS FOR WILDERY STOCK BY THE AMERICAN WILDERY AND LANDSCAPERS ASSOCIATION (AWLA).
2. PLANTING SEASON RESTRICTIONS: PERENNIAL PLANTS SHALL BE INSTALLED BETWEEN OCTOBER 1 AND NOVEMBER 15 UNLESS OTHERWISE AUTHORIZED BY THE LANDSCAPE ARCHITECT.
3. ALL CONTAINER GROWN PLANTS SHALL BE INSTALLED BETWEEN SEPTEMBER 15 AND MAY 15 UNLESS OTHERWISE AUTHORIZED BY THE LANDSCAPE ARCHITECT.
4. FINISHED GRADES ON GROUND PLANS SHALL NOT EXCEED THESE GRADES WHEN BESS ARE COMPLETE.
5. TOP OF MULCH SHALL FINISH 1\"/>







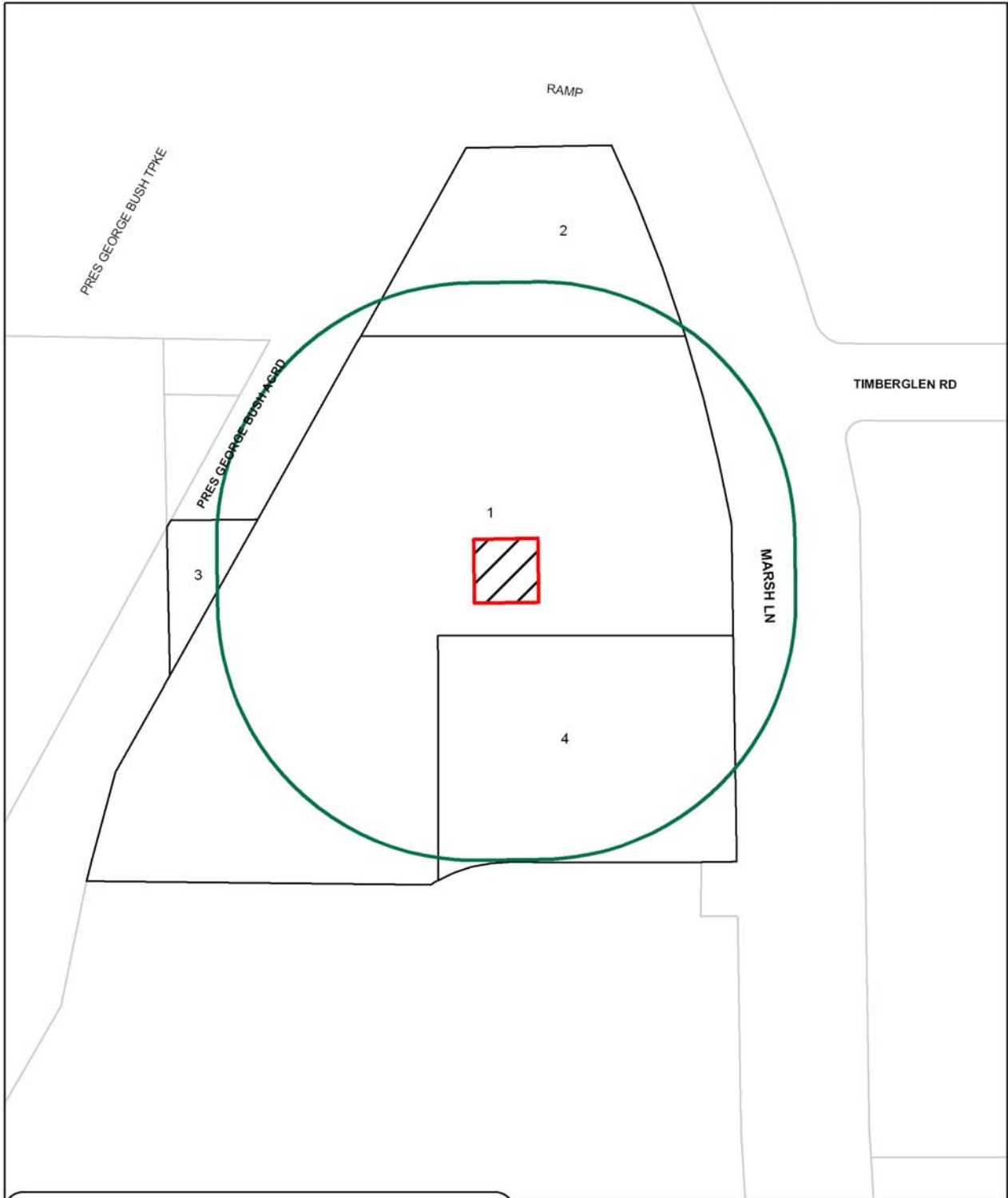
1:1,200

ZONING HISTORY

Case no: Z123-260

Date: 5/21/2013

CPC Responses



<u>4</u>	Property Owners Notified (4 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>8/22/2013</u>	Date <u>7/25/2013</u> Under Advisement

Z123-260
CPC



1:1,200

Z123-260(MW)

8/22/2013

Reply List of Property Owners

Z123-260

4 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	MARSH	MARSH ROAD, LLC
	2	18311 MARSH	POP HOLDINGS LP
	3	MARSH	TEXAS, STATE OF
	4	MARSH	BARRIO HOLDING LTD, ETAL

AGENDA ITEM # 55

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 48 F

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or greater on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of East R.L. Thornton Freeway and east of St. Francis Avenue
Recommendation of Staff: Approval 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 for a two-year period, subject to a site plan and conditions
Z123-278(MW)

FILE NUMBER: Z123-278(MW)

DATE FILED: May 3, 2013

LOCATION: South of E.R.L. Thornton Freeway and east of St. Francis Avenue

COUNCIL DISTRICT: 7

MAPSCO: 48-F

SIZE OF REQUEST: ±23.2 acres

CENSUS TRACT: 122.07

REPRESENTATIVE: Jackson Walker, LLP

APPLICANT/OWNER: Walmart Real Estate Business Trust

REQUEST: An application for a Specific Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or greater on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay

SUMMARY: The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing discount store.

CPC RECOMMENDATION: Approval for a two-year period subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval 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 ±23.2-acre request site is developed with a ±208,653-square foot discount store, which is permitted by right in the RR Regional Retail District. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay.
- The request site is surrounded by a restaurant with drive-through service, vehicle display, sales and service and a motel to the north; retail to the east; single family residential to the south and a bank, retail and motor vehicle fueling station to the west.

Zoning History:

1. **Z101-306:** On September 24, 2012, the City Council approved Specific Use Permit No.1908 for the sale and service of alcoholic beverages in conjunction with a restaurant with drive-in or drive-through service for a three-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions.
2. **Z112-110:** On October 10, 2011, the City Council approved Specific Use Permit No. 1975 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a three-year period subject to a site plan and conditions.
3. **Z112-138:** On October 10, 2011, the City Council approved an amendment to PDD No. 605 subject to a conceptual plan and conditions and Specific Use Permit No. 1949 for a four-year period subject to a site plan and conditions.

Land Use:

	Zoning	Land Use
Site	RR-D-1	Discount store
North	RR-D-1; SUP No. 1908	Drive-through restaurant; vehicle sales; motel
East	RR-D-1	Retail
South	RR-D-1	Single family
West	RR-D-1	Bank, retail; fueling station

STAFF ANALYSIS:

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 Vision Illustration depicts the request site as within a *Business Center or Corridor* Building Block. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

In general, the applicant's request for a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a drive-through or drive-in restaurant is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE ELEMENT

Goal 1.1: Promote desired development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The ±23.2-acre request site is developed with a ±208,653-square foot discount store, which is permitted by right in the RR Regional Retail District. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay. The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing discount store.

The request site is surrounded by a restaurant with drive-through service, vehicle display, sales and service and a motel to the north; retail to the east; single family residential to the south and a bank, retail and motor vehicle fueling station to 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, is consistent with the intent of the Dallas Development Code.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
RR-D-1 Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
E.R.L. Thornton Freeway	Primary Highway	Variable Lane Width
Samuell Boulevard	Collector	120 feet
St. Francis Avenue	Local	84 feet

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 the Dallas Development Code, the off-street parking requirement for a general merchandise or food store 100,000 square feet or greater is one (1) space per 300 square feet of floor area. Therefore, the ±208,653-square foot discount store requires 696 spaces. As depicted on the site plan, 1,032 spaces are provided.

Landscaping:

Any new development on the property will require landscaping per Article X of the Dallas Development Code.

CPC Action: August 22, 2013:

Motion: It was moved to recommend approval of a Specific Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 100,000 square feet or greater for a two-year period, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of East R.L. Thornton Freeway and east of St. Francis Avenue.

Maker: Bagley
Second: Wally
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 10

Notices:	Area:	400	Mailed:	67
Replies:	For:	0	Against:	2

Speakers: None

Police Report:

An online search of the Dallas Police Department's offense incident reports for the one-year period from September 11, 2012 to September 11, 2013 revealed 314 items, which are summarized below:

Accidental injury - public property: 3
Aggravated assault: 3
Assault: 3
Auto theft - UUMV: 11
Criminal mischief/vandalism: 4
Disorderly conduct: 1
Embezzlement: 3
Fount property: 7
Fraud: 2
Lost property: 7
Missing person: 2
Other offenses: 18
Robbery: 6
Theft: 235
Traffic motor vehicle: 9

Partners/Principals/Officers:

**LIST OF OFFICERS
WAL-MART**

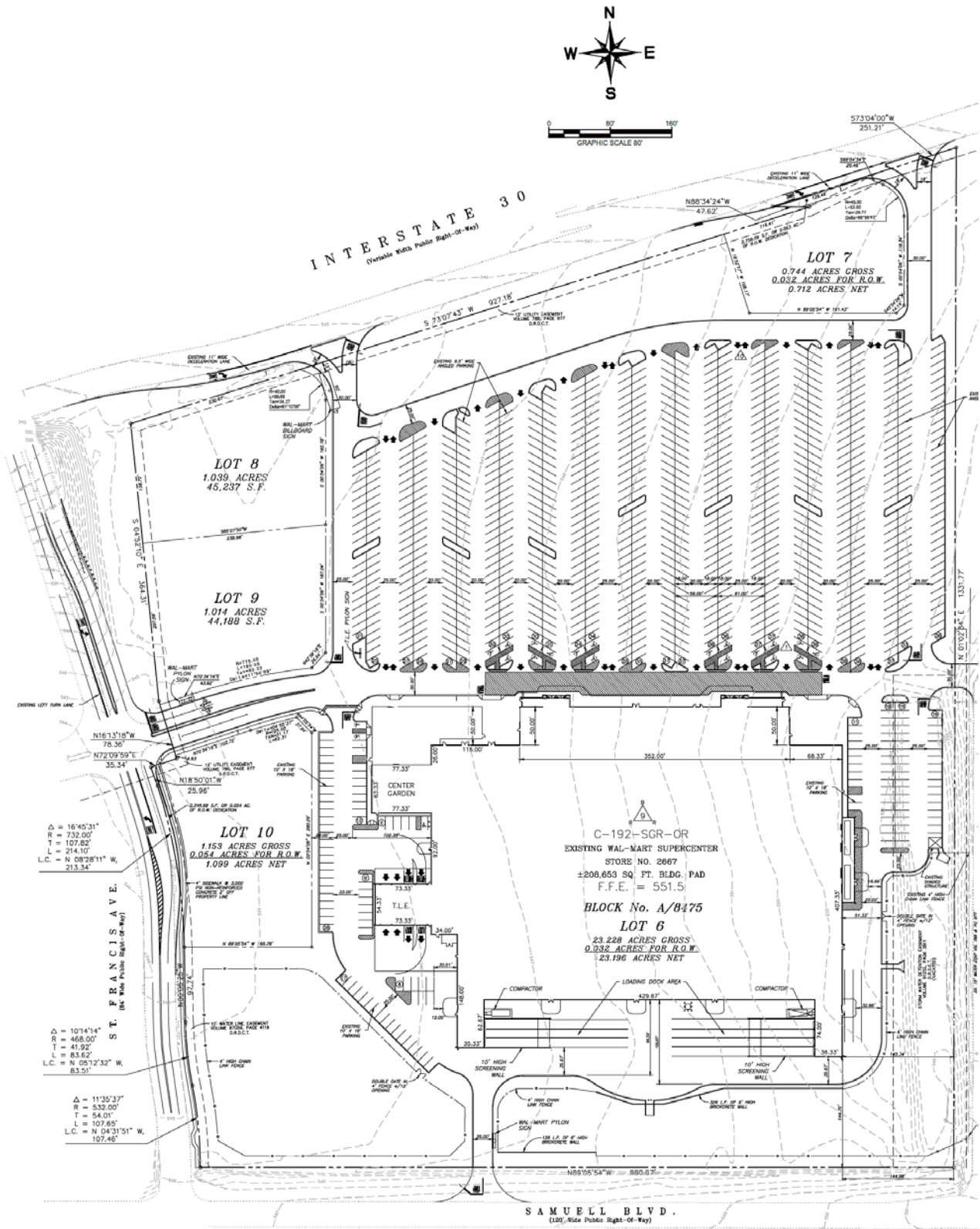
- Eric S. Zorn.....President and Chief Executive Officer
- Claire L. Babineaux-Fontenot.....Senior Vice President
- J. Robert Bray.....Senior Vice President
- Anthony L. Fuller.....Senior Vice President
- Steven P. Whaley.....Senior Vice President and Controller
- Gordon Y. Allison.....Vice President and Secretary
- Cathryn Santoro.....Vice President and Treasurer
- Timothy M. Austin.....Vice President
- Steven Zielske.....Vice President
- Harry M. Eng.....Vice President
- Patrick J. Hamilton.....Vice President
- Richard O. Kinnard.....Vice President
- J. Council Leak.....Vice President
- Jennifer May-Brust.....Vice President
- Carl R. Muller.....Vice President
- Kimberly K. Saylor-Laster.....Vice President
- Taylor C. Smith.....Vice President
- Michael E. Gardner.....Vice President
- John E. Clarke.....Vice President
- Brian E. Hooper.....Vice President
- George J. Bacso.....Assistant Secretary
- Heather Clark.....Assistant Secretary
- James A. Cole.....Assistant Secretary
- Geoffrey W. Edwards.....Assistant Secretary
- Donald R. Etheredge.....Assistant Secretary
- Nicholas S. Goodner.....Assistant Secretary
- Sheri K. Goodwin.....Assistant Secretary
- Judith S. Kim.....Assistant Secretary
- Adele E. Lucas.....Assistant Secretary
- Richard H. Martin.....Assistant Secretary
- Michelle M. McCall.....Assistant Secretary
- John T. Okwubanego.....Assistant Secretary
- Matthew R. Powers.....Assistant Secretary
- Brad T. Rogers.....Assistant Secretary
- Jennifer M. Rudolph.....Assistant Secretary
- Erron W. Smith.....Assistant Secretary
- J. Jeremy Snell.....Assistant Secretary
- Elvin J. Sutton, Jr.....Assistant Secretary
- Gregory L. Tesoro.....Assistant Secretary
- Kathy E. Tobey.....Assistant Secretary
- Barri L. Tulgetske.....Assistant Secretary
- Sonya L. Webster.....Assistant Secretary
- Romona L. West.....Assistant Secretary
- Bruce E. Wickline.....Assistant Secretary
- Elizabeth A. Woodcock.....Assistant Secretary

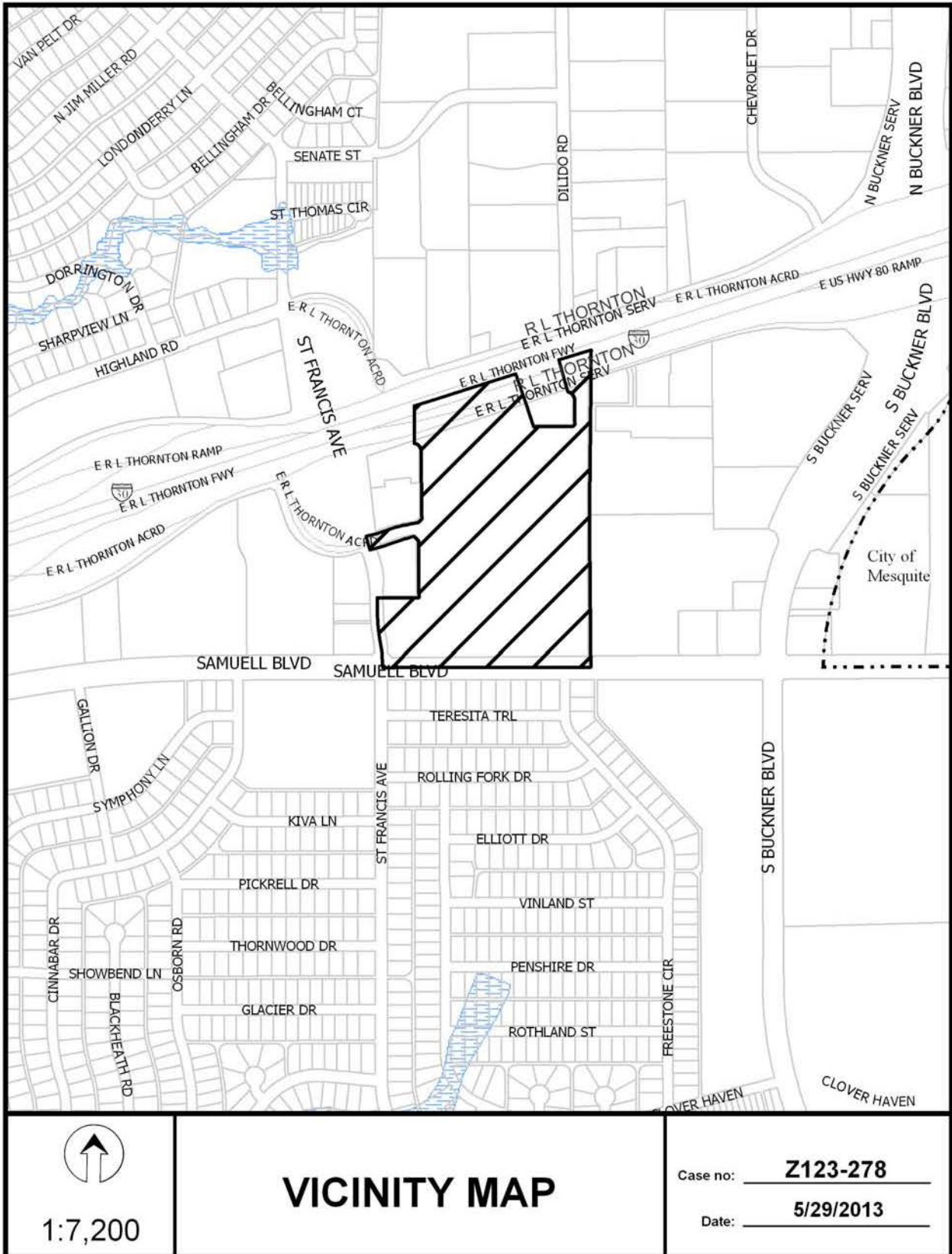
Z123-278

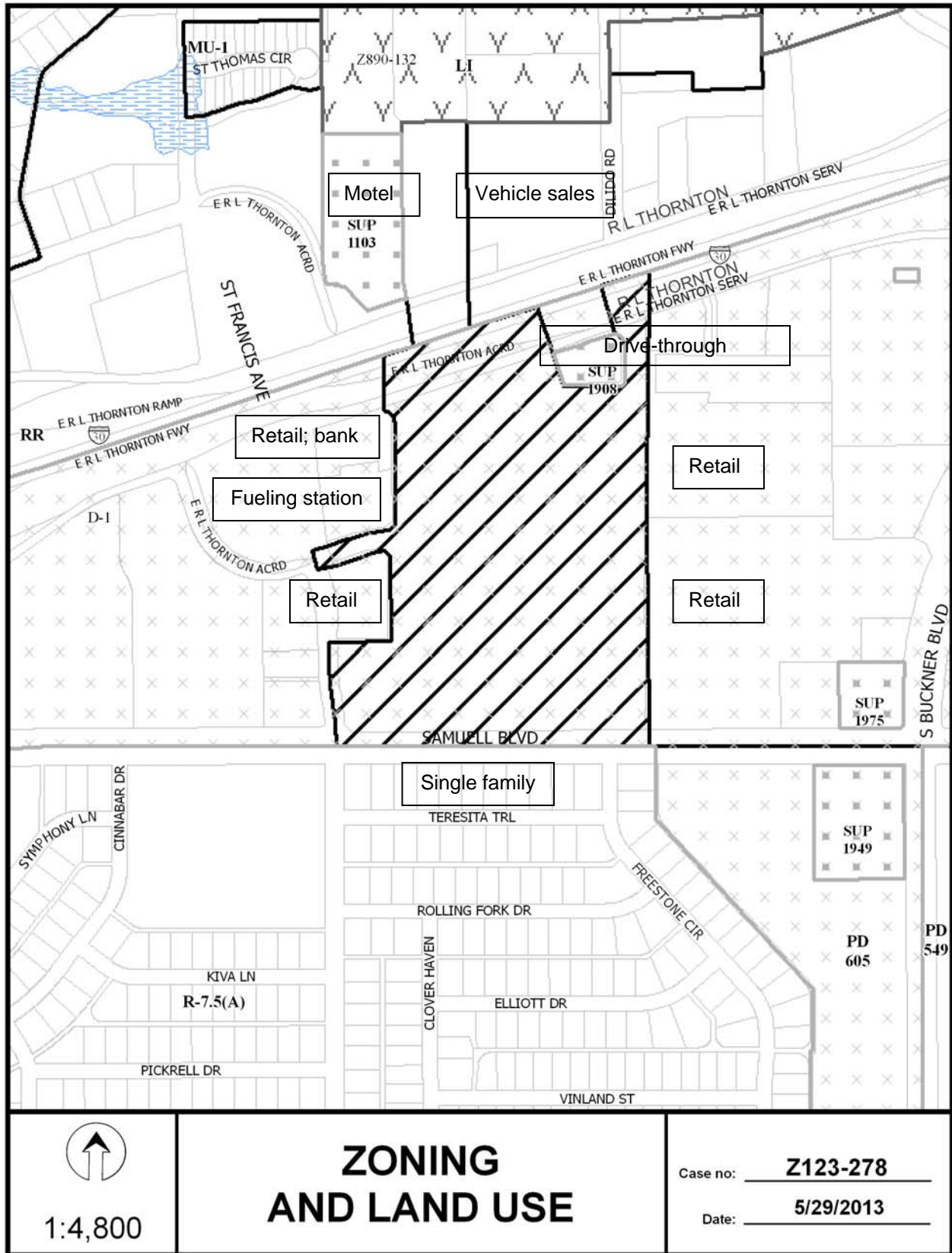
Z123-278
CPC Recommended Conditions

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 100,000 square feet or greater.
2. SITE PLAN. Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years).
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.

Proposed Site Plan





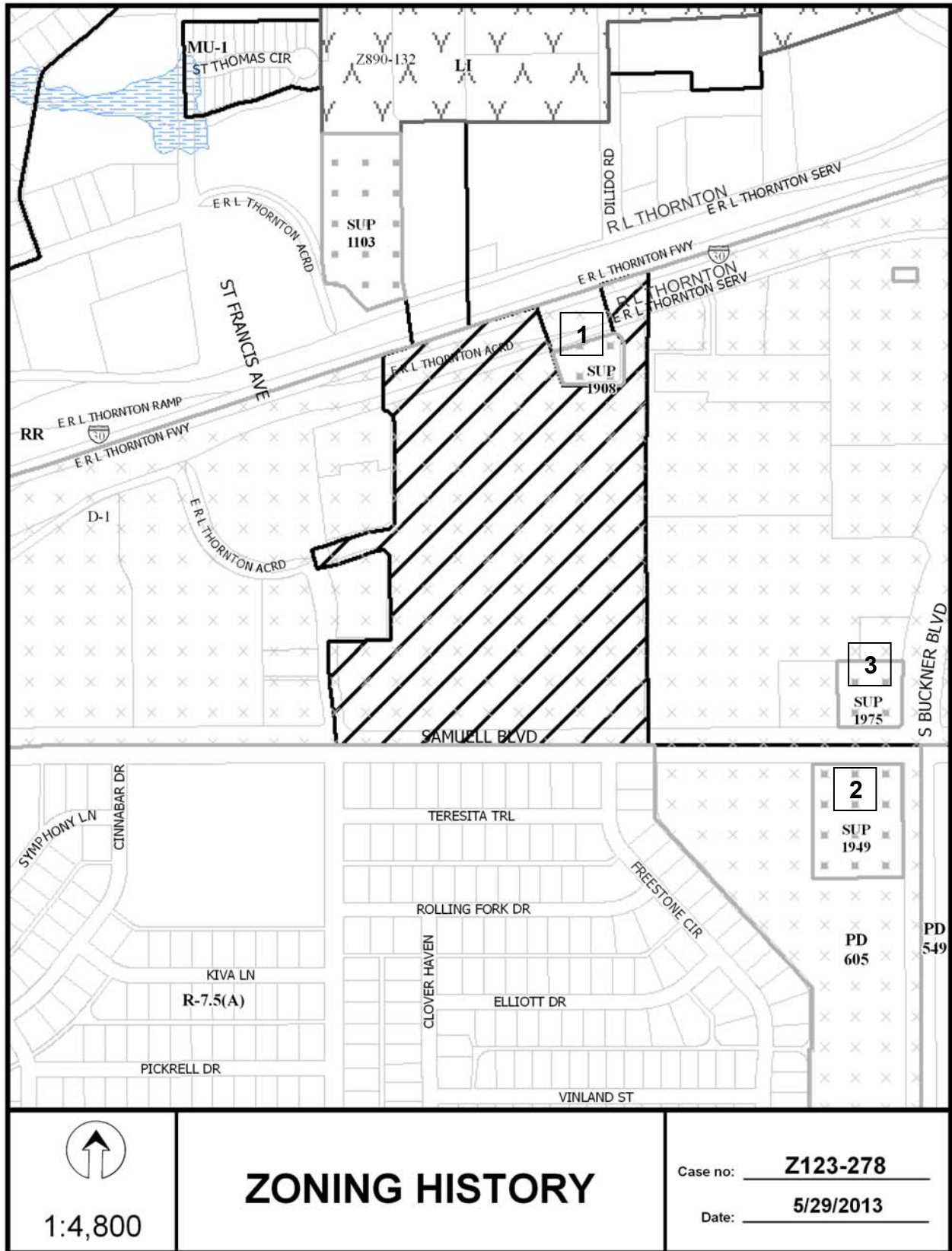


1:4,800

ZONING AND LAND USE

Case no: **Z123-278**

Date: **5/29/2013**



CPC Responses



<u>67</u>	Property Owners Notified (67 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>400'</u>	Area of Notification
<u>8/22/2013</u>	Date

Z123-278
CPC



1:3,600

8/22/2013

Reply List of Property Owners**Z123-278****67 Property Owners Notified 0 Property Owners in Favor 2 Property Owners Opposed**

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9100 R L THORNTON FWY	WAL MART REAL EST BUS TR
	2	9210 R L THORNTON FWY	MARY PPTIES LLC
X	3	3940 ST FRANCIS AVE	SHOQUIST PROPERTIES LP
	4	9208 R L THORNTON FWY	BUCKNER SHOPPING CE LP
	5	9214 R L THORNTON FWY	BUCKNER SHOPPING CE LP
	6	5555 BUCKNER BLVD	WM DALLAS PORTFOLIO LP
	7	8930 R L THORNTON FWY	PECK ROY &
	8	5204 BUCKNER BLVD	BUCKNER BAPT BENEVOLENCE
	9	6810 SAMUEL BLVD	LAKE POINTE BAPTIST
	10	7105 TERESITA TRL	FLETCHER ARGELL ETAL
	11	7111 TERESITA TRL	THOMAS K T
	12	7117 TERESITA TRL	RAMOS RUFINO
	13	7123 TERESITA TRL	CUSTARD SANDRA KAY
	14	7129 TERESITA TRL	HILLBURN BERTHA L
	15	7135 TERESITA TRL	LEE DERRICK
	16	7141 TERESITA TRL	GARZA RUBY
	17	7147 TERESITA TRL	WHITEHEAD KELLY JOE
	18	7153 TERESITA TRL	ADEYOJU EMMANUEL ETUX
	19	7159 TERESITA TRL	DONALDSON BOBBY A EST OF
	20	7165 TERESITA TRL	MARSHALL LENWOOD &
	21	7106 TERESITA TRL	WASHINGTON SYLVESTER ETAL
	22	7112 TERESITA TRL	BROWN MARK D & DEBRA D
	23	7118 TERESITA TRL	COLLINS CAMON SR LF EST &
	24	7124 TERESITA TRL	MILLER KEITH
	25	7130 TERESITA TRL	SANDERS TRAVIS G & JO ANN
	26	7136 TERESITA TRL	CHAVEZ JUAN ANTONIO

8/22/2013

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	7142 TERESITA TRL	JPMORGAN CHASE BANK
	28	7148 TERESITA TRL	LEANOS JOSE JR
	29	7154 TERESITA TRL	HILL CE ESTER & EUNICE
	30	7160 TERESITA TRL	TAING AN & PHA
X	31	7166 TERESITA TRL	OSBORNE KENNETH L
	32	7177 ROLLING FORK DR	NEWMAN TERENCE T
	33	7165 ROLLING FORK DR	LANE LOIS H
	34	7159 ROLLING FORK DR	FLORES ELVIRA
	35	7153 ROLLING FORK DR	JOHNSON HOWARD E & DEZZIE L
	36	7147 ROLLING FORK DR	RUIZ ROSIE OCHOA &
	37	7141 ROLLING FORK DR	GARCIA SERGIO M
	38	7135 ROLLING FORK DR	TOMPKINS STEPHEN ROYCE
	39	7129 ROLLING FORK DR	BARRIENTOS MARIO C
	40	7123 ROLLING FORK DR	TRENT WILLIAM D
	41	7117 ROLLING FORK DR	TIPTON CATHLEEN
	42	7111 ROLLING FORK DR	CHENG JASON
	43	7105 ROLLING FORK DR	MAYES JOHNNIE III &
	44	5430 FREESTONE CIR	MARQUEZ MARTINA
	45	5424 FREESTONE CIR	PERRY ELLEN MARIE
	46	5418 FREESTONE CIR	COMBEST MILTON D
	47	5412 FREESTONE CIR	RAMOS CELSO M
	48	5406 FREESTONE CIR	OLIVO LOUIS EST OF
	49	5330 FREESTONE CIR	CARR MARGARET
	50	9103 R L THORNTON FWY	GARLAND E PARTNERSHIP LP
	51	9111 R L THORNTON FWY	GARLAND E PARTNERSHIP LP
	52	9001 R L THORNTON FWY	LAMPLIGHTER MOTEL LTD
	53	9001 R L THORNTON FWY	SINNI CORPORATION
	54	8901 R L THORNTON FWY	NORTHSTAR HOTELS LLC
	55	9125 R L THORNTON FWY	9125 THORNTON LLC
	56	3830 DILIDO RD	CLEERE ENTERPRISES INC
	57	8951 R L THORNTON FWY	PS TEXAS HOLDINGS LTD

Z123-278(MW)

8/22/2013

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	8640 R L THORNTON FWY	POULOS REALTY GROUP
	59	4025 ST FRANCIS AVE	KIMBALL MARK P & SHANA L
	60	4020 ST FRANCIS AVE	INTERSTATE NATIONAL BANK
	61	3949 ST FRANCIS AVE	3949 ST FRANCIS LLC
	62	3939 ST FRANCIS AVE	FIDELITY BANK NATL ASSOC
	63	3550 ST FRANCIS AVE	LAMELL GUIDO & NANCY B
	64	9222 R L THORNTON FWY	IACONO ELANA FAMILY LTD
	65	3936 ST FRANCIS AVE	WAL MART REAL EST BUS TR
	66	9226 R L THORNTON FWY	BANK OF AMERICA NA
	67	9310 R L THORNTON FWY	DOCKSIDE THREADING INC

AGENDA ITEM # 56

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 48 S; W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scylene Road, west of Jim Miller Road
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions
Z123-282(JH)

FILE NUMBER: Z123-282 (JH)

DATE FILED: May 14, 2013

LOCATION: North side of Scyene Road, west of Jim Miller Road

COUNCIL DISTRICT: 5

MAPSCO: 48-S, W

SIZE OF REQUEST: Approx. 2.51 acres

CENSUS TRACT: 84

REPRESENTATIVE: Santos Martinez, MASTERPLAN

APPLICANT/OWNER: George Reeves

REQUEST: An application for the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with general merchandise or food store use 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The applicant proposes to continue to sell alcohol for off-premise consumption in conjunction with the existing approximately 3,360 square foot convenience store.

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions.

BACKGROUND INFORMATION:

- The request site is currently developed with a multi-tenant building which includes an approximately 3,360 square foot general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station. Other uses on the request site include retail, personal service, child care facility, and a vehicle or engine repair or maintenance use.
- The applicant is requesting to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property. SUP No. 1863 was approved for a two-year period on August 24, 2011.

Zoning History: There have been no recent zoning requests in the area.

Thoroughfares/Streets:

Thoroughfares/Street	Type	Existing ROW
Scyene Road	Principle Arterial	100 ft.
Jim Miller Road	Minor Arterial	100 ft.

STAFF ANALYSIS:

Comprehensive Plan:

The fowardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The fowardDallas! 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 on a Multi-modal Corridor.

Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add "eyes on the street" that can aid public safety.

LAND USE

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 approximately 2.51 acre site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is developed with a multi-tenant building which includes an approximately 3,360 square foot general merchandise or food store 3,500 square feet or less use and a motor vehicle fueling station. Other uses on the request site include retail, personal service, child care facility, and a vehicle or engine repair or maintenance use. The applicant is proposing to continue to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property, but requires a Specific Use Permit. The applicant has an off-premise license.

The adjacent uses consist primarily of retail and general merchandise stores, a commercial bus terminal to the west, and single family to the north and south.

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,
- 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 request site was non-conforming for the required screening of the service side of a commercial site from residential uses. When the SUP was created two years ago, the applicant agreed to provide the screening fence along the alley and revised the site plan from the current parking configuration to one that would work with a screening fence along the northern boundary. The fence was not installed and the site is not in compliance with this condition of the SUP ordinance.

The applicant is requesting the removal of the SUP condition requiring a screening fence along the alley. Staff does not support this request and recommends that the screening fence be installed. Staff believes that the screening fence should be provided to buffer the residential uses from the commercial uses and that the applicant agreed to provide the fence with the origination of SUP No. 1863. If the City Plan Commission is inclined to support the applicant’s request, the site plan for SUP No. 1863 will need to be replaced with a site plan that does not show a screening fence along the northern boundary.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location and that all conditions are being met.

Development Standards:

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
CR-D-1 Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Parking:

The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 124 spaces for all of the uses on the request site with 127 being provided per the attached site plan.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

Police Report:

Staff obtained reported offenses for the most recent four-year period: two years prior to the approval of SUP No. 1863 and two years after. The list of offenses is provided later in this report.

DPD Report

August 24, 2009 – August 24, 2011

Dallas Police Department Reports

Public Offense Search Results

SERVICE #	OFFENSE DATE	TYPE	COMPLAINANT	ADDRESS	BEAT	REPORTING AREA
1	0277027-W	09/16/2009	ROBBERY	*VECTA FOOD STORE	06935 SCYENERD	315 1234
2	0025010-X	01/26/2010	THEFT	DALE,SHAWN	06935 SCYENERD	315 1234
3	0342445-W	11/18/2009	ASSAULT	STATON, CHRISTINA	06935 SCYENERD	315 1234
4	0204023-X	07/21/2010	BURGLARY	*BECTA FOOD	06935 SCYENERD	315 1234
5	0177657-X	06/25/2010	BURGLARY	*VECTA FOOD STORE	06935 SCYENERD	315 1234
6	0066212-Y	03/17/2011	CRIMINAL MISCHIEF/VANDALISM	*VECTA FOOD STORE	06935 SCYENERD	315 1234

August 24, 2011 – July 29, 2013

Dallas Police Department Reports

Public Offense Search Results

SERVICE #	OFFENSE DATE	TYPE	COMPLAINANT	ADDRESS	BEAT	REPORTING AREA
1	0103907-Z	04/29/2012	THEFT	*VECTA FOOD STORE	06935 SCYENERD	315 1234
2	0196419-Z	08/08/2012	THEFT	CARRILLO, MARIA	06935 SCYENERD	315 1234
3	0281688-Z	11/10/2012	BURGLARY	*VECTA FOOD STORE	06935 SCYENERD	315 1234
4	0295052-Z	11/28/2012	THEFT	*VECTA FOOD STORE	06935 SCYENERD	315 1234
5	0072148-Z	03/26/2012	THEFT	CASTANEDA,VELAZQUEZ, ELPID	06935 SCYENERD	315 1234
6	0166640-Z	07/06/2012	TRAFFIC MOTOR VEHICLE	WINKLEY,CHER	06935 SCYENERD	315 1234

CPC Action: August 22, 2013

Motion: It was moved to recommend approval for the renewal of Specific Use Permit No. 1863 for the sale of alcoholic beverages in conjunction with a general merchandise or food store use 3,500 square feet or less for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to staff conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the north side of Scyene Road, west of Jim Miller Road.

Maker: Rodgers
Second: Bernbaum
Result: Carried: 13 to 0

For: 13 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 10

Notices: Area: 300 Mailed: 54
Replies: For: 3 Against: 0

Speakers: For (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC Recommended

SUP Conditions

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages for off-premise consumption as part of the operation of a general merchandise or food store 3,500 square feet or less.
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 August 24, 2013.~~ This specific use permit expires on (two years), 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.)

CPC recommended (existing SUP condition)

4. SCREENING: A minimum six-foot-high solid screening fence must be maintained along the northern boundary of the Property. Screening must be constructed before issuance of a building permit, alcohol measurement certification, or certificate of occupancy.

Applicant proposed

~~4. SCREENING: A minimum six-foot-high solid screening fence must be maintained along the northern boundary of the Property. Screening must be constructed before issuance of a building permit, alcohol measurement certification, or certificate of occupancy.~~

5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

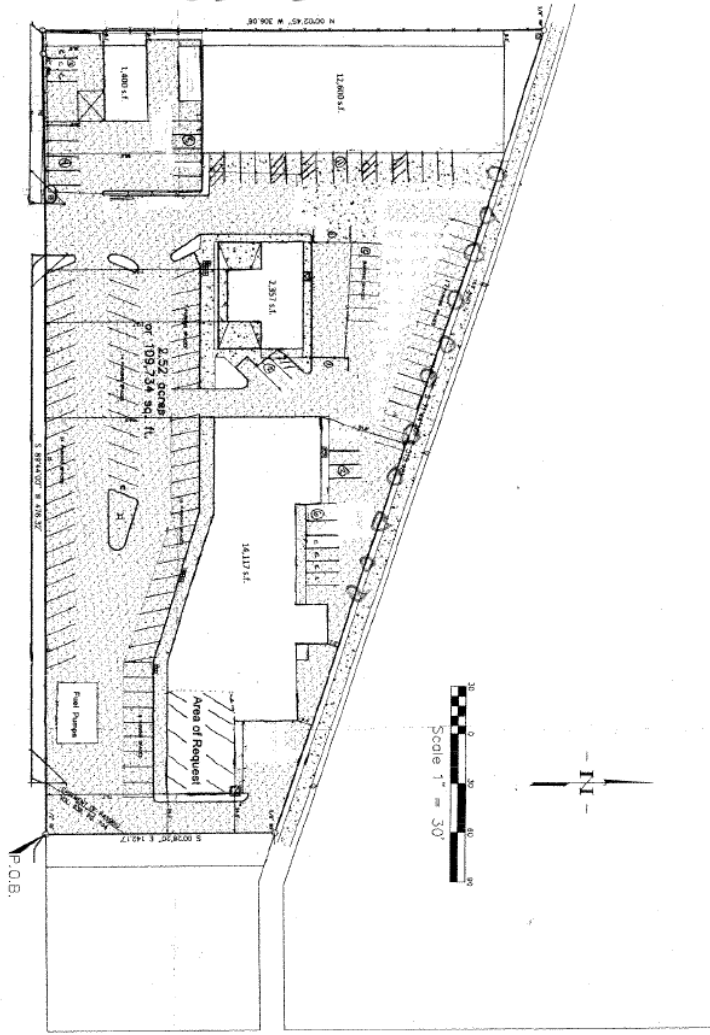
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

EXISTING SITE PLAN

Site Plan

1 12240

28345



SCENE ROAD
(10,000 R.O.W.)

Jim Miller
(6,000 R.O.W.)

Handwritten: Revised
Schedule

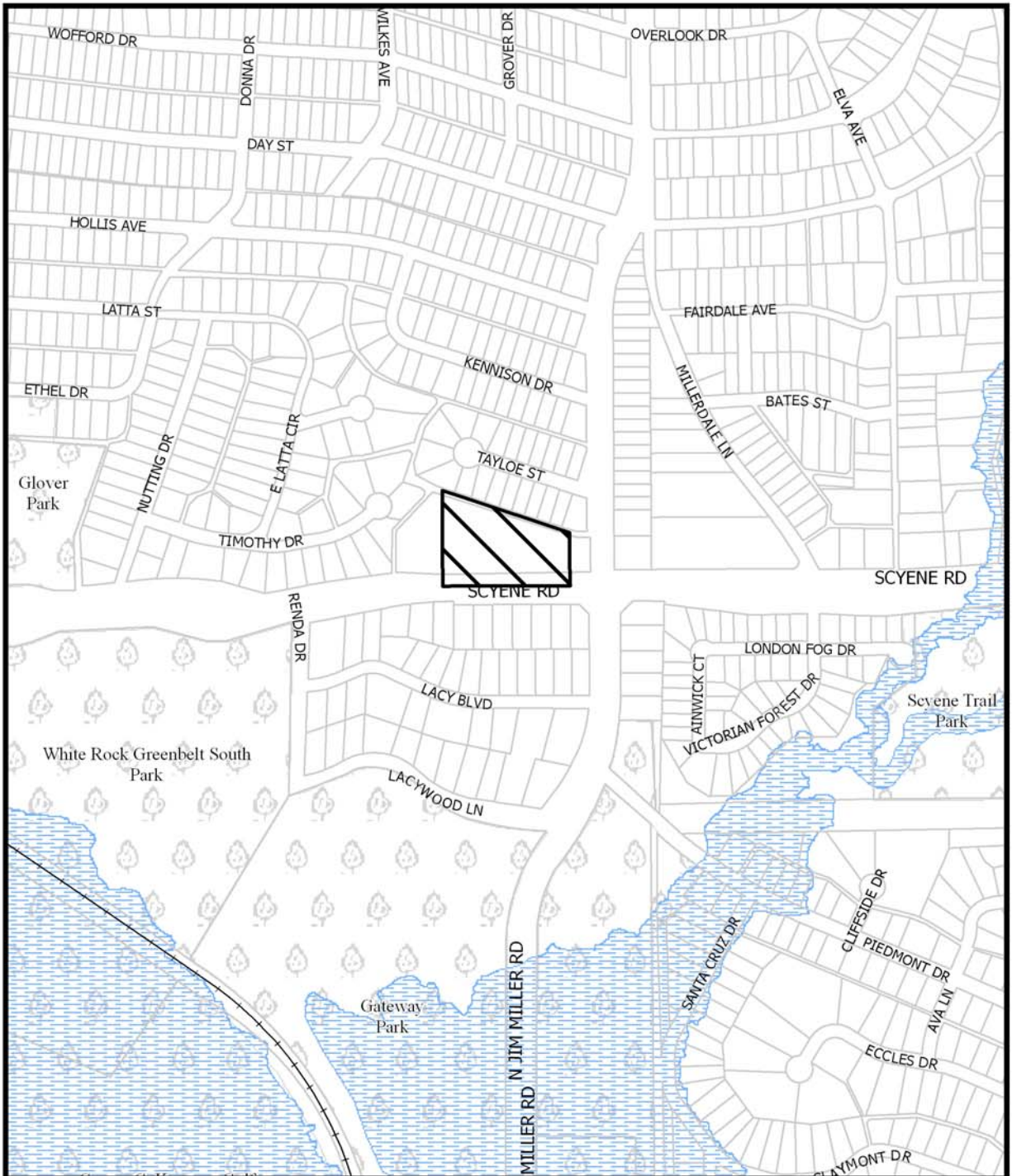
- Site Summary**
- Existing Zoning: C.R.D.1
 - Proposed Request: S.U.P. general merchandise store less than 3500 sq ft with off premise alcohol consumption (limited to hatched area shown)
 - Lot Area: 108,724 sq ft
 - Area of Request: 3500 sq ft
 - Existing Buildings: 30,474 sq ft
 - Existing Lot Coverage: 28%
 - Existing Uses:
 - Restaurant: 4,087 sq ft
 - Vehicle and Engine Repair and Day Care Center: 10,357 sq ft
 - Retail, Personal Services, and Motor Vehicle Fueling Station: 10,030 sq ft
 - Required Parking:
 - Restaurant: 41
 - Vehicle Engine Repair, and Day Care Center: 33
 - Retail, Personal Services, and Motor Vehicle Fueling Station: 90
 - Provided Parking: 127




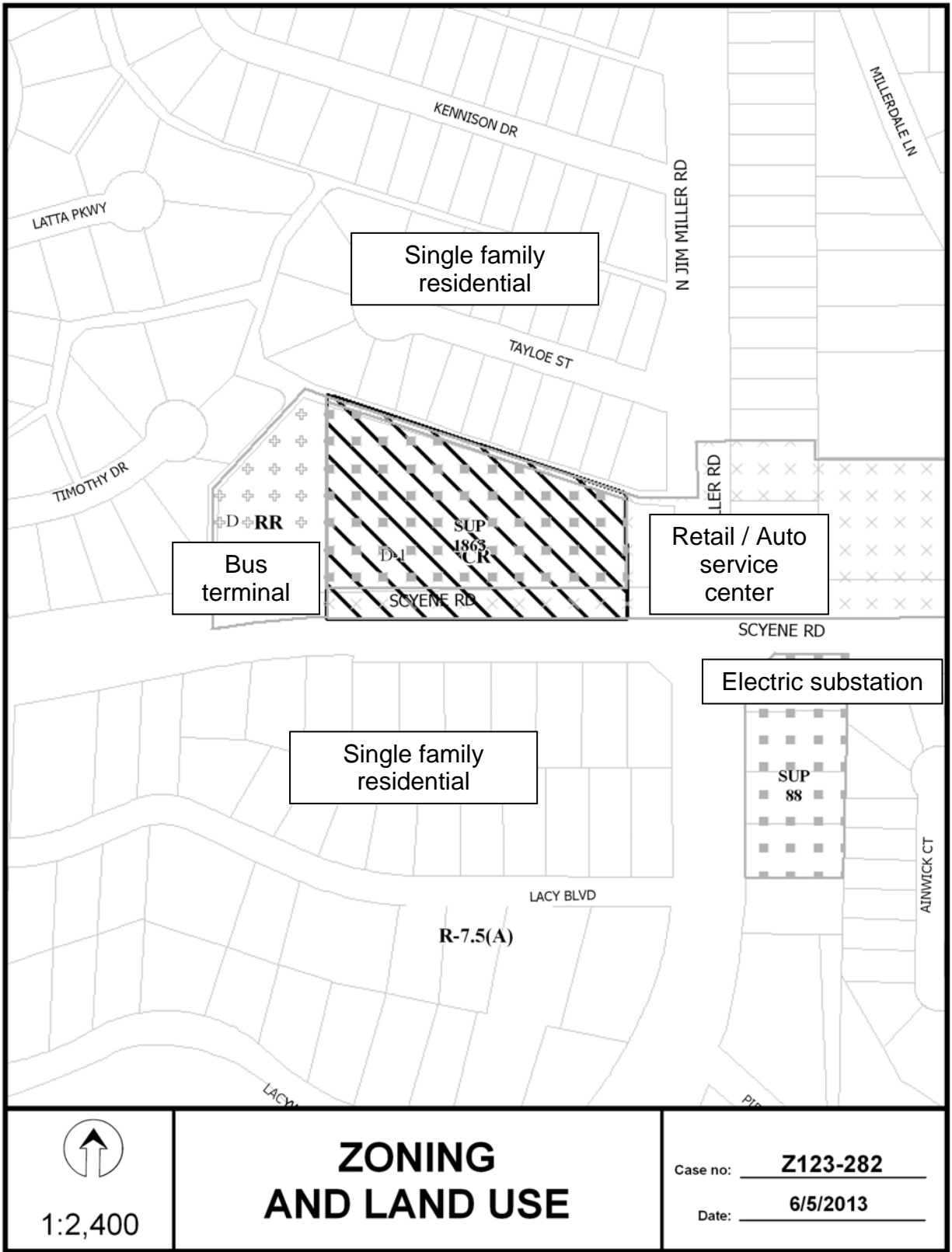
Specific Use Permit
No. 1863

Approved
City Plan Commission
May 19, 2011

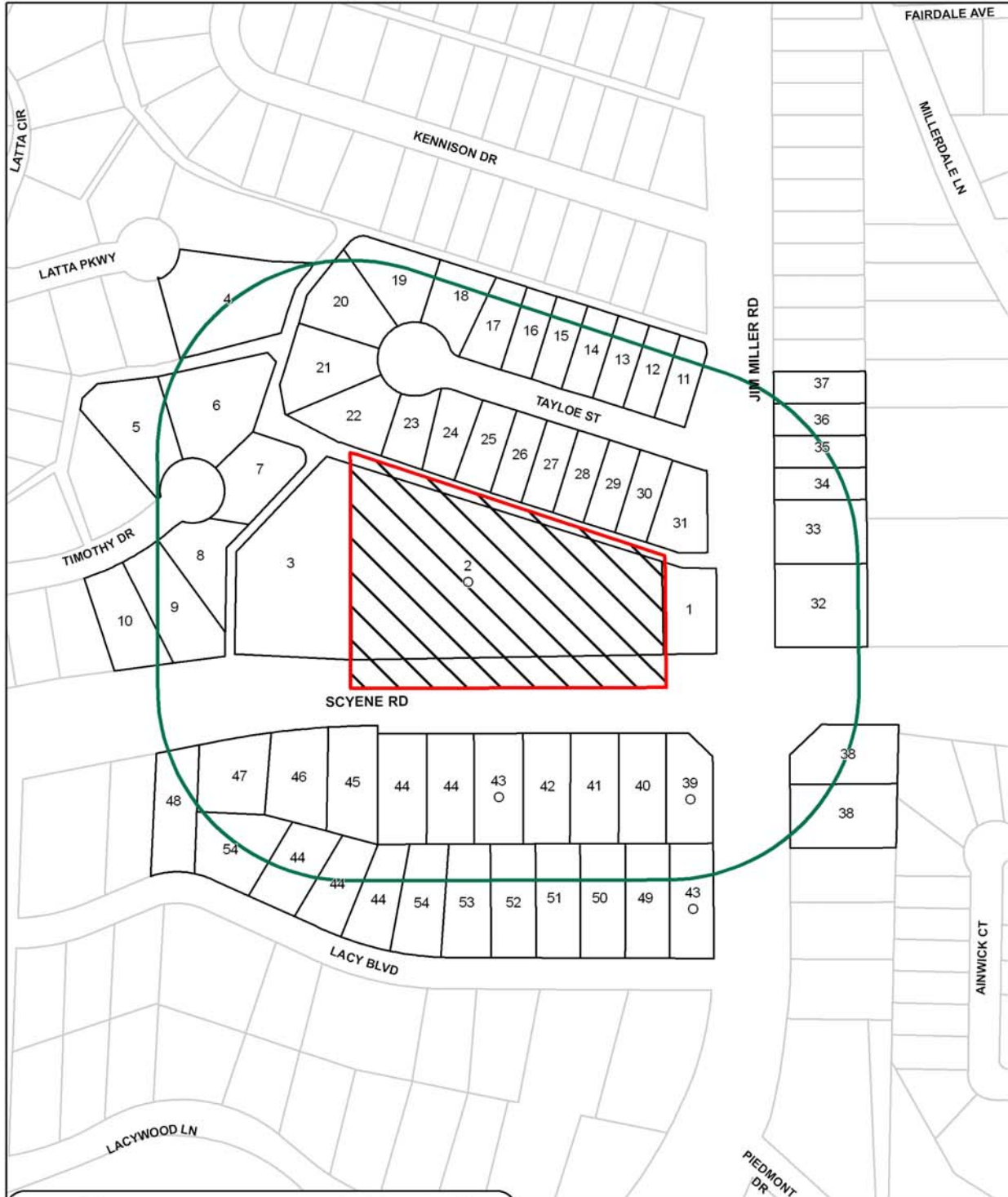
SITE PLAN Z101-189



 1:6,000	<h2>VICINITY MAP</h2>	Case no: <u> Z123-282 </u> Date: <u> 6/5/2013 </u>
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CPC Responses



<u>54</u>	Property Owners Notified (61 parcels)
<u>3</u>	Replies in Favor (4 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>8/22/2013</u>	Date <u>8/8/2013</u> Under Advisement

Z123-282
CPC



1:2,400

8/22/2013

Reply List of Property Owners

Z123-282

54 Property Owners Notified 3 Property Owners in Favor 0 Property Owners Opposed

Reply Label #	Address	Owner
	1 6939 SCYENE RD	TREVINO EMILIA
O	2 6901 SCYENE RD	REEVES GEORGE M III LTD
	3 6855 SCYENE RD	MARES LIDIA
	4 6824 LATTA PKWY	SMITH SHELLIE BAMBI
	5 6837 TIMOTHY DR	MINGHILLO JAMES
	6 6841 TIMOTHY DR	FERNANDEZ RAMIRO
	7 6840 TIMOTHY DR	TAYLOR RUSSELL E JR
	8 6834 TIMOTHY DR	CLEMONS KELLY & JUSTIN
	9 6828 TIMOTHY DR	GUEVARA LUIS
	10 6824 TIMOTHY DR	ESCALANTE GERARDO M & ROSALINDA
	11 6943 TAYLOE ST	GONZALEZ RITA EDITH
	12 6939 TAYLOE ST	MEZA MARIA LUISA
	13 6933 TAYLOE ST	MERAZ ALBERTICO &
	14 6929 TAYLOE ST	BROOKS BAINIFF
	15 6925 TAYLOE ST	ALVAREZ GRACE E & PEDRO
	16 6921 TAYLOE ST	SANDERS GLORIA
	17 6915 TAYLOE ST	AGUILAR PAULINO
	18 6911 TAYLOE ST	RAMIREZ ALBERTINA
	19 6907 TAYLOE ST	FLORES ROJELIO
	20 6903 TAYLOE ST	GONZALEZ MARIO ARTURO
	21 6902 TAYLOE ST	MARROQUIN LUGARDO
	22 6906 TAYLOE ST	BLAND SAMUEL P
	23 6910 TAYLOE ST	GUARDADO MARIA FRANCISCO
	24 6914 TAYLOE ST	HATCHER KEVIN EST OF
	25 6920 TAYLOE ST	ZAMORA JOSE A V & FATIMA D FACUNDO
	26 6924 TAYLOE ST	BERNAL FIDENCIO A

8/22/2013

	Reply Label #	Address	Owner
	27	6928 TAYLOE ST	MERAZ ALBERTICO
	28	6932 TAYLOE ST	GARCIA IGNACIO P &
	29	6936 TAYLOE ST	SALAZAR GILDA
	30	6942 TAYLOE ST	DALLAS HOUSING AUTHORITY
	31	6946 TAYLOE ST	PEREZ LUZ & FILBERTO
	32	7007 SCYENE RD	HAMM GUY L JR
	33	3016 JIM MILLER RD	TIMBERLAKE BILL W
	34	3102 JIM MILLER RD	SILLER ANDREW M &
	35	3106 JIM MILLER RD	SILLER ANDREW M & LOWNELL
	36	3110 JIM MILLER RD	CRUZ JOSEPHINE DURAN
	37	3114 JIM MILLER RD	CONTRERAS PEDRO &
	38	7000 SCYENE RD	TEXAS UTILITIES ELEC CO
O	39	6938 SCYENE RD	JCRB ENTERPRISE
	40	6930 SCYENE RD	DIAZ MARIA P
	41	6928 SCYENE RD	SANDOVAL ABRAHAM GALDEAN
	42	6922 SCYENE RD	LINWOOD MONTIQUE
O	43	6916 SCYENE RD	MECCA APRIL INC
	44	6910 SCYENE RD	KENDALL JAMES W
	45	6902 SCYENE RD	JONES TIMOTHY
	46	6836 SCYENE RD	GARAY JOSE R &
	47	6830 SCYENE RD	BROWN JANET E
	48	6820 SCYENE RD	SANTILLAN LUIS A
	49	6939 LACY BLVD	MARTINEZ ALICIA N
	50	6933 LACY BLVD	LOPEZ MATIAS JR & GENIEVA
	51	6927 LACY BLVD	YOUNG AMY TRAMMELL
	52	6923 LACY BLVD	GIDDINGS MARJORIE Y &
	53	6915 LACY BLVD	KENDALL JAMES W
	54	6905 LACY BLVD	KENDALL JAMES

AGENDA ITEM # 57

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 58 J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay on the south of Lake June Road, east of Temple Cliff Drive
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions Z123-288(WE)

ACM: Theresa O'Donnell

FILE NUMBER: Z123-288(WE) **DATE FILED:** May 21, 2013

LOCATION: South of Lake June Road, east of Temple Cliff Drive

COUNCIL DISTRICT: 5 **MAPSCO:** 58-J

SIZE OF REQUEST: Approx. 1,742 sq. ft. **CENSUS TRACT:** 93.01

APPLICANT / OWNER: Bawa Corporation

REPRESENTATIVE: Parvez Malik
Business Zoom

REQUEST: An application for the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

BACKGROUND INFORMATION:

- The applicant’s request for the renewal of Specific Use Permit No. 1896 will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less and a fueling station.
- In September 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for a two year period.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.
- The surrounding land uses consist of an auto related use, residential, church and a community center. South of the request site is a multifamily development.

Zoning History: There have been two zoning changes requested in the area.

1. Z101-253 On September 28, 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D Regional Retail District with a D Liquor Control Overlay. (request site)
2. .Z123-240 On August 14, 2013, the City Council will consider a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Lake June Road	Principal Arterial	80 ft.	80 ft.
Temple Cliff Drive	Local	60 ft.	60 ft.

Land Use:

	Zoning	Land Use
Site	RR-D-1w/SUP No. 1896	General Merchandise store & fueling station
North	R-7.5(A), MF-1(A)	Single Family uses, Church
South	MF-1(A)	Multifamily
East	CR-D-1	Auto related uses, Church
West	CR-D-1	Center

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 located on a Transit or Multi-Modal or Corridor.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

LAND USE

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 approximately 1,742 square foot site is zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling station. The applicant's request for the renewal of Specific Use Permit No. 1896 will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less.

In September 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for a two year period. The applicant will have to provide a 6-foot solid fence for the off-street parking portion of the request site that is adjacent to the residential use.

The surrounding land uses consist of an auto related use, residential, and a community center. A church is located north and east of the request site and is more than 300 feet by front door to front door measurement, therefore complying with the distance separation requirement. South of the request site is a multifamily development.

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,
- 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 Dallas Police has determined that the request site is in compliance with Chapter 12B.

The applicant’s request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The applicant will have to install a 6-foot solid fence on the southern property line to screen the off-street parking from the adjacent residential uses. Currently, a chain link fence separates the request site from the adjacent residential use.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
RR-D-1 Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and 2 spaces for a motor vehicle fueling station. The development requires 19 spaces with 20 being provided per the attached site plan.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Dallas Police Department: A copy of a police report of the offenses is provided below. Staff has divided the report into two sections which will show any offenses prior to the SUP and any offenses applicant received after receiving the SUP in 2011.

Offenses prior to a Specific Use Permit – September 11, 2009 to September 11, 2011

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
0062997-X	03/06/2010	HILL,CHRISTOPHER	TRAFFIC MOTOR VE...	06808		LAKEJUN...	331	2197	32090	
0092321-Y	04/12/2011	@CITY OF DALLAS	FOUND PROPERTY	06808		LAKEJUN...	331	2197	43020	
0116887-X	04/28/2010	ROMERO, MAURO	ROBBERY	06808		LAKEJUN...	331	2197	03912	
0127183-Y	05/18/2011	*TEXACO	THEFT	06808		LAKEJUN...	331	2197	06933	
0129592-Y	05/20/2011	*TEXACO	THEFT	06808		LAKEJUN...	331	2197	06901	
0209946-Y	08/08/2011	CARDENAS, MARIA	AUTO THEFT-UUMV	06808		LAKEJUN...	331	2197	07112	
0229144-X	08/15/2010	OVALLE,DANIEL	AGGRAVATED ASSAULT	06808		LAKEJUN...	331	2197	04111	

Offenses received after Specific Use Permit – September 12, 2011 to July 23, 2013

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
0019540-A	01/24/2013	*LAKE JUNE TEXACO	OTHER OFFENSES	06808		LAKEJUN...	331	2197	26530	
0056021-A	02/25/2013	CHATMON,DAWN,	OTHER OFFENSES	06808		LAKEJUN...	331	2197	26000	
0096257-A	04/19/2013	MARTINEZ,RAYMOND	ASSAULT	06808		LAKEJUN...	331	2197	08191	
0104536-A	04/28/2013	MARTINEZ, RAYMOND	ASSAULT	06808		LAKEJUN...	331	2197	08111	
0117687-Z	05/10/2012	*BAWA TEXACO	CRIMINAL MISCHIEF/VAN...	06808		LAKEJUN...	331	2197	14030	
0185989-A	07/22/2013	MUMPHREY, MARQUIS	OTHER OFFENSES	06808		LAKEJUN...	331	2197	26000	
0191690-Z	08/03/2012	*TEXACO	FORGERY & COUNTERFEI...	06808		LAKEJUN...	331	2197	10021	
0246566-Z	10/03/2012	PETERSON, SCOTT	AUTO THEFT-UUMV	06808		LAKEJUN...	331	2197	07121	

CPC Action (August 8, 2013)

Motion: In considering an application for the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of Lake June Road, east of Temple Cliff Drive, it was moved to **hold** this case under advisement until August 22, 2013.

Maker: Wally
 Second: Rodgers
 Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 0

Speakers: None

CPC Action (August 22, 2013)

Motion: It was moved to recommend **approval** for the renewal of Specific Use Permit No. 1896 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of Lake June Road, east of Temple Cliff Drive.

Maker: Rodgers
Second: Davis
Result: Carried: 13 to 0

For: 13 - Davis, Wally*, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 10

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 8
Replies: For: 0 Against: 1

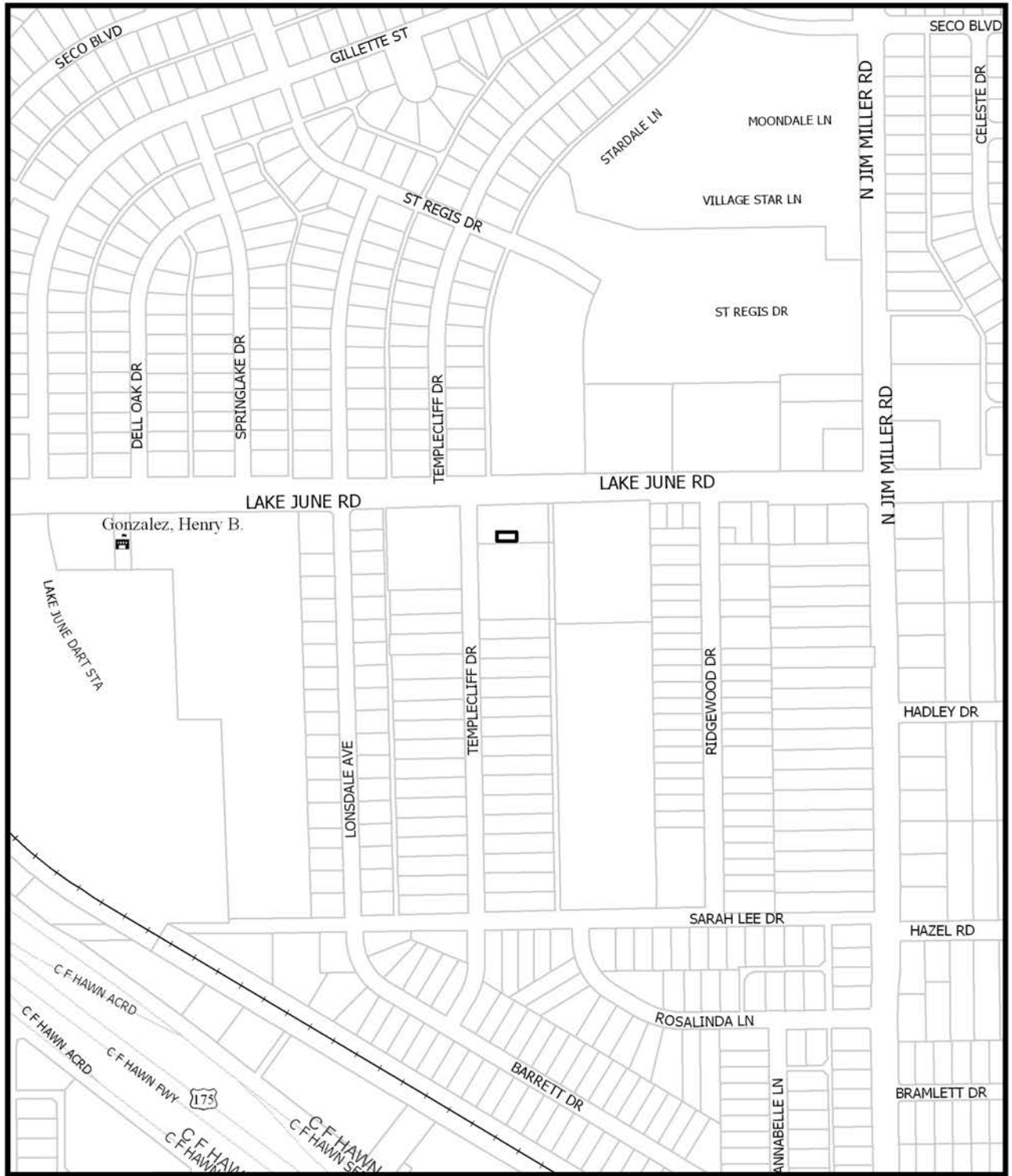
Speakers: For: Parvez Malik, 1901 Central Dr., Bedford, TX, 76021
Against: None

LIST OF OWNERS
BAWA Corporation

- Suhail Bawa President / Secretary

**CPC PROPOSED 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 3,500 square feet or less
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires ~~[automatically terminates]~~ on ~~[September 28, 2013.]~~, (five-year period from the passage of this ordinance), 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. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be located as shown on the attached site plan.
6. FENCE: A 6-foot solid fence must be provided in the location as shown on the attached site plan.
- [4.]7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
- [5.]8. 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.

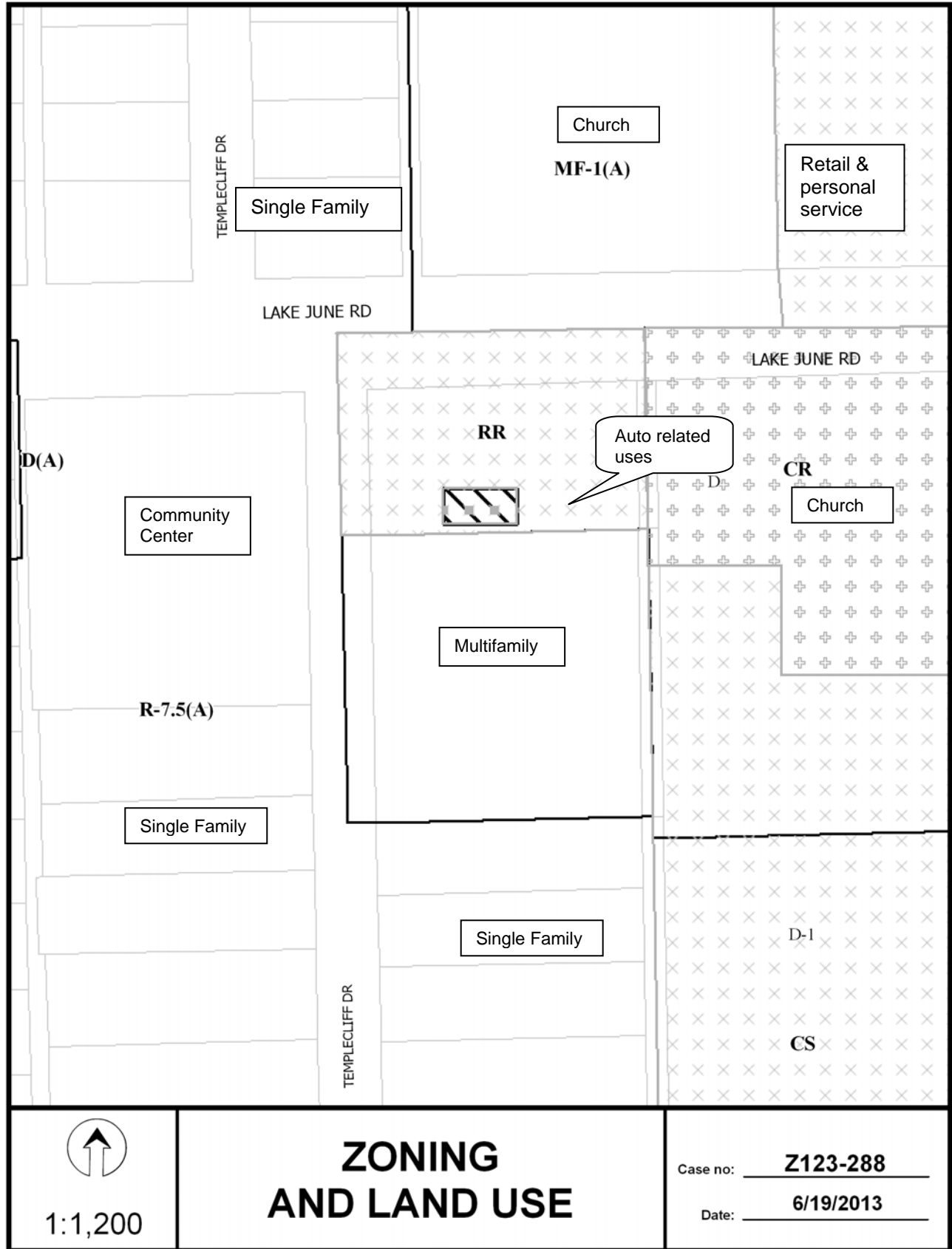


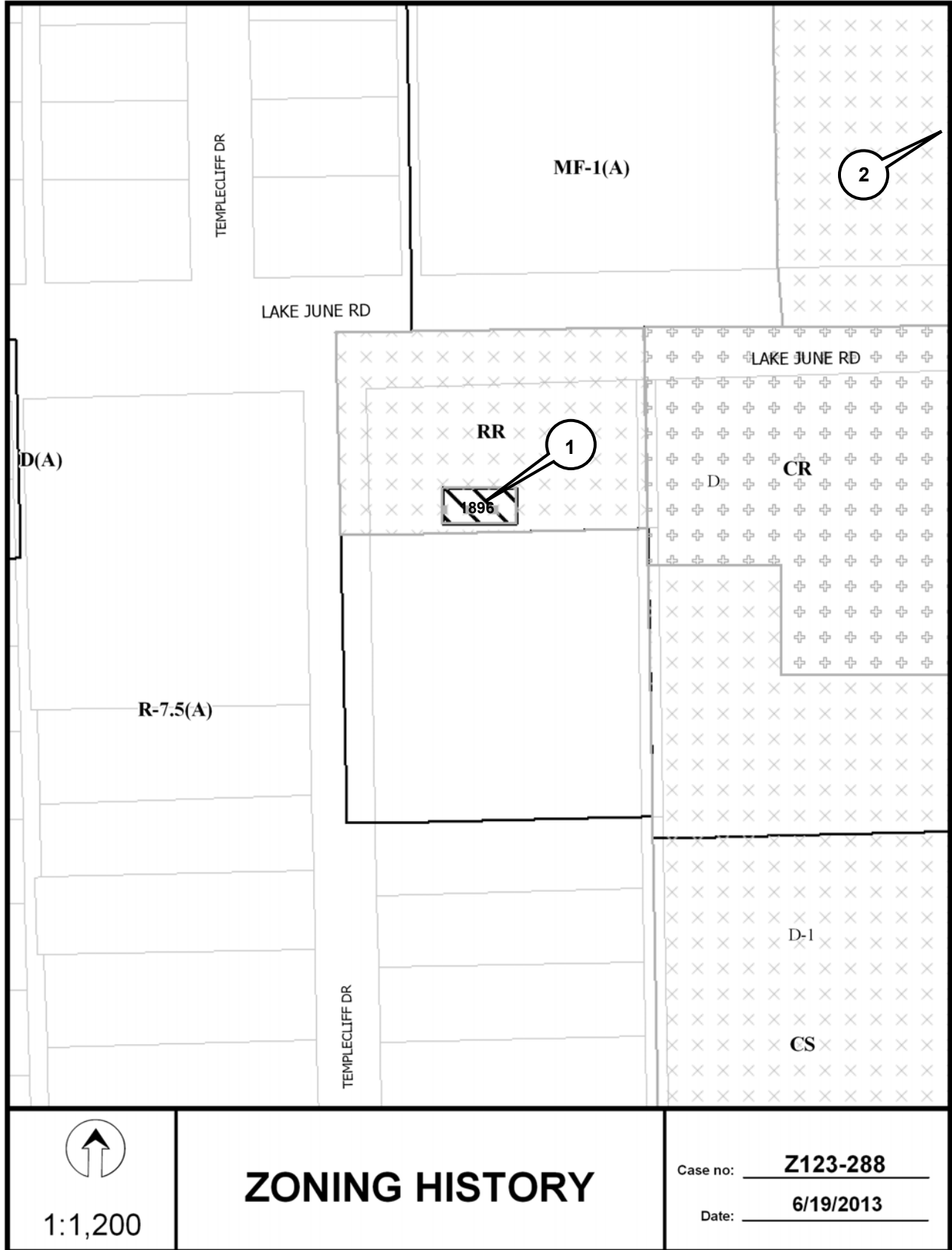
1:4,800

VICINITY MAP

Case no: Z123-288

Date: 6/19/2013





CPC RESPONSES



<u>8</u>	Property Owners Notified (9 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>8/22/2013</u>	Date <u>8/8/2013</u> Under Advisement

Z123-288
CPC



1:1,200

Notification List of Property Owners

Z123-288

8 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	6808 LAKE JUNE RD	BAWA CORPORATION
2	1304 TEMPLECLIFF DR	MARES NOEL & LINDA MARES
3	6819 LAKE JUNE RD	MOUNT SINAI BAPTIST CH
4	6916 LAKE JUNE RD	FAITH KINGDOM CHURCH OF GOD IN CHRIST
5	1231 TEMPLECLIFF DR	SCOTT ANITA LOUISE
6	1239 TEMPLECLIFF DR	CENTRO CRISTIANO REDENCION
7	1234 TEMPLECLIFF DR	BOST FRED W APT 108
8	1234 TEMPLECLIFF DR	CRAIG A C RESOURCE CTR

AGENDA ITEM # 58

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 59 J

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1893 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and North Prairie Creek Road
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions
Z123-295(WE)

ACM: Theresa O'Donnell

FILE NUMBER: Z123-295(WE) **DATE FILED:** May 29, 2013

LOCATION: Lake June Road and N. Prairie Creek Road, southwest corner

COUNCIL DISTRICT: 5 **MAPSCO:** 59-J

SIZE OF REQUEST: Approx. 0.261 acres **CENSUS TRACT:** 92.02

APPLICANT: New Rush Hour Foodmart
Rahim Rehmani – Sole owner

OWNER: Reeves Group, Ltd.

REPRESENTATIVE: MASTERPLAN
Santos Martinez

REQUEST: An application for the renewal of Specific Use Permit No. 1893 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store.

CPC RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: Approval for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions.

BACKGROUND INFORMATION:

- The applicant’s request for the renewal of Specific Use Permit No. 1893 will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less within an existing retail strip center. There are no changes proposed to the approved site plan.
- In September 28, 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 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay for a two year period.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Dry Liquor Control Overlay.
- The surrounding land uses consist of a variety of residential and retail and personal service uses.

Zoning History: There has not been any zoning changes requested in the area.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
N. Prairie Creek Road	Collector	56 ft.	56 ft.
Lake June Road	Principal Arterial	80 ft.	100 ft.

Land Use:

	Zoning	Land Use
Site	CR-D-1 w/SUP No. 1893	Retail strip ctr. w/ general merchandise store
North	RR-D, CR-D	Restaurant, undeveloped
South	R-7.5(A), CR-D	Single family
East	CR-D	Auto related uses
West	CR-D, RR-D	Car wash, undeveloped

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 is on a Transit or Multi-Modal Corridor.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

LAND USE

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 approximately 11,367.54 square foot site is zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay and is currently developed with a general merchandise or food store 3,500 square feet or less within an existing retail strip center. The applicant’s request for the renewal of Specific Use Permit No. 1893 will allow for the continued sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less.

In September 28, 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 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay for a two year period. There are no changes proposed to the approved site plan. There is currently a community center/church use that is located within the 300 feet of a requested site. However, the community center/church use presently does not have a (CO) Certificate of Occupancy and is not a protected use.

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,
- 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.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
CR-D-1 Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

Parking: The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area. The development requires 16 spaces with 16 spaces being provided per the attached site plan. The remaining parking spaces are designated for other retail and personal service uses.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Dallas Police Department: A copy of a police report of the offenses is provided below. Staff has divided the report into two sections which will show any offenses prior to the SUP and any offenses applicant received after receiving the SUP in 2011.

Offenses prior to a Specific Use Permit – September 29, 2009 to September 28, 2011

DALLAS POLICE DEPARTMENT										
										UCR Codes Year Codes Property Class Codes
Virtual Viewer - Public Access										Welcome
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0009694-X	01/10/2010	*RUSH HOUR FOOD MART	CRIMINAL MISCHIEF/VAN...	08912		LAKEJUN...	337	2203	14083	
0016581-Y	01/18/2011	FLINT, JOSEPH	ROBBERY	08912		LAKEJUN...	337	2203	03962	
0017731-X	01/19/2010	*RUSH HOUR FOOD STORE	BURGLARY	08912		LAKEJUN...	337	2203	05128	
0025600-X	01/26/2010	*RUSH HOUR FOOD MART	BURGLARY	08912		LAKEJUN...	337	2203	05138	
0112236-Y	05/02/2011	OLIVARES-JIMENEZ, JUAN	THEFT	08912		LAKEJUN...	337	2203	06952	
0272665-X	09/30/2010	*RUSH HOUR FOODS	THEFT	08912		LAKEJUN...	337	2203	06935	
0272666-X	09/30/2010	@CITY OF DALLAS	FOUND PROPERTY	08912		LAKEJUN...	337	2203	43020	
0301065-Z	10/01/2010	*ONCOR	CRIMINAL MISCHIEF/VAN...	08912		LAKEJUN...	337	2203	14110	
0308727-W	10/17/2009	MOLINA, JUAN	ROBBERY	08912		LAKEJUN...	337	2203	03911	
0323895-W	10/31/2009	HODGES, ANTHONY	AUTO THEFT-UUMV	08912		LAKEJUN...	337	2203	07192	
0331456-W	11/07/2009	TRUNDEL, DOUG	THEFT	08912		LAKEJUN...	337	2203	06974	

Offenses received after Specific Use Permit – September 29, 2011 to July 23, 2013

DALLAS POLICE DEPARTMENT										UCR Codes	Year Codes	Property Class Codes
Virtual Viewer - Public Access											Welcome	
Search Records - Offense											Filter	
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2		
0101244-Z	04/26/2012	*DALLAS POLICE DEPT-VICE	FOUND PROPE...	08912		LAKEJUNE...	337	2203	43020			
0152781-A	06/17/2013	GARCIA, JOSE	ROBBERY	08912		LAKEJUNE...	337	2203	03A42			

CPC Action (August 8, 2013)

Motion: In considering an application for the renewal of Specific Use Permit No. 1893 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and North Prairie Creek Road for, it was moved to **hold** this case under advisement until August 22, 2013.

Maker: Wally
 Second: Rodgers
 Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
 Absent: 0
 Vacancy: 1 - District 10

Notices: Area: 200 Mailed: 19
Replies: For: 2 Against: 2

Speakers: None

CPC Action (August 22, 2013)

Motion: It was moved to recommend approval for the renewal of Specific Use Permit No. 1893 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to conditions on property zoned a CR-D-1 Community Retail District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and North Prairie Creek Road.

Maker: Rodgers
Second: Hinojosa
Result: Carried: 13 to 0

For: 13 - Davis, Wally*, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar
Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 10

*out of the room, shown voting in favor

Notices:	Area: 200	Mailed:	19
Replies:	For: 2	Against:	2

Speakers: For (Did not speak): Santos Martinez, 900 Jackson St., Dallas, TX, 75202
Against: None

LIST OF OFFICERS
Reeves Group Ltd.

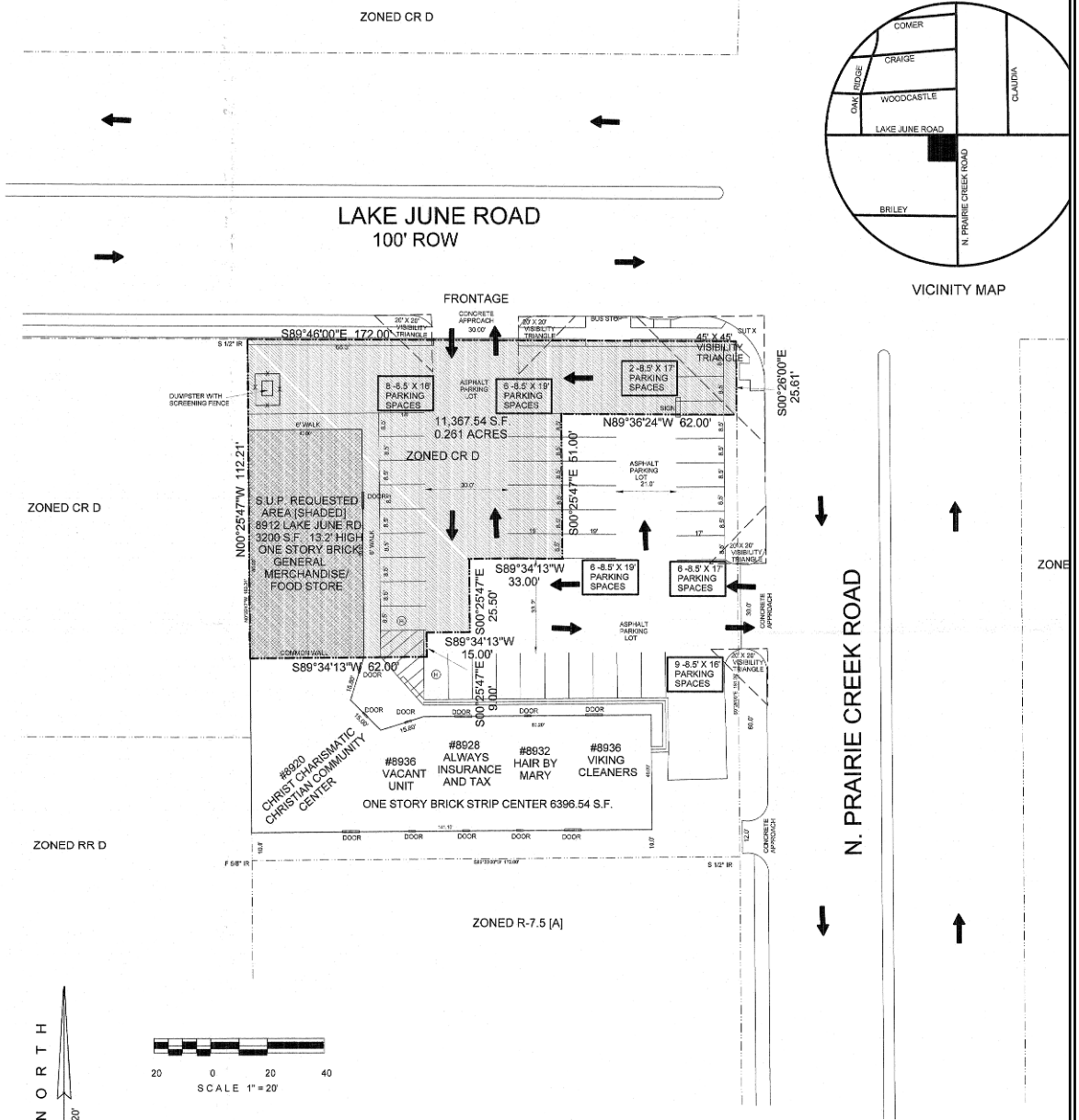
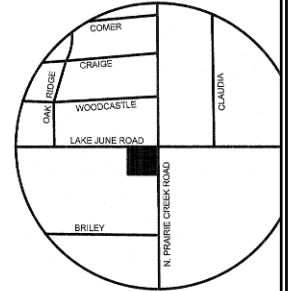
- George M. Reeves President / Treasurer
- George M. Reeves III Vice President / Secretary

**CPC PROPOSED SUP
CONDITIONS**

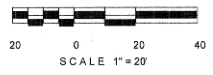
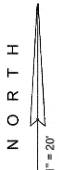
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on [~~September 28, 2013~~], (five-year period from the passage of this ordinance), 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. INGRESS / EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Parking must be located as shown on the attached site plan.
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.

APPROVED SITE PLAN

SITE INFORMATION	
COUNCIL DISTRICT	5
EXISTING ZONING	CR D
SCHOOL DISTRICT	10
ZONING MAP NO.	L-11
MAPSCO NO.	59 L
CENSUS TRACT	0092.02



- LEGEND**
- 1/2" IRF = 1/2" IRON ROD FOUND
 - 1/2" IRB = 1/2" IRON ROD BENT
 - X FND = 4" CUT IN CONCRETE FOUND
 - RF = REINFORCING FOUND
 - RSP = RAILROAD SPIKE FOUND
 - P.O.B. = POINT OF BEGINNING
 - P.O.C. = POINT OF COMMENCING
 - ESB = EASEMENT
 - UGE = UNDERGROUND ELECTRIC SERVICE
 - CE = OVERHEAD ELECTRIC SERVICE
 - ET = ELECTRIC TRANSFORMER
 - FA = FRESH WATER
 - WA = WATER VALVE
 - WM = WATER METER
 - PP = POWER POLE
 - PPAS = POWER POLE & GUY ANCHOR
 - LP = LIGHT POLE
 - SP = SIGN POLE
 - SBM = SANITARY SEWER MANHOLE
 - SSCO = SANITARY SEWER CLEANOUT
 - SDM = STORM DRAIN MANHOLE
 - ELM = ELECTRICAL MANHOLE
 - PS = PARKING SPACE
 - HS = HANDICAPPED PARKING SPACE
 - TR = TRAFFIC SIGN
 - TL = TRAFFIC LIGHT
 - TM = TELEPHONE MANHOLE
 - CW = CONCRETE WALK
 - TR = TELEPHONE RISER
 - GM = GAS METER
 - CS = CABLE BOX
 - - - = FENCE



NEW RUSH HOUR STORE

IMPERVIOUS AREA	
BUILDING FOOTPRINT	3200.00 S.F.
CONCRETE/ ASPHALT	8167.54 S.F.
TOTAL	11367.54 S.F.

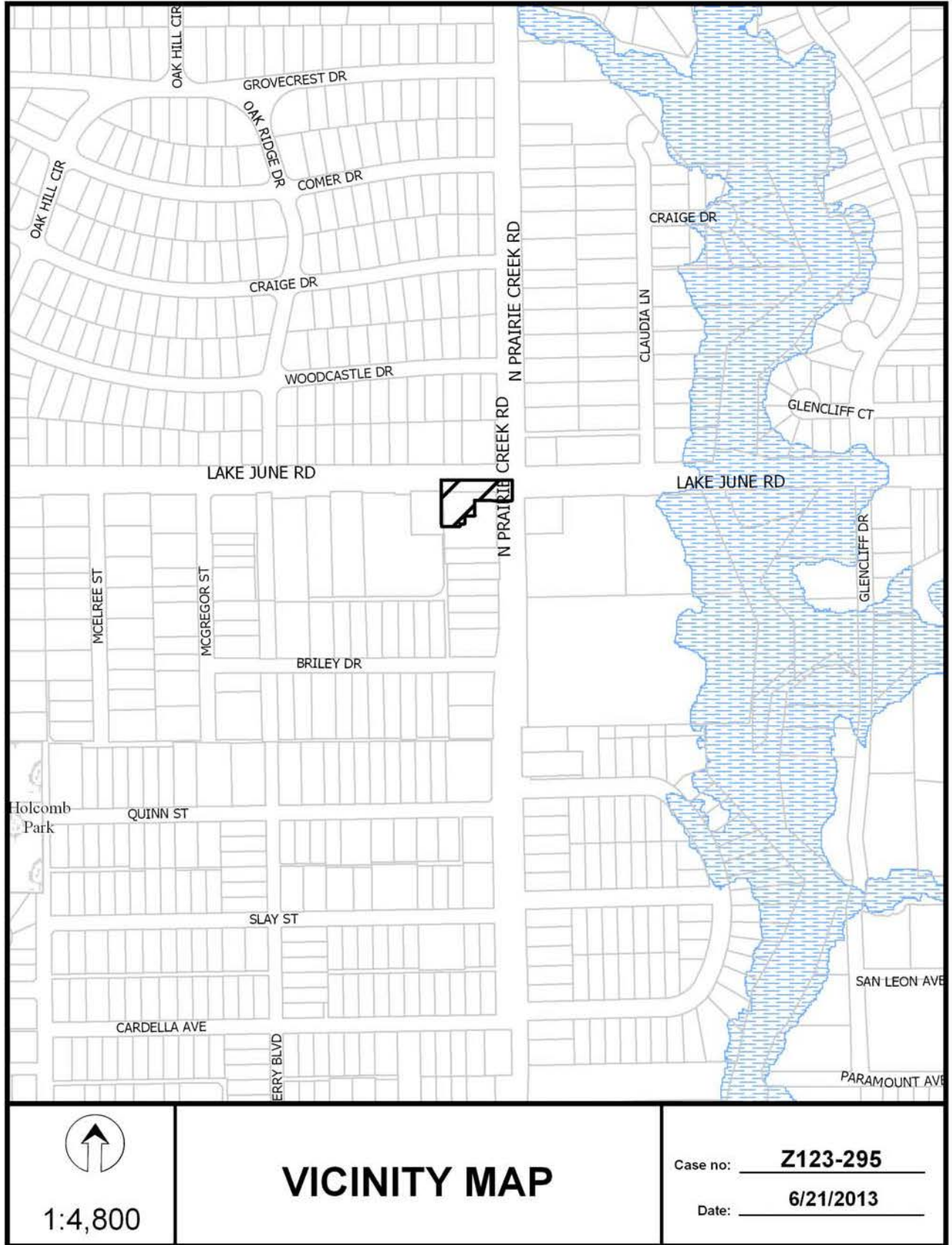
PARKING AND ZONING TABULATIONS NEW RUSH HOUR STORE

EXISTING ZONING	CR D		
PARKING	REQUIRED	PROVIDED	
REGULAR PARKING SPACES	16	16	
HANDICAPPED SPACES	1	1	
TOTAL	17	17	

TREE CHART

TREE	SIZE	COMMON NAME	SCIENTIFIC NAME
NONE			

MOBLY LAND SURVEYING, INC.
740 DALWORTH STREET
GRAND PRAIRIE, TEXAS 75050 972.282.133

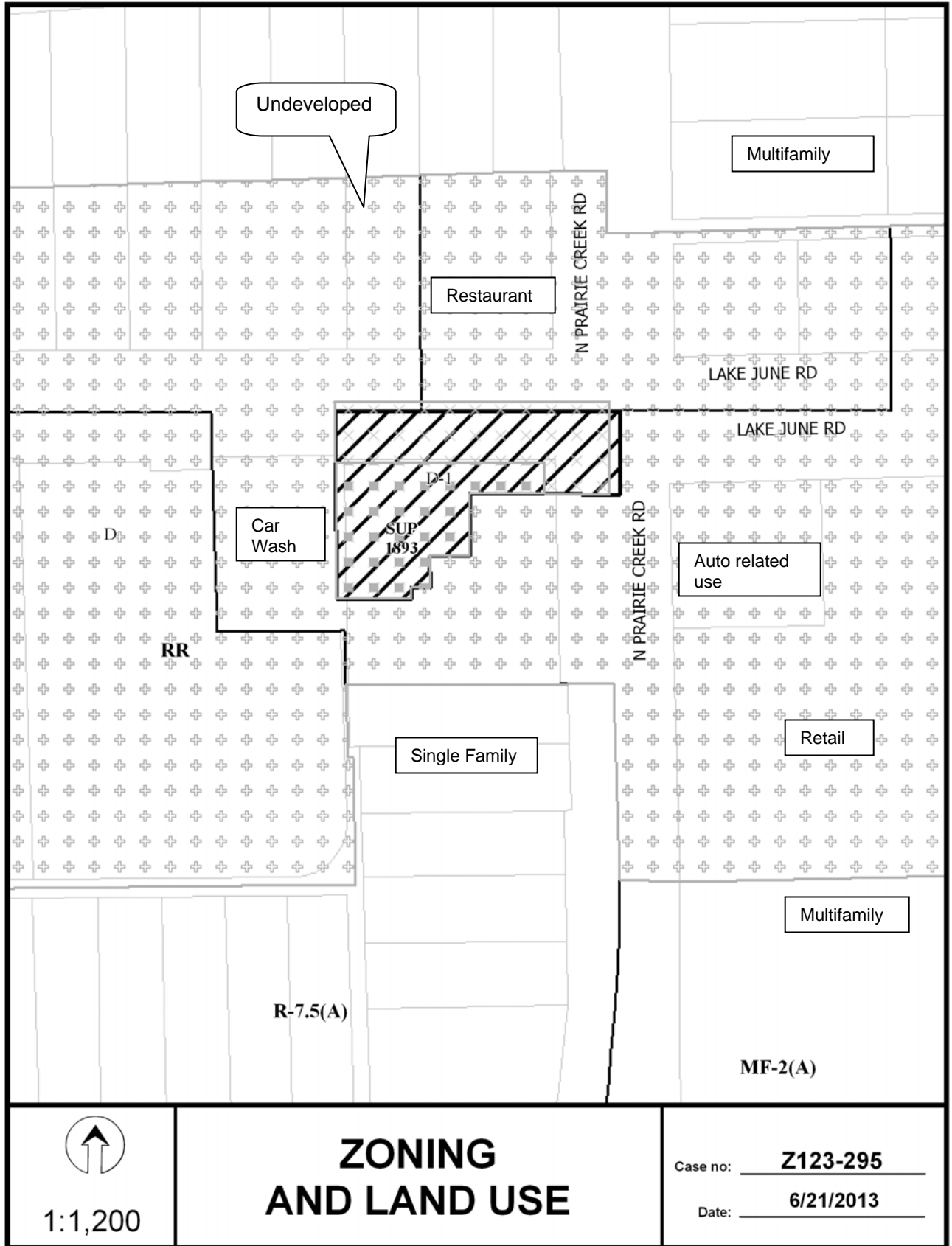


1:4,800

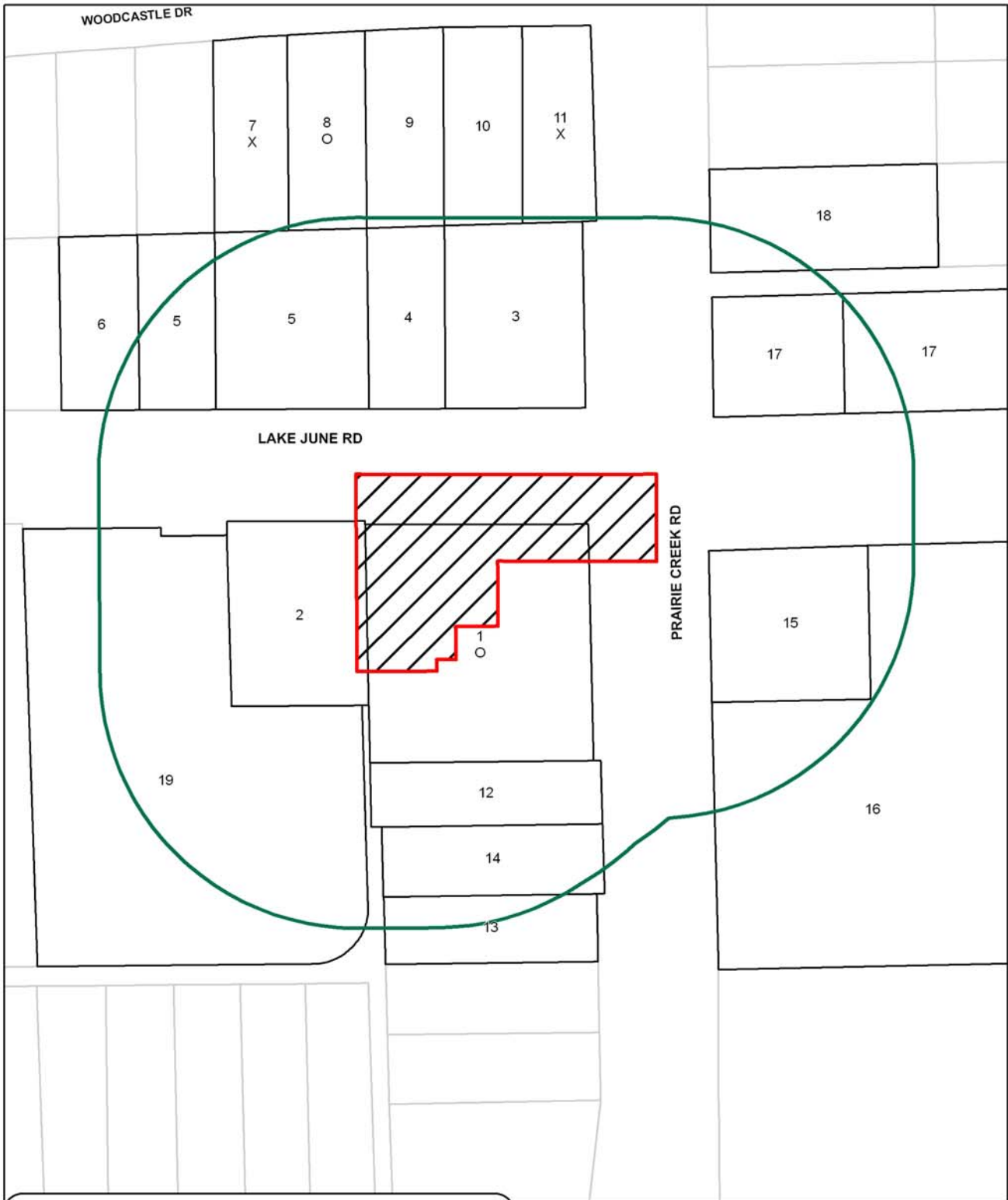
VICINITY MAP

Case no: Z123-295

Date: 6/21/2013



CPC RESPONSES



<u>19</u>	Property Owners Notified (21 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>200'</u>	Area of Notification
<u>8/22/2013</u>	Date <u>8/8/2013</u> Under Advisement

Z123-295
CPC



1:1,200

Notification List of Property Owners

Z123-295

19 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	8912 LAKE JUNE RD	REEVES GROUP LTD
2	8904 LAKE JUNE RD	OPALACH THOMAS
3	8921 LAKE JUNE RD	BALLAS VICTOR
4	8913 LAKE JUNE RD	DIAZ JUAN
5	8905 LAKE JUNE RD	MORALES CARLOS & PATRICIA L MORALES
6	8821 LAKE JUNE RD	FERRUFINO MARIA ANTONIA
7	8904 WOODCASTLE DR	MOSER ROGER C & DIXIE L MOSER
8	8908 WOODCASTLE DR	RAGSDALE GEORGE A
9	8912 WOODCASTLE DR	MENDOZA RAUL
10	8916 WOODCASTLE DR	OLDHAM DOLORIS JENNIE V
11	8920 WOODCASTLE DR	BUTLER NANCY A
12	1227 PRAIRIE CREEK RD	MORENO ISABEL
13	1219 PRAIRIE CREEK RD	RODRIGUEZ ESTEBAN & JUANA
14	1221 PRAIRIE CREEK RD	ABII EMMANUEL N
15	9000 LAKE JUNE RD	HAMM GUY L & JOYCE C
16	9020 LAKE JUNE RD	GULF REALTY INC
17	9000 LAKE JUNE RD	REALEINS PROPERTIES LTD
18	1312 PRAIRIE CREEK RD	LOPEZ MELQUIDEZ
19	8836 LAKE JUNE RD	EXCEL VENTURES LTD

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 13
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 15 P; T

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a mini-warehouse on property zoned an MU-2 Mixed Use District with deed restrictions on the south line of Lyndon B. Johnson Freeway, east of Spurling Drive

Recommendation of Staff: Approval for a ten-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval for a thirty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a site plan and conditions

Z123-233(WE)

Note: This item was considered by the City Council at a public hearing on September 11, 2013, and was taken under advisement until September 25, 2013, with the public hearing open

ACM: Theresa O'Donnell

FILE NUMBER: Z123-233(WE) **DATE FILED:** March 20, 2013
LOCATION: South line of Lyndon B. Johnson Freeway, east of Spurling Drive
COUNCIL DISTRICT: 13 **MAPSCO:** 15-P, T
SIZE OF REQUEST: Approx. 2.62 acres **CENSUS TRACT:** 96.04

APPLICANT: Dallas Spurling / 635 Ltd.

OWNER: Sanford Acquisition Company, Inc

REPRESENTATIVE: MASTERPLAN
Maxwell Fisher

REQUEST: An application for a Specific Use Permit for a mini-warehouse on property zoned an MU-2 Mixed Use District with deed restrictions.

SUMMARY: The applicant proposes to raze an existing structure and develop a mini-warehouse use that will have a retail component on the ground floor.

CPC RECOMMENDATION: Approval for a thirty-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a site plan and conditions.

PREVIOUS ACTION: On September 11, 2013, this item was held under advisement until September 25, 2013.

BACKGROUND INFORMATION:

- The applicant’s request for a Specific Use Permit will allow for the development of a 150,848 square foot mini-warehouse. The proposed mini-warehouse use will consist of two buildings: 1) a three story, 139,989 square foot building with ground retail and 2) a one-story 10,898 square foot building that is located on the southern portion of the site.
- The proposed mini-warehouse will also have an office/caretakers’ quarters that will not exceed 2,000 square feet of floor area. The caretakers’ quarters is an accessory use to the main use.
- The property currently has deed restrictions that limit the height of a parking structure to a maximum height of 36 feet, and prohibit ingress and egress to the site from Spurling Road. In addition, the deed restrictions limit curb cuts onto Spurling Road to egress from the site directing vehicles towards Lyndon B. Johnson (LBJ) Freeway. The applicant proposes no changes to the existing deed restrictions.
- The surrounding land uses consist of office and retail and personal service uses.

Zoning History: There has been one zoning change requested in the area.

1. Z123-186 On Wednesday, June 12, 2013, the City Council approved a Planned Development District for regional mixed uses in an area generally bound by Peterson Lane, both sides of Montfort Drive, James Temple Drive and a line approximately 590 feet east of Noel Road and on property zoned an RR Regional Retail District on the northeast corner of Alpha Road and the Dallas North Tollway.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
LBJ Freeway		Variable lane width	Variable lane width
Spurling Road	Local	53 ft.	53 ft.

Land Use:

	Zoning	Land Use
Site	MU-2	Vacant commercial building
North	RR	Retail
South	MF-1(A), LO-1	Undeveloped, Office
East	MU-2, MU-1, RR	Retail and personal service
West	MU-2, GO(A)	Retail and Office

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 an Urban Mixed Use Building Block.

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

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Area Plan: The *North Dallas Forum Report*, adopted by the City Council in April 1988, designates the area for retail uses. The plan recommends a balanced development pattern while not adversely impacting residential developments.

STAFF ANALYSIS:

Land Use Compatibility: The 2.62 acres site is located on the south side of Lyndon B. Johnson (LBJ) Freeway between Spurling Road and Preston Road. The applicant request for a Specific Use Permit will allow for the development of a 150,848 square foot mini-warehouse. The proposed mini-warehouse use will consist of two buildings; 1)

a three story, 139,989 square foot building with ground retail and 2) a one-story 10,898 square foot building that is located on the southern portion of the site.

The property is adjoined to the north and east by retail uses on property zoned an RR Regional Retail District, MU-1 Mixed Use District and MU-2 Mixed Use District. Property to the south is zoned an LO-1 Limited Office District and is developed as an office, with a 54-foot strip of undeveloped MF-1(A) Multifamily property that is adjacent to the southern property boundary of the request site. Properties to the west are developed with retail and office uses and are zoned for MU-2 Mixed Use and NO(A) Neighborhood Districts.

The request site is currently developed with a commercial structure that will be razed in order to develop a 150,848 square foot mini-warehouse facility. In addition, the property has deed restrictions that limit the height of a parking structure to a maximum height of 36 feet, and prohibit ingress and egress to the site from Spurling Road. In addition, the deed restrictions limit curb cuts onto Spurling Road to egress from the site directing vehicles towards Lyndon B. Johnson (LBJ) Freeway. The applicant proposes no changes to the existing deed restrictions.

The site is situated with frontage to the Lyndon B. Johnson service road. According to the applicant's representative, the nearest entrance / exit ramp is approximately 1 to 2 miles west of the site, which makes the site's accessibility undesirable for retail development. Given the location and the adjoining non-residential development, the proposed use is compatible with the surrounding development. Furthermore, the only allowed access onto the site is from the service road because the current deed restrictions prohibit access to the site from Spurling Road.

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 the attached conditions, is consistent with the intent of the Dallas Development Code. Staff's recommendation is for approval for a ten-year period with eligibility for automatic renewals for additional ten-year periods, subject to a revised site plan and conditions. However, the City Plan Commission recommended a

thirty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a revised site plan and revised conditions.

Development Standards:

DISTRICT	SETBACKS		Density	Height	Lot Coverage	Special Standards	PRIMARY Uses
	Front	Side/Rear					
MU-2 Mixed use-2	15'	20' adjacent to residential OTHER: No Min.	1.6 FAR base 2.0 FAR maximum + bonus for residential	135' 10 stories 180' 14 stories with retail	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. The southern portion of the site is undeveloped and is zoned an MF-1(A) Multifamily District. Article X requires a 10-foot buffer strip between non-residential and residential uses; however, the applicant will provide a 20-foot buffer strip between the two districts.

Parking: The Dallas Development Code requires a minimum of six off-street parking for a mini-warehouse use and a maximum of two spaces for caretakers' quarters. The number of off-street parking required for the mini-warehouse use is 18 spaces and the applicant is providing 20 spaces.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.

Miscellaneous – conditions: The applicant has requested an initial time period of thirty years with eligibility for automatic renewals of ten-year periods. Staff cannot support the applicant's initial time period of thirty years. Typically, staff recommends a ten year period with eligibility for automatic renewals for additional ten-year periods for mini-warehouse uses to ensure that the proposed use is compatible with the existing development.

CPC Action (August 8, 2013)

Motion: It was moved to recommend **approval** of a Specific Use Permit for a mini-warehouse for a thirty-year period with eligibility for automatic renewal for additional ten-year periods, subject to a revised site plan and revised conditions to include the following: 1) Exterior Building Materials: The exterior perimeter walls of Building "B" facing south, west and north off Spurling Road shall be comprised of brick, stone, stucco, or a simulation or combination of such materials, however, if stucco is utilized it shall be limited to a maximum of 40% of the total surface area, 2) Enhanced Perimeter Buffer Strip, Trees Required: A minimum twenty-foot wide enhanced perimeter buffer strip shall be provided along the southern property. Within the buffer strip, a minimum of ten large trees, restricted to evergreen species, are required between the southern property line and Building "B." Street trees along Spurling Road shall also be evergreen Live Oaks. Said required trees may count towards meeting the street and site tree requirements of Section (b)(3) of Article X of the Dallas Development Code. Refer to Article X of the Dallas Development Code regarding the minimum caliper size at planting, 3) Freestanding Sign: The allowable signage is governed by Article VII of the Dallas Development Code, except that on Spurling Road, freestanding signage is limited to a monument style sign no to exceed 4 square feet in effective area. The monument sign may not be internally illuminated and 4) Driveway Entrance and Exit: There will be no entrance or exit to the mini-warehouse off Spurling Road on property zoned an MU-2 Mixed Use District with deed restrictions on the south line of Lyndon B. Johnson Freeway, east of Spurling Drive.

Maker: Schwartz
Second: Bernbaum
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum,
Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Notices: Area: 300 Mailed: 14
Replies: For: 0 Against: 4

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

LIST OF OFFICERS
Sanford Acquisition Company

- W. R. Sanford
- W.A. Sanford

LIST OF OFFICERS
Dallas Spurling / 635 Ltd.

- Charles C. Yang

**CPC PROPOSED SUP
CONDITIONS**

1. USE: The only use authorized by this specific use permit is a mini-warehouse.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC's Recommendation

3. TIME LIMIT: This specific use permit expires on _____ (thirty-year period from the passage of this ordinance), but is eligible for automatic renewal for additional ten-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's Recommendation

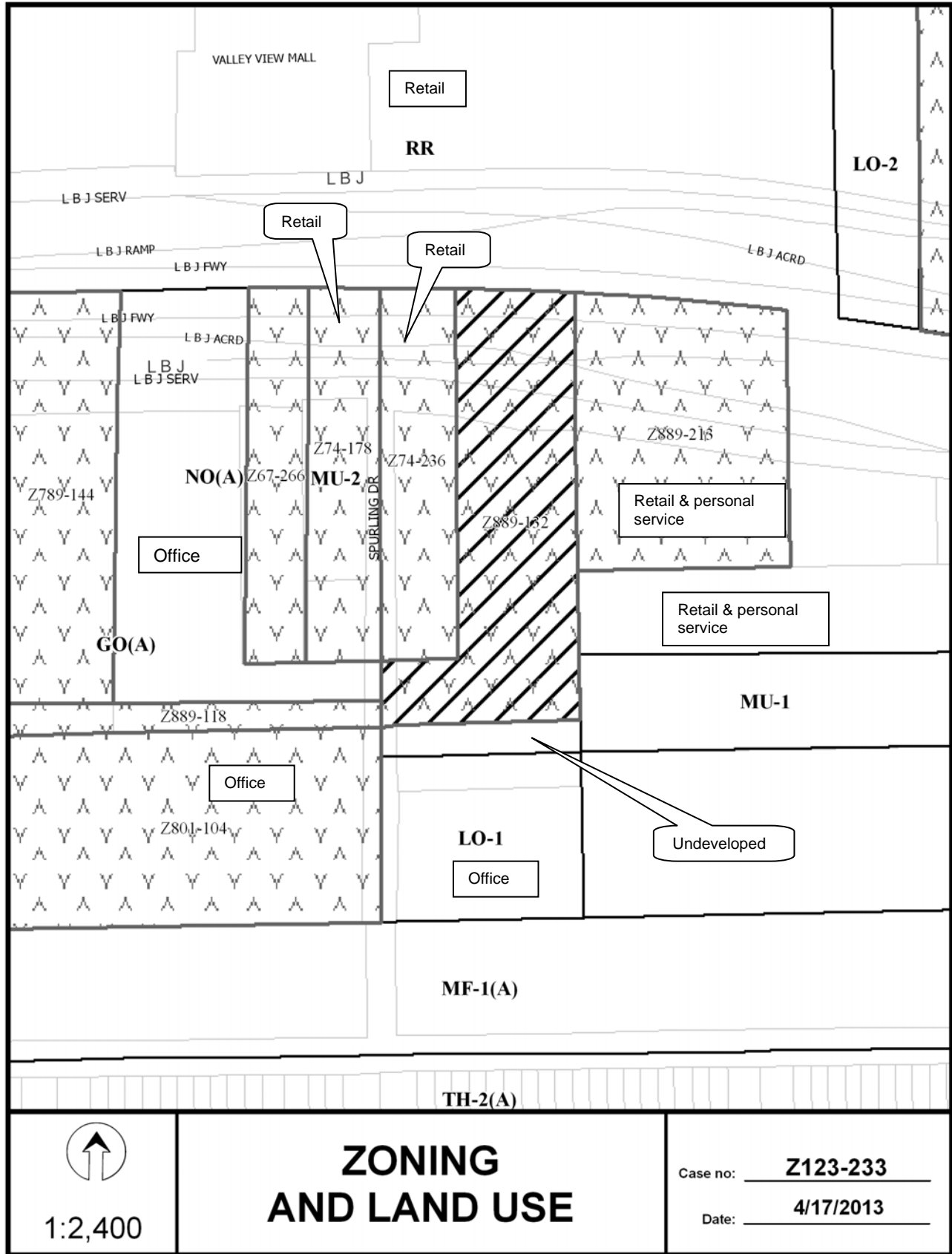
3. TIME LIMIT: This specific use permit expires on _____, (ten-year period from the passage of this ordinance), but is eligible for automatic renewal for additional ten-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the 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. FLOOR AREA:
 - a. Total maximum floor area is 150,887 square feet.
 - b. Maximum floor area for the office is 1,384 square feet in the location shown on the attached site plan.

- c. Maximum floor area for the caretaker's quarters is 2,000 square feet.
- 5. HOURS OF OPERATION: The mini-warehouse may only operate between 8:00 a.m. and 7:00 p.m., Monday through Saturday, and between 10:00 a.m. and 4:00 p.m. on Sunday.
- 6. OUTSIDE STORAGE: Outside storage of vehicles, parking for vehicles for rent, boats, and /or equipment is prohibited.
- 7. OFF-STREET PARKING: A minimum of 19 parking spaces must be provided in the location shown on the attached site plan.

CPC's Recommendation

- | |
|--|
| <ul style="list-style-type: none">8. <u>EXTERIOR MATERIALS:</u> The exterior perimeter walls of Building "B" facing south, west and north off Spurling Road shall be comprised of brick, stone, stucco, or a simulation or combination of such materials, however, if stucco is utilized it shall be limited to a maximum of 40% of the total surface area9. <u>ENHANCED PERIMETER BUFFER STRIP, TREES REQUIRED:</u> A minimum twenty-foot wide enhanced perimeter buffer strip shall be provided along the southern property. Within the buffer strip, a minimum of ten large trees, restricted to evergreen species, are required between the southern property line and Building "B." Street trees along Spurling Road shall also be evergreen Live Oaks. Said required trees may count towards meeting the street and site tree requirements of Section (b)(3) of Article X of the Dallas Development Code. Refer to Article X of the Dallas Development Code regarding the minimum caliper size at planting.10. <u>SIGNS:</u> Spurling Road is limited to a monument sign no to exceed 4 square feet in effective area. The monument sign may not be internally illuminated11. <u>MAINTENANCE:</u> The Property must be properly maintained in a state of good repair and neat appearance. |
|--|
- 12. 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.

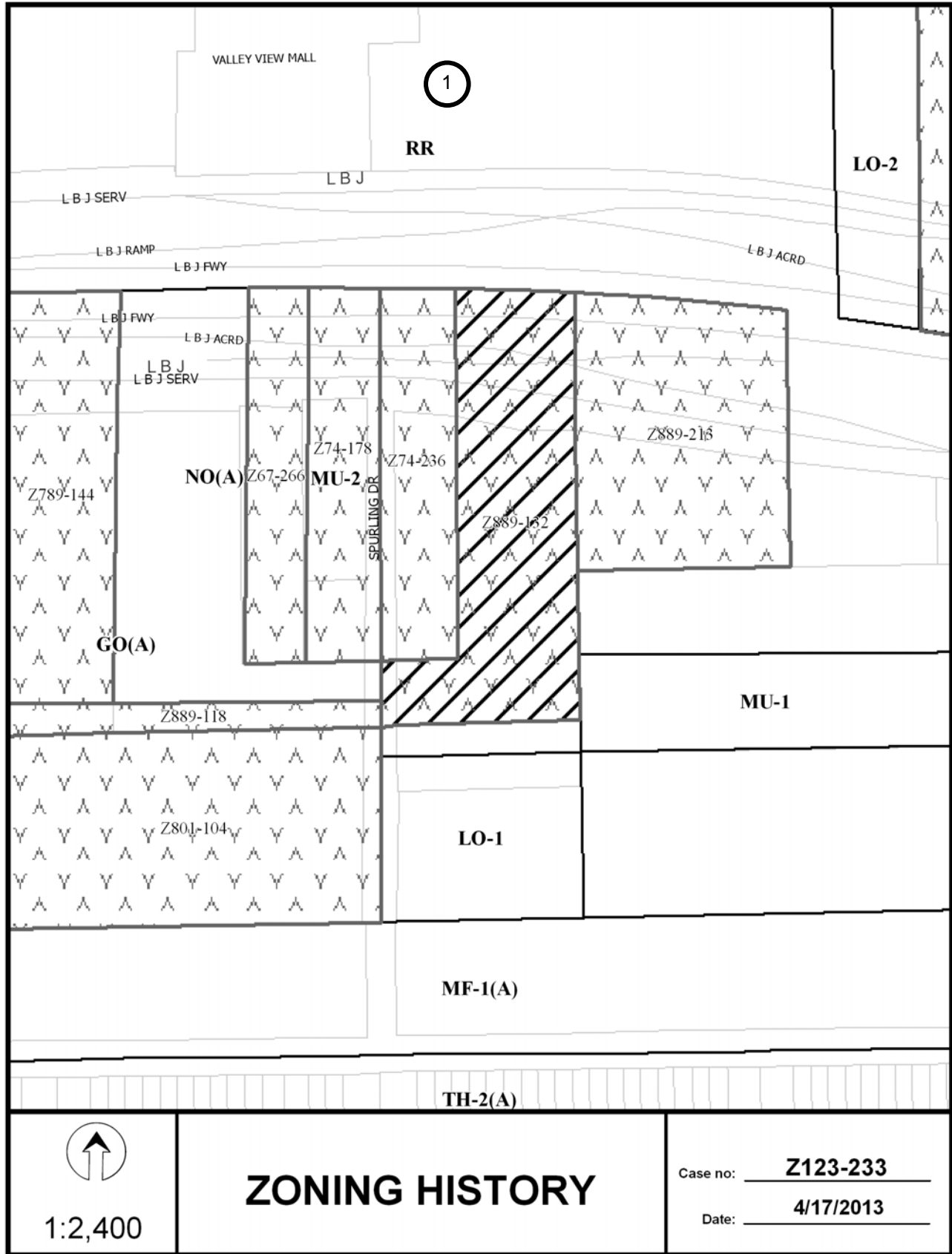


1:2,400

ZONING AND LAND USE

Case no: Z123-233

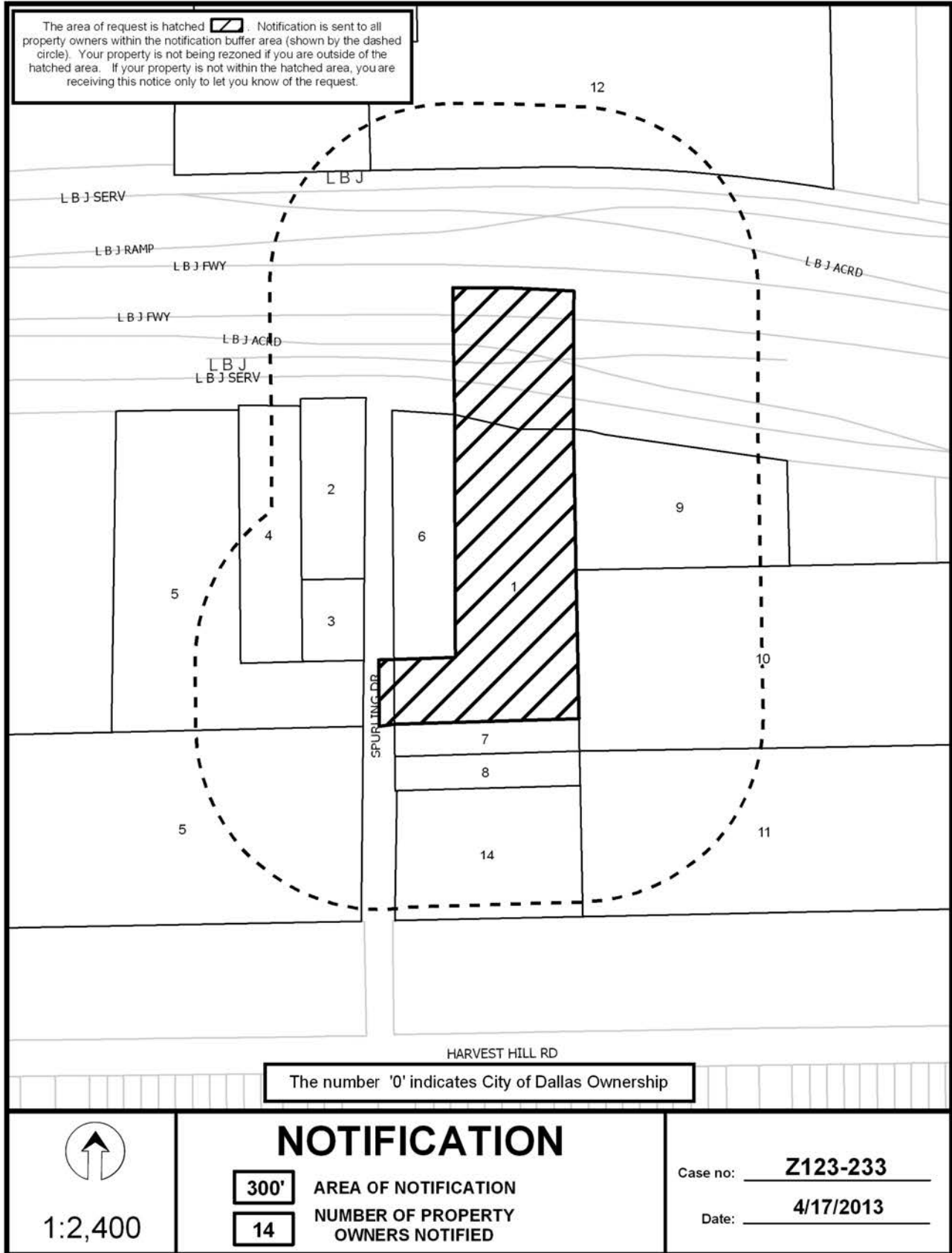
Date: 4/17/2013



ZONING HISTORY

Case no: Z123-233
Date: 4/17/2013

1:2,400



Notification List of Property Owners

Z123-233

14 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5818 LBJ FWY	DALLAS SPURLING 635 LTD
2	5756 LBJ FWY	EVERITT BETTY FAMILY LTD PARTNERSHIP
3	12900 SPURLING DR	CNL RETIREMENT CRS1 VALLEY VIEW LP #300
4	5744 LBJ FWY	CNL RETIREMENT CRS1 STE 300
5	5728 LBJ FWY	INVESTORS WARRANTY OF AMERICA INC
6	5812 LBJ FWY	HART M L TR STE 840
7	12858 SPURLING DR	GRAMKAT II LTD STE#100
8	12854 SPURLING DR	BLACK JAMES W JR
9	5850 LBJ FWY	PRESTON VALLEY SOUTH JV % CENCOR REALTY
10	12835 PRESTON RD	GRAMKAT LTD SUITE 100
11	12817 PRESTON RD	THOMPSON SAMUEL M
12	13131 PRESTON RD	SEARS ROEBUCK & CO DEPT 768 TAX B2 107A
13	13131 PRESTON RD	13331 PRESTON RD LP
14	12850 SPURLING DR	SPINDLETOP OIL & GAS CO #200

AGENDA ITEM # 60

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 7
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 48 G

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1914 for the sale or service of alcoholic beverages in conjunction with a commercial amusement (inside) on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of East R.L. Thornton Freeway, west of South Buckner Boulevard

Recommendation of Staff: Approval for a two-year period, subject to a revised site plan and conditions

Recommendation of CPC: Approval for a three-year period, subject to a revised site plan and conditions

Z123-294(MW)

Note: This item was considered by the City Council at a public hearing on September 11, 2013, and was taken under advisement until September 25, 2013, with the public hearing open

FILE NUMBER: Z123-294(MW)

DATE FILED: May 28, 2013

LOCATION: South of East R.L. Thornton Freeway, west of South Buckner Boulevard

COUNCIL DISTRICT: 7

MAPSCO: 48-G

SIZE OF REQUEST: ±3,298 sf

CENSUS TRACT: 122.07

REPRESENTATIVE: Roger Albright

APPLICANT: Garibaldi Sports Bar Private Club, Inc.

OWNER: 9334 Ltd., c/o SLJ Company, LLC, GP
Louis H. Lebowitz, President

REQUEST: An application to renew Specific Use Permit No. 1914 for the sale or service of alcoholic beverages in conjunction with a commercial amusement (inside) on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay

SUMMARY: The applicant proposes to continue the sale and service of alcoholic beverages at the existing commercial amusement (inside).

CPC RECOMMENDATION: Approval for a three-year period, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period, subject to a revised site plan and conditions.

PREVIOUS ACTION: On September 11, 2013, City Council held this item under advisement until September 25, 2013.

BACKGROUND INFORMATION:

- The request site comprises ±3,298-square feet of floor area within a ±64,000 square-foot building utilized for retail and personal service uses.
- The request site operates as a commercial amusement (inside) which is permitted by right in the RR Regional Retail District. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay.
- Specific Use Permit No. 1914 was approved on November 26, 2011 for a two-year period.
- The existing site plan includes a ±300-square foot dance floor, which is no longer in use. Therefore, the applicant proposes a revised site plan that excludes the dance floor.
- The request site is surrounded by RL Thornton Freeway right-of-way to the north; surface parking to the east; retail and personal service uses to the south and retail uses to the west.

Zoning History:

There have been no recent zoning in the vicinity of the request site.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
R.L. Thornton Freeway	Interstate Highway	Variable
Buckner Boulevard	Principal Arterial	Variable

Land Use:

	Zoning	Land Use
Site	RR-D-1	Commercial amusement (inside)
North	RR-D-1	Right-of-way
East	RR-D-1	Surface parking
South	RR-D-1	Retail and personal services
West	RR-D-1	Retail

STAFF ANALYSIS:

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 Vision Illustration depicts the request site as within a *Business Center or Corridor* Building Block. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

In general, the applicant's request for a Specific Use Permit for the sale and service of alcoholic beverages in conjunction with a commercial amusement (inside) is consistent with the following goal and policy of the Comprehensive Plan.

LAND USE ELEMENT

Goal 1.1: Promote desired development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

Land Use Compatibility:

The request site comprises ±3,298-sqaure feet of floor area within a ±64,000 square-foot building utilized for retail and personal service uses. The request site operates as a commercial amusement (inside) which is permitted by right in the RR Regional Retail District. The sale of alcoholic beverages on the property requires a specific use permit due to the D-1 Liquor Control Overlay. Specific Use Permit No. 1914 was approved on November 26, 2011 for a two-year period. The existing site plan includes a ±300-square

foot dance floor, which is no longer in use. Therefore, the applicant proposes a revised site plan that excludes the dance floor.

The request site is surrounded by RL Thornton Freeway right-of-way to the north; surface parking to the east; retail and personal service uses to the south and retail uses to the west.

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 request complies with the general provisions for consideration of a Specific Use Permit. Therefore, staff recommends approval for a two-year period, subject to a site plan and conditions.

Traffic:

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

Parking:

Parking must be provided pursuant to §51A-4.200 of the Dallas Development Code. The commercial amusement (inside) requires one (1) space per 100 square feet of floor area; the dance hall portion requires one (1) space per 25 square feet of dance floor. Therefore, 42 spaces are required.

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code. However, the applicant's request will not trigger any Article X requirements, as no new construction is proposed on the site.

CPC Action: August 8, 2013:

Motion: It was moved to recommend approval of the renewal of Specific Use Permit No. 1914 for the sale or service of alcoholic beverages in conjunction with a commercial amusement (inside) for a three-year period, subject to a revised site plan to exclude the dance floor and conditions on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay south of East R.L. Thornton Freeway, west of South Buckner Boulevard.

Maker: Bagley
Second: Tarpley
Result: Carried: 14 to 0

For: 14 - Davis, Wally, Anglin, Culbreath, Rodgers, Hinojosa, Bagley, Lavallaisaa, Tarpley, Bernbaum, Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 1 - District 10

Notices:	Area:	200	Mailed:	1
Replies:	For:	0	Against:	0

Speakers: For: Roger Albright, 3301 Elm St., Dallas, TX, 75226
Against: None

Police Report:

Specific Use Permit No. 1914 was approved on October 26, 2011. An online search of the Dallas Police Department's offense incident reports for the period from October 26, 2010 (one year prior to approval) to October 26, 2011 revealed the following results:

(Note: this report pertains to the entire shopping center and is not limited to the request site)

DALLAS POLICE DEPARTMENT										
								UCR Codes Year Codes Property Class Codes		
Virtual Viewer - Public Access										Welcome
Search Records - Offense										
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0007661-Y	01/08/2011	PACHECO,OGA,	THEFT	09334	E	RLTHORNTON...	318	1217	06903	
0007685-Y	01/09/2011	GARCIA,JUANA	THEFT	09334	E	RLTHORNTON...	318	1217	06902	
0008275-Y	01/10/2011	MUNOZ, EFRAIN	THEFT	09334	E	RLTHORNTON...	318	1217	06945	
0010651-Y	01/13/2011	*GARIBALDI BAZAAR	OTHER OFFENSES	09334	E	RLTHORNTON...	318	1217	26530	
0017804-Y	01/21/2011	RESENDEZ, OMAR	AUTO THEFT-UUMV	09334	E	RLTHORNTON...	318	1217	07692	
0024003-Y	01/28/2011	@CITY OF DALLAS	FOUND PROPERTY	09334	E	RLTHORNTON...	318	1217	43021	
0025955-Y	01/30/2011	*JERSEY'S	THEFT	09334	E	RLTHORNTON...	318	1217	06932	
0031353-Y	02/06/2011	@CITY OF DALLAS	FOUND PROPERTY	09334	E	RLTHORNTON...	318	1217	43020	
0036098-Y	02/12/2011	SAN JUAN, BEATRICE	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0050513-Y	02/28/2011	*LOMA ALTA WESTERNW...	THEFT	09334	E	RLTHORNTON...	318	1217	06932	
0089923-Y	04/10/2011	AYALA,GASPAR	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0090176-Y	04/10/2011	LEMUS,THELMA	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14081	
0100658-Y	04/21/2011	CARREON,JOSE	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0112384-Y	05/03/2011	*GARIBALDI BAZAAR	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14082	
0119955-Y	04/16/2011	CARRASCO,FLOR	THEFT	09334	E	RLTHORNTON...	318	1217	26000	06901

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Search Records - Offense										
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0131956-Y	05/22/2011	FLETCHER,FRANCISCA	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14092	
0144274-Y	12/01/2010	*PIERCING XPRESS	OTHER OFFENSES	09334	E	RLTHORNTON...	318	1217	26000	
0152390-Y	06/11/2011	LOPEZ,ADAN,	THEFT	09334	E	RLTHORNTON...	318	1217	06945	
0202276-Y	07/31/2011	BELTRAN,BENJAMIN	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0227898-Y	08/27/2011	GARCIA,YAJAIRA	THEFT	09334	E	RLTHORNTON...	318	1217	06963	
0234447-Y	09/03/2011	LOPEZ,RAUL	AUTO THEFT-UUMV	09334	E	RLTHORNTON...	318	1217	07222	
0260347-Y	10/01/2011	GUIDO,PETRA	LOST PROPERTY	09334	E	RLTHORNTON...	318	1217	42020	
0262304-Y	10/03/2011	GOMEZ,PETRA	ROBBERY	09334	E	RLTHORNTON...	318	1217	03911	
0267711-Y	10/09/2011	*FREDDIE CAR AUTO RE...	THEFT	09334	E	RLTHORNTON...	318	1217	06902	
0278906-Y	10/21/2011	ROBERTS, BENJIMIN	THEFT	09334	E	RLTHORNTON...	318	1217	06941	
0278926-Y	10/21/2011	HERNENDEZ, HECTOR	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14082	
0302144-X	10/31/2010	*TRIPLE T AMUSEMENT	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0308808-X	11/07/2010	*RENTERIA,MANUEL	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0314762-X	11/14/2010	@CITY OF DALLAS	FOUND PROPERTY	09334	E	RLTHORNTON...	318	1217	43020	
0325981-X	11/26/2010	ESPINOZA,RUDY	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14082	

Page 2 of 3 (32 items)

Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0192080-Z	08/03/2012	*GILABLADLI BAZAR	OTHER OFFENSES	09334	E	RLTHORNTON...	318	1217	26530	
0192108-Z	08/03/2012	HERNANDEZ,LIZANDRO	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0198153-Z	08/09/2012	GOMEZ,MARIA	THEFT	09334	E	RLTHORNTON...	318	1217	26000	06905
0199982-Z	08/12/2012	MELGAR,GUSTAVO	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14081	
0200001-Z	08/03/2012	ARRIAGA,RICARDO	THEFT	09334	E	RLTHORNTON...	318	1217	06901	06941
0212367-Z	08/26/2012	ALBERTO, LUIS	AUTO THEFT-UUMV	09334	E	RLTHORNTON...	318	1217	07612	
0244190-Z	09/30/2012	LOPEZ,ROBERTO	AUTO THEFT-UUMV	09334	E	RLTHORNTON...	318	1217	07263	
0268090-Z	10/27/2012	RAMOS,LAURA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0275122-Z	11/04/2012	GONZALES,CLAUDIA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0280337-Z	11/10/2012	MEDRANO,AUGUSTINE	THEFT	09334	E	RLTHORNTON...	318	1217	06954	
0291313-Y	11/04/2011	*JOAERIA LATINA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0292410-Z	11/25/2012	SANCHEZ,MARIA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0292519-Z	11/25/2012	ZUNIGA-GONZALEZ,MIG...	AGGRAVATED ASSAULT	09334	E	RLTHORNTON...	318	1217	04121	
0303198-Z	12/07/2012	MEZA,RIGOBERTO	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0304861-Z	12/09/2012	RAMIREZ,PRISCILLA	AGGRAVATED ASSAULT	09334	E	RLTHORNTON...	318	1217	04332	08312

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Below are the results from October 27, 2011 to present (July 22, 2013):

Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0002792-Z	12/31/2011	VALDEZ,EVELIO	AUTO THEFT-UUMV	09334	E	RLTHORNTON...	318	1217	07923	
0011196-A	01/14/2013	HERNANDEZ,MARIA	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0013406-A	01/17/2013	OLVERA,LINDA,	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0015673-Z	01/19/2012	*THE BEST PERFUME	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14082	
0015901-A	01/20/2013	*CENTRO DE SALUD	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0023814-A	01/21/2013	RAMIREZ,SEFERINO,	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0027434-Z	02/02/2012	ISENBERG,RALPH,	ASSAULT	09334	E	RLTHORNTON...	318	1217	08112	
0029416-Z	02/04/2012	ESTRADA,MARISOL,	OCCUPATIONAL ACCIDE...	09334	E	RLTHORNTON...	318	1217	35020	
0048707-A	02/28/2013	GRISWOLD,JAMES	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0050927-Z	03/01/2012	*GARIBALDI BAZAAR	BURGLARY	09334	E	RLTHORNTON...	318	1217	05292	26530
0056410-A	03/09/2013	HERNANDEZ,JOSE	THEFT	09334	E	RLTHORNTON...	318	1217	06941	
0062114-A	03/16/2013	BENITEZ,ADAN	ROBBERY	09334	E	RLTHORNTON...	318	1217	03912	
0065543-Z	03/18/2012	RESENDIZ, ALFREDO	TRAFFIC MOTOR VEHICLE	09334	E	RLTHORNTON...	318	1217	32090	
0070649-A	03/16/2013	SAUCEDO,MARIA,	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14081	
0098120-A	04/21/2013	SAUCEDO,MARIA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	

Page 1 of 4 (54 items)

Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0110481-Z	04/29/2012	*COBAR COMPUTERS	FORGERY & COUNTERFEI...	09334	E	RLTHORNTON...	318	1217	10021	
0110482-Z	04/29/2012	*COBAR COMPUTERS	FORGERY & COUNTERFEI...	09334	E	RLTHORNTON...	318	1217	10021	
0110483-Z	05/03/2012	*COBAR COMPUTERS	FORGERY & COUNTERFEI...	09334	E	RLTHORNTON...	318	1217	10021	
0110927-A	05/05/2013	ORDUNA, JOSE	THEFT	09334	E	RLTHORNTON...	318	1217	06941	
0111627-Z	05/07/2012	RAMIREZ,SEFERINO	FORGERY & COUNTERFEI...	09334	E	RLTHORNTON...	318	1217	10121	
01116794-A	05/11/2013	ACOSTA,MARIA,	THEFT	09334	E	RLTHORNTON...	318	1217	06902	
01117533-Z	04/30/2012	*COBAR COMPUTERS	FORGERY & COUNTERFEI...	09334	E	RLTHORNTON...	318	1217	10021	
0129990-A	05/25/2013	JIMENEZ,LENNY ST	LOST PROPERTY	09334	E	RLTHORNTON...	318	1217	42020	
0141285-Z	06/08/2012	@CITY OF DALLAS	OTHER OFFENSES	09334	E	RLTHORNTON...	318	1217	26210	
0150732-A	05/14/2013	GONZALEZ, ANAIS	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0155755-Z	06/25/2012	VAZQUEZ,ISRAEL	TRAFFIC MOTOR VEHICLE	09334	E	RLTHORNTON...	318	1217	32090	
0156787-A	06/21/2013	ORTEGA,ROSIE	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0158662-A	06/23/2013	RAMIREZ, JANETT	THEFT	09334	E	RLTHORNTON...	318	1217	06902	
0182535-Z	07/23/2012	BAZ, LUIZ	TRAFFIC MOTOR VEHICLE	09334	E	RLTHORNTON...	318	1217	32090	
0185749-A	07/21/2013	@MUSCIS CENTER	THEFT	09334	E	RLTHORNTON...	318	1217	06932	

Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0192080-Z	08/03/2012	*GILBLADLI BAZAR	OTHER OFFENSES	09334	E	RLTHORNTON...	318	1217	26530	
0192108-Z	08/03/2012	HERNANDEZ,LIZANDRO	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0198153-Z	08/09/2012	GOMEZ,MARIA	THEFT	09334	E	RLTHORNTON...	318	1217	26000	06905
0199982-Z	08/12/2012	MELGAR,GUSTAVO	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14081	
0200001-Z	08/03/2012	ARRIAGA,RICARDO	THEFT	09334	E	RLTHORNTON...	318	1217	06901	06941
0212367-Z	08/26/2012	ALBERTO, LUIS	AUTO THEFT-UUMV	09334	E	RLTHORNTON...	318	1217	07612	
0244190-Z	09/30/2012	LOPEZ,ROBERTO	AUTO THEFT-UUMV	09334	E	RLTHORNTON...	318	1217	07263	
0268090-Z	10/27/2012	RAMOS,LAURA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0275122-Z	11/04/2012	GONZALES,CLAUDIA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0280337-Z	11/10/2012	MEDRANO,AUGUSTINE	THEFT	09334	E	RLTHORNTON...	318	1217	06954	
0291313-Y	11/04/2011	*JOAERIA LATINA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0292410-Z	11/25/2012	SANCHEZ,MARIA	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0292519-Z	11/25/2012	ZUNIGA-GONZALEZ,MIG...	AGGRAVATED ASSAULT	09334	E	RLTHORNTON...	318	1217	04121	
0303198-Z	12/07/2012	MEZA,RIGOBERTO	THEFT	09334	E	RLTHORNTON...	318	1217	06901	
0304861-Z	12/09/2012	RAMIREZ,PRISCILLA	AGGRAVATED ASSAULT	09334	E	RLTHORNTON...	318	1217	04332	08312

Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0304955-Z	12/09/2012	AYALA, BYRON	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14082	
0306217-Y	11/20/2011	ASCENCIO,IVAN	THEFT	09334	E	RLTHORNTON...	318	1217	06951	
0309893-Y	11/25/2011	*KATHYS BOTANICA	THEFT	09334	E	RLTHORNTON...	318	1217	06933	
0315475-Z	12/09/2012	DELGADO,ENANUEL	FRAUD	09334	E	RLTHORNTON...	318	1217	11110	
0322403-Y	12/10/2011	MORALES, TIOFELO	ROBBERY	09334	E	RLTHORNTON...	318	1217	03822	
0324143-Y	12/12/2011	PEDRAZA,ALBERTO,	AUTO THEFT-UUMV	09334	E	RLTHORNTON...	318	1217	07222	
0324388-Y	12/12/2011	HERRERA,DORA,	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14082	
0324389-Y	12/12/2011	NAYIBE,AGEL,	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14081	
0324390-Y	12/12/2011	BALDERRAMA,GABRIEL,	CRIMINAL MISCHIEF/VA...	09334	E	RLTHORNTON...	318	1217	14082	

Z123-294
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 commercial amusement (inside).
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC recommended:

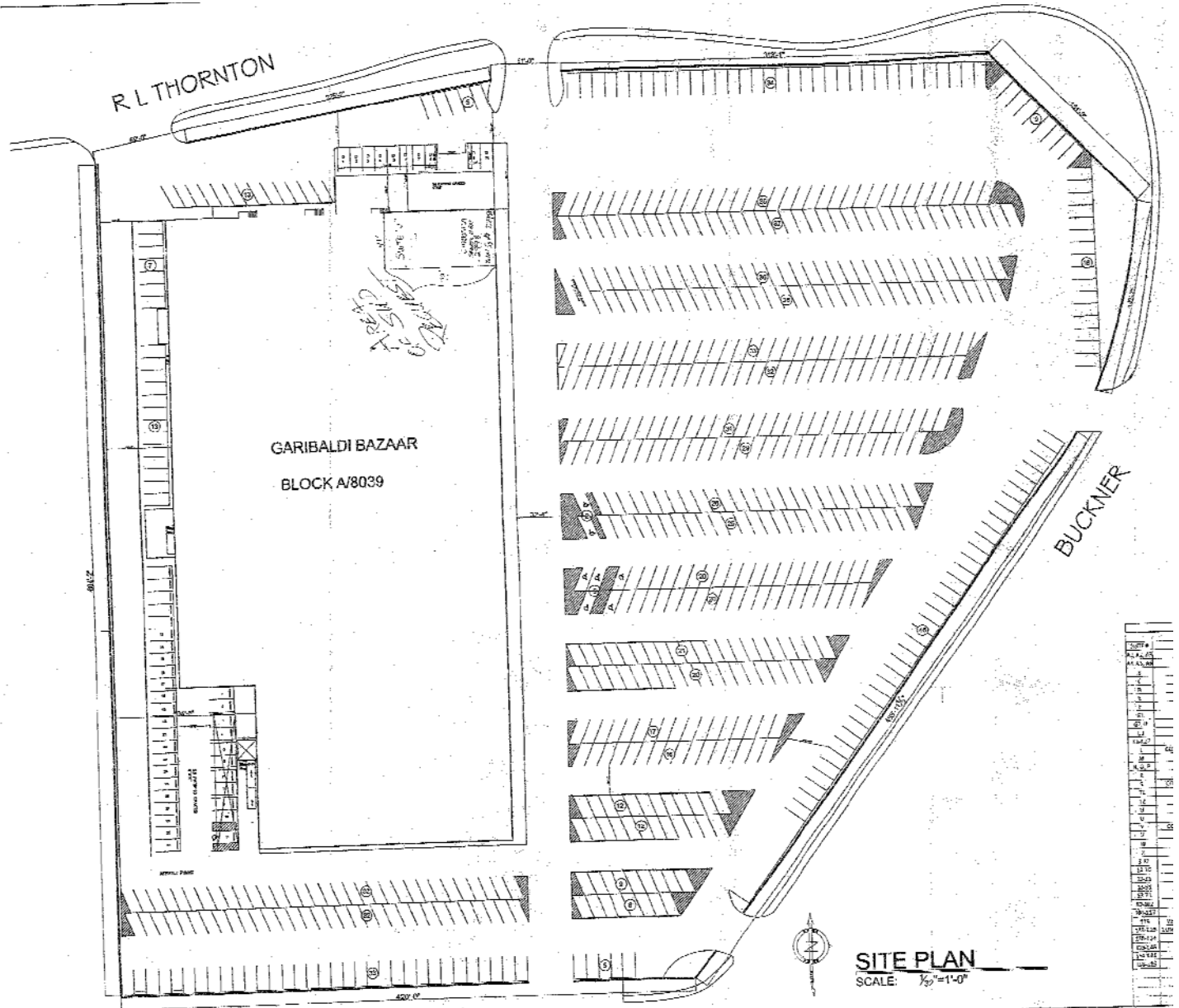
- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit automatically terminates on October 26, 2013
<u>expires on (three years)</u> . |
|--|

Staff recommended:

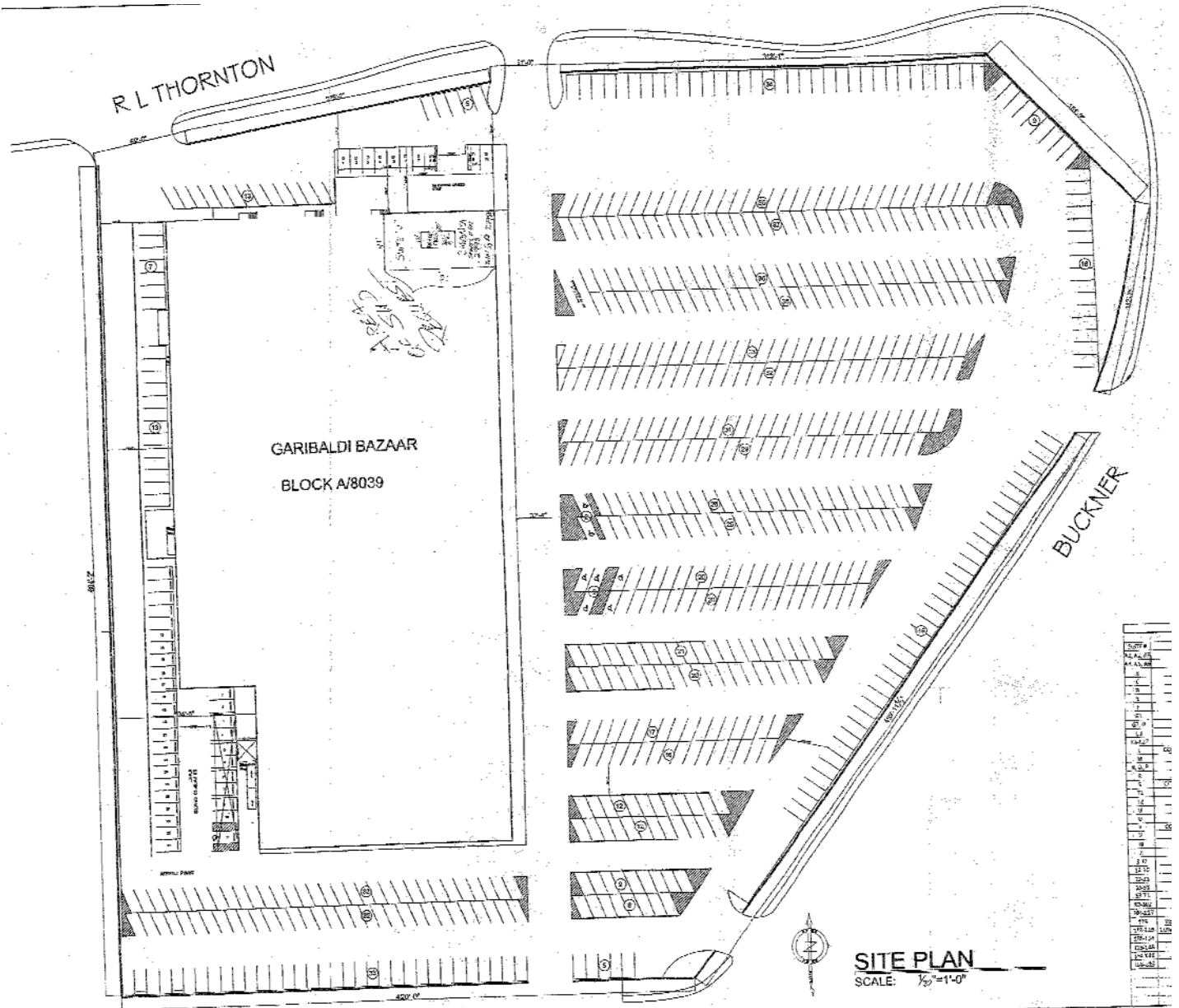
- | |
|--|
| 3. <u>TIME LIMIT</u> : This specific use permit automatically terminates on October 26, 2013
<u>expires on (two years)</u> . |
|--|

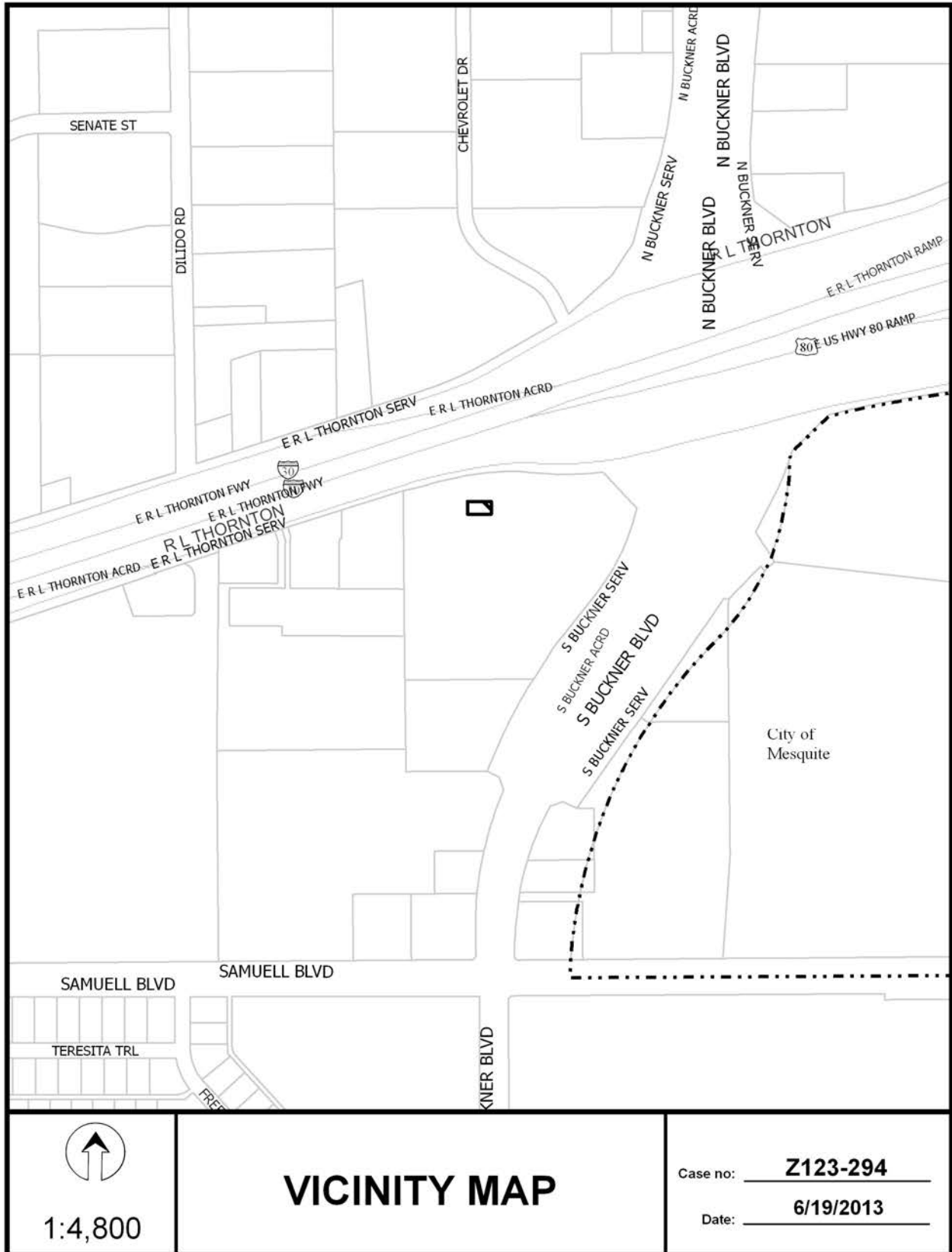
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

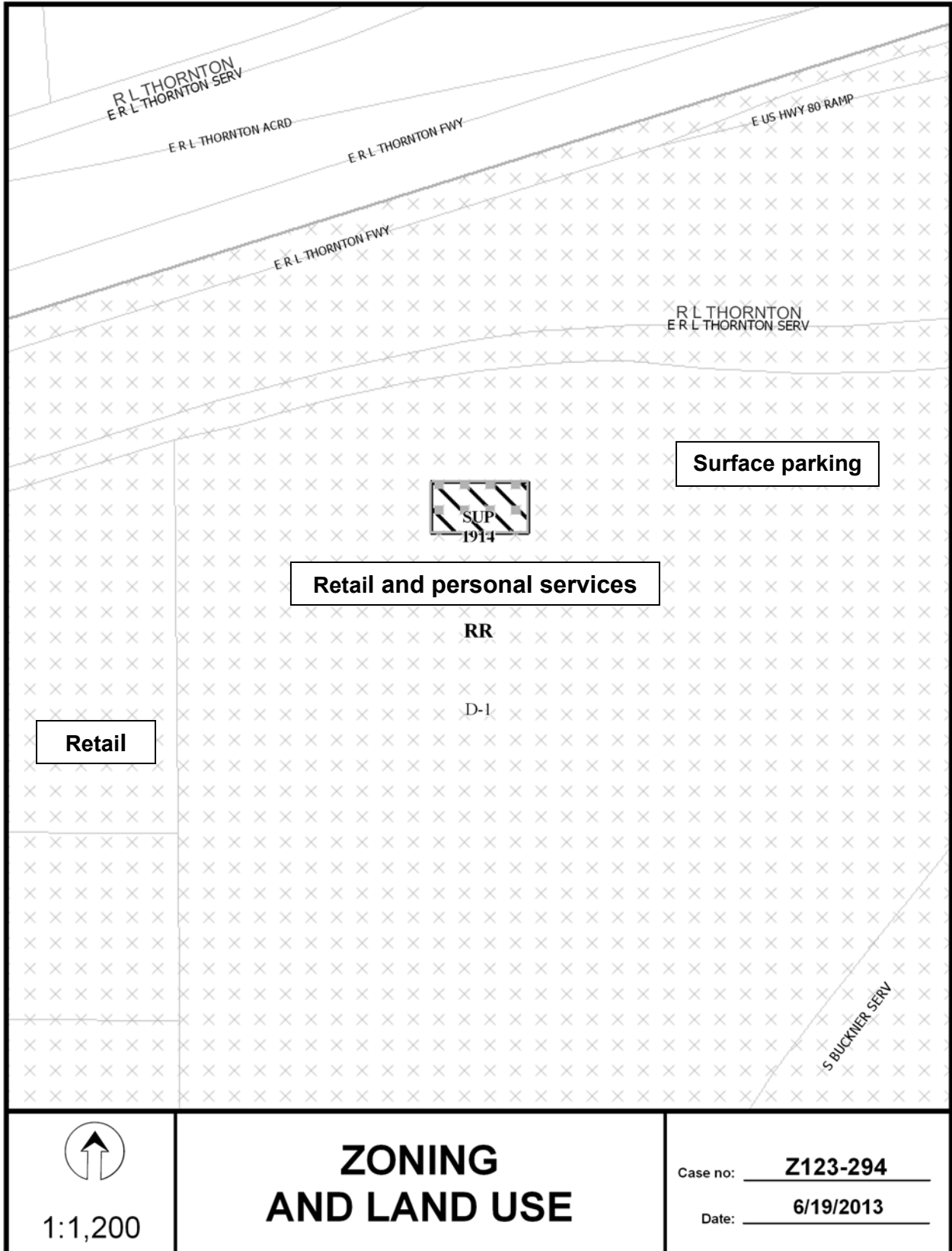
Proposed Site Plan (revised to exclude dance floor)



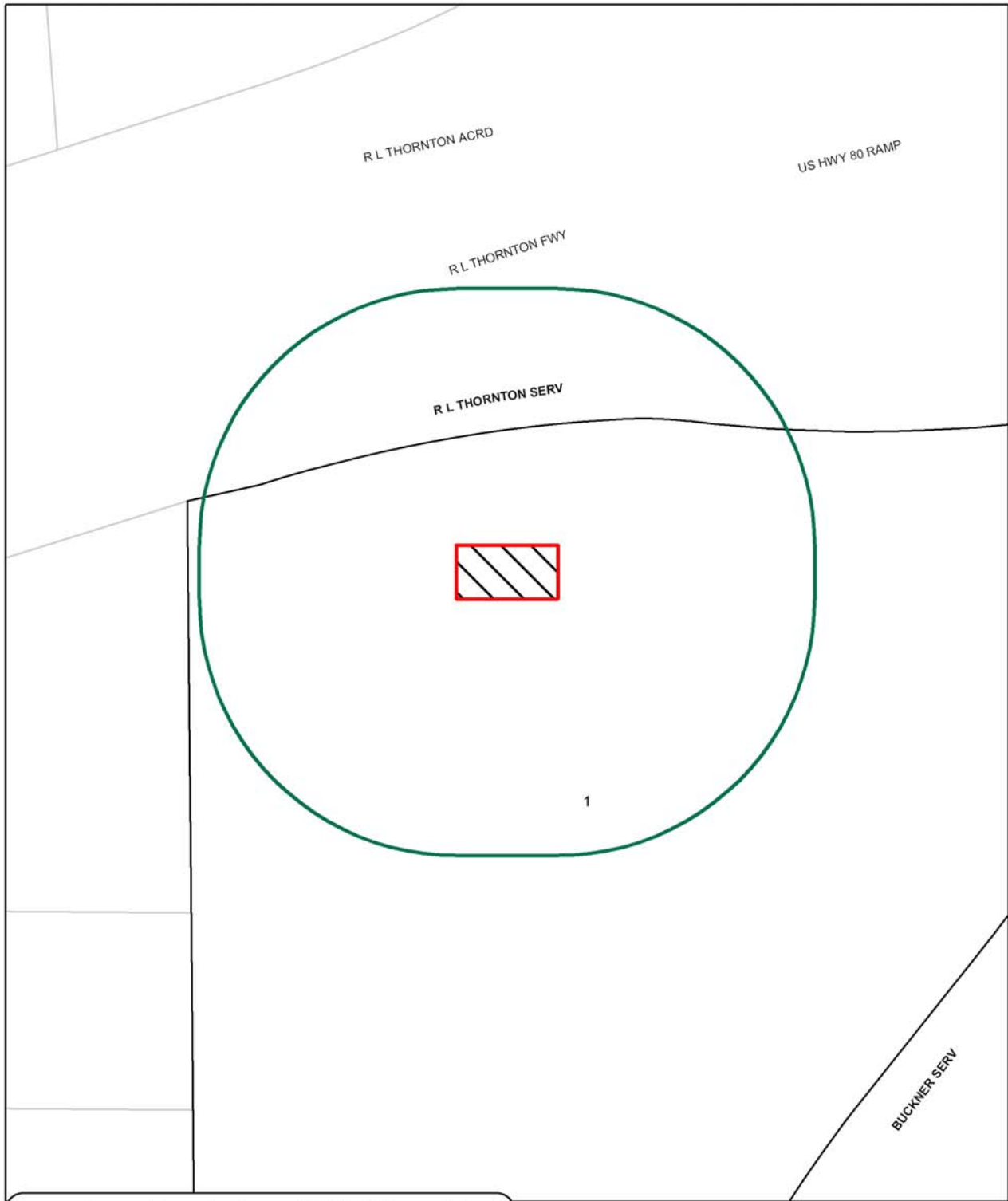
Existing Site Plan







CPC Responses



<u>1</u>	Property Owners Notified (1 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>8/8/2013</u>	Date

Z123-294
CPC



1:1,200

Z123-294(MW)

8/8/2013

Reply List of Property Owners

Z123-294

1 Property Owners Notified 0 Property Owners in Favor 0 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	9334 R L THORNTON FWY	9334 LTD

AGENDA ITEM # 61

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 25, 2013
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 34 P

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District Uses on property zoned an IR Industrial Research District on the northwest line of Manor Way, between Maple Avenue and Denton Drive
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z123-192(RB)

FILE NUMBER: Z123-192(RB)

DATE FILED: February 4, 2013

LOCATION: Northwest Line of Manor Way, between Maple Avenue and Denton Drive

COUNCIL DISTRICT: 2

MAPSCO: 34 P

SIZE OF REQUEST: Approx. 16.8 Acres

CENSUS TRACT: 4.06

APPLICANT/OWNER: Canyon-Small Love Field, L.P.

REPRESENTATIVES: Kirk R. Williams, Tommy Mann

REQUEST: An application for a Planned Development District for MU-2 Mixed Use District Uses on property zoned an IR Industrial Research District.

SUMMARY: The applicant is proposing to redevelop the site with a mix of uses inclusive of multifamily dwelling units.

CPC RECOMMENDATION: Approval, subject to a conceptual plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a conceptual plan and conditions.

DESIGNATED ZONING CASE

BACKGROUND INFORMATION:

- The property is an assembly of various lots/tracts with frontage along Denton Drive, Manor Way, and Maple Avenue, all with mid-block face frontage.
- The site is located within the 70 DNL contour of Dallas Love Field Airport.
- The applicant proposes to redevelop the property with a mix of uses inclusive of multifamily dwelling units. At this time, no specific plans for redevelopment are planned, nor has a timeline been set for the orderly relocation of existing tenants in the various structures.
- A PDD is being requested for consideration of the following: 1) provide for residential uses; 2) revised urban form setback and tower spacing regulations; and, 3) waive the two-year waiting period for an application submitted within two years of the granting of this zoning for an SUP for a general merchandise or food store greater than 100,000 square feet.

Zoning History:

<u>File No.</u>	<u>Request, Disposition, and Date</u>
1. Z045-116	On April 13, 2005, the City Council approved an IR District.
2. Z045-119	On April 13, 2005, the City Council approved an IR District.
3. Z045-257/Z067-320	On March 8, 2006, the City Council approved an application for an MF-2(A) District, with deed restrictions and an avigation easement. On January 9, 2008, the City Council approved an MU-2 District with terminated deed restrictions.
4. Z056-145/Z078-221	On March 28, 2007 City Council approved an IR District on a property zoned MU-2 District with deed restrictions/ On August 13, 2008 City Council approved an IR District on a property zoned MU-2 District with deed restrictions.
5. Z078-275/Z112-228	On October 22, 2008, the City Council approved an MU-2 District on property zoned an IR District/On August 22, 2012, the City Council approved a WR-5 District on property zoned an MU-2 District.
6. Z078-288	On November 10, 2008, the City Council approved an MU-2 District on property zoned an IR District.

7. Z123-258

On August 8, 2013, the CPC approved an MU-2 District on property zoned an IR District. Pending a September 11, 2013 City Council public hearing.

Comprehensive Plan: The site is located in a Commercial Center or Corridor. These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development

Area Plan: The property is situated within the boundary of the Stemmons Corridor-Southwestern Medical District Area Plan, adopted by the City Council on June 10, 2010. The approximate 3,900 acre-site is generally bounded by the Trinity River, Mockingbird Lane, the downtown area, and Uptown.

The *Consensus Development Vision* for the site and immediate area is anticipated to accommodate Urban Residential Medium. This is defined as a scale of development of two to seven stories and a mix of residential housing products (approx.. 80%-90%; 10% retail and services uses). Residential uses anticipated for the site are envisioned to connect via a pedestrian-friendly streetscape along Maple Avenue and Denton Drive, the latter providing for a connection to the Denton/Inwood DART Station.

STAFF ANALYSIS:

Land Use Compatibility: The request area consists of various parcels developed with office/inside industrial and commercial uses. The applicant is anticipating redeveloping the entire area with a mix of uses, inclusive of multifamily dwelling units. At this time, there are no specific plans for redevelopment nor is there a sense of timing regarding the relocation of the existing tenant mix.

A PDD is being requested for consideration of the following: 1) provide for residential uses; 2) revised urban form setback and tower spacing regulations; and, 3) waive the two-year waiting period for an application submitted within two years of the granting of this zoning for an SUP for a general merchandise or food store greater than 100,000 square feet.

The site is surrounded by a mix of uses, inclusive of typical office, commercial, and inside industrial uses typical for this part of the city. Additionally, there has been a surge of redevelopment in the general area between Inwood Road to the and

Mockingbird Lane to the north with multifamily developments, all of which benefit from the city’s mass transit system and the Southwest Medical Center as a magnet for residential uses in close proximity to its campus. It should be noted that the Denton/Inwood DART Station is situated approximately 2,500 feet south/southeast of the site, as measured along the Denton Drive right-of-way.

As noted in the Background Section, the site is located within the 70-decibel day-night average sound level contour of Dallas Love Field Airport. The Aviation Department has reviewed the request and is recommending the redevelopment of the property invest in appropriate sound attenuation practices to address noise levels emanating from Love Field.

In summary of this analysis, staff supports the request, subject to the attached conceptual plan and staff’s recommended conditions.

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing: IR	15'	30' adj. To residential OTHER: No min	2.0:1	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
Requested: PDD-MU-2	15'	20' adj. to res.; OTHER: no minimum	1.0-3.5:1	135'-180'	80%	Revised urban form and tower spacing	Mixed uses

Thoroughfares/Streets:

Thoroughfare

Designation; Existing & Proposed ROW

Denton Drive

Local; 56' ROW

Manor Way

Local; 50" ROW

Maple Avenue

Collector; 60' & 60' ROW

Traffic: The applicant’s requested MU-2 District would provide for development rights greater than that addressed in the provided traffic impact analysis. The proposed scale of development would be consistent those development standards in the immediate area. The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request in conjunction with a requested traffic impact analysis. The TIA was prepared based on the following anticipated build-out:

Land Use	Amount	Unit
Residential Uses	600	Dwelling Units
Lodging Uses	250	Rooms
Retail and Personal Services Uses	50,000	Square Feet
Office Uses	300,000	Square Feet

While the applicant has requested development standards provided for in an MU-2 District (greater than that noted above), staff’s request for a revised traffic impact analysis address development rights greater than studied was not accommodated. In efforts to address development rights over what is anticipated, staff is recommending (and the applicant has agreed) that prior to the issuance of a building permit that would exceed the study’s focus, or an equivalent for development for any other permitted use, a revised traffic impact analysis would need to be completed and reviewed by the department’s engineering staff.

Landscaping: Minimal landscape materials exist in conjunction with the existing development across the various parcels. It is anticipated that landscaping and tree mitigation will be addressed through existing Article X regulations.

With respect to the Maple Avenue and Manor Way frontages, the applicant has agreed to provide for enhanced pedestrian amenities and specific sidewalk requirements that will support the vision for this general area within the Stemmons Corridor-Southwestern Medical District Area Plan study boundary.

Off-Street Parking: The applicant will comply with the various off-street parking regulations as outlined in the Dallas Development Code.

CPC ACTION

(August 22, 2013)

Motion: It was moved to recommend **approval** of a Planned Development District for MU-2 Mixed Use District Uses, subject to a conceptual plan and staff’s recommended revised conditions, inclusive of the handout presented during the staff briefing with a date stamp of 12:45 p.m., subject to the following condition: 1) The two-year limitation in Section 51A-4.701(d) of the Dallas Development Code is waived for applications for specific use permits for a general merchandise or food store greater than 100,000 square feet on property zoned an IR Industrial Research District on the northwest line of Manor Way, between Maple Avenue and Denton Drive.

Maker: Wally
 Second: Hinojosa
 Result: Carried: 13 to 0

Z123-192(RB)

For: 13 - Davis, Wally, Anglin, Culbreath, Rodgers,
Hinojosa, Bagley, Lavallaisaa, Bernbaum,
Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Tarpley
Vacancy: 1 - District 10

Notices: Area: 400 Mailed: 57
Replies: For: 4 Against: 4

Speakers: For: Tommy Mann, 500 Winstead Bldg., Dallas, TX, 75270
Against: None

Officers and Directors

Canyon-Small Love Field, L.P.

General Partner: Canyon Love Field GP, LLC
- Joshua S. Friedman, director
- Mitchell R. Julis, director
- K. Robert Turner, director

Limited Partner: Justin Small, director

**CPC RECOMMENDED/STAFF RECOMMENDED CONDITIONS
ARTICLE ____.**

SEC. 51P-____.101. LEGISLATIVE HISTORY.

PD ____ was established by Ordinance No. _____, passed by the Dallas City Council on _____, 2013.

SEC. 51P-____.102. PROPERTY LOCATION AND SIZE.

PD ____ is established on property located on the northeast line of Maple Avenue, north of Manor Way, and the northwest line of Manor Way, northeast of Maple Avenue. The size of PD ____ is approximately 16.8 acres.

SEC. 51P-____.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations 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) This district is considered to be a nonresidential zoning district.

SEC. 51P-____.104. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit ____A: conceptual plan.

SEC. 51P-____.105. CONCEPTUAL PLAN.

Development and use of the Property must comply with the conceptual plan (Exhibit ____A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-____.106. DEVELOPMENT PLAN.

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-____.107. MAIN USES PERMITTED.

The only main uses permitted are those main uses permitted in the MU-2 Mixed Use District, subject to the same conditions applicable in the MU-2 Mixed Use District, as set out in Chapter 51A. For example, a use permitted in the MU-2 Mixed Use District

only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-2 Mixed Use District is subject to DIR in this district, etc.

SEC. 51P-___.108. ACCESSORY USES.

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific 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.

SEC. 51P-___.109. YARD, LOT, AND SPACE REGULATIONS

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MU-2 Mixed Use District apply.

(b) Urban form setback. An additional 20-foot front yard setback is required for the main portion of a structure over 60 feet in height.

(c) Tower spacing. An additional side and rear yard setback of one foot for each two feet in height above 60 feet is required for that portion of a main structure over 60 feet in height, up to a maximum side or rear yard of 30 feet.

(d) Density. Maximum dwelling unit density is 75 units per acre.

(e) Floor area ratio. Except as provided in this subsection, maximum floor area ratio (FAR) varies depending on whether the development is a mixed-use project as follows:

[Note: The first column is the base FAR, which applies when there is no mixed-use project. The second column (MUP=2/no res.) is the FAR for a mixed-use project with a mix of two use categories when neither category is residential. The third column (MUP=2/with res.) is the FAR for a mixed-use project with a mix of residential plus one other use category. The fourth column (MUP=3/with res.) is the FAR for a mixed-use project with a mix of residential plus two or more other use categories. A mixed-use project with three use categories must include a residential use.]

Use category	Base (no MUP)	MUP=2 (no res.)	MUP=2 (with res.)	MUP=3 (no res.)	MUP=3 (with res.)
Lodging	1.6	1.7	1.8	1.8	1.9
Office	1.6	1.7	1.8	1.8	1.9
Residential	n/a	--	n/a	-	n/a
Retail and personal service	0.6	0.7	0.7	0.8	0.8
Total	1.6	1.8	2.0	2.0	2.25

(f) Phasing of development. Prior to the issuance of a building permit that would exceed that provided in Tables (f)(1) and (f)(2), a traffic impact analysis that establishes a maximum build-out of the Property must be provided to the building official.

Table (f)(1)

Land Use	Amount	Unit
Residential Uses	600	Dwelling Units
Lodging Uses	250	Rooms
Retail and Personal Services Uses	50,000	Square Feet
Office Uses	300,000	Square Feet

The following equivalency table can be utilized, by exchanging land uses totals up to the limits defined in this paragraph. The equivalency table can be used to convert between any of the land uses listed.

Table (f)(2)

One (1.0) Residential Dwelling Unit (ITE Land Use 220)	Is Considered Equivalent To:	Quantity	Use (ITE Land Use)
		1.0 Guest Room	Lodging Uses (310)
		165 SF	Retail and Personal Service Uses (820)
		420 SF	Office Uses (710)

Example: 100 residential dwelling units can be exchanged for 16,500 SF of retail uses, or 42,000 SF of office uses.

Example: 1,000 SF of office floor area can be exchanged for 393 SF of retail floor area, or 2.4 residential dwelling units.

The above table was developed by comparing the average PM peak hour trip generation for each use, using data from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. Equivalencies for other land uses not reflected in the table may be made by citing the data in the *Trip Generation Manual*, 9th or newer Edition.

SEC. 51P-___.110. OFF-STREET PARKING AND LOADING.

Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

SEC. 51P-___.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-___.112. LANDSCAPING.

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(1) Street trees.

(A) A large tree having a caliper of at least three inches must be provided for each 40 feet of frontage.

(B) Trees should be located in the planting zone, as defined in Article XIII. The building official may approve alternative locations within 30 feet of the Property line, if utility obstructions prevent planting within the planting zone.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC.51P-___.113. PEDESTRIAN AMENITIES.

Pedestrian amenities including, benches, trash receptacles, and bicycle parking must be provided along any street frontage. For purposes of this section, a minimum of one of each of the following must be provided for each street frontage, with any fraction of frontage rounding up. For example, a street frontage with 350 feet would require a minimum of two of each of the pedestrian amenities.

(a) Benches at one per 300 feet of street frontage.

(b) One trash receptacle for each 300 feet of street frontage.

(c) Bicycle parking at one five-bicycle rack for each 300 feet of street frontage.

SEC. 51P-___.114. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P-___.115. INGRESS/EGRESS.

Ingress and egress must be provided as shown on the conceptual plan. Final location of the drive approach may vary from the location shown with no increase in number of drive approaches. Final design and location must be shown on an approved development plan.

SEC. 51P-___115. 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 to authorize work, or a certificate of occupancy to authorize the operation of a use, 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.

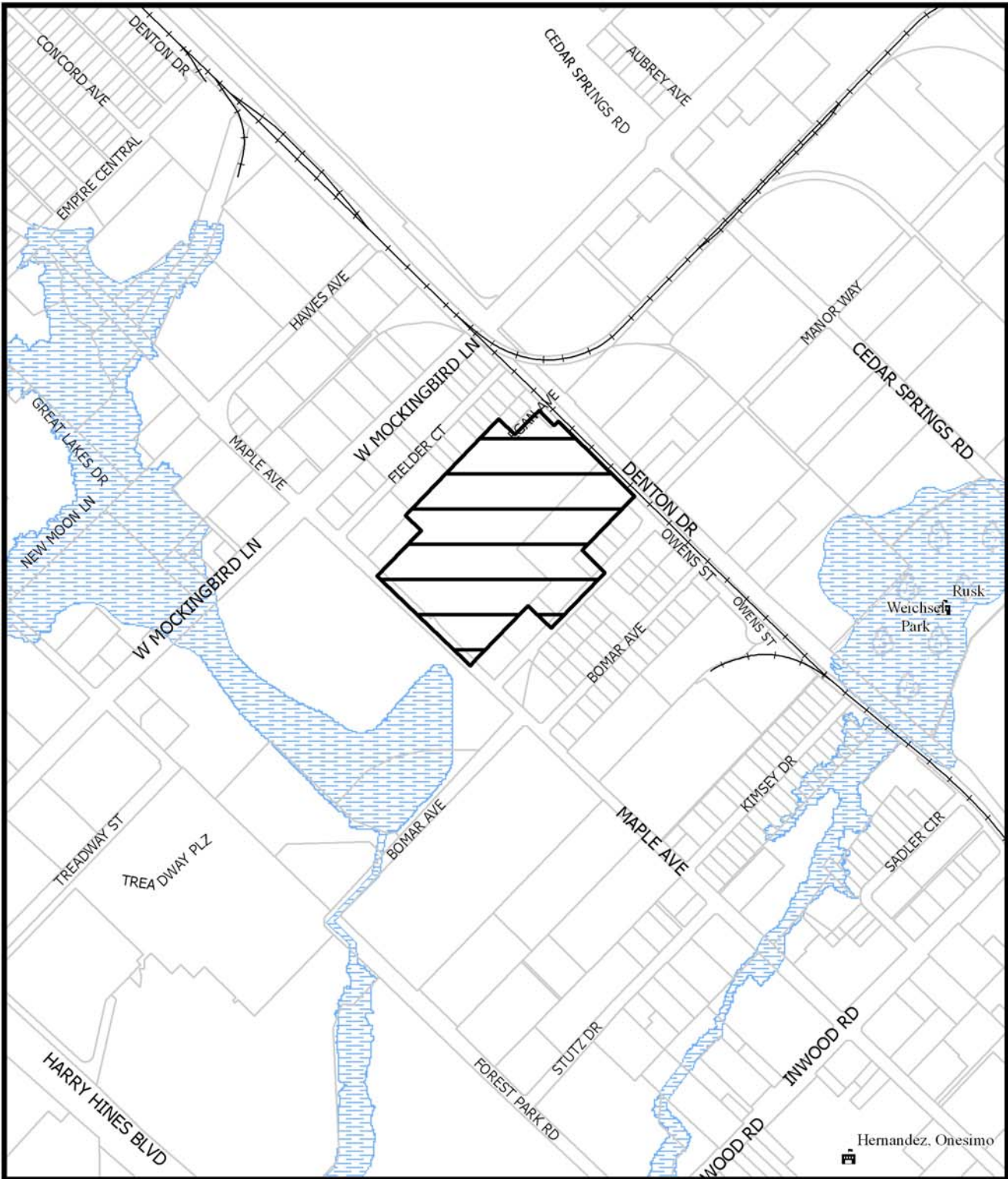
Uncodified condition regarding waiver of two-year limitation for SUP.

CPC recommended:

That the two-year limitation in Section 51A-4.701(d) of the Dallas Development Code is waived for applications for specific use permits for a general merchandise or food store greater than 100,000 square feet.

Staff recommendation:

The two-year limitation as outlined in Section 51A-4.701(d) is recommended to apply to the property.



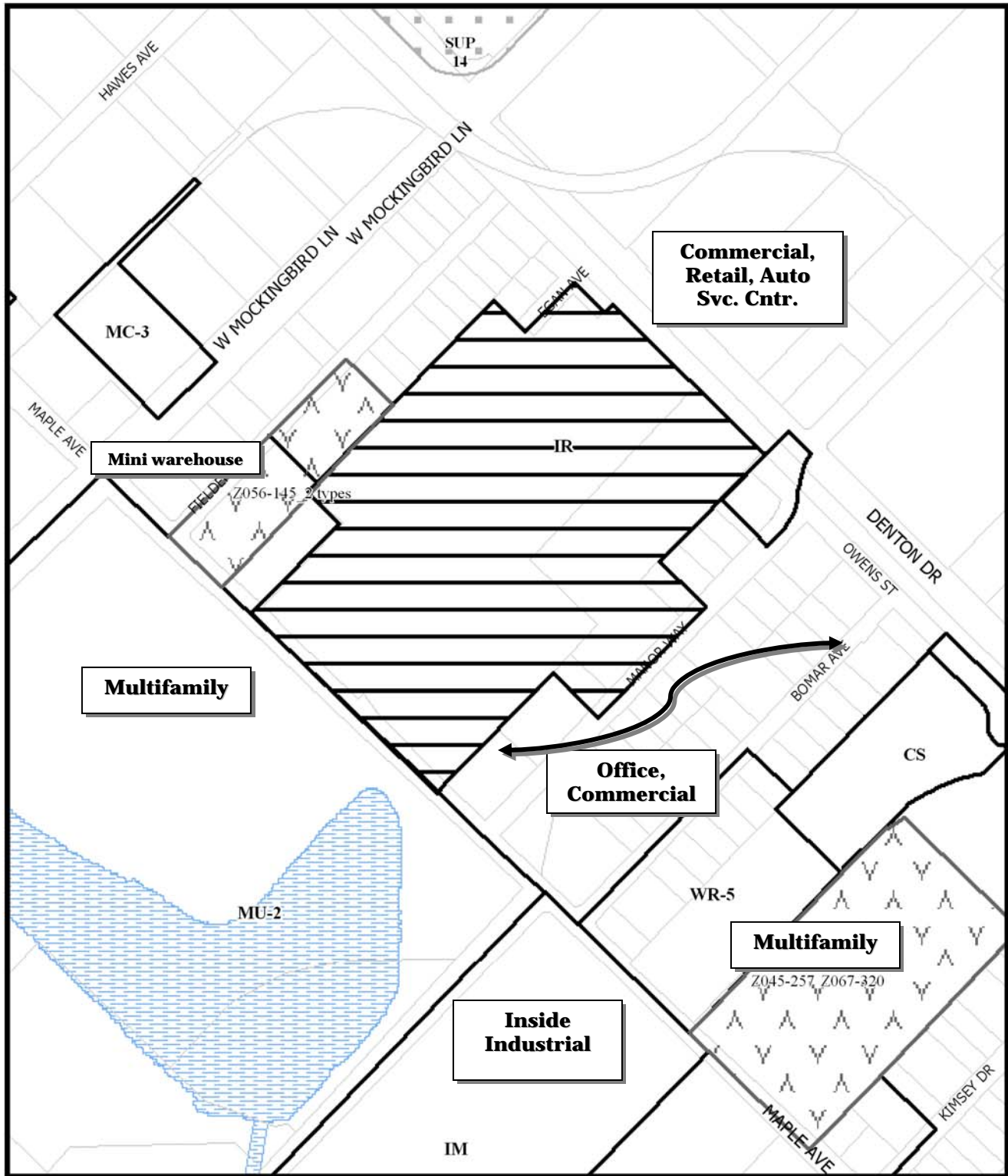
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VICINITY MAP

Case no: **Z123-192**

Date: **2/20/2013**

Hernandez, Onesimo

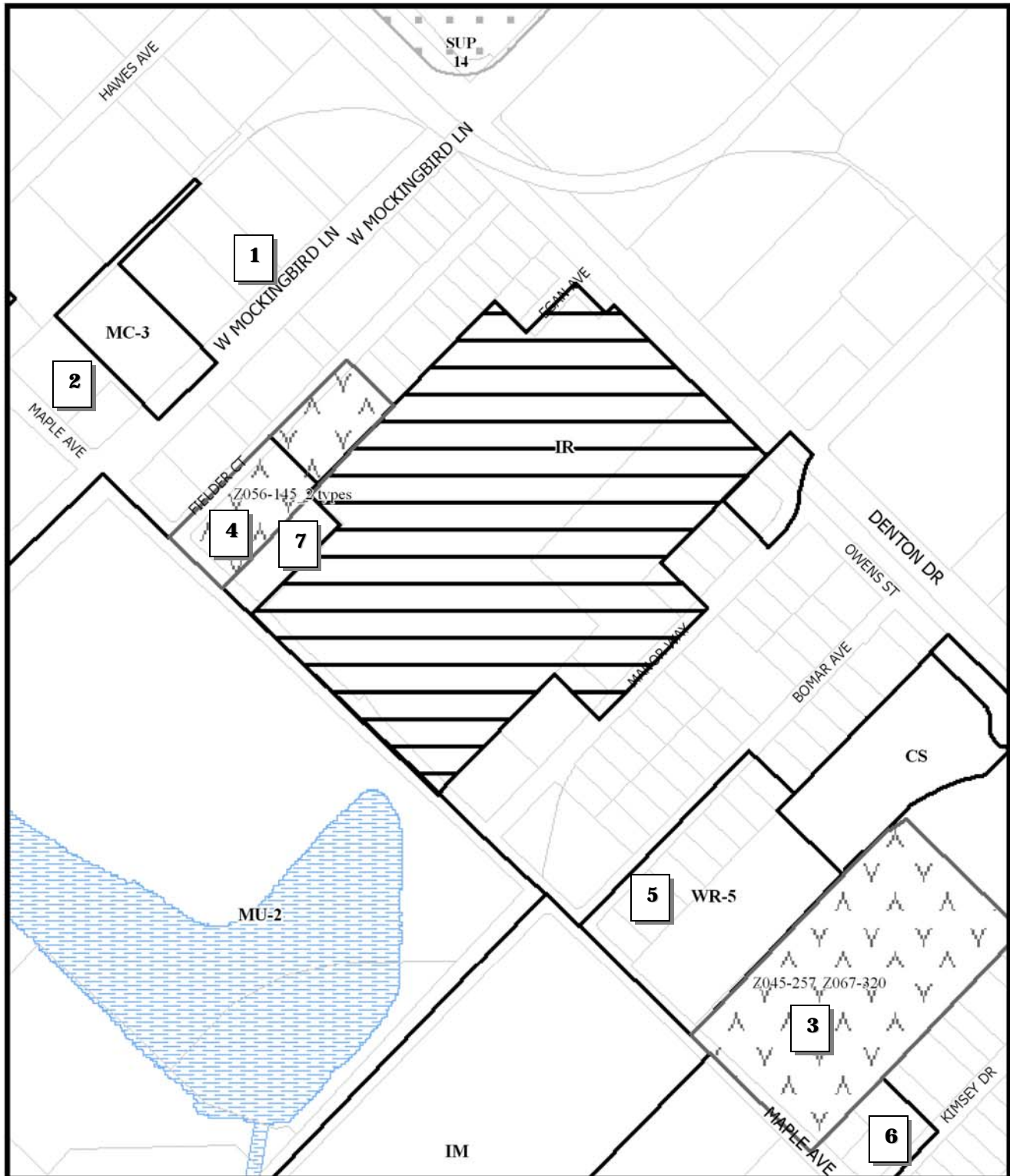


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ZONING AND LAND USE

Case no: Z123-192

Date: 2/20/2013

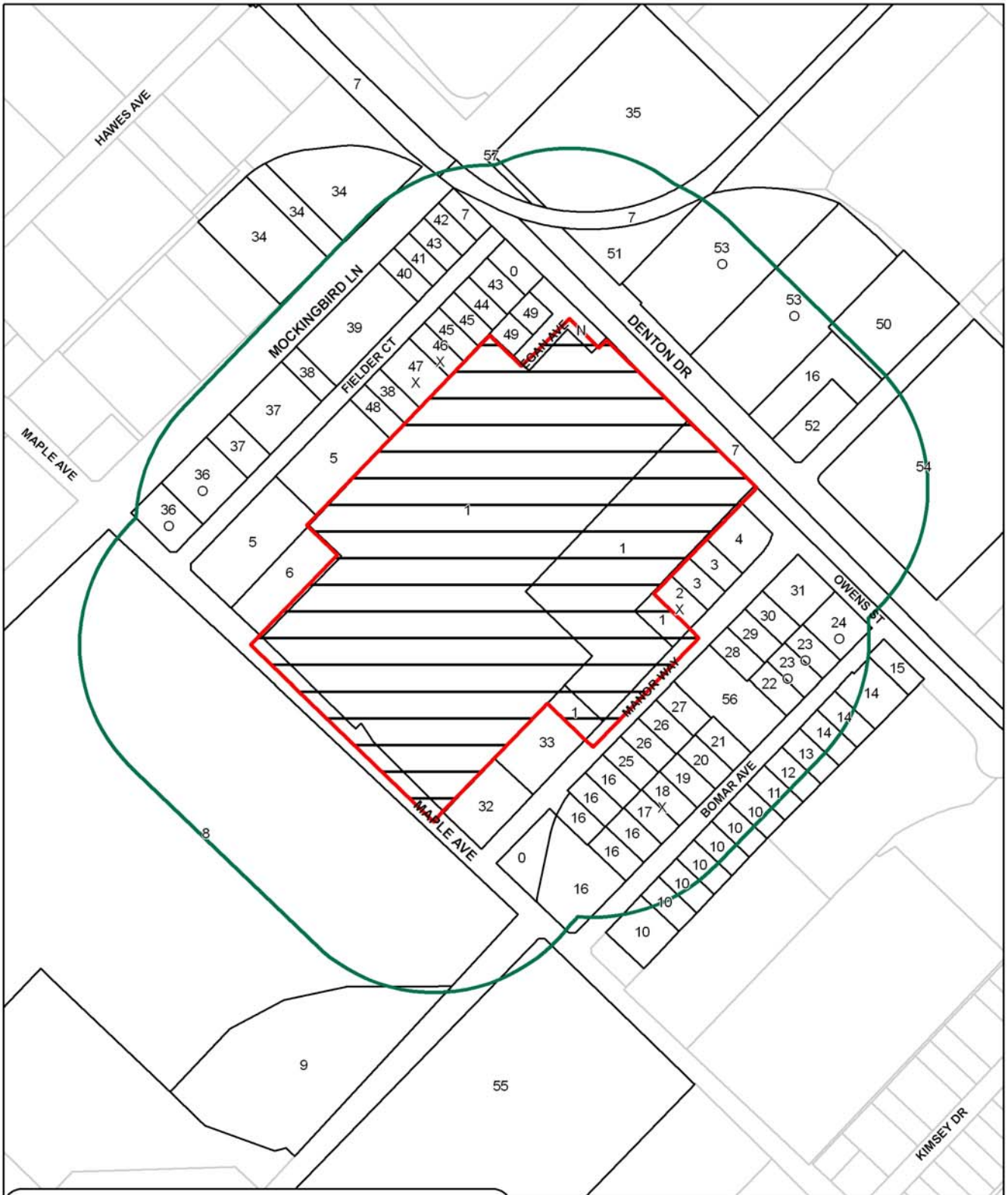


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ZONING HISTORY

Case no: **Z123-192**

Date: **2/20/2013**



<u>57</u>	Property Owners Notified (93 parcels)
<u>4</u>	Replies in Favor (7 parcels)
<u>4</u>	Replies in Opposition (4 parcels)
<u>400'</u>	Area of Notification
<u>8/22/2013</u>	Date

Z123-192
CPC



1:3,600

Reply List of Property Owners***Z123-192******57 Property Owners Notified******4 Property Owners in Favor******4 Property Owners Opposed***

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2603 MANOR WAY	CANYON FONBERG I LP
X	2	2703 MANOR WAY	NINE MANOR WAY LLC
	3	2707 MANOR WAY	DAVIS ROBERT L
	4	2719 MANOR WAY	PATTERSON PATRICIA MILLER
	5	6434 MAPLE AVE	6434 MAPLE PLACE LP
	6	6418 MAPLE AVE	FURSTENBERG INV LLC
	7	2728 MOCKINGBIRD LN	DART
	8	6535 MAPLE AVE	BOARD OF REGENTS OF THE
	9	2351 BOMAR AVE	UNIVERSITY OF TEXAS
	10	2506 BOMAR AVE	TOMAINO PPTIES LP
	11	2614 BOMAR AVE	MONTEZ ELIAS
	12	2618 BOMAR AVE	6115 DENTON LLC
	13	2622 BOMAR AVE	6115 DENTON LLC
	14	2626 BOMAR AVE	KAIM RONALD M
	15	2718 BOMAR AVE	MCCLAIN CAROLYN
	16	6200 MAPLE AVE	3605 INWOOD ROAD LP
	17	2523 BOMAR AVE	TRIGLETH GEARY
X	18	2603 BOMAR AVE	SMART MORRIS E
	19	2607 BOMAR AVE	MARTIN J C
	20	2611 BOMAR AVE	MARTIN BARRY A & TERRI J
	21	2615 BOMAR AVE	KILPATRICK EQUIPMENT CO
	22	2703 BOMAR AVE	HABITATS BY B & D
O	23	2707 BOMAR AVE	WAY BACK HOUSE INC
O	24	6211 DENTON DR	WAY BACK HOUSE INC
	25	2602 MANOR WAY	BAUTISTA ROBERT IV
	26	2606 MANOR WAY	TRAVIS DOUG

8/22/2013

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2612 MANOR WAY	KILPATRICK GEORGE H
	28	2702 MANOR WAY	MATTINGLY MARLEY ET AL
	29	2706 MANOR WAY	AFGHANIPOUR SAMAD
	30	2710 MANOR WAY	BREWER DAVID G II
	31	2720 MANOR WAY	SLOAN LEONARD & ASSOC INC
	32	6300 MAPLE AVE	R & L MAPLE ASSOCIATES LC
	33	2515 MANOR WAY	REYNA FELIPE O
	34	2727 MOCKINGBIRD LN	PRESCOTT INTERESTS LTD
	35	2800 MOCKINGBIRD LN	STINSON FLP TX PPTY LLC
O	36	2500 MOCKINGBIRD LN	JUSBAR LTD
	37	2526 MOCKINGBIRD LN	TREVINO PROPERTIES LTD
	38	2616 MOCKINGBIRD LN	HALLFORD RAY
	39	2626 MOCKINGBIRD LN	EL HUASCARAN LP
	40	2712 MOCKINGBIRD LN	WARD RONNIE J L
	41	2716 MOCKINGBIRD LN	GARZA ANGEL SERGIO &
	42	2726 MOCKINGBIRD LN	VALDES HUGO V REV LIVING TRUST
	43	2720 MOCKINGBIRD LN	MURDOCH COYLE S
	44	2718 FIELDER CT	GARZA ANGEL SERGIO &
	45	2714 FIELDER CT	GARZA VENTURES
X	46	2706 FIELDER CT	PARRAS SAMUEL
X	47	2630 FIELDER CT	PORRAS SAMUEL
	48	2622 FIELDER CT	KELLER JON &
	49	2717 EGAN AVE	CANADA WILLIAM RANDALL
	50	2825 MANOR WAY	ARMSTRONG BERGER
	51	6420 DENTON DR	NEWBURY RANDALL L &
	52	6302 DENTON DR	PRIORE INC
O	53	6320 DENTON DR	VICEROY DELIVERY LP
	54	6200 DENTON DR	SEWELL CORPORATION
	55	6114 FOREST PARK RD	DALLAS AIRMOTIVE INC
	56	2616 MANOR WAY	TRBA INC
	57	403 REUNION BLVD	DALLAS AREA RAPID TRANSIT