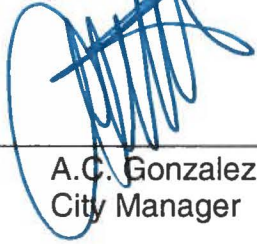


**MARCH 26, 2014 CITY COUNCIL AGENDA
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Agenda dated March 26, 2014. 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
City Manager

3/7/14

Date



Edward Scott
City Controller

3/7/14

Date

RECEIVED

2014 MAR 14 PM 4:39

CITY SECRETARY
DALLAS, TEXAS



COUNCIL AGENDA

March 26, 2014

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, MARCH 26, 2014
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 - 31

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 32 - 36

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 37 - 57

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

AGENDA
CITY COUNCIL MEETING
MARCH 26, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.

Invocation and Pledge of Allegiance (Council Chambers)

Special Presentations

Agenda Item/Open Microphone Speakers

VOTING AGENDA

1. Approval of Minutes of the February 26, 2014 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize a three-year service contract for maintenance and parts for hot water boilers at the Southside Wastewater Treatment Plant - Page Boiler, Inc., lowest responsible bidder of two - Not to exceed \$173,888 - Financing: Water Utilities Current Funds (subject to annual appropriations)
3. Authorize a three-year service contract for grounds maintenance service for Library facilities - William C Evans dba W E E Commerce Service in the amount of \$514,050 and Good Earth Corporation in the amount of \$96,390, lowest responsible bidders of four - Total not to exceed \$610,440 - Financing: Current Funds (subject to annual appropriations)

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

4. Authorize a five-year service contract for event set up and janitorial services at the Kay Bailey Hutchison Convention Center Dallas - A.C.A. Industries, Inc. dba American Maintenance, most advantageous proposer of six - Not to exceed \$21,253,314 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)
5. Authorize **(1)** an acquisition contract for the purchase and implementation of a citywide data storage system in the amount of \$1,017,559; **(2)** a five-year service contract for maintenance and support for the Citywide data system in the amount of \$427,949; and **(3)** a five-year master agreement for the purchase of additional hardware and software in the amount of \$969,834 - ViON Corporation, most advantageous proposer of five - Total not to exceed \$2,415,342 - Financing: Current Funds (\$1,451,533) and Municipal Lease Agreement Funds (\$963,809) (subject to annual appropriations)
6. Authorize a three-year master agreement for the purchase of bagged ice - Emergency Ice, Inc., lowest responsible bidder of two - Not to exceed \$343,473 - Financing: Current Funds (\$106,928), Water Utilities Current Funds (\$224,231) and Stormwater Drainage Management Current Funds (\$12,314)
7. Authorize a three-year master agreement for automotive, truck and heavy equipment batteries - Continental Battery Company, lowest responsible bidder of five - Not to exceed \$1,260,658 - Financing: Current Funds (\$1,155,778), Water Utilities Current Funds (\$61,336), Convention and Event Services Current Funds (\$19,986), Aviation Current Funds (\$11,810) and Stormwater Drainage Management Current Funds (\$11,748)
8. Authorize a three-year master agreement for the purchase of anhydrous ammonia - DPC Industries, Inc., lowest responsible bidder of two - Not to exceed \$2,636,220 - Financing: Water Utilities Current Funds
9. Authorize a three-year master agreement for the purchase of bulk liquid oxygen - Matheson Tri-Gas, Inc., lowest responsible bidder of two - Not to exceed \$6,515,002 - Financing: Water Utilities Current Funds

Code Compliance

10. Authorize a three-year contract with the Texas Department of State Health Services for asbestos abatement/demolition notification - Not to exceed \$150,000 - Financing: Current Funds (subject to annual appropriations)

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

11. Authorize a three-year agreement with Invenergy Renewable, LLC, most advantageous proposer of nine in the amount of \$1,289,254 for the purchase of renewable energy credits for the calendar years 2014, 2015, and 2016 - Not to exceed \$1,289,254 - Financing: Current Funds (subject to annual appropriations)

Housing/Community Service

12. Authorize **(1)** the acceptance of additional grant funds from the Dallas Housing Finance Corporation (DHFC) for Bexar Street Redevelopment corridor maintenance and operating expenses; and **(2)** an increase in appropriations in the amount of \$8,000, from \$120,000 to \$128,000 for operating expenses - Not to exceed \$8,000 - Financing: Dallas Housing Finance Corporation Grant Funds

Park & Recreation

13. Authorize a ten-year lease agreement, with one ten-year renewal option, with AT&T and its affiliates, to house electronic equipment for the purpose of serving the Fair Park campus in approximately 675 square feet of building space in the telephone room at the Fair Park Tower Building located at 3809 Grand Avenue - Estimated Revenue: \$100
14. Authorize Supplemental Agreement No. 2 to the professional services contract with Dan Shipley Architect, Inc. for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course located at 11223 Luna Road - Not to exceed \$20,200, from \$79,925 to \$100,125 - Financing: 2003 Bond Funds
15. Authorize Supplemental Agreement No. 2 to the master agreement for the development and operation of Robert E. Lee Park Hall with the Lee Park and Arlington Hall Conservancy for its share of public improvement costs in connection with further development of the Arlington Hall Master Plan to include construction of a ramp to connect Snyder Union Plaza on the Katy Trail to Robert E. Lee Park located at 3400 Turtle Creek Boulevard - Not to exceed \$523,000 - Financing: 2006 Bond Funds (\$97,248) and General Obligation Commercial Paper Funds (\$425,752)

Public Works Department

16. Authorize a professional services contract with JQ Infrastructure, LLC to provide design services, preparation of construction documents, and construction management services for major maintenance repairs to the Perot Museum of Nature and Science at Fair Park (formerly the Dallas Museum of Natural History) - Not to exceed \$148,320 - Financing: General Obligation Commercial Paper Funds

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

17. Authorize a professional services contract with Burgess & Niple, Inc. for the engineering design of one bridge repair and three street reconstruction projects (list attached) - Not to exceed \$591,593 - Financing: 2006 Bond Funds (\$47,949), General Obligation Commercial Paper Funds (\$489,003) and Water Utilities Capital Improvement Funds (\$54,641)
18. Authorize a professional services contract with Kimley-Horn and Associates, Inc. best qualified proposer of four, to provide engineering services for the runway, taxiway and apron airfield pavement evaluation project at Dallas Love Field - Not to exceed \$1,270,000 - Financing: Aviation Capital Construction Funds
19. Authorize a three-year professional services contract with Granzow & Associates, Inc. for elevator and escalator inspections and consulting services (list attached) - Total not to exceed \$150,000 - Financing: Current Funds (subject to annual appropriations)

Note: Item Nos. 20 and 21
must be considered collectively.

Street Reconstruction Group 06-618

20. * Authorize **(1)** a contract with Texas Standard Construction, Ltd., lowest responsible bidder of four, in the amount of \$12,150,167 for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618 (list attached); **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$482,214; and **(3)** an increase in appropriations in the amount of \$482,214 in the Capital Projects Reimbursement Fund - Not to exceed \$12,150,167 - Financing: General Obligation Commercial Paper Funds (\$5,174,591), Capital Projects Reimbursement Funds (\$482,214), Regional Toll Revenue Funds (\$5,575,791), Water Utilities Capital Improvement Funds (\$904,371) and Water Utilities Capital Construction Funds (\$13,200)
21. * Authorize **(1)** a professional services contract with Kleinfelder Central, Inc. in the amount of \$217,516 to provide construction material testing during the construction of Street Reconstruction Group 06-618; **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$13,704; and **(3)** an increase in appropriations in the amount of \$13,704 in the Capital Projects Reimbursement Fund - Not to exceed \$217,516 - Financing: General Obligation Commercial Paper Funds (\$94,184), Capital Projects Reimbursement Funds (\$13,704) and Regional Toll Revenue Funds (\$109,628)
22. Authorize an increase in the construction contract with CORE Construction Services of Texas, Inc. for the addition of folding apparatus bay doors in lieu of rolling sectional doors and modifications to the facility's natural gas piping and meter location for the Fire Station No. 32 replacement facility, located at 4262 North Jim Miller Road - Not to exceed \$110,630, from \$3,856,780 to \$3,967,410 - Financing: General Obligation Commercial Paper Funds

CONSENT AGENDA (Continued)

Public Works Department (Continued)

23. Authorize the second amendment to the contract with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2014 - Not to exceed \$49,640, from \$844,720 to \$894,360 - Financing: Texas Commission on Environmental Quality Grant Funds

Sustainable Development and Construction

24. Authorize acquisition from A. T. Manahan, Trustee, of four tracts of land containing a total of approximately 76,018 square feet, located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$215,000 (\$211,178, plus closing costs and title expenses not to exceed \$3,822) - Financing: Water Utilities Capital Improvement Funds
25. Authorize moving expense and rental assistance payments for Juan Juarez and Nohemi Maldonado in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 705 Pontiac Avenue for future City facilities - Not to exceed \$11,900 - Financing: 2006 Bond Funds
26. Authorize a ten-year lease agreement with Marcer Investments, LLC for approximately 5,000 square feet of office space located at 828 South Carrier Parkway, Suite 100, Grand Prairie to be used as a Women, Infants and Children Clinic for the period May 1, 2014 through April 30, 2024 - Not to exceed \$970,000 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)
27. An ordinance repealing Ordinance No. 28151 granted to FC Continental Complex L.P., which is now assigned to FC Continental Landlord, LLC and correcting the legal description of the license area to accurately depict the location of the two subsurface ventilation shafts within the licensed area on St. Paul Street right-of-way - Revenue: \$1,000 annually, plus the \$20 ordinance publication fee
28. An ordinance terminating Ordinance No. 24823 and consolidating the uses into a new ordinance for two sidewalk cafes and two awnings without signs, landscaping, steps and handicap access ramps within the licensed area on Stone Place right-of-way - Revenue: \$11,813 annually, plus the \$20 ordinance publication fee
29. An ordinance granting an application for a Planned Development District for LO-1 Limited Office District uses and mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned an LO-1 Limited Office District with Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of East Northwest Parkway and Solta Drive - Z123-363 - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Water Utilities

30. Authorize a professional services contract with Halff Associates, Inc. to provide **(1)** architectural and engineering services for the design of roof and HVAC systems; and **(2)** a space utilization study for the Trinity Watershed Management Department - Not to exceed \$2,653,129 - Financing: Stormwater Drainage Management Capital Construction Funds (\$70,000) and Water Utilities Capital Improvement Funds (\$2,583,129)
31. Authorize Supplemental Agreement No. 1 to the contract with the City of Mesquite for Wholesale Wastewater to add Reciprocal Agreement for Water and/or Wastewater Services - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

32. 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)

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

**City Center TIF District -
Incentives for Hartford Building Renovation**

Note: Item Nos. 33 and 34
must be considered collectively.

33. * Authorize a development agreement with The Dallas Hartford, LLC, to reimburse eligible project costs for environmental, demolition, façade restoration, and streetscape improvements associated with the Hartford Building Redevelopment project in an amount not to exceed \$1,200,000, from revenues accruing to Tax Increment Financing Reinvestment Zone Five (City Center TIF District) - Not to exceed \$1,200,000 - Financing: City Center TIF District Funds
34. * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Five (City Center TIF District) to reimburse the Dallas Hartford, LLC, up to \$1,200,000, for eligible project costs pursuant to the development agreement with the Dallas Hartford, LLC - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

Economic Development (Continued)

TCDFW Industrial Development Inc. Project

Note: Item Nos. 35 and 36 must be considered collectively.

35. * Authorize a real property tax abatement agreement with TCDFW Industrial Development Inc. located on approximately 79.05 acres north of IH-635 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas in the amount of 90 percent on the value of real property improvements for 10 years in accordance with the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$7,173; ten-year revenue estimated at \$52,682; (Estimated revenue foregone for a ten-year new business personal property abatement estimated at \$474,135)
36. * Authorize a Chapter 380 economic development grant agreement in an amount not to exceed \$875,000 with TCDFW Industrial Development Inc. related to the construction of a 500,000 square foot speculative industrial/warehouse facility, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Not to exceed \$875,000 - Financing: General Obligation Commercial Paper Funds (\$807,907) and 2006 Bond Funds (\$67,093)

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

37. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an IR Industrial Research District, on the northwest side of Kimsey Drive, northeast of Maple Avenue
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z123-339(JH)
38. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District, on both sides of Harry Hines Boulevard, northwest of Medical District Drive
Recommendation of Staff and CPC: Approval for a forty-year period, subject to a site plan and conditions
Z134-117(RB)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - CONSENT (Continued)

39. A public hearing to receive comments regarding an application for and an ordinance granting a Subdistrict 1A on property zoned Subdistrict 1 within Planned Development District No. 830, the Davis Street Special Purpose District, on the east side of North Bishop Avenue, north of Neches Street
Recommendation of Staff and CPC: Approval
Z134-127(JH)

40. A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District at the east corner of Fort Worth Avenue and Yorktown Street
Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant
Z134-134(RB)

41. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned Tract 2B in Planned Development District No. 160 on the west side of North Zang Boulevard, north of West Canty Street
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions
Z134-135(MW)

42. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1946 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property within Subarea 2, Tract 3 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and South Buckner Boulevard
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions
Z134-148(WE)

43. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 98 within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of Carlisle Street and Routh Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z134-151(JH)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

ZONING CASES - INDIVIDUAL

44. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1993 for an industrial (outside) use not potentially incompatible limited to a concrete batch plant on property zoned an IR Industrial Research District on the south side of Crystal Lake Boulevard, west of Dan Morton Drive
Recommendation of Staff: Approval for a five-year period, subject to conditions
Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions
Z134-131(MW)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

45. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for single-family detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue between Production Drive and Afton Street
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions
Z123-135(WE)
Note: This item was considered by the City Council at public hearings on January 22, 2014 and February 12, 2014, and was taken under advisement until March 26, 2014, with the public hearing open
46. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a potentially incompatible industrial use (metal or metal product treatment or processing) on property zoned Tract 1, RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the north corner of South Harwood Street and Coombs Street
Recommendation of Staff and CPC: Approval for a two-year period, subject to a site plan and conditions
Z123-325(WE)
Note: This item was considered by the City Council at a public hearing on February 26, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

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

47. A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue
Recommendation of Staff: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions
Recommendation of CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions
Z123-328(MW)
Note: This item was considered by the City Council at public hearings on January 8, 2014 and February 12, 2014, and was taken under advisement until March 26, 2014, with the public hearing open
48. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a liquor store on property zoned Subarea 10 within Planned Development District No. 298, the Bryan Area Special Purpose District, at the east corner of Live Oak Street and North Haskell Avenue
Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal of additional two-year periods, subject to a site plan and conditions
Z134-108(JH)
Note: This item was considered by the City Council at a public hearing on January 22, 2014, and was taken under advisement until March 26, 2014, with the public hearing open
49. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1711 for a vehicle or engine repair or maintenance use and add an outside salvage or reclamation use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 on the east side of C.F. Hawn Freeway, south of Lake June Road
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions
Z134-114(MW)
Note: This item was considered by the City Council at a public hearing on February 26, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

Sustainable Development and Construction (Continued)

DESIGNATED ZONING CASES - INDIVIDUAL

50. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property bounded by Hartford Street, Hawthorne Avenue, Fairmount Street west of Kings Road, and Kings Road north of Fairmount Street
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions
Z123-326(RB)

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

51. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for non-residential uses on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive
Recommendation of Staff: Denial
Recommendation of CPC: Approval, subject to a development plan and conditions
Z123-148(WE)
Note: This item was considered by the City Council at a public hearing on February 12, 2014, and was taken under advisement until March 26, 2014, with the public hearing open
52. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 759 for RR Regional Retail District uses generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue
Recommendation of Staff and CPC: Approval, subject to a revised conceptual plan and revised conditions
Z123-340(WE)
Note: This item was considered by the City Council at a public hearing on January 22, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

MISCELLANEOUS HEARINGS

Office of Financial Services

53. A public hearing to receive comments on the proposed FY 2014-15 Operating, Capital, and Grant/ Trust budgets - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

MISCELLANEOUS HEARINGS - DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development**Reinvestment Zone and Real Property
Tax Abatement Authorization****Note:** Item Nos. 54 and 55
must be considered collectively.

54. * A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 83, incorporating approximately 87 acres of property located just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas for the purpose of granting economic development incentives to Courtland Group, LLC (Courtland) - Financing: No cost consideration to the City
55. * An ordinance designating the approximately 87 acres of property located just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas as City of Dallas Reinvestment Zone No. 83, for the purpose of granting economic development incentives to Courtland Group, LLC (Courtland), establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

**Reinvestment Zone and Real Property
Tax Abatement Authorization****Note:** Item Nos. 56 and 57
must be considered collectively.

56. * Authorize a development Agreement with Courtland Group, LLC (Courtland) for the purpose of the extension of Grady Niblo Road from the existing terminus east of Mountain Creek Parkway approximately 2,400 linear feet east in proximity to the planned development site - Financing: No cost consideration to the City
57. * Authorize **(1)** a Phase I real property tax abatement agreement; and **(2)** a Phase II real property tax abatement agreement with Courtland Group, LLC (Courtland) located on approximately 87 acres just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas each in the amount of 90 percent on the value of new real property for ten years in accordance with the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$14,864; ten-year revenue estimated at \$262,452 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$2,618,145)

Professional Services Contract
Agenda Item # 17

| <u>Project</u> | <u>Council District</u> | <u>Amount</u> |
|---|--------------------------------|----------------------|
| <u>Bridge Repair</u> | | |
| Woodmeadow Parkway Bridge over Long Branch | 9 | \$ 47,949.00 |
| <u>Street Reconstruction Local Street</u> | | |
| Langdon Avenue from Thurston Drive to Denton Drive | 2 | \$ 69,680.00 |
| <u>Street Reconstruction Thoroughfares</u> | | |
| Maple Avenue from 800 feet south of Mockingbird Lane to Mockingbird Lane | 2 | \$162,351.00 |
| Woodmeadow Parkway from La Prada Drive west to the end of divided roadway | 9 | \$311,613.00 |

Elevator and Escalator Service Contract
Agenda Item # 19

| Location | Number of Units |
|-----------------------------|------------------------|
| 1600 Lamar | 1 |
| African American Museum | 2 |
| Anita Martinez Rec Center | 1 |
| Bullington Parking | 1, 2 |
| Bullington Truck Terminal | 1 |
| Cedar Crest Golf Club | 1 |
| Central Police | 1 |
| City Hall | 13 |
| Communications Building | 1 |
| Cotton Bowl | 6 |
| Dallas Arboretum | 1 |
| Dallas Central Library | 8 |
| Dallas Museum of Art | 13 |
| Dallas Theater Center | 2 |
| DETOX | 1 |
| Family Gateway | 1 |
| Fire Training | 1 |
| General Services | 1 |
| Hall of State | 2, 1 chair lift |
| Hampton Library | 1 chair lift |
| Headquarters Building | 1 |
| IMAX | 2 |
| Jack Evan Police Station | 8 |
| Majestic Theater | 1 |
| Meyerson Parking | 4 |
| Meyerson Symphony | 7 |
| Municipal Building | 4, 1 material lift |
| Museum of Natural History | 1 |
| New Streets Building | 1 |
| Oak Cliff Municipal | 3 |
| Old Mill Inn | 1 |
| Pan American Building | 1 |
| Pedestrian Walkway | 2, 4 |
| Police and Courts | 2, 2 chair lifts |
| Science Place 1 | 2, 1 chair lift |
| Science Place 2 | 1 |
| Southwest District Police | 2 |
| Texas Discovery Center | 1 |
| Sammons Center for the Arts | 1 |
| The Women's Museum | 2 |

March 26, 2014

15

Street Reconstruction Group 06-618
Agenda Item # 20

| <u>Project</u> | <u>Limits</u> | <u>Council District</u> |
|-----------------------|---|--------------------------------|
| Continental Avenue | Core Street to Riverfront Boulevard and Riverfront Boulevard to Houston Street | 2 |
| Riverfront Boulevard | Parkhouse Street to Union Pacific Railroad | 6 |

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.

AGENDA DATE March 26, 2014

| ITEM | IND | | | | | | | | DESCRIPTION |
|------|-----|-----|----------|------|---|-----------------|---------|--------|--|
| # | OK | DEF | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | |
| 1 | | | All | V | NA | NA | NA | NA | Approval of Minutes of February 26, 2014 City Council Meeting |
| 2 | | | 8 | C | PBD, WTR | \$173,888.00 | 0.00% | 0.00% | Authorize a three-year service contract for maintenance and parts for hot water boilers at the Southside Wastewater Treatment Plant |
| 3 | | | All | C | PBD, LIB | \$610,440.00 | 96.23% | 23.82% | Authorize a three-year service contract for grounds maintenance service for Library facilities |
| 4 | | | 2 | C | PBD, CES | \$21,253,313.20 | 23.80% | 23.80% | Authorize a five-year service contract for event set up and janitorial services at the Kay Bailey Hutchison Convention Center Dallas |
| 5 | | | All | C | PBD, CIS | \$2,415,342.00 | 0.00% | 0.00% | Authorize an acquisition contract for the purchase and implementation of a citywide data storage system; a five-year service contract for maintenance and support for the Citywide data system; and a five-year master agreement for the purchase of additional hardware and software |
| 6 | | | All | C | PBD, TWM, WTR | \$343,472.35 | 80.00% | 20.00% | Authorize a three-year master agreement for the purchase of bagged ice |
| 7 | | | All | C | PBD, AVI, CIS, CES, EBS, FIR, PKR, SAN, STS, TWM, WTR | \$1,260,657.66 | 100.00% | 0.00% | Authorize a three-year master agreement for automotive, truck and heavy equipment batteries |
| 8 | | | All | C | PBD, WTR | \$2,636,220.00 | 0.00% | 0.00% | Authorize a three-year master agreement for the purchase of anhydrous ammonia |
| 9 | | | All | C | PBD, WTR | \$6,515,002.00 | 100.00% | 0.00% | Authorize a three-year master agreement for the purchase of bulk liquid oxygen |
| 10 | | | All | C | CCS | \$150,000.00 | NA | NA | Authorize a three-year contract with the Texas Department of State Health Services for asbestos abatement/demolition notification |
| 11 | | | All | C | EBS, PBD | \$1,289,253.55 | 0.00% | 0.00% | Authorize a three-year agreement with Invenergy Renewable, LLC, most advantageous proposer of nine for the purchase of renewable energy credits for the calendar years 2014, 2015, and 2016 |
| 12 | | | 7 | C | HOU | GT | NA | NA | Authorize the acceptance of additional grant funds from the Dallas Housing Finance Corporation (DHFC) for Bexar Street Redevelopment corridor maintenance and operating expenses |
| 13 | | | 7 | C | PKR | REV \$100 | NA | NA | Authorize a ten-year lease agreement, with one ten-year renewal option, with AT&T and its affiliates, to house electronic equipment for the purpose of serving the Fair Park campus in approximately 675 square feet of building space in the telephone room at the Fair Park Tower Building located at 3809 Grand Avenue |
| 14 | | | 6 | C | PKR | \$20,200.00 | 100.00% | 47.80% | Authorize Supplemental Agreement No. 2 to the professional services contract with Dan Shipley Architect, Inc. for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course located at 11223 Luna Road |
| 15 | | | 14 | C | PKR | \$523,000.00 | NA | NA | Authorize Supplemental Agreement No. 2 to the master agreement for the development and operation of Robert E. Lee Park Hall with the Lee Park and Arlington Hall Conservancy for its share of public improvement costs in connection with further development of the Arlington Hall Master Plan to include construction of a ramp to connect Snyder Union Plaza on the Katy Trail to Robert E. Lee Park located at 3400 Turtle Creek Boulevard |
| 16 | | | 7 | C | PBW, OCA | \$148,320.00 | 90.90% | 69.82% | Authorize a professional services contract with JQ Infrastructure, LLC to provide design services, preparation of construction documents, and construction management services for major maintenance repairs to the Perot Museum of Nature and Science at Fair Park (formerly the Dallas Museum of Natural History) |
| 17 | | | 2, 9 | C | PBW, WTR | \$591,593.00 | 32.91% | 26.91% | Authorize a professional services contract with Burgess & Niple, Inc. for the engineering design of one bridge repair and three street reconstruction projects |
| 18 | | | 2 | C | PBW, AVI | \$1,270,000.00 | 93.71% | 24.85% | Authorize a professional services contract with Kimley-Horn and Associates, Inc. best qualified proposer of four, to provide engineering services for the runway, taxiway and apron airfield pavement evaluation project at Dallas Love Field |

AGENDA DATE March 26, 2014

| ITEM | IND | | | | | | | | DESCRIPTION |
|------|-----|-----|---|------|----------|-----------------|---------|--------|--|
| # | OK | DEF | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | |
| 19 | | | All | C | PBW | \$150,000.00 | 0.00% | 0.00% | Authorize a three-year professional services contract with Granzow & Associates, Inc. for elevator and escalator inspections and consulting services |
| 20 | | | 2, 6 | C | PBW, WTR | \$12,150,166.20 | 82.36% | 30.34% | Street Reconstruction Group 06-618: Authorize a contract with Texas Standard Construction, Ltd., lowest responsible bidder of four for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618; and the receipt and deposit of funds from Dallas County in an amount not to exceed \$482,214 |
| 21 | | | 2, 6 | C | PBW, WTR | \$217,515.25 | 100.00% | 15.00% | Street Reconstruction Group 06-618: Authorize a professional services contract with Kleinfelder Central, Inc. to provide construction material testing during the construction of Street Reconstruction Group 06-618; and the receipt and deposit of funds from Dallas County in an amount not to exceed \$13,704 |
| 22 | | | 5 | C | PBW, FIR | \$110,629.91 | 100.00% | 25.89% | Authorize an increase in the construction contract with CORE Construction Services of Texas, Inc. for the addition of folding apparatus bay doors in lieu of rolling sectional doors and modifications to the facility's natural gas piping and meter location for the Fire Station No. 32 replacement facility, located at 4262 North Jim Miller Road |
| 23 | | | All | C | PBW | GT | NA | NA | Authorize the second amendment to the contract with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2014 |
| 24 | | | Outside | C | DEV, WTR | \$215,000.00 | NA | NA | Authorize acquisition from A. T. Manahan, Trustee, of four tracts of land containing a total of approximately 76,018 square feet, located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project |
| 25 | | | 2 | C | DEV, PBW | \$11,900.00 | NA | NA | Authorize moving expense and rental assistance payments for Juan Juarez and Nohemi Maldonado in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 705 Pontiac Avenue for future City facilities |
| 26 | | | Outside | C | DEV, HOU | GT | NA | NA | Authorize a ten-year lease agreement with Marcer Investments, LLC for approximately 5,000 square feet of office space located at 828 South Carrier Parkway, Suite 100, Grand Prairie to be used as a Women, Infants and Children Clinic for the period May 1, 2014 through April 30, 2024 |
| 27 | | | 14 | C | DEV | REV \$1,000 | NA | NA | An ordinance repealing Ordinance No. 28151 granted to FC Continental Complex L.P., which is now assigned to FC Continental Landlord, LLC and correcting the legal description of the license area to accurately depict the location of the two subsurface ventilation shafts within the licensed area on St. Paul Street right-of-way |
| 28 | | | 14 | C | DEV | REV \$11,813 | NA | NA | An ordinance terminating Ordinance No. 24823 and consolidating the uses into a new ordinance for two sidewalk cafes and two awnings without signs, landscaping, steps and handicap access ramps within the licensed area on Stone Place right-of-way |
| 29 | | | 9 | C | DEV | NC | NA | NA | An ordinance granting an application for a Planned Development District for LO-1 Limited Office District uses and mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned an LO-1 Limited Office District with Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of East Northwest Parkway and Solta Drive |
| 30 | | | 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, Outside | C | WTR, TWM | \$2,653,128.64 | 97.37% | 25.66% | Authorize a professional services contract with Halff Associates, Inc. to provide architectural and engineering services for the design of roof and HVAC systems; and a space utilization study for the Trinity Watershed Management Department |
| 31 | | | All | C | WTR | NC | NA | NA | Authorize Supplemental Agreement No. 1 to the contract with the City of Mesquite for Wholesale Wastewater to add Reciprocal Agreement for Water and/or Wastewater Services |
| 32 | | | 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) |
| 33 | | | 2, 14 | I | ECO | \$1,200,000.00 | NA | NA | City Center TIF District - Incentives for Hartford Building Renovation: Authorize a development agreement with The Dallas Hartford, LLC, to reimburse eligible project costs for environmental, demolition, façade restoration, and streetscape improvements associated with the Hartford Building Redevelopment project from revenues accruing to Tax Increment Financing Reinvestment Zone Five (City Center TIF District) |

AGENDA DATE March 26, 2014

| ITEM | IND | | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | DESCRIPTION |
|------|-----|-----|----------|------|-------|--------------|-------|------|--|
| # | OK | DEF | | | | | | | |
| 34 | | | 2, 14 | I | ECO | NC | NA | NA | City Center TIF District - Incentives for Hartford Building Renovation: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Five (City Center TIF District) to reimburse the Dallas Hartford, LLC, up to \$1,200,000, for eligible project costs pursuant to the development agreement with the Dallas Hartford, LLC |
| 35 | | | 8 | I | ECO | NC | NA | NA | TCDFW Industrial Development Inc. Project: Authorize a real property tax abatement agreement with TCDFW Industrial Development Inc. located on approximately 79.05 acres north of IH-635 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas in the amount of 90 percent on the value of real property improvements for 10 years in accordance with the City's Public/Private Partnership Program |
| 36 | | | 8 | I | ECO | \$875,000.00 | NA | NA | TCDFW Industrial Development Inc. Project: Authorize a Chapter 380 economic development grant agreement with TCDFW Industrial Development Inc. related to the construction of a 500,000 square foot speculative industrial/warehouse facility, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program |
| 37 | | | 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 MF-2(A) Multifamily District uses on property zoned an IR Industrial Research District, on the northwest side of Kimsey Drive, northeast of Maple Avenue |
| 38 | | | 2 | 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 Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District, on both sides of Harry Hines Boulevard, northwest of Medical District Drive |
| 39 | | | 1 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a Subdistrict 1A on property zoned Subdistrict 1 within Planned Development District No. 830, the Davis Street Special Purpose District, on the east side of North Bishop Avenue, north of Neches Street |
| 40 | | | 6 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District at the east corner of Fort Worth Avenue and Yorktown Street |
| 41 | | | 1 | 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 child-care facility on property zoned Tract 2B in Planned Development District No. 160 on the west side of North Zang Boulevard, north of West Canty Street |
| 42 | | | 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. 1946 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property within Subarea 2, Tract 3 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and South Buckner Boulevard |
| 43 | | | 14 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 98 within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of Carlisle Street and Routh Street |
| 44 | | | 3 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1993 for an industrial (outside) use not potentially incompatible limited to a concrete batch plant on property zoned an IR Industrial Research District on the south side of Crystal Lake Boulevard, west of Dan Morton Drive |
| 45 | | | 2 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for single-family detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue between Production Drive and Afton Street |
| 46 | | | 7 | 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 potentially incompatible industrial use (metal or metal product treatment or processing) on property zoned Tract 1, RS I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the north corner of South Harwood Street and Coombs Street |

AGENDA DATE March 26, 2014

| ITEM | IND | | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | DESCRIPTION |
|------|-----|-----|----------|------|-------|---------|-------|------|---|
| # | OK | DEF | | | | | | | |
| 47 | | | 1 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting 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 on the northwest corner of West Jefferson Boulevard and North Brighton Avenue |
| 48 | | | 2 | 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 liquor store on property zoned Subarea 10 within Planned Development District No. 298, the Bryan Area Special Purpose District, at the east corner of Live Oak Street and North Haskell Avenue |
| 49 | | | 5 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1711 for a vehicle or engine repair or maintenance use and add an outside salvage or reclamation use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 on the east side of C.F. Hawn Freeway, south of Lake June Road |
| 50 | | | 2 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property bounded by Hartford Street, Hawthorne Avenue, Fairmount Street west of Kings Road, and Kings Road north of Fairmount Street |
| 51 | | | 11 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for non-residential uses on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive |
| 52 | | | 2 | PH | DEV | NC | NA | NA | A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 759 for RR Regional Retail District uses generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue |
| 53 | | | N/A | PH | OFS | NC | NA | NA | A public hearing to receive comments on the proposed FY 2014-15 Operating, Capital, and Grant/ Trust budgets |
| 54 | | | 3 | PH | ECO | NC | NA | NA | Reinvestment Zone and Real Property Tax Abatement Authorization: A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 83, incorporating approximately 87 acres of property located just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas for the purpose of granting economic development incentives to Courtland Group, LLC (Courtland) |
| 55 | | | 3 | PH | ECO | NC | NA | NA | Reinvestment Zone and Real Property Tax Abatement Authorization: An ordinance designating the approximately 87 acres of property located just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas as City of Dallas Reinvestment Zone No. 83, for the purpose of granting economic development incentives to Courtland Group, LLC (Courtland), establishing the boundaries of the Reinvestment Zone and providing for an effective date |
| 56 | | | 3 | PH | ECO | NC | NA | NA | Reinvestment Zone and Real Property Tax Abatement Authorization: Authorize a development Agreement with Courtland Group, LLC (Courtland) for the purpose of the extension of Grady Niblo Road from the existing terminus east of Mountain Creek Parkway approximately 2,400 linear feet east in proximity to the planned development site |
| 57 | | | 3 | PH | ECO | NC | NA | NA | Reinvestment Zone and Real Property Tax Abatement Authorization: Authorize a Phase I real property tax abatement agreement; and a Phase II real property tax abatement agreement with Courtland Group, LLC (Courtland) located on approximately 87 acres just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas each in the amount of 90 percent on the value of new real property for ten years in accordance with the City's Public/Private Partnership Program |

TOTAL \$56,784,041.76

AGENDA ITEM # 2

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Business Development & Procurement Services
Water Utilities

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

MAPSCO: 79G

SUBJECT

Authorize a three-year service contract for maintenance and parts for hot water boilers at the Southside Wastewater Treatment Plant - Page Boiler, Inc., lowest responsible bidder of two - Not to exceed \$173,888 - Financing: Water Utilities 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 include maintenance and parts for hot water boilers located at the Southside Wastewater Treatment Plant. The processing of the residuals at the Southside Wastewater Treatment Plant involves maintaining the temperature at a minimum of 95 degrees Fahrenheit. In order to operate the residual equipment at their optimum performance, the boilers must maintain the internal temperature at a range of 95 to 98 degrees, 24 hours a day. Additionally, the boilers are also used to provide heat for the various offices and process buildings at the Southside Wastewater Treatment Plant. This service contract will ensure the equipment will remain operational at an optimum level.

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 222 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

\$173,888.00 - Water Utilities Current Funds (subject to annual appropriations)

M/WBE INFORMATION

25 - Vendors contacted

25 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful vendor

222 - 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

Page Boiler, Inc.

| | | | |
|---------------|----|-----------------|---|
| White Male | 11 | White Female | 2 |
| Black Male | 0 | Black Female | 0 |
| Hispanic Male | 1 | Hispanic Female | 0 |
| Other Male | 0 | Other Female | 0 |

BID INFORMATION

The following bids were received from solicitation number BK1327 and were opened on October 16, 2013. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

BID INFORMATION (Continued)

*Denotes successful bidder

| <u>Bidders</u> | <u>Address</u> | <u>Amount of Bid</u> |
|------------------------------------|--|-----------------------------|
| *Page Boiler, Inc. | 8413 County Road 592 Nevada, TX 75173 | \$173,888.00 |
| DMI Corp. dba Decker Mechanical | 1002 KCK Way Cedar Hill, TX 75104 | \$218,325.84 |

OWNER

Page Boiler, Inc.

Charlie R. Page, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for maintenance and parts for hot water boilers at the Southside Wastewater Treatment Plant - Page Boiler, Inc., lowest responsible bidder of two - Not to exceed \$173,888 - Financing: Water Utilities Current Funds (subject to annual appropriations)

Page Boiler, 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 | \$173,888.00 | 100.00% |
| TOTAL CONTRACT | \$173,888.00 | 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% |

March 26, 2014

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 Page Boiler, Inc. (VS0000071088) for maintenance and parts for hot water boilers at the Southside Wastewater Treatment plant for a term of three years in an amount not to exceed \$173,888.00, 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 Page Boiler, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Page Boiler, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$173,888.00 (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: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Library

CMO: Jeanne Chipperfield, 670-7804
Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a three-year service contract for grounds maintenance services for Library facilities – William C Evans dba W E E Commerce Service in the amount of \$514,050 and Good Earth Corporation in the amount of \$96,390, lowest responsible bidders of four - Total not to exceed \$610,440 - 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.

This service contract will allow for ground maintenance service for Library facilities on a predetermined maintenance schedule as well as a provision for service calls on an as needed basis. This service contract will be used to provide mowing, trimming, weeding, fertilization, pest control, leaf and litter removal at 25 branch libraries and the Central Library. Mowing cycles range from 14 days to 30 days year round, with leaf and litter removal conducted on a weekly basis. Additionally, this contract will allow for irrigation adjustments and inspections.

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 710 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.

FISCAL INFORMATION

\$610,440.00 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

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

710 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

William C Evans dba W E E Commerce Service

| | | | |
|---------------|----|-----------------|---|
| White Male | 0 | White Female | 0 |
| Black Male | 11 | Black Female | 6 |
| Hispanic Male | 0 | Hispanic Female | 0 |
| Other Male | 0 | Other Female | 0 |

Good Earth Corporation

| | | | |
|---------------|----|-----------------|---|
| White Male | 14 | White Female | 4 |
| Black Male | 12 | Black Female | 7 |
| Hispanic Male | 79 | Hispanic Female | 9 |
| Other Male | 0 | Other Female | 0 |

BID INFORMATION

The following bids were received from solicitation number BT1401 and opened on December 19, 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.

BID INFORMATION (Continued)

*Denotes successful bidders

| <u>Bidders</u> | <u>Address</u> | <u>Amount</u> |
|---|---|----------------------|
| *William C Evans dba W E E Commerce Service | 5508 Longleaf Dr Dallas, TX 75232 | Multiple groups |
| *Good Earth Corporation | 8020 Heinen Dr. Dallas, TX 75227 | Multiple groups |
| JBa Land Management Management, LLC | 10875 Jupiter Rd. Dallas, TX 75218 | Multiple groups |
| Urban Landscaping & Irrigation | 700 S. Dallas Ave. Lancaster, TX 75146 | Multiple groups |

OWNERS

William C Evans dba W E E Commerce Service

William Evans, President
Jonathan Evans, Vice President

Good Earth Corporation

Ron Points, President
George Belk, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year service contract for grounds maintenance services for Library facilities – William C Evans dba W E E Commerce Service in the amount of \$514,050 and Good Earth Corporation in the amount of \$96,390, lowest responsible bidders of four - Total not to exceed \$610,440 - Financing: Current Funds (subject to annual appropriations)

William C Evans dba W E E Commerce Service and Good Earth Corporation are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractors.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$587,440.00 | 96.23% |
| Total non-local contracts | \$23,000.00 | 3.77% |
| TOTAL CONTRACT | \$610,440.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-------------------------------|----------------------|---------------------|----------------|
| Nelly's Tree Service | HFDB58255Y0714 | \$101,900.00 | 17.35% |
| Gabino's Advertising | HFDB58779Y0914 | \$20,500.00 | 3.49% |
| Total Minority - Local | | \$122,400.00 | 20.84% |

Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|--------------------|----------------|
| Sun Coast Resources | WFWB5951N0115 | \$23,000.00 | 100.00% |
| Total Minority - Non-local | | \$23,000.00 | 100.00% |

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------------|----------------|------------------------------|----------------|
| African American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$122,400.00 | 20.84% | \$122,400.00 | 20.05% |
| 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% | \$23,000.00 | 3.77% |
| Total | \$122,400.00 | 20.84% | \$145,400.00 | 23.82% |

March 26, 2014

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;

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 William C Evans dba W E E Commerce Service (VS0000082423) in the amount of \$514,050.00 and Good Earth Corporation (510006) in the amount of \$96,390.00, for grounds maintenance services for Library facilities for a term of three years in a total amount not to exceed \$610,440.00, 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 William C Evans dba W E E Commerce Service 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 William C Evans dba W E E Commerce Service and Good Earth Corporation under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$610,440.00 (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 # 4

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Business Development & Procurement Services
Convention and Event Services

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

MAPSCO: 45 P

SUBJECT

Authorize a five-year service contract for event set up and janitorial services at the Kay Bailey Hutchison Convention Center Dallas – A.C.A. Industries, Inc. dba American Maintenance, most advantageous proposer of six - Not to exceed \$21,253,314 - Financing: Convention and Event Services 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 provides event set up and janitorial services at the Kay Bailey Hutchison Convention Center Dallas (the Convention Center). The Convention Center has over 2.2 million square feet of space that requires janitorial service and hosts in excess of one million visitors each year, creating significant economic impact and contributes to the vitality of the downtown area and surrounding communities.

Daily janitorial maintenance will consist of cleaning of offices, public areas, restrooms, and facility exterior. Event cleaning to include exhibit halls, public areas, meeting rooms, and restrooms. Set-up tasks consist of setting chairs, tables, and stages for convention meetings. The vendor is required to provide all supplies, equipment and labor necessary for the performance of the contract. The use of environmentally friendly Green Seal certified cleaning products and supplies is a requirement in this contract. Furthermore, as additional products become Green Seal certified, the vendor is required to incorporate these products at the Convention Center.

BACKGROUND (Continued)

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

- Aviation (1)
- Parks and Recreation (1)
- Convention and Event Services (2)
- Equipment and Building Services (1)
- Business Development and Procurement Services (2)*

*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:

- | | |
|---|-----|
| ● Experience | 35% |
| ● Pricing | 30% |
| ● Staffing | 20% |
| ● Business Inclusion and Development Plan | 15% |

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 1046 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 14, 2013, this item was deferred by Mayor Pro Tem Atkins.

On August 21, 2013, City Council authorized the rejection of bids for janitorial and event set up services at the Kay Bailey Hutchison Convention Center Dallas by Resolution No. 13-1395.

On August 28, 2013 City Council authorized Supplemental Agreement No. 1 to increase the service contract to extend the contract term through February 28, 2014, for janitorial and event set up services at the Kay Bailey Hutchison Convention Center Dallas by Resolution No. 13-1507.

On March 3, 2014, this item was included as a briefing memo to the Budget, Finance, and Audit Committee.

FISCAL INFORMATION

\$21,253,313.20 - Convention and Event Services Current Funds (subject to annual appropriations)

ETHNIC COMPOSITION

A.C.A. Industries, Inc. dba American Maintenance

| | | | |
|---------------|-----|-----------------|-----|
| White Male | 32 | White Female | 22 |
| Black Male | 78 | Black Female | 22 |
| Hispanic Male | 395 | Hispanic Female | 318 |
| Other Male | 4 | Other Female | 1 |

M/WBE INFORMATION

153 - Vendors Contacted
149 - No response
4 - Response (Bid)
0 - Response (No Bid)
0 - Successful

1046 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.

PROPOSAL INFORMATION

The following proposals were received from solicitation number BKZ1401 and opened on December 5, 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> |
|---|--|---------------------|-----------------------------|
| *A.C.A. Industries, Inc. dba American Maintenance | 385 West Main St. Babylon, NY 11702 | 85.46% | \$21,253,313.20 |
| Andrews Building Services, Inc. | 11503 Reeder Rd. Dallas, TX 75229 | 83.99% | \$21,509,044.80 |

PROPOSAL INFORMATION (Continued)

| <u>Proposers</u> | <u>Address</u> | <u>Score</u> | <u>Amount of Bid</u> |
|-----------------------------------|--|---------------------|-----------------------------|
| Members Building Maintenance, LLC | 11363 Denton Dr. Suite #127 Dallas, TX 75229 | 74.95% | \$16,665,550.00 |
| CTJ Maintenance, Inc. | 6565 North MacArthur Blvd. Suite #225 Irving, TX 75039 | 72.00% | \$16,195,475.00 |
| Able Building Maintenance | 868 Folsom St. San Francisco, CA 94107 | 61.80% | \$19,280,226.44 |
| UBM Enterprise, Inc. | 11102 Ables Ln. Dallas, TX 75229 | 58.82% | \$21,483,640.00 |

OWNER**A.C.A. Industries, Inc. dba American Maintenance**

Christopher Alex, President
Joseph Alex, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a five-year service contract for event set up and janitorial services at the Kay Bailey Hutchison Convention Center Dallas – A.C.A. Industries, Inc. dba American Maintenance, most advantageous proposer of six - Not to exceed \$21,253,314 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

A.C.A. Industries, Inc. dba American Maintenance is a non-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 | \$5,058,289.00 | 23.80% |
| Total non-local contracts | \$16,195,024.20 | 76.20% |
| TOTAL CONTRACT | \$21,253,313.20 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|---|----------------------|-----------------------|----------------|
| American Corporate Building Maintenance Inc | BFMB59333N1114 | \$5,058,289.00 | 100.00% |
| Total Minority - Local | | \$5,058,289.00 | 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 | \$5,058,289.00 | 100.00% | \$5,058,289.00 | 23.80% |
| 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 | \$5,058,289.00 | 100.00% | \$5,058,289.00 | 23.80% |

March 26, 2014

WHEREAS, on August 21, 2013, City Council authorized the rejection of bids for janitorial and event set up services at the Kay Bailey Hutchison Convention Center Dallas by Resolution No. 13-1395; and,

WHEREAS, on August 28, 2013 City Council authorized Supplemental Agreement No. 1 to increase the service contract to extend the contract term through February 28, 2014, for janitorial and event set up services at the Kay Bailey Hutchison Convention Center Dallas by Resolution No. 13-1507;

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 A.C.A. Industries, Inc. dba American Maintenance (VS0000081608) for event set up and janitorial services at the Kay Bailey Hutchison Convention Center Dallas for a term of five years in an amount not to exceed \$21,253,313.20, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to A.C.A. Industries, Inc. dba American Maintenance shall be based only on the amount of the services directed to be performed by the City and properly performed by A.C.A. Industries, Inc. dba American Maintenance under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$21,253,313.20 (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 # 5

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services

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

MAPSCO: N/A

SUBJECT

Authorize **(1)** an acquisition contract for the purchase and implementation of a citywide data storage system in the amount of \$1,017,559; **(2)** a five-year service contract for maintenance and support for the Citywide data system in the amount of \$427,949; and **(3)** a five-year master agreement for the purchase of additional hardware and software in the amount of \$969,834 - ViON Corporation, most advantageous proposer of five - Total not to exceed \$2,415,342 - Financing: Current Funds (\$1,451,533) and Municipal Lease Agreement Funds (\$963,809) (subject to annual appropriations)

BACKGROUND

This acquisition contract will allow for the procurement of a replacement citywide data storage system, including installation, software, maintenance and support. The citywide data storage requirements are expanding at the rate of 30% each year. The current storage system has exceeded its life span and useful capacity and cannot be expanded further to support new applications and storage needs. Features available with the new equipment will provide efficient storage and backup capacity for both server and mainframe-based systems; to include:

- Computer-Aided Dispatch (CAD) for Police and Fire-Rescue
- Court Case Management System
- Citizen Request Management System (CRMS) 311
- Advantage 3 Financial System
- Kronos timekeeping software
- Human Resources Information System (HRIS)/Lawson

BACKGROUND (Continued)

The new technology will provide increased reliability, faster processing capabilities, and allows for larger amounts of storage in a fraction of the space previously needed. The solution proposed will not only improve the City's information technology resources to a more efficient and effective environment, it will also provide a redundant data storage system at an alternate off-site disaster recovery facility to ensure that City information and systems remain secure and accessible in the event of an emergency.

An eight member committee from the following departments reviewed and evaluated the proposals:

- Dallas Water Utilities (1)
- Sustainable Development and Construction (1)
- Communication and Information Services (4)
- Business Development & Procurement Services (2)*

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

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

- Cost 50%
- Service Level Agreement 15%
- Business Inclusion and Development Plan 15%
- Storage Technology 5%
- Autonomic Monitoring Capabilities 5%
- Training 5%
- EfficientPower Management 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 915 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 3, 2014, this item was included as a briefing memo to the Budget, Finance and Audit Committee.

FISCAL INFORMATION

\$1,451,533.00 - Current Funds (subject to annual appropriations)

\$ 983,809.00 - Municipal Lease Agreement Funds (subject to annual appropriations)

M/WBE INFORMATION

158 - Vendors contacted

158 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

915 - 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

ViON Corporation

| | | | |
|---------------|-----|-----------------|----|
| White Male | 128 | White Female | 13 |
| Black Male | 5 | Black Female | 6 |
| Hispanic Male | 4 | Hispanic Female | 1 |
| Other Male | 3 | Other Female | 7 |

PROPOSAL INFORMATION

The following proposals were received from solicitation number BUZ1321 and were opened on August 8, 2013. These contracts are being awarded in their entirety to the most advantageous proposer.

*Denotes successful proposer

| <u>Proposers</u> | <u>Address</u> | <u>Score</u> | <u>Amount</u> |
|-------------------------|---|---------------------|----------------------|
| *ViON Corporation | 196 Van Buren St. Suite 300 Herndon, VA 20170 | 80.58% | \$2,415,342.00 |

PROPOSAL INFORMATION (Continued)

| <u>Proposers</u> | <u>Address</u> | <u>Score</u> | <u>Amount</u> |
|--|--|---------------------|----------------------|
| Thomas Gallaway Corporation dba Technologent | 8105 Irvine Center Dr. Suite 700 Irvine, CA 92618 | 80.44% | \$2,580,052.29 |
| Austin Ribbon and Computer Supplies, Inc. | 9211 Waterford Centre Blvd. Suite 202 Austin, TX 78758 | 75.05% | \$2,773,935.00 |
| CDW Government LLC | 16633 Dallas Pkwy. Suite 300 Addison, TX 75001 | 71.80% | \$2,709,564.00 |
| CompuCom Systems, Inc. | 7171 Forest Ln. Dallas, TX 75230 | 79.33% | \$2,129,500.05 |

OWNER**ViON Corporation**

Benjamin T. Frana, President
Douglas N. Moore, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** an acquisition contract for the purchase and implementation of a citywide data storage system in the amount of \$1,017,559; **(2)** a five-year service contract for maintenance and support for the Citywide data system in the amount of \$427,949; and **(3)** a five-year master agreement for the purchase of additional hardware and software in the amount of \$969,834 - ViON Corporation, most advantageous proposer of five - Total not to exceed \$2,415,342 - Financing: Current Funds (\$1,451,533) and Municipal Lease Agreement Funds (\$963,809) (subject to annual appropriations)

ViON Corporation 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 | \$2,415,342.00 | 100.00% |
| TOTAL CONTRACT | \$2,415,342.00 | 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% |

March 26, 2014

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

Section 1. That the City Manager is authorized to execute **(1)** an acquisition contract for the purchase and implementation of hardware and software for an enterprise storage system in the amount of \$1,017,559.00; and **(2)** a five-year service contract for maintenance and support for an Citywide data storage system in the amount of \$427,949.00, with ViON Corporation (352223) in a total amount not exceed \$1,445,508.00, 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 ViON Corporation shall be based only on the amount of the services directed to be performed by the City and properly performed by ViON Corporation under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$1,445,508.00 (subject to annual appropriations):

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>OBJ</u> | <u>AMOUNT</u> | <u>FY</u> | <u>ENCUMBRANCE</u> |
|-------------|-------------|-------------|------------|---------------|-----------|--------------------|
| ML14 | DSV | E330 | 4731 | \$ 963,809.00 | 2014 | CTDSV14SANACQ |
| 0198 | DSV | 1667 | 3110 | \$ 95,876.00 | 2015 | CTDSV15VIONSAN |
| 0198 | DSV | 1667 | 3070 | \$ 53,750.00 | 2016 | CTDSV16SANACQ2 |
| 0198 | DSV | 1667 | 3110 | \$ 95,876.00 | 2016 | CTDSV16VIONSAN |
| 0198 | DSV | 1667 | 3110 | \$ 95,876.00 | 2017 | CTDSV17VIONSAN |
| 0198 | DSV | 1667 | 3110 | \$ 95,876.00 | 2018 | CTDSV18VIONSAN |
| 0198 | DSV | 1667 | 3110 | \$ 44,445.00 | 2019 | CTDSV19VIONSAN |

Section 3. That a master agreement for the purchase of additional hardware and software is authorized with ViON Corporation (352223) for a term of five years in an amount not to exceed \$969,834.00.

Section 4. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for the purchase of additional hardware and software. If a written contract is required or requested for any or all the purchase of additional hardware and software, 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 5. That the City Controller is authorized to disburse funds in an amount not to exceed \$969,834.00.

March 26, 2014

Section 6. That in order to reimburse and finance the lease/purchase acquisition of the equipment described herein over a period not to exceed the estimated useful life (5 years) thereof, any Authorized Officer of the City designated in the Master Equipment Lease/Purchase Agreement (the "Master Lease") between Banc of America Public Capital Corp and the City is hereby authorized and directed to execute, acknowledge and deliver a Schedule A (as defined in the Master Lease) pertaining to such equipment including all attachments, financing statements and schedules thereto, in substantially the form attached to the Master Lease, with such changes as the signing officer shall determine to be advisable. Each Authorized Officer of the City is also authorized to execute, acknowledge and deliver any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Schedule A. The financing terms for such equipment, to be determined pursuant to the provisions of the Master Lease and reflected in such Schedule A, and the granting of a security interest in the financed equipment pursuant to the Master Lease, are hereby approved.

Section 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.

AGENDA ITEM # 6

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Trinity Watershed Management
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of bagged ice - Emergency Ice, Inc., lowest responsible bidder of two - Not to exceed \$343,473 - Financing: Current Funds (\$106,928), Water Utilities Current Funds (\$224,231) and Stormwater Drainage Management Current Funds (\$12,314)

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 bagged ice and includes 35 ice storage containers. Ice is an important product for field operation staff as they perform activities and deliver services in an outdoor environment where temperatures can become extreme. City field staff carry water and/or beverages in their vehicles to sustain hydration and keep beverages available in the event remote working locations do not have accessible water. Furthermore, the ice storage containers will be strategically located at facilities that use ice on a consistent basis. These facilities house staff whose core responsibility includes outdoor general field operations, maintenance and construction.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing; this bid resulted in a 23.08% decrease on comparable unit prices for the bid awarded in 2013.

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 61 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 April 14, 2010, City Council authorized a three-year master agreement for the purchase of bagged ice by Resolution No. 10-0857.

On May 22, 2013, City Council authorized a three-year master agreement for the purchase of bagged ice by Resolution No. 13-0806.

FISCAL INFORMATION

\$224,230.50 – Water Utilities Current Funds

\$106,928.25 – Current Funds

\$ 12,313.60 – Stormwater Drainage Management Current Funds

M/WBE INFORMATION

8 - Vendors contacted

8 - No response

0 - Response (Bid)

0 - Response (No Bid)

0 - Successful

61 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

Emergency Ice, Inc.

| | | | |
|---------------|----|-----------------|---|
| White Male | 8 | White Female | 4 |
| Black Male | 10 | Black Female | 1 |
| Hispanic Male | 34 | Hispanic Female | 0 |
| Other Male | 0 | Other Female | 0 |

BID INFORMATION

The following bids were received from solicitation number BY1405 and opened on February 5, 2014. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

| <u>Bidders</u> | <u>Address</u> | <u>Amount</u> |
|-----------------------|--|----------------------|
| *Emergency Ice, Inc. | 8700 Diplomacy Row Dallas, TX 75247 | \$343,472.35 |
| Reddy Ice Corp. | 8750 N. Central Expressway Dallas, TX 75231 | \$422,735.20 |

OWNER

Emergency Ice, Inc.

Earl Toler, President
Paul Toler, Vice President
Donna Toler, Secretary/Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of bagged ice - Emergency Ice, Inc., lowest responsible bidder of two - Not to exceed \$343,473 - Financing: Current Funds (\$106,928), Water Utilities Current Funds (\$224,231) and Stormwater Drainage Management Current Funds (\$12,314)

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$274,777.88 | 80.00% |
| Total non-local contracts | \$68,694.47 | 20.00% |
| TOTAL CONTRACT | \$343,472.35 | 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> |
|-----------------------------------|----------------------|--------------------|----------------|
| Murphy Scott | WFWB9926N0115 | \$68,694.47 | 100.00% |
| Total Minority - Non-local | | \$68,694.47 | 100.00% |

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------|----------------|------------------------------|----------------|
| African American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Asian American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$0.00 | 0.00% | \$68,694.47 | 20.00% |
| Total | \$0.00 | 0.00% | \$68,694.47 | 20.00% |

March 26, 2014

WHEREAS, on April 14, 2010, City Council authorized a three-year master agreement for the purchase of bagged ice by Resolution No. 10-0857; and,

WHEREAS, on May 22, 2013, City Council authorized a three-year master agreement for the purchase of bagged ice by Resolution No. 13-0806;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of bagged ice is authorized with Emergency Ice, Inc. (VS0000039972) for a term of three years in an amount not to exceed \$343,472.35.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for bagged ice. If a written contract is required or requested for any or all purchases of bagged ice 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 \$343,472.35.

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 7

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
Communication and Information Services
Convention and Event Services
Equipment & Building Services
Fire
Park & Recreation
Sanitation Services
Street Services
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Theresa O'Donnell, 671-9195
Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390
Charles Cato, 670-9194
Willis Winters, 670-4071
Joey Zapata, 670-1204

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for automotive, truck and heavy equipment batteries – Continental Battery Company, lowest responsible bidder of five - Not to exceed \$1,260,658 - Financing: Current Funds (\$1,155,778), Water Utilities Current Funds (\$61,336), Convention and Event Services Current Funds (\$19,986), Aviation Current Funds (\$11,810) and Stormwater Drainage Management Current Funds (\$11,748)

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.

BACKGROUND (Continued)

This master agreement will provide for the purchase of automotive, truck and heavy equipment batteries for the City's automotive, light and heavy equipment fleet. Having batteries readily available provides efficiency in reducing the amount of time in which a vehicle remains out of service. These batteries will be used by City departments for vehicle and heavy equipment such as:

- Sedans
- Police cars
- Rescue units
- Fire engines
- Light, medium and heavy duty pick-up trucks

The solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 8.7% decrease over the comparable unit prices for the bid awarded in 2011.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 462 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council - Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 27, 2009, City Council authorized a thirty-six-month master agreement for automotive, truck and equipment batteries by Resolution No. 09-1306.

On November 7, 2011, City Council authorized a three-year master agreement for automotive, truck and equipment batteries by Resolution No. 11-2949.

FISCAL INFORMATION

\$1,155,777.66 - Current Funds

\$ 61,336.00 - Water Utilities Current Funds

\$ 19,986.00 - Convention and Event Services Current Funds

\$ 11,810.00 - Aviation Current Funds

\$ 11,748.00 - Stormwater Drainage Management Current Funds

M/WBE INFORMATION

44 - Vendors contacted
42 - No response
2 - Response (Bid)
0 - Response (No Bid)
0 - Successful

462 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

Continental Battery Company

| | | | |
|---------------|----|-----------------|---|
| White Male | 25 | White Female | 5 |
| Black Male | 3 | Black Female | 0 |
| Hispanic Male | 41 | Hispanic Female | 1 |
| Other Male | 0 | Other Female | 0 |

BID INFORMATION

The following bids were received from solicitation number BJ1402 and opened on January 30, 2014. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

| <u>Bidders</u> | <u>Address</u> | <u>Amount of Bid</u> |
|----------------------------------|---|-----------------------------|
| *Continental Battery Company | 4919 Woodall St. Dallas, TX 75247 | \$1,260,657.66 |
| Metro Battery Distributors, LLC. | 9840 Monroe Dr. Ste. 112 Dallas, TX 75220 | \$1,336,262.51 |
| DT-DO, Inc. | 10200 Plano Rd. Ste. 200 Dallas, TX 75238 | \$1,367,364.61 |
| Freedom Dodge | 815 E. Camp Wisdom Rd. Duncanville, TX 75116 | \$2,083,399.13 |

BID INFORMATION (Continued)

| <u>Bidders</u> | <u>Address</u> | <u>Amount of Bid</u> |
|---|--|-----------------------------|
| TKC Enterprises, Inc. dba Batteries Plus | 2703 N. Beltline Rd. Irving, TX 75062 | Non-Responsive** |

**TKC Enterprises, Inc. dba Batteries Plus was deemed non-responsive due to not meeting specifications.

OWNER**Continental Battery Company**

Jim McCann, President
Bill McCann, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for automotive, truck and heavy equipment batteries – Continental Battery Company, lowest responsible bidder of five - Not to exceed \$1,260,658 - Financing: Current Funds (\$1,155,778), Water Utilities Current Funds (\$61,336), Convention and Event Services Current Funds (\$19,986), Aviation Current Funds (\$11,810) and Stormwater Drainage Management Current Funds (\$11,748)

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|-----------------------|----------------|
| Total local contracts | \$1,260,657.66 | 100.00% |
| Total non-local contracts | \$0.00 | 0.00% |
| TOTAL CONTRACT | \$1,260,657.66 | 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% |

March 26, 2014

WHEREAS, on May 27, 2009, City Council authorized a thirty-six-month master agreement for automotive, truck and equipment batteries by Resolution No. 09-1306; and,

WHEREAS, on November 7, 2011, City Council authorized a three-year master agreement for automotive, truck and equipment batteries by Resolution No. 11-2949;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of automotive, truck and heavy equipment batteries is authorized with Continental Battery Company (503815) for a term of three years in an amount not to exceed \$1,260,657.66.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for automotive, truck and heavy equipment batteries. If a written contract is required or requested for any or all purchases of automotive, truck and heavy equipment batteries 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 \$1,260,657.66.

Section 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 8

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of anhydrous ammonia – DPC Industries, Inc., lowest responsible bidder of two - Not to exceed \$2,636,220 - Financing: Water Utilities Current Funds

BACKGROUND

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

This master agreement will provide National Sanitation Foundation 60 anhydrous ammonia to all three City of Dallas Water Utilities purification plants. This chemical is used to disinfect drinking water as required for compliance with Environmental Protection Agency and Texas Commission on Environmental Quality regulations. Proper disinfection ensures the safety of drinking water in the distribution system.

Water Utilities provides service to an estimated 2.3 million people in Dallas and surrounding communities. On average, the City pumps over 417 million gallons of water per day.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 18.73% decrease on comparable unit prices for the bid awarded in 2013.

BACKGROUND (Continued)

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 133 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 August 12, 2009, City Council authorized a twelve-month master agreement for anhydrous ammonia by Resolution No. 09-1882.

On August 25, 2010, City Council authorized a one-year master agreement for anhydrous ammonia by Resolution No. 10-2106.

On September 14, 2011, City Council authorized a one-year master agreement for anhydrous ammonia by Resolution No. 11-2374.

On February 13, 2013, City Council authorized a one-year master agreement for anhydrous ammonia by Resolution No. 13-0292.

FISCAL INFORMATION

\$2,636,220.00 – Water Utilities Current Funds

M/WBE INFORMATION

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

133 - 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, Inc.

| | | | |
|---------------|----|-----------------|----|
| 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 BP1414 and opened on February 13, 2014. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful bidder

| <u>Bidders</u> | <u>Address</u> | <u>Amount of Bid</u> |
|-------------------------|---|-----------------------------|
| *DPC Industries, Inc. | 601 W. Industrial Blvd. Cleburne, TX 76036 | \$2,636,220.00 |
| Tanner Industries, Inc. | 735 Davisville Rd. Southampton, PA 18966 | \$3,116,400.00 |

OWNER

DPC Industries, Inc.

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

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of anhydrous ammonia – DPC Industries, Inc., lowest responsible bidder of two - Not to exceed \$2,636,220 - Financing: Water Utilities Current Funds

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|-----------------------|----------------|
| Total local contracts | \$0.00 | 0.00% |
| Total non-local contracts | \$2,636,220.00 | 100.00% |
| TOTAL CONTRACT | \$2,636,220.00 | 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> |

March 26, 2014

WHEREAS, on August 12, 2009, City Council authorized a twelve-month master agreement for anhydrous ammonia by Resolution No. 09-1882; and,

WHEREAS, on August 25, 2010, City Council authorized a one-year master agreement for anhydrous ammonia by Resolution No. 10-2106; and,

WHEREAS, on September 14, 2011, City Council authorized a one-year master agreement for anhydrous ammonia by Resolution No. 11-2374; and,

WHEREAS, on February 13, 2013, City Council authorized a one-year master agreement for anhydrous ammonia by Resolution No. 13-0292;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of anhydrous ammonia is authorized with DPC Industries, Inc. (267202) for a term of three years in an amount not to exceed \$2,636,220.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$2,636,220.00.

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: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Water Utilities

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

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for the purchase of bulk liquid oxygen - Matheson Tri-Gas, Inc., lowest responsible bidder of two – Not to exceed \$6,515,002 - 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.

The purpose of this master agreement is to provide bulk liquid oxygen for Water Utilities' treatment plants. Liquid oxygen is used in the production of ozone. Ozone is used in the water treatment plants as a primary disinfectant to meet Federal and State Regulation and aids in the control of taste and odor in finished water.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 16.24% decrease on comparable unit prices for the bid awarded in 2006.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 10, 2006, City Council authorized a thirty-six month master agreement for liquid oxygen and tanks by Resolution No. 06-1384.

FISCAL INFORMATION

\$6,515,002.00 - Water Utilities Current Funds

M/WBE INFORMATION

42 - Vendors contacted

42 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

462 - 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

Matheson Tri-Gas, Inc.

| | | | |
|---------------|----|-----------------|----|
| White Male | 36 | White Female | 17 |
| Black Male | 4 | Black Female | 16 |
| Hispanic Male | 4 | Hispanic Female | 2 |
| Other Male | 3 | Other Female | 3 |

BID INFORMATION

The following bids were received from solicitation number BP1407 and were opened on January 23, 2014. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

BID INFORMATION (Continued)

*Denotes successful bidder

| <u>Bidders</u> | <u>Address</u> | <u>Amount of Bid</u> |
|-------------------------|--|-----------------------------|
| *Matheson Tri-Gas, Inc. | 909 Lake Carolyn Parkway Suite 1300 Irving, TX 75039 | \$6,515,002.00 |
| Air Liquids Industrial | 801 West North Carrier Parkway Grand Prairie, TX 75050 | \$8,470,000.00 |

OWNER**Matheson Tri-Gas, Inc.**

Scott Kallman, President
Daniel Combert, Vice President
Lisa Kratz, Secretary
Steve Foster, Treasurer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for the purchase of bulk liquid oxygen - Matheson Tri-Gas, Inc., lowest responsible bidder of two – Not to exceed \$6,515,002 - Financing: Water Utilities Current Funds

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|-----------------------|----------------|
| Total local contracts | \$6,515,002.00 | 100.00% |
| Total non-local contracts | \$0.00 | 0.00% |
| TOTAL CONTRACT | \$6,515,002.00 | 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% |

March 26, 2014

WHEREAS, on May 10, 2006, City Council authorized a thirty-six month master agreement for liquid oxygen and tanks by Resolution No. 06-1384;

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 oxygen is authorized with Matheson Tri-Gas, Inc. (387930) for a term of three years in an amount not to exceed \$6,515,002.00.

Section 2. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for bulk liquid oxygen. If a written contract is required or requested for any or all purchases of bulk liquid oxygen 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 \$6,515,002.00.

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 # 10

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Code Compliance

CMO: Charles Cato, 671-3908

MAPSCO: N/A

SUBJECT

Authorize a three-year contract with the Texas Department of State Health Services for asbestos abatement/demolition notification - Not to exceed \$150,000 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

The Department of State Health Services Demolition/ Renovation notification program combines the requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) and the Texas Asbestos Health Protection Rules. Both of these regulations require written notifications before beginning demolition projects. The City of Dallas contracts with Texas Department of State Health Services to report any location that is being surveyed for asbestos prior to demolition as required. This contract will provide for required notification and payment of associated fees.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Current Funds - \$150,000 (subject to annual appropriations)

March 26, 2014

WHEREAS, the Department of State Health Services Demolition/ Renovation notifications program combines the requirements of the National Emission Standards for Hazardous Air Pollution (NESHAP) and the Texas Asbestos Health Protection Rules; and

WHEREAS, the written notification is required to file with the Texas Department of State Health Services for any location that is being surveyed for asbestos prior to demolition.

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to enter into a three year contract with the Texas Department of State Health Services (214083) for Asbestos Abatement/ Demolition Notification Services in an amount not to exceed \$150,000.00.

Section 2. That the City Controller is authorized to disburse funds from Fund 0001, Dept. CCS, Unit 3041, Obj. 3095 in an amount not to exceed \$150,000.00 (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 # 11

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Equipment & Building Services
Business Development & Procurement Services

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

MAPSCO: Citywide

SUBJECT

Authorize a three-year agreement with Invenergy Renewable, LLC, most advantageous proposer of nine in the amount of \$1,289,254 for the purchase of renewable energy credits for the calendar years 2014, 2015, and 2016 - Not to exceed \$1,289,254 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

A Renewable Energy Credit (REC) represents the environmental, social and other positive attributes of power generated by renewable resources. The REC is split from the physical electricity and both are sold separately. RECs purchased from a renewable energy source, entitle the owner to claim the benefits of renewable energy. One REC represents one Megawatt hour of energy consumed.

The City has purchased RECs since 2008 as a key component of the City's sustainability efforts. Through 2013, RECs were included in the City's electricity supply agreement. In December 2012, staff negotiated and Council approved an amendment and extension of the electricity supply agreement covering January 2013 - May 2016. The extension provided lower electricity rates for 2013 than the original agreement. A December 2013 briefing to the Budget, Finance & Audit Committee projected 2013 electricity savings of \$887,483 and actual savings realized were \$1,391,556.17.

RECs for 2014 through 2016 were not included in the extended electricity supplemental agreement in order to pursue for more favorable pricing thought to be available through a separate procurement. REC pricing in the previous contract was \$1.50 per REC. The best pricing available during negotiation of the extended electricity supply agreement was \$2.75 per REC.

BACKGROUND (continued)

The proposed purchase allows the City to remain the 4th largest local government consumer of green power as recognized by the United States Environmental Protection Agency and continues the City's membership in their Green Power Leadership Club. 50% of the City's electricity consumption and corresponding greenhouse gas emissions would be offset by these RECs, effectively lowering the City's carbon footprint.

A five member evaluation committee was selected from the following departments:

- Equipment and Building Services (1)
- Public Works and Transportation (1)
- Water Utilities (1)
- Business Development and Procurement Services (2)*

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

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

- | | |
|---|-----------|
| ● Cost | 70 points |
| ● Company Information/Past Performance | 10 points |
| ● Payment Terms | 5 points |
| ● Business Inclusion and Development Plan | 15 points |

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 1561 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, BOARD, COMMISSIONS)

On March 3, 2014, the Budget, Finance and Audit Committee was briefed on the purchase of Renewable Energy Credits.

On December 3, 2012, the Budget, Finance and Audit Committee was briefed on the electricity procurement.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS) (continued)

On December 12, 2012, City Council authorized the City Manager to amend and extend the current electric services contract for an additional twenty-nine months with TXU Energy Retail Company, LLC, resulting in a new contract term from January 1, 2013 through May 31, 2016 by Council Resolution No. 12-3051.

FISCAL INFORMATION

\$1,289,253.55 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

334 - Vendors contacted

334 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

1561 - 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

Invenergy Renewable, LLC

| | | | |
|---------------|-----|-----------------|----|
| White Male | 330 | White Female | 67 |
| Black Male | 5 | Black Female | 5 |
| Hispanic Male | 21 | Hispanic Female | 1 |
| Other Male | 11 | Other Female | 1 |

PROPOSAL INFORMATION

The following proposals were received from solicitation number BDZ1401 and opened on December 12, 2013. This contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

PROPOSAL INFORMATION (continued)

| <u>Proposers</u> | <u>Address</u> | <u>Score</u> | <u>Amount of Bid</u> |
|--|--|---------------------|-----------------------------|
| *Invenergy Renewable, LLC | 1 South Wacker Dr. Suite 1900 Chicago, IL 60606 | 85.33% | \$1,289,253.55 |
| Reliant Energy Retail Services, LLC | 1201 Fannin St. Houston, TX 77002 | 82.29% | \$1,683,098.35 |
| Just Energy Resources, LLC dba JustGreen | 5251 Westheimer Suite 1000 Houston, TX 77056 | 79.01% | \$1,432,362.00 |
| NextEra Energy Power Marketing, LLC | 700 Universe Blvd Juno Beach, FL 33408 | 77.27% | \$1,539,971.65 |
| Iberdrola Renewables, LLC | 1125 NW Couch Suite 700 Portland, OR 97209 | 73.29% | \$1,647,252.10 |
| Texas General Land Office | 1700 N. Congress Ave. Austin, TX 78701 | 73.03% | \$1,779,872.21 |
| Sterling Planet, Inc. | 3500 Parkway Lane Suite 500 Norcross, GA 30092 | 71.79% | \$1,647,216.30 |
| Exelon Generation Company, LLC | 100 Constellation Way Suite 500C Baltimore, MD 21202 | 68.74% | \$1,790,361.25 |
| Renewable Choice Energy | 4775 Walnut St. Suite 230 Boulder, CO 80301 | | Non-Responsive** |

**Renewable Choice Energy was deemed non-responsive due to not meeting specifications.

OWNER**Invenergy Renewable, LLC**

Kris Zadlo, Executive Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year agreement with Invenergy Renewable, LLC, most advantageous proposer of nine in the amount of \$1,289,254 for the purchase of renewable energy credits for the calendar years 2014, 2015, and 2016 - Not to exceed \$1,289,254 - Financing: Current Funds (subject to annual appropriations)

Invenergy Renewable, LLC 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 | \$1,289,253.55 | 100.00% |
| TOTAL CONTRACT | \$1,289,253.55 | 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% |

March 26, 2014

WHEREAS, in 2008, the City Council made a policy decision to purchase renewable energy for 40% of its electricity consumption; and,

WHEREAS, the City's current Electricity Supply Agreement does not include renewable energy after 2013; and,

WHEREAS, the City Council wishes to continue its commitment to renewable energy sources;

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 contract with Invenergy Renewable, LLC, VS0000084106 for the purchase of renewable energy credits for the calendar years 2014, 2015, and 2016 for 50% of contracted electricity usage, in an amount not to exceed \$1,289,253.55, upon approval as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$1,289,253.55 (Subject to annual appropriations), from Fund 0001, Dept EBS, Unit 3069, Obj 2140.

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 # 12

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 7
DEPARTMENT: Housing/Community Services
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 56C G L

SUBJECT

Authorize **(1)** the acceptance of additional grant funds from the Dallas Housing Finance Corporation (DHFC) for Bexar Street Redevelopment corridor maintenance and operating expenses; and **(2)** an increase in appropriations in the amount of \$8,000, from \$120,000 to \$128,000 for operating expenses - Not to exceed \$8,000 - Financing: Dallas Housing Finance Corporation Grant Funds

BACKGROUND

The City created the Dallas Housing Finance Corporation (DHFC) in April of 1984 to provide financing for affordable single-family home ownership and multifamily rehabilitation and development within the City. Periodically the DHFC provides funding for additional affordable housing purposes.

On February 26, 2003, the City Council approved the Neighborhood Investment Program (NIP) as a strategic approach to target and leverage public resources to achieve sustainable and visible community redevelopment in targeted neighborhoods.

The Bexar Street Redevelopment project is being implemented under the City's Neighborhood Investment Program (NIP) and is located within the South Dallas-Ideal/Rochester Park NIP target area. The project is being implemented in two phases to include a mix of residential, retail, office and neighborhood-serving uses. Funding received from the DHFC is used for Bexar Street corridor maintenance.

On September 22, 2009, the Dallas Housing Finance Corporation voted to provide \$120,000 over 2 years for the NIP.

On November 4, 2013, the Dallas Housing Finance Corporation voted to provide an additional \$8,000 for Bexar Street.

BACKGROUND (Continued)

This resolution authorizes the City of Dallas to accept \$8,000 from the DHFC for the Bexar Street Redevelopment to be used for corridor maintenance and operating expenses.

This resolution also authorizes the City Controller to deposit and disburse the funds and authorizes the City Manager to appropriate the funds for corridor maintenance and operating expenses for the Bexar Street Redevelopment project.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On February 26, 2003, the City Council approved selection criteria that designated certain census tracts (CT 25.00, CT 39.02, CT 101.01, CT 49.00 and CT 89.00) as NIP target areas for a two-year period, beginning October 1, 2003, by Resolution No. 03-0830.

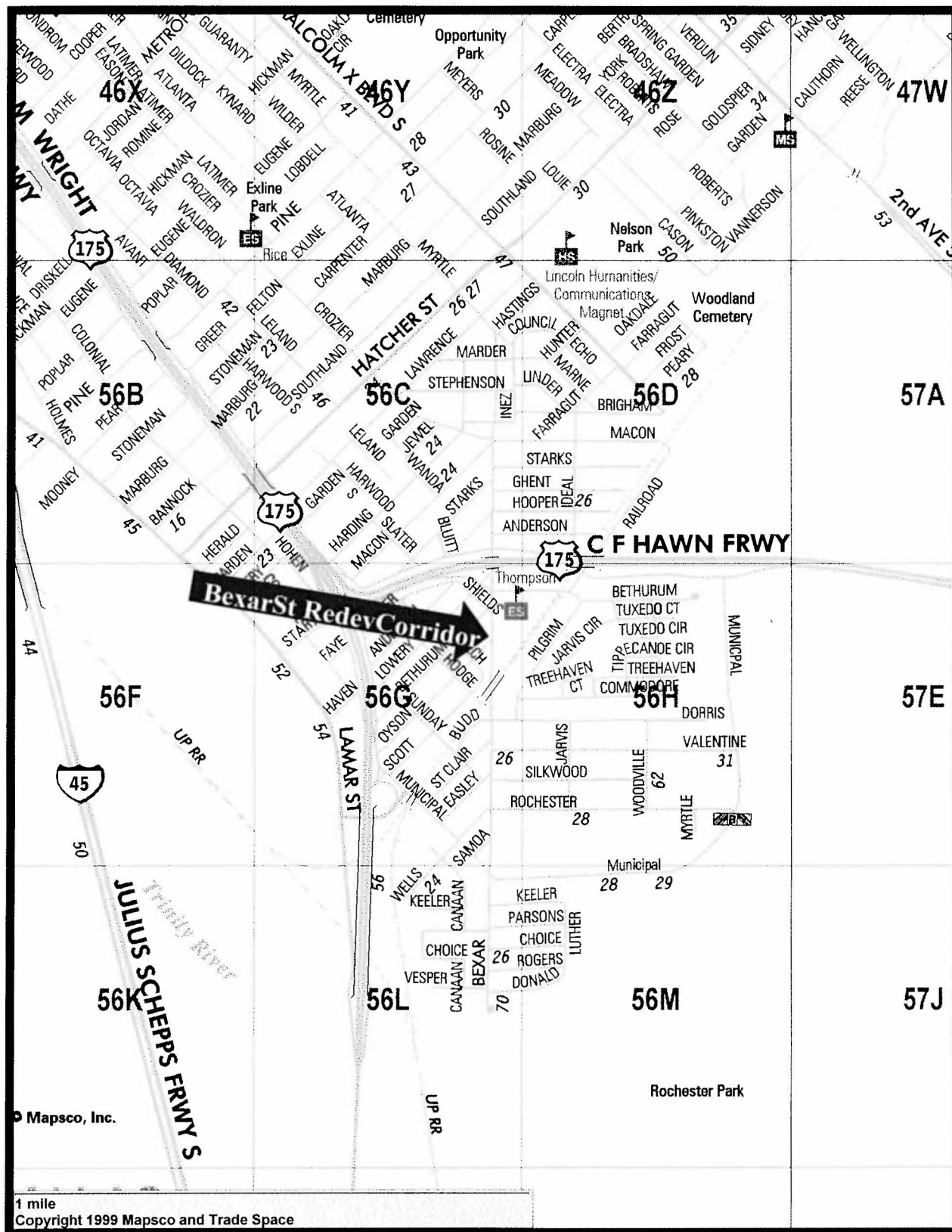
On October 28, 2009, the City Council accepted \$120,000 from the Dallas Housing Finance Corporation by Resolution No. 09-2621.

FISCAL INFORMATION

Dallas Housing Finance Corporation Grant Funds - \$8,000

MAP(S)

Attached



MAPSCO 56C, G & L

March 26, 2014

WHEREAS, on February 26, 2003, the City Council approved selection criteria that designated certain census tracts (CT 25.00, CT 39.02, CT 101.01, CT 49.00 and CT 89.00) as NIP target areas by Resolution No. 03-0830; and

WHEREAS, on October 28, 2009, the City Council accepted \$120,000 from the Dallas Housing Finance Corporation by Resolution No. 09-2621;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is authorized to accept additional grant funds from the Dallas Housing Finance Corporation for the Bexar Street Redevelopment corridor maintenance and operating expenses in an amount not to exceed \$8,000.

SECTION 2. That the City Controller is authorized to deposit funds in an amount not to exceed \$8,000 into Fund S206, Dept. HOU, Unit 2724, Revenue Source 8411.

SECTION 3. That the City Manager is authorized to increase appropriations in the amount of \$8,000, from \$120,000 to \$128,000 in Fund S206, Agency HOU, Unit 2724, Object Code 3099.

SECTION 4. That the City Controller is authorized to disburse these funds in accordance with the Bexar Street Redevelopment project as follows: Fund S206, Dept. HOU, Unit 2724, Object Code 3099.

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: March 26, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Joey Zapata, 670-3009
Willis Winters, 670-4071

MAPSCO: 46-P

SUBJECT

Authorize a ten-year lease agreement, with one ten-year renewal option, with AT&T and its affiliates, to house electronic equipment for the purpose of serving the Fair Park campus in approximately 675 square feet of building space in the telephone room at the Fair Park Tower Building located at 3809 Grand Avenue – Estimated Revenue: \$100

BACKGROUND

On June 17, 1993, the Park and Recreation Board approved a twenty-year lease agreement, with two ten-year renewal options, with Southwestern Bell Telephone Company, now AT&T, for use of approximately 675 square feet of building space in the main telephone room in the Tower Building in Fair Park. The lease agreement was to provide new electronic equipment and associated cable and wiring for World Cup 1994. After the World Cup event, approximately fifty percent of the upgrades and equipment were left in place in order to provide telecommunication services to existing facilities.

On September 22, 1993, by Resolution No. 93-3456, City Council approved the twenty-year lease agreement with two additional ten-year options.

Since 1993, AT&T has been maintaining, upgrading, and repairing the equipment in the telephone room that provides communication service to the Fair Park campus. AT&T has requested a new agreement for use of approximately 675 square feet of building space in the main telephone room in the Fair Park Tower Building. This agreement will provide for the continued successful operation of the AT&T equipment essential for security systems and communications services for Fair Park facilities including the Cotton Bowl, the Fair Park Administrative Offices, the State Fair of Texas Offices, the Texas Discovery Gardens, the Children's Aquarium, Museums, and Rental Buildings.

BACKGROUND (Continued)

General terms of the proposed new lease agreement with AT&T are as follows:

1. Term of the agreement will be ten years from the date of execution with one ten-year renewal option
2. AT&T will pay the City the annual sum of ten dollars, payable in advance on the first day of each and every year
3. Premises are accepted in "as is" condition
4. AT&T will use the premises solely to operate, maintain and repair equipment that supports security and communications on the Fair Park campus
5. All improvements, deemed necessary by AT&T, shall be at the expense of AT&T and with prior approval of the City
6. AT&T will maintain the premises in good repair and clean condition
7. AT&T will provide insurance as determined by the City of Dallas Office of Risk Management
8. City will provide twenty-four hour access to the telephone room
9. Agreement may be terminated by either party with 90-day written notice

PRIOR ACTION/REVIEW (Council, Boards, Commission)

On June 17, 1993, Park and Recreation Board approved a twenty-year lease agreement with two additional ten-year options between City and Southwestern Bell Telephone Company (SWBT), now known as AT&T.

On September 22, 1993, City Council approved said agreement by Resolution No. 93-3456.

On February 6, 2014, Park and Recreation Board approved a ten-year lease agreement with one ten-year renewal option with AT&T and affiliates to house electronic equipment in the telephone room of Fair Park Tower Building located at 3809 Grand Avenue.

FISCAL INFORMATION

Estimated Revenue - \$100.00

March 26, 2014

WHEREAS, on September 22, 1993, by Resolution No. 93-3456, Council approved the twenty-year lease agreement with two additional ten year options, and since 1993, AT&T (formerly Southwestern Bell Telephone) has been maintaining, upgrading and repairing the equipment in the telephone room that provides communication service to the Fair Park Campus; and

WHEREAS, on February 6, 2014, the Park and Recreation Board approved authorization of a ten-year lease agreement with one additional ten-year option to renew with AT&T for use of approximately 675 square feet of building space in the main telephone room in the Tower Building in Fair Park in order to provide for the continued successful operation of the AT&T equipment that serves the Fair Park Campus and essential for security systems and communications services for all Fair Park facilities including the Cotton Bowl, the Fair Park Administrative Offices, the State Fair of Texas Offices, Museums, and Rental Facilities; and

WHEREAS, this action will authorize an agreement between AT&T for a ten-year lease agreement with one ten-year option to renew with AT&T and its affiliates to house electronic equipment for the purpose of serving the Fair Park Campus in approximately 675 square feet of building space at the Fair Park Tower Building located at 3809 Grand Avenue.

NOW, THEREFORE,

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

SECTION 1. That a lease agreement be approved with AT&T for use of approximately 675 square feet of building space in the main telephone room in the Tower Building at Fair Park to house electronic equipment and cable necessary for telecommunication services within Fair Park.

SECTION 2. That the term of the lease agreement will be ten years from date of execution with one ten-year renewal option at the rate of \$10.00 per year.

SECTION 3. That the City Controller is hereby authorized to receive and deposit revenues to Fund 0001, Department PKR, Unit 5207, Revenue Source 8515.

SECTION 4. That the President of the Park and Recreation Board and the City Manager are authorized to execute the agreement after approval as to form by the City Attorney.

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: Culture, Arts and Recreation

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 22-J

SUBJECT

Authorize Supplemental Agreement No. 2 to the professional services contract with Dan Shipley Architect, Inc. for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course located at 11223 Luna Road - Not to exceed \$20,200, from \$79,925 to \$100,125 - Financing: 2003 Bond Funds

BACKGROUND

The original professional services contract with Dan Shipley Architect, Inc. was authorized by Council on January 9, 2013, by Resolution No. 13-0113, for design services for a new maintenance building for Luna Vista Golf Course at L.B. Houston Sports and Nature Complex, in an amount not to exceed \$74,805.00.

Supplemental Agreement No. 1, was authorized by Administrative Action No. 13-1185 on June 27, 2013 for construction materials testing, geotechnical testing, asbestos testing, monitoring and abatement services, in an amount not to exceed \$5,120.50, making a revised contract amount of \$79,925.50.

This action will authorize Supplemental Agreement No. 2 to the professional services contract with Dan Shipley Architect, Inc., in an amount not to exceed \$20,200.00, from \$79,925.50 to \$100,125.50, for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------|---------------|
| Began Design | March 2013 |
| Complete Design | December 2014 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized award of the professional services contract on December 6, 2013.

City Council authorized award of the professional services contract on January 9, 2013, by Resolution No. 13-0113.

The Park and Recreation Board authorized Supplemental Agreement No. 2 on February 20, 2014.

FISCAL INFORMATION

2003 Bond Funds - \$20,200.00

| | |
|--|--------------------|
| Design Contract | \$74,805.00 |
| Supplemental Agreement No. 1 | \$5,120.50 |
| Supplemental Agreement No. 2 (this action) | <u>\$20,200.00</u> |
| Total amount not to exceed | \$100,125.50 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Dan Shipley Architect, Inc.

| | | | |
|---------------|---|-----------------|---|
| White Male | 4 | White Female | 2 |
| Black Male | 0 | Black Female | 0 |
| Hispanic Male | 0 | Hispanic Female | 0 |
| Other Male | 0 | Other Female | 0 |

OWNER

Dan Shipley Architect, Inc.

Dan Shipley, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 2 to the professional services contract with Dan Shipley Architect, Inc. for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course located at 11223 Luna Road - Not to exceed \$20,200, from \$79,925 to \$100,125 - Financing: 2003 Bond Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|--------------------|----------------|
| Local contracts | \$20,200.00 | 100.00% |
| Non-local contracts | \$0.00 | 0.00% |
| TOTAL THIS ACTION | \$20,200.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

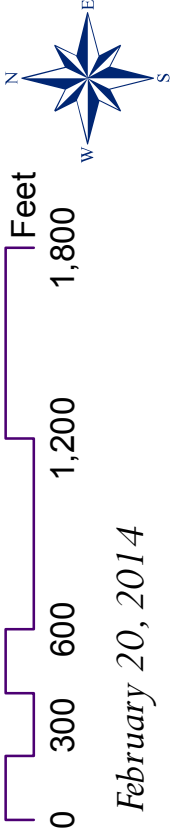
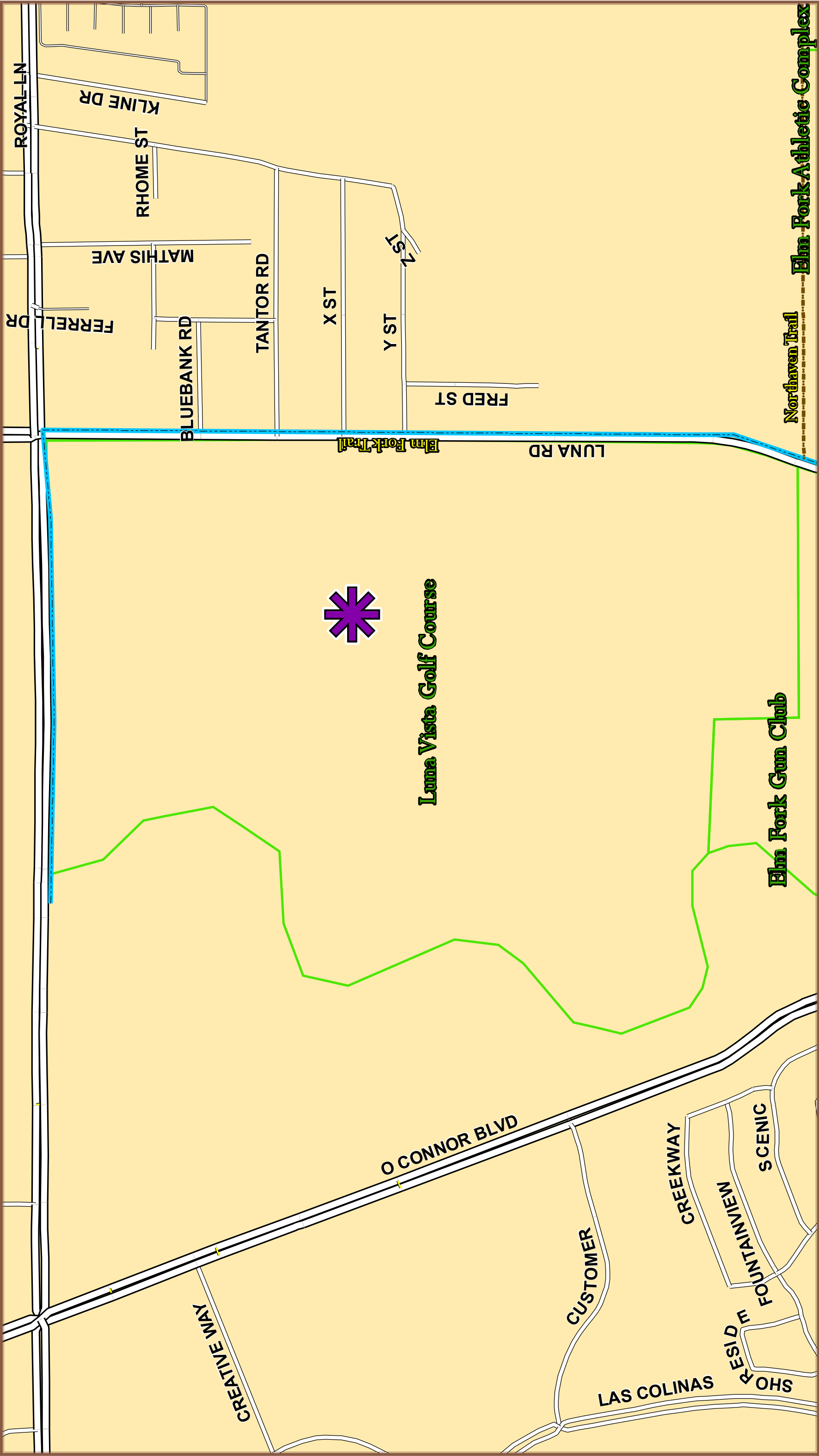
| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-------------------------------|----------------------|--------------------|----------------|
| JQ Engineering | IMDB58200Y0714 | \$18,000.00 | 89.11% |
| Total Minority - Local | | \$18,000.00 | 89.11% |

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% | \$1,005.00 | 1.00% |
| Asian American | \$18,000.00 | 89.11% | \$35,850.00 | 35.81% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$0.00 | 0.00% | \$11,000.00 | 10.99% |
| Total | \$18,000.00 | 89.11% | \$47,855.00 | 47.80% |



Luna Vista Golf Course
(11223 Luna Road)

March 26, 2014

WHEREAS, on January 9, 2013, by Resolution No. 13-0113, Dan Shipley Architect, Inc. was awarded a professional services contract for design services for a new maintenance building for Luna Vista Golf Course at L.B. Houston Sports and Nature Complex 11223 Luna Road, in an amount not to exceed \$74,805.00; and

WHEREAS, on June 27, 2013, Administrative Action No. 13-1185, authorized Supplemental Agreement No. 1, for construction materials testing, geotechnical testing, asbestos testing, monitoring and abatement services at Luna Vista Golf Course, in an amount not to exceed \$5,120.50, increasing the contract amount from \$74,805.00 to \$79,925.50; and

WHEREAS, this action will authorize Supplemental Agreement No. 2 to the professional services contract with Dan Shipley Architect, Inc., for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course, in an amount not to exceed \$20,200.00, increasing the contract amount from \$79,925.50 to \$100,125.50.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the professional services contract with Dan Shipley Architect, Inc. for additional scope of work for architectural and civil engineering to prepare the following: documents for extension of fire main to include new fire hydrant; design documents for domestic water main; and topographic survey of fire and domestic water lines for the golf club house and maintenance facilities at Luna Vista Golf Course, in an amount not to exceed \$20,200.00, increasing the contract amount from \$79,925.50 to \$100,125.50.

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

March 26, 2014

SECTION 3. That the City Controller is hereby authorized to pay the amount of \$20,200.00 to Dan Shipley Architect, Inc., as follows:

| | |
|---|--------------------|
| (2003) Neighborhood Park and Recreation Facilities Fund | |
| Fund 5R00, Department PKR, Unit P761, Object 4112 | |
| Activity AISF, Program PKP761, CT-PKR13019353 | |
| Commodity 92500, Vendor VS0000017827 | \$567.25 |
| | |
| (2003) Neighborhood Park and Recreation Facilities Fund | |
| Fund 6R00, Department PKR, Unit P761, Object 4112 | |
| Activity AISF, Program PKP761, CT-PKR13019353 | |
| Commodity 92500, Vendor VS0000017827 | <u>\$19,632.75</u> |
| | |
| Total amount not to exceed | \$20,200.00 |

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: Culture, Arts and Recreation

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 14

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 35-X

SUBJECT

Authorize Supplemental Agreement No. 2 to the master agreement for the development and operation of Robert E. Lee Park Hall with the Lee Park and Arlington Hall Conservancy for its share of public improvement costs in connection with further development of the Arlington Hall Master Plan to include construction of a ramp to connect Snyder Union Plaza on the Katy Trail to Robert E. Lee Park located at 3400 Turtle Creek Boulevard - Not to exceed \$523,000 - Financing: 2006 Bond Funds (\$97,248) and General Obligation Commercial Paper Funds (\$425,752)

BACKGROUND

On October 14, 1998, Resolution No. 98-2945 authorized a development and operation agreement between the City of Dallas and Lee Park and Arlington Hall Conservancy in connection with the further development of Arlington Hall Master Plan.

On November 13, 2000, Administrative Action No. 00-3399, authorized an agreement between the Lee Park and Arlington Hall Conservancy (Conservancy) and the City of Dallas Park and Recreation Department, to allow the assignment of construction contracts for renovation work at the Arlington Hall facility to the Conservancy, there is no cost for this assignment.

On March 8, 2006, Resolution No. 06-0787, authorized Supplemental Agreement No. 1 to the development and operation agreement for the reimbursement to the Lee Park and Arlington Hall Conservancy for its share of public improvement costs in connection with the further development of the Arlington Hall Master Plan including drainage, renovation of the picnic area, landscaping, irrigation and trail extension at Robert E. Lee Park, in an amount not to exceed \$198,028.70.

BACKGROUND (Continued)

This action would authorize Supplemental Agreement No. 2 to the master agreement for the development and operation of Robert E. Lee Park Hall with the Lee Park and Arlington Hall Conservancy for its share of public improvement costs in connection with further development of the Arlington Hall Master Plan to include construction of a ramp to connect Snyder Union Plaza on the Katy Trail to Robert E. Lee Park, in an amount not to exceed \$523,000.00.

City will reimburse Conservancy for a total amount not to exceed \$523,000.00 when Conservancy submits its invoice to City no more frequently than monthly. Conservancy shall submit the invoice with proper documentation and the invoice must be approved by the Director of the Park and Recreation Department or his designee.

This Supplemental Agreement No. 2 contemplates the dealpoints as follows:

1. City will reimburse Conservancy an amount not to exceed \$523,000.00 for its share of public improvement costs in connection to further development and does not exceed 30% of total public improvement costs.
2. City will reimburse Conservancy for a total amount not to exceed \$523,000.00 when Conservancy submits its invoice to City no more frequently than monthly. Conservancy should submit the invoice with proper documentation and the invoice must be approved by the Director of the Park and Recreation Department or his designee.
3. City shall have no responsibility for any other cost of design and construction, beyond \$523,000.00 regardless of whether or not such cost exceeds Conservancy's construction estimates or budgets.
4. Conservancy expressly agrees to not in any way make a claim against the City in connection with the improvements. City shall have no liability for any claims that may arise out of design or construction of the improvements.
5. The City commits \$523,000 toward the project.
6. The Snyders commits \$1,220,335 towards the project.
7. The City enters into a development/reimbursement agreement as a supplement to the existing Lee Park and Arlington Hall Agreement to allow Lee Park to manage the project with the City reimbursing them 30% of the contracted amount up to \$523,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized award of the development and operation agreement on August 20, 1998.

City Council authorized award of the development and operation agreement on October 14, 1998, by Resolution No. 98-2945.

The Park and Recreation Board authorized award of Supplemental Agreement No. 1 on January 12, 2006.

City Council authorized award of Supplemental Agreement No. 1 on March 8, 2006, by Resolution No. 06-0787.

The Park and Recreation Board authorized Supplemental Agreement No. 2 on February 20, 2014.

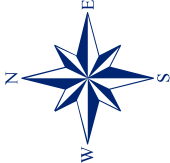
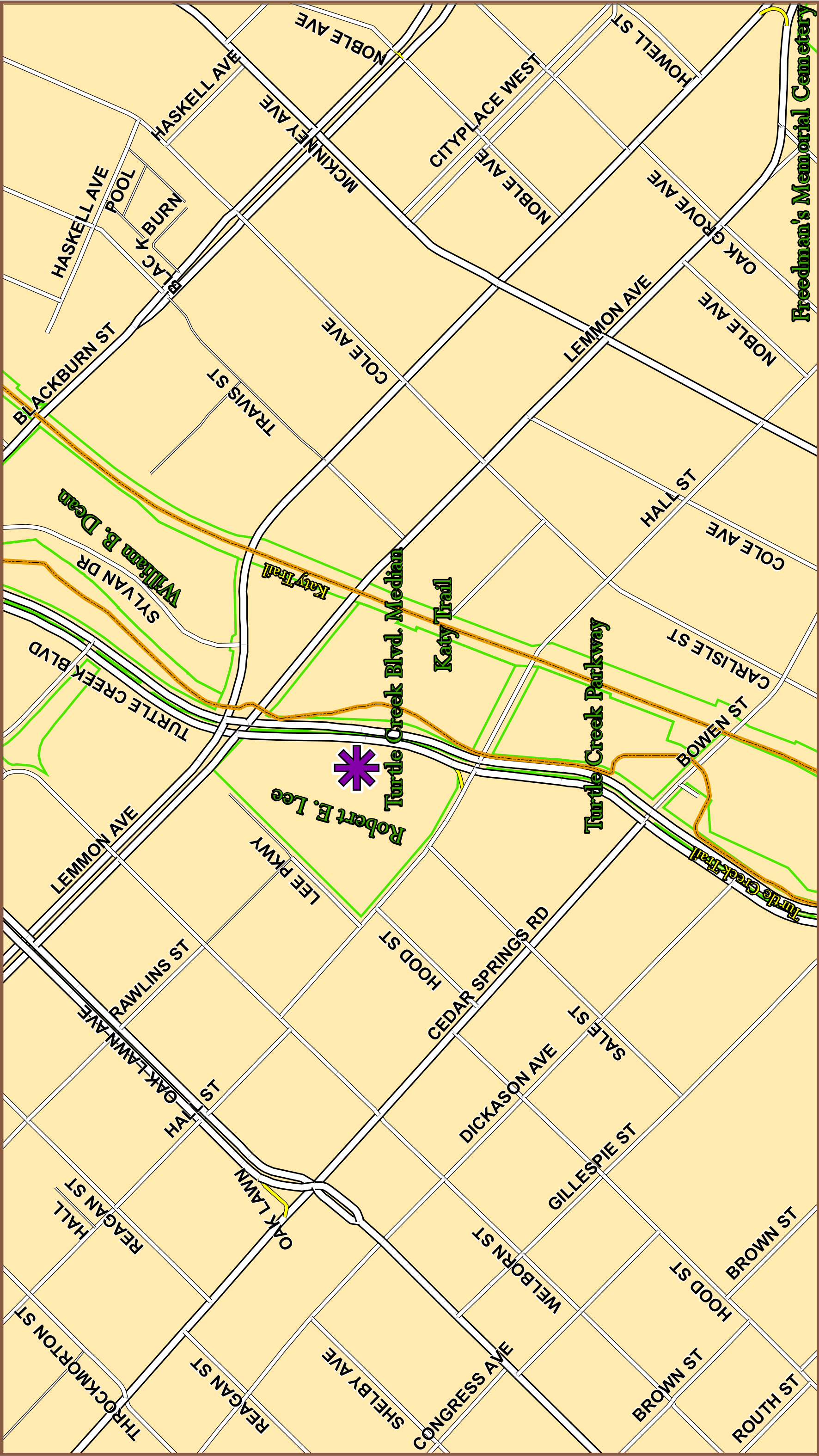
FISCAL INFORMATION

2006 Bond Funds - \$97,248

2006 Bond Program (General Obligation Commercial Paper Funds) - \$425,752

MAP

Attached



Mapsco
35 X

District
14

*Katy Trail Snyder Union Plaza
(3400 Turtle Creek Boulevard)*

March 26, 2014

WHEREAS, the City Charter provides for the Park and Recreation Board to grant contracts and agreements within park facilities with such terms and conditions as it shall deem proper; and

WHEREAS, the Lee Park and Arlington Hall Conservancy ("Conservancy") is preparing to begin construction on Robert E. Lee Park in connection with the further development of the Arlington Hall Master Plan located at 3400 Turtle Creek Boulevard with private funding; and

WHEREAS, the City is to reimburse the Conservancy for its share of public improvements costs in connection with the further development of the Arlington Hall Master Plan; and

WHEREAS, on October 14, 1998, Resolution No. 98-2945 authorized a development and operation agreement between the City of Dallas and Lee Park and Arlington Hall Conservancy in connection with the further development of Arlington Hall Master Plan; and

WHEREAS, on November 13, 2000, Administrative Action No. 00-3399, authorized an agreement between the Lee Park and Arlington Hall Conservancy (Conservancy) and the City of Dallas Park and Recreation Department, to allow the assignment of construction contracts for renovation work at the Arlington Hall facility to the Conservancy, there is no cost for this assignment; and

WHEREAS, on March 8, 2006, Resolution No. 06-0787, authorized Supplemental Agreement No. 1 to the development and operation agreement for the reimbursement to the Lee Park and Arlington Hall Conservancy for its share of public improvement costs in connection with the further development of the Arlington Hall Master Plan including drainage, renovation of picnic area, landscaping, irrigation and trail at Robert E. Lee Park, in an amount not to exceed \$198,028.70; and

WHEREAS, this action would authorize Supplemental Agreement No. 2 to the master agreement for the development and operation agreement for the City to reimburse the Lee Park and Arlington Hall Conservancy for its share of public improvement costs in connection with the further development of the Arlington Hall Master Plan including construction of a ramp to connect Snyder Union Plaza on the Katy Trail to Robert E. Lee Park, in an amount not to exceed \$523,000.00.

Now, Therefore,

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

March 26, 2014

SECTION 1. That the City Manager is hereby authorized to enter into Supplemental Agreement No. 2 to the master agreement for the development and operation agreement for the City to reimburse the Lee Park and Arlington Hall Conservancy for its share of public improvement costs in connection with the further development of the Arlington Hall Master Plan including construction of a ramp to connect Snyder Union Plaza on the Katy Trail to Robert E. Lee Park, in an amount not to exceed \$523,000.00.

SECTION 2. That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with the Lee Park and Arlington Hall Conservancy, after approval as to form by the City Attorney's Office.

SECTION 3. City will reimburse Conservancy for a total amount not to exceed \$523,000.00 when Conservancy submits its invoice to City no more frequently than monthly. Conservancy shall submit the invoice with proper documentation and the invoice must be approved by the Director of the Park and Recreation Department or his designee.

SECTION 4. That the City Controller is hereby authorized to pay the amount of \$523,000.00 to Lee Park and Arlington Hall Conservancy, as follows:

| | |
|---|------------------|
| (2006) Park and Recreation Facilities Improvement Fund Fund 8T00, Department PKR, Unit T187, Object 4599 Program PK06T187, CT-PKR14019439, Commodity 91200 Vendor VS0000063523 | \$97,248 |
| (2006) General Obligation Commercial Paper Fund Fund 2T00, Department PKR, Unit T187, Object 4599 Program PK06T187, CT-PKR14019439, Commodity 91200 Vendor VS0000063523 | <u>\$425,752</u> |
| Total amount not to exceed | \$523,000 |

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Public Works Department
Office of Cultural Affairs

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

MAPSCO: 46P

SUBJECT

Authorize a professional services contract with JQ Infrastructure, LLC to provide design services, preparation of construction documents, and construction management services for major maintenance repairs to the Perot Museum of Nature and Science at Fair Park (formerly the Dallas Museum of Natural History) - Not to exceed \$148,320 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

The Perot Museum of Nature and Science at Fair Park, located at 3535 Grand Avenue in Fair Park, was constructed as the Museum of Natural History for the 1936 Centennial Exposition. In 1988, a renovation was conducted to expand administrative offices located at the basement level. Dallas citizens approved funding for roof replacement and correction of water infiltration at this facility in the 2006 Bond Program. After a qualifications-based selection process, JQ Infrastructure, LLC was recommended as the most qualified firm for design of the repairs to the facility. JQ Infrastructure, LLC will provide architectural services, civil engineering, structural engineering, asbestos survey, landscape architecture, cost estimating, historical commission reviews, as necessary, and topographical survey.

This action will authorize a professional services contract with JQ Infrastructure, LLC for design phase services and construction management services during construction.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|--------------|
| Begin Design | April 2014 |
| Complete Design | October 2014 |
| Begin Construction | April 2015 |
| Complete Construction | January 2016 |

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$148,320

| | | |
|----------------------------|-------------------|--------|
| Design (this action) | \$ 148,320 | |
| Construction | \$1,350,000 | (est.) |
| Owner Development Expenses | \$ 70,000 | |
| Contingency | <u>\$ 131,680</u> | |
| Total | \$1,700,000 | (est.) |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

JQ Infrastructure, LLC

| | | | |
|-------------------------|----|-----------------------|----|
| Hispanic Female | 2 | Hispanic Male | 15 |
| African-American Female | 1 | African-American Male | 1 |
| Other Female | 1 | Other Male | 6 |
| White Female | 14 | White Male | 42 |

OWNER(S)

JQ Infrastructure, LLC

C. Raajan Mehta, PE, Managing Member, Resident Agent
Stephen H. Lucy, PE, Member
Christopher N. Story, PE, Member
Thomas L. Scott, PE, LEED AP, Member

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with JQ Infrastructure, LLC to provide design services, preparation of construction documents, and construction management services for major maintenance repairs to the Perot Museum of Nature and Science at Fair Park (formerly the Dallas Museum of Natural History) - Not to exceed \$148,320 - Financing: General Obligation Commercial Paper Funds

JQ Infrastructure, LLC is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$134,820.00 | 90.90% |
| Total non-local contracts | \$13,500.00 | 9.10% |
| TOTAL CONTRACT | \$148,320.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

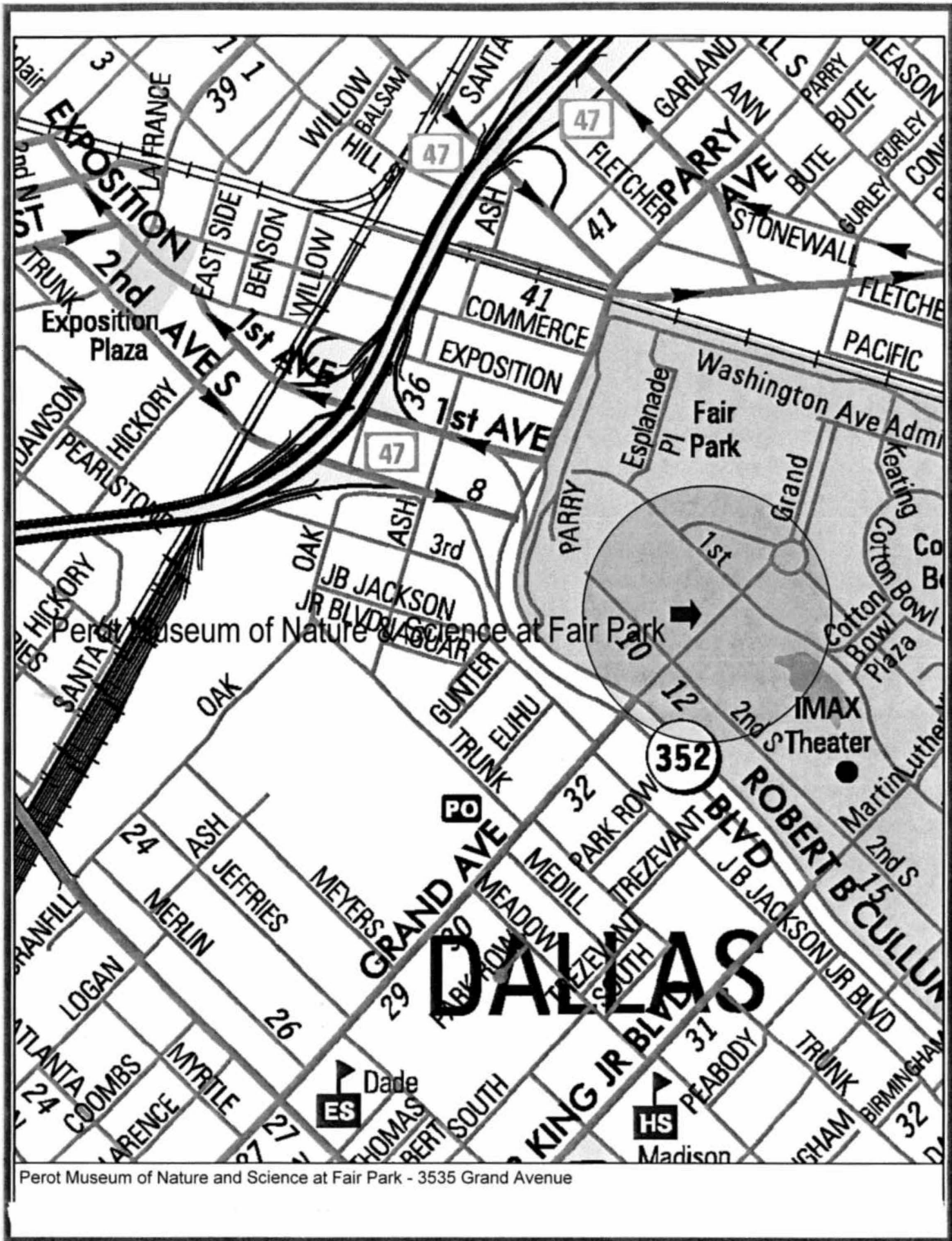
| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|--|----------------------|---------------------|----------------|
| Dry Tec Moisture Protection Technology | HFMB58482N0814 | \$14,700.00 | 10.90% |
| Abadi Accessibility | HFMB60014N0115 | \$2,200.00 | 1.63% |
| JQ Infrastructure, LLC | IMDB58200Y0714 | \$78,460.00 | 58.20% |
| Caye Cook & Associates | WFWB57693Y0614 | \$8,200.00 | 6.08% |
| Total Minority - Local | | \$103,560.00 | 76.81% |

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 | \$16,900.00 | 12.54% | \$16,900.00 | 11.39% |
| Asian American | \$78,460.00 | 58.20% | \$78,460.00 | 52.90% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$8,200.00 | 6.08% | \$8,200.00 | 5.53% |
| Total | \$103,560.00 | 76.81% | \$103,560.00 | 69.82% |



Perot Museum of Nature and Science at Fair Park - 3535 Grand Avenue

March 26, 2014

WHEREAS, the Perot Museum of Nature and Science at Fair Park was constructed in 1936 as the Dallas Museum of Natural History on a site located at 3535 Grand Avenue in Fair Park; and,

WHEREAS, the citizens of Dallas approved funding in the 2006 Bond Program for the water infiltration repairs and roof replacement for the facility; and,

WHEREAS, it is desirable to authorize a professional services contract with JQ Infrastructure, LLC to provide design services, preparation of construction documents, and construction administration for the Perot Museum of Nature and Science at Fair Park in an amount not to exceed \$148,320.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a professional services contract with JQ Infrastructure, LLC to provide design services, preparation of construction documents, and construction management services for the Perot Museum of Nature and Science at Fair Park, located at 3535 Grand Avenue, in an amount not to exceed \$148,320.

Section 2. That the City Manager is hereby authorized to execute the contract after it has been approved as to form by the City Attorney.

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

| | |
|--|-----------|
| Cultural Arts Facilities Fund | |
| Fund 2T49, Dept. PBW, Unit T705, Act. CULF | |
| Obj. 4112, Program #PB06T705, CT PBW06T705E1 | |
| Vendor #517892, in an amount not to exceed | \$132,120 |

| | |
|--|-----------------|
| Cultural Arts Facilities Fund | |
| Fund 2T49, Dept. PBW, Unit T713, Act. CULF | |
| Obj. 4112, Program #PB06T713, CT PBW06T705E1 | |
| Vendor #517892, in an amount not to exceed | <u>\$16,200</u> |

| | |
|---------------------|-----------|
| Total not to exceed | \$148,320 |
|---------------------|-----------|

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 # 17

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2, 9

DEPARTMENT: Public Works Department
Water Utilities

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

MAPSCO: 33M 34P 39H

SUBJECT

Authorize a professional services contract with Burgess & Niple, Inc. for the engineering design of one bridge repair and three street reconstruction projects (list attached) - Not to exceed \$591,593 - Financing: 2006 Bond Funds (\$47,949), General Obligation Commercial Paper Funds (\$489,003) and Water Utilities Capital Improvement Funds (\$54,641)

BACKGROUND

The 2012 Bond Program included funding for several bridge repair and street reconstruction projects. This action will provide for the engineering design of one bridge repair, one local street reconstruction and two thoroughfare reconstruction projects.

The bridge repair will consist of protection walls for the bridge embankment and channel riprap and gabion structures. The local street reconstruction project will consist of 750 linear feet of reinforced concrete pavement. The two street reconstruction thoroughfare projects will consist of 2,800 linear feet of 11-inch thick reinforced concrete pavement and wastewater main improvements. Sidewalk, storm drainage, driveway improvements and other street amenities will also be included in the design of the street projects.

The consulting firm was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines. Following are the locations and design costs for each project.

BACKGROUND (Continued)

| <u>Project</u> | <u>Council District</u> | <u>Amount</u> |
|---|--------------------------------|----------------------|
| <u>Bridge Repair</u> | | |
| Woodmeadow Parkway Bridge over Long Branch | 9 | \$ 47,949.00 |
| <u>Street Reconstruction Local Street</u> | | |
| Langdon Avenue from Thurston Drive to Denton Drive | 2 | \$ 69,680.00 |
| <u>Street Reconstruction Thoroughfares</u> | | |
| Maple Avenue from 800 feet south of Mockingbird Lane to Mockingbird Lane | 2 | \$162,351.00 |
| Woodmeadow Parkway from La Prada Drive west to the end of divided roadway | 9 | \$311,613.00 |

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|------------|
| Begin Design | April 2014 |
| Complete Design | April 2015 |
| Begin Construction | June 2015 |
| Complete Construction | June 2016 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - \$47,949.00
2012 Bond Program (General Obligation Commercial Paper Funds) - \$489,003.00
Water Utilities Capital Improvement Funds - \$54,641.00

| <u>Council District</u> | <u>Amount</u> |
|--------------------------------|----------------------|
| 2 | \$232,031.00 |
| 9 | <u>\$359,562.00</u> |
| Total | \$591,593.00 |

FISCAL INFORMATION (Continued)

Bridge Repair

Woodmeadow Parkway Bridge over Long Branch

| | |
|--------------|----------------------------|
| Design - PBW | \$ 47,949.00 |
| Construction | <u>\$522,263.00</u> (est.) |
| Total | \$570,212.00 (est.) |

Street Reconstruction Local Streets

Langdon Avenue from Thurston Drive to Denton Drive

| | |
|--------------|----------------------------|
| Design - PBW | \$ 69,680.00 |
| Construction | <u>\$339,500.00</u> (est.) |
| Total | \$409,180.00 (est.) |

Street Reconstruction Thoroughfares

Maple Avenue from 800 feet south of Mockingbird Lane to Mockingbird Lane

| | |
|--------------|------------------------------|
| Design - PBW | \$ 162,351.00 |
| Construction | <u>\$1,079,410.00</u> (est.) |
| Total | \$1,241,761.00 (est.) |

Woodmeadow Parkway from La Prada Drive west to the end of divided roadway

| | |
|--------------|------------------------------|
| Design - PBW | \$ 311,613.00 |
| Construction | <u>\$2,619,300.00</u> (est.) |
| Total | \$2,930,913.00 (est.) |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Burgess & Niple, Inc.

| | | | |
|-------------------------|---|-----------------------|---|
| Hispanic Female | 0 | Hispanic Male | 2 |
| African-American Female | 0 | African-American Male | 3 |
| Other Female | 0 | Other Male | 1 |
| White Female | 2 | White Male | 2 |

OWNER

Burgess & Niple, Inc.

Steven D. Sanders, P.E., PhD., Vice President

MAP(S)

Attached.

Professional Services Contract

| <u>Project</u> | <u>Council District</u> | <u>Amount</u> |
|---|--------------------------------|----------------------|
| <u>Bridge Repair</u> | | |
| Woodmeadow Parkway Bridge over Long Branch | 9 | \$ 47,949.00 |
| <u>Street Reconstruction Local Street</u> | | |
| Langdon Avenue from Thurston Drive to Denton Drive | 2 | \$ 69,680.00 |
| <u>Street Reconstruction Thoroughfares</u> | | |
| Maple Avenue from 800 feet south of Mockingbird Lane to Mockingbird Lane | 2 | \$162,351.00 |
| Woodmeadow Parkway from La Prada Drive west to the end of divided roadway | 9 | \$311,613.00 |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Burgess & Niple, Inc. for the engineering design of one bridge repair and three street reconstruction projects (list attached) - Not to exceed \$591,593 - Financing: 2006 Bond Funds (\$47,949), General Obligation Commercial Paper Funds (\$489,003) and Water Utilities Capital Improvement Funds (\$54,641)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$194,695.00 | 32.91% |
| Total non-local contracts | \$396,898.00 | 67.09% |
| TOTAL CONTRACT | \$591,593.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|---|----------------------|---------------------|----------------|
| Criado & Associates, Inc. | HFDB57963Y0714 | \$49,520.00 | 25.43% |
| Pacheco Koch Consulting Engineers, Inc. | HMDB58816Y0914 | \$97,175.00 | 49.91% |
| Charles Gojer & Associates, Inc. | HMDB58160Y0714 | \$12,500.00 | 6.42% |
| Total Minority - Local | | \$159,195.00 | 81.77% |

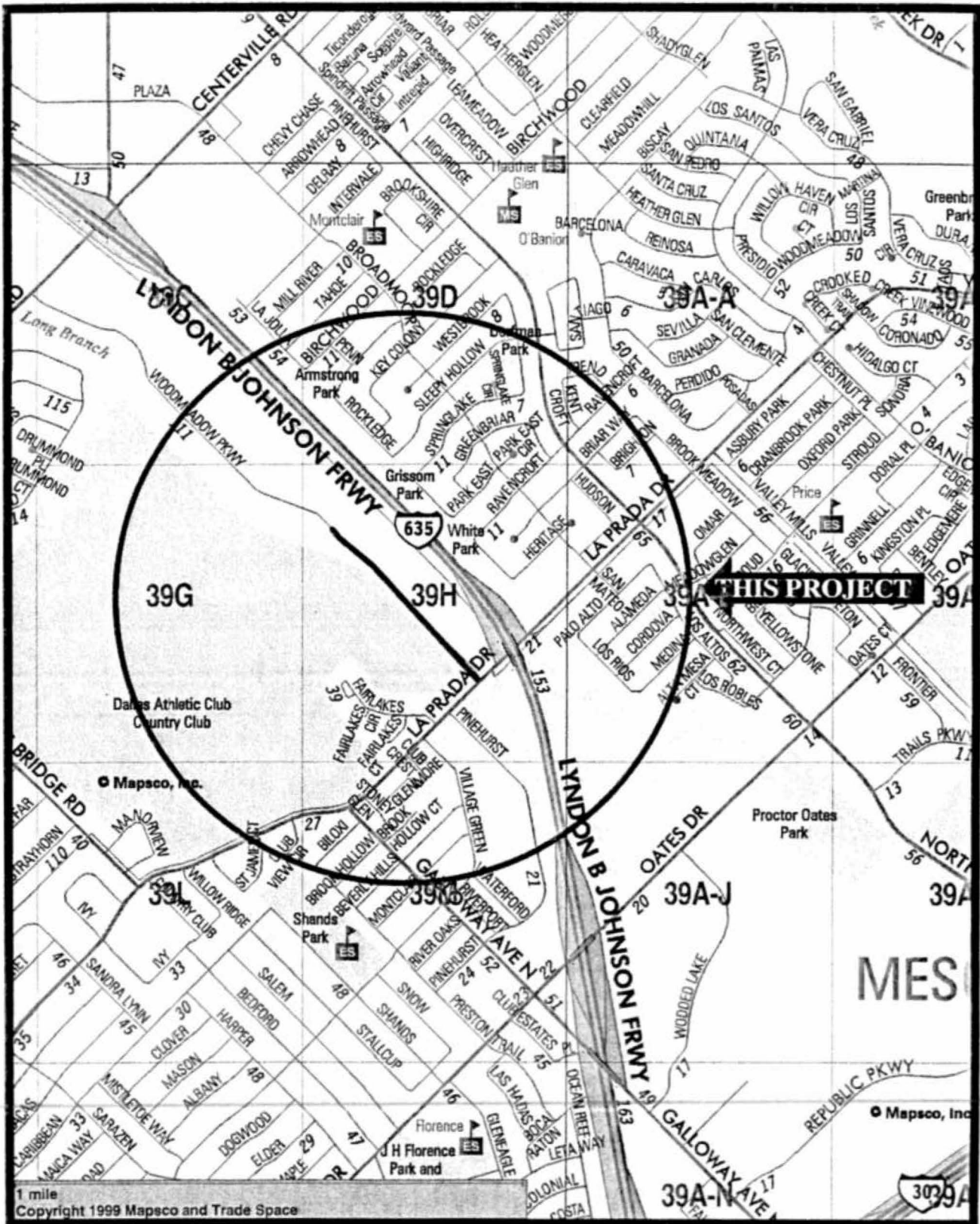
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

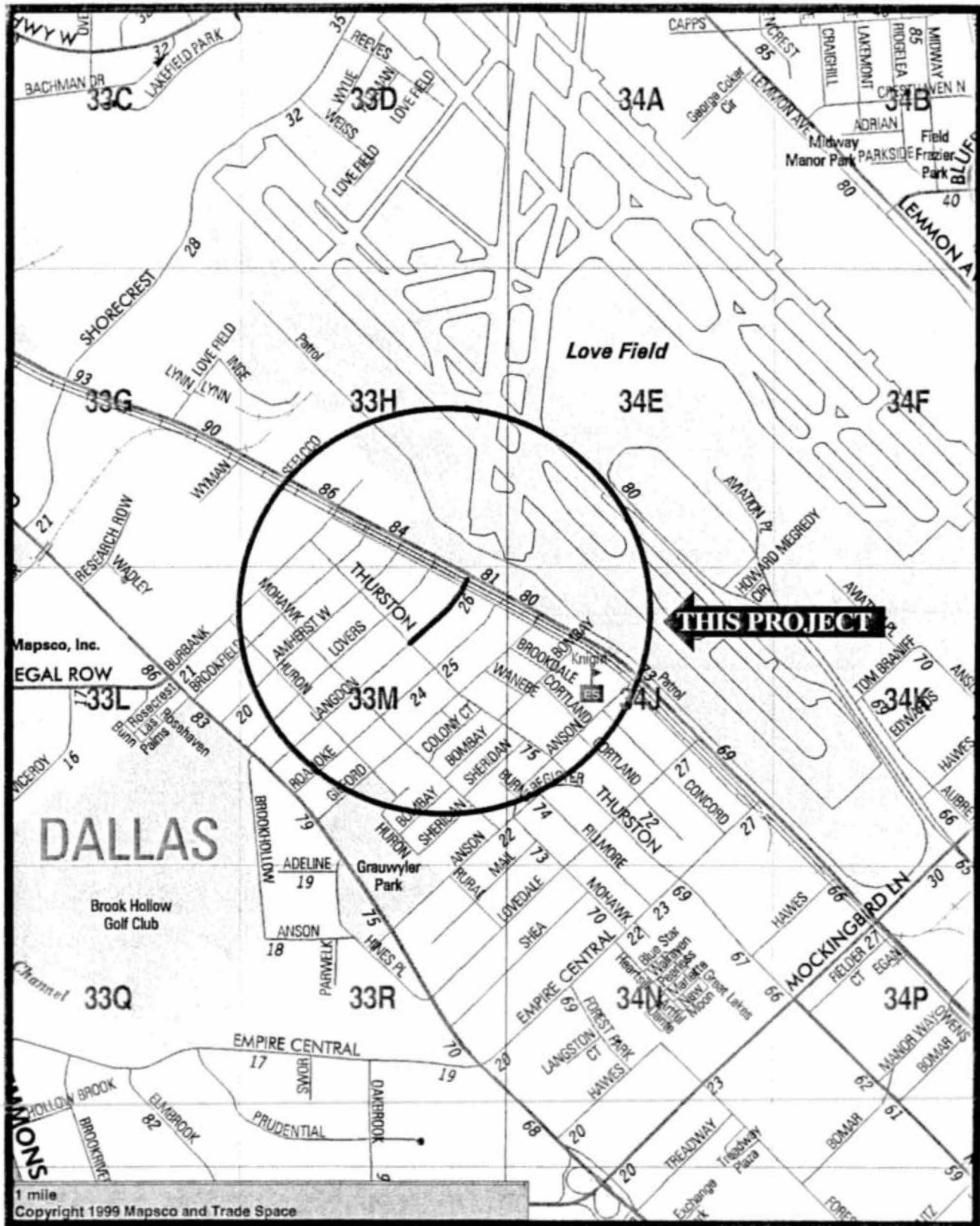
| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------------|----------------|------------------------------|----------------|
| African American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$159,195.00 | 81.77% | \$159,195.00 | 26.91% |
| 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 | \$159,195.00 | 81.77% | \$159,195.00 | 26.91% |

BRIDGE REPAIR
WOODMEADOW PARKWAY BRIDGE OVER LONG BRANCH



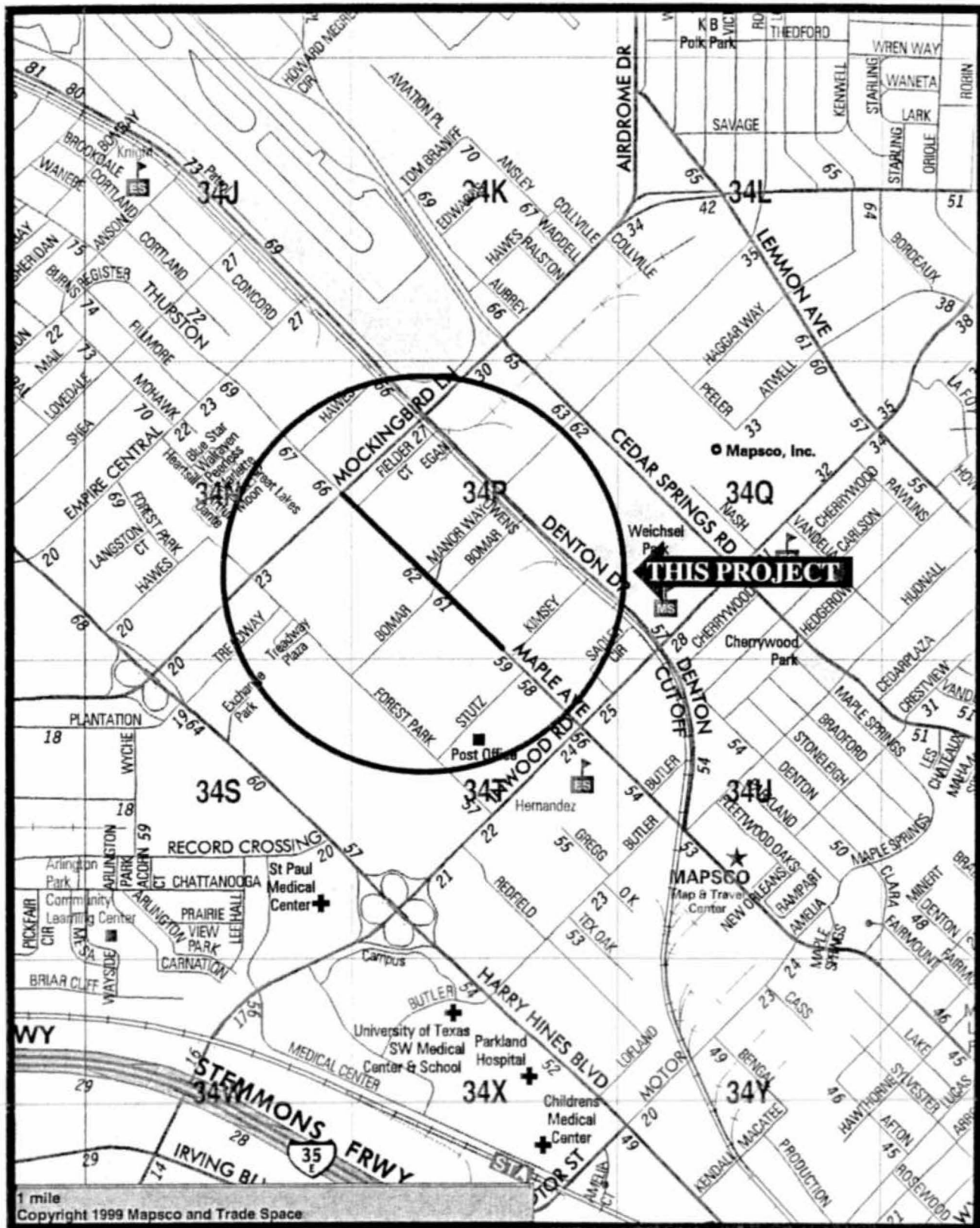
MAPSCO 39H

**STREET RECONSTRUCTION
LANGDON AVENUE FROM THURSTON DRIVE TO DENTON DRIVE**

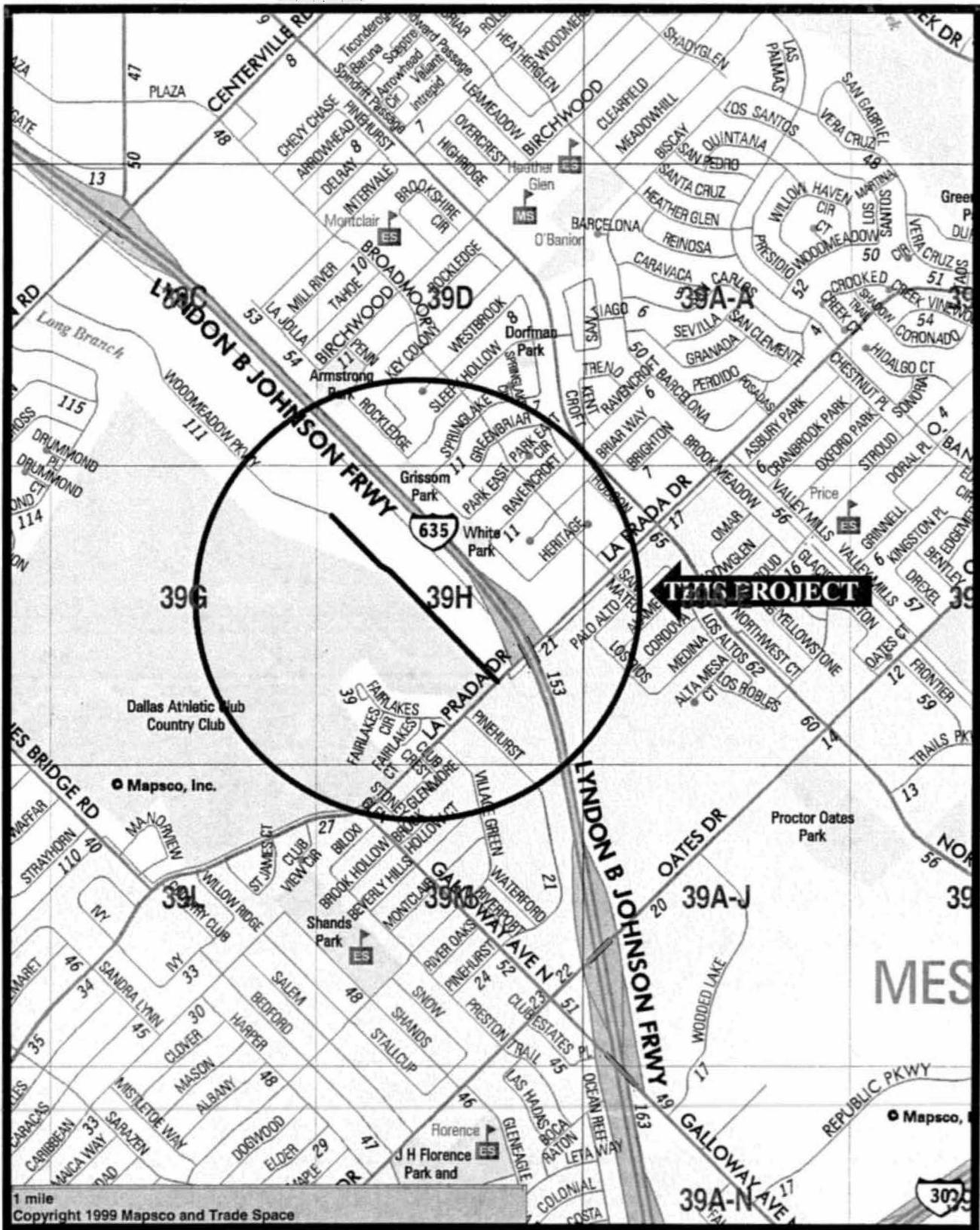


MAPSCO 33M

**MAPLE AVENUE FROM 800 FEET SOUTH OF MOCKINGBIRD LANE TO
MOCKINGBIRD LANE**

**MAPSCO 34P**

**STREET RECONSTRUCTION
WOODMEADOW PARKWAY FROM LA PRADA DRIVE WEST TO THE
END OF DIVIDED ROADWAY**



MAPSCO 39H

March 26, 2014

WHEREAS, Burgess & Niple, Inc. was selected to provide the engineering design for one bridge repair and three street reconstruction projects.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to enter into a contract with Burgess & Niple, Inc. for engineering services for the indicated projects in an amount not to exceed \$591,593.00, after they have 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:

Burgess & Niple, Inc. for the engineering design of a bridge repair project on: Woodmeadow Parkway Bridge over Long Branch; local street reconstruction project on Langdon Avenue from Thurston Drive to Denton Drive; two street reconstruction thoroughfare projects on Maple Avenue from 800 feet south of Mockingbird Lane to Mockingbird Lane and Woodmeadow Parkway from La Prada Drive west to the end of divided roadway:

| | |
|--|--------------|
| Street and Transportation Improvements Fund Fund 6T22, Department PBW, Unit P861, Act. BRAM Obj. 4111, Program #PB12P861, CT PBW12P861F1 Vendor #090012, in an amount not to exceed | \$ 47,949.00 |
|--|--------------|

| | |
|--|--------------|
| Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S438, Act. SREC Obj. 4111, Program #PB12S438, CT PBW12P861F1 Vendor #090012, in an amount not to exceed | \$ 69,680.00 |
|--|--------------|

| | |
|--|--------------|
| Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S316, Act. SREC Obj. 4111, Program #PB12S316, CT PBW12P861F1 Vendor #090012, in an amount not to exceed | \$141,666.00 |
|--|--------------|

| | |
|--|--------------|
| Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S320, Act. SREC Obj. 4111, Program #PB12S320, CT PBW12P861F1 Vendor #090012, in an amount not to exceed | \$277,657.00 |
|--|--------------|

March 26, 2014

| | |
|--|---------------------|
| Wastewater Capital Improvement Fund | |
| Fund 0116, Department DWU, Unit PS42, Act. RELP | |
| Obj. 4111, Program #714170, REP T2VN, CT PBW714170CP | |
| Vendor #090012, in an amount not to exceed | <u>\$ 54,641.00</u> |
| Total amount not to exceed | \$591,593.00 |

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

AGENDA ITEM # 18

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Public Works Department
Aviation

CMO: Jill A. Jordan, P.E., 670-5299
Theresa O'Donnell, 671-9195

MAPSCO: 23Z; 24W; 33D H; 34A B E F J K

SUBJECT

Authorize a professional services contract with Kimley-Horn and Associates, Inc. best qualified proposer of four, to provide engineering services for the runway, taxiway and apron airfield pavement evaluation project at Dallas Love Field - Not to exceed \$1,270,000 - Financing: Aviation Capital Construction Funds

BACKGROUND

This action will authorize a professional services contract with Kimley-Horn and Associates, Inc. to provide engineering services, which include developing a Pavement Condition Index, structural analysis using Falling Weight Deflectometer and Rolling Dynamic Deflectometer, determination of remaining life and update the existing Pavement Management System for the Runway, Taxiway and Apron Airfield Pavement Evaluation Project at Dallas Love Field.

The last airfield pavement evaluation was performed in 2011. As a requirement of the Federal Aviation Administration's grant assurances, Dallas Love Field is required to perform a pavement evaluation of the airfield pavement every three years.

The consulting firm, Kimley-Horn and Associates, Inc. was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

The Runway, Taxiway and Apron Pavement Evaluation will include a five and ten-year Capital Improvement Plan that will conform to Federal Aviation Administration (FAA) and City of Dallas needs assessment criteria. It will lay out the next pavement reconstruction program for Dallas Love Field.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------|------------|
| Begin Design | April 2014 |
| Complete Design | April 2015 |

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Aviation Capital Construction Funds - \$1,270,000

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Kimley-Horn and Associates, Inc.

| | | | |
|-------------------------|-----|-----------------------|------|
| Hispanic Female | 40 | Hispanic Male | 74 |
| African-American Female | 19 | African-American Male | 26 |
| Other Female | 42 | Other Male | 88 |
| White Female | 503 | White Male | 1145 |

PROPOSAL INFORMATION

A Request for Proposals (RFP) was issued on October 16, 2013 for the Airfield Pavement Project at Dallas Love Field. Four proposals were received on November 8, 2013. The proposers were ranked as follows:

| <u>Proposer</u> | <u>Rank</u> |
|-----------------------------------|--------------------|
| Kimley-Horn and Associates, Inc. | 1 |
| Garver, LLC | 2 |
| Applied Pavement Technology, Inc. | 3 |
| Jacobs Engineering Group, Inc. | 4 |

PROPOSAL INFORMATION (Continued)

The proposals were evaluated according to the criteria published in the Request for Qualifications and the Request for Proposals. These criteria with respective weights were as follows:

| | |
|--|-----------|
| Criteria 1 - Qualifications to undertake this project | 25 points |
| Criteria 2 - Key Personnel | 30 points |
| Criteria 3 - Understanding and Approach | 15 points |
| Criteria 4 - Schedules and Budgets | 15 points |
| Criteria 5 - Past performance and history of complying with DBE goals | 15 points |

OWNER(S)

Kimley-Horn and Associates, Inc.

John C. Atz, President
Mark S. Wilson, Chief Financial Officer

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Kimley-Horn and Associates, Inc. best qualified proposer of four, to provide engineering services for the runway, taxiway and apron airfield pavement evaluation project at Dallas Love Field - Not to exceed \$1,270,000 - Financing: Aviation Capital Construction Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|-----------------------|----------------|
| Total local contracts | \$1,190,101.00 | 93.71% |
| Total non-local contracts | \$79,899.00 | 6.29% |
| TOTAL CONTRACT | \$1,270,000.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

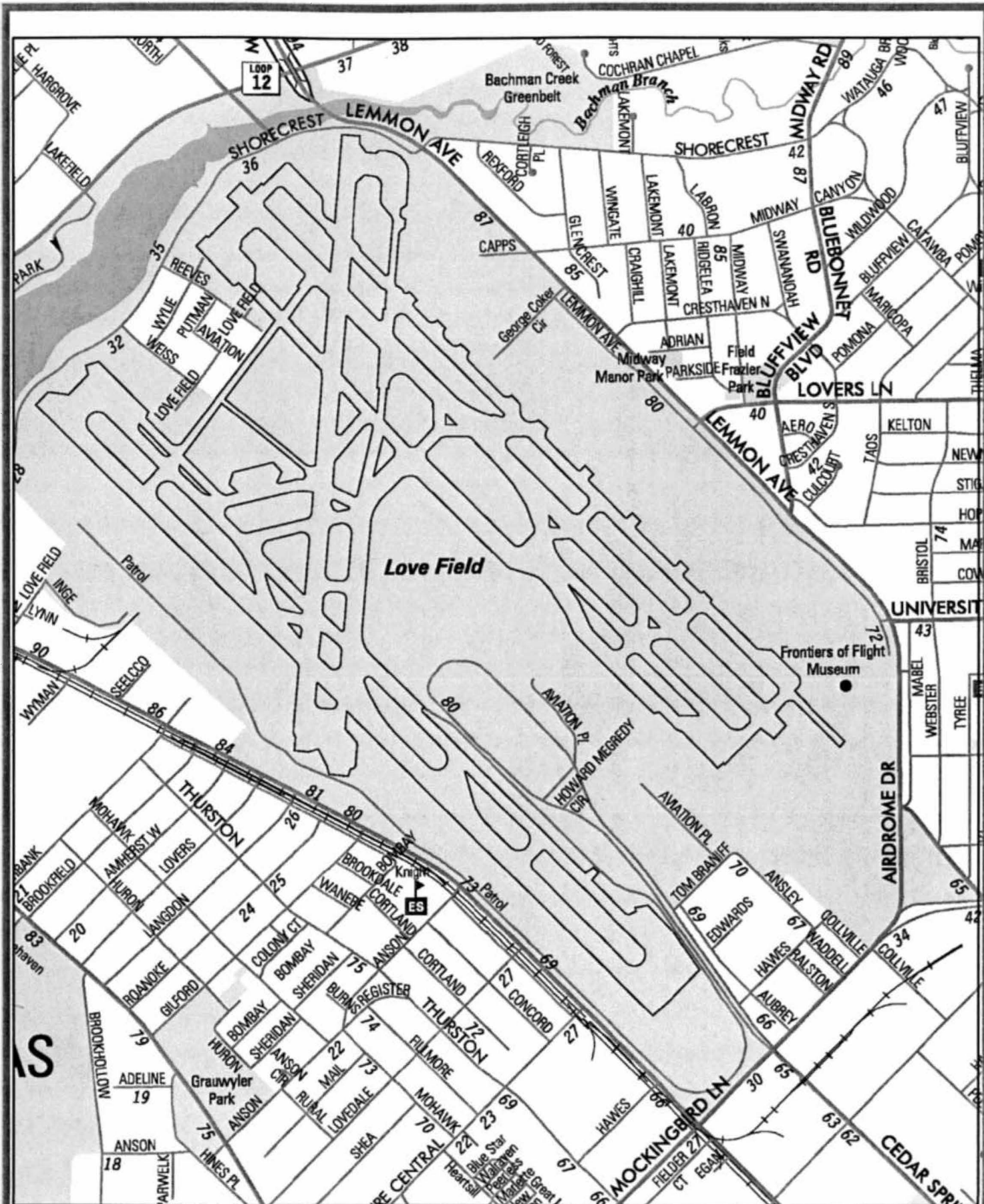
| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|---------------------|----------------|
| HVJ Associates | BMMB57382N0514 | \$193,105.00 | 16.23% |
| IBARRA Consulting Engineers, Inc. | HFDB56642Y0214 | \$119,000.00 | 10.00% |
| MS Dallas Reprographics | WFWB56940Y0314 | \$3,500.00 | 0.29% |
| Total Minority - Local | | \$315,605.00 | 26.52% |

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 | \$193,105.00 | 16.23% | \$193,105.00 | 15.21% |
| Hispanic American | \$119,000.00 | 10.00% | \$119,000.00 | 9.37% |
| Asian American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$3,500.00 | 0.29% | \$3,500.00 | 0.28% |
| Total | \$315,605.00 | 26.52% | \$315,605.00 | 24.85% |



Mapsc0 23Z; 24W; 33D, H; 34A, B, E, F, J, K

March 26, 2014

WHEREAS, it is necessary to perform a runway, taxiway and apron airfield pavement evaluation study every three years, a requirement of the Federal Aviation Administration (FAA) grant assurances to the Federal Aviation Administration; and,

WHEREAS, the last airfield pavement evaluation was performed in September 2011; and,

WHEREAS, to comply with the regulations, a Request for Qualifications and a Request for Proposals were developed to solicit professional services to perform an airfield pavement evaluation at Dallas Love Field; and,

WHEREAS on July 18, 2013 a Request for Qualifications was issued and on August 14, 2013, eight firms submitted their statement of qualifications; and,

WHEREAS, from these submittals four firms were shortlisted and issued a Request for Proposals; and,

WHEREAS on November 8, 2013, four firms submitted proposals to provide professional services for the Runway, Taxiway and Apron Airfield Pavement Evaluation Project at Dallas Love Field as follows:

| <u>Proposer</u> | <u>Rank</u> |
|-----------------------------------|-------------|
| Kimley-Horn and Associates, Inc. | 1 |
| Garver, LLC | 2 |
| Applied Pavement Technology, Inc. | 3 |
| Jacobs Engineering Group, Inc. | 4 |

WHEREAS, Kimley-Horn and Associates, Inc. was selected as the most qualified proposer of the four proposers, as a result of a qualifications-based selection process in accordance with City of Dallas procurement Guidelines; and,

WHEREAS, It is now desirable to authorize a professional services contract with Kimley-Horn and Associates, Inc. to provide engineering services for the Runway, Taxiway and Apron Airfield Pavement Evaluation Project at Dallas Love Field, in an amount not to exceed \$1,270,000.00.

Now, Therefore,

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

March 26, 2014

Section 1. That the City Manager is hereby authorized to execute a professional services contract with Kimley-Horn and Associates, Inc. to provide engineering services for the Runway, Taxiway and Apron Airfield Pavement Evaluation Project at Dallas Love Field, in an amount not to exceed \$1,270,000.00 after it has been approved as to form by the City Attorney.

Section 2. That the City will apply for Passenger Facility Charge (PFC) funds at a later date for the eligible planning, design and administration costs of the Runway, Taxiway and Apron Pavement Evaluation at Dallas Love Field, and upon the approval of PFC funding from the FAA, the City is authorized to accept such PFC funds. If and when PFC funding is received, the City Controller is hereby authorized to transfer the approved PFC from PFC Fund 0477, Dept. AVI, Balance Sheet Account 0001 (Cash Account) to the AVI Capital Construction Fund, 0131 Dept. AVI, Balance Sheet Account 0001 (Cash Account).

Section 3. That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

| | |
|---|-------------|
| Aviation Capital Construction Fund | |
| Fund 0131, Dept. AVI, Unit 9851, Act. AAIP, Obj. 4111 | |
| Program #AV PMT, CT AVIKHA0214, Comm. 92500 | |
| Vendor #135447, in an amount not to exceed | \$1,270,000 |

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 of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 19

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department

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

MAPSCO: N/A

SUBJECT

Authorize a three-year professional services contract with Granzow & Associates, Inc. for elevator and escalator inspections and consulting services (list attached) - Total not to exceed \$150,000 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

On May 19, 2012, Statements of Qualifications for Professional Consulting Services were received by the Public Works Department. Granzow & Associates, Inc. submitted a qualification statement and has been selected to provide elevator and escalator consulting services and inspections for the elevator and escalator equipment managed by the Public Works Department.

This action will authorize a three-year contract with Granzow & Associates, Inc. to provide consulting services relating to the elevator and escalator contracts.

ESTIMATED SCHEDULE OF PROJECT

| | |
|--------------------------------|---------------|
| Begin Professional Services | March 2014 |
| Complete Professional Services | February 2017 |

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Current Funds - \$150,000 (subject to annual appropriations)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Granzow & Associates, Inc.

| | | | |
|-------------------------|---|-----------------------|---|
| Hispanic Female | 0 | Hispanic Male | 0 |
| African-American Female | 0 | African-American Male | 0 |
| Other Female | 0 | Other Male | 0 |
| White Female | 0 | White Male | 1 |

OWNER

Granzow & Associates, Inc.

Russell Granzow, President

Elevator and Escalator Service Contract

| Location | Number of Units |
|-----------------------------|--------------------|
| 1600 Lamar | 1 |
| African American Museum | 2 |
| Anita Martinez Rec Center | 1 |
| Bullington Parking | 1, 2 |
| Bullington Truck Terminal | 1 |
| Cedar Crest Golf Club | 1 |
| Central Police | 1 |
| City Hall | 13 |
| Communications Building | 1 |
| Cotton Bowl | 6 |
| Dallas Arboretum | 1 |
| Dallas Central Library | 8 |
| Dallas Museum of Art | 13 |
| Dallas Theater Center | 2 |
| DETOX | 1 |
| Family Gateway | 1 |
| Fire Training | 1 |
| General Services | 1 |
| Hall of State | 2, 1 chair lift |
| Hampton Library | 1 chair lift |
| Headquarters Building | 1 |
| IMAX | 2 |
| Jack Evan Police Station | 8 |
| Majestic Theater | 1 |
| Meyerson Parking | 4 |
| Meyerson Symphony | 7 |
| Municipal Building | 4, 1 material lift |
| Museum of Natural History | 1 |
| New Streets Building | 1 |
| Oak Cliff Municipal | 3 |
| Old Mill Inn | 1 |
| Pan American Building | 1 |
| Pedestrian Walkway | 2, 4 |
| Police and Courts | 2, 2 chair lifts |
| Science Place 1 | 2, 1 chair lift |
| Science Place 2 | 1 |
| Southwest District Police | 2 |
| Texas Discovery Center | 1 |
| Sammons Center for the Arts | 1 |
| The Women's Museum | 2 |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year professional services contract with Granzow & Associates, Inc. for elevator and escalator inspections and consulting services (list attached) - Total not to exceed \$150,000 - Financing: Current Funds (subject to annual appropriations)

Granzow & Associates, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to perform the work with its own forces.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$0.00 | 0.00% |
| Total non-local contracts | \$150,000.00 | 100.00% |
| TOTAL CONTRACT | \$150,000.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

March 26, 2014

WHEREAS, it is necessary to retain a professional consulting firm to provide elevator and escalator inspection and related services; and,

WHEREAS, Granzow & Associates, Inc., a professional consulting firm, was selected in accordance with Administrative Directive 4-5 as the best firm to provide elevator and escalator consultant services; and,

WHEREAS, it is now desirable to authorize a three-year elevator and escalator consultant services contract with Granzow & Associates, Inc. for a total amount not to exceed \$150,000, subject to annual appropriations.

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 professional services contract with Granzow & Associates, Inc. to provide professional consulting services for a three-year elevator and escalator consultant services contract with Granzow & Associates, Inc. for a total amount not to exceed \$150,000, subject to annual appropriations, 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 in an amount not to exceed \$150,000 from:

2014 Current Funds

Fund 0001, Department PBW, Unit 3040, Obj. 3070

Program #JUX, CT PBWJUXA0001

Vendor #503587

2015 Current Funds

Fund 0001, Department PBW, Unit 3040, Obj. 3070

Program #JUX, CT PBWJUXA0002

Vendor #503587

2016 Current Funds

Fund 0001, Department PBW, Unit 3040, Obj. 3070

Program #JUX, CT PBWJUXA0003

Vendor #503587

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: March 26, 2014

COUNCIL DISTRICT(S): 2, 6

DEPARTMENT: Public Works Department
Water Utilities

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

MAPSCO: 44M 45J

SUBJECT

Street Reconstruction Group 06-618

- * Authorize **(1)** a contract with Texas Standard Construction, Ltd., lowest responsible bidder of four, in the amount of \$12,150,167 for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618 (list attached); **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$482,214; and **(3)** an increase in appropriations in the amount of \$482,214 in the Capital Projects Reimbursement Fund - Not to exceed \$12,150,167 - Financing: General Obligation Commercial Paper Funds (\$5,174,591), Capital Projects Reimbursement Funds (\$482,214), Regional Toll Revenue Funds (\$5,575,791), Water Utilities Capital Improvement Funds (\$904,371) and Water Utilities Capital Construction Funds (\$13,200)
- * Authorize **(1)** a professional services contract with Kleinfelder Central, Inc. in the amount of \$217,516 to provide construction material testing during the construction of Street Reconstruction Group 06-618; **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$13,704; and **(3)** an increase in appropriations in the amount of \$13,704 in the Capital Projects Reimbursement Fund - Not to exceed \$217,516 - Financing: General Obligation Commercial Paper Funds (\$94,184), Capital Projects Reimbursement Funds (\$13,704) and Regional Toll Revenue Funds (\$109,628)

BACKGROUND

A professional services contract with Hayden Consultants, Inc. for conceptual planning, topographic survey and the design of street paving, storm drainage, and wastewater improvements on Continental Avenue from Riverfront Boulevard to IH 35E was authorized by City Council on January 23, 2008. Hayden Consultants, Inc.'s design contract was subsequently amended to expand the project limits on Continental Boulevard from Core Street to Houston Street, and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad. This action will authorize a contract with Texas Standard Construction, Ltd. for the construction of street paving, storm drainage, water and wastewater main improvements for Street Group 06-618 and a professional services contract with Kleinfelder Central, Inc. to provide the construction material testing services. The material testing services was previously performed by a master agreement which no longer exists for construction projects. Therefore, a separate agreement is now required for this project.

The two streets included in Street Reconstruction Group 06-618 are Continental Avenue from Core Street to Houston Street and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad. The Riverfront Boulevard portion of this project is part of a larger joint City of Dallas and Dallas County project that extends from Parkhouse Street to Cadiz Street. The City is the lead agency for Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad (segment A), and Dallas County is the lead agency for Riverfront Boulevard from the Union Pacific Railroad to Cadiz Street (segment B). Segment B is estimated to begin construction in October 2014. On January 12, 2005, Council Resolution No. 05-0129 authorized a Project Specific Agreement (PSA) with Dallas County for the Riverfront Boulevard project.

The improvements will consist of replacing the existing pavement with 11-inch reinforced concrete pavement, storm drainage upgrades, bicycle tracks, sidewalks, barrier free ramps, drive approaches, landscaping, lighting, traffic signals, water and wastewater upgrades.

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 | 9 | 0 | 4 |
| Change Orders | 1 | 0 | 4 |
| Projects Requiring Liquidated Damages | 0 | 0 | 0 |
| Projects Completed by Bonding Company | 0 | 0 | 0 |

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|--------------|
| Began Design | March 2008 |
| Completed Design | January 2013 |
| Begin Construction | April 2014 |
| Complete Construction | March 2016 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Project Specific Agreement (PSA) with Dallas County on January 12, 2005, by Resolution No. 05-0129.

Authorized a professional services contract on January 23, 2008, by Resolution No. 08-0324.

Authorized Supplemental Agreement No. 1 for the preparation of an engineering study related to traffic and streetscape improvements on August 13, 2008, by Resolution No. 08-2087.

Authorized Supplemental Agreement No. 3 for additional design services to extend the limits of design on Continental Avenue from Riverfront Boulevard to Core Street to connect to the Trinity Parkway and add the design of Riverfront Boulevard from Parkhouse Street to Union Pacific Railroad on April 8, 2009, by Resolution No. 09-0976.

Authorized Supplemental Agreement No. 4 for a wastewater study for Riverfront Boulevard from Commerce Street to Corinth Street on February 23, 2011, by Resolution No. 11-0551.

Authorized Supplemental Agreement No. 5 for additional design for Continental Avenue from Core Street to IH 35E and Riverfront Boulevard from Parkhouse Street to the south end of the new pavement for the Woodall Rodgers Extension Project on March 28, 2012, by Resolution No. 12-0934.

Authorized Supplemental Agreement No. 6 for additional design for Continental Avenue from Core Street to Houston Street and Riverfront Boulevard from Parkhouse Street to Union Pacific Railroad on November 14, 2012, by Resolution No. 12-2759.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$5,268,774.88
Capital Projects Reimbursement Funds - \$495,916.84
Regional Toll Revenue Funds - \$5,685,418.73
Water Utilities Capital Improvement Funds - \$904,371.00
Water Utilities Capital Construction Funds - \$13,200.00

FISCAL INFORMATION (Continued)

Resolution 1 - Texas Standard

| <u>Council District</u> | <u>Amount</u> |
|--------------------------------|------------------------|
| 2 | \$ 900,000.00 |
| 6 | <u>\$11,250.166.20</u> |
| Total | \$12,150,166.20 |

Resolution 2 - Kleinfelder Central, Inc.

| <u>Council District</u> | <u>Amount</u> |
|--------------------------------|----------------------|
| 2 | \$ 16,096.13 |
| 6 | <u>\$ 201,419.12</u> |
| Total | \$ 217,515.25 |

Design \$ 143,344.00

Continental Avenue

| | |
|------------------------------|---------------|
| Supplemental Agreement No. 1 | \$ 79,337.38 |
| Supplemental Agreement No. 2 | \$ 24,500.00 |
| Supplemental Agreement No. 3 | \$ 243,980.40 |
| Supplemental Agreement No. 6 | \$ 88,910.00 |

Riverfront Boulevard

| | |
|------------------------------|----------------|
| Supplemental Agreement No. 3 | \$1,322,493.60 |
| Supplemental Agreement No. 4 | \$ 109,488.00 |
| Supplemental Agreement No. 5 | \$ 449,174.00 |
| Supplemental Agreement No. 6 | \$ 20,207.75 |

Construction

Continental Avenue

| | |
|--------------------------|----------------|
| Paving & Drainage - PBW | \$4,262,856.40 |
| Water & Wastewater - DWU | \$ 265,100.00 |
| Material testing | \$ 80,480.64 |

FISCAL INFORMATION (Continued)

Riverfront Boulevard

| | |
|--------------------------|----------------------|
| Paving & Drainage - PBW | \$6,969,738.80 |
| Water & Wastewater - DWU | \$ 652,471.00 |
| Material testing | <u>\$ 137,034.61</u> |

Total Project Cost \$14,849,116.58

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Texas Standard Construction, Ltd.

| | | | |
|-------------------------|---|-----------------------|----|
| Hispanic Female | 2 | Hispanic Male | 74 |
| African-American Female | 0 | African-American Male | 0 |
| Other Female | 0 | Other Male | 0 |
| White Female | 3 | White Male | 4 |

Kleinfelder Central, Inc.

| | | | |
|-------------------------|-----|-----------------------|------|
| Hispanic Female | 34 | Hispanic Male | 79 |
| African-American Female | 27 | African-American Male | 22 |
| Other Female | 40 | Other Male | 63 |
| White Female | 426 | White Male | 1042 |

BID INFORMATION

The following bids with quotes were received and opened on January 16, 2014:

*Denotes successful bidder

BID INFORMATION (Continued)

BIDDERS

BID AMOUNT

| | |
|--|-----------------|
| *Texas Standard Construction, Ltd. P.O. Box 210768 Dallas, Texas 75211 | \$12,150,166.20 |
| Gibson Associates, Inc. | \$13,752,053.93 |
| Phillips May Corporation | \$14,741,806.71 |
| Rebcon, Inc. | \$16,228,042.91 |

Original estimate: PBW - \$9,712,315.00
DWU - \$ 743,365.00

Total \$10,455,680.00

OWNERS

Texas Standard Construction, Ltd.

Ronald H. Dalton, President

Kleinfelder Central, Inc.

Aaron Cotton, Jr., Senior Project Manager

MAP

Attached.

Street Reconstruction Group 06-618

| <u>Project</u> | <u>Limits</u> | <u>Council District</u> |
|-----------------------|---|--------------------------------|
| Continental Avenue | Core Street to Riverfront Boulevard and Riverfront Boulevard to Houston Street | 2 |
| Riverfront Boulevard | Parkhouse Street to Union Pacific Railroad | 6 |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a contract with Texas Standard Construction, Ltd., lowest responsible bidder of four, in the amount of \$12,150,167 for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618 (list attached); **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$482,214; and **(3)** an increase in appropriations in the amount of \$482,214 in the Capital Projects Reimbursement Fund - Not to exceed \$12,150,167 - Financing: General Obligation Commercial Paper Funds (\$5,174,591), Capital Projects Reimbursement Funds (\$482,214), Regional Toll Revenue Funds (\$5,575,791), Water Utilities Capital Improvement Funds (\$904,371) and Water Utilities Capital Construction Funds (\$13,200)

Texas Standard Construction, Ltd. is a local, non-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 | \$10,007,019.20 | 82.36% |
| Total non-local contracts | \$2,143,147.00 | 17.64% |
| TOTAL CONTRACT | \$12,150,166.20 | 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 & Gravel | BMDB58593Y0914 | \$3,621,695.00 | 36.19% |
| Total Minority - Local | | \$3,621,695.00 | 36.19% |

Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|--------------------|----------------|
| A & A Construction | HMDB56675Y0214 | \$40,000.00 | 1.87% |
| Buyers Barricade | WFDB56717Y0214 | \$20,000.00 | 0.93% |
| Magnum Manhole & Underground Co. | WFDB56863Y0314 | \$4,290.00 | 0.20% |
| Total Minority - Non-local | | \$64,290.00 | 3.00% |

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------------|-----------------------|-------------------------------------|-----------------------|
| African American | \$3,621,695.00 | 36.19% | \$3,621,695.00 | 29.81% |
| Hispanic American | \$0.00 | 0.00% | \$40,000.00 | 0.33% |
| 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% | \$24,290.00 | 0.20% |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Total | \$3,621,695.00 | 36.19% | \$3,685,985.00 | 30.34% |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a professional services contract with Kleinfelder Central, Inc. in the amount of \$217,516 to provide construction material testing during the construction of Street Reconstruction Group 06-618; **(2)** the receipt and deposit of funds from Dallas County in an amount not to exceed \$13,704; and **(3)** an increase in appropriations in the amount of \$13,704 in the Capital Projects Reimbursement Fund - Not to exceed \$217,516 - Financing: General Obligation Commercial Paper Funds (\$94,184), Capital Projects Reimbursement Funds (\$13,704) and Regional Toll Revenue Funds (\$109,628)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$217,515.25 | 100.00% |
| Total non-local contracts | \$0.00 | 0.00% |
| TOTAL CONTRACT | \$217,515.25 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|---------------------------------|----------------------|--------------------|----------------|
| MasTek Engineering & Associates | BMDB56718Y0314 | \$16,314.40 | 7.50% |
| Alliance Geotechnical Group | BMDB59500Y1214 | \$16,314.40 | 7.50% |
| Total Minority - Local | | \$32,628.80 | 15.00% |

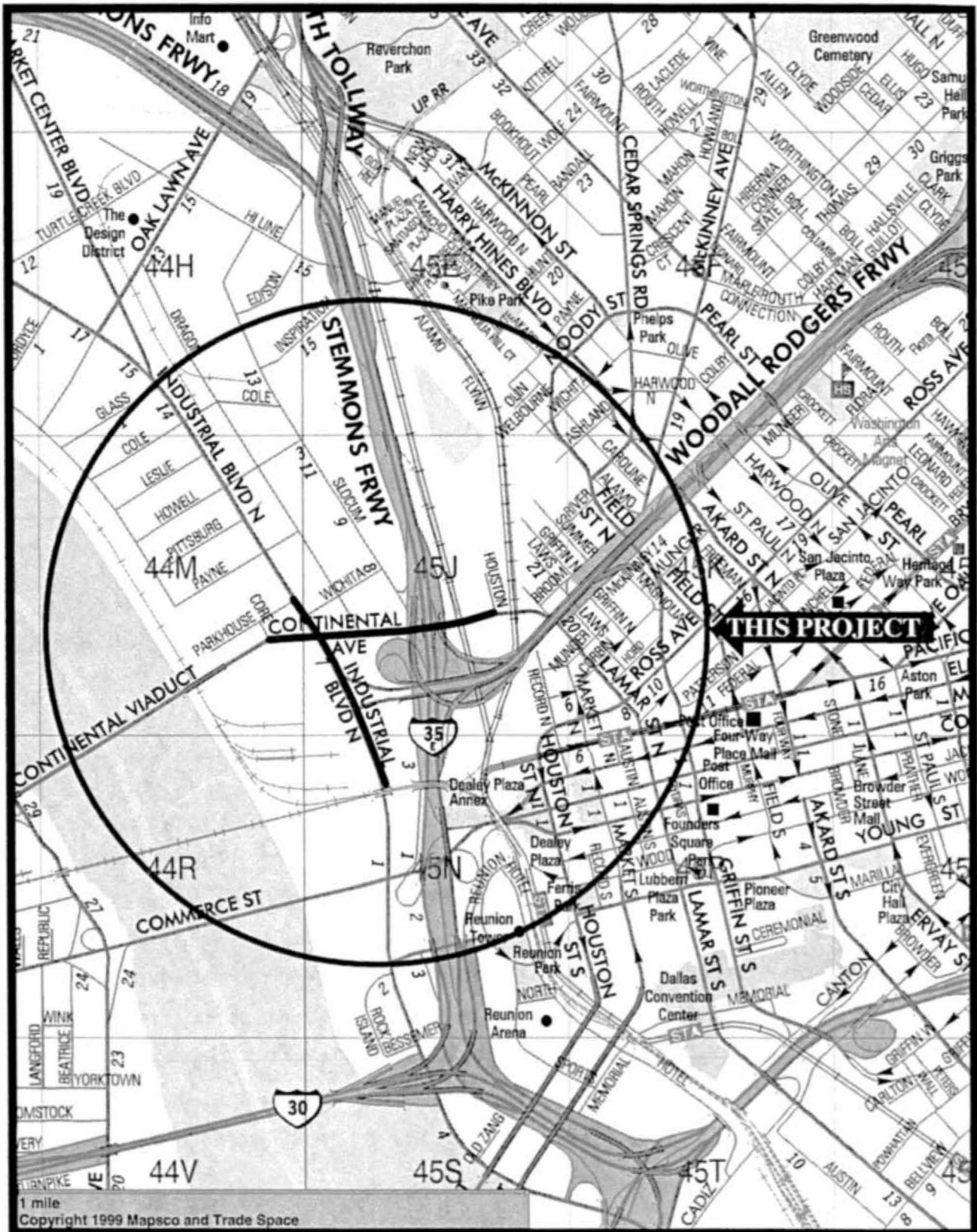
Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------------|-----------------------|-------------------------------------|-----------------------|
| African American | \$32,628.80 | 15.00% | \$32,628.80 | 15.00% |
| 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% |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Total | \$32,628.80 | 15.00% | \$32,628.80 | 15.00% |

STREET RECONSTRUCTION GROUP 06-618
CONTINENTAL AVE. FROM CORE ST. TO HOUSTON ST.
RIVERFRONT BLVD. FROM PARKHOUSE ST. TO UNION PACIFIC RAILROAD



MAPSCO 44M & 45J

March 26, 2014

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for the engineering design of Continental Avenue from Riverfront Boulevard to IH 35 for conceptual planning, topographic survey and the design of street paving, storm drainage and wastewater improvements; and,

WHEREAS, on April 13, 2008, Resolution No. 08-2087 authorized Supplemental Agreement No. 1 to the contract with Hayden Consultants, Inc. for additional detailed engineering study related to traffic and streetscape for Continental Avenue from East Levee Street to Houston Street in the amount of \$79,337.38, increasing the contract from \$143,344.00 to \$222,681.38; and,

WHEREAS, on February 10, 2009, Administrative Action No. 09-0674 authorized Supplemental Agreement No. 2 to the contract with Hayden Consultants, Inc. to obtain a vision development and study other options to develop streetscape concepts according to different right-of-way scenarios and transit options in the amount of \$24,500.00, increasing the contract from \$222,681.38 to \$247,181.38; and,

WHEREAS, on April 8, 2009, Resolution No. 09-0976 authorized Supplemental Agreement No. 3 to the contract with Hayden Consultants, Inc. for additional design services for surveying, street paving, storm drainage, water and wastewater improvements for Continental Avenue from Core Street to Riverfront Boulevard and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad in the amount of \$1,566,474.00, increasing the contract from \$247,181.38 to \$1,813,655.38; and,

WHEREAS, on February 23, 2011, Resolution No. 11-0551 authorized Supplemental Agreement No. 4 to the contract with Hayden Consultants, Inc. for a wastewater study for Riverfront Boulevard from Commerce Street to Corinth Street in the amount of \$109,488.00, increasing the contract from \$1,813,655.38 to \$1,923,143.38; and,

WHEREAS, on March 28, 2012, Resolution No. 12-0934 authorized Supplemental Agreement No. 5 to the contract with Hayden Consultants, Inc. for additional design of street paving, drainage, streetscape, surveying, horseshoe culvert rehabilitation and wastewater improvements for Continental Avenue from Core Street to IH 35 and Riverfront Boulevard from Parkhouse Street to the south end of the new pavement for the Woodall Rodgers Extension Project in the amount of \$449,174.00, increasing the contract from \$1,923,143.38 to \$2,372,317.38; and,

WHEREAS, on November 14, 2012, Resolution No. 12-2759 authorized Supplemental Agreement No. 6 to the contract with Hayden Consultants, Inc. for additional design of street paving, drainage, streetscape, traffic signal upgrade and surveying for Continental Avenue from Core Street to Houston Street and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad Project in the amount of \$109,117.75, increasing the contract from \$2,372,317.38 to \$2,481,435.13; and,

March 26, 2014

WHEREAS, bids were received on January 16, 2014, for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618, as follows:

| <u>BIDDERS</u> | <u>BID AMOUNT</u> |
|-----------------------------------|--------------------------|
| Texas Standard Construction, Ltd. | \$12,150,166.20 |
| Gibson Associates, Inc. | \$13,752,053.93 |
| Phillips May Corporation | \$14,741,806.71 |
| Rebcon, Inc. | \$16,228,042.91 |

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 street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618 in an amount not to exceed \$12,150,166.20, this being the lowest responsive 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 deposit funds from Dallas County in accordance with the terms and conditions in the amount of \$482,213.38 into the Capital Projects Reimbursement Fund 0556, Department PBW, Unit U215, Revenue Source 6511.

Section 3. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Department PBW, Unit U215, Object 4510 in the amount of \$482,213.38.

Section 4. 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 U783, Act. THRF Obj. 4510, Program #PB06U783, CT PBW06U215F1 Vendor #339573, in an amount not to exceed | \$ 4,262,856.40 |
|--|-----------------|

| | |
|--|---------------|
| Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit U215, Act. INGV Obj. 4510, Program #PB06U215, CT PBW06U215F1 Vendor #339573, in an amount not to exceed | \$ 911,734.38 |
|--|---------------|

March 26, 2014

| | |
|--|---------------------|
| Regional Toll Revenue Fund Fund S227, Department PBW, Unit P640, Act. INGV Obj. 4510, Program #PBPRP640, CT PBW06U215F1 Vendor #339573, in an amount not to exceed | \$ 5,575,791.04 |
| Capital Projects Reimbursement Fund Fund 0556, Department PBW, Unit U215, Act. INGV Obj. 4510, Program #PB06U215, CT PBW06U215F1 Vendor #339573, in an amount not to exceed | \$ 482,213.38 |
| Water Construction Fund Fund 0102, Department DWU, Unit CW42, Act. RELP Obj. 3221, Program #713023X, Reporting W3KQ, CT PBW713023EN Vendor #339573, in an amount not to exceed | \$ 11,200.00 |
| Water Capital Improvement Fund Fund 0115, Department DWU, Unit PW42, Act. RELP Obj. 4550, Program #713023, Reporting W3KQ, CT PBW713023CP Vendor #339573, in an amount not to exceed | \$ 833,716.00 |
| Wastewater Construction Fund Fund 0103, Department DWU, Unit CS42, Act. RELP Obj. 3222, Program #713024X, Reporting T2VR, CT PBW713024EN Vendor #339573, in an amount not to exceed | \$ 2,000.00 |
| Wastewater Capital Improvement Fund Fund 0116, Department DWU, Unit PS42, Act. RELP Obj. 4560, Program #713024, Reporting T2VR, CT PBW713024CP Vendor #339573, in an amount not to exceed | <u>\$ 70,655.00</u> |
| Total in an amount not to exceed | \$12,150,166.20 |

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.

March 26, 2014

WHEREAS, on January 23, 2008, Resolution No. 08-0324 authorized a professional services contract for the engineering design of Continental Avenue from Riverfront Boulevard to IH 35 for conceptual planning, topographic survey and the design of street paving, storm drainage and wastewater improvements; and,

WHEREAS, on April 13, 2008, Resolution No. 08-2087 authorized Supplemental Agreement No. 1 to the contract with Hayden Consultants, Inc. for additional detailed engineering study related to traffic and streetscape for Continental Avenue from East Levee Street to Houston Street in the amount of \$79,337.38, increasing the contract from \$143,344.00 to \$222,681.38; and,

WHEREAS, on February 10, 2009, Administrative Action No. 09-0674 authorized Supplemental Agreement No. 2 to the contract with Hayden Consultants, Inc. to obtain a vision development and study other options to develop streetscape concepts according to different right-of-way scenarios and transit options in the amount of \$24,500.00, increasing the contract from \$222,681.38 to \$247,181.38; and,

WHEREAS, on April 8, 2009, Resolution No. 09-0976 authorized Supplemental Agreement No. 3 to the contract with Hayden Consultants, Inc. for additional design services for surveying, street paving, storm drainage, water and wastewater improvements for Continental Avenue from Core Street to Riverfront Boulevard and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad in the amount of \$1,566,474.00, increasing the contract from \$247,181.38 to \$1,813,655.38; and,

WHEREAS, on February 23, 2011, Resolution No. 11-0551 authorized Supplemental Agreement No. 4 to the contract with Hayden Consultants, Inc. for a wastewater study for Riverfront Boulevard from Commerce Street to Corinth Street in the amount of \$109,488.00, increasing the contract from \$1,813,655.38 to \$1,923,143.38; and,

WHEREAS, on March 28, 2012, Resolution No. 12-0934 authorized Supplemental Agreement No. 5 to the contract with Hayden Consultants, Inc. for additional design of street paving, drainage, streetscape, surveying, horseshoe culvert rehabilitation and wastewater improvements for Continental Avenue from Core Street to IH 35 and Riverfront Boulevard from Parkhouse Street to the south end of the new pavement for the Woodall Rodgers Extension Project in the amount of \$449,174.00, increasing the contract from \$1,923,143.38 to \$2,372,317.38; and,

WHEREAS, on November 14, 2012, Resolution No. 12-2759 authorized Supplemental Agreement No. 6 to the contract with Hayden Consultants, Inc. for additional design of street paving, drainage, streetscape, traffic signal upgrade and surveying for Continental Avenue from Core Street to Houston Street and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad Project in the amount of \$109,117.75, increasing the contract from \$2,372,317.38 to \$2,481,435.13; and,

March 26, 2014

WHEREAS, it is now necessary to authorize a professional services contract with Kleinfelder Central, Inc. to provide construction material testing during the construction of Street Reconstruction Group 06-618.

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 professional services contract with Kleinfelder Central, Inc. to provide construction material testing during the construction of Street Reconstruction Group 06-618 in an amount not to exceed \$217,515.25, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to deposit funds from Dallas County in accordance with the terms and conditions in the amount of \$13,703.46 into the Capital Projects Reimbursement Fund 0556, Department PBW, Unit U215, Revenue Source 6511.

Section 3. That the City Manager is hereby authorized to increase appropriations in the Capital Projects Reimbursement Fund 0556, Department PBW, Unit U215, Object 4510 in the amount of \$13,703.46.

Section 4. 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 U215, Act. INGV Obj. 4113, Program #PB06U215, CT PBW06U215F2 Vendor #041746, in an amount not to exceed | \$ 13,703.46 |
|--|--------------|

| | |
|--|--------------|
| Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit U783, Act. THRF Obj. 4113, Program #PB06U783, CT PBW06U215F2 Vendor #041746, in an amount not to exceed | \$ 80,480.64 |
|--|--------------|

| | |
|--|--------------|
| Capital Projects Reimbursement Fund Fund 0556, Department PBW, Unit U215, Act. INGV Obj. 4113, Program #PB06U215, CT PBW06U215F2 Vendor #041746, in an amount not to exceed | \$ 13,703.46 |
|--|--------------|

March 26, 2014

| | |
|---|---------------------|
| Regional Toll Revenue Fund | |
| Fund S227, Department PBW, Unit P640, Act. INGV | |
| Obj. 4113, Program #PBPRP640, CT PBW06U215F2 | |
| Vendor #041746, in an amount not to exceed | <u>\$109,627.69</u> |
| Total in an amount not to exceed | \$217,515.25 |

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 # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 5

DEPARTMENT: Public Works Department
Fire

CMO: Jill A. Jordan, P.E., 670-5299
Charles Cato, 670-9194

MAPSCO: 48N

SUBJECT

Authorize an increase in the construction contract with CORE Construction Services of Texas, Inc. for the addition of folding apparatus bay doors in lieu of rolling sectional doors and modifications to the facility's natural gas piping and meter location for the Fire Station No. 32 replacement facility, located at 4262 North Jim Miller Road - Not to exceed \$110,630, from \$3,856,780 to \$3,967,410 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

Dallas voters approved funding in the 2006 Bond Program for the replacement of Fire Station No. 32, located at 7003 Benning Avenue.

On August 14, 2013, Resolution No. 13-1302 authorized a construction contract with CORE Construction Services of Texas, Inc. for the construction of Fire Station No. 32 replacement facility, to be located at 4262 N. Jim Miller Road, in the amount of \$3,856,780.

This Change Order No. 1 action will authorize the addition of four (4) folding apparatus bay doors in lieu of the specified rolling sectional doors for faster emergency response, (\$112,073.24); revise the facility's natural gas piping and meter location, (\$728.82); and accept a credit for concrete masonry walls that are to stop at the mezzanine height in lieu of roof deck, (-\$2,172.15), total amount of \$110,629.91.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|----------------|
| Began Design | March 2011 |
| Completed Design | January 2013 |
| Began Construction | September 2013 |
| Complete Construction | November 2014 |

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a design services contract with BRW Architects, Inc. for the Fire Station No. 32 replacement facility on February 23, 2011, by Resolution No. 11-0546.

Authorized a contract with CORE Construction Services of Texas, Inc. for the construction of the Fire Station No. 32 replacement facility, located at 4262 N. Jim Miller Road on August 14, 2013, by Resolution No. 13-1302.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$110,629.91

| | |
|---|-----------------------|
| Construction (Original Contract) | \$3,856,780.00 |
| Change Order No. 1 (this action) | <u>\$ 110,629.91</u> |
| Construction Total | \$3,967,409.91 |
| Land Acquisition/Demolition | \$ 366,000.00 |
| Design | \$ 395,000.00 |
| Supplemental Agreement No. 1 | \$ 10,700.00 |
| Construction | \$3,967,409.91 |
| Off-site utilities/construction | \$ 224,576.00 |
| Oncor (3-phase service) | \$ 2,182.00 (est.) |
| Oncor (remove overhead power-conflict) | \$ 12,166.00 (est.) |
| Time Warner Service (remove overhead cable - conflict) | \$ 12,486.00 |
| Fiber Light Service (remove overhead fiber-line-conflict) | \$ 34,271.00 (est.) |
| Permits/Fees | \$ 15,000.00 |
| Testing | \$ 32,000.00 |
| Furniture, Fixtures, and Equipment | \$ 118,000.00 |
| Public Art | \$ 37,500.00 |
| Contingency | <u>\$ 433,613.09</u> |
| Total Project Cost | \$5,660,904.00 (est.) |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

CORE Construction Services of Texas, Inc.

| | | | |
|-------------------------|---|-----------------------|----|
| Hispanic Female | 0 | Hispanic Male | 23 |
| African-American Female | 0 | African-American Male | 0 |
| Other Female | 0 | Other Male | 1 |
| White Female | 1 | White Male | 9 |

OWNER

CORE Construction Services of Texas, Inc.

Gary Frazer, President/Chief Executive Officer

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the construction contract with CORE Construction Services of Texas, Inc. for the addition of folding apparatus bay doors in lieu of rolling sectional doors and modifications to the facility's natural gas piping and meter location for the Fire Station No. 32 replacement facility, located at 4262 North Jim Miller Road - Not to exceed \$110,630, from \$3,856,780 to \$3,967,410 - Financing: General Obligation Commercial Paper Funds

CORE Construction Services of Texas, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|---------------------|----------------|
| Local contracts | \$110,629.91 | 100.00% |
| Non-local contracts | \$0.00 | 0.00% |
| TOTAL THIS ACTION | \$110,629.91 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

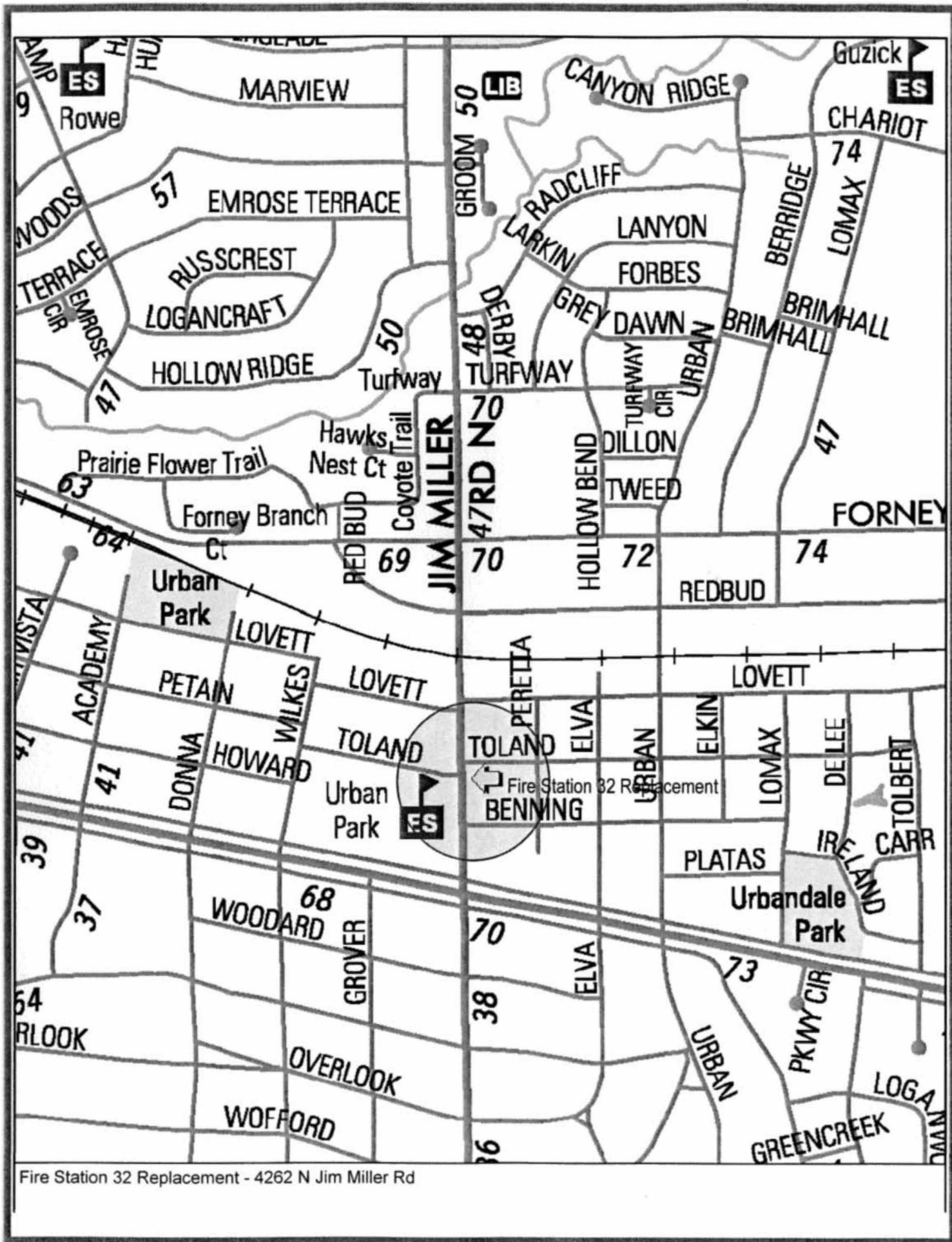
| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-------------------------------|----------------------|-----------------|----------------|
| Posada's Painting | HFDB59994Y0115 | \$250.00 | 0.23% |
| American Striping | WFDB56861Y0314 | \$150.00 | 0.14% |
| Total Minority - Local | | \$400.00 | 0.36% |

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 | \$250.00 | 0.23% | \$416,928.00 | 10.51% |
| Asian American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$150.00 | 0.14% | \$610,247.00 | 15.38% |
| Total | \$400.00 | 0.36% | \$1,027,175.00 | 25.89% |



Fire Station 32 Replacement - 4262 N Jim Miller Rd

March 26, 2014

WHEREAS, the existing Fire Station No. 32 facility was constructed at 7003 Benning Avenue in 1951 and requires replacement; and,

WHEREAS, in the 2006 Bond Program, the voters of Dallas approved funding for the design, land acquisition, and construction of a replacement facility for Fire Station No. 32; and,

WHEREAS, on March 25, 2009, Resolution No. 09-0765 authorized land acquisition of approximately 7,500 square feet of Lot 34, Block 5823 on Toland Street for a replacement facility for Fire Station No. 32; and,

WHEREAS, on May 27, 2009, Resolution No. 09-1315 authorized land acquisition of approximately 18,956 square feet of Lot 34, Block 5823 on Toland Street for a replacement facility for Fire Station No. 32, which was subsequently appealed; and,

WHEREAS, on June 23, 2010, Resolution No. 10-1626 authorized moving expense and replacement housing payments as a result of an official written offer of just compensation to purchase real property at 7002 Toland Street for the replacement facility for Fire Station No. 32; and,

WHEREAS, on December 8, 2010, Resolution No. 10-3070 authorized the deposit of a Special Commissioners' Award and settlement of a condemnation suit for acquisition of approximately 18,956 square feet of land improved with a single family dwelling located near the intersection of Jim Miller Road and Toland Street for the replacement facility for Fire Station No. 32; and,

WHEREAS, on February 23, 2011, Resolution No. 11-0546 authorized a contract with BRW Architects, Inc. to provide design services, preparation of construction documents and construction administration for the Fire Station No. 32 replacement facility in an amount not to exceed \$395,000; and,

WHEREAS, on August 24, 2011, Resolution No. 11-2209 authorized moving expense and replacement housing payments as a result of an official written offer of just compensation to purchase real property at 7010 Toland Street for the replacement facility for Fire Station No. 32; and,

WHEREAS, on September 29, 2011, Administrative Action No. 11-2773 authorized Supplemental Agreement No. 1 to the professional services contract with BRW Architects, Inc. to provide environmental consulting asbestos services for \$10,700, increasing the contract from \$395,000 to \$405,700; and,

March 26, 2014

WHEREAS, on January 11, 2012, Resolution No. 12-0141 authorized acquisition of approximately 7,500 square feet of land improved with a single-family dwelling located near the intersection of Jim Miller Road and Toland Street for the replacement facility for Fire Station No. 32; and,

WHEREAS, on April 11, 2012, Resolution No. 12-1073 authorized a settlement amount for the acquisition of approximately 18,956 square feet of land improved with a single-family dwelling located near the intersection of Jim Miller Road and Toland Street for a replacement facility for Fire Station No. 32; and,

WHEREAS, CORE Construction Services of Texas, Inc. was selected as the best value proposer of the five responsive proposers; and,

WHEREAS, on August 14, 2013, Resolution No. 13-1302 authorized a contract with CORE Construction Services of Texas, Inc., best value proposer of five, for the construction of the Fire Station No. 32 replacement facility located at 4262 North Jim Miller Road in an amount not to exceed \$3,856,780; and,

WHEREAS, it is now desirable to authorize Change Order No. 1, with CORE Construction Services of Texas, Inc. for the Fire Station No. 32 replacement facility, increasing the contract by \$110,629.91 from \$3,856,780.00 to \$3,967,409.91.

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 Change Order No. 1 with CORE Construction Services of Texas, Inc. for the Fire Station No. 32 replacement facility located at 4262 North Jim Miller Road in an amount not to exceed \$110,629.91, from \$3,856,780.00 to \$3,967,409.91.

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

Public Safety Facilities Fund
Fund 2T33, Dept. PBW, Unit T839, Act. FIRF
Obj. 4310, Program #PB06T839, CT PBW06T839K1
Vendor #VS0000010088, in an amount not to exceed \$110,629.91

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: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Public Works Department

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

MAPSCO: N/A

SUBJECT

Authorize the second amendment to the contract with the Texas Commission on Environmental Quality to accept additional state grant funds to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2014 - Not to exceed \$49,640, from \$844,720 to \$894,360 - Financing: Texas Commission on Environmental Quality Grant Funds

BACKGROUND

Since 1967, the City of Dallas has received various state and federal grants to support the Air Pollution Control Program. The Air Pollution Control Program consists of: (1) monitoring ambient air quality; (2) enforcing the Texas Clean Air Act and the City's Clean Air Ordinance; and (3) reviewing permits for the construction and/or modification of industrial plants which have the potential of emitting airborne contaminants.

Among the monitoring activities conducted for this program, the Texas Commission on Environmental Quality (TCEQ) requests that the City support the National Whole Air Monitoring (BioWatch) Network, on behalf of the Department of Homeland Security (DHS). The BioWatch monitoring network consists of air samplers at various locations throughout Dallas County. The City has supported this effort for the past twelve years.

This action will authorize the acceptance and execution of the second amendment to Contract No. 582-13-30015 for supplementary grant funds to support the purchase and use of new field vehicles.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Contract No. 582-7-72673 to accept grant funds to operate and maintain whole air samplers and conduct air monitoring activities on June 28, 2006, by Resolution No. 06-1748.

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

Authorized third amendment to Contract No. 582-7-72673 to extend the term of the contract period from September 1, 2008 through August 31, 2009 on June 25, 2008, by Resolution No. 08-1792.

Authorized acceptance of grant funds for the Whole Air Sampling Contract No. 582-10-86403 to conduct air monitoring activities from September 1, 2009 through August 31, 2010 on May 13, 2009, by Resolution No. 09-1170.

Briefed to the Transportation & Environment Committee on May 24, 2010.

Authorized first amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2010 through August 31, 2011 on June 23, 2010, by Resolution No. 10-1611.

Authorized second amendment to Contract No. 582-10-86403 to extend the term of the contract period from September 1, 2011 through August 31, 2012 on June 8, 2011, by Resolution No. 11-1526.

Authorized acceptance of grant funds for the Whole Air Sampling Contract No. 582-13-30015 to conduct air monitoring activities from September 1, 2012 through August 31, 2013 on June 13, 2012, by Resolution No. 12-1542.

Authorized first amendment to Contract No. 582-13-30015 to extend the term of the contract period from September 1, 2013 through August 31, 2014 on June 26, 2013, by Resolution No. 13-1077.

FISCAL INFORMATION

Texas Commission on Environmental Quality Grant Funds - \$49,640.00

March 26, 2014

WHEREAS, there is a continuing need for the City of Dallas to operate an air pollution control program and a network of monitors sampling for aerosolized biological contaminants; and,

WHEREAS, the City of Dallas, Public Works Department has been approved by the Texas Commission on Environmental Quality (TCEQ) to operate and maintain a network of Whole Air Monitors in Dallas County; and,

WHEREAS, on June 13, 2012, Resolution No. 12-1542 authorized Contract No. 582-13-30015 with the TCEQ to accept state grant funds up to \$422,360.00 to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2013; and,

WHEREAS, on June 26, 2013, Resolution No. 13-1077 authorized the first amendment to Contract No. 582-13-30015 extending the contract period by one year to August 31, 2014, and increasing the funding from \$422,360 to \$844,720; and,

WHEREAS, it is now necessary to authorize the second amendment to Contract No. 582-13-30015 with the TCEQ to accept additional state grant funds in the amount of \$49,640 to continue to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2014, increasing the contract from \$844,720 to \$894,360.

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 second amendment to Contract No. 582-13-30015 with the Texas Commission on Environmental Quality to accept additional state grant funds in the amount of \$49,640 to operate and maintain whole air samplers and conduct BioWatch air monitoring activities in Dallas County for the period September 1, 2012 through August 31, 2014, increasing the contract from \$844,720 to \$894,360, after it has been approved as to form by the City Attorney.

Section 2. That the City Controller is hereby authorized to receive and deposit grant funds in Fund F393, Dept. PBW, Unit 3183, Revenue Source 6526, in an amount not to exceed \$49,640.

Section 3. That the City Manager is hereby authorized to increase appropriations in the amount of \$49,640 from \$844,720 to \$894,360 in Fund F393, Dept. PBW, Unit 3183, Object Code 3099.

March 26, 2014

Section 4. That the City Controller is hereby authorized to transfer grant funds in an amount not to exceed \$49,640 from Fund F393, Dept. PBW, Unit 3183, Object Code 3099 to Fund 0001, Dept. PBW, Unit 4241, Object Code 5011.

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: March 26, 2014

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Theresa O'Donnell, 671-9293
Forest E. Turner, 670-3390

MAPSCO: 71BL

SUBJECT

Authorize acquisition from A. T. Manahan, Trustee, of four tracts of land containing a total of approximately 76,018 square feet, located in Dallas County for the Southwest 120/96-inch Water Transmission Pipeline Project – Not to exceed \$215,000 (\$211,178, plus closing costs and title expenses not to exceed \$3,822) – Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This item authorizes the acquisition of four tracts of land containing a total of approximately 76,018 square feet. The tracts will be used for the construction of a 96-inch and 120-inch diameter treated water transmission line from the East Side Water Treatment Plant to Southwest Dallas. The consideration is based on an independent appraisal.

This acquisition is part of the Long Range Water Master Plan and the Water Distribution Master Plan. The water transmission main is required to facilitate conveyance of treated water to the South and Southwest portions of Dallas and its customer cities. Installation of approximately 32 miles of 96-inch and 120-inch water transmission pipeline is needed to meet near term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet future water demands.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

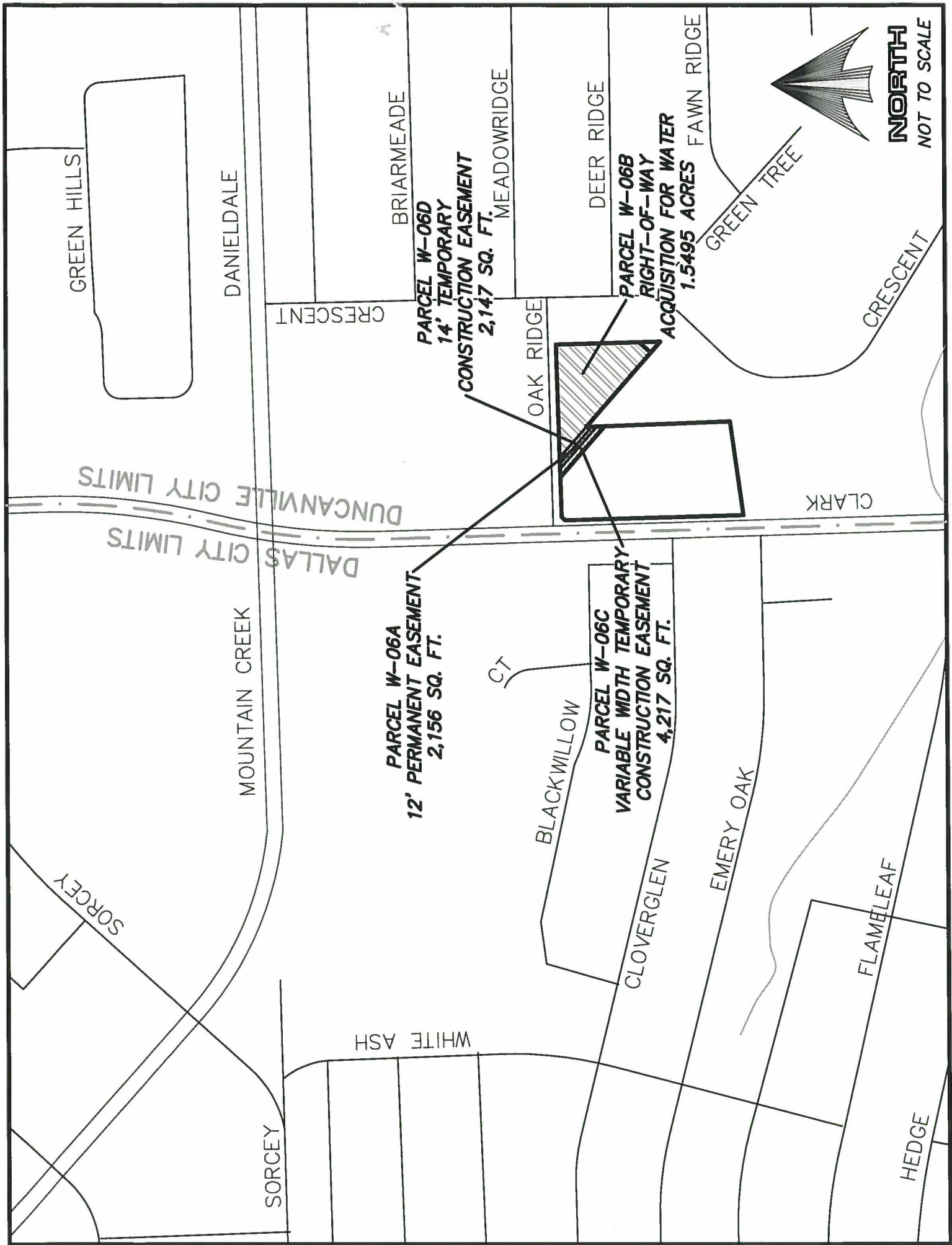
Water Utilities Capital Improvement Funds - \$215,000 (\$211,178, plus closing costs and title expenses not to exceed \$3,822)

OWNER

A. T. Manahan, Trustee

MAP

Attached



GREEN HILLS

DANIELDALE

CRESCENT

BRIARMEADE

PARCEL W-06D
14' TEMPORARY
CONSTRUCTION EASEMENT
2,147 SQ. FT.

MEADOWRIDGE

DEER RIDGE

PARCEL W-06B
RIGHT-OF-WAY
ACQUISITION FOR WATER
1.5495 ACRES

FAWN RIDGE

GREEN TREE

CRESCENT

CLARK

DALLAS CITY LIMITS
DUNCANVILLE CITY LIMITS

PARCEL W-06A
12' PERMANENT EASEMENT
2,156 SQ. FT.

CT

BLACKWILLOW

PARCEL W-06C
VARIABLE WIDTH TEMPORARY
CONSTRUCTION EASEMENT
4,217 SQ. FT.

CLOVERGLEN

EMERY OAK

FLAMELEAF

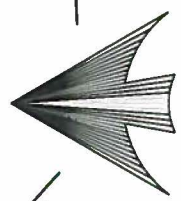
HEDGE

SORCEY

MOUNTAIN CREEK

SORCEY

WHITE ASH



NORTH
NOT TO SCALE

March 26, 2014

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

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

"CITY": The City of Dallas

"PROPERTY": Four tracts of land containing a total of approximately 76,018 square feet located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

"PROJECT": Southwest 120/96-inch Water Transmission Pipeline Project

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

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

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

"PURCHASE AMOUNT": \$211,178

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,822

"AUTHORIZED AMOUNT": Not to exceed \$215,000

March 26, 2014

| <u>PROPERTY INTEREST(S)</u> | <u>OFFER AMOUNT</u> | <u>TITLE EXPENSES NOT TO EXCEED</u> | <u>AUTHORIZED AMOUNT</u> |
|--|--------------------------------|--|-------------------------------------|
| Fee Simple | \$202,494 | \$3,822 | \$215,000 |
| Water Easement | \$ 5,821 | included w/above | included w/above |
| Temporary Easement | \$ 1,897 | included w/above | included w/above |
| Temporary Easement | \$ 966 | included w/above | included w/above |

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

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

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

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

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

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

SECTION 6. That in the event this acquisition closes, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Capital Improvement Funds, Fund No 0115, Department DWU, Unit PW40, Activity MPSA, Program No. 706623, Object 4210, Encumbrance No. CT-DWU706623CPCE. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

March 26, 2014

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

SECTION 8. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY 
Assistant City Attorney

EXHIBIT "A"
PAGE 1 OF 3
PARCEL W-06A
12' PERMANENT EASEMENT
2,156 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 2,156 square foot tract of land situated in the Crawford Trees Survey, Abstract No. 1468, being in the City of Duncanville, Dallas County, Texas, and being a portion of the remainder of a called 5.8861 acre tract as described in that certain Cash Warranty Deed to A.T. Manahan, Trustee as recorded in Volume 84073, Page 3131 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of the aforementioned 5.8861 acre tract, said north line being the south right-of-way line of Oak Ridge Drive (60' right-of-way), from whence a 1/2" iron rod found for the northeast corner of said 5.8861 acre tract bears N 89°27'42" E (deed-S 89°12'50" E), 406.33 feet;

THENCE S 47°45'36" E, departing the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 167.53 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the most southerly east line of said 5.8861 acre, said east line also being the west line of a called 20.603 acre tract of land (called a 250 foot strip of land) as described in that certain Warranty Deed to Texas Power & Light Company (T.P.&L. Co.) as recorded in Volume 52, Page 1262, D.R.D.C.T., of which the northeast 170 feet of said 250 foot strip was conveyed to Dallas Power & Light Company (described as Tract No. 21-93 and called 14.139 acres) according to the instrument recorded in Volume 206, Page 619, D.R.D.C.T.;

THENCE S 01°04'16" E (deed-S 0°16'10" W), with the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 16.49 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 1/2" iron rod found for the southwest corner of said T.P.&L. Co. tract bears S 01°04'16" E (deed-S 0°16'10" W), 307.80 feet;

THENCE N 47°45'36" W, departing the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 191.81 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the aforementioned north line of said 5.8861 acre tract and south right-of-way line of Oak Ridge Drive;

9/16/10



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 759-4741

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project



AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

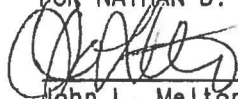
SEPTEMBER 2, 2010

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EXHIBIT "A"
PAGE 2 OF 3
PARCEL W-06A
12' PERMANENT EASEMENT
2,156 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

THENCE N 89°27'42" E (deed-S 89°12'50" E), with the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 17.67 feet to the POINT OF BEGINNING and containing 0.0495 acres or 2,156 square feet of land, more or less

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easements to Enserch Corporation as described in Exhibits A and B in the Instrument recorded in Volume 84024, Page 2941 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) do not affect the subject property.

The easement to Enserch Corporation as described in the Instrument recorded in Volume 88159, Page 549, D.R.D.C.T., does not affect the subject property.

The easements to the County of Dallas as described in the Instrument recorded in Volume 2004048, Page 13, D.R.D.C.T., do not affect the subject property.

2010 SEP 2 10:41 AM
JL MELTON

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project

AECOM

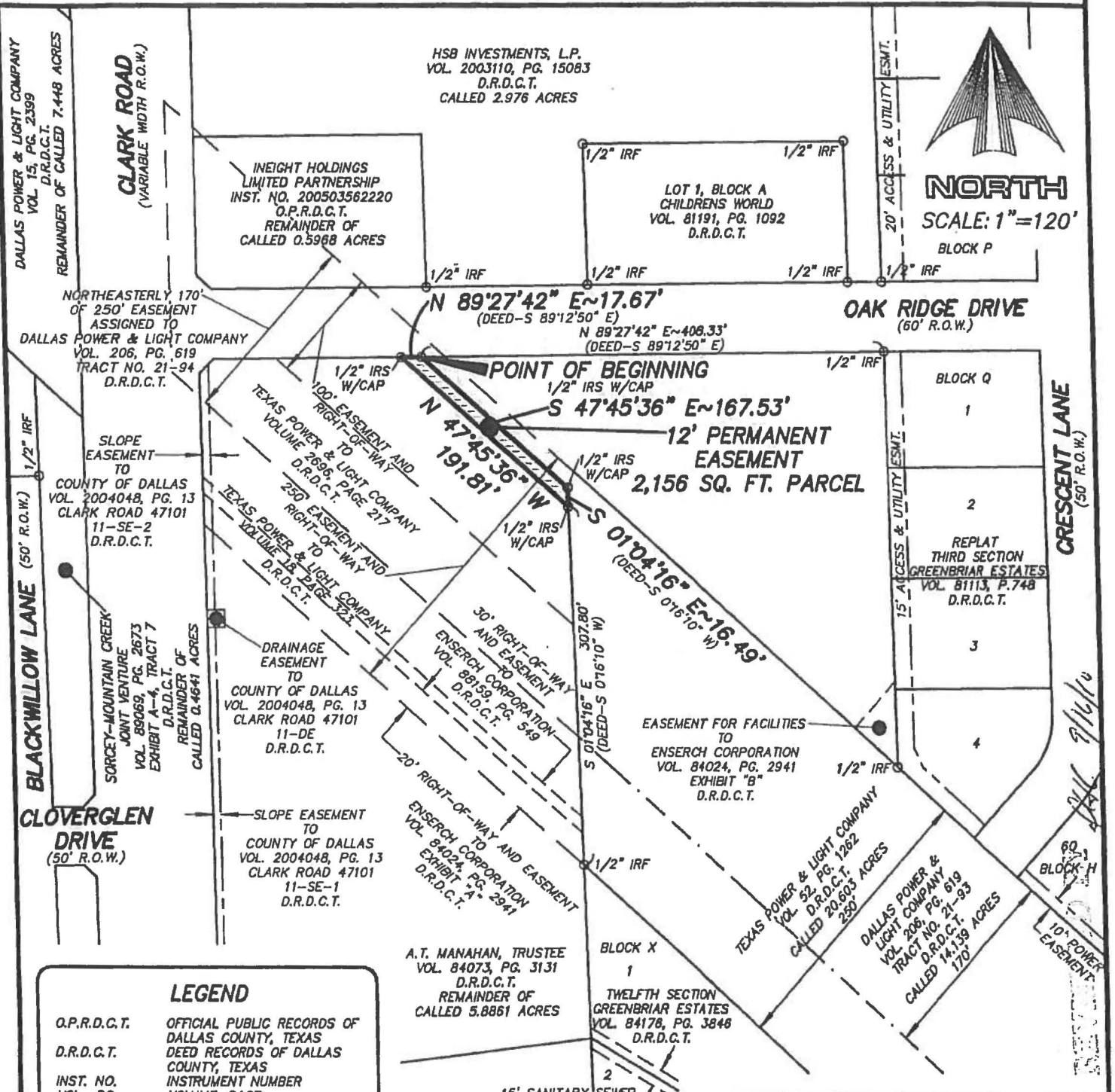
AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
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TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

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EXHIBIT "A"
PAGE 3 OF 3
PARCEL W-06A
12' PERMANENT EASEMENT
2,156 SQ. FT. PARCEL

CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS



NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-358
TBPLS FIRM REG. NO. 100189-00

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project

AECOM

AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010 7059-ES06A-R.dwg

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EXHIBIT "A"
PAGE 1 OF 3
PARCEL W-06B
RIGHT-OF-WAY ACQUISITION FOR WATER
1.5495 ACRE PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 1.5495 acre tract of land situated in the Crawford Trees Survey, Abstract No. 1468, being in the City of Duncanville, Dallas County, Texas, and being a portion of the remainder of a called 5.8861 acre tract as described in that certain Cash Warranty Deed to A.T. Manahan, Trustee as recorded in Volume 84073, Page 3131 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron rod found in the south right-of-way line of Oak Ridge Drive (60' right-of-way) for the northeast corner of the aforementioned 5.8861 acre tract, said corner also being the northwest corner of Block Q of Replat Third Section Greenbriar Estates, an addition to the City of Duncanville, Texas, according to the plat thereof recorded in Volume 81113, Page 748, D.R.D.C.T.;

THENCE S 00°33'16" E (deed-S 0°47'10" W), departing the south right-of-way line of Oak Ridge Drive and with the east line of said 5.8861 acre tract and the west line of said Block Q, 283.39 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for the northeast corner of an easement for facilities to Enserch Corporation as described in Exhibit B of the instrument recorded in Volume 84024, Page 2941, D.R.D.C.T., from whence a 1/2" Iron rod found for the most northerly southeast corner of said 5.8861 acre tract, the southwest corner of said Block Q and the southeast corner of said easement bears S 00°33'16" E (deed-S 0°47'10" W), 73.60 feet;

THENCE S 42°14'18" W, departing the east line of said 5.8861 acre tract, the west line of said Block Q and with the northwest line of said easement, 54.01 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for the west corner of said easement in a southwest line of said 5.8861 acre tract, said southwest line also being the northeast line of a called 20.603 acre tract of land (called a 250 foot strip of land) as described in that certain Warranty Deed to Texas Power & Light Company (T.P.&L. Co.) as recorded in Volume 52, Page 1262, D.R.D.C.T., of which the northeast 170 feet of said 250 foot strip was conveyed to Dallas Power & Light Company (described as Tract No. 21-93 and called 14.139 acres) according to the instrument recorded in Volume 206, Page 619, D.R.D.C.T.;

THENCE N 47°45'36" W (deed-N 46°25'10" W), with the southwest line of said 5.8861 acre tract and the northeast line of said T.P.&L. Co. tract, passing at 336.43 feet an inner ell corner of said 5.8861 acre, said ell corner also being the northwest corner of said T.P.&L. Co tract, and continuing a total distance of 475.64 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of said 5.8861 acre tract and the aforementioned south right-of-way line of Oak Ridge Drive;

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Transmission Pipeline Project



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

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AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

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Date 9/16/10

EXHIBIT "A"
PAGE 2 OF 3
PARCEL W-06B
RIGHT-OF-WAY ACQUISITION FOR WATER
1.5495 ACRE PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

THENCE N 89°27'42" E (deed-S 89°12'50" E), with the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 385.71 feet to the POINT OF BEGINNING and containing 1.5495 acres or 67,498 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.


John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The 100' easement and right-of-way to Texas Power & Light Company as described in the instrument recorded in Volume 2696, Page 217 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject property.

The 250' easement and right-of-way to Texas Power & Light Company as described in the instrument recorded in Volume 18, Page 323, D.R.D.C.T., does not affect the subject property.

The 170' easement assigned to Dallas Power & Light Company and described as Tract No. 21-94 in the instrument recorded in Volume 206, Page 619, D.R.D.C.T., does not affect the subject property.

The easements to Enserch Corporation as described in Exhibits A and B in the instrument recorded in Volume 84024, Page 2941 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) do not affect the subject property.

The easement to Enserch Corporation as described in the instrument recorded in Volume 88159, Page 549, D.R.D.C.T., does not affect the subject property.

The easements to the County of Dallas as described in the instrument recorded in Volume 2004048, Page 13, D.R.D.C.T., do not affect the subject property.

B.L. 9/16/10

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
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Dallas Water Utilities
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AECOM

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17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
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TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

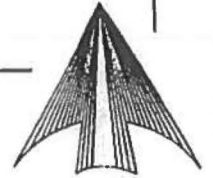
7059-EX06B-R.dwg

EXHIBIT "A"
PAGE 3 OF 3
PARCEL W-06B
RIGHT-OF-WAY ACQUISITION FOR WATER
1.5495 ACRE PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

HSB INVESTMENTS, L.P.
 VOL. 2003110, PG. 15083
 D.R.D.C.T.
 CALLED 2.976 ACRES

INEIGHT HOLDINGS
 LIMITED PARTNERSHIP
 INST. NO. 200503562220
 O.P.R.D.C.T.
 REMAINDER OF
 CALLED 0.5968 ACRES

LOT 1, BLOCK A
 CHILDRENS WORLD
 VOL. 81191, PG. 1092
 D.R.D.C.T.



NORTH
 SCALE: 1"=120'

BLOCK P

OAK RIDGE DRIVE
 (60' R.O.W.) N 89°27'42" E 385.71'
 (DEED-S 89°12'50" E)

POINT OF BEGINNING

RIGHT-OF-WAY ACQUISITION FOR WATER
1.5495 ACRE PARCEL

15' ACCESS & UTILITY ESMT.

BLOCK Q

2

REPLAT
 THIRD SECTION
 GREENBRIAR ESTATES
 VOL. 81113, P.748
 D.R.D.C.T.

3

S 00°33'16" E 283.39'
 (DEED-S 0°47'10" W)

S 42°14'18" W 54.01'
 (DEED-S 0°47'10" W)

S 00°33'16" E 73.60'
 (DEED-S 0°47'10" W)

10' POWER EASEMENT

60' BLOCK H

CRESCENT LANE
 (50' R.O.W.)

EASEMENT FOR FACILITIES
 TO
 ENSERCH CORPORATION
 VOL. 84024, PG. 2941
 EXHIBIT "B"
 D.R.D.C.T.

TEXAS POWER & LIGHT COMPANY
 VOL. 82 PG. 1262
 D.R.D.C.T.
 CALLED 20.603 ACRES

DALLAS POWER & LIGHT COMPANY
 VOL. 206 PG. 619
 TRACT NO. 21-93
 D.R.D.C.T.
 CALLED 14.139 ACRES

170'

A.T. MANAHAN, TRUSTEE
 VOL. 84073, PG. 3131
 D.R.D.C.T.
 REMAINDER OF
 CALLED 5.8861 ACRES

BLOCK X

1
 TWELFTH SECTION
 GREENBRIAR ESTATES
 VOL. 84176, PG. 3848
 D.R.D.C.T.

15' SANITARY SEWER EASEMENT

2

CLARK ROAD
 (VARIABLE WIDTH R.O.W.)

DALLAS POWER & LIGHT COMPANY
 VOL. 15, PG. 2399
 D.R.D.C.T.
 REMAINDER OF CALLED 7.448 ACRES

NORTHEASTERLY 170'
 OF 250' EASEMENT
 ASSIGNED TO
 DALLAS POWER & LIGHT COMPANY
 VOL. 206, PG. 619
 TRACT NO. 21-94
 D.R.D.C.T.

SLOPE EASEMENT
 TO
 COUNTY OF DALLAS
 VOL. 2004048, PG. 13
 CLARK ROAD 47101
 11-SE-2
 D.R.D.C.T.

SORCEY-MOUNTAIN CREEK
 JOINT VENTURE
 VOL. 89069, PG. 2673
 EXHIBIT A-4, TRACT 7
 D.R.D.C.T.
 REMAINDER OF
 CALLED 0.4641 ACRES

CLOVERGLEN DRIVE
 (50' R.O.W.)

100' EASEMENT AND
 RIGHT-OF-WAY
 TO
 TEXAS POWER & LIGHT COMPANY
 VOLUME 2898, PAGE 217
 D.R.D.C.T.

250' EASEMENT AND
 RIGHT-OF-WAY
 TO
 TEXAS POWER & LIGHT COMPANY
 VOLUME 18, PAGE 223
 D.R.D.C.T.

DRAINAGE EASEMENT
 TO
 COUNTY OF DALLAS
 VOL. 2004048, PG. 13
 CLARK ROAD 47101
 11-DE
 D.R.D.C.T.

SLOPE EASEMENT
 TO
 COUNTY OF DALLAS
 VOL. 2004048, PG. 13
 CLARK ROAD 47101
 11-SE-1
 D.R.D.C.T.

20' RIGHT-OF-WAY AND EASEMENT
 TO
 ENSERCH CORPORATION
 VOL. 84024, PG. 2941
 EXHIBIT "A"
 D.R.D.C.T.

LEGEND

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF
 DALLAS COUNTY, TEXAS
 D.R.D.C.T. DEED RECORDS OF DALLAS
 COUNTY, TEXAS
 INST. NO. INSTRUMENT NUMBER
 VOL., PG. VOLUME, PAGE
 SQ. FT. SQUARE FEET
 R.O.W. RIGHT-OF-WAY
 ESMT. EASEMENT
 C.L. CENTERLINE
 IRF IRON ROD FOUND
 IPF IRON PIPE FOUND
 IRS W/CAP IRON ROD SET WITH PLASTIC
 CAP STAMPED "TX REG NO
 100189-00"

NDM

NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-358
 TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
 Southwest 120/96-Inch Water
 Transmission Pipeline Project

AECOM

AECOM USA GROUP, INC.
 17300 DALLAS PARKWAY, SUITE 1010
 DALLAS, TEXAS 75248-1157
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SEPTEMBER 2, 2010

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EXHIBIT "A"
PAGE 1 OF 3
PARCEL W-06C
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
4,217 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 4,217 square foot tract of land situated in the Crawford Trees Survey, Abstract No. 1468, being in the City of Duncanville, Dallas County, Texas, and being a portion of the remainder of a called 5.8861 acre tract as described in that certain Cash Warranty Deed to A.T. Manahan, Trustee as recorded in Volume 84073, Page 3131 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of the aforementioned 5.8861 acre tract, said north line being the south right-of-way line of Oak Ridge Drive (60' right-of-way), from whence a 1/2" Iron rod found for the northeast corner of said 5.8861 acre tract bears N 89°27'42" E (deed-S 89°12'50" E), 423.99 feet;

THENCE S 47°45'36" E, departing the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 191.81 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the most southerly east line of said 5.8861 acre, said east line also being the west line of a called 20.603 acre tract of land (called a 250 foot strip of land) as described in that certain Warranty Deed to Texas Power & Light Company (T.P.&L. Co.) as recorded in Volume 52, Page 1262, D.R.D.C.T., of which the northeast 170 feet of said 250 foot strip was conveyed to Dallas Power & Light Company (described as Tract No. 21-93 and called 14.139 acres) according to the instrument recorded in Volume 206, Page 619, D.R.D.C.T.;

THENCE S 01°04'16" E (deed-S 0°16'10" W), with the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 27.56 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 1/2" Iron rod found for the southwest corner of said T.P.&L. Co. tract bears S 01°04'16" E (deed-S 0°16'10" W), 280.24 feet;

THENCE N 47°50'57" W, departing the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 232.05 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the aforementioned north line of said 5.8861 acre tract and south right-of-way line of Oak Ridge Drive;

5/16/10 JAC



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-358
TBPLS FIRM REG. NO. 100189-00

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Dallas Water Utilities
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TBPE REG. NO. F-3082

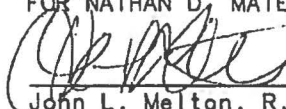
SEPTEMBER 2, 2010

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EXHIBIT "A"
PAGE 2 OF 3
PARCEL W-06C
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
4,217 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

THENCE N 89°27'42" E (deed-S 89°12'50" E), with the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 29.08 feet to the POINT OF BEGINNING and containing 0.0968 acres or 4,217 square feet of land, more or less

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easements to Enserch Corporation as described in Exhibits A and B in the Instrument recorded in Volume 84024, Page 2941 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) do not affect the subject property.

The easement to Enserch Corporation as described in the Instrument recorded in Volume 88159, Page 549, D.R.D.C.T., does not affect the subject property.

The easements to the County of Dallas as described in the Instrument recorded in Volume 2004048, Page 13, D.R.D.C.T., do not affect the subject property.

RECEIVED BY A/E 9/16/10

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
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SEPTEMBER 2, 2010

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EXHIBIT "A"
PAGE 3 OF 3
PARCEL W-06C
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
4,217 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

HSB INVESTMENTS, L.P.
 VOL. 2003110, PG. 15083
 D.R.D.C.T.
 CALLED 2.978 ACRES

INEIGHT HOLDINGS
 LIMITED PARTNERSHIP
 INST. NO. 200503562220
 O.P.R.D.C.T.
 REMAINDER OF
 CALLED 0.5968 ACRES

LOT 1, BLOCK A
 CHILDRENS WORLD
 VOL. 81191, PG. 1092
 D.R.D.C.T.



OAK RIDGE DRIVE
 (60' R.O.W.)

N 89°27'42" E ~29.06'
 (DEED-S 89°12'50" E)

POINT OF BEGINNING
 1/2" IRS W/CAP

S 47°45'36" E ~191.81'
VARIABLE WIDTH TEMPORARY
CONSTRUCTION EASEMENT
4,217 SQ. FT. PARCEL

N 47°40'57" W 232.05'
 1/2" IRS W/CAP

S 01°04'16" E ~27.56'
 (DEED-S 01°16'10" W)

EASEMENT FOR FACILITIES
 TO
 ENSERCH CORPORATION
 VOL. 84024, PG. 2941
 EXHIBIT "B"
 D.R.D.C.T.

A.T. MANAHAN, TRUSTEE
 VOL. 84073, PG. 3131
 D.R.D.C.T.
 REMAINDER OF
 CALLED 5.8861 ACRES

BLOCK X
 1
 TWELFTH SECTION
 GREENBRIAR ESTATES
 VOL. 84176, PG. 3846
 D.R.D.C.T.

15' SANITARY SEWER EASEMENT

LEGEND

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF
 DALLAS COUNTY, TEXAS
 D.R.D.C.T. DEED RECORDS OF DALLAS
 COUNTY, TEXAS
 INST. NO. INSTRUMENT NUMBER
 VOL., PG. VOLUME, PAGE
 SQ. FT. SQUARE FEET
 R.O.W. RIGHT-OF-WAY
 ESMT. EASEMENT
 C.L. CENTERLINE
 IRF IRON ROD FOUND
 IPF IRON PIPE FOUND
 IRS W/CAP IRON ROD SET WITH PLASTIC
 CAP STAMPED "TX REG NO
 100189-00"

NDM

NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-358
 TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
 Southwest 120/96-Inch Water
 Transmission Pipeline Project

AECOM

AECOM USA GROUP, INC.
 17300 DALLAS PARKWAY, SUITE 1010
 DALLAS, TEXAS 75248-1157
 WWW.AECOM.COM
 TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

7059-ES06C-R.dwg

9/16/10

EXHIBIT "A"
PAGE 1 OF 3
PARCEL W-06D
14' TEMPORARY CONSTRUCTION EASEMENT
2,147 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 2,147 square foot tract of land situated in the Crawford Trees Survey, Abstract No. 1468, being in the City of Duncanville, Dallas County, Texas, and being a portion of the remainder of a called 5.8861 acre tract as described in that certain Cash Warranty Deed to A.T. Manahan, Trustee as recorded in Volume 84073, Page 3131 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of the aforementioned 5.8861 acre tract, said north line being the south right-of-way line of Oak Ridge Drive (60' right-of-way), from whence a 1/2" Iron rod found for the northeast corner of said 5.8861 acre tract bears N 89°27'42" E (deed-S 89°12'50" E), 385.71 feet;

THENCE S 47°45'36" E, departing the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 139.21 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for an inner ell corner of said 5.8861 acre, said ell corner also being the northwest corner of a called 20.603 acre tract of land (called a 250 foot strip of land) as described in that certain Warranty Deed to Texas Power & Light Company (T.P.&L. Co.) as recorded in Volume 52, Page 1262, D.R.D.C.T., of which the northeast 170 feet of said 250 foot strip was conveyed to Dallas Power & Light Company (described as Tract No. 21-94 and called 14.139 acres) according to the Instrument recorded in Volume 206, Page 619, D.R.D.C.T.;

THENCE S 01°04'16" E (deed-S 0°16'10" W), with the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 19.24 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 1/2" Iron rod found for the southwest corner of said T.P.&L. Co. tract bears S 01°04'16" E (deed-S 0°16'10" W), 324.30 feet;

THENCE N 47°45'36" W, departing the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 167.53 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the aforementioned north line of said 5.8861 acre tract and south right-of-way line of Oak Ridge Drive;

RECEIVED BY DATE 9/16/10



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 500
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project



AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

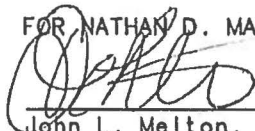
SEPTEMBER 2, 2010

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EXHIBIT "A"
PAGE 2 OF 3
PARCEL W-06D
14' TEMPORARY CONSTRUCTION EASEMENT
2,147 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

THENCE N 89°27'42" E (deed-S 89°12'50" E), with the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 20.61 feet to the POINT OF BEGINNING and containing 0.0493 acres or 2,147 square feet of land, more or less

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easements to Enserch Corporation as described in Exhibits A and B in the Instrument recorded in Volume 84024, Page 2941 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) do not affect the subject property.

The easement to Enserch Corporation as described in the Instrument recorded in Volume 88159, Page 549, D.R.D.C.T., does not affect the subject property.

The easements to the County of Dallas as described in the Instrument recorded in Volume 2004048, Page 13, D.R.D.C.T., do not affect the subject property.

RECEIVED BY Mr 9/14/10

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-358
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 759-4741

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project

AECOM

AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

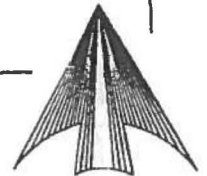
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EXHIBIT "A"
PAGE 3 OF 3
PARCEL W-06D
14' TEMPORARY CONSTRUCTION EASEMENT
2,147 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

HSB INVESTMENTS, L.P.
 VOL. 2003110, PG. 15083
 D.R.D.C.T.
 CALLED 2.978 ACRES

INEIGHT HOLDINGS
 LIMITED PARTNERSHIP
 INST. NO. 200503582220
 O.P.R.D.C.T.
 REMAINDER OF
 CALLED 0.5988 ACRES

LOT 1, BLOCK A
 CHILDRENS WORLD
 VOL. 81191, PG. 1092
 D.R.D.C.T.



NORTH
 SCALE: 1"=120'
 BLOCK P

N 89°27'42" E ~20.61'
 (DEED-S 89°12'50" E)
 N 89°27'42" E ~383.71'
 (DEED-S 89°12'50" E)

OAK RIDGE DRIVE
 (60' R.O.W.)

POINT OF BEGINNING
 1/2" IRS W/CAP
 N 47°45'36" E ~167.53'
 S 47°45'36" E ~139.21'
14' TEMPORARY CONSTRUCTION EASEMENT
2,147 SQ. FT. PARCEL
 S 01°04'16" E ~19.24'
 (DEED-S 01°04'16" E)

BLOCK Q
 1
 2
 REPLAT
 THIRD SECTION
 GREENBRIAR ESTATES
 VOL. 81113, P. 748
 D.R.D.C.T.
 3
 4

CRESCENT LANE
 (50' R.O.W.)

EASEMENT FOR FACILITIES
 TO
 ENSERCH CORPORATION
 VOL. 84024, PG. 2941
 EXHIBIT "B"
 D.R.D.C.T.

DRAINAGE
 EASEMENT
 TO
 COUNTY OF DALLAS
 VOL. 2004048, PG. 13
 CLARK ROAD 47101
 11-DE
 D.R.D.C.T.

SLOPE EASEMENT
 TO
 COUNTY OF DALLAS
 VOL. 2004048, PG. 13
 CLARK ROAD 47101
 11-SE-1
 D.R.D.C.T.

A.T. MANAHAN, TRUSTEE
 VOL. 84073, PG. 3131
 D.R.D.C.T.
 REMAINDER OF
 CALLED 5.8881 ACRES

BLOCK X
 1
 TWELFTH SECTION
 GREENBRIAR ESTATES
 VOL. 84178, PG. 3848
 D.R.D.C.T.
 2

TEXAS POWER & LIGHT COMPANY
 VOL. 52 PG. 1282
 D.R.D.C.T.
 CALLED 20.603 ACRES

DALLAS POWER &
 LIGHT COMPANY
 TRACT NO. 21-93
 D.R.D.C.T.
 CALLED 14.139 ACRES

60
 BLOCK H

15' SANITARY SEWER
 EASEMENT

LEGEND

O.P.R.D.C.T. OFFICIAL PUBLIC RECORDS OF
 DALLAS COUNTY, TEXAS
 D.R.D.C.T. DEED RECORDS OF DALLAS
 COUNTY, TEXAS
 INST. NO. INSTRUMENT NUMBER
 VOL., PG. VOLUME, PAGE
 SQ. FT. SQUARE FEET
 R.O.W. RIGHT-OF-WAY
 ESMT. EASEMENT
 C.L. CENTERLINE
 IRF IRON ROD FOUND
 IPF IRON PIPE FOUND
 IRS IRON ROD SET WITH PLASTIC
 CAP STAMPED "TX REG NO
 100189-00"

NDM
 NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-358
 TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
 Southwest 120/96-Inch Water
 Transmission Pipeline Project

AECOM

AECOM USA GROUP, INC.
 17300 DALLAS PARKWAY, SUITE 1010
 DALLAS, TEXAS 75248-1157
 WWW.AECOM.COM
 TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

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OK 7/16/10

EXHIBIT B

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

WARRANTY DEED

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

That A. T. Manahan, Trustee (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWO HUNDRED TWO THOUSAND FOUR HUNDRED NINETY FOUR AND 00/100 DOLLARS (\$202,494.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: None

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

EXECUTED this _____ day of _____, _____.

A. T. Manahan, Trustee

EXHIBIT B

* * * * *

STATE OF TEXAS '

COUNTY OF DALLAS '

This instrument was acknowledged before me on _____

by A. T. Manahan, Trustee. .

Notary Public, State of TEXAS

* * * * *

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

Warranty Deed Log No. 36505

EXHIBIT "A"
PAGE 1 OF 3

PARCEL W-06B
RIGHT-OF-WAY ACQUISITION FOR WATER
1.5495 ACRE PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 1.5495 acre tract of land situated in the Crawford Trees Survey, Abstract No. 1468, being in the City of Duncanville, Dallas County, Texas, and being a portion of the remainder of a called 5.8861 acre tract as described in that certain Cash Warranty Deed to A.T. Manahan, Trustee as recorded in Volume 84073, Page 3131 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron rod found in the south right-of-way line of Oak Ridge Drive (60' right-of-way) for the northeast corner of the aforementioned 5.8861 acre tract, said corner also being the northwest corner of Block Q of Replat Third Section Greenbriar Estates, an addition to the City of Duncanville, Texas, according to the plat thereof recorded in Volume 81113, Page 748, D.R.D.C.T.;

THENCE S 00°33'18" E (deed-S 0°47'10" W), departing the south right-of-way line of Oak Ridge Drive and with the east line of said 5.8861 acre tract and the west line of said Block Q, 283.39 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for the northeast corner of an easement for facilities to Enserch Corporation as described in Exhibit B of the Instrument recorded in Volume 84024, Page 2941, D.R.D.C.T., from whence a 1/2" Iron rod found for the most northerly southeast corner of said 5.8861 acre tract, the southwest corner of said Block Q and the southeast corner of said easement bears S 00°33'18" E (deed-S 0°47'10" W), 73.60 feet;

THENCE S 42°14'18" W, departing the east line of said 5.8861 acre tract, the west line of said Block Q and with the northwest line of said easement, 54.01 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for the west corner of said easement in a southwest line of said 5.8861 acre tract, said southwest line also being the northeast line of a called 20.803 acre tract of land (called a 250 foot strip of land) as described in that certain Warranty Deed to Texas Power & Light Company (T.P.&L. Co.) as recorded in Volume 52, Page 1262, D.R.D.C.T., of which the northeast 170 feet of said 250 foot strip was conveyed to Dallas Power & Light Company (described as Tract No. 21-93 and called 14.139 acres) according to the Instrument recorded in Volume 206, Page 619, D.R.D.C.T.;

THENCE N 47°45'36" W (deed-N 46°25'10" W), with the southwest line of said 5.8861 acre tract and the northeast line of said T.P.&L. Co. tract, passing at 336.43 feet an inner ell corner of said 5.8861 acre, said ell corner also being the northwest corner of said T.P.&L. Co tract, and continuing a total distance of 475.64 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of said 5.8861 acre tract and the aforementioned south right-of-way line of Oak Ridge Drive;

Dallas Water Utilities
 Southwest 120/96-Inch Water
 Transmission Pipeline Project

NDM

NATHAN D. MAIER
 CONSULTING ENGINEERS, INC.
 TBPE FIRM REG. NO. F-356
 TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
 Dallas, Texas 75231 / (214) 739-4741

AECOM

AECOM USA GROUP, INC.
 17300 DALLAS PARKWAY, SUITE 1010
 DALLAS, TEXAS 75248-1157
 WWW.AECOM.COM
 TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

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9/16/10
 [Signature]
 [Signature]
 [Signature]

EXHIBIT B

EXHIBIT "A"
PAGE 2 OF 3
PARCEL W-06B
RIGHT-OF-WAY ACQUISITION FOR WATER
1.5495 ACRE PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

THENCE N 89°27'42" E (deed-S 89°12'50" E), with the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 385.71 feet to the POINT OF BEGINNING and containing 1.5495 acres or 67,498 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.


John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The 100' easement and right-of-way to Texas Power & Light Company as described in the instrument recorded in Volume 2698, Page 217 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject property.


The 250' easement and right-of-way to Texas Power & Light Company as described in the instrument recorded in Volume 18, Page 323, D.R.D.C.T., does not affect the subject property.

The 170' easement assigned to Dallas Power & Light Company and described as Tract No. 21-94 in the instrument recorded in Volume 208, Page 619, D.R.D.C.T., does not affect the subject property.

The easements to Enserch Corporation as described in Exhibits A and B in the instrument recorded in Volume 84024, Page 2941 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) do not affect the subject property.

The easement to Enserch Corporation as described in the instrument recorded in Volume 88159, Page 549, D.R.D.C.T., does not affect the subject property.

The easements to the County of Dallas as described in the instrument recorded in Volume 2004048, Page 13, D.R.D.C.T., do not affect the subject property.

BY  9/16/10

 **NATHAN D. MAIER**
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8090 Park Lane / Suite 500
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project



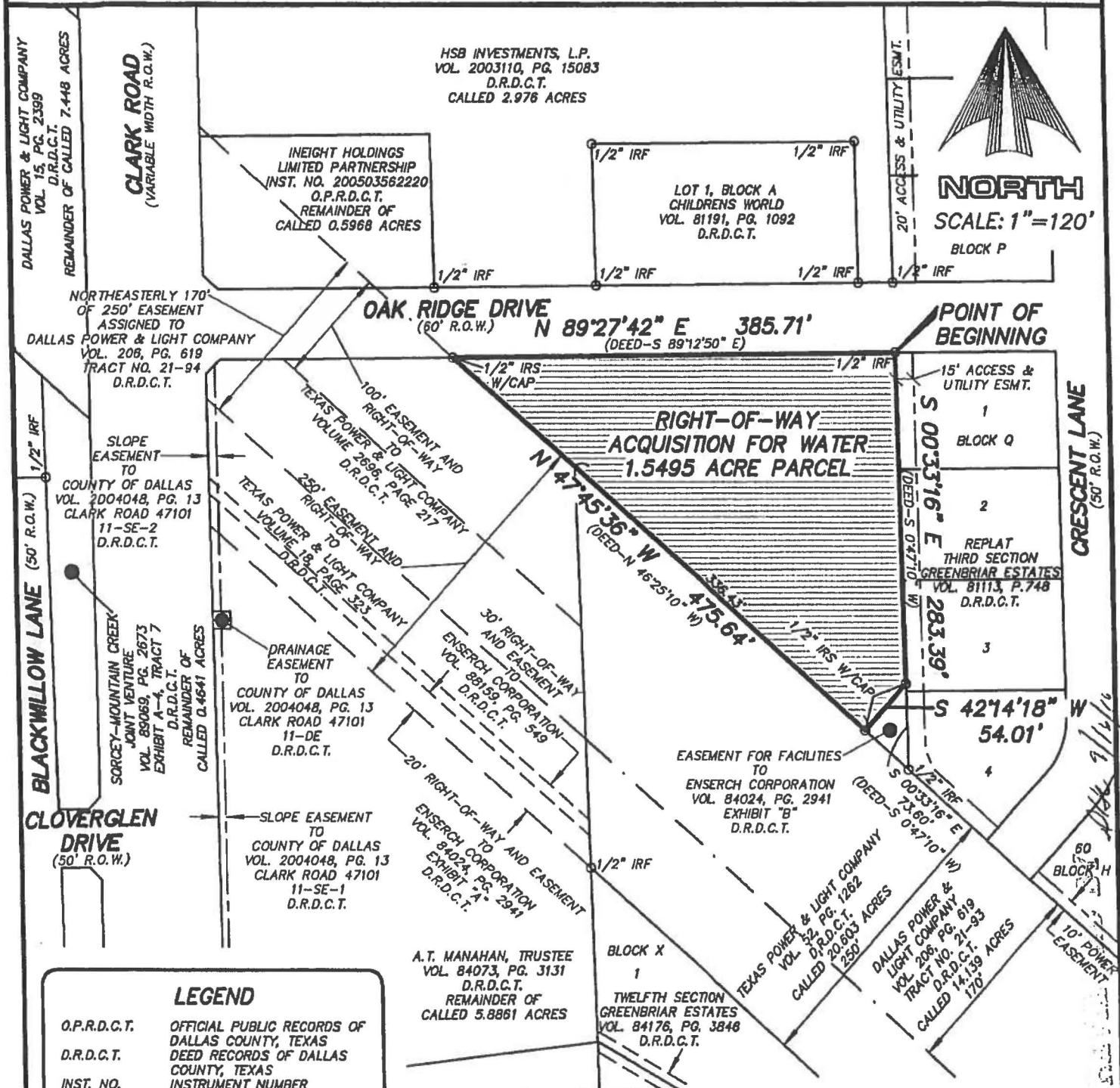
AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

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EXHIBIT B

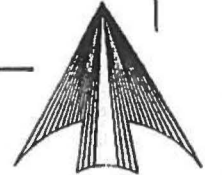
EXHIBIT "A"
PAGE 3 OF 3
PARCEL W-06B
RIGHT-OF-WAY ACQUISITION FOR WATER
1.5495 ACRE PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS



HSB INVESTMENTS, L.P.
VOL. 2003110, PG. 15083
D.R.D.C.T.
CALLED 2.976 ACRES

INEIGHT HOLDINGS
LIMITED PARTNERSHIP
INST. NO. 200503562220
O.P.R.D.C.T.
REMAINDER OF
CALLED 0.5968 ACRES

LOT 1, BLOCK A
CHILDRENS WORLD
VOL. 81191, PG. 1092
D.R.D.C.T.



NORTH
SCALE: 1"=120'
BLOCK P

OAK RIDGE DRIVE
(60' R.O.W.) N 89°27'42" E 385.71'
(DEED-S 89°12'50" E)

POINT OF BEGINNING

RIGHT-OF-WAY ACQUISITION FOR WATER
1.5495 ACRE PARCEL

15' ACCESS & UTILITY ESMT.
1
BLOCK Q
2
REPLAT
THIRD SECTION
GREENBRIAR ESTATES
VOL. 81113, P. 748
D.R.D.C.T.
3

EASEMENT FOR FACILITIES
TO
ENSERCH CORPORATION
VOL. 84024, PG. 2941
EXHIBIT "B"
D.R.D.C.T.

A.T. MANAHAN, TRUSTEE
VOL. 84073, PG. 3131
D.R.D.C.T.
REMAINDER OF
CALLED 5.8861 ACRES

BLOCK X
1
TWELFTH SECTION
GREENBRIAR ESTATES
VOL. 84176, PG. 3848
D.R.D.C.T.

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-358
TBPLS FIRM REG. NO. 100189-00



AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
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WWW.AECOM.COM
TBPE REG. NO. F-3082

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

SEPTEMBER 2, 2010

7059-EX06B-R.dwg

WATER EASEMENT

THE STATE OF TEXAS §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

That A. T. Manahan, Trustee (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of FIVE THOUSAND EIGHT HUNDRED TWENTY ONE AND NO/100 DOLLARS (\$5,821.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, an easement for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances and such additional main or mains and appurtenances as are needed in the future in, under, through, across and along all that certain lot, tract or parcel of land described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

The City is acquiring this property for the purpose of laying, constructing, maintaining, repairing and replacing a City water main or mains and appurtenances, and such additional main or mains and appurtenances as are needed in the future, according to such plans and specifications as will, in City's opinion, best serve the public purpose. The payment of the purchase price shall be considered full and adequate compensation for the easement rights herein granted.

Should one or more of the Grantors herein be natural persons and not joined by their respective spouse, it is conclusively presumed that the land herein conveyed is not the residence or business homestead of such Grantor(s). Should one or more of the Grantors herein be a legal entity other than a natural person, it shall be conclusively presumed that the person signing on behalf of such a party has been duly and legally authorized to so sign and there shall be no necessity for a seal or attestation.

The City shall have all other rights and benefits necessary or convenient for the full enjoyment or use of the rights herein granted, including, but without limiting the same to, the right of ingress and egress over and across said property to and from said easement for the purpose of constructing, reconstructing, maintaining, inspecting or repairing said main or mains and appurtenances.

The City shall have the right to remove and keep removed from the permanent easement herein granted any and all structures, fences, trees, shrubs, growths or other obstructions which may endanger or interfere with the construction, reconstruction, maintenance, repair or operation of the said main or mains. (Grantor, its successors or assigns, shall not place or store any material upon, or cover, bury, pave over or otherwise obstruct any cleanout, valve, meter or manhole located within the herein described permanent easement.)

EXHIBIT B

Grantor, its successors or assigns, shall not be permitted to plant trees or shrubs of any kind within the boundaries of the herein described permanent easement.

All expenses in the construction and maintenance of said main or mains and appurtenances shall be borne by the City. In the construction of said main or mains and appurtenances, should the City find it necessary to remove any improvements now on the above-described property, all of those expenses shall also be borne by the City. Upon completion of construction, all surplus excavation, debris, trash or litter resulting from construction shall be cleaned up and hauled off the premises, and the easement property, including any fences disturbed, shall be restored to its original contour and condition.

Nothing in this easement shall be construed as a waiver by the City of any connection charge or charges imposed by ordinance or Charter of the City of Dallas.

SPECIAL PROVISIONS: "None".

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

EXECUTED this _____ day of _____, _____.

A.T. Manahan, Trustee

EXHIBIT B

* * * * *

STATE OF TEXAS '

COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
by A. T. Manahan, Trustee.

Notary Public, State of Texas

* * * * *

After recording return to:
City of Dallas
Department of Sustainable Development and Construction
Real Estate Division
320 East Jefferson Boulevard, Room 203
Dallas, Texas 75203
attn: Lisa Andrews
Water Easement Log No. 38076

EXHIBIT B

EXHIBIT "A"

PAGE 1 OF 3

PARCEL W-06A 12' PERMANENT EASEMENT

2,156 SQ. FT. PARCEL

CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 2,156 square foot tract of land situated in the Crawford Trees Survey, Abstract No. 1468, being in the City of Duncanville, Dallas County, Texas, and being a portion of the remainder of a called 5.8861 acre tract as described in that certain Cash Warranty Deed to A.T. Manahan, Trustee as recorded in Volume 84073, Page 3131 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of the aforementioned 5.8861 acre tract, said north line being the south right-of-way line of Oak Ridge Drive (60' right-of-way), from whence a 1/2" Iron rod found for the northeast corner of said 5.8861 acre tract bears N 89°27'42" E (deed-S 89°12'50" E), 406.33 feet;

THENCE S 47°45'36" E, departing the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 167.53 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the most southerly east line of said 5.8861 acre, said east line also being the west line of a called 20.603 acre tract of land (called a 250 foot strip of land) as described in that certain Warranty Deed to Texas Power & Light Company (T.P.&L. Co.) as recorded in Volume 52, Page 1262, D.R.D.C.T., of which the northeast 170 feet of said 250 foot strip was conveyed to Dallas Power & Light Company (described as Tract No. 21-93 and called 14.139 acres) according to the Instrument recorded in Volume 206, Page 619, D.R.D.C.T.;

THENCE S 01°04'16" E (deed-S 0°16'10" W), with the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 16.49 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 1/2" Iron rod found for the southwest corner of said T.P.&L. Co. tract bears S 01°04'16" E (deed-S 0°16'10" W), 307.80 feet;

THENCE N 47°45'36" W, departing the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 191.81 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the aforementioned north line of said 5.8861 acre tract and south right-of-way line of Oak Ridge Drive;

RECEIVED BY Mr. 9/16/10

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

AECOM

AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

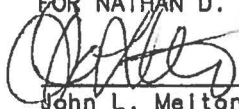
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EXHIBIT "A"
PAGE 2 OF 3
PARCEL W-06A
12' PERMANENT EASEMENT
2,156 SQ. FT. PARCEL

CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

THENCE N 89°27'42" E (deed-S 89°12'50" E), with the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 17.67 feet to the POINT OF BEGINNING and containing 0.0495 acres or 2,156 square feet of land, more or less

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easements to Enserch Corporation as described in Exhibits A and B in the instrument recorded in Volume 84024, Page 2941 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) do not affect the subject property.

The easement to Enserch Corporation as described in the instrument recorded in Volume 88159, Page 549, D.R.D.C.T., does not affect the subject property.

The easements to the County of Dallas as described in the instrument recorded in Volume 2004048, Page 13, D.R.D.C.T., do not affect the subject property.

1/16/10
JLH
2/16/10
JLH
2/16/10
JLH



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project



AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

7059-ES06A-R.dwg

7059-ES06A-R.dwg

EXHIBIT B

TEMPORARY WORKING SPACE EASEMENT

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

That A. T. Manahan, Trustee (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of NINE HUNDRED SIXTY SIX AND NO/100 DOLLARS (\$966.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, a right-of-way under, in and along the property described in "Exhibit A", attached hereto and made a part hereof by reference for all purposes, for the purpose of working space and storage of machinery; supplies, equipment and material in connection with the construction of the Southwest 120/96" Water Transmission Pipeline.

Any and all trees which lie within this temporary working space may be trimmed of low limbs or removed by the City or its contractor without liability to Grantor if deemed essential to allow for the normal use or passage of construction equipment during the construction of said main or mains.

Upon completion of construction, all surplus excavation, debris, trash or litter resulting from said construction shall be cleaned up and hauled off the premises, and said property, including the fences disturbed, shall be restored as nearly as practicable to its original contour and condition.

It is understood and agreed by Grantor that the consideration herein represents full and adequate consideration for the right-or-way granted, together with any and all damages, costs and/or inconvenience that may be incident to the construction.

This grant shall be for a term of 365 days, beginning upon commencement of construction on Grantor's property and terminating upon completion of construction on Grantor's property or expiration of the time period, whichever occurs first, at which time all rights granted under this instrument shall terminate and cease and the described property shall be restored to its former condition as nearly as possible.

SPECIAL PROVISIONS: None

TO HAVE AND TO HOLD the above described property unto the City of Dallas for the purposes hereinbefore provided, and said City or Dallas, its agents, servants and contractors shall have the right to go upon said property for the purpose of a working

EXHIBIT B

easement and as an easement for the storage of supplies, materials, machinery and equipment for the term herein provided.

EXECUTED this _____ day of _____, _____.

A. T. Manahan, Trustee

* * * * *
STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on _____

by A. T. Manahan, Trustee.

Notary Public, State of TEXAS

* * * * *

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

Temporary Easement Log No. 38078

EXHIBIT B

EXHIBIT "A"
PAGE 1 OF 3
PARCEL W-06D
14' TEMPORARY CONSTRUCTION EASEMENT
2,147 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 2,147 square foot tract of land situated in the Crawford Trees Survey, Abstract No. 1468, being in the City of Duncanville, Dallas County, Texas, and being a portion of the remainder of a called 5.8861 acre tract as described in that certain Cash Warranty Deed to A.T. Manahan, Trustee as recorded in Volume 84073, Page 3131 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of the aforementioned 5.8861 acre tract, said north line being the south right-of-way line of Oak Ridge Drive (60' right-of-way), from whence a 1/2" Iron rod found for the northeast corner of said 5.8861 acre tract bears N 89°27'42" E (deed-S 89°12'50" E), 385.71 feet;

THENCE S 47°45'36" E, departing the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 139.21 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for an inner ell corner of said 5.8861 acre, said ell corner also being the northwest corner of a called 20.603 acre tract of land (called a 250 foot strip of land) as described in that certain Warranty Deed to Texas Power & Light Company (T.P.&L. Co.) as recorded in Volume 52, Page 1262, D.R.D.C.T., of which the northeast 170 feet of said 250 foot strip was conveyed to Dallas Power & Light Company (described as Tract No. 21-94 and called 14.139 acres) according to the instrument recorded in Volume 206, Page 619, D.R.D.C.T.;

THENCE S 01°04'16" E (deed-S 0°16'10" W), with the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 19.24 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 1/2" Iron rod found for the southwest corner of said T.P.&L. Co. tract bears S 01°04'16" E (deed-S 0°16'10" W), 324.30 feet;

THENCE N 47°45'36" W, departing the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 167.53 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the aforementioned north line of said 5.8861 acre tract and south right-of-way line of Oak Ridge Drive;

DATE 9/16/10 BY [signature]

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project

AECOM

AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

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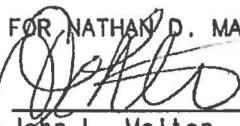
EXHIBIT B

EXHIBIT "A"
PAGE 2 OF 3

PARCEL W-06D
14' TEMPORARY CONSTRUCTION EASEMENT
2,147 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

THENCE N 89°27'42" E (deed-S 89°12'50" E), with the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 20.61 feet to the POINT OF BEGINNING and containing 0.0493 acres or 2,147 square feet of land, more or less

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easements to Enserch Corporation as described in Exhibits A and B in the Instrument recorded in Volume 84024, Page 2941 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) do not affect the subject property.

The easement to Enserch Corporation as described in the Instrument recorded in Volume 88159, Page 549, D.R.D.C.T., does not affect the subject property.

The easements to the County of Dallas as described in the Instrument recorded in Volume 2004048, Page 13, D.R.D.C.T., do not affect the subject property.

REVIEWED BY *Wk 9/16/10*

NDM
NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-356
TBPLS FIRM REG. NO. 100189-00
Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project

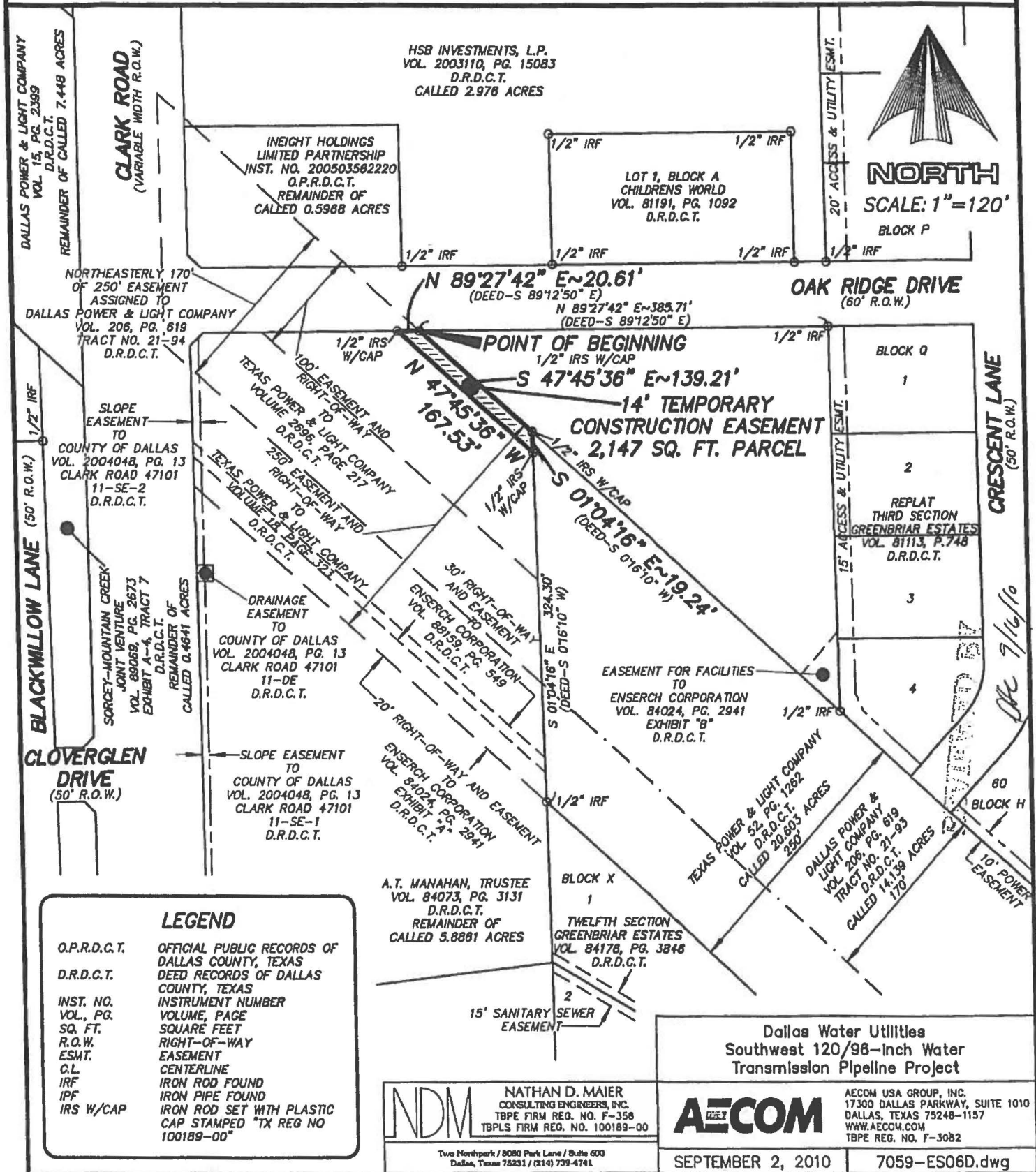
AECOM

AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

7059-ES06D.dwg

EXHIBIT "A"
PAGE 3 OF 3
PARCEL W-06D
14' TEMPORARY CONSTRUCTION EASEMENT
2,147 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS



TEMPORARY WORKING SPACE EASEMENT

THE STATE OF TEXAS §
 §
COUNTY OF DALLAS §

KNOW ALL PERSONS BY THESE PRESENTS:

That A. T. Manahan, Trustee (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE THOUSAND EIGHT HUNDRED NINETY-SEVEN AND NO/100 DOLLARS (\$1,897.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, and the further benefits to be derived by the remaining property as a result of projected public improvements, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, a right-of-way under, in and along the property described in "Exhibit A", attached hereto and made a part hereof by reference for all purposes, for the purpose of working space and storage of machinery; supplies, equipment and material in connection with the construction of the Southwest 120/96" Water Transmission Pipeline.

Any and all trees which lie within this temporary working space may be trimmed of low limbs or removed by the City or its contractor without liability to Grantor if deemed essential to allow for the normal use or passage of construction equipment during the construction of said main or mains.

Upon completion of construction, all surplus excavation, debris, trash or litter resulting from said construction shall be cleaned up and hauled off the premises, and said property, including the fences disturbed, shall be restored as nearly as practicable to its original contour and condition.

It is understood and agreed by Grantor that the consideration herein represents full and adequate consideration for the right-of-way granted, together with any and all damages, costs and/or inconvenience that may be incident to the construction.

This grant shall be for a term of 365 days, beginning upon commencement of construction on Grantor's property and terminating upon completion of construction on Grantor's property or expiration of the time period, whichever occurs first, at which time all rights granted under this instrument shall terminate and cease and the described property shall be restored to its former condition as nearly as possible.

SPECIAL PROVISIONS: None

TO HAVE AND TO HOLD the above described property unto the City of Dallas for the purposes hereinbefore provided, and said City or Dallas, its agents, servants and contractors shall have the right to go upon said property for the purpose of a working

EXHIBIT B

easement and as an easement for the storage of supplies, materials, machinery and equipment for the term herein provided.

EXECUTED this _____ day of _____, _____.

A. T. Manahan, Trustee

* * * * *
STATE OF TEXAS §
COUNTY OF DALLAS §

This instrument was acknowledged before me on _____

by A. T. Manahan, Trustee.

Notary Public, State of TEXAS

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

Temporary Easement Log No. 38077

EXHIBIT B

EXHIBIT "A"

PAGE 1 OF 3

PARCEL W-06C

VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT

4,217 SQ. FT. PARCEL

CRAWFORD TREES SURVEY, ABSTRACT NO. 1468

CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

DESCRIPTION

BEING a 4,217 square foot tract of land situated in the Crawford Trees Survey, Abstract No. 1468, being in the City of Duncanville, Dallas County, Texas, and being a portion of the remainder of a called 5.8861 acre tract as described in that certain Cash Warranty Deed to A.T. Manahan, Trustee as recorded in Volume 84073, Page 3131 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the north line of the aforementioned 5.8861 acre tract, said north line being the south right-of-way line of Oak Ridge Drive (60' right-of-way), from whence a 1/2" Iron rod found for the northeast corner of said 5.8861 acre tract bears N 89°27'42" E (deed-S 89°12'50" E), 423.99 feet;

THENCE S 47°45'36" E, departing the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 191.81 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the most southerly east line of said 5.8861 acre, said east line also being the west line of a called 20.603 acre tract of land (called a 250 foot strip of land) as described in that certain Warranty Deed to Texas Power & Light Company (T.P.&L. Co.) as recorded in Volume 52, Page 1262, D.R.D.C.T., of which the northeast 170 feet of said 250 foot strip was conveyed to Dallas Power & Light Company (described as Tract No. 21-93 and called 14.139 acres) according to the instrument recorded in Volume 206, Page 619, D.R.D.C.T.;

THENCE S 01°04'16" E (deed-S 0°16'10" W), with the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 27.56 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner, from whence a 1/2" Iron rod found for the southwest corner of said T.P.&L. Co. tract bears S 01°04'16" E (deed-S 0°16'10" W), 280.24 feet;

THENCE N 47°50'57" W, departing the most southerly east line of said 5.8861 acre tract and the west line of said T.P.&L. Co. tract, 232.05 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the aforementioned north line of said 5.8861 acre tract and south right-of-way line of Oak Ridge Drive;

SEE EXHIBIT B FOR PLAT

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project

NDM

NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-358
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741

AECOM

AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

7059-ES06C-R.dwg

EXHIBIT B

EXHIBIT "A"

PAGE 2 OF 3

PARCEL W-06C

VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT

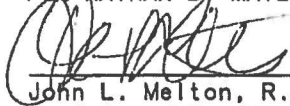
4,217 SQ. FT. PARCEL

CRAWFORD TREES SURVEY, ABSTRACT NO. 1468

CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS

THENCE N 89°27'42" E (deed-S 89°12'50" E), with the north line of said 5.8861 acre tract and said south right-of-way line of Oak Ridge Drive, 29.08 feet to the POINT OF BEGINNING and containing 0.0968 acres or 4,217 square feet of land, more or less

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.



John L. Melton, R.P.L.S. No. 4268
Registered Professional Land Surveyor



NOTES:

Bearings for this survey are based on the Western Data Systems Texas Cooperative Network (www.txrtk.com) and are referenced to NAD83 State Plane Coordinate System, Texas North Central Zone 4202. Stations DPKC, DTNA and DUNP were utilized as base stations during GPS data collection sessions and serve as controlling monuments.

The easements to Enserch Corporation as described in Exhibits A and B in the instrument recorded in Volume 84024, Page 2941 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) do not affect the subject property.

The easement to Enserch Corporation as described in the instrument recorded in Volume 88159, Page 549, D.R.D.C.T., does not affect the subject property.

The easements to the County of Dallas as described in the instrument recorded in Volume 2004048, Page 13, D.R.D.C.T., do not affect the subject property.

RECEIVED BY DATE 9/16/10

Dallas Water Utilities
Southwest 120/96-Inch Water
Transmission Pipeline Project



NATHAN D. MAIER
CONSULTING ENGINEERS, INC.
TBPE FIRM REG. NO. F-358
TBPLS FIRM REG. NO. 100189-00

Two Northpark / 8080 Park Lane / Suite 600
Dallas, Texas 75231 / (214) 739-4741



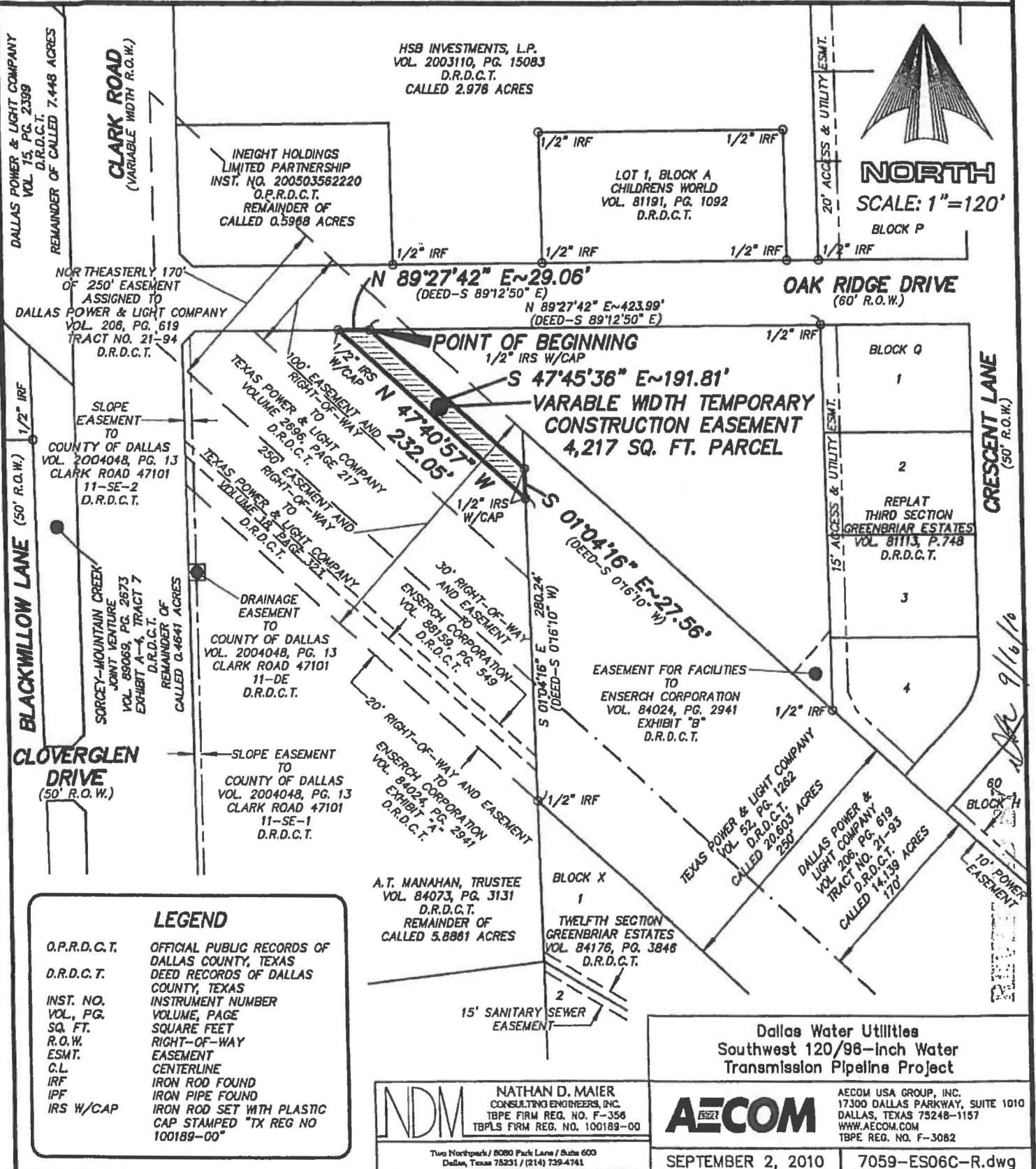
AECOM USA GROUP, INC.
17300 DALLAS PARKWAY, SUITE 1010
DALLAS, TEXAS 75248-1157
WWW.AECOM.COM
TBPE REG. NO. F-3082

SEPTEMBER 2, 2010

7059-ES06C-R.dwg

EXHIBIT B

EXHIBIT "A"
PAGE 3 OF 3
PARCEL W-06C
VARIABLE WIDTH TEMPORARY CONSTRUCTION EASEMENT
4,217 SQ. FT. PARCEL
CRAWFORD TREES SURVEY, ABSTRACT NO. 1468
CITY OF DUNCANVILLE, DALLAS COUNTY, TEXAS



AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction
Public Works Department

CMO: Theresa O'Donnell, 671-9195
Jill A. Jordan, P.E., 670-5299

MAPSCO: 55H

SUBJECT

Authorize moving expense and rental assistance payments for Juan Juarez and Nohemi Maldonado in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 705 Pontiac Avenue for future City facilities – Not to exceed \$11,900 – Financing: 2006 Bond Funds

BACKGROUND

Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and rental assistance payments for individuals displaced by the City of Dallas in conjunction with its real property acquisition activities. On August 14, 2013, the City Council approved Resolution No.13-1313 which authorized the acquisition of real property known as 705 Pontiac Avenue for future City facilities. Juan Juarez and Nohemi Maldonado will be displaced as a direct result of this property acquisition. They have qualified for a moving expense payment of up to \$1,400 and a rental assistance payment of up to \$10,500 pursuant to City Code and will use the rental assistance payment to obtain a replacement dwelling.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 14, 2013, the City Council authorized the acquisition of single family homes in the Cadillac Heights neighborhood for future City facilities by Resolution No. 13-1313.

FISCAL INFORMATION

2006 Bond Funds - \$11,900

OWNER

Leticia Gonzalez

TENANTS

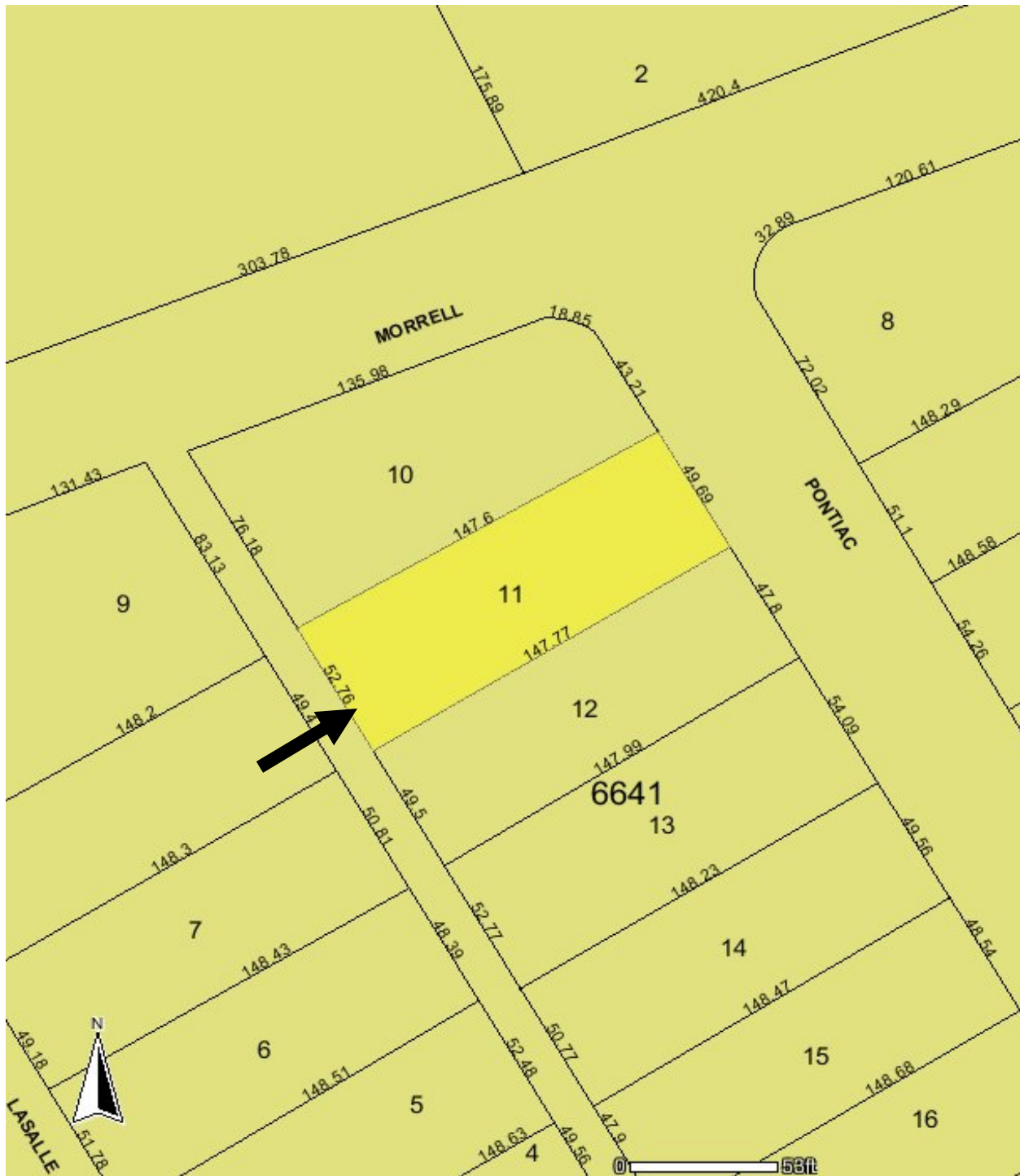
Juan Juarez

Nohemi Maldonado

MAP

Attached

Future City Facilities Project Relocation Assistance



Lot 11, Block 12/6641 - 705 Pontiac Avenue

March 26, 2014

WHEREAS, on November 7, 2006, Dallas voters approved the use of General Obligation Bonds to acquire property for future City facilities; and

WHEREAS, Juan Juarez and Nohemi Maldonado will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and rental assistance payments for individuals displaced by City of Dallas property acquisition activities; and

WHEREAS, on August 14, 2013, the City Council approved Resolution No. 13-1313 authorizing the acquisition of 705 Pontiac Avenue located in the Cadillac Heights neighborhood, to be used in conjunction with the construction of future City facilities.

Now, Therefore,

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

SECTION 1. That Juan Juarez and Nohemi Maldonado will be displaced in conjunction with the construction of future City facilities and is entitled to moving expense and rental assistance payments pursuant to Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas.

SECTION 2. That Juan Juarez and Nohemi Maldonado are eligible to receive a moving expense payment in an amount up to \$1,400 and a rental assistance payment in an amount up to \$10,500.

SECTION 3. That the City Controller is authorized to draw warrants in favor of Juan Juarez and Nohemi Maldonado in an amount not to exceed \$11,900 representing moving expense and rental assistance payments.

These warrants are to be paid as follows:

| <u>Fund</u> | <u>Dept</u> | <u>Unit</u> | <u>Obj</u> | <u>Act Code</u> | <u>Prog No</u> | <u>CT</u> | <u>Vendor No</u> | <u>Amount</u> |
|-------------|-------------|-------------|------------|-----------------|----------------|-------------|------------------|---------------|
| 8T11 | PBW | T825 | 4240 | LAQQ | PB06T825 | SUST825ND93 | VC0000012437 | \$10,500 |
| 8T11 | PBW | T825 | 4240 | LAQQ | PB06T825 | SUST825ND94 | VC0000012437 | \$ 1,400 |

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: March 26, 2014

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Sustainable Development and Construction
Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 51L

SUBJECT

Authorize a ten-year lease agreement with Marcer Investments, LLC for approximately 5,000 square feet of office space located at 828 South Carrier Parkway, Suite 100, Grand Prairie to be used as a Women, Infants and Children Clinic for the period May 1, 2014 through April 30, 2024 - Not to exceed \$970,000 - Financing: Department of State Health Services Grant Funds (subject to annual appropriations)

BACKGROUND

This item authorizes a lease agreement for approximately 5,000 square feet of office space located at 828 South Carrier Parkway, Suite 100. This lease will provide a Women, Infants and Children (WIC) Clinic to continue to serve the residents in the Grand Prairie area. This new site will replace the WIC Clinic currently located at 801 West Freeway, Suite 400, Grand Prairie.

The WIC program is a United States Department of Agriculture program administered in Texas by the Department of State Health Services. The countywide program has been administered by the City of Dallas' Housing/Community Services Department since 1974. The WIC program provides nutritious food, nutrition education, breastfeeding promotion and support, referrals to health services, and immunizations. The program serves infants and children under age 5 and pregnant, postpartum and breastfeeding women.

The lease will begin on May 1, 2014 through April 30, 2024.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$970,000 – Department of State Health Services Grant Funds (subject to annual appropriations)

OWNER

Marcer Investments, LLC

Raul B. Estrada, Manager and Director

MAP

Attached



State Hwy 180

Conover Dr.

State Hwy 161

Descro Lane

Carrier Parkway



828 S. Carrier Parkway

March 26, 2014**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 lease agreement (the "Lease") between Marcer Investments, LLC, a Texas limited liability company, or its successor and assigns, as landlord, hereinafter referred to as "Landlord", and the City of Dallas, as tenant, hereinafter referred to as "City" for approximately 5,000 square feet of office space located in a one-story office building at 828 South Carrier Parkway, Suite 100, Grand Prairie, Dallas County, Texas ("Premises") to be used by the Housing/Community Services' Women, Infants and Children Program.

SECTION 2. That the special terms and conditions of the lease are:

- a) The lease is for a term of ten (10) years beginning May 1, 2014 and ending April 30, 2024.
- b) Monthly rental payments during the term shall be as follows (subject to annual appropriations):

| | |
|------------------------------|----------------------|
| May 1, 2014 – April 30, 2015 | \$6,770.83 per month |
| May 1, 2015 – April 30, 2016 | \$6,979.17 per month |
| May 1, 2016 – April 30, 2017 | \$7,291.67 per month |
| May 1, 2017 – April 30, 2018 | \$7,604.17 per month |
| May 1, 2018 – April 30, 2019 | \$7,916.67 per month |
| May 1, 2019 – April 30, 2020 | \$8,229.17 per month |
| May 1, 2020 – April 30, 2021 | \$8,541.67 per month |
| May 1, 2021 – April 30, 2022 | \$8,854.17 per month |
| May 1, 2022 – April 30, 2023 | \$9,166.67 per month |
| May 1, 2023 – April 30, 2024 | \$9,479.17 per month |

The rental payments shall begin upon the later of (i) May 1, 2014, or (ii) the date certain leasehold improvements as specified in the lease are completed and accepted ("Rental Commencement Date"). If the Rental Commencement Date is other than the first of the month rent for the resulting partial month shall be prorated by days.

- c) The Landlord agrees to provide the City with a Certificate of Occupancy.
- d) The Landlord shall pay all real estate taxes on the Premises during the lease term.
- e) The City shall be responsible for the installation, maintenance and expense for telephone, communication and security services to the Premises.

March 26, 2014

- f) The Landlord shall be responsible for the installation, maintenance and expense for the outdoor signage.
- g) The City shall pay all charges for utilities and janitorial services to the Premises during the lease term.
- h) The Landlord shall provide the City with an asbestos survey at Landlord's expense.
- i) The Landlord shall maintain the roof, foundation, exterior walls, exterior lighting, termites and pest extermination, parking areas and all public and commons areas constituting a part of and/or serving the Premises during the lease term.
- j) The Landlord shall maintain all equipment and systems, including, but not limited to, all electrical, mechanical and plumbing systems, including heating and air conditioning equipment, front and rear doors, light fixtures and bulb replacements, plumbing and floor drains, exhaust fans, windows, interior walls, ceiling and floors in or constituting part of and/or serving the Premises.
- k) The Landlord shall provide certain improvements and repairs (leasehold improvements) to the leased Premises as specified in the lease agreement.
- l) The Landlord shall provide City a minimum of thirty-five parking spaces.
- m) The Landlord shall provide adequate dumpster facilities for City's trash.
- n) The City reserves the right to terminate the lease on the last day of any current fiscal year due to non-appropriation of funds.

SECTION 3. That the City Controller is hereby authorized to draw warrants payable to Marcer Investments, LLC or its successors and assigns on the first day of each month in advance during the lease term beginning May 1, 2014 in the amounts specified below:

| | |
|--|----------------------|
| May 1, 2014 – April 30, 2015 (subject to annual appropriations) | \$6,770.83 per month |
| May 1, 2015 – April 30, 2016 (subject to annual appropriations) | \$6,979.17 per month |
| May 1, 2016 – April 30, 2017 (subject to annual appropriations) | \$7,291.67 per month |
| May 1, 2017 – April 30, 2018 (subject to annual appropriations) | \$7,604.17 per month |

March 26, 2014**SECTION 3.** (continued)

| | |
|--|----------------------|
| May 1, 2018 – April 30, 2019 (subject to annual appropriations) | \$7,916.67 per month |
| May 1, 2019 – April 30, 2020 (subject to annual appropriations) | \$8,229.17 per month |
| May 1, 2020 – April 30, 2021 (subject to annual appropriations) | \$8,541.67 per month |
| May 1, 2021 – April 30, 2022 (subject to annual appropriations) | \$8,854.17 per month |
| May 1, 2022 – April 30, 2023 (subject to annual appropriations) | \$9,166.67 per month |
| May 1, 2023 – April 30, 2024 (subject to annual appropriations) | \$9,479.17 per month |

SECTION 4. That payments will be charged as follows:

May 1, 2014 – September 30, 2014: Fund F403, Dept HOU, Unit 3897, Object Code 3330, Encumbrance No. HOULEASE037, Commodity Code 97145, Vendor No.VS0000031092.

October 1, 2014 – April 30, 2024: Fund TBD, Dept HOU Unit TBD, Object Code 3330, Encumbrance No. TBD, Commodity Code 97145, Vendor No.VS0000031092.

SECTION 5. That the City Controller is hereby authorized to draw warrants payable to the respective telephone, communications, utility and janitorial companies upon receipt of a bill for services or other applicable charges throughout the term of the lease.

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.

APPROVED AS TO FORM**Warren M. S. Ernst, City Attorney**

BY: _____


Assistant City Attorney

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 45Q

SUBJECT

An ordinance repealing Ordinance No. 28151 granted to FC Continental Complex L.P., which is now assigned to FC Continental Landlord, LLC and correcting the legal description of the license area to accurately depict the location of the two subsurface ventilation shafts within the licensed area on St. Paul Street right-of-way - Revenue: \$1,000 annually, plus the \$20 ordinance publication fee

BACKGROUND

This item repeals Ordinance No. 28151, by correcting the legal description of the license area to accurately depict the location of the two existing subsurface ventilation shafts under portions of St. Paul Street. The use of this area will not impede pedestrian or vehicular traffic.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

License Ordinance No. 28151 approved on April 13, 2011.

FISCAL INFORMATION

Revenue: \$1,000 annually, plus the \$20 ordinance publication fee

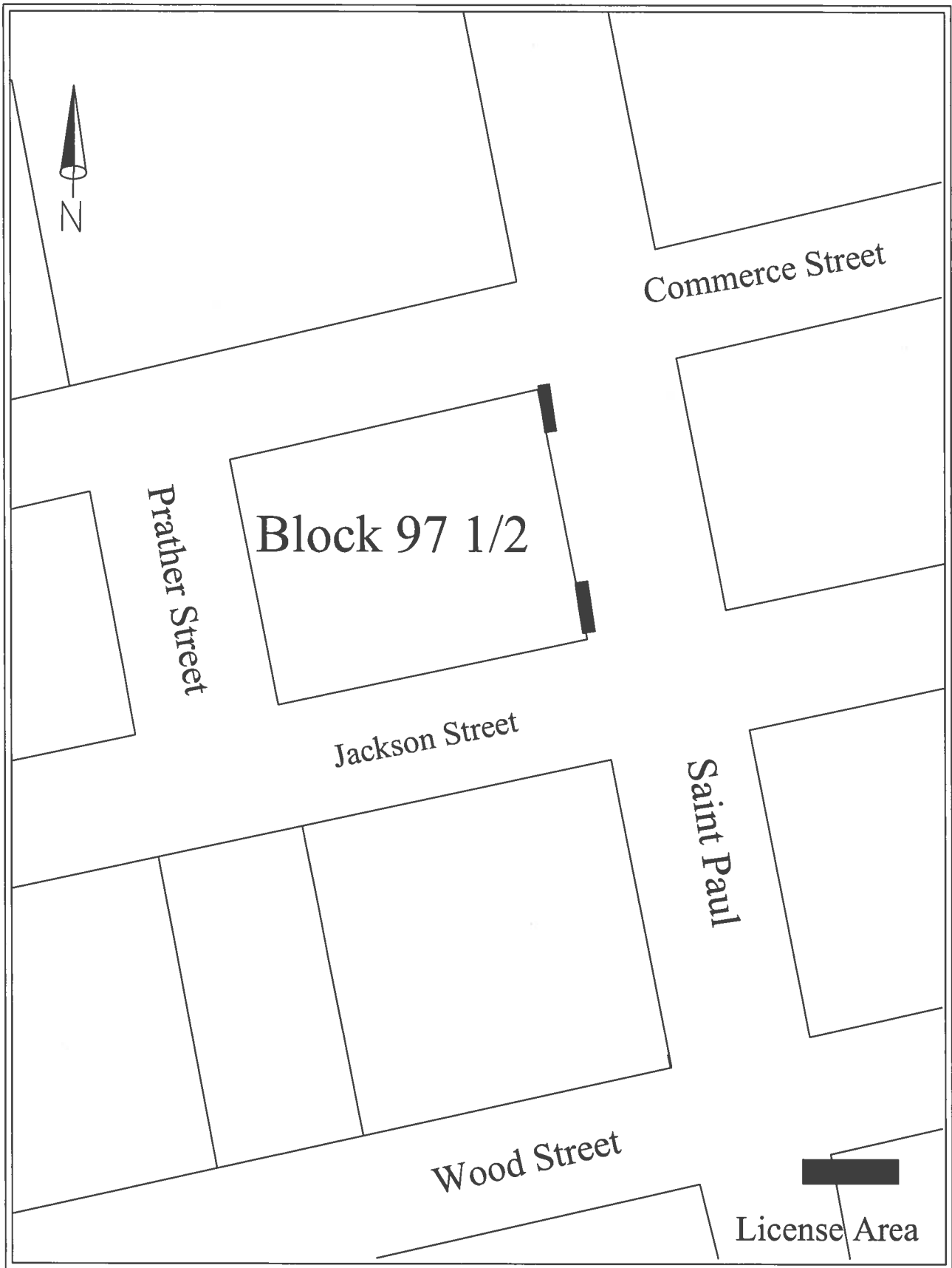
OWNER

FC Continental Landlord, LLC

James E. Truitt, Senior Vice President

MAP

Attached



ORDINANCE NO. _____

An ordinance providing for the termination of Ordinance No. 28151 previously granting to FC Continental Complex, L.P. a private license to install, maintain and use two subsurface ventilation shafts under portions of St. Paul Street right-of-way; granting a new private license to FC Continental Landlord, LLC for the purpose of continuing the existing previously licensed use stated above in a new location under a portion of St Paul Street right-of-way adjacent to City Block 97 ½ within the limits hereinafter more fully described; providing for the annual compensation to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date of this license and ordinance.

oooOooo

WHEREAS, on April 13, 2011, the City Council of the City of Dallas passed Ordinance No. 28151, thereby granting FC Continental Complex, L.P., a private license to utilize a portion of St. Paul Street right-of-way for the installation, maintenance and use of two subsurface ventilation shafts; and

WHEREAS, FC Continental Landlord, LLC, is now the owner of the real property abutting this license area; and

WHEREAS, the previous legal description used under Ordinance No. 28151 was inaccurate; and

WHEREAS, FC Continental Landlord, LLC has requested the termination of Ordinance No. 28151 and a new license for the continuation of the previously licensed use with a corrected legal description; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the license granted by Ordinance No. 28151 should be terminated and a new license granted to FC Continental Landlord, LLC to use the street right-of-way for said purposes, subject to the conditions hereinafter more fully set out; **NOW, THEREFORE**

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

SECTION 1. That the rights granted by said Ordinance No. 28151 are hereby terminated.

SECTION 2. That a private license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to FC Continental Landlord, LLC, a Texas limited liability company, its successors and assigns, hereinafter referred to as **GRANTEE**, to occupy, maintain, and utilize for the purposes set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

SECTION 3. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 4. That **GRANTEE** shall pay to the City of Dallas the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** shall become due and payable upon the final passage of this ordinance and shall cover the consideration for 2014. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Sustainable Development and Construction, or his designee, may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the City Controller of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE’s** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 5. That the licensed area shall be used by **GRANTEE** for the following purposes under the direction of the Director of Sustainable Development and Construction of the City of Dallas: use and maintenance of two subsurface ventilation shafts.

SECTION 6. That this license is subject to the provisions set forth in EXHIBIT B.

SECTION 7. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution passed by said Governing Body, to terminate and cancel this license, upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts, **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B Subsection (a) as applicable. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

SECTION 8. That the license is subject to the following conditions, terms and reservations:

- a) **GRANTEE** acknowledges that ATMOS has a 6 inch gas main in the public right-of-way. Any relocation will be at **GRANTEE's** expense.
- b) **GRANTEE** acknowledges that ONCOR has distribution vaults on each end of City Block 97 ½ that provides service to the Continental Building and requests a 5 foot minimum separation from vault gratings.

SECTION 9. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Sustainable Development and Construction and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Sustainable Development and Construction, or his designee may terminate this license.

SECTION 10. That upon receipt of **GRANTEE'S** final written acceptance, the Director of Sustainable Development and Construction, or his designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Sustainable Development and Construction, or his designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 11. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 12. That this license may not be assigned without prior written approval from the Director of Sustainable Development and Construction, or his designee. Such assignment shall recite that it is subject to the terms, restrictions, and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Sustainable Development and Construction may terminate this license.

SECTION 13. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Record of Dallas County, Texas, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2014, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 14. 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

City Attorney

DAVID COSSUM

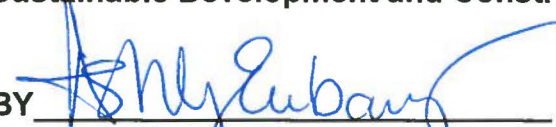
Interim Director of Department of
Sustainable Development and Construction

BY



Assistant City Attorney

BY



Assistant Director

Passed _____.

LICENSE AGREEMENT
BEING A PART OF ST. PAUL STREET
RIGHT-OF-WAY ADJACENT TO
LOT 7, BLOCK 97 1/2,
SMITH, MURPHY, AND MARTIN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Description of a 120 square foot tract of land situated in the John Grigsby Survey, Abstract No. 495, adjacent to City of Dallas Block 97 1/2, Dallas County, Texas and being in the right-of-way of St. Paul Street (49.31 feet wide, Vol. 974, Page 190, D.R.D.C.T.); said 120 square foot tract being more particularly described by metes and bounds as follows;

COMMENCING, at a "+" cut in concrete found at the southeast corner of Block 97 1/2, Smith, Murphy and Martin Addition, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas; said point also being the southeast corner of a tract of land conveyed to FC Continental Landlord LLC, by Special Warranty Deed recorded in Instrument No. 201100224515, Official Public Records, Dallas County, Texas; said point also being at the intersection of the north right-of-way line of Jackson Street (50 feet wide) and the west right-of-way line of said St. Paul Street;

THENCE, North 14 degrees 00 minutes 00 seconds West, with said west right-of-way line and east line of said Block 97 1/2, a distance of 8.00 feet to the POINT OF BEGINNING;

THENCE, North 14 degrees 00 minutes 00 seconds West, continuing with said west right-of-way line, a distance of 16.00 feet to a point for corner;

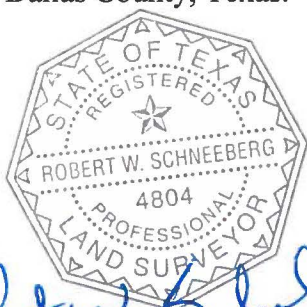
THENCE, North 76 degrees 00 minutes 00 seconds East, leaving said west right-of-way line, a distance of 7.50 feet to a point for corner;

THENCE, South 14 degrees 00 minutes 00 seconds East, a distance of 16.00 feet to a point for corner;

THENCE, South 76 degrees 00 minutes 00 seconds West, a distance of 7.50 feet to the POINT OF BEGINNING;

CONTAINING, 120 square feet of land, more or less.

Bearings are based upon the east right-of-way line of St. Paul Street bearing South 14 degrees 00 minutes 00 seconds East, according to the deed recorded in Instrument No. 200503596650, Deed Records, Dallas County, Texas.



Sheet 1 of 2

12/31/13

Robert W. Schneeberg

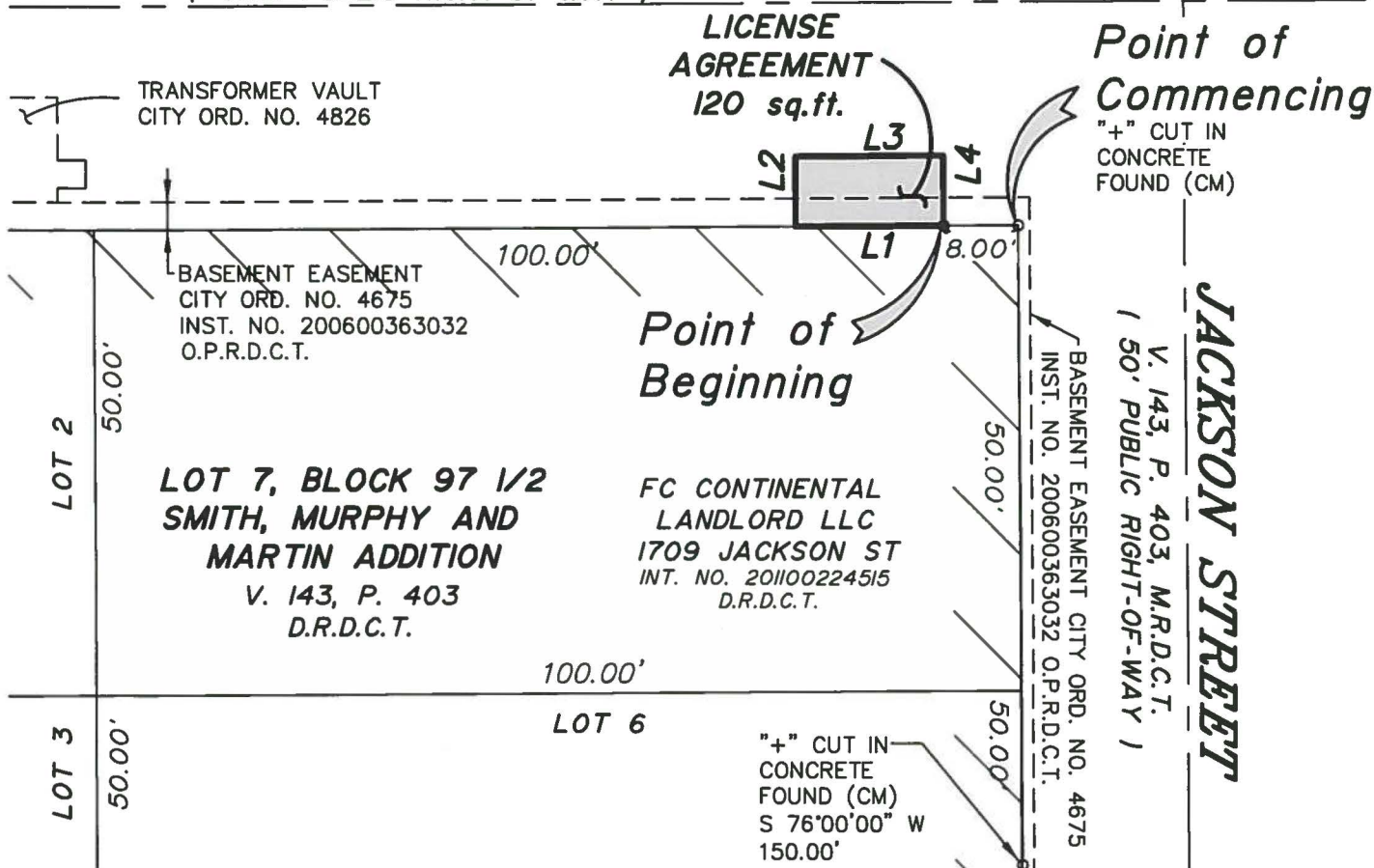
(For SPRG use only)

Reviewed by: JK
Date: 1-3-14
SPRG NO: 2702

ST. PAUL STREET

V. 974, P. 190, D.R.D.C.T.
(49.31 PUBLIC RIGHT-OF-WAY)

EXHIBIT A

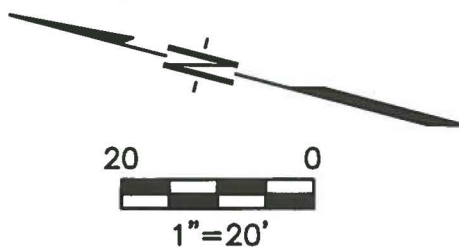


LEGEND

O.P.R.D.C.T. - Official Public Records Dallas County Texas
D.R.D.C.T. - Deed Records Dallas County Texas
M.R.D.C.T. - Map Records Dallas County Texas
INST. NO. - Instrument Number

LINE TABLE

| LINE | DISTANCE | BEARING |
|------|----------|---------------|
| L1 | 16.00' | N 14°00'00" W |
| L2 | 7.50' | N 76°00'00" E |
| L3 | 16.00' | S 14°00'00" E |
| L4 | 7.50' | S 76°00'00" W |



NOTES:

- Bearings are based upon the east right-of-way line of St. Paul Street bearing South 14 degrees 00 minutes 00 seconds East, according to the deed recorded in Instrument No. 200503596650, Deed Records, Dallas County, Texas.
- (CM) - Controlling Monument

(For SPRG use only)

Reviewed by: SL
Date: 1-3-14
SPRG NO: 2702

SHEET 2 OF 2



Robert W. Schneeberg
12/31/13

LICENSE AGREEMENT

BEING A PART OF ST. PAUL STREET
RIGHT-OF-WAY ADJACENT TO

LOT 7, BLOCK 97 1/2

SMITH, MURPHY, AND MARTIN ADDITION

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Gonzalez & Schneeberg

engineers - surveyors

680 N. Central Expressway
Suite 250, Plano, Texas 75074
(972) 516-8888 Fax: (972) 516-8901

DATE: MAY, 2013

PROJ. NO.: 5456-10-07-07 DWG. NO.: ventshaft-2013

LICENSE AGREEMENT
BEING A PART OF ST. PAUL STREET
RIGHT-OF-WAY ADJACENT TO
LOT 2, BLOCK 97 1/2,
SMITH, MURPHY, AND MARTIN ADDITION
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Description of a 124 square foot tract of land situated in the John Grigsby Survey, Abstract No. 495, adjacent to City of Dallas Block 97 1/2, Dallas County, Texas and being in the right-of-way of St. Paul Street (49.31 feet wide, Vol. 974, Page 190, D.R.D.C.T.); said 124 square foot tract being more particularly described by metes and bounds as follows;

COMMENCING, at a "+" cut in concrete found at the northeast corner of Block 97 1/2, Smith, Murphy and Martin Addition, an addition to the City of Dallas, Texas according to the plat thereof recorded in Volume 143, Page 403, Deed Records, Dallas County, Texas; said point also being the northeast corner of a tract of land conveyed to FC Continental Landlord LLC, by Special Warranty Deed recorded in Instrument No. 201100224515, Official Public Records, Dallas County, Texas; said point also being at the intersection of the south right-of-way line of Commerce Street (78.7 feet wide) and the west right-of-way line of said St. Paul Street;

THENCE, South 14 degrees 00 minutes 00 seconds East, with said west right-of-way line and east line of said Block 97 1/2, a distance of 10.00 feet to the POINT OF BEGINNING;

THENCE, North 76 degrees 00 minutes 00 seconds East, leaving said west right-of-way line, a distance of 7.50 feet to a point for corner;

THENCE, South 14 degrees 00 minutes 00 seconds East, a distance of 16.50' feet to a point for corner;

THENCE, South 76 degrees 00 minutes 00 seconds West, a distance of 7.50' feet to a point in the said west right-of-way line of St. Paul Street; said point also being on the east line of said Block 97 1/2;

THENCE, North 14 degrees 00 minutes 00 seconds West, with said west right-of-way line, a distance of 16.50' feet to the POINT OF BEGINNING;

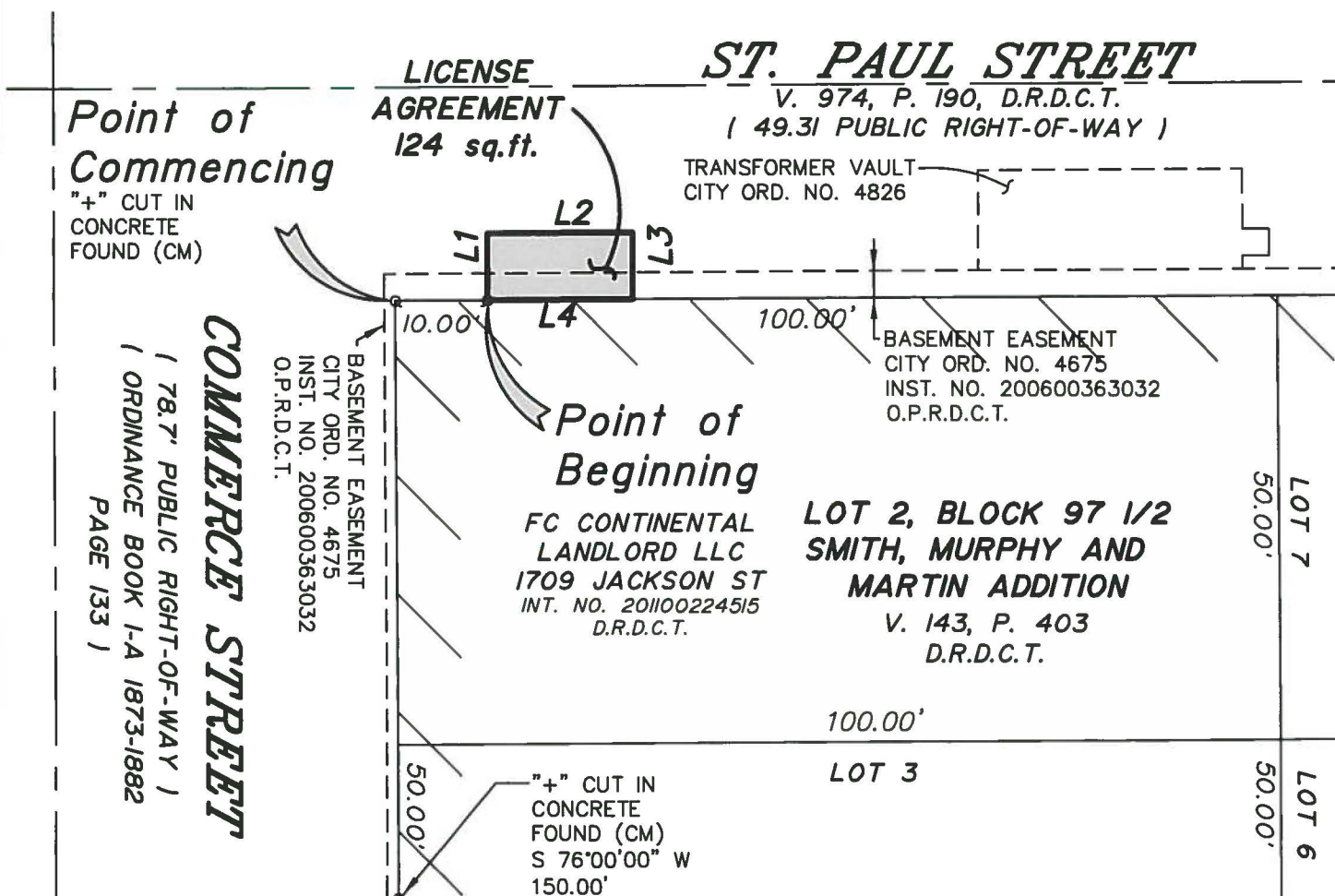
CONTAINING, 124 square feet of land, more or less.

Bearings are based upon the east right-of-way line of St. Paul Street bearing South 14 degrees 00 minutes 00 seconds East, according to the deed recorded in Instrument No. 200503596650, Deed Records, Dallas County, Texas.



Sheet 1 of 2

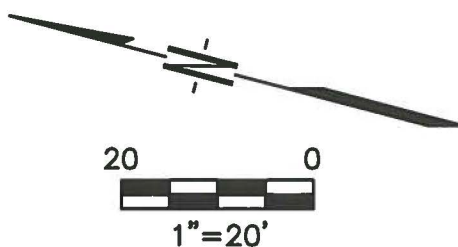
| | |
|---------------------|---------------|
| (For SPRG use only) | |
| Reviewed by: | <u>JZ</u> |
| Date: | <u>1-3-14</u> |
| SPRG NO: | <u>2819</u> |

**LEGEND**

O.P.R.D.C.T. - Official Public Records Dallas County Texas
 D.R.D.C.T. - Deed Records Dallas County Texas
 M.R.D.C.T. - Map Records Dallas County Texas
 INST. NO. - Instrument Number

LINE TABLE

| LINE | DISTANCE | BEARING |
|------|----------|---------------|
| L1 | 7.50' | N 76°00'00" E |
| L2 | 16.50' | S 14°00'00" E |
| L3 | 7.50' | S 76°00'00" W |
| L4 | 16.50' | N 14°00'00" W |

**NOTES:**

- Bearings are based upon the east right-of-way line of St. Paul Street bearing South 14 degrees 00 minutes 00 seconds East, according to the deed recorded in Instrument No. 200503596650, Deed Records, Dallas County, Texas.
- (CM) - Controlling Monument

(For SPRG use only)

Reviewed by: 32Date: 1-3-14SPRG NO: 288

Robert W. Schneeberg
 12/31/13

LICENSE AGREEMENT

BEING A PART OF ST. PAUL STREET
 RIGHT-OF-WAY ADJACENT TO

LOT 2, BLOCK 97 1/2

SMITH, MURPHY, AND MARTIN ADDITION

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

Gonzalez & Schneeberg
 engineers - surveyors

680 N. Central Expressway
 Suite 250, Plano, Texas 75074
 (972) 518-8855 Fax: (972) 518-8901

DATE: MAY, 2013

PROJ. NO.: 5456-10-07-07

DWG. NO.: ventshaft-2013

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
 2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to the extent allowed by law to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

whether such damage is due to flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

AGENDA ITEM # 28

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 14
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 45K

SUBJECT

An ordinance terminating Ordinance No. 24823 and consolidating the uses into a new ordinance for two sidewalk cafes and two awnings without signs, landscaping, steps and handicap access ramps within the licensed area on Stone Place right-of-way – Revenue: \$11,813 annually, plus the \$20 ordinance publication fee

BACKGROUND

This item terminates Ordinance No. 24823 and consolidates the uses into a new ordinance for two awnings without signs, landscaping, steps and handicap access ramps within the licensed area on Stone Place right-of-way. This item terminates the rights previously granted by Ordinance No. 24823. The use of this area will not impede pedestrian or vehicular traffic.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

License Ordinance No. 24823 approved on January 23, 2002.

FISCAL INFORMATION

Revenue: \$11,813 annually, plus the \$20 ordinance publication fee

OWNER

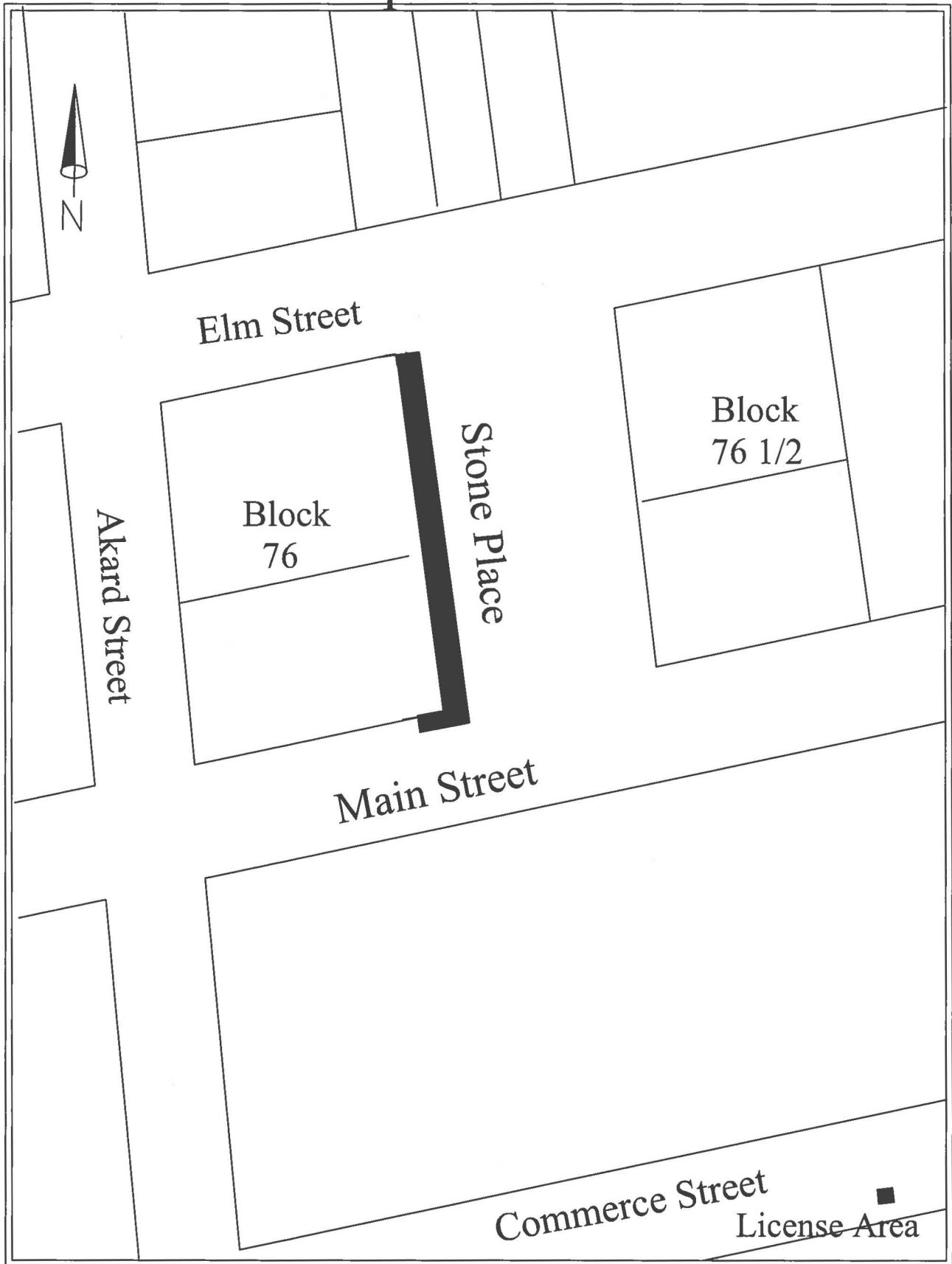
Stone Place Mall Investors I, Ltd.

Thomas W. Taylor, Manager

MAP

Attached

Mapsco 45K



ORDINANCE NO. _____

An ordinance providing for the termination of Ordinance No. 24823 previously granted to Stone Place Mall Investors I, Ltd. (mistakenly referred to in Ordinance 24823 as “Stone Place Mall Investors, Ltd.”) to install and maintain landscaping, steps, handicap access ramps, two sidewalk cafes and two awnings without signs on certain portions of Stone Place and Main Street rights-of-way; granting a new private license to Stone Place Mall Investors I, Ltd to occupy, maintain, and utilize Stone Place and Main Street rights-of-way, adjacent to City Blocks 76 and 76 ½ within limits hereinafter more fully described for the purpose of maintaining landscaping, steps, handicap access ramps, two sidewalk cafes, two awnings without signs, a retail and food vending kiosk, a water feature, and the installation, use and maintenance of a second floor balcony cafe on certain portions of Stone Place and Main Street rights-of-way providing for terms and conditions of this license; providing for the annual compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

oooOooo

WHEREAS, on January 23, 2002, the City Council of the City of Dallas passed Ordinance No. 24823 thereby granting Stone Place Mall Investors I, Ltd. a private license to utilize portions of Stone Place and Main Street rights-of-way for the installation and maintenance of landscaping, steps, handicap access ramps, two sidewalk cafes and two awnings without signs; and

WHEREAS, Stone Place Mall Investors I, Ltd. is the owner of the real property abutting these license areas; and

WHEREAS, Stone Place Mall Investors I, Ltd. has requested the termination of Ordinance No. 24823 and the incorporation of the rights of use granted thereunder into a new license ordinance with new terms granting similar rights and the addition of new areas for a retail and food vending kiosk and second floor balcony café; and

WHEREAS, the City Council of the City of Dallas is of the opinion that the license granted by Ordinance 24823 should be terminated and that the existing use and rights for landscaping, steps, handicap access ramps, two sidewalk cafes and two awnings

without signs should be incorporated into a new license with Stone Place Mall Investors I, Ltd. that provides for similar rights previously granted and the addition of rights to new additional license uses within the street rights-of-way for said purposes, subject to the conditions hereinafter more fully set out; **NOW, THEREFORE,**

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

SECTION 1. That the rights granted by said Ordinance No. 24823 are hereby terminated.

SECTION 2. That a private license, hereinafter referred to as “license”, subject to the restrictions and conditions of this ordinance, is hereby granted to Stone Place Mall Investors I, Ltd., a Texas limited corporation, its successors and assigns, hereinafter referred to as **GRANTEE**, to occupy, maintain, and utilize for the purposes set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as “licensed area” which is attached hereto and made a part hereof.

SECTION 3. That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

SECTION 4. That **GRANTEE** shall pay to the City of Dallas the sum of **ELEVEN THOUSAND EIGHT HUNDRED THIRTEEN AND NO/100 (\$11,813.00) DOLLARS** annually for the license herein granted, said sum to become due and payable on the 2nd day of January each year, in advance, during the term hereof; provided, however, that the first payment due hereunder in the sum of **ELEVEN THOUSAND EIGHT HUNDRED THIRTEEN AND NO/100 (\$11,813.00) DOLLARS** shall become due and payable upon the final passage of this ordinance and shall cover the consideration for 2014. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated annual fee within sixty (60) days of the due date, the Director of Sustainable Development and Construction, or designee, may terminate this license. All sums payable to the City of Dallas hereunder shall be paid to the City Controller of the City of Dallas and deposited in Fund 0001, Department DEV, Unit 1181, Revenue Source 8200. In the event **GRANTEE’s** check for the license fee is dishonored,

GRANTEE shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 5. That the licensed area shall be used by **GRANTEE** for the following purposes under the direction of the Director of Sustainable Development and Construction of the City of Dallas: use and maintenance of landscaping, steps, handicap access ramps, two sidewalk cafes, two awnings without signs, a retail and food vending kiosk, a water feature, and the installation, use and maintenance of a second floor balcony café.

SECTION 6. That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

SECTION 7. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution passed by said Governing Body, to terminate and cancel this license, upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts, **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Sustainable Development and Construction, any improvements and encroachments from the licensed areas at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B Subsection (a) as applicable. All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.

SECTION 8. That the license is subject to the following conditions, terms and reservations:

- a) **GRANTEE** shall maintain clearance around existing ATMOS main lines. If there is a conflict, facilities shall be relocated at **GRANTEE**'s expense.
- b) **GRANTEE** shall be advised that AT&T has one manhole in the area and if required to provide service changes, AT&T will need access to the manhole. Please contact Dean Woodruff should any conflicts are discovered at 214-320-6430.
- c) **GRANTEE** shall not encumber ONCOR's access to their facilities at any time. ONCOR has major ductbank facilities within Stone Place. The balcony columns cannot be constructed within 6ft horizontal along the entire length of the electric ductbank and must maintain 15 feet vertical clearance over ductbank for permanent structures. For any additional information, please contact Mr. Keith Williams at 817-215-6678.
- d) **GRANTEE** shall maintain the water feature that was installed pursuant to that certain City Center Tax Increment Financing District development agreement for Stone Place approved by City Council on February 14, 2001, by Resolution Nos. 01-0559 and 01-0560 and that is located within the licensed area under a prior Temporary License Agreement approved on April 11, 2002. Alternatively, **GRANTEE** may remove or repurpose the water feature for another use subject to all required city approvals including Landmark Commission.
- e) **GRANTEE** must ensure the proper clean up and maintenance of the licensed area. The City will not be responsible for maintenance, debris and/or trash pick-up in the licensed area.
- f) **GRANTEE** shall grant access to the lighting control timer and meter located within 1520 Elm to Stone Street's abutting property owner as necessary to control and maintain the lighting and electrical utilities for Stone Place. Such access shall be terminated in the event such equipment is relocated to the abutting property owner's property.

SECTION 9. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Sustainable Development and Construction and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Sustainable Development and Construction, or designee may terminate this license.

SECTION 10. That upon receipt of **GRANTEE'S** final written acceptance, the Director of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 11. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 12. That this license may not be assigned without prior written approval from the Director of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions, and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Sustainable Development and Construction may terminate this license.

SECTION 13. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Record of Dallas County, Texas, which certified copy shall be delivered to the Director of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2014, an acceptable certificate of insurance and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 14. 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
City Attorney

DAVID COSSUM
Interim Director of Department of
Sustainable Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed_____.

License Agreement for
Part of Stone Street Adjacent to Block A/76
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

Being a 1,296 square foot (0.030 acre) of a proposed aerial encroachment of Stone Street, adjacent to City Block No. A/76, being part of the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas and being a portion of Stone Place (40.0' right-of-way), adjacent to Block A/76, and also being situated in the **SMITH, MURPHY AND MARTIN ADDITION**, an addition to the City of Dallas, recorded in Volume 143, Page 403, of the Deed Records, Dallas County, Texas (D.R.D.C.T.), and created by Warranty Deed to the City of Dallas, as recorded in Volume 57, Page 434, D.R.D.C.T., said tract being more particularly described as follows:

BEGINNING at a cut line at the building corner at the intersection of the southerly monumented line of Elm Street (called 80.0' right-of-way) with the westerly monumented line of said Stone Place, said corner also being at the northeasterly corner of Lot 2, Block A/76, of **STONE STREET RETAIL**, an addition to the City of Dallas, recorded in Volume 2001210, Page 70, Deed Records, Dallas County, Texas (D.R.D.C.T.);

THENCE over and across said Stone Place, the following courses and distances:

North 76°00'00" East, a distance of 13.00' to a point for corner;

South 14°00'00" East, a distance of 99.67' to a point for corner;

South 76°00'00" West, a distance of 13.00' to a point for corner in the easterly line of a building, same being the westerly monumented line of Stone Place;

THENCE North 14°00'00" West, along said westerly line of Stone Place, same being the easterly line of said Lot 2, a distance of 99.67' to the **POINT OF BEGINNING** and containing 1,296 square feet or 0.030 of one acre of land, more or less.

Legend:

P.F.C. - Point For Corner

(C.M.) - Controlling Monument

M.R.D.C.T. - Map Records, Dallas County, Texas

D.R.D.C.T. - Deed Records, Dallas County, Texas

O.P.R.D.C.T. - Official Public Records, Dallas County, Texas

1/2" I.R.S. - 1/2" Iron Rod With a Yellow Plastic cap stamped "RPLS 5686" set

Notes:

1. Bearings are based on westerly monumented line of Stone Place, same being the easterly line of Lot 2, Block A/76, as shown on the plat of **STONE STREET RETAIL**, as recorded in Volume 2001210, Page 70, Map Records, Dallas County, Texas; said bearing being, South 14°00'00" East.



| | |
|-----------|------------|
| DATE: | 07/02/2013 |
| REVISED: | 02/20/2014 |
| SCALE: | 1" = 40' |
| SHEET NO. | 1 OF 2 |
| JOB NO.: | 2012-0154 |

| | |
|---------------------|-------------------|
| (For SPRG use only) | |
| Reviewed By: | <u>DBF</u> |
| Date: | <u>02.21.2014</u> |
| SPRG NO: | <u>2721</u> |



North Texas Surveying, L.L.C.
Registered Professional Land Surveyors

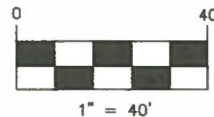
1515 South McDonald St., Suite 110,
McKinney, Tx. 75069
Ph. (469) 424-2074 Fax: (469) 424-1997
www.northtexassurveying.com

License Agreement for

Part of Stone Street Adjacent to Block A/76
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

L1 N76°00'00"E 13.00'

L2 S76°00'00"W 13.00'



Elm Street

(called 80.0' right-of-way)

Point of Beginning
Line Cut at Building Fnd.
(C.M.)

Line Cut at Building Fnd.
(C.M.)

N76°00'00"E 75.00'

L1

P.F.C.

N14°00'00"W 99.67'

1,296 Sq. Ft. / 0.030 Acre

S14°00'00"E 99.67'

Stone Place Mall
Investors, Ltd.
Vol. 2000043, Pg. 3757
and
Vol. 2000043, Pg. 3760,
D.R.D.C.T.

Lot 2, Block A/76
STONE STREET RETAIL
Vol. 2001210, Pg. 70
D.R.D.C.T.

| | | |
|---|---|---|
| 25' | 48' | 25' |
| Elm At Stone Place Holdings, L.L.C. Document No. 200900320541, O.P.R.D.C.T. | Elm At Stone Place Holdings, L.L.C. Document No. 200900320541, O.P.R.D.C.T. | Elm At Stone Place Holdings, L.L.C. Document No. 201100254990, O.P.R.D.C.T. |

Block 121/76

John Grigsby Survey
Abstract No. 495

Legal Aid of the Northwest
Vol. 2004035, Pg. 7153,
D.R.D.C.T.

SMITH, MURPHY AND MARTIN ADDITION
Vol. 143, Pg. 403,
D.R.D.C.T.

Peter D. Fonberg
Vol. 90051, Pg. 182,
D.R.D.C.T.

1519 Main, L.P.
Document No. 200600139621,
O.P.R.D.C.T.

Roman Catholic Diocese of Dallas
Vol. 911, Pg. 989,
D.R.D.C.T.

N14°00'00"W 100.00'

S14°00'00"E 100.33'

Stone Place

(40.0' right-of-way)
Vol. 57, Pg. 434,
D.R.D.C.T.

Block 121/76 1/2

Elm At Stone Place Holdings, L.L.C.
Document No. 200900299946,
O.P.R.D.C.T.

SMITH, MURPHY AND MARTIN ADDITION
Vol. 143, Pg. 403,
D.R.D.C.T.

Elm At Stone Place Holdings, L.L.C.
Document No. 201100327112,
O.P.R.D.C.T.

Line Cut at Building Fnd.
(C.M.)

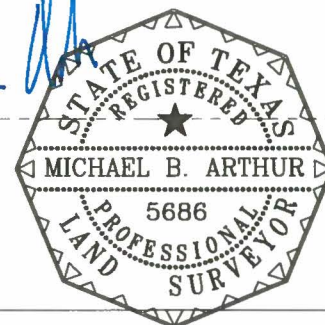
Line Cut at Building Fnd.
(C.M.)

S76°00'00"W 75.00'

Main Street

(called 79.5' right-of-way)

** SEE NOTES AND LEGEND ON SHEET ONE OF TWO **



DATE: 07/02/2013

REVISED: 02/20/2014

SCALE: 1" = 40'

SHEET NO. 2 OF 2

JOB NO.: 2012-0154

(For SPRG use only)

Reviewed By: D.B.F.

Date: 02.21.2014

SPRG NO: 2721



North Texas Surveying, L.L.C.
Registered Professional Land Surveyors

1515 South McDonald St., Suite 110,
McKinney, Tx. 75069
Ph. (469) 424-2074 Fax: (469) 424-1997
www.northtexassurveying.com

24823

Exhibit A-2

LICENSE AGREEMENT
 STONE PLACE
 720 sq. ft.
 ADJACENT TO BLOCK 76
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

BEING a 720 square feet (0.0165 acre) tract of land situated in the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas, adjacent to City of Dallas Block 76, Official City Numbers, further being a portion of Stone Place (40' R.O.W.), said 720 square feet tract being more particularly described as follows:

Reviewed by [Signature] 6/25/01
BEGINNING at a cut line against a two story brick building found for corner at the intersection of the north line of Main Street (80' R.O.W.) with the west line of said Stone Place, at the southeast corner of said Block 76, also the southeast corner of that certain tract conveyed to Stone Place Mall Investors by Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas;

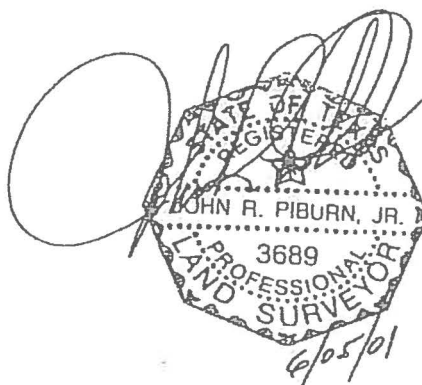
THENCE N14°00'00"W along the west line of said Stone Place, common with the east line of said Stone Place Mall Investors tract, a distance of 60.00 feet to a corner inside said building;

THENCE N76°00'00"E departing the said common line, a distance of 12.00 feet to an "x" cut set for corner;

THENCE S14°00'00"E a distance of 60.00 feet to an "x" cut set for corner in the said north line of Main Street, common with the south terminus line of said Stone Place;

THENCE S76°00'00"W along the said common line, a distance of 12.00 feet to the **POINT OF BEGINNING** and containing 720 square feet or 0.0165 acres of land, more or less.

* Bearings are based upon the west line of Stone Place (S14°00'00"E) according to that certain Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas.



24823

LICENSE AGREEMENT

STONE PLACE
720 sq. ft.
ADJACENT TO BLOCK 76
CITY OF DALLAS
DALLAS COUNTY, TEXAS

020319

SCALE: 1" = 30'

ELM STREET

80' R.O.W.

cut line
against bldg
found
(c.m.)

Stone Place Mall Investors
Vol. 2000043, Pg. 3757

BLOCK 76

CATHOLIC DIOCESE
VOL. 911, PG. 989

Stone Place Mall Investors
Vol. 2000043, Pg. 3760

(DIRECTIONAL CONTROL)
BEARING BASIS

720 sq. ft.
0.0165 acre

STONE PLACE

40' R.O.W.

P.O.B.
cut line
against bldg.
found
(c.m.)

MAIN STREET

80' R.O.W.

MARIAN McCLENDON ET AL
VOL. 95028, PG. 2039

LOT 11

HOMER J RADER, JR.
VOL. 87208, PG. 3830

BLOCK 76 1/2

C G H PROPERTIES CORP.
VOL. 93243, PG. 0698

LOT 12

| LINE | BEARING | DIST. |
|------|-------------|--------|
| L1 | N14°00'00"W | 60.00' |
| L2 | N76°00'00"E | 12.00' |
| L3 | S14°00'00"E | 60.00' |
| L4 | S76°00'00"W | 12.00' |

NOTES:

(c.m.) = controlling monument
"x" = "x" cut set for corner
c.i.b. = corner inside building

Bearings are based upon the west line of Stone Place (S14°00'00"E) according to that certain Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas.

JUNE 2001
SHT. 2 of 2

24823

Exhibit A-3

020319

LICENSE AGREEMENT
 MAIN STREET
 200 sq. ft.
 ADJACENT TO BLOCK 76
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

BEING a 200 square feet (0.0046 acre) tract situated in the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas, adjacent to City of Dallas Block 76, Official City Numbers, further being a portion of Main Street (80' R.O.W.), said 200 square feet tract being more particularly described as follows:

BEGINNING at a cut line against a two story brick building found for corner at the intersection of the north line of said Main Street with the west line of Stone Place (40' R.O.W.), at the southeast corner of said Block 76, also the southeast corner of that certain tract conveyed to Stone Place Mall Investors by Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas;

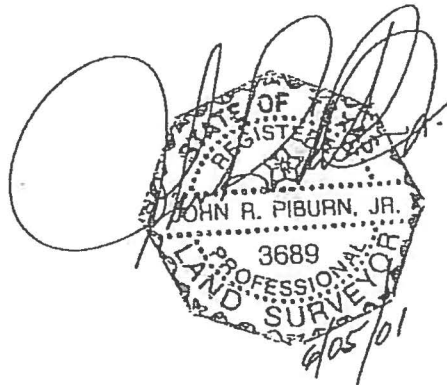
THENCE S14°00'00"E departing the north line of said Main Street, a distance of 8.00 feet to an "x" cut set for corner;

THENCE S76°00'00"W, a distance of 25.00 feet to an "x" cut set for corner;

THENCE N14°00'00"W a distance of 8.00 feet to a cut line against a two story brick building found for corner in the said north line of Main Street, at the southwest corner of said Stone Place Mall Investors tract, also the southeast corner of that certain tract conveyed to Catholic Diocese by deed recorded in Volume 911, Page 989, Deed Records, Dallas County, Texas;

THENCE N76°00'00"E along the north line of said Main Street, common with the south line of said Stone Place Mall Investors tract, a distance of 25.00 feet to the *POINT OF BEGINNING* and containing 200 square feet or 0.0046 acres, more or less.

* Bearings are based upon the west line of Stone Place (S14°00'00"E) according to that certain Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas.



JUNE 2001
 SHT. 1 of 2

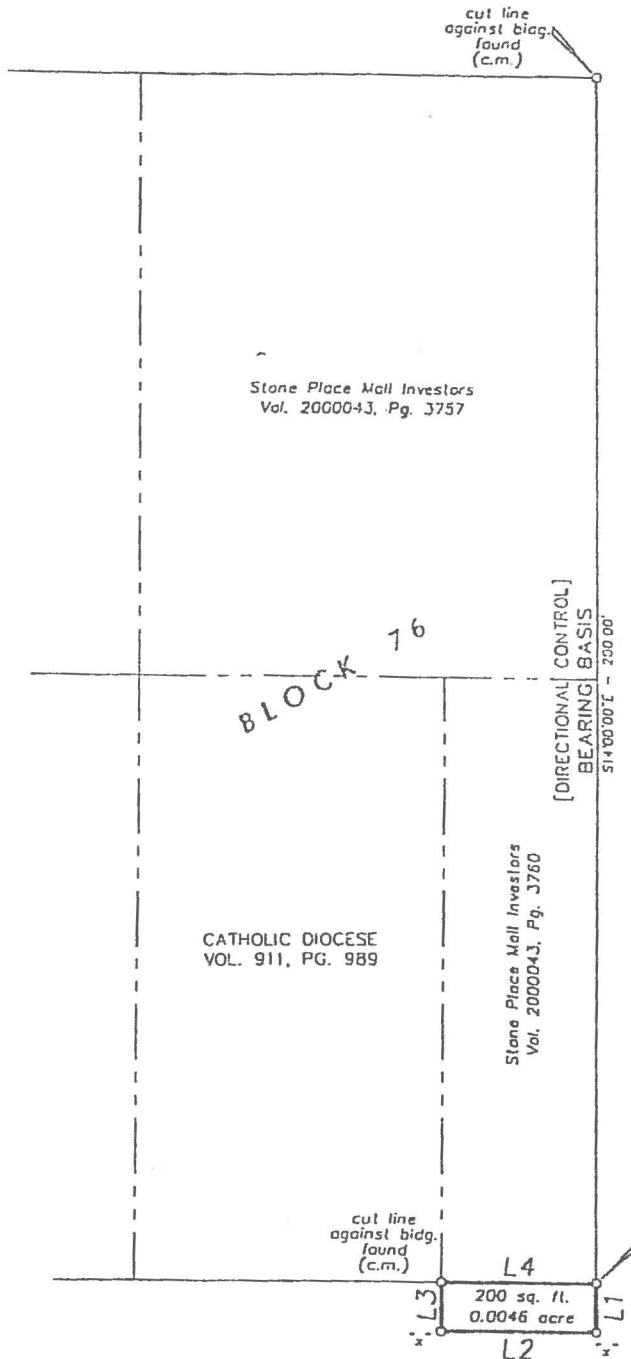
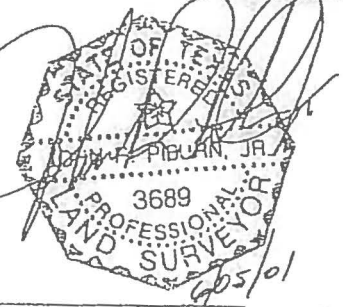
LICENSE AGREEMENT
 24823
 MAIN STREET
 200 sq. ft.
 ADJACENT TO BLOCK 76
 CITY OF DALLAS
 DALLAS COUNTY, TEXAS

020319

SCALE: 1" = 30'

ELM STREET

80' R.O.W.



MARIAN McCLENDON ET AL
 VOL. 95028, PG. 2039

HOMER J. RADER, JR.
 VOL. 87208, PG. 3830

C G H PROPERTIES CORP.
 VOL. 93243, PG. 0698

| LINE | BEARING | DIST. |
|------|-------------|--------|
| L1 | S14°00'00"E | 8.00' |
| L2 | S76°00'00"W | 25.00' |
| L3 | N14°00'00"W | 8.00' |
| L4 | N76°00'00"E | 25.00' |

MAIN STREET

80' R.O.W.

NOTES:

(c.m.) = controlling monument
 "x" = "x" cut set for corner

Bearings are based upon the west line of Stone Place (S14°00'00"E) according to that certain Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas.

JUNE 200
 SHT. 2 of

24823

020319

Exhibit A-4

LICENSE AGREEMENT
STONE PLACE

480 sq. ft.

ADJACENT TO BLOCK 76
CITY OF DALLAS
DALLAS COUNTY, TEXAS

BEING a 480 square feet (0.0110 acre) tract situated in the J. Grigsby Survey, Abstract No. 495, Dallas County, Texas, adjacent to City of Dallas Block 76, Official City Numbers, further being a portion of Stone Place (40' R.O.W.), said 480 square feet tract being more particularly described as follows:

Reviewed by William A. Johnson, P.P.S.
BEGINNING at a cut line against a two story brick building found for corner at the intersection of the north line of Main Street (80' R.O.W.) with the west line of said Stone Place, at the southeast corner of said Block 76, also the southeast corner of that certain tract conveyed to Stone Place Mall Investors by Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas;

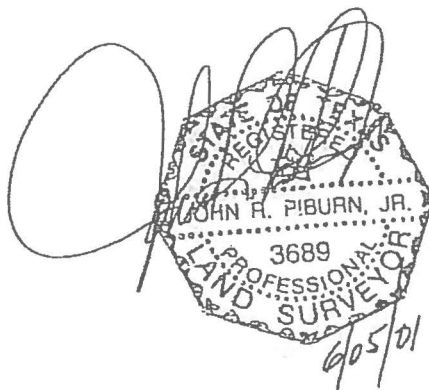
THENCE N14°00'00"W along the west line of said Stone Place, common with the east line of said Stone Place Mall Investors tract, a distance of 60.00 feet to a corner inside said building;

THENCE N76°00'00"E departing the said common line, a distance of 8.00 feet to an "x" cut set for corner;

THENCE S14°00'00"E a distance of 60.00 feet to an "x" cut set for corner in the said north line of Main Street, common with the south terminus line of said Stone Place;

THENCE S76°00'00"W along the said common line, a distance of 8.00 feet to the POINT OF BEGINNING and containing 480 square feet or 0.0110 acres, more or less.

* Bearings are based upon the west line of Stone Place (S14°00'00"E) according to that certain Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas.



JUNE 2001
SHT. 1 of 2

24823
LICENSE AGREEMENT

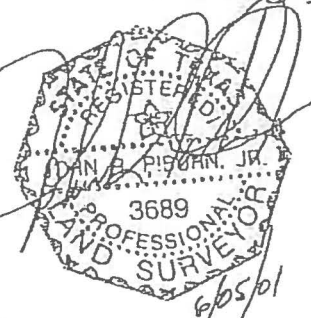
020319

STONE PLACE
480 sq. ft.
ADJACENT TO BLOCK 76
CITY OF DALLAS
DALLAS COUNTY, TEXAS

SCALE: 1" = 30'

ELM STREET

80' R.O.W.



cut line
against bldg
found
(c.m.)

Stone Place Mall Investors
Vol. 2000043, Pg. 3757

MARIAN MCLENDON ET AL
VOL. 95028, PG. 2039

HOMER J RADER, JR.
VOL. 87208, PG. 3830

LOT 11

BLOCK 76

STONE PLACE
40' R.O.W.

BLOCK 76 1/2

CATHOLIC DIOCESE
VOL. 911, PG. 989

Stone Place Mall Investors
Vol. 2000043, Pg. 3760

C G H PROPERTIES CORP.
VOL. 93243, PG. 0698

LOT 12

c.i.b. L2 "x"

[DIRECTIONAL CONTROL]
BEARING BASIS
L1
480 sq. ft.
0.0110 acre
L3

P.O.B.
cut line
against bldg.
found
(c.m.)

MAIN STREET

80' R.O.W.

| LINE | BEARING | DIST. |
|------|-------------|--------|
| L1 | N14°00'00"W | 60.00' |
| L2 | N76°00'00"E | 8.00' |
| L3 | S14°00'00"E | 60.00' |
| L4 | S76°00'00"W | 8.00' |

c.s:

(c.m.) = controlling monument
"x" = "x" cut set for corner
c.i.b. = corner inside building

Bearings are based upon the west line of Stone Place (S14°00'00"E) according to that certain Special Warranty Deed recorded in Volume 2000043, Page 3760, Deed Records, Dallas County, Texas.

License Agreement for
Part of Stone Street Adjacent to Block A/76
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

Exhibit A-5

Being a 331.50 square foot (0.008 acre) of a proposed aerial encroachment of Stone Street, adjacent to City Block No. A/76, being part of the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas and being a portion of Stone Place (40.0' right-of-way), adjacent to Block A/76, and also being situated in the **SMITH, MURPHY AND MARTIN ADDITION**, an addition to the City of Dallas, recorded in Volume 143, Page 403, of the Deed Records, Dallas County, Texas (D.R.D.C.T.), and created by Warranty Deed to the City of Dallas, as recorded in Volume 57, Page 434, D.R.D.C.T., said tract being more particularlry described as follows:

COMMENCING at a cut line at the building corner at the intersection of the northerly monumented line of Main Street (called 79.5' right-of-way) with the westerly monumented line of said Stone Place, said corner also being at the southeasterly corner of Lot 2, Block A/76, of **STONE STREET RETAIL**, an addition to the City of Dallas, recorded in Volume 2001210, Page 70, Deed Records, Dallas County, Texas (D.R.D.C.T.);

THENCE North 14°00'00" West, along said westerly monumented line of Stone Place, a distance of 63.50' to a point for corner at the **POINT OF BEGINNING** of the herein described tract;

THENCE North 14°00'00" West, continuing along said westerly monumented line of Stone Place, a distance of 25.50' to a point for corner being the northwesterly corner of the herein described property;

THENCE over and across said Stone Place, the following courses and distances:

North 76°00'00" East, a distance of 13.00' to a point for corner;

South 14°00'00" East, a distance of 25.50' to a point for corner;

South 76°00'00" West, a distance of 13.00' to the **POINT OF BEGINNING** and containing 331.50 square feet or 0.008 of one acre of land, more or less.

Legend:

P.F.C. - Point For Corner

(C.M.) - Controlling Monument

M.R.D.C.T. - Map Records, Dallas County, Texas

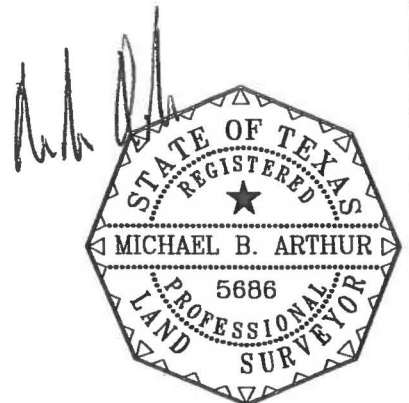
D.R.D.C.T. - Deed Records, Dallas County, Texas


O.P.R.D.C.T. - Official Public Records, Dallas County, Texas

1/2" I.R.S. - 1/2" Iron Rod With a Yellow Plastic cap stamped "RPLS 5686" set

Notes:

1. Bearings are based on westerly monumented line of Stone Place, same being the easterly line of Lot 2, Block A/76, as shown on the plat of **STONE STREET RETAIL**, as recorded in Volume 2001210, Page 70, Map Records, Dallas County, Texas; said bearing being, South 14°00'00" East.



| | | | |
|-----------|------------|-------------------------|--|
| DATE: | 07/02/2013 | (For SPRG use only) |  North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1515 South McDonald St., Suite 110, McKinney, Tx. 75089 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com |
| REVISED: | 09/02/2013 | Reviewed By: <u>DBF</u> | |
| SCALE: | 1" = 40' | Date: <u>09.23.2013</u> | |
| SHEET NO. | 1 OF 2 | SPRG NO: <u>2723</u> | |
| JOB NO.: | 2012-0154 | | |

L1 N76°00'00"E 13.00'

L2 S76°00'00"W 13.00'



1" = 40'

**Elm Street**

(called 80.0' right-of-way)

Line Cut at
Building Fnd.
(C.M.)Line Cut at
Building Fnd.
(C.M.)

N76°00'00"E 75.00'

Stone Place Mall
Investors, Ltd.
Vol. 2000043, Pg. 3757
and
Vol. 2000043, Pg. 3760,
D.R.D.C.T.

Lot 2, Block A/76
STONE STREET RETAIL
Vol. 2001210, Pg. 70
D.R.D.C.T.

Stone Place(40.0' right-of-way)
Vol. 57, Pg. 434,
D.R.D.C.T.

Elm At Stone Place
Holdings, L.L.C.
Document No. 200900320541,
O.P.R.D.C.T.

Elm At Stone Place
Holdings, L.L.C.
Document No. 200900320541,
O.P.R.D.C.T.

Elm At Stone Place
Holdings, L.L.C.
Document No. 201100254990,
O.P.R.D.C.T.

Block 121/76**John Grigsby Survey**
Abstract No. 495

Legal Aid of the Northwest
Vol. 2004035, Pg. 7153,
D.R.D.C.T.

**SMITH, MURPHY AND
MARTIN ADDITION**
Vol. 143, Pg. 403,
D.R.D.C.T.

Roman Catholic
Diocese of Dallas
Vol. 911, Pg. 989,
D.R.D.C.T.

**Point of
Beginning**Point For
CornerN14°00'00"W
25.50'N14°00'00"W
100.00'

L1

L2

N14°00'00"W
63.50'

P.F.C.

P.F.C.

S14°00'00"E
25.50'**331.50 Sq. Ft.**
0.008 Acre**Block 121/76 1/2**

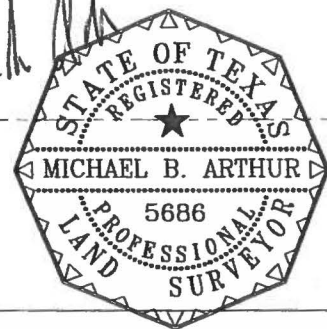
Elm At Stone Place
Holdings, L.L.C.
Document No.
200900299946,
O.P.R.D.C.T.

**SMITH, MURPHY AND
MARTIN ADDITION**
Vol. 143, Pg. 403,
D.R.D.C.T.

Elm At Stone Place
Holdings, L.L.C.
Document No. 201100327112,
O.P.R.D.C.T.

Line Cut at
Building Fnd.
(C.M.)S76°00'00"W
75.00'**Point of
Commencing**Line Cut at
Building Fnd.
(C.M.)**Main Street**

(called 79.5' right-of-way)

**** SEE NOTES AND LEGEND ON SHEET ONE OF TWO ****

DATE: 07/02/2013

REVISED: 09/02/2013

SCALE: 1" = 40'

SHEET NO. 2 OF 2

JOB NO.: 2012-0154

(For SPRG use only)

Reviewed By: DBFDate: 09.23.2013SPRG NO: 2723**North Texas Surveying, L.L.C.**
Registered Professional Land Surveyors

1515 South McDonald St., Suite 110,
McKinney, Tx. 75069
Ph. (469) 424-2074 Fax: (469) 424-1997
www.northtexasurveying.com

Aerial License Agreement for
Part of Stone Street Adjacent to Block A/76
Between the Elevations of 454.75' and 466.75' Mean Sea Level or between
above 14.75' and 26.75' above the
the sidewalk paving adjoining Stone Street
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas

Exhibit A-6

Being a 819 square foot (0.0188 acre) of an aerial license Stone Street, adjacent to City Block No. A/76, being part of the John Grigsby Survey, Abstract No. 495, in the City of Dallas, Dallas County, Texas and being a portion of Stone Place (40.0' right-of-way), adjacent to Block A/76, and also being situated in the **SMITH, MURPHY AND MARTIN ADDITION**, an addition to the City of Dallas, recorded in Volume 143, Page 403, of the Deed Records, Dallas County, Texas (D.R.D.C.T.), and created by Warranty Deed to the City of Dallas, as recorded in Volume 57, Page 434, D.R.D.C.T., and being between the Elevations of 454.75' and 466.75' Mean Sea Level or between above 14.75' and 26.75' above the sidewalk paving adjoining Stone Street, said tract being more particularly described as follows:

COMMENCING at a cut line at the building corner at the intersection of the southerly monumented line of Elm Street (called 80.0' right-of-way) with the westerly monumented line of said Stone Place, said corner also being at the northeasterly corner of Lot 2, Block A/76, of **STONE STREET RETAIL**, an addition to the City of Dallas, recorded in Volume 2001210, Page 70, Deed Records, Dallas County, Texas (D.R.D.C.T.);

THENCE South 14°00'00" East, along said westerly monumented line of Stone Place, a distance of 20.00' to a point for corner being at the **POINT OF BEGINNING** of the herein described tract;

THENCE over and across said Stone Place, the following courses and distances:

North 76°00'00" East, a distance of 13.00' to a point for corner;

South 14°00'00" East, a distance of 63.00' to a point for corner;

South 76°00'00" West, a distance of 13.00' to a point for corner in the easterly line of a building, same being the westerly monumented line of Stone Place;

THENCE North 14°00'00" West, along said westerly line of Stone Place, same being the easterly line of said Lot 2, a distance of 63.00' to the **POINT OF BEGINNING** and containing 819 square feet or 0.0188 of one acre of land, more or less.

Legend:

P.F.C. — Point For Corner

(C.M.) — Controlling Monument

M.R.D.C.T. — Map Records, Dallas County, Texas

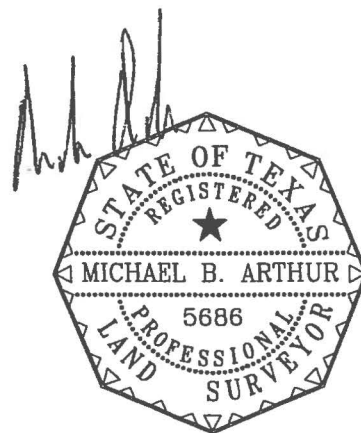
D.R.D.C.T. — Deed Records, Dallas County, Texas


O.P.R.D.C.T. — Official Public Records, Dallas County, Texas

1/2" I.R.S. — 1/2" Iron Rod With a Yellow Plastic cap stamped "RPLS 5686" set

Notes:

1. Bearings are based on westerly monumented line of Stone Place, same being the easterly line of Lot 2, Block A/76, as shown on the plat of **STONE STREET RETAIL**, as recorded in Volume 2001210, Page 70, Map Records, Dallas County, Texas; said bearing being, South 14°00'00" East.

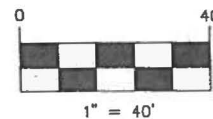


| | | | |
|-----------|------------|-------------------------|--|
| DATE: | 10/16/2012 | (For SPRG use only) |  North Texas Surveying, L.L.C. Registered Professional Land Surveyors 1515 South McDonald St., Suite 110, McKinney, Tx. 75069 Ph. (469) 424-2074 Fax: (469) 424-1997 www.northtexassurveying.com |
| SCALE: | 1" = 40' | Reviewed By: <u>DBF</u> | |
| SHEET NO. | 1 OF 2 | Date: <u>09-23-2013</u> | |
| REVISED: | 09/02/2013 | SPRG NO: <u>2722</u> | |
| JOB NO.: | 2012-0154 | | |

Aerial License Agreement for

Part of Stone Street Adjacent to Block A/76

Between the Elevations of 454.75' and 466.75' Mean Sea Level or between
above 14.75' and 26.75' above the
the sidewalk paving adjoining Stone Street
John Grigsby Survey, Abstract No. 495
City of Dallas, Dallas County, Texas



Elm Street

(called 80.0' right-of-way)

**Point of
Commencing**

L1 S14°00'00"E 20.00'

L2 N76°00'00"E 13.00'

Line Cut at
Building Fnd.
(C.M.)

**Point of
Beginning**

Point For
Corner

Stone Place Mall
Investors, Ltd.
Vol. 2000043, Pg. 3757
and
Vol. 2000043, Pg. 3760,
D.R.D.C.T.

Lot 2, Block A/76
STONE STREET RETAIL
Vol. 2001210, Pg. 70
D.R.D.C.T.

L1

L2

P.F.C.

P.F.C.

Elm At Stone Place
Holdings, L.L.C.
Document No. 200900320541,
O.P.R.D.C.T.

Elm At Stone Place
Holdings, L.L.C.
Document No. 200900320541,
O.P.R.D.C.T.

Elm At Stone Place
Holdings, L.L.C.
Document No. 201100254990,
O.P.R.D.C.T.

819 Sq. Ft./0.0188 Acre

Block A/76

John Grigsby Survey
Abstract No. 495

Legal Aid of the Northwest
Vol. 2004035, Pg. 7153,
D.R.D.C.T.

Peter D. Fonberg
Vol. 90051, Pg. 182,
D.R.D.C.T.

1519 Main, L.P.
Document No. 200600139621,
O.P.R.D.C.T.

Roman Catholic
Diocese of Dallas
Vol. 911, Pg. 989,
D.R.D.C.T.

N14°00'00"W 100.00'

S14°00'00"E 117.00'

Stone Place
S76°00'00"W 13.00'

(40.0' right-of-way)
Vol. 57, Pg. 434,
D.R.D.C.T.

Block A/76 1/2

Elm At Stone Place
Holdings, L.L.C.
Document No. 200900299946,
O.P.R.D.C.T.

Elm At Stone Place
Holdings, L.L.C.
Document No. 201100327112,
O.P.R.D.C.T.

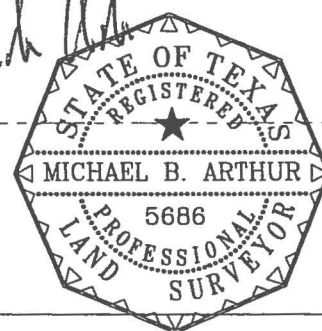
Line Cut at
Building Fnd.
(C.M.)

Line Cut at
Building Fnd.
(C.M.)

Main Street

(called 79.5' right-of-way)

**** SEE NOTES AND LEGEND ON SHEET ONE OF TWO ****



DATE: 10/16/2012

SCALE: 1" = 40'

SHEET NO. 2 OF 2

REVISED: 09/02/2013

JOB NO.: 2012-0154

(For SPRG use only)

Reviewed By: PBF

Date: 09.23.2013

SPRG NO: 2722



North Texas Surveying, L.L.C.
Registered Professional Land Surveyors

1515 South McDonald St., Suite 110,
McKinney, Tx. 75089
Ph. (469) 424-2074 Fax: (469) 424-1997
www.northtexassurveying.com

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
 2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to the extent allowed by law to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

whether such damage is due to flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 27 Z; 28 W

SUBJECT

An ordinance granting an application for a Planned Development District for LO-1 Limited Office District uses and mini-warehouse use and a resolution granting the termination of deed restrictions on property zoned an LO-1 Limited Office District with Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of East Northwest Parkway and Solta Drive – Z123-363 - Financing: No cost consideration to the City

BACKGROUND

The City Council, on February 26, 2014, approved a Planned Development District for LO-1 Limited Office District uses and mini-warehouse use subject to a development plan and conditions and the termination of deed restrictions on property zoned an LO-1 Limited Office District with Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of E. Northwest Parkway and Solta Drive and asked that the ordinance and resolution be brought back on March 26, 2014.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

On January 23, 2014, City Plan Commission recommended approval of a Planned Development District for LO-1 Limited Office District uses and mini-warehouse use subject to a development plan and conditions and approval of the termination of deed restrictions on property zoned an LO-1 Limited Office District with Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of E. Northwest Parkway and Solta Drive.

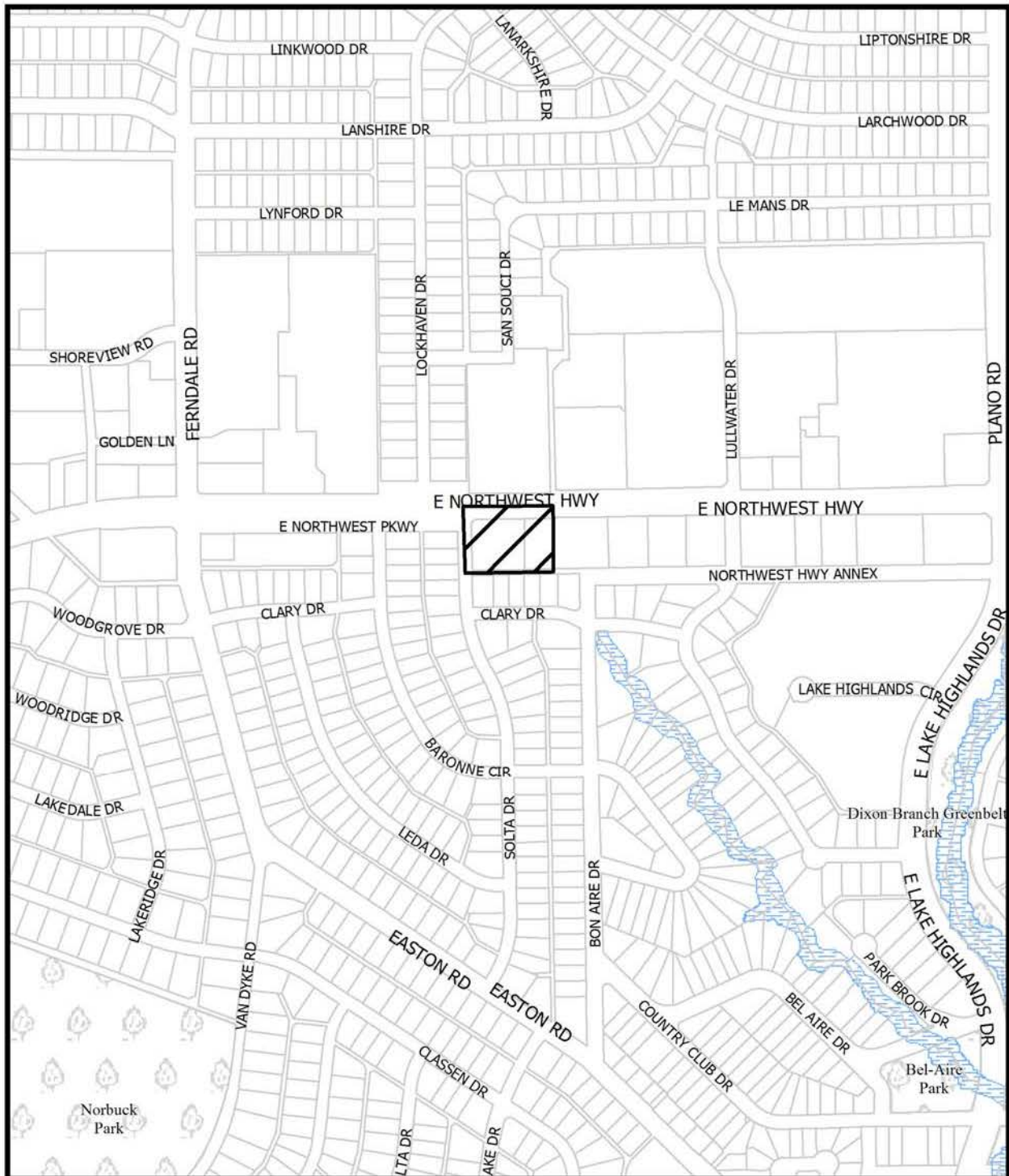
The City Council, on February 26, 2014, approved a Planned Development District for LO-1 Limited Office District uses and mini-warehouse use subject to a development plan and conditions and the termination of deed restrictions on property zoned an LO-1 Limited Office District with Specific Use Permit No. 1498 for a government installation other than listed on the southeast corner of E. Northwest Parkway and Solta Drive and asked that the ordinance and resolution be brought back on March 26, 2014.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



1:6,000

VICINITY MAP

Case no: **Z123-363**

Date: **10/9/2013**

FILE NUMBER: Z123-363(MW)

DATE FILED: August 29, 2013

LOCATION: Southeast corner of E. Northwest Parkway and Solta Drive

COUNCIL DISTRICT: 9

MAPSCO: 27-Z, 28-W

SIZE OF REQUEST: ±1.4 acres

CENSUS TRACT: 129.00

REPRESENTATIVE/APPLICANT: Advantage Self Storage

OWNER: Jennifer Wilcox

REQUEST: An application for a Planned Development District for LO-1 Limited Office District uses and mini-warehouse use and the termination of deed restrictions on property zoned an LO-1 Limited Office District with Specific Use Permit No. 1498 for a for a government installation other than listed.

SUMMARY: The applicant proposes to construct a ±89,000-square-foot self-storage facility (mini-warehouse) on the request site.

CPC RECOMMENDATION: Approval; subject to a development plan and conditions and approval of the termination of deed restrictions.

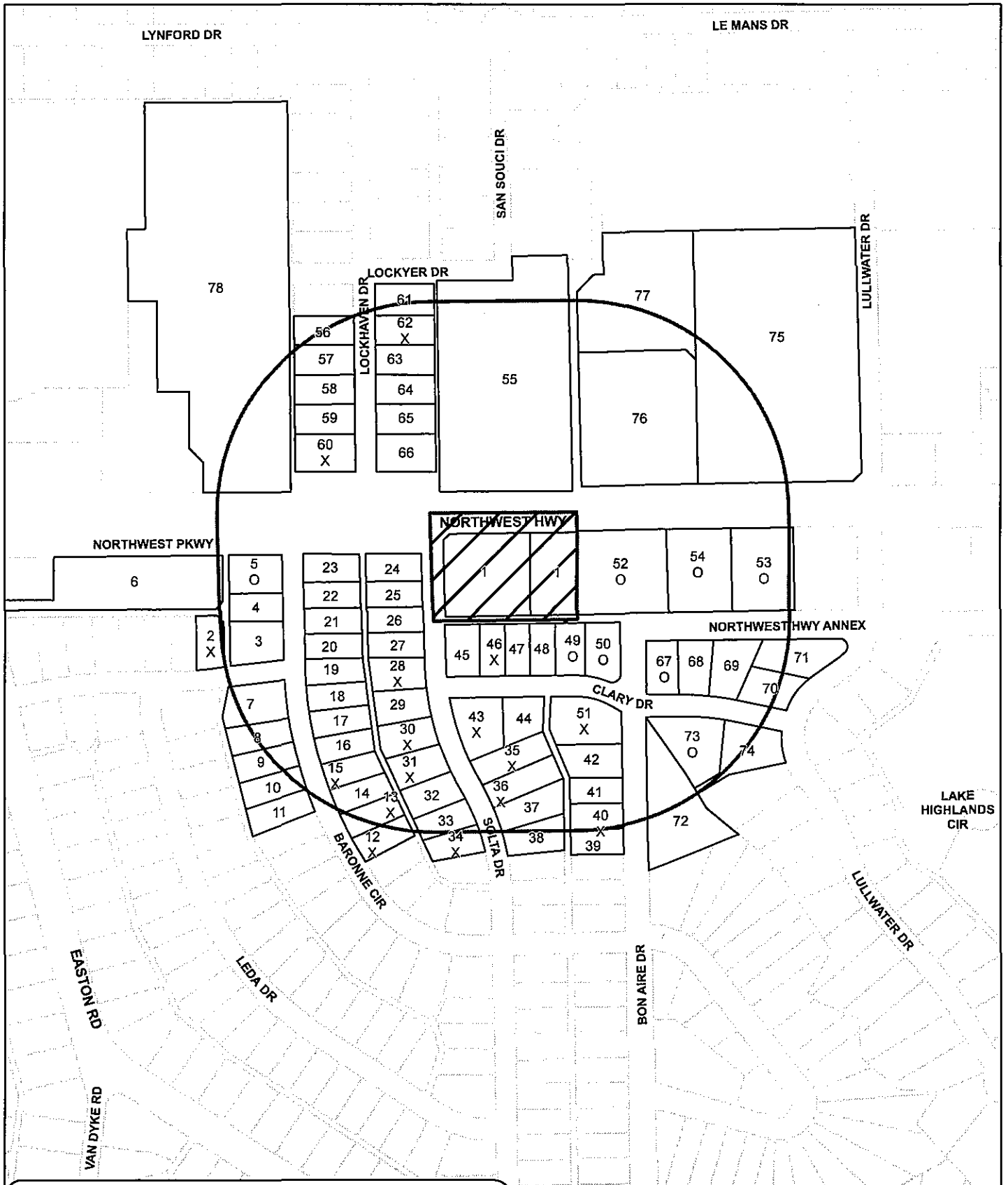
STAFF RECOMMENDATION: Denial

DESIGNATED ZONING CASE

Z123-363(MW)

Partners/Principals/Officers:

Applicant: Advantage Self Storage
Richard Jones, President
Kim Jones, Secretary



78 Property Owners Notified (79 parcels)
8 Replies in Favor (8 parcels)
16 Replies in Opposition (16 parcels)
500' Area of Notification
2/26/2014 Date

Z123-363
CC



1:3,600

2/25/2014

Notification List of Property Owners**Z123-363****78 Property Owners Notified****16 Property Owners Opposed****8 Property Owners in Favor**

| Vote | Label # | Address | Owner | |
|------|---------|---------|---------------|-----------------------------|
| | 1 | 2 | NORTHWEST HWY | WILCOX JENNIFER |
| X | 2 | 10239 | CLARY DR | FLETCHER ADA JO |
| | 3 | 10123 | BARONNE CIR | DUNN JACK B |
| | 4 | 10115 | BARONNE CIR | DAHM DEREK |
| O | 5 | 10111 | BARONNE CIR | ABDULRAHMAN ARDULHAMID |
| | 6 | 10212 | NORTHWEST HWY | D TX & ASSOCIATES |
| | 7 | 10135 | BARONNE CIR | Taxpayer at |
| | 8 | 10139 | BARONNE CIR | GALANIS CATHY |
| | 9 | 10143 | BARONNE CIR | MCDONALD RHONDA |
| | 10 | 10147 | BARONNE CIR | CRUMP JAMES F |
| | 11 | 10153 | BARONNE CIR | ANDERSON DORIS ELAINE |
| X | 12 | 10162 | BARONNE CIR | PREAKNESS DALLAS |
| X | 13 | 10156 | BARONNE CIR | WETZIG LEAH C |
| | 14 | 10152 | BARONNE CIR | PARKER SHANNIN |
| X | 15 | 10146 | BARONNE CIR | LAFLAMME FELISSA |
| | 16 | 10142 | BARONNE CIR | BOTTOMLEY JANET A |
| | 17 | 10136 | BARONNE CIR | CASTANEDA JOSE & |
| | 18 | 10132 | BARONNE CIR | PARKS WAYNE M & LINDA H |
| | 19 | 10126 | BARONNE CIR | WAITE GARY C |
| | 20 | 10122 | BARONNE CIR | CEGELSKI MICHAEL B |
| | 21 | 10116 | BARONNE CIR | MCDANIEL JEROD L & LESLIE K |
| | 22 | 10112 | BARONNE CIR | DEWS CLIFTON R |
| | 23 | 10106 | BARONNE CIR | BOREN ELAINE P |
| | 24 | 10573 | SOLTA DR | MORENO VICTOR & |
| | 25 | 10567 | SOLTA DR | KINDLE TERESA M |
| | 26 | 10563 | SOLTA DR | MIHALOPOULOS GUS |

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|---------------------|-------------------------------------|
| | 27 | 10557 SOLTA DR | KINDLE TERSA M |
| X | 28 | 10553 SOLTA DR | OTOOLE LINDA S & |
| | 29 | 10547 SOLTA DR | JOLLY GAVIN B & |
| X | 30 | 10543 SOLTA DR | AGOSTIN RICHARD C III & ELIZABETH B |
| X | 31 | 10537 SOLTA DR | MCKELLAR ROBERT W |
| | 32 | 10533 SOLTA DR | NIXON GREGORY J & |
| | 33 | 10527 SOLTA DR | VALVERDE SALOMON C & |
| X | 34 | 10521 SOLTA DR | HILKMANN DIRK H |
| X | 35 | 10534 SOLTA DR | WILDER TIMOTHY A & |
| X | 36 | 10528 SOLTA DR | WOODARD JERRY M |
| | 37 | 10524 SOLTA DR | HALL JONATHAN |
| | 38 | 10518 SOLTA DR | MAJERNIK JAMES A |
| | 39 | 159 BON AIRE DR | JOLLY KENNETH C |
| X | 40 | 155 BON AIRE DR | HILLIARD JAMES R |
| | 41 | 149 BON AIRE DR | BURTON ALYSSA D & JASON M |
| | 42 | 141 BON AIRE DR | CHENOWITH GARY DWAIN |
| X | 43 | 10404 CLARY DR | CHILDS RUTH PAULINE TR |
| | 44 | 10414 CLARY DR | SAHASRABUDHE AMIT M & |
| | 45 | 10560 SOLTA DR | WATSON KELLY JO |
| X | 46 | 10409 CLARY DR | NABORS THELMA MARIE |
| | 47 | 10415 CLARY DR | GLAZE JEFFREY S & BETSY R |
| | 48 | 10421 CLARY DR | CRAYCRAFT MICHAEL & JESSICA |
| O | 49 | 10425 CLARY DR | JORDAN ALLENE O LF EST |
| O | 50 | 10431 CLARY DR | KEIERLEBER MELVIN JR & |
| X | 51 | 131 BON AIRE DR | BURNS BRIAN |
| O | 52 | 10440 NORTHWEST HWY | ROYAL DOMINION INV LLC |
| O | 53 | 10464 NORTHWEST HWY | BAITY RUSSELL W |
| O | 54 | 10450 NORTHWEST HWY | BEUTELL EDITH |
| | 55 | 10405 NORTHWEST HWY | NORTH LAKE MERIDIAN LLC |
| | 56 | 8525 LOCKHAVEN DR | GREEN LINDA HICKS |
| | 57 | 8521 LOCKHAVEN DR | HOLLAND TYLER J |

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|---------------------|----------------------------------|
| | 58 | 8515 LOCKHAVEN DR | GREER GEVIN R |
| | 59 | 8509 LOCKHAVEN DR | JOHNSON SERENA |
| X | 60 | 8505 LOCKHAVEN DR | STANSBURY CHRISTINE W INC |
| | 61 | 8528 LOCKHAVEN DR | SHARMA NITIN |
| X | 62 | 8524 LOCKHAVEN DR | ROBINSON JAMES M & |
| | 63 | 8520 LOCKHAVEN DR | BARRY ROSS & EMILY |
| | 64 | 8514 LOCKHAVEN DR | SINNOTT STEFANI A |
| | 65 | 8508 LOCKHAVEN DR | PIEROTTI MICHAEL E & |
| | 66 | 8504 LOCKHAVEN DR | IRVING DEMARCUS KENTA & TAWALLA |
| O | 67 | 10441 CLARY DR | TUMLINSON BARBARA WEST |
| | 68 | 10445 CLARY DR | BOLDEN DARRELL R & |
| | 69 | 10451 CLARY DR | KELLEY PAMELA KAYE & HOWARD ANSO |
| | 70 | 8405 LULLWATER DR | SHADDIX ROBIN |
| | 71 | 8411 LULLWATER DR | HUNT H KEITH & |
| | 72 | 154 BON AIRE DR | MORGAN GLENDA |
| O | 73 | 10440 CLARY DR | WALLS CHARLES B |
| | 74 | 8365 LULLWATER DR | THORN JOE R & PAT F |
| | 75 | 8501 LULLWATER DR | CHARTWELL AT LAKE |
| | 76 | 10409 NORTHWEST HWY | TURTLE CREEK RESERVE LLC |
| | 77 | 8501 LULLWATER DR | JSC LAKE HIGHLANDS REALTY LP |
| | 78 | 10233 NORTHWEST HWY | WESTDALE NORTHLAKE LTD |

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, Outside City Limits

DEPARTMENT: Water Utilities
Trinity Watershed Management

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

MAPSCO: Various

SUBJECT

Authorize a professional services contract with Halff Associates, Inc. to provide **(1)** architectural and engineering services for the design of roof and HVAC systems; and **(2)** a space utilization study for the Trinity Watershed Management Department - Not to exceed \$2,653,129 - Financing: Stormwater Drainage Management Capital Construction Funds (\$70,000) and Water Utilities Capital Improvement Funds (\$2,583,129)

BACKGROUND

Roofs and HVAC systems at Dallas Water Utilities (DWU) facilities are generally exposed to aggressive and corrosive environment due to the chemicals used and gas byproducts associated with the water and wastewater treatment processes. With this exposure, materials break down at a higher rate when compared to typical office building facilities. In 2012 and 2013, a condition assessment was performed on all of the roof and HVAC systems at DWU facilities. This included 232 building facilities, 449 roof sections and 2,605 HVAC units. The comprehensive assessment provided a prioritized list of needs that are being addressed under this contract.

Approval of this item will provide the means to design the Priority II roof replacements and the Priority I and II HVAC component repair and replacement at DWU buildings. This includes replacement of 69 roof sections and replacement or repair of 414 HVAC components at multiple DWU facilities. Authorizing this design contract will continue DWU's maintenance program for roof and HVAC systems that protects the various types of production equipment and process controls. Protection of this equipment ensures the continued reliable water and wastewater services that DWU provides to approximately 2.3 million customers in Dallas and its surrounding cities.

BACKGROUND (Continued)

This item also includes a space utilization study for the Trinity Watershed Management Department for their properties on Irving Boulevard. This will provide a much needed strategy for the replacement of aged and dilapidated service facilities critical to the levee and stormwater maintenance activities provided by the Trinity Watershed Management Department.

ESTIMATED SCHEDULE OF PROJECT

| | |
|---------------------------------|----------------|
| Began Assessment and Design | July 2012 |
| Completed Assessment and Design | May 2013 |
| Began Phase I Construction | December 2013 |
| Complete Phase I Construction | September 2014 |
| Begin Phase II Design | April 2014 |
| Complete Phase II Design | October 2014 |
| Begin Phase II Construction | March 2015 |
| Complete Phase II Construction | March 2016 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Conley Group to provide architectural and engineering services to perform condition assessment of the roof and HVAC systems at the Water Utilities Department's 230 facilities on June 27, 2012, by Resolution No. 12-1668.

Authorized a contract with Texas Roof Management, Inc. for major roof repairs and roof replacements at 159 Water Utilities Department buildings located citywide and at Lake Ray Hubbard, Lake Fork, and Lake Tawakoni on November 12, 2013, by Resolution No. 13-1960.

FISCAL INFORMATION

\$2,583,128.64 - Water Utilities Capital Improvement Funds

\$ 70,000.00 - Stormwater Drainage Management Capital Construction Funds

Assessment and Design \$1,897,800.00

Phase I Construction \$2,708,225.15

Phase II Design, Study (this action) \$2,653,128.64

Total Project Cost \$7,259,153.79

| <u>Council District</u> | <u>Amount</u> |
|------------------------------------|----------------------|
| 2 | \$ 43,874.04 |
| 3 | \$ 5,042.34 |
| 4 | \$ 1,489.58 |
| 5 | \$ 170,626.46 |
| 6 | \$ 235,106.27 |
| 7 | \$ 747,097.67 |
| 8 | \$ 993,778.37 |
| 9 | \$ 49,545.75 |
| 10 | \$ 7,064.09 |
| 12 | \$ 1,084.39 |
| 14 | \$ 19,918.50 |
| Outside City Limits | <u>\$ 378,501.18</u> |
| Total | \$2,653,128.64 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Halff Associates, Inc.

| | | | |
|-----------------|----|---------------|-----|
| Hispanic Female | 15 | Hispanic Male | 56 |
| Black Female | 5 | Black Male | 9 |
| Other Female | 7 | Other Male | 9 |
| White Female | 71 | White Male | 258 |

OWNER

Halff Associates, Inc.

Patrick Kunz, P.E., President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Halff Associates, Inc. to provide **(1)** architectural and engineering services for the design of roof and HVAC systems; and **(2)** a space utilization study for the Trinity Watershed Management Department - Not to exceed \$2,653,129 - Financing: Stormwater Drainage Management Capital Construction Funds (\$70,000) and Water Utilities Capital Improvement Funds (\$2,583,129)

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|-----------------------|----------------|
| Total local contracts | \$2,583,228.64 | 97.37% |
| Total non-local contracts | \$69,900.00 | 2.63% |
| TOTAL CONTRACT | \$2,653,128.64 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|--|----------------------|---------------------|----------------|
| DryTec Moisture Protection Tech Consult. | HFMB58482N0814 | \$335,500.00 | 12.99% |
| Ponce-Fuess Engineering, LLC | HMDB57150Y0414 | \$13,500.00 | 0.52% |
| Meza Engineering, Inc. | HMDB57936Y0714 | \$10,000.00 | 0.39% |
| SWG Consultants, Inc. | WFDB57675Y0614 | \$252,000.00 | 9.76% |
| Total Minority - Local | | \$611,000.00 | 23.65% |

Non-Local Contractors / Sub-Contractors

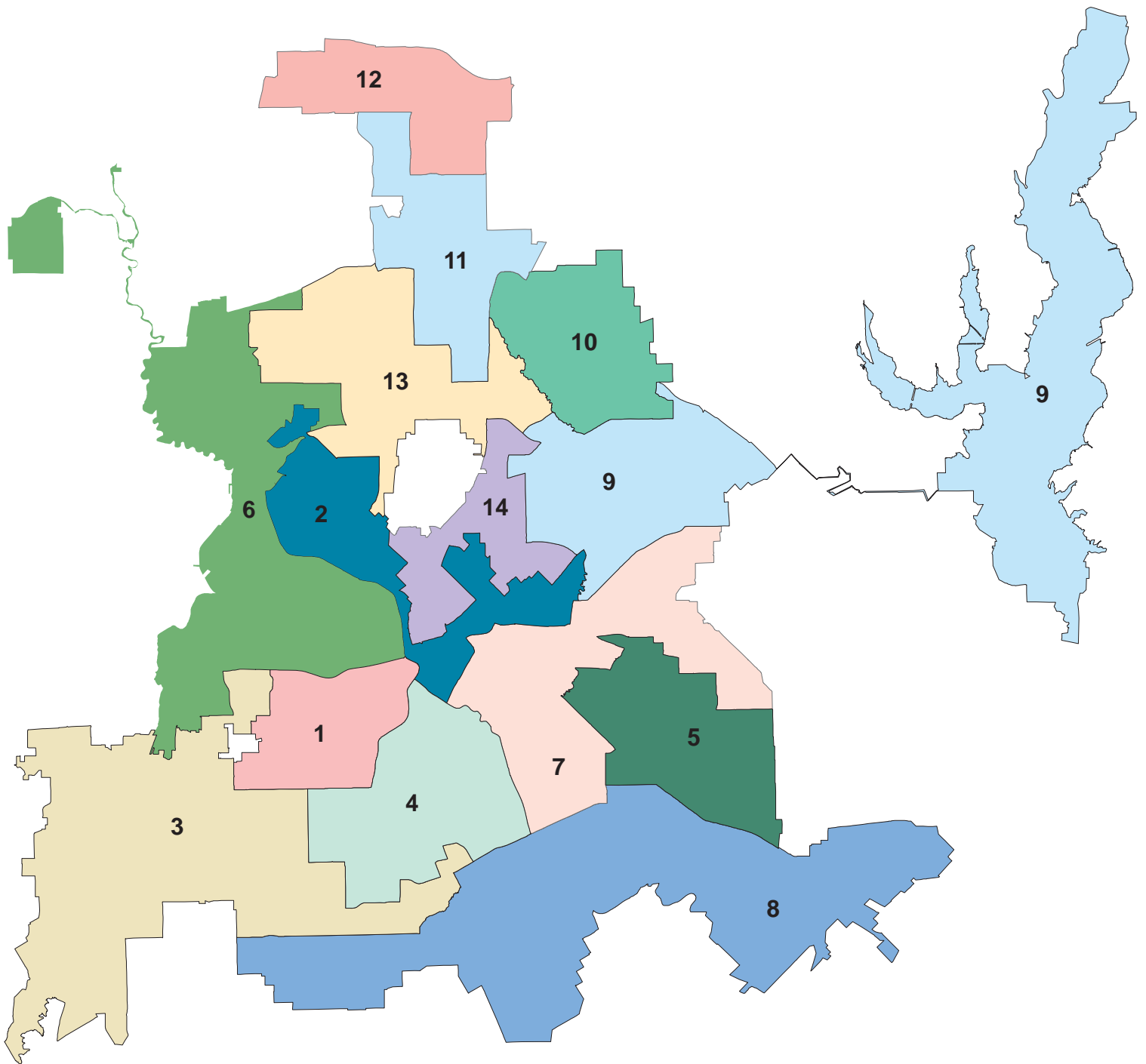
| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|---|----------------------|--------------------|----------------|
| Apex Cost Consultants, Inc. | BMDB59903Y0115 | \$29,500.00 | 42.20% |
| B & A Laboratories, Inc. dba XENCO Laboratories | HMMB59377Y1114 | \$40,400.00 | 57.80% |
| Total Minority - Non-local | | \$69,900.00 | 100.00% |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

Page 2

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% | \$29,500.00 | 1.11% |
| Hispanic American | \$359,000.00 | 13.90% | \$399,400.00 | 15.05% |
| Asian American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Native American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| WBE | \$252,000.00 | 9.76% | \$252,000.00 | 9.50% |
| Total | \$611,000.00 | 23.65% | \$680,900.00 | 25.66% |



March 26, 2014

WHEREAS, on June 27, 2012, the City Council awarded Contract No. 12-095E/12-096E in the amount of \$1,897,800.00, by Resolution No. 12-1668, to Conley Group, to provide architectural and engineering services for a condition assessment of the roof and HVAC systems at the Water Utilities Department's 230 facilities; and,

WHEREAS, on November 12, 2013, the City Council awarded Contract No. 14-003/004 in the amount of \$2,708,225.15, by Resolution No. 13-1960, to Texas Roof Management, Inc. for major roof repairs and roof replacements at 159 Water Utilities Department buildings located citywide and at Lake Ray Hubbard, Lake Fork, and Lake Tawakoni; and,

WHEREAS, the comprehensive condition assessment provided a prioritized list of needs; and,

WHEREAS, it is now necessary to design the Priority II roof replacements and the Priority I and II HVAC component repair and replacements; and,

WHEREAS, this contract will continue the Water Utilities Department's maintenance program of roof and HVAC systems, which protects water production equipment and process controls; and,

WHEREAS, Halff Associates, Inc., 1201 North Bowser Road, Richardson, Texas 75081, has submitted an acceptable proposal to provide these architectural and engineering services.

Now, Therefore,

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

Section 1. That the proposal submitted by Halff Associates, Inc. in the amount of \$2,653,128.64 be approved and the consultant be authorized to perform the required services.

Section 2. That the City Manager is hereby authorized to enter into a contract with Halff Associates, Inc. to provide **(1)** architectural and engineering services for the design of roof and HVAC systems; and **(2)** a space utilization study for the Trinity Watershed Management Department, after having approval of the contract documents by the City Attorney.

March 26, 2014

Section 3. That the City Controller is hereby authorized to pay the amount of \$2,653,128.64 from the Water Capital Improvement Fund and Wastewater Capital Improvement Fund as follows:

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>PRO</u> | <u>REP</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|------------|------------|--------------------|---------------|
| 0115 | DWU | PW42 | RELP | 4111 | 714001 | W3IY | CTDWU714001CP | 089861 |

Halff Associates, Inc. (Contract No. 14-001E) - \$1,316,847.40

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>PRO</u> | <u>REP</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|------------|------------|--------------------|---------------|
| 0116 | DWU | PS42 | RELP | 4111 | 714002 | T2UQ | CTDWU714002CP | 089861 |

Halff Associates, Inc. (Contract No. 14-002E) - \$1,266,281.24

Section 4. That the City Controller is hereby authorized to pay the amount of \$70,000.00 from the Storm Drainage Management Capital Construction Fund as follows:

| <u>FUND</u> | <u>DEPT</u> | <u>UNIT</u> | <u>ACT</u> | <u>OBJ</u> | <u>PRO</u> | <u>ENCUMBRANCE</u> | <u>VENDOR</u> |
|-------------|-------------|-------------|------------|------------|------------|--------------------|---------------|
| 0063 | SDM | 4793 | SD01 | 4111 | SDMFC005 | CTSDM4793BM06 | 089861 |

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 # 31

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Forest E. Turner, 670-3390

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the contract with the City of Mesquite for Wholesale Wastewater to add Reciprocal Agreement for Water and/or Wastewater Services – Financing: No cost consideration to the City

BACKGROUND

The City of Mesquite receives wholesale wastewater transmission and treatment services from the City of Dallas under a Wholesale Wastewater Contract. The current wholesale wastewater contract does not expire until June 6, 2036. This contract also provides for Mesquite to provide wastewater transportation services to Dallas to transport wastewater from an isolated area of Dallas through Mesquite's wastewater system and back to the Dallas wastewater system.

The City of Dallas and the City of Mesquite's Reciprocal Agreement for Water and Wastewater Service expires on March 1, 2014. Dallas and Mesquite share common corporate boundary lines in southeast Dallas County. Reciprocal water and/or wastewater services are currently provided to retail customers located adjacent to the Dallas/Mesquite corporate boundary line by both the City of Dallas and the City of Mesquite.

Supplemental Agreement No. 1 to the current Wholesale Wastewater Contract with the City of Mesquite will provide for inclusion of the Reciprocal Water and/or Wastewater Agreement in the wholesale wastewater contract. The term of the Reciprocal Water and/or Wastewater Agreement would coincide with the term of the current Wholesale Wastewater Contract which does not expire until June 6, 2036.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Authorized Reciprocal Agreement for Water and Wastewater Service with the City of Mesquite on June 10, 1974, by Resolution No. 74-2436.

Authorized a Wholesale Wastewater Contract with the City of Mesquite, on March 21, 1984, by Resolution No. 84-1062.

Authorized Supplemental Agreement No. 1 to the Reciprocal Agreement for Water and Wastewater Service with the City of Mesquite to extend the term to March 1, 2014, on December 13, 1995, by Resolution No. 95-4084.

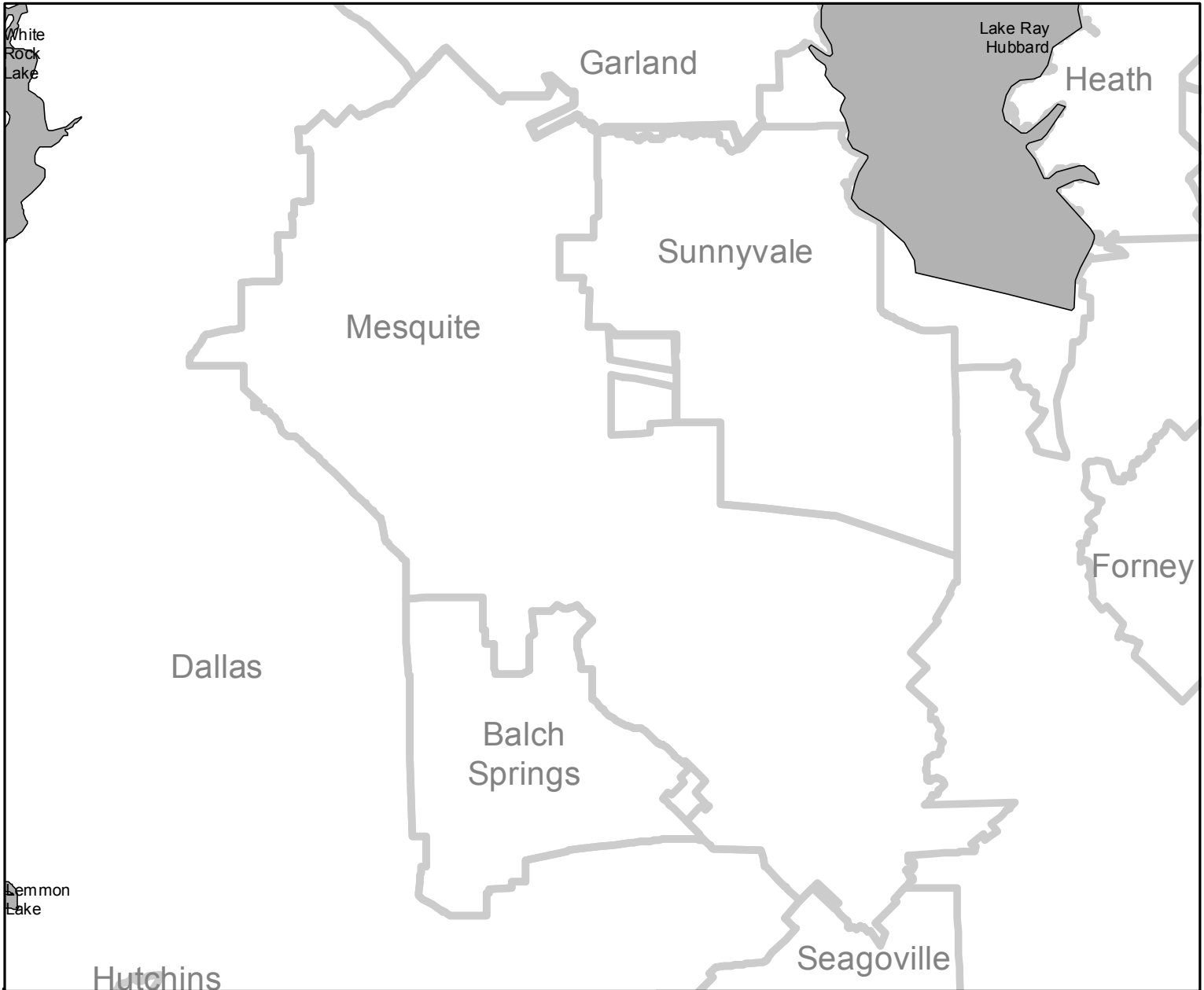
Authorized renewal of the Wholesale Wastewater Contract with the City of Mesquite, on June 14, 2006, by Resolution No. 06-1596.

FISCAL INFORMATION

No cost consideration to the City

MAP

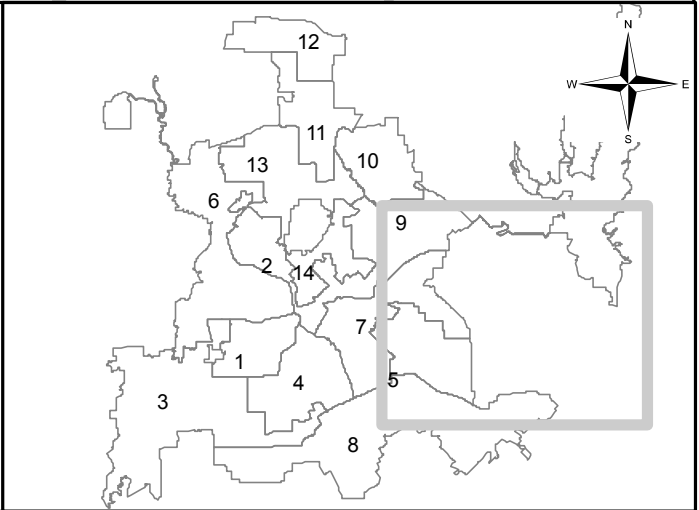
Attached



Location: City of Mesquite

Council Districts: Adjacent to Districts 5, 7, 8 and 9

Department: DWU



Wastewater Treatment Contract with City of Mesquite

March 26, 2014

WHEREAS, the City of Dallas and the City of Mesquite currently provide reciprocal water and/or wastewater services under a Reciprocal Water and/or Wastewater Agreement which will expire on March 1, 2014; and,

WHEREAS, from time-to-time, both the City of Dallas and the City of Mesquite continue to have need to request the other to furnish water and/or wastewater service to each other and to each other's customers along common boundary lines wherein only one city has facilities available; and,

WHEREAS, both Dallas and Mesquite desire to continue providing reciprocal water and/or wastewater services; and,

WHEREAS, the City of Mesquite currently purchases wholesale wastewater service from the City of Dallas, and Dallas currently provides wholesale wastewater service to Mesquite as set forth under the terms, covenants, and conditions stated in a Wholesale Wastewater Contract between the City of Dallas and City of Mesquite, dated June 14, 2006; and,

WHEREAS, both the City of Dallas and the City of Mesquite desire to amend the current Wholesale Wastewater Contract by Supplemental Agreement No. 1 to include the Reciprocal Water and/or Wastewater Agreement; and,

WHEREAS, approval of the Supplemental Agreement No. 1 to add the Reciprocal Water and/or Wastewater Agreement to the Wholesale Wastewater Contract between the City of Dallas and City of Mesquite would be in the best interest of both the City of Dallas and the City of Mesquite.

Now, Therefore,

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

SECTION 1. That the City Manager is hereby authorized to approve Supplemental Agreement No. 1 to the current Wholesale Wastewater Contract with the City of Mesquite to include the Reciprocal Water and Wastewater Agreement after approval of the contract documents 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: March 26, 2014

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 L

SUBJECT

City Center TIF District - Incentives for Hartford Building Renovation

- * Authorize a development agreement with The Dallas Hartford, LLC, to reimburse eligible project costs for environmental, demolition, façade restoration, and streetscape improvements associated with the Hartford Building Redevelopment project in an amount not to exceed \$1,200,000, from revenues accruing to Tax Increment Financing Reinvestment Zone Five (City Center TIF District) – Not to exceed \$1,200,000 - Financing: City Center TIF District Funds
- * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Five (City Center TIF District) to reimburse the Dallas Hartford, LLC, up to \$1,200,000, for eligible project costs pursuant to the development agreement with the Dallas Hartford, LLC - Financing: No cost consideration to the City

BACKGROUND

The Hartford building, originally built in 1960, was the first Downtown development project by Trammell Crow. The building originally served as the regional office for the Hartford Fire Insurance Group. The building was recently foreclosed on by its lender and today the building is over 50% vacant, with several floors unoccupied for over 10 years.

The building is currently being rented to office and retail tenants.

As part of the project, approximately 161,082 square feet of renovated office/commercial space and approximately 12,396 square feet of ground floor retail/restaurant/commercial space will be renovated. Improvements to the building include environmental remediation, exterior façade improvements, and public improvements to the sidewalks and landscaping.

BACKGROUND (Continued)

The project also includes streetscape improvements and improvements to the open space currently owned by the City of Dallas addressed as 400 N. St Paul Street, directly across Federal Street from the Hartford Building.

The project is considering applying for historic tax credits to assist with project financing.

The total project costs for the Hartford Building project is \$5,561,448. The total amount of TIF funding shall not exceed \$1,200,000. The total TIF funding proposed for the project will be in the form of a TIF Economic Development Grant to offset the costs of environmental remediation/demolition, streetscape, and façade restoration and to fund open space improvements. Most of the TIF funding commitment is in the form of a grant to enable the development to maximize funding from non-city sources (historic tax credits). Similar smaller TIF deals on smaller buildings like this have reimbursed applicants for costs of environmental, demolition, façade restoration, and streetscape improvements. The funding request for this project is proportional to other similar buildings.

This project continues strategic efforts to redevelop vacant buildings (more than 50% of the Hartford is vacant) in the downtown core, while creating ground floor activity in the downtown area on St. Paul and Bryan Streets.

ESTIMATED PROJECT SCHEDULE

| | |
|-------------------------|---------------|
| Project Start Date | December 2013 |
| Project Completion Date | December 2015 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 13, 2014, the City Center TIF District board of directors reviewed and recommended approval of a development agreement with the Dallas Hartford, LLC, and TIF funding for the project not to exceed \$1,200,000, to reimburse eligible project costs.

On March 3, 2014, the Economic Development Committee was briefed on the proposed The Hartford Building Redevelopment project and recommended approval.

FISCAL INFORMATION

\$1,200,000 – City Center TIF District Funds

PROJECT COUNCIL DISTRICT

14

OWNER

The Dallas Hartford, LLC

Ken Good, Principal
2030 Main Street, Ste. 800
Dallas, TX 75201

DEVELOPER

Preserve Liberty, LLC

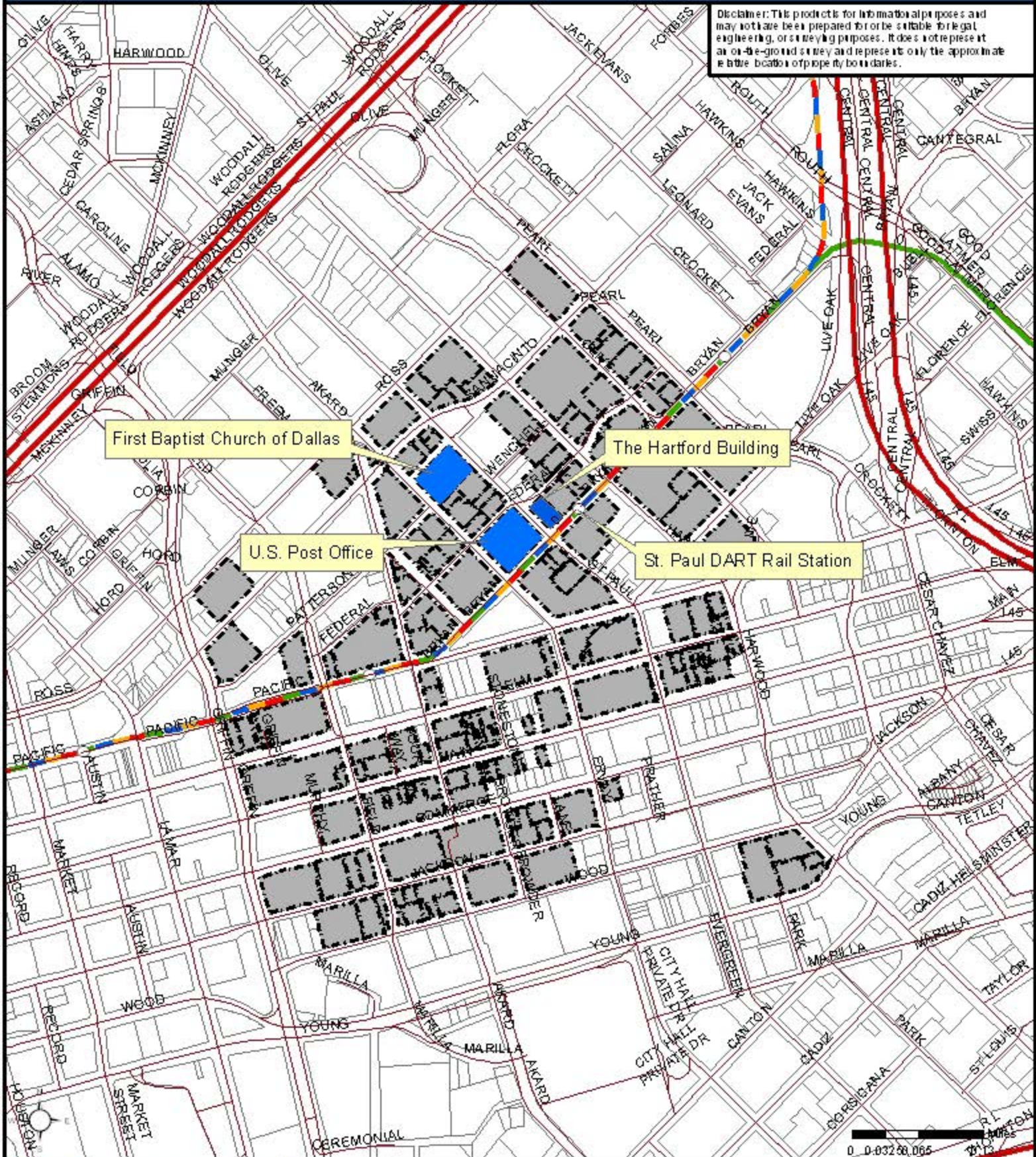
Ken Good, Principal
2030 Main Street, Ste. 800
Dallas, TX 75201

MAP

Attached.

The Hartford Building - 400 N St. Paul St.

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 MM.DD.YY Last Update MM.DD.YY - File Name.ABC

Legend

— STREETS

DART Rail Station

STATUS

○ Rail Station

● Future Station

■ CityCenter TIF Parcels

□ Properties Outside of TIF

CITY

■ City of Dallas

0 0.03250.065

March 26, 2014

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

WHEREAS, on June 26, 1996, City Council pursuant to Ordinance No. 22802, established Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the City Center area through the use of tax increment financing as amended; and

WHEREAS, on February 12, 1997, City Council, pursuant to Ordinance No. 23034, authorized the City Center TIF District Project Plan and Reinvestment Zone Financing Plan for the City Center TIF District, as amended; and

WHEREAS, on December 12, 2012, City Council, conducted a public hearing, received comments and approved amendments to the City Center TIF District Project and Reinvestment Zone Financing Plans and authorized Ordinance No. 12-3040 amending Ordinance No. 22802, previously approved on June 26, 1996, and an Ordinance No. 23034, previously approved February 12, 1997, to: (1) create two sub-districts within the City Center TIF District: (a) City Center Sub-district (original district boundary) and (b) Lamar Corridor/West End Sub-district; (2) increase the geographic area of the City Center TIF District to add approximately 27.14 acres to create the Lamar Corridor/West End Sub-district; (3) extend the current termination date of the City Center TIF District from December 31, 2012, to December 31, 2022, for the City Center Sub-district and establish a termination date for the Lamar Corridor/West End Sub-district of December 31, 2037; (4) decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; (5) increase the City Center TIF District's budget from \$87,567,717 total dollars to \$151,968,546 total dollars; and (6) make corresponding modifications to the City Center TIF District boundary, budget and Project and Reinvestment Zone Financing Plans; and

WHEREAS, on February 13, 2014, the City Center TIF District Board of Directors reviewed and recommended approval of a TIF Reimbursement for The Dallas Hartford, LLC in an amount not to exceed \$1,200,000, for eligible project costs associated with the Hartford Building Redevelopment project; and

WHEREAS, on March 3, 2014, the Economic Development Committee was briefed and recommended approval of TIF funding for the Hartford Building project in an amount not to exceed \$1,200,000; and

March 26, 2014

WHEREAS, in furtherance of the City Center TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the City Center TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to provide economic incentives to the Dallas Hartford, LLC, for the Hartford Building Redevelopment Project in the City Center Sub-district of the City Center TIF District as depicted in the project's Federal Street Elevation Plan, East St. Paul Elevation Plan, West St. Paul Elevation Plan, and Hartford Park Site Plan attached hereto as **Exhibits A, B ,C, and D** respectively; and

WHEREAS, the expenditure of TIF funds supporting this development is consistent with promoting development and redevelopment of the City Center TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, as amended, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan, as amended, for the City Center TIF District.

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 with The Dallas Hartford, LLC and the City of Dallas for the Hartford Building Redevelopment project and that future City Center TIF revenues in an amount not to exceed \$1,200,000 are hereby dedicated to TIF-eligible project costs associated with the Hartford Building Redevelopment project, as shown in **Exhibit E** – TIF Budget – Eligible Project Costs. These costs include, but are not limited to environmental remediation and demolition, park and plaza construction, public infrastructure improvements and historic façade restoration for the Hartford Building redevelopment.

Section 2. That the City Controller is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Fund 0035, Department ECO, Unit P879, Object 4599, Activity TCCN, Program No. CCTIF0010, CT ECOP879E263-01, Vendor No.VS0000083921, in an amount not to exceed \$231,000; and

Fund 0035, Department ECO, Unit P879, Object 3016, Activity TCCN, Program No. CCTIF0010, CT ECOP879E263-02, Vendor No.VS0000083921, in an amount not to exceed \$969,000;

For a total amount not to exceed \$1,200,000.

March 26, 2014

Section 3. That nothing in the resolution shall be construed to require the City to approve future dedications of City Center TIF revenues (the “TIF Subsidy”) from any source of the City funds other than the City Center TIF District Fund. Any portion of the TIF Subsidy that remains unpaid due to lack or unavailability of City Center TIF District Funds shall no longer be considered project costs of the City Center TIF District or the City and the obligation of the City Center TIF District to pay the Owner shall automatically expire.

Section 4. 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. Minimum private investment of \$5,000,000 for the Project (acquisition, construction and construction related soft costs).
- B. The term “Invest” or “Investment” means the sum of all acquisition costs, construction costs (hard and soft) paid, payable or actually incurred by or on behalf of the Owner, with respect to the Project and the improvements thereon. Construction related soft costs include the following items: architecture and engineering, interior design, remediation and demolition. Carrying or other similar costs shall not be considered toward this definition of project investment. The owner must provide verification of all expenditures.
 - a. Redevelopment of the Project shall include:
 - b. Minimum 145,000 square feet of office/commercial space;
 - c. Minimum 9,900 square feet of retail/restaurant/office space; and
 - d. Minimum 10,000 square feet of improved open space.
- C. Obtain a building and/or demolition permit and start construction for the Project by June 1, 2014;
- D. Obtain a Certificate of Occupancy (CO) for the Project by December 31, 2015;
- E. Obtain final acceptance of public infrastructure improvements associated with the Project, as evidenced by the issuance of a Green Tag from the Public Works and Transportation Department by December 31, 2015 and submit documentation to the Office of Economic Development (the “OED”);
- F. Execute an Operating and Maintenance agreement for public infrastructure improvements associated with the Project by December 31, 2015, for a period of 20 years;

March 26, 2014

Section 4. (Continued)

- G. A minimum of at least 50% of ground floor space must be occupied prior to TIF Reimbursement;
- H. On January 24, 2014, the Project's design was reviewed by the Urban Design Peer Review Panel (the "UDPRP"), an independent group of design, engineering, and/or planning professionals selected by the Dallas City Manager and required for all Sports Arena TIF District projects. Recommendations by the UDPRP specifically related to the project include:
 - a. Panel support for including the adjacent park area in the project scope.
 - b. The park area be simplified by removing the entire internal wall area except for the existing trees.
 - c. Linkage between the park and the building should be made through the use of lighting, materials, landscape, and the proposed shade structure.
 - d. The potential impact of the future trolley alignment should be considered and leveraged in the design of both the park area and the public realm adjacent to the building.
 - e. The development team should consider either replacing the existing window awnings with the building's historical awnings or as another option, the removal of the window awnings entirely.
- I. Comply with UDPRP's design recommendations for the Project as a condition of approval by the TIF Board;
- J. Construction of Project and open space improvements shall be in general conformance with design plans approved by the City Center TIF Board of Directors and Dallas City Council;
- K. The Project shall be managed by a management company acceptable to the Director of the OED, such approval not being unreasonably withheld;
- L. Owner shall submit to the Director of the OED a quarterly status report for ongoing work on the project, as well as public improvements. Status reports will be due once every three months after the Council approval date;
- M. Owner shall make a good faith effort to (i) comply with the Business Inclusion and Development ("BID") goal of twenty-five percent (25%) Minority/Women-owned Business Enterprise (M/WBE) participation for TIF reimbursable improvements, and (ii) achieve a goal of 25% certified M/WBE participation for total private improvement construction expenditures for the Project, and meet all reporting requirements for each;

March 26, 2014

Section 4. (Continued)

- N. If the open space is not improved or if the proposed design plans are not approved, the amount of TIF Reimbursement for the Project will be reduced by to the amount of TIF funds allocated to the improvement of the open space; and
- O. If necessary, the project deadline can be extended up to 6 months, subject to the Office of Economic Development Director's and City Center TIF District Board of Director's approval.

Section 5. That should The Dallas Hartford, LLC, not perform one or more of the contingencies listed above, the City Manager is authorized to terminate the development agreement and disallow the total TIF Subsidy up to an amount not to exceed \$1,200,000.

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

Federal Street Elevation

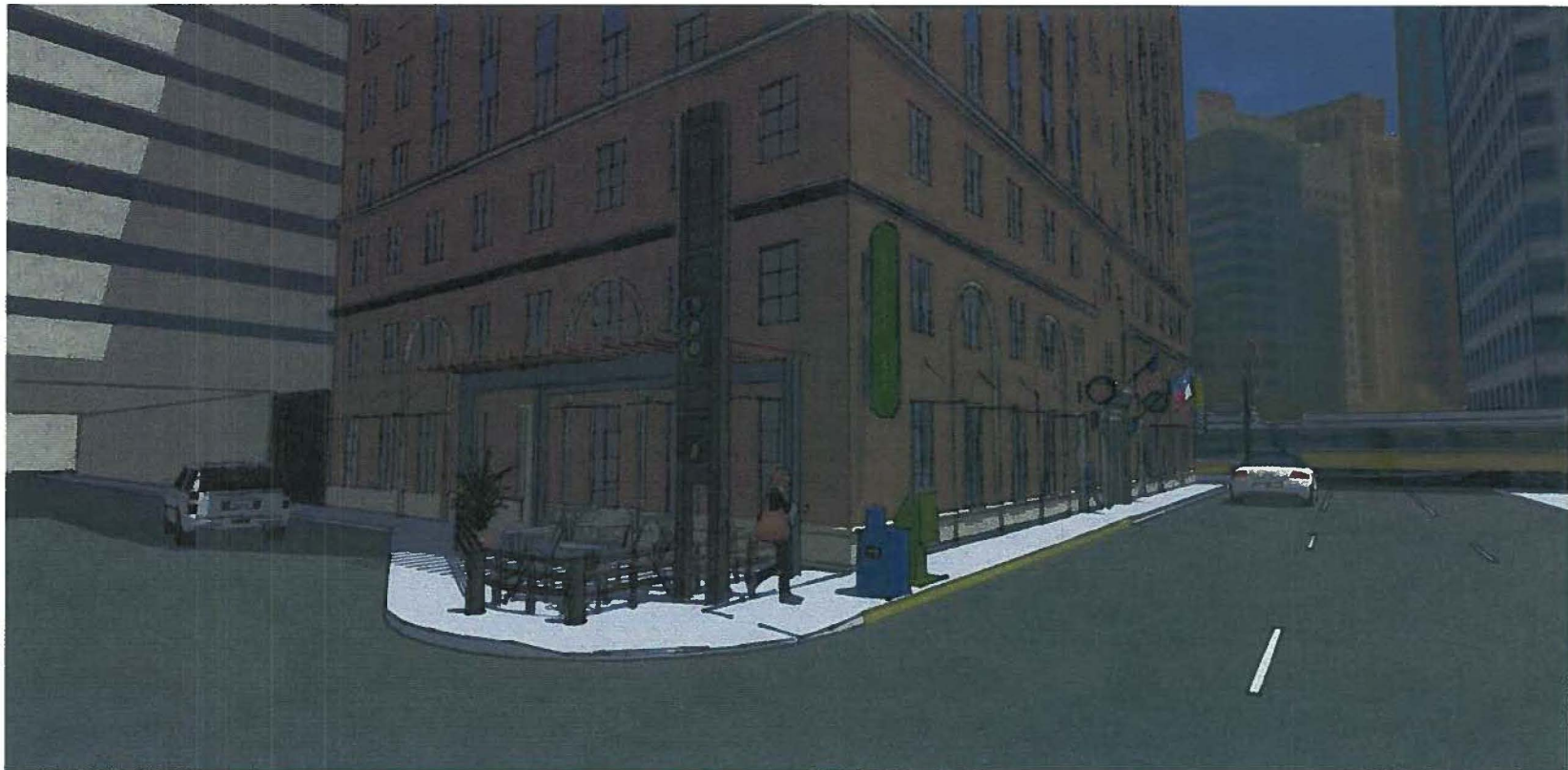


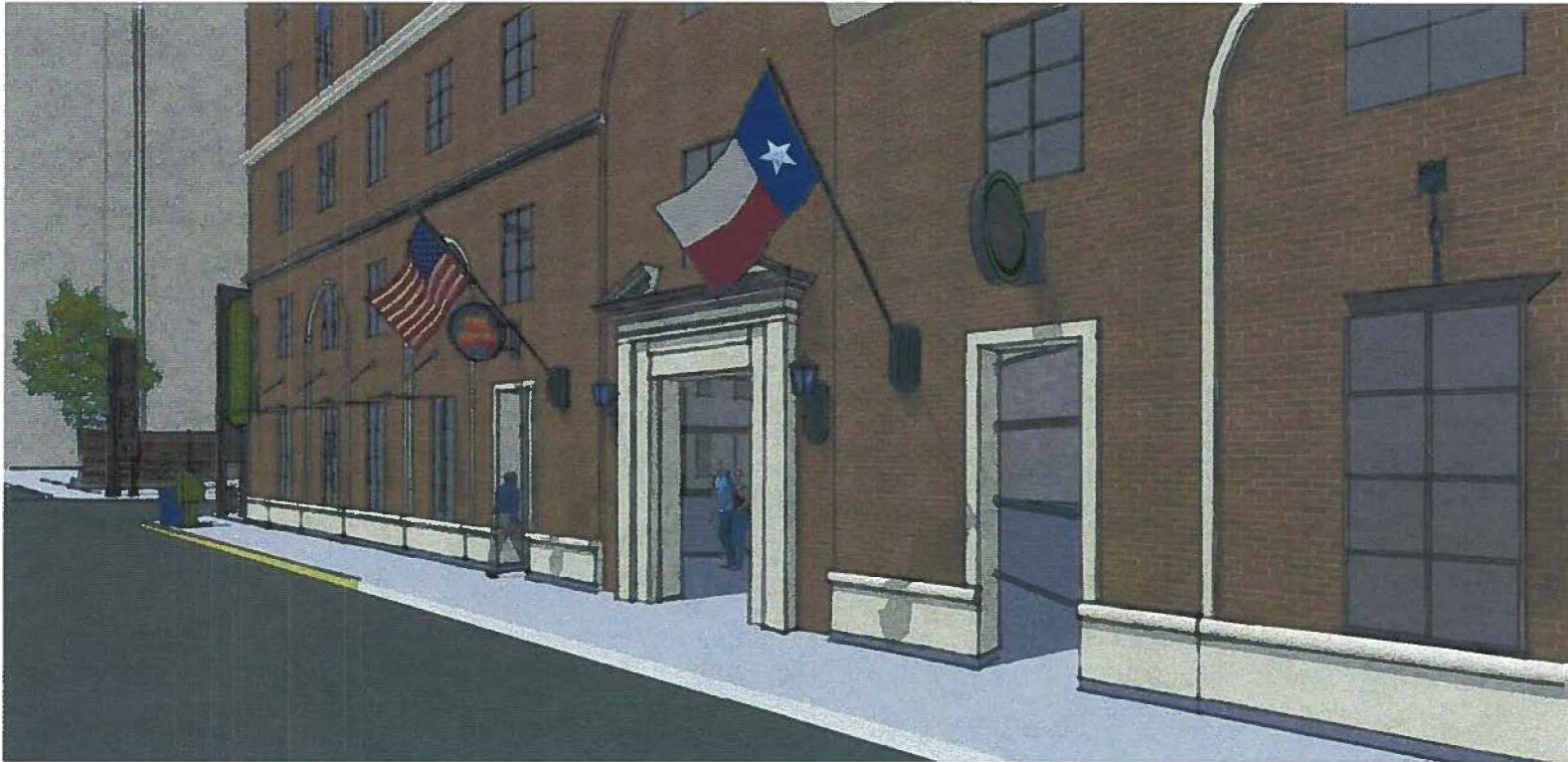
Exhibit B

West St. Paul Street Elevation

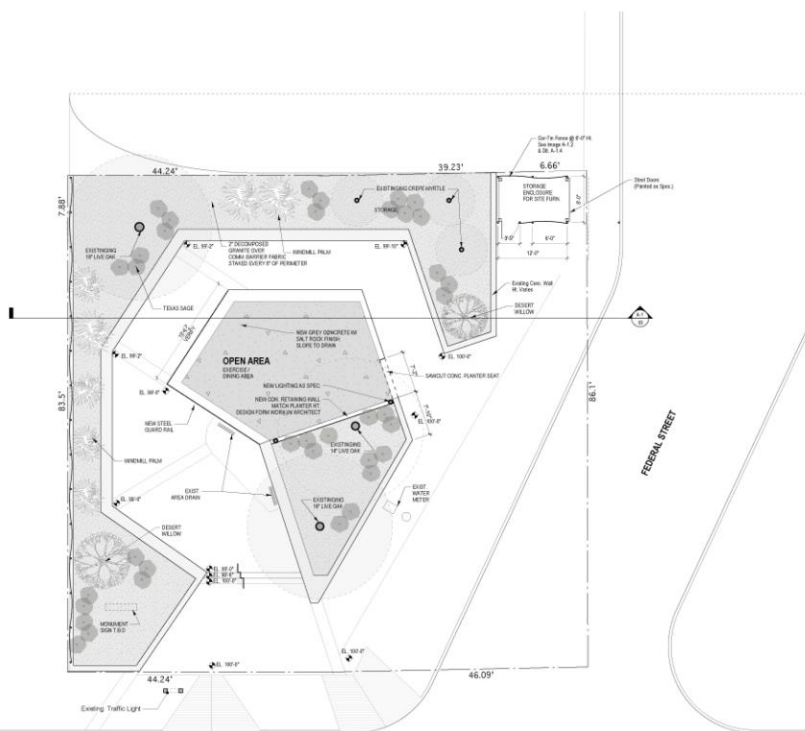


Exhibit C

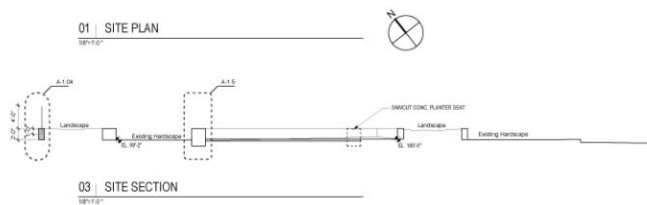
East St. Paul Street Elevation



Hartford Park Site Plan



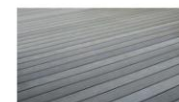
ST. PAUL STREET

01 | SITE PLAN
50' = 1" = 0'

03 | SITE SECTION



Cor-Tin Fence

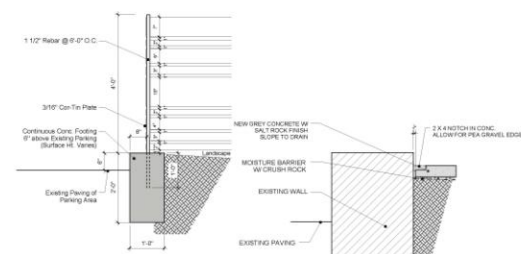


Trex Deck



Concrete - Rock Salt Finish

02 | MATERIAL IMAGES



04 SECTION DETAIL

05 | SECTION DETAIL

Exhibit E

The Hartford Building Redevelopment Project – TIF Budget

| Description | Amount |
|---|--------------------|
| Public Infrastructure Improvements | \$231,000 |
| <i>Parks and open space</i> | |
| Economic Development TIF Grant | \$969,000 |
| Total TIF Funding Recommended | \$1,200,000 |

The budget shown above outlines anticipated TIF reimbursements for the Hartford Building Redevelopment project. These reimbursements will be based on actual expenditures as long as the total principal TIF funding does not exceed \$1,200,000. No interest shall accrue on any portion of the TIF reimbursement.

Note: The amounts listed above may include engineering, construction, design, construction management, and contingency estimates. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work. Construction management fees must be invoiced with a detailed description of work performed.

March 26, 2014

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

WHEREAS, on June 26, 1996, City Council pursuant to Ordinance No. 22802, established Tax Increment Financing Reinvestment Zone Five (City Center TIF District) in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the City Center area through the use of tax increment financing as amended; and

WHEREAS, on February 12, 1997, City Council, pursuant to Ordinance No. 23034, authorized the City Center TIF District Project Plan and Reinvestment Zone Financing Plan for the City Center TIF District, as amended; and

WHEREAS, on December 12, 2012, City Council, conducted a public hearing, received comments and approved amendments to the City Center TIF District Project and Reinvestment Zone Financing Plans and authorized Ordinance No. 12-3040 amending Ordinance No. 22802, previously approved on June 26, 1996, and an Ordinance No. 23034, previously approved February 12, 1997, to: (1) create two sub-districts within the City Center TIF District: (a) City Center Sub-district (original district boundary) and (b) Lamar Corridor/West End Sub-district; (2) increase the geographic area of the City Center TIF District to add approximately 27.14 acres to create the Lamar Corridor/West End Sub-district; (3) extend the current termination date of the City Center TIF District from December 31, 2012, to December 31, 2022, for the City Center Sub-district and establish a termination date for the Lamar Corridor/West End Sub-district of December 31, 2037; (4) decrease the percentage of tax increment contributed by the City of Dallas during the extended term of the TIF District and establish other taxing jurisdictions participation percentages; (5) increase the City Center TIF District's budget from \$87,567,717 total dollars to \$151,968,546 total dollars; and (6) make corresponding modifications to the City Center TIF District boundary, budget and Project and Reinvestment Zone Financing Plans; and

WHEREAS, on February 13, 2014, the City Center TIF District Board of Directors reviewed and recommended approval of a TIF Reimbursement for The Dallas Hartford, LLC in an amount not to exceed \$1,200,000, for eligible project costs associated with the Hartford Building Redevelopment project; and

WHEREAS, on March 3, 2014, the Economic Development Committee was briefed and recommended approval of TIF funding for the Liberty State Bank Preservation project in an amount not to exceed \$1,200,000; and

March 26, 2014

WHEREAS, in furtherance of the City Center TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the City Center TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to provide economic incentives to the Dallas Hartford, LLC, for the Hartford Building Redevelopment Project in the City Center Sub-district of the City Center TIF District as depicted in the project's Federal Street Elevation Plan, East St. Paul Elevation Plan, West St. Paul Elevation Plan, and Hartford Park Site Plan attached hereto as **Exhibits A, B ,C, and D** respectively; and

WHEREAS, the expenditure of TIF funds supporting this development is consistent with promoting development and redevelopment of the City Center TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, as amended, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan, as amended, for the City Center TIF District.

NOW, THEREFORE,

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 and TIF Grant (for costs associated with environmental remediation, exterior façade improvements and public improvements to the sidewalks and landscaping) for the Dallas Hartford Building Redevelopment Project in Reinvestment Zone Number Five (City Center TIF District).

Debt To Be Issued

Not to exceed \$1,200,000 as provided by the Project Plan and Reinvestment Zone Financing Plan

Section 3. That the total City Center TIF District participation in the Dallas Hartford Building redevelopment project shall not exceed an amount of \$1,200,000 for TIF-eligible project costs, all in accordance with the terms of the said development agreement.

March 26, 2014

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 City Center TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the City Center TIF District, due to lack or unavailability of City Center TIF District Funds shall no longer be considered project costs of the City Center TIF District or the City and any obligation to pay The Dallas Hartford, 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.

Exhibit A

Federal Street Elevation

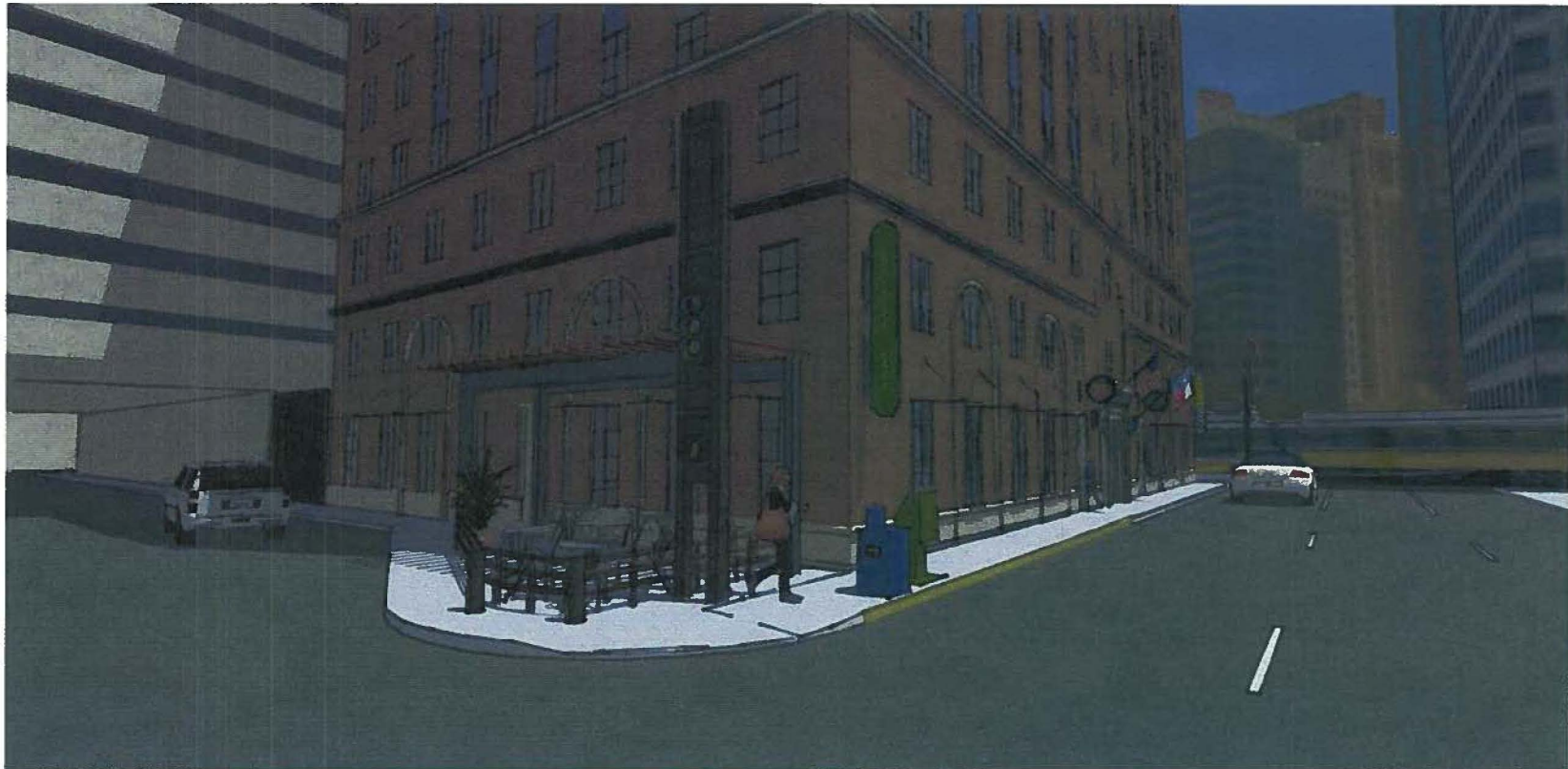


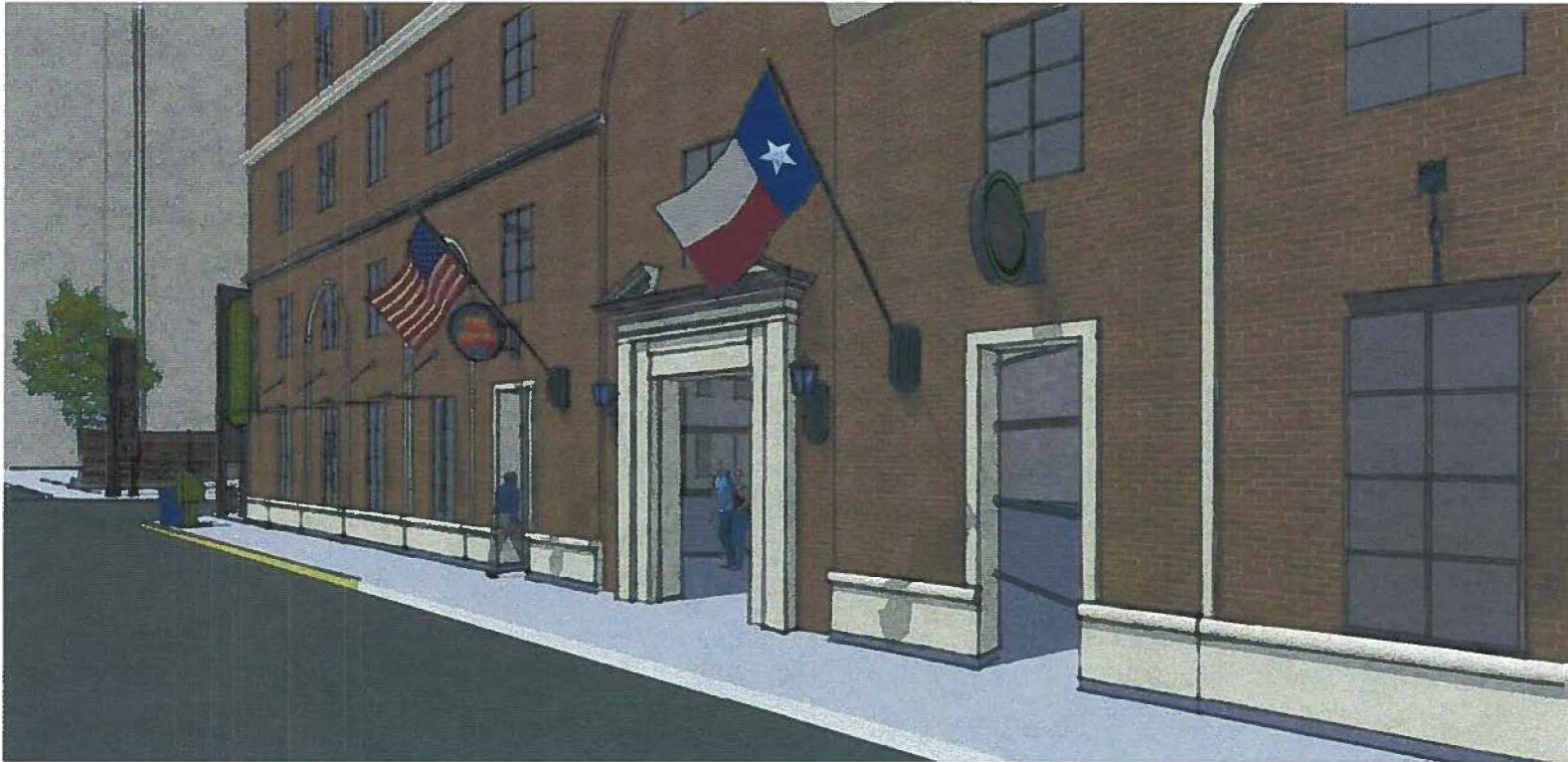
Exhibit B

West St. Paul Street Elevation

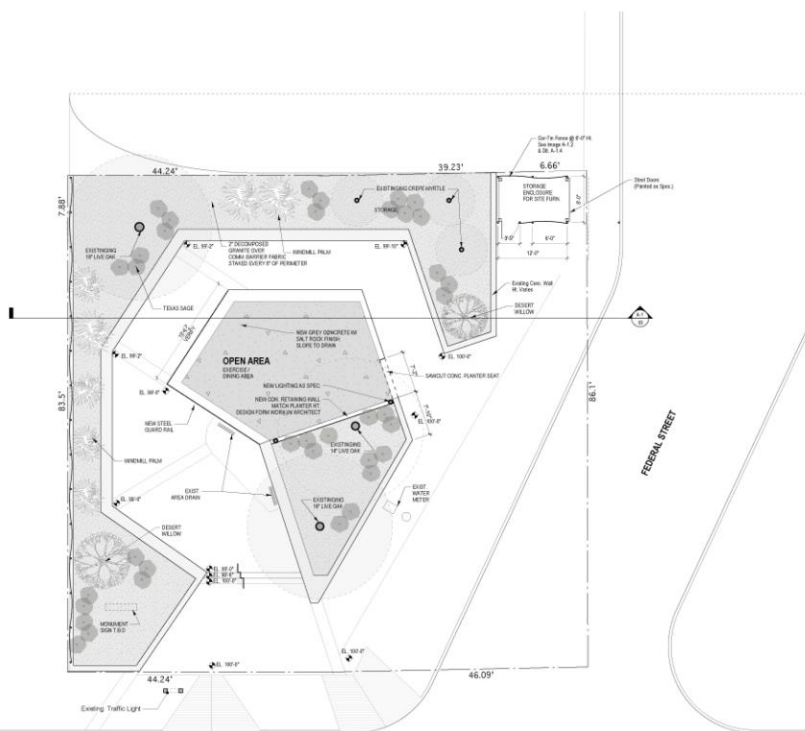


Exhibit C

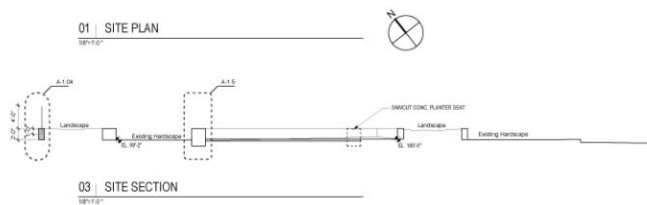
East St. Paul Street Elevation



Hartford Park Site Plan



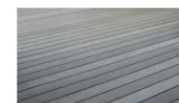
ST. PAUL STREET

01 | SITE PLAN
50' = 1" = 0'

03 | SITE SECTION



Cor-Tin Fence

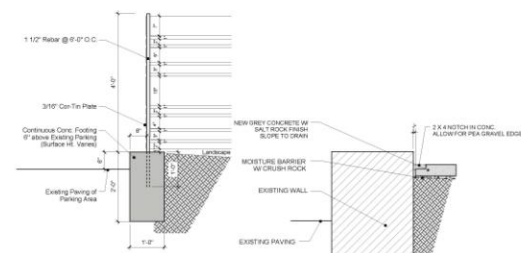


Trex Deck



Concrete - Rock Salt Finish

02 | MATERIAL IMAGES

04 SECTION DETAIL
3/8"=1'-0"05 SECTION DETAIL
34" x 1.0"

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 67W

SUBJECT

TCDFW Industrial Development Inc. Project

- * Authorize a real property tax abatement agreement with TCDFW Industrial Development Inc. located on approximately 79.05 acres north of IH-635 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas in the amount of 90 percent on the value of real property improvements for 10 years in accordance with the City's Public/Private Partnership Program – Revenue: First year revenue estimated at \$7,173; ten-year revenue estimated at \$52,682; (Estimated revenue foregone for a ten-year new business personal property abatement estimated at \$474,135)
- * Authorize a Chapter 380 economic development grant agreement in an amount not to exceed \$875,000 with TCDFW Industrial Development Inc. related to the construction of a 500,000 square foot speculative industrial/warehouse facility, pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program – Not to exceed \$875,000 – Financing: General Obligation Commercial Paper Funds (\$807,907) and 2006 Bond Funds (\$67,093)

BACKGROUND

City staff has negotiated with Trammel Crow Company regarding construction of a 500,000 square foot speculative industrial/warehouse facility on approximately 79.05 acres north of IH-635 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas located in a Texas Enterprise Zone. Trammel Crow Company will develop this project through an entity called TCDFW Industrial Development Inc. Locally, the Trammel Crow Company has developed over 50 million square feet in industrial buildings, with a strong commitment to Southern Dallas.

BACKGROUND (Continued)

This site has several issues which have increased the property's development costs. A large portion of the property is located within the 100 year floodplain and will require the construction of a mitigation swale to reclaim approximately 12 acres of land. This process also requires the developer to obtain a Fill Permit from the City of Dallas and a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA). A Section 404 Individual Permit from the United States Army Corps of Engineers (USACOE) is also required. Tree mitigation requirements and a significant change in elevation from east to west escalated the project development costs.

TCDFW Industrial Development Inc. seeks City Council approval of a 90 percent real property tax abatement for 10 years and an economic development grant in an amount not to exceed \$875,000 to offset public and private improvement costs. TCDFW Industrial Development Inc. will make a minimum of \$10,000,000 in real property improvements with construction of the 500,000 square foot speculative industrial/warehouse facility. The economic development grant will be payable upon the substantial completion of a minimum of \$10,000,000 in real property improvements by December 31, 2016. The real property tax abatement must begin on or before January 1, 2017. TCDFW Industrial Development Inc. will forfeit the real property tax abatement and the economic development grant if it fails to reach the minimum investment by the required time.

The forgone revenue from the proposed tax abatement is \$474,135. The proposed agreement will result in a 10-year net fiscal impact of \$161,511 and a \$2,202,189 20-year net fiscal impact.

The proposed project meets the minimum eligibility requirements of the Public/Private Partnership Program as adopted by the City Council in Resolution No. 12-1520 on June 13, 2012.

ESTIMATED SCHEDULE OF THE PROJECT

| | |
|-----------------------|------------|
| Begin Construction | June 2014 |
| Complete Construction | March 2016 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was presented to the Economic Development Committee on March 3, 2014.

FISCAL INFORMATION

2006 Bond Funds - \$67,093

2006 Bond Program (General Obligation Commercial Paper Funds) - \$280,092

2012 Bond Program (General Obligation Commercial Paper Funds) - \$527,815

OWNER

TCDFW Industrial Development Inc.

Scott Krikorian, Managing Director

MAP

Attached.

TCDFW Industrial Development Inc.
North of IH-635 between J.J. Lemmon Road and BNSF Railroad at 4800 LBJ Freeway

D=63°04'33"
R=638.00'
L=702.42'
CB=559°39'41"E
CD=867.45'

D=8°11'48"
R=828.00'
L=80.55'
CB=N85°22'57"E
CD=89.51'

D=34°47'54"
R=286.40'
L=173.39'
CB=N73°43'38"E
CD=171.33'

S82°52'08"E
15.82'

J. J. LEMMON ROAD

N88°28'52"E 278.77'
1151.00'

S01°48'59"E 1288.68'

S28°36'51"E 408.63'

79.05 acres

N02°13'27"E 1288.07'

S77°45'02"W
80.78'

S20°17'24"E
100.00'

N00°17'24"W
100.00'

S77°45'02"W 550.51'

S28°36'51"E 408.63'

INTERSTATE HIGHWAY NO. 635
(LYNDON B. JOHNSON Fwy)
(VARIABLE WIDTH RIGHT-OF-WAY)



Exhibit 001
Economic Development Area
JJ Lemmon tract
DATE: Jan 15, 2014 AVO: 1008149364

March 26, 2014

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

WHEREAS, by resolution approved on June 13, 2012, the City Council authorized the continuation of its participation in tax abatement and established the 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, V.T.C.A. Tax Code, Chapter 312 (the "Act"); and

WHEREAS, the State of Texas established an Enterprise Zone Program in 1993 which was amended in 2003 to designate Enterprise Zones by Census Tract Block Groups effective September 1, 2003; and

WHEREAS, pursuant to Section 312.2011 of the Property Redevelopment and Tax Abatement Act, the Act provides that the designation of an area as an enterprise zone under the Texas Enterprise Zone Act constitutes designation of an area as a reinvestment zone without further hearing or other procedural requirements; and

WHEREAS, the City desires to enter into a real property tax abatement agreement with TCDFW Industrial Development Inc. for added value to real property for the construction of a 500,000 square foot speculative industrial/warehouse facility located on approximately 79.05 acres north of IH-635 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas 75244, located within a State-designated 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 TCDFW Industrial Development Inc. 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 at least seven (7) days prior to the execution of the tax abatement agreement, notice of the City's intention to enter into the tax abatement agreement shall be delivered to the governing bodies of each other taxing unit that includes in its boundaries the real property that is the subject of this agreement.

Section 3. 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.

March 26, 2014

Section 4. 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 a State-designated Enterprise Zone.

Section 5. That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within a State-designated Enterprise Zone.
- (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.
- (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 TCDFW Industrial Development Inc. a 90 percent abatement of the added value to the real property for a period of ten years for real property located within a State-designated Enterprise Zone as provided in **Exhibit A (Metes and Bounds)**. The tax abatement will commence on or before January 1, 2017.
- (e) That approximately \$10,000,000 will be expended on construction, design, site work and other related hard and soft project costs to be substantially completed by December 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.
- (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.

March 26, 2014

Section 5. (Continued)

- (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 TCDFW Industrial Development Inc. and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

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 – Metes and Bounds

LEGAL DESCRIPTION

BEING a tract of land situated in the Levi Dixon League Survey, Abstract No. 380, and the Ulrich Withrick Survey, Abstract No. 1518 in the City of Dallas, Dallas County, Texas, and being a portion of a tract of land described in General Warranty Deed to the Dallas Morning News, L.P. recorded in Volume 99062, Page 4489 of the Deed Records of Dallas County, Texas(D.R.D.C.T.) and being more particularly described as follows:

BEGINNING at a point for the southwest corner of said Dallas Morning News tract said point also being at the intersection of the north right-of-way line of Interstate Highway No. 635 (Lyndon B. Johnson Freeway) (a variable width right-of-way) with the easterly right-of-way line of Burlington Northern Santa Fe(BNSF) railroad;

THENCE North 02 degrees 13 minutes 27 seconds East, along the west line of said Dallas Morning News tract and along said easterly right-of-way line of BNSF railroad, a distance of 1286.07 feet to a point for the most westerly northwest corner of said Dallas Morning News tract, said corner being on the south line of a tract of land described in deed to Don Gholston, as recorded in Volume 84180, page 3262, D.R.D.C.T.;

THENCE North 59 degrees 18 minutes 54 seconds East, departing said easterly right-of-way line of BNSF railroad and along the common line of said Dallas Morning News tract and said Gholston tract, a distance of 704.61 feet to point for the east corner of said Gholston tract, said corner being on the southwesterly right-of-way line of J.J. Lemmon Road (a called 60 foot wide right- of way);

THENCE South 82 degrees 52 minutes 06 seconds East, along the north line of said Dallas Morning News tract and said southwesterly right- of-way line of J. J. Lemmon Road a distance of 15.82 feet to a point for corner at the beginning of a non-tangent circular curve to the left having a radius of 286.48 feet, whose chord bears North 79 degrees 43 minutes 58 seconds East a distance of 171.33 feet;

THENCE Easterly, with said north line of Dallas Morning News tract and said southwesterly right-of-way line of J.J. Lemmon Road and with said curve, through a central angle of 34 degrees 47 minutes 54 seconds, an arc distance of 173.99 feet to a point for corner;

THENCE North 62 degrees 20 minutes 02 seconds East , continuing with said north line of Dallas Morning News tract and said southwesterly right-of-way line of J.J. Lemmon Road, a distance of 212.89 feet to a point of corner;

THENCE North 70 degrees 28 minutes 03 seconds East, continuing with said north line of Dallas Morning News tract and said southwesterly right-of-way line of J.J. Lemmon Road, a distance of 142.93 feet to a point for corner at the beginning of a non-tangent circular curve to the right, having a radius of 828.00 feet, whose chord bears North 85 degrees 22 minutes 57 seconds East, a distance of 89.51 feet;

THENCE Easterly, continuing with said north line of Dallas Morning News tract and said southwesterly right-of-way line of J.J. Lemmon Road and with said curve, through a central angle of 06 degrees 11 minutes 49 seconds, an arc distance of 89.55 feet to a point for corner;

THENCE North 88 degrees 28 minutes 52 seconds East, continuing with said north line of Dallas Morning News tract and said southwesterly right-of-way line of J.J. Lemmon Road, a distance of 1151.00 feet to a point for corner ;

THENCE South 01 degree 46 minutes 59 seconds East, departing said north line of Dallas Morning News tract and said southwesterly right-of-way line of J.J. Lemmon Road and over and across said Dallas Morning News tract, a distance of 1286.66 feet to a point for corner on the south line of said Dallas Morning News tract and said north right-of-way line of Interstate Highway No. 635;

THENCE South 71 degrees 27 minutes 45 seconds West, with said south line of Dallas Morning News tract and said north right-of-way line of Interstate Highway No. 635, a distance of 807.40 feet to a point for corner;

THENCE South 77 degrees 45 minutes 02 seconds West, with said south line of Dallas Morning News tract and said north right-of-way line of Interstate Highway No 635, a distance of 350.61 feet to a point for corner;

THENCE North 20 degrees 17 minutes 24 seconds West, departing said right-of-way line of Interstate Highway No. 635, a distance of 100.00 feet to a point for corner;

THENCE South 77 degrees 45minutes 02 seconds West, along a distance of 80.79 feet to a point for corner;

THENCE South 20 degrees 17 minutes 24 seconds East, a distance of 100.00 feet to a point for corner on said south line of Dallas Morning News tract and said north right-of-way line of Interstate Highway No. 635 ;

THENCE South 77 degrees 45 minutes 02 seconds West, continuing with said south line of Dallas Morning News tract and said north right-of-way line of Interstate Highway No. 635, a distance of 727.02 feet to a point for corner;

THENCE South 81 degrees 33 minutes 38 seconds West, continuing with the south line of said Dallas Morning News tract and said north right-of-way line of said Interstate Highway No. 635, a distance of 470.73 feet to the POINT OF BEGINNING AND CONTAINING 3,443,521 square feet or 79.05 acres of land, more or less.

March 26, 2014

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

WHEREAS, the City, pursuant to Resolution No. 12-1520 approved by the City Council on June 13, 2012: (1) adopted revised Public/Private Partnership Program - Guidelines and Criteria, which established certain guidelines and criteria for the use of City incentive programs for private development projects; and (2) established programs for making loans and grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas pursuant to the Economic Development Programs provisions under Chapter 380 of the Texas Local Government Code, (the "Act"); and

WHEREAS, on June 13, 2012, the City Council elected to continue its participation in economic development grants pursuant to Chapter 380 of the Texas Local Government Code by Resolution No. 12-1520, as amended; and

WHEREAS, the City Council adopted Ordinance 26421 on August 9, 2006 to authorize a bond election to be held on November 7, 2006 authorizing general obligation bonds; and

WHEREAS, on November 7, 2006, Dallas voters approved a \$1.35 billion General Obligation Bond Program of which \$41,495,000 in bond funding to promote economic development activities which include the construction of certain public improvements including, but not limited to, street improvements, utility and other infrastructure improvements in southern Dallas; and

WHEREAS, the City Council adopted Ordinance 28740, as amended, on August 15, 2012 to authorize a bond election to be held on November 6, 2012 authorizing general obligation bonds; and

WHEREAS, on November 6, 2012, Dallas voters approved a \$642 million General Obligation Bond Program of which \$55,000,000 in bond funding to promote economic development activities in southern Dallas and promoting economic development in other areas of the City in conjunction with transit-oriented development by providing public infrastructure and funding the City's economic development programs for such areas; and

WHEREAS, the City desires to enter into an economic development grant agreement with TCDFW Industrial Development Inc. for the construction of a 500,000 square foot speculative industrial/warehouse facility located on approximately 79.05 acres north of IH-635 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas 75244.

March 26, 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 execute an economic development grant agreement pursuant to Chapter 380 of the Texas Local Government Code in accordance with the City's Public/Private Partnership Program - Business Development Grant Program with TCDFW Industrial Development Inc. for the construction of a 500,000 square foot speculative industrial/warehouse facility located on approximately 79.05 acres north of IH-635 between J.J. Lemmon Road and the Burlington Northern Santa Fe (BNSF) Railroad at 4800 LBJ Freeway, Dallas, Texas 75244.

Section 2. That the economic development grant with TCDFW Industrial Development Inc. in an amount not to exceed \$875,000 will be payable upon substantial completion of a minimum of \$10,000,000 in real property improvements on or before December 31, 2016.

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. ECOT808E261-01, Vendor No. VS0000083370, in an amount not to exceed \$67,093

Fund 2T52, Department ECO, Unit T808, Object 3016, Activity INFS, Encumbrance No. ECOT808E261-02, Vendor No. VS0000083370, in an amount not to exceed \$280,092 and

Fund 2U52, Department ECO, Unit S801, Object 3016, Activity INFS, Encumbrance No. ECOT808E261-03, Vendor No. VS0000083370, in an amount not to exceed \$527,815

Total amount not to exceed \$875,000.

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 of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 37

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

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 MF-2(A) Multifamily District uses on property zoned an IR Industrial Research District, on the northwest side of Kimsey Drive, northeast of Maple Avenue

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

Z123-339(JH)

FILE NUMBER: Z123-339 (JH)

DATE FILED: July 30, 2013

LOCATION: Northwest of Kimsey Drive, northeast of Maple Avenue

COUNCIL DISTRICT: 2

MAPSCO: 34-P

SIZE OF REQUEST: Approx. 0.77 acres

CENSUS TRACT: 4.06

REPRESENTATIVE: Rob Baldwin

APPLICANT: Madison Realty Investors, Inc.

OWNER: Freidrich & Christina Stark

REQUEST: An application for a Planned Development District for MF-2(A) Multifamily District uses on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to construct a townhouse-style residential development with up to 20 units. The PD conditions will require six-foot sidewalks, sidewalk connections from the street-facing units to the public sidewalk, and restrict fencing in the front yard.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval subject to conditions based upon:

1. *Performance impacts upon surrounding property (lighting, noise, odor, etc.)* – The residential uses will be compatible with the surrounding residential uses. There are industrial and office uses in the area.
2. *Traffic impact* – The proposed increase in traffic volume is not enough to trigger traffic impact study. The increase in traffic will not negatively impact the surrounding roadway system.
3. *Comprehensive Plan or Area Plan Conformance* – The proposed zoning is supported by *forwardDallas!* and the *Stemmons Corridor - Southwestern Medical District Area Plan*.
4. *Deviation from base zoning* – The PD conditions reduce the parking requirement to remove the on-site guest parking. The PD conditions will require a larger sidewalk, pedestrian connection from the units closest to the street, and limit fencing between the front façade and the street.

BACKGROUND INFORMATION:

- The request site is currently partially developed with single family structures and is approximately 225 feet in width and 150 feet in depth.
- The proposed use is a townhouse-style residential development.

Zoning History:

- | | |
|-------------|--|
| 1. Z101-328 | On December 14, 2011, the City Council approved a CS Commercial Service District on property zoned an MU-2 Mixed Use District. |
| 2. Z067-320 | On January 9, 2008, City Council approved an MU-2 Mixed Use District on property zoned an MF-2(A) Multifamily District and approved the termination of existing deed restrictions. |
| 3. Z078-182 | On May 14, 2008, the City Council approved an MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District. |
| 4. Z078-288 | On November 10, 2008, the City Council approved an MU-2 Mixed Use District on property zoned an IR Industrial Research District. |
| 5. Z112-232 | On August 8, 2012, the City Council approved an amendment to Planned Development District No. 865. |

Z123-339(JH)

6. Z089-186 On April 24, 2009, the City Council approved a Specific Use Permit for a bar, lounge, or tavern on property zoned an IR Industrial Research District.
7. Z123-330 An application is pending for mixed uses on property zoned an IM Industrial Manufacturing district.

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Campus Block.

The Campus Building Block focuses on areas around large master-planned educational, institutional or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of offices, shops, services and open space should exist to support the major campus employer and area residents. Over time, areas such as UNT can take on a "university town" feel as they mature. All Campus Building Block areas should have convenient transit options as an integral component. Economic development efforts should capitalize on the spin-off employment opportunities generated by the primary employers.

LAND USE ELEMENT

GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

HOUSING ELEMENT

GOAL 3.2 ANSWER THE NEED FOR HOUSING OPTIONS

Policy 3.2.2 Encourage higher density housing within a quarter-mile of DART stations

URBAN DESIGN ELEMENT

GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Stemmons Corridor - Southwestern Medical District Area Plan:

The request site is within the Stemmons Corridor - Southwestern Medical District Area Plan and primarily complies with the intent of this plan, adopted June 2010. The Plan identifies the request site as being in the Medical Campus Development Block. The Plan recommends this development block be predominantly medical related offices and facilities; however, it is also envisioned to be home to a highly walkable mix of residential and mixed-use developments accommodating medical district employees. Guidance from the plan for the Medical Campus Development Block on residential developments include they "...should enable residents to easily access work, shopping, and leisure activities by transit and pedestrian-oriented streets as well as by driving." (pg 38) The plan envisions structures in this area to range from 2 to 7 stories, although some medical facilities may include downtown-scale towers.

Land Use Compatibility:

Kimsey Drive is developed with a mix of light industrial/office uses and single family residential uses. In the area northwest and southwest of the request site along Maple Avenue between Bomar Avenue and on Stutz Drive, redevelopment to multifamily uses of previously a mix of light and heavy industrial (inside) uses with scattered single-family uses has been occurring since approximately 2003. The site is in close proximity to the Inwood DART rail station, though just outside of a half-mile walking distance. The proximity of the DART rail station and the UT Southwestern campus are creating the need for additional housing options.

The applicant proposes to construct up to 20 townhouse-style residential dwelling units on 0.86 acres. In reviewing the recommendations of the area plan with the applicant, the proposed PD conditions would increase the sidewalk width, require open fencing in the front yard, and require pedestrian lighting. The fencing restrictions will keep the area between the front façades and the street visually open. These conditions promote a walkable neighborhood per the recommendations of the area plan. Staff supports the applicant's request.

Development Standards:

| DISTRICT | SETBACKS | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|---------------------------|----------|---|--|--------------------|-----------------|-------------------------------------|--|
| | Front | Side/Rear | | | | | |
| Proposed | | | | | | | |
| PD Multifamily | 15' | 15' | Min lot 1,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR | 36' | 60% | Proximity Slope | Multifamily, duplex, single family |
| Existing | | | | | | | |
| IR Industrial research | 15' | 30' adjacent to residential OTHER: No Min. | 2.0 FAR overall 0.75 office/ retail 0.5 retail | 200' 15 stories | 80% | Proximity Slope Visual Intrusion | Industrial, wholesale distribution & storage, supporting office & retail |

Parking/Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

The PD conditions reduce the parking requirement to two spaces per dwelling unit. The applicant proposes guests will park on the street. Staff supports this reduction because there is an area between buildings that will have a gravel surface that will function as guest parking as needed.

Thoroughfares/Streets:

| Thoroughfares/Street | Type | Existing ROW |
|----------------------|-----------|--------------|
| Maple Avenue | Collector | 60 ft. |
| Kimsey Drive | Local | 50 ft. |

Landscaping:

Landscaping is required in accordance with Article X of the Dallas Development Code.

List of Partners/Principals/Officers

Madison Realty Investors, Inc.

John D. Gourly, President
Robert Teeter, Vice President

CPC Minutes – February 6, 2014

Z123-339(AB)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District uses, subject to a development plan and conditions on property zoned an IR Industrial Research District, on the northwest side of Kimsey Drive, northeast of Maple Avenue.

Maker: Soto

Second: Shellene

Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0

Absent: 1 - Lavallaisaa

Vacancy: 0

Notices: Area: 500 Mailed: 40

Replies: For: 5 Against: 1

Speakers: For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226

Against: None

CPC Recommended PD CONDITIONS

ARTICLE XXX.

PD XXX.

SEC. 51P-XXX.101. LEGISLATIVE HISTORY.

PD XXX was established by Ordinance No._____, passed by the Dallas City Council on _____.

SEC. 51P-XXX.102. PROPERTY LOCATION AND SIZE.

PD XXX is established on property located along Kimsey Drive, east of Maple Avenue. The size of PD XXX is approximately 0.77 acres.

SEC. 51P-XXX.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 residential zoning district.

SEC. 51P-XXX.104. EXHIBIT.

The following exhibit is incorporated into this article: development plan.

SEC. 51P-XXX.105. DEVELOPMENT PLAN.

Development and use of the Property must comply with the development plan (Exhibit XXXA). If there is a conflict between the text of this article and the development plan, the text of this article controls.

SEC. 51P-XXX.107. MAIN USES PERMITTED.

The only main uses permitted in this subdistrict are those uses permitted in the MF-2(A) Subdistrict, subject to the same conditions applicable in the MF-2(A) Subdistrict. For example, a use permitted in the MF-2(A) Subdistrict only by Specific

Use Permit (SUP) is permitted in this subdistrict only by specific use permit (SUP); a use subject to development impact review (DIR) in the MF-2(A) Subdistrict is subject to DIR in this subdistrict; etc.

SEC. 51P-XXX.108. ACCESSORY USES.

Accessory uses. As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

SEC. 51P-XXX.109. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this subsection and Division 51A-4.400, this subsection controls).

(a) Except as provided, the yard, lot, and space regulations for the MF-2(A) Multifamily District apply.

(b) Density. Maximum number of dwelling units is 20.

SEC. 51P-XXX.110. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult the use regulations in Sections 51A-13.400 through 51A-13.412 for the specific off-street parking and loading requirements for each use.

(b) Multifamily. A minimum of two spaces per dwelling unit is required.

SEC. 51P-XXX.111. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-XXX.112. LANDSCAPING.

(a) Landscaping must be provided in accordance with Article X.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. 51P-XXX.113. URBAN DESIGN.

- (a) The sidewalks along Kimsey Drive must be a minimum six feet wide.
- (b) Individual dwelling units that front on Kimsey Drive must have a pedestrian connection to the sidewalk in the general location shown on the development plan.
- (c) Gates are prohibited across driveways.
- (d) Fencing between the street facing facade and the front property line is limited to four feet in height and cannot be a solid fence.
- (e) Pedestrian scale lighting is required along Kimsey Drive at one light standard per 100 linear feet.

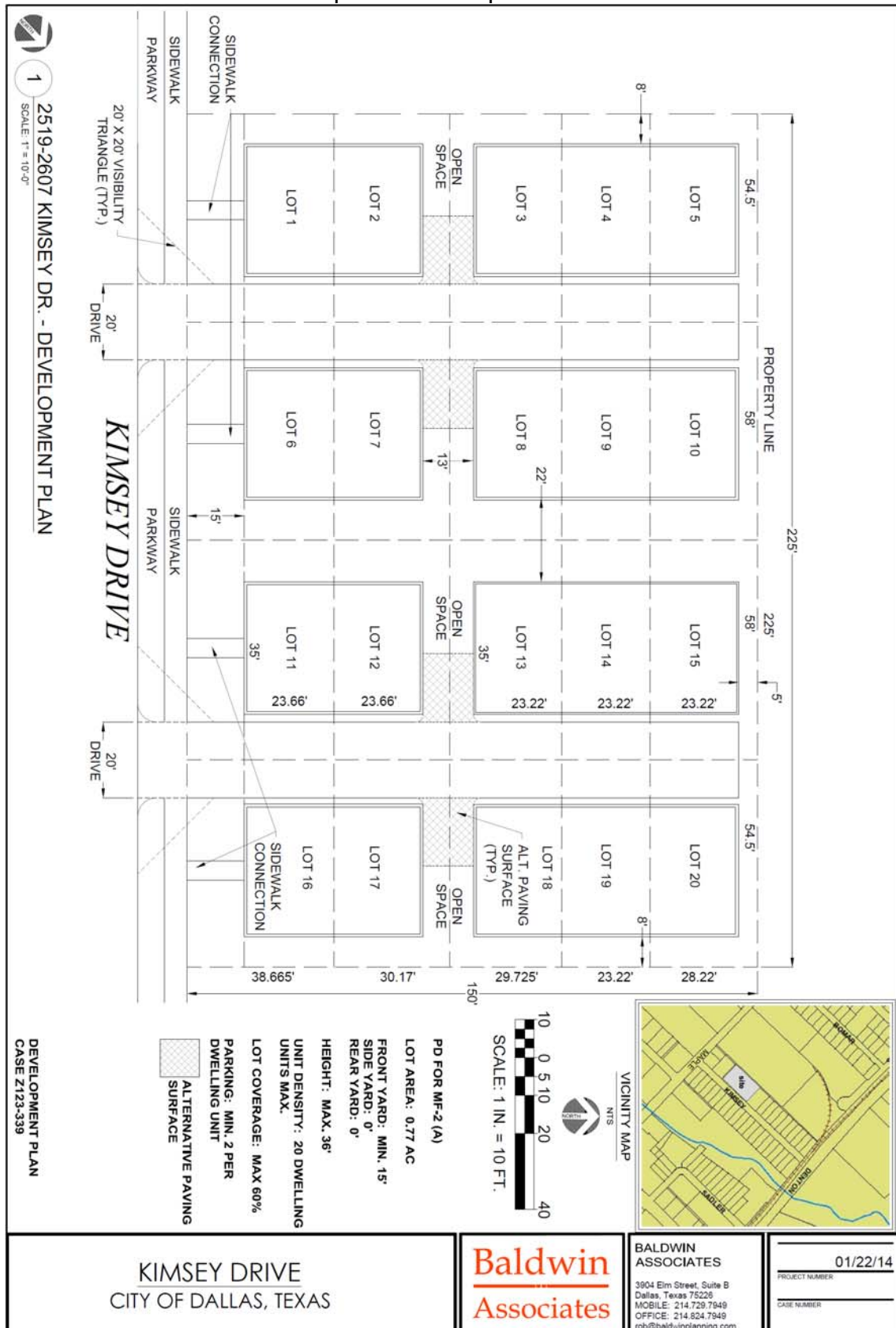
SEC. 51P-XXX.114. ADDITIONAL PROVISIONS.

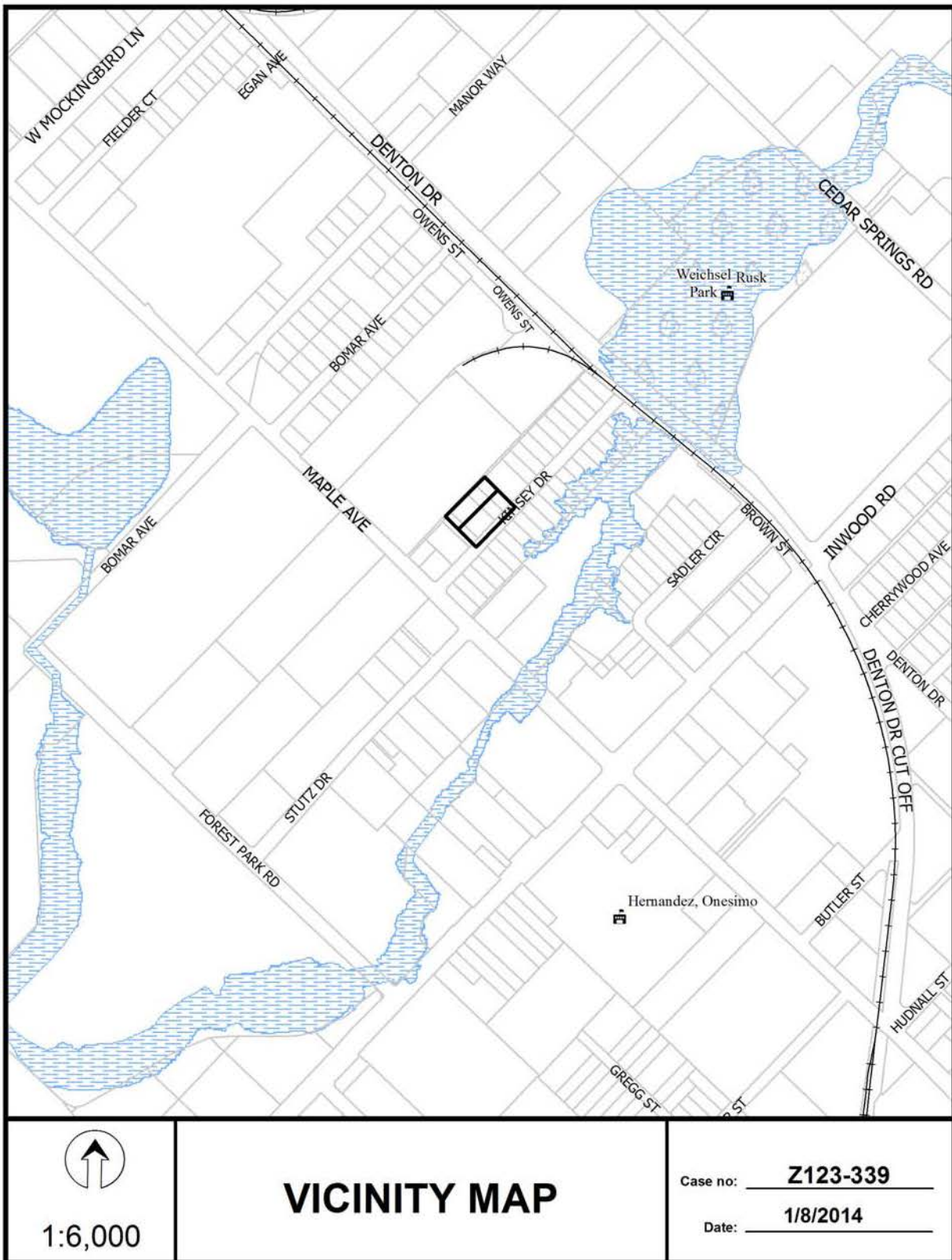
- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

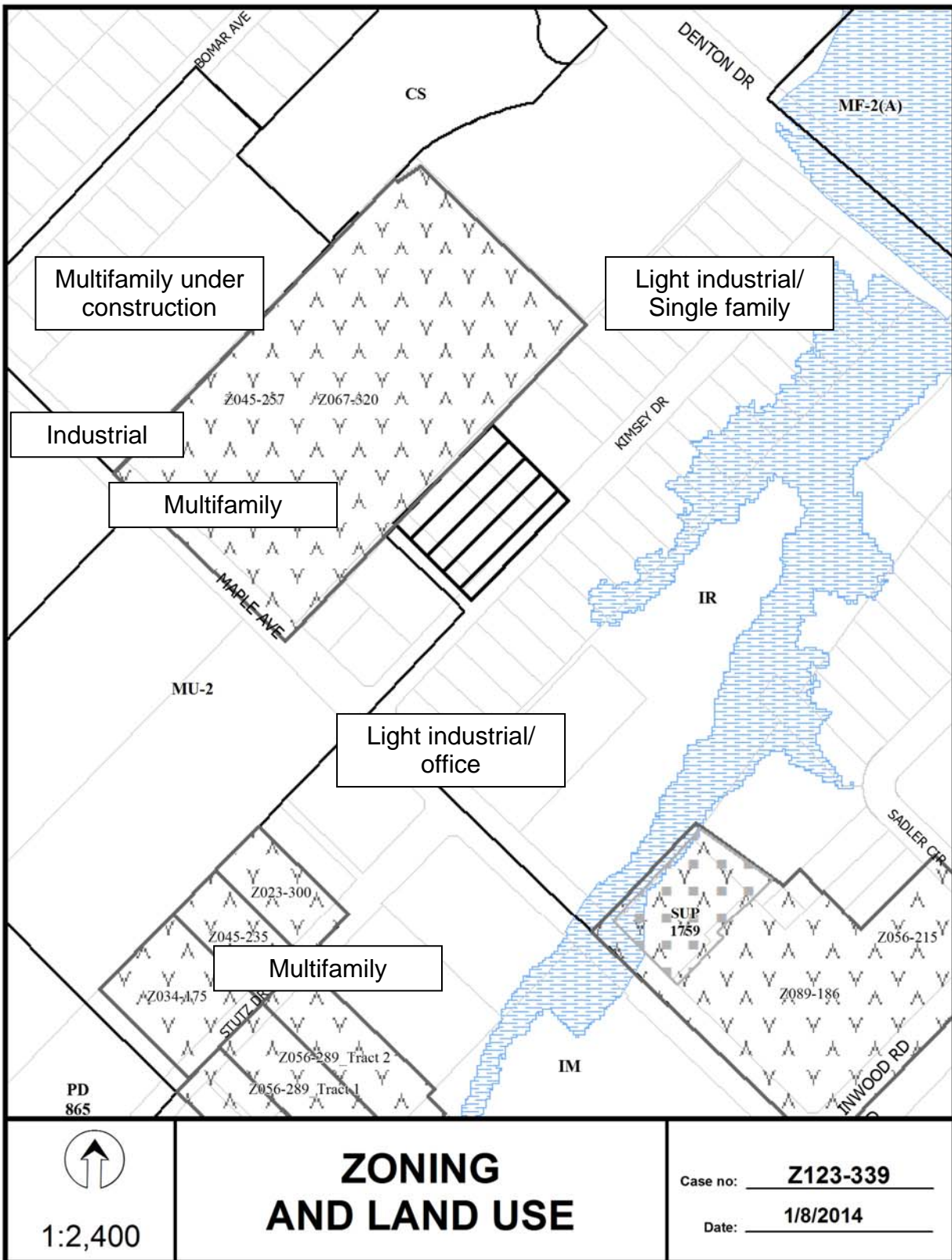
SEC. 51P-XXX.115. COMPLIANCE WITH CONDITIONS.

- (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.

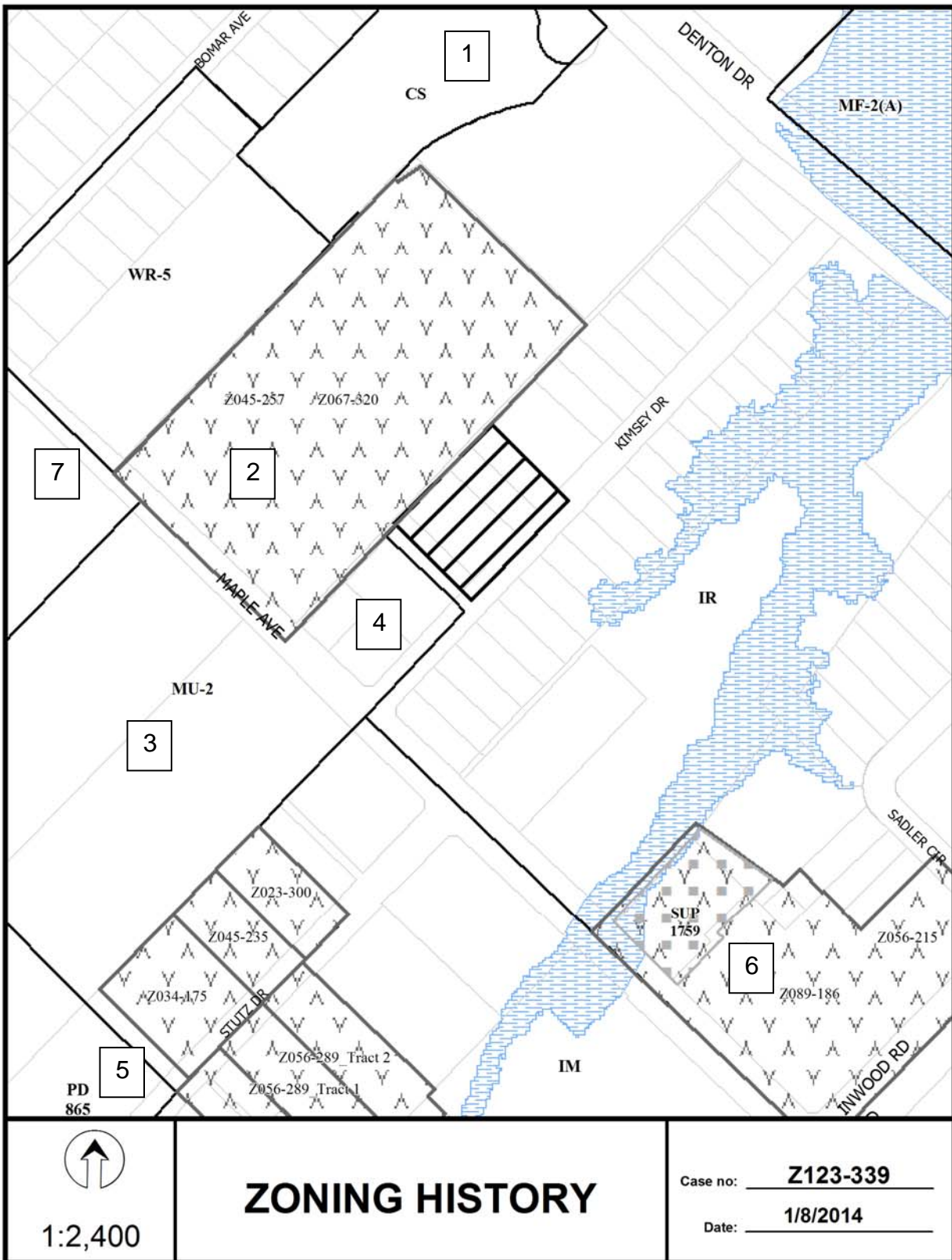
Proposed Development Plan











CPC Responses



2/11/2014

Reply List of Property Owners

Z123-339

40 Property Owners Notified 5 Property Owners in Favor 1 Property Owners Opposed

| | Reply Label # | Address | Owner |
|---|---------------|-----------------|--------------------------------|
| | 1 | 2512 KIMSEY DR | STARK FRIEDRICH |
| | 2 | 5919 MAPLE AVE | CRP-GREP MAPLE OWNER LLC |
| O | 3 | 5901 MAPLE AVE | RED BARN HOLDINGS LP |
| O | 4 | 2419 STUTZ RD | SCHIEFFER PAUL W |
| | 5 | 5855 MAPLE AVE | STARK O V |
| | 6 | 5717 SADLER CIR | FEASTER NANCY H |
| | 7 | 5723 SADLER CIR | RPLB PPTIES 1 LTD |
| | 8 | 5725 SADLER CIR | PARKER JERRY L |
| | 9 | 5850 MAPLE AVE | J A M TOWER PPTIES LTD |
| | 10 | 5830 MAPLE AVE | JAM TOWER LTD |
| O | 11 | 2504 KIMSEY DR | GARCIA FRANCISCO |
| | 12 | 2508 KIMSEY DR | SILPAVIVAT CHAVALIT |
| | 13 | 2518 KIMSEY DR | BANDA PEDRO |
| | 14 | 2522 KIMSEY DR | LYNN AMY INC |
| | 15 | 2526 KIMSEY DR | SAENZ JUAN & MARIA |
| | 16 | 2602 KIMSEY DR | PERKINS JANIE L |
| | 17 | 2606 KIMSEY DR | COPELAND D K |
| | 18 | 2614 KIMSEY DR | SOLIS MARTHA M |
| | 19 | 2618 KIMSEY DR | HEED CYNTHIA LOUISE |
| | 20 | 2622 KIMSEY DR | MARTINEZ ALEXANDER C & |
| | 21 | 2626 KIMSEY DR | RODRIGUEZ JUAN & |
| | 22 | 2702 KIMSEY DR | PATTERSON DAVID C ETAL |
| | 23 | 2706 KIMSEY DR | PORTILLO SOCORRO H LIFE ESTATE |
| | 24 | 2710 KIMSEY DR | CORONADO JOSE & ANA M |
| | 25 | 2714 KIMSEY DR | PECINA DAGOBERTO R & |
| | 26 | 2718 KIMSEY DR | SOTO GERARDO |

Z123-339(JH)

2/11/2014

| | Reply | Label # | Address | Owner |
|---|-------|---------|---------------------|----------------------------|
| | | 27 | 5800 MAPLE AVE | GAS PIPE INC |
| | | 28 | 2611 KIMSEY DR | THE WINE MAISON LLC |
| | | 29 | 2623 KIMSEY DR | ARTEAGA JUAN M & GLAFIRA |
| | | 30 | 2627 KIMSEY DR | ALDAPE GABRIELA |
| X | | 31 | 2703 KIMSEY DR | CALVARY BEN B & DOROTHY |
| | | 32 | 2707 KIMSEY DR | SMITH EDGAR LEE |
| | | 33 | 2711 KIMSEY DR | PECINA DAGOBERTO & |
| O | | 34 | 6115 DENTON DR | 6115 DENTON LLC |
| | | 35 | 6102 MAPLE AVE | ENCORE MF MAPLE LP |
| | | 36 | 6114 FOREST PARK RD | DALLAS AIRMOTIVE INC |
| O | | 37 | 5747 SADLER CIR | BLOCK A/5708 INVESTMENT |
| | | 38 | 5760 MAPLE AVE | ADLER PROPERTY CO LLP |
| | | 39 | 6025 DENTON DR | CALVARY BEN |
| | | 40 | 6008 MAPLE AVE | AMLI 6008 MAPLE AVENUE LLC |

AGENDA ITEM # 38

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 34 X; Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District, on both sides of Harry Hines Boulevard, northwest of Medical District Drive

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

Z134-117(RB)

FILE NUMBER: Z134-117(RB)

DATE FILED: October 22, 2013

LOCATION: Both Sides of Harry Hines Boulevard, Northwest of Medical District Drive

COUNCIL DISTRICT: 2

MAPSCO: 34 X, Y

SIZE OF REQUEST: Approx. 4,333 Sq. Ft.

CENSUS TRACT: 167.01

APPLICANT/OWNER: Dallas County Hospital District

REPRESENTATIVE: Suzan Kedron

REQUEST: An application for a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District

SUMMARY: The applicant proposes to construct a pedestrian skybridge across Harry Hines Boulevard, connecting existing and new construction associated with the hospital campus.

CPC RECOMMENDATION: Approval for a forty-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a forty-year period, subject to a site plan and conditions.

Guiding Criteria for Recommendation:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The request will be elevated over Harry Hines and its design will compliance with required building code and design criteria (a function of the building permit process).
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – Delivery of service will be enhanced for the hospital while not negatively impacting surrounding uses.
3. *Not a detriment to the public health, safety, or general welfare* – An ability to provide vital services across the medical campus (at this location) is critical for patients and medical personnel. The skybridge will ensure existing vehicular movements along Harry Hines Boulevard are not impacted during these times.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – A private license to cross a public right-of-way will be required as well as compliance with all engineering and building code regulations. No variances or exceptions are requested.

BACKGROUND INFORMATION:

- The request site represents an aerial ‘footprint’ across Harry Hines Boulevard.
- The applicant is proposing construction of a pedestrian skybridge across the public right-of-way that will provide for a safe and efficient means of connecting two of the structures located within the approximate 47-acre Parkland Hospital campus.
- Additional requirements associated with the requested SUP (design criteria and application for a private license to cross a public right-of-way) will be pursued by the applicant.

Zoning History: There have been no zoning requests in the area within the past five years.

Thoroughfare

Harry Hines Boulevard

Designation; Existing & Proposed ROW

Local; 50' ROW

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the applicant's request and determined it will not significantly impact the surrounding street system.

Comprehensive Plan: The request site is located in an area considered a Campus Building Block. The Campus Building Block focuses on areas around large master-planned educational, institutional or business facilities outside the Downtown. The University of North Texas campus was the motivating factor for creating this Building Block, although other examples exist, such as the areas around the Southwestern Medical District, the Baylor University Medical Center, the Veterans Administration Hospital and Pinnacle Park. Campus Building Blocks often act as smaller versions of a complete community and include a range of single-family and multifamily housing for students, employees and visitors. A variety of offices, shops, services and open space should exist to support the major campus employer and area residents. Over time, areas such as UNT can take on a "university town" feel as they mature. All Campus Building Block areas should have convenient transit options as an integral component. Economic development efforts should capitalize on the spin-off employment opportunities generated by the primary employers.

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

Land Use Compatibility: The requested pedestrian skybridge will connect two structures located within the Parkland Hospital campus. It is anticipated this additional infrastructure will facilitate a safe and efficient means of connecting various resources available to patients and medical personnel across the campus.

The site is surrounded by various uses that serve the hospital (medical offices, labs, administrative offices). The DART Medical/Market Center District station (located along the western line of the hospital property, west of the westernmost skybridge connection) as well as local bus service provide efficient access options to the medical campus.

Part of the basis for consideration of granting an SUP for a pedestrian skybridge is to, '...promote the health, safety, and general welfare of persons and property within the city by providing for the structural integrity of pedestrian skybridges over public right-of-ways; preventing visual obstruction of public right-of-ways and urban landscapes; facilitating the flow of traffic; encouraging use public skybridges by pedestrians through well designed additions to the existing pedestrian system; minimizing the negative impact of pedestrian skybridges on adjoining properties, communication and utility

company facilities, and public street lighting and safety facilities; and, establishing standards for construction and maintenance of pedestrian skybridges.”

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 has worked with staff to ensure all requirements for the location, design, and supporting components associated with the final utilization of this improvement have been, or will be, provided for prior to the issuance of an amended certificate of occupancy for the use.

Urban Design: The Dallas Development Code requires compliance with 19 items associated with the structural design and visual presence of the skybridge. Preliminary drawings submitted by the applicant are in compliance with these provisions.

Private License: In order to cross a public right-of-way with the proposed skybridge, the applicant will be required to submit an application for a private license to the Real Estate Section of the Department of Sustainable Development and Construction. It is anticipated that the requested SUP will be scheduled for City Council at the same time the private license is considered.

With respect to the time period recommended by staff, it is a requirement to recommend a time period that will coincide with the time period for the above referenced private license. The applicant has requested a permanent time period.

Landscaping: Some of the structural support associated with the skybridge will require removal of protected trees. A tree removal permit will be required as will mitigation of any protected trees greater than eight caliper inches.

CPC ACTION

(February 6, 2014)

Motion: It was moved to recommend **approval** of a Specific Use Permit for a Pedestrian skybridge for a forty-year period, subject to a site plan and conditions on property zoned an IR Industrial Research District and an MU-3 Mixed Use District, on both sides of Harry Hines Boulevard, northwest of Medical District Drive.

Maker: Rodgers
Second: Bagley
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

| | | |
|-----------------|-----------|------------|
| Notices: | Area: 750 | Mailed: 9 |
| Replies: | For: 0 | Against: 0 |

Speakers: None

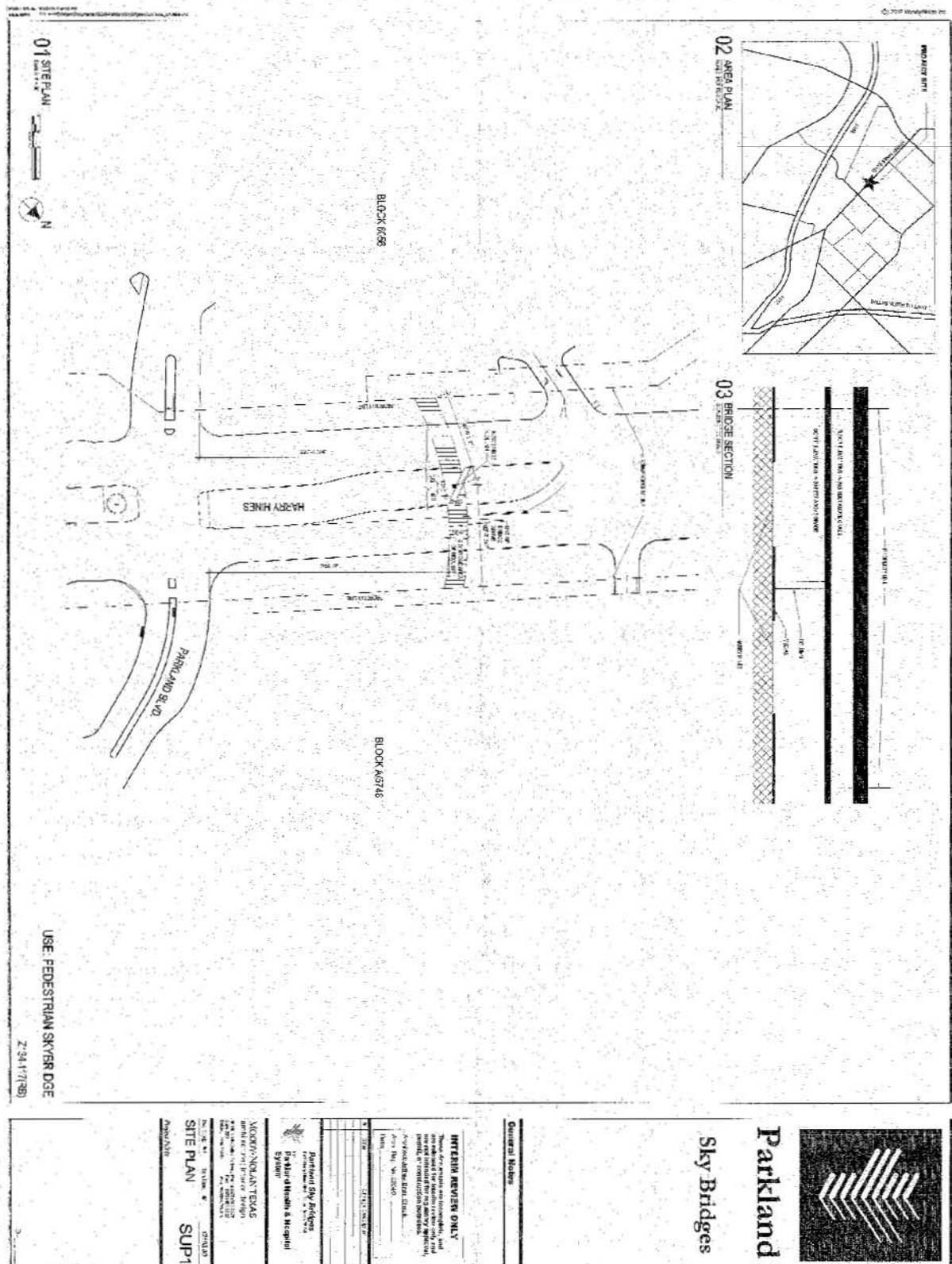
| Dallas County Hospital District Board of Managers | |
|---|---------------------------|
| Roberto C. de la Cruz, MD | L. Gerald 'Jerry' Bryant |
| Eddie Reeves | Winfred Parnell, MD |
| Debbie Branson | Patricia Rodriguez Gorman |
| Cobie Russell | |

Dallas County Hospital District Senior Executives:

| | |
|--|----------------------------------|
| Interim CEO | Robert L. Smith |
| Interim Chief Financial Officer | Walter "Ted" Shaw, CPA, FHFMA |
| Interim Chief Medical Officer | Christopher Madden, MD |
| Interim Chief Operating Officer for Hospital Operations, Chief Implementation Officer | Ron Laxton, RN |
| Interim Chief Operating Officer of Ambulatory and Behavioral Health Services | Sharon Phillips, RN |
| Executive Vice President, Chief Nursing Officer | Mary K. Eagen, RN |
| Executive Vice President and General Counsel | Paul Leslie |
| Vice President of Human Resources | James R. Johnson |

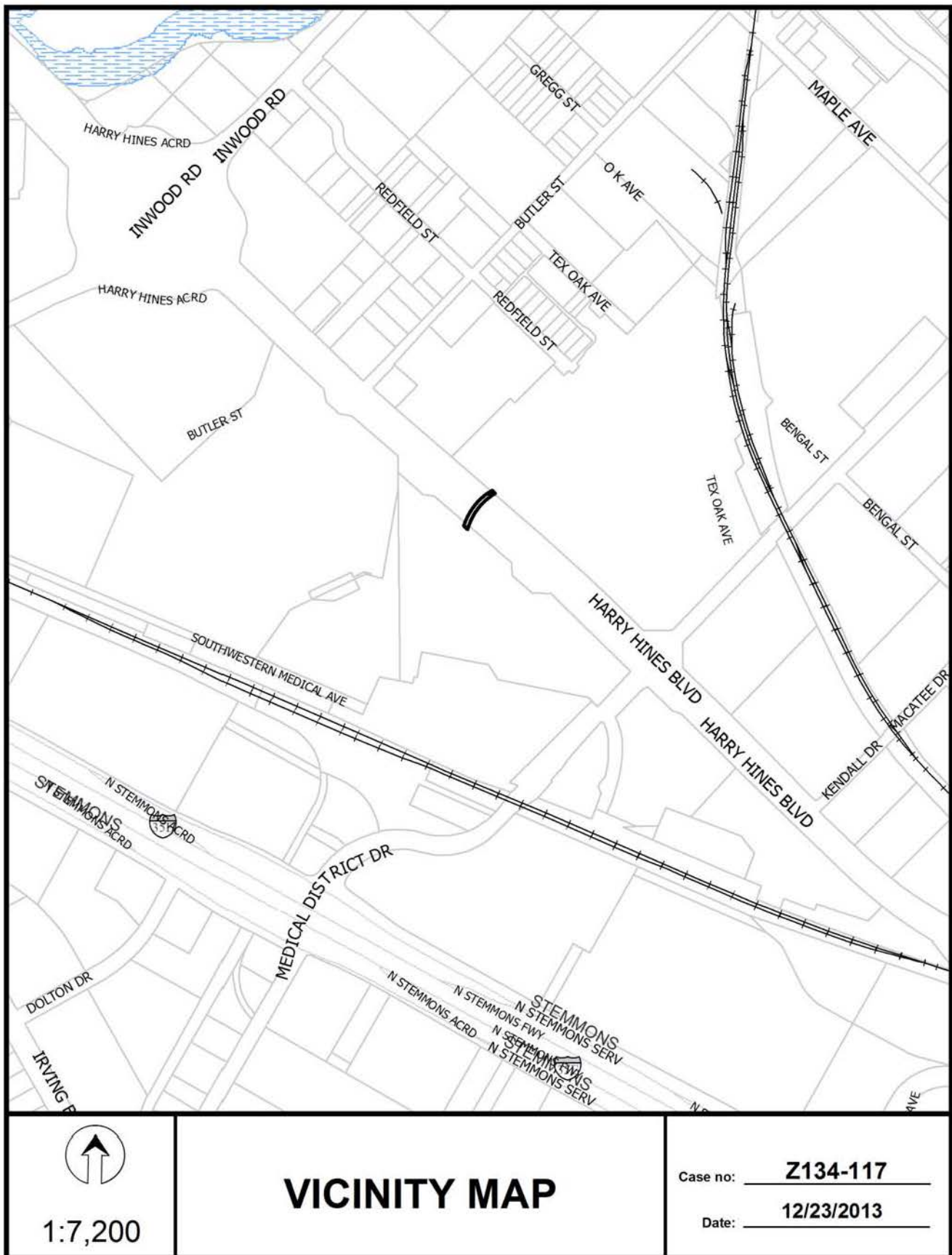
**CPC RECOMMENDED CONDITIONS FOR SPECIFIC USE PERMIT FOR A
PEDESTRIAN SKYBRIDGE**

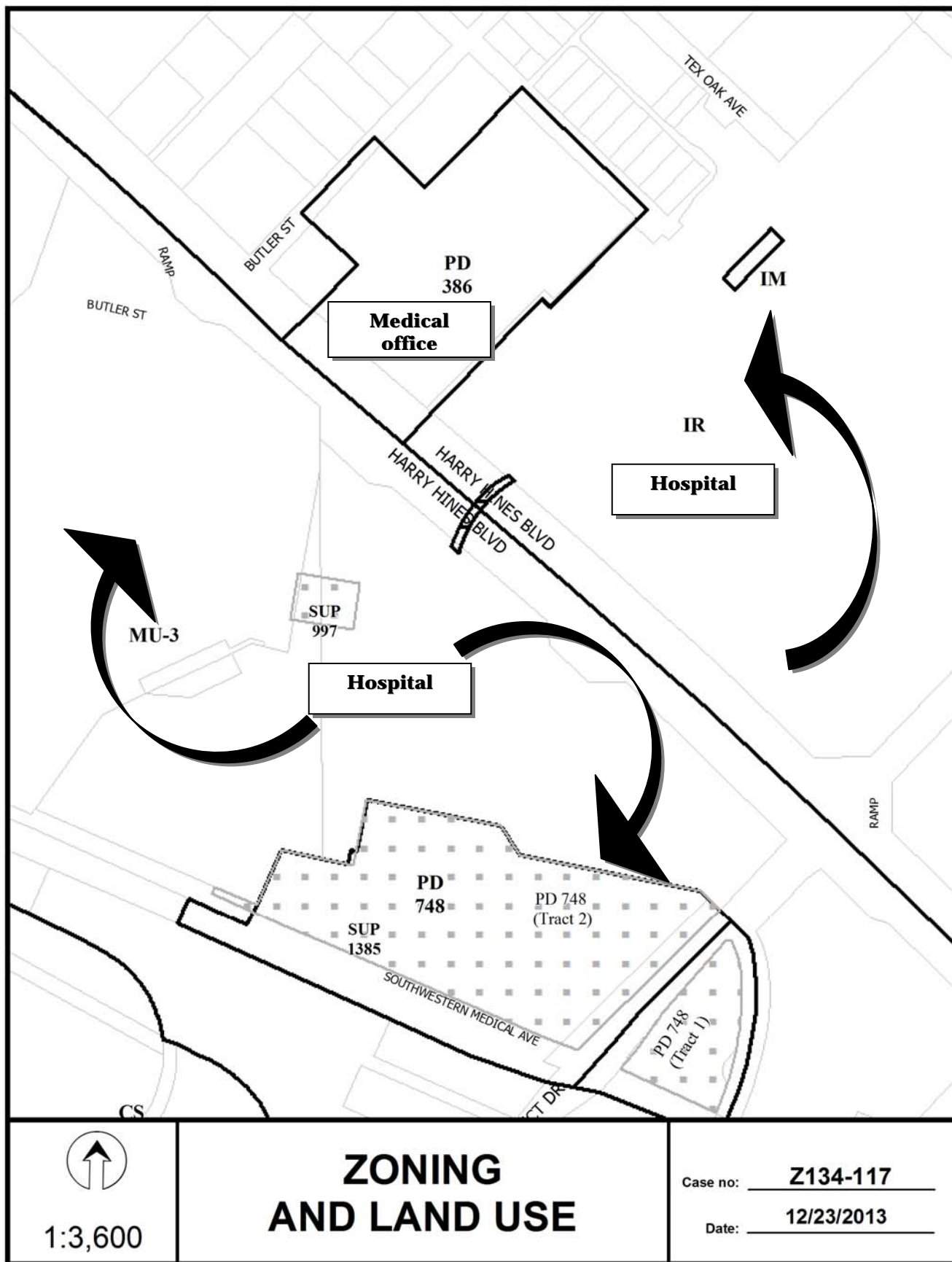
1. USE: The only use authorized by this specific use permit is a pedestrian skybridge.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (forty years).
6. COMPLIANCE: The pedestrian skybridge must comply with Section 51A-4.217(b)(12), "Pedestrian skybridges," as amended.
7. MAINTENANCE: The entire Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENT: 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.

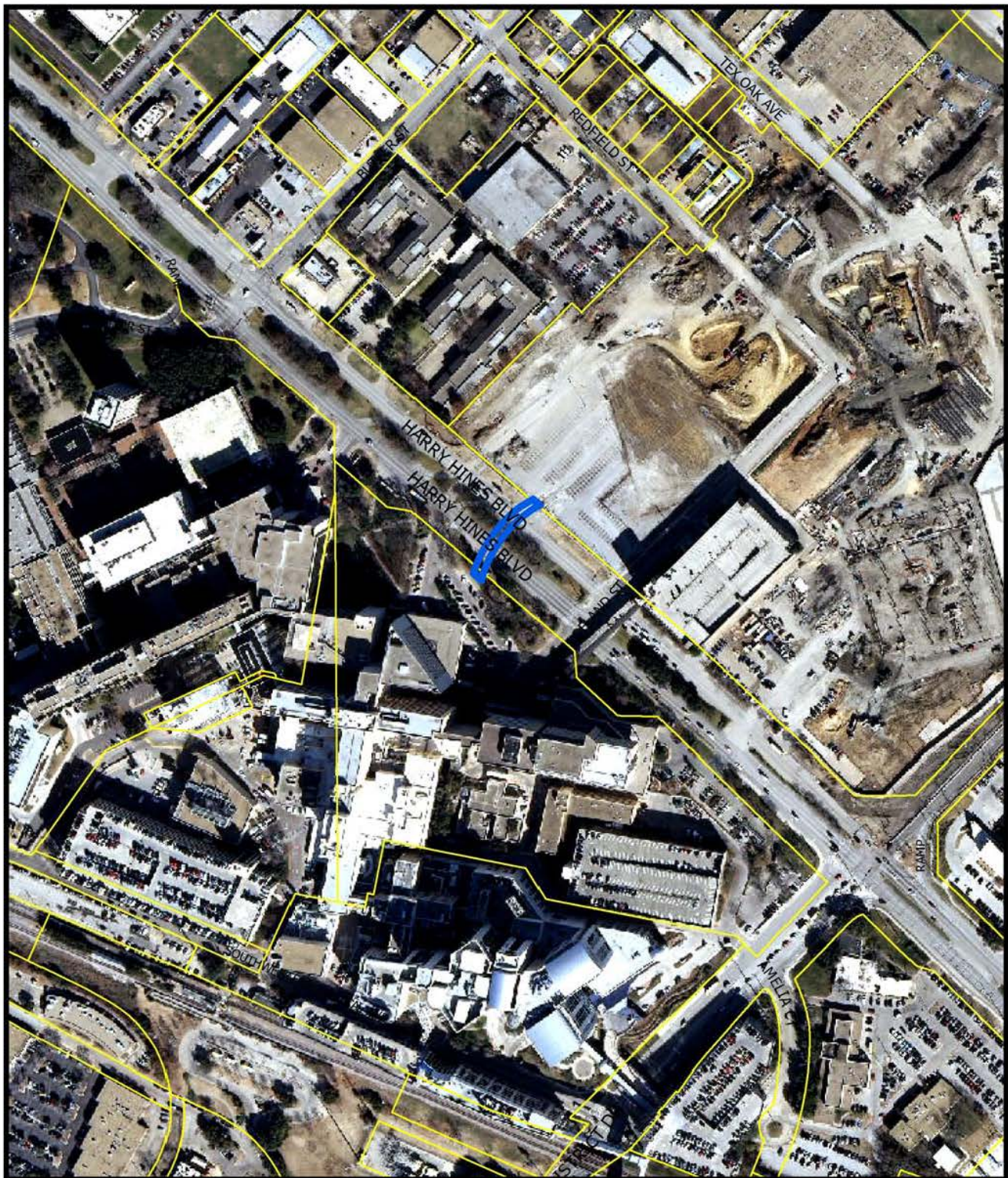


Proposed Site Plan

Z134-117(RB)







1:3,600

AERIAL MAP

Case no: Z134-117

Date: 12/23/2013

CPC RESPONSES



| | |
|-----------------|---------------------------------------|
| <u>9</u> | Property Owners Notified (11 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>750'</u> | Area of Notification |
| <u>2/6/2014</u> | Date |

Z134-117
CPC



1:3,600

2/6/2014

Reply List of Property Owners

Z134-117

***9 Property Owners Notified
Owners Opposed***

0 Property Owners in Favor

0 Property

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|---------------------------------|
| 1 | 5201 | HARRY HINES BLVD | PARKLAND HOSPITAL |
| 2 | 5238 | REDFIELD ST | DALLAS COUNTY HOSPITAL DISTRICT |
| 3 | 5134 | HARRY HINES BLVD | DALLAS COUNTY HOSPITAL DISTRICT |
| 4 | 2210 | BUTLER ST | PAPPAS HARRIS PROPERTIES LLC |
| 5 | 5300 | HARRY HINES BLVD | County of Dallas |
| 6 | 5401 | HARRY HINES BLVD | TEXAS STATE OF |
| 7 | 5350 | HARRY HINES BLVD | FONBERG PETER TR & |
| 8 | 5320 | HARRY HINES BLVD | SALVATION ARMY THE |
| 9 | 1935 | MEDICAL DISTRICT DR | CHILDRENS MEDICAL CENTER |

AGENDA ITEM # 39

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 44 Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Subdistrict 1A on property zoned Subdistrict 1 within Planned Development District No. 830, the Davis Street Special Purpose District, on the east side of North Bishop Avenue, north of Neches Street

Recommendation of Staff and CPC: Approval

Z134-127(JH)

FILE NUMBER: Z134-127(JH)

DATE FILED: November 8, 2013

LOCATION: East side of North Bishop Avenue, north of Neches Street

COUNCIL DISTRICT: 1

MAPSCO: Y-44

SIZE OF REQUEST: Approx. 0.3 acres

CENSUS TRACT: 42.01

REPRESENTATIVE: Audra Buckley, Permitted Development

APPLICANT/OWNER: DEVPROP 1 LLC

REQUEST: An application for Subdistrict 1A on property zoned a Subdistrict 1 within Planned Development District No. 830, the Davis Street Special Purpose District.

SUMMARY: The applicant proposes to use the existing building for an office use without a residential mixed use project.

CPC RECOMMENDATION: Approval

STAFF RECOMMENDATION: Approval

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval subject to conditions based upon:

1. *Performance impacts upon surrounding property (lighting, noise, odor, etc.)* – The applicant requests an office use, which was the previous use of the building. The request simply removes the residential component to the office, which is still permitted. Removing the residential component does not negatively impact the surrounding property given the scale and size of the property.
2. *Traffic impact* – Given that the previous use of this building was office, the traffic patterns were previously established. The surrounding roadway system can accommodate the traffic counts from this use.
3. *Comprehensive Plan or Area Plan Conformance* – The proposed zoning complies with *forwardDallas!*.
4. *Deviation from existing zoning* – The applicant has submitted this request to eliminate the residential component as required in Subdistrict 1. While this request may appear to be spot zoning, it should be noted that staff would support a similar zoning request on the surrounding property. An authorized hearing to address the requirement for a residential component in Subdistrict 1 of PD 830 is anticipated. However, since the adjoining property owners have not joined in this zoning application, staff supports removing the residential component on this site so as not to cause undue burden on the property owner while a city-initiated zoning is completed.

BACKGROUND INFORMATION:

- The ±0.33-acre request site is developed with ±3,408-square-foot building which was constructed in 1969. The building, previously used as a medical office, has been vacant for approximately one year, which has resulted in the loss of its nonconforming status.
- Planned Development District No. 830 was approved by City Council on August 11, 2010.
- In Subdistrict 1 of PDD No. 830, an office use is permitted only as part of a mixed use residential project (MURP). The applicant proposes an office as a main use and requests a subdistrict that will allow an office by right.
- The request site is surrounded by single-family residential homes to the north, east, south, and west.

Zoning History:

1. Z123-252 On September 11, 2013, the City Council approved the application to create a new subdistrict within Subdistrict 1 (Bishop Avenue) of

Planned Development District No. 830, the Davis Street Special Purpose District, on the northwest corner of North Bishop Avenue and West 5th Street.

Thoroughfares/Streets:

| Thoroughfares/Street | Type | Existing ROW |
|----------------------|-----------|--------------|
| Bishop Avenue | Collector | 100 feet |
| Neches Street | Local | 60 ft. |

STAFF ANALYSIS:

Comprehensive Plan:

The Vision Illustration depicts the request site as within an Urban Neighborhood Building Block.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

The request is consistent with the following goals and policy of the Comprehensive Plan.

LAND USE ELEMENT

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

ECONOMIC ELEMENT

GOAL 2.1 Promote balanced growth

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

URBAN DESIGN ELEMENT

GOAL 5.2 Strengthen community and neighborhood identity

Policy 5.2.1 Maintain neighborhood scale and character.

GOAL 5.3 Establishing walk-to convenience

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

Land Use Compatibility:

Planned Development District No. 830 was approved by City Council on August 11, 2010. In Subdistrict 1 of PDD No. 830, an office use is permitted only as part of a mixed use residential project (MURP). Pursuant to PDD No. 830, a mixed use residential project means “a development that has street-level nonresidential uses with hours of operation that are limited to 7:30 a.m. through 6:30 p.m., Monday through Saturday, and that has residential uses only above street level”. Subdistrict 1A was created in late 2013 for a property that was a vacant office building as well. Subdistrict 1A allows for an office without a mixed use component and prohibits dumpsters. The performance standards for development are the same. The requirements for Subdistricts 1 and 1A are attached for informational purposes. However, no changes to the requirements for Subdistrict 1A are proposed.

Due to the nature of this portion Bishop Avenue along a thoroughfare and the request site’s previous use as an office, staff supports the applicant’s request.

Parking/Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

Landscaping:

Landscaping is required in accordance with PDD No. 830.

Z134-127(JH)

List of Partners/Principals/Officers

DEVPROP 1 LLC

Jeff Bales, Managing Member

James Bales, Member

Job Bonett, Member

Z134-127(JH)

CPC Minutes – February 6, 2014

Z134-127(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of Subdistrict 1A on property zoned Subdistrict 1 within Planned Development District No. 830, the Davis Street Special Purpose District, on the east side of North Bishop Avenue, north of Neches Street.

Maker: Anglin
Second: Tarpley
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 500 Mailed: 106
Replies: For: 6 Against: 7

Speakers: For: Audra Buckley, 416 S. Ervay St., Dallas, TX, 75201
Pam Conley, 901 N. Madison Ave., Dallas, TX, 75208
Against: None

Existing PD Conditions for Subdistricts 1 and 1A

SEC. 51P-830.108. DEVELOPMENT PLAN.

No development plan is required, and the provisions of Section 51A-4.702 regarding submission of or amendments to a development plan, site analysis plan, conceptual plan, development schedule, and landscape plan do not apply. (Ord. 27944)

SEC. 51P-830.109. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICTS 1 AND 1A: BISHOP AVENUE.

- (a) Uses. The following uses are the only main uses permitted:
- (1) Agricultural uses.
 - Crop production.
 - (2) Commercial and business service uses.
 - None permitted.
 - (3) Industrial uses.
 - None permitted.
 - (4) Institutional and community service uses.
 - Church.
 - (5) Lodging uses.
 - None permitted.
 - (6) Miscellaneous uses.
 - Temporary construction or sales office.
 - (7) Office uses.
 - Office. *[Permitted only as part of a MURP in Subdistrict 1. Permitted by right in Subdistrict 1A.]*
 - (8) Recreation uses.
 - Private recreation center, club, or area. *[SUP]*
 - Public park, playground, or golf course.
 - (9) Residential uses.
 - Duplex.
 - Handicapped group dwelling unit. *[SUP required if spacing component of Section 51A-4.209(b)(3.1) is not met.]*

- Multifamily. *[Permitted in Subdistrict 1 only.]*
- Retirement housing.
- Single family.

(10) Retail and personal service uses.

- Antique shop. *[Permitted only as part of a MURP.]*
- Art gallery. *[Permitted only as part of a MURP.]*
- Remote surface parking lot. *[Permitted only on a lot abutting the lot with the use being supplied with the parking under the remote parking agreement.]*

(11) Transportation uses.

- Transit passenger shelter.

(12) Utility and public service uses.

- Local utilities.

(13) Wholesale, distribution, and storage uses.

- Recycling drop-off container. *[SUP required if the requirements of Section 51A-4.213(11.2)(E) are not satisfied.]*
- Recycling drop-off for special occasion collection. *[SUP required if the requirements of Section 51A-4.213(11.3)(E) are not satisfied.]*

(b) Drive-in and drive-through uses. Drive-in and drive-through lanes, windows, or services are not permitted.

(c) Accessory uses.

(1) As a general rule, an accessory use is permitted in any subdistrict 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, "Accessory Uses." For more information regarding accessory uses, consult Section 51A-4.217.

(2) The following accessory use is permitted by SUP only:

- Accessory community center (private).

(3) The following accessory uses are not permitted:

- Accessory helistop.
- Accessory medical/infectious waste incinerator.
- Accessory outside display of merchandise.
- Accessory outside sales.
- Accessory pathological waste incinerator.

(d) Yard, lot, and space regulations.

(Note: The yard, lot, and space regulations in this subsection must be read together with the yard, lot, and space regulations in Division 51A-4.400, "Yard, Lot, and Space Regulations." If there is a conflict between this subsection and Division 51A-4.400, this subsection controls.)

(1) Front yard. Except as provided in this paragraph, minimum front yard is 20 feet and maximum front yard is 25 feet. A minimum of 75 percent of the street-facing facade must be located within the area between the minimum and maximum front yard setback. The remaining street-facing facade (25 percent) is not required to comply with the maximum front yard setback.

(2) Side yard.

(A) Except as provided in this paragraph, minimum side yard is 10 feet or 10 percent of the lot width measured at the front yard street frontage, whichever is less.

(B) For lots 50 feet in width or less and adjacent to a detached single family use, minimum side yard is five feet.

(C) No side yard is required between attached single family uses.

(3) Rear yard. Minimum rear yard is 10 feet.

(4) Density. No maximum number of dwelling units.

(5) Floor area ratio. No maximum floor area ratio.

(6) Height.

(A) Except as provided in this paragraph, maximum structure height is 38 feet. For a MURP, maximum structure height is 42 feet.

(B) Any portion of a structure over 30 feet in height may not be located above a residential proximity slope.

(i) The residential proximity slope is a plane projected upward and outward at a one-to-two rise over run from private property outside of the district that is zoned for residential uses with a density of less than 12 dwelling units per acre. An institutional use on a lot of two acres or more does not trigger the residential proximity slope.

(ii) Structures listed in Section 51A-4.408(a)(2) may project through the residential proximity slope to a height not to exceed the maximum structure height, or 12 feet above the residential proximity slope, whichever is less, provided that the total projections on a building are no more than 20 percent of the building foot print.

(7) Lot coverage. Maximum lot coverage is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(8) Lot size. No minimum lot size.

- (9) Lot width. Maximum lot width is 150 feet.
- (10) Stories. Maximum number of stories above grade is three, plus one attic story.
- (e) Architectural design standards.
 - (1) Except as provided in this subsection, see Section 51P-830.122, "Architectural Design Standards."
 - (2) Structures with street facing facades exceeding 50 feet in length must have changes in plane, such as an offset, reveal, recess, or projection. Changes in plane must have a width of no less than 24 inches and depth of at least eight inches.
- (f) Dumpsters. Dumpsters are prohibited in Subdistrict 1A. (Ord. Nos. 27944; 29126)

SEC. 51P-830.110. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 2: THE BISHOP ARTS-EIGHTH STREET CONSERVATION DISTRICT.

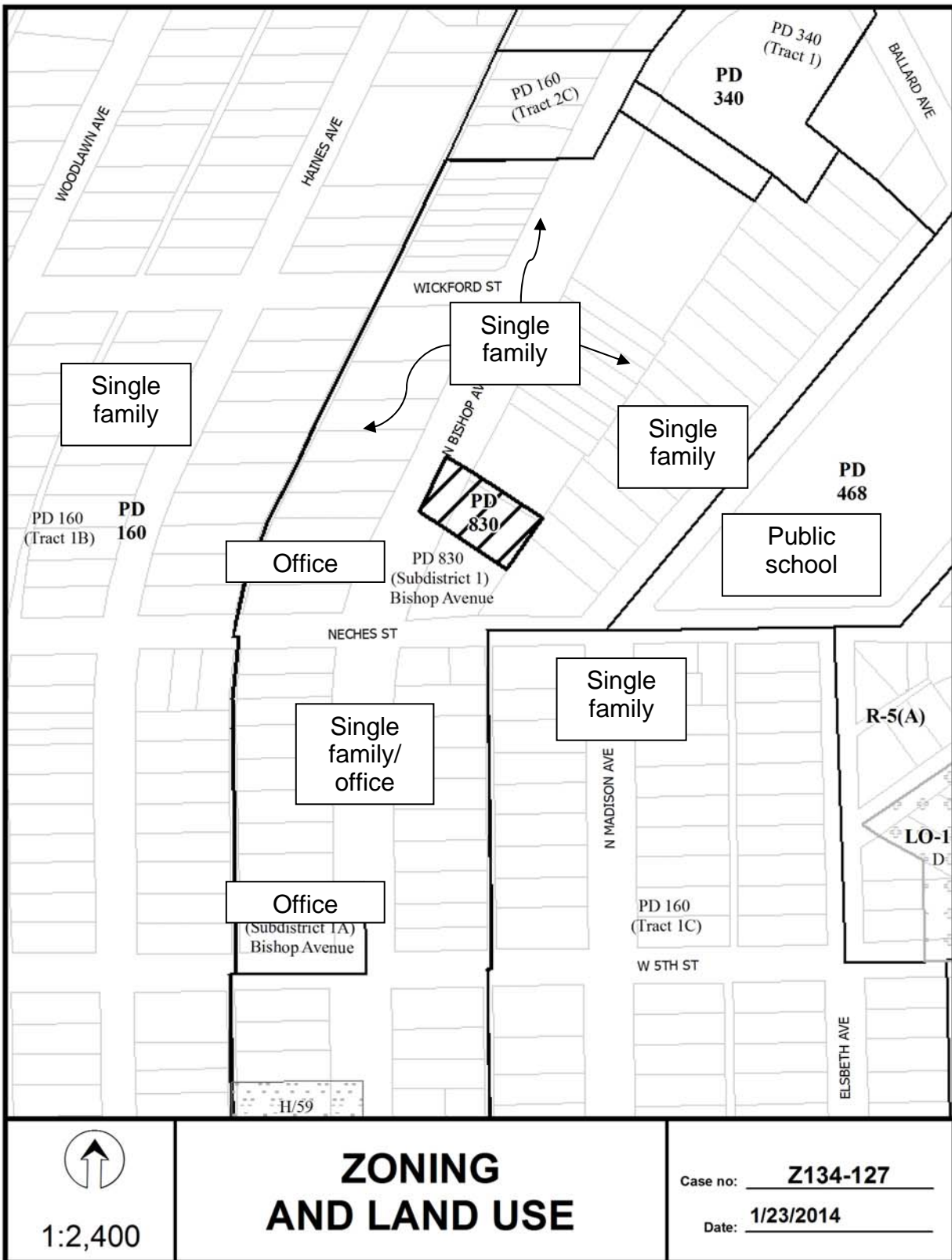
Subdistrict No. 2 is not part of this PD. See Conservation District No. 7 (Bishop/Eighth Street Conservation District) for the use regulations and development standards in that area. (Ord. 27944)

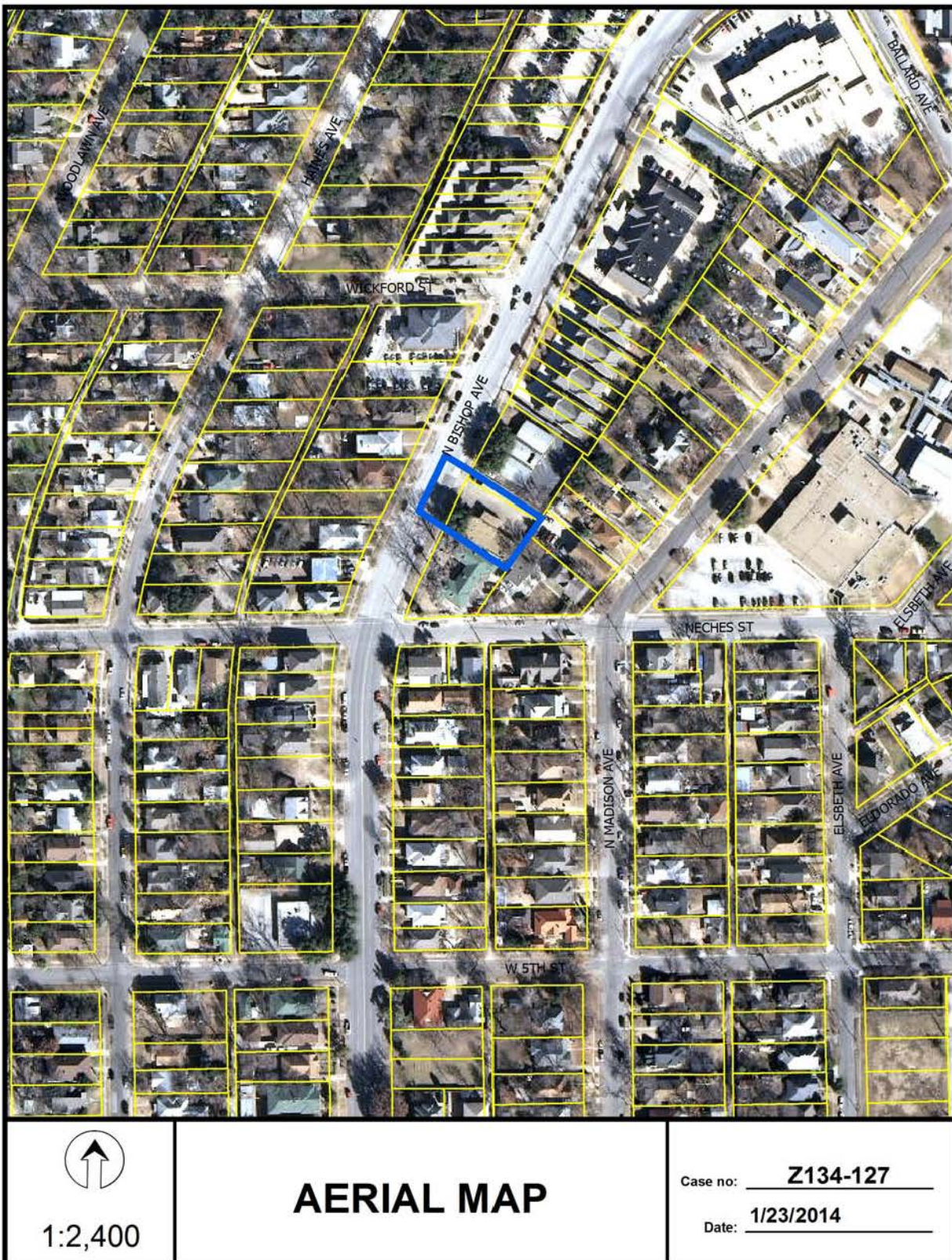
SEC. 51P-830.111. USE REGULATIONS AND DEVELOPMENT STANDARDS IN SUBDISTRICT 3: EAST GARDEN DISTRICT.

- (a) Uses. The following uses are the only main uses permitted:
 - (1) Agricultural uses.
 - Crop production.
 - (2) Commercial and business service uses. *[Permitted only on lots fronting on Bishop Avenue or Zang Boulevard]*
 - Catering service.
 - Custom business services.
 - (3) Industrial uses.

None permitted.
 - (4) Institutional and community service uses.
 - Child-care facility.
 - Church.
 - (5) Lodging uses. *[Permitted only on lots fronting on Bishop Avenue or Zang Boulevard]*









Z134-127(JH)

CPC Responses



2/6/2014

Reply List of Property Owners

Z134-127

106 Property Owners Notified 6 Property Owners in Favor 7 Property Owners Opposed

| Reply Label # | Address | Owner |
|---------------|------------------|------------------------|
| 1 | 1114 BISHOP AVE | BYERS DR JEROME L |
| 2 | 1122 BISHOP AVE | WILLIAMS DEBRA C M K |
| 3 | 1024 HAINES AVE | SOTO RAFAEL R |
| 4 | 1028 HAINES AVE | LEJEUNE PACIA |
| 5 | 418 NECHES ST | JUAREZ MANUEL & IRMA |
| 6 | 1034 HAINES AVE | JUAREZ DELFINA |
| 7 | 416 NECHES ST | BUSTAMANTE FRANCISCO & |
| 8 | 1035 BISHOP AVE | PETERSON JAY R |
| 9 | 1033 BISHOP AVE | CHADIMA MICHAEL J ETAL |
| 10 | 1021 BISHOP AVE | NG SAMUEL K S |
| 11 | 1029 BISHOP AVE | BREEDING ARNITA L |
| 12 | 1023 BISHOP AVE | MULAS GERARDO |
| 13 | 1019 BISHOP AVE | RENTERIA ROMUALDO D |
| 14 | 1015 BISHOP AVE | KAVONIAN GARY D |
| 15 | 1006 BISHOP AVE | FISCAL JULIO |
| 16 | 1012 BISHOP AVE | COLLIE NOEMI |
| 17 | 1016 BISHOP AVE | TODD PANSY |
| 18 | 1014 BISHOP AVE | SURETHING JOSHUA |
| 19 | 1026 BISHOP AVE | HERRERA RAMIRO |
| 20 | 1018 BISHOP AVE | VELASQUEZ JOSHUA |
| O 21 | 1030 BISHOP AVE | MENDOZA JESUS G SR |
| 22 | 314 NECHES ST | HERNANDEZ FRANCISCO |
| 23 | 1034 BISHOP AVE | LOPEZ REFUJO & |
| O 24 | 1037 MADISON AVE | CHIBLI EMILIO |
| 25 | 1031 MADISON AVE | ROGERS LINDSEY |
| 26 | 1023 MADISON AVE | MARTINEZ JESUS |

2/6/2014

| | Reply Label # | Address | Owner |
|---|---------------|------------------|---------------------------|
| | 27 | 1025 MADISON AVE | MARTINEZ JESUS & |
| O | 28 | 1029 MADISON AVE | CHIBLI EMILIO & ANA |
| | 29 | 1015 MADISON AVE | MARTINEZ MAURICIO |
| O | 30 | 1019 MADISON AVE | SONICK LLC |
| | 31 | 1013 MADISON AVE | JENNINGS JENNI D |
| | 32 | 1012 MADISON AVE | GRAHAM STEPHEN & |
| | 33 | 1016 MADISON AVE | RANGEL JOSE DE LA LUZ |
| | 34 | 1034 MADISON AVE | TOBAR SALVADOR |
| O | 35 | 1036 MADISON AVE | JONISO LLC |
| | 36 | 212 NECHES ST | CORDOSO ERNESTO |
| | 37 | 1041 ELSBETH ST | OJEDA ISAIAS & |
| | 38 | 1020 MADISON AVE | VALADEZ BENITA |
| | 39 | 1037 ELSBETH ST | CARDOSO PRUDENCIO |
| | 40 | 1024 MADISON AVE | HOPKINS ALAN |
| | 41 | 1033 ELSBETH ST | DAVILA PEDRO R & |
| | 42 | 1027 ELSBETH ST | JIMENEZ MARIA |
| | 43 | 1028 MADISON AVE | DIAZ CARMEN D |
| | 44 | 1023 ELSBETH ST | ALMAZAN BENITA DEL CARMEN |
| X | 45 | 425 NECHES ST | GOOD SPACE INC |
| X | 46 | 425 NECHES ST | GOOD SPACE INC |
| | 47 | 1122 HAINES AVE | ABUNDIS FORTINO & |
| | 48 | 1126 HAINES AVE | MONTERO MARTHA E |
| | 49 | 1130 HAINES AVE | BREVER JOHN LOUIS & |
| | 50 | 1136 HAINES AVE | ALBA RICHARD & CARMEN |
| | 51 | 1138 HAINES AVE | JIMENEZ IGNACIO & ESTELA |
| | 52 | 1125 BISHOP AVE | SANCHEZ ANGELA FIGUEROA |
| | 53 | 1121 BISHOP AVE | ELWELL STEVEN J & |
| | 54 | 1119 BISHOP AVE | VANGOOL ALFRED ET AL |
| | 55 | 1113 BISHOP AVE | PFLANZER JOSEPH & EVELYN |
| | 56 | 1111 BISHOP AVE | VANGOOL ALFRED & |
| | 57 | 1105 BISHOP AVE | SMITH J WAYNE & SHARON A |

2/6/2014

| | Reply | Label # | Address | Owner |
|---|-------|---------|-------------|-------------------------------|
| X | 58 | 1101 | BISHOP AVE | VELEZ WALTER |
| | 59 | 1139 | HAINES AVE | MARALYN ANN HAMAKER |
| | 60 | 1137 | HAINES AVE | HAMAKER MARALYN ANN |
| X | 61 | 1135 | HAINES AVE | JUAREZ CRECENCIO & |
| | 62 | 1131 | HAINES AVE | BLAND DARREN R |
| | 63 | 1127 | HAINES AVE | AGUILAR HENRY R |
| | 64 | 1123 | HAINES AVE | TORRES DESIDERIO A & |
| X | 65 | 1119 | HAINES AVE | MENDEZ NICOLASA |
| | 66 | 1113 | HAINES AVE | MUNOZ JULIA |
| | 67 | 1111 | HAINES AVE | MORENO HECTOR A |
| | 68 | 1107 | HAINES AVE | IBARRA JUAN J & SOCORRO |
| | 69 | 1211 | HAINES AVE | ELLIOTT ANNETTE |
| | 70 | 1201 | HAINES AVE | WILSON PHILLIP L |
| | 71 | 417 | WICKFORD ST | MATYASTIK PAUL J |
| | 72 | 1208 | HAINES AVE | MATYASTIK PAUL J TR |
| | 73 | 1219 | BISHOP AVE | METHODIST HOSPITALS OF DALLAS |
| | 74 | 1102 | BISHOP AVE | ALBA MERCEDES |
| | 75 | 1147 | MADISON AVE | GARY ROLLIN F & |
| | 76 | 1141 | MADISON AVE | OCHOA RENE & DEBORAH |
| | 77 | 1139 | MADISON AVE | ALANIZ MARIA DEL R |
| | 78 | 1135 | MADISON AVE | JC LEASING LLP |
| | 79 | 1131 | MADISON AVE | NAVARRO ADAN & |
| | 80 | 1125 | MADISON AVE | OCHOA RENE A & |
| | 81 | 1119 | MADISON AVE | LOPEZ PEDRO & BEATRIZ |
| | 82 | 1115 | MADISON AVE | TORRES JUAN M & |
| | 83 | 1111 | MADISON AVE | OCHOA JUAN S & MARTHA C |
| | 84 | 1107 | MADISON AVE | VILLEGAS MARY ISABEL |
| | 85 | 1101 | MADISON AVE | ARELLANO JULIO NAVA & |
| | 86 | 1110 | HAINES AVE | WONG JOHN M & |
| | 87 | 1114 | HAINES AVE | HERNANDEZ ERIC LEOPOLDO |
| | 88 | 1118 | HAINES AVE | SLAUGHTER NATHAN J |

Z134-127(JH)

2/6/2014

| | Reply | Label # | Address | Owner |
|---|--------------|----------------|------------------|---------------------------------|
| | | 89 | 1135 BISHOP AVE | VENEGAS PPTY LTD |
| | | 90 | 1215 BISHOP AVE | SMITH RODDIE ROBERT |
| X | | 91 | 1213 BISHOP AVE | ARCHER PHILLIP D |
| | | 92 | 1211 BISHOP AVE | PALCHIK DIANA |
| | | 93 | 1209 BISHOP AVE | BERMAN DOUGLAS M & SUMMER M |
| | | 94 | 1207 BISHOP AVE | PARRISH RESTAURANTS LTD |
| X | | 95 | 1205 BISHOP AVE | HATLEY WARREN G & KAREN |
| O | | 96 | 1203 BISHOP AVE | EVANS MICHAEL M |
| | | 97 | 1144 MADISON AVE | Dallas ISD |
| | | 98 | 1148 BISHOP AVE | SEMOS ANASTASIA K |
| | | 99 | 1144 BISHOP AVE | SCHWAB CHARLES J JR |
| | | 100 | 1142 BISHOP AVE | GROSS MICHELLE O |
| | | 101 | 1140 BISHOP AVE | CARTER BRUCE ALLEN |
| | | 102 | 1138 BISHOP AVE | CHANG BOB W & EVANGELINE CHIANG |
| | | 103 | 1134 BISHOP AVE | BISHOP RAY M & LINDA R |
| | | 104 | 1132 BISHOP AVE | DODSON CHARLES & |
| | | 105 | 1130 BISHOP AVE | MCCOMBS JASON & COREY |
| | | 106 | 1150 BISHOP AVE | OAK CLIFF LAND DEV CO |

AGENDA ITEM # 40

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 44 U

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an MU-3 Mixed Use District and a resolution accepting deed restrictions volunteered by the applicant on property zoned an IR Industrial Research District at the east corner of Fort Worth Avenue and Yorktown Street

Recommendation of Staff and CPC: Approval, subject to deed restrictions volunteered by the applicant

Z134-134(RB)

FILE NUMBER: Z134-134(RB)

DATE FILED: November 25, 2013

LOCATION: Ft. Worth Avenue and Yorktown Street, East Corner

COUNCIL DISTRICT: 6

MAPSCO: 44 U

SIZE OF REQUEST: Approx. 7.194 Acres

CENSUS TRACT: 43

APPLICANT/OWNER: PB & J Landholdings, LLC

REPRESENTATIVE: Brent Jackson

REQUEST: An application for an MU-3 Mixed Use District, with deed restrictions volunteered by the applicant, on property zoned an IR Industrial Research District.

SUMMARY: The applicant is requesting an MU-3 District in order to redevelop the site with a mix of multifamily and retail uses. Volunteered deed restrictions will prohibit certain uses as well as provide for specific development standards.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – As redevelopment will provide for a replacement of an existing industrial use with a new multifamily/retail development. Negative impact on adjacent properties (lighting, noise, odor) is not anticipated.
2. *Traffic impact* – Trip generations, while increasing with the anticipation of supporting retail uses, will be consistent with existing and anticipated (current development from abutting development) demands that will be served by existing roadways.
3. *Comprehensive Plan or Area Plan Conformance* – The request is in compliance with the designated Building Block for the area.
4. Subject to the applicant's volunteered deed restrictions, the request maintains the vision of the recent mixed use zoning abutting the site's western boundary, while maintaining a sense of scale of development envisioned for this area.

BACKGROUND:

- The request site is developed with a vacant industrial use (commercial trailer repair).
- The applicant proposes to redevelop the site with multifamily uses as well as providing for a retail component.
- As the representative is involved with developing the abutting mixed use project to the west, it is anticipated this project will be linked (i.e., at grade or above grade pedestrian/tenant access) so as to connect both developments.
- The applicant has volunteered deed restrictions (see attached) that will prohibit certain uses as well as to provide for certain development standards that maintain consistency with the vision of PDD No. 714.

Zoning History:

File No.

Request, Disposition, and Date

1. Z101-279

On December 14, 2011, the City Council approved an amendment to create a new subdistrict within PDD No. 714, subject to a conceptual plan and conditions.

Thoroughfare/Street

Existing & Proposed ROW

Ft. Worth Avenue

Principal Arterial; 100' & 100' ROW

IH 30

Freeway; Variable ROW

Yorktown Street

Local; 50' ROW

Traffic: The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested zoning change in conjunction with the required Traffic Impact Analysis and determined that the proposed development will not significantly impact the street system.

STAFF ANALYSIS:

Comprehensive Plan: The request site lies within an area considered Urban Mixed-Use. The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

Land Use Compatibility: The site is situated in a retail/commercial/light industrial area. The elevated portion of IH 30 traverses the area south of the site. The area to

the west/northwest captures the eastern areas within PDD No. 714. Residential uses are developed on properties further north of those nonresidential uses fronting Ft. Worth Avenue, as well as south of the elevated section of IH 30.

As noted in this material, the representative for this application is currently developing the mixed use project (Sylvan/30) that abuts the site's western boundary. The attached Site Plan Exhibit (provided for orientation purposes only) depicts the relationship between both developments.

It should be noted that significant private investment has been made in development/redevelopment projects along Ft. Worth Avenue, of which this parcel will benefit from this momentum. To serve existing and future private development in the immediate area, various roadway improvements have been approved (via Thoroughfare Plan amendments) for Sylvan Avenue and Ft. Worth Avenue (see Roadway Improvements, below).

Roadway Improvements:

Fort Worth Avenue

Fort Worth Avenue from Sylvan Avenue to Beckley Avenue is currently planned as a four lane roadway and two-way cycle track within a 100' right-of-way. This cross section will accommodate on-street parallel parking adjacent to the Sylvan/30 project abutting this site's western boundary.

Sylvan Avenue

Sylvan Avenue from I-30 to Fort Worth Avenue was amended to a four lane divided roadway within a 90 foot right-of-way. This new configuration accommodates two bike lanes, on-street parallel parking, a 14' median and five foot sidewalks in the public right-of-way. Additionally, east/west access will be provided through the abutting development and continue through this site, ultimately linking with a future north/south roadway project to align with this site's eastern property line.

Landscaping: The site is void of landscape materials. Development will require compliance with Article X.

CPC ACTION

(February 20, 2014)

Motion: It was moved to recommend **approval** of an MU-3 Mixed Use District, subject to deed restriction volunteered by the applicant on property zoned an IR Industrial Research District at the east corner of Fort Worth Avenue and Yorktown Street.

Maker: Hinojosa
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley, Lavallaisaa, Tarpley,
Shellene, Schultz, Peadon, Murphy, Ridley,
Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 400 Mailed: 24
Replies: For: 4 Against: 1

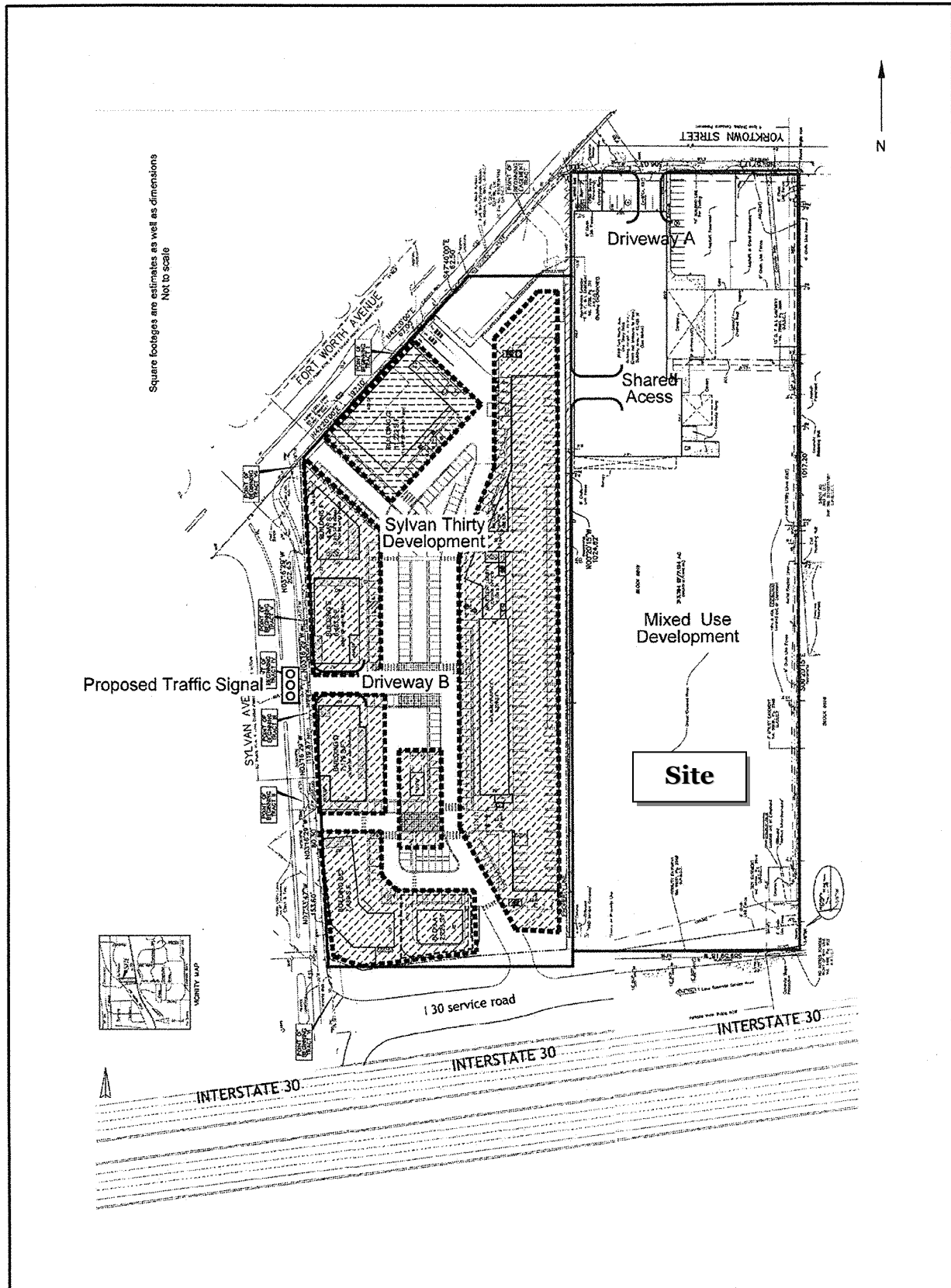
Speakers: For: Brent Jackson, 1910 Kessler Pkwy., Dallas, TX, 75208
Against: Suzan Gandy, 5217 Shadywood Ln., Dallas, TX, 75209

List of Partners/Principles/Officers

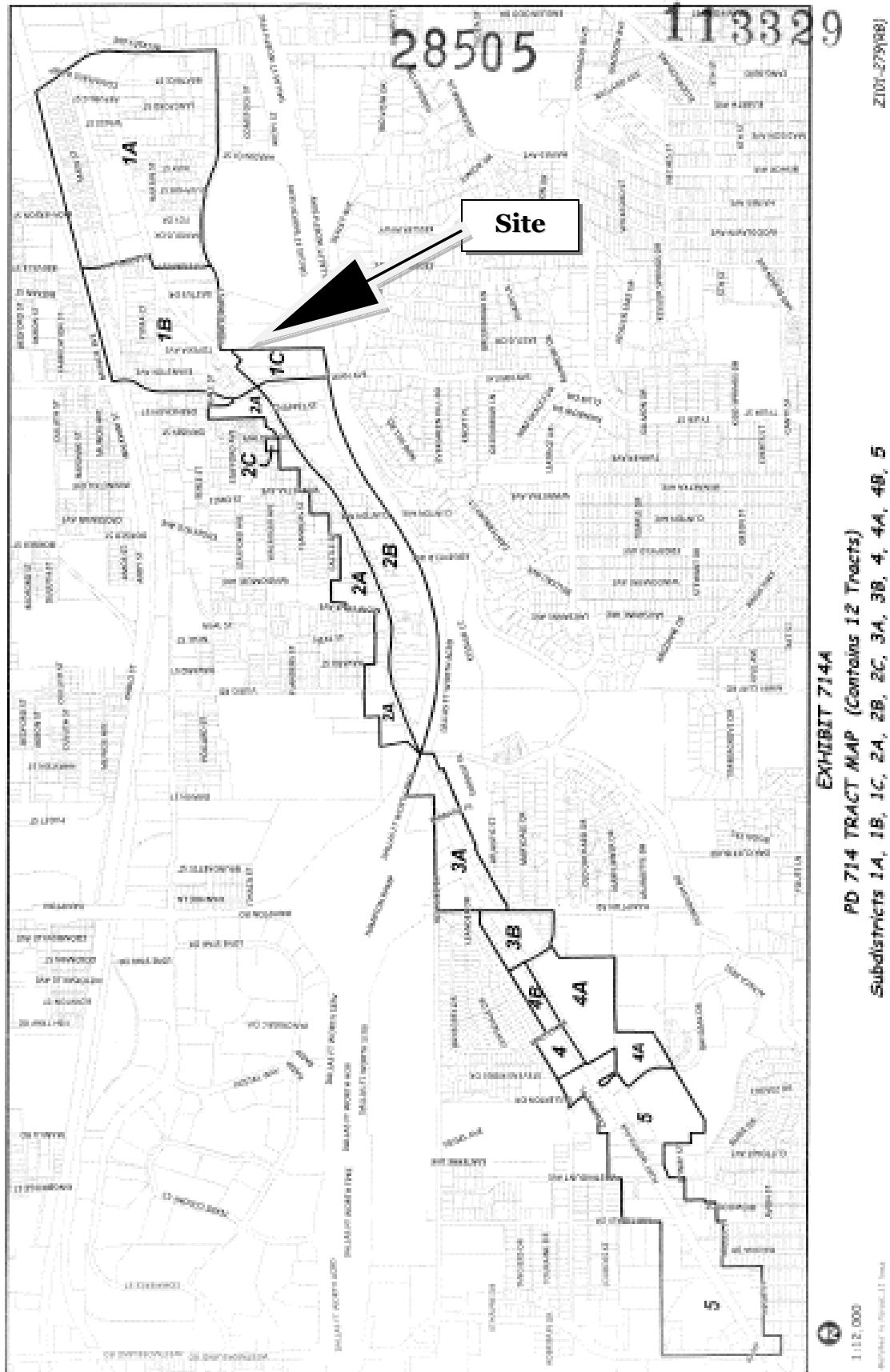
PB&J Land Holdings, LLC

Sole Member: Oaxaca Interests, LLC

President: Brent Jackson



Site Plan Exhibit
(provided for orientation purposes only)



VOLUNTEERED DEED RESTRICTIONS

THE STATE OF TEXAS)

)

KNOW ALL PERSONS BY THESE PRESENTS:

COUNTY OF _____)

I.

The undersigned, _____, a _____ ("the Owner"), is the owner of the following described property ("the Property"), being in particular a tract of land out of the _____ Survey, Abstract No. _____, City Block _____, City of Dallas ("City"), County, Texas, and being that same tract of land conveyed to the Owner by _____, by deed dated _____, and recorded in Volume _____, Page _____, in the Deed Records of _____ County, Texas, and being more particularly described as follows:

[Insert property description]

II.

II.

The Owner does hereby impress all of the Property with the following deed restrictions ("restrictions"), to wit:

(a) The following uses are prohibited:

(1) Miscellaneous uses.

-- Attached non-premise sign.

(2) Retail and personal services.

-- The following Commercial amusement (inside) uses;

-- Bingo parlor, billiard hall, and Class E dance hall.

-- Commercial amusement (outside).

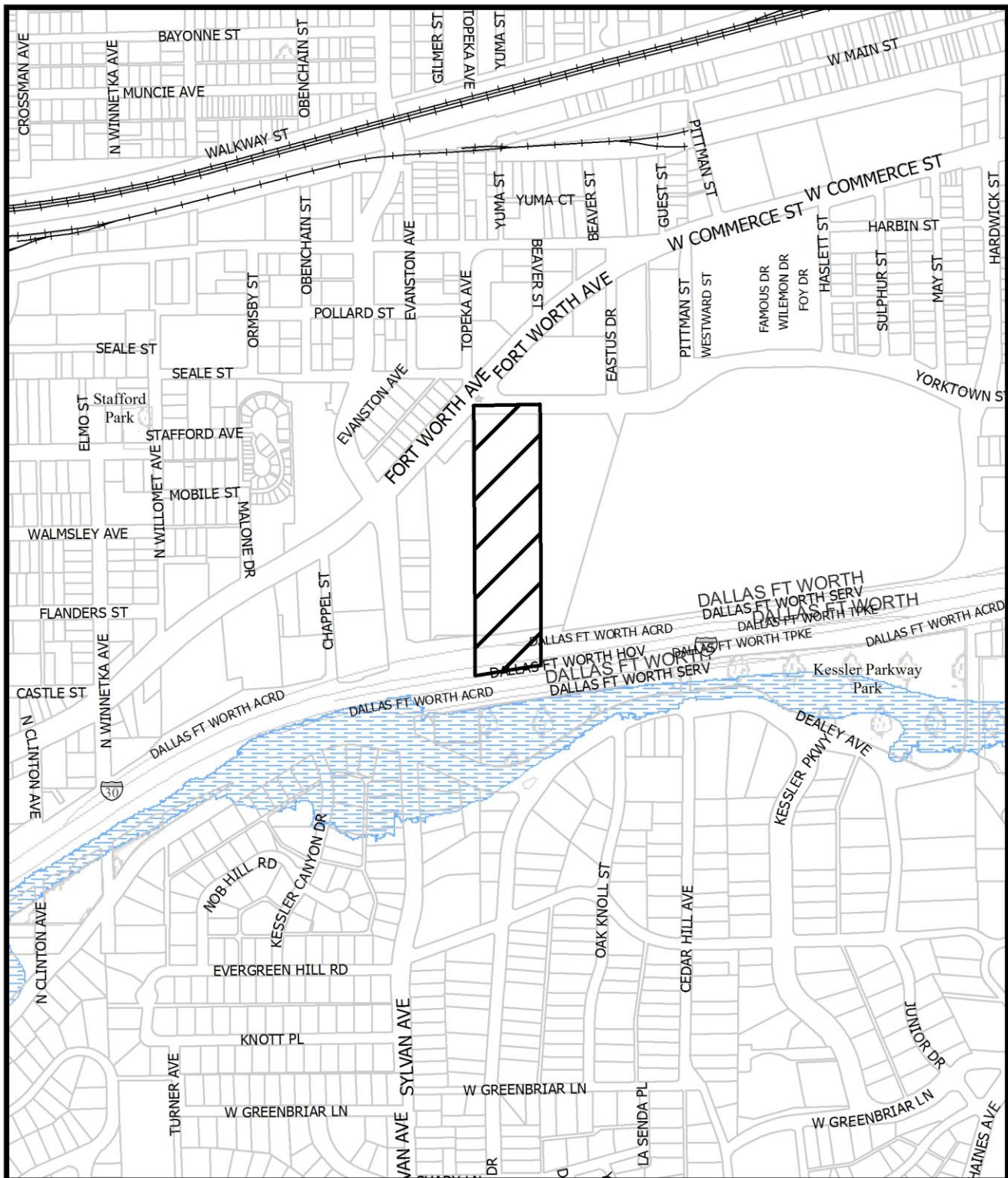
-- Convenience store with drive-through.

-- Liquor store.

-- The following Personal service uses; Massage establishment, Piercing salon; and, Tattoo studio.

-- Swap or buy shop.

- (b) Density. Maximum number of dwelling units is 250.
- (c) Floor area. The maximum floor area for all permitted nonresidential uses is 10,000 square feet
- (d) Height. Maximum structure height is 60 feet.
- (e) All structures for buildings containing nonresidential uses must be located between the residential uses and the northern Property line.
- (f) A minimum of one ingress/egress point must be provided along the western Property line and a minimum of one ingress/point must be provided along the eastern Property line.
- g) Operation of outside speakers is limited to the hours between 12:00 p.m. and 10:00 p.m., Monday through Wednesday, and 12:00 p.m. through 12:00 a.m. (the next day), Thursday through Sunday.
- h) Nonresidential uses may not operate after 2:00 a.m. All customers must leave the Property by 2:15 a.m.



1:7,200

VICINITY MAP

Case no: **Z134-134**

Date: **1/7/2014**

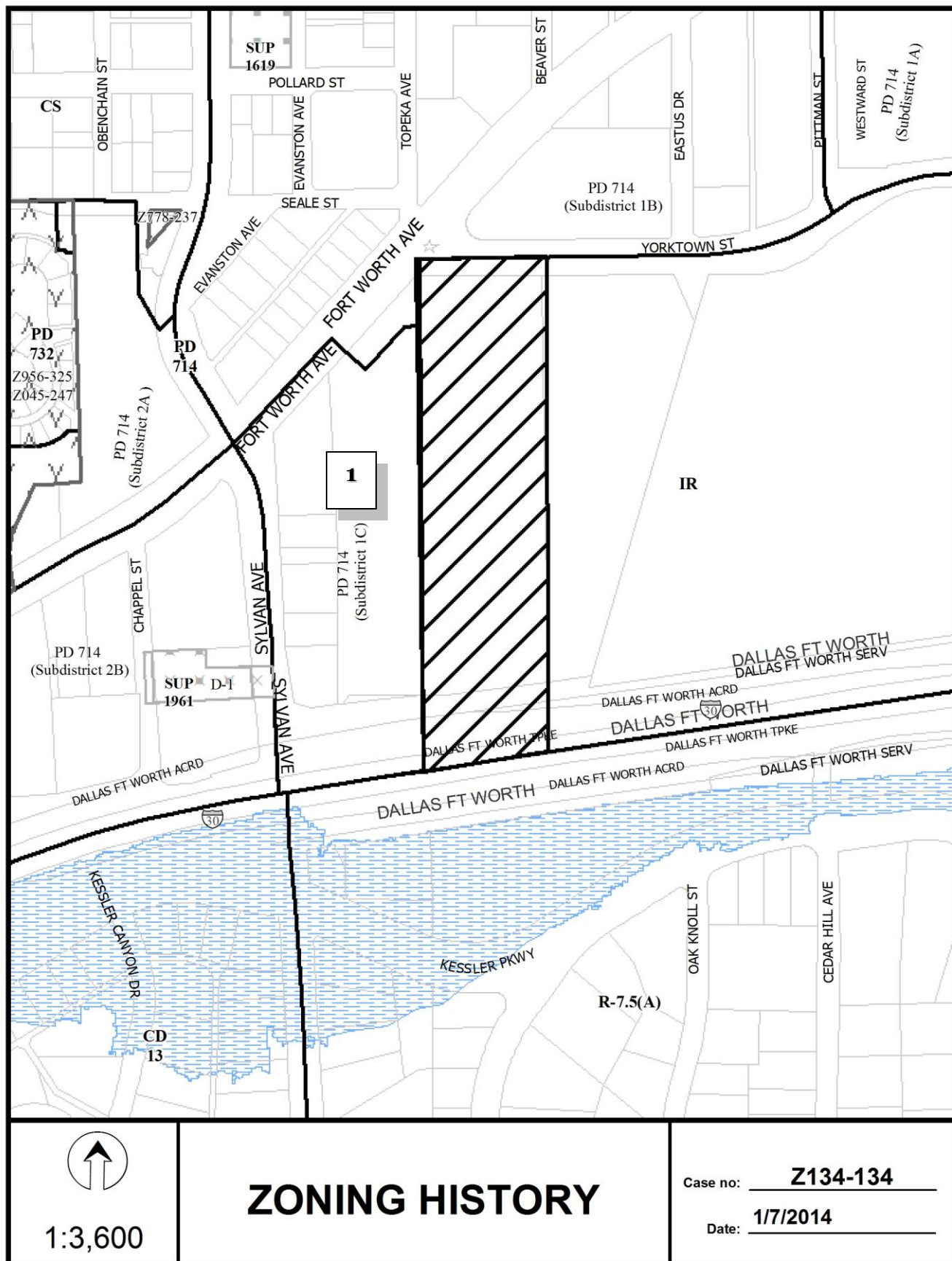


1:3,600

AERIAL MAP

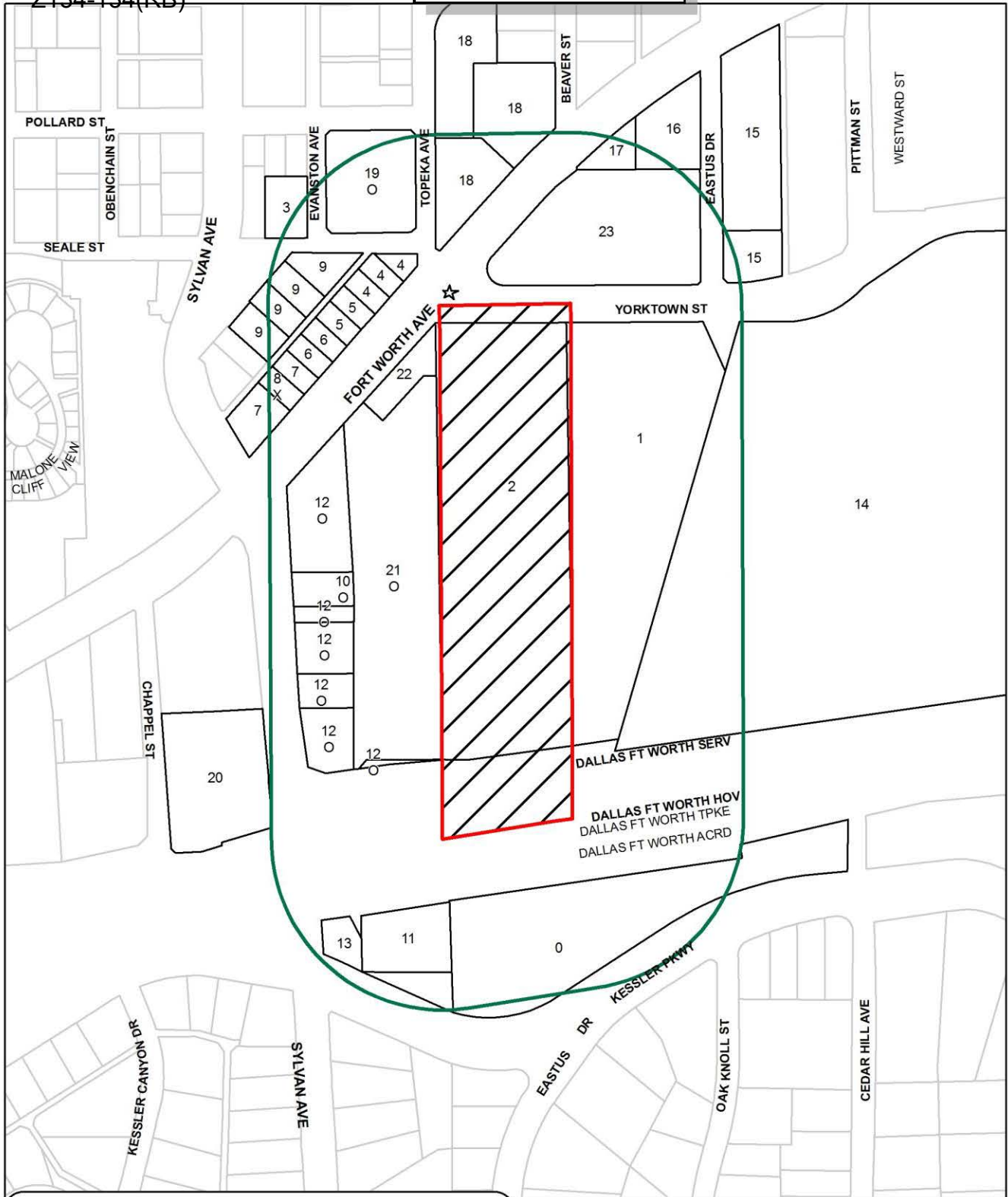
Case no: **Z134-134**

Date: **1/7/2014**



Z134-134(RB)

CPC RESPONSES



| | |
|------------------|---------------------------------------|
| <u>24</u> | Property Owners Notified (41 parcels) |
| <u>4</u> | Replies in Favor (9 parcels) |
| <u>1</u> | Replies in Opposition (1 parcels) |
| <u>400'</u> | Area of Notification |
| <u>2/20/2014</u> | Date |

Z134-134
CPC



1:3,600

2/20/2014

Reply List of Property Owners***Z134-134******24 Property Owners Notified
Owners Opposed******4 Property Owners in Favor******1 Property***

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|---------------------------------|
| | 1 | 620 YORKTOWN ST | ANG III LLC |
| | 2 | 660 FORT WORTH AVE | JBC LAND AND CATTLE COMPANY LLC |
| | 3 | 801 SEALE ST | TAYLOR SMITH DEV CORP |
| | 4 | 705 FORT WORTH AVE | YAZDCHI KHANOM |
| | 5 | 715 FORT WORTH AVE | CUIN JOHNNY |
| | 6 | 723 FORT WORTH AVE | MOXIE INVESTMENTS LTD |
| | 7 | 731 FORT WORTH AVE | 739 FORT WORTH AVENUE LLC |
| X | 8 | 735 FORT WORTH AVE | 739 FORT WORTH AVE LLC |
| | 9 | 2016 EVANSTON AVE | JARAMILLO R & S INVES LLC |
| O | 10 | 1830 SYLVAN AVE | LYNXETTE EXPLORATION LLC |
| | 11 | 710 FORT WORTH AVE | PATEL C B |
| O | 12 | 1812 SYLVAN AVE | LYNXETTE EXPLORATION LLC |
| | 13 | 4021 SYLVAN AVE | MCCALL JOHN P JR |
| | 14 | 2121 HARDWICK ST | U S POSTAL SERVICE |
| | 15 | 2106 EASTUS DR | BALLAS VICTOR |
| | 16 | 604 FORT WORTH AVE | TRAMELL JANICE MARIE SNELLING |
| | 17 | 624 FORT WORTH AVE | TRAMELL JANICE MARIA |
| | 18 | 635 FORT WORTH AVE | LODOR JOSEPH |
| O | 19 | 702 POLLARD ST | SONNY SIDE UP INVESTMENTS LLC |
| | 20 | 1805 SYLVAN AVE | SYLVAN I 30 ENT INC |
| O | 21 | 712 FORT WORTH AVE | LYNXETTE EXPLORATION LLC |
| | 22 | 710 FORT WORTH AVE | SLI/FWA LTD |
| | 23 | 641 YORKTOWN ST | DALLAS POSTAL CREDIT UN |
| | 24 | 11111 MAIN ST | DALLAS TIF#210 FORT WORTH AVE |

AGENDA ITEM # 41

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 54 D

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a child-care facility on property zoned Tract 2B in Planned Development District No. 160 on the west side of North Zang Boulevard, north of West Canty Street

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions Z134-135(MW)

FILE NUMBER: Z134-135(MW)

DATE FILED: November 26, 2013

LOCATION: West side of North Zang Boulevard, north of West Canty Street

COUNCIL DISTRICT: 1

MAPSCO: 54-D

SIZE OF REQUEST: ± 0.55 acre

CENSUS TRACT: 42.01

REPRESENTATIVE/APPLICANT/OWNER: Miguel Arellano

REQUEST: An application for a Specific Use Permit for a child-care facility on property zoned Tract 2B in Planned Development District No. 160.

SUMMARY: The applicant proposes to operate a child-care facility in the existing building.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not a Specific Use Permit shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing building and proposed use are compatible in scale and character with the surrounding uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed child-care facility is not anticipated to negatively impact the adjacent properties and will provide a valuable service to this area of the city.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed use is not anticipated to be a detriment to the public health, safety, or general welfare.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan, the request will comply with all applicable zoning regulations and standards. No variances or exceptions are proposed.

BACKGROUND INFORMATION:

- The ±0.55-acre request site is developed with a vacant ±6,700-square-foot building, which was previously utilized as a child-care facility. No new construction is proposed by this application.
- The applicant purchased the property in June of 2013. The previous owners operated a child-care facility under Specific Use Permit No. 1398, which expired in 2010.
- The proposed hours of operation are Monday through Sunday from 6:00 am to 7:00 pm.
- The proposed child-care facility will accommodate a maximum enrollment of 120 children and 18 employees.

Surrounding Zoning History:

There has been no zoning activity in the vicinity of the request site within the last five years.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|----------------|--------------|
| Zang Boulevard | Minor arterial | 100 feet |
| Canty Street | Local | 60 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. The Traffic circulation will occur as depicted on the proposed site plan.

Surrounding Land Use:

| | Zoning | Land Use |
|--------------|------------------------|------------------------------|
| North | PDD No. 160 (Tract 2B) | Multifamily |
| East | LO-1 | Office |
| South | PDD No. 160 (Tract 2B) | Office; dental office |
| West | PDD No. 160 (Tract 1C) | Single family; dental office |

STAFF ANALYSIS:**Comprehensive Plan:**

The Vision Illustration depicts the request site as within a *Residential Neighborhood Building Block*. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

A day care is a service that supports a residential neighborhood. The applicant's proposal is consistent with the Comprehensive Plan.

Land Use Compatibility:

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 conforms with the applicable zoning regulations and standards and is consistent with the intent of the Dallas Development Code. Therefore, staff recommends approval for a five-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions.

Parking:

Planned Development District No. 160, is based on Chapter 51 standards. Pursuant to Chapter 51, a child-care facility requires one off-street parking space for each 500 square feet of floor area. Therefore, the ±6,700-square foot child-care facility requires 13 spaces, as depicted on the proposed site plan.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

CPC Action: February 20, 2014:

Motion: It was moved to recommend **approval** of a Specific Use Permit for a child-care facility for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions on property zoned Tract 2B in Planned Development District No. 160 on the west side of North Zang Boulevard, north of West Canty Street.

Maker: Bagley
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

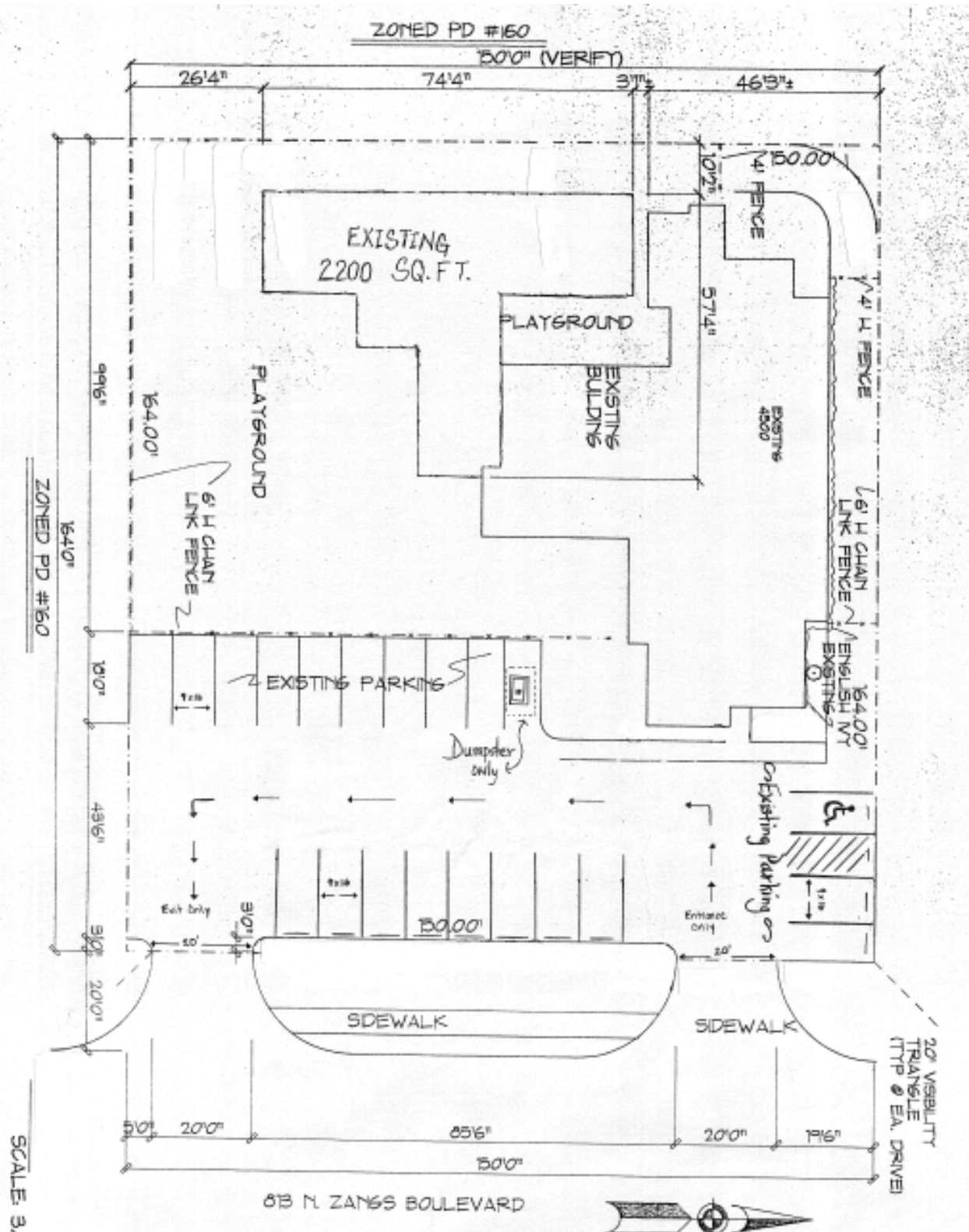
| | | | | |
|----------|-------|-----|----------|----|
| Notices: | Area: | 200 | Mailed: | 21 |
| Replies: | For: | 1 | Against: | 0 |

Speakers: For: Pam Conley, 901 N. Madison Ave., Dallas, TX, 75208
Anne Campbell, 710 Haines Ave., Dallas, TX, 75208
For (Did not speak): Carolyn Armour, 919 Haines Ave., Dallas, TX, 75208
Beatrice Gonzalez, 1002 Woodlawn Ave., Dallas, TX, 75208
Against: None

Z134-135
CPC Recommended Conditions

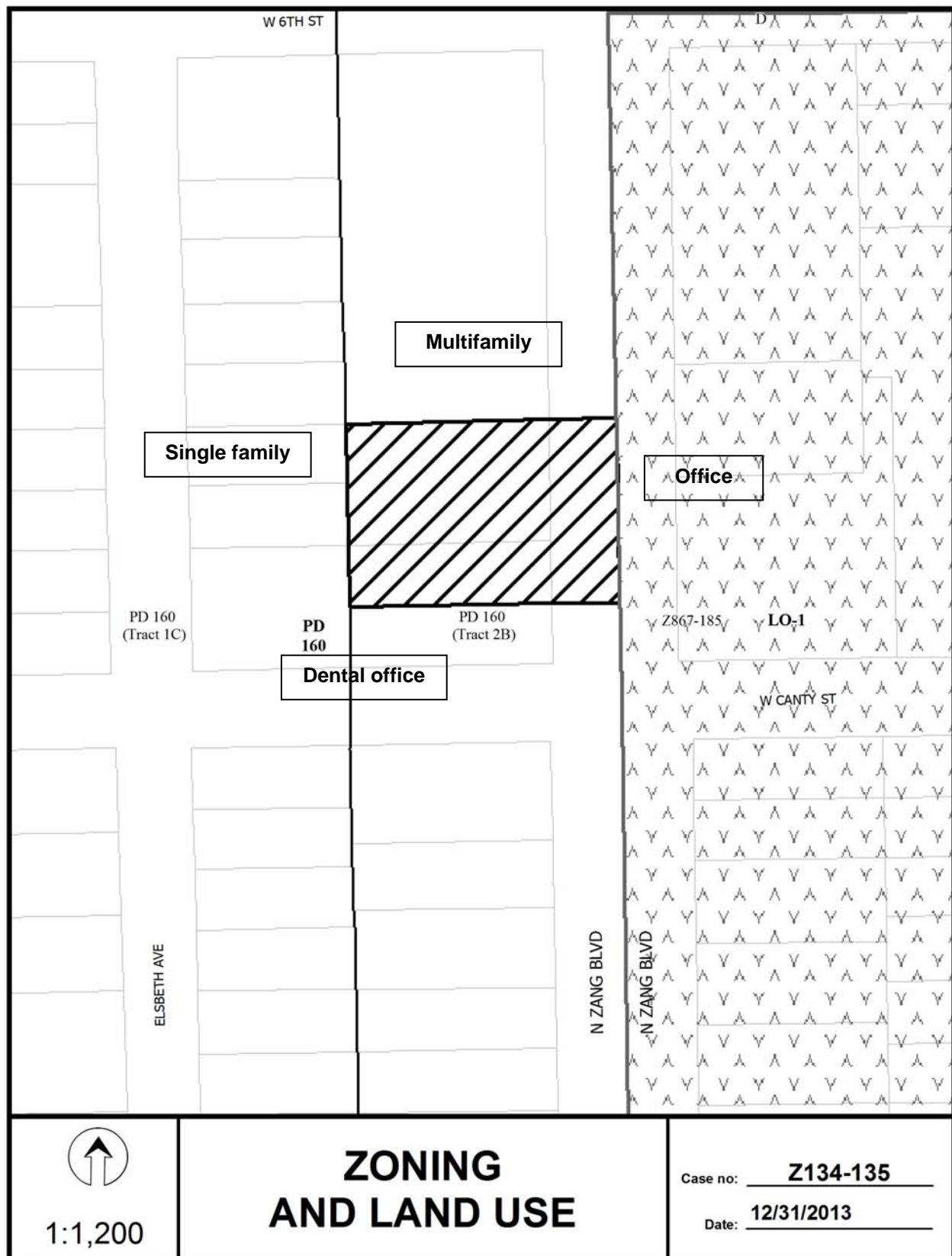
1. USE: The only use authorized by this specific use permit is a child-care facility.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit is approved for a five-year period, but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. HOURS OF OPERATION: The child-care facility may only operate from 6:00 a.m. to 7:00 p.m., Monday through Sunday.
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.

Proposed Site Plan

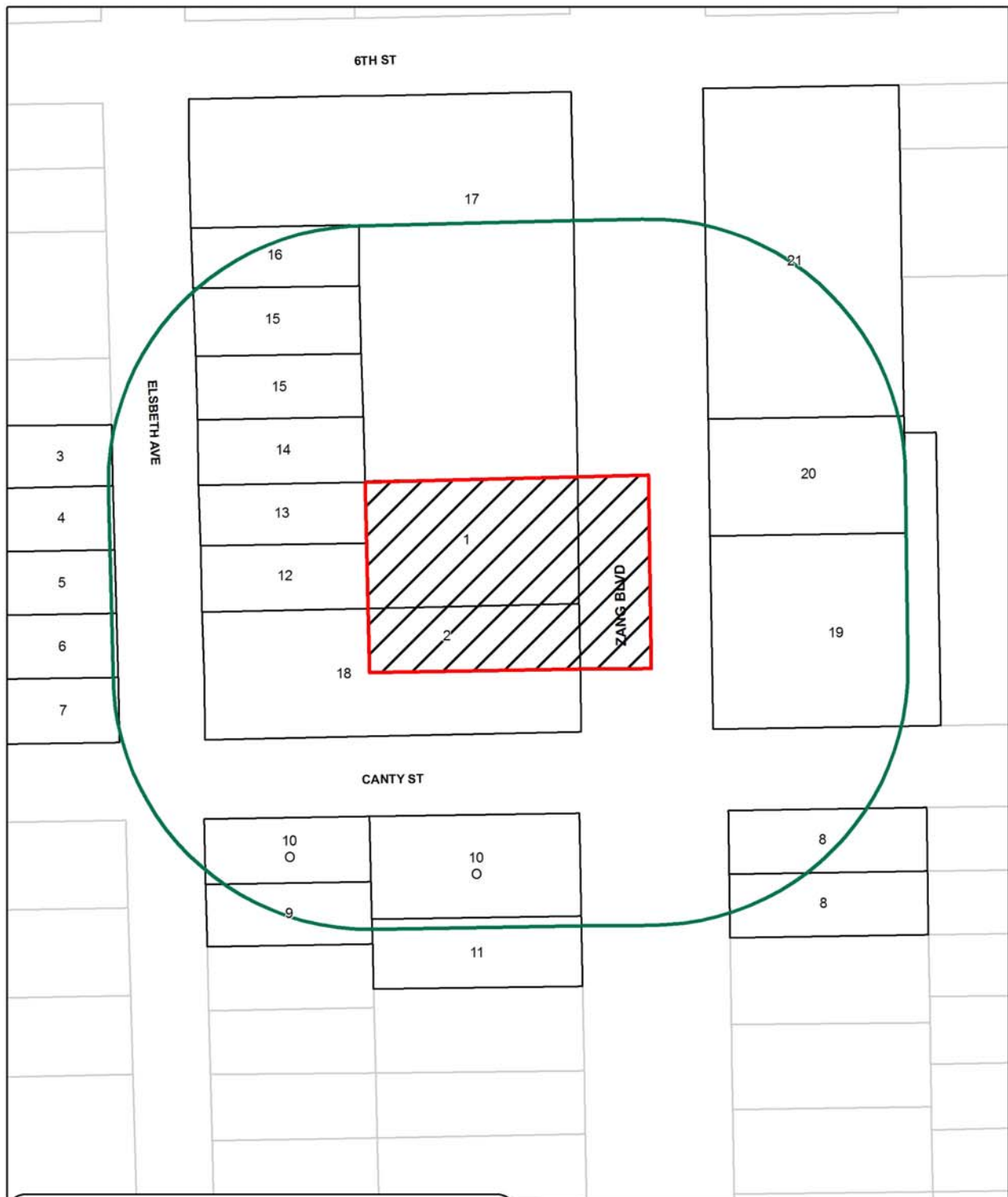








CPC Responses



| | |
|------------------|---------------------------------------|
| <u>21</u> | Property Owners Notified (24 parcels) |
| <u>1</u> | Replies in Favor (2 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>200'</u> | Area of Notification |
| <u>2/20/2014</u> | Date |

Z134-135
CPC



1:1,200

2/20/2014

Reply List of Property Owners***Z134-135******21 Property Owners Notified 1 Property Owner in Favor 0 Property Owners Opposed***

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|------------------------|
| | 1 | 813 ZANG BLVD | MINOR TIMOTHY & |
| | 2 | 807 ZANG PL | MINOR TIMOTHY |
| | 3 | 815 ELSBETH ST | ROPPOLO MATTHEW J |
| | 4 | 813 ELSBETH ST | CERVANTES CECILIA H |
| | 5 | 809 ELSBETH ST | A & E HOUSING LLC |
| | 6 | 805 ELSBETH ST | MARTINEZ AGUSTIN |
| | 7 | 801 ELSBETH ST | CLIMER NICHOLAS I & |
| | 8 | 732 ZANG BLVD | FAZ ISMAEL |
| | 9 | 734 ELSBETH ST | CASTILLO GERARDO |
| O | 10 | 736 ELSBETH ST | WHITEAKER BETTYE M |
| | 11 | 733 ZANG BLVD | PENA JESUS H & IRMA |
| | 12 | 810 ELSBETH ST | COUCH KEDRIC |
| | 13 | 814 ELSBETH ST | LOPEZ BENITO JR |
| | 14 | 818 ELSBETH ST | ELAINE S GORENSTEIN |
| | 15 | 820 ELSBETH ST | TOVAR MARTIN |
| | 16 | 828 ELSBETH ST | TUCKER MICHAEL BRITT & |
| | 17 | 835 ZANG BLVD | GEMSK LLC |
| | 18 | 801 ZANG BLVD | BECKLEY PROPERTIES LTD |
| | 19 | 810 ZANG BLVD | AHA GROUP LP |
| | 20 | 820 ZANG BLVD | NORTH ZANG DEV LTD |
| | 21 | 830 ZANG BLVD | JT REALTY INC |

AGENDA ITEM # 42

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 5

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 58 L

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1946 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property within Subarea 2, Tract 3 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and South Buckner Boulevard

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions

Z134-148(WE)

ACM: Theresa O'Donnell**FILE NUMBER:** Z134-148(WE) **DATE FILED:** December 24, 2013**LOCATION:** Lake June Road and South Buckner Boulevard, southwest corner**COUNCIL DISTRICT:** 5 **MAPSCO:** 58-L**SIZE OF REQUEST:** Approx. 1.48 acres **CENSUS TRACT:** 93.01

APPLICANT: CVS Corporation**OWNER:** Gottlieb Martial Trust**REPRESENTATIVE:** Santos Martinez, MasterPlan

REQUEST: An application for the renewal of Specific Use Permit No. 1946 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property within Subarea 2, Tract 3 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay.

SUMMARY: The purpose of this request is to allow the existing general merchandise or food store [CVS] to continue selling alcohol beverages for off-premise consumption. The site plan is being revised to reflect fewer parking spaces. Also, staff is recommending a longer time limit since this use has not been a detriment to the health, safety and general welfare of the surrounding area.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store is compatible and conforms to the adjacent retail and personal service uses. The additional alcohol use within the general merchandise or food store should not impact the surrounding uses negatively from a land use perspective.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – Based upon an evaluation of the uses during the initial time limit, this use has not contributed to or deterred from the welfare of adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – It is not foreseen that this use would be a detriment to the public health, safety or general welfare of the community.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards. The Dallas Police has determined that the request site is in compliance with Chapter 12B.

BACKGROUND INFORMATION:

- In March 28, 2012, the City Council approved 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 for a two-year period.
- The proposed request is to continue selling alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property is prohibited in a D Liquor Control Overlay and requires a specific use permit in the D-1 Liquor Control Overlay.
- The surrounding land uses consist of a mix of retail and personal service uses and auto related uses.

Zoning History: There have been no recent zoning changes in the surrounding area.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|----------------------|--------------------|--------------|--------------|
| Lake June Road | Principal Arterial | 100 ft. | 100 ft. |
| S. Buckner Boulevard | Principal Arterial | 100 ft. | 100 ft. |
| Trade Village Place | Local | 50 ft. | 50 ft. |
| World Store Court | Local | 50 ft. | 50 ft. |

Land Use:

| | Zoning | Land Use |
|--------------|-----------------|--|
| Site | PDD No. 366-D-1 | General Merchandise store |
| North | PDD No. 366-D-1 | Retail & Personal service |
| South | PDD No. 366-D-1 | Auto related uses |
| East | PDD No. 366-D-1 | Retail & Personal Service, Restaurants |
| West | PDD No. 366-D-1 | Auto related uses, Retail & Personal service uses |

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 along 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.

STAFF ANALYSIS:

Land Use Compatibility:

The request site is developed on a city block and is bounded by 2 major arterials and 2 local streets. The request site can be accessed from three of the four existing streets: S. Buckner Boulevard, Lake June Road, Trade Village Place and World Store Court. The surrounding land uses consist of a mix of retail and personal service uses and auto related uses.

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.

Per Dallas Police Department, this property is also regulated by Chapter 12B of the Dallas City Code for Convenience Stores. This chapter applies to all convenience stores, which are 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. Chapter 12b does not apply to a convenience store greater than 10,000 square feet.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|------------------------|------------------------|--|--|------------------|---------------------|--|-----------------------------------|
| | Front | Side/Rear | | | | | |
| PDD No. 366 | No Min. | 20' adjacent to residential OTHER: No Min. | 0.75 FAR overall 0.5 FAR for any combination of lodging, office, and retail and personal service uses | 45' or 3 stories | 80% | Proximity Slope Visual Intrusion | Retail & personal service, office |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended. However, since the request site is not increasing the floor area, landscaping the site is not required.

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 applicant removed a total of three off-street parking spaces from the original site plan, which are adjacent to the drive-through window. The proposed site plan will accurately reflect the number of off-street parking spaces on site. The original approved plan provided 79 off-street parking spaces. The development requires 67 spaces with 76 being provided per the attached site plan. The request will meet the off-street parking requirements with the removal of these three parking spaces.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed change in the site plan will have no impact on the surrounding street system.

Police Report: Prior to issuance of the Specific Use Permit, from March 1, 2010 to March 28, 2012 there were 75 offenses including theft, robbery and assault. After the issuance of the SUP, there were 19 offenses from March 29, 2012 to February 1, 2014.

CPC Action (February 20, 2014)

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1946 for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property within Subarea 2, Tract 3 of Planned Development District No. 366, the Buckner Boulevard Special Purpose District with a D-1 Liquor Control Overlay on the southwest corner of Lake June Road and South Buckner Boulevard.

Maker: Bagley
Second: Shellene
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0
Conflict: 1 - Shidid

Notices: Area: 300 Mailed: 49
Replies: For: 2 Against: 1

Speakers: For (Did not speak): Santos Martinez, 900 Jackson St.,
Dallas, TX, 75202
Against: None

LIST OF OFFICERS
CVS

- Thomas Ryan Chairman of the Board
- Larry Merio President, COO
- Thomas S. Mofatt Vice President and Assistant Secretary

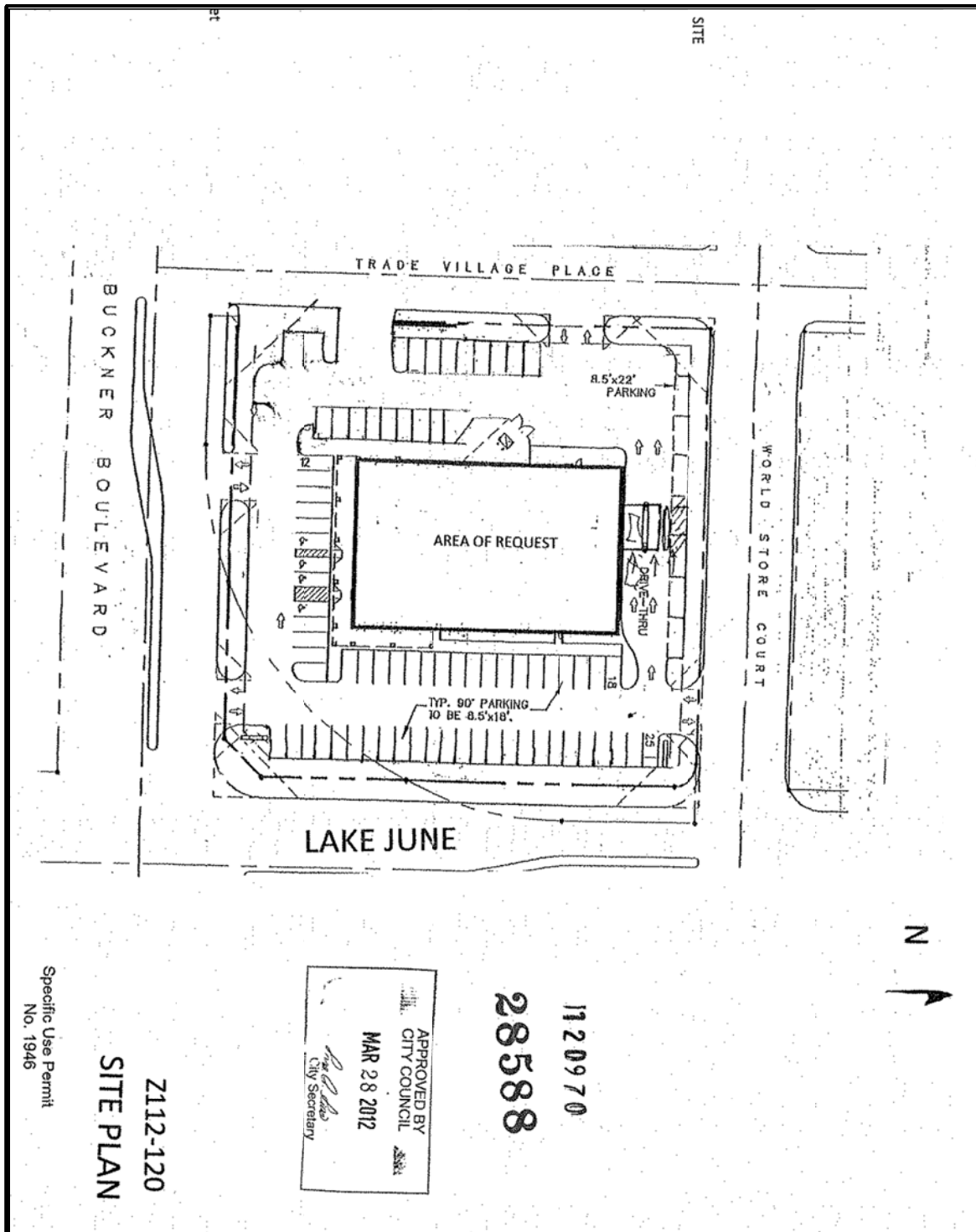
LIST OF OFFICERS
Gottlieb Martial Trust

- Brindell Robert Gottlieb – Co Trustee
- Walter L. Weisman – Co Trustee

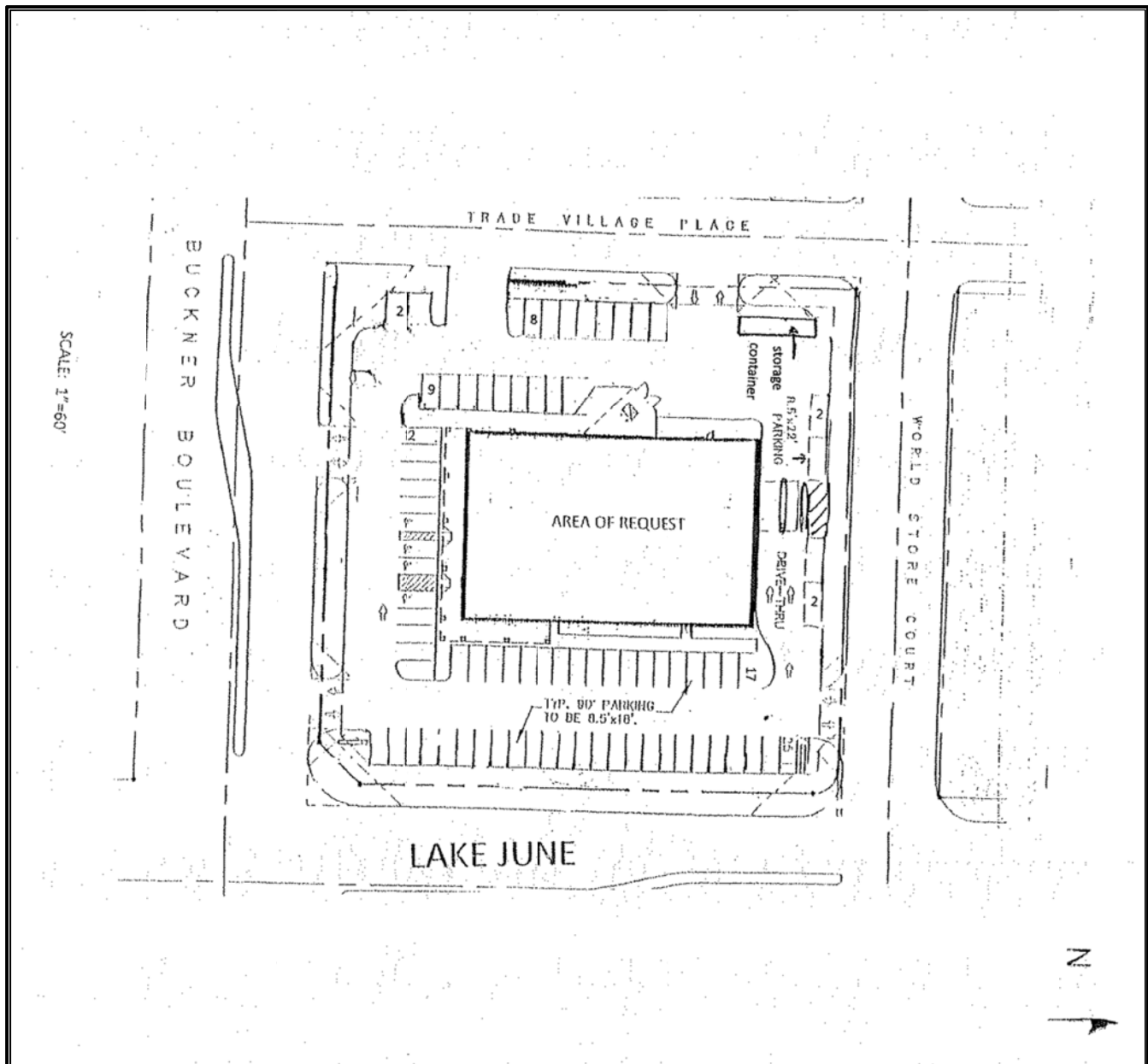
| |
|---------------------------|
| CPC SUP CONDITIONS |
|---------------------------|

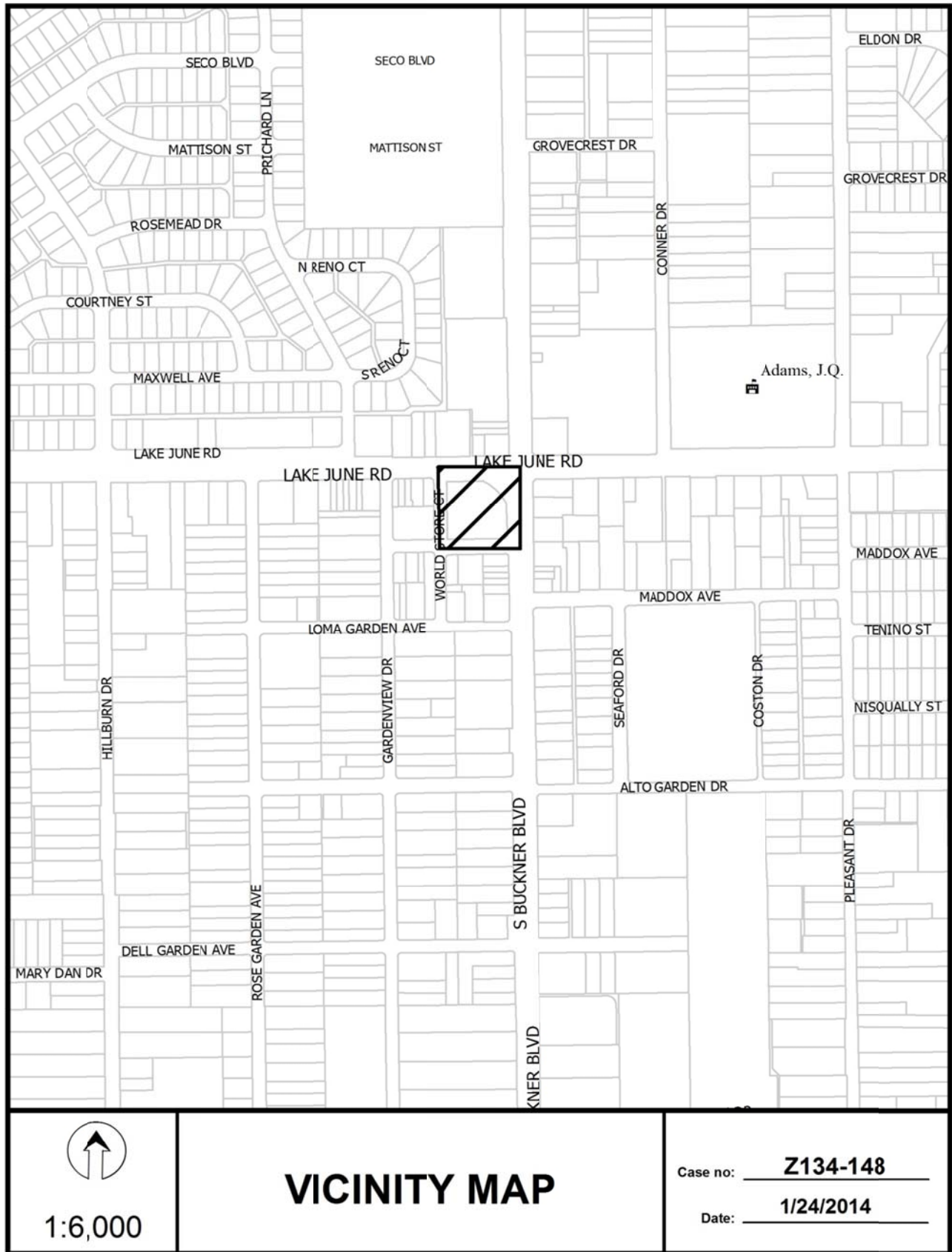
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on [~~March 28, 2014~~], (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. DRIVE-THROUGH WINDOW: Use of a drive-through window for retail sales of alcoholic beverages is prohibited.
5. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
6. PARKING: Off-street parking must be provided in the location shown on the attached site plan.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
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.

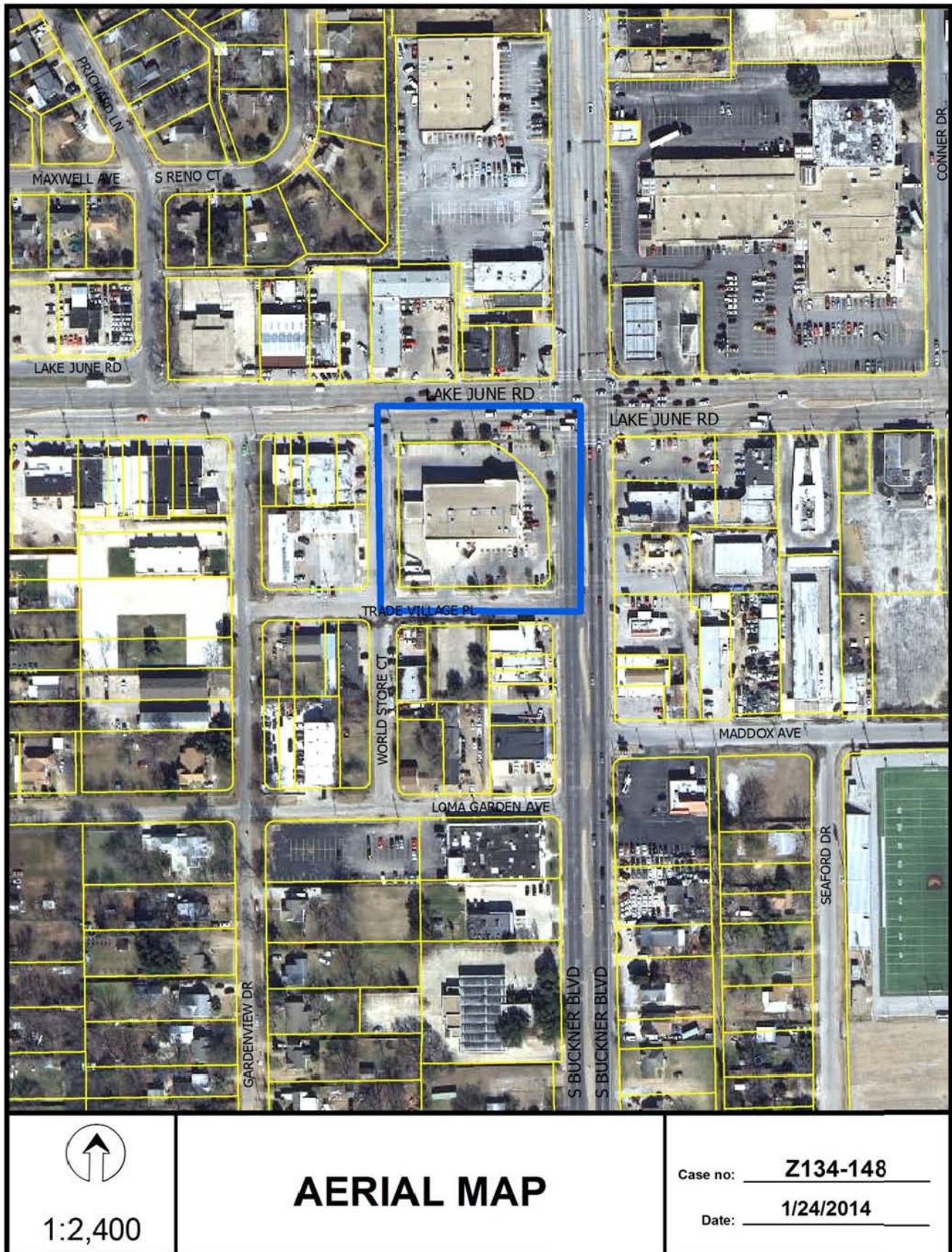
EXISTING SITE PLAN

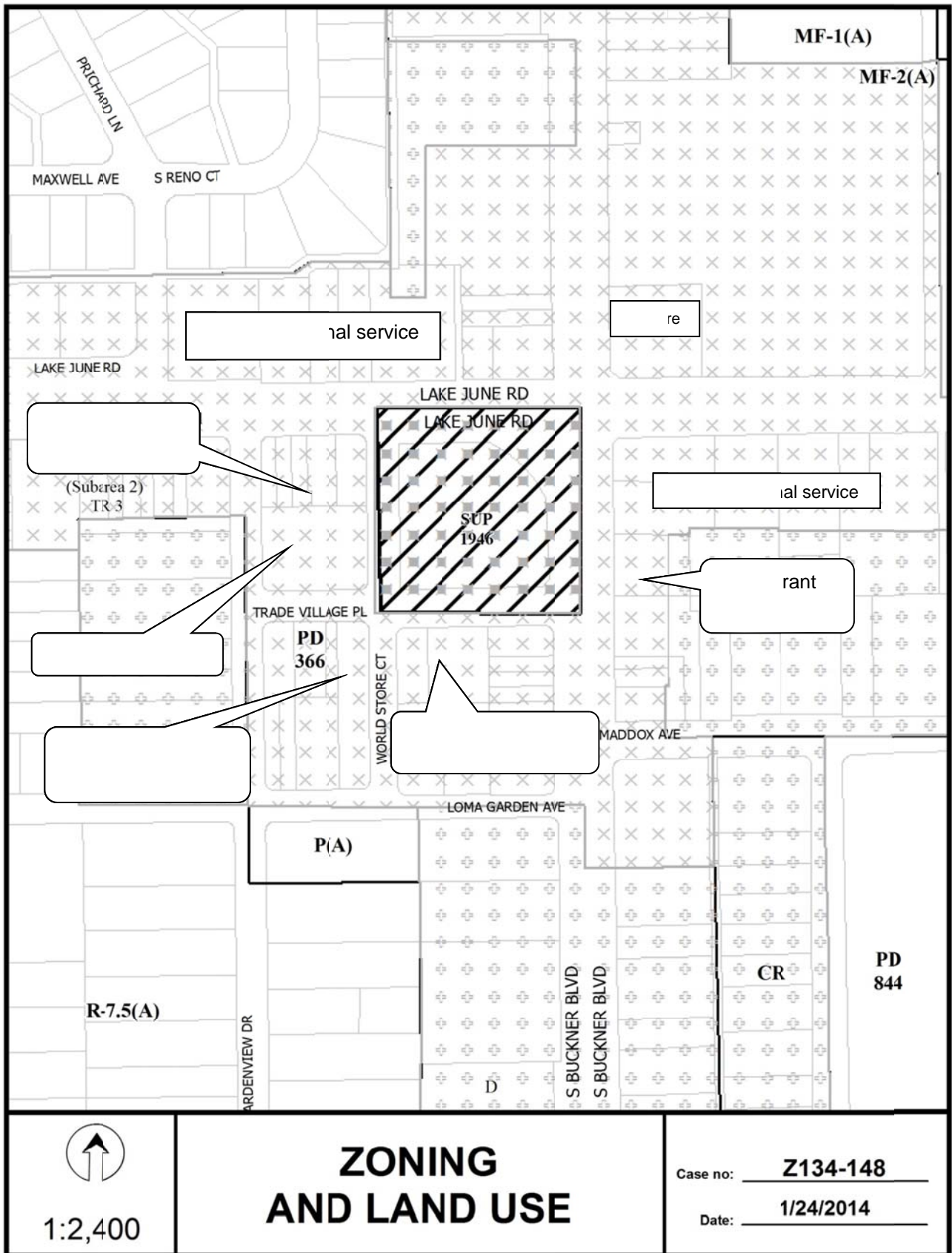


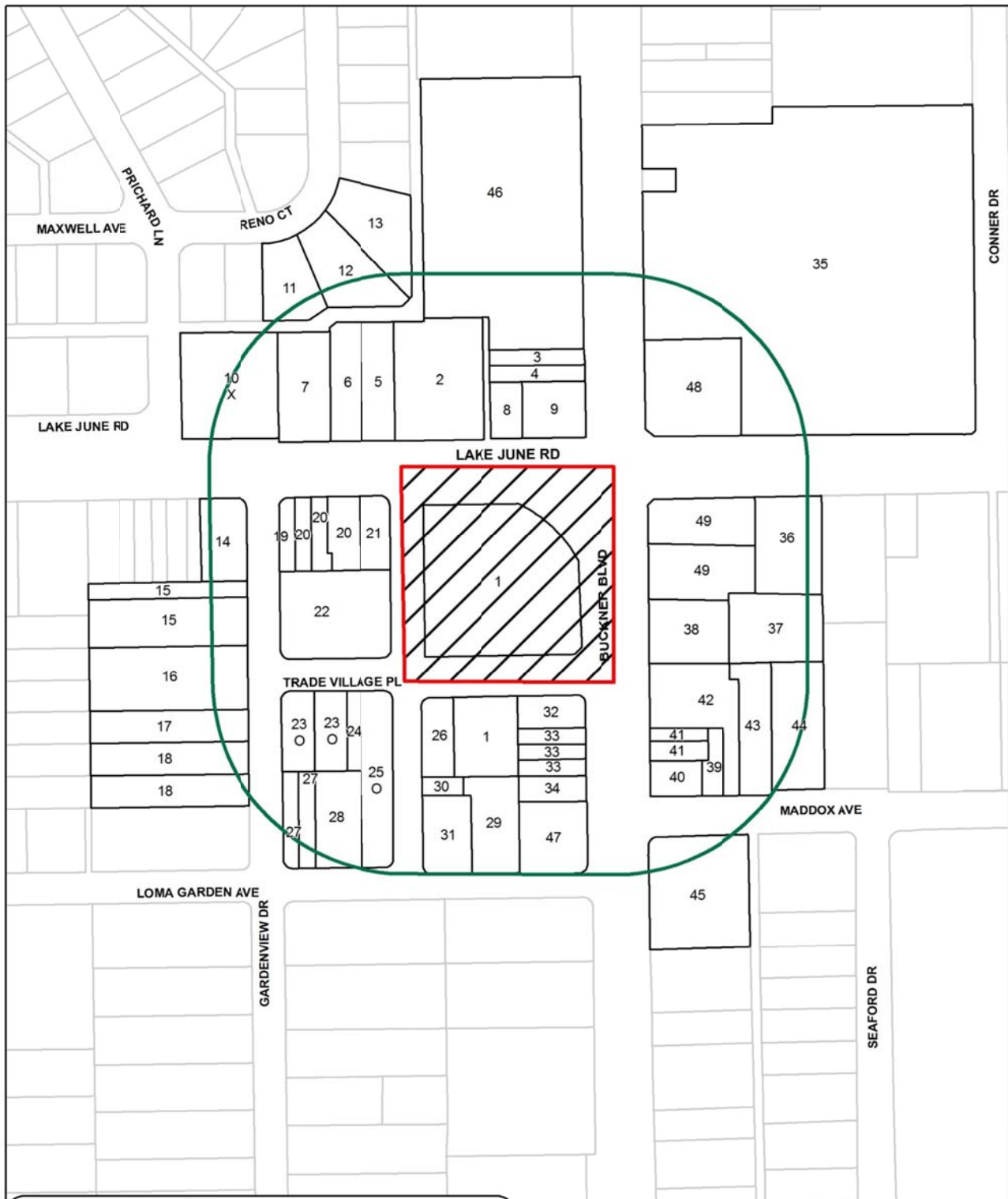
PROPOSED SITE PLAN











| | |
|------------------|---------------------------------------|
| <u>49</u> | Property Owners Notified (60 parcels) |
| <u>2</u> | Replies in Favor (3 parcels) |
| <u>1</u> | Replies in Opposition (1 parcels) |
| <u>300'</u> | Area of Notification |
| <u>2/20/2014</u> | Date |

Z134-148
CPC



1:2,400

Notification List of Property Owners

Z134-148

49 Property Owners Notified

2 Property Owners in Favor

1 Property Owners Opposed

| Reply | Label # | Address | Owner |
|--------------|----------------|-----------------------|-------------------------------------|
| | 1 | 1227 BUCKNER BLVD | GOTTLIEB BUCKNER BLVD DRUGSTORE LLC |
| | 2 | 8017 LAKE JUNE RD | SHIDID TERESA TRUSTEE & |
| | 3 | 1309 BUCKNER BLVD | HINDI AMGAD HAMED & |
| | 4 | 1311 BUCKNER BLVD | SANTOS GUADALUPE & |
| | 5 | 8011 LAKE JUNE RD | RODRIQUEZ ROBERTO & ALMA |
| | 6 | 8007 LAKE JUNE RD | RODRIGUEZ ROBERTO & |
| | 7 | 8005 LAKE JUNE RD | L F MARTINEZ INC |
| | 8 | 8027 LAKE JUNE RD | SHIDID SOLOMON TR & |
| | 9 | 1301 BUCKNER BLVD | YOUSEF ABDALLA ETAL |
| X | 10 | 8003 LAKE JUNE RD | CRISTO LA ROCA |
| | 11 | 8014 RENO CT | DELGADO JOSE L & DELMI E |
| | 12 | 8018 RENO CT | LOVE JOSEPH B |
| | 13 | 8022 RENO CT | LLAMAS JAVIER M |
| | 14 | 7938 LAKE JUNE RD | MARTINEZ RAUL & LETICIA |
| | 15 | 1233 GARDENVIEW DR | ROSALES THELMA |
| | 16 | 1223 GARDENVIEW DR | ROSALES MARTIN & THELMA |
| | 17 | 1219 GARDENVIEW DR | MI HACIENDA PPTIES DEV |
| | 18 | 1215 GARDENVIEW DR | METOYER GLENN C & |
| | 19 | 8000 LAKE JUNE RD | JPVOS PROPERTIES LLC |
| | 20 | 8002 LAKE JUNE RD | VOSBURG PATRICK F & |
| | 21 | 8014 LAKE JUNE RD | MONTOYA LUPE |
| | 22 | 1227 WORLD STORE PL | MANUEL IBARRA & |
| O | 23 | 8000 TRADE VILLAGE PL | SILVA JUAN J & |
| | 24 | 8010 TRADE VILLAGE PL | SARAZUA NICOMEDES |
| O | 25 | 8010 TRADE VILLAGE PL | SILVA JUAN J & |
| | 26 | 8018 TRADE VILLAGE PL | QUINTERO BERTHA LIDIA |

2/20/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|-----------------|------------------------------------|
| 27 | 8001 | LOMA GARDEN AVE | BALTAZAR BRENDA SILVERIO & |
| 28 | 8009 | LOMA GARDEN DR | BALTAZAR MARIA SANTOS & FILBERTO |
| 29 | 8025 | LOMA GARDEN DR | ARELLANO JOSE |
| 30 | 8025 | LOMA GARDEN DR | QUINTERO BERTHA LIDIA |
| 31 | 8019 | LOMA GARDEN DR | QUINTERO BERTHA |
| 32 | 1221 | BUCKNER BLVD | FLORES GUADALUPE F & |
| 33 | 1217 | BUCKNER BLVD | MARTINEZ FERNANDO & |
| 34 | 1209 | BUCKNER BLVD | MARTINEZ FERNANDO & |
| 35 | 1310 | BUCKNER BLVD | R G M EAGLE INC |
| 36 | 8124 | LAKE JUNE RD | REALEINS PROPERTIES LTD |
| 37 | 1214 | BUCKNER BLVD | MADDOX STORAGE LTD |
| 38 | 1234 | BUCKNER BLVD | FRIS CHKN LLC % CAJUN OPERATING CO |
| 39 | 8107 | MADDOX AVE | WHITE MICHAEL J & |
| 40 | 1200 | BUCKNER BLVD | WILLINGHAM IMOGENE |
| 41 | 1204 | BUCKNER BLVD | AKHTAR JUNAID |
| 42 | 1212 | BUCKNER BLVD | ALAM JAVED |
| 43 | 8115 | MADDOX AVE | MORA ADELE GARZA |
| 44 | 8119 | MADDOX AVE | MORA ADELE GARZA |
| 45 | 1150 | BUCKNER BLVD | GRIFFS OF AMERICA INC |
| 46 | 1343 | BUCKNER BLVD | PVP NWC BUCKNER & LAKE JUNE LLC |
| 47 | 1207 | BUCKNER BLVD | LOMBARD FINANCIAL SERVICES LP |
| 48 | 1310 | BUCKNER BLVD | CIRCLE K STORES INC |
| 49 | 1250 | BUCKNER BLVD | REALEINS PROPERTIES LTD |

AGENDA ITEM # 43

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 14

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 45 B

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development Subdistrict No. 98 within Planned Development District No. 193, the Oak Lawn Special Purpose District on the south corner of Carlisle Street and Routh Street

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

Z134-151(JH)

FILE NUMBER: Z134-151 (JH)

DATE FILED: January 3, 2014

LOCATION: Carlisle Street and Routh Street, south corner

COUNCIL DISTRICT: 14

MAPSCO: 45-B

SIZE OF REQUEST: Approx. 1.135 acres

CENSUS TRACT: 18.00

APPLICANT/OWNER: Alamo Manhattan Routh, LLC

REPRESENTATIVE: Karl Crawley, Masterplan

REQUEST: An application to amend Planned Development Subdistrict No. 98 within Planned Development District No. 193, the Oak Lawn Special Purpose District

SUMMARY: The purpose of this request is to amend the development plan and allow for porches, stairs, and stoops to encroach into the front yard setback in order to allow individual access to the sidewalk from ground level units.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval subject to conditions based upon:

1. *Performance impacts upon surrounding property (lighting, noise, odor, etc.)* – The porches, stairs, and stoops will increase the “eyes on the street” and enhance public safety.
2. *Traffic impact* – No change proposed in the number of dwelling units, therefore no change on traffic generation.
3. *Comprehensive Plan or Area Plan Conformance* – The proposed conditions comply with Forward Dallas!, and the Oak Lawn Plan.
4. *Deviation from base zoning* – The porches, stairs, and stoops will encroach into the required front yard, but are necessary to properly meet the ground-level units’ entrance requirement.

BACKGROUND INFORMATION:

- The request site is currently undeveloped. Building permits have been issued to allow construction to begin; however, the plans for the building permit utilize at grade ramps to meet the ground-level entrance requirement. The applicant is requesting the PD amendment to allow for porches, stairs, and stoops, which will allow for a more appropriate street appearance and function.

Zoning History: There have been no recent zoning requests in the area since the establishment of PDS No. 98.

Thoroughfares/Streets:

| Thoroughfares/Street | Type | Existing ROW |
|----------------------|----------------|--------------|
| Carlisle Street | Minor Arterial | 50 ft. |
| Routh Street | Local | 50 ft. |

STAFF ANALYSIS:

Comprehensive Plan:

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant’s request. The request site is located in an Urban Mixed-Use Building Block.

The proposed multiple family development will be located within the Urban Mixed-Use Building Block. This 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.

URBAN DESIGN

Goal 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WORKABILITY

Policy 5.1.2 Define urban character in Downtown and urban cores

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
- (7) To promote landscape/streetscape quality and appearance.

The applicant's request to amend PDS No. 98 for multiple family uses meets objectives 1, 3, 4, and 7 but does not meet objectives 2, 5, and 6. The proposed development cannot comply with a portion of the statement in objective 2 that relates to the continuous street frontage activities in retail areas. The proposed residential development will not have any retail uses that are associated with this development.

As it relates to objective No. 5, PDS No. 98 established the density rights and granted an increase in density. No change to density is proposed with this request. However, for objectives 2 and 6, the applicant's request improves the relationship and appearance with the development and the street. The elevated access to the street is appropriate for residential uses to distinguish from commercial uses.

Land Use Compatibility:

PDS No. 98 was established on February 13, 2013 to facilitate the development of a maximum 216 multiple-family unit project subject to a development plan. The PD conditions require a minimum of five dwelling units along Carlisle Street and a minimum of three dwelling units along Routh Street to have direct access to a sidewalk (Sec. S-98-113(d)). However, the development plan and PD conditions do not take into account that porches, stairs, and stoops are structures and would be located outside of the front yard setback. The topography of the site causes the need for ramps or stairs in order to meet the entrance requirement.

Since City Council has determined the original development plan, setbacks, and densities were appropriate for this property and direct access for ground-level units to the sidewalk is an important urban design requirement, staff supports the proposed amendment to PDS No. 98.

| | Zoning with/in PDD No. 193 | Land Use |
|-----------|----------------------------|----------------------------|
| Site | PDS No. 98 | Undeveloped |
| Northeast | PDS No. 58 | Bank |
| Southwest | GR | Offices, Parking structure |
| Southeast | GR | Restaurants |
| Northwest | PDS No. 93 | Multiple Family |

Parking/Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

Z134-151(JH)

No change to parking or traffic is proposed with this application.

Landscaping:

Landscaping is required in accordance with Part I landscaping requirements in PDD No. 193.

List of Partners/Principals/Officers

Alamo Manhattan Routh, LLC
 Alamo Manhattan Holdings, Ltd., Member, Manager
 Alamo Manhattan, LLC, general partner
 Wade Johns, Manager
 Matt Segrest, Manager

Z134-151(JH)

CPC Minutes – February 20, 2014

Z134-151(JH)

Planner: Jennifer Hiromoto

Motion: It was moved to recommend **approval** of the amendment to Planned Development Subdistrict No. 98 within Planned Development District No. 193, the Oak Lawn Special Purpose District, subject to a development plan and conditions on the south corner of Carlisle Street and Routh Street.

Maker: Bagley
Second: Anglin
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 0
Vacancy: 0

Notices: Area: 500 Mailed: 56
Replies: For: 1 Against: 0

Speakers: None

CPC Recommended PD Conditions

Division S-98.
PD Subdistrict 98.

SEC. S-98.101. LEGISLATIVE HISTORY.

PD Subdistrict 98 was established by Ordinance No. 28916, passed by the Dallas City Council on February 13, 2013.

SEC. S-98.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict 98 is established on property generally located at the south corner of Carlisle Street and Routh Street. The size of PD Subdistrict 98 is 1.135 acres.

SEC. S-98.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division:

(1) SPECIAL RESIDENTIAL PROJECT means a development with a:

(A) multiple-family use that occupies a minimum of 95 percent of a building's floor area; and

(B) floor area ratio greater than 2.5.

(2) SUBDISTRICT means a subdistrict of PD 193.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This subdistrict is considered to be a nonresidential zoning district.

SEC. S-98.104. EXHIBIT.

The following exhibit is incorporated into this division: Exhibit S-98A: development plan.

SEC. S-98.105. DEVELOPMENT PLAN.

(a) For a special residential project, development and use of the Property must comply with the development plan (Exhibit S-98A). If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) For all other uses and developments, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, development schedule, and landscape plan does not apply.

SEC. S-98.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this subdistrict are those main uses permitted in the GR General Retail Subdistrict, subject to the same conditions applicable in the GR General Retail Subdistrict, as set out in Part I of this article. For example, a use permitted in the GR General Retail Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the GR General Retail Subdistrict is subject to DIR in this subdistrict; etc.

(b) The following additional main uses are permitted:

- Multiple-family. *[The additional provisions in Sections 51P-193.107(a)(3)(E)(ii), (iii) and (iv) do not apply.]*

~~----- -- Uses customarily incidental to a multiple-family use, including accessory community center (private).~~

SEC. S-98.107. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

(b) The following accessory uses are prohibited:

- Amateur communication tower.
- Open storage.
- Private stable.

SEC. S-98.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. If there is a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the GR General Retail Subdistrict apply.

(b) Front yard. For a special residential project:

(1) Except as provided in this subsection, minimum front yard is 15 feet along Carlisle Street and 10 feet along Routh Street.

(2) Balconies may project a maximum of five feet into the front yard.

(3) Unenclosed porches and stoops up to four feet in height may encroach into the front yard as shown on the development plan, Exhibit S-98A

(4) No setback is required for stairs and steps.

(c) Side yard. For a special residential project:

(1) Except as provided in this subsection, minimum side yard is 10 feet.

(2) Along the southwestern portion of the property, no side yard is required.

(d) Density. For a special residential project:

(1) Maximum number of dwelling units is 216.

(2) A minimum of 85 percent of the dwelling units must be a combination of one bedrooms and studios.

(3) A maximum of 15 percent of the dwelling units may be two bedrooms.

(e) Floor area. For a special residential project, maximum floor area is 200,000 square feet.

(f) Height.

(1) Except as provided in this subsection, maximum structure height is 120 feet.

(2) Except as provided in this paragraph, for a special residential project:

(A) Maximum structure height is 87 feet.

(B) The following structures may project up to 12 feet above the maximum structure height:

(i) Chimneys.

(ii) Clerestories.

(iii) Communication towers.

(iv) Cooling towers.

(v) Elevator penthouses or bulkheads.

(vi) Mechanical equipment rooms.

(vii) Parapet wall limited to five feet in height.

(viii) Skylights.

(ix) Vent stacks.

(x) Visual screens that surround mechanical equipment.

(g) Lot coverage.

(1) Except as provided in this subsection, maximum lot coverage is 80 percent.

(2) For a special residential project, maximum lot coverage is 84 percent.

(3) Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

SEC. S-98.109. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult Part I of this article for the specific off-street parking and loading requirements for each use.

(b) For an accessory community center (private) use in conjunction with a multiple-family use, one off-street parking space per 1,000 square feet of floor area is required.

(c) For a special residential project, all parking must be located underground or within a structure.

SEC. S-98.110. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-98.111. LANDSCAPING.

(a) Landscaping and screening must be provided in accordance with Part I of this article.

(b) Plant materials must be maintained in a healthy, growing condition.

SEC. S-98.112. SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. S-98.113. ADDITIONAL PROVISIONS.

(a) The Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

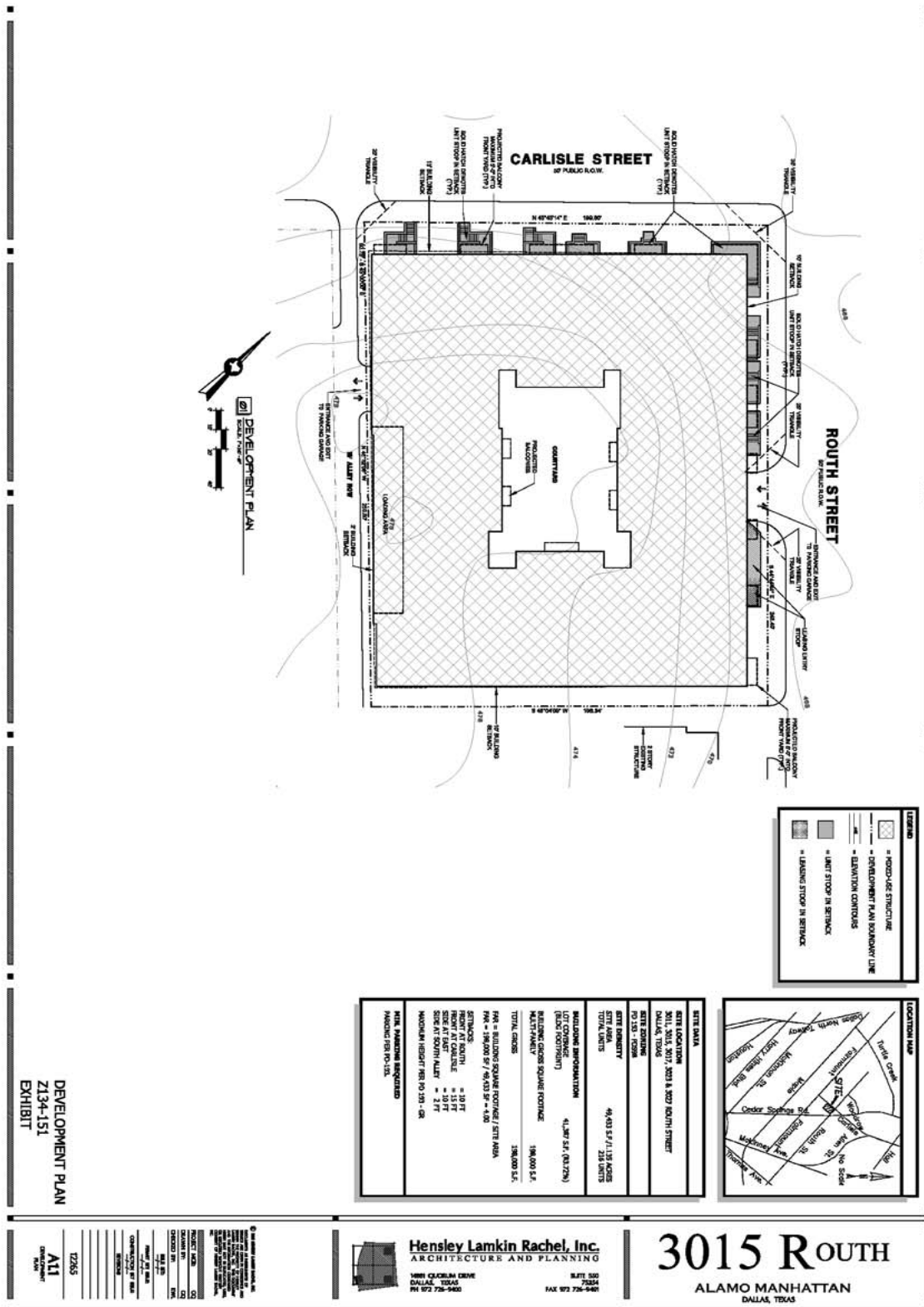
(c) Development and use of the Property must comply with Part I of this article.

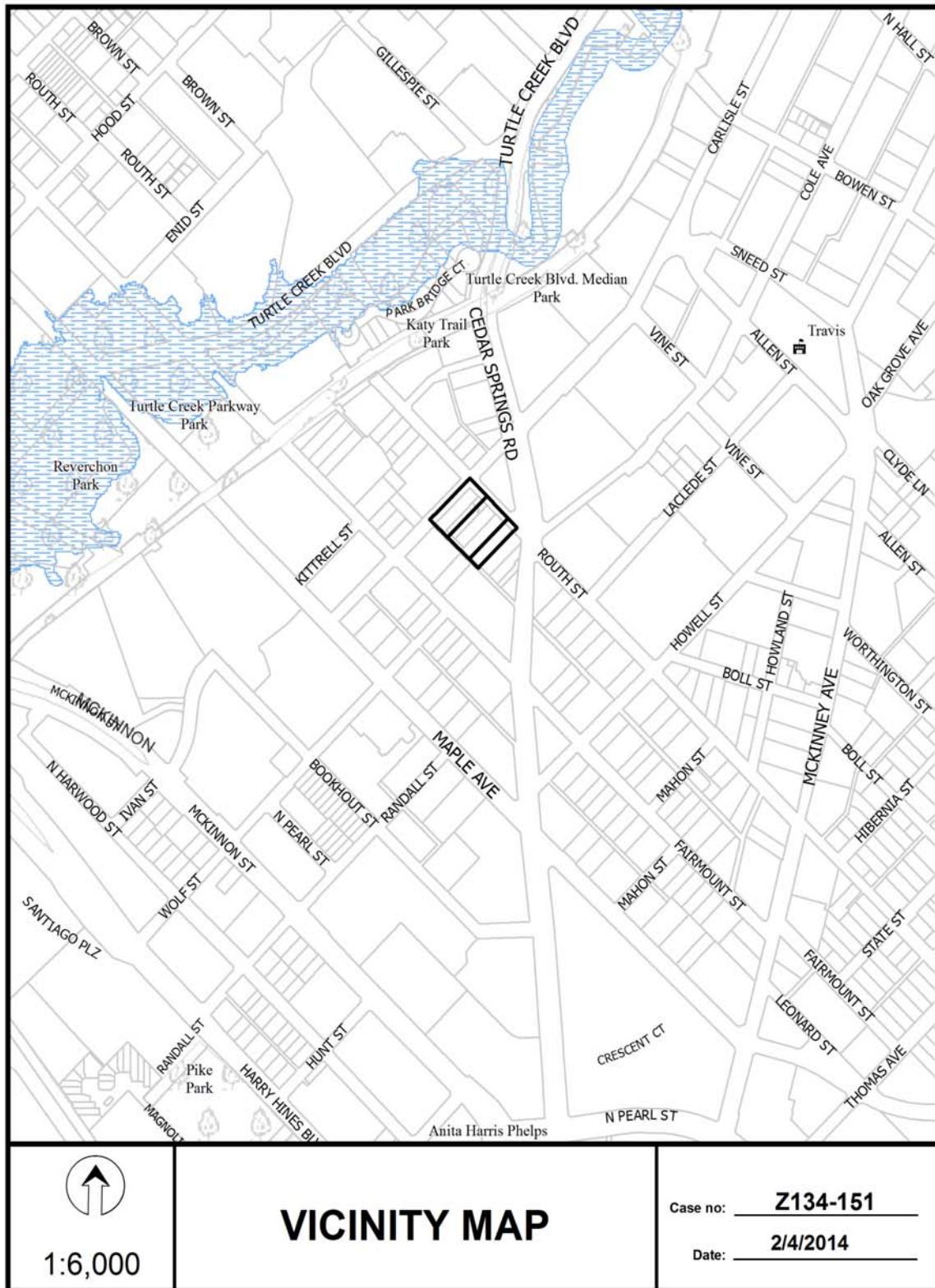
(d) For a special residential project, a minimum of five dwelling units along Carlisle Street and a minimum of three dwelling units along Routh Street must have direct access to a sidewalk.

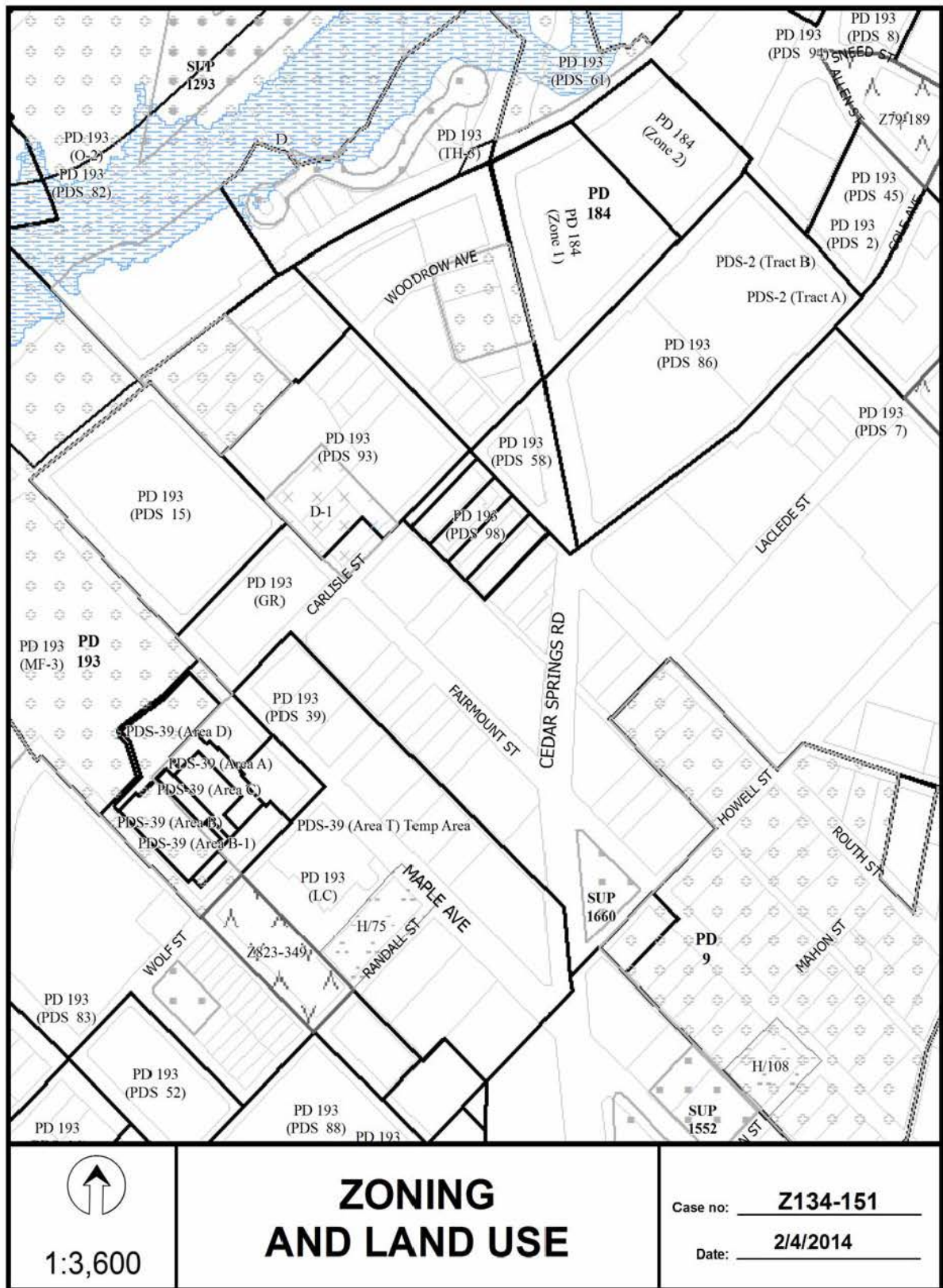
SEC. S-98.114. COMPLIANCE WITH CONDITIONS.

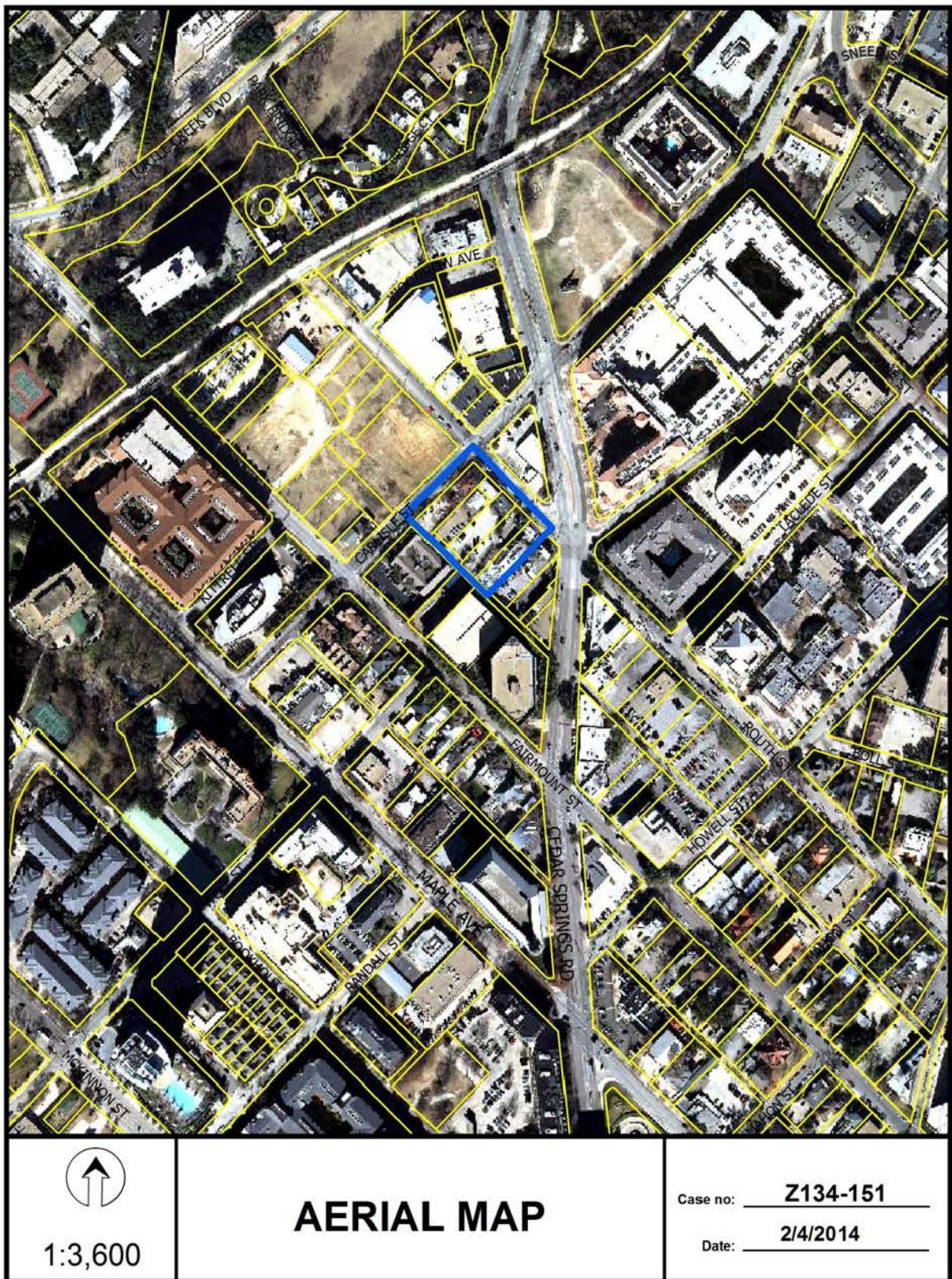
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(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, in this subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

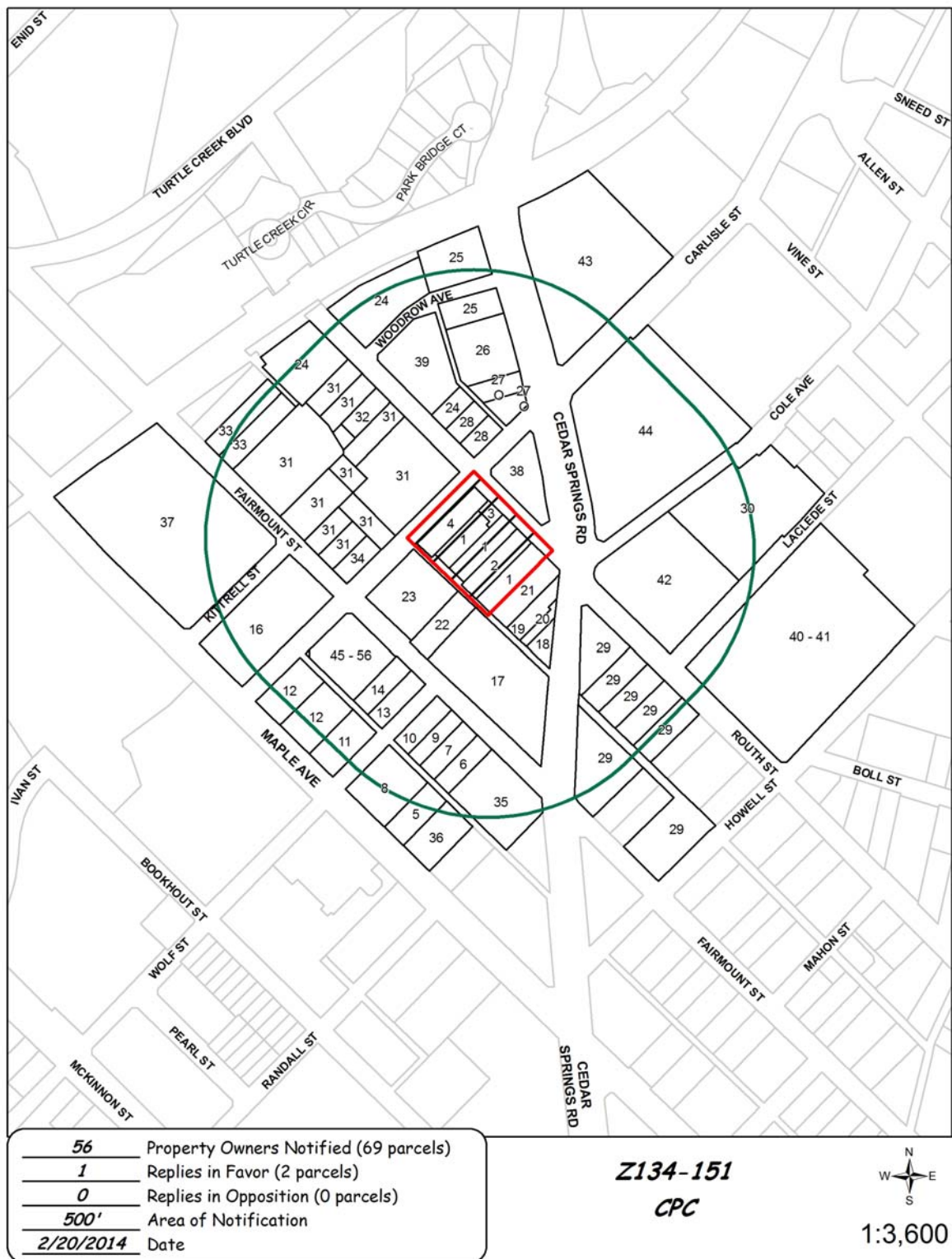








CPC Responses



CPC Responses

2/20/2014

Reply List of Property Owners**Z134-151**

56 Property Owners Notified 1 Property Owners in Favor 0 Property Owners Opposed

| Reply Label # | Address | Owner |
|----------------------|-----------------------|--------------------------------|
| 1 | 3011 ROUTH ST | ALAMO MANHATTAN ROUTH LLC |
| 2 | 3015 ROUTH ST | ALAMO MANHATTAN ROUTH LLC |
| 3 | 3023 ROUTH ST | ALAMO MANHATTAN ROUTH LLC |
| 4 | 3027 ROUTH ST | ALAMO MANHATTAN ROUTH LLC |
| 5 | 2912 MAPLE AVE | FIRST DALLAS HOLDINGS INC |
| 6 | 2917 FAIRMOUNT ST | CALABAZA HOLDINGS LLC |
| 7 | 2921 FAIRMOUNT ST | CALABAZA HOLDINGS LLC |
| 8 | 2926 MAPLE AVE | SHIELDS LTD PS |
| 9 | 2923 FAIRMOUNT ST | PERKINS JAMES M JR & |
| 10 | 2925 FAIRMOUNT ST | REILLY PARKWAY LTD PTNS |
| 11 | 3000 MAPLE AVE | GREENWAY 3000 MAPLE LTD |
| 12 | 3008 MAPLE AVE | MAPLE TREE PARTNERS LTD |
| 13 | 3001 FAIRMOUNT ST | FRENCH JAMES F & |
| 14 | 3005 FAIRMOUNT ST | COVINGTON TERRIE I |
| 15 | 3000 FAIRMOUNT ST | SLOCUM PROPERTIES INC |
| 16 | 3102 MAPLE AVE | MAPLE COUNTRY LTD |
| 17 | 2501 CEDAR SPRINGS RD | CADDO UPTOWN LP |
| 18 | 2521 CEDAR SPRINGS RD | THORNTON LAURIE L & |
| 19 | 2537 CEDAR SPRINGS RD | SPURGIN ROBERT B & SALLY |
| 20 | 2535 CEDAR SPRINGS RD | SPURGIN ROBERT B |
| 21 | 3005 ROUTH ST | JEH FAMILY TRUST |
| 22 | 3004 FAIRMOUNT ST | 3004 FAIRMOUNT LP |
| 23 | 3012 FAIRMOUNT ST | MAVINA FAIRMOUNT LLC |
| 24 | 3136 ROUTH ST | KATY TRAIL ICE HOUSE LP |
| 25 | 2727 CEDAR SPRINGS RD | 2727 CEDAR SPRINGS RD LLC |
| 26 | 2711 CEDAR SPRINGS RD | STORAGE HOLDINGS CEDAR SPRINGS |

2/20/2014

| | Reply Label # | Address | Owner |
|---|----------------------|-----------------------|------------------------------------|
| O | 27 | 2705 CEDAR SPRINGS RD | CARLISLE JOINT VENTURE |
| | 28 | 3104 ROUTH ST | ASEL ART SUPPLY INC |
| | 29 | 2816 FAIRMOUNT ST | GREENWAY CEDAR SPRINGS LP |
| | 30 | 2626 COLE AVE | BRI 1853 2626 COLE LLC |
| | 31 | 3115 ROUTH ST | FAIRMOUNT G/ U LLC |
| | 32 | 3117 ROUTH ST | L G FAIRMOUNT LP |
| | 33 | 3210 FAIRMOUNT ST | TEXAS UTILITIES ELEC CO |
| | 34 | 3104 FAIRMOUNT ST | RIDDELL ROYD L & CONNIE J |
| | 35 | 2913 FAIRMOUNT ST | GATEGREEN PARTNERS |
| | 36 | 2906 MAPLE AVE | 2906 MAPLE AVE LLC |
| | 37 | 3200 MAPLE AVE | VILLAS AT KATY TRAIL GRANTOR TRUST |
| | 38 | 2605 CEDAR SPRINGS RD | GREENWAY-CARLISLE LP |
| | 39 | 3120 ROUTH ST | STORAGE HOLDINGS CEDAR |
| | 40 | 2800 ROUTH ST | CLOVER QUADRANGLE CORP |
| | 41 | 2800 ROUTH ST | THEATRE THREE INC |
| | 42 | 2600 COLE AVE | GABLES REALTY LTD PS |
| | 43 | 2728 CEDAR SPRINGS RD | JLB 2728 CEDAR SPRINGS LP |
| | 44 | 2650 CEDAR SPRINGS RD | LG VILLA ROSA II LP |
| | 45 | 3033 FAIRMOUNT ST | GIANCASPERO WALDEMAR N |
| | 46 | 3011 FAIRMOUNT ST | KAMINER MARC |
| | 47 | 3013 FAIRMOUNT ST | NAGESH KONANUR |
| | 48 | 3015 FAIRMOUNT ST | BURNELL JEREMY |
| | 49 | 3017 FAIRMOUNT ST | PARRISH ROLAND G |
| | 50 | 3019 FAIRMOUNT ST | BAKER JENNIFER ANNE |
| | 51 | 3021 FAIRMOUNT ST | MEDINA LANA |
| | 52 | 3023 FAIRMOUNT ST | HIRZEL JEFF L & CAROL A |
| | 53 | 3025 FAIRMOUNT ST | VAUGHN ROBERTA R |
| | 54 | 3027 FAIRMOUNT ST | SIMPSON THOMAS A & |
| | 55 | 3029 FAIRMOUNT ST | LEUNG KEVIN |
| | 56 | 3031 FAIRMOUNT ST | MOORE CAROL A |

AGENDA ITEM # 44

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 3

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 62 A; E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1993 for an industrial (outside) use not potentially incompatible limited to a concrete batch plant on property zoned an IR Industrial Research District on the south side of Crystal Lake Boulevard, west of Dan Morton Drive

Recommendation of Staff: Approval for a five-year period, subject to conditions

Recommendation of CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z134-131(MW)

FILE NUMBER: Z134-131(MW)

DATE FILED: November 11, 2013

LOCATION: South side of Crystal Lake Boulevard, west of Dan Morton Drive

COUNCIL DISTRICT: 3

MAPSCO: 62-A; 62-E

SIZE OF REQUEST: 5.0 acres

CENSUS TRACT: 165.20

APPLICANT/OWNER: Ashley Concrete LLC

REPRESENTATIVE: Audra Buckley, Permitted Development

REQUEST: An application for the renewal of Specific Use Permit No. 1993 for an industrial (outside) use not potentially incompatible limited to a concrete batch plant on property zoned an IR Industrial Research District.

SUMMARY: The applicant proposes to continue the operation of the existing concrete batch plant [Ashley Concrete] on the property.

CPC RECOMMENDATION: **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

STAFF RECOMMENDATION: **Approval** for a five-year period, subject to conditions.

STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing concrete batch plant is compatible with the surrounding land uses, which are predominantly industrial in nature. A retaining wall has been constructed in the location shown on the site plan to prevent stockpile materials from encroaching onto adjacent properties.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The facility does not contribute, enhance or promote the welfare of adjacent properties. However, it is also not a detriment.
3. *Not a detriment to the public health, safety, or general welfare* – The concrete batch plant has been operating since May 11, 2011. Conditions, which include a dust control plan, ensure that the use is not a detriment to the public health, safety, or general welfare of the city.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the existing site plan, the request complies with all applicable zoning regulations and standards. No variances or exceptions are proposed.

BACKGROUND INFORMATION:

- The 5.0-acre request site is developed with and is operating as a concrete batch plant comprised of a ±1,875-square foot office, ±21,762-square foot covered truck parking area, and four silos.
- The applicant was issued a temporary Certificate of Occupancy for the use on May 11, 2011 for a six-month period. Specific Use Permit No. 1993 was approved on October 24, 2012 for a two-year period. No expansion or additional site improvements are proposed by this application.

Zoning History:

There has been no zoning activity in the vicinity of the request site within the last five years.

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.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|------------------------|-----------|--------------|
| Crystal Lake Boulevard | Collector | 50 feet |

Surrounding Land Uses:

| | Zoning | Land Use |
|-------|--------|------------------|
| North | IR | Undeveloped |
| East | IR | Freight terminal |
| South | IR | Temple |
| West | IR | Freight terminal |

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 depict 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 *Residential Neighborhood*. While single family dwellings are the dominant land use in such areas, shops, restaurants, or institutional land uses that serve residents may be located at the edges or at key intersections.

The applicant's request is not consistent with the Comprehensive Plan. However, there is an established industrial development pattern in this area. The Comprehensive Plan is a target vision for 2030. It is not anticipated that the vision for this area recommended in the Plan will come to fruition within the recommended time frame for this Specific Use Permit. Therefore, staff recommends approval. However, no automatic renewals should be granted in order to allow re-evaluation of the site and the surrounding area.

Land Use Compatibility:

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be compatible with the adjacent property and consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards.

The applicant's request; subject to conditions, complies with the general provisions for consideration of a specific use permit. Therefore, staff recommends approval for a five-year period subject to conditions.

Development Standards:

| District | Setbacks | | Density FAR | Height | Lot Coverage | Special Standards | Primary Uses |
|---|----------|--|--|--------------------|-----------------|--|---|
| | Front | Side/Rear | | | | | |
| Existing: IR Industrial research | 15' | 30' adjacent to residential OTHER: No Min. | 2.0 FAR overall 0.75 office/ retail 0.5 retail | 200' 15 stories | 80% | Proximity Slope Visual Intrusion | Industrial, wholesale distribution & storage, supporting office & retail |

Parking:

Pursuant to §51A-4.203 of the Dallas Development Code, the off-street parking requirement for the an industrial (outside) use is one (1) space per 600 square feet of floor area plus one (1) space per 600 feet of outside manufacturing area. Therefore, the ±1,875-square foot office associated with the concrete batch plant requires three (3) off-street parking spaces. The use does not involve outside manufacturing. As depicted on the site plan, 16 spaces are provided on site.

Landscaping:

Landscaping must be provided and maintained in accordance with Article X of the Land Development Code. There is no additional impervious area being added to the site. Therefore, no additional landscaping is required.

CPC Action: February 6, 2014:

Motion: It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1993 for an industrial (outside) use limited to a concrete batch plant for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned an IR Industrial Research District on the south side of Crystal Lake Boulevard, west of Dan Morton Drive.

Maker: Rodgers
Second: Bagley
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

| | | | | |
|-----------------|-------|-----|----------|----|
| Notices: | Area: | 300 | Mailed: | 15 |
| Replies: | For: | 0 | Against: | 0 |

Speakers: None

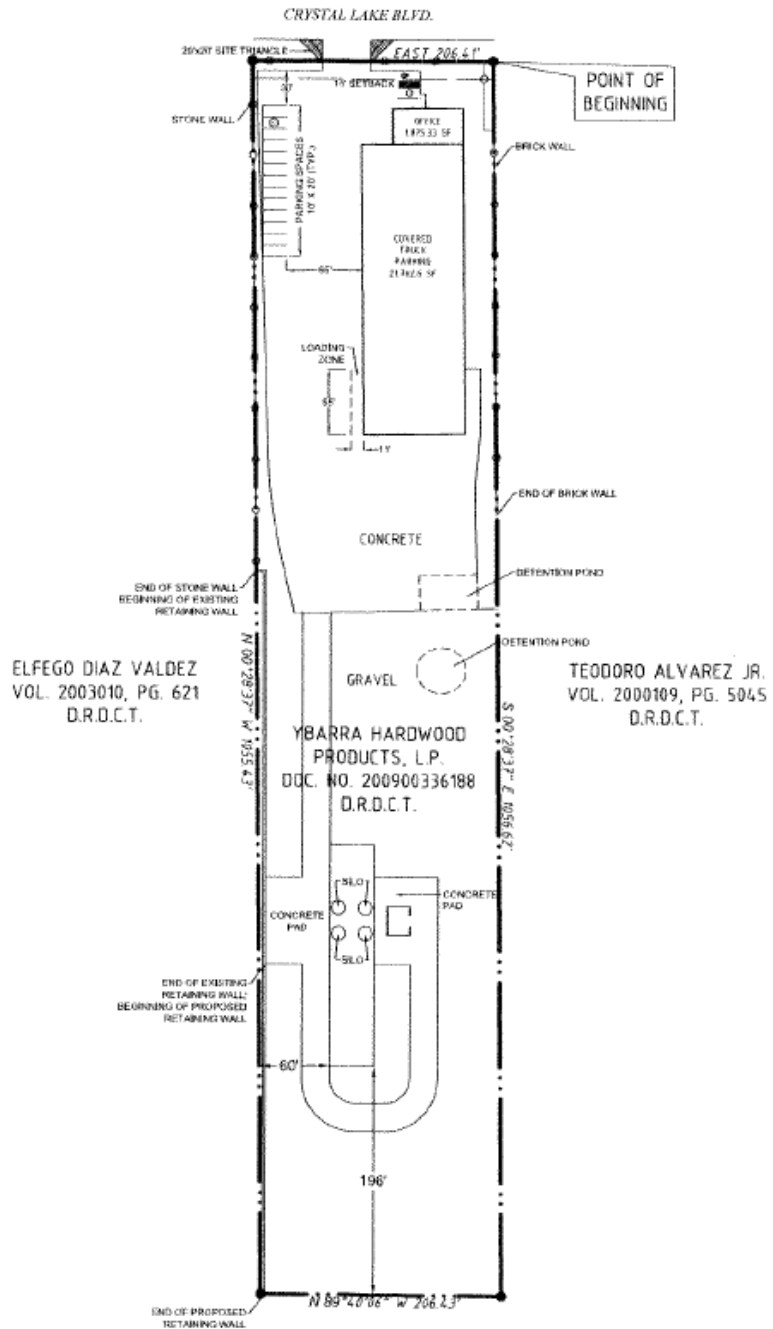
Z134-131
CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is an industrial (outside) not potentially incompatible use to be used as a concrete batch plant.
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 _____(five years from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods pursuant to Section 51A-4.219 of 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 application for automatic renewal is strictly enforced.)
4. LANDSCAPING: Landscaping must be provided and maintained in accordance with Article X of the Dallas Development Code, as amended.
5. DUST CONTROL:
 - (a) The following conditions must be met on an ongoing basis:
 - (1) Trucks must be loaded through a discharge equipped with a water ring that eliminates visible dust emissions.
 - (2) All roads and maneuvering areas shown on the attached site plan must be paved, watered, and swept to eliminate visible dust emissions. Other areas uses for vehicle traffic must be watered as necessary top eliminate visible dust emissions.
 - (3) During operations, all stockpiles must be sprinkled with water or chemicals as necessary to eliminate visible dust emissions.
 - (4) The cement storage silos and cement weigh hopper must be vented to a fabric filter to eliminate visible dust emissions.
 - (5) During operations, the conveyor charge hopper must have a water spray sufficient to eliminate visible dust emissions.
 - (6) To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.

- (7) Cement spills must be cleaned up and contained or dampened within 30 minutes so that emissions from wind erosion and/or vehicle traffic are minimized.
 - (b) Before the issuance of a certificate of occupancy, a ground and dust control plan must be submitted to the director of Sustainable Development and Construction. The ground and dust control plan must be in writing and must describe how the industrial (outside) use limited to a concrete batch plant will comply with the conditions in Paragraph 5(a).
- 6. FLOOR AREA: The maximum floor area is 23,637.93 square feet in the location shown on the attached site plan.
- 7. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
- 8. OFF-STREET PARKING: Off-street parking spaces must be provided in the locations shown on the site plan.
- 9. RETAINING WALLS:
 - (a) Retaining walls must be provided and maintained as shown on the attached site plan.
 - (b) The retaining walls must be designed to prevent stockpile materials from encroaching onto adjacent properties.
 - (c) The retaining walls must be designed so that they do not impact approved drainage systems or drainage on adjacent properties.
- 10. STOCKPILE HEIGHT: Maximum stockpile height for concrete materials, including sand, is 10 feet.
- 11. STORMWATER:
 - (a) All drainage systems must be kept clear of debris and maintained for designed flow capacity.
 - (b) A grading plan and drainage area map that complies with the Drainage Design Manual of the Department of Public Works must be approved by the director of sustainable development and construction and implemented before the issuance of a certificate of occupancy.
- 12. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
- 13. 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.

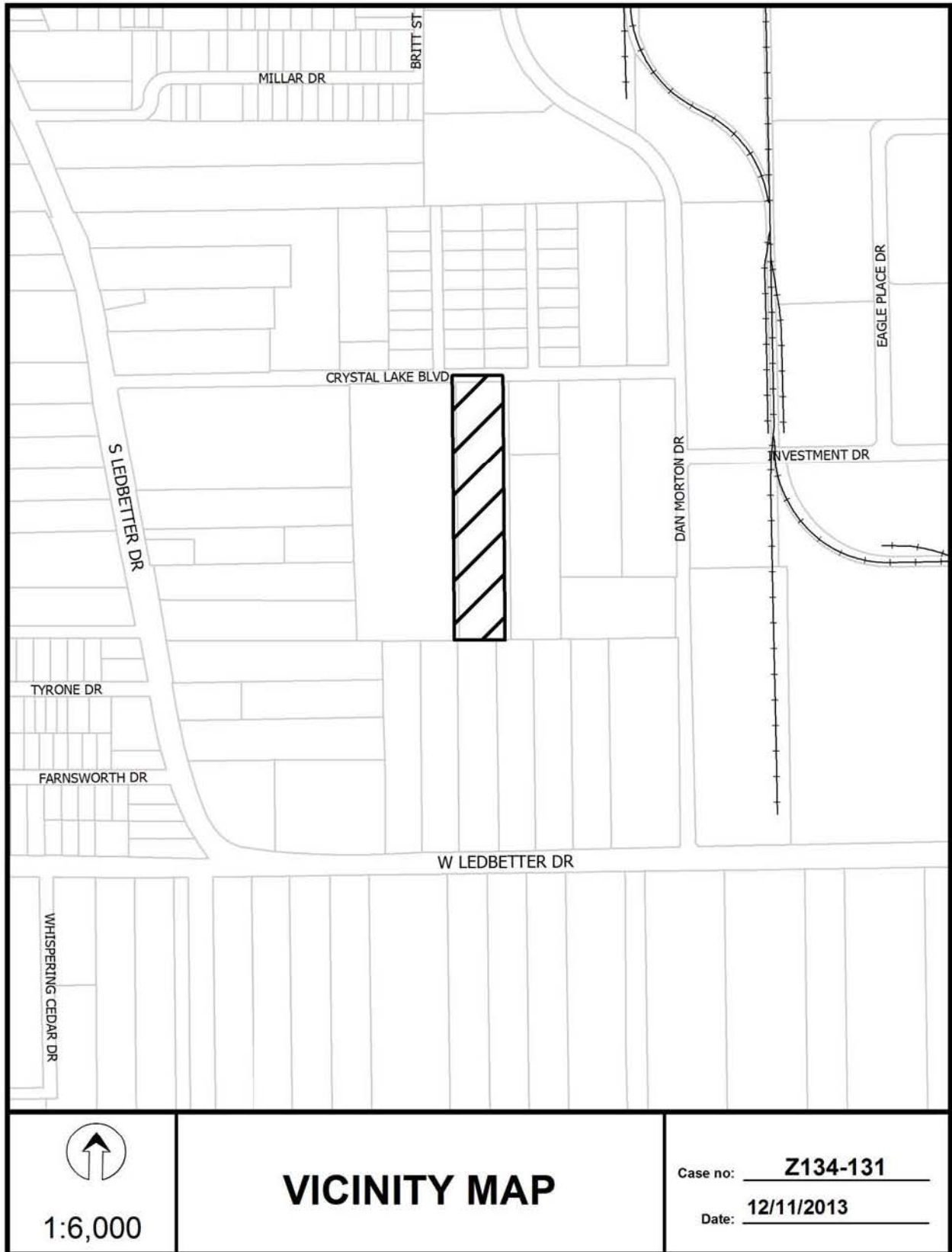
Existing/Proposed Site Plan

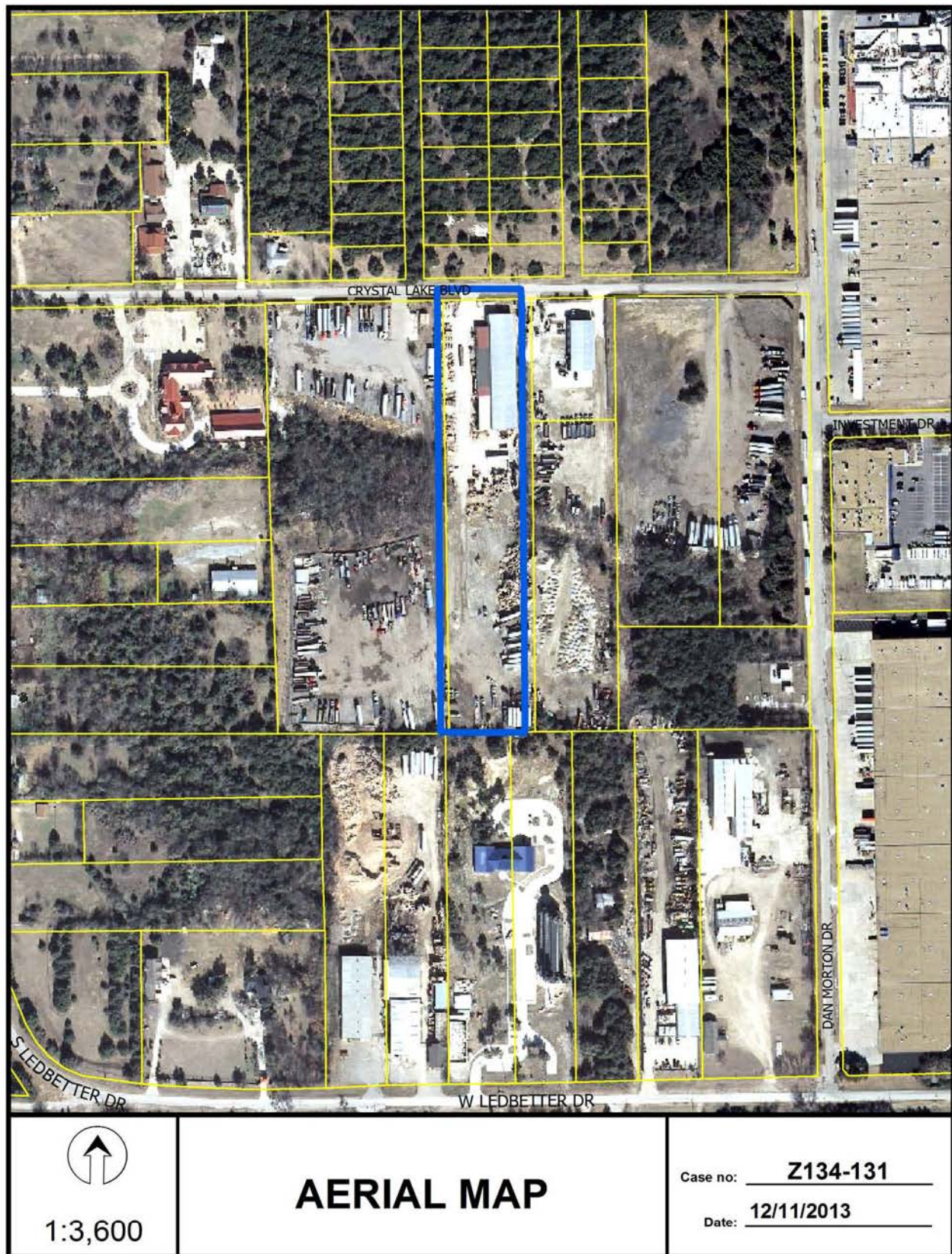
Site Plan
28827

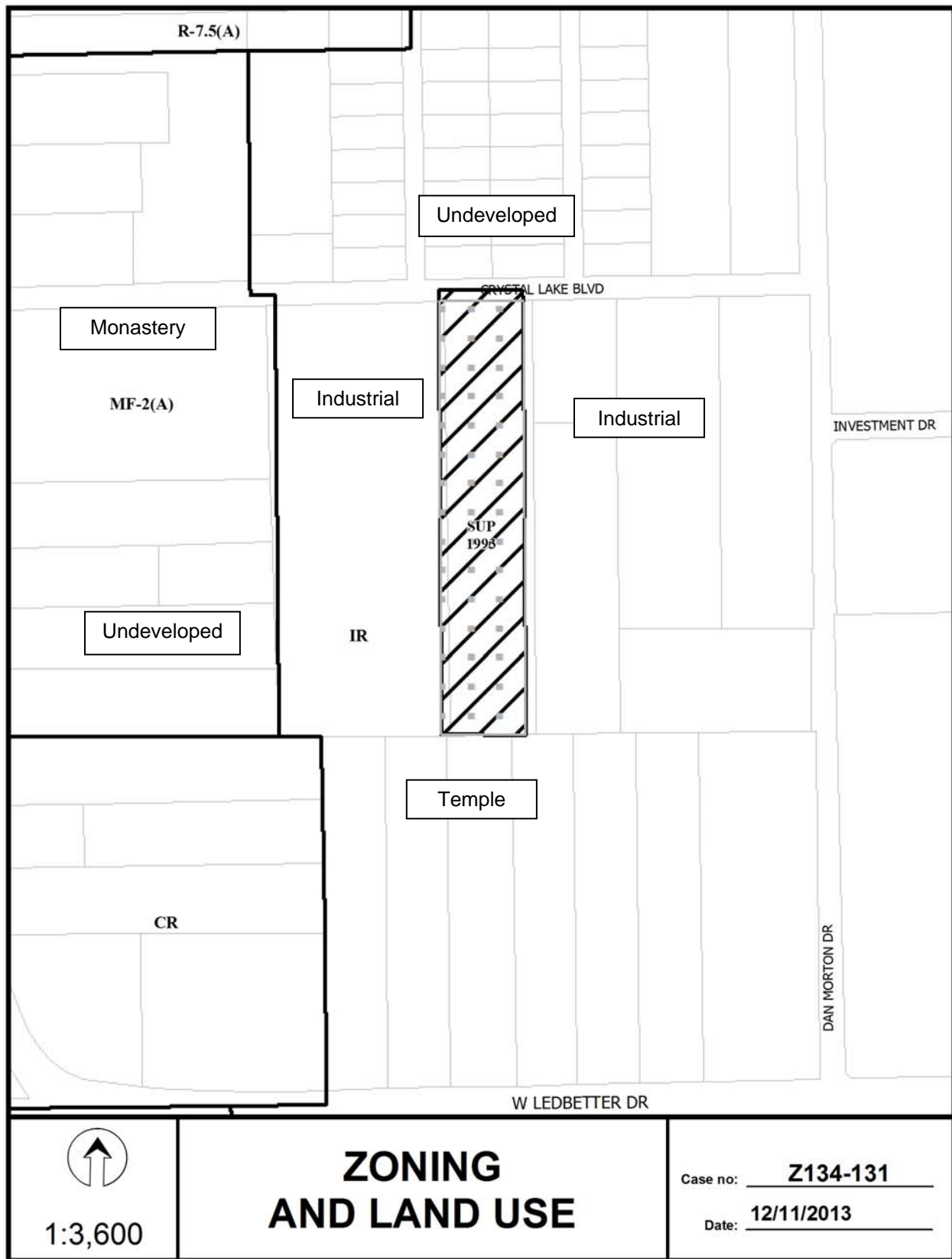


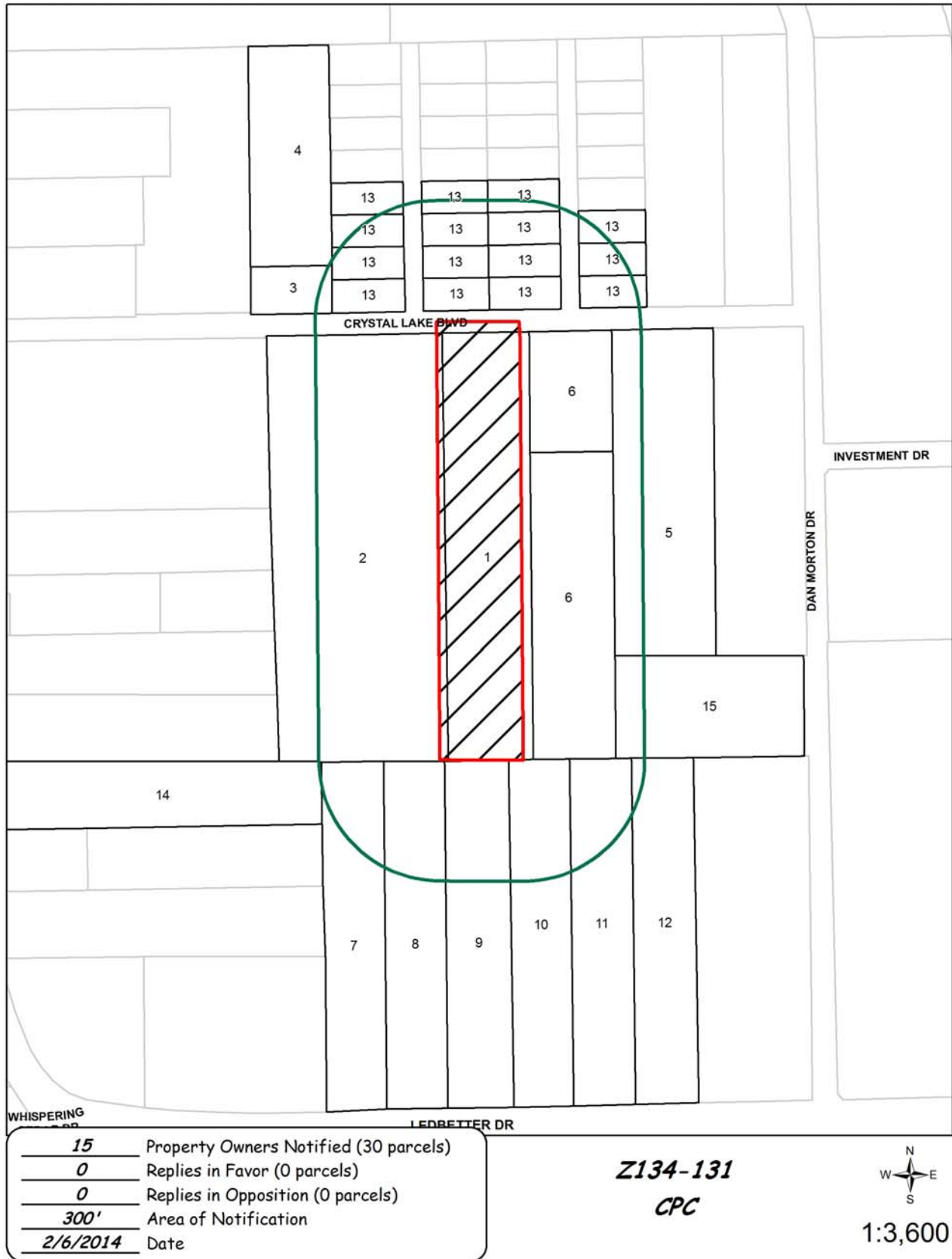
SITE PLAN

SCALE: 1" = 60'-0"









2/6/2014

Reply List of Property Owners

Z134-131

15 Property Owners Notified 0Property Owners in Favor 0 Property Owners Opposed

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|--------------------------|
| 1 | 5526 | CRYSTAL LAKE BLVD | ASHLEY CONCRETE LLC |
| 2 | 5610 | CRYSTAL LAKE BLVD | VALDEZ ELFEGO DIAZ |
| 3 | 5623 | CRYSTAL LAKE BLVD | GINGERICH JAMES F ETAL |
| 4 | 5623 | CRYSTAL LAKE BLVD | BIESE LUCILLE |
| 5 | 5450 | CRYSTAL LAKE BLVD | ROBINSON CHRISTIAN |
| 6 | 5520 | CRYSTAL LAKE BLVD | ALVAREZ TEODORO JR |
| 7 | 5711 | LEDBETTER DR | M & H METAL SPECIALTIES |
| 8 | 5623 | LEDBETTER DR | GWINN ROBERT D |
| 9 | 5611 | LEDBETTER DR | CAO-DAI TAY-NINH TEMPLES |
| 10 | 5535 | LEDBETTER DR | CAO DAI TAY NINH TEMPLES |
| 11 | 5625 | LEDBETTER DR | REAL EQUIPMENT LLC |
| 12 | 5511 | LEDBETTER DR | CITIQUEST CO LLC |
| 13 | 5 | CRYSTAL LAKE BLVD | SOHN YOUNG JIN |
| 14 | 4040 | LEDBETTER DR | TUCKER MALCOLM G TR & |
| 15 | 4101 | DAN MORTON DR | TIME WARNER CABLE OF DAL |

AGENDA ITEM # 45

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 34 Y

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for single-family detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue between Production Drive and Afton Street

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

Z123-135(WE)

Note: This item was considered by the City Council at public hearings on January 22, 2014 and February 12, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

ACM: Theresa O'Donnell**FILE NUMBER:** Z123-135(WE) **DATE FILED:** November 13, 2012**LOCATION:** Northwest line of Hawthorne Avenue between Production Dr.
and Afton Street**COUNCIL DISTRICT:** 2 **MAPSCO:** 34-Y**SIZE OF REQUEST:** Approx. 5.509 acres **CENSUS TRACT:** 4.01

APPLICANT / OWNER: Texas Intownhomes, LLC.**REPRESENTATIVE:** Robert Baldwin**REQUEST:** An application for a Planned Development Subdistrict for single-family detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.**SUMMARY:** The purpose of this request is to allow for the construction of a single family development and a community service center. The maximum number of single family dwellings proposed is 118.**CPC RECOMMENDATION:** Approval, subject to a conceptual plan and conditions**STAFF RECOMMENDATION:** Approval, subject to a conceptual plan and conditions

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The request site is currently zoned for MF-2 Multiple Family Subdistrict uses and could be developed with multiple family uses, however, due to certain limitations to the MF-2 development standards, the applicant requested a Planned Development Subdistrict to develop the site. The proposed 118 single family development is compatible with the surrounding development.
2. *Traffic impact* – The Engineering Section of the Department Sustainable development and Construction has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.
3. *Comprehensive Plan or Area Plan Conformance* The proposed request is in compliance with the forwardDallas! Comprehensive Plan.
4. Justification for PD Planned Development District Zoning as opposed to a straight zoning district – The proposed Planned Development Subdistrict is justified because the existing MF-2 Multiple Family Subdistrict prohibits certain development rights and standards the applicant is proposing in the single family development.

BACKGROUND INFORMATION:

- The request for a Planned Development Subdistrict is to construct a 118-single family detached development is twofold: 1) increase the structure height from 36 feet to 58 feet and 2) modify the yard, space and yard regulations in an MF-2(A) Subdistrict. The MF-2 Subdistrict development standards are more restrictive than what is proposed by the applicant to construct the single family development.
- The Medical District Tax Increment Finance District has reached an agreement with the applicant to receive funds for the site's redevelopment. As part of the agreement, the developer has agreed to allocate approximately 20 percent of the units as affordable units.
- On October 25, 2013, the Peer Review Panel will review and comment on the applicant's proposed plan. The Peer Review Panel consists of a Panel from the Design Team. The Review Panel is the first of two review committees that will consider the applicant's request to receive TIF funding. The applicant will have to receive final approval from TIF Board and City Council to receive the funds for the proposed development.
- The surrounding land uses consist of single family uses to the northeast and an elementary school (PDS No. 28) to the southeast, which is across Hawthorne Avenue. A flood plain borders the request site's northwestern and southwestern

boundaries that separate the industrial and commercial type uses that are on Macatee Drive and Production Drive, respectively.

Zoning History: There have been two recent Board of Adjustment cases requested in the area.

1. BDA101-011 On May 17, 2011, the Board of Adjustment Panel A granted a variance of 15 feet to the front yard setback regulations at 2201 Kings Road.
2. BDA101-040 On May 17, 2011, the Board of Adjustment Panel A granted a variance of 15 feet to the front yard setback regulations at 4701 Bengal Street.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|--------------|--------------|--------------|
| Hawthorne Avenue | Local Street | 50 ft. | 50 ft. |

Land Use:

| | Zoning | Land Use |
|------------------|-----------------------------|------------------------|
| Site | MF-2 w/in PDD No. 193 | Undeveloped |
| Northeast | MF-2 w/in PDD No. 193 | Single Family |
| Southeast | PDS No. 28 w/in PDD No. 193 | Elementary School |
| Northwest | IR | Industrial |
| Southwest | IR | Industrial, Warehouses |

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 being within the 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.

GOAL 3.1 ENSURE A SUSTAINABLE AND EFFICIENT LONG-RANGE HOUSING SUPPLY

Policy 3.1.2 Encourage alternatives to single-family housing developments for homeownership.

URBAN DESIGN

GOAL 5.1 PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY

Policy 5.1.1 Promote pedestrian-friendly streetscapes.

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

- (7) To promote landscape/streetscape quality and appearance.

The applicant's request for a PDS for a single family development meets objectives 1, 4, 6 and 7. The request does not meet the remaining objectives, 2, 3, and 5 because the proposed development will not have a retail component nor is located in a commercial area. The proposed single family development will only provide the appropriate off-street parking requirements necessary to service the development.

STAFF ANALYSIS:

Land Use Compatibility: The 5.509 acre site is undeveloped and is adjacent to a floodplain which flows along the request site's northwestern and southwestern property lines. The surrounding land uses consist of primarily residential uses, however there is an elementary school that is southeast of the site, across Hawthorne Avenue and industrial type uses (e.g., warehouse uses) to the southwest, across Production Drive.

The applicant's request for a Planned Development Subdistrict for single detached dwellings will permit the construction of a 110-single family shared access development. The applicant has requested several modifications to the MF-2 Subdistrict's development standards and regulations to allow for the proposed single family development to be developed. These modifications refer primarily to the yard, lot and space regulations, and parking regulations. The MF-2 Subdistrict development standards are more restrictive than is proposed by the applicant to construct the single family development. The MF-2 Subdistrict permits a front yard setback of 20 feet, a side yard setback of 10 feet and a rear yard setback of 15 feet. The proposed development will allow for zero yard setbacks. In addition, the City Council approved a similar development in the Farmer's Market area that is being proposed on the request site.

In addition, the applicant and the Medical District Tax Increment Finance District have reached an agreement to allocate approximately 20 percent of the units as affordable units. Also, the Medical District Tax Increment Finance will provide some financial funding for the site's redevelopment. On October 25, 2013, the Peer Review Panel, which consists of the Design Team, will review and comment on the applicant's proposed plan. The Review Panel is the first of two review committees that will consider the applicant's request to receive TIF funding. The applicant will have to receive final approval from TIF Board and City Council to receive the funds for the proposed development.

Staff's recommendation is for approval, subject to a conceptual plan and staff's recommended conditions.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | <u>Density</u> | <u>Height</u> | <u>Lot Coverage</u> | <u>Special Standards</u> | <u>PRIMARY Uses</u> |
|-------------------------------------|------------------------|-------------------------|--|----------------------|----------------------------|---------------------------------|------------------------------------|
| | <u>Front</u> | <u>Side/Rear</u> | | | | | |
| MF-2 – existing Multiple Family | 15' | 10/15' | Min lot 2,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR | 36' | 60% | | Multifamily, duplex, single family |
| PDS for single family - proposed | 0' | 0/0' | Min lot 2,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR | 58' | 90% | | Multifamily, duplex, single family |
| | | | | | | | |

Landscaping: Landscaping of any development will be in accordance with Part I landscaping requirements in PDD No. 193.

Traffic: The Engineering Section of the Department Sustainable Development and Construction has reviewed the request and determined that it will not impact the surrounding street system for the proposed development.

Miscellaneous – Conditions: Staff has reviewed supports the applicant Planned Development conditions. However, there are some provisions in the conditions that are not supported by staff and will be reflected in the appropriate sections.

As of November 21, 2013, staff has not received any revisions to the PDS conditions or conceptual plan that may reflect the Peer Review Team's comments. The Peer Review Team reviewed the applicant's project on October 25, 2013.

CPC Action (August 8, 2013)

Motion: In considering an application for a Planned Development Subdistrict for single detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue between Production Drive and Afton Street, it was moved to **hold** this case under advisement until September 26, 2013.

Maker: Wally
Second: Culbreath
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: 500 Mailed: 76
Replies: For: 3 Against: 0
Speakers: None

CPC Action (September 26, 2013)

Motion: In considering an application for a Planned Development Subdistrict for single detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue; between Production Drive and Afton Street, it was moved to **hold** this case under advisement until October 24, 2013.

Maker: Wally
Second: Tarpley
Result: Carried: 14 to 0

For: 14 - Wally, Anglin, Culbreath, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum,
Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Davis
Vacancy: 0

Notices: Area: 500 Mailed: 76
Replies: For: 4 Against: 0
Speakers: None

CPC Action (October 24, 2013)

Motion: In considering an application for a Planned Development Subdistrict for single detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue between Production Drive and Afton Street; it was moved to **hold** this case under advisement until November 7, 2013.

Maker: Soto
Second: Ridley
Result: Carried: 12 to 0

For: 12 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene*, Peadon,
Murphy, Ridley

Against: 0
Absent: 3 - Culbreath, Bernbaum, Alcantar
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 76
Replies: For: 4 Against: 0

Speakers: For (Did not speak): Robert Baldwin, 3904 Elm St., Dallas, TX,
75226

Against: None

CPC Action (November 7, 2013)

Motion: In considering an application for a Planned Development Subdistrict for single detached dwellings on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue between Production Drive and Afton Street; it was moved to **hold** this case under advisement until December 5, 2013.

Maker: Soto
Second: Tarpley
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 76
Replies: For: 4 Against: 0

Speakers: None

CPC Action (December 5, 2013)

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for single detached dwellings, subject to a revised conceptual plan and revised conditions on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the northwest line of Hawthorne Avenue, between Production Drive and Afton Street.

Maker: Soto
Second: Shellene
Result: Carried: 12 to 0

For: 12 - Soto, Rodgers, Shidid, Hinojosa, Lavallaisaa,
Tarpley, Shellene, Bernbaum, Peadon, Murphy,
Ridley, Alcantar

Against: 0
Absent: 3 - Anglin, Culbreath, Bagley
Vacancy: 0

| | | |
|-----------------|-----------|------------|
| Notices: | Area: 500 | Mailed: 76 |
| Replies: | For: 4 | Against: 0 |

Speakers: None

| |
|---|
| <p>LIST OF OFFICERS Texas in Townhomes, LLC</p> |
|---|

- Frank M. K. Liu, President
- Ming Liu, Vice-President
- Helen Ghozali, Vice-President

| |
|--|
| CPC PROPOSED PDS CONDITIONS |
|--|

SEC. S-____.101. LEGISLATIVE HISTORY.

PD Subdistrict ____ was established by Ordinance No. _____, passed by the Dallas City Council on _____.

SEC. S-____.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ____ is established on property generally located on the northeast corner of the intersection of Hawthorne Street and Production Drive. The size of PD Subdistrict ____ is approximately 5.509 acres.

SEC. S-____.103. PURPOSE.

The general objectives of these standards are to promote and protect the health, safety, welfare, convenience, and enjoyment of the public, and, in part, to achieve the following:

(1) To achieve buildings more urban in form.

(2) To promote and protect an attractive street level pedestrian environment by encouraging the development of residential structures in an urban context.

(3) To encourage a mix in the design of residential structures.

(4) To promote landscape/streetscape quality and appearance.

(5) To provide visual buffering and enhance the beautification of the city.

(6) To safeguard and enhance property values and to protect public and private investment.

(7) To conserve energy.

SEC. S-____.104. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part 1 of this article apply to this division. If there is a conflict, this division controls. If there is a conflict between Chapter 51 and Part 1 of this article, Part 1 of this article controls. In this division,

(1) COLORED CONCRETE means concrete with one or more pigments added to it.

(2) SUBDISTRICT means a subdistrict of PD 193.

(3) TYPE A UNITS means a unit that has a two car garage.

(4) TYPE B UNITS means a unit that has a one car garage.

(b) Unless otherwise state, all references to articles, divisions, or sections in this division are articles, divisions or sections in Chapter 51.

(c) This subdistrict is considered to be a residential zoning district.

SEC. S-____.105. EXHIBIT.

The following exhibit is incorporated into this division:

Exhibit S-__A: conceptual plan.

SEC. S-____.106. CONCEPTUAL PLAN

Development and use of the Property must comply with the conceptual plan (Exhibit S- ____). If there is a conflict between the text of this division and the conceptual plan, the text of this division controls.

SEC. S-____.107. DEVELOPMENT PLAN

(a) Except as provided in this section, a development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this subdistrict. If there is a conflict between the text of this division and the development plan, the text of this division controls.

(b) For property developed as a Residential Development Tract, a final plat may serve as a development plan.

SEC. S-____.108. HOMEOWNERS ASSOCIATION.

Prior to final plat approval, the owner of the Property must execute an instrument creating a homeowner's association for the maintenance of common areas, screening walls, landscape areas (including right-of-way landscaping areas), and for other functions. This instrument must be approved as to form by the city attorney and filed in the Dallas County deed records.

SEC. S-____.110. MAIN USES PERMITTED.

(a) The following uses are the only main uses permitted in this subdistrict:

- Accessory community center (private).
- Handicapped group dwelling unit.
- Local utilities.
- Single-family.
- Temporary construction or sales office.

SEC. S-____.111. ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

SEC. S-____.112. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part 1 of this article. In the event of a conflict between this section and Part 1 of this article, this section controls.)

(a) Single-family uses.

(1) Front yard. No minimum front yard.

(2) Side and rear yard. No minimum side or rear yard.

(3) Density. The maximum dwelling unit density is 118 units.

(a) At least 80% of the total units must be Type A units.

(b) no more than 20% of the total units can be Type B units.

(4) Height. Maximum structure height is 58 feet to the midpoint of the roof. Rooftop projections, trellis projections and other architectural features may exceed the height by 12 feet.

(5) Projections. Windows, sills, belt courses, cornices, or other architectural features may project no more than 12 inches into the right-of-way with a City of Dallas license for use of the public right-of-way. Cantilevered roof eaves, steps, stoops and balconies may project no more than three feet in the right-of-way with a City of Dallas license for use of the public right-of-way.

(6) Lot coverage. Maximum lot coverage is 90 percent. For purposes of lot coverage, the entire property ~~[subject to these regulations]~~ will be treated as a single lot.

(7) Lot size: No minimum lot size.

(8) Stories. No maximum stories.

(9) Plat requirements. In this subdistrict, a minimum of 10 feet must be provided by plat between each group of no more than eight single family structures.

(10) Platted lots. Each dwelling unit must be located on a separate lot. Platted lots may have frontage on two opposite sides.

SEC. S-____.113. OFF-STREET PARKING AND LOADING.

(a) In general. Except as provided in this section, consult Part 1 of this article for the specific off-street parking and loading requirements for each use.

(b) Parking for Single-family Residential Uses.

(1) Type A Units: Two off-street parking spaces are required per unit.

(2) Type B Units: One off-street parking space is required per unit.

(c) Guest Parking. A total of .25 parking spaces are required and these spaces may cross lot lines and may be located in the public right-of-way.

(d) Parking Space Dimensions. Except for on-street parallel parking spaces along Bengal Drive and Hawthorne Avenue, off-street parking spaces must be a minimum of 18 feet long by eight feet wide.

(e) There is no parking requirement for accessory uses, such as a sales office, accessory community center (private) or fitness center, provided the accessory use is principally for the residents.

(f) Accessory community center (private). Off-street parking is not required for an accessory community center (private) use.

SEC. S-____.114. RESIDENTIAL DEVELOPMENT TRACT PAVEMENT WIDTHS.

(a) The access drives must be provided as shown on the conceptual plan.

(b) Single-family lots may front on access drives.

(c) The residential development access area must have a minimum width of 20 feet, and a minimum pavement width of 20 feet. Pavement widths are measured perpendicularly from the edge of the pavement to the opposite edge of the pavement.

(d) Minimum visibility triangles are required at all driveways and intersections with public streets. At all driveways and intersections, visibility triangles must be 10 feet by 10-feet for driveways and 20 feet by 20-feet at street intersections.

SEC. S-____.115. PARAPET WALL.

Parapet walls are required. A four-foot tall opaque parapet wall is required on all dwelling units facing the eastern property line.

SEC. S-____.116. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. S-____.117. LANDSCAPING.

(a) In general. Except as provided in this section, landscaping and screening must be provided in accordance with Part 1 of this article.

(b) Street trees. Street trees must be planted at one tree for each 30 linear feet of frontage along the perimeter of the property, exclusive of the visibility triangles and points of ingress and egress.

- (1) A minimum of four caliper inches must be planted.
- (2) Tree branches must not hang lower than 13.5 feet above the street or sidewalk pavement.
- (3) On Hawthorne Avenue, all street trees must be planted within a four (4) foot-wide planting area that is adjacent to the curb.
- (4) Any shrubs provided must be at least 18 inches in height and may be planted in a planter or a metal or concrete pot.
- (5) Trees, shrubs, water features, benches, mailboxes and other amenities may be provided in open space easements provided by plat.

(c) Sidewalks.

- (1) A minimum sidewalk width of 5 feet must be provide along Hawthorne Avenue.
- (2) A minimum sidewalk width of 10 feet, with 7.5 feet unobstructed by any structure or planting, must be provided along Bengal Street.
- (3) Sidewalks elsewhere in the interior of the subdistrict are allowed but not required. Interior sidewalks must be a minimum of three feet wide.
- (4) Sidewalks can be constructed with concrete, colored concrete or pavers.
- (5) Sidewalks can be located within Floodway Management Areas, provided that permeable materials are used.

(d) Maintenance. Plant material must be maintained in a healthy, growing condition.

SEC. S-____.118. URBAN DESIGN CONSIDERATIONS.

(a) Building materials. A minimum of 40 percent of total building facade area, excluding openings, must incorporate stone, brick or a combination of those materials. Hardi-board may be used on all facades.

(b) Drive-through porte-cocheres. Drive-through porte-cocheres must have a minimum height of 18 feet and may be located across shared drives.

(c) Outdoor lighting.

(1) Along Bengal Street and Hawthorne Avenue, light poles must be located a minimum of 50 feet and a maximum of 100 feet on center with a minimum of one foot-candle at the mid-point between fixtures.

(2) Outdoor light sources must be indirect, diffused, or shielded-type fixtures, installed to reduce glare and the consequent interference with boundary streets. Bare bulbs or strings of lamps are prohibited.

(3) Fixtures must be attached to buildings or mounted on permanent poles at a maximum height of 20 feet.

(4) Fixtures may be located within the public right-of-way with a City of Dallas license or on adjoining property.

(5) Pedestrian areas must be lighted beginning one-half hour after sunset and continuing until one-half hour before sunrise.

(d) Tree grates. Tree grates conforming to state and federal standards and specifications adopted to eliminate, insofar as possible, architectural barriers encountered by aged, handicapped, or disabled persons, and of a size adequate to permit healthy tree growth may be provided for all trees planted within a public sidewalk, ~~but are not required~~.

(e) Fencing.

(1) Solid fencing is allowed.

(2) Wrought iron fencing with or without gates is permitted between buildings along the perimeter of the subdistrict.

(3) Maximum fence height is eight feet.

(f) Pavement markings. Pedestrian crosswalks across ingress and egress driveways and interior drives or streets must be clearly marked by colored concrete or patterned or stamped concrete and must be consistent.

(g) Common areas. Mailboxes, water features and community service (private) use, pools, pool houses and accessory structures are allowed in common areas.

(h) Translucent windows.

(1) Translucent glass must be used on any windows located on the first two stories of any dwelling units that are adjacent to single family units on Afton Street.

(i) Dumpsters. Dumpsters are prohibited in this district.

SEC. S-____.119. SIGNS.

Signs must comply with the provisions for residential zoning districts in Article VII.

SEC. S-____.120. ADDITIONAL PROVISIONS.

(a) A maximum of 118 single family lots can be platted in a residential development tract.

(c) The Property must be properly maintained in a state of good repair and neat appearance.

(d) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

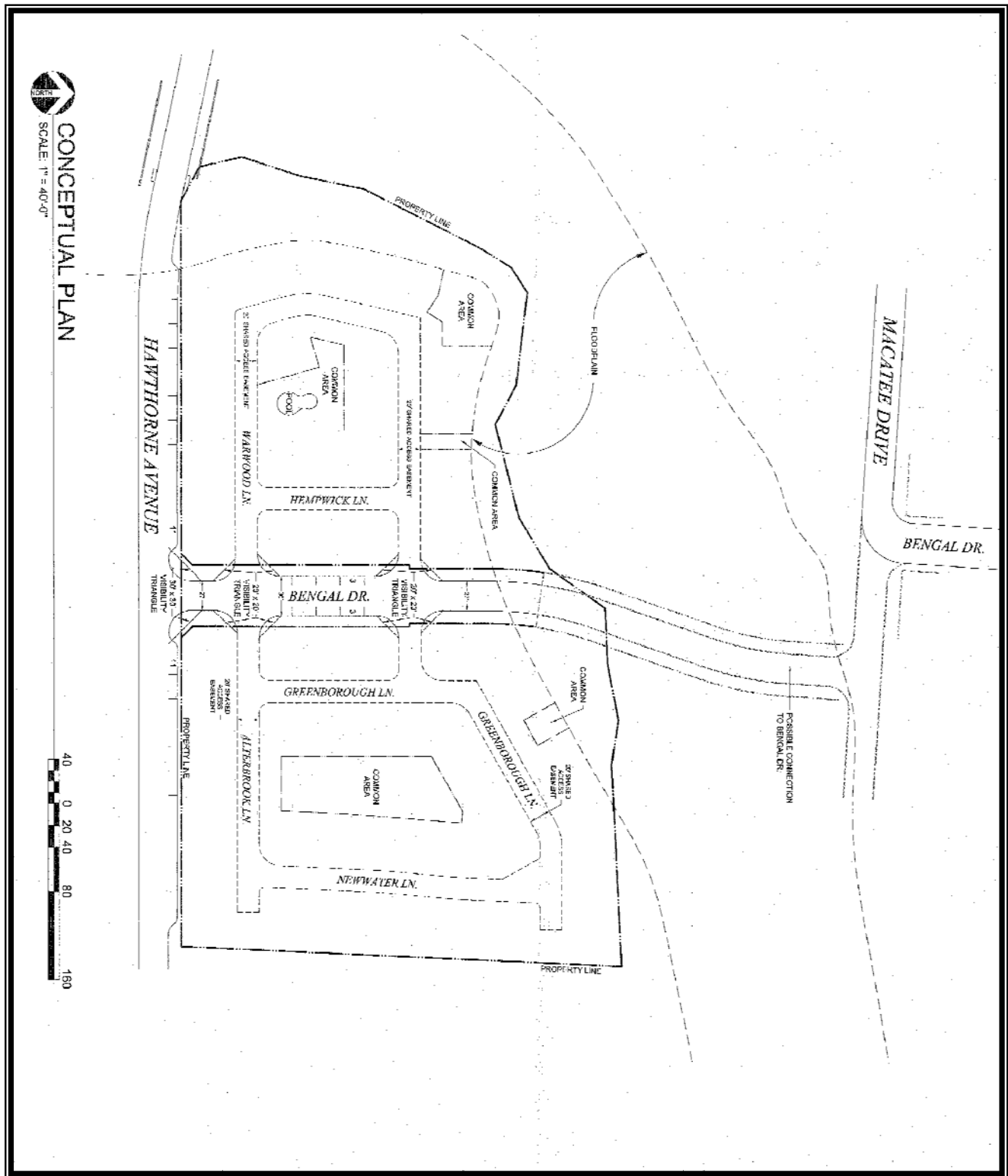
(e) Development and use of the Property must comply with Part 1 of this Article.

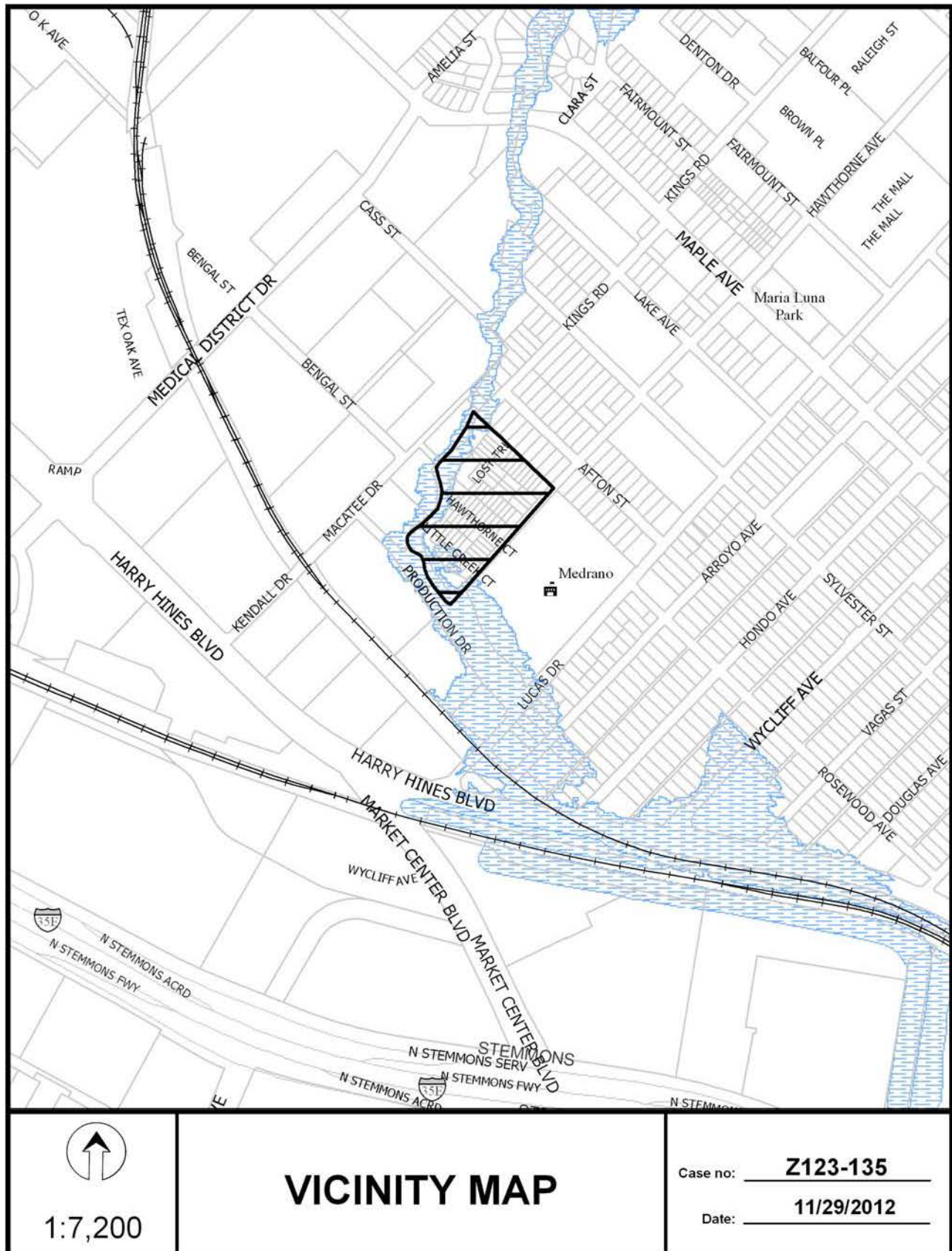
SEC. S-____.121. COMPLIANCE WITH CONDITIONS.

(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, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

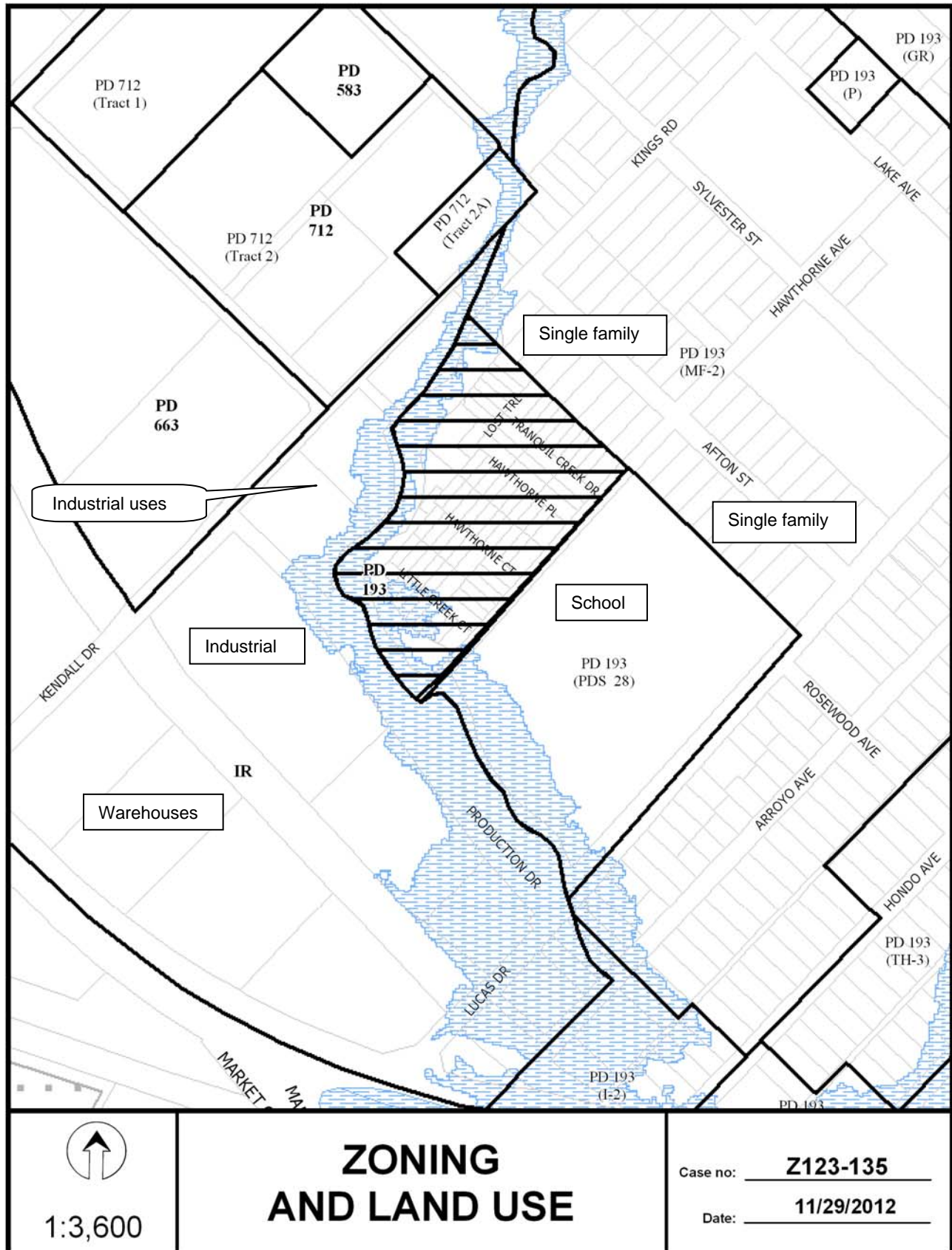
PROPOSED CONCEPTUAL PLAN

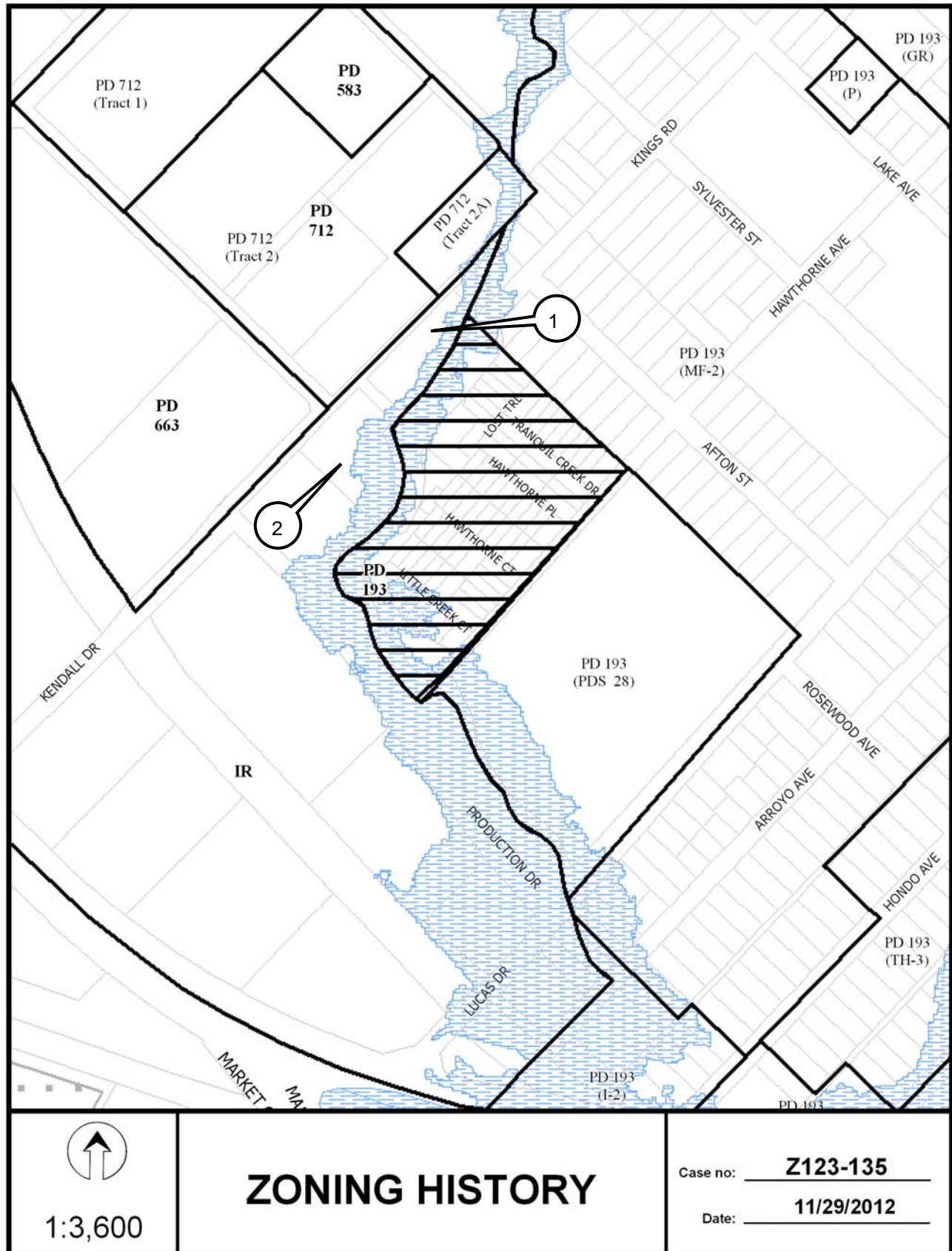




Ariel Map







CPC RESPONSES



| | |
|------------------|---|
| <u>76</u> | Property Owners Notified (156 parcels) |
| <u>4</u> | Replies in Favor (78 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>500'</u> | Area of Notification |
| <u>11/7/2013</u> | Date <u>10/24/2013</u> Under Advisement |

Z123-135
CPC



1:3,600

Notification List of Property Owners

Z123-135

| <i>76 Property Owners Notified</i> | | <i>0 Property Owners Opposed</i> | | <i>4 Property Owners in Favor</i> |
|---|-----------------------|---|-------------------|--|
| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | | <i>Owner</i> |
| O | 1 | 2201 | KINGS RD | CRASH INC |
| O | 2 | 4622 | TRANQUIL CREEK DR | TEXAS INTOWNHOMES LLC |
| | 3 | 4525 | SYLVESTER ST | TUNG CHYUAN INV INC |
| | 4 | 2319 | HAWTHORNE AVE | DELGADO SALVADOR & DINA |
| | 5 | 4601 | SYLVESTER ST | MALAGON MARTIN & GADRIELA |
| | 6 | 4607 | SYLVESTER ST | LOEZA CRISTINA |
| | 7 | 4615 | SYLVESTER ST | GARCIA BRENDA N |
| | 8 | 4619 | SYLVESTER ST | GANDARA AURELIANO & |
| | 9 | 4623 | SYLVESTER ST | HOLGUIN FERNANDO & |
| | 10 | 4625 | SYLVESTER ST | KEMP JACK R |
| | 11 | 2330 | KINGS RD | HYDE HEATH |
| | 12 | 2251 | KINGS RD | SINGER ARTURO |
| | 13 | 4634 | AFTON ST | CHANDLER NANCY ANN S TR |
| | 14 | 2324 | KINGS RD | SANCHEZ MARIA |
| | 15 | 4703 | SYLVESTER ST | CARRILLO CIRILO ESTATE OF |
| | 16 | 4707 | SYLVESTER ST | SEPULVEDA JAMES L & |
| | 17 | 4711 | SYLVESTER ST | BARRIOS JOSE LUIS & |
| | 18 | 4719 | SYLVESTER ST | HOLGUIN DANIEL & |
| | 19 | 2200 | KINGS RD | ODONNELL AUDREY L |
| | 20 | 4508 | AFTON ST | AGUINAGA JOSE A & ALICIA |
| | 21 | 4514 | AFTON ST | DAO CUONG P & QUYEN T VO |
| | 22 | 4518 | AFTON ST | MARTINEZ MARIA CARMEN |
| | 23 | 4522 | AFTON ST | HERNANDEZ EPIFANIO |
| | 24 | 4526 | AFTON ST | CORTEZ ANGEL & |
| | 25 | 4530 | AFTON ST | NGUYEN HOANG |
| | 26 | 4534 | AFTON ST | LE HOA THI XUAN |

Thursday, November 07, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-----------------------|-----------------------------|
| | 27 | 4538 AFTON ST | OSORIO ISRAEL ANTUNEZ & |
| | 28 | 4542 AFTON ST | MEDRANO PROPERTIES LLC |
| | 29 | 4600 AFTON ST | GALINDO XOCHILT |
| | 30 | 4606 AFTON ST | RAMIREZ JOSE & |
| | 31 | 4610 AFTON ST | MEDINA ADAN V & |
| | 32 | 4614 AFTON ST | VO HUONG THANH |
| | 33 | 4618 AFTON ST | DINH MY HOANG |
| | 34 | 4622 AFTON ST | LE MINH HOANG |
| | 35 | 4624 AFTON ST | LE KY VAN & |
| | 36 | 4630 AFTON ST | NGUYEN THANH PHONG |
| | 37 | 4501 AFTON ST | LIVE MODERN HOMES LLC |
| O | 38 | 4515 AFTON ST | URBINA CELIA |
| | 39 | 4519 AFTON ST | PEREZ JENNIFER |
| | 40 | 4523 AFTON ST | YOHANNES KIDUS |
| | 41 | 4527 AFTON ST | RODRIGUEZ JUAN P |
| | 42 | 4531 AFTON ST | ZUNIGA ANTONIO JUAN |
| | 43 | 4533 AFTON ST | DEITELHOFF KATRINA |
| | 44 | 4535 AFTON ST | QUINONES DANIEL G |
| | 45 | 4543 AFTON ST | MANUEL CLEMENTE |
| | 46 | 4601 AFTON ST | DICKERSON DOROTHY |
| | 47 | 4607 AFTON ST | GALINDO JOSE H & ROSA |
| | 48 | 4611 AFTON ST | PEREZ DENISE |
| | 49 | 4615 AFTON ST | FRANCISCO TOMAS |
| O | 50 | 4619 AFTON ST | CAO TRANG THI |
| | 51 | 4623 AFTON ST | NGUYEN VAN NGOC |
| | 52 | 4699 PRODUCTION DR | RUPLEY HELEN GAIL |
| | 53 | 2023 LUCAS DR | WALRAVEN A T III & |
| | 54 | 4525 PRODUCTION DR | PRODUCTION PPTY PTNR LLC |
| | 55 | 4641 PRODUCTION DR | GREENWAY 4641 PRODUCTION |
| | 56 | 4600 HARRY HINES BLVD | UNIVERSITY OF TEXAS |
| | 57 | 4640 HARRY HINES BLVD | SOVRAN ACQUISITION LTD PS |

Thursday, November 07, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|---------------------|----------------------------------|
| 58 | 4714 | CASS ST | KALOGRIDIS REAL EST LTD |
| 59 | 4814 | BENGAL ST | TCF INTERESTS PARTNERSHIP |
| 60 | 4722 | BENGAL ST | FOSTER M POOLE JR |
| 61 | 4815 | CASS ST | UNION GOSPEL MISSION |
| 62 | 2313 | HAWTHORNE AVE | JORY ROBERT |
| 63 | 4611 | SYLVESTER ST | GUZMAN JOSE GUADALUPE |
| 64 | 2359 | KINGS RD | BOUNNHING SAY |
| 65 | 2355 | KINGS RD | GOMEZ ELPIDIA |
| 66 | 2351 | KINGS RD | LARA OLGA L |
| 67 | 4637 | AFTON ST | NGUYEN DIEM TRANG HOANG |
| 68 | 4633 | AFTON ST | NGO HUNG VI & |
| 69 | 4629 | AFTON ST | NGUYEN MINH |
| 70 | 2221 | LUCAS DR | Dallas ISD |
| 71 | 4700 | BENGAL ST | TCF INTERESTS PARTNERSHIP LTD |
| 72 | 4816 | BENGAL ST | TCF INTERESTS PS LTD |
| 73 | 4816 | BENGAL ST | POOLE FOSTER M JR |
| 74 | 4707 | BENGAL ST | RONALD MCDONALD HOUSE OF |
| 75 | 2140 | MEDICAL DISTRICT DR | MOTOR STREET APTS LP |
| 76 | 555 | 2ND AVE | DART |

Thursday, November 07, 2013

AGENDA ITEM # 46

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 45 V; 46 V

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a potentially incompatible industrial use (metal or metal product treatment or processing) on property zoned Tract 1, RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas/Fair Park Special Purpose District on the north corner of South Harwood Street and Coombs Street

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

Z123-325(WE)

Note: This item was considered by the City Council at a public hearing on February 26, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

ACM: Theresa O'Donnell**FILE NUMBER:** Z123-325(WE) **DATE FILED:** June 27, 2013**LOCATION:** South Harwood Street and Coombs Street, north corner**COUNCIL DISTRICT:** 7 **MAPSCO:** 45-V, 46-V**SIZE OF REQUEST:** Approx. 12,000 sq. ft. **CENSUS TRACT:** 34

APPLICANT: Bonifacio Soriano**OWNER:** R.J. Andres**REPRESENTATIVE:** Jose Garcia

REQUEST: An application for a Specific Use Permit for a potentially incompatible use (metal or metal product treatment or processing) on property zoned an RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas / Fair Park Special Purpose District.

SUMMARY: The purpose of this request is to allow the applicant the ability to resurface raw metals with a material that is weather-resistant through a metal coating and finishing process. The procedure will require submerging various types of materials into a chemically treated liquid.

CPC RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

Staff recommends approval, subject to the site plan and conditions are based upon:

1. *Compatibility with surrounding uses and community facilities* –The level of chemical processing is not anticipated to be incompatible with the surrounding industrial area. However, there is a PDD that permits a combination of industrial and multifamily uses. A portion of PDD No. 513 is developed with multifamily uses and is located approximately within 60 feet north of the request site. Staff believes that this use does not pose concerns due to the tank's limited capacity to store the chemicals (not large enough to cause concern) and the processing being located totally within an enclosed building. There is somewhat concern with the potential of odor. The proposed two-year period will allow the City an opportunity to evaluate the facility's performance in the area.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed request will not contribute to, enhance or promote the welfare of the area.
3. *Not a detriment to the public health, safety, or general welfare* – The entire process will be contained inside the building. Ventilation is only required during the process of treating the metals. The applicant has indicated that the chemicals produce very little odor. Therefore, staff does not believe it will be a detriment. The proposed two-year period will allow the City an opportunity to evaluate the facility's performance in the area.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The proposed Specific Use permit for industrial (inside) potentially incompatible industrial use will comply with all applicable zoning regulations and standards. No variances or exceptions are requested.

BACKGROUND INFORMATION:

- The applicant will use an existing 8,427-square-foot warehouse to perform the metal coating and finishing process. The applicant will receive the various materials from a local business.
- The overall metal finishing alters the surface of metal products to enhance: corrosion resistance, wear resistance, electrical conductivity, electrical resistance, reflectivity and appearance (e.g., brightness or color), torque tolerance, solderability, tarnish resistance, chemical resistance, ability to bond to rubber (e.g., vulcanizing), and hardness.
- The adjacent land uses consist of Planned Development District No. 513 and an industrial use. The main uses that are permitted in PDD No. 513 are multifamily and industrial uses. Properties south and southwest of the site, across North Harwood

Street, consist of several industrial uses. Several warehouse uses are developed southeast of the request site, across Coombs Street.

- **Zoning History:** There have not been any recent zoning changes in the area.

Land Use:

| | Zoning | Land Use |
|------------------|---------------------------------------|------------------------|
| Site | RS-I with/in PDD No. 595 | Vacant building |
| Northeast | PDD No. 513 | Undeveloped |
| Southeast | RS-I with/in PDD No. 595 | Warehouse |
| Southwest | RS-C with/in PDD No. 595 | Industrial |
| Northwest | RS-I with/in PDD No. 595, PDD No. 513 | Industrial/Multifamily |

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 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.

Even though the Comprehensive Plan identifies this area as an Urban Mixed Use, the established development pattern is predominately industrial uses. While it is anticipated that this area will develop to support a variety of mixed uses, a land use study to support a work/live environment has not been initiated. The *forwardDallas! Comprehensive Plan* is a guide for future development.

The request site is located within an industrial area and the applicant will use four tanks, of which two tanks will be filled with the chemicals, to chemically treat the metals.

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 applicant has identified four tanks in the southwest quadrant of the warehouse that will be used to chemically treat the metals. The four tanks consist of the following liquids and hydrochloric acid and zinc phosphate. The total procedure to chemically treat the metals is approximately 30 to 45 minutes.

The surrounding land uses consist of industrial uses; however, the request site is adjacent to PDD No. 513 where the uses are a mix of industrial and multifamily. PDD No. 513 is currently developed with multifamily uses and is located between 30 and 60 feet from the request site. However, the remaining portion of PDD No. 513, is undeveloped and could be developed as industrial uses. A portion of PDD No. 513 is adjacent to the request site. The property east of the site, across Coombs Street, is a warehouse for produce.

Even though there are multifamily uses within 60 feet of the request site, the applicant will have to comply with all city, state and federal regulations and OSHA regulations as it relates to the chemicals being used in the procedure.

Staff's recommendation is for approval for a two-year period, subject to a site plan and conditions. Staff believes that the amounts of chemicals being stored in the tanks would not adversely impact the surrounding areas.

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.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | <u>Density</u> | <u>Height</u> | <u>Lot Coverage</u> | <u>Special Standards</u> | <u>PRIMARY Uses</u> |
|-------------------------------------|------------------------|--|--|----------------------|----------------------------|--|---|
| | <u>Front</u> | <u>Side/Rear</u> | | | | | |
| RS-I Regional Service Industrial | 15' | 15' adjacent to residential OTHER: No Min. | 1.0 combined 1.0 office 0.5 retail | 70' 5 stories | 80% | Proximity Slope Visual Intrusion | Commercial and business service, office, Industrial |
| | | | | | | | |

Landscaping: Landscaping of any development will be in accordance with Article X, as amended.

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.

Thoroughfares/Streets:

| <u>Thoroughfare/Street</u> | <u>Type</u> | <u>Existing ROW</u> | <u>Proposed ROW</u> |
|-----------------------------------|--------------------|----------------------------|----------------------------|
| South Harwood Street | Collector | 60 ft. | 60 ft. |
| Coombs Street | Collector | 80 ft. | 107 ft. |

Parking: The parking requirement for an industrial (inside) potentially incompatible industrial use is one space per 600 square feet of floor area. The request site is developed and the proposed use is not required to provide any additional off-street parking spaces.

CPC Action (December 19, 2013)

Motion: In considering an application for a Specific Use Permit for a potentially incompatible industrial use (metal or metal product treatment or processing) on property zoned Tract 1, RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas / Fair Park Special Purpose District on the north corner of South Harwood Street and Coombs Street, it was moved to **hold** this case under advisement until January 9, 2014.

Maker: Bagley
 Second: Tarpley
 Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers*, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 200 Mailed: 9
Replies: For: 0 Against: 1

Speakers: None

CPC Action (January 9, 2014)

Motion: In considering an application for a Specific Use Permit for a potentially incompatible industrial use (metal or metal product treatment or processing) on property zoned Tract 1, RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas / Fair Park Special Purpose District on the north corner of South Harwood Street and Coombs Street, it was moved to **hold** this case under advisement until January 23, 2014.

Maker: Bagley
Second: Culbreath
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene,
Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 200 Mailed: 9
Replies: For: 0 Against: 1

Speakers: None

CPC Action (January 23, 2014)

Motion: It was moved to recommend **approval** of a Specific Use Permit for a potentially incompatible industrial use (metal or metal product treatment or processing) for a two-year period, subject to a site plan and conditions on property zoned Tract 1, RS-I Regional Service Industrial Subdistrict within Planned Development District No. 595, the South Dallas / Fair Park Special Purpose District on the north corner of South Harwood Street and Coombs Street.

Maker: Bagley
Second: Shidid
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Hinojosa
Vacancy: 0

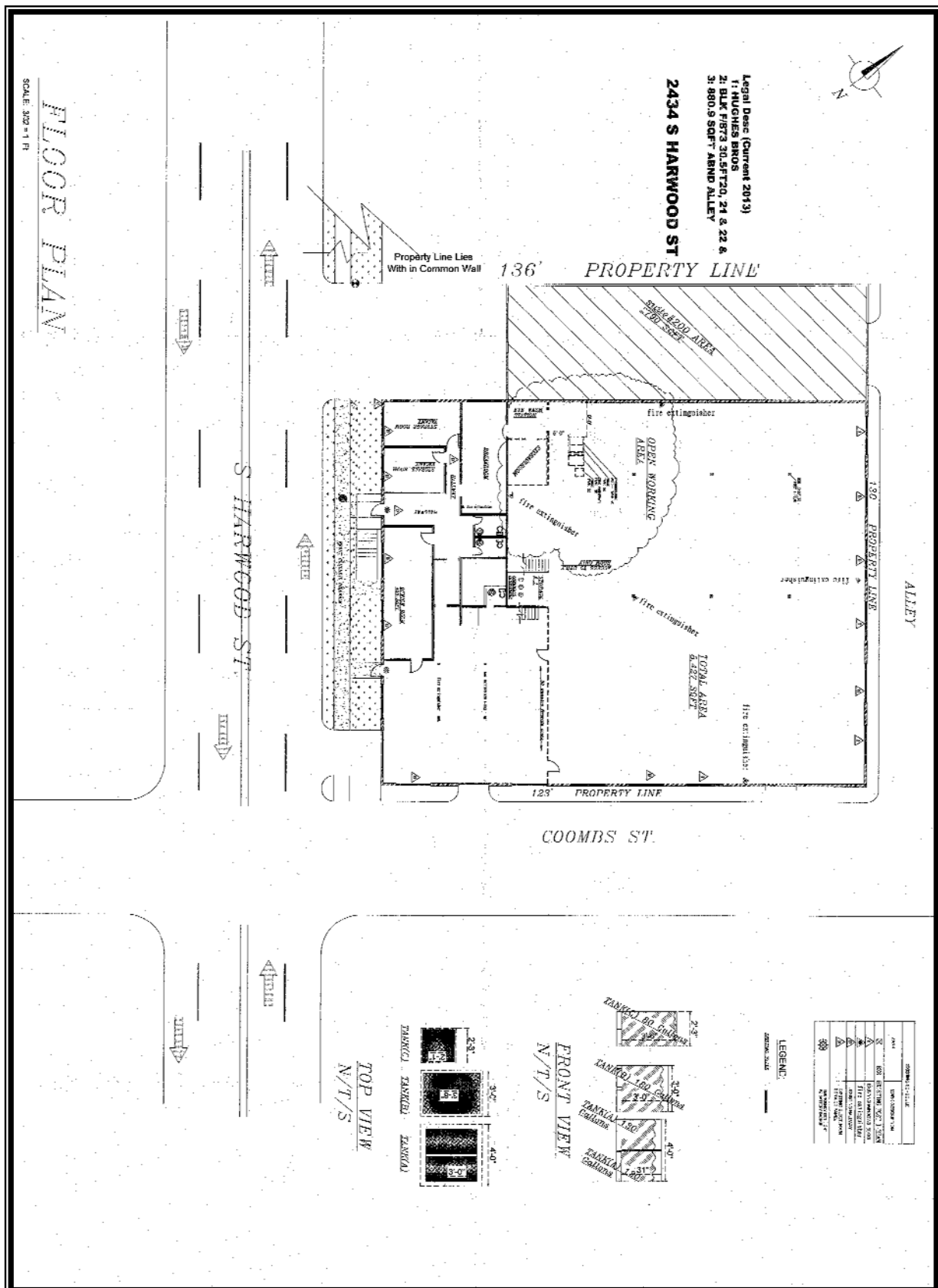
Notices: Area: 200 Mailed: 9
Replies: For: 0 Against: 1

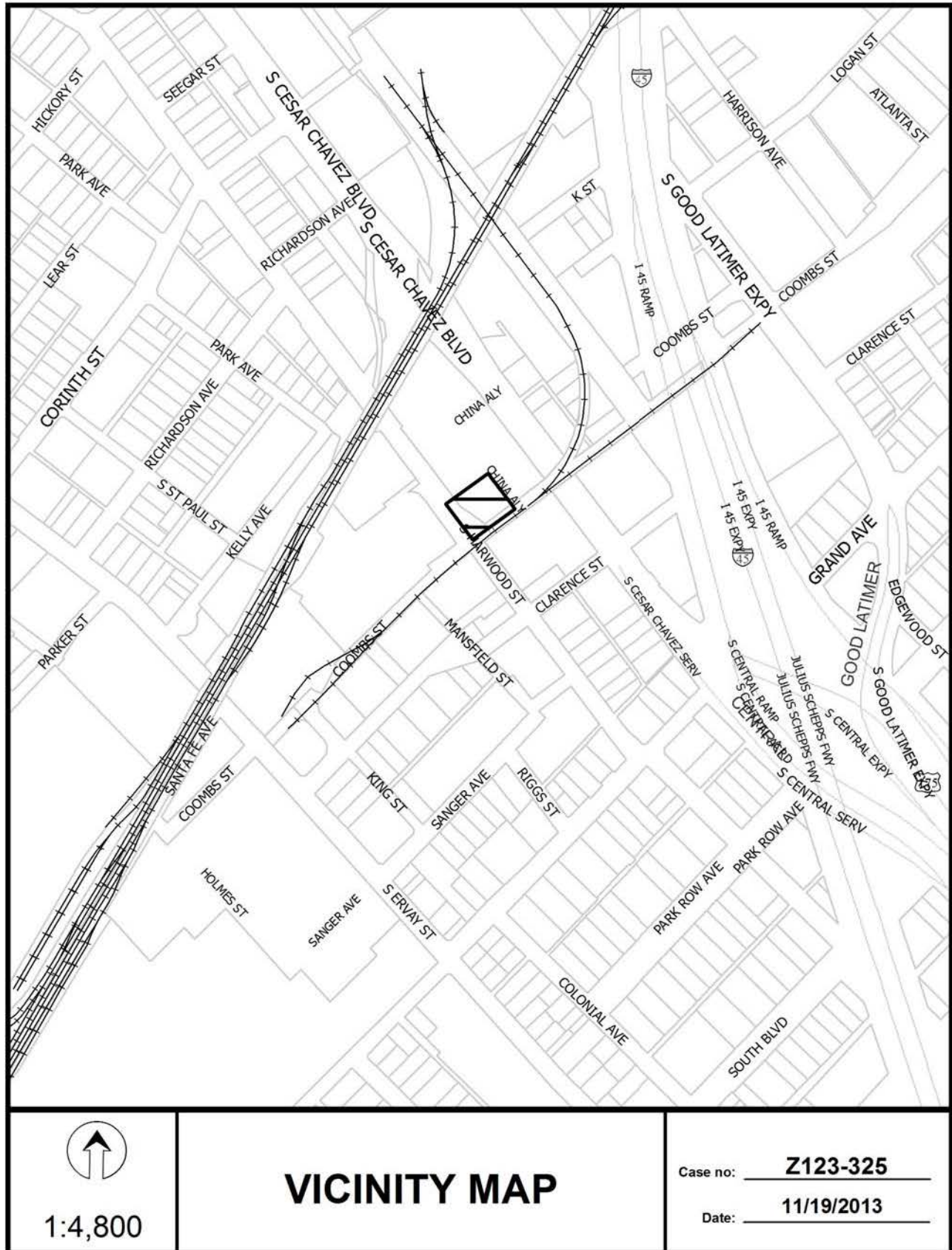
Speakers: None

| |
|--|
| CPC PROPOSED SUP CONDITIONS |
|--|

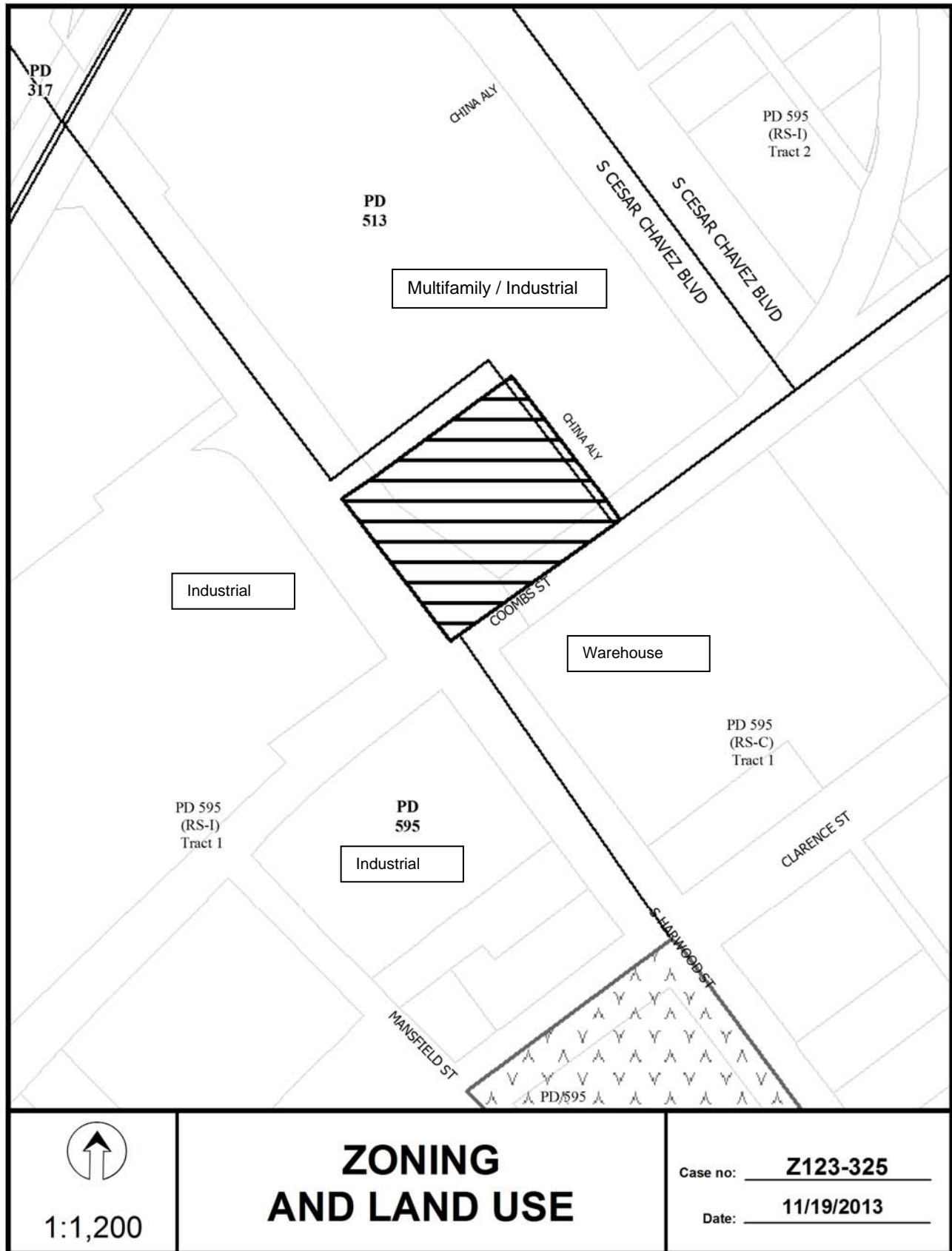
1. USE: The only use authorized by this specific use permit is an industrial (inside) potentially incompatible industrial use.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on_____, (two-year period from the passage of this ordinance.
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

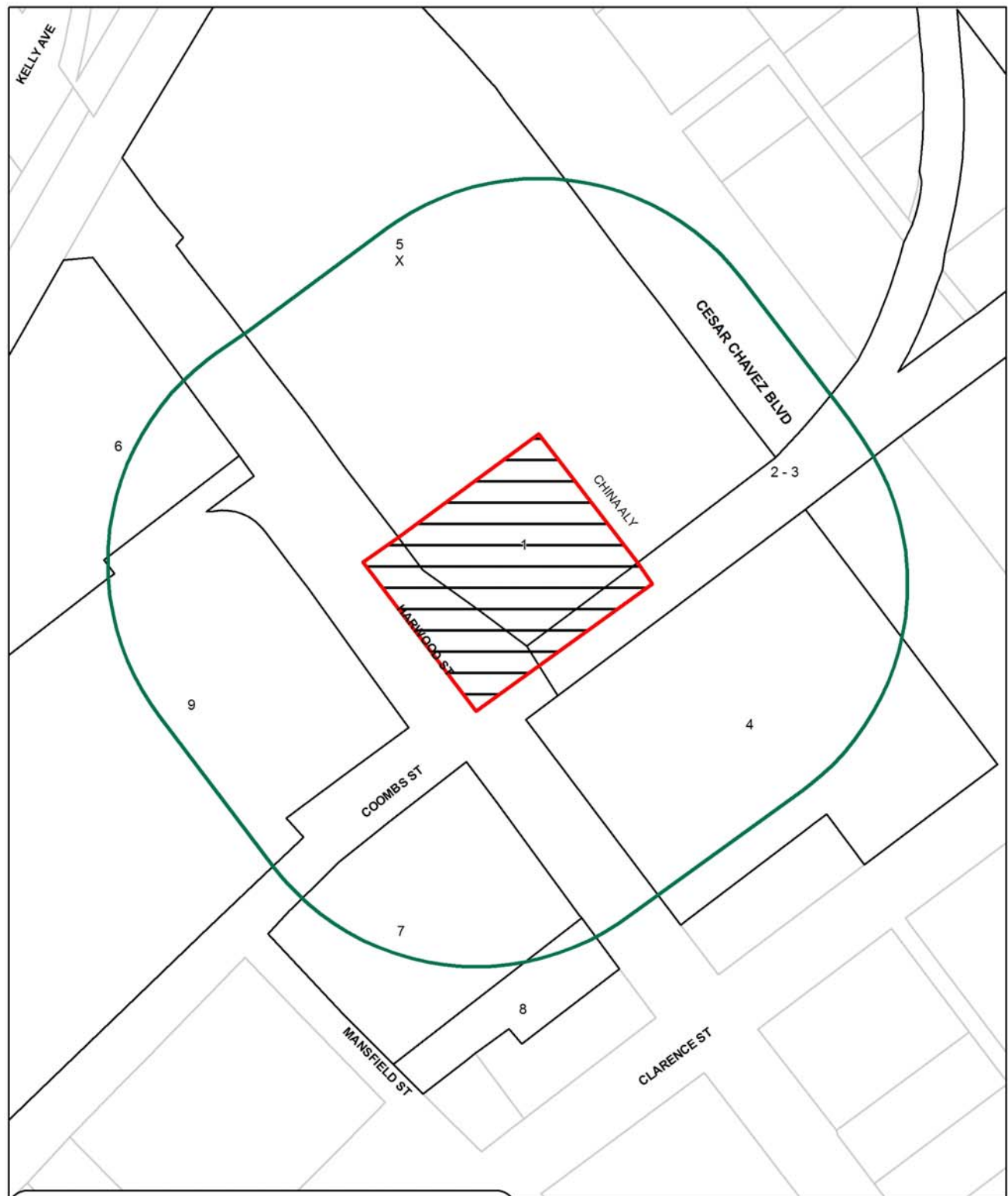








CPC RESPONSES



| | |
|------------------|---------------------------------------|
| <u>9</u> | Property Owners Notified (8 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>1</u> | Replies in Opposition (1 parcels) |
| <u>200'</u> | Area of Notification |
| <u>1/23/2014</u> | Date <u>1/9/2014</u> Under Advisement |

Z123-325
CPC



1:1,200

Notification List of Property Owners

Z123-325

| <i>9 Property Owners Notified</i> | | | <i>1 Property Owner Opposed</i> | <i>0 Property Owners in Favor</i> |
|--|-----------------------|-----------------------|--|--|
| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | | <i>Owner</i> |
| | 1 | 2434 | HARWOOD ST | ANDRES R J & JANIS |
| | 2 | 9999 | NO NAME ST | UNION PACIFIC RR CO |
| | 3 | 4401 | LINFIELD RD | ST LOUIS S W RAILWAY CO |
| | 4 | 2500 | HARWOOD ST | TIERRA NUEVA REAL ESTATE LLC |
| X | 5 | 2425 | CESAR CHAVEZ BLVD | REEVES GEORGE M JR ET AL |
| | 6 | 2405 | HARWOOD ST | TOWNSEND MURRELL |
| | 7 | 2501 | HARWOOD ST | CRONK MYRLE R TR OF 2002 |
| | 8 | 2515 | HARWOOD ST | SMITH DARRELL & ALMA |
| | 9 | 1815 | COOMBS ST | WAUGH JERRY W |

Thursday, January 23, 2014

AGENDA ITEM # 47

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 1

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 54 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a D-1 Liquor Control Overlay and an ordinance granting 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 on the northwest corner of West Jefferson Boulevard and North Brighton Avenue

Recommendation of Staff: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions

Recommendation of CPC: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions

Z123-328(MW)

Note: This item was considered by the City Council at public hearings on January 8, 2014 and February 12, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

FILE NUMBER: Z123-328(MW)

DATE FILED: July 23, 2013

LOCATION: Northwest corner of West Jefferson Boulevard and North Brighton Avenue

COUNCIL DISTRICT: 1

MAPSCO: 54-E

SIZE OF REQUEST: ±0.27 acre

CENSUS TRACT: 46.00

REPRESENTATIVE: Parvez Malik, Business Zoom

APPLICANT: Patric Henson

OWNER: Moe Barakat

REQUEST: An application for a D-1 Liquor Control Overlay and a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned a CR-D Community Retail District with a D Liquor Control Overlay

SUMMARY: The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing convenience store.

CPC RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for a two-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing general merchandise or food store 3,500 square feet or less is compatible with the surrounding land uses. The sale of alcoholic beverages in conjunction with the main use does not affect compatibility.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The existing general merchandise or food store, which offers the sale of alcoholic beverages, provides a service to this area of the City and does not appear to negatively impact to the adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – The existing general merchandise or food store complies with Chapter 12B (Convenience Store) requirements. The purpose of regulating convenience stores 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.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the site plan complies all applicable zoning regulations and standards.

BACKGROUND INFORMATION:

- The ±0.27-acre request site is developed with a ±697.39-square foot general merchandise or food store (convenience store) which includes gas pumps.
- The general merchandise or food store use is permitted by right. The D Liquor Control prohibits sale of alcoholic beverages on the property.
- No new construction is proposed by this application.

Surrounding Zoning History:

1. **Z112-326:** On February 13, 2013, the City Council denied without prejudice a request for a D-1 Dry Liquor Control Overlay and a Specific Use Permit 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 CR Community Retail District with a D Dry Liquor Control Overlay.

2. **Z101-150:** On June 22, 2011, the City Council denied a request for a D-1 Dry Liquor Control Overlay and a Specific Use Permit 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 CR Community Retail District with a D Dry Liquor Control Overlay.
3. **Z101-117:** On February 9, 2011, the City Council approved a Specific Use Permit for a private recreation center, club or area on property zoned an MF-1(A) Multifamily District for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|--------------------------|----------------|--------------|
| West Jefferson Boulevard | Minor arterial | 100 feet |
| North Brighton Avenue | Local | 60 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.

Surrounding Land Use:

| | Zoning | Land Use |
|-------|----------|------------------------------|
| North | D(A) | Single family |
| East | R-7.5(A) | Single family |
| South | CR | Retail and personal services |
| West | CR | Auto related |

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 an *Urban Neighborhood Building Block*. Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

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

The existing general merchandise or food store 3,500 square feet or less is generally consistent with the development desired in an Urban Neighborhood. The sale of alcoholic beverages in conjunction with the main use does not directly impact the consistency.

Land Use Compatibility:

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 conforms with the applicable zoning regulations and standards and is consistent with the intent of the Dallas Development Code. The proposed sale of

alcoholic beverages in conjunction with the existing convenience store is not anticipated to negatively impact the adjacent properties. Therefore, staff recommends approval for a two-year period with eligibility for automatic renewal for additional five-year periods subject to a site plan and conditions. The short initial time period will allow reevaluation of the request to ensure ongoing compliance.

Development Standards:

| District | Setbacks | | Density | Height | Lot Coverage | Special Standards | Primary Uses |
|----------|----------|--|--------------------------------|------------------|--------------|-------------------------------------|-----------------------------------|
| | Front | Side/Rear | | | | | |
| CR-D | 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:

Pursuant to the Dallas Development Code, the off-street parking requirement for a general merchandise or food store use is one (1) space per 200 square feet of floor area; the requirement for a motor vehicle fueling station is two (2) spaces. Therefore, the ±697.39-square foot convenience store with gas pumps requires a total of five parking spaces. The applicant will provide seven parking spaces, as depicted on the site plan.

Landscaping:

No new development is proposed. Therefore, no additional landscaping is required. Any new development on the property will require landscaping per Article X of the Dallas Development Code.

Police Report:

An online search of the Dallas Police Department's offense incident reports for the period from October 18, 2011 to October 18, 2013 revealed the following results:

| Search Records - Offense | | | | | | | | | | Filter |
|--------------------------|--------------|--------------------------|-----------|-------|-----|---------------|------|----------------|-------|--------|
| Service # | Offense Date | Complainant | Offense | Block | Dir | Street | Beat | Reporting Area | UCR1 | UCR2 |
| 0055597-A | 03/08/2013 | *U STOP FINA GAS STATION | BURGLA... | 01909 | W | JEFFERSONB... | 444 | 4116 | 05121 | |

Page 1 of 1 (1 items)

CPC Action: November 21, 2013:

Motion: It was moved to recommend approval of a D-1 Liquor Control Overlay and approval of a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a two-year period, subject to a site plan and revised conditions to include 8 ft. solid fence on property zoned a CR-D Community Retail District with a D Liquor Control Overlay on the northwest corner of West Jefferson Boulevard and North Brighton Avenue.

Maker: Anglin
Second: Shellene
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

| | | | | |
|----------|-------|-----|----------|----|
| Notices: | Area: | 200 | Mailed: | 38 |
| Replies: | For: | 2 | Against: | 6 |

Speakers: For: Parvez, Malik, 1901 Central Dr., Bedford, TX, 76021
Patrick Henson, 1909 W. Jefferson St., Dallas, TX, 75208
Vincent Williams, 602 B N. Marsalis Ave., Dallas, TX, 75203
Margaret Padilla, 203 S. Edgefield Ave., Dallas, TX, 75208
Noel Ocampo, 208 N. Waverly Dr., Dallas, TX, 75208
William Spotson, 602 N. Marsalis Ave., Dallas, TX, 75203
Against: None

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 use 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC Recommended:

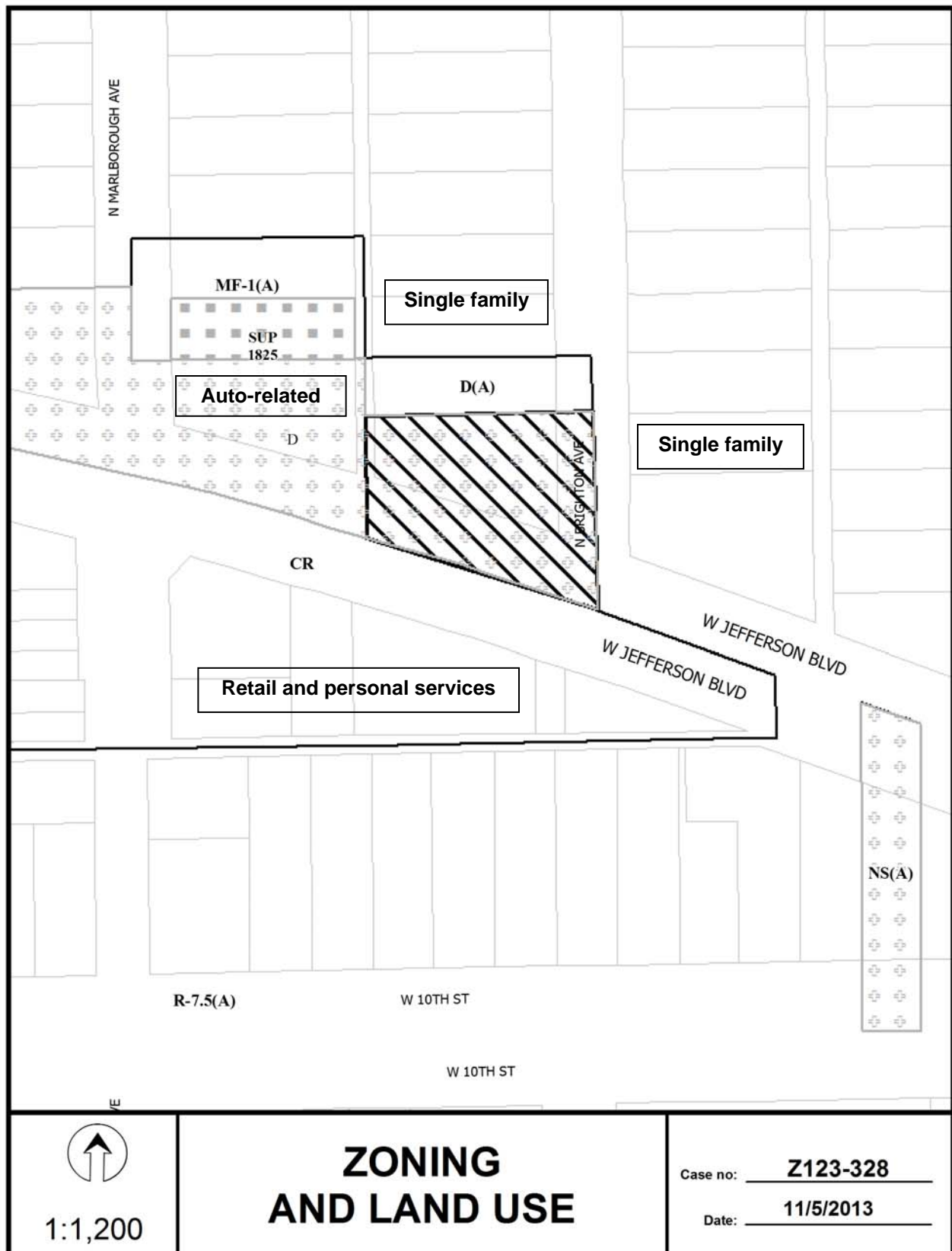
- | |
|---|
| 3. <u>TIME LIMIT</u> : This specific use permit expires on (two years). |
|---|

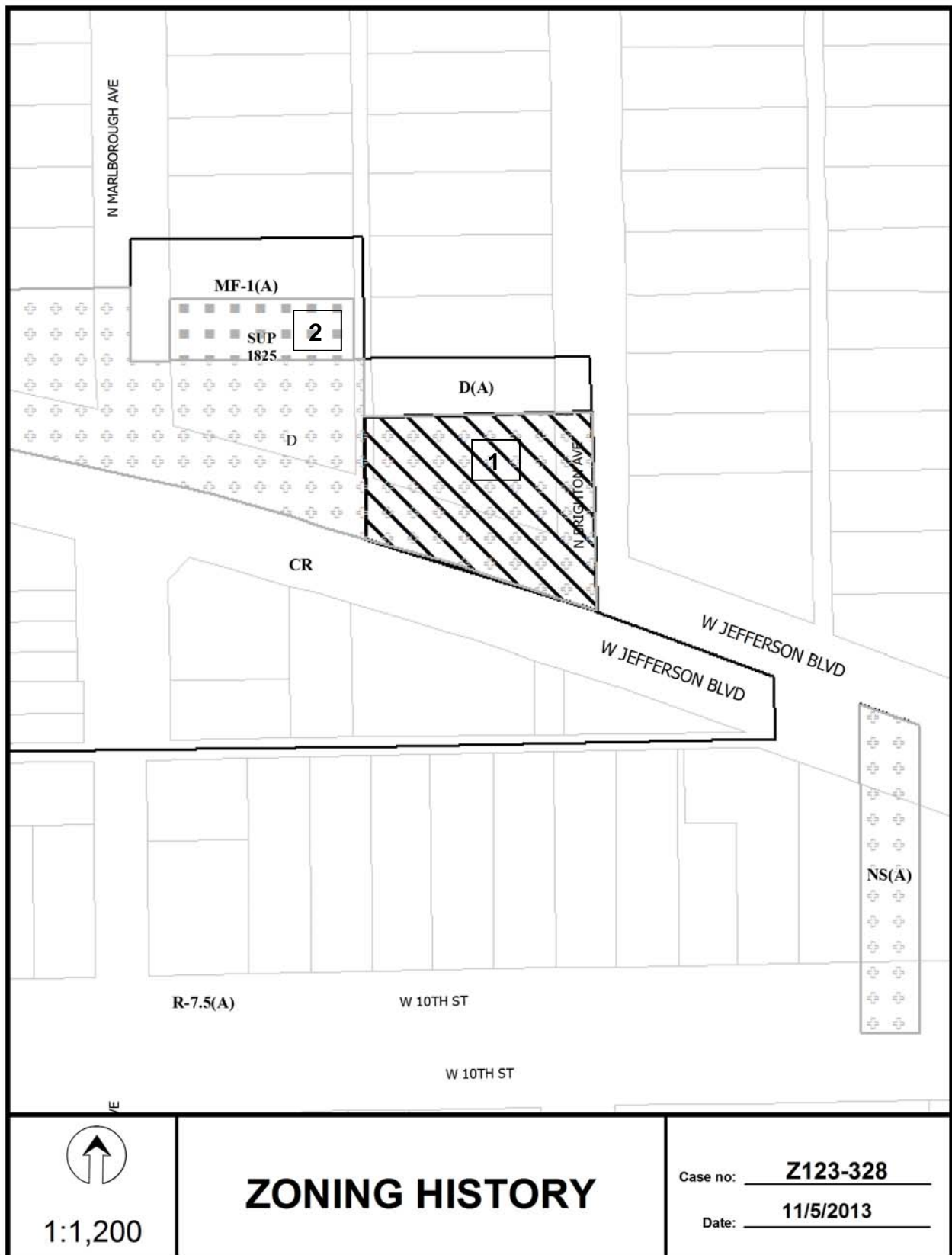
Staff Recommended:

- | |
|---|
| 3. <u>TIME LIMIT</u> : 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.) |
|---|
4. SCREENING: An eight-foot solid screening fence must be provided in the location shown on the site plan.
 5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
 4. 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.









CPC Responses



Notification List of Property Owners***Z123-328******38 Property Owners Notified 6 Property Owners Opposed 2 Property Owners in Favor***

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------------|-----------------------|-----------------------|----------------------------------|
| O | 1 | 1909 JEFFERSON BLVD | BARAKAT MOE |
| | 2 | 228 BRIGHTON AVE | MCCOY SARA & KALLEN |
| | 3 | 224 BRIGHTON AVE | GAMEZ FRANK R |
| X | 4 | 220 BRIGHTON AVE | ANGEL ANGELA J |
| | 5 | 216 BRIGHTON AVE | BRADY ROSEANN |
| X | 6 | 212 BRIGHTON AVE | DOWPROCACCINI ANNA M & |
| | 7 | 208 BRIGHTON AVE | TAYLOR STEPHANIE S |
| X | 8 | 204 BRIGHTON AVE | ALLEN DONALD LEE |
| | 9 | 207 WAVERLY DR | DEARING NANCY C WONDERS |
| | 10 | 211 WAVERLY DR | WILSON MIRANDA ANGER & |
| | 11 | 215 WAVERLY DR | EWERS LIMITED PARTNERSHIP |
| | 12 | 217 WAVERLY DR | GONZALEZ FERNANDO & CRYSTAL |
| | 13 | 221 WAVERLY DR | PRIBYL THOMAS & |
| | 14 | 227 WAVERLY DR | PARAMO RUDOLPH |
| | 15 | 218 MARLBOROUGH AVE | OLGUIN JULIAN |
| | 16 | 216 MARLBOROUGH AVE | LOZADA GERARDO |
| | 17 | 210 MARLBOROUGH AVE | PITZER ENTERPRISES LP |
| | 18 | 206 MARLBOROUGH AVE | NEFFENDORF SHANNON & |
| | 19 | 1919 JEFFERSON BLVD | SAMUEL PETER & SUSHEILA |
| | 20 | 1919 JEFFERSON BLVD | SAMUEL PETER |
| | 21 | 211 BRIGHTON AVE | AVILA JAIME & |
| | 22 | 217 BRIGHTON AVE | EQUABLE INV CORP |
| | 23 | 221 BRIGHTON AVE | EDWARDS J B & MARSHA H |
| X | 24 | 225 BRIGHTON AVE | FERNANDEZ MAUREEN F & ANTHONY |
| X | 25 | 229 BRIGHTON AVE | YOCKEL SCOTT & LAUREN |

Thursday, November 21, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------------|-----------------------|-----------------------|------------------------------|
| O | 26 | 1924 JEFFERSON BLVD | BALLAS VICTOR |
| | 27 | 1916 JEFFERSON BLVD | DIAZ OCTAVIO |
| | 28 | 1900 JEFFERSON BLVD | NOLAN PATRICK & ROSE ANNA |
| | 29 | 1836 JEFFERSON BLVD | 1836 W JEFFERSON LLC |
| | 30 | 1917 10TH ST | GALLEGOS JESUS C ET AL |
| | 31 | 1915 10TH ST | Taxpayer at |
| | 32 | 1913 10TH ST | MACIAS JOSE A JR & |
| | 33 | 1909 10TH ST | TRIDESERT INVESTMENTS INC |
| | 34 | 1903 10TH ST | NILES KERRY W |
| | 35 | 1827 10TH ST | BETANCOURT SERGIO & EVA |
| | 36 | 1825 10TH ST | PALOMO MANUEL LIFE ESTATE |
| | 37 | 1821 10TH ST | CARR BRYAN |
| X | 38 | 1817 10TH ST | MELGOZA JOSE JJ & |

AGENDA ITEM # 48

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 46 E

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a liquor store on property zoned Subarea 10 within Planned Development District No. 298, the Bryan Area Special Purpose District, at the east corner of Live Oak Street and North Haskell Avenue

Recommendation of Staff and CPC: Approval for a two-year period with eligibility for automatic renewal of additional two-year periods, subject to a site plan and conditions Z134-108(JH)

Note: This item was considered by the City Council at a public hearing on January 22, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

FILE NUMBER: Z134-108 (JH)

DATE FILED: October 8, 2013

LOCATION: East corner of Live Oak Street and North Haskell Avenue

COUNCIL DISTRICT: 2

MAPSCO: 46-E

SIZE OF REQUEST: Approx. 1.1 acres

CENSUS TRACT: 15.04

APPLICANT: Diana E. Haynes

OWNER: Greenville Ross Partners Ltd

REQUEST: An application for a Specific Use Permit for a liquor store on property zoned Subarea 10 within Planned Development District No. 298, the Bryan Area Special Purpose District.

SUMMARY: The applicant proposes to operate a liquor store use within an existing multi-tenant commercial building.

CPC RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewal of additional two-year periods, subject to a site plan and conditions

STAFF RECOMMENDATION: **Approval** for a two-year period with eligibility for automatic renewal of additional two-year periods, subject to a site plan and conditions

GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – There are no incompatible uses in the immediate area. The liquor store is not anticipated to negatively impact surrounding uses from a land use perspective.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – While the proposed use will be another service provided in the neighborhood, it is not foreseen that it will deter or enhance adjacent properties. The proposed SUP, if approved by the CPC and City Council, will have conditions that are associated with the use. An SUP could be revoked, have a reduced time period or not be renewed if the business deters from the area.
3. *Not a detriment to the public health, safety, or general welfare* – It is not foreseen that this use would be a detriment to the public health, safety or general welfare of the community.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards.

BACKGROUND INFORMATION:

- The request site is a suite within a multi-tenant commercial building occupied with retail and personal service uses. The current occupancy of the suite is a general merchandise or food store 3,500 square feet or less and does sell alcoholic beverages for off-premise consumption. The building was constructed in approximately 1930 according to DCAD.
- The applicant is proposing to operate a liquor store.

Zoning History: There have been no recent zoning requests in the area.

Thoroughfares/Streets:

| Thoroughfares/Street | Type | Existing ROW |
|----------------------|--------------------|------------------|
| Live Oak Street | Principle Arterial | 80 ft. |
| Haskell Street | Principle Arterial | 55 ft. (couplet) |

STAFF ANALYSIS:

Comprehensive Plan:

The Comprehensive Plan does not specifically address the proposed use, however, the Quality of Life statement within the Core Values section does serve as a foundation for all of the plan's recommendations:

Quality of Life: Dallas' diverse population wants equally diverse choices in where and how to live and ways to shop and have fun.

The request site is located within an urban neighborhood building block on the Vision Illustration within ForwardDallas!.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

Land Use Compatibility:

The surrounding land uses are multifamily to the north, retail, personal service, bank, and medical office to the northeast, undeveloped and medical office to the south, remote parking and a maintenance building that serve a seminary to the east.

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.

Staff supports the applicant's request for a Specific Use Permit because the location is on a commercial corridor, no incompatible uses are in the immediate area, and there is no police activity reported for the address of the suite or the other addresses in the multi-tenant building since 2005. Staff recommends a two-year initial time period with eligibility for automatic renewals of additional two-year periods; the applicant is requesting four years with auto-renewal eligibility for four year periods.

Parking/Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not significantly impact the surrounding street system for the proposed development.

The attached site plan shows a parking lot to the rear of the building containing approximately 53 off-street parking spaces and approximately 18 on-street angled parking spaces on Live Oak Street. The liquor store use will require the same parking as the current general merchandise or food store use, so there is no change in the parking requirement for the site.

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:

No reported activity is available online since January 1, 2005, which is the oldest date available for online DPD reports, for the request site.

CPC Minutes

December 19, 2013

Motion: It was moved to recommend **approval** of a Specific Use Permit for a liquor store for a two-year period with eligibility for automatic renewal of additional two-year periods, subject to a site plan and conditions on property zoned Subarea 10 within Planned Development District No. 298, the Bryan Area Special Purpose District, at the east corner of Live Oak Street and North Haskell Avenue.

Maker: Soto
Second: Peadon
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 300 Mailed: 18
Replies: For: 1 Against: 6

Speakers: For: Diana Haynes, 4102 Live Oak St., Dallas, TX, 75204
Against: None

CPC Recommended SUP Conditions

1. USE: The only use authorized by this specific use permit is a liquor store.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.

CPC recommended

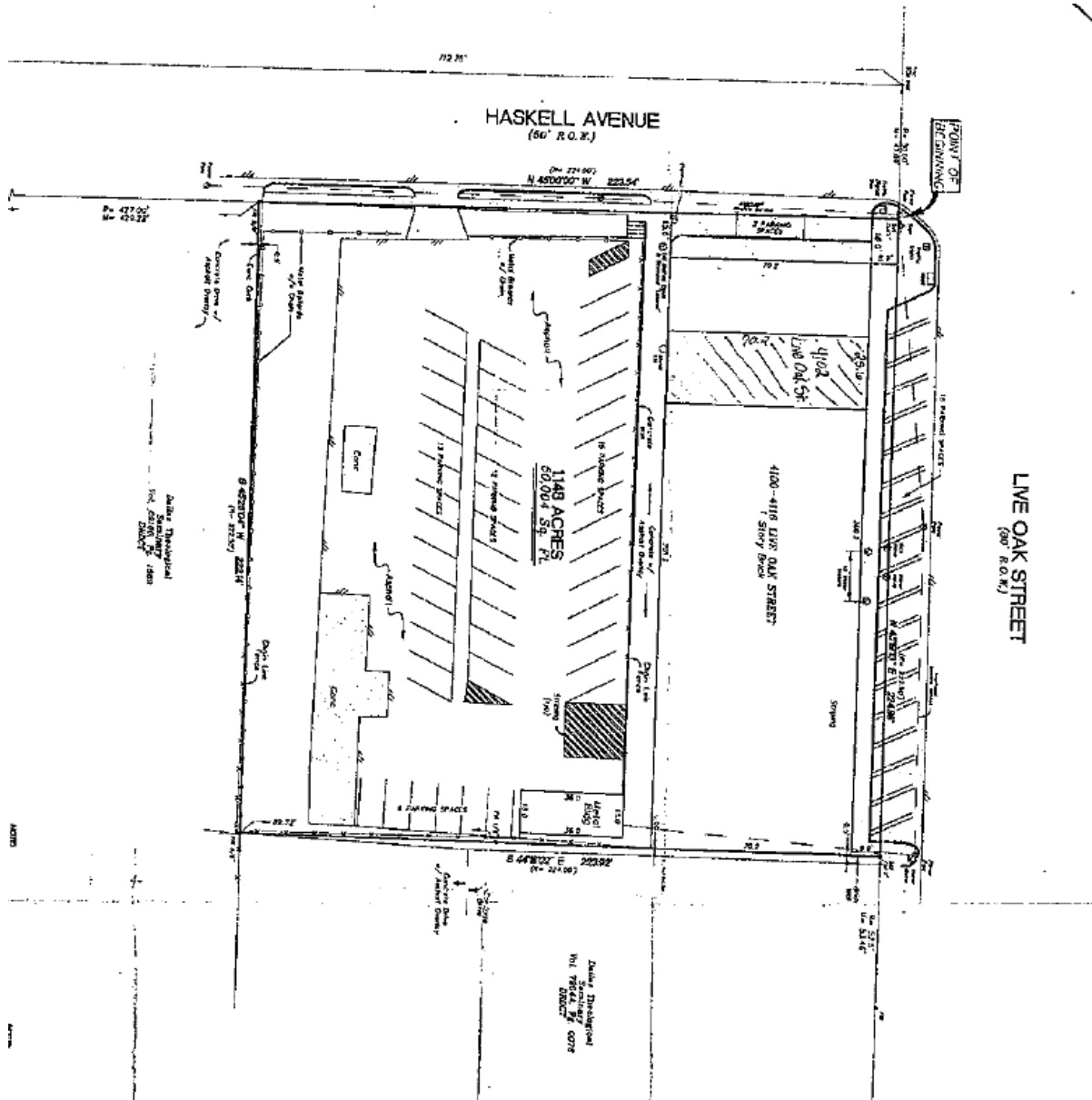
3. TIME LIMIT: This specific use permit expires on (two years), but is eligible for automatic renewal for additional two-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application 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.)

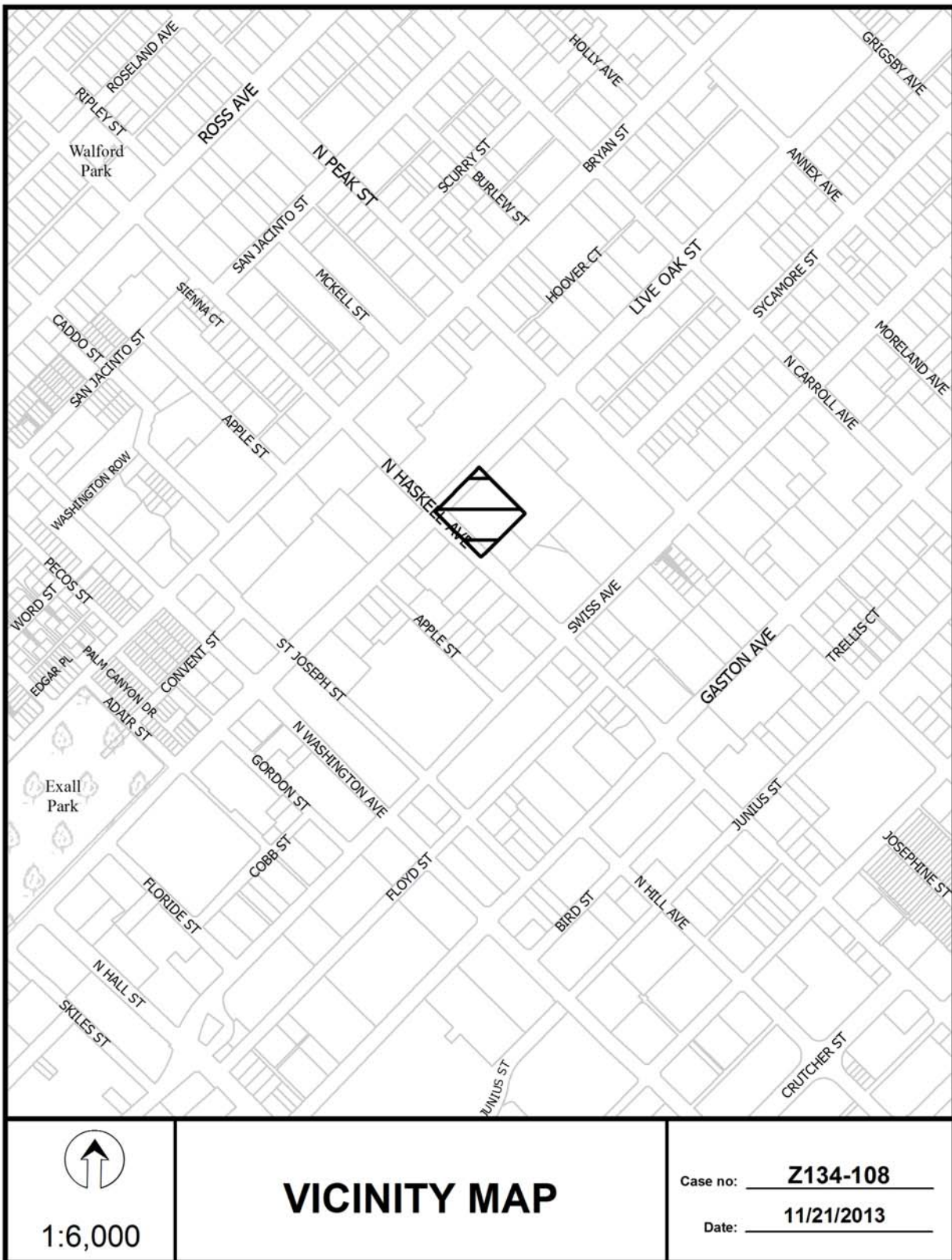
Applicant proposed

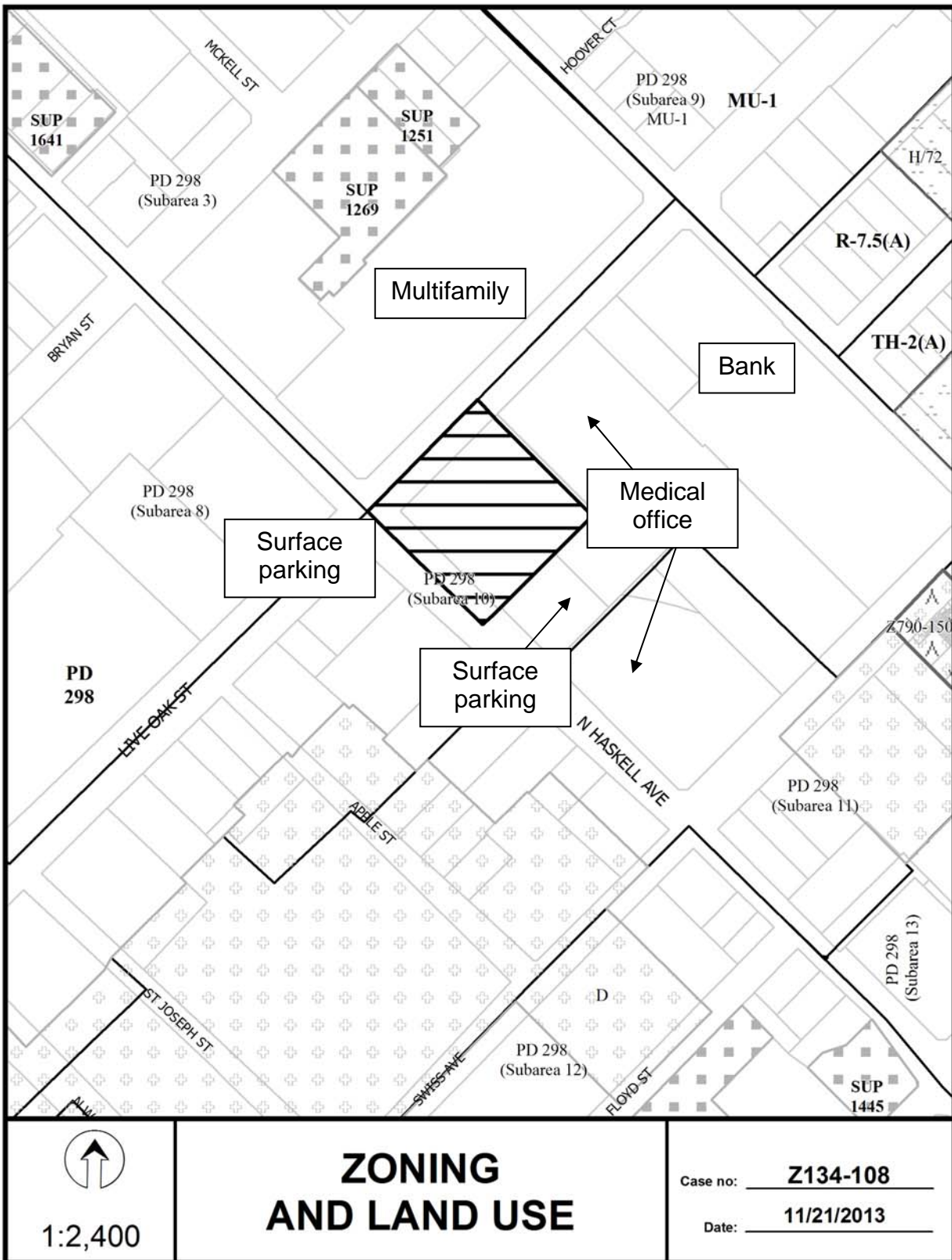
3. TIME LIMIT: This specific use permit expires on (four years), but is eligible for automatic renewal for additional four-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application 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.)

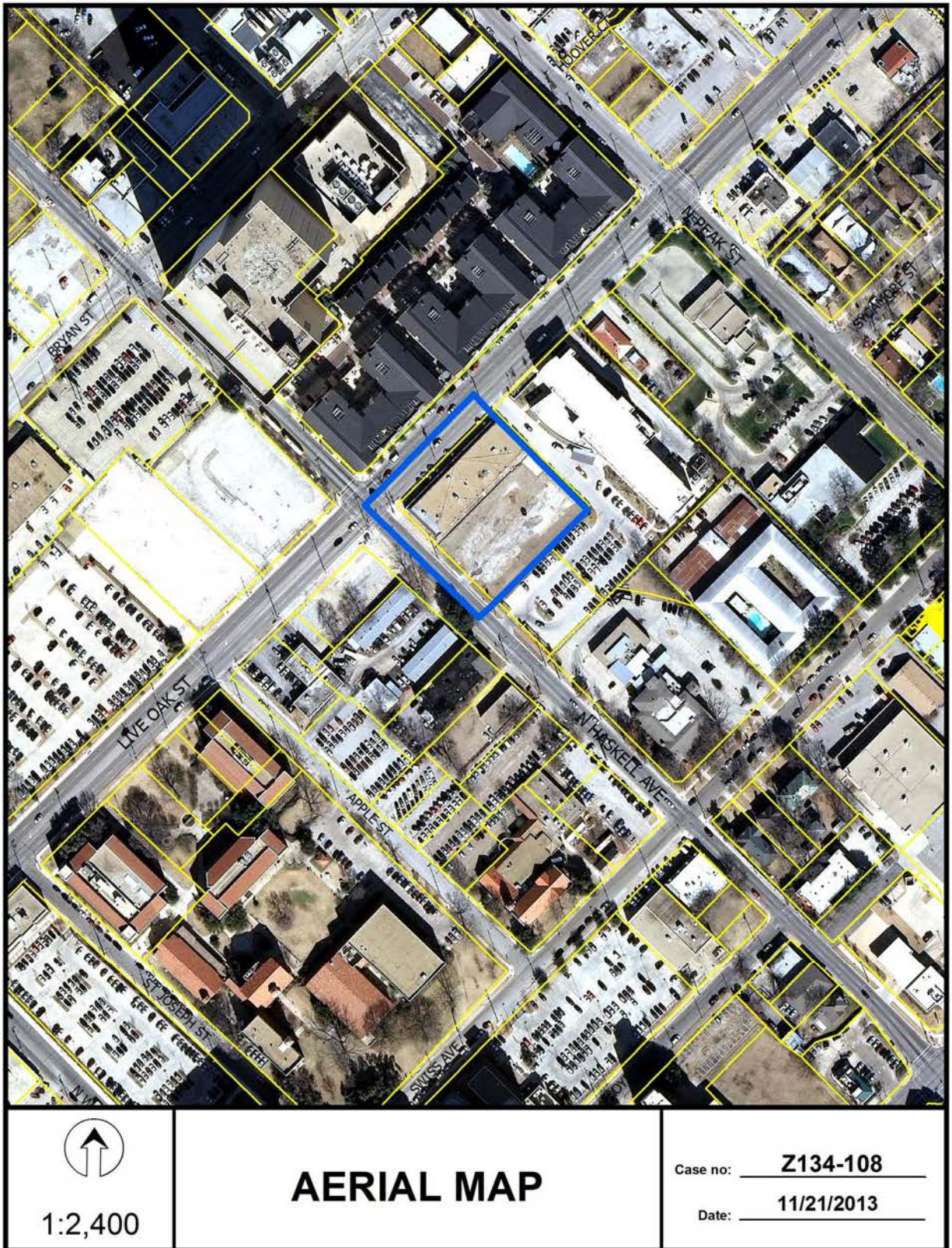
4. FLOOR AREA: The maximum floor area is 1,820 square feet in the location shown on the attached site plan.
5. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
6. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas

CPC RECOMMENDED SITE PLAN

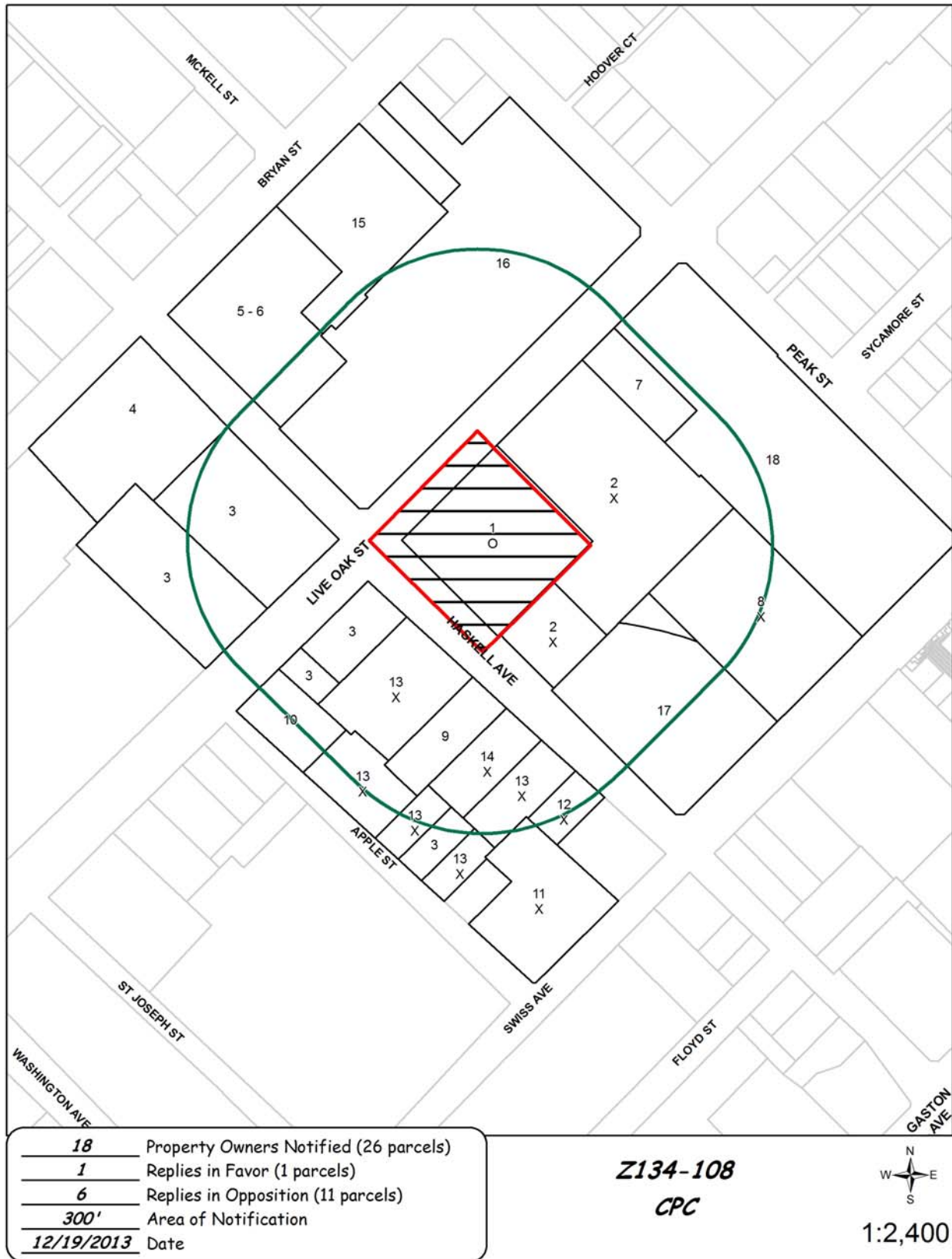








CPC RESPONSES



12/19/2013

Notification List of Property Owners Z134-108

18 Property Owners Notified 6 Property Owners Opposed 1 Property Owner in Favor

| Vote | Label # | Address | Owner |
|-------------|----------------|------------------|-----------------------------|
| O | 1 | 4100 LIVE OAK ST | GREENVILLE ROSS PTNR LTD |
| X | 2 | 4118 LIVE OAK ST | SHG RESOURCES LP |
| | 3 | 4021 LIVE OAK ST | DALLAS THEOLOGICAL |
| | 4 | 1333 HASKELL AVE | AT&T COMM OF THE SW |
| | 5 | 4100 BRYAN ST | AT&T SW INC |
| | 6 | 4100 BRYAN ST | SOUTHWESTERN BELL |
| | 7 | 4208 LIVE OAK ST | BILLINGSLY L B INVESTMENT |
| X | 8 | 4125 SWISS AVE | POPLAWSKI GARY A |
| | 9 | 1209 HASKELL AVE | BEVRICH LTD |
| | 10 | 4006 LIVE OAK ST | DALLAS THEOLOGICAL SEMINARY |
| X | 11 | 4005 SWISS AVE | DALLAS THEOLOGICAL |
| X | 12 | 1111 HASKELL AVE | DALLAS THEOLOGICAL |
| X | 13 | 1219 HASKELL AVE | DALLAS THEOLOGICAL SEM |
| X | 14 | 1203 HASKELL AVE | STEWART WALTON H |
| | 15 | 4200 BRYAN ST | AT & T CORP |
| | 16 | 4207 LIVE OAK ST | WRPV XI VUE LO DALLAS LP |
| | 17 | 4103 SWISS AVE | SWISS AVE PROPERTIES LP |
| | 18 | 4217 SWISS AVE | SWISS AVENUE BANK |

Thursday, December 19, 2013

AGENDA ITEM # 49

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 5
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 57 M

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of and an amendment to Specific Use Permit No. 1711 for a vehicle or engine repair or maintenance use and add an outside salvage or reclamation use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 on the east side of C.F. Hawn Freeway, south of Lake June Road

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

Z134-114(MW)

Note: This item was considered by the City Council at a public hearing on February 26, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

FILE NUMBER: Z134-114(MW)

DATE FILED: October 21, 2013

LOCATION: East side of C.F. Hawn Freeway, south of Lake June Road

COUNCIL DISTRICT: 5

MAPSCO: 57-M

SIZE OF REQUEST: ±0.69 acre

CENSUS TRACT: 93.03

OWNER/APPLICANT: Gerardo Tinoco

REPRESENTATIVE: B. Rios

REQUEST: An application to renew and amend Specific Use Permit No. 1711 for a vehicle or engine repair or maintenance use and to add an outside salvage or reclamation use on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1.

SUMMARY: The applicant proposes to continue the operation of the existing vehicle or engine repair or maintenance use and to add an outside salvage or reclamation component to allow for the storage of plastic bumper covers.

CPC RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION: Approval for a three-year period, subject to conditions.

STAFF RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing vehicle or engine repair or maintenance use is compatible with the surrounding land uses. The addition of the an outside salvage or reclamation use is in the location depicted on the site plan will not impact compatibility because it will not be visible from the street frontage and will be screened from the adjacent properties. Per the Dallas Development Code, objects may not be stacked higher than eight feet within 40 feet of the visual screen.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The existing vehicle or engine repair or maintenance use provides a service to this area of the City and does not appear to negatively impact to the adjacent properties. The addition of the an outside salvage or reclamation use is not anticipated to negatively impact to the adjacent properties since it is consistent with the established development pattern in this area of the city.
3. *Not a detriment to the public health, safety, or general welfare* – The existing and proposed uses are considered compatible with adjacent land uses, which are of the same type, and are not considered detrimental to the public health, safety, or general welfare of the city.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the proposed site plan, the request complies with all applicable zoning regulations and standards.

BACKGROUND INFORMATION:

- The request site is developed with a ±10,800-square foot single-story structure currently utilized for vehicle repair and maintenance.
- On March 28, 2001, the City Council approved SUP No. 1441 for a vehicle or engine repair and maintenance use on the site for a two-year and three-month period.
- On September 22, 2004, the City Council approved SUP No. 1564 for vehicle display, sales and service, vehicle or engine repair and maintenance and auto service center uses on the site for a two-year period with eligibility for automatic renewal for additional two-year periods. The SUP was not renewed.

- On October 26, 2011, the City Council approved the renewal of SUP No. 1711 for a vehicle or engine repair or maintenance use on the site for a two-year period. City Council previously approved the SUP on May 28, 2008.

Zoning History:

- 1. Z112-207:** On August 8, 2001, the City Council approved a Specific Use Permit for a Machinery, heavy equipment, or truck sales and service use for a five-year period with eligibility for automatic renewal for additional five-year periods, subject to a site plan and conditions.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW |
|---------------------|---------|--------------|
| CF Hawn Freeway | Freeway | Variable |

Traffic:

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined it will not significantly impact the surrounding street system.

Surrounding Land Uses:

| | Zoning | Land Use |
|-------|----------------------------|----------------------|
| North | PDD No. 533, Subdistrict 2 | Auto-related |
| East | CS with SUP 1430 | DART Station |
| South | PDD No. 533, Subdistrict 3 | Auto-related |
| West | PDD No. 533, Subdistrict 3 | CF Hawn Right-of Way |

Area Plan:

The request site is within the boundary of the Southeast Dallas Comprehensive Land Use Study, which was adopted by the City Council in December 1996. The study makes very specific recommendations for the area inclusive of the request site that include, “retain industrial uses, and require landscape and architectural buffers to minimize impact on areas along C.F. Hawn Freeway.”

Comprehensive Plan:

The request site lies within a Transit Center Building Block. Transit centers support a compact mix of employment, retail, cultural facilities and housing. 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. These areas offer dense mixed use at the transit station 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.

The applicant's proposal is not 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

The request is not consistent with the dense, mixed use development desired in the Transit Center Building Block. However, the applicant proposes to continue an existing use. The existing vehicle or engine repair or maintenance use and the proposed outside salvage or reclamation use are both consistent with the established development pattern along CF Hawn Freeway, which consists, predominantly, of auto-related uses. A three-year time period for the amended Specific Use Permit would allow reevaluation for changes in the area.

STAFF ANALYSIS:

Land Use Compatibility:

The Dallas Development Code requires a visual screen of at least nine feet in height which consists of solid masonry, concrete, or corrugated sheet metal wall, or a chain link fence with metal strips through all links. The owner of an outside salvage or reclamation use shall not stack objects higher than eight feet within 40 feet of the visual screen. These provisions will ensure compatibility with the surrounding uses.

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.

Parking:

Pursuant to the Dallas Development Code, the off-street parking requirement for the vehicle or engine repair or maintenance and outside salvage or reclamation uses is one space per 500 square feet of floor area with a minimum of 5 spaces required. Therefore, the ±10,800-square foot structure requires 22 spaces. As depicted on the site plan, 38 spaces are provided.

Landscaping:

PDD No. 533, Subdistrict 3 contains specific landscape regulations that address parkway, site area and front yard strip landscaping areas in conjunction with new development. The applicant is not proposing any additional floor area; therefore, additional landscaping is not required. Landscaping of any future development will be in accordance to PDD No. 533, the C.F. Hawn Special Purpose District.

CPC Action: January 23, 2013:

Motion: It was moved to recommend approval of the renewal of and an amendment to Specific Use Permit No. 1711 for a vehicle or engine repair or maintenance use and add an outside salvage or reclamation use for a three-year period, subject to conditions on property within Subdistrict 3 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 on the east side of C.F. Hawn Freeway, south of Lake June Road.

Maker: Ridley
Second: Soto
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Hinojosa
Vacancy: 0

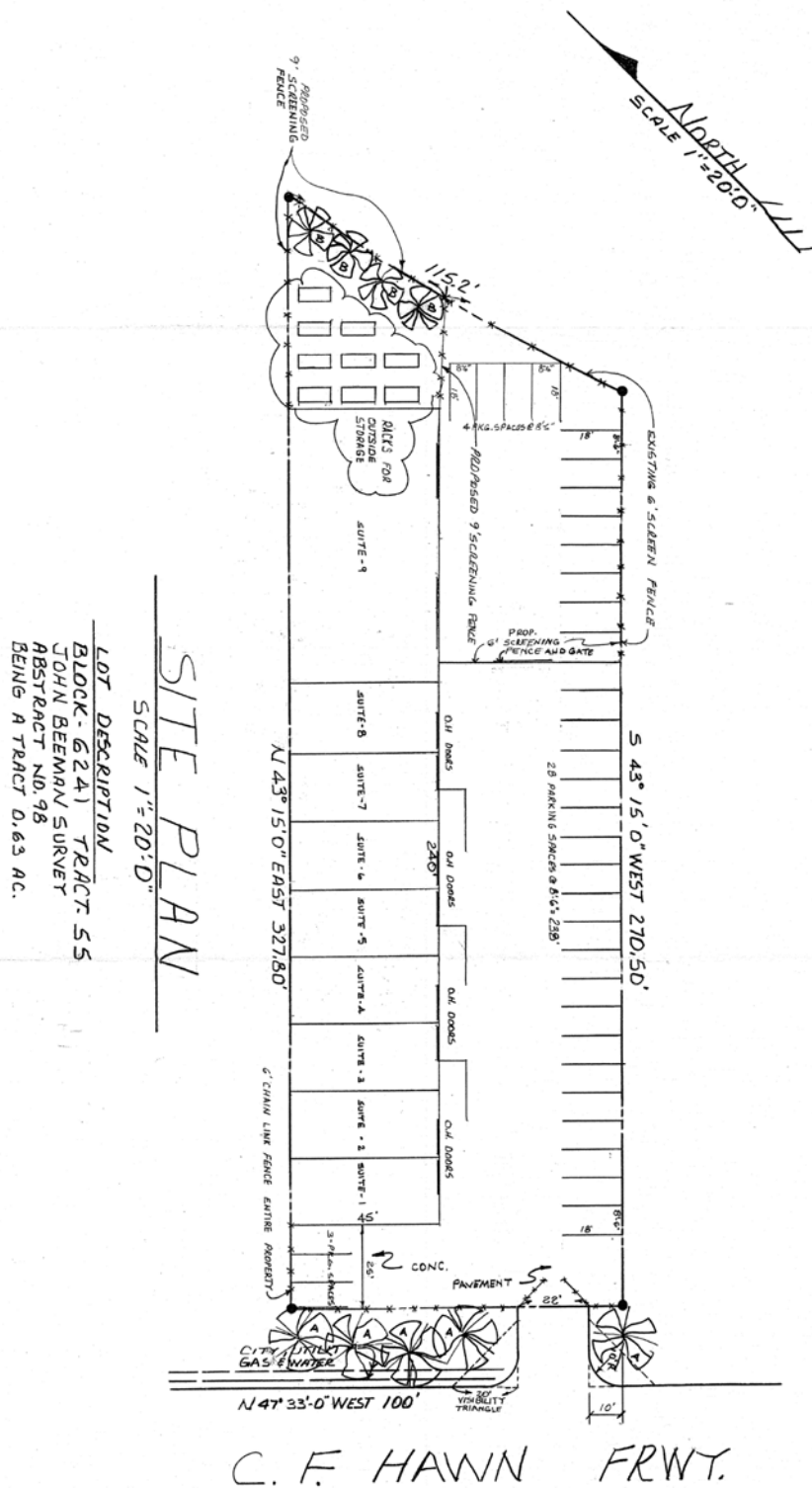
| | | | | |
|-----------------|-------|-----|----------|---|
| Notices: | Area: | 200 | Mailed: | 9 |
| Replies: | For: | 1 | Against: | 0 |

Speakers: None

Z134-114
Existing/Proposed Conditions

1. USE: The only uses authorized by this specific use permit ~~is~~ are a vehicle or engine repair or maintenance use and an outside salvage or reclamation use.
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 ~~October 26, 2013.~~ [two-three years from the passage of this ordinance].
4. LANDSCAPING: Landscaping must be provided as shown on the site plan and maintained in a healthy, growing condition.
5. DAYS OF OPERATION: The vehicle or engine repair or maintenance use and outside salvage or reclamation use may only operate Monday through Saturday.
6. FLOOR AREA: The maximum floor area for both uses is 10,800 square feet in the location shown on the attached site plan.
7. OFF-STREET PARKING: A minimum of 28 off-street parking spaces must be provided in the locations shown on the attached site plan.
8. ~~OUTSIDE STORAGE: Outside storage of items related to vehicle or engine or repair or maintenance is prohibited.~~
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. 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.

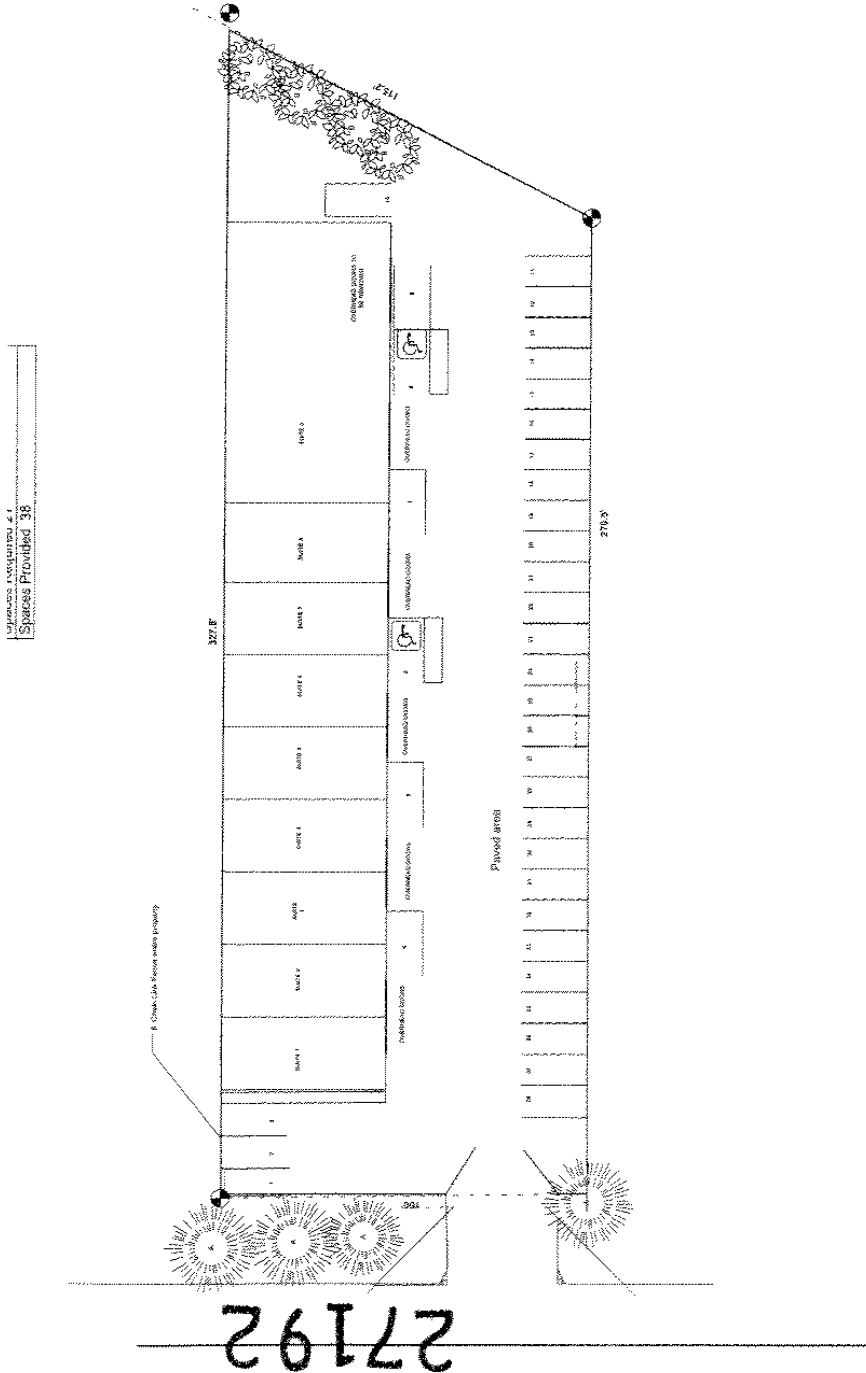
Proposed Site Plan



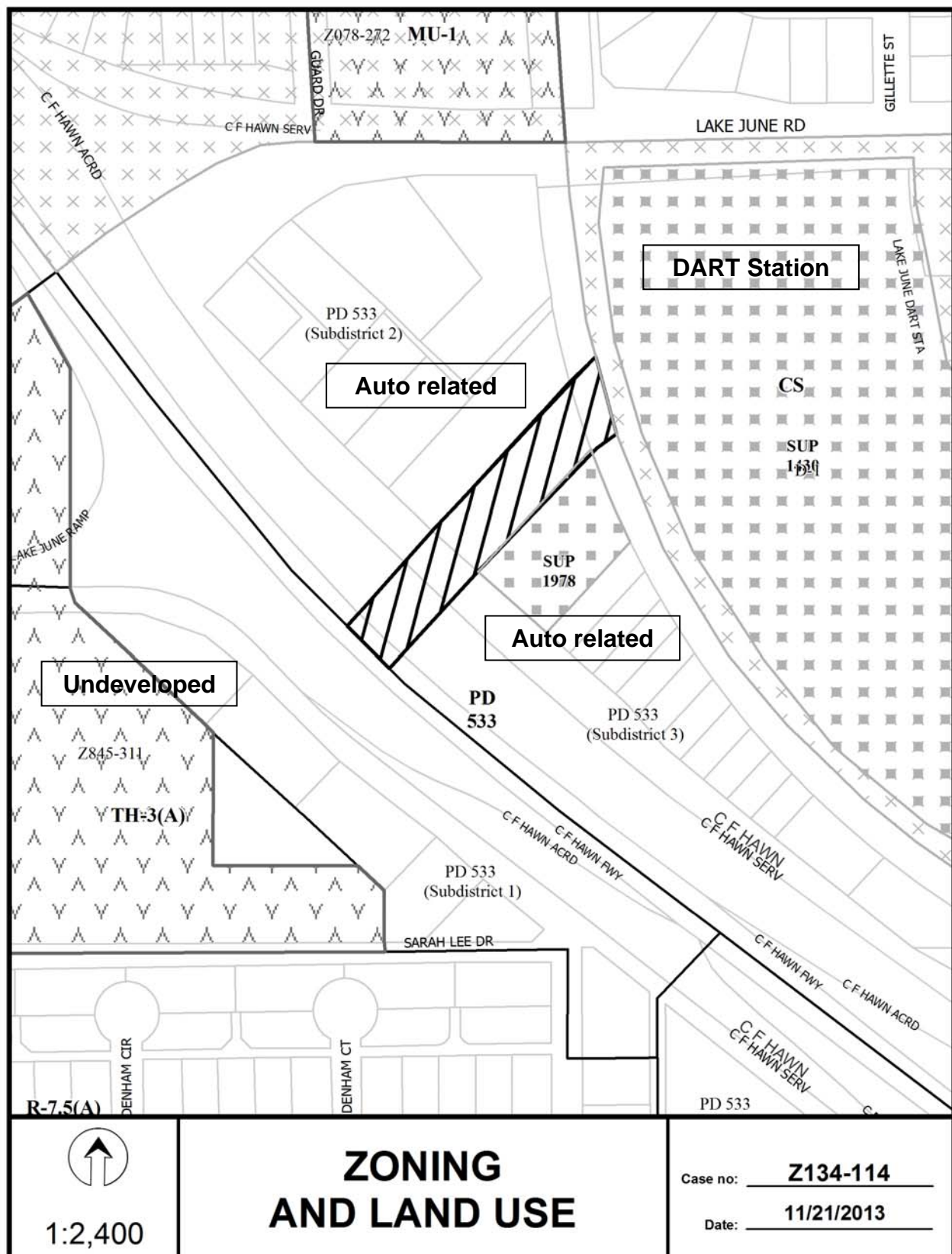
Existing Site Plan

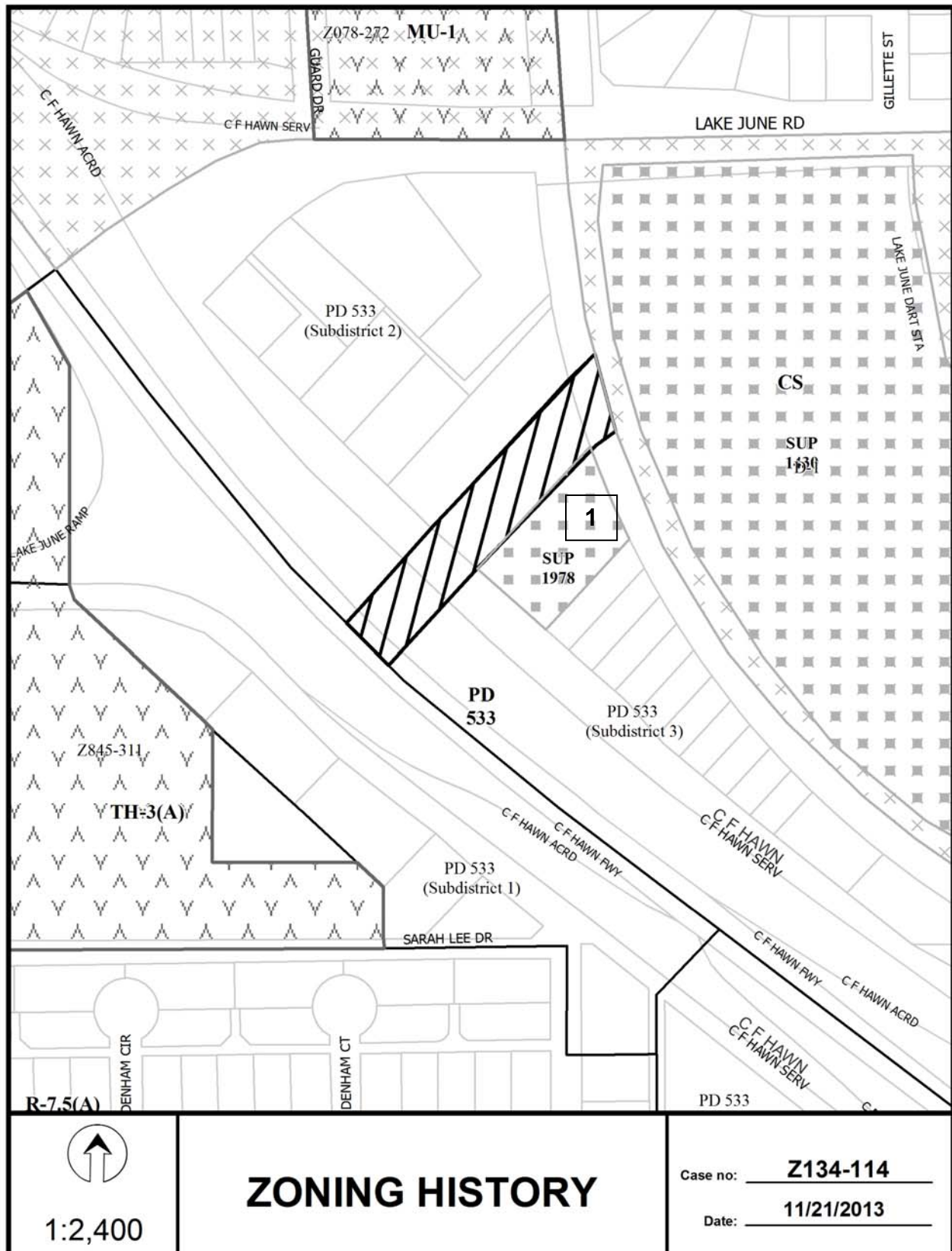
| | |
|---------------------|------------------------|
| Date: | 04/21/2008 |
| Owner: | Giavada Tricon |
| Hours of Operation: | 9:00 A.M. to 6:00 P.M. |
| Zoning: | PD 533 Sub 3 |



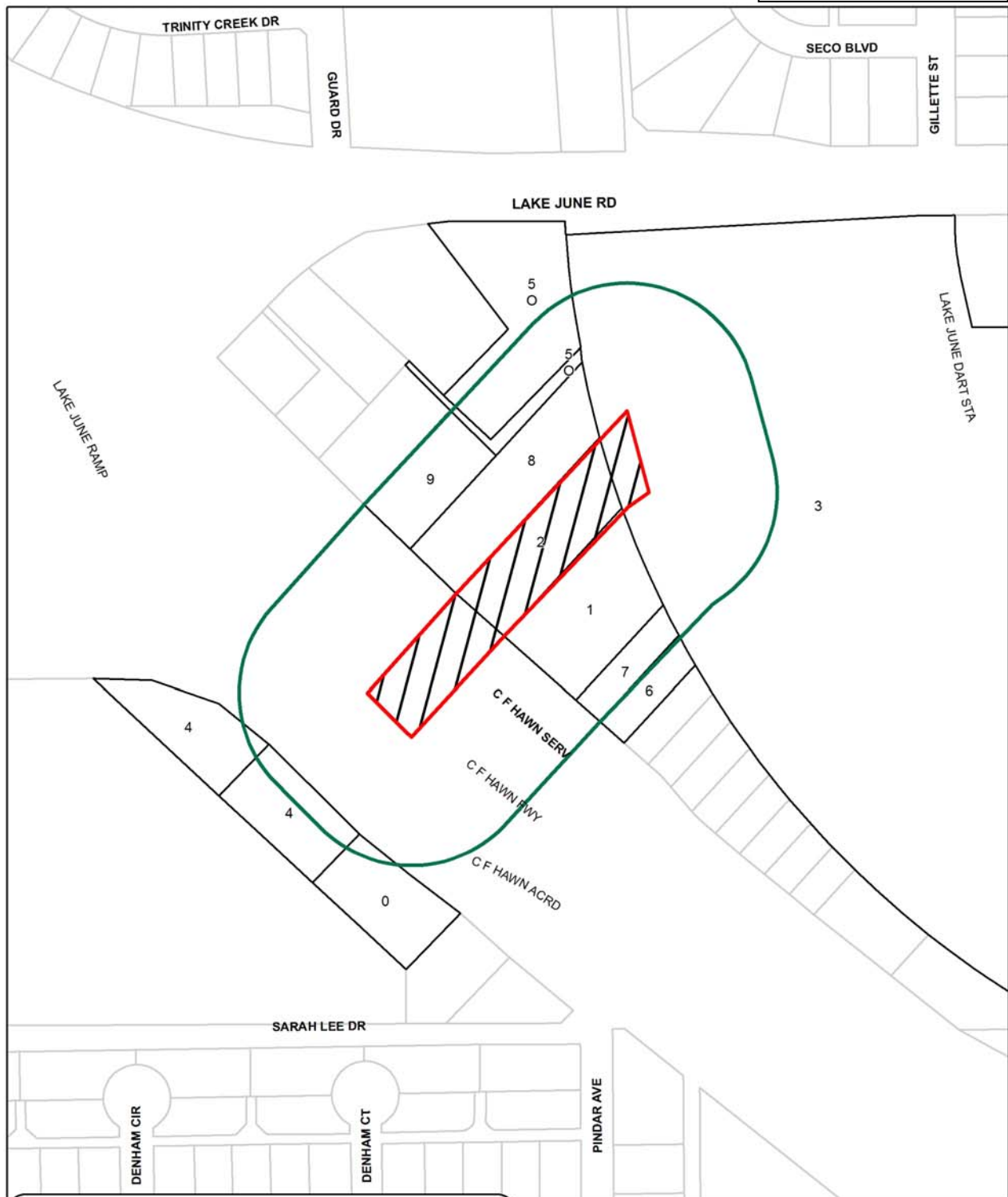








CPC Responses



| | |
|------------------|---------------------------------------|
| <u>9</u> | Property Owners Notified (12 parcels) |
| <u>1</u> | Replies in Favor (2 parcels) |
| <u>0</u> | Replies in Opposition (0 parcels) |
| <u>200'</u> | Area of Notification |
| <u>1/23/2014</u> | Date |

Z134-114
CPC



1:2,400

Notification List of Property Owners
Z134-114

9 Property Owners Notified 0 Property Owners Opposed 1 Property Owner in Favor

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------------|-----------------------|-----------------------|---------------------------|
| | 1 | 6426 C F HAWN FWY | HERDEZ TRUCKING CO |
| | 2 | 6414 C F HAWN FWY | TINOCO GERARDO |
| | 3 | 6414 LAKE JUNE RD | DALLAS AREA RAPID TRANSIT |
| | 4 | 6361 C F HAWN FWY | MARTINEZ JOSE J JR & |
| O | 5 | 6312 LAKE JUNE RD | REYES GERARDO |
| | 6 | 6436 C F HAWN FWY | BRYANT VEDA |
| | 7 | 6434 C F HAWN FWY | ETHRIDGE CINDY TR |
| | 8 | 6406 C F HAWN FWY | HENDERSON BILLY J |
| | 9 | 6356 C F HAWN FWY | BROWN RICHARD E |

AGENDA ITEM # 50

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: March 26, 2014
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Theresa O'Donnell, 671-9195
MAPSCO: 34 V; Z

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property bounded by Hartford Street, Hawthorne Avenue, Fairmount Street west of Kings Road, and Kings Road north of Fairmount Street

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

Z123-326(RB)

FILE NUMBER: Z123-326(RB)

DATE FILED: June 28, 2013

LOCATION: Property bounded by Hartford Street, Hawthorne Avenue, Fairmount Street west of Kings Road, and Kings Road north of Fairmount Street

COUNCIL DISTRICT: 2

MAPSCO: 34 V, Z

SIZE OF REQUEST: Approx. 12.603 Acres

CENSUS TRACT: 4.04

APPLICANT/OWNER: Dallas Housing Authority

REPRESENTATIVE: Karl Crawley

REQUEST: An application for a Planned Development Subdistrict for MF-2 Multiple Family Subdistrict Uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.

SUMMARY: The applicant is proposing to develop the property with multiple family uses and is requesting a Planned Development Subdistrict for consideration of the following: 1) to provide for a reduction in required parking for a multiple family use; 2) to permit off-street parking within a required front yard setback; and 3) to provide alternative tree planting zone requirements.

CPC RECOMMENDATION: Approval, subject to a development plan and conditions.

STAFF RECOMMENDATION: Approval, subject to a development plan and conditions.

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval subject to a development plan and conditions with retention of the existing deed restrictions based upon:

1. *Performance impacts upon surrounding property* – As a proposed residential development, impact on adjacent properties of similar land use (lighting, noise, odor) are not anticipated.
2. *Traffic impact* – The proposed development will create trip generations generally expected for a residential development. The site possesses four street frontages, thus access to/from the property is not restricted.
3. *Comprehensive Plan or Area Plan Conformance* – The request is in compliance with the designated Building Block for the area. Additionally, the request as recommended in the attached conditions complies with the Oak Lawn Special Purpose District and Oak Lawn Plan criteria for redevelopment.
4. *Justification for New Subdistrict as opposed to existing zoning* – The applicant's requested reduction in required parking has been substantiated by review of their parking demands for similar projects in the city.

BACKGROUND INFORMATION:

- The property was previously developed with multiple family uses.
- The applicant has removed all improvements on the property and plans on redeveloping it with 366 multiple family dwelling units.
- The applicant is requesting a PDS for consideration of the following: 1) to provide for a reduction in required parking for a multiple family use; 2) to permit off-street parking within a required front yard setback; and 3) to provide alternative tree planting zone requirements.

Zoning History: Other than noted below, there has been no recent zoning activity in the immediate area relevant to the request.

Street

Existing & Proposed ROW

Hartford Street

Local; 50' ROW

| | |
|------------------|----------------|
| Hawthorne Avenue | Local; 50' ROW |
| Fairmount Street | Local; 50' ROW |
| Kings Road | Local; 50' ROW |

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined it will not impact the surrounding street system.

STAFF ANALYSIS

Area Plans:

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.
- (6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.
- (7) To promote landscape/streetscape quality and appearance.

The applicant has worked with staff to address the redevelopment of the property with consideration of the above referenced criteria. With respect to the agreed upon design criteria, the proposed development is anticipated to comply with Objective Nos. 1, 4, 6, and 7. As the applicant is proposing surface parking areas, compliance with Objective No. 3 is not achieved. It should be noted the majority of parking is internal to the site with the residential structures wrapping the site at its perimeter. Lastly, Objective Nos. 2 and 5 are not applicable to the request.

Comprehensive Plan: The request site is located in an area considered a Residential Neighborhood. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that

match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

While the proposed housing stock (multiple family structures) is permitted by right, it should be noted the site is wrapped by public rights-of-way and has historically provide for density consistent with that permitted by the underlying zoning.

Land Use Compatibility:

The site possesses four street frontages. Additionally, the applicant is increasing the required front yard setback (from 15 feet to 20 feet) so as to provide for additional open areas along the site's significant street frontages.

The surrounding area is predominantly developed with residential uses of mixed densities and dwelling unit types (single family, duplex, multiple family). Various institutional uses are found south and southeast of the site (church, SUP No. 577 for an Institution of a charitable and philanthropic nature for administrative offices and related facilities for the Dallas Housing Authority). With the exception of a church located at the east corner of Fairmount Street and Kings Road, the site is surrounded by residential uses of mixed densities and construction types (single family, duplex, and multiple family structures).

It should be noted that various planned development subdistricts for multiple family uses have been approved in the immediate area. Attached to this material is a summary of such rezoning activity.

The applicant has worked with staff to require certain design criteria is incorporated into the redevelopment of the property with sensitivities to the residential character of the immediate area. During this process, the applicant and surrounding property owners have had many discussions related to various operational aspects related to this redevelopment. As the site possesses significant frontage along four street frontages, certain design criteria has been recommended to ensure a variety of change is evident along the various facades. Additionally, the conditions will require a review (during the building permit process) of the proposed development for proper design and effective use of the proposed built environment. Examples of such design includes, but not limited to placement of security lighting (both on buildings and in parking lots and amenity areas, placement of stairwells, etc. Attention to this detail of site design can lead to a reduction in the fear of crime and incidence of crime for tenants and visitors,

and to an improvement in their quality of life.

As a result of this analysis, staff supports the applicant's request, subject to the attached development and recommended conditions.

Off-Street Parking: The applicant has requested an alternate off-street parking ratio for the redevelopment; one space per dwelling unit while PDD No. 193 requires one space for each 500 square feet of floor area, with not less than one and no more than two spaces per dwelling unit, with .25 unassigned spaces being available for visitors and residents.

Staff requested a parking analysis and encouraged the applicant to limit the analysis to other projects they developed in the city. A professional traffic engineer was commissioned by the applicant to provide the study.

As noted below, various residential developments owned and operated by the applicant were analyzed with respect to parking demands. Thirteen sample dates between 2009 and 2013 were assessed, with average occupancy of 0.83 spaces/vehicle. The study determined that 95 percent occupancy for each development was maintained during this time period.

Table 2. Peak Parking Demand At Similar DHA Sites

| Name of Property (Location) | Dwelling Units | Peak Parking Demand* | Parking per Dwelling Unit |
|--|-----------------------|-----------------------------|----------------------------------|
| Little Mexico <i>3027 Harry Hines Blvd., Dallas, TX</i> | 102 | 71 | 0.70 |
| Brackins Village <i>1544 E. 8th Street, Dallas, TX</i> | 102 | 85 | 0.83 |
| Barbara Jordan Square <i>4700 Country Creek, Dallas, TX</i> | 100 | 84 | 0.84 |
| Cedar Glen II <i>2906 E. Kiest Blvd., Dallas, TX</i> | 150 | 137 | 0.93 |
| AVERAGE | | | 0.83 |

For comparison purposes, the following table provides various off-street parking scenarios based on the anticipated development:

| DENSITY | PDD 193 | PARKING STUDY | PROPOSED |
|----------|------------|------------------------------|---|
| 366 du's | 727 spaces | 304 spaces (.83 space/du) | 420 spaces (1 space/du plus 54 visitor spaces) |

The attached development plan provides for two ingress/egress points, along the Kings Road and Hawthorne Avenue frontages (both approx. mid-block). As noted, a few spaces on either side of each drive approach are located within the required 20-foot front yard setback. Staff has determined this encroachment is minimal in context with the site's lengthy frontages on these streets, thus supports the location of these spaces in the front yard.

Landscaping: The applicant has had discussions with the city arborist to ensure the landscape requirements of PDD No. 193 will be provided for the development. Special consideration will be given to maintaining the existence of mature trees along the site's perimeter.

CPC ACTION

(February 6, 2014)

Motion: It was moved to recommend **approval** of a Planned Development Subdistrict for MF-1 Multiple Family Uses, subject to a development plan and revised conditions to restrict access to the Kings Road entrance for emergency and pedestrian use only, subject to approval by the Dallas Fire Department and the Engineering Department of Public Works on property zoned an MF-1 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District, on property at the west corner of Hartford Street and Hawthorne Avenue.

Maker: Soto
Second: Shellene
Result: Carried: 14 to 0

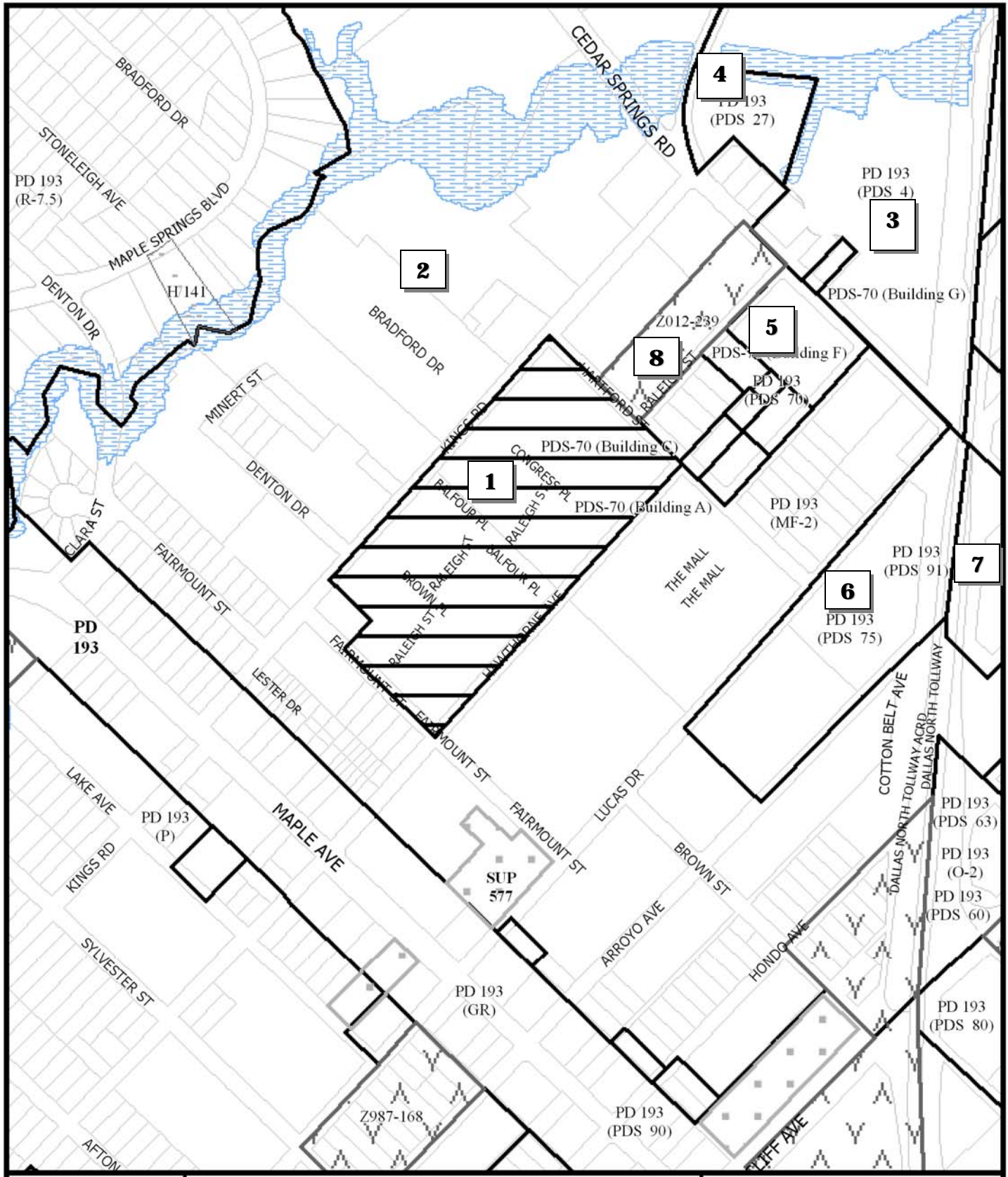
For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid,
Hinojosa, Bagley, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Lavallaisaa
Vacancy: 0

Notices: Area: 500 Mailed: 354
Replies: For: 1 Against: 126

Speakers: For: Karl Crawley, 900 Jackson St., Dallas, TX, 75202
Troy Broussard, 4114 Robin Dr., Grand Prairie, TX, 75052
Against: Michael Harper, 4608 Lester Dr., Dallas, TX, 75219
Steven May, 2727 Kings Rd., Dallas, TX, 75219
Lesley Maturin, 4777 Cedar Springs Rd., Dallas, TX, 75219
Michael Paulus, 4605 Cedar Springs Rd., Dallas, TX, 75219
Jon Harper, 1309 Main St., Dallas, TX, 75202
Don Brunnert, 2787 Kings Rd., Dallas, TX, 75219

| ZONING/ MAP NO. | LAND AREA | DENSITY | STRUCTURE HEIGHT | LOT COVERAGE | SPECIAL REGULATIONS |
|--|----------------------|--|-----------------------------|-------------------------|--|
| DHA SITE (1) | 12.6 ACRES | 366 DU'S (29/ACRE) | 36' | 60% | PARKING-1 SPACE PER DU PLUS 54 VISITOR SPACES |
| TYPICAL MF-2 W/I PDD NO. 3 (2) | N/A | TYPICAL DEVELOPMENT- 32-38 DU'S/AC | 36' | 60% | N/A |
| PDS 4 (3) | 16.8 ACRES | 24 DU'S/AC | 42' | NO MAXIMUM | THREE STORIES; PERIMETER FENCING <50% OPEN |
| PDS 27 (4) | 2.0 ACRES | 101 DU'S (50/AC) | 42' | 36% | THREE STORIES |
| PDS 70 (5) | 3.32 ACRES | 125 DU'S (38/AC) | 38' AND 58' | 70% | THREE AND FOUR STORIES |
| PDS 75 (6) | 6.09 ACRES | 399 DU'S (66/AC) | 65' (HIGHEST POINT) | 70% | ONE SPACE/BR OR 1.5 SPACES/DU WHICHEVER IS GREATER, |
| PDS 91 (7) | 1.9 ACRES | 180 DU'S (90/AC) | 33'-68' | 86% | 1.7 SPACES/DU, WHICH INCLUDES .25 SPACE/DU FOR GUESTS |
| DEED RESTRICTED MF-2 Z012-239 (8) | 2.2 ACRES | SEE MF-2, ABOVE | 36' | 60% | ONE SPACE/500 SF, WITH NOT LESS THAN ONE SPACE NOR GREATER THAN 2 SPACES/DU, PLUS .25 SPACE/DU FOR GUESTS |



DALLAS HOUSING AUTHORITY

Board of Commissioners

Terdema Ussery, Chair
Pedro Aguirre, Vice Chair
Steven Stamos, Member
Mayela Lopez, Member
John Gates, Member

MaryAnn Russ, President and CEO
Troy Broussard, Senior Vice President and COO
Sam Grader, Vice President
Chetana Chaphekar, Chief Financial Officer

CPC RECOMMENDED CONDITIONS

PD

“Division S-___. PD Subdistrict ___.

SEC. S-___.101. LEGISLATIVE HISTORY.

PD Subdistrict ___ was established by Ordinance No. _____, passed by the Dallas City Council on _____. Ordinance No. _____ amended Ordinance No. 21859, PD 193 (the Oak Lawn Special Purpose District), as amended, and Ordinance No. 10962, Chapter 51 of the Dallas City Code, as amended.

SEC. S-___.102. PROPERTY LOCATION AND SIZE.

PD Subdistrict ___ is established on property generally located in the area bounded by Kings Road, Hartford Street, Hawthorne Avenue, and Fairmount Street. The size of PD Subdistrict ___ is approximately 12.6 acres.

SEC. S-___.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls. In this division:

(b) In this division:

(1) SUBDISTRICT means a subdistrict of PD No. 193.

(2) ADMINISTRATIVE/OFFICE means areas customarily incidental to the management and operations for a multiple family use.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.

(d) This Subdistrict is considered to be a residential zoning subdistrict.

SEC. S-_____.104. DEVELOPMENT PLAN.

(a) For a multiple family use, development and use of the Property must comply with the development plan (Exhibit S- A).

(c) For all uses, no development plan is required, and the provisions of Section 51-4.702 regarding submission of or amendments to a development plan, site analysis plan, development schedule, and landscape plan do not apply.

SEC. S-____.104.1

MINOR AMENDMENT TO DEVELOPMENT PLAN.

(a) In general. Except as provided in this section, amendments to a development plan must comply with Section 51A-4.702(h) of the Dallas Development Code, as amended.

(b) Multiple family use. For a multiple family use, any amendment to the improvements identified in the Internal Administrative and Amenity Area on the development plan may be approved by the Director as outlined in Section 51A-4.702(h)(2)(A), except that 51A-4.702(h)(2)(A)(ii)(aa) does not apply.

SEC. S-____.105.

MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this Subdistrict are those main uses permitted in the MF-2 Multiple Family Subdistrict, subject to the same conditions applicable in the MF-2 Subdistrict, as set out in Part I of this article. For example, a use permitted in the MF-2 Subdistrict only by specific use permit (SUP) is permitted in this Subdistrict only by SUP; a use subject to development impact review (DIR) in the MF-2 Subdistrict is subject to DIR in this Subdistrict; etc.

(b) Administration/office.

(c) Community center (private). *[only as a limited use for a multiple family use].*

SEC. S-____.106.

ACCESSORY USES.

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations contained in Part I of this article. For more information regarding accessory uses, consult PD 193.

(b) In this district, the following accessory uses are not permitted:

- Private stable.
- Amateur communication tower.
- Outside storage.

SEC. S-____.107.

YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. In the event of a conflict between this section and Part I of this article, this section controls.)

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the MF-2 Multiple Family Subdistrict apply.

(b) Front yard. For a multiple family use, minimum front yard is 20 feet. Off-street parking is permitted in the front yard.

(c) Density. Maximum number of dwelling units is 366.

(d) Floor Area. Except as provided in this section, no maximum floor area.

(1) For a multiple family use, maximum floor area for administrative/office is 2,800 square feet.

(2) For a multiple family use, maximum floor area for a community center (private) use is 2,850 square feet.

SEC. S-__108. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult Part I of this article for the specific off-street parking/loading requirements for each use. Consult the off-street parking and loading regulations of PD 193 for information regarding off-street parking and loading generally with the following exceptions:

(b) For a multiple family use, one space per dwelling unit with not less than 420 spaces.

(c) For a community center (private) use, no off-street parking is required.

(d) For administrative/office, no off-street parking is required.

SEC S-__ 109. DESIGN STANDARDS FOR STREET FRONTAGES.

(a) Purpose. Continuous facades along pedestrian-oriented streets often have negative impacts on community aesthetics, pedestrian circulation, and the scale and rhythm of streetscapes. These design standards are intended to ensure that continuous facades that are located along well-traveled pedestrian ways are compatible with the surrounding area and mitigate the negative impact of continuous facades, while allowing creativity, flexibility, and variety in design.

(b) Facades.

(1) Street facing facades must be similar to and compatible with the architectural design of other street-facing facades on the same block face.

(2) Street facing facades exceeding 50 feet in length must have two of the following elements. Street facing facades exceeding 100 feet in length must have four of the following elements.

(A) Change in plane, such as an offset, reveal, recess or projection. Changes in plane must have a width of no less than 24 inches, a depth of at least eight inches, and may include columns, planted, arches, or niches.

(B) Architectural details such as raised bands, balconies, projected or bay windows, and cornices.

(C) Architecturally prominent public entrance.

(D) Attached tower or turret.

(E) Awnings.

(F) Change in color.

(G) Change in material.

(H) Change in texture.

(I) Change in height of at least 10 feet while complying with the maximum structure height.

(c) Materials and colors.

(1) No more than 80 percent of the area of a street façade wall, exclusive of fenestration, may consist of a single color.

(2) A minimum of 80 percent of the exterior wall material, excluding doors, and windows and recessed or projected areas for porches, balconies and/or entries, of facades facing a public street must be a masonry material, including but not limited to brick, stone stucco or fiber cement exterior cladding material.

SEC S-___.109.

ENVIRONMENTAL PERFORMANCE STANDARDS.

(a) In general. Except as provided in this section, see Article VI for environmental standards.

(b) Outdoor lighting. Outdoor lighting sources and fixtures must comply with the following requirements:

(1) Light sources.

(A) Only incandescent, fluorescent, metal halide, LED, or color corrected high-pressure sodium may be used.

(B) Light sources must be indirect, diffused, and covered by fixtures that prevent spillover light onto abutting lots.

(2) Light fixtures.

(A) Except as provided in this paragraph, Section 51A-4.301(e) applies to light fixtures used in off-street parking areas. Light fixtures in off-street parking areas may not exceed 30 feet in height.

(B) Along sidewalks in pedestrian areas, light fixtures must be a minimum of nine feet in height and a maximum of 15 feet in height.

(C) Light fixtures attached to buildings may not project light above the roof line and must be shielded.

(D) Entrances to multiple family uses must be lighted beginning at dusk and continuing until dawn.

SEC. S-___.110. LANDSCAPE AND STREETScape.

(a) Except as provided in this section, landscaping and sidewalks must be provided in accordance with Part 1 of PDD 193.

(b) TREE PLANTING ZONE means that area parallel to and between two and one-half feet and 20 feet from the projected back of curb.

(c) Except as provided in this subsection, required trees in the tree planting zone must be provided at one tree for each 50 feet of street frontage.

(1) Existing trees in the parkway and in the required front yard located as shown on the attached development plan may be counted towards the requirement for required trees in the tree planting zone.

(2) If more than 25 percent of the number of existing trees for a street frontage are removed, then the required number of trees provided in the tree planting zone for that particular street frontage must be provided at one tree for each 25 feet of street frontage.

(d) A ~~six-foot-wide~~ sidewalk with a minimum four-feet of unobstructed width must be provided along all street frontages. Tree grates are not required for the existing trees located in the parkway and in the required front yard located as shown on the attached development plan. Tree grates for new trees do not count toward the minimum unobstructed sidewalk width.

(e) Plant materials must be maintained in a healthy, growing condition.

SEC. S-___.111. SIGNS

Signs must comply with the provisions for non-business zoning districts in Article VII.

SEC. S-____.112.

ADDITIONAL PROVISIONS.

(a) General maintenance. The Property must be properly maintained in a state of good repair and neat appearance.

(b) Compliance with all other laws. Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city.

(c) Compliance with Part I. Except as otherwise provided in this division, development and use of the Property must comply with Part I of this article.

(d) Crime Prevention Through Environmental Design. Principles of Crime Prevention Through Environmental Design (CPTED) must be integrated to the maximum extent possible for all construction requiring a building permit. A copy of the CPTED manual may be obtained in the Department of Sustainable Development and Construction, or contact the Building Official Plans Examiner for information on CPTED review standards.

(e) Vehicular ingress and egress along Kings Road is restricted to emergency service vehicles. Final design and construction for emergency access gates is subject to approval by Public Works and Transportation-Streets Section, and the Dallas Fire Department.

SEC. S-____.113.

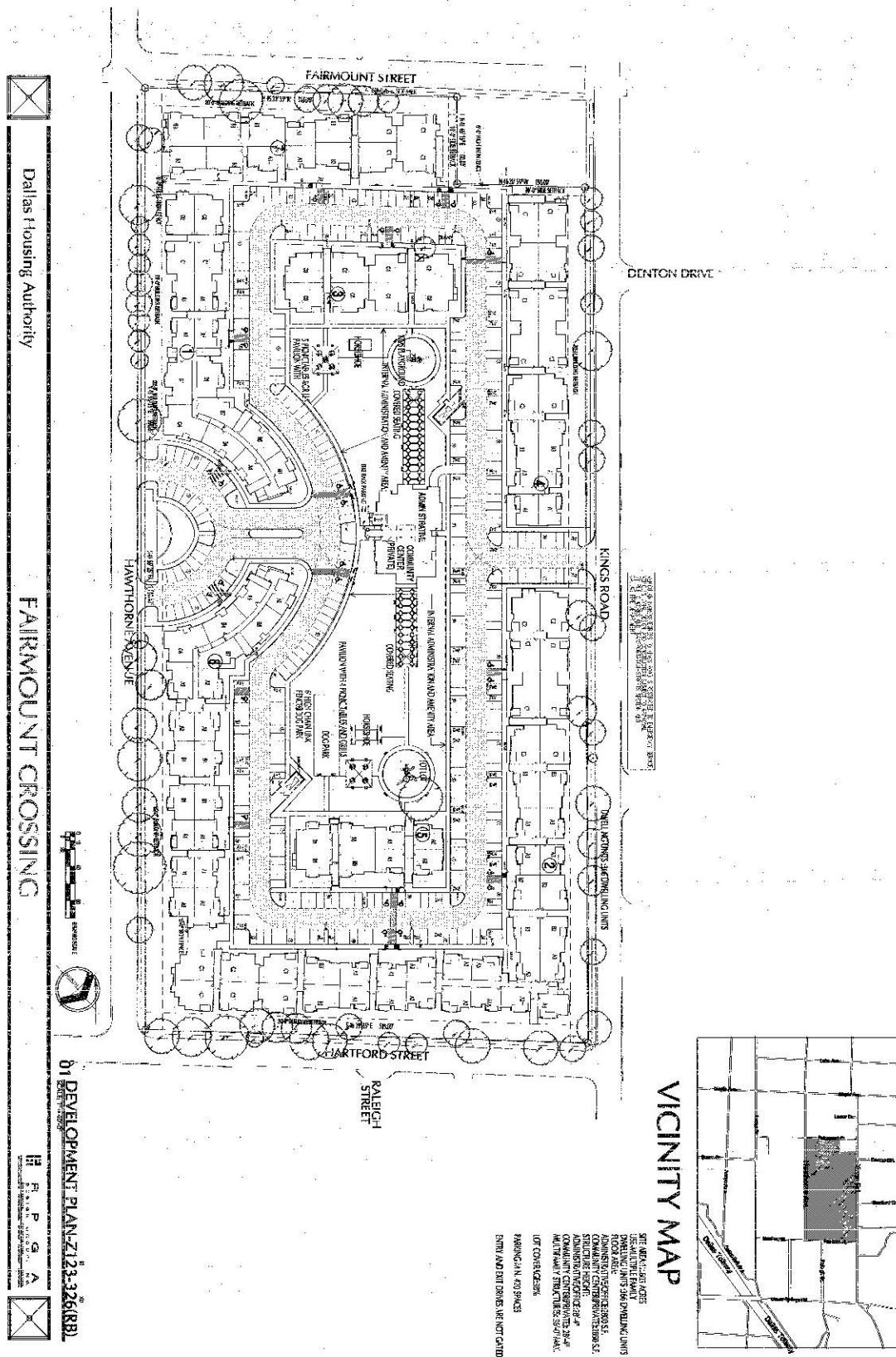
PAVING.

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

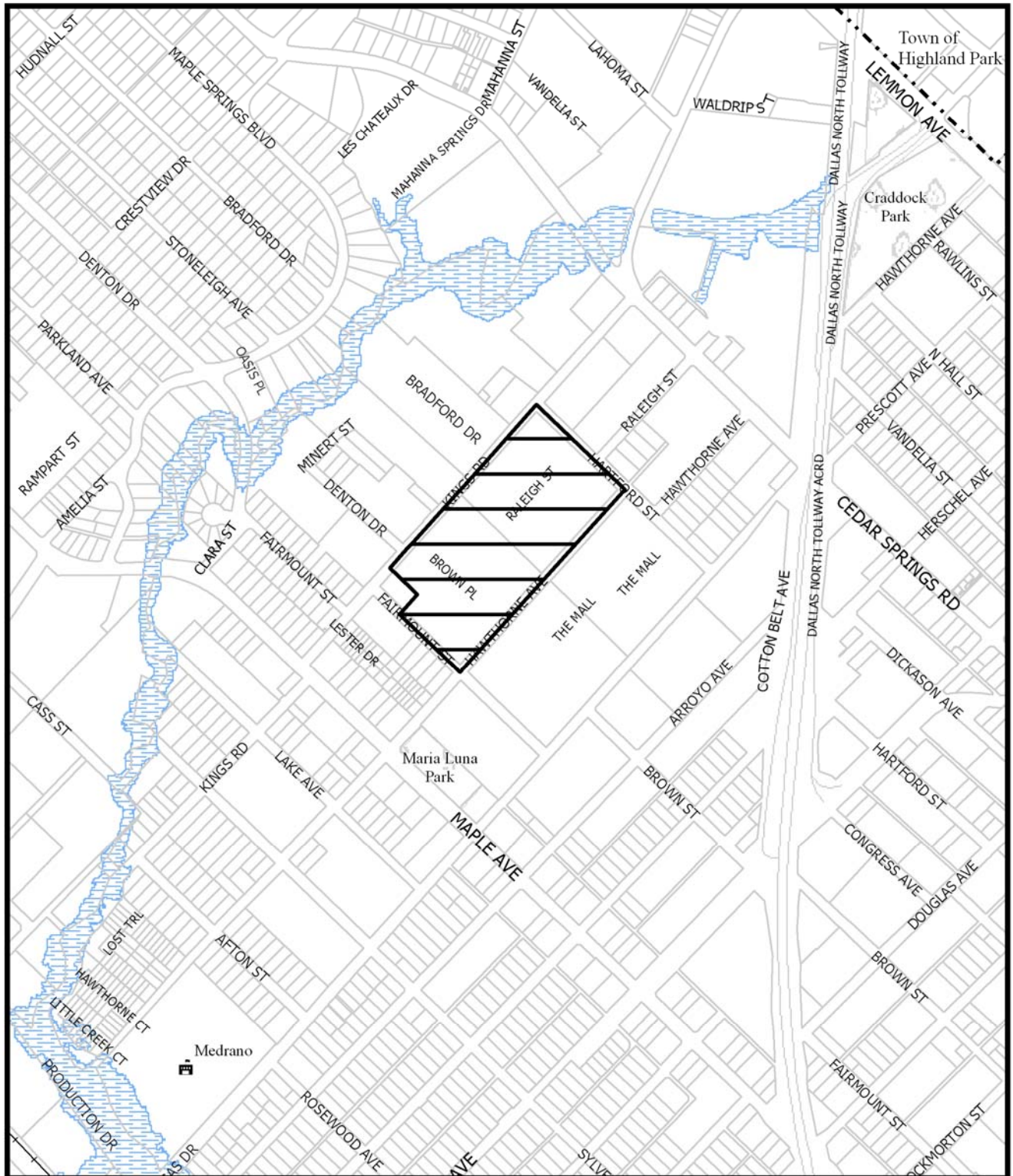
SEC. S-____.114.

COMPLIANCE WITH CONDITIONS.

The building official shall not issue a building permit or a certificate of occupancy for a use in this Subdistrict until there has been full compliance with this division, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.



Proposed Development Plan



1:7,200

VICINITY MAP

Case no: **Z123-326**

Date: **7/26/2013**



2/6/2014

Reply List of Property Owners***Z123-326******354 Property Owners Notified
Owners Opposed******1 Property Owners in Favor******126 Property***

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|---------------------|-----------------------|-----------------------|---------------------------------------|
| | 1 | 2820 KINGS RD | DALLAS HOUSING AUTHORITY |
| X | 2 | 2602 KINGS RD | EMMERT LEE BLANKENSHIP |
| | 3 | 4600 MAPLE AVE | BAKER ALBERT L JR |
| | 4 | 4602 MAPLE AVE | BAKER ALBERT JR |
| | 5 | 4610 MAPLE AVE | PATINO JOSE S |
| | 6 | 4614 MAPLE AVE | PATINO JUAN J & DELIA |
| | 7 | 4626 MAPLE AVE | FIGUEROA ROSA & |
| | 8 | 4630 MAPLE AVE | AREVALO RUBEN & RAQUEL |
| | 9 | 4636 MAPLE AVE | A & S MAPLE LLC |
| | 10 | 4700 MAPLE AVE | HATTEN E T & |
| | 11 | 4706 MAPLE AVE | SHAH MANSOOR ALI |
| X | 12 | 4710 MAPLE AVE | CUCOVATZ PAUL C & |
| | 13 | 4714 MAPLE AVE | AVILA OCTAVIO |
| | 14 | 4718 MAPLE AVE | MAPLE AVE ECONOMIC DEV CORP OF DALLAS |
| | 15 | 4515 CEDAR SPRINGS RD | BETHANY PRESBYTERIAN CH |
| | 16 | 2903 LUCAS DR | SOOCKAR KARL D |
| | 17 | 2909 LUCAS DR | KELCHER MANAGEMENT INC |
| O | 18 | 2915 LUCAS DR | RODNEY E JOHNSON PPTIES LLC |
| | 19 | 2923 LUCAS DR | GREATER MOUNT ZION |
| | 20 | 4505 CEDAR SPRINGS RD | CS VILLAS LLC |
| | 21 | 2900 HAWTHORNE AVE | MUMM CHARLES |
| | 22 | 2906 HAWTHORNE AVE | MONZURES ERASMO & |
| | 23 | 2908 HAWTHORNE AVE | GUEVARA ANTONIO & |
| | 24 | 2912 HAWTHORNE AVE | ALEJANDRO JOSE ALFREDO |
| | 25 | 2916 HAWTHORNE AVE | ALEJANDRO JOSE A & BLANCA |
| | 26 | 2920 HAWTHORNE AVE | LARA PEDRO |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|-----------------------|---------------------------------|
| | 27 | 3000 HAWTHORNE AVE | SKINNER LEO |
| | 28 | 2902 RALEIGH ST | PARKS CHARLES I JR |
| X | 29 | 2906 RALEIGH ST | SOFIELD THOMAS A |
| X | 30 | 2912 RALEIGH ST | SOMMER LANCE & MARCIA |
| | 31 | 2916 RALEIGH ST | NORRIS JESSE E |
| | 32 | 4625 CEDAR SPRINGS RD | MONTEREY VILLAGE APARTMENTS LLC |
| X | 33 | 4633 FAIRMOUNT ST | NGUYEN SON T & |
| | 34 | 4619 FAIRMOUNT ST | ALMARAZ MARIA D & |
| | 35 | 4615 FAIRMOUNT ST | GUERRERO JOSE M & ROSA |
| | 36 | 4611 FAIRMOUNT ST | APARICIO MISAEL & |
| X | 37 | 4607 FAIRMOUNT ST | MARTINEZ JULIO & |
| | 38 | 4603 FAIRMOUNT ST | GONZALEZ OSCAR G |
| | 39 | 4703 FAIRMOUNT ST | TRG FAIRMOUNT LP |
| X | 40 | 4707 FAIRMOUNT ST | TRG FAIRMOUNT LP |
| | 41 | 4731 FAIRMOUNT ST | TRG FAIRMOUNT LP |
| | 42 | 4706 FAIRMOUNT ST | TRG FAIRMOUNT LP |
| | 43 | 4710 FAIRMOUNT ST | TRG FAIRMOUNT LP |
| | 44 | 4705 FAIRMOUNT ST | ENSERCH CORP |
| | 45 | 4735 DENTON DR | TRG FAIRMOUNT LP |
| X | 46 | 2833 KINGS RD | 2833 KINGS ROAD LP |
| | 47 | 2727 KINGS RD | KINGS ROAD TOWNHOMES LLC |
| | 48 | 2715 KINGS RD | TRG FAIRMOUNT LP |
| | 49 | 2787 KINGS RD | CRESTMARE MONTEBELLA LP |
| | 50 | 4622 MAPLE AVE | LA AVENIDA MAPLE L P |
| | 51 | 2919 LUCAS DR | IRVIN ROSS GREGORY |
| | 52 | 4533 CEDAR SPRINGS RD | CJUF III DYLAN LLC |
| | 53 | 4622 LESTER DR | BAER GREGORY K |
| X | 54 | 4620 LESTER DR | KAMMERER CLARENCE W JR |
| | 55 | 4618 LESTER DR | SKINNER KEVIN T & |
| | 56 | 4616 LESTER DR | LOGAN BOBBY ALAN |
| | 57 | 4614 LESTER DR | KERSTETTER LEIGH |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|-----------------------------|
| | 58 | 4612 LESTER DR | BROOKS VICTOR |
| | 59 | 4608 LESTER DR | HARPER MICHAEL & |
| | 60 | 4623 LESTER DR | GARCIA JENNIFER & |
| | 61 | 4621 LESTER DR | EARL JUSTIN J |
| X | 62 | 4619 LESTER DR | GUPTA NARESH & RAJNEESH |
| | 63 | 4617 LESTER DR | KLINE LUZ D |
| | 64 | 4615 LESTER DR | HOLDER MAX R JR |
| | 65 | 4613 LESTER DR | BRYANT JAMES L |
| X | 66 | 4609 LESTER DR | CAULDER RICHARD |
| | 67 | 4604 LESTER DR | MAHMOUD EHAB T |
| | 68 | 4603 LESTER DR | GHAREHGOZLOU SALMEH |
| | 69 | 4605 LESTER DR | DAI MARTINA M & LUNA JOSE L |
| | 70 | 4620 STEEL ST | URBAN LOFTS XII LTD |
| | 71 | 2929 KINGS RD | FAOF KINGSGATE LLC |
| X | 72 | 4707 BRADFORD DR | NORTON THOMAS A |
| X | 73 | 4703 BRADFORD DR | LANE AARAN |
| X | 74 | 4703 BRADFORD DR | DONNELLY DAVID WAYNE |
| X | 75 | 4705 BRADFORD DR | RADO MARK A |
| X | 76 | 4705 BRADFORD DR | ALDERMAN STEPHEN W |
| X | 77 | 4709 BRADFORD DR | SMITH BLAKE A & |
| X | 78 | 4709 BRADFORD DR | KITTISOPIKUL VANNEE & |
| X | 79 | 4711 BRADFORD DR | JONES HOUSTON DARRELL |
| X | 80 | 4711 BRADFORD DR | HICKS DON GORDON |
| X | 81 | 4719 BRADFORD DR | BAZE LETHA |
| X | 82 | 4715 BRADFORD DR | COMBS HOLLY L |
| X | 83 | 4715 BRADFORD DR | MULLINS ROSEMARY |
| X | 84 | 4717 BRADFORD DR | MEIER MICHAEL J |
| X | 85 | 4717 BRADFORD DR | JOHNSON DANIEL J |
| X | 86 | 4721 BRADFORD DR | MCNATT KIM |
| X | 87 | 4721 BRADFORD DR | BATES CASEY A |
| X | 88 | 4723 BRADFORD DR | MIDDLEBROOK RYAN |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|---------------------------|
| X | 89 | 4723 BRADFORD DR | GRAVES CHARLOTTE M |
| X | 90 | 4731 BRADFORD DR | MCELYEA MATTHEW SCOTT |
| X | 91 | 4727 BRADFORD DR | KNOX ANNAHITA D |
| X | 92 | 4727 BRADFORD DR | MURPHY BRITT |
| X | 93 | 4729 BRADFORD DR | YOUNG KURTIS W |
| X | 94 | 4729 BRADFORD DR | SAWA DONALD J |
| X | 95 | 4733 BRADFORD DR | THIELEMANN SHE & |
| X | 96 | 4733 BRADFORD DR | HEROLD TERRY E |
| X | 97 | 4735 BRADFORD DR | CURTIS CLINT WAYNE |
| X | 98 | 4735 BRADFORD DR | COCKRILL LORI K |
| X | 99 | 2810 MINERT ST | VIZU LP |
| X | 100 | 2812 MINERT ST | HENDERSON PAMELA D |
| X | 101 | 4743 BRADFORD DR | LANKA VISWANATHA K |
| X | 102 | 4739 BRADFORD DR | REAGAN SELENA |
| X | 103 | 4739 BRADFORD DR | GRAVES CHARLOTTE |
| X | 104 | 4741 BRADFORD DR | KOLETAR KIMBERLY A |
| X | 105 | 4741 BRADFORD DR | BRUNNERT DONALD E |
| X | 106 | 4745 BRADFORD DR | LAPRAIRIE BRAD |
| X | 107 | 4745 BRADFORD DR | WOOD WILLIAM B JR |
| X | 108 | 4747 BRADFORD DR | SANDERS DARIN B |
| X | 109 | 4747 BRADFORD DR | MARTIN ERIC |
| X | 110 | 4749 BRADFORD DR | JONES RYAN D & |
| X | 111 | 4749 BRADFORD DR | HUBERT ERIC |
| X | 112 | 2787 BRADFORD DR | WILLIAMS DELOREAN R |
| X | 113 | 4751 BRADFORD DR | BIRENBAUM CHARLES A LF ES |
| X | 114 | 4706 BRADFORD DR | GUSTAFSON GARY W |
| X | 115 | 4702 BRADFORD DR | TSENG JENNIFER |
| X | 116 | 4702 BRADFORD DR | COKER KEITH |
| X | 117 | 4702 BRADFORD DR | HESLEP CHRISTOPHER & |
| X | 118 | 4704 BRADFORD DR | DALY MICHAEL J |
| X | 119 | 4704 BRADFORD DR | TROXEL BRAD L & |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|------------------------|
| X | 120 | 4708 BRADFORD DR | BARTLEY JAMES & |
| X | 121 | 4708 BRADFORD DR | KENNEDY KARA N |
| X | 122 | 4710 BRADFORD DR | FRANZ JASON E & |
| X | 123 | 4710 BRADFORD DR | WALKUP MICHAEL C |
| X | 124 | 4710 BRADFORD DR | CORRAL DANYTZA P |
| X | 125 | 2787 BRADFORD DR | ROCHA RICHARD JR |
| X | 126 | 4714 BRADFORD DR | RAY UNRUH PROFIT |
| X | 127 | 4714 BRADFORD DR | YI INJA & PAUL C YI |
| X | 128 | 4714 BRADFORD DR | MCKINNEY CRAIG |
| X | 129 | 4716 BRADFORD DR | STEWART STEVEN WAYNE |
| X | 130 | 4716 BRADFORD DR | GRAVES STEVEN |
| X | 131 | 4720 BRADFORD DR | LEE SUGI |
| X | 132 | 4720 BRADFORD DR | ORAM MARK C |
| X | 133 | 4722 BRADFORD DR | SMILEY TYRONE |
| X | 134 | 4722 BRADFORD DR | FLEIDER RICHARD J |
| X | 135 | 4722 BRADFORD DR | THURMOND JEFFREY D |
| X | 136 | 4732 BRADFORD DR | BRADSHER JAMIE |
| X | 137 | 4728 BRADFORD DR | KENNEDY KIRBY D |
| X | 138 | 4728 BRADFORD DR | STURDY JENNIFER R |
| X | 139 | 4728 BRADFORD DR | TROLLINGER JUSTIN G |
| X | 140 | 4730 BRADFORD DR | HUFF BRYAN A |
| X | 141 | 4730 BRADFORD DR | BUTCHER KALE N |
| X | 142 | 4734 BRADFORD DR | WAGNER YVONNE C |
| X | 143 | 4734 BRADFORD DR | HODGES WILLIAM RANDALL |
| X | 144 | 4736 BRADFORD DR | MALONE TIMOTHY |
| X | 145 | 4736 BRADFORD DR | PATEL BIPIN & |
| X | 146 | 4736 BRADFORD DR | COTTRELL BRIAN K |
| X | 147 | 2822 MINERT ST | FLORES FEDERICO |
| X | 148 | 2824 MINERT ST | HOUSER MATTHEW C |
| X | 149 | 2826 MINERT ST | STOVER DARREN L |
| X | 150 | 4740 BRADFORD DR | HILT CARA E |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|--|
| X | 151 | 4746 BRADFORD DR | STONE ASHLEY M & |
| X | 152 | 4752 BRADFORD DR | KOONTZ DUSTIN A |
| X | 153 | 4742 BRADFORD DR | OLIVEIRA KRISTIN |
| X | 154 | 2787 BRADFORD DR | DOSSIERE KEITH R |
| X | 155 | 4744 BRADFORD DR | RICHARDSON CLINT |
| X | 156 | 4744 BRADFORD DR | DOSTER JOSEPH A & |
| X | 157 | 4748 BRADFORD DR | MCCASLIN MERIDITH C & JUSTIN M MCCASLIN |
| X | 158 | 4748 BRADFORD DR | BREWER STANLEY D |
| X | 159 | 4750 BRADFORD DR | MULLENGER WILLIAM BRANDON |
| X | 160 | 4750 BRADFORD DR | PERMENTER KEITH C |
| X | 161 | 4754 BRADFORD DR | BRYD NEVILLE J III & |
| X | 162 | 4754 BRADFORD DR | HOWELL SCOTT L & |
| X | 163 | 4756 BRADFORD DR | MASSAD KELLY J & |
| X | 164 | 4756 BRADFORD DR | HERNANDEZ ANTHONY JR & |
| X | 165 | 2809 MINERT ST | GILL CHRISTOPHER L & |
| X | 166 | 4807 BRADFORD DR | WALKER LESLIE & CAROLINA |
| X | 167 | 4803 BRADFORD DR | RAIFSNIDER CARL A |
| X | 168 | 4803 BRADFORD DR | BLAND DANE C |
| X | 169 | 2787 BRADFORD DR | OLDENBURGH PATRICK L JR |
| X | 170 | 4805 BRADFORD DR | YOUNG LESLEY A |
| X | 171 | 2787 BRADFORD DR | CAMPBELL MATTHEW B & |
| X | 172 | 4809 BRADFORD DR | HAGE GENEVIEVE |
| X | 173 | 4811 BRADFORD DR | MCGAULEY LAWRENCE |
| X | 174 | 4811 BRADFORD DR | MALVEAUX JON ERIC |
| X | 175 | 4815 BRADFORD DR | HOKANSON JAMILA C |
| X | 176 | 4815 BRADFORD DR | MAY MORGAN |
| X | 177 | 4806 BRADFORD DR | AHMADI KAMBIZ |
| X | 178 | 4802 BRADFORD DR | GRANTHAM JASON B |
| X | 179 | 4802 BRADFORD DR | ADAMSON SARAH B & |
| X | 180 | 4804 BRADFORD DR | BRACCIALE ANTHONY KEITH |
| X | 181 | 4804 BRADFORD DR | RIOS DAVID |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|-----------------------|------------------------|
| X | 182 | 4808 BRADFORD DR | SMITH BERT STEVE JR |
| X | 183 | 4808 BRADFORD DR | WESTCOTT STEVEN |
| X | 184 | 4810 BRADFORD DR | GALVAN ROBERTO ELIAS |
| X | 185 | 4814 BRADFORD DR | MYERS DALE R |
| X | 186 | 4814 BRADFORD DR | ROBINSON MARVIN EUGENE |
| | 187 | 4777 CEDAR SPRINGS RD | C S COMMUNITIES LP |
| | 188 | 4777 CEDAR SPRINGS RD | LEWIS LEONARD & |
| | 189 | 4777 CEDAR SPRINGS RD | GAMEZ ROBERTO PEREZ |
| | 190 | 4777 CEDAR SPRINGS RD | GAMEZ ROBERTO P |
| | 191 | 4777 CEDAR SPRINGS RD | HAKIMAN HEKMAT |
| | 192 | 4777 CEDAR SPRINGS RD | LYNX MATTHEW |
| | 193 | 4777 CEDAR SPRINGS RD | HARTSELL JASON THOMAS |
| | 194 | 4777 CEDAR SPRINGS RD | JOHNSON MARGUERITE |
| | 195 | 4777 CEDAR SPRINGS RD | SANTIAGO LEONARD LUIS |
| | 196 | 4777 CEDAR SPRINGS RD | COSTER ADAM D |
| | 197 | 4777 CEDAR SPRINGS RD | BEAKLEY DAVID JANSON |
| | 198 | 4777 CEDAR SPRINGS RD | MENDOZA JONATHAN |
| | 199 | 4777 CEDAR SPRINGS RD | FLORES CESAR A |
| | 200 | 4777 CEDAR SPRINGS RD | ARNOLD JESSE E |
| | 201 | 4777 CEDAR SPRINGS RD | JONES BENJAMIN & |
| | 202 | 4777 CEDAR SPRINGS RD | SCHLEIT MELISSA J |
| | 203 | 4777 CEDAR SPRINGS RD | GOHEL SHRUTI & |
| | 204 | 4777 CEDAR SPRINGS RD | RENFRO ADAM L |
| | 205 | 4777 CEDAR SPRINGS RD | DOWNEY COLIN P |
| | 206 | 4777 CEDAR SPRINGS RD | PHAN YINETTE |
| | 207 | 4777 CEDAR SPRINGS RD | SHEHAN DOUGLAS |
| | 208 | 4777 CEDAR SPRINGS RD | KELLY ASHLEY MARIE |
| | 209 | 4777 CEDAR SPRINGS RD | ROY VIBIN |
| | 210 | 4777 CEDAR SPRINGS RD | MOGG JAMES |
| | 211 | 4777 CEDAR SPRINGS RD | MARTIN LISA M |
| | 212 | 4777 CEDAR SPRINGS RD | STRICKLAND ANDREA & |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|-----------------------|
| 213 | 4777 | CEDAR SPRINGS RD | CHATHAM ROBERT MARTIN |
| 214 | 4777 | CEDAR SPRINGS RD | PURDY BARBARA B |
| 215 | 4777 | CEDAR SPRINGS RD | ZACKEY JAMES |
| 216 | 4777 | CEDAR SPRINGS RD | LI CHUNHUI |
| 217 | 4777 | CEDAR SPRINGS RD | ROBERTS OLIVIA JANE |
| 218 | 4777 | CEDAR SPRINGS RD | HUMPHREY JOHN A |
| 219 | 4777 | CEDAR SPRINGS RD | BARNETT JAMEKA |
| 220 | 4777 | CEDAR SPRINGS RD | SCHWARTZ RYAN L |
| 221 | 4777 | CEDAR SPRINGS RD | RADFORD JULIE |
| 222 | 4777 | CEDAR SPRINGS RD | LAI YOUNGJOU |
| 223 | 4777 | CEDAR SPRINGS RD | EMBREE GRADY HARMON |
| 224 | 4777 | CEDAR SPRINGS RD | SHODIPO ABIOLA O & |
| 225 | 4777 | CEDAR SPRINGS RD | GUZMAN GABRIEL |
| 226 | 4777 | CEDAR SPRINGS RD | HICKS BRADLEY |
| 227 | 4777 | CEDAR SPRINGS RD | KURANT JONATHAN |
| 228 | 4777 | CEDAR SPRINGS RD | MORAN MICHAEL |
| 229 | 4777 | CEDAR SPRINGS RD | WADE THOMAS H |
| 230 | 4777 | CEDAR SPRINGS RD | KILPATRICK STEPHANIE |
| 231 | 4777 | CEDAR SPRINGS RD | ARCHULETA ARON RAY |
| 232 | 4777 | CEDAR SPRINGS RD | VU PETER LONG |
| 233 | 4777 | CEDAR SPRINGS RD | PERRY RONIKA NOEL |
| 234 | 4777 | CEDAR SPRINGS RD | BUSH KENNETH M & |
| 235 | 4777 | CEDAR SPRINGS RD | SALAJANU IOAN G |
| 236 | 4777 | CEDAR SPRINGS RD | MYERS GRANT |
| 237 | 4777 | CEDAR SPRINGS RD | HEATON WILMA JEAN |
| 238 | 4777 | CEDAR SPRINGS RD | ZHANG ELIZABETH R |
| 239 | 4777 | CEDAR SPRINGS RD | JESUS JOSE MARIO DIAS |
| 240 | 4777 | CEDAR SPRINGS RD | JOHNSON CULLY LANE |
| 241 | 4777 | CEDAR SPRINGS RD | LRG HOLDINGS LLC |
| 242 | 4777 | CEDAR SPRINGS RD | NOBLES JOSEPH |
| 243 | 4777 | CEDAR SPRINGS RD | TIKHONOV LGOR & |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|-----------------------|
| 244 | 4777 | CEDAR SPRINGS RD | MANTHEI BRANDI |
| 245 | 4777 | CEDAR SPRINGS RD | ROCLEVITCH RICHARD A |
| 246 | 4777 | CEDAR SPRINGS RD | CORDOVA ANDREA LYNN & |
| 247 | 4777 | CEDAR SPRINGS RD | ZAZHARSKAYA NADEZHDA |
| 248 | 4777 | CEDAR SPRINGS RD | RAJAMANI SRINIVASAN |
| 249 | 4777 | CEDAR SPRINGS RD | BARRETO JOSE E |
| 250 | 4777 | CEDAR SPRINGS RD | CLURE DEAN A & |
| 251 | 4777 | CEDAR SPRINGS RD | BUDD TODD |
| 252 | 4777 | CEDAR SPRINGS RD | FRAZIER MARK W |
| 253 | 4777 | CEDAR SPRINGS RD | HILLS CHRIS |
| 254 | 4777 | CEDAR SPRINGS RD | BUTLER SHAREEA |
| 255 | 4777 | CEDAR SPRINGS RD | HARTSELL LYNDA |
| 256 | 4777 | CEDAR SPRINGS RD | VICKNAIR KRISTEN |
| 257 | 4777 | CEDAR SPRINGS RD | MATURIN GLYNN S |
| 258 | 4701 | CEDAR SPRINGS RD | SNFT SERIES 1 LLC |
| 259 | 4701 | CEDAR SPRINGS RD | SNFT SERIES 1 LLC |
| 260 | 4701 | CEDAR SPRINGS RD | SNFT SERIES 2 LLC |
| 261 | 4701 | CEDAR SPRINGS RD | KING MICHAEL D |
| 262 | 4701 | CEDAR SPRINGS RD | ALVAREZ DAVID CORTEZ |
| 263 | 4701 | CEDAR SPRINGS RD | SNFT SERIES 3 LLC |
| 264 | 4701 | CEDAR SPRINGS RD | LEBLANC SCOTT |
| 265 | 4701 | CEDAR SPRINGS RD | SNFT SERIES 4 LLC |
| 266 | 4701 | CEDAR SPRINGS RD | FEIMSTER GARET PAUL |
| 267 | 4701 | CEDAR SPRINGS RD | REYNOLDS JEAN G |
| 268 | 4701 | CEDAR SPRINGS RD | SNFT SERIES 5 LLC |
| 269 | 4701 | CEDAR SPRINGS RD | HOFFMAN LOUIS ALLEN |
| 270 | 4701 | CEDAR SPRINGS RD | SNFT SERIES 6 LLC |
| 271 | 4701 | CEDAR SPRINGS RD | SNFT SERIES 7 LLC |
| 272 | 4605 | CEDAR SPRINGS RD | GRANADO HERIBERTO & |
| 273 | 4605 | CEDAR SPRINGS RD | MAYES JUSTIN |
| 274 | 4605 | CEDAR SPRINGS RD | JARVIS AUSTIN BRADLEY |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|----------------------------|
| 275 | 4605 | CEDAR SPRINGS RD | MILLER MICHAEL C |
| 276 | 4605 | CEDAR SPRINGS RD | BASHARA MICHAEL & VIRGINIA |
| 277 | 4605 | CEDAR SPRINGS RD | CRAWFORD STEVEN B |
| 278 | 4605 | CEDAR SPRINGS RD | HENEGAN LINDSEY |
| 279 | 4605 | CEDAR SPRINGS RD | SIMMANG DOUGLAS S |
| 280 | 4605 | CEDAR SPRINGS RD | WELVAERT DENNIS M TR & |
| 281 | 4605 | CEDAR SPRINGS RD | KRUEGER DALE K JR |
| 282 | 4605 | CEDAR SPRINGS RD | TRAVIESO ANDRE G |
| 283 | 4605 | CEDAR SPRINGS RD | STEVENS JOHN & |
| 284 | 4605 | CEDAR SPRINGS RD | PARKER THOMAS E |
| 285 | 4605 | CEDAR SPRINGS RD | DAVIS DWAYNE |
| 286 | 4605 | CEDAR SPRINGS RD | POLE RAJEEV & PRITHVIRAJ |
| 287 | 4605 | CEDAR SPRINGS RD | FEDERAL HOME LOAN MTG CORP |
| 288 | 4605 | CEDAR SPRINGS RD | STRICKLAND JEREMY |
| 289 | 4605 | CEDAR SPRINGS RD | BROWN TONY LEE |
| 290 | 4605 | CEDAR SPRINGS RD | HUGHES KEVIN M |
| 291 | 4605 | CEDAR SPRINGS RD | SEITER MAX N |
| 292 | 4605 | CEDAR SPRINGS RD | KAFOR FRANCIS O |
| 293 | 4605 | CEDAR SPRINGS RD | NGANG KIM C |
| 294 | 4605 | CEDAR SPRINGS RD | DOBBINS MELISSA G |
| 295 | 4605 | CEDAR SPRINGS RD | TURNER CRAIG & LAUREN |
| 296 | 4605 | CEDAR SPRINGS RD | HOLLAND JAMES HOWARD |
| 297 | 4605 | CEDAR SPRINGS RD | PUCKETT MICHAEL T & |
| 298 | 4605 | CEDAR SPRINGS RD | MCCARTHY EDMOND JR & MARY |
| 299 | 4605 | CEDAR SPRINGS RD | GOMEZ RITA CERVANTES |
| 300 | 4605 | CEDAR SPRINGS RD | SCHEXNAYDER JUDE A |
| 301 | 4605 | CEDAR SPRINGS RD | MCLAUGHLIN DUSTIN |
| 302 | 4605 | CEDAR SPRINGS RD | THOMAS TEENA |
| 303 | 4605 | CEDAR SPRINGS RD | DEAN JOHN J JR |
| 304 | 4605 | CEDAR SPRINGS RD | OLSEN ADAM D |
| 305 | 4605 | CEDAR SPRINGS RD | BEARIST GROUP LLC |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|---------------------------|
| 306 | 4605 | CEDAR SPRINGS RD | DURHAM CHRISTINA R |
| 307 | 4605 | CEDAR SPRINGS RD | SAMENI FALLAH SAM |
| 308 | 4605 | CEDAR SPRINGS RD | RODRIGUEZ PEGGY LYNN & |
| 309 | 4605 | CEDAR SPRINGS RD | AUSTIN JOHN C |
| 310 | 4605 | CEDAR SPRINGS RD | NGUYEN ANDREW |
| 311 | 4605 | CEDAR SPRINGS RD | BAO PAUL XIAPEI & |
| 312 | 4605 | CEDAR SPRINGS RD | WANG ERIC |
| 313 | 4605 | CEDAR SPRINGS RD | ROLAND CAROLINE |
| 314 | 4605 | CEDAR SPRINGS RD | BOWERS MATTHEW S |
| 315 | 4605 | CEDAR SPRINGS RD | HERRERA CAROLINA |
| 316 | 4605 | CEDAR SPRINGS RD | JACOBS DAVID A |
| 317 | 4605 | CEDAR SPRINGS RD | NOTO ANGELA |
| 318 | 4605 | CEDAR SPRINGS RD | LEE ALLEN |
| 319 | 4605 | CEDAR SPRINGS RD | SKOFF JOHN W |
| 320 | 4605 | CEDAR SPRINGS RD | CAUBLE SARAH R & |
| 321 | 4605 | CEDAR SPRINGS RD | LEMONS WILLIAM |
| 322 | 4605 | CEDAR SPRINGS RD | SMITH PHILLIP JOHN |
| 323 | 4605 | CEDAR SPRINGS RD | MCQUEARY R WAYNE & |
| 324 | 4605 | CEDAR SPRINGS RD | MCINTYRE DANIEL JR |
| 325 | 4605 | CEDAR SPRINGS RD | ANDERSEN JULIE D |
| 326 | 4605 | CEDAR SPRINGS RD | PAULUS MICHAEL |
| 327 | 4605 | CEDAR SPRINGS RD | POPP ANDREW J |
| 328 | 4605 | CEDAR SPRINGS RD | PANZA LUCY G & NICHOLAS P |
| 329 | 4605 | CEDAR SPRINGS RD | THIBODEAU MARK |
| 330 | 4605 | CEDAR SPRINGS RD | JONES JAMES A |
| 331 | 4605 | CEDAR SPRINGS RD | FORRETTE PHILLIP H |
| 332 | 4605 | CEDAR SPRINGS RD | FINCK MARK B |
| 333 | 4605 | CEDAR SPRINGS RD | HERRERA LEONARDO |
| 334 | 4605 | CEDAR SPRINGS RD | CHEN MARIE |
| 335 | 4605 | CEDAR SPRINGS RD | BARNETT JESSICA E |
| 336 | 4605 | CEDAR SPRINGS RD | HU RANDOLF |

2/6/2014

| <i>Reply</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------|----------------|------------------|--------------------------------|
| 337 | 4605 | CEDAR SPRINGS RD | PORTER GARY MICHAEL |
| 338 | 4605 | CEDAR SPRINGS RD | LIM JACINTA C E |
| 339 | 4605 | CEDAR SPRINGS RD | JOHN SANGITA ELIZABETH & |
| 340 | 4605 | CEDAR SPRINGS RD | SKOFF DALE A |
| 341 | 4605 | CEDAR SPRINGS RD | WANG YIFAN |
| 342 | 4605 | CEDAR SPRINGS RD | SAMES STEVEN R |
| 343 | 4605 | CEDAR SPRINGS RD | MCQUERY BARBARA |
| 344 | 4605 | CEDAR SPRINGS RD | PICKENS DOUGLAS R |
| 345 | 4605 | CEDAR SPRINGS RD | HUDNALL JEROD D |
| 346 | 4605 | CEDAR SPRINGS RD | FATTAH KAREEM R ABDEL |
| 347 | 4605 | CEDAR SPRINGS RD | THOMAS BRIAN L |
| 348 | 4605 | CEDAR SPRINGS RD | FAHR ROBERT J |
| 349 | 4605 | CEDAR SPRINGS RD | BARTON AUSTIN |
| 350 | 4605 | CEDAR SPRINGS RD | BUDA RANDALL T |
| 351 | 4605 | CEDAR SPRINGS RD | LAMPERT HOWARD |
| 352 | 4605 | CEDAR SPRINGS RD | MCCARTHY KATIE |
| 353 | 4605 | CEDAR SPRINGS RD | CAULDER RICHARD |
| 354 | 4605 | CEDAR SPRINGS RD | SEN HEMANTA & SOHINI MUKHERJEE |

AGENDA ITEM # 51

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 11

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 26 E; F; J; K

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for non-residential uses on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to a development plan and conditions Z123-148(WE)

Note: This item was considered by the City Council at a public hearing on February 12, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

ACM: Theresa O'Donnell**FILE NUMBER:** Z123-148(WE) **DATE FILED:** December 12, 2012**LOCATION:** Steppington Drive and Riverfall Drive, northeast corner**COUNCIL DISTRICT:** 11 **MAPSCO:** 26 – E, F, J, K**SIZE OF REQUEST:** Approx. 4.42 acres **CENSUS TRACT:** 131.05

APPLICANT/ OWNER: Steppington SLJ/McKinney L.P.**REPRESENTATIVE:** Maxwell Fisher
MASTERPLAN**REQUEST:** An application for a Planned Development District for non-residential uses on property zoned a GO(A) General Office District.**SUMMARY:** The purpose of this request is to permit the development of various retail, office and storage uses on site. The applicant is proposing to divide the site into two subareas. Each subarea will be developed separately, with Subarea A being developed with approximately 150,000 square feet of retail and personal service uses and Subarea B with approximately 315,000 square feet of mini-warehouse uses.**CPC RECOMMENDATION:** Approval, subject to a development plan and conditions.**STAFF RECOMMENDATION:** Denial**DESIGNATED ZONING CASE**

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends denial of the Planned Development District based upon:

1. *Performance impacts upon surrounding property* – The proposed retail and office uses are compatible with the surrounding development, which contains the same uses. However, the proposed mini-warehouse use does not appear to be the highest and best use of this property given its proximity to and partial frontage on Central Expressway.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable development and Construction has determined that the request will not have a negative impact on the street system based on the information that was provided on the traffic worksheet.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in an Urban Neighborhood. The proposed mini-warehouse use is not in compliance with the Urban Neighborhood Building Block.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The current GO(A) General Office District does not permit mini-warehouse uses. The applicant requests a PD to permit mini-warehouses so that they are contextually sensitive to the surrounding neighborhood.
5. Staff reviewed the applicant's conditions and cannot support the mini-warehouse uses that are proposed in both Subareas. The PDD conditions are specifically written for development in both subareas. In addition, staff is opposed to any outside storage of any vehicles, trailers and recreational vehicles within a mini-warehouse use.

As a result of the requirements and regulations the applicant has incorporated in the conditions for a mini-warehouse use, staff cannot support the applicant's request for a Planned Development District for non-residential uses.

BACKGROUND INFORMATION:

- Since the September 26, 2013 City Plan Commission hearing, the representative provided staff with revisions to the proposed PDD conditions and replaced the conceptual plan with a development plan.
- The applicant's request for a Planned Development District for non-residential uses will allow for the development of mini-warehouses, office and limited retail uses. The

applicant will create two subareas within the request site to accommodate the proposed development.

- The applicant has incorporated specific language that relates to the development rights and standards for mini-warehouse uses in both subareas. In Subarea A, the maximum floor area is 140,000 square feet and for Subarea B, the maximum floor area is 35,000 square feet; totaling approximately 175,000 square feet of buildable floor area in both subareas.
- The request site is adjacent to multifamily uses to west, across Steppington Drive, and office uses to the east and south. Properties south of the request site, across Riverfall Drive, consist of a child-care facility and retail uses.

Zoning History: There has not been any recent zoning change requested in the area.

Land Use:

| | Zoning | Land Use |
|--------------|-----------------|---------------------|
| Site | GO(A) | Office, Undeveloped |
| North | MF-3(A) | Multifamily |
| South | MU-1, GO(A), RR | Retail, Office |
| East | GO(A) | Office |
| West | GO(A), MF-4(A) | Multifamily |

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 Urban Neighborhood Building Block. The proposed mini-warehouses is not in compliance with the *forwardDallas! Comprehensive Plan*.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

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 applicant has provisions in the Planned Development District conditions that pertain to the treatment of the building's elevation. These provisions require certain building materials and architectural features for a mini-warehouse development.

It should be noted that staff objects to the urban form setback adjacent to the multifamily uses to the north and to the west. The urban form setbacks protects existing property owners from structures

Staff's recommendation is for denial of a Planned Development District for non-residential uses. However, the City Plan Commission recommended approval of the request, subject to the applicant's conditions.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | <u>Density</u> | <u>Height</u> | <u>Lot Coverage</u> | <u>Special Standards</u> | <u>PRIMARY Uses</u> |
|--|-----------------|--|---|--------------------|---------------------|--|--|
| | <u>Front</u> | <u>Side/Rear</u> | | | | | |
| GO(A) -existing General office | 15' | 20' adjacent to residential OTHER: No Min. | 4.0 FAR | 270' 20 stories | 80% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, lodging – limited retail & personal service uses |
| PDD –Proposed non-residential Applicant's Proposal | 15' | 0' | 150,000 sq. ft. Subarea A 35,000 sq. ft. Subarea B For all other uses - 4.0 FAR | 140' | 60% | Proximity Slope U-form setback Tower spacing Visual Intrusion | Office, lodging – limited retail & personal service uses, Mini-warehouse |

Landscaping: Landscaping of any development will be in accordance with Article X requirements.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has determined that the proposed development will not have a negative impact on the surrounding street system.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|-------|----------------------|----------------------|
| Steppington Drive | Local | 30 ft. | 30 ft. |
| Riverfall Drive | Local | 30 ft. | 30 ft. |
| Central Expressway | | Variable lane widths | Variable lane widths |

Miscellaneous – conditions: The city attorney has reviewed and has made the necessary changes to the applicant's proposed conditions in the event the zoning case is approved by the City Plan Commission and then forwarded for City Council consideration.

CPC Action (July 11, 2013)

Motion: In considering an application for a Planned Development District for non-residential uses on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive, it was moved to **hold** this case under advisement until August 8, 2013.

Maker: Bernbaum
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: 2 - Tarpley, Shellene
Vacancy: 0

Notices: Area: 500 Mailed: 305
Replies: For: 0 Against: 97

Speakers: None

CPC Action (August 8, 2013)

Motion: In considering an application for a Planned Development District for non-residential uses on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive, it was moved to **hold** this case under advisement until September 26, 2013.

Maker: Bernbaum
Second: Hinojosa
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: 500 Mailed: 305

Replies: For: 0 Against: 98

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

CPC Action (September 26, 2013)

Motion: In considering an application for a Planned Development District for non-residential uses on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive, it was moved to **hold** this case under advisement until December 19, 2013.

Maker: Bernbaum
Second: Ridley
Result: Carried: 14 to 0

For: 14 - Wally, Anglin, Culbreath, Rodgers, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum,
Wolfish, Schwartz, Ridley, Alcantar

Against: 0
Absent: 1 - Davis
Vacancy: 0

Notices: Area: 500 Mailed: 305

Replies: For: 0 Against: 98

Speakers: None

CPC Action (December 19, 2013)

Motion: In considering an application for a Planned Development District for non-residential uses on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive, it was moved to **hold** this case under advisement until January 9, 2014.

Maker: Bernbaum
Second: Hinojosa

Result: Carried: 14 to 0

For: 14 - Anglin*, Soto, Rodgers, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0

Absent: 1 - Culbreath

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 305

Replies: For: 0 Against: 98

Speakers: None

CPC Action (January 9, 2014)

Motion: It was moved to recommend **approval** of a Planned Development District for non-residential uses, subject to a development plan and revised conditions on property zoned a GO(A) General Office District on the northeast corner of Steppington Drive and Riverfall Drive.

Maker: Bernbaum

Second: Ridley

Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene*, Bernbaum, Peadon, Murphy, Ridley, Alcantar

Against: 0

Absent: 0

Vacancy: 0

*out of the room, shown voting in favor

Notices: Area: 500 Mailed: 305

Replies: For: 0 Against: 98

Speakers: For: Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202
Against: None

| |
|-------------------------|
| LIST OF OFFICERS |
|-------------------------|

General Partners:

Steppington SLJ / McKinney L.P., a Texas Limited Liability Company

- J. Tim Moore President

SLJ COMPANY, LLC, a Texas Limited Liability Company

- Louis H. Lebowitz President

Limited Partners:

2009 MCKINNEY INVESTMENTS FUND, L.P., a Texas Limited Partnership

- J. Tim Moore President

SLJ / EOF VIII, LTD, a Colorado Limited Partnership

- Louis H. Lebowitz President

| |
|---|
| <p style="text-align: center;">CPC PROPOSED PDD CONDITIONS</p> |
|---|

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 west of North Central Expressway and north of Riverfall Drive. The size of PD __ is approximately 4.42 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 CREATION OF SUBAREAS.

The district is divided into two subareas: Subarea A and B.

SEC 51P- __.105 EXHIBITS.

The following exhibit is incorporated in this article:

Exhibit S-__ conceptual plan.

Exhibit S-__ development plan

SEC 51P- __.106 CONCEPTUAL PLAN.

Development of the Property must comply with the Conceptual Plan (Exhibit ____). If there is a conflict between the text of this article and the Conceptual plan, the provisions of this article control.

SEC 51P- __.107 DEVELOPMENT PLAN.

(a) For Subarea A. Development and use of the Property must comply with the Subarea A development plan (Exhibit ____). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.

(b) For Subarea B. Development and use of the Property must comply with the Subarea B development plan (Exhibit ____). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.

CPC Recommendation

| |
|---|
| (c) A development plan is not required for a building permit for exterior or interior remodeling or renovation of existing buildings. |
|---|

Staff's Recommendation

| |
|--|
| (c) A development plan is not required for a building permit for exterior or interior remodeling or renovation of existing buildings. |
|--|

SEC 51P- __.108 MAIN USES PERMITTED.

(a) For Subareas A and B. The uses permitted in this district are the same as those uses permitted in the GO(A) General Office District, subject to the same conditions applicable in the GO(A) General Office District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the GO(A) General Office District only by specific use permit (SUP) is permitted in this planned development district only by SUP; a use subject to development impact review (DIR) in the GO(A) General Office District is subject to DIR in this planned development district; etc.

- (b) Extended stay hotel or motel
- (c) Hotel or motel. *[In Subarea B only]*
- (d) Mini-Warehouse

SEC 51P- __.109 ACCESSORY USES.

(a) In general. As a general rule, an accessory use is permitted in any subarea 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.

(b) The following accessory use is allowed by right in this district:

-- Inside retail sales associated with a mini-warehouse use is permitted.

SEC. 51P-___.110 YARD, LOT AND SPACE PROVISIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A-4.400, this section controls.)

a. In general. Except as provided in this section, the yard, lot and space regulations for the GO(A) District apply.

(1) Front yard setbacks: For a mini-warehouse use, the minimum front yard setback on Central Expressway, Steppington Drive, and Riverfall Drive is 15 feet.

(2) For all other uses, the minimum front yard setback is 15 feet.

CPC Recommendation

| |
|---|
| (3) <u>Side yard Setback:</u> For a mini-ware house use, the minimum side yard setback is 0 feet. |
|---|

Staff's Recommendation

| |
|---|
| (3) <u>Side yard Setback:</u> Except as provided in this subsection, no minimum setback. |
|---|

| |
|--|
| (4) A minimum of 20 feet where adjacent to-or directly across an alley from an R, R(A), D, D(A), TH, TH(A), CH, MF, or MF(A) district. |
|--|

b. Lot Coverage.

(1) For a mini-warehouse use, the maximum lot coverage for Subareas A and B combined is 60 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground structures are not.

(2) In all other case, the maximum lot coverage is 80 percent.

c. Height.

(1) Subarea A. Except as provided in this subsection, the maximum structure height is 140 feet.

(2) Mini-warehouse use. Maximum structure height is 56 feet.

(3) Subarea B. Maximum structure height is 140 feet.

(4) Roof-top equipment. Roof-top mechanical equipment may extend up to 12 feet above the roofline or the maximum allowable building height for all subareas. Mechanical equipment, skylights, and solar panels on roofs must be integrated into the

building design, screened, or setback so that they are not visible from a point five feet, six inches above grade at the Property line.

d. Floor Area.

(1) For a mini-warehouse use.

(A) In Subarea A, maximum floor area for a mini-warehouse use is 140,000 square feet.

(B) In Subarea B, maximum floor area for a mini-warehouse use is 35,000 square feet.

SEC. 51P- __.111 OFF-STREET PARKING AND LOADING.

(a) Consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) For the purpose of this section parking requirements, this district is considered as one lot.

SEC. 51P __. 112 ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P- __. 113 LANDSCAPING AND SCREENING.

(a) Landscaping must be provided in accordance with Article X.

(b) Landscaping must be maintained in a healthy, growing condition.

SEC. 51P- __.114 SIGNS.

Signs must comply with the provisions for business zoning districts in Article VII.

SEC. 51P- __.115 BUILDING ELEVATIONS

CPC Recommendation

(a) Building Elevation – Exterior Treatments for Mini-Warehouse Uses only.

(1) The exterior materials of the eastern building elevation and the easternmost 75 feet of both the northern and southern elevations of Building A shall be comprised of 100% masonry, excluding glass or openings. For this provision, masonry includes stone, brick, decorative concrete blocks, stucco, concrete, split-face concrete masonry block or tile or other similar building materials, or combination of those materials.

(2) The exterior materials of those portions of building elevations located within 40 feet and facing Steppington Drive shall be comprised of no less 80% masonry, excluding glass or openings. For this provision, masonry includes stone, brick, concrete, stucco, hollow clay tile, cementitious fiber siding, split-face masonry block, decorative concrete blocks or tile, glass block, or other similar building materials, or a combination of those materials.

(3) The following architectural features are required on a portion of the eastern building elevation of Building A.

(a) Display windows, faux windows, or decorative windows.

(b) Canopies, awnings or similar projections.

(4) Building Elevation – Exterior Treatments for Mini-Warehouse Uses, Exceptions. The following exterior materials may only be used on internal walls not directly facing a public street:

(a) Smooth-faced painted concrete block that is non-tinted or non-burnished.

(b) Tilt-up concrete panels that are unadorned or untextured. Textured painted tilt wall is acceptable.

(c) Prefabricated steel panels.

Staff's Recommendation

(a) ~~Building Elevation – Exterior Treatments for Mini-Warehouse Uses only.~~

~~(1) The exterior materials of the eastern building elevation and the easternmost 75 feet of both the northern and southern elevations of Building A shall be comprised of 100% masonry, excluding glass or openings. For this provision, masonry includes stone, brick, decorative concrete blocks, stucco, concrete, split-face concrete masonry block or tile or other similar building materials, or combination of those materials.~~

~~(2) The exterior materials of those portions of building elevations located within 40 feet and facing Steppington Drive shall be comprised of no less 80% masonry, excluding glass or openings. For this provision, masonry includes stone, brick, concrete, stucco, hollow clay tile, cementitious fiber siding, split-face masonry block, decorative concrete blocks or tile, glass block, or other similar building materials, or a combination of those materials.~~

~~(3) The following architectural features are required on a portion of the eastern building elevation of Building A.~~

~~(a) Display windows, faux windows, or decorative windows.~~

~~(b) Canopies, awnings or similar projections.~~

~~(4) Building Elevation — Exterior Treatments for Mini-Warehouse Uses. Exceptions. The following exterior materials may only be used on internal walls not directly facing a public street:~~

~~(a) Smooth-faced painted concrete block that is non-tinted or non-burnished.~~

~~(b) Tilt-up concrete panels that are unadorned or untextured. Textured painted tilt wall is acceptable.~~

~~(c) Prefabricated steel panels.~~

SEC. 51P-__116 ADDITIONAL PROVISIONS.

(a) For a mini-warehouse:

(1) Storage units in Building A must be accessed by an internal corridor or directly from the exterior provided the exterior door does not directly face the perimeter.

CPC Recommendation

(2) The outside storage of vehicles, trailers, and recreational vehicles is limited to internal areas screened by perimeter walls or buildings. Any outside storage areas must be located a minimum of 40 feet from public rights-of-way.

Staff's Recommendation

~~(2) The outside storage of vehicles, trailers, and recreational vehicles is limited to internal areas screened by perimeter walls or buildings. Any outside storage areas must be located a minimum of 40 feet from public rights-of-way.~~

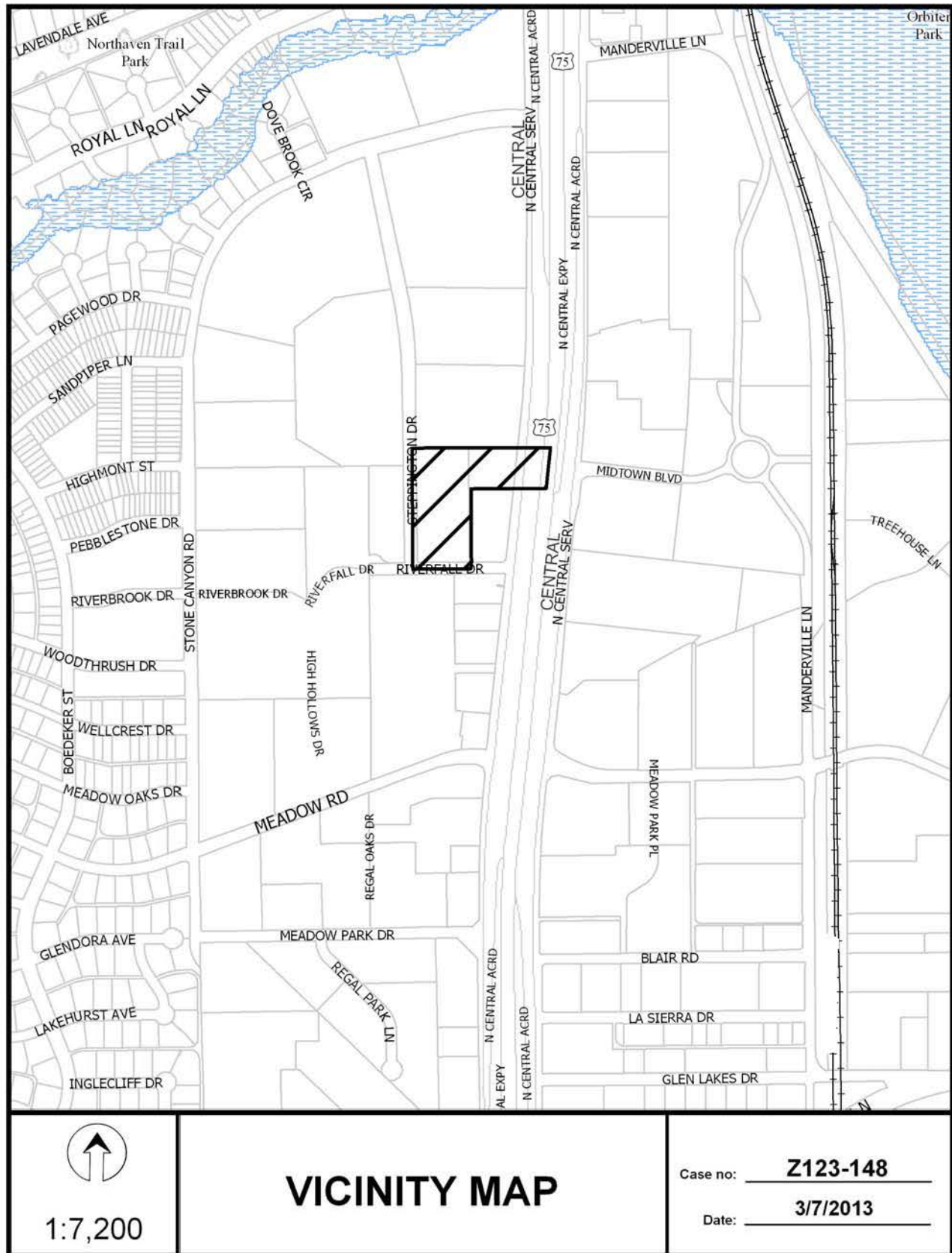
(b) The Property must be properly maintained in a state of good repair and neat appearance.

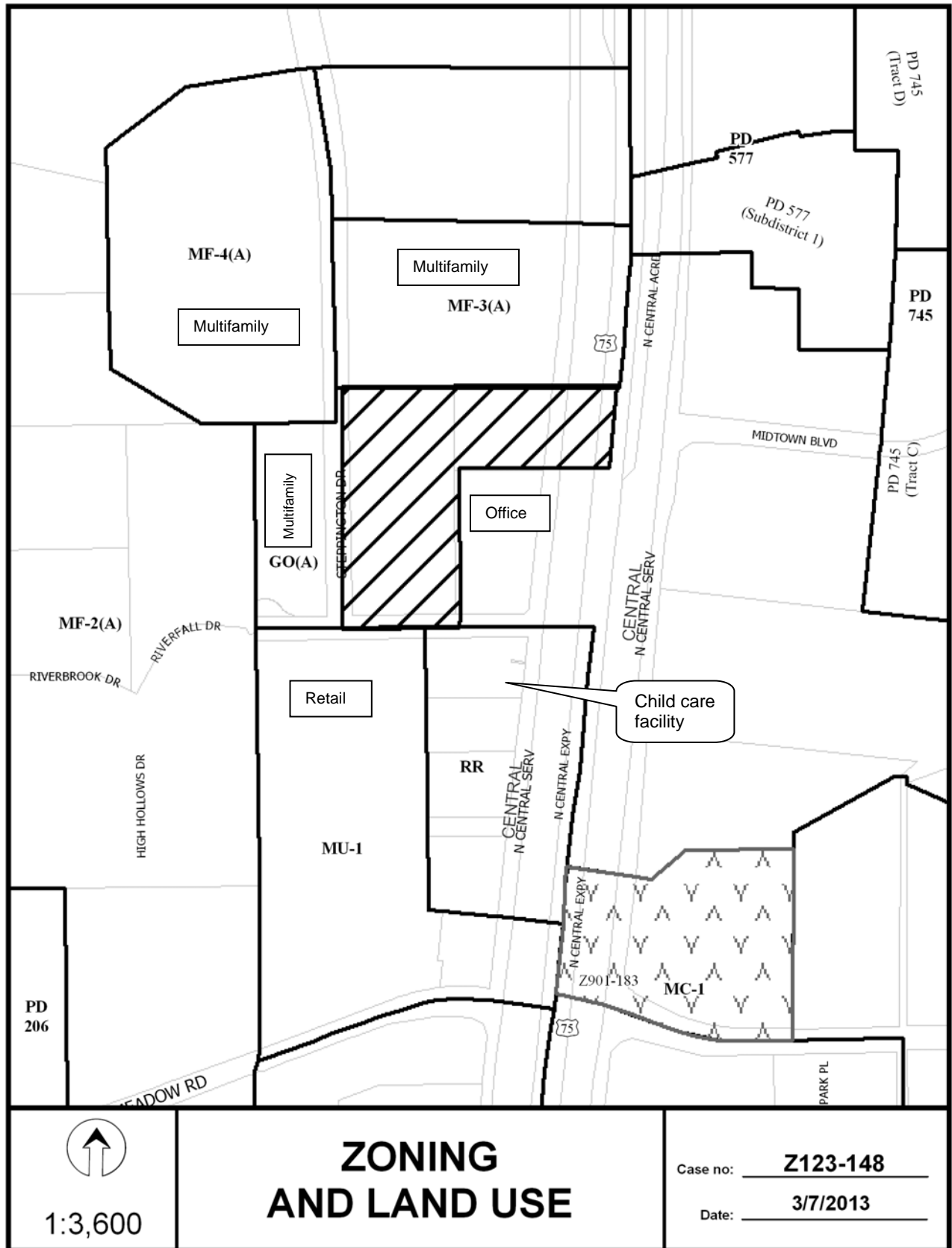
(c) For hotel and motel or extended stay hotel or motels, all guest rooms must have primary access to an internal hallway.

SEC. 51P-__117 COMPLIANCE WITH CONDITIONS.

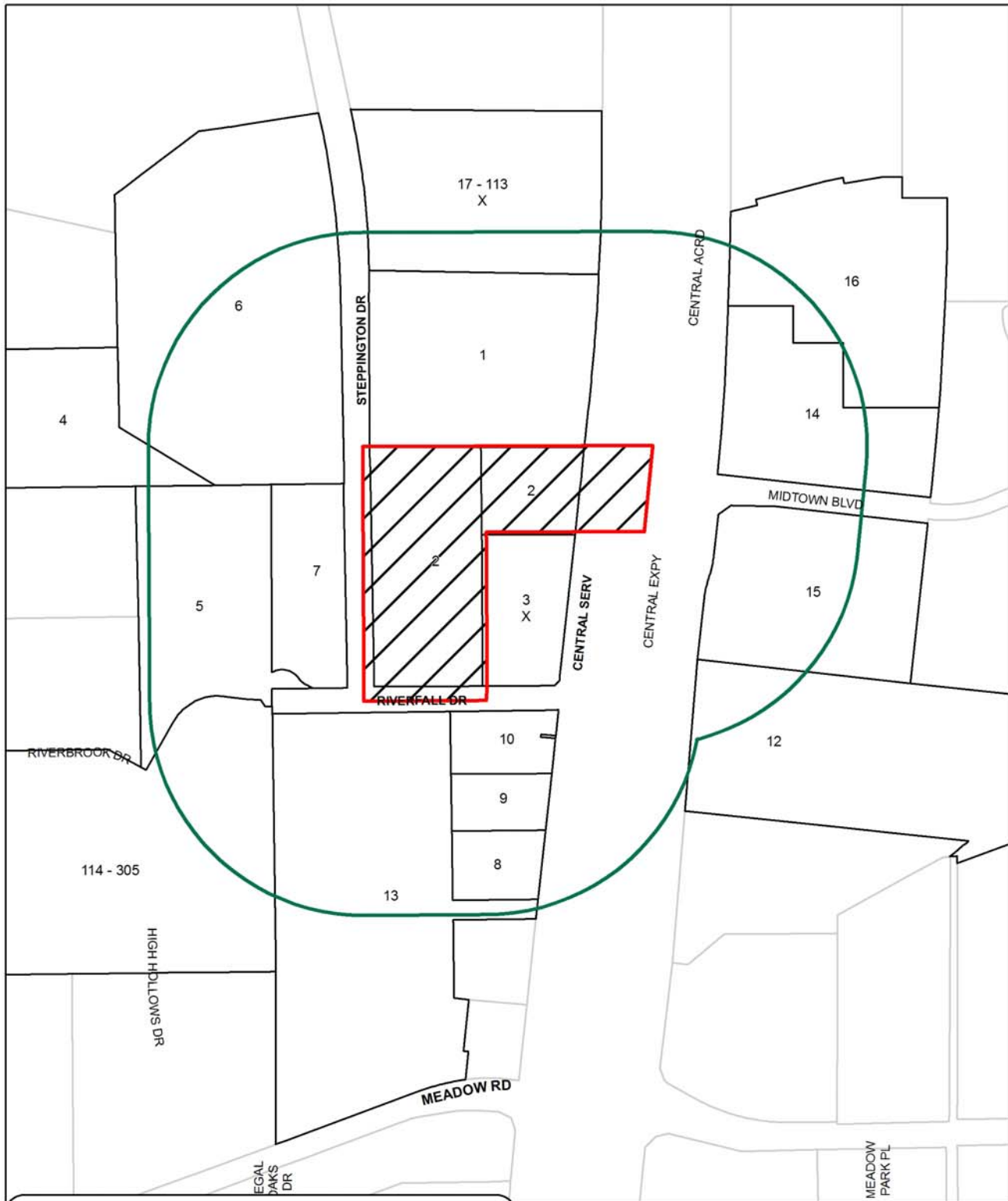
(a) All new paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the city.

(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.





CPC RESPONSES



| | |
|-----------------|---|
| <u>305</u> | Property Owners Notified (19 parcels) |
| <u>0</u> | Replies in Favor (0 parcels) |
| <u>98</u> | Replies in Opposition (2 parcels) |
| <u>500'</u> | Area of Notification |
| <u>1/9/2014</u> | Date <u>12/19/2013</u> Under Advisement |

Z123-148
CPC



1:3,600

Notification List of Property Owners

Z123-148

| 305 Property Owners Notified | | | 98 Property Owners Opposed | | 0 Property Owners in Favor | |
|------------------------------|---------|---------|----------------------------|---------------------------|----------------------------|--|
| Vote | Label # | Address | Owner | | | |
| X | 1 | 10640 | STEPPINGTON DR | STEPPINGTON DALLAS INC | | |
| | 2 | 10500 | STEPPINGTON DR | 06 QCC 0121 LLC | | |
| | 3 | 10501 | CENTRAL EXPY | CHARTOWN NC GENERAL PS | | |
| | 4 | 10602 | STONE CANYON RD | FATH VIEWPOINT LP | | |
| | 5 | 7879 | RIVERFALL DR | IRG RIVERFALL LLC | | |
| | 6 | 10641 | STEPPINGTON DR | SEVILLE URBAN INVESTMENTS | | |
| | 7 | 10501 | STEPPINGTON DR | COLLCAIN LTD | | |
| | 8 | 10433 | CENTRAL EXPY | CCP MEADOWCENT I LP | | |
| | 9 | 10443 | CENTRAL EXPY | CHAN NELSON S & BELLE H | | |
| | 10 | 10453 | CENTRAL EXPY | MEADOW & CENTRAL LTD PS | | |
| | 11 | 10453 | CENTRAL EXPY | PRESCOTT INTERESTS LTD | | |
| | 12 | 10550 | CENTRAL EXPY | COMMODORE PARTNERS LTD | | |
| | 13 | 10455 | CENTRAL EXPY | MEADOW & CENTRAL LTD PS | | |
| | 14 | 10670 | CENTRAL EXPY | SEARCH PLAZA OFFICE LP | | |
| | 15 | 10650 | CENTRAL EXPY | COMMORDORE PTNRS LTD | | |
| | 16 | 10720 | CENTRAL EXPY | SK23 NORTH DALLAS LTD | | |
| X | 17 | 10650 | STEPPINGTON DR | GALVEZ CHARLES | | |
| X | 18 | 10650 | STEPPINGTON DR | DUCHON MADELINE | | |
| X | 19 | 10650 | STEPPINGTON DR | CABRIA MARIOLA M | | |
| X | 20 | 10650 | STEPPINGTON DR | TALIS PAMELA D & | | |
| X | 21 | 10650 | STEPPINGTON DR | SHELLENBERG DONALD P | | |
| X | 22 | 10650 | STEPPINGTON DR | KAZIC EDIN & | | |
| X | 23 | 10650 | STEPPINGTON DR | MINIKES ALAN N | | |
| X | 24 | 10650 | STEPPINGTON DR | HERRON RODNEY GLEEN & | | |
| X | 25 | 10650 | STEPPINGTON DR | MOORE JACQUELINE P | | |
| X | 26 | 10650 | STEPPINGTON DR | LONG MICHAEL A | | |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------------|-----------------------|-----------------------|----------------------------|
| X | 27 | 10650 STEPPINGTON DR | BOSWELL YOLANDA ANN |
| X | 28 | 10650 STEPPINGTON DR | NAIK JANDRERAI & MADHU |
| X | 29 | 10650 STEPPINGTON DR | NEWMAN KATHERINE |
| X | 30 | 10650 STEPPINGTON DR | WRETA DAWIT |
| X | 31 | 10650 STEPPINGTON DR | REICHARDT WILLIAM |
| X | 32 | 10650 STEPPINGTON DR | MALHI K S & MANJIT |
| X | 33 | 10650 STEPPINGTON DR | NELSON VIRGINIA D |
| X | 34 | 10650 STEPPINGTON DR | LEJEUNE AMANDA |
| X | 35 | 10650 STEPPINGTON DR | BURSTYN PEARCE L |
| X | 36 | 10650 STEPPINGTON DR | ZOU YONGLONG & WANG YUAN |
| X | 37 | 10650 STEPPINGTON DR | MCCART TERRY D |
| X | 38 | 10650 STEPPINGTON DR | ANDRADE MIRIAM C |
| X | 39 | 10650 STEPPINGTON DR | BEHROOZI KAMRAN |
| X | 40 | 10650 STEPPINGTON DR | CREIGHTON LARRY & |
| X | 41 | 10650 STEPPINGTON DR | SHACKELFORD LEWIS L III |
| X | 42 | 10650 STEPPINGTON DR | ADCOCK SHIRLEY A |
| X | 43 | 10650 STEPPINGTON DR | DARRAH JOHN S |
| X | 44 | 10650 STEPPINGTON DR | BRASLAVSKY GEORGY & LILYA |
| X | 45 | 10650 STEPPINGTON DR | PYSIAK GREGORY & EVA |
| X | 46 | 10650 STEPPINGTON DR | BRUER HOMER L |
| X | 47 | 10650 STEPPINGTON DR | DAVIDSON ROBERT LAWRENCE & |
| X | 48 | 10650 STEPPINGTON DR | SUTTERFIELD ODIS R TR & |
| X | 49 | 10650 STEPPINGTON DR | RUBIO ROSA |
| X | 50 | 10650 STEPPINGTON DR | LANGE NATALIE G |
| X | 51 | 10650 STEPPINGTON DR | DELA PENNA A & GABRIELA |
| X | 52 | 10650 STEPPINGTON DR | VALENTINE CANDICE & |
| X | 53 | 10650 STEPPINGTON DR | LONDON ALAN N & JEAN A |
| X | 54 | 10650 STEPPINGTON DR | LONDON ALAN N & JEAN A |
| X | 55 | 10650 STEPPINGTON DR | CAUSEVIC HASAN & DIKA |
| X | 56 | 10650 STEPPINGTON DR | WHITE SUE |
| X | 57 | 10650 STEPPINGTON DR | GARVIN CATHERINE L |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|----------------------|--------------------------|
| X | 58 | 10650 STEPPINGTON DR | FOWLER CHERYL A |
| X | 59 | 10650 STEPPINGTON DR | HARRISON MARY B |
| X | 60 | 10650 STEPPINGTON DR | SPANN LIBERTY MANAGEMENT |
| X | 61 | 10650 STEPPINGTON DR | CARRASCO GILDA L |
| X | 62 | 10650 STEPPINGTON DR | CASTANEDA GEORGE |
| X | 63 | 10650 STEPPINGTON DR | GOLDMAN STANLEY |
| X | 64 | 10650 STEPPINGTON DR | HAILU YODIT |
| X | 65 | 10650 STEPPINGTON DR | SPRUIELL STANLEY M |
| X | 66 | 10650 STEPPINGTON DR | JACOBS SUSAN D |
| X | 67 | 10650 STEPPINGTON DR | LONDON ALAN M & JEAN A |
| X | 68 | 10650 STEPPINGTON DR | MURILLO ESTALLA B |
| X | 69 | 10650 STEPPINGTON DR | BARNETT DON & |
| X | 70 | 10650 STEPPINGTON DR | CAUSEVIC ADEL |
| X | 71 | 10650 STEPPINGTON DR | CHAROENDIREKSAP RUNGRATH |
| X | 72 | 10650 STEPPINGTON DR | BAILEY TONYA B |
| X | 73 | 10650 STEPPINGTON DR | WIDEMAN TERRENCE T |
| X | 74 | 10650 STEPPINGTON DR | PATRICK & SONS LLC |
| X | 75 | 10650 STEPPINGTON DR | TOLEDO TEX LLC |
| X | 76 | 10650 STEPPINGTON DR | MORALES MARIBEL G |
| X | 77 | 10650 STEPPINGTON DR | SMITH SHIRLEY A |
| X | 78 | 10650 STEPPINGTON DR | GHEBRAY STEFANOS T |
| X | 79 | 10650 STEPPINGTON DR | JACKSON JAMES |
| X | 80 | 10650 STEPPINGTON DR | WILBER LYN REID |
| X | 81 | 10650 STEPPINGTON DR | LIU YAN |
| X | 82 | 10650 STEPPINGTON DR | FUENTES ALMA |
| X | 83 | 10650 STEPPINGTON DR | GREBOW MARTIN |
| X | 84 | 10650 STEPPINGTON DR | ABAY ASMAMAW |
| X | 85 | 10650 STEPPINGTON DR | COX KIMBERLY LOU |
| X | 86 | 10650 STEPPINGTON DR | SHULTS JANICE S |
| X | 87 | 10650 STEPPINGTON DR | REASONOVER TODD |
| X | 88 | 10650 STEPPINGTON DR | CHERNYAKHOVSKY CYNTHIA |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-----------------------|--------------------------------|
| X | 89 | 10650 STEPPINGTON DR | ZERMENO MARIA |
| X | 90 | 10650 STEPPINGTON DR | AGS INVESTMENTS LLC |
| X | 91 | 10650 STEPPINGTON DR | DAVIS JON T |
| X | 92 | 10650 STEPPINGTON DR | GARCIA VICTOR MANUEL |
| X | 93 | 10650 STEPPINGTON DR | DILLINGHAM TOM |
| X | 94 | 10650 STEPPINGTON DR | MURPHY STEPHEN CHAD |
| X | 95 | 10650 STEPPINGTON DR | RIOPELLE ONEIDA |
| X | 96 | 10650 STEPPINGTON DR | PERL JACK & |
| X | 97 | 10650 STEPPINGTON DR | ANDREWS SUSAN |
| X | 98 | 10650 STEPPINGTON DR | EBBIGHAUSEN RAY & JEAN |
| X | 99 | 10650 STEPPINGTON DR | HUMPHRIES JOHN F JR & DENNIS R |
| X | 100 | 10650 STEPPINGTON DR | PERRY MELISSA |
| X | 101 | 10650 STEPPINGTON DR | PYSIAK GREGORY & EWA |
| X | 102 | 10650 STEPPINGTON DR | LEE FLOYD H |
| X | 103 | 10650 STEPPINGTON DR | GANE SUE H |
| X | 104 | 10650 STEPPINGTON DR | LEE FLOYD H |
| X | 105 | 10650 STEPPINGTON DR | SANFORD LILA |
| X | 106 | 10650 STEPPINGTON DR | LONDON ALAN W & |
| X | 107 | 10650 STEPPINGTON DR | SCHENKLER BRUCE G |
| X | 108 | 10650 STEPPINGTON DR | KAZIC ESMA |
| X | 109 | 10650 STEPPINGTON DR | MILLER SHERALYN O |
| X | 110 | 10650 STEPPINGTON DR | SUMMEY JOHN M |
| X | 111 | 10650 STEPPINGTON DR | WALL SIMEON H |
| X | 112 | 10650 STEPPINGTON DR | MCINTOSH JAMES L |
| X | 113 | 10650 STEPPINGTON DR | NGUYEN MYLY T |
| | 114 | 10526 STONE CANYON RD | HOWELL CRAIG |
| | 115 | 10526 STONE CANYON RD | MILLER MURIEL LIEBERS |
| | 116 | 10526 STONE CANYON RD | FARRIS ROY D JR |
| | 117 | 10526 STONE CANYON RD | STEWART VERA A |
| | 118 | 10526 STONE CANYON RD | BERRY KENNETH |
| | 119 | 10526 STONE CANYON RD | VYAS ABHINAV |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-----------------|-----------------------------|
| 120 | 10526 | STONE CANYON RD | TIMRECK THOMAS J |
| 121 | 10526 | STONE CANYON RD | FLEMING GRACE |
| 122 | 10530 | STONE CANYON RD | EVANS EVA L |
| 123 | 10530 | STONE CANYON RD | KLEINMAN DIANA E |
| 124 | 10530 | STONE CANYON RD | MAY JANET WOODWARD |
| 125 | 10530 | STONE CANYON RD | SCHNORMEIER MARILYN R |
| 126 | 10530 | STONE CANYON RD | KANNER LEONARD |
| 127 | 10530 | STONE CANYON RD | SPT REAL ESTATE SUB III LLC |
| 128 | 10530 | STONE CANYON RD | TURNER KEVIN F & ET AL |
| 129 | 10530 | STONE CANYON RD | NEWBERG MARVIN |
| 130 | 10532 | STONE CANYON RD | KLP INVESTMENTS LLC |
| 131 | 10532 | STONE CANYON RD | HARTSOCK MARLENE |
| 132 | 10532 | STONE CANYON RD | DALEY PATRICK |
| 133 | 10532 | STONE CANYON RD | STONE MARILYN R & ALTON H |
| 134 | 10534 | STONE CANYON RD | HERNANDEZ REGINA T |
| 135 | 10534 | STONE CANYON RD | LITTLEJOHN COREY |
| 136 | 10534 | STONE CANYON RD | HAMILTON GREGORY G |
| 137 | 10534 | STONE CANYON RD | HERMOSILLO JOSE |
| 138 | 10534 | STONE CANYON RD | WILKINSON AARON C & |
| 139 | 10534 | STONE CANYON RD | RUBENSTEIN LEON |
| 140 | 10534 | STONE CANYON RD | VELEZ OSCAR GOMEZ & |
| 141 | 10534 | STONE CANYON RD | VELEZ OSCAR GOMEZ & |
| 142 | 10536 | STONE CANYON RD | LONGORIA BARBARA |
| 143 | 10536 | STONE CANYON RD | REEVES TERRY F |
| 144 | 10536 | STONE CANYON RD | GONZALES VANESSA V |
| 145 | 10536 | STONE CANYON RD | TAYLOR DEBORAH G |
| 146 | 10536 | STONE CANYON RD | DIAZ HUGH |
| 147 | 10536 | STONE CANYON RD | LOZANO ENEDELIA |
| 148 | 10536 | STONE CANYON RD | EMERSON NORA C |
| 149 | 10536 | STONE CANYON RD | PHAM JACQUELINE |
| 150 | 10544 | STONE CANYON RD | WARD BERT TRUST |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-----------------|------------------------------------|
| 151 | 10544 | STONE CANYON RD | MIDDLETON CHARLES ZACHARY |
| 152 | 10544 | STONE CANYON RD | MURPHREE JOHN E |
| 153 | 10544 | STONE CANYON RD | GOODSON CAROLYN K |
| 154 | 10544 | STONE CANYON RD | WEISFELD RONALD A |
| 155 | 10544 | STONE CANYON RD | DONALDSON JAMES A |
| 156 | 10544 | STONE CANYON RD | ZAMLEN CYNTHIA JO |
| 157 | 10544 | STONE CANYON RD | WIGLEY ROBERT TR |
| 158 | 10546 | STONE CANYON RD | ZAK MICHAEL S |
| 159 | 10546 | STONE CANYON RD | BROWN LAUREN B |
| 160 | 10546 | STONE CANYON RD | KAGAN ALAN M |
| 161 | 10546 | STONE CANYON RD | LEVINE LAWRENCE J & MARCIA P |
| 162 | 10546 | STONE CANYON RD | NAVARRO WENDY C |
| 163 | 10546 | STONE CANYON RD | WILDE TARA C |
| 164 | 10546 | STONE CANYON RD | SANTIAGO DEWITT L |
| 165 | 10546 | STONE CANYON RD | MULLEY MARY |
| 166 | 10548 | STONE CANYON RD | DUKE BILLY J |
| 167 | 10548 | STONE CANYON RD | DUKE BJ |
| 168 | 10548 | STONE CANYON RD | ISAKSSON CHARLIE & JAHLYN C |
| 169 | 10548 | STONE CANYON RD | WALLACE JILL SANDEL BALLARD |
| 170 | 10548 | STONE CANYON RD | ISAACSON PAMELA |
| 171 | 10548 | STONE CANYON RD | CONDON KATHLEEN |
| 172 | 10548 | STONE CANYON RD | CHANNING JENNIFER A |
| 173 | 10548 | STONE CANYON RD | COLEMAN CALEB & VANESSA SALAZAR |
| 174 | 10550 | HIGH HOLLOWS DR | HOLLOWS NORTH CONDO ASSOC |
| 175 | 10550 | HIGH HOLLOWS DR | DAVIS MICHAEL |
| 176 | 10550 | HIGH HOLLOWS DR | WANG DIING-YUAN & |
| 177 | 10550 | HIGH HOLLOWS DR | CANTY JOHN P |
| 178 | 10552 | HIGH HOLLOWS DR | SMITH DONALD R & LYNDIA J |
| 179 | 10552 | HIGH HOLLOWS DR | FRITTS REX CALLOWAY |
| 180 | 10552 | HIGH HOLLOWS DR | HAVERSTICK MICHAEL |
| 181 | 10552 | HIGH HOLLOWS DR | CLARK NATHAN |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-----------------|-----------------------------|
| 182 | 10552 | HIGH HOLLOWS DR | HOLLOWS NORTH CONDOMINIUM |
| 183 | 10552 | HIGH HOLLOWS DR | GENTILE NANCY |
| 184 | 10552 | HIGH HOLLOWS DR | FOREMAN SHERYL L |
| 185 | 10552 | HIGH HOLLOWS DR | CARSON WILLIAM C |
| 186 | 10556 | HIGH HOLLOWS DR | FITZGERALD DAVID M |
| 187 | 10556 | HIGH HOLLOWS DR | SEARSON REX LEROY & |
| 188 | 10556 | HIGH HOLLOWS DR | WHIDDEN DAVID L III & |
| 189 | 10556 | HIGH HOLLOWS DR | SCHILL TERRY M |
| 190 | 10556 | HIGH HOLLOWS DR | BARGONETTI MERRY ANN |
| 191 | 10556 | HIGH HOLLOWS DR | STERLING TRACY |
| 192 | 10556 | HIGH HOLLOWS DR | BURKET JAMES |
| 193 | 10556 | HIGH HOLLOWS DR | DAVIS ROBERT A ET AL |
| 194 | 10558 | HIGH HOLLOWS DR | MATISE JAN C |
| 195 | 10558 | HIGH HOLLOWS DR | KENDRA KAROL A |
| 196 | 10558 | HIGH HOLLOWS DR | MOMIN ASMA S |
| 197 | 10558 | HIGH HOLLOWS DR | WHITESIDE TRACY |
| 198 | 10558 | HIGH HOLLOWS DR | MANTANONA TINA |
| 199 | 10558 | HIGH HOLLOWS DR | SOMMER CLAUDIA M |
| 200 | 10558 | HIGH HOLLOWS DR | GOSNELL DAVID WILLIAM |
| 201 | 10558 | HIGH HOLLOWS DR | HARTLEP KORY |
| 202 | 10562 | HIGH HOLLOWS DR | MINTZ ERIN M |
| 203 | 10562 | STONE CANYON RD | LEE SELMA RUE |
| 204 | 10562 | HIGH HOLLOWS DR | GUARDIAN MTG CO INC |
| 205 | 10562 | HIGH HOLLOWS DR | ISAKSSON CHARLIE & |
| 206 | 10562 | HIGH HOLLOWS DR | KLEIN KATHERINE JOANNA |
| 207 | 10562 | HIGH HOLLOWS DR | NEWBERG MARVIN J |
| 208 | 10562 | HIGH HOLLOWS DR | BLAIR DAVID C |
| 209 | 10562 | HIGH HOLLOWS DR | HANNAH BRYON W |
| 210 | 10564 | HIGH HOLLOWS DR | HOLLOWS NORTH CONDO ASN INC |
| 211 | 10564 | HIGH HOLLOWS DR | HINKLE MELISSA |
| 212 | 10564 | HIGH HOLLOWS DR | BARBERO ISABEL |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-----------------|-------------------------------------|
| 213 | 10564 | HIGH HOLLOWS DR | DRYZER LOWELL M TRUST & |
| 214 | 10564 | HIGH HOLLOWS DR | MCCURRACH PAMELA & DAVID |
| 215 | 10564 | HIGH HOLLOWS DR | HUD |
| 216 | 10564 | HIGH HOLLOWS DR | GRIFFITH CHARLES D |
| 217 | 10564 | HIGH HOLLOWS DR | HOLM RICHARD D |
| 218 | 10566 | HIGH HOLLOWS DR | BARRETT MARTHA E |
| 219 | 10566 | HIGH HOLLOWS DR | VINSONHALER MARY C |
| 220 | 10566 | HIGH HOLLOWS DR | BERNBAUM PHYLISS N |
| 221 | 10566 | HIGH HOLLOWS DR | COUNTS LYNNA KAY |
| 222 | 10566 | HIGH HOLLOWS DR | ORDNER JOHN R & KAREN W TRUSTEES |
| 223 | 10566 | HIGH HOLLOWS DR | MOORE D P |
| 224 | 10566 | HIGH HOLLOWS DR | LEON JAIRO CHING |
| 225 | 10566 | HIGH HOLLOWS DR | ALCALA LUIS M |
| 226 | 10570 | HIGH HOLLOWS DR | SORIA MARIO & |
| 227 | 10570 | HIGH HOLLOWS DR | POUNDS TIM L & BUNNI |
| 228 | 10570 | HIGH HOLLOWS DR | YARBROUGH DANA LEE |
| 229 | 10570 | HIGH HOLLOWS DR | CATHCART PATRICIA |
| 230 | 10572 | HIGH HOLLOWS DR | MONTGOMERY MILLIE |
| 231 | 10572 | HIGH HOLLOWS DR | TSCHUMY SHEILA A |
| 232 | 10572 | HIGH HOLLOWS DR | ALCALEN LIVING TRUST |
| 233 | 10572 | HIGH HOLLOWS DR | ANDERSON DENISE |
| 234 | 10574 | HIGH HOLLOWS DR | WILKERSON KAREN M |
| 235 | 10574 | HIGH HOLLOWS DR | ALOI TOM |
| 236 | 10574 | HIGH HOLLOWS DR | SMITH SHARON E |
| 237 | 10574 | HIGH HOLLOWS DR | DUBNOV WILLIAM L |
| 238 | 10574 | HIGH HOLLOWS DR | GROCE TERESA ANN |
| 239 | 10574 | HIGH HOLLOWS DR | GLENN DON V |
| 240 | 10574 | HIGH HOLLOWS DR | MCCOY DENNIS G |
| 241 | 10574 | HIGH HOLLOWS DR | JSL TRUST |
| 242 | 10578 | HIGH HOLLOWS DR | MARTIN OPAL S |
| 243 | 10578 | HIGH HOLLOWS DR | VIRDEN JOHN C |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-----------------|-----------------------------|
| 244 | 10578 | HIGH HOLLOWS DR | MARSHALL JUNE |
| 245 | 10578 | HIGH HOLLOWS DR | SMITH DIANNE |
| 246 | 10578 | HIGH HOLLOWS DR | D & F PRODUCTIONS LTD |
| 247 | 10578 | HIGH HOLLOWS DR | ZIELINSKI TANYA A |
| 248 | 10578 | HIGH HOLLOWS DR | JACKSON LORIE M |
| 249 | 10578 | HIGH HOLLOWS DR | CURTIS CONSTANCE C |
| 250 | 10580 | HIGH HOLLOWS DR | KEOUGH KATHRYN |
| 251 | 10580 | HIGH HOLLOWS DR | SAIDI ROSAMOND VIRGINIA |
| 252 | 10580 | HIGH HOLLOWS DR | AIKMAN ANITA G |
| 253 | 10580 | HIGH HOLLOWS DR | BLOCK HOWARD |
| 254 | 10580 | HIGH HOLLOWS DR | RING INTERNATIONAL LLC |
| 255 | 10580 | HIGH HOLLOWS DR | ARONSON THOMAS W |
| 256 | 10580 | HIGH HOLLOWS DR | FRANCE WARREN D |
| 257 | 10580 | HIGH HOLLOWS DR | GUCHEREAU JAN |
| 258 | 10584 | HIGH HOLLOWS DR | WILMOTH AMANDA BYARS & |
| 259 | 10584 | HIGH HOLLOWS DR | LOWE FRED FAMILY PTNRS LTD |
| 260 | 10584 | HIGH HOLLOWS DR | MILAKOVICH MARKS & ANNA |
| 261 | 10584 | HIGH HOLLOWS DR | FISHER FRANCES JUNE EST OF |
| 262 | 10584 | HIGH HOLLOWS DR | BAGGETT SUSANNE L |
| 263 | 10584 | HIGH HOLLOWS DR | GARNER NANCY |
| 264 | 10584 | HIGH HOLLOWS DR | DIA PROPERTIES |
| 265 | 10584 | HIGH HOLLOWS DR | GARRETT CONNIE |
| 266 | 10586 | HIGH HOLLOWS DR | PHILLIPS JOYCE I & |
| 267 | 10584 | HIGH HOLLOWS DR | BRZEZINSKI ARTUR & ETAL |
| 268 | 10586 | HIGH HOLLOWS DR | JANIAK TERESA |
| 269 | 10586 | HIGH HOLLOWS DR | GOLDBERG DAVID V |
| 270 | 10588 | HIGH HOLLOWS DR | GALER VINCENT H |
| 271 | 10588 | HIGH HOLLOWS DR | GERSON CHARISSE |
| 272 | 10588 | HIGH HOLLOWS DR | WERN JASON E |
| 273 | 10588 | HIGH HOLLOWS DR | WILLIAMS CAROL RAND TR |
| 274 | 10588 | HIGH HOLLOWS DR | WILLIAMS-EAKINS CATEHRINE E |

Friday, January 10, 2014

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|-----------------|------------------------------------|
| 275 | 10588 | HIGH HOLLOWS DR | TOASTON TANISHA A |
| 276 | 10588 | HIGH HOLLOWS DR | MARTINEZ ARMANDO & FLORENCIA |
| 277 | 10588 | HIGH HOLLOWS DR | KATZEN ELLEN |
| 278 | 10590 | HIGH HOLLOWS DR | HUNTER TANA LYNN |
| 279 | 10590 | HIGH HOLLOWS DR | CALVERT EVELYN A |
| 280 | 10590 | HIGH HOLLOWS DR | BRUCH MICHELE |
| 281 | 10590 | HIGH HOLLOWS DR | DOWLER LYNNE L |
| 282 | 10590 | HIGH HOLLOWS DR | TRUSTEE SERVICES OF AMERICA INC |
| 283 | 10590 | HIGH HOLLOWS DR | LAMBERT HELEN & |
| 284 | 10590 | HIGH HOLLOWS DR | DOWLER LYNNE L & DONALD R |
| 285 | 10590 | HIGH HOLLOWS DR | REN XIJING |
| 286 | 10594 | HIGH HOLLOWS DR | LAMBERT ALLISON |
| 287 | 10594 | HIGH HOLLOWS DR | MONARCH MARTHA |
| 288 | 10594 | HIGH HOLLOWS DR | ASTRAHAN EDELWEISS P |
| 289 | 10594 | HIGH HOLLOWS DR | GARCIA RUBIELA VILLA |
| 290 | 10594 | HIGH HOLLOWS DR | WILDBERGER PAUL L |
| 291 | 10594 | HIGH HOLLOWS DR | CLARK ADAIR W |
| 292 | 10594 | HIGH HOLLOWS DR | HALL LEANNE C |
| 293 | 10594 | HIGH HOLLOWS DR | MINOR TRACY |
| 294 | 10596 | HIGH HOLLOWS DR | SEIJAS ENNIE |
| 295 | 10596 | HIGH HOLLOWS DR | SCHROEDER WENDY K |
| 296 | 10596 | HIGH HOLLOWS DR | SEIJAS ENNIE G |
| 297 | 10596 | HIGH HOLLOWS DR | CADY LESLIE G & CHARLINE |
| 298 | 10598 | HIGH HOLLOWS DR | BARNETT DON & |
| 299 | 10598 | HIGH HOLLOWS DR | MUETHER ROBERT MICHAEL |
| 300 | 10598 | HIGH HOLLOWS DR | GOULD KEVIN A |
| 301 | 10598 | HIGH HOLLOWS DR | SMITH SUSAN L |
| 302 | 10598 | HIGH HOLLOWS DR | GRANGER GAYLE E |
| 303 | 10598 | HIGH HOLLOWS DR | RUPP BETTY JO |
| 304 | 10598 | HIGH HOLLOWS DR | SCHLICHTING STEPHEN J |
| 305 | 10598 | HIGH HOLLOWS DR | GRAY EMILY E |

Friday, January 10, 2014

AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 34 N

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Planned Development District No. 759 for RR Regional Retail District uses generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue

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

Z123-340(WE)

Note: This item was considered by the City Council at a public hearing on January 22, 2014, and was taken under advisement until March 26, 2014, with the public hearing open

ACM: Theresa O'Donnell**FILE NUMBER:** Z123-340(WE) **DATE FILED:** March 7, 2007**LOCATION:** Generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue**COUNCIL DISTRICT:** 2 **MAPSCO:** 34-N**SIZE OF REQUEST:** Approx. 31.02 acres **CENSUS TRACT:** 04.06

APPLICANT / OWNER: Mockingbird Venture Partners, LLC**REPRESENTATIVE:** Bill Dahlstrom
Jackson Walker**REQUEST:** An application for an amendment to Planned Development District No. 759 for RR Regional Retail District uses.**SUMMARY:** The purpose of this request is to change the Planned Development District conditions parking requirements for an office and lodging use to reflect the parking standards in the Dallas Development Code.**CPC RECOMMENDATION:** Approval, subject to a revised conceptual plan and revised conditions**STAFF RECOMMENDATION:** Approval, subject to a revised conceptual plan and revised conditions**DESIGNATED ZONING CASE**

GUIDING CRITERIA FOR RECOMMENDATION:

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The request for an amendment to Planned Development District No. 759 should not have a negative impact on the surrounding areas. The types of uses proposed for the site could support the adjacent businesses as well the Medical District.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable development and Constructions has reviewed the applicant's Traffic Impact Analysis Report and the amendments to the parking regulations for an office and lodging uses and have determined that the request will not have a negative impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in an Urban Mixed Use Building Block and is transitioning from industrial uses to a mixed use area even though the *Love Field – West Land Use Study* recommends light industrial or industrial research uses.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The proposed Planned Development District is justified because of the Dallas Development Code does not permit the flexibility to change the developments standards and regulations for a project that requires some latitude in the development standards to develop a mix use development.

BACKGROUND INFORMATION:

- The Planned Development conditions state that the required parking for nonresidential uses, except for restaurant uses, is 4.5 spaces per 1,000 square feet of floor area. The applicant request is to change the off-street parking requirements for office and lodging use to reflect the Development Code's parking regulations standards.
- The proposed change will establish the parking requirements for an office use as one space per 333 square feet of floor area and for a lodging use as one space for each guest room.
- In May 2013, the City Council approved an amendment to Planned Development District No. 759 for RR Regional Retail District uses. The amendment allowed an increase the development rights on the Property by including MF-3(A) development rights and standards in Subdistrict II-A and Subdistrict II-B, but retained the RR Regional Retail development rights and standards on the entire site. In addition,

there is a natural ravine (floodplain) that transverse the site and is proposed to be filled-in to allow for the construction of the proposed development.

- In July 2013, the City Plan Commission approved the applicant's request for a waiver of the two-year waiting period. The approval allowed the applicant to submit a zoning application prior to the required two year waiting period for any zoning changes or amendments to their proposed development.
- The surrounding land uses consist of industrial, manufacturing, commercial and single family uses.

Zoning History: There has been one Board of Adjustment case and four zoning changes requested in the area.

1. **B067-035** On March 19, 2007, the Board of Adjustment Panel C denied without prejudice a special exception to the parking regulations at 2525 W. Mockingbird Lane.
2. **Z045-116** On April 13, 2005, the City Council approved an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District along the northwest line of Mockingbird Lane beginning at the west corner of Mockingbird Lane and Denton Drive.
3. **Z045-119** On May 13, 2005, the City Council approved an IR Industrial Research District on property zoned an MC-3 Multiple Commercial District on the north corner of Mockingbird Lane and Maple Avenue.
4. **Z067-188** On June 27, 2007, the City Council approved a Planned Development District for RR Regional Retail District uses on property zoned an IM Industrial Manufacturing District and IR Industrial Research District.
5. **Z123-177** On May 22, 2013, the City Council approved an amendment to Planned Development District No. 759 for RR Regional Retail District uses.

Land Use:

| | Zoning | Land Use |
|------------------|---------------|--|
| Site | PDD No. 759 | Undeveloped, Mobile Home Park, Storage area for vehicles |
| Northeast | IR | Industrial, Nursery, Single Family |
| Southeast | MU-2, IR | Industrial, Undeveloped, Multifamily, Auto Related uses |
| Northeast | IR, CS | Industrial, Auto Related uses, Single Family |
| Southwest | IR | Industrial |

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, but also recommends protecting Dallas' floodplains.

The Plan identifies the request site as being in an Urban Mixed Use Building Block and is transitioning from industrial uses to a mixed use area even though the *Love Field – West Land Use Study* recommends light industrial or industrial research uses.

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.

Economic

Goal 2.1 Promote Balanced Growth.

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

Goal 2.2 Engage in strategic economic development

Policy 2.2.6 Restore Dallas as the foremost retail location in the region.

Urban Design

Goal 5.2 Strengthen community and neighborhood identity

Policy 5.2.4 Enhance retail, industrial and business operations

Area Plan: The request site lies within the Love Field – West Land Use Study, January 1987, and recommends light industrial or industrial research uses for the area. The area contains a mixture of land uses, from a paint manufacturing company to professional and corporate offices, commercial facilities, and a mobile home park. The Study states that light industrial or industrial research uses are appropriate because the request site is adjacent to a residential area.

STAFF ANALYSIS:

Land Use Compatibility: The 31.02 acre site is irregularly shaped and is primarily undeveloped with the exception of a mobile home park and a staging area for vehicles.

In June 27, 2007, the City Council approved Planned Development District No. 759 for RR Regional Retail uses that permitted several modifications to the development standards. These modifications included 1) alternative options for tree mitigation, and 2) design standards for general merchandise greater than 100,000 square feet of floor area on any structure greater than 75,000 square feet with some modification to the tree planting requirements.

In May 2013, the City Council approved an amendment to Planned Development District No. 759 for RR Regional Retail District uses which allowed an increase in the development rights on the Property by including MF-3(A) development rights and standards in Subdistrict II-A and Subdistrict II-B, but retained the RR Regional Retail development rights and standards on the entire site. In addition, there is a natural ravine (floodplain) that transverse the site and is proposed to be filled-in to allow for the construction of the proposed development.

The applicant's request for an amendment to Planned Development District No. 759 for RR Regional Retail uses will change the office and lodging use to have the off-street parking regulation standards that are established in the Development Code. Currently, the PDD conditions limit the required parking for nonresidential uses, except for restaurant uses, to 4.5 spaces per 1,000 square feet of floor area. The proposed changes will reflect the off-street parking requirements for an office use is one space per 333 square feet of floor and a lodging use as one space for each guest room. The applicant may provide a lodging use with a maximum of 300 guest rooms.

The request for an amendment to Planned Development District No. 759 should not have an adverse impact on the surrounding areas, subject to attached conditions.

Development Standards:

| <u>DISTRICT</u> | <u>SETBACKS</u> | | Density | Height | Lot Coverage | Special Standards | PRIMARY Uses |
|---|------------------------|------------------|----------------|---------------|---------------------|---|---|
| | Front | Side/Rear | | | | | |
| Planned Development District No. 759 Regional retail | 15' | 15' | 1.5 FAR | 95 ft. | 80% | Proximity Slope U-form setback Visual Intrusion | Retail & personal service, office, Multifamily |
| | | | | | | | |

Landscaping: Landscaping will be maintained in accordance with Article X, as amended and big box standards for any building greater than 75,000 square feet.

Article V (Floodplain): Any fill work in the flood plain will require application to the Public Works Department. The fill permit will be reviewed for compliance under Article V of the Dallas Development Code. The Public Works Department will determine the impact and type of mitigation measures on the floodplains and forward their recommendation to the City Council. In November 2007, the Dallas City Council approved a fill permit for the request site and the fill permit will expire in November 2015.

Traffic: The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that it will not impact the surrounding street system for the proposed development. The infrastructure improvements identified in the applicant's Traffic Impact Analysis Report, *Mockingbird at Maple Retail Site*, February 2007, will be implemented and will suffice for the proposed amendment to Planned Development District No. 759.

Thoroughfares/Streets:

| Thoroughfare/Street | Type | Existing ROW | Proposed ROW |
|---------------------|----------------|--------------|--------------|
| Mockingbird Lane | Minor Arterial | 100 ft. | 100 ft. |
| Maple Avenue | Collector | 60 ft. | 60 ft. |
| Empire Central | Collector | 44.2 ft. | 44 ft. |
| Forest Park | Local Street | 40 ft. | 40 ft. |
| Hawes Street | Local Street | 50 ft. | 50 ft. |

CPC Action (October 24, 2013)

Motion: In considering an application for an amendment to Planned Development District No. 759 for RR Regional Retail District uses generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue, it was moved to **hold** this case under advisement until November 7, 2013.

Maker: Shidid
 Second: Ridley
 Result: Carried: 13 to 0

For: 13 - Anglin, Soto, Rodgers, Culbreath, Shidid, Hinojosa, Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum, Peadon, Murphy, Ridley

Against: 0
 Absent: 1 - Alcantar
 Vacancy: 0

Notices: Area: 500 Mailed: 217
Replies: For: 13 Against: 1

Speakers: None

CPC Action (November 7, 2013)

Motion: In considering an application for an amendment to Planned Development District No. 759 for RR Regional Retail District uses generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue, it was moved to **hold** this case under advisement until November 21, 2013.

Maker: Soto
Second: Tarpley
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 217
Replies: For: 13 Against: 1

Speakers: None

CPC Action (November 21, 2013)

Motion: In considering an application for an amendment to Planned Development District No. 759 for RR Regional Retail District uses in an area generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue, it was moved to hold this case under advisement until December 19, 2013.

Maker: Soto
Second: Shellene
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 217
Replies: For: 13 Against: 1

Speakers: None

CPC Action (December 19, 2013)

Motion: It was moved to recommend **approval** of an amendment to Planned Development District No. 759 for RR Regional Retail District uses, subject to a revised conceptual plan and revised conditions with the following change: 1) Provide side and rear setbacks of 5 feet with the property fronting Empire Central to remain 15 feet in an area generally bounded by West Mockingbird Lane, Forest Park Road, Empire Central and Maple Avenue.

Maker: Soto
Second: Anglin
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum,
Peadon, Murphy, Ridley, Alcantar

Against: 0
Absent: 1 - Culbreath
Vacancy: 0

Notices: Area: 500 Mailed: 217
Replies: For: 13 Against: 1

Speakers: For: Jonathan Vinson, 901 Main St., Dallas, TX, 75202
Against: None

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| <p style="text-align: center;">LIST OF OFFICERS MOCKINGBIRD VENTURE PARTNERS, LLC</p> |
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Mockingbird venture partners, LLC
A Delaware Limited Liability Company

Sole Managing Member: Highridge Asset Management, LLC
A Delaware Limited Liability Company

Sole Managing Member: Highridge Management, Inc
A California Corporation

Highridge Asset Management, LLC - Officers

- John S. Long – President
- Steven A. Berlinger – Executive VP/CFO
- Jack L. Mahoney – VP
- Eugene S. Rosenfield – VP
- Parviz Vaghti – VP
- Linda Kasai – VP/Secretary

Directors:

- John S. Long
- Steven A. Berlinger

**CPC PROPOSED PDD
CONDITIONS**

ARTICLE 759.

PD 759.

SEC. 51P-759.101. LEGISLATIVE HISTORY.

PD 759 was established by Ordinance No. 26871, passed by the Dallas City Council on June 27, 2007. (Ord. 26871)

SEC. 51P-759.102. PROPERTY LOCATION AND SIZE.

PD 759 is established on property located at the northeast corner of West Mockingbird Lane and Forest Park Road. The size of PD 759 is approximately 31.02 acres.

SEC. 51P-759.103. DEFINITIONS AND INTERPRETATIONS.

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article. In this article:

(1) **SHOPPING CENTER SIGN** means a sign that identifies several owners, tenants, or occupants within the district.

(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 divided into three Subdistricts: Subdistrict I, Subdistrict II-A, and Subdistrict II-B.

(d) This district is considered to be a nonresidential zoning district.

SEC. 51P-759.103.1. EXHIBIT.

The following exhibit is incorporated into this article: Exhibit 759A: conceptual plan.

SEC. 51P-759.104. CONCEPTUAL PLAN.

(a) Except as provided in this section, development and use of the Property must comply with the conceptual plan (Exhibit 759A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

(b) The conceptual plan only shows the approximate location of ingress/egress points. The final location of the ingress/egress points must be shown on the development plan. No ingress or egress is permitted to or from Empire Central.

DEVELOPMENT PLAN.

(a) A development plan must be approved by the city plan commission before issuance of any building permit to authorize work in this district.

(b) The development plan does not have to show all phases of development if separate phases are proposed. If separate phases are proposed, however, a development plan for each phase must be approved by the city plan commission before the issuance of a building permit to authorize work in that phase of development.

(c) If there is a conflict between the text of this article and the development plan, the text of this article controls.

(d) Before approval of a development plan for any portion or all of the Property, a tree survey, grading and drainage plan, and utilities plan for that portion of the Property must be submitted to the building official.

SEC. 51P-759.106. MAIN USES PERMITTED.

(a) Except as provided in this section, the only main uses permitted in this district are those main uses permitted in the RR Regional Retail District, subject to the same conditions applicable in the RR Regional Retail District, as set out in Chapter 51A. For example, a use permitted in the RR Regional Retail 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 RR Regional Retail District is subject to DIR in this district, etc.

(b) Multifamily uses are permitted by right in Subdistrict II-A and Subdistrict II-B.

SEC. 51P-759.107. 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-759.108. YARD, LOT, AND SPACE REGULATIONS.

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51A-4.400. If there is a conflict between this section and Division 51A- 4.400, this section controls.)

(a) In general.

(1) Subdistrict I. Except as provided in this section, the yard, lot, and space regulations for the RR Regional Retail District apply.

(2) Subdistrict II-A and Subdistrict II-B. Except as provided in this section, the yard, lot, and space regulations for the MF-3(A) Multifamily District apply.

(b) Front yard. Except as provided,

(1) [M]minimum front yard is [4]5 feet at the boundaries of this district, as shown on the conceptual plan. Otherwise, no front yard setback is required.

(2) Minimum front yard is 15 feet on Empire Central

CPC Recommendation

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|--|
| (c) <u>Side and rear yard.</u> Minimum side and rear yard is 15 feet at the boundaries of this district. Otherwise, no side and rear yard setback is required. |
|--|

Staff's Recommendation

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|--|
| (c) <u>Side and rear yard.</u> Minimum side and rear yard is 15 feet at the boundaries of this district. Otherwise, no side and rear yard setback is required. |
|--|

(d) Floor area ratio.

(1) Except as provided in this subsection, maximum floor area ratio is 1.5.

(2) For lodging and office uses, maximum floor area ratio is 2.0.

(3) For multifamily uses, no maximum floor area ratio.

(e) Floor area.

(1) All subareas. Maximum total floor area for all uses on the Property other than lodging and residential is 365,000 square feet.

(2) Subdistrict I. Maximum total floor area for all uses other than lodging and residential is 175,000 square feet.

(3) Subdistrict II-A and Subdistrict II-B. Maximum total floor area for all uses other than lodging and residential is 190,000 square feet.

(f) Height.

(1) Subdistrict I.

(a) Maximum structure height is 95 [50] feet.

(b) Maximum structure height for lodging and office uses is 155 feet.

(2) Subdistrict II-A. Maximum structure height is 90 feet.

(3) Subdistrict II-B. Maximum structure height is 65 feet.

(g) Density/Guest rooms.

(1) Subdistrict II-A and Subdistrict II-B. Overall maximum density is 75 units per acre.

(2) Subdistrict I and Subdistrict II-A. Maximum number of guest rooms for all lodging uses is 300.

(h) Lot coverage. Maximum lot coverage is 80 percent.

(i) Urban form setback. An additional 20-foot front yard setback is required for that portion of a structure over 60 feet in height.

(j) 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 structure over 60 feet in height, up to a total of 30 feet. This subsection does not require a total side or rear setback greater than 30 feet.

SEC. 51P-759.109. DESIGN STANDARDS.

(a) Except as provided in this section, the design standards and procedures in Section 51A-4.605 apply to any retail uses, personal service uses, or combination thereof, totaling 75,000 square feet or more of floor area and located within the same structure.

(b) Trees planted in planters count toward the tree planting requirements in Section 51A-4.605(a)(8)(F).

(c) The city plan commission, whether or not a specific use permit is required, may approve a site plan that does not comply with the requirements of the design standards provided that:

(1) strict compliance with the design standards is impractical due to site constraints or would result in substantial hardship;

(2) the site plan complies with the spirit and intent of the design standards;

(3) the site plan furthers the stated purpose of the design standards; and

(4) the variation or exception from the design standards will not adversely affect surrounding properties.

(5) For amendments to the design standards site plan, the city plan commission shall follow the same procedures used for approval of minor amendments to development plans, and the fee for a minor plan amendment shall apply.

SEC. 51P-759.110. OFF-STREET PARKING AND LOADING.

(a) Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use. Consult Division 51A-4.300 for information regarding off-street parking and loading generally.

(b) The required parking for nonresidential uses, except for restaurant uses, office uses, and lodging uses is 4.5 spaces per 1,000 square feet of floor area. In addition, one off-street parking space must be provided for every 500 square feet of covered outdoor sales area and one off-street parking space must be provided for every 2,000 square feet of open outdoor sales area.

(c) The following off-street parking requirements apply to office and lodging uses:

i. Office: one space per 333 square feet of floor area

ii. Lodging: one space for each guest room.

(d)[(e)] For purposes of the off-street parking regulations, the Property is considered one lot.

SEC. 51P-759.111. ROADWAY IMPROVEMENTS.

(a) Each application for a building permit or certificate of occupancy must be supplemented with a cumulative floor area calculation for the district and the number of off-street parking required for each retail use.

(b) No certificate of occupancy may be issued for any use in the district once the cumulative floor area for the district reaches 50,000 square feet, until the roadway improvements specified in this section are completed. The following road improvements must be provided on Mockingbird Lane, with final design and construction approved by the director of public works and transportation:

(1) Lengthen the existing eastbound left-turn lane of Driveway No. 6, as shown on the conceptual plan, to a minimum of 150 feet storage.

(2) ~~[Construct a westbound deceleration lane at Driveway No. 5]~~ No on-site driveway on either side of Drive 5 within 0 feet of Mockingbird Lane right-of-way, as shown on the conceptual plan.

SEC. 51P-759.112. ENVIRONMENTAL PERFORMANCE STANDARDS.

See Article VI.

SEC. 51P-759.113. LANDSCAPING.

(a) In general.

(1) Except as otherwise provided in this section, landscaping must be provided in accordance with Article X.

(2) A platted lot with less than 25 feet of street frontage does not require street trees.

(3) Required street trees may be planted in adjacent parkways as described in Subsection 51P-759.113(a)(4) and (5), provided that all private licensing requirements of the city code and charter are met. Street trees shall be counted toward the requirements for site trees.

(4)~~(2)~~ Plant materials must be maintained in a healthy, growing condition.

(b) Planting Strips

(1) Minimum parkway planting strip adjacent to Mockingbird Lane, measured from back of curb, is 6 feet.

(2) Minimum parkway planting strip adjacent to Forest Park Road, Hawes Street and Maple Avenue, measured from back of curb, is 5 feet.

(b) Tree mitigation.

(1) Except as provided in this section, tree mitigation must be provided in accordance with Article X.

(2) Except as provided in this section, tree mitigation in flood plain areas must be provided in accordance with Article V.

(3) Tree mitigation must be completed within 24 months after issuance of a tree removal permit.

~~[(c) Alternative tree mitigation.]~~

~~[(1) The building official shall allow an inch-for-inch tree mitigation credit for healthy, growing, protected trees with a caliper of six inches or more that are transplanted into parking lot islands or medians on the Property.]~~

(2) The building official shall evaluate the condition of trees used for alternative tree mitigation during the first landscape inspection on the Property.

SEC. 51P-759.114. SIDEWALKS.

(a) Sidewalks on Mockingbird Lane must have a minimum unobstructed width of 7 feet.

(b) Sidewalks on Forest Park Road, Hawes Street and Maple Avenue must have a minimum unobstructed width of 6 feet.

SEC. 51P-759.11[4](5). SIGNS.

(a) In general. Except as provided in this section, signs must comply with the provisions for business zoning districts in Article VII.

(b) Monument signs. All detached signs, except for shopping center signs, must be monument signs.

(c) Shopping center signs.

(1) For shopping center signs only, the premise is considered the entire Property.

(2) Shopping center signs may only be located adjacent to Mockingbird Lane.

(3) One shopping center sign is permitted for every 300 feet of street frontage.

(4) Shopping center signs must be located at least 400 feet apart.

(5) Shopping center signs may not exceed 35 feet in height or 250 square feet in effective area.

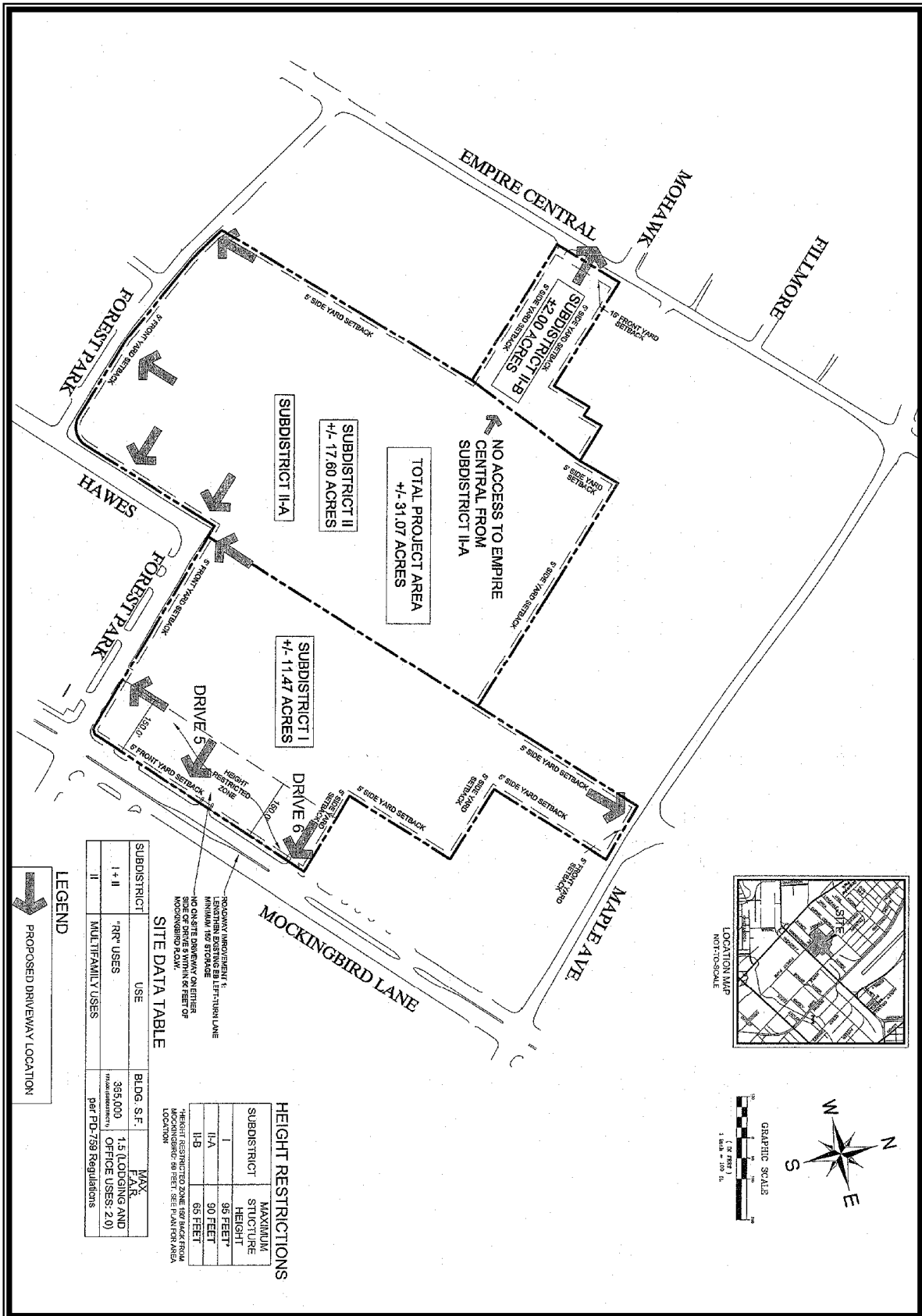
SEC. 51P-759.11[5](6). ADDITIONAL PROVISIONS.

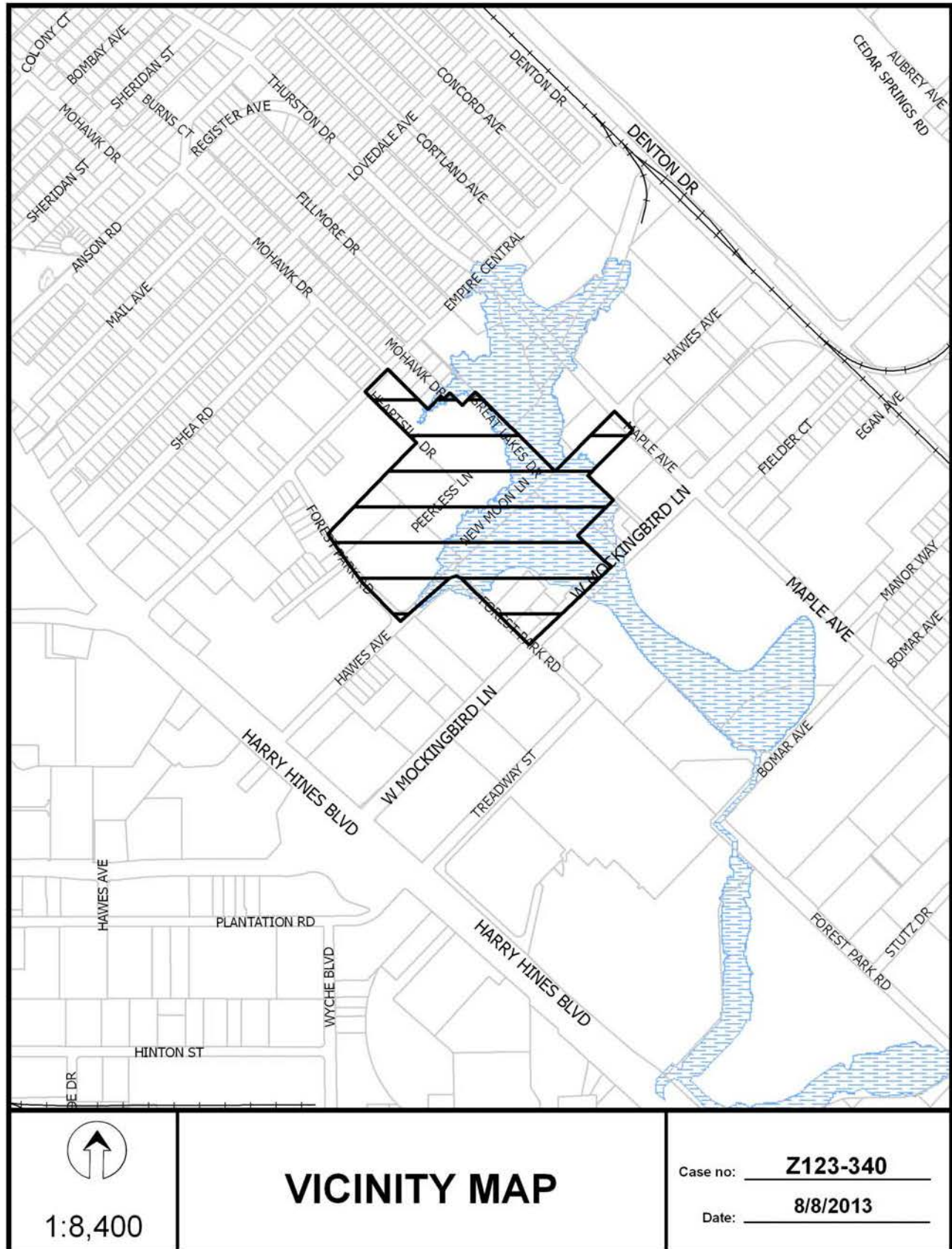
- (a) The Property must be properly maintained in a state of good repair and neat appearance.
- (b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the city. (Ord. 26871)

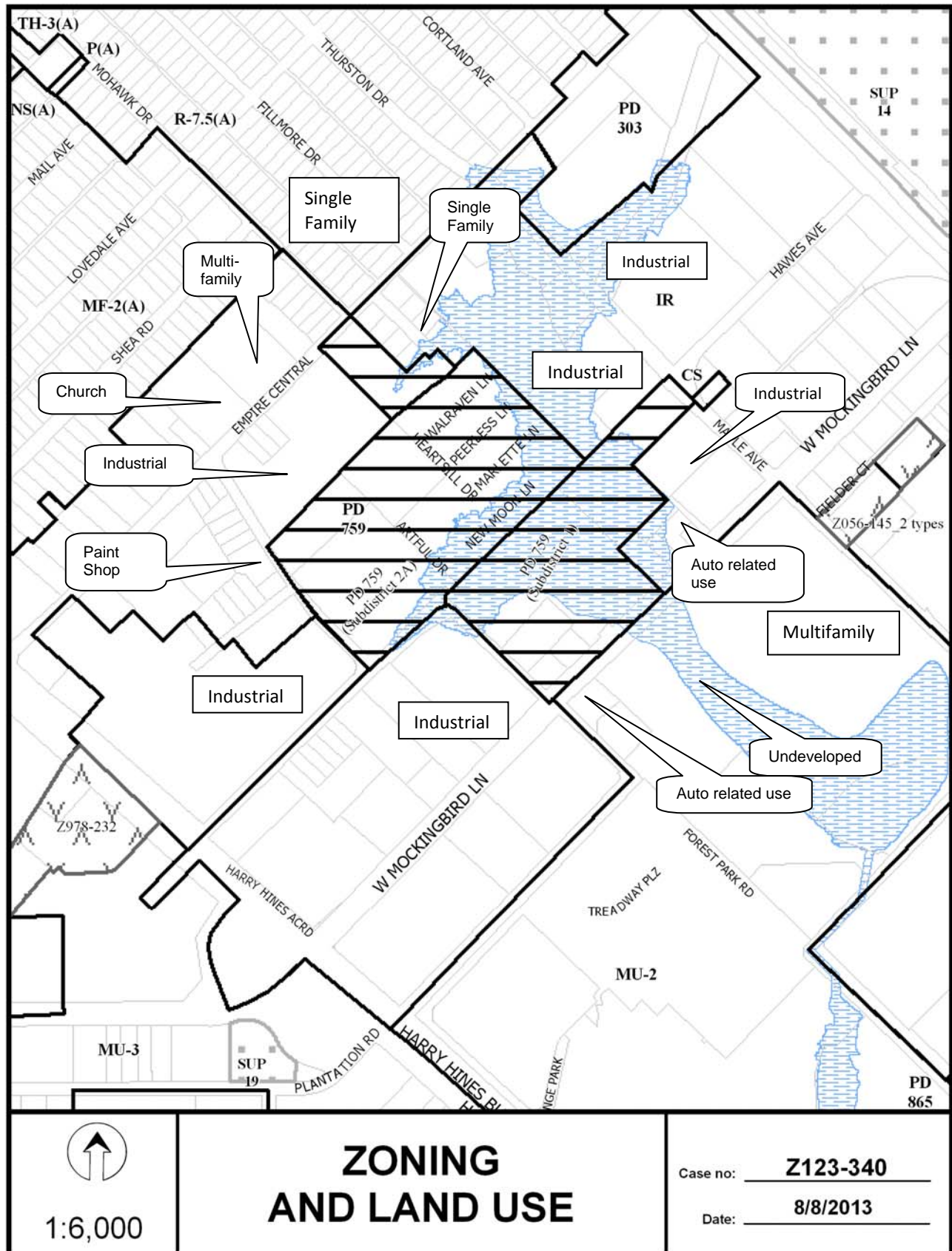
SEC. 51P-759.11[6](7). COMPLIANCE WITH CONDITIONS.

- (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 in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

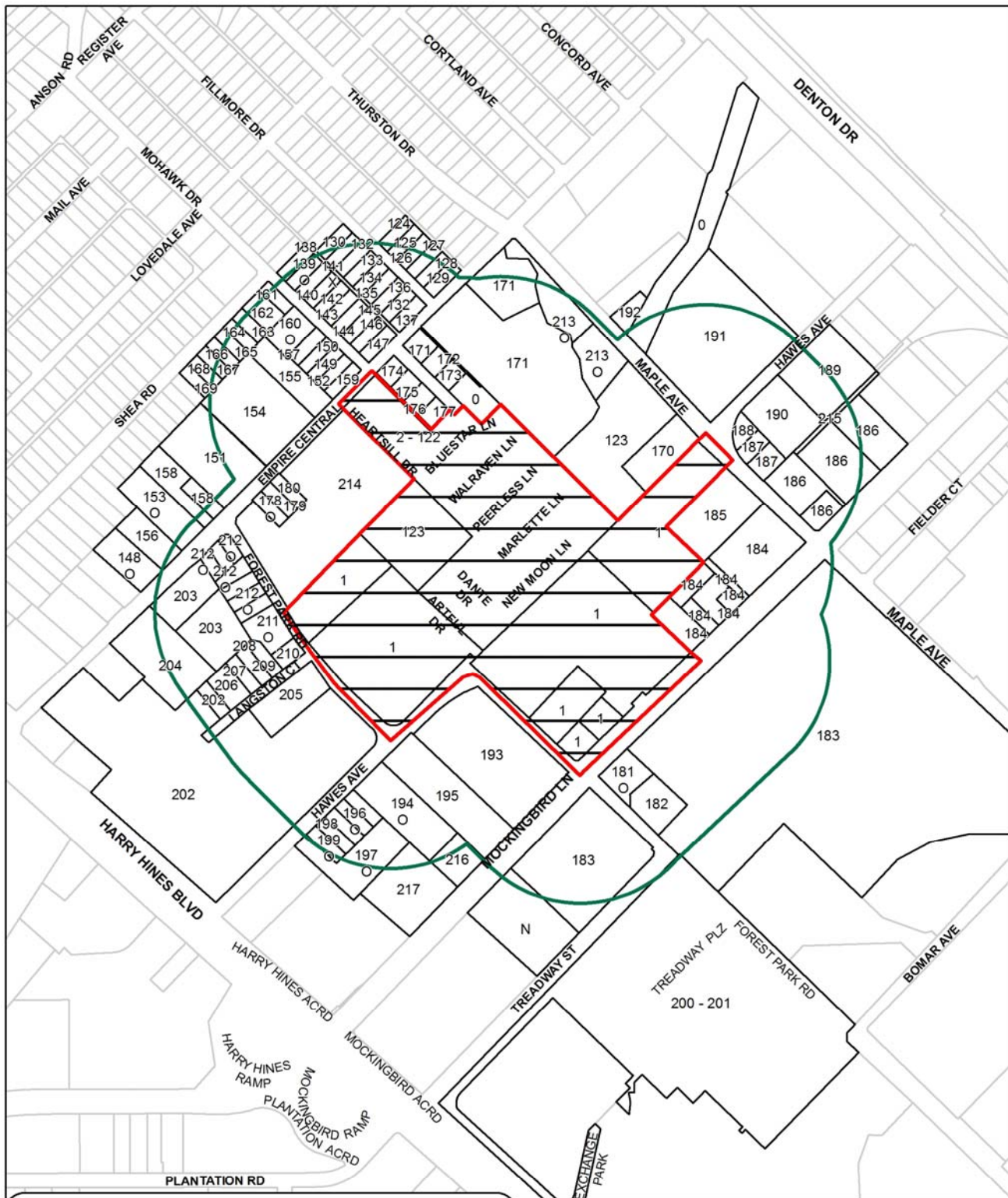
PROPOSED CONCEPTUAL PLAN







CPC RESPONSES



| | |
|-------------------|---|
| <u>217</u> | Property Owners Notified (132 parcels) |
| <u>13</u> | Replies in Favor (22 parcels) |
| <u>1</u> | Replies in Opposition (1 parcels) |
| <u>500'</u> | Area of Notification |
| <u>12/19/2013</u> | Date <u>11/21/2013</u> Under Advisement |

Z123-340
CPC



1:6,000

Notification List of Property

Z123-340

| <i>217 Property Owners Notified</i> | | | <i>1 Property Owner Opposed</i> | <i>13 Property Owners in Favor</i> |
|-------------------------------------|----------------|---------------------|----------------------------------|------------------------------------|
| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> | |
| | 1 | 6910 FOREST PARK RD | MOCKINGBIRD VENTURE PARTNERS LLC | |
| | 2 | 2232 EMPIRE CENTRAL | MOCKINGBIRD VENTURE PARTNERS LLC | |
| | 3 | 2222 PEERLESS LN | BARRON FRED | |
| | 4 | 2201 WALRAVEN LN | VEGA SILVIA | |
| | 5 | 2232 EMPIRE CENTRAL | VALENCIA JORGE | |
| | 6 | 2201 BLUESTAR LN | HERNANDEZ HERIBERTO LOPEZ | |
| | 7 | 2206 BLUESTAR LN | SANDOVAL MARIO | |
| | 8 | 2214 BLUESTAR LN | MUNOZ NOE | |
| | 9 | 2217 BLUESTAR LN | RODRIGUEZ MANUEL | |
| | 10 | 2202 WALRAVEN LN | DIAZ AGUSTIN | |
| | 11 | 2210 WALRAVEN LN | GUERRERO JOSE | |
| | 12 | 2211 WALRAVEN LN | SANCHEZ JUAN | |
| | 13 | 2216 WALRAVEN LN | ORTIZ JOSE | |
| | 14 | 2217 WALRAVEN LN | VILLEGAS CARLOS | |
| | 15 | 2216 BLUESTAR LN | GONZALEZ SERGIO | |
| | 16 | 2221 WALRAVEN LN | SEGURA DANIEL | |
| | 17 | 2206 PEERLESS LN | MARTINEZ LILIANA | |
| | 18 | 2208 PEERLESS LN | MENDOZA ENRIQUE | |
| | 19 | 2209 PEERLESS LN | CANELO JOSE ANTONIO | |
| | 20 | 2213 PEERLESS LN | MARTINEZ LILIANA | |
| | 21 | 2215 PEERLESS LN | JUAREZ ROLANDO | |
| | 22 | 2217 PEERLESS LN | BILLEDA FLAVIO | |
| | 23 | 2218 PEERLESS LN | LOPEZ VICTOR | |
| | 24 | 2219 PEERLESS LN | RODRIGUEZ RICARDO | |
| | 25 | 2202 MARLETTE LN | MARTINEZ MOISES | |
| | 26 | 2204 MARLETTE LN | LARA RAYMOND | |

Thursday, December 19, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|----------------|-----------------------------|
| 27 | 2209 | MARLETTE LN | QUEVADO MARIA |
| 28 | 2210 | MARLETTE LN | LEDEZMA DELFINO |
| 29 | 2214 | MARLETTE LN | VALENCIA DAVID |
| 30 | 2217 | MARLETTE LN | CORTEZ ABRAHAM |
| 31 | 2220 | MARLETTE LN | NIEVES AMADO |
| 32 | 2222 | MARLETTE LN | AVILES BERNARDO |
| 33 | 2110 | NEW MOON LN | SANCHEZ CARMELA |
| 34 | 2202 | NEW MOON LN | MENDOZA MARICRUZ |
| 35 | 2203 | NEW MOON LN | VASQUEZ ALEJANDRO |
| 36 | 2204 | NEW MOON LN | GIRON SALVADOR |
| 37 | 2205 | NEW MOON LN | RAMOS SIMON |
| 38 | 2206 | NEW MOON LN | MEJIA SERGIO |
| 39 | 2208 | NEW MOON LN | UGLADE JOSE |
| 40 | 2210 | NEW MOON LN | BRIONES JUAN MUNIZ & RAMONA |
| 41 | 2211 | NEW MOON LN | MARTINEZ LIONSO |
| 42 | 2220 | NEW MOON LN | TAMAYO JOSE C. |
| 43 | 2222 | NEW MOON LN | QUEZADA GERARDO |
| 44 | 6713 | HEARTSILL DR | LEDEZMA ROSALIO |
| 45 | 6719 | HEARTSILL DR | RAZO SONIA |
| 46 | 6723 | HEARTSILL DR | MENDEZ MANUEL |
| 47 | 6720 | ARTFUL DR | MENDOZA OSBALDO |
| 48 | 2232 | EMPIRE CENTRAL | TERALTA SAMUEL |
| 49 | 2232 | EMPIRE CENTRAL | ROBERTS OFELIA |
| 50 | 2201 | NEW MOON LN | GAMEZ CONCEPCION |
| 51 | 6722 | ARTFUL DR | RODRIGUEZ JOSE |
| 52 | 2108 | NEW MOON LN | REYES OMAR |
| 53 | 2222 | WALRAVEN LN | PREDA JESUS |
| 54 | 2232 | EMPIRE CENTRAL | GONZALES JUAN MARTIN |
| 55 | 2202 | BLUESTAR LN | FLORES RUBEN |
| 56 | 2203 | BLUESTAR LN | CORTEZ DANIEL |
| 57 | 2205 | BLUESTAR LN | SANCHEZ GUSTAVO |

Thursday, December 19, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|----------------|------------------------------|
| 58 | 2210 | BLUESTAR LN | MARTINEZ JOSE |
| 59 | 2212 | BLUESTAR LN | TORRES RUBEN MUNOZ |
| 60 | 2213 | BLUESTAR LN | RODRIGUEZ ABIGAIL |
| 61 | 2204 | WALRAVEN LN | LOSEDA YOLANDA |
| 62 | 2206 | WALRAVEN LN | MELENDEZ VIRGINA |
| 63 | 2209 | WALRAVEN LN | RAMIREZ FIDEL |
| 64 | 2213 | WALRAVEN LN | SANCHEZ BERTHA & VERA MIGUEL |
| 65 | 2214 | WALRAVEN LN | VILLEGAS MARGARITO |
| 66 | 2215 | WALRAVEN LN | CARREON ALEJANDRO |
| 67 | 2220 | WALRAVEN LN | RODRIGUEZ TOMAS |
| 68 | 2201 | PEERLESS LN | MORALES MARISOL |
| 69 | 2203 | PEERLESS LN | RAMIREZ YOLANDA |
| 70 | 2204 | PEERLESS LN | AGUILAR RAUL |
| 71 | 2205 | PEERLESS LN | MORALES CONSTANCIO |
| 72 | 2207 | PEERLESS LN | ROSALIA ERNESTINA |
| 73 | 2210 | PEERLESS LN | DELACRUZ RODOLFO |
| 74 | 2211 | PEERLESS LN | GARCIA JESUS |
| 75 | 2212 | PEERLESS LN | YANEZ JOSE |
| 76 | 2216 | PEERLESS LN | ANDRADE JACQUELINE |
| 77 | 2201 | MARLETTE LN | MARTINEZ LUCIA |
| 78 | 2203 | MARLETTE LN | JURA MICHAEL |
| 79 | 2206 | MARLETTE LN | CASTANEDA FRANCISCO |
| 80 | 2207 | MARLETTE LN | GARCIA CAESAR |
| 81 | 2208 | MARLETTE LN | DELEON MARIA |
| 82 | 2212 | MARLETTE LN | HERNANDEZ TERESA |
| 83 | 2216 | MARLETTE LN | EUGENIO ELVERADO |
| 84 | 2218 | MARLETTE LN | GONZALES JOSE |
| 85 | 2104 | NEW MOON LN | RODRIGUEZ ROSA |
| 86 | 2112 | NEW MOON LN | HENIZE JOHN |
| 87 | 6715 | HEARTSILL DR | ANGUIANO JOSE |
| 88 | 2205 | MARLETTE LN | MARTINEZ LILIANA |

Thursday, December 19, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|----------------|----------------------|
| 89 | 2211 | MARLETTE LN | ARANDA ISMAEL |
| 90 | 2207 | NEW MOON LN | GARCIA RAFAEL |
| 91 | 2212 | NEW MOON LN | ROJAS MISRAIM |
| 92 | 2214 | NEW MOON LN | SAENZ GUADALUPE |
| 93 | 2216 | NEW MOON LN | SAINZ MISAEL |
| 94 | 2217 | NEW MOON LN | VASQUEZ TORIBIO |
| 95 | 2218 | NEW MOON LN | SANCHEZ MARIA |
| 96 | 6717 | HEARTSILL DR | ALLMAGUAR JOSE |
| 97 | 6721 | HEARTSILL DR | VASQUEZ BENITO |
| 98 | 6713 | ARTFUL DR | AGUILAR CRECENCIA |
| 99 | 6714 | ARTFUL DR | CURE STEVE |
| 100 | 6715 | ARTFUL DR | MOLINA JUAN |
| 101 | 6716 | ARTFUL DR | MUNOZ EVA LUCIA |
| 102 | 6718 | ARTFUL DR | RUIZ JOSE |
| 103 | 6719 | ARTFUL DR | CHAVEZ ESPERANZA |
| 104 | 6723 | ARTFUL DR | GALAN RAUL |
| 105 | 6712 | DANTE DR | REYES HUGO |
| 106 | 6716 | DANTE DR | MUNOZ RAFAEL |
| 107 | 6718 | DANTE DR | DIAZ LUIS |
| 108 | 6720 | DANTE DR | MOROIN EDI |
| 109 | 6722 | DANTE DR | RICO ALFONZO |
| 110 | 2232 | EMPIRE CENTRAL | SWETZER TAMMY |
| 111 | 2232 | EMPIRE CENTRAL | JIMENEZ MARTHA |
| 112 | 2215 | BLUESTAR LN | SANCHEZ LILIA |
| 113 | 2224 | WALRAVEN LN | CASTRELLON BERTHA |
| 114 | 6721 | ARTFUL DR | RIVERA DUVELSA |
| 115 | 2209 | NEW MOON LN | RIVERA JOSE |
| 116 | 2205 | WALRAVEN LN | SANCHEZ MARIA |
| 117 | 2213 | MARLETTE LN | GONZALEZ DAVID |
| 118 | 2209 | BLUESTAR LN | VEITENHEIMER ELEANOR |
| 119 | 2207 | WALRAVEN LN | WILDER CATHY |

Thursday, December 19, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|---------------------|------------------------------|
| | 120 | 2211 BLUESTAR LN | LUCAS EUGENIO |
| | 121 | 2215 NEW MOON LN | DURAN NOYOLA ARCELIA |
| | 122 | 2219 WALRAVEN LN | BARRERA IVAN |
| | 123 | 6721 MAPLE AVE | MOCKINGBIRD VENTURE PARTNERS |
| | 124 | 7110 FILLMORE DR | BLTREJV 3 DALLAS LLC |
| | 125 | 7106 FILLMORE DR | WEAR JOHN G |
| | 126 | 7102 FILLMORE DR | RANGEL DOLORES A |
| | 127 | 7010 FILLMORE DR | PLASCENCIA MARIO |
| | 128 | 7006 FILLMORE DR | PULLEN MELVIN L |
| | 129 | 7002 FILLMORE DR | CONDE EPIFANIA |
| | 130 | 7123 FILLMORE DR | TORRES TOMAS |
| | 131 | 7119 FILLMORE DR | CERVANTES MANUEL JR |
| | 132 | 7007 FILLMORE DR | CROUCH COLEMAN R |
| | 133 | 7111 FILLMORE DR | VALLES JOSE L ET AL |
| | 134 | 7107 FILLMORE DR | GONZALEZ MIGUEL |
| | 135 | 7103 FILLMORE DR | CARLOS CONSTANTINE |
| | 136 | 7011 FILLMORE DR | FLORES GUADALUPE |
| | 137 | 7003 FILLMORE DR | CROUCH C R |
| | 138 | 7126 MOHAWK DR | GUTIERREZ MERCEDEZ |
| O | 139 | 7122 MOHAWK DR | PERALEZ DOROTHY |
| | 140 | 7118 MOHAWK DR | FAZ AVELINO S |
| X | 141 | 7114 MOHAWK DR | GONZALEZ FRANCISCO & |
| | 142 | 7110 MOHAWK DR | RIVERA LORENZA |
| | 143 | 7106 MOHAWK DR | FLORES JESUS E |
| | 144 | 7102 MOHAWK DR | RAMIREZ LORENZO & MARIA |
| | 145 | 7010 MOHAWK DR | GONZALES GUSTAVO |
| | 146 | 7006 MOHAWK DR | WOHLGEMUTH BRIAN LEE ETAL |
| | 147 | 7002 MOHAWK DR | NELSON DARRELL PATRICK |
| O | 148 | 2103 EMPIRE CENTRAL | BFH PPTIES LLC |
| | 149 | 7011 MOHAWK DR | CASTRO PEDRO D |
| | 150 | 7103 MOHAWK DR | MARTINEZ JUAN |

Thursday, December 19, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|---------------------|-------------------------------------|
| | 151 | 2145 EMPIRE CENTRAL | IGLESIA DE CRISTO EMPIRE CENTRAL |
| | 152 | 7007 MOHAWK DR | MORALES JESUS S & |
| O | 153 | 2121 EMPIRE CENTRAL | LUAU JOINT VENTURE |
| | 154 | 2203 EMPIRE CENTRAL | KOKO JOINT VENTURE |
| | 155 | 2221 EMPIRE CENTRAL | PLEASANT RUN LANCASTER |
| | 156 | 2115 EMPIRE CENTRAL | 2115 EMPIRE CENTRAL LLC |
| | 157 | 7107 MOHAWK DR | SALAS ANTONIO |
| | 158 | 2137 EMPIRE CENTRAL | 1250 WDT LTD |
| | 159 | 7003 MOHAWK DR | MARTINEZ PATRICIA |
| O | 160 | 7111 MOHAWK DR | VETERANS OF FOREIGN WARS |
| | 161 | 2234 SHEA RD | RENTERIA RODOLFO M |
| | 162 | 2226 SHEA RD | GUAJARDO DORA MARIA QUINONES |
| | 163 | 2222 SHEA RD | BARRERA GILBERTO & |
| | 164 | 2218 SHEA RD | ALMAGUER ELIAS & MERCEDES |
| | 165 | 2214 SHEA RD | RAMIREZ RAUL & |
| | 166 | 2210 SHEA RD | LOPEZ TEODORO JAIMES |
| | 167 | 2206 SHEA RD | RODRIGUEA JOSE ANGEL |
| | 168 | 2202 SHEA RD | CHAVEZ DOLORES G |
| | 169 | 2162 SHEA RD | DALLAS AREA HABITAT FOR HUMANITY |
| | 170 | 6707 MAPLE AVE | TEXAS UTILITIES ELEC CO |
| | 171 | 6926 MOHAWK DR | BOOZIOTIS BILL |
| | 172 | 6922 MOHAWK DR | WATTACHERIL JOSEPH J |
| | 173 | 6910 MOHAWK DR | JACOB JOSEPH W |
| | 174 | 6925 MOHAWK DR | TINSLEY CLAUDIA ANNE M |
| | 175 | 6919 MOHAWK DR | ABAUNZA DENIS E & A OMEGA |
| | 176 | 6911 MOHAWK DR | TUNIS BENJAMIN ESTATE OF |
| | 177 | 6907 MOHAWK DR | QUINN DENISE MARIE |
| O | 178 | 2148 EMPIRE CENTRAL | BFH LTD |
| | 179 | 2152 EMPIRE CENTRAL | SOLIS GLORIA B |
| | 180 | 2156 EMPIRE CENTRAL | HERNANDEZ DAVID PAEZ & |
| O | 181 | 2304 MOCKINGBIRD LN | WILLINGHAM REUBEN TR ETAL |

Thursday, December 19, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|-------------|----------------|---------------------|---------------------------------------|
| | 182 | 6516 FOREST PARK RD | TAYLOR THOMAS W |
| | 183 | 2200 MOCKINGBIRD LN | BOARD OF REGENTS OF THE |
| | 184 | 2449 MOCKINGBIRD LN | GREENWAY-MOCKINGBIRD LP |
| | 185 | 6627 MAPLE AVE | 6627 MAPLE AVE PS |
| | 186 | 2525 MOCKINGBIRD LN | PRESCOTT INTERESTS LTD |
| | 187 | 6638 MAPLE AVE | HAWES JOINT VENTURE |
| | 188 | 6644 MAPLE AVE | LAMM FRIEDA WOOD |
| | 189 | 2608 HAWES AVE | WILLIAMSON HAWES JV |
| | 190 | 2510 HAWES AVE | HAWES JV |
| | 191 | 6700 MAPLE AVE | JONES BLAIR CO |
| | 192 | 6814 MAPLE AVE | GARCIA JORGE |
| | 193 | 2221 MOCKINGBIRD LN | GENUINE PARTS COMPANY |
| O | 194 | 2128 HAWES AVE | MOORE STEPHEN LOUIS |
| | 195 | 2130 HAWES AVE | JL & JB PROPERTIES INC |
| O | 196 | 2114 HAWES AVE | MOORE DISPOSAL INC |
| O | 197 | 2116 HAWES AVE | MDC HAWES LLC |
| | 198 | 2110 HAWES AVE | MDC-HAWES |
| O | 199 | 2108 HAWES AVE | MDC HAWES |
| | 200 | 6303 FOREST PARK RD | BOARD OF REGENTS OF THE UNIVERSITY |
| | 201 | 6303 FOREST PARK RD | BOARD OF REGENTS OF THE UNIVERSITY |
| | 202 | 2100 LANGSTON CT | 6814 HH PARTNERS LP |
| | 203 | 2102 EMPIRE CENTRAL | SUAREZ MARCOS N |
| | 204 | 2040 EMPIRE CENTRAL | GIRLS INCORPORATED OF |
| | 205 | 6835 FOREST PARK RD | SONG JIN HEE |
| | 206 | 2119 LANGSTON CT | LEE J KENNETH |
| | 207 | 2123 LANGSTON CT | FORESTPARK SERVICES LLC |
| | 208 | 2127 LANGSTON CT | VALDEZ FRANCISCO |
| | 209 | 2131 LANGSTON CT | MCRAE MICHAEL C |
| | 210 | 6901 FOREST PARK RD | FORD LEVERNE R & |
| O | 211 | 6911 FOREST PARK RD | DOUBLE E PROPERTIES |
| O | 212 | 2126 EMPIRE CENTRAL | IMPRUNETTA LLC |

Thursday, December 19, 2013

| <i>Vote</i> | <i>Label #</i> | <i>Address</i> | <i>Owner</i> |
|--------------------|-----------------------|-----------------------|------------------------|
| O | 213 | 6801 MAPLE AVE | MAPLE EMPIRE LLC |
| | 214 | 6930 FOREST PARK RD | BFH LTD |
| | 215 | 2608 MOCKINGBIRD LN | CARLISLE INTERESTS INC |
| | 216 | 2121 MOCKINGBIRD LN | MESQUITE CREEK |
| | 217 | 2111 MOCKINGBIRD LN | MESQUITE CREEK DEV INC |

Thursday, December 19, 2013

AGENDA ITEM # 53

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

A public hearing to receive comments on the proposed FY 2014-15 Operating, Capital, and Grant/ Trust budgets - Financing: No cost consideration to the City

BACKGROUND

Each year the City of Dallas holds a series of public hearings to provide the citizens of Dallas the opportunity to speak on next year's budget.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 26, 2014, City Council authorized the public hearing by Resolution No. 14-0397.

FISCAL INFORMATION

No cost consideration to the City

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 3

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 61B J

SUBJECT

Reinvestment Zone and Real Property Tax Abatement Authorization

- * A public hearing to receive comments concerning the creation of a reinvestment zone for commercial tax abatement, to be known as City of Dallas Reinvestment Zone No. 83, incorporating approximately 87 acres of property located just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas for the purpose of granting economic development incentives to Courtland Group, LLC (Courtland) - Financing: No cost consideration to the City
- * An ordinance designating the approximately 87 acres of property located just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas as City of Dallas Reinvestment Zone No. 83, for the purpose of granting economic development incentives to Courtland Group, LLC (Courtland), establishing the boundaries of the Reinvestment Zone and providing for an effective date - Financing: No cost consideration to the City

BACKGROUND

For the past of couple months, city staff has negotiated with representatives of Courtland Group, LLC and Crow Holdings regarding a possible new multi-building industrial/warehouse development under consideration in Mountain Creek Business Park just east of the intersection of Grady Niblo Road and Mountain Creek Parkway in Dallas, Texas.

Courtland has a site of approximately 87 acres under contract which it proposes to sell to Crow Holdings so Crow Holdings can build two new, speculative industrial/warehouse buildings.

BACKGROUND (Continued)

The first building is planned to be 621,920 square feet on 45.41 acres and the second 594,880 square feet on 41.36 acres. The estimated total investment for the new facilities is approximately \$36,500,000.

In order to develop this project, Courtland and Crow Holdings request City Council consideration of a 10-year, 90 percent real property tax abatement on the added value from the new construction that will be assigned to Crow Holdings. The developers also have requested a development agreement related to the planned extension of Grady Niblo Road east to the development site.

Terms of the development agreement will include the following:

- Courtland will contribute the road Right-of-Way and necessary infrastructure easements, estimated at \$533,000 for the Grady Niblo as well as the engineering costs, estimated at \$330,369 associated with the road extension;
- Courtland will dedicate a mutually agreeable site of approximately 1.5 acres in the vicinity of the planned intersection of the future extension of Merrifield Road and the extension of Grady Niblo Road for use as a fire station;
- The City of Dallas will cover a maximum cost of \$2,422,706 subject to future City Council approval associated with the extension of Grady Niblo Road East from the current terminus of the road to the proposed building site;
- The Grady Niblo project will be publicly bid and contracted and the City's participation on Grady Niblo improvements will be capped at the contract price for construction of eligible costs as approved by the City Council; and
- Any cost overruns beyond the City's commitment above will be paid by Courtland.

Crow Holdings intends to commence vertical construction of the first building in late 2014. The full project is anticipated to be complete in late 2016. In consideration of the proposed incentives, Courtland / Crow Holdings will invest a minimum of \$30,000,000 in real property improvements. Each building will have a specific real property abatement.

The cumulative forgone revenue from the proposed 90 percent, ten year real property abatement is \$2,362,064. The 10-year net fiscal impact of the proposed development after incentives is \$66,059. The twenty-year net fiscal impact of the proposed development after incentives is \$3,724,991. This project complies with the Public/Private Program guidelines in that it involves an investment of more than \$1,000,000 at this Southern Sector site.

ESTIMATED SCHEDULE OF THE PROJECT

| | |
|------------------------|---------------|
| Begin Construction | December 2014 |
| Substantial Completion | December 2016 |

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was briefed to the Economic Development Committee on February 18, 2014.

The public hearing for this item was approved on February 26, 2014.

FISCAL INFORMATION

No cost consideration to the City

OWNER

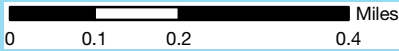
Courtland Group, LLC

John Napper, President

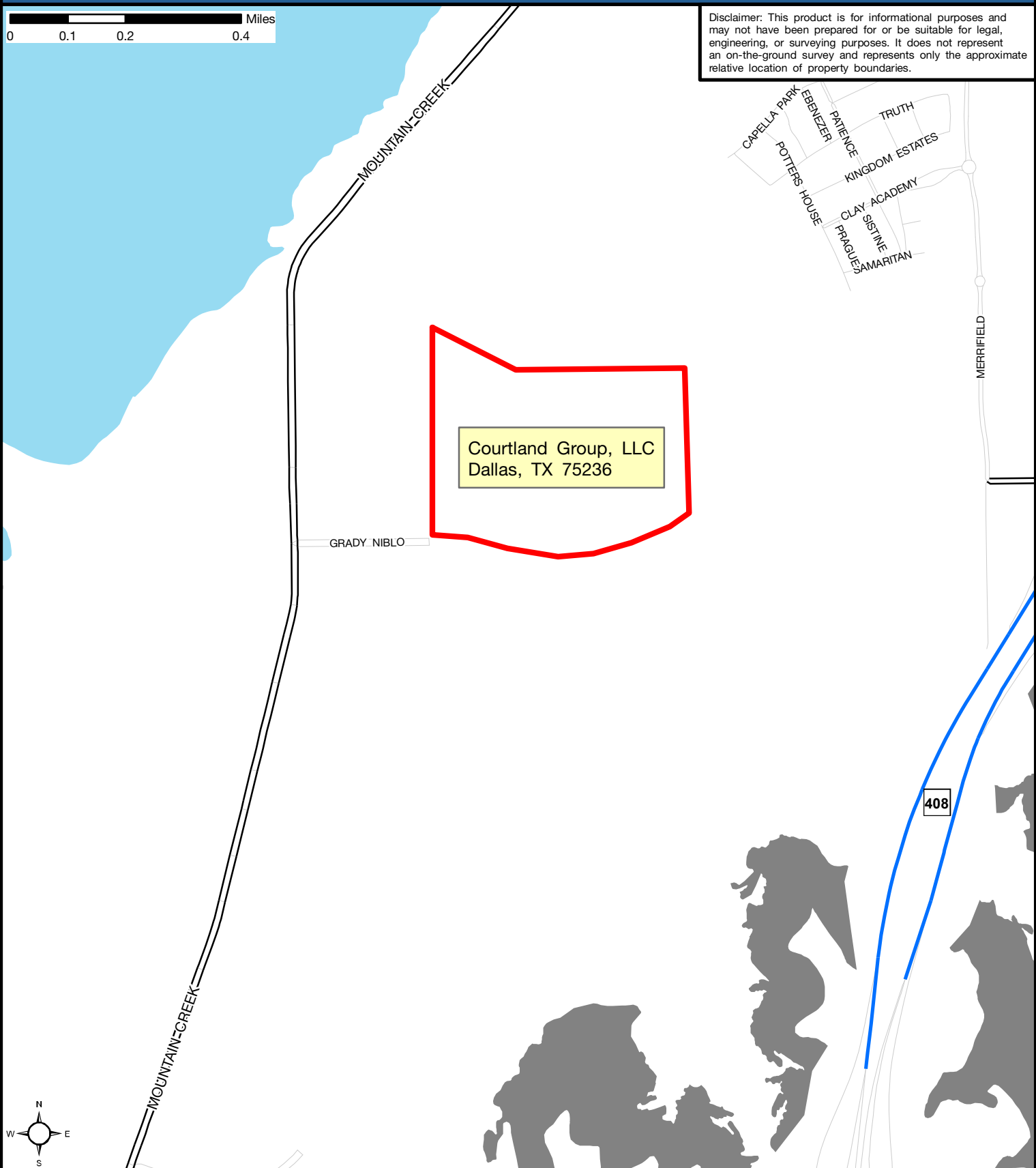
MAP

Attached.

Courtland Group, 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.



**DALLAS
ECONOMIC
DEVELOPMENT**

Research & Information Division
214.670.1685
dallas-ecodev.org

Created 1.30.14, Updated 2.26.14 - 14-02-26 Chris O'Brien.TCG

Legend



Site



Freeway



Arterial



Local Road



Lake

Source: City of Dallas, 2014

ORDINANCE NO: _____

AN ORDINANCE DESIGNATING A CERTAIN AREA AS A REINVESTMENT ZONE FOR COMMERCIAL/INDUSTRIAL TAX ABATEMENT IN THE CITY OF DALLAS, TEXAS, TO BE KNOWN AS REINVESTMENT ZONE NO. 83, CITY OF DALLAS, TEXAS; ESTABLISHING THE BOUNDARIES THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a reinvestment zone for commercial tax abatement, as authorized by the Property Redevelopment and Tax Abatement Act, as amended (V.T.C.A. Tax Code, Chapter 312); and

WHEREAS, on June 13, 2012, the City Council authorized the continuation of its participation in tax abatement and established the 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, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 12-1520, as amended; and

WHEREAS, on March 26, 2014, the City Council held a public hearing, such date being at least seven (7) days after the date of publication of the notice of such public hearing and the delivery of written notice to the respective presiding officers of each taxing entity which includes within its boundaries real property that is to be included in the proposed reinvestment zone; and

WHEREAS, the City, at such public hearing, invited any interested person to appear and speak for or against the creation of the reinvestment zone and whether all or part of the territory described should be included in the proposed reinvestment zone, and to raise any concerns regarding the offering of tax abatement incentives; and

WHEREAS, the proponents of the reinvestment zone offered evidence, both oral and documentary, in favor of all of the foregoing matters relating to the creation of the reinvestment zone and opponents, if any, to the reinvestment zone appeared to contest the creation of the reinvestment zone.

NOW, THEREFORE,

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and correct.

SECTION 2. That the City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the evidence and testimony presented to it:

SECTION 2. (Continued)

- (a) That the public hearing for adoption of Reinvestment Zone No. 83 has been properly called, held and conducted and that notice of such hearing has been published as required by law and mailed to the respective presiding officers of the governing bodies of all taxing units overlapping the territory inside the proposed reinvestment zone.
- (b) That the boundaries of Reinvestment Zone No. 83 shall be the area as described in the property description attached hereto as **Exhibit A (Metes and Bounds)** and depicted in **Exhibit B (Map)**.
- (c) That creation of the proposed Reinvestment Zone No. 83 will result in benefits to the City and to the land included in the zone and that the improvements sought are feasible and practical.
- (d) That Reinvestment Zone No. 83 meets the criteria for the creation of a reinvestment zone as set forth in the Act, as amended, in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.

SECTION 3. That pursuant to the Act, as amended, the City hereby creates a reinvestment zone for commercial tax abatement encompassing only the property area described in **Exhibit A (Metes and Bounds)** and such reinvestment zone is hereby designated and shall hereafter be referred to as Reinvestment Zone No. 83.

SECTION 4. That Reinvestment Zone No. 83 shall take effect on March 26, 2014, and shall remain designated as a commercial-industrial reinvestment zone for a period of five (5) years from such date of designation.

SECTION 5. That if any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 6. That it is hereby found, determined and declared that a sufficient notice of the date, hour, place and subject of the meeting of the City Council at which this ordinance was adopted was posted at a place convenient and readily accessible at all times as required by the Texas Open Meetings Act, V.T.C.A., Government Code, Chapter 551, as amended, and that a public hearing was held prior to the designation of such reinvestment zone and that proper notice of the hearing was published in the official newspaper of the City seven days prior to the hearing, and furthermore, such notice was in fact delivered to the presiding officer of each affected taxing entity as prescribed by the Act.

SECTION 7. 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
CITY ATTORNEY

By: 
Assistant City Attorney

Passed and correctly enrolled _____

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY SURVEYED

DESCRIPTION, of a 86.770 acre tract of land situated in the Field Secrest Survey, Abstract No. 1379 and the Aaron B. Wilson Survey, Abstract No. 1550, Dallas County, Texas and in City Block 8720, Official Numbers of the City of Dallas, Texas; said tract being part of that certain tract of land described in Substitute Trustee's Deed and Bill of Sale to GMR Finance, LLC recorded in Instrument No. 201300100428 of the Official Public Records of Dallas County, Texas; said 86.770 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner at the northeast terminus of Grady Niblo Road (a 107-foot wide right-of-way); said point being in a west line of said GMR tract and at the southeast corner of Lot 1, Block 8720, Mountain Creek Business Park Phase 1, Industrial Park, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2003012, Page 246 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees, 38 minutes, 48 seconds West, departing the north line of said Grady Niblo Road and along the east line of said Lot 1 and the said west line of the GMR tract, a distance of 1897.73 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner in a southwest line of that certain tract of land described in Special Warranty Deed to The Potter's House of Dallas, Inc. recorded in Volume 99063, Page 5361 of said Deed Records; said point being the northernmost northwest corner of said GMR tract and the northeast corner of said Lot 1;

THENCE, South 64 degrees, 16 minutes, 01 seconds East, along the northernmost northeast line of said GMR tract and the said southwest line of the Potter's House tract, a distance of 863.29 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner; said point being a reentrant corner of said GMR tract and a southwest corner of said Potter's House tract;

THENCE, North 89 degrees, 10 minutes, 29 seconds East, along the northernmost north line of said GMR tract and the south line of said Potter's House tract, a distance of 1549.79 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner; said point being the northernmost northeast corner of said GMR tract, the southeast corner of said Potter's House tract, the southwest corner of that certain tract of land described in General Warranty Deed to Clay Academy, Inc. recorded in Volume 2004159, Page 7653 of said Official Public Records and the northwest corner of that certain tract of land described in General Warranty Deed to The Potter's House of Dallas, Inc. recorded in Instrument No. 201100012615 of said Official Public Records;

THENCE, South 00 degrees, 57 minutes, 56 seconds East, along an east line of said GMR tract and the west line of the second referenced Potter's House tract, a distance of 1191.15 feet to a point for corner;

THENCE, departing the said the east line of the GMR tract and the said west line of the second referenced Potter's House tract and traversing into and across said GMR tract, the following three (3) calls:

South 49 degrees, 22 minutes, 03 seconds West, a distance of 123.73 feet to a point for corner; said point being the beginning of a tangent curve to the right;

EXHIBIT A

In a southwesterly direction, along said curve to the right, having a central angle of 57 degrees, 21 minutes, 37 seconds, a radius of 1776.50 feet, a chord bearing and distance of South 78 degrees, 02 minutes, 51 seconds West, 1705.15 feet, an arc distance of 1778.50 feet to a point for corner at the end of said curve; said point being the beginning of a reverse curve to the left;

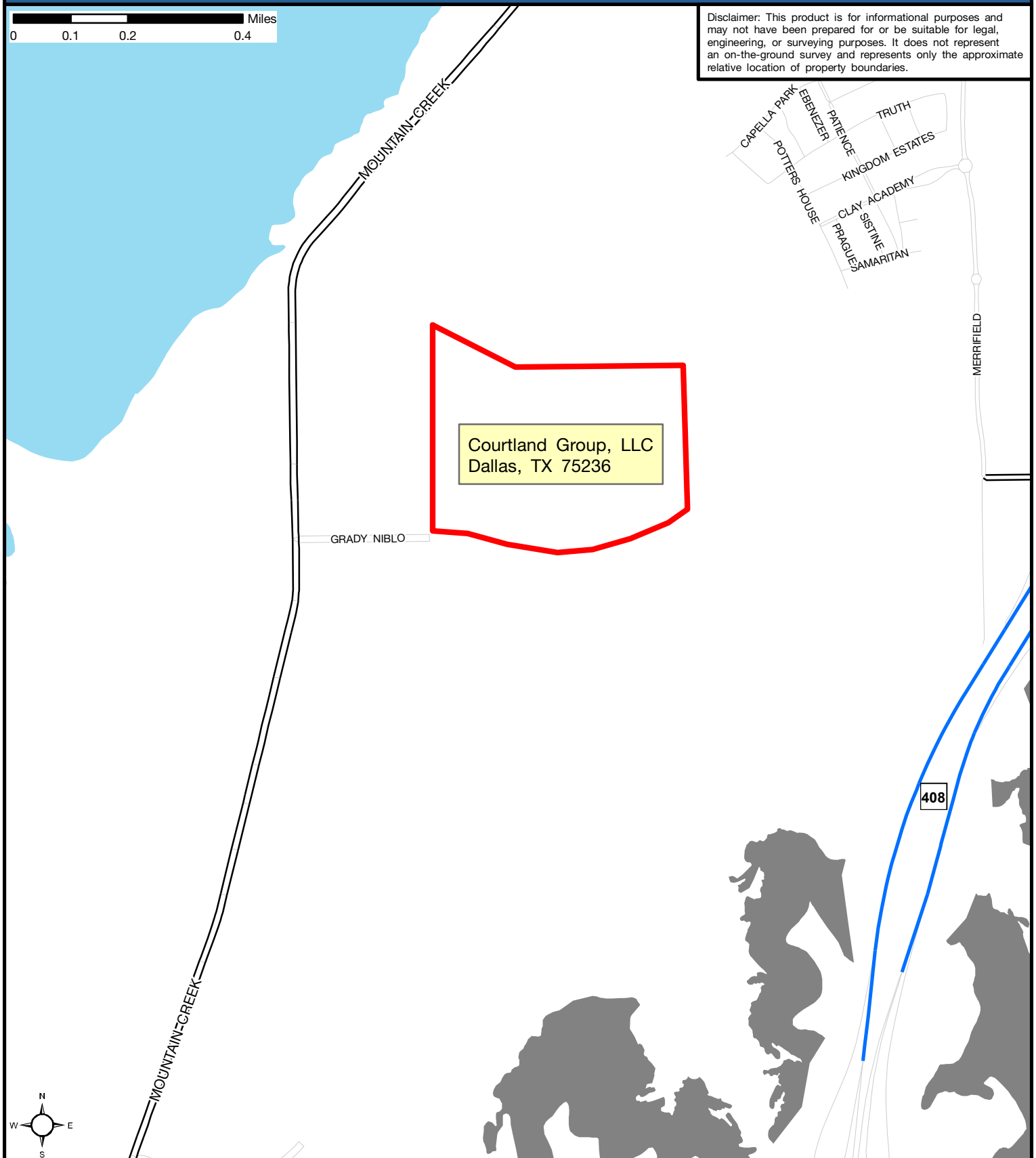
In a northwesterly direction, along said curve to the left, having a central angle of 17 degrees, 23 minutes, 22 seconds, a radius of 1883.50 feet, a chord bearing and distance of North 81 degrees, 58 minutes, 02 seconds West, 569.46 feet, an arc distance of 571.65 feet to the POINT OF BEGINNING;

CONTAINING, 3,779,684 square feet or 86.770 acres of land, more or less.

Exhibit B: Courtland Group, LLC

0 0.1 0.2 0.4 Miles

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

Legend



Site



Freeway



Arterial

Local Road

Lake

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 3

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 61B J

SUBJECT

Reinvestment Zone and Real Property Tax Abatement Authorization

- * Authorize a development Agreement with Courtland Group, LLC (Courtland) for the purpose of the extension of Grady Niblo Road from the existing terminus east of Mountain Creek Parkway approximately 2,400 linear feet east in proximity to the planned development site - Financing: No cost consideration to the City
- * Authorize **(1)** a Phase I real property tax abatement agreement; and **(2)** a Phase II real property tax abatement agreement with Courtland Group, LLC (Courtland) located on approximately 87 acres just east of the intersection of Grady Niblo Road and Mountain Creek Parkway, in Dallas, Texas each in the amount of 90 percent on the value of new real property for ten years in accordance with the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$14,864; ten-year revenue estimated at \$262,452 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$2,618,145)

BACKGROUND

For the past of couple months, city staff has negotiated with representatives of Courtland Group, LLC and Crow Holdings regarding a possible new multi-building industrial/warehouse development under consideration in Mountain Creek Business Park just east of the intersection of Grady Niblo Road and Mountain Creek Parkway in Dallas, Texas.

Courtland has a site of approximately 87 acres under contract which it proposes to sell to Crow Holdings so Crow Holdings can build two new, speculative industrial/warehouse buildings. The first building is planned to be 621,920 square feet on 45.41 acres and the second 594,880 square feet on 41.36 acres. The estimated total investment for the new facilities is approximately \$36,500,000.

BACKGROUND (Continued)

In order to develop this project, Courtland and Crow Holdings request City Council consideration of a 10-year, 90 percent real property tax abatement on the added value from the new construction that will be assigned to Crow Holdings. The developers also have requested a development agreement related to the planned extension of Grady Niblo Road east to the development site.

Terms of the development agreement will include the following:

- Courtland will contribute the road Right of Way and necessary infrastructure easements, estimated at \$533,000 for the Grady Niblo as well as the engineering costs, estimated at \$330,369 associated with the road extension;
- Courtland will dedicate a mutually agreeable site of approximately 1.5 acres in the vicinity of the planned intersection of the future extension of Merrifield Road and the extension of Grady Niblo Road for use as a fire station;
- The City of Dallas will cover a maximum cost of \$2,422,706 subject to future City Council approval associated with the extension of Grady Niblo Road East from the current terminus of the road to the proposed building site;
- The Grady Niblo project will be publicly bid and contracted and the City's participation on Grady Niblo improvements will be capped at the contract price for construction of eligible costs as approved by the City Council; and
- Any cost overruns beyond the City's commitment above will be paid by Courtland.

Crow Holdings intends to commence vertical construction of the first building in late 2014. The full project is anticipated to be complete in late 2016. In consideration of the proposed incentives, Courtland / Crow Holdings will invest a minimum of \$30,000,000 in real property improvements. Each building will have a specific real property abatement.

The cumulative forgone revenue from the proposed 90 percent, ten year real property abatement is \$2,362,064. The 10-year net fiscal impact of the proposed development after incentives is \$66,059. The twenty-year net fiscal impact of the proposed development after incentives is \$3,724,991. This project complies with the Public/Private Program guidelines in that it involves an investment of more than \$1,000,000 at this Southern Sector site.

ESTIMATED SCHEDULE OF THE PROJECT

| | |
|------------------------|---------------|
| Begin Construction | December 2014 |
| Substantial Completion | December 2016 |

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item was briefed to the Economic Development Committee on February 18, 2014.

The public hearing for this item was approved on February 26, 2014.

FISCAL INFORMATION

No cost consideration to the City

OWNER

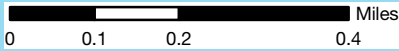
Courtland Group, LLC

John Napper, President

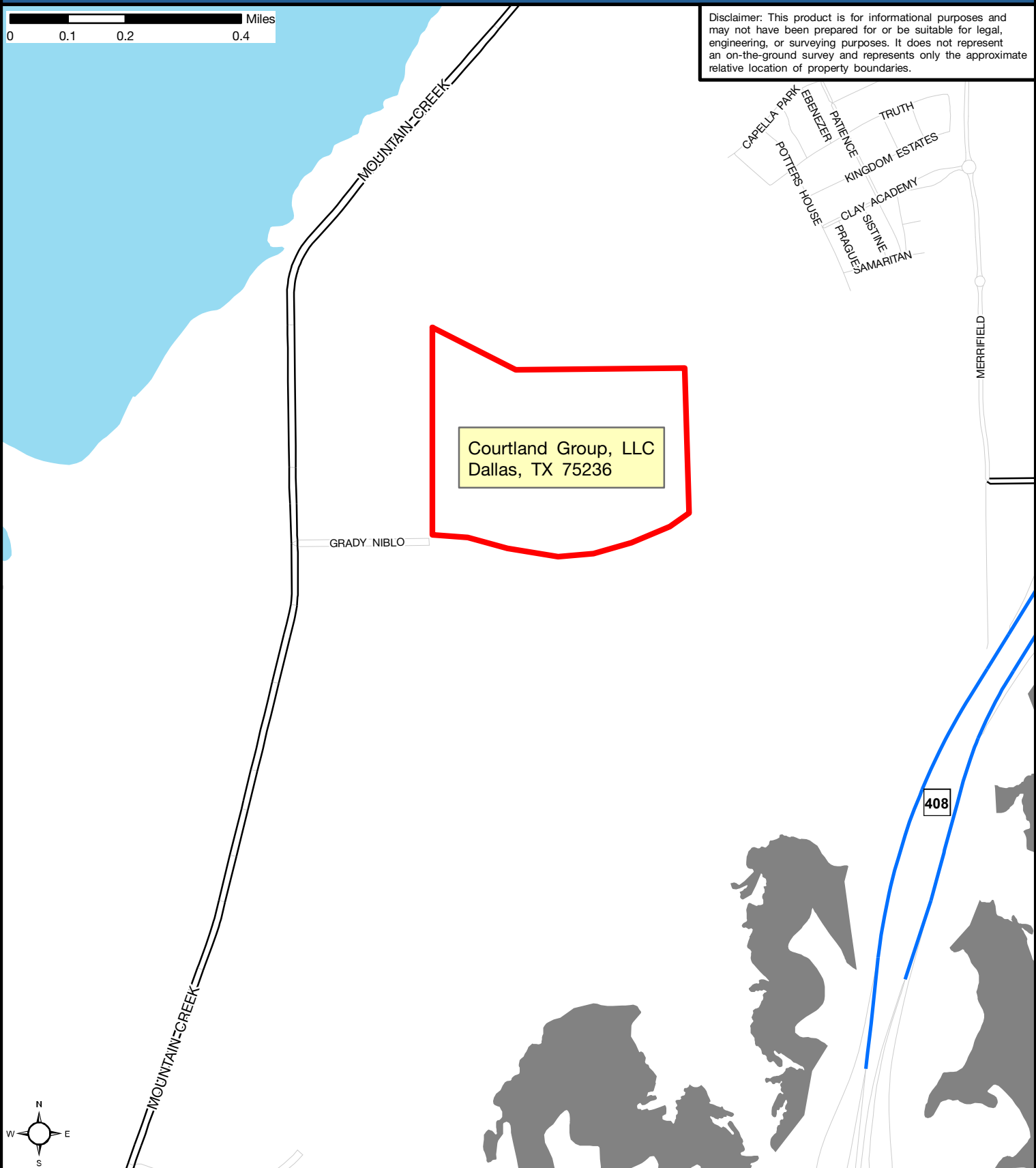
MAP

Attached.

Courtland Group, 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 1.30.14, Updated 2.26.14 - 14-02-26 Chris O'Brien.TCG

Legend



Site



Freeway



Arterial



Local Road



Lake

Source: City of Dallas, 2014

March 26, 2014

WHEREAS, the Grady Niblo Road Extension from east of Mountain Creek Parkway to approximately 2,400 feet to the east currently does not exist on the ground and needs to be extended to provide access for commercial development; and

WHEREAS, Courtland Group, LLC, desires to extend Grady Niblo Road from east of Mountain Creek Parkway approximately 2,400 feet to the east; and

WHEREAS, the City of Dallas desires to extend Grady Niblo Road from east of Mountain Creek Parkway approximately 2,400 feet to the east; and

WHEREAS, the City of Dallas and Courtland Group, LLC desire to enter into a Development Participation Agreement for the design, right-of-way acquisition, and construction of paving, storm drainage, water and wastewater improvements on Grady Niblo Road Extension from east of Mountain Creek Parkway approximately 2,400 feet to the east.

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 Development Participation Agreement with Courtland Group, LLC for the design, right-of-way acquisition, and construction of paving, storm drainage, water and wastewater improvements on Grady Niblo Road from east of Mountain Creek Parkway approximately 2,400 feet to the east, 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.

March 26, 2014

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, on February 26, 2014, the City Council authorized a public hearing concerning the creation of Reinvestment Zone No.83; and

WHEREAS, on March 26, 2014, the City Council held a public hearing concerning the creation of Reinvestment Zone No. 83; and

WHEREAS, on March 26, 2014, the City Council authorized the creation of Reinvestment Zone No. 83; and

WHEREAS, the City desires to enter into a real property tax abatement agreement with Courtland Group, LLC for added value to real property located within Reinvestment Zone No. 83.

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 Courtland Group, 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 at least seven (7) days prior to the execution of the tax abatement agreement, notice of the City's intention to enter into the tax abatement agreement shall be delivered to the governing bodies of each other taxing unit that includes in its boundaries the real property that is the subject of this agreement.

Section 3. 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.

March 26, 2014

Section 4. 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 Reinvestment Zone No. 83.

Section 5. That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within Reinvestment Zone No. 83, 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.
- (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 Courtland Group, LLC a 90 percent abatement of the added value to the real property for a period of ten years for Phase I real property improvements located within Reinvestment Zone 83 for the construction of a minimum 600,000 square foot industrial/warehouse facility as provided in Exhibit A (Metes and Bounds). The Phase I tax abatement will commence on or before January 1, 2015.
- (e) The City will provide Courtland Group, LLC a 90 percent abatement of the added value to the real property for a period of ten years for Phase II real property improvements located within Reinvestment Zone 83 for the construction of a minimum 580,000 square foot industrial/warehouse facility as provided in Exhibit A (Metes and Bounds). The Phase I tax abatement will commence on or before January 1, 2015.
- (f) That approximately \$36,500,000 will be expended on construction, design, site work and other related hard and soft project costs of both phases. Courtland Group, LLC will invest a minimum of \$17,000,000 in Phase I real property improvements with substantial completion by December 31, 2014 and a minimum of \$16,000,000 in Phase II real property improvements with substantial completion by December 31, 2016. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for either phase for a period up to six months for just cause.

March 26, 2014

Section 5. (Continued)

- (g) 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.
- (h) 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.
- (i) 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.
- (j) A requirement that the owner of the Property certify annually to the City that the owner is in compliance with each applicable term of the agreement.
- (k) That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.
- (l) That the tax abatement agreement shall be personal to Courtland Group, LLC and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

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

LEGAL DESCRIPTION OF PROPERTY SURVEYED

DESCRIPTION, of a 86.770 acre tract of land situated in the Field Secrest Survey, Abstract No. 1379 and the Aaron B. Wilson Survey, Abstract No. 1550, Dallas County, Texas and in City Block 8720, Official Numbers of the City of Dallas, Texas; said tract being part of that certain tract of land described in Substitute Trustee's Deed and Bill of Sale to GMR Finance, LLC recorded in Instrument No. 201300100428 of the Official Public Records of Dallas County, Texas; said 86.770 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner at the northeast terminus of Grady Niblo Road (a 107-foot wide right-of-way); said point being in a west line of said GMR tract and at the southeast corner of Lot 1, Block 8720, Mountain Creek Business Park Phase 1, Industrial Park, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2003012, Page 246 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees, 38 minutes, 48 seconds West, departing the north line of said Grady Niblo Road and along the east line of said Lot 1 and the said west line of the GMR tract, a distance of 1897.73 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner in a southwest line of that certain tract of land described in Special Warranty Deed to The Potter's House of Dallas, Inc. recorded in Volume 99063, Page 5361 of said Deed Records; said point being the northernmost northwest corner of said GMR tract and the northeast corner of said Lot 1;

THENCE, South 64 degrees, 16 minutes, 01 seconds East, along the northernmost northeast line of said GMR tract and the said southwest line of the Potter's House tract, a distance of 863.29 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner; said point being a reentrant corner of said GMR tract and a southwest corner of said Potter's House tract;

THENCE, North 89 degrees, 10 minutes, 29 seconds East, along the northernmost north line of said GMR tract and the south line of said Potter's House tract, a distance of 1549.79 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner; said point being the northernmost northeast corner of said GMR tract, the southeast corner of said Potter's House tract, the southwest corner of that certain tract of land described in General Warranty Deed to Clay Academy, Inc. recorded in Volume 2004159, Page 7653 of said Official Public Records and the northwest corner of that certain tract of land described in General Warranty Deed to The Potter's House of Dallas, Inc. recorded in Instrument No. 201100012615 of said Official Public Records;

THENCE, South 00 degrees, 57 minutes, 56 seconds East, along an east line of said GMR tract and the west line of the second referenced Potter's House tract, a distance of 1191.15 feet to a point for corner;

THENCE, departing the said the east line of the GMR tract and the said west line of the second referenced Potter's House tract and traversing into and across said GMR tract, the following three (3) calls:

South 49 degrees, 22 minutes, 03 seconds West, a distance of 123.73 feet to a point for corner; said point being the beginning of a tangent curve to the right;

EXHIBIT A

In a southwesterly direction, along said curve to the right, having a central angle of 57 degrees, 21 minutes, 37 seconds, a radius of 1776.50 feet, a chord bearing and distance of South 78 degrees, 02 minutes, 51 seconds West, 1705.15 feet, an arc distance of 1778.50 feet to a point for corner at the end of said curve; said point being the beginning of a reverse curve to the left;

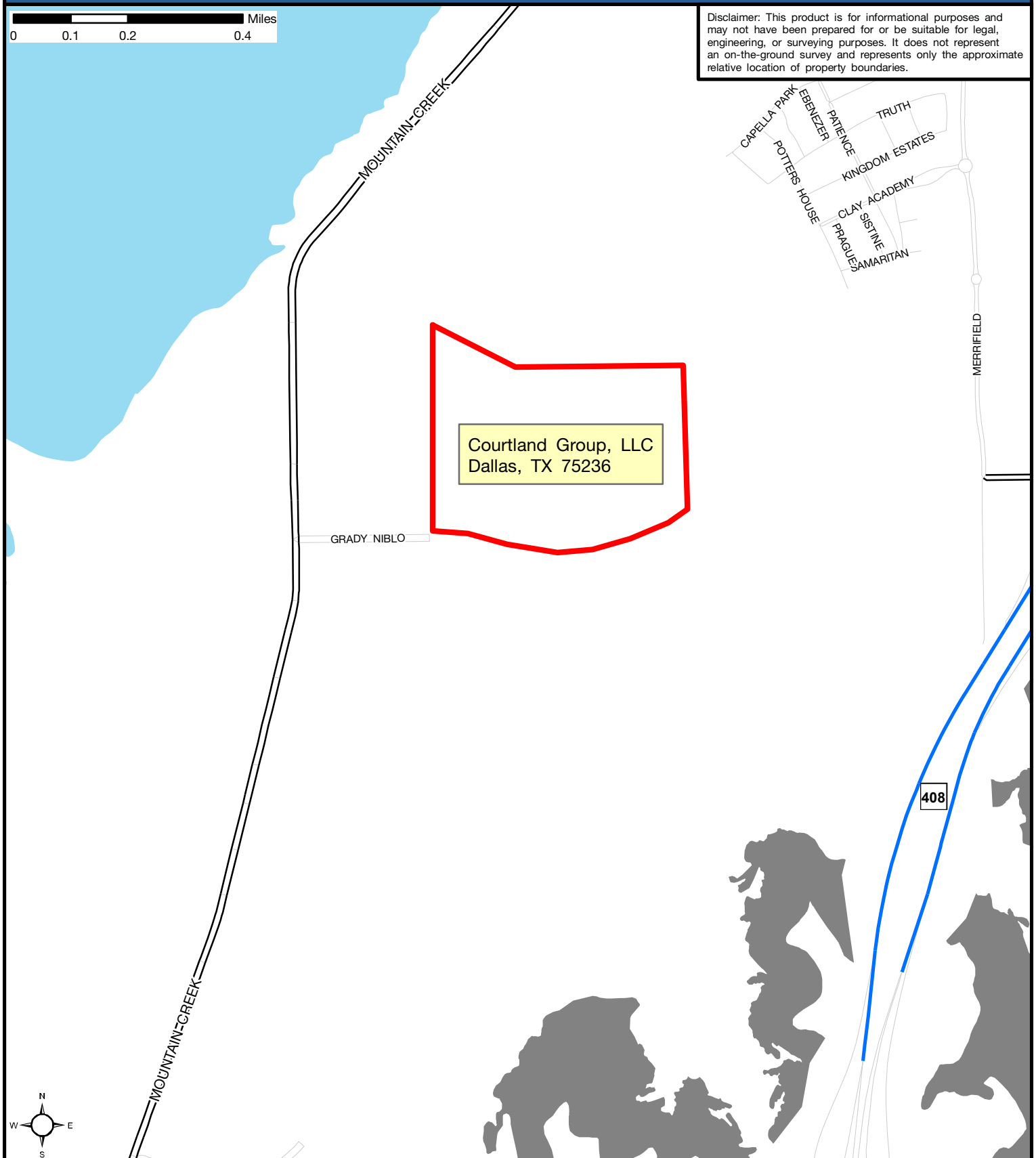
In a northwesterly direction, along said curve to the left, having a central angle of 17 degrees, 23 minutes, 22 seconds, a radius of 1883.50 feet, a chord bearing and distance of North 81 degrees, 58 minutes, 02 seconds West, 569.46 feet, an arc distance of 571.65 feet to the POINT OF BEGINNING;

CONTAINING, 3,779,684 square feet or 86.770 acres of land, more or less.

Exhibit B: Courtland Group, LLC

0 0.1 0.2 0.4 Miles

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Legend



Site



Freeway



Arterial

Local Road

Lake

**MARCH 26, 2014 CITY COUNCIL ADDENDUM
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Addendum dated March 26, 2014. 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
City Manager



Date



Edward Scott
City Controller



Date

RECEIVED

2014 MAR 21 PM 5:00

CITY SECRETARY
DALLAS, TEXAS

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, MARCH 26, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

REVISED 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

CLOSED SESSION

MINUTES

Item 1

CONSENT AGENDA

Items 2 - 31

CONSENT ADDENDUM

Items 1 - 12

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 32 - 36
Addendum Items 13 - 15

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 37 - 57

**ADDENDUM
CITY COUNCIL MEETING
MARCH 26, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TEXAS 75201
9:00 A. M.**

ADDITIONS:

CONSENT ADDENDUM

City Attorney's Office

1. Authorize settlement of the lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P - Not to exceed \$1,100,000 - Financing: Current Funds

Code Compliance

2. An ordinance amending Chapter 27 of the Dallas City Code to delete the requirement that the owner, operator, or other person in control of a multi-tenant property annually attend a safe complex symposium sponsored by the City; increasing the annual number of crime watch safety meetings required to be attended by the owner, operator, or other person in control of a multi-tenant property from three to four; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

Housing/Community Services

3. Authorize an amendment to Resolution No. 13-1975, previously approved on November 12, 2013, for the housing development loan with 2122 Highland, LLC to extend the contract from January 31, 2014 through September 30, 2014 for completion of the rehabilitation and occupancy of the units - Financing: No cost consideration to the City

Office of Emergency Management

4. Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2011 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through August 15, 2014 - Not to exceed \$245,083, from \$9,418,363 to \$9,663,446 - Financing: U.S. Department of Homeland Security Grant Funds

**ADDENDUM
CITY COUNCIL MEETING
MARCH 26, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Park & Recreation

5. Authorize an amendment to the Donor Recognition Agreement with the White Rock Lake Conservancy for the design and renovation of the picnic pavilion, stone tables and other related improvements to include other modifications to the Donor Recognition Agreement and provisions for special events for White Rock Lake Park located at 711 East Lawther Drive - Financing: No cost consideration to the City
6. Authorize the first amendment to the Fair Park Contract (hereinafter "Agreement") with the Friends of Fair Park, Inc. (FFP) to establish, operate, manage and market the bicycle rental program at Fair Park - Not to exceed \$125,000 - Financing: Current Funds

Public Works Department

7. Authorize a contract with S.J. Louis Construction of Texas, Ltd., lowest responsible bidder of five, for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad - Not to exceed \$2,858,568 - Financing: General Obligation Commercial Paper Funds (\$2,738,035) and Water Utilities Capital Improvement Funds (\$120,533)
8. Authorize an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S. M. Wright Project (Phase I) - Financing: This action has no cost consideration to the City

**Pearl Street and Cesar Chavez Boulevard
Improvements**

Note: Item Nos. 9 and 10
must be considered collectively.

9. * Authorize an increase in the contract with Tiseo Paving Company for the construction of sidewalk improvements on the Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables, and traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard - Not to exceed \$582,303, from \$13,394,275 to \$13,976,578 - Financing: General Obligation Commercial Paper Funds (\$282,478) and 2006 Bond Funds (\$299,825)
10. * Authorize an increase in the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street - Not to exceed \$776,713, from \$13,976,578 to \$14,753,291 - Financing: 2006 Bond Funds

**ADDENDUM
CITY COUNCIL MEETING
MARCH 26, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Trinity Watershed Management

11. Authorize a professional services contract with Halff Associates, Inc. for surveying, plating, environmental services and preparation of a Municipal Setting Designation application for the Dallas Floodway from the confluence of the West Fork and the Elm Fork of the Trinity River to the southern limit at DART Rail Line and the Santa Fe Trestle - Not to exceed \$640,498 - Financing: Stormwater Drainage Management Current Funds (\$316,294) and 1998 Bond Funds (\$324,204)
12. Authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$49,000, from \$73,950 to \$122,950 - Financing: 1998 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

13. A resolution designating absences by Councilmember Rick Callahan and Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

Mayor and City Council

14. An ordinance adding Chapter 9C, "Carryout Bags," to the Dallas City Code to provide regulations for single-use and reusable carryout bags; and a resolution instructing staff to explore options for reducing the impacts of single-use carryout bags - Financing: No cost consideration to the City

DESIGNATED PUBLIC SUBSIDY MATTERS

Housing/Community Services

15. Authorize a conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary in the amount of \$480,000 to construct fourteen townhomes at Eighth Street and Corinth Street just south of the newly constructed senior homes on Tonga Street - Not to exceed \$480,000 - Financing: General Obligation Commercial Paper Funds

ADDENDUM DATE March 26, 2014

| ITEM | IND | | | | | | | | DESCRIPTION |
|------|-----|-----|------------|------|---------------------|----------------|---------|--------|---|
| # | OK | DEF | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | |
| 1 | | | N/A | C | ATT, POL | \$1,100,000.00 | NA | NA | Authorize settlement of the lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P |
| 2 | | | All | C | CCS | NC | NA | NA | An ordinance amending Chapter 27 of the Dallas City Code to delete the requirement that the owner, operator, or other person in control of a multi-tenant property annually attend a safe complex symposium sponsored by the City; increasing the annual number of crime watch safety meetings required to be attended by the owner, operator, or other person in control of a multi-tenant property from three to four; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date |
| 3 | | | 9 | C | HOU | NC | NA | NA | Authorize an amendment to Resolution No. 13-1975, previously approved on November 12, 2013, for the housing development loan with 2122 Highland, LLC to extend the contract from January 31, 2014 through September 30, 2014 for completion of the rehabilitation and occupancy of the units |
| 4 | | | All | C | OEM | GT | NA | NA | Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2011 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through August 15, 2014 |
| 5 | | | 9 | C | PKR | NC | NA | NA | Authorize an amendment to the Donor Recognition Agreement with the White Rock Lake Conservancy for the design and renovation of the picnic pavilion, stone tables and other related improvements to include other modifications to the Donor Recognition Agreement and provisions for special events for White Rock Lake Park located at 711 East Lawther Drive |
| 6 | | | 7 | C | PKR | \$125,000.00 | NA | NA | Authorize the first amendment to the Fair Park Contract (hereinafter "Agreement") with the Friends of Fair Park, Inc. (FFP) to establish, operate, manage and market the bicycle rental program at Fair Park |
| 7 | | | 8 | C | PBW, WTR, ECO | \$2,858,567.91 | 83.59% | 25.00% | Authorize a contract with S.J. Louis Construction of Texas, Ltd., lowest responsible bidder of five, for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad |
| 8 | | | 7 | C | PBW, TWM | NC | NA | NA | Authorize an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S. M. Wright Project (Phase I) |
| 9 | | | 2, 14 | C | PBW, ECO | \$582,303.00 | 100.00% | 35.88% | Pearl Street and Cesar Chavez Boulevard Improvements: Authorize an increase in the contract with Tiseo Paving Company for the construction of sidewalk improvements on the Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables, and traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard |
| 10 | | | 2, 14 | C | PBW, ECO | \$776,713.30 | 100.00% | 34.25% | Pearl Street and Cesar Chavez Boulevard Improvements: Authorize an increase in the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street |
| 11 | | | 1, 2, 4, 6 | C | TWM, PBW | \$640,497.75 | 97.42% | 19.66% | Authorize a professional services contract with Halff Associates, Inc. for surveying, plating, environmental services and preparation of a Municipal Setting Designation application for the Dallas Floodway from the confluence of the West Fork and the Elm Fork of the Trinity River to the southern limit at DART Rail Line and the Santa Fe Trestle |
| 12 | | | 4 | C | TWM | \$49,000.00 | 14.38% | 12.07% | Authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project |
| 13 | | | All | I | SEC | NC | NA | NA | A resolution designating absences by Councilmember Rick Callahan and Councilmember Carolyn R. Davis as being for "official city business" |
| 14 | | | All | I | MCC, CCS, OEQ | NC | NA | NA | An ordinance adding Chapter 9C, "Carryout Bags," to the Dallas City Code to provide regulations for single-use and reusable carryout bags; and a resolution instructing staff to explore options for reducing the impacts of single-use carryout bags |

ADDENDUM DATE March 26, 2014

| ITEM | IND | | | | | | | | | DESCRIPTION |
|-------|-----|-----|----------|------|-------|----------------|-------|------|--|-------------|
| # | OK | DEF | DISTRICT | TYPE | DEPT. | DOLLARS | LOCAL | MWBE | | |
| 15 | | | 4 | I | HOU | \$480,000.00 | NA | NA | | |
| TOTAL | | | | | | \$6,612,081.96 | | | | |

ADDENDUM ITEM # 1

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office
Police

CMO: Warren M.S. Ernst, 670-3491
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize settlement of the lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P - Not to exceed \$1,100,000 - Financing: Current Funds

BACKGROUND

Ronald Bernard Jones sued the City of Dallas and several Dallas police officers in federal court, alleging that the City and its officers violated Jones' rights to be free from excessive force and from arrest without probable cause, and that he was maliciously prosecuted. Jones, the City, and the officers have reached a mediated settlement, subject to city council approval, that resolves all claims against all parties, including any potential attorney's fees and costs of suit. Ronald Bernard Jones is represented by the Law Offices of Don Tittle.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council was briefed in Closed Session on February 19, 2014, and March 5, 2014.

FISCAL INFORMATION

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

\$1,100,000 - Current Funds

March 26, 2014

WHEREAS, plaintiff filed a lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P, alleging the City and its officers violated Jones' rights to be free from excessive force and from arrest without probable cause, and that he was maliciously prosecuted; and,

WHEREAS, the City denies plaintiff's allegations; and,

WHEREAS, the parties have agreed to a proposed settlement of the case whereby the City will pay the plaintiff and his attorney the amount of \$1,100,000.00; and,

WHEREAS, it is in the best interest of the City to settle this case; **Now, Therefore,**

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

Section 1. That settlement of the lawsuit styled Ronald Bernard Jones v. Matthew Antkowiak, et al., Civil Action No. 3:11-CV-3443-P, in an amount not to exceed \$1,100,000.00 is hereby approved.

Section 2. That the City Controller is authorized to pay to Ronald B. Jones and his attorney, the Law Offices of Don Tittle, PLLC, the amount of \$1,100,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3521, Vendor CTORM001.

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: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Code Compliance

CMO: Charles Cato, 671-3908

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 27 of the Dallas City Code to delete the requirement that the owner, operator, or other person in control of a multi-tenant property annually attend a safe complex symposium sponsored by the City; increasing the annual number of crime watch safety meetings required to be attended by the owner, operator, or other person in control of a multi-tenant property from three to four; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

BACKGROUND

This item deletes a requirement in Chapter 27 of the Dallas City Code, "Attendance At Crime Watch Meetings and Safe Complex Symposiums", for the owner, operator, or other person in control of a multi-tenant property to annually attend a safe complex symposium sponsored by the City. Multi-tenant facilities are required under Chapter 27 to hold multiple permits, submit to inspections, and participate in certain mandatory programs, including obtaining a certificate of occupancy, the multi-tenant registration program, the crime prevention lease addendum requirement, participation in an annual safe complex symposium, attendance at three crime watch meetings annually, a requirement to post emergency response contact information and a master meter notice, and a requirement to hold a swimming pool/spa permit (if applicable). These standards are designed to safeguard public health, safety and welfare, and prevent blight and decay. The safe complex symposium was established by Ordinance No. 25522 in March 2004, and is organized by Code Compliance with assistance from Police, Fire-Rescue, Water Utilities and the City Attorney's Office. City Code currently requires the symposium be held during the third week in May each year (may only be changed by Council resolution). Owners or operators that cannot attend are subject to a fine.

BACKGROUND (Continued)

Since the symposium requirement was instituted in 2004, additional programs effecting multi-tenant properties have been created, including the Mandatory Crime Reduction Program (MCRP), the Support Abatement Forfeiture and Enforcement Program (SAFE), the Gold Star Program, and Chief on the Beat. The proposed ordinance deletes the annual symposium requirement and increases the minimum number of crime watch meetings an owner or operator must annually attend from three to four.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Public Safety Committee briefed on February 24, 2014.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code by amending Sections 27-31, 27-38, and 27-44 to sunset the safe complex symposium program; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 27-31, “Registration Application,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is amended to read as follows:

“SEC. 27-31. REGISTRATION APPLICATION.

To obtain a certificate of registration for a multi-tenant property, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the multi-tenant property. The application must contain the following information:

- (1) the name, address, and telephone number of the applicant or the applicant’s authorized agent;
- (2) the name, all legal addresses, and the main telephone number, if any, of the multi-tenant property;
- (3) the name, address, and telephone number of a person or persons to contact in an emergency as required by Section 27-39 of this article;
- (4) the form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business;
- (5) the number of units, buildings, and swimming pools located on the multi-tenant property and the total number of bedrooms located on the property (a unit with no separate bedroom will be counted as one bedroom);
- (6) documentary evidence of payment of ad valorem taxes owed in connection with the multi-tenant property;

(7) the names, addresses, and telephone numbers of any lien holders and insurance carriers for the multi-tenant property;

(8) the names, addresses, and telephone numbers of all owners, operators, property managers, and other persons in control of the multi-tenant property and of any other persons designated to attend ~~[crime watch]~~ meetings ~~[and safe complex symposiums]~~ as required by Section 27-44 of this article;

(9) the current occupancy rate of the multi-tenant property (expressed as a percentage); and

(10) such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the requested certificate of registration should be granted.”

SECTION 2. That Subsection (b) of Section 27-38, “Registrant’s Records,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is amended to read as follows:

“(b) Records that must be maintained by the registrant include, but are not limited to:

(1) the current certificate of occupancy issued for the property;

(2) records of ownership for the property;

(3) the name and telephone number of the manager of operations, and the pool logs, for any swimming pool on the property;

(4) the crime prevention addendum for each tenant of the property as required under Section 27-43 of this article;

(5) records of attendance at crime watch safety meetings and mandatory crime prevention and safety meetings sponsored by the city of Dallas ~~[safe complex symposiums]~~ as required by Section 27-44 of this article; and

(6) any other records deemed necessary by the director for the administration and enforcement of this article.”

SECTION 3. That Section 27-44, “Attendance at Crime Watch Meetings and Safe Complex Symposiums,” of Article VII, “Registration and Inspection of Multi-Tenant Properties,” of Chapter 27, “Minimum Urban Rehabilitation Standards,” of the Dallas City Code is amended to read as follows:

“SEC. 27-44.

**ATTENDANCE AT CRIME WATCH SAFETY MEETINGS
AND MANDATORY CRIME PREVENTION AND SAFETY
MEETINGS SPONSORED BY THE CITY [SAFE
COMPLEX SYMPOSIUMS].**

(a) The owner, operator, or other person in control of a multi-tenant property shall attend a total of at least four ~~[three]~~ crime watch safety meetings each calendar year. The meetings attended must be held by crime watch safety organizations consisting of business owners, single-family residential property owners, or managers, employees, or tenants of multifamily properties, or any combination of those groups, gathered for the purpose of improving the quality of life in and around the properties, promoting crime prevention, reducing criminal opportunity, and encouraging cooperation with the Dallas Police and Fire-Rescue Departments. The meetings must be attended in the neighborhood in which the multi-tenant property is located or, if that neighborhood has no crime watch safety organization, then in the nearest neighborhood that does. A written statement, signed by a crime watch safety chair, verifying that the crime watch safety meeting was attended by the owner, operator, or other person in control of the multi-tenant property, or by the person designated to attend meetings for the property under Subsection (c), must be submitted to the director upon request.

(b) ~~[In addition to attending crime watch meetings,] T[t]he owner, operator, or other person in control of a multi-tenant property shall, upon notification by the city of Dallas, attend any mandatory crime prevention or safety meetings [at least one safe complex symposium] sponsored by the city of Dallas[, which will be held during the third week in May of each calendar year, unless otherwise rescheduled by city council resolution. It is a defense to prosecution for a violation of this subsection that the multi-tenant property was an apartment complex participating in a volunteer crime reduction program sponsored by the Dallas police department that required attendance at a training session on safe apartment complexes].~~

(c) If unable to personally attend every ~~[crime watch]~~ meeting ~~[and safe complex symposium]~~ required by this section, the owner, operator, or other person in control of a multi-tenant property may designate in the property registration application another person to attend the meetings ~~[and symposiums]~~. A person may not be designated to attend required ~~[crime watch]~~ meetings ~~[and safe complex symposiums]~~ for more than five separate multi-tenant properties.”

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 5. That Chapter 27 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That the requirement to attend four crime watch safety meetings takes effect on January 1, 2015. The remainder of 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, City Attorney

By _____
Assistant City Attorney

Passed _____

ADDENDUM ITEM # 3

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 9

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 47C

SUBJECT

Authorize an amendment to Resolution No. 13-1975, previously approved on November 12, 2013, for the housing development loan with 2122 Highland, LLC to extend the contract from January 31, 2014 through September 30, 2014 for completion of the rehabilitation and occupancy of the units - Financing: No cost consideration to the City

BACKGROUND

In March 2012, Gary Hasty, member of 2122 Highland, LLC, submitted a proposal to the City of Dallas for the rehabilitation of twenty four (24) affordable housing units for veterans at 2122 Highland Road. The two-story apartment complex which was built in 1964 was budgeted for a full rehabilitation for approximately \$943,000.

On August 20, 2012, the Housing Committee was briefed on the forgivable development loan and a loan for \$400,000 was approved by City Council on October 24, 2012. Veritex Bank provided the additional financing for the rehabilitation. The \$400,000 loan will be forgiven 1/10th annually following the completion of rehabilitation and unit by unit occupancy.

After the start of rehabilitation, a fire occurred and increased the total cost for the full rehabilitation of the units. The developer approached the first lender for the additional funds but was turned down. In order to complete the units, the developer requested that the City of Dallas increase its loan and agreed to repay the additional funds.

On November 12, 2013, City Council approved an amendment to Resolution No. 12-2706 to: (1) increase the development loan to \$550,000; (2) extend the term of the contract to January 31, 2014; and (3) set repayment terms for \$150,000 of the loan to 0% interest for 20 years.

BACKGROUND (continued)

The developer has informed the City that it was unable to meet the completion deadline of January 31, 2014 due to weather conditions, and has requested that the City extend the completion deadline until September 30, 2014.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 22, 2011, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2011-12 federal funds which included the HOME Investment Partnership Funds, by Resolution No. 11-1679.

On October 24, 2012, the City Council approved a housing development loan in the amount of \$400,000 to 2122 Highland LLC for the development of affordable housing to be located at 2122 Highland Road for veterans, by Resolution No. 12-2706.

On June 26, 2013, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnership Funds, by Resolution No. 13-1142.

On November 12, 2013, the City Council approved an amendment to Resolution No. 12-2706 to: (1) increase the development loan to \$550,000; (2) extend the term of the contract to January 31, 2014; and (3) set repayment terms for \$150,000 of the loan to 0% interest for 20 years, by Resolution No. 13-1975.

FISCAL INFORMATION

No cost consideration to the City

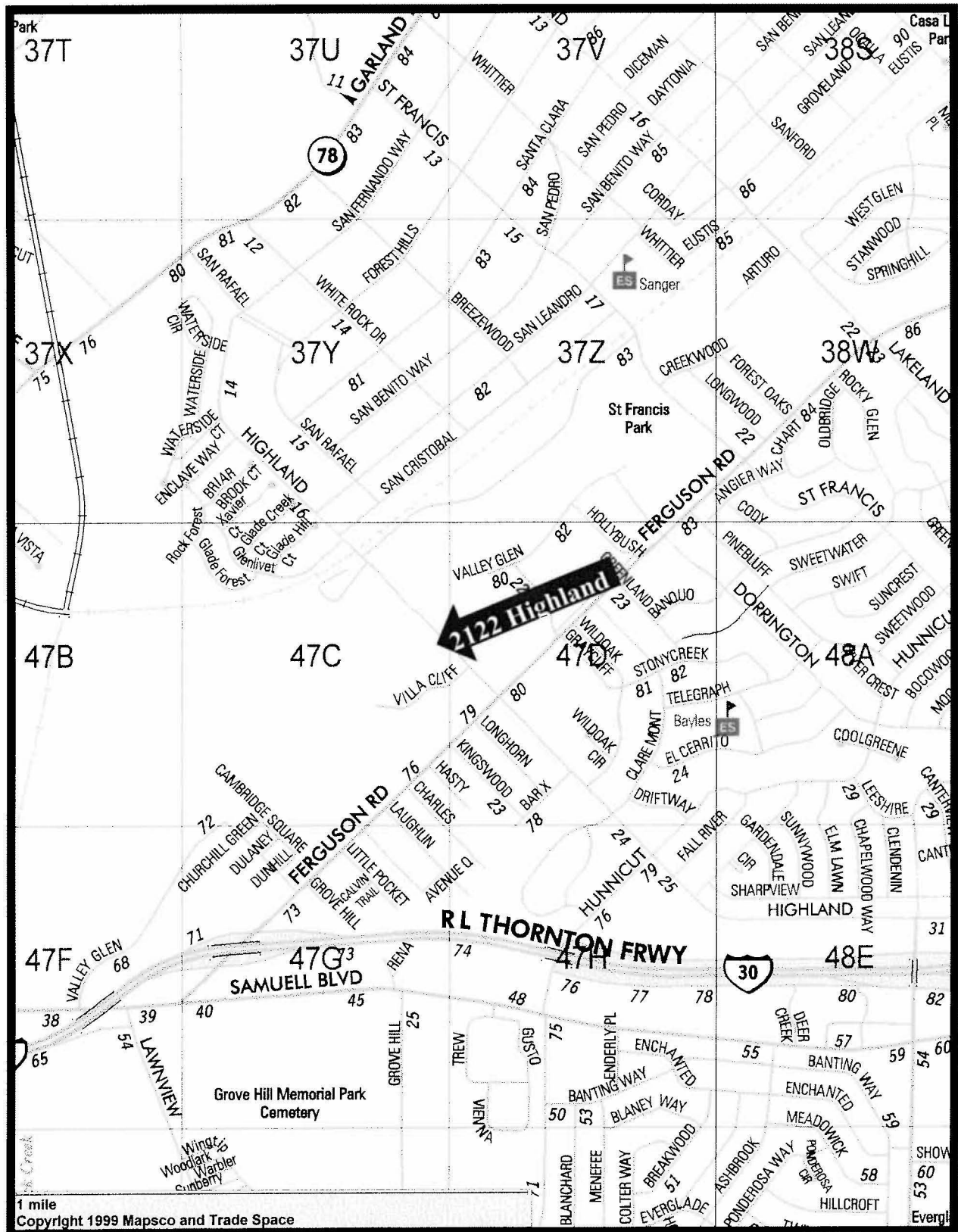
OWNER(S)

2122 Highland, LLC

Gary Hasty, Partner
Bryan Brown, Partner

MAP

Attached



MAPSCO 47C

March 26, 2014

WHEREAS, affordable housing for veterans is a high priority of the City of Dallas; and

WHEREAS, on June 23, 2010, the City Council approved the FY 2010-11 Consolidated Plan Budget which included the HOME Investment Partnership Program Funds by Resolution No. 10-1594; and

WHEREAS, on June 22, 2011, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2011-12 federal funds which included the HOME Investment Partnership Funds by Resolution No. 11-1679; and

WHEREAS, on October 24, 2012, the City Council approved a housing development loan in the amount of \$400,000 to 2122 Highland LLC for the development of affordable housing to be located at 2122 Highland Road for veterans by Resolution No. 12-2706; and

WHEREAS, on June 26, 2013, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnership Funds by Resolution No. 13-1142; and

WHEREAS, on November 12, 2013, the City Council approved an amendment to Resolution No. 12-2706 to: (1) increase the development loan to \$550,000; (2) extend the term of the contract to January 31, 2014; and (3) set repayment terms for \$150,000 of the loan to 0% interest for 20 years, by Resolution No. 13-1975; and

WHEREAS, the City desires for 2122 Highland, LLC to continue to develop and occupy the affordable units for veterans;

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 amend the housing development loan for 2122 Highland, LLC to extend the contract from January 31, 2014 through September 30, 2014 for completion of the rehabilitation and occupancy of the units.

Section 2. The revised terms of the loan agreement include:

- a. 2122 Highland, LLC will have until September 30, 2014 to fully complete the rehabilitation and occupy of the units.

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: Public Safety

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Emergency Management

CMO: Charles Cato, 671-3908

MAPSCO: N/A

SUBJECT

Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2011 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through August 15, 2014 - Not to exceed \$245,083, from \$9,418,363 to \$9,663,446 - Financing: U.S. Department of Homeland Security Grant Funds

BACKGROUND

In January 2012, the City of Dallas was awarded \$9,418,362.80 from the Department of Homeland Security (DHS) under the FY11 Urban Area Security Initiative (UASI) grant program to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters.

Funding from the UASI grant is designed to target the unique needs of urban areas in preventing, protecting from, responding to, and recovering from terrorist attacks and natural disasters. Funds are distributed through the State Administrative Agency (SAA) in the Governor's Division of Emergency Management. Recently, the SAA has identified additional UASI funds to be distributed to previously funded UASI jurisdictions. As a previously identified grantee, the City of Dallas is eligible for \$245,082.56 of these additional funds.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

Authorized the acceptance of 2011 Urban Area Security Initiative Grant Funds on January 11, 2012, by Resolution No. 12-0131.

FISCAL INFORMATION

\$245,082.56 - U.S. Department of Homeland Security Grant Funds

March 26, 2014

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

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

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

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to accept additional U.S. Department of Homeland Security grant funds to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2011 through August 15, 2014, in an amount not to exceed \$245,082.56, from \$9,418,362.80 to \$9,663,445.36.

Section 2. That the City Manager is authorized to increase appropriations by \$245,082.56 in Fund F352, Department MGT, Unit 1680, Object Code 3099, from \$9,418,362.80 to \$9,663,445.36.

Section 3. That the City Controller is authorized to deposit U.S. Department of Homeland Security grant funds in Fund F352, Department MGT, Unit 1680, Revenue Source 6506, in an amount not to exceed \$245,082.56.

Section 4. That the City Controller is authorized to disburse funds from Fund F352, Department MGT, Unit 1680, Object Code 3099, in an amount not to exceed \$245,082.56.

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: Culture, Arts and Recreation

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 9

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: 37-M

SUBJECT

Authorize an amendment to the Donor Recognition Agreement with the White Rock Lake Conservancy for the design and renovation of the picnic pavilion, stone tables and other related improvements to include other modifications to the Donor Recognition Agreement and provisions for special events for White Rock Lake Park located at 711 East Lawther Drive – Financing: No cost consideration to the City

BACKGROUND

On April 13, 2011, by Resolution No. 11-0923, Council authorized a ten-year development and maintenance agreement with a ten-year renewal option with the White Rock Lake Conservancy for the construction of the White Rock Lake Centennial Donor Brick Recognition Plaza at White Rock Lake Park located at 8300 Garland Road.

The White Rock Lake Conservancy (WRLC) is a Texas non-profit corporation established and existing under Texas law for the purpose of improving White Rock Lake Park and its immediate surrounding area. The parties now desire to further improve the park by designing and renovating the picnic pavilion, stone tables and other related improvements located at 711 East Lawther Drive.

This Amendment contemplates the dealpoints as follows:

- The parties agree and acknowledge that WRLC may make future improvements to the premises or the park in accordance with the terms and conditions of the Master Agreement.
- WRLC shall fund the design and the construction of improvements at the premises as contemplated in the recitals above to include the following: renovation of the picnic pavilion, stone tables, walkways, parking and other related improvements.

BACKGROUND (Continued)

- WRLC agrees to raise the money to fund the improvements, whether constructed by a contractor of their choosing or forces provided by the City.
- WRLC at its sole cost and expense shall undertake and complete the design, development, and construction of the improvements subject to terms of this Master Agreement.
- The term of this agreement shall commence on execution, and shall expire or terminate co-terminously with the expiration or termination of the Donor Recognition Agreement (including any renewals of the Donor Recognition Agreement), or twenty years from the date of execution of this Master Agreement, whichever is longer.
- All construction plans and specifications for the construction of the improvements must be reviewed and approved in writing by the Director, prior to commencement of any work.
- WRLC, and its engineers, construction manager, contractors and subcontractors shall adopt good faith efforts in compliance with the City's Business Inclusion and Development Plan in hiring and contracting with minority and women-owned local businesses certified by the City of Dallas, or the North Central Texas Regional Certification Agency in construction of the improvements.
- The parties understand that the construction of the improvements is for a public purpose, and is being built upon public property for the benefit of the citizens of Dallas.
- WRLC may conduct special events at White Rock Lake Park.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized the development and maintenance agreement on March 3, 2011.

City Council authorized the development and maintenance agreement on April 13, 2011, by Resolution No. 11-0923.

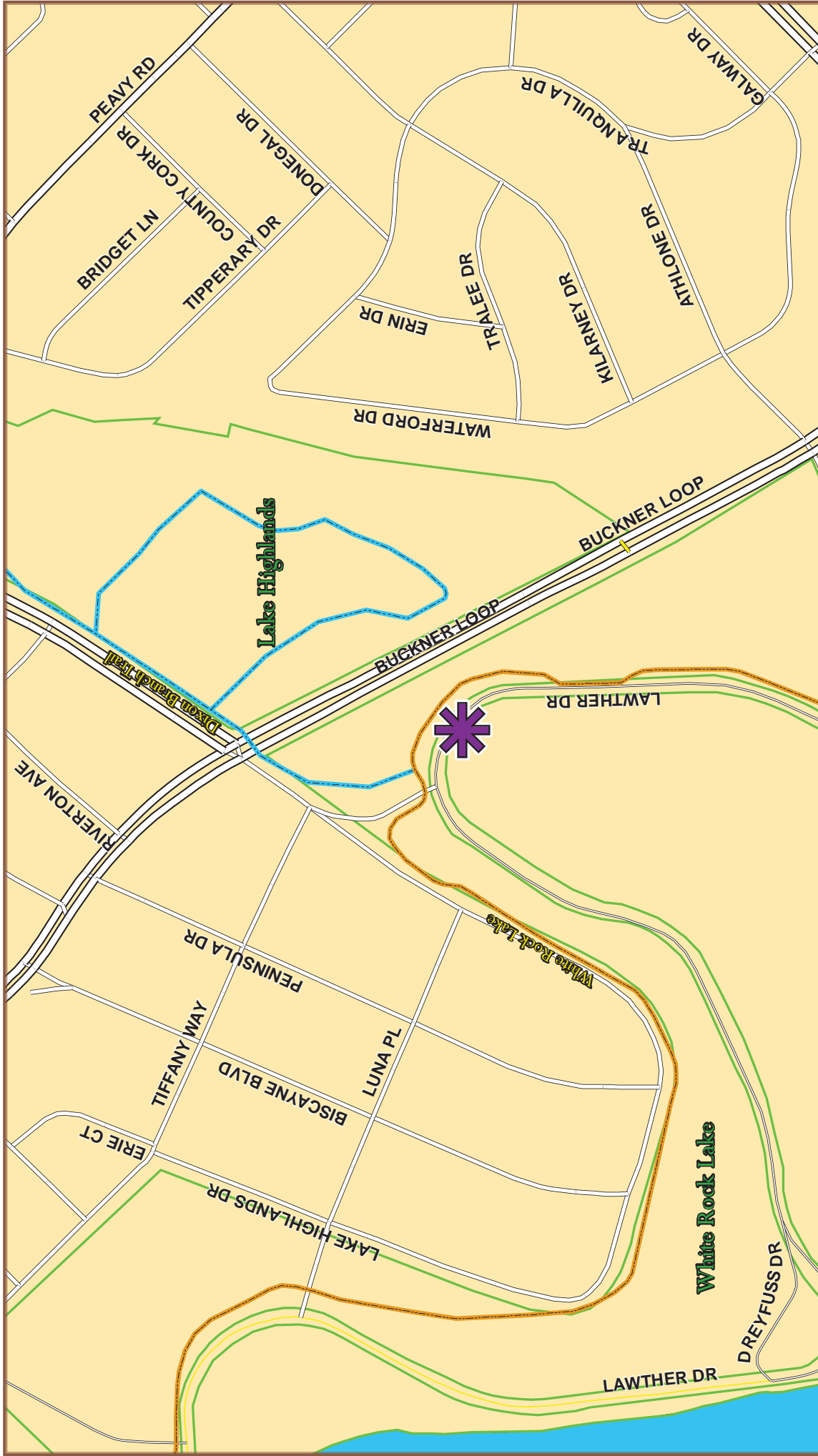
The Park and Recreation Board authorized the Stone Tables Agreement and White Rock Lake Conservancy Master Agreement on March 6, 2014.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



March 6, 2014

MapSCO
37 M

District
9

White Rock Lake Park (711 East Lawther Drive)

March 26, 2014

WHEREAS, the City of Dallas owns land known as White Rock Lake Park, which is located at 8300 Garland Road; and

WHEREAS, the White Rock Lake Conservancy (WRLC) is a Texas non-profit corporation established and existing under Texas law for the purpose of improving White Rock Lake Park and its immediate surrounding area; and

WHEREAS, on April 13, 2011, by Resolution No. 11-0923, the White Rock Lake Conservancy (WRLC) was awarded a ten-year development and maintenance agreement with a ten-year renewal option for the construction of the White Rock Lake Centennial Donor Brick Recognition Plaza at White Rock Lake Park located at 8300 Garland Road; and

WHEREAS, the parties now desire to further improve the park by designing and renovation the picnic pavilion, stone tables and other related improvements at the White Rock Lake Park located at 711 East Lawther Drive.

Now, Therefore,

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

SECTION 1. That the City of Dallas, Park and Recreation Department and White Rock Lake Conservancy, a Texas non-profit corporation established and existing under Texas law, in consideration of the mutual covenants, terms and conditions in this Amendment, and for other good and valuable consideration, do hereby agree, as follows:

- The parties agree and acknowledge that WRLC may make future improvements to the premises or the park in accordance with the terms and conditions of the Master Agreement.
- WRLC shall design and construct improvements at the premises as contemplated in the recitals above to include the following: renovation of the picnic pavilion, stone tables, walkways, parking and other related improvements.
- WRLC agrees to raise the money to fund the improvements, whether constructed by a contractor of their choosing or forces provided by the City.
- WRLC at its sole cost and expense shall undertake and complete the design, development, and construction of the improvements subject to terms of this Master Agreement.

March 26, 2014

SECTION 1. (Continued)

- The term of this agreement shall commence on execution, and shall expire or terminate co-terminously with the expiration or termination of the Donor Recognition Agreement (including any renewals of the Donor Recognition Agreement), or twenty years from the date of execution of this Master Agreement, whichever is longer.
- All construction plans and specifications for the construction of the improvements must be reviewed and approved in writing by the Director, prior to commencement of any work.
- WRLC, and its engineers, construction manager, contractors and subcontractors shall adopt good faith efforts in compliance with the City's Business Inclusion and Development Plan in hiring and contracting with minority and women-owned local businesses certified by the City of Dallas, or the North Central Texas Regional Certification Agency in construction of the improvements.
- The parties understand that the construction of the improvements is for a public purpose, and is being built upon public property for the benefit of the citizens of Dallas.
- WRLC may conduct special events at White Rock Lake Park.

SECTION 2. That the President of the Park and Recreation Board, and the City Manager is hereby authorized to execute a Development and Maintenance Agreement with WRLC, after approval as to form by the City Attorney's Office.

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: March 26, 2014
COUNCIL DISTRICT(S): 7
DEPARTMENT: Park & Recreation
CMO: Willis Winters, 670-4071
MAPSCO: 45Q

SUBJECT

Authorize the first amendment to the Fair Park Contract (hereinafter "Agreement") with the Friends of Fair Park, Inc. (FFP) to establish, operate, manage and market the bicycle rental program at Fair Park - Not to exceed \$125,000 - Financing: Current Funds

BACKGROUND

On June 14, 2000, Resolution No. 00-1879 authorized an agreement with the Friends of Fair Park, Inc. (FFP) for the management and operation of the Magnolia Lounge for a term of ten years with options to extend for two consecutive terms of five years each, exercisable by the Park and Recreation Board. The agreement stipulates that Friends of Fair Park shall diligently improve and promote Fair Park as a recreational, historical, educational and entertainment destination, utilizing all revenues from the operation of the Magnolia Lounge. Founded in 1984, FFP is a Texas non-profit 501(c)(3) corporation dedicated to the improvement, preservation and continued use of Fair Park and its facilities. In support of the Fair Park Comprehensive Plan initiatives, FFP is committed to help make Fair Park a year-round destination and growing the number of visitors to the park by working in partnership with Fair Park Administration and the cultural/entertainment venues at Fair Park.

On June 3, 2010, the Park and Recreation Board exercised the first five-year option with FFP under the same terms and conditions as the original agreement. The first option is set to expire on June 14, 2015. One additional five-year option may be exercised by the Park and Recreation Board which would extend the contract through June 14, 2020.

BACKGROUND (Continued)

A bicycle rental program is proposed as part of the initiative to increase daily activity at Fair Park. This contract amendment will authorize the Friends of Fair Park to install and operate the bicycle rental facilities, including on-going maintenance obligations. It is anticipated the rental proceeds will provide for the on-going maintenance required for the bicycles, marketing this visitor amenity and potentially expanding the program within the parks interior in the future. Additionally, these bicycle stations are anticipated to be complimentary to any future city-wide bicycle rental program.

General Principles of the Contract:

1. City will pay Operator a one-time management fee of up to \$125,000 to establish, operate, manage, and market the Bicycle Rental Program.
2. Friends of Fair Park will use reasonable efforts to purchase, manage and operate a Bicycle Rental Program at Fair Park as a recreational opportunity and visitor amenity.
3. Friends of Fair Park will market and promote the Bicycle Rental Program as an offering to visitors.
4. Friends of Fair Park will manage and maintain the Bicycle Rental Program as an independent contractor.
5. City will retain ownership of premises, bicycles and all improvements.
6. Friends of Fair Park will recommend operating hours, subject to approval by the Park and Recreation Director.
7. Friends of Fair Park will recommend all rates, fees and charges, subject to final approval by Park and Recreation Director.
8. All items, materials and equipment purchased by Operator shall become the property of the City.
9. Friends of Fair Park will pay City a 20% commission on all sponsorship(s), including naming rights associated with the Bicycle Rental Program to be placed in a Park and Recreation Department multi-year fund designated for marketing of Fair Park.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Ten-year lease agreement with two consecutive five-year terms authorized by City Council on June 14, 2000, by Resolution No. 00-1879.

First five-year term option approved by the Park and Recreation Board on June 3, 2010.

First amendment to the lease agreement approved by the Park and Recreation Board on March 6, 2014.

FISCAL INFORMATION

Current Funds - \$125,000

March 26, 2014

WHEREAS, on June 14, 2000, by Resolution No. 00-1879, the City Council authorized a Fair Park Contract (hereinafter "Agreement") between the City of Dallas and Friends of Fair Park, Inc. for a period of ten years with options to extend for two consecutive terms of five years, exercisable by the Park and Recreation Board, for the management and operation of the Magnolia Lounge; and

WHEREAS, under the Agreement, Friends of Fair Park, Inc. shall diligently improve and promote Fair Park as a recreational, historical, educational and entertainment destination; and

WHEREAS, on June 3, 2010, the first five-year option was exercised by the Park and Recreation Board; and

WHEREAS, the Fair Park Vision and Strategies calls for visitor amenities to include bicycle rental stations to increase daily activity at Fair Park; and

WHEREAS, in this First Amendment, the City is proposing to amend the Agreement to authorize the Friends of Fair Park, Inc. to install and operate bicycle rental facilities, including on-going maintenance obligations as an independent contractor.

Now, Therefore,

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

SECTION 1. That the City Manager, upon approval by the City Attorney as to form, is hereby authorized to enter into an amendment to the Agreement that will allow the City to pay Friends of Fair Park, Inc. (VS0000013550) a one-time management fee of \$125,000 to establish, operate, manage and market the bicycle share program and for the City to receive a 20% commission on all sponsorship(s), including naming rights associated with the bicycle rental program.

SECTION 2. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$125,000 from Fund 0001; Department PKR; Unit 9487; Object 3070; CT PKRCT14F016; Vendor #VS0000013550.

SECTION 3. That the City Controller is hereby authorized to receive and deposit funds received under the Agreement for sponsorship revenues to Fund 0G43; Department PKR; Unit 6155; Revenue Source 8411.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

ADDENDUM ITEM # 7

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Public Works Department
Water Utilities
Office of Economic Development

CMO: Jill A. Jordan, P.E., 670-5299
Forest E. Turner, 670-3390
Ryan S. Evans, 671-9837

MAPSCO: 76H 77E

SUBJECT

Authorize a contract with S.J. Louis Construction of Texas, Ltd., lowest responsible bidder of five, for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad - Not to exceed \$2,858,568 - Financing: General Obligation Commercial Paper Funds (\$2,738,035) and Water Utilities Capital Improvement Funds (\$120,533)

BACKGROUND

A professional services contract with Kimley-Horn and Associates, Inc. for the engineering design of a thoroughfare project for Bonnie View Road from Langdon Road to Hutchins city limits was authorized by City Council on June 25, 2008, by Resolution No. 08-1817. Council Resolution No. 12-2157, dated August 22, 2012, authorized a supplemental agreement that expanded the scope of the original design contract to include street improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad. This action will authorize a contract with S.J. Louis Construction of Texas, Ltd. for the construction of street paving, storm drainage and water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad.

The street improvements will consist of reinforced concrete pavement, driveway approaches, sidewalks, storm drainage, utilities and water and wastewater main improvements.

S.J. Louis Construction of Texas, Ltd. has no completed contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|---------------|
| Began Design | January 2013 |
| Completed Design | August 2013 |
| Begin Construction | April 2014 |
| Complete Construction | February 2015 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services on June 25, 2008, by Resolution No. 08-1817.

Authorized Supplemental Agreement No. 1 to the professional services contract for engineering services on August 22, 2012, by Resolution No. 12-2157.

FISCAL INFORMATION

2006 Bond Program (General Obligation Commercial Paper Funds) - \$2,738,034.51
Water Utilities Capital Improvement Funds - \$120,533.40

| | |
|------------------------------|----------------------|
| Design | \$ 0.00 |
| Supplemental Agreement No. 1 | \$ 262,850.00 |
| Construction (this action) | |
| Paving & Drainage - PBW | \$2,738,034.51 |
| Water & Wastewater - WTR | <u>\$ 120,533.40</u> |
| Total Project Cost | \$3,121,417.91 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

S. J. Louis Construction of Texas, Ltd.

| | | | |
|-------------------------|----|-----------------------|-----|
| Hispanic Female | 85 | Hispanic Male | 290 |
| African-American Female | 0 | African-American Male | 3 |
| Other Female | 0 | Other Male | 2 |
| White Female | 13 | White Male | 104 |

BID INFORMATION

The following bids with quotes were received and opened on September 19, 2013:

*Denotes successful bidder(s)

| <u>BIDDERS</u> | <u>BID AMOUNT</u> |
|--|--------------------------|
| *S.J. Louis Construction of Texas, Ltd. 520 S. 6th Avenue Mansfield, Texas 76063 | \$2,858,567.91 |
| Tiseo Paving Company | \$2,892,317.61 |
| Jeske Construction Company | \$3,647,703.70 |
| Texas Standard Construction, Ltd. | \$3,708,760.50 |
| Omega Contracting, Inc. | \$4,676,174.90 |
| Engineer's Estimate: PBW - \$2,400,000 WTR - <u>\$ 500,000</u> | |
| Total | \$2,900,000 |

OWNER

S.J. Louis Construction of Texas, Ltd.

Les V. Whitman, Executive Vice President/General Manager

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with S.J. Louis Construction of Texas, Ltd., lowest responsible bidder of five, for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad - Not to exceed \$2,858,568 - Financing: General Obligation Commercial Paper Funds (\$2,738,035) and Water Utilities Capital Improvement Funds (\$120,533)

S. J. Louis Construction of Texas, Ltd. is a local, non-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 | \$2,389,455.91 | 83.59% |
| Total non-local contracts | \$469,112.00 | 16.41% |
| TOTAL CONTRACT | \$2,858,567.91 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|--------------------------------|----------------------|---------------------|----------------|
| J.E. Guzman Construction, Inc. | HMMB56905N0314 | \$245,655.00 | 10.28% |
| Total Minority - Local | | \$245,655.00 | 10.28% |

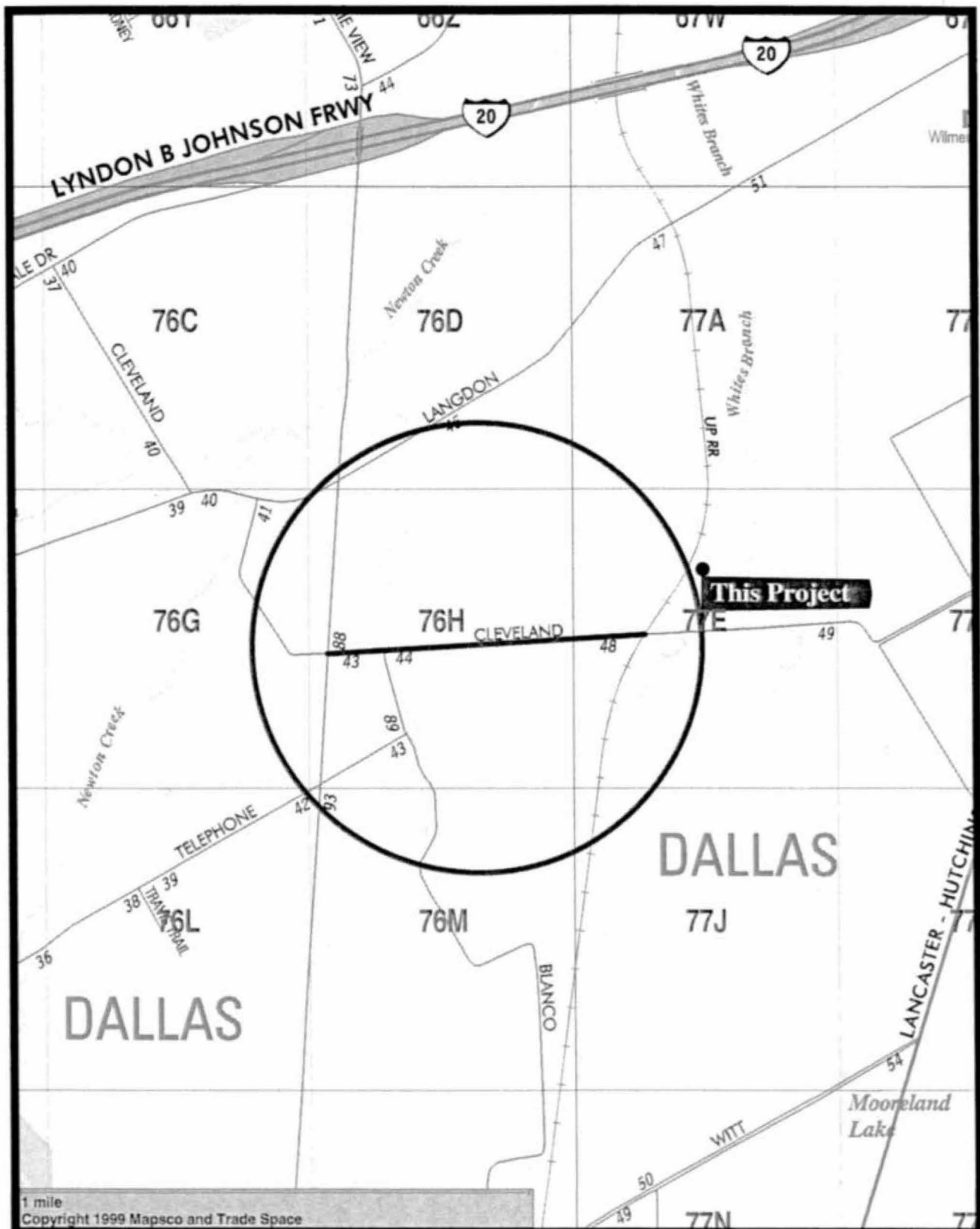
Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-----------------------------------|----------------------|---------------------|----------------|
| LKT Associates, LLC | WFDB55111Y1013 | \$377,995.00 | 80.58% |
| JM Materials | WFDB57114Y0414 | \$53,700.00 | 11.45% |
| Action Services | WFDB57086Y0414 | \$37,417.00 | 7.98% |
| Total Minority - Non-local | | \$469,112.00 | 100.00% |

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------------|-----------------------|-------------------------------------|-----------------------|
| African American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$245,655.00 | 10.28% | \$245,655.00 | 8.59% |
| 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% | \$469,112.00 | 16.41% |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Total | \$245,655.00 | 10.28% | \$714,767.00 | 25.00% |

Street Reconstruction Cleveland Road from Bonnie View Road to West of BNSF Rail



Mapsco 76H & 77E

March 26, 2014

WHEREAS, on June 25, 2008, Resolution No. 08-1817 authorized a professional services contract with Kimley-Horn and Associates, Inc. for the engineering design of a thoroughfare project and a flood management project; and,

WHEREAS, on August 22, 2012, Resolution No. 12-2157 authorized Supplemental Agreement No. 1 to the professional services contract with Kimley-Horn and Associates, Inc. for additional design of water and wastewater mains along Bonnie View Road from Langdon Road to north of Wintergreen, paving and drainage improvements for Cleveland Road from Bonnie View Road to west of the BNSF Railroad, and modifications to the regional detention basin for Bonnie View Road from Langdon Road to the Hutchins city limits; and,

WHEREAS, bids were received on September 19, 2013, for the construction of street paving, storm drainage and water and wastewater main improvements for Cleveland Road from Bonnie View Road to West of the BNSF Railroad, as follows:

| <u>BIDDERS</u> | <u>BID AMOUNT</u> |
|--|--------------------------|
| S.J. Louis Construction of Texas, Ltd. | \$2,858,567.91 |
| Tiseo Paving Company | \$2,892,317.61 |
| Jeske Construction Company | \$3,647,703.70 |
| Texas Standard Construction, Ltd. | \$3,708,760.50 |
| Omega Contracting, Inc. | \$4,676,174.90 |

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 S.J. Louis Construction of Texas, Ltd. for the construction of street paving, storm drainage, water and wastewater main improvements for Cleveland Road from Bonnie View Road to West of the BNSF Railroad in an amount not to exceed \$2,858,567.91, 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 P796, Act. THRF Obj. 4510, Program #PB06P796, CT PBW06P796E1 Vendor #356847, in an amount not to exceed | \$2,738,034.51 |
|--|----------------|

March 26, 2014

Water Capital Improvement Fund
Fund 0115, Department DWU, Unit PW42, Act. RELP
Obj. 4550, Program #713055, Reporting W3KC, CT PBW713055CP
Vendor #356847, in an amount not to exceed \$ 56,622.00

Wastewater Capital Improvement Fund
Fund 0116, Department DWU, Unit PS42, Act. RELP
Obj. 4560, Program #713056, Reporting T2VJ, CT PBW713056CP
Vendor #356847, in an amount not to exceed \$ 63,911.40

Total in an amount not to exceed \$2,858,567.91

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: March 26, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Public Works Department
Trinity Watershed Management

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

MAPSCO: 46 S W X 56 A B C G

SUBJECT

Authorize an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S. M. Wright Project (Phase I) - Financing: This action has no cost consideration to the City

BACKGROUND

The Texas Department of Transportation's (TxDOT) planned S. M. Wright Project entails constructing direct freeway-to-freeway ramps connecting C. F. Hawn Freeway and I H 45, and converting the existing 6-lane S. M. Wright Freeway and frontage roads to a low-speed, 6-lane signalized boulevard. TxDOT has notified the City of Dallas of its intent to proceed with right-of-way acquisitions and utility relocations and has requested the City's share of associated costs. The City of Dallas is responsible for 10 percent of the right-of-way acquisition and utility relocation costs currently estimated at \$2.5 million. The City plans to meet its \$250,000 obligation for right-of-way acquisitions and utility relocations by conveying to TxDOT approximately 4.796 acres of real property previously acquired by the City. This action will authorize an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds to cover the City's share of right-of-way acquisition and utility relocation costs associated with the S . M. Wright Project (Phase I). The City has already acquired the real property to be transferred to TxDOT and will come back to the City Council for consideration of the specific real property conveyances at a later time.

BACKGROUND (Continued)

The S. M. Wright Project will be constructed in two phases. Phase 1 entails constructing direct freeway-to-freeway ramps connecting westbound C. F. Hawn Freeway to northbound I H 45 and southbound I H 45 to eastbound C. F. Hawn Freeway. The new freeway connections will eliminate the existing sharp curve at the S. M. Wright Freeway/C. F. Hawn interchange, thus improving mobility and safety. Once the new connection is completed and open to traffic, traffic demand on the S. M. Wright Freeway will decrease and will allow Phase 2 of the project to begin.

Phase 2 entails converting the existing high-speed, 6-lane freeway with frontage roads to a low-speed, 6-lane, signalized boulevard. Hike and bike trails within the existing S. M. Wright right-of-way are also being planned as part of the project. The conversion of the S. M. Wright Freeway from a freeway facility to a boulevard will improve neighborhood connectivity and aesthetics, as well as help to serve as a transportation catalyst for community rejuvenation.

ESTIMATED SCHEDULE OF PROJECT

| | Phase 1 | Phase 2 |
|--|----------------|----------------|
| Began Environmental Clearance | January 2012 | January 2012 |
| Completed Environmental Clearance | September 2013 | September 2013 |
| Began Design | July 2013 | January 2015 |
| Complete Design | June 2014 | January 2016 |
| Begin ROW Acquisition/Utility Relocations | March 2014 | January 2016* |
| Complete ROW Acquisition/Utility Relocations | May 2015 | January 2017* |
| Begin Construction | February 2015 | January 2017 |
| Complete Construction | August 2017 | January 2019 |

* Phase 2 entails Utility Relocations only. No ROW is anticipated for Phase 2.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Memorandum of Understanding with the Regional Transportation Council of the North Central Council of Governments and the City of Dallas to establish a funding partnership, in an amount not to exceed \$6,250,000, for real estate acquisition, environmental remediation and utility relocation for implementation of the S. M. Wright Project, Phase 1 for the Trinity Parkway on April 11, 2012, by Resolution No. 12-1077.

Supported adding the planned freeway connection for C. F. Hawn Freeway (US 175) and I H 45 to the State Highway System as US 175 and the re-designation of S. M. Wright Freeway (currently designated as US 175) to SH 310 on February 13, 2013, by Resolution No. 13-0311.

FISCAL INFORMATION

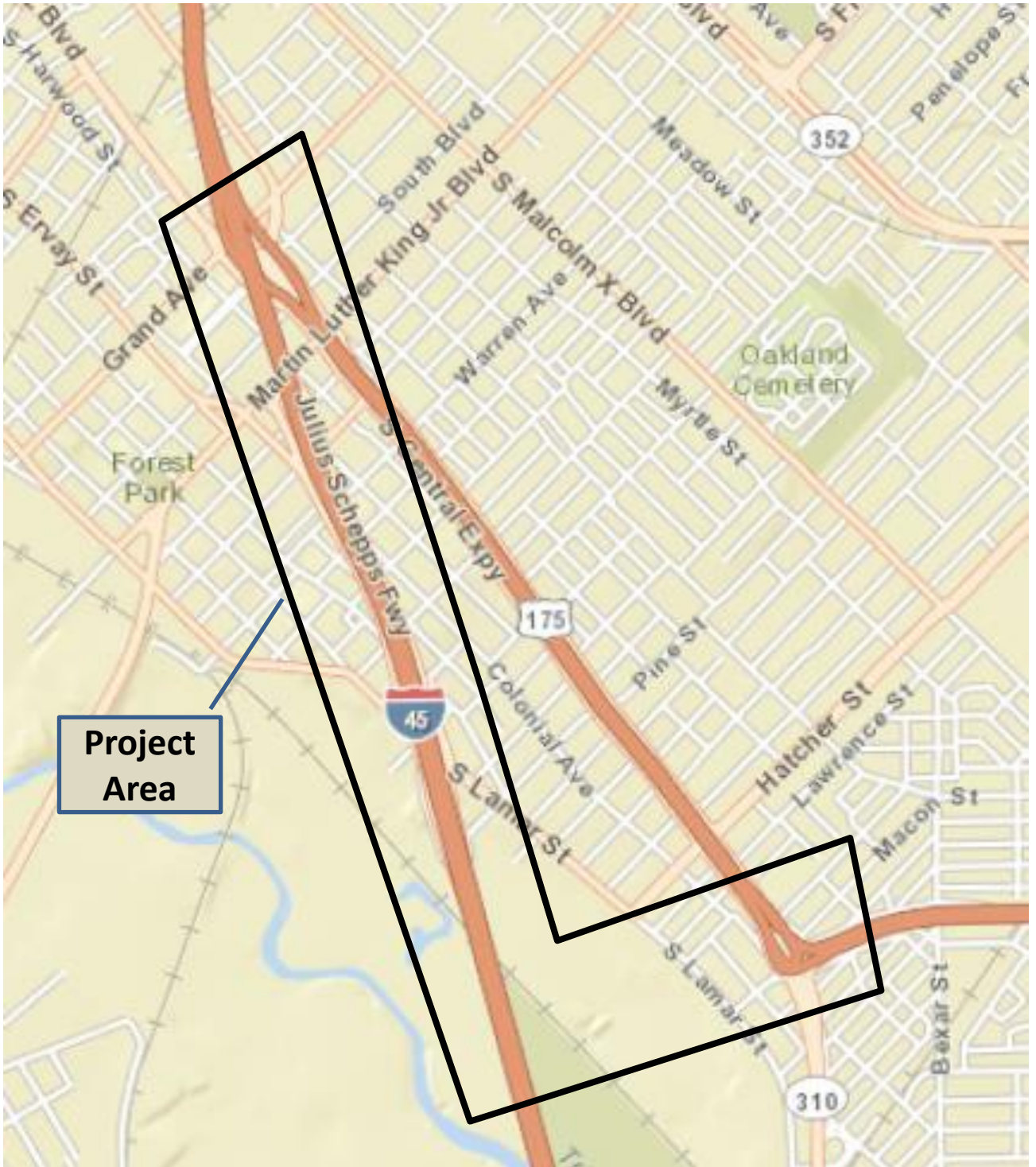
This action has no cost consideration to the City

MAP

Attached

US 175

Council District: 7



MAPSCO: 46S, W, X
56A, B, C, G

March 26, 2014

WHEREAS, on April 11, 2012, Resolution No. 12-1077 authorized a Memorandum of Understanding with the Regional Transportation Council of the North Central Council of Governments and the City of Dallas to establish a funding partnership, in an amount not to exceed \$6,250,000, for real estate acquisition, environmental remediation and utility relocation for implementation of the S. M. Wright Project, Phase 1 for the Trinity Parkway; and,

WHEREAS, Phase 1 of the Texas Department of Transportation's planned S. M. Wright Project will improve travel mobility and safety by providing direct ramps connecting C. F. Hawn Freeway (US 175) to I H 45, thus supplanting the existing sharp curve at S. M. Wright Freeway and C. F. Hawn Freeway; and,

WHEREAS, Phase 2 of the Texas Department of Transportation's planned S. M. Wright Project will improve neighborhood connectivity and aesthetics, and serve as a transportation catalyst for community development by converting the existing high-speed, 6-lane freeway with frontage roads to a low-speed, 6-lane, signalized boulevard; and,

WHEREAS, in order for TxDOT to construct Phase 1 of the S. M. Wright Project, the planned freeway connection between C. F. Hawn Freeway (US 175) and I H 45 must first be added to the State Highway System via a Texas Transportation Commission Minute Order; and,

WHEREAS, the Texas Department of Transportation recommends designating the planned C. F. Hawn Freeway to I H 45 connection to the State Highway System as US 175, and re-designating the existing section of U S 175 from I H 45 to S H 310, locally known as the S. M. Wright Freeway, as S H 310; and,

WHEREAS, on February 13, 2013, Resolution No. 13-0311 supported adding the planned C. F. Hawn Freeway to I H 45 connection to the State Highway System as US 175, and re-designating the existing section of U S 175 from I H 45 to SH 310, locally known as S. M. Wright Freeway, as S H 310; and,

WHEREAS, TxDOT is responsible for administering the design, right-of-way acquisition, utility relocation, and construction of U S 175 improvements from I H 45 to East of Bexar Street, locally known as S. M. Wright (Phase I); and,

WHEREAS, TxDOT has notified the City of Dallas of their intent to proceed with right-of-way acquisitions and utility relocations associated with the S. M. Wright Project (Phase I) and requested the City's 10% share of right-of-way acquisition and utility relocation costs estimated at \$2,500,000; and,

March 26, 2014

WHEREAS, TxDOT has agreed to accept real property in lieu of funds for the City's share of right-of-way acquisitions and utility relocations for the project, which will be presented for Council consideration at a later date.

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 an agreement with the Texas Department of Transportation to contribute real property in lieu of right-of-way acquisition funds, evidencing the intent of the City to contribute approximately 4.796 acres of real property to TxDOT in lieu of funds for right-of-way acquisitions and utility relocations, to be performed by TxDOT associated with the S. M. Wright Project (Phase I).

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: March 26, 2014

COUNCIL DISTRICT(S): 2, 14

DEPARTMENT: Public Works Department
Office of Economic Development

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 45L R

SUBJECT

Pearl Street and Cesar Chavez Boulevard Improvements

- * Authorize an increase in the contract with Tiseo Paving Company for the construction of sidewalk improvements on the Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables, and traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard - Not to exceed \$582,303, from \$13,394,275 to \$13,976,578 - Financing: General Obligation Commercial Paper Funds (\$282,478) and 2006 Bond Funds (\$299,825)
- * Authorize an increase in the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street - Not to exceed \$776,713, from \$13,976,578 to \$14,753,291 - Financing: 2006 Bond Funds

BACKGROUND

On September 28, 2011, Resolution No. 11-2548 authorized a contract with Tiseo Paving Company for the reconstruction of street paving, storm drainage, streetscape, landscape, traffic signal, striping, water and wastewater improvements on Cesar Chavez Boulevard and Pearl Expressway. This action will authorize Change Order Nos. 3 and 4 to the contract with Tiseo Paving Company. Change Order No. 3 includes sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables for traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard, and the relocation of digital signs on Cesar Chavez Boulevard. Change Order No. 4 includes pavement replacement, sidewalks and crosswalks improvements, and an underground duct bank on Taylor Street from Cesar Chavez Boulevard to Pearl Street. Change Order No. 4 improvements are part of the planned Farmers Market improvements.

ESTIMATED SCHEDULE OF PROJECT

Pearl Street and Cesar Chavez Boulevard

| | |
|-----------------------|----------------|
| Began Design | May 2013 |
| Completed Design | September 2013 |
| Began Construction | September 2013 |
| Complete Construction | July 2015 |

Taylor Street from Cesar Chavez Boulevard to Pearl Street

| | |
|-----------------------|----------------|
| Began Design | September 2013 |
| Completed Design | February 2014 |
| Begin Construction | April 2014 |
| Complete Construction | June 2014 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract for engineering services for Cesar Chavez (formerly Central Expressway) on December 12, 2007, by Resolution No. 07-3794.

Authorized a professional services contract for engineering services for Pearl Expressway on April 23, 2008, by Resolution No. 08-1278.

Authorized approval of the recommended plan for the proposed alignment of Cesar Chavez (formerly Central Expressway) on April 22, 2009, by Resolution No. 09-1082.

Authorized a Development and Reimbursement Agreement with the Museum of Nature and Science on September 8, 2010, by Resolution No. 10-2321.

Authorized a construction contract with Tiseo Paving Company on September 28, 2011, by Resolution No. 11-2548.

Authorized Change Order No. 1 to the construction contract with Tiseo Paving Company on September 12, 2012, by Resolution No. 12-2309.

FISCAL INFORMATION

2012 Bond Program (General Obligation Commercial Paper Funds) - \$282,477.99
2006 Bond Funds - \$1,076,538.31

Pearl Street and Cesar Chavez Boulevard

| <u>Council District</u> | <u>Amount</u> |
|--------------------------------|----------------------|
| 2 | \$ 97,995.00 |
| 14 | <u>\$ 484,308.00</u> |
| Total | \$ 582,303.00 |

Taylor Street from Cesar Chavez Boulevard to Pearl Street

| <u>Council District</u> | <u>Amount</u> |
|--------------------------------|----------------------|
| 2 | \$ 776,713.30 |

Pearl Street and Cesar Chavez Boulevard

Design

| | |
|---|-----------------|
| Cesar Chavez and Pearl | \$ 1,670,626.10 |
| Museum of Nature and Science Streetscape Improvements | \$ 148,500.00 |

Construction

| | |
|----------------------------------|----------------------|
| Paving & Drainage - PBW | \$ 9,460,374.37 |
| Water & Wastewater - DWU | \$ 3,013,544.94 |
| Change Order No. 1 | \$ 870,854.75 |
| Change Order No. 2 | \$ 49,500.00 |
| Change Order No. 3 (this action) | <u>\$ 582,303.00</u> |

Total Project Cost \$15,795,703.16

FISCAL INFORMATION (Continued)

Taylor Street from Cesar Chavez Boulevard to Pearl Street

Design

| | |
|---|-----------------|
| Cesar Chavez and Pearl | \$ 1,670,626.10 |
| Museum of Nature and Science Streetscape Improvements | \$ 148,500.00 |

Construction

| | |
|----------------------------------|----------------------|
| Paving & Drainage - PBW | \$ 9,460,374.37 |
| Water & Wastewater - DWU | \$ 3,013,544.94 |
| Change Order No. 1 | \$ 870,854.75 |
| Change Order No. 2 | \$ 49,500.00 |
| Change Order No. 3 | \$ 582,303.00 |
| Change Order No. 4 (this action) | <u>\$ 776,713.30</u> |

Total Project Cost \$16,572,416.46

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Tiseo Paving Company

| | | | |
|-------------------------|---|-----------------------|----|
| Hispanic Female | 1 | Hispanic Male | 65 |
| African-American Female | 0 | African-American Male | 2 |
| Other Female | 0 | Other Male | 0 |
| White Female | 2 | White Male | 31 |

OWNER

Tiseo Paving Company

Arthur Tiseo, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Tiseo Paving Company for the construction of sidewalk improvements on the Woodall Rodgers Freeway service road at Pearl Street, installation of new communication cables, and traffic signal upgrades along Pearl Street and Cesar Chavez Boulevard - Not to exceed \$582,303, from \$13,394,275 to \$13,976,578 - Financing: General Obligation Commercial Paper Funds (\$282,478) and 2006 Bond Funds (\$299,825)

Tiseo Paving Company 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 - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|---------------------|----------------|
| Local contracts | \$582,303.00 | 100.00% |
| Non-local contracts | \$0.00 | 0.00% |
| TOTAL THIS ACTION | \$582,303.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|-------------------------------|----------------------|---------------------|----------------|
| Axis Contracting | WFDB57262Y0414 | \$215,913.00 | 37.08% |
| Total Minority - Local | | \$215,913.00 | 37.08% |

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 | \$215,913.00 | 37.08% | \$5,014,564.45 | 35.88% |
| Total | \$215,913.00 | 37.08% | \$5,014,564.45 | 35.88% |

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street - Not to exceed \$776,713, from \$13,976,578 to \$14,753,291 - Financing: 2006 Bond Funds

Tiseo Paving Company is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|---------------------|----------------|
| Local contracts | \$776,713.30 | 100.00% |
| Non-local contracts | \$0.00 | 0.00% |
| TOTAL THIS ACTION | \$776,713.30 | 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> |
|-------------------------------|----------------------|---------------------|----------------|
| Larrett, Inc. | WFWB59753Y0115 | \$187,915.00 | 24.19% |
| K & S Utilities | WFDB59478Y1214 | \$101,260.15 | 13.04% |
| Axis Contracting | WFDB57262Y0414 | \$38,943.25 | 5.01% |
| Total Minority - Local | | \$328,118.40 | 42.24% |

Non-Local Contractors / Sub-Contractors

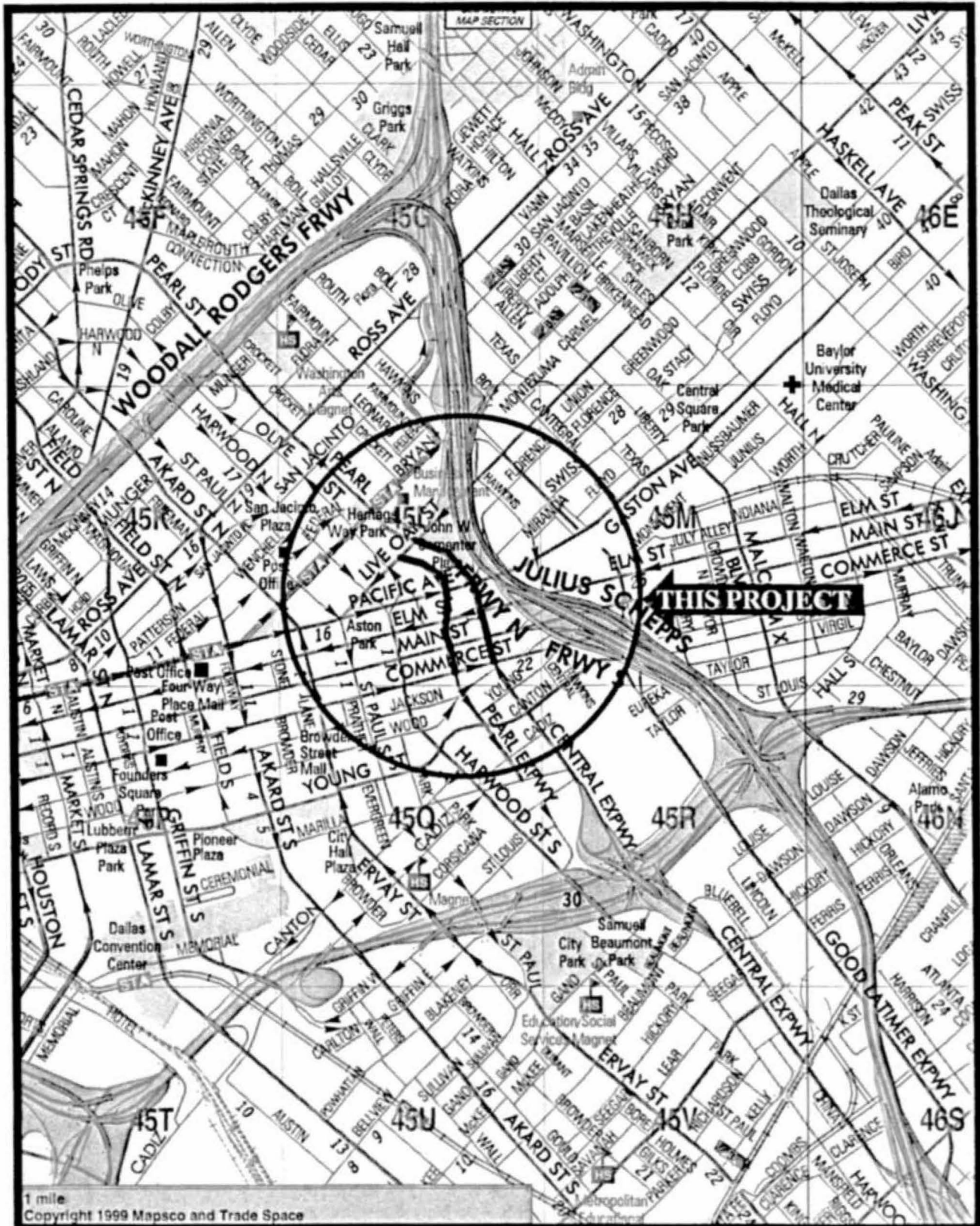
None

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 | \$328,118.40 | 42.24% | \$5,053,507.70 | 34.25% |
| Total | \$328,118.40 | 42.24% | \$5,053,507.70 | 34.25% |

STREET IMPROVEMENTS

CESAR CHAVEZ BLVD. FROM COMMERCE ST. TO LIVE OAK ST.
PEARL ST. FROM COMMERCE ST. TO LIVE OAK ST.

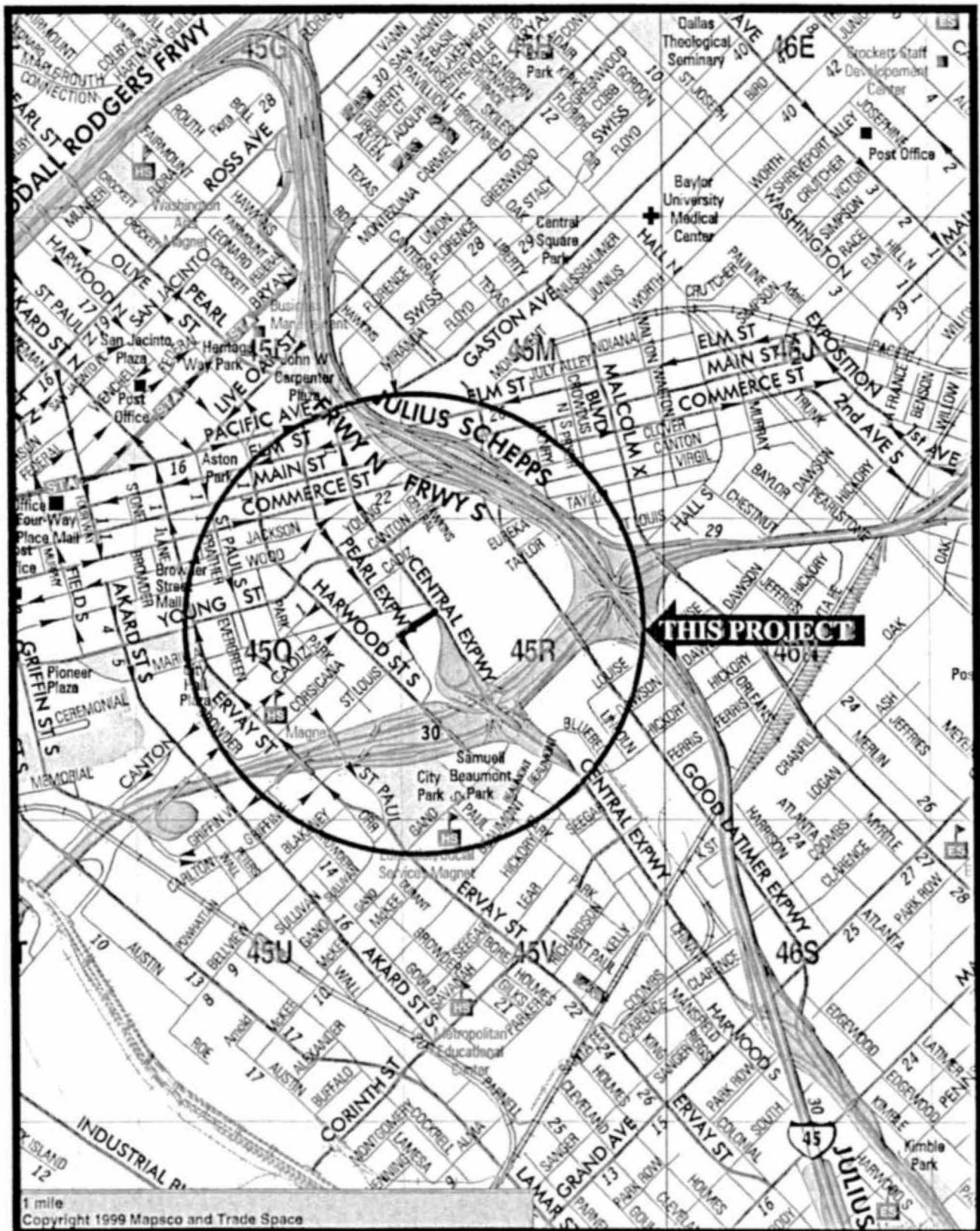


MAPSCO 45L

STREET IMPROVEMENTS

TAYLOR STREET FROM

CESAR CHAVEZ BOULEVARD TO PEARL STREET



MAPSCO 45R

March 26, 2014

WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized a professional services contract with Jacobs Engineering Group, Inc. for the design of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street; and,

WHEREAS, on April 23, 2008, Resolution No. 08-1278 authorized a professional services contract with EJES, Inc. for the design of Pearl Expressway from Commerce Street to Live Oak Street; and,

WHEREAS, on April 22, 2009, Resolution No. 09-1082 authorized approval of the recommended plan for the proposed alignment of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street from its current alignment to the proposed alignment; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2321 authorized a Development and Reimbursement Agreement with the Museum of Nature and Science, an independent, 501(c)(3) non-profit foundation for the design and construction of streetscape improvements in the City's right-of-way along Field Street and the Woodall Rodgers Expressway access road, and reimbursement of engineering and design fees to the Museum of Nature and Science; and,

WHEREAS, on September 28, 2011, Resolution No. 11-2548 authorized the construction of street paving, storm drainage, streetscape, traffic signal upgrades, water and wastewater main improvements for Cesar Chavez Boulevard (Central Expressway) from Commerce Street to Live Oak Street and Pearl Expressway from Commerce Street to Live Oak Street in the amount of \$12,473,919.31; and,

WHEREAS, on September 12, 2012, Resolution No. 12-2309 authorized Change Order No. 1 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Broom Street from North Field Street to Laws Street for the Museum of Nature and Science in the amount of \$870,854.75, increasing the contract from \$12,473,919.31 to \$13,344,774.06; and,

WHEREAS, on October 10, 2013, Administrative Change Order No. 13-6485 authorized Change Order No. 2 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Woodall Rodgers Freeway service road from North Harwood Street to Olive Street in the amount of \$49,500.00, increasing the contract from \$13,344,774.06 to \$13,394,274.06; and,

March 26, 2014

WHEREAS, it is now necessary to authorize Change Order No. 3 to the construction contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, and the installation of new communication cables and traffic signal upgrades at Pearl Street and Cesar Chavez Boulevard in the amount of \$582,303.00, increasing the contract from \$13,394,274.06 to \$13,976,577.06.

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 Change Order No. 3 to the contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, and the installation of new communication cables and traffic signal upgrades at Pearl Street and Cesar Chavez Boulevard in the amount of \$582,303.00, increasing the contract from \$13,394,274.06 to \$13,976,577.06, 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 2U22, Department PBW, Unit S414, Act. SIDI Obj. 4530, Program #PB12S414, CT PBW06U779L1 Vendor #011466, in an amount not to exceed | \$282,477.99 |
| Street and Transportation Improvements Fund Fund 7T22, Department PBW, Unit U779, Act. THRF Obj. 4510, Program #PB06U779, CT PBW06U779L1 Vendor #011466, in an amount not to exceed | \$163,325.01 |
| Street and Transportation Improvements Fund Fund 7T22, Department PBW, Unit U779, Act. THRF Obj. 4432, Program #PB06U779, CT PBW06U779L1 Vendor #011466, in an amount not to exceed | <u>\$136,500.00</u> |
| Total in an amount not to exceed | \$582,303.00 |

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

March 26, 2014

WHEREAS, on December 12, 2007, Resolution No. 07-3794 authorized a professional services contract with Jacobs Engineering Group, Inc. for the design of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street; and,

WHEREAS, on April 23, 2008, Resolution No. 08-1278 authorized a professional services contract with EJES, Inc. for the design of Pearl Expressway from Commerce Street to Live Oak Street; and,

WHEREAS, on April 22, 2009, Resolution No. 09-1082 authorized approval of the recommended plan for the proposed alignment of Cesar Chavez Boulevard (formerly Central Expressway) from Commerce Street to Live Oak Street from its current alignment to the proposed alignment; and,

WHEREAS, on September 8, 2010, Resolution No. 10-2321 authorized a Development and Reimbursement Agreement with the Museum of Nature and Science, an independent, 501(c)(3) non-profit foundation for the design and construction of streetscape improvements in the City's right-of-way along Field Street and the Woodall Rodgers Expressway access road, and reimbursement of engineering and design fees to the Museum of Nature and Science; and,

WHEREAS, on September 28, 2011, Resolution No. 11-2548 authorized the construction of street paving, storm drainage, streetscape, traffic signal upgrades, water and wastewater main improvements for Cesar Chavez Boulevard (Central Expressway) from Commerce Street to Live Oak Street and Pearl Expressway from Commerce Street to Live Oak Street in the amount of \$12,473,919.31; and,

WHEREAS, on September 12, 2012, Resolution No. 12-2309 authorized Change Order No. 1 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Broom Street from North Field Street to Laws Street for the Museum of Nature and Science in the amount of \$870,854.75, increasing the contract from \$12,473,919.31 to \$13,344,774.06; and,

WHEREAS, on October 10, 2013, Administrative Change Order No. 13-6485 authorized Change Order No. 2 to the construction contract with Tiseo Paving Company for additional streetscape improvements on Woodall Rodgers Freeway service road from North Harwood Street to Olive Street in the amount of \$49,500.00, increasing the contract from \$13,344,774.06 to \$13,394,274.06; and,

March 26, 2014

WHEREAS, on March 26, 2014, Change Order No. 3 is being considered by City Council as a separate action to the construction contract with Tiseo Paving Company for additional sidewalk improvements on Woodall Rodgers Freeway service road at Pearl Street, and the installation of new communication cables and traffic signal upgrades at Pearl Street and Cesar Chavez Boulevard in the amount of \$582,303.00, increasing the contract from \$13,394,274.06 to \$13,976,577.06; and,

WHEREAS, it is now necessary to authorize Change Order No. 4 to the construction contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street at Farmers Market in the amount of \$776,713.30, increasing the contract from \$13,976,577.06 to \$14,753,290.36.

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 Change Order No. 4 to the contract with Tiseo Paving Company for additional street improvements on Taylor Street from Cesar Chavez Boulevard to Pearl Street at Farmers Market in the amount of \$776,713.30, increasing the contract from \$13,976,577.06 to \$14,753,290.36, 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:

| | |
|---|---------------|
| Farmers Market Fund | |
| Fund 7T40, Department PBW, Unit T820, Act. FMIM | |
| Obj. 4510, Program #PB06T820, CT PBW06U779L1 | |
| Vendor #011466, in an amount not to exceed | \$ 776,713.30 |

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: March 26, 2014

COUNCIL DISTRICT(S): 1, 2, 4, 6

DEPARTMENT: Trinity Watershed Management
Public Works Department

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

MAPSCO: 32 D H
43 A B C D E F G H
44 A E F G K L M R V
45 N S W X Y
55 B C

SUBJECT

Authorize a professional services contract with Halff Associates, Inc. for surveying, plating, environmental services and preparation of a Municipal Setting Designation application for the Dallas Floodway from the confluence of the West Fork and the Elm Fork of the Trinity River to the southern limit at DART Rail Line and the Santa Fe Trestle - Not to exceed \$640,498 – Financing: Stormwater Drainage Management Current Funds (\$316,294) and 1998 Bond Funds (\$324,204)

BACKGROUND

The City of Dallas has been operating and maintaining the levee system since 1965, and currently owns most of the parcels within the Dallas Floodway. Primary usage of the Dallas Floodway has been water conveyance. Capital improvement plans for the Dallas Floodway include flood risk reduction, ecosystem restoration, transportation and recreation amenities. Completing surveys and plating is necessary to facilitate future project development.

The Dallas Floodway Municipal Setting Designation (MSD) is planned to support the proposed capital improvement projects. Previous subsurface investigations revealed elevated soil concentrations above the regulatory limits set by the state regulatory agency, Texas Commission on Environmental Quality, (TCEQ). A Municipal Site Designation (MSD) application for this area is planned to allow higher soil concentrations within the project areas. Halff Associates, Inc. will complete subsurface investigations and prepare documents required by TCEQ.

ESTIMATED SCHEDULE OF PROJECT

| | |
|-----------------------|----------------|
| Begin MSD and Plat | April 2014 |
| Complete MSD and Plat | September 2014 |

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Stormwater Drainage Management Current Funds - \$316,293.75
1998 Bond Funds - \$324,204.00

| <u>Council District</u> | <u>Amount</u> |
|--------------------------------|----------------------|
| 1 | \$ 96,074.66 |
| 2 | \$ 96,074.66 |
| 4 | \$ 64,049.78 |
| 6 | <u>\$384,298.65</u> |
| Total | \$640,497.75 |

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Halff Associates, Inc.

| | | | |
|-------------------------|----|-----------------------|-----|
| Hispanic Female | 16 | Hispanic Male | 56 |
| African-American Female | 5 | African-American Male | 9 |
| Other Female | 6 | Other Male | 11 |
| White Female | 75 | White Male | 270 |

OWNER

Halff Associates, Inc.

Kent Belaire, P.G., Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Halff Associates, Inc. for surveying, plating, environmental services and preparation of a Municipal Setting Designation application for the Dallas Floodway from the confluence of the West Fork and the Elm Fork of the Trinity River to the southern limit at DART Rail Line and the Santa Fe Trestle - Not to exceed \$640,498 – Financing: Stormwater Drainage Management Current Funds (\$316,294) and 1998 Bond Funds (\$324,204)

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

| | <u>Amount</u> | <u>Percent</u> |
|---------------------------|---------------------|----------------|
| Total local contracts | \$623,997.75 | 97.42% |
| Total non-local contracts | \$16,500.00 | 2.58% |
| TOTAL CONTRACT | \$640,497.75 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|---|----------------------|---------------------|----------------|
| Garcia Land Data, Inc. | HMMB60221N0215 | \$104,000.00 | 16.67% |
| B & A Laboratories, Inc. dba XENCO Laboratories | HMMB59377Y1114 | \$5,400.00 | 0.87% |
| Total Minority - Local | | \$109,400.00 | 17.53% |

Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|--|----------------------|--------------------|----------------|
| G. L. Morris Enterp, Inc., dba Sunbelt Indst | WFWB60201Y0215 | \$12,000.00 | 72.73% |
| GeoSearch, LLC | WFWB14031N1216 | \$4,500.00 | 27.27% |
| Total Minority - Non-local | | \$16,500.00 | 100.00% |

TOTAL M/WBE CONTRACT PARTICIPATION

| | <u>Local</u> | <u>Percent</u> | <u>Local & Non-Local</u> | <u>Percent</u> |
|-------------------|---------------------|-----------------------|-------------------------------------|-----------------------|
| African American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Hispanic American | \$109,400.00 | 17.53% | \$109,400.00 | 17.08% |
| 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% | \$16,500.00 | 2.58% |
| | <hr/> | <hr/> | <hr/> | <hr/> |
| Total | \$109,400.00 | 17.53% | \$125,900.00 | 19.66% |

March 26, 2014

WHEREAS, it is now necessary to authorize a professional services contract with Halff Associates, Inc. for surveying services, environmental services, and the preparation of a municipal setting designation application of the Dallas Floodway.

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 professional services contract with Halff Associates, Inc. for surveying and environmental services associated with the Dallas Floodway in an amount not to exceed \$640,497.75 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:

| | |
|--|---------------------|
| Trinity River Corridor Project Fund Fund 5P14, Dept. PBW, Unit N963, Act. TRPP Object 4114, Program #PB98N963, CT PBW98N963F1 Vendor #089861, in an amount not to exceed | \$324,204.00 |
| Stormwater Drainage Management Current Funds Fund 0061, Department SDM, Unit 4792, Act. SD01 Obj. 3070, Program # PB98N963, CT SDM4792BM35 Vendor #089861, in an amount not to exceed | <u>\$316,293.75</u> |
| Total amount not to exceed | \$640,497.75 |

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: March 26, 2014

COUNCIL DISTRICT(S): 4

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 55D & 56A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$49,000, from \$73,950 to \$122,950 - Financing: 1998 Bond Funds

BACKGROUND

The Upper Chain of Wetland (UCOW) Cells A, B, and C will be constructed by the U.S. Army Corps of Engineers (USACE) on a site located within the Dallas Floodway Extension on the west side of the Trinity River between the Cedar Crest Boulevard Bridge and the Central Wastewater Treatment Plant. Previous subsurface investigations revealed elevated soil concentrations of lead above the regulatory limits set by the state regulatory agency, Texas Commission on Environmental Quality, (TCEQ).

The City of Dallas is required to remediate the lead contaminated soil prior to the start of the USACE's UCOW construction project. This contract with Modern Geosciences, LLC assisted with the remediation design, prepared the required soil treatability study, and finalized the Soil Management Plan for the UCOW as required by TCEQ. Additional subsurface investigation is needed during construction to verify soil acceptance at all three designated landfills and complete this project.

This action will include an additional twenty-six shallow soil borings that are necessary for waste characterization to complete the subsurface investigation for the engineering design. Work also includes plugging and abandoning of five existing monitoring wells as required by the state regulatory agency, TCEQ. It is anticipated that all soil remediation work will be completed by June 2014.

ESTIMATED SCHEDULE OF PROJECT

Began Engineering Design
Complete Engineering Design

August 2013
June 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Modern Geosciences, LLC, on August 14, 2013, by Resolution No. 13-1383.

FISCAL INFORMATION

1998 Bond Funds - \$49,000.00

| | |
|--|---------------------|
| Professional Services Contract | \$ 73,950.00 |
| Supplemental Agreement No. 1 (this action) | <u>\$ 49,000.00</u> |

| | |
|-------|--------------|
| Total | \$122,950.00 |
|-------|--------------|

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Modern Geosciences, LLC

| | | | |
|-------------------------|---|-----------------------|---|
| Hispanic Female | 0 | Hispanic Male | 0 |
| African-American Female | 0 | African-American Male | 0 |
| Other Female | 0 | Other Male | 0 |
| White Female | 5 | White Male | 7 |

OWNER

Modern Geosciences LLC

Kenneth Tramm, Principal

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project - Not to exceed \$49,000, from \$73,950 to \$122,950 - Financing: 1998 Bond Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

| | <u>Amount</u> | <u>Percent</u> |
|--------------------------|--------------------|----------------|
| Local contracts | \$7,046.00 | 14.38% |
| Non-local contracts | \$41,954.00 | 85.62% |
| TOTAL THIS ACTION | \$49,000.00 | 100.00% |

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

| <u>Local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|--|----------------------|-------------------|----------------|
| B & A Laboratories, Inc., dba XENCO Lab. | HMMB59377Y1114 | \$7,046.00 | 100.00% |
| Total Minority - Local | | \$7,046.00 | 100.00% |

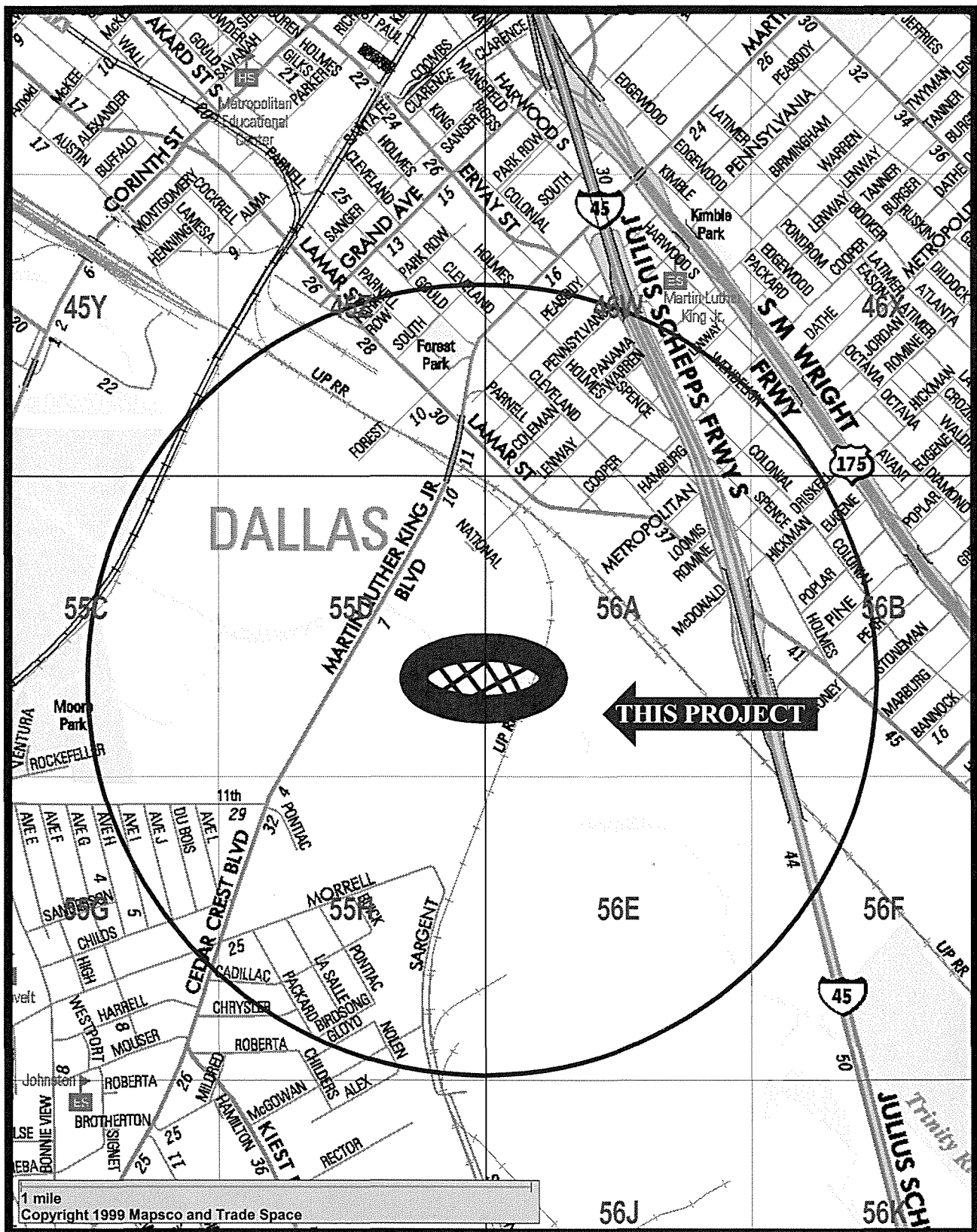
Non-Local Contractors / Sub-Contractors

| <u>Non-local</u> | <u>Certification</u> | <u>Amount</u> | <u>Percent</u> |
|--|----------------------|-------------------|----------------|
| G.L. Morris Enterprises Inc., dba Sunbelt Industrial | WFWB60201Y2015 | \$1,800.00 | 4.29% |
| Total Minority - Non-local | | \$1,800.00 | 4.29% |

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 | \$7,046.00 | 14.38% | \$13,046.00 | 10.61% |
| Asian American | \$0.00 | 0.00% | \$0.00 | 0.00% |
| Native American | \$0.00 | 0.00% | \$1,800.00 | 1.46% |
| WBE | \$1,800.00 | 3.67% | \$0.00 | 0.00% |
| Total | \$8,846.00 | 18.05% | \$14,846.00 | 12.07% |

UCOW REMEDIATION



MAPSCO 55D, 56A

March 26, 2014

WHEREAS, on August 14, 2013, Resolution No. 13-2874 authorized a professional services contract with Modern Geosciences, LLC, for the preparation of the soil remediation and municipal setting designation for the Upper Chain of Wetlands Project, in an amount not to exceed \$73,950, and,

WHEREAS, it is now necessary to authorize Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$49,000, increasing the contract from \$73,950 to \$122,950.

Now Therefore,

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

Section 1. That the City Manager is hereby authorized to approve Supplemental Agreement No. 1 to the professional services contract with Modern Geosciences, LLC for additional environmental services and assistance with the Upper Chain of Wetlands project in an amount not to exceed \$49,000, increasing the contract from \$73,950 to \$122,950.

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

1998 Bond Fund
Fund TP14, Dept. TWM, Unit N962, Act. TRPP
Obj. 4113, Program PB98N962, CT PBW98N962L4
Vendor # VS0000063453, in an amount not to exceed \$49,000.00

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

ADDENDUM ITEM # 13

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution designating absences by Councilmember Rick Callahan and Councilmember Carolyn R. Davis as being for "official city business" - Financing: No cost consideration to the City

BACKGROUND

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

BACKGROUND (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

March 26, 2014

WHEREAS, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

WHEREAS, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

WHEREAS, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

WHEREAS, Councilmember Rick Callahan and Councilmember Carolyn R. Davis participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted in Exhibit A; **Now, Therefore**,

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

March 26, 2014

SECTION 1. That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in Exhibit A, by Councilmember Rick Callahan and Councilmember Carolyn R. Davis because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 2. That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Rick Callahan and Councilmember Carolyn R. Davis in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

SECTION 3. That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence by Councilmember Rick Callahan and Councilmember Carolyn R. Davis as described in Exhibit A, was for "official city business," and no further city council action or approval of those minutes is required.

SECTION 4. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

EXHIBIT A
CITY COUNCIL MEMBER(S)
REQUEST ABSENT AS OFFICIAL CITY BUSINESS

| COUNCILMEMBER | TRIP/EVENT | LOCATION | DATE | PURPOSE | MEETING(S) MISSED | ABSENCE TYPE |
|-------------------------|---|------------|------------|-------------------------|---|----------------------|
| Rick Callahan | Attended a luncheon at the Southeast Dallas Chamber of Commerce | Dallas, TX | 02/24/2014 | Representing District 5 | Housing Committee | Absent more than 50% |
| Carolyn R. Davis | Attended meetings with State Representative Eddie Bernice Johnson, Bernadette Mitchell, Housing, Lee McKinney and Karl Zavitkovsky at City Hall | Dallas, TX | 2/24/2014 | Representing District 7 | Quality of Life & Environment Committee | Absent more than 50% |

ADDENDUM ITEM # 14

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Mayor and City Council
Code Compliance
Office Of Environmental Quality

CMO: A. C. Gonzalez, 670-3302
Charles Cato, 671-3908
Jill A. Jordan, P.E., 670-5299

MAPSCO: N/A

SUBJECT

An ordinance adding Chapter 9C, "Carryout Bags," to the Dallas City Code to provide regulations for single-use and reusable carryout bags; and a resolution instructing staff to explore options for reducing the impacts of single-use carryout bags - Financing: No cost consideration to the City

BACKGROUND

The ordinance (1) bans single-use carryout bags at city facilities, events, or properties; (2) allows businesses to provide single-use carryout bags if they register and charge customers an environmental fee; (3) establishes requirements for reusable carryout bags; and (4) requires businesses to have signage explaining the program. The resolution instructs staff to explore options to reduce the impacts of single-use carryout bags.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Briefed to the Quality of Life and Environment Committee on June 10, 2013.

Briefed to City Council on August 21, 2013.

Briefed to the Quality of Life and Environment Committee on September 9, 2013.

Briefed to the Quality of Life and Environment Committee on October 14, 2013.

Briefed to the Quality of Life and Environment Committee on November 18, 2013.

Briefed to City Council on January 15, 2014.

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

Quality of Life and Environment Council Committee was briefed on June 10, 2013, September 9, 2013, October 14, 2013, and November 18, 2013.

FISCAL INFORMATION

No cost consideration to the City.

March 26, 2014

WHEREAS, the City of Dallas wishes to promote a “culture of clean”; and

WHEREAS, the City of Dallas has a duty to protect the natural environment, the economy, and the health of its residents; and

WHEREAS, the improper disposal of single-use carryout bags has a negative impact on the environment by contributing to unsightly ugliness on the streets, sidewalks, trees, bushes, and vacant lots that is detrimental to the quality of life of residents, the property values of homeowners, and the tourism industry; clogging sewers and drainage systems causing flooding, backups, and other harm to the environment, natural habitats and private property; and polluting the landscape and the Trinity River watershed; and

WHEREAS, single-use carryout bags have significant environmental impacts each year, requiring hundreds of volunteer hours to remove single-use carryout bags from trees, lots, bushes, and roadways; and

WHEREAS, single-use carryout bags cause harmful impacts to migrating wildlife including injury and death; and

WHEREAS, the City Council desires to continue to assess the adverse environmental impact of single-use carryout bags and explore additional options for reducing the impacts generated by the use and processing of single-use carryout bags; **Now, Therefore,**

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

Section 1. That the Office of Environmental Quality is instructed to perform additional studies to:

determine the nature of litter in the City of Dallas;

assess the impacts of single-use carryout bags on the municipal stormwater system and the Trinity River;

assess the potential environmental, aesthetic, and other benefits of banning single-use carryout bags;

explore the potential for city recycling or reuse of single-use carryout bags, such as the reuse of plastic bags as a source for diesel fuel;

explore options for vendors to collect and recycle single-use carryout bags; and

collect information regarding litter resulting from single-use carryout bags not labeled with the name of the business establishment supplying the bag.

March 26, 2014

Section 2. That the Office of Environmental Quality is instructed to report its new findings on the requests in Section 1 to the City Council by December 31, 2014.

Section 3. That the department of Code Compliance is instructed to focus its attention to the enforcement of litter generated by single-use carryout bags.

Section 4. That the City Manager is instructed to assign appropriate departments to incorporate a component focusing specifically on single-use carryout bags into existing city litter abatement and beautification programs where none currently exists.

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.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

ORDINANCE NO. _____

An ordinance adding Chapter 9C, “Carryout Bags,” to the Dallas City Code; providing a statement of purpose; defining terms; prohibiting business establishments from distributing single-use carryout bags unless they register with the city and charge customers a fee for the bags; providing for exemptions; providing standards for reusable carryout bags; requiring signage; providing a penalty not to exceed \$500; providing for a public education campaign; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the City of Dallas wishes to promote a “culture of clean”; and

WHEREAS, the City of Dallas desires to protect the natural environment, the economy, and the health of its residents; and

WHEREAS, it is in the best interests of the health, safety, and welfare of the residents of the city of Dallas to protect the environment by regulating the use of carryout bags; Now, Therefore,

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

SECTION 1. That the Dallas City Code is amended by adding a new Chapter 9C, “Carryout Bags,” to read as follows:

“CHAPTER 9C

CARRYOUT BAGS

SEC. 9C-1. PURPOSE.

The purposes of this chapter are to:

(1) promote a “culture of clean” by reducing the negative impacts caused by single-use carryout bags, including:

(A) ugliness on city streets, sidewalks, trees, bushes, vacant lots, city parks, waterways, reservoirs, and shorelines that is detrimental to the quality of life of citizens, the property values of homeowners, and the tourism industry;

(B) clogging sewers and drainage systems, causing flooding, backups, sewage spills, and other additional harm to the environment; and

(C) polluting the landscape;

(2) reduce the costs associated with the use and distribution of single-use carryout bags;

(3) reduce the effort associated with the removal of litter generated by the use and distribution of single-use carryout bags;

(4) reduce the harmful impacts of single-use carryout bags on natural resources, including wildlife and plants;

(5) reduce the environmental impacts of single-use carryout bags on the environment, including natural landscapes, streams, creeks, reservoirs, lakes, and the Trinity River; and

(6) encourage the use of, and establish standards for, reusable carryout bags.

SEC. 9C-2. DEFINITIONS.

In this chapter:

(1) **BUSINESS ESTABLISHMENT** means any entity that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not-for-profit, and includes all employees of the entity and any independent contractors associated with the entity.

(2) **CARRYOUT BAG** means a bag provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting purchases.

(3) **DEPARTMENT** means the department designated by the city manager to enforce and administer this chapter.

(4) **DIRECTOR** means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(5) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse and meets the requirements of Section 9C-5 of this chapter.

(6) SINGLE-USE CARRYOUT BAG means a carryout bag that is not a reusable carryout bag.

SEC. 9C-3. SINGLE-USE CARRYOUT BAGS.

(a) No person may provide single-use carryout bags at any city facility, city-sponsored special event as defined in Section 42A-2 of this code, or any event held on city property.

(b) Except as provided in Section 9C-4 of this chapter, a business establishment may not provide single-use carryout bags to its customers or to any person.

(c) A single-use carryout bag permitted under Section 9C-4 of this chapter must have a thickness of at least 0.70 mil and be printed with the name of the business establishment.

(d) This section does not apply to the following:

(1) Laundry, dry cleaning, or garment bags; biodegradable door-hanger bags; biodegradable newspaper bags; or packages of multiple bags intended for the disposal of garbage, pet waste, or yard waste.

(2) Recyclable paper bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities.

(3) Recyclable paper bags used by restaurants to take away prepared food.

(4) Single-use plastic bags used by restaurants to take away prepared food only where necessary to prevent moisture damage, such as for soups, sauces, salads with dressing, and liquids.

(5) Bags used by a consumer inside a business establishment to:

(A) contain bulk items, such as produce, nuts, grains, candy, or small hardware items;

(B) contain or wrap meat, fish, or frozen foods whether or not pre-packaged;

(C) contain or wrap flowers, potted plants, or other items to prevent moisture damage to other purchases; or

(D) contain unwrapped prepared foods or bakery goods.

(6) Bags used by a non-profit corporation or other charity to distribute food, grocery products, clothing, or other household items to clients.

SEC. 9C-4. REGISTRATION; ENVIRONMENTAL FEE.

(a) Registration.

(1) A business establishment may provide single-use carryout bags to its customers if it registers with the department and charges a fee in accordance with this section.

(2) A business establishment wishing to provide single-use carryout bags to its customers shall annually register with the department on a form provided by the director.

(A) A separate registration is required for each location where the business establishment wishes to provide single-use carryout bags to its customers.

(B) A business establishment shall indicate in its registration application whether it will charge environmental fees on a per-bag or per-transaction basis.

(i) Except as provided in this paragraph, a business establishment may only change from charging a per-bag fee to a per-transaction fee, or vice versa, at the time of its annual registration.

(ii) A business establishment may change from charging a per-bag fee to a per-transaction fee, or vice versa, if it delivers written notice to the director within the first six months after its original registration.

(C) There is no fee for registration.

(b) Environmental fee.

(1) If single-use carryout bags are provided to a customer, a business establishment shall charge the customer an environmental fee of:

(A) \$0.10 per bag if the business establishment has elected to charge fees on a per-bag basis; or

(B) \$1.00 per transaction if the business establishment has elected to charge fees on a per-transaction basis.

(2) The customer shall pay the environmental fee required by this section at the time of purchase.

(3) A business establishment shall list the environmental fee as a separate item on the customer's transaction receipt detailing the number of single-use carryout bags provided to the customer and the total charge for the environmental fee.

(4) A business establishment shall not rebate or reimburse any portion of the environmental fee to a customer.

(5) Except as provided in this subsection, a business establishment shall remit the environmental fees collected to the city on a monthly basis with fees due to the city by the 20th day of the following month, or the next business day if the 20th day of the following month falls on a weekend or holiday.

(6) A business establishment that collects environmental fees of less than \$250 per month may request permission to remit environmental fees on a quarterly basis. If the request is approved by the director, the business establishment shall remit the environmental fees collected to the city by the 20th day of the month following each calendar quarter, or the next business day if the 20th day of the following month falls on a weekend or holiday.

(7) A business establishment may retain up to 50 percent of the environmental fees collected in accordance with this paragraph.

(A) A business establishment may retain 10 percent of the environmental fee to offset the costs of collecting the fee and complying with this section.

(B) A business establishment may retain an additional 20 percent of the environmental fee if the business establishment offers in-store rebates of \$0.05 per reusable bag that a customer brings with them to carry purchased items.

(C) A business establishment may retain an additional 20 percent of the environmental fee if the business establishment implements an external public education campaign approved by the director to inform customers on the importance of environmental stewardship.

(8) Environmental fees collected under this section may only be used for the following purposes:

(A) paying for the costs of the registration program;

(B) the purchase and distribution of reusable carryout bags;

(C) public education on reducing the use of single-use carryout bags;

or

(D) environmental clean-up programs.

SEC. 9C-5.

REUSABLE CARRYOUT BAG STANDARDS.

(a) A business establishment may provide or sell reusable carryout bags to its customers or to any person. A person, subject to authorization by the city, may provide or sell reusable carryout bags at any city facility, city-sponsored special event as defined in Section 42A-2 of this code, or any event held on city property.

(b) A reusable carryout bag must display in a highly visible manner on the bag's exterior, language describing the bag's ability to be reused or recycled.

(c) A reusable carryout bag must have a handle, except that a handle is not required for a reusable carryout bag constructed out of recyclable paper with a height of less than 14 inches and a width of less than eight inches.

(d) A reusable carryout bag must be constructed out of:

(1) cloth, other washable fabric, or other durable materials whether woven or non-woven;

(2) recyclable plastic, with a minimum thickness of 4.0 mil; or

(3) recyclable paper that contains a minimum of 40 percent recycled content.

(e) A reusable carryout bag must meet the minimum reuse testing standard of 100 reuses carrying 16 pounds.

(f) Alternative reusable bags.

(1) The director may approve an alternative bag to the reusable carryout bag if the director finds that:

(A) the proposed alternative bag provides reusability and durability that is equivalent to or better than the required bag; and

(B) the manufacturer or distributor of the proposed alternative bag has independent documentation that shows that the bag is capable of 100 reuses carrying 16 pounds.

(2) A request for approval of an alternative bag must be submitted on a form provided by the director.

(3) The applicant has the burden of proof to establish the necessary facts to warrant favorable action by the director. The director shall evaluate all applications on a case-by-case basis.

(4) The director shall render a decision on an application filed in accordance with this subsection no later than 60 days after the request is submitted. If the director fails to render a decision within 60 days, the application shall be deemed denied. The director shall prepare written findings to support the grant or denial of a request filed in accordance with this subsection.

(5) If the director denies an application for an alternative bag, the decision is final unless the applicant files an appeal with the permit license and appeals board in accordance with Section 2-96 of this code.

SEC. 9C-6. SIGNAGE AND OTHER REQUIREMENTS.

(a) Except as provided in this section, a business establishment shall display signage in accordance with this section.

(b) A business enterprise is not required to display signage if the only single-use carryout bags it provides to customers fall under the exemption of Section 9C-3(d) of this chapter.

(c) Required signs must be displayed in both English and Spanish.

(d) The specific wording of a required sign may be chosen by the business establishment as long as the sign states all of the following:

(1) If the business establishment is not registered in accordance with Section 9C-4 of this chapter, that the business establishment does not offer single-use carryout bags.

(2) If the business establishment is registered in accordance with Section 9C-4 of this chapter, that single-use carryout bags are only provided to a customer who pays a per-bag or per-transaction fee, as applicable.

(3) The options available for carrying items purchased from the business establishment.

(4) The environmental benefits of reducing, reusing, and recycling.

(e) A sign must be posted no farther than six feet from each point of sale.

(f) A business establishment that owns, leases, or controls its customer parking areas shall post and maintain in each customer parking area exterior signs with the following requirements:

(1) The signs must include wording that encourages customers to bring their own reusable carryout bags.

(2) The signs must be at least 11 inches by 17 inches in area and readable by walking customers.

(3) The signs must be posted so that they are visible to customers with a minimum of one sign for every 50 parking spaces. Except as provided in this subsection, the signs must be distributed in a roughly even manner throughout the parking lot.

(4) If a business establishment has fewer than 50 parking spaces, in lieu of posting signs in the parking area, it must post one sign at the exterior of each customer entrance, visible to customers entering the business establishment.

(5) The signs must be made of rigid, weather-resistant metal.

(g) The city does not provide the signs required by this section. It is the responsibility of the business establishment to produce, erect, and maintain the signs.

(h) A sign required by this section may only be removed by the owner of the business establishment or the property owner.

SEC. 9C-7. VIOLATIONS; PENALTY.

(a) A person who violates any provision of this chapter, or fails to perform an act required by this chapter, commits an offense. A person commits a separate offense each day or part of a day during which the violation is committed, continued, or permitted.

(b) An offense under this chapter is punishable by a fine not to exceed \$500.”

SECTION 2. That prior to the effective date of this ordinance, the city manager shall develop a public education campaign to inform business establishments and citizens of the requirements of this ordinance and the benefits of using reusable carryout bags.

SECTION 3. That the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on January 1, 2015, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: March 26, 2014

COUNCIL DISTRICT(S): 4

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 55F

SUBJECT

Authorize a conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary in the amount of \$480,000 to construct fourteen townhomes at Eighth Street and Corinth Street just south of the newly constructed senior homes on Tonga Street - Not to exceed \$480,000 - Financing: General Obligation Commercial Paper Funds

BACKGROUND

In 2006, a master plan was created for the Fiji-Compton Area that would guide the implementation of several redevelopment components. The Fiji-Compton Area is a 23.43 acre site located along Corinth Avenue between two DART light rail stations. The economic development goals for the Fiji-Compton area include: 130 units of new senior housing, a new 60 room assisted living facility (34,500 sq. ft.), 50 new townhouses, 19,200 sq. ft. of office space, and a mixed use building with 12,200 sq. ft. of commercial/retail space with 74 one and two bedroom apartments above. Infrastructure was installed in the community and one hundred thirty units of senior housing were completed in 2010, with a current occupancy rate of 92%.

In July 2013, Jay Oji (Owner/Developer) submitted a proposal to the City requesting gap financing of \$480,000 to begin construction of the townhomes that are included in the master plan. Sphinx Development Corporation is a Dallas based real estate development company with over 30 years of development experience, both single family and multifamily.

Mr. Oji proposes to develop the first 14 townhomes with 3 to 4 bedrooms, 2.5 baths and up to 1400 sq. ft. per unit. The pricing of the homes will range between \$129,000 and \$149,000 per unit. With the approval of \$480,000 of 2012 Bond Program (General Obligation Commercial Paper) funds, the City will finance a portion of the construction costs for each home, up to \$40,000 per unit. The developer will secure the balance of financing from a private lender.

BACKGROUND (continued)

The City will hold a second lien deed of trust and subordinate to the construction lender. Homes will be available for homebuyers at or below 140% of area median family income, currently \$95,060 for a family of four. Deed restrictions will remain in place for 5 to 10 years dependent upon the amount of assistance provided.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On March 3, 2014, the Housing Committee was briefed on the Fiji Townhomes Project and approved the project to move forward to full City Council.

FISCAL INFORMATION

\$480,000 - 2012 Bond Program (General Obligation Commercial Paper Funds)

OWNER

Sphinx Development Corporation

Jay Oji, President & Chief Executive Officer

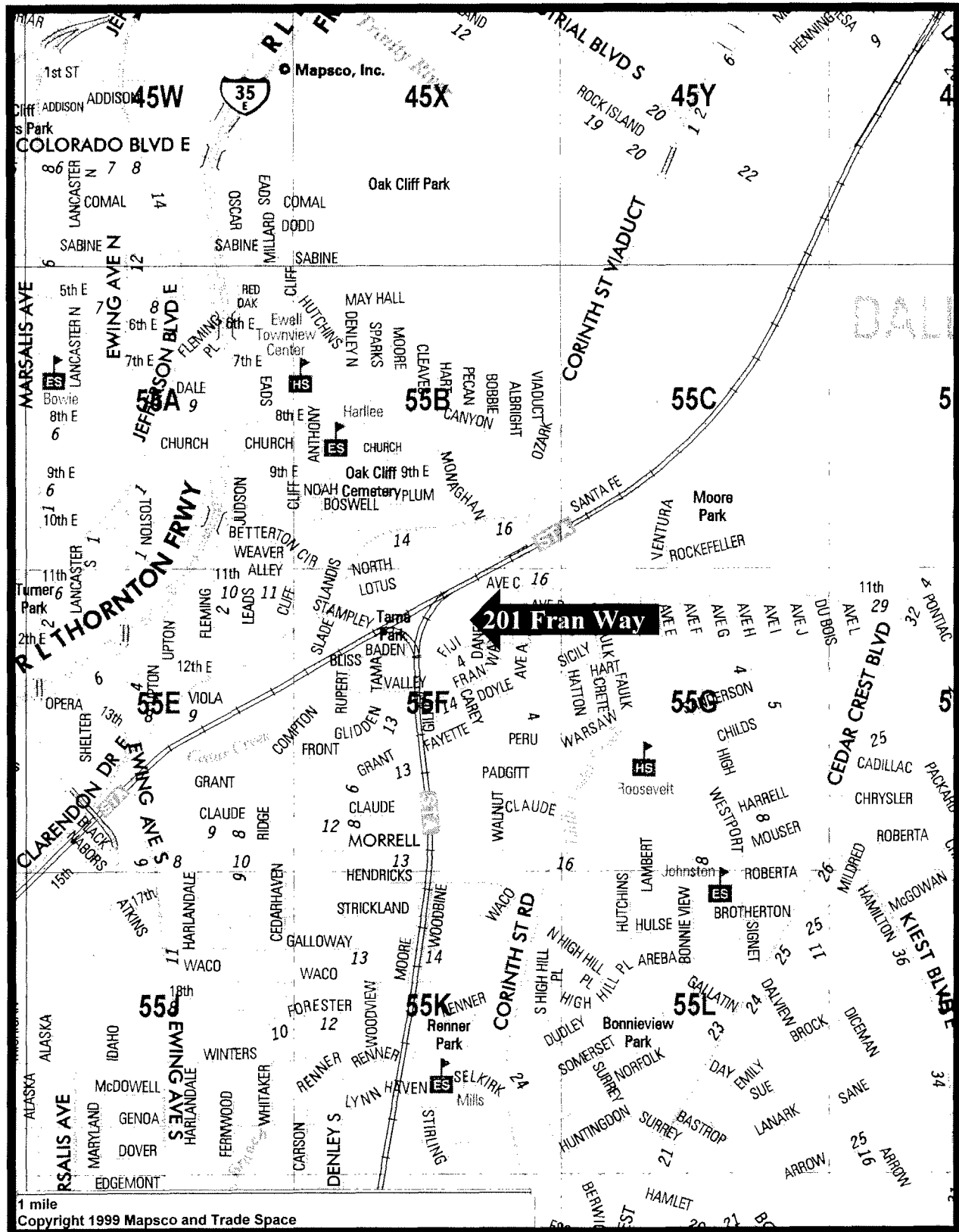
DEVELOPER

Sphinx Development Corporation

Jay Oji, President & Chief Executive Officer

MAP

Attached



MAPSCO 55F

March 26, 2014

WHEREAS, the City of Dallas seeks to support economic growth in the Southern area of the city and economic development in connection with transit-oriented developments; and

WHEREAS, the City Council finds that it is in the best interest of the City to promote local economic development and to stimulate development activity in the city, in particular, the Fiji-Compton area; and

WHEREAS, on March 3, 2014, the Housing Committee was briefed on the Fiji Townhomes Project and approved the project to move forward to full City Council; and

WHEREAS, the redevelopment of the Property will further the City's goals for development in the Southern Sector;

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 conditional grant agreement with Sphinx Development Corporation or its wholly owned subsidiary in an amount of \$480,000 to construct fourteen townhomes at Eighth Street and Corinth Street just South of the newly constructed senior homes on Tonga Street.

Section 2. That the grant agreement is hereby expressly made subject to all of the following conditions which must be performed or occur:

- A. Sphinx Development Corporation (SDC) or its wholly owned subsidiary will enter into a conditional grant agreement, deed of trust, and deed restrictions. The deed restrictions for affordability will be 5 years for \$20,000 and 10 years for \$40,000 in assistance.
- B. SDC must provide a commitment from a private lender financing the balance of construction costs.
- C. SDC shall begin construction of the 14 units no later than August 1, 2014.
- D. Project shall contain a minimum of 14 townhome units.
- E. SDC will present homebuyers with incomes at or below 140% of Area Median Family Income.
- F. Developer will have two (2) years to complete construction and occupancy of the 14 units.
- G. SDC shall market pursuant to the City's Affirmative Fair Housing Marketing Plan

Section 3. That the City Manager may provide subordination of deed of trust and deed restrictions as needed for this project.

March 26, 2014

Section 4. That the City Manager may provide lien or deed restriction releases and/or assumptions of those lien or deed restrictions as appropriate.

Section 5. That the Controller is hereby authorized to encumber and disburse funds in accordance with the terms and conditions of the contracts as follows:

Sphinx Development Corporation

Vendor No. VS0000015671

| <u>Fund</u> | <u>Dept.</u> | <u>Unit</u> | <u>Object Code</u> | <u>Encumbrance No.</u> | <u>Amount</u> |
|-------------|--------------|-------------|------------------------|------------------------|---------------|
| 2U53 | HOU | S803 | 3016 | HOUS803F091 | \$480,000 |

Section 6. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available bond funding, and there will be no liability or obligation on the City until final contract documents are approved, executed, and final closing completed.

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.