


**APRIL 23, 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 April 23, 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

4-11-14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Edward Scott  
City Controller

4/11/14  
\_\_\_\_\_  
Date





RECEIVED

2014 APR 11 PM 4:32

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

April 23, 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, APRIL 23, 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 - 27

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 28 - 40

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 41 - 47

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



**AGENDA**  
**CITY COUNCIL MEETING**  
**APRIL 23, 2014**  
**CITY OF DALLAS**  
**1500 MARILLA**  
**COUNCIL CHAMBERS, CITY HALL**  
**DALLAS, TEXAS 75201**  
**9:00 A. M.**

Invocation and Pledge of Allegiance (Council Chambers)

Agenda Item/Open Microphone Speakers

**VOTING AGENDA**

1. Approval of Minutes of the April 9, 2014 City Council Meeting

**CONSENT AGENDA**

**Aviation**

2. Authorize an amendment to the Interlocal Agreement with the North Texas Tollway Authority, effective April 1, 2014, to extend the contract for a period of twelve months for the installation, maintenance, upgrading and clearinghouse functions of the automated vehicle identification system equipment for tolltag exit lanes in the parking facilities, and tolltag readers for ground transportation vehicles throughout the roadways at Dallas Love Field - Not to exceed \$250,000 - Financing: Aviation Current Funds

**Business Development & Procurement Services**

3. Authorize a one-year construction services contract to provide micro-surfacing and slurry seal for Street Services - Intermountain Slurry Seal, Inc., lowest responsible bidder of four - Not to exceed \$4,118,575 - Financing: Current Funds (subject to appropriations)

CONSENT AGENDA (Continued)

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

4. Authorize a six-year service contract for elevator and escalator maintenance and repair at the Kay Bailey Hutchison Convention Center Dallas and Union Station - EMR Elevator, Inc., lowest responsible bidder of three - Not to exceed \$1,539,000 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

**City Attorney's Office**

5. Authorize settlement of the lawsuit styled Eric A. Williams v. City of Dallas, Cause No. DC-12-07793-J - Not to exceed \$50,000 - Financing: Current Funds

**Economic Development**

6. Authorize the re-establishment of the South Dallas/Fair Park Area Business Façade/Revitalization Program which provides façade improvements for buildings with operating businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway, pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program, in order to promote economic development in the South Dallas/Fair Park area - Financing: This action has no cost consideration to the City
7. Authorize **(1)** a public hearing to be held on May 14, 2014, to receive comments to consider the designation of a Tax Increment Financing Reinvestment Zone for the Mall Area Redevelopment TIF District (comprising the Valley View Center Mall area and the Southwest Center Mall area) under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311); and, at the close of the hearing **(2)** consideration of an ordinance designating the Mall Area Redevelopment TIF District - Financing: No cost consideration to the City

**Housing/Community Services**

8. Authorize **(1)** the acceptance of additional grant funds in the amount of \$10,000 from the March of Dimes to provide training for the Becoming a Mom program for the period February 1, 2014 through January 31, 2015; **(2)** an increase in appropriations in the amount of \$10,000, from \$17,000 to \$27,000 in the March of Dimes Community Baby Cafe Fund; and **(3)** execution of the grant agreement - Not to exceed \$10,000 - Financing: Private Funds
9. Authorize an amendment to Resolution No. 13-2059, Section 2 (e), previously approved on December 11, 2013, to reduce the financing requirement from \$37,000,000 to a minimum of \$28,000,000 for the development loan with Dallas Housing Authority for the Turner Courts Project located at 6601 Bexar Street within the Bexar Street Redevelopment Corridor in the amount of \$2,500,000 at 4% interest for infrastructure improvements for a 206-unit apartment project - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

**Human Resources**

10. Authorize the first one year extension to the contract with Standard Life Insurance Company, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage - Not to exceed \$2.00 per month per employee - Financing: Current Funds (subject to appropriations)
11. An ordinance amending Section 34-24.1, "Family Leave," of Chapter 34, "Personnel Rules," to **(1)** allow employees to take family leave for a "designated care recipient"; and **(2)** providing a definition of "designated care recipient"; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This item has no cost consideration to the City

**Office of Cultural Affairs**

12. Authorize an amendment to Resolution No. 09-2956, previously approved on December 9, 2009, to the Park & Recreation Public Art Plan for the 2006 Bond Program in compliance with the City's Public Art Ordinance of the Dallas City Code, Chapter 2, Article X (list attached) - Financing: No cost consideration to the City

**Office of Management Services**

13. An ordinance authorizing an amendment to the Dallas/Fort Worth International Airport's Code of Rules and Regulations - Appendix I, to include proposed new street names at the Southgate Plaza Development; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

**Public Works Department**

**Street Resurfacing and Street Improvements for 2014**

**Note:** Item Nos. 14 and 15 must be considered collectively.

14. \* Authorize a contract with NPL Construction Company, Inc., lowest responsible bidder of four, in the amount of \$14,648,832 for the construction of pavement surface improvements for Street Resurfacing and Street Improvements for 2014 (list attached) - Not to exceed \$14,648,832 - Financing: General Obligation Commercial Paper Funds (\$14,555,136) and Water Utilities Capital Construction Funds (\$93,696)
15. \* Authorize a professional services contract with Kleinfelder Central, Inc., to provide construction material testing during the construction of the Street Resurfacing and Street Improvements for 2014 - Not to exceed \$187,139 - Financing: General Obligation Commercial Paper Funds

CONSENT AGENDA (Continued)

**Sustainable Development and Construction**

16. An ordinance granting a private license to Preston Hollow United Methodist Church, for approximately 3,713 square feet of land to install, use and maintain landscaping on portions of Stichter Avenue located near its intersection with Tibbs Street - Revenue: \$1,000 one-time fee, plus the \$20 ordinance publication fee
17. An ordinance abandoning certain aerial rights over portions of Record Crossing Road and Harry Hines Boulevard to the Board of Regents of the University of Texas System, the abutting owner, containing a total of approximately 14,837 square feet of land, located near the intersection of Record Crossing Road and Harry Hines Boulevard and authorizing the quitclaim - Revenue: \$155,789, plus the \$20 ordinance publication fee
18. An ordinance amending Ordinance No. 28975, which abandoned portions of Harrison, Clarence, Myrtle and Atlanta Streets, two alleys, three street easements, a sight easement, two sanitary sewer main easements, a water and sewer main easement, and a utility easement, to Dallas Independent School District, the abutting owner, to extend the final replat requirement from one year to 30 months - Revenue: \$5,400, plus the \$20 ordinance publication fee

**Trinity Watershed Management**

19. Authorize **(1)** acceptance of a donation of \$12,615 from the Trinity Trust Foundation for the purpose of hiring an intern for the Southwest Airlines Conservation Corps program; and **(2)** the establishment of appropriations in the amount of \$12,615 - Not to exceed \$12,615 - Financing: Trinity Trust Foundation Fund - SW Airline Conservation Corps
20. Authorize the ratification of emergency work performed by Cleaning Guys, LLC for abatement and removal of mercury vapor light residue from the affected areas in and around Peary Park - Not to exceed \$77,982 - Financing: Stormwater Drainage Management Current Funds
21. Authorize **(1)** an increase in the construction contract with AUI Contractors, LLC for construction of the Levee Drainage System - Hampton-Oak Lawn sump, also referred to as the Baker No. 3 Pump Station; and **(2)** extend the contract by an additional ninety-days - Not to exceed \$4,616,624, from \$37,961,493 to \$42,578,117 - Financing: General Obligation Commercial Paper Funds
22. Authorize Supplemental Agreement No. 2 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional surveying and engineering design services necessary for the realignment of Wheatland Road from the Lancaster city limits to Lancaster Road at Plaza Drive - Not to exceed \$84,443, from \$405,931 to \$490,374 - Financing: General Obligation Commercial Paper Funds



CONSENT AGENDA (Continued)

**Water Utilities**

23. Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and All Harbors Ferry Service, for ferry boat service from the docks at The Harbor of Rockwall, Texas, on Lake Ray Hubbard - Estimated Annual Revenue: \$9,500
24. Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and AquaFly Ray Hubbard, for flyboard rental service from the docks at The Harbor of Rockwall, Texas on Lake Ray Hubbard - Estimated Annual Revenue: \$1,500
25. Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and Flyboard Rockwall, for flyboard rental service from the docks at The Harbor of Rockwall, Texas on Lake Ray Hubbard - Estimated Annual Revenue: \$1,500
26. Authorize an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for construction of water and wastewater main relocations and appurtenance adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway) - Not to exceed \$1,116,258 - Financing: Water Utilities Capital Construction Funds (\$30,415) and Water Utilities Capital Improvement Funds (\$1,085,843)
27. Authorize Supplemental Agreement No. 1 to the professional services contract with CDM Smith Inc. for additional engineering services associated with the rehabilitation of the White Rock Raw Sewage Pump Station at the Central Wastewater Treatment Plant - Not to exceed \$2,389,552, from \$1,224,983 to \$3,614,535 - Financing: Water Utilities Capital Improvement Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

28. 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)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)**Business Development & Procurement Services**

**Note:** If Agenda Item No. 29 is adopted, Council will not consider Agenda Item No. 30.

29. Authorize a three-year master agreement, with two one-year renewal options, for the purchase of unleaded and diesel fuels based on Platts index rates - W. Douglass Distributing, LTD. in the amount of \$9,410,524, Martin Eagle Oil Company, Inc. in the amount of \$10,129,681 and Mansfield Oil Company of Gainesville, Inc. in the amount of \$2,891,003, lowest responsible bidders of nine and Truman Arnold Companies dba TAC Energy in the amount of \$40,909,090, local preference bidder - Total not to exceed \$63,340,298 - Financing: Current Funds (subject to annual appropriations)
30. Authorize a three-year master agreement, with two one-year renewal options, for the purchase of unleaded and diesel fuels based on Platts index rates - Hartland Fuel Products, LLC in the amount of \$23,437,730, W. Douglass Distributing, LTD. in the amount of \$9,410,524, Martin Eagle Oil Company, Inc. in the amount of \$10,129,681 or \$27,551,736 (**Tie Bids - Group 3**) and Mansfield Oil Company of Gainesville, Inc. in the amount of \$2,891,003 or \$20,313,058 (**Tie Bids - Group 3**), lowest responsible bidders of nine - Total not to exceed \$63,290,993 - Financing: Current Funds (subject to annual appropriations)

**Sustainable Development and Construction**

31. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from ADRCC, LLC, of approximately 47,180 square feet of land located near the intersection of Finnell Street and Lombardy Lane for a wastewater pipeline for the Shady Trail Relief Interceptor Project - \$6,000 (\$4,000, plus closing costs and title expenses not to exceed \$2,000) - Financing: Water Utilities Capital Construction Funds

**DESIGNATED PUBLIC SUBSIDY MATTERS****Economic Development****Statler/Library/Jackson Street  
Redevelopment Project**

**Note:** Item Nos. 32 and 33  
must be considered collectively.

32. \* Authorize a development agreement with Centurion Acquisitions, LP for eligible project costs, street and utility improvements in an amount not to exceed \$3,000,000 plus an Economic Development TIF Grant in an amount not to exceed \$43,500,000 for a total not to exceed \$46,500,000 for redevelopment of the buildings addressed as 1914 Commerce Street (Statler building) and 1954 Commerce Street (Old Dallas Central Library building) and properties addressed as 2002 Commerce Street, 210, 300 and 308 South Harwood Street and 2003 Jackson Street from revenues accruing to Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) - Total not to exceed \$46,500,000 - Financing: Downtown Connection TIF District Funds

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

**Economic Development** (Continued)

**Statler/Library/Jackson Street  
Redevelopment Project**

**Note:** Item Nos. 32 and 33  
must be considered collectively.

- 33. \* A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Centurion Acquisitions, LP up to \$46,500,000, of which up to \$43,500,000 is in the form of an Economic Development TIF Grant, for project costs pursuant to the development agreement with Centurion Acquisitions, LP - Financing: This action has no cost consideration to the City

**Note:** Agenda Item Nos. 34, 35, 36, 37 and 38 must be considered collectively.

**Frazier Revitalization Inc. Hatcher Station Clinic**

- 34. \* Authorize a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, J.P. Morgan Chase (Chase) and its subsidiaries, and Frazier Revitalization, Inc. (FRI) and its affiliates (Developer) for the construction of a medical clinic located at 4600 Scyene Road (Project) - Financing: No cost consideration to the City
- 35. \* Authorize a 90 percent real property tax abatement agreement for 10 years with Hatcher at Scyene Title Holding Company, an affiliate of Frazier Revitalization Inc., for a new medical clinic facility of 44,000 square feet located at 4600 Scyene Road in Dallas pursuant to the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$10,233; ten-year revenue estimated at \$102,335 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$921,013)
- 36. \* Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Frazier Revitalization, Inc. or Hatcher at Scyene Title Holding Company (collectively, "FRI"), in an amount up to \$2,000,000 associated with the development of a medical facility to be constructed at 4600 Scyene Road - Not to exceed \$2,000,000 - Financing: Public/Private Partnership Funds
- 37. \* Authorize an amendment to certain conditions contained in Section 3 of Resolution No. 07-0522, which established a forgivable loan to Frazier Revitalization, Inc., related to land acquisition to: **(1)** add "medical" to the allowed project type; **(2)** clarify language related to the job requirements; and **(3)** clarify that the date established for a Certificate of Occupancy is March 31, 2015 - Financing: No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS (Continued)

**Economic Development** (Continued)

**Note:** Agenda Item Nos. 34, 35, 36, 37 and 38 must be considered collectively.

**Frazier Revitalization Inc. Hatcher Station Clinic** (Continued)

38. \* Authorize **(1)** a Special Economic Development Grant Agreement with Frazier Revitalization, Inc. or a project-specific affiliate or subsidiary controlled by Frazier Revitalization, Inc. (Collectively, "FRI"), in an amount not to exceed \$200,000 to fund, and/or retire indebtedness associated with, land acquisition related to the construction of a new medical clinic in the South Dallas/Fair Park area; said grant being conditioned upon Parkland entering into a 25 year lease (with a purchase option) with FRI for the operation of the medical clinic; and **(2)** an increase in appropriations in the amount of \$200,000 - Not to exceed \$200,000, from \$3,177,481 to \$3,377,481 - Financing: South Dallas/Fair Park Trust Funds
39. Authorize **(1)** a Special Economic Development Loan Agreement with Two Podners Retail Eateries, LLC, in the amount of \$100,000 to partially underwrite the cost of development of an 11,000 square foot structure to be located at 1441 Robert B. Cullum in Dallas to expand Two Podners Barbeque and Seafood Restaurant and add 6,500 square feet of tenant space; and **(2)** an increase in appropriations in the amount of \$100,000 - Not to exceed \$100,000, from \$3,377,481 to \$3,477,481 - Financing: South Dallas/Fair Park Trust Funds
40. Authorize an amendment to the Chapter 380 economic development grant agreement with Jefferson Monument, LLC, authorized pursuant to City Council Resolution No. 12-3014, previously approved on December 12, 2012 increasing the amount by \$345,000 associated with the redevelopment of Jefferson Tower, located at 301-375 West Jefferson Boulevard and 304, 314-328 Sunset Avenue in Dallas - Not to exceed \$345,000, from \$1,500,000 to \$1,845,000 - Financing: Public/Private Partnership Funds

PUBLIC HEARINGS AND RELATED ACTIONS

**Sustainable Development and Construction**

ZONING CASES - CONSENT

41. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1931 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 Community Retail District with a D-1 Liquor Control Overlay on the north side of Ann Arbor Avenue, east of South Marsalis Avenue  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions  
Z123-359(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

ZONING CASES - CONSENT (Continued)

42. A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned an A(A) Agricultural District, south of the terminus of South Northlake Road, south of Belt Line Road  
Recommendation of Staff and CPC: Approval  
Z134-122(LHS)
43. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1966 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay south of Great Trinity Forest Way (Loop 12), east of Oklaunion Drive  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions  
Z134-159(WE)
44. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-1ac(A) Single Family District uses on property zoned an R-1ac(A) Single Family District on the north side of Park Lane, west of Preston Road  
Recommendation of Staff and CPC: Approval, subject to conditions  
Z134-161(WE)

ZONING CASES - INDIVIDUAL

45. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southeast corner of Moberly Lane and South Buckner Boulevard  
Recommendation of Staff: Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions  
Recommendation of CPC: Approval for a two-year period, subject to a site plan and conditions  
Z123-269(MW)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

DESIGNATED ZONING CASES - INDIVIDUAL

46. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District uses on property zoned an IM Industrial Manufacturing District on the east corner of Forest Park Road and Bomar Avenue  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions  
Z123-330(LHS)
47. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed on property zoned an IR Industrial Research District on the west line of Irving Boulevard, north of Quaker Street  
Recommendation of Staff and CPC: Approval, subject to a revised site/landscape plan and revised conditions  
Z123-346(WE)

**Park and Recreation Projects**  
Agenda Item # 12

<b><u>Council District</u></b>	<b><u>Project Location</u></b>	<b><u>12/09/2009 Resolution</u></b>	<b><u>Proposed for this Action</u></b>
<b>City Wide Signature Parks</b>			
9	Arboretum**	\$120,000	\$160,000
5 / 8	Crawford Memorial Park*	\$454,000	\$40,422
1 / 4	Dallas Zoo**	\$345,000	\$345,000
6	Elm Fork Soccer Complex**	\$168,000	\$168,000
7	Fair Park - Cotton Bowl Renovation and Conference Center*	\$600,000	\$600,000
7	Fair Park - Esplanade Sculpture Re-creation*	\$80,000	\$192,889
7	Fair Park - Texas Discovery Gardens*	\$333,000	\$286,266
14	Main Street Garden*	\$112,500	\$218,437
5	Texas Horse Park Trinity River**	\$180,000	\$180,000
	<b>Subtotal</b>	<b>\$2,392,500</b>	<b>\$2,191,014</b>
<b>Council District Project List</b>			
1	Kidd Springs Park***	\$64,229	\$0
1	Kessler Park (Coombs Creek Trail)	\$0	\$79,729
2	Samuell Grand	\$90,360	\$105,860
3	Nash-Davis Park*** now District 6	\$86,015	\$0

**Park and Recreation Projects**  
Agenda Item # 12 (Continued)

<b><u>Council District</u></b>	<b><u>Project Location</u></b>	<b><u>12/09/2009 Resolution</u></b>	<b><u>Proposed for this Action</u></b>
<b>Council District Project List</b>			
3	Glendale Park	\$0	\$101,515
4	Beckley Saner Park***	\$58,500	\$0
4	Kiest Park	\$0	\$74,000
5	Cummings Park***	\$69,506	\$0
5	Pleasant Oaks Park	\$0	\$85,006
6	Jaycee- Zaragoza Park	\$85,991	\$101,491
7	Opportunity Park**	\$111,658	\$111,658
8	Kleberg-Rylie Park	\$51,972	\$67,472
9	Harry Stone Park	\$47,399	\$62,899
10	Lake Highlands North Park	\$27,402	\$42,904
11	Churchill Park***	\$104,519	\$0
11	Fretz Park	\$0	\$120,003
12	Campbell Green Park	\$61,582	\$77,082
13	Walnut Hill	\$50,623	\$66,123
14	Randall Park	\$53,146	\$68,646
	<b>Subtotal</b>	<b>\$962,902</b>	<b>\$1,164,388</b>
	<b>Grand Total</b>	<b>\$3,355,402</b>	<b>\$3,355,402</b>

\* Project completed

\*\* Project underway

\*\*\* Public Art funds to be moved to another park in the Council District



**Street Resurfacing and Street Improvements for 2014**  
Agenda Item # 14

<b><u>Council Project</u></b>	<b><u>Limits</u></b>	<b><u>District</u></b>
Fifth Street (E)	Crawford Street to Denver Street	1
Edgefield Drive	Clarendon Drive to Illinois Avenue	1
Eli Avenue	Irwindell Boulevard to Brooklyndell Avenue	1
Jefferson Boulevard (W)	Beckley Avenue to Madison Avenue	1
Harry Hines Boulevard	Medical District Drive to Butler Street	2
Haskell Avenue	Lemmon Avenue to Ross Avenue	2
Jefferson Boulevard (W)	Polk Street to Rosemont Avenue	3
Hillburn Drive	Ravehill Lane to Piedmont Drive	4
Hume Drive	Piedmont Drive to Prichard Lane	4
Illinois Avenue	Orial Avenue to Michigan Avenue	4
Ravehill Lane	Waycross Drive to Prichard Lane	4
Sunnyvale Street	Kiest Boulevard to Ann Arbor Avenue	4

**Street Resurfacing and Street Improvements for 2014**  
Agenda Item # 14 (Continued)

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Ann Arbor Avenue	Bonnie View Road to Cranfill Drive	5
Bonnie View Road	Cummings Street to Great Trinity Forest Way	5
Lake Placid Drive	Reynoldston Lane to Swansee Street	5
Southwell Road	Harry Hines Boulevard to Denton Drive	6
Dale Crest Drive	Park Lane to Walnut Hill Lane	6
Harwich Drive	Park Lane to Walnut Hill Lane	6
Claremont Drive	Highland Road to Ferguson Road	7
Wild Oak Drive	Highland Road to Stonycreek Drive	7
Chaucer Place	Camp Wisdom Road to Kirnwood Drive	8
Flagstaff Drive	Simpson Stuart Road to end of pavement	8
Olusta Drive	South Murdeaux Lane to Forsythe Drive	8
Cotillion Drive	Shiloh Road to Plummer Drive	9
Mercer Circle	Mercer Drive to EOP	9

**Street Resurfacing and Street Improvements for 2014**  
Agenda Item # 14 (Continued)

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Mercer Drive	Vinewood Drive to Buckner Boulevard	9
Mercer Place	Mercer Drive to EOP	9
Plummer Drive	Strayhorn Drive to Ferguson Road	9
Sandra Lynn Drive	Dunaway Drive to Mandalay Drive	9
Ferndale Road	Walnut Hill Lane to Vistadale Drive	10
Brookridge Drive	Spring Valley Road to end of pavement	11
Churchill Way	Whitley Drive to Preston Road	11
Hillcrest Road	Northaven Road to Currin Drive (NB Lane only)	11
Royal Crest Drive	West Ricks Circle to Preston Road	11
Windy Ridge Drive	Meadowcreek Drive to Arbor Downs Drive	12
Selecman Drive	La Sobrina Drive to Foxworth Drive	12
Caraway Drive	Latham Drive to Northaven Road	13
Countess Drive	Camelot Drive to end of pavement of Regent Drive	13

**Street Resurfacing and Street Improvements for 2014**  
Agenda Item # 14 (Continued)

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Dale Crest Drive	Walnut Hill Lane to Citation Drive	13
Duchess Trail	Royal Club Lane to Marquis Lane	13
Earlshire Drive	Regent Drive to Royal Lane	13
Harwich Drive	Walnut Hill Lane to Timberview Road	13
Marquis Lane	Norcross Lane to Royal Lane	13
Regent Drive	Webb Chapel Lane to Countess Drive	13
Royal Club Lane	Merrell Road to Regent Drive	13
Silverton Drive	Dennis Road to Caraway Drive	13
Thackery Street	Waggoner Drive to Royal Lane	13
Main Street	Harwood Street to Lamar Street	14

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 April 23, 2014

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of April 9, 2014 City Council Meeting
2			2	C	AVI	\$250,000.00	NA	NA	Authorize an amendment to the Interlocal Agreement with the North Texas Tollway Authority, effective April 1, 2014, to extend the contract for a period of twelve months for the installation, maintenance, upgrading and clearinghouse functions of the automated vehicle identification system equipment for tolltag exit lanes in the parking facilities, and tolltag readers for ground transportation vehicles throughout the roadways at Dallas Love Field
3			All	C	PBD, STS	\$4,118,575.00	0.00%	9.18%	Authorize a one-year construction services contract to provide micro-surfacing and slurry seal for Street Services
4			2	C	PBD, CES	\$1,539,000.00	0.58%	100.00%	Authorize a six-year service contract for elevator and escalator maintenance and repair at the Kay Bailey Hutchison Convention Center Dallas and Union Station
5			N/A	C	ATT, SAN	\$50,000.00	NA	NA	Authorize settlement of the lawsuit styled Eric A. Williams v. City of Dallas, Cause No. DC-12-07793-J
6			7	C	ECO	NC	NA	NA	Authorize the re-establishment of the South Dallas/Fair Park Area Business Façade/Revitalization Program which provides façade improvements for buildings with operating businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway, pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program, in order to promote economic development in the South Dallas/Fair Park area
7			8, 11	C	ECO	NC	NA	NA	Authorize a public hearing to be held on May 14, 2014, to receive comments to consider the designation of a Tax Increment Financing Reinvestment Zone for the Mall Area Redevelopment TIF District (comprising the Valley View Center Mall area and the Southwest Center Mall area) under the authority of the Tax Increment Financing Act, as amended (V.T.C.A., Tax Code Chapter 311); and, at the close of the hearing consideration of an ordinance designating the Mall Area Redevelopment TIF District
8			All	C	HOU	GT	NA	NA	Authorize the acceptance of additional grant funds from the March of Dimes to provide training for the Becoming a Mom program for the period February 1, 2014 through January 31, 2015; and execution of the grant agreement
9			7	C	HOU	NC	NA	NA	Authorize an amendment to Resolution No. 13-2059, Section 2 (e), previously approved on December 11, 2013, to reduce the financing requirement from \$37,000,000 to a minimum of \$28,000,000 for the development loan with Dallas Housing Authority for the Turner Courts Project located at 6601 Bexar Street within the Bexar Street Redevelopment Corridor in the amount of \$2,500,000 at 4% interest for infrastructure improvements for a 206-unit apartment project
10			N/A	C	HRD	\$2.00	NA	NA	Authorize the first one year extension to the contract with Standard Life Insurance Company, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage
11			N/A	C	HRD	NC	NA	NA	An ordinance amending Section 34-24.1, "Family Leave," of Chapter 34, "Personnel Rules," to allow employees to take family leave for a "designated care recipient"; and providing a definition of "designated care recipient"; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date
12			All	C	OCA, PKR	NC	NA	NA	Authorize an amendment to Resolution No. 09-2956, previously approved on December 9, 2009, to the Park & Recreation Public Art Plan for the 2006 Bond Program in compliance with the City's Public Art Ordinance of the Dallas City Code, Chapter 2, Article X
13			Outside	C	MGT, IGS	NC	NA	NA	An ordinance authorizing an amendment to the Dallas/Fort Worth International Airport's Code of Rules and Regulations - Appendix I, to include proposed new street names at the Southgate Plaza Development; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date
14			1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	C	PBW, WTR	\$14,648,831.50	97.33%	25.99%	Street Resurfacing and Street Improvements for 2014: Authorize a contract with NPL Construction Company, Inc., lowest responsible bidder of four, for the construction of pavement surface improvements for Street Resurfacing and Street Improvements for 2014

# AGENDA DATE April 23, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
15			1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14	C	PBW, WTR	\$187,138.75	100.00%	20.00%	Street Resurfacing and Street Improvements for 2014: Authorize a professional services contract with Kleinfelder Central, Inc., to provide construction material testing during the construction of the Street Resurfacing and Street Improvements for 2014
16			13	C	DEV	REV \$1,000	NA	NA	An ordinance granting a private license to Preston Hollow United Methodist Church, for approximately 3,713 square feet of land to install, use and maintain landscaping on portions of Stichter Avenue located near its intersection with Tibbs Street
17			2	C	DEV	REV \$155,789	NA	NA	An ordinance abandoning certain aerial rights over portions of Record Crossing Road and Harry Hines Boulevard to the Board of Regents of the University of Texas System, the abutting owner, containing a total of approximately 14,837 square feet of land, located near the intersection of Record Crossing Road and Harry Hines Boulevard and authorizing the quitclaim
18			7	C	DEV	REV \$5,400	NA	NA	An ordinance amending Ordinance No. 28975, which abandoned portions of Harrison, Clarence, Myrtle and Atlanta Streets, two alleys, three street easements, a sight easement, two sanitary sewer main easements, a water and sewer main easement, and a utility easement, to Dallas Independent School District, the abutting owner, to extend the final replat requirement from one year to 30 months
19			All	C	TWM	GT	NA	NA	Authorize acceptance of a donation of \$12,615 from the Trinity Trust Foundation for the purpose of hiring an intern for the Southwest Airlines Conservation Corps program
20			7	C	TWM	\$77,981.48	NA	NA	Authorize the ratification of emergency work performed by Cleaning Guys, LLC for abatement and removal of mercury vapor light residue from the affected areas in and around Peary Park
21			2, 6	C	TWM	\$4,616,623.20	11.00%	25.87%	Authorize an increase in the construction contract with AUI Contractors, LLC for construction of the Levee Drainage System - Hampton-Oak Lawn sump, also referred to as the Baker No. 3 Pump Station; and extend the contract by an additional ninety-days
22			8	C	TWM, PBW	\$84,443.00	88.16%	23.30%	Authorize Supplemental Agreement No. 2 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional surveying and engineering design services necessary for the realignment of Wheatland Road from the Lancaster city limits to Lancaster Road at Plaza Drive
23			All	C	WTR	REV \$9,500	NA	NA	Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and All Harbors Ferry Service, for ferry boat service from the docks at The Harbor of Rockwall, Texas, on Lake Ray Hubbard
24			All	C	WTR	REV \$1,500	NA	NA	Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and Aquafly Ray Hubbard, for flyboard rental service from the docks at The Harbor of Rockwall, Texas on Lake Ray Hubbard
25			All	C	WTR	REV \$1,500	NA	NA	Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and Flyboard Rockwall, for flyboard rental service from the docks at The Harbor of Rockwall, Texas on Lake Ray Hubbard
26			13	C	WTR	\$1,116,257.52	NA	NA	Authorize an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for construction of water and wastewater main relocations and appurtenance adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway)
27			4	C	WTR	\$2,389,552.00	100.00%	26.32%	Authorize Supplemental Agreement No. 1 to the professional services contract with CDM Smith Inc. for additional engineering services associated with the rehabilitation of the White Rock Raw Sewage Pump Station at the Central Wastewater Treatment Plant
28			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)
29			All	I	PBD, EBS	\$63,340,297.09	64.17%	4.12%	Authorize a three-year master agreement, with two one-year renewal options, for the purchase of unleaded and diesel fuels based on Platts index rates - W. Douglass Distributing, LTD., Martin Eagle Oil Company, Inc. and Mansfield Oil Company of Gainesville, Inc., lowest responsible bidders of nine and Truman Arnold Companies dba TAC Energy, local preference bidder



# AGENDA DATE April 23, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
30			All	I	PBD, EBS	\$63,290,992.09	NA	NA	Authorize a three-year master agreement, with two one-year renewal options, for the purchase of unleaded and diesel fuels based on Platts index rates - Hartland Fuel Products, LLC, W. Douglass Distributing, LTD., Martin Eagle Oil Company, Inc. (Tie Bids - Group 3) and Mansfield Oil Company of Gainesville, Inc. (Tie Bids - Group 3), lowest responsible bidders of nine
31			6	I	DEV, WTR	\$6,000.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from ADRCC, LLC, of approximately 47,180 square feet of land located near the intersection of Finnell Street and Lombardy Lane for a wastewater pipeline for the Shady Trail Relief Interceptor Project
32			2, 14	I	ECO	\$46,500,000.00	NA	NA	Statler/Library/Jackson Street Redevelopment Project: Authorize a development agreement with Centurion Acquisitions, LP for eligible project costs, street and utility improvements in an amount not to exceed \$3,000,000 plus an Economic Development TIF Grant in an amount not to exceed \$43,500,000 for a total not to exceed \$46,500,000 for redevelopment of the buildings addressed as 1914 Commerce Street (Statler building) and 1954 Commerce Street (Old Dallas Central Library building) and properties addressed as 2002 Commerce Street, 210, 300 and 308 South Harwood Street and 2003 Jackson Street from revenues accruing to Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District)
33			2, 14	I	ECO	NC	NA	NA	Statler/Library/Jackson Street Redevelopment Project: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Centurion Acquisitions, LP up to \$46,500,000, of which up to \$43,500,000 is in the form of an Economic Development TIF Grant, for project costs pursuant to the development agreement with Centurion Acquisitions, LP
34			7	I	ECO	NC	NA	NA	Authorize a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, J.P. Morgan Chase (Chase) and its subsidiaries, and Frazier Revitalization, Inc. (FRI) and its affiliates (Developer) for the construction of a medical clinic located at 4600 Scyene Road (Project)
35			7	I	ECO	NC	NA	NA	Frazier Revitalization Inc. Hatcher Station Clinic: Authorize a 90 percent real property tax abatement agreement for 10 years with Hatcher at Scyene Title Holding Company, an affiliate of Frazier Revitalization Inc., for a new medical clinic facility of 44,000 square feet located at 4600 Scyene Road in Dallas pursuant to the City's Public/Private Partnership Program
36			7	I	ECO	GT	NA	NA	Frazier Revitalization Inc. Hatcher Station Clinic: Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Frazier Revitalization, Inc. or Hatcher at Scyene Title Holding Company (collectively, "FRI"), in an amount up to \$2,000,000 associated with the development of a medical facility to be constructed at 4600 Scyene Road
37			7	I	ECO	NC	NA	NA	Frazier Revitalization Inc. Hatcher Station Clinic: Authorize an amendment to certain conditions contained in Section 3 of Resolution No. 07-0522, which established a forgivable loan to Frazier Revitalization, Inc., related to land acquisition to: add "medical" to the allowed project type; clarify language related to the job requirements; and clarify that the date established for a Certificate of Occupancy is March 31, 2015
38			7	I	ECO	GT	NA	NA	Authorize a Special Economic Development Grant Agreement with Frazier Revitalization, Inc. or a project-specific affiliate or subsidiary controlled by Frazier Revitalization, Inc. (Collectively, "FRI"), to fund, and/or retire indebtedness associated with, land acquisition related to the construction of a new medical clinic in the South Dallas/Fair Park area; said grant being conditioned upon Parkland entering into a 25 year lease (with a purchase option) with FRI for the operation of the medical clinic
39			7	I	ECO	GT	NA	NA	Authorize a Special Economic Development Loan Agreement with Two Podners Retail Eateries, LLC, to partially underwrite the cost of development of an 11,000 square foot structure to be located at 1441 Robert B. Cullum in Dallas to expand Two Podners Barbeque and Seafood Restaurant and add 6,500 square feet of tenant space
40			1	I	ECO	GT	NA	NA	Authorize an amendment to the Chapter 380 economic development grant agreement with Jefferson Monument, LLC, authorized pursuant to City Council Resolution No. 12-3014, previously approved on December 12, 2012 increasing the amount by \$345,000 associated with the redevelopment of Jefferson Tower, located at 301-375 West Jefferson Boulevard and 304, 314-328 Sunset Avenue in Dallas
41			4	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. 1931 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 Community Retail District with a D-1 Liquor Control Overlay on the north side of Ann Arbor Avenue, east of South Marsalis Avenue

**AGENDA DATE**     April 23, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
42			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned an A(A) Agricultural District, south of the terminus of South Northlake Road, south of Belt Line Road
43			8	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. 1966 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay south of Great Trinity Forest Way (Loop 12), east of Oklaunion Drive
44			13	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-1ac(A) Single Family District uses on property zoned an R-1ac(A) Single Family District on the north side of Park Lane, west of Preston Road
45			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 the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southeast corner of Moberly Lane and South Buckner Boulevard
46			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District uses on property zoned an IM Industrial Manufacturing District on the east corner of Forest Park Road and Bomar Avenue
47			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed on property zoned an IR Industrial Research District on the west line of Irving Boulevard, north of Quaker Street

**TOTAL            \$202,215,693.63**





## AGENDA ITEM # 2

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Aviation

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 34E

---

### **SUBJECT**

Authorize an amendment to the Interlocal Agreement with the North Texas Tollway Authority, effective April 1, 2014, to extend the contract for a period of twelve months for the installation, maintenance, upgrading and clearinghouse functions of the automated vehicle identification system equipment for tolltag exit lanes in the parking facilities, and tolltag readers for ground transportation vehicles throughout the roadways at Dallas Love Field - Not to exceed \$250,000 - Financing: Aviation Current Funds

### **BACKGROUND**

The tolltag Automated Vehicle Identification System at Dallas Love Field parking facilities accounts for 55% of the \$18,500,000 parking revenue. The tolltag registers the vehicle as it enters the garage and bills the user's account when the vehicle exits. There are fifteen exit lanes of which ten are equipped for tolltag usage. The availability of tolltags enables customers to enter and exit the parking facilities without stopping to pay parking fees thereby increasing efficiency and customer service.

Additionally, the tolltag Automated Vehicle Identification System over Dallas Love Field roadways, accounts for all charges to ground transportation providers. There are a total of ten readers over inbound and outbound roadways which currently account for approximately \$250,000 in revenue. The North Texas Tollway Authority (NTTA) is the clearinghouse provider for both personal and ground transportation tolltag transactions and automatically charges the user's credit card. Authorization to extend the Interlocal Agreement will allow NTTA to continue as the clearinghouse provider and maintain equipment.

### **PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized an Interlocal Agreement with the North Texas Tollway Authority on January 12, 2005, by Resolution No. 05-0144.

Authorized an amendment to the Interlocal Agreement with the North Texas Tollway Authority on September 23, 2009, by Resolution No. 09-2774 to allow for the installation and maintenance of Automated Vehicle Identification System equipment for five additional Tolltag exit lanes.

### **FISCAL INFORMATION**

\$ 250,000.00 - Aviation Current Funds

April 23, 2014

**WHEREAS**, the City of Dallas entered into a thirty-six month Interlocal Agreement with the North Texas Tollway Authority (NTTA), effective April 1, 2014, for the installation, use, and maintenance of the Automated Vehicle Identification System (Tolltag) for the parking facilities and ground transportation services at Dallas Love Field on January 12, 2005, by Resolution No. 05-0144; and,

**WHEREAS**, tolltags enable the Airport's parking customers and ground transportation providers to enter and exit the parking facilities without stopping for tickets or waiting in line to pay parking fees, register vehicles as they enter the parking facilities, and bill users' accounts when vehicles exit; and,

**WHEREAS**, tolltags provide convenience for the Airport's customers and valuable Airport revenue tracking information; and,

**WHEREAS**, additional or updated tolltag equipment exit lanes will be needed to service the Airport's customers equipped with a Tolltag; and,

**WHEREAS**, the City Council authorize the City Manager to execute a twelve month Amendment to the Interlocal Agreement between NTTA and the City of Dallas for operation of the tolltag system and NTTA clearinghouse services.

**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 Amendment to the Interlocal Agreement with NTTA to extend the contract for a period of twelve months, for the installation, maintenance, upgrading and clearinghouse functions of the Automated Vehicle Identification System equipment for tolltag exit lanes in the parking facilities, and tolltag readers for ground transportation vehicles throughout the roadways located at Dallas Love Field, after approval as to form by the City Attorney.

**Section 2.** That the City Controller is hereby authorized to disburse funds as follows: Fund 0130; Agency AVI; Unit 7751; Act. Code AV05, Obj. Code 3422; Encumbrance No. CTAVINTTA0314; Amount \$250,000.00.

**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.





### **AGENDA ITEM # 3**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Street Services

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

**MAPSCO:** N/A

---

### **SUBJECT**

Authorize a one-year construction services contract to provide micro-surfacing and slurry seal for Street Services - Intermountain Slurry Seal, Inc., lowest responsible bidder of four - Not to exceed \$4,118,575 - Financing: Current Funds (subject to 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 construction service contract will provide micro-surfacing and slurry seal used by Street Services to complete planned work in 2014. Micro-surfacing and slurry seal are preventative maintenance treatments designed to seal surface cracks. Failure to seal surface cracks allows water to penetrate street surfaces causing street deterioration.

Micro-surfacing consists of a 1/4 inch thick mixture of asphalt and crushed stone typically applied to higher traffic volume, nonresidential streets. Traffic can usually be restored to the street approximately 30 minutes after application. Street Services estimates 100 lane miles will be treated during the one-year service contract.

Slurry seal consists of a 1/4 inch thick mixture of asphalt, sand, and finely crushed stone applied to the street surface in a single layer, typically applied to residential streets. Traffic can usually be restored to the street approximately 1 to 2 hours after application. Street Services estimates 235 lane miles will be treated during the one-year service contract.

This solicitation was structured in a manner which required bidders to submit a response using unit pricing. This bid resulted in a 12.93% decrease over comparable prices for the bids 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 670 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 March 9, 2011, City Council authorized a one-year service contract to provide micro-surfacing and slurry seal by Resolution No. 11-0627.

On April 11, 2012, City Council authorized a one-year service contract to provide micro-surfacing and slurry seal by Resolution No. 12-1018.

On April 10, 2013, City Council authorized a one-year service contract to provide micro-surfacing and slurry seal by Resolution No. 13-0605.

This item was included on the April 14, 2014 agenda for the Transportation & Trinity River project Committee.

## **FISCAL INFORMATION**

\$4,118,575.00 - Current Funds (subject to appropriations)

## **M/WBE INFORMATION**

137 - Vendors contacted

137 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

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

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

## **ETHNIC COMPOSITION**

### **Intermountain Slurry Seal, Inc.**

White Male	46	White Female	9
Black Male	0	Black Female	0
Hispanic Male	9	Hispanic Female	1
Other Male	1	Other Female	0

## **BID INFORMATION**

The following bids were received from solicitation number BK1420 and were opened on February 27, 2014. This construction services contract is being awarded in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*Intermountain Slurry Seal, Inc.	520 North 400 West North Salt Lake City, UT 84054	\$4,118,575.00
Viking Construction, Inc.	2592 Shell Road Georgetown, TX 78928	\$4,459,150.00
NyMac Enterprises, Inc.	3415 South Creyts Road Lansing, MI 48917	\$4,540,980.00
American Pavement Preservation, LLC	4725 East Cartier Avenue Las Vegas, NV 89115	\$6,598,025.50

## **OWNER**

### **Intermountain Slurry Seal, Inc.**

Jason Todd Klaumann, President  
Kathleen Schreckengost, Vice President

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a one-year construction services contract to provide micro-surfacing and slurry seal for Street Services - Intermountain Slurry Seal, Inc., lowest responsible bidder of four - Not to exceed \$4,118,575 - Financing: Current Funds (subject to appropriations)

Intermountain Slurry Seal, 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:** Other Services

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$4,118,575.00	100.00%
<b>TOTAL CONTRACT</b>	<b>\$4,118,575.00</b>	<b>100.00%</b>

### **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>
Perkins Construction	BMDB58613Y0914	\$239,300.00	5.81%
Brooklyn Sweeps	BMDB58868Y1014	\$59,100.00	1.43%
Texas Trucking	HMDB21109N1115	\$79,531.40	1.93%
<b>Total Minority - Non-local</b>		<b>\$377,931.40</b>	<b>9.18%</b>

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$298,400.00	7.25%
Hispanic American	\$0.00	0.00%	\$79,531.40	1.93%
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%
<b>Total</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$377,931.40</b>	<b>9.18%</b>

April 23, 2014

**WHEREAS**, on March 9, 2011, City Council authorized a one-year service contract to provide micro-surfacing and slurry seal by Resolution No. 11-0627; and,

**WHEREAS**, on April 11, 2012, City Council authorized a one-year service contract to provide micro-surfacing and slurry seal by Resolution No. 12-1018; and,

**WHEREAS**, on April 10, 2013, City Council authorized a one-year service contract to provide micro-surfacing and slurry seal by Resolution No. 13-0605;

**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 construction services contract with Intermountain Slurry Seal, Inc. (VS0000067902) for micro-surfacing and slurry seal for Street Services for a term of one year in an amount not to exceed \$4,118,575.00, 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 Intermountain Slurry Seal, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Intermountain Slurry Seal, Inc. under the contract.

**Section 2.** That the City Controller is authorized to disburse funds in an amount not to exceed \$4,118,575.00 (subject to 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:** April 23, 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:** 45P 45Q

---

### **SUBJECT**

Authorize a six-year service contract for elevator and escalator maintenance and repair at the Kay Bailey Hutchison Convention Center Dallas and Union Station – EMR Elevator, Inc., lowest responsible bidder of three - Not to exceed \$1,539,000 - 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 will include maintenance and repair of 36 escalators and 20 elevators located at the Kay Bailey Hutchison Convention Center Dallas and Union Station. The contractor will furnish all supervision, labor, tools, diagnostic equipment, material, parts, supplies and equipment required to fully maintain and repair all elevators and escalators to the prescribed American National Standard Institute safety standards and manufacturer's specification.

The Kay Bailey Hutchison Convention Center Dallas contains over two million square feet and hosts 150 events in an average year. Up to 100,000 people may be attending an event at any one time making it imperative that elevators and escalators work properly to move people safely and efficiently within the facility.

Union Station has 4 elevators and 2 escalators that are part of the 20 elevators and 36 escalators that will be maintained through the contract. Union Station has approximately 100 events per year, some with as many as 500 people. It is important that the elevators and escalators are working properly for the convenience and safety of the staff and patrons.

## **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 210 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 September 24, 2008, City Council authorized a seventy-two-month service contract for maintenance and repair of elevators and escalators by Resolution No. 08-2529.

## **FISCAL INFORMATION**

\$1,539,000.00 - Convention and Event Services Current Funds (subject to annual appropriations)

## **M/WBE INFORMATION**

63 - Vendors contacted  
62 - No response  
1 - Response (Bid)  
0 - Response (No bid)  
1 - Successful vendor

210 - 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**

### **EMR Elevator, Inc.**

White Male	58	White Female	8
Black Male	2	Black Female	0
Hispanic Male	1	Hispanic Female	1
Other Male	0	Other Female	0



## **BID INFORMATION**

The following bids were received from solicitation number BP1412 and were opened on February 6, 2014. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*EMR Elevator, Inc.	705 Secretary Drive Arlington, TX 76015	\$1,539,000.00
A & F Elevator Company	620 Easy Street Garland, TX 75042	\$1,642,140.00
Texas Independent Elevator Co.	802 Easy Street Garland, TX 75042	\$3,076,560.00

## **OWNER**

**EMR Elevator, Inc.**

Hope L. Evans, President

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a six-year service contract for elevator and escalator maintenance and repair at the Kay Bailey Hutchison Convention Center Dallas and Union Station – EMR Elevator, Inc., lowest responsible bidder of three - Not to exceed \$1,539,000 - Financing: Convention and Event Services Current Funds (subject to annual appropriations)

EMR Elevator, Inc. is a non-local, 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	\$9,000.00	0.58%
Total non-local contracts	\$1,530,000.00	99.42%
<b>TOTAL CONTRACT</b>	<b>\$1,539,000.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
AC/DC Electric Motor Service	BMDB57832N0614	\$9,000.00	100.00%
<b>Total Minority - Local</b>		<b>\$9,000.00</b>	<b>100.00%</b>

#### **Non-Local Contractors / Sub-Contractors**

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
EMR Elevator, Inc.	WFWB17766N0315	\$1,530,000.00	100.00%
<b>Total Minority - Non-local</b>		<b>\$1,530,000.00</b>	<b>100.00%</b>

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$9,000.00	100.00%	\$9,000.00	0.58%
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%	\$1,530,000.00	99.42%
<b>Total</b>	<b>\$9,000.00</b>	<b>100.00%</b>	<b>\$1,539,000.00</b>	<b>100.00%</b>

April 23, 2014

**WHEREAS**, on September 24, 2008, City Council authorized a seventy-two-month service contract for maintenance and repair of elevators and escalators by Resolution No. 08-2529;

**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 EMR Elevator, Inc. (506814) for elevator and escalator maintenance and repair at the Kay Bailey Hutchison Convention Center Dallas and Union Station for a term of six years in an amount not to exceed \$1,539,000.00, 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 EMR Elevator, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by EMR Elevator, Inc. under the contract.

**Section 2.** That the City Controller is authorized to disburse funds in an amount not to exceed \$1,539,000.00 (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 # 5**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** City Attorney's Office  
Sanitation Services

**CMO:** Warren M.S. Ernst, 670-3491  
Forest E. Turner, 670-3390

**MAPSCO:** N/A

---

**SUBJECT**

Authorize settlement of the lawsuit styled Eric A. Williams v. City of Dallas, Cause No. DC-12-07793-J - Not to exceed \$50,000 - Financing: Current Funds

**BACKGROUND**

Plaintiff filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries sustained in an automobile accident on November 22, 2011, involving a Sanitation Department vehicle. The City and Mr. Williams reached a proposed settlement at a court-ordered mediation. Plaintiff is represented by The Law Offices of Ben Abbott, P.C.

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

Council will be briefed in Closed Session on April 16, 2014.

**FISCAL INFORMATION**

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

\$50,000.00 - Current Funds

April 23, 2014

**WHEREAS**, a lawsuit styled Eric A. Williams v. City of Dallas, Cause No. DC-12-07793-J, was filed by the plaintiffs seeking compensation from the City of Dallas for alleged bodily injuries sustained in an automobile accident on November 22, 2011, involving a Sanitation Department vehicle; and,

**WHEREAS**, Eric A. Williams has agreed to a settlement of the case whereby the City of Dallas will pay Mr. Williams and his attorney the amount of \$50,000.00; and,

**WHEREAS**, it is in the best interest of the City of Dallas to settle this case; **Now, Therefore,**

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

**Section 1.** That the settlement in the lawsuit, styled Eric A. Williams v. City of Dallas, Cause No. DC-12-07793-J, in an amount not to exceed \$50,000.00 is hereby approved.

**Section 2.** That the City Controller is authorized to pay to Eric A. Williams and his attorney, The Law Offices of Ben Abbott, P.C., the amount of \$50,000.00 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.

## AGENDA ITEM # 6

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** N/A

---

### SUBJECT

Authorize the re-establishment of the South Dallas/Fair Park Area Business Façade/Revitalization Program which provides façade improvements for buildings with operating businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway, pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program, in order to promote economic development in the South Dallas/Fair Park area – Financing: This action has no cost consideration to the City

### BACKGROUND

The South Dallas/Fair Park Area Business Façade/Revitalization Program (SDFPAB Façade Revitalization Program) was authorized by Resolution No. 12-0985, March 28, 2012, and received \$92,522 of CDBG funding to provide façade improvement grants up to \$20,000 to businesses within the South Dallas/Fair Park area under CDBG guidelines. The program was successful in expending 100% of funding. Four (4) facades have been completed with the final façade nearing completion, with tangible positive results.

Building on the success of the first phase, the SDFPAB Façade Revitalization Program would like to continue to concentrate its efforts by improving MLK Boulevard. MLK Boulevard enhancements are an important component of the Grow South Initiative and re-establishment of the program – now funded with general funds -- to continue addressing deteriorating property conditions and provide façade enhancements to buildings with operating businesses in order to spur further business growth that will increase retail sales through improved aesthetic appeal. The total Public Private Partnership funding for this second phase of the program is an amount not to exceed \$100,000 to be awarded on a project by project basis via administrative action approved by the city manager in accordance with the program criteria and a grant agreement securing the obligations of the business owner for the facade improvements.

## **BACKGROUND** (Continued)

### **SDFPAB Façade/Revitalization Program**

Award façade improvement grants up to \$20,000 to eligible building owners and/or eligible business operators to enhance the aesthetic appeal and promote economic viability of businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway. Council action is required to approve \$100,000 for the program from Public/Private Partnership funds to award the contracts for façade improvements.

- The program will promote a positive/proactive business climate which encourages business retention/business expansion and will attract desirable new businesses.
- The program is in the best interest of the City in order to promote local economic development and to stimulate business and commercial activity within the City.
- The Office of Economic Development (OED) will manage the SDFPAB Façade Revitalization Program on behalf of the City of Dallas. The OED will:
  - Screen grant applicants for eligibility
  - Award façade improvement grants for up to \$20,000 per business, and establish grant agreements with the approved grant applicant
  - Conduct applicable environmental reviews for each approved property/business assisted
  - Conduct façade improvement site visits and coordinate code inspections
  - Process contractor payments upon completion of work and verification of code compliance
  - Maintain all relevant project documentation

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

March 28, 2012, CDBG funding in the amount of \$92,522 was approved to provide façade improvement grants up to \$20,000 to businesses within the South Dallas/Fair Park area under CDBG guidelines.



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

On January 23, 2013, City Council authorized approval of the Program Statement for the first South Dallas/Fair Park Area Business Façade/Revitalization Program by Resolution No. 13-0176.

On April 7, 2014, a memo was submitted to Economic Development Committee regarding authorizing approval for re-establishment of South Dallas/Fair Park Area Business Façade/Revitalization Program.

**FISCAL INFORMATION**

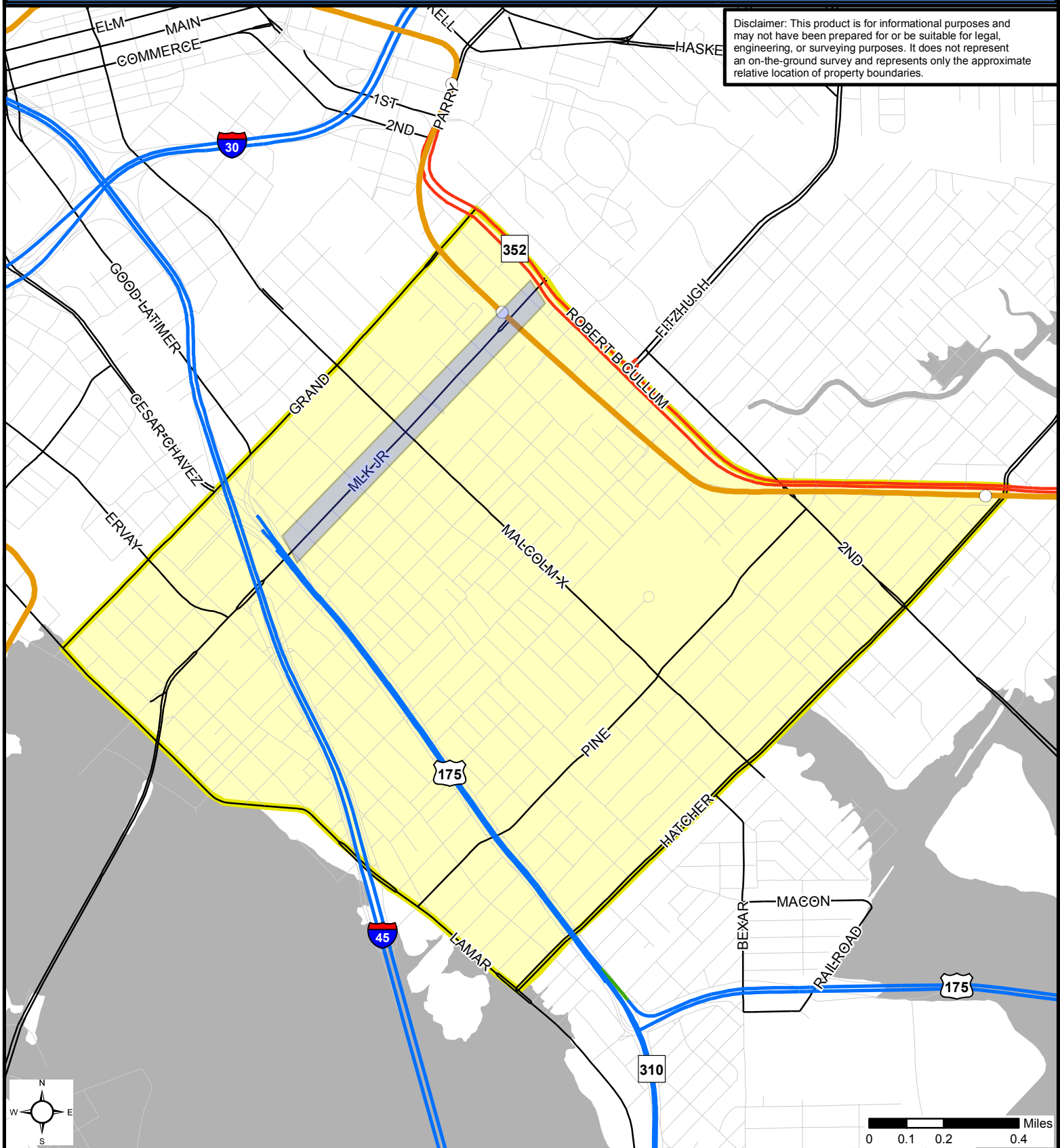
This action has no cost consideration to the City

**MAP**

Attached.

# Phase II South Dallas/FairPark Area Business/Revitalization Program

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 10.17.2012 - 12.10.16 Venus Cobb.TCG

## Legend

- Program Boundary
- Rail Station
- DART Light Rail

- Freeway
- Highway
- Arterial

- Local Road
- Flood Plain
- Phase II Zone

Source: City of Dallas, 2012

April 23, 2014

**WHEREAS**, the City Council recognizes the importance of economic development in the South Dallas Fair Park area of Dallas, and

**WHEREAS**, consistent with the authority granted under Chapter 380 of the Texas Local Government Code, and the City's Program for Loans, Grants, and providing personnel and services of the City (Public/Private Partnership Program), it is in the best interest of the City to enter into agreements as a part of the City's ongoing program to promote local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, on March 26, 2013, City Council authorized approval of the Program Statement for the first South Dallas/Fair Park Area Business Façade/Revitalization Program by Resolution No. 13-0176; and

**WHEREAS**, the first South Dallas/Fair Park Area Business Façade/Revitalization Program was successfully completed,

**NOW, THEREFORE,**

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

**Section 1.** Authorize the re-establishment of the South Dallas/Fair Park Area Business Façade/Revitalization Program, which provides façade improvements for buildings with operating businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway, pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program, established to promote economic development in the South Dallas/Fair Park area.

**Section 2.** That the Director of the Office of Economic Development is hereby authorized to execute the program and to enter into all grant agreements in a total amount not to exceed \$100,000 for the program and to execute all documents, approved as to form by the City Attorney, with the eligible building owners/business operators to be selected in accordance with the criteria set forth in **Exhibit A**.

**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, and it is accordingly so resolved.



## **Exhibit A**

### **South Dallas/Fair Park Area Business Façade/Revitalization Program**

#### **Program Statement**

**Program Purpose:** To provide funding for façade improvements that will enhance aesthetic appeal and promote economic viability of area businesses, in accordance with Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program, by increasing retail sales and encourage enhancements to the property as viewed from the public right of way as a means to generate additional business for businesses within the South Dallas/Fair Park Area Business Façade/Revitalization Area (SDFPAB Façade/Revitalization Program) along Martin Luther King Blvd from Robert B. Cullum to SM Wright.

**SDFPAB Façade/Revitalization Program will provide for:** Financial assistance is requested in the form of a grant to be awarded among individual businesses that will use the grant to improve façades, to rehabilitate the exterior of the building (fronting public rights-of-way), and to repair existing code violations. Total funding for the program is \$100,000 and the amount of the individual grants will be approximately \$20,000 each business to be selected in accordance with the criteria outlined herein.

#### **Application/Eligibility Requirements:**

Applicants must fill out a formal application with the City of Dallas and assemble/submit a packet of information and supporting documentation. The following is a list of application and eligibility requirements, required documentation, and program procedures.

- The applicant must be a building owner or business operator along Martin Luther King Jr. Boulevard from Robert B. Cullum to S.M. Wright Freeway.
- Building owners, applying for a façade improvement grant, must provide proof/evidence of property ownership and a current 5 year lease with business operators located at property receiving façade improvements.
- Business operators, applying for a façade improvement grant, must provide a 5 year lease agreement with the owner of the building, written approval from the building owner authorizing the improvements, and must submit proof/evidence of property ownership on behalf of the owner.
- If a business operator is chosen, the building owner must provide written authorization to perform improvements detailed in the scope of work.

## **Exhibit A**

### **South Dallas/Fair Park Area Business Façade/Revitalization Program**

#### **Program Statement**

Eligible commercial/retail and other businesses must agree to operate for a period of not less than three years after completion of façade improvements, and comply with the terms of the grant agreement with the city.

- The business owner must provide verification of current liability insurance in accordance with the requirements and limits as determined by the City's Risk Management department. The building owner/business operator must name the City of Dallas as an additional insured.
- Building owners/business operators must provide verification of current property taxes and other taxes and liabilities owed to the city.
- The building owner/business operator must provide verification of correct zoning for the business including historic preservation, street cafes, signage, and ordinances and current building code inspection.
- The building owner/business operator must provide a detailed description of the proposed scope of work to include professional design sketch/rendering of proposed improvements, site map of building location, photograph of building façade in its current state, and three (3) cost estimates of proposed façade improvements. Proposed façade improvements must be approved by Code Compliance and the Façade Improvement Selection Committee.

## **Exhibit A**

### **South Dallas/Fair Park Area Business Façade/Revitalization Program**

#### **Program Statement**

##### **Program Procedures:**

- Once approved by the Office of Economic Development and Code Compliance, applicants will be required to execute a grant agreement with the City of Dallas to secure the obligations noted herein for the improvements.
- The Office of Economic Development is responsible for implementation, monitoring, and evaluation under this program. The City Council delegates authority to the Director of the Office of Economic Development (or designee) to provide approval of individual applications, based upon the above referenced criteria, and execute all documentation required under this program. The Office of Economic Development will:
  - Date/monitor application submittals, review supporting documentation to verify accuracy, determine eligibility, and approve grants on a first come first serve basis until funds are depleted.
  - Establish a Façade Improvement Committee made up of representatives from various departments such as Design Studio, Planning, Code, and Sustainable Development/Building Inspection.
  - Monitor building/business activities for three years following completion of façade improvements to ensure grant compliance.

## **Exhibit A**

### **South Dallas/Fair Park Area Business Façade/Revitalization Program**

#### **Program Statement**

##### **Program Timeline**

- Applicants will submit their application with all required documentation to the Office of Economic Development Project Manager.
- The Project Manager and a designated Façade Improvement Committee will review the applications and award up to \$20,000 per building owner/business operator.
- The chosen applicants (grantee) will meet with the Project Manager and Façade Improvement Committee to discuss the desired improvements, the scope of work being requested, and estimates.
- The Grantee must hire a contractor to perform the work as detailed in scope of work.
- Grantee must execute a contract agreement with contractor that upon completion of the work and verification of code compliance, payment will be provided. Grantee must provide a copy of the contract agreement with contractor to the Project Manager.
- The Project Manager and Façade Improvement Committee will coordinate with the Grantee and the contractor in setting out benchmarks for each project.
- The Office of Economic Development Project Manager will monitor the work and conduct regular visits to the site.
- The Grantee will notify the Project Manager upon completion of each project and the Project Manager will do final inspections
- Upon verification that each phase of work has been completed in accordance with the design laid out in the scope of work and verification that the building has passed code inspections, the (Grantee) will receive payment draws in an amount not to exceed \$20,000.



## AGENDA ITEM # 7

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 8, 11

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 14 R 15 N 15 P 63 S 63 T 63 W 63 X

---

### **SUBJECT**

Authorize **(1)** a public hearing to be held on May 14, 2014, to receive comments to consider the designation of a Tax Increment Financing Reinvestment Zone for the Mall Area Redevelopment TIF District (comprising the Valley View Center Mall area and the Southwest Center Mall area) under the authority of the Tax Increment Financing Act, as amended (V.T.C.A, Tax Code Chapter 311); and, at the close of the hearing **(2)** consideration of an ordinance designating the Mall Area Redevelopment TIF District - Financing: No cost consideration to the City

### **BACKGROUND**

This action authorizes a public hearing to hear comments and consider the proposed designation of the Mall Area Redevelopment TIF District ("District") on May 14, 2014, and it authorizes the City Controller to establish a Fund and a Unit for the District, subject to the successful designation of the District.

The proposed District represents the City's effort to establish a funding mechanism in order to stimulate private investment and sustain the orderly redevelopment and revitalization of two commercial core assets while taking advantage of each area's strategic regional location at the crossroads of key transportation corridors.

As allowed by Chapter 311 of the Texas Tax Code ("TIF Act"), the proposed District shall comprise two non-contiguous sub-districts—the Montfort-IH 635 Sub-District for the Valley View Center Mall area in northern Dallas and the Westmoreland-IH 20 Sub-District for the Southwest Center Mall area in southern Dallas.

Originally, the Valley View Center Mall and the Southwest Center Mall were created by complex configurations of super-blocks, private land ownership, and reciprocal easement agreements that bound multiple owners together.

## **BACKGROUND** (Continued)

Over the last decade as market conditions have shifted significantly, these same configurations have heavily burdened each mall area, making redevelopment and revitalization extremely difficult without public participation. With the assistance of the proposed Mall Area Redevelopment TIF District, each mall area is to be reconfigured into a traditional pattern of public streets, public open space, public infrastructure, and smaller parcels of private land ownership, thereby setting the stage for incremental redevelopment that is flexible to meet market and community needs.

The proposed Montfort-IH 635 Sub-District is generally bounded by Alpha Road, Preston Road, Noel Road, and Interstate Highway 635 (LBJ Freeway). The Sub-District encompasses approximately 173.9 acres, not including rights-of-way. For tax year 2013, the appraised value of taxable real property in the Montfort-IH 635 Sub-District was approximately \$142.6 million based on information from the Dallas Central Appraisal District (DCAD). The proposed Montfort-IH 635 Sub-District is recommended by and consistent with the City's adopted Valley View-Galleria Area Plan (2013) and will serve as a long-term funding tool to help implement the shared vision for the area by further leveraging other implementation tools (PD 887 form-based zoning and Thoroughfare Plan amendment) approved by the City Council in 2013.

The proposed Westmoreland-IH 20 Sub-District is generally bounded by Westmoreland Road, Camp Wisdom Road, Highway 67 (Marvin D. Love Freeway), and Interstate Highway 20 (LBJ Freeway). The Sub-District encompasses approximately 96.6 acres, not including rights-of-way. For tax year 2013, the appraised value of taxable real property in the Westmoreland-IH 20 Sub-District was approximately \$19.6 million based on information from the DCAD. The proposed Westmoreland-IH 20 Sub-District is recommended by and consistent with the City-sponsored Advisory Services Panel report published by the Urban Land Institute (2009) and will serve as a long-term funding tool to help implement many of the report's recommendations over time.

During the 30-year term of the proposed TIF district, additional taxable value attributed to new private investment is projected at approximately \$4.2 billion in total dollars.

The City's participation is proposed to be 0% in 2015; 90% from 2016 through 2042; 75% in 2043; and 55% in 2044. The County's participation is anticipated to be 0% for the first five years and then at least 55% for 20 years (2020 through 2039) or until the District is terminated.

The Preliminary Project Plan and Reinvestment Zone Financing Plan for the Mall Area Redevelopment TIF District consists of a program of public improvements, under the authority of the TIF Act, which is intended to stimulate private investment that would not otherwise occur or occur to the same extent.

## **BACKGROUND** (Continued)

The potential public improvements, based on an estimated budget of approximately \$432.5 million (net present value of \$182.9 million in 2014 dollars) would include:

- Infrastructure improvements
- Grants for economic development
- Acquisition of land for public open space
- Administration and implementation

Pursuant to the TIF Act, before adopting an ordinance designating a tax increment reinvestment zone, the City must hold a public hearing and provide a reasonable opportunity for the owner of property to protest the inclusion of the property in the proposed reinvestment zone.

Today's action authorizes the setting of the public hearing on May 14, 2014 and directs City staff to give notice of the public hearing in a newspaper having general circulation in the City. Today's action to set the public hearing date does not commit the City to designate the proposed tax increment reinvestment zone.

After the close of the public hearing on May 14, 2014, the City shall consider an ordinance creating a TIF reinvestment zone to be known as "Tax Increment Financing Reinvestment Zone Twenty, City of Dallas, Texas" (also referred to as the Mall Area Redevelopment TIF District). State law requires TIF reinvestment zones for the City to be numbered consecutively based on the date the zone is created; accordingly, the zone number for the Mall Area Redevelopment TIF District will be assigned at the time the ordinance is approved. It is anticipated that the ordinance will provide for the Mall Area Redevelopment TIF District to terminate on the earlier of 30 years or the date on which all project costs have been paid in full, whichever occurs first.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On April 7, 2014, a briefing was provided to the Economic Development Committee to consider the designation of the Mall Area Redevelopment TIF District.

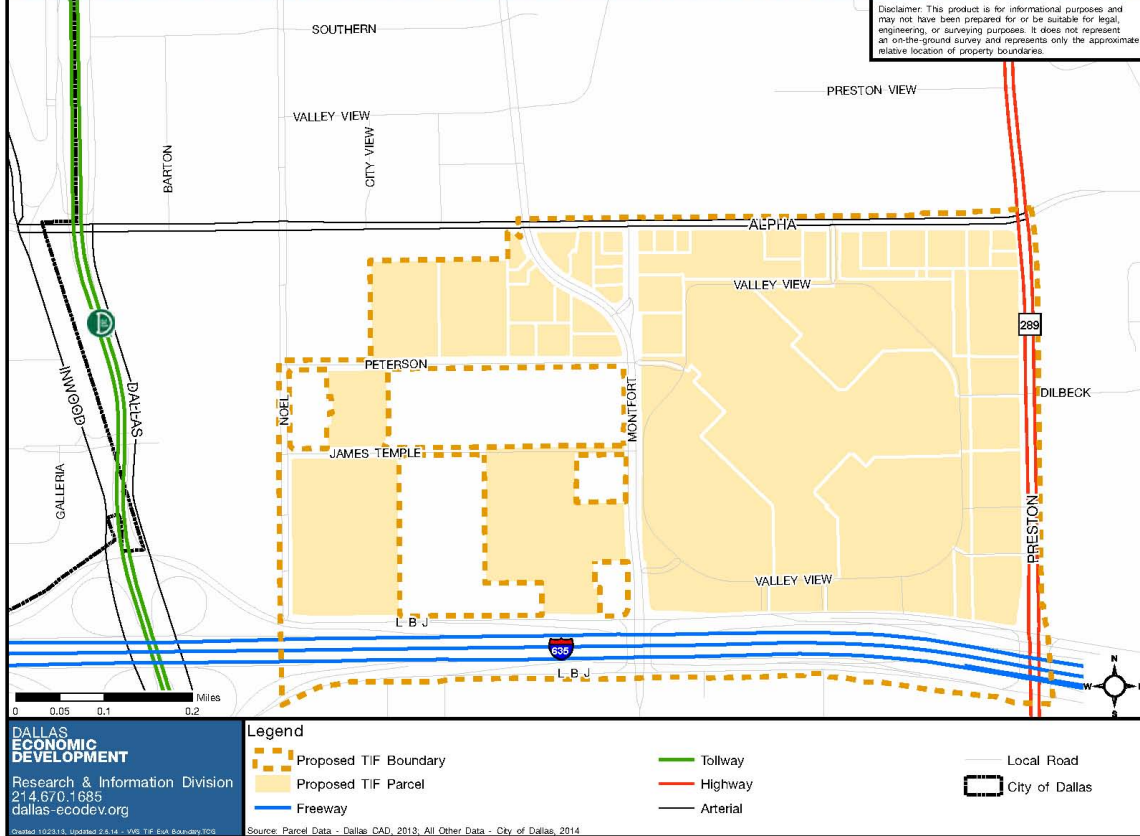
## **FISCAL INFORMATION**

No cost consideration to the City

## **MAP**

Attached.

## Mall Area Redevelopment TIF District: Montfort-IH 635 Subdistrict (Proposed)



## Mall Area Redevelopment TIF District: Westmoreland-IH 20 Subdistrict (Proposed)



April 23, 2014

**WHEREAS**, the City of Dallas desires to promote the orderly redevelopment of the area located generally south of Alpha Road, west of Preston Road, north of Interstate Highway 635 (LBJ Freeway), and east of Noel Road as well as the area located generally east of Westmoreland Road, south of Camp Wisdom Road, west of Highway 67 (Marvin D. Love Freeway), and north of Interstate Highway 20 (LBJ Freeway) by creating a tax increment financing ("TIF") reinvestment zone, (the "Mall Area Redevelopment TIF District"), pursuant to the Tax Increment Financing Act, Chapter 311 of the Tax Code as amended, (the "Act"); and

**WHEREAS**, on November 9, 2009, the City Council authorized the Criteria for Evaluating Proposed TIF Districts as a policy tool for the Area Redevelopment Program by Resolution No. 09-2761; and

**WHEREAS**, the City Council finds that the Montfort-IH 635 Sub-District (as shown in **Exhibit A**) and the Westmoreland-IH 20 Sub-District (as shown in **Exhibit B**) substantially impair the sound growth of the municipality and that orderly redevelopment of the Mall Area Redevelopment TIF District would not occur solely through private investment in the reasonably foreseeable future; and

**WHEREAS**, in accordance with the Act, the City must hold a public hearing on the designation of the proposed Mall Area Redevelopment TIF District and its benefits to the City and to property in the proposed district; and

**WHEREAS**, the Act further requires the City to publish notice of the hearing in a newspaper having general circulation in the City.

**NOW, THEREFORE,**

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

**Section 1.** That a public hearing is authorized to be held before the City Council on May 14, 2014, for the purpose of receiving public comment on the designation of a TIF reinvestment zone for the proposed Mall Area Redevelopment TIF District and its benefits to the City and to the property in the proposed reinvestment zone.

**Section 2.** That the City Council finds the recitals above to be true and correct.

**Section 3.** That prior to holding the hearing, a preliminary project plan and reinvestment zone financing plan has been evaluated in accordance with the statutory criteria prescribed by the Act and the approved criteria in Resolution No. 09-2761.

**Section 4.** That after the close of the public hearing, the City shall consider an ordinance designating a Tax Increment Financing Reinvestment Zone, City of Dallas, Texas, to be known as the Mall Area Redevelopment TIF District.

April 23, 2014

**Section 5.** That the boundaries for the Montfort-IH 635 Sub-District are shown on the map attached hereto as **Exhibit A**, the boundaries for the Westmoreland-IH 20 Sub-District are shown on the map attached hereto as **Exhibit B**, and the preliminary project plan and reinvestment zone financing plan, showing the tentative plans for redevelopment of the zone and an estimate of the general impact of the proposed zone on property values and tax revenue for zone, is attached hereto as **Exhibit C**.

**Section 6.** That not later than the seventh (7) day before the date of the public hearing, the City Manager shall cause notice of the public hearing to be published in a newspaper having general circulation in the City.

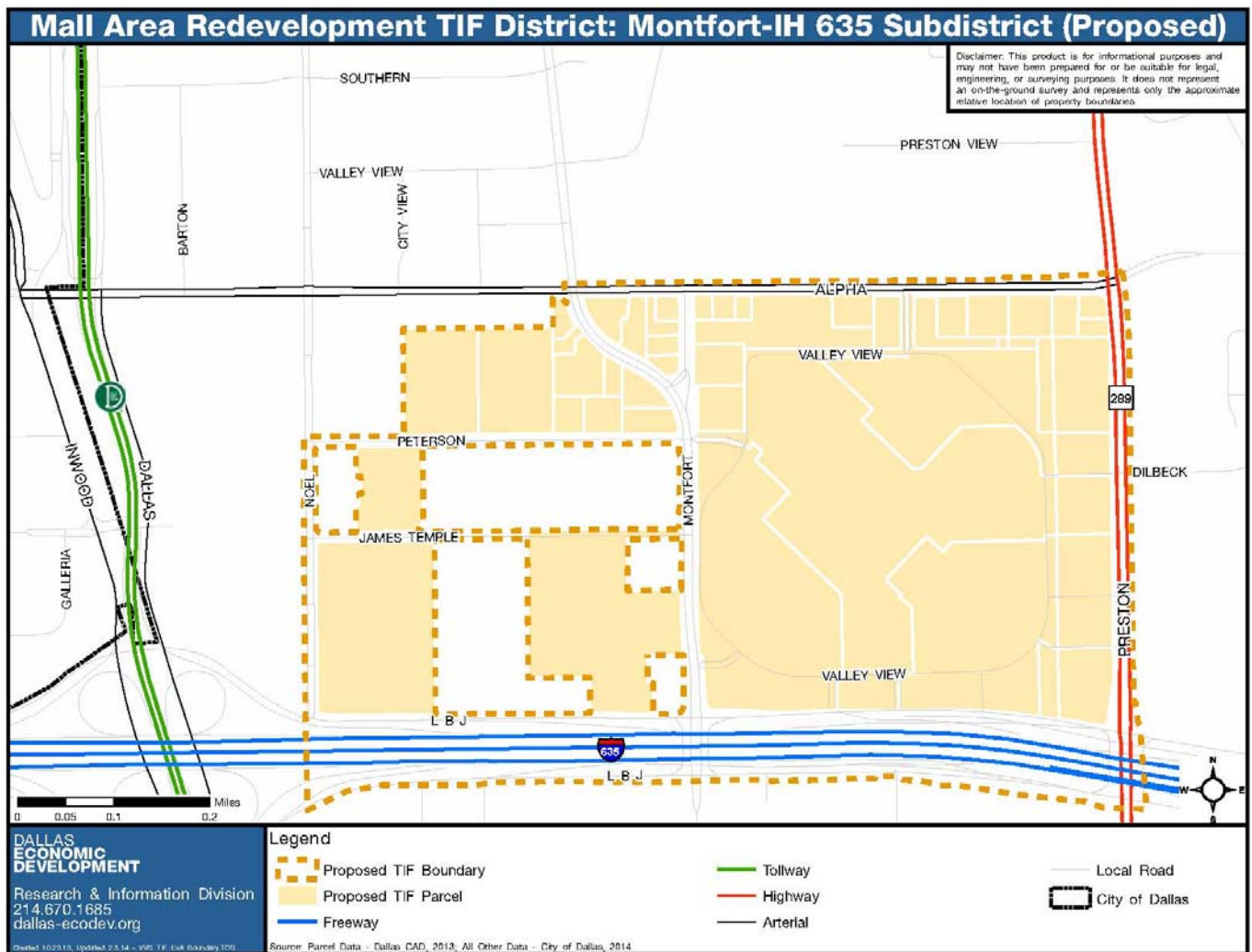
**Section 7.** That the City Controller is hereby authorized to establish a Fund and Unit for the Mall Area Redevelopment TIF District, subject to successful designation of the District on May 14, 2014, which may be divided into such sub accounts as may be authorized by subsequent resolution or ordinance, into which all tax increments, less any of the amounts not required to be paid into the Tax Increment Fund pursuant to the Act, are to be deposited.

The City's final participation level for the Tax Increment Fund will be determined by the final project plan. The Tax Increment Fund and any sub accounts are to be maintained in an account at the City Treasurer's affiliated depository bank of the City and shall be secured in the manner prescribed by law of Texas cities. In addition, all revenues from the sale of any tax increment bonds and notes hereafter issued by the City, revenues from the sale of any property acquired as part of the tax increment financing plan and other revenues to be dedicated to and used in the Mall Area Redevelopment TIF District shall be deposited into such fund or sub account from which money will be disbursed to pay project costs for the Mall Area Redevelopment TIF District.

**Section 8.** That the City Manager is authorized to undertake other preliminary preparations and actions in accordance with the Act.

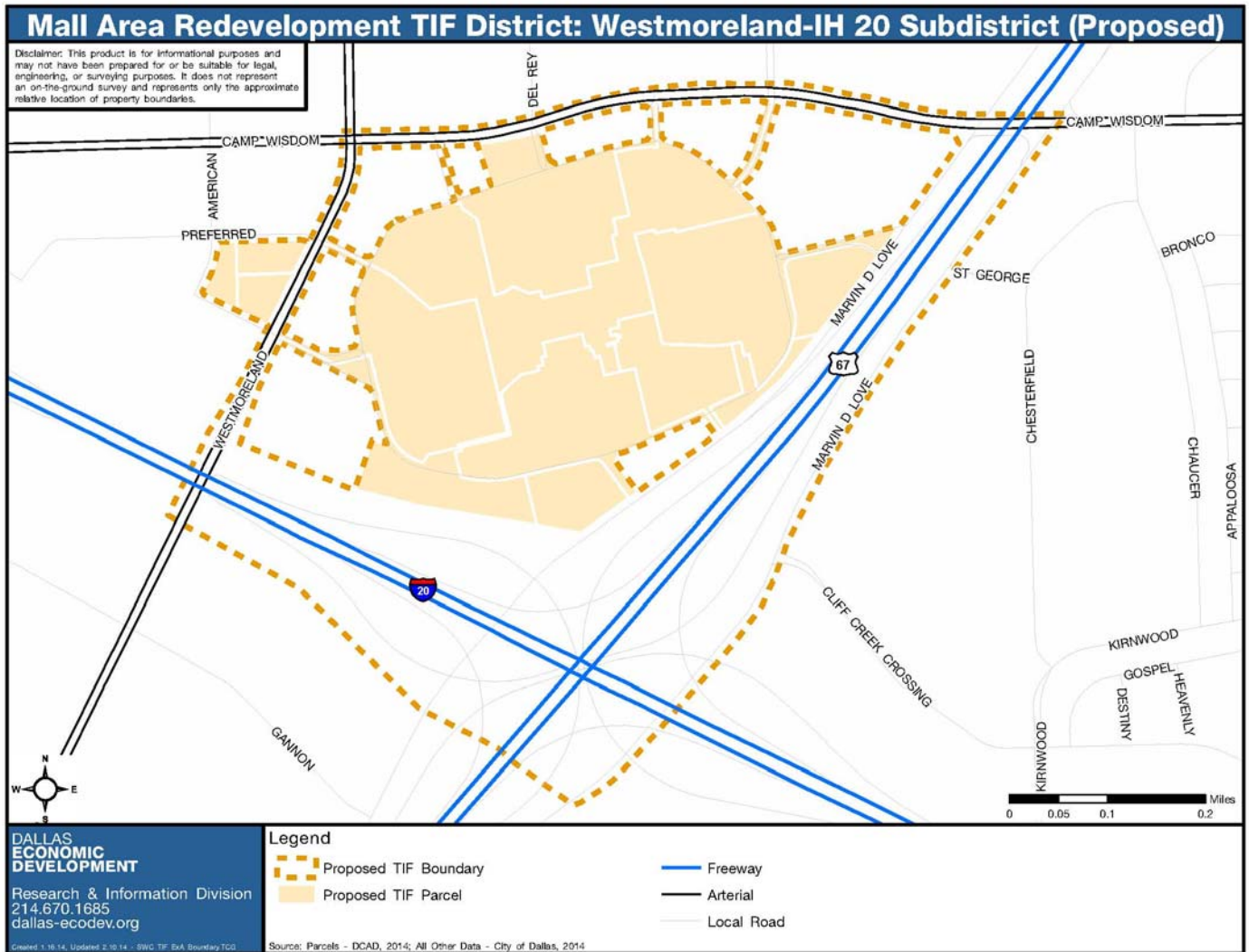
**Section 9.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

# Exhibit A





# Exhibit B





# **MALL AREA REDEVELOPMENT TAX INCREMENT FINANCING DISTRICT**

**(COMPRISING THE VALLEY VIEW CENTER MALL AREA AND SOUTHWEST CENTER MALL AREA)**



## **PRELIMINARY PROJECT PLAN & REINVESTMENT ZONE FINANCING PLAN**

**MARCH 2014 (DRAFT 5)**



**City of Dallas**

## Acknowledgements

The Mall Area Redevelopment TIF District Preliminary Project Plan and Reinvestment Zone Financing Plan was prepared by the City of Dallas, Office of Economic Development (the Montfort-IH 635 Sub-District was partially based on an initial preliminary plan prepared by Stein Planning, LLC). The Office of Economic Development wishes to acknowledge the efforts of everyone who contributed to the development of this plan, including the following individuals:

### City of Dallas

A.C. Gonzalez	City Manager
Ryan S. Evans	First Assistant City Manager (Interim)
Karl Zavitkovsky	Director, Office of Economic Development (OED)
J. Hammond Perot	Assistant Director, OED
Karl Stundins	Area Redevelopment Manager, OED
Kevin Spath	Senior Coordinator, OED
Sue Hounsel	Senior Coordinator, OED
Tim Glass	Research & Information Manager, OED
Pam Thompson	Economic Development Analyst, OED
Barbara Martinez	Assistant City Attorney, City Attorney's Office
Sarah Hasib	Assistant City Attorney, City Attorney's Office

### Dallas City Council

Mayor Mike Rawlings  
District 1 - Scott Griggs  
District 2 - Adam Medrano  
District 3 - Vonciel Jones Hill  
District 4 - Dwaine R. Caraway  
District 5 - Rick Callahan  
District 6 - Deputy Mayor Pro Tem Monica R. Alonzo  
District 7 - Carolyn R. Davis  
District 8 - Mayor Pro Tem Tennell Atkins  
District 9 - Sheffie Kadane  
District 10 - Jerry R. Allen  
District 11 - Lee M. Kleinman  
District 12 - Sandy Greyson  
District 13 - Jennifer Staubach Gates  
District 14 - Philip T. Kingston

## Table of Contents

### Section 1: Project Plan

Background	5
Montfort-IH 635 Sub-District	5
Exhibit A: Valley View-Galleria Area Plan Adopted Illustrative Vision	6
Existing Conditions	7
Exhibit B: Existing Conditions Images	8
Exhibit C: Existing Zoning	9
Exhibit D: Existing Land Use	10
Description of the Montfort-IH 635 Sub-District	11
Exhibit E: Montfort-IH 635 Sub-District Map	11
Westmoreland-IH 20 Sub-District	12
Exhibit F: Southwest Center Mall Area Redevelopment Concept	14
Existing Conditions	14
Exhibit G: Existing Conditions Images	15
Exhibit H: Existing Zoning	16
Exhibit I: Existing Land Use	17
Description of the Westmoreland-IH 20 Sub-District	17
Exhibit J: Westmoreland-IH 20 Sub-District Map	18
General Considerations	18
Development Goals and Objectives	20
Market Feasibility and Planned Development	21
Exhibit K-1: Conceptual Redevelopment Plan (Diversion Capital)	22
Exhibit K-2: Conceptual Redevelopment Plan (Beck Ventures)	23
TIF District Policy Considerations	24

### Section 2: Project Plan Improvements

Eligible TIF Project Costs for the entire Mall Area Redevelopment TIF District	26
Eligible TIF Project Costs for the Montfort-IH 635 Sub-District	26
Exhibit L: Streets Plan	30
Exhibit M: Open Space Plan	31
Eligible TIF Project Costs for the Westmoreland-IH 20 Sub-District	32

### Section 3: Financing Plan

TIF Financing Overview	33
Exhibit N: Real Property Tax Flow with Tax Increment Financing	33
Project Budget	34
Exhibit O: TIF District Project Plan Improvements Budget	34
Financing Process	35
Bonds	35
Grants	35

## EXHIBIT C

Grants In Lieu of Interest	35
Increment Allocation Policy Considerations	36
Expected Revenues	37
Exhibit P-1: Anticipated Development (Montfort-IH 635 Sub-District)	38
Exhibit P-2: Anticipated Development (Westmoreland-IH 20 Sub-District)	39
Annual Real Property Appraisals to the TIF Fund	40
Exhibit Q-1: Tax Increment Projection (Montfort-IH 635 Sub-District)	41
Exhibit Q-2: Tax Increment Projection (Westmoreland-IH 20 Sub-District)	42
Financial Assumptions	43
Financial Feasibility	43
TIF Project Costs and Debt Service	44
General Financial Policies	45
Other Financial Benefits	46
Conclusion	47
<b>Appendix A-1: 2013 DCAD Real Property Accounts (Montfort-IH 635 Sub-District)</b>	<b>48</b>
<b>Appendix A-2: 2013 DCAD Real Property Accounts (Westmoreland-IH 20 Sub-District)</b>	<b>49</b>
<b>Appendix B: DCAD Appraisals of Comparable Developments</b>	<b>50</b>
<b>Appendix C-1: Projection of Sales Tax to City and DART (Montfort-IH 635 Sub-District)</b>	<b>55</b>
<b>Appendix C-2: Projection of Sales Tax to City and DART (Westmoreland-IH 20 Sub-District)</b>	<b>56</b>
<b>Appendix D-1: Projection of Hotel Tax and BPP Tax to City (Montfort-IH 635 Sub-District)</b>	<b>57</b>
<b>Appendix D-2: Projection of Hotel Tax and BPP Tax to City (Westmoreland-IH 20 Sub-District)</b>	<b>58</b>
<b>Appendix E-1: Projection of Real Property and BPP Tax to DISD (Montfort-IH 635 Sub-District)</b>	<b>59</b>
<b>Appendix E-2: Projection of Real Property and BPP Tax to DISD (Westmoreland-IH 20 Sub-District)</b>	<b>60</b>

## Section 1: Project Plan

### Background

The proposed Mall Area Redevelopment Tax Increment Financing (TIF) District (“District”) represents the City of Dallas’ effort to encourage the sustainable redevelopment of properties including and around two obsolete shopping malls while taking advantage of each area’s strategic regional location at the crossroads of key transportation corridors. As allowed by Chapter 311 of the Texas Tax Code, the proposed District shall comprise two non-contiguous sub-districts—the Montfort-IH 635 Sub-District for the Valley View Center Mall area in northern Dallas and the Westmoreland-IH 20 Sub-District for the Southwest Center Mall area in southern Dallas.

Originally, the Valley View Center Mall and the Southwest Center Mall were created by complex configurations of super-blocks, private land ownership, and reciprocal easement agreements that bound multiple owners together. Over the last decade as market conditions have shifted significantly, these same configurations have heavily burdened each mall area, making redevelopment and revitalization extremely difficult without public participation. With the assistance of the proposed Mall Area Redevelopment TIF District, each mall area is to be reconfigured into a traditional pattern of public streets, public open space, public infrastructure, and smaller parcels of private land ownership, thereby setting the stage for incremental redevelopment that is flexible to meet market and community needs.

### Montfort-IH 635 Sub-District

The crossroads of Interstate Highway 635 (LBJ Freeway), the Dallas North Tollway, and Preston Road (SH 289) has been one of Dallas’ major regional business centers with significant Class A office space, strong destination retail, and several high quality hotels. Preston Road registers over 50,000 vehicles per day, the Dallas North Tollway registers over 120,000 vehicles per day, and LBJ Freeway (currently undergoing \$2.7 billion in improvements) provides access to more than 250,000 vehicles daily (estimated 450,000 vehicles daily upon completion). However, despite its general locational advantages, portions of the area have experienced significant economic and physical decline over the last twenty years, and substantial revitalization and orderly redevelopment of the area is not likely to occur without public assistance. As such, this area is identified as a key growth area in the City of Dallas Strategic Engagement Plan as well as the forwardDallas! Comprehensive Plan. Further, this area fulfills the criteria for the City Council’s citywide “megasite” redevelopment opportunity area goal as outlined in the FY 2011-2012 Strategic Plan.

Valley View Center Mall, itself, is economically and physically obsolete and not likely to ever function as a retail center. The first anchor of what later became Valley View Center Mall was the Sears store which opened in the mid-1960s, followed by the in-line mall development which opened in 1973. The Galleria (one-half mile to the west of Valley View Center Mall) opened in 1982. While the Galleria continues to be a strong destination retail site, the Valley View Center Mall site and many of its surrounding



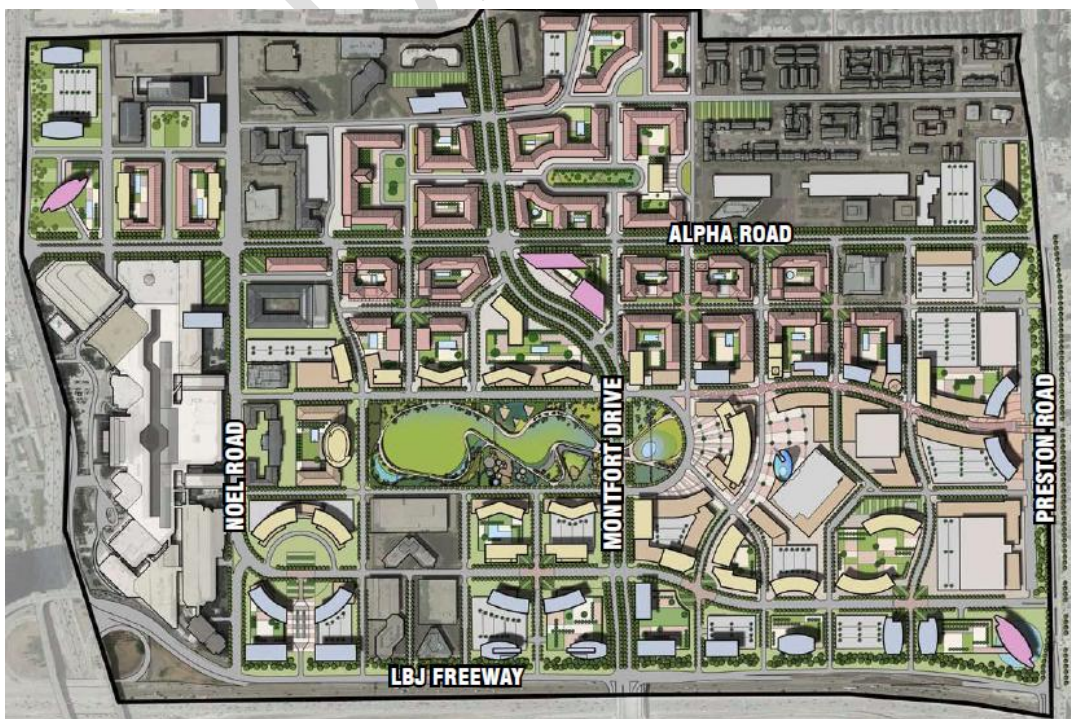
## EXHIBIT C

properties have significantly declined over the past decade. Due to the closing of major anchors at Valley View Center Mall and changes in mall ownership, the overall property is significantly under performing and is mostly vacant. Multi-family housing stock in the area is also aging and deteriorating. Both the mall and the surrounding retail do not reflect the potential that exists based on the strong residential communities as well as office uses nearby.

This strong base in the surrounding community as well as the strategic regional location indicate the area would likely support increased density and diversified uses such as additional housing choices, shopping, entertainment, hospitality, and office uses. The Galleria has continued to serve this market, and, with new ownership of Valley View Mall to serve as a catalyst, there is strong interest in concerted public and private efforts aimed at the revitalization of Valley View Center Mall and the surrounding area.

From 2011 to 2013, a public-private partnership was forged among the City of Dallas, the North Dallas Chamber of Commerce, and many other stakeholders in the area, including property and business owners. The partnership resulted in a process to develop an area planning study in 2012-13. Adopted in May 2013, the Valley View-Galleria Area Plan ("Area Plan") resulted in the creation of a unified vision and implementation plan for the redevelopment and economic growth of approximately 440 acres in this area. The Area Plan establishes a comprehensive vision to guide future private investment, economic development, and public infrastructure investments in a coordinated fashion towards optimal tax base, quality of life, and accessibility.

### **Exhibit A** **Valley View-Galleria Area Plan** **Adopted Illustrative Vision**



## EXHIBIT C

The adopted illustrative vision (as shown in Exhibit A) for the area is of a new mixed use neighborhood (higher density and pedestrian friendly) that is: (1) anchored by a large central park; (2) supported by vibrant retail uses, office uses, entertainment uses, and mixed housing choices; (3) connected by an integrated network of walkable streets and open spaces, and (4) eventually linked to the Dallas Area Rapid Transit (DART) light rail network via an underground line connecting the existing Red Line with the proposed Cotton Belt Line.

Two key opportunities identified in the Area Plan are: (1) to break down the super blocks into pedestrian-scale developable parcels in order to provide a more walkable urban fabric, and (2) to provide a community-scale central park with the potential to serve as a regional destination that will also support local residents, workers, and visitors, making up for a severe lack of open space in the area.

Owners of a substantial amount of land in the area, including Beck Ventures, Diversion Capital Partners, Sears Holdings Corporation, and EF Properties, have requested the City of Dallas to analyze and potentially designate a TIF district for the area.

### **Existing Conditions**

Most of the proposed Sub-District is characterized by a wide variety of commercial property types as well as two multi-family residential properties ranging in age from thirty to fifty years. Many of these properties are economically or physically obsolete. In its present condition, the area exhibits deteriorated structures, an inadequate sidewalk and street layout, large tracts of vacant land, faulty lot layouts, unsanitary or unsafe conditions, and deteriorated site improvements. These conditions substantially arrest or impair the sound growth of the City and property within the proposed Sub-District. No property in the proposed Sub-District is currently being used for residential use with fewer than five living units. Photos of property in the proposed Sub-District show deteriorated public infrastructure and building stock (see Exhibit B). Many of the commercial structures in the Sub-District were developed in the 1960s and 1970s. Many streets and utilities are now over fifty years old and require significant improvements.

### **Existing Zoning and Existing Land Uses**

The Area Plan also served as the basis for the City to undertake an area-wide form-based rezoning to PD 887 (Valley View-Galleria Area Special Purpose District), thereby ensuring a sound regulatory framework to encourage economic development consistent with the vision. This zoning designation governs nearly all of the proposed sub-district. Prior to the adoption of PD 887 in June 2013, the existing zoning in the area had been a patchwork quilt of over twenty different zoning categories that reflected a disorderly development pattern. Additionally, the City undertook an associated Thoroughfare Plan amendment for the area in June 2013 to ensure compatibility between key roadways and anticipated future land uses.

See Exhibit C for a map of existing zoning in the Sub-District and Exhibit D for a map of existing land uses in the Sub-District.

## EXHIBIT C

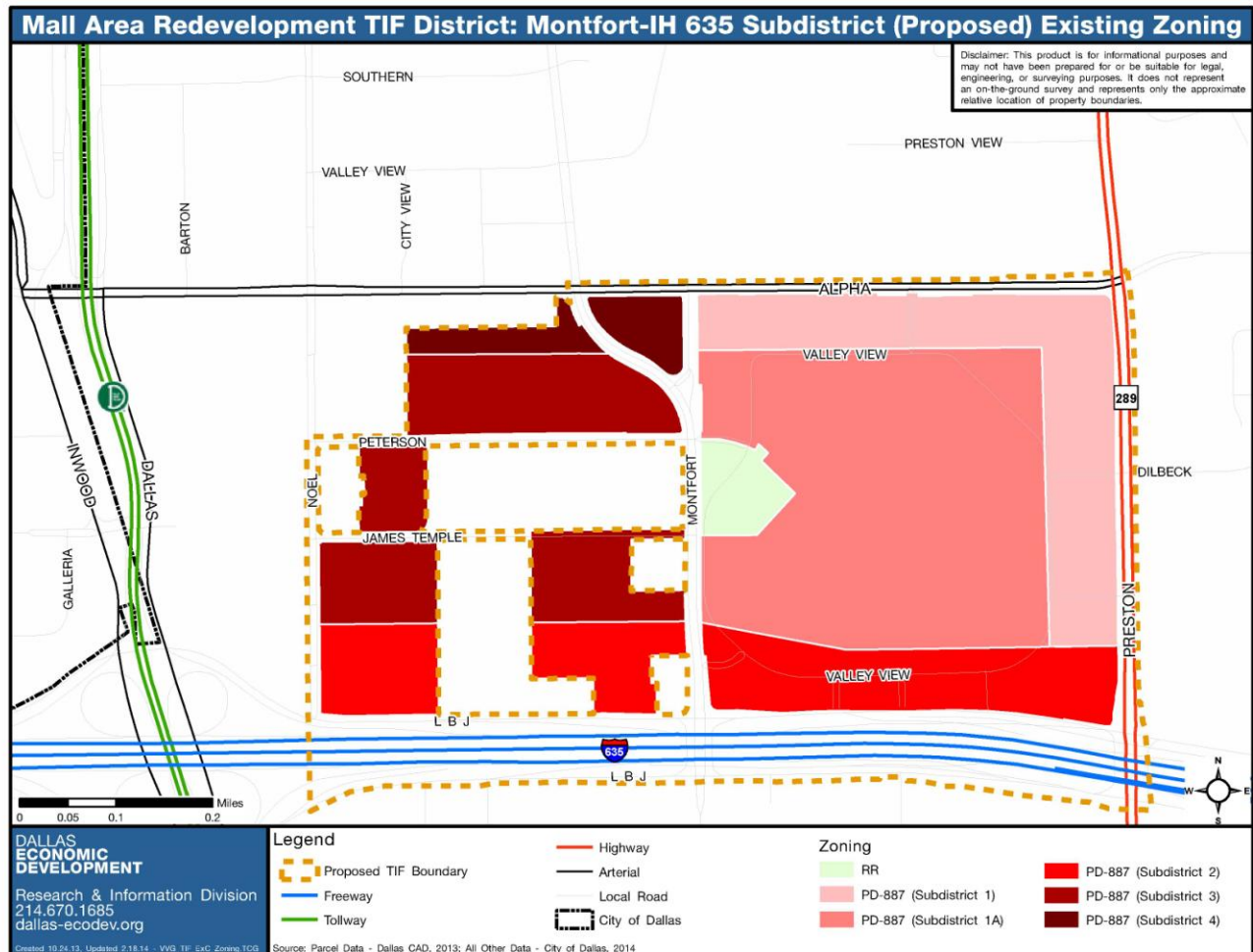
The proposed Sub-District is being considered for designation by the City of Dallas, pursuant to Section 311.005, Texas Tax Code, because the City finds that the Montfort-IH 635 area substantially impairs the sound growth of Dallas, retards the provision of housing accommodations, constitutes an economic and social liability, and is a menace to the public welfare due to a substantial number of substandard, deteriorating, and deteriorated structures and infrastructure as well as a severe lack of parks and open spaces. The proposed Sub-District is consistent with the City's adopted Area Plan and will serve as a long-term tool to implement the shared vision for the area by further leveraging the regulatory framework (PD 887 form-based zoning and Thoroughfare Plan amendment) already in place. The public improvement program of the proposed Sub-District will encourage new private development that is not likely to occur solely through private investment, thereby offering employment and quality living for the people of Dallas for years to come.

### **Exhibit B** **Existing Conditions Images** **Montfort-IH 635 Sub-District**

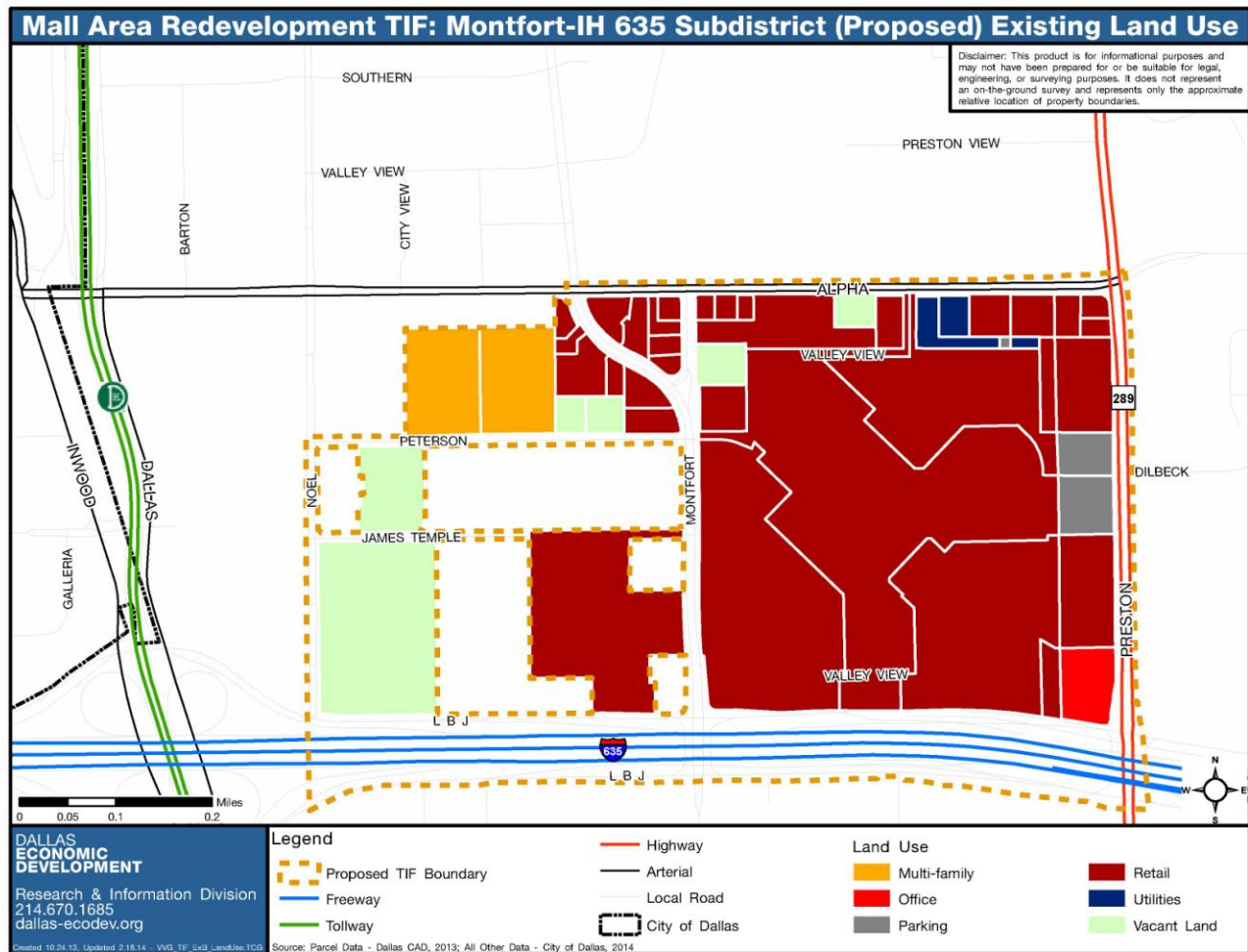




# Exhibit C Existing Zoning Montfort-IH 635 Sub-District



## Exhibit D Existing Land Use Montfort-IH 635 Sub-District



## EXHIBIT C

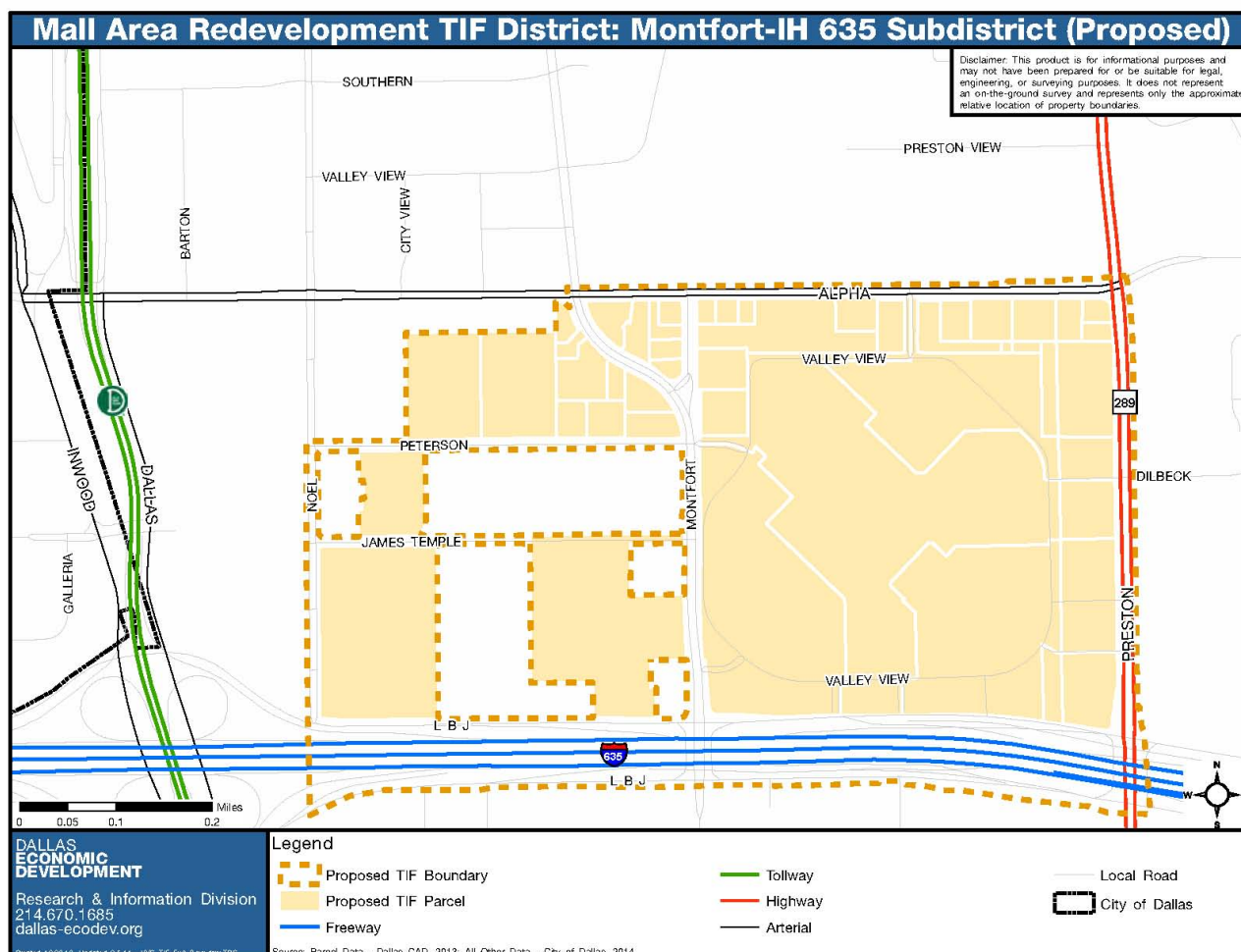
### Description of the Montfort-IH 635 Sub-District

As depicted in Exhibit E, the proposed Montfort-IH 635 Sub-District is generally bounded by Alpha Road, Preston Road, Noel Road, and LBJ Freeway. Boundaries that follow public streets and highways shall be construed to extend to the far sides of such rights-of-way. Boundaries that approximate property lines shall be construed as following such property lines. The Sub-District encompasses approximately 173.9 acres, not including rights-of-way. Taxable land for 2014 is expected to be 168.3 acres.

In order to optimize the reliability of the TIF increment projections as well as the TIF project needs, the Sub-District boundary has been drawn at its inception to include only the most underutilized and vacant parcels in the area that are anticipated to begin redevelopment in the short-term (i.e. next 5 years). Beyond the next 5 years, other parcels in the immediate area may emerge and ripen for redevelopment.

Based on the 2013 certified tax roll from the Dallas Central Appraisal District ("DCAD"), the total appraised value of taxable real property (46 parcels) in the Sub-District is estimated to be \$142.6 million.

## Exhibit E Montfort-IH 635 Sub-District Map



### **Westmoreland-IH 20 Sub-District**

The crossroads of Marvin D. Love Freeway (Highway 67), LBJ Freeway (Interstate Highway 20), Westmoreland Road, and Camp Wisdom Road has been one of southern Dallas' major regional business areas. Marvin D. Love Freeway registers over 85,000 vehicles per day, and LBJ Freeway provides access to more than 166,000 vehicles daily. However, despite the general locational advantages, portions of the area have experienced significant economic and physical decline over the last twenty years, and substantial revitalization and orderly redevelopment of the area is not likely to occur without public assistance. As such, this area is identified as a key focus area in the City of Dallas Strategic Engagement Plan as well as the forwardDallas! Comprehensive Plan. Further, this area is identified as a core investment area in the City Council's FY 2012-2013 Strategic Plan as well as the Mayor's GrowSouth initiative.

Built in 1975 by the DeBartolo Company, the Southwest Center Mall is located 11 miles south of downtown Dallas. When it opened, it was the only regional mall in southern Dallas and was named Red Bird Mall after the community it served. Designed as a typical center-oriented mall with large anchor stores surrounding a core of smaller in-line retail spaces, Southwest Center Mall was built with 1.1 million square feet of space (including the anchor stores).

The mall's customer base began to weaken soon after completion due to competition from newer retail space built nearby. In 2001, new owners renamed the mall Southwest Center Mall after investing in revitalizing improvements, primarily a food court. Nevertheless, over the past several years, as more competition has occurred with newer nearby retail centers, decline has quickened.

Montgomery Ward went bankrupt and liquidated in 2001. Its anchor building is currently occupied by Burlington Coat Factory. JC Penney also vacated its anchor building in 2001 and left for nearby Cedar Hill. JC Penney's anchor building was demolished in 2012. Dillard's (originally Titcher's and then Joske's) vacated its anchor building in 2006 and left for the same nearby location. The Dillard's anchor building remains vacant today. In 2006, Macy's replaced Foley's (originally Sanger-Harris) when the May Company was acquired by Federated Department Store. The three current anchors—Macy's, Sears, and Burlington Coat Factory—are operating but clearly have revenue and visibility problems. The in-line portion of the mall has changed ownership several times in recent decades because of bankruptcies and foreclosures. From the perspective of the community and the City, the Southwest Center Mall has become a dead shopping mall. Like many dead malls that exist nationally, over half the floor space is vacant, consumer traffic is low, and the configuration is obsolete.

In 2009, the City of Dallas sponsored a five-day visit by a group of nine real estate development experts with the Urban Land Institute (ULI). Known as a ULI Advisory Services Panel ("Panel"), the group's assignment was to formulate a plan to revitalize the Southwest Center Mall by exploring alternative uses for the anchor stores, studying the feasibility of mixed uses, and considering the desirability of civic and public uses to contribute to a sense of place at the Southwest Center Mall area. The Panel also

## EXHIBIT C

considered strategies for public investment through public/private partnerships to address the challenging economic and infrastructure needs. The Panel was also charged with formulating implementation strategies for achieving its recommendations.

The Panel's visit resulted in a published report. The report highlighted the following observations and findings with the Southwest Center Mall: (1) market too weak to solely support private investment in revitalization without public investment, (2) fragmented property ownership and lack of interdependent cooperation, (3) lack of a consensus vision/plan for how to revitalize the area, (4) poor site access from the freeway, (5) strong community support for revitalization, and (6) community concerns about the City's commitment to help with revitalization.

In the report, the Panel made the following comments and recommendations: (1) the area has strong potential for higher density mixed use redevelopment with residential, retail, office, entertainment, and community uses, (2) the City should initiate an Area Plan process with the community, resulting in a consensus vision and leading to area-wide rezoning and thoroughfare plan amendments consistent with the vision, (3) the City should coordinate with TxDOT to improve freeway access, (4) the City should establish a tax increment financing district for the area to help close funding gaps and push forward projects that might not otherwise succeed, (5) the City should play an active role in land assembly and developer recruitment, and (6) the City should assist with public infrastructure improvements in the area (network of new internal streets, new streetscape on existing perimeter streets, new central open space, etc.).

The panel emphasized that a successful plan for the redevelopment of the site needs to be flexible and allow the program of uses to evolve as redevelopment occurs over time. As such, the panel offered an initial redevelopment concept for a new town center "village" organized around a new central open space/plaza and anchored by a new open-air retail street tied directly into the existing eastern end of the mall. The redevelopment concept assumes demolition of both levels of the west end of the mall (from the center court through the former Dillard's space, with the new open-air retail street (a collection of two-story mixed use buildings) tying directly into the upper level of the in-line mall at the line of demolition. This initial phase would allow successful existing tenants and new tenants to consolidate in the eastern end of the mall. The redevelopment concept also includes the renovation and retention of the three existing anchor stores (Macy's, Sears, and Burlington Coat Factory). Additionally, the Panel believed that a grocery store, a multi-screen movie theater, offices, multi-family housing (for rent), senior housing (for rent or for sale), townhomes, and a hotel could be market feasible if developed within the framework of the new town center village. The town center village concept is depicted in Exhibit F below and serves as the basis for the anticipated development shown in Exhibit P-2.



## Exhibit F

### Southwest Center Mall Area Redevelopment Concept (2009 ULI Advisory Services Panel)



### Existing Conditions

Most of the proposed Sub-District is characterized by a wide variety of commercial property types ranging in age from thirty to forty years. Many of these properties are economically or physically obsolete. In its present condition, the area exhibits deteriorated structures, an inadequate sidewalk and street layout, large tracts of vacant land, faulty lot layouts, unsanitary or unsafe conditions, and deteriorated site improvements. These conditions substantially arrest or impair the sound growth of the City and property within the proposed Sub-District. No property in the proposed Sub-District is currently being used for residential use with fewer than five living units. Photos of property in the proposed Sub-District show deteriorated public infrastructure and building stock (see Exhibit G). Many of the commercial structures in the Sub-District were developed in the 1970s. Many streets and utilities are now over forty years old and require significant improvements.

## EXHIBIT C

### Existing Zoning and Existing Land Uses

See Exhibit H for a map of existing zoning in the Sub-District and Exhibit I for a map of existing land uses in the Sub-District.

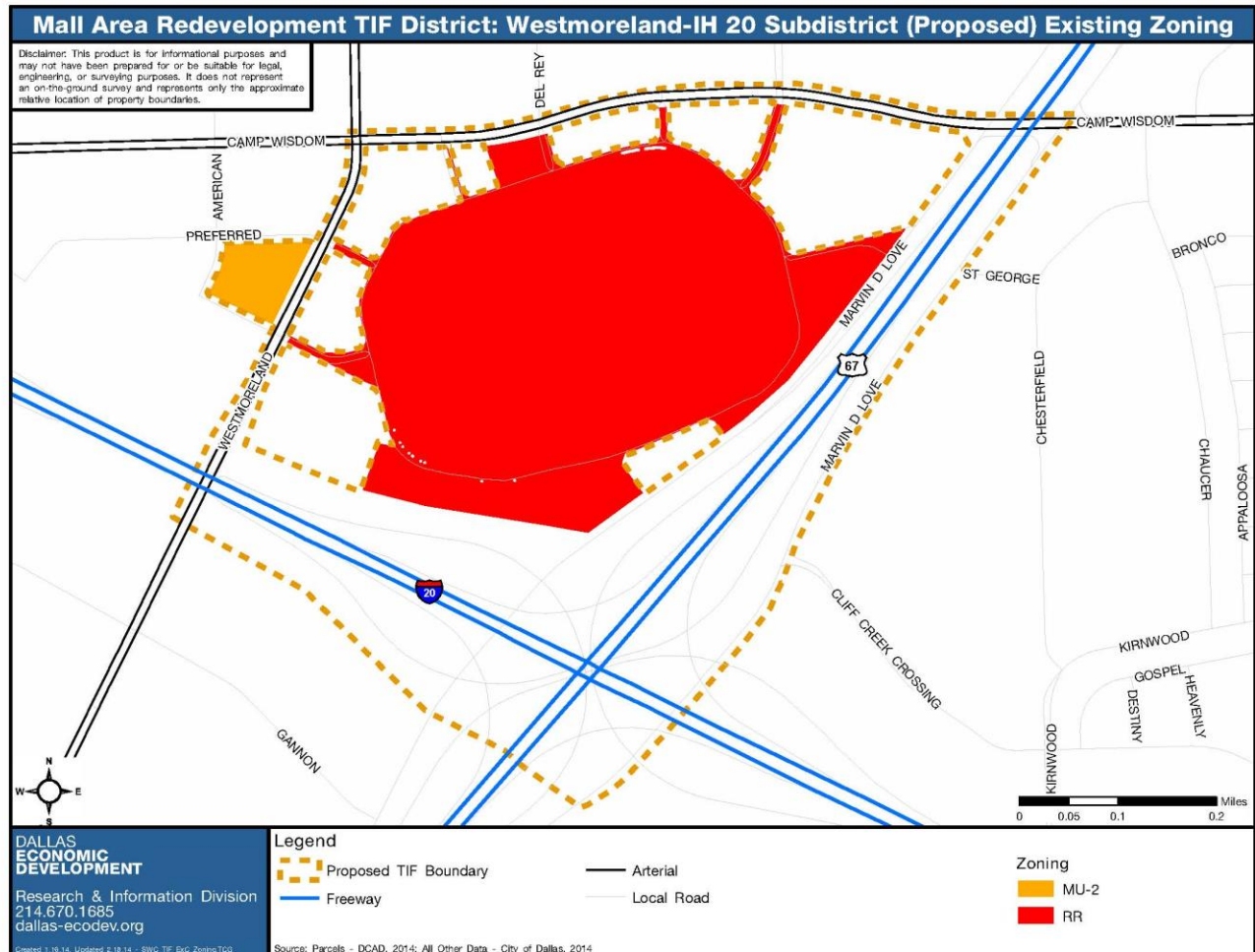
The proposed Sub-District is being considered for designation by the City of Dallas, pursuant to Section 311.005, Texas Tax Code, because the City finds that the Westmoreland-IH 20 area substantially impairs the sound growth of Dallas, retards the provision of housing accommodations, constitutes an economic and social liability, and is a menace to the public welfare due to a substantial number of substandard, deteriorating, and deteriorated structures and infrastructure as well as a severe lack of parks and open spaces. The project plan for the proposed Sub-District will encourage new private development that is not likely to occur solely through private investment, thereby offering employment and quality living for the people of Dallas for years to come.

### Exhibit G Existing Conditions Images Westmoreland-IH 20 Sub-District



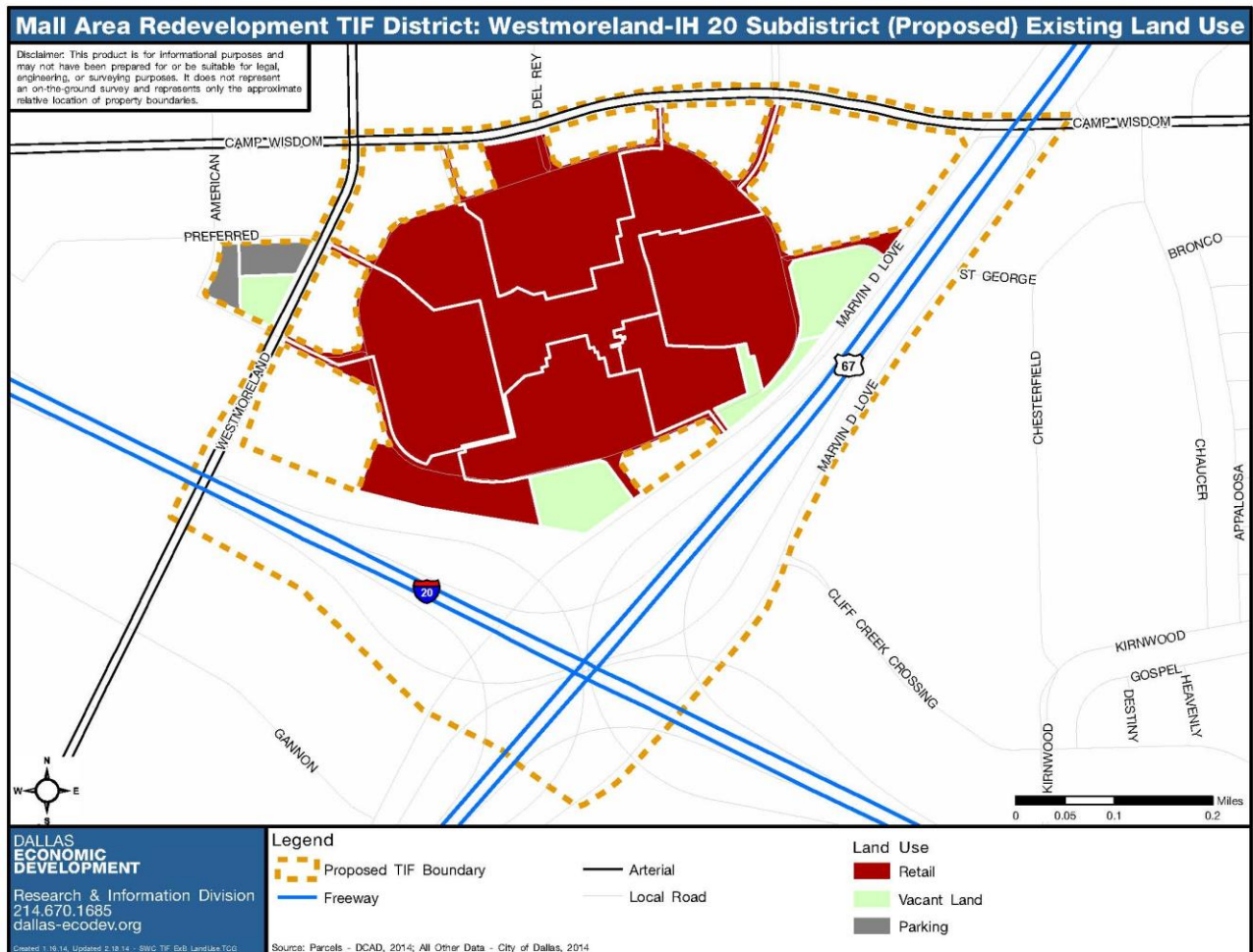


# Exhibit H Existing Zoning Westmoreland-IH 20 Sub-District





## Exhibit I Existing Land Use Westmoreland-IH 20 Sub-District



### Description of the Westmoreland-IH 20 Sub-District

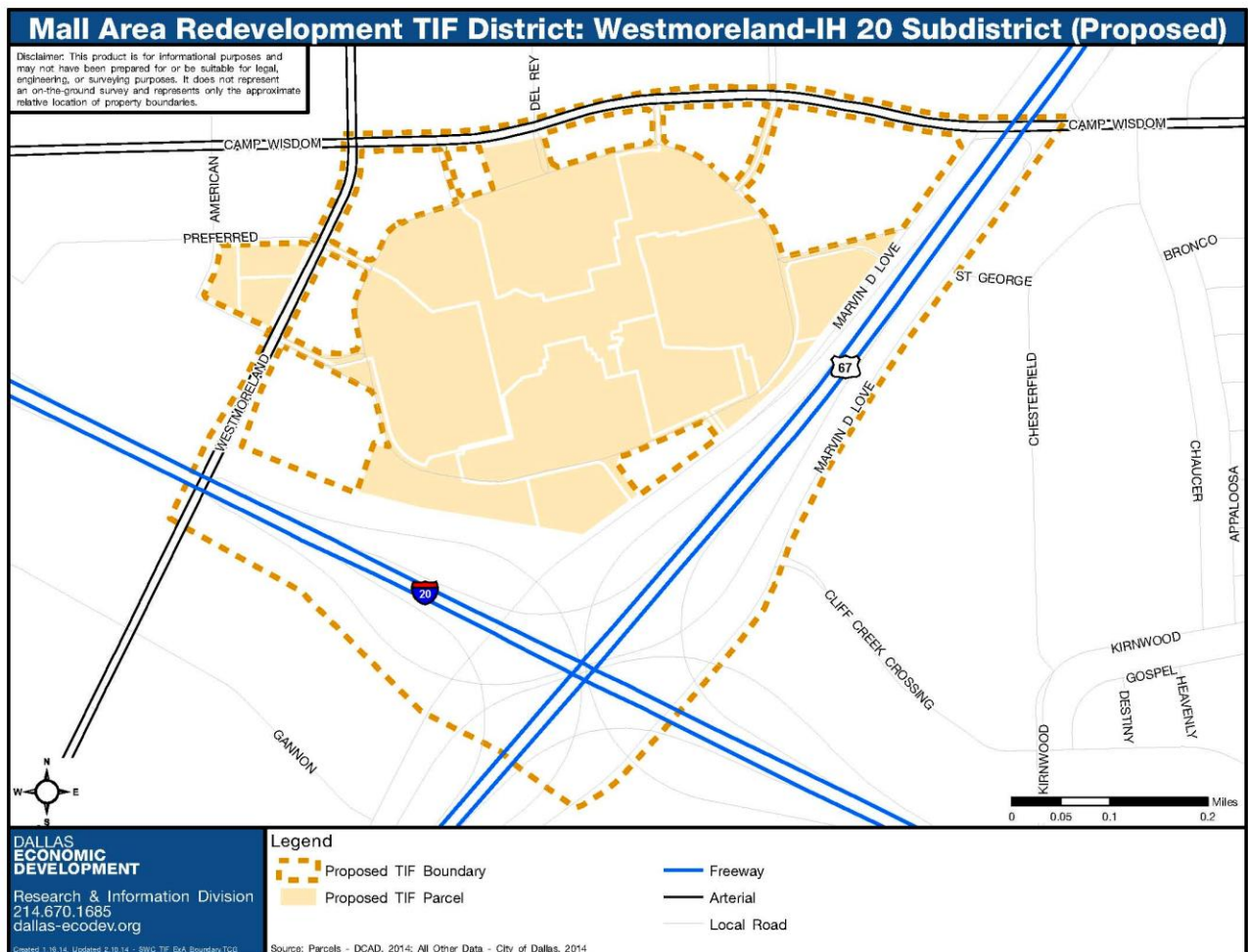
As depicted in Exhibit J, the proposed Westmoreland-IH 20 Sub-District is generally bounded by Westmoreland Road, Camp Wisdom Road, Marvin D. Love Freeway (Highway 67), and LBJ Freeway (Interstate Highway 20). Boundaries that follow public streets and highways shall be construed to extend to the far sides of such rights-of-way. Boundaries that approximate property lines shall be construed as following such property lines. The Sub-District encompasses approximately 96.6 acres, not including rights-of-way. Taxable land for 2014 is expected to be 96.6 acres.

## EXHIBIT C

In order to optimize the reliability of the TIF increment projections as well as the TIF project needs, the sub-district boundary has been drawn at its inception to include only the most underutilized and vacant parcels in the area. Over time, other parcels in the immediate area may emerge and ripen for redevelopment.

Based on the 2013 certified tax roll from DCAD, the total appraised value of taxable real property (12 parcels) in the Westmoreland-IH 20 Sub-District is estimated to be \$19.6 million.

## Exhibit J Westmoreland-IH 20 Sub-District Map



## General Considerations

Per Chapter 311 of the Texas Tax Code, a city with a population of 100,000 or more may not designate a tax increment reinvestment zone if the total appraised value of taxable real property in the proposed zone and in existing reinvestment zones exceeds 25% of the total appraised value of taxable real property in the city. Based on the 2013

## EXHIBIT C

certified tax roll from DCAD, the total appraised value of the proposed zone and other existing reinvestment zones is approximately 10% of the total appraised value of taxable real property in the City of Dallas.

Per the City of Dallas Financial Management Performance Criteria ("FMPC"), no reinvestment zone can be created if the total real property tax base of all active tax increment reinvestment zones plus the total real property and business personal property tax base of all tax abatement reinvestment zones exceeds 10% of the total tax base (all real and business personal property) of the City. Based on the 2013 certified tax roll from DCAD, the total real property tax base of all active tax increment reinvestment zones plus the total real property and business personal property tax base of all tax abatement reinvestment zones is approximately 8.87% of the total tax base (all real and business personal property) of the City.

All real property accounts known to be within the District boundary, based on DCAD's 2013 certified tax roll, are listed in Appendix A. The base value of the District is the total appraised value of all taxable real property in the zone, as determined by DCAD. Note: The base value of the District will be adjusted to reflect the 2014 certified tax roll when it becomes available from DCAD in August 2014. The base value of the District may also be adjusted in the future to reflect property tax protests, tax roll corrections, and litigation that affect the 2014 valuation of properties within the District. Inclusion of property in the District does not change tax rates for any property in the District. Tax rates remain the same as tax rates outside the District, given a constant set of taxing jurisdictions.

The proposed duration of the Mall Area Redevelopment TIF District is 30 years. The District's base year is 2014. Year 1 of the District is scheduled to begin on January 1, 2015, and the District is scheduled to terminate December 31, 2044 (including collection of the 2044 increment in calendar year 2045 and any related matters to be concluded in 2045). TIF collections will terminate once the TIF budget has been collected or December 31, 2044, whichever occurs first.

The City's participation is proposed to be 0% in 2015; 90% from 2016 through 2042; 75% in 2043; and 55% in 2044. The County's participation is anticipated to be 0% for the first five years and then at least 55% for 20 years (2020 through 2039) or until the District is terminated.

TIF funds will be disbursed annually, subject to the availability of funds, and according to development agreements or securities obligations approved by the City Council. All such agreements and obligations must be consistent with the Final Project Plan and Reinvestment Zone Financing Plan approved by the TIF board and the City Council, as prescribed by the Tax Increment Financing Act promulgated in Chapter 311 of the Texas Tax Code.

All payments to the TIF fund will terminate upon the occurrence of any of the following events:

## EXHIBIT C

1. The TIF budget of approximately \$432.5 million (net present value of approximately \$182.9 million in 2014 dollars) has been collected, or December 31, 2044 (including collection of the 2044 increment in calendar year 2045 and any related matters to be concluded in 2045), whichever occurs first.
2. All financial obligations of the TIF fund have been satisfied and the City Council has dissolved the District.
3. The TIF fund has no financial obligations within three years of City Council adoption of the Final Project Plan and Reinvestment Zone Financing Plan, and the City Council has dissolved the District.
4. Private investment of at least \$100 million has not occurred within five years of the adoption of the Final Project Plan and Reinvestment Zone Financing Plan, and the City Council has dissolved the District.

The TIF fund may pay for TIF-eligible expenditures within the District and other expenses permitted by law, including financing costs of the public improvements and administrative costs for the TIF program. Dollars from the TIF fund may pay or reimburse a developer, a developer's assignees, or another entity for legally eligible expenditures duly approved by the City. In general, TIF funds may be applied to expenditures listed in the Final Project Plan and Reinvestment zone Financing Plan as costs of public works, public improvements, programs, or other projects benefitting the zone, plus other costs incidental to those expenditures and obligations.

### **Development Goals and Objectives**

The following development goals address the specific needs of the proposed District:

- Goal 1: To create additional taxable value attributed to new private investment in projects in the Montfort-IH 635 Sub-District totaling approximately \$3.9 billion in total dollars over the 30-year life of the Sub-District.
- Goal 2: To create additional taxable value attributed to new private investment in projects in the Westmoreland-IH 20 Sub-District totaling approximately \$295 million in total dollars over the 30-year life of the Sub-District.
- Goal 3: To attract new higher density private development in the Montfort-IH 635 Sub-District totaling approximately 707,870 square feet of new retail space; 72,991 square feet of renovated movie theater; 3,987,022 square feet of new office space; 957 new hotel rooms; and 7,674 new residential units (including apartments and condominiums).
- Goal 4: To attract new higher density private development in the Westmoreland-IH 20 Sub-District totaling approximately 140,000 square feet of new retail space; 45,000 square feet of movie theater; 70,000 square feet of new office space; 80 new hotel rooms; and 1,620 new residential units (including apartments and townhomes).

## EXHIBIT C

- Goal 5: To encourage the sustainable redevelopment of properties including and around two obsolete shopping malls in a manner in which negative fiscal impacts for the remainder of the City are limited and a walkable development pattern is achieved that is a net benefit to the City from a fiscal, land use, and quality of life standpoint.
- Goal 6: To increase public open space in the District.
- Goal 7: To generate approximately \$432.5 million (net present value of approximately \$182.9 million in 2014 dollars) in TIF fund revenues over the 30-year life of the District.

The following specific objectives set the framework for the planned public improvements within the District:

- Provide funding for the acquisition of land for a central community park (referred to in the adopted Area Plan as “Midtown Commons”) to provide open space, recreational opportunities, and cultural amenities to the Montfort-IH 635 Sub-District while also increasing land values and attracting new residential and office development.
- Direct the Montfort-IH 635 Sub-District’s overall development through the application of design guidelines for public improvements and private development consistent with the regulations set forth in PD 887, as amended.
- Provide funding to build a street and circulation network in the Montfort-IH 635 Sub-District to enhance traffic flow, reduce congestion, provide greater accessibility, and disaggregate the existing super-blocks into a more pedestrian-scaled environment that can redevelop incrementally.
- Improve infrastructure in the Montfort-IH 635 Sub-District, including roadways, storm water drainage, water distribution/wastewater collection lines, and burial of overhead utilities to support redevelopment in the sub-district.
- Improve the pedestrian environment through sidewalk, landscaping, lighting and other related streetscape features.
- Provide funding for an economic development grant program for the Montfort-IH 635 Sub-District and an economic development grant program for the Westmoreland-IH 20 Sub-District.
- Encourage mixed income housing throughout the area.

### **Market Feasibility and Planned Development**

The predominant land use development pattern in the planned 30-year Mall Area Redevelopment TIF District development program is higher density, walkable, mixed-



## EXHIBIT C

use development, including a range of housing types, office development, retail development, and hotel development. Within five years of the initiation of the District, it is anticipated that development will occur, including approximately 1,106 residential units, 133,350 square feet of retail space, 72,991 square feet of renovated movie theater, and 242,000 square feet of office.

Over the 30-year life of the District, the planned private development program includes:

- up to 9,294 new residential units
- up to 847,870 square feet of new retail space
- up to 72,991 square feet of renovated movie theater space
- up to 45,000 square feet of new movie theater space
- up to 4,057,022 square feet of new office space
- up to 1,037 new hotel rooms

Market analysis suggests that these developments are feasible but would likely not occur or occur to the same extent without the creation and implementation of this District to assist in the funding of project plan improvements in the District.

Exhibit K-1 depicts a conceptual redevelopment plan (as provided by Diversion Capital) for the former Showcase Chevrolet Dealership site, and Exhibit K-2 depicts a conceptual redevelopment plan (as provided by Beck Ventures) for a significant portion of the Valley View Center Mall area in the Montfort-IH 635 Sub-District.

### Exhibit K-1 Conceptual Redevelopment Plan (by Diversion Capital)



**Exhibit K-2  
Conceptual Redevelopment Plan  
(by Beck Ventures)**



## EXHIBIT C

### **TIF District Policy Considerations**

City policy for creation of new TIF districts requires that newly created TIF district plans include public objectives, such as a provision for mixed income housing, development of design guidelines that promote the high quality design of structures and infrastructure within the TIF district, utilization of minority- and women-owned businesses in new construction, promotion of jobs for neighborhood residents, and resolution of issues related to the relocation of area residents displaced by new development. These issues are addressed specifically below.

Mixed Income Housing Guidelines. Successful redevelopment efforts support a variety of housing options. Accordingly, twenty percent (20%) of all housing units in projects using direct site-specific TIF funding assistance will be subject to the City's and County's established criteria for mixed income housing. For housing units in projects that do not receive a direct allocation of TIF funding assistance under a TIF development agreement but may indirectly benefit from off-site or District-wide open space or infrastructure funded by the District, mixed income housing requirements will not apply. Affordable housing units are those which are affordable to a household earning 80% or less of the median family income for the Dallas metropolitan area. Affordable rental rates will be adjusted annually according to the affordable housing schedule produced annually by the City's Housing Department (pursuant to the U.S. Department of Housing and Urban Development). Within two years after designation of the District, the District's Board of Directors will develop a set of mixed income housing guidelines outlining details for the provision of mixed income housing for the District.

A developer may propose alternative methods of meeting the requirements. All proposed alternative methods will be considered on a case-by-case basis and must be approved by both the City and Dallas County. One alternative may be for a developer to propose to provide equivalent affordable housing units within a one (1) mile area outside of the District boundary. Another alternative may be for a developer to propose to provide more than 20% affordable housing units in a project within the District, with the surplus units being counted toward the satisfaction of the 20% requirement on a related project(s) within the District.

New affordable housing within the District may also include senior or tax-credit-financed housing units. Additionally, if an existing tax-credit-financed housing development is demolished and replaced with a new tax-credit-financed housing development (on the same site), the replacement housing units may be considered "new" affordable housing units. In the event that a new tax-credit-financed housing development provides more than 20% affordable housing units in a project, the surplus units may be counted toward the satisfaction of the 20% requirement on an unrelated project(s) within the District. Affordable housing units should not be concentrated and should be dispersed throughout the community.

Urban Design Guidelines. High quality urban design is an objective for the Mall Area Redevelopment TIF District. Design guidelines for new development in the District will be reviewed by the TIF Board of Directors within two years after designation of the District. Development projects using direct site-specific TIF funding assistance will be



## EXHIBIT C

required to comply with the approved guidelines. The City's Peer Review Panel, supported by the Dallas Design Studio, will oversee this process. The expectation is that TIF-funded projects set a standard for future development in the City of Dallas.

The design guidelines for the Montfort-IH 635 Sub-District will, at a minimum, reflect the form-based zoning standards adopted in June 2013 as PD 887 (Valley View-Galleria Area Special Purpose District). PD 887 governs nearly all of the parcels in the Montfort-IH 635 Sub-District.

Business Inclusion and Development (BID) Plan. All TIF-funded projects will follow the City's adopted Business Inclusion and Development Plan. This policy outlines goals for certified Minority- and Women-Owned Business (M/WBE) participation in publicly funded infrastructure projects. The BID Plan goal is 25% for construction of public improvements. The goal for private improvements is negotiated in the development agreement. The process for BID compliance and City oversight will be negotiated with City staff and included in the development agreement for each individual project.

Promotion of Jobs for Neighborhood Residents. TIF applicants must agree to sponsor job fairs or other programs to attract neighborhood residents to any permanent jobs created in the developments within the District.

Existing Resident Displacement. Chapter 311 of the Texas Tax Code requires that displacement of existing residents be minimized. No persons are currently expected to be displaced by redevelopment activity within the Mall Area Redevelopment TIF District. Therefore, relocation policies are inapplicable to this District.

## Section 2: Project Plan Improvements

The enumerated Project Plan Improvements include approximately \$432.5 million (net present value of \$182.9 million in 2014 dollars) for the categories listed below. See Exhibit O in Section 3 for the budget of the proposed TIF-funded Project Plan Improvements (“Project Costs”).

### **Eligible TIF Project Costs for the entire Mall Area Redevelopment TIF District**

**Administration and Implementation:** Administration costs, including reasonable charges for time spent by the municipality’s employees and funding for special studies conducted on behalf of the City of Dallas to assist with implementation within the District, will be eligible for reimbursement as project costs, upon approval by the District’s Board of Directors and in connection with the implementation of the Final Project Plan and Reinvestment Zone Financing Plan. Other TIF-related administrative expenses such as the City’s legal and consulting fees (including but not limited to bond counsel and financial advisor fees), management expenses, meeting expenditures, and equipment are included in this category, including some expenses, such as design and engineering costs for preparing plans for the District, incurred by a Property Owner or Developer in connection with the creation of the TIF. Specifically included in this budget category is the cost to reimburse the City for the funding of the 2012-2013 Valley View-Galleria Area Planning Study. It is estimated that approximately **\$7.68 million (net present value of \$3.25 million in 2014 dollars)** in District funds will be provided for administration and implementation costs within the District.

### **Eligible TIF Project Costs for the Montfort-IH 635 Sub-District**

**Infrastructure Improvements:** As illustrated in the City’s adopted Streets Plan for the area in Exhibit L, infrastructure improvements are needed to establish an integrated street network to break down the existing super-blocks and create pedestrian-scale parcels for redevelopment. This category includes, but is not limited to, TIF-eligible expenditures for design, engineering, and construction of infrastructure and utility improvements; water and wastewater infrastructure improvements; roadway paving improvements; intersection improvements (including signalization improvements); improvements for medians and parkways; and storm water drainage and management. Utility improvements also include, but are not limited to, the relocation/burial and eligible upgrade of electric, gas, cable television, and telephone/telecommunication infrastructure throughout the District. This category also includes design, engineering, and construction of streetscape improvements, including lighting, sidewalk, bike/pedestrian trail and path improvements; street furnishings; landscaping and irrigation of areas of public access and assembly; wayfinding and signage to improve pedestrian and vehicular circulation and continuity in the District; and other streetscape features related to specific projects.

## EXHIBIT C

It is estimated that approximately **\$167.4 million (net present value of \$70.8 million in 2014 dollars)** in District funds will be provided for the costs of the following infrastructure improvements in the Montfort-IH 635 Sub-District:

- \$35 million (net present value of \$14.8 million in 2014 dollars) in costs for the design and construction of improvements to existing roads (Montfort Drive; Noel Road; Peterson Lane; James Temple Drive) within the Montfort-IH 635 Sub-District as required by the Thoroughfare Plan. The estimated costs include associated grading, paving, and landscape/streetscape. Right-of-way is to be dedicated to the City as platting occurs with redevelopment.
- \$68.5 million (net present value of \$29 million in 2014 dollars) in costs for the design and construction of new roads within the Montfort-IH 635 Sub-District as required by the Thoroughfare Plan and shown on Exhibit L. The estimated costs include associated grading, paving, storm drainage system, intersections, water, wastewater, landscape/streetscape, and gas/power/telecommunications utilities. Right-of-way is to be dedicated to the City as platting occurs with redevelopment.
- \$44.9 million (net present value of \$19 million in 2014 dollars) in costs for the design and construction of new minor streets within the Montfort-IH 635 Sub-District as required by the zoning regulations of PD 887 and shown on Exhibit L. The estimated costs include associated grading, paving, storm drainage system, intersections, water, wastewater, landscape/streetscape, and gas/power/telecommunications utilities. Right-of-way is to be dedicated to the City as platting occurs with redevelopment.
- \$9.5 million (net present value of \$4 million in 2014 dollars) in costs for the design, relocation/burial, and eligible upgrade of existing off-site electric, gas, and telecommunications infrastructure.
- \$7.1 million (net present value of \$3 million in 2014 dollars) in costs for the design and replacement/upsizing of existing off-site wastewater infrastructure as required by Dallas Water Utilities. The estimated costs include the replacement/upsizing of any existing off-site wastewater lines connecting private parcels to the sewershed #1 discharge point located immediately north of LBJ Freeway along the westbound frontage road as well as the replacement/upsizing of the existing off-site wastewater line from the sewershed #1 discharge point to a connection point located generally east of the Dallas North Tollway at Harvest Hill Road. The estimated costs include the potential acquisition of right-of-way and/or easements that may be needed to accommodate the alignment of the replacement line.
- \$2.4 million (net present value of \$1 million in 2014 dollars) in costs for the design, fabrication, and installation of unified wayfinding to improve

## EXHIBIT C

pedestrian and vehicular circulation and continuity within the Montfort-IH 635 Sub-District.

TIF funding assistance for infrastructure improvements will be critical to making projects feasible in the Montfort-IH 635 Sub-District. Without an integrated network of new streets (and associated utilities) to disaggregate the existing super-blocks and without the replacement and upsizing of existing off-site wastewater infrastructure, redevelopment potential of the area is limited. It is also acknowledged that other sources of funding (e.g. grants from other governmental entities; City general obligation bonds; City revenue bonds) will be considered to supplement TIF funding and/or to help advance the delivery of particular infrastructure improvements.

**Grants for Economic Development:** State law allows the City to make economic development grants or loans for the public purposes of developing and diversifying the economy and to further implement the Final Project Plan and Reinvestment Zone Financing Plan. Projects receiving such grants or loans: (1) must demonstrate that the development is not financially feasible but for the grant; (2) must be consistent with the goals and objectives of the Final Project Plan and Reinvestment Zone Financing Plan; and (3) are subject to specific project agreements and City Council approval. A grant program for the Montfort-IH 635 Sub-District will be reviewed by the TIF Board of Directors within two years after designation of the District. Development projects requesting economic development grant funds will be required to comply with the approved program.

It is anticipated that a grant program for the Montfort-IH 635 Sub-District will serve as a flexible tool with which to help close funding gaps and push forward projects that might not otherwise succeed. As such, it is anticipated that TIF grant funding may be used to: (1) offset the cost incurred by a private developer for complying with the mixed income housing requirements of the District, (2) offset the financial cost (i.e. interest) incurred by a private developer for providing significant advance funding for a large scale public infrastructure improvement or open space acquisition that benefits multiple parcels in the Montfort-IH 635 Sub-District by making them ready to support new vertical development consistent with the adopted Area Plan, and (3) offset the cost incurred by a private developer for environmental remediation and demolition of an existing structure when in conjunction with the vertical construction of a new structure to replace it.

Approximately **\$118.1 million (net present value of \$50 million in 2014 dollars)** in District funds will be provided to facilitate economic development grants in the Montfort-IH 635 Sub-District.

**Set Aside for Land Acquisition for Sub-District-Wide Central Open Space:** The long-term success of the Sub-District as a dense, walkable, livable, and sustainable place will depend on a redevelopment pattern organized around a carefully considered urban form anchored by a large centrally located Sub-District-wide public open space (see the City's adopted Open Space Plan in Exhibit M). The central

## EXHIBIT C

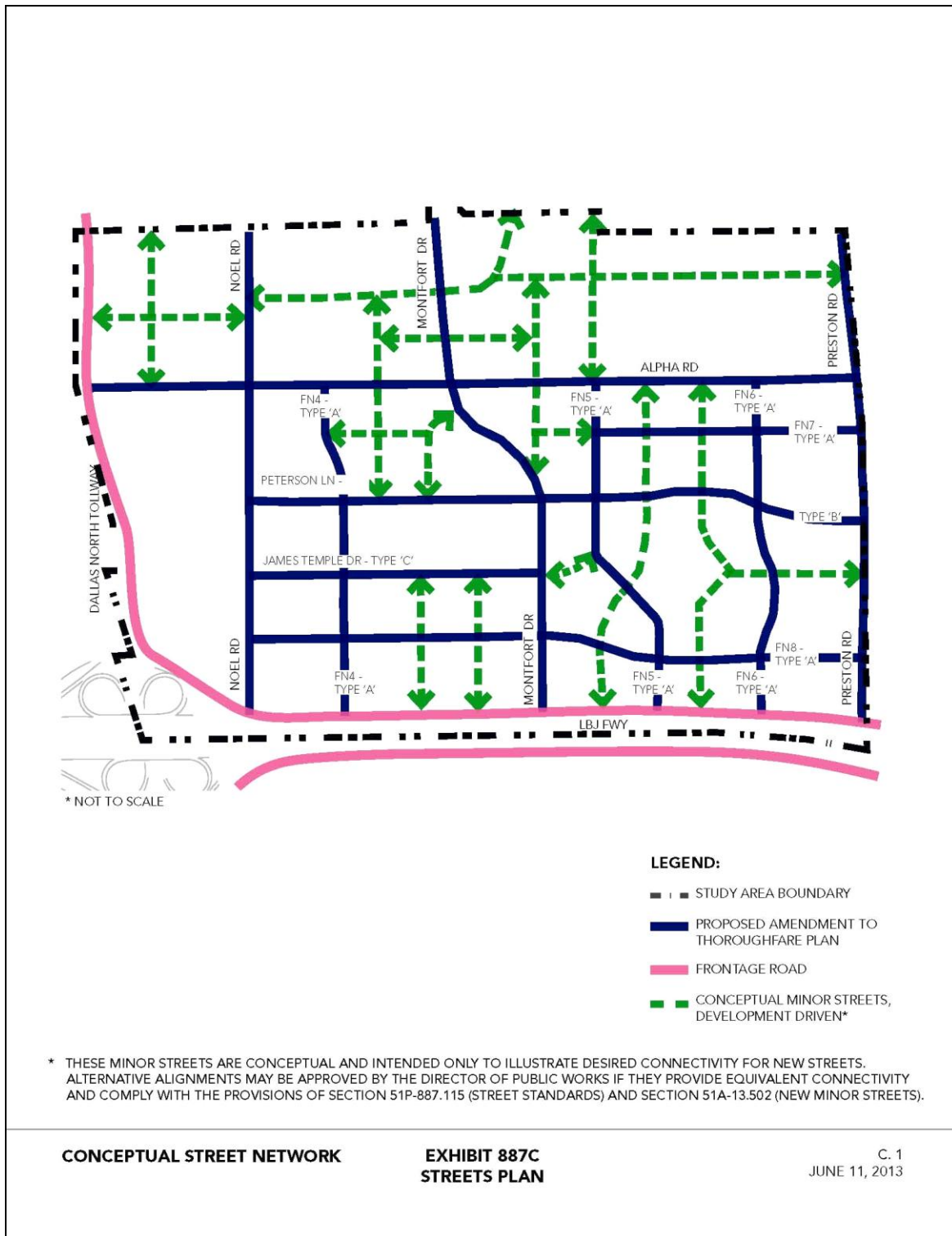
open space feature will be the critical key to creating higher density urban development while also supporting a high quality of life for Sub-District residents, employees, shoppers, and other visitors. Envisioned to serve not only the Sub-District but also the broader community, the central open space feature will range in size from 10-20 acres (ideal size is 15-18 acres). It should be noted that the graphical depiction of the central open space in Exhibit M is conceptual and that the actual size, location, and configuration is subject to change over time as redevelopment occurs and as land is acquired.

Per the adopted Area Plan, considerations for the design of the central open space feature should include the following: street trees and sidewalks along all edges; some large open spaces for passive recreation and events; possible pavilion/concert stage and lawn for special events; environmentally responsible landscape development and potential education opportunities on water recycling and collection from surrounding properties including detention; integrated storm water management elements; Americans with Disabilities Act (ADA) compliance; dog park facilities; playgrounds for children and adults; restaurant or food service venues; a parking strategy for special events including on-street parking; naturalized vegetation in some areas; and a pedestrian bridge across Montfort Drive to facilitate east-west connectivity (if necessary).

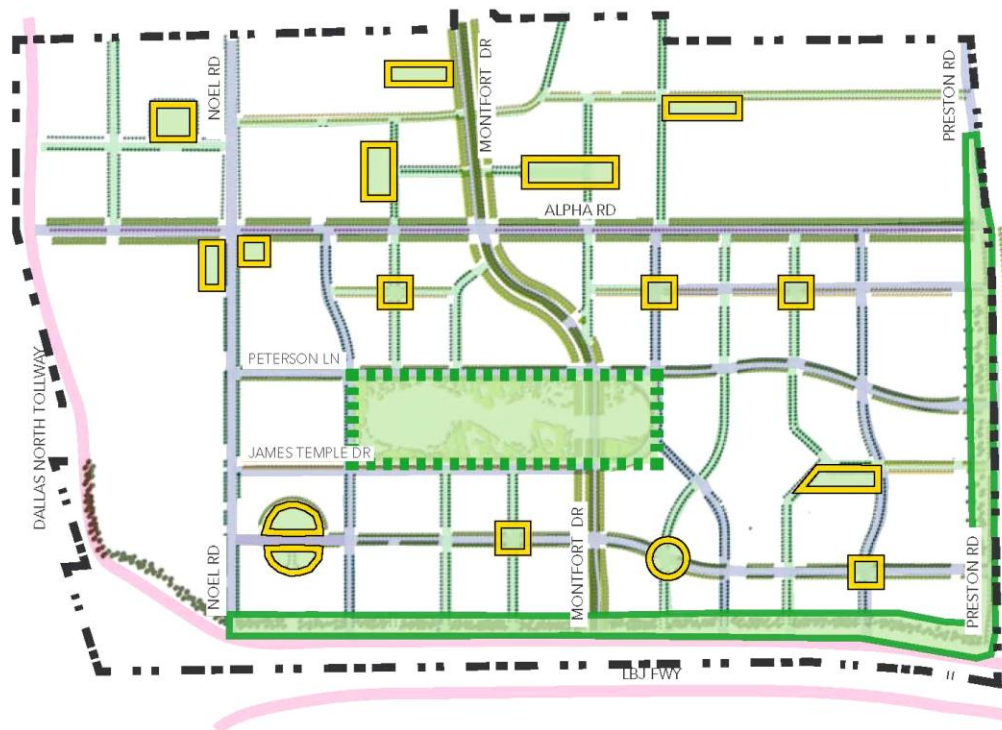
It is acknowledged that many desired expenditures associated with the central open space feature are likely beyond the capacity of TIF funding. Nevertheless, TIF funding assistance for land acquisition for the central open space will be critical to making projects feasible in the Montfort-IH 635 Sub-District. Without a large public open space, redevelopment potential of the area is limited. It is estimated that at least **\$70.9 million (net present value of \$30 million in 2014 dollars)** in District funds will be provided specifically to help cover costs associated with the assembly and acquisition of land for the central open space feature. Although the central open space will ultimately be owned by the City, it is anticipated that other sources of funding (e.g. the additional open space requirement of PD 887; grants from other governmental entities; City general obligation bonds; a public improvement district; private philanthropic contributions) will also be explored to help fund expenditures associated with the design, construction, maintenance, operations, and programming of the central open space.

**Set Aside for the Westmoreland-IH 20 Sub-District:** Ten percent (10%) of the annual tax increment generated by the Montfort-IH 635 Sub-District will be annually set aside to help facilitate the revitalization and redevelopment of the Westmoreland-IH 20 Sub-District (approximately 96 acres generally bounded by U.S. Route 67, Interstate Highway 20, Camp Wisdom Road, and Westmoreland Road) in southern Dallas. It is estimated that approximately **\$39.6 million (net present value of \$16.7 million in 2014 dollars)** in District funds will be provided for the revitalization and redevelopment of the Southwest Center Mall area in the Westmoreland-IH 20 Sub-District. See page 32 for eligible TIF project costs for the Westmoreland-IH 20 Sub-District.

# Exhibit L Streets Plan Montfort-IH 635 Sub-District



# **Exhibit M** **Open Space Plan** **Montfort-IH 635 Sub-District**



**LEGEND:**

- STUDY AREA BOUNDARY
- MIDTOWN COMMONS
- BLOCK PARK FRAMEWORK
- GREEN FRAME

**CONCEPTUAL OPEN SPACE  
NETWORK**

**EXHIBIT 887B  
OPEN SPACE PLAN**

B. 1  
APRIL 30, 2013

### **Eligible TIF Project Costs for the Westmoreland-IH 20 Sub-District**

**Grants for Economic Development:** State law allows the City to make economic development grants or loans for the public purposes of developing and diversifying the economy and to further implement the Final Project Plan and Reinvestment Zone Financing Plan. Projects receiving such grants or loans: (1) must demonstrate that the development is not financially feasible but for the grant; (2) must be consistent with the goals and objectives of the Final Project Plan and Reinvestment Zone Financing Plan; and (3) are subject to specific project agreements and City Council approval. A grant program for the Westmoreland-IH 20 Sub-District will be reviewed by the TIF Board of Directors within two years after designation of the District. Development projects requesting economic development grant funds will be required to comply with the approved program.

It is anticipated that a grant program for the Westmoreland-IH 20 Sub-District will serve as a flexible tool with which to jumpstart initial development activity, help to close funding gaps, and push forward catalyst projects that might not otherwise succeed. As such, it is anticipated that TIF grant funding may be used to: (1) offset costs related to the renovation of existing Southwest Center Mall buildings (in-line and/or anchor stores), (2) offset costs related to the retention of existing Southwest Center Mall anchor retailers, (3) offset costs related to the strategic assembly of real property, (4) offset costs related to the active recruitment of potential developers, (5) offset costs related to critical public infrastructure improvements (e.g. public open space; streetscape improvements on existing streets; new streets to break down the existing super blocks into pedestrian-scale developable parcels; unified wayfinding), (6) offset costs related to site access improvements from adjacent freeways, and (7) offset costs related to the creation of additional planning and implementation tools (e.g. Area Plan process; special studies; zoning amendments; Thoroughfare Plan amendments) to further position the Westmoreland-IH 20 Sub-District for redevelopment. Over time, as additional implementation tools are created and as the redevelopment plan for the Southwest Center Mall area comes more into focus, it is anticipated that the Final Project Plan and Reinvestment Zone Financing Plan will be refined and adjusted accordingly.

Approximately **\$68.3 million (net present value of \$28.8 million in 2014 dollars)** in District funds will be provided to facilitate economic development grants in the Westmoreland-IH 20 Sub-District. District funds will come from: (1) the 10% of tax increment set aside annually from the Montfort-IH 635 Sub-District, and (2) the tax increment generated by the Westmoreland-IH 20 Sub-District. It is acknowledged that some desired expenditures of the Westmoreland-IH 20 Sub-District (i.e. large infrastructure projects such as the freeway access improvements referenced above) are likely beyond the capacity of TIF funding. Nevertheless, TIF funding assistance with above-referenced items (1), (2), (3), (4), (5), and (7) will be critical to making development projects feasible in the Westmoreland-IH 20 Sub-District. It is anticipated that the momentum made possible by TIF funding will leverage funds from other sources (e.g. City bonds, other governmental entities).



## Section 3: Financing Plan

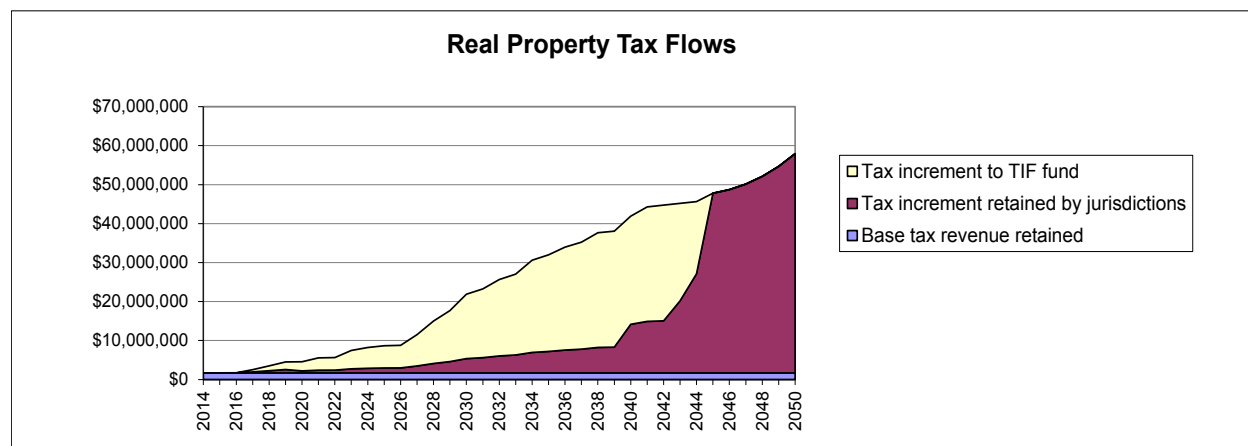
### TIF Financing Overview

Tax increment financing (“TIF”) is a tool local governments of Texas have used since 1986 to finance public improvements within defined areas that have unique challenges and opportunities for economic development. Public improvements strengthen existing communities and attract investment. The Tax Increment Financing Act is found in Chapter 311 of the Texas Tax Code (the “Act”).

The governing body of a municipality may designate an area as a reinvestment zone if the City Council finds that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future. The additional tax dollars generated by growth of real property value flow to a “tax increment financing fund” (“TIF fund”) for a specified term of years. Money flowing to the TIF fund each year is then disbursed according to the Final Project Plan and Reinvestment Zone Financing Plan approved by the TIF board and the City Council, as prescribed by the Act and the ordinance designating the reinvestment zone. The TIF fund may be used to make grants in furtherance of the development for the District and for public improvements within the reinvestment zone. With the exception of environmental remediation and demolition, historic façade restoration, and funding for a TIF grant/loan program, TIF funds may only be used for public improvements. In general, TIF funds may be applied only to expenditures inside the TIF district boundaries, but the Act allows TIF funds to be applied to expenditures outside of the TIF district for a few specified purposes, including places of public assembly, affordable housing, and public infrastructure.

The exhibit below shows how taxes from real properties in the proposed zone would flow to the participating taxing jurisdictions (City and County) and to the TIF fund, based on the assumptions and projections in this Preliminary Project Plan and Reinvestment Zone Financing Plan.

### Exhibit N Real Property Tax Flow with Tax Increment Financing



## EXHIBIT C

Inclusion of property in a TIF zone does not change tax rates for the property. Tax rates in a TIF zone are the same as tax rates outside the zone and within the same set of taxing jurisdictions.

Once the public improvements are completed and paid for, the TIF zone is dissolved and the full amount of the taxes collected in the area is retained by the taxing jurisdictions. In effect, the taxing jurisdictions are “investing” future earnings to receive the benefit of higher tax revenues from new development. Additionally, taxing jurisdictions are not restricted from raising their tax rates during the life of the zone.

Project Budget. The Reinvestment Zone Financing Plan provides for incremental financing and projects revenues for the Mall Area Redevelopment TIF District.

## Exhibit O

### TIF District Project Plan Improvements Budget

<i>Project costs are public improvements and grants paid or reimbursed by TIF</i>		
<i>Project costs may be changed in subsequent project and financing plans</i>		
(a)	(b)	(c)
Category	Estimated TIF Expenditure (NPV-2014 dollars)*	Estimated TIF Expenditure (Total)**
<b>Montfort-IH 635 Sub-District</b>		
Infrastructure Improvements	\$70,804,842	\$167,368,158
Grants for Economic Development	\$49,990,321	\$118,166,889
Set Aside to Acquire Land for Sub-District-Wide Public Open Space***	\$30,000,000	\$70,913,861
Set Aside to Share with the Westmoreland-IH 20 Sub-District	\$16,755,018	\$39,605,434
Sub-District Total Project Costs	\$167,550,181	\$396,054,342
<b>Westmoreland-IH 20 Sub-District</b>		
Grants for Economic Development	\$12,147,425	\$28,714,028
Sub-District Total Project Costs	\$12,147,425	\$28,714,028
Administration and Implementation****	\$3,250,000	\$7,682,335
<b>Total Project Costs</b>	<b>\$182,947,606</b>	<b>\$432,450,706</b>
<p>* All values discounted to 2014 dollars at 4% annually. Actual expenditure values will depend on timing of project cost incurrence.</p> <p>** All values are estimated expenditures based on annual TIF project costs and debt service schedules. These values depend on timing of projects and will fluctuate.</p> <p>*** Includes land acquisition and associated costs; does not include design, construction, maintenance, or operating/programming costs.</p> <p>**** Admin is estimated at \$100,000 per year, plus \$250,000 cost already incurred for the 2012-2013 Valley View-Galleria Area Planning Study.</p>		

## EXHIBIT C

The project's principal costs in Exhibit O are expressed in column b as if paid in 2014. Funding for most of these expenditures will not be drawn until subsequent years.

Financing Process. A developer will typically apply for and be authorized by the City Council for TIF improvements, then fund and build the improvements. Upon completion and acceptance of the work by the City, the developer will be reimbursed with TIF funds if and when they are available. TIF payments are made based on available increment and other conditions set forth in project development agreements. Previously, public improvements were publicly bid with developers advancing funds for these improvements and earning applicable interest until the advance was repaid by the future cash flows to TIF fund, if and when funds were available. However, based on legislative changes in 2005, the City may allow for private competitive bidding of TIF public improvements. In most cases, interest is no longer applicable with private bidding, but, in rare cases, a grant in lieu of interest may be considered to offset the financial cost incurred by a developer for providing significant advance funding for a large scale public infrastructure improvement that makes multiple parcels ready for vertical development.

Bonds. The City may negotiate with financial institutions to secure bonds or other obligations, or lines of credit, to aid in the funding of projects within the District, using any financial instrument, subject to City Council approval of the note or credit line or issue bonds or other obligations for eligible TIF expenditures. Any use of TIF bonds is subject to provisions of the City's Financial Management Performance Criteria ("FMPC").

Grants. State law allows a TIF district to consider making direct grants to implement a district's Final Project Plan and Reinvestment Zone Financing Plan. As necessary or convenient to implement this Plan, the District's Board of Directors will provide for a program to make economic development loans or grants from TIF funds in an aggregate amount not to exceed the amount of tax increment produced by the City and paid into the tax increment fund for the District. Projects receiving such loans or grants must be consistent with the goals and objectives of the Mall Area Redevelopment TIF District Final Project Plan and Reinvestment Zone Financing Plan and would be subject to City Council approval of the loan or grant program and the specific project agreements.

Grants In Lieu of Interest. Should a grant in lieu of interest be offered to offset the financial cost incurred by a developer for providing significant advance funding for a large scale public infrastructure improvement or open space acquisition that benefits multiple parcels in the Montfort-IH 635 Sub-District by making them ready to support new vertical development consistent with the adopted Area Plan, the grant may be set at a fixed rate equal to the lesser of five percent or the market rate on the date a development agreement is approved by the City Council for a 15-year payout level debt service and a Baa credit rating using the Municipal Market Data scale, as determined by the City with the assistance of its official financial advisor.

## EXHIBIT C

Increment Allocation Policy Considerations. A TIF Increment Allocation Policy (including priorities for reimbursement and a method of apportioning available increment) will be developed by City staff and recommended for adoption by the Mall Area Redevelopment TIF District Board of Directors within 2 years after designation of the District, generally consistent with the following policy considerations:

Reimbursement obligations of the District will be specifically described in each development agreement.

Annually in the Montfort-IH 635 Sub-District, it is anticipated that, after the increment has been deposited into the TIF fund, the TIF fund will pay or set aside the following: (1) the City's expenses for administering the District, (2) the set aside for use in the Westmoreland-IH 20 Sub-District, (3) the set aside for the acquisition of land for the Montfort-IH 635 Sub-District-wide central open space until such time as all land for the central open space has been acquired, and (4) all remaining increment for payments to developers approved for TIF funding assistance from the District and eligible for payment in proportion to their individual increments.

Specifically in the Montfort-IH 635 Sub-District, it is anticipated that the annual increment will be used in the following order of priority:

- (a) Administration: The City's administrative expenses for the District will be paid first in each year of the District.
- (b) Set Aside for the Westmoreland-IH 20 Sub-District: Following payment of administrative expenses, 10% of the remaining increment will be set aside for use in the Westmoreland-IH 20 Sub-District.
- (c) Set Aside for Land Acquisition for Sub-District-Wide Central Open Space: Following payment of administrative expenses and the set aside for the Westmoreland-IH 20 Sub-District, up to 40% of the remaining increment will be set aside for land acquisition for the sub-district-wide central open space (until such time as all land for the central open space has been acquired). The amount of increment annually set aside for the acquisition of land for the sub-district-wide central open space will be reviewed annually by the TIF board based on updated financial projections and needs of the Montfort-IH 635 Sub-District. Additionally, the expenditure of accumulated funds set aside for the acquisition of sub-district-wide central open space will be reviewed by the TIF board as needed. Since the long-term redevelopment potential of the area will be limited without a large central open space and since TIF funding assistance of land acquisition for the large central open space will be critical to making the Montfort-IH 635 Sub-District a dense, walkable, livable, and sustainable place, it is anticipated that the increment allocation for the acquisition of sub-district-wide central open space may be significantly front-loaded during the first 10-15 years of the District. However, in any given year, such set aside shall not exceed 40% of the increment remaining after payment of administrative expenses and the set aside

## EXHIBIT C

for the Westmoreland-IH 20 Sub-District. Following the acquisition of all land for the central open space, the set aside shall cease and all funds remaining after the payment of administrative expenses and the set aside for the Westmoreland-IH 20 Sub-District will be allocated to payments to developers under TIF development agreements.

- (d) Development Agreements: Following payment of administrative expenses, the set aside for the Westmoreland-IH 20 Sub-District, and the set aside for land acquisition for the sub-district-wide central open space, all remaining increment will be used for payments to developers under TIF development agreements. Accordingly, since the set aside for the Westmoreland-IH 20 Sub-District is limited to 10% of the increment remaining after the payment of administrative expenses and since the set aside for land acquisition for the sub-district-wide central open space is limited to no more than 40% of the increment remaining after the payment of administrative expenses, the increment available for payments to developers under TIF development agreements in each year of the District will be at least 50% of the increment remaining after the payment of administrative expenses.

Specifically in the Westmoreland-IH 20 Sub-District, all of the increment annually collected from the Westmoreland-IH 20 Sub-District will be allocated to the Westmoreland-IH 20 Sub-District.

Expected Revenues. Exhibit P-1 lists development projects that are anticipated in the Montfort-IH 635 Sub-District, and Exhibit P-2 lists development projects that are anticipated in the Westmoreland-IH 20 Sub-District. Some of the projects may not occur or may be replaced by other potential projects. These schedules represent the best estimate at this time for the District's anticipated development through 2044. The actual velocity, timing, size, volume, uses, values, and other attributes for the listed projects may differ from the provided information.

Unit values supporting appraisal estimates in Exhibit P-1 and Exhibit P-2 are based on observations of values assigned to comparable developments by the Dallas Central Appraisal District (DCAD). Actual construction costs or transactional prices may differ. Because tax increments are measured by DCAD values, these are the relevant measures of value for a TIF project plan and financing plan.

## Exhibit P-1

### Anticipated Development

### Montfort-IH 635 Sub-District

TIF Zone Year	Completed During the Single Year Prior to January 1,	Multi-Family Residential (Rental)		Multi-Family Residential (Condo)		Retail	Movie Theater	Office	Hotel		Estimated Appraised Value of New Taxable Real Property
		Units	Square Feet	Units	Square Feet	Square Feet	Square Feet	Square Feet	Rooms	Square Feet	
Base	2014										
1	2015	0	0	0	0	0	0	0	0	0	\$0
2	2016	0	0	0	0	0	0	0	0	0	\$0
3	2017	335	371,850	0	0	133,350	0	0	0	0	\$75,113,250
4	2018	250	277,500	0	0	0	72,991	242,000	0	0	\$86,933,740
5	2019	521	578,310	0	0	0	0	0	0	0	\$86,746,500
6	2020	0	0	0	0	0	0	0	0	0	\$0
7	2021	0	0	0	0	50,000	0	0	273	372,254	\$61,226,830
8	2022	0	0	0	0	50,000	0	0	0	0	\$7,250,000
9	2023	500	555,000	0	0	0	0	350,000	0	0	\$134,000,000
10	2024	305	338,550	0	0	0	0	0	0	0	\$50,782,500
11	2025	0	0	0	0	0	0	0	0	0	\$0
12	2026	0	0	0	0	0	0	0	0	0	\$0
13	2027	400	444,000	200	228,000	100,000	0	350,000	0	0	\$175,375,200
14	2028	962	1,067,820	242	275,880	15,000	0	0	0	0	\$215,013,492
15	2029	0	0	0	0	0	0	908,000	0	0	\$131,660,000
16	2030	636	705,960	0	0	217,520	0	0	684	775,600	\$242,140,400
17	2031	0	0	200	228,000	0	0	0	0	0	\$43,525,200
18	2032	0	0	210	239,400	0	0	552,666	0	0	\$125,838,030
19	2033	300	333,000	0	0	0	0	0	0	0	\$49,950,000
20	2034	600	666,000	0	0	0	0	552,666	0	0	\$180,036,570
21	2035	0	0	274	312,360	0	0	0	0	0	\$59,629,524
22	2036	512	568,320	0	0	0	0	0	0	0	\$85,248,000
23	2037	0	0	227	258,780	0	0	0	0	0	\$49,401,102
24	2038	0	0	0	0	35,500	0	552,666	0	0	\$85,284,070
25	2039	0	0	0	0	35,500	0	0	0	0	\$5,147,500
26	2040	500	555,000	0	0	35,500	0	479,024	0	0	\$157,855,980
27	2041	500	555,000	0	0	35,500	0	0	0	0	\$88,397,500
28	2042	0	0	0	0	0	0	0	0	0	\$0
29	2043	0	0	0	0	0	0	0	0	0	\$0
30	2044	0	0	0	0	0	0	0	0	0	\$0
Totals		6,321	7,016,310	1,353	1,542,420	707,870	72,991	3,987,022	957	1,147,854	\$2,196,555,388

*Note: The anticipated development projects listed above are subject to market conditions and are likely to change over time.*

## Exhibit P-2

### Anticipated Development

### Westmoreland-IH 20 Sub-District

TIF Zone Year	Completed During the Single Year Prior to January 1,	Multi-Family Residential (Rental)		Single Family Residential (Townhome)		Retail	Movie Theater	Office	Hotel		Estimated Appraised Value of New Taxable Real Property
		Units	Square Feet	Units	Square Feet	Square Feet	Square Feet	Square Feet	Rooms	Square Feet	
Base	2014										
1	2015	0	0	0	0	0	0	0	0	0	\$0
2	2016	0	0	0	0	0	0	0	0	0	\$0
3	2017	0	0	0	0	0	0	0	0	0	\$0
4	2018	0	0	0	0	0	0	0	0	0	\$0
5	2019	0	0	0	0	0	0	0	0	0	\$0
6	2020	0	0	0	0	0	0	0	0	0	\$0
7	2021	200	220,000	0	0	20,000	0	10,000	0	0	\$19,850,000
8	2022	0	0	0	0	0	0	0	0	0	\$0
9	2023	0	0	0	0	40,000	0	0	0	0	\$3,000,000
10	2024	0	0	0	0	0	45,000	0	0	0	\$4,500,000
11	2025	300	330,000	0	0	0	0	0	0	0	\$26,400,000
12	2026	0	0	15	33,000	0	0	0	0	0	\$2,191,200
13	2027	0	0	15	33,000	0	0	0	80	49,600	\$5,167,200
14	2028	0	0	20	44,000	20,000	0	0	0	0	\$4,421,600
15	2029	300	330,000	30	66,000	0	0	0	0	0	\$30,782,400
16	2030	0	0	20	44,000	0	0	20,000	0	0	\$4,421,600
17	2031	300	330,000	15	33,000	0	0	0	0	0	\$28,591,200
18	2032	0	0	5	11,000	20,000	0	0	0	0	\$2,230,400
19	2033	200	220,000	0	0	0	0	0	0	0	\$17,600,000
20	2034	0	0	0	0	0	0	0	0	0	\$0
21	2035	0	0	0	0	0	0	0	0	0	\$0
22	2036	0	0	0	0	20,000	0	20,000	0	0	\$3,000,000
23	2037	0	0	0	0	0	0	0	0	0	\$0
24	2038	200	220,000	0	0	0	0	0	0	0	\$17,600,000
25	2039	0	0	0	0	0	0	0	0	0	\$0
26	2040	0	0	0	0	20,000	0	0	0	0	\$1,500,000
27	2041	0	0	0	0	0	0	0	0	0	\$0
28	2042	0	0	0	0	0	0	20,000	0	0	\$1,500,000
29	2043	0	0	0	0	0	0	0	0	0	\$0
30	2044	0	0	0	0	0	0	0	0	0	\$0
Totals		1,500	1,650,000	120	264,000	140,000	45,000	70,000	80	49,600	\$172,755,600

*Note: The anticipated development projects listed above are subject to market conditions and are likely to change over time.*

## EXHIBIT C

### **Annual Real Property Appraisals to the TIF Fund**

Based on the development projects identified in Exhibit P-1 and Exhibit P-2 (and other stated assumptions), Exhibit Q-1 and Exhibit Q-2 forecast real property tax increment projections for the Montfort-IH 635 Sub-District and the Westmoreland-IH 20 Sub-District respectively and show annual percentages and amounts of the real property tax growth increment reinvested each year in the TIF fund. During the District's 30-year term, cumulative increased property value is expected to reach approximately \$4.2 billion.

Starting with tax year 2016 (Year 2 of the District), a portion of the real property tax collected by the City of Dallas will flow to the TIF fund. This fund will reimburse TIF project costs according to a duly adopted Final Project Plan and Reinvestment Zone Financing Plan for the Mall Area Redevelopment TIF District. Annual percentages of collected annual tax increments invested in the TIF fund by the City of Dallas will equal 90% (2016 through 2042); 75% in 2043; and 55% in 2044.

Participation in the District has been discussed with Dallas County. From 2020 (Year 6) through 2039 (Year 25), Dallas County is anticipated to agree to contribute at least 55% of the tax increment generated from County taxes assessed and collected within the District. County participation will require the approval of the County Commissioners Court and final terms of the County's contributions of tax increment shall be set forth in an interlocal participation agreement between the City and County.



## Exhibit Q-1

### Annual Projection of Tax Increment to the TIF Fund Montfort-IH 635 Sub-District

								Cumulative Revenue to TIF Fund Net Present Value (2014 dollars)
TIF Zone	Appraised Value for Jan. 1,	Tax Deposited to TIF Fund by May 1,	% of City Real Property Tax Increment to TIF Fund	From City	% of County Real Property Tax Increment to TIF Fund	From County	Total Revenue to TIF Fund	4.0% Annual Discount Rate
Base	2014	2015	0%	\$0	0%	\$0	\$0	\$0
1	2015	2016	0%	\$0	0%	\$0	\$0	\$0
2	2016	2017	90%	\$20,573	0%	\$0	\$20,573	\$18,290
3	2017	2018	90%	\$571,827	0%	\$0	\$571,827	\$507,090
4	2018	2019	90%	\$1,241,207	0%	\$0	\$1,241,207	\$1,527,271
5	2019	2020	90%	\$1,936,294	0%	\$0	\$1,936,294	\$3,057,553
6	2020	2021	90%	\$1,965,892	55%	\$366,443	\$2,332,336	\$4,829,936
7	2021	2022	90%	\$2,486,042	55%	\$463,399	\$2,949,441	\$6,985,064
8	2022	2023	90%	\$2,536,635	55%	\$472,830	\$3,009,465	\$9,099,474
9	2023	2024	90%	\$3,775,477	55%	\$703,750	\$4,479,228	\$12,125,479
10	2024	2025	90%	\$4,261,614	55%	\$794,366	\$5,055,980	\$15,409,748
11	2025	2026	90%	\$4,314,465	55%	\$804,218	\$5,118,684	\$18,606,862
12	2026	2027	90%	\$4,367,846	55%	\$814,168	\$5,182,014	\$21,719,046
13	2027	2028	90%	\$6,216,176	55%	\$1,158,698	\$7,374,873	\$25,977,851
14	2028	2029	90%	\$8,567,948	55%	\$1,597,069	\$10,165,017	\$31,622,124
15	2029	2030	90%	\$10,081,189	55%	\$1,879,138	\$11,960,326	\$38,007,840
16	2030	2031	90%	\$12,924,853	55%	\$2,409,198	\$15,334,051	\$45,879,932
17	2031	2032	90%	\$13,525,267	55%	\$2,521,115	\$16,046,382	\$53,800,877
18	2032	2033	90%	\$15,151,781	55%	\$2,824,298	\$17,976,079	\$62,333,087
19	2033	2034	90%	\$15,885,593	55%	\$2,961,081	\$18,846,674	\$70,934,463
20	2034	2035	90%	\$18,330,331	55%	\$3,416,781	\$21,747,112	\$80,477,827
21	2035	2036	90%	\$19,262,223	55%	\$3,590,486	\$22,852,709	\$90,120,650
22	2036	2037	90%	\$20,578,837	55%	\$3,835,903	\$24,414,740	\$100,026,353
23	2037	2038	90%	\$21,435,719	55%	\$3,995,626	\$25,431,346	\$109,947,667
24	2038	2039	90%	\$22,844,784	55%	\$4,258,277	\$27,103,061	\$120,114,480
25	2039	2040	90%	\$23,101,111	55%	\$4,306,056	\$27,407,167	\$129,999,950
26	2040	2041	90%	\$25,724,005	0%	\$0	\$25,724,005	\$138,921,462
27	2041	2042	90%	\$27,339,081	0%	\$0	\$27,339,081	\$148,038,429
28	2042	2043	90%	\$27,622,707	0%	\$0	\$27,622,707	\$156,895,689
29	2043	2044	75%	\$23,257,641	0%	\$0	\$23,257,641	\$164,066,454
30	2044	2045	55%	\$17,232,415	0%	\$0	\$17,232,415	\$169,175,181
Total				\$356,559,534		\$43,172,900	\$399,732,434	

## Exhibit Q-2

### Annual Projection of Tax Increment to the TIF Fund Westmoreland-IH 20 Sub-District

								Cumulative
								Revenue to TIF Fund
								Net Present Value
								(2014 dollars)
TIF	Appraised	Tax	% of City		% of County		Total	4.0%
Zone	Value for	Deposited	Real Property		Real Property		Revenue	Annual
Year	Jan. 1,	to TIF Fund	Tax Increment	From City	Tax Increment	From County	to TIF Fund	Discount Rate
Base	2014	2015	0%	\$0	0%	\$0	\$0	\$0
1	2015	2016	0%	\$0	0%	\$0	\$0	\$0
2	2016	2017	90%	\$2,822	0%	\$0	\$2,822	\$2,508
3	2017	2018	90%	\$4,254	0%	\$0	\$4,254	\$6,145
4	2018	2019	90%	\$5,700	0%	\$0	\$5,700	\$10,830
5	2019	2020	90%	\$7,161	0%	\$0	\$7,161	\$16,489
6	2020	2021	90%	\$8,636	55%	\$1,610	\$10,246	\$24,275
7	2021	2022	90%	\$175,834	55%	\$32,776	\$208,610	\$176,704
8	2022	2023	90%	\$178,996	55%	\$33,365	\$212,361	\$325,906
9	2023	2024	90%	\$200,672	55%	\$37,405	\$238,077	\$486,743
10	2024	2025	90%	\$237,770	55%	\$44,320	\$282,090	\$669,983
11	2025	2026	90%	\$493,891	55%	\$92,062	\$585,953	\$1,035,968
12	2026	2027	90%	\$512,757	55%	\$95,578	\$608,335	\$1,401,318
13	2027	2028	90%	\$563,733	55%	\$105,080	\$668,813	\$1,787,541
14	2028	2029	90%	\$608,662	55%	\$113,455	\$722,117	\$2,188,507
15	2029	2030	90%	\$949,969	55%	\$177,075	\$1,127,044	\$2,790,245
16	2030	2031	90%	\$1,001,480	55%	\$186,676	\$1,188,156	\$3,400,212
17	2031	2032	90%	\$1,341,481	55%	\$250,053	\$1,591,534	\$4,185,838
18	2032	2033	90%	\$1,373,042	55%	\$255,936	\$1,628,977	\$4,959,020
19	2033	2034	90%	\$1,598,947	55%	\$298,044	\$1,896,992	\$5,824,782
20	2034	2035	90%	\$1,616,340	55%	\$301,286	\$1,917,627	\$6,666,301
21	2035	2036	90%	\$1,633,908	55%	\$304,561	\$1,938,469	\$7,484,248
22	2036	2037	90%	\$1,681,962	55%	\$313,518	\$1,995,481	\$8,293,867
23	2037	2038	90%	\$1,700,186	55%	\$316,915	\$2,017,101	\$9,080,782
24	2038	2039	90%	\$1,964,081	55%	\$366,105	\$2,330,186	\$9,954,874
25	2039	2040	90%	\$1,985,125	55%	\$370,028	\$2,355,153	\$10,804,352
26	2040	2041	90%	\$2,018,220	0%	\$0	\$2,018,220	\$11,504,304
27	2041	2042	90%	\$2,039,806	0%	\$0	\$2,039,806	\$12,184,534
28	2042	2043	90%	\$2,074,632	0%	\$0	\$2,074,632	\$12,849,767
29	2043	2044	75%	\$1,747,318	0%	\$0	\$1,747,318	\$13,388,498
30	2044	2045	55%	\$1,295,038	0%	\$0	\$1,295,038	\$13,772,425
Total				\$29,022,423		\$3,695,849	\$32,718,272	

## EXHIBIT C

### Financial Assumptions

Key factors influencing the financial feasibility study and its conclusions are the following financial assumptions:

Inflation Rate. The annualized percentage change in appraised value of real property (pre-completion of improvements) is 3%. The annualized percentage change in appraised value of real property (post-completion of improvements) is 1%.

Discount Rate. Based on current market rates, net present values of the tax increment were calculated at a discount rate of 4% per annum.

Tax Rate Changes. Although tax rates may increase over the next 25-30 years, the Preliminary Project Plan and Reinvestment Zone Financing Plan conservatively assumes that the current tax rate will remain constant for the life of the District (except to incorporate tax rate changes when known).

Remittance to the TIF Fund. The proposed duration of the District is 30 years; it is scheduled to terminate December 31, 2044. The City of Dallas will participate at a rate of 0% in 2015; 90% from 2016 through 2042; 75% in 2043; and 55% in 2044. Dallas County is anticipated to participate at a rate of 0% from 2015 through 2019 and then at a rate of at least 55% from 2020 through 2039. TIF collections will terminate once the TIF budget has been collected or December 31, 2044, whichever occurs first.

### Financial Feasibility

For the Montfort-IH 635 Sub-District, the anticipated private development program, the public improvement program, the general financing strategy, and the financial assumptions are based, in part, on a preliminary assessment prepared by Stein Planning LLC (on behalf of Beck Ventures) and on an analysis by the Office of Economic Development of the City of Dallas (with additional information provided by Diversion Capital Partners LLC, EF Properties LC, Sears Holdings Corp, and Slosburg/Richdale Group). For the Westmoreland-IH 20 Sub-District, the anticipated private development program, the public improvement program, the general financing strategy, and the financial assumptions are based on a preliminary assessment prepared by the Office of Economic Development of the City of Dallas (based on an Advisory Services Panel Report published by the Urban Land Institute in 2009 entitled "Southwest Center Mall Dallas, Texas"). These assessments are intended to be used as part of the economic feasibility study for the District in accordance with the provisions of Section 311.011 of the Texas Tax Code and are available upon request.

In the Montfort-IH 635 Sub-District, cumulative private development is expected to increase property values from a base year value of \$142.7 million to \$4.074 billion during the 30-year term of the District. Since the TIF fund receives revenue only from the taxable value exceeding the base year, "captured" taxable value accruing to the Montfort-IH 635 Sub-District will be approximately \$3.931 billion. In the Westmoreland-IH 20 Sub-District, cumulative private development is expected to increase property values from a base year value of \$19.6 million to \$315 million during the 30-year term of the District. Since the TIF fund receives revenue only from the taxable value exceeding

## EXHIBIT C

the base year, “captured” taxable value accruing to the Westmoreland-IH 20 Sub-District will be approximately \$295 million.

On a strict “pay-as-you-go” basis, the progress of the public improvements portion of the development program is a direct result of the revenues received. Therefore, if revenues exceed these projections, then the public improvements can be completed ahead of schedule. If revenues do not meet expectations, then the pace of public improvements will be slowed or discontinued altogether based upon the recommendation of the Board of Directors and the approval of the City Council.

Based upon these economic assessments, the Preliminary Project Plan and Reinvestment Zone Financing Plan is feasible.

### **TIF Project Costs and Debt Service**

Pursuant to this Preliminary Project Plan and Reinvestment Zone Financing Plan, balances in the TIF fund will be disbursed to reimburse TIF project costs. The City will not be obligated to reimburse TIF project costs unless there are sufficient dollars in the TIF fund to facilitate reimbursement. Disbursement from the TIF fund shall be executed in a timely fashion and not unreasonably withheld.

Reimbursement of TIF project costs appears to be economically feasible if development, project costs, real property appraisals, tax levies and tax collections occur according to the analyses and assumptions in this plan.

It is anticipated that the reinvestment zone will be designated by the City Council in calendar year 2014, thus making the certified 2014 tax roll (based on January 1, 2014 conditions and adjusted for final valuations) the base value for the zone. The District will terminate at the end of calendar year 2044, upon full collection of the TIF budget, or at such other date as set by the City Council. This length of term enables the City of Dallas and other local taxing jurisdictions to allocate percentages of tax increments to the TIF fund in later years if, in their discretion, further investments are warranted.

The TIF fund may have a residual balance of cash after all its financial obligations have been met. Any residual balance will be refunded to taxing entities participating in the District on a pro rata basis according to their respective contributions.

No bonded indebtedness is currently anticipated for the TIF fund. However, the City may determine at a future date that it would be advantageous to issue obligations backed by a reliable cash flow to the TIF fund and/or other sources, thus reimbursing TIF project costs at an earlier date than otherwise. The City reserves all powers to determine the appropriateness of issuing securities and to approve an issue of securities; however, it has no obligation to issue securities to prepay TIF obligations. Any use of TIF bonds is subject to provisions of the City’s Financial Management Performance Criteria (“FMPC”).

## EXHIBIT C

### **General Financial Policies**

General financial policies are governed by the City of Dallas Public/Private Partnership Program that was first approved by the City Council on March 13, 1996. This program provides a framework for development incentives in a variety of areas. Within this framework are the following specific considerations for the Montfort-IH 635 Area TIF District:

- Public improvements will occur at a pace that coincides with private development.
- Private developers must enter into a development agreement with the City if they desire the municipality to share in the costs of infrastructure improvements required for their projects.
- Reimbursement priorities and the method of apportioning available increment will be developed by City staff and adopted by the Mall Area Redevelopment TIF District Board of Directors generally consistent with the policy considerations outlined herein. Reimbursement obligations will be specifically described in each development agreement.
- Each development agreement is unique. Accordingly, the nature and extent of support from public funds may change over time as the District becomes more developed.
- It is possible that the District may issue certificates of obligation or TIF bonds for projects as described earlier in the Preliminary Project Plan and Reinvestment Zone Financing Plan, subject to the approval of the City Council and provisions of the City's Financial Management Performance Criteria ("FMPC").
- If a developer requests funding for infrastructure improvements at a time when sufficient funds are not available in the TIF fund, then improvements may be:
  - Deferred until funds are available
  - Constructed at the sole expense of the developer
  - Constructed at the expense of the developer with the City providing reimbursement as sufficient funds become available or when bonds or other financial obligations have been issued by the City or District (with City Council approval)
- Should project costs that directly benefit the project's developer be paid, such as grants made to a developer as permitted by Chapter 311 of the Texas Tax Code, the City will enact and implement controls sufficient to ensure that any grant funds provided will be used to fulfill the public purposes of developing and diversifying the Mall Area Redevelopment TIF District's economy, eliminating unemployment or underemployment, and

## EXHIBIT C

developing or expanding the District's transportation, business and commercial activity.

- It is acknowledged that some desired expenditures benefitting the entire District are likely to be beyond the capacity of TIF funding. Other sources of funding will be considered to supplement TIF funding and/or to advance the delivery of particular improvements, including but not limited to the following:
  - the additional open space requirement of PD 887
  - bonds (City general obligation and certificates of obligation)
  - public improvement district
  - grants from other governmental entities
  - private philanthropic contributions

The Mall Area Redevelopment TIF Board of Directors may occasionally recommend amendments to these financial policies which will affect the operations of the District.

### **Other Financial Benefits**

Over the 30-year life of the District, the planned private development program in the Preliminary Project Plan and Reinvestment Zone Financing Plan includes up to 9,294 new residential units, 847,870 square feet of new retail space, 72,991 square feet of renovated movie theater space, 45,000 square feet of new movie theater space, 4,057,022 square feet of new office space, and 1,037 new hotel rooms. Because the City and DART each have a one percent sales tax and the City also has a seven percent hotel occupancy tax (plus an additional two percent for hotels with more than 100 rooms in the Tourism Public Improvement District) and business personal property tax, additional tax revenue will be generated by the District.

Appendix C-1 and Appendix C-2 project the additional City and DART sales tax revenue attributed to the anticipated retail development in the Montfort-IH 635 Sub-District and Westmoreland-IH 20 Sub-District respectively. By 2045, the City and DART will each receive roughly \$74.2 million (net present value of \$31.5 million in 2014 dollars) in incremental sales tax revenue from the District.

Appendix D-1 and Appendix D-2 project the additional City hotel occupancy tax and business personal property tax attributed to the anticipated hotel, retail, and office development in the Montfort-IH 635 Sub-District and Westmoreland-IH 20 Sub-District respectively. By 2045, the City will receive roughly \$173.5 million (net present value of \$71.3 million in 2014 dollars) in incremental hotel occupancy and business personal property taxes from the District.

More than 94% of the District (not including rights-of-way) is located within the Dallas Independent School District (DISD), and less than 6% of the District is located within the Richardson Independent School District (RISD). The DISD and RISD are not expected to participate in the District. Since September 1999, state law governing school funding makes TIF district participation generally unattractive for school districts. Nevertheless, the DISD and RISD will receive incremental real property and business personal property taxes from the District. Using only the DISD tax rate, Appendix E-1 and

## EXHIBIT C

Appendix E-2 project the incremental real property and business personal property tax revenue attributed to the Montfort-IH 635 Sub-District and Westmoreland-IH 20 Sub-District respectively. An estimated \$764.8 million (net present value of \$315.8 million in 2014 dollars) in incremental real property and business personal property tax will flow to the school districts over the 30-year life of the District (nearly all of which will flow to the DISD). All school district tax projections bear risk that new state law may cap the rate of the local property taxes a school district may levy.

### **Conclusion**

Based upon these economic assessments for the Mall Area Redevelopment TIF District, the Preliminary Project Plan and Reinvestment Zone Financing Plan is feasible.

DRAFT

## Appendix A-1

### 2013 DCAD Real Property Accounts

#### Montfort-IH 635 Sub-District

Dallas Central Appraisal District Account Number	Tax Exempt	Property Address	Appraised Value (Improvements)	Appraised Value (Land)	Appraised Value (Total)	Taxable Value (Total)
0000073107800000		5636 ALPHA RD	\$33,090	\$266,910	\$300,000	\$300,000
0000073107810000		5624 ALPHA RD	\$200,880	\$303,440	\$504,320	\$504,320
00000731074550100		5702 ALPHA RD	\$0	\$631,440	\$631,440	\$631,440
007409000A0080000		5702 ALPHA RD	\$1,070	\$633,930	\$635,000	\$635,000
00000663028000000		5840 ALPHA RD	\$23,650	\$801,350	\$825,000	\$825,000
007014000001A0200		5820 ALPHA RD	\$0	\$3,780	\$3,780	\$3,780
007014000001A0300		5820 ALPHA RD	\$0	\$9,890	\$9,890	\$9,890
007014000001A0000		5820 ALPHA RD	\$949,920	\$850,080	\$1,800,000	\$1,800,000
007014000001A0100		5820 ALPHA RD	\$1,347,650	\$583,880	\$1,931,530	\$1,931,530
00000731074550000		5702 ALPHA RD	\$0	\$1,247,810	\$1,247,810	\$1,247,810
007409000A07A0000		5702 ALPHA RD	\$1,000	\$3,072,870	\$3,073,870	\$3,073,870
00000731077900000		5656 ALPHA RD	\$89,880	\$185,120	\$275,000	\$275,000
00000663033250000		5954 ALPHA RD	\$1,000	\$856,610	\$857,610	\$857,610
00000663033500000		5960 ALPHA RD	\$161,210	\$480,650	\$641,860	\$641,860
00000663370000000		5327 LBJ FWY	\$0	\$15,516,250	\$15,516,250	\$15,516,250
00701600020030000		5544 ALPHA RD	\$89,240	\$335,760	\$425,000	\$425,000
00000731077600000		13138 MONTFORT DR	\$1,140	\$17,500,310	\$17,501,450	\$17,501,450
007409000A01A0000		13364 MONTFORT PL	\$1,189,280	\$1,277,950	\$2,467,230	\$2,467,230
00000663052000000		5507 PETERSON LN	\$0	\$402,930	\$402,930	\$402,930
00000663055000000		5503 PETERSON LN	\$0	\$305,200	\$305,200	\$305,200
00701600020020000		5528 ALPHA RD	\$194,080	\$845,920	\$1,040,000	\$1,040,000
00701600020020100		5518 ALPHA RD	\$268,620	\$1,081,380	\$1,350,000	\$1,350,000
00000663058500000		5575 PETERSON LN	\$125,040	\$849,080	\$974,120	\$974,120
00000663058550000		13443 MONTFORT DR	\$140,210	\$547,120	\$687,330	\$687,330
00000663058700000		13521 MONTFORT DR	\$1,094,050	\$1,400,880	\$2,494,930	\$2,494,930
00000663058750000		13539 MONTFORT DR	\$92,570	\$274,420	\$366,990	\$366,990
00000663058000000		5444 ALPHA RD	\$128,470	\$507,380	\$635,850	\$635,850
00000663255500000		5423 PETERSON LN	\$548,270	\$2,446,330	\$2,994,600	\$2,994,600
00000663255000000	X	5351 PETERSON LN	\$2,051,930	\$2,448,070	\$4,500,000	\$0
00000663345610000		13131 MONTFORT DR	\$59,710	\$9,517,040	\$9,576,750	\$9,576,750
00000663058600000		13447 MONTFORT DR	\$305,140	\$388,540	\$693,680	\$693,680
00000663059020000		13525 MONTFORT DR	\$3,090	\$303,690	\$306,780	\$306,780
00000663059000000		13519 MONTFORT PL	\$1,000	\$395,280	\$396,280	\$396,280
00000663059040000		13500 MONTFORT DR	\$289,640	\$303,000	\$592,640	\$592,640
CONDO00C1165CONDO		5330 PETERSON LN	\$0	\$1,696,560	\$1,696,560	\$1,696,560
00000663033750000		13555 PRESTON RD	\$63,190	\$467,950	\$531,140	\$531,140
00000663033850000		13535 PRESTON RD	\$264,680	\$339,600	\$604,280	\$604,280
00000731077200000		13131 PRESTON RD	\$2,388,390	\$3,624,100	\$6,012,490	\$6,012,490
00000731077310000		13131 PRESTON RD	\$1,872,880	\$11,980,050	\$13,852,930	\$13,852,930
00000731077400000		13131 PRESTON RD	\$2,000	\$27,725,370	\$27,727,370	\$27,727,370
00000731077320000		13131 PRESTON RD	\$313,730	\$805,860	\$1,119,590	\$1,119,590
00000731076500000		13101 PRESTON RD	\$1,000	\$2,762,690	\$2,763,690	\$2,763,690
00000731077500000		13131 PRESTON RD	\$0	\$1,950,680	\$1,950,680	\$1,950,680
00000731077450000		13343 PRESTON RD	\$1,000	\$9,546,960	\$9,547,960	\$9,547,960
00000731077550000		13131 PRESTON RD	\$0	\$1,409,620	\$1,409,620	\$1,409,620
00000663016000000		13439 PRESTON RD	\$1,000	\$3,152,600	\$3,153,600	\$3,153,600
00000663022000000		13439 PRESTON RD	\$0	\$860,460	\$860,460	\$860,460
TOTAL			\$14,298,700	\$132,896,790	\$147,195,490	\$142,695,490

Note: The base value shown here is from the 2013 certified tax roll from DCAD. The base value will be adjusted to reflect the 2014 certified tax roll (as of January 1, 2014) when it becomes available from DCAD in August 2014. The base value may also be revised to reflect litigation or tax roll corrections. Accounts shown are primary accounts and do not show all associated "multi-accounts;" however, values are all-inclusive. Taxable values may vary by taxing jurisdiction due to different exemption levels.



## Appendix A-2

### 2013 DCAD Real Property Accounts Westmoreland-IH 20 Sub-District

Dallas Central Appraisal District Account Number	Tax Exempt	Property Address	Appraised Value (Improvements)	Appraised Value (Land)	Appraised Value (Total)	Taxable Value (Total)
00693200200020000		7220 American Way	\$0	\$139,370	\$139,370	\$139,370
00693200020010000		7227 S. Westmoreland	\$0	\$245,330	\$245,330	\$245,330
00693200020020000		7233 S. Westmoreland	\$0	\$117,840	\$117,840	\$117,840
00000654142000000		7202 S. Westmoreland	\$0	\$644,360	\$644,360	\$644,360
006931000A07A0000		3662 W. Camp Wisdom	\$2,521,550	\$3,582,530	\$6,104,080	\$6,104,080
006931000A02E0000		3550 W. Camp Wisdom	\$5,400	\$1,563,060	\$1,568,460	\$1,568,460
00000654139500000		3450 W. Camp Wisdom	\$3,198,560	\$1,725,110	\$4,923,670	\$4,923,670
006931000A07B0000		7465 Marvin D. Love Fwy	\$1,632,280	\$734,710	\$2,366,990	\$2,366,990
006931000A08A0000		3560 W. Camp Wisdom	\$1,006,890	\$1,493,110	\$2,500,000	\$2,500,000
00000654141800000		7575 Marvin D. Love Fwy	\$0	\$298,940	\$298,940	\$298,940
006931000A07C0000		3200 W. Camp Wisdom	\$0	\$208,360	\$208,360	\$208,360
00000654139000000		3540 W. Camp Wisdom	\$0	\$453,410	\$453,410	\$453,410
<b>TOTAL</b>			<b>\$8,364,680</b>	<b>\$11,206,130</b>	<b>\$19,570,810</b>	<b>\$19,570,810</b>

Note: The base value shown here is from the 2013 certified tax roll from DCAD. The base value will be adjusted to reflect the 2014 certified tax roll (as of January 1, 2014) when it becomes available from DCAD in August 2014. The base value may also be revised to reflect litigation or tax roll corrections. Accounts shown are primary accounts and do not show all associated "multi-accounts;" however, values are all-inclusive. Taxable values may vary by taxing jurisdiction due to different exemption levels.

# Appendix B

## DCAD Appraisals of Comparable Developments

The purpose of this schedule is to relate actual appraisals for tax purposes and other quantitative measures of comparable development in the metropolitan area. Real property appraisals are for tax year 2013, reflecting values as of January 1, 2013, unless otherwise indicated. Within use types, properties are sorted in descending order of total appraised value per SF of gross floor area. Improvement appraisals include garages, if on the premises. Gross floor area measurements exclude parking garages.

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)
Use	Development Identity	Street Address	City	Gross Floor Area	Land SF	Floor Coverage	Improvements	Land	Total Value	Total per SF GFA	Land SF	Appraisal Year	Year	Year	Year	Units	Bus. Personal Property	BPP per SF GFA
Mixed use centers	shopping, theater apartments	3899 McKinney	Dallas	125,586	169,509	0.74		\$11,799,220	\$18,950,780	\$229	\$100	2013	2013	1983				
	residential condos (20)	3899 McKinney	Dallas	180,082	95,749	1.98		\$18,044,350	\$9,574,650	\$276,190,000	\$145	\$100	2013	2013	1981	4	159	
	West Village	3899 McKinney	Dallas	350,134	282,513	1.24		\$30,620,085	\$8,475,390	\$82,452,880	\$176	\$30	2013	2013	2000		179	
	The Crescent	100 Crescent	Dallas	1,722,192	433,082	3.98		\$226,891,800	\$43,308,200	\$270,000,000	\$157	\$100	2013	2013	1983			
	Galleria	13350 Dallas garage	13350 Dallas	951,178	1,029,719	0		\$253,608,430	\$30,891,570	\$284,500,000	\$30	\$30	2013	2013	1981			
		5200 Alpha	5200 Alpha	0	80,163	0		\$6,411,000	\$0	\$6,411,000	\$0	\$0	2013	2013	1981			
		Norristrom	5200 Alpha	230,000	0	0		\$14,791,480	\$0	\$14,791,480	\$0	\$0	2013	2013	1981			
		Saks (Marshall Field)	13550 Dallas	171,000	0	0		\$8,041,380	\$0	\$8,041,380	\$0	\$0	2013	2013	1981			
		Macy's	13401 Noel	0	112,385	0		\$2,809,630	\$0	\$2,809,630	\$0	\$0	2013	2013	1981			
		Macy's	13375 Noel	253,795	0	0		\$13,312,820	\$0	\$13,312,820	\$0	\$0	2013	2013	1984			
		Gap, etc.	13250 Dallas	127,639	0	0		\$5,741,760	\$0	\$5,741,760	\$0	\$0	2013	2013	1981			
		Galleria mall and department stores	13155 Noel	1,733,612	1,222,267	1.42		\$301,006,850	\$35,705,280	\$337,549,310	\$195	\$29	2013	2013	1990			
		child day care center	13255 Noel	573,816	168,612	0		\$52,798,580	\$5,056,380	\$57,855,960	\$30	\$30	2013	2013	1991			
			13255 Noel	9,888	0	0		\$500,000	\$0	\$500,000	\$0	\$0	2013	2013	1981			
			13355 Noel	493,925	114,595	0		\$47,915,870	\$3,437,550	\$51,353,420	\$30	\$30	2013	2013	1981			
			13455 Noel	457,985	85,817	0		\$44,871,130	\$2,568,510	\$47,439,640	\$30	\$30	2013	2013	1984			
		Galleria office buildings	13355 Noel	1,535,814	368,814	4.18		\$148,085,580	\$11,084,420	\$159,150,000	\$102	\$30	2013	2013	1981	21	431	
			13340 Dallas	473,845	0	0		\$45,622,080	\$0	\$45,622,080	\$0	\$0	2013	2013	1981			
			13440 Dallas	120,291	0	0		\$3,608,730	\$0	\$3,608,730	\$0	\$0	2013	2013	1981			
		Westin Galleria Hotel	5244 Alpha	473,845	120,291	3.94		\$45,622,080	\$3,608,730	\$49,230,780	\$104	\$30	2013	2013	2005			
			5244 Alpha	2,087	82,842	0		\$17,790	\$884,210	\$892,000	\$10	\$10	2013	2013	2005			
		Galleria vacant land	5244 Alpha	0	15,481	0		\$0	\$387,030	\$387,030	\$25	\$25	2013	2013	2005			
				2,087	98,323	0.02		\$17,790	\$1,251,240	\$1,269,030	\$13	\$13	2013	2013	2005			
		Galleria grand total		3,744,936	1,809,865	2.07		\$493,632,280	\$51,629,670	\$545,199,130	\$146	\$29	2013	2013	2005			
	Legacy Town Center	7240 Dallas Parkway	Dallas	108,337	272,816	0.40		\$1,394,794	\$4,910,688	\$6,305,482	\$58	\$18	2013	2013	2005			
		5800 Legacy	62,853	140,829	0.45		\$8,556,199	\$2,112,442	\$10,668,641	\$170	\$15	2013	2013	2005				
		5760 Legacy	106,144	218,236	0.49		\$2,763,481	\$2,616,827	\$25,382,308	\$239	\$12	2013	2013	2002				
		7161 Bishop	30,814	52,969	0.58		\$3,869,224	\$1,059,379	\$4,928,603	\$160	\$20	2013	2013	2002				
		7205 Legacy	20,509	96,834	0.21		\$2,901,092	\$1,452,508	\$4,353,600	\$212	\$15	2013	2013	2002				
	Angelika U.O. Ginger Man	7205 Bishop	45,980	75,359	0.61		\$8,809,968	\$1,130,382	\$9,939,350	\$216	\$15	2013	2013	2002				
	Retail stores and theater	7121 Bishop	374,817	857,043	0.44		\$48,293,768	\$13,284,226	\$61,577,984	\$164	\$18	2013	2013	2002				
		7120 Dallas	341,917	124,808	2.74		\$42,010,320	\$2,242,944	\$44,253,264	\$129	\$18	2013	2013	2002				
	Doubletree Hotel	7120 Dallas	181,780	181,780	1.88		\$42,852,082	\$3,386,404	\$46,338,486	\$136	\$18	2013	2013	2002				
		6800 Dallas	374,300	292,985	1.28		\$72,026,278	\$5,273,772	\$77,300,000	\$207	\$18	2013	2013	2002				
		7160 Dallas	159,007	171,278	0.93		\$38,716,997	\$3,063,003	\$31,800,000	\$200	\$18	2013	2013	2002				
	Office buildings	7008 Bishop	533,307	464,262	1.15		\$100,743,275	\$3,356,725	\$109,100,000	\$205	\$12	2013	2013	2005				
		5760 Daniel	312,583	200,986	1.56		\$30,152,650	\$2,411,830	\$32,564,480	\$104	\$12	2013	2013	2005				
		8801 Hansell	90,122	32,082	2.81		\$5,203,791	\$302,049	\$6,105,840	\$68	\$25	2013	2013	2006				
		4751 Martin	68,886	36,198	1.83		\$5,203,791	\$302,049	\$6,105,840	\$104	\$25	2013	2013	2006				
		5741 Martin	135,304	65,776	2.06		\$9,209,141	\$1,183,981	\$10,393,102	\$77	\$12	2013	2013	1989				
		7001 Parkway	237,306	121,968	1.95		\$17,011,232	\$1,463,616	\$18,474,848	\$78	\$12	2013	2013	2006				
		Pearson	128,573	143,330	0.90		\$14,562,282	\$1,719,959	\$16,282,240	\$127	\$15	2013	2013	2006				
		Pearson	92,676	66,211	1.40		\$9,952,176	\$1,324,224	\$10,176,400	\$110	\$20	2013	2013	2006				
		5701 Struggles	53,638	34,482	1.56		\$6,261,427	\$862,053	\$7,123,480	\$133	\$25	2013	2013	2004				
		5701 Struggles	98,347	107,419	0.90		\$10,600,398	\$1,611,284	\$12,211,680	\$127	\$15	2013	2013	2004				
		5720 Struggles	16,526	19,467	0.85		\$1,548,606	\$486,674	\$2,035,280	\$123	\$25	2013	2013	2004				
	Multi-family rental dwellings	5720 Struggles	1,221,911	930,825	1.31		\$108,701,592	\$14,311,195	\$123,012,777	\$101	\$15	2013	2013	2004				
	Open space	Legacy	0	102,527	0.00		\$0	\$1,000	\$1,000	\$0	\$0	2013	2013	1989				
	Legacy Town Center (except Lunsford townhouses)	Piano	2,471,812	2,536,238	0.97		\$300,680,707	\$59,339,550	\$340,030,257	\$138	\$18	2013	2013	1989				
		5307 Mockingbird	589,374	379,882			\$42,117,480	\$20,882,510	\$63,000,000	\$107	\$54	2013	2013	1989				
		5307 Mockingbird	7,880	0			\$100,000	\$100,000	\$100,000	\$0	\$0	2013	2013	1989				
	Mockingbird Station		589,374	367,562	1.52		\$42,117,480	\$20,882,510	\$63,000,000	\$107	\$54	2013	2013	1989				
	apartments, retail office	15500 Quorum	841,707	364,467	2.31		\$69,508,800	\$4,373,600	\$73,882,400	\$88	\$12	2013	2013	1988				
	apartments, retail	4949 Addison Circle	407,782	224,957	1.81		\$42,089,820	\$2,696,280	\$44,791,100	\$110	\$12	2013	2013	1986				

# Appendix B

## DCAD Appraisals of Comparable Developments

(a) Use	(b) Development Identity	(c) Street Address	(d) City	(e) Gross Floor Area	(f) Land SF	(g) Floor Coverage	(h) Improvements	(i) Land	(j) Total Value	(k) Total per SF GFA	(l) Land SF	(m) Year	(n) Appraisal	(o) Built	(p) Stories	(q) Units	(r) Bus Property	(s) BPP per SF GFA
	apartments	4901 Morris	Adison	156,253	49,353	3.21	\$13,722,460	\$592,240	\$14,314,700	\$90	\$12	1999	2000	1999	4	171		
	apartments	4851 Morris	Adison	97,889	86,037	1.48	\$7,651,430	\$660,370	\$8,311,800	\$85	\$10	2000	2000	2000	4	93		
				1,505,531	704,713	2.14	\$132,975,510	\$8,324,490	\$141,300,000	\$94	\$12	2013	2013	2013	4	1,334		
	apartments	2140 Medical District	Dallas	352,588	316,158	1.12	\$44,676,840	\$6,323,160	\$51,000,000	\$145	\$20	2008	2008	2008	4	398		
	apartments	203,102	Dallas	304,102	203,218	1.50	\$24,983,840	\$4,084,360	\$29,068,200	\$95	\$20	2006	2006	2006	4	278		
	retail	2222 Medical District	Dallas	57,251	35,077	1.63	\$3,988,280	\$701,540	\$3,286,740	\$56	\$20	2008	2008	2008	1			
				361,363	238,295	1.52	\$28,061,920	\$4,765,900	\$32,827,820	\$91	\$20	2013	2013	2013	4	278		
<b>Retail centers</b>																		
	Highland Park Village	4200 Mockingbird	High Park	278,142	423,054	0.24	\$66,440,100	\$43,558,900	\$110,000,000	\$103	\$103	1987	1987	1987				
	HPV parking north of Mockingbird	4200 Mockingbird	High Park	0	100,863	0.53	\$66,440,100	\$0	\$4,924,550	\$49	\$49	2013	2013	2013				
				278,142	523,917	0.53	\$66,440,100	\$43,558,900	\$114,974,550	\$413	\$413	2013	2013	2013				
	NorthPark	8887 N. Central	Dallas	1,713,484	3,345,060	0.51	\$381,786,400	\$200,703,600	\$582,500,000	\$340	\$50	1965	1965	1965	2		\$122,626,249	\$72
	Northpark Land Partners (Mac's)	7901 W. Northwest	Dallas	250,000	151,088	1.65	\$10,716,610	\$9,065,280	\$19,781,890	\$79	\$50	2000	2000	2000	2		\$11,988,360	\$47
	Nordstrom	7901 W. Northwest	Dallas	202,905	130,940	0	\$16,278,030	\$0	\$16,278,030	\$80	\$50	2004	2004	2004	2		\$19,989,200	\$96
	Neiman Marcus	0 Northpark	Dallas	139,940	83,625	1.67	\$13,592,500	\$5,017,500	\$18,610,000	\$133	\$50	1965	1965	1965	2		\$25,933,200	\$185
		8850 Beedeler	Dallas	84,307	87,165	0.74	\$577,570	\$3,922,430	\$4,500,000	\$72	\$45	1973	1973	1973	3		N.A.	
			Dallas	2,370,636	3,666,938	0.65	\$423,051,110	\$218,708,810	\$641,759,920	\$271	\$50	2013	2013	2013			\$179,757,119	\$78
	MacArthur Mills shopping center	4000 N. MacArthur	Irving	137,223	572,268	0.24	\$14,277,310	\$5,722,690	\$20,000,000	\$146	\$10	2013	2013	2013				
	Stonebriar Mall dept. stores (5)		Stonebriar	884,477	2,475,763	0.36	\$23,389,201	\$24,757,630	\$48,146,831	\$54	\$10							
	Other mall stores inside ring road		Stonebriar	1,232,189	2,147,726	0.57	\$214,333,831	\$21,958,340	\$236,292,171	\$192	\$10							
	Stonebriar Mall outside ring road		Stonebriar	525,885	3,661,545	0.14	\$45,845,664	\$53,081,095	\$98,926,749	\$188	\$14							
			Frisco	2,842,511	8,285,034	0.32	\$283,718,786	\$58,797,055	\$342,515,841	\$145	\$12	2013	2013	2013	2000			
	Chase Bank	906 McDermott W.	Allen	4,485	52,485	0.09	\$67,068	\$970,973	\$1,038,041	\$361	\$18	1999	1999	1999			\$240,135	\$54
	Hobby Lobby, Fed Ex	107 Central N.	Allen	135,221	504,826	0.27	\$14,475,163	\$3,533,782	\$18,008,945	\$133	\$7	1999	1999	1999			\$902,563	\$7
	Compass Bank	806 McDermott W.	Allen	2,607	54,886	0.05	\$419,237	\$987,948	\$1,407,185	\$540	\$18	1999	1999	1999			\$106,404	\$41
	Jack in the Box	804 McDermott W.	Allen	2,799	35,092	0.08	\$392,341	\$666,748	\$1,059,089	\$378	\$19	1999	1999	1999			\$129,904	\$46
	Golden Chick	802 McDermott W.	Allen	3,915	56,192	0.07	\$237,611	\$1,180,040	\$1,417,651	\$362	\$21	1999	1999	1999			\$169,886	\$43
	Chipotle Mexican Grill	103 Central N.	Allen	4,683	40,946	0.11	\$506,411	\$777,974	\$1,284,385	\$274	\$19	2000	2000	2000			\$77,148	\$16
	Stacy's Furniture, etc.	125,370	Allen	4,453	44,745	0.28	\$5,404,587	\$3,355,898	\$8,760,485	\$270	\$8	1999	1999	1999			\$265,057	\$2
	Aty's	201 Central N.	Allen	2,950	35,589	0.08	\$319,987	\$905,013	\$1,225,000	\$314	\$17	1999	1999	1999			\$108,124	\$37
	Holiday Inn Express	205 Central N.	Allen	50,523	92,430	0.55	\$3,104,345	\$765,655	\$3,870,000	\$77	\$9	2006	2006	2006			\$0	\$0
	Edwin Watts Golf	213 Central N.	Allen	7,200	66,054	0.11	\$117,735	\$1,122,918	\$1,240,653	\$256	\$17	2000	2000	2000			\$166,956	\$26
	Jason's Deli, misc. retail	209 Central N.	Allen	4,188	23,435	0.18	\$33,673,360	\$1,304,660	\$4,478,020	\$153	\$175	2001	2001	2001			\$317,810	\$78
	Tom Thumb	908 McDermott W.	Allen	29,259	186,380	0.16	\$3,867,433	\$2,005,125	\$5,872,558	\$98	\$8	1999	1999	1999			\$944,509	\$32
	Jason's Deli, misc. retail	914 McDermott W.	Allen	59,964	267,350	0.22	\$1,867,828	\$5,504,268	\$7,372,096	\$226	\$17	2000	2000	2000			\$2,578,148	\$43
	Chik-FIL-A	902 McDermott W.	Allen	7,500	29,664	0.25	\$1,867,828	\$5,504,268	\$7,372,096	\$226	\$17	2000	2000	2000			\$170,767	\$44
	SWH	910 McDermott W.	Allen	3,910	32,247	0.12	\$666,666	\$548,198	\$1,214,865	\$318	\$17	1999	1999	1999			\$336,953	\$51
	24-Hour Fitness	510 Waters N.	Allen	6,800	52,904	0.12	\$43,917	\$925,820	\$1,669,737	\$253	\$18	2000	2000	2000			\$365,459	\$9
	vacant	504 Waters N.	Allen	38,485	146,017	0.26	\$4,163,647	\$903,096	\$4,966,743	\$130	\$5	2002	2002	2002			\$0	N.A.
			Allen	488,669	2,178,403	0.22	\$39,806,339	\$20,781,517	\$60,587,856	\$124	\$10	2013	2013	2013			\$6,920,933	\$14
	907 Bethany		Allen	753,787	1,267,546	0.59	\$63,477,565	\$7,725,279	\$71,202,844	\$121	\$6	2007	2007	2007				
	985 Bethany		Allen	72,080	186,228	0.39	\$6,718,709	\$1,117,366	\$7,836,075	\$121	\$6	2007	2007	2007				
			Allen	825,847	1,473,774	0.56	\$69,026,274	\$8,642,645	\$77,668,919	\$119	\$6	2013	2013	2013				
	Waters Creek at Montgomery Farm																	

# Appendix B

## DCAD Appraisals of Comparable Developments

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)	(r)	(s)	
Use	Development Identity	Street Address	City	Gross Floor Area	Land SF	Floor Coverage	Improvements	Land	Total Value	Total per SF GFA	Land SF	Appraisal Year	Year	Built	Stories	Units	Bus. Personal Property	BPP per SF GFA	
	medical and Chipotle	11613 N. Central	Dallas	61,916	209,038	0.30	\$2,089,900	\$4,180,760	\$6,270,660	\$101	\$20	2013	2013	1979			\$712,870	\$24	
	medical	11617 N. Central		28,400	88,879	0.32	\$1,278,520	\$3,056,100	\$108	\$20				1979			\$1,082,940		
	Boston Market	11717 N. Central		4,240	24,805	0.17	\$373,400	\$496,100	\$869,500	\$205	\$20			1981			\$351,410		
	7-Eleven	7550 Forest		2,016	16,291	0.12	\$394,080	\$488,730	\$792,810	\$383	\$30			1976			\$134,430		
	Schlotzky's	7804 Forest		2,700	13,884	0.19	\$232,170	\$278,680	\$511,650	\$190	\$20			1979			\$70,180		
	Taco Bueno	7940 Forest		2,806	23,640	0.12	\$135,600	\$472,800	\$608,400	\$217	\$20			1979			\$130,650		
	Central Forest Shopping Center total			102,078	376,637	0.27	\$4,413,670	\$7,695,650	\$12,109,320	\$119	\$20	2013	2013				\$2,492,480	\$24	
	Preston Forest Shopping Center	11700 Preston	Dallas	0	364,015	0.00	\$0	\$5,460,230	\$5,460,230	\$15	\$15			2006			\$4,804,290	\$59	
	Whole Foods	11700 Preston		76,040	51,960	1.50	\$6,520,600	\$7,300,000	\$94	\$15				1960			\$953,510	\$11	
		11700 Preston		27,824	27,824	1.00	\$1,957,640	\$2,375,000	\$85	\$15				1961					
		11700 Preston		88,700	42,200	2.10	\$7,692,000	\$8,325,000	\$94	\$15				1961					
	Stapels	11700 Preston		29,680	29,280	1.01	\$2,556,800	\$4,39,200	\$2,975,000	\$100	\$15			1960					
		11700 Preston		21,380	21,380	1.00	\$1,972,400	\$4,27,600	\$2,400,000	\$112	\$20			1958					
	Wells Fargo	11730 Preston		3,120	15,655	0.20	\$544,350	\$469,650	\$1,014,000	\$325	\$30	2013	2013	2003			\$204,700	\$68	
	Preston Forest Shopping Center		Dallas	248,744	552,314	0.45	\$21,222,780	\$36,26,440	\$39,849,230	\$120	\$16	2013	2013						
	Willow Bend Mall dept. stores (4)	723,629		731,322		0.89	\$23,881,580	\$8,647,683	\$32,229,263	\$45	\$12								
	Other mall stores	855,870		2,694,450	0.32	\$71,155,496	\$26,844,504	\$98,000,000	\$114	\$10									
	Park Blvd. pad sites	50,628		435,252	0.12	\$7,093,761	\$11,127,991	\$18,221,752	\$380	\$28									
	Willow Bend Mall total		Plano	1,831,127	3,851,024	0.42	\$101,830,837	\$46,620,178	\$148,451,015	\$91	\$12	2013	2013	2000					
	Wheatland Towne Crossing 4	38748 LBJ Fwy		103,836	499,328	0.21	\$6,835,280	\$1,497,980	\$8,333,260	\$80	\$3			2011					
	Target	38738 LBJ Fwy		134,168	435,731	0.31	\$6,204,850	\$1,307,190	\$7,512,040	\$56	\$3			2007					
	Aldi	8034 Chynalls		16,619	98,428	0.17	\$1,428,640	\$590,570	\$2,019,210	\$122	\$6			2009					
	Wheatland Towne Crossing total		Dallas	254,623	1,033,487	0.25	\$14,468,770	\$3,395,740	\$17,864,510	\$70	\$3	2013	2013						
	Hotels																	\$1,446,817	\$2
	Omni (100% tax-exempt)	555 S. Lamar	Dallas	908,723	250,787	2.50	\$203,887,370	\$13,783,290	\$217,480,660	\$246	\$55	2013	2013	2010	22	1,001			
	Zaza	2332 Leonard	Dallas	102,010	48,352	2.11	\$19,123,490	\$4,351,680	\$23,475,170	\$230	\$90	2013	2013	2001	4	149			
	The Mansion on Turtle Creek	2821 Turtle Creek	Dallas	97,114	157,012	0.62	\$9,526,040	\$12,560,960	\$22,087,000	\$227	\$80	2013	2013	1980	9	142			
	Palomar	5300 N. Central	Dallas	115,018	108,356	1.06	\$14,059,800	\$5,959,560	\$20,019,360	\$174	\$55	2013	2013	1987	9	198			
	Ritz Carlton	2121 McKinney	Dallas	284,513	145,686	1.95	\$23,624,180	\$17,482,320	\$41,106,500	\$144	\$120	2013	2013	2005	8	217			
	Aloft	6853 Dallas	Plano	67,587	116,728	0.58	\$6,824,901	\$2,101,099	\$8,926,000	\$132	\$18	2013	2013	2008		136			
	WHotel	2440 Victory Park	Dallas	294,261	20,086	14.65	\$35,567,630	\$1,305,570	\$36,873,200	\$125	\$65	2013	2013	2004	12	252			
	Embassy Suites	7800 John Q. Harmons	Frisco	309,688	80,686	3.84	\$31,791,210	\$1,208,790	\$33,000,000	\$107	\$15	2013	2013	2004		329		\$172,347	
		4140 N. MacArthur		488,386	1,111,085	0.45	\$38,742,080	\$11,110,850	\$49,852,940	\$100	\$10			1985	9	315			
		4140 N. MacArthur		81,468	484,387	0.17	\$2,088,780	\$4,843,870	\$7,542,650	\$93	\$10			1985	2	94			
	Four Seasons		Irvine	575,872	1,595,472	0.38	\$41,440,870	\$15,954,720	\$57,395,590	\$99	\$10	2013	2013			409			
	Gaylord Texan	1501 Gaylord Trail	Grapevine	2,886,535	2,231,871	1.29	\$258,702,772	\$7,811,898	\$266,514,670	\$92	\$3	2013	2013	2004		1,511		\$1,746,035	\$1
		300 Reunion		940,573	287,200		\$59,312,000	\$10,688,000	\$70,000,000					1978	29	1,122			
		500 S. Stemmons		0	1,310,476		\$0	\$5,241,840	\$5,241,840										
		201 Reunion		0	76,348		\$0	\$3,053,920	\$3,053,920										
		400 S. Stemmons		0	57,974		\$0	\$2,318,960	\$2,318,960										
		311 Reunion		0	16,846		\$0	\$677,840	\$677,840										
		300 Hyatt Regency		0	9,165		\$0	\$366,600	\$366,600										
	Hyatt Regency Hotel		Dallas	940,573	1,738,109	0.54	\$59,312,000	\$22,347,160	\$81,659,160	\$87	\$13	2013	2013			1,122			
	Fairmont Hotel	1717 N. Akard	Dallas	579,037	87,617	6.61	\$40,886,840	\$5,257,020	\$46,143,860	\$90	\$90	2013	2013	1961	24	550			



# Appendix B

## DCAD Appraisals of Comparable Developments

(a) Use	(b) Development Identity	(c) Street Address	(d) City	(e) City	(f) Gross Floor Area	(g) Land SF	(h) Floor Coverage	(i) Improvements	(j) Land	(k) Total Value	(l) Total SF GFA	(m) Land per Appraisal	(n) Year	(o) Built	(p) Stories	(q) Units	(r) Bus Personal Property	(s) BPP per SF GFA
		900 E Lookout			178,900	38,155	4.83	\$11,983,950	\$305,240	\$12,189,190	\$69	\$8						
		900 E Lookout			104,723	19,077	5.79	\$7,723,389	\$171,720	\$7,905,000	\$75	\$10						
		900 E Lookout			30,000	24,897	0.40	\$2,760,384	\$709,919	\$3,500,000	\$117	\$9						
	Marriott Renaissance		Richardson	Richardson	311,323	130,929	2.38	\$22,387,389	\$1,186,381	\$23,574,190	\$76	\$8	2013	2000	12	219		
	Richardson Hotel	701 E. Campbell	Richardson	Richardson	238,184	304,920	0.78	\$15,753,940	\$2,439,360	\$18,193,200	\$76	\$8	2013	1986	18	342		
		221 E. Las Colinas			489,905	254,780	1.84	\$29,154,920	\$3,057,120	\$32,212,040	\$69	\$12		1982	27	421		
		215 E. Las Colinas			5,136	34,834	0.15	\$246,110	\$418,010	\$663,120	\$28	\$12		1981				
	Omni Mandalay		Irvine	Irvine	414,940	289,594	1.84	\$28,400,050	\$3,475,130	\$32,375,160	\$69	\$12	2013			421		
		2007 Live Oak			0	43,457		\$2,609,860	\$2,390,140	\$5,000,000				1987				
		2117 Live Oak			1,323,723	99,556		\$82,591,070	\$5,475,590	\$88,066,660				1958				
		443 Olive			232,058	75,388		\$4,354,270	\$4,145,130	\$8,500,000				1987				
		400 Olive			0	7,879		\$64,550	\$64,550									
	Sheraton		Dallas	Dallas	1,615,328	225,258	7.14	\$89,545,800	\$12,105,700	\$101,651,500	\$63	\$54	2013			2,959		
	La Quinta Inn & Suites	1220 N Central	Allen	Allen	46,108	79,321	0.59	\$2,364,436	\$763,209	\$3,167,645	\$69	\$10	2013	2008	4	80		
	Holiday Inn Express	205 N Central	Allen	Allen	50,523	92,430	0.55	\$3,014,345	\$785,655	\$3,800,000	\$75	\$9	2013	2005	4	78		
	<b>Cinemas</b>																	
	Cinemark Theater	7201 Central	Plano	Plano	100,530	856,825	0.12	\$8,711,306	\$5,355,431	\$14,066,737	\$140	\$6	2013	1988			\$1,512,267	\$15
	Look Cinemas	5409 Belt Line	Addison	Addison	56,161	259,809	0.22	\$2,158,970	\$5,198,180	\$7,353,150	\$131	\$20	2013	2012				
	Cinemark Theater	1701 Central S.	McKinney	McKinney	55,744	385,201	0.14	\$3,505,914	\$2,664,086	\$6,170,000	\$111	\$7	2013	1984			\$1,489,407	\$27
	Studio Movie Grill	11170 N. Central	Dallas	Dallas	59,829	222,178	0.27	\$1,478,210	\$4,443,560	\$5,921,770	\$99	\$20	2013	1993			\$1,630,320	\$27
	AMC Mesquite 30	19919 LBJ	Mesquite	Mesquite	130,891	1,028,451	0.13	\$8,943,100	\$2,056,900	\$11,000,000	\$84	\$2	2013	1987			\$1,047,770	\$8
	Cinemark Theater	280 Uptown	Cedar Hill	Cedar Hill	48,228	365,729	0.13	\$3,605,630	\$2,194,370	\$5,800,000	\$125	\$6	2013	2004				
	<b>Office buildings</b>																	
	Knox Park Village	3001 Knox	Dallas	Dallas	79,127	87,172	0.91	\$12,988,120	\$3,488,980	\$16,475,000	\$208	\$40	2013	2002	4		\$1,534,810	\$19
	2100 McKinney	2100 McKinney	Dallas	Dallas	374,854	136,491	2.74	\$51,302,100	\$16,378,920	\$67,681,020	\$181	\$120	2013	1988	13		\$8,348,040	\$22
	Hall Office Park (developed tracts only)		Frisco	Frisco	2,009,089	5,464,122	0.37	\$266,010,978	\$38,919,522	\$304,930,500	\$152	\$7	2013					
	1845 Woodall Rodgers		Dallas	Dallas	185,007	36,190	5.11	\$21,051,200	\$4,342,800	\$25,394,000	\$137	\$120	2013	1984	17		\$2,347,240	\$13
	Chase Tower	2200 Ross	Dallas	Dallas	1,253,167	111,993	11.19	\$160,350,810	\$6,159,620	\$166,510,430	\$133	\$55	2013	1985	55		\$26,747,200	\$21
		5201 N. O'Connor			32,897	91,479	0.40	\$6,818,960	\$977,740	\$7,794,000	\$237	\$12		1981	3			
		5205 N. O'Connor			411,692	222,967	1.85	\$2,875,000	\$2,875,000	\$54,984,000	\$133	\$12		1981	14			
		5215 N. O'Connor			735,355	210,408	3.48	\$8,654,100	\$2,550,000	\$92,179,000	\$125	\$12		1981	28			
		5221 N. O'Connor			411,593	157,408	2.61	\$2,841,100	\$1,859,000	\$54,530,000	\$133	\$12		1981	14			
	Williams Center		Irvine	Irvine	1,591,328	872,261	2.37	\$201,329,860	\$8,007,140	\$209,337,000	\$132	\$12	2013					
	Trammell Crow Center	2001 Ross	Dallas	Dallas	1,245,324	95,048	13.10	\$152,747,120	\$5,702,980	\$158,450,000	\$127	\$60	2013	1982	54		\$22,650,010	\$18
	Fountain Place	1445 Ross	Dallas	Dallas	1,297,418	78,848	16.45	\$113,003,160	\$4,730,980	\$117,734,040	\$91	\$60	2013	1984	60			
		7441 Marvin D Love Fwy	Dallas	Dallas	30,119	35,952	0.84	\$1,162,630	\$107,960	\$1,270,490	\$42	\$3	2013	1985	3			
		7330 S. Westmoreland	Dallas	Dallas	86,256	286,403	0.23	\$2,356,050	\$659,210	\$3,215,260	\$49	\$3	2013	1978	2			
	<b>Residences, individually owned (condos, townhomes)</b>																	
	Azure condos		Dallas	Dallas	476,640	57,094	8.35	\$120,787,368	\$4,957,056	\$125,744,424	\$264	\$75	2008	2005	31	156		
		2000 McKinnon																
	2011 Cedar Springs condos		Dallas	Dallas	105,574	42,737	2.47	\$23,095,502	\$4,273,700	\$27,369,202	\$259	\$100	2008	1989	7	44		

(Appraisal and GFA figures are estimates based on all records ending in "5" in DCAD listing at this address.)

(Appraisal and GFA figures are estimates based on all records ending in "3" and "8" in DCAD listing at this address.)

# Appendix B

## DCAD Appraisals of Comparable Developments

(a) Use	(b) Development/Identity	(c) Street Address	(d) City	(e) Gross Floor Area	(f) Land SF	(g) Floor Coverage	(h) Improvements	(i) Land	(j) Total Value	(k) Total per SF GFA	(l) Land per SF GFA	(m) Year	(n) Appraisal Year	(o) Built	(p) Series	(q) Units	(r) Bus. Personal Property	(s) BPP per SF GFA
1989 McKinney condos		1989 McKinney	Dallas	159,718	29,102	5.49	\$33,480,500	\$2,910,200	\$36,390,700	\$228	\$80	2008	2008	2000	12	80		
(Appraisal figures are estimates based on all records ending in "3" and "8" in DCAD listing at this address.)																		
Townhomes at Addison Circle		5002-12 Morris	Addison	15,580	9,946	1.57	\$2,997,230	\$403,240	\$3,400,470	\$218	\$41	2009	2009	1999		6		
Gran Treviso condos		330 E. Las Colinas	Irving	273,716	143,100	1.91	\$54,706,915	\$1,431,000	\$56,137,915	\$205	\$10	2008	2008	2001	17	246		
(Appraisal and GFA figures are estimates based on all records ending in "7" in DCAD listing at this address.)																		
Knox Travis Park condos		4611 Travis	Dallas	102,752	26,898	3.82	\$15,268,244	\$1,210,410	\$16,478,654	\$160	\$45	2008	2008	2000	11	63		
(Appraisal figures are estimates based on all records ending in "1" and "6" in DCAD listing at this address.)																		
Residences, rental	Legacy Townhomes (random sample)		Plano	12,213			\$1,408,235	\$528,750	\$1,937,985	\$159		2011				7		
	Hunters Ridge 2	1538 Biltmore	Irving	2,241	1,823	1.23	\$150,000	\$50,000	\$200,000	\$89		2013	2013	2007	3	1		
	Coronado Village	1817 Cortez	McKinney	2,211	1,886	1.17	\$157,906	\$42,600	\$200,506	\$91		2013	2013	2012	3	1		
	Windsor at Trianon	2728 McKinney	Dallas	377,476	94,960	3.88	\$70,827,600	\$6,172,400	\$77,000,000	\$204		2013	2013	2007	19	375		
	Ashton	2820 McKinney	Dallas	340,538	181,724	1.87	\$54,487,940	\$11,812,080	\$66,300,000	\$195		2012	2012	2004	4	317		
	Marquis on McKinney	2215 Cedar Springs	Dallas	386,790	96,790	4.00	\$63,443,050	\$6,291,350	\$69,734,400	\$180		2013	2013	2003	18	267		
	The Mondrian	3324 McKinney	Dallas	141,392	39,814	3.55	\$20,918,600	\$3,561,400	\$24,480,000	\$173		2012	2012	2002	7	144		
	Arts	3000 Blacklume	Dallas	361,984	123,275	2.94	\$47,135,750	\$8,629,250	\$55,765,000	\$154		2013	2013	2003	20	218		
	Monterra	2811 Ross	Dallas	215,819	63,858	3.38	\$29,319,200	\$3,512,190	\$32,831,390	\$152		2013	2013	2008	5	228		
	Hi Line Apartments	301 W. Las Colinas	Irving	318,005	286,407	1.11	\$36,563,120	\$3,436,880	\$40,000,000	\$126		2013	2013	2006	4	282		
Residences, rental	Rovello	1551 Oak Lawn	Dallas	343,080	214,489	1.60	\$41,088,250	\$3,217,340	\$44,315,590	\$129		2013	2013	2008	4	355		
	Legacy Apartments - North	2910 Allen	Dallas	397,294	132,117	3.01	\$39,262,390	\$8,587,610	\$47,850,000	\$120		2013	2013	1999	7	290		
	Legacy Apartments - UDR	7560 Bishop	Plano	328,176	295,772	1.11	\$33,050,567	\$2,219,283	\$35,269,850	\$107		2013	2013	2007				
	Gables Mirabella	7008 Bishop	Plano	312,593	200,866	1.56	\$30,152,650	\$2,411,830	\$32,564,480	\$104		2013	2013	2005				
	Galatin Urban Center	2800 Cole	Dallas	142,507	80,813	2.34	\$9,434,960	\$4,865,040	\$14,300,000	\$100		2013	2013	1995	4	127		
		2301 Performance	Richardson	364,788	195,236	1.87	\$33,948,580	\$1,171,420	\$35,020,000	\$96		2013	2013	2007	4	278		
		1801 N. Greenville	Richardson	404,719	245,678	1.65	\$36,082,280	\$1,965,420	\$38,047,700	\$94					4	351		
		1851 N. Greenville	Richardson	87,813	86,249	1.13	\$8,592,310	\$688,880	\$9,281,200	\$95					4	184		
			Richardson	602,332	331,327	1.51	\$44,644,590	\$2,855,410	\$47,500,000	\$94					4	435		
	Post Eastside																	
Residences, rental	Flori	3900 Vitruvian	Addison	396,827	191,734	2.07	\$42,680,880	\$1,917,340	\$44,578,220	\$112		2013	2013	2011	12	391		
	Savoye 2	3900 Vitruvian	Addison	334,319	158,889	2.11	\$46,545,290	\$2,380,340	\$50,925,630	\$152		2013	2013	2010	9 and 6	347		
	Savoye 1	3910 Vitruvian	Addison	445,842	209,872	2.12	\$50,741,920	\$3,148,080	\$53,890,000	\$121		2013	2013	2008	5 and 7	392		
	Villa Plana	13500 Noel	Dallas	224,093	154,856	1.45	\$31,048,600	\$3,871,400	\$34,920,000	\$156		2013	2013	2007	5	246		
	Villa Verona	13330 Noel	Dallas	434,229	111,823	3.89	\$33,009,420	\$2,790,580	\$35,800,000	\$93		2013	2013	1999	4 and 16	273		
	Desoto Town Center	207 E Pleasant Run	Desoto	47,924	45,198	1.06	\$4,184,260	\$248,580	\$4,432,850	\$92		2013	2013	2008	3	56		
	Flats at Five Mile Creek	423 E Ledbetter	Dallas	136,865	273,034	0.50	\$6,190,070	\$408,550	\$6,598,620	\$48		2013	2013	2002	3	152		

# Appendix C-1

## Annual Projection of Sales Tax to the City of Dallas and Dallas Area Rapid Transit from the Montfort-IH 635 Sub-District

Fiscal Year End Dec 31	Notes:										City of Dallas										DART																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
	Gross floor areas and timing estimates imported from other schedules. Gross floor areas assumed operating by July of the previous fiscal year (three months before the indicated fiscal year begins). Estimates are adjusted for the estimated construction start and completion dates. Sales tax collection estimates are adjusted for the indicated fiscal year. Does not include sales tax from materials used in construction.										Fiscal Year of Initial Tax Receipts =										Sales Tax																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
											Retail		Retail		Retail		Retail		Retail		Retail		Retail		Retail		Retail		Retail		Retail																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
											2017		2018		2019		2020		2021		2022		2023		2024		2025		2026		2027																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											
											90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0	90%	\$0

Notes:

Gross floor areas and limiting estimates imported from other schedules.

Businesses are assumed operating by July of the previous fiscal year (three months before the indicated fiscal year begins).

Estimated sales per square foot are adjusted annually for inflation at:

Sales tax column approximates tax receipts in the indicated fiscal year.

Does not include sales tax from materials used in construction.

## Appendix C-2

## Annual Projection of Sales Tax to the City of Dallas and Dallas Area Rapid Transit from the Westmoreland-IH 20 Sub- District

[illegible]



## Appendix D-1

### Annual Projection of Hotel Occupancy Tax and Business Personal Property Tax to the City of Dallas from the Montfort- IH 635 Sub-District

Notes:								
Date of City receipt of Hotel Occupancy Tax may lag date of earning by 3-4 months.								
BPP Tax receipts generally occur 12-13 months after appraisal. Appraisals are for Jan. 1 of the year indicated.								
Commercial development includes retail, office, and hotel projects.								
City tax rate:		0.7970%						
City tax rate is assumed constant. Actual rates will be set annually.								
Inflation rate:		3%						
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
		City Hotel Occupancy Tax			City BPP Tax			
		Annual						
		Room Receipts						
		If 2014 ADR =						
		\$225						
		Estimated						
		City						
		Hotel Occupancy						
		Tax @						
		9.00%						
Year		Guest Rooms	Occupancy =		Estimated Cumulative Square Feet New Commercial Development	Estimated City BPP Tax @ \$20 per SF Commercial	Total Estimated City Hotel and BPP Tax	Cumulative Estimated City Hotel and BPP Tax Net Present Value (2014 dollars) Annual Discount Rate @ 4%
Base	2014	0	60%	\$0	0	\$0	\$0	\$0
1	2015	0		\$0	0	\$0	\$0	\$0
2	2016	0		\$0	0	\$0	\$0	\$0
3	2017	0		\$0	133,350	\$23,227	\$23,227	\$19,855
4	2018	0		\$0	375,350	\$67,340	\$67,340	\$75,203
5	2019	0		\$0	375,350	\$69,360	\$69,360	\$130,020
6	2020	0		\$0	375,350	\$71,441	\$71,441	\$184,309
7	2021	273		\$16,544,355	797,604	\$156,364	\$1,645,356	\$1,386,554
8	2022	273		\$17,040,686	847,604	\$171,151	\$1,704,813	\$2,584,333
9	2023	273		\$17,551,907	1,197,604	\$249,079	\$1,828,750	\$3,819,771
10	2024	273		\$18,078,464	1,197,604	\$256,551	\$1,883,613	\$5,043,330
11	2025	273		\$18,620,818	1,197,604	\$264,248	\$1,940,121	\$6,255,124
12	2026	273		\$19,179,442	1,197,604	\$272,175	\$1,998,325	\$7,455,266
13	2027	273		\$19,754,826	1,647,604	\$385,678	\$2,163,612	\$8,704,699
14	2028	273		\$20,347,470	1,662,604	\$400,865	\$2,232,137	\$9,944,125
15	2029	273		\$20,957,895	2,570,604	\$638,384	\$2,524,594	\$11,292,027
16	2030	957		\$75,671,818	3,563,724	\$911,566	\$7,722,029	\$15,256,310
17	2031	957		\$77,941,972	3,563,724	\$938,913	\$7,953,690	\$19,182,475
18	2032	957		\$80,280,231	4,116,390	\$1,117,056	\$8,342,277	\$23,142,074
19	2033	957		\$82,688,638	4,116,390	\$1,150,567	\$8,592,545	\$27,063,599
20	2034	957		\$85,169,297	4,669,056	\$1,344,194	\$9,009,431	\$31,017,240
21	2035	957		\$87,724,376	4,669,056	\$1,384,520	\$9,279,714	\$34,932,865
22	2036	957		\$90,356,108	4,669,056	\$1,426,055	\$9,558,105	\$38,810,840
23	2037	957		\$93,066,791	4,669,056	\$1,468,837	\$9,844,848	\$42,651,526
24	2038	957		\$95,858,795	5,257,222	\$1,703,484	\$10,330,775	\$46,526,774
25	2039	957		\$98,734,558	5,292,722	\$1,766,436	\$10,652,547	\$50,369,033
26	2040	957		\$101,696,595	5,807,246	\$1,996,303	\$11,148,996	\$54,235,689
27	2041	957		\$104,747,493	5,842,746	\$2,068,761	\$11,496,036	\$58,069,358
28	2042	957		\$107,889,918	5,842,746	\$2,130,824	\$11,840,917	\$61,866,165
29	2043	957		\$111,126,615	5,842,746	\$2,194,749	\$12,196,144	\$65,626,464
30	2044	957		\$114,460,414	5,842,746	\$2,260,591	\$12,562,029	\$69,350,606
Total				\$1,575,489,484		\$26,888,719	\$168,682,772	

## Appendix D-2

### Annual Projection of Hotel Occupancy Tax and Business Personal Property Tax to the City of Dallas from the Westmoreland-IH 20 Sub-District

<b>Notes:</b>									
Date of City receipt of Hotel Occupancy Tax may lag date of earning by 3-4 months.									
BPP Tax receipts generally occur 12-13 months after appraisal. Appraisals are for Jan. 1 of the year indicated.									
Commercial development includes retail, office, and hotel projects.									
City tax rate:		0.7970%							
City tax rate is assumed constant. Actual rates will be set annually.									
Inflation rate:		3%							
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	
		City Hotel Occupancy Tax			City BPP Tax				
		Annual Room Receipts							
		If 2014 ADR = \$80			Estimated Cumulative Square Feet New Commercial Development		Estimated City BPP Tax @ \$20 per SF		Cumulative Estimated City Hotel and BPP Tax Net Present Value (2014 dollars) Annual Discount Rate @
Year		Guest Rooms	Occupancy = 60%	City Hotel Occupancy Tax @ 7.00%			Total Estimated City Hotel and BPP Tax		4%
Base	2014	0	\$0	\$0	0	\$0	\$0	\$0	\$0
1	2015	0	\$0	\$0	0	\$0	\$0	\$0	\$0
2	2016	0	\$0	\$0	0	\$0	\$0	\$0	\$0
3	2017	0	\$0	\$0	0	\$0	\$0	\$0	\$0
4	2018	0	\$0	\$0	0	\$0	\$0	\$0	\$0
5	2019	0	\$0	\$0	0	\$0	\$0	\$0	\$0
6	2020	0	\$0	\$0	0	\$0	\$0	\$0	\$0
7	2021	0	\$0	\$0	30,000	\$5,881	\$5,881	\$4,297	\$4,297
8	2022	0	\$0	\$0	30,000	\$6,058	\$6,058	\$8,553	\$8,553
9	2023	0	\$0	\$0	70,000	\$14,559	\$14,559	\$18,389	\$18,389
10	2024	0	\$0	\$0	115,000	\$24,635	\$24,635	\$34,391	\$34,391
11	2025	0	\$0	\$0	115,000	\$25,374	\$25,374	\$50,240	\$50,240
12	2026	0	\$0	\$0	115,000	\$26,136	\$26,136	\$65,937	\$65,937
13	2027	80	\$2,058,297	\$144,081	164,600	\$38,530	\$182,611	\$171,390	\$171,390
14	2028	80	\$2,120,046	\$148,403	184,600	\$44,508	\$192,912	\$278,507	\$278,507
15	2029	80	\$2,183,647	\$152,855	184,600	\$45,844	\$198,699	\$384,594	\$384,594
16	2030	80	\$2,249,157	\$157,441	204,600	\$52,335	\$209,776	\$492,287	\$492,287
17	2031	80	\$2,316,631	\$162,164	204,600	\$53,905	\$216,069	\$598,945	\$598,945
18	2032	80	\$2,386,130	\$167,029	224,600	\$60,949	\$227,978	\$707,153	\$707,153
19	2033	80	\$2,457,714	\$172,040	224,600	\$62,778	\$234,818	\$814,321	\$814,321
20	2034	80	\$2,531,446	\$177,201	224,600	\$64,661	\$241,862	\$920,458	\$920,458
21	2035	80	\$2,607,389	\$182,517	224,600	\$66,601	\$249,118	\$1,025,574	\$1,025,574
22	2036	80	\$2,685,611	\$187,993	264,600	\$80,816	\$268,809	\$1,134,637	\$1,134,637
23	2037	80	\$2,766,179	\$193,633	264,600	\$83,240	\$276,873	\$1,242,651	\$1,242,651
24	2038	80	\$2,849,164	\$199,441	264,600	\$85,738	\$285,179	\$1,349,627	\$1,349,627
25	2039	80	\$2,934,639	\$205,425	264,600	\$88,310	\$293,735	\$1,455,574	\$1,455,574
26	2040	80	\$3,022,678	\$211,587	284,600	\$97,834	\$309,422	\$1,562,886	\$1,562,886
27	2041	80	\$3,113,359	\$217,935	284,600	\$100,769	\$318,704	\$1,669,167	\$1,669,167
28	2042	80	\$3,206,759	\$224,473	304,600	\$111,086	\$335,559	\$1,776,765	\$1,776,765
29	2043	80	\$3,302,962	\$231,207	304,600	\$114,419	\$345,626	\$1,883,328	\$1,883,328
30	2044	80	\$3,402,051	\$238,144	304,600	\$117,851	\$355,995	\$1,988,866	\$1,988,866
Total			\$48,193,859	\$3,373,570		\$1,472,817	\$4,846,387		

# Appendix E-1

## Annual Projection of Real Property Tax and Business Personal Property Tax to the Dallas Independent School District from the Montfort-IH 635 Sub-District

Notes:														
Base value of the TIF fund is from 2013 certified DCAD roll. Estimated values of redevelopment added annually to the TIF fund, in 2014 dollars, are from another schedule.														
Annual inflation or value change rates are long-term average estimates. Actual value adjustments may vary significantly from year to year.														
DISD tax rate is assumed constant. Actual rates will be set annually.														
DISD tax rate: 1.282085%														
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)
TIF Zone	Appraised Value for Jan. 1	Property Tax Deposited by May 1	Taxable Value Carried from Previous Year with Inflation @ 1.00%	Taxable Value of Improvements Completed in Year Prior to Appraisal Date, in 2014 Dollars (from another schedule)	Taxable Value Added This Year with Inflation @ 3.00%	Less Share of 2014 Value with Inflation @ 1.00%	Annual Taxable Value Since 2014 (Full value is included with completions.)	Total Real Property Tax 2014	Captured Appraised Value less base value	Real Property Tax Increment	Estimated Cumulative Square Feet New Commercial Development	Estimated DISD BPP Tax @ per SF	Estimated Total DISD Tax	Cumulative Estimated Tax from TIF Zone Retained Net Present Value (2014 dollars) Annual Discount Rate @ 4%
Base 2014	2015	2015	2015	2015	2015	2015	2015	2015	2015	2015	2015	2015	2015	2015
1	2016	2016	2016	2016	2016	2016	2016	2016	2016	2016	2016	2016	2016	2016
2	2017	2017	2017	2017	2017	2017	2017	2017	2017	2017	2017	2017	2017	2017
3	2018	2018	2018	2018	2018	2018	2018	2018	2018	2018	2018	2018	2018	2018
4	2019	2019	2019	2019	2019	2019	2019	2019	2019	2019	2019	2019	2019	2019
5	2020	2020	2020	2020	2020	2020	2020	2020	2020	2020	2020	2020	2020	2020
6	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021	2021
7	2022	2022	2022	2022	2022	2022	2022	2022	2022	2022	2022	2022	2022	2022
8	2023	2023	2023	2023	2023	2023	2023	2023	2023	2023	2023	2023	2023	2023
9	2024	2024	2024	2024	2024	2024	2024	2024	2024	2024	2024	2024	2024	2024
10	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025	2025
11	2026	2026	2026	2026	2026	2026	2026	2026	2026	2026	2026	2026	2026	2026
12	2027	2027	2027	2027	2027	2027	2027	2027	2027	2027	2027	2027	2027	2027
13	2028	2028	2028	2028	2028	2028	2028	2028	2028	2028	2028	2028	2028	2028
14	2029	2029	2029	2029	2029	2029	2029	2029	2029	2029	2029	2029	2029	2029
15	2030	2030	2030	2030	2030	2030	2030	2030	2030	2030	2030	2030	2030	2030
16	2031	2031	2031	2031	2031	2031	2031	2031	2031	2031	2031	2031	2031	2031
17	2032	2032	2032	2032	2032	2032	2032	2032	2032	2032	2032	2032	2032	2032
18	2033	2033	2033	2033	2033	2033	2033	2033	2033	2033	2033	2033	2033	2033
19	2034	2034	2034	2034	2034	2034	2034	2034	2034	2034	2034	2034	2034	2034
20	2035	2035	2035	2035	2035	2035	2035	2035	2035	2035	2035	2035	2035	2035
21	2036	2036	2036	2036	2036	2036	2036	2036	2036	2036	2036	2036	2036	2036
22	2037	2037	2037	2037	2037	2037	2037	2037	2037	2037	2037	2037	2037	2037
23	2038	2038	2038	2038	2038	2038	2038	2038	2038	2038	2038	2038	2038	2038
24	2039	2039	2039	2039	2039	2039	2039	2039	2039	2039	2039	2039	2039	2039
25	2040	2040	2040	2040	2040	2040	2040	2040	2040	2040	2040	2040	2040	2040
26	2041	2041	2041	2041	2041	2041	2041	2041	2041	2041	2041	2041	2041	2041
27	2042	2042	2042	2042	2042	2042	2042	2042	2042	2042	2042	2042	2042	2042
28	2043	2043	2043	2043	2043	2043	2043	2043	2043	2043	2043	2043	2043	2043
29	2044	2044	2044	2044	2044	2044	2044	2044	2044	2044	2044	2044	2044	2044
30	2045	2045	2045	2045	2045	2045	2045	2045	2045	2045	2045	2045	2045	2045
Total for years 1-30											\$43,254,232			

## Appendix E-2

# Annual Projection of Real Property Tax and Business Personal Property Tax to the Dallas Independent School District from the Westmoreland-IH 20 Sub-District

Notes:																	
Base value of the TIF fund is from 2013 certified DCAD roll. Estimated values of redevelopment added annually to the TIF fund, in 2014 dollars, are from another schedule. Annual inflation or value change rates are long-term average estimates. Actual value adjustments may vary significantly from year to year.																	
DSD tax rate: 1.282085%																	
DSD tax rate is assumed constant. Actual rates will be set annually.																	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)			
TIF Zone	Appraised Value for Year	Jan. 1, 2014	Property Tax	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	Year Prior to 2014	
Base	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	
1	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	
2	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	
3	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
4	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	
5	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	
6	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	
7	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	
8	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	
9	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	
10	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	
11	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	
12	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	
13	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	
14	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	
15	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	
16	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	
17	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	
18	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	
19	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	
20	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	
21	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	
22	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	
23	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	
24	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	
25	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	
26	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	
27	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	
28	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	
29	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	
30	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	
Total for years 1-30																	

## AGENDA ITEM # 8

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Housing/Community Services

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** N/A

---

### SUBJECT

Authorize **(1)** the acceptance of additional grant funds in the amount of \$10,000 from the March of Dimes to provide training for the Becoming a Mom program for the period February 1, 2014 through January 31, 2015; **(2)** an increase in appropriations in the amount of \$10,000, from \$17,000 to \$27,000 in the March of Dimes Community Baby Cafe Fund; and **(3)** execution of the grant agreement - Not to exceed \$10,000 - Financing: Private Funds

### BACKGROUND

The City of Dallas Women, Infants and Children (WIC) Program submitted a grant application and was awarded funds from the March of Dimes to provide training for the "Becoming a Mom" prenatal education program at five WIC clinics in Dallas County. The March of Dimes has supported the "Becoming a Mom" program with past awards of \$1,000 in 2012, \$3,500 in mid- 2012, and \$12,500 in early 2013.

The goal for the "Becoming a Mom" program is to teach prenatal health and infant feeding practices among low-income pregnant women, to improve pregnancy outcomes. The training is provided in English and in Spanish, "Comenzando bien," and includes information on reducing the risk of premature birth, healthy pregnancy and healthy baby, hazards during pregnancy, why the last weeks count, becoming a mom, nutrition, breastfeeding, newborn care, becoming a dad, signs of pre-term labor, and bringing baby home. The program also includes incentives, like infant and newborn clothing, receiving blankets, bibs, totes, diapers, and strollers.

Training sites will include Site No. 3 located at 1050 Westmoreland Road, Suite 316, Dallas, Texas 75211; Site No. 5 located at 6925 Lake June Road, Dallas, Texas 75217; Site No. 9 located at 1111 West Airport Freeway, Suite 237, Irving, Texas 75062; Site No. 25 located at 1111 West Ledbetter Drive, Suite 600, Dallas, Texas 75224; and Site No. 32 located at 302 North Barnes Drive, Garland, Texas 75042; or other alternative WIC sites participating in the program.

**BACKGROUND** (Continued)

Training will include diversity certified facilitators and customized training program supported by federal funds. In addition, grant funds will be used to cover the cost of supplies and other items that cannot be paid by federal funds, such as refreshments, incentives, and educational handouts.

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

This item has no prior action.

**FISCAL INFORMATION**

\$10,000 - Private Funds

April 23, 2014

**WHEREAS**, there is a need to provide prenatal health education among low-income pregnant women to improve pregnancy outcomes in Dallas County; and

**WHEREAS**, the City of Dallas Women, Infants and Children (WIC) program submitted a grant application to the March of Dimes for funding to provide training for the "Becoming a Mom" program; and

**WHEREAS**, the March of Dimes has awarded the City of Dallas WIC program grant funds to provide that training at five WIC clinics in Dallas County;

**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 **(1)** to accept additional grant funds in the amount of \$10,000 from the March of Dimes to provide training for the Becoming a Mom program for the period February 1, 2014 through January 31, 2015; **(2)** to increase appropriations in the amount of \$10,000, from \$17,000 to \$27,000 in the March of Dimes Community Baby Cafe Fund; and **(3)** execute any and all other documents required by the grant.

**Section 2.** That the City Controller is hereby authorized to receive and deposit grant funds from the March of Dimes in Fund P107, Dept. HOU, Unit 4136, Revenue Source 8411, in an amount not to exceed \$10,000.

**Section 3.** That the City Manager is hereby authorized to increase appropriations in the amount of \$10,000, from \$17,000 to \$27,000 in Fund P107, Dept. HOU, Unit 4136.

**Section 4.** That the City Controller is hereby authorized to disburse grant funds from the March of Dimes in Fund P107, Dept. HOU, Unit 4136, Object Code 3099, Encumbrance No. marchofdimes04 in an amount not to exceed \$10,000.

**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.





## AGENDA ITEM # 9

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Housing/Community Services

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 56L

---

### SUBJECT

Authorize an amendment to Resolution No. 13-2059, Section 2 (e), previously approved on December 11, 2013, to reduce the financing requirement from \$37,000,000 to a minimum of \$28,000,000 for the development loan with Dallas Housing Authority for the Turner Courts Project located at 6601 Bexar Street within the Bexar Street Redevelopment Corridor in the amount of \$2,500,000 at 4% interest for infrastructure improvements for a 206-unit apartment project – Financing: No cost consideration to the City

### BACKGROUND

On November 9, 2009, City Council approved a development loan in the amount of \$2,500,000 at 4% interest to Dallas Housing Authority (DHA) to provide infrastructure improvements for a 206-unit apartment project at Turner Courts for the purpose of constructing residential units in accordance with an adopted Economic Development and Transit Oriented Development Plan for Bexar Street. DHA obtained additional financing in the amount of \$10,200,000 to complete this project.

In November 2013, Dallas Housing Authority requested an extension to the term of the maturity date for the development loan for Turner Courts Project to December 21, 2014. The construction began promptly after closing the financing for the project. However, the contractor is behind schedule in completing the project in time to meet the estimated closing date for permanent financing and for repayment to the City. The newly estimated completion date for construction is December 2014.

City Council approval of this agenda item will authorize the City Manager to amend Resolution No. 13-2059, Section 2 (e) for the development loan agreement with Dallas Housing Authority for the Turner Courts Project to reduce the financing requirement from \$37,000,000 to a minimum of \$28,000,000.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On August 9, 2006, the City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvements.

On December 12, 2007, the City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas.

On November 9, 2009, City Council approved a development loan in the amount of \$2,500,000 at 4% interest to Dallas Housing Authority (DHA) to provide infrastructure improvements for a 206-unit apartment project at Turner Courts for the purpose of constructing residential units in accordance with an adopted Economic Development and Transit Oriented Development Plan for Bexar Street, by Resolution No. 09-2768.

On December 11, 2013, City Council authorized an amendment to the development loan to extend the term of the maturity date from December 21, 2013 to December 21, 2014 by Resolution No. 13-2059.

## **FISCAL INFORMATION**

No cost consideration to the City

### **OWNER**

**Dallas Housing Authority**

MaryAnn M. Russ, Executive Director

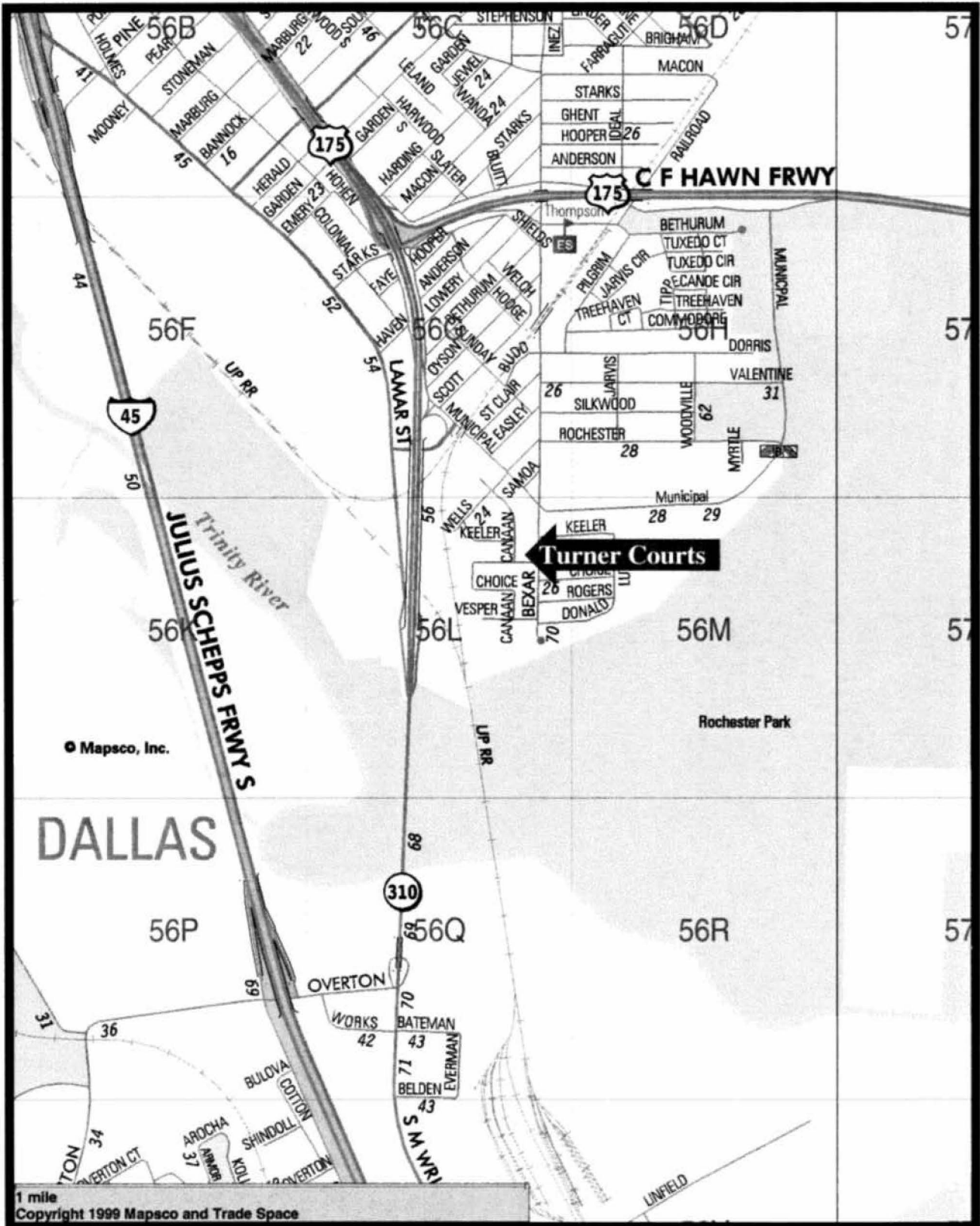
### **DEVELOPER**

**Dallas Housing Authority**

MaryAnn M. Russ, Executive Director

### **MAP**

Attached



MAPSCO 56L



April 23, 2014

**WHEREAS**, the City of Dallas has adopted a number an Economic Development and Transit-Oriented Plan for the Bexar Street Neighborhood which includes construction retail, commercial and mixed-use development; and

**WHEREAS**, on August 9, 2006, the City Council approved an ordinance ordering a bond election to be held in the City of Dallas on November 7, 2006, for the purpose of submitting propositions for the issuance of general obligation bonds for funding permanent public improvement for the fostering of Economic Development projects; and

**WHEREAS**, on November 7, 2006, the voters of Dallas approved a \$1.35 billion General Obligation Bond Program of which \$41,495,000 was set aside for the purpose of providing funds for promoting economic development in the Southern area of the city, and promoting economic development in other areas of the city in connection with transit-oriented development; and

**WHEREAS**, on December 12, 2007, the City Council approved an amendment to the Public/Private Partnership Program to include a special category for an Economic Development General Obligation Bond Program for Southern Dallas; and

**WHEREAS**, on November 9, 2009, City Council approved a development loan in the amount of \$2,500,000 at 4% interest to Dallas Housing Authority (DHA) to provide infrastructure improvements for a 206-unit apartment project at Turner Courts for the purpose of constructing residential units in accordance with an adopted Economic Development and Transit Oriented Development Plan for Bexar Street by Resolution No. 09-2768; and

**WHEREAS**, on December 11, 2013, City Council authorized an amendment to extend the term of the maturity date for the development loan for Dallas Housing Authority Turner Courts Project from December 21, 2013 to December 21, 2014, by Resolution No. 13-2059; and

**WHEREAS**, Dallas Housing Authority requested an amendment to the terms in Resolution No. 13-2059, Section 2 (e) for the development loan for Turner Courts Project;

**NOW, THEREFORE,**

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

April 23, 2014

**Section 1.** That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to amend Resolution No. 13-2059, Section 2 (e), previously approved on December 11, 2013 to reduce the financing requirement from \$37,000,000 to a minimum of \$28,000,000 for the development loan with Dallas Housing Authority for the Turner Courts Project located at 6601 Bexar Street within the Bexar Street Redevelopment Corridor in the amount of \$2,500,000 at 4% interest for infrastructure improvements for a 206-unit apartment project.

**Section 2.** That some of the terms of the loan documents include:

- a. Borrower's note payable to the City of Dallas will have a maturity date of December 21, 2014.
- b. Borrower must commit and/or expend all funds within two (2) years after execution of the loan agreement.
- c. Borrower shall execute deed restrictions and a deed of trust on all properties acquired through City of Dallas funds.
- d. No approval by the City of the expenditure of any loan funds shall bind or obligate the City to approve any zoning or replat change that Borrower may request for the properties.
- e. This loan is subject to DHA obtaining additional financing of at least ~~\$37,000,000~~ \$28,000,000 needed to complete this project.
- f. Borrower will repay the City of Dallas in full by the maturity date of December 21, 2014.

**Section 3.** That the City Manager, upon approval as to form by the City Attorney, is authorized to execute subordination of lien and intercreditor agreements with lenders providing acquisition or interim construction financing on the property as necessary.

**Section 4.** That the City Manager, upon approval as to form by the City Attorney, is authorized to execute lien releases and terminate deed restrictions on the properties upon compliance with the terms of the contract.

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

**AGENDA ITEM # 10**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Human Resources

**CMO:** A. C. Gonzalez, 670-3302

**MAPSCO:** N/A

---

**SUBJECT**

Authorize the first one year extension to the contract with Standard Life Insurance Company, to provide basic and supplemental group term life, voluntary dependent life and accidental death and dismemberment insurance coverage - Not to exceed \$2.00 per month per employee - Financing: Current Funds (subject to appropriations)

**BACKGROUND**

This service contract and policy will provide group basic term life, voluntary dependent life, and accidental death and dismemberment insurance. The City currently offers \$50,000 basic life insurance coverage to full-time employees at a cost of \$2.00 per month per employee at no cost to the employee. Full-time employees can voluntarily purchase additional group (supplemental) life coverage up to three times their annual base salary not to exceed \$500,000, as well as dependent life and accidental death and dismemberment coverage via payroll deduction. The current contract with Standard Life Insurance Company will expire December 31, 2014.

The basic life insurance benefit will remain in the amount of \$50,000.00 for eligible employees. Voluntary dependent life insurance coverage will remain the same for spouses from \$15,000 to \$25,000 and dependent children from \$5,000 to \$10,000 at a cost of \$2.85 per month to the employee.

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

On November 7, 2011, the City Council authorized a thirty-six month contract, with two twelve-month renewal options, to provide group term life (basic and supplemental), voluntary dependent life, and accidental death and dismemberment insurance coverage by Resolution No. 11-3023.

Briefed to the Budget, Finance and Audit Committee on April 7, 2014.

## **FISCAL INFORMATION**

\$2.00 per month per employee - Current Funds (subject to appropriations)



April 23, 2014

**WHEREAS**, the City Council authorized a thirty-six month contract, with two twelve-month renewal options, to provide group term life (basic and supplemental), voluntary dependent life, and accidental death and dismemberment insurance coverage on November 7, 2011, by Resolution No. 11-3023;

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is authorized to execute the first one year extension to the service contract and policy with Standard Life Insurance Company (VS0000024410) for group life, employee supplemental life, voluntary dependent life and accidental death and dismemberment insurance. The cost for the City to provide Basic Life insurance coverage for full-time employees will not exceed \$2.00 per employee per month.

**Section 2.** That the City Controller is authorized to disburse funds from Fund 026A, Dept PER, Unit 7915, Object 3539 in the amount not to exceed \$2.00 per month per employee for group basic term life insurance coverage. (subject to appropriations)

**Section 3.** That the City Controller be authorized to remit the employee premiums collected via payroll deduction from the appropriate funding sources for coverage as listed:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Type of Coverage</u>
0265	PER	7915	3568	Supplemental Life Insurance
0265	PER	7925	3523	Dependent Life Insurance
0265	PER	7925	3561	Accidental Death & Dismemberment

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



## AGENDA ITEM # 11

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Human Resources

**CMO:** A. C. Gonzalez, 670-3302

**MAPSCO:** N/A

---

### SUBJECT

An ordinance amending Section 34-24.1, "Family Leave," of Chapter 34, "Personnel Rules," to **(1)** allow employees to take family leave for a "designated care recipient"; and **(2)** providing a definition of "designated care recipient"; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This item has no cost consideration to the City

### BACKGROUND

The City of Dallas Personnel Rules currently allow employees to take family leave to care for a spouse, son, daughter, parent, or related service member who has a serious health condition or for an exigency arising from the active duty of a related service member. This ordinance implements the "plus-one" concept by allowing employees to designate one person as a "designated care recipient" and use family leave for that designated care recipient. The ordinance defines a "designated care recipient" as "one individual designated by the employee who is 18 years of age or older and has resided in the same household as the employee and intends to reside in the same household as the employee on a continuous basis." This ordinance expands family leave for all employees.

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

On March 5, 2014, City Council adopted a resolution directing the City Manager to take action as necessary to amend the City of Dallas' human resources policies and ordinances to address household relationships of city employees.

### FISCAL INFORMATION

This item has no cost consideration to the City.

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 34, “Personnel Rules,” of the Dallas City Code by amending Section 34-24.1; allowing family medical leave for designated care recipients; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 34-24.1, “Family Leave,” of Article III, “Leave Policies,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

**“SEC. 34-24.1        FAMILY LEAVE.**

(a)    Federal regulations. The terms used in this section that are not defined in Section 34-4 of this chapter have the meanings given them in the Family and Medical Leave Act and Part 825, Title 29 of the Code of Federal Regulations, as amended. All interpretations and applications of this section must be made in compliance with the minimum requirements of the Family and Medical Leave Act and Part 825, Title 29 of the Code of Federal Regulations, as amended. If any provision of this section conflicts with a provision of the federal law governing family leave, the federal law prevails.

(b)    Eligibility. Every employee is eligible for family leave if the employee has:

- (1)    been employed by the city for at least 12 months; and
- (2)    worked at least 1,250 hours during the 12-month period immediately preceding the commencement of family leave.

(c)    When family leave may be taken.

(1)    An eligible employee may take family leave only in the following circumstances:

(A[4]) for the birth of the employee's son or daughter or to care for the child after its birth;

(B[2]) for the placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement;

(C[3]) to care for a spouse, son, daughter, [Ø] parent, or "designated care recipient" of the employee, if the spouse, son, daughter, [Ø] parent, or "designated care recipient" has a serious health condition;

(D[4]) for a serious health condition that makes the employee unable to perform the functions of the employee's position;

(E[5]) for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, [Ø] parent, or "designated care recipient" is a covered military member who is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or

(F[6]) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member or if the service member is a "designated care recipient" of the employee.

(2) For purposes of this subsection, "designated care recipient" means one individual designated by the employee who is 18 years of age or older and has resided in the same household as the employee and intends to reside in the same household as the employee on a continuous basis.

(d) Administration of family leave. Specific procedures and requirements for the administration of the Family and Medical Leave Act are outlined in the administrative directives of the city. No procedure or requirement adopted by administrative directive may conflict with the Family and Medical Leave Act or Part 825, Title 29 of the Code of Federal Regulations, as amended.

(e) Disciplinary action. Disciplinary action, up to and including discharge from city employment, may be taken against an employee who:

(1) falsifies or misrepresents any facts in order to obtain family leave; or

(2) shares confidential medical information relating to a request for family leave with any person not authorized to receive the information."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

SECTION 3. That Chapter 34 of 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 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 \_\_\_\_\_

## AGENDA ITEM # 12

**KEY FOCUS AREA:** Culture, Arts and Recreation

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Cultural Affairs  
Park & Recreation

**CMO:** Joey Zapata, 670-1204

**MAPSCO:** N/A

---

### **SUBJECT**

Authorize an amendment to Resolution No. 09-2956, previously approved on December 9, 2009, to the Park & Recreation Public Art Plan for the 2006 Bond Program in compliance with the City's Public Art Ordinance of the Dallas City Code, Chapter 2, Article X (list attached) - Financing: No cost consideration to the City

### **BACKGROUND**

As part of the overall administration of the City of Dallas Public Art Program established in 1988 by ordinance (Dallas City Code, Chapter 2, article X), the Office of Cultural Affairs is required to develop a Public Art Plan for consideration by the City Council. Projects listed in the plan that are part of or located in the facilities under the jurisdiction of the Park and Recreation Department require the approval of the Park and Recreation Board.

The public art allocations are determined by applying either 1.5% or .75% to the appropriations for the projects. If the project is exclusively for street, storm drainage, utility or sidewalk improvements the percentage is .75%. Items not subject to the calculation of the percentage for public art include: land acquisition, demolition, equipment, normal major maintenance, financing costs, costs paid for from the contingency reserve fund, capital reserve funds, or interest earnings on city bond proceeds, costs of any below-grade water or wastewater improvements, and costs of resurfacing or repair of existing streets, sidewalks and appurtenant drainage improvements. All public art funds must be expended for projects identified within the bond proposition by which they are generated. No funds will be encumbered or expended prior to appropriation in the annual capital budget.

## **BACKGROUND** (Continued)

On June 20, 2013, the Park and Recreation Board approved the revised public art project list as authorized in the Cultural Policy Section I.A.2 (the Park and Recreation Board may reprogram public art appropriations for bond construction projects on property subject to Park Board jurisdiction to increase funding for a specific project or projects, if it will benefit the quality of the public art projects and is in the best interests of the public art program).

This agenda item seeks City Council approval of the amendments to the Park and Recreation Public Art Plan as detailed on the attachment. Projects that have been completed or are currently underway are noted with an asterisk. The amendments to the plan are due to (1) updates to the accounting of completed or in-progress Citywide/Signature projects based on actual and projected expenditures; (2) reallocation of savings from Citywide/Signature projects to Council District projects; (3) changes to the location of the Council District projects for five projects to adjust for redistricting or because the original location already had a public art project on site. This action does not change the total funding authorized in December 2009 for the full plan; this agenda item requests approval to amend the list of projects and the amount allocated to each project as noted on attached.

## **ESTIMATED SCHEDULE OF PROJECTS**

Projects will be implemented on a prioritized basis in compliance with the Cultural Policy.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Public Art Committee approved the Park and Recreation Public Art Plan to the Cultural Affairs Commission on March 13, 2007.

The Cultural Affairs Commission approved the Park and Recreation Public Art Plan on March 15, 2007.

The Park Board authorized the Park and Recreation Public Art Plan on March 22, 2007.

The Park Board authorized rescinding the prior approval of the Public Art Projects list and authorized a revised projects list for the Park and Recreation Public Art Plan on June 19, 2008.

The Public Art Committee approved the revised Park and Recreation Public Art Plan on October 13, 2009.

The Cultural Affairs Commission approved the revised Park and Recreation Public Art Plan on October 15, 2009



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

City Council authorized the Park and Recreation Public Art Plan on December 9, 2009, by Resolution No. 09-2960.

The Park and Recreation Board was briefed on proposed changes to the Park and Recreation Public Art Plan on April 4, 2013.

The Park Board authorized the proposed revisions to the Park and Recreation Public Art Plan on June 20, 2013.

The Public Art Committee approved the revisions to the Park and Recreation Public Art Plan on January 7, 2014.

The Cultural Affairs Commission approved the revisions to the Park and Recreation Public Art Plan on January 16, 2014.

**FISCAL INFORMATION**

No cost consideration to the City

### Park and Recreation Projects

<u>Council District</u>	<u>Project Location</u>	<u>12/09/2009 Resolution</u>	<u>Proposed for this Action</u>
-------------------------	-------------------------	------------------------------	---------------------------------

#### **City Wide Signature Parks**

9	Arboretum**	\$120,000	\$160,000
5 / 8	Crawford Memorial Park*	\$454,000	\$40,422
1 / 4	Dallas Zoo**	\$345,000	\$345,000
6	Elm Fork Soccer Complex**	\$168,000	\$168,000
7	Fair Park - Cotton Bowl Renovation and Conference Center*	\$600,000	\$600,000
7	Fair Park - Esplanade Sculpture Re-creation*	\$80,000	\$192,889
7	Fair Park - Texas Discovery Gardens*	\$333,000	\$286,266
14	Main Street Garden*	\$112,500	\$218,437
5	Texas Horse Park Trinity River**	\$180,000	\$180,000
	<b>Subtotal</b>	<b>\$2,392,500</b>	<b>\$2,191,014</b>

#### **Council District Project List**

1	Kidd Springs Park***	\$64,229	\$0
1	Kessler Park (Coombs Creek Trail)	\$0	\$79,729
2	Samuell Grand	\$90,360	\$105,860
3	Nash-Davis Park*** now District 6	\$86,015	\$0

### Park and Recreation Projects

<b><u>Council District</u></b>	<b><u>Project Location</u></b>	<b><u>12/09/2009 Resolution</u></b>	<b><u>Proposed for this Action</u></b>
<b>Council District Project List</b>			
3	Glendale Park	\$0	\$101,515
4	Beckley Saner Park***	\$58,500	\$0
4	Kiest Park	\$0	\$74,000
5	Cummings Park***	\$69,506	\$0
5	Pleasant Oaks Park	\$0	\$85,006
6	Jaycee- Zaragoza Park	\$85,991	\$101,491
7	Opportunity Park**	\$111,658	\$111,658
8	Kleberg-Rylie Park	\$51,972	\$67,472
9	Harry Stone Park	\$47,399	\$62,899
10	Lake Highlands North Park	\$27,402	\$42,904
11	Churchill Park***	\$104,519	\$0
11	Fretz Park	\$0	\$120,003
12	Campbell Green Park	\$61,582	\$77,082
13	Walnut Hill	\$50,623	\$66,123
14	Randall Park	\$53,146	\$68,646
	<b>Subtotal</b>	<b>\$962,902</b>	<b>\$1,164,388</b>
	<b>Grand Total</b>	<b>\$3,355,402</b>	<b>\$3,355,402</b>

\* Project completed

\*\* Project underway

\*\*\* Public Art funds to be moved to another park in the Council District

April 23, 2014

**WHEREAS**, Chapter 2, Article X of the Dallas City Code establishes a Public Art Program to include works of art and design services of artists in certain City capital improvement projects; and instructs the Cultural Affairs Commission to recommend a Public Art Plan of visual projects developed by the Public Art Committee; and

**WHEREAS**, in carrying out the intent of the Public Art Program, the Office of Cultural Affairs and the Park and Recreation Department, working with the Public Art Committee of the Cultural Affairs Commission, have developed an amendment to the Park and Recreation Public Art Plan approved on December 9, 2009 as Resolution No. 09-2956;

**WHEREAS**, the Park and Recreation Public Art Plan approved on December 9, 2009 as Resolution No. 09-2956 included 9 city wide projects and 14 district projects to be distributed throughout the City of Dallas Park and Recreation Facilities; and

**WHEREAS**, to date 8 city wide projects and 1 district project have either been completed or are underway; and funding is available or will be available prior to the installation of the balance of 1 city wide project and 13 district projects; Now, therefore,

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

**Section 1.** That, subject to the terms of this resolution and Chapter 2, Article X of the Dallas City Code, the Director of the Park and Recreation Department, working with the Office of Cultural Affairs and the Public Art Committee of the Cultural Affairs Commission, be given approval to proceed with the implementation of the Park and Recreation Public Art Plan as proposed, subject to the availability of funds, and to Council authorization to expend funds for specific projects.

**PARK AND RECREATION PROJECTS**

**City Wide Signature Parks**

<b>Council District</b>	<b>Project Location</b>	<b>12/09/2009 Resolution</b>	<b>Proposed Amount for this Action</b>
9	Arboretum**	\$120,000	\$160,000
5 / 8	Crawford Memorial Park*	\$454,000	\$40,422
1 / 4	Dallas Zoo**	\$345,000	\$345,000
6	Elm Fork Soccer Complex**	\$168,000	\$168,000

April 23, 2014**City Wide Signature Parks**

<b>Council District</b>	<b>Project Location</b>	<b>12/09/2009 Resolution</b>	<b>Proposed Amount for this Action</b>
7	Fair Park - Cotton Bowl Renovation and Conference Center*	\$600,000	\$600,000
7	Fair Park - Esplanade Sculpture Re-creation*	\$80,000	\$192,889
7	Fair Park - Texas Discovery Gardens*	\$333,000	\$286,266
14	Main Street Garden*	\$112,500	\$218,437
5	Texas Horse Park at the Trinity River**	\$180,000	\$180,000
<b>Subtotal</b>		<b>\$2,392,500</b>	<b>\$2,191,014</b>

**Council District Project List**

<b>Council District</b>	<b>Project Location</b>	<b>12/09/2009 Resolution</b>	<b>Proposed Amount for this Action</b>
1	Kidd Springs Park***	\$64,229	\$0
1	Kessler Park (Coombs Creek Trail)	\$0	\$79,729
2	Samuell Grand Park	\$90,360	\$105,860
3	Nash-Davis Park*** now District 6	\$86,015	\$0
3	Glendale Park	\$0	\$101,515
4	Beckley Saner Park***	\$58,500	\$0

April 23, 2014**Council District Project List**

<b>Council District</b>	<b>Project Location</b>	<b>12/09/2009 Resolution</b>	<b>Proposed Amount for this Action</b>
4	Kiest Park	\$0	\$74,000
5	Cummings Park***	\$69,506	\$0
5	Pleasant Oaks Park	\$0	\$85,006
6	Jaycee-Zaragoza Park	\$85,991	\$101,491
7	Opportunity Park**	\$111,658	\$111,658
8	Kleberg-Rylie Park	\$51,972	\$67,472
9	Harry Stone Park	\$47,399	\$62,899
10	Lake Highlands North Park	\$27,402	\$42,904
11	Churchill Park***	\$104,519	\$0
11	Fretz Park	\$0	\$120,003
12	Campbell Greet Park	\$61,582	\$77,082
13	Walnut Hill Park	\$50,623	\$66,123
14	Randall Park	\$53,146	\$68,646
	<b>Subtotal</b>	<b>\$962,902</b>	<b>\$1,164,388</b>
	<b>Grand Total</b>	<b>\$3,355,402</b>	<b>\$3,355,402</b>

\* Project completed

\*\* Project underway

\*\*\* Public Art funds to be moved to another park in the Council District

**Section 2.** 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.

## AGENDA ITEM # 13

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** Outside City Limits

**DEPARTMENT:** Office of Management Services  
Intergovernmental Services

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

**MAPSCO:** N/A

---

### SUBJECT

An ordinance authorizing an amendment to the Dallas/Fort Worth International Airport's Code of Rules and Regulations - Appendix I, to include proposed new street names at the Southgate Plaza Development; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date – Financing: No cost consideration to the City

### BACKGROUND

Dallas/Fort Worth (DFW) International Airport is requesting that the cities of Dallas and Fort Worth amend DFW Airport's Code of Rules and Regulations to include proposed new street names at Southgate Plaza Development. Any amendments to the DFW Airport Code of Rules and Regulations need to be approved by the owner cities.

The Southgate Plaza 32 acre development site will host a Hyatt Place Hotel, mixed retail and restaurants, and the consolidated DFW Airport Headquarters. Additionally, it will host a United States Postal Services Facility. The new streets proposed will connect these locations to International Parkway and Rental Car Drive. Infrastructure construction at the sites began last summer and is expected to be complete by the end of summer 2014. Hyatt Place Hotel is expected to be complete by the third quarter of fiscal year 2015.

The City of Dallas has a tax-sharing agreement with the City of Euless, where the Southgate Plaza is located. Thus, tax revenue from retail, restaurants, and the hotel will be split between the City of Euless and the Host Cities of Dallas and Fort Worth. The City of Euless receives 1/3rd of revenue. The Cities of Dallas and Fort Worth receive 2/3rds of revenue which is split following original owner city contributions with Dallas receiving 7/11ths and Fort Worth receiving 4/11ths.

### **BACKGROUND (Continued)**

A map of the proposed streets is included as Exhibit A. The proposed names for the new streets are:

- Connection Avenue (North and South)
- Southgate Avenue (North and South)
- Aviation Dr. (East and West)
- Global Dr. (East and West)
- Innovation Dr. (East and West)

### **PRIOR ACTIONS/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

The Dallas City Council was briefed on April 2, 2014.

### **FISCAL INFORMATION**

No cost consideration to the City.



## ORDINANCE NO. \_\_\_\_\_

An ordinance approving Resolution No. 2014-03-058, adopted by the Dallas/Fort Worth International Airport Board on March 6, 2014, for the purpose of amending Appendix 1 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, to propose street names at Dallas/Fort Worth International Airport as part of the Southgate Plaza infrastructure project; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Section 8.F of the 1968 Contract and Agreement, as amended, between the cities of Dallas and Fort Worth provides that the Dallas/Fort Worth International Airport Board has the power, by a duly adopted order, to adopt and enforce rules and regulations for the orderly, safe, efficient, and sanitary operation of the airport and to prescribe reasonable penalties for the breach of any rule or regulation not to exceed the maximum fines authorized by state law; and

WHEREAS, state law currently authorizes fines of up to \$500 for all violations of the airport's rules and regulations, except for those violations relating to fire safety, public health and sanitation, or the dumping of refuse, for which the maximum fine is \$2,000, and except when another fine is fixed by state law; and

WHEREAS, Section 22.082 of the Texas Transportation Code, as amended, and Section 8.F of the 1968 Contract and Agreement, as amended, provide that such rules, regulations, or orders of the Dallas/Fort Worth International Airport Board become effective only upon approval of the governing bodies of the cities of Dallas and Fort Worth and proper publication; and

WHEREAS, pursuant to the foregoing, the Dallas/Fort Worth International Airport Board adopted the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, which regulates traffic, travel, and conduct within Dallas/Fort Worth International Airport and establishes certain procedures for the adoption of additional rules, regulations, and orders; and

WHEREAS, on March 6, 2014, the Dallas/Fort Worth International Airport Board passed, approved, and ordered Resolution No. 2014-03-058 which amended Appendix 1 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, to propose new street names at Dallas/Fort Worth International Airport as part of the Southgate Plaza infrastructure project; and

WHEREAS, in accordance with Section 1-8 of Chapter 1 of the Code of Rules and Regulations of the Dallas/Fort Worth International Airport Board, as amended, the Dallas/Fort Worth International Airport Board requested that the city councils of the cities of Dallas and Fort Worth approve Resolution No. 2014-03-058 in order that the resolution may become effective; Now Therefore,

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

SECTION 1. That all of the declarations and findings contained in the preambles of this ordinance are made a part hereof and shall be fully effective as a part of the ordained subject matter of this ordinance.

SECTION 2. That Resolution No. 2014-03-058 of the Dallas/Fort Worth International Airport Board, a duly certified copy of which is attached to and made a part of this ordinance as Exhibit A, is approved.

SECTION 3. That after publication of a substantive statement relating to the contents of Resolution No. 2014-03-058 in a newspaper of general circulation in the counties of Dallas and Tarrant stating that a breach of any provision of the resolution will subject the violator to a penalty and stating that the full text of the resolution and any attachments are on file in the principal office of the Dallas/Fort Worth International Airport Board to be read by any interested party, the resolution shall thereafter have the same force and effect within the boundaries of Dallas/Fort Worth International Airport as an ordinance by the city council of the city of Dallas would have in the city of Dallas, and the penalty shall be enforced in the same manner in which penalties prescribed by other ordinances of the city of Dallas are enforced.

SECTION 4. That the terms and provisions of this ordinance and Resolution No. 2014-03-058 are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

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

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_  
Southgate Plaza Street Names – Page 1





DALLAS/FORT WORTH INTERNATIONAL AIRPORT  
3200 EAST AIRFIELD DRIVE, P.O. BOX 619428  
DFW AIRPORT, TEXAS 75261-9428  
[www.dfwairport.com](http://www.dfwairport.com)  
T 972 973 8888 F 972 973 5751

March 7, 2014


STATE OF TEXAS           §

COUNTY OF DALLAS       §

COUNTY OF TARRANT   §

I, Donna J. Schnell, Board Secretary of the Dallas-Fort Worth International Airport Board, do hereby certify that the attached is a true and correct copy of Resolution No. 2014-03-058, approved by the Dallas-Fort Worth International Airport Board of Directors at its Board Meeting held on March 6, 2014.

WITNESS MY HAND AND SEAL OF THE DALLAS-FORT WORTH  
INTERNATIONAL AIRPORT BOARD, this the 7<sup>th</sup> of March 2014.

  
Donna J. Schnell  
Board Secretary





**DALLAS FORT WORTH INTERNATIONAL AIRPORT BOARD  
OFFICIAL BOARD ACTION/RESOLUTION**

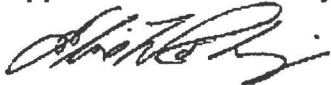
<b>Date</b> 03/06/2014	<b>Committee</b> Operations	<b>Subject</b> Amendment to DFW Airport Board's Code of Rules and Regulations	<b>Resolution #</b> 2014-03-058
<b>Action</b> That the Cities of Dallas and Fort Worth are requested to amend DFW International Airport's Code of Rules and Regulations to include the proposed new streets at Southgate Plaza Development.			
<b>Description</b> <ul style="list-style-type: none"> <li>• Five new streets are proposed at DFW Airport as part of the Southgate Plaza Infrastructure project</li> <li>• The Proposed Street names are:             <ul style="list-style-type: none"> <li>◆ Connection Avenue (N &amp; S)</li> <li>◆ Southgate Avenue (N &amp; S)</li> <li>◆ Aviation Dr. (E &amp; W)</li> <li>◆ Global Dr. (E &amp; W)</li> <li>◆ Innovation Dr. (E &amp; W)</li> </ul> </li> </ul>			
<b>Justification</b> <ul style="list-style-type: none"> <li>• Any new street additions need to be go through a formal Codification process, which involves amending the DFW Airport Board's Code of Rules and Regulations.</li> <li>• Construction of the streets shall be complete in 2014.</li> </ul>			
<b>D/S/M/WBE Information</b> <ul style="list-style-type: none"> <li>• N/A - Not subject to the Board's D/S/M/WBE Program Policies (amendment).</li> </ul>			
<b>Contract #</b>	<b>Agreement #</b>	<b>Purchase Order #</b>	<b>Action Amount</b> \$0 <b>Revised Amount</b> \$0
<b>For Information contact</b> Paul Tomme 3-5480		<b>Fund</b>  <b>Project #</b>  <b>External Funding Source</b>  <b>Amount</b> \$0	

**Additional Information**

Additional Attachments: Y

**BE IT RESOLVED BY THE DALLAS-FORT WORTH INTERNATIONAL AIRPORT BOARD**

That the Cities of Dallas and Fort Worth are requested to amend DFW International Airport's Code of Rules and Regulations to include the proposed streets at Southgate Plaza Development.

**Approved as to Form by**


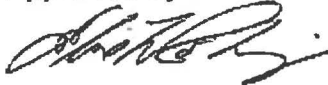
Rodriguez, Elaine  
General Counsel  
Feb 20, 2014 10:41 am

**Approved as to Funding by**


Underwood, Max  
VP Finance  
Finance  
Feb 20, 2014 10:52 am

**Approved as to M/WBE by**


Lee, Tamela  
VP Business Diversity & Dev  
Business Diversity and  
Development  
Feb 20, 2014 9:10 am

**SIGNATURE REQUIRED FOR APPROVAL****Approved by**


Department Head  
Legal  
Feb 20, 2014 8:51 am


**Chief Executive Officer**

Mar 6, 2014 11:15 am

Date



# Appendix 1

<u>Street</u>	<u>Direction</u>	<u>Hundred Block</u>	<u>Speed Limit (MPH)</u>
North Employee Parking Loop Rd.	N & S	1600 -1800 S	30
Express North Public Loop Rd.	N & S	1700 -1800 S	20
A Public Loop Rd.	N & S	2100 S	20
A Upper Level Rd.	N & S	2000 - 2200 S	15
A Lower Level Rd.	N & S	2000 - 2200 S	15
B Public Loop Rd.	N & S	2100 S	20
B Upper Level Rd	N & S	2000 - 2200 S	15
B Lower Level Rd.	N & S	2000 - 2200 S	15
C Public Loop Rd.	N & S	2300 - 2400 S	20
C Upper Level Rd.	N & S	2300 - 2400 S	15
C Lower Level Rd.	N & S	2300 - 2400 S	15
D Service Level Rd.	N & S	2275 - 2475 S	15
D Arrivals Level Rd.	N & S	2325 - 2475 S	15
D Departures Level Rd.	N & S	2325 - 2475 S	15
D Recirculation Rd.	N & S	2350 - 2475 S	15
E Public Loop Rd.	N & S	2600 S	20
E Upper Level Rd.	N & S	2500 - 2700 S	15
E Lower Level Rd.	N & S	2500 - 2700 S	15
Express South Public Loop Rd.	N & S	2600 S	15
South Remote Parking Public Loop Rd.	N & S	2900 - 3000 S	20
South Employee Parking Loop Rd.	N & S	2900 - 3100 S	30

<u>Street</u>	<u>Direction</u>	<u>Hundred Block</u>	<u>Speed Limit (MPH)</u>
North Remote Carousel Connector Rd.	N & S	1600 - 1700 S	15
South Remote Carousel Connector Rd.	N & S	3050 - 3100 S	15
East Airfield Dr.	N & S	2300 - 3400 S	45
South Airfield Dr.	E & W	1800 - 2900 E	45
West Airfield Dr.	N & S	1600 - 3400 E	45
North Airfield Dr.	E & W	1475 - 2875 E	45
North Airfield Dr.	E & W	2875 - 3000 E	35
North Service Rd.	N	1300 - 3250 S	35
North Service Rd.	N	3250 - 3900 N	45
South Service Rd.	S	1300 - 1750 S	45
South Service Rd.	S	1750 - 3825 S	35
South Service Rd.	S	3825 - 4025 S	45
Service Rd. Crossunder 1	E & W	2275 - 2325 E	30
Service Rd. Crossunder 2	E & W	2275 - 2325 E	30
Service Rd. Crossunder 3	E & W	2275 - 2325 E	30
Service Rd. Crossunder 4	E & W	2275 - 2325 E	30
Service Rd. Crossunder 5	E & W	2275 - 2325 E	30
Service Rd. Crossunder 6	E & W	2275 - 2325 E	30
Service Rd. Crossunder 7	E & W	2275 - 2325 E	30
N. International Pkwy.	N	300 - 1300 S	55
S. International Pkwy.	S	300 - 1300 S	55
N. International Pkwy.	N	1300 - 1500 S	30

<u>Street</u>	<u>Direction</u>	<u>Hundred Block</u>	<u>Speed Limit (MPH)</u>
S. International Pkwy.	S	1300 - 1500 S	30
N. International Pkwy.	N	1500 - 3400 S	55
S. International Pkwy.	S	1500 - 3400 S	55
N. International Pkwy.	N	3400 - 3600 S	30
S. International Pkwy.	S	3400 - 3600 S	30
N. International Pkwy.	N	3700 - 4200 S	55
S. International Pkwy.	S	3700 - 4200 S	55
International Pkwy. Crossunder 1	E & W	2275 - 2325 E	30
International Pkwy. Crossunder 2	E & W	2275 - 2325 E	30
International Pkwy. Crossunder 3	E & W	2275 - 2325 E	30
International Pkwy. Crossunder 4	E & W	2275 - 2325 E	30
International Pkwy. Crossunder 5	E & W	2275 - 2325 E	30
International Pkwy. Flyover Bridge 5	E & W	2275 - 2325 E	30
East 9 <sup>th</sup> St.	E & W	2825 - 2925 E	30
East 14 <sup>th</sup> St.	E & W	2825 - 2925 E	30
East 16 <sup>th</sup> St.	E & W	2325 - 2425 E	30
East 23 <sup>rd</sup> St.	E & W	2950 - 3050 W	30
East 26 <sup>th</sup> St.	E & W	2975 - 3050 E	30
East 28 <sup>th</sup> St.	E & W	2900 - 3050-E	35
East 31 <sup>st</sup> St.	E & W	3050 - 3125 E	30
East 32 <sup>nd</sup> St.	E & W	3050 - 3125 E	30
East 37 <sup>th</sup> St.	E & W	2400 - 2600 E	30

<u>Street</u>	<u>Direction</u>	<u>Hundred Block</u>	<u>Speed Limit (MPH)</u>
East 38 <sup>th</sup> St.	E & W	2300 - 2400 E	30
East 39 <sup>th</sup> St.	E & W	2400 - 2600 E	30
North 16 <sup>th</sup> Ave.	N & S	2050 - 2150 S	30
North 24 <sup>th</sup> Ave.	N & S	1650 - 1825 S	30
North 28 <sup>th</sup> Ave.	N & S	950 - 1450 S	30
South 20 <sup>th</sup> Ave.	N & S	3675 - 4150 S	30
South 22 <sup>nd</sup> Ave.	N & S	3250 - 3350 S	30
South 24 <sup>th</sup> Ave.	N & S	3850 - 4025 S	30
South 26 <sup>th</sup> Ave.	N & S	3575 - 3900 S	35
South 31 <sup>st</sup> Ave.	N & S	3175 - 3275 S	30
West 17 <sup>th</sup> St.	E & W	1150 - 1550 E	30
West 19 <sup>th</sup> St.	E & W	1450 - 1700 E	35
West 20 <sup>th</sup> St.	E & W	1450 - 1750 E	30
West 21 <sup>st</sup> St.	E & W	1475 - 1650 E	30
West 23 <sup>rd</sup> St.	E & W	1550 - 1600 E	30
West 27 <sup>th</sup> St.	E & W	1575 - 1600 E	30
West 31 <sup>st</sup> St.	E & W	2200 - 2275 E	30
West 32 <sup>nd</sup> St.	E & W	2200 - 2275 E	30
West 33 <sup>rd</sup> St.	E & W	2100 - 2275 E	30
Freeport Pkwy.	N & S	1500 S	30
Mid-Cities Blvd.	E & W	1650 - 1850 E	40
Royal Lane	N & S	725 - 1375 S	35
Texan Trail	N & S	1400 - 1600 S	30
Rental Car Dr.	E & W	2275 - 2800 E	35

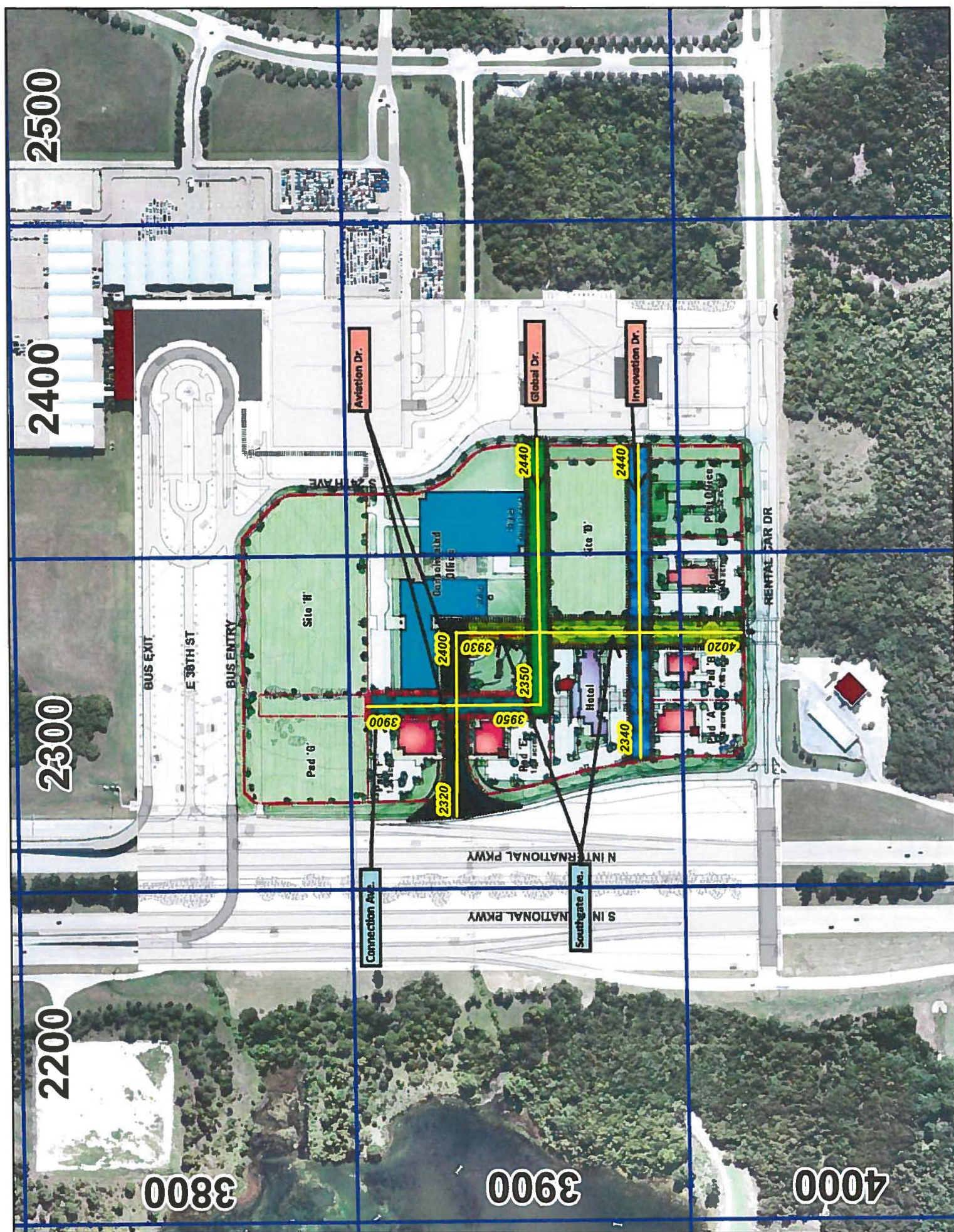
<u>Street</u>	<u>Direction</u>	<u>Hundred Block</u>	<u>Speed Limit (MPH)</u>
South Garage Dr.	E & W	2400 - 2500 E	30
Bus Entry/RCC	E & W	2200 - 2400 E	30
Bus Exit/RCC	E & W	2300 - 2400 E	30
Center Garage Dr.	E & W	2500 E	30
North Garage Dr.	E & W	2400 - 2500 E	30
Passport Ave.	N & S	3600 - 4000 S	35
S. W. Construction Rd.	N & S	2550 - 3175 S	20
S. W. Construction Rd.	N & S	3175 - 3425 S	35
S. W. Construction Rd.	E & W	1800 - 2100 E	35
Trade Ave.	N & S	800 - 1075 S	30
Regent Blvd.	E & W	2575 - 2925 E	30
Regent Blvd.	N & S	725 - 925 S	30
Corporate Dr.	N & S	750 - 1025 S	30
Bear Creek Ct.	N & S	3500 - 3600 S	30
Minters Chapel Rd.	N & S	1500 - 1600 S	30
Plaza Dr.	E & W	2925 - 2950 E	30
Carbon Rd.	N & S	3125 - 3150 S	30
Carbon Rd.	E & W	3050 - 3175 E	30
Glade Rd.	E & W	1200 - 1600 E	35
S. Main St.	N & S	1650 - 1750 S	30
Esters Rd.	E & W	2425 - 2925 E	30
W. Walnut Hill Ln.	E & W	2325 - 3075	45
Mustang Drive	E & W	1125 - 1450 E	45
Stone Meyers Parkway	N & S	700 - 875 S	40

<u>Street</u>	<u>Direction</u>	<u>Hundred Block</u>	<u>Speed Limit (MPH)</u>
<u>Connection Ave.</u>	<u>N &amp; S</u>	<u>3950 – 3900 S</u>	<u>20</u>
<u>Southgate Ave.</u>	<u>N &amp; S</u>	<u>4020 – 3930 S</u>	<u>20</u>
<u>Aviation Dr.</u>	<u>E &amp; W</u>	<u>2320 – 2400 E</u>	<u>20</u>
<u>Global Dr.</u>	<u>E &amp; W</u>	<u>2350 – 2440 E</u>	<u>20</u>
<u>Innovation Dr.</u>	<u>E &amp; W</u>	<u>2340 – 2440 E</u>	<u>20</u>

Street	Direction	Hundred Block	Speed Limit (MPH)
Connection Ave.	N & S	3950 - 3900 S	20
Southgate Ave.	N & S	4020 - 3930 S	20
Aviation Dr.	E & W	2320 - 2400 E	20
Global Dr.	E & W	2350 - 2440 E	20
Innovation Dr.	E & W	2340 - 2440 E	20

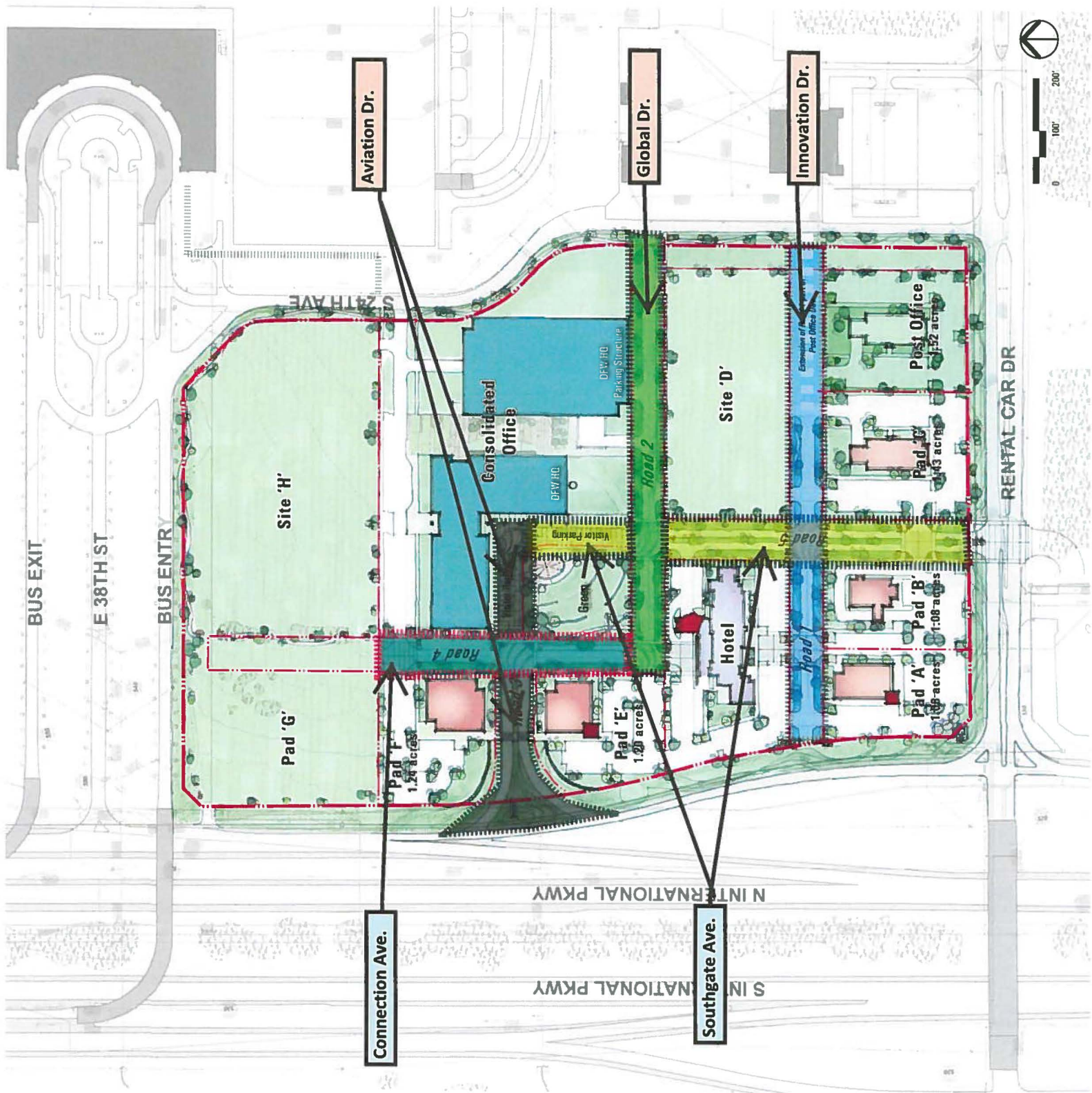














## **AGENDA ITEMS # 14,15**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

**DEPARTMENT:** Public Works Department  
Water Utilities

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

**MAPSCO:** 5V 15M 15T 23B 23F 23G 23J 23L 23Q 25B 25C 25G 25H  
25L 27M 27R 34X 38S 38T 39E 39F 39J 39K 45D 45L 45P  
47D 48X 48Y 53G 54D 54E 54F 54H 54K 54N 54S 54V 55V  
55Z 56W 56X 58B 58C 58X 63Y 64J 64N 66A 66B 66Q

---

### **SUBJECT**

#### **Street Resurfacing and Street Improvements for 2014**

- \* Authorize a contract with NPL Construction Company, Inc., lowest responsible bidder of four, in the amount of \$14,648,832 for the construction of pavement surface improvements for Street Resurfacing and Street Improvements for 2014 (list attached) - Not to exceed \$14,648,832 - Financing: General Obligation Commercial Paper Funds (\$14,555,136) and Water Utilities Capital Construction Funds (\$93,696)
- \* Authorize a professional services contract with Kleinfelder Central, Inc., to provide construction material testing during the construction of the Street Resurfacing and Street Improvements for 2014 - Not to exceed \$187,139 - Financing: General Obligation Commercial Paper Funds

#### **BACKGROUND**

Street resurfacing and other related street improvements will be performed on streets specifically identified within the 2012 Capital Improvements Bond Program. Improvements consist of repairs to the pavement, pavement markings and barrier-free ramps. Limited curb and gutters, sidewalks and drive approaches will be replaced as required. This action will authorize a contract for the construction of pavement surface improvements for Street Resurfacing and Street Improvements for 2014.

## **BACKGROUND (Continued)**

This contract will provide resurfacing for 48 street segments for a total of 59.79 lane miles currently in unsatisfactory condition. Pavement markings will be placed as needed and utility manholes will be adjusted level with the road surfaces as required. Water valve stacks and wastewater manholes, and other related items will be adjusted in conjunction with the street improvements.

Material testing services will be performed during the construction of the Street Resurfacing and Street Improvements for 2014. These testing services are required to assure that the material utilized during construction is in conformance with the quality required by the project specifications. This action will authorize a professional services contract for the material testing services for pavement surface improvements of the Street Resurfacing and Street Improvements for 2014.

Kleinfelder Central, Inc. has successfully performed numerous projects within several previous Master Agreement Contracts for construction material testing services and geo-technical investigations within the City of Dallas for several City Departments.

The following chart shows NPL Construction Company, Inc. completed contractual activities for the past three years:

	<b><u>PBW</u></b>	<b><u>WTR</u></b>	<b><u>PKR</u></b>
Projects Completed	0	2	0
Change Orders	0	0	0
Projects Requiring Liquidated Damages	0	0	0
Projects Completed by Bonding Company	0	0	0

## **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	May 2014
Complete Construction	December 2014

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

## **FISCAL INFORMATION**

### **Resolution 1 - NPL Construction Company, Inc.**

2012 Bond Program (General Obligation Commercial Paper Funds) - \$14,555,135.25

Water Utilities Capital Construction Funds - \$93,696.25

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 1,554,711.45
2	\$ 998,641.12
3	\$ 845,961.34
4	\$ 2,223,215.95
5	\$ 947,444.33
6	\$ 482,340.27
7	\$ 573,080.38
8	\$ 589,370.27
9	\$ 1,805,344.84
10	\$ 757,060.32
11	\$ 614,867.49
12	\$ 167,481.74
13	\$ 2,350,499.69
14	<u>\$ 738,812.31</u>
Total	\$14,648,831.50

**FISCAL INFORMATION** (Continued)**Resolution 2 - Kleinfelder Central, Inc.**

2006 Bond Program (General Obligation Commercial Paper) - \$187,138.75

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 19,861.43
2	\$ 12,757.64
3	\$ 10,807.15
4	\$ 28,401.57
5	\$ 12,103.60
6	\$ 6,161.89
7	\$ 7,321.10
8	\$ 7,529.20
9	\$ 23,063.27
10	\$ 9,671.44
11	\$ 7,854.93
12	\$ 2,139.58
13	\$ 30,027.63
14	<u>\$ 9,438.32</u>
Total	\$187,138.75

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION****NPL Construction Company, Inc.**

African-American Female	0	African-American Male	14
Hispanic Female	1	Hispanic Male	100
White Female	1	White Male	40
Other Female	0	Other Male	1



## **ETHNIC COMPOSITION** (Continued)

### **Kleinfelder Central, Inc.**

African-American Female	6	African-American Male	39
Hispanic Female	6	Hispanic Male	195
White Female	37	White Male	147
Other Female	1	Other Male	5

## **BID INFORMATION**

The following bids were received and opened on February 13, 2014:

\*Denotes successful bidder

### **BIDDERS**

### **BID AMOUNT**

*NPL Construction Company, Inc. 2820 Market Street Garland, Texas 75041	\$14,648,831.50
Texas Sterling Construction Company	\$15,104,955.00
Phillips May Corporation	\$15,773,333.00
Omega Contracting, Inc.	\$16,135,489.00

## **OWNER**

### **NPL Construction Company, Inc.**

James P. Kane, President

### **Kleinfelder Central, Inc.**

Aaron Cotton, Jr., Senior Project Manager

## **MAPS**

Attached.

## Street Resurfacing and Street Improvements for 2014

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Fifth Street (E)	Crawford Street to Denver Street	1
Edgefield Drive	Clarendon Drive to Illinois Avenue	1
Eli Avenue	Irwindell Boulevard to Brooklyndell Avenue	1
Jefferson Boulevard (W)	Beckley Avenue to Madison Avenue	1
Harry Hines Boulevard	Medical District Drive to Butler Street	2
Haskell Avenue	Lemmon Avenue to Ross Avenue	2
Jefferson Boulevard (W)	Polk Street to Rosemont Avenue	3
Hillburn Drive	Ravehill Lane to Piedmont Drive	4
Hume Drive	Piedmont Drive to Prichard Lane	4
Illinois Avenue	Orial Avenue to Michigan Avenue	4
Ravehill Lane	Waycross Drive to Prichard Lane	4
Sunnyvale Street	Kiest Boulevard to Ann Arbor Avenue	4

## Street Resurfacing and Street Improvements for 2014

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Ann Arbor Avenue	Bonnie View Road to Cranfill Drive	5
Bonnie View Road	Cummings Street to Great Trinity Forest Way	5
Lake Placid Drive	Reynoldston Lane to Swansee Street	5
Southwell Road	Harry Hines Boulevard to Denton Drive	6
Dale Crest Drive	Park Lane to Walnut Hill Lane	6
Harwich Drive	Park Lane to Walnut Hill Lane	6
Claremont Drive	Highland Road to Ferguson Road	7
Wild Oak Drive	Highland Road to Stonycreek Drive	7
Chaucer Place	Camp Wisdom Road to Kirnwood Drive	8
Flagstaff Drive	Simpson Stuart Road to end of pavement	8
Olusta Drive	South Murdeaux Lane to Forsythe Drive	8
Cotillion Drive	Shiloh Road to Plummer Drive	9
Mercer Circle	Mercer Drive to EOP	9

## Street Resurfacing and Street Improvements for 2014

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Mercer Drive	Vinewood Drive to Buckner Boulevard	9
Mercer Place	Mercer Drive to EOP	9
Plummer Drive	Strayhorn Drive to Ferguson Road	9
Sandra Lynn Drive	Dunaway Drive to Mandalay Drive	9
Ferndale Road	Walnut Hill Lane to Vistadale Drive	10
Brookridge Drive	Spring Valley Road to end of pavement	11
Churchill Way	Whitley Drive to Preston Road	11
Hillcrest Road	Northaven Road to Currin Drive (NB Lane only)	11
Royal Crest Drive	West Ricks Circle to Preston Road	11
Windy Ridge Drive	Meadowcreek Drive to Arbor Downs Drive	12
Selecman Drive	La Sobrina Drive to Foxworth Drive	12
Caraway Drive	Latham Drive to Northaven Road	13
Countess Drive	Camelot Drive to end of pavement of Regent Drive	13

## Street Resurfacing and Street Improvements for 2014

<b><u>Project</u></b>	<b><u>Limits</u></b>	<b><u>Council District</u></b>
Dale Crest Drive	Walnut Hill Lane to Citation Drive	13
Duchess Trail	Royal Club Lane to Marquis Lane	13
Earlshire Drive	Regent Drive to Royal Lane	13
Harwich Drive	Walnut Hill Lane to Timberview Road	13
Marquis Lane	Norcross Lane to Royal Lane	13
Regent Drive	Webb Chapel Lane to Countess Drive	13
Royal Club Lane	Merrell Road to Regent Drive	13
Silverton Drive	Dennis Road to Caraway Drive	13
Thackery Street	Waggoner Drive to Royal Lane	13
Main Street	Harwood Street to Lamar Street	14

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a contract with NPL Construction Company, Inc., lowest responsible bidder of four, in the amount of \$14,648,832 for the construction of pavement surface improvements for Street Resurfacing and Street Improvements for 2014 (list attached) - Not to exceed \$14,648,832 - Financing: General Obligation Commercial Paper Funds (\$14,555,136) and Water Utilities Capital Construction Funds (\$93,696)

NPL Construction 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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$14,257,713.50	97.33%
Total non-local contracts	\$391,118.00	2.67%
<b>TOTAL CONTRACT</b>	<b>\$14,648,831.50</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Onyx Paving & Utility	HMDL15313N0214	\$1,708,053.00	11.98%
Rodriguez Concrete Construction	HMMB58412N0814	\$1,708,053.00	11.98%
<b>Total Minority - Local</b>		<b>\$3,416,106.00</b>	<b>23.96%</b>

#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Roadmaster Striping	HMDB60153Y0215	\$244,630.00	62.55%
Cow Town Redi Mix Concrete	WFDB57742Y0614	\$146,488.00	37.45%
<b>Total Minority - Non-local</b>		<b>\$391,118.00</b>	<b>100.00%</b>

**TOTAL M/WBE CONTRACT PARTICIPATION**

	<b><u>Local</u></b>	<b><u>Percent</u></b>	<b><u>Local &amp; Non-Local</u></b>	<b><u>Percent</u></b>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$3,416,106.00	23.96%	\$3,660,736.00	24.99%
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%	\$146,488.00	1.00%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$3,416,106.00	23.96%	\$3,807,224.00	25.99%

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize a professional services contract with Kleinfelder Central, Inc., to provide construction material testing during the construction of the Street Resurfacing and Street Improvements for 2014 - Not to exceed \$187,139 - Financing: General Obligation Commercial Paper Funds

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:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY**

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$187,138.75	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$187,138.75</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION**

#### **Local Contractors / Sub-Contractors**

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Alliance Geotechnical Group	BMDB59500Y1214	\$18,713.88	10.00%
Mastek Engineering	BMDB60577Y0315	\$18,713.88	10.00%
<b>Total Minority - Local</b>		<b>\$37,427.76</b>	<b>20.00%</b>

#### **Non-Local Contractors / Sub-Contractors**

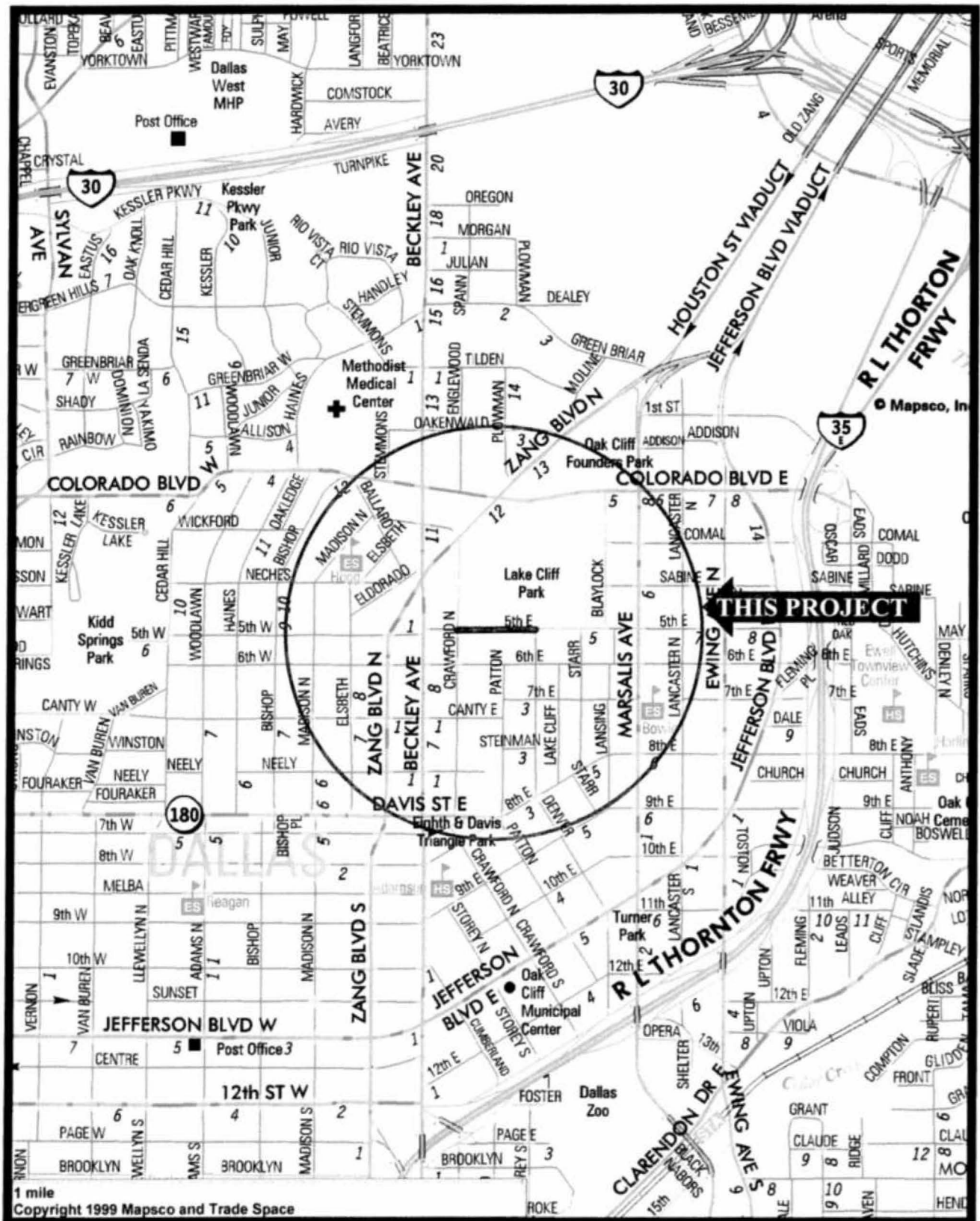
None

### **TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$37,427.76	20.00%	\$37,427.76	20.00%
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%
<b>Total</b>	<b>\$37,427.76</b>	<b>20.00%</b>	<b>\$37,427.76</b>	<b>20.00%</b>

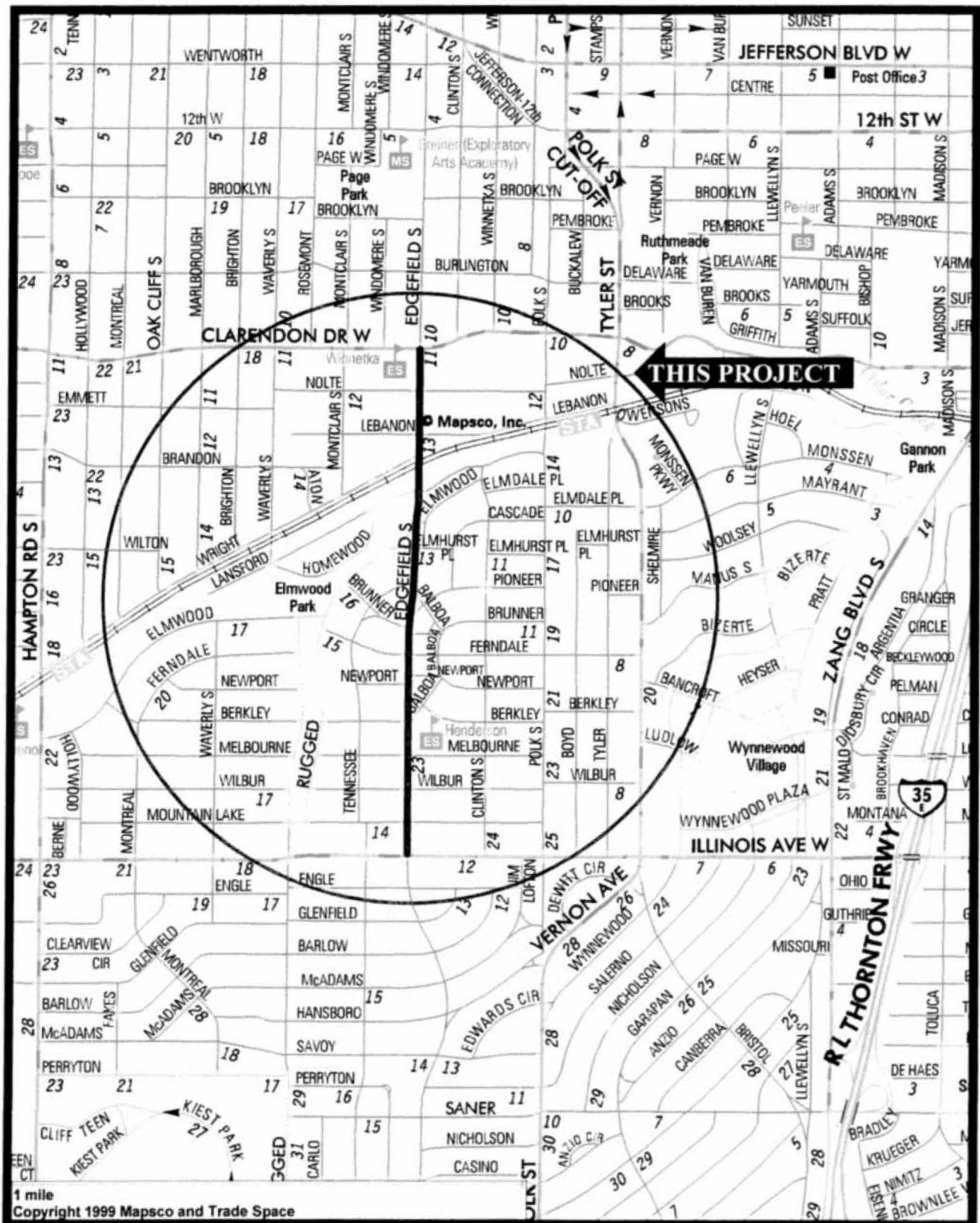


# 5th STREET (E)



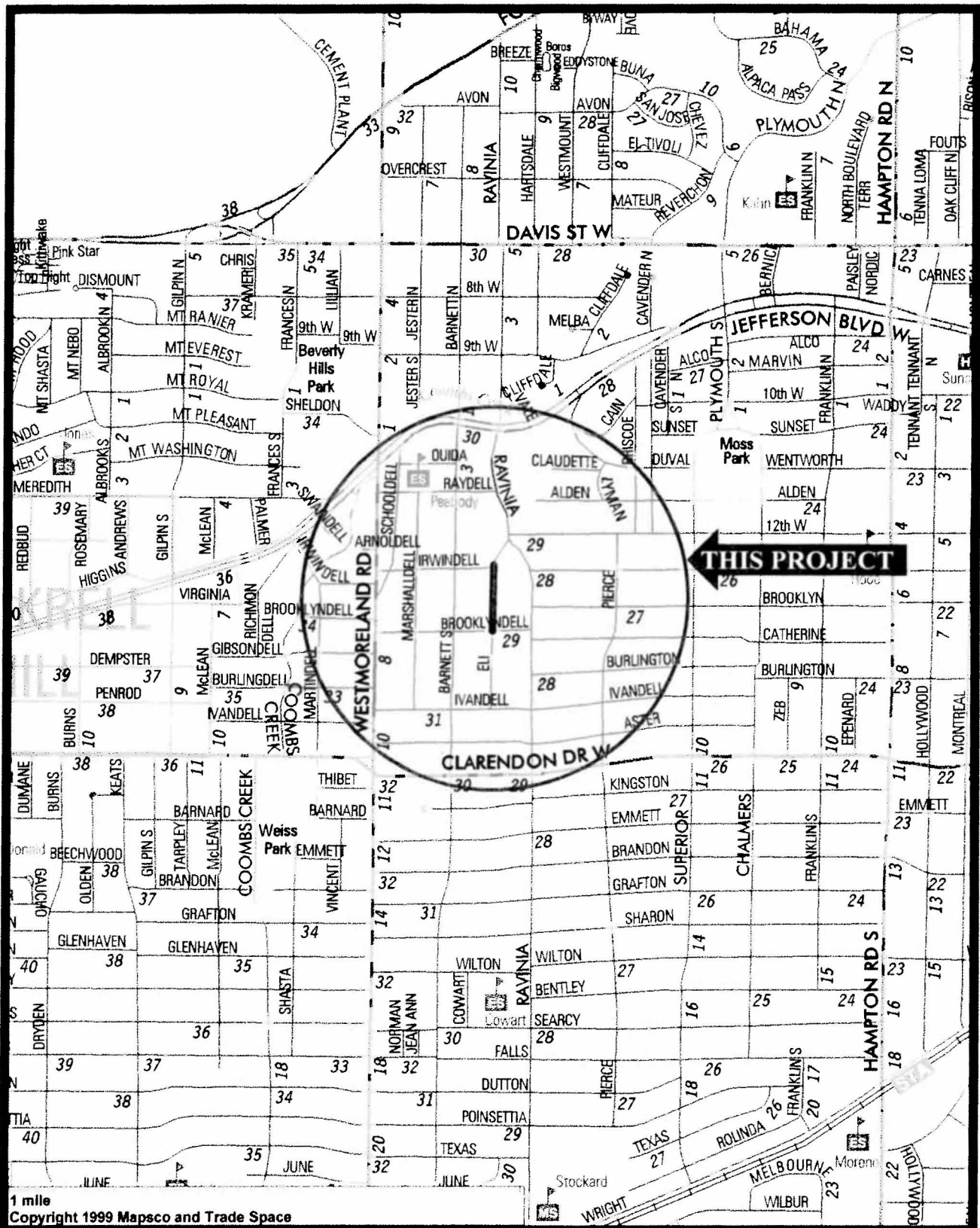
MAPSCO 54-D

# EDGEFIELD AVENUE



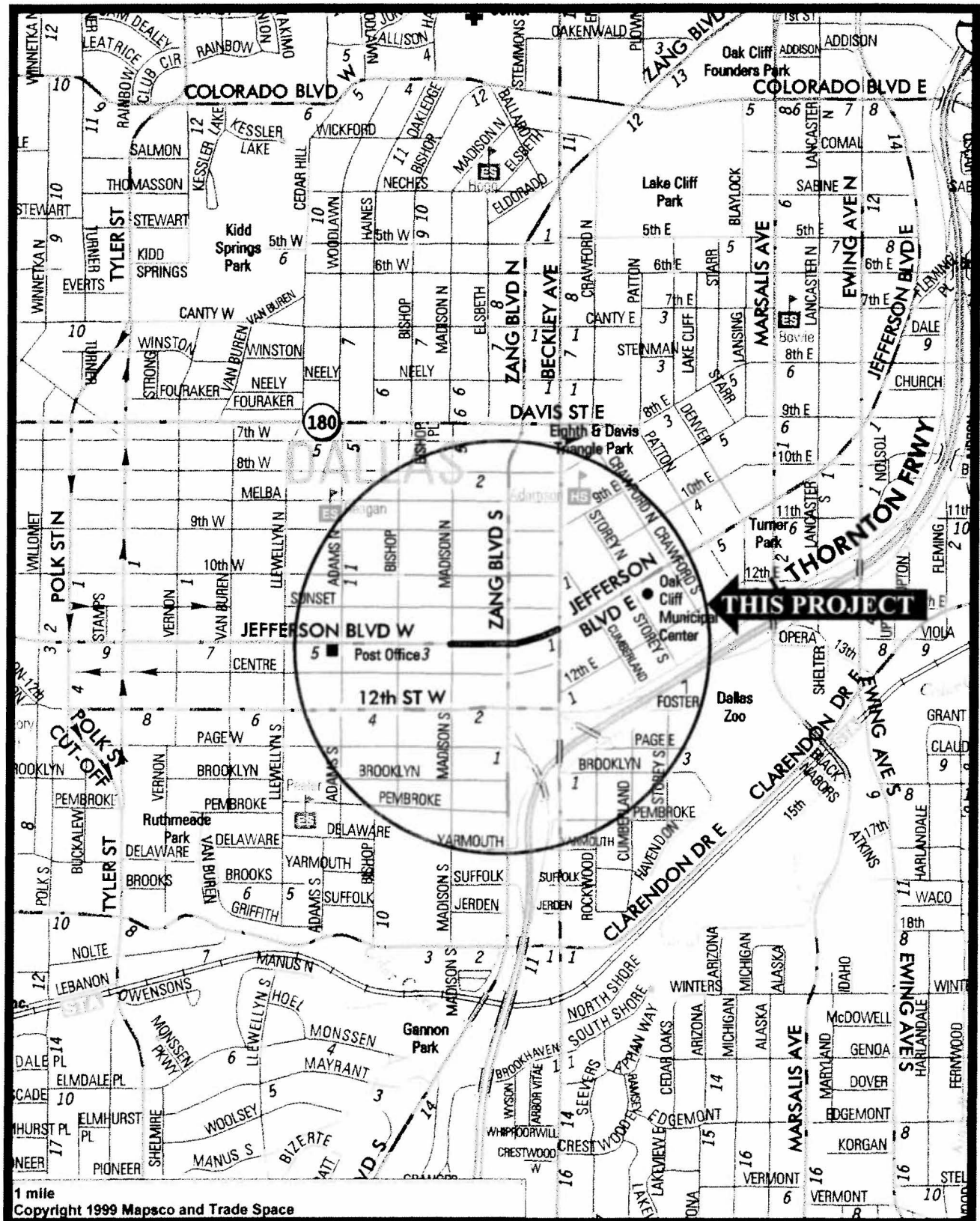
MAPSCO 54-K, N, S

# ELI AVENUE



# MAPSCO 53-G

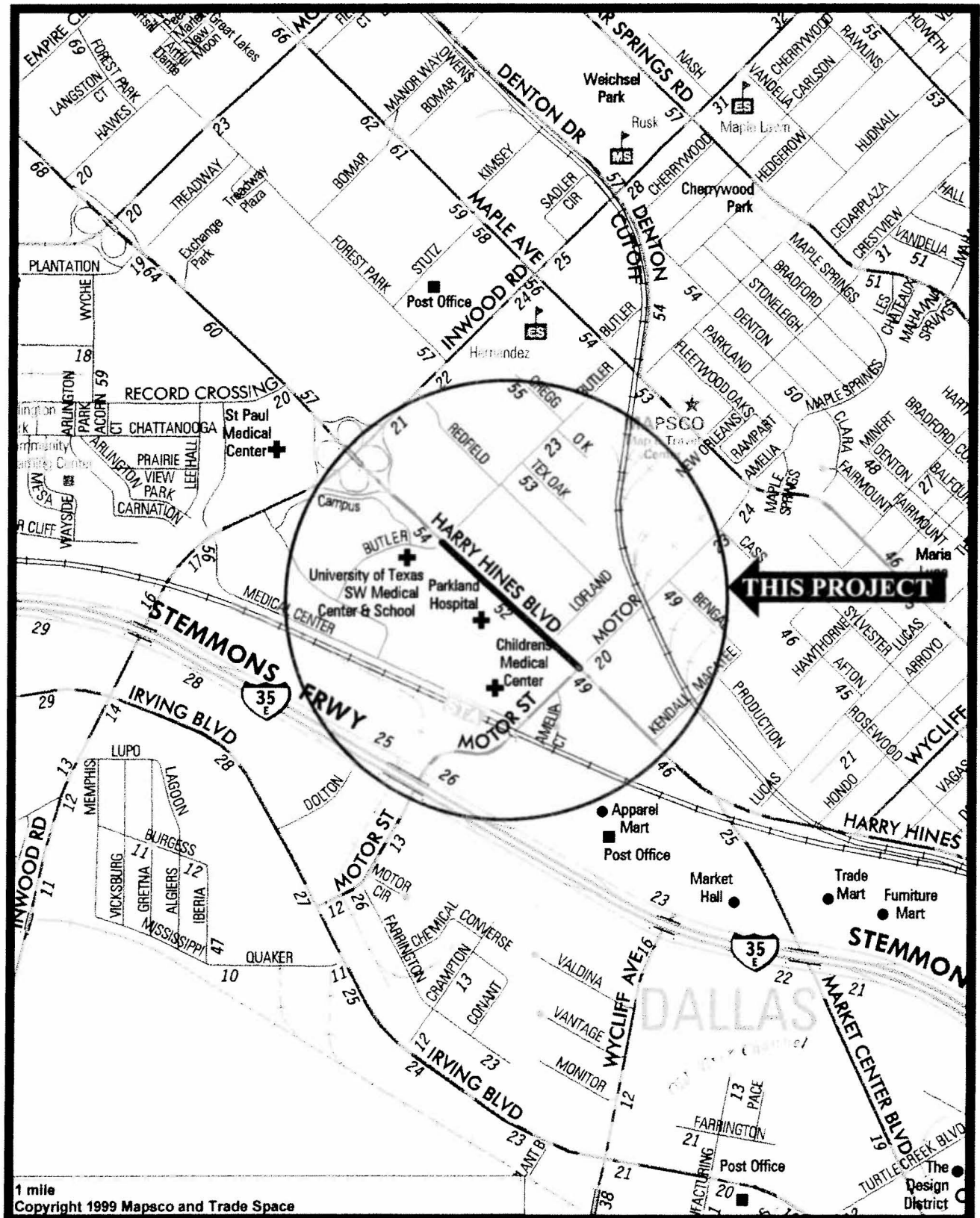
# JEFFERSON BLVD.



MAPSCO 54-H

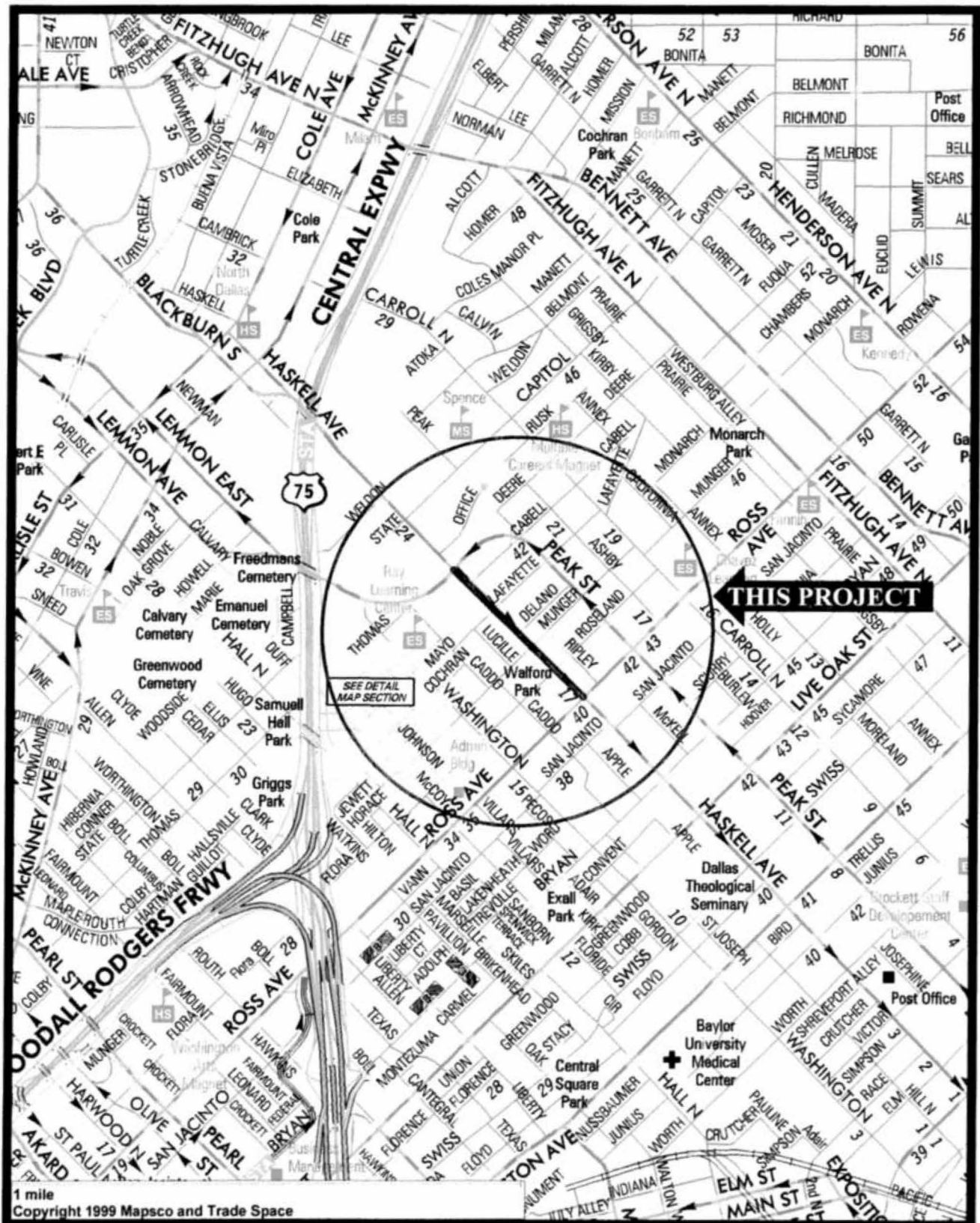


# HARRY HINES BLVD.



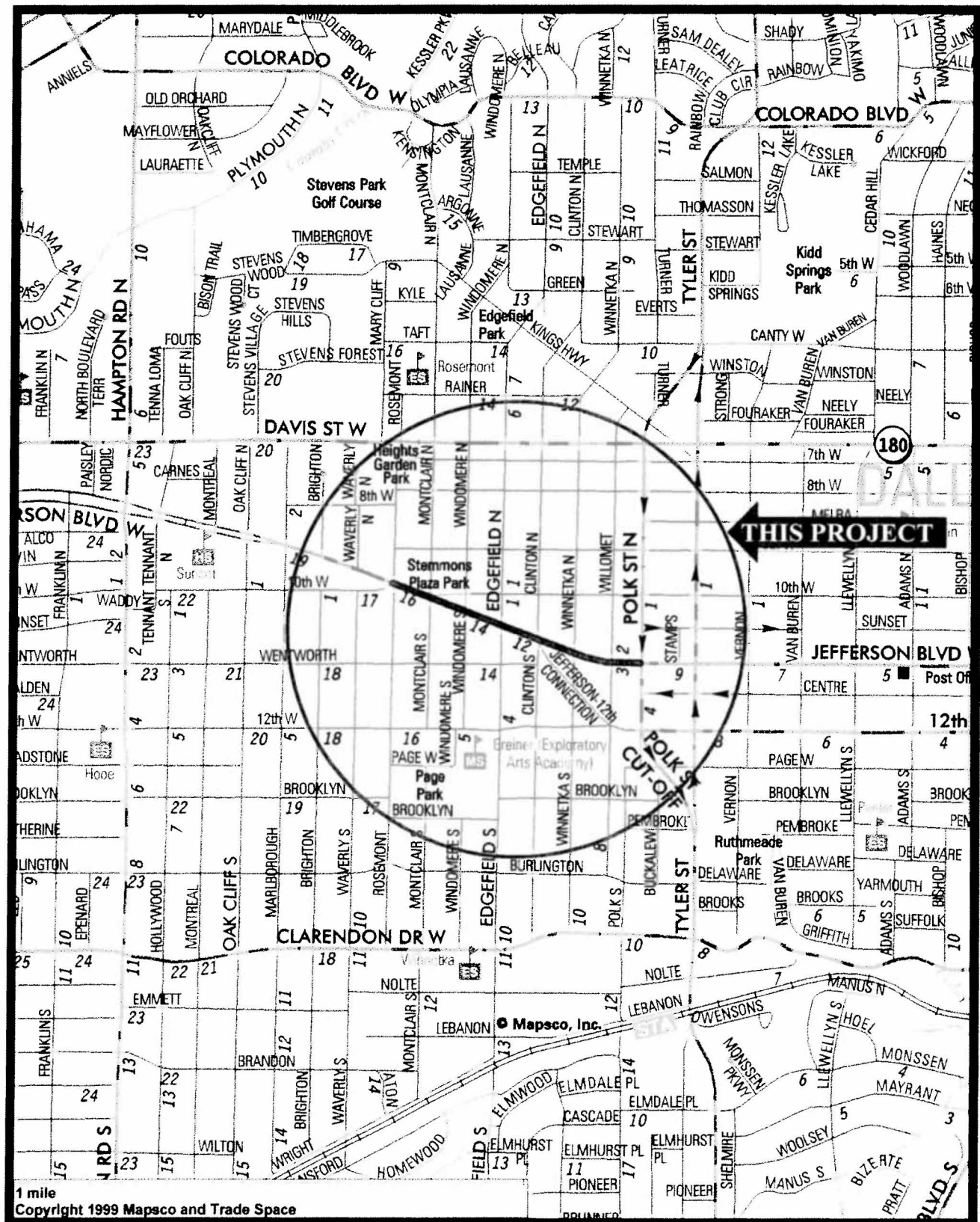
MAPSCO 34-X

# HASKELL AVENUE



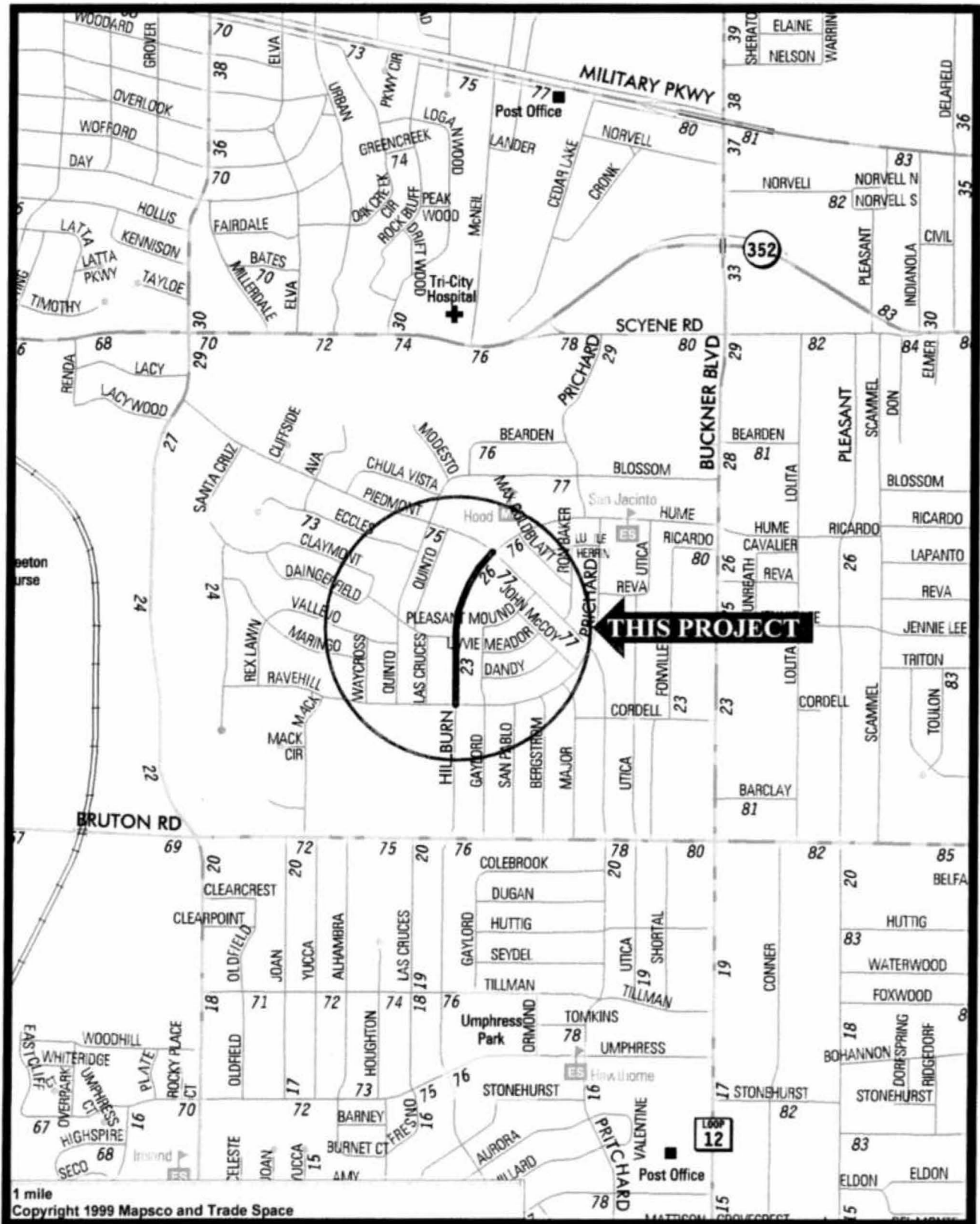
MAPSOC 45-D

# JEFFERSON BLVD.



MAPSCO 54-E, F

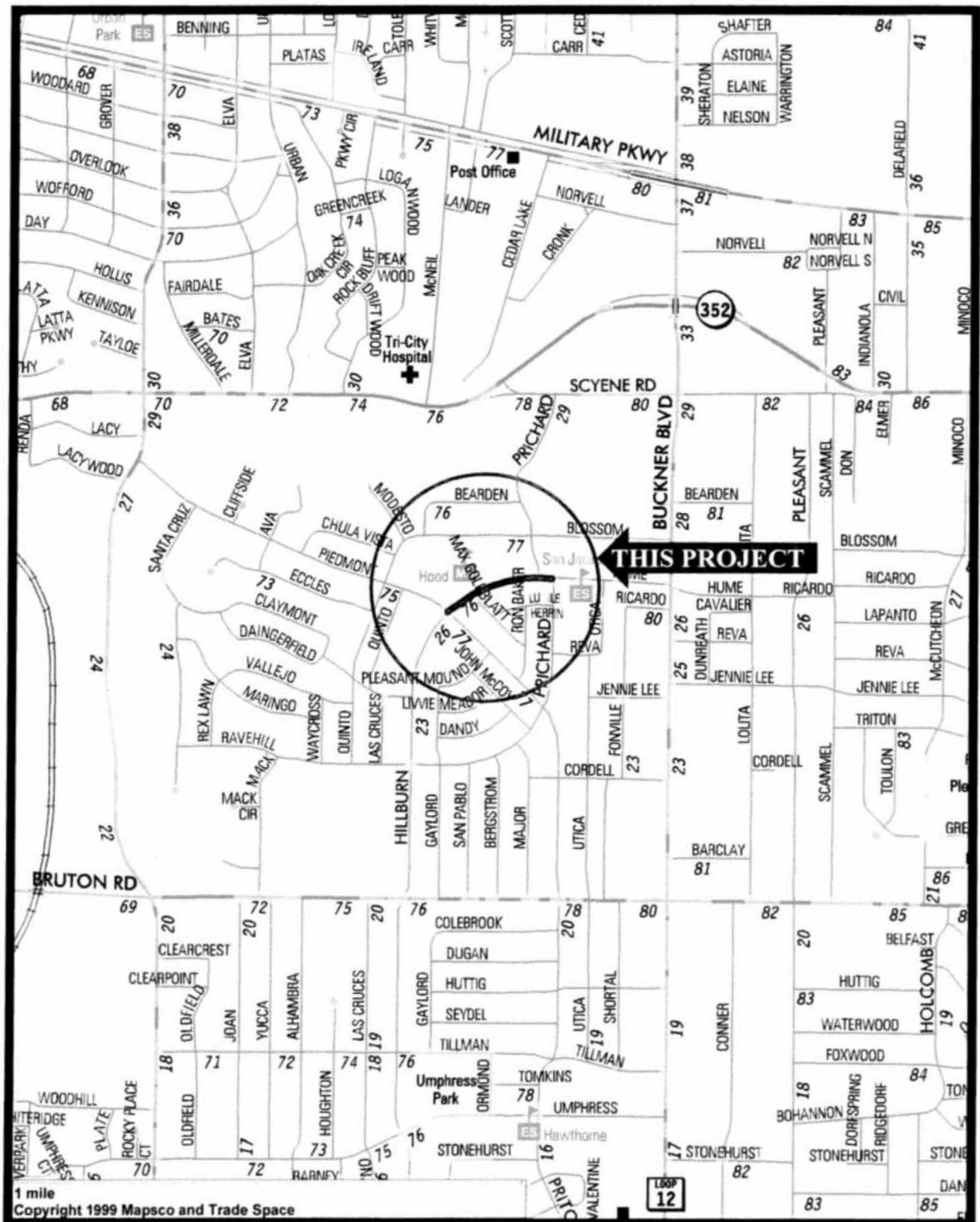
**HILLBURN DRIVE**



**MAPSCO 48-X, 58-B**

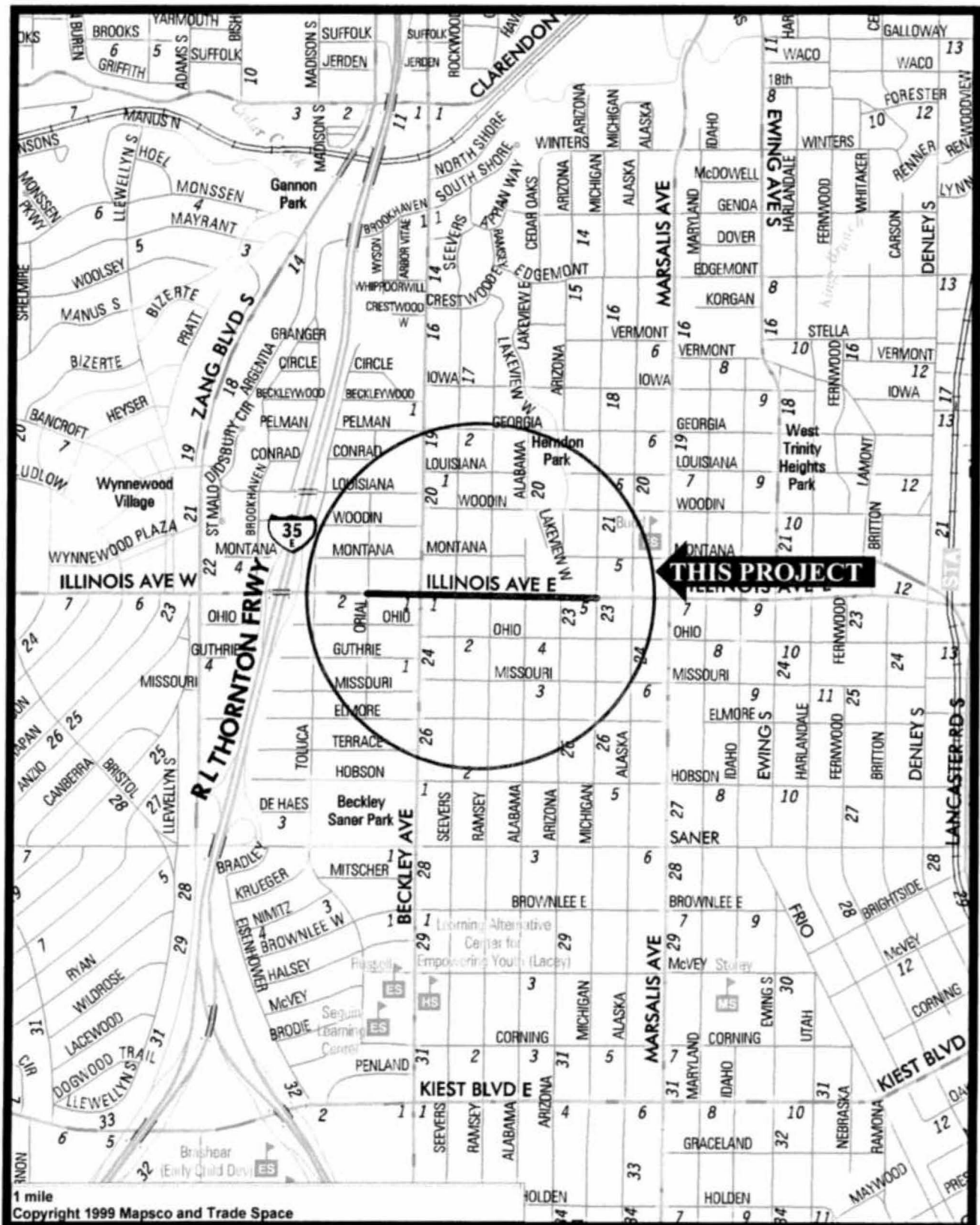


# HUME DRIVE



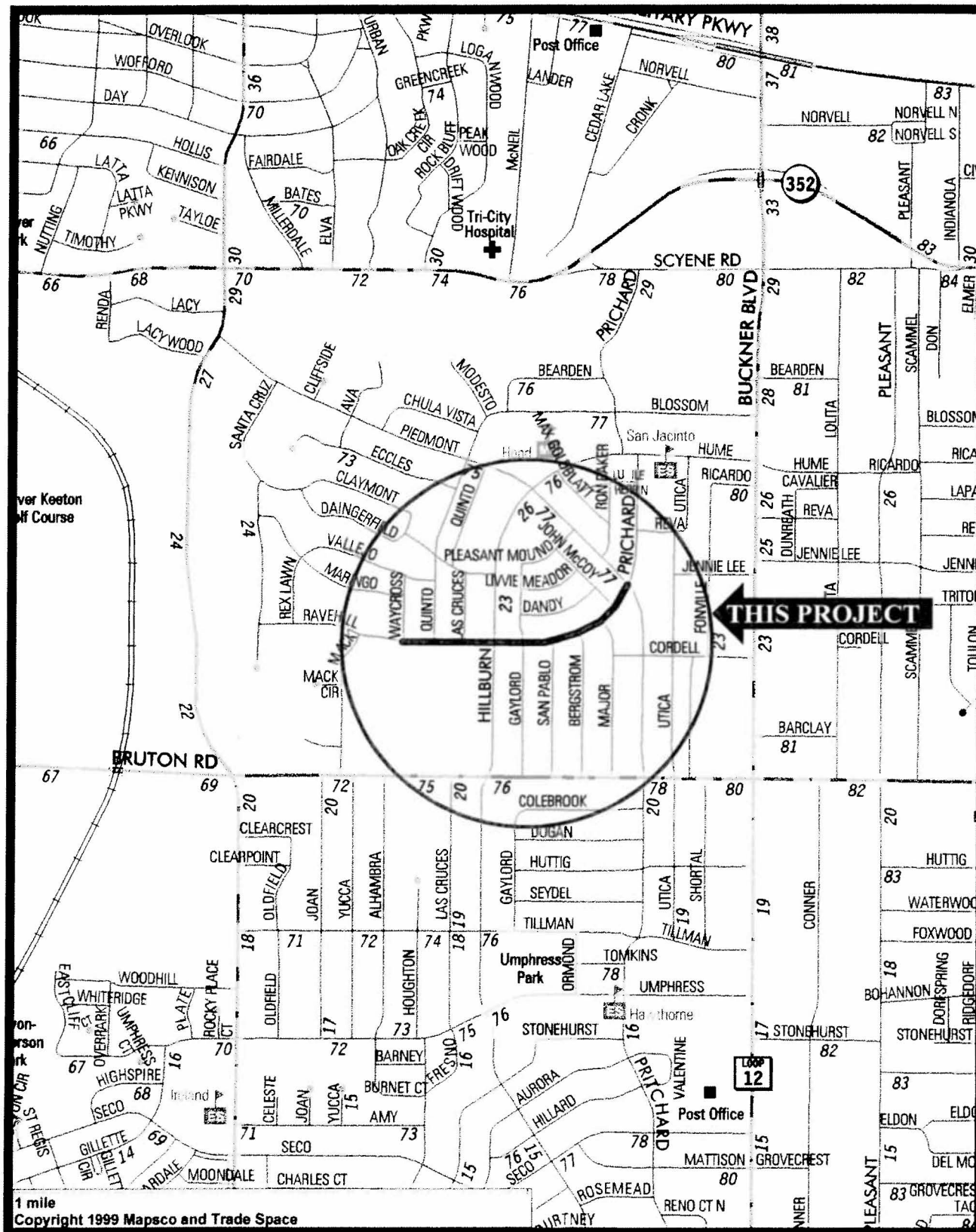
MAPSCO 48-X, Y

# ILLINOIS AVENUE



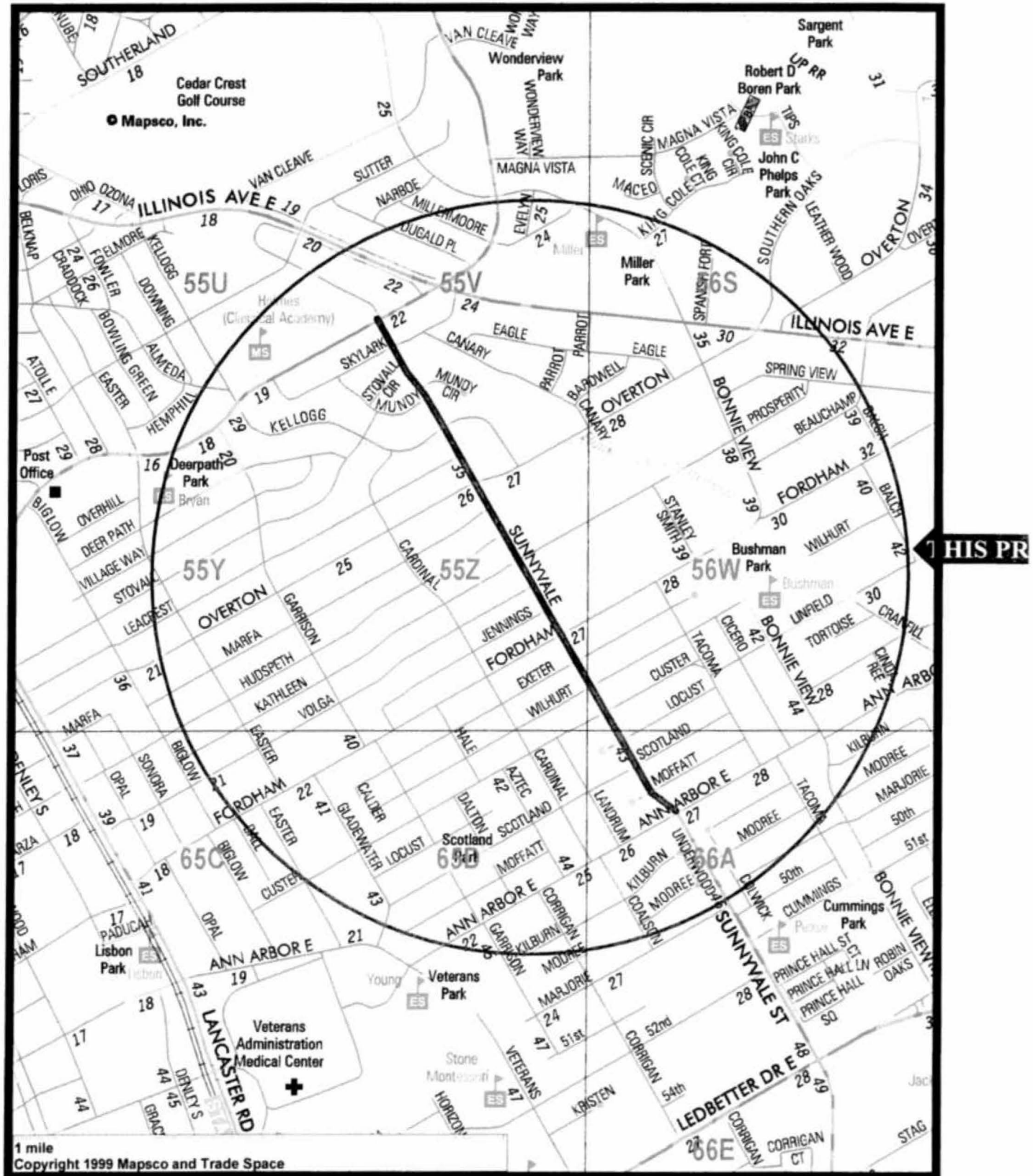
MAPSCO 54-V

# RAVEHILL LANE



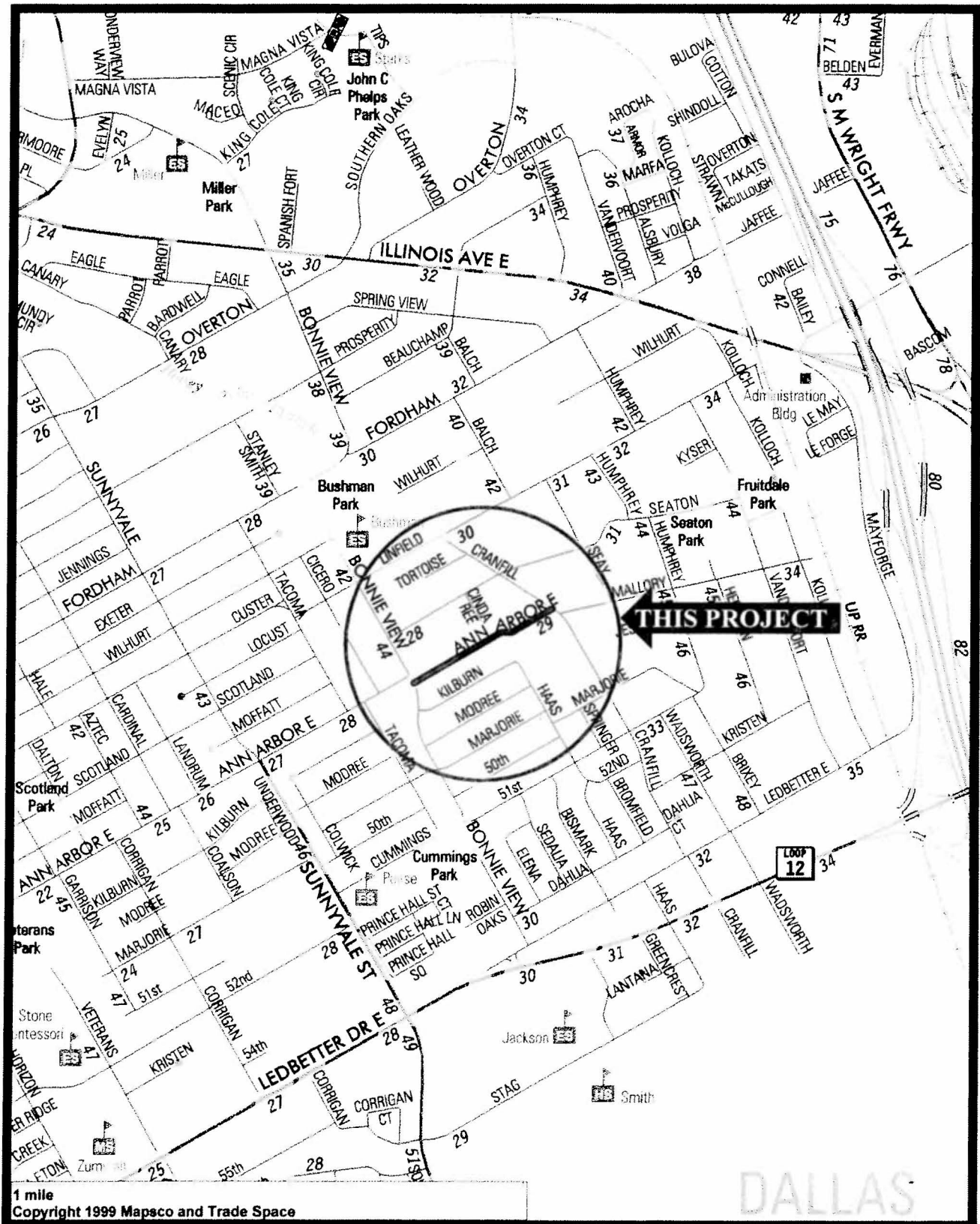
MAPSCO 58-B, C

# SUNNYVALE STREET



MAPSCO 55-V, Z, 66-A

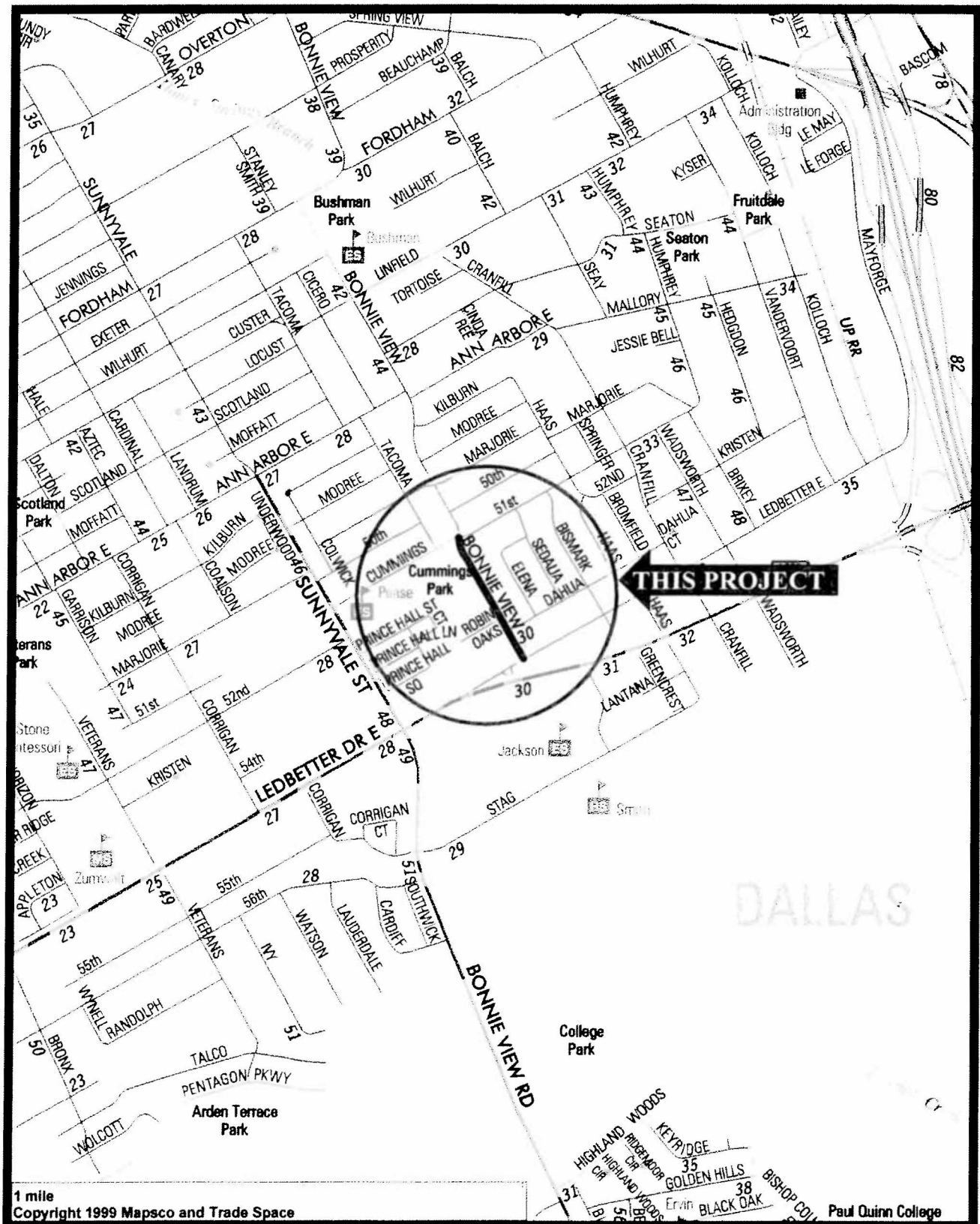
# ANN ARBOR AVENUE



MAPSCO 56-W, X

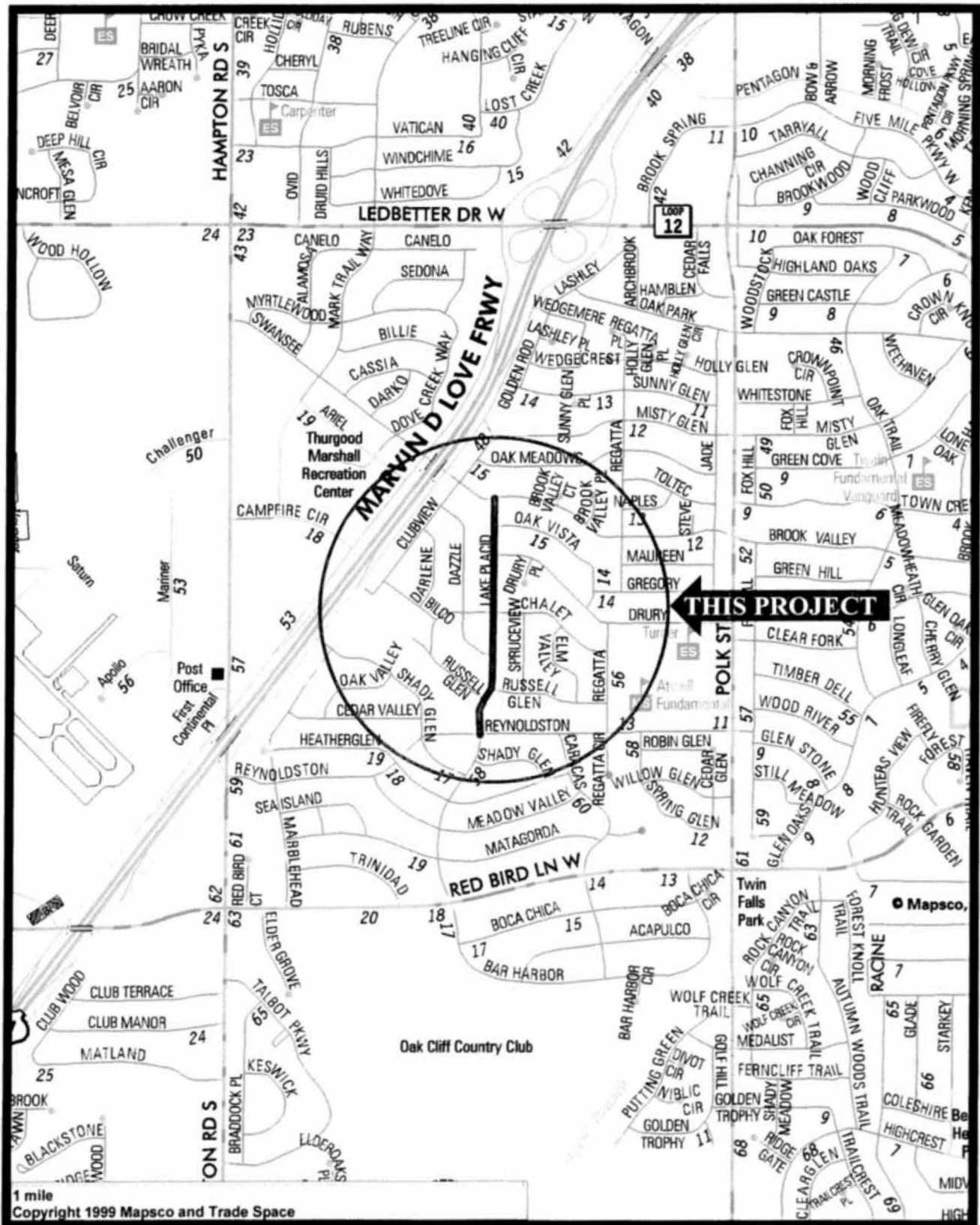


# BONNIE VIEW ROAD



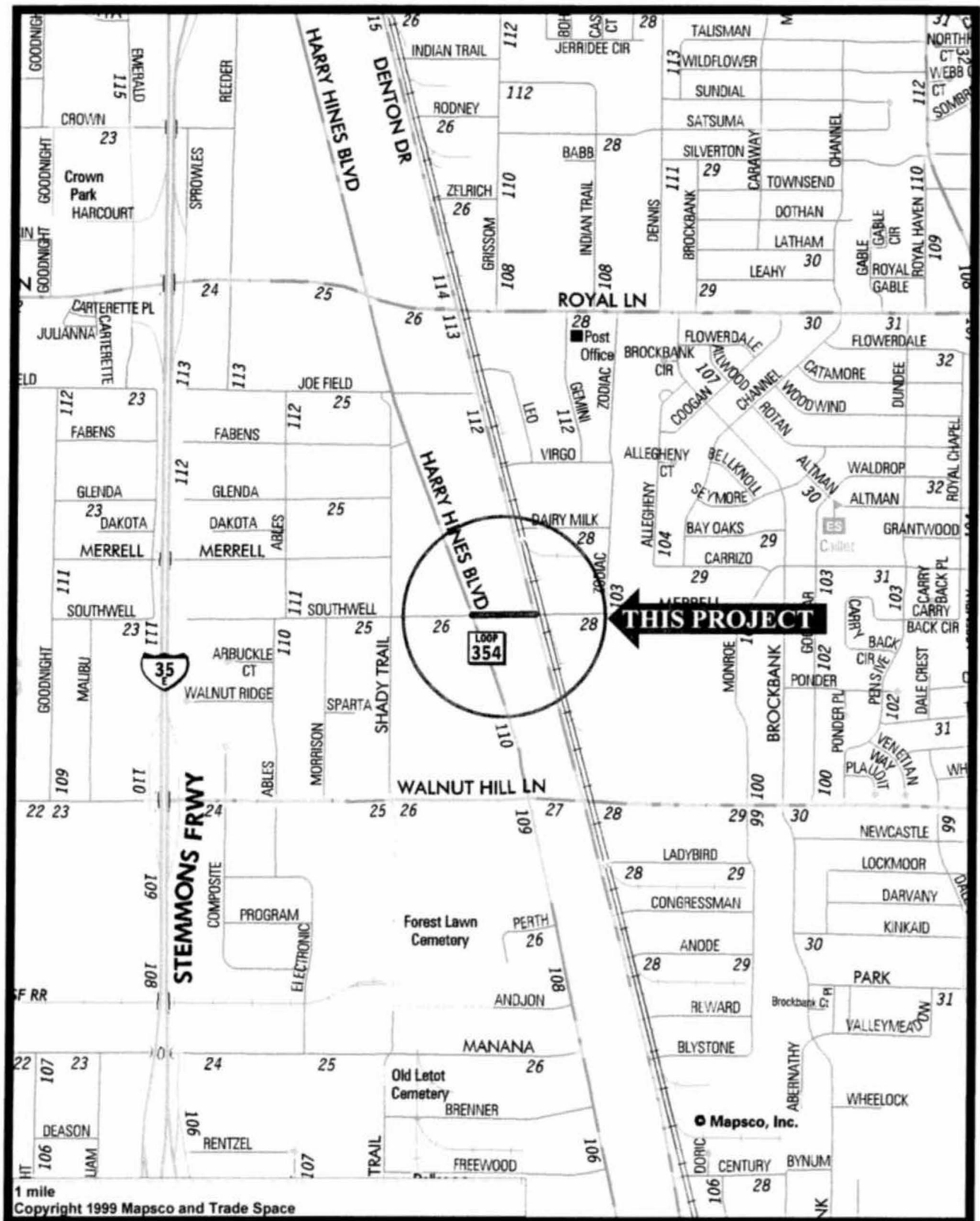
MAPSCO 66-B

# LAKE PLACID DRIVE



MAPSCO 64-J, N

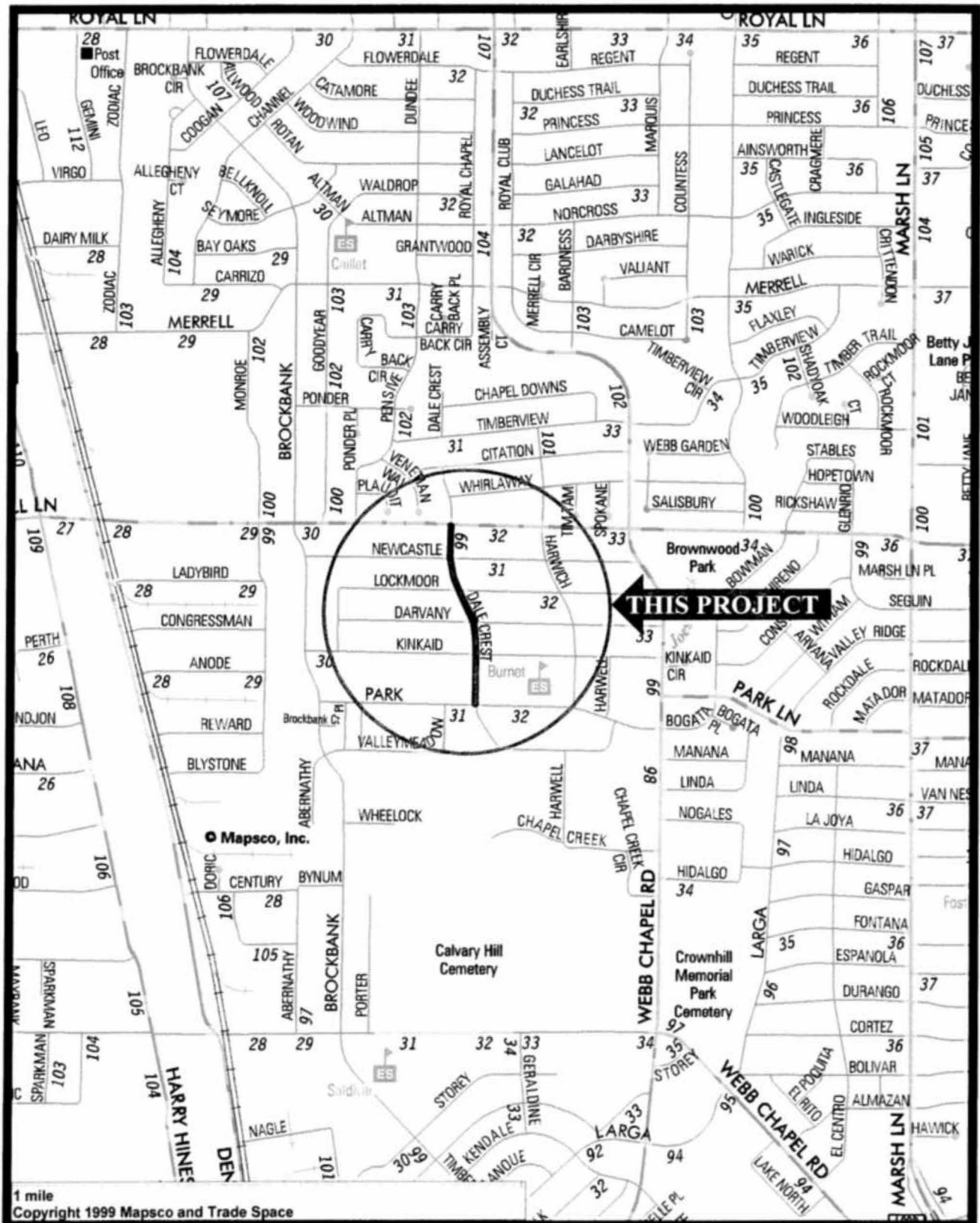
# SOUTHWELL ROAD



MAPSCO 23-J

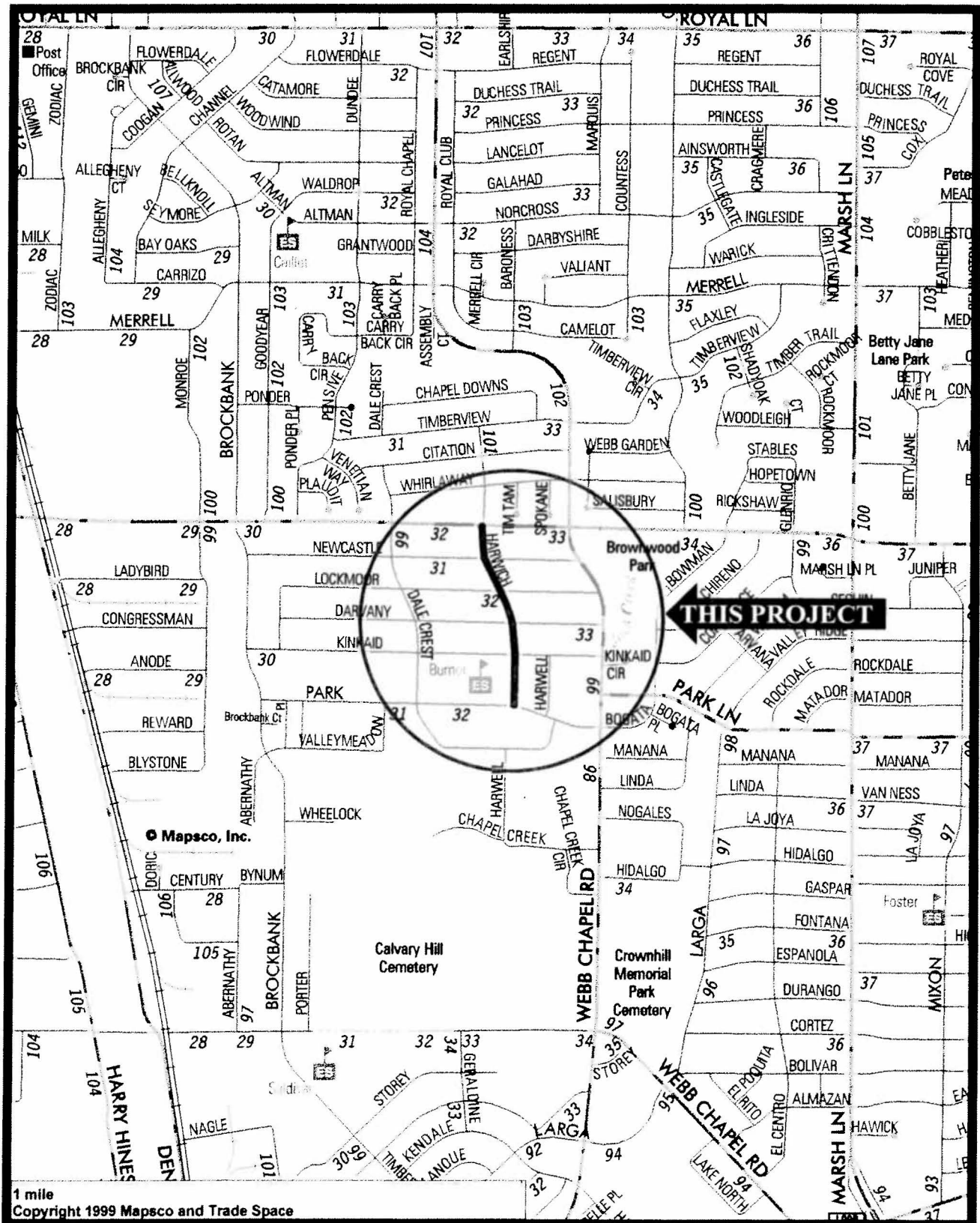


# DALE CREST DRIVE



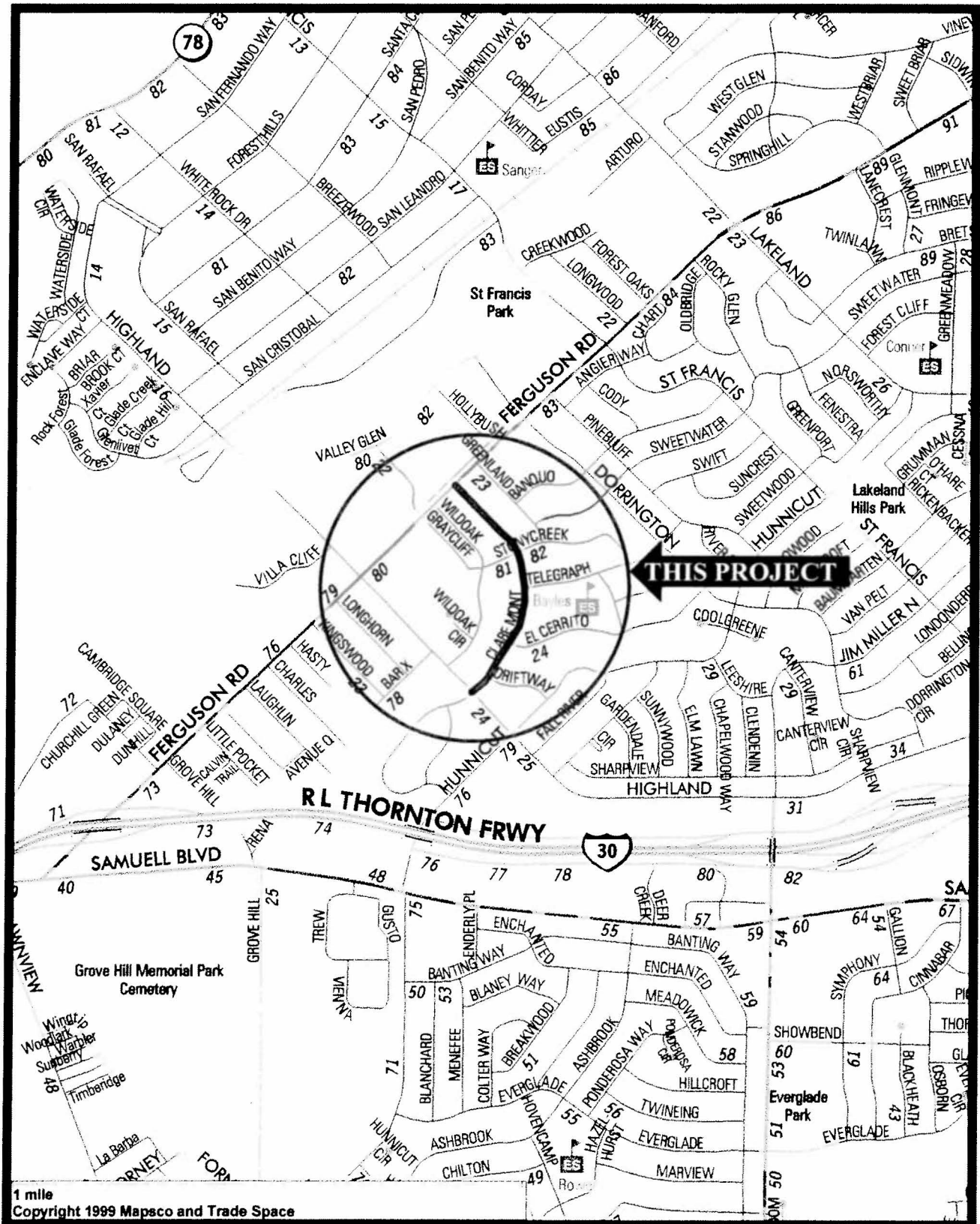
MAPSCO 23-Q

# HARWICH DRIVE

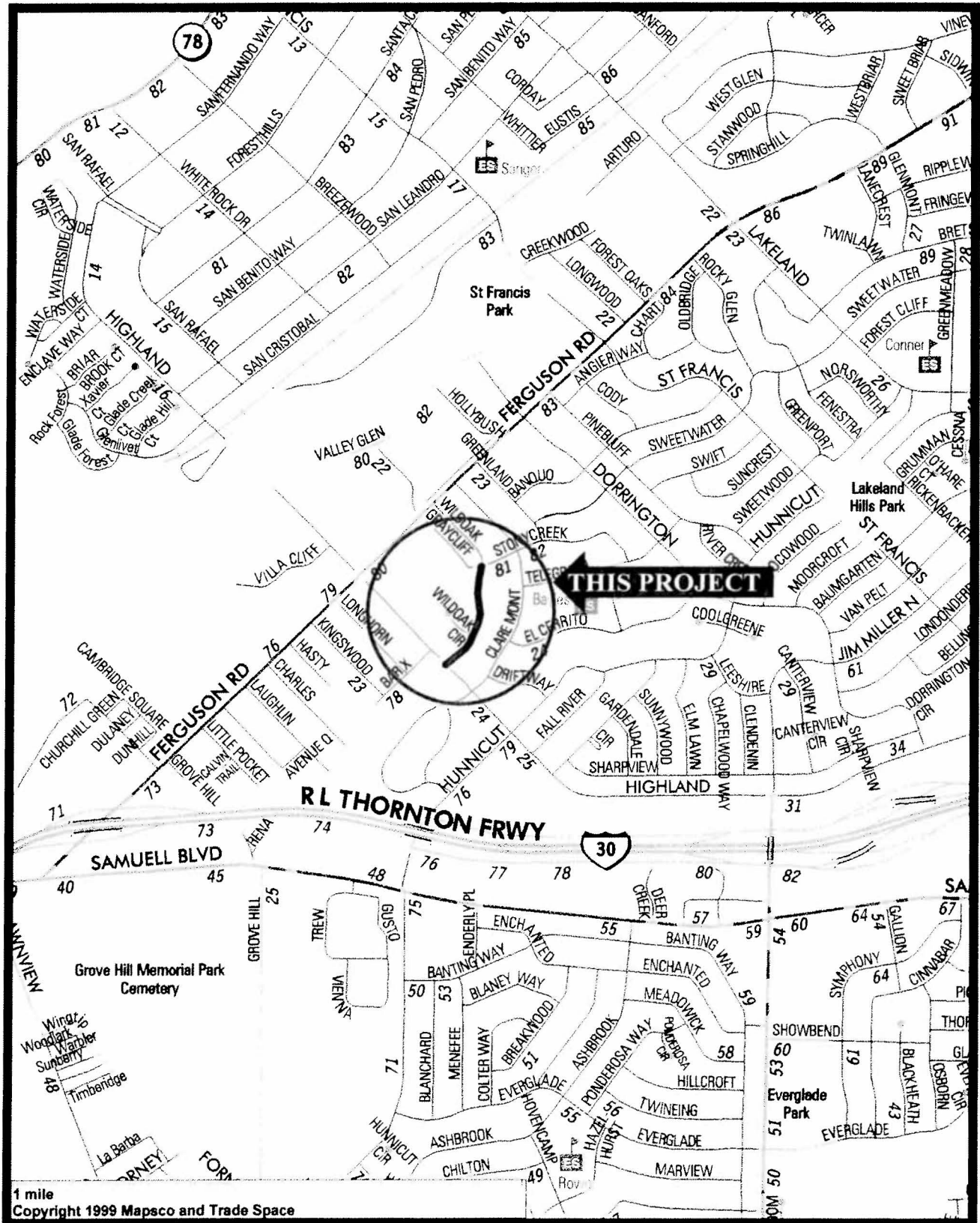


MAPSCO 23-Q

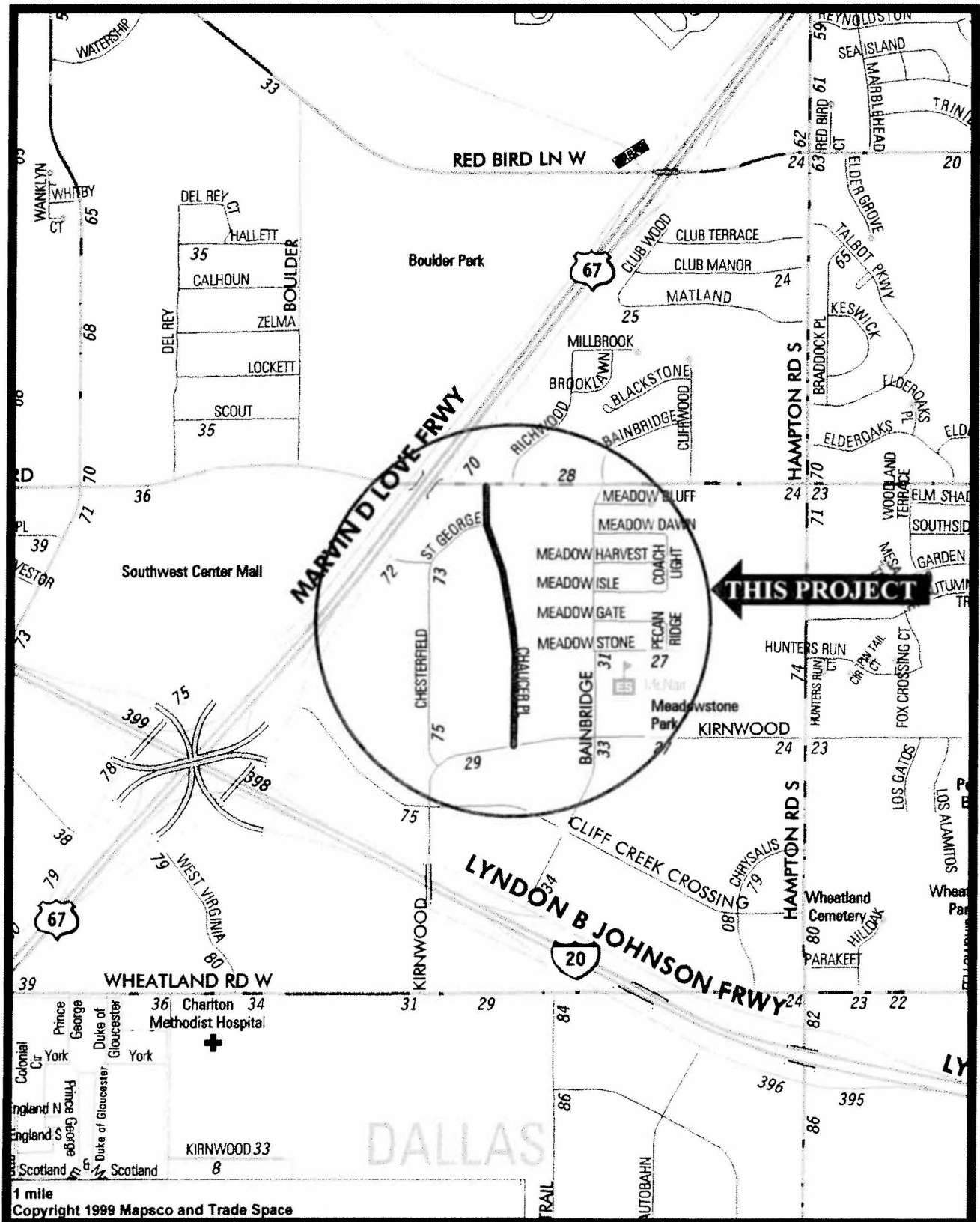
# CLAREMONT DRIVE



# WILD OAK DRIVE



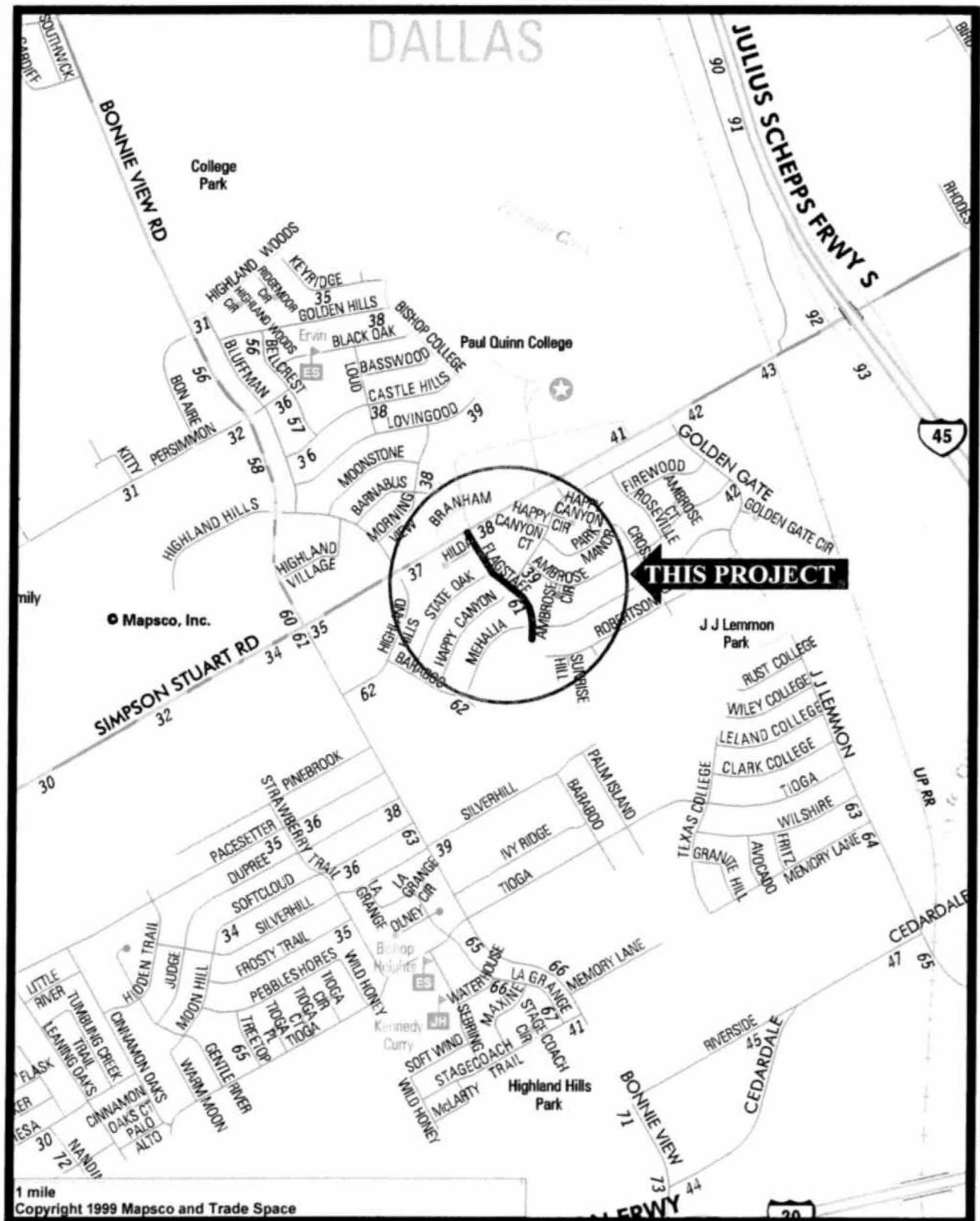
# CHAUCER PLACE



MAPSCO 63-Y

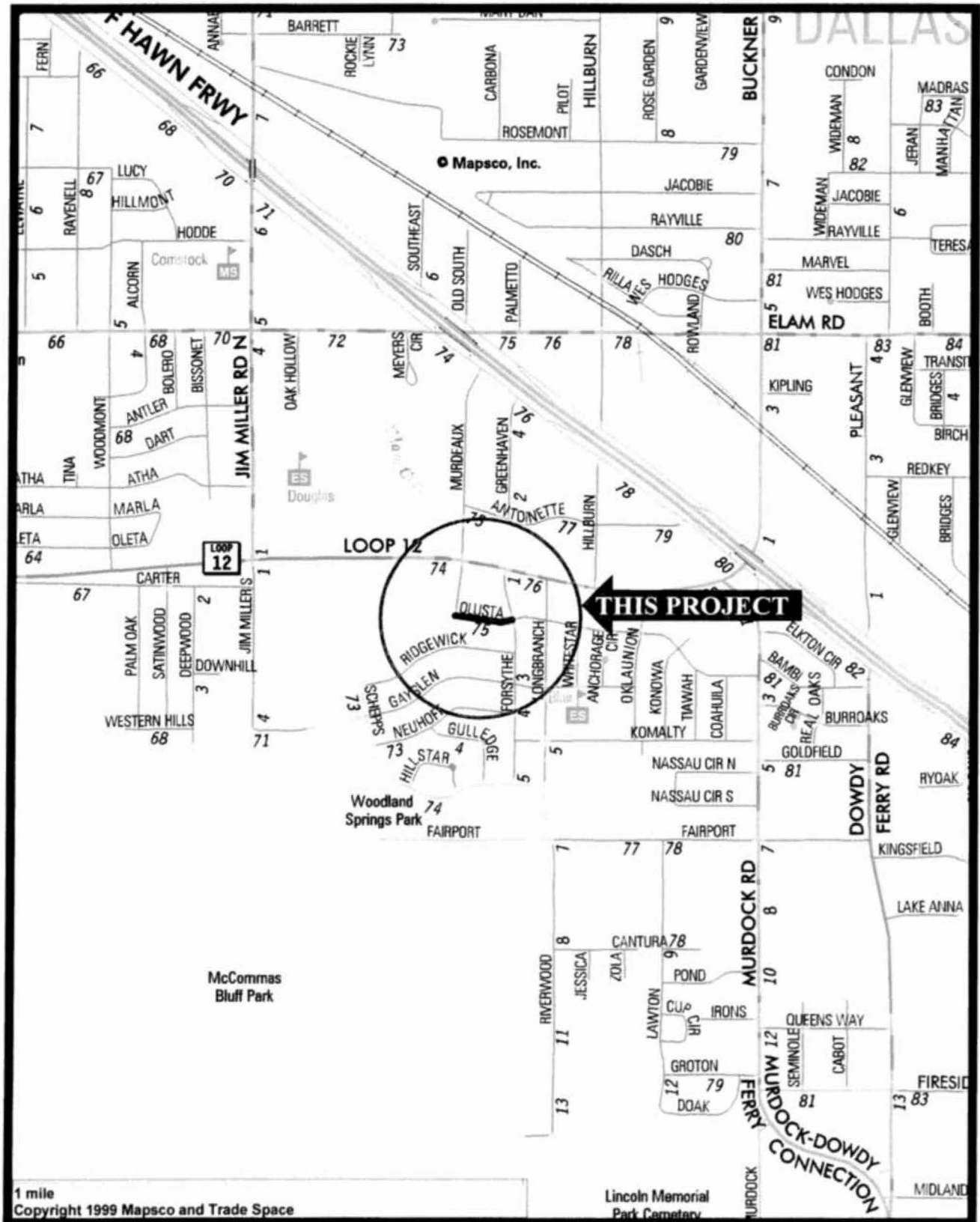


# FLAGSTAFF DRIVE



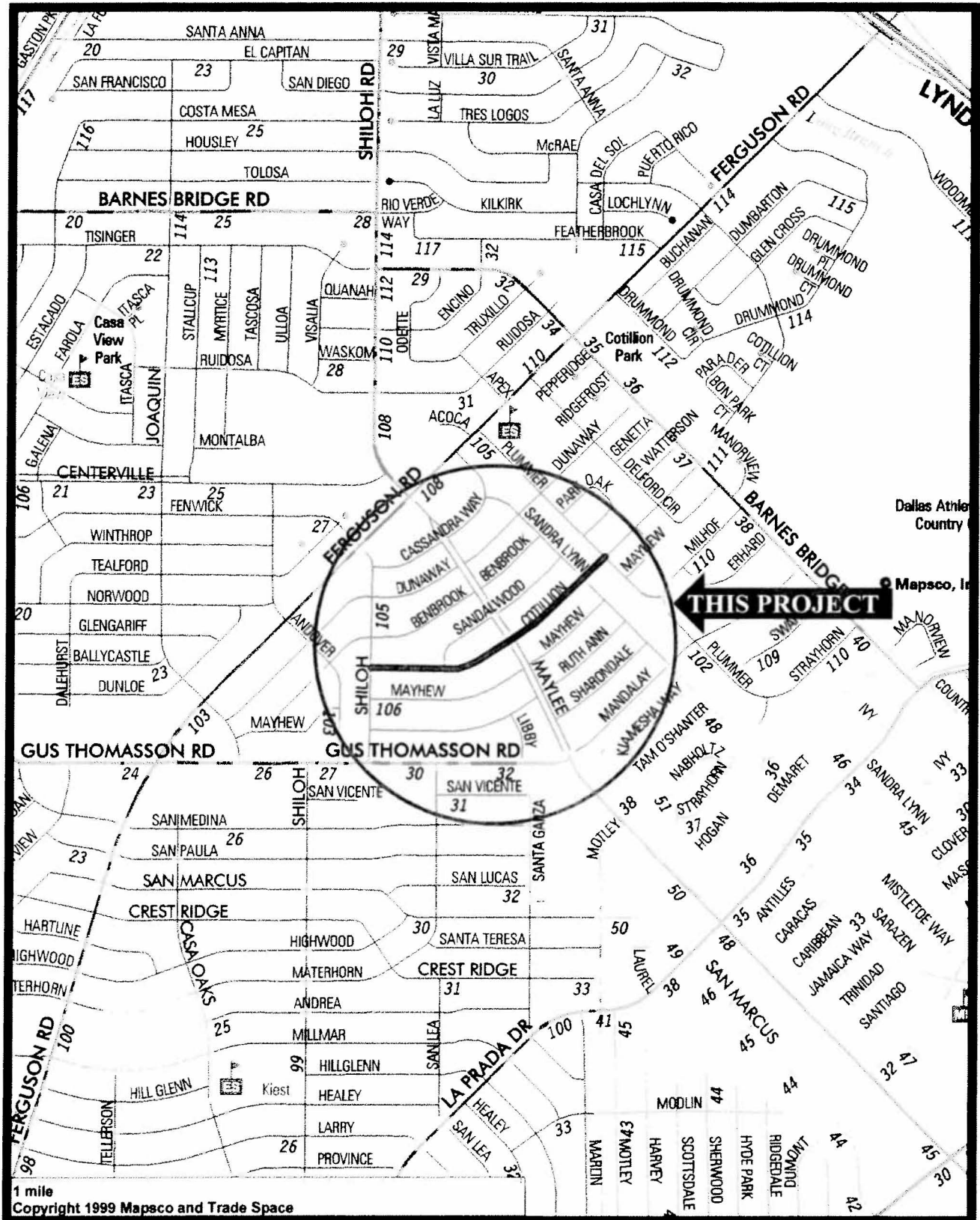
MAPSCO 66-Q

# OLUSTA DRIVE



MAPSCO 58-X

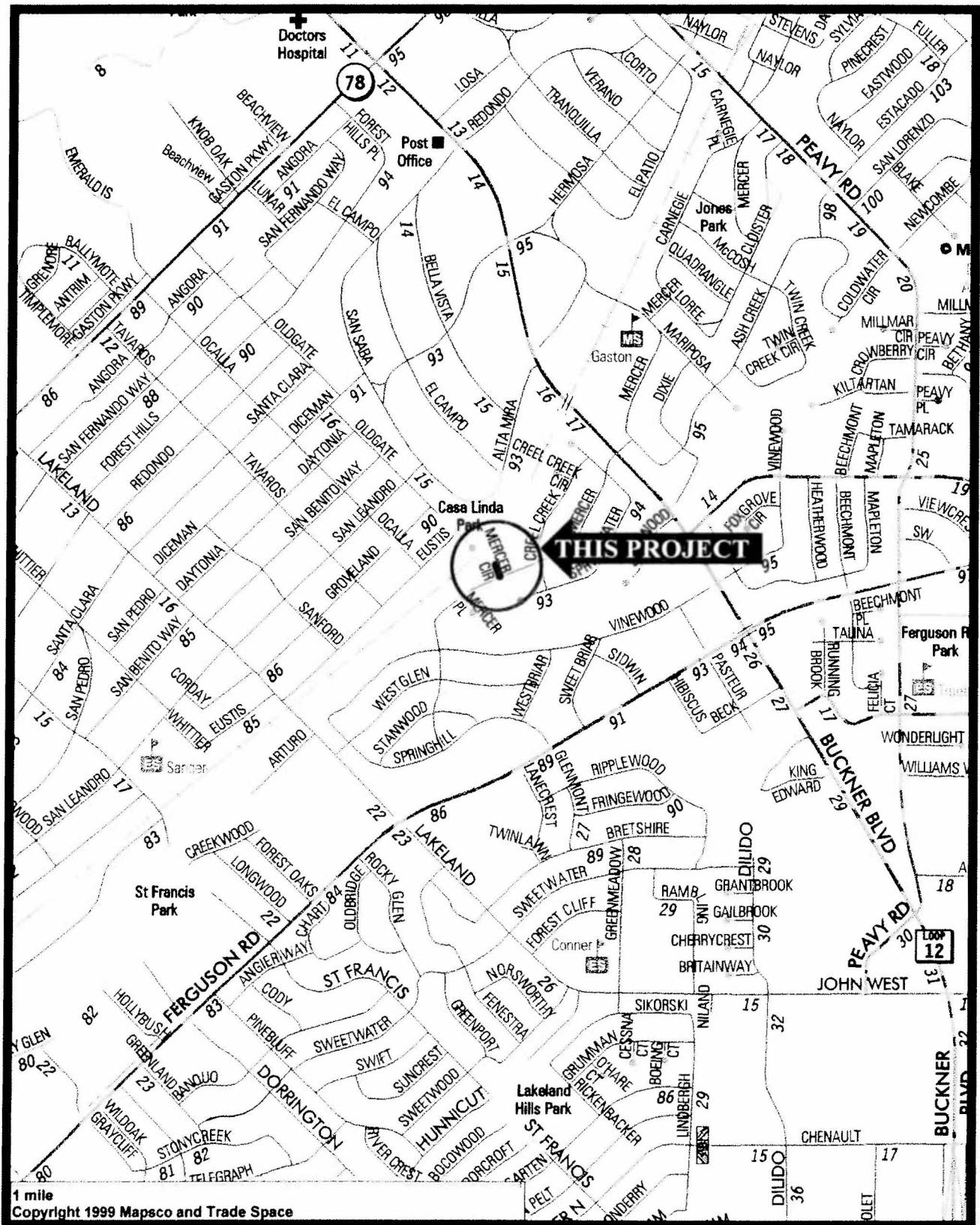
# COTILLION DRIVE



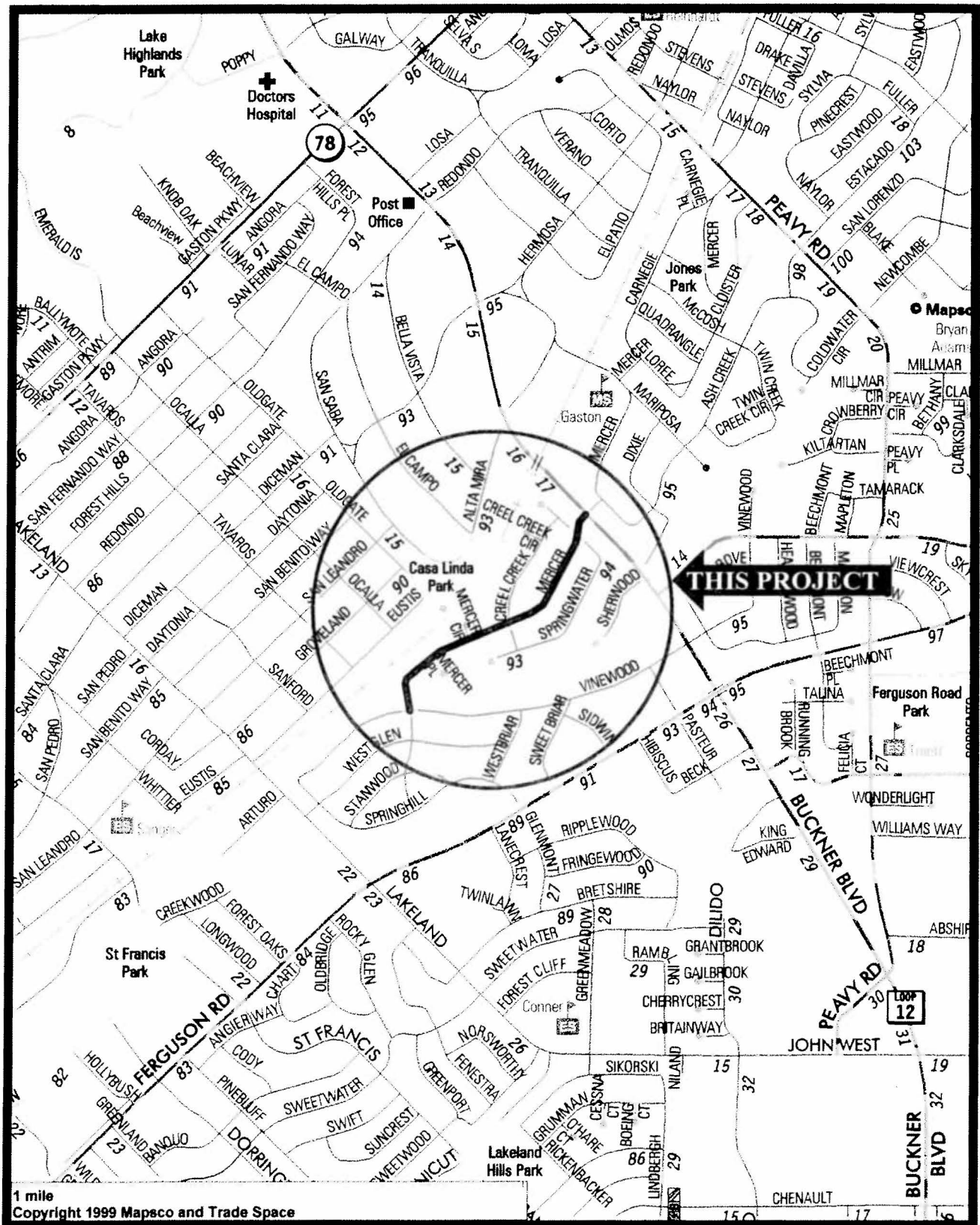
MAPSCO 39-J, K, F



# MERCER CIRCLE

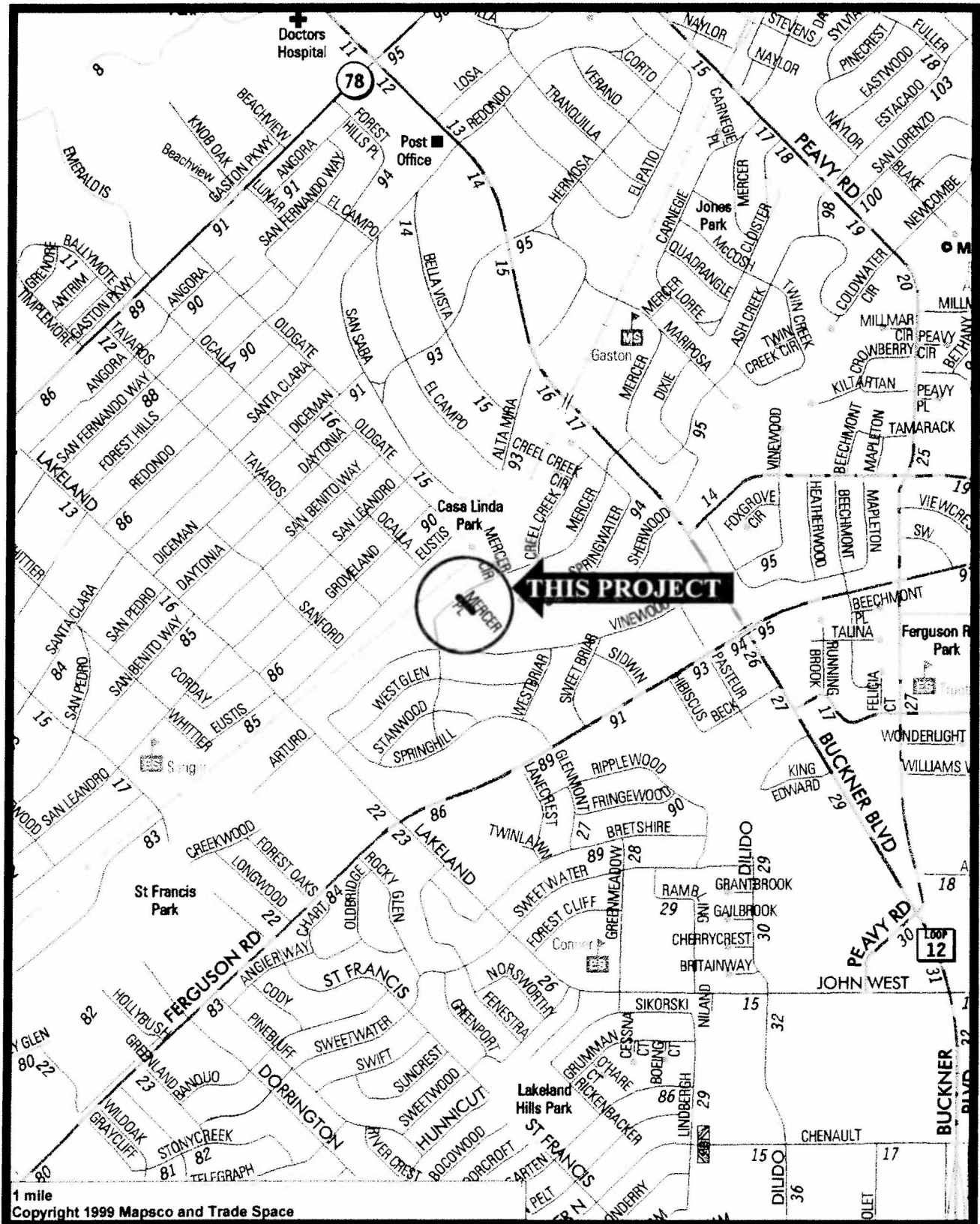


# MERCER DRIVE



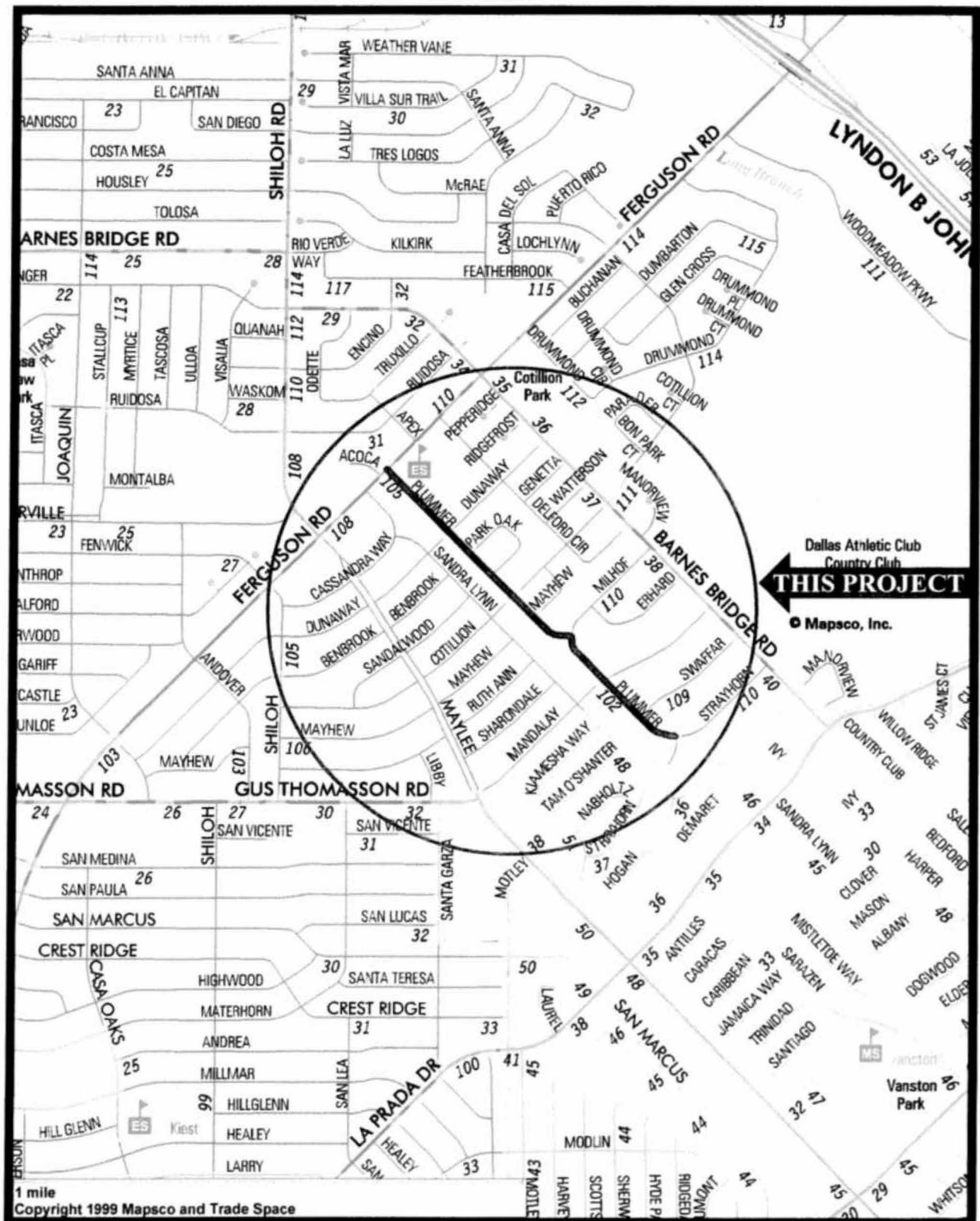
MAPSCO 38-S, T

# MERCER PLACE



MAPSCO 38-S

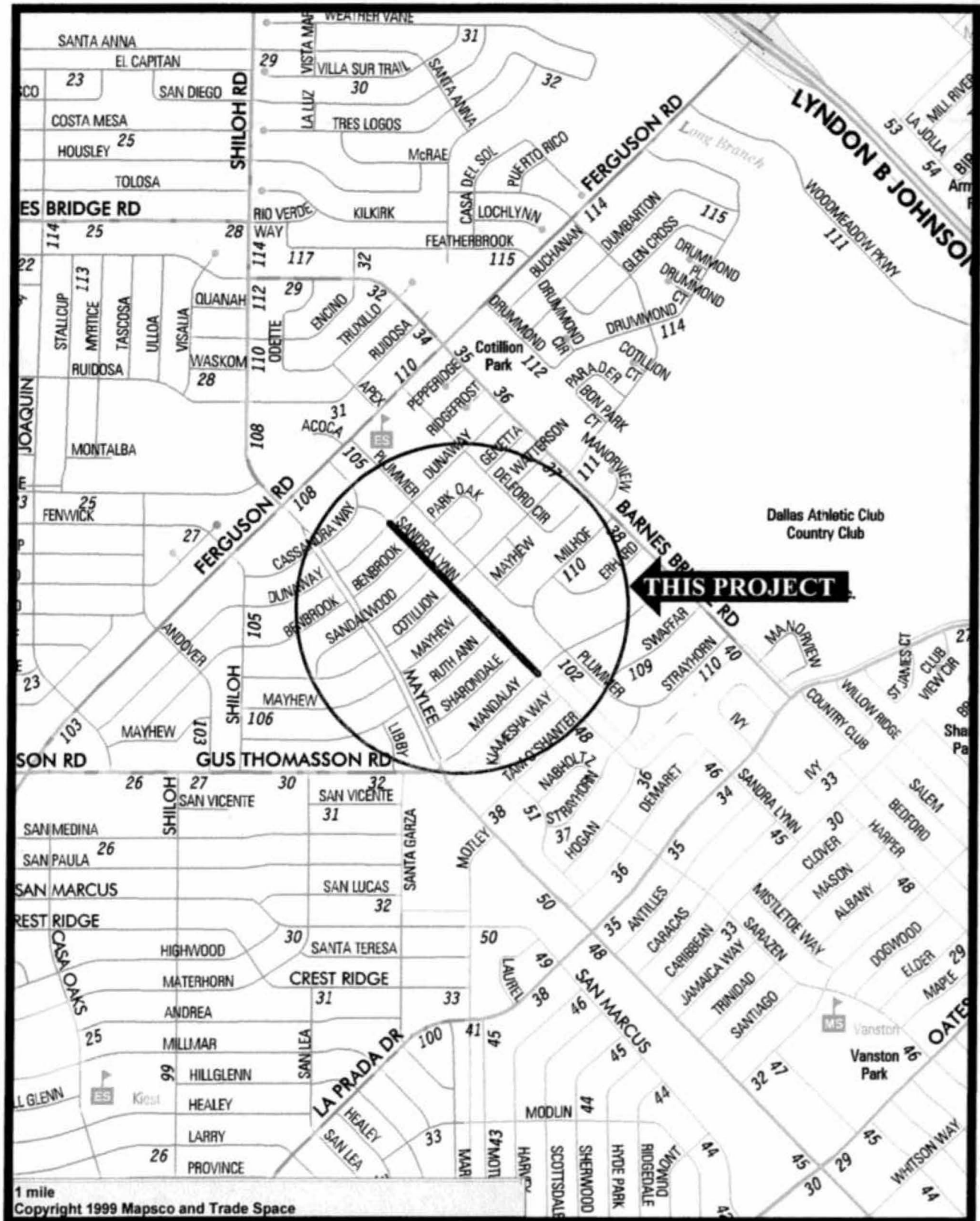
# PLUMMER DRIVE



MAPSCO 39-E, F, K

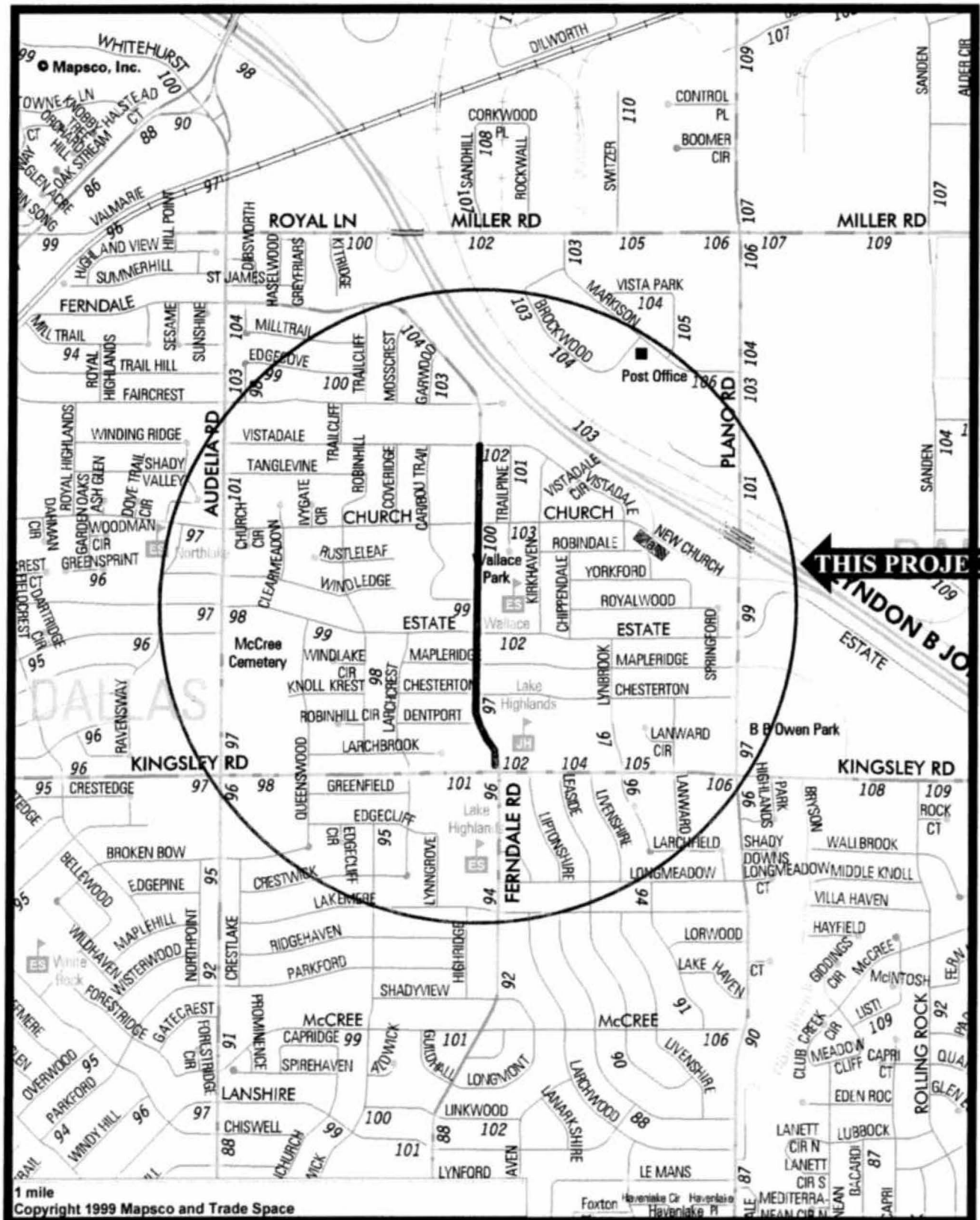


# SANDRA LYNN DRIVE



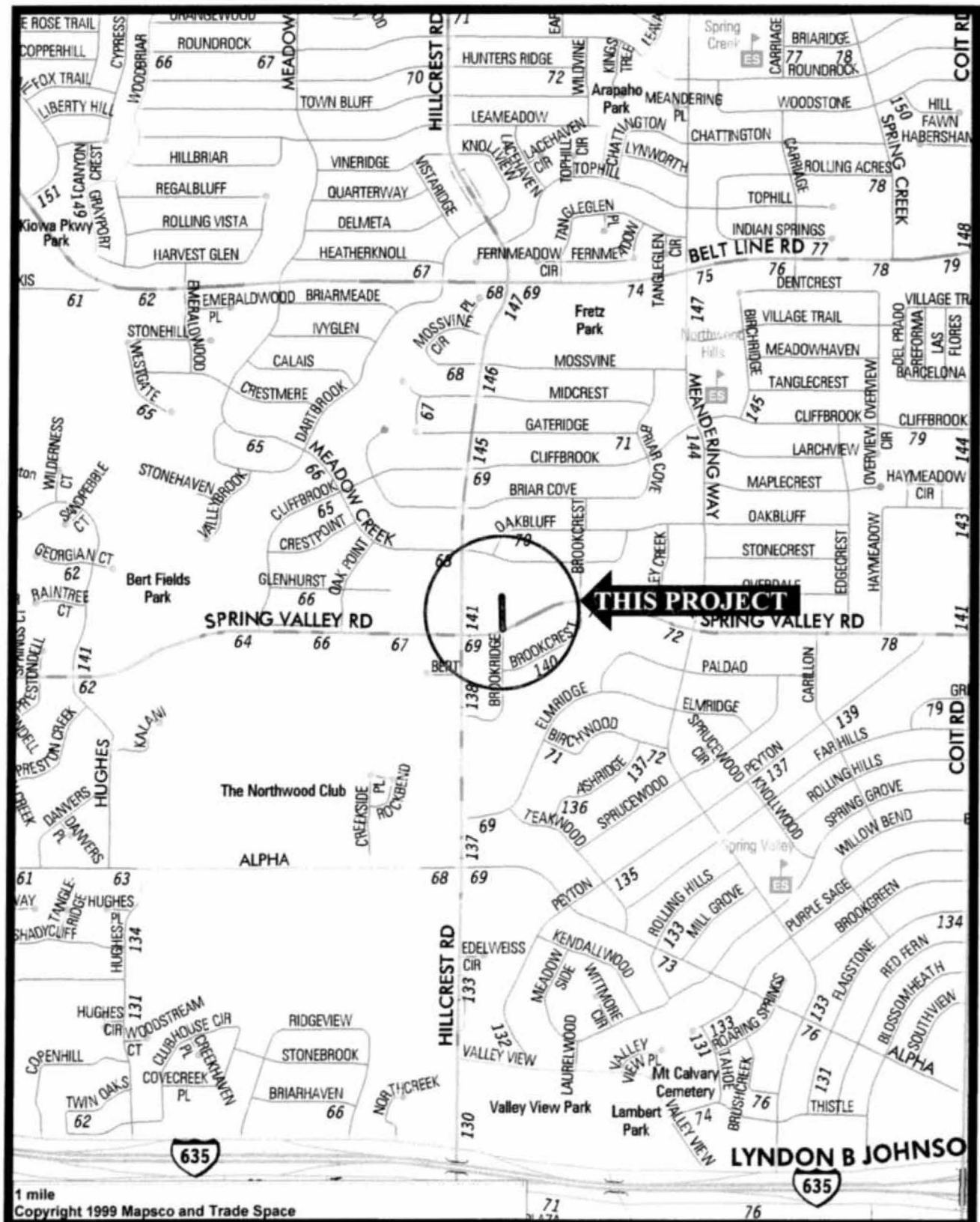
MAPSCO 39-E, F, K

# FERNDALE ROAD



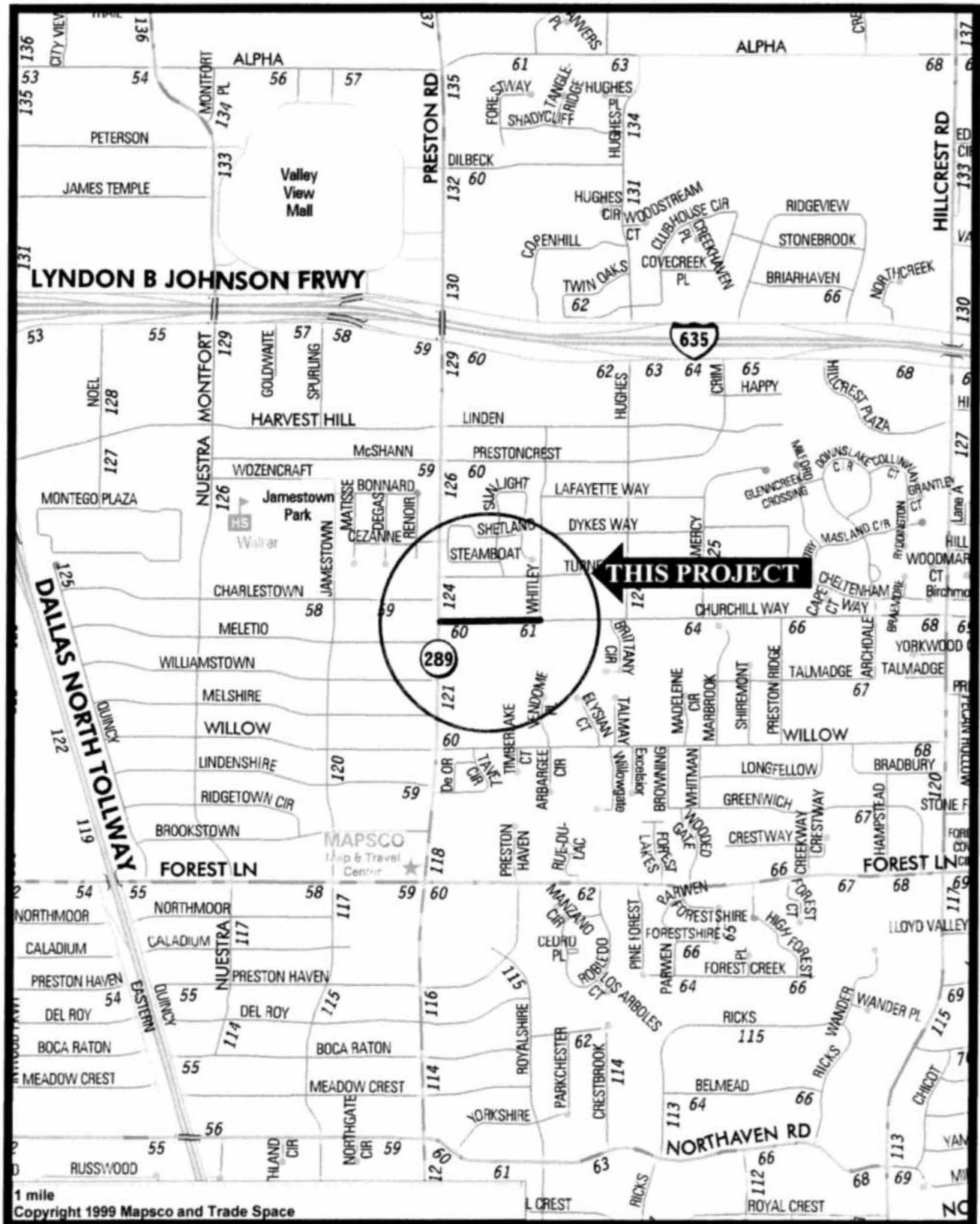
MAPSCO 27-M, R

# BROOKRIDGE CIRCLE



MAPSCO 15-M

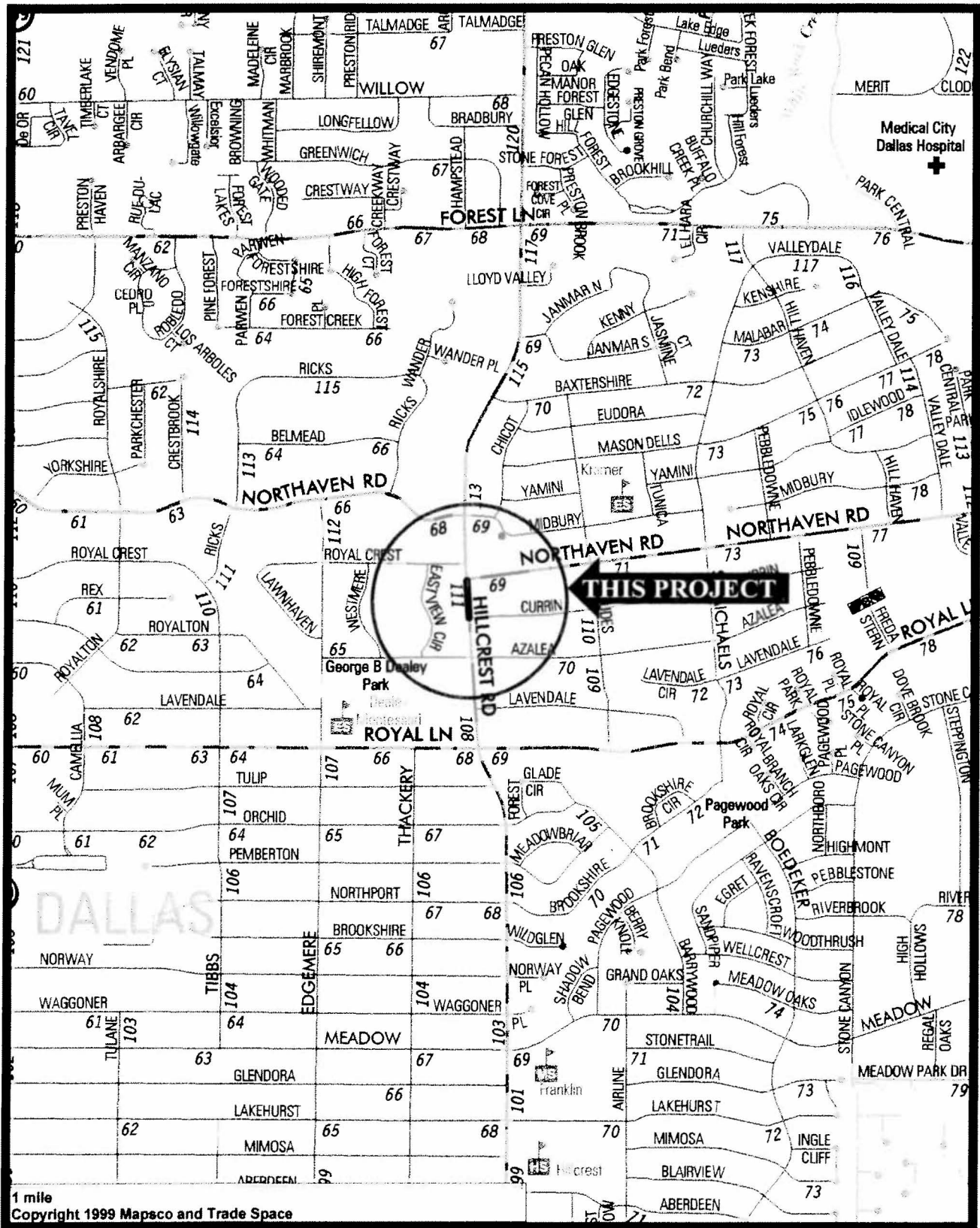
# CHURCHILL WAY



MAPSCO 15-T

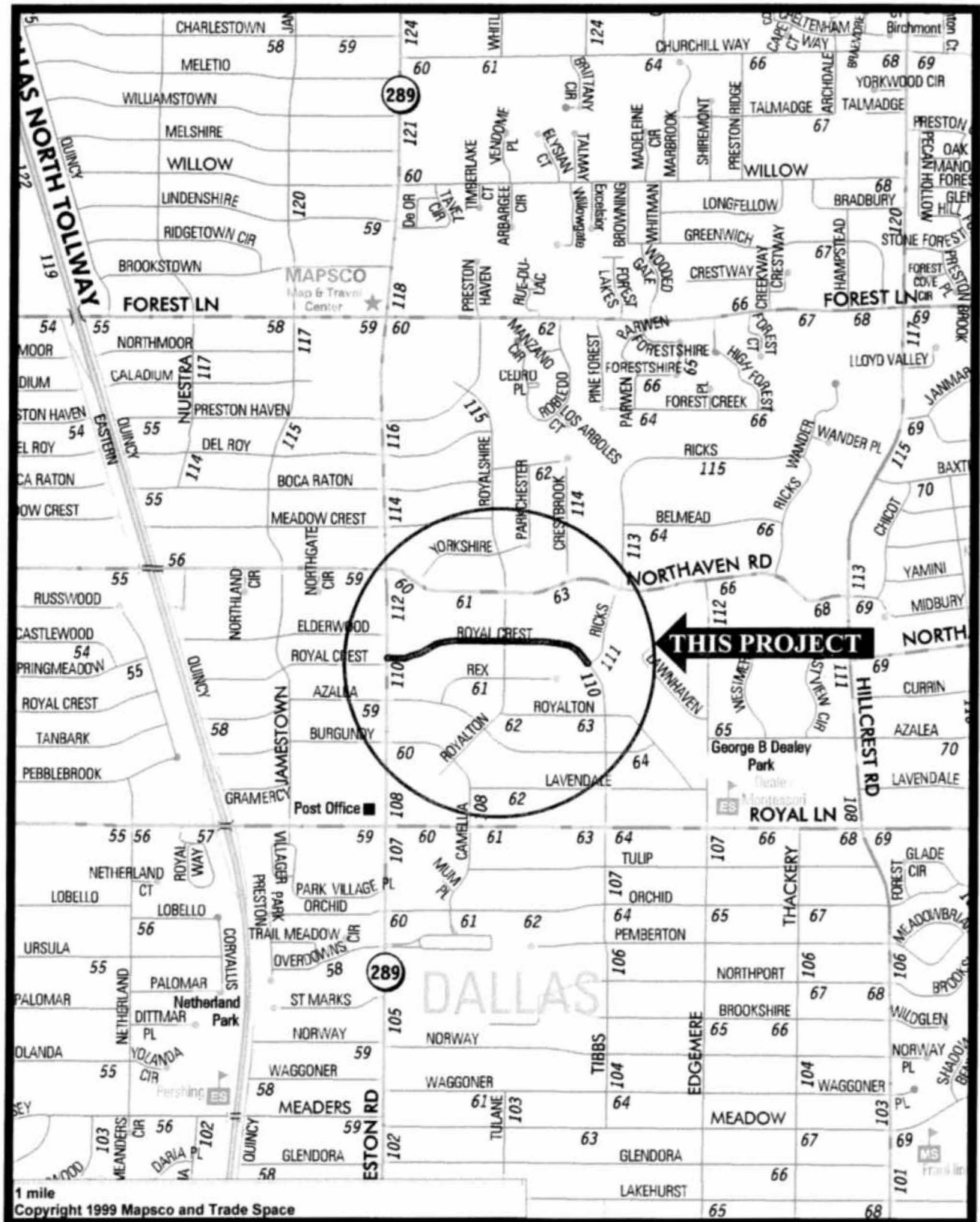


## HILLCREST ROAD (NB)



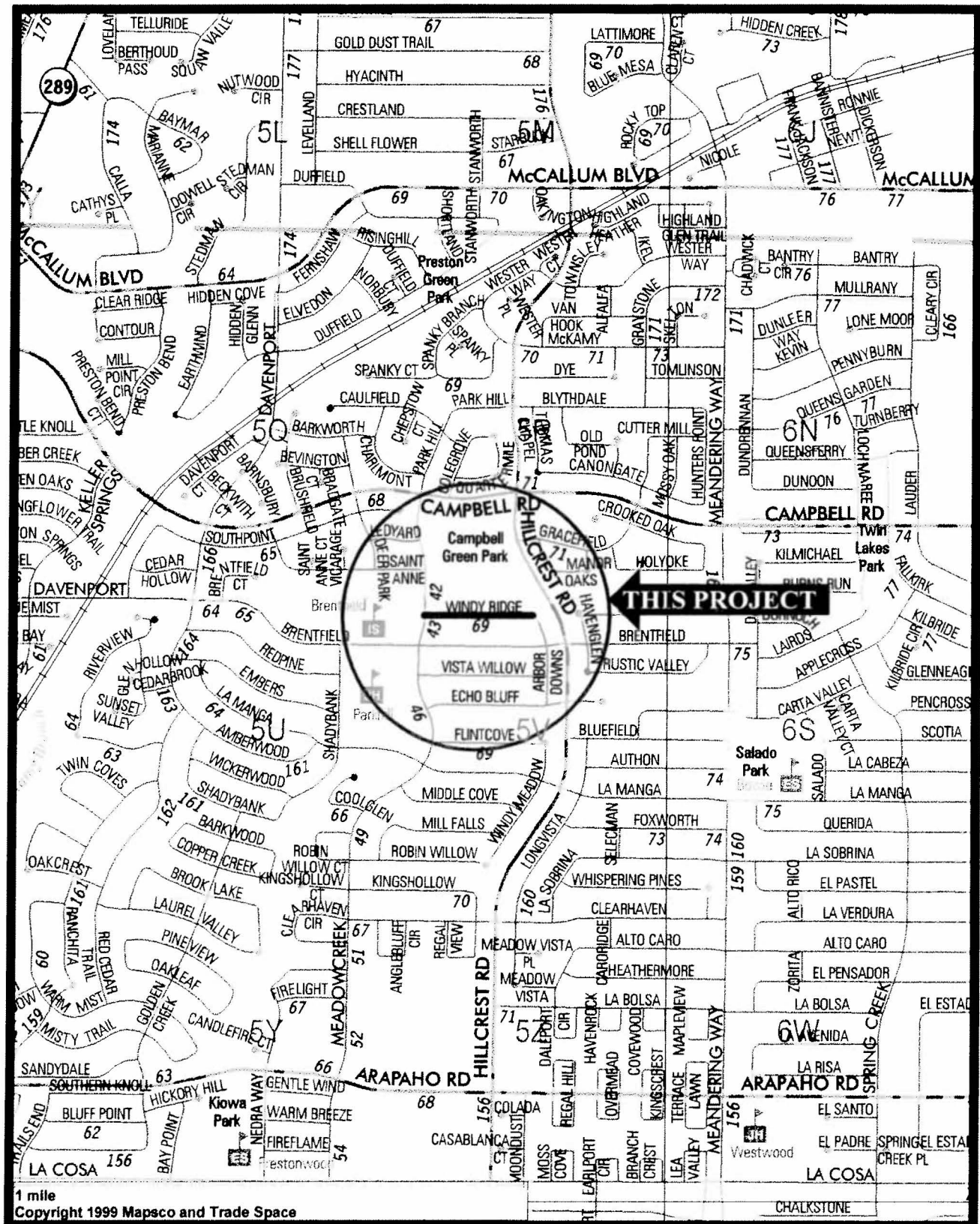
# MAPSCO 25-H

# ROYAL CREST DRIVE



MAPSCO 25-B, C

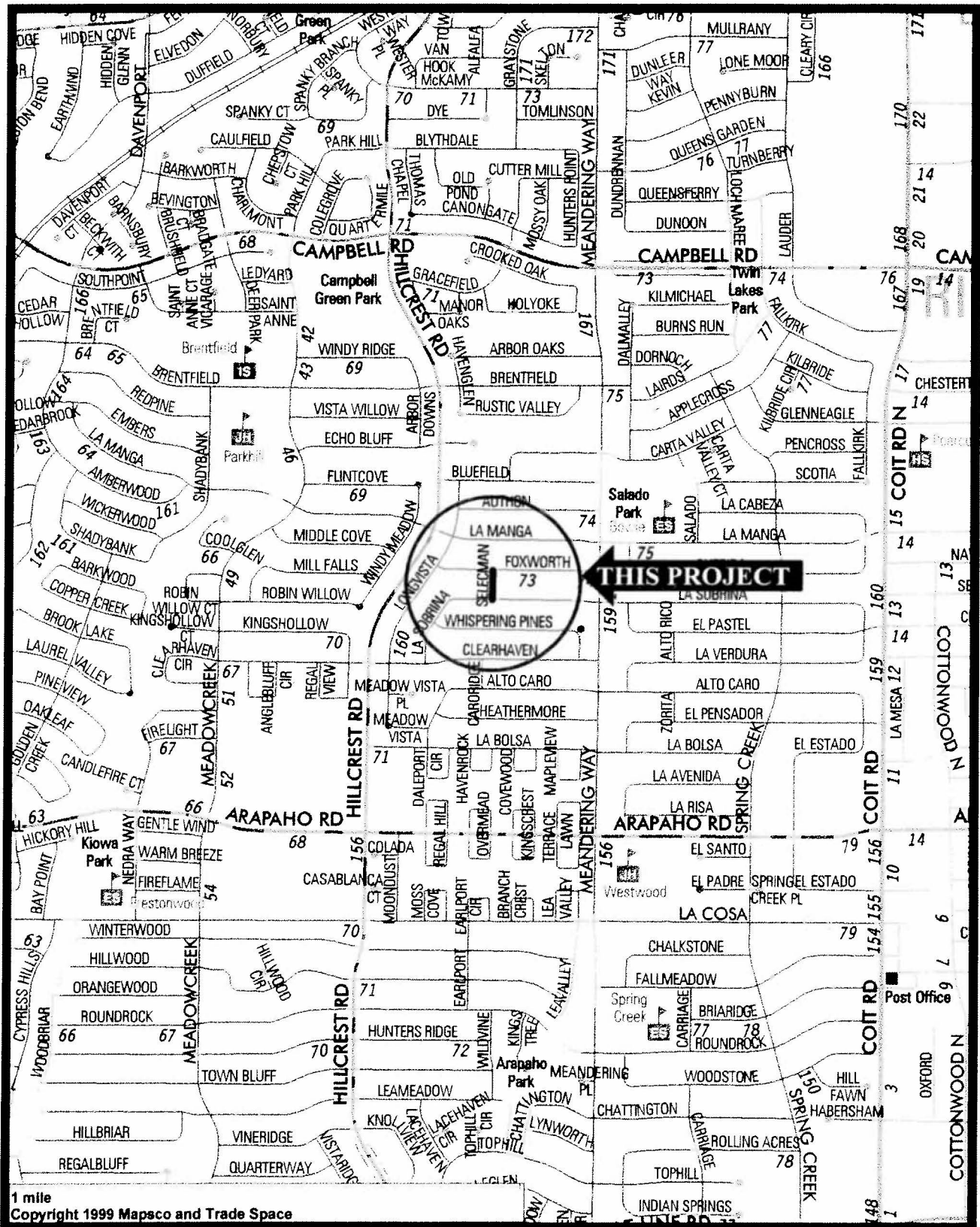
# WINDY RIDGE DRIVE



1 mile  
Copyright 1999 Mapsc0 and Trade Space

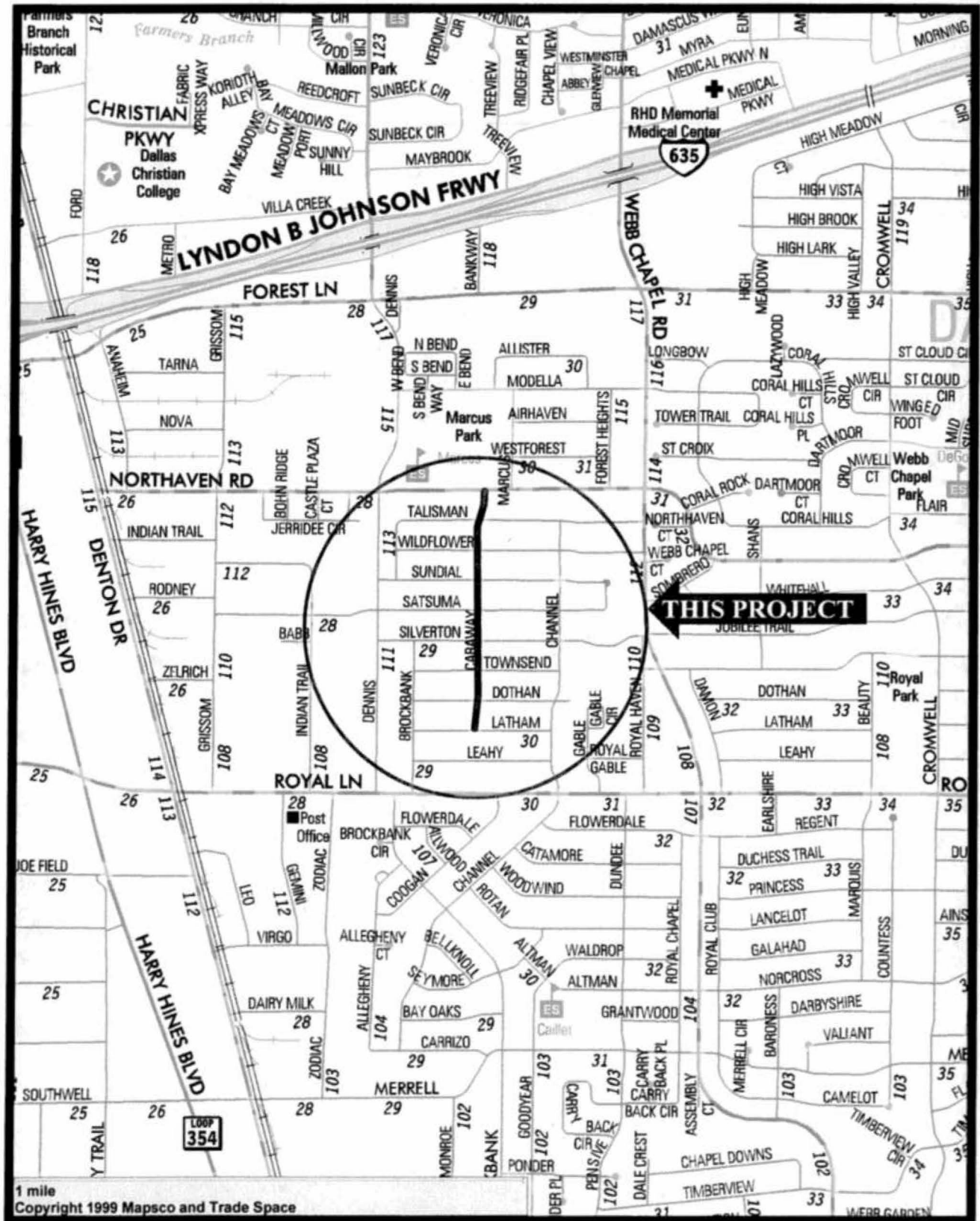
MAPSCO 5-V

# SELECMAN DRIVE



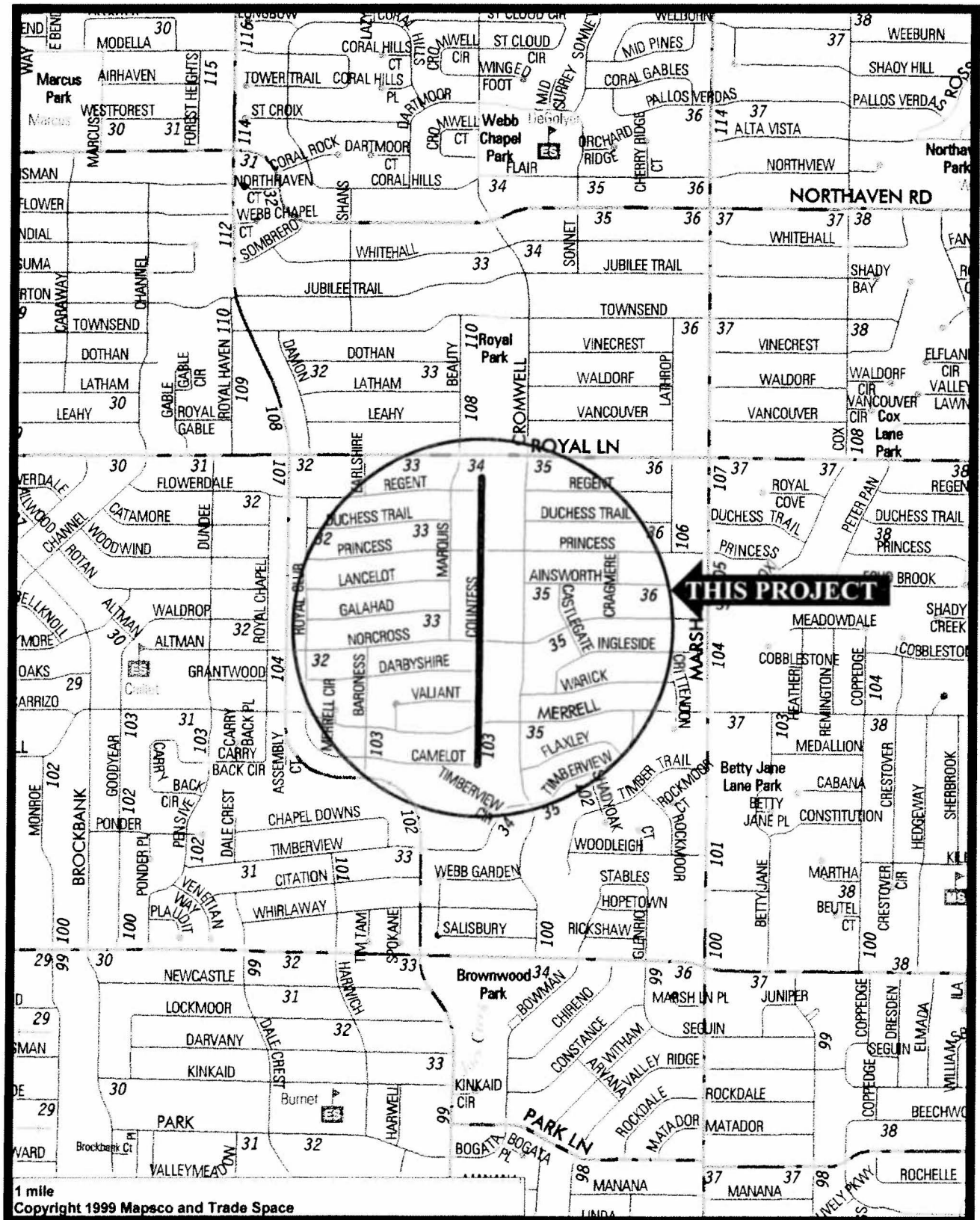


# CARAWAY DRIVE



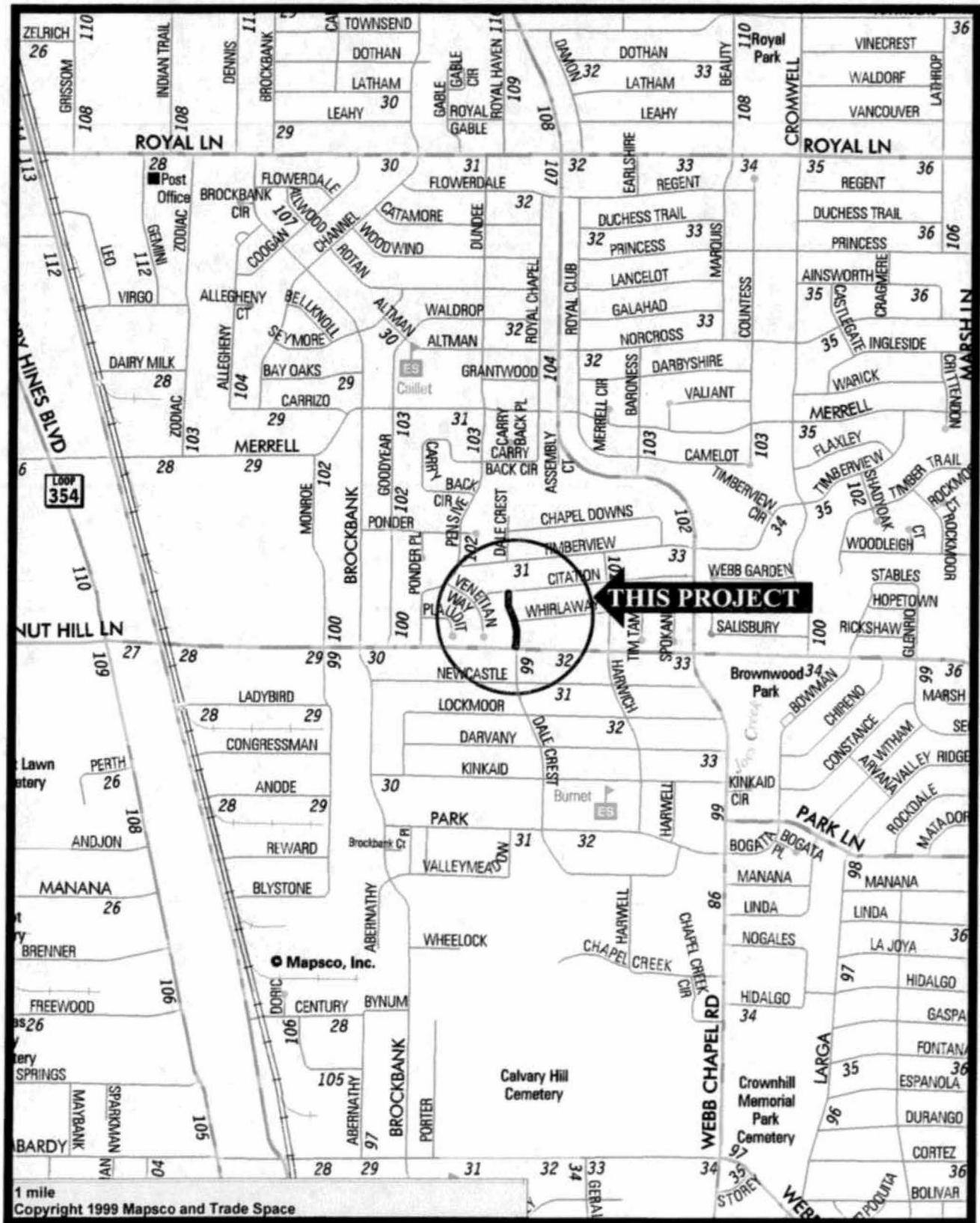
MAPSCO 23-B, F

# COUNTESS DRIVE



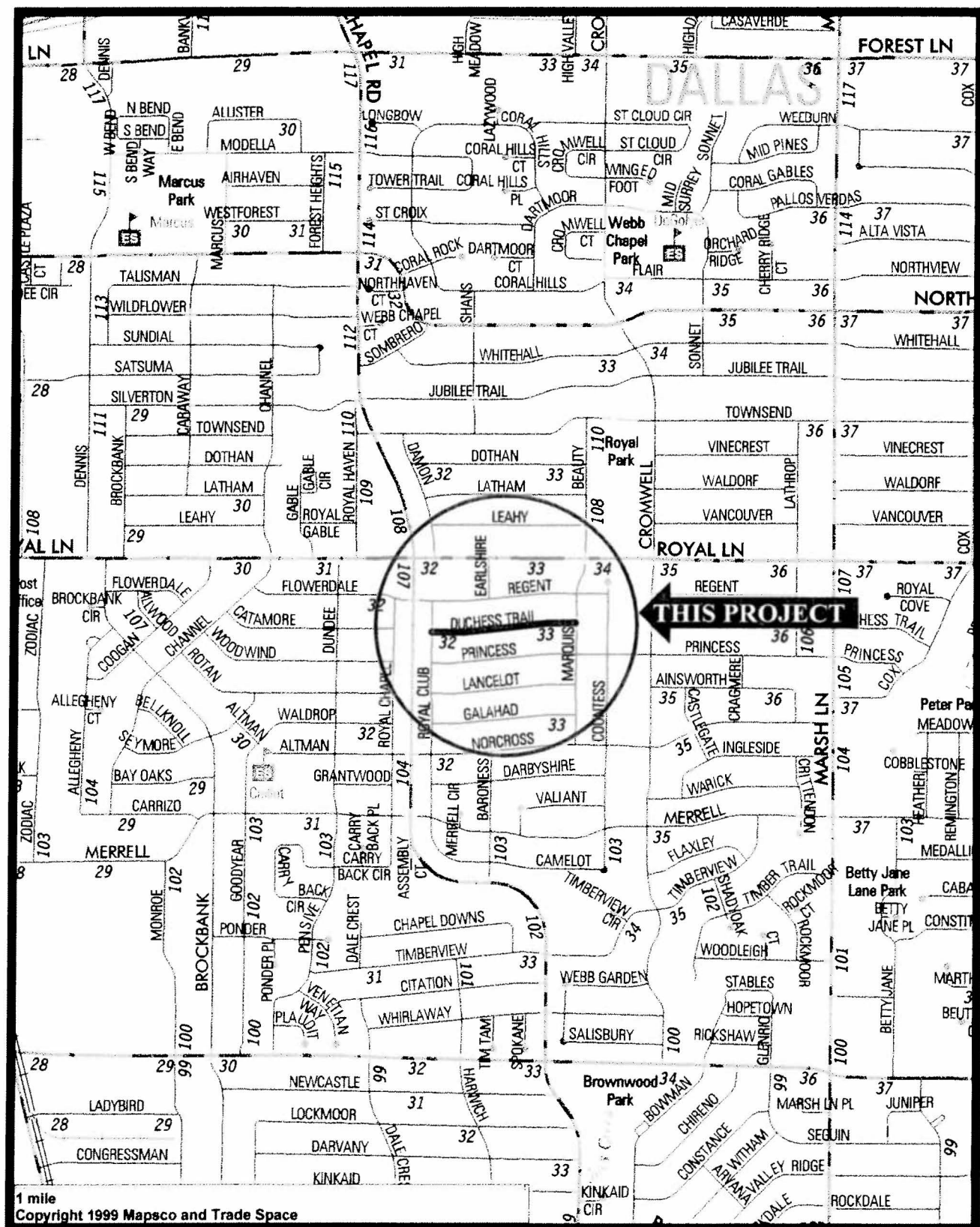
MAPSCO 23-G, L

## DALE CREST DRIVE



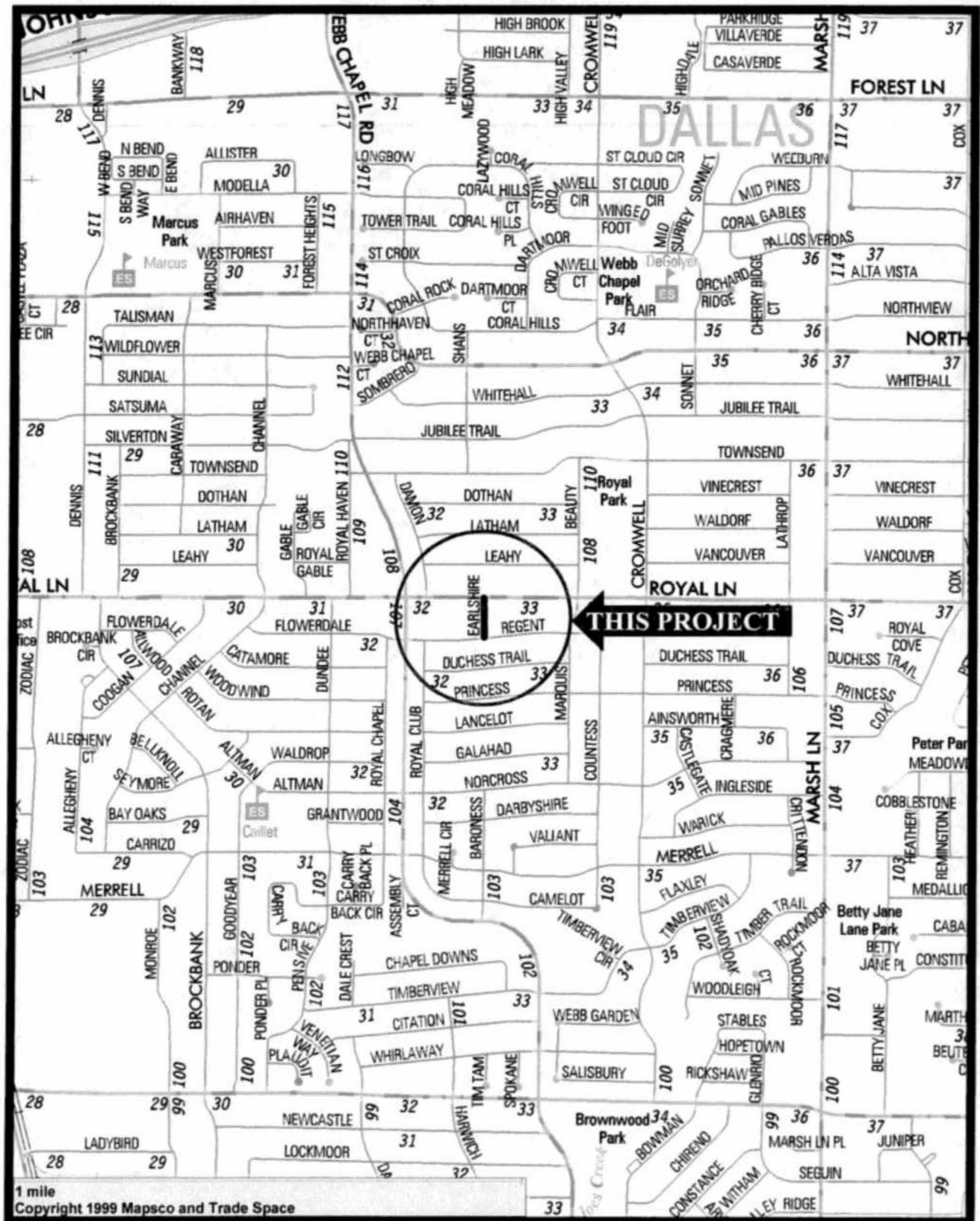
## MAPSCO 23-Q

# DUCHESS TRAIL



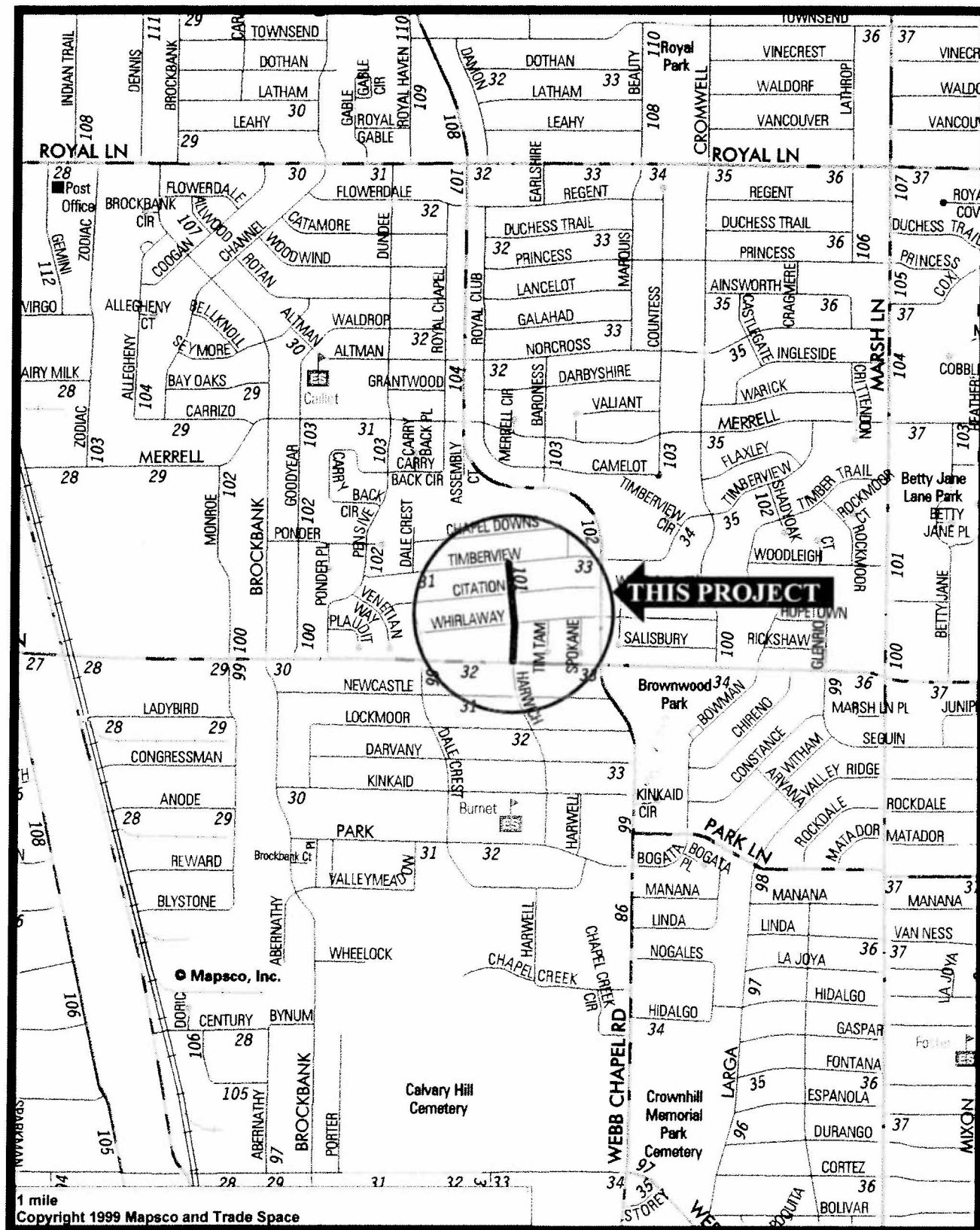


# EARLSHIRE DRIVE



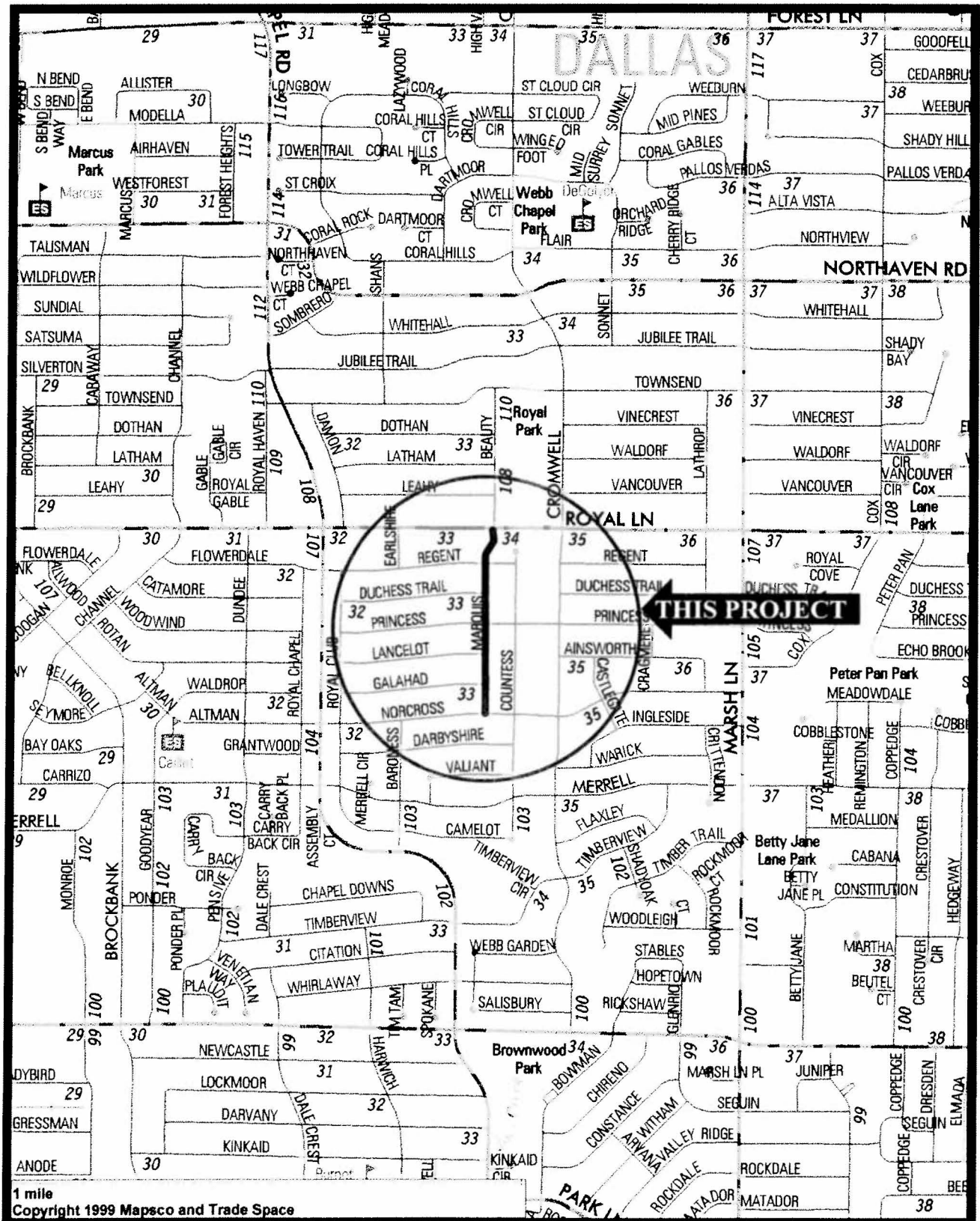
MAPSCO 23-G

# HARWICH DRIVE

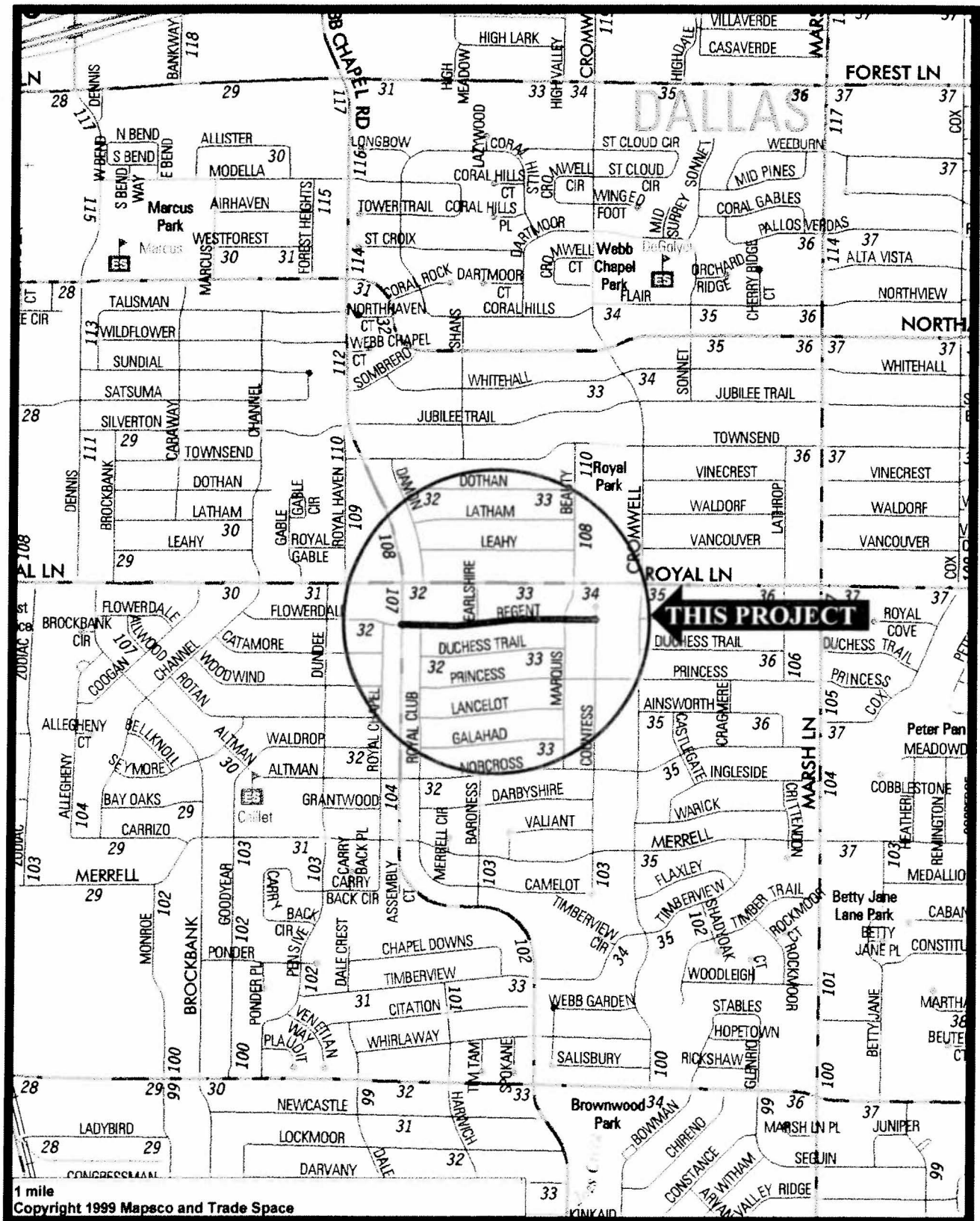


MAPSCO 23-L, Q

# MARQUIS LANE

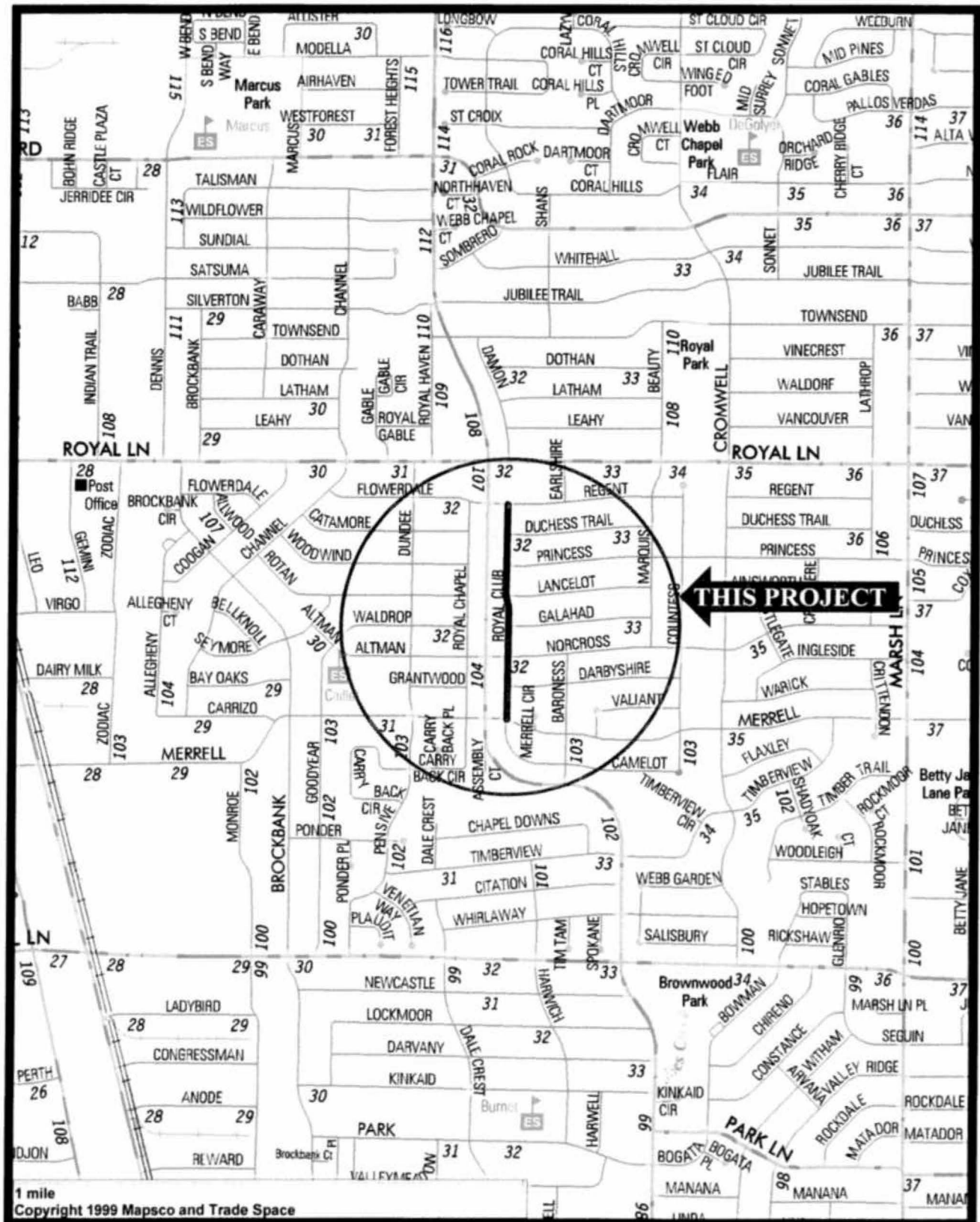


# REGENT DRIVE



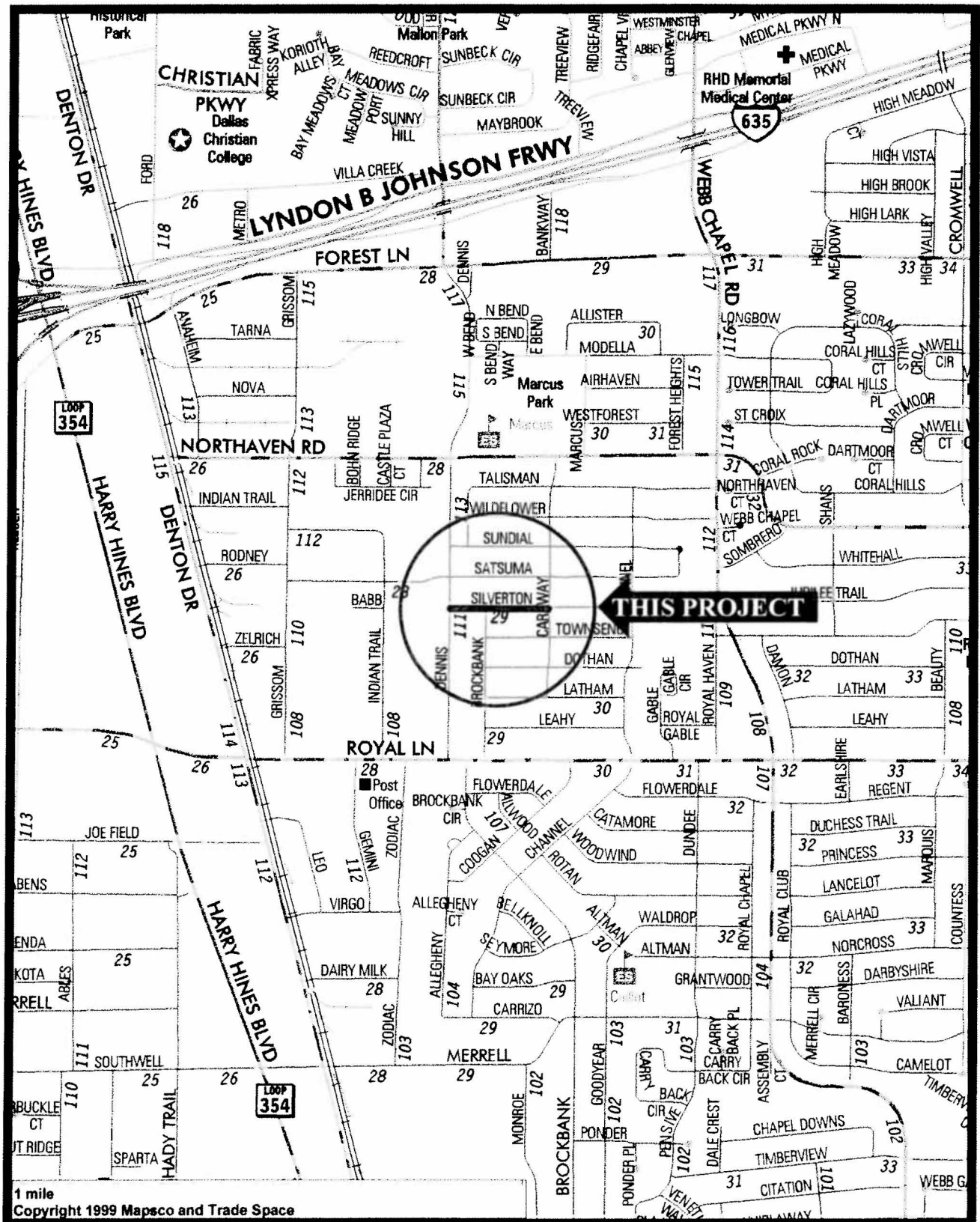


# ROYAL CLUB LANE

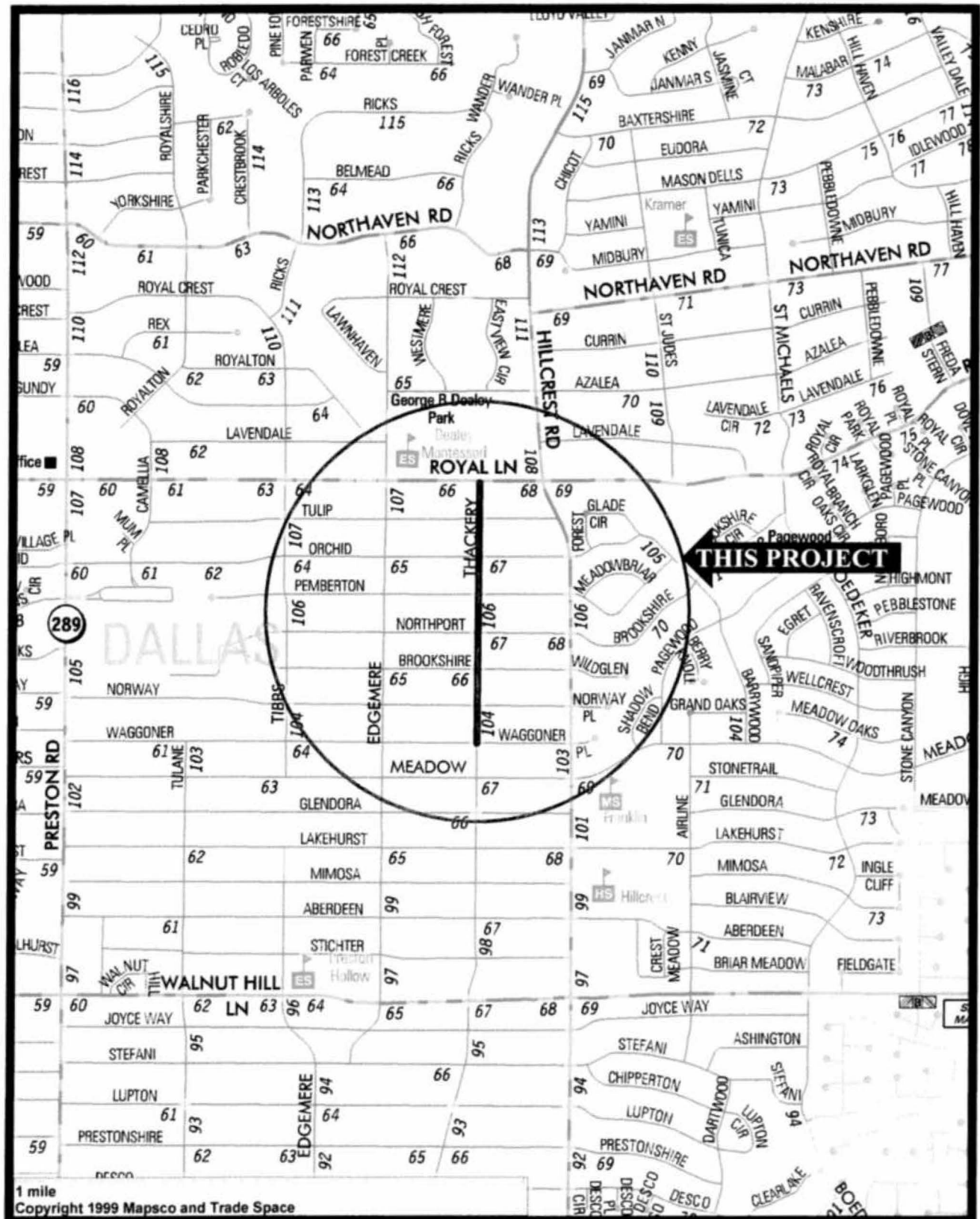


MAPSCO 23-G, L

# SILVERTON DRIVE

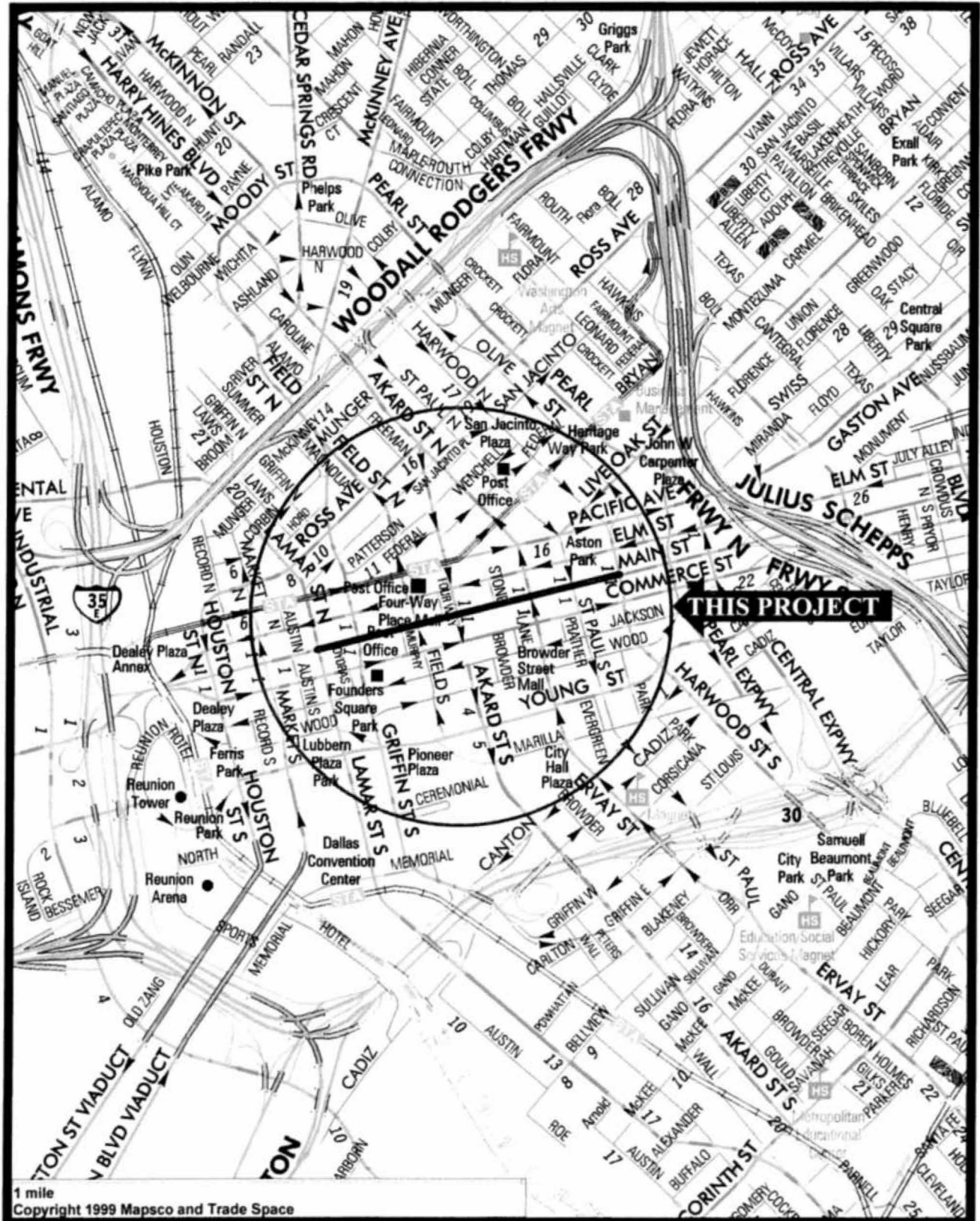


# THACKERY STREET



MAPSCO 25-G, L

# MAIN STREET





April 23, 2014

**WHEREAS**, bids were received on February 13, 2014, for the construction of pavement surface improvements for Street Resurfacing and Street Improvements for 2014, as follows:

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
NPL Construction Company, Inc.	\$14,648,831.50
Texas Sterling Construction Company	\$15,104,955.00
Phillips May Corporation	\$15,773,333.00
Omega Contracting, Inc.	\$16,135,489.00

**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 NPL Construction Company, Inc. for the construction of pavement surface improvements for Street Resurfacing and Street Improvements for 2014 in an amount not to exceed \$14,648,432.50, 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 disburse funds in accordance with the terms and conditions of the contract from:

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S342, Act. SRSF Object 4510, Program #PB12S342, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 752,218.02
---	---------------

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S351, Act. SRSF Object 4510, Program #PB12S351, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 594,648.47
---	---------------

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S352, Act. SRSF Object 4510, Program #PB12S352, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 397,605.19
---	---------------

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S354, Act. SRSF Object 4510, Program #PB12S354, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 165,777.74
---	---------------

April 23, 2014

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S356, Act. SRSF Object 4510, Program #PB12S356, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 294,861.19
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S359, Act. SRSF Object 4510, Program #PB12S359, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 840,550.44
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S363, Act. SRSF Object 4510, Program #PB12S363, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 734,086.75
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S366, Act. SRSF Object 4510, Program #PB12S366, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$1,052,159.07
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S383, Act. SRSF Object 4510, Program #PB12S383, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 62,933.21
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S386, Act. SRSF Object 4510, Program #PB12S386, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 630,136.37
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S461, Act. SRSF Object 4510, Program #PB12S461, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 113,299.89
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S472, Act. SRSF Object 4510, Program #PB12S472, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 60,419.90
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S476, Act. SRSF Object 4510, Program #PB12S476, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 305,618.15

April 23, 2014

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S478, Act. SRSF Object 4510, Program #PB12S478, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 345,529.47
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S479, Act. SRSF Object 4510, Program #PB12S479, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 119,935.02
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S480, Act. SRSF Object 4510, Program #PB12S480, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 428,669.67
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S484, Act. SRSF Object 4510, Program #PB12S484, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 391,472.72
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S485, Act. SRSF Object 4510, Program #PB12S485, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 383,229.07
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S486, Act. SRSF Object 4510, Program #PB12S486, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 272,383.36
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S487, Act. SRSF Object 4510, Program #PB12S487, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 70,473.13
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S490, Act. SRSF Object 4510, Program #PB12S490, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 182,063.97
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S493, Act. SRSF Object 4510, Program #PB12S493, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 44,334.74

April 23, 2014

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S495, Act. SRSF Object 4510, Program #PB12S495, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 84,447.12
Street and Transportation Improvements Fund Fund 2U22, Department PBW Unit S498, Act. SRSF Object 4510, Program #PB12S498, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 165,878.27
Street and Transportation Improvements Fund Fund 2U22, Department PBW Unit S505, Act. SRSF Object 4510, Program #PB12S505, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 143,938.58
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S506, Act. SRSF Object 4510, Program #PB12S506 CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 122,347.79
Street and Transportation Improvements Fund Fund 2U22, Department PBW Unit S508, Act. SRSF Object 4510, Program #PB12S508, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 314,666.05
Street and Transportation Improvements Fund Fund 2U22, Department PBW Unit S510, Act. SRSF Object 4510, Program #PB12S510, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 218,557.19
Street and Transportation Improvements Fund Fund 2U22, Department PBW Unit S511, Act. SRSF Object 4510, Program #PB12S511, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 660,698.18
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S520, ACT. SRSF Object 4510, Program #PB12S520, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 228,811.48
Street and Transportation Improvements Fund Fund 2U22, Department PBW Unit S522, Act. SRSF Object 4510, Program #PB12S522, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 41,117.70

April 23, 2014

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S523, Act. SRSF Object 4510, Program #PB12S523, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 500,148.12
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S524, Act. SRSF Object 4510, Program #PB12S524, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 46,445.92
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S533, Act. SRSF Object 4510, Program #PB12S533, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 74,192.83
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S540, Act. SRSF Object 4510, Program #PB12S540, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 548,102.02
Street and Transportation Improvements Fund Fund 2U22, Department PBW Unit S543, Act. SRSF Object 4510, Program #PB12S543, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 384,938.12
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S544, Act. SRSF Object 4510, Program #PB12S544, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 240,774.82
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S548, Act. SRSF Object 4510, Program #PB12S548, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$271,839.30
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S549, Act. SRSF Object 4510, Program #PB12S549, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 264,802.04
Street and Transportation Improvements Fund Fund 2U22, Department PBW Unit S552, Act. SRSF Object 4510, Program #PB12S552, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 266,511.09

April 23, 2014

Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S555, Act. SRSF Object 4510, Program #PB12S555,CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 4,376.11
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S559, Act. SRSF Object 4510, Program #PB12S559, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 125,263.23
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S564, Act. SRSF Object 4510, Program #PB12S564, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 360,709.84
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S577, Act. SRSF Object 4510, Program #PB12S577, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 140,745.20
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S579, Act. SRSF Object 4510, Program #PB12S579, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 162,034.39
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S583, Act. SRSF Object 4501, Program #PB12S583, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 179,048.00
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S585, Act. SRSF Object 4510, Program #PB12S585, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 272,945.15
Street and Transportation Improvements Fund Fund 2U22, Department PBW, Unit S590, Act. SRSF Object 4510, Program #PB12S590, CT PBW12S342G1 Vendor 335435, in an amount not to exceed	\$ 489,391.17

April 23, 2014

Water Construction Fund  
Fund 0102, Department DWU, Unit CW42, Act. RELP  
Object 3221, Program #714161, REP W3KV, CT PBW714161EN  
Vendor 335435, in an amount not to exceed \$ 63,336.25

Wastewater Construction Fund  
Fund 0103, Department DWU, Unit CS42, Act. RELP  
Object 3222, Program #714162, REP T2VX, CT PBW714162EN  
Vendor 335435, in an amount not to exceed \$ 30,360.00

Total in an amount not to exceed \$14,648,831.50

**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.





April 23, 2014

**WHEREAS**, it is now necessary to authorize a professional services contract with Kleinfelder Central, Inc. to provide construction material testing services during the construction of the Street Resurfacing and Street Improvements for 2014 in the amount of \$187,138.75.

**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 Services during the construction of the Street Resurfacing and Street Improvements for 2014 in the amount of \$187,138.75, 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:

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S342, Act. SRSF Object 4113, Program #PB12S342, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 20,694.84
---	--------------

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S351, Act. SRSF Object 4113, Program #PB12S351, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 16,359.82
---	--------------

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S359, Act. SRSF Object 4113, Program #PB12S359, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 23,125.02
---	--------------

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S363, Act. SRSF Object 4113, Program #PB12S363, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 20,196.01
---	--------------

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S366, Act. SRSF Object 4113, Program #PB12S366, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 28,946.74
---	--------------

April 23, 2014

Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S386, Act. SRSF Object 4113, Program #PB12S386, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 17,336.16
Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S511, Act. SRSF Object 4113, Program #PB12S511, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 18,176.96
Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S523, Act. SRSF Object 4113, Program #PB12S523, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 13,759.94
Street and Transportation Improvements Fund Fund 2T22, Department PBW, Unit S540, Act. SRSF Object 4113, Program #PB12S540, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	\$ 15,079.25
Street and Transportation Improvements Fund Fund 2T22, Department PBW Unit S590, Act. SRSF Object 4113, Program #PB12S590, CT PBW12S342G2 Vendor 041746, in an amount not to exceed	<u>\$ 13,464.01</u>
Total in an amount not to exceed	\$187,138.75

**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.

## AGENDA ITEM # 16

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 25Q

---

### **SUBJECT**

An ordinance granting a private license to Preston Hollow United Methodist Church, for approximately 3,713 square feet of land to install, use and maintain landscaping on portions of Stichter Avenue located near its intersection with Tibbs Street - Revenue: \$1,000 one-time fee, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item grants a license for the installation, use and maintenance of 3,713 square feet of land for landscaping on portions of Stichter Avenue right-of-way. This use will not impede pedestrian or vehicular traffic.

The licensee will indemnify the City and carry general liability insurance naming the City as an additional insured.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

Revenue: \$1,000 one-time fee, plus the \$20 ordinance publication fee

### **OWNER**

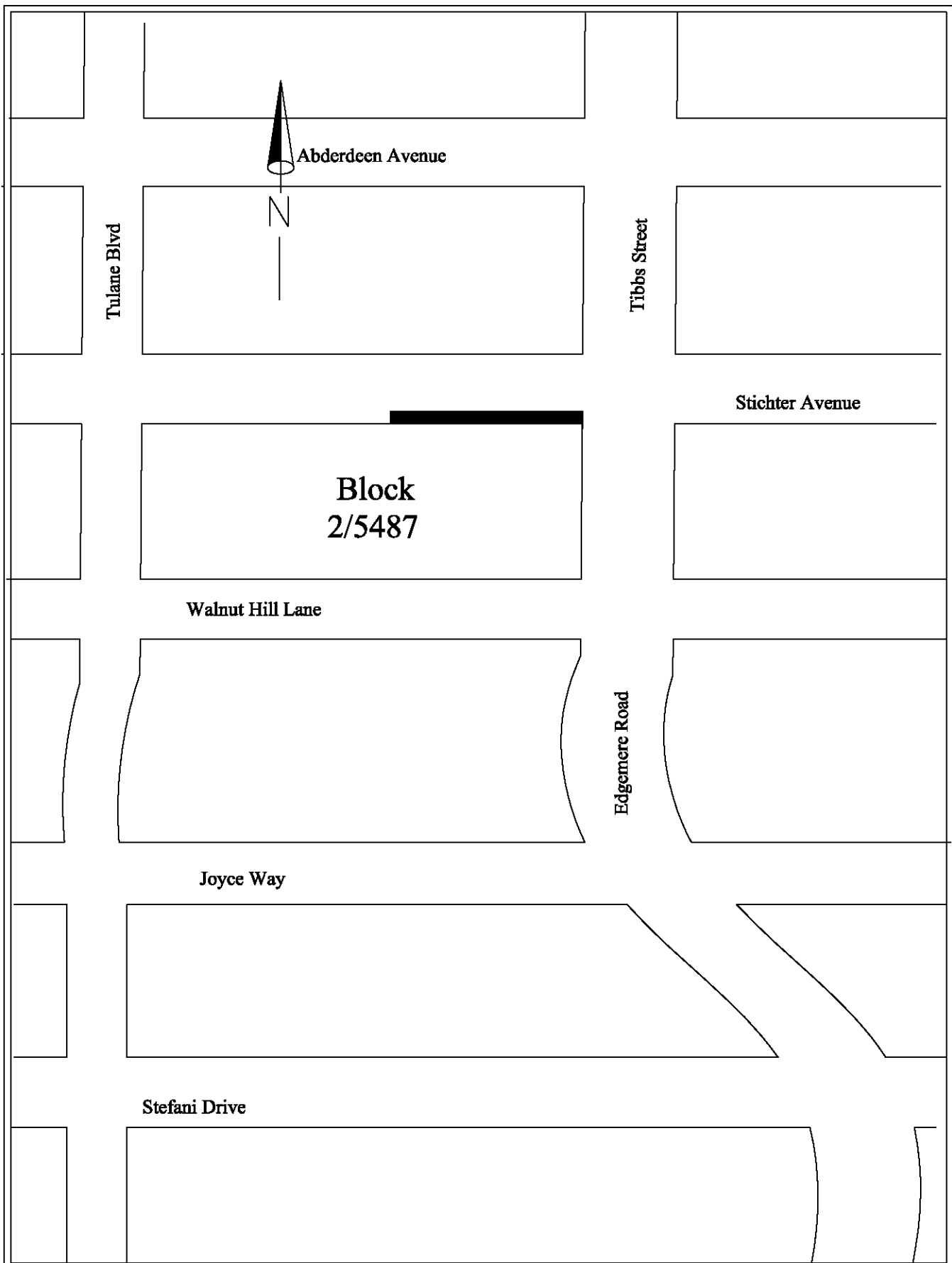
**Preston Hollow United Methodist Church**

Michael Nichols, Senior Pastor

**MAP**

Attached

# Mapsco 25Q



 Subject Area



**ORDINANCE NO. \_\_\_\_\_**

An ordinance granting a private license to Preston Hollow United Methodist Church to occupy, maintain, and utilize portions of Stichter Avenue right-of-way located near the intersection of Stichter Avenue and Tibbs Street, adjacent to City Block 2/5487 within the limits hereinafter more fully described, for the purpose of installing, using and maintaining landscaping; providing for the 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.

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

**SECTION 1.** That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Preston Hollow United Methodist Church, a Texas non-profit corporation, its successors and assigns, hereinafter referred to as "**GRANTEE**" to occupy, maintain, and utilize for the purpose set out hereinbelow the tract of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

**SECTION 2.** That this license is granted for a term of forty (40) years, unless sooner terminated according to other terms and provisions herein contained.

**SECTION 3.** That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE THOUSAND (\$1,000.00) DOLLARS** for the license herein granted 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 be a one-time fee that covers the consideration for the entire license period granted herein in accordance with special fees established by Section 43-115.1 of the Dallas City Code. 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 one-time fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction 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, Dept. DEV, Unit 1181, Revenue Source 8428. 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 4.** That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: installing, using and maintaining landscaping within the public right-of-way.

**SECTION 5.** That this license is subject to the provisions set forth in EXHIBIT B, attached hereto and made a part hereof.

**SECTION 6.** 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 duly 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 cancelled 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 Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.



**SECTION 7.** That the license is subject to the following conditions, terms and reservations:

- a) **GRANTEE** must comply with the City of Dallas MOWmentum Program agreement guidelines.
- b) **GRANTEE** acknowledges that ATMOS has a 2 inch gas main in the public right-of-way on Stichter Avenue. Any needed relocation will be at the expense of the **GRANTEE**.

**SECTION 8.** 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 Department 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 Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 9.** That upon receipt of **GRANTEE's** final written acceptance, the Director of Department 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 Department 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 10.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 11.** That this license may not be assigned without prior written approval from the Director of Department 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 Department 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 Department of Sustainable Development and Construction, or designee, may terminate this license.

**SECTION 12.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the 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 Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 13.** 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   
for Assistant Director

Passed \_\_\_\_\_.

LICENSE AGREEMENT  
PORTION OF STICHTER AVENUE  
ADJACENT TO BLOCK 2/5487

EXHIBIT A

BEING a 3,713 square feet tract of land situated in the James A. Smith Survey, Abstract No. 1339, in the City of Dallas, Dallas County, Texas, and being a portion of Stichter Avenue (60 foot right-of-way) created by part of City Block 5487, City of Dallas, Texas, according to the plat recorded in Volume 12, Page 125, Map Records, Dallas County, Texas, adjacent to Block 2/5487, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for corner, said corner being the Northeast corner of Lot 7, Block 2/5487, of Steel Addition, an Addition to the City of Dallas, Dallas County, Texas, according to the Map or Plat thereof recorded in Volume 13, Page 127, Map Records, Dallas County, Texas, and being in the intersection of the West line of Tibbs Street (55 foot right-of-way), and the South line of said Stichter Avenue;

THENCE South 89 degrees 59 minutes 15 seconds West, along the North line of said Lot 7, Block 2/5487, and along the South line of said Stichter Avenue, a distance of 226.64 feet to a 1/2 inch iron rod set with yellow cap stamped "CBG Surveying, Inc." for corner;

THENCE North 00 degrees 00 minutes 45 seconds West, over and across said Stichter Avenue, a distance of 16.38 feet to an "X" set in concrete for corner;

THENCE North 89 degrees 59 minutes 15 seconds East, over and across said Stichter Avenue, a distance of 226.64 feet to an "X" set in concrete for corner;

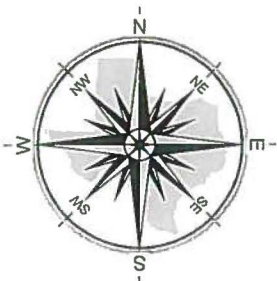
THENCE South 00 degrees 00 minutes 45 seconds East, over and across said Stichter Avenue, a distance of 16.38 feet to the POINT OF BEGINNING containing 3,713 square feet or 0.085 acres of land.

BEARING BASIS: THE SOUTH LINE OF STICHTER AVENUE  
AS SHOWN ON PLAT RECORDED IN VOLUME 13, PAGE  
127, MAP RECORDS, DALLAS COUNTY, TEXAS.  
(S89°59'15"W)

REVIEWED BY  
*JS* 01.14.2014  
SPRG-2795



BRYAN CONNALLY  
R.P.L.S. NO. 5513



**CBG Surveying, Inc.**

PLANNING • SURVEYING  
12025 Shiloh Road Suite 230 Dallas, Texas 75228  
P 214.349.9485 • F 214.349.2216  
[www.cbgdffw.com](http://www.cbgdffw.com)

SHEET 1 OF 2  
JOB NO. 1304447-2  
DRAWN BY: R.G.  
DATE: 09/16/13



# LICENSE AGREEMENT PORTION OF STICHTER AVENUE ADJACENT TO BLOCK 2/5487

**EXHIBIT A**

40' 20' 0 40' 80'



SCALE: 1" = 40'

## LINE TABLE

LINE	BEARING	LENGTH
L1	N00°00'45"W	16.38
L2	S00°00'45"E	16.38

## STICHTER AVENUE

60' R.O.W.  
VOL. 12, PG. 125  
M.R.D.C.T.

**N 89°59'15" E 226.64'**

3,713 sq. ft.  
0.085 acres

**S 89°59'15" W 226.64'**

(BASIS OF BEARINGS)

LOT 7, BLOCK 2/5487  
STEEL ADDITION  
VOL. 13, PG. 127  
M.R.D.C.T.

TRUSTEES OF PRESTON HOLLOW  
METHODIST CHURCH  
VOL. 3249, PG. 481  
D.R.D.C.T.

"X" SET IN CONCRETE

CM  
1/2" IRON ROD FOUND

POINT OF BEGINNING

**TIBBS STREET**  
55' R.O.W.

### GENERAL NOTES:

BEARING BASIS: THE SOUTH LINE OF STICHTER AVENUE AS SHOWN ON PLAT RECORDED IN VOLUME 13, PAGE 127, MAP RECORDS, DALLAS COUNTY, TEXAS. (S89°59'15"W)

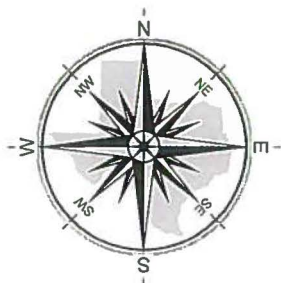
CM - CONTROLLING MONUMENT  
D.R.D.C.T. - DEED RECORDS, DALLAS COUNTY, TEXAS  
M.R.D.C.T. - MAP RECORDS, DALLAS COUNTY, TEXAS  
VOL. - VOLUME  
PG. - PAGE  
R.O.W. - RIGHT-OF-WAY

REVIEWED BY

01.14.2014  
SPRG 2795



Bryan Connally  
BRYAN CONNALLY  
R.P.L.S. NO. 5513



## CBG Surveying, Inc.

**PLANNING • SURVEYING**  
12025 Shiloh Road Suite 230 Dallas, Texas 75228  
P 214.349.9485 • F 214.349.2216  
www.cbgdw.com

SHEET 2 OF 2  
JOB NO. 1304447-2  
DRAWN BY: R.G.  
DATE: 09/16/13

**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 Development Services, 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 Development Services 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 Development Services, 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 Development Services.
- (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 twelve (12) months following termination of this license and removal of the installations,



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

2

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 Development Services.
  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 Development Services, 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 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 whether such damage is due to



**EXHIBIT B  
COMMERCIAL ENTITY  
ADDITIONAL LICENSE PROVISIONS**

4

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 # 17

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 34S T

---

### **SUBJECT**

An ordinance abandoning certain aerial rights over portions of Record Crossing Road and Harry Hines Boulevard to the Board of Regents of the University of Texas System, the abutting owner, containing a total of approximately 14,837 square feet of land, located near the intersection of Record Crossing Road and Harry Hines Boulevard and authorizing the quitclaim - Revenue: \$155,789, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of certain aerial rights over portions of Record Crossing Road and Harry Hines Boulevard to the Board of Regents of the University of Texas System, the abutting owner. The area will be included with the property of the abutting owner for the connection to the new William P. Clements Jr. University Hospital.

The abandonment fee is based on an independent appraisal.

Notices were sent to eight property owners located within 300 feet of the proposed abandonment area. There were no responses received in opposition to this request.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

Revenue: \$155,789, plus the \$20 ordinance publication fee

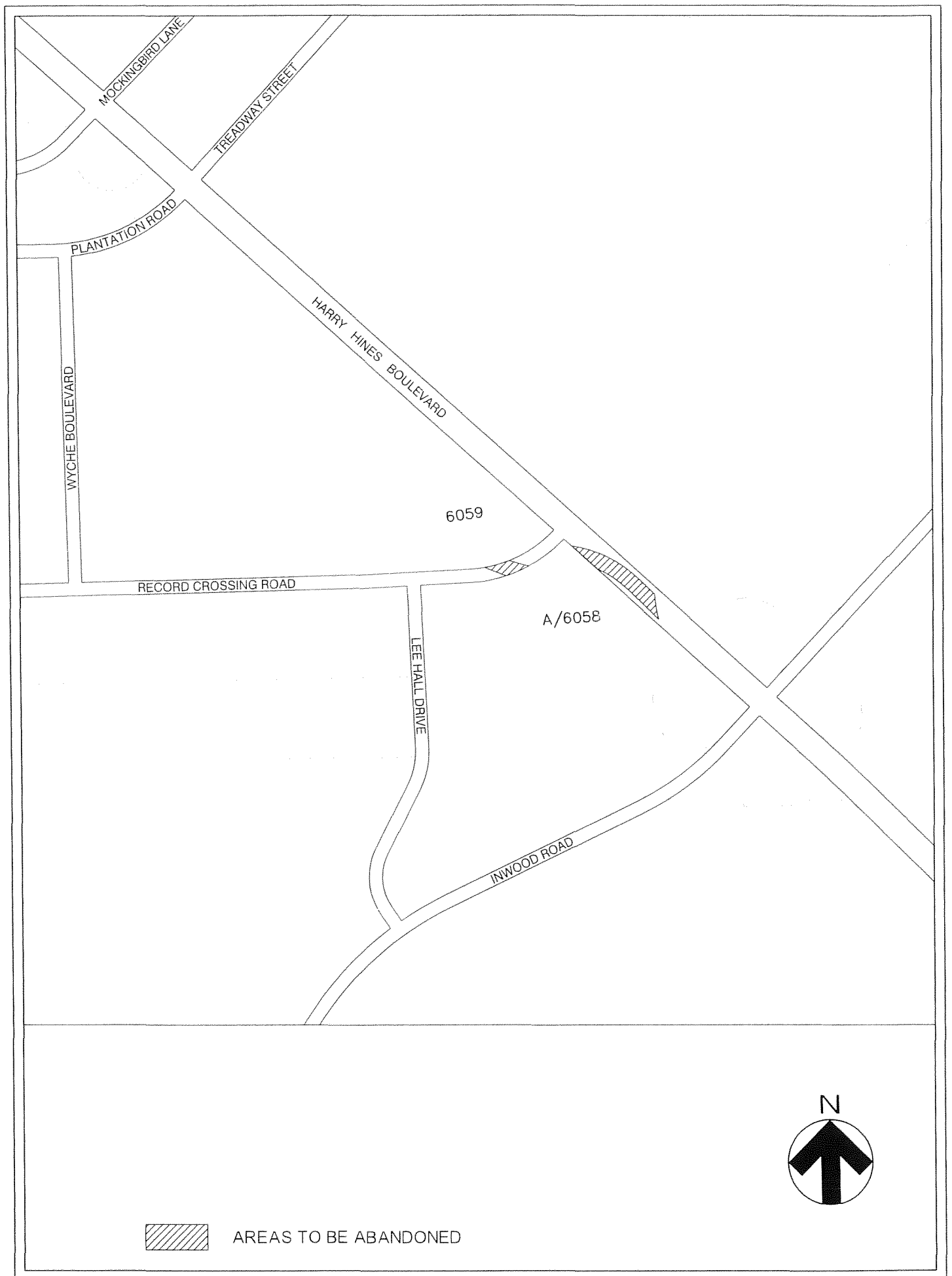
**OWNER**

**Board of Regents of The University of Texas System**

Francisco G. Cigarroa, M.D., Chancellor of The University of Texas System

**MAP**

Attached





**ORDINANCE NO. \_\_\_\_\_**

An ordinance providing for the abandonment of certain aerial rights over portions of Record Crossing Road and U.S. Highway No. 77 (also known as Harry Hines Boulevard) located adjacent to City Blocks A/6058 and 6059 in the City of Dallas and County of Dallas, Texas, subject to a reverter; providing for the quitclaim thereof to the Board of Regents of the University of Texas System; providing for the terms and conditions of the abandonment and quitclaim made herein; providing for the indemnification of the City of Dallas against damages arising out of the abandonment herein; providing for the consideration to be paid to the City of Dallas; providing for the payment of the publication fee; and providing an effective date.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of the Board of Regents of the University of Texas System, an agency of the State of Texas, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim, subject to a reverter interest retained by the City of Dallas, the hereinafter described air space areas, and is of the opinion that, subject to the terms, conditions and reverter herein provided, said aerial rights over a portion of Record Crossing Road, beginning at an elevation of 450 feet above mean sea level and extending to an elevation of 470 feet above mean sea level and said aerial rights over a portion of U.S. Highway No. 77 (also known as Harry Hines Boulevard), beginning at an elevation of 453 feet above mean sea level and extending to an elevation of 472 feet above mean sea level are not currently needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter provided, for the consideration hereinafter stated; and

**WHEREAS**, the City Council of the City of Dallas is of the opinion that the best interest and welfare of the public will be served by abandoning and quitclaiming the same to **GRANTEE** for the consideration and subject to the terms conditions and reverter, hereinafter more fully set forth; **Now, Therefore,**

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

**SECTION 1.** That the aerial rights over a portion of Record Crossing Road, beginning at an elevation of 450 feet above mean sea level and extending to an elevation of 470 feet above mean sea level and said aerial rights over a portion of U.S. Highway No. 77 (also known as Harry Hines Boulevard), beginning at an elevation of 453 feet above mean sea level and extending to an elevation of 472 feet above mean sea level, over the tracts of land described in Exhibit A-Tracts 1 and 2 respectively, which is attached hereto and made a part hereof, be and the same are abandoned, vacated and closed insofar as the right, title and easement of the public are concerned; subject, however, to the reverter and the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **ONE HUNDRED FIFTY-FIVE THOUSAND SEVEN HUNDRED EIGHT-NINE AND NO/100 (\$155,789.00) DOLLARS** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents QUITCLAIM unto the said **GRANTEE**, subject to the conditions, reservations and exceptions hereinafter made and with the reverter interest herein stated, all its right, title and interest in and to those certain aerial rights over a portion of Record Crossing Road, beginning at an elevation of 450 feet above mean sea level and extending to an elevation of 470 feet above mean sea level and said aerial rights over a portion of U.S. Highway No. 77 (also known as Harry Hines Boulevard), beginning at an elevation of 453 feet above mean sea level and extending to an elevation of 472 feet above mean sea level, over the tracts of land hereinabove described in Exhibit A-Tracts 1 and 2 respectively. Provided however that if the extension of the overhead connector to be constructed, situated on and adjacent to the areas to be abandoned (i) is not built within 12 months of the effective date of this ordinance or (ii) if constructed, the overhead connector is ever: (a) partially demolished, removed or damaged and is not promptly thereafter repaired or rebuilt within 180 days; (b) substantially or totally demolished, removed or damaged; or (c) abandoned in whole or in part by **GRANTEE**, its successors and assigns, then this ordinance and quitclaim shall be rendered null and void and the right, title and easement of the public shall absolutely revert without any necessity for suit or re-entry by the City, and no act or

omission on the part of the City, its successor and assigns, shall be a waiver of the operation or enforcement of this ordinance. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE**.

**SECTION 3.** That upon payment of the monetary consideration set forth in Section 2, **GRANTEE** accepts the terms, provisions, and conditions of this ordinance.

**SECTION 4.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction - Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 5.** That the abandonment provided for herein is made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise.

**SECTION 6.** That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

**SECTION 7.** That the abandonment and quitclaim provided for herein shall extend only to the public right, title, easement and interest, and shall be construed to extend only to that interest the Governing Body of the City of Dallas may legally and lawfully abandon and vacate.

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, to the extent authorized by the Constitution and laws of the State of Texas, agree to indemnify, defend, release and hold the City of Dallas whole and harmless against any and all claims for damages, fines, penalties, costs or expenses to persons

or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the areas set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the areas described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the areas set out in Exhibit A. **GRANTEE**, its successors and assigns, to the extent authorized by the Constitution and laws of the State of Texas, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive, Environmental Response, Compensation Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substances": under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15 U.S.C. Section 2601 et seq., as amended. References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.



**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall:

- a) be responsible to relocate Oncor's distribution facilities in conflict with applicant's request per the Discretionary Service Agreement signed by applicant and Oncor on October 25, 2013.
- b) be responsible to coordinate with AT&T for relocation of their facilities before construction of the bridges begins and **GRANTEE** shall reimburse AT&T for any relocation costs.

**SECTION 10.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for the publishing of this ordinance, which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee: (i) shall deliver to **GRANTEE** a certified copy of this ordinance, and (ii) is authorized to and shall prepare and deliver a **QUITCLAIM DEED** with regard to the areas abandoned herein, subject to a reverter interest, to **GRANTEE** hereunder, same to be executed by the City Manager on behalf of the City of Dallas, attested by the City Secretary and approved as to form by the City Attorney. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

**SECTION 11.** 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

**DAVID COSSUM**  
Interim Director of Department of  
Sustainable Development and Construction

BY

  
Assistant City Attorney

BY

  
Assistant Director

Passed \_\_\_\_\_.

# EXHIBIT A-TRACT 1

## AERIAL ABANDONMENT RECORD CROSSING ROAD

Beginning at elevation 450.00 feet mean sea level  
up to elevation 470.00 feet mean sea level  
5,746 SQUARE FEET (0.132 OF AN ACRE)

ADJACENT TO CITY OF DALLAS BLOCK NUMBERS 6059 AND A/ 6058  
W.B. COATS SURVEY, ABSTRACT NUMBER 236  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 5,746 square foot tract of land situated in the W.B. Coats Survey, Abstract Number 236, City of Dallas, Dallas County, Texas, said tract being adjacent to City of Dallas Block Numbers 6059 and A/6058, said tract being located within the existing right-of-way of Record Crossing Road (a variable width right-of-way), created by Volume 4239, Page 323 and Volume 236, Page 1311 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod with yellow plastic cap stamped "RLG" on the southwesterly right-of-way line of U.S. Highway No. 77 (also known as Harry Hines Boulevard, a variable width right-of-way) for an angle point of Lot 1A, Block A/6058, ST. PAUL MEDICAL CENTER NO. 2, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 94062, Page 4235, D.R.D.C.T.;

THENCE North 46 degrees 08 minutes 03 seconds West, with the northeast line of said Lot 1A and with the southwesterly right-of-way line of said U.S. Highway No. 77, a distance of 124.27 feet to a point (not monumented) at the intersection of the southeasterly right-of-way line of said Record Crossing Road with the southwesterly right-of-way line of said U.S. Highway No. 77 for a north corner of said Lot 1A;

THENCE South 64 degrees 38 minutes 07 seconds West, departing the southwesterly right-of-way line of said U.S. Highway No. 77, and with the southeasterly right-of-way line of said Record Crossing Road and with the northerly line of said Lot 1A, a distance of 156.73 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the POINT OF BEGINNING of the herein described tract of land;

THENCE South 64 degrees 38 minutes 07 seconds West, continuing with the southeasterly right-of-way line of said Record Crossing Road and with the northerly line of said Lot 1A, a distance of 42.27 feet to a 1/2-inch found iron rod with yellow plastic cap stamped "RLG" for corner;

THENCE South 73 degrees 32 minutes 07 seconds West, continuing with the southeasterly right-of-way line of said Record Crossing Road and the northerly line of said Lot 1A, a distance of 41.30 feet to a 1/2-inch set iron rod with cap for the beginning of a non-tangent circular curve to the right having a radius of 320.00 feet, whose chord bears North 71 degrees 57 minutes 20 seconds West, a distance of 39.61 feet;

(For SPRG use only)

Reviewed By: JS  
Date: 05-28-2013  
SPRG NO.: 2601

Page 1 of 4

5/24/13

I:\29000s\29005\Admin\Documents\LD0\_132.docx

## EXHIBIT A-TRACT 1

### AERIAL ABANDONMENT RECORD CROSSING ROAD

Beginning at elevation 450.00 feet mean sea level  
up to elevation 470.00 feet mean sea level  
5,746 SQUARE FEET (0.132 OF AN ACRE)

ADJACENT TO CITY OF DALLAS BLOCK NUMBERS 6059 AND A/ 6058  
W.B. COATS SURVEY, ABSTRACT NUMBER 236  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE Northwesterly, departing the southeasterly right-of-way line of said Record Crossing Road and the northerly line of said Lot 1A, and over and across the right-of-way of said Record Crossing Road and with said curve, through a central angle of 07 degrees 05 minutes 46 seconds an arc length of 39.63 feet to the point of tangency;

THENCE North 68 degrees 24 minutes 27 seconds West, continuing over and across the right-of-way of said Record Crossing Road, a distance of 95.57 feet to a set "X" cut in concrete for the beginning of a tangent circular curve to the left, having a radius of 280.00 feet, whose chord bears North 70 degrees 30 minutes 00 seconds West, a distance of 20.45 feet;

THENCE Northwesterly, continuing over and across the right-of-way of said Record Crossing Road and with said curve, through a central angle of 04 degrees 11 minutes 05 seconds an arc length of 20.45 feet to a set "X" cut in concrete on the northwesterly right-of-way line of said Record Crossing Road and the southerly line of a tract of land described in Special Warranty Deed to the Board of Regents of the University of Texas System, as recorded in Volume 80216, Page 3609, D.R.D.C.T. (hereinafter referred to as "Board of Regents tract");

THENCE North 86 degrees 37 minutes 26 seconds East, with the northwesterly right-of-way line of said Record Crossing Road and with the southerly line of said Board of Regents tract, a distance of 96.53 feet to a 1/2-inch set iron rod with cap for corner;

THENCE South 68 degrees 24 minutes 27 seconds East, departing the northwesterly right-of-way line of said Record Crossing Road and the southerly line of said Board of Regents tract, and over and across the right-of-way of said Record Crossing Road, a distance of 28.50 feet to a set PK nail with washer stamped "HALFF" for the beginning of a tangent circular curve to the left having a radius of 280.00 feet, whose chord bears South 78 degrees 44 minutes 03 seconds East, a distance of 100.39 feet;

THENCE Southeasterly, continuing over and across the right-of-way of said Record Crossing Road and with said curve, through a central angle of 20 degrees 39 minutes 13 seconds an arc length of 100.93 feet to a 1/2-inch set iron rod with cap for the point of tangency;

(For SPRG use only)

Reviewed By: JS  
Date: 05-28-2013  
SPRG NO.: 2601

Page 2 of 4

5/24/13

I:\29000s\29005\Admin\Documents\LD0\_132.docx



# EXHIBIT A-TRACT 1

## AERIAL ABANDONMENT RECORD CROSSING ROAD

Beginning at elevation 450.00 feet mean sea level  
up to elevation 470.00 feet mean sea level  
5,746 SQUARE FEET (0.132 OF AN ACRE)

ADJACENT TO CITY OF DALLAS BLOCK NUMBERS 6059 AND A/ 6058  
W.B. COATS SURVEY, ABSTRACT NUMBER 236  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE South 89 degrees 03 minutes 40 seconds East, continuing over and across the right-of-way of said Record Crossing Road, a distance of 2.29 feet to the POINT OF BEGINNING and containing 5,746 square feet or 0.132 of an acre of land, more or less, affecting the Air Space above Record Crossing Road beginning at elevation 450.00 feet mean sea level up to elevation 470.00 feet mean sea level.

A Parcel Plat of even date accompanies this legal description.

Basis of Bearings is NAD 83 (NSRS 2007) Texas State Plane North Central Zone 4202 as established by GPS from Arlington RRP2 "TXAR" PID No. DJ5440. Convergence angle at "TXAR" is +00 degrees 47 minutes 06.8 seconds.

Heath W. Brown 5-16-2013

Heath W. Brown  
Registered Professional Land Surveyor  
Texas No. 6189  
Halff Associates, Inc.,  
1201 North Bowser Rd.  
Richardson, Texas 75081  
214-346-6326



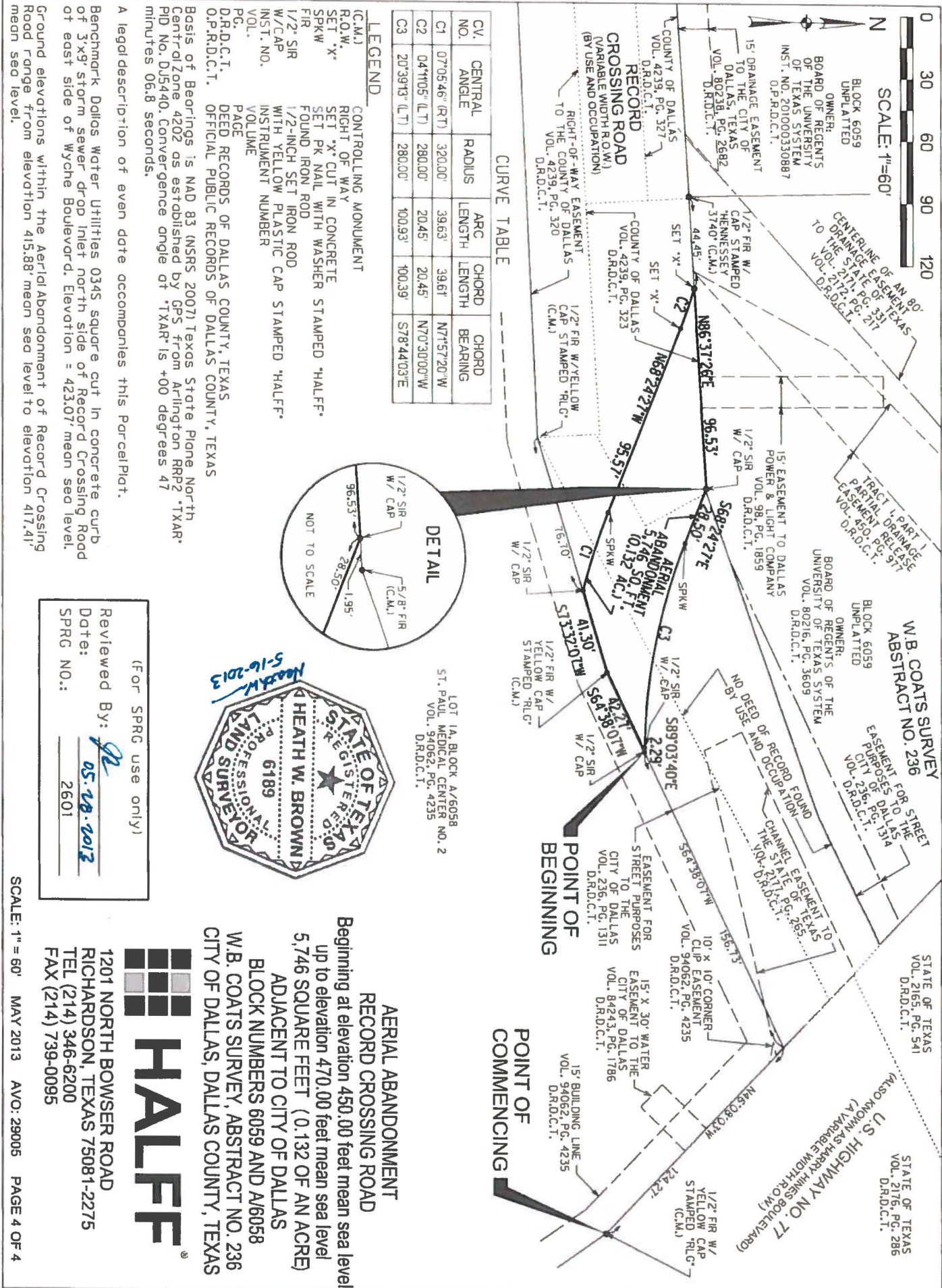
(For SPRG use only)

Reviewed By: JB  
Date: 05-28-2013  
SPRG NO.: 2601

Page 3 of 4  
5/24/13

I:\29000s\29005\Admin\Documents\LD0\_132.docx

# EXHIBIT A-TRACT 1





## EXHIBIT A-TRACT 2

### AERIAL ABANDONMENT

U.S. HIGHWAY NO. 77 (ALSO KNOWN AS HARRY HINES BOULEVARD)

Beginning at elevation 453.00 feet mean sea level up to 472.00 feet mean sea level

9,091 SQUARE FEET (0.209 OF AN ACRE)

ADJACENT TO CITY OF DALLAS BLOCK NUMBER A/6058

W.B. COATS SURVEY, ABSTRACT NUMBER 236

CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 9,091 square foot tract of land situated in the W.B. Coats Survey, Abstract Number 236, City of Dallas, Dallas County, Texas, and being adjacent to City of Dallas Block Number A/6058, said tract being located within the existing right-of-way of U.S. Highway No. 77 (also known as Harry Hines Boulevard, a variable width right-of-way), created by Volume 2176, Page 286 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a 1/2-inch found iron rod with plastic cap stamped "RLG" on the southeasterly right-of-way line of Record Crossing Road (a variable width right-of-way) for an angle point of Lot 1A, Block A/6058, ST. PAUL MEDICAL CENTER NO. 2, an addition to the City of Dallas, Dallas County, Texas, as recorded in Volume 94062, Page 4235, D.R.D.C.T.;

THENCE North 64 degrees 38 minutes 07 seconds East, with the northerly line of said Lot 1A and with the southeasterly right-of-way line of said Record Crossing Road, a distance of 199.00 feet to a point (not monumented) at the intersection of the southeasterly right-of-way line of said Record Crossing Road with the southwesterly right-of-way line of said U.S. Highway No. 77 for a north corner of said Lot 1A;

THENCE South 46 degrees 08 minutes 03 seconds East, departing the southeasterly right-of-way line of said Record Crossing Road, and with the southwesterly right-of-way line of said U.S. Highway No. 77 and with the northeast line of said Lot 1A, a distance of 112.81 feet to a 1/2-inch set iron rod with yellow plastic cap stamped "HALFF" (hereinafter referred to as "with cap") for the POINT OF BEGINNING of the herein described tract of land, said point being the beginning of a non-tangent circular curve to the right having a radius of 320.00 feet, whose chord bears South 60 degrees 59 minutes 41 seconds East, a distance of 173.61 feet;

THENCE Southeasterly, departing the southwesterly right-of-way line of said U.S. Highway No. 77 and the northeast line of said Lot 1A, and over and across the right-of-way of said U.S. Highway No. 77 and with said curve, through a central angle of 31 degrees 28 minutes 44 seconds an arc length of 175.81 feet to a set "X" cut in concrete for the point of tangency;

THENCE South 45 degrees 15 minutes 19 seconds East, continuing over and across the right-of-way of said U.S. Highway No. 77, a distance of 21.79 feet to a set "X" cut in concrete for corner;

(For SPRG use only)

Reviewed By: JS

Date: 05.29.2013

SPRG NO.: 2602

Page 1 of 4

5/24/13

I:\29000s\29005\Admin\Documents\LD0\_209.docx

## EXHIBIT A-TRACT 2

### AERIAL ABANDONMENT

#### U.S. HIGHWAY NO. 77 (ALSO KNOWN AS HARRY HINES BOULEVARD)

Beginning at elevation 453.00 feet mean sea level up to 472.00 feet mean sea level

9,091 SQUARE FEET (0.209 OF AN ACRE)

ADJACENT TO CITY OF DALLAS BLOCK NUMBER A/6058

W.B. COATS SURVEY, ABSTRACT NUMBER 236

CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE North 89 degrees 09 minutes 34 seconds East, continuing over and across the right-of-way of said U.S. Highway No. 77, a distance of 25.71 feet to a point (unable to set) on the northwesterly line of a Private License to The University of Texas Southwestern Medical Center at Dallas by the City of Dallas in Ordinance Number 21235, as recorded in Volume 92125, Page 0709, D.R.D.C.T. (hereinafter referred to as "Private License") for the beginning of a non-tangent circular curve to the left having a radius of 270.67 feet, whose chord bears South 05 degrees 54 minutes 14 seconds East, a distance of 92.05 feet;

THENCE Southeasterly, continuing over and across the right-of-way of said U.S. Highway No. 77, with the northwesterly line of said Private License, and with said curve, through a central angle of 19 degrees 34 minutes 51 seconds an arc length of 92.50 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 45 degrees 15 minutes 19 seconds West, departing the northwesterly line of said Private License, and continuing over and across the right-of-way of said U.S. Highway No. 77, a distance of 110.97 feet to a set "X" cut in concrete for the beginning of a tangent circular curve to the left having a radius of 280.00 feet, whose chord bears North 55 degrees 27 minutes 48 seconds West, a distance of 99.25 feet;

THENCE Northwesterly, continuing over and across the right-of-way of said U.S. Highway No. 77 and with said curve, through a central angle of 20 degrees 24 minutes 58 seconds an arc length of 99.77 feet to a set "X" cut in concrete for the end of said curve on the northeast line of said Lot 1A and the southwesterly right-of-way line of said U.S. Highway No. 77;

THENCE North 34 degrees 49 minutes 27 seconds West, with the northeast line of said Lot 1A and with the southwesterly right-of-way line of said U.S. Highway No. 77, a distance of 58.94 feet to a 1/2-inch found iron rod with yellow plastic cap stamped "RLG" for corner;

THENCE North 46 degrees 08 minutes 03 seconds West, continuing with the northeast line of said Lot 1A and the southwesterly right-of-way line of said U.S. Highway No. 77, a distance of 11.46 feet to the POINT OF BEGINNING and containing 9,091 square feet (0.209 of an acre) of land, more or less, affecting the Air Space above U.S. Highway No. 77 beginning at elevation 453.00 feet mean sea level up to elevation 472.00 feet mean sea level.

(For SPRG use only)

Reviewed By: JE  
Date: 05.29.2013  
SPRG NO.: 2602

Page 2 of 4

5/24/13

I:\29000s\29005\Admin\Documents\LD0\_209.docx



## EXHIBIT A-TRACT 2

### AERIAL ABANDONMENT

U.S. HIGHWAY NO. 77 (ALSO KNOWN AS HARRY HINES BOULEVARD)

Beginning at elevation 453.00 feet mean sea level up to 472.00 feet mean sea level

9,091 SQUARE FEET (0.209 OF AN ACRE)

ADJACENT TO CITY OF DALLAS BLOCK NUMBER A/6058

W.B. COATS SURVEY, ABSTRACT NUMBER 236

CITY OF DALLAS, DALLAS COUNTY, TEXAS

A Parcel Plat of even date accompanies this legal description.

Basis of Bearings is NAD 83 (NSRS 2007) Texas State Plane North Central Zone 4202 as established by GPS from Arlington RRP2 "TXAR" PID No. DJ5440. Convergence angle at "TXAR" is +00 degrees 47 minutes 06.8 seconds.

*Heath W. Brown* 5-16-2013

Heath W. Brown  
Registered Professional Land Surveyor  
Texas No. 6189  
Halff Associates, Inc.,  
1201 North Bowser Rd.  
Richardson, Texas 75081  
214-346-6326



(For SPRG use only)

Reviewed By: *[Signature]*

Date:

*05.14.2013*

SPRG NO.:

2602

Page 3 of 4

5/24/13

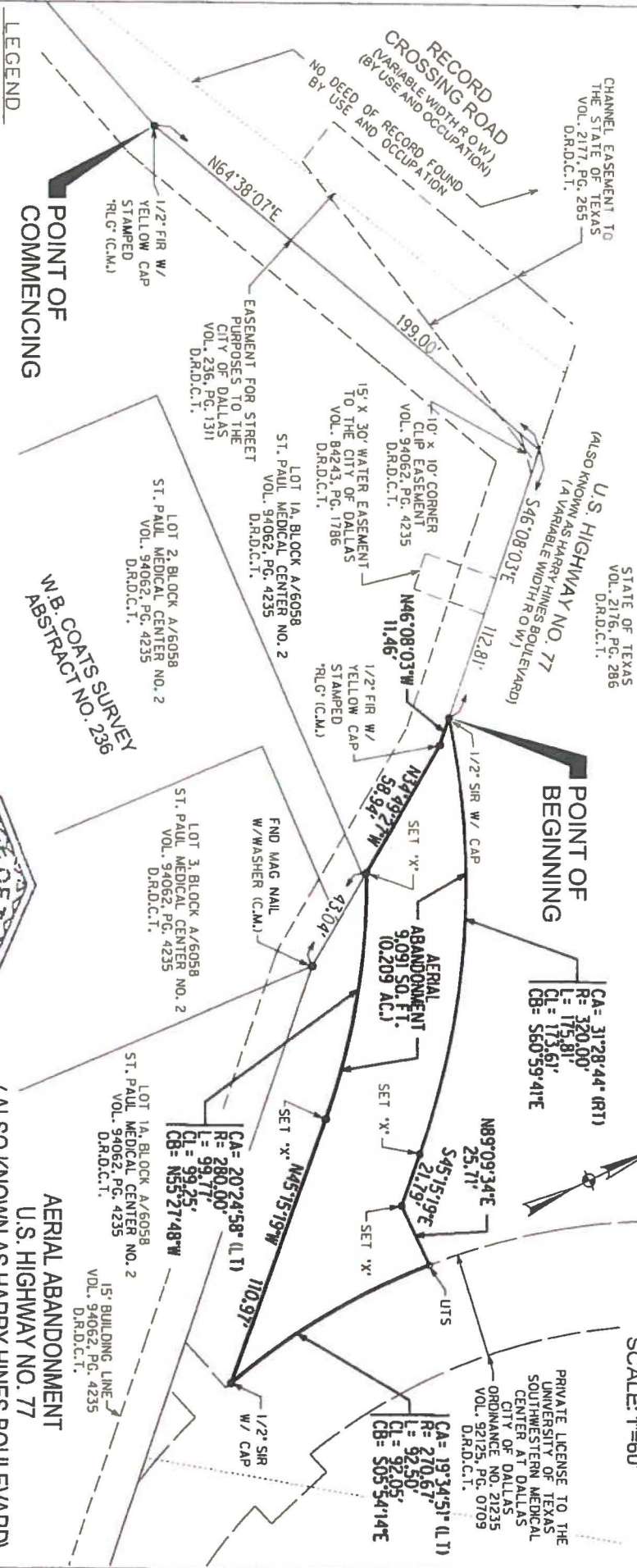
I:\29000s\29005\Admin\Documents\LD0\_209.docx

Ground elevations within the Aerial Abandonment of U.S. Highway No. 77 range from elevation 422.24' mean sea level to elevation 429.69' mean sea level.

A legal description of even date accompanies this PorcelPilot.

Benchmark Wallas Water Utilities 0345 square cut in concrete curb of 3'x9' storm sewer drop inlet north side of Record Crossing Road at east side of Wyche Boulevard. Elevation = 423.07' mean sea level.

Ground elevations within the Aerial Abandonment of U.S. Highway No. 77 range from elevation 422.24' mean sea level to elevation 429.69' mean sea level.



(For SPRG use only)

Reviewed By:

フ  
ロ  
ト  
ロ

SPRC NO.:



ALSO KNOWN AS HARRY HINES BOULEVARD)  
Beginning at elevation 453.00 feet mean sea level  
up to elevation 472.00 feet mean sea level  
9,091 SQUARE FEET (0.209 OF AN ACRE)  
ADJACENT TO CITY OF DALLAS  
BLOCK NUMBER A6058  
W.B. COATS SURVEY, ABSTRACT NO. 236  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**BLOCK NUMBER A/6058**

W.B. COATS SURVEY, ABSTRACT NO. 236  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



1201 NORTH BOWSER ROAD  
RICHARDSON, TEXAS 75081-2275  
TEL (214) 346-6200  
FAX (214) 739-0095

SCALE: 1" = 60' MAY 2013 AVO: 29005 PAGE 4 OF 4

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 46S

---

**SUBJECT**

An ordinance amending Ordinance No. 28975, which abandoned portions of Harrison, Clarence, Myrtle and Atlanta Streets, two alleys, three street easements, a sight easement, two sanitary sewer main easements, a water and sewer main easement, and a utility easement, to Dallas Independent School District, the abutting owner, to extend the final replat requirement from one year to 30 months – Revenue: \$5,400, plus the \$20 ordinance publication fee

**BACKGROUND**

This item authorizes the amendment of Ordinance No. 28975, which abandoned portions of Harrison, Clarence, Myrtle and Atlanta Streets, two alleys, three street easements, a sight easement, two sanitary sewer main easements, a water and sewer main easement, and a utility easement to Dallas Independent School District, the abutting owner. This amendment will allow for the extension of the final replat requirement from one year to 30 months.

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

On April 24, 2013, City Council approved Ordinance No. 28975.

**FISCAL INFORMATION**

Revenue: \$5,400, plus the \$20 ordinance publication fee

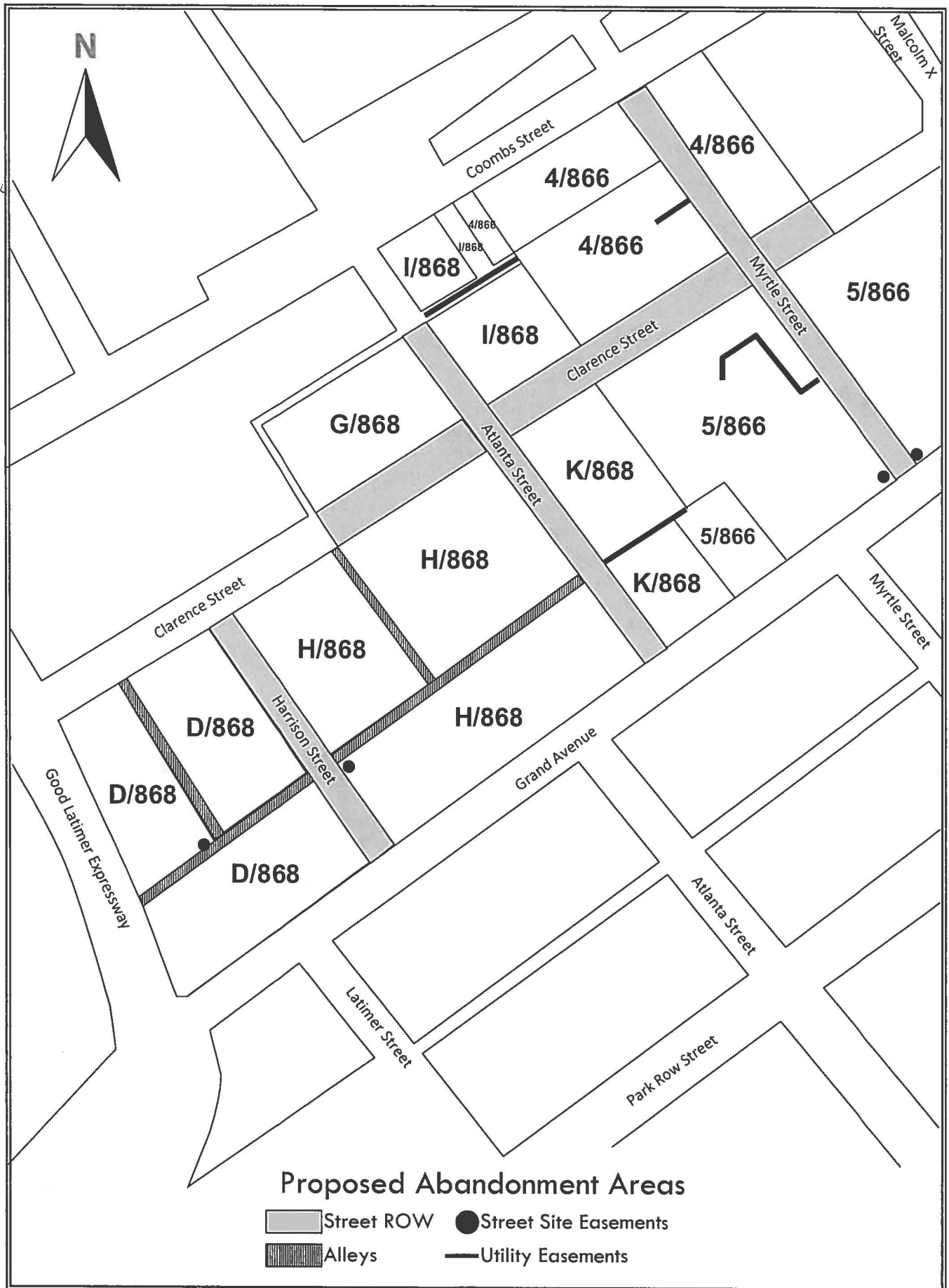
**OWNER**

**Dallas Independent School District**

Eric Cowan, Board President

**MAP**

Attached



**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Ordinance No. 28975, by altering Section 10 to extend the one year deadline to replat and dedicate needed right-of-way; providing for consideration to be paid to the City of Dallas; providing for payment of the publication fee; providing a savings clause; and providing an effective date.

**oooOooo**

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

**SECTION 1.** That Ordinance No. 28975 adopted by the City Council of the City of Dallas on April 24, 2013, be and the same is hereby amended by altering Section 10 to read as follows:

**“SECTION 10.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall record a final replat of the adjoining properties within ~~one year~~ 30 months of the effective date of this ordinance showing the fee simple dedication of not less than a total of 2,472 square feet of needed right-of-way in City Blocks 5/566, D/868, G/868 and H/868. This final replat shall be recorded by **GRANTEE** in the official real property records of the counties in which the abandoned area and the dedicated property are located, after its approval by the City Plan Commission of the City of Dallas. This abandonment shall not be effective unless and until this dedication is completed and failure to record a final replat in accordance with the term of this section shall render this ordinance null and void and of no further effect. Further, the final replat shall be recorded in the official real property records of the county in which the abandoned area is located before a certified copy of this ordinance shall be delivered to **GRANTEE.**”



**SECTION 2.** That, as consideration for amending Ordinance No. 28975 adopted, Dallas Independent School District, a governmental instrumentality, agrees to pay monetary consideration in the sum of **FIVE THOUSAND FOUR HUNDRED AND NO/100 (\$5,400.00) DOLLARS** to the City of Dallas, and, by its tender thereof, accepts the terms and conditions of this ordinance.

**SECTION 3.** That the City Controller is authorized to deposit the sum paid by **GRANTEE** pursuant to Section 2 above in the General Fund 0001, Department DEV, Balance Sheet 0519 and Department of Sustainable Development and Construction-Real Estate Division shall be reimbursed for the cost of obtaining the legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General FUND 0001, Department DEV, Unit 1183, Object 5011 and any remaining proceeds shall be transferred to the General Capital Reserve Fund 0625, Department BMS, Unit 8888, Revenue Source 8416.

**SECTION 4.** That the terms and conditions of Ordinance No. 28975 shall remain in full force and effect except as amended hereby.

**SECTION 5.** That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the monetary consideration set forth in Section 2, plus the fee for publishing this ordinance, which **GRANTEE** shall likewise pay, and the filing of the replat set forth in Section 10, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one (1) year after its passage.

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provision of the Charter of the City of Dallas and it is accordingly so ordained.

**APPROVED AS TO FORM:**  
**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 \_\_\_\_\_.



## AGENDA ITEM # 19

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Trinity Watershed Management

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

**MAPSCO:** N/A

---

### **SUBJECT**

Authorize **(1)** acceptance of a donation of \$12,615 from the Trinity Trust Foundation for the purpose of hiring an intern for the Southwest Airlines Conservation Corps program; and **(2)** the establishment of appropriations in the amount of \$12,615 - Not to exceed \$12,615 - Financing: Trinity Trust Foundation Fund - SW Airline Conservation Corps

### **BACKGROUND**

The Trinity Trust Foundation and Southwest Airlines have been working with the City on the Southwest Airlines Trinity Conservation Corps program. This is a three year program that began in 2013 to provide detailed cleaning, native species planting and land restoration work for the Trinity River Corridor with the participants being Southwest Airlines employees and other corporate and public sector volunteers. The intern will support the City and the programming associated with the Trinity Conservation Corps with their annual program which is managed by the Trinity Watershed Management.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no prior action.

### **FISCAL INFORMATION**

Trinity Trust Foundation Fund - SW Airline Conservation Corps - \$12,615

April 23, 2014

**WHEREAS**, the amount of \$12,615.00 is donated and has been received from the Trinity Trust Foundation; and

**WHEREAS**, the funds from this donation will be used to fund an intern for the Southwest Airlines Trinity Conservation Corps program administered by Trinity Watershed Management.

**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 the donation of \$12,615.00, from the Trinity Trust Foundation to fund an intern for the Southwest Airlines Conservation Corps program.

**Section 2.** That the City Controller is hereby authorized to receive and deposit the donation to the City of Dallas in Fund DL03, Department TWM, Unit 5802, Revenue Source 8411, Act. TTFF.

**Section 3.** That the City Manager is hereby authorized to establish appropriations in an amount not to exceed \$12,615.00, in Fund DL03, Department TWM, Unit 5802, Object 1510.

**Section 4.** That the City Controller is hereby authorized to disburse funds in accordance with the terms and conditions of the contract from:

Trinity Trust Foundation Fund - SW Airlines Conservation Corps  
Fund DL03, Dept. TWM, Unit 5802, Act. TTFF, Object 1510  
In an amount not to exceed \$12,615.00

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

## AGENDA ITEM # 20

**KEY FOCUS AREA:** Clean, Healthy Environment

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Trinity Watershed Management

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

**MAPSCO:** 56 D

---

### **SUBJECT**

Authorize the ratification of emergency work performed by Cleaning Guys, LLC for abatement and removal of mercury vapor light residue from the affected areas in and around Peary Park - Not to exceed \$77,982 - Financing: Stormwater Drainage Management Current Funds

### **BACKGROUND**

On October 3, 2013, the City received reports of nearly 1,000 broken mercury vapor lights at Peary Park, 2800 Peary Road. Mercury is considered a hazardous material. The vapor in these lights can cause adverse health effects if it is inhaled, ingested, or absorbed through the skin. After confirming the extent of the broken lights, Trinity Watershed Management contacted the vendor to abate the affected areas of the park.

The cleanup activities at Peary Park included removal and proper disposal of the light materials, playground play surface and soils containing shards and metal debris from the lights. Equipment used included an air quality monitor, haz-mat response trailer, skid-steer, vacuum truck, generator and flood lights to work at night, along with several roll-off boxes, drums and labor.

In a concern for citizen safety, the City requested testing to verify complete removal of these materials from the park, and also the personal property of several homeowners living near the affected park area. As a result of this testing, one homeowner may have been adversely affected and was compensated for clothing that had been in contact with the light material. All other homes tested negative.

The Dallas Marshal's Office has forwarded investigative materials to the District Attorney for possible prosecution.

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item has no previous action.

## **FISCAL INFORMATION**

Stormwater Drainage Management Current Funds - \$77,981.48

## **OWNER**

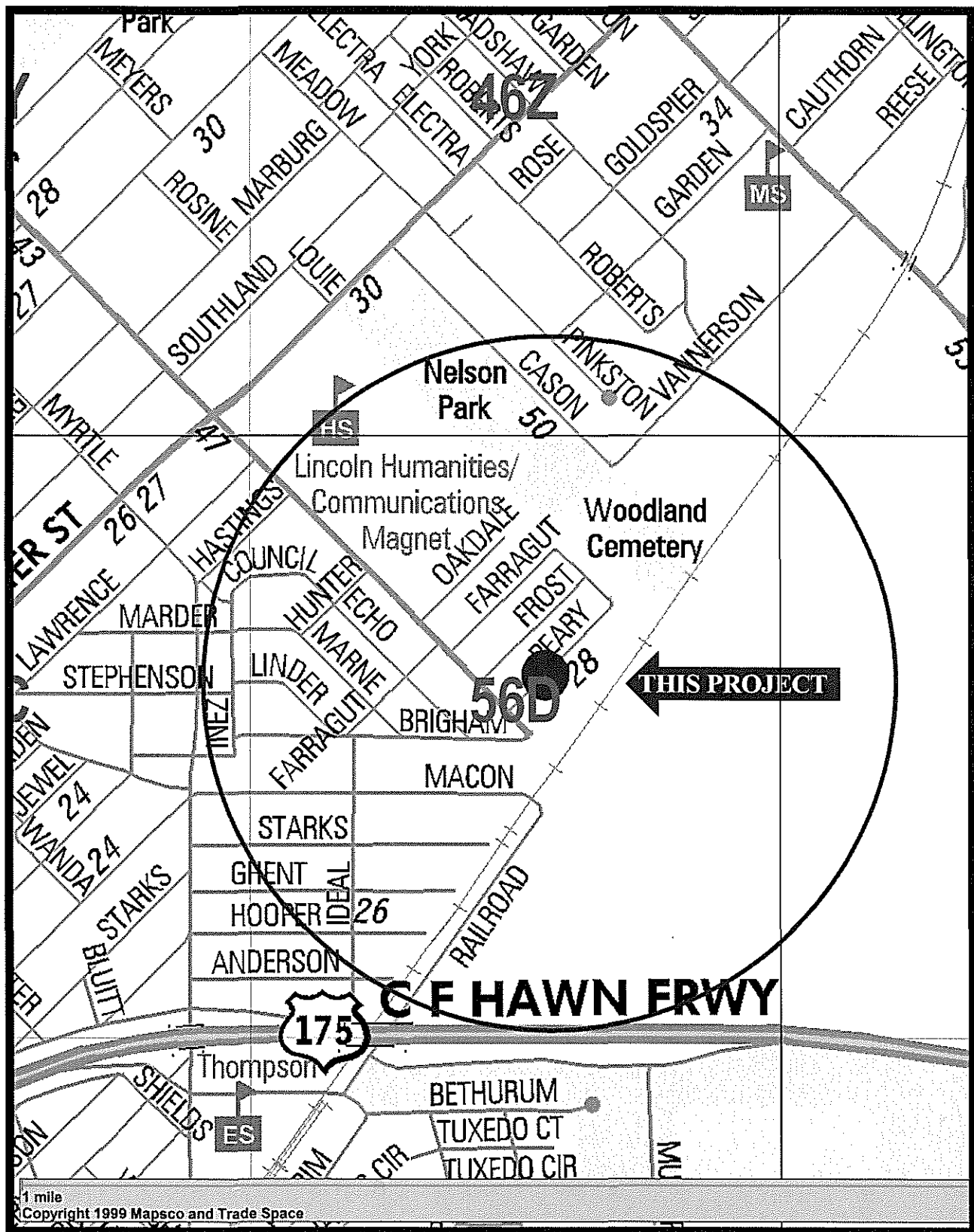
### **Cleaning Guys, LLC**

Eric McCallum, President  
Brad Smith, Vice President

## **MAP**

Attached

## Cleaning Guys



Mapsco 56-D

April 23, 2014

**WHEREAS**, on October 3, 2013 broken mercury vapor lights were reported at the City of Dallas' Peary Park, 2800 Peary Road, Dallas; and,

**WHEREAS**, the Trinity Watershed Management Department ordered the residue at Peary Park to be abated; and,

**WHEREAS**, the Trinity Watershed Management Department needed to determine if the situation could be detrimental to the health and safety of the surrounding property owners; and,

**WHEREAS**, the City of Dallas ordered testing for mercury vapor at the homes surrounding Peary Park; and,

**WHEREAS**, the Trinity Watershed Management Department now desires ratification by the City Council of these expenditures under the Charter of the City of Dallas.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager be and is hereby authorized to ratify expenditures for emergency work performed by Cleaning Guys, LLC for abatement and removal of mercury vapor light residue from the affected areas in and around Peary Park in an amount not to exceed \$77,981.48.

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

Stormwater Drainage Management Current Funds  
Fund 0061, Dept. SDM, Unit: 4790, Activity SD01, Obj: 3099  
Vendor #VS0000055324 in an amount not to exceed \$77,981.48

**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:** April 23, 2014

**COUNCIL DISTRICT(S):** 2, 6

**DEPARTMENT:** Trinity Watershed Management

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

**MAPSCO:** 44 F

---

**SUBJECT**

Authorize **(1)** an increase in the construction contract with AUI Contractors, LLC for construction of the Levee Drainage System – Hampton-Oak Lawn sump, also referred to as the Baker No. 3 Pump Station; and **(2)** extend the contract by an additional ninety-days - Not to exceed \$4,616,624, from \$37,961,493 to \$42,578,117 - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

The 2006 Bond Program included \$334 million dollars for storm drainage and flood management projects. This included \$48.1 million dollars for Levee Drainage System – Hampton-Oak Lawn sump, also referred to as the Baker No. 3 Pump Station. The Baker No. 3 Pump Station project is located at 2331 Irving Boulevard, has a total pumping capacity of 700,000 gallons per minute and provides 100–year flood protection to a large industrial and commercial area in Dallas that has flooded several times in recent years, reducing the flood elevation from 403.7 to 402.5 feet.

In September 2010, at the time the project was scheduled for advertisement, the U.S. Army Corps of Engineers (USACE) added new requirements to the sump design. Due to budget timing constraints and the need for a timely completion of the project, the City proceeded with the construction of the pump station with 50% sump design plans. It was planned that a change order was to be issued once the sump design was completed and met the new Corps' requirement. Funding for the anticipated additional work was set aside and budgeted for future award.

Baker No. 3 Pump Station was advertised and bid with 50% design plans for the Baker sump improvements. AUI Contractors, LLC was notified on June 27, 2012 of award of the contract in the amount of \$37,869,184.00 with a construction period of 900 calendar days to rehabilitate the Baker No. 2 and construct the new Baker No. 3 Pump Station.

## **BACKGROUND (Continued)**

The sump design was completed and approved by the USACE in December 2013. Negotiations with the contractor to construct the sump improvements began. In addition to the sump improvements, this change order also includes modifications to structural, electrical, instrumentation control, piping and roofing that are necessary to complete construction. Total cost of this change order is \$4,616,623.20 and a time extension of 90 calendar days. It is anticipated that the project will be complete in March, 2015.

This action will authorize Change Order No. 2 to the contract with AUI Contractors, LLC for the construction of the Levee Drainage System – Hampton-Oak Lawn sump, also referred to as the Baker No. 3 Pump Station.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	June 2007
Completed Design	February 2012
Began Construction	September 2012
Complete Construction	March 2015

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized Award of Contract to AUI Contractors, LLC in the amount of \$37,869,184.00 on June 27, 2012, by Resolution No. 12-1731.

Authorized approval of Change Order No. 1 to the contract with AUI Contractors, LLC in the amount of \$92,309.00 on August 14, 2013, by Resolution No. 13-1329.

## **FISCAL INFORMATION**

2006 Bond Program (General Obligation Commercial Paper Funds) - \$4,616,623.20

Original Contract	\$37,869,184.00
Change Order No. 1	\$ 92,309.00
Change Order No. 2 (this action)	<u>\$ 4,616,623.20</u>

Total Amount	\$42,578,116.20
--------------	-----------------

<b><u>Council District</u></b>	<b><u>Amount</u></b>
2	\$2,308,311.60
6	<u>\$2,308,311.60</u>
Total	\$4,616,623.20



## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

### **AUI Contractors, LLC**

Hispanic Female	12	Hispanic Male	159
African-American Female	0	African-American Male	8
Other Female	0	Other Male	3
White Female	13	White Male	117

## **OWNER**

### **AUI Contractors, LLC**

Doug Alumbaugh, President

## **MAP**

Attached

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize **(1)** an increase in the construction contract with AUI Contractors, LLC for construction of the Levee Drainage System – Hampton-Oak Lawn sump, also referred to as the Baker No. 3 Pump Station; and **(2)** extend the contract by an additional ninety-days - Not to exceed \$4,616,624, from \$37,961,493 to \$42,578,117 - Financing: General Obligation Commercial Paper Funds

AUI Contractors, LLC 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	\$508,005.97	11.00%
Non-local contracts	\$4,108,617.23	89.00%
<b>TOTAL THIS ACTION</b>	<b>\$4,616,623.20</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

#### Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Shankle Concrete & Construction Co.	BMDB57171Y0414	\$133,370.97	26.25%
Soto's Steel, Inc.	HMMB10156N1214	\$1,320.00	0.26%
Ram Tool & Supply Company, Inc.	WFWB57275N0414	\$370,000.00	72.83%
<b>Total Minority - Local</b>		<b>\$504,690.97</b>	<b>99.35%</b>

#### Non-Local Contractors / Sub-Contractors

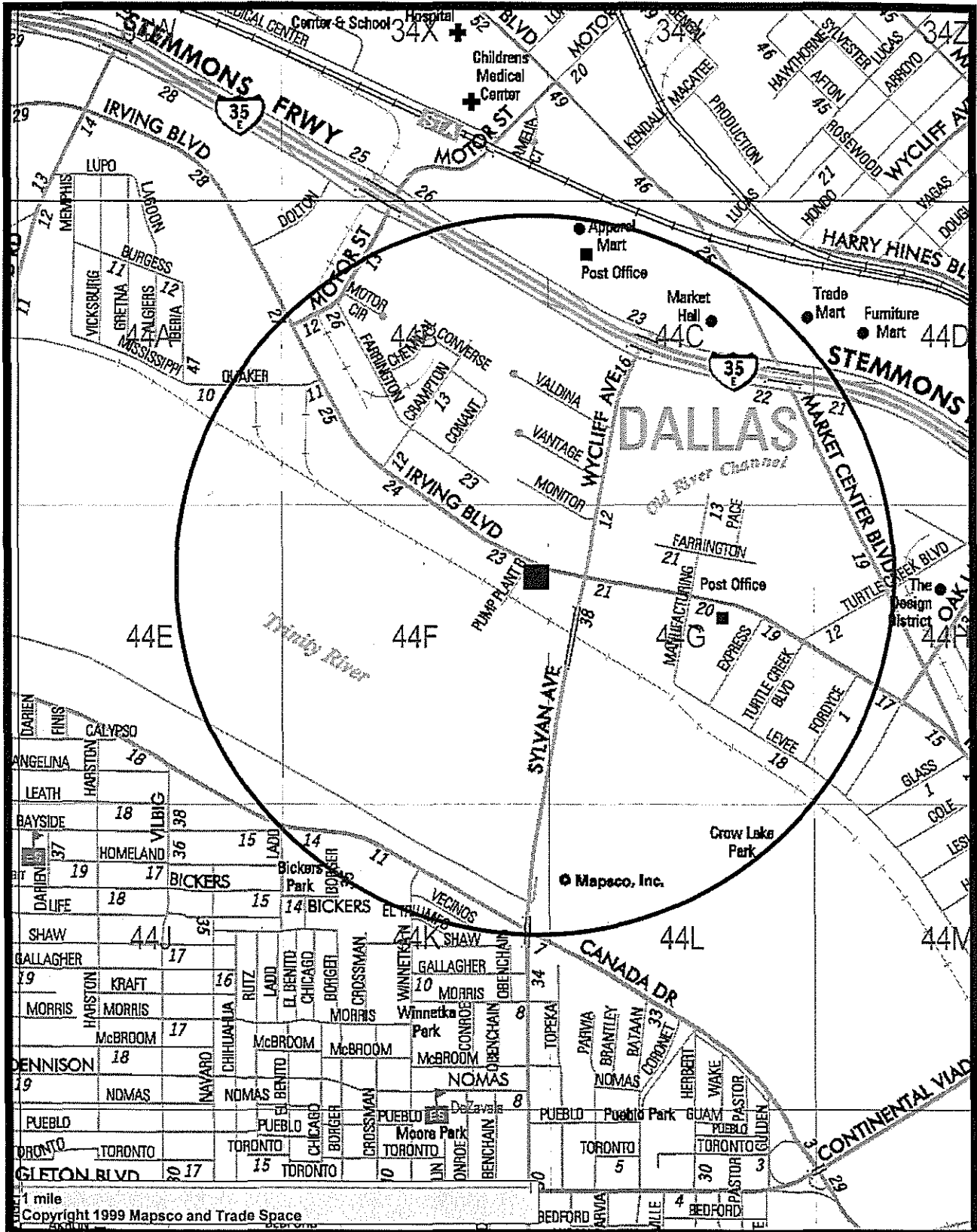
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
So Texas Pipe and Supply	WFWB58385N0814	\$327,427.00	7.97%
SHEA Services, Inc.	WFDB58250Y0714	\$293,000.00	7.13%
BRJ Paving Inc.	WFDB57074Y0414	\$240,000.00	5.84%
<b>Total Minority - Non-local</b>		<b>\$860,427.00</b>	<b>20.94%</b>

**TOTAL M/WBE PARTICIPATION**

	<b>This Action</b>		<b>Participation to Date</b>	
	<b><u>Amount</u></b>	<b><u>Percent</u></b>	<b><u>Amount</u></b>	<b><u>Percent</u></b>
African American	\$133,370.97	2.89%	\$2,701,913.97	6.35%
Hispanic American	\$1,320.00	0.03%	\$1,272,297.00	2.99%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$1,230,427.00	26.65%	\$7,042,470.84	16.54%
Total	\$1,365,117.97	29.57%	\$11,016,681.81	25.87%

# Levee Drainage System – Hampton / Oak Lawn Sump

## Baker Pump Station



Mapsco 44-F

April 23, 2014

**WHEREAS**, on June 13, 2007, Resolution No. 07-1833 authorized (1) a professional services contract with HNTB Corporation for program management of major flood management and storm drainage projects included in the 2006 Bond Program in the amount of \$8,423,300.00, and (2) a professional services contract with Carter and Burgess, Inc. for the design of the Levee Drainage System at Hampton-Oak Lawn Sump and Pavaho Sump in the amount of \$7,621,000.00; and,

**WHEREAS**, on October 28, 2009, Resolution No. 09-2652 authorized Supplemental Agreement No. 1 to the professional services contract with Carter & Burgess, Inc., a wholly owned subsidiary of Jacobs Engineering Group, Inc., for additional design services on the Levee Drainage System-Hampton Oak Lawn and the Levee Drainage System-Pavaho Pump Station in the amount of \$530,440.00, increasing the contract amount from \$7,621,000.00 to \$8,151,440.00; and,

**WHEREAS**, on June 23, 2010, Resolution No. 10-1707 authorized Supplemental Agreement No. 2 to the professional services contract with Carter & Burgess, Inc., a wholly owned subsidiary of Jacobs Engineering Group, Inc., for construction management services and for design support during construction in the amount of \$3,727,000.00, from \$8,151,440.00 to \$11,878,440.00; and,

**WHEREAS**, on February 23, 2011, Resolution No. 11-0597 authorized Supplemental Agreement No. 3 to the professional services contract with Carter & Burgess, Inc., a wholly owned subsidiary of Jacobs Engineering Group, Inc., for additional design services to address Federal Emergency Management Agency (FEMA) and U.S. Army Corps of Engineers requirements in the amount of \$2,145,000.00, from \$11,878,440.00 to \$14,023,440.00; and,

**WHEREAS**, bids were received on May 10, 2012, for the construction of the Baker No. 3 Pump Station; and,

**WHEREAS**, on June 27, 2012, Resolution No. 12-1731 awarded the contract for construction of Baker No. 3 and rehabilitation of Baker No. 2 to AUI Contractors, LLC in the amount of \$37,869,184.00; and,

**WHEREAS**, the U.S. Army Corps of Engineers will recognize this contract with AUI Contractors, LLC as a portion of the City of Dallas' in-kind credit for the 35% cost sharing of the Water Resources Development Act of 2007, Section 5141 for the Dallas Floodway Project that may also reduce future City expenses for the Corps' construction project; and,

**WHEREAS**, on August 14, 2013, Resolution No. 13-1329 authorized approval of Change Order No. 1 to the contract with AUI Contractors, LLC in the amount of \$92,309.00; and,

April 23, 2014

**WHEREAS**, it is now necessary to authorize Change Order No. 2 for construction of the Levee Drainage System - Hampton Oak Lawn sump, also referred to as the Baker No. 3 Pump Station.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to increase the contract with AUI Contractors, LLC for construction of the Levee Drainage System – Hampton-Oak Lawn sump in an amount not to exceed \$4,616,623.20, from \$37,961,493.00 to \$42,578,116.20, after it has been approved as to form by the City Attorney, and to extend the contract for an additional ninety-days.

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

Flood Protection and Storm Drainage Facilities Fund  
Fund 2T23, Department TWM, Unit T509, Act. FLDM  
Obj. 4540, Program # PB06T509, CT PBW06T509J1  
Vendor #259651, in an amount not to exceed \$4,616,623.20

**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 # 22

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Trinity Watershed Management  
Public Works Department

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

**MAPSCO:** 65Z 75C 75D

---

### **SUBJECT**

Authorize Supplemental Agreement No. 2 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional surveying and engineering design services necessary for the realignment of Wheatland Road from the Lancaster city limits to Lancaster Road at Plaza Drive - Not to exceed \$84,443, from \$405,931 to \$490,374 – Financing: General Obligation Commercial Paper Funds

### **BACKGROUND**

On April 9, 2008, Council authorized a contract for the engineering design of Wheatland Road from the Lancaster City Limit to Lancaster Road at Plaza Drive. The original proposed alignment for Wheatland Road in the thoroughfare plan went through hilly terrain, required a curved alignment to existing right-of-way, and also conflicted with an existing 24-inch shallow gas transmission pipeline. These items added cost to the project.

In order to maintain the project budget, it is necessary to realign Wheatland Road to a more favorable terrain. This Supplemental Agreement includes additional surveying and engineering design work necessary to shift the road alignment. This action provides compensation to the consultant for the additional work.

### **ESTIMATED SCHEDULE OF PROJECT**

Began design	May 2008
Complete design	May 2014
Begin construction	January 2015
Complete construction	December 2016



### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a professional services contract with Lockwood, Andrews & Newman, Inc for engineering design on April 9, 2008, by Resolution No. 08-1057.

### **FISCAL INFORMATION**

2006 Bond Program (General Obligation Commercial Paper Funds) - \$84,443.00

### **M/WBE INFORMATION**

See attached.

### **ETHNIC COMPOSITION**

Lockwood, Andrews & Newnam, Inc.

Hispanic Female	18	Hispanic Male	32
African-American Female	5	African-American Male	8
Other Female	7	Other Male	10
White Female	51	White Male	132

### **OWNER**

**Lockwood, Andrews & Newnam, Inc.**

Draw Hardin, P.E., Vice President

### **MAP**

Attached.

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize Supplemental Agreement No. 2 to the professional services contract with Lockwood, Andrews & Newnam, Inc. for additional surveying and engineering design services necessary for the realignment of Wheatland Road from the Lancaster city limits to Lancaster Road at Plaza Drive - Not to exceed \$84,443, from \$405,931 to 490,374 – Financing: General Obligation Commercial Paper Funds

Lockwood, Andrews & Newnam, 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	\$74,443.00	88.16%
Non-local contracts	\$10,000.00	11.84%
<b>TOTAL THIS ACTION</b>	<b>\$84,443.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION**

#### **Local Contractors / Sub-Contractors**

None

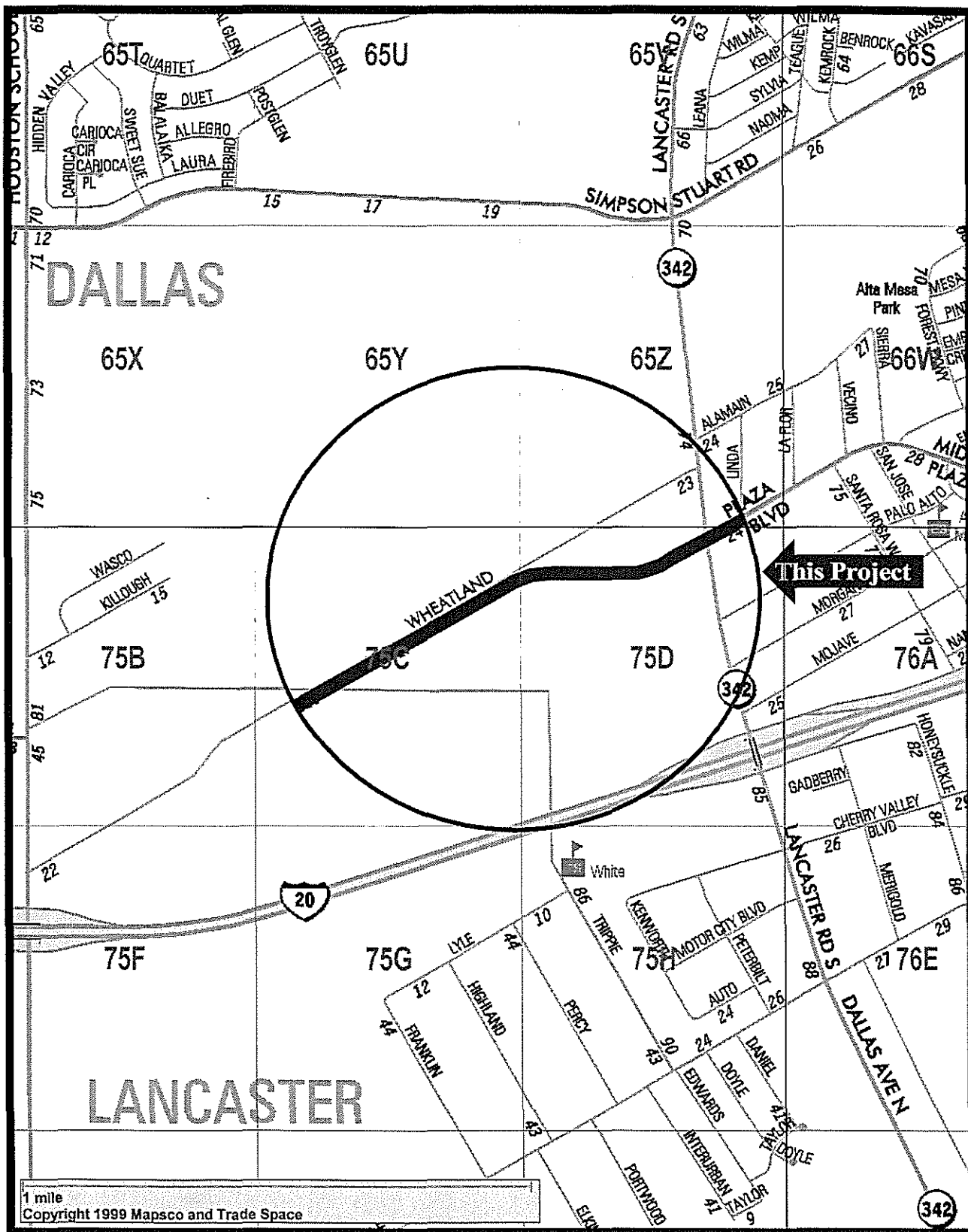
#### **Non-Local Contractors / Sub-Contractors**

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Dal-Tech Engineering, Inc.	WFWB59510Y1214	\$10,000.00	100.00%
<b>Total Minority - Non-local</b>		<b>\$10,000.00</b>	<b>100.00%</b>

### **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%	\$14,840.00	3.03%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$10,000.00	11.84%	\$99,400.00	20.27%
<b>Total</b>	<b>\$10,000.00</b>	<b>11.84%</b>	<b>\$114,240.00</b>	<b>23.30%</b>

# Wheatland Road



Mapsco 75C, D & 65Z

April 23, 2014

**WHEREAS**, on April 9, 2008, Resolution No. 08-1057 authorized a professional services contract with Lockwood, Andrews & Newnam, Inc., for engineering design of Wheatland Road from the Lancaster City Limits to Lancaster Road at Plaza in the amount of \$399,397; and,

**WHEREAS**, on June 14, 2010, Supplemental Agreement No. 1 was authorized by Administrative Action 10-2200 for placing monuments at property corners for \$6,534, increasing the contract from \$399,397 to \$405,931; and

**WHEREAS**, it is now necessary to authorize Supplemental Agreement No. 2 for additional surveying and engineering design in the amount of \$84,443, increasing the contract from \$405,931 to \$490,374.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute Supplemental Agreement No. 2 to the contract with Lockwood, Andrews & Newnam, Inc., for additional surveying and engineering design of Wheatland Road from the Lancaster City Limits to Lancaster Road at Plaza in the amount of \$84,443, increasing the contract from \$405,931 to \$490,374, 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 Dept. PBW, Unit U803, Act. THRF  
Obj. 4111, Program No. PB06U803, CT PBW06U803F1  
Vendor #181310, in an amount not to exceed \$84,443.00

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



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities

**CMO:** Forest E. Turner, 670-3390

**MAPSCO:** Outside City Limits

---

**SUBJECT**

Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and All Harbors Ferry Service, for ferry boat service from the docks at The Harbor of Rockwall, Texas, on Lake Ray Hubbard - Estimated Annual Revenue: \$9,500

**BACKGROUND**

Lake Ray Hubbard is owned and operated by the City of Dallas. The lake was constructed in the 1960's and currently serves as a major raw water resource for about 2.1 million retail and wholesale customers served by the City of Dallas. Dallas owns the lake area and authorizes concessions and other forms of recreational development such as marinas, boat ramps, parks, and golf courses to be developed on the take line area and the lake surface. Dallas, under the terms of an Interlocal Agreement with the City of Rockwall dated January 22, 2001, has leased to Rockwall the take line area of Lake Ray Hubbard within and adjacent to Rockwall's city limits, and authorized Rockwall to sublease the property and permit commercial activities on the leased property conditioned on Dallas receiving a share in the revenues from the new commercial activities. Dallas and Rockwall have negotiated and agreed to the following annual gross revenue rate structure for commercial activities at The Harbor:

<u>Annual Gross Revenue of Business</u>	<u>Dallas' Share of Franchise Fee</u>
Zero to \$100,000	0%
Above \$100,000 to under \$200,000	1.5%
\$200,000 and above	2.5%

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

This item has no prior action.

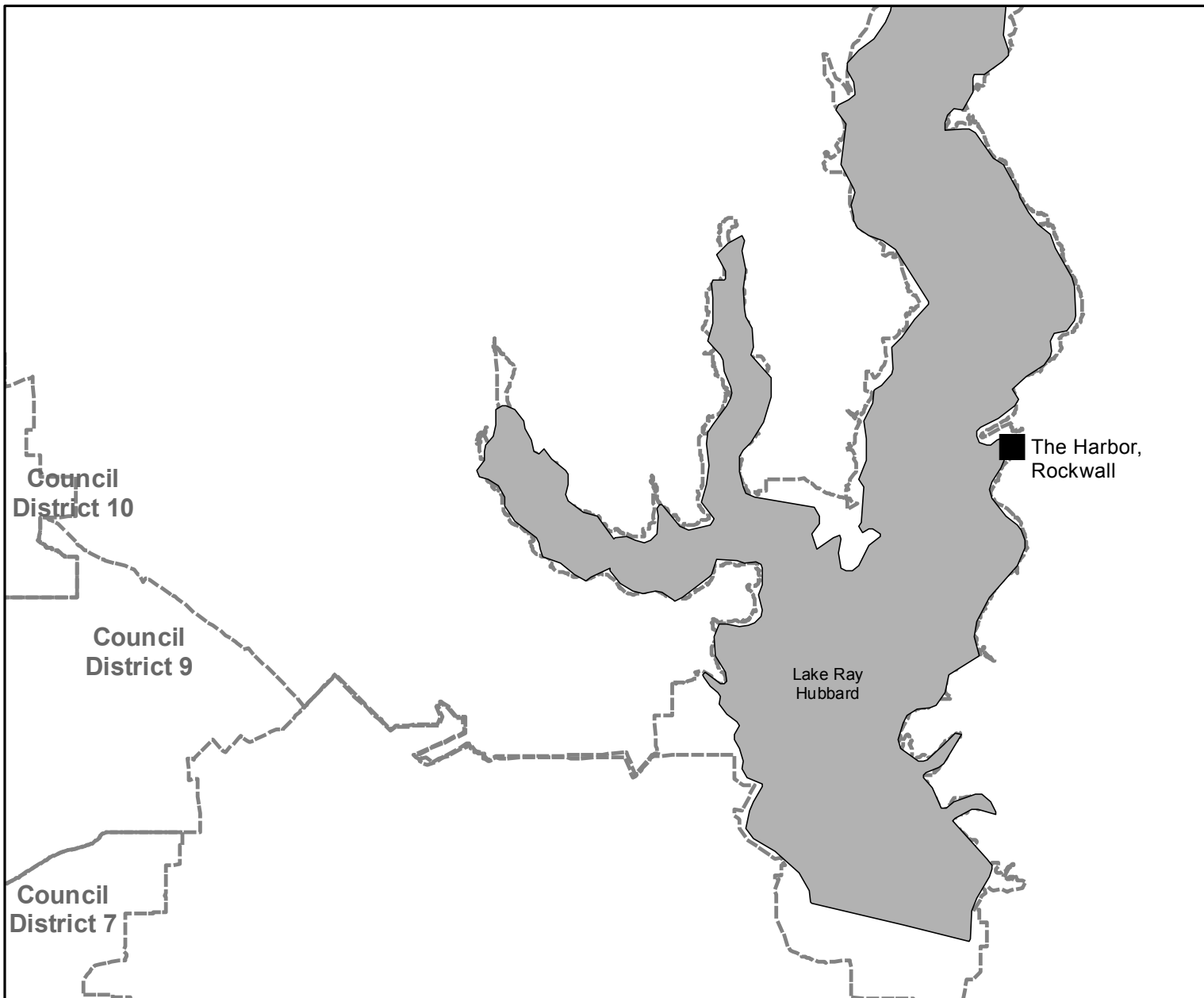
**FISCAL INFORMATION**

Estimated Annual Revenue - \$9,500

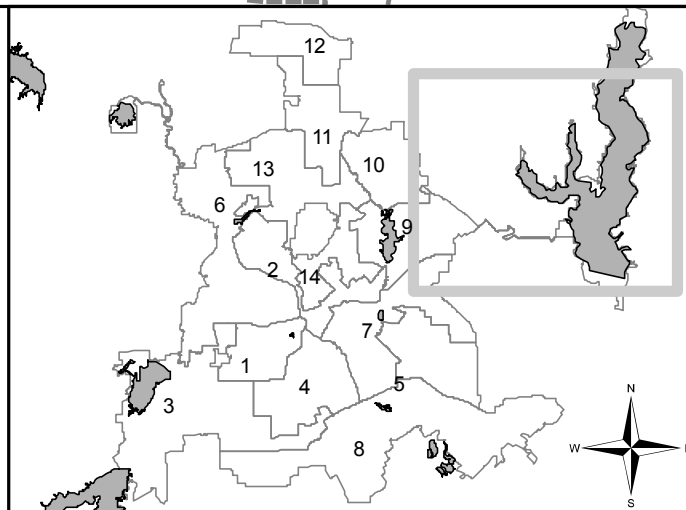
**MAP**

Attached





Location: The Harbor, Rockwall, TX  
Mapsc0: 30C  
Nearest Council District: 9  
Department: DWU



**Authorization of Franchise Agreement Between City of  
Rockwall and All Harbors Ferry Service**

April 23, 2014

**WHEREAS,** the City of Dallas entered into an Interlocal Agreement with the City of Rockwall on January 22, 2001 ("Agreement"), in which the take line area of Lake Ray Hubbard within the City of Rockwall is leased to Rockwall; and,

**WHEREAS,** pursuant to the Agreement, the City of Rockwall is authorized to enter into franchise agreements to permit commercial activities within the leased area, subject to the Dallas City Council providing final approval of negotiated franchise terms; and,

**WHEREAS,** the City of Rockwall, requests approval to begin a concession with All Harbors Ferry Service, under the terms of a franchise agreement; and,

**WHEREAS,** City of Rockwall has agreed to monitor and enforce all obligations of the Service Provider under the franchise agreement, and agrees to remit to the City of Dallas its share of the franchise fees collected from the Service Provider.

**Now, Therefore,**

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

**Section 1.** That the terms of the franchise agreement between the City of Rockwall and All Harbors Ferry Service, be approved.

**Section 2.** That the City Manager is hereby authorized to amend the revenue terms, as necessary, during term of the franchise agreement.

**Section 3.** That the City Controller is hereby authorized and directed to deposit receipts for service provided under this contract to the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>FUNC</u>	<u>REVENUE RESOURCE CODE</u>
0100	DWU	7005	7REV	7849

**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:** April 23, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities

**CMO:** Forest E. Turner, 670-3390

**MAPSCO:** Outside City Limits

---

**SUBJECT**

Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and Aquafly Ray Hubbard, for flyboard rental service from the docks at The Harbor of Rockwall, Texas on Lake Ray Hubbard - Estimated Annual Revenue: \$1,500

**BACKGROUND**

Lake Ray Hubbard is owned and operated by the City of Dallas. The lake was constructed in the 1960's and currently serves as a major raw water resource for about 2.1 million retail and wholesale customers served by the City of Dallas. Dallas owns the lake area and authorizes concessions and other forms of recreational development such as marinas, boat ramps, parks, and golf courses to be developed on the take line area and the lake surface. Dallas, under the terms of an Interlocal Agreement with the City of Rockwall dated January 22, 2001, has leased to Rockwall the take line area of Lake Ray Hubbard within and adjacent to Rockwall's city limits, and authorized Rockwall to sublease the property and permit commercial activities on the leased property conditioned on Dallas receiving a share in the revenues from the new commercial activities. Dallas and Rockwall have negotiated and agreed to the following annual gross revenue rate structure for commercial activities at The Harbor:

<u>Annual Gross Revenue of Business</u>	<u>Dallas' Share of Franchise Fee</u>
Zero to \$100,000	0%
Above \$100,000 to under \$200,000	1.5%
\$200,000 and above	2.5%

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

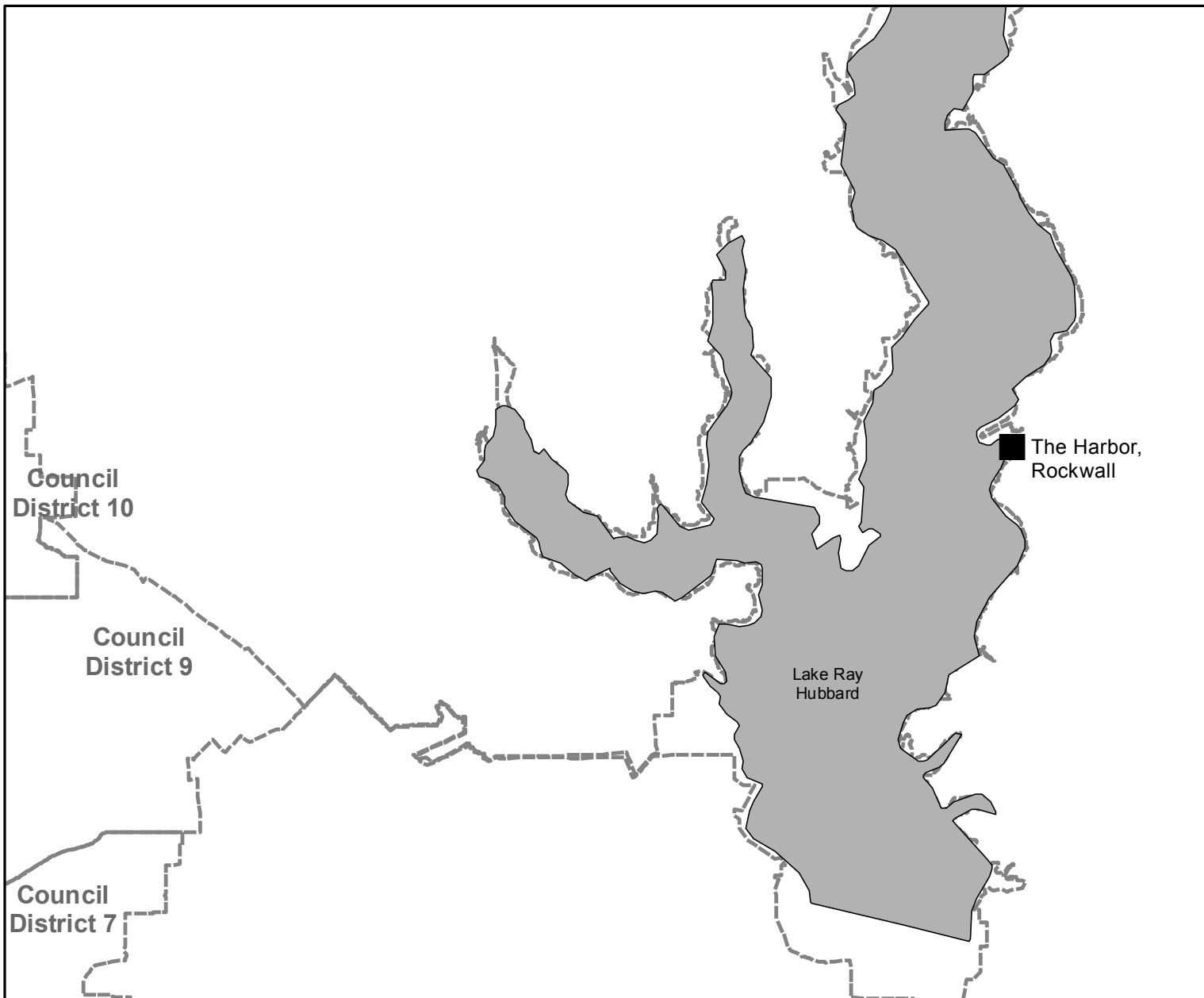
This item has no prior action.

## **FISCAL INFORMATION**

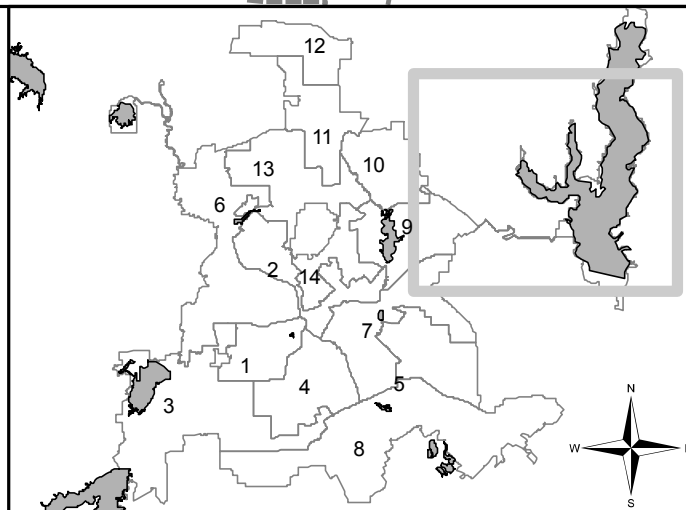
Estimated Annual Revenue - \$1,500

## **MAP**

Attached



Location: The Harbor, Rockwall, TX  
Mapsc: 30C  
Nearest Council District: 9  
Department: DWU



**Authorization of Franchise Agreement Between City of  
Rockwall and Aquafly Ray Hubbard**

April 23, 2014

**WHEREAS**, the City of Dallas entered into an Interlocal Agreement with the City of Rockwall on January 22, 2001 ("Agreement"), in which the take line area of Lake Ray Hubbard within the City of Rockwall is leased to Rockwall; and,

**WHEREAS**, pursuant to the Agreement, the City of Rockwall is authorized to enter into franchise agreements to permit commercial activities within the leased area, subject to the Dallas City Council providing final approval of negotiated franchise terms; and,

**WHEREAS**, the City of Rockwall, requests approval to begin a concession with Aquafly Ray Hubbard, under the terms of a franchise agreement; and,

**WHEREAS**, City of Rockwall has agreed to monitor and enforce all obligations of the Service Provider under the franchise agreement, and agrees to remit to the City of Dallas its share of the franchise fees collected from the Service Provider.

**Now, Therefore,**

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

**Section 1.** That the terms of the franchise agreement between the City of Rockwall and Aquafly Ray Hubbard, be approved.

**Section 2.** That the City Manager is hereby authorized to amend the revenue terms, as necessary, during term of the franchise agreement.

**Section 3.** That the City Controller is hereby authorized and directed to deposit receipts for service provided under this contract to the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>FUNC</u>	<u>REVENUE RESOURCE CODE</u>
0100	DWU	7005	7REV	7849

**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:** April 23, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities

**CMO:** Forest E. Turner, 670-3390

**MAPSCO:** Outside City Limits

---

**SUBJECT**

Authorize a five-year franchise agreement, with a five-year renewal option, between the City of Rockwall and Flyboard Rockwall, for flyboard rental service from the docks at The Harbor of Rockwall, Texas on Lake Ray Hubbard - Estimated Annual Revenue: \$1,500

**BACKGROUND**

Lake Ray Hubbard is owned and operated by the City of Dallas. The lake was constructed in the 1960's and currently serves as a major raw water resource for about 2.1 million retail and wholesale customers served by the City of Dallas. Dallas owns the lake area and authorizes concessions and other forms of recreational development such as marinas, boat ramps, parks, and golf courses to be developed on the take line area and the lake surface. Dallas, under the terms of an Interlocal Agreement with the City of Rockwall dated January 22, 2001, has leased to Rockwall the take line area of Lake Ray Hubbard within and adjacent to Rockwall's city limits, and authorized Rockwall to sublease the property and permit commercial activities on the leased property conditioned on Dallas receiving a share in the revenues from the new commercial activities. Dallas and Rockwall have negotiated and agreed to the following annual gross revenue rate structure for commercial activities at The Harbor:

<u>Annual Gross Revenue of Business</u>	<u>Dallas' Share of Franchise Fee</u>
Zero to \$100,000	0%
Above \$100,000 to under \$200,000	1.5%
\$200,000 and above	2.5%

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

This item has no prior action.

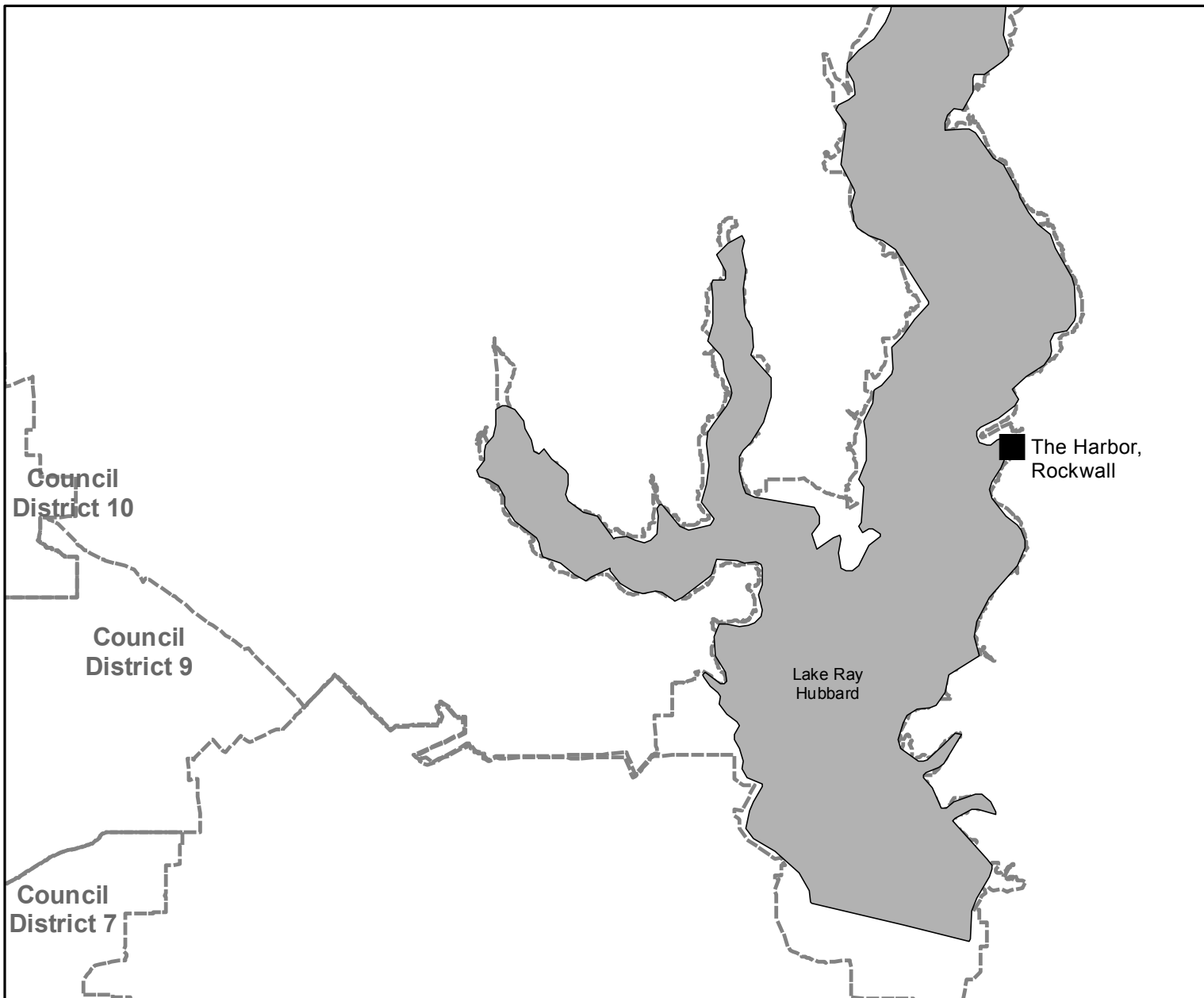
**FISCAL INFORMATION**

Estimated Annual Revenue - \$1,500

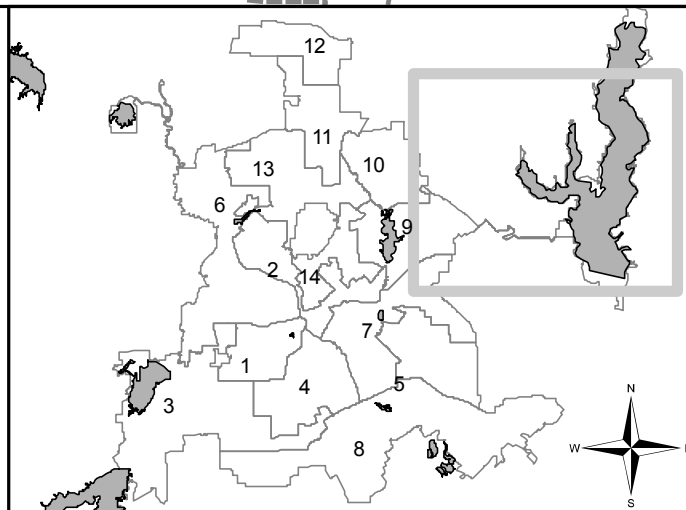
**MAP**

Attached





Location: The Harbor, Rockwall, TX  
Mapsc: 30C  
Nearest Council District: 9  
Department: DWU



**Authorization of Franchise Agreement Between City of  
Rockwall and Flyboard Rockwall**

April 23, 2014

**WHEREAS,** the City of Dallas entered into an Interlocal Agreement with the City of Rockwall on January 22, 2001 ("Agreement"), in which the take line area of Lake Ray Hubbard within the City of Rockwall is leased to Rockwall; and,

**WHEREAS,** pursuant to the Agreement, the City of Rockwall is authorized to enter into franchise agreements to permit commercial activities within the leased area, subject to the Dallas City Council providing final approval of negotiated franchise terms; and,

**WHEREAS,** the City of Rockwall, requests approval to begin a concession with Flyboard Rockwall, under the terms of a franchise agreement; and,

**WHEREAS,** City of Rockwall has agreed to monitor and enforce all obligations of the Service Provider under the franchise agreement, and agrees to remit to the City of Dallas its share of the franchise fees collected from the Service Provider.

**Now, Therefore,**

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

**Section 1.** That the terms of the franchise agreement between the City of Rockwall and Flyboard Rockwall, be approved.

**Section 2.** That the City Manager is hereby authorized to amend the revenue terms, as necessary, during term of the franchise agreement.

**Section 3.** That the City Controller is hereby authorized and directed to deposit receipts for service provided under this contract to the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>FUNC</u>	<u>REVENUE RESOURCE CODE</u>
0100	DWU	7005	7REV	7849

**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:** April 23, 2014

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Water Utilities

**CMO:** Forest E. Turner, 670-3390

**MAPSCO:** Various

---

**SUBJECT**

Authorize an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for construction of water and wastewater main relocations and appurtenance adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway) - Not to exceed \$1,116,258 - Financing: Water Utilities Capital Construction Funds (\$30,415) and Water Utilities Capital Improvement Funds (\$1,085,843)

**BACKGROUND**

This project consists of the construction of approximately 2,060 feet of 8-inch water main, 2,790 feet of 8-inch wastewater main, and routine water and wastewater appurtenance adjustments in conjunction with paving and drainage improvements by the Texas Department of Transportation (TxDOT) in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway). TxDOT has designed the paving and storm drainage facilities and Dallas Water Utilities' (DWU) has designed the water and wastewater utility relocations. TxDOT will administer the project during construction and has agreed to incorporate DWU's water and wastewater main relocations and appurtenance adjustments into their construction contracts.

Under the Advance Funding Agreement with the State of Texas, acting through TxDOT, DWU will provide the funding and construction inspection services for the water and wastewater main relocations and appurtenance adjustments. TxDOT will be responsible for administering the construction of the water and wastewater main relocations and appurtenance adjustments. TxDOT is scheduled to advertise the construction of the project in August 2014.

## **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction        October 2014  
Complete Construction    August 2015

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway) on December 12, 2007, by Resolution No. 07-3732.

Authorized Amendment No. 1 to terminate the Advance Funding Agreement, previously approved on December 12, 2007, by Resolution No. 07-3732, with the State of Texas, acting through the Texas Department of Transportation, for water and wastewater main relocations and adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway) on October 26, 2011, by Resolution No. 11-2853.

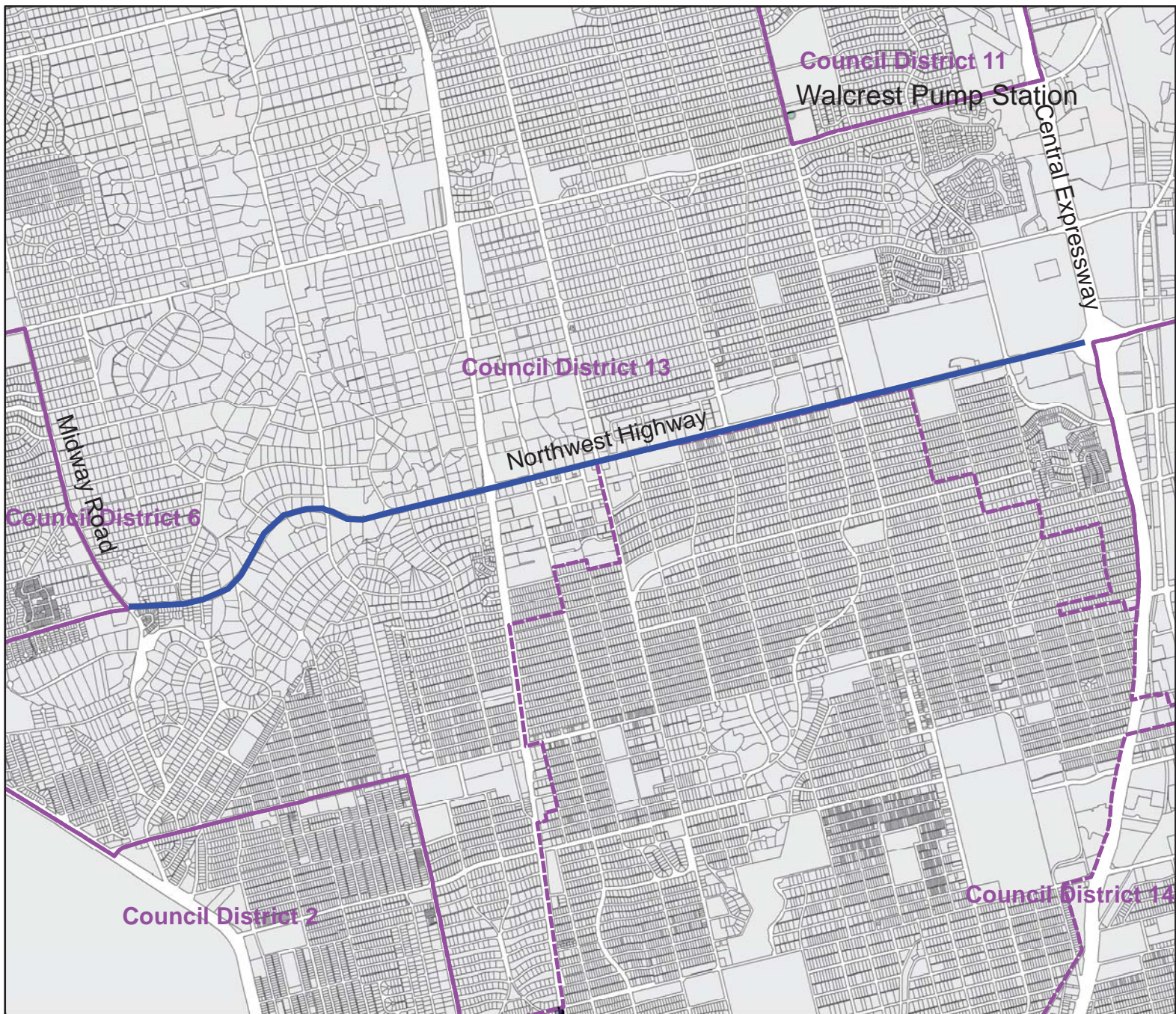
## **FISCAL INFORMATION**

\$ 30,414.74 - Water Utilities Capital Construction Funds  
\$1,085,842.78 - Water Utilities Capital Improvement Funds

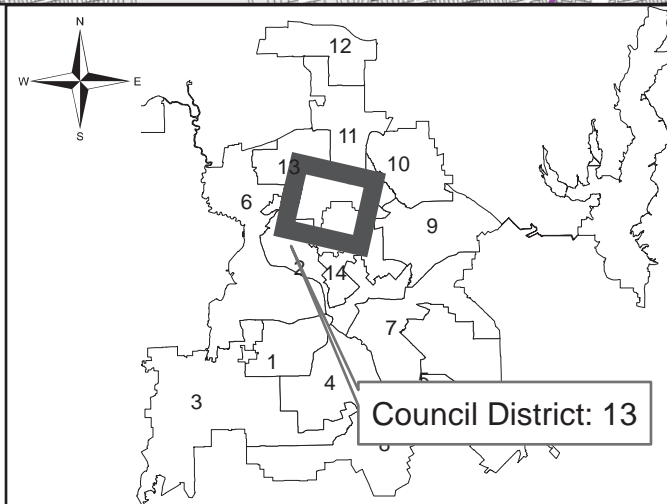
## **MAP**

Attached





Mapsc0: Various



**Dallas Water Utilities**  
**Contract No. 14-215/216F**  
**Water and Wastewater Main Relocations and Adjustments**  
**along Northwest Highway (Loop 12) from Midway Road**  
**to U.S. Highway 75 (Central Expressway)**



April 23, 2014

**WHEREAS**, the Texas Department of Transportation (TxDOT) has plans for construction of water and wastewater main relocations and appurtenance adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway); and,

**WHEREAS**, TxDOT has agreed to incorporate the Dallas Water Utilities' (DWU) water and wastewater main relocations and appurtenance adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway) into their contract; and,

**WHEREAS**, TxDOT has submitted an acceptable Advance Funding Agreement that incorporates DWU's relocations and adjustments in advance of paving into the State's construction plans; and,

**WHEREAS**, under the Advance Funding Agreement with the State of Texas, acting through TxDOT, DWU will provide funding, construction inspection services, and approval of any design changes for the water and wastewater main relocations and adjustments; and,

**WHEREAS**, the Advance Funding Agreement will allow the State to proceed with the advertisement, award of the construction contract, and provide contract administration.

**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 an Advance Funding Agreement with the State of Texas, acting through the Texas Department of Transportation, for construction of water and wastewater main relocations and appurtenance adjustments in Northwest Highway (Loop 12) from 0.1 mile west of Midway Road to U.S. Highway 75 (North Central Expressway), after approval of the contract documents by the City Attorney.

**Section 2.** That the City Controller is hereby authorized to pay the amount of \$1,116,257.52 from the Water Capital Improvement Fund, Water Construction Fund, Wastewater Capital Improvement Fund, and Wastewater Construction 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>
2115	DWU	PW42	RELP	4550	714215	W3KW	CTDWU714215CP	020318

Texas Department of Transportation - (Contract No. 14-215F) - \$466,541.07

April 23, 2014

<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>
0102	DWU	CW42	RELP	3221	714215X	W3KW	CTDWU714215EN	020318

Texas Department of Transportation - (Contract No. 14-215F) - \$26,350.70

<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>
2116	DWU	PS42	RELP	4560	714216	T2VY	CTDWU714216CP	020318

Texas Department of Transportation - (Contract No. 14-216F) - \$592,951.01

<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>
0103	DWU	CS42	RELP	3222	714216X	T2VY	CTDWU714216EN	020318

Texas Department of Transportation - (Contract No. 14-216F) - \$30,414.74

**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:** April 23, 2014

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Water Utilities

**CMO:** Forest E. Turner, 670-3390

**MAPSCO:** 56 J

---

**SUBJECT**

Authorize Supplemental Agreement No. 1 to the professional services contract with CDM Smith Inc. for additional engineering services associated with the rehabilitation of the White Rock Raw Sewage Pump Station at the Central Wastewater Treatment Plant - Not to exceed \$2,389,552, from \$1,224,983 to \$3,614,535 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This item is the second of two planned awards for engineering services associated with the rehabilitation of the White Rock Raw Sewage Pump Station at the Central Wastewater Treatment Plant. The original award included preliminary engineering for the investigation, study and preparation of a design report outlining the recommended improvements. This included evaluation of alternatives to replace pumps, pump motors, blower systems, new piping, bar screens, and control systems associated with a typical wastewater pump station system.

This agenda item amends the original contract to implement the recommendations resulting from the preliminary engineering services above. This includes the development of 100% plans and specifications that will be used for bidding purposes for the construction rehabilitation of the facility. Construction administration services associated with the proposed work is included as part of a typical engineering services contract. The estimated construction cost associated with this design project is \$20,000,000.

The original structure was built in 1948 and has a current pumping capacity of 180 million gallons per day. Due to its age and the harsh environment it operates in, many components of the facility have exceeded their service life and are in need of rehabilitation. This item will address the rehabilitation of the structural, mechanical, electrical, and ventilation systems to enhance reliability and reduce operation and maintenance costs.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	July 2012
Completed Design	January 2014
Begin Construction	May 2014
Complete Construction	April 2016

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Authorized a professional services contract with CDM Smith Inc. to provide engineering services associated with the rehabilitation of the Raw Sewage Pump Station at the Central Wastewater Treatment Plant on June 13, 2012, by Resolution No. 12-1554.

## **FISCAL INFORMATION**

\$2,389,552.00 - Water Utilities Capital Improvement Funds

Design	\$1,224,983.00
Supplemental Agreement No. 1 (this action)	<u>\$2,389,552.00</u>
Total Project Cost	\$3,614,535.00

## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

CDM Smith Inc.

Hispanic Female	1	Hispanic Male	4
Black Female	4	Black Male	3
Other Female	4	Other Male	19
White Female	10	White Male	42

## **OWNER**

**CDM Smith Inc.**

Steve Hickox, Chief Executive Officer

## **MAP**

Attached

## **BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY**

**PROJECT:** Authorize Supplemental Agreement No. 1 to the professional services contract with CDM Smith Inc. for additional engineering services associated with the rehabilitation of the White Rock Raw Sewage Pump Station at the Central Wastewater Treatment Plant - Not to exceed \$2,389,552, from \$1,224,983 to \$3,614,535 - Financing: Water Utilities Capital Improvement Funds

CDM Smith 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 - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$2,389,552.00	100.00%
Non-local contracts	\$0.00	0.00%
<b>TOTAL THIS ACTION</b>	<b>\$2,389,552.00</b>	<b>100.00%</b>

### **LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION**

#### **Local Contractors / Sub-Contractors**

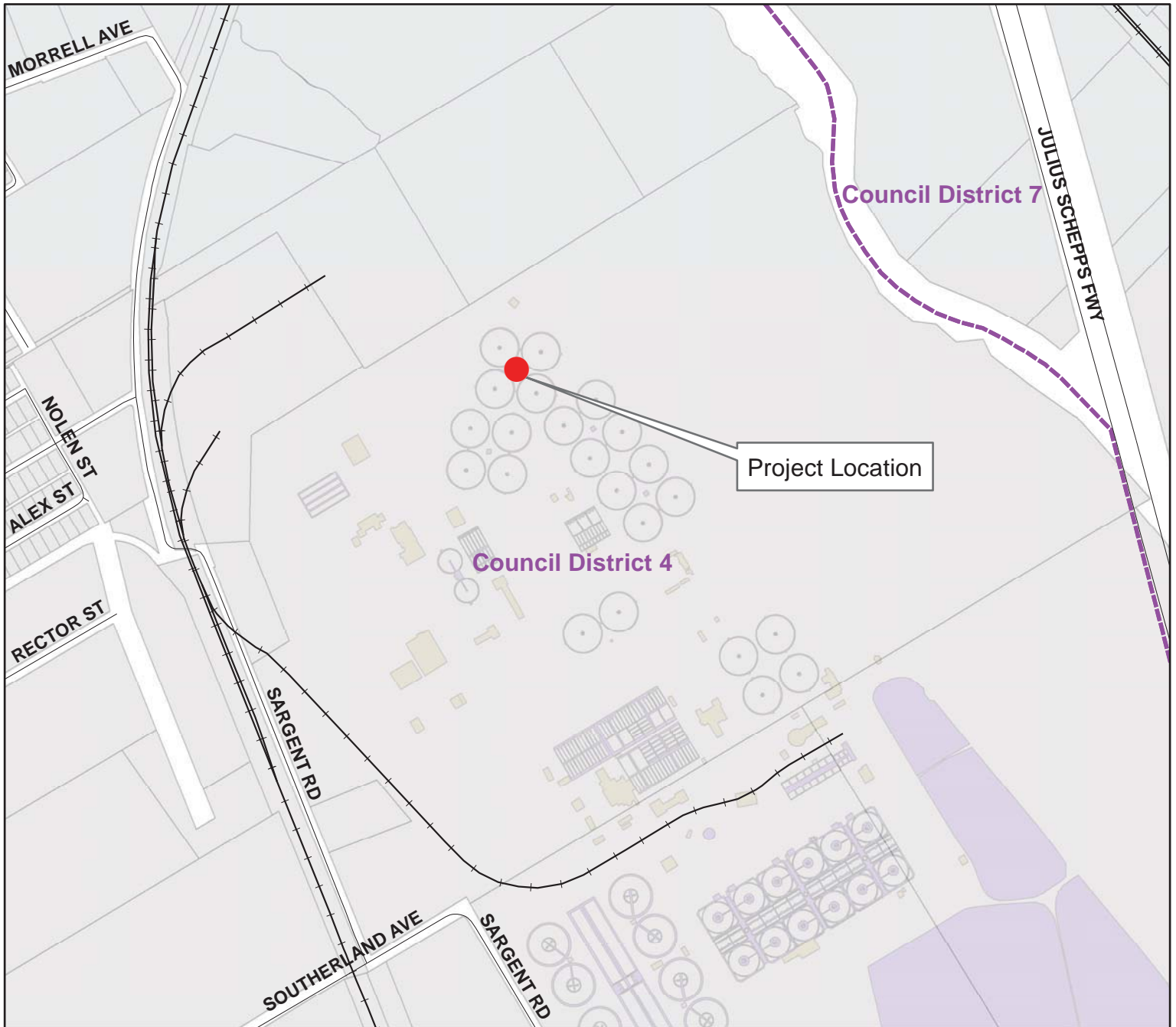
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Mas-Tek Engineering & Associates, Inc.	BMDB60577Y0315	\$65,000.00	2.72%
Technical Associates Services, Inc.	BMDB57890Y0614	\$45,937.00	1.92%
Azcarate & Assoc. Cons. Eng., LLC	HMDB57187Y0414	\$167,070.00	6.99%
GSR Andrade Architects, Inc.	HMMB30453N0315	\$109,159.00	4.57%
JQ Infrastructure, LLC	IMDB58200Y0714	\$230,825.00	9.66%
<b>Total Minority - Local</b>		<b>\$617,991.00</b>	<b>25.86%</b>

#### **Non-Local Contractors / Sub-Contractors**

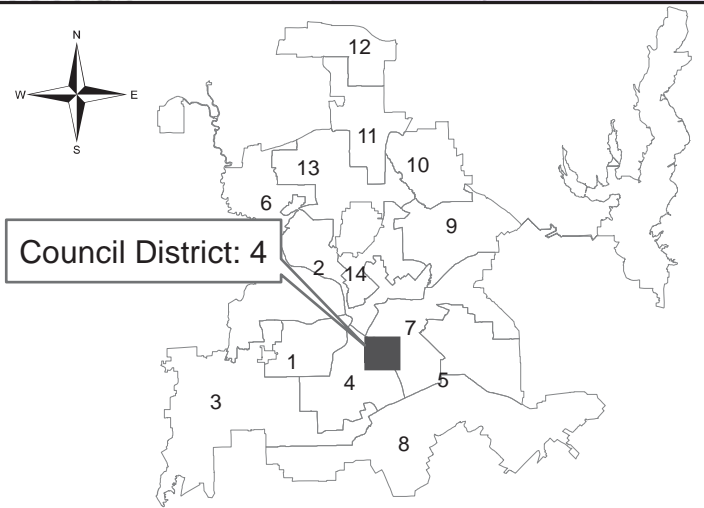
None

### **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	\$110,937.00	4.64%	\$134,285.00	3.72%
Hispanic American	\$276,229.00	11.56%	\$378,709.00	10.48%
Asian American	\$230,825.00	9.66%	\$438,322.00	12.13%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$617,991.00</b>	<b>25.86%</b>	<b>\$951,316.00</b>	<b>26.32%</b>



Mapsc0: 56 J



**Dallas Water Utilities**  
**Contract No. 11-230E, Supplemental Agreement No. 1**  
**White Rock Raw Sewage Pump Station Rehabilitation**  
**Central Wastewater Treatment Plant**

April 23, 2014

**WHEREAS**, on June 13, 2012, the City Council awarded Contract No. 11-230E in the amount of \$1,224,983.00, by Resolution No. 12-1554, to CDM Smith Inc., 8140 Walnut Hill Lane, Suite 1000 Dallas, Texas 75231, to provide engineering services associated with the rehabilitation of the Raw Sewage Pump Station at the Central Wastewater Treatment Plant; and,

**WHEREAS**, Dallas Water Utilities has recognized the need to rehabilitate the White Rock Raw Sewage Pump Station, and prepared a design report with recommendations; and,

**WHEREAS**, additional engineering services are required for detailed design and construction administration services based on the recommendations in the design report; and,

**WHEREAS**, CDM Smith Inc. has submitted an acceptable proposal to provide these engineering services; and,

**WHEREAS**, Dallas Water Utilities recommends that Contract No. 11-230E be increased by \$2,389,552.00, from \$1,224,983.00 to \$3,614,535.00.

**Now, Therefore,**

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

**Section 1.** That the proposed Supplemental Agreement No. 1 be accepted and that Contract No. 11-230E with CDM Smith Inc., be revised accordingly.

**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 pay the amount of \$2,389,552.00 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2116	DWU	PS30	4111	711230	CTDWU711230CP	089614

CDM Smith Inc. - (Contract No. 11-230E) - \$2,389,552.00

**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 # 29

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** All

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

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

**MAPSCO:** N/A

---

### SUBJECT

Authorize a three-year master agreement, with two one-year renewal options, for the purchase of unleaded and diesel fuels based on Platts index rates – W. Douglass Distributing, LTD. in the amount of \$9,410,524, Martin Eagle Oil Company, Inc. in the amount of \$10,129,681 and Mansfield Oil Company of Gainesville, Inc. in the amount of \$2,891,003, lowest responsible bidders of nine and Truman Arnold Companies dba TAC Energy in the amount of \$40,909,090, local preference bidder - Total not to exceed \$63,340,298 - Financing: Current Funds (subject to annual appropriations)

### 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 allow the City to purchase multiple types of unleaded and diesel fuels for the City's fleet including unleaded, Texas low-emission diesel, bio-diesel, super unleaded 93 octane and red dye diesel. All fuel under this agreement is priced utilizing a +/- adder to Platts' indices.

Platts' indices showing current fuel prices are generated and published for specific areas of the country on a daily basis. The pricing service is internationally recognized as an accurate and comprehensive index for establishing fuel prices.

The City's projected demand for the three-year agreement is approximately 19,246,500 gallons. Fuel is distributed to approximately 85 City sites including eight fuel islands, fire stations, sanitation locations and pump stations.

## **BACKGROUND (Continued)**

This agreement will allow for the purchase of the following fuel types:

- Unleaded fuel used for cars, squad vehicles, pickup trucks
- Super unleaded fuel used for police motorcycles
- Diesel fuel used for fire equipment and some heavy duty vehicles
- Bio-diesel fuel used for sanitation fleet and other heavy duty vehicles
- Red Dye diesel used for off-road vehicles used at the landfill

On June 27, 2012, City Council authorized an ordinance amending Chapter 2 of the City Code to provide that a preference may be given to local businesses in awarding City contracts under certain circumstances. A business interested in being considered for local preference in a bid award shall complete, sign, and submit the local preference affidavit with their bid. Only a business meeting the local preference requirements may be considered. When using the local preference option, Council must determine that awarding the contract to a local business offers the most advantageous combination of contract price and additional economic development benefits for the City.

Truman Arnold Companies dba TAC Energy, the incumbent, with their principal place of business located in Dallas, TX, is being recommended for two groups based on the local preference ordinance. Truman Arnold Companies dba TAC Energy submitted the local preference affidavit with their bid confirming that the business meets all of the requirements for being granted a local preference. Truman Arnold Companies dba TAC Energy currently has 33 employees at their Dallas location and plans to hire one new employee and retain 2 employees to supply motor fuels, provide logistics, transportation and order processing in relation to this City agreement.

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 582 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 6, 2012, City Council was briefed on Local Preference/Contract Limits for Competitive Bidding, Claim Settlement Authority and Council Approval.

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

On June 27, 2012, City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to: (1) provide that a preference may be given to local businesses in awarding City contracts under certain circumstances; (2) raise the thresholds on when City contracts must be competitively bid or approved by the City Council as authorized by state law; and (3) raise the thresholds on when settlements of claims against the City must be approved by the City Council by Resolution No. 12-1711.

On December 12, 2012, City Council authorized an increase to the master agreement for unleaded and diesel fuels based on Oil Pricing Information Service (previously referred to as Oil Pricing Index Service) rates by Resolution No. 12-3049.

On May 1, 2013, City Council authorized a one-year master agreement for unleaded and diesel fuels based on Platts index rates by Resolution No. 13-0765.

On April 7, 2014, this item was briefed to the Budget, Finance, and Audit Committee.

## **FISCAL INFORMATION**

\$63,340,297.09 - Current Funds (subject to annual appropriations)

## **M/WBE INFORMATION**

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

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

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

## **ETHNIC COMPOSITION**

W. Douglass Distributing, LTD.

White Male	72	White Female	33
Black Male	1	Black Female	2
Hispanic Male	2	Hispanic Female	1
Other Male	1	Other Female	1

## **ETHNIC COMPOSITION (Continued)**

### **Martin Eagle Oil Company, Inc.**

White Male	14	White Female	17
Black Male	1	Black Female	0
Hispanic Male	5	Hispanic Female	2
Other Male	0	Other Female	0

### **Mansfield Oil Company of Gainesville, Inc.**

White Male	226	White Female	190
Black Male	23	Black Female	21
Hispanic Male	15	Hispanic Female	7
Other Male	8	Other Female	10

### **Truman Arnold Companies dba TAC Energy**

White Male	263	White Female	117
Black Male	25	Black Female	24
Hispanic Male	9	Hispanic Female	9
Other Male	6	Other Female	4

## **BID INFORMATION**

The following bids were received from solicitation number BD1402 and were opened on January 30, 2014. This master agreement will be awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*W. Douglass Distributing LTD.	325 E. Forest Ave. Sherman, TX 75090	Multiple Groups
*Martin Eagle Oil Company, Inc.	2700 James St. Denton, TX 76205	Multiple Groups
*Mansfield Oil Company of Gainesville, Inc.	1025 Airport Parkway SW Gainesville, GA 30501	Multiple Groups
*Truman Arnold Companies dba TAC Energy	100 Crescent Ct. Suite 1600 Dallas, TX 75201	Multiple Groups**

## **BID INFORMATION (Continued)**

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
Hartland Fuel Products, LLC	920 10 <sup>th</sup> Avenue N. Onalaska, WI 54650	Multiple Groups
Southern Counties Oil Co., a CA Limited Partnership dba SC Fuels	1800 W. Katella Ave. Suite 400 Orange, CA 92867	Multiple Groups
Lykins Oil Company	5163 Wolfpen-Pleasant Hill Rd. Milford, OH 45150	Multiple Groups
RKA Petroleum Companies, Inc.	28340 Wick Rd. Romulus, MI 48174	Multiple Groups
Petroleum Traders Corporation	7120 Pointe Inverness Way Fort Wayne, IN 46804	Multiple Groups

\*\*Truman Arnold Companies dba TAC Energy is recommended for award on Groups 1 and 3 based on local preference. This award by local preference will result in an increase of \$49,305 in comparison to the lowest bidders.

## **OWNERS**

### **W. Douglass Distributing, LTD.**

Brad Douglass, President  
Diane McCarty, Secretary

### **Martin Eagle Oil Company, Inc.**

Stephen L. Martin, Vice President  
Gary L. Martin, Vice President

### **Mansfield Oil Company of Gainesville, Inc.**

Dough Haugh, President  
J. Alexander, Vice President  
John Byrd, Secretary

### **Truman Arnold Companies dba TAC Energy**

Greg Arnold, President  
Fred Sloan, Vice President



## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a three-year master agreement, with two one-year renewal options, for the purchase of unleaded and diesel fuels based on Platts index rates – W. Douglass Distributing, LTD. in the amount of \$9,410,524, Martin Eagle Oil Company, Inc. in the amount of \$10,129,681 and Mansfield Oil Company of Gainesville, Inc. in the amount of \$2,891,003, lowest responsible bidders of nine and Truman Arnold Companies dba TAC Energy in the amount of \$40,909,090, local preference bidder - Total not to exceed \$63,340,298 - Financing: Current Funds (subject to annual appropriations)

Truman Arnold Companies dba TAC Energy is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following subcontractors. W. Douglass Distributing, LTD., is a non-local, non-minority firm have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Martin Eagle Oil Company, Inc. and Mansfield Oil Company of Gainesville, Inc., are a non-local, non-minority firms have signed the "Business Inclusion & Development" documentation, and proposes to use the following subcontractors.

**PROJECT CATEGORY:** Goods

---

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$40,645,059.98	64.17%
Total non-local contracts	\$22,695,237.11	35.83%
<b>TOTAL CONTRACT</b>	<b>\$63,340,297.09</b>	<b>100.00%</b>

### LOCAL/NON-LOCAL M/WBE PARTICIPATION

#### Local Contractors / Sub-Contractors

None

#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Ricochet Fuel Distributors, Inc.	WFWB59997Y0115	\$2,343,723.08	10.33%
Lucky Lady Oil	WFWB60332Y0215	\$264,029.78	1.16%
<b>Total Minority - Non-local</b>		<b>\$2,607,752.86</b>	<b>11.49%</b>

**TOTAL M/WBE CONTRACT PARTICIPATION**

	<b><u>Local</u></b>	<b><u>Percent</u></b>	<b><u>Local &amp; Non-Local</u></b>	<b><u>Percent</u></b>
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%	\$2,607,752.86	4.12%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$0.00	0.00%	\$2,607,752.86	4.12%



April 23, 2014

**WHEREAS**, on June 27, 2012, City Council authorized an ordinance amending Chapter 2 of the Dallas City Code to: (1) provide that a preference may be given to local businesses in awarding City contracts under certain circumstances; (2) raise the thresholds on when City contracts must be competitively bid or approved by the City Council as authorized by state law; and (3) raise the thresholds on when settlements of claims against the City must be approved by the City Council by Resolution No. 12-1711; and,

**WHEREAS**, on December 12, 2012, City Council authorized an increase to the master agreement for unleaded and diesel fuels based on Oil Pricing Information Service (previously referred to as Oil Pricing Index Service) rates by Resolution No. 12-3049; and,

**WHEREAS**, on May 1, 2013, City Council authorized a one-year master agreement for unleaded and diesel fuels based on Platts index rates by Resolution No. 13-076;

**NOW, THEREFORE,**

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

**Section 1.** That City Council determines that awarding a portion of this master agreement to Truman Arnold Companies dba TAC Energy (343033), a local business, offers the best combination of contract price and additional economic development benefits for the City created by the contract award, including employment of the residents of the City and/or increased tax revenue to the City.

**Section 2.** That a master agreement for the purchase of unleaded and diesel fuels based on Platts index rates is authorized with Truman Arnold Companies dba TAC Energy (343033) in the amount of \$40,909,089.75, W. Douglass Distributing, LTD. (VS0000008853) in the amount of \$9,410,523.51, Martin Eagle Oil Company, Inc. (VS0000038576) in the amount of \$10,129,680.88 and Mansfield Oil Company of Gainesville, Inc. (VS0000041706) in the amount of \$2,891,002.95 for a term of three years, with two one-year renewals, in an amount not to exceed \$63,340,297.09.

**Section 3.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for unleaded and diesel fuels based on Platts index rates. If a written contract is required or requested for any or all purchases of unleaded and diesel fuels based on Platts index rates 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.

April 23, 2014

**Section 4.** That the City Controller is authorized to disburse funds in an amount not to exceed \$63,340,297.09.

**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 # 30

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** All

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

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

**MAPSCO:** N/A

---

### SUBJECT

Authorize a three-year master agreement, with two one-year renewal options, for the purchase of unleaded and diesel fuels based on Platts index rates – Hartland Fuel Products, LLC in the amount of \$23,437,730, W. Douglass Distributing, LTD. in the amount of \$9,410,524, Martin Eagle Oil Company, Inc. in the amount of \$10,129,681 or \$27,551,736 (**Tie Bids - Group 3**) and Mansfield Oil Company of Gainesville, Inc. in the amount of \$2,891,003 or \$20,313,058 (**Tie Bids - Group 3**), lowest responsible bidders of nine - Total not to exceed \$63,290,993 - Financing: Current Funds (subject to annual appropriations)

### 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 allow the City to purchase multiple types of unleaded and diesel fuels for the City's fleet including unleaded, Texas low-emission diesel, bio-diesel, super unleaded 93 octane and red dye diesel. All fuel under this agreement is priced utilizing a +/- adder to Platts' indices.

Platts' indices showing current fuel prices are generated and published for specific areas of the country on a daily basis. The pricing service is internationally recognized as an accurate and comprehensive index for establishing fuel prices.

## **BACKGROUND (Continued)**

The City's projected demand for the three-year agreement is approximately 19,246,500 gallons. Fuel is distributed to approximately 85 City sites including eight fuel islands, fire stations, sanitation locations and pump stations.

This agreement will allow for the purchase of the following fuel types:

- Unleaded fuel used for cars, squad vehicles, pickup trucks
- Super unleaded fuel used for police motorcycles
- Diesel fuel used for fire equipment and some heavy duty vehicles
- Bio-diesel fuel used for sanitation fleet and other heavy duty vehicles
- Red Dye diesel used for off-road vehicles used at the landfill

This action will also require the casting of lots to identify the recommended vendor resulting from tie bids on group 3. This process is being executed in accordance with Texas Local Government Code, Section 271.901. This section of the Texas Local Government Code states, in part:

- The municipality must select identical bids by the casting of lots
- The casting of lots must be in the presence of the governing body of the municipality
- If one of the bidders submitting an identical bid is a resident of the municipality, the municipality must select that bidder

This particular solicitation resulted in identical bids for group 3 from vendors located outside the city limits.

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 582 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 December 12, 2012, City Council authorized an increase to the master agreement for unleaded and diesel fuels based on Oil Pricing Information Service (previously referred to as Oil Pricing Index Service) rates by Resolution No. 12-3049.

On May 1, 2013, City Council authorized a one-year master agreement for unleaded and diesel fuels based on Platts index rates by Resolution No. 13-0765.

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

On April 7, 2014, this item was briefed to the Budget, Finance, and Audit Committee.

### **FISCAL INFORMATION**

\$63,290,992.09 - Current Funds (subject to annual appropriations)

### **M/WBE INFORMATION**

133 - Vendors contacted

133 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

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

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

### **ETHNIC COMPOSITION**

#### **Hartland Fuel Products, LLC**

White Male	55	White Female	32
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	3
Other Male	3	Other Female	3

#### **W. Douglass Distributing, LTD.**

White Male	72	White Female	33
Black Male	1	Black Female	2
Hispanic Male	2	Hispanic Female	1
Other Male	1	Other Female	1

#### **Martin Eagle Oil Company, Inc.**

White Male	14	White Female	7
Black Male	1	Black Female	0
Hispanic Male	5	Hispanic Female	2
Other Male	0	Other Female	0

## **ETHNIC COMPOSITION (Continued)**

### **Mansfield Oil Company of Gainesville, Inc.**

White Male	226	White Female	190
Black Male	23	Black Female	21
Hispanic Male	15	Hispanic Female	7
Other Male	8	Other Female	10

## **BID INFORMATION**

The following bids were received from solicitation number BD1402 and were opened on January 30, 2014. This master agreement/service contract will be awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

\*Denotes successful bidders

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*Hartland Fuel Products, LLC	920 10 <sup>th</sup> Avenue N. Onalaska, WI 54650	Multiple Groups
*W. Douglass Distributing, LTD.	325 E. Forest Ave. Sherman, TX 75090	Multiple Groups
*Martin Eagle Oil Company, Inc.	2700 James St. Denton, TX 76205	Multiple Groups
*Mansfield Oil Company of Gainesville, Inc.	1025 Airport Parkway SW Gainesville, GA 30501	Multiple Groups
Truman Arnold Companies dba TAC Energy	100 Crescent Ct. Suite 1600 Dallas, TX 75201	Multiple Groups
Southern Counties Oil Co., a CA Limited Partnership dba SC Fuels	1800 W. Katella Ave. Suite 400 Orange, CA 92867	Multiple Groups

**BID INFORMATION (Continued)**

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
Lykins Oil Company	5163 Wolfpen-Pleasant Hill Rd. Milford, OH 45150	Multiple Groups
RKA Petroleum Companies, Inc.	28340 Wick Rd. Romulus, MI 48174	Multiple Groups
Petroleum Traders Corporation	7120 Pointe Inverness Way Fort Wayne, IN 46804	Multiple Groups

**OWNERS****Hartland Fuel Products, LLC**

Ken Simpson, President  
Jeff Mackeben, Vice President  
Bob Mathy, Secretary

**W. Douglass Distributing, LTD.**

Brad Douglass, President  
Diane McCarty, Secretary

**Martin Eagle Oil Company, Inc.**

Stephen L. Martin, Vice President  
Gary L. Martin, Vice President

**Mansfield Oil Company of Gainesville, Inc.**

Dough Haugh, President  
J. Alexander, Vice President  
John Byrd, Secretary

April 23, 2014

**WHEREAS**, on December 12, 2012, City Council authorized an increase to the master agreement for unleaded and diesel fuels based on Oil Pricing Information Service (previously referred to as Oil Pricing Index Service) rates by Resolution No. 12-3049; and,

**WHEREAS**, on May 1, 2013, City Council authorized a one-year master agreement for unleaded and diesel fuels based on Platts index rates by Resolution No. 13-0765;

**NOW, THEREFORE,**

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

**Section 1.** That a master agreement for the purchase of unleaded and diesel fuels based on Platts index rates is authorized with Hartland Fuel Products, LLC (VS0000082851) in the amount of \$23,437,729.50, W. Douglass Distributing, LTD. (VS0000008853) in the amount of \$9,410,523.51, Martin Eagle Oil Company, Inc. (VS0000038576) in the amount of \$10,129,680.88 or \$27,551,736.13 (**Tie Bids - Group 3**) and Mansfield Oil Company of Gainesville, Inc. (VS0000041706) in the amount of \$2,891,002.95 or \$20,313,058.20 (**Tie Bids - Group 3**) for a term of three years, with two one-year renewal options, in an amount not to exceed \$63,290,992.09.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for unleaded and diesel fuels based on Platts index rates. If a written contract is required or requested for any or all purchases of unleaded and diesel fuels based on Platts index rates 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 \$63,290,992.09.

**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:** April 23, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction  
Water Utilities

**CMO:** Theresa O'Donnell, 671-9195  
Forest E. Turner, 670-3390

**MAPSCO:** 22V

---

**SUBJECT**

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from ADRCC, LLC, of approximately 47,180 square feet of land located near the intersection of Finnell Street and Lombardy Lane for a wastewater pipeline for the Shady Trail Relief Interceptor Project - \$6,000 (\$4,000, plus closing costs and title expenses not to exceed \$2,000) - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

This item authorizes the acquisition of approximately 47,180 square feet of land located near the intersection of Finnell Street and Lombardy Lane from ADRCC, LLC. This property will be used for a wastewater pipeline for the Shady Trail Relief Interceptor Project. The consideration is based on an independent appraisal.

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

On March 8, 2000, City Council approved Resolution No. 00-0851, determining the necessity of acquiring the described property in fee and authorizing its condemnation and/or appropriation for public use.

**FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$6,000 (\$4,000, plus closing costs and title expenses not to exceed \$2,000)

**OWNER**

**ADRCC, LLC**

Schahrouz Ferdows, Manager

**MAP**

Attached

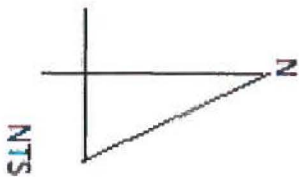
FINNELL STREET

8/6495



4/6495

LOMBARDY LANE





April 23, 2014

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

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

"CITY": The City of Dallas

"PROPERTY": Approximately 47,180 square feet of land located in Dallas County, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Shady Trail Relief Interceptor

"USE": The installation, use, and maintenance of a pipeline for the transmission of wastewater together with such appurtenant facilities as may be necessary.

"PROPERTY INTEREST": Wastewater Easement

"OWNER": ADRCC, LLC, a Delaware limited liability company, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$4,000

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$2,000

"AUTHORIZED AMOUNT": \$6,000

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

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

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

April 23, 2014

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

**SECTION 4.** That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Wastewater Construction Fund, Fund No. 0103, Department DWU, Unit CS40, Program No. 796280, Object 4250, Encumbrance No. CT-DWU796280ENG. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

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

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

April 23, 2014

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

**SECTION 11.** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY Brandi M. Youngkin  
**Assistant City Attorney**

# EXHIBIT A

## Land in Block 8/6495 to be acquired by the City of Dallas

Being a 47,130 square foot tract of land in Block 8/6495, City of Dallas Official City Block Numbers and being in the William Bennett Survey, Abstract Number 171, Dallas County, Texas, and being a portion of that certain parcel of land described in a special warranty deed filed in instrument 200503628222 Official Public Records Dallas County, Texas, conveyed to ADRCC, LTD, a Texas Limited Liability Partnership dated December 15, 2005 and being more particularly described as follows:

**COMMENCING** at a 5/8" iron rod found at the southeast corner of Lot 1, Block 6495 of Centerpoint One Industrial Park an addition to the City of Dallas according to the map or plat thereof filed in Volume 81158 Page 3274 of the Deed Records Dallas County, Texas, same being on the west line of that certain Dallas Power and Light Company 100 foot right-of-way as recorded in Volume 3323 Page 22 of the Deed Records Dallas County, Texas, same being on the north line of Lombardy Lane (Variable Width R.O.W.;

**THENCE** North 0 degrees 41 minutes 37 seconds West, departing the north line of said Lombardy Lane and with the east line of said Lot 1 and the west line of said Dallas Power and Light Company 100 foot right-of-way, a distance of 784.19 feet to a 5/8 inch iron rod found and the **Point of Beginning**, same being the southeast corner of Lot 7 of Block 8/6495 City of Dallas Official City Block Numbers;

**THENCE** South 89 degrees 29 minutes 12 seconds West, departing said west line and with the south line of Lot 7 and the abovementioned ADRCC tract, a distance of 131.97 feet to a mag nail with washer set;

**THENCE** North 0 degrees 41 minutes 37 seconds West departing said south line of said Lot 7, a distance of 357.13 feet to 5/8 inch iron rod set, same being on the common north line of said Lot 7, and the south line of Lot 3.1, Block 8/6495, as conveyed to Dallas County Schools as recorded in Volume 94069, Page 3840 of the Deed Records Dallas County, Texas;

**THENCE** North 89 degrees 29 minutes 12 seconds East, along the abovementioned common line, a distance of 131.97 feet to the aforementioned west line of the Dallas Power and Light Company right-of-way, to a mag nail with washer set;





# EXHIBIT A

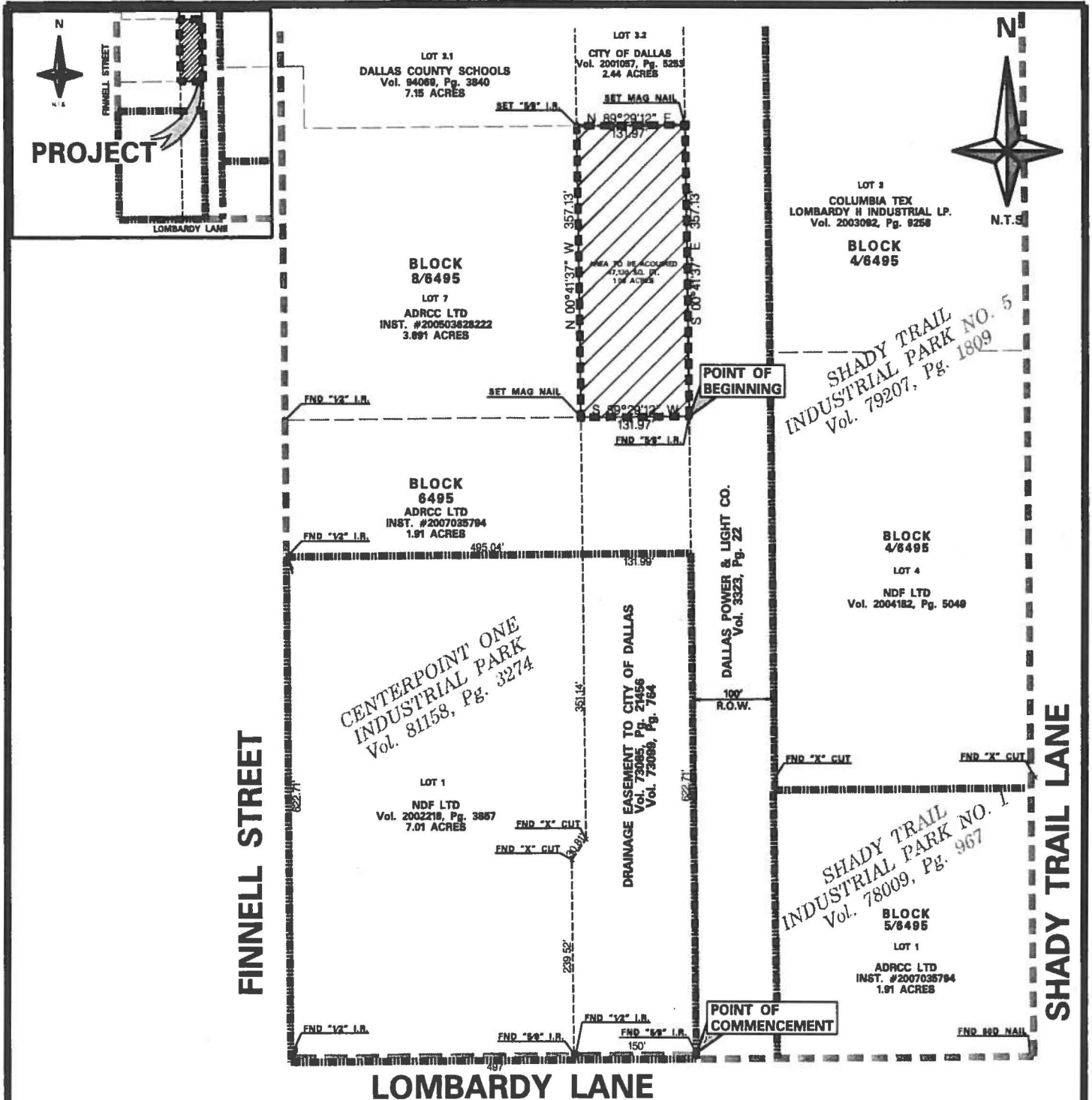
## Land in Block 8/6495 to be acquired by the City of Dallas

**THENCE** South 0 degrees 41 minutes 37 seconds East with the east line of Lot 7 and said west line of the Dallas Power and Light Company 100' right-of-way, a distance of 357.13 feet to the **Point of Beginning** and containing an area of 47,130 square feet or 1.08 acres more or less.

**Basis of Bearing:** Bearings are based upon Texas State Plane Coordinate System, Texas, North Central Zone 4202, North American Datum 1983 (NAD83) 1993 adjustment, using Geiod03 Model with a grid to surface adjustment factor of 1.000136506. Bearings shown herein are grid values. Distances shown herein are surface values.



# EXHIBIT A



3 OF 3

**LOT 7 OF  
BLOCK 8/6495**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 2, 14

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 45 L Q

---

**SUBJECT**

**Statler/Library/Jackson Street Redevelopment Project**

- \* Authorize a development agreement with Centurion Acquisitions, LP for eligible project costs, street and utility improvements in an amount not to exceed \$3,000,000 plus an Economic Development TIF Grant in an amount not to exceed \$43,500,000 for a total not to exceed \$46,500,000 for redevelopment of the buildings addressed as 1914 Commerce Street (Statler building) and 1954 Commerce Street (Old Dallas Central Library building) and properties addressed as 2002 Commerce Street, 210, 300 and 308 South Harwood Street and 2003 Jackson Street from revenues accruing to Tax Increment Financing Reinvestment Zone Eleven (Downtown Connection TIF District) – Total not to exceed \$46,500,000 - Financing: Downtown Connection TIF District Funds
- \* A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Eleven (Downtown Connection TIF District) to reimburse Centurion Acquisitions, LP up to \$46,500,000, of which up to \$43,500,000 is in the form of an Economic Development TIF Grant, for project costs pursuant to the development agreement with Centurion Acquisitions, LP - Financing: This action has no cost consideration to the City

**BACKGROUND**

Economic Development Staff has been working with Centurion Acquisitions, LP on a proposal to redevelop the former Statler Hilton and Old Dallas Library buildings. The proposal also incorporates redevelopment of properties at the northeast and southeast corners of the intersection of Jackson and South Harwood Streets.

## **BACKGROUND** (Continued)

The planned scope of work for the Statler building includes complete restoration of the building exteriors and conversion of the upper eleven stories into 229 residential units, the middle five stories into 164 hotel rooms, and the lower three floors into ballrooms, meeting rooms, hotel services and lobbies, restaurant, theater, and retail.

The adjacent Old Dallas Library building is projected to be converted to commercial lease space that will house an extension of the Statler theater, as well as some office and retail space.

In all, the new mixed-use development of the two buildings will include 669,066 gross square feet of area and 234 underground parking spaces for residents of the building (additional spaces are being accounted for offsite within Jackson Street portion of the project), 78,378 square feet of lease space in the Library, 187,693 square feet of residential space, 33,695 square feet of restaurant/retail space in the Statler building, 31,571 square feet of hotel amenity space (such as ballrooms, meeting spaces, and lounge/bar), 13,926 square feet of theater space, and 86,590 square feet of hotel room space.

The proposed new Jackson Street project is made up of two components. Jackson A (northeast corner of Jackson and S. Harwood Streets) is composed of three parcels addressed as 2002 Commerce Street, 210 S. Harwood Street, and 2003 Jackson Street. Jackson B (southeast corner of Jackson and S. Harwood Streets) is composed of two parcels addressed as 300 and 308 S. Harwood Street.

Jackson A will include a new six-story single ramp concrete parking structure constructed above and connecting to an existing underground parking garage. The below grade parking is projected to maintain 58 spaces and the new above grade structure will include an additional 215 spaces. The ground floor of the structure will be in-filled to incorporate 9,700 square feet of retail use. The first floor (retail) is anticipated to be enclosed in a storefront glazing system. The upper five floors of parking are anticipated to be wrapped in an architectural screen system. The parking garage will provide 43 spaces for transient parking.

The southern parcel will include 50 surface parking spaces.

In 2011, City Council authorized a development agreement with Ricchi Investments and approved TIF funding totaling \$16,189,300 for redevelopment of the Statler and Library buildings. The developer failed to meet project deadlines and the TIF award was subsequently cancelled. Those TIF funds have been reallocated to the proposed TIF funding for Centurion Acquisitions, LP.

## **BACKGROUND** (Continued)

The estimated total cost for the project is \$175,299,650. TIF funding for the project is proposed to be a maximum of \$46,500,000 of which \$43,500,000 is in the form of an Economic Development TIF Grant. TIF funding will reimburse project costs for streetscape improvements and make the project financially feasible. The project would not occur, but for TIF funding.

The addition of the project's housing, hospitality and associated retail/restaurant/entertainment development will revitalize and transform a dormant and underutilized segment of the downtown area and bridge the gap between the Main Street core, Farmer's Market and Deep Ellum. Creation of much-needed public parking, essential to developing and maintaining an active retail corridor, sidewalk and lighting improvements, and improved streetscaping, will service the needs of this new community, as well as the area.

## **ESTIMATED PROJECT SCHEDULE**

Project Start Date                  June 2015  
Project Completion Date      October 2017

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On June 22, 2011, City Council authorized a development agreement with Ricchi Development, LLC, for the redevelopment of 1914 Commerce Street (Statler building) in an amount not to exceed \$13,168,950 by Resolution Nos.11-1746 and 11-1747.

On June 22, 2011, City Council authorized a development agreement with Ricchi 1954 Development Group, LLC, for the redevelopment of 1954 Commerce Street (Former Dallas Library Building) in an amount not to exceed \$3,020,350.

On September 25, 2013, TIF funding for redevelopment of 1914 Commerce Street (Statler building) was cancelled as a result of default by Ricchi Development, LLC's, failure to meet project deadlines.

On September 25, 2013, TIF funding for redevelopment of 1954 Commerce Street (Former Dallas Library Building) was cancelled as a result of default by Ricchi 1954 Development Group, LLC's, failure to meet project deadlines.

On March 27, 2014, the Downtown Connection TIF District Board of Directors reviewed and recommended approval of a development agreement with Centurion Acquisitions, LP, for TIF funding for the Statler/Library/Jackson Street project in an amount not to exceed \$46,500,000, of which \$43,500,000 is in the form of an Economic Development TIF Grant.

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

On April 7, 2014, the Economic Development Committee was briefed on the proposed Statler/Library/Jackson Street redevelopment project and recommended approval.

**FISCAL INFORMATION**

\$46,500,000 – Downtown Connections TIF District Funds

**PROJECT COUNCIL DISTRICT**

District 14

**OWNER**

**Centurion Acquisitions, LP**

Mehrdad Moayed  
President and CEO  
1221 N. I-35 E  
Carrollton, TX 75006

**DEVELOPER**

**Centurion Acquisitions, LP**

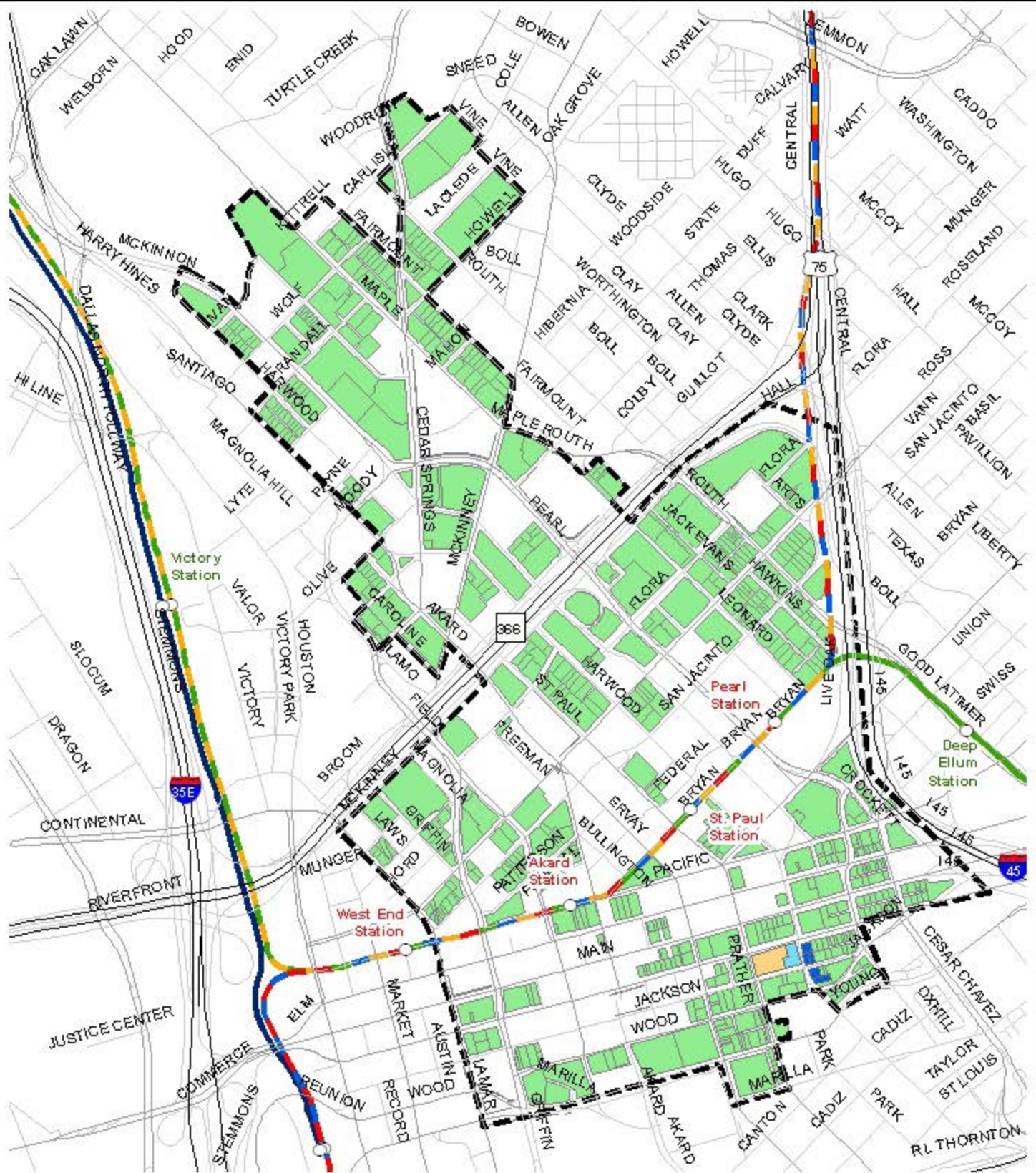
Mehrdad Moayed  
President and CEO  
1221 N. I-35 E  
Carrollton, TX 75006

**MAP**

Attached.



# Statler/Library/Jackson Street Redevelopment Project



**City of Dallas**  
Office of Economic Development



Area Redevelopment Division  
<http://www.Dallas-EcoDev.org>

Created 3/2014

## Legend

- Jackson Street
- Statler Hilton
- Old Dallas Public Library
- Downtown Connection TIF Boundary
- Downtown Connection TIF Parcels
- Properties Outside of TIF
- Rail Station
- DART Red Line
- DART Blue Line
- DART Green Line
- DART Orange Line
- Trinity Railway Express







April 23, 2014

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

**WHEREAS**, on June 8, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven, City of Dallas, Texas ("Downtown Connection TIF District") in accordance with the Tax Increment Financing Act, as amended, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") to promote development and redevelopment in the Uptown and Downtown areas through the use of tax increment financing by Ordinance No. 26020; as amended; and

**WHEREAS**, on August 29, 2005, City Council authorized the Downtown Connection Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 26096; as amended; and

**WHEREAS**, on June 22, 2011, City Council authorized a development agreement with Ricchi Development, LLC, for the redevelopment of 1914 Commerce Street (Statler building) in an amount not to exceed \$13,168,950 by Resolution Nos.11-1746 and 11-1747; and

**WHEREAS**, on June 22, 2011, City Council authorized a development agreement with Ricchi 1954 Development Group, LLC, for the redevelopment of 1954 Commerce Street (Former Dallas Library Building) in an amount not to exceed \$3,020,350; and

**WHEREAS**, on September 25, 2013, TIF funding for redevelopment of 1914 Commerce Street (Statler building) was cancelled as a result of default by Ricchi Development, LLC's, failure to meet project deadlines; and

**WHEREAS**, on September 25, 2013, TIF funding for redevelopment of 1954 Commerce of 1954 Commerce Street (Former Dallas Library Building) was cancelled as a result of default by Ricchi 1954 Development Group, LLC's, failure to meet project deadlines; and

**WHEREAS**, on March 27, 2014, Downtown Connection TIF District Board of Directors reviewed and recommended approval of a development agreement with Centurion Acquisitions, LP, for TIF incentives and dedication of TIF funding for eligible project costs (street/utility improvements) in an amount not to exceed \$3,000,000 plus an Economic Development TIF Grant in an amount not to exceed \$43,500,000 for a total not to exceed \$46,500,000 for redevelopment of the buildings addressed as 1914 Commerce Street (Statler building) and 1954 Commerce Street (Old Dallas Central Library building) and the properties addressed as 2002 Commerce Street, 210, 300 and 308 S. Harwood Street and 2003 Jackson Street; and

April 23, 2014

**WHEREAS**, on April 7, 2014, the Economic Development Committee was briefed and recommended approval of TIF funding for Statler/Library/Jackson Street redevelopment project in an amount not to exceed \$46,500,000; and

**WHEREAS**, in furtherance of the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the Downtown Connection 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 Centurion Acquisitions, LP, for the redevelopment of the Statler/Library/Jackson Street redevelopment project in the Downtown Connection TIF District as depicted in the Conceptual Site/Landscape Plan, Statler/Library Elevations, Jackson Street Elevations and Project Renderings 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 Downtown Connection 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, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan for the Downtown Connection 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 Centurion Acquisitions, LP, and the City of Dallas, on behalf of the Downtown Connection TIF District for the Statler/Library/Jackson Street redevelopment project.

**Section 2.** That the Downtown Connection TIF District Board of Directors is authorized to dedicate future Downtown Connection TIF revenues in an amount not to exceed \$46,500,000, of which \$43,500,000 is in the form of an Economic Development TIF Grant for project costs associated with the Statler/Library/Jackson Street redevelopment project located in the Downtown Connection TIF District, as shown in **Exhibit E** – TIF Budget. These costs include, but are not limited to design, engineering, construction management, professional services, paving, utilities and streetscape improvement costs for the Statler/Library/Jackson Street redevelopment project.

April 23, 2014

**Section 3.** That the City Controller is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Downtown Connection TIF District Fund - Fund 0044, Department ECO, Unit P884, Object 4510, Activity DTTI, Program No. DCTIF0016, CT ECOP884G265-01, Vendor No. VS0000084910, in an amount not to exceed \$3,000,000,

Downtown Connection TIF District Fund - Fund 0044, Department ECO, Unit P884, Object 3016, Activity DTTI, Program No. DCTIF0016, CT ECOP884G265-02, Vendor No. VS0000084910, in an amount not to exceed \$43,500,000,

For a total amount not to exceed \$46,500,000

Funds may be shifted from the Economic Development TIF Grant category to the Streetscape improvements category only, as long as the total TIF funding does not exceed \$46,500,000.

**Section 4.** That nothing in the resolution shall be construed to require the City to approve future dedications of Downtown Connection TIF revenues (the "TIF Subsidy") from any source of the City funds other than the Downtown Connection TIF District Fund. Any portion of the TIF Subsidy that remains unpaid due to lack or unavailability of Downtown Connection TIF District Funds shall no longer be considered project costs of the Downtown Connection TIF District or the City and the obligation of the Downtown Connection TIF District to pay Centurion Acquisitions, LP shall automatically expire.

**Section 5.** That the TIF Subsidy to be provided to Centurion Acquisition, LP, will be based on the Downtown Connection TIF District's Increment Allocation Policy and Reimbursement Queue for the sharing of future revenues in the Tax Increment Fund, adopted by the Downtown Connection TIF District Board of Directors September 16, 2009, attached as **Exhibit F**.

**Section 6.** That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Minimum Investment of \$120,000,000 for the Project, including acquisition, construction and construction related soft costs.

April 23, 2014**Section 6. (Continued)**

The term “Invest” or “Investment” means the sum of all, construction costs (hard and soft) paid, payable or actually incurred by or on behalf of the Developer, with respect to the Property and the improvements thereon. Construction related soft costs include the following items: architecture and engineering, interior design, construction management (if services are provided by a third party other than the developer) 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.

- B. Investment shall include a minimum of \$16,000,000 for the following TIF Eligible expenditures associated with the Project:
  - a. Environmental Remediation/Demolition – minimum \$3,500,000
  - b. Historic Façade Restoration – minimum \$9,000,000
  - c. Streetscape Improvements – minimum \$3,500,000
- C. Redevelopment of the Project shall include a minimum of 400,000 square feet:
  - a. Minimum 40,000 square feet of retail/restaurant space, including a minimum 9,000 square feet of new retail construction associated with the Jackson Street garage.
  - b. Minimum 150,000 square feet (approximately 170 residential units) of residential space, including residential amenity space.
  - c. Minimum 10,000 square feet of theater space
  - d. Minimum 110,000 square feet of hotel space including hotel amenity space (alternative use allowable upon approval of the Director and Downtown Connection TIF District Board of Directors).
  - e. Minimum 90,000 square feet of new parking garage construction.

Square footage allocations may be modified, subject to the Office of Economic Development Director’s (“Director”) approval as long as a minimum of 400,000 square feet of building space has been redeveloped/constructed. Reduction of the minimum square foot requirement for any project use greater than 20% and/or elimination of any project use shall require Director and Downtown Connection TIF District Board of Director’s approval.

April 23, 2014

**Section 6. (Continued)**

- D. Obtain from the City a building and/or demolition permit and start construction and/or demolition of the Project by June 30, 2015;
- E. Obtain a Certificate of Occupancy (CO) for the Project by October 1, 2017;
- F. 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 October 1, 2017 and submit documentation to the Office of Economic Development (OED);
- G. Execute an Operating and Maintenance agreement for public infrastructure improvements associated with the project by October 1, 2017, for a period of 20 years;
- H. A minimum of 25% of the total net leasable square footage of commercial and retail/restaurant (non-residential) space with a minimum of at least 50% of ground floor space that fronts onto a street in each building must be occupied prior to TIF payment;
- I. If the hotel, residential, theater and/or retail components of the Project are discontinued or closed at any time during the TIF Reimbursement payment period, a 90 day cure period will be granted. Developer shall exercise its reasonable business best efforts to ensure that the theater operations are not discontinued or closed during the TIF Reimbursement payment period. The developer may replace the theater with a use acceptable to the Director of Economic Development;
- J. Mixed Income Housing Requirement: A minimum of 10% of the Project's residential units must comply with the City's Mixed Income Housing Guidelines for the Downtown Connection TIF District.
  - a. Affordable units must be available for a 15 year period (from the date of CO).
  - b. If the total number of affordable units drops below 10%, a 90 day compliance period will be granted, after which the contract may be terminated at any time before compliance is achieved.
  - c. Submit quarterly reports to the OED Staff.

April 23, 2014**Section 6. (Continued)**

- K. Prior to City Council consideration, Design Review by the Urban Design Peer Review Panel, an independent group of design, engineering, and/or planning professionals selected by the Dallas City Manager, is required for all Downtown Connection TIF District projects. If a peer review group has not been established prior to TIF Board consideration, the CityDesign Studio shall review and provide recommendations on the Project's design to be considered by the Downtown Connection TIF District Board of Directors. The Project's design plans shall include:
- a. A site plan showing the location of parcel boundaries clearly differentiating publicly accessible space from private space.
  - b. A pedestrian lighting plan for the public and private streets in the Project site using lighting acceptable to the City and spaced at approximately 75 feet unless otherwise required by the City's Public Works and Transportation Department.
  - c. A sidewalk plan for the project. Sidewalks with high anticipated levels of pedestrian traffic shall be designed to accommodate the traffic. The sidewalks shall have a minimum 7 foot walking zone and a minimum 3 foot landscaping and lighting zone, where possible. Landscaping and pedestrian lights shall be placed in the area closest to the back of curb for the length of the sidewalk. The plan shall show the location and type of all landscaping materials.
  - d. Elevations for all sides of the buildings visible from the public right of way, focusing on the ground floor.
  - e. Valet plan indicating where any vehicular drop off will be located.
  - f. Signage plan for the building provided that Owner may modify or supplement any approved signage plan with a plan that has been approved by the City that meets zoning signage requirement for the building and the area.
- L. Construction of project improvements and building renovations shall be in general conformance with site plans approved by the Downtown Connection TIF Board of Directors and Dallas City Council;

April 23, 2014

**Section 6.** (Continued)

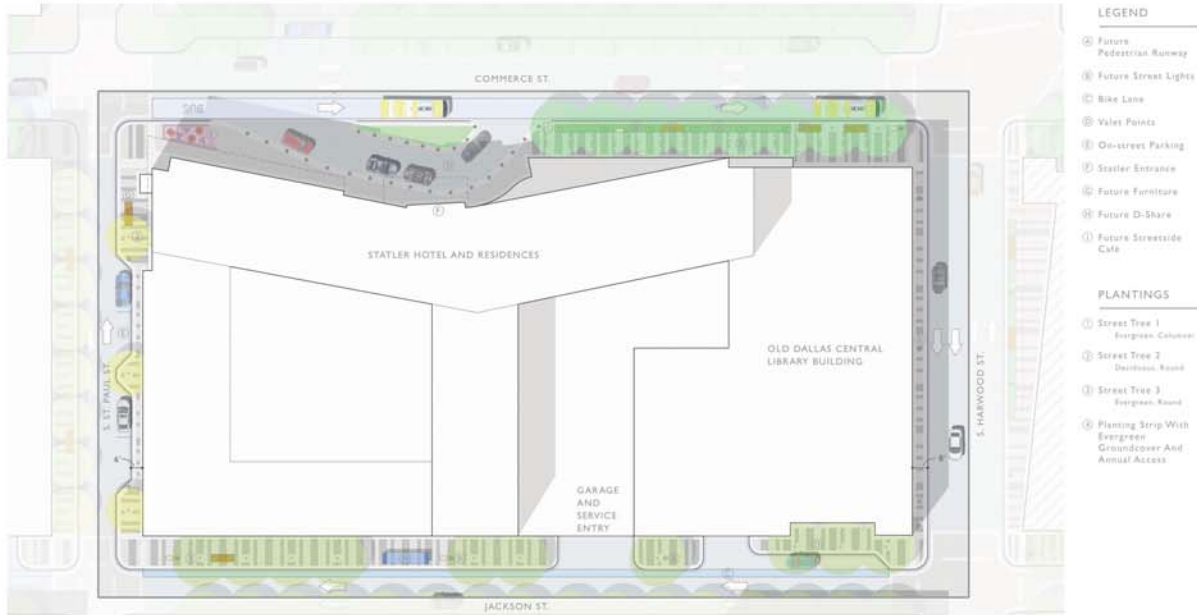
- M. The residential and hotel portions of the project shall be managed by a management company acceptable to the Director, such approval not being unreasonably withheld or delayed;
- N. Owner shall submit to the Director a quarterly status report for ongoing work on the project, as well as public improvements. Such status reports will be due once every three months at the end of each calendar quarter, beginning September 30, 2014;
- O. 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 construction expenditures for the Project, and meet all reporting requirements;
- P. Market the residential units pursuant to an affirmative fair housing marketing plan approved by the City; and
- Q. If necessary, the project deadline can be extended twelve (12) months, subject to approval by the Director and Downtown Connection TIF District Board of Directors.

**Section 7.** That should Centurion Acquisitions, LP, not perform one or more of the contingencies listed above, the City Manager is authorized to and may terminate the development agreement and disallow the total TIF Subsidy up to an amount not to exceed \$46,500,000.

**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.

## Exhibit A

### Conceptual Site/Landscape Plan



enlarged site plan, statler & library (scope of work)



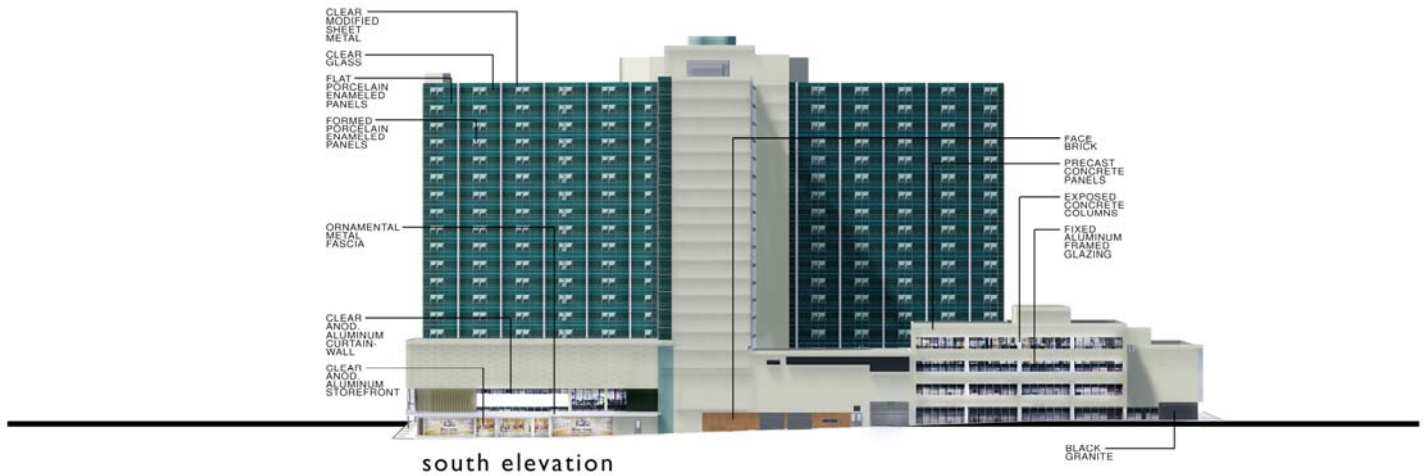
enlarged site plan, vehicle park & retail building





## Exhibit B

### Statler/Library Elevations

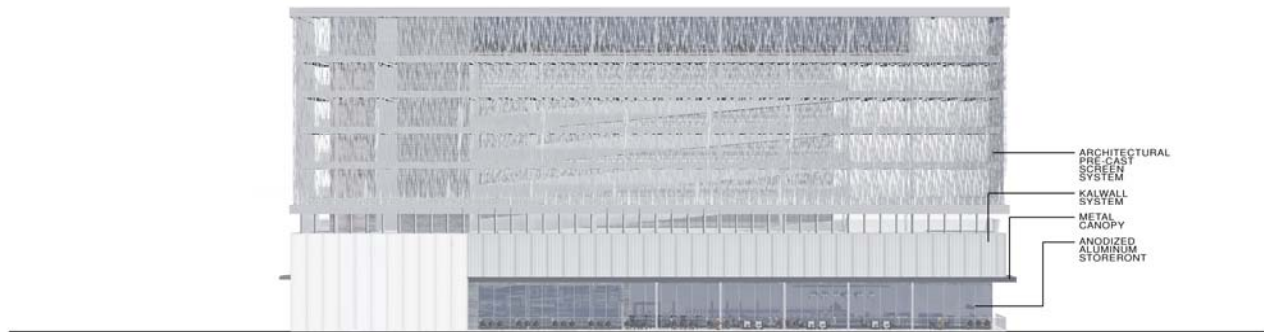


## STATLER & LIBRARY MIXED-USE

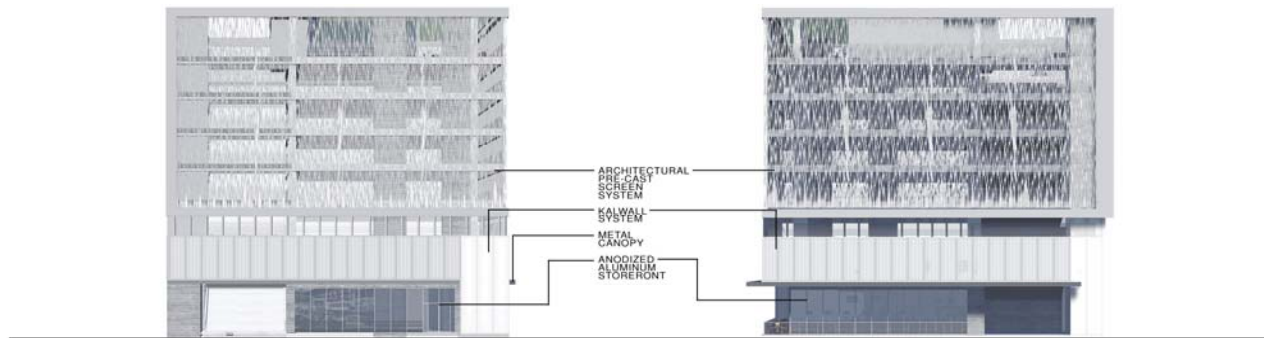


## Exhibit C

### Jackson Street Elevations



vehicle park  
west elevation



vehicle park  
north elevation

vehicle park  
south elevation





## Exhibit D

### Statler/Library/Jackson Street Project Renderings



view of the north elevation of the statler



view southeast of statler



view at statler entry



night view of statler entrance toward main st garden



view west down commerce st



view across commerce st of statler north elevation



view sw of library at corner of s harwood & commerce



view across main street garden toward commerce st



night view of new retail/vehicle park

## Exhibit E

### Statler/Library/Jackson Street TIF Budget

Description	Amount
<b>Redevelopment of Vacant/Underutilized Downtown Buildings</b>	
<i>Streetscape Improvements</i> (includes utilities, design, engineering and architectural costs)	\$3,000,000
<i>Economic Development TIF Grant</i>	\$43,500,000
<b>Total TIF Funding Proposed</b>	<b>\$46,500,000</b>

The budget shown above outlines anticipated TIF reimbursements for the Statler/Library/Jackson Street project and may be shifted from the Economic Development TIF Grant category to the Streetscape improvements category only, if necessary, as long as the total TIF Reimbursement does not exceed \$46,500,000.

Note: The amounts listed above may include engineering, construction, design, construction management, professional services, utilities and streetscape improvement costs. 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.

## Exhibit F

### **TIF Increment Allocation Policy Downtown Connection TIF District As of September 30, 2009**

It is important for the City of Dallas to encourage as many projects as possible in the Downtown Connection TIF District (the "Downtown Connection TIF" or "District"). After satisfying all bond Downtown Dallas Development Authority ("DDDA") obligations related to reserves and debt service coverage requirements, Downtown Connection TIF funds will be allocated to Developers based on the increment created by the Project (as defined below) and Related Projects/Developers (as defined below) within the District and the distribution of any remaining funds in accordance with the reimbursement queue policy.

#### **Definitions**

Accrued Priority Increment - The unpaid balance of the *Individual Increment* owed to a project.

Administrative Expenses – the City will take a share of the District's annual TIF revenue to compensate for the amount billed to the District for costs related to the administration of its TIF program. This may include charges from the Office of Economic Development as well as other departments.

Available Funds – Total Increment less: (1) debt service on DDDA Bonds excluding Bonds issued pursuant to the Continental Building Improvements, (2) Bond trustee fees and expenses, (3) Administrative Expenses, (4) payment of any other DDDA obligations related to Bonds issuance, and (5) reimbursement to the City of Dallas for any grant of loan payments made to the DDDA.

Completed Projects – Projects which received City approval for satisfying all of its project obligations and approval on all supporting documentation required by their executed development agreements.

Cumulative Individual Increment – sum of all *Individual Increment* that a Project or Related Project produces in all years since its completion.

Developer/Owner – a person or entity that has completed all the requirements for a TIF-eligible Project as prescribed by the Project's fully executed development agreement.

District-Wide Improvements – improvements that benefit multiple properties or blocks but are not specific to a single development site such as public parks, gateways, trails, public open space, public facilities, or utility/streetscape improvements.

## Exhibit F

Individual Increment – the annual amount of increment deposited into the District's TIF fund by its participating jurisdictions that is generated by a Project eligible for TIF reimbursement. Dallas Central Appraisal District (DCAD) certified values for each tax year will be the data source used to determine values for the increment allocation procedure.

Performance Percentage – percentage of Individual Increments divided by the total Shared Increment.

Project (TIF-eligible) – development or redevelopment that increases the taxable value of real property at a particular site or a space or facility of public benefit such as improvements to City parks, open space, trails or cultural facilities. The Project has been approved for TIF funds and all requirements set forth in the development agreement have been completed.

Related Project/Developer – if a Developer or a Developer's affiliates (as defined in a development agreement) has other development or redevelopment projects in addition to a TIF-eligible Project, increment from those Related Project(s) may be included in Individual Increment for reimbursement of the TIF-eligible Project expenses. A Developer of a TIF-eligible Project must have at least 50% ownership in any Related Project. These requirements will be further specified in a development agreement where applicable.

Related Projects must create new taxable real property value for the District based on the following criteria:

- New development on previously vacant land or site of demolished structures.
- Redevelopment or major modification of an existing building that exceeds the building's original taxable value by 50% or more, or any increase in a building's original floor area if the expansion exceeds 50% for residential projects, 65% for mixed-use projects, and 75% for office/showroom projects

Remaining Funds – Funds leftover after distribution of all *Accrued Priority Increment* payments and all Individual Increment payments to *Completed Projects*.

Shared Increment – the sum of all Individual Increments generated by all Completed Projects in a given year.

Total Increment – the annual amount of increment deposited into the District's TIF fund by its participating jurisdictions.

## Exhibit F

### Procedure

Annually, after the *Total Increment* has been deposited in the TIF Fund, the funds shall be used to meet the financial obligations of the Downtown Connection TIF District in the following order:

1. Payment of all principal, interest, premium (if any) and fund any reserves necessary or desirable in connection with outstanding District Bonds (excluding Bonds issued pursuant to Section 2.07 of the Mercantile Development Agreement for the Continental Building Improvements) pursuant to Bonds issued by the DDDA and to pay any DDDA obligations which are on a parity with such Bonds;
2. Payment of any fees and expenses of the trustee and paying agent/registrar due and owing;
3. Reimbursement to the City for staff costs, administrative costs and other costs and expenses of the City and the Downtown Connection TIF District;
4. Payment of any other DDDA obligations which are subordinate to the Bonds, but are related to the DDDA's role in issuing the Bonds and administering contracts to be funded with Bond proceeds;
5. Reimbursement to the City for any grant or loan payments made to the DDDA to cover debt service on the Bonds or other DDDA obligations pursuant to the Chapter 380 Program as a result of any shortfalls in tax increment of the Downtown Connection TIF District;

Should for any reason the District fail to meet all of the above financial obligations and satisfying all DDDA bond obligations related to reserves and debt service coverage requirements, no funds shall be distributed to any projects

If, after meeting the above financial obligations and satisfying all DDDA bond obligations related to reserves and debt service coverage requirements, the remaining funds may be used as *Available Funds* to meet other TIF financial obligations including but not limited to the reimbursement of certain project costs for eligible projects.

A *Completed Project* shall be entitled to receive its *Individual Increment* each year if the total amount of *Available Funds* is greater than the total *Shared Increment* for all *Eligible Projects*. Should the amount of *Available Funds* be less than the total *Shared Increment* in a given year, a *Completed Project* shall be reimbursed based on their *Performance Percentage*. The unpaid balance of the *Individual Increment* owed to a project shall be deemed as "Accrued Priority

## Exhibit F

*Increment*” and shall be paid in the following year(s) prior to the distribution of any Individual Increment payments.

Should any *Available Funds* remain after distribution of all *Accrued Priority Increment payments* and all *Individual Increment payments* to *Eligible projects*, the *Remaining Funds* shall be distributed in accordance to the Downtown Connection TIF District Modified Queue Reimbursement Policy approved by the Downtown Connection TIF District Board of Directors on September 30, 2009.

### **THE REIMBURSEMENT QUEUE**

The *Reimbursement Queue* shall list all approved Downtown Connection TIF District projects in order of priority based upon the earlier date in which the developer submits evidence of an executed construction loan and receipt of a building permit. Projects, such as Stoneleigh Hotel and Santa Fe IV, which were completed prior to the adoption of this policy, shall be placed in the queue based on their date of completion.

Each year, City staff is required to verify the status of all approved Downtown Connection TIF District projects as of June 1st. Those projects which have been completed shall be eligible to receive their Individual Increment; and shall be eligible to receive all or a portion of those funds which remain after the distribution of all Individual Increment payments. Payments from the *Remaining Funds* shall be made to completed projects in order of their priority ranking.

The amount of *Remaining Funds* distributed to a project shall not exceed the project's Total TIF Award (including interest when applicable) less the amount of *Cumulative Individual Increment* paid to date for a project. After such payment(s) are made, any leftover funds shall be distributed to the next completed project in order of their priority ranking.

**Should a project which has not been completed as of June 1<sup>st</sup> of a given year have priority ranking over a project which has been completed, the uncompleted project shall be deemed “bumped” and shall not receive any payments for that year. A project may be “bumped” by more than one project in a given year. However, a “bumped” project shall retain its priority ranking for subsequent years.**

As projects are approved by City Council for funding from the Downtown Connection TIF Fund, they shall be given the lowest priority ranking until such time the developer submits evidence of: **(1) an executed construction loan and receipt of a building permit or (2) final certificate of occupancy.** At which time, the reimbursement queue shall be updated. Once a project has been completed, its priority ranking shall not be subject to change. The City's Director of Economic Development will make the final determination in applying future available revenues in the TIF Fund among Projects.



## Exhibit F

### Downtown Connection TIF District Reimbursement Queue *As of February 2014*

Reimbursement Priority <sup>1</sup>	Project Name	Priority Date	Construction Status	Primary TIF Reimbursement	Maximum Interest	Total Eligible TIF Reimbursement	Project Generated Increment Only <sup>4</sup>	Reimbursement Status
1	Stoneleigh Hotel	5/30/2010	Completed	\$2,500,000	\$0	\$2,500,000	Yes	To Be Paid
2	Hall Lone Star <sup>2</sup>	5/30/2010	Completed	\$852,764	\$2,000,000	\$2,852,764	No	To Be Paid
3	Santa Fe IV - Aloft Hotel	5/30/2010	Completed	\$4,296,264	\$0	\$4,296,264	No	To Be Paid
4	Grand Ricchi Dallas - 1600 Pacific	10/26/2010	Completed	\$8,830,000	\$4,040,200	\$12,870,200	No	N/A
5	Joule Hotel Expansion	1/19/2011	Completed	\$20,658,500	\$0	\$20,658,500	No	N/A
6	Atmos Complex Phase I	6/20/2011	Completed	\$3,250,000	\$3,000,000	\$6,250,000	No	N/A
7	Joule Hotel Expansion Amendment	8/10/2011	Completed	\$3,194,409	\$0	\$3,194,409	No	N/A
8	Continental Building <sup>3</sup>	9/16/2011	Completed	\$13,305,700	\$4,222,588	\$17,528,288	No	N/A
9	Atmos Complex Phase II	5/21/2013	Under Construction	\$11,750,000	\$5,000,000	\$16,750,000	No	N/A
10	Hall Lone Star Project - Phase II <sup>2</sup>	8/22/2013	Under Construction	\$5,000,000	\$0	\$5,000,000	No	N/A
11	PetroCorrigan Project	2/13/2014	Under Construction	\$10,300,000	\$0	\$10,300,000	No	N/A
TBD	The Olympic	TBD	Under Consideration	\$45,000,000	\$5,000,000	\$50,000,000	No	N/A
TBD	500 S. Ervay	TBD	Under Construction	\$5,000,000	\$0	\$5,000,000	Yes	N/A
TBD	LTV Tower Project	TBD	Approved	\$17,500,000	\$0	\$17,500,000	No	N/A
<b>\$174,700,425</b>								

**Notes:**

<sup>1</sup>The priority ranking of an approved project is established by the submittal of evidence to the City of an executed construction loan and building permit for the project.

<sup>2</sup>Hall Lone Star Project, Phases I and II, is eligible to receive up to \$2M in interest. The full \$2M in interest is shown in Phase I of the project.

<sup>3</sup>The Total TIF Reimbursement for the Continental Building project is \$22,028,288 (includes an additional \$2.5M in bond proceeds and \$2M in affordable housing funds).

<sup>4</sup>Based on the development agreement for the project, reimbursement may take the form of project generated increment only or project generated increment plus shared increment.

April 23, 2014

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

**WHEREAS**, on June 8, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Eleven, City of Dallas, Texas ("Downtown Connection TIF District") in accordance with the Tax Increment Financing Act, as amended, Chapter 311 of the Texas Tax Code, Vernon's Texas Codes Annotated (the "Act") to promote development and redevelopment in the Uptown and Downtown areas through the use of tax increment financing by Ordinance No. 26020; as amended; and

**WHEREAS**, on August 29, 2005, City Council authorized the Downtown Connection Tax Increment Financing District Project Plan and Reinvestment Zone Financing Plan by Ordinance No. 26096; as amended; and

**WHEREAS**, on June 22, 2011, City Council authorized a development agreement with Ricchi Development, LLC, for the redevelopment of 1914 Commerce Street (Statler building) in an amount not to exceed \$13,168,950 by Resolution Nos.11-1746 and 11-1747; and

**WHEREAS**, on June 22, 2011, City Council authorized a development agreement with Ricchi 1954 Development Group, LLC, for the redevelopment of 1954 Commerce Street (Former Dallas Library Building) in an amount not to exceed \$3,020,350; and

**WHEREAS**, on September 25, 2013, TIF funding for redevelopment of 1914 Commerce Street (Statler building) was cancelled as a result of default by Ricchi Development, LLC's, failure to meet project deadlines; and

**WHEREAS**, on September 25, 2013, TIF funding for redevelopment of 1954 Commerce of 1954 Commerce Street (Former Dallas Library Building) was cancelled as a result of default by Ricchi 1954 Development Group, LLC's, failure to meet project deadlines; and

**WHEREAS**, on March 27, 2014, Downtown Connection TIF District Board of Directors reviewed and recommended approval of a development agreement with Centurion Acquisitions, LP, for TIF incentives and dedication of TIF funding for eligible project costs (street/utility improvements) in an amount not to exceed \$3,000,000 plus an Economic Development TIF Grant in an amount not to exceed \$43,500,000 for a total not to exceed \$46,500,000 for redevelopment of the buildings addressed as 1914 Commerce Street (Statler building) and 1954 Commerce Street (Old Dallas Central Library building) and the properties addressed as 2002 Commerce Street, 210, 300 and 308 S. Harwood Street and 2003 Jackson Street; and

April 23, 2014

**WHEREAS**, on April 7, 2014, the Economic Development Committee was briefed and recommended approval of TIF funding for Statler/Library/Jackson Street redevelopment project in an amount not to exceed \$46,500,000; and

**WHEREAS**, in furtherance of the Downtown Connection TIF District Project Plan and Reinvestment Zone Financing Plan and to promote within the Downtown Connection 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 Owner for the redevelopment of the Statler/Library/Jackson Street redevelopment project in the Downtown Connection TIF District; and

**WHEREAS**, the expenditure of TIF funds supporting this development is consistent with promoting development and redevelopment of the Downtown Connection 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, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan for the Downtown Connection TIF District.

**NOW, THEREFORE,**

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

**Section 1.** That the findings, determinations and certifications contained in the recitals above are incorporated herein for all purposes.

**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**

Streetscape and utility improvements and an Economic Development TIF Grant for Statler/Library/Jackson Street redevelopment project in Reinvestment Zone Number Eleven (Downtown Connection TIF District)

**Debt To Be Issued**

Not to exceed \$46,500,000, of which \$43,500,000 is in the form of an Economic Development TIF Grant, as provided by the Project Plan and Reinvestment Zone Financing Plan

**Section 3.** That the total Downtown Connection TIF District participation in the cost of the redevelopment of Statler/Library/Jackson Street shall not exceed an amount of \$46,500,000, all in accordance with the terms of the said development agreement.

April 23, 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 Downtown Connection TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Downtown Connection TIF District, due to lack or unavailability of Downtown Connection TIF District Funds shall no longer be considered project costs of the Downtown Connection TIF District or the City and any obligation to pay Centurion Acquisitions, LP shall automatically expire.

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

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** N/A

---

**SUBJECT**

Authorize a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, J.P. Morgan Chase (Chase) and its subsidiaries, and Frazier Revitalization, Inc. (FRI) and its affiliates (Developer) for the construction of a medical clinic located at 4600 Scyene Road (Project) - Financing: No cost consideration to the City

**BACKGROUND**

The City of Dallas authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE), by Resolution No. 09-0461 on February 11, 2009, to apply for a New Markets Tax Credit (NMTC) allocation from the U.S. Department of Treasury's Community Development Financial Institutions Fund in its 2009 funding cycle. DDF was awarded a \$55 million allocation under the 2009 cycle, and that allocation was officially accepted by DDF on March 31, 2010. DDF applied for an additional allocation in 2012, and was awarded \$30 million under the 2012 funding cycle.

The NMTC program permits taxpayers to receive a credit against federal income taxes for making qualified equity investments in designated CDEs. These investments must be used by the CDE for projects and investments in low-income communities, as defined by the NMTC program. The credit provided to the investor totals 39 percent of the cost of the investment and is claimed over a 7-year credit allowance period.

On March 28, 2014, DDF considered and unanimously approved a NMTC transaction between DDF, Chase, and the Developer. This NMTC allocation will use up to \$15 million of DDF's \$30 million NMTC allocation; Chase will invest up to \$15.0 million in NMTC allocation from DDF, which will in turn generate approximately \$4.4 million in net NMTC equity for the benefit of the Project. The total project cost is approximately \$19.5 million.

## **BACKGROUND** (Continued)

FRI will be constructing a new medical clinic that will be occupied by Parkland Hospital System. The new facility will be approximately 44,000 sq feet and offer over 50 exam rooms. Services offered will include an adult clinic, geriatric & behavioral health clinic, women and infants specialty health (WISH) clinic, and a pediatric clinic. They are anticipating over 55,000 patients annually, with room for additional expansion.

The proposed Parkland Clinic is located in a highly distressed census tract, with a 36% poverty rate, median income of 32% of regional median, and 21% unemployment.

Without NMTC assistance, FRI would have a gap in financing that would not allow it to construct the new Parkland Clinic.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On February 11, 2009, the City Council authorized the creation of the Dallas Development Fund (DDF), a non-profit Community Development Entity (CDE).

On January 13, 2010, the City Council authorized the acceptance of the \$55 million NMTC allocation.

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

On March 28, 2014, the Dallas Development Fund was briefed on the FRI project and unanimously approved the transaction.

On April 7, 2014, the Economic Development Committee will be briefed on the request for approval of a NMTC transaction, as approved by the DDF board.

## **FISCAL INFORMATION**

No cost consideration to the City

## **OWNER**

**Frazier Revitalization, Inc.**

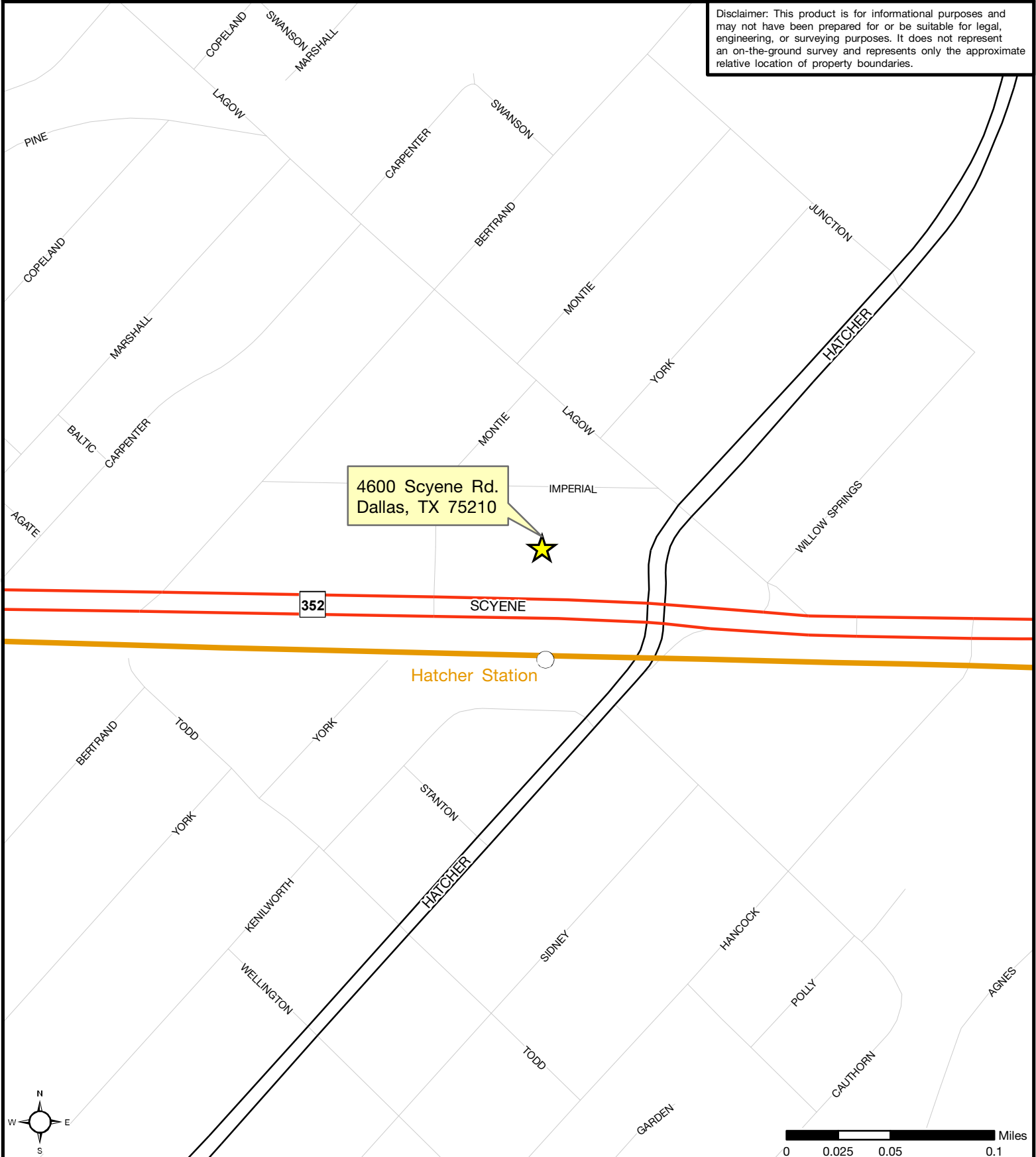
Dorothy Hopkins, President, Chief Executive Officer

## **MAP**

Attached.

# Hatcher Station Village Medical Clinic

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

-  Rail Station
-  DART Light Rail

-  Highway
-  Arterial
-  Local Road

April 23, 2014

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

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

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

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

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

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

**WHEREAS,** The DDF was awarded a \$30 million NMTC allocation under the 2012 NMTC program; and

**WHEREAS,** The DDF board has approved awarding of up to \$15 million in NMTC allocation to Frazier Revitalization, Inc. (FRI) for the construction of a new medical clinic.

**NOW, THEREFORE,**

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



April 23, 2014

**Section 1.** That the City Council hereby authorizes a New Markets Tax Credit (NMTC) transaction, between the Dallas Development Fund (DDF) and its subsidiaries, J.P. Morgan Chase (Chase) and its subsidiaries, and Frazier Revitalization, Inc and its affiliates (Developer) for the construction of a medical clinic located at 4600 Scyene Road (Project) as further described in **Attachment A**.

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

**DATE:** March 28, 2014

**SUBJECT:** Hatcher Station Village Medical Clinic

**FROM:** City of Dallas Office of Economic Development

## **Project Overview**

### **Project Description**

The Hatcher Station Village Medical Clinic consists of Frazier Revitalization, Inc.'s ("FRI's") construction of a catalytic 44,000 SF community health clinic to be leased and operated by Parkland Health & Hospital System (Parkland). Located adjacent to Hatcher rail station on DART's Green Line, the project will allow Parkland to relocate and expand operations from its East Dallas Health Center located at the Baylor University Medical Center campus to a transit-accessible location, improving patient access. The new facility will increase the number of exam rooms from 38 at East Dallas to 60 at Hatcher, including 12 for Geriatrics, 18 for Adults, 12 for Pediatrics, and 18 for Women and Infant Specialty Health (WISH). Additionally, the project will include over 1,500 SF for financial counseling, 1,300 SF for labs, and 800 SF for radiology.

The Project is located in a highly distressed Census Tract with a 36% poverty rate, median income 32% of the area median, and an unemployment rate of over 21%. The Tract also qualifies as a Medically Underserved Area as defined by the federal Health Resources and Services Administration ("HRSA").

Total project costs are estimated to be \$19.8 million, subject to final refinement.

### **Sponsor: Frazier Revitalization, Inc.**

Frazier Revitalization, Inc. (FRI) has been a community leader in the Frazier neighborhood in the South Dallas/Fair Park area since 2005. FRI was founded as a nonprofit community development organization to lead the Hope VI redevelopment of the Frazier Courts public housing project. In addition to spearheading the 310 unit Frazier Courts redevelopment, FRI has constructed homes under the Neighborhood Stabilization Program, participated in the Dallas Land Bank Program, and assembled the 14 separate parcels for the development of Hatcher Station Village. Beyond real estate, FRI also operates after school programs, serving 120 at-risk elementary and middle school students and in their families in the Frazier neighborhood. In December 2013, FRI was awarded a Partners in Progress Initiative grant from Citi Foundation to help build a community-based coalition and to plan program services for the non-medical clinic portion of the Hatcher Station Village development.

### **Tenant: Parkland Health & Hospital System**

Parkland Health & Hospital System is one of the nation's largest publically funded teaching hospitals and health care systems. In 1987, Parkland established a Community-Oriented Primary Care (COPC) model to

serve the needs of Dallas County's poorest residents through a decentralized model of healthcare. Today, Parkland supports over 450,000 patient visits through its network of 12 community-based health centers throughout Dallas County.

## Related/Sponsoring Entities

Frazier Revitalization, Inc. is expected to be the Leverage Lender in the NMTC transaction structure. The NMTC borrower is anticipated to be a newly formed 501(c)(2) Title Holding Entity controlled by Frazier Revitalization, Inc.

## Financing Terms

### NMTC Allocation Proposed

\$15.0 million

### NMTC Investor

J.P. Morgan Chase

### Anticipated Closing Costs and Fees

Dallas Development Fund will charge up-front fees totaling 4% of the QEI (estimated at \$600,000). In addition, DDF will charge an annual Asset Management Fee of \$52,500 per year.

DDF will separately secure reimbursement for costs associated with closing this transaction, as well as audit and tax return preparation costs associated with maintaining the financing structure during the 7-year NMTC compliance period.

## Financing Structure

As NMTC Equity investor, Chase will provide up to approximately \$4.89 million in NMTC Equity. As Senior Lender, Chase will provide an approximately \$11.6 million term loan, part of which will be used to fund a \$10.45 million "Leverage Loan" for the transaction. Chase will form a special purpose investment fund entity and will be responsible for management of this fund. The equity and leverage debt will be combined to capitalize the investment fund, which in turn will make a Qualified Equity Investment (QEI) of up to \$15 million into a subsidiary of Dallas Development Fund ("Sub-CDE").

Dallas Development Fund (DDF), through the aforementioned Sub-CDE, will in turn make one or more Qualified Low-Income Community Investment (QLICI) loans. Pursuant to DDF's Allocation Agreement, CDF will take a fee of 4% of the QEI in order to finance its activities. The total QLICI loan(s) to the QALICB will be up to approximately \$14.7 million.

The City of Dallas will contribute approximately \$3.3 million to the project in the form of a grants and forgivable debt. FRI will contribute approximately \$500,000 in equity to the project.

The financing sources for this project are summarized in the table below. In addition, a preliminary chart illustrating the structure of the proposed transaction is provided in Table 1.

## Closing Timeline

This Project financing is expected to close in Q2 2014.

**Table 1: Project Sources and Uses (Net of DDF fees)**

Sources		
Chase Senior Debt (leveraged)	\$	10,415,250
NMTC Equity (net of fees)	\$	4,284,750
Chase Senior Debt (direct-funded)	\$	1,237,159
City - PPP Grant	\$	1,901,949
City - South Dallas / Fair Park Trust Fund Grant	\$	200,000
City - Forgivable Debt	\$	1,025,000
City - Predevelopment Grant	\$	200,000
FRI (Funded to date)	\$	500,000
<b>Total</b>	<b>\$</b>	<b>19,764,108</b>
Uses		
Acquisition/Land	\$	2,324,978
Hard Cost	\$	11,800,753
Hard Cost Contingency	\$	574,500
Soft Costs	\$	1,872,102
Developer Fee	\$	1,600,000
NMTC Closing costs	\$	400,000
NMTC Reserves	\$	463,500
QLICI Interest Reserve	\$	147,000
Construction Reserve (Chase Senior Loan)	\$	464,751
Origination Fee (Chase Senior Loan)	\$	116,524
<b>Total</b>	<b>\$</b>	<b>19,764,108</b>

# Community Benefits and Need for Assistance

## Community Benefits

### 1. Healthcare and related services

The new clinic will provide an array of Primary Care services (pediatrics, adults, geriatrics) and Women and Infant Specialty Health Services (WISH) to over 27,000 unique patients annually. The clinic will also offer complementary services, such as behavioral health, nutrition, radiology, and financial counseling to meet the needs of its clients. By stabilization, the clinic is expected to provide primary care services to at least 20,000 unique patients annually in over 49,000 patient encounters, a 25% increase over East Dallas Health Center's current capacity. Additionally, WISH is expected to serve 7,000 unique patients in over 17,000 patient encounters. Parkland estimates 72% of patients will be Hispanic and 16% African American with 45% of payers receiving Medicare/Medicaid and 42% being uninsured.

### 2. Employment

The clinic will bring many high quality and accessible jobs to Southern Dallas. The clinic's 19 FTE providers will be supported by 91 FTE nonproviders, including nurses, nutritionists, receptionists, building staff, etc. These nonprovider positions pay average wages of over \$50,000 per year with 100% eligible for benefits.

### 3. Catalytic Transit Oriented Development

The project will be the first phase of a broader community-services development for an important transit-accessible site in South Dallas/Fair Park. Located at DART's Hatcher Station, the 7.5 acre vacant site was identified in the 2013 Hatcher Station Area Plan as "strategic in its likelihood to build on energy generated by the adjacent Hatcher Station and nearby recently constructed Frazier Courts Housing Community." In addition to this first phase health clinic, FRI plans to develop over 18,000 SF of community-focused commercial space on the remaining portion of the site. FRI is in discussion with different organizations to house complementary programs at the site, including Dallas County Community College District's medical certificate programs, a pilot UNT Law school law clinic, and the Police Athletic League's youth programs. In the surrounding Frazier neighborhood, FRI also anticipates continuing its residential development through the development of approximately 10 new single family homes on lots it has previously acquired.

## Need For NMTC Assistance

Without NMTC assistance, the project would have a financing gap of approximately \$4 million. This gap is created by two key factors: 1) the Project's limited ability to obtain senior debt due to the adverse appraisal climate currently existing in South Dallas, which limits loan proceeds due to loan-to-value constraints; and 2) FRI's limited balance sheet and lack of a guarantor, which cause senior lenders to provide more conservative lending terms than would otherwise be prevalent.

Because of the lower cost of capital resulting from the NMTC structure, the project is projected to provide FRI with operating cash flows to support its mission to serve the Frazier neighborhood. FRI plans to use the majority of this cash flow as equity for Phase 2 of the Hatcher Station Village development, which is currently anticipated to include such tenants as a pharmacy, satellite facilities for higher

educational institutions, and a healthy foods café. Additionally, the income will provide a stable financing source for its after school youth programming and its other community initiatives.

Thus, the NMTC financing would play a dual role in the proposed transaction: initially, as a substitute for senior debt the project cannot obtain; and over time, a subsidy that will assist FRI in implementing its broader comprehensive revitalization vision for the neighborhood.

## Project Images



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** N/A

---

**SUBJECT**

**Frazier Revitalization Inc. Hatcher Station Clinic**

- \* Authorize a 90 percent real property tax abatement agreement for 10 years with Hatcher at Scyene Title Holding Company, an affiliate of Frazier Revitalization Inc., for a new medical clinic facility of 44,000 square feet located at 4600 Scyene Road in Dallas pursuant to the City's Public/Private Partnership Program - Revenue: First year revenue estimated at \$10,233; ten-year revenue estimated at \$102,335 (Estimated revenue foregone for ten-year real property tax abatement estimated at \$921,013)
- \* Authorize a Chapter 380 economic development grant agreement pursuant to the Public/Private Partnership Program with Frazier Revitalization, Inc. or Hatcher at Scyene Title Holding Company (collectively, "FRI"), in an amount up to \$2,000,000 associated with the development of a medical facility to be constructed at 4600 Scyene Road - Not to exceed \$2,000,000 - Financing: Public/Private Partnership Funds
- \* Authorize an amendment to certain conditions contained in Section 3 of Resolution No. 07-0522, which established a forgivable loan to Frazier Revitalization, Inc., related to land acquisition to: **(1)** add "medical" to the allowed project type; **(2)** clarify language related to the job requirements; and **(3)** clarify that the date established for a Certificate of Occupancy is March 31, 2015 - Financing: No cost consideration to the City

**BACKGROUND**

Frazier Revitalization, Inc. (FRI) is a non-profit developer that has been active in the Frazier neighborhood for the past seven years. FRI is currently proposing to construct a new a new medical clinic adjacent to the Hatcher Station DART stop. The clinic will be occupied by Parkland Hospital System. This clinic is Phase One of a mixed-use development.

## **BACKGROUND** (Continued)

The new facility will be approximately 44,000 sq feet and offer over 50 exam rooms. Services offered will include an adult clinic, geriatric & behavioral health clinic, women and infants specialty health (WISH) clinic, and a pediatric clinic. They are anticipating over 55,000 patients annually, with room for additional expansion. The total project cost is approximately \$19.5 million.

In order to develop this project, FRI requests council consideration of an economic development grant and a real property tax abatement on the added value of the improvements. The proposed grant will be paid on or before December 31, 2015, upon verification of substantial completion of the facility and the jobs requirement. The grant funds will help offset costs associated with land purchase, building costs, public infrastructure costs and development fees.

In consideration of the incentives proposed, FRI will (1) Invest a minimum of \$10,000,000 in real property improvements and other related project costs such as design, engineering, architects, legal, financing fees, etc.; and (2) Employ a minimum of 50 people in the building. The ten-year forgone revenue associated with the abatement is \$921,013. The ten-year net estimated fiscal impact of this project is \$102,334. Staff recommends the proposed incentives.

In addition, modifications to Resolution No. 07-0522 are required. On February 14, 2007, Council authorized a forgivable loan with FRI for land acquisition provided certain conditions were met prior to January 1, 2015. Staff is recommending modifications to this agreement to (1) add "medical" to the allowed project type, (2) clarify language related to the job requirements, and (3) clarify the date established for a Certificate of Occupancy is March 31, 2015.

## **ESTIMATED SCHEDULE OF THE PROJECT**

Begin Construction	May 2014
Substantial Completion	March 2015

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item was briefed to the Economic Development Committee on April 7, 2014.

## **FISCAL INFORMATION**

\$2,000,000 Public/Private Partnership Funds



**OWNER**

**Frazier Revitalization, Inc.**

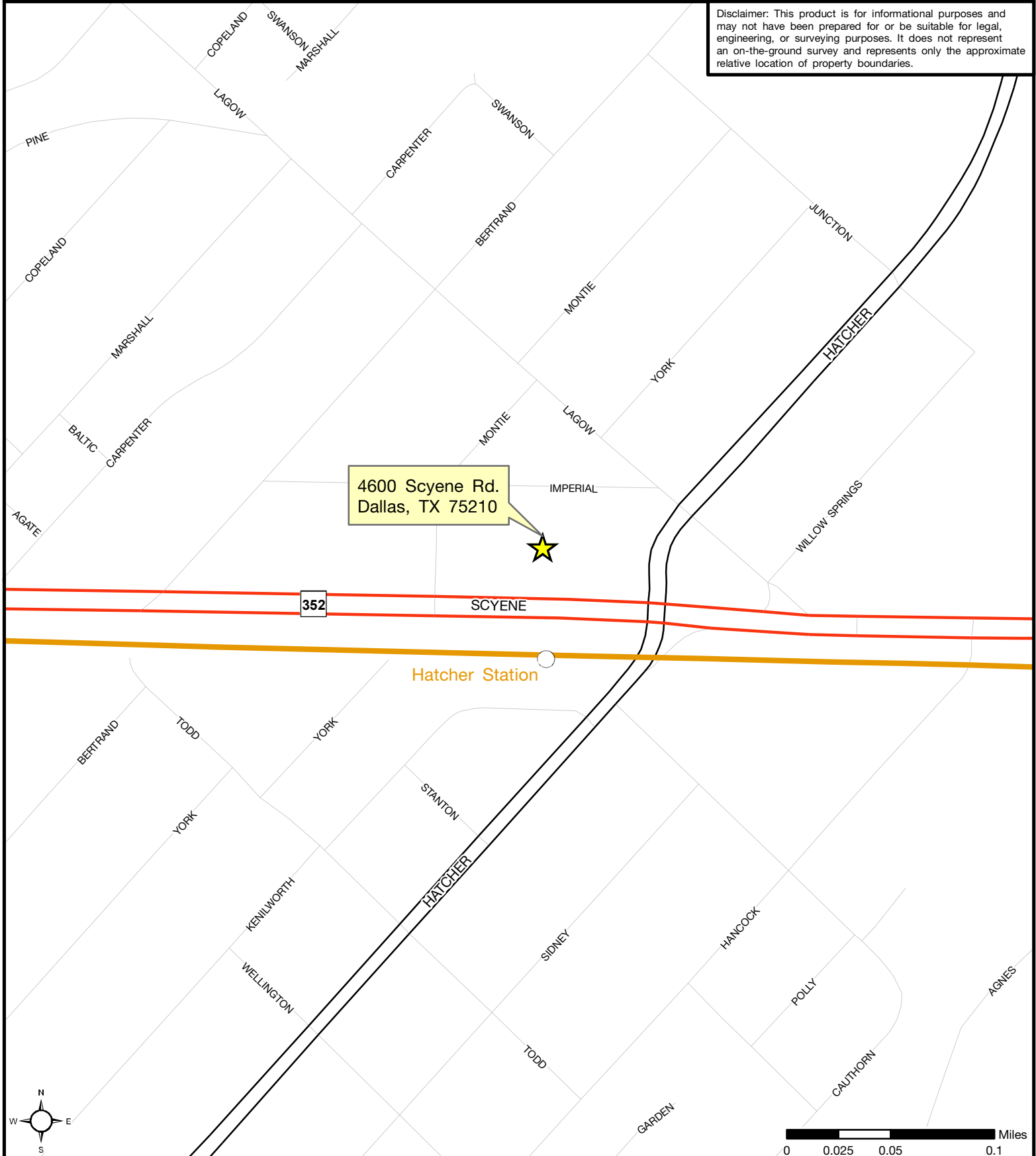
Dorothy Hopkins  
President, CEO

**MAP**

Attached.

# Hatcher Station Village Medical Clinic

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

DALLAS  
ECONOMIC  
DEVELOPMENT

Research & Information Division  
214.670.1685  
dallas-ecodev.org

Created 8.2.2013, Last Updated 4.4.2014 - HatcherSquare.TCG

### Legend

- Rail Station  
— DART Light Rail

-  Highway  
 Arterial  
 Local Road

Source: City of Dallas, 2014

April 23, 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 and as amended by Resolution 13-0728; and

**WHEREAS**, the City desires to enter into a real property tax abatement agreement with Frazier Revitalization, Inc. for added value to real property located at 4600 Scyene Road.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager upon approval as to form by the City Attorney is hereby authorized to execute a real property tax abatement agreement with Frazier Revitalization, Inc. (FRI) for added value to the real property in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria.

**Section 2.** That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

**Section 3.** That the real property which will be described in the tax abatement agreement, attached hereto as **Exhibit A (Metes and Bounds)** and depicted on the attached site map as **Exhibit B (Map - the "Property")**, is located within an Enterprise Zone.

**Section 4.** That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within an Enterprise Zone, City of Dallas, Texas.
- (b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.

April 23, 2014**Section 4. (Continued)**

- (c) That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the reinvestment zone during the period the tax abatement is in effect.
- (d) The City will provide FRI. a 90 percent abatement of the added value to the real property for a period of ten years for real property located within an Enterprise Zone as provided in **Exhibit A (Metes and Bounds)**. The tax abatement will commence on or before January 1, 2015.
- (e) That the \$10,000,000 in proposed real property improvements will be substantially completed by March 31, 2015. 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 the company shall employ a minimum 50 full time employees at the facility by April 15, 2015 and retain a minimum of 50 employees for the remainder of the term of the tax abatement.
- (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 governing body of each taxing unit 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.

April 23, 2014

**Section 4.** (Continued)

- (l) That the tax abatement agreement shall be personal to FRI. and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

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

STATE OF TEXAS §  
COUNTY OF DALLAS §

WHEREAS, FRAZIER REVITALIZATION, INC., FRAZIER HS, LP, TRUE LEE MISSIONARY BAPTIST CHURCH AND TRUE LEE BAPTIST CHURCH are the owners of a tract of land situated in the Thomas Lagow Survey, Abstract No. 759, City of Dallas, Dallas County, Texas; and in City of Dallas Blocks A/4475, B/4476 and D/4478 of the Official Block Numbers of the City of Dallas; and being part of Lots 11-12 and all of Lots 13-14, Block A/4475, part of Lots 1-10, 16 & 17 and all of Lots 18-26, Block B/4476, all of Lots 1-4 and part of Lots 5-7, Block D/4478, Thompson and Swanson Subdivision, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 343 of the Map Records of Dallas County, Texas; and being all of the abandoned portions of Montie Street, Imperial Street and 15-foot wide alley across said Block D/4478 and part of the abandoned portions of a 15-foot wide alley across said Blocks A/4475 and B/4476 authorized by City Ordinance No. \_\_\_\_\_ recorded in Instrument No. \_\_\_\_\_; and being those tracts of land described in the following: Limited General Warranty Deeds to Frazier HS, LP recorded in Instrument Nos. 201100006041, 201100006042 and 201100006043; Deed Without Warranty to Frazier Revitalization, Inc. recorded in Instrument No. 201100332863; General Warranty Deed to Frazier Revitalization, Inc. recorded in Instrument No. 201100021954; Special Warranty Deed with Vendor's Lien to Frazier Revitalization, Inc. recorded in Instrument No. 20080195479; Quitclaim Deed to Frazier Revitalization, Inc. recorded in Instrument No. 201300199061; Special Warranty Deed to Frazier Revitalization, Inc. dated June 17, 2013 found unrecorded; Cash Warranty Deed to True Lee Baptist Church recorded in Volume 2000106, Page 4315; Quitclaim Deed to True Lee Missionary Baptist Church recorded in Volume 93091, Page 3966; Quitclaim Deed to Greater Mt. Calvary Church of God In Christ of Dallas recorded in 201000177647; all of the Deed and Official Public Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a "X" cut in concrete found at the intersection of the northwest right-of-way line of Hatcher Street (a 90-foot wide right-of-way) and the north right-of-way line of Scylene Road (a variable width right-of-way);

THENCE with said north right-of-way line of Scylene Road, the following courses and distances: North 88°15'24" West, a distance of 297.06 feet to a TXDOT brass monument found for corner; North 2°21'59" East, a distance of 2.67 feet to a TXDOT brass monument found for corner; North 88°31'01" West, a distance of 200.03 feet to a TXDOT brass monument found at the intersection of said north right-of-way line of Scylene Road and the east right-of-way line of Montie Street (a 50-foot wide right-of-way); North 88°41'56" West, a distance of 50.01 feet to a TXDOT brass monument found at the intersection of said north right-of-way line of Scylene Road and the west right-of-way line of Montie Street; North 88°30'34" West, a distance of 100.06 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN. B/4476" set for corner in the common line between said Lot 11, Block A/4475 and Lot 10, Block A/4475 of said Thompson and Swanson Subdivision; THENCE departing said north right-of-way line of Scylene Road, with said common line between Lots 10 and 11, Block A/4475, North 2°24'37" East, a distance of 88.78 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN. B/4476" set for the northwest corner of said Lot 11, Block A/4475 and the northeast corner of said Lot 10, Block A/4475; said point also being in the south line of said 15-foot wide alley across Block A/4475;

THENCE with said south line of the 15-foot wide alley across Block A/4475, South 88°25'55" East, a distance of 0.95 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN. B/4476" set for corner;

THENCE North 1°33'32" East, passing at a distance of 15.00 feet the southwest corner of said Lot 14, Block A/4475 and the southeast corner of Lot 15, Block A/4475 of said Thompson and Swanson Subdivision, continuing with the common line of said Lots 14 and 15, Block A/4475, in all a total distance of 150.00 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN. B/4476" set for the northwest corner of said Lot 14, Block A/4475 and the northeast corner of said Lot 15, Block A/4475; said point also being in the south right-of-way line of Imperial Street (a 40-foot wide right-of-way);

THENCE with said south right-of-way line of Imperial Street, South 88°25'55" East, a distance of 158.66 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN.

B/4476" set at the intersection of said south right-of-way line of Imperial Street and the projected southeast right-of-way line of Montie Street (a 50-foot wide right-of-way);

THENCE with said projected southeast right-of-way line of Montie Street, North 42°34'05" East, passing at a distance of 53.00 feet the intersection of said southeast right-of-way line of Montie Street and the north right-of-way line of Imperial Street, continuing with said southeast right-of-way line of Montie Street, in all a total distance of 327.81 feet to the intersection of said southeast right-of-way line of Montie Street and the southwest right-of-way line of Lagow Street (a 60-foot wide right-of-way);

THENCE with said southwest right-of-way line of Lagow Street, South 47°47'55" East, a distance of 195.83 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN. B/4476" set for an angle point;

THENCE continuing with said southwest right-of-way line of Lagow Street, South 48°17'54" East, a distance of 239.54 feet to the intersection of said southwest right-of-way line of Lagow Street and said northwest right-of-way line of Hatcher Street; said point being the beginning of a non-tangent curve to the left having a central angle of 40°59'04", a radius of 251.00 feet, a chord bearing and distance of South 21°48'06" West, 175.74 feet;

THENCE in a southwesterly direction, with said northwest right-of-way line of Hatcher Street and with said curve to the left, an arc distance of 179.54 feet to a 5/8-inch iron rod with "KHA" cap found at the end of said curve;

THENCE continuing with said northwest right-of-way line of Hatcher Street, South 1°18'34" West, a distance of 42.27 feet to the POINT OF BEGINNING and containing 5.088 acres or 221,633 square feet of land.



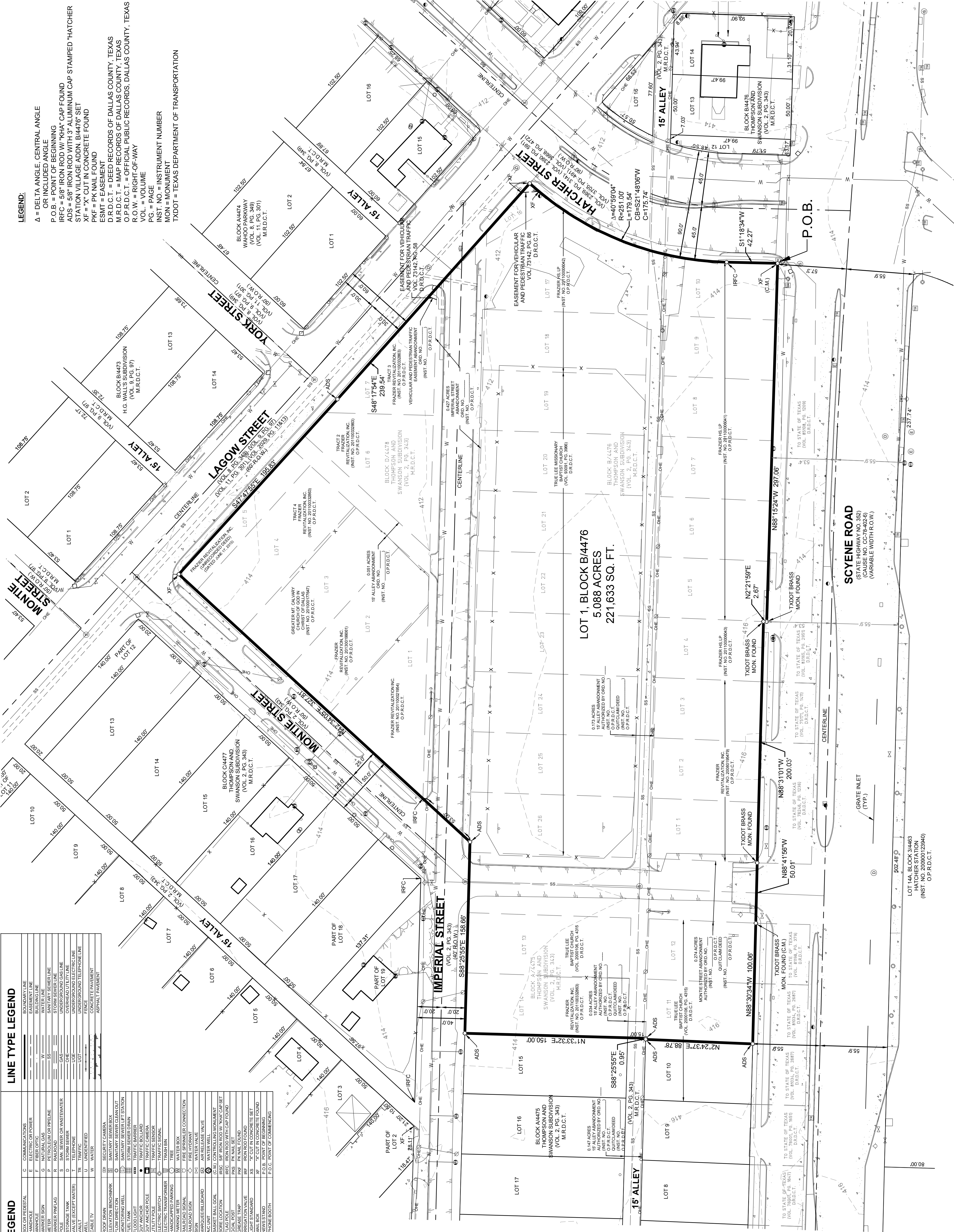
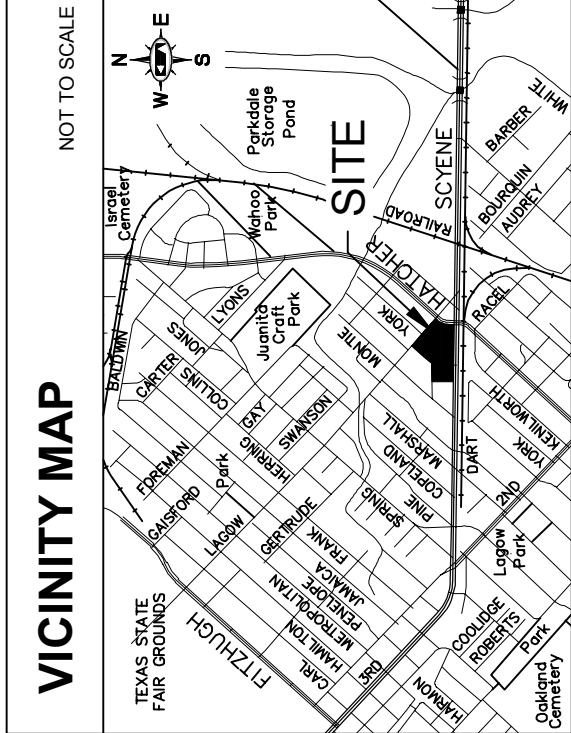
LEGEND	
1	CONCRETE DRIVE
2	CONCRETE DRIVE
3	CONCRETE DRIVE
4	CONCRETE DRIVE
5	CONCRETE DRIVE
6	CONCRETE DRIVE
7	CONCRETE DRIVE
8	CONCRETE DRIVE
9	CONCRETE DRIVE
10	CONCRETE DRIVE
11	CONCRETE DRIVE
12	CONCRETE DRIVE
13	CONCRETE DRIVE
14	CONCRETE DRIVE
15	CONCRETE DRIVE
16	CONCRETE DRIVE
17	CONCRETE DRIVE
18	CONCRETE DRIVE
19	CONCRETE DRIVE
20	CONCRETE DRIVE
21	CONCRETE DRIVE
22	CONCRETE DRIVE
23	CONCRETE DRIVE
24	CONCRETE DRIVE
25	CONCRETE DRIVE
26	CONCRETE DRIVE
27	CONCRETE DRIVE
28	CONCRETE DRIVE
29	CONCRETE DRIVE
30	CONCRETE DRIVE
31	CONCRETE DRIVE
32	CONCRETE DRIVE
33	CONCRETE DRIVE
34	CONCRETE DRIVE
35	CONCRETE DRIVE
36	CONCRETE DRIVE
37	CONCRETE DRIVE
38	CONCRETE DRIVE
39	CONCRETE DRIVE
40	CONCRETE DRIVE
41	CONCRETE DRIVE
42	CONCRETE DRIVE
43	CONCRETE DRIVE
44	CONCRETE DRIVE
45	CONCRETE DRIVE
46	CONCRETE DRIVE
47	CONCRETE DRIVE
48	CONCRETE DRIVE
49	CONCRETE DRIVE
50	CONCRETE DRIVE
51	CONCRETE DRIVE
52	CONCRETE DRIVE
53	CONCRETE DRIVE
54	CONCRETE DRIVE
55	CONCRETE DRIVE
56	CONCRETE DRIVE
57	CONCRETE DRIVE
58	CONCRETE DRIVE
59	CONCRETE DRIVE
60	CONCRETE DRIVE
61	CONCRETE DRIVE
62	CONCRETE DRIVE
63	CONCRETE DRIVE
64	CONCRETE DRIVE
65	CONCRETE DRIVE
66	CONCRETE DRIVE
67	CONCRETE DRIVE
68	CONCRETE DRIVE
69	CONCRETE DRIVE
70	CONCRETE DRIVE
71	CONCRETE DRIVE
72	CONCRETE DRIVE
73	CONCRETE DRIVE
74	CONCRETE DRIVE
75	CONCRETE DRIVE
76	CONCRETE DRIVE
77	CONCRETE DRIVE
78	CONCRETE DRIVE
79	CONCRETE DRIVE
80	CONCRETE DRIVE
81	CONCRETE DRIVE
82	CONCRETE DRIVE
83	CONCRETE DRIVE
84	CONCRETE DRIVE
85	CONCRETE DRIVE
86	CONCRETE DRIVE
87	CONCRETE DRIVE
88	CONCRETE DRIVE
89	CONCRETE DRIVE
90	CONCRETE DRIVE
91	CONCRETE DRIVE
92	CONCRETE DRIVE
93	CONCRETE DRIVE
94	CONCRETE DRIVE
95	CONCRETE DRIVE
96	CONCRETE DRIVE
97	CONCRETE DRIVE
98	CONCRETE DRIVE
99	CONCRETE DRIVE
100	CONCRETE DRIVE

LINE TYPE LEGEND

1	CONCRETE DRIVE
2	CONCRETE DRIVE
3	CONCRETE DRIVE
4	CONCRETE DRIVE
5	CONCRETE DRIVE
6	CONCRETE DRIVE
7	CONCRETE DRIVE
8	CONCRETE DRIVE
9	CONCRETE DRIVE
10	CONCRETE DRIVE
11	CONCRETE DRIVE
12	CONCRETE DRIVE
13	CONCRETE DRIVE
14	CONCRETE DRIVE
15	CONCRETE DRIVE
16	CONCRETE DRIVE
17	CONCRETE DRIVE
18	CONCRETE DRIVE
19	CONCRETE DRIVE
20	CONCRETE DRIVE
21	CONCRETE DRIVE
22	CONCRETE DRIVE
23	CONCRETE DRIVE
24	CONCRETE DRIVE
25	CONCRETE DRIVE
26	CONCRETE DRIVE
27	CONCRETE DRIVE
28	CONCRETE DRIVE
29	CONCRETE DRIVE
30	CONCRETE DRIVE
31	CONCRETE DRIVE
32	CONCRETE DRIVE
33	CONCRETE DRIVE
34	CONCRETE DRIVE
35	CONCRETE DRIVE
36	CONCRETE DRIVE
37	CONCRETE DRIVE
38	CONCRETE DRIVE
39	CONCRETE DRIVE
40	CONCRETE DRIVE
41	CONCRETE DRIVE
42	CONCRETE DRIVE
43	CONCRETE DRIVE
44	CONCRETE DRIVE
45	CONCRETE DRIVE
46	CONCRETE DRIVE
47	CONCRETE DRIVE
48	CONCRETE DRIVE
49	CONCRETE DRIVE
50	CONCRETE DRIVE
51	CONCRETE DRIVE
52	CONCRETE DRIVE
53	CONCRETE DRIVE
54	CONCRETE DRIVE
55	CONCRETE DRIVE
56	CONCRETE DRIVE
57	CONCRETE DRIVE
58	CONCRETE DRIVE
59	CONCRETE DRIVE
60	CONCRETE DRIVE
61	CONCRETE DRIVE
62	CONCRETE DRIVE
63	CONCRETE DRIVE
64	CONCRETE DRIVE
65	CONCRETE DRIVE
66	CONCRETE DRIVE
67	CONCRETE DRIVE
68	CONCRETE DRIVE
69	CONCRETE DRIVE
70	CONCRETE DRIVE
71	CONCRETE DRIVE
72	CONCRETE DRIVE
73	CONCRETE DRIVE
74	CONCRETE DRIVE
75	CONCRETE DRIVE
76	CONCRETE DRIVE
77	CONCRETE DRIVE
78	CONCRETE DRIVE
79	CONCRETE DRIVE
80	CONCRETE DRIVE
81	CONCRETE DRIVE
82	CONCRETE DRIVE
83	CONCRETE DRIVE
84	CONCRETE DRIVE
85	CONCRETE DRIVE
86	CONCRETE DRIVE
87	CONCRETE DRIVE
88	CONCRETE DRIVE
89	CONCRETE DRIVE
90	CONCRETE DRIVE
91	CONCRETE DRIVE
92	CONCRETE DRIVE
93	CONCRETE DRIVE
94	CONCRETE DRIVE
95	CONCRETE DRIVE
96	CONCRETE DRIVE
97	CONCRETE DRIVE
98	CONCRETE DRIVE
99	CONCRETE DRIVE
100	CONCRETE DRIVE

1	CONCRETE DRIVE
2	CONCRETE DRIVE
3	CONCRETE DRIVE
4	CONCRETE DRIVE
5	CONCRETE DRIVE
6	CONCRETE DRIVE
7	CONCRETE DRIVE
8	CONCRETE DRIVE
9	CONCRETE DRIVE
10	CONCRETE DRIVE
11	CONCRETE DRIVE
12	CONCRETE DRIVE
13	CONCRETE DRIVE
14	CONCRETE DRIVE
15	CONCRETE DRIVE
16	CONCRETE DRIVE
17	CONCRETE DRIVE
18	CONCRETE DRIVE
19	CONCRETE DRIVE
20	CONCRETE DRIVE
21	CONCRETE DRIVE
22	CONCRETE DRIVE
23	CONCRETE DRIVE
24	CONCRETE DRIVE
25	CONCRETE DRIVE
26	CONCRETE DRIVE
27	CONCRETE DRIVE
28	CONCRETE DRIVE
29	CONCRETE DRIVE
30	CONCRETE DRIVE
31	CONCRETE DRIVE
32	CONCRETE DRIVE
33	CONCRETE DRIVE
34	CONCRETE DRIVE
35	CONCRETE DRIVE
36	CONCRETE DRIVE
37	CONCRETE DRIVE
38	CONCRETE DRIVE
39	CONCRETE DRIVE
40	CONCRETE DRIVE
41	CONCRETE DRIVE
42	CONCRETE DRIVE
43	CONCRETE DRIVE
44	CONCRETE DRIVE
45	CONCRETE DRIVE
46	CONCRETE DRIVE
47	CONCRETE DRIVE
48	CONCRETE DRIVE
49	CONCRETE DRIVE
50	CONCRETE DRIVE
51	CONCRETE DRIVE
52	CONCRETE DRIVE
53	CONCRETE DRIVE
54	CONCRETE DRIVE
55	CONCRETE DRIVE
56	CONCRETE DRIVE
57	CONCRETE DRIVE
58	CONCRETE DRIVE
59	CONCRETE DRIVE
60	CONCRETE DRIVE
61	CONCRETE DRIVE
62	CONCRETE DRIVE
63	CONCRETE DRIVE
64	CONCRETE DRIVE
65	CONCRETE DRIVE
66	CONCRETE DRIVE
67	CONCRETE DRIVE
68	CONCRETE DRIVE
69	CONCRETE DRIVE
70	CONCRETE DRIVE
71	CONCRETE DRIVE
72	CONCRETE DRIVE
73	CONCRETE DRIVE
74	CONCRETE DRIVE
75	CONCRETE DRIVE
76	CONCRETE DRIVE
77	CONCRETE DRIVE
78	CONCRETE DRIVE
79	CONCRETE DRIVE
80	CONCRETE DRIVE
81	CONCRETE DRIVE
82	CONCRETE DRIVE
83	CONCRETE DRIVE
84	CONCRETE DRIVE
85	CONCRETE DRIVE
86	CONCRETE DRIVE
87	CONCRETE DRIVE
88	CONCRETE DRIVE
89	CONCRETE DRIVE
90	CONCRETE DRIVE
91	CONCRETE DRIVE
92	CONCRETE DRIVE
93	CONCRETE DRIVE
94	CONCRETE DRIVE
95	CONCRETE DRIVE
96	CONCRETE DRIVE
97	CONCRETE DRIVE
98	CONCRETE DRIVE
99	CONCRETE DRIVE
100	CONCRETE DRIVE

- LEGEND:**
- Δ = DELTA ANGLE, CENTRAL ANGLE
  - OR INCLUDED ANGLE
  - P.O.B. = POINT OF BEGINNING
  - IRFC = 5/8" IRON ROD W/ "KHA" CAP FOUND
  - ADS = 5/8" IRON ROD WITH 3" ALUMINUM CAP STAMPED "HATCHER
  - STATION LAGS ACCORD B/4476 SET
  - X = 1" DUTY CONCRETE FOUND
  - PKF = PK NAIL FOUND
  - ESMT = EASEMENT
  - D.R.D.C.T. = DEED RECORDS OF DALLAS COUNTY, TEXAS
  - M.R.D.C.T. = MAP RECORDS OF DALLAS COUNTY, TEXAS
  - O.P.R.D.C.T. = OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS
  - R.O.W. = RIGHT-OF-WAY
  - VOL. = VOLUME
  - PG. = PAGE
  - INST. NO. = INSTRUMENT NUMBER
  - MON. = MONUMENT
  - TXDOT = TEXAS DEPARTMENT OF TRANSPORTATION



GENERAL NOTES:

- THE PURPOSE OF THIS PLAT IS TO CREATE 1 LOT FROM 32 EXISTING LOTS AND ABANDONED RIGHTS-OF-WAY AND ALLEYS.
- LOT TO LOT DRAINAGE WILL NOT BE ALLOWED WITHOUT ENGINEERING SECTION APPROVAL.
- ALL EXISTING STRUCTURES ARE TO BE REMOVED.
- ALL MONUMENTS NOTED AS FOUND AND BEARING THE IDENTIFICATION CAP STAMPED "KHA" WERE SET IN THE PERFORMANCE OF A SURVEY DATED SEPTEMBER 19, 2013.
- "THE GPS COORDINATES SHOWN HEREON ARE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE, NORTH AMERICAN DATUM OF 1983 ON GRID COORDINATE VALUES, NO SCALE AND NO PROJECTION."
- BEARINGS BASED UPON THE MONUMENTED NORTH RIGHT OF WAY LINE OF SCYENE ROAD AS DEFINED IN DEEDS TO THE STATE OF TEXAS AS RECORDED IN VOLUME 78003, PAGE 656, VOLUME 75127, PAGE 1209, VOLUME 78001, PAGE 1643, VOLUME 78001, PAGE 1647, VOLUME 78001, PAGE 1651 AND VOLUME 81034, PAGE 2887, ALL OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, SAID BEARING BEING SOUTH 88°30'34" EAST.
- NO BUILDINGS EXIST ON THE SITE.

PRELIMINARY PLAT

**HATCHER STATION VILLAGE ADDITION**

LOT 1, BLOCK B/4476 BEING A REPLAT OF

PART OF LOTS 11-12 & ALL OF LOTS 13-14, BLOCK A/4475,

PART OF LOTS 1-10, 16&17 & ALL OF LOTS 18-26, BLOCK B/4476,

ALL OF LOTS 1-4 & PART OF LOTS 5-7, BLOCK D/4478,

ALL OF ABANDONED PORTION OF MONTIE STREET,

ALL OF ABANDONED PORTION OF IMPERIAL STREET,

PART OF ABANDONED 15' ALLEY ACROSS BLOCK A/4475

ALL OF ABANDONED 15' ALLEYS ACROSS BLOCKS B/4476 & D/4478

THOMPSON AND SWANSON SUBDIVISION

BEING 5.088 ACRES OUT OF THE

THOMAS LAGOW SURVEY, ABSTRACT NO. 759


CITY OF DALLAS, DALLAS COUNTY, TEXAS

CITY PLAN FILE NO. S134-101

**OWNER:**  
FRAZIER REVITALIZATION, INC.  
5846 MILTON STREET, SUITE 407  
DALLAS, TEXAS 75206  
CONTACT: ANDREA HILLS  
469-221-0704

**ENGINEER:**  
KIMLEY-HORN AND ASSOC., INC.  
12750 MERIT DRIVE, SUITE 1000  
DALLAS, TEXAS 75251  
CONTACT: DEVIN KING, P.E.  
972-770-1300

**OWNER:**  
TRUE LEE BAPTIST CHURCH &  
TRUE LEE MISSIONARY BAPTIST CHURCH  
3907 BERTRAND AVE  
DALLAS, TEXAS 75210  
CONTACT: \_\_\_\_\_



**Kimley-Horn and Associates, Inc.**  
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
Tel. No. (972) 770-1300  
Fax No. (972) 720-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 40'	JAD	DAB	MARCH 2014	061279302	1 OF 2



OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT, FRAZIER REVITALIZATION, INC. AND FRAZIER HS, LP, acting by and through its duly authorized agent, does hereby adopt this plat, designating the herein described property as **HATCHER STATION VILLAGE ADDITION**, an addition to the City of Dallas, Dallas County, Texas, and do hereby dedicate, in fee simple, to the public use forever any streets, alleys, and floodway management areas shown thereon. The easements shown thereon are hereby reserved for the purposes indicated. The utility and fire lane easements shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility and fire lane easements is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed, reconstructed or placed upon, over or across the easements as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All, and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective systems on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility).

Water main and wastewater easements shall also include additional area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Dallas.

WITNESS, my hand at Dallas, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

FRAZIER REVITALIZATION, INC.

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_

FRAZIER HS, LP

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_

OWNERS CERTIFICATE

STATE OF TEXAS  
COUNTY OF DALLAS

WHEREAS, FRAZIER REVITALIZATION, INC., FRAZIER HS, LP, TRUE LEE MISSIONARY BAPTIST CHURCH AND TRUE LEE BAPTIST CHURCH are the owners of a tract of land situated in the Thomas Lagow Survey, Abstract No. 269, City of Dallas, Dallas County, Texas, and in Block A/4475, part of Lots 1-10, 16 & 17 and all of Lots 18-26, Block B/4476, all of Lots 1-14 and part of Lots 5-7, Block D/4478, Thompson and Swanson Subdivisions, an addition to the City of Dallas according to the plat recorded in Volume 2, Page 343 of the Map Records of Dallas County, Texas; and being all of the abandoned portions of Montie Street, Imperial Street and 15-foot wide alley across said Block D/4478 and part of the abandoned portions of a 15-foot wide alley across said Blocks A/4475 and B/4476 authorized by City Ordinance No. \_\_\_\_\_; and being those tracts of land described in the following: Limited General Warranty Deeds to Frazier HS, LP recorded in Instrument Nos. 201100006041, 201100006042 and 201100006043; Deed Without Warranty to Frazier Revitalization, Inc. recorded in Instrument No. 201100332863; General Warranty Deed to Frazier Revitalization, Inc. recorded in Instrument No. 201100021954; Special Warranty Deed with Vendor's Lien to Frazier Revitalization, Inc. recorded in Instrument No. 20080195479; Quitclaim Deed to Frazier Revitalization, Inc. recorded in Instrument No. 201300199061; Special Warranty Deed to Frazier Revitalization, Inc. dated June 17, 2013 found unrecorded; Cash Warranty Deed to True Lee Baptist Church recorded in Volume 2000106, Page 4315; Quitclaim Deed to True Lee Missionary Baptist Church recorded in Volume 93091, Page 3966; Quitclaim Deed to Greater Mt. Calvary Church of God In Christ of Dallas recorded in 20100177647; all of the Deed and Official Public Records of Dallas County, Texas; and being more particularly described as follows:

**BEGINNING** at a "X" cut in concrete found at the intersection of the northwest right-of-way line of Halcher Street (a 90-foot wide right-of-way) and the north right-of-way line of Soyene Road (a variable width right-of-way).

**THENCE** with said north right-of-way line of Soyene Road, the following courses and distances:

North 88°15'24" West, a distance of 297.06 feet to a TXDOT brass monument found for corner;

North 2°21'59" East, a distance of 2.67 feet to a TXDOT brass monument found for corner;

North 88°31'01" West, a distance of 200.03 feet to a TXDOT brass monument found at the intersection of said north right-of-way line of Soyene Road and the east right-of-way line of Montie Street (a 50-foot wide right-of-way);

North 88°41'59" West, a distance of 50.01 feet to a TXDOT brass monument found at the intersection of said north right-of-way line of Soyene Road and the west right-of-way line of Montie Street;

North 88°30'34" West, a distance of 100.06 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN, B/4476" set for corner in the common line between said Lot 11, Block A/4475 and Lot 10, Block A/4475 of said Thompson and Swanson Subdivision;

**THENCE** departing said north right-of-way line of Soyene Road, with said common line between Lots 10 and 11, Block A/4475, North 2°24'37" East, a distance of 88.78 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN, B/4476" set for the northwest corner of said Lot 11, Block A/4475 and the northeast corner of said Lot 10, Block A/4475; said point also being in the south line of said 15-foot wide alley across Block A/4475;

**THENCE** with said south line of the 15-foot wide alley across Block A/4475, South 88°25'55" East, a distance of 0.95 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN, B/4476" set for corner;

**THENCE** North 1°33'32" East, passing at a distance of 15.00 feet the southwest corner of said Lot 14, Block A/4475 and the southeast corner of Lot 15, Block A/4475 of said Thompson and Swanson Subdivision, continuing with the common line of said Lots 14 and 15, Block A/4475, in all a total distance of 150.00 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN, B/4476" set for the northwest corner of said Lot 14, Block A/4475 and the northeast corner of said Lot 15, Block A/4475; said point also being in the south right-of-way line of Imperial Street (a 40-foot wide right-of-way);

**THENCE** with said south right-of-way line of Imperial Street, South 88°25'55" East, a distance of 195.66 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN, B/4476" set at the intersection of said south right-of-way line of Imperial Street and the projected southeast right-of-way line of Montie Street (a 50-foot wide right-of-way);

**THENCE** with said, projected southeast right-of-way line of Montie Street, North 42°34'05" East, passing at a distance of 53.00 feet the intersection of said southeast right-of-way line of Montie Street and the north right-of-way line of Imperial Street, continuing with said southeast right-of-way line of Montie Street, in all a total distance of 327.81 feet to the intersection of said southeast right-of-way line of Montie Street and the southwest right-of-way line of Lagow Street (a 60-foot wide right-of-way);

**THENCE** with said southwest right-of-way line of Lagow Street, South 47°47'55" East, a distance of 195.83 feet to a 5/8-inch iron rod with 3-inch aluminum cap stamped "HATCHER STATION VILLAGE ADDN, B/4476" set for an angle point;

**THENCE** continuing with said southwest right-of-way line of Lagow Street, South 48°17'54" East, a distance of 239.54 feet to the intersection of said southwest right-of-way line of Lagow Street and said northwest right-of-way line of Halcher Street, said point being the beginning of a non-tangent curve to the left having a central angle of 40°59'04", a radius of 251.00 feet, a chord bearing and distance of South 21°48'05" West, 175.74 feet;

**THENCE** in a southwesterly direction, with said northwest right-of-way line of Halcher Street and with said curve to the left, an arc distance of 179.54 feet to a 5/8-inch iron rod with "KHA" cap found at the end of said curve;

**THENCE** continuing with said northwest right-of-way line of Halcher Street, South 11°18'34" West, a distance of 42.27 feet to the **POINT OF BEGINNING** and containing 5.088 acres or 221,633 square feet of land.

SURVEYOR'S STATEMENT

I, J. Andy Dobbs, a Registered Professional Land Surveyor, licensed by the State of Texas, affirm that this plat was prepared under my direct supervision, from recorded documentation, evidence collected on the ground during field operations and other reliable documentation; and that this plat substantially complies with the Rules and Regulations of the Texas Board of Professional Land Surveying, the City of Dallas Development Code (Ordinance no. 19455, as amended), and Texas Local Government Code, Chapter 212. I further affirm that monumentation shown hereon was either found or placed in compliance with the City of Dallas Development Code, Sec. 51A-8.617 (a)(b)(c)(d) & (e); and that the digital drawing file accompanying this plat is a precise representation of this Signed Final Plat.

Dated this the \_\_\_\_\_ day of \_\_\_\_\_, 2014

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR REPRODUCED FOR ANY PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

J. Andy Dobbs  
Registered Professional Land Surveyor No. 6196  
KIMLEY-HORN AND ASSOC., INC.  
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
972-770-1300

STATE OF TEXAS  
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared J. Andy Dobbs, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose therein expressed and under oath stated that the statements in the foregoing certificate are true.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Notary Public in and for the State of Texas

My commission expires: \_\_\_\_\_


PRELIMINARY PLAT  
HATCHER STATION VILLAGE ADDITION

LOT 1, BLOCK B/4476 BEING A REPLAT OF  
PART OF LOTS 11-12 & ALL OF LOTS 13-14, BLOCK A/4475,  
PART OF LOTS 1-10, 16&17 & ALL OF LOTS 18-26, BLOCK B/4476,  
ALL OF LOTS 1-4 & PART OF LOTS 5-7, BLOCK D/4478,  
ALL OF ABANDONED PORTION OF MONTIE STREET,  
ALL OF ABANDONED PORTION OF IMPERIAL STREET,  
PART OF ABANDONED 15' ALLEY ACROSS BLOCK A/4475  
ALL OF ABANDONED 15' ALLEYS ACROSS BLOCKS B/4476 & D/4478  
THOMPSON AND SWANSON SUBDIVISION  
BEING 5.088 ACRES OUT OF THE  
THOMAS LAGOW SURVEY, ABSTRACT NO. 759  
CITY OF DALLAS, DALLAS COUNTY, TEXAS  
CITY PLAN FILE NO. S134-101

OWNER:  
FRAZIER REVITALIZATION, INC.  
5646 MILTON STREET, SUITE 407  
DALLAS, TEXAS 75206  
CONTACT: ANDREA HILLS  
469-221-0704

ENGINEER:  
KIMLEY-HORN AND ASSOC., INC.  
12750 MERIT DRIVE, SUITE 1000  
DALLAS, TEXAS 75251  
CONTACT: DEVIN KING, P.E.  
972-770-1300

OWNER:  
TRUE LEE BAPTIST CHURCH &  
TRUE LEE MISSIONARY BAPTIST CHURCH  
3907 BERTRAND AVE  
DALLAS, TEXAS 75210  
CONTACT: \_\_\_\_\_



**Kimley-Horn and Associates, Inc.**  
12750 Merit Drive, Suite 1000  
Dallas, Texas 75251  
Tel. No. (972) 770-1300  
Fax No. (972) 720-3820

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAD	DAB	MARCH 2014	061279302	2 OF 2

April 23, 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 and as amended by Resolution 13-0728; and

**WHEREAS**, the City desires to enter into a Chapter 380 Grant Agreement with Frazier Revitalization, Inc., for added value to real property located at 4600 Scyene Road.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to execute a Chapter 380 economic development grant agreement with Frazier Revitalization, Inc. (FRI) that includes the following:

- (a) That the actual amount and payment of the grant shall not exceed \$2,000,000 and shall serve as gap financing for the Parkland Medical Clinic. Funds will be used for development of a medical clinic. Funds will be payable at financial closing, but will be disbursed pari passu through the construction disbursement process.
- (b) FRI shall comply with the rules, regulations and requirements of all City, State and Federal laws. FRI intends to treat all reimbursements it receives from the City for the Project costs as an Economic Development Grant pursuant to Section 380.001 of the Texas Local Government Code and the City's Public/Private Partnership Program Guidelines and Criteria.
- (c) That the proposed construction work will be substantially completed by March 15, 2015. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for a period up to six months for just cause.

**Section 2.** That the City Controller is hereby authorized to encumber and disburse funds from: Fund 0352, Department ECO, Unit 9992, Object 3016 Activity PPPF, Encumbrance No. ECO9992G264, Vendor No. VS0000060317, in an amount not to exceed \$2,000,000.

April 23, 2014

**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.

April 23, 2014

**WHEREAS**, the City recognizes the importance of economic, community and social development in the South Dallas/Fair Park area in Dallas; and

**WHEREAS**, the City approved Resolution No. 07-0522 authorizing funds for land acquisition to support local economic development in the Frazier-Scyene area; and

**WHEREAS**, certain conditions established by Resolution No. 07-0522 require modification to allow a medical facility to be constructed at 4600 Scyene Road.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager, upon approval as to form by the City Attorney, is hereby authorized to amend the loan agreement and Section 3 of Resolution No. 07-0522 to the following:

- A. Add "medical" to allowed types of development [Corresponds with B]
- B. Amend date for Certificate of Occupancy to March 31, 2015 [Corresponds with C]
- C. Clarify that "new" jobs are defined as new to the site of 4600 Scyene. [Corresponds with G]

**Section 2.** That the remaining terms of the loan agreement and the original authorizing agreement shall remain in full force and effect except as amended herein.

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

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** N/A

---

**SUBJECT**

Authorize **(1)** a Special Economic Development Grant Agreement with Frazier Revitalization, Inc. or a project-specific affiliate or subsidiary controlled by Frazier Revitalization, Inc. (Collectively, "FRI"), in an amount not to exceed \$200,000 to fund, and/or retire indebtedness associated with, land acquisition related to the construction of a new medical clinic in the South Dallas/Fair Park area; said grant being conditioned upon Parkland entering into a 25 year lease (with a purchase option) with FRI for the operation of the medical clinic; and **(2)** an increase in appropriations in the amount of \$200,000 – Not to exceed \$200,000, from \$3,177,481 to \$3,377,481 - Financing: South Dallas/Fair Park Trust Funds

**BACKGROUND**

The South Dallas/Fair Park Trust Fund assists neighborhoods in the South Dallas/Fair Park vicinity in the areas of business, community, social and economic development. Assistance is provided in the form of loans to businesses and grants to community based nonprofit organizations and neighborhood groups and associations.

The South Dallas/Fair Park Trust Fund serves residents and businesses in the following 13 census tracts: 25, 27.01, 27.02, 28, 29, 34, 35, 36, 37, 38, 39.01, 39.02 and 40.

City staff and the South Dallas/Fair Park Trust Fund Board found that the applicant has complied with requirements for a Special Economic Development Grant and recommends approval of the request. The funds will be used to complete land assemblage for the Parkland Clinic site.

Frazier Revitalization, Inc., directly or through an affiliate, will be constructing a new medical clinic adjacent to the Hatcher Station DART stop. The clinic will be occupied by Parkland Hospital System (Parkland).

## **BACKGROUND** (Continued)

The new facility will be approximately 44,000 sq feet and offer over 50 exam rooms. Services offered will include an adult clinic, geriatric & behavioral health clinic, women and infants specialty health (WISH) clinic, and a pediatric clinic. They are anticipating over 55,000 patients annually, with room for additional expansion. The total project cost is approximately \$19.5 million.

This item would also appropriate a portion of the South Dallas/Fair Park Trust Fund cash balance to cover the grant.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On March 26, 2014, the South Dallas/Fair Park Trust Fund Board authorized and recommended a Special Economic Development Grant for FRI.

On April 7, 2014, the Economic Development Committee will be briefed regarding the FRI/Parkland project, including the Special Economic Development Grant Agreement with FRI, in an amount not to exceed \$200,000.

## **FISCAL INFORMATION**

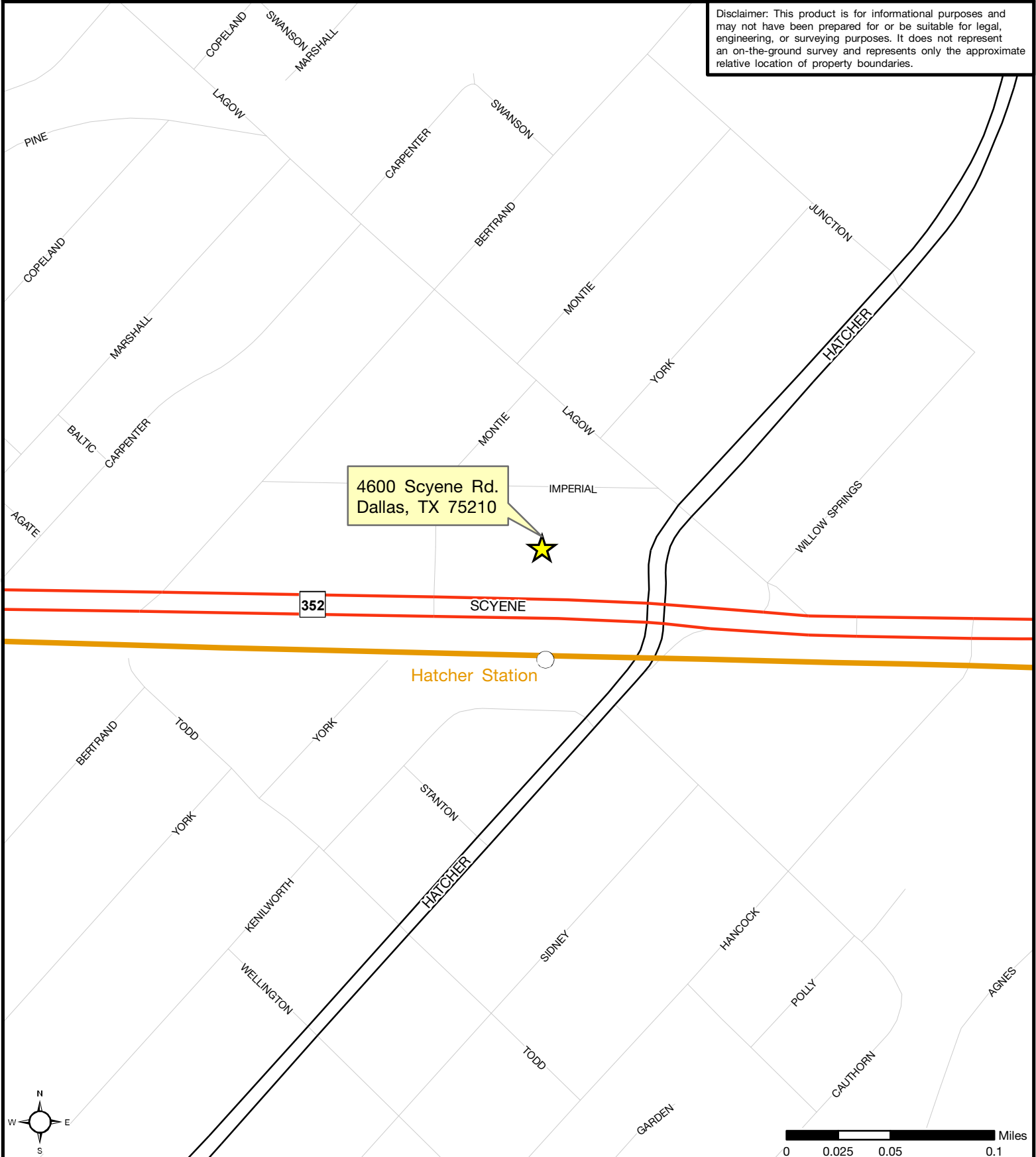
\$200,000 - South Dallas/Fair Park Trust Funds

## **MAP**

Attached.

# Hatcher Station Village Medical Clinic

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

-  Rail Station
-  DART Light Rail

-  Highway
-  Arterial
-  Local Road





April 23, 2014

**WHEREAS**, the City recognizes the importance of economic, community and social development in the South Dallas/Fair Park area in Dallas; and

**WHEREAS**, Chapter 380 of the Texas Local Government Code authorizes the City of Dallas to create programs to grant money to organizations and make loans to businesses for the public purpose of promoting economic development; and

**WHEREAS**, Frazier Revitalization, Inc. ("FRI") is a non-profit entity that is seeking to develop land in the South Dallas/Fair Park Trust Fund area for a development complex that includes a medical clinic to be operated by Parkland Hospital ("Parkland"); and

**WHEREAS**, the South Dallas/Fair Park Trust Fund Board met on March 26, 2014 and recommended City Council approval of—a Special Economic Development Grant to Frazier Revitalization, Inc. in the amount of \$200,000; said grant being conditioned on it being used to purchase land necessary for the development of a medical clinic and that the land be solely and exclusively used for a clinic for a period of twenty (20) years; and

**WHEREAS**, Frazier Revitalization, Inc., as a part of its transaction with Parkland, will enter into a 25 year lease for a medical clinic that has a Parkland purchase option on the land after seven (7) years; and

**WHEREAS**, the making of this grant will further the ongoing program of the City of Dallas to encourage and increase economic, community and social development in the South Dallas/Fair Park Trust Fund area.

**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 Special Economic Development Grant Agreement with Frazier Revitalization, Inc. (or a project-specific affiliate or subsidiary controlled by Frazier Revitalization, Inc. collectively, ("FRI"), in an amount not to exceed \$200,000 to fund, and/or retire indebtedness associated with, land acquisition related to the construction of a new medical clinic in the South Dallas/Fair Park area, said grant being conditioned upon Parkland entering into a 25 year lease (with a purchase option) with FRI for the operation of the medical clinic.

**Section 2.** That the City Manager is hereby authorized to increase appropriations in the South Dallas/Fair Park Trust Funds: Fund 0351; Department ECO, Unit 0448, Object 3016 by \$200,000 from \$3,177,481 to \$3,377,481.

April 23, 2014

**Section 3.** That the City Controller is hereby authorized to encumber and disburse funds from Fund 0351, Department ECO, Unit 0448, Object Code 3016, Activity EC05, Encumbrance No. ECO140448G034, Vendor No. VS0000060317, in an amount not to exceed \$200,000.

**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.

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** April 23, 2014  
**COUNCIL DISTRICT(S):** 7  
**DEPARTMENT:** Office of Economic Development  
**CMO:** Ryan S. Evans, 671-9837  
**MAPSCO:** 27 N

---

**SUBJECT**

Authorize **(1)** a Special Economic Development Loan Agreement with Two Podners Retail Eateries, LLC, in the amount of \$100,000 to partially underwrite the cost of development of an 11,000 square foot structure to be located at 1441 Robert B. Cullum in Dallas to expand Two Podners Barbeque and Seafood Restaurant and add 6,500 square feet of tenant space; and **(2)** an increase in appropriations in the amount of \$100,000 – Not to exceed \$100,000, from \$3,377,481 to \$3,477,481 - Financing: South Dallas/Fair Park Trust Funds

**BACKGROUND**

The South Dallas/Fair Park Trust Fund assists neighborhoods in the South Dallas/Fair Park vicinity in the areas of business, community, social and economic development. Assistance is provided in the form of loans to businesses and grants to community based non profit organizations and neighborhood groups and associations.

The South Dallas/Fair Park Trust Fund serves residents and businesses in the following 13 census tracts: 25, 27.01, 27.02, 28, 29, 34, 35, 36, 37, 38, 39.01, 39.02 and 40.

City staff and the South Dallas/Fair Park Trust Fund Board found that the applicant has complied with requirements for a Special Economic Development Loan and recommends approval of the request.

The purpose of the loan is to provide partial financing to underwrite the Borrower's development project. Trust Fund monies will not be disbursed until 80% of the project is complete and funded.

**PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSION)**

On February 12, 2014, the South Dallas/Fair Park Trust Fund Board authorized and recommended a Special Economic Development Loan in the amount of \$100,000 to Two Podners Retail Eateries, LLC for the retail development project.

**PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSION)** (Continued)

On February 12, 2014, the Dallas City Council authorized a Chapter 380 Forgivable Loan in the amount of \$275,000 to Two Podners Retail Eateries, LLC for gap financing needed for the development.

On April 7, 2014, a memo was submitted to the Economic Development Committee regarding a Special Economic Development Loan Agreement from the South Dallas Fair Park Trust Fund with Two Podners Retail Eateries, LLC, in the amount of \$100,000 to partially underwrite the cost of development of an 11,000 square foot structure to be located at 1441 Robert B. Cullum in Dallas to expand Two Podners Restaurant and add 6,500 square feet of tenant space.

**FISCAL INFORMATION**

\$100,000 - South Dallas/Fair Park Trust Funds

**OWNERS**

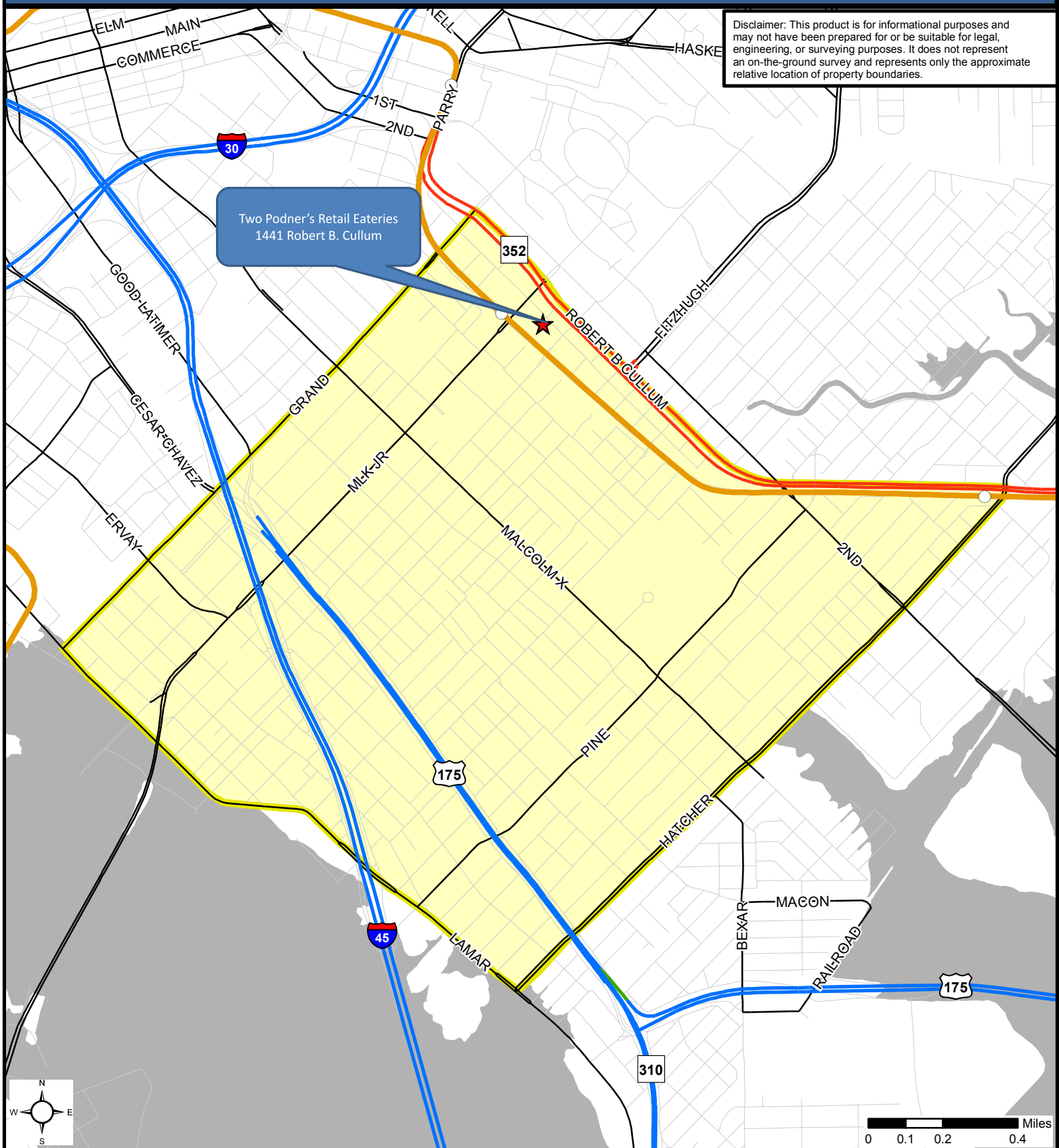
**Two Podners Retail Eateries, LLC**

Fred Conwright, Partner  
James Runnels, Partner

**MAP**

Attached.

# Two Podner's Retail Eateries, LLC



**DALLAS  
ECONOMIC  
DEVELOPMENT**

Research & Information Division  
214.670.1685  
dallas-ecodev.org

Created 10.17.2012 - 12.10.16 Venus Cobb.TCG

## Legend

- Program Boundary
- Rail Station
- DART Light Rail

- Freeway
- Highway
- Arterial

- Local Road
- Flood Plain

Source: City of Dallas, 2012



April 23, 2014

**WHEREAS**, the City Council recognizes the importance of economic, community and social development in the South Dallas/Fair Park area in Dallas; and

**WHEREAS**, City staff and the South Dallas/Fair Park Trust Fund Board reviewed the Special Economic Development Loan application for Two Podners Retail Eateries, LLC and found that the applicant complied with the requirements of the Special Economic Development Loan Program; and

**WHEREAS**, the South Dallas/Fair Park Trust Fund Board met on February 12, 2014 and recommended City Council approval of the loan request; and

**WHEREAS**, the making of this loan will further the ongoing program of the City of Dallas to encourage and increase economic development in the South Dallas/Fair Park Trust Fund area.

**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 Special Economic Development Loan Agreement with Two Podners Retail Eateries, LLC in an amount not to exceed \$100,000 to provide financing to partially underwrite the Two Podners Retail Eateries, LLC Retail development project which is a 11,000 square foot commercial building to be located at 1441 Robert B. Cullum in Dallas.

**Section 2.** That the City Manager is hereby authorized to increase appropriations in the South Dallas/Fair Park Trust Funds: Fund 0351; Department ECO, Unit 0448, Object 3015 by \$100,000 from \$3,377,481 to \$3,477,481.

**Section 3.** That the City Controller is hereby authorized to disburse funds from: Fund 0351, Department ECO, Unit 0448, Object Code 3015 (developers loan), Encumbrance No. ECO0351TPRE14, Vendor No. VC0000012691, Balance Sheet Account 033F (debit notes receivable – developers loan), Balance Sheet Account 0898 (credit deferred revenue – business loan), as necessary to make payments in an amount not to exceed \$100,000.

**Section 4.** That the City Controller is hereby authorized to receive and deposit loan principal repayments, in accordance with the terms of the loan agreement, in Fund 0351, Department ECO, Unit 0448, Revenue Source 847G (credit principal repayment), Balance Sheet Account 0898 (debit deferred revenue), Balance Sheet Account 033F (credit notes receivable), in an amount not to exceed \$100,000.

April 23, 2014

**Section 5.** That proceeds from this loan shall not be disbursed until the Borrower can validate that 80% of the project has been completed per executed AIA documents and Critical Path documents.

**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.



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** 54 G

---

**SUBJECT**

Authorize an amendment to the Chapter 380 economic development grant agreement with Jefferson Monument, LLC, authorized pursuant to City Council Resolution No. 12-3014, previously approved on December 12, 2012 increasing the amount by \$345,000 associated with the redevelopment of Jefferson Tower, located at 301-375 West Jefferson Boulevard and 304, 314-328 Sunset Avenue in Dallas - Not to exceed \$345,000, from \$1,500,000 to \$1,845,000 - Financing: Public/Private Partnership Funds

**BACKGROUND**

On December 12, 2012, pursuant to Resolution No. 12-3014, the City Council authorized an economic development grant in the amount of \$1,500,000 to support the redevelopment of Jefferson Tower by Jefferson Monument, LLC, a single asset entity controlled by Jim Lake Companies, LLC. Due to additional unanticipated structural and demolition costs totaling \$1,058,000, further support is requested in order to avoid significant delays in portions of the project. Staff recommends amending the grant agreement to increase the amount of the economic development grant by \$345,000, from \$1,500,000 to \$1,845,000.

The developer's original plan was to recapitalize Jefferson Tower and actively manage the leasing and costs. The developer invested \$4,300,000 to acquire the property and budgeted \$3,960,000 (hard and soft costs) for retail renovation and finish out, facade renovation and the conversion/activation of 2nd floor over retail into 15 work/live lofts (700 square foot to 1,125 square foot) units. The addition of two 3rd floor roof top viewing decks, finish out of remaining office vacancies, paving of an additional parking lot, an architectural lighting package and a Jefferson Streetscape project would complete the development.

During the design phase of the project, unforeseen structural and demolition hurdles exceeded all planned contingency funds. With the required changes came increased costs of architectural and engineering expenses, resulting in an increase in planned hard costs by approximately \$1,900,000.

## **BACKGROUND** (Continued)

The developer, in discussions with the contractor, was able to reduce the estimated overage from \$1,900,000 to \$1,058,000 by making some substitutions and modifying specifications. In addition, the developer chose to delay some items, such as a sound system, a camera security system and re-surfacing/upgrading the existing Sunset Street parking lots, to allow construction to begin and stay within loan parameters.

The developer has begun extensive renovation and construction and is committed to bringing life to the street along Jefferson Boulevard. Without the proposed additional funding, project completion will be delayed and the benefits to the City reduced.

The updated scope of the Jefferson Tower project remains the same or has improved as a result of the proposed additional funds. For example:

- Still activating 15,869 sq. ft. of retail space;
- Originally planned 15 work/live lofts, final plans include 17 work/live units; and
- Façade improvements, including awnings – larger than originally planned.

Jefferson Monument, LLC requests that the City Council authorize an amendment to the previously approved economic development grant from \$1,500,000 to \$1,845,000 to offset a portion of the project costs. In order for Jefferson Monument, LLC to receive the grant, it must invest a minimum of \$6,000,000 for the acquisition, redevelopment and other project related costs.

This project has a ten-year net fiscal impact to the City of -\$1,139,072 and a twenty-year net fiscal impact of \$109,597.

## **ESTIMATED SCHEDULE OF THE PROJECT**

Begin Construction	January 2013
Substantial Completion	March 2015

## **PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

This item was briefed to the Economic Development Committee on December 3, 2012.

## **FISCAL INFORMATION**

\$345,000 - Public/Private Partnership Funds

**OWNER**

**Jefferson Monument, LLC**

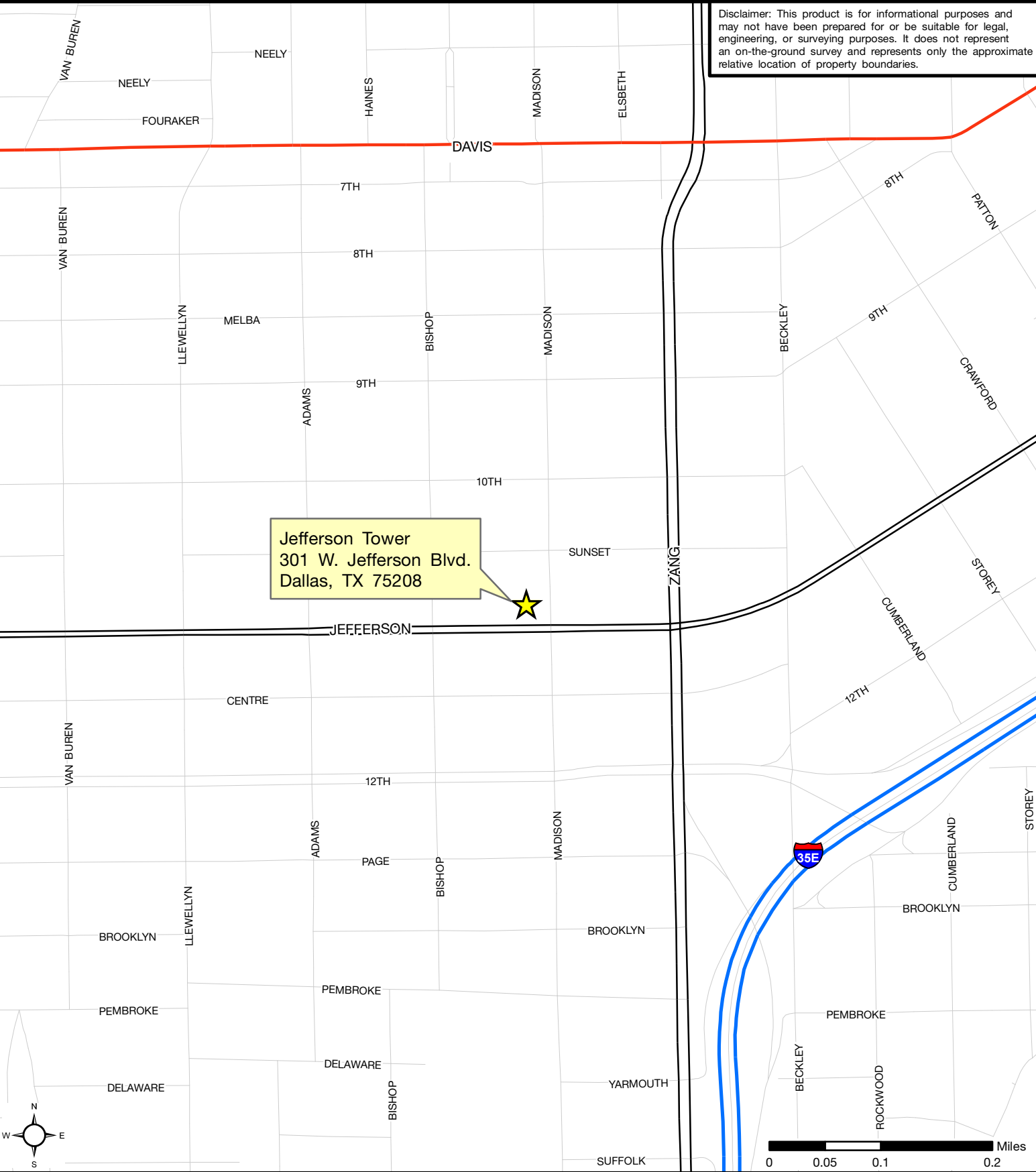
Jim Lake, Managing Partner

**MAP**

Attached.

# Jefferson Tower

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.



## Legend

- Freeway
- Highway

- Arterial
- Local Road

April 23, 2014

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

**WHEREAS**, the City of Dallas recognizes the importance of retaining and expanding its existing employment base; and

**WHEREAS**, the City Council adopted its Public/Private Partnership Guidelines and criteria on June 13, 2012, by Resolution No. 12-1520, wherein the City elected to continue its participation in tax abatements and other incentive programs including programs for loans and grants for economic development and established Guidelines and Criteria for the Public Private Partnership Program governing those economic development programs and incentive agreements to be entered into by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 ("Act"); and

**WHEREAS**, the City entered into an economic development grant agreement with Jefferson Monument, LLC authorized December 12, 2012, by Resolution No. 12-3014 in the amount of \$1,500,000 for added value to real property; and

**WHEREAS**, the City desires to amend the amount of the Chapter 380 economic development grant agreement with Jefferson Monument, LLC from \$1,500,000 to \$1,845,000 in order to defray project costs, in consideration of its investment in real property improvements, the addition of two live/work units and the creation of new jobs in Dallas.

**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 amendment to the economic development grant agreement with Jefferson Monument, LLC, previously authorized by Resolution No. 12-3014 on December 12, 2012, to increase the amount of the economic development grant by \$345,000 from \$1,500,000 to \$1,845,000.

**Section 2.** That the developer shall increase the live/work units from 15 to 17 in consideration of the increased subsidy.

**Section 3.** That the City Controller is hereby authorized to encumber and disburse future funds from: Fund 0352, Department ECO, Unit 9992, Object 3016, Activity PPPF, Encumbrance No. ECO9992B204, Vendor No. VS0000074681, in an amount not to exceed \$345,000.00.

April 23, 2014

**Section 4.** That the remainder of the terms and conditions of the economic development grant agreement authorized by Resolution No. 12-3014 will remain in full force and effect, save and except as amended by this resolution.

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

**AGENDA ITEM # 41**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 4

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 65 E

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1931 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 Community Retail District with a D-1 Liquor Control Overlay on the north side of Ann Arbor Avenue, east of South Marsalis Avenue

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z123-359(WE)





**ACM: Theresa O'Donnell**

**FILE NUMBER:** Z123-359 (WE) **DATE FILED:** August 19, 2013  
**LOCATION:** North side of Ann Arbor Avenue, east of South Marsalis Avenue  
**COUNCIL DISTRICT:** 4 **MAPSCO:** 65-E  
**SIZE OF REQUEST:** Approx. 0.2619 acres **CENSUS TRACT:** 59.01

---

**APPLICANT:** Ann Arbor Retail Corp.

**OWNER:** Hoang Chau & Tu Huynh

**REPRESENTATIVE:** Hisham Awadelkariem

**REQUEST:** An application for the renewal of Specific Use Permit No. 1931 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 Community Retail District with a D-1 Liquor Control Overlay.

**SUMMARY:** The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store [Sam's Grocery Store].

**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 with eligibility for automatic renewals for additional five-year periods, subject to 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 additional alcohol use within the general merchandise or food store does not affect the land use compatibility with surrounding uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The alcohol use has not deterred or enhanced adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – This use has not been a detriment to the public health, safety or general welfare of the community. This SUP has conditions that are associated with the use. An SUP could be revoked, have a reduced time period or not be renewed if it is found that the use is a detriment to the public health, safety or general welfare.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request complies with all zoning regulations and standards. The Dallas Police has determined that the request site is in compliance with Chapter 12B, a certificate of registration required for each physically separate convenience store.

## **BACKGROUND INFORMATION:**

- In January 2012, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for a two year period.

### **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Ann Arbor Avenue	Local	60 ft.	60 ft.

**Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	CR-D-1 w/SUP 1931	General Merchandise store
<b>North</b>	R-7.5(A)	Single Family
<b>South</b>	CR	Retail & personal service
<b>East</b>	CR-D	Car Wash
<b>West</b>	RR-D	C-store

**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 a Residential 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.

**STAFF ANALYSIS:****Land Use Compatibility:**

The surrounding land uses consist of a car wash, a general merchandise or food store 3,500 square feet or less and single family uses. South of the request site, across Ann Arbor Avenue, is developed with a retail development. The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Dry Liquor Control Overlay.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all

applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The Dallas Police Department has determined that the request site meets the standards in Chapter 12B.

Staff's recommendation is for approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions.

### **Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b><u>Density</u></b>	<b><u>Height</u></b>	<b><u>Lot Coverage</u></b>	<b><u>Special Standards</u></b>	<b><u>PRIMARY Uses</u></b>
	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>					
CR-D-1 Community retail	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Landscaping:** There are no changes to the site. So, no additional landscaping is 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 development requires 18 spaces with 18 spaces being provided per the attached site plan. The remaining parking spaces are designated for other retail and personal service uses. There are no changes to the site and the parking is being

provided the same as when the SUP was initially approved.





**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed use will not have a negative impact on the surrounding street system.

**Dallas Police Department:** A copy of a police report of the offenses is provided below. Staff has divided the report into two sections which will show any offences prior to the SUP and any offences applicant received after receiving the SUP in 2012.

### Offences prior to a Specific Use Permit – January 12, 2009 to January 11, 2012

 <b>DALLAS POLICE DEPARTMENT</b> <span>UCR Codes Year Codes Prope</span>								
Virtual Viewer - Public Access								
  								
Search Records - Offense								Filter <input type="text"/>
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area
<a href="#">0027366...</a>	01/28/2010	MATTHEWS, BRIAN, K.	TRAFFIC MOTOR ...	00717		ANNARB...	751	4302
<a href="#">0053531...</a>	03/03/2011	MASTERS,CHARLES	TRAFFIC MOTOR ...	00717		ANNARB...	751	4302
<a href="#">0093204...</a>	04/13/2011	NEAL,LAVORIS	FOUND PROPERTY	00717		ANNARB...	751	4302
<a href="#">0139150...</a>	05/14/2009	THOMAS,FATRA	THEFT	00717		ANNARB...	751	4302
<a href="#">0143473...</a>	05/24/2010	*SAM'S FOOD MARKET	BURGLARY	00717		ANNARB...	751	4302
<a href="#">0165033...</a>	06/05/2009	*GODS GOSPEL TEMPLE...	THEFT	00717		ANNARB...	751	4302
<a href="#">0182178...</a>	07/08/2011	@CITY OF DALLAS (VICE)	FOUND PROPERTY	00717		ANNARB...	751	4302
<a href="#">0183040...</a>	07/12/2011	@CITY OF DALLAS (VICE)	FOUND PROPERTY	00717		ANNARB...	751	4302
<a href="#">0184896...</a>	06/25/2009	*SAMS FOOD MART	THEFT	00717		ANNARB...	751	4302

### Offences received after Specific Use Permit – January 12, 2012 to March 5, 2014

 <b>DALLAS POLICE DEPARTMENT</b> <span>UCR Codes Year Codes Prope</span>								
Virtual Viewer - Public Access								
  								
Search Records - Offense								Filter <input type="text"/>
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area
<a href="#">001748...</a>	01/21/2012	*SAMS	FORGERY & COUNT...	00717		ANNARB...	751	4302
<a href="#">002150...</a>	01/26/2014	JOHNSON, BOBBY	OTHER OFFENSES	00717		ANNARB...	751	4302
<a href="#">006164...</a>	03/14/2012	HUSSEIN, ADBEL	ASSAULT	00717		ANNARB...	751	4302
<a href="#">006673...</a>	03/19/2012	POLK, BEVERLY	TRAFFIC MOTOR VE...	00717		ANNARB...	751	4302
<a href="#">009962...</a>	04/23/2012	*SAM GROCERY STORE	THEFT	00717		ANNARB...	751	4302
<a href="#">024439...</a>	09/30/2012	JOHNSOHN,MONA	AUTO THEFT-UUMV	00717		ANNARB...	751	4302
<a href="#">024649...</a>	10/03/2012	FOWLER, KENDREON	AUTO THEFT-UUMV	00717		ANNARB...	751	4302

**CPC Action** (March 20, 2014)

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1931 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned a CR Community Retail District with a D-1 Liquor Control Overlay on the north side of Ann Arbor Avenue, east of South Marsalis Avenue.

Maker: Bagley  
Second: Shellene  
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Lavallaisaa, Tarpley,  
Shellene, Schultz, Peadon, Murphy, Ridley,  
Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

<b>Notices:</b>	Area: 200	Mailed: 16
<b>Replies:</b>	For: 0	Against: 0

**Speakers:** None

<p><b>LIST OF OFFICERS</b> Ann Arbor Retail Corp</p>
--

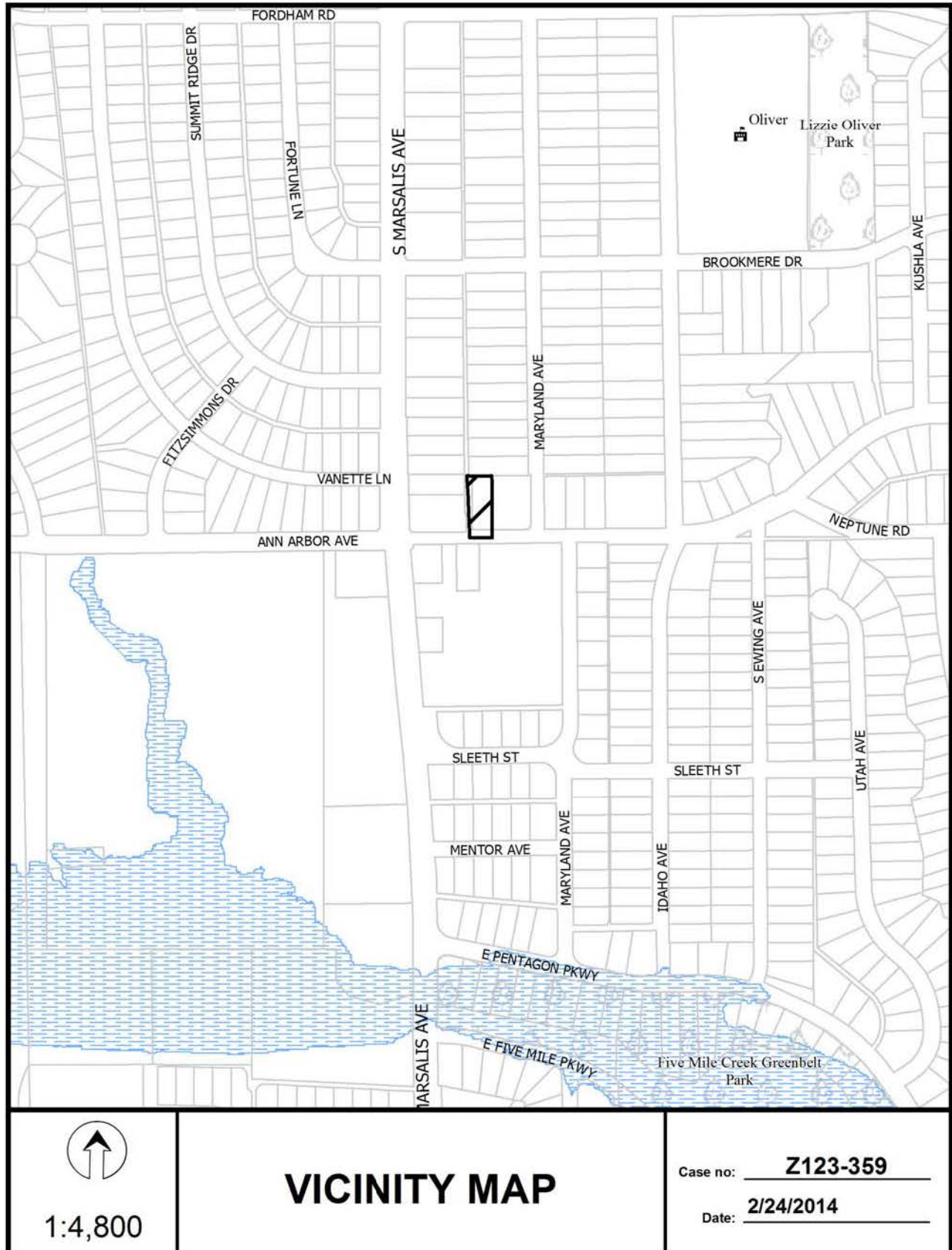
- Karim P. Rashid                      Member
- Rehan S. Merchant                      Member

<b>CPC PROPOSED SUP CONDITIONS</b>
--

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 ~~[January 11, 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. 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.

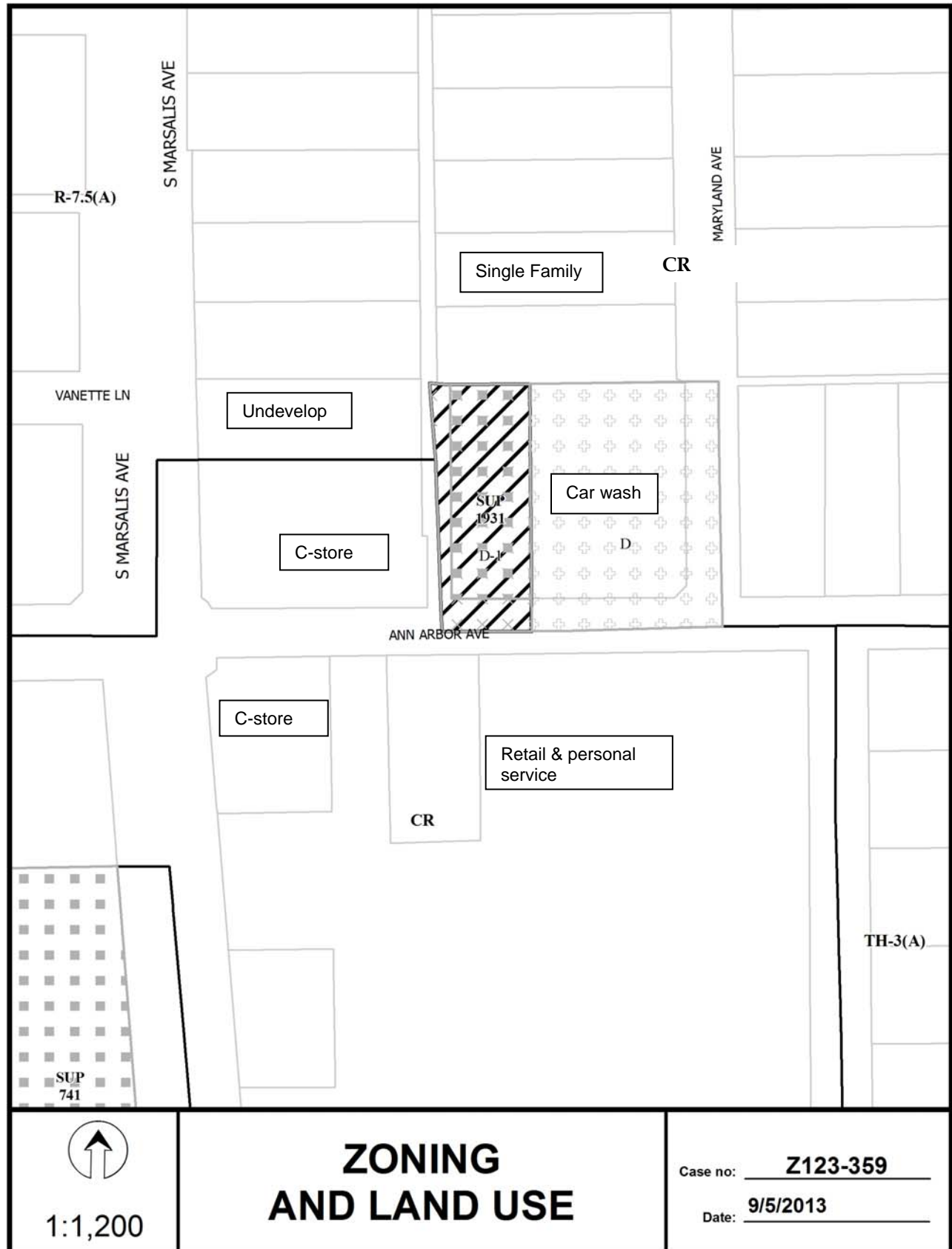












# CPC RESPONSES



<u>16</u>	Property Owners Notified (18 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>3/20/2014</u>	Date

**Z123-359**  
**CPC**



1:1,200

## ***Notification List of Property Owners***

***Z123-359***

***16 Property Owners Notified    0 Property Owners in Favor    0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	717	ANN ARBOR AVE	HOANG CHAU & TU HUYNH
2	4304	MARSALIS AVE	HAWKINS PATRICIA JO ANN
3	4310	MARSALIS AVE	HAWKINS PATRICIA DEAL
4	4314	MARSALIS AVE	HAWKINS PATRICIA
5	4328	MARSALIS AVE	GHIMIRE SUNITA S
6	4237	MARYLAND AVE	HOLCOMB IRMA GONZALEZ
7	4241	MARYLAND AVE	PALACIOS HERMAN
8	4247	MARYLAND AVE	CTMC GROUP LLC
9	4251	MARYLAND AVE	ESTRELLA JUAN MANUEL
10	4246	MARYLAND AVE	MAYAGALLEGOS ANGEL &
11	4250	MARYLAND AVE	GREATER ANN ARBOR
12	803	ANN ARBOR AVE	RAMIREZ ALFONSO
13	710	ANN ARBOR AVE	HERRON ALFRED
14	4404	MARSALIS AVE	GALLOWAY HERRON REALTORS
15	4404	MARSALIS AVE	JEFFERS J C
16	727	ANN ARBOR AVE	AGESHEN MALCOLM A



**AGENDA ITEM # 42**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 11 A

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an R-5(A) Single Family District on property zoned an A(A) Agricultural District, south of the terminus of South Northlake Road, south of Belt Line Road

Recommendation of Staff and CPC: Approval

Z134-122(LHS)

**FILE NUMBER:** Z134-122(LHS)

**DATE FILED:** November 1, 2013

**LOCATION:** South of the terminus of South Northlake Road, south of Belt Line Road

**COUNCIL DISTRICT:** 6

**MAPSCO:** 11-A

**SIZE OF REQUEST:** Approx. 6.2 acres

**CENSUS TRACT:** 141.27

---

**REPRESENTATIVE/APPLICANT:** Lucilo Pena, Billingsley Company

**OWNER:** CW Shoreline Land, Ltd.

**REQUEST:** An application for an R-5(A) Single Family District on property zoned an A(A) Agricultural District.

**SUMMARY:** The property is proposed to be developed with a single-family development with lots having a minimum lot size of 5,000 square feet. The area would provide for approximately 20 lots as part of a larger development to the east in the City of Irving.

**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 proposed rezoning to single-family is compatible with surrounding uses in the area.
2. *Traffic impact* – The increased traffic will create the need for roadway improvements along South Northlake Road.
3. *Comprehensive Plan or Area Plan Conformance* – Given that the subject site is in a transitional area of the forwardDallas! Plan and has more connectivity with the City of Irving, rezoning of the site to R-5(A) can be supported.

**Surrounding Zoning History:**

1. Z090-103      On June 23, 2010, PD 741 was expanded and amended to incorporate the subject site denoted on the Zoning History Map.
2. Z134-163      An application to rezone from A(A) to R-5(A) has been submitted by the same applicant that submitted the subject request.

**Background:**

- The northern and eastern boundaries of the subject site form the city limit boundary line with Irving.
- The subject site is a small portion of a larger single-family development in the City of Irving.
- The subject site is part of the Cypress Waters Tax Increment Financing (TIF) District. The TIF Plan makes no specific land use assumptions for the subject site.

**Thoroughfares/Streets:**

Belt Line Road is the nearest major access point for this property. South Northlake Road is being improved to provide access to this development which is primarily within the City of Irving.

The developer will be responsible for necessary right-of-way if needed, and funding for possible construction and re-stripping of North Lake Road approach at the intersection with Beltline Road to provide two approach lanes — one lane for left turns and an exclusive lane for right-turn maneuvers into Beltline Road subject to Transportation Section of the Street Department approval.

**Water/Sewer:**

The City of Dallas has no immediate plans to provide service to this tract. Because this site is a small portion of a development that is part of the City of Irving, it will likely be serviced in the same manner as that development.

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The *forwardDallas!* Plan designates this area in a transitional area of the Business Center or Corridor Building Block, the natural open water feature and the City of Irving.

The Business Centers or Corridors Building Block represents major employment or shopping destinations outside of Downtown. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

The proposed request for suburban-style single-family lots is obviously inconsistent with a Business Center or Corridors Building Block. However, this site happens to be located in a transitional area that will have more connectivity with the larger single-family development in the City of Irving to the east. The Comprehensive Plan recognizes these transitional areas need to consider independently based upon surrounding development. This larger development could provide a lower density housing choice if the property to the north is developed consistent with the Business Centers or Corridors Building Block.

### **Land Use Compatibility:**

The subject site is approximately 1,300 feet south of another request submitted by the same applicant and owner for R-5(A) zoning (Z134-163). If this request is granted, approximately 20 lots would be added onto the adjoining development to the east in the City of Irving. The property owners do not own the surrounding property between these requests. Therefore, it is not included in this rezoning.

The northern and eastern boundaries of the subject site form the city limit boundary line with Irving. The City of Irving has the property to the north designated as 40,000-square-foot, single-family residential lots with the property to the east having a flexible zoning designation that could accommodate a myriad of commercial and residential uses. A single-family development is proposed to the east.

The property to the south and west, City of Dallas, is zoned agriculture and was part of the TXU power plant's property. The power plant is no longer operational.

### **Development Standards:**

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Proposed							
R-5(A) Single Family	20'	5'	1 Dwelling Unit / 5,000 sq. ft.	30'	45%	N/A	Single family
Existing							
A(A) Agricultural	50'	20"	1 Dwelling Unit / 3 acres	24'	10%, 25%	N/A	Single family, agricultural

### **Landscaping:**

Z134-122(LHS)

There subject site has sparse foliage. For single-family development, each lot will be required to have at least three trees with a caliper equal to or exceeding two inches. At least two of the trees must be located in the front yard.

**CPC Minutes – April 3, 2014**

**Z134-122(LHS)**

Planner: Lashondra Holmes Stringfellow

Motion: It was moved to recommend **approval** of an R-5(A) Single Family District on property zoned an A(A) Agricultural District south of the terminus of South Northlake Road, south of Belt Line Road.

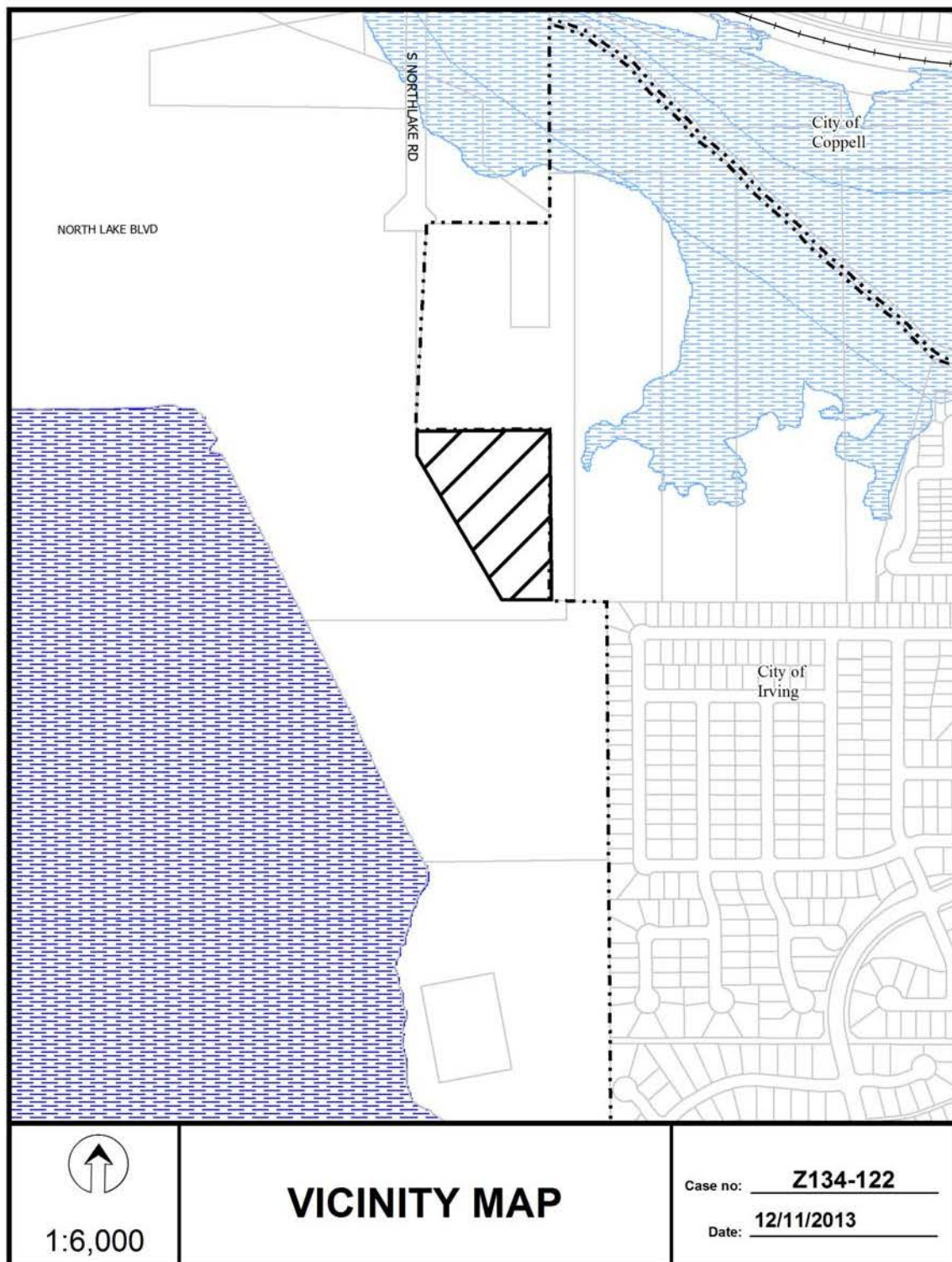
Maker: Anantasomboon  
Second: Shellene  
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon,  
Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

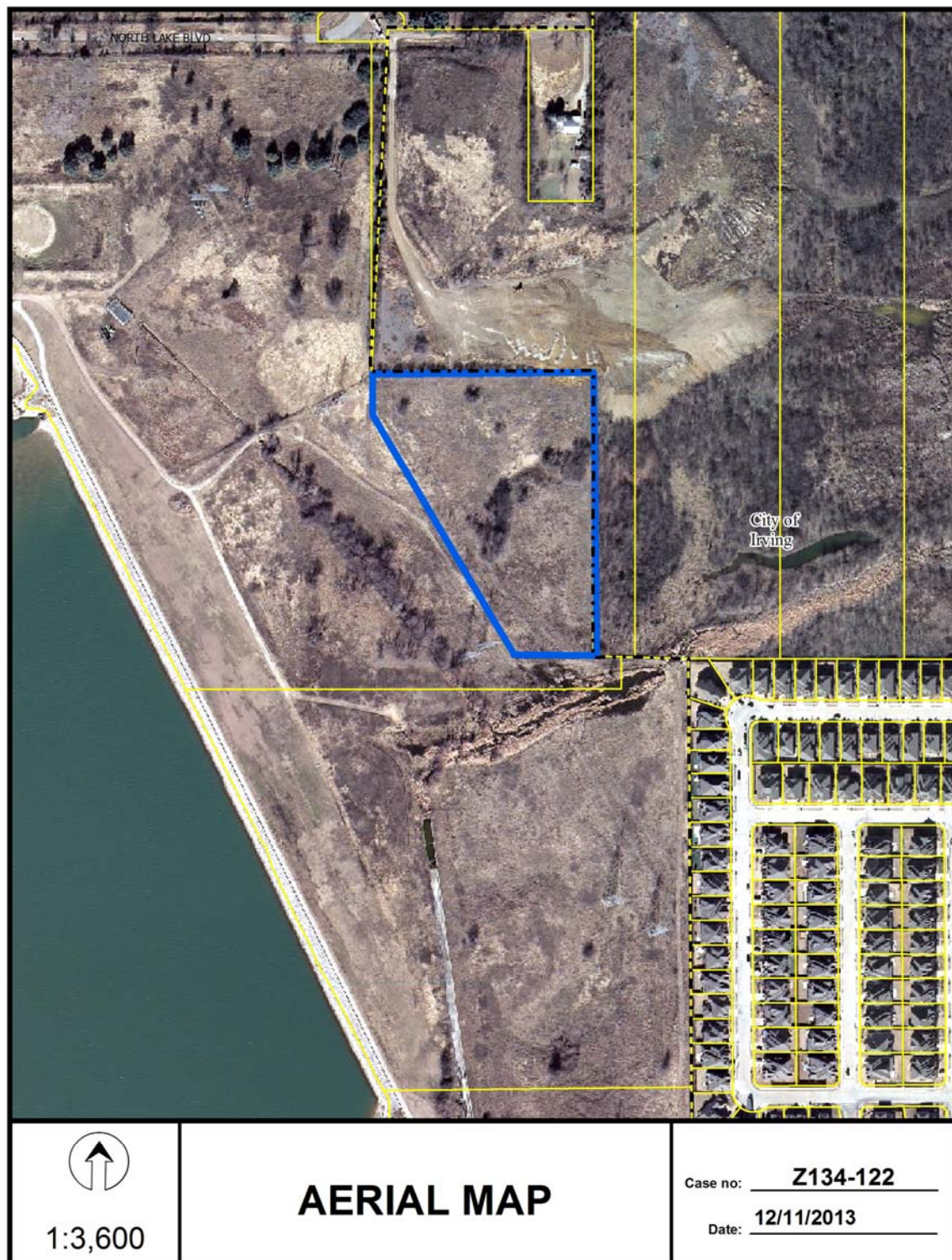
Against: 0  
Absent: 0  
Vacancy: 0

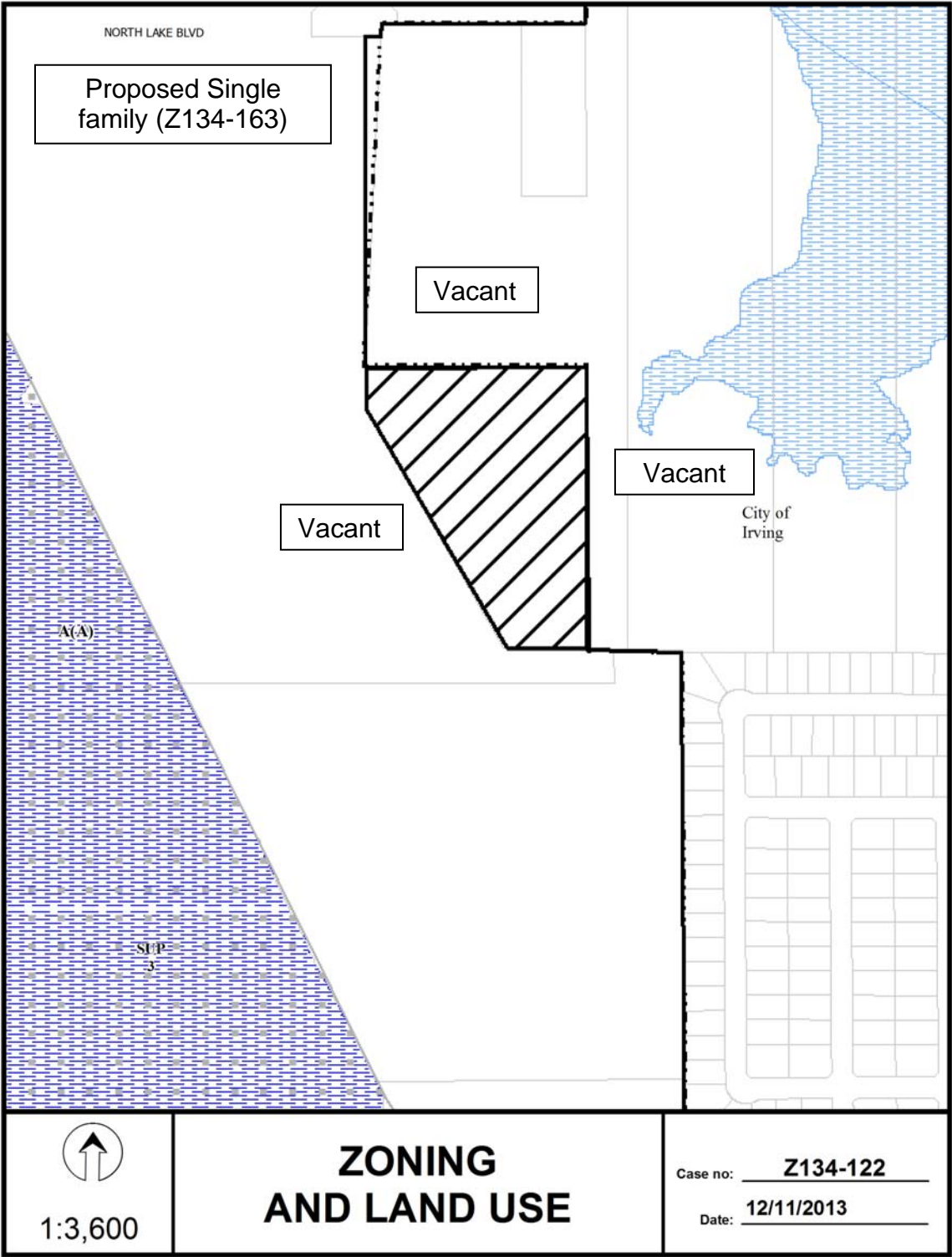
Notices: Area: 400 Mailed: 13  
Replies: For: 0 Against: 0

Speakers: None



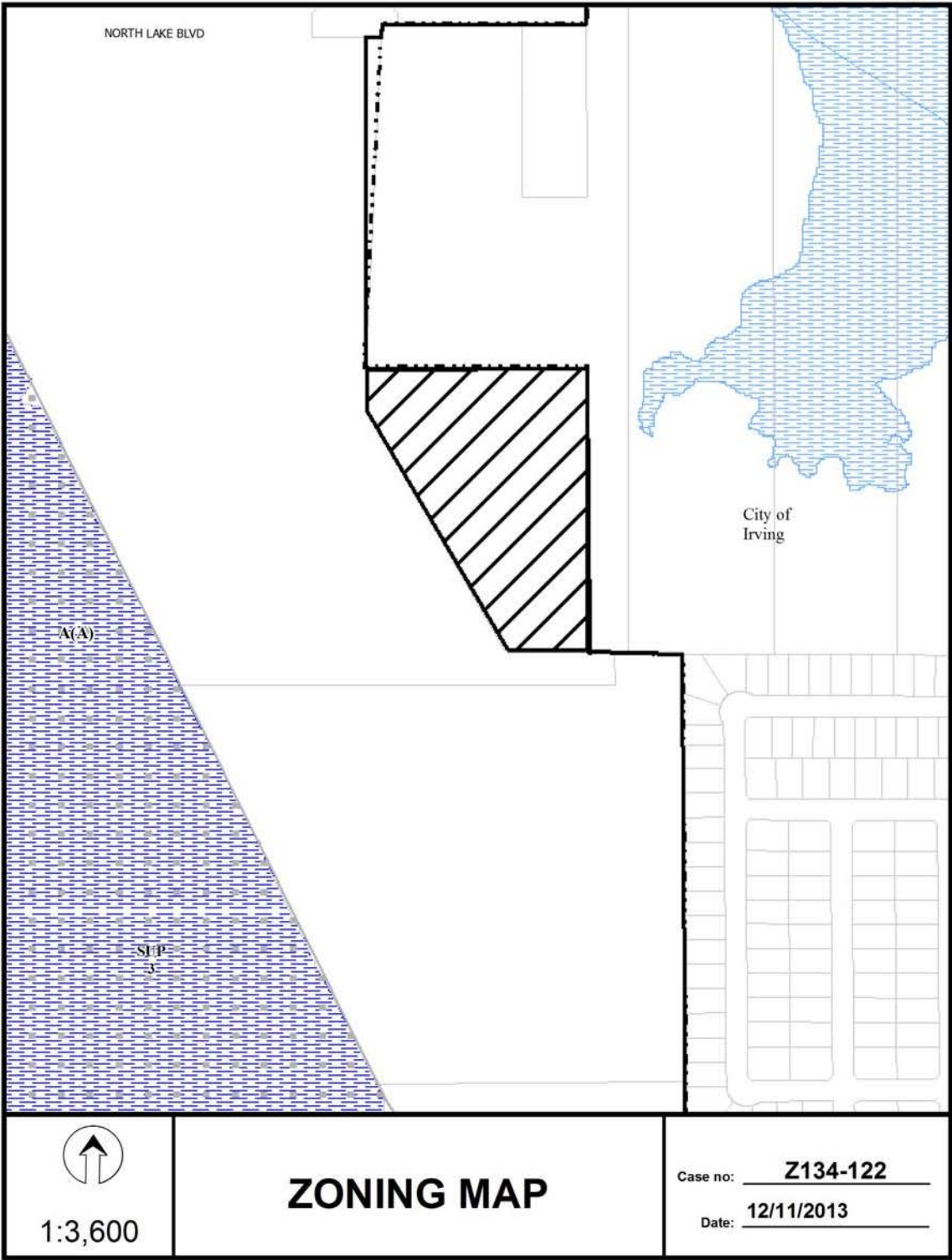


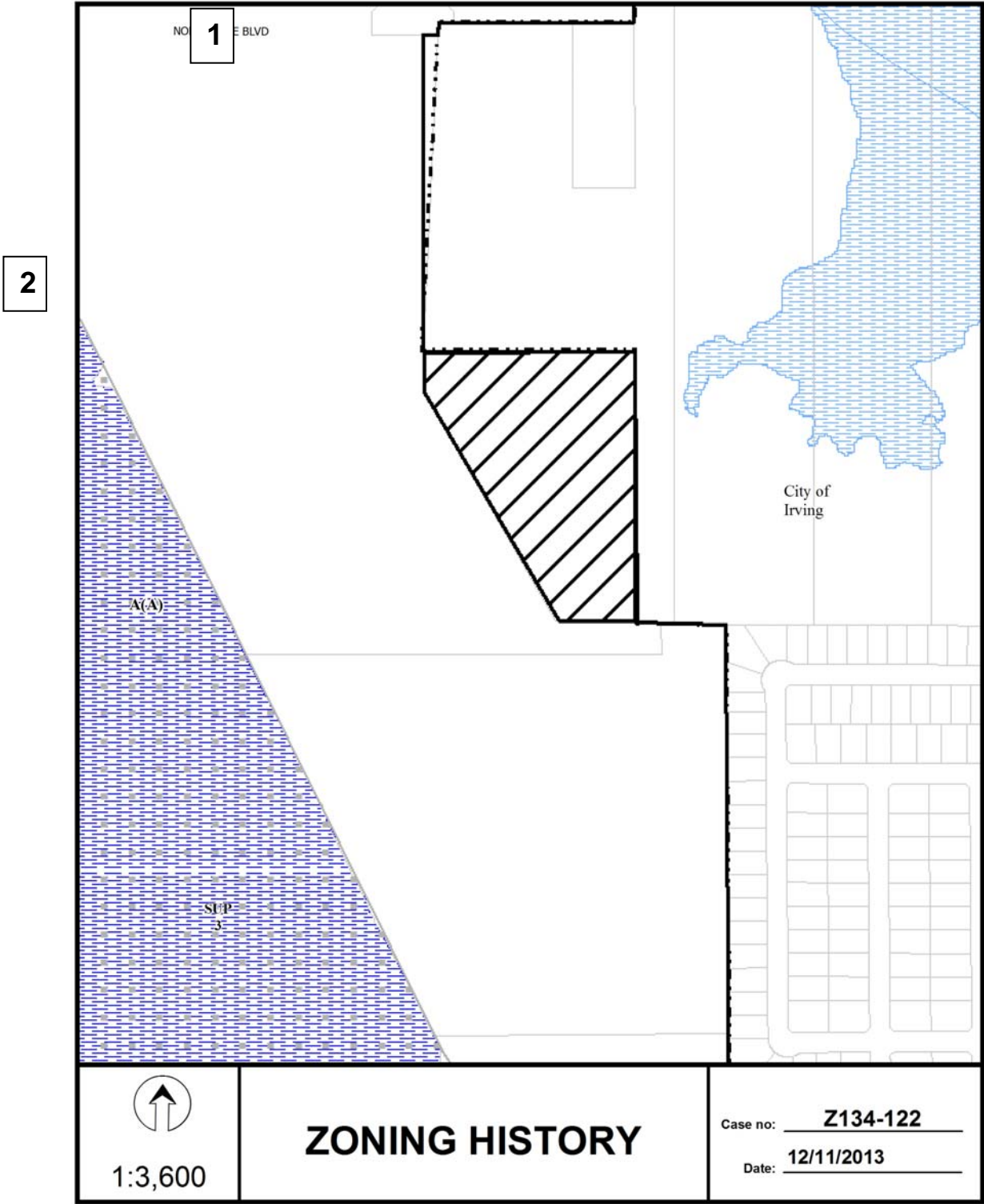




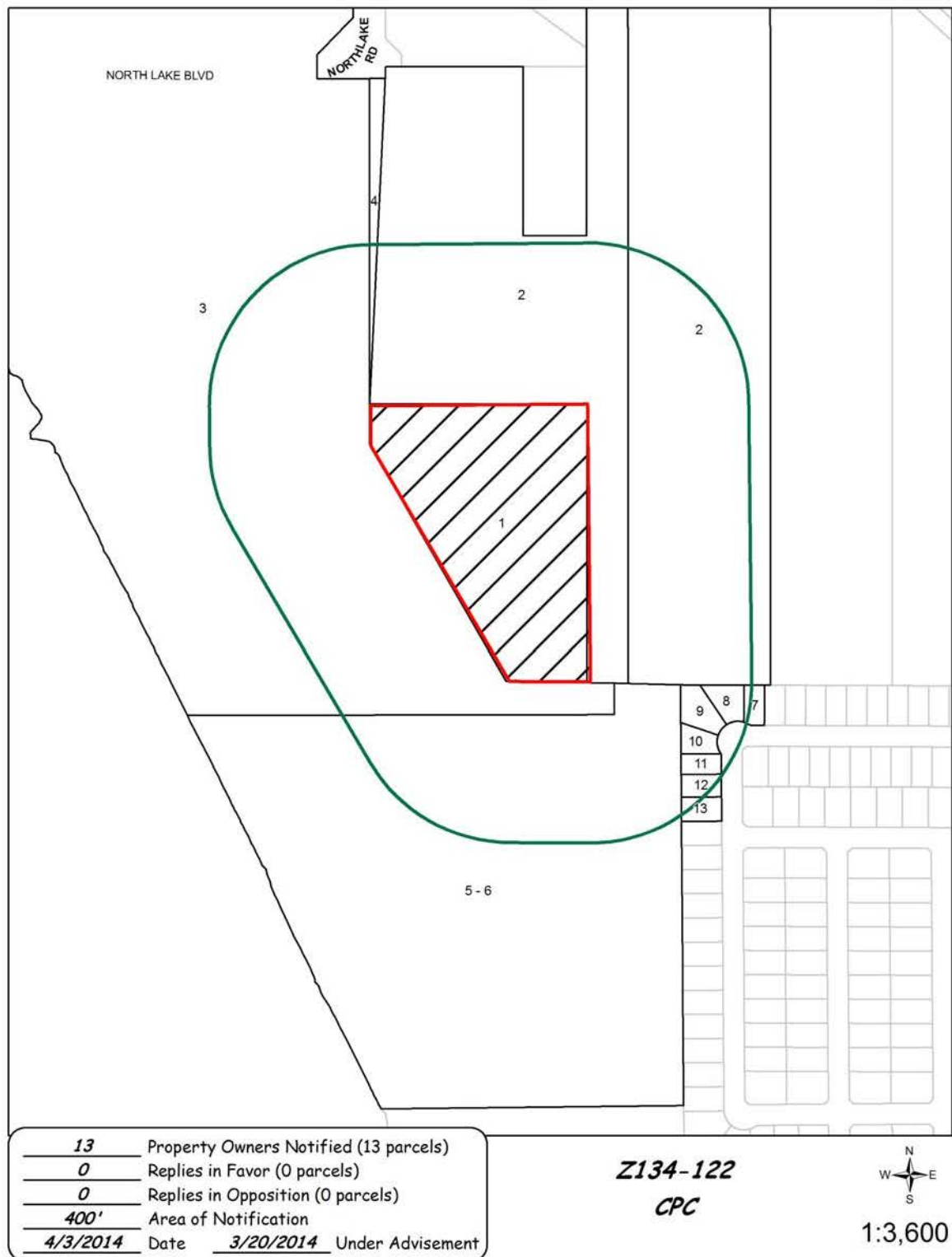
Lak











## ***Reply List of Property Owners***

### ***Z134-122***

***13 Property Owners Notified***

***0 Property Owners in Favor***

***0 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	700	BELT LINE RD	CW SHORELINE LAND LTD
2	1002	BELTLINE RD	CROW BILLINGSLEY BELTLINE
3	14901	NORTH LAKE RD	LUMINANT GENERATION CO LLC
4	14901	NORTH LAKE RD	CROW BILLINGSLEY N LAKE
5	9000	DYNAMO DR	LUMINANT GENERATION CO LLC
6	1002	SANDERS LOOP DR	KLIF CO
7	1355	VALLEY VISTA DR	MATHEW PHILIP & REENA
8	1359	VALLEY VISTA DR	KONDEPATI MURALI
9	10423	LAKEBREEZE RD	GARCIA ALBERT & YVONNE
10	10419	LAKEBREEZE RD	NAGALLA VAMSI K & NAGA SIRISHA KONERU
11	10415	LAKEBREEZE RD	MURUGESAN SENTHIL KUMAR & DEVIPRIYA CHAN
12	10409	LAKEBREEZE RD	GUNUKULA RICHARD &
13	10405	LAKEBREEZE RD	CHIKKALA DEVENDER R &

**AGENDA ITEM # 43**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 58 Y

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1966 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay south of Great Trinity Forest Way (Loop 12), east of Oklaunion Drive

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions

Z134-159(WE)



**ACM: Theresa O'Donnell****FILE NUMBER:** Z134-159(WE) **DATE FILED:** February 10, 2012**LOCATION:** South of Great Trinity Forest Way (Loop 12), east of Oklaunion Drive**COUNCIL DISTRICT:** 8 **MAPSCO:** 58-Y**SIZE OF REQUEST:** Approx. 20,908.8 sq. ft. **CENSUS TRACT:** 116.01

---

**APPLICANT / OWNER:** Soon Young Kang**REPRESENTATIVE:** Chick Kang**REQUEST:** An application for the renewal of Specific Use Permit No. 1966 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay.**SUMMARY:** The purpose of this request is to allow for the applicant to continue selling alcohol for off-premise consumption in the existing convenience store.**CPC RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions**STAFF RECOMMENDATION:** Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to 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 additional alcohol use within the general merchandise or food store does not affect the compatibility with surrounding uses from a land use perspective.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The use has had neither a positive nor negative contribution to the welfare of adjacent properties. The SUP has conditions that associated with the use to mitigate any potential negative impacts. An SUP could be revoked, have a reduced time period or not be renewed if the applicant does not comply.
3. *Not a detriment to the public health, safety, or general welfare* – This use has not been found to 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, a certificate of registration required for each physically separate convenience store.

## **BACKGROUND INFORMATION:**

- In June 2012, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise store or food store 3,500 square feet or less for a two year period.

**Zoning History:** There have been four zoning changes requested in the area.

1. Z101-155 On April 27, 2011, the City Council approved a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned a RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay. (not shown on map)
2. Z101-202 On June 8, 2011, the City Council approved 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 RR Regional Retail District with a D-1 Liquor Control Overlay.

3. Z101-361 On December 14, 2011, the City Council approved a Specific Use Permit for sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property within Subdistrict 5 of Planned Development District No. 533, the C.F. Hawn Special Purpose District No. 1 with a D-1 Liquor Control Overlay.

4. Z112-188 On June 27, 2012, the City Council approved Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store less than 3,500 square feet on property zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay. (request site)

#### **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Great Trinity Forest Way (Loop 12)	Local	Variable width lane	Variable width lane
Oklahoma Drive	Local	50 ft.	50 ft.

#### **Land Use:**

	Zoning	Land Use
Site	RR-D-1	General Merchandise store
North	RR-D-1	General Merchandise store, restaurant
South	R-7.5(A)	Single Family
East	RR-D-1	Restaurant, Service Station & general Merchandise store
West	RR-D-1	Vacant

**COMPREHENSIVE PLAN:** The Forward Dallas! Comprehensive Plan was adopted by the City Council in June 2006. The Forward Dallas! 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 on a Multi-modal Corridor.

Transit centers support a compact mix of employment, retail, cultural facilities and housing. Multi-modal corridors should encourage the redevelopment of aging auto-oriented commercial strip development while respecting existing single family neighborhoods. While normally located around DART light-rail or commuter rail stations, these building blocks could also be focused streetcar or enhanced bus corridors such as bus rapid transit. Examples of transit centers include the Mockingbird Station area, the Cityplace Station area and the Westmoreland Station area, and examples of multi-modal corridors include the Lancaster and Ferguson Road corridor. These areas offer

dense mixed use at the transit station or multi-modal corridor and then transition to multi-family and single-family housing at the edge. Of all the Building Blocks, this incorporates the greatest range of building structures and land uses, including multi-story residential above retail to townhomes to single-family residences. Transit centers and multi-modal corridors may sometimes be near residential neighborhoods and call for appropriate mitigation requirements. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Multi-modal corridors in particular would diminish quickly in scale, density, and intensity away from the corridor, respecting existing single family neighborhoods while maintaining a strong focus on transit orientation and access. Interactive public plazas and/or civic uses will be centrally located and residential roof terraces and balconies overlooking transit station areas add “eyes on the street” that can aid public safety.

## **LAND USE**

### **GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

### **STAFF ANALYSIS:**

**Land Use Compatibility:** The 20,908.8 square foot site is zoned an RR-D-1 Regional Retail District with a D-1 Liquor Control Overlay and is located within an existing retail shopping center. The applicant proposes to continue selling alcohol for off-premise consumption in the existing convenience store.

The surrounding land uses consist of retail and general merchandise stores. There is single family development that is located east of the request site. The adjacent uses consist primarily of retail and general merchandise stores.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been



established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The Dallas Police has determined that the request site is in compliance with Chapter 12B.

The applicant's request, subject to the attached conditions, is consistent with the intent of the Dallas Development Code. The initial short time period will also require that the request be reevaluated to ensure the use is compatible in this location.

### **Development Standards:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b><u>Density</u></b>	<b><u>Height</u></b>	<b><u>Lot Coverage</u></b>	<b><u>Special Standards</u></b>	<b><u>PRIMARY Uses</u></b>
	<b><u>Front</u></b>	<b><u>Side/Rear</u></b>					
RR-D-1 Regional retail	15'	20' adjacent to residential OTHER: No Min.	1.5 FAR overall 0.5 office	70' 5 stories	80%	Proximity Slope U-form setback Visual Intrusion	Retail & personal service, office

**Landscaping:** No changes to the site are proposed. Therefore, no additional landscaping is 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 will provide the required 15 spaces on site with the remaining parking spaces being designated for other retail and personal service uses. Again, this is the same parking configuration that was approved on the initial site plan.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that renewal of this SUP will not have a negative impact on the surrounding street system.

**Dallas Police Department:** A copy of a police report of the offenses is provided below. Staff has divided the report into two sections which will show any offences prior to the SUP and any offences applicant received after receiving the SUP in 2012.


### Offences prior to a Specific Use Permit – June 27, 2009 to June 27, 2012

 <b>DALLAS POLICE DEPARTMENT</b> <a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Property</a>								
Virtual Viewer - Public Access								
  								
Search Records - Offense								Filter <input type="text"/>
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area
<a href="#">000307...</a>	01/04/2010	*SUPER MERCADO HU...	ROBBERY	07932	S	LO...	354	4530
<a href="#">002565...</a>	01/31/2012	*HUNT'S; FOOD STORE	THEFT	07932		LO...	354	4530
<a href="#">003613...</a>	02/11/2011	*CHUCK'S PIZZA	THEFT	07932	S	LO...	354	4530
<a href="#">004715...</a>	02/24/2011	*HUNT'S GROCERY	CRIMINAL MISCHIEF/VAND...	07932	S	LO...	354	4530
<a href="#">004796...</a>	02/27/2012	BURRELL, VIVIAN	TRAFFIC MOTOR VEHICLE	07932		LO...	354	4530
<a href="#">007388...</a>	03/17/2010	KING, DONALD	ASSAULT	07932	S	LO...	354	4530
<a href="#">008037...</a>	04/04/2012	CUTSHALL, ROBERT	OTHER OFFENSES	07932	S	LO...	354	4530
<a href="#">008411...</a>	04/04/2011	BABALOLA, TAJUDEEN	THEFT	07932	S	LO...	354	4530
<a href="#">008748...</a>	04/12/2012	*PINK STAR BEAUTY S...	CRIMINAL MISCHIEF/VAND...	07932	S	LO...	354	4530
<a href="#">010040...</a>	04/12/2010	WILLIAMS, CHAVOUS	CRIMINAL MISCHIEF/VAND...	07932	S	LO...	354	4530
<a href="#">010249...</a>	04/13/2010	PATTERSON,SHAVONNA	ASSAULT	07932	S	LO...	354	4530
<a href="#">012824...</a>	05/25/2012	SMITH,DONALD	ACCIDENTAL INJURY - PUB...	07932	S	LO...	354	4530
<a href="#">012890...</a>	05/09/2010	ADEL,AHMED	AUTO THEFT-UUMV	07932	S	LO...	354	4530
<a href="#">013382...</a>	05/24/2011	*SUPER MERCADO HU...	THEFT	07932	S	LO...	354	4530
<a href="#">014399...</a>	05/24/2010	GOMEZ, YOLANDA	ROBBERY	07932	S	LO...	354	4530
<a href="#">015442...</a>	06/23/2012	CHAMBERS,CONNIE	ROBBERY	07932	S	LO...	354	4530
<a href="#">017733...</a>	07/06/2011	@CITY OF DALLAS (VICE)	FOUND PROPERTY	07932	S	LO...	354	4530
<a href="#">018085...</a>	06/27/2010	*HUNT'S FOOD STORE	BURGLARY	07932	S	LO...	354	4530
<a href="#">018303...</a>	07/12/2011	@CITY OF DALLAS (VICE)	FOUND PROPERTY	07932	S	LO...	354	4530
<a href="#">018349...</a>	06/29/2010	*CHUCK'S PIZZA	THEFT	07932	S	LO...	354	4530
<a href="#">019042...</a>	06/30/2009	LUSK, MASSELYN	THEFT	07932	S	LO...	354	4530
<a href="#">019123...</a>	07/20/2011	HERNANDEZ, JAVIER	AUTO THEFT-UUMV	07932	S	LO...	354	4530
<a href="#">019212...</a>	07/02/2009	*HUNTS FOOD	THEFT	07932	S	LO...	354	4530
<a href="#">020337...</a>	07/17/2010	*ONE HOUR QUALITY C...	THEFT	07932	S	LO...	354	4530
<a href="#">021764...</a>	08/03/2010	*MOTION PICTURE ASS...	FORGERY & COUNTERFEITI...	07932	S	LO...	354	4530
<a href="#">021765...</a>	08/03/2010	*RECORDING INDUSTR...	FORGERY & COUNTERFEITI...	07932	S	LO...	354	4530
<a href="#">022795...</a>	08/27/2011	MILLS, MAE	THEFT	07932	S	LO...	354	4530
<a href="#">022970...</a>	08/04/2009	*HUNT'S FOOD STORE	THEFT	07932	S	LO...	354	4530
<a href="#">023145...</a>	08/17/2010	KEMP, TOMMY	TRAFFIC MOTOR VEHICLE	07932	S	LO...	354	4530
<a href="#">024589...</a>	08/18/2009	MOHSSEN,ADEL	CRIMINAL MISCHIEF/VAND...	07932	S	LO...	354	4530

Cont.

 <b>DALLAS POLICE DEPARTMENT</b> <a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Properties</a>								
Virtual Viewer - Public Access								
  								
Search Records - Offense								Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Stree	Beat	Reporting Area
<a href="#">024675...</a>	08/19/2009	*ABE'S STORE	THEFT	07932	S	LO...	354	4530
<a href="#">025868...</a>	09/29/2011	YAP,LORNA	OTHER OFFENSES	07932	S	LO...	354	4530
<a href="#">025936...</a>	09/24/2011	*HUNTS GROCERY	THEFT	07932	S	LO...	354	4530
<a href="#">027001...</a>	09/27/2010	*METRO PCS	ROBBERY	07932	S	LO...	354	4530
<a href="#">028440...</a>	10/12/2010	*HUNT GROCERY STORE	THEFT	07932	S	LO...	354	4530
<a href="#">029017...</a>	10/16/2010	*HUNTS FOOD STORE	CRIMINAL MISCHIEF/VAND...	07932	S	LO...	354	4530
<a href="#">029801...</a>	10/27/2010	*HUNT'S FOOD STORE	BURGLARY	07932	S	LO...	354	4530
<a href="#">030061...</a>	11/14/2011	*HUNT'S FOOD STORE	THEFT	07932	S	LO...	354	4530
<a href="#">030421...</a>	11/02/2010	NULL,TRACY	TRAFFIC MOTOR VEHICLE	07932	S	LO...	354	4530
<a href="#">030522...</a>	11/03/2010	BATREZ,VUILLERMINA	THEFT	07932	S	LO...	354	4530
<a href="#">030565...</a>	10/13/2009	*CHUCK'S PIZZA	BURGLARY	07932	S	LO...	354	4530
<a href="#">032271...</a>	10/27/2009	SMITH, LUVENIA, P	THEFT	07932	S	LO...	354	4530
<a href="#">034266...</a>	11/18/2009	BURNS,ANGELA,	CRIMINAL MISCHIEF/VAND...	07932	S	LO...	354	4530
<a href="#">034963...</a>	10/08/2009	SIMON,CARL	OTHER OFFENSES	07932	S	LO...	354	4530
<a href="#">037671...</a>	12/23/2009	HILL,CYNTHIA	TRAFFIC MOTOR VEHICLE	07932	S	LO...	354	4530

### Offences received after Specific Use Permit – June 28, 2012 to March 5, 2014

 <b>DALLAS POLICE DEPARTMENT</b> <a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Properties</a>								
Virtual Viewer - Public Access								
  								
Search Records - Offense								Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Stree	Beat	Reporting Area
<a href="#">0021992...</a>	01/27/2013	HART,ANGELA	ROBBERY	07932	S	LOO...	354	4530
<a href="#">0043816...</a>	02/22/2014	COOK, ALEXANDRA	CRIMINAL MISCHIEF/V...	07932		LOO...	354	4530
<a href="#">0109322...</a>	05/03/2013	HODGE,WILLY,	AUTO THEFT-UUMV	07932	S	LOO...	354	4530
<a href="#">0172592...</a>	07/13/2012	*METRO WEBB COMPANY	THEFT	07932		LOO...	354	4530
<a href="#">0180491...</a>	07/21/2012	*PINK STAR BEAUTY SU...	THEFT	07932	S	LOO...	354	4530
<a href="#">0184673...</a>	07/26/2012	CAMANCHO,ABRAHAM	ASSAULT	07932		LOO...	354	4530
<a href="#">0251543...</a>	10/09/2012	*HUNT'S SUPERMARKET	BURGLARY	07932		LOO...	354	4530
<a href="#">0285822...</a>	11/07/2013	@CITY OF DALLAS	FOUND PROPERTY	07932		LOO...	354	4530
<a href="#">0298897...</a>	11/23/2013	*PINK STAR BEAUTY	BURGLARY	07932		LOO...	354	4530
<a href="#">0313433...</a>	12/12/2013	*HUNTS FOOD STORE	CRIMINAL MISCHIEF/V...	07932	S	LOO...	354	4530

**CPC Action** (March 2014)

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1966 for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to conditions on property zoned an RR Regional Retail District with a D-1 Liquor Control Overlay south of Great Trinity Forest Way (Loop 12), east of Oklaunion Drive.

Maker: Bagley  
Second: Shellene  
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Lavallaisaa, Tarpley,  
Shellene, Schultz, Peadon, Murphy, Ridley,  
Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

<b>Notices:</b>	Area: 200	Mailed: 10
<b>Replies:</b>	For: 1	Against: 1

**Speakers:** None

<p style="text-align: center;"><b>CPC PROPOSED SUP CONDITIONS</b></p>
---

1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~[June 27, 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. INGRESS/EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted.
5. PARKING: Off-street parking must be located as shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

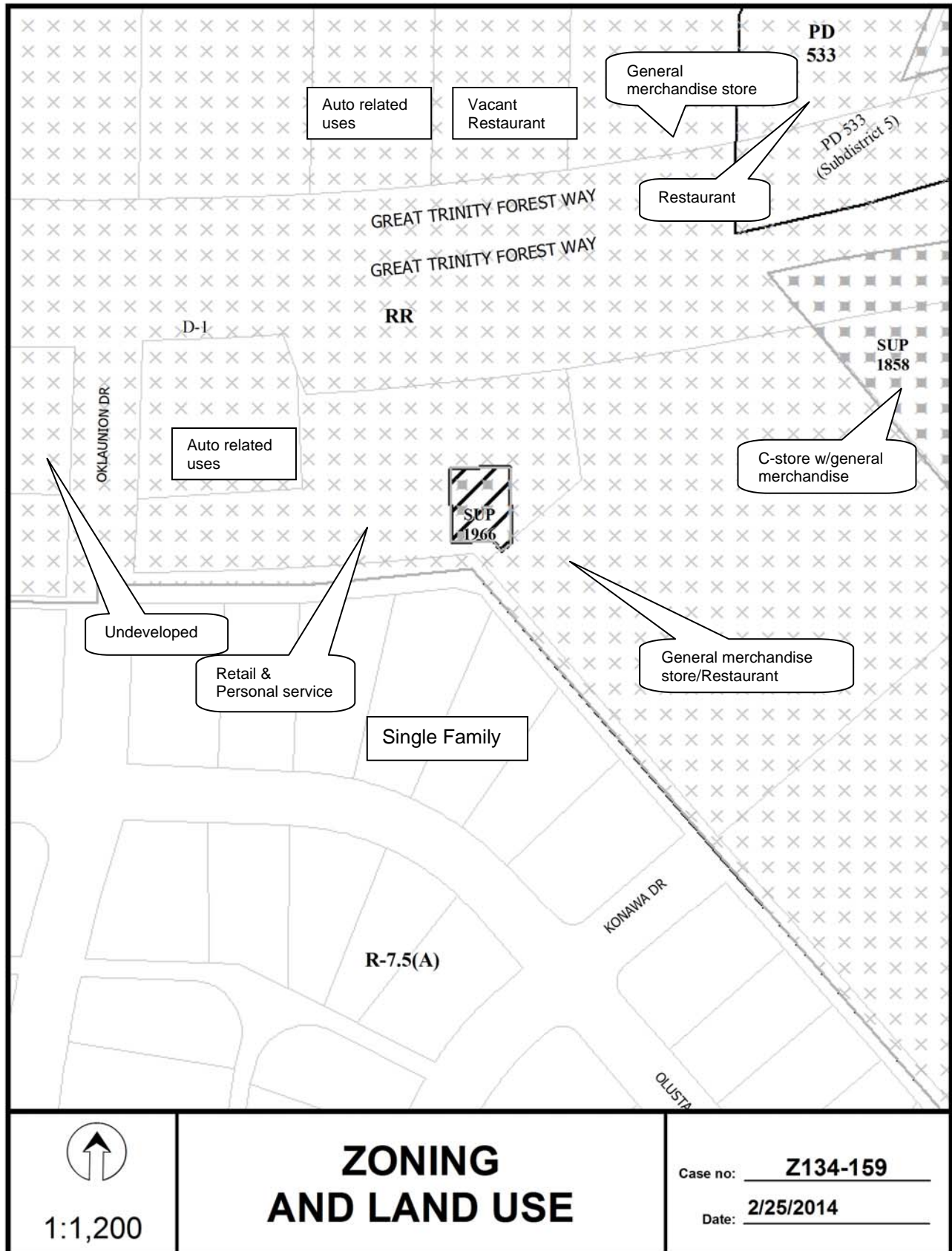


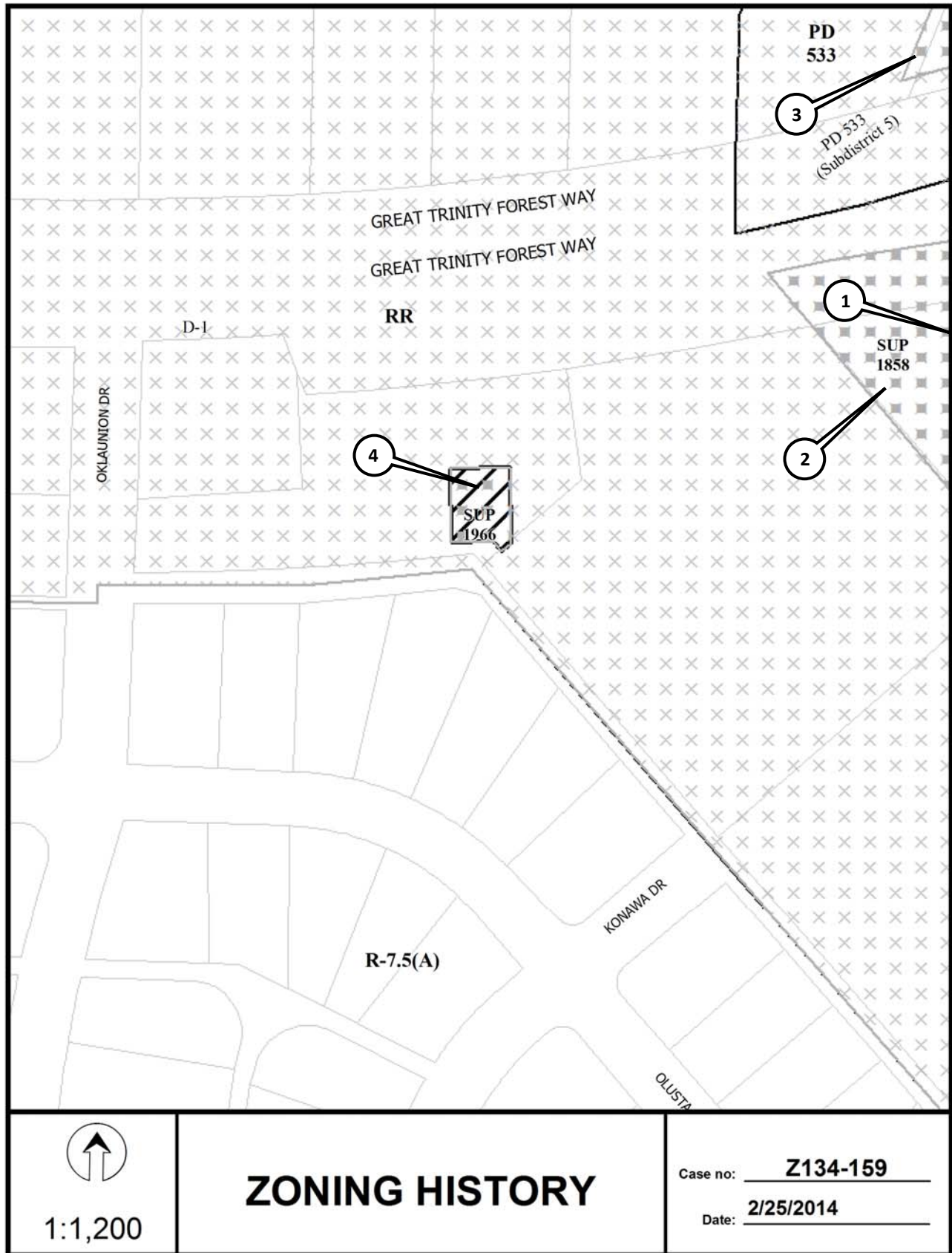












**CPC RESPONSES**



<u>10</u>	Property Owners Notified (10 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>200'</u>	Area of Notification
<u>3/20/2014</u>	Date

**Z134-159**  
**CPC**



1:1,200

## ***Notification List of Property Owners***

***Z134-159***

<b><i>10 Property Owners Notified</i></b>		<b><i>1 Property Owners in Favor</i></b>		<b><i>1 Property Owners Opposed</i></b>
<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>	
	1	7932	GREAT TRINITY FOREST WAY	KIMODALE INC
O	2	7932	GREAT TRINITY FOREST WAY	KANG CHUCK
X	3	7900	GREAT TRINITY FOREST WAY	ALABED NAIM &
	4	7905	OLUSTA DR	MERCADO MARCELINO
	5	7909	OLUSTA DR	RAMIREZ ALFREDO
	6	7915	OLUSTA DR	MEDINA LUIS
	7	7919	OLUSTA DR	LIEF PETERSON ENTERPRISES LLC
	8	7923	OLUSTA DR	FELICIANO LIRA
	9	7927	OLUSTA DR	COZBY SAMMY J &
	10	7933	OLUSTA DR	NINO JOSE JESUS &

**AGENDA ITEM # 44**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 13

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 15 Y

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for R-1ac(A) Single Family District uses on property zoned an R-1ac(A) Single Family District on the north side of Park Lane, west of Preston Road

Recommendation of Staff and CPC: Approval, subject to conditions  
Z134-161(WE)

**ACM: Theresa O'Donnell****FILE NUMBER:** Z134-161(WE) **DATE FILED:** January 30, 2014**LOCATION:** North side of Park Lane, west of Preston Road**COUNCIL DISTRICT:** 13 **MAPSCO:** 15-Y**SIZE OF REQUEST:** Approx. 32,438.16 sq. ft. **CENSUS TRACT:** 206

---

**APPLICANT / OWNER:** Alan B. and Lee Ann White**REPRESENTATIVE:** Tommy Mann and Laura Hoffman, Winstead PC**REQUEST:** An application for a Planned Development District for R-1ac(A) Single Family District uses on property zoned an R-1ac(A) Single Family District.**SUMMARY:** The purpose of this request is to permit the applicant to decrease the lot size requirement to 30,000 square feet so that the two lots can be replatted into one larger lot. The two lots are currently zoned R-1ac(A). The total area of the two lots combined is less than 1 acre, the required lot size of the existing zoning. Therefore, the only way these two lots can be combined via replat is to rezone. All other regulations for the R-1ac(A) District will be maintained.**CPC RECOMMENDATION:** Approval, subject to conditions**STAFF RECOMMENDATION:** Approval, subject to conditions

## **GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – Reducing the lot size to 30,000 square feet on the subject site will actually decrease the density because both lots will have to be combined into one lot. Lot sizes range between 15,438 and 42,828 square feet, which means they are nonconforming to the current zoning on the property. Combining these two lots to have an area consistent with other lots in the block will have no negative performance impacts on surrounding property.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request to decrease the potential number of dwelling units will have no impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in a Residential Building Block and is in compliance with the Comprehensive Plan.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – Even though the applicant is combining two lots, the combined lots will continue to create a nonconformity of the lot size in the R-1ac(A) Single Family District. Staff has reviewed various options to resolve the applicant's request; but, the only viable option is to create a Planned Development District.

## **BACKGROUND INFORMATION:**

- In 1989, prior to the Chapter 51A Development Code transitions, the single family development was zoned for an R-1ac Single Family District. However, the plat maps reveal that the average lot sizes within the block are between 15,438 and 42,828 square feet; thus making the single family dwellings nonconforming.

**Zoning History:** There has not been any recent zoning changes requested in the area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Park Lane	Local	50 ft.	50 ft.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed decrease will have no impact on the surrounding street system.

**Surrounding Land Uses:**

	Zoning	Land Use
<b>Site</b>	R-1ac(A)	Undeveloped, Single Family
<b>North</b>	R-1ac(A)	Single Family
<b>South</b>	R-1ac(A)	Single Family
<b>East</b>	R-1ac(A)	Single Family
<b>West</b>	R-1ac(A)	Single Family

**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 a Residential Building Block.

Combining the two lots into one to allow for the construction of an attached garage on the existing single family home will create a lot size below the required 1 acre size. However, the lot sizes are consistent with the adjacent properties.

The Residential 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.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 32,438.16-square-foot site is developed with a single family dwelling on a portion of the site and the remaining site is undeveloped. The request site is located within a single family development. The single family uses that are on the same block as the request site do not meeting the minimum lot size of an R-1ac(A) Single Family District and are therefore a nonconforming use.



Staff has discussed various options with the representative and the only viable solution was to create a Planned Development District. Combining the two lots would decrease the level of nonconformity; however, the plat regulations require conformity with the zoning regulations. The Board of Adjustment cannot vary the lot size requirement and the Building Official has determined that the property is not a building site.

### **Development Standards:**

<b>DISTRICT</b>	<b>SETBACKS</b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
R-1ac(A) - Existing Single Family	40'	10'	1 Dwelling Unit/ 1 Acre	36'	40%		Single family
PDD - Proposed Single Family	40'	10'	1 Dwelling Unit/ 1 Acre	36'	40%		Single family

### **CPC Action** (March 20, 2014)

**Motion:** It was moved to recommend **approval** of a Planned Development District for R-1ac(A) Single Family District uses, subject to conditions on property zoned an R-1ac(A) Single Family District on the north side of Park Lane, west of Preston Road.

Maker: Bagley  
 Second: Shellene  
 Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0  
 Absent: 0  
 Vacancy: 0

**Notices:** Area: 500 Mailed: 45  
**Replies:** For: 4 Against: 8

**Speakers:** None

**CPC PROPOSED PDD  
CONDITIONS**

**ARTICLE**

**PD**

**SEC. 51P- \_\_\_\_\_.101.                      LEGISLATIVE HISTORY.**

PD \_\_\_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P- \_\_\_\_\_.102.                      PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_\_ is established on property on the north side of Park Lane, west of Preston Road. The size of PD \_\_\_\_\_ is approximately 32,438.16 square feet of land.

**SEC. 51P- \_\_\_\_\_.103.                      DEFINITIONS AND INTERPRETATIONS.**

- (a) Unless otherwise stated, the definitions in Chapter 51A apply to this article.
- (b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.
- (c) This district is considered to be a residential zoning district.

**SEC. 51P- \_\_\_\_\_.104.                      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.

**SEC. 51P- \_\_\_\_\_.105.                      MAIN USES PERMITTED.**

The uses permitted in this district are the same as those uses permitted in the R-1ac(A) Single Family District, subject to the same conditions applicable in the R-1ac(A) Single Family District, as set out in the Dallas Development Code, as amended. For example, a use permitted in the R-1ac(A) Single Family 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 R-1ac(A) Single Family District is subject to DIR in this planned development district; etc.

**SEC. 51P-\_\_\_\_.106.                      ACCESSORY USES.**

(a) 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.

(b) The following accessory uses are not permitted in this district:

- Accessory helistop
- Accessory medical/infectious waste incinerator
- Accessory outside display of merchandise
- Accessory outside sales
- Accessory pathological waste incinerator

(c) In this district, the following accessory use is permitted by SUP only:

- Accessory community center (private)

**SEC. 51P-\_\_\_\_.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. In the event of a conflict, between this section and Division 51A-4.400, this section controls.)

(a) In general. Except as provided below, the yard, lot, and space regulations contained in Section 51A-4.112(4), "R-1ac(A) Single Family District," apply to this planned development district.

(b) Lot size. The minimum lot size is 30,000 square feet.

**SEC. 51P-\_\_\_\_.109.                      OFF-STREET PARKING AND LOADING.**

Consult the use regulations contained in Division 51A-4.200 for the specific off-street parking/loading requirements for each use.

**SEC. 51P-\_\_\_\_.110.                      ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_\_.111.**

**ADDITIONAL PROVISIONS.**

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**SEC. 51P- \_\_\_\_\_.112.**

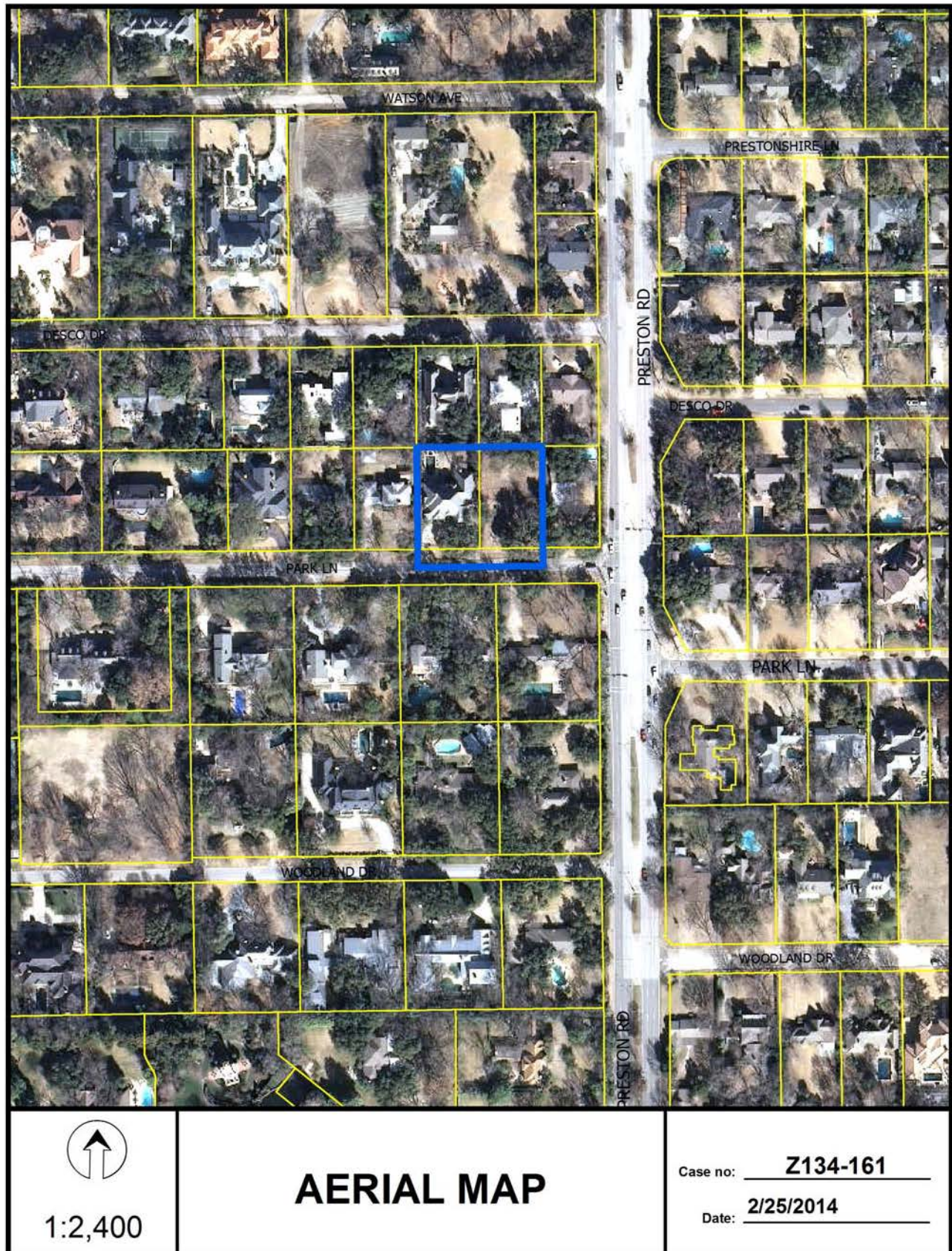
**COMPLIANCE WITH CONDITIONS.**

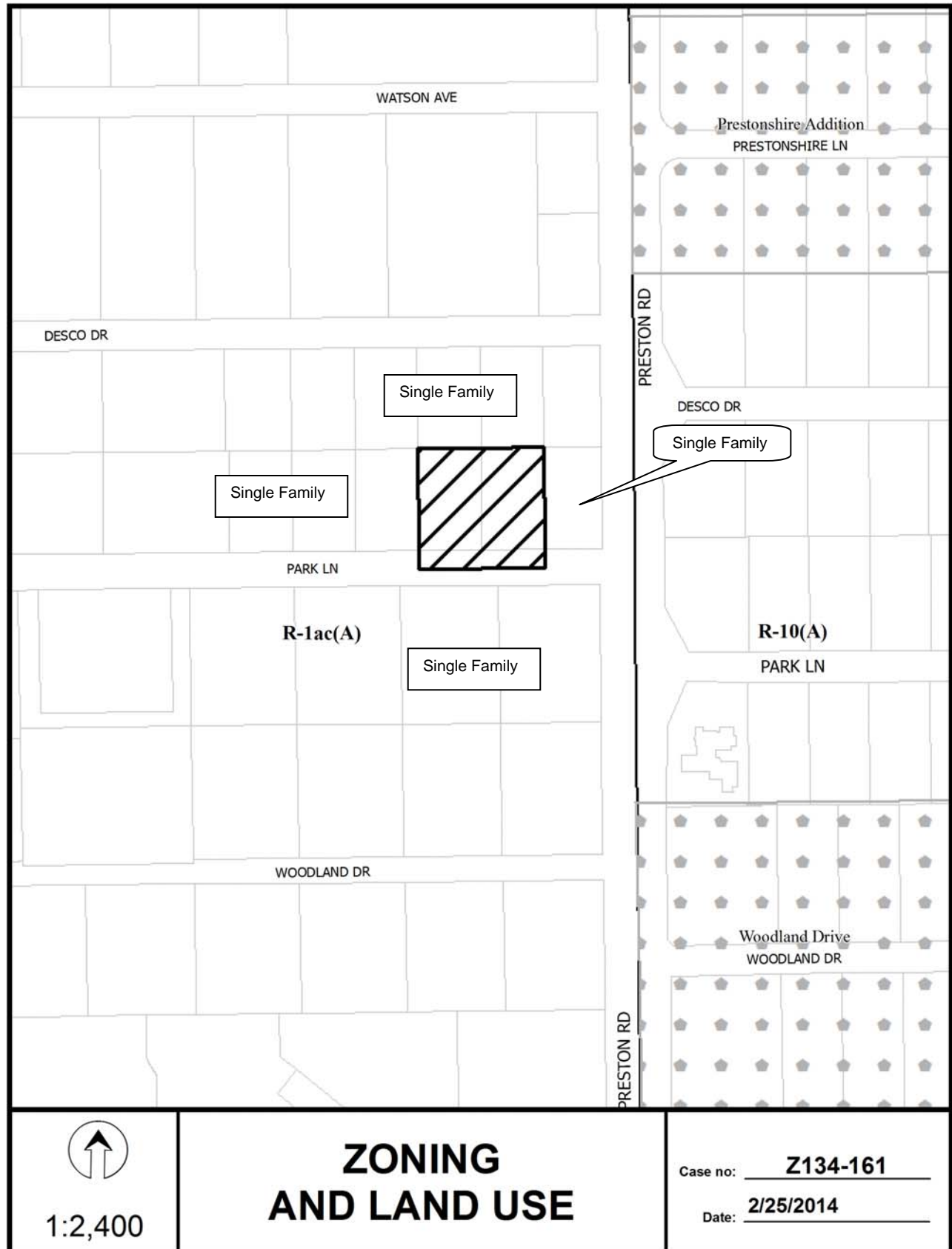
(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit or certificate of occupancy for a use in this planned development district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.



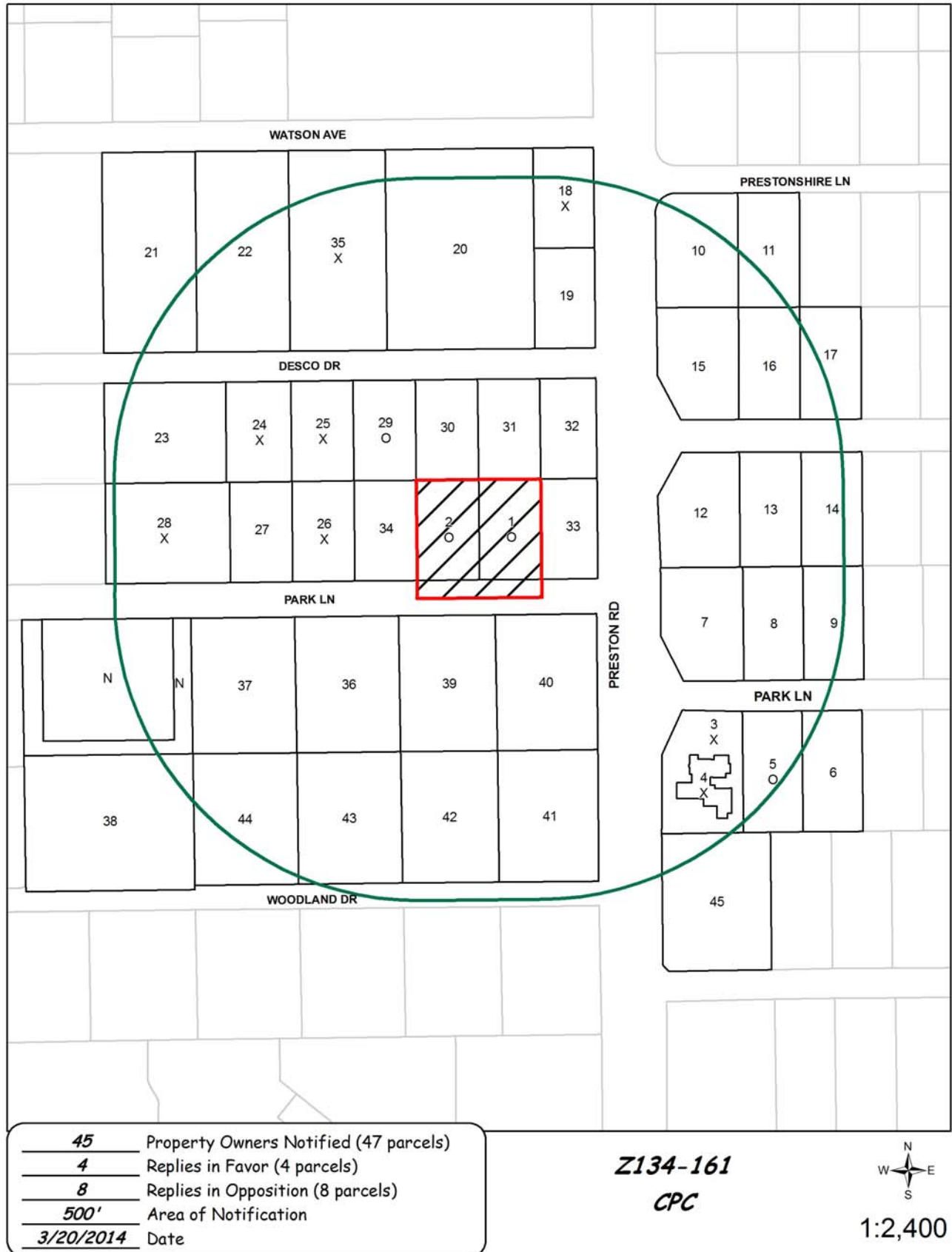








# CPC RESPONSES





## ***Notification List of Property Owners***

### ***Z134-161***

<b><i>45 Property Owners Notified</i></b>				<b><i>4 Property Owners in Favor</i></b>	<b><i>8 Property Owners Opposed</i></b>
<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>		<b><i>Owner</i></b>	
O	1	5939	PARK LN	WHITE ALAN B &	
O	2	5931	PARK LN	WHITE ALAN B	
X	3	6010	PARK LN	STONECOURT FAMILY LTD PS	
X	4	6010	PARK LN	JONES RALPH H & MARY JANE	
O	5	6016	PARK LN	SAWERS J KEMP &	
	6	6026	PARK LN	DONNELL JOSEPH BRADFORD	
	7	6011	PARK LN	MALONEY MICHAEL THOMAS &	
	8	6019	PARK LN	SANCHEZ JOSE A	
	9	6027	PARK LN	FENYVES STEVEN & SHEILA	
	10	6010	PRESTONSHIRE LN	HOSSEINY DAVID & SHAHNAZ	
	11	6018	PRESTONSHIRE LN	VANPELT PAULINA	
	12	6010	DESCO DR	DOWELL JAMES THOMAS	
	13	6018	DESCO DR	DUTTER GEORGE S &	
	14	6026	DESCO DR	COHAN ROBERT M	
	15	6011	DESCO DR	JACKSON LEE F &	
	16	6019	DESCO DR	ANDERSON ROBERT & AMY	
	17	6027	DESCO DR	GUNNIN MARK C & JENNIFER	
X	18	5946	WATSON AVE	ATILAS MICHELLE A MENDEZ	
	19	5947	DESCO DR	ANDERSON DAVID	
	20	5931	DESCO DR	ZIEGLER JENNIFER	
	21	5839	DESCO DR	LEVY JOHN I & CAROL R	
	22	5909	DESCO DR	BRIGGS FAMILY TRUST	
	23	5846	DESCO DR	HALL SYDNEY	
X	24	5908	DESCO DR	NEWMAN GORDON H &	
X	25	5914	DESCO DR	STRAUSS THEODORE	
X	26	5915	PARK LN	YATER MARK A & LINDA P	

3/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	5907 PARK LN	NAMDAR MARJANEH &
X	28	5841 PARK LN	SKIBELL ANDREA & RICHARD
O	29	5922 DESCO DR	GLASS JEFFREY & NORMA M
	30	5930 DESCO DR	CARREKER JAMES D TR
	31	5938 DESCO DR	SUSS RICHARD A & ETAL
	32	5946 DESCO DR	LEWIS JAMES L &
	33	5947 PARK LN	BECKMAN ANDREW R
	34	5923 PARK LN	YANIGAN JEANNE L
X	35	5915 DESCO DR	AYVAZIAN VAHAN & JENNIFER
	36	5920 PARK LN	SAUSTAD NANCY W & DAVID C
	37	5910 PARK LN	MCGOLDRICK JAMES
	38	5833 WOODLAND DR	5833 WOODLAND LONESTAR TRUST
	39	5934 PARK LN	BABILLA TERRENCE M & MOLLY E
	40	5946 PARK LN	PATHOS PETER M
	41	5951 WOODLAND DR	HARRISON FRANK W III
	42	5941 WOODLAND DR	MCREYNOLDS JOHN W & ANN
	43	5929 WOODLAND DR	HORTON THOMAS W & JANET P
	44	5909 WOODLAND DR	WEISBROD CARL & JAMIE
	45	6015 WOODLAND DR	SUDBURY DAVID M & HOLLY

**AGENDA ITEM # 45**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 48 L

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southeast corner of Moberly Lane and South Buckner Boulevard

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

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

Z123-269(MW)



**FILE NUMBER:** Z123-269(MW)

**DATE FILED:** May 7, 2013

**LOCATION:** Southeast corner of Moberly Lane and South Buckner Boulevard

**COUNCIL DISTRICT:** 7

**MAPSCO:** 48-L

**SIZE OF REQUEST:** ±0.917 acre

**CENSUS TRACT:** 122.07

---

**REPRESENTATIVE:** Pamela Craig

**APPLICANT:** Amirali Q. Vidhani, Sole Business Owner

**OWNER:** Davis Issa

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store greater than 3,500 square feet on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes the sale of alcoholic beverages for off-premise consumption in conjunction with the existing convenience store [Buckner Quick Stop].

**CPC RECOMMENDATION:** **Approval** for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a two-year period with eligibility for automatic 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 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 greater than 3,500 square feet 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 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, the request complies all applicable zoning regulations and standards.

## **BACKGROUND INFORMATION:**

- The ±0.917-acre request site is developed with a ±9,667-square-foot multi-tenant shopping center. The area of the Specific Use Permit is limited to the ±3,768-square-foot convenience store, which adjoins an ±854-square-foot taqueria (restaurant without drive-in or drive-through service).
- The applicant does not propose changes to the existing building.

### **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
South Buckner Boulevard	Principal Arterial	100 feet – 150 feet
Moberly Lane	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 Uses:**

	Zoning	Land Use
North	LI-D-1	Fraternal organization
East	LI-D-1	Warehouse
South	LI-D-1	Office/showroom
West	MF-2(A)	Multifamily

**STAFF ANALYSIS:****Comprehensive Plan:**

The comprehensive plan does not make a specific land use recommendation related to the request, however the *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depicts general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur.

The Vision Illustration depicts the request site as within a *Business Center or Corridor*. This Building Block represents major employment or shopping destinations outside of Downtown. Examples include the Galleria area, the NorthPark Center area, Southwest Center Mall area at I-20 and US Hwy 67 and the Stemmons Corridor. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. These areas typically include high-rise office towers and low- to mid-rise residential buildings for condos or apartments and may include multifamily housing. Land uses are typically separated from one another by parking lots, freeways or arterial roads. Streets in these areas emphasize efficient movement of vehicles. Bold lighting and linear landscaping features such as esplanades and tree-lined boulevards can all work to distinguish and identify these areas. Public spaces may be at key entry points

and central locations. Gateway landscaping, monuments and other devices will provide visibility from the freeway and guide visitors to destinations. Public transit may play a role in these areas and help create some pockets of transit oriented development. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas.

The general merchandise use provides a service to this area. Generally, the applicant's proposal is consistent with the following goals and policies of the Comprehensive Plan.

**Land Use Compatibility:**

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

A convenience store requires a certificate of registration to comply with Chapter 12B. 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. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually.

Based on information provided by the Dallas Police Department (DPD), Neighborhood Police Unit, Southeast Patrol Division, the convenience store located at 4864 South Buckner is in DPD's system and passed inspection. Therefore, the referenced convenience store complies with Chapter 12B (Convenience Store) requirements.

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 re-evaluation of the request to ensure ongoing compliance.



**Development Standards:**

While the applicant does not propose any new construction or changes to the site, the development standards for the LI Light Industrial District are provided below.

District	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
LI Light Industrial	15'	30' adjacent to residential Other: No Min.	1.0 FAR overall 0.75 office/ retail 0.5 retail	70' 5 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

**Parking:**

Pursuant to the Dallas Development Code, a general merchandise or food store requires one space per 200 square feet of floor area. Therefore, the ±3,768-square-foot convenience store requires 19 spaces. The applicant has provided a parking analysis which indicates that 53 spaces are required for all uses on the site; 53 spaces are provided, as depicted on the site plan.

**Landscaping:**

Any new construction will require landscaping per Article X of the Dallas Development Code. No new construction is proposed by this application; additional landscaping is not required at this time.

**CPC Action: March 20, 2014:**

**Motion:** It was moved to recommend **approval** of 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, subject to a site plan and conditions on property zoned an LI-D-1 Light Industrial District with a D-1 Liquor Control Overlay on the southeast corner of Moberly Lane and South Buckner Boulevard.

Maker: Bagley  
Second: Rodgers  
Result: Carried: 13 to 0

For: 13 - Anglin, Soto, Rodgers, Shidid, Anantasomboon,  
Bagley, Lavallaisaa, Tarpley, Schultz, Peadon, Murphy,  
Ridley, Alcantar

Against: 0  
Absent: 2 - Culbreath, Shellene  
Vacancy: 0

**Notices:** Area: 200 Mailed: 12  
**Replies:** For: 0 Against: 0

**Speakers:** For: Pamela Craig, 2410 Taylor St., Dallas, TX, 75201  
Against: None

**Police Report:**

An online search of the Dallas Police Department's offense incident reports for the period from March 25, 2012 to March 25, 2014 revealed the following results:




DALLAS POLICE  
DEPARTMENT

[UCR Codes](#) [Year Codes](#) [Property Class Codes](#)

Virtual Viewer - Public Access

Welcome



Search Records - Offense

Filter

Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
<a href="#">0030116-A</a>	02/06/2013	TAYLOR, EDWARD	ASSAULT	04864	S	BUCKNERB...	323	1218	08292	
<a href="#">0030972-B</a>	02/06/2014	*DISCOUNT TOBACCO	ROBBERY	04864	S	BUCKNERB...	323	1218	03411	03711
<a href="#">0034839-B</a>	02/11/2014	*STEAK HOUSE SUPPLY	AUTO THEFT-UUMV	04864	S	BUCKNERB...	323	1218	07221	
<a href="#">0044528-B</a>	02/23/2014	*DISCOUNT TOBACCO/GR...	BURGLARY	04864	S	BUCKNERB...	323	1218	05131	
<a href="#">0066603-A</a>	03/20/2013	*ADVENTURAS	BURGLARY	04864	S	BUCKNERB...	323	1218	05328	
<a href="#">0091147-A</a>	04/13/2013	*DEEZ CUTS AND STYLEZ	BURGLARY	04864	S	BUCKNERB...	323	1218	05331	
<a href="#">0092010-Z</a>	04/16/2012	*MR. FOOD MART #7	BURGLARY	04864	S	BUCKNERB...	323	1218	05128	
<a href="#">0104315-Z</a>	04/30/2012	*BEST DISCOUNT GROCERY	BURGLARY	04864	S	BUCKNERB...	323	1218	05327	
> <a href="#">0104352-Z</a>	04/30/2012	*METRO PCS	CRIMINAL MISCHIEF/VAN...	04864	S	BUCKNERB...	323	1218	14083	
<a href="#">0108833-A</a>	05/03/2013	TAYLOR,EDWARD	THEFT	04864	S	BUCKNERB...	323	1218	06122	
<a href="#">0163962-Z</a>	07/03/2012	@CITY OF DALLAS	FOUND PROPERTY	04864	S	BUCKNERB...	323	1218	43020	
<a href="#">0168998-A</a>	07/04/2013	*SELMON TELECOM	BURGLARY	04864	S	BUCKNERB...	323	1218	05333	
<a href="#">0173870-A</a>	07/08/2013	*BAJA AUTO INSURANCE	BURGLARY	04864	S	BUCKNERB...	323	1218	05331	
<a href="#">0182892-Z</a>	07/23/2012	*MR FOOD MART #7	BURGLARY	04864	S	BUCKNERB...	323	1218	05327	
<a href="#">0188845-Z</a>	07/30/2012	**DEEZ CUTZ AND STYLEZ	CRIMINAL MISCHIEF/VAN...	04864	S	BUCKNERB...	323	1218	14081	



Page 1 of 2 (24 items)

AgencyWeb® All rights reserved. ©2009 Orion Communications, Inc.





# DALLAS POLICE DEPARTMENT

[UCR Codes](#) [Year Codes](#) [Property Class Codes](#)

Virtual Viewer - Public Access



Welcome



Search Records - Offense

Filter

Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
<a href="#">0246119-A</a>	09/24/2013	*DISCOUNT TOBACCO AN...	ROBBERY	04864	S	BUCKNERB...	323	1218	03711	
<a href="#">0247867-Z</a>	10/04/2012	*GOLDEN CLIPPER BARBER&B	CRIMINAL MISCHIEF/VAN...	04864	S	BUCKNERB...	323	1218	14083	
<a href="#">0259354-A</a>	10/09/2013	*DISCOUNT TOBACO	FORGERY & COUNTERFEI...	04864	S	BUCKNERB...	323	1218	10021	
<a href="#">0299972-A</a>	11/24/2013	*METRO PCS	ROBBERY	04864	S	BUCKNERB...	323	1218	03411	
<a href="#">0317476-Z</a>	12/24/2012	*METRO PCS	THEFT	04864	S	BUCKNERB...	323	1218	06901	
<a href="#">0318151-Z</a>	12/24/2012	*METRO PCS	BURGLARY	04864	S	BUCKNERB...	323	1218	05398	
<a href="#">0319850-A</a>	12/19/2013	*DISCOUNT LIQUOR AND B...	ROBBERY	04864	S	BUCKNERB...	323	1218	03711	
<a href="#">0322083-A</a>	12/22/2013	WILLIS, RODNEY	ASSAULT	04864	S	BUCKNERB...	323	1218	08212	
<a href="#">0324163-A</a>	12/25/2013	*CONVENIENCE MART	ROBBERY	04864	S	BUCKNERB...	323	1218	03242	03742





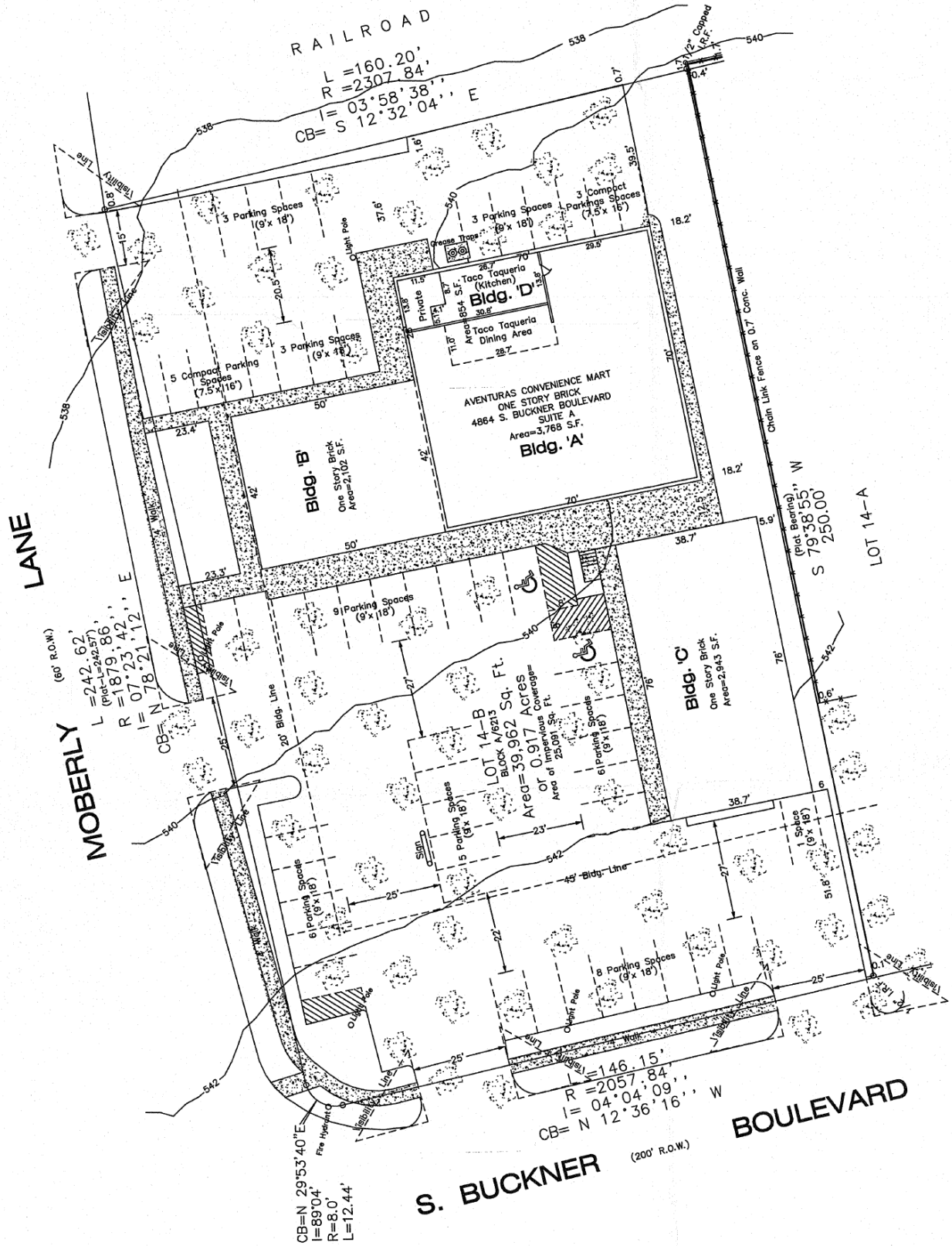
Page 2 of 2 (24 items)

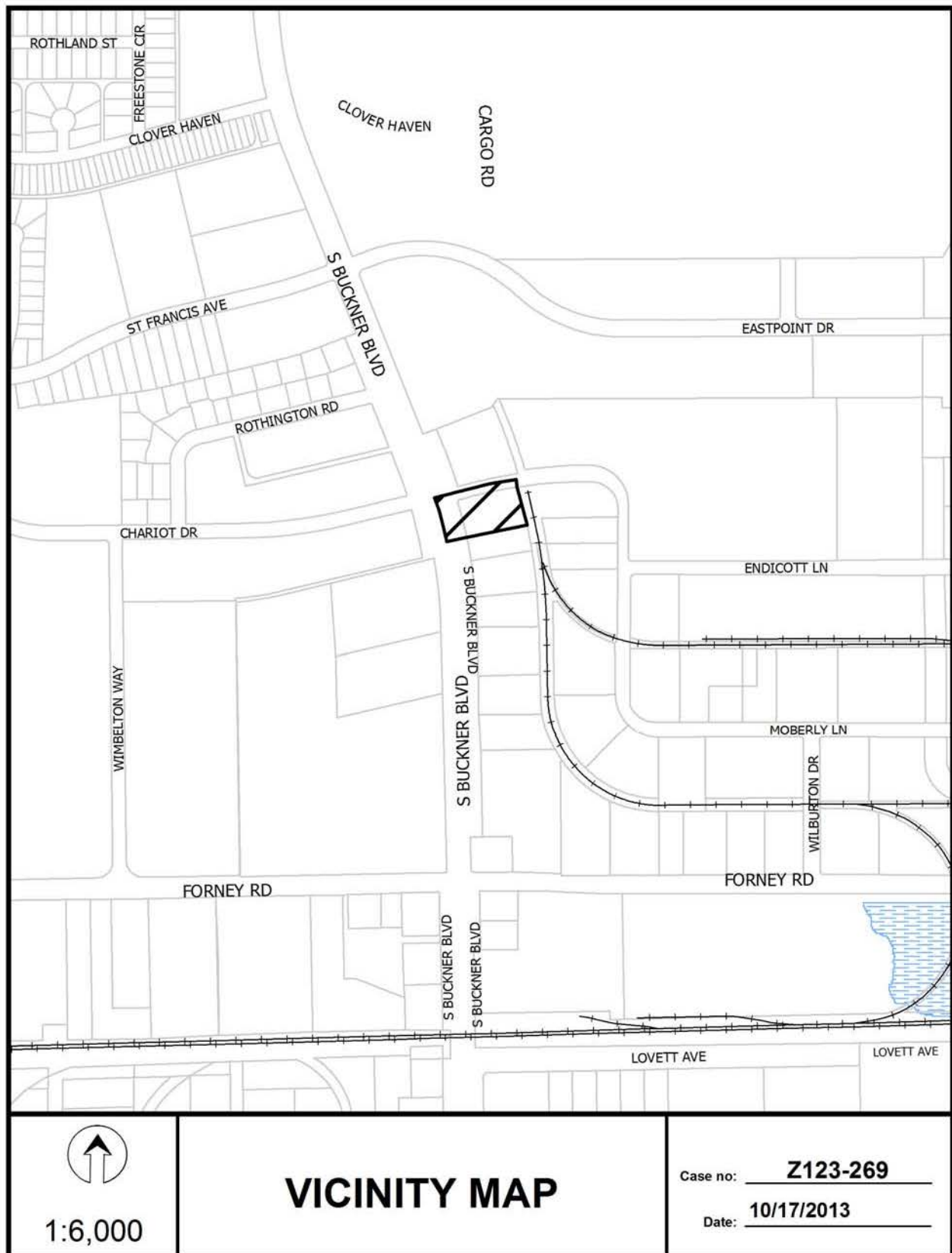
AgencyWeb® All rights reserved. ©2009 Orion Communications, Inc.

**Z123-269**  
**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 greater than 3,500 square feet or less.
2. SITE PLAN. Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on (two years).
4. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
5. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

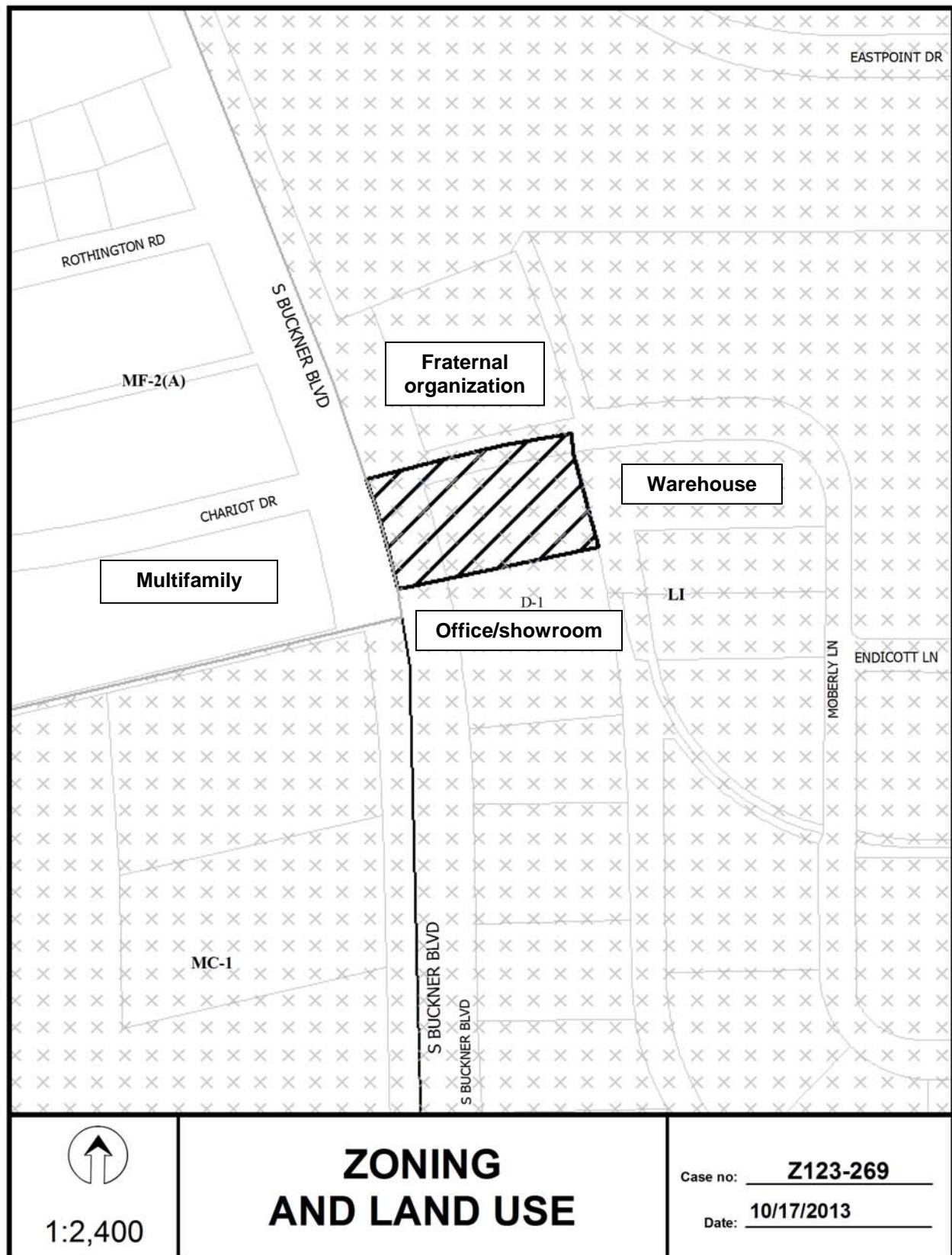
# Site Plan



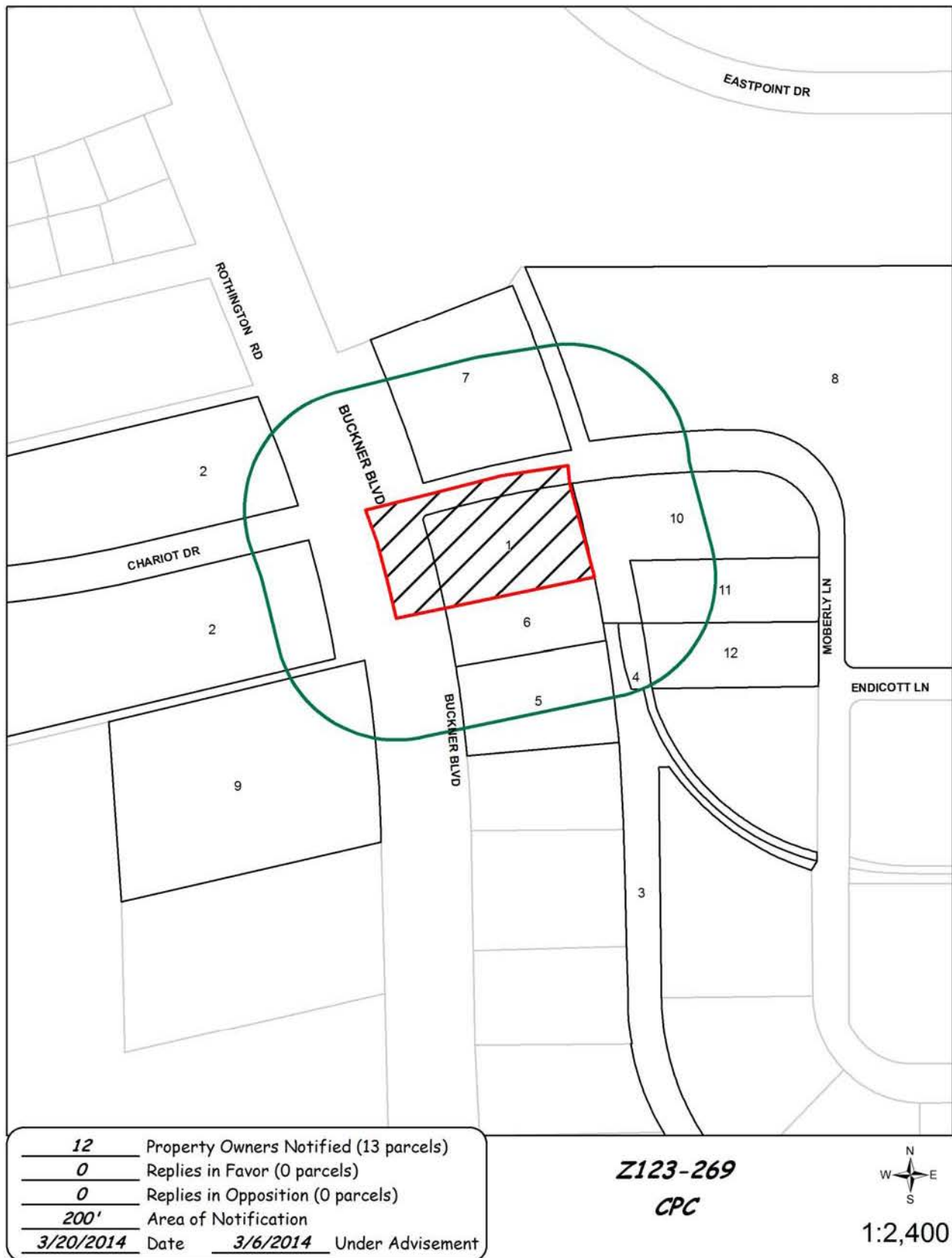












3/20/2014

## ***Reply List of Property Owners***

### ***Z123-269***

***12 Property Owners Notified   0 Property Owners in Favor   0Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	4864	BUCKNER BLVD	ISSA DAVID O
2	8039	CHARIOT DR	SOLANA LLC
3	8100	MOBERLY LN	BUCKNER PARK INC
4	8100	MOBERLY LN	BUCKNER PARK IND INC
5	4844	BUCKNER BLVD	MIDWEST DRYWALL CO INC
6	4858	BUCKNER BLVD	NIRMEEN ENTERPRISES LLC
7	4912	BUCKNER BLVD	BUCKNER R C
8	8161	MOBERLY LN	AUSTIN COCA COLA BOTTLING
9	4801	BUCKNER BLVD	MEDICAL BROTHERS LP
10	8132	MOBERLY LN	DYKES WATLER C
11	8148	MOBERLY LN	HAFERTEPE SAMUEL G &
12	8156	MOBERLY LN	M A C BUILDING INC

**AGENDA ITEM # 46**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 34 P; T

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MU-2 Mixed Use District uses on property zoned an IM Industrial Manufacturing District on the east corner of Forest Park Road and Bomar Avenue

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

Z123-330(LHS)



**FILE NUMBER:** Z123-330(LHS)

**DATE FILED:** July 5, 2013

**LOCATION:** East corner of Forest Park Road and Bomar Avenue

**COUNCIL DISTRICT:** 2

**MAPSCO:** 34-P, T

**SIZE OF REQUEST:** Approx. 14.09 acres

**CENSUS TRACT:** 4.06

---

**REPRESENTATIVE:** Rob Baldwin

**APPLICANT/OWNER:** Dallas Airmotive

**REQUEST:** An application for a Planned Development District for MU-2 Mixed Use District uses on property zoned an IM Industrial Manufacturing District.

**SUMMARY:** The purpose of the request is to allow for redevelopment of the property with retail and office uses up to a maximum of 195,500 square feet and multifamily uses with a maximum density of 724 dwelling units. Buildings will have a maximum height of 115 feet and eight stories.

**CPC RECOMMENDATION:** Approval, subject to a conceptual plan and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a conceptual plan and conditions.

**DESIGNATED ZONING CASE**

## **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* – The additional traffic will cause the necessity for restriping on Bomar and Forest Park. These improvements will mitigate the impact of the additional trips on the 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*.

## **BACKGROUND INFORMATION:**

- The request site is currently developed with an industrial use, specifically repairing and servicing of airplane turbine engines.
- The proposed use is a mixed use development containing multifamily, retail, hotel, and office/medical office.
- The proposed development will provide public pedestrian connectivity through the site and enhanced urban design elements.

### **Zoning History:**

1. Z112-228            On August 22, 2012, the City Council approved a WR-5 Walkable Residential District on property zoned an MU-2 Mixed Use District.
2. Z101-328            On December 14, 2011, the City Council approved a CS Commercial Service District on property zoned an MU-2 Mixed Use District.
3. 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.
4. Z078-182            On May 14, 2008, the City Council approved a MU-2 Mixed Use District on property zoned an IM Industrial Manufacturing District.
5. Z078-288            On November 10, 2008, the City Council approved a MU-2 Mixed Use District on property zoned an IR Industrial Research District.

6. Z112-232                      On August 8, 2012, the City Council approved an amendment to Planned Development District No. 865.
7. 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.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Maple Avenue	Collector	60 ft.
Bomar Avenue	Local	56 ft.
Forest Park Road	Local	70 feet

**Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and supports the request subject to the infrastructure improvements identified.

**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.

## **ECONOMIC ELEMENT**

### **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 2.2.2 Maximize development opportunities around DART stations

## **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. In June 2010, the City Council adopted the Stemmons Corridor - Southwestern Medical District Area Plan which identifies the request site as being in the Medical Campus Development Block. The Plan recommends this development block be as predominately 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:**



The surrounding land uses are residential to the east and south, undeveloped floodway to the north, medical office to the southwest, and office, college, and medical office uses related to UT Southwestern. To the east, some light industrial and office uses are scattered along Maple Avenue as the area has transitioned in the past from industrial and related uses to more multifamily uses.

The site is in close proximity to the Inwood DART rail station, though just outside of a half-mile walking distance. The site and surrounding area has been transitioning since 2008 with multifamily developments in an area that was previously a mix of light and heavy industrial (inside) uses with scattered single family uses on the east side of Maple Avenue. The proximity of the DART rail station and the UT Southwestern campus are creating the need for additional housing options.

### **Development Standards:**

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Proposed							
PD Mixed Use	10' – 20'	0"	Specific density and floor area listed (no FAR listed)	115'	80%	Design, landscaping, sidewalks	Multi-family, office, retail
Existing							
IM Industrial Manufacturing	0'	0'	0.75 for retail/office combined	110'	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail

### **Parking:**

Parking will be in accordance with Article IV of the Dallas Development Code except that on-street parking along Bomar Avenue may count as required parking.

### **Landscaping:**

Landscaping is required in accordance with Article X of the Dallas Development Code, with an exception in the PD conditions for spacing of street trees at 1 tree per 50 feet in the retail parking area rather than 1 per 35 feet of street frontage.

**List of Partners/Principals/Officers**

Dallas Airmotive

Hugh E. McElroy, Jr.	President
Allan Douglas Meador	Treasurer, Vice President
Joseph P Kulik	Secretary
Nandakumar Madireddi	Senior Vice President
Doris Hastings	Vice President
Dennis DiMarco	Vice President
Michael T. Cumnock	Vice President
Roger B. Harmon	Vice President
Richard D. Rector	Assistant Treasurer
Joseph I. Goldstein	Assistant Secretary
Paul A. Hechenberger	Assistant Secretary
Nandakumar Madireddi	Director
Hugh E. McElroy, Jr.	Director
Allan Douglas Meador	Director

Z123-330(LHS)

**CPC Minutes – March 20, 2014**

**Z123-330(LHS)**

**Planner: LaShondra Holmes Stringfellow**

Motion: It was moved to recommend approval of a Planned Development District for MU-2 Mixed Use District uses, subject to a conceptual plan and conditions on property zoned an IM Industrial Manufacturing District on the east corner of Forest Park Road and Bomar Avenue.

Maker: Bagley  
Second: Shellene  
Result: Carried: 15 to 0

For: 15 - Anglin, Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0  
Absent: 0  
Vacancy: 0

Notices: Area: 500 Mailed: 38  
Replies: For: 0 Against: 0

Speakers: None

**DRAFT PD CONDITIONS**

**Z123-330**

**ARTICLE \_\_\_\_.**

**PD \_\_\_\_.**

**SEC. 51P-\_\_\_\_.101. LEGISLATIVE HISTORY.**

PD \_\_\_\_ was established by Ordinance No.\_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_.

**SEC. 51P-\_\_\_\_.102. PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_ is established on property located along Maple Avenue and Bomar Avenue. The size of PD \_\_\_\_ is approximately 14.08 acres.

**SEC. 51P-\_\_\_\_.103. DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51A apply to this article.

(b) Unless otherwise stated, all references to articles, divisions, or sections in this article are to articles, divisions, or sections in Chapter 51A.

(c) This district is considered to be a nonresidential zoning district.

**SEC. 51P-\_\_\_\_.104. EXHIBIT.**

The following exhibit is incorporated into this article:

(a) Exhibit \_\_\_\_A: conceptual plan.

**SEC. 51P-\_\_\_\_.105. CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit \_\_\_\_A). If there is a conflict between the text of this article and the conceptual plan, the text of this article controls.

**SEC. 51P-\_\_\_\_.106. DEVELOPMENT PLAN.**

A development plan must be approved by the city plan commission before the issuance of any building permit to authorize work in this district. Development plans may be submitted in phases or for any portion of the Property. If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P-\_\_\_\_.107.            MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted in this district are those main uses permitted in the MU-2 Mixed Use District, subject to the same conditions applicable in the MU-2 Mixed Use District. For example, a use permitted in the MU-2 Mixed Use District only by specific use permit (SUP) is permitted in this district only by SUP; a use subject to development impact review (DIR) in the MU-2 Mixed Use District is subject to DIR in this district; etc.

(b) The following main uses are prohibited:

- Alternative financial establishment.
- Attached non-premise sign.
- Auto service center.
- Car wash.
- Carnival or circus (temporary).
- Cemetery or mausoleum
- College dormitory, fraternity, or sorority house.
- Commercial amusement (outside).
- Country club with private membership.
- Duplex.
- Financial institution with drive-in window.
- Gas drilling and production
- Group residential facility.
- Labor hall.
- Mini-warehouse.
- Overnight general purpose shelter.
- Private recreation center, club, or area.
- Public park, playground, or golf course.
- Recycling buy-back center
- Residential hotel.
- Restaurant with drive-in or drive-through service.
- Temporary concrete or asphalt batching plant.
- Tool or equipment rental.

**SEC. 51P-\_\_\_\_.108.            ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific 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-\_\_\_\_.109. 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) Setbacks.

(1) Front yard.

(A) Minimum front yard is 10 feet.

(B) Maximum front yard – Bomar Avenue. The maximum front yard is 20 feet along at least 70 percent of the frontage.

(C) Maximum front yard – Forest Park Road. The maximum front yard is 20 feet along at least 70 percent of the frontage.

(D) Maximum front yard – Maple Avenue. The maximum front yard is 20 feet along at least 30 percent of the frontage.

(2) Side and rear yard. No minimum side or rear yard is required.

(3) Urban form and tower spacing setback. No urban form or tower spacing setback is required.

(4) Projections. Ordinary projections of canopies, balconies, stoops, bay windows, awnings, and other architectural features may project five feet into the required setback.

(b) Density. Maximum density is 724 dwelling units.

(c) Floor area. Maximum floor area for non-residential uses is 195,500 square feet.

(d) Height and stories. Maximum height is 115 feet and maximum eight stories.

(e) Lot coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(f) Lot size. No minimum lot size.

**SEC. 51P-\_\_\_\_.110. URBAN DESIGN ELEMENTS**

(a) Architectural elements.

(1) Residential building transparency. The following transparency requirements apply to a building containing only residential uses.

(A) Ground-story transparency. A minimum of 30 percent of a street facing facade along Maple Avenue and 25 percent along Bomar Avenue is required.

(B) Upper-story transparency. A minimum of 20 percent of a street-facing facade is required.

(2) Commercial and mixed use building transparency.

(A) Ground-story transparency. A minimum of 50 percent of a street facing facade is required.

(B) Upper-story transparency. A minimum of 20 percent of a street-facing facade is required.

(3) Blank wall area. The maximum length for a blank wall is 30 feet.

(4) Building articulation. To break up long walls, building articulation of a minimum depth of one foot is required for every 50 feet of length of a street facing facade.

(5) Special architectural elements, such as architecturally prominent public entrances, a canopy or awning, attached tower or turret, are required at the building public entry points.

(6) Parking structure facades must be concealed with a facade that is similar in materials, architecture, and appearance to the facade of the main structure or the adjacent structure, except that breaks in the exterior parking structure facade not exceeding 40 feet in width are permitted at driveway and entryway locations. Openings in the exterior parking structure facade may not exceed 60 percent of the total parking structure facade area. Solid screening of a minimum 42 inches from the floor level within the parking structure is required to screen vehicles and vehicle headlights. Other openings must be screened with decorative or architectural grill work or other visual screening materials that provide ventilation. Cable guard strands must not be visible from the exterior of the parking structure.

(b) Pedestrian amenities.

(1) A pedestrian connection through the property must be provided in the general location shown on the conceptual plan. The pedestrian connection must be a minimum eight foot wide sidewalk with a minimum five foot wide planting area. A public access easement is required for the pedestrian connection to ensure the

connection is permanently available to the public. The pedestrian connection may not be gated or obstructed.

(2) A minimum of two benches and two trash receptacles are required along each street frontage.

(3) Pedestrian scale lighting must be provided at an average of one lighting fixture per 75 feet of street frontage. Lighting fixtures may be attached or detached.

(4) A minimum sidewalk width of eight feet must be provided with a minimum unobstructed width of five feet. Trees and tree grates are sidewalk obstructions.

(5) Pedestrian crossings at driveways must be distinguished by a change in surface materials such as pavers or patterned concrete. Pedestrian crossings may not be distinguished by paint alone.

(c) Open space. Open space must be provided in the minimum area shown on the conceptual plan. Open space cannot be parked or driven upon.

#### **SEC. 51P-\_\_\_\_.111. 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) On-street parking located on Bomar Avenue immediately adjacent to the property may count towards the off-parking requirement.

(c) The single bay of parking area shown on the conceptual plan must be setback from Maple Avenue as shown in the typical section on the conceptual plan.

#### **SEC. 51P-\_\_\_\_.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

#### **SEC. 51P-\_\_\_\_.113. LANDSCAPING.**

(a) Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Street trees.

(1) One street tree for every 50 feet of street frontage is required along Forest Park Road.



- (2) One street tree for every 35 feet of street frontage is required along Bomar Avenue and Maple Avenue.
- (c) Plant materials 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.            TRAFFIC IMPROVEMENTS.**

(a) Before issuance of a certificate of occupancy for a multifamily use, the Bomar approach at the intersection with Forest Park Road must be restriped to provide one lane for shared left-through-maneuvers and an exclusive lane for right-turn maneuvers, subject to the Director of Street Services approval.

**SEC. 51P-\_\_\_\_.116.            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-\_\_\_\_.117.            COMPLIANCE WITH CONDITIONS.**

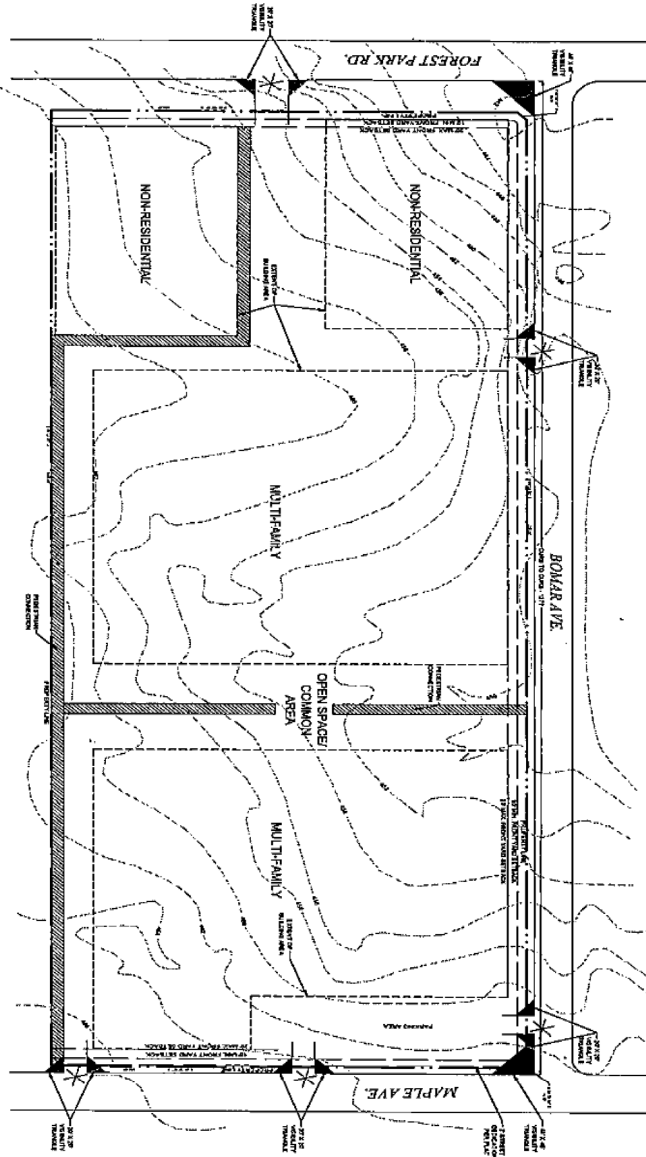
- (a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.
- (b) The building official shall not issue a building permit to 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 CONCEPTUAL PLAN

**CONCEPTUAL PLAN**  
SCALE: 1" = 80'-0"

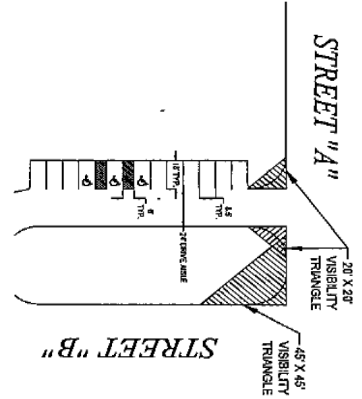


CONCEPTUAL PLAN  
CASE NUMBER: Z123 - 330

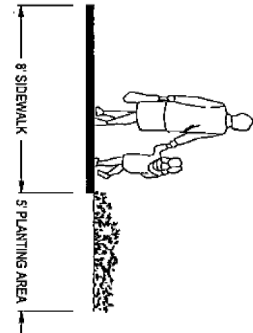


**SITE INFORMATION**  
LAND USE: MIXED-USE  
ZONING: PD  
LOT SIZE: 14.093 AC (613,891.08 SQ. FT.)  
SETBACKS:  
FRONT YARD: 10' MIN./20' MAX.  
SIDE YARD: 0'  
REAR YARD: 0'  
BLDG. HEIGHT: 2 STORY MIN.  
GROUND STORY: 15' MIN./30' MAX.  
LOT COVERAGE: 80%

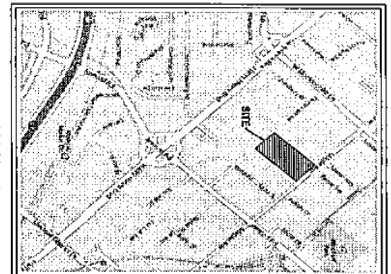
**A**  
TYP. SINGLE BAY PARKING  
SCALE: 1" = 30'-0"



**A**  
TYP. SECTION  
PEDESTRIAN CONNECTION  
SCALE: 1" = 2'-0"



VICINITY MAP  
NTS

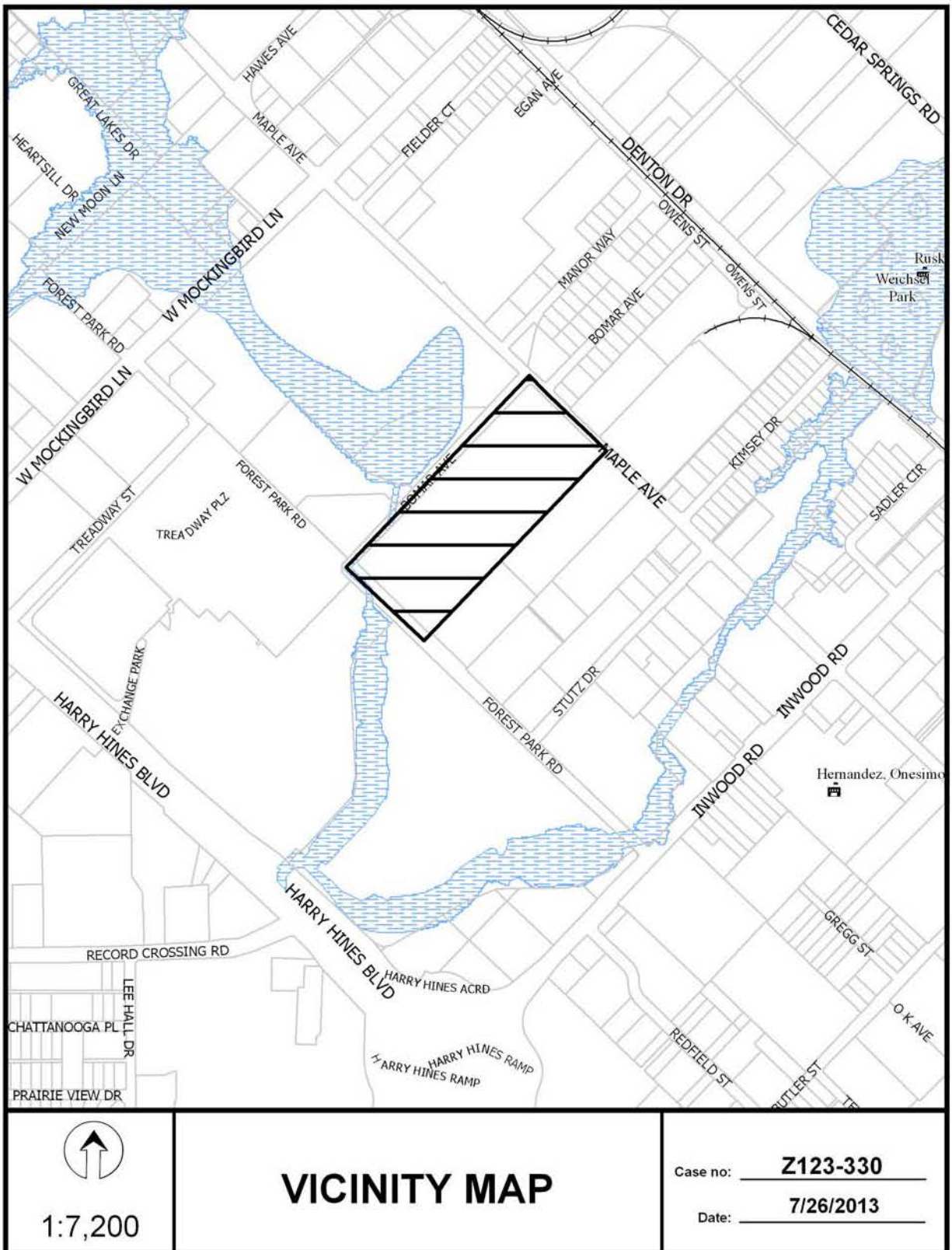


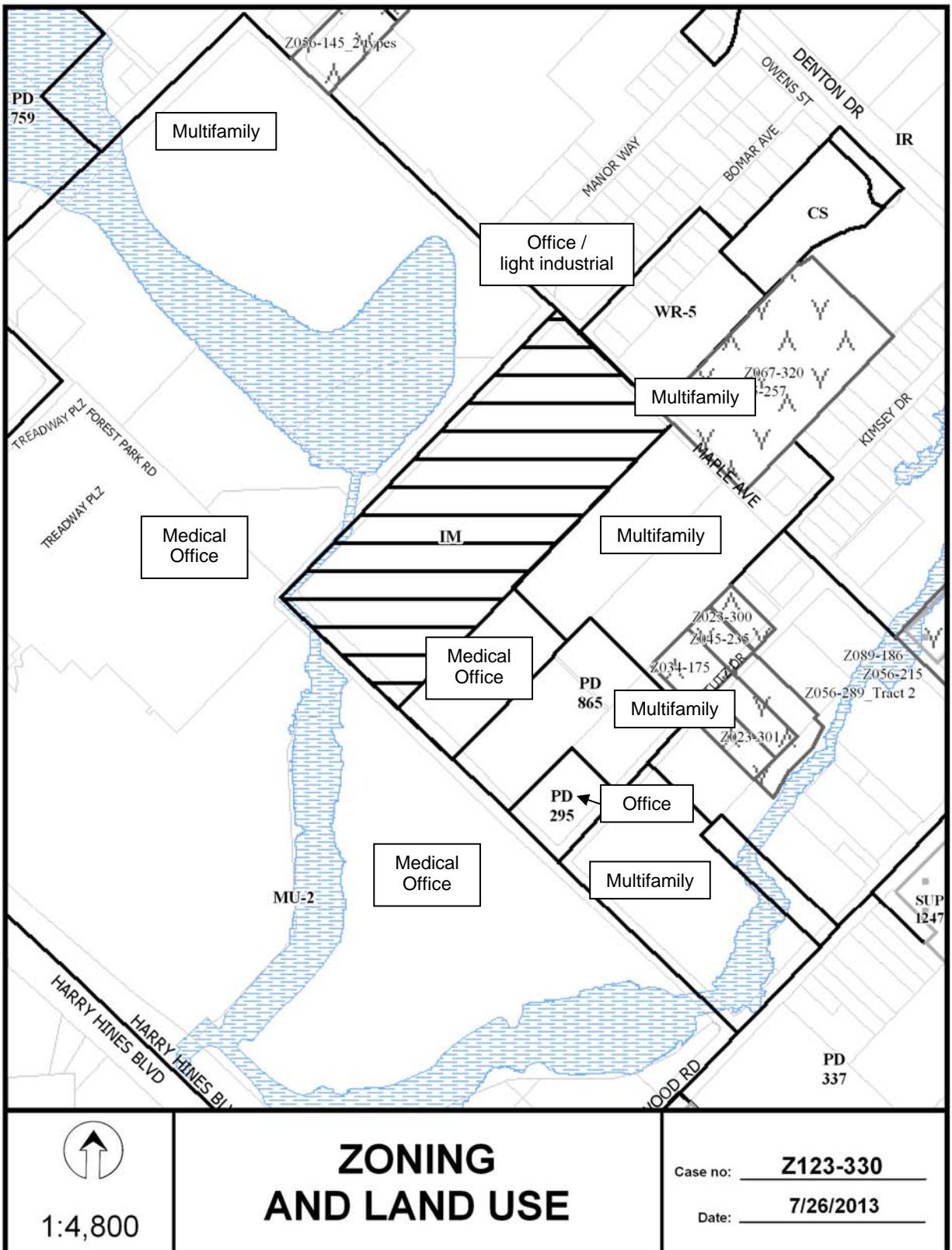
DALLAS AIRMOTIVE SITE  
CITY OF DALLAS, TEXAS

**Baldwin**  
Associates

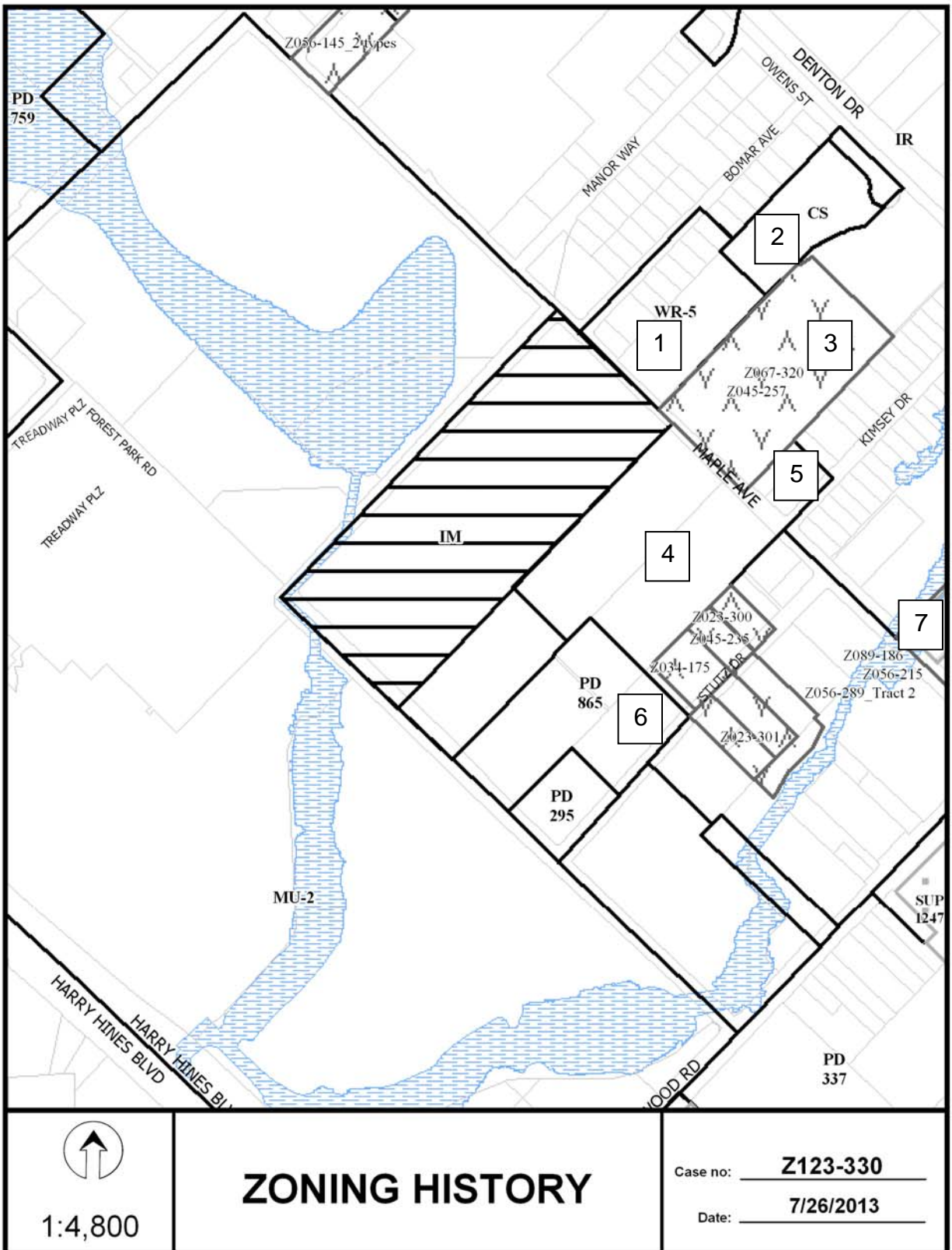
**BALDWIN ASSOCIATES**  
3904 Elm Street, Suite B  
Dallas, Texas 75226  
MOBILE: 214.726.7940  
OFFICE: 214.624.7848  
rob@baldwinplanning.com

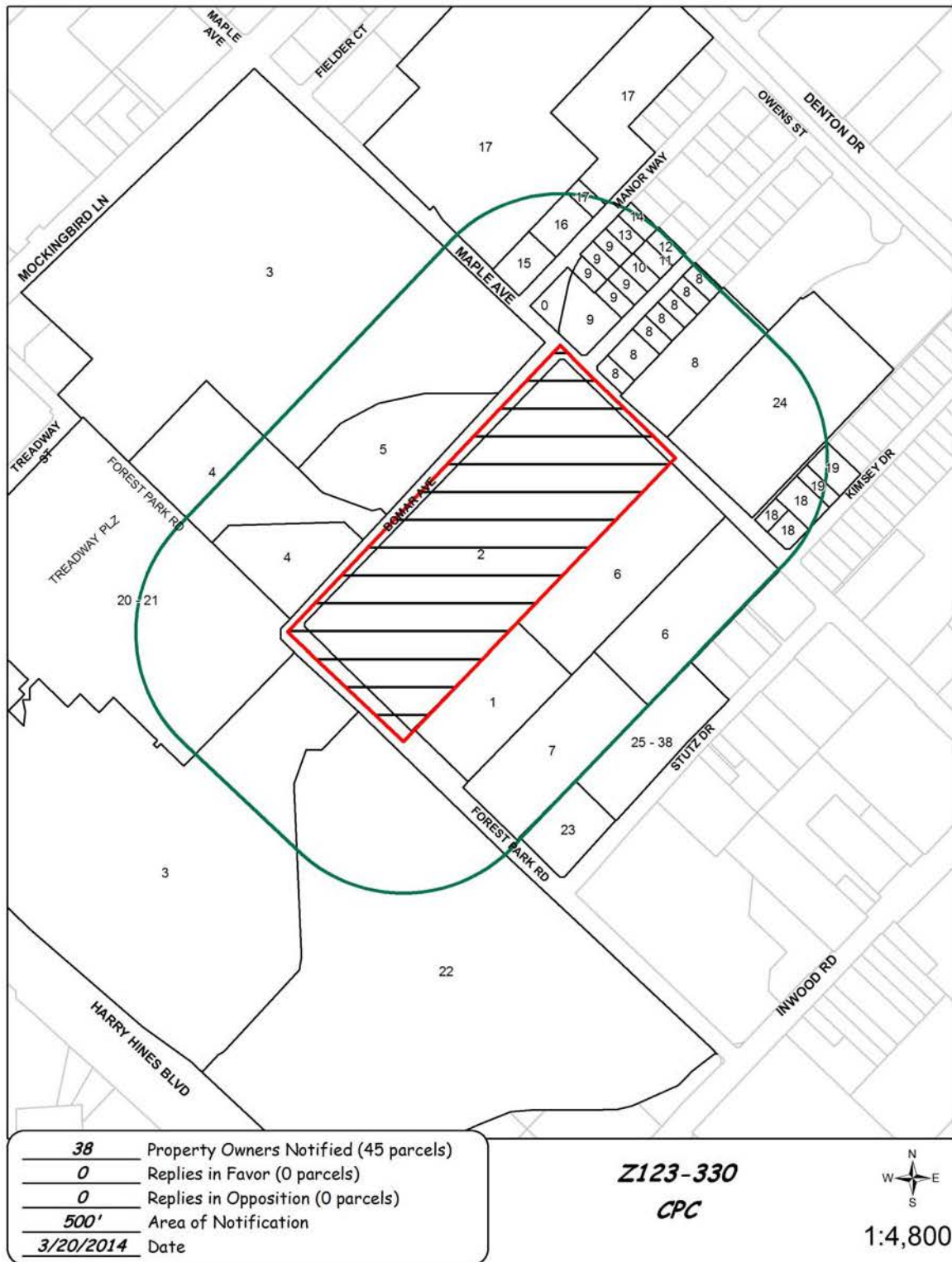
03/05/14  
PROJECT NUMBER  
CASE NUMBER











***Reply List of Property Owners******Z123-330******38 Property Owners Notified  
Opposed******0 Property Owners in Favor******0 Property Owners***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	6010	FOREST PARK RD	DALLAS NEPHROS LAND COMPANY LP
2	6114	FOREST PARK RD	DALLAS AIRMOTIVE INC
3	6535	MAPLE AVE	BOARD OF REGENTS OF THE
4	6222	FOREST PARK RD	BOARD OF REGENTS OF THE UNIVERSITY OF TX
5	2351	BOMAR AVE	UNIVERSITY OF TEXAS
6	5919	MAPLE AVE	CRP-GREP MAPLE OWNER LLC
7	5940	FOREST PARK RD	AMD APARTMENTS LIMITED PARTNERSHIP
8	2504	BOMAR AVE	ENCORE MF MAPLE LP
9	6200	MAPLE AVE	3605 INWOOD ROAD LP
10	2523	BOMAR AVE	TRIGLETH GEARY
11	2603	BOMAR AVE	SMART MORRIS E
12	2607	BOMAR AVE	MARTIN J C
13	2602	MANOR WAY	BAUTISTA ROBERT IV
14	2606	MANOR WAY	TRAVIS DOUG
15	6300	MAPLE AVE	R & L MAPLE ASSOCIATES LC
16	2515	MANOR WAY	REYNA FELIPE O
17	2603	MANOR WAY	CANYON FONBERG I LP
18	5908	MAPLE AVE	RED BARN HOLDINGS LP
19	2519	KIMSEY DR	STARK FRIEDRICH
20	6303	FOREST PARK RD	BOARD OF REGENTS OF THE UNIVERSITY OF TX
21	6303	FOREST PARK RD	BOARD OF REGENTS OF THE UNIVERSITY OF TX
22	6000	HARRY HINES BLVD	BOARD OF REGENTS UNIV TX
23	5920	FOREST PARK RD	S W PROFESSIONAL BLDG LTD
24	6008	MAPLE AVE	AMLI 6008 MAPLE AVENUE LLC
25	2295	STUTZ RD	AMD APARTMENTS LIMITED

## PARTNERSHIP

3/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
26	2325	STUTZ RD	VU DAVID D &
27	2325	STUTZ RD	SHAY JERRY L &
28	2325	STUTZ RD	JEFFRIES CHRISTOPHER
29	2335	STUTZ RD	FLORIANI JOSEPH F &
30	2335	STUTZ RD	NEUMANN CHARLES DAVID
31	2335	STUTZ RD	LI HELEN
32	2325	STUTZ RD	CHU NAM ANTHONY
33	2325	STUTZ RD	POWELL JAMES
34	2325	STUTZ RD	BAUTISTA RICHARD M & JOANN I
35	2335	STUTZ RD	LIN KATHY
36	2335	STUTZ RD	KIM DAVID
37	2335	STUTZ RD	PATEL ANKUR
38	2325	STUTZ RD	RESERVE AT STUTZ RD LLC



**AGENDA ITEM # 47**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction

**CMO:** Theresa O'Donnell, 671-9195

**MAPSCO:** 44 A

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed on property zoned an IR Industrial Research District on the west line of Irving Boulevard, north of Quaker Street

Recommendation of Staff and CPC: Approval, subject to a revised site/landscape plan and revised conditions

Z123-346(WE)

**Planner: Warren F. Ellis**

**FILE NUMBER:** Z123-346(WE) **DATE FILED:** February 19, 2013

**LOCATION:** West line of Irving Blvd., north of Quaker Street

**COUNCIL DISTRICT:** 6 **MAPSCO:** 44-A

**SIZE OF REQUEST:** Approx. 8.884 acres **CENSUS TRACT:** 100

---

**APPLICANT/ OWNER:** City of Dallas

**REPRESENTATIVE:** Vincent Lewis

**REQUEST:** An application for an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed on property zoned an IR Industrial Research District.

**SUMMARY:** The purpose of this request is: 1) to allow for an amended site plan to reflect accurately the facilities and equipment that are on the property; and 2) to amend the landscape requirements and landscape plan due to a utility easement being located in the area designated for the plantings.

**CPC RECOMMENDATION:** Approval, subject to a revised site /landscape plan, revised conditions.

**STAFF RECOMMENDATION:** Approval, subject to a revised site /landscape plan, revised conditions.

**DESIGNATED ZONING CASE**

## **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 site is located within an industrial area of the city and is compatible with the surrounding uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The functions of the utility or government installation other than listed use contributes to the city functions in the management of the storm water systems throughout the City of Dallas.
3. *Not a detriment to the public health, safety, or general welfare* – The additional structures on the site are not a detriment to the public health, safety or general welfare of the general public.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The amendment to Specific Use Permit No. 1241 for utility or government installation other than listed will comply with all applicable zoning regulations and standards. No variances or exceptions are proposed.

## **BACKGROUND INFORMATION:**

- In May 1995, the City Council approved Specific Use Permit No. 1241 for a utility or government installation other than listed for a permanent time period.
- The applicant proposes to amend Specific Use Permit No. 1241 to identify newly constructed facilities and storage areas on site. The amendment will also permit the applicant to receive the appropriate certificate of occupancy for each facility that was constructed after the initial SUP was approved. The changes to the request are the site plan, landscape plan and the Article X requirements in the conditions.
- The request site is surrounded by industrial uses. A levy on the northern property line provides a natural buffer between the request site and the industrial and office uses.

**Zoning History:** There has been one recent zoning change requested in the area.

1. Z134-128 On February 20, 2014, the City Plan Commission recommend denial without prejudice of an IM Industrial Manufacturing District on property zoned an IR Industrial Research District, located south of Burgess Boulevard and east of Iberia Avenue.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Irving Boulevard	Principal Arterial	60 ft.	60 ft.

**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. The analysis is based upon the traffic worksheet the applicant provides during the application submittal.

**Surrounding Land Uses:**

	Zoning	Land Use
<b>Site</b>	IR w/SUP No. 1241	Outside storage, Office,
<b>North</b>	IR, IM	Undeveloped, Industrial
<b>South</b>	IR, IM	Industrial
<b>East</b>	IR, IM	Industrial
<b>West</b>	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. The Plan identifies the request site as being in an Industrial area.

Industrial Areas, which offer important employment opportunities, occupy large areas of land and usually are near major roads and heavy rail lines. Evolving technology and the need for freight movement through Dallas to the rest of the country and internationally means this sector can offer good opportunities for jobs. Logistics and warehousing, a growing industry with strong potential for upward mobility of skilled workers, would thrive in such areas. Examples include Southport and the Agile Port, parts of West Dallas along I-30, and the Stemmons industrial area. These areas include a mix of low- and medium-density industrial buildings and industrial yards and have large surface parking for cars and trucks. Industrial Areas rely on quality road access and may be linked to rail for freight purposes. Street lanes are wide and intersections are large. Transit, sidewalks and other pedestrian improvements are limited.

The request is consistent with the Comprehensive Plan.

**STAFF ANALYSIS:****Land Use Compatibility:**

It should be noted that a temporary certificate of occupancy based upon the new structures on the site have been issued in anticipation of this revision to the SUP. Upon City Council approval, a full certificate of occupancy will be issued.

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:**

<b><u>DISTRICT</u></b>	<b><u>SETBACKS</u></b>		<b>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
IR - Existing 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

**Landscaping:**

The approved site plan depicts a row of trees on the northern property line as well as several trees within the property. However, there are no trees on site and the entire site is paved. Since there is a utility easement that runs along the northern property line, staff supports an alternative landscaping plan for the site, which City Council may approve as part of the SUP request.

**Parking:** The off-street parking requirement for an office use is one space per 33 square feet of floor area. Based on the 4,256 square feet office space, the required on site is 18 spaces and the applicant will provide 33 spaces.

**CPC Action** (January 23, 2104)

**Motion:** In considering an application for an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed on property zoned an IR Industrial Research District on the west line of Irving Boulevard, north of Quaker Street, it was moved to **hold** this case under advisement until February 6, 2014.

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: 400 Mailed: 60  
**Replies:** For: 2 Against: 0

**Speakers:** None

**CPC Action** (February 6, 2104)

**Motion:** In considering an application for an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed on property zoned an IR Industrial Research District on the west line of Irving Boulevard, north of Quaker Street, it was moved to **hold** this case under advisement until March 20, 2014.

Maker: Hinojosa  
Second: Ridley  
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

\*out of the room, shown voting in favor

<b>Notices:</b>	Area: 400	Mailed: 60
<b>Replies:</b>	For: 3	Against: 1
<b>Speakers:</b>	None	

**CPC Action** (March 20, 2104)

**Motion:** It was moved to recommend **approval** of an amendment to Specific Use Permit No. 1241 for a utility or government installation other than listed, subject to a revised site/landscape plan and revised conditions on property zoned an IR Industrial Research District on the west line of Irving Boulevard, north of Quaker Street.

Maker: Anantasomboon  
Second: Murphy  
Result: Carried: 13 to 0

For: 13 - Anglin, Soto, Rodgers, Shidid,  
Anantasomboon, Bagley, Lavallaisaa, Tarpley,  
Schultz, Peadon, Murphy, Ridley, Alcantar

Against: 0  
Absent: 2 - Culbreath, Shellene  
Vacancy: 0

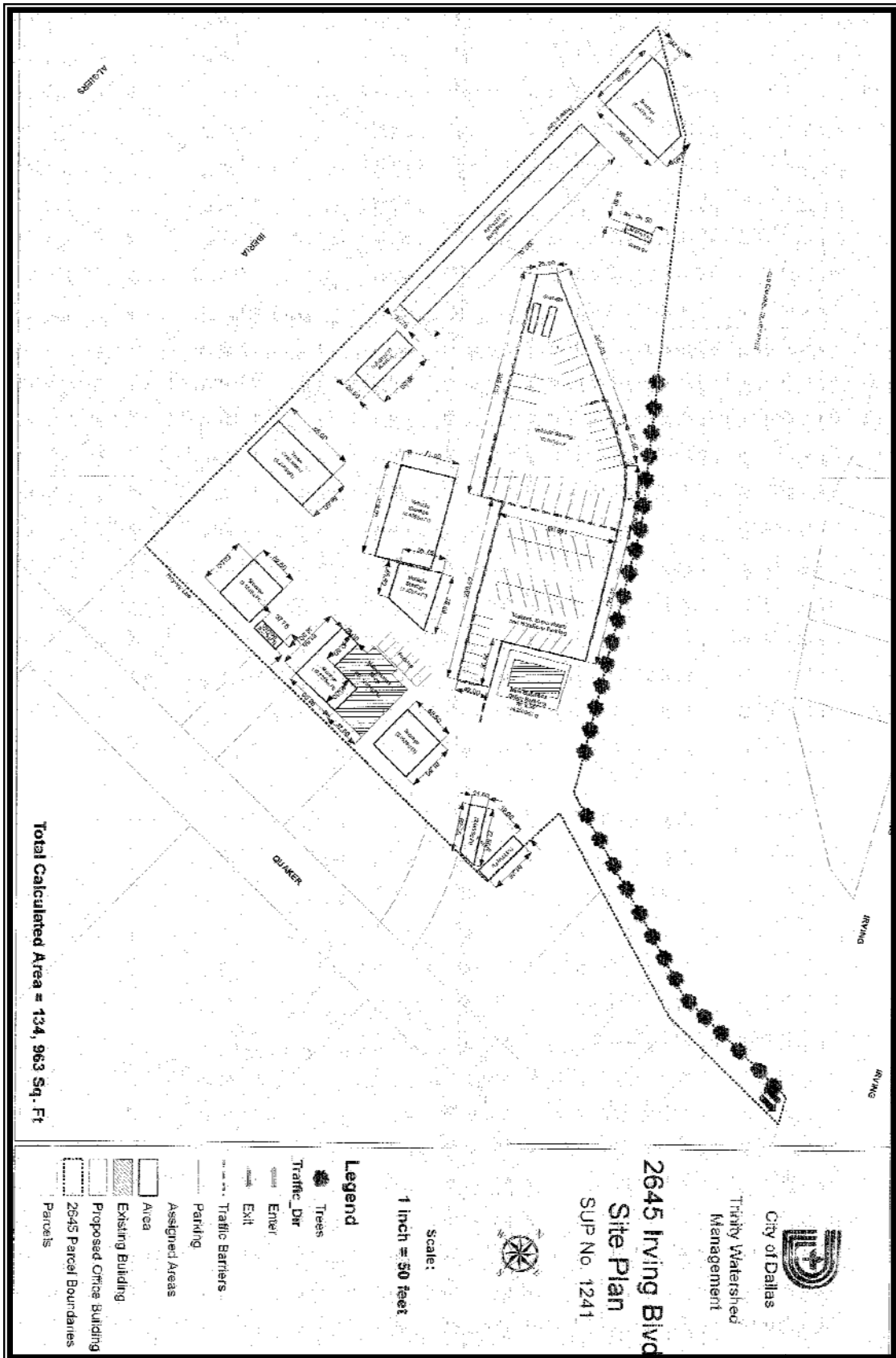
<b>Notices:</b>	Area: 400	Mailed: 60
<b>Replies:</b>	For: 3	Against: 1
<b>Speakers:</b>	None	

**CPC PROPOSED SUP  
CONDITIONS**

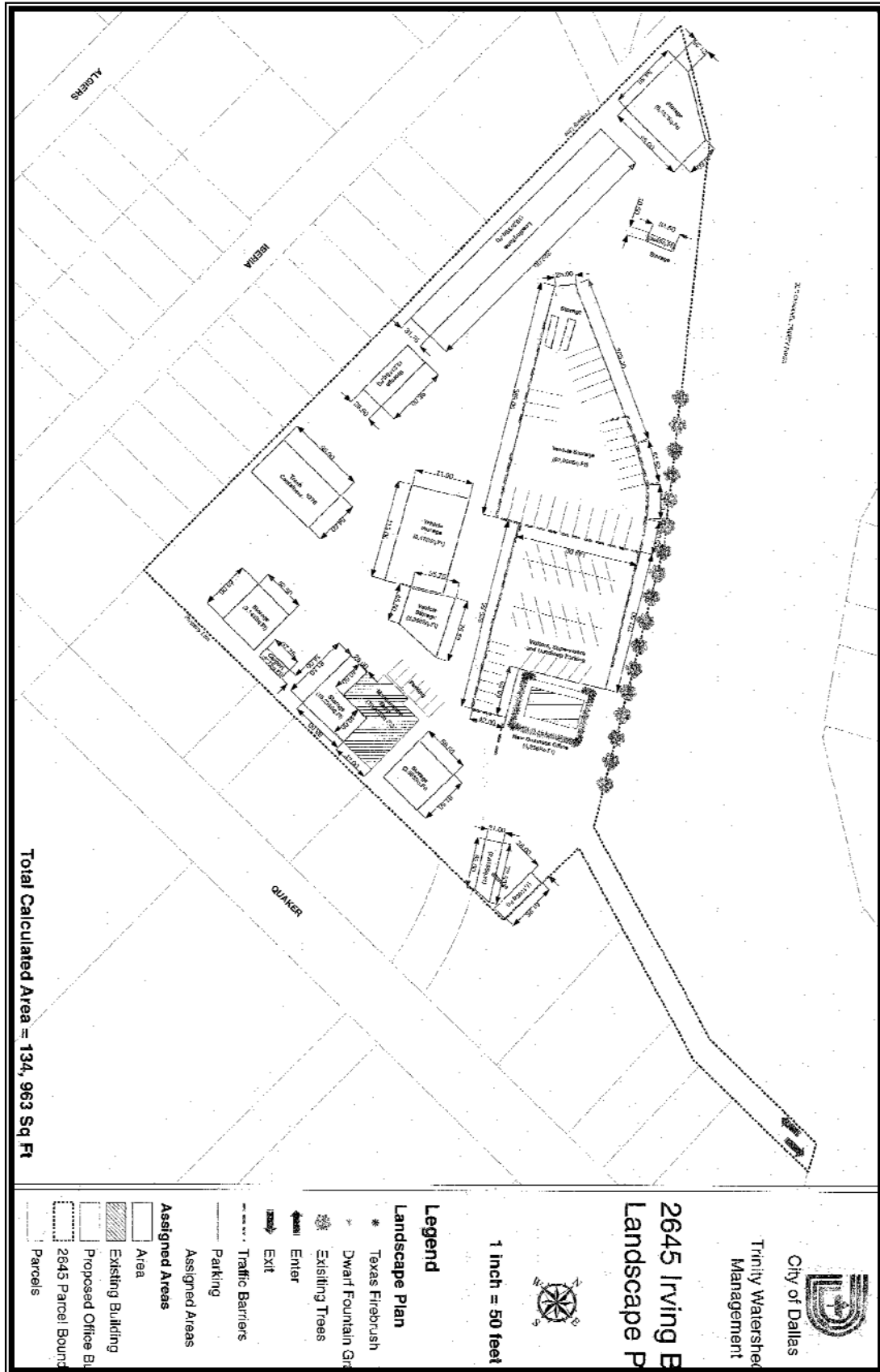
1. USE: The only use authorized by this specific use permit is for a Governmental Installation other than listed.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan / landscape plan.
3. TIME LIMIT: This specific use permit has no expiration date.
4. LANDSCAPING: Landscaping must be provided as shown on the attached landscape plan. ~~Landscaping must be provided in accordance with Article X of the Dallas Development Code, as amended.~~ Plant materials must be maintained in a healthy, growing condition.
5. PARKING: Parking must be located as shown on the attached site plan.
6. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
7. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.



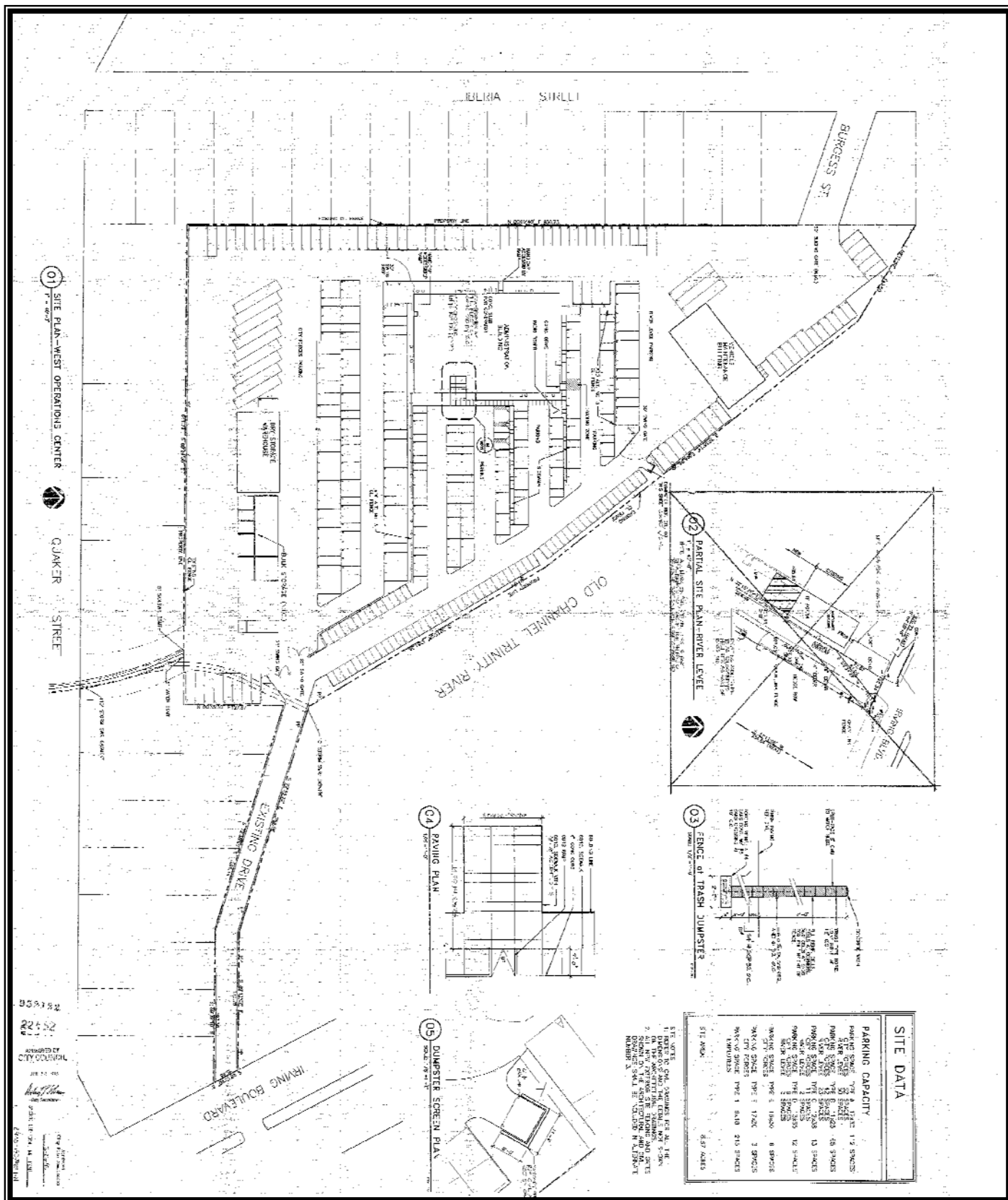
**PROPOSED SITE PLAN**



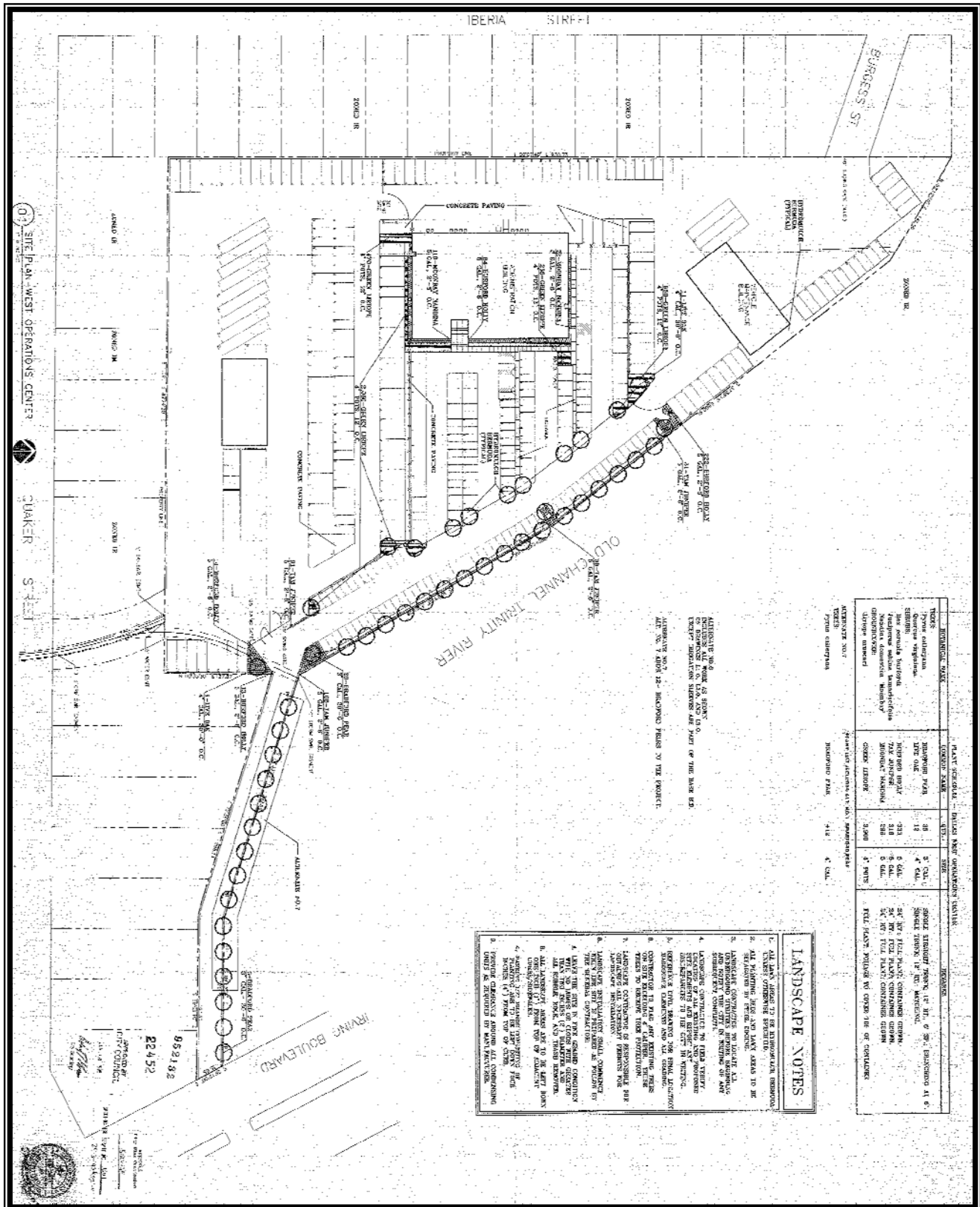
# PROPOSED LANDSCAPE PLAN

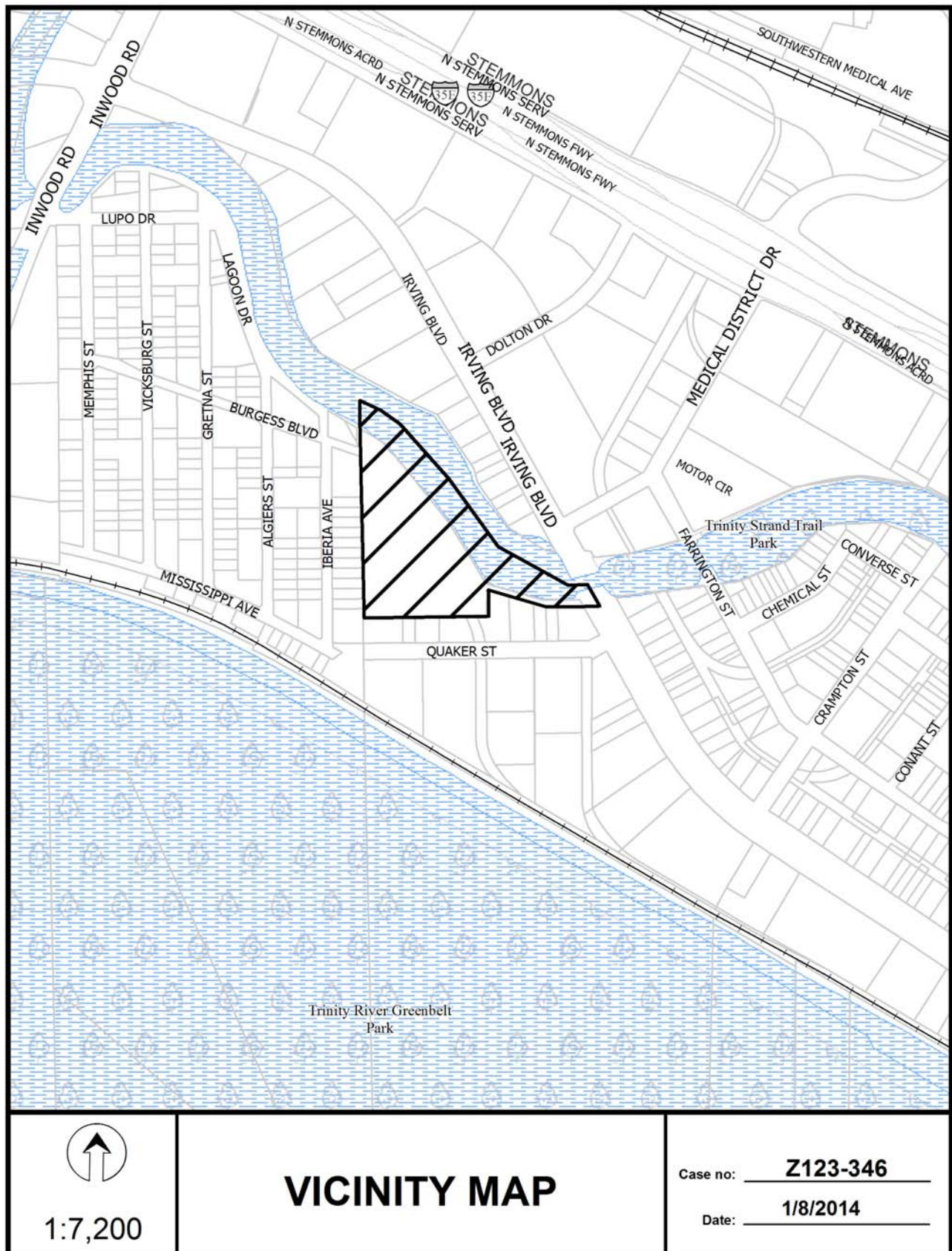


## EXISTING SITE PLAN



## EXISTING LANDSCAPE PLAN









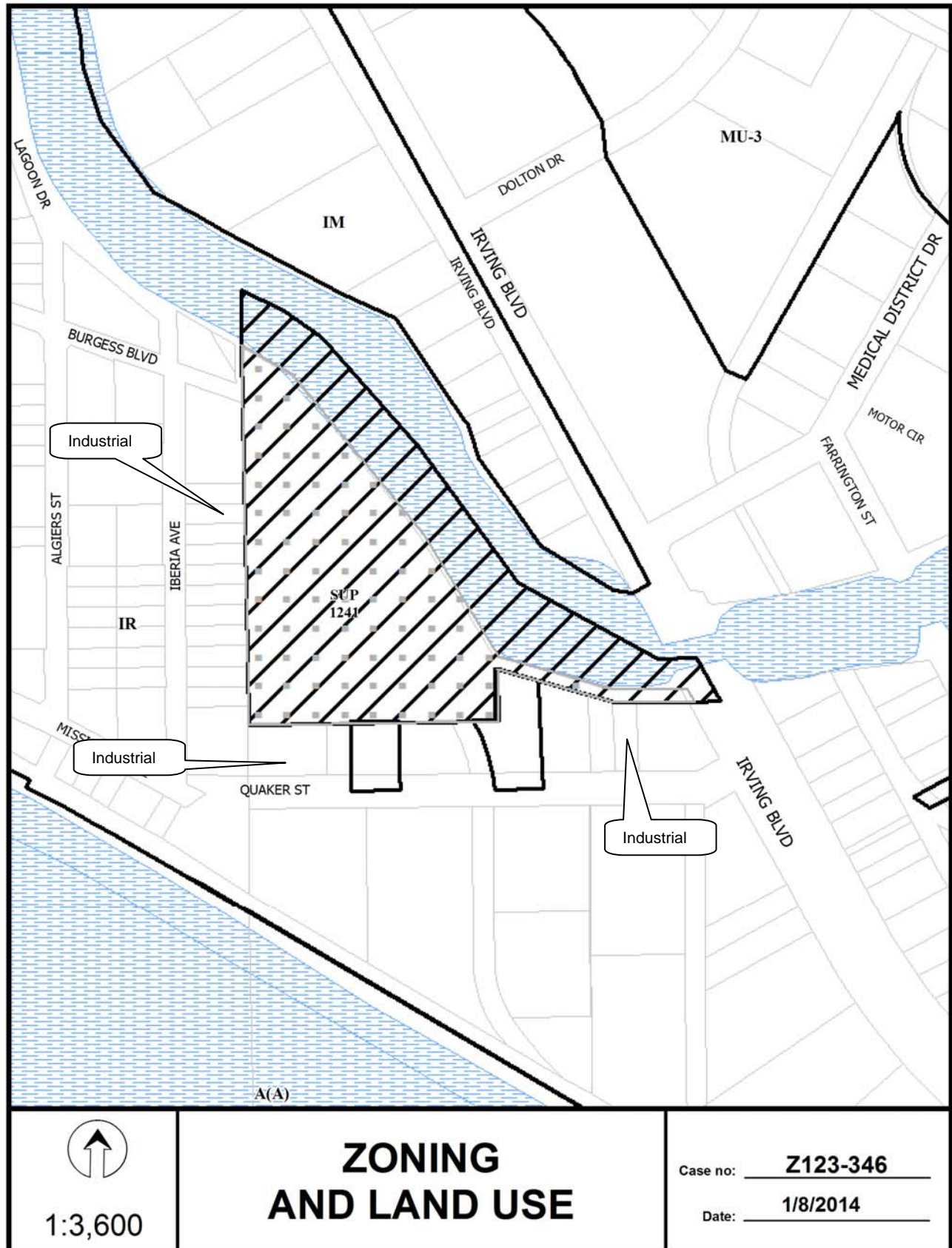
1:3,600

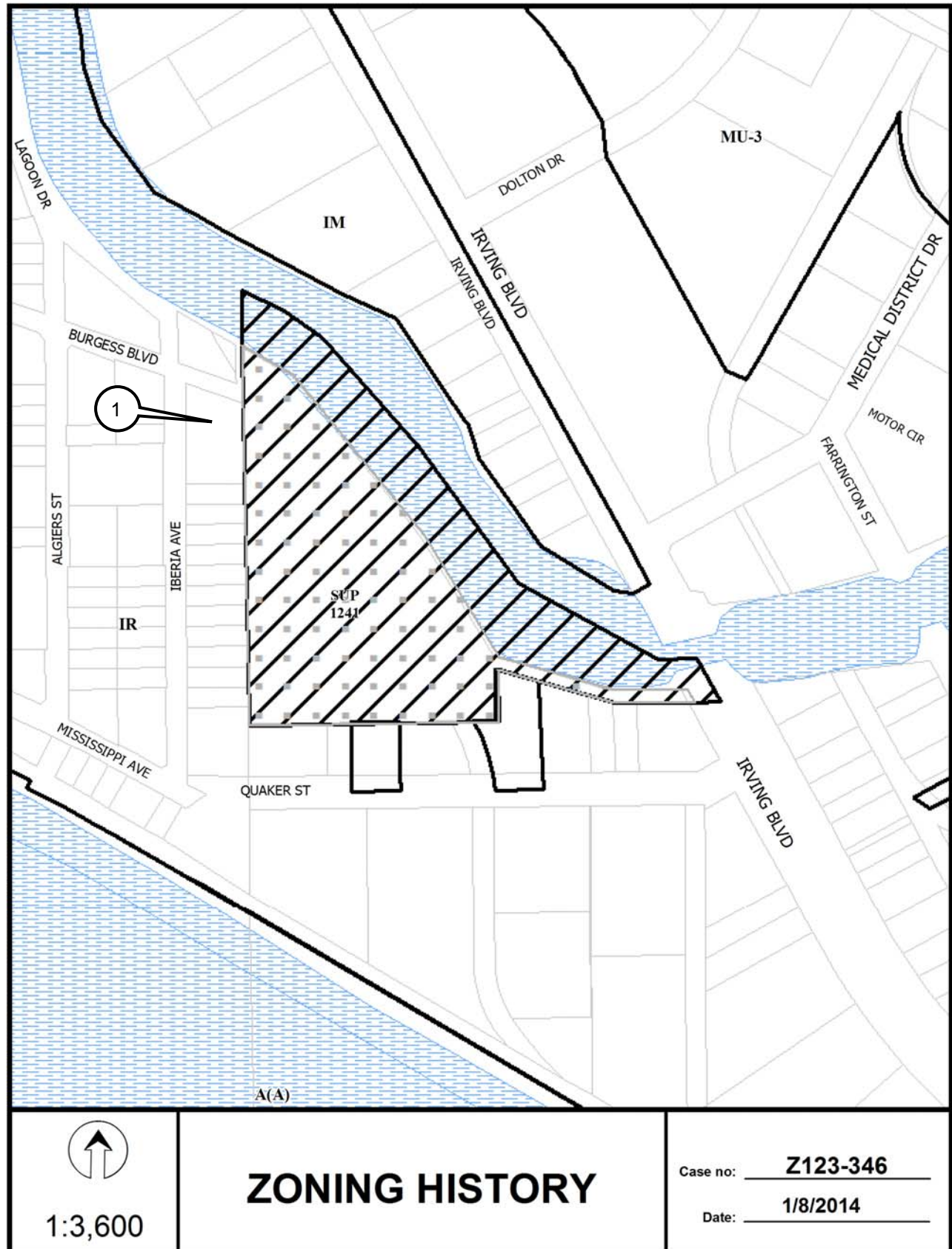
## AERIAL MAP

Case no: **Z123-346**

Date: **1/8/2014**









# CPC RESPONSES



## ***Notification List of Property Owners***

***Z123-346***

***60 Property Owners Notified***

***3 Property Owners in Favor***

***1 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2641 IRVING BLVD	WRN PROPERTIES LLC
	2	1143 QUAKER ST	MONROE REALTY LTD
	3	1133 QUAKER ST	FOGG RAYMOND L SR &
	4	1119 QUAKER ST	WILEY PROPERTY LTD
	5	1109 QUAKER ST	1111 QUAKER STREET LLC
	6	1101 QUAKER ST	HENDRIX DAVID C &
	7	4742 IBERIA AVE	TODD E ROBERTS LANDSCAPE CO INC
	8	4770 IBERIA AVE	MACHINE TOOL & REPAIR INC
	9	2621 IRVING BLVD	STUART HOSE & PIPE CO INC
	10	1165 QUAKER ST	ROBERSON COREY
O	11	1153 QUAKER ST	THE LARK COMPANY REAL ESTATE LLC
	12	1130 QUAKER ST	LOVE FRANK G ENVELOPES
	13	1108 QUAKER ST	JEWMOR HOLDINGS LTD LIABILITY CO
	14	1188 QUAKER ST	QUAKER EQUITIES LTD
	15	1144 QUAKER ST	QUAKER LTD
	16	900 QUAKER ST	Q TEX JOINT VENTURE ET AL
	17	2616 IRVING BLVD	GELINEAU KATTNER LLC
	18	2622 IRVING BLVD	REB PROPERTY COMPANY LTD
	19	2628 IRVING BLVD	REB PROPERTY CO LTD
	20	2636 IRVING BLVD	MR SERVICE LP
	21	2627 FARRINGTON ST	2619 FARRINGTON LLC
	22	2619 FARRINGTON ST	TALB LLC
O	23	2730 IRVING BLVD	ANDREWS DISTRIBUTING COMPANY OF
	24	1212 MEDICAL DISTRICT DR	TEXAS PINE COMPANY
X	25	1234 MEDICAL DISTRICT DR	GRAHAM BARRY
	26	2759 IRVING BLVD	SANDERS BESS M LIVING TRUST &

3/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2737	IRVING BLVD	KHOURY SAMER
28	2777	IRVING BLVD	JLC IX PROPERTY FUND LTD
29	2719	IRVING BLVD	WALNUT REALTY LTD
30	2743	IRVING BLVD	YOUNG OLIVE FRANCES P
31	2729	IRVING BLVD	HUNT DENNY H
32	2783	IRVING BLVD	GUARDIAN ASSOCIATES LLC
33	2711	IRVING BLVD	MANNING MARK D &
34	2747	IRVING BLVD	KHOURY NICOLA I &
35	2717	IRVING BLVD	CRISMON CRAIG LANE
36	2755	IRVING BLVD	KELLY MOORE PAINT CO INC
37	2727	IRVING BLVD	KHOURY NICOLA ISSS &
38	1202	MISSISSIPPI AVE	TEXAS UTILITIES ELEC CO
39	4700	ALGIERS ST	ROBINSON JOHN R
40	4708	ALGIERS ST	FERGUSON WILLIAM
41	4708	ALGIERS ST	FERGUSON WILLIAM
42	4716	ALGIERS ST	FERGUSON WILLIAM
43	4720	ALGIERS ST	RAMIREZ MARIO F &
44	4756	ALGIERS ST	THE SPOT STUDIO INC
45	4719	IBERIA AVE	OKAFOR TONY
46	1000	QUAKER ST	MACHINISTS TOOLS & SUPPL
47	1027	MISSISSIPPI AVE	HENDRIX MISSISSIPPI
48	4720	IBERIA AVE	HAMBLIN STEVE & JEANETTE
49	4722	IBERIA AVE	VALDEZ SENOVIO
50	4728	IBERIA AVE	ALLEN LEE W & DANNY Q
51	4732	IBERIA AVE	ALLEN LEE W
52	4802	IBERIA AVE	UNIVERSAL FINANCE CO
53	2533	FARRINGTON ST	KNOBLER DONALD G
54	2705	IRVING BLVD	BATES & MYERS JV
55	4732	ALGIERS ST	ALGIERS ASSO LLC
56	4748	ALGIERS ST	ELECTRIC LIGHT & POWER
57	4774	ALGIERS ST	CAPOTE PROPERTIES LP

Z123-346(WE)

3/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	4715 IBERIA AVE	PANNELL ASSET DEV LLC
O	59	4741 IBERIA AVE	MARTINEZ MATISSE M &
	60	4814 ALGIERS ST	ADLER PPTY COMPANIES LLP

**APRIL 23, 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 April 23, 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

4.18.14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Edward Scott  
City Controller

4/18/14  
\_\_\_\_\_  
Date



RECEIVED

2014 APR 18 PM 3: 55

DALLAS, TEXAS

**ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, APRIL 23, 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 - 27

**CONSENT ADDENDUM**

Items 1 - 3

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 28 - 40

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 41 - 47





**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 23, 2014  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

**ADDITIONS:**

**CONSENT ADDENDUM**

**Business Development & Procurement Services**

1. Authorize a one-year service contract for installation of tree and building ornamental lights at Fair Park - The Christmas Light Company, Inc., lowest responsible bidder of two - Not to exceed \$340,775 - Financing: Current Funds (subject to appropriations)

**City Attorney's Office**

2. Authorize **(1)** the application for and acceptance of the 2013-14 State Criminal Justice Planning Fund grant from the Office of the Governor, Criminal Justice Division, for support of the Prostitution Diversion Initiative for the period September 1, 2013, through August 31, 2014; and **(2)** execution of the grant agreement - Not to exceed \$145,992 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

**Economic Development**

3. Authorize **(1)** the Southern Dallas Adaptive Reuse Pilot Program (Adaptive Reuse Program) to encourage reuse of underperforming and vacant buildings, maintenance, code compliance and job creation in southern Dallas pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program; and **(2)** the City Manager to execute economic development grant agreements approved as to form by the City Attorney in accordance with the requirements in the Southern Dallas Adaptive Reuse Pilot Program Statement to promote local economic development - Financing: This action has no cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
APRIL 23, 2014**

**CORRECTIONS:**

**Economic Development**

6. Authorize the re-establishment of the South Dallas/Fair Park Area Business Façade/Revitalization Program which provides façade improvements for buildings with operating businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway, pursuant to Chapter 380 of the Texas Local Government Code ~~and the City's Public/Private Partnership Program~~, in order to promote economic development in the South Dallas/Fair Park area – Financing: This action has no cost consideration to the City

**Human Resources**

11. An ordinance amending Section 34-24.1, "Family Leave," of Chapter 34, "Personnel Rules," to **(1)** allow employees to take family leave for a "designated care recipient"; and **(2)** providing a definition of "designated care recipient"; ~~providing a penalty not to exceed \$500~~; providing a saving clause; providing a severability clause; and providing an effective date - Financing: This item has no cost consideration to the City

## ADDENDUM DATE April 23, 2014

ITEM	IND								
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			7	C	PBD, PKR	\$340,775.00	100.00%	0.00%	Authorize a one-year service contract for installation of tree and building ornamental lights at Fair Park
2			1, 2, 3, 4, 5, 7, 8	C	ATT	GT	NA	NA	Authorize the application for and acceptance of the 2013-14 State Criminal Justice Planning Fund grant from the Office of the Governor, Criminal Justice Division, for support of the Prostitution Diversion Initiative for the period September 1, 2013, through August 31, 2014; and execution of the grant agreement
3			7	C	ECO	NC	NA	NA	Authorize the Southern Dallas Adaptive Reuse Pilot Program (Adaptive Reuse Program) to encourage reuse of underperforming and vacant buildings, maintenance, code compliance and job creation in southern Dallas pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program; and the City Manager to execute economic development grant agreements approved as to form by the City Attorney in accordance with the requirements in the Southern Dallas Adaptive Reuse Pilot Program Statement to promote local economic development
<b>TOTAL</b>						<b>\$340,775.00</b>			



## ADDENDUM ITEM # 1

**KEY FOCUS AREA:** Culture, Arts and Recreation

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Business Development & Procurement Services  
Park & Recreation

**CMO:** Jeanne Chipperfield, 670-7804  
Willis Winters, 670-4071

**MAPSCO:** 46K 46L 46P 46Q 46R 46U

---

### SUBJECT

Authorize a one-year service contract for installation of tree and building ornamental lights at Fair Park – The Christmas Light Company, Inc., lowest responsible bidder of two - Not to exceed \$340,775 - Financing: Current Funds (subject to appropriations)

### BACKGROUND

This item is moved forward by Council direction for the installation of tree and building ornamental lights at Fair Park in anticipation of summer events.

This service contract will provide installation of tree and building ornamental lights at Fair Park. The rooftop perimeters of the following buildings will be outlined with lights:

- Automobile
- Centennial
- Hall of State
- Women's Museum
- Ticket offices and Tower building at the Parry Avenue entrance
- Martin Luther King, Jr. Blvd. and Grand Avenue security buildings

Additionally, the trunks and lateral branches of approximately 160 trees will be wrapped with 5,600 to 8,050 mini LED lights per tree. The trees lining Exposition Avenue, Grand Avenue, Martin Luther King, Jr. Boulevard entrances and along the historic Esplanade are among those to be lit.

In 2013 the Vision and Strategies program prioritized marketing, visitor amenities, programming and promotional strategies at Fair Park. Among other things, the visitor amenities include tree and building ornamental lights at the gateways into Fair Park and along the historic Esplanade.

## **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 386 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 17, 2014 the Park Board was briefed.

## **FISCAL INFORMATION**

\$340,775.00 - Current Funds (subject to appropriations)

## **M/WBE INFORMATION**

53 - Vendors contacted

53 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful vendor

386 - 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**

The Christmas Light Company, Inc.

White Male	13	White Female	2
Black Male	5	Black Female	1
Hispanic Male	72	Hispanic Female	2
Other Male	1	Other Female	0

## **BID INFORMATION**

The following bids were received from solicitation number BY1421 and were opened on April 3, 2014. This service contract is being awarded in its entirety to the lowest responsive and responsible bidder.

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount of Bid</u></b>
*The Christmas Light Company, Inc.	8019 Military Parkway Dallas, TX 75227	\$340,775.00
The Christmas Light Guy	11163 Shady Trail #102 Dallas, TX 75229	\$342,880.50

## **OWNER**

**The Christmas Light Company, Inc.**

William Rathburn, President

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a one-year service contract for installation of tree and building ornamental lights at Fair Park – The Christmas Light Company, Inc., lowest responsible bidder of two - Not to exceed \$340,775 - Financing: Current Funds (subject to appropriations)

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

**PROJECT CATEGORY:** Other Services

---

### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$340,775.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$340,775.00</b>	<b>100.00%</b>

### 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 &amp; 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%



April 23, 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 The Christmas Light Company, Inc. (VC0000006515) for installation of tree and building ornamental lights at Fair Park for a term of one year in an amount not to exceed \$340,775.00, 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 The Christmas Light Company, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by The Christmas Light Company, Inc. under the contract.

**Section 2.** That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$340,775.00 (subject to appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJECT</u>	<u>AMOUNT</u>	<u>ENCUMBRANCE</u>
0001	PKR	9487	3070	\$331,228.75	CTPKR14G012
0001	PKR	9487	3070	\$ 9,546.25	CTPKR15G012

**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 # 2

**KEY FOCUS AREA:** Public Safety

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 1, 2, 3, 4, 5, 7, 8

**DEPARTMENT:** City Attorney's Office

**CMO:** Warren M.S. Ernst, 670-3491

**MAPSCO:** N/A

---

### **SUBJECT**

Authorize **(1)** the application for and acceptance of the 2013-14 State Criminal Justice Planning Fund grant from the Office of the Governor, Criminal Justice Division, for support of the Prostitution Diversion Initiative for the period September 1, 2013, through August 31, 2014; and **(2)** execution of the grant agreement - Not to exceed \$145,992 - Financing: Office of the Governor, Criminal Justice Division State Grant Funds

### **BACKGROUND**

The Prostitution Diversion initiative seeks to identify individuals engaged in prostitution, and provide them an alternative to continued involvement in the criminal justice system and further victimization at the hands of promoters and customers of prostitution, through a comprehensive program that will enable a complete exit from a life in the sex trade industry. During the initiative, held once per month at locations in South Dallas, West Dallas and South Oak Cliff, Dallas Police officers make arrests and detentions of street prostitutes in areas known for high levels of street prostitution. Multiple social service agencies provide medical screenings and related health assessments on site. The persons detained are taken before the Community Court or County District Court Judge who, based on the defendant's plea and criminal history, determines whether County jail or diversion to a treatment program is appropriate. The Community Court provides case management, referrals to mental health and substance abuse services, and reconnection with family.

The program's past six years of successful operations have shown that this proactive approach is the best method for providing at-risk women the sense of purpose and self-esteem necessary to become productive citizens. The program also provides an effective method to identify and arrest individuals who coerce or force women into the sex trade. The City will receive grant funds from the Texas State Criminal Justice Planning Fund. Reporting for the grant will include a quarterly Financial Status Report submitted to the Criminal Justice Division via eGrants. The report will include program expenditures and any income generated from grant activities.

**BACKGROUND** (Continued)

Additional reporting will include program performance, drug court progress, assessment reports and progress toward program goals and objectives. The start date for this initiative is September 1, 2013 and the end date is August 31, 2014.

**PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

This item has no prior action.

**FISCAL INFORMATION**

\$145,991.95 - Office of the Governor, Criminal Justice Division State Grant Funds

April 23, 2014

**WHEREAS,** the City of Dallas has established a Prostitute Diversion Initiative program that seeks to identify individuals engaged in prostitution and provide them an alternative to continued involvement in the criminal justice system and further victimization; and

**WHEREAS,** the State of Texas, Office of the Governor, Criminal Justice Division, has made grant funds available during the 2013-14 fiscal year to reduce crime by aiding in the prevention of prostitution and drug abuse; and

**WHEREAS,** such grant funding was awarded to the City on March 10, 2014; and

**WHEREAS,** the grant funding would benefit the City in its endeavor to reduce crime and improve public safety; and

**WHEREAS,** the City finds it in the best interest of the citizens of Dallas that the grant funds be accepted for the 2013-14 fiscal year; and

**WHEREAS,** the City agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City will return the funds identified as ineligible to the Criminal Justice Division; and

**WHEREAS,** the City designates the City Manager or his designee as the grantee's authorized official, who has the power to apply for, accept, reject, alter, or terminate the grant on behalf of 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 apply for, execute, and accept the 2013-14 State of Texas Criminal Justice Planning Fund Grant No. SF-14-A10-27497-01, from the Office of the Governor, Criminal Justice Division, for grant moneys to be used in the Prostitution Diversion program for the period of September 1, 2013, through August 31, 2014, in an amount not to exceed \$145,991.95.

**Section 2.** That the City Manager is hereby authorized to establish appropriations in the Prostitution Diversion Initiative Fund in the amount of \$145,991.95 in Fund S268, Department ATT, Unit 1529.

**Section 3.** That the City Controller is authorized to deposit grant funds in an amount not to exceed \$145,991.95 into Fund S268, Department ATT, Unit 1529, Revenue Source 6516.

April 23, 2014

**Section 4.** That the City Controller is authorized to disburse grant funds from Fund S268, Department ATT, Unit 1529, various object codes, in an amount not to exceed \$145,991.95.

**Section 5.** That the City will return funds to the Criminal Justice Division in full in the event of loss or misuse of Criminal Justice Division funds.

**Section 6.** 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.

## **ADDENDUM ITEM # 3**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** N/A

---

### **SUBJECT**

Authorize **(1)** the Southern Dallas Adaptive Reuse Pilot Program (Adaptive Reuse Program) to encourage reuse of underperforming and vacant buildings, maintenance, code compliance and job creation in southern Dallas pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program; and **(2)** the City Manager to execute economic development grant agreements approved as to form by the City Attorney in accordance with the requirements in the Southern Dallas Adaptive Reuse Pilot Program Statement to promote local economic development – Financing: This action has no cost consideration to the City

### **BACKGROUND**

This item is being placed on the Addendum based on the April 7, 2014 Economic Development Committee recommendation to formulate a Southern Dallas Adaptive Reuse Pilot Program for Council consideration on April 23, 2014.

Adaptive reuse is the practice of repurposing underutilized buildings to support better use and to stimulate business and commercial activity in the southern Dallas area as an alternative to demolition, vacancy or undesirable use. There are many existing occupied and vacant small buildings in southern Dallas that have fallen into disrepair and become an eyesore to the community. Many are boarded up and/or have code violations. There are opportunities to transform this existing building stock to better serve the needs of the community while removing urban blight and unemployment. The program will be designed to support small building owner/business operators as well as ensuring businesses and commercial activity in southern Dallas. It is not unusual for these buildings to attract crime. Many neighborhoods in southern Dallas are saddled with small buildings that could be repurposed for adaptive reuse, in particular, business and commercial activity. The program is intended to be a pilot for one year, or until funding is depleted, with set parameters and guidelines for eligibility and use in place.

## **BACKGROUND** (Continued)

Area TOD plans funded by the \$2.255 million HUD Sustainable Communities Challenge Grant received by the City identified the adaptive reuse of unused and/or underutilized small commercial buildings as a crucial strategy to upgrade unsightly deteriorating structures and bring amenities to underserved neighborhoods, without the need for large-scale redevelopment. The five Dallas TOD plans funded by the grant were adopted by Dallas City Council in April 2013.

The adaptive reuse of existing buildings contributes to economic vitality, job creation, aesthetic appeal and a more vibrant community.

Public/Private Partnership funding in an amount not to exceed \$30,000 per Grantee, \$150,000 for the total program will be awarded on a project by project basis via Administrative Actions approved by the City Manager in accordance with program criteria and eligibility and a Grant Agreement securing the obligation of the Grantee.

## **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

On April 21, 2014, a memo will be submitted to the Economic Development Committee regarding authorizing approval of the Southern Dallas Adaptive Reuse Pilot Program.

On the April 7, 2014, Economic Development Committee recommended the Office of Economic Development Department formulate a Southern Dallas Adaptive Reuse Pilot Program.

## **FISCAL INFORMATION**

This action has no cost consideration to the City

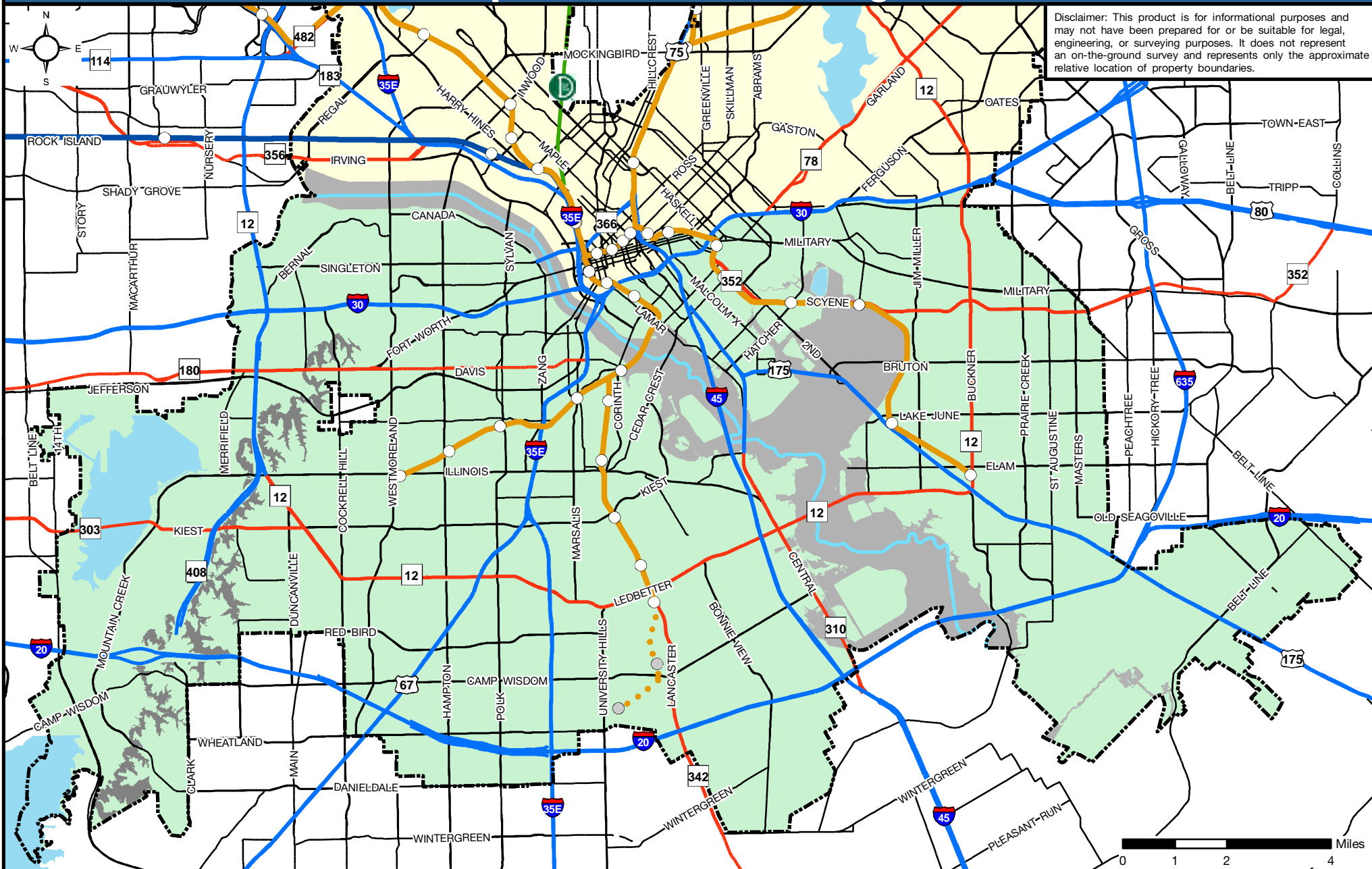
## **MAP**

Attached.



# Adaptive Reuse Pilot Program

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 4.15.2014 - AdaptiveReuse.TCG

## Legend

- Program Eligible Area
- Rail Station
- Future Station

- DART Light Rail
- Commuter Rail
- Future DART Light Rail
- Freeway

- Tollway
- Highway
- Arterial
- Trinity River

- Flood Plain
- Lake
- City of Dallas

Source: City of Dallas, 2014

April 23, 2014

**WHEREAS**, the City Council recognizes the importance of economic development in southern Dallas; and

**WHEREAS**, consistent with the authority granted under Chapter 380 of the Texas Local Government Code, and the City's Program for Loans, Grants, and providing personnel and services of the City (Public/Private Partnership Program), it is in the best interest of the City to enter into agreements as a part of the City's ongoing program to promote local economic development and to stimulate job creation, and business and commercial activity in the City; and

**WHEREAS**, Adaptive reuse transforms underperforming buildings, encourages economic development, job creation and meet needs in underserved communities; and

**WHEREAS**, the Adaptive Reuse Program will support of the City's goals for development and job creation in southern Dallas.

**NOW, THEREFORE,**

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

**Section 1.** That the City Council of the City of Dallas hereby authorizes the Southern Dallas Adaptive Reuse Pilot Program (Adaptive Reuse Program) which will provide to owners of commercial buildings willing to commit to job creation and investment in southern Dallas pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program.

**Section 2.** That the City Manager or his designee is hereby authorized to execute the grant agreements, approved as to form by the City Attorney, with commercial building owners operating businesses in southern Dallas in accordance with the Program and the eligibility and criteria set forth in **Exhibit A, Southern Dallas Adaptive Reuse Pilot Program Statement**.

**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, and it is accordingly so resolved.

## **EXHIBIT A**

### **Southern Dallas Adaptive Reuse Pilot Program Statement**

Award Adaptive Reuse Pilot Program (Adaptive Reuse Program) building improvement grants up to \$30,000 from Public/Private Partnership funds to eligible commercial building owners who are business operators/employers in the building being improved to repurpose underutilized buildings in southern Dallas to support new and/or expanded uses, code compliance and job creation as an alternative to demolition, vacancy and/or undesirable uses.

- The Office of Economic Development (OED) will manage the Adaptive Reuse Program on behalf of the City of Dallas. The OED will:
- Post the Program on the City's Web Site
- Screen grant applicants for eligibility
- Award improvement grants up to \$30,000 per business, and execute grant agreements with the approved grant applicant
- Conduct annual environmental and code compliance reviews for each approved property/business assisted
- Conduct site visits and coordinate code inspections
- Process payments upon verification of code compliance, maintenance of the improvements and agreement to create 3 FTE jobs for a minimum of 5 years
- Maintain all relevant project documentation

#### **Eligibility and Criteria**

- Program period one (1) year from Council approval or depletion of funds, whichever is first
- Maximum Grant amount \$30,000 approved by Administrative Action
- Minimum project investment \$250,000 (acquisition and/or improvement – including past expenditures incurred)
- Document code compliance and maintenance of improvements for a period of at least 5 years
- Grant recipient must be owner of repurposed building

## **EXHIBIT A**

### **Southern Dallas Adaptive Reuse Pilot Program Statement**

- Recipient must utilize 51% of building for owner's business operation
- Recipient must employ at least 3 full-time equivalent employees at the site for 5 years
- Building must be located in southern Dallas (south of the trinity River and south of I 30 from downtown to the Dallas east boundary)
- Maximum building size 10,000 square feet
- Payment of Grant proceeds made to Grantee with invoice for payment, approval from Code Compliance for the building and job creation requirements met and documented
- ECO to verify funds availability to Contractor prior to work starting
- Prohibited uses per Grant Agreement

## REVISED AGENDA ITEM # 6

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Office of Economic Development

**CMO:** Ryan S. Evans, 671-9837

**MAPSCO:** N/A

---

### SUBJECT

Authorize the re-establishment of the South Dallas/Fair Park Area Business Façade/Revitalization Program which provides façade improvements for buildings with operating businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway, pursuant to Chapter 380 of the Texas Local Government Code and the City's Public/Private Partnership Program, in order to promote economic development in the South Dallas/Fair Park area – Financing: This action has no cost consideration to the City

### BACKGROUND

The South Dallas/Fair Park Area Business Façade/Revitalization Program (SDFPAB Façade Revitalization Program) was authorized by Resolution No. 12-0985, March 28, 2012, and received \$92,522 of CDBG funding to provide façade improvement grants up to \$20,000 to businesses within the South Dallas/Fair Park area under CDBG guidelines. The program was successful in expending 100% of funding. Four (4) facades have been completed with the final façade nearing completion, with tangible positive results.

Building on the success of the first phase, the SDFPAB Façade Revitalization Program would like to continue to concentrate its efforts by improving MLK Boulevard. MLK Boulevard enhancements are an important component of the Grow South Initiative and re-establishment of the program – now funded with general funds -- to continue addressing deteriorating property conditions and provide façade enhancements to buildings with operating businesses in order to spur further business growth that will increase retail sales through improved aesthetic appeal. The ~~total Public-Private Partnership~~ funding for this second phase of the program is in an amount not to exceed \$100,000 to be awarded on a project by project basis via administrative action approved by the city manager in accordance with the program criteria and a grant agreement securing the obligations of the business owner for the facade improvements which is part of the total \$2,000,000 allocated for the Fair Park Enhancement Program budgeted in FY 2013-2014.

## **BACKGROUND** (Continued)

### **SDFPAB Façade/Revitalization Program**

Award façade improvement grants up to \$20,000 to eligible building owners and/or eligible business operators to enhance the aesthetic appeal and promote economic viability of businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway. Grant funding will be authorized through Administrative Action as authorized by the Office of Economic Development Director. Council action is required to approve \$100,000 for the program from Public/Private Partnership funds to award the contracts for façade improvements.

- The program will promote a positive/proactive business climate which encourages business retention/business expansion and will attract desirable new businesses.
- The program is in the best interest of the City in order to promote local economic development and to stimulate business and commercial activity within the City.
- The Office of Economic Development (OED) will manage the SDFPAB Façade Revitalization Program on behalf of the City of Dallas. The OED will:
  - Screen grant applicants for eligibility
  - Award façade improvement grants for up to \$20,000 per business, and establish grant agreements with the approved grant applicant
  - Conduct applicable environmental reviews for each approved property/business assisted
  - Conduct façade improvement site visits and coordinate code inspections
  - Process contractor payments upon completion of work and verification of code compliance
  - Maintain all relevant project documentation

### **PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

March 28, 2012, CDBG funding in the amount of \$92,522 was approved to provide façade improvement grants up to \$20,000 to businesses within the South Dallas/Fair Park area under CDBG guidelines.

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

On January 23, 2013, City Council authorized approval of the Program Statement for the first South Dallas/Fair Park Area Business Façade/Revitalization Program by Resolution No. 13-0176.

On April 7, 2014, a memo was submitted to Economic Development Committee regarding authorizing approval for re-establishment of South Dallas/Fair Park Area Business Façade/Revitalization Program.

**FISCAL INFORMATION**

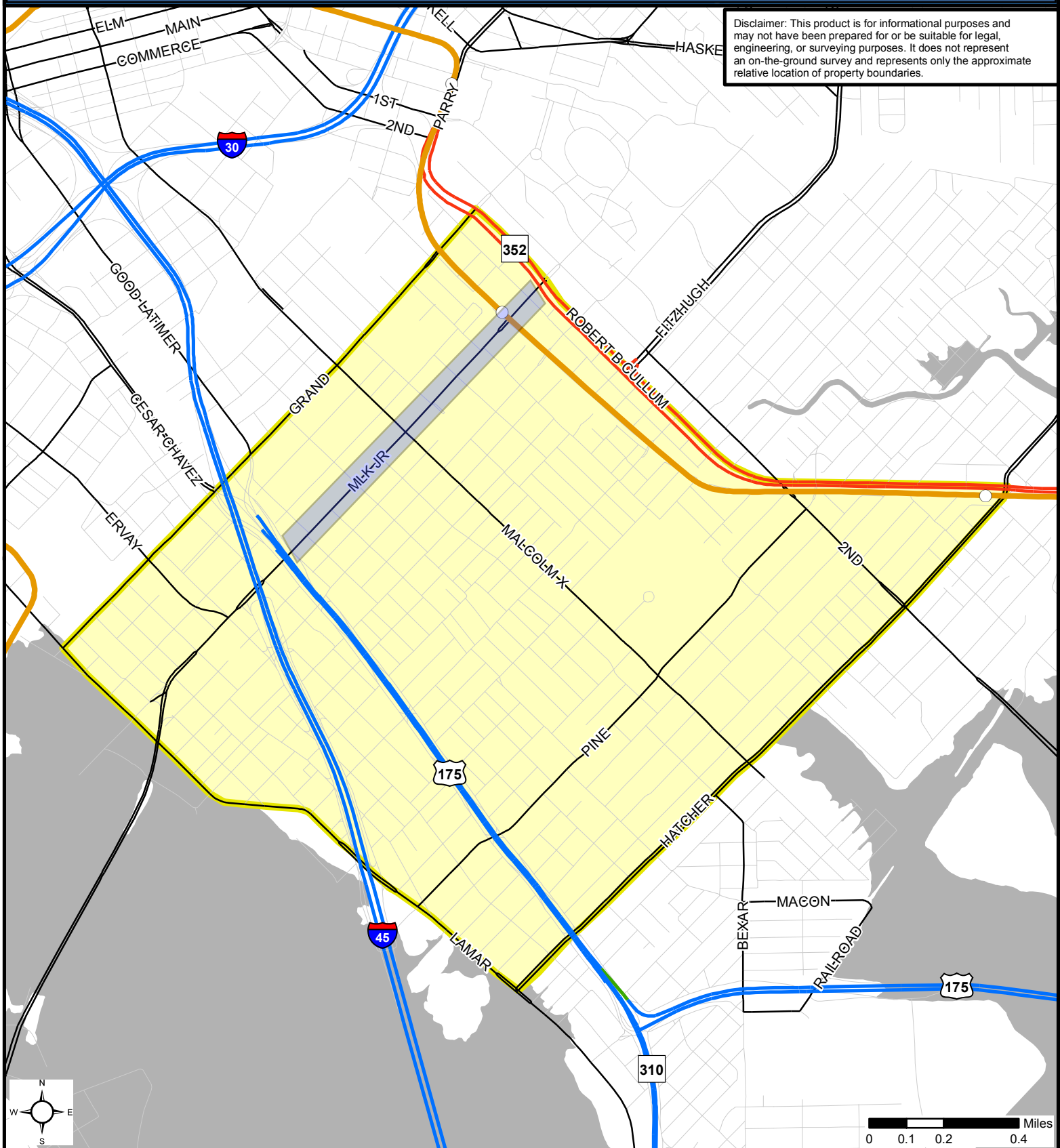
This action has no cost consideration to the City

**MAP**

Attached.

# Phase II South Dallas/FairPark Area Business/Revitalization Program

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 10.17.2012 - 12.10.16 Venus Cobb.TCG

## Legend

- Program Boundary
- Rail Station
- DART Light Rail

- Freeway
- Highway
- Arterial

- Local Road
- Flood Plain
- Phase II Zone

Source: City of Dallas, 2012



April 23, 2014

**WHEREAS**, the City Council recognizes the importance of economic development in the South Dallas Fair Park area of Dallas, and

**WHEREAS**, consistent with the authority granted under Chapter 380 of the Texas Local Government Code, and the City's Program for Loans, Grants, and providing personnel and services ~~of the City (Public/Private Partnership Program)~~, and it is in the best interest of the City to enter into agreements as a part of the City's ongoing program to promote local economic development and to stimulate business and commercial activity in the City; and

**WHEREAS**, on March 26, 2013, City Council authorized approval of the Program Statement for the first South Dallas/Fair Park Area Business Façade/Revitalization Program by Resolution No. 13-0176; and

**WHEREAS**, the first South Dallas/Fair Park Area Business Façade/Revitalization Program was successfully completed,

**NOW, THEREFORE,**

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

**Section 1.** Authorize the re-establishment of the South Dallas/Fair Park Area Business Façade/Revitalization Program, which provides façade improvements for buildings with operating businesses along Martin Luther King Jr. Boulevard from Robert B. Cullum to the S.M. Wright Freeway, pursuant to Chapter 380 of the Texas Local Government Code ~~and the City's Public/Private Partnership Program~~, established to promote economic development in the South Dallas/Fair Park area.

**Section 2.** That the Director of the Office of Economic Development is hereby authorized to execute the program and to enter into all grant agreements in a total amount not to exceed \$100,000 for the program and to execute all documents, approved as to form by the City Attorney, with the eligible building owners/business operators to be selected in accordance with the criteria set forth in **Exhibit A**.

**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, and it is accordingly so resolved.



## **Exhibit A**

### **South Dallas/Fair Park Area Business Façade/Revitalization Program**

#### **Program Statement**

**Program Purpose:** To provide funding for façade improvements that will enhance aesthetic appeal and promote economic viability of area businesses, in accordance with Chapter 380 of the Texas Local Government Code ~~and the City's Public/Private Partnership Program~~, by increasing retail sales and encourage enhancements to the property as viewed from the public right of way as a means to generate additional business for businesses within the South Dallas/Fair Park Area Business Façade/Revitalization Area (SDFPAB Façade/Revitalization Program) along Martin Luther King Blvd from Robert B. Cullum to S.M. Wright.

**SDFPAB Façade/Revitalization Program will provide for:** Financial assistance is requested in the form of a grant to be awarded among individual businesses that will use the grant to improve façades, to rehabilitate e the exterior of the building (fronting public rights-of-way), and to repair existing code violations. Total funding for the program is \$100,000 and the amount of the individual grants will be approximately \$20,000 each business to be selected in accordance with the criteria outlined herein.

#### **Application/Eligibility Requirements:**

Applicants must fill out a formal application with the City of Dallas and assemble/submit a packet of information and supporting documentation. The following is a list of application and eligibility requirements, required documentation, and program procedures.

- The applicant must be a building owner or business operator along Martin Luther King Jr. Boulevard from Robert B. Cullum to S.M. Wright.
- Building owners, applying for a façade improvement grant, must provide proof/evidence of property ownership and a current 5 year lease with business operators located at property receiving façade improvements.
- Business operators, applying for a façade improvement grant, must provide a 5 year lease agreement with the owner of the building, written approval from the building owner authorizing the improvements, and must submit proof/evidence of property ownership on behalf of the owner.
- If a business operator is chosen, the building owner must provide written authorization to perform improvements detailed in the scope of work.

## **Exhibit A**

### **South Dallas/Fair Park Area Business Façade/Revitalization Program**

#### **Program Statement**

Eligible commercial/retail and other businesses must agree to operate for a period of not less than three years after completion of façade improvements, and comply with the terms of the grant agreement with the city.

- The business owner must provide verification of current liability insurance in accordance with the requirements and limits as determined by the City's Risk Management department. The building owner/business operator must name the City of Dallas as an additional insured.
- Building owners/business operators must provide verification of current property taxes and other taxes and liabilities owed to the city.
- The building owner/business operator must provide verification of correct zoning for the business including historic preservation, street cafes, signage, and ordinances and current building code inspection.
- The building owner/business operator must provide a detailed description of the proposed scope of work to include professional design sketch/rendering of proposed improvements, site map of building location, photograph of building façade in its current state, and three (3) cost estimates of proposed façade improvements. Proposed façade improvements must be approved by Code Compliance and the Façade Improvement Selection Committee.

## **Exhibit A**

### **South Dallas/Fair Park Area Business Façade/Revitalization Program**

#### **Program Statement**

##### **Program Procedures:**

- Once approved by the Office of Economic Development and Code Compliance, applicants will be required to execute a grant agreement with the City of Dallas to secure the obligations noted herein for the improvements.
- The Office of Economic Development is responsible for implementation, monitoring, and evaluation under this program. The City Council delegates authority to the Director of the Office of Economic Development (or designee) to provide approval of individual applications, based upon the above referenced criteria, and execute all documentation required under this program. The Office of Economic Development will:
  - Date/monitor application submittals, review supporting documentation to verify accuracy, determine eligibility, and approve grants on a first come first serve basis until funds are depleted.
  - Establish a Façade Improvement Committee made up of representatives from various departments such as Design Studio, Planning, Code, and Sustainable Development/Building Inspection.
  - Monitor building/business activities for three years following completion of façade improvements to ensure grant compliance.

## **Exhibit A**

### **South Dallas/Fair Park Area Business Façade/Revitalization Program**

#### **Program Statement**

##### **Program Timeline**

- Applicants will submit their application with all required documentation to the Office of Economic Development.
- The Façade Improvement Committee will review the applications and award up to \$20,000 per building owner/business operator.
- The chosen applicants will meet with the Façade Improvement Committee to discuss the desired improvements, the scope of work being requested, and estimates.
- The applicant must hire a contractor to perform the work as detailed in scope of work.
- The Façade Improvement Committee will coordinate with the applicant and the contractor in setting out benchmarks for each project
- The Office of Economic Development Project Manager will monitor the work and conduct regular visits to the site
- The applicants will notify the Project Manager upon completion of each project and the Project Manager will do final inspections
- Upon verification that each phase of work has been completed in accordance with the design laid out in the scope of work and verification that the building has passed code inspections, the building owner/business operator will receive incremental grant payments in an amount not to exceed \$20,000.

**REVISED AGENDA ITEM # 11**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** April 23, 2014

**COUNCIL DISTRICT(S):** N/A

**DEPARTMENT:** Human Resources

**CMO:** A. C. Gonzalez, 670-3302

**MAPSCO:** N/A

---

**SUBJECT**

An ordinance amending Section 34-24.1, "Family Leave," of Chapter 34, "Personnel Rules," to **(1)** allow employees to take family leave for a "designated care recipient"; and **(2)** providing a definition of "designated care recipient"; ~~providing a penalty not to exceed \$500;~~ providing a saving clause; providing a severability clause; and providing an effective date - Financing: This item has no cost consideration to the City

**BACKGROUND**

The City of Dallas Personnel Rules currently allow employees to take family leave to care for a spouse, son, daughter, parent, or related service member who has a serious health condition or for an exigency arising from the active duty of a related service member. This ordinance implements the "plus-one" concept by allowing employees to designate one person as a "designated care recipient" and use family leave for that designated care recipient. The ordinance defines a "designated care recipient" as "one individual designated by the employee who is 18 years of age or older and has resided in the same household as the employee and intends to reside in the same household as the employee on a continuous basis." This ordinance expands family leave for all employees.

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

On March 5, 2014, City Council adopted a resolution directing the City Manager to take action as necessary to amend the City of Dallas' human resources policies and ordinances to address household relationships of city employees.

**FISCAL INFORMATION**

This item has no cost consideration to the City.

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Section 34-24.1; allowing family medical leave for designated care recipients; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

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

SECTION 1. That Section 34-24.1, "Family Leave," of Article III, "Leave Policies," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

**"SEC. 34-24.1        FAMILY LEAVE.**

(a)    Federal regulations. The terms used in this section that are not defined in Section 34-4 of this chapter have the meanings given them in the Family and Medical Leave Act and Part 825, Title 29 of the Code of Federal Regulations, as amended. All interpretations and applications of this section must be made in compliance with the minimum requirements of the Family and Medical Leave Act and Part 825, Title 29 of the Code of Federal Regulations, as amended. If any provision of this section conflicts with a provision of the federal law governing family leave, the federal law prevails.

(b)    Eligibility. Every employee is eligible for family leave if the employee has:

- (1)    been employed by the city for at least 12 months; and
- (2)    worked at least 1,250 hours during the 12-month period immediately preceding the commencement of family leave.

(c)    When family leave may be taken.

(1)    An eligible employee may take family leave only in the following circumstances:



(A[1]) for the birth of the employee's son or daughter or to care for the child after its birth;

(B[2]) for the placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement;

(C[3]) to care for a spouse, son, daughter, [Ø] parent, or "designated care recipient" of the employee, if the spouse, son, daughter, [Ø] parent, or "designated care recipient" has a serious health condition;

(D[4]) for a serious health condition that makes the employee unable to perform the functions of the employee's position;

(E[5]) for any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, [Ø] parent, or "designated care recipient" is a covered military member who is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or

(F[6]) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member or if the service member is a "designated care recipient" of the employee.

(2) For purposes of this subsection, "designated care recipient" means one individual designated by the employee who is 18 years of age or older and has resided in the same household as the employee and intends to reside in the same household as the employee on a continuous basis.

(d) Administration of family leave. Specific procedures and requirements for the administration of the Family and Medical Leave Act are outlined in the administrative directives of the city. No procedure or requirement adopted by administrative directive may conflict with the Family and Medical Leave Act or Part 825, Title 29 of the Code of Federal Regulations, as amended.

(e) Disciplinary action. Disciplinary action, up to and including discharge from city employment, may be taken against an employee who:

(1) falsifies or misrepresents any facts in order to obtain family leave; or

(2) shares confidential medical information relating to a request for family leave with any person not authorized to receive the information."

SECTION 2. That Chapter 34 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 3. 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 4. 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 \_\_\_\_\_