

**JUNE 11, 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 June 11, 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

5/30/14  
\_\_\_\_\_  
Date

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

5/30/14  
\_\_\_\_\_  
Date





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CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL AGENDA

June 11, 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, JUNE 11, 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 - 25

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 26 - 29

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 30 - 44

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



**AGENDA**  
**CITY COUNCIL MEETING**  
**JUNE 11, 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 May 28, 2014 City Council Meeting

**CONSENT AGENDA**

**Business Development & Procurement Services**

2. Authorize the purchase of **(1)** eight pieces of heavy equipment - Southwest International Trucks, Inc. in the amount of \$570,647, Texarkana Tractor Company dba Nor-Tex Tractor in the amount of \$451,479, Phelps Industries, Inc. in the amount of \$382,010, Hertz Equipment Rental Corporation in the amount of \$70,008, Waukesha-Pearce Industries, Inc. in the amount of \$63,400 and Nilfisk-Advance, Inc. in the amount of \$53,083, lowest responsible bidders of twenty; **(2)** nineteen pieces of heavy equipment - Rush Truck Center Crane in the amount of \$2,710,878 and Cues, Inc. in the amount of \$170,653 through the Houston-Galveston Area Council of Governments; and **(3)** one wheel loader - RDO Equipment Company in the amount of \$117,995 through Texas Association of School Boards (BuyBoard) - Total not to exceed \$4,590,153 - Financing: Municipal Lease Agreement Funds (\$3,092,888), Water Utilities Current Funds (\$1,273,529), Stormwater Drainage Management Current Funds (\$170,653), Aviation Current Funds (\$53,083)

CONSENT AGENDA (Continued)

**City Attorney's Office**

3. Authorize payment of a judgment in the lawsuit styled Tyrone J. Branley v. City of Dallas and Debra Williams, Cause No. DC-12-07125-A - Not to exceed \$52,337 - Financing: Current Funds
4. Authorize settlement of the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A - Not to exceed \$60,000 - Financing: Current Funds
5. Authorize settlement of the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed \$150,000 - Financing: Current Funds
6. Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds

**Housing/Community Services**

7. Authorize the release of lien on a secured, no interest, forgivable loan, with Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, for non-substantial rehabilitation at Ewing Center located at 731 North Ewing Avenue, and Revlon Apartments located at 720 North Lancaster Avenue in the amount of \$161,500 - Financing: No cost consideration to the City

**Office of Management Services**

8. Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2012 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2012 through July 31, 2014 - Not to exceed \$42,946, from \$5,295,442 to \$5,338,388 - Financing: U.S. Department of Homeland Security Grant Funds

**Park & Recreation**

9. Authorize an increase in the contract with J.C. Commercial, Inc. for additional scope of work to include: heating, ventilation and air conditioning repairs, painting, sheet rock replacement, installation of a new paging system and other miscellaneous items at the Anita Martinez Recreation Center located at 3212 North Winnetka Avenue - Not to exceed \$138,104, from \$1,170,898 to \$1,309,002 - Financing: 2006 Bond Funds

**CONSENT AGENDA** (Continued)**Park & Recreation** (Continued)

10. Authorize Supplemental Agreement No. 3 to the professional services contract with Good Fulton & Farrell Architects for sitework scope additions and documents modification for the Briscoe Carpenter Center (formerly known as Livestock Arena) in Fair Park located at 1419 South Washington Street - Not to exceed \$88,450, from \$938,695 to \$1,027,145 - Financing: 2006 General Obligation Commercial Paper Funds

**Public Works Department**

11. Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of thoroughfare/streetscape improvements for Fort Worth Avenue from Sylvan Avenue to West Commerce Street - Not to exceed \$300,766 - Financing: General Obligation Commercial Paper Funds (\$220,735) and Water Utilities Capital Improvement Funds (\$80,031)
12. Authorize a contract with CORE Construction Services of Texas, Inc., best value proposer of five, for the construction of the Fretz Park Branch Library Renovation and Addition, located at 6990 Belt Line Road - Not to exceed \$4,343,564 - Financing: General Obligation Commercial Paper Funds
13. Authorize an increase in the contract with Munilla Construction Management, LLC to accommodate a change in the project schedule due to the project being shut down for Federal Aviation Administration review of a Construction Safety Phasing Plan on the Runway Safety Area Enhancements Project, Phase II at Dallas Love Field - Not to exceed \$368,364, from \$17,773,947 to \$18,142,311 - Financing: Aviation Capital Construction Funds (\$190,184) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$178,180)
14. Authorize an increase in funding for the Project Specific Agreement with Dallas County for the design and construction of paving, drainage, water main, and wastewater main improvements on Mountain Creek Parkway, from 2,400 feet southeast of Eagle Ford Drive to Clark Road - Not to exceed \$8,650,215, from \$480,253 to \$9,130,468 - Financing: General Obligation Commercial Paper Funds (\$5,325,000), Water Utilities Capital Construction Funds (\$38,500) and Water Utilities Capital Improvement Funds (\$3,286,715)

**Sustainable Development and Construction**

15. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. 635-120 JV, et al., Cause No. CC-13-01705-E, pending in Dallas County Court at Law No. 1, to acquire approximately 480,413 square feet of land, including any improvements located at the intersection of Interstate Highway 20 and Rylie Crest Drive for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$953,214 (\$943,214 being the amount of the award, plus closing costs and title expenses not to exceed \$10,000); an increase of \$20,735 from the amount Council originally authorized for this acquisition - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (Continued)**Sustainable Development and Construction (Continued)**

16. Authorize acquisition from Matthews CCH Partners, L.P., of approximately 22,478 square feet of land improved with two buildings located near the intersection of Belleview and Browder Streets for the widening and extension of Belleview Street - Not to exceed \$221,000 (\$215,810, plus closing costs and title expenses not to exceed \$5,190) - Financing: General Obligation Commercial Paper Funds
17. Authorize an amendment to Resolution No. 11-1715, previously approved on June 22, 2011, for acquisition from Clemmie Skief and Kathleen G. Skief, to increase the previously authorized amount for acquisition of approximately 1,065 square feet of land located near the intersection of Telephone and Bonnie View Roads for the Southwest 120/96-inch Water Transmission Pipeline Project - Not to exceed \$1,300, increased from \$29,000 (\$27,111, plus closing costs and title expenses not to exceed \$1,889) to \$30,300 (\$27,111, plus closing costs and title expenses not to exceed \$3,189) - Financing: Water Utilities Capital Construction Funds
18. Authorize an amendment to Resolution No. 12-0469, previously approved on February 8, 2012, to authorize acquisition of a smaller tract of land containing approximately 75,629 square feet from Edward Handlin and Lafaye Handlin, located in the City of Balch Springs for the Southwest 120/96-inch Water Transmission Pipeline Project - Financing: This action has no additional cost consideration to the City
19. Authorize an amendment to Resolution No. 13-0865, previously approved on May 22, 2013, to authorize acquisition of a larger tract of land containing approximately 71,544 square feet from Michael Franklin Green, located in Kaufman County for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$13, increased from \$44,050 (\$41,050, plus closing costs and title expenses not to exceed \$3,000) to \$44,063 (\$41,063, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds
20. An ordinance abandoning a portion of Browder Street to Southwestern Bell Telephone Company, the abutting owner, containing a total of approximately 4,456 square feet of land, located near the intersection of Browder and Wood Streets - Revenue: \$220,572, plus the \$20 ordinance publication fee

**Trinity Watershed Management**

21. Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Eldorado Properties, Inc., et al., Cause No. CC-14-00665-A, pending in Dallas County Court at Law No. 1, to acquire approximately 7,345 square feet of land, including any improvements, located on North Carroll Avenue at its intersection with Victor Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$79,000 (\$75,000 being the amount of the award, plus closing costs and title expenses not to exceed \$4,000); an increase of \$30,000 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds



CONSENT AGENDA (Continued)**Trinity Watershed Management (Continued)****IH 30 Bicycle and Pedestrian Connections**

**Note:** Item Nos. 22 and 23 must be considered collectively.

22. \* Authorize **(1)** the receipt and deposit of funds from Dallas County in the amount of \$1,980,000 for the County's share of design and construction costs of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue; and **(2)** an increase in appropriations in the IH30 Bicycle and Pedestrian Connection Funds in the amount of \$1,980,000 - Financing: IH30 Bicycle and Pedestrian Connection Funds
23. \* Authorize **(1)** a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for the design and construction of the IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue; and **(2)** payment to TXDOT for the local share of design and construction costs of IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue - Not to exceed \$3,048,566 - Financing: General Obligation Commercial Paper (\$1,068,566), and IH30 Bicycle and Pedestrian Connection Funds (\$1,980,000)

**Water Utilities**

24. Authorize three contracts with the United States Army Corps of Engineers for a volumetric survey of Lake Ray Hubbard in the amount of \$35,233, White Rock Lake in the amount of \$20,456 and Bachman Lake in the amount of \$19,051 - Total not to exceed \$74,740 - Financing: Water Utilities Capital Construction Funds
25. Authorize a contract for the installation of water and wastewater mains at 27 locations (list attached) - RKM Utility Services, Inc., lowest responsible bidder of five - Not to exceed \$12,473,390 - Financing: Water Utilities Capital Improvement Funds

**ITEMS FOR INDIVIDUAL CONSIDERATION****City Secretary's Office**

26. 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)

**Office of Management Services**

27. A resolution approving certain amendments to the Dallas City Charter for submission to the qualified voters of the City on November 4, 2014 - Financing: This action has no cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

## DESIGNATED PUBLIC SUBSIDY MATTERS

**Economic Development**

**Courtland Farms LLC Amendment to Development Agreement and Tax Abatement Agreements** **Note:** Item Nos. 28 and 29 must be considered collectively.

28. \* Authorize an amendment to Resolution No. 14-0549, previously approved on March 26, 2014, authorizing a development agreement with Courtland Group, LLC changing the name of the contracting entity from Courtland Group, LLC to Courtland Farms, LLC and revising the terms to clarify that the City will be constructing the Grady Niblo extension - Financing: No cost consideration to the City
29. \* Authorize an amendment to Resolution No. 14-0550, previously approved on March 26, 2014, authorizing two real property tax abatement agreements with Courtland Group, LLC changing the name of the contracting entity from Courtland Group, LLC to Courtland Farms, LLC and extending the dates of substantial completion - Financing: No cost consideration to the City

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

30. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle or engine repair or maintenance use on property zoned Subdistrict 1A within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District on the east line of Langford Street, north of Yorktown Street  
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site/landscape plan and conditions  
Z134-155(OTH)
31. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an Open-enrollment charter school and R-7.5(A) Single Family District Uses on property zoned an R-7.5(A) Single Family District, and an ordinance granting the termination of Specific Use Permit No. 1742 for an Open-enrollment charter school, on property on the north line of Bohannon Drive, east of Pleasant Drive  
Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, traffic management plan, and conditions, and approval of the termination of Specific Use Permit No. 1742  
Z134-165(RB)

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

32. A public hearing to receive comments regarding an application for a CR Community Retail District on property zoned an MF-2(A) Multifamily District on the southwest side of Highland Road, east of Ferguson Road with consideration being given to and an ordinance granting an NS(A) Neighborhood Service District  
Recommendation of Staff and CPC: Approval of an NS(A) Neighborhood Service District in lieu of the requested CR Community Retail District  
Z134-173(DJ)
33. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2028 for an open-enrollment charter school on property zoned an RR Regional Retail District generally bounded by Kiest Boulevard, Morse Drive and Walton Walker Boulevard  
Recommendation of Staff and CPC: Approval, subject to a revised site plan  
Z134-174(OTH)
34. A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict E-2 within Planned Development District No. 305 for mixed uses on the northeast corner of North Central Expressway and North Haskell Avenue  
Recommendation of Staff and CPC: Approval, subject to conditions  
Z134-176(WE)
35. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1726 for a vehicle display, sales and services use on property zoned Subdistrict 2 within Planned Development District No 534, the C.F. Hawn Special Purpose District No. 2 on the southeast corner of C.F. Hawn Freeway and Dowdy Ferry Road  
Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions  
Z134-179(WE)
36. A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District on the southwest line of John W. Carpenter Freeway, southeast of Metromedia Place  
Recommendation of Staff and CPC: Approval  
Z134-183(MW)

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

37. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern, on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Exposition Avenue, west of Parry Avenue  
Recommendation of Staff and CPC: Approval for a three-year period, subject to conditions  
Z134-189(OTH)

ZONING CASES - INDIVIDUAL

38. 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 3,500 square feet or less on property zoned Subdistrict 2 within Planned Development District No. 535, the C. F. Hawn Special Purpose District No. 3 with a D-1 Liquor Control Overlay on the northwest corner of C.F. Hawn Freeway and St. Augustine Road  
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  
Z134-157(WE)

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

39. A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road  
Recommendation of Staff and CPC: Approval for a two-year period, subject to a revised site/landscape plan and conditions  
Z112-267(WE)  
Note: This item was considered by the City Council at a public hearing on May 28, 2014, and was taken under advisement until June 11, 2014, with the public hearing open

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL (Continued)

40. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the east side of Harry Hines Boulevard, north of Royal Lane  
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions  
Z134-133(MW)  
Note: This item was considered by the City Council at a public hearing on May 28, 2014, and was taken under advisement until June 11, 2014, with the public hearing open
41. A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the west side of Denton Drive, north of Royal Lane  
Recommendation of Staff and CPC: Approval, subject to a development plan and conditions  
Z134-146(MW)  
Note: This item was considered by the City Council at a public hearing on May 28, 2014, and was taken under advisement until June 11, 2014, with the public hearing open

DESIGNATED ZONING CASES - INDIVIDUAL

42. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval, subject to a development plan and conditions  
Z123-193(WE)

PUBLIC HEARINGS AND RELATED ACTIONS (Continued)

**Sustainable Development and Construction (Continued)**

DESIGNATED ZONING CASES - UNDER ADVISEMENT - INDIVIDUAL

43. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District on the southeast line of Fuqua Street, southwest line of Moser Avenue, northwest line of Monarch Street and northeast line of North Garrett Avenue  
Recommendation of Staff and CPC: Approval, subject to a conceptual plan and conditions  
Z123-365(MW)  
Note: This item was considered by the City Council at a public hearing on May 14, 2014, and was taken under advisement until June 11, 2014, with the public hearing open

MISCELLANEOUS HEARINGS

**Office of Financial Services**

44. A public hearing to receive comments on the Proposed FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the Proposed FY 2013-14 Reprogramming Budget - Financing: No cost consideration to the City

**Installation of Water and Wastewater Mains**  
Agenda Item # 25

**District 1**

Dryden Drive from Falls Drive to Glenhaven Boulevard

**District 2**

East Grand Avenue from Interstate Highway 30E (R.L. Thornton Freeway) to Haskell Avenue

**District 4**

Alley west of Belknap Avenue from Southerland Avenue southeast

**District 5**

Angelus Road from Ladonia Drive to St. Augustine Drive  
Elam Road from Jim Miller Road to Old South Parkway  
Jim Miller Road from Rosemont Road to U.S. Highway 175  
(C.F. Hawn Freeway)  
Ladonia Drive from Angelus Road north  
Lake June Road from Jim Miller Road to Conner Drive

**District 6**

Crampton Street from Irving Boulevard northeast

**District 8**

Cade Road from Cory Street to Tufts Road  
Clearfield Road from Fireside Drive to Cold Springs Avenue  
Skyfrost Drive from Jacobson Drive southeast

**District 9**

Bob O Link Drive from Hillside Drive to Cambria Boulevard  
Kingsman Drive from Province Lane northeast  
Kingsman Drive from Province Lane southwest

**Installation of Water and Wastewater Mains**  
Agenda Item # 25 (Continued)

**District 10**

Forest Lane from Schroeder Road west

**District 11**

Lafayette Way from Hughes Lane east

**District 13**

Berkshire Lane from Devonshire Drive to Dallas North Tollway  
Caruth Haven Lane from Loop 12 (Northwest Highway) south  
Cherry Ridge Court from Flair Drive north  
Coral Hills Drive from Dartmoor Drive to Cromwell Drive  
Cromwell Drive from Flair Drive to St. Cloud Circle  
Flair Drive from Cromwell Drive to Marsh Lane  
Lomo Alto Drive from alley south of Sherry Lane south  
Mid Pines Drive from Sonnet Drive to Weeburn Drive  
Sonnet Drive from Flair Drive to Dartmoor Drive  
Sonnet Drive from Dartmoor Drive to Mid Pines Drive



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 June 11, 2014

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of May 28, 2014 City Council Meeting
2			All	C	PBD, AVI, EBS, SAN, STS, TWIM, WTR	\$4,590,152.27	44.26%	0.00%	Authorize the purchase of eight pieces of heavy equipment; nineteen pieces of heavy equipment through the Houston-Galveston Area Council of Governments; and one wheel loader through Texas Association of School Boards (BuyBoard)
3			N/A	C	ATT, FIR	\$52,336.32	NA	NA	Authorize payment of a judgment in the lawsuit styled Tyrone J. Branley v. City of Dallas and Debra Williams, Cause No. DC-12-07125-A
4			N/A	C	ATT, PKR	\$60,000.00	NA	NA	Authorize settlement of the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A
5			N/A	C	ATT, POL	\$150,000.00	NA	NA	Authorize settlement of the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866
6			N/A	C	ATT	\$50,000.00	100.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866
7			1	C	HOU	NC	NA	NA	Authorize the release of lien on a secured, no interest, forgivable loan, with Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, for non-substantial rehabilitation at Ewing Center located at 731 North Ewing Avenue, and Revlon Apartments located at 720 North Lancaster Avenue
8			All	C	MGT, OEM	GT	NA	NA	Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2012 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2012 through July 31, 2014
9			6	C	PKR	\$138,103.77	13.34%	32.19%	Authorize an increase in the contract with J.C. Commercial, Inc. for additional scope of work to include: heating, ventilation and air conditioning repairs, painting, sheet rock replacement, installation of a new paging system and other miscellaneous items at the Anita Martinez Recreation Center located at 3212 North Winnetka Avenue
10			7	C	PKR	\$88,450.00	100.00%	32.89%	Authorize Supplemental Agreement No. 3 to the professional services contract with Good Fulton & Farrell Architects for sitework scope additions and documents modification for the Briscoe Carpenter Center (formerly known as Livestock Arena) in Fair Park located at 1419 South Washington Street
11			6	C	PBW, WTR	\$300,766.00	100.00%	44.13%	Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of thoroughfare/streetscape improvements for Fort Worth Avenue from Sylvan Avenue to West Commerce Street
12			11	C	PBW, LIB	\$4,343,564.00	32.11%	27.00%	Authorize a contract with CORE Construction Services of Texas, Inc., best value proposer of five, for the construction of the Fretz Park Branch Library Renovation and Addition, located at 6990 Belt Line Road
13			2	C	PBW, AVI	\$190,183.86	86.83%	29.85%	Authorize an increase in the contract with Munilla Construction Management, LLC to accommodate a change in the project schedule due to the project being shut down for Federal Aviation Administration review of a Construction Safety Phasing Plan on the Runway Safety Area Enhancements Project, Phase II at Dallas Love Field
14			3	C	PBW, WTR	\$8,650,215.00	NA	NA	Authorize an increase in funding for the Project Specific Agreement with Dallas County for the design and construction of paving, drainage, water main, and wastewater main improvements on Mountain Creek Parkway, from 2,400 feet southeast of Eagle Ford Drive to Clark Road
15			Outside	C	DEV, WTR, ATT	\$20,735.00	NA	NA	Authorize the deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. 635-I20 JV, et al., Cause No. CC-13-01705-E, pending in Dallas County Court at Law No. 1, to acquire approximately 480,413 square feet of land, including any improvements located at the intersection of Interstate Highway 20 and Rylie Crest Drive for the Southwest 120/96-inch Water Transmission Pipeline Project; and settlement of the condemnation proceeding for an amount not to exceed the award
16			2	C	DEV, PBW	\$221,000.00	NA	NA	Authorize acquisition from Matthews CCH Partners, L.P., of approximately 22,478 square feet of land improved with two buildings located near the intersection of Bellevue and Browder Streets for the widening and extension of Bellevue Street

# AGENDA DATE June 11, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
17			8	C	DEV	\$1,300.00	NA	NA	Authorize an amendment to Resolution No. 11-1715, previously approved on June 22, 2011, for acquisition from Clemmie Skief and Kathleen G. Skief, to increase the previously authorized amount for acquisition of approximately 1,065 square feet of land located near the intersection of Telephone and Bonnie View Roads for the Southwest 120/96-inch Water Transmission Pipeline Project
18			Outside	C	DEV, WTR	NC	NA	NA	Authorize an amendment to Resolution No. 12-0469, previously approved on February 8, 2012, to authorize acquisition of a smaller tract of land containing approximately 75,629 square feet from Edward Handlin and Lafaye Handlin, located in the City of Balch Springs for the Southwest 120/96-inch Water Transmission Pipeline Project
19			Outside	C	DEV, WTR	\$13.00	NA	NA	Authorize an amendment to Resolution No. 13-0865, previously approved on May 22, 2013, to authorize acquisition of a larger tract of land containing approximately 71,544 square feet from Michael Franklin Green, located in Kaufman County for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project
20			14	C	DEV	REV \$220,572	NA	NA	An ordinance abandoning a portion of Browder Street to Southwestern Bell Telephone Company, the abutting owner, containing a total of approximately 4,456 square feet of land, located near the intersection of Browder and Wood Streets
21			2	C	TWM, ATT	\$79,000.00	NA	NA	Authorize the deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Eldorado Properties, Inc., et al., Cause No. CC-14-00665-A, pending in Dallas County Court at Law No. 1, to acquire approximately 7,345 square feet of land, including any improvements, located on North Carroll Avenue at its intersection with Victor Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and settlement of the condemnation proceeding for an amount not to exceed the award
22			1, 6	C	TWM, PBW	NC	NA	NA	IH30 Bicycle and Pedestrian Connections: Authorize the receipt and deposit of funds from Dallas County for the County's share of design and construction costs of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue
23			1, 6	C	TWM, PBW	\$3,048,565.37	NA	NA	IH30 Bicycle and Pedestrian Connections: Authorize a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for the design and construction of the IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue; and payment to TXDOT for the local share of design and construction costs of IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue
24			All	C	WTR	\$74,740.00	NA	NA	Authorize three contracts with the United States Army Corps of Engineers for a volumetric survey of Lake Ray Hubbard, White Rock Lake and Bachman Lake
25			1, 2, 4, 5, 6, 8, 9, 10, 11, 13	C	WTR	\$12,473,390.00	74.98%	25.06%	Authorize a contract for the installation of water and wastewater mains at 27 locations
26			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)
27			All	I	MGT, IGS, ATT	NC	NA	NA	A resolution approving certain amendments to the Dallas City Charter for submission to the qualified voters of the City on November 4, 2014
28			3	I	ECO	NC	NA	NA	Courtland Farms LLC Amendment to Development Agreement and Tax Abatement Agreements: Authorize an amendment to Resolution No. 14-0549, previously approved on March 26, 2014, authorizing a development agreement with Courtland Group, LLC changing the name of the contracting entity from Courtland Group, LLC to Courtland Farms, LLC and revising the terms to clarify that the City will be constructing the Grady Niblo extension
29			3	I	ECO	NC	NA	NA	Courtland Farms LLC Amendment to Development Agreement and Tax Abatement Agreements: Authorize an amendment to Resolution No. 14-0550, previously approved on March 26, 2014, authorizing two real property tax abatement agreements with Courtland Group, LLC changing the name of the contracting entity from Courtland Group, LLC to Courtland Farms, LLC and extending the dates of substantial completion

# AGENDA DATE June 11, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
30			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle or engine repair or maintenance use on property zoned Subdistrict 1A within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District on the east line of Langford Street, north of Yorktown Street
31			5	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an Open-enrollment charter school and R-7.5(A) Single Family District Uses on property zoned an R-7.5(A) Single Family District, and an ordinance granting the termination of Specific Use Permit No. 1742 for an Open-enrollment charter school, on property on the north line of Bohannon Drive, east of Pleasant Drive
32			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for a CR Community Retail District on property zoned an MF-2(A) Multifamily District on the southwest side of Highland Road, east of Ferguson Road with consideration being given to and an ordinance granting an NS(A) Neighborhood Service District
33			3	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. 2028 for an open-enrollment charter school on property zoned an RR Regional Retail District generally bounded by Kiest Boulevard, Morse Drive and Walton Walker Boulevard
34			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict E-2 within Planned Development District No. 305 for mixed uses on the northeast corner of North Central Expressway and North Haskell Avenue
35			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. 1726 for a vehicle display, sales and services use on property zoned Subdistrict 2 within Planned Development District No. 534, the C.F. Hawn Special Purpose District No. 2 on the southeast corner of C.F. Hawn Freeway and Dowdy Ferry Road
36			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District on the southwest line of John W. Carpenter Freeway, southeast of Metromedia Place
37			7	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern, on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Exposition Avenue, west of Parry Avenue
38			5	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 3,500 square feet or less on property zoned Subdistrict 2 within Planned Development District No. 535, the C. F. Hawn Special Purpose District No. 3 with a D-1 Liquor Control Overlay on the northwest corner of C.F. Hawn Freeway and St. Augustine Road
39			6	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. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road
40			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the east side of Harry Hines Boulevard, north of Royal Lane
41			6	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the west side of Denton Drive, north of Royal Lane
42			14	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue

**AGENDA DATE**     June 11, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
43			2	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District on the southeast line of Fuqua Street, southwest line of Moser Avenue, northwest line of Monarch Street and northeast line of North Garrett Avenue
44			N/A	PH	OFS	NC	NA	NA	A public hearing to receive comments on the Proposed FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the Proposed FY 2013-14 Reprogramming Budget

**TOTAL            \$34,532,514.59**







**AGENDA ITEM # 2**

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

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Business Development & Procurement Services  
Aviation  
Equipment & Building Services  
Sanitation Services  
Street Services  
Trinity Watershed Management  
Water Utilities

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

**MAPSCO:** N/A

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**SUBJECT**

Authorize the purchase of **(1)** eight pieces of heavy equipment – Southwest International Trucks, Inc. in the amount of \$570,647, Texarkana Tractor Company dba Nor-Tex Tractor in the amount of \$451,479, Phelps Industries, Inc. in the amount of \$382,010, Hertz Equipment Rental Corporation in the amount of \$70,008, Waukesha-Pearce Industries, Inc. in the amount of \$63,400 and Nilfisk-Advance, Inc. in the amount of \$53,083, lowest responsible bidders of twenty; **(2)** nineteen pieces of heavy equipment – Rush Truck Center Crane in the amount of \$2,710,878 and Cues, Inc. in the amount of \$170,653 through the Houston-Galveston Area Council of Governments; and **(3)** one wheel loader – RDO Equipment Company in the amount of \$117,995 through Texas Association of School Boards (BuyBoard) - Total not to exceed \$4,590,153 - Financing: Municipal Lease Agreement Funds (\$3,092,888), Water Utilities Current Funds (\$1,273,529), Stormwater Drainage Management Current Funds (\$170,653), Aviation Current Funds (\$53,083)

## **BACKGROUND**

This action will allow for the purchase of a total of twenty-eight pieces of heavy equipment (eighteen pieces of this equipment are compressed natural gas (CNG) and ten pieces are traditional fuel). The following heavy equipment will be used by various departments throughout the City in their daily activities:

- 1 - Scrubber sweeper
- 1 - Sewer inspection van
- 1 - Portable transfer trailer
- 1 - Diesel generator
- 2 - Large sewer cleaner units
- 1 - Boom lift
- 1 - Bio-solids vehicle
- 1 - Sewer cleaner/vacuum unit
- 1 - Wheel loader
- 5 - CNG rear loader
- 13 - CNG brush trucks

Vehicles being replaced have gone through an evaluation process using an established criterion to ensure that only vehicles that have exceeded their useful life are replaced. The equipment evaluation includes life-to-date maintenance costs, recommended replacement mileage and recommended replacement life. Replacement units will be reassigned to other departments or auctioned, whichever is more beneficial to the City. All are replacements except the sewer inspection van and generator.

Houston-Galveston Area Council of Governments (H-GAC) and Texas Association of School Boards (BuyBoard) conform to the requirements of Texas Statutes that are applicable for competitive bids and proposals, in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, H-GAC and BuyBoard receive bids from manufacturers and dealers throughout the United States.

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,098 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 February 13, 2013, City Council authorized the purchase of two truck mounted sewer cleaners by Resolution No. 13-0291.

On February 13, 2013, City Council authorized the purchase of two hydraulic excavators, one hydraulic paver and one construction trailer by Resolution No. 13-0289.

On June 12, 2013, City Council authorized a one year master agreement for the purchase of two hundred eighty-four pieces of fleet equipment by Resolution No. 13-0936.

On August 28, 2013, City Council authorized the purchase of one wheel loader by Resolution No. 13-1418.

On December 11, 2013, City Council authorized a one year master agreement for the purchase of three-hundred sixty-one pieces of fleet equipment by Resolution No. 13-2055.

On June 2, 2014, this item was included as a briefing memo to the Budget, Finance and Audit Committee.

### **FISCAL INFORMATION**

\$3,092,888.00 - Municipal Lease Agreement Funds

\$1,273,528.76 - Water Utilities Current Funds

\$ 170,653.00 - Stormwater Drainage Management Current Funds

\$ 53,082.51 - Aviation Current Funds

### **M/WBE INFORMATION**

115 - Vendors Contacted

115 - No response

0 - Response (bid)

0 - Response (no bid)

0 - Successful

1,098 M/WBE and Non-M/WBE vendors were contacted

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

## **ETHNIC COMPOSITION**

### **Southwest International Trucks, Inc.**

White Male	257	White Female	37
Black Male	24	Black Female	2
Hispanic Male	74	Hispanic Female	5
Other Male	1	Other Female	0

### **Texarkana Tractor Company dba Nor-Tex Tractor**

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

### **Phelps Industries, Inc.**

White Male	23	White Female	2
Black Male	13	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

### **Hertz Equipment Rental Corporation**

White Male	9	White Female	0
Black Male	3	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

### **Waukesha – Pearce Industries, Inc.**

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

### **Nilfisk-Advance, Inc.**

White Male	443	White Female	131
Black Male	8	Black Female	2
Hispanic Male	37	Hispanic Female	25
Other Male	27	Other Female	10

## **ETHNIC COMPOSITION (Continued)**

### **Rush Truck Center Crane**

White Male	17	White Female	3
Black Male	0	Black Female	1
Hispanic Male	1	Hispanic Female	2
Other Male	0	Other Female	1

### **Cues, Inc.**

White Male	113	White Female	19
Black Male	14	Black Female	4
Hispanic Male	51	Hispanic Female	12
Other Male	4	Other Female	1

### **RDO Equipment Company**

White Male	33	White Female	5
Black Male	2	Black Female	0
Hispanic Male	4	Hispanic Female	0
Other Male	0	Other Female	0

## **BID INFORMATION**

The following bids were received from solicitation number BJ1409 and opened on April 24, 2014. These purchases are being 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</u></b>
*Southwest International Trucks, Inc.	3722 Irving Blvd. Dallas, TX 75247	Multiple Groups
*Texarkana Tractor Company dba Nor-Tex Tractor	1400 W. Shannon Rd. Sulphur Springs, TX 75482	Multiple Groups
*Phelps Industries, Inc.	1700 E. 9 <sup>th</sup> St. Little Rock, AR. 72202	Multiple Groups

**BID INFORMATION (Continued)**

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
*Hertz Equipment Rental Corporation	10966 Harry Hines, Blvd. Dallas, TX 75220	Multiple Groups
*Waukesha - Pearce Industries, Inc.	902 Fountain Pkwy. Grand Prairie, TX 75050	Multiple Groups
*Nilfisk-Advance, Inc.	14600 21 <sup>st</sup> Ave. N. Plymouth, MN 55447	Multiple Groups
*Rush Truck Center Crane	8810 IH-10 East San Antonio, TX 78219	Multiple Groups
Chastang Enterprises, Inc. dba Chastang Ford	6200 N. Loop E Houston, TX 77026	Multiple Groups
Texarkana Tractor Company dba Bowie County Equipment	421 NE Front St. Dekalb, TX 75559	Multiple Groups
Texarkana Tractor Company dba Bowie County Equipment - Alternate 1	421 NE Front St. Dekalb, TX 75559	Multiple Groups
Texarkana Tractor Co. dba Nor-Tex Tractor - Alternate 1	1400 W. Shannon Rd. Sulphur Springs, TX 75482	Multiple Groups
The Around the Clock Freightliner	4200 Port Blvd. Dallas, TX 75241	Multiple Groups
The Around the Clock Freightliner - Alternate 1	4200 Port Blvd. Dallas, TX 75241	Multiple Groups
The Around the Clock Freightliner - Alternate 2	4200 Port Blvd. Dallas, TX 75241	Multiple Groups
The Around the Clock Freightliner - Alternate 3	4200 Port Blvd. Dallas, TX 75241	Multiple Groups

## **BID INFORMATION (Continued)**

<b><u>Bidders</u></b>	<b><u>Address</u></b>	<b><u>Amount</u></b>
Southwest International Trucks, Inc. - Alternate 1	3722 Irving Blvd. Dallas, TX 75247	Multiple Groups
Southwest International Trucks, Inc. - Alternate 2	3722 Irving Blvd. Dallas, TX 75247	Multiple Groups
Southwest International Trucks, Inc. - Alternate 3	3722 Irving Blvd. Dallas, TX 75247	Non-Responsive**
Blue Line Rental	127 Walnut Bottom Rd. Shiddensburg, PA 17257	Non-Responsive**
Phelps Industries, Inc. Alternate 1	1700 E. 9 <sup>th</sup> St. Little Rock, AR 72202	Non-Responsive**

\*\*Blue Line Rental, Hertz Equipment Rental Corporation (Group 4), Phelps Industries, Inc. (Alternate 1) and Southwest International Trucks, Inc. (Alternate 3) were deemed non-responsive due to not meeting specifications.

## **OWNERS**

### **Southwest International Trucks, Inc.**

Russ Trimble, President

### **Texarkana Tractor Company dba Nor-Tex Tractor**

James Carlow, President

### **Phelps Industries, Inc.**

Ivo Phelps, President

### **Hertz Equipment Rental Corporation**

Lois Boyd, President

### **Waukesha - Pearce Industries, Inc.**

Louis M. Pearce III, President

**OWNERS (Continued)**

**Nilfisk-Advance, Inc.**

Jeffrey Barna, President

**Rush Truck Center Crane**

W.M. "Rusty" Rush, President

**Cues, Inc.**

Alexander M. Milley, President

**RDO Equipment Company**

Ron Offutt, President



## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize the purchase of **(1)** eight pieces of heavy equipment – Southwest International Trucks, Inc. in the amount of \$570,647, Texarkana Tractor Company dba Nor-Tex Tractor in the amount of \$451,479, Phelps Industries, Inc. in the amount of \$382,010, Hertz Equipment Rental Corporation in the amount of \$70,008, Waukesha-Pearce Industries, Inc. in the amount of \$63,400 and Nilfisk-Advance, Inc. in the amount of \$53,083, lowest responsible bidders of twenty; **(2)** nineteen pieces of heavy equipment – Rush Truck Center Crane in the amount of \$2,710,878 and Cues, Inc. in the amount of \$170,653 through the Houston-Galveston Area Council of Governments; and **(3)** one wheel loader – RDO Equipment Company in the amount of \$117,995 through Texas Association of School Boards (BuyBoard) - Total not to exceed \$4,590,153 - Financing: Municipal Lease Agreement Funds (\$3,092,888), Water Utilities Current Funds (\$1,273,529), Stormwater Drainage Management Current Funds (\$170,653), Aviation Current Funds (\$53,083)

Southwest International Trucks, Inc., Waukesha-Pearce Industries, Inc. and Hertz Equipment Rental Corporation are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Phelps Industries, Inc., Nilfisk-Advance, Inc. and Texarkana Tractor Company dba Nor-Tex Tractor are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces.

**PROJECT CATEGORY:** Goods

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$704,054.76	44.26%
Total non-local contracts	\$886,571.51	55.74%
<b>TOTAL CONTRACT</b>	<b>\$1,590,626.27</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**

	<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%	\$0.00	0.00%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$0.00	0.00%	\$0.00	0.00%

June 11, 2014

**WHEREAS**, on February 13, 2013, City Council authorized the purchase of two truck mounted sewer cleaners by Resolution No. 13-0291; and,

**WHEREAS**, on February 13, 2013, City Council authorized the purchase of two hydraulic excavators, one hydraulic paver and one construction trailer by Resolution No. 13-0289; and,

**WHEREAS**, on June 12, 2013, City Council authorized a one year master agreement for the purchase of two hundred eighty-four pieces of fleet equipment by Resolution No. 13-0936; and,

**WHEREAS**, on August 28, 2013, City Council authorized the purchase of one wheel loader by Resolution No. 13-1418; and,

**WHEREAS**, on December 11, 2013, City Council authorized a one year master agreement for the purchase of three hundred thirty-six pieces of fleet equipment by Resolution No. 13-2055;

**NOW, THEREFORE,**

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

**Section 1.** That the purchase of **(1)** eight pieces of heavy equipment is authorized with Southwest International Trucks, Inc. (003940) in the amount of \$570,647.00, Texarkana Tractor Company dba Nor-Tex Tractor (VS0000065753) in the amount of \$451,479.00, Phelps Industries, Inc. (515647) in the amount of \$382,010.00, Hertz Equipment Rental Corporation (146874) in the amount of \$70,007.76, Waukesha-Pearce Industries, Inc. (005353) in the amount of \$63,400.00, Nilfisk-Advance, Inc. (513140) in the amount of \$53,082.51; **(2)** nineteen pieces of heavy equipment is authorized with Rush Truck Center Crane (517378) in the amount of \$2,710,878.00 and Cues, Inc. (007317) in the amount of \$170,653.00 through the Houston-Galveston Area Council of Governments; and **(3)** one wheel loader with RDO Equipment Company (500465) in the amount of \$117,995.00 through Texas Association of School Boards (BuyBoard) for a total amount not to exceed \$4,590,152.27.

**Section 2.** That the Purchasing Agent is authorized, upon appropriate requisition, to issue a purchase order for twenty-eight pieces of heavy equipment. If a formal contract is required for this purchase instead of a purchase order, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

June 11, 2014

**Section 3.** That in order to reimburse and finance the lease/purchase acquisition of the equipment described herein over a period not to exceed the estimated useful life (10 years) thereof, any Authorized Officer of the City designated in the Master Equipment Lease/Purchase Agreement (the "Master Lease") between Banc of America Public Capital Corp and the City is hereby authorized and directed to execute, acknowledge and deliver a Schedule A (as defined in the Master Lease) pertaining to such equipment including all attachments, financing statements and schedules thereto, in substantially the form attached to the Master Lease, with such changes as the signing officer shall determine to be advisable. Each Authorized Officer of the City is also authorized to execute, acknowledge and deliver any other agreement, instrument, certificate, representation and document, and to take any other action as may be advisable, convenient or necessary to enter into such Schedule A. The financing terms for such equipment, to be determined pursuant to the provisions of the Master Lease and reflected in such Schedule A, and the granting of a security interest in the financed equipment pursuant to the Master Lease, are hereby approved.

**Section 4.** That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$4,590,152.27:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Encumbrance</u>	<u>Amount</u>
0100	DWU	7360	4720	PODWU00000114007	\$117,995.00
0100	DWU	7420	4720	PODWU00000114011	\$63,400.00
0100	DWU	7410	4720	PODWU00000114012	\$570,647.00
0100	DWU	7450	4720	PODWU00000114014	\$451,479.00
0100	DWU	7453	4720	PODWU00000114157	\$70,007.76
ML14	EBS	E337	4740	POEBS00000114193	\$2,710,878.00
ML14	SAN	E334	4740	POSAN00000114013	\$382,010.00
0061	SDM	4790	4750	POSDM00000114009	\$170,653.00
0130	AVI	7712	4890	POAVI00000114010	\$53,082.51

**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 # 3**

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

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** City Attorney's Office  
Fire

**CMO:** Warren M.S. Ernst, 670-3491  
Charles Cato, 670-9194

**MAPSCO:** N/A

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**SUBJECT**

Authorize payment of a judgment in the lawsuit styled Tyrone J. Branley v. City of Dallas and Debra Williams, Cause No. DC-12-07125-A - Not to exceed \$52,337 - 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 March 20, 2012, involving a Fire Department vehicle. 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 June 4, 2014.

**FISCAL INFORMATION**

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

\$52,336.32 - Current Funds

June 11, 2014

**WHEREAS**, the lawsuit styled Tyrone J. Branley v. City of Dallas and Debra Williams, Cause No. DC-12-07125-A, was filed by the plaintiff seeking compensation from the City of Dallas for alleged bodily injuries sustained in an automobile accident on March 20, 2012, involving a Fire Department vehicle; and,

**WHEREAS**, the case was tried before a jury, which awarded Tyrone J. Branley the amount of \$96,500.00; the jury determined that the City of Dallas' negligence was 50%; and the judge thereafter entered a judgment awarding Branley a recovery of \$48,650, plus court costs, pre-judgment and post-judgment interest against the City for a total award of \$52,336.32; and,

**WHEREAS**, it is in the best interest of the City to pay the judgment; **Now, Therefore,**

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

**Section 1.** That the payment of a judgment in the lawsuit, styled Tyrone J. Branley v. City of Dallas and Debra Williams, Cause No. DC-12-07125-A, in an amount not to exceed \$52,336.32 is hereby approved.

**Section 2.** That the City Controller is authorized to pay to Tyrone J. Branley and his attorney, Law Offices of Ben Abbott, P.C., the amount of \$52,336.32 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 # 4**

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

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** City Attorney's Office  
Park & Recreation

**CMO:** Warren M.S. Ernst, 670-3491  
Joey Zapata, 670-1204

**MAPSCO:** N/A

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**SUBJECT**

Authorize settlement of the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A - Not to exceed \$60,000 - Financing: Current Funds

**BACKGROUND**

Plaintiffs filed a lawsuit against the City of Dallas seeking compensation for alleged bodily injuries sustained in an automobile accident on January 7, 2011, involving a Park and Recreation Department vehicle. The City and the plaintiffs reached a proposed settlement at a court-ordered mediation. Plaintiffs are represented by Warren Hays Law Office.

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

Council will be briefed by memorandum concerning this item.

**FISCAL INFORMATION**

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

\$60,000.00 - Current Funds

June 11, 2014

**WHEREAS,** a lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A, was filed by the plaintiffs seeking compensation from the City of Dallas for alleged bodily injuries sustained in an automobile accident on January 7, 2011, involving a Park and Recreation Department vehicle; and,

**WHEREAS,** the parties have agreed to a settlement of the case whereby the City of Dallas will pay the plaintiffs and their attorney the amount of \$60,000.00; and,

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

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

**Section 1.** That settlement of the lawsuit styled Julio Ramos and Ana Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos v. City of Dallas, Cause No. DC-13-00108-A, in an amount not to exceed \$60,000.00 is hereby approved.

**Section 2.** That the City Controller is authorized to pay to Ana Ramos and Julio Ramos, Individually and as next friends of Jessabel Ramos and Janine Ramos and their attorney, Warren Hays, the amount of \$60,000.00 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 # 5

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

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** City Attorney's Office  
Police

**CMO:** Warren M.S. Ernst, 670-3491  
Ryan S. Evans, 671-9837

**MAPSCO:** N/A

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### SUBJECT

Authorize settlement of the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed \$150,000 - Financing: Current Funds

### BACKGROUND

Aaron Curtis sued the City of Dallas and former Dallas police officer Michael Mosher in federal court, alleging that Mosher violated Curtis' right to be free from excessive force. The district court requires a proposed settlement be approved before a trial date. This lawsuit is set for trial on July 14, 2014. The plaintiff and the City have reached a proposed settlement, subject to city council approval, that resolves all claims against all parties, including any potential attorney's fees and costs of suit. Plaintiff is represented by Henley & Henley, P.C.

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

Council is scheduled to be briefed in Closed Session on June 4, 2014.

### FISCAL INFORMATION

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

\$150,000.00 - Current Funds

June 11, 2014

**WHEREAS,** plaintiff filed a lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866, alleging that Mosher violated Curtis' right to be free from excessive force; and,

**WHEREAS,** the City denies plaintiff's allegations; and,

**WHEREAS,** the parties have agreed to a proposed settlement of the case whereby the City will pay the plaintiff and his attorney the amount of \$150,000.00; and,

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

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

**Section 1.** That settlement of the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866, in an amount not to exceed \$150,000.00 is hereby approved.

**Section 2.** That the City Controller is authorized to pay to Aaron Curtis and Henley & Henley, P.C. the amount of \$150,000.00 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:** Efficient, Effective and Economical Government

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** City Attorney's Office

**CMO:** Warren M.S. Ernst, 670-3491

**MAPSCO:** N/A

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**SUBJECT**

Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds

**BACKGROUND**

Supplemental Agreement No. 1 will authorize Walker Bright P.C. to provide additional services necessary to represent Officer Michael Wade Mosher, an employee of the City, in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866.

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

Council is scheduled to be briefed in Closed Session on May 21, 2014.

**FISCAL INFORMATION**

\$50,000.00 - Current Funds

**M/WBE INFORMATION**

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

**OWNER**

**Walker Bright P.C.**

Gerald Bright, Owner

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed \$50,000, from \$50,000 to \$100,000 - Financing: Current Funds

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

**PROJECT CATEGORY:** Professional Services

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### LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$50,000.00	100.00%
Non-local contracts	\$0.00	0.00%
<b>TOTAL THIS ACTION</b>	<b>\$50,000.00</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

None

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

None

### TOTAL M/WBE PARTICIPATION

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

June 11, 2014

**WHEREAS**, the City of Dallas is involved in a lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866; and,

**WHEREAS**, on April 3, 2013, pursuant to Administrative Action No. 13-5403, the City of Dallas authorized a professional services contract with Walker Bright P.C. in an amount not to exceed \$50,000.00 for legal services necessary to represent Officer Michael Wade Mosher, an employee of the City; and,

**WHEREAS**, the professional services of Walker Bright P.C. continue to be necessary for representation of Officer Mosher; **Now, Therefore,**

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

**Section 1.** That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866, in an amount not to exceed \$50,000.00, increasing the original contract amount from \$50,000.00 to \$100,000.00.

**Section 2.** That the City Controller is authorized to disburse, in periodic payments to Walker Bright P.C., an amount not to exceed \$50,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389013J288, Vendor No. VS0000032828.

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

## AGENDA ITEM # 7

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

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 1

**DEPARTMENT:** Housing/Community Services

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

**MAPSCO:** 54K

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### **SUBJECT**

Authorize the release of lien on a secured, no interest, forgivable loan, with Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, for non-substantial rehabilitation at Ewing Center located at 731 North Ewing Avenue, and Revlon Apartments located at 720 North Lancaster Avenue in the amount of \$161,500 - Financing: No cost consideration to the City

### **BACKGROUND**

City Council authorization is required to secure or release a lien on real property (Dallas City Code Section 2-11.1 - 2.11.2).

On September 9, 2009, the City Council approved Resolution No. 09-2233, which authorized the execution of a secured, no-interest forgivable loan agreement with Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, for non-substantial rehabilitation at Ewing Center located at 731 North Ewing Avenue, and Revlon Apartments located at 720 North Lancaster Avenue, Dallas, Dallas County, Texas (75203). The rehabilitation activities were funded through FY2009-10 Housing Opportunities for Persons with AIDS (HOPWA) grant funds.

PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas provides facility based housing assistance for low-income and formerly homeless persons living with HIV/AIDS in four apartment communities (125 units) located in North Oak Cliff (75203) - Ewing Center, Hillcrest House, Revlon Apartments, and Spencer Gardens.

Any building or structure assisted under HOPWA for non-substantial rehabilitation must be maintained as a facility to provide housing assistance for persons living with HIV/AIDS for a period of not less than three (3) years.

**BACKGROUND** (Continued)

The agency provided housing and assistance for persons living with HIV/AIDS at Ewing Center and Revlon Apartments for the time period required by the U.S. Department of Housing and Urban Development.

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

Authorized a secured, no interest forgivable loan agreement with Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, for non-substantial rehabilitation at Ewing Center and Revlon Apartments on September 9, 2009, by Resolution No. 09-2233.

**FISCAL INFORMATION**

No cost consideration to the City



June 11, 2014

**WHEREAS**, City Council authorized a secured, no-interest forgivable loan agreement with Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, for non-substantial rehabilitation at Ewing Center located at 731 North Ewing Avenue, and Revlon Apartments located at 720 North Lancaster Avenue, funded through FY2009-10 Housing Opportunities for Persons with AIDS (HOPWA) grant funds; and

**WHEREAS**, any building or structure assisted under HOPWA for non-substantial rehabilitation must be maintained as a facility to provide housing assistance for persons living with HIV/AIDS for a period of not less than three (3) years; and

**WHEREAS**, Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor have provided housing and assistance for persons living with HIV/AIDS at Ewing Center and Revlon Apartments for the time period required by the U.S. Department of Housing and Urban Development;

**NOW, THEREFORE,**

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

**Section 1.** That following approval as to form by the City Attorney, the City Manager is hereby authorized to release the lien on a secured, no interest, forgivable loan with Supportive Housing, Inc. as Owner and PWA Coalition of Dallas, Inc. dba AIDS Services of Dallas as Project Sponsor, for non-substantial rehabilitation at Ewing Center located at 731 North Ewing Avenue, and Revlon Apartments located at 720 North Lancaster Avenue.

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



## AGENDA ITEM # 8

**KEY FOCUS AREA:** Public Safety

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Management Services  
Office of Emergency Management

**CMO:** Jeanne Chipperfield, 670-7804  
Charles Cato, 671-3908

**MAPSCO:** N/A

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### SUBJECT

Authorize the acceptance of additional grant funds from the U.S. Department of Homeland Security under the 2012 Urban Area Security Initiative grant to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2012 through July 31, 2014 - Not to exceed \$42,946, from \$5,295,442 to \$5,338,388 - Financing: U.S. Department of Homeland Security Grant Funds

### BACKGROUND

In October 2012, the City of Dallas was awarded \$5,295,442.02 from the Department of Homeland Security (DHS) under the FY12 Urban Area Security Initiative (UASI) grant program to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters.

Funding from the UASI grant is designed to target the unique needs of urban areas in preventing, protecting from, responding to, and recovering from terrorist attacks and natural disasters. Funds are distributed through the State Administrative Agency (SAA) in the Governor's Division of Emergency Management.

As the SAA is preparing for closeout, additional UASI funds are becoming available for distribution to previously funded UASI jurisdictions. As a previously identified grantee, the City of Dallas is eligible for \$42,946.31 of these additional funds.

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

Authorized the acceptance of 2012 Urban Area Security Initiative Grant Funds on October 24, 2012, by Resolution No. 12-2662.

## **FISCAL INFORMATION**

\$42,946.31 - U.S. Department of Homeland Security Grant Funds

June 11, 2014

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

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

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

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is hereby authorized to accept additional U.S. Department of Homeland Security grant funds to provide funding for equipment acquisition, planning and training activities to enable the City to respond to natural and man-made disasters for the period September 1, 2012 through July 31, 2014, in an amount not to exceed \$42,946.31, from \$5,295,442.02 to \$5,338,388.33.

**Section 2.** That the City Manager is authorized to increase appropriations by \$42,946.31 in Fund F385, Department MGT, Unit 7797, Object Code 3099, from \$5,295,442.02 to \$5,338,388.33.

**Section 3.** That the City Controller is authorized to deposit U.S. Department of Homeland Security grant funds in Fund F385, Department MGT, Unit 7797, Revenue Source 6506, in an amount not to exceed \$42,946.31.

**Section 4.** That the City Controller is authorized to disburse funds from Fund F385, Department MGT, Unit 7797, Object Code 3099, in an amount not to exceed \$42,946.31.

**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:** Culture, Arts, Recreation, & Education

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 44-K P

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### **SUBJECT**

Authorize an increase in the contract with J.C. Commercial, Inc. for additional scope of work to include: heating, ventilation and air conditioning repairs, painting, sheet rock replacement, installation of a new paging system and other miscellaneous items at the Anita Martinez Recreation Center located at 3212 North Winnetka Avenue – Not to exceed \$138,104, from \$1,170,898 to \$1,309,002 - Financing: 2006 Bond Funds

### **BACKGROUND**

The original contract with J.C. Commercial, Inc. was awarded by Council on September 11, 2013, by Resolution No. 13-1567, for interior renovation (finish-out) and exterior waterproofing and facade improvements to the Anita Martinez Recreation Center, in an amount not to exceed \$1,064,734.00.

Change Order No. 1 was authorized by Council on February 26, 2014, by Resolution No. 14-0453, for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at the Anita Martinez Recreation Center, in an amount not to exceed \$106,163.68, making a revised contract amount of \$1,170,897.68.

This action will authorize Change Order No. 2 to the contract with J.C. Commercial, Inc., in an amount not to exceed \$138,103.77, increasing the contract amount from \$1,170,897.68 to \$1,309,001.45 for additional scope of work to include: heating, ventilation and air conditioning repairs, painting, sheet rock replacement, installation of a new paging system and other miscellaneous items at the Anita Martinez Recreation Center.

### **ESTIMATED SCHEDULE OF PROJECT**

Began Construction	November 2013
Complete Construction	August 2014

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

The Park and Recreation Board authorized the advertisement for a Request for Competitive Sealed Proposals on March 7, 2013.

The Park and Recreation Board authorized award of the contract on August 15, 2013.

City Council authorized award of the contract on September 11, 2013, by Resolution No. 13-1567.

The Park and Recreation Board authorized Change Order No. 1 on February 20, 2014.

City Council authorized Change Order No. 1 on February 26, 2014, by Resolution No. 14-0453.

The Park and Recreation Board authorized Change Order No. 2 on May 22, 2014.

### **FISCAL INFORMATION**

2006 Bond Funds - \$138,103.77

Original Contract Award	\$1,064,734.00
Change Order No. 1	\$106,163.68
Change Order No. 2 (this action)	<u>\$138,103.77</u>
Total	\$1,309,001.45

### **M/WBE INFORMATION**

See attached.

### **ETHNIC COMPOSITION**

White Male	10	White Female	3
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0



**OWNER**

**J.C. Commercial, Inc.**

Larry Wagnor, President/Treasurer  
Michelle Wagnor, Vice President/Secretary

**MAP**

Attached

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize an increase in the contract with J.C. Commercial, Inc. for additional scope of work to include: heating, ventilation and air conditioning repairs, painting, sheet rock replacement, installation of a new paging system and other miscellaneous items at the Anita Martinez Recreation Center located at 3212 North Winnetka Avenue – Not to exceed \$138,104, from \$1,170,898 to \$1,309,002 - Financing: 2006 Bond Funds

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

**PROJECT CATEGORY:** Construction

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### LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$18,427.75	13.34%
Non-local contracts	\$119,676.02	86.66%
<b>TOTAL THIS ACTION</b>	<b>\$138,103.77</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

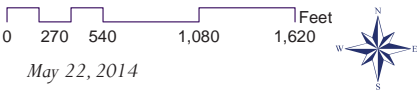
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Don Drive Interiors	WFWB59757N0115	\$7,685.25	41.70%
<b>Total Minority - Local</b>		<b>\$7,685.25</b>	<b>41.70%</b>

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

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
RMF Contractors	WFWB57641Y0614	\$17,210.85	14.38%
<b>Total Minority - Non-local</b>		<b>\$17,210.85</b>	<b>14.38%</b>

**TOTAL M/WBE PARTICIPATION**

	This Action		Participation to Date	
	<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%	\$63,872.00	4.88%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$24,896.10	18.03%	\$357,484.41	27.31%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$24,896.10	18.03%	\$421,356.41	32.19%



# **Anita Martinez Recreation Center** **(3212 North Winnetka Avenue)**

Mapsco  
 44 K P  
 District  
 6

June 11, 2014

**WHEREAS**, on September 11, 2013, by Resolution No. 13-1567, authorized a contract award with J.C. Commercial, Inc. for interior renovation (finish-out) and exterior waterproofing and facade improvements to the Anita Martinez Recreation Center, in an amount not to exceed \$1,064,734.00; and

**WHEREAS**, on February 26, 2014, by Resolution No. 14-0453, authorized Change Order No. 1 to the contract with J.C. Commercial, Inc., for additional work necessary to meet code requirements, replacement of existing plumbing fixtures, plaster repairs, and other repairs at the Anita Martinez Recreation Center, in an amount not to exceed \$106,163.68, making a revised contract amount of \$1,170,897.68; and

**WHEREAS**, this action will authorize Change Order No. 2 to the contract with J.C. Commercial, Inc., for additional scope of work to include: heating, ventilation and air conditioning repairs, painting, sheet rock replacement, installation of a new paging system and other miscellaneous items at the Anita Martinez Recreation Center, in an amount not to exceed \$138,103.77, increasing the contract amount from \$1,170,897.68 to \$1,309,001.45.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to execute Change Order No. 2 to the contract with J.C. Commercial, Inc. for additional scope of work to include: heating, ventilation and air conditioning repairs, painting, sheet rock replacement, installation of a new paging system and other miscellaneous items at the Anita Martinez Recreation Center, in an amount not to exceed \$138,103.77, increasing the contract amount from \$1,170,897.68 to \$1,309,001.45.

**SECTION 2.** That the City Controller is hereby authorized to pay the amount of \$138,103.77 to J.C. Commercial, Inc., as follows:

(2006) Park and Recreation Facilities Improvement Fund	
Fund 7T00, Department PKR, Unit T002, Object 4310	
Activity MMCF, Program PK06T001, CT-PKR13019397	
Commodity 91200, Vendor VS0000012563	\$28,893.50

(2006) Park and Recreation Facilities Improvement Fund	
Fund 8T00, Department PKR, Unit T002, Object 4310	
Activity MMCF, Program PK06T001, CT-PKR13019397	
Commodity 91200, Vendor VS0000012563	\$51,952.69

June 11, 2014**SECTION 2. (continued)**

(2006) Park and Recreation Facilities Improvement Fund  
Fund BT00, Department PKR, Unit T002, Object 4310  
Activity MMCF, Program PK06T001, CT-PKR13019397  
Commodity 91200, Vendor VS0000012563 \$28,562.00

(2006) Park and Recreation Facilities Improvement Fund  
Fund 1T00, Department PKR, Unit T002, Object 4310  
Activity MMCF, Program PK06T001, CT-PKR13019397  
Commodity 91200, Vendor VS0000012563 \$28,695.58

Total amount not to exceed \$138,103.77

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

## AGENDA ITEM # 10

**KEY FOCUS AREA:** Culture, Arts, Recreation, & Education

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Park & Recreation

**CMO:** Willis Winters, 670-4071

**MAPSCO:** 46-K L

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### **SUBJECT**

Authorize Supplemental Agreement No. 3 to the professional services contract with Good Fulton & Farrell Architects for sitework scope additions and documents modification for the Briscoe Carpenter Center (formerly known as Livestock Arena) in Fair Park located at 1419 South Washington Street - Not to exceed \$88,450, from \$938,695 to \$1,027,145 - Financing: 2006 General Obligation Commercial Paper Funds

### **BACKGROUND**

The original professional services contract was awarded to Good Fulton & Farrell Architects on January 25, 2012, by Resolution No. 12-0280, for schematic design through construction administration services for a new livestock arena in Fair Park, in an amount not to exceed \$869,465.

On November 14, 2012, Resolution No. 12-2754, authorized Supplemental Agreement No. 1, for services including specialty consultants for basic and enhanced commissioning of the building and conformity with City of Dallas Green Building Program and City of Dallas Energy Conservation Code for the Briscoe Carpenter Center in Fair Park, in an amount not to exceed \$53,400, making a revised contract amount of \$922,865.

On February 14, 2014, Administrative Action No. 14-0070, authorized Supplemental Agreement No. 2, for analysis of project construction documents completed in the spring of 2013 for compliance with the new City of Dallas building codes at the Dallas Green Building Ordinance and provide an updated cost estimate based on current construction documents for the Briscoe Carpenter Center in Fair Park, in an amount not to exceed \$15,830, making a revised contract amount of \$938,695.

## **BACKGROUND** (Continued)

This action will authorize Supplemental Agreement No. 3 to the professional services contract with Good Fulton & Farrell Architects, in the amount of \$88,450, from \$938,695 to \$1,027,145 for sitework scope additions and documents modification for the Briscoe Carpenter Center in Fair Park. The City of Dallas was awarded a \$1.2 million Federal Development Administration (EDA) Grant for use for site and civil work. This action will provide design for additional grant eligible scope. The City of Dallas is pursuing permission from the EDA for the additional fees relative to the grant scope to be eligible for grant funds. If EDA approves the fees as an eligible grant expense then \$38,320 of this action would be reimbursable.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	February 2012
Complete Design	June 2015

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

The Park and Recreation Board authorized award of the professional services contract on December 15, 2011.

City Council authorized award of the professional services contract on January 25, 2012, by Resolution No. 12-0280.

The Park and Recreation Board authorized Supplemental Agreement No. 1 on October 18, 2012.

City Council authorized Supplemental Agreement No. 1 on November 12, 2012, by Resolution No. 12-2754.

The Park and Recreation Board authorized Supplemental Agreement No. 3 on May 22, 2014.

## **FISCAL INFORMATION**

2006 General Obligation Commercial Paper Funds - \$88,450

Design	\$869,465
Supplemental Agreement No. 1	\$53,400
Supplemental Agreement No. 2	\$15,830
Supplemental Agreement No. 3 (this action)	<u>\$88,450</u>

Total	\$1,027,145
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## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

### **Good Fulton & Farrell Architects**

White Male	66	White Female	30
Black Male	1	Black Female	0
Hispanic Male	4	Hispanic Female	2
Other Male	1	Other Female	1

## **OWNER**

### **Good Fulton & Farrell Architects**

Duncan T. Fulton III, FAIA, LEED AP; President  
R. Lawrence Good, FAIA, AICP, LEED AP; Vice President  
David M. Farrell, AIA; Secretary  
Karen Quick, MBA; Treasurer

## **MAP**

Attached

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

**PROJECT:** Authorize Supplemental Agreement No. 3 to the professional services contract with Good Fulton & Farrell Architects for sitework scope additions and documents modification for the Briscoe Carpenter Center (formerly known as Livestock Arena) in Fair Park located at 1419 South Washington Street - Not to exceed \$88,450, from \$938,695 to \$1,027,145 - Financing: 2006 General Obligation Commercial Paper Funds

Good Fulton & Farrell Architects 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

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### **LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$88,450.00	100.00%
Non-local contracts	\$0.00	0.00%
<b>TOTAL THIS ACTION</b>	<b>\$88,450.00</b>	<b>100.00%</b>

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

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

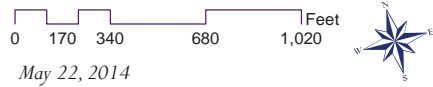
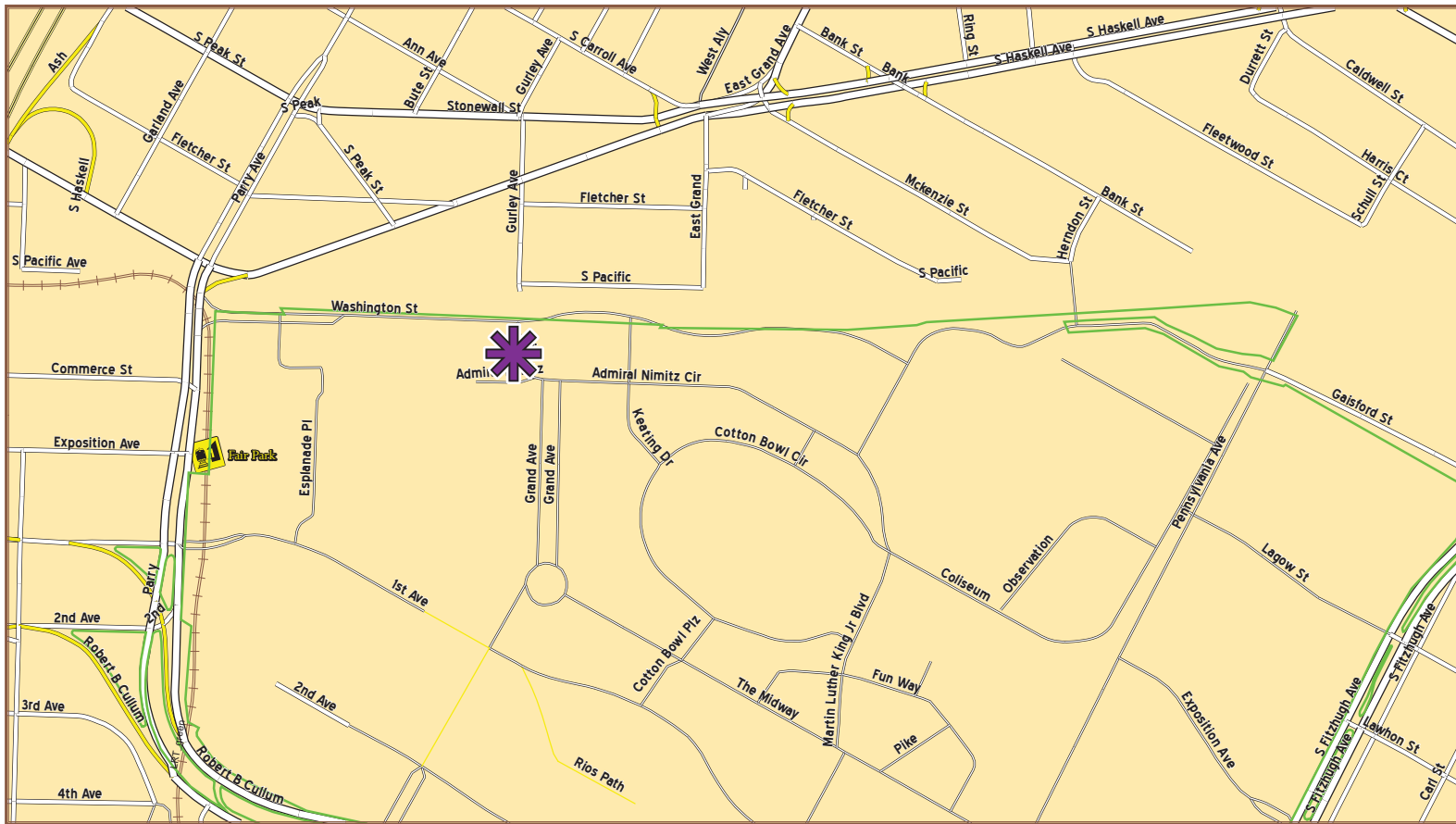
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Garza Program Management	HMDB58307Y0814	\$900.00	1.02%
EBG Engineering	WFDB59102Y1014	\$46,000.00	52.01%
Purdy McGuire	WFDB60231N0215	\$9,500.00	10.74%
<b>Total Minority - Local</b>		<b>\$56,400.00</b>	<b>63.76%</b>

#### **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	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$900.00	1.02%	\$36,730.00	3.58%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$55,500.00	62.75%	\$301,095.00	29.31%
<b>Total</b>	<b>\$56,400.00</b>	<b>63.76%</b>	<b>\$337,825.00</b>	<b>32.89%</b>



*Briscoe Carpenter Center*  
*(1419 South Washington Street)*  
*(formerly known as Livestock Arena)*

Mapsco  
 46 K L

District  
 7



June 11, 2014

**WHEREAS**, the original professional services contract was awarded to Good Fulton & Farrell Architects on January 25, 2012, by Resolution No. 12-0280, for schematic design through construction administration services for a new livestock arena in Fair Park, in an amount not to exceed \$869,465; and

**WHEREAS**, on November 14, 2012, Resolution No. 12-2754, authorized Supplemental Agreement No. 1, for services including specialty consultants for basic and enhanced commissioning of the building and conformity with City of Dallas Green Building Program and City of Dallas Energy Conservation Code for the Briscoe Carpenter Center in Fair Park, in an amount not to exceed \$53,400, increasing the contract amount from \$869,465 to \$922,865; and

**WHEREAS**, on February 14, 2014, Administrative Action No. 14-0070, authorized Supplemental Agreement No. 2, for analysis of project construction documents completed in the spring of 2013 for compliance with the new City of Dallas building codes of the Dallas Green Building Ordinance and provide an updated cost estimate based on current construction documents for the Briscoe Carpenter Center in Fair Park, in the amount not to exceed \$15,830, increasing the contract amount from \$922,865 to \$938,695; and

**WHEREAS**, the City of Dallas was awarded a \$1.2 million Federal Development Administration (EDA) Grant for use for site and civil work. This action will provide design for additional grant eligible scope. The City of Dallas is pursuing permission from the EDA for the additional fees relative to the grant scope to be eligible for grant funds. If EDA approves the fees as an eligible grant expense then \$38,320 of this action would be reimbursable, in the amount of \$88,450, from \$938,695 to \$1,027,145; and

**WHEREAS**, this action will authorize Supplemental Agreement No. 3 to the professional services contract with Good Fulton & Farrell Architects, for sitework scope additions and documents modification for the Briscoe Carpenter Center in Fair Park, in the amount of \$88,450, increasing the contract amount from \$938,695 to \$1,027,145.

**Now, Therefore,**

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

**SECTION 1.** That the City Manager is hereby authorized to enter into Supplemental Agreement No. 3 to the professional services contract with Good Fulton & Farrell Architects for sitework scope additions and documents modification for the Briscoe Carpenter Center in Fair Park, in the amount of \$88,450, increasing the contract amount from \$938,695 to \$1,027,145.

June 11, 2014

**SECTION 2.** That the President of the Park and Recreation Board and the City Manager are hereby authorized to execute a contract with Good Fulton & Farrell Architects, after approval as to form by the City Attorney's Office.

**SECTION 3.** That the City Controller is hereby authorized to pay the amount of \$88,450 to Good Fulton & Farrell Architects from 2006 General Obligation Commercial Paper Fund, Fund 2T00, Department PKR, Unit T098, Object 4112, Activity FPRK, Program PK06T098, CT-PKR12019304, Commodity 92500, Vendor 249502.

**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:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Public Works Department  
Water Utilities

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

**MAPSCO:** 44Q T U

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**SUBJECT**

Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of thoroughfare/streetscape improvements for Fort Worth Avenue from Sylvan Avenue to West Commerce Street - Not to exceed \$300,766 - Financing: General Obligation Commercial Paper Funds (\$220,735) and Water Utilities Capital Improvement Funds (\$80,031)

**BACKGROUND**

This action will authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of thoroughfare/streetscape improvements for Fort Worth Avenue from Sylvan Avenue to West Commerce Street.

The planned street improvements will consist of reconstructing the existing 6-lane divided roadway to a 4-lane divided roadway with enhanced sidewalks, parallel parking, landscaping, and bicycle facilities. The improvements will also include replacement of the existing water and wastewater mains. In order to move forward with this project and the current scope of work, funds from the 2006 Bond Program project on Commerce Street from Levee to Hampton Road are being reprogrammed with this item.

**ESTIMATED SCHEDULE OF PROJECT**

Begin Design	August 2014
Complete Design	October 2015
Begin Construction	February 2016
Complete Construction	October 2017

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

This item has no prior action.

## **FISCAL INFORMATION**

2006 Bond Program (General Obligation Commercial Paper Funds) - \$220,735  
Water Utilities Capital Improvement Funds - \$80,031

Design	\$ 300,766.00
Construction	
Paving & Drainage - PBW	\$1,688,255.00 (est.)
Water & Wastewater - DWU	<u>\$ 765,117.10</u> (est.)
Total	\$2,754,138.10 (est.)

## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

Huitt-Zollars, Inc.

Hispanic Female	7	Hispanic Male	8
African-American Female	2	African-American Male	2
Other Female	1	Other Male	4
White Female	28	White Male	48

## **OWNER(S)**

**Huitt-Zollars, Inc.**

Kenneth A. Roberts, P.E., Vice President  
William E. Kallas, P.E., Vice President

## **MAP**

Attached.



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

**PROJECT:** Authorize a professional services contract with Huitt-Zollars, Inc. for the engineering design of thoroughfare/streetscape improvements for Fort Worth Avenue from Sylvan Avenue to West Commerce Street - Not to exceed \$300,766 - Financing: General Obligation Commercial Paper Funds (\$220,735) and Water Utilities Capital Improvement Funds (\$80,031)

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

**PROJECT CATEGORY:** Architecture & Engineering

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

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$300,766.00	100.00%
Total non-local contracts	\$0.00	0.00%
<b>TOTAL CONTRACT</b>	<b>\$300,766.00</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>
Alliance Geotechnical Group	BMDB59500Y1214	\$8,515.00	2.83%
Urban Engineers Group, Inc.	HFDB58019Y0714	\$27,820.00	9.25%
Metropolitan Infrastructure PLCC	HMDB60034Y0215	\$65,225.00	21.69%
ARS Engineers	IMDB57578Y0514	\$31,180.00	10.37%
<b>Total Minority - Local</b>		<b>\$132,740.00</b>	<b>44.13%</b>

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

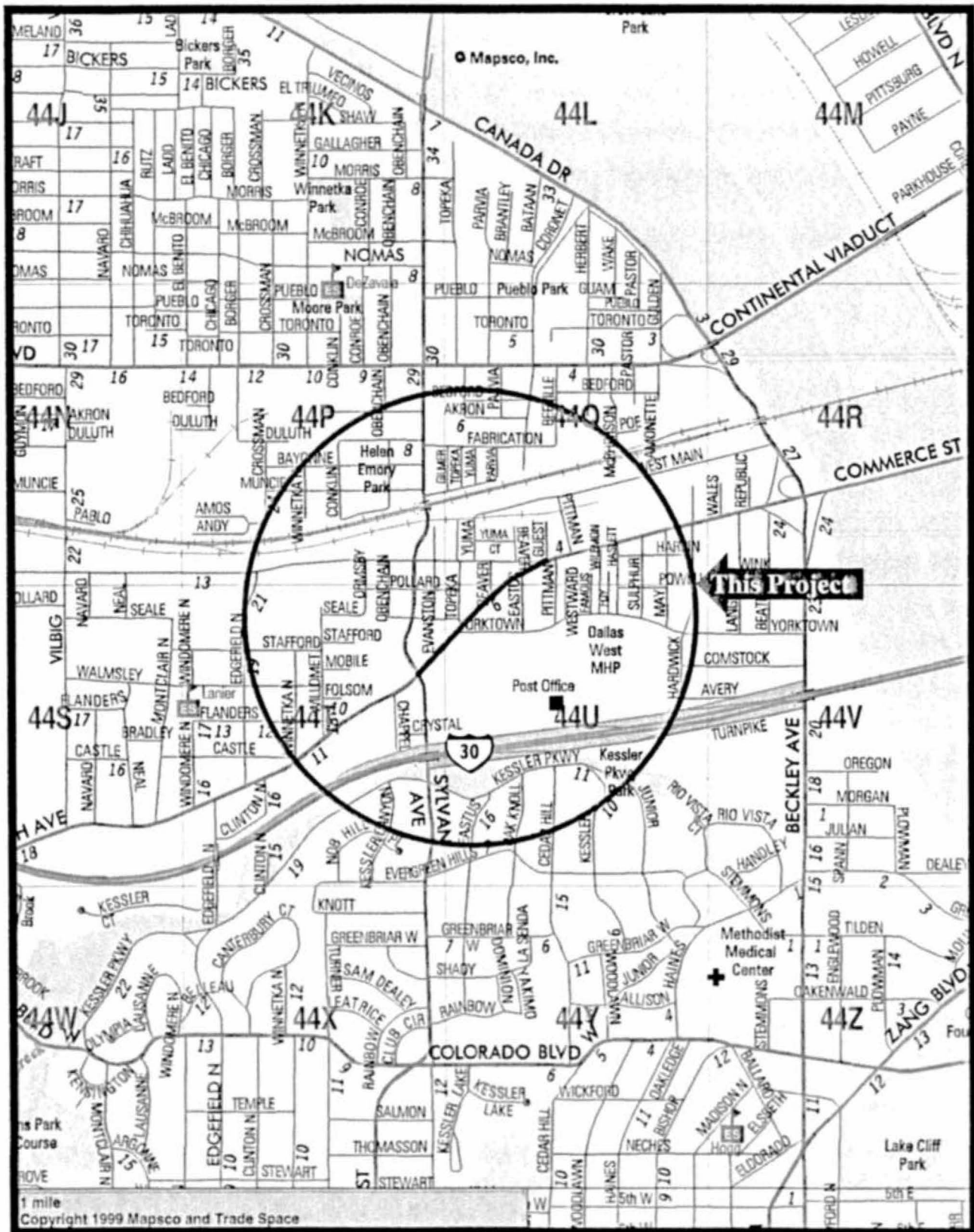
None

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

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$8,515.00	2.83%	\$8,515.00	2.83%
Hispanic American	\$93,045.00	30.94%	\$93,045.00	30.94%
Asian American	\$31,180.00	10.37%	\$31,180.00	10.37%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
<b>Total</b>	<b>\$132,740.00</b>	<b>44.13%</b>	<b>\$132,740.00</b>	<b>44.13%</b>

# THOROUGHFARE/STREETSCAPE

## FORT WORTH AVENUE FROM SYLVAN AVENUE TO W. COMMERCE STREET



Mapsco 44Q, T & U

June 11, 2014

**WHEREAS**, Huitt-Zollars, Inc. was selected to provide the engineering design of thoroughfare/streetscape improvements for Fort Worth Avenue from Sylvan Avenue to West Commerce Street; and,

**WHEREAS**, the City desires to reprogram funds from the 2006 Bond Program project on Commerce Street from Levee to Hampton Road.

**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 Huitt-Zollars, Inc. for the engineering design of thoroughfare/streetscape improvements for Fort Worth Avenue from Sylvan Avenue to West Commerce Street in an amount not to exceed \$300,766, 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 P838, Act. THRF Obj. 4111, Program #PB06P838, CT PBW06P838I1 Vendor #090025, in an amount not to exceed	\$220,735.00
Water Capital Improvement Fund Fund 0115, Department DWU, Unit PW42 Obj. 4111, Program #714267, CT DWU714267CP Vendor #090025, in an amount not to exceed	\$ 51,333.97
Wastewater Capital Improvement Fund Fund 0116, Department DWU, Unit PS42 Obj. 4111, Program #714268, CT DWU714268CP Vendor #090025, in an amount not to exceed	<u>\$ 28,697.03</u>
Total amount not to exceed	\$300,766.00

**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 # 12

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 11

**DEPARTMENT:** Public Works Department  
Library

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

**MAPSCO:** 15H

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### SUBJECT

Authorize a contract with CORE Construction Services of Texas, Inc., best value proposer of five, for the construction of the Fretz Park Branch Library Renovation and Addition, located at 6990 Belt Line Road - Not to exceed \$4,343,564 - Financing: General Obligation Commercial Paper Funds

### BACKGROUND

Dallas voters approved funding in the 2006 Bond Program for the renovation and addition to the Fretz Park Branch Library located at 6990 Belt Line Road. The original branch library was constructed in 1974 with 14,707 square feet and is no longer adequate to meet the current Library Department Master Plan, program and equipment needs. A design contract with Pierce Goodwin Alexander & Linville, Inc. dba PGAL Architects, Inc was authorized on October 26, 2010, by Resolution No. 10-2749 to design the renovation and addition of a 4,793 square foot addition for a total of 19,500 square foot facility. This action will authorize a contract for the select demolition, construction and site improvements of the existing Fretz Park Branch Library facility.

The existing branch library will close operations until construction of the new renovated library has been completed. The Park and Recreation Department share the west parking lot and east access drive with the library and has funded their pavement replacement portion of the construction.

## **BACKGROUND** (Continued)

Competitive Sealed Proposals submitted for this project were evaluated according to the criteria published in the project specifications. These criteria with respective weights were as follows:

Proposed Construction Contract Amount	45%
Schedule	5%
Experience/References	25%
Project Team	5%
Financial Sufficiency	5%
Business Inclusion and Development Requirements	15%

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	October 2010
Completed Design	March 2014
Begin Construction	July 2014
Complete Construction	August 2015

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

On October 26, 2010, Resolution No. 10-2749 authorized a professional services contract with PGAL, Inc. to provide architectural services for design of a renovation and addition to an existing library, bringing it to a 19,500 square foot facility, including documentation necessary to obtain competitive proposals for construction and field administration duties during construction. Funding for site acquisition and design services was approved in the 2006 Bond Program.

## **FISCAL INFORMATION**

2006 Bond Program – Library Facilities Fund  
General Obligation Commercial Paper Funds - \$4,056,964

2006 Bond Program – Park & Recreation Facilities Fund  
General Obligation Commercial Paper Funds - \$286,600

### **FISCAL INFORMATION** (Continued)

Design	\$ 482,000
Owner Development Expenses (design phase)	\$ 20,868
Construction (this action)	\$ 4,343,654
Furniture, fixtures and equipment	\$ 400,000
Books (Refresh)	\$ 500,000
IT/Phone/Computer Equipment	\$ 208,889
Public Art	\$ 43,034
Project Expenses	\$ 200,000
Contingency	\$ <u>324,000</u>
Total Project Cost	\$ 6,522,445

### **M/WBE INFORMATION**

See attached.

### **ETHNIC COMPOSITION**

#### **CORE Construction Services of Texas, Inc.**

Hispanic Female	0	Hispanic Male	17
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	11

### **PROPOSAL INFORMATION**

Five competitive sealed proposals were received and opened on March 27, 2014. Selection committee ranked the proposers as follows:

\* Denotes best value proposer.

\*\*Phillips May Corporation

\*Core Construction Services of Texas, Inc.

Joe Funk Construction

Mart Inc.

\*\*\*Denco Construction Specialists

\*\*Phillips May Corporation withdrew their bid due to an error in their bid.

\*\*\*Denco Construction Specialists were found to be non-responsive due to requested information not being provided.

**OWNER**

**CORE Construction Services of Texas, Inc.**

Gary Frazier, President/Chief Executive Officer

**MAP**

Attached.



## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a contract with CORE Construction Services of Texas, Inc., best value proposer of five, for the construction of the Fretz Park Branch Library Renovation and Addition, located at 6990 Belt Line Road - Not to exceed \$4,343,564 - Financing: General Obligation Commercial Paper Funds

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

**PROJECT CATEGORY:** Construction

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### LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$1,394,663.00	32.11%
Total non-local contracts	\$2,948,901.00	67.89%
<b>TOTAL CONTRACT</b>	<b>\$4,343,564.00</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>
Pegasus Texas Construction	BMDB57877Y0614	\$468,683.00	33.61%
Genesis	WFWB57614N0614	\$39,200.00	2.81%
<b>Total Minority - Local</b>		<b>\$507,883.00</b>	<b>36.42%</b>

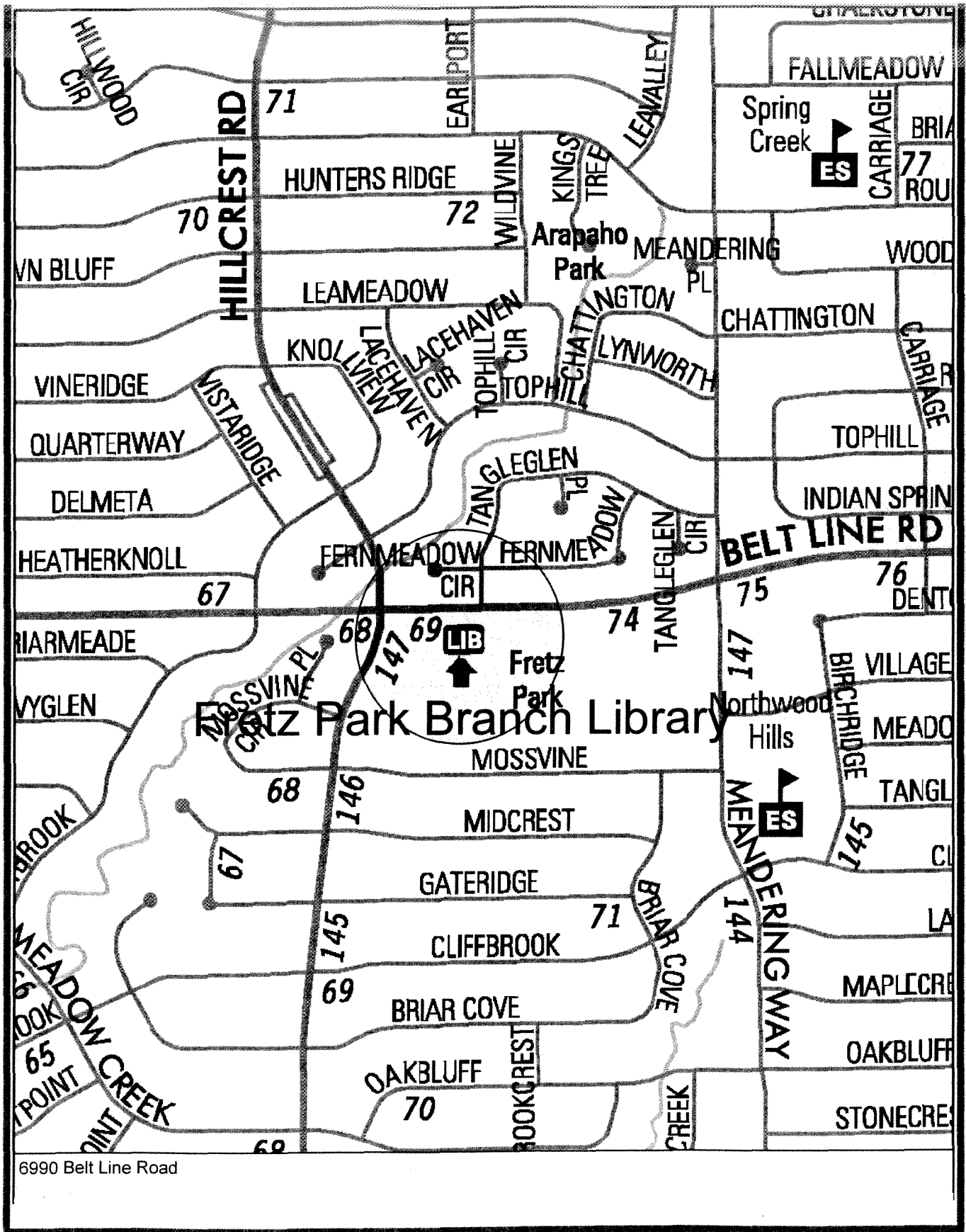
#### Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Denison Glass	NMMB5793N0714	\$197,000.00	6.68%
North Tx Ductworks	WFDB60936Y0315	\$459,000.00	15.57%
National Stage	WFWB16741N1014	\$8,972.00	0.30%
<b>Total Minority - Non-local</b>		<b>\$664,972.00</b>	<b>22.55%</b>

**TOTAL M/WBE CONTRACT PARTICIPATION**

	<u>Local</u>	<u>Percent</u>	<u>Local &amp; Non-Local</u>	<u>Percent</u>
African American	\$468,683.00	33.61%	\$468,683.00	10.79%
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%	\$197,000.00	4.54%
WBE	\$39,200.00	2.81%	\$507,172.00	11.68%
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Total	\$507,883.00	36.42%	\$1,172,855.00	27.00%

# Fretz Park Branch Library



6990 Belt Line Road



June 11, 2014

**WHEREAS**, the Library Master Plan as developed by the Hillier Group and approved by Council indicates a need for a renovation and addition to the existing library facility for the Fretz Park Service Area; and,

**WHEREAS**, in the 2006 Bond Program, the citizens of Dallas approved funding for the design and construction of a renovation and addition to the existing Fretz Park Branch Library facility located at 6990 Belt Line Road, increasing the facility to 19,500 square feet; and,

**WHEREAS**, on October 26, 2010, Resolution No. 10-2749 authorized a professional services contract with Pierce Goodwin Alexander & Linville, Inc. dba PGAL, Inc. to provide architectural and engineering services for the design and construction administration for the Fretz Park Branch Library Renovation and Addition, located at 6990 Belt Line Road, in an amount not to exceed \$482,000; and,

**WHEREAS**, at the conclusion of a selection process conducted by City staff, CORE Construction Services of Texas, Inc. was chosen as the most qualified firm of five proposers to provide construction services for this project; and,

**WHEREAS**, it is now desirable to authorize a contract with CORE Construction Services of Texas, Inc., best value proposer of five, for the construction of the Fretz Park Branch Library Renovation and Addition, located at 6990 Belt Line Road, in an amount not to exceed \$4,343,564.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to enter into a contract with CORE Construction Services of Texas, Inc., best value proposer of five, for the construction of the Fretz Park Branch Library Renovation and Addition, located at 6990 Belt Line Road, in an amount not to exceed \$4,343,564.

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

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

Library Facilities Fund	
Fund 2T42, Dept. PBW, Unit T636, Act. LIBF	
Obj. 4310, Program #PB06T636, CT PBW06T63611	
Vendor #VS0000010088, in an amount not to exceed	\$4,056,964

June 11, 2014

Park and Recreation Facilities Fund	
Fund 2T00, Dept. PKR, Unit T141, Act. RFSI	
Obj. 4599, Program #PK06T141, CT PBW06T63611	
Vendor #VS0000010088, in an amount not to exceed	<u>\$ 286,600</u>
Total	\$4,343,564

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

## AGENDA ITEM # 13

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Public Works Department  
Aviation

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

**MAPSCO:** 23Z; 33D; 34F

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### SUBJECT

Authorize an increase in the contract with Munilla Construction Management, LLC to accommodate a change in the project schedule due to the project being shut down for Federal Aviation Administration review of a Construction Safety Phasing Plan on the Runway Safety Area Enhancements Project, Phase II at Dallas Love Field - Not to exceed \$368,364, from \$17,773,947 to \$18,142,311 - Financing: Aviation Capital Construction Funds (\$190,184) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$178,180)

### BACKGROUND

This action will authorize Change Order No. 6 to the contract with Munilla Construction Management, LLC (MCM), and will address impacts to the project due to the Federal Aviation Administration (FAA) halting work on the construction of the Runway Safety Area (RSA) Enhancements Phase II project at Dallas Love Field.

During construction for the Runway Safety Area Enhancements Project, in January 2013, an uncharted FAA Runway 31R localizer cable was discovered within the construction limits, outside of the Runway Safety Area. FAA procedures dictate that the FAA is responsible for locating cables. However, this cable had not been marked and its depth under the pavement could not be provided to the contractor. The contractor, MCM, performed pot holing field tests outside of the pavement which showed the cable to be very shallow in depth, six-inches in some areas. Specifically, for this project, the FAA had scheduled a required flight check for April 21, 2013 immediately after the project's 60-day closure of the runway.

## **BACKGROUND** (Continued)

Maintaining the construction schedule became critical as the date the City was given for the flight check was the only available time in the upcoming year. With this schedule in mind, work outside the Runway Safety Area was rescheduled for October 2013 per the Safety Plan Compliance Document (SPCD) submitted by the contractor and discussed with the FAA at the weekly project construction meetings.

Late October 2013, as work was to begin in the affected area, the FAA directed the construction team to halt construction. The FAA required the design engineer, HNTB, to develop and submit a new Construction Safety Phasing Plan (CSPP) for approval. This change order is to cover the costs to the contractor for the work stoppage.

This project consists of displacing the threshold of Runway 13L by 400 feet to accommodate the FAA directive in protecting Runway Safety Areas. In displacing the runway threshold, the contract will move the approach lighting system, Medium Intensity Approach Light System with Runway Alignment Indicator Lights.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	February 2007
Completed Design	March 2012
Began Construction	January 2013
Complete Construction	June 2014

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

Authorized a professional services contract with HNTB Corporation for the design and preparation of construction documents for Shoulder and Drainage Repairs - Phase I at Dallas Love Field on June 23, 2004, by Resolution No. 04-2147.

Authorized acceptance of reimbursement funds from the Federal Aviation Administration for Shoulder and Drainage Repairs - Phase I on August 11, 2004, by Resolution No. 04-2293.

Authorized a construction contract with Gibson & Associates, Inc. for the construction of Shoulder and Drainage Repairs - Phase I at Dallas Love Field on April 27, 2005, by Resolution No. 05-1315.

Authorized Supplemental Agreement No. 1 to the professional services contract with HNTB Corporation to provide for engineering, construction administration and a Resident Project Representative (RPR) as required by the FAA for the construction of Shoulder and Drainage Repairs - Phase I on April 27, 2005, by Resolution No. 05-1316.



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

Authorized Supplemental Agreement No. 4 to the professional services contract with HNTB Corporation to provide for additional construction administration services for the construction of Shoulder and Drainage Repairs - Phase I on April 26, 2006, by Resolution No. 06-1193.

Authorized Supplemental Agreement No. 6 to the professional services contract with HNTB Corporation to provide for the design, preparation of construction documents, construction administration and RPR for the Runway Safety Area (RSA) Enhancement - Phase I and the design and preparation of construction documents for the RSA – Phase 2 at Dallas Love Field on February 14, 2007, by Resolution No. 07-0478.

Authorized Supplemental Agreement No. 7 to the professional services contract with HNTB Corporation to provide for the design, preparation of construction documents, construction administration and RPR for the RSA Enhancement - Phase II Alternate 1, Taxiway “L” Reconstruction / Extension and Taxiway “C” Reconstruction at Dallas Love Field on April 23, 2008, by Resolution No. 08-1284.

Authorized Supplemental Agreement No. 8 to the professional services contract with HNTB Corporation to provide for the design, preparation of construction documents for Taxiway “L” Reconstruction / Extension and Taxiway “C” Reconstruction at Dallas Love Field on November 10, 2008, by Resolution No. 08-3083.

Authorized Supplemental Agreement No. 9 to the professional services contract with HNTB Corporation to provide the additional design services for Taxiway “L” Reconstruction / Extension and Taxiway “C” Reconstruction and RSA Enhancement - Phase II Projects at Dallas Love Field, on December 8, 2010, by Resolution No. 10-3068.

Authorized Supplemental Agreement No. 10 to the professional services contract with HNTB Corporation to provide additional design services for the Taxiway "A", "B" and "D" reconstruction project on September 14, 2011, by Resolution No. 11-2411.

Authorized a construction contract with Munilla Construction Management, LLC to provide construction services for the Runway Safety Area Enhancement Phase II project at Dallas Love Field on December 12, 2012, by Resolution No. 12-2986.

Authorized Change Order No. 2 to the construction contract with Munilla Construction Management, LLC to expedite the construction schedule to conform to the Federal Aviation Administration’s flight check schedule for the Runway Safety Area Enhancement Phase II project at Dallas Love Field on February 13, 2013, by Resolution No. 13-0314.

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

Authorized Supplemental Agreement No. 12 to the professional services contract with HNTB Corporation to provide full time, on-site construction administration and construction observation services for the Runway Safety Area Enhancement Project, Phase II at Dallas Love Field on October 8, 2013, by Resolution No. 13-1764.

Authorized Change Order No. 4 to the construction contract with Munilla Construction Management, LLC to accommodate field changes for the Runway Safety Area Enhancement Phase II project at Dallas Love Field on December 11, 2013, by Resolution No. 13-2076.

## **FISCAL INFORMATION**

Aviation Capital Construction Funds - \$190,183.86

Federal Aviation Administration Airport Improvement Program Grant Funds - \$178,180.00

Design and Construction Administration	\$ 1,499,430.00
Supplemental Agreement 13	\$ 101,797.44
City Administration and other owner's costs	\$ 75,000.00
FAA Memorandum of Agreement	\$ 458,813.00
Testing - Geotechnical	\$ 440,094.00
Testing – Environmental	\$ 17,680.00
Construction	\$16,501,986.00
Change Order No. 1	\$ 22,961.88
Change Order No. 2	\$ 931,608.58
Change Order No. 3	\$ 49,469.98
Change Order No. 4	\$ 264,754.14
Change Order No. 5	\$ 3,166.27
Change Order No. 6 (this action)	<u>\$ 368,363.86</u>

Total Project Costs \$20,735,125.15

## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

### **Munilla Construction Management, LLC**

Hispanic Female	6	Hispanic Male	27
African-American Female	1	African-American Male	10
Other Female	2	Other Male	3
White Female	2	White Male	12

**OWNER(S)**

**Munilla Construction Management, LLC**

Jorge Munilla, President  
Juan Munilla, Vice President of Civil Operations  
Robert Murphy, P.E., Director of Civil Operations  
Lou Munilla, Director of Dallas Operations

**MAP**

Attached.

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize an increase in the contract with Munilla Construction Management, LLC to accommodate a change in the project schedule due to the project being shut down for Federal Aviation Administration review of a Construction Safety Phasing Plan on the Runway Safety Area Enhancements Project, Phase II at Dallas Love Field - Not to exceed \$368,364, from \$17,773,947 to \$18,142,311 - Financing: Aviation Capital Construction Funds (\$190,184) and Federal Aviation Administration Airport Improvement Program Grant Funds (\$178,180)

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

**PROJECT CATEGORY:** Construction

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### LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$319,850.78	86.83%
Non-local contracts	\$48,513.08	13.17%
<b>TOTAL THIS ACTION</b>	<b>\$368,363.86</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

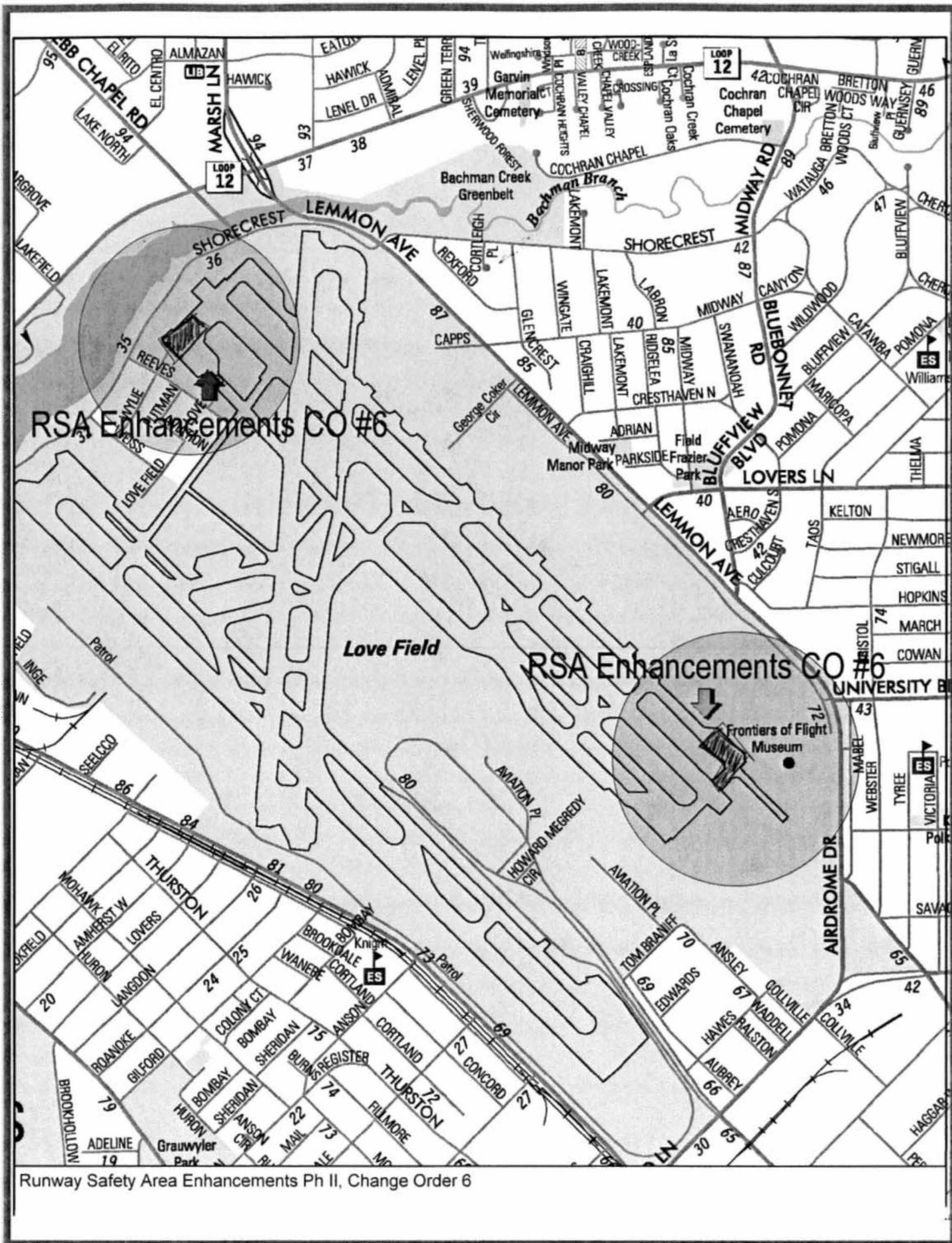
None

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

None

### TOTAL M/WBE PARTICIPATION

	<u>This Action</u>		<u>Participation to Date</u>	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$4,331,240.08	23.87%
Asian American	\$0.00	0.00%	\$242,863.00	1.34%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$840,471.38	4.63%
<b>Total</b>	<b>\$0.00</b>	<b>0.00%</b>	<b>\$5,414,574.46</b>	<b>29.85%</b>





June 11, 2014

**WHEREAS**, the Runway 13L/31R Safety Area Enhancements Project will require displacing the Runway threshold, moving the Medium Intensity Approach Light System (MALSR) and installing Runway Guard Lights that correlate to the Runway 13L displaced threshold, resealing the joints on Runway 13L/31R, reconstructing shoulders on Taxiways "A", "B" and "M", and full pavement reconstruction of portions of Taxiway "A", "B" and "D"; and,

**WHEREAS**, on June 23, 2004, Resolution No. 04-2147 authorized a contract with HNTB Corporation to provide design and preparation of construction documents for the reconstruction of runway and taxiway shoulders, drainage improvements, erosion control, taxiway centerline lights and security fence relocation at Dallas Love Field in the amount of \$384,151; and,

**WHEREAS**, on August 11, 2004, Resolution No. 04-2293 authorized acceptance of reimbursement funds from the FAA for the airfield shoulder and drainage repairs Dallas Love Field project; and,

**WHEREAS**, on April 27, 2005, Resolution No. 05-1315 authorized a contract with Gibson & Associates, Inc. for the reconstruction of runway and taxiway shoulders, drainage improvements, erosion control, taxiway centerline lights, and security fence relocation at Dallas Love Field in the amount of \$3,457,530.87; and,

**WHEREAS**, on April 27, 2005, Resolution No. 05-1316 authorized Supplemental Agreement No. 1 to the contract with HNTB Corporation to provide for all engineering, construction administration and Resident Project Representative (RPR), as required by the FAA, in the amount of \$432,343, increasing the contract from \$384,151 to \$816,494; and,

**WHEREAS**, on November 18, 2005, Administrative Action No. 05-3694 authorized Supplemental Agreement No. 2 to the contract with HNTB Corporation to provide for additional engineering services in the amount of \$20,305.28, increasing the contract from \$816,494 to \$836,799.28; and,

**WHEREAS**, on December 23, 2005, Administrative Action No. 06-0098 authorized Supplemental Agreement No. 3 to the contract with HNTB Corporation to provide for additional engineering services in the amount of \$24,908, increasing the contract from \$836,799.28 to \$861,707.28; and,

**WHEREAS**, on April 26, 2006, Resolution No. 06-1193 authorized Supplemental Agreement No. 4 to the contract with HNTB Corporation to provide for additional construction administration services in the amount of \$81,835, increasing the contract from \$861,707.28 to \$943,542.28; and,

June 11, 2014

**WHEREAS**, on July 31, 2006, Administrative Action No. 06-2178 authorized Supplemental Agreement No. 5 to the contract with HNTB Corporation to provide for additional construction administration and RPR services in the amount of \$23,948, increasing the contract from \$943,542.28 to \$967,490.28; and,

**WHEREAS**, on February 14, 2007, Resolution No. 07-0478 authorized Supplemental Agreement No. 6 to the contract with HNTB Corporation to provide for the design, preparation of construction documents, construction administration and Resident Project Representative (RPR) for the Runway Safety Area (RSA) Enhancement – Phase I at Dallas Love Field, in the amount of \$816,331, increasing the contract from \$967,490.28 to \$1,783,821.28; and,

**WHEREAS**, on April 23, 2008, Resolution No. 08-1284 authorized Supplemental Agreement No. 7 to the contract with HNTB Corporation to provide for the design, preparation of construction documents, construction administration and Resident Project Representative (RPR) for the runway safety area enhancements and taxiway reconstruction at Dallas Love Field, in the amount of \$1,289,847, increasing the contract from \$1,783,821.28 to \$3,073,668.28; and,

**WHEREAS**, on June 11, 2008, Resolution No. 08-1721 authorized an application for and acceptance of a Federal Aviation Administration Airport Improvement Grant for the federal share of the eligible costs for capital improvement projects at Dallas Love Field; and,

**WHEREAS**, on November 10, 2008, Resolution No. 08-3083 authorized Supplemental Agreement No. 8 to the contract with HNTB Corporation to provide for additional design services in the amount of \$348,562, increasing the contract from \$3,073,668.28 to \$3,422,230.28; and,

**WHEREAS**, on December 8, 2010, Resolution No. 10-3068 authorized Supplemental Agreement No. 9 to the contract with HNTB Corporation to provide for additional design services in the amount of \$962,661, increasing the contract from \$3,422,230.28 to \$4,384,891.28; and,

**WHEREAS**, on September 14, 2011, Resolution No. 11-2411 authorized Supplemental Agreement No. 10 to the contract with HNTB Corporation to provide additional engineering design services for the Taxiway “A”, “B” and “D” reconstruction project at Love Field Airport in the amount of \$64,288, increasing the contract from \$4,384,891.28 to \$4,449,179.28; and,



June 11, 2014

**WHEREAS**, on March 5, 2012, Administrative Action No. 12-0758 authorized Supplemental Agreement No. 11 to the contract with HNTB Corporation to provide additional engineering services to design the Construction Safety Phasing Plan for the Runway Safety Area (RSA) Enhancement, Phase II project in the amount of \$24,850.00, increasing the contract from \$4,449,179.28 to \$4,474,029.28; and,

**WHEREAS**, on December 12, 2012, Resolution No. 12-2986 authorized a construction contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Phase II project in the amount of \$16,501,986; and,

**WHEREAS**, on January 24, 2013, Administrative Action No. 13-5123 authorized Change Order No. 1 to the contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Phase II project in the amount of \$22,961.88, increasing the contract from \$16,501,986 to \$16,524,947.88; and,

**WHEREAS**, on February 13, 2013, Resolution No. 13-0314 authorized Change Order No. 2 to the construction contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Phase II project in the amount of \$931,608.58, increasing the contract from \$16,524,947.88 to \$17,456,556.46, and

**WHEREAS**, on July 22, 2013, Administrative Change Order No. 13-5958 authorized Change Order No. 3 to the construction contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Phase II project in the amount of \$49,469.98, increasing the contract from \$17,456,556.46 to \$17,506,026.44; and,

**WHEREAS**, on October 8, 2013, Resolution No. 13-1764 authorized Supplemental Agreement No. 12 to the contract with HNTB Corporation to provide full time, on-site construction administration services for the Runway Safety Area Enhancement Project, Phase II at Dallas Love Field in the amount of \$233,426, increasing the contract from \$4,474,029 to \$4,707,455; and,

**WHEREAS**, On December 11, 2013, Resolution No. 13-2076 authorized Change Order No. 4 to the construction contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Phase II project at Dallas Love Field in the amount of \$264,754.14, increasing the contract amount from \$17,506,026.44 to \$17,770,780.58; and,

**WHEREAS**, on March 7, 2014, Administrative Change Order No. 14-5489 authorized Change Order No. 5 to the construction contract with Munilla Construction Management, LLC for the Runway Safety Area Enhancement Phase II project in the amount of \$3,166.27, increasing the contract from \$17,770,780.58 to \$17,773,946.85; and,

June 11, 2014

**WHEREAS**, it is now necessary to authorize Change Order No. 6 to the contract with Munilla Construction Management, LLC to accommodate a change in the Project Schedule due to the project being shut down for FAA review of a Construction Safety Phasing Plan on the Runway Safety Area Enhancements Project, Phase II at Dallas Love Field in the amount of \$368,363.86 increasing the contract amount from \$17,773,946.85 to \$18,142,310.71

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute Change Order No. 6 to the contract with Munilla Construction Management, LLC to accommodate a change in the Project Schedule due to the project being shut down for FAA review of a Construction Safety Phasing Plan on the Runway Safety Area Enhancements Project, Phase II at Dallas Love Field in the amount of \$368,363.86 increasing the contract amount from \$17,773,946.85 to \$18,142,310.71, after it has been approved as to form by the City Attorney.

**Section 2.** That the City Controller is hereby authorized to disburse funds to be paid to Munilla Construction Management, LLC as follows:

Runway 13L/31R Joint Reseal and Pavement Rehabilitation

Aviation Capital Construction Fund

Fund 0131, Dept. AVI, Unit P752, Act. AAIP, Obj. 4599

Program #P752, CT AVIMCMP752, Comm. 92500

Vendor #VS0000059564, in an amount not to exceed \$190,183.86

**Section 3.** That the City Controller is hereby authorized to disburse funds to be paid to Munilla Construction Management, LLC as follows:

Taxiway A,B&M Shoulder Reconstruction

Federal Aviation Administration AIP Grant Fund

Fund F147, Dept. AVI, Unit P362, Act. AAIP, Obj. 4599

Program #P362, CT AVIMCMP753, Comm. 92500

Vendor #VS0000059564, in an amount not to exceed \$178,180.00

**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 # 14

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Public Works Department  
Water Utilities

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

**MAPSCO:** 71B-A E F K L

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### SUBJECT

Authorize an increase in funding for the Project Specific Agreement with Dallas County for the design and construction of paving, drainage, water main, and wastewater main improvements on Mountain Creek Parkway, from 2,400 feet southeast of Eagle Ford Drive to Clark Road - Not to exceed \$8,650,215, from \$480,253 to \$9,130,468 – Financing: General Obligation Commercial Paper Funds (\$5,325,000), Water Utilities Capital Construction Funds (\$38,500) and Water Utilities Capital Improvement Funds (\$3,286,715)

### BACKGROUND

On August 13, 2008, Dallas City Council authorized a Project Specific Agreement with Dallas County for participation in the design and construction of paving and drainage improvements on Mountain Creek Parkway from 2,400 southeast of Eagle Ford Drive to Clark Road. On October 26, 2010, Dallas City Council authorized an increase in funding for the Project Specific Agreement with Dallas County for the design of 6,400 feet of 36-inch water main and 120 feet of 21-inch wastewater main improvements along Mountain Creek Parkway from 2,400 feet southeast of Eagle Ford Drive to Clark Road. Dallas County is responsible for administering design and construction of this project. This action will authorize an increase in funding for the agreement to provide additional funds for the design and construction of the paving and drainage improvements, as well as the construction of water main and wastewater main improvements as recommended in the Dallas Water Utilities Water and Wastewater Master Plans along Mountain Creek Parkway from 2,400 feet southeast of Eagle Ford Drive to Clark Road.

The scope of the project, as selected by Dallas County, entails replacing the existing two-lane asphalt roadway with a four-lane divided concrete roadway within 100 feet of right-of-way. The project includes reinforced concrete pavement, curbs and gutters, street lights, sidewalks and cycle track, drainage, water main and wastewater main improvements.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	April 2009
Completed Design	April 2014
Begin Construction	September 2014
Complete Construction	April 2016

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

Authorized a Master Interlocal Agreement with Dallas County on January 10, 2001, by Resolution No. 01-0104.

Authorized Dallas County's Fourth Call for Projects on August 24, 2005, by Resolution No. 05-2432.

Authorized a Project Specific Agreement with Dallas County for participation in design and construction of paving and drainage improvements on Mountain Creek Parkway from 2,400 feet southeast of Eagle Ford Drive to Clark Road on August 13, 2008, by Resolution No. 08-2080.

Authorized an increase in funding for the Project Specific Agreement with Dallas County for the design of water main and wastewater main improvements on Mountain Creek Parkway from 2,400 feet southeast of Eagle Ford Drive to Clark Road on October 26, 2010, by Resolution No. 10-2765.

Authorized a Master Agreement with Dallas County for future transportation major capital improvement projects on April 13, 2011, by Resolution No. 11-0927.

## **FISCAL INFORMATION**

2006 Bond Program (General Obligation Commercial Paper Funds) - \$5,325,000.00 (this action)

Water Utilities Capital Construction Funds - \$38,500.00 (this action)

Water Utilities Capital Improvement Funds - \$3,286,715.00 (this action)

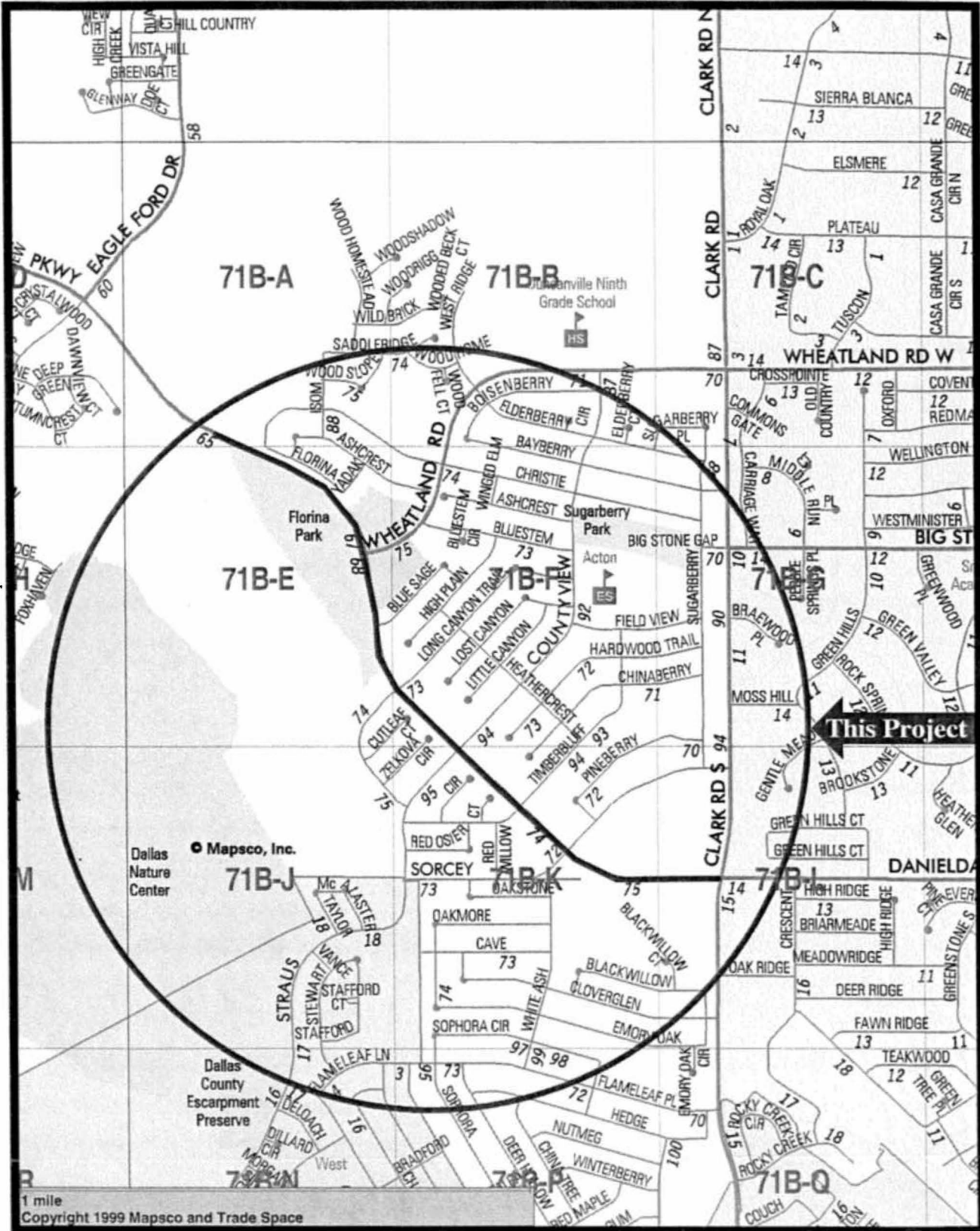
Dallas County In-House Delivery Costs (50-50)	\$ 950,000.00
Design (PBW and Dallas County 50-50)	\$ 700,000.00
Construction (PBW and Dallas County 50-50)	\$ 9,600,000.00
Design (DWU)	\$ 180,253.00
Construction (DWU)	<u>\$ 3,325,215.00</u>

Estimated Total Project Cost	\$14,755,468.00
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**MAP**

Attached.

# Mountain Creek Parkway

**Mapsco 71B-A, E,F,K & L**

June 11, 2014

**WHEREAS**, on January 10, 2001, Resolution No. 01-0104 authorized the Master Interlocal Agreement with Dallas County for projects to be implemented through their Major Capital Improvement Program; and,

**WHEREAS**, on August 24, 2005, Resolution No. 05-2432 authorized submission, acceptance, and implementation of City of Dallas candidate projects for the Dallas County Major Capital Improvement Fund Thoroughfare Program's Fourth Call for Projects; and,

**WHEREAS**, Mountain Creek Parkway from 2,400 feet southeast of Eagle Ford Drive to Clark Road was selected for participation and funding by Dallas County in the Fourth Call for Projects; and,

**WHEREAS**, on August 13, 2008, Resolution 08-2080 authorized a Project Specific Agreement with Dallas County for participation in design and construction of paving and drainage improvements on Mountain Creek Parkway from 2,400 feet southeast of Eagle Ford Drive to Clark Road in the amount of \$300,000.00; and,

**WHEREAS**, on October 26, 2010, Resolution 10-2765 authorized an increase in funding for the Project Specific Agreement with Dallas County for the design of water main and wastewater main improvements on Mountain Creek Parkway from 2,400 feet southeast of Eagle Ford Drive to Clark Road in the amount of \$180,253.00; and,

**WHEREAS**, on April 13, 2011, Resolution 11-0927 authorized the Master Agreement Governing Transportation Major Capital Improvement Program with Dallas County; and,

**WHEREAS**, it is now necessary to authorize an increase in funding for the Project Specific Agreement with Dallas County for the design and construction of the paving, drainage, water main, and wastewater main improvements on Mountain Creek Parkway, from 2,400 feet southeast of Eagle Ford Drive to Clark Road in an amount not to exceed \$8,650,215.00.

**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 an increase in funding for the Project Specific Agreement with Dallas County for the design and construction of paving, drainage, water main, and wastewater main improvements on Mountain Creek Parkway, from 2,400 feet southeast of Eagle Ford Drive to Clark Road in an amount not to exceed \$8,650,215.00.

June 11, 2014

**Section 2.** That the City Controller is hereby authorized to disburse funds to Dallas County in accordance with the terms and conditions of the Project Specific Agreement from:

Street and Transportation Improvements Fund  
Fund 2T22, Department PBW, Unit S403, Act. INGV  
Obj. 4111, Program # PB12S403, CT PBW12S403I1  
Vendor #014003, in an amount not to exceed \$ 135,727.00

Street and Transportation Improvements Fund  
Fund 2T22, Department PBW, Unit S403, Act. INGV  
Obj. 4510, Program # PB12S403, CT PBW12S403I1  
Vendor #014003, in an amount not to exceed \$5,189,273.00

Water Capital Improvement Fund  
Fund 0115, Department DWU, Unit PW42  
Obj. 4550, Program # 713151, CT DWU713151CP  
Vendor #014003, in an amount not to exceed \$3,197,000.00

Water Construction Fund  
Fund 0102, Department DWU, Unit CW42  
Obj. 3221, Program # 713151X, CT DWU713151EN  
Vendor #014003, in an amount not to exceed \$ 22,000.00

Wastewater Capital Improvement Fund  
Fund 0116, Department DWU, Unit PS42  
Obj. 4560, Program # 713152, CT DWU713152CP  
Vendor #014003, in an amount not to exceed \$ 89,715.00

Wastewater Construction Fund  
Fund 0103, Department DWU, Unit CS42  
Obj. 3222, Program # 713152X, CT DWU713152EN  
Vendor #014003, in an amount not to exceed \$ 16,500.00

Total amount not to exceed \$8,650,215.00

**Section 3.** That the City Controller is hereby authorized to deposit any unused City Bond Funds advanced to Dallas County pertaining to this project into Fund 2T22, Department PBW, Unit S403, Object 4510.

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



## AGENDA ITEM # 15

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** Sustainable Development and Construction  
Water Utilities  
City Attorney's Office

**CMO:** Theresa O'Donnell, 671-9195  
Forest E. Turner, 670-3390  
Warren M.S. Ernst, 670-3491

**MAPSCO:** 69A-E

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### SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. 635-I20 JV, et al., Cause No. CC-13-01705-E, pending in Dallas County Court at Law No. 1, to acquire approximately 480,413 square feet of land, including any improvements located at the intersection of Interstate Highway 20 and Rylie Crest Drive for the Southwest 120/96-inch Water Transmission Pipeline Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$953,214 (\$943,214 being the amount of the award, plus closing costs and title expenses not to exceed \$10,000); an increase of \$20,735 from the amount Council originally authorized for this acquisition - Financing: Water Utilities Capital Improvement Funds

### BACKGROUND

On May 25, 2011, the City Council authorized the acquisition of this property by Resolution No. 11-1324. The property owners were offered \$922,479 which was based on a written appraisal from an independent certified appraiser. The property owners did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing on March 7, 2014, the Special Commissioners awarded the property owners \$943,214.

This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$20,735 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$10,000.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

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

On May 25, 2011, City Council approved Resolution No. 11-1324.

On February 8, 2012, City Council approved Resolution No. 12-0484.

Council will be briefed by memorandum regarding this item.

### **FISCAL INFORMATION**

Water Utilities Capital Improvement Funds - \$20,735

Resolution No. 11-1324	\$932,479
and No. 12-0484	
Additional Amount (this action)	<u>\$ 20,735</u>
Total Authorized Amount	\$953,214

### **OWNER**

**635-I20 JV**

David M. Porter, President

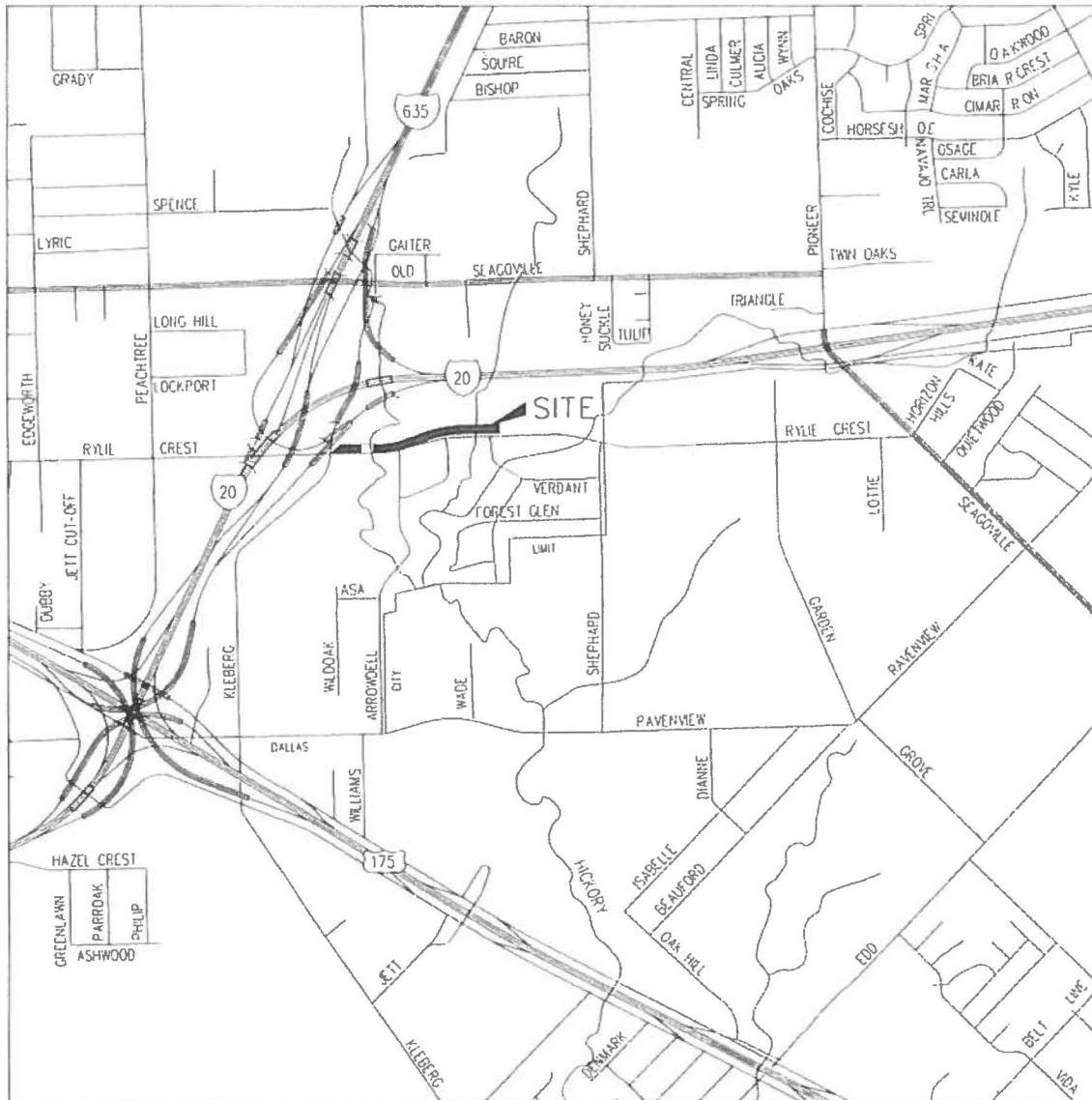
### **MAPS**

Attached

PARCEL E-81  
3.671 ACRES  
635-120 JV TRACT IN THE CITY OF BALCH SPRINGS  
TO BE ACQUIRED FOR A 120-INCH WATER LINE



MAPSCO NO. 69A-E

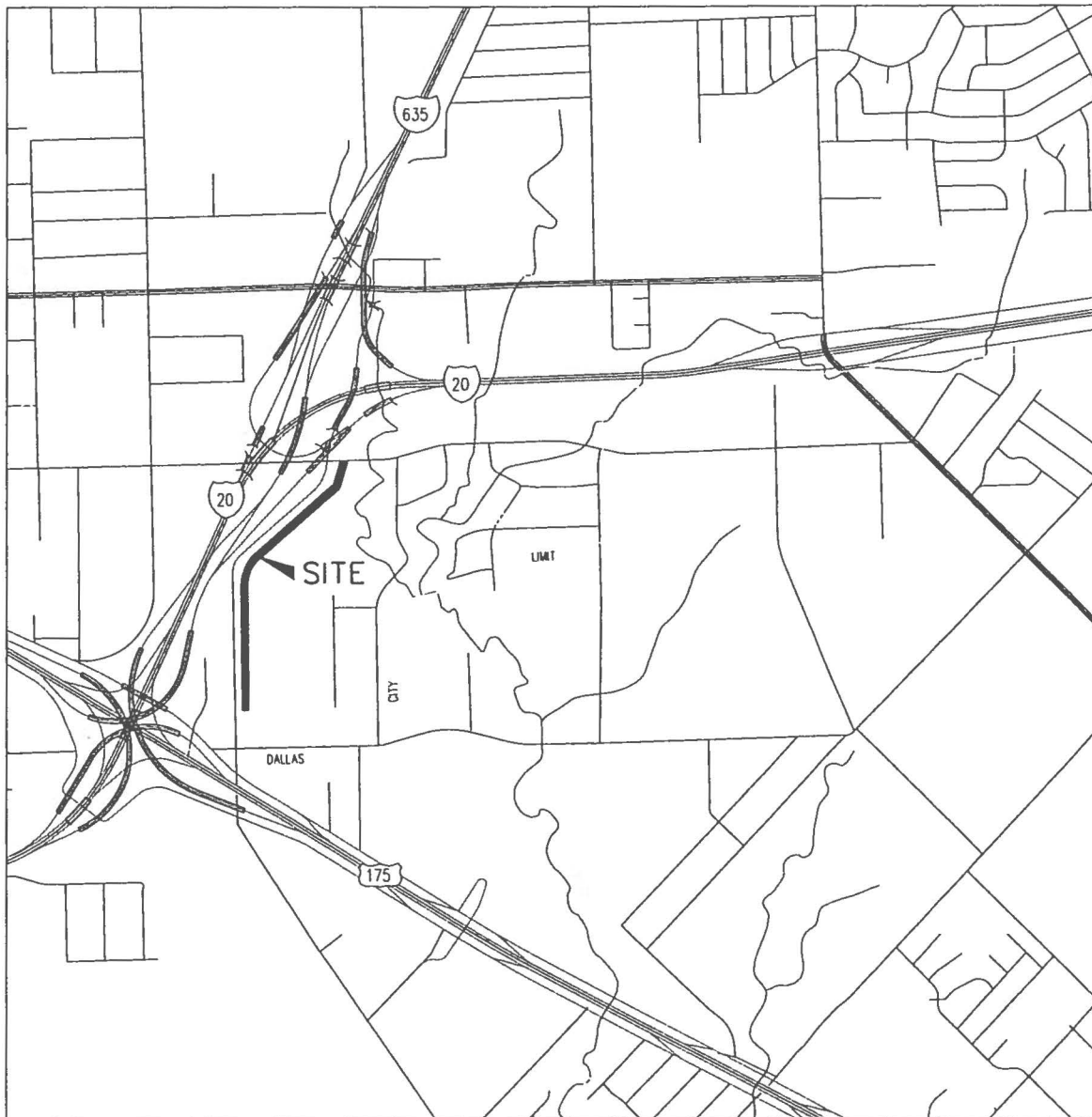


VICINITY MAP - NOT TO SCALE

PARCELS E-82 & E-83 TEMPORARY  
3.771 ACRES  
THE 635-120 JV TRACT II  
IN THE CITY OF BALCH SPRINGS  
TO BE ACQUIRED FOR A 120-INCH WATER LINE



MAPSCO NO. 69A-E



VICINITY MAP - NOT TO SCALE

June 11, 2014

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING, AND IF OBJECTIONS ARE FILED, THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.**

**IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:**

"CONDEMNATION PROCEEDING": Cause No. CC-13-01705-E, in Dallas County Court at Law No. 1, and styled City of Dallas v. 635-l20 JV, et al., filed pursuant to City Council Resolution No. 12-0484.

"PROPERTY": Approximately 480,413 square feet of land located in Dallas County, as described in the CONDEMNATION PROCEEDING.

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

"OFFICIAL OFFER": \$922,479

"AWARD": \$943,214

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$10,000

"AUTHORIZED AMOUNT": Not to exceed \$953,214

"DESIGNATED FUNDS": \$20,735 from Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041CPDI

**WHEREAS**, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and

**WHEREAS**, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made the AWARD, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and

June 11, 2014

**WHEREAS**, the owner of the PROPERTY objected to the AWARD, which converted the CONDEMNATION PROCEEDING into a lawsuit; and

**WHEREAS**, the City Council desires to authorize the City Attorney to settle the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD;

**Now, Therefore,**

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

**SECTION 1.** That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 2.** That the City Attorney is authorized to settle the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

**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.

**APPROVED AS TO FORM**

**Warren M. S. Ernst**  
**City Attorney**

By: \_\_\_\_\_

  
**Assistant City Attorney**

## EXHIBIT A

PARCEL E-81 (PART A AND PART B)  
 FIELD NOTES DESCRIBING A 47,355 SQ. FT. (1.087 AC.) PORTION  
 AND A 97,881 SQ. FT. (2.247 AC.) PORTION  
 OF THE 635-120 JV TRACT  
 IN THE CITY OF BALCH SPRINGS  
 TO BE ACQUIRED FOR A 120 INCH WATER LINE

## PART A:

BEING a 1.087 acre tract of land situated in the William J. Snow Survey, Abstract Number 1348, City of Balch Springs, Dallas County, Texas, and being part of that tract of land described as Tract III in General Warranty Deed with Vendor's Lien to 635-120 JV, as recorded in Volume 97252, Page 275, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a found 4 inch brass Texas Department of Transportation monument at the intersection of the north right-of-way line of Rylie Crest Drive (formerly known as Wildhorse Road, a variable width right-of-way) and the southeast right-of-way line of Interstate Highway 20 (a variable width right-of-way);

THENCE North 50 degrees 06 minutes 08 seconds East, with said southeast right-of-way line, a distance of 156.58 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;

THENCE North 89 degrees 47 minutes 42 seconds East, departing said southeast right-of-way line, a distance of 374.03 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for the point of curvature of a tangent circular curve to the left having a radius of 826.29 feet and whose chord bears North 84 degrees 33 minutes 13 seconds East, a distance of 150.97 feet;

THENCE Easterly, along said curve, through a central angle of 10 degrees 28 minutes 59 seconds and an arc distance of 151.18 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner, said point being on the west line of that tract of land described in Donation Deed to The City of Balch Springs, Texas, as recorded in Instrument No. 201200193765 of the Official Public Records of Dallas County, Texas, said point also being the point of curvature of a non-tangent circular curve to the left having a radius of 676.40 feet and whose chord bears South 02 degrees 40 minutes 10 seconds East, a distance of 64.93 feet;

THENCE Southerly, with said west line and along said curve, through a central angle of 05 degrees 30 minutes 07 seconds and an arc distance of 64.95 feet to a point for corner and the end of said curve;

THENCE South 35 degrees 54 minutes 37 seconds West, continuing with said west line, a distance of 50.33 feet to a point for corner on the north right-of-way line of said Rylie Crest Drive, said point being the point of curvature of a non-tangent circular curve to the right having a radius of 926.29 feet, whose chord bears South 85 degrees 57 minutes 54 seconds West, a distance of 123.74 feet;

FIELD NOTES APPROVED:

*Obv. 3/4/13*



**PARCEL E-81 (PART A AND PART B)  
FIELD NOTES DESCRIBING A 47,355 SQ. FT. (1.087 AC.) PORTION  
AND A 97,881 SQ. FT. (2.247 AC.) PORTION  
OF THE 635-120 JV TRACT  
IN THE CITY OF BALCH SPRINGS  
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

THENCE Westerly, departing said west line, and with said north right-of-way line and said curve, through a central angle of 07 degrees 39 minutes 36 seconds, an arc distance of 123.84 feet to a found 1/2 inch iron rod with a yellow cap stamped "RPLS 5310" for corner and the end of said curve;

THENCE South 89 degrees 47 minutes 42 seconds West, continuing with said north right-of-way line, a distance of 48.20 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner, same being the southeast corner of a tract of land described as Part 1 in deed to the City of Balch Springs, Texas, as recorded in Volume 95167, Page 0771, D.R.D.C.T.;

THENCE North 00 degrees 12 minutes 18 seconds West, departing said north right-of-way line and with the east line of said City of Balch Springs tract, a distance of 90.00 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;

THENCE South 89 degrees 47 minutes 42 seconds West, with the north line of said City of Balch Springs tract, a distance of 120.00 feet to a found 1/2 inch iron rod with a yellow cap stamped "RPLS 5310" for corner;

THENCE South 00 degrees 12 minutes 18 seconds East, with the west line of said City of Balch Springs tract, a distance of 90.00 feet to a found 1/2 inch iron rod with a yellow cap stamped "RPLS 5310" for corner;

THENCE South 89 degrees 47 minutes 42 seconds West, departing said west line of City of Balch Springs tract and with said north right-of-way line, a distance of 326.31 feet to the POINT OF BEGINNING AND CONTAINING 47,355 square feet or 1.087 acres of land, more or less.

**PART B:**

BEING a 2.247 acre tract of land situated in the William J. Snow Survey, Abstract Number 1348, City of Balch Springs, Dallas County, Texas, and being part of that tract of land described as Tract III in General Warranty Deed with Vendor's Lien to 635-120 JV, as recorded in Volume 97252, Page 275, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a found 4 inch brass Texas Department of Transportation monument at the intersection of the north right-of-way line of Rylie Crest Drive (formerly known as Wildhorse Road, a variable width right-of-way) and the southeast right-of-way line of Interstate Highway 20 (a variable width right-of-way);



**PARCEL E-81 (PART A AND PART B)  
FIELD NOTES DESCRIBING A 47,355 SQ. FT. (1.087 AC.) PORTION  
AND A 97,881 SQ. FT. (2.247 AC.) PORTION  
OF THE 635-120 JV TRACT  
IN THE CITY OF BALCH SPRINGS  
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

THENCE North 89 degrees 47 minutes 42 seconds East, departing said southeast right-of-way line and with said north right-of-way line, a distance of 494.51 feet to a found 1/2 inch iron rod with a yellow cap stamped "RPLS 5310" for corner and the point of curvature of a tangent circular curve to the left having a radius of 926.29 feet and whose chord bears North 80 degrees 05 minutes 11 seconds East, a distance of 312.42 feet;

THENCE Easterly, continuing with said north right-of-way line and along said curve, through a central angle of 19 degrees 25 minutes 03 seconds, passing at an arc distance of 123.84 feet the west line of that tract of land described in Donation Deed to The City of Balch Springs, Texas, as recorded in Instrument No. 201200193765 of the Official Public Records of Dallas County, Texas, continuing with said north right-of-way line, in all, a total arc distance of 313.92 feet to a point for corner;

THENCE North 70 degrees 22 minutes 39 seconds East, continuing with said north right-of-way line, a distance of 154.40 feet to a found 5/8 inch iron rod with aluminum disk for corner and the POINT OF BEGINNING of the herein described tract, said point being on the east line of said City of Balch Springs tract;

THENCE South 73 degrees 57 minutes 00 seconds West, departing said north right-of-way line of Rylie Crest Drive and with said east line of City of Balch Springs Donation Deed tract, a distance of 163.80 feet to a found 5/8 inch iron rod with a red cap for corner;

THENCE North 43 degrees 56 minutes 48 seconds West, continuing with said east line, a distance of 33.59 feet to a found 5/8 inch iron rod with a red cap for corner and the point of curvature of a non-tangent circular curve to the right having a radius of 662.00 feet, whose chord bears North 05 degrees 33 minutes 03 seconds East, a distance of 65.39 feet;

THENCE Northerly, with said east line and along said curve, through a central angle of 05 degrees 39 minutes 43 seconds, an arc distance of 65.42 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner and the end of said curve;

THENCE North 70 degrees 22 minutes 39 seconds East, departing said east line, a distance of 204.99 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for the point of curvature of a tangent circular curve to the right having a radius of 1286.43 feet and whose chord bears North 79 degrees 32 minutes 03 seconds East, a distance of 409.44 feet;

THENCE Easterly, along said curve, through a central angle of 18 degrees 18 minutes 49 seconds and an arc distance of 411.18 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;

**PARCEL E-81 (PART A AND PART B)  
FIELD NOTES DESCRIBING A 47,355 SQ. FT. (1.087 AC.) PORTION  
AND A 97,881 SQ. FT. (2.247 AC.) PORTION  
OF THE 635-120 JV TRACT  
IN THE CITY OF BALCH SPRINGS  
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

THENCE North 88 degrees 41 minutes 27 seconds East, a distance of 371.27 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner, said point being on the west line of that tract of land in Executor's Deed to Robert Marsh, as recorded in Instrument No. 201100127938 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), said tract also being part of that tract of land described in Warranty Deed to M.A. Marsh, as recorded in Volume 2178, Page 38, D.R.D.C.T.;

THENCE South 00 degrees 28 minutes 58 seconds East, with said west line of Marsh tract, a distance of 100.01 feet to a point for corner, said point being on said north right-of-way line of Rylie Crest Drive and from which a found 3/8 inch iron rod bears South 00 degrees 28 minutes 58 seconds East, a distance of 0.19 feet;


THENCE South 88 degrees 41 minutes 27 seconds West, with said north right-of-way line, a distance of 369.83 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for the point of curvature of a tangent circular curve to the left having a radius of 1186.43 feet and whose chord bears South 79 degrees 32 minutes 03 seconds West, a distance of 377.61 feet;

THENCE Westerly, continuing with said north right-of-way line and along said curve, through a central angle of 18 degrees 18 minutes 49 seconds and an arc distance of 379.22 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;

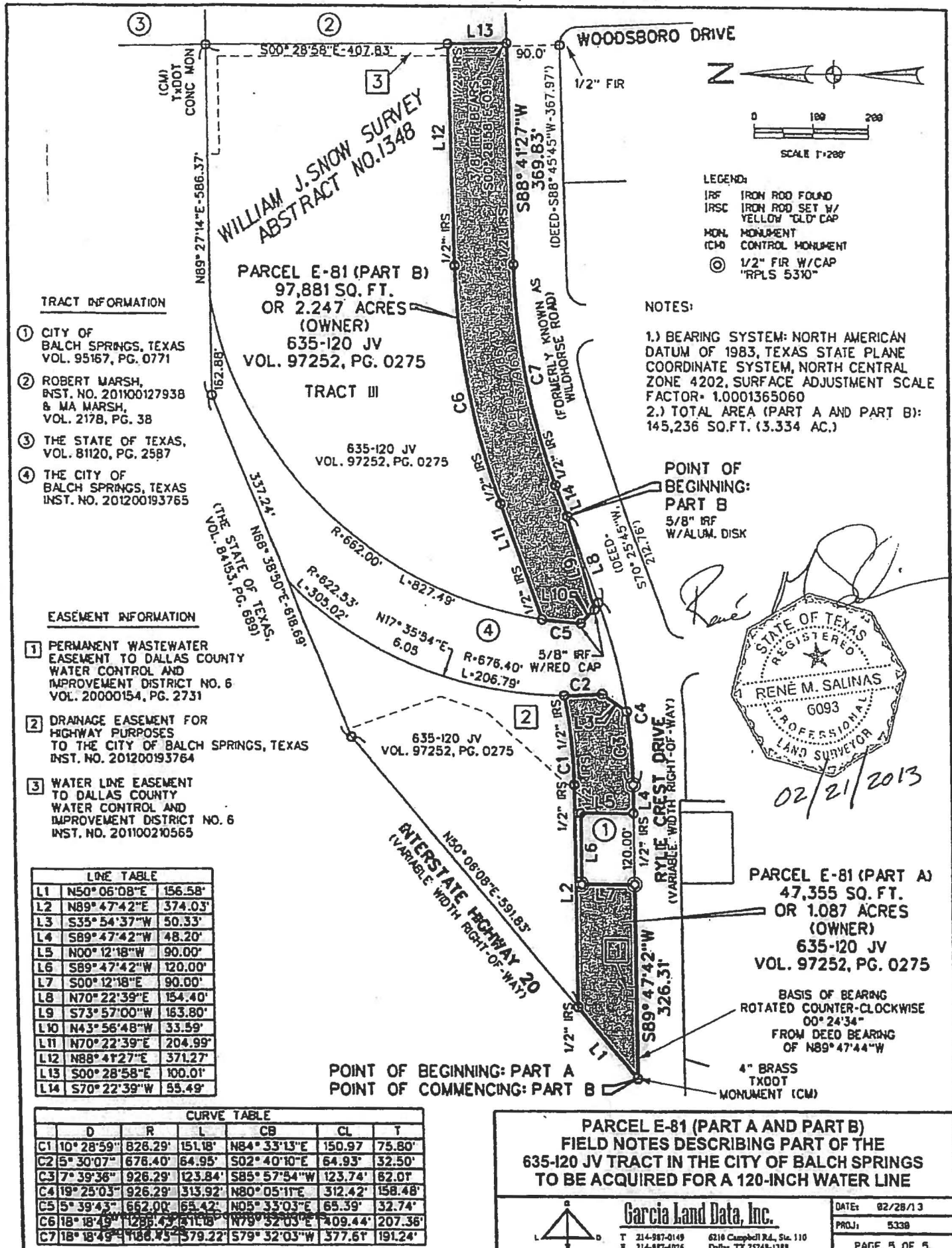
THENCE South 70 degrees 22 minutes 39 seconds West, continuing with said north right-of-way line, a distance of 55.49 feet to the POINT OF BEGINNING AND CONTAINING 97,881 square feet or 2.247 acres of land, more or less.

BASIS OF BEARINGS: North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counterclockwise 00 degrees 24 minutes 34 seconds from deed bearing of North 89 degrees 47 minutes 44 seconds West along the north line of Rylie Crest Road, formerly Wildhorse Road.

*René M. Salinas*



02/21/2013



# EXHIBIT A

EXHIBIT A-TRACT 2

**PARCELS E-82 AND E-83  
FIELD NOTES DESCRIBING PART OF THE 635-120 JV TRACT II  
IN THE CITY OF BALCH SPRINGS  
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

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

BEING a 7.695 acre tract of land conveyed to 635 - 120 JV by General Warranty Deed dated December 18, 1997 by Clara Belle Freeman, Patsy Ruth Winslett, and Carroll Lewis Murphy as recorded in Volume 97252, Page 0275 of the Deed Records of Dallas County, Texas and being part of Tract II of said 635-120 JV tract and being in the WJ Snow Survey, Abstract Number 1348 and being more particularly described as follows:

**BEGINNING** at a found 4" brass Texas Department of Transportation monument at the intersection of the south right-of-way line of Rylie Crest Drive (90 feet wide) and the east right-of-way line of Interstate Highway 20;

**THENCE** North 89°45'15" East along the south line of Rylie Crest Drive a distance of 104.37 feet to a set ½ inch iron rod with a yellow cap stamped "GLD";

**THENCE** South 16°23'20" West a distance of 268.79 feet;

**THENCE** South 48°58'50" West a distance of 1213.51 feet to a set ½ Inch Iron rod with a yellow cap stamped "GLD" at the beginning of a curve to the left with a radius of 450 feet and a central angle of 49°38'27";

**THENCE** along said curve for an arc length of 389.88 feet, with a chord bearing of South 24°09'37" West and chord distance of 377.80 feet, to a set ½ inch iron rod with a yellow cap stamped "GLD" at the end of said curve;

**THENCE** South 0°39'36" East a distance of 1412.76 feet to a set ½ inch Iron rod with a yellow cap stamped "GLD" and the north line of a tract of land conveyed to Thomas W Haeussler and wife, Patricia A Haeussler by General Warranty Deed dated December 18, 1997 from Clara Belle Freeman, Patsy Ruth Winslett, and Carroll Lewis Murphy as recorded in Volume 97252, Page 0262 of said Deed Records;

**THENCE** South 88°51'01" West along the common line between said 635-120 JV and Haeussler tracts a distance of 100.00 feet to a found ½ inch iron rod with a yellow cap stamped "RPLS 5310";

**THENCE** North 0°39'36" West along the east line of Kleberg Road a distance of 1593.43 feet to a found 4" brass Texas Department of Transportation monument;

REVIEWED BY *AK* 12/27/10

# EXHIBIT A

## EXHIBIT A-TRACT 2

**PARCELS E-82 AND E-83  
FIELD NOTES DESCRIBING PART OF THE 635-120 JV TRACT II  
IN THE CITY OF BALCH SPRINGS  
TO BE ACQUIRED FOR A 120 INCH WATER LINE**

THENCE North 24°15'38" East along the east line of IH 20 a distance of 135.87 feet to a found 4" brass Texas Department of Transportation monument;

THENCE North 48°58'50" East along the east line of IH 20 a distance of 1363.52 feet to a found 4" brass Texas Department of Transportation monument;

THENCE North 16°23'20" East along the east line of IH 20 a distance of 209.68 feet to the POINT OF BEGINNING and containing approximately 335,177 square feet or 7.695 acres of land.

**SUBJECT TO:** easement to Magnolia Gas Company by deed dated March 8, 1927 from SE Tubre as recorded in Volume 1394, Page 166 of said Deed Records.

**BASIS OF BEARINGS:** North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counterclockwise 0°28'18" from deed bearing of North 0°11'18" West along the east line of Kleberg Road.

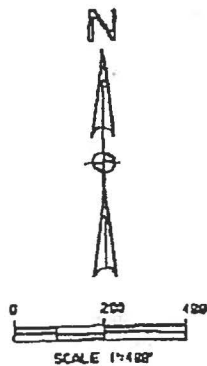
KB 4/10/10  
RS 12/01/10  
5330 E-82



REVIEWED BY *DR* 12/27/10

# EXHIBIT A

EXHIBIT A-TRACT 2



TRACT INFORMATION  
① THOMAS W. HAEUSSLER AND  
WIFE, PATRICIA A. HAEUSSLER  
VOL. 97252, PG. 0262

L1 N89°45'15"E - 104.37'  
L2 S16°23'20"W - 268.79'  
L3 S88°51'01"W - 100.00'  
L4 N24°15'38"E - 135.87'  
L5 N16°23'20"E - 209.68'

C1 D-49°38'27"  
R-450.00'  
L-389.88'  
CB-S24°09'37"W  
CL-377.80'  
T-208.12'

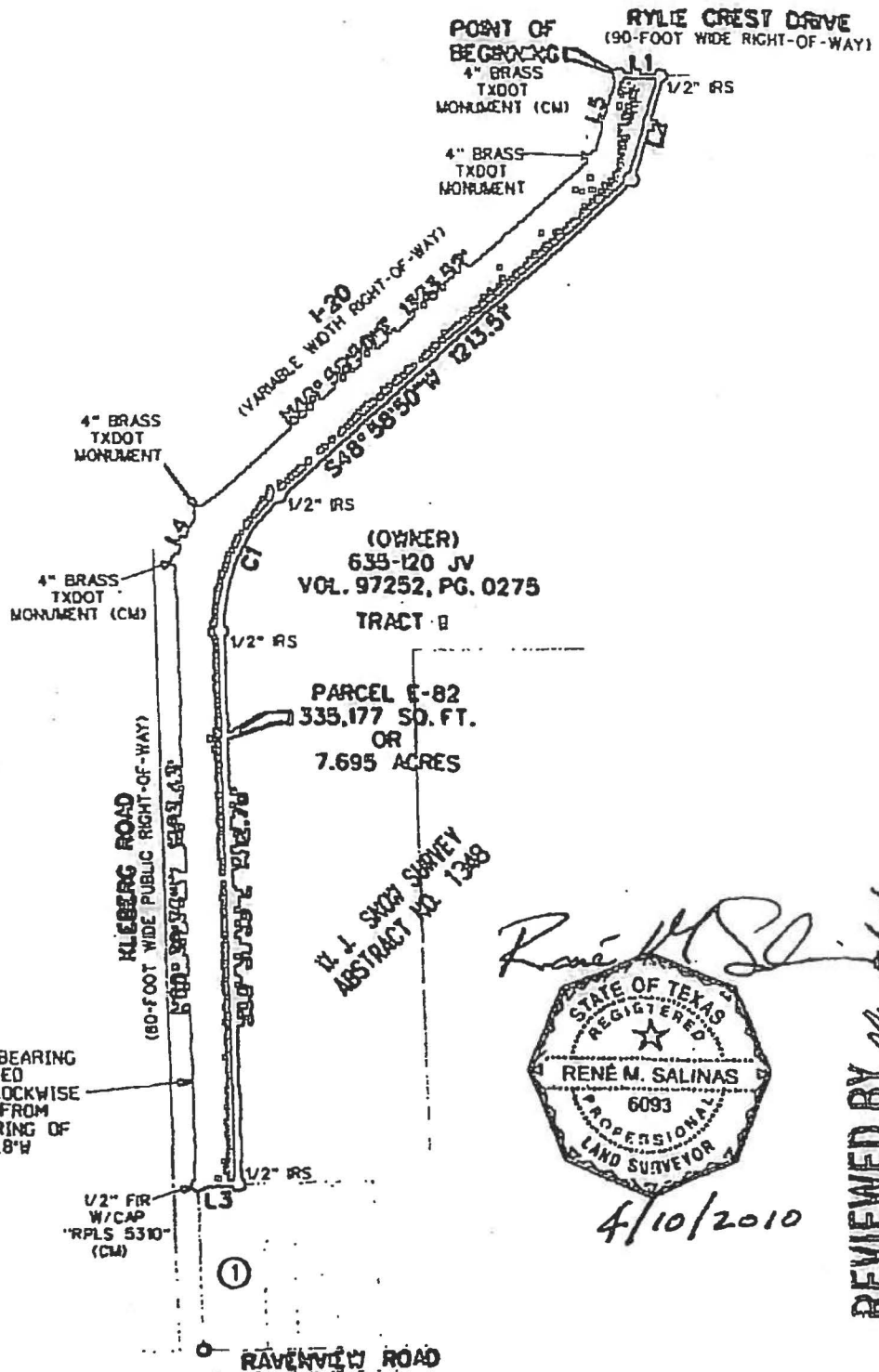
BASIS OF BEARING  
ROTATED  
COUNTER-CLOCKWISE  
88°28'18" FROM  
DEED BEARING OF  
N00°11'18"W

## LEGEND:

IRF IRON ROD FOUND  
IRS IRON ROD SET W/  
YELLOW 'GLO' CAP  
IPF IRON PIPE FOUND  
MON. MONUMENT  
(CM) CONTROL MONUMENT

## NOTES:

1.) BEARING SYSTEM; NORTH AMERICAN DATUM OF  
1983, TEXAS STATE PLANE COORDINATE SYSTEM,  
NORTH CENTRAL ZONE 4202, SURFACE ADJUSTMENT  
SCALE FACTOR= 1.0001365060



4/10/2010

REVIEWED BY *[Signature]*

PARCEL E-82  
FIELD NOTES DESCRIBING PART OF  
THE 635-120 JV TRACT B  
IN THE CITY OF BALCH SPRINGS  
TO BE ACQUIRED FOR A 120-INCH WATER LINE



Garcia Land Data, Inc.

214-467-6100 6310 Campbell Rd., Ste. 110

DATE: 12/01/10  
PAGE: 3322



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Sustainable Development and Construction  
Public Works Department

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

**MAPSCO:** 45U

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**SUBJECT**

Authorize acquisition from Matthews CCH Partners, L.P., of approximately 22,478 square feet of land improved with two buildings located near the intersection of Belleview and Browder Streets for the widening and extension of Belleview Street - Not to exceed \$221,000 (\$215,810, plus closing costs and title expenses not to exceed \$5,190) - Financing: General Obligation Commercial Paper Funds

**BACKGROUND**

This item authorizes the acquisition of approximately 22,478 square feet of land improved with two vacant buildings located near its intersection of Belleview and Browder Streets from Matthews CCH Partners, L.P. This property will be used for the widening and extension of Belleview Street. The consideration is based on an independent appraisal.

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

This item has no prior action.

**FISCAL INFORMATION**

2006 Bond Program (General Obligation Commercial Paper) - \$221,000 (\$215,810, plus closing costs and title expenses not to exceed \$5,190)

**OWNER**

**Matthews CCH Partners, L.P.**

Matthews CCH Partners GP, LLC

Matthews Holdings Southwest, Inc.

John H. Matthews, President

Kristian T. Teleki, Senior Vice President

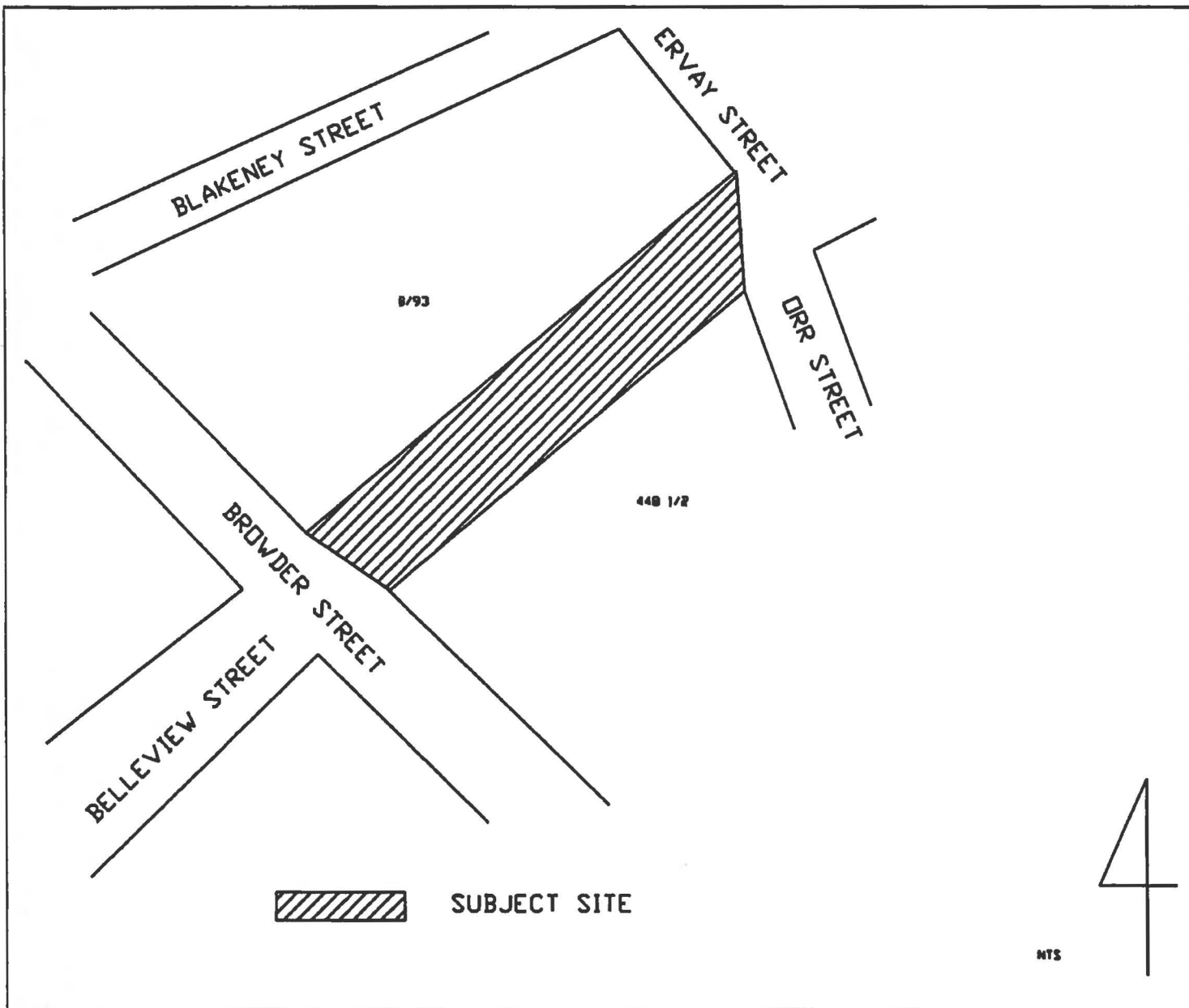
Matt Stevens, Vice President

Bruce Bent, Secretary & Treasurer

**MAP**

Attached







June 11, 2014

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

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

“CITY”: The City of Dallas

“PROPERTY”: Approximately 22,478 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

“PROJECT”: Belleview Street Improvements

“USE”: For the widening and extension of Belleview Street provided, however, to the extent fee title to the PROPERTY is acquired, such title and the PROPERTY shall not be limited to or otherwise deemed restricted to the USE here provided.

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

“OWNER”: Matthews CCH Partners, L.P., provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PURCHASE AMOUNT” : \$215,810

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$5,190

“AUTHORIZED AMOUNT”: Not to exceed \$221,000

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

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

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

June 11, 2014

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

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

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

**SECTION 6.** That in the event this acquisition closes, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Street and Transportation Improvement Funds, Fund No. 2T22, Department PBW, Unit U773, Activity THRF, Program No. PB06U773, Object 4210, Encumbrance No. SUSCAU77309. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

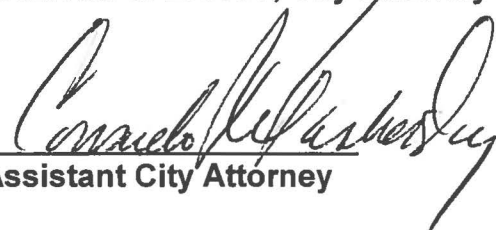
**SECTION 7.** That CITY is to have possession and/or use, as applicable, of the PROPERTY at closing; and CITY will pay any title expenses and closing costs. All costs and expenses described in this section shall be paid from the previously described funds.

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

**APPROVED AS TO FORM:**

**WARREN M. S. ERNST, City Attorney**

BY

  
Assistant City Attorney

**Field Notes Describing a 22,478 Square Foot (0.516 Acre) Tract of Land To Be  
Acquired in City Block B/93 and 448 ½ From Matthews CCH Partners, LP For the  
Extension of Bellevue St.**

Being a 22,478 Sq. Ft. (0.516 Acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being a portion of Blocks B/93 and 448 ½, official City of Dallas Block Numbers, and being a portion of Tract C as conveyed to Matthews CCH Partners, LP by Special Warranty Deed dated March 11, 2013 and recorded in Instrument No. 201300075811, Official Public Records, Dallas County, Texas (OPRDCT) and being more particularly described as follows:

**BEGINNING** at a Cotton Spindle found at the intersection of the southwest line of Ervay St. (Variable Width Right-of-Way) and the northwest line of Orr St. (50' Width Right-of-Way), as shown on City of Dallas Drawing B290-1 on file in the City of Dallas Survey Records Vault, said nail being the most easterly north corner of said Matthews CCH Partners, LP tract and also the most easterly corner of Block B/93 from which the intersection of the southeast line of Blakeney St. (Variable Width Right-of-Way) and the southwest line of said Ervay St. bears, North 45°29'38" West, a distance of 211.82 feet (212.00 feet – deed);

**THENCE** South 46°07'44" West, along the northwest line of said Orr St., a distance of 24.61 feet (19.00 feet – deed) to a point (unable to set) at an inner ell corner in said Orr St.;

**THENCE** South 42°56'17" East, along the said southwest line of Orr St. and the northeast line of said Matthews CCH Partners, LP tract, a distance of 56.73 feet to a Mag Nail with red anodized washer stamped "CITY OF DALLAS" (hereinafter referred to as "with washer") set (Texas State Plane Grid Coordinates; N=6968105.9434, E=2493848.2081) in the new southeast line of Bellevue St. (57.5' Width Right-of-Way) said Mag nail also being at the beginning of a non-tangent curve to the right with a radius of 278.78 feet and a chord that bears South 45°10'10" West, a distance of 19.11 feet;

**THENCE** departing said southwest line of Orr St. over and across said Matthews CCH Partners LP tract with said curve to the right and along the new southeast line of said Bellevue St. through a central angle of 3°55'38", an arc length of 19.11 feet to a Mag Nail with washer set;

**THENCE** South 47°07'59" West, continuing along the new southeast line of said Bellevue St., and over and across said Matthews CCH Partners, LP tracts, a distance of 123.28 feet to a Mag Nail with washer set at the beginning of a curve to the right with a radius of 5608.16 feet and a chord that bears South 48°09'36" West, a distance of 201.03 feet;

**THENCE** continuing along the new southeast line of said Bellevue St., and over and across said Matthews CCH Partners, LP tracts, through a central angle of 2°03'14", an arc length of 201.04 feet to a Mag Nail with washer set;

**THENCE** South 49°11'13" West, continuing along the new southeast line of said Bellevue St., and over and across said Matthews CCH Partners, LP tracts, a distance of 47.16 feet to a 5/8" Iron Rod with red plastic cap stamped "CITY OF DALLAS" (herein after referred to as "with cap") set in the northeast line of Browder St. (Variable Width Right-of-Way) (Texas State Plane Grid Coordinates; N=6967843.7224, E=2493558.8801);



## EXHIBIT A

## ATTACHMENT A

**Field Notes Describing a 22,478 Square Foot (0.516 Acre) Tract of Land To Be Acquired in City Block B/93 and 448 ½ From Matthews CCH Partners, LP For the Extension of Bellevue St.**

**THENCE** North 43°06'27" West, along the said northeast line of Browder St. and the southwest line of said Matthews CCH Partners, LP tract, a distance of 51.02 feet to a 5/8" Iron Rod with cap set at an offset corner in the northeast line of said Browder St.;

**THENCE** North 46°57'05" East, along the northeast line of said Matthews CCH Partners, LP tract, a distance of 6.43 feet to a Mag Nail with washer set at an inner ell corner in the southwest line of said Matthews CCH Partners, LP tract;

**THENCE** North 43°36'03" West, along the northeast line of said Browder St. and the southwest line of said Matthews CCH Partners, LP tract, a distance of 6.28 feet to a Mag Nail with washer in the northeast line of said Browder St. and the new northwest line of said Bellevue St.;

**THENCE** North 49°11'13" East, departing the northeast line of said Browder St and over and across said Matthews CCH Partners, LP tract, and with the new northwest line of said Bellevue St., a distance of 43.08 feet to a Mag Nail with washer set at the beginning of a curve to the left having a radius of 5550.66 feet and a chord that bears North 48°09'36" East, a distance of 198.97 feet;

**THENCE** continuing over and across said Matthews CCH Partners, LP tract, with said curve to the left through a central angle of 2°03'14", an arc length of 198.98 feet to a Mag Nail with washer set;

**THENCE** North 47°07'59" East, departing continuing over and across said Matthews CCH Partners, LP tract, and with the new northwest line of said Bellevue St., a distance of 123.28 feet to a point (unable to set) at the beginning of a curve to the left having a radius of 221.28 feet and a chord that bears North 41°28'20" East, a distance of 43.66 feet;

**THENCE** continuing over and across said Matthews CCH Partners, LP tract, with said curve to the left through a central angle of 11°19'19", an arc length of 43.66 feet to a Mag Nail with washer set in the northeast line of said Matthews CCH Partners, LP and the southwest line of said Ervay St.;

**THENCE** South 45°29'38" East, along the southwest line of said Ervay St. and the northeast line of said Matthews CCH Partners, LP tract, a distance of 4.00 feet to the **POINT OF BEGINNING** and containing 22,478 Sq. Ft. (0.516 Acres) of land.

**BASIS OF BEARINGS:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.





# EXHIBIT A



N



$R=221.28'$   
 $\Delta=11^{\circ}19'19''$   
 $L=43.66'$   
 $LC=43.66'$   
 $CB=N41^{\circ}28'20'' E$

$S45^{\circ}29'38'' E$   
 $4.00'$

POINT OF BEGINNING  
 Fnd Cotton Spindle

**BLAKENEY ST.**  
 (Variable Width Right-of-Way)

John Grigsby Survey  
 Abstract No. 495

**BLOCK B / 93**

MATTHEWS CCH PARTNERS, LP  
 INST. NO. 201300075811, TRACT C



*D. H. Copeland*  
 1/24/14

$R=5550.66'$   
 $\Delta=2^{\circ}03'14''$   
 $L=198.98'$   
 $LC=198.97'$   
 $CB=N48^{\circ}09'36'' E$

$N43^{\circ}36'03'' W$   
 $6.28'$   
 $N46^{\circ}57'05'' E$   
 $6.43'$

22478 Sq. Ft.  
 (0.516 acres)  
 To Be Acquired

1 STORY BRICK SHOP  
 TO BE REMOVED

**BELLEVUE ST. EXTENSION**  
 (57.5' Width Right-of-Way)

$R=5608.16'$   
 $\Delta=2^{\circ}03'14''$   
 $L=201.04'$   
 $LC=201.03'$   
 $CB=S48^{\circ}09'36'' W$

MATTHEWS CCH PARTNERS, LP  
 INST. NO. 201300075811, TRACT C

6967843.7224  
 2493558.8801

**BELLEVUE ST.**  
 (Variable Width Right-of-Way)

**BROWDER ST.**  
 (Variable Width Right-of-Way)

**ERVAY ST.**  
 (Variable Width Right-of-Way)

Fnd Cotton Spindle  
 POINT OF BEGINNING

Not Set Inaccessible

6968105.9434  
 2493848.2081

$R=278.78'$   
 $\Delta=3^{\circ}55'38''$   
 $L=19.11'$   
 $LC=19.11'$   
 $CB=S45^{\circ}10'10'' W$

**BLOCK 448 12**

\*\* WINRS LTD.  
 TRACT NO.

- ☐ Mag Nail w/ City of Dallas" Washer (Set)
- ☒ 5/8" IR w/ City of Dallas" Washer (Set)
- ☒ 60D Nail
- ☐ To Be Acquired

BASIS OF BEARINGS: Bearing are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Sheet 3 of 3

BELLEVUE STREET EXTENSION			
Property Acquisition for Street Widening			
MATTHEWS CCH PARTNERS, LP			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
D. Copeland	N:\ENGR\SURVEY\COPELAND\Bellevue\Files\MatthewsCCH-REVISED.dwg	As Noted	1/29/14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
D. Copeland	D. Copeland	Blocks C93 488 12	



## EXHIBIT B

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

**SPECIAL WARRANTY DEED**

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

That Matthews CCH Partners, L.P., a Texas limited partnership (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of TWO HUNDRED FIFTEEN THOUSAND EIGHT HUNDRED TEN AND NO/100 DOLLARS (\$215,810.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: None.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto City, its successors and assigns forever, and Grantor binds Grantor and Grantor's heirs, executors, administrators or successors, to Warrant and Forever Defend all and singular the said premises unto City, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**[SIGNATURE ON FOLLOWING PAGE]**



## EXHIBIT B

MATTHEWS CCH PARTNERS, L.P.,  
a Texas limited partnership

BY: MATTHEWS CCH PARTNERS GP, LLC,  
a Texas limited liability company,  
its general partner

BY: MATTHEWS HOLDINGS SOUTHWEST, INC.,  
a Texas corporation,  
its sole member

BY: \_\_\_\_\_  
Kristian T. Teleki  
Senior Vice President

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS   '

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, by Kristian T. Teleki, Senior Vice President of Matthews Holdings Southwest, Inc., a Texas corporation, sole member of Matthews CCH Partners GP, LLC, a Texas limited liability company, the general partner of Matthews CCH Partners, L.P., a Texas limited partnership on behalf of said limited partnership.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

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

Special Warranty Deed Log No. 35758

**EXHIBIT A**

**Field Notes Describing a 22,478 Square Foot (0.516 Acre) Tract of Land To Be  
Acquired in City Block B/93 and 448 ½ From Matthews CCH Partners, LP For the  
Extension of Bellevue St.**

Being a 22,478 Sq. Ft. (0.516 Acres) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, and being a portion of Blocks B/93 and 448 ½, official City of Dallas Block Numbers, and being a portion of Tract C as conveyed to Matthews CCH Partners, LP by Special Warranty Deed dated March 11, 2013 and recorded in Instrument No. 201300075811, Official Public Records, Dallas County, Texas (OPRDCT) and being more particularly described as follows:

**BEGINNING** at a Cotton Spindle found at the intersection of the southwest line of Ervay St. (Variable Width Right-of-Way) and the northwest line of Orr St. (50' Width Right-of-Way), as shown on City of Dallas Drawing B290-1 on file in the City of Dallas Survey Records Vault, said nail being the most easterly north corner of said Matthews CCH Partners, LP tract and also the most easterly corner of Block B/93 from which the intersection of the southeast line of Blakeney St. (Variable Width Right-of-Way) and the southwest line of said Ervay St. bears, North 45°29'38" West, a distance of 211.82 feet (212.00 feet – deed);

**THENCE** South 46°07'44" West, along the northwest line of said Orr St., a distance of 24.61 feet (19.00 feet – deed) to a point (unable to set) at an inner ell corner in said Orr St.;

**THENCE** South 42°56'17" East, along the said southwest line of Orr St. and the northeast line of said Matthews CCH Partners, LP tract, a distance of 56.73 feet to a Mag Nail with red anodized washer stamped "CITY OF DALLAS" (hereinafter referred to as "with washer") set (Texas State Plane Grid Coordinates; N=6968105.9434, E=2493848.2081) in the new southeast line of Bellevue St. (57.5' Width Right-of-Way) said Mag nail also being at the beginning of a non-tangent curve to the right with a radius of 278.78 feet and a chord that bears South 45°10'10" West, a distance of 19.11 feet;

**THENCE** departing said southwest line of Orr St. over and across said Matthews CCH Partners LP tract with said curve to the right and along the new southeast line of said Bellevue St. through a central angle of 3°55'38", an arc length of 19.11 feet to a Mag Nail with washer set;

**THENCE** South 47°07'59" West, continuing along the new southeast line of said Bellevue St., and over and across said Matthews CCH Partners, LP tracts, a distance of 123.28 feet to a Mag Nail with washer set at the beginning of a curve to the right with a radius of 5608.16 feet and a chord that bears South 48°09'36" West, a distance of 201.03 feet;

**THENCE** continuing along the new southeast line of said Bellevue St., and over and across said Matthews CCH Partners, LP tracts, through a central angle of 2°03'14", an arc length of 201.04 feet to a Mag Nail with washer set;

**THENCE** South 49°11'13" West, continuing along the new southeast line of said Bellevue St., and over and across said Matthews CCH Partners, LP tracts, a distance of 47.16 feet to a 5/8" Iron Rod with red plastic cap stamped "CITY OF DALLAS" (herein after referred to as "with cap") set in the northeast line of Browder St. (Variable Width Right-of-Way) (Texas State Plane Grid Coordinates; N=6967843.7224, E=2493558.8801);



**EXHIBIT A**

**Field Notes Describing a 22,478 Square Foot (0.516 Acre) Tract of Land To Be Acquired in City Block B/93 and 448 ½ From Matthews CCH Partners, LP For the Extension of Bellevue St.**

**THENCE** North 43°06'27" West, along the said northeast line of Browder St. and the southwest line of said Matthews CCH Partners, LP tract, a distance of 51.02 feet to a 5/8" Iron Rod with cap set at an offset corner in the northeast line of said Browder St.;

**THENCE** North 46°57'05" East, along the northeast line of said Matthews CCH Partners, LP tract, a distance of 6.43 feet to a Mag Nail with washer set at an inner ell corner in the southwest line of said Matthews CCH Partners, LP tract;

**THENCE** North 43°36'03" West, along the northeast line of said Browder St. and the southwest line of said Matthews CCH Partners, LP tract, a distance of 6.28 feet to a Mag Nail with washer in the northeast line of said Browder St. and the new northwest line of said Bellevue St.;

**THENCE** North 49°11'13" East, departing the northeast line of said Browder St and over and across said Matthews CCH Partners, LP tract, and with the new northwest line of said Bellevue St., a distance of 43.08 feet to a Mag Nail with washer set at the beginning of a curve to the left having a radius of 5550.66 feet and a chord that bears North 48°09'36" East, a distance of 198.97 feet;

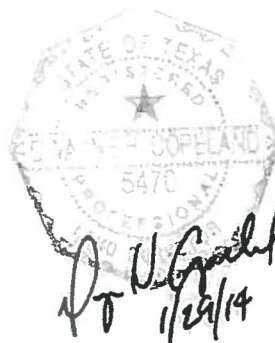
**THENCE** continuing over and across said Matthews CCH Partners, LP tract, with said curve to the left through a central angle of 2°03'14", an arc length of 198.98 feet to a Mag Nail with washer set;

**THENCE** North 47°07'59" East, departing continuing over and across said Matthews CCH Partners, LP tract, and with the new northwest line of said Bellevue St., a distance of 123.28 feet to a point (unable to set) at the beginning of a curve to the left having a radius of 221.28 feet and a chord that bears North 41°28'20" East, a distance of 43.66 feet;

**THENCE** continuing over and across said Matthews CCH Partners, LP tract, with said curve to the left through a central angle of 11°19'19", an arc length of 43.66 feet to a Mag Nail with washer set in the northeast line of said Matthews CCH Partners, LP and the southwest line of said Ervay St.;

**THENCE** South 45°29'38" East, along the southwest line of said Ervay St. and the northeast line of said Matthews CCH Partners, LP tract, a distance of 4.00 feet to the **POINT OF BEGINNING** and containing 22,478 Sq. Ft. (0.516 Acres) of land.

**BASIS OF BEARINGS:** Bearings are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.





# EXHIBIT A

0 50 75 100

N



EXHIBIT D

$R = 221.28'$   
 $\Delta = 11^\circ 19' 19''$   
 $L = 43.66'$   
 $LC = 43.66'$   
 $CB = N41^\circ 28' 20'' E$

$S45^\circ 29' 38'' E$

4.00' (Variable Width Right-of-Way)

ERVAY ST.  
 (Variable Width Right-of-Way)

POINT OF BEGINNING  
 Fnd Cotton Spindle

BLAKENEY ST.  
 (Variable Width Right-of-Way)

John Grigsby Survey  
 Abstract No. 495

BLOCK  
 B / 93

MATTHEWS CCH PARTNERS, LP  
 INST. NO. 201300075811, TRACT C

Fnd Cotton Spindle  
 POINT OF BEGINNING

Not Set Inaccessible  
 (for Width Right-of-Way)

6968105.9434  
 2493848.2081

ORR ST.

SULLIVAN DR.

1 STORY BRICK BLDG TO REMAIN

2 STORY BRICK BLDG TO BE REMOVED

$R = 5550.66'$   
 $\Delta = 2^\circ 03' 14''$   
 $L = 198.98'$   
 $LC = 198.97'$   
 $CB = N48^\circ 09' 36'' E$

$R = 278.78'$   
 $\Delta = 3^\circ 55' 38''$   
 $L = 19.11'$   
 $LC = 19.11'$   
 $CB = S45^\circ 10' 10'' W$

22478 Sq. Ft.  
 (0.516 acres)  
 To Be Acquired

BLOCK  
 448 12

1 STORY BRICK SHOP TO BE REMOVED

1 STORY METAL SHOP TO REMAIN

\*\* WINRS LTD.  
 TRACT NO.

☐ Mag Nail w/ City of Dallas Washer (Set)

☒ 58" IR w/ City of Dallas Washer (Set)

☒ 60D Nail

☐ To Be Acquired

BASIS OF BEARINGS: Bearing are based on the Texas State Plane Coordinate System, North Central Zone, North American Datum of 1983.

Sheet 3 of 3

$R = 5608.16'$   
 $\Delta = 2^\circ 03' 14''$   
 $L = 201.04'$   
 $LC = 201.03'$   
 $CB = S48^\circ 09' 36'' W$

MATTHEWS CCH PARTNERS, LP  
 INST. NO. 201300075811, TRACT C

6967843.7224  
 2493558.8801

BELLEVIEW ST.  
 (Variable Width Right-of-Way)

BROWDER ST.  
 (Variable Width Right-of-Way)

BELLEVIEW STREET EXTENSION			
Property Acquisition for Street Widening			
MATTHEWS CCH PARTNERS, LP			
DEPT. OF PUBLIC WORKS & TRANSPORTATION			
SURVEY DIVISION CITY OF DALLAS, TEXAS			
OPERNAME	DESIGN FILE NAME	SCALE	DATE
D. Copeland	N:\ENR\SURVEY\COPELAND\Bellevue\Plan\MatthewsCCH-REVISED.dgn	As Noted	1/29/14
PARTY CHIEF	CALCULATIONS	FOLDER	FILE NO.
D. Copeland	D. Copeland	Blocks C93 448 12	

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 8

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 76G

---

**SUBJECT**

Authorize an amendment to Resolution No. 11-1715, previously approved on June 22, 2011, for acquisition from Clemmie Skief and Kathleen G. Skief, to increase the previously authorized amount for acquisition of approximately 1,065 square feet of land located near the intersection of Telephone and Bonnie View Roads for the Southwest 120/96-inch Water Transmission Pipeline Project – Not to exceed \$1,300, increased from \$29,000 (\$27,111, plus closing costs and title expenses not to exceed \$1,889) to \$30,300 (\$27,111, plus closing costs and title expenses not to exceed \$3,189) - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

This item authorizes an amendment to increase the previously authorized amount to reflect the revised closing costs for the acquisition of approximately 1,065 square feet of land located near the intersection of Telephone and Bonnie View Roads from Clemmie Skief and Kathleen G. Skief. This property will be used for construction of a 96-inch and 120-inch diameter treated water transmission line from the East Side Water Treatment Plant to Southwest Dallas. The consideration is based on an independent appraisal.

On June 22, 2011, Dallas City Council approved Resolution No. 11-1715 authorizing the City Manager to acquire three tracts of land in fee simple interest consisting of approximately 18,073 square feet of land from Clemmie Skief to facilitate the Southwest 120/96-inch Water Transmission Pipeline Project.

While two of the tracts in Resolution No. 11-1715 have been acquired, the City of Dallas has experienced difficulty in obtaining a release of lien on the remaining parcel containing 1,065 square feet of land. The appropriate release has been secured and the remaining 1,065 square foot tract is now ready for acquisition by the City of Dallas. The revised closing costs have resulted in an increase of the amount previously authorized by Resolution No. 11-1715 from \$29,000 to \$30,300 for a total increase of \$1,300. Increase represents same cost per square foot based on prior offer amount.

**BACKGROUND** (Continued)

All other provisions authorized by Resolution No. 11-1715 remain in full force and effect.

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

Authorized acquisition on June 22, 2011, by Resolution No. 11-1715.

**FISCAL INFORMATION**

Water Utilities Capital Improvements Funds - \$1,300

Resolution No. 11-1715	\$29,000
Additional Amount (this action)	<u>\$ 1,300</u>
Total Authorized Amount	\$30,300

**OWNERS**

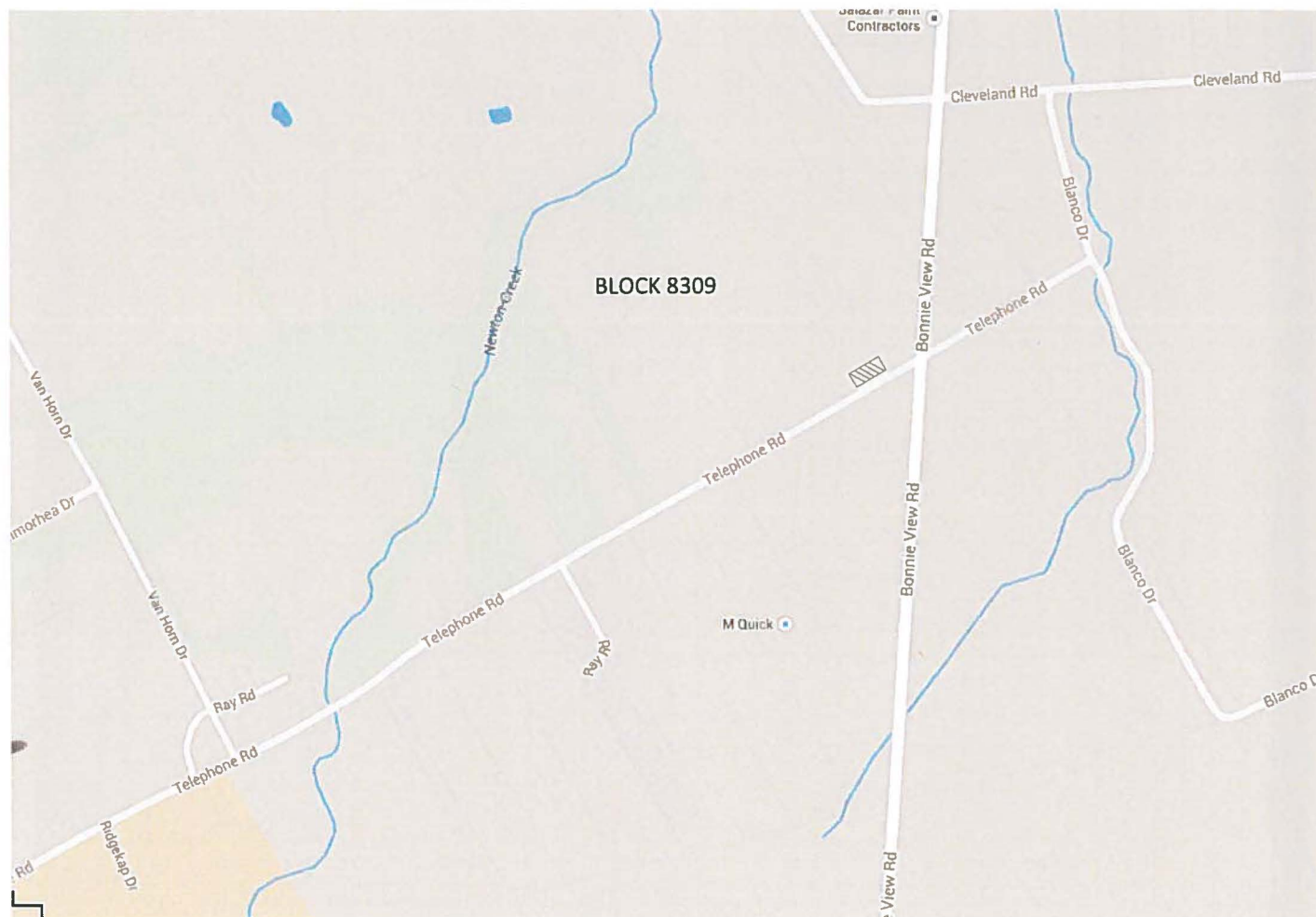
Clemmie Skief

Kathleen G. Skief

**MAP**

Attached





SUBJECT



June 11, 2014

**WHEREAS**, on June 22, 2011, Resolution No. 11-1715 authorized the acquisition by purchase and/or condemnation, of approximately 18,073 square feet of land (comprised of 3 separate tracts) from Clemmie Skief and Kathleen G. Skief (collectively "Owner") to facilitate the Southwest 120/96-inch Water Transmission Pipeline Project as therein described; and

**WHEREAS**, Owner was unable to timely secure a release of lien on the parcel containing 1,065 square feet of land more fully described in Exhibit "A" - Tract 2, attached hereto and incorporated herein for all purposes, therefore, City proceeded to finalize the acquisition of the other two tracts. The appropriate release has now been secured and the City can now proceed to acquire the remaining 1,065 square foot parcel; and

**WHEREAS**, due to the delay in acquiring the 1,065 square foot tract of land the closing costs previously authorized will increase by \$1,300 resulting in an increase in the Authorized Amount from \$29,000 to \$30,300; and

**WHEREAS**, the City of Dallas desires to authorize the City Manager to proceed to complete the acquisition of the 18,073 square feet of land (comprised of 3 separate tracts) and acquire the remaining 1,065 square feet of land for \$2,900 (consisting of the previous authorized \$1,600 purchase price allotted to this tract, plus the additional closing costs and title expenses resultant from the delay described above, not to exceed \$1,300) as provided in the form instrument described in Exhibit "B" attached hereto and which parcel is more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; **Now, Therefore,**

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

**SECTION 1.** That Resolution No. 11-1715, previously approved on June 22, 2011, is hereby amended to authorize an increase to closing costs and title expenses in the amount of \$1,300 for the acquisition by purchase and/or condemnation of approximately 18,073 square feet of land and acquire the remaining included 1,065 square feet of land as described in Exhibit "A" attached hereto and made a part hereof for all purposes at the revised Authorized Amount (including revised closing costs and title expenses) set forth herein.

**SECTION 2.** The following definitions shall apply to this resolution:

"CITY": The City of Dallas

"FIRST RESOLUTION": On June 22, 2011, Resolution No. 11-1715 authorized the purchase of approximately 18,073 square feet of land in the amount of \$29,000 (\$27,111, plus closing costs and title expenses not to exceed \$1,889).



June 11, 2014

"PROPERTY": Approximately 18,073 square feet of land located in Dallas County, Texas, and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining thereto.

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

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

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

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

"PURCHASE AMOUNT": \$27,111

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,189

" AUTHORIZED AMOUNT": Not to exceed \$30,300

**SECTION 3.** That in the event this acquisition closes, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein for the difference between the FIRST RESOLUTION amount and the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Improvement Funds, Fund No. 0115, Department DWU, Unit PW40, Activity RWPT, Program No. 706035, Object 4210, Encumbrance No. CT-DWU706035CPBF. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 4.** All other provisions authorized by FIRST RESOLUTION remain in full force and effect.

June 11, 2014

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

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

BY   
**Assistant City Attorney**

**20' RIGHT-OF-WAY ACQUISITION FOR WATER**  
**13,199 SQ. FT. PARCEL**  
**GEORGE FLOYD SURVEY, ABSTRACT NO. 463**  
**CITY OF DALLAS BLOCK 8309**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EXHIBIT A

DESCRIPTION

BEING a 13,199 square foot tract of land situated in the George Floyd Survey, Abstract No. 463, being in Block 8309 of the City of Dallas, Dallas County, Texas, and being a portion of Tracts 1 and 2 as described in that certain Warranty Deed to Clemmie Skief as recorded in Volume 2001131, Page 6282 of the Deed Records of Dallas County, Texas, and a portion of that certain called 5.00 acre tract of land described in the instrument entitled "Quitclaim" to Clemmie Skief as recorded in Instrument No. 20080226309 of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for the southeast corner of the aforementioned Tract 2, said iron rod being in the northerly right-of-way line of Telephone Road (variable width right-of-way);

THENCE S 59°40'14" W (Tract 1 deed & "Quitclaim"-S 60°45' W, Tract 2 deed-S 60°56'20" W), with the southerly line of said Tracts 1 and 2 and said "Quitclaim" and with said northerly right-of-way line of Telephone Road, 659.91 feet to a 3/8" iron rod found for the southwest corner of said Tract 1 and said "Quitclaim";

THENCE N 30°29'46" W (Tract 1 deed & "Quitclaim"-N 29°15'W), departing said northerly right-of-way line of Telephone Road and with the westerly line of said Tract 1 and said "Quitclaim", 20.00 feet to a 12" cedar for corner;

THENCE N 59°40'14" E, departing the westerly line of said Tract 1 and said "Quitclaim", 660.03 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the easterly line of said Tract 2;

THENCE S 30°08'30" E (Tract 2 deed-S 28°29'40" E), with said easterly line of Tract 2, 20.00 feet to the POINT OF BEGINNING and containing 0.3030 acres or 13,199 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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



REVIEWED BY *ABH* 11/24/09

Dallas Water Utilities  
Southwest Water Transmission Pipeline

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00  
Two Northpark / 8080 Peak Lane / Suite 500  
Dallas, Texas 75231 / (214) 739-4741

**AECOM**

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

NOVEMBER 10, 2009

7059-EX95.dwg

**20' RIGHT-OF-WAY ACQUISITION FOR WATER**

13,199 SQ. FT. PARCEL

GEORGE FLOYD SURVEY, ABSTRACT NO. 463

CITY OF DALLAS BLOCK 8309

CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

NOTES:

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

The rights-of-way and easements granted to Lone Star Gas Company as recorded in Volume 1337, Page 251 and Volume 1337, Page 254 of the Deed Records of Dallas County, Texas (D.R.D.C.T.) as affected by the Partial Release of Easements as recorded in Volume 80098, Page 963, D.R.D.C.T., do not affect the subject property.

The easement and right-of-way granted to Texas Power & Light Company as recorded in Volume 2797, Page 308, D.R.D.C.T., does not affect the subject property.

The easement and right-of-way to Texas Power & Light Company as described in the instrument recorded in Volume 3941, Page 54, D.R.D.C.T., is unable to be plotted due to the vague description of said easement. It is an easement for 4 poles and 3 guys.

The herein described property is subject to the terms and provisions of the instrument entitled "Agreement" as recorded in Volume 80241, Page 1450, D.R.D.C.T.

The easement and right-of-way granted to Texas Power & Light Company as recorded in Volume 89022, Page 1110, D.R.D.C.T., does not affect the subject property.

REVIEWED BY DATE 11/24/09

Dallas Water Utilities  
Southwest Water Transmission Pipeline

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

Two Northpark / 6080 Park Lane / Suite 500  
Dallas, Texas 75231 / (214) 739-4741

AECOM

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
[WWW.AECOM.COM](http://WWW.AECOM.COM)  
TBPE REG. NO. F-3082

NOVEMBER 10, 2009

7059-EX95.dwg

**20' RIGHT-OF-WAY ACQUISITION FOR WATER**

13,199 SQ. FT. PARCEL

GEORGE FLOYD SURVEY, ABSTRACT NO. 463

CITY OF DALLAS BLOCK 8309

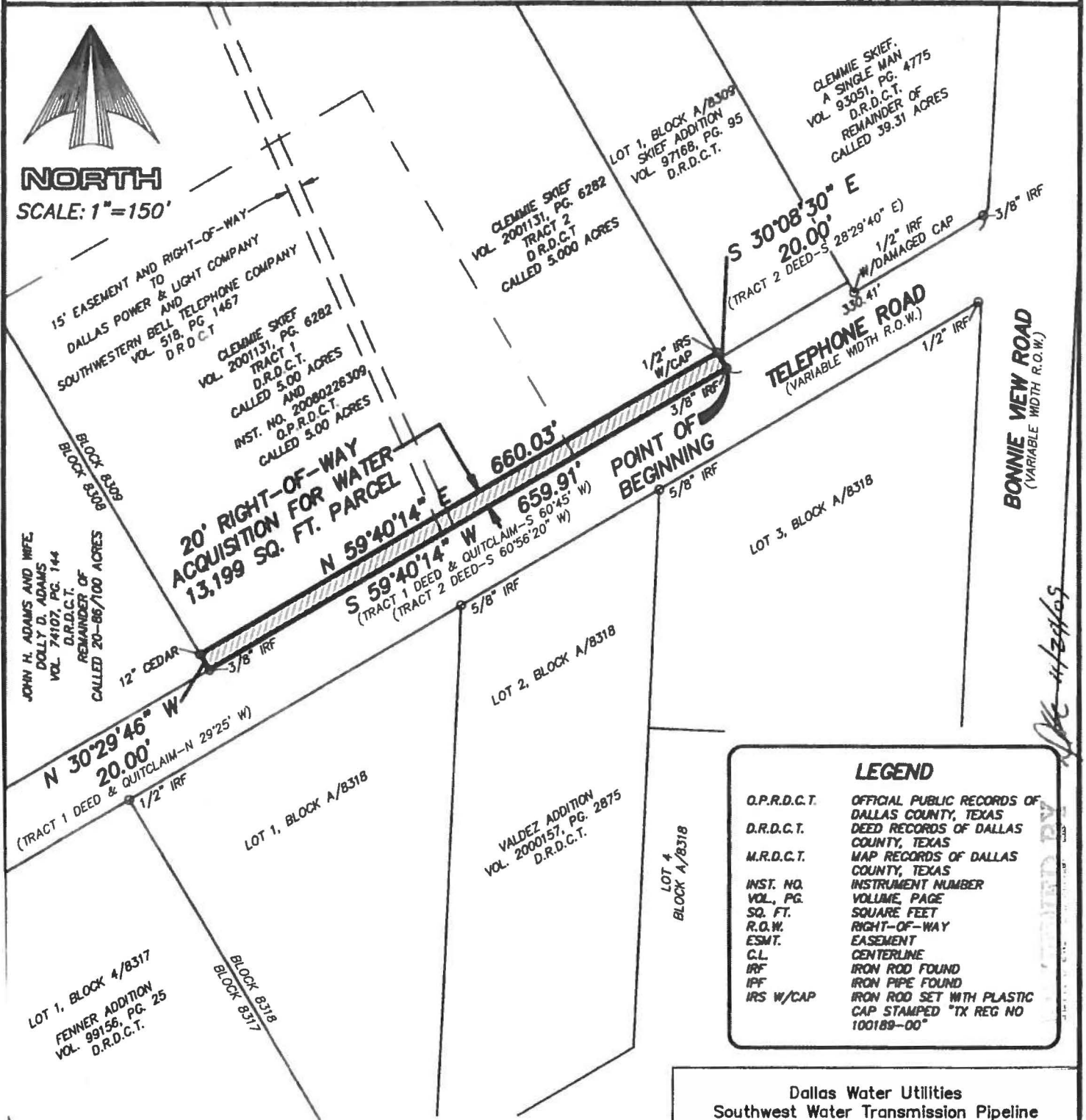
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A



**NORTH**

SCALE: 1"=150'



**LEGEND**

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

Dallas Water Utilities  
Southwest Water Transmission Pipeline



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

**AECOM**

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

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

NOVEMBER 10, 2009

7059-EX95.dwg

**6.5' RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,065 SQ. FT. PARCEL**  
**GEORGE FLOYD SURVEY, ABSTRACT NO. 463**  
**CITY OF DALLAS BLOCK 8309**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

EXHIBIT A

DESCRIPTION

BEING a 1,065 square foot tract of land situated in the George Floyd Survey, Abstract No. 463, being in Block 8309 of the City of Dallas, Dallas County, Texas, and being a portion of Lot 1, Block A/8309, Skief Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 97168, Page 95 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Skief Addition being a portion of a called 39.31 acre tract as described in that certain Special Warranty Deed With Vendor's Lien to Clemmie Skief as recorded in Volume 93051, Page 4775, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the northerly right-of-way line of Telephone Road (variable width right-of-way), said corner being the southeast corner of the aforementioned Lot 1, Block A/8309 and the northeast corner of a 13.5' right-of-way dedication for street purposes as shown on the aforementioned plat of Skief Addition, from whence a 1/2" iron rod with damaged cap found in the southerly line of the aforementioned 39.31 acre tract for the southeast corner of said Skief Addition and said 13.5' right-of-way dedication bears S 30°08'30" E (plat-S 29°24'01" E), 13.50 feet;

THENCE S 59°17'30" W (plat-S 60°02'00" W), with the southerly line of said Lot 1, Block A/8309 and the northerly line of said 13.5' right-of-way dedication, 163.84 feet (plat-163.35 feet) to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of said Lot 1, Block A/8309 and the northwest corner of said 13.5' right-of-way dedication, from whence a 3/8" iron rod found for the southwest corner of said 39.31 acre tract, said Skief Addition and said 13.5' right-of-way dedication bears S 30°08'30" E (plat-N 29°24'01" W), 13.50 feet;

THENCE N 30°08'30" W (plat-N 29°24'01" W), departing said northerly right-of-way line of Telephone Road and with the westerly line of said Lot 1, Block A/8309, 6.50 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 59°17'30" E, departing said westerly line of Lot 1, Block A/8309, 163.84 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the easterly line of said Lot 1, Block A/8309;

10/19/09  
J. D. R. 10/19/09

Dallas Water Utilities  
Southwest Water Transmission Pipeline



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

Two Northpark / 8080 Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 799-4741

AECOM

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

OCTOBER 6, 2009

7059-EX96.dwg

**6.5' RIGHT-OF-WAY ACQUISITION FOR WATER**  
1,065 SQ. FT. PARCEL  
GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
CITY OF DALLAS BLOCK 8309  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

THENCE S 30°08'30" E (plat-S 29°24'01" E), with said easterly line of Lot 1, Block A/8309, 6.50 feet to the POINT OF BEGINNING and containing 0.0244 acres or 1,065 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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



NOTES:

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

The herein described property is subject to the terms and provisions of the instrument entitled "Affidavit To the Public" as recorded in Volume 80241, Page 1450 of the Deed Records of Dallas County, Texas. Said instrument provides for the maintenance of an on surface application on-site wastewater treatment system. The exact location of said system is unknown.

REVIEWED BY *Dec 14/19/09*

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

Dallas Water Utilities  
Southwest Water Transmission Pipeline

**AECOM**

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
[WWW.AECOM.COM](http://WWW.AECOM.COM)  
TBPE REG. NO. F-3082

OCTOBER 6, 2009

7059-EX96.dwg



# 6.5' RIGHT-OF-WAY ACQUISITION FOR WATER

1,065 SQ. FT. PARCEL

GEORGE FLOYD SURVEY, ABSTRACT NO. 463

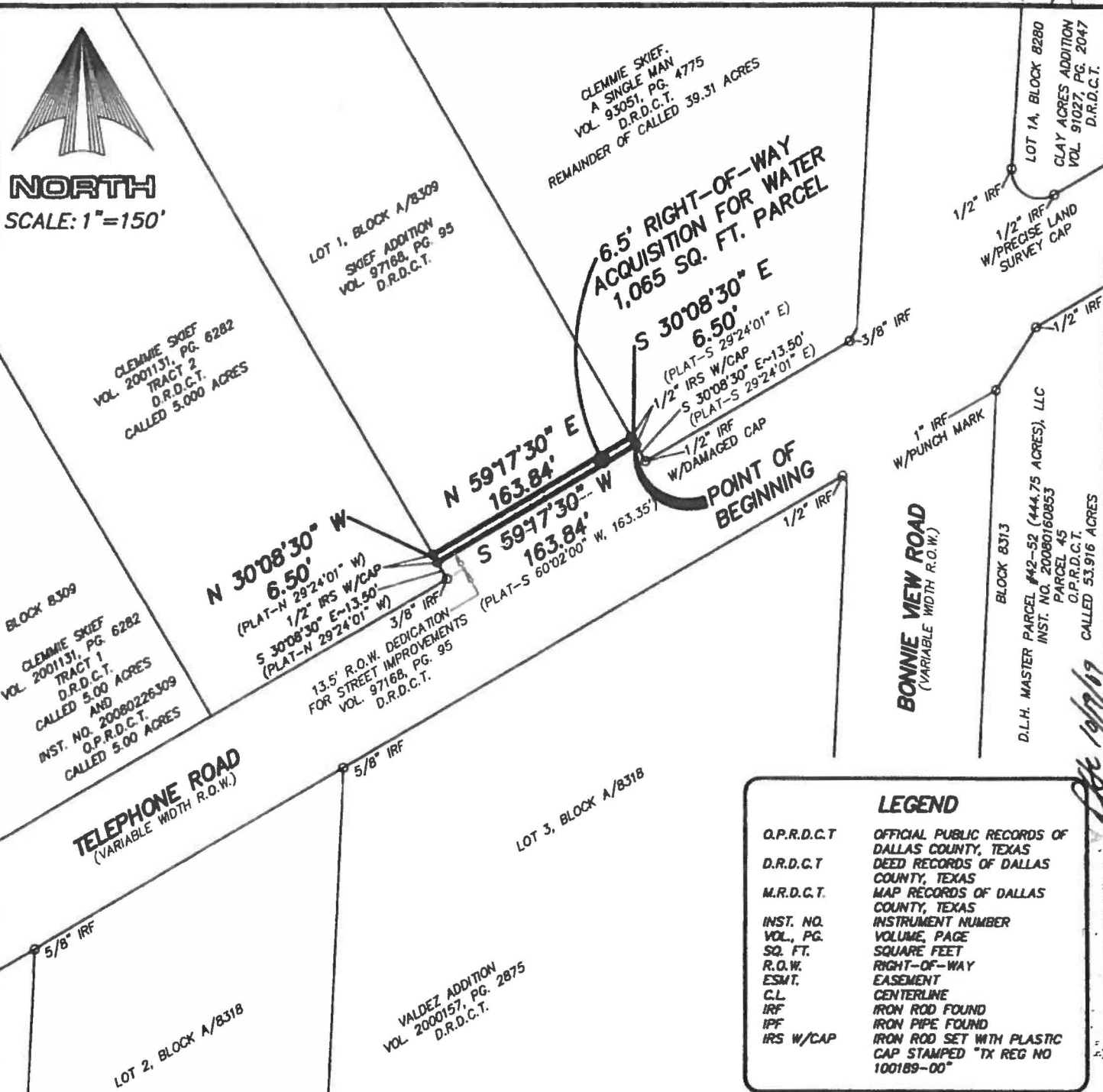
CITY OF DALLAS BLOCK 8309

CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A



**NORTH**  
SCALE: 1"=150'



## LEGEND

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

Dallas Water Utilities  
Southwest Water Transmission Pipeline



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

**AECOM**

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

OCTOBER 6, 2009

7059-EX96.dwg

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

10/19/09



**20' RIGHT-OF-WAY ACQUISITION FOR WATER**

**3,809 SQ. FT. PARCEL**  
**GEORGE FLOYD SURVEY, ABSTRACT NO. 463**  
**CITY OF DALLAS BLOCK 8309**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A**

**DESCRIPTION**

BEING a 3,809 square foot tract of land situated in the George Floyd Survey, Abstract No. 463, being in Block 8309 of the City of Dallas, Dallas County, Texas, and being a portion of the remainder of a called 39.31 acre tract as described in that certain Special Warranty Deed With Vendor's Lien to Clemmie Skief as recorded in Volume 93051, Page 4775 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" iron rod found for the most southerly southeast corner of the aforementioned 39.31 acre tract, said iron rod being at the southerly end of a corner clip at the intersection of the northerly right-of-way line of Telephone Road (variable width right-of-way) and the westerly right-of-way line of Bonnie View Road (variable width right-of-way);

THENCE S 59°17'30" W (deed-S 60°02'00" W), with the southerly line of said 39.31 acre tract and said northerly right-of-way line of Telephone Road, 168.57 feet to a 1/2" iron rod with damaged cap found for the southeast corner of Skief Addition, an addition to the City of Dallas, Dallas County, Texas according to the plat thereof recorded in Volume 97168, Page 95, D.R.D.C.T., from whence a 3/8" iron rod found for the southwest corner of said 39.31 acre tract and said Skief Addition bears S 59°17'30" W (deed-S 60°02'00" W), 163.84 feet;

THENCE N 30°08'30" W, departing the southerly line of said 39.31 acre tract and said northerly right-of-way line of Telephone Road and with the easterly line of said Skief Addition, 20.00 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 59°17'30" E, departing said easterly line of Skief Addition, 181.21 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 30°22'00" E, 43.14 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the easterly line of said 39.31 acre tract, said easterly line being the aforementioned westerly right-of-way line of Bonnie View Road;

REVIEWED BY *AMC* 10/19/09

Dallas Water Utilities  
Southwest Water Transmission Pipeline

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

**AECOM**

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

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OCTOBER 1, 2009

7059-EX97.dwg

**20' RIGHT-OF-WAY ACQUISITION FOR WATER**

3,809 SQ. FT. PARCEL  
GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
CITY OF DALLAS BLOCK 8309  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

THENCE S 02°48'18" W (deed-S 03°32'23" W), with the easterly line of said 39.31 acre tract and said westerly right-of-way line of Bonnie View Road, 43.22 feet to a 1/2" Iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner at the northerly end of the aforementioned corner clip at the intersection of said northerly right-of-way of Telephone Road and said westerly right-of-way line of Bonnie View Road;

THENCE S 30°22'00" W (deed-S 31°08'30" W), with said corner clip, 9.98 feet (deed-9.98 feet), to the POINT OF BEGINNING and containing 0.0874 acres or 3,809 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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



NOTES:

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

The easement and right-of-way granted to Dallas Power & Light Company and Southwestern Bell as recorded in Volume 518, Page 1467 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), does not affect the subject property.

The easement and right-of-way granted to Dallas Power & Light Company as recorded in Volume 89022, Page 1110, D.R.D.C.T., does not affect the subject property.

REVIEWED BY *ABE* 10/19/09

Dallas Water Utilities  
Southwest Water Transmission Pipeline

**NDM**  
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBP# FIRM REG. NO. F 358  
TBP#S FIRM REG. NO. 100189-00  
Two Northpark / 6280 Peak Lane Suite 600  
Dallas, Texas 75231 © 4 674

**AECOM**

AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
[WWW.AECOM.COM](http://WWW.AECOM.COM)  
TBP# REG. NO. F 3082

OCTOBER 1, 2009

7059 EX97.dwg

EXHIBIT "A"  
PAGE 3 OF 3  
**20' RIGHT-OF-WAY ACQUISITION FOR WATER**  
3,809 SQ. FT. PARCEL  
GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
CITY OF DALLAS BLOCK 8309  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**Tract 3**

**EXHIBIT A**



**NORTH**

SCALE: 1"=150'

PARTIAL RELEASE OF EASEMENTS  
VOL. 80098, PG. 963  
D.R.D.C.T.  
(PARTIAL RELEASE OF RIGHTS-OF-WAY AND EASEMENTS,  
COVERING A CALLED 115.6 ACRE TRACT OF LAND,  
GRANTED TO LONE STAR GAS COMPANY IN VOL. 1337,  
PG. 251 AND PG. 254, D.R.D.C.T., SAVE AND EXCEPT  
A VARIABLE WIDTH STRIP OF LAND AS DESCRIBED IN  
SAID PARTIAL RELEASE OF EASEMENTS)

CLEARIE SKEEF  
A SINGLE MAN  
VOL. 83051, PG. 4775  
D.R.D.C.T.  
REMAINDER OF CALLED 39.31 ACRES

LOT 1A, BLOCK 8280  
CLAY ACRES ADDITION  
VOL. 91027, PG. 2047  
D.R.D.C.T.

LOT 1, BLOCK A/8309  
SKEEF ADDITION  
VOL. 97168, PG. 95  
D.R.D.C.T.

**20' RIGHT-OF-WAY  
ACQUISITION FOR WATER**  
3,809 SQ. FT. PARCEL

CLEARIE SKEEF  
VOL. 2001131, PG. 6282  
TRACT 2  
D.R.D.C.T.  
CALLED 5.000 ACRES

13.5' R.O.W. DEDICATION  
FOR STREET IMPROVEMENTS  
VOL. 97168, PG. 95  
D.R.D.C.T.

**TELEPHONE ROAD**  
(VARIABLE WIDTH R.O.W.)

LOT 3, BLOCK A/8318

VALDEZ ADDITION  
VOL. 2000157, PG. 2875  
D.R.D.C.T.

**BONNIE VIEW ROAD**  
(VARIABLE WIDTH R.O.W.)

POINT OF  
BEGINNING  
3/8" IRF

BLOCK 8313  
D.L.H. MASTER PARCEL #42-52 (444.75 ACRES), LLC  
INST. NO. 20080160653  
PARCEL 45  
O.P.R.D.C.T.  
CALLED 53.918 ACRES

**LEGEND**

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

Dallas Water Utilities  
Southwest Water Transmission Pipeline



NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TEXAS FIRM REG. NO. F-385  
TEFLS FIRM REG. NO. 100189-00

**AECOM**

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

OCTOBER 1, 2009

7059-EX97.dwg

Plan Northside / (020) Park Lane / Suite 600  
Dallas, Texas 75231 / (214) 729-4741

## **EXHIBIT "B"**

### **EASEMENT – ACCESS [Specific Location]**

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Attachment "1", attached hereto and made a part hereof by reference for all purposes, (the "Easement Area") to provide free and uninterrupted pedestrian, vehicular and utility access to and from Grantor's adjoining or abutting property, being more fully described in Attachment "2", attached hereto and made a part hereof by reference for all purposes, (the "Dominant Estate Property") and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the Easement Property, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City's uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department ("DWU") in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City's facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any proposed improvements is to fully and completely accommodate City's uses (current, anticipated, and/or potential) of the property described in Exhibit "A" and any facilities it may install. Consequently, City's determinations in this regard are conclusive and final. All such improvements and maintenance of the Easement Property will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in

conformity with the approved plans and specifications. The holder of the easement will maintain the Easement Property in a neat, clean and safe condition at all times.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the Easement Property and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

**PAGE 1 OF 3**  
**PARCEL W-96**  
**ACCESS EASEMENT**  
**193 SQ. FT. PARCEL**

**GEORGE FLOYD SURVEY, ABSTRACT NO. 463**  
**CITY BLOCK 8309**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**DESCRIPTION**

BEING a 193 square foot tract of land situated in the George Floyd Survey, Abstract No. 463, being in Block 8309 of the City of Dallas, Dallas County, Texas, and being a portion of Lot 1, Block A/8309, Skief Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 97168, Page 95 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Skief Addition being a portion of a called 39.31 acre tract as described in that certain Special Warranty Deed With Vendor's Lien to Clemmie Skief as recorded in Volume 93051, Page 4775, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the northerly right-of-way line of Telephone Road (variable width right-of-way), said northerly right-of-way line being the northerly line of a 13.5' right-of-way dedication for street purposes as shown on the aforementioned plat of Skief Addition and the southerly line of the aforementioned Lot 1, Block A/8309, from whence a 3/8" iron rod found for the most southerly southwest of the aforementioned 39.31 acre tract and the southwest corner of said Skief Addition and said 13.5' right-of-way dedication bears S 59°17'30" W (plat-S 60°02'00" W), 49.63 feet and S 30°08'30" E (plat-N 29°24'01" W), 13.50 feet;

THENCE N 41°32'54" W, departing said northerly right-of-way line of Telephone Road, the northerly line of said 13.5' right-of-way dedication and the southerly line of said Lot 1, Block A/8309, 6.62 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 59°17'30" E, 29.86 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 39°34'55" E, 6.58 feet to a point for corner in the aforementioned northerly right-of-way line of Telephone Road, the northerly line of said 13.5' right-of-way dedication and the southerly line of said Lot 1, Block A/8309, from whence a 1/2" iron rod with damaged cap found for the southeast corner of said Skief Addition and said 13.5' right-of-way dedication bears N 59°17'30" E (plat-S 60°02'00" W), 84.58 feet and S 30°08'30" E (plat-S 29°24'01" E), 13.50 feet;

REVIEWED BY: *AK 5/14/10*

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



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



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

PAGE 2 OF 3  
**PARCEL W-96**  
**ACCESS EASEMENT**

193 SQ. FT. PARCEL  
 GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
 CITY BLOCK 8309  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE S 59°17'30" W (plat-S 60°02'00" W), with said northerly right-of-way line of Telephone Road, the northerly line of said 13.5' right-of-way dedication and the southerly line of said Lot 1, Block A/8309, 29.63 feet to the POINT OF BEGINNING and containing 0.0044 acres or 193 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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



**NOTES:**

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

The herein described property is subject to the terms and provisions of the instrument entitled "Affidavit To The Public" as recorded in Volume 80241, Page 1450 of the Deed Records of Dallas County, Texas. Said instrument provides for the maintenance of an on surface application on-site wastewater treatment system. The exact location of said system is unknown.

REVIEWED BY *Wc* 5/14/10

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



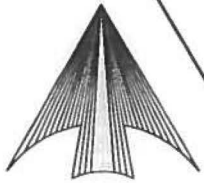
NATHAN D. MAIER  
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 TBPE FIRM REG. NO. F-356  
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AECOM USA GROUP, INC.  
 17300 DALLAS PARKWAY, SUITE 1010  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082



193 SQ. FT. PARCEL  
GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
CITY BLOCK 8309  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



CLEMMIE SKIEF.  
A SINGLE MAN  
VOL. 93051, PG. 4775  
D.R.D.C.T.  
REMAINDER OF CALLED 39.31 ACRES

LOT 1, BLOCK A/8309  
SKIEF ADDITION  
VOL. 97168, PG. 95  
D.R.D.C.T.

CLEMMIE SKIEF  
 VOL. 2001131, PG. 6282  
 TRACT 2  
 D.R.D.C.T.  
 CALLED 5.000 ACRES

BLOCK 8309

BLOCK  
GLEMMIE SKIEF  
VOL. 2001131, PG. 6282  
TRACT 1  
D.R.D.C.T.  
CALLED 5.00 ACRES  
AND  
INST. NO. 20080226309  
O.P.R.D.C.T.  
CALLED 5.00 ACRES

**TELEPHONE ROAD**  
(VARIABLE WIDTH R.O.W.)

LOT 2  
BLOCK A/8318

VALDEZ ADDITION  
VOL. 2000157, PG. 2875  
D.R.D.C.T.

LOT 3  
BLOCK A/8318

UNLESS NOTED OTHERWISE,  
1/2" IRON ROD WITH  
PLASTIC CAP STAMPED  
"TX REG NO 100189-00"  
SET AT ALL CORNERS

EASEMENT AREA  
193 SQ. FT. PARCEL  
39°34'55" E ~ 6.58'  
N 59°17'30" E ~ 8.84'  
PLAT-S 60°02'00"  
30°08'30" N 25°

1/2" IRF

1/2" IRF

W/PRECISE LAND SURVEY CAP

LOT 1A, BLOCK B280

1/2 ACRES ADDITION  
VOL. 91027, PG. 2047  
D.R.D.C.T.

### LEGEND

*O.P.R.D.C.T.*

**D.R.D.C.T.**

**M.R.D.C.T.**

INST. NO.

VOL. PG.

**SQ. FT.**

R.O.W.

**ESMT.**

C.L.  
195IRF  
IRF

IPF  
IPS W/CA

IRS W/CA

OFFICIAL PUBLIC RECORDS OF  
DALLAS COUNTY, TEXAS  
DEED RECORDS OF DALLAS  
COUNTY, TEXAS  
MAP RECORDS OF DALLAS  
COUNTY, TEXAS  
INSTRUMENT NUMBER  
VOLUME, PAGE  
SQUARE FEET  
RIGHT-OF-WAY  
EASEMENT  
CENTERLINE  
IRON ROD FOUND  
IRON PIPE FOUND  
IRON ROD SET WITH PLASTIC  
CAP STAMPED "TX REG NO  
100189--00"

## Dallas Water Utilities Southwest 120/96-inch Water Transmission Pipeline Project

LNDM

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

**AECOM**

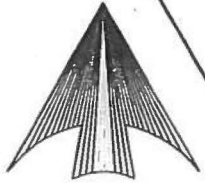
AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM  
TBPE REG. NO. F-3082



# Attachment Two

## PARCEL W-96

GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
CITY BLOCK 8309  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



**NORTH**  
SCALE: 1"=100'

CLEMMIE SKIEF  
VOL. 2001131, PG. 6282  
TRACT 2  
D.R.D.C.T.  
CALLED 5.000 ACRES

LOT 1, BLOCK A/8309  
SKIEF ADDITION  
VOL. 97168, PG. 95  
D.R.D.C.T.

**DOMINANT  
ESTATE**

CLEMMIE SKIEF  
A SINGLE MAN  
VOL. 93051, PG. 4775  
D.R.D.C.T.  
REMAINDER OF CALLED 39.31 ACRES

LOT 1A, BLOCK B280  
CLAY ACRES ADDITION  
VOL. 91027, PG. 2047  
D.R.D.C.T.

**EASEMENT AREA  
193 SQ. FT. PARCEL**

N 59°17'30" E~29.86'  
N 41°32'54" W~6.62'  
S 59°17'30" W~49.63'  
(PLAT-S 60°02'00" W)  
S 30°08'30" E~13.50'  
(PLAT-N 29°24'01" W)  
3/8" IRF

**POINT OF BEGINNING**  
S 59°17'30" W~29.63'  
(PLAT-S 60°02'00" W)

6.5' RIGHT-OF-WAY  
ACQUISITION FOR WATER  
13.5' R.O.W. DEDICATION  
FOR STREET IMPROVEMENTS  
VOL. 97168, PG. 95  
D.R.D.C.T.

3/8" IRF

1" IRF  
W/PUNCH MARK

**BONNIE VIEW ROAD**  
(VARIABLE WIDTH R.O.W.)

LOT 45  
D.L.H. MASTER PARCEL #42-52 (444.75 ACRES), LLC  
INST. NO. 20080160853  
O.P.R.D.C.T.  
CALLED 53.916 ACRES

BLOCK 8309

CLEMMIE SKIEF  
VOL. 2001131, PG. 6282  
TRACT 1  
D.R.D.C.T.  
CALLED 5.00 ACRES  
AND  
INST. NO. 20080226309  
O.P.R.D.C.T.  
CALLED 5.00 ACRES

**TELEPHONE ROAD**  
(VARIABLE WIDTH R.O.W.)

LOT 3  
BLOCK A/8318

VALDEZ ADDITION  
VOL. 2000157, PG. 2875  
D.R.D.C.T.

LOT 2  
BLOCK A/8318

UNLESS NOTED OTHERWISE,  
1/2" IRON ROD WITH  
PLASTIC CAP STAMPED  
"TX REG NO 100189-00"  
SET AT ALL CORNERS

### LEGEND

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

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



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



AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM

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

## WARRANTY DEED

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

That Clemmie Skief and Kathleen G. Skief, husband and wife (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE THOUSAND SIX HUNDRED AND 00/100 DOLLARS (\$1,600.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

**SPECIAL PROVISIONS:** This conveyance is made and accepted subject to the reservation provided in Exhibit "B", which is attached hereto and incorporated herein for all purposes.

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clemmie Skief

\_\_\_\_\_  
Kathleen G. Skief



# EXHIBIT B

\* \* \* \* \*

STATE OF TEXAS        '

COUNTY OF DALLAS     '

This instrument was acknowledged before me on \_\_\_\_\_  
by Clemmie Skief.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS        '

COUNTY OF DALLAS     '

This instrument was acknowledged before me on \_\_\_\_\_  
by Kathleen G. Skief.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

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

Warranty Deed Log No. 35154 Parcel W-96

**6.5' RIGHT-OF-WAY ACQUISITION FOR WATER**

1,065 SQ. FT. PARCEL  
GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
CITY OF DALLAS BLOCK 8309  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

**EXHIBIT A**

DESCRIPTION

BEING a 1,065 square foot tract of land situated in the George Floyd Survey, Abstract No. 463, being in Block 8309 of the City of Dallas, Dallas County, Texas, and being a portion of Lot 1, Block A/8309, Skief Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 97168, Page 95 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Skief Addition being a portion of a called 39.31 acre tract as described in that certain Special Warranty Deed With Vendor's Lien to Clemmie Skief as recorded in Volume 93051, Page 4775, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the northerly right-of-way line of Telephone Road (variable width right-of-way), said corner being the southeast corner of the aforementioned Lot 1, Block A/8309 and the northeast corner of a 13.5' right-of-way dedication for street purposes as shown on the aforementioned plat of Skief Addition, from whence a 1/2" iron rod with damaged cap found in the southerly line of the aforementioned 39.31 acre tract for the southeast corner of said Skief Addition and said 13.5' right-of-way dedication bears S 30°08'30" E (plat-S 29°24'01" E), 13.50 feet;

THENCE S 59°17'30" W (plat-S 60°02'00" W), with the southerly line of said Lot 1, Block A/8309 and the northerly line of said 13.5' right-of-way dedication, 163.84 feet (plat-163.35 feet) to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for the southwest corner of said Lot 1, Block A/8309 and the northwest corner of said 13.5' right-of-way dedication, from whence a 3/8" iron rod found for the southwest corner of said 39.31 acre tract, said Skief Addition and said 13.5' right-of-way dedication bears S 30°08'30" E (plat-N 29°24'01" W), 13.50 feet;

THENCE N 30°08'30" W (plat-N 29°24'01" W), departing said northerly right-of-way line of Telephone Road and with the westerly line of said Lot 1, Block A/8309, 6.50 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 59°17'30" E, departing said westerly line of Lot 1, Block A/8309, 163.84 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the easterly line of said Lot 1, Block A/8309;

REVIEWED BY *Dec 10/19/09*

Dallas Water Utilities  
Southwest Water Transmission Pipeline

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

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

**AECOM**

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

OCTOBER 6, 2009

7059-EX96.dwg

**6.5' RIGHT-OF-WAY ACQUISITION FOR WATER**  
**1,065 SQ. FT. PARCEL**  
**GEORGE FLOYD SURVEY, ABSTRACT NO. 463**  
**CITY OF DALLAS BLOCK 8309**  
**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A**

THENCE S 30°08'30" E (plat-S 29°24'01" E), with said easterly line of Lot 1, Block A/8309, 6.50 feet to the POINT OF BEGINNING and containing 0.0244 acres or 1,065 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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



**NOTES:**

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

The herein described property is subject to the terms and provisions of the instrument entitled "Affidavit To the Public" as recorded in Volume 80241, Page 1450 of the Deed Records of Dallas County, Texas. Said instrument provides for the maintenance of an on surface application on-site wastewater treatment system. The exact location of said system is unknown.

REVIEWED BY *Det* 10/19/09

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

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

Dallas Water Utilities  
Southwest Water Transmission Pipeline

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TBPE REG. NO. F-3082

OCTOBER 6, 2009

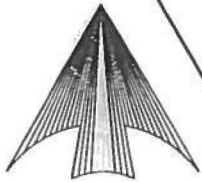
7059-EX96.dwg

**1,065 SQ. FT. PARCEL**

**CITY OF DALLAS BLOCK 8309**

**CITY OF DALLAS, DALLAS COUNTY, TEXAS**

**EXHIBIT A**



# NORTH

SCALE: 1"=150'

CLEMMIE SKIEF.  
A SINGLE MAN  
VOL. 93051, PG. 4775  
D.R.D.C.T.  
REMAINDER OF CALLED 39.31 ACRES

LOT 1, BLOCK A/8309  
SKIEF ADDITION  
VOL. 97168, PG. 95  
D.R.D.C.T.

VOL. 2001131, PG. 6282  
TRACT 2  
D.R.D.C.T.  
CALLED 5.000 ACRES

BLOCK 8309

BLOCK  
CLEMMIE SKIEF  
VOL. 2001131, PG. 6282  
TRACT 1  
D.R.D.C.T.  
CALLED 5.00 ACRES  
AND  
INST. NO. 20080226309  
O.P.R.D.C.T.  
CALLED 5.00 ACRES

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

LOT 2, BLOCK A/8318

VALDEZ ADDITION  
VOL. 2000157, PG. 2875  
D.R.D.C.T.

LOT 3, BLOCK A/8318

N 30°08'30" W  
6.50'  
N 29°24'01" W  
IRS

30°08'30" N  
6.50'  
(PLAT-N 29°24'01" W)  
1/2" IRS W/CAP-  
S 30°08'30" E ~13.50'-  
(PLAT-N 29°24'01" W)  
5' R.O.W. (PLAT-N 29°24'01" W)

2° IRS W  
30° E ~ 13.50-  
N 29° 24' 01" W)  
13.5' R.O.W. DEDICATION  
FOR STREET IMPROVEMENTS  
VOL. 97168, PG. 95  
D.R.D.C.

N 59°17'30"  
163.84'

S 59°17'30" W, 163.84'

6.5' RIGHT-OF-WAY  
ACQUISITION FOR WATER  
1.065 SQ. FT. PARCEL  
08'30" E

S 30°08' 30"  
6.50'  
29°24'01" E)

6.50  
(PLAT-S 29°24'00")  
1/2" IRS W/CAP  
S 30°08'30" E ~13.50'  
(PLAT-S 29°24'01" E)

1/2" IRF  
MAGED CAP

POINT OF BEGINNING  
1/2"

**BONNIE VIEW ROAD**  
(VARIABLE WIDTH R.O.W.)

**BLOCK 8313**

10/19/09  
D.L.H. MASTER PARCEL #42-52 (444.75 ACRES), LLC  
INST. NO. 20080160853  
PARCEL 45  
O.P.R.D.C.T.  
CALLED 53.916 ACRES

LOT 1A, BLOCK B2B0  
CLAY ACRES ADDITION  
VOL. 91027, PG. 2047  
D.R.D.C.T.

1/2  
1/2" IRF/  
W/PRECISE LAND  
SURVEY CAP

1" IRF  
W/PUNCH MARK

### LEGEND

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

**Dallas Water Utilities  
Southwest Water Transmission Pipeline**

**AECOM**

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TBPE REG. NO. F-3082

OCTOBER 6, 2009

7059--EX96.dwg

NDM

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

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



## **EXHIBIT "B"**

### **EASEMENT – ACCESS [Specific Location]**

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Attachment "1", attached hereto and made a part hereof by reference for all purposes, (the "Easement Area") to provide free and uninterrupted pedestrian, vehicular and utility access to and from Grantor's adjoining or abutting property, being more fully described in Attachment "2", attached hereto and made a part hereof by reference for all purposes, (the "Dominant Estate Property") and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the Easement Property, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City's uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department ("DWU") in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City's facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any proposed improvements is to fully and completely accommodate City's uses (current, anticipated, and/or potential) of the property described in Exhibit "A" and any facilities it may install. Consequently, City's determinations in this regard are conclusive and final. All such improvements and maintenance of the Easement Property will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in

conformity with the approved plans and specifications. The holder of the easement will maintain the Easement Property in a neat, clean and safe condition at all times.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the Easement Property and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.



PAGE 1 OF 3  
**PARCEL W-96**  
**ACCESS EASEMENT**  
 193 SQ. FT. PARCEL  
 GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
 CITY BLOCK 8309  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

## DESCRIPTION

BEING a 193 square foot tract of land situated in the George Floyd Survey, Abstract No. 463, being in Block 8309 of the City of Dallas, Dallas County, Texas, and being a portion of Lot 1, Block A/8309, Skief Addition, an addition to the City of Dallas, Dallas County, Texas, according to the plat thereof recorded in Volume 97168, Page 95 of the Deed Records of Dallas County, Texas (D.R.D.C.T.), said Skief Addition being a portion of a called 39.31 acre tract as described in that certain Special Warranty Deed With Vendor's Lien to Clemmie Skief as recorded in Volume 93051, Page 4775, D.R.D.C.T., and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner in the northerly right-of-way line of Telephone Road (variable width right-of-way), said northerly right-of-way line being the northerly line of a 13.5' right-of-way dedication for street purposes as shown on the aforementioned plat of Skief Addition and the southerly line of the aforementioned Lot 1, Block A/8309, from whence a 3/8" iron rod found for the most southerly southwest of the aforementioned 39.31 acre tract and the southwest corner of said Skief Addition and said 13.5' right-of-way dedication bears S 59°17'30" W (plat-S 60°02'00" W), 49.63 feet and S 30°08'30" E (plat-N 29°24'01" W), 13.50 feet;

THENCE N 41°32'54" W, departing said northerly right-of-way line of Telephone Road, the northerly line of said 13.5' right-of-way dedication and the southerly line of said Lot 1, Block A/8309, 6.62 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE N 59°17'30" E, 29.86 feet to a 1/2" iron rod with plastic cap stamped "TX REG NO 100189-00" set for corner;

THENCE S 39°34'55" E, 6.58 feet to a point for corner in the aforementioned northerly right-of-way line of Telephone Road, the northerly line of said 13.5' right-of-way dedication and the southerly line of said Lot 1, Block A/8309, from whence a 1/2" iron rod with damaged cap found for the southeast corner of said Skief Addition and said 13.5' right-of-way dedication bears N 59°17'30" E (plat-S 60°02'00" W), 84.58 feet and S 30°08'30" E (plat-S 29°24'01" E), 13.50 feet;

REVIEWED BY *DB* 5/14/16

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



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



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

PAGE 2 OF 3  
**PARCEL W-96**  
**ACCESS EASEMENT**  
 193 SQ. FT. PARCEL  
 GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
 CITY BLOCK 8309  
 CITY OF DALLAS, DALLAS COUNTY, TEXAS

THENCE S 59°17'30" W (plat-S 60°02'00" W), with said northerly right-of-way line of Telephone Road, the northerly line of said 13.5' right-of-way dedication and the southerly line of said Lot 1, Block A/8309, 29.63 feet to the POINT OF BEGINNING and containing 0.0044 acres or 193 square feet of land, more or less.

FOR NATHAN D. MAIER CONSULTING ENGINEERS, INC.

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



NOTES:

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

The herein described property is subject to the terms and provisions of the instrument entitled "Affidavit To The Public" as recorded in Volume 80241, Page 1450 of the Deed Records of Dallas County, Texas. Said instrument provides for the maintenance of an on surface application on-site wastewater treatment system. The exact location of said system is unknown.

REVIEWED BY *dkc* 5/14/10

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



NATHAN D. MAIER  
 CONSULTING ENGINEERS, INC.  
 TBPE FIRM REG. NO. F-356  
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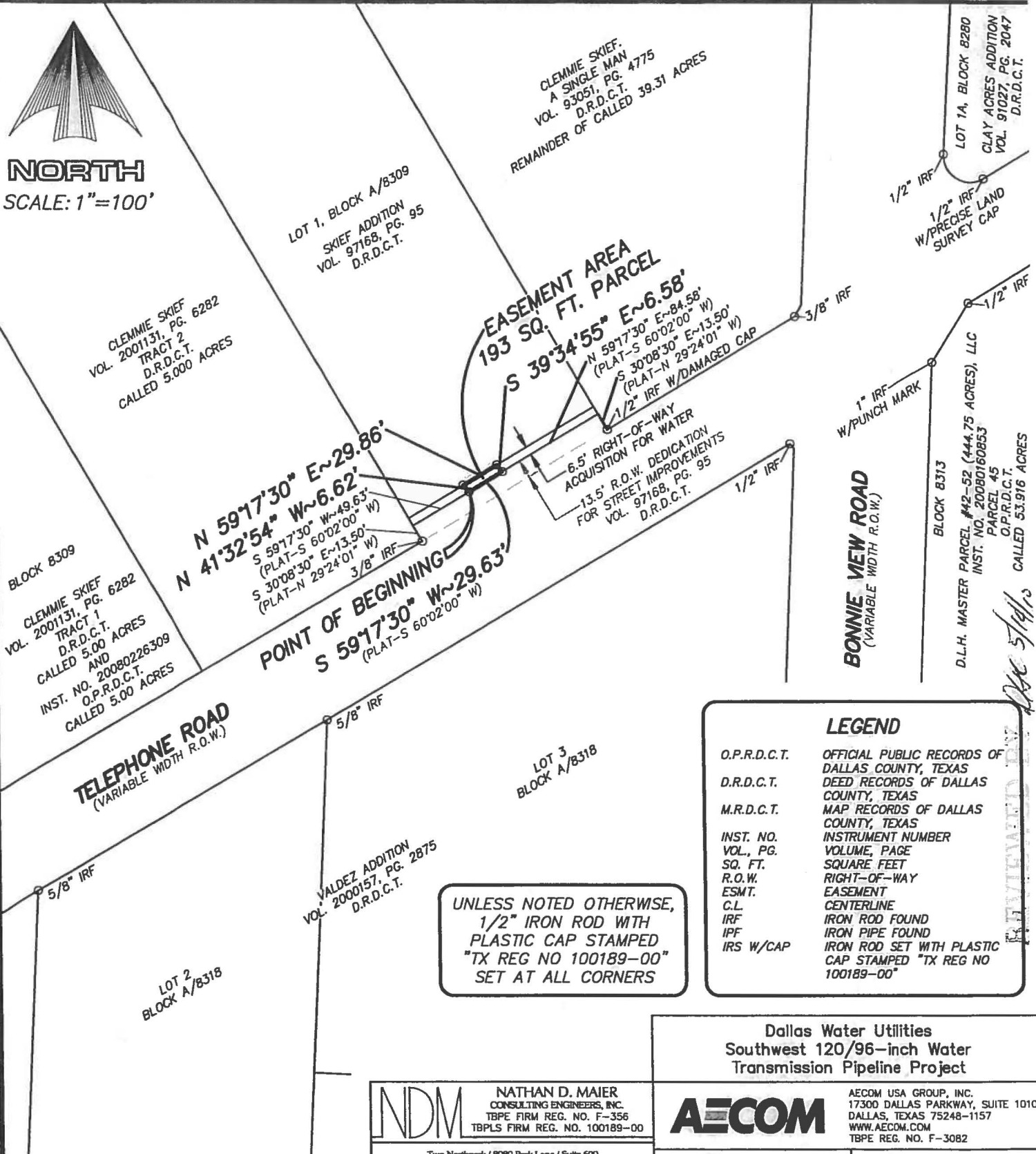
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 17300 DALLAS PARKWAY, SUITE 1010  
 DALLAS, TEXAS 75248-1157  
 WWW.AECOM.COM  
 TBPE REG. NO. F-3082

PAGE 3 OF 3  
**PARCEL W-96**  
**ACCESS EASEMENT**

193 SQ. FT. PARCEL  
GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
CITY BLOCK 8309  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



**NORTH**  
SCALE: 1"=100'



## LEGEND

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

UNLESS NOTED OTHERWISE,  
1/2" IRON ROD WITH  
PLASTIC CAP STAMPED  
"TX REG NO 100189-00"  
SET AT ALL CORNERS

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



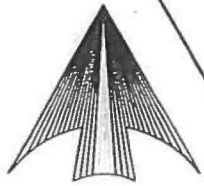
NATHAN D. MAIER  
CONSULTING ENGINEERS, INC.  
TBPE FIRM REG. NO. F-356  
TBPLS FIRM REG. NO. 100189-00



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

## PARCEL W-96

GEORGE FLOYD SURVEY, ABSTRACT NO. 463  
CITY BLOCK 8309  
CITY OF DALLAS, DALLAS COUNTY, TEXAS



**NORTH**  
SCALE: 1"=100'

LOT 1, BLOCK A/8309  
SKIEF ADDITION  
VOL. 97168, PG. 95  
D.R.D.C.T.

**DOMINANT ESTATE**

CLEMMIE SKIEF  
VOL. 2001131, PG. 6282  
TRACT 2  
D.R.D.C.T.  
CALLED 5.00 ACRES

CLEMMIE SKIEF  
A SINGLE MAN  
VOL. 93051, PG. 4775  
D.R.D.C.T.  
REMAINDER OF CALLED 39.31 ACRES

LOT 1A, BLOCK 8280  
CLAY ACRES ADDITION  
VOL. 91027, PG. 2047  
D.R.D.C.T.

**EASEMENT AREA**  
193 SQ. FT. PARCEL  
S 39°34'55" E~6.58'  
N 59°17'30" E~84.58'  
(PLAT-S 60°02'00" W)  
S 30°08'30" E~13.50'  
(PLAT-N 29°24'01" W)  
1/2" IRF W/DAMAGED CAP

6.5' RIGHT-OF-WAY  
ACQUISITION FOR WATER  
13.5' R.O.W. DEDICATION  
FOR STREET IMPROVEMENTS  
VOL. 97168, PG. 95  
D.R.D.C.T.

**BONNIE VEW ROAD**  
(VARIABLE WIDTH R.O.W.)

DLH. MASTER PARCEL #42-52 (444.75 ACRES), LLC  
INST. NO. 20080160853  
PARCEL 45  
O.P.R.D.C.T.  
CALLED 53.916 ACRES

**POINT OF BEGINNING**  
S 59°17'30" W~29.63'  
(PLAT-S 60°02'00" W)

N 59°17'30" E~29.86'  
N 41°32'54" W~6.62'  
S 59°17'30" W~49.63'  
(PLAT-S 60°02'00" W)  
S 30°08'30" E~13.50'  
(PLAT-N 29°24'01" W)  
3/8" IRF

BLOCK 8309  
CLEMMIE SKIEF  
VOL. 2001131, PG. 6282  
TRACT 1  
D.R.D.C.T.  
CALLED 5.00 ACRES  
AND  
INST. NO. 20080226309  
O.P.R.D.C.T.  
CALLED 5.00 ACRES

**TELEPHONE ROAD**  
(VARIABLE WIDTH R.O.W.)

LOT 3  
BLOCK A/8318

VALDEZ ADDITION  
VOL. 2000157, PG. 2875  
D.R.D.C.T.

LOT 2  
BLOCK A/8318

UNLESS NOTED OTHERWISE,  
1/2" IRON ROD WITH  
PLASTIC CAP STAMPED  
"TX REG NO 100189-00"  
SET AT ALL CORNERS

## LEGEND

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

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



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



AECOM USA GROUP, INC.  
17300 DALLAS PARKWAY, SUITE 1010  
DALLAS, TEXAS 75248-1157  
WWW.AECOM.COM

## AGENDA ITEM # 18

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** Sustainable Development and Construction  
Water Utilities

**CMO:** Theresa O'Donnell, 671-9195  
Forest E. Turner, 670-3390

**MAPSCO:** 69A-E

---

### SUBJECT

Authorize an amendment to Resolution No. 12-0469, previously approved on February 8, 2012, to authorize acquisition of a smaller tract of land containing approximately 75,629 square feet from Edward Handlin and Lafaye Handlin, located in the City of Balch Springs for the Southwest 120/96-inch Water Transmission Pipeline Project – Financing: This action has no additional cost consideration to the City

### BACKGROUND

This item authorizes an amendment and substitution of Exhibit A for the conveyance of the Fee Simple Interest in the approximately 75,629 square feet of land for the Southwest 120/96-inch Water Transmission Pipeline Project.

The City determined that the 78,633 square feet parcel purchase authorized in Resolution No. 12-0469 can be reconfigured to allow the landowner to maintain an existing billboard that does not interfere with the installation of the pipeline. The revised Exhibit A now reflects a carve-out around the billboard. With the carve-out, the City of Dallas' project now requires only 75,629 square feet, necessitating a reduction of 3,004 square feet. The revised square footage decreased the offer amount previously authorized by Resolution No. 12-0469 from \$192,000 to \$154,258 (\$151,258, plus closing costs not to exceed \$3,000)

All other provisions authorized by Resolution Nos. 11-0558 and 12-0469 remain in full force and effect.

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

Authorized acquisition by purchase and/or condemnation on February 23, 2011, by Resolution No. 11-0558.

Authorized settlement in lieu of condemnation on February 8, 2012, by Resolution No. 12-0469.

### **FISCAL INFORMATION**

This action has no additional cost consideration to the City.

### **OWNERS**

Edward Handlin

Lafaye Handlin

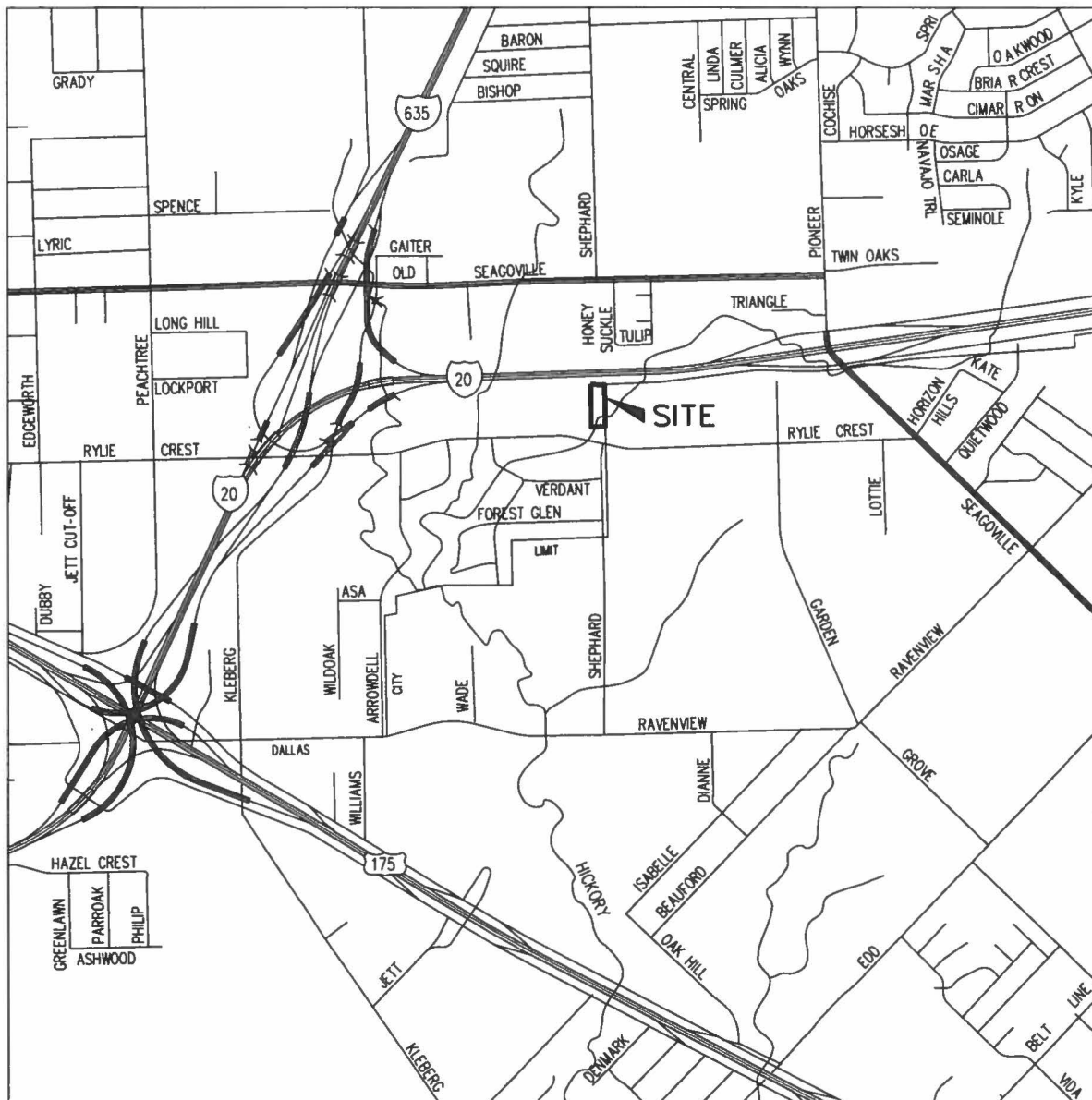
### **MAP**

Attached

**PARCEL E-79**  
**FIELD NOTES DESCRIBING A 75,629 SQ. FT. (1.736 ACRE)**  
**PORTION OF THE EDWARD HANDLIN ET AL, TRACT**  
**IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348**  
**AND IN THE CITY OF BALCH SPRINGS, TEXAS,**  
**TO BE ACQUIRED IN FEE FOR A 120 INCH WATER LINE**



**MAPSCO NO. 69A-E**



VICINITY MAP - NOT TO SCALE

June 11, 2014

**WHEREAS**, on February 23, 2011, Resolution No. 11-0558 authorized the acquisition by purchase and/or condemnation, of approximately 78,633 square feet of land from Edward Handlin and Lafaye Handlin (collectively "Owner") to facilitate the Southwest 120/96-inch Water Transmission Pipeline Project as therein described; and

**WHEREAS**, Owner refused the official offer authorized by Resolution No. 11-0558 but agreed to the consideration authorized by Resolution No. 12-0469; and

**WHEREAS**, on February 8, 2012, Resolution No. 12-0469 authorized the acquisition by settlement in lieu of condemnation, of approximately 78,633 square feet of land and a Billboard from Edward Handlin and Lafaye Handlin to facilitate the Southwest 120/96-inch Water Transmission Pipeline Project as therein described; and

**WHEREAS**, the City of Dallas has determined that said fee simple interest facilitating the Southwest 120/96-inch Water Transmission Pipeline Project should be reconfigured in such a way as to reduce the previously required land from 78,633 square feet to 75,629 square feet of land being owned by Edward Handlin and Lafaye Handlin, and more fully described in Exhibit "A", attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the City of Dallas desires to authorize the City Manager to acquire the smaller parcel as provided in the form instrument described in Exhibit "B" attached hereto and accordingly revise the authorized amount; **Now, Therefore,**

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

**SECTION 1.** That Resolution No. 12-0469, previously approved on February 8, 2012 is hereby amended to authorize acquisition by settlement in lieu of condemnation of the reconfigured smaller parcel consisting of 75,629 square feet of land as more particularly described in the revised Exhibit "A" attached hereto and made a part hereof for all purposes at the revised authorized amount of \$151,258, plus closing costs not to exceed \$3,000, set forth herein.

**SECTION 2.** The following definitions shall apply to this resolution:

"CITY": The City of Dallas

"FIRST RESOLUTION": On February 23, 2011, Resolution No. 11-0558 authorized the purchase of approximately 78,633 square feet of land in the amount of \$55,000 (\$51,111, plus closing costs and title expenses not to exceed \$3,889).



June 11, 2014

“SECOND RESOLUTION”: On February 8, 2012, Resolution No. 12-0469 authorized the purchase of approximately 78,633 square feet of land and a Billboard in the amount of \$192,000 (\$187,221, plus closing costs and title expenses not to exceed \$4,779).

“PROPERTY”: Approximately 75,629 square feet of land in Dallas County, Texas, and being the same property more particularly described in Exhibit “A”, attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

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

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

“PROPERTY INTEREST”: Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit “B” attached hereto and made a part hereof for all purposes.

“OWNER”: Edward Handlin and Lafaye Handlin, provided, however, that the term “OWNER” as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

“PURCHASE AMOUNT”: \$151,258

“CLOSING COSTS AND TITLE EXPENSES”: Not to exceed \$3,000

“AUTHORIZED AMOUNT”: \$154,258

**SECTION 3.** That in the event this acquisition closes, the City Controller remains authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein in the PURCHASE AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Improvement Funds, Fund No. 0115, Department DWU, Unit PW40, Activity MPSA, Program No. 706035, Object 4210, Encumbrance No. CT-DWU706035CPAZ. The PURCHASE AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

June 11, 2014

**SECTION 4.** All other provisions authorized by FIRST RESOLUTION and SECOND RESOLUTION remain in full force and effect.

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

**APPROVED AS TO FORM:**

**WARREN M. S. ERNST, City Attorney**

**BY:**

  
Assistant City Attorney

**PARCEL E-79**  
**FIELD NOTES DESCRIBING A 75,629 SQ. FT. (1.736 ACRE)**  
**PORTION OF THE EDWARD HANDLIN ET AL, TRACT**  
**IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348**  
**AND IN THE CITY OF BALCH SPRINGS, TEXAS,**  
**TO BE ACQUIRED IN FEE FOR A 120 INCH WATER LINE**

BEING a 75,629 square foot (1.736 acre) portion of a tract of land in the William J. Snow Survey, Abstract Number 1348, in the City of Balch Springs, Dallas County, Texas, and being a part of that tract of land to Edward L. Handlin and wife, Lafaye Handlin by Warranty Deed with Vendor's Lien dated October 22, 1969, from Royse Gaddis and wife, Martha Gaddis, as recorded in Volume 69212, Page 1254, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod at the northwest corner of the Gillaspie Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 94004, Page 5088, D.R.D.C.T., said point also being the northeast corner of that tract of land to Jimmy Nutt, Sr., and Carol Nutt, Husband and Wife, by General Warranty Deed dated September 5, 2003, from John Creamer, Jr., as recorded in Volume 2003198, Page 13292, D.R.D.C.T., said point also being on the southern most line of that tract of land to Purvis T. Welch and Robbie Lee Hale by Warranty Deed dated August 26, 1999, from Terra Marine Energy Company, as recorded in Volume 99171, Page 1728, D.R.D.C.T.;

THENCE South 89 degrees 11 minutes 02 seconds West, with the north line of said Nutt tract, a distance of 287.68 feet to a found 1/2 inch iron rod for the northwest corner of said Nutt tract, said point also being on the east line of said Handlin tract;

THENCE South 00 degrees 45 minutes 12 seconds East, with the common line between said Handlin and Nutt tracts, a distance of 127.10 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for the southeast corner of said Handlin tract, said point also being the POINT OF BEGINNING of the herein described tract of land;

THENCE South 88 degrees 36 minutes 10 seconds West, departing said common line and with the south line of said Handlin tract, said line also being the north right-of-way line of Rylie Crest Drive (a variable width right-of-way), a distance of 163.28 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for the southwest corner of said Handlin tract, said corner also being the southeast corner of a tract of land to Luis Alvarez and Amelia Alvarez by Warranty Deed dated February 23, 2007, from Weldon J. Newsom as recorded in Document No. 2007009381 of the Official Public Records of Dallas County, Texas;

THENCE North 00 degrees 28 minutes 38 seconds West, departing said north right-of-way line of Rylie Crest Drive and with the common line between said Handlin and Alvarez tracts, a distance of 491.12 feet to a point for corner on the south right-of-way line of Interstate Highway 20 (a variable width right-of-way), said point being the southwest corner of a tract of land to The State of Texas by Judgment dated May 4, 1981, from Edward L Handlin, et al, as recorded in Volume 81104, Page 1340, D.R.D.C.T.;

THENCE South 86 degrees 37 minutes 13 seconds East, departing said common line between said Handlin and Alvarez tracts and with said south right-of-way line of Interstate Highway 20, a distance of 96.16 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner, from which a found concrete monument bears South 86 degrees 37 minutes 13 seconds East, a distance of 8.50 feet;

FIELD NOTES APPROVED:

*Wk. Wells*





# EXHIBIT A

**PARCEL E-79  
FIELD NOTES DESCRIBING A 75,629 SQ. FT. (1.736 ACRE)  
PORTION OF THE EDWARD HANDLIN ET AL, TRACT  
IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348  
AND IN THE CITY OF BALCH SPRINGS, TEXAS,  
TO BE ACQUIRED IN FEE FOR A 120 INCH WATER LINE**

THENCE South 00 degrees 45 minutes 12 seconds East, departing said south right-of-way line a distance of 60.67 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;

THENCE North 89 degrees 14 minutes 48 seconds East, a distance of 50.00 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;


THENCE North 00 degrees 45 minutes 12 seconds West, a distance of 60.00 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner on said south right-of-way line of Interstate Highway 20;

THENCE North 89 degrees 21 minutes 02 seconds East, with said south right-of-way line of Interstate Highway 20, a distance of 15.00 feet to a found 1/2 inch iron rod for the northwest corner of said Welch tract;

THENCE South 00 degrees 45 minutes 12 seconds East, departing said south right-of-way and with the common line of said Handlin and Welch tracts, at 354.55 feet passing said found 1/2 inch iron rod at the northwest corner of said Nutt tract, continuing with said common line between Handlin and Nutt tracts, in all, a total distance of 481.65 feet to the POINT OF BEGINNING and CONTAINING 75,629 square feet or 1.736 acres of land, more or less.

SUBJECT TO: a Southwestern Bell Telephone Company easement granted by Edward L Handlin and wife, Lafaye Handlin as recorded in Volume 70153, Page 220 and an Easement Modification Agreement by Southwestern Bell granted by Edward L Handlin and wife, Lafaye Handlin as recorded in Volume 90195, Page 1297 both of said Deed Records.

BASIS OF BEARINGS: North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counterclockwise 00 degrees 45 minutes 12 seconds from deed bearing of North along the east line of said Handlin tract.

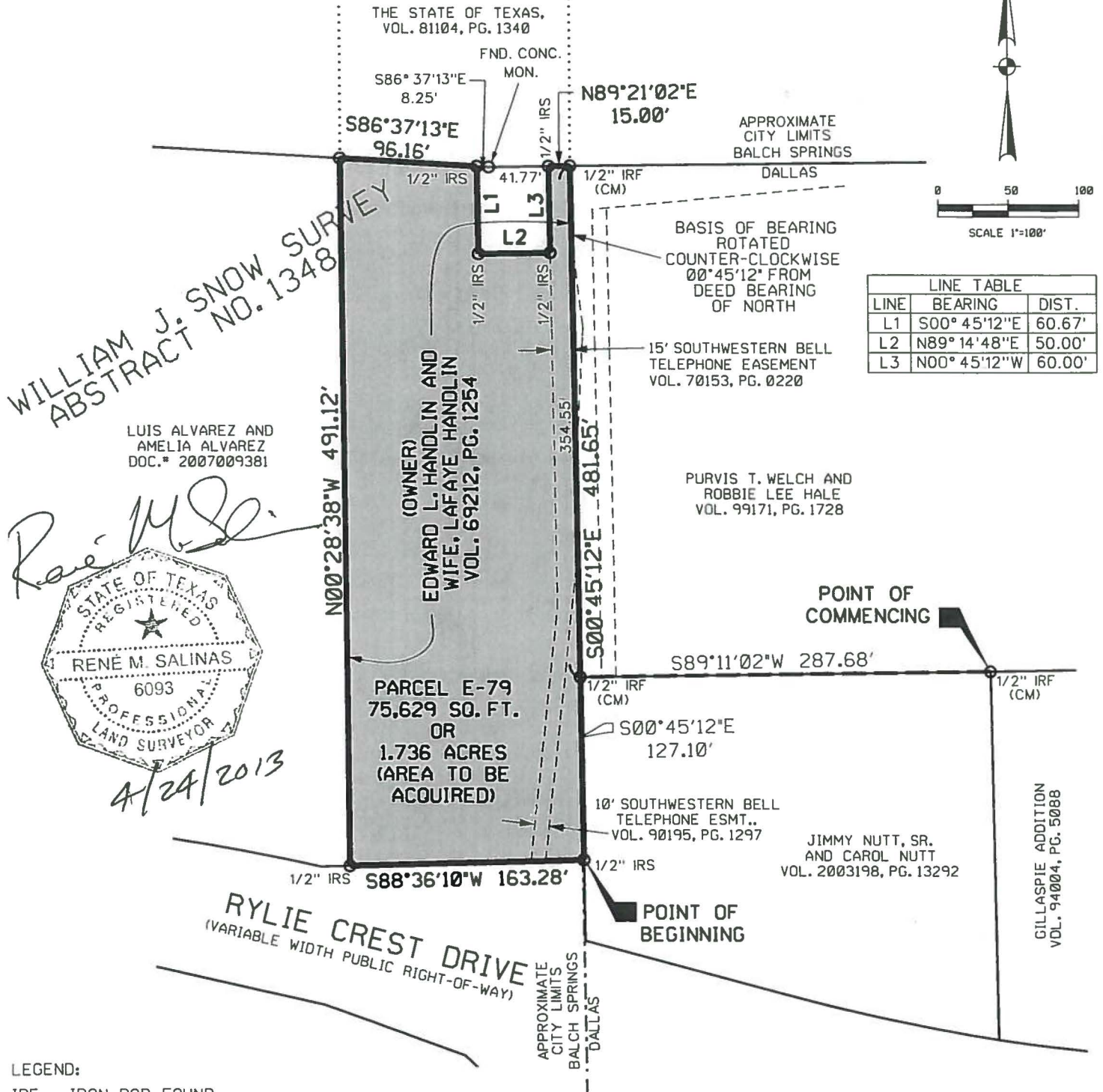
*René M. Salinas*  
  
4/24/2013

# EXHIBIT A

## INTERSTATE HIGHWAY 20 (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

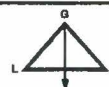


0 50 100  
SCALE 1"=100'



LINE TABLE		
LINE	BEARING	DIST.
L1	S00°45'12"E	60.67'
L2	N89°14'48"E	50.00'
L3	N00°45'12"W	60.00'

**PARCEL E-79**  
**FIELD NOTES DESCRIBING A 75,629 SQ. FT. (1.736 ACRE)**  
**PORTION OF THE EDWARD HANDLIN ET AL, TRACT**  
**IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348**  
**AND IN THE CITY OF BALCH SPRINGS, TEXAS,**  
**TO BE ACQUIRED IN FEE FOR A 120 INCH WATER LINE**



**Garcia Land Data, Inc.**

T 214-987-0149 6210 Campbell Rd., Ste. 110  
F 214-987-4026 Dallas, TX 75248-1388

DATE: 04/24/13

PROJ: 5330

PAGE 3 OF 3



# EXHIBIT B

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

## WARRANTY DEED

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

That Edward L. Handlin and Lafaye Handlin, a married couple (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Dallas, State of Texas, for and in consideration of the sum of ONE HUNDRED FIFTY-ONE THOUSAND TWO HUNDRED FIFTY-EIGHT AND 00/100 DOLLARS (\$151,258.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

**SPECIAL PROVISIONS:** This conveyance is made and accepted subject to the reservations provided in Exhibit B which is attached hereto and incorporated herein for all purposes.

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Edward L. Handlin

\_\_\_\_\_  
Lafaye Handlin

EXHIBIT B

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Edward L. Handlin.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

STATE OF TEXAS       '  
COUNTY OF DALLAS   '

This instrument was acknowledged before me on \_\_\_\_\_  
by Lafaye Handlin.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

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

Warranty Deed Log No. 36065



**PARCEL E-79**  
**FIELD NOTES DESCRIBING A 75,629 SQ. FT. (1.736 ACRE)**  
**PORTION OF THE EDWARD HANDLIN ET AL, TRACT**  
**IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348**  
**AND IN THE CITY OF BALCH SPRINGS, TEXAS,**  
**TO BE ACQUIRED IN FEE FOR A 120 INCH WATER LINE**

BEING a 75,629 square foot (1.736 acre) portion of a tract of land in the William J. Snow Survey, Abstract Number 1348, in the City of Balch Springs, Dallas County, Texas, and being a part of that tract of land to Edward L. Handlin and wife, Lafaye Handlin by Warranty Deed with Vendor's Lien dated October 22, 1969, from Royse Gaddis and wife, Martha Gaddis, as recorded in Volume 69212, Page 1254, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

COMMENCING at a found 1/2 inch iron rod at the northwest corner of the Gillaspie Addition, an addition to the City of Dallas according to the plat thereof recorded in Volume 94004, Page 5088, D.R.D.C.T., said point also being the northeast corner of that tract of land to Jimmy Nutt, Sr., and Carol Nutt, Husband and Wife, by General Warranty Deed dated September 5, 2003, from John Creamer, Jr., as recorded in Volume 2003198, Page 13292, D.R.D.C.T., said point also being on the southern most line of that tract of land to Purvis T. Welch and Robbie Lee Hale by Warranty Deed dated August 26, 1999, from Terra Marine Energy Company, as recorded in Volume 99171, Page 1728, D.R.D.C.T.;

THENCE South 89 degrees 11 minutes 02 seconds West, with the north line of said Nutt tract, a distance of 287.68 feet to a found 1/2 inch iron rod for the northwest corner of said Nutt tract, said point also being on the east line of said Handlin tract;

THENCE South 00 degrees 45 minutes 12 seconds East, with the common line between said Handlin and Nutt tracts, a distance of 127.10 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for the southeast corner of said Handlin tract, said point also being the POINT OF BEGINNING of the herein described tract of land;

THENCE South 88 degrees 36 minutes 10 seconds West, departing said common line and with the south line of said Handlin tract, said line also being the north right-of-way line of Rylie Crest Drive (a variable width right-of-way), a distance of 163.28 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for the southwest corner of said Handlin tract, said corner also being the southeast corner of a tract of land to Luis Alvarez and Amelia Alvarez by Warranty Deed dated February 23, 2007, from Weldon J. Newsom as recorded in Document No. 2007009381 of the Official Public Records of Dallas County, Texas;

THENCE North 00 degrees 28 minutes 38 seconds West, departing said north right-of-way line of Rylie Crest Drive and with the common line between said Handlin and Alvarez tracts, a distance of 491.12 feet to a point for corner on the south right-of-way line of Interstate Highway 20 (a variable width right-of-way), said point being the southwest corner of a tract of land to The State of Texas by Judgment dated May 4, 1981, from Edward L. Handlin, et al, as recorded in Volume 81104, Page 1340, D.R.D.C.T.;

THENCE South 86 degrees 37 minutes 13 seconds East, departing said common line between said Handlin and Alvarez tracts and with said south right-of-way line of Interstate Highway 20, a distance of 96.16 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner, from which a found concrete monument bears South 86 degrees 37 minutes 13 seconds East, a distance of 8.50 feet;

FIELD NOTES APPROVED:





PARCEL E-79  
FIELD NOTES DESCRIBING A 75,629 SQ. FT. (1.736 ACRE)  
PORTION OF THE EDWARD HANDLIN ET AL, TRACT  
IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348  
AND IN THE CITY OF BALCH SPRINGS, TEXAS,  
TO BE ACQUIRED IN FEE FOR A 120 INCH WATER LINE

THENCE South 00 degrees 45 minutes 12 seconds East, departing said south right-of-way line a distance of 60.67 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;

THENCE North 89 degrees 14 minutes 48 seconds East, a distance of 50.00 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;


THENCE North 00 degrees 45 minutes 12 seconds West, a distance of 60.00 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner on said south right-of-way line of Interstate Highway 20;

THENCE North 89 degrees 21 minutes 02 seconds East, with said south right-of-way line of Interstate Highway 20, a distance of 15.00 feet to a found 1/2 inch iron rod for the northwest corner of said Welch tract;

THENCE South 00 degrees 45 minutes 12 seconds East, departing said south right-of-way and with the common line of said Handlin and Welch tracts, at 354.55 feet passing said found 1/2 inch iron rod at the northwest corner of said Nutt tract, continuing with said common line between Handlin and Nutt tracts, in all, a total distance of 481.65 feet to the POINT OF BEGINNING and CONTAINING 75,629 square feet or 1.736 acres of land, more or less.

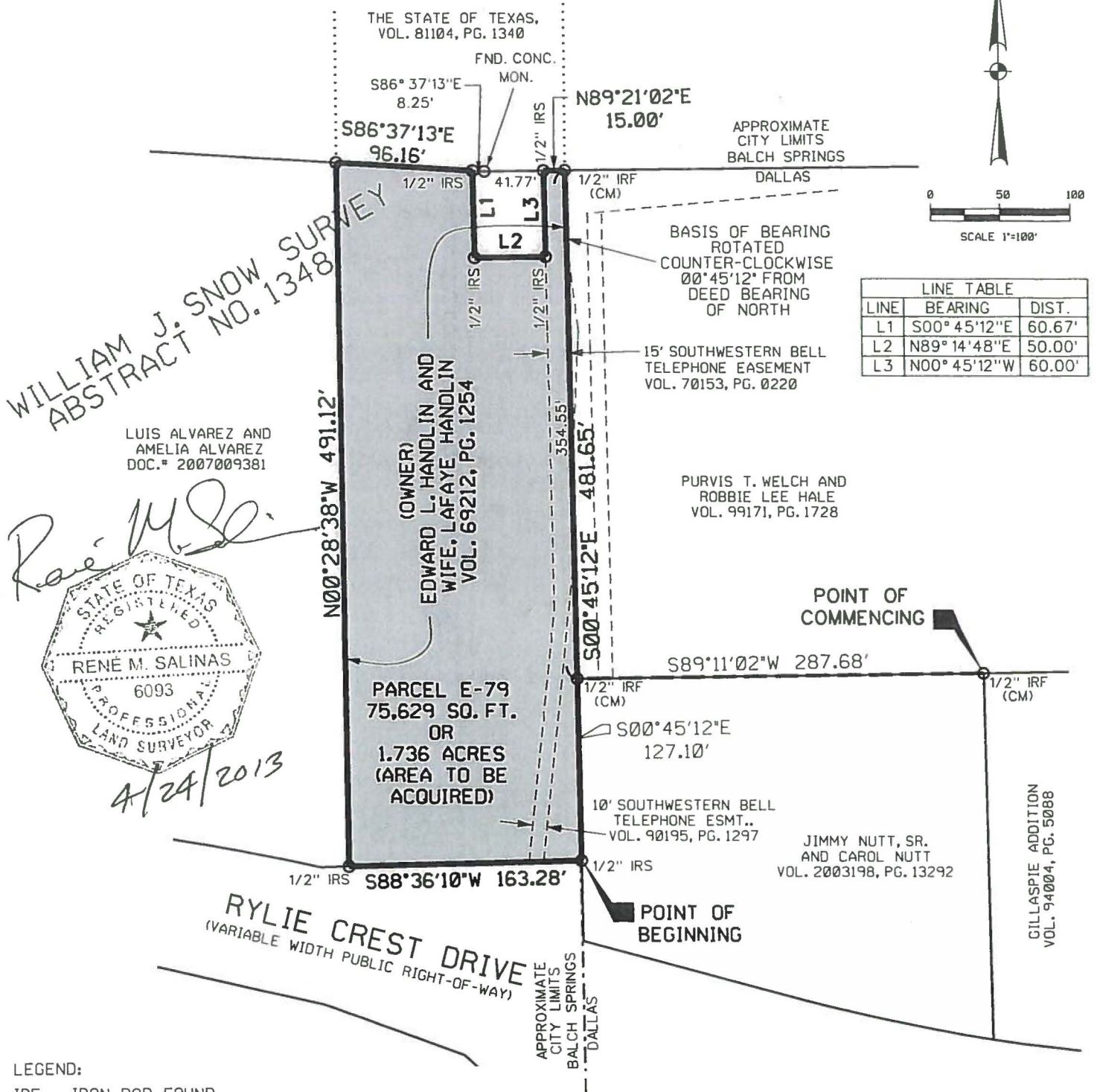
SUBJECT TO: a Southwestern Bell Telephone Company easement granted by Edward L Handlin and wife, Lafaye Handlin as recorded in Volume 70153, Page 220 and an Easement Modification Agreement by Southwestern Bell granted by Edward L Handlin and wife, Lafaye Handlin as recorded in Volume 90195, Page 1297 both of said Deed Records.

BASIS OF BEARINGS: North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counterclockwise 00 degrees 45 minutes 12 seconds from deed bearing of North along the east line of said Handlin tract.

*René M. Salinas*  
  
4/24/2013

# INTERSTATE HIGHWAY 20 (VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

# EXHIBIT A



LINE TABLE		
LINE	BEARING	DIST.
L1	S00°45'12"E	60.67'
L2	N89°14'48"E	50.00'
L3	N00°45'12"W	60.00'

## LEGEND:

IRF IRON ROD FOUND  
IRS IRON ROD SET W/  
YELLOW "GLD" CAP  
IPF IRON PIPE FOUND  
MON. MONUMENT  
(CM) CONTROL MONUMENT

## NOTES:

1.) BEARING SYSTEM:  
NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE  
COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. ALL  
DISTANCES ARE SURFACE DISTANCES. SURFACE  
ADJUSTMENT SCALE FACTOR: 1.0001365060. BASIS OF  
BEARINGS ROTATED COUNTERCLOCKWISE 00 DEGREES  
45 MINUTES 12 SECONDS FROM DEED BEARING OF  
NORTH ALONG THE EAST LINE OF HANDLIN TRACT.

**PARCEL E-79**  
**FIELD NOTES DESCRIBING A 75,629 SQ. FT. (1.736 ACRE)**  
**PORTION OF THE EDWARD HANDLIN ET AL, TRACT**  
**IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348**  
**AND IN THE CITY OF BALCH SPRINGS, TEXAS,**  
**TO BE ACQUIRED IN FEE FOR A 120 INCH WATER LINE**



**Garcia Land Data, Inc.**

T 214-987-0149 6210 Campbell Rd., Ste. 110  
F 214-987-4026 Dallas, TX 75248-1388

DATE: 04/24/13

PROJ: 5330

PAGE 3 OF 3



## **EXHIBIT "B"**

### **EASEMENT – ACCESS [Specific Location]**

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Attachment "1", attached hereto and made a part hereof by reference for all purposes, (the "Easement Property") to provide free and uninterrupted pedestrian, vehicular and utility access to and from Grantor's adjoining or abutting property, being more fully described in Attachment "2", attached hereto and made a part hereof by reference for all purposes, (the "Dominant Estate Property") and portions thereof, in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

The easement is appurtenant to and runs with the Dominant Estate Property and all portions of it, whether or not the easement is referenced in any conveyance of the Dominant Estate Property or any portion of it. The easement binds and inures to the benefit of Grantor and City and their respective heirs, successors, and assigns.

The easement is perpetual.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey the same or similar easement or other rights or easements to others. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the Easement Property, without any liability for damages, destruction or injury to any improvements located in the easement, from time to time.

Professionally engineered plans and specifications bearing the seal of a professional engineer currently registered in the State of Texas showing any and all improvements desired by the holder of the easement, including without limitation, fill or removal of soil within the easement, paving, support, protection of City's uses, utility lines, structures and facilities, must be submitted to and approved in writing by the City of Dallas Water Department ("DWU") in advance of any construction by the holder of the easement. No vehicle, equipment or machinery exceeding a total weight of 15,000 lbs may come on the easement or any use be allowed to exist that would exceed said weight limit at any time during normal use unless confined to the designated access points on improvements the plans and specifications for which are structurally designed and constructed with supporting appurtenances that meet or exceed H20 highway design capacity and that protect the City's facilities from all imposed loading. The parties acknowledge and agree that the paramount consideration in the evaluation of any proposed improvements is to fully and completely accommodate City's uses (current, anticipated, and/or potential) of the property described in Exhibit "A" and any facilities it may install. Consequently, City's determinations in this regard are conclusive and final. All such improvements and maintenance of the Easement Property will be at the sole expense of the holder of the easement and must be constructed in a good and workmanlike manner in

conformity with the approved plans and specifications. The holder of the easement will maintain the Easement Property in a neat, clean and safe condition at all times.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the Easement Property and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

**PARCEL E-79 ACCESS EASEMENT  
FIELD NOTES DESCRIBING A 8,575 SQ. FT. (0.1969 ACRE)  
PORTION OF THE EDWARD HANDLIN ET AL, TRACT  
IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348  
AND IN THE CITY OF BALCH SPRINGS, TEXAS,**

BEING a 8,575 square foot (0.1969 acre) portion of a tract of land in the William J. Snow Survey, Abstract Number 1348, in the City of Balch Springs, Dallas County, Texas, and being a part of that tract of land to Edward L. Handlin and wife, Lafaye Handlin by Warranty Deed with Vendor's Lien dated October 22, 1969. from Royse Gaddis and wife, Martha Gaddis, as recorded in Volume 69212, Page 1254, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being more particularly described as follows:

BEGINNING at a set 1/2 inch iron rod with a yellow cap stamped "GLD" on the southwest corner of said Handlin tract, said iron rod also being on the southeast corner of a tract of land to Luis Alvarez and Amelia Alvarez by Warranty Deed dated February 23, 2007, from Weldon J. Newsom as recorded in Document No. 2007009381 of the Official Public Records of Dallas County, Texas, said iron rod also being on the north right-of-way line of Rylie Crest Drive (a variable width right-of-way);

THENCE North 00 degrees 28 minutes 38 seconds West, departing said north right-of-way line of Rylie Crest Drive and with the common line between said Handlin tract and Alvarez tract, a distance of 491.12 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner on the south right-of-way line of Interstate Highway 20 (a variable width right-of-way), said point being the southwest corner of a tract of land to The State of Texas by Judgment dated May 4, 1981, from Edward L Handlin, et al, as recorded in Volume 81104, Page 1340, D.R.D.C.T.;

THENCE South 86 degrees 37 minutes 13 seconds East, departing said common line between said Handlin and Alvarez tracts and with said south right-of-way line of Interstate Highway 20, a distance of 96.16 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner, from which a found concrete monument bears South 86 degrees 37 minutes 13 seconds East, a distance of 8.50 feet;

THENCE South 00 degrees 45 minutes 12 seconds East, departing said south right-of-way line, a distance of 15.04 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;

THENCE North 86 degrees 37 minutes 13 seconds West, a distance of 81.20 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner;

FIELD NOTES APPROVED:

*10/25/13*





PARCEL E-79 ACCESS EASEMENT  
 FIELD NOTES DESCRIBING A 8,575 SQ. FT. (0.1969 ACRE)  
 PORTION OF THE EDWARD HANDLIN ET AL, TRACT  
 IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348  
 AND IN THE CITY OF BALCH SPRINGS, TEXAS,

THENCE South 00 degrees 28 minutes 38 seconds East, a distance of 474.83 feet to a set 1/2 inch iron rod with a yellow cap stamped "GLD" for corner on the aforementioned north right-of-way line of Rylie Crest Drive, from which a found 1/2 inch iron on the east line of said Handlin tract bears North 88 degrees 36 minutes 10 seconds East, a distance of 148.28 feet and North 00 degrees 45 minutes 12 seconds West, a distance of 127.10 feet, said found iron rod being on the common northwest corner of that tract of land to Jimmy Nutt, Sr., and Carol Nutt, Husband and Wife, by General Warranty Deed dated September 5, 2003, from John Creamer, Jr., as recorded in Volume 2003198, Page 13292, D.R.D.C.T, and the southeast corner of that tract of land to Purvis T. Welch and Robbie Lee Hale by Warranty Deed dated August 26, 1999, from Terra Marine Energy Company, as recorded in Volume 99171, Page 1728, D.R.D.C.T.;

THENCE South 88 degrees 36 minutes 10 seconds West, with said south line of Handlin tract and said north right-of-way line of Rylie Crest Drive, a distance of 15.00 feet to the POINT OF BEGINNING AND CONTAINING 8575 square feet or 0.1969 acres of land, more or less.

SUBJECT TO. a Southwestern Bell Telephone Company easement granted by Edward L Handlin and wife, Lafaye Handlin as recorded in Volume 70153, Page 220 and an Easement Modification Agreement by Southwestern Bell granted by Edward L Handlin and wife, Lafaye Handlin as recorded in Volume 90195, Page 1297 both of said Deed Records.

BASIS OF BEARINGS: North American Datum of 1983, Texas State Plane Coordinate System, North Central Zone 4202. All distances are surface distances. Surface adjustment scale factor: 1.0001365060. Basis of Bearings rotated counterclockwise 00 degrees 45 minutes 12 seconds from deed bearing of North along the east line of said Handlin tract.

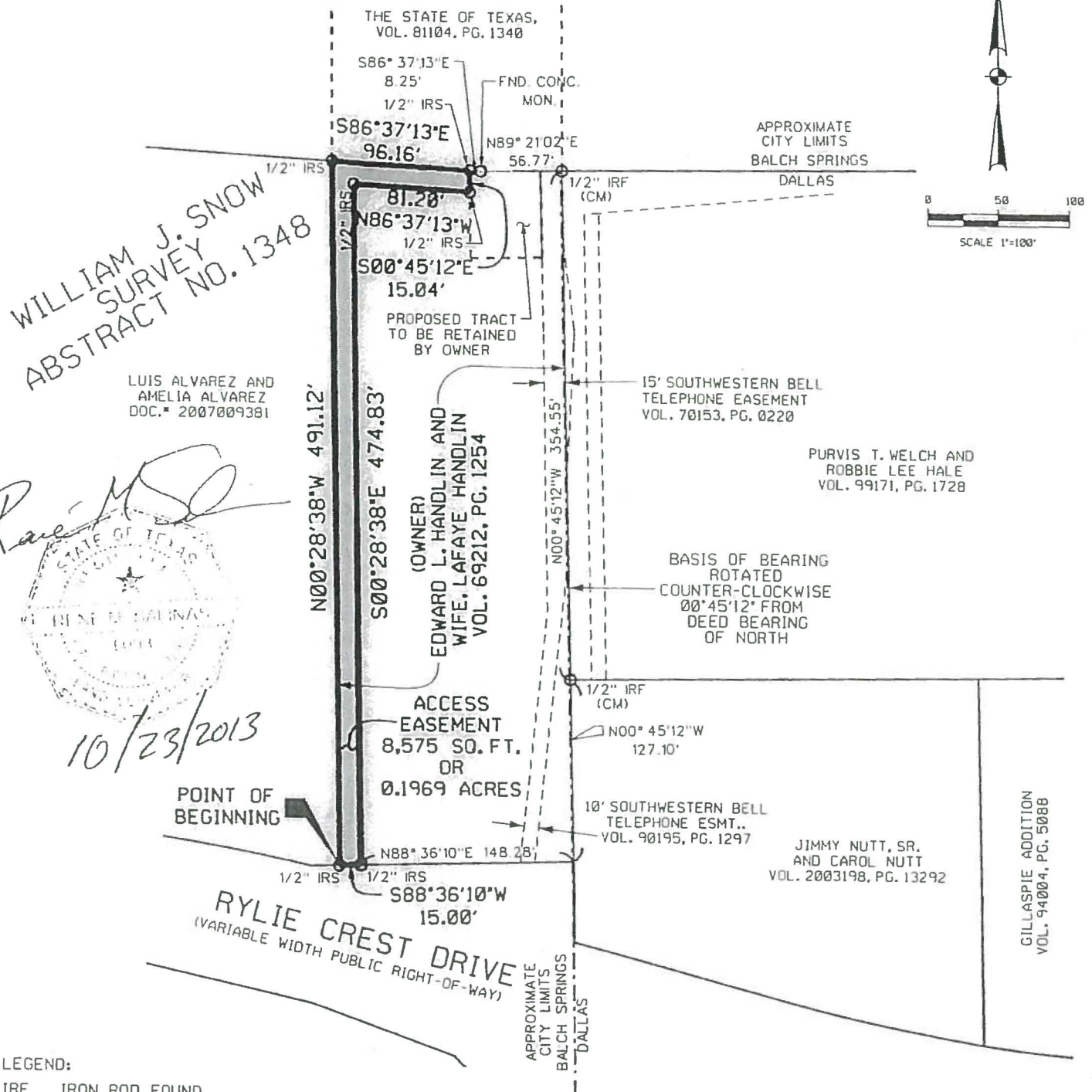
*Rene M. Se.*



*10/23/2013*

# INTERSTATE HIGHWAY 20

(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)



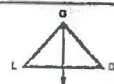
## LEGEND:

IRF IRON ROD FOUND  
IRS IRON ROD SET W/  
YELLOW 'GLD' CAP  
IPF IRON PIPE FOUND  
MON. MONUMENT  
(CM) CONTROL MONUMENT

## NOTES:

1.) BEARING SYSTEM:  
NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE  
COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. ALL  
DISTANCES ARE SURFACE DISTANCES. SURFACE  
ADJUSTMENT SCALE FACTOR: 1.0001365060. BASIS OF  
BEARINGS ROTATED COUNTERCLOCKWISE 00 DEGREES  
45 MINUTES 12 SECONDS FROM DEED BEARING OF  
NORTH ALONG THE EAST LINE OF HANDLIN TRACT.

**PARCEL E-79 ACCESS EASEMENT**  
**FIELD NOTES DESCRIBING A 8,575 SQ. FT. (0.1969 ACRE)**  
**PORTION OF THE EDWARD HANDLIN ET AL, TRACT**  
**IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348**  
**AND IN THE CITY OF BALCH SPRINGS, TEXAS,**



**Garcia Land Data, Inc.**

T 214-957-0149 6210 Campbell Rd. Ste 110  
F 214-987-4026 Dallas, TX 75248-1398

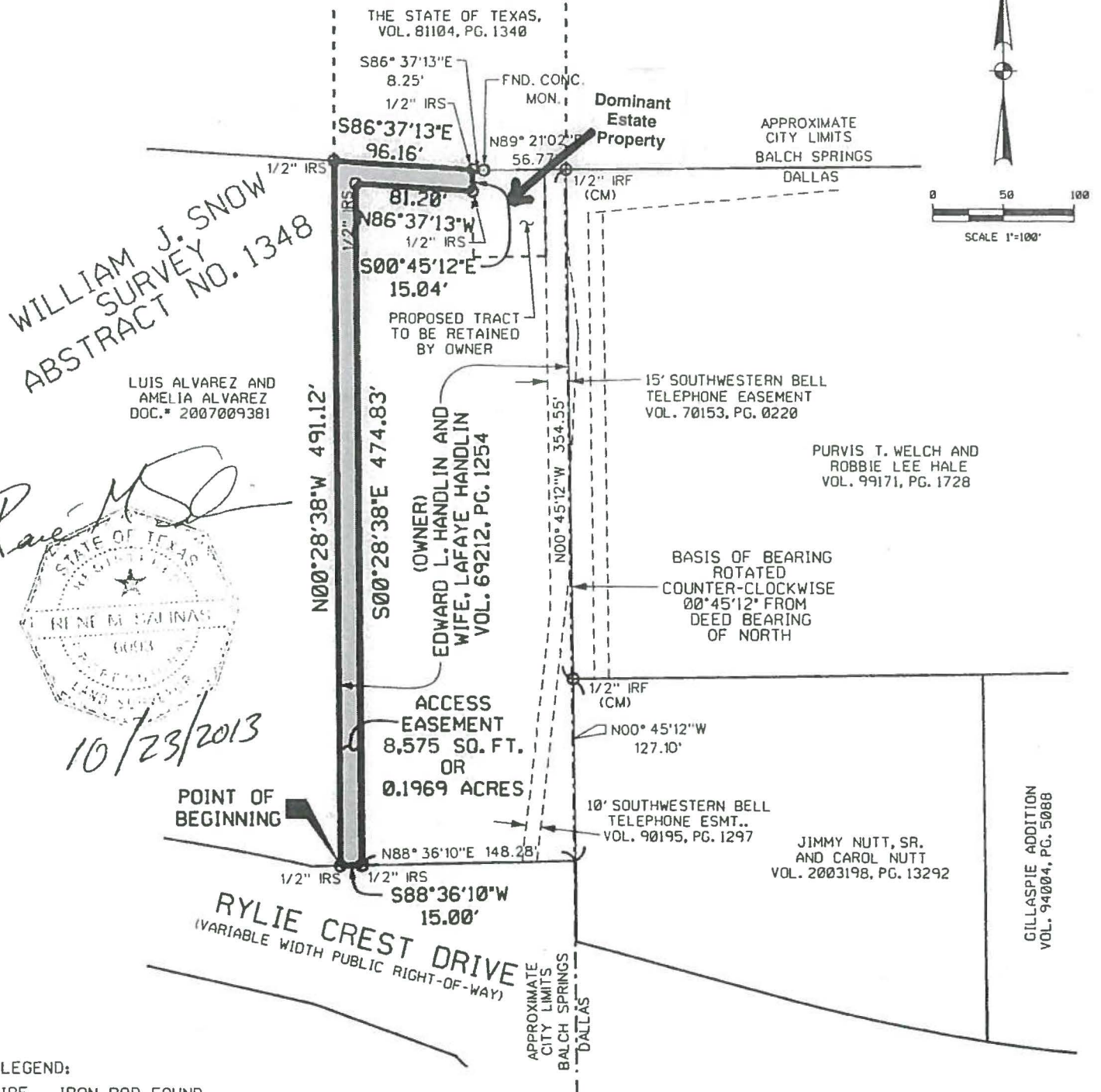
DATE: 10/23/13  
PRD: 5330

PAGE 3 OF 3



# INTERSTATE HIGHWAY 20

(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)



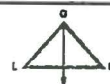
## LEGEND:

IRF IRON ROD FOUND  
 IRS IRON ROD SET W/  
 YELLOW "GLD" CAP  
 IPF IRON PIPE FOUND  
 MON. MONUMENT  
 (CM) CONTROL MONUMENT

## NOTES:

1.) BEARING SYSTEM:  
 NORTH AMERICAN DATUM OF 1983, TEXAS STATE PLANE  
 COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202. ALL  
 DISTANCES ARE SURFACE DISTANCES. SURFACE  
 ADJUSTMENT SCALE FACTOR: 1.0001365060. BASIS OF  
 BEARINGS ROTATED COUNTERCLOCKWISE 00 DEGREES  
 45 MINUTES 12 SECONDS FROM DEED BEARING OF  
 NORTH ALONG THE EAST LINE OF HANDLIN TRACT.

**PARCEL E-79 ACCESS EASEMENT**  
**FIELD NOTES DESCRIBING A 8,575 SQ. FT. (0.1969 ACRE)**  
**PORTION OF THE EDWARD HANDLIN ET AL, TRACT**  
**IN THE WILLIAM J. SNOW SURVEY, ABSTRACT NO. 1348**  
**AND IN THE CITY OF BALCH SPRINGS, TEXAS,**



**Garcia Land Data, Inc.**

T 214-987-0149 6210 Campbell Rd., Ste. 110  
 F 214-987-4026 Dallas, TX 75248-1388

DATE: 10/23/13

PROJ: 5330

PAGE 3 OF 3



## AGENDA ITEM # 19

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** Sustainable Development and Construction  
Water Utilities

**CMO:** Theresa O'Donnell, 671-9195  
Forest E. Turner, 670-3390

**MAPSCO:** N/A

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### **SUBJECT**

Authorize an amendment to Resolution No. 13-0865, previously approved on May 22, 2013, to authorize acquisition of a larger tract of land containing approximately 71,544 square feet from Michael Franklin Green, located in Kaufman County for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project - Not to exceed \$13, increased from \$44,050 (\$41,050, plus closing costs and title expenses not to exceed \$3,000) to \$44,063 (\$41,063, plus closing costs and title expenses not to exceed \$3,000) - Financing: Water Utilities Capital Construction Funds

### **BACKGROUND**

This item authorizes an amendment and substitution of Exhibit "A" for the conveyance of the Fee Simple Interest in the approximately 71,544 square feet of land for the Lake Tawakoni 144-inch Raw Water Transmission Pipeline Project.

The property owner refused access to survey the proposed area to be acquired. The Exhibit "A" of 71,521 square feet of land authorized by Resolution No. 13-0865 approved by Council on May 22, 2013 was based on a preliminary survey. The property owner has since allowed access and the current Exhibit "A" of 71,544 square feet of land is based on a certified survey of the proposed area to be acquired. The revised square footage also increased the offer amount authorized by Resolution No. 13-0865 from \$41,050 to \$41,063 for an increase of \$13. Increase represents same cost per square foot based on prior offer amount.

All other provisions authorized by Resolution No. 13-0865 remain in full force and effect.

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

Authorized acquisition by purchase and/or condemnation on May 22, 2013, by Resolution No. 13-0865.

### **FISCAL INFORMATION**

Water Utilities Capital Construction Funds - \$13

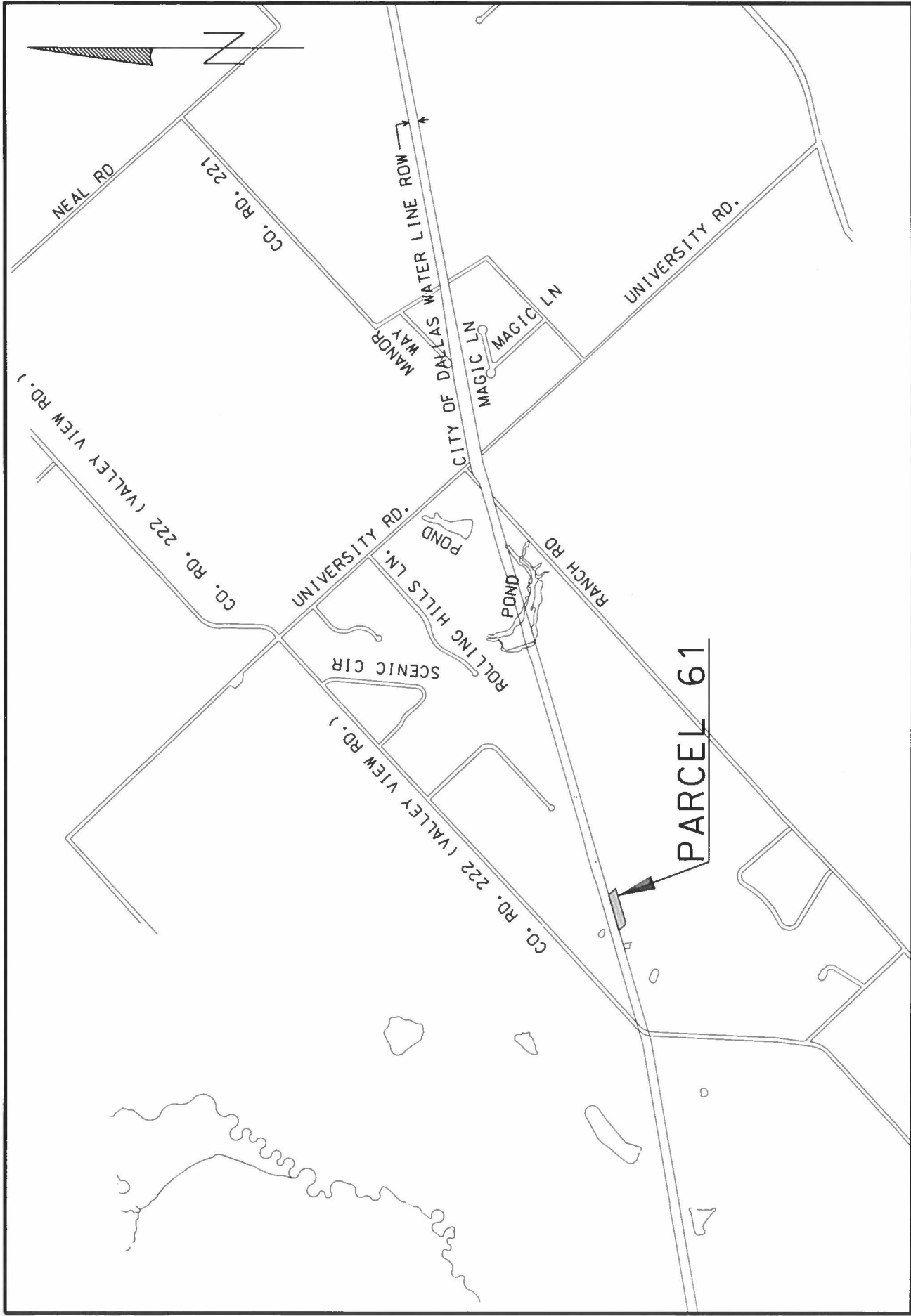
Resolution No. 13-0865	\$44,050
Additional Amount (this action)	<u>\$ 13</u>
Total Authorized Amount	\$44,063

### **OWNER**

Michael Franklin Green

### **MAP**

Attached



VICINITY MAP  
APPROXIMATE SCALE 1" = 2000'



June 11, 2014

**WHEREAS**, on May 22, 2013, Resolution No. 13-0865 authorized the acquisition by purchase and/or condemnation, of approximately 71,521 square feet of land from Michael Franklin Green to facilitate the Lake Tawakoni Pipeline Project as therein described; and

**WHEREAS**, the City has determined that the 71,521 square feet of land described in Exhibit "A" of Resolution No. 13-0865, was based on a preliminary survey which has been found to exclude 23 square feet of the of the needed square area; and

**WHEREAS**, the City has since received a certified survey of the metes and bounds description of the acquisition parcel of 71,544 square feet of land being more fully described in Exhibit "A" attached hereto and incorporated herein for all purposes; and

**WHEREAS**, the change in the square footage of the land to be acquired also changed the offer amount from \$41,050 to \$41,063 based on an increase of 23 square feet of land for the acquisition of 71,544 square feet of land; and

**WHEREAS**, the City of Dallas desires to authorize the City Manager to acquire the parcel of land consisting of 71,544 square feet for \$41,063 as provided in the form instrument described in Exhibit "B" attached hereto and which parcel is more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes; **Now, Therefore,**

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

**SECTION 1.** That Resolution No. 13-0865, previously approved on May 22, 2013, is hereby amended to authorize acquisition by purchase and/or condemnation of the parcel consisting of 71,544 square feet of land as described in the revised Exhibit "A" attached hereto and made a part hereof for all purposes at the revised Offer Amount set forth herein.

**SECTION 2.** The following definitions shall apply to this resolution:

"CITY": The City of Dallas

"FIRST RESOLUTION": On May 22, 2013, Resolution No. 13-0865 authorized the purchase of approximately 71,521 square feet of land in the amount of \$44,050 (\$41,050, plus closing costs and title expenses not to exceed \$3,000).

June 11, 2014

"PROPERTY": Approximately 71,544 square feet of land in Dallas County, Texas, and being the same property more particularly described in Exhibit "A", attached hereto and made a part hereof for all purposes, and any and all improvements, rights and appurtenances appertaining hereto.

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

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

"PROPERTY INTEREST": Fee Simple, subject to the exceptions, reservations, covenants, conditions and/or interests, if any provided in the form instrument more particularly described in Exhibit "B" attached hereto and made a part hereof for all purposes.

"OWNER": Michael Franklin Green, 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.

"REVISED OFFER AMOUNT": \$41,063

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000

"REVISED AUTHORIZED AMOUNT": \$44,063 (\$41,063, plus closing costs and title expenses not to exceed \$3,000)

**SECTION 3.** That in the event this acquisition closes, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, or the then current owner of record, or the title company closing the transaction described herein for the difference between the FIRST RESOLUTION and the REVISED OFFER AMOUNT and CLOSING COSTS AND TITLE EXPENSES payable out of Water Utilities Capital Construction Funds, Fund No. 0102, Department DWU, Unit CW20, Activity RWPT, Program No. 704041, Object 4210, Encumbrance No. CT-DWU704041GF. The REVISED OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the REVISED AUTHORIZED AMOUNT.

**SECTION 4.** All other provisions authorized by FIRST RESOLUTION remain in full force and effect.

June 11, 2014

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

**APPROVED AS TO FORM:**

**WARREN M. S. ERNST, City Attorney**

BY:   
\_\_\_\_\_  
**Assistant City Attorney**

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 61**

BEING a 1.642 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being part of a called 22.51 acre tract of land described in a Deed to Michael Franklin Green, dated October 10, 1988, as recorded in Volume 946, Page 594 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and part of a 2.099 acre tract of land described as "Tract No. II", in a Deed to Frank Green, dated July 10, 1984, as recorded in Volume 777, Page 50, D.R.K.C.T., and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the west corner of said "Tract No. II", and in the north east line of called 18.074 acre tract of land described in Warranty Deed with Vendor's Lien to Jamie Zavala, dated November 20, 2006, as recorded in Volume 3021, Page 216, D.R.K.C.T., and in the southeast line of a City of Dallas Water Line Right-of-Way (130' Right-of-Way at this point) as recorded in Volume 444, Page 466, D.R.K.C.T.;

THENCE North 70 degrees 11 minutes 16 seconds East, departing said northeast line and with the northwest line of said "Tract No. II" and the southeast line of said City of Dallas Water Line Right-of-Way, passing at a distance of 330.22 feet, the north corner of said "Tract No. II", and continuing a total of distance of 550.32 feet to a 1/2-inch iron rod with cap set in the northeast line of said Michael Franklin Green tract and the west corner of a called 8.621 acre tract of land described as "Tract B", in Warranty Deed to James A. Loven, dated September 24, 1984, as recorded in Volume 785, Page 872, D.R.K.C.T.;

THENCE South 46 degrees 27 minutes 07 seconds East, departing the south line of said City of Dallas Water Line Right-of-Way and with the northeast line of said Michael Franklin Green tract and the southwest line of said "Tract B", a distance of 145.44 feet to a 1/2-inch iron rod with cap set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing the northeast line of said Michael Franklin Green tract and southwest line of said "Tract B", a distance of 550.35 feet to a 1/2-inch iron rod with cap set in the southwest line of said "Tract No. II" and the northeast line of said Zavala tract;

THENCE North 46 degrees 26 minutes 33 seconds West, with the southwest line of said "Tract No. II" and the northeast line of said Zavala tract, a distance of 145.43 feet to the POINT OF BEGINNING and containing 71,544 square feet or 1.642 acres of land, more or less.

FIELD NOTES APPROVED:





**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 61**

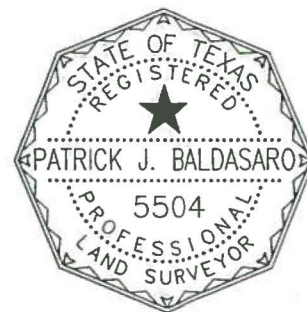
All bearings for this tract refer to the NAD-83 Texas State Plane Coordinate System, North Central Zone 4202, according to measurements made at NGS continuously operating reference stations Collin CORS ARP, Dallas CORS ARP, Kaufman CORS ARP, Tyler CORS ARP, and Paris CORS ARP. The Kaufman County scale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

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

Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By:  Date: 11.20.13

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504



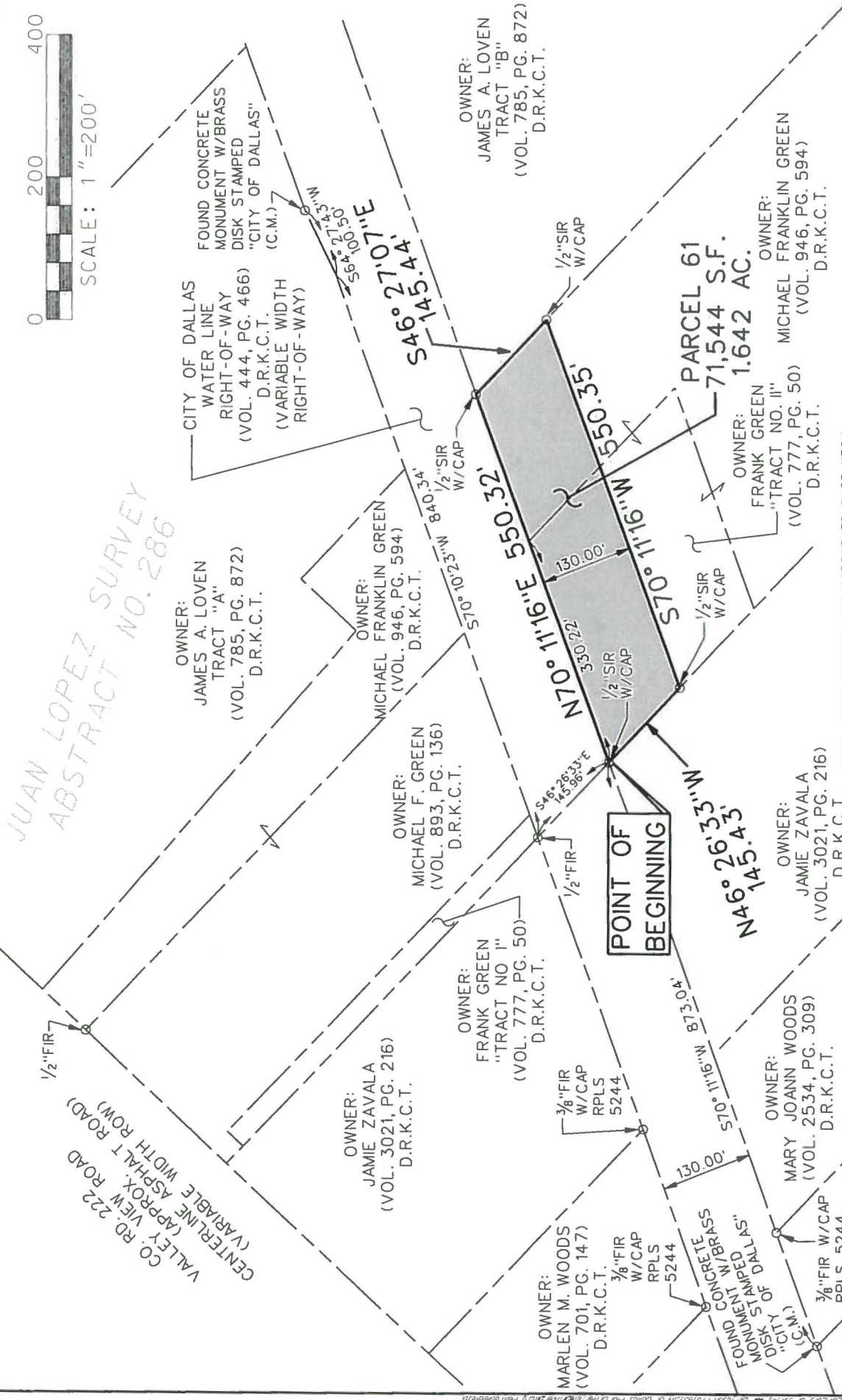
# EXHIBIT A

**EXHIBIT**  
OF A  
**RIGHT-OF-WAY ACQUISITION**  
SITUATED IN THE  
JUAN LOPEZ SURVEY, ABSTRACT NO 286  
CITY OF SUNNYVALE DALLAS COUNTY, TEXAS  
FOR THE  
**CITY OF DALLAS**  
BY  
DAL-TECH ENGINEERING, INC. 17400 DALLAS PKWY, SUITE 110  
DALLAS, TEXAS 75287, TEL. (972)250-2727, FAX (972)250-4774

DATE: AUG 11 REVISED: SCALE: 1"=200' SHEET: 3 OF 3



JUAN LOPEZ SURVEY  
ABSTRACT NO. 286

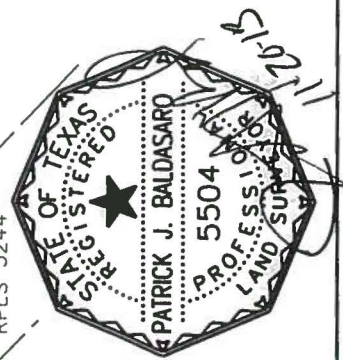


NOTE: THIS SURVEY WAS PERFORMED BASE UPON  
RECORD DATA PROVIDED UNDER OLD REPUBLIC NATIONAL  
TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER  
20736--KF06, WITH AN EFFECTIVE DATE OF FEBRUARY 13, 2011

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

LEGEND:

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



# EXHIBIT B

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

## WARRANTY DEED

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

That Michael F. Green a/k/a Michael Franklin Green a/k/a Frank Green, a single man (hereinafter called "Grantor" whether one or more natural persons or legal entities) of the County of Kaufman, State of Texas, for and in consideration of the sum of FORTY ONE THOUSAND FIFTY AND SIXTY THREE AND 00/100 DOLLARS (\$41,063.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

**SPECIAL PROVISIONS:** This conveyance is made and accepted subject to the reservations provided in Exhibit B which is attached hereto and incorporated herein for all purposes.

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

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Michael Franklin Green



EXHIBIT B

\* \* \* \* \*

STATE OF TEXAS           '  
COUNTY OF KAUFMAN    '

This instrument was acknowledged before me on \_\_\_\_\_  
by Michael Franklin Green.

\_\_\_\_\_  
Notary Public, State of TEXAS

\* \* \* \* \*

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

Warranty Deed Log No. 37382

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 61**

BEING a 1.642 acre tract of land in the Juan Lopez Survey, Abstract No. 286, in Kaufman County, Texas, and being part of a called 22.51 acre tract of land described in a Deed to Michael Franklin Green, dated October 10, 1988, as recorded in Volume 946, Page 594 of the Deed Records of Kaufman County, Texas (D.R.K.C.T.), and part of a 2.099 acre tract of land described as "Tract No. II", in a Deed to Frank Green, dated July 10, 1984, as recorded in Volume 777, Page 50, D.R.K.C.T., and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod with red cap stamped "DAL-TECH" (hereinafter referred to as "with cap") set at the west corner of said "Tract No. II", and in the north east line of called 18.074 acre tract of land described in Warranty Deed with Vendor's Lien to Jamie Zavala, dated November 20, 2006, as recorded in Volume 3021, Page 216, D.R.K.C.T., and in the southeast line of a City of Dallas Water Line Right-of-Way (130' Right-of-Way at this point) as recorded in Volume 444, Page 466, D.R.K.C.T.;

THENCE North 70 degrees 11 minutes 16 seconds East, departing said northeast line and with the northwest line of said "Tract No. II" and the southeast line of said City of Dallas Water Line Right-of-Way, passing at a distance of 330.22 feet, the north corner of said "Tract No. II", and continuing a total of distance of 550.32 feet to a 1/2-inch iron rod with cap set in the northeast line of said Michael Franklin Green tract and the west corner of a called 8.621 acre tract of land described as "Tract B", in Warranty Deed to James A. Loven, dated September 24, 1984, as recorded in Volume 785, Page 872, D.R.K.C.T.;

THENCE South 46 degrees 27 minutes 07 seconds East, departing the south line of said City of Dallas Water Line Right-of-Way and with the northeast line of said Michael Franklin Green tract and the southwest line of said "Tract B", a distance of 145.44 feet to a 1/2-inch iron rod with cap set;

THENCE South 70 degrees 11 minutes 16 seconds West, departing the northeast line of said Michael Franklin Green tract and southwest line of said "Tract B", a distance of 550.35 feet to a 1/2-inch iron rod with cap set in the southwest line of said "Tract No. II" and the northeast line of said Zavala tract;

THENCE North 46 degrees 26 minutes 33 seconds West, with the southwest line of said "Tract No. II" and the northeast line of said Zavala tract, a distance of 145.43 feet to the POINT OF BEGINNING and containing 71,544 square feet or 1.642 acres of land, more or less.

FIELD NOTES APPROVED:



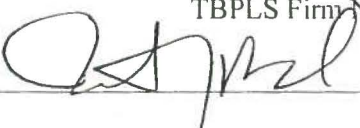
JDL 12/4/3

**FIELD NOTES**  
**DESCRIBING A TRACT OF LAND FOR FEE SIMPLE ACQUISITION**  
**OF RIGHT-OF-WAY FOR THE LAKE TAWAKONI RAW WATER**  
**TRANSMISSION MAIN**  
**KAUFMAN COUNTY, TEXAS**  
**Parcel: 61**

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

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

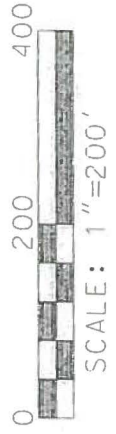
Company Name: DAL-TECH Engineering, Inc.  
TBPLS Firm No. 10123500

By:  Date: 11.20.13

Surveyor's Name: Patrick J. Baldasaro  
Registered Professional Land Surveyor  
Texas No. 5504







JUAN LOPEZ SURVEY  
ABSTRACT NO. 286

CO. RD. 222  
VALLEY VIEW ROAD  
(APPROX. ASPHALT ROAD)  
(VARIABLE WIDTH ROW)

OWNER:  
JAMES A. LOVEN  
TRACT "A"  
(VOL. 785, PG. 872)  
D.R.K.C.T.

CITY OF DALLAS  
WATER LINE  
RIGHT-OF-WAY  
(VOL. 444, PG. 466)  
D.R.K.C.T.  
(VARIABLE WIDTH  
RIGHT-OF-WAY)

OWNER:  
JAMIE ZAVALA  
(VOL. 3021, PG. 216)  
D.R.K.C.T.

OWNER:  
MICHAEL F. GREEN  
(VOL. 893, PG. 136)  
D.R.K.C.T.

OWNER:  
MICHAEL FRANKLIN GREEN  
(VOL. 946, PG. 594)  
D.R.K.C.T.

OWNER:  
FRANK GREEN  
"TRACT NO. 1"  
(VOL. 777, PG. 50)  
D.R.K.C.T.

OWNER:  
MARLEN M. WOODS  
(VOL. 701, PG. 147)  
D.R.K.C.T.

OWNER:  
MARY JOANN WOODS  
(VOL. 2534, PG. 309)  
D.R.K.C.T.

OWNER:  
JAMIE ZAVALA  
(VOL. 3021, PG. 216)  
D.R.K.C.T.

OWNER:  
FRANK GREEN  
"TRACT NO. 1"  
(VOL. 777, PG. 50)  
D.R.K.C.T.

OWNER:  
MICHAEL FRANKLIN GREEN  
(VOL. 946, PG. 594)  
D.R.K.C.T.

OWNER:  
JAMES A. LOVEN  
TRACT "B"  
(VOL. 785, PG. 872)  
D.R.K.C.T.

POINT OF  
BEGINNING

PARCEL 61  
71,544 S.F.  
1.642 AC.

NOTE: THIS SURVEY WAS PERFORMED BASE UPON  
RECORD DATA PROVIDED UNDER OLD REPUBLIC NATIONAL  
TITLE INSURANCE COMPANY COMMITMENT G.F. NUMBER  
20736-KF06, WITH AN EFFECTIVE DATE OF FEBRUARY 13, 2011

ALL BEARINGS FOR THIS TRACT REFER TO THE NAD-83  
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CONTINUOUSLY OPERATING REFERENCE STATIONS COLLIN  
CORS ARP, DALLAS CORP, KAUFMAN CORP, TYLER  
CORS ARP, AND PARIS CORP. THE KAUFMAN COUNTY  
SCALE FACTOR OF 1.000114077 AS PUBLISHED BY THE  
TEXAS DEPARTMENT OF TRANSPORTATION, DALLAS  
DISTRICT WAS USED FOR THIS PROJECT.

LEGEND:

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



EXHIBIT  
OF A  
RIGHT-OF-WAY ACQUISITION  
SITUATED IN THE  
JUAN LOPEZ SURVEY, ABSTRACT NO. 286  
CITY OF SUNNYVALE, DALLAS COUNTY, TEXAS  
FOR THE  
CITY OF DALLAS

BY  
DAL-TECH ENGINEERING, INC. 17400 DALLAS PKWY., SUITE 110  
DALLAS, TEXAS 75287, TEL (972)350-2727, FAX (972)350-4774

## **EXHIBIT B**

### **EASEMENT -- GRAZING AND AGRICULTURAL USE**

Grantor, for Grantor and Grantor's heirs, successors and assigns ("the holder of the easement") does hereby reserve an easement over, on and across the property described in Exhibit "A" for agricultural and/or grazing purposes in connection with Grantor's use of Grantor's adjoining or abutting property and in a manner as not to endanger or interfere with the safe, efficient and/or convenient use of and activity on the property described in Exhibit "A" by City.

In no event may the holder of the easement construct or install, or cause to be constructed or installed, in the easement any permanent improvements, roads, pavement, utilities, structures, buildings, cattle tanks and/or stock ponds. Any activity by the holder of the easement involving excavation, contouring, and/or grading beyond normal agricultural tillage and installation of fence posts is strictly prohibited. Any activity by the holder of the easement causing or likely to cause excessive erosion, as determined by City, is strictly prohibited. In no event and under no circumstances may the holder of the easement operate within the easement any vehicles, equipment or machinery exceeding 15,000 lbs in weight. The holder of the easement shall not grow any trees, shrubs, vines or other excessive undergrowth that would prevent or unreasonably impair aerial inspection of the property by City.

The holder of this easement may fence the boundaries of the easement (but no cross fencing) to control livestock and wildlife; provided, however, adequate gates, cattle guards and other means of access are provided and maintained by the holder of the easement to facilitate City's full and unlimited access to, from and across the easement at all times for any and all purposes.

This easement is nonexclusive, and City reserves for City and City's successors and assigns the right to convey to others easements that do not unreasonably impair or obstruct this easement. Notwithstanding any provision of this easement reservation to the contrary, City and City's successors and assigns shall in all respects and at all times have the superior and paramount right of use, access and control of the property described in Exhibit "A" and covered by this easement, without any liability for damages to planted, growing or mature crops and/or to the turf that may be growing thereon. City and City's successors and assigns will repair any boundary fences it may cut or damage by its activities and will endeavor to exercise due care to avoid damage to or the escape of livestock that may be pastured in the easement.

The holder of the easement agrees to indemnify, defend and hold City and City's successors in interest harmless from any loss, attorney's fees, court and other costs, expenses or claims attributable to any breach or default of any provision of this easement by the holder and/or any negligent act or omission by the holder with regard to this easement. In the event the holder of the easement shall place any unpermitted structure, improvement, use or material within the easement and fails to remove same immediately upon receipt of notice from City, City shall have the right, but not the obligation, to remove such structure, improvement, use and/or material, and the holder of the easement shall reimburse City for any and all costs connected with such action immediately upon demand.

This easement shall terminate if and when the holder of the easement no longer owns or uses adjoining or abutting property for agricultural and/or grazing purposes.



## AGENDA ITEM # 20

**KEY FOCUS AREA:** Economic Vibrancy  
**AGENDA DATE:** June 11, 2014  
**COUNCIL DISTRICT(S):** 14  
**DEPARTMENT:** Sustainable Development and Construction  
**CMO:** Theresa O'Donnell, 671-9195  
**MAPSCO:** 45Q

---

### **SUBJECT**

An ordinance abandoning a portion of Browder Street to Southwestern Bell Telephone Company, the abutting owner, containing a total of approximately 4,456 square feet of land, located near the intersection of Browder and Wood Streets - Revenue: \$220,572, plus the \$20 ordinance publication fee

### **BACKGROUND**

This item authorizes the abandonment of a portion of Browder Street to Southwestern Bell Telephone Company, the abutting owner. The area will be included with the property of the abutting owner for an existing access ramp to a subsurface parking garage. The abandonment fee is based on an independent appraisal.

Notices were sent to 7 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: \$220,572, plus the \$20 ordinance publication fee

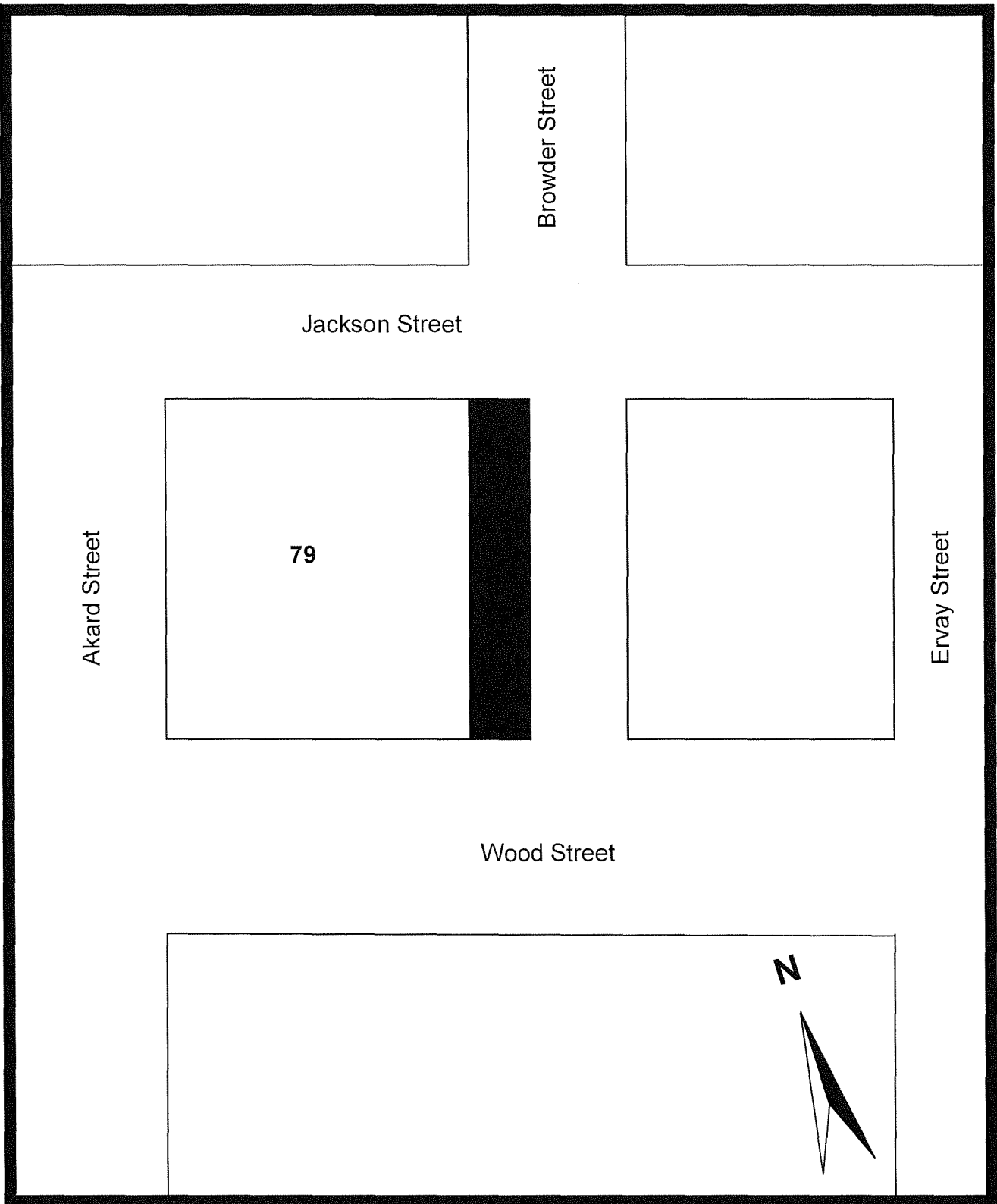
### **OWNER**

**Southwestern Bell Telephone Company**

David C. Nichols, President

**MAP**

Attached



= Abandonment Area



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

An ordinance providing for the abandonment of a portion of Browder Street located adjacent to City Block 79 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to Southwestern Bell Telephone Company; 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 for this ordinance.

**ooo0ooo**

**WHEREAS**, the City Council of the City of Dallas, acting pursuant to law and upon the request and petition of Southwestern Bell Telephone Company, a Texas company, hereinafter referred to as **GRANTEE**, deems it advisable to abandon and quitclaim the hereinafter described tract of land to **GRANTEE**, and is of the opinion that, subject to the terms and conditions herein provided, said portion of Browder Street is not needed for public use, and same should be abandoned and quitclaimed to **GRANTEE**, as hereinafter stated; and

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

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

**SECTION 1.** That the tract of land described in Exhibit A, which is attached hereto and made a part hereof for all purposes, be and the same is abandoned, vacated and closed insofar as the right, title and interest of the public are concerned; subject, however, to the conditions hereinafter more fully set out.

**SECTION 2.** That for and in monetary consideration of the sum of **TWO HUNDRED TWENTY THOUSAND FIVE HUNDRED SEVENTY-TWO AND NO/100 DOLLARS (\$220,572.00)** paid by **GRANTEE**, and the further consideration described in Sections 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, and exceptions hereinafter made and with the restrictions and upon the covenants below stated, all of its right, title and interest in and to the certain tract of land hereinabove described in Exhibit A. **TO HAVE AND TO HOLD** all of such right, title and interest in and to the property and premises, subject aforesaid, together with all and singular the rights, privileges, hereditaments and appurtenances thereto in any manner belonging unto the said **GRANTEE** forever.

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

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

**SECTION 5.** That the abandonment and quitclaim provided for herein are made subject to all present zoning and deed restrictions, if the latter exist, and are subject to all existing easement rights of others, if any, whether apparent or non-apparent, aerial, surface, underground or otherwise, and are further subject to the conditions contained in Exhibit B, which is attached hereto and made a part hereof for all purposes..

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

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

**SECTION 8.** That as a condition of this abandonment and as a part of the consideration for the quitclaim to **GRANTEE** herein, **GRANTEE**, its successors and assigns, agree to indemnify, defend, release and hold whole and harmless the City of Dallas of, from and against any and all claims for damages, fines, penalties, costs or expenses to persons or property that may arise out of, or be occasioned by or from: (i) the use and occupancy of the property described in Exhibit A by **GRANTEE**, its successors and assigns; (ii) the presence, generation, spillage, discharge, release, treatment or disposition of any Hazardous Substance on or affecting the area set out in Exhibit A; (iii) all corrective actions concerning any discovered Hazardous Substances on or affecting the area described in Exhibit A, which **GRANTEE**, its successors and assigns, agree to undertake and complete in accordance with applicable federal, state and local laws and regulations; and (iv) the abandonment, closing, vacation and quitclaim by the City of Dallas of the area set out in Exhibit A. **GRANTEE**, its successors and assigns, hereby agree to defend any and all suits, claims, or causes of action brought against the City of Dallas on account of same, and discharge any judgment or judgments that may be rendered against the City of Dallas in connection therewith. For purposes hereof, "Hazardous Substance" means the following: (a) any "hazardous substances" under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. Section 9601 et seq., as amended; (b) any "hazardous substance" under the Texas Hazardous Substances Spill Prevention and Control Act, TEX. WATER CODE, Section 26.261 et seq., as amended; (c) petroleum or petroleum-based products (or any derivative or hazardous constituents thereof or additives thereto), including without limitation, fuel and lubricating oils; (d) any "hazardous chemicals" or "toxic chemicals" under the Occupational Safety and Health Act, 29 U.S.C. Section 651 et seq., as amended; (e) any "hazardous waste" under the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901 et seq., as amended; and (f) any "chemical substance" under the Toxic Substance Control Act, 15



U.S.C. Section 2601 et seq., as amended.

References to particular acts or codifications in this definition include all past and future amendments thereto, as well as applicable rules and regulations as now or hereafter promulgated thereunder.


**SECTION 9.** That as a condition of this abandonment and as a part of the consideration for the quitclaim made herein, **GRANTEE** shall file a final replat of the adjoining properties prior to the issuance of any building permits affecting the tract of land abandoned and quitclaimed herein. This final replat shall be recorded by **GRANTEE** in the official real property records of the county in which the abandoned area is located after its approval by the City Plan Commission of the City of Dallas.

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

**SECTION 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

ABANDONMENT  
PART OF  
BROWDER STREET  
ADJACENT TO BLOCK 79  
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

Being a 4,456 square foot tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas, being adjacent to Block 79 in the City of Dallas and part of Bowder Street (53' right-of-way, no right-of-way dedication found) between Jackson Street (50' right-of-way) and Wood Street (50' right-of-way) and being more particularly described as follows:

**BEGINNING** at a chiseled "X" in concrete set for corner at the intersection of the westerly line of said Browder Street and the southerly line of said Jackson Street, said "X" being South 76° 00' 00" West a distance of 5.00 feet from the northeast corner of a tract of land conveyed to Southwestern Bell Telephone Company by Warranty Deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas;

**THENCE** North 76° 00' 00" East generally along the north face of a concrete retaining wall a distance of 26.34 feet to a chiseled "X" in concrete set for corner;

**THENCE** generally along the east face of said wall the following calls:

South 14° 28' 02" East a distance of 7.18 feet to a chiseled "X" in concrete set for corner;

South 11° 26' 56" East a distance of 95.94 feet to a chiseled "X" in concrete set for corner;

South 13° 56' 14" East a distance of 64.64 feet to a chiseled "X" in concrete set for corner;

**THENCE** North 76° 03' 46" East, departing the east face of said wall, a distance of 3.75 feet to a chiseled "X" in concrete set for corner;

**THENCE** South 13° 56' 14" East a distance of 10.83 feet to a chiseled "X" in concrete set for corner;

**THENCE** South 76° 03' 46" West a distance of 3.75 feet to a chiseled "X" in concrete set for corner at the east face of said wall;

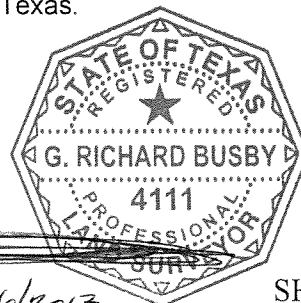
**THENCE** South 13° 56' 14" East along the east face of said wall a distance of 10.33 feet to a chiseled "X" in concrete set for corner

**THENCE** South 74° 30' 42" West a distance of 22.04 feet to chiseled "X" in concrete set for corner;

**THENCE** North 14° 00' 00" West along the westerly line of said Browder Street a distance of 189.41 feet to the **POINT OF BEGINNING**, containing 4,456 square feet or 0.1023 acres more or less.

**BASIS OF BEARINGS:** Southerly line of Jackson Street (N76°00'00"E) per deed recorded in Volume 79173, Page 1932, Deed Records, Dallas County, Texas.

(For SPRG use only)	
Reviewed By:	<u>GOF</u>
Date:	<u>09.25.2014</u>
SPRG NO.:	<u>8776</u>



09/06/2013

# EXHIBIT A

LINE TABLE		
LINE	BEARING	LENGTH
L1	N76°00'00"E	26.34'
L2	S14°28'02"E	7.18'
L3	S11°26'56"E	95.94'
L4	S13°56'14"E	64.64'
L5	N76°03'46"E	3.75'
L6	S13°56'14"E	10.83'
L7	S76°03'46"W	3.75'
L8	S13°56'14"E	10.33'
L9	S74°30'42"W	22.04'

0 20 40 80

(FEET)

1 inch = 40 ft.

BLOCK 78  
SOUTHWESTERN BELL  
TELEPHONE COMPANY  
VOL. 79173, PG. 1932 D.R.D.C.T.

EDGE OF BUILDING ALONG  
PROPERTY LINE USED AS  
CONTROLLING MONUMENT

BLOCK 78  
DPL LOAN HOLDINGS LLC  
INST. NO. 201200289337  
O.P.R.D.C.T.

JACKSON STREET  
(50' RIGHT-OF-WAY)

POINT OF  
BEGINNING

249.91'

VOLUME 79173, PAGE 1932  
D.R.D.C.T.

BLOCK 79  
CITY OF DALLAS

ABANDONMENT  
4,456 SQUARE FEET  
0.1023 ACRES

SOUTHWESTERN BELL  
TELEPHONE COMPANY

WOOD STREET  
(50' RIGHT-OF-WAY)

BROWDER STREET  
(53' RIGHT-OF-WAY)  
(NO RIGHT-OF-WAY DEDICATION  
BY USE AND OCCUPATION)

BLOCK 79  
BRIDGE-NATIONAL PARTNERS LP  
INST. NO. 201100171840  
O.P.R.D.C.T.

AKARD  
STREET  
(VARIABLE WIDTH  
RIGHT-OF-WAY)  
LEGEND

..... ABANDONMENT LINE  
..... LOT LINE  
D.R.D.C.T. .... DEED RECORDS, DALLAS COUNTY, TX  
O.P.R.D.C.T. .... OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TX  
INST. NO. .... INSTRUMENT NUMBER  
VOL. .... VOLUME  
PAGE .... PAGE

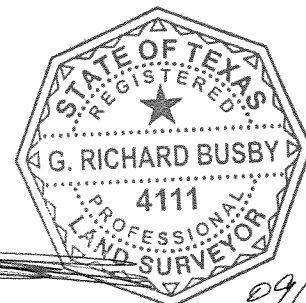
BASIS OF BEARINGS: SOUTHERLY LINE OF  
JACKSON STREET (N76°00'00"E) PER DEED  
RECORDED IN VOLUME 79173, PAGE 1932,  
DEED RECORDS, DALLAS COUNTY, TEXAS.

CONTROLLING MONUMENTS:  
CHISELED "X" IN CONCRETE FOUND AT THE  
INTERSECTION OF THE SOUTHERLY LINE OF  
COMMERCE STREET AND THE EASTERLY  
LINE OF BROWDER STREET.

ALL CORNERS ARE CHISELED "X" IN  
CONCRETE SET UNLESS OTHERWISE NOTED.

RAYMOND L. GOODSON JR., INC.  
5445 LA SIERRA, STE 300, LB 17  
DALLAS, TX. 75231-4138  
214-739-8100  
rlg@rlginc.com  
TEXAS PE REG #F-493  
TBPLS REG #100341-00

BLOCK A/80  
DIGITAL AKARD LLC  
INST. NO. 201200173258  
O.P.R.D.C.T.



ABANDONMENT

PART OF

BROWDER STREET  
ADJACENT TO BLOCK 79

JOHN GRIGSBY SURVEY, ABSTRACT NO. 495  
CITY OF DALLAS, DALLAS COUNTY, TEXAS

(For SPRG use only)

Reviewed By: DRF  
Date: 03-25-2014  
SPRG NO.: 2774

SCALE	1" = 40'	DATE	09-06-2013	SHEET	2 OF 2
JOB NO.	13068	E-FILE	13068AB.dwg	DWG NO.	25,870X

# **EXHIBIT B**

## **ADDITIONAL ABANDONMENT PROVISIONS**

That as a condition hereof, this abandonment is subject to any utilities or communication facilities, including without limitation water and wastewater lines, gas lines, and storm sewers, ("Facilities") presently located within the abandoned area described in Exhibit "A", owned and/or operated by the City of Dallas or any utility or communications company, public or private, ("Utility") and to the rights of any Utility for the use of the abandoned area for its Facilities. It is the intent of the foregoing to confirm and maintain and there is hereby reserved and excepted unto the City of Dallas, and not abandoned or conveyed hereunder, an easement (to which this abandonment is made expressly subject) over, upon, under, through, in, and across the abandoned area for each Utility for its respective Facilities located therein at the time of this abandonment, together with the right to make any subsequent alterations, additions, expansions, upgrades or modifications to such Facilities as may, from time to time be deemed necessary or convenient by the Utility owning and/or operating same. No buildings, structures (above or below ground) or trees shall be constructed or placed within the abandoned area without written consent of each affected Utility. Each Utility shall have the full right to remove and keep removed all or part of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective Facilities lying within the abandoned area and shall at all times have the full right of ingress and egress to or from and upon the abandoned area for the purposes of reconstructing, removing, relocating, inspecting, patrolling, maintaining, expanding, upgrading, and/or adding to all or part of its Facilities without the necessity at any time of procuring the permission of anyone. The easement reserved hereunder and the conditions and restrictions to which this abandonment is subject shall remain for the benefit of the applicable Utility and/or operators of the Facilities until said Facilities are removed and relocated from the abandoned area. The relocation, removal or adjustment of any or all such Facilities, if made necessary by GRANTEE'S (whether one or more natural persons or legal entities) use of the abandonment area, shall be at the expense of GRANTEE herein, or GRANTEE'S successors and assigns. Should GRANTEE'S relocation or removal of the Facilities require the obtaining of new easements, the acquisition of same shall be at the expense of GRANTEE, GRANTEE'S successors and assigns. If any of the Facilities (or relocations thereof) are allowed to remain on any part of the abandoned area, the easements and buildings restrictions provided herein shall remain thereon. Upon removal or relocation of all of the Facilities, any easements reserved or created herein relating to such removed or relocated Facilities shall terminate, and any building restrictions herein created shall cease.

## AGENDA ITEM # 21

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Trinity Watershed Management  
City Attorney's Office

**CMO:** Jill A. Jordan, P.E., 670-5299  
Warren M.S. Ernst, 670-3491

**MAPSCO:** 46F

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### SUBJECT

Authorize the **(1)** deposit of the amount awarded by the Special Commissioners in the condemnation proceeding styled City of Dallas v. Eldorado Properties, Inc., et al., Cause No. CC-14-00665-A, pending in Dallas County Court at Law No. 1, to acquire approximately 7,345 square feet of land, including any improvements, located on North Carroll Avenue at its intersection with Victor Street for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project; and **(2)** settlement of the condemnation proceeding for an amount not to exceed the award - Not to exceed \$79,000 (\$75,000 being the amount of the award, plus closing costs and title expenses not to exceed \$4,000); an increase of \$30,000 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

### BACKGROUND

On August 14, 2013, the City Council authorized the acquisition of this property, by Resolution No. 13-1337. The property owners were offered \$45,000, which was based on a written appraisal from an independent certified appraiser. The property owners did not accept the offer and the City filed an eminent domain proceeding to acquire the property. After a hearing before the Special Commissioners on May 9, 2014, the property owners were awarded \$75,000. This item authorizes deposit of the amount awarded by the Special Commissioners for the property, which is \$30,000 more than the City Council originally authorized for this acquisition, plus closing costs and title expenses not to exceed \$4,000.

The City has no control over the Special Commissioners appointed by the judge or any award that is subsequently rendered by the Special Commissioners. The City, in order to acquire possession of the property and proceed with its improvements, must deposit the amount awarded by the Special Commissioners in the registry of the Court.

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

On August 14, 2013, City Council approved Resolution No. 13-1337.

Council will be briefed by memorandum regarding this item.

**FISCAL INFORMATION**

2006 Bond Funds - \$79,000 (\$75,000 plus closing costs and title expenses not to exceed \$4,000)

**OWNER**

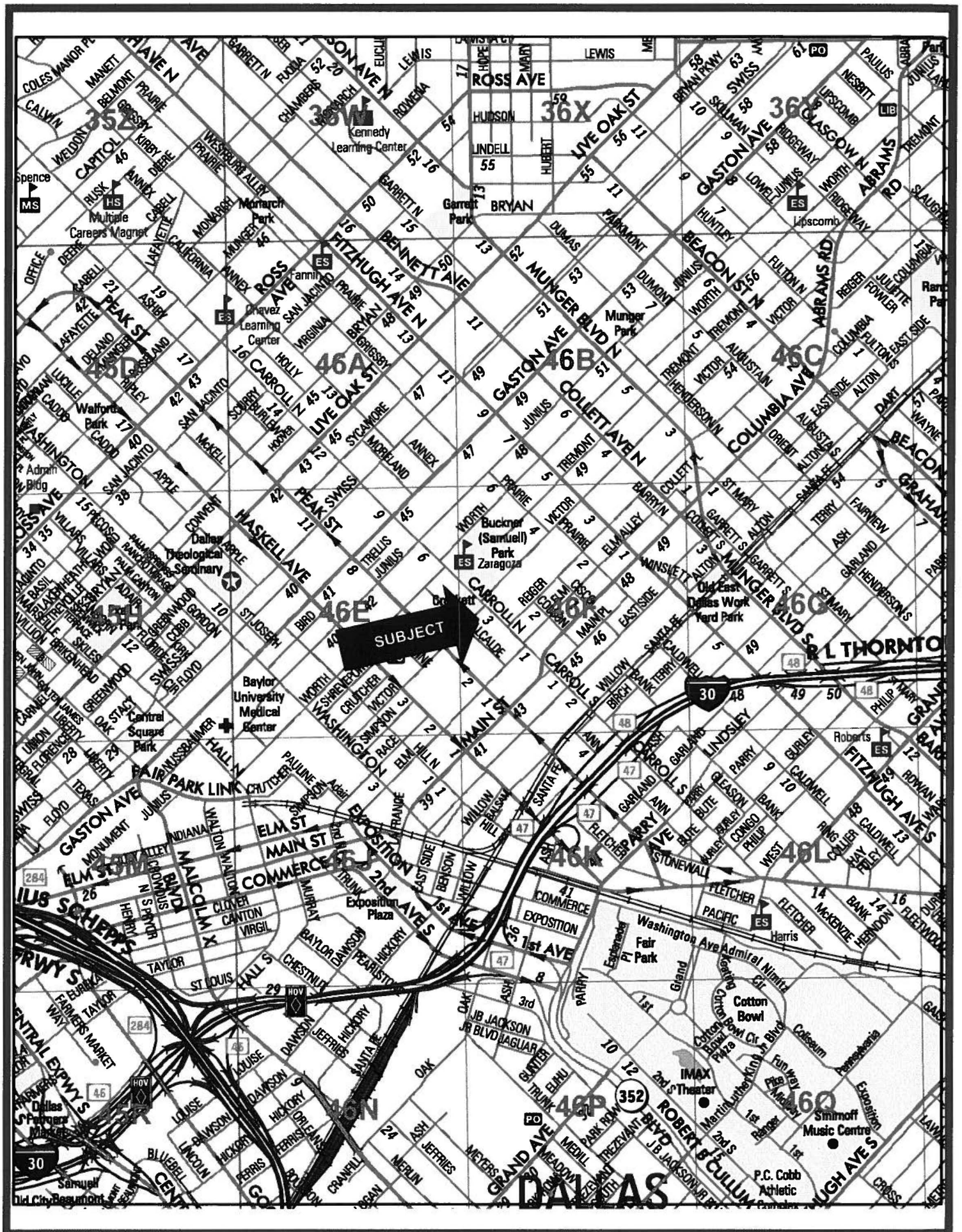
**Eldorado Properties, Inc.**

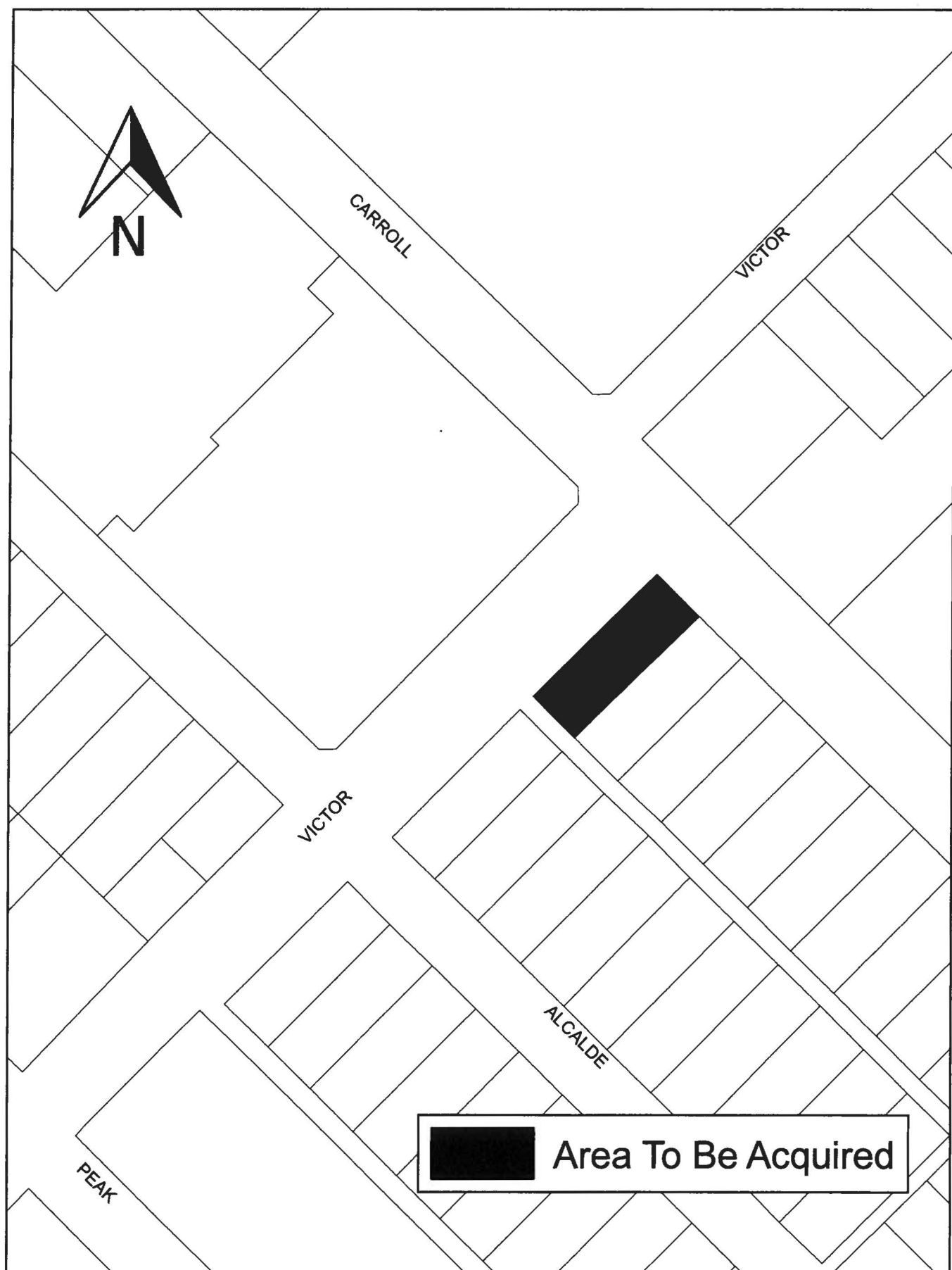
Beatrice Solares, President

**MAPS**

Attached







June 11, 2014

**A RESOLUTION AUTHORIZING THE DEPOSIT OF A SPECIAL COMMISSIONERS AWARD AND SETTLEMENT OF THE CONDEMNATION PROCEEDING AND IF OBJECTIONS ARE FILED THE CONDEMNATION LAWSUIT FOR AN AMOUNT NOT TO EXCEED THE AWARD.**

**IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:**

CONDEMNATION PROCEEDING: Cause No. CC-14-00665-A, in Dallas County Court at Law No. 1, and styled City of Dallas v. Eldorado Properties, Inc., et al., filed pursuant to City Council Resolution No. 13-1337.

PROPERTY: Approximately 7,345 square feet of land located in Dallas County, as described in the CONDEMNATION PROCEEDING.

PROJECT: Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

OFFICIAL OFFER: \$45,000.00

AWARD: \$75,000.00

CLOSING COSTS AND TITLE EXPENSES: Not to exceed \$4,000.00

AUTHORIZED AMOUNT: Not to exceed: \$79,000.00

DESIGNATED FUNDS: OFFER AMOUNT payable out of the Flood Protection & Storm Drainage Facilities Fund: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525J2, CLOSING COSTS AND TITLE EXPENSES payable out of the Flood Protection & Storm Drainage Facilities Fund: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525J3.

**WHEREAS**, the OFFICIAL OFFER having been made and refused, the City Attorney filed the CONDEMNATION PROCEEDING for the acquisition of the PROPERTY for the PROJECT; and,

**WHEREAS**, the Special Commissioners appointed by the Court in the CONDEMNATION PROCEEDING made the AWARD, which the City Council wishes to deposit with the County Clerk of Dallas County, Texas, so that the City may take possession of the PROPERTY; and,

June 11, 2014

**WHEREAS**, the City objected to the AWARD, which converted the CONDEMNATION PROCEEDING into a lawsuit; and

**WHEREAS**, the City Council desires to authorize the City Attorney to settle the lawsuit arising from the CONDEMNATION PROCEEDING for an amount not to exceed the AWARD;

**Now, Therefore,**

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

**SECTION 1.** That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, in the amount of the AWARD payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the County Clerk and in the amount of the CLOSING COSTS AND TITLE EXPENSES payable to the title company closing the transaction described herein. The AWARD, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

**SECTION 2.** That the City Attorney is authorized to settle the lawsuit arising from the CONDEMNATION PROCEEDING, for an amount not to exceed the AWARD.

**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.

**APPROVED AS TO FORM**

**Warren M. S. Ernst**

**City Attorney**

By: 

**Assistant City Attorney**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 1, 6

**DEPARTMENT:** Trinity Watershed Management  
Public Works Department

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

**MAPSCO:** 44V and 45S

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**SUBJECT**

**IH30 Bicycle and Pedestrian Connections**

- \* Authorize **(1)** the receipt and deposit of funds from Dallas County in the amount of \$1,980,000 for the County's share of design and construction costs of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue; and **(2)** an increase in appropriations in the IH30 Bicycle and Pedestrian Connection Funds in the amount of \$1,980,000 – Financing: IH30 Bicycle and Pedestrian Connection Funds
- \* Authorize **(1)** a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation (TXDOT) for the design and construction of the IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue; and **(2)** payment to TXDOT for the local share of design and construction costs of IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue – Not to exceed \$3,048,566 – Financing: General Obligation Commercial Paper (\$1,068,566), and IH30 Bicycle and Pedestrian Connection Funds (\$1,980,000)

**BACKGROUND**

The Texas Department of Transportation's (TXDOT's) ongoing Horseshoe Project will provide a bicycle only connection on the south side of IH30 between Riverfront Boulevard and Beckley Avenue, and a pedestrian only connection on the north side. The City and Dallas County both desire to provide bicycle and pedestrian connections on both sides of IH30 and as such, Dallas County has committed \$1.98 million for design and construction costs associated with enhancing TXDOT's planned connections. On March 19, 2013, the City entered into a Project Specific Agreement with Dallas County for funding participation in the design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue.

## **BACKGROUND** (Continued)

On September 24, 2012, the Texas Department of Transportation announced a "Call for Projects" for the Texas Transportation Enhancement Program. Staff successfully submitted enhancements to the planned IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue as a candidate project and was awarded \$2,000,000 in Transportation Enhancement Program Funds. These funds, in combination with \$3,048,566 of City and County local funds, will design and construct the widening of the bicycle and pedestrian bridges within the levees to eighteen feet and widen the bridge approaches to better accommodate bicycle and pedestrian accessibility. In order to minimize construction costs and avoid future rework and impacts to trail users, the City, Dallas County and TXDOT desire to modify the Horseshoe Project's scope of work by adding the IH30 bicycle and pedestrian enhancements to the ongoing project as a change order.

This action will authorize the receipt and deposit of funds from Dallas County in the amount of \$1,980,000 for the County's share of design and construction costs of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue and an increase in appropriations.

This action will also authorize a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation (TxDOT) for the design and construction of IH30 bicycle and pedestrian improvements from Riverfront Boulevard to Beckley Avenue and payment to TXDOT for the local share of design and construction costs of the improvements.

## **ESTIMATED SCHEDULE OF PROJECT**

Begin Design	June 2014
Complete Design	January 2015
Begin Construction	February 2015
Complete Construction	March 2017

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

Authorized a Project Specific Agreement with Dallas County for funding participation in the design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue on January 23, 2013, by Resolution No. 13-0251.

Authorized the submittal of City of Dallas' candidate projects to the Texas Department of Transportation for consideration in the Transportation Enhancement Program on March 6, 2013, by Resolution No. 13-0475.



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

Authorized the acquisition of an unimproved tract of land located on Beckley Avenue at its intersection with IH30 for IH30 bicycle and pedestrian facility improvements on February 26, 2014, by Resolution No. 14-0426.

**FISCAL INFORMATION**

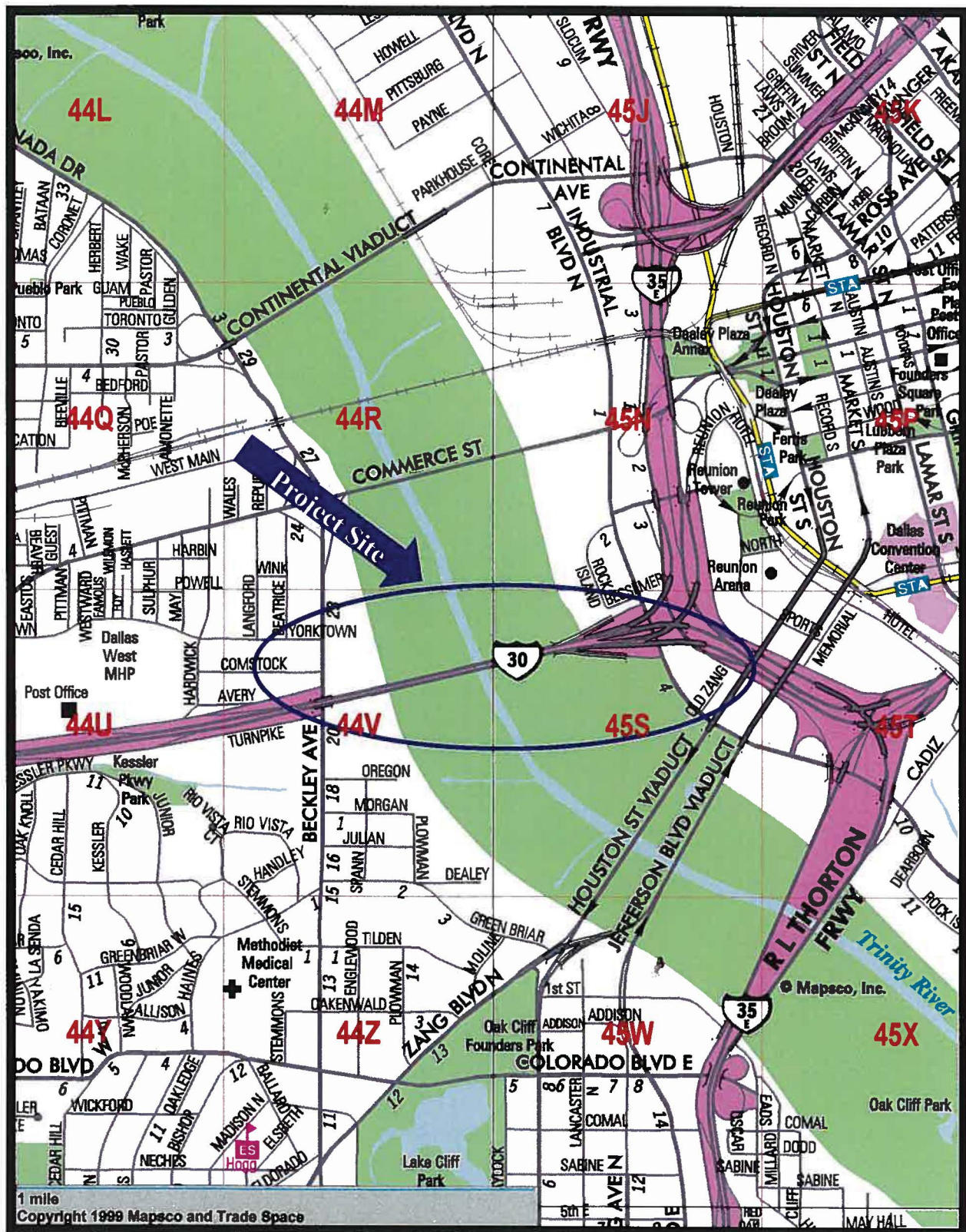
2006 Bond Funds (General Obligation Commercial Paper) - \$1,068,565.37  
IH30 Bicycle and Pedestrian Connection Funds - \$1,980,000.00

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$1,524,282.69
6	<u>\$1,524,282.68</u>
Total	\$3,048,565.37

**MAP**

Attached.

# IH 30 Bicycle and Pedestrian Facilities



Mapsco 44V, 45S



June 11, 2014

**WHEREAS**, on January 10, 2001, Resolution No. 01-0104 authorized the Master Interlocal Agreement with Dallas County for the implementation of capital improvement projects; and,

**WHEREAS**, Dallas County has selected the IH30 Bicycle and Pedestrian Connections between Riverfront Boulevard and Beckley Avenue Project for funding participation with the City of Dallas as part of their Major Capital Improvement Program; and,

**WHEREAS**, the City of Dallas desires to enter into a Project Specific Agreement with Dallas County for funding participation for the design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue, including the IH30 bicycle/pedestrian bridges over the Trinity River Floodway; and,

**WHEREAS**, upon completion of the planning schematics and environmental analysis, the bicycle and pedestrian connections will be added to the Texas Department of Transportation's Horseshoe Project's scope of work in order to reduce construction costs and future user impacts; and,

**WHEREAS**, on January 23, 2013, Resolution No. 13-0251 authorized a Project Specific Agreement with Dallas County for funding participation in the design and construction of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue; and,

**WHEREAS**, the City of Dallas is the lead agency for project development; and,

**WHEREAS**, it is now necessary to receive and deposit funds from Dallas County in an amount not to exceed \$1,980,000 for the County's share of design and construction costs of IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue.

**Now, Therefore,**

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

**Section 1.** That the City Controller is hereby authorized to receive and deposit funds from Dallas County in an amount not to exceed \$1,980,000 for the County's share of design and construction costs of the IH30 bicycle and pedestrian connections between Riverfront Boulevard and Beckley Avenue, IH30 Bicycle and Pedestrian Connections Fund, Fund DL15, Dept. TWM, Unit P658, Revenue Source 6511.

June 11, 2014

**Section 2.** That the City Manager is hereby authorized to increase appropriations due to receipt and deposit of County's share in an amount not to exceed \$1,980,000 in the IH30 Bicycle and Pedestrian Connections Fund, Fund DL15, Dept. TWM, Unit P658, Object 3511.

**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.

June 11, 2014

**WHEREAS**, on August 10, 2005, President George W. Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU); and,

**WHEREAS**, on September 24, 2012, the Texas Department of Transportation (TXDOT) issued a Call for Projects for funding through the Texas Transportation Enhancement Program (TE); and,

**WHEREAS**, on March 6, 2013, Resolution No. 13-0475 authorized the submittal of City of Dallas candidate projects to the Texas Department of Transportation for consideration in the Texas Transportation Enhancement Program; and,

**WHEREAS**, the City of Dallas submitted IH30 bicycle and pedestrian connections as a Transportation Enhancement candidate project and the Texas Department of Transportation subsequently selected the project for funding; and,

**WHEREAS**, the Texas Department of Transportation awarded the Horseshoe Design-Build project to Pegasus Link Constructors (PLC) in November 15, 2012; and,

**WHEREAS**, the City of Dallas and the Texas Department of Transportation desire to have the IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue designed and constructed as part of the Horseshoe Project; and,

**WHEREAS**, it is now necessary to enter into a Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation for the design and construction of IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue and make a payment to Texas Department of Transportation for the local share of design and construction costs of these improvements in an amount not to exceed \$3,048,565.37.

**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 Local Transportation Project Advance Funding Agreement with the Texas Department of Transportation for the design and construction of IH30 bicycle and pedestrian connections from Riverfront Boulevard to Beckley Avenue and make a payment to TxDOT for the local share of design and construction costs for these improvements in an amount not to exceed \$3,048,565.37.

June 11, 2014

**Section 2.** That the City Controller is hereby authorized to disburse funds to the Texas Department of Transportation for the design and construction of IH30 bicycle and pedestrian improvements from Riverfront Boulevard to Beckley Avenue in accordance with the terms and conditions of the Local Transportation Project Advance Funding Agreement from:

Street and Thoroughfare Improvements Fund	
Fund 2T22, Department PBW, Unit P658, Act. INGV	
Object 3511, Program # PB06P658, CT PBW06P658I2	
Vendor #239588, in an amount not to exceed	\$1,068,565.37

IH30 Bicycle and Pedestrian Connections Fund	
Fund DL15, Department TWM, Unit P658, Act. INGV	
Object 3511, Program # PB06P658, CT PBW06P658I2	
Vendor #239588, in an amount not to exceed	<u>\$1,980,000.00</u>

Total amount not to exceed	\$3,048,565.37
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**Section 3.** That the City Controller is hereby authorized to deposit any unused funds by the Texas Department of Transportation pertaining to this project in Fund DL15, Dept. TWM, Unit P658, Revenue Source 6511.

**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:** June 11, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Water Utilities

**CMO:** Forest E. Turner, 670-3390

**MAPSCO:** N/A

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**SUBJECT**

Authorize three contracts with the United States Army Corps of Engineers for a volumetric survey of Lake Ray Hubbard in the amount of \$35,233, White Rock Lake in the amount of \$20,456 and Bachman Lake in the amount of \$19,051 – Total not to exceed \$74,740 - Financing: Water Utilities Capital Construction Funds

**BACKGROUND**

Sediment constantly reduces reservoir volumes over time. Periodically, a volumetric survey is needed to determine the change in volume of Dallas' reservoirs. The volumetric survey will generate updated elevation-area-capacity tables as well as contour maps and cross sections of the bottom of the reservoir. The updated elevation-area-capacity tables will assist in the City's water supply modeling and long range water supply planning.

Congress has authorized the Corps of Engineers in Section 22 of the Water Resources Development Act of 1974 (Public Law 93-251), as amended, to assist the states in the preparation of comprehensive plans for the development, utilization and conservation of water and related land resources. Section 319 of the Water Resources Act of 1990 (Public Law 101-640) authorizes the Government to collect from non-federal entities, fees for the purpose of recovering 50 percent of the cost of the program. The Corps of Engineers funds are currently available but limited and available on a "first come first served" basis

The Corps of Engineers will contract with the Texas Water Development Board (TWDB) to perform the hydrographic surveys of Lake Ray Hubbard, White Rock Lake and Bachman Lake. The TWDB will collect volumetric data to develop an updated area-elevation-capacity table. Sedimentation data will also be collected to determine the total volume of post-impoundment sediment and the location of the sediment in the lake.

**BACKGROUND** (Continued)

The volumetric survey costs are calculated based on the surface area of the lakes. Lake Ray Hubbard has a surface area of 20,963 acres, White Rock Lake has a surface area of approximately 1,000 acres and Bachman Lake has a surface area of approximately 125 acres. The survey for Lake Ray Hubbard is \$70,466.00, White Rock Lake is \$40,912 and Bachman Lake is \$38,102 for a total of \$149,480. The Corps of Engineers will fund 50 percent of the surveys. Dallas' share of the surveys are \$35,233 for Lake Ray Hubbard, \$20,456 for White Rock Lake and \$19,051 for Bachman Lake for a total of \$74,740.

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

This item has no prior action.

**FISCAL INFORMATION**

\$74,740.00 - Water Utilities Capital Construction Funds

June 11, 2014

**WHEREAS**, over time sediment reduces reservoir storage volumes, and in order to determine the change in storage volume periodic volumetric surveys are necessary to generate updated elevation-area-capacity tables as well as contour maps and cross sections of the bottom of the reservoir; and,

**WHEREAS**, updated elevation-area-capacity tables will assist in the City's water resources planning and water supply modeling efforts; and,

**WHEREAS**, the Congress has authorized the Corps of Engineers in Section 22 of the Water Resources Development Act of 1974 (Public Law 93-251), as amended, to assist the states in the preparation of comprehensive plans for the development, utilization and conservation of water and related land resources; and,

**WHEREAS**, Section 319 of the Water Resources Act of 1990 (Public Law 101-640) authorizes the Government to collect from non-federal entities fees for the purpose of recovering 50 percent of the cost of the program; and,

**WHEREAS**, the Corps of Engineers will contract with the Texas Water Development Board (TWDB) to perform the hydrographic surveys of Lake Ray Hubbard, White Rock Lake and Bachman Lake. The TWDB will collect volumetric data to develop an updated area-elevation-capacity table. Sedimentation data will also be collected to determine the total volume of post-impoundment sediment and the location of the sediment in the lake; and, **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 three contracts with the United States Army Corps of Engineers for the hydrographic surveying of Lake Ray Hubbard, White Rock Lake and Bachman Lake.

**Section 2.** That the City Controller is authorized to pay the sum of \$35,233 for Lake Ray Hubbard, \$20,456 for White Rock Lake and \$19,051 for Bachman Lake for a total of \$74,740.00 from the Water Utilities Capital Construction Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0102	DWU	CW01	3070	7A1274X	CT-DWU7A1274EN	352290

United States Army Corps of Engineers - \$74,740.00

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





**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** Water Utilities

**CMO:** Forest E. Turner, 670-3390

**MAPSCO:** Various

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**SUBJECT**

Authorize a contract for the installation of water and wastewater mains at 27 locations (list attached) - RKM Utility Services, Inc., lowest responsible bidder of five - Not to exceed \$12,473,390 - Financing: Water Utilities Capital Improvement Funds

**BACKGROUND**

This project consists of the installation of approximately 53,620 feet of water and wastewater mains. This includes the installation of approximately 210 feet of 4-inch, 1,390 feet of 6-inch, 17,980 feet of 8-inch, 13,730 feet of 12-inch, and 100 feet of 24-inch water mains, and the installation of approximately 11,260 feet of 8-inch, 1,980 feet of 10-inch, 1,210 feet of 12-inch, 4,510 feet of 16-inch, and 1,250 feet of 18-inch wastewater mains.

Approximately 1,460 feet of wastewater mains will be rehabilitated or installed utilizing technologies that when compared to typical open-cut construction method, will require less excavation, thereby minimizing disturbance to the existing pavement as well as minimizing inconvenience to the public.

The existing water and wastewater mains were built between 1920 and 1982. These mains are contributing to increased maintenance costs, as well as service interruptions. The installation of the proposed segments will improve the capacity of the water and wastewater systems and reduce maintenance costs.

## **BACKGROUND** (Continued)

RKM Utility Services, Inc. contractual activities in the past three years:

	<b><u>PBW</u></b>	<b><u>DWU</u></b>	<b><u>PKR</u></b>
Projects Authorized	1	0	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**

Began Design	February 2011
Completed Design	March 2013
Begin Construction	July 2014
Complete Construction	July 2016

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

Authorized a professional services contract with Burgess & Niple, Inc. to provide engineering design services for the renewal of water and wastewater mains at 44 locations on January 12, 2011, by Resolution No. 11-0189.

Authorized a professional services with Stream Water Group, Inc. to provide engineering design services for the renewal of water and wastewater mains at 19 main locations on June 13, 2012, by Resolution No. 12-1557.

## **FISCAL INFORMATION**

\$12,473,390.00 - Water Utilities Capital Improvement Funds

Design	\$ 1,756,085.00
Design	\$ 683,072.50
Construction (this action)	<u>\$12,473,390.00</u>
Total Project Cost	\$14,912,547.50

**FISCAL INFORMATION** (Continued)

<b><u>Council District</u></b>	<b><u>Amount</u></b>
1	\$ 351,649.74
2	\$ 1,573,194.78
4	\$ 57,267.32
5	\$ 4,148,567.64
6	\$ 217,947.11
8	\$ 529,841.02
9	\$ 716,551.41
10	\$ 228,832.63
11	\$ 682,474.99
13	<u>\$ 3,967,063.36</u>
Total	\$12,473,390.00

**M/WBE INFORMATION**

See attached.

**ETHNIC COMPOSITION****RKM Utility Services, Inc.**

Hispanic Female	4	Hispanic Male	243
Black Female	0	Black Male	35
Other Female	0	Other Male	0
White Female	1	White Male	42

**BID INFORMATION**

The following bids with quotes were opened on March 27, 2014:

\*Denotes successful bidder

<b><u>Bidders</u></b>	<b><u>Bid Amount</u></b>
*RKM Utility Services, Inc. 1805 Royal Lane, Suite 107 Dallas, Texas 75229	\$12,473,390.00
Atkins Bros. Equipment Co., Inc.	\$13,165,047.50
Camino Construction, L.P.	\$13,762,244.00
SYB Construction Co., Inc.	\$14,282,387.00
John Burns Construction Company of Texas, Inc.	\$15,191,252.00

**OWNER**

**RKM Utility Services, Inc.**

Ryan Dowdy, Owner and President

**MAPS**

Attached

## **Installation of Water and Wastewater Mains**

### **District 1**

Dryden Drive from Falls Drive to Glenhaven Boulevard

### **District 2**

East Grand Avenue from Interstate Highway 30E (R.L. Thornton Freeway) to Haskell Avenue

### **District 4**

Alley west of Belknap Avenue from Southerland Avenue southeast

### **District 5**

Angelus Road from Ladonia Drive to St. Augustine Drive  
Elam Road from Jim Miller Road to Old South Parkway  
Jim Miller Road from Rosemont Road to U.S. Highway 175  
(C.F. Hawn Freeway)  
Ladonia Drive from Angelus Road north  
Lake June Road from Jim Miller Road to Conner Drive

### **District 6**

Crampton Street from Irving Boulevard northeast

### **District 8**

Cade Road from Cory Street to Tufts Road  
Clearfield Road from Fireside Drive to Cold Springs Avenue  
Skyfrost Drive from Jacobson Drive southeast

### **District 9**

Bob O Link Drive from Hillside Drive to Cambria Boulevard  
Kingsman Drive from Province Lane northeast  
Kingsman Drive from Province Lane southwest

**Installation of Water and Wastewater Mains**  
**Page 2**

**District 10**

Forest Lane from Schroeder Road west

**District 11**

Lafayette Way from Hughes Lane east

**District 13**

Berkshire Lane from Devonshire Drive to Dallas North Tollway  
Caruth Haven Lane from Loop 12 (Northwest Highway) south  
Cherry Ridge Court from Flair Drive north  
Coral Hills Drive from Dartmoor Drive to Cromwell Drive  
Cromwell Drive from Flair Drive to St. Cloud Circle  
Flair Drive from Cromwell Drive to Marsh Lane  
Lomo Alto Drive from alley south of Sherry Lane south  
Mid Pines Drive from Sonnet Drive to Weeburn Drive  
Sonnet Drive from Flair Drive to Dartmoor Drive  
Sonnet Drive from Dartmoor Drive to Mid Pines Drive



## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize a contract for the installation of water and wastewater mains at 27 locations (list attached) - RKM Utility Services, Inc., lowest responsible bidder of five  
- Not to exceed \$12,473,390 - Financing: Water Utilities Capital Improvement Funds

RKM Utility Services, 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	\$9,352,675.00	74.98%
Total non-local contracts	\$3,120,715.00	25.02%
<b>TOTAL CONTRACT</b>	<b>\$12,473,390.00</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>
Partnering For Success, Inc.	HFMB61772Y0516	\$5,500.00	0.06%
<b>Total Minority - Local</b>		<b>\$5,500.00</b>	<b>0.06%</b>

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

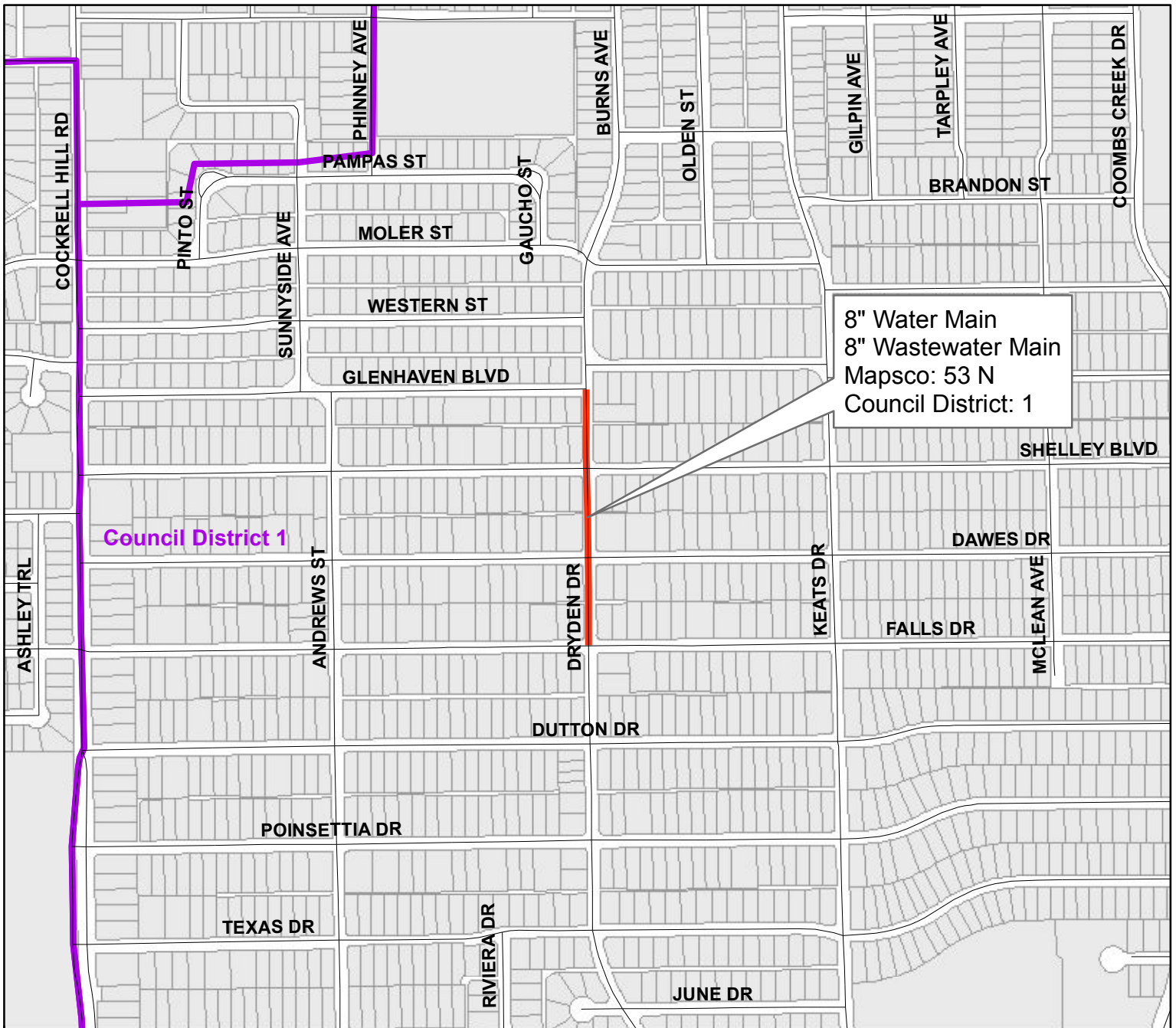
<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Cowtown Redi Mix, Inc.	WFDB57742Y0614	\$1,507,715.00	48.31%
LKT & Associates, LLC	WFDB58958Y1014	\$849,000.00	27.21%
S&R Invest., Inc.dba Arrow Oil Co.	WFDB02094N0614	\$716,000.00	22.94%
Buyers Barricades, Inc.	WFDB61106Y0415	\$48,000.00	1.54%
<b>Total Minority - Non-local</b>		<b>\$3,120,715.00</b>	<b>100.00%</b>

# BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

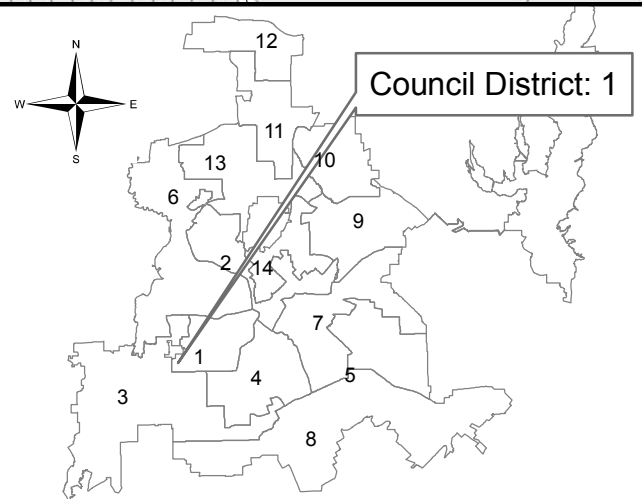
## Page 2

### 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	\$5,500.00	0.06%	\$5,500.00	0.04%
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%	\$3,120,715.00	25.02%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$5,500.00	0.06%	\$3,126,215.00	25.06%



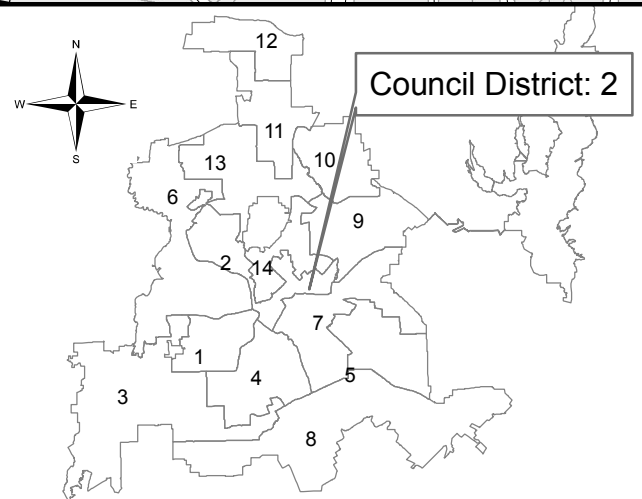
Dryden Drive  
from Falls Drive to Glenhaven Boulevard



**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**

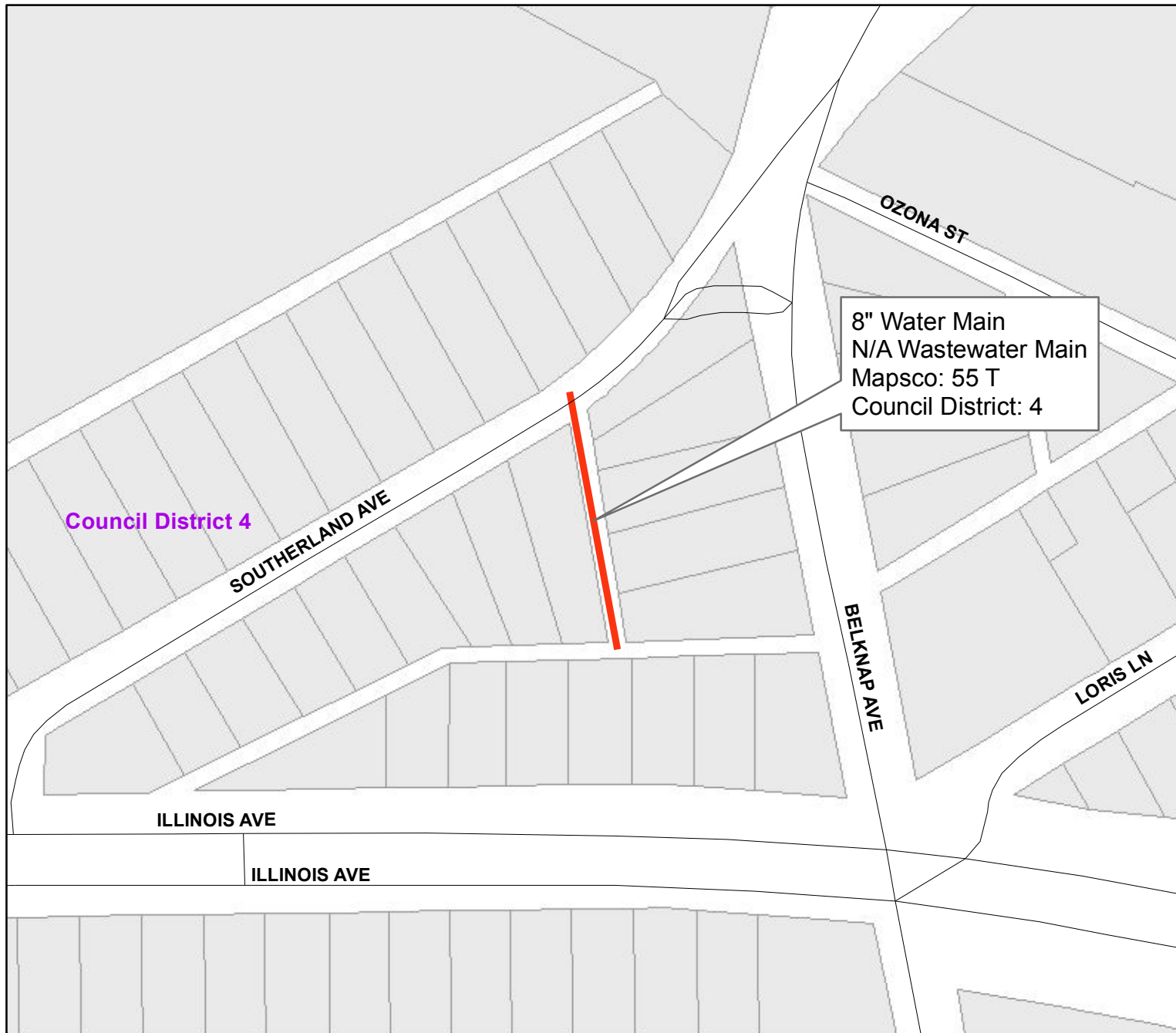


East Grand Avenue  
from Interstate Highway 30E (R.L. Thornton  
Freeway) to Haskell Avenue

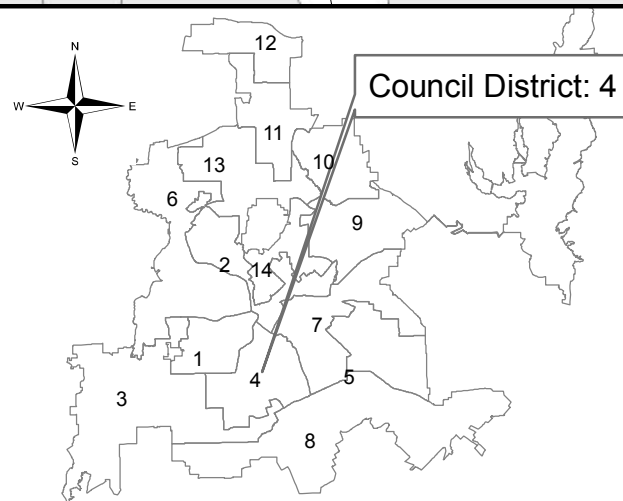


**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**

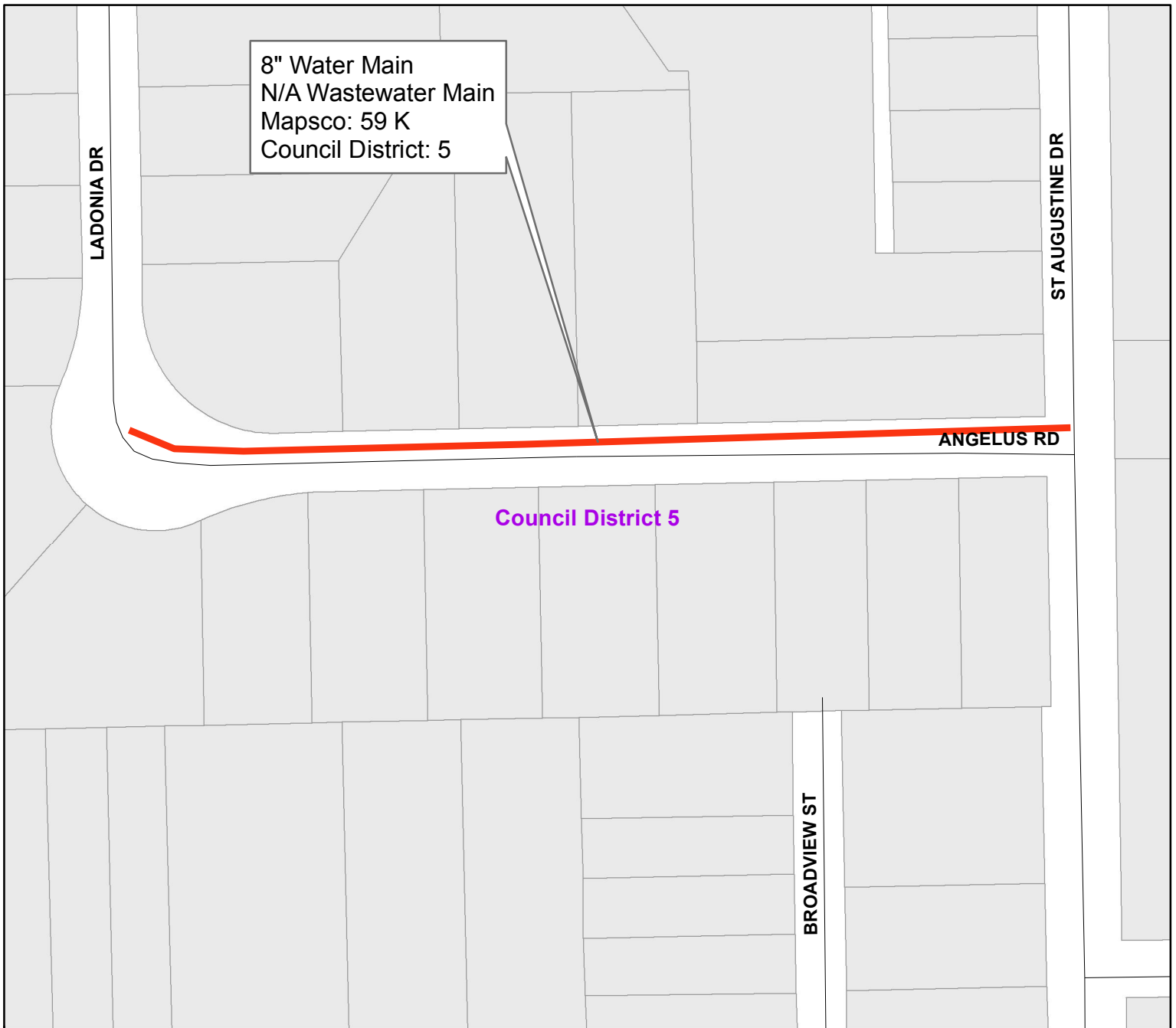




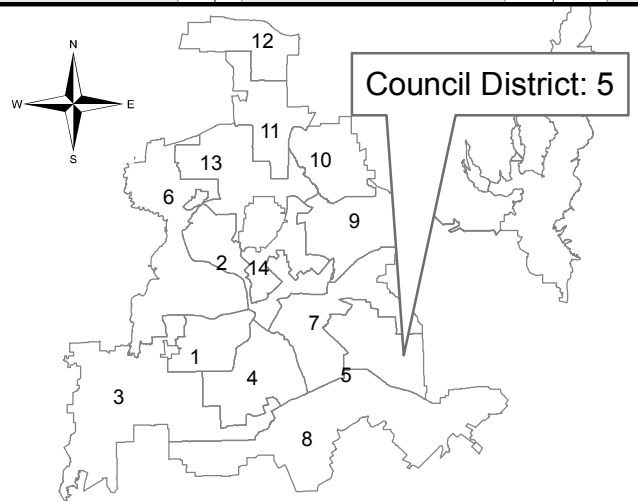
Alley west of Belknap Avenue  
from Southerland Avenue southeast



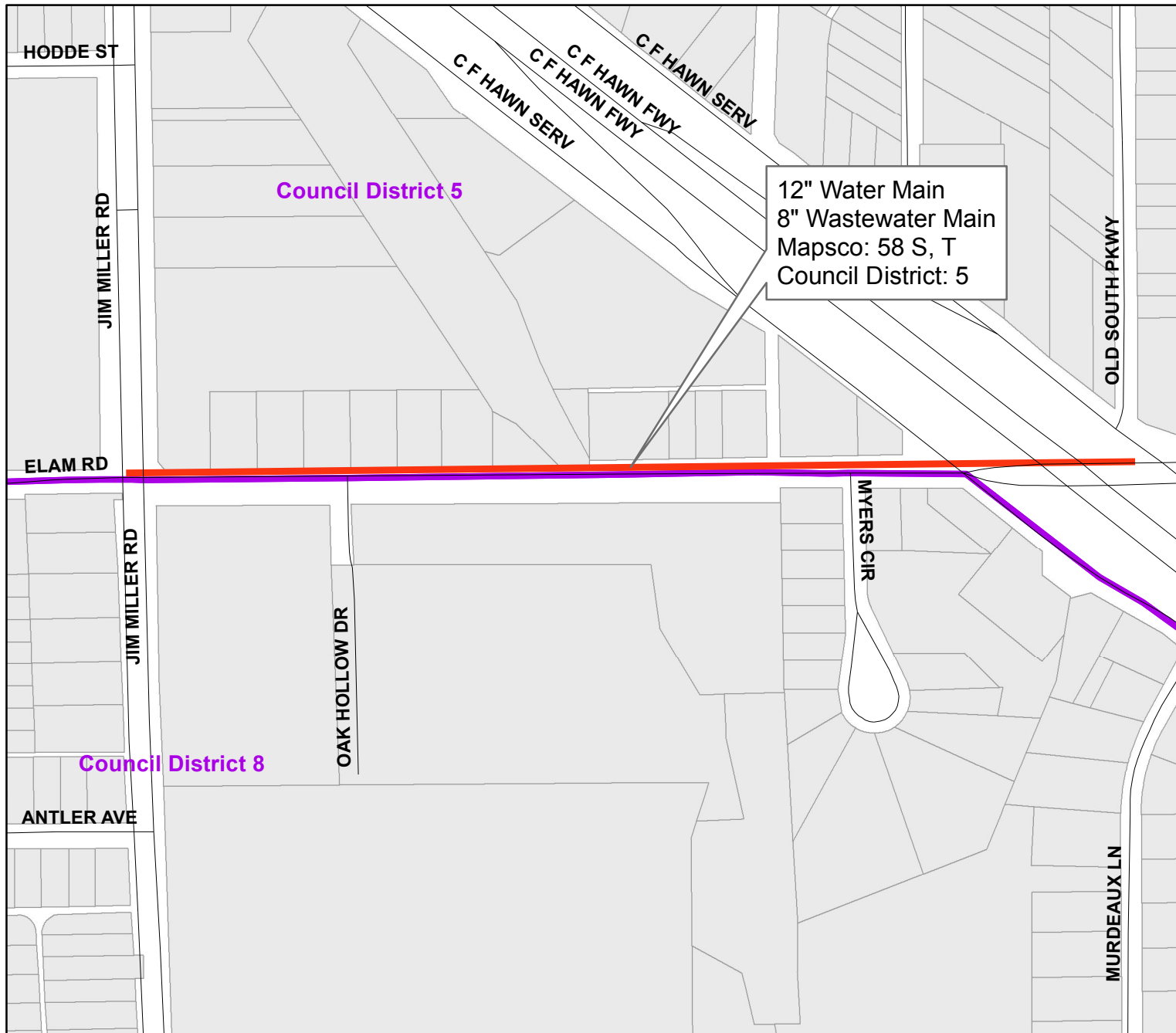
**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



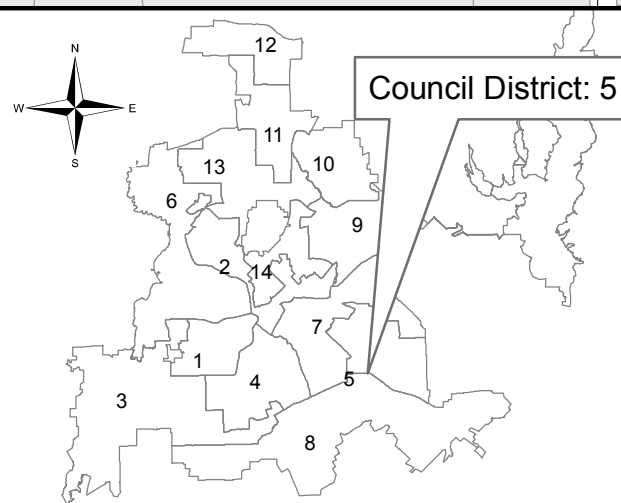
Angelus Road  
from Ladonia Drive to St. Augustine Drive



**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



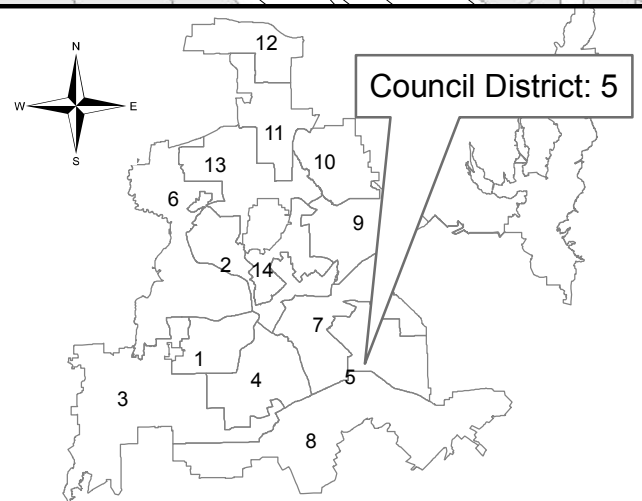
Elam Road  
from Jim Miller Road to Old South Parkway



**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



Jim Miller Road  
from Rosemont Road to U.S. Highway 175  
(C.F. Hawn Freeway)

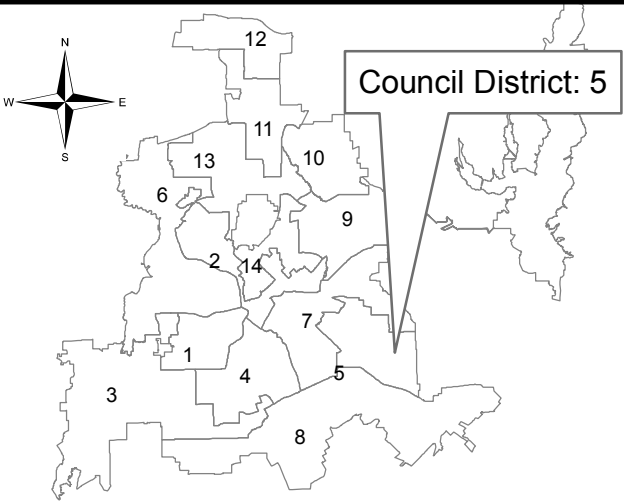


**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**

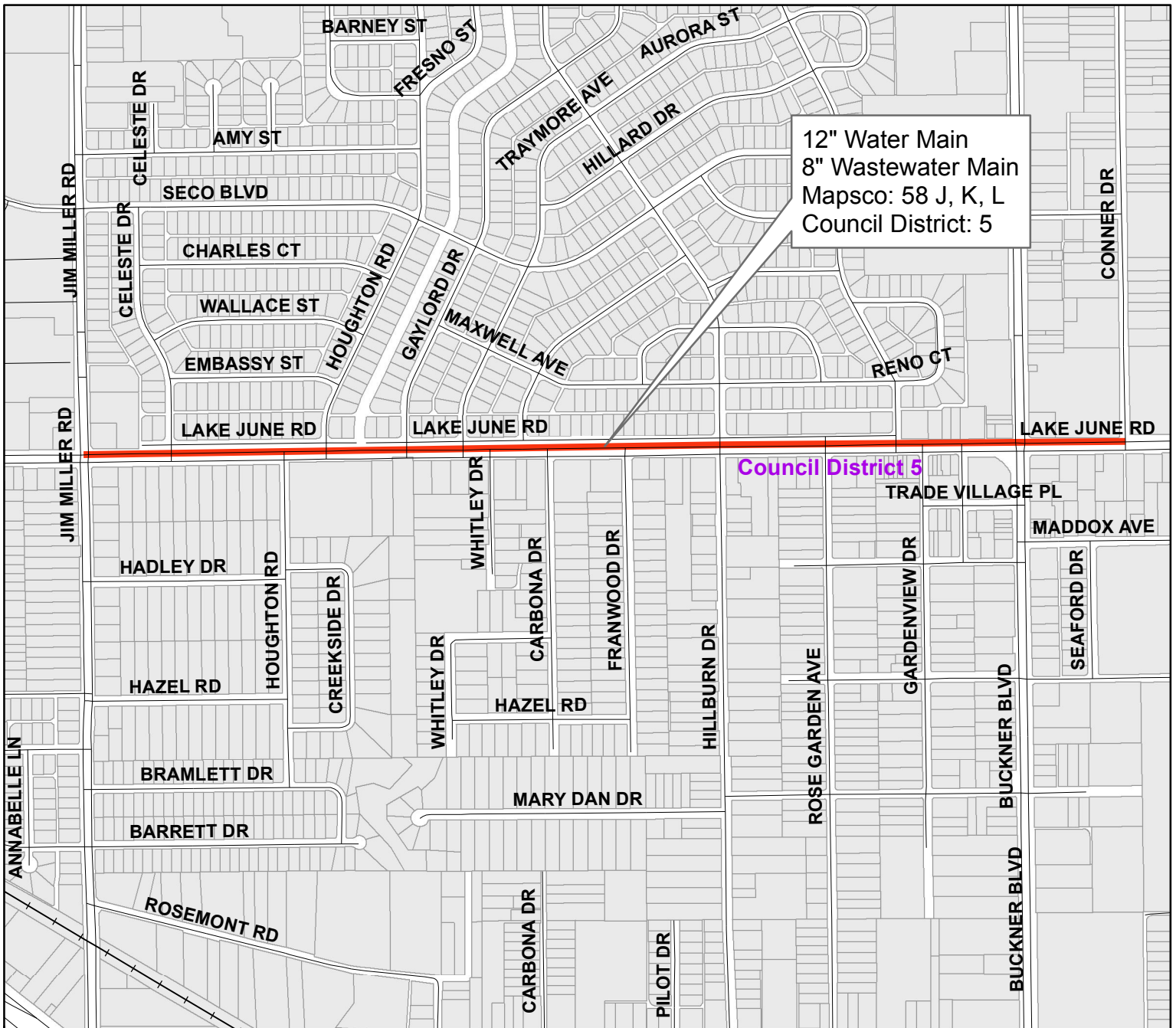




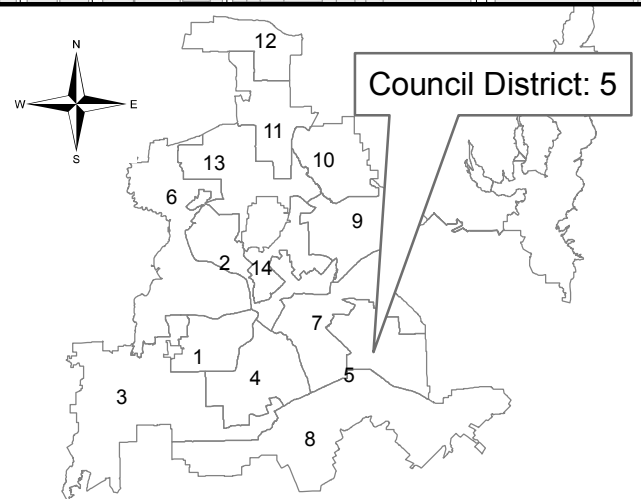
Ladonia Drive  
from Angelus Road north



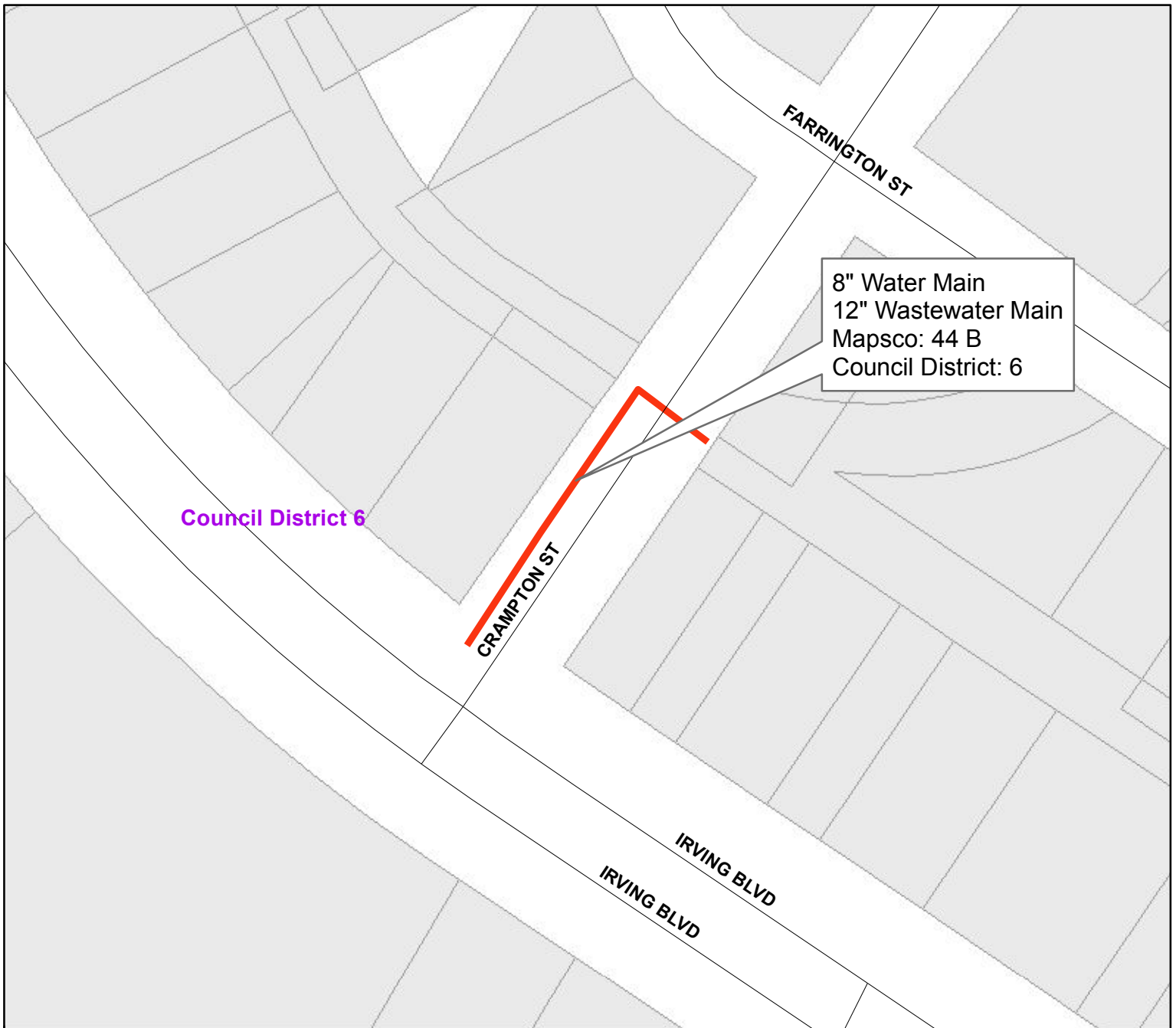
**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



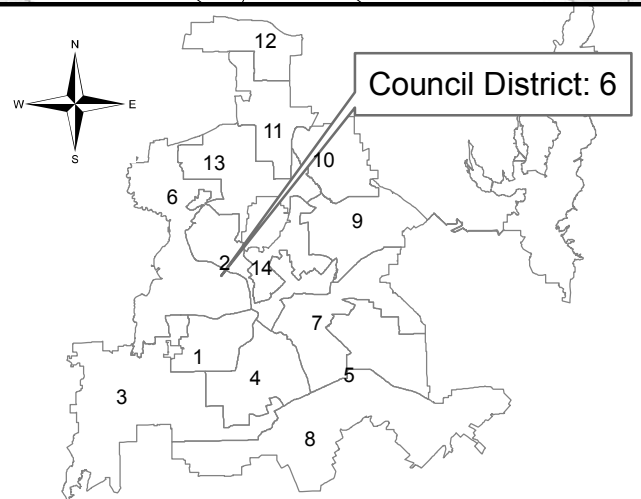
Lake June Road  
from Jim Miller Road to Conner Drive



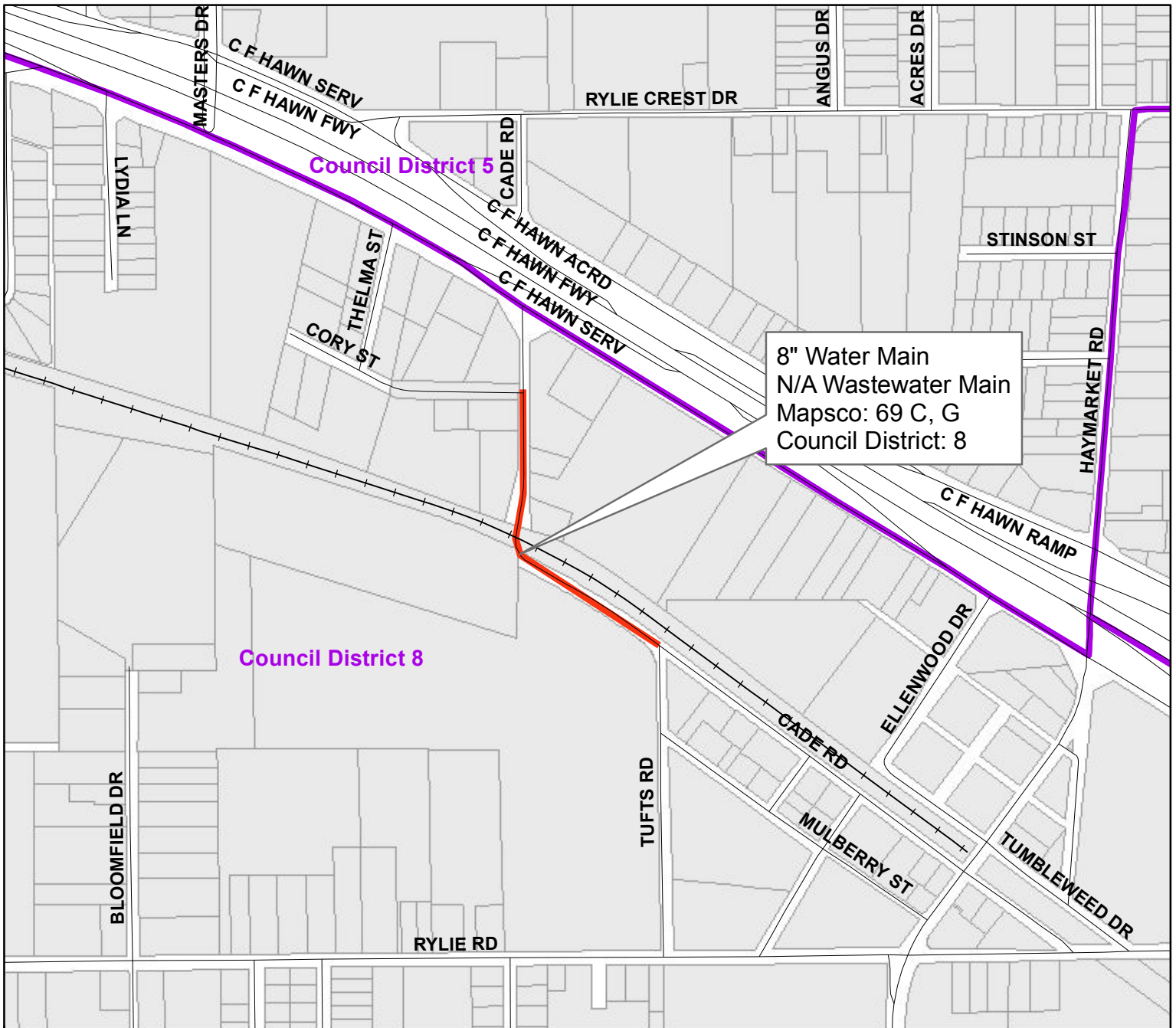
**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**



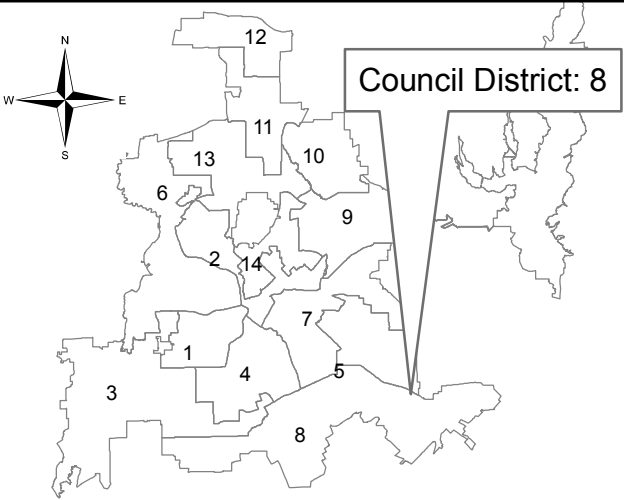
Crampton Street  
from Irving Boulevard northeast



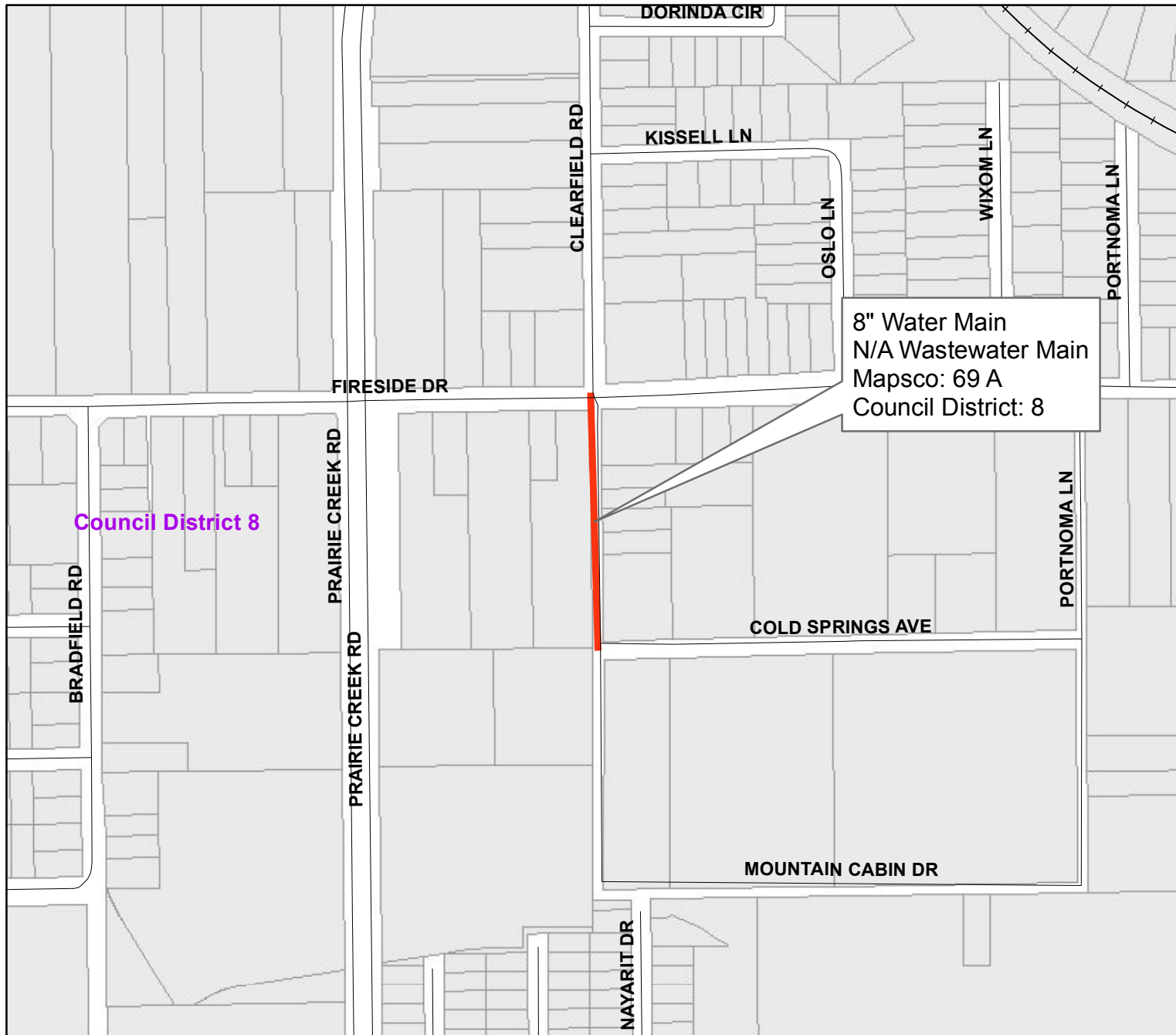
**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



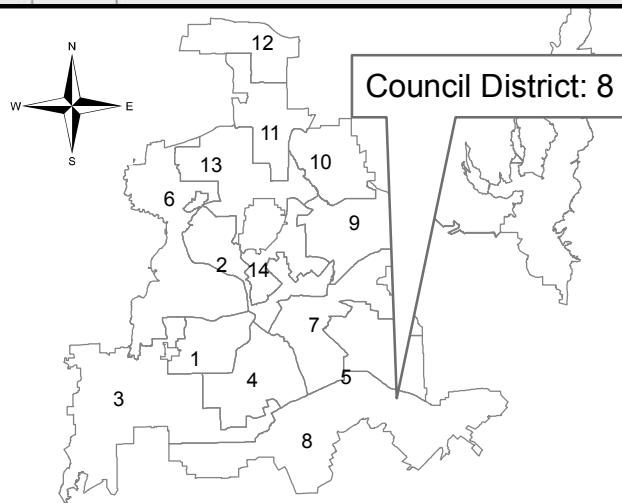
Cade Road  
from Cory Street to Tufts Road



**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**

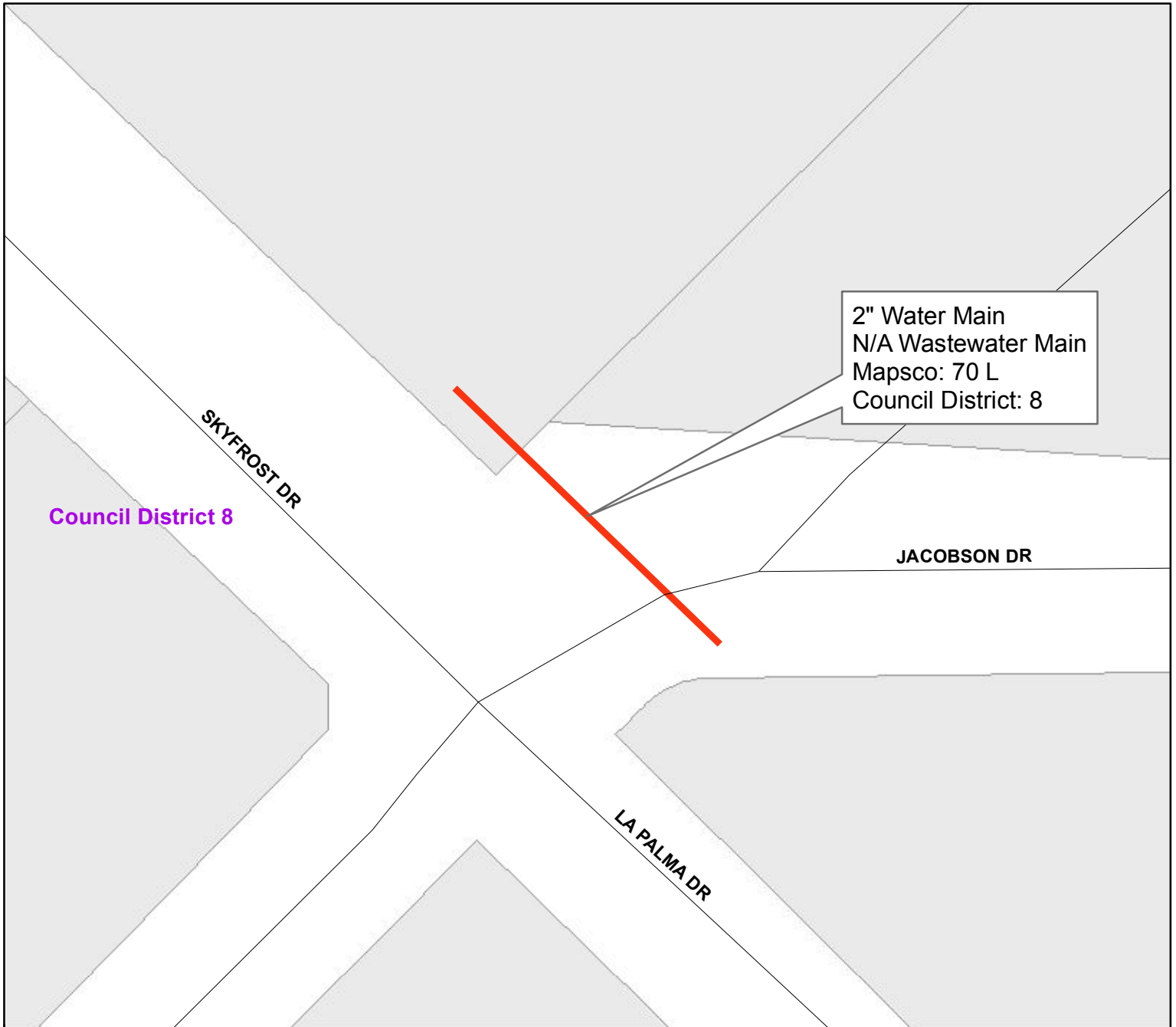


Clearfield Road  
from Fireside Drive to Cold Springs Avenue

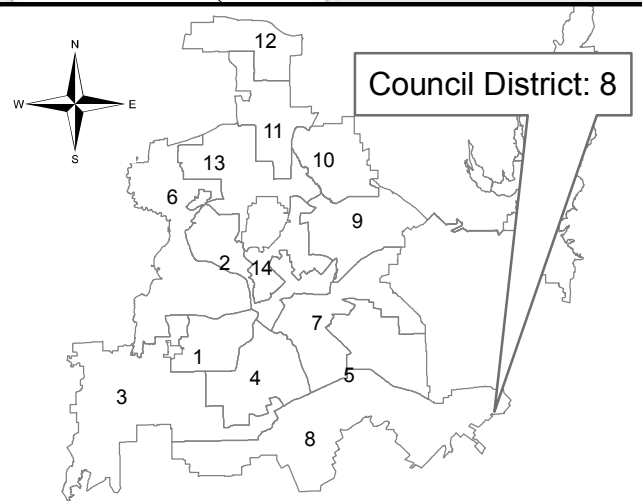


**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**

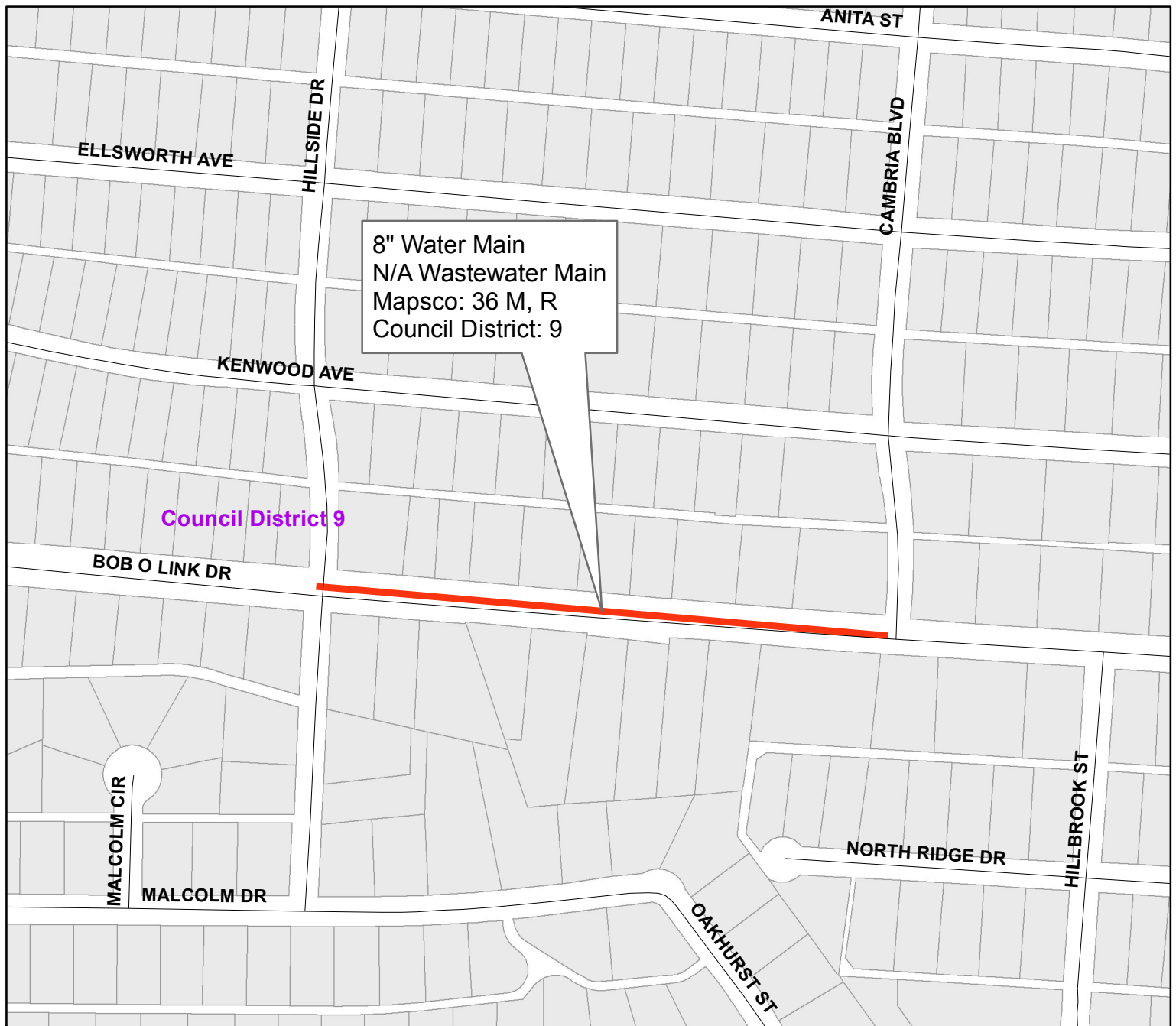




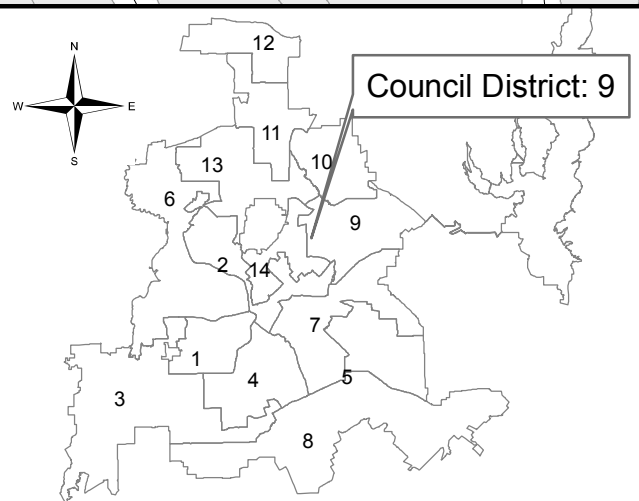
Skyfrost Drive  
from Jacobson Drive southeast



**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**



Bob O Link Drive  
from Hillside Drive to Cambria Boulevard



**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



4" Water Main  
8" Wastewater Main  
Mapsco: 38 Q  
Council District: 9

Council District 9

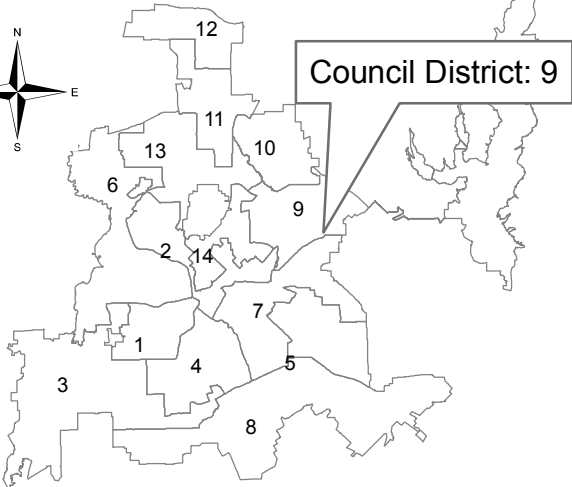
PROVINCE LN  
KINGSMAN DR

HEALEY DR

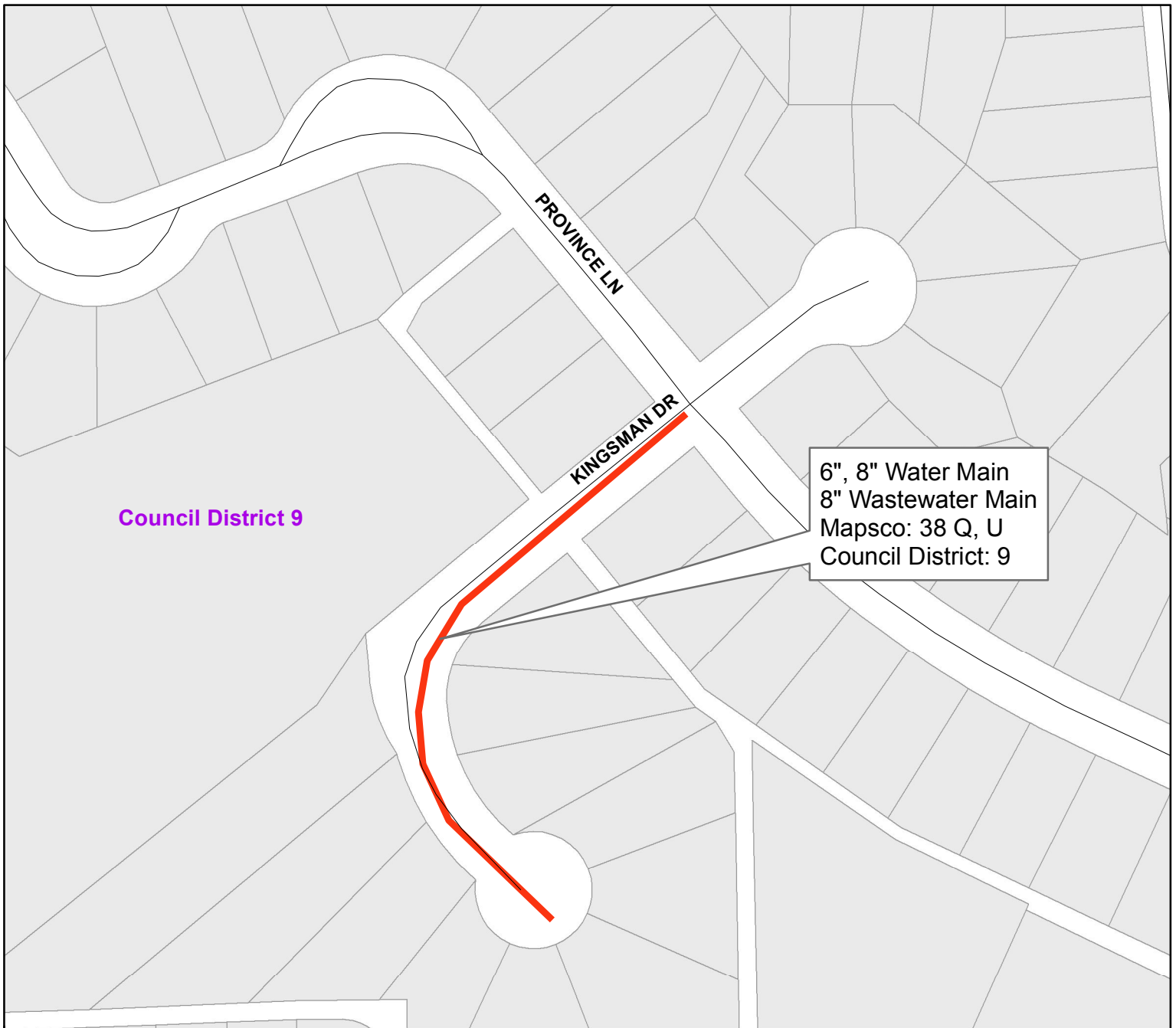
LARRY DR

FERGUSON RD

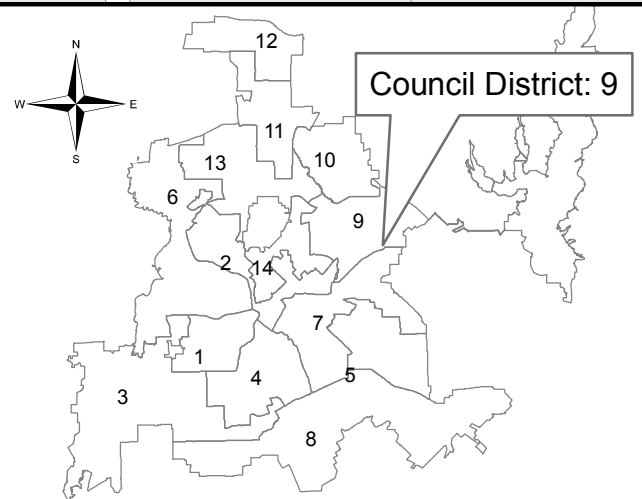
Kingsman Drive  
from Province Lane northeast



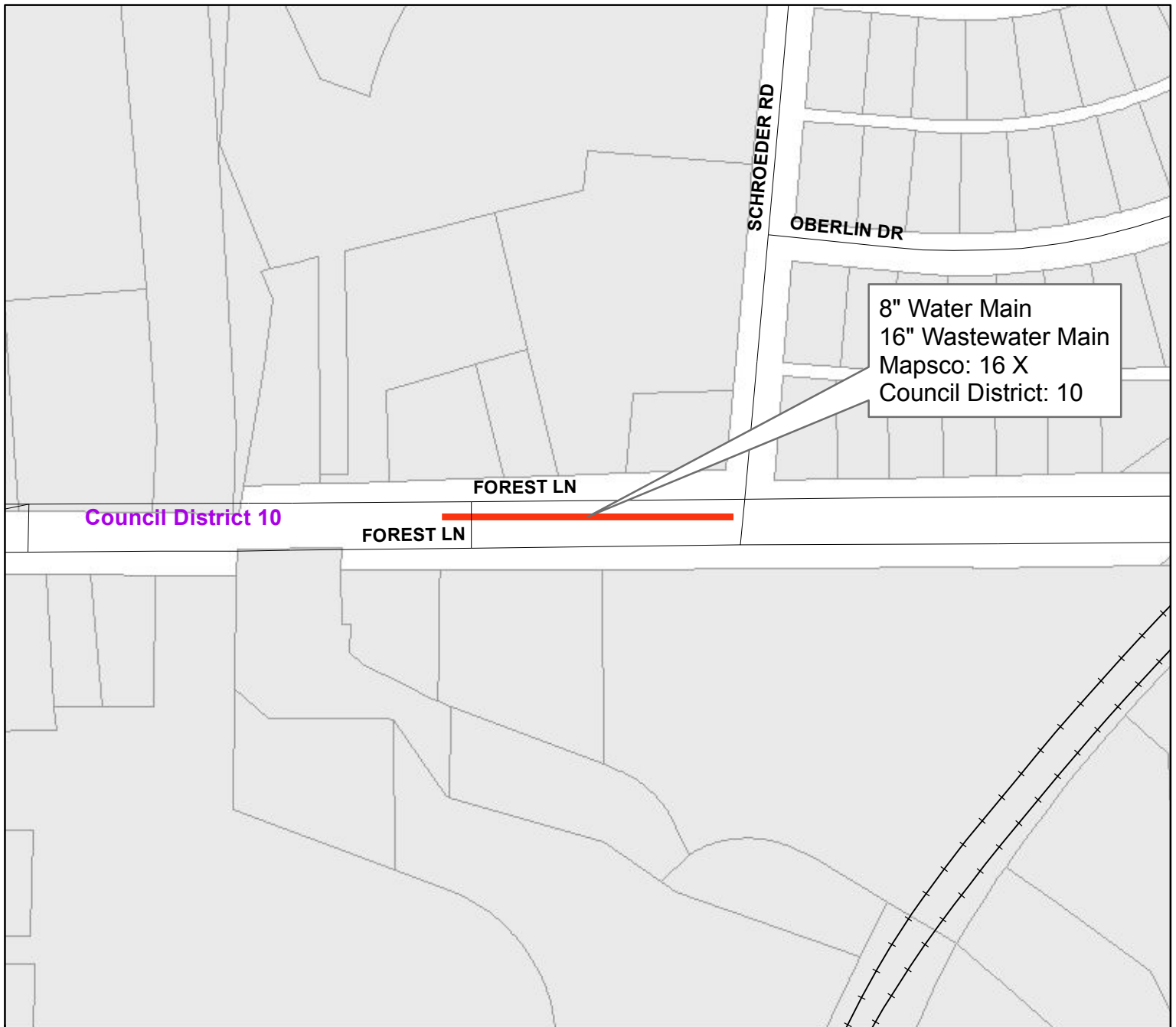
**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



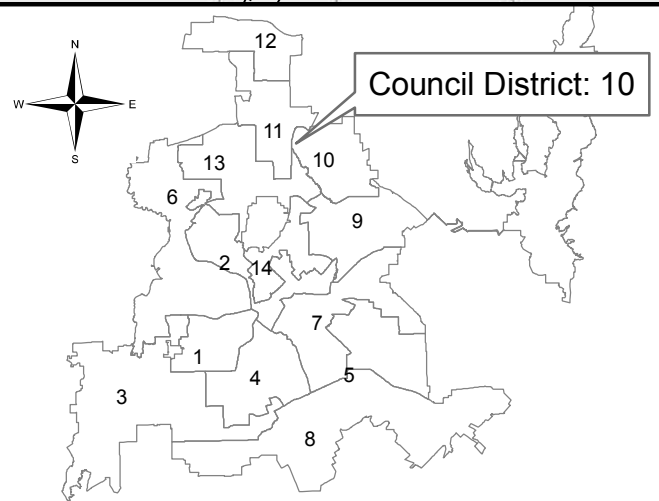
Kingsman Drive  
from Province Lane southwest



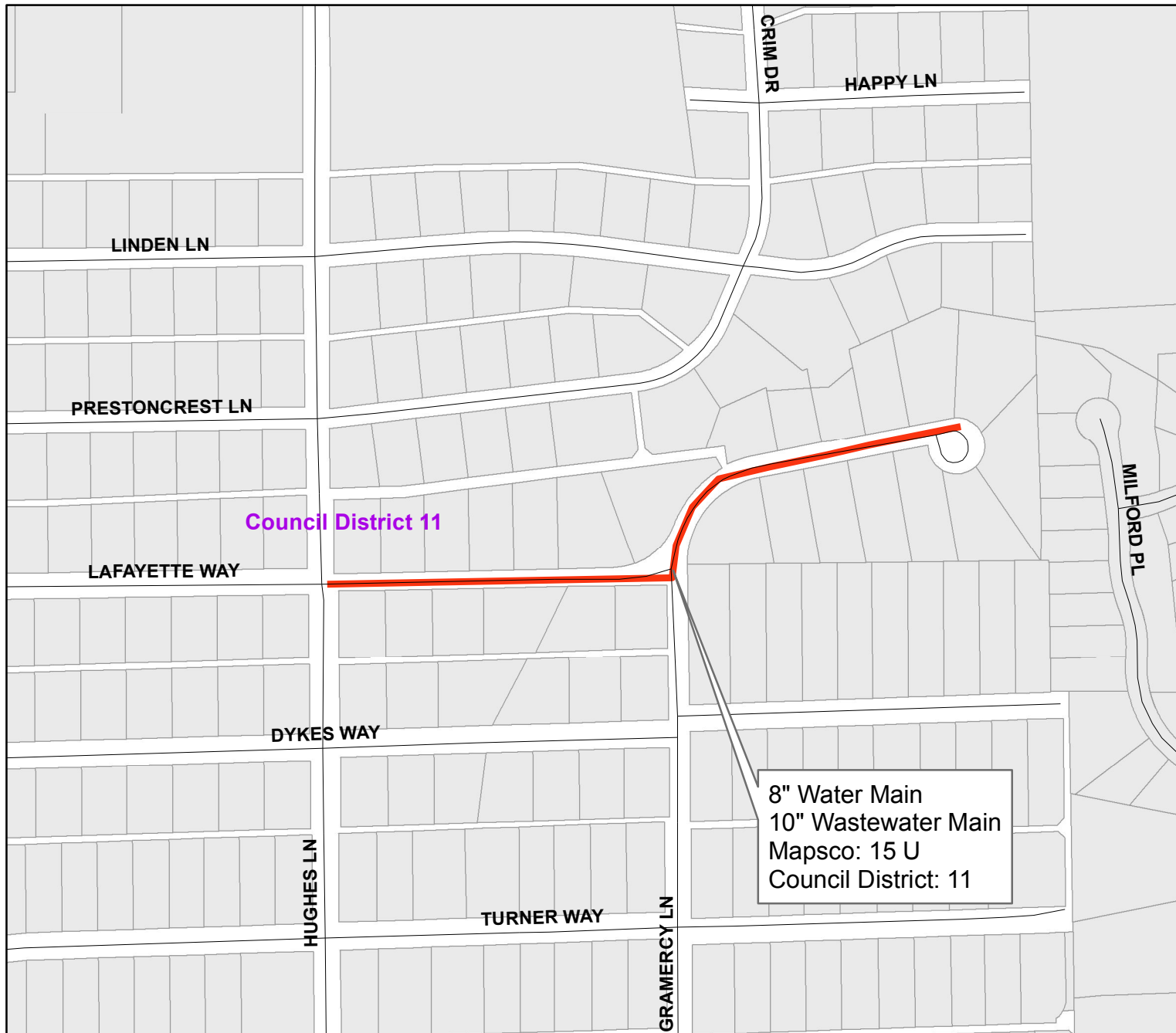
**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**



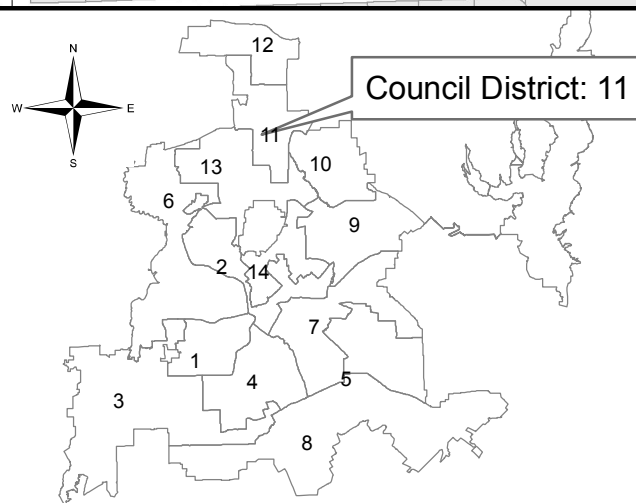
Forest Lane  
from Schroeder Road west



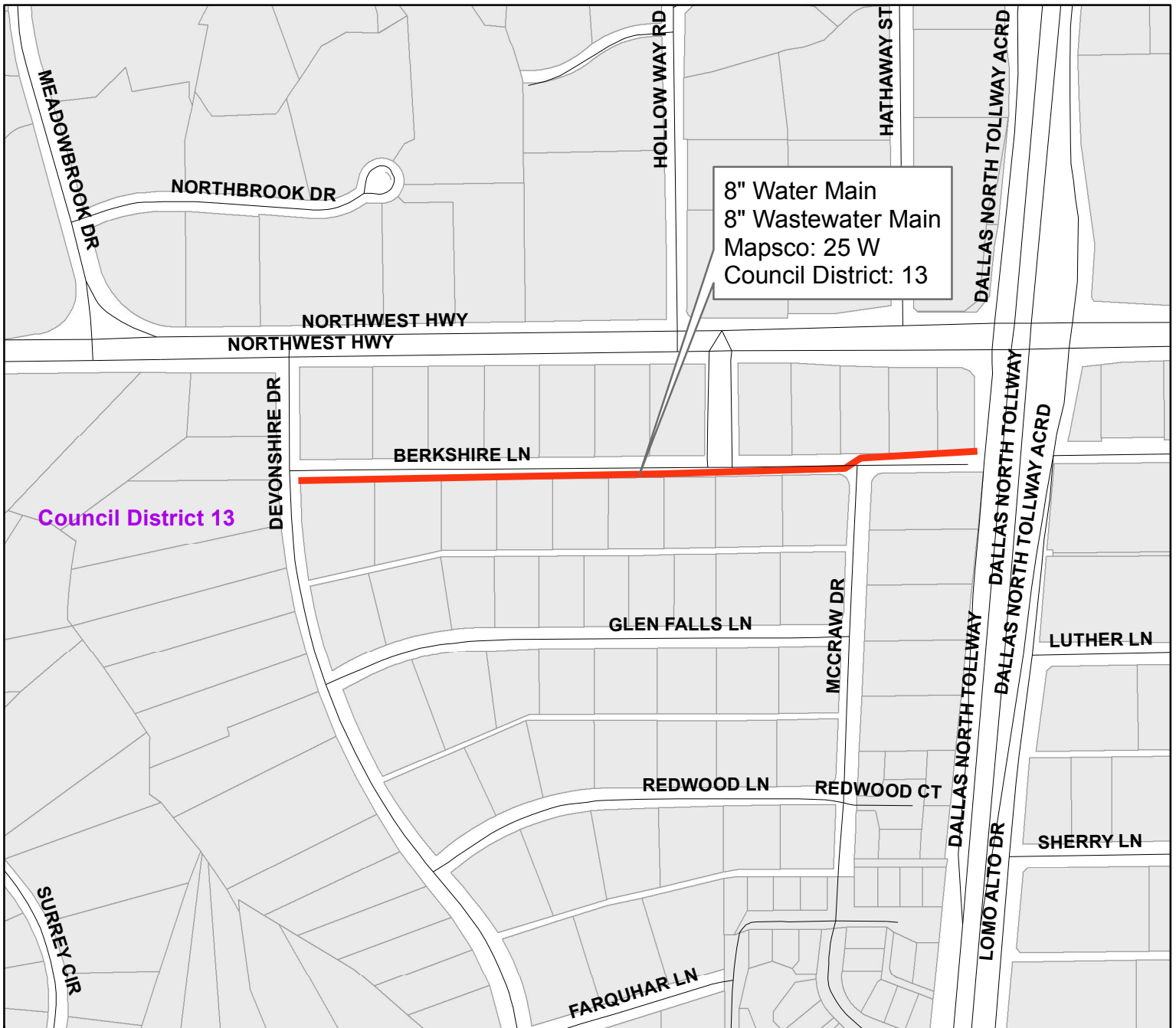
**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



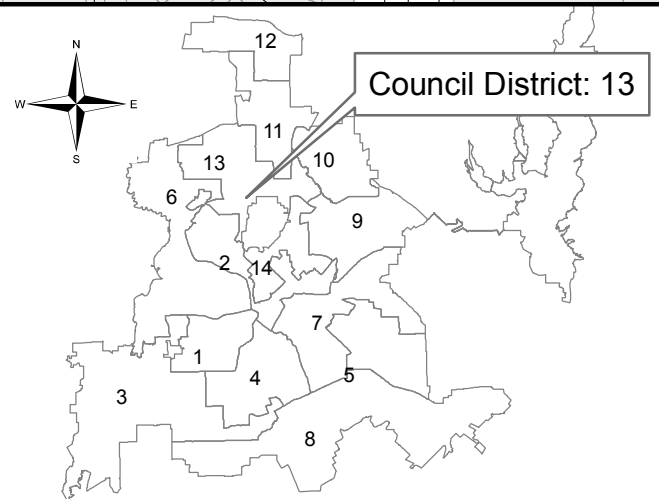
Lafayette Way  
from Hughes Lane east



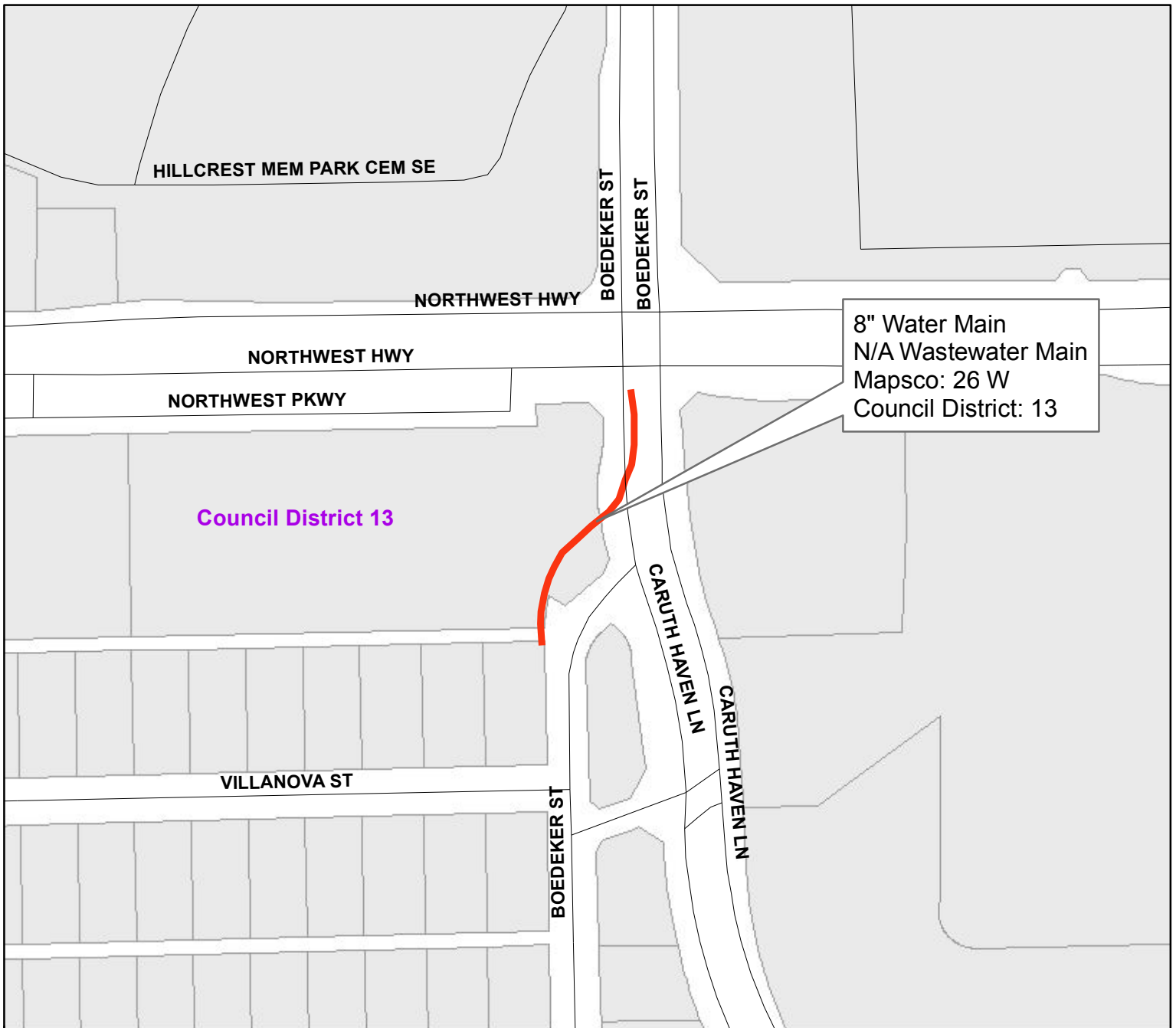
**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



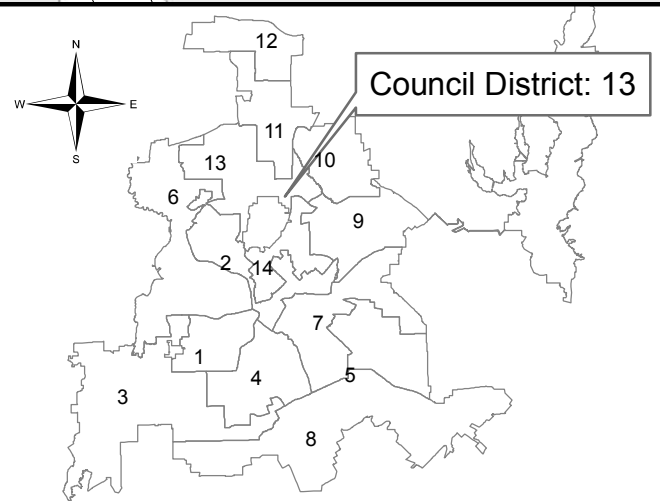
Berkshire Lane  
from Devonshire Drive to Dallas North  
Tollway



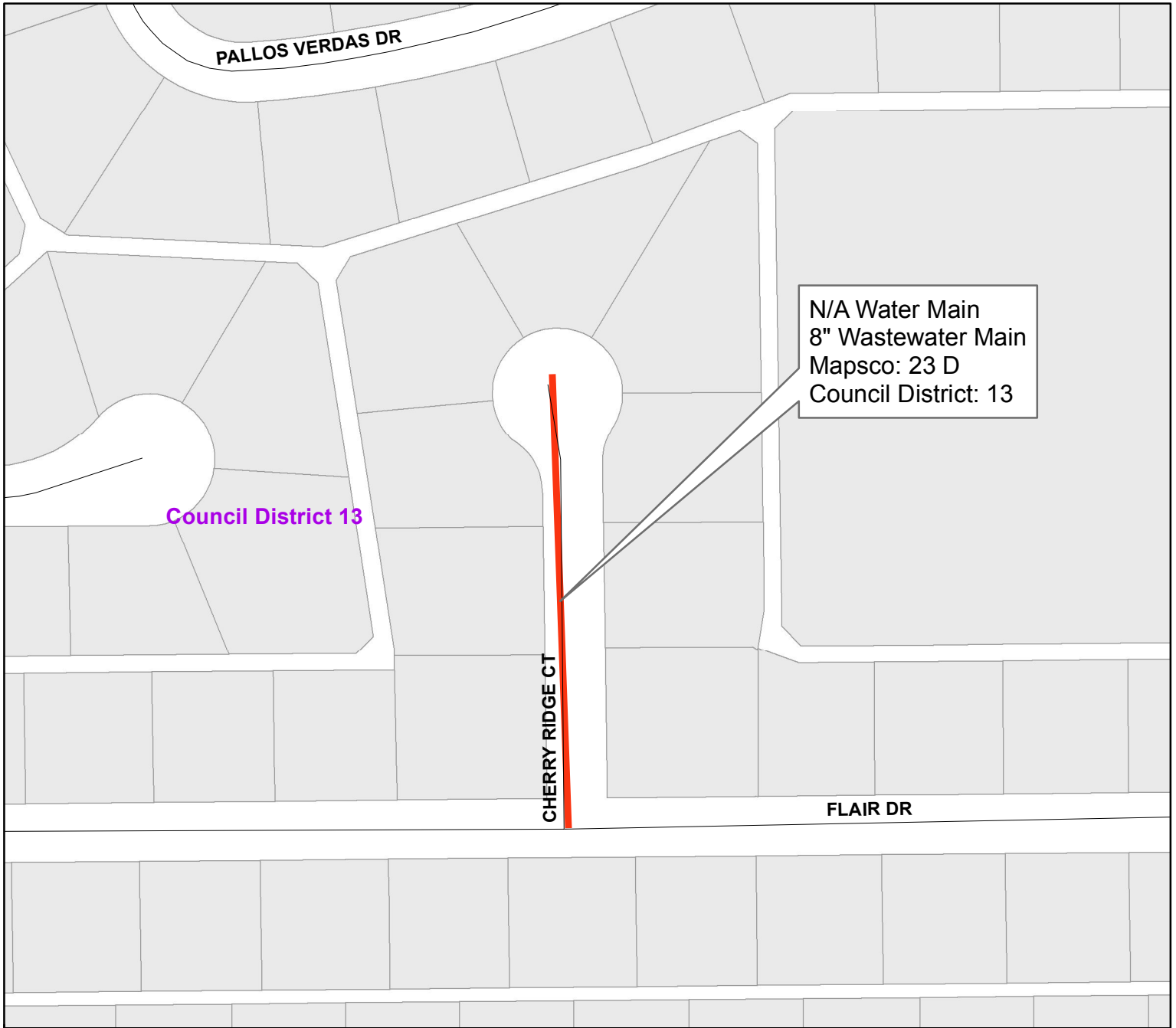
**Dallas Water Utilities  
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Water and Wastewater Main Installations  
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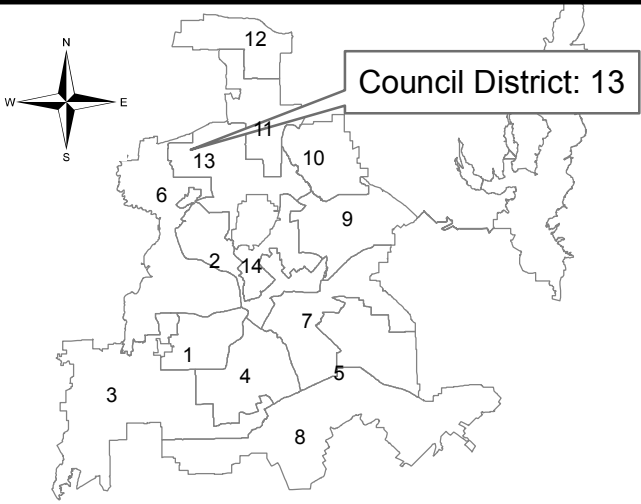
Caruth Haven Lane  
from Loop 12 (Northwest Highway) south



**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**

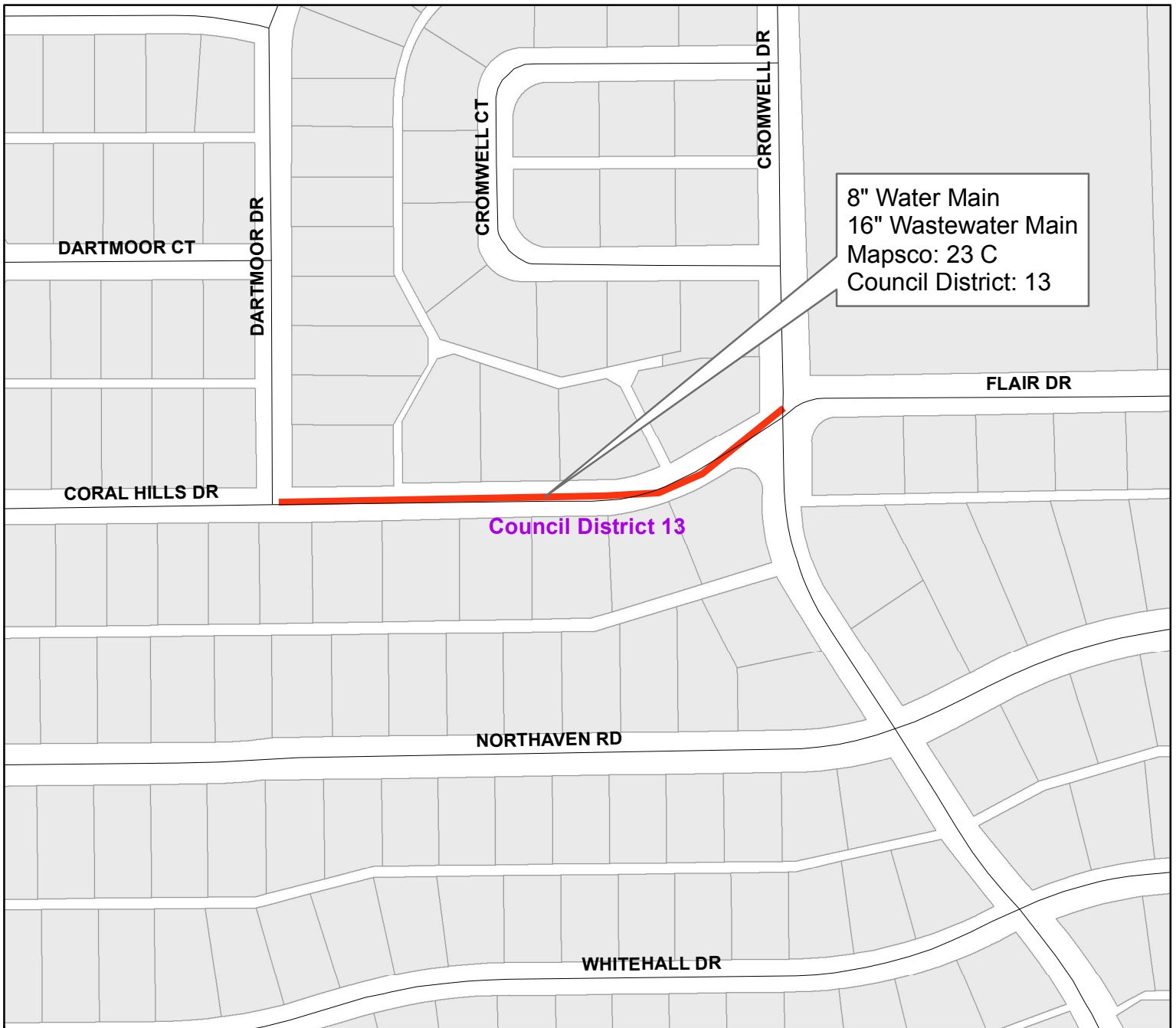


Cherry Ridge Court  
from Flair Drive north

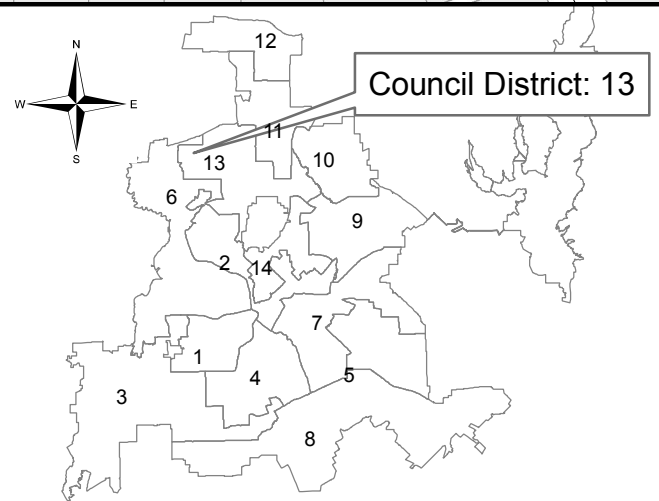


**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**

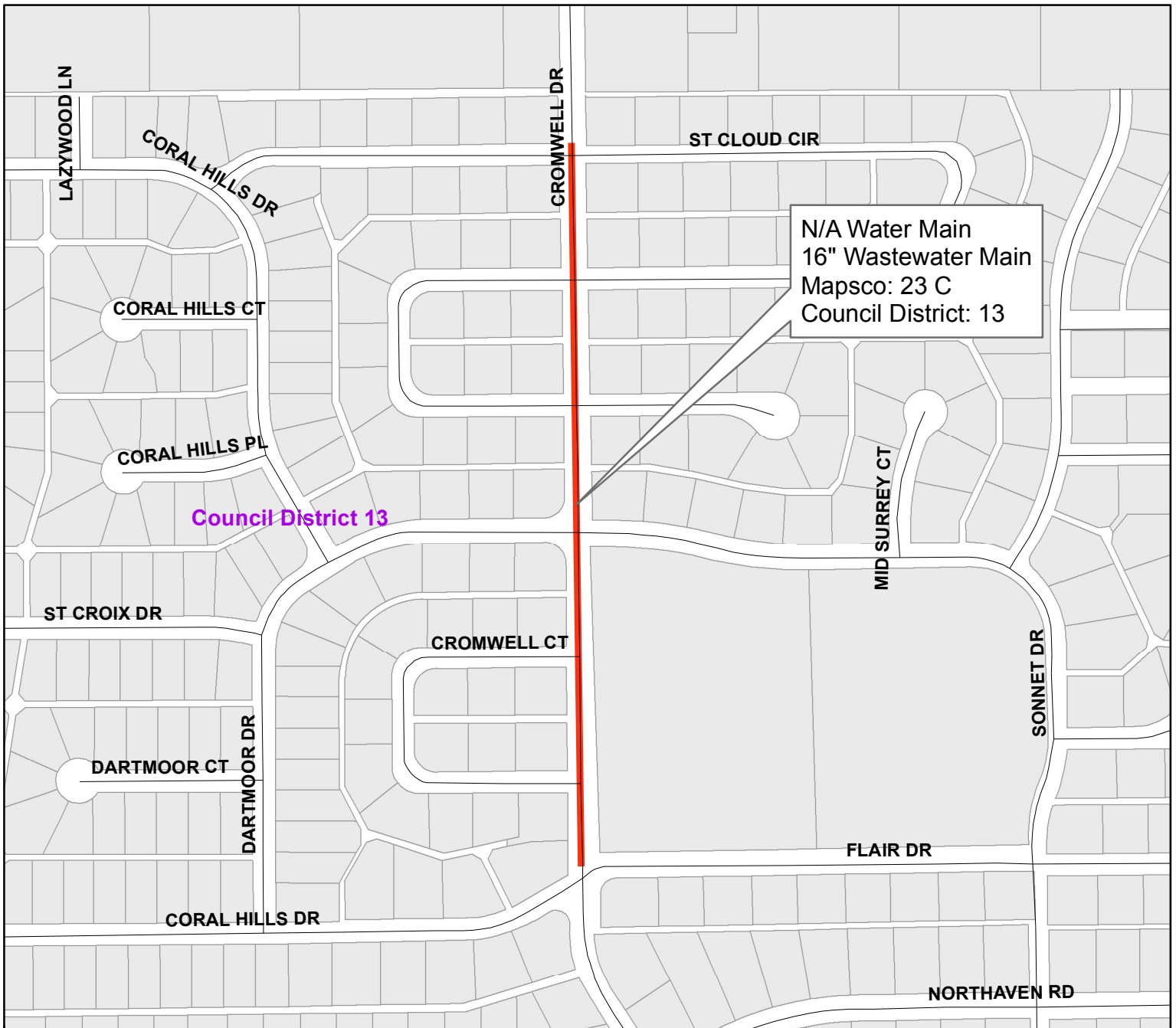




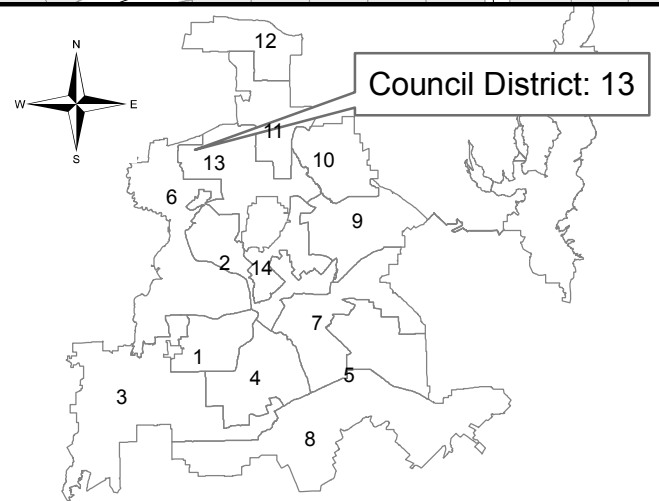
Coral Hills Drive  
from Dartmoor Drive to Cromwell Drive



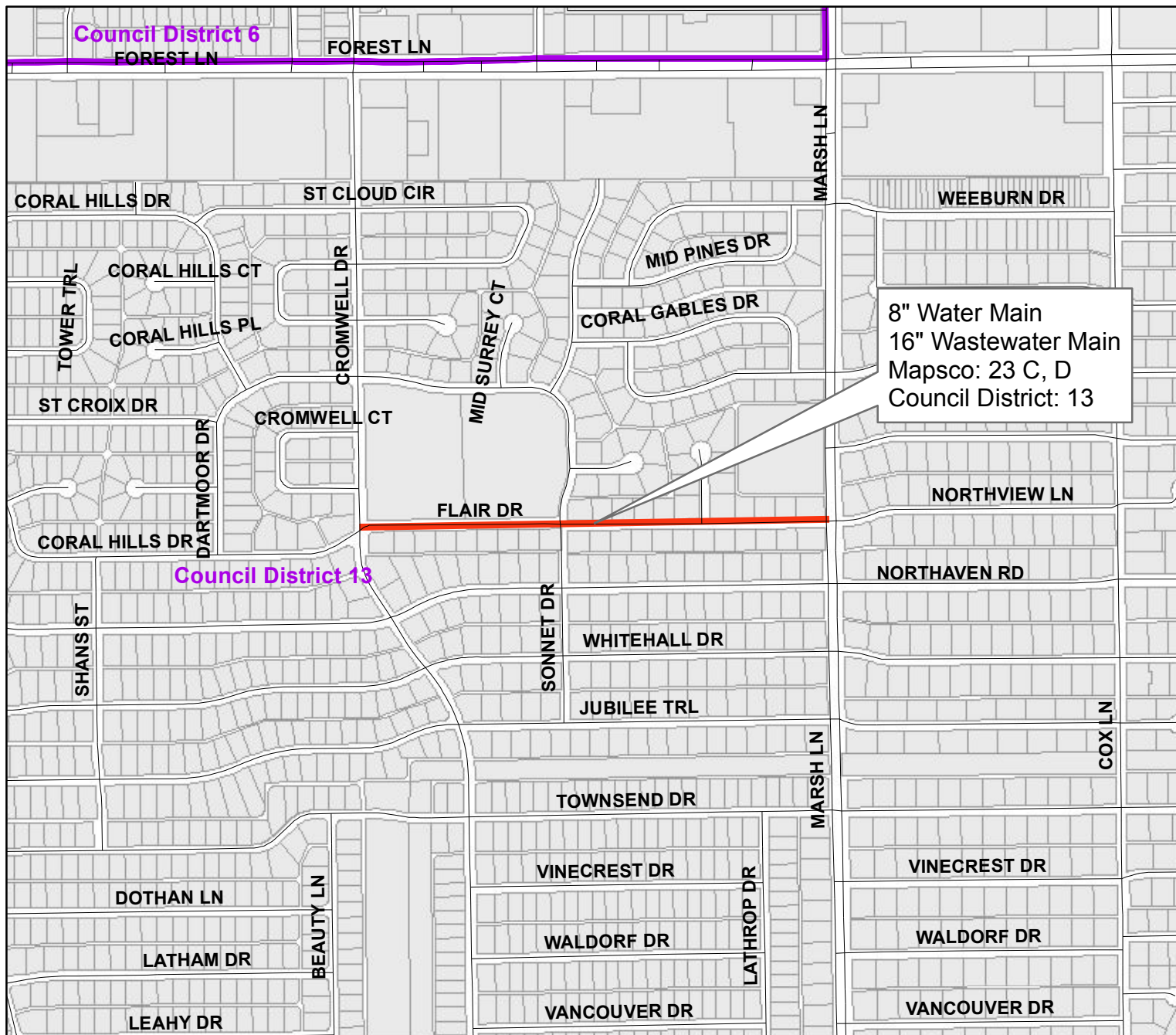
**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**



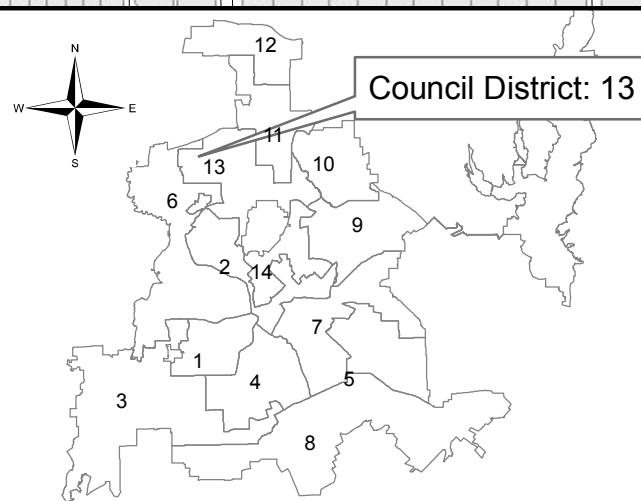
Cromwell Drive  
from Flair Drive to St. Cloud Circle



**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**



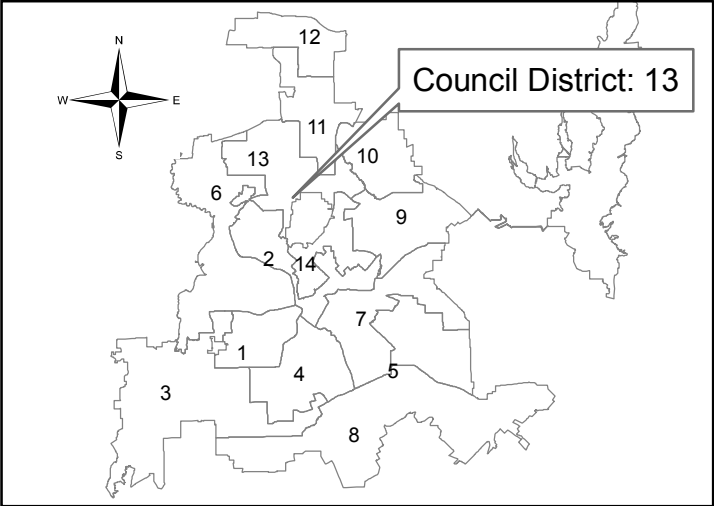
Flair Drive  
from Cromwell Drive to Marsh Lane



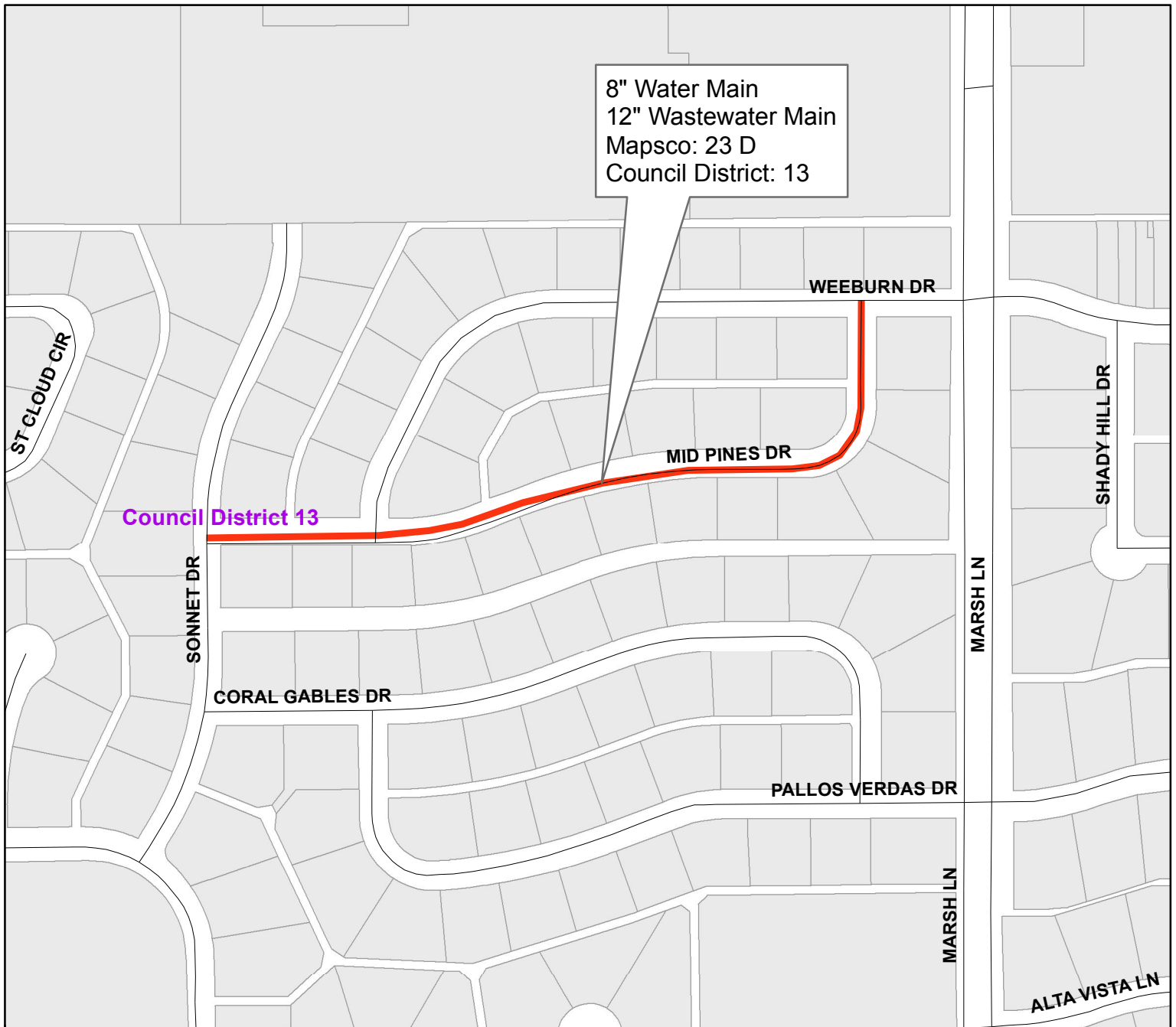
**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**



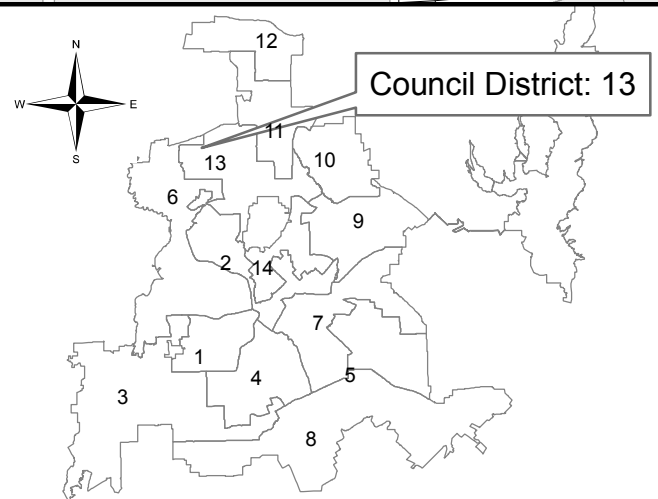
Lomo Alto Drive  
from alley south of Sherry Lane south



**Dallas Water Utilities**  
**Contract No. 14-079/080**  
**Water and Wastewater Main Installations**  
**at 27 Locations**

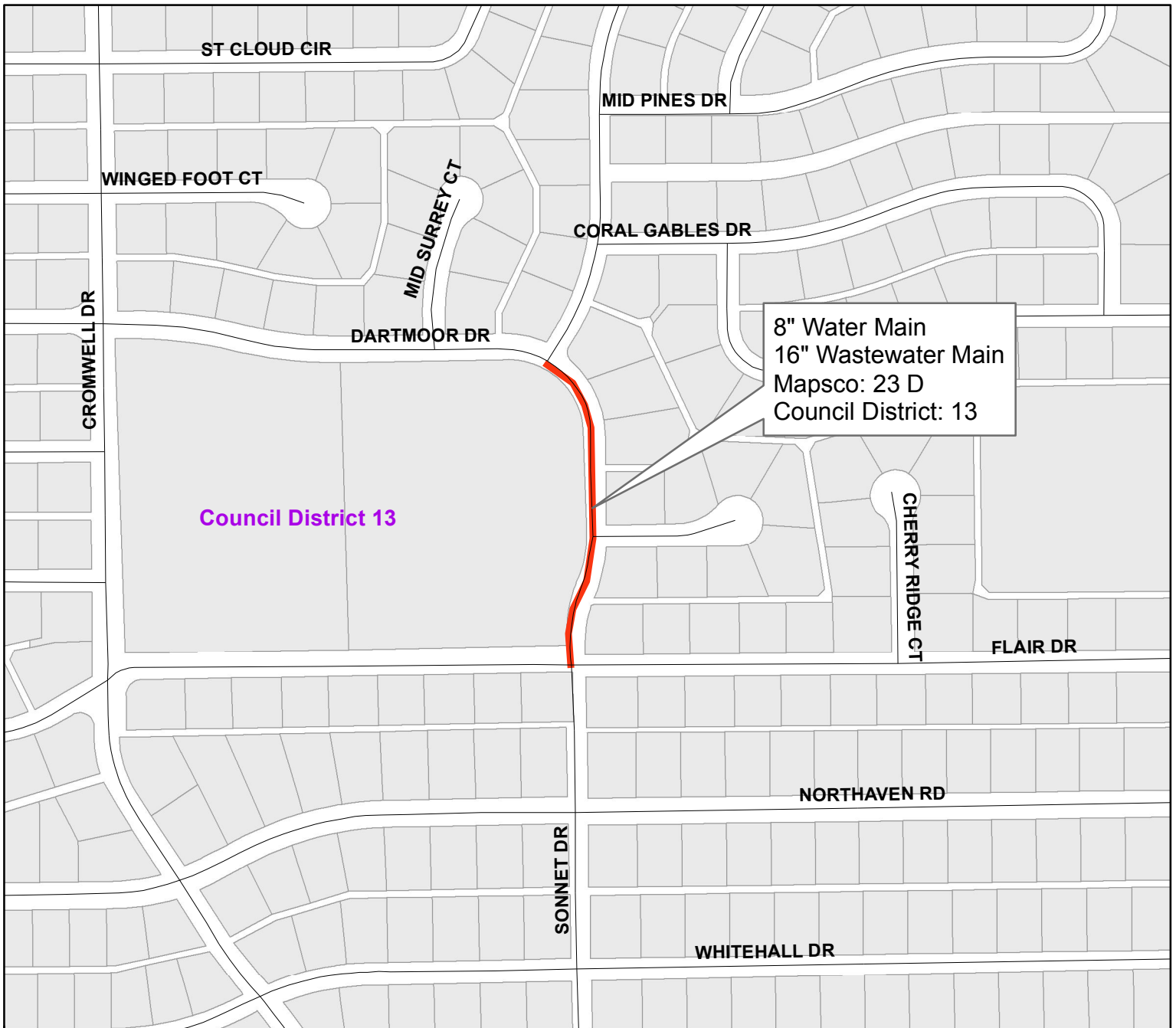


Mid Pines Drive  
from Sonnet Drive to Weeburn Drive

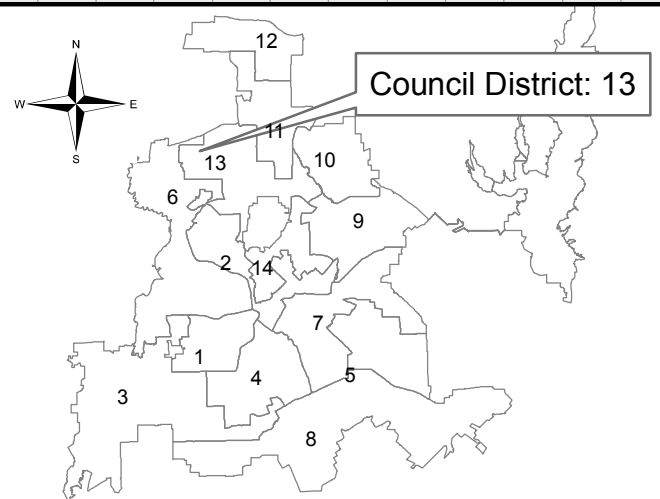


**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**

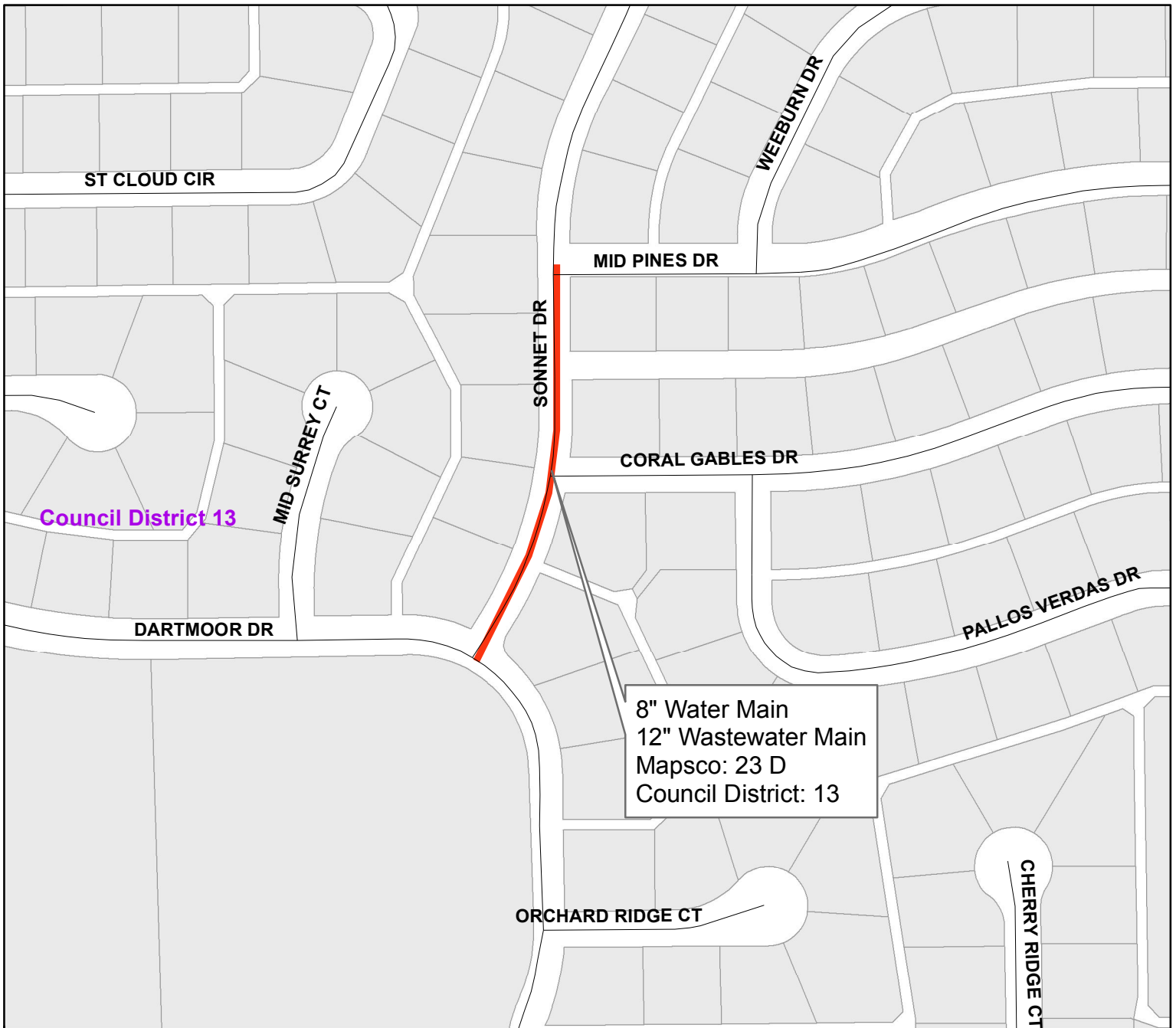




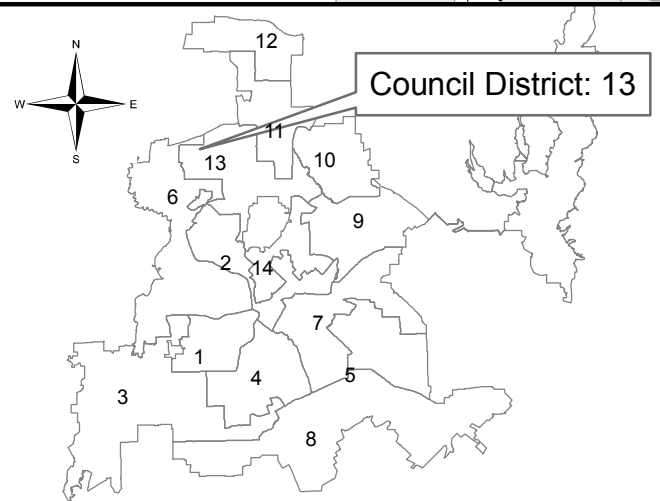
Sonnet Drive  
from Flair Drive to Dartmoor Drive



**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



Sonnet Drive  
from Dartmoor Drive to Mid Pines Drive



**Dallas Water Utilities  
Contract No. 14-079/080  
Water and Wastewater Main Installations  
at 27 Locations**



June 11, 2014

**WHEREAS**, bids were received on March 27, 2014 for the installation of water and wastewater mains at 27 locations, Contract No. 14-079/080, listed as follows:

<b><u>BIDDERS</u></b>	<b><u>BID AMOUNT</u></b>
RKM Utility Services, Inc.	\$12,473,390.00
Atkins Bros. Equipment Co., Inc.	\$13,165,047.50
Camino Construction, L.P.	\$13,762,244.00
SYB Construction Co., Inc.	\$14,282,387.00
John Burns Construction Company of Texas, Inc.	\$15,191,252.00

**WHEREAS**, the bid submitted by RKM Utility Services, Inc., 1805 Royal Lane, Suite 107, Dallas, Texas 75229, in the amount of \$12,473,390.00, is the lowest and best of all bids received.

**Now, Therefore,**

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

**Section 1.** That the bid submitted by RKM Utility Services, Inc. in the amount of \$12,473,390.00, for doing the work covered by the plans, specifications, and contract documents, Contract No. 14-079/080, be accepted.

**Section 2.** That the City Manager is hereby authorized to execute a contract with RKM Utility Services, Inc., for the installation of water and wastewater mains at 27 locations, after having approval of the contract documents by the City Attorney.

**Section 3.** That the City Controller is hereby authorized to pay the amount of \$12,473,390.00 from the Water Capital Improvement Fund and 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>
0115	DWU	PW40	4550	714079	CT-DWU714079CP	VS0000026242

RKM Utility Services, Inc. - (Contract No. 14-079) - \$8,973,390.00

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
0116	DWU	PS40	4560	714080	CT-DWU714080CP	VS0000026242

RKM Utility Services, Inc. - (Contract No. 14-080) - \$3,500,000.00

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





## **AGENDA ITEM # 27**

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

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Office of Management Services  
Intergovernmental Services  
City Attorney's Office

**CMO:** Jeanne Chipperfield, 670-7804  
A. C. Gonzalez, 670-3302  
Warren M.S. Ernst, 670-3491

**MAPSCO:** N/A

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### **SUBJECT**

A resolution approving certain amendments to the Dallas City Charter for submission to the qualified voters of the City on November 4, 2014 – Financing: This action has no cost consideration to the City

### **BACKGROUND**

The Dallas City Charter requires that the Charter be reviewed every ten years. On January 15, 2014, City Council passed Resolution No. 14-0157 creating the Charter Review Commission and appointing 16 commissioners.

The Charter Review Commission held its first meeting on January 31, 2014, and held work sessions and community meetings until May 6, 2014, to create a list of recommended Charter amendments. The Charter Review Commission is an advisory body to the Dallas City Council. The City Council can accept, deny or amend any of the Commission's recommendations, or develop its own list of recommended Charter amendments.

This resolution approves a list of certain Charter Review Commission-recommended Charter amendments with modifications made by the City Council for inclusion on the November 4, 2014, ballot. The attached Exhibit A includes an executive summary of those proposed amendments, together with notes regarding changes to date and the exact proposed language.

On June 18, 2014, City Council will be briefed on additional amendments to the Dallas City Charter, including two proposed by the Charter Review Commission and several proposed by City Council. On June 25, 2014, a second resolution will be considered to approve a list of those additional Charter amendments. On August 6, 2014, City Council will consider an ordinance calling for a special election on November 4, 2014, so that Charter amendments can be submitted to qualified voters.

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

On January 15, 2014, Dallas City Council approved the resolution creating the Charter Review Commission.

On May 6, 2014, the Charter Review Commission approved its final list of recommended Charter amendments.

On May 21, 2014, Dallas City Council was briefed on, and discussed, the Commission-recommended Charter amendments.

On May 28, 2014, Dallas City Council discussed the Commission-recommended Charter amendments as well as amendments offered by Council Members.

### **FISCAL INFORMATION**

No cost consideration to the City.

June 11, 2014

**WHEREAS**, the Dallas City Charter Chapter II Section 3 requires that the Charter be reviewed by a Charter Review Commission at intervals of not more than 10 years; and

**WHEREAS**, the City Council appointed a Charter Review Commission; and

**WHEREAS**, the Charter Review Commission convened and held community meetings to develop a list of recommended Charter amendments; and

**WHEREAS**, on May 6, 2014, the Commission voted on its list of recommended Charter amendments; and

**WHEREAS**, on May 21, 2014, the Commission presented its recommended Charter amendments to the City Council;

**NOW, THEREFORE,**

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

**Section 1.** That the City Council does hereby adopt the proposed Charter amendments described in the attached Exhibit A.

**Section 2.** That the City Attorney is directed to prepare ballot language for these Charter amendments and an ordinance calling for a special election on November 4, 2014.

**Section 3.** That the City Council retains the ability to consider additional Charter amendments.

**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.





**EXECUTIVE SUMMARY**  
**PROPOSED CHARTER AMENDMENTS**  
**JUNE 11, 2014 CITY COUNCIL MEETING**

	<b>TAB /PAGE</b>
<b>1.     <u>Redistricting (IV §5).</u></b>	<b>TAB 1</b>
The proposed amendments include:	
1.     a widely-publicized application process,	Page 1
2.     qualifications for applicants,	Page 2
3.     persons who are not eligible to be applicants,	Page 2
4.     independent outside auditor review of applications,	Page 3
5.     each city councilmember appoints one member from qualified applicant pool	Page 3
6.     guidelines for drawing district lines,	Page 3
7.     prohibits commissioners from running for city council for the next two terms or serving on a city board for two years,	Page 4
8.     prohibits city councilmember contact with commissioners, except in open meetings,	Page 4
9.     training and staffing for the commission and public input on proposed maps,	Page 4
10.    requires a written explanation, 72 hours public notice, and three-fourths vote of city council to modify the proposed map.	Page 4
<b>2.     <u>Councilmember compensation (III §4).</u></b>	<b>TAB 2</b>
Increase councilmember compensation to \$60,000, effective in June 2015, and mayor compensation to \$80,000, effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014.	
	Page 6
<b>3.     <u>Resign to run (III §17 and VIII §4A).</u></b>	<b>TAB 3</b>
The proposed amendments include:	
1.     Clarify that the prohibition on running for other offices applies to municipal judges and commission members as well as board members.	Page 7
2.     Make the prohibition on running for other offices apply to DART board members and DFW board members.	Page 7
3.     Clarify that a municipal judge automatically resigns if the judge announces that he/she is a candidate for an elected office, and add a cross-reference to III §17.	Page 9
<b>4.     <u>Prohibited interests in contracts with the city (XXII §11).</u></b>	<b>TAB 4</b>
The proposed amendments include:	
1.     Exempt ownership of an interest in a mutual or common investment fund.	Page 11
2.     Exempt non-negotiated form contracts for general city services or benefits made available on the same terms that they are made available to the general public.	Page 11

3.	Exempt board and commission members, but require that they comply with conflict of interest and ethics provisions in state law or the city code.	Page 11
<b>5.</b>	<b><u>Publication.</u></b>	<b>TAB 5</b>
	The proposed amendments include:	
1.	Require the audited financial statements to be posted on the city's website and maintained in the central and branch libraries. (III §19)	Page 12
2.	Require the annual appropriation ordinance to be posted on the city's website and maintained in the central and branch libraries. (XI §3)	Page 13
3.	Require notice of city plan commission meetings to be posted on the city's website. (XV §4)	Page 14
4.	Require ordinances to be published on the city's website unless otherwise required by law. (XVIII §7)	Page 16
5.	Require ordinances to be submitted to voters to be posted on the city's website and made available in the central and branch libraries. (XVIII §15)	Page 17
6.	Require notice of contract letting be posted on the city's website. [XXII §2(a)]	Page 18
<b>6.</b>	<b><u>Petition review [V §1(3) and XVIII §12].</u></b>	<b>TAB 6</b>
	Allow the City Secretary 45 days to review a petition.	Pages 19-20
<b>7.</b>	<b><u>Civil service [XVI §12(a)].</u></b>	<b>TAB 7</b>
	Allow the Civil Service Board to designate the secretary of the Trial Board, rather than City Council.	Page 21
<b>8.</b>	<b><u>Technical amendments.</u></b>	<b>TAB 8</b>
a.	Delete the final sentence, which requires City Council to meet every week. (III §6)	Page 22
b.	Allow city councilmembers to abstain from voting if required by any law. (III §10)	Page 23
c.	Clarify when the mayor is absent and when the Mayor Pro Tem assumes the duties of the Mayor. (III §11)	Page 24
d.	Amend the charter and code of ethics to conform to state law, which prohibits a city from terminating an employee who runs for public office. (III §17)	<b>TAB 3</b> Page 8
e.	Change reference to "accounts, records, and transactions" to "annual financial statements" because that is what is actually audited. (III §19)	<b>TAB 5</b> Page 12
f.	Require the firm that conducts the audit to be registered with the State of Texas. (III §19)	<b>TAB 5</b> Page 12

g.	Certification of budget estimates is the duty of the city’s internal auditor, not the external independent auditor. (III §19)	<b>TAB 5</b> Page 12
h.	Clarify that the Chief Financial Officer is responsible for management of the city’s financial assets. (III §20)	<b>TAB 8</b> Page 25
i.	Move responsibility for deposit of funds from XI §13 to this section. (III §20)	Page 25
j.	Require that deposits be made promptly in a commercially reasonable manner, rather than within 24 hours. (III §20)	Page 25
k.	Delete this section and move responsibility for deposit of funds to III §20. (XI §13)	Page 26
l.	“Unencumbered” is misspelled. (XI §4)	Page 27
m.	The cross-reference to Subdivisions (4) and (5) of Section 1 is not correct. (XI §5)	Page 28
n.	The reference to the City Secretary is incorrect; the Chief Financial Officer provides any notice. (XI §6)	Page 29
o.	Change “City Controller” to “Chief Financial Officer.” (XI §8)	Page 30
p.	The cross-reference to Section 10 is not correct. (XI §11)	Page 31
q.	The comprehensive plan is amended by ordinance, not resolution. [XV §1(2)]	Page 32
r.	Delete because alternate members of the Board of Adjustment are addressed in Dallas Development Code §51A-3.102(a). (XV §7)	Page 33
s.	Change the time from 10 days to 10 working days to be consistent with the Personnel Rules. [XVI §12(c)]	Page 34
t.	Amend the section to conform to <u>Wachsman v. Dallas</u> . [XVI §16(d)]	Page 35
u.	The assessment and collection of property taxes provision [XIX §1] does not reflect changes to the Texas Tax Code, and the proposed amendments are:	
	1. Change the reference to the tax assessor and collector to the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located.	Page 36
	2. Change the date the tax appraiser submits tax list to the city from July 1st to July 25 <sup>th</sup> .	Page 36
	3. Delete the phrase “or as soon thereafter as practicable.”	Page 36

- v. Improvements are ordered by ordinance. [XX §2] Page 37
- w. Delete the second sentence stating that notice of a council resolution is not required. [XX §2] Page 37
- x. The reference to Texas Local Government Code Chapter 402 is no longer current. [XX §11] Page 38
- y. Change the term “officer” to “official” to be consistent with Dallas City Code Chapter 12A. [XXII §11] **TAB 4**  
Page 10
- z. Change September to August, and allow City Council to begin the nomination process, rather than make the appointments. [XXIV §13(a)] **TAB 8**  
Page 39

**9. Records management.**

**TAB 9**

Require the City Secretary’s record management system to permanently retain all minutes, final orders, and any electronic recordings of the city council and certain boards and commissions. (IIIA §3)

Page 40

**Note:** During the briefing on May 21, 2014, city council directed that this item will be resolved through a code amendment, and the City Attorney’s Office will prepare a code amendment.

**AMENDMENTS TO THE DALLAS CITY CHARTER**  
**RECOMMENDED BY THE CHARTER REVIEW COMMISSION**  
**WITH SUGGESTED MODIFICATIONS**

**CHAPTER IV.       ELECTIONS AND REFERENDUMS**  
**SEC. 5.           DISTRICT LIMITS.**

**Commission recommendation:**   Revise the redistricting process.   The proposed amendments include: (1) a widely-publicized application process, (2) qualifications for applicants, (3) persons who are not eligible to be applicants, (4) independent outside auditor review of applications, (5) each city councilmember appoints one member, (6) guidelines for drawing district lines, (7) prohibits commissioners from running for city council for the next two terms or serving on a city board for two years, (8) prohibits city councilmember contact with commissioners, except in open meetings, (9) training and staffing for the commission and public input on proposed maps, and (10) requires a written explanation, 72 hours public notice, and three-fourths vote of city council to modify the proposed map.

**Note 1:**           At the briefing on May 21, 2014, city council directed that the following sentence be deleted from Section 5(b)(5): “The city council shall also select four additional members of the redistricting commission from the qualified applicant pool to ensure geographic, racial, ethnic, and gender diversity; special expertise; and city-wide perspective.”

**Note 2:**           At the briefing on May 21, 2014, the city council directed that the following sentence be in Section 5(b)(8) be revised as follows: “City council members may not have contact, directly or indirectly, with [~~any applicants for the redistricting commission;~~] a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting.

**Commission proposed language with modifications described in notes 1 and 2:**

**“SEC. 5.       DISTRICTS [LIMITS] AND REDISTRICTING.**

(a)       The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b)       Redistricting commission.

(1)       Not later than January 31 of the year following the federal decennial census [~~the date of receipt of any federal census~~], the city secretary shall initiate and widely publicize a 60-day application process with outreach to diverse communities to encourage participation. All applications must be submitted in writing or electronically.

(2) Applicants must have the following qualifications:

(A) Applicants must be registered to vote and must have voted in two of the last three city elections for city council members.

(B) Applicants must have been residents of Dallas for the last six months before the date of application.

(C) Applicants must have knowledge of and support the Voting Rights Act.

(D) Applicants must have the relevant expertise, a capacity to serve with impartiality, the ability to work collaboratively, an understanding of the underlying legal principles of redistricting, a knowledge and appreciation of the diverse racial and ethnic demographics in Dallas, and a will to serve the greater good.

(3) The following persons are not eligible to serve on the redistricting commission:

(A) A member of the city council or the spouse of a member of the city council or any family member within the third degree of consanguinity or affinity.

(B) A person or the spouse of a person who has been appointed to or elected to any elective federal, state, county, or city office during the three years before the application date.

(C) The campaign manager, treasurer, or staff member of any federal, state, county, or city elective office during the five years before the application date.

(D) A registered lobbyist or spouse of a lobbyist registered with the city, county, state, or federal government.

(E) A person or spouse of a person who has a contractual relationship with the city, works for the city, works for or with any member of the city council, or has a contractual relationship with any member of the city council or the spouse of a city council member.

(F) A person who, in accordance with this Charter, city ordinances, or written city policy, is ineligible for appointment to a city board or commission.

(4) By April 1 of the year following the federal decennial census, the city secretary's office shall review each application for completeness and shall forward the complete applications to an independent outside auditor's office to determine compliance with the qualifications and to eliminate applicants that do not qualify. By June 1, the independent outside auditor's office shall forward a list of all qualified applicants to the mayor and city council. The list will indicate the city council district where the applicant lives.

(5) In making their appointments, members of the city council and the mayor shall use the following process: E[each member of the city council shall appoint one member of the redistricting commission from the qualified applicant pool. The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council. In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population. Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the redistricting commission's work.

(6) The redistricting commission shall draw the districts in compliance with the following guidelines:

(A) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.

(B) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.

(C) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.

(D) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.

(E) Communities of interest shall be placed in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.

(F) The redistricting commission may adopt any other requirements of federal or state law.



(7[2]) ~~[A member of the city council is not eligible for appointment to the redistricting commission.]~~ A member of the redistricting commission is not eligible to be a candidate for a place on the city council, except the mayor, in the next two succeeding city council general elections of the city, and may not be appointed ~~[or elected to the city council or]~~ to any other official board or commission of the city for a period of two ~~[one]~~ years after service on the redistricting commission.

(8) City council members may not have contact, directly or indirectly, with a redistricting commission member, or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with city council members, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.

(9[3]) Before the redistricting commission commences work, the city will provide training from knowledgeable and professional trainers on Dallas demographics, the legal principles of redistricting, including the Voting Rights Act, and the process for performing redistricting, including the use of computer software to draw district lines. Upon request, the city shall provide support staff and equipment and other resources, as necessary for the redistricting commission to perform its duties. The redistricting commission shall solicit broad public participation in the redistricting process. The hearing process shall include hearings to receive public input before the redistricting commission draws any maps and hearings following the drawing and display of any redistricting commission maps. The redistricting commission shall display the proposed maps for public comment in a manner designed to achieve the widest public access reasonably possible, and for a reasonable time before approval by the redistricting commission. In addition, the redistricting commission shall make available a report that identifies for each district: boundaries, population, racial and ethnic composition, and compactness measures. [The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter.]

(10) Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor. The mayor shall present the recommended plan to the city council at its next meeting. The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor. Any modification or change to the plan must be made in open session at a city council meeting, with a written explanation of the need for the modification or change and a copy of the proposed map with the modification or change made available to the public 72 hours before a vote, and the proposed plan must be approved by a vote of three-fourths of the members of the city council. If no [neither of such] action[s] is taken by the city council within 45 days after the plan was presented to the mayor, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(~~11~~<sup>4</sup>) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city.”

**CHAPTER III. CITY COUNCIL**  
**SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.**

**Commission recommendation:** Increase councilmember compensation to \$60,000 effective in June 2015, and Mayor's compensation to \$80,000, effective upon the swearing in as mayor of an individual who did not hold the office on November 4, 2014.

**Note 1:** At the briefing on May 21, 2013, the Mayor requested additional language to make the increase in the Mayor's compensation effective upon the swearing in as mayor of an individual who did not hold the office on November 4, 2014..

**Commission proposed language with requested the modification described in note 1:**

**"SEC. 4. COMPENSATION OF THE MEMBERS OF THE CITY COUNCIL.**

(a) Effective at the beginning of the council terms in June 2015 [~~October 1, 2001~~], each member of the city council, other than the mayor, shall receive as compensation for services the sum of \$60,000 [~~37,500~~] for each year (prorated for partial years) that the member serves on the city council. Effective upon the swearing in as mayor of an individual who did not hold the office of mayor on November 4, 2014, t[~~F~~]he mayor shall receive as compensation for services the sum of \$80,000 [~~60,000~~] for each year (prorated for partial years) served as mayor on the city council.

(b) For purposes of this section, a "year" means a 12-consecutive-month period.

(c) The compensation provided for in Subsection (a) will be paid on a biweekly basis.

(d) In addition to receiving the compensation provided for in Subsection (a), all necessary expenses incurred by members of the city council in the performance of their duties will be paid by the city, when authorized by the city council.

(e) If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation provided for under Subsection (a) for that year will be reduced proportionately by the percentage of meetings missed. For purposes of this subsection, regular meetings include both those held by the full city council and those held by the standing city council committees on which a member serves. Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required under this subsection, but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

**CHAPTER III. CITY COUNCIL**  
**SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.**

**Commission recommendations:**

- (a) Clarify that the prohibition on running for other offices applies to municipal judges and commission members as well as board members.
- (b) Make the prohibition on running for other offices apply to DART board members and DFW board members.
- (c) Amend the charter and code of ethics to conform to state law, which prohibits a city from terminating an employee who runs for public office.  
The provision currently provides that board members and city officers forfeit their position if they become a candidate for public office. The proposed amendment amends Subsection (a) to apply to city board and commission members and city appointees to the DART board and the DFW board. The proposed amendment deletes Subsection (c) because Texas Local Government Code §150.041 provides that a city may not prohibit a city employee from becoming a candidate for public office.

**Note 1:** At the briefing on May 21, 2014, city council requested that the following language be added to Section 17(a): “This provision does not prohibit a person from applying for a position as a municipal judge while a candidate for nomination or election to any public office.”

**Note 2:** At the briefing on May 21, 2014, city council requested a list of other non-city boards to which the city appoints. See the memo dated May 30, 2014 from the city attorney.

**Commission proposed language with requested the modification described in note 1:**

**“SEC. 17. PROHIBITING HOLDING OR RUNNING FOR OTHER OFFICE.**

(a) No person elected to the city council shall, during the term for which he or she was elected, be appointed to any office or position of emolument in the service of the city. If a member of any board or commission appointed by the council or any appointive officer of the city, including municipal judges, city appointees to the Dallas Area Rapid Transit Board, and city appointees to the Dallas/Fort Worth International Airport Board, becomes a candidate for nomination or election to any public office, he or she shall immediately forfeit his or her place or position with the city. This provision does not prohibit a person from applying for a position as a municipal judge while a candidate for nomination or election to any public office.

(b) A member of the city council shall forfeit his or her place on the council if he or she becomes a candidate for nomination or election to any public office other than a place on the city council or if he or she becomes a candidate for election to any different place on the city council that requires taking office prior to the end of his or her elective term.

~~[(e) If any employee of the city becomes a candidate for nomination or election to any elective public office within Dallas County; or elective public office in another county within the state, having contractual relations with the city, direct or indirect; or any elective public office that would conflict with his or her position as an employee of the city, the employee shall immediately forfeit his or her place or position with the city. *NOTE: See Section 12A-10 of the Dallas City Code for judicial interpretation of this section.*]~~

**CHAPTER VIII. MUNICIPAL COURTS**  
**SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.**

**Commission recommendations:**

- (a) Clarify that a municipal judge automatically resigns if the judge announces that he/she is a candidate for an elected office.
- (b) Add a cross-reference to III §17.  
Clarifies that a municipal judge may be removed from office if the judge becomes a candidate for any public office. Adds a cross-reference to III §17, which prohibits city officers from holding or running for public office.

**Commission proposed language:**

**“SEC. 4A. REMOVAL OF MUNICIPAL JUDGES.**

A full-time or associate municipal judge may be removed from office by a majority vote of all members of the city council if the council determines, after a hearing before the council, that the municipal judge ~~[failed to comply with, or maintain compliance with]~~:

- (1) does not meet any residency requirements for municipal judges established by city council ordinance; ~~[or]~~
- (2) does not meet any other qualifications or requirements for municipal judges established by city ordinance, state or federal law, or other applicable law; or
- (3) becomes a candidate for nomination or election to any public office (see Section 17 of Chapter III of this Charter).”

**CHAPTER XXII. PUBLIC CONTRACTS**  
**SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.**

**Commission recommendations:**

- (a) Change the term “officer” to “official” to be consistent with Dallas City Code Chapter 12A.
- (b) Exempt ownership of an interest in a mutual or common investment fund.
- (c) Exempt contracts for general services or benefits made available on the same terms that they are made available to the general public.
- (d) Exempt board and commission members, but require that they comply with conflict of interest and ethics provisions in state law or the city code.

This section prohibits city officials and employees from having a financial interest in contracts with the city. The amendments change the term “officer” to “city official” to match to Dallas City Code Chapter 12A, the Code of Ethics. The amendments provide the prohibition does not apply to ownership of an interest in a mutual or common fund, such as the city’s pension plan or 401K plan. The amendment exempts contracts for general services or benefits, such as renting a city facility, that are made on the same terms that they are made available to the public. The amendments provide that the prohibition on interests in city contracts do not apply to board and commission members, but that they must still comply with conflict of interest and ethics provision in state law and Dallas City Code.

**Note 1:** At the briefing on May 21, 2014, the chair of the Charter Review Commission requested that Section 11(e) be revised as follows to clarify the intent of the Charter Review Commission: “This section does not apply to non-negotiated, form contracts for general city services or benefits if the city services or benefits are made available to the city official or employee on the same terms that they are made available to the general public.”

**Commission proposed language with the modification described in note 1:**

**“SEC. 11. FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED.**

(a) No city official [~~officer~~] or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as a city official [~~an officer~~] or employee. Any violation of this section shall constitute malfeasance in office, and any city official [~~officer~~] or employee guilty thereof shall thereby forfeit the city official’s [~~officer’s~~] or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council.

(b) The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees.

(c) The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law.

(d) This section does not apply to an ownership interest in a mutual or common investment fund that holds securities or other assets unless the person owns more than 10 percent of the value of the fund.

(e) This section does not apply to non-negotiated, form contracts for general city services or benefits if the city services or benefits are made available to the city official or employee on the same terms that they are made available to the general public.

(f) This section does not apply to a nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board. A nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board, must comply with any applicable conflict of interest or ethics provisions in the state law and the Dallas City Code.”



**CHAPTER III. CITY COUNCIL**  
**SEC. 19 INDEPENDENT AUDIT.**

**Commission recommendations:**

- (a) Change reference to “accounts, records, and transactions” to “annual financial statements” because that is what is actually audited.
  - (b) Require the firm that conducts the audit to be registered with the State of Texas.
  - (c) Certification of budget estimates is the duty of the city’s internal auditor, not the external independent auditor.
  - (d) Require the audited financial statements to be posted on the city’s website and maintained in the central and branch libraries.
- This provision concerns independent audits of the city’s annual financial statements.

**Commission proposed language:**

**“SEC. 19 INDEPENDENT AUDIT.**

The city council shall cause the annual financial statements and related records and accounts of the city to be audited annually by a firm registered with the Texas State Board of Public Accountancy as a firm practicing public accountancy. ~~[an independent audit to be made of the books of account, records, and transactions of all the administrative departments of the city at least once yearly. Such audits, during such fiscal year, shall be made by one or more certified public accountants who, for the three years next preceding, have held a certificate issued by the state board of accountancy of the State of Texas, or by a state maintaining an equal standard of professional requirements, which entitled the holder of such certificate to a Texas certificate.]~~ The auditor ~~[or auditors to make the audit]~~ shall be selected by the city council, and shall be responsible to the council. ~~[The duties of the auditor or auditors so appointed shall include the certification of all statements required of the city manager in the annual budget estimate. Such statements shall include a balance sheet, exhibiting the assets and liabilities of the city, supported by departmental schedules, and schedules for each utility publicly owned or operated, summaries of income and expenditures, supported by detailed schedules; and also comparisons, in proper classification, with the last previous year.]~~ The report of such auditor and the financial statements and related audit opinion ~~[or auditors]~~ for the fiscal year shall be printed and a copy shall be furnished to each city council member and the city manager, and a copy shall be kept available in the office of the city secretary for inspection by any citizen upon request. A summary of the annual financial statements and the audit report ~~[such report of the auditor or auditors]~~ shall also be published once in a newspaper of general circulation in the city. The financial statements and audit opinions shall be posted on the city’s website and a physical copy shall be made available in the central and branch libraries. The original report of the auditor or auditors shall be kept among the permanent records of the city.”

**CHAPTER XI.        THE BUDGET AND FINANCIAL PROCEDURE RELATING  
THERETO  
SEC. 3.               ANNUAL APPROPRIATION ORDINANCE.**

**Commission recommendation:** Require the annual appropriation ordinance to be posted on the city's website and maintained in the central and branch libraries. This is one of several amendments that requires additional public notice of city documents.

**Commission proposed language with requested modification:**

**“SEC. 3.        ANNUAL APPROPRIATION ORDINANCE.**

Upon receipt of the city manager's estimate, the council shall call a public hearing upon the submitted budget to be held before a committee of the council, or before the entire council sitting as a committee of the whole. Following the public hearings, the council shall pass on first reading the appropriation ordinance and shall cause it to be published in a newspaper of general circulation in the city, on the city's website and physical copies will be maintained in the central and branch libraries, with a separate schedule setting forth the items in the city manager's estimate that were omitted or changed by the council, if any. The council shall not pass the appropriation ordinance upon final reading until at least 10 days after its publication. Upon passage of the appropriation ordinance by the council, it shall become immediately effective, and the funds appropriated therein become available on October 1, the beginning of the next fiscal year. Following the final passage of the appropriation ordinance, the city council shall, by ordinance, levy the taxes for the current year.”

**CHAPTER XV. PLANNING AND ZONING**  
**SEC. 4. DUTIES OF ZONING COMMISSION.**

**Commission recommendation:** Require notice of city plan commission meetings to be posted on the city's website. This is one of several amendments that requires additional public notice of city documents.

**Commission proposed language:**

**“SEC. 4. DUTIES OF ZONING COMMISSION.**

The zoning commission shall:

(1) Adopt, subject to approval of the city council, such rules and regulations as they deem ~~deed~~ best to govern their actions, proceedings and deliberations, including the time and place of meeting.

(2) Upon application made, advertise and hold public hearings on zoning or changes in zoning, and make recommendations thereon to the city council.

(3) Act as an advisory body to the city council in relation to any changes in the boundaries of the various original districts and any changes in the zoning ordinances and regulations to be enforced therein. Such recommendation shall be made after advertisement of and a public hearing held thereon. Notice of such public hearing shall be published at least one time in a newspaper of general circulation in the city at least 10 days prior to the date of said hearing and on the city's website ~~[- or as otherwise provided by state law or this charter]~~.

(4) Administer provisions of state law regarding the platting and recording of subdivisions and additions, and in connection therewith, to require the owners and developers of land who desire to subdivide, plat or replat land for urban development, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places of adequate width and size; to coordinate street layouts and street planning with the city and with other municipalities, and to coordinate the same with the county, state and federally designated highways, as they may deem best in the interest of the general public. In connection with the planning and the platting of property, the zoning commission shall have the power to consider the character of development or land use contemplated by the proposed platting and the zoning of the property, and require off-street parking, streets and alleys of adequate width to be provided for that purpose.

(5) Make recommendations to the city manager and the city council on matters affecting the physical development of the city.

(6) Advise and make recommendations on the comprehensive plan and the implementation thereof as may be requested by the city manager and the city council.

(7) Exercise all other responsibilities as may be provided by law.”

**CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.**  
**SEC. 7. PUBLICATION OF ORDINANCES.**

**Commission recommendation:** Require ordinances to be published on the city’s website unless otherwise required by law. This is one of several amendments that requires additional public notice of city documents.

**Commission proposed language:**

**“SEC. 7. PUBLICATION OF ORDINANCES.**

The descriptive caption or title of each ordinance stating in summary the purpose of the ordinance and the penalty for violation of the ordinance, shall be published at least once in a newspaper of general circulation in the city and on the city’s website, unless otherwise required ~~[provided]~~ by state law or this Charter, in which event the specific provisions shall be followed.”

## **CHAPTER XVIII. ORDINANCES AND RESOLUTIONS.**

### **SEC. 15. PROMULGATION OF ORDINANCES BEFORE ELECTION.**

**Commission recommendation:** Require ordinances to be submitted to voters to be posted on the city's website and maintained in the central and branch libraries. This is one of several amendments that requires additional public notice of city documents.

**Note:** At the briefing on May 21, 2014, city council directed that copies be made available at the libraries rather than "maintained."

**Commission proposed language with requested modification:**

#### **"SEC. 15. PROMULGATION OF ORDINANCES BEFORE ELECTION.**

Whenever any ordinance or proposition is required by the Charter to be submitted to the voters of the city at any election, the city secretary shall cause the ordinance or proposition to be posted on the city's website and printed in a newspaper of general circulation in the city and published once at least 10 days prior to election. Physical copies of the ordinance or proposition shall be made available in the central and branch libraries."

**CHAPTER XXII. PUBLIC CONTRACTS**  
**SEC. 2. CONTRACT LETTING.**

**Commission recommendation:** Require notice of contract letting be posted on the city's website. This is one of several amendments that requires additional public notice of city documents.

**Commission proposed language:**

**“SEC. 2. CONTRACT LETTING.**

(a) All city contracts calling for or requiring the expenditure or payment of an amount required by state law to be competitively bid creating or imposing an obligation or liability of any nature or character upon the city, must first be submitted for competitive bids in accordance with this chapter. Such bids shall be based upon plans and specifications prepared for that purpose. Notice of the time and place when and where such contract shall be let shall be posted on the city's website and published in a newspaper of general circulation in the City of Dallas once a week for two consecutive weeks prior to the time set for letting such contract, the date of the first publication to be at least 14 days prior to the date set for letting said contract. Such contract shall be let to the lowest responsible bidder.”

**CHAPTER V.            RECALL OF CITY COUNCIL MEMBERS**  
**SEC. 1.                PETITION FOR RECALL OF CITY COUNCIL MEMBERS**

**Commission recommendation:** Allow the City Secretary 45 days to review a petition. This will increase the time the City Secretary has to review signatures on a petition for recall of a city council member from 30 days to 45 days. A similar amendment was made to XVIII §12.

**Commission proposed language:**

**“SEC. 1.            PETITION FOR RECALL OF CITY COUNCIL MEMBERS**

(3)        Within 45 [~~30~~] days after the petition is filed, the city secretary shall examine the petition and, from the list of qualified voters, ascertain whether or not the petition is signed by the requisite number of qualified voters. If necessary, the city council shall allow the city secretary extra help, and, in the case of a petition to recall the mayor or multiple petitions to recall city council members, additional days to complete the examination. The city secretary shall attach to the petition a certificate showing the result of the examination.”



**CHAPTER XVIII. ORDINANCES AND RESOLUTIONS**  
**SEC. 12. CITY SECRETARY TO EXAMINE PETITION.**

**Commission recommendation:** Allow the City Secretary 45 days to review a petition. This will increase the time the City Secretary has to review signatures on petitions for referendums from 30 days to 45 days. A similar amendment was made to V §1(3).

**Commission proposed language:**

**“SEC. 12. CITY SECRETARY TO EXAMINE PETITION.**

Within 45 [30] days after the date the petition is filed, the city secretary shall examine and ascertain whether or not the petition is signed by the requisite number of qualified voters and shall attach to the petition a certificate showing the result of the examination. If the petition is found to be sufficient, the city secretary shall submit the petition to the city council without delay.”

**CHAPTER XVI.      CIVIL SERVICE AND PERSONNEL**  
**SEC. 12.            TRIAL BOARD.**

**Commission recommendation:** Allow the Civil Service Board to designate the secretary of the Trial Board, rather than City Council.

**Note 1:** Should this proposed amendment be treated as one of the technical amendments?

**Commission proposed language:**

**“SEC. 12.      TRIAL BOARD.**

(a)      There is hereby created for the purpose of hearing and determining charges made against any officer or employee of the city, classified or unclassified, who has been discharged or reduced in grade, a board to be known as the trial board, which shall be composed of one member of the civil service board as designated by the chair and two adjunct members of the civil service board as designated by the chair. The civil service board [~~city council~~] shall designate a secretary to the trial board.”

**CHAPTER III.        CITY COUNCIL**  
**SEC. 6.             REGULAR MEETINGS.**

**Commission recommendation:** Delete the final sentence, which requires City Council to meet every week. City Council does not meet every week.

**Commission proposed language:**

**“SEC. 6.        REGULAR MEETINGS.**

(a)     On the day the members of the city council take office, they shall meet at the building designated as the official city hall, and thereafter all regular meetings of the city council must be held in the city hall building in such locations and at such times as may be prescribed by ordinance, resolution, or lawfully-posted notice. ~~[At least one regular meeting of the city council must be held each week unless postponed or canceled for valid reasons as determined by the city council.]~~

(b)     For purposes of this Charter, a regular meeting of the city council means a [weekly] meeting of the full city council at which city council members vote or are briefed on matters of interest to the city.”

**CHAPTER III.       CITY COUNCIL**  
**SEC. 10.           COUNCIL VOTE.**

**Commission recommendation:** Allow city councilmembers to abstain from voting if required by any law. The provision currently requires councilmembers to abstain if they are voting on their own official conduct or if they have a financial conflict of interest.

**Commission proposed language:**

**“SEC. 10.       COUNCIL VOTE.**

No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, where required by law, or where his or her financial interests are involved, and in these instances, the member shall not vote. The council shall determine its own rules of procedure, and may punish its members for misconduct, and may compel the attendance of absent members.”

**CHAPTER III. CITY COUNCIL**  
**SEC. 11. ELECTION AND DUTIES OF THE MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM.**

**Commission recommendation:** Clarify when the mayor is absent and when the Mayor Pro Tem assumes the duties of the Mayor. The proposed amendment clarifies that the Mayor Pro Tem assumes the duties of the Mayor if the Mayor is unable to discharge the powers and duties of the office.

**Commission proposed language:**

**“SEC. 11. ELECTION AND DUTIES OF THE MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM.**

The city council shall elect one of its members as mayor pro tem, who shall perform the duties of mayor if [in the case of the absence or inability of] the mayor is unable to discharge the powers and duties of the office [to perform the duties of office], who shall, during that time, be vested with all the powers belonging to the mayor. The council shall also elect one of its members as deputy mayor pro tem to act if [in the absence of] both the mayor and the mayor pro tem are unable to discharge the powers and duties of the office and to exercise the powers of the mayor during that time.”

**Note 1:** Due to questions raised after the May 28, 2014 meeting, the City Attorney’s Office suggests the following language to clarify the changes.

**“SEC. 11. ELECTION AND DUTIES OF THE MAYOR PRO TEM AND DEPUTY MAYOR PRO TEM.**

The city council shall elect one of its members as mayor pro tem, who shall perform a specific duty of the mayor if [in the case of the absence or inability of] the mayor is unable to discharge that specific duty [to perform the duties of office], and who shall, during that time, be vested with all the powers belonging to the mayor to perform that specific duty. The council shall also elect one of its members as deputy mayor pro tem to act if [in the absence of] both the mayor and the mayor pro tem are unable to discharge a specific duty and to exercise the power of the mayor to perform that specific duty.”

**CHAPTER III. CITY COUNCIL**  
**SECTION 20. CITY TREASURER AND SELECTION OF CITY DEPOSITORY.**

**Commission recommendations:**

- (a) Clarify that the Chief Financial Officer is responsible for management of the city's financial assets.
- (b) Move responsibility for deposit of funds from XI §13 to this section.
- (c) Require that deposits be made promptly in a commercially reasonable manner, rather than within 24 hours.

References to the city treasurer or city controller have been changed to the chief financial officer. The proposed amendments require that monies received by the city be deposited promptly in a commercially reasonable manner in city depositories.

**Commission proposed language:**

**“SECTION 20. CITY TREASURER AND SELECTION OF CITY DEPOSITORY.**

(a) The person designated by the city manager as the chief financial officer of the city shall serve as the city treasurer, who shall have the custody of all the public moneys, funds, notes, bonds, and other securities belonging to the city. The chief financial officer [~~city treasurer~~] shall give such bond as the council may require, conditioned on the faithful discharge of his or her duties, and the premium of such bond shall be paid by the city. In addition to such bond, the city shall [~~may~~], in accordance with state law, require designated city depositories [~~the city treasurer~~] to hypothecate securities in such amount as it shall prescribe.

(b) The city council shall, in accordance with state law, select and designate a depository for the moneys and funds of the city. The city council may at any time, in accordance with state law, select and designate more than one depository. The chief financial officer [~~city treasurer~~] shall be responsible for administering the contract with the depository. The depository shall receive and securely keep all moneys belonging to the city and make all payments from the same upon orders signed by the city manager and countersigned by the chief financial officer [~~city controller~~], after authorization of the city council. All monies received by any person, department, or agency of the city for or in connection with affairs of the city shall be deposited promptly in a commercially reasonable manner in city depositories. The chief financial officer [~~city treasurer~~] shall ensure that a full and correct statement of receipts and payments is provided to the city manager and the city council, at such times as the city manager or council may require and in such form as the city manager may prescribe. The chief financial officer [~~city treasurer~~] shall perform such other acts and duties as the city manager may prescribe.”

**CHAPTER XI.        THE BUDGET AND FINANCIAL PROCEDURE RELATING  
THERETO  
SEC. 13.            DISPOSITION OF FUNDS.**

**Commission recommendation:** Delete this section and move responsibility for deposit of funds to III §20. The proposed amendment requires that monies received by the city be deposited promptly in a commercially reasonable manner in city depositories.

**Commission proposed language:**

**“SEC. 13.        RESERVED [~~DISPOSITION OF FUNDS~~].**

~~[The city controller shall pay over into the city treasury all moneys collected by the city controller and belonging to the city within 24 hours after receiving such moneys. Upon failure to do so, the city controller and the sureties on the city controller’s bond shall be required to pay interest thereon at the rate of 10 percent per annum until such deposit is made.]”~~

**CHAPTER XI.       THE BUDGET AND FINANCIAL PROCEDURE RELATING  
                          THERETO  
SEC. 4.             TRANSFER OF APPROPRIATIONS.**

**Commission recommendation:** “Unencumbered” is misspelled.

**Commission proposed language:**

**“SEC. 4.       TRANSFER OF APPROPRIATIONS.**

Upon the written recommendation of the city manager, the city council may at any time transfer an unencumbered [~~unincumbered~~] balance of an appropriation made for the use of one department, division, or purpose to any other department, division, or purpose.”



**CHAPTER XI.        THE BUDGET AND FINANCIAL PROCEDURE RELATING  
THERE TO  
SEC. 5.            APPROPRIATION OF EXCESS REVENUE.**

**Commission recommendation:** The cross-reference to Subdivisions (4) and (5) of Section 1 is not correct.

**Commission proposed language:**

**“SEC. 5.        APPROPRIATION OF EXCESS REVENUE.**

If at any time the total accruing revenue of the city shall be in excess of the total estimated income thereof, as set forth in the annual budget estimate in compliance with [~~Subdivisions (4) and (5) of~~] Section 1 of Chapter XI of this Charter [hereof], the council may from time to time appropriate such excess to such uses as will not conflict with any uses for which such revenues specifically accrued.”

**CHAPTER XI.        THE BUDGET AND FINANCIAL PROCEDURE RELATING  
THERE TO  
SEC. 6.               EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.**

**Commission recommendation:** The reference to the City Secretary is incorrect; the Chief Financial Officer provides any notice.

**Commission proposed language:**

**“SEC. 6.        EXPENDITURES ONLY PURSUANT TO APPROPRIATIONS.**

No money shall be drawn from the city treasury, nor shall any obligation for the expenditure of money be incurred, except in pursuance of appropriation made by the council and, whenever an appropriation is so made, the chief financial officer [~~city secretary~~] shall forthwith give notice to the city manager. At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated and shall be subject to future appropriations, but appropriations may be made in furtherance of improvements or other objects of work of the city that will not be completed within the current year.”

**CHAPTER XI.        THE BUDGET AND FINANCIAL PROCEDURE RELATING  
THERETO  
SEC. 8.             PAYMENT OF OBLIGATIONS.**

**Commission recommendation:** Change “City Controller” to “Chief Financial Officer.” The position formerly titled as “City Controller” is now titled as “Chief Financial Officer.”

**Commission proposed language:**

**“SEC. 8.        PAYMENT OF OBLIGATIONS.**

The chief financial officer [~~city controller~~] shall examine payrolls, bills, and other claims and demands against the city and shall issue no warrant for payment unless the city controller finds that the claim is in proper form, and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted or that the payment has been otherwise legally authorized; and that there is money in the city treasury to make payment. The chief financial officer [~~city controller~~] may investigate any claim and for that purpose may summon any officer, agent or person to be examined by the chief financial officer [~~city controller~~] upon oath or affirmation relative thereto, which oath or affirmation the chief financial officer [~~city controller~~] may administer. If the chief financial officer [~~city controller~~] knowingly or negligently issues a warrant on the treasury authorizing payment of any item for which no appropriation has been made, or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, the chief financial officer [~~city controller~~] and the chief financial officer's [~~city controller's~~] sureties shall be individually liable to the city for the amount thereof.”

**CHAPTER XI.        THE BUDGET AND FINANCIAL PROCEDURE RELATING  
THERETO  
SEC. 11.            OBLIGATIONS; WHEN VOID.**

**Commission recommendation:** The cross-reference to Section 10 is not correct.

**Commission proposed language:**

**“SEC. 11.        OBLIGATIONS; WHEN VOID.**

All contracts, agreements, or other obligations entered into, and all ordinances passed and resolutions and orders adopted, that are contrary to the preceding sections of this chapter shall be void, and no person shall have any claim or demand against the city thereunder, nor shall the council or any officer of the city waive or qualify the limits fixed by any ordinance, resolution, or order~~[, as provided in Section 10 of this chapter]~~, or fasten upon the city any liability in excess of such limits, or relieve any party from an exact compliance with a contract under such ordinance, resolution, or order; provided, that this section shall not apply in case of public disaster calling for extraordinary emergency expenditure or to the exceptions contained in Section 12 of this chapter.”

**CHAPTER XV.        PLANNING AND ZONING**  
**SEC. 1.                COMPREHENSIVE PLANNING.**

**Commission recommendation:** The comprehensive plan is amended by ordinance, not resolution. Dallas Development Code §51A-1.108(d) provides that the comprehensive plan may be amended by ordinance.

**Commission proposed language:**

**“SEC. 1.        COMPREHENSIVE PLANNING.**

(2)    ADOPTION. Upon receipt from the city manager of a proposed comprehensive plan or proposed modification of the existing plan, the council shall hold a public hearing on the proposed comprehensive plan or modification thereof and shall thereafter adopt it by ordinance [~~resolution with or without amendment~~], or reject the same.”

**CHAPTER XV. PLANNING AND ZONING**  
**SEC. 7. ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.**

**Commission recommendation:** Delete because alternate members of the Board of Adjustment are addressed in Dallas Development Code §51A-3.102(a).

**Commission proposed language:**

**“SEC. 7. RESERVED. ~~[ALTERNATE MEMBERS OF THE BOARD OF ADJUSTMENT.~~”**

~~In addition to the membership provided by state law to serve on the board of adjustment, the city council may, if it so desires, appoint six additional members who shall be designated as alternate members. The alternate members shall serve on the board at the designation of the board chair in any case where any regular member of the board of adjustment is either absent or unable to serve in any particular case for any reason so that all cases to be heard by the board of adjustment will always be heard by the minimum number of members required by state law. These alternate members, when appointed, shall serve for the same period as the regular members, and any vacancies shall be filled in the same manner.]”~~

**CHAPTER XVI.      CIVIL SERVICE AND PERSONNEL**  
**SEC. 12.           TRIAL BOARD.**

**Commission recommendation:** Change the time from 10 days to 10 working days to be consistent with the Personnel Rules. Allows officers and employees 10 working days to appeal to the trial board, in keeping with Dallas City Code Chapter 34.

**Commission proposed language:**

**“SEC. 12.      TRIAL BOARD.**

(c) Any aggrieved officer or employee who desires to appeal to the trial board must do so in writing within 10 working days from the date of notification of dismissal or reduction. The aggrieved officer or employee has the right to be represented by counsel, to have an open hearing, and to compel the attendance of witnesses to testify for the aggrieved officer or employee. The appeal to the trial board does not suspend the execution of the order being appealed. The trial board, by majority vote, or the administrative law judge may either sustain, reverse, modify, or amend the disciplinary action as is determined just and equitable, provided that the disciplinary action must be sustained if a reasonable person could have taken the same disciplinary action against the employee.”

**CHAPTER XVI. CIVIL SERVICE AND PERSONNEL**  
**SEC. 16. NO DISCRIMINATION BASED ON RACE, SEX, RELIGIOUS OR**  
**POLITICAL OPINIONS; PROHIBITING CERTAIN POLITICAL**  
**ACTIVITY ON THE PART OF EMPLOYEES.**

**Commission recommendation:** Amend the section to conform to Wachsman v. Dallas. Amends the section to allow police and fire employees to engage in political activities to the extent permitted by law, in keeping with the holding in Wachsman v. Dallas.

**Commission proposed language:**

**“SEC. 16. NO DISCRIMINATION [~~BASED ON RACE, SEX, RELIGIOUS OR~~**  
**~~POLITICAL OPINIONS~~]; PROHIBITING CERTAIN POLITICAL**  
**ACTIVITY ON THE PART OF EMPLOYEES.**

(d) Notwithstanding any conflict with Subsections (b) and (c) of this section, a sworn employee of the fire-rescue department or the police department may engage in political activities to the extent permitted by [state] law. [~~*NOTE: See Wachsman v. City of Dallas, 704 F.2d 160 (5th Cir. 1983) for judicial interpretation of this section.*~~]



**CHAPTER XIX.      ASSESSMENT AND COLLECTION OF TAXES**  
**SEC. 1.            PROPERTY SUBJECT TO TAXATION.**

**Commission recommendations:**

- (a) Change the reference to the tax assessor and collector to the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located.
- (b) Change the date the tax appraiser submits tax lists to the city from July 1st to July 25th.
- (c) Delete the phrase “or as soon thereafter as practicable.”  
The amendment reflects that the Texas Tax Code provides that the appraisal district will prepare the list of taxable property and submits it to the city by July 25th.

**Commission proposed language:**

**“SEC. 1.      PROPERTY SUBJECT TO TAXATION.**

All property, real, personal or mixed, lying and being within the corporate limits of the city on the first day of January, shall be subject to taxation, excepting such property as may be exempt from taxation under the Constitution, and the laws of the State of Texas. Pursuant to the Texas Tax Code, [It shall be the duty of] the chief appraiser of the appraisal districts of the counties in which the City of Dallas is located [tax assessor and collector] on or before the 25th [first] day of July of each year shall [or as soon thereafter as practicable, to] make and return to the city council a full and complete list and assessment of all property, both real and personal, held, owned or situated in the city on the first day of January of each year and not exempt from municipal taxation.”

**CHAPTER XX.       PUBLIC IMPROVEMENTS AND ASSESSMENTS**  
**SEC. 2.           IMPROVEMENT ORDERED BY RESOLUTION.**

**Commission recommendations:**

- (a)     Improvements are ordered by ordinance.
- (b)     Delete the second sentence stating that notice of a council resolution is not required.  
Public improvements are ordered by ordinance, rather than a resolution. Deletes sentence that waives notice, so that notice will be provided as required by law.

**Commission proposed language:**

**“SEC. 2.       IMPROVEMENT ORDERED BY ORDINANCE ~~[RESOLUTION]~~.**

The city council shall have power by ordinance ~~[resolution]~~ to order the making of the public improvements mentioned in this chapter, or any of them, and the passage of such ordinance ~~[resolution]~~ shall be conclusive of the public necessity and benefits of making the improvements. Notice of the ordinance and a public hearing must be provided as required by state law. ~~[No notice of such action by the city council is required to make it valid.]~~ The ordinance ~~[resolution]~~ must, in general terms, set forth the nature and extent of the improvements to be made, the section or sections of any highway or highways to be improved, and whether or not assessments are to be made for such improvements. The city secretary shall, immediately upon the passage of the ordinance ~~[resolution]~~, furnish a copy to the county clerk of Dallas County, Texas, as provided in Chapter 313 ~~[314]~~ of the Texas Transportation Code, as amended, to be filed as therein provided. In addition, the city secretary shall furnish a copy of the ordinance ~~[resolution]~~ to the tax assessor and collector, who shall indicate upon any tax statement thereafter issued covering property abutting upon that part of the highway or highways to be improved that the proceeding is pending. Any failure by the city secretary to furnish a copy of the ordinance ~~[resolution]~~ to the tax assessor and collector, or any failure by the tax assessor and collector to indicate the pendency of such a proceeding upon a tax statement, shall not affect the validity of the proceeding under this chapter, nor of any assessment thereafter levied pursuant to this chapter.”

**CHAPTER XX. PUBLIC IMPROVEMENTS AND ASSESSMENTS**  
**SEC. 11. STATE LAW ADOPTED AS TO WATER AND SEWER SYSTEM IMPROVEMENTS.**

**Commission recommendation:** The reference to Texas Local Government Code Chapter 402 is no longer current. The section gives the city the power to make any improvements to water and sewer systems allowed by state law.

**Commission proposed language:**

**“SEC. 11. STATE LAW ADOPTED AS TO WATER AND SEWER SYSTEM IMPROVEMENTS**

All of the powers conferred by [~~Chapter 402, Subchapter D of the Texas Local Government Code, as amended, and other~~] applicable state laws, authorizing cities to improve their waterworks and sanitary sewer systems and to make assessments therefor, are hereby adopted in all respects insofar as they may apply to the City of Dallas. Insofar as it is allowable under the state law, the city council shall have the option as an alternative to use any other methods of obtaining the same services and improvements as may be provided by state law.”

## **CHAPTER XXIV. MISCELLANEOUS PROVISIONS**

### **SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.**

**Commission recommendation:** Change September to August, and allow City Council to begin the nomination process, rather than make the appointments. The amendment reflects that nominations for boards and commissions are started in August, rather than being completed in September.

#### **Commission proposed language:**

#### **“SEC. 13. APPOINTMENT AND TENURE OF COMMISSIONS AND BOARDS.**

(a) During August [~~September~~] of each odd-numbered year, the city council shall begin the nomination process for [~~appoint~~] all members of the commissions and boards provided for in this Charter or which the city council may provide for by ordinance. Such members shall serve for a term as provided by ordinance by the city council not to exceed two years from October 1 or until their successors are appointed and qualified, except that a member of a board or commission that is only advisory in nature may not hold over in his or her position longer than nine months after the expiration of his or her term or after the creation of a vacancy in his or her position.”

**CHAPTER IIIA. CITY SECRETARY**  
**SEC. 3. DUTIES OF THE CITY SECRETARY.**

**Commission recommendation:** Require the City Secretary's record management system to permanently retain all minutes, final orders, and any electronic recordings of the city council and certain boards and commissions. Ensures that records of certain city boards and commissions will be permanently available for public inspection.

**Note:** During the briefing on May 21, 2014, city council directed that this item will be resolved through a code amendment, and the City Attorney's Office will prepare a code amendment.

**Commission proposed language:**

**“SEC. 3. DUTIES OF THE CITY SECRETARY.**

The city secretary shall:

(1) attend all meetings of the city council and keep accurate records of all actions taken by the city council;

(2) oversee a records management program for the city that provides for the identification, maintenance, retention, security, electronic storage, microfilming, disposition, and preservation of city records and appoint a city records management officer to administer the program, and the records management program shall include permanent retention of minutes, final orders and any electronic recordings of the city council and of the following boards and commissions: board of adjustment, charter review commission, city plan commission, Dallas citizens' police review board, civil service board, ethics advisory commission, landmark commission, park and recreation board, permit and license appeal board, and redistricting commission;

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Office of Economic Development

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

**MAPSCO:** 61B J

---

**SUBJECT**

**Courtland Farms LLC Amendment to Development Agreement and Tax Abatement Agreements**

- \* Authorize an amendment to Resolution No. 14-0549, previously approved on March 26, 2014, authorizing a development agreement with Courtland Group, LLC changing the name of the contracting entity from Courtland Group, LLC to Courtland Farms, LLC and revising the terms to clarify that the City will be constructing the Grady Niblo extension - Financing: No cost consideration to the City
- \* Authorize an amendment to Resolution No. 14-0550, previously approved on March 26, 2014, authorizing two real property tax abatement agreements with Courtland Group, LLC changing the name of the contracting entity from Courtland Group, LLC to Courtland Farms, LLC and extending the dates of substantial completion – Financing: No cost consideration to the City

**BACKGROUND**

On March 26, 2014, the City Council passed Resolution Nos. 14-0549 and 14-0550 authorizing a development agreement and two tax abatements to support a proposed two-building industrial warehouse development in Mountain Creek Business Park.

Courtland had a site of approximately 87 acres under contract which it proposed to sell to Crow Holdings. Crow Holdings plans to build two new, speculative industrial/warehouse buildings in phases. Phase I is planned to be 621,920 square feet on 45.41 acres and Phase II is planned to be 594,880 square feet on 41.36 acres. The estimated total investment for the new facilities is approximately \$36,500,000.

## **BACKGROUND** (Continued)

The agreement calls for the City to construct an extension of Grady Niblo Road approximately 2,400 feet in an easterly direction from the current terminus of the road to a location adjacent to the proposed building site. The developer will contribute right-of-way as well as the engineering costs of the road project. Once the road is completed, the developer will construct Phase I of the project, a building of at least 600,000 square feet. The developer will be eligible to receive a ten-year, ninety percent real property tax abatement on the added value of real property if Phase I is completed by December 31, 2015. If the building is not substantially completed by December 31, 2015, the developer will not receive the proposed tax abatement, and will be required to repay the City's costs related to the road construction, up to \$2,422,706. The developer's obligation to repay is not secured. Phase II, a second building of at least 580,000 square feet will be subject to a separate ten-year, ninety percent tax abatement on the added value of real property.

Since receiving the authorization for the abatements and development agreement, but before executing the contracts, the land was acquired by an entity named Courtland Farms, LLC rather than Courtland Group, LLC. This necessitates an amendment to both resolutions to correct the name of the contracting entity for both the development agreement and the tax abatement agreements.

Additionally, staff has learned that the construction of the extension of Grady Niblo Road must be completed prior to construction of the proposed buildings in order to provide emergency services to the site. The time required to construct the road has resulted in delays relative to the vertical construction schedule. As a result, an extension of the substantial completion date is requested.

Crow Holdings intends to commence vertical construction of the first building in late 2014 or early 2015, as soon as the road construction allows work to begin. Full project completion is anticipated by late 2017. In consideration of the proposed Phase I tax abatement and road construction, Courtland/Crow Holdings will invest a minimum of \$17,000,000 in real property improvements related to the construction of a minimum 600,000 square foot industrial/warehouse facility. In consideration of the Phase II tax abatement, Courtland/Crow Holdings will invest a minimum of \$16,000,000 in real property improvements related to the construction of a minimum 580,000 square foot industrial/warehouse facility. Each building will have a specific real property abatement.

The cumulative forgone revenue from the proposed 90 percent, ten year real property abatements is \$2,618,145. The 10-year net fiscal impact of the proposed development after incentives is \$461,649. The twenty-year net fiscal impact of the proposed development after incentives is \$3,669,681. This project complies with the Public/Private Program guidelines in that it involves an investment of more than \$1,000,000 at this Southern Dallas site.

## **ESTIMATED SCHEDULE OF THE PROJECT**

Begin Construction	December 2014
Substantial Completion	December 2017

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

This item was briefed to the Economic Development Committee on February 18, 2014.

The public hearing for this item was approved on February 26, 2014.

On March 26, 2014, the City Council authorized a development agreement and two tax abatements to support a proposed two-building industrial warehouse development in Mountain Creek Business Park by Resolution Nos. 14-0549 and 14-0550.

This item was briefed to the Economic Development Committee on June 2, 2014.

## **FISCAL INFORMATION**

No cost consideration to the City

## **OWNER**

**Courtland Farms, LLC**

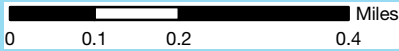
John Napper, President

## **MAP**

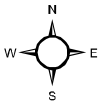
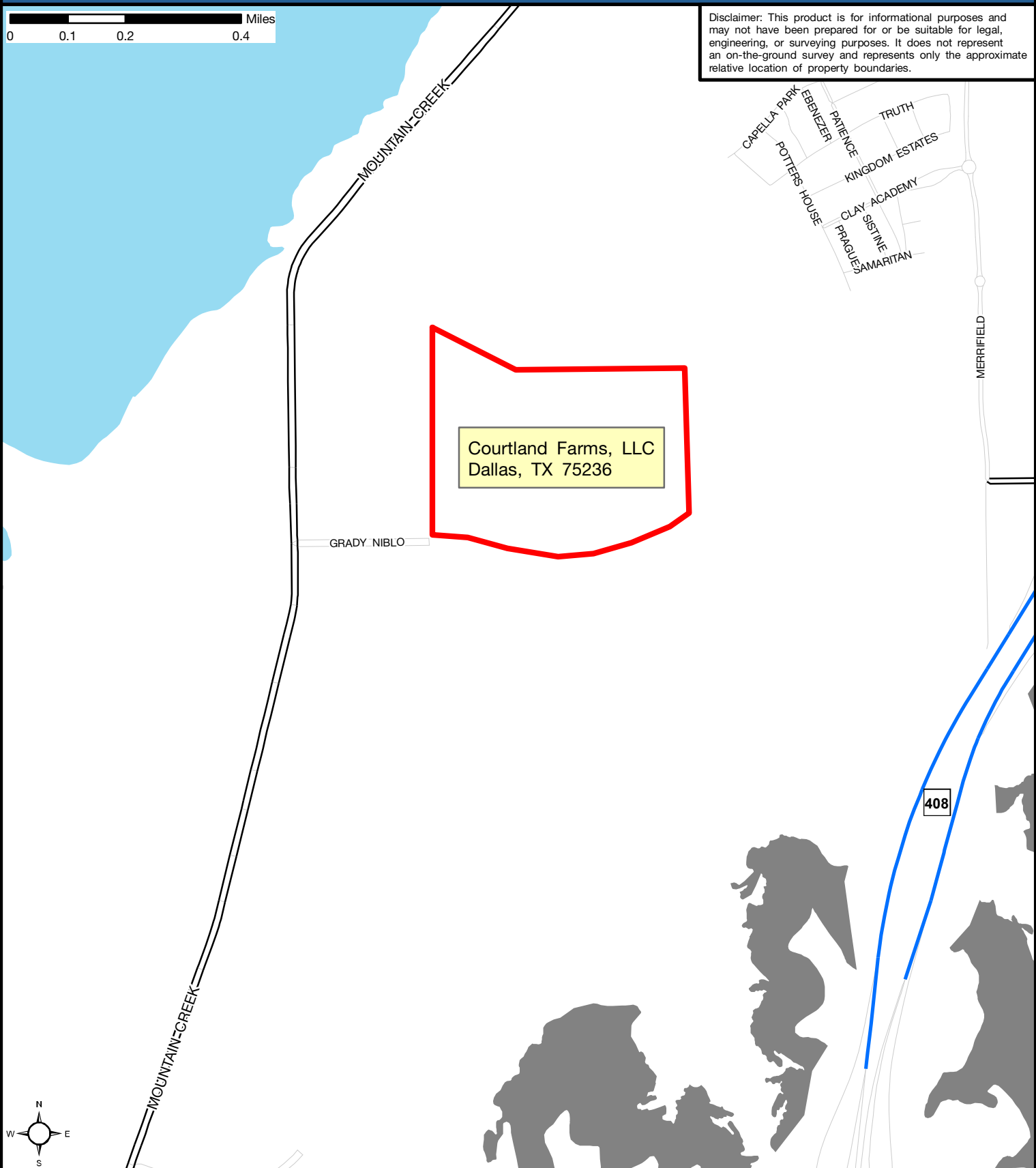
Attached.



# Courtland Farms, LLC



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



**DALLAS  
ECONOMIC  
DEVELOPMENT**

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Created 1.30.14, Updated 5.28.14 - 14-02-26 Chris O'Brien.TCG

## Legend



Site



Freeway



Arterial



Local Road



Lake

Source: City of Dallas, 2014

June 11, 2014

**WHEREAS**, Council passed Resolution No. 14-0549 authorizing a Development Participation Agreement with Courtland Group LLC on March 26, 2014 related to the extension of Grady Niblo Road; and

**WHEREAS**, the owner of the property is Courtland Farms, LLC rather than Courtland Group, LLC; and

**WHEREAS**, the City of Dallas desires to correct and clarify the contracting entity and the proposed terms of the agreement.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is hereby authorized to amend Resolution No. 14-0549 approved on March 26, 2014 authorizing a development agreement with Courtland Group, LLC changing the name of the contracting entity from Courtland Group, LLC to Courtland Farms, LLC and revising the terms to clarify that the city will be constructing the Grady Niblo extension.

**Section 2.** That the terms of the agreement shall also include the following:

- A. Courtland Farms LLC owns the property and plans to sell to Crow Holdings;
- B. Courtland will contribute the right-of-way, estimated at \$533,000 for the Grady Niblo as well as the engineering costs, estimated at \$330,369 associated with the road extension;
- C. Courtland will dedicate a mutually agreeable site of approximately 1.5 acres for use as a fire station near the future intersection of Merrifield Road and Grady Niblo, estimate value of \$2.30 per square foot or \$150,282;
- D. The City of Dallas will cover a maximum cost of \$2,422,706 associated with the 2,400 ft. extension of Grady Niblo Road and City utilities east from the current terminus of the road adjacent to the proposed building site;
- E. The Grady Niblo project will be publicly bid and contracted and the City's participation on Grady Niblo improvements will be capped at the contract price for construction of eligible costs as approved by the City Council;

June 11, 2014

**Section 2.** (Continued)

- F. Any cost overruns beyond the City's commitment above will be paid by Courtland;
- G. Developer must construct the planned Phase I – an industrial warehouse building of approximately 600,000 square feet;
- H. If Developer fails to construct Phase I of the development by December 31, 2015, the Developer is required to repay the city for its costs associated with the construction of Grady Niblo Road (up to \$2,422,706) and forfeit both tax abatements. Such obligation to repay is unsecured; and
- I. The Term of the Agreement shall begin on the date of execution, and end on or before December 31, 2017.

**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.

June 11, 2014

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

**WHEREAS**, on June 13, 2012, the City Council elected to continue its participation in tax abatement and the Public/Private Partnership Program Guidelines and Criteria governing tax abatement agreements to be entered by the City as required by the Property Redevelopment and Tax Abatement Act, as amended, V.T.C.A. Tax Code, Chapter 312 (the "Act") by Resolution No. 12-1520 as amended; and

**WHEREAS**, on February 26, 2014, City Council authorized a public hearing concerning the creation of Reinvestment Zone No.83; and

**WHEREAS**, on March 26, 2014, City Council held a public hearing concerning the creation of Reinvestment Zone No. 83; and

**WHEREAS**, on March 26, 2014, City Council authorized the creation of Reinvestment Zone No. 83; and

**WHEREAS**, on March 26, 2014, the City Council authorized a real property tax abatement agreement with Courtland Group, LLC with Resolution No. 14-0550, and the actual name of the contracting entity is Courtland Farms, LLC; and

**WHEREAS**, the City desires to amend Resolution No. 14-0550 authorizing a real property tax abatement agreement with Courtland ~~Group~~ Farms, LLC for added value to real property located within Reinvestment Zone No. 83.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager upon approval as to form by the City Attorney is hereby authorized to execute a real property tax abatement agreement with Courtland ~~Group~~ Farms, LLC for added value to the real property in accordance with the Act and the City's Public/Private Partnership Guidelines and Criteria.

**Section 2.** That at least seven (7) days prior to the execution of the tax abatement agreement, notice of the City's intention to enter into the tax abatement agreement shall be delivered to the governing bodies of each other taxing unit that includes in its boundaries the real property that is the subject of this agreement.

**Section 3.** That the approval and execution of the tax abatement agreement by the City is not conditional upon approval and execution of any other tax abatement agreement by any other taxing entity.

June 11, 2014

**Section 4.** That the real property which will be described in the tax abatement agreement, attached hereto as **Exhibit A (Metes and Bounds)** and depicted on the attached site map as **Exhibit B (Map - the "Property")**, is located within Reinvestment Zone No. 83.

**Section 5.** That the tax abatement agreement shall provide, among other provisions, the following:

- (a) The Property subject to tax abatement shall be located entirely within Reinvestment Zone No. 83, City of Dallas, Texas.
- (b) None of the Property subject to tax abatement is owned or leased by a member of the City Council of the City of Dallas or by a member of the City Plan Commission.
- (c) That the development of the Property will conform to all requirements of the City's zoning ordinance, and that the use of the Property is consistent with the general purpose of encouraging development or redevelopment in the reinvestment zone during the period the tax abatement is in effect.
- (d) The City will provide Courtland ~~Group~~ Farms, LLC a 90 percent abatement of the added value to the real property for a period of ten years for Phase I real property improvements located within Reinvestment Zone 83 for the construction of a minimum 600,000 square foot industrial/warehouse facility as provided in Exhibit A (Metes and Bounds). The Phase I tax abatement will commence on or before January 1, ~~2015~~ 2016.
- (e) The City will provide Courtland ~~Group~~ Farms, LLC a 90 percent abatement of the added value to the real property for a period of ten years for Phase II real property improvements located within Reinvestment Zone 83 for the construction of a minimum 580,000 square foot industrial/warehouse facility as provided in Exhibit A (Metes and Bounds). The Phase II tax abatement will commence on or before January 1, ~~2015~~ 2018.
- (f) That approximately \$36,500,000 will be expended on construction, design, site work and other related hard and soft project costs of both phases. Courtland ~~Group~~ Farms, LLC will invest a minimum of \$17,000,000 in Phase I real property improvements with substantial completion by December 31, ~~2014~~ 2015 and a minimum of \$16,000,000 in Phase II real property improvements with substantial completion by December 31, ~~2016~~ 2017. The Director of the Office of Economic Development may, at his sole discretion, extend the substantial completion date for either phase for a period up to six months for just cause.

June 11, 2014

**Section 5.** (Continued)

- (g) That a proportionate percentage of the property tax revenue lost as a result of the tax abatement agreement will be recaptured by the City if improvements to real property are not made as provided by the tax abatement agreement.
- (h) A description of the kind, number, location and costs of all proposed improvements to the Property will be provided to the Office of Economic Development.
- (i) That access to the Property will be provided to allow for the inspection by City inspectors and officials to ensure that the improvements or repairs are made according to the specification and terms of the tax abatement agreement.
- (j) A requirement that the owner of the Property certify annually to the City that the owner is in compliance with each applicable term of the agreement.
- (k) That the Dallas City Council may terminate or modify the agreement if the property owner fails to comply with the agreement.
- (l) That the tax abatement agreement shall be personal to Courtland Group Farms, LLC and shall only be assignable upon written approval of the assignment by the City's Director of the Office of Economic Development.

**Section 6.** That this resolution take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF PROPERTY SURVEYED**

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DESCRIPTION, of a 86.770 acre tract of land situated in the Field Secrest Survey, Abstract No. 1379 and the Aaron B. Wilson Survey, Abstract No. 1550, Dallas County, Texas and in City Block 8720, Official Numbers of the City of Dallas, Texas; said tract being part of that certain tract of land described in Substitute Trustee's Deed and Bill of Sale to GMR Finance, LLC recorded in Instrument No. 201300100428 of the Official Public Records of Dallas County, Texas; said 86.770 acre tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner at the northeast terminus of Grady Niblo Road (a 107-foot wide right-of-way); said point being in a west line of said GMR tract and at the southeast corner of Lot 1, Block 8720, Mountain Creek Business Park Phase 1, Industrial Park, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2003012, Page 246 of the Deed Records of Dallas County, Texas;

THENCE, North 00 degrees, 38 minutes, 48 seconds West, departing the north line of said Grady Niblo Road and along the east line of said Lot 1 and the said west line of the GMR tract, a distance of 1897.73 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap found for corner in a southwest line of that certain tract of land described in Special Warranty Deed to The Potter's House of Dallas, Inc. recorded in Volume 99063, Page 5361 of said Deed Records; said point being the northernmost northwest corner of said GMR tract and the northeast corner of said Lot 1;

THENCE, South 64 degrees, 16 minutes, 01 seconds East, along the northernmost northeast line of said GMR tract and the said southwest line of the Potter's House tract, a distance of 863.29 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner; said point being a reentrant corner of said GMR tract and a southwest corner of said Potter's House tract;

THENCE, North 89 degrees, 10 minutes, 29 seconds East, along the northernmost north line of said GMR tract and the south line of said Potter's House tract, a distance of 1549.79 feet to a 1/2-inch iron rod with "PACHECO KOCH" cap set for corner; said point being the northernmost northeast corner of said GMR tract, the southeast corner of said Potter's House tract, the southwest corner of that certain tract of land described in General Warranty Deed to Clay Academy, Inc. recorded in Volume 2004159, Page 7653 of said Official Public Records and the northwest corner of that certain tract of land described in General Warranty Deed to The Potter's House of Dallas, Inc. recorded in Instrument No. 201100012615 of said Official Public Records;

THENCE, South 00 degrees, 57 minutes, 56 seconds East, along an east line of said GMR tract and the west line of the second referenced Potter's House tract, a distance of 1191.15 feet to a point for corner;

THENCE, departing the said the east line of the GMR tract and the said west line of the second referenced Potter's House tract and traversing into and across said GMR tract, the following three (3) calls:

South 49 degrees, 22 minutes, 03 seconds West, a distance of 123.73 feet to a point for corner; said point being the beginning of a tangent curve to the right;

### **EXHIBIT A**

In a southwesterly direction, along said curve to the right, having a central angle of 57 degrees, 21 minutes, 37 seconds, a radius of 1776.50 feet, a chord bearing and distance of South 78 degrees, 02 minutes, 51 seconds West, 1705.15 feet, an arc distance of 1778.50 feet to a point for corner at the end of said curve; said point being the beginning of a reverse curve to the left;

In a northwesterly direction, along said curve to the left, having a central angle of 17 degrees, 23 minutes, 22 seconds, a radius of 1883.50 feet, a chord bearing and distance of North 81 degrees, 58 minutes, 02 seconds West, 569.46 feet, an arc distance of 571.65 feet to the POINT OF BEGINNING;

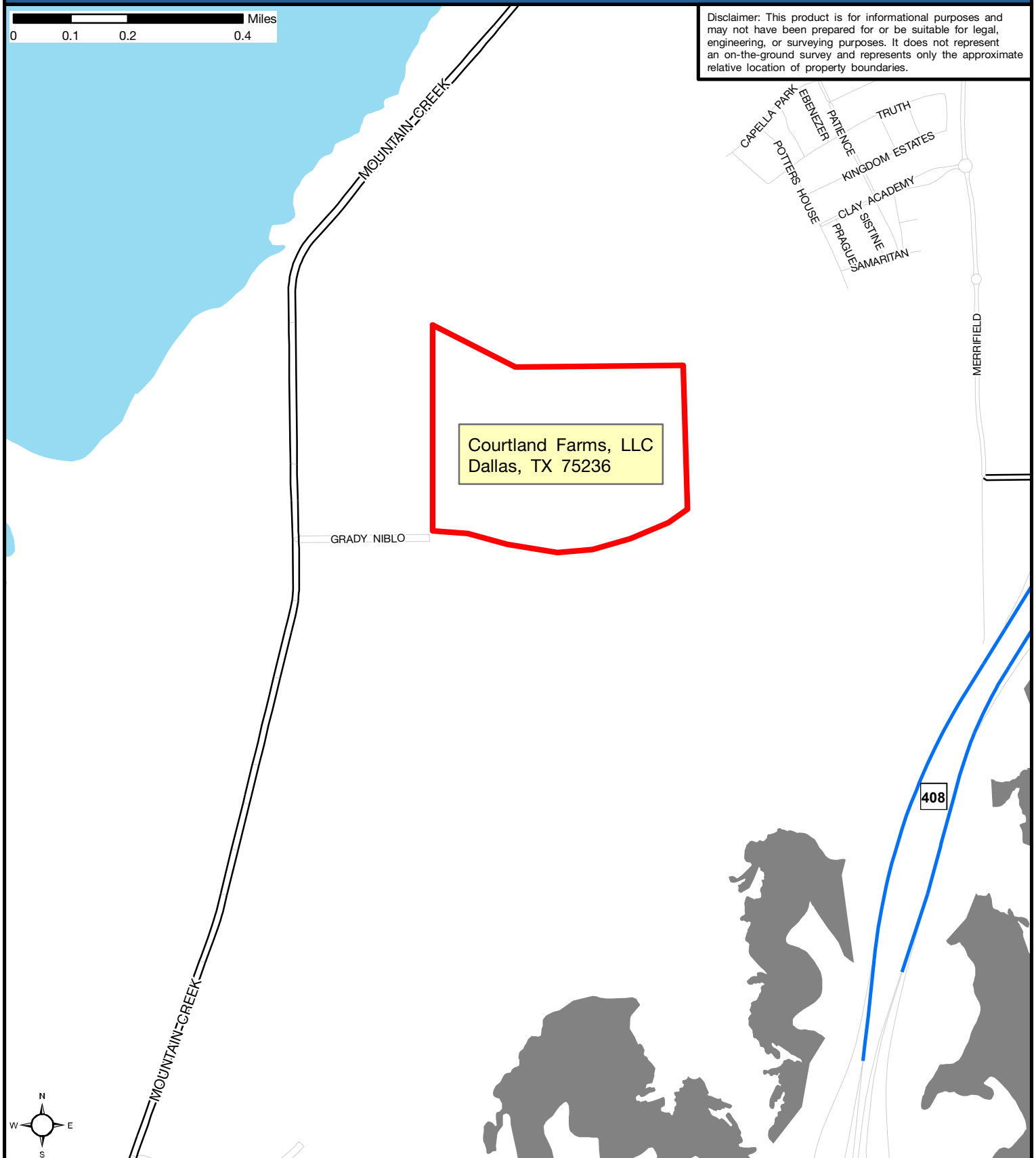
CONTAINING, 3,779,684 square feet or 86.770 acres of land, more or less.



# Exhibit B: Courtland Farms, LLC

0 0.1 0.2 0.4 Miles

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



**DALLAS  
ECONOMIC  
DEVELOPMENT**

Research & Information Division  
214.670.1685  
dallas-ecodev.org

## Legend



Site



Freeway



Arterial

Local Road

Lake

**AGENDA ITEM # 30**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 57 M

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for a vehicle or engine repair or maintenance use on property zoned Subdistrict 1A within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District on the east line of Langford Street, north of Yorktown Street

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

Z134-155(OTH)



**FILE NUMBER:** Z134-155(OTH)

**DATE FILED:** January 10, 2014

**LOCATION:** On the east line of Langford Street, north of Yorktown Street

**COUNCIL DISTRICT:** 6

**MAPSCO:** 57-M

**SIZE OF REQUEST:** ±0.418 acre

**CENSUS TRACT:** 93.03

---

**OWNER:** Leon Craig

**APPLICANT:** Edwardo Garcia

**REPRESENTATIVE:** Baldemar Rios

**REQUEST:** An application for a Specific Use Permit for a vehicle or engine repair or maintenance use on property zoned Subdistrict 1A within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District.

**SUMMARY:** The applicant proposes to operate a vehicle or engine repair or maintenance use on the property.

**CPC RECOMMENDATION:** **Approval** for a three-year period, subject to a site/landscape plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a three-year period, subject to a site/landscape 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 proposed use is in the location will not negatively impact the surrounding area. The area is predominantly industrial and the proposed use is compatible with the surrounding uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use is not anticipated to negatively impact to the adjacent properties since it is consistent with the established development pattern in this area of the city.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed use is considered compatible with adjacent land uses, which are of the same type, and are not considered detrimental to the public health, safety, or general welfare of the city.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the proposed site plan, the request complies with all applicable zoning regulations and standards. No variances or special exceptions are requested.

## **BACKGROUND INFORMATION:**

- The request site is developed with a 4,040-square-foot single-story structure that is currently vacant.
- The property is adjacent to a vacant property to the north, a warehouse use to the east, and a machinery or heavy equipment or truck sales use to the south. The property is surrounded by office, showroom, warehouse, warehouse and office, auto service center and vacant uses.

### **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Langford Street	Local	50 feet
Yorktown Street	Local	50 feet

### **Traffic:**

The Engineering Section of the Department of Sustainable Development and

Construction has reviewed the request and determined it will not significantly impact the surrounding street system.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
Site	PD No. 714 Subdistrict A	Warehouse
North	PD No. 714 Subdistrict A	Vacant
East	PD No. 714 Subdistrict A	Warehouse
South	PD No. 714 Subdistrict A	Machinery or heavy equipment
West	PD No. 714 Subdistrict A	Warehouse; Office, showroom warehouse

**STAFF ANALYSIS:**

**Comprehensive Plan:**

The request site lies within an Urban Mixed-Use Building Block. These blocks are near Downtown, along the Trinity River or near major transit centers and will integrate housing, commercial activities and jobs. These areas will provide the residents with great opportunities to live, work, play, and shop within a defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum.

PD 714 defines Subdistrict 1, which incorporates the subject site, similarly. More specifically, the “subdistrict is for medium density mixed-use development that respects existing businesses but gives incentive for new mid-rise commercial and residential development. Development should support West Commerce Street as the gateway from downtown into the area, and strengthen the Sylvan Avenue-Fort Worth Avenue intersection as a retail anchor.

As this area transitions into the vision for the surrounding corridor, this use may not be appropriate in the long term. However, given the surrounding character, it is appropriate at this time. As a result, staff is only recommending a three-year period with no automatic renewals so that the use can be re-evaluated based upon the status of the area’s transition.

**Land Use Compatibility:**

The proposed use is allowed by SUP on the subject property. The applicant is not proposing any additional construction on the property which would have triggered landscaping on the site. However, the applicant is proposing to provide additional landscaping and improvements on the site such as a solid 8-foot fence on the front and side yard (north side of the property) for security and to screen the view of the overhead doors. The type of shrubs, Burford Holly, has the capability to grow to height that softens the appearance of a solid wood fence.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

**Parking:**

Pursuant to the Dallas Development Code, the off-street parking requirement for the vehicle or engine repair or maintenance and outside salvage or reclamation uses is one space per 500 square feet of floor area with a minimum of 8 spaces required. Therefore, the 4,040 square foot structure requires 8 spaces. As illustrated on the site plan, 8 spaces are provided.

**Landscaping:**

Landscape requirements are triggered when new or additional construction over 2,000 square feet is proposed. The applicant is not proposing any additional construction on the site; therefore, no additional landscaping is required. However, the applicant is proposing additional landscaping to soften the appearance of the fences along the front yard. Landscaping must comply with the landscape shown in the site plan.

**CPC ACTION:**  
**May 8, 2014**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for a vehicle or engine repair or maintenance use on property zoned Subdistrict 1A within Planned Development District No. 714, the West Commerce Street/Fort Worth Avenue Special Purpose District on the east line of Langford Street, north of Yorktown Street.

Maker: Anantasomboon  
Second: Murphy  
Result: Carried: 13 to 0

For: 13 - Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Tarpley, Shellene,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

**Notices:** Area: 200 Mailed: 11  
**Replies:** For: 0 Against: 3

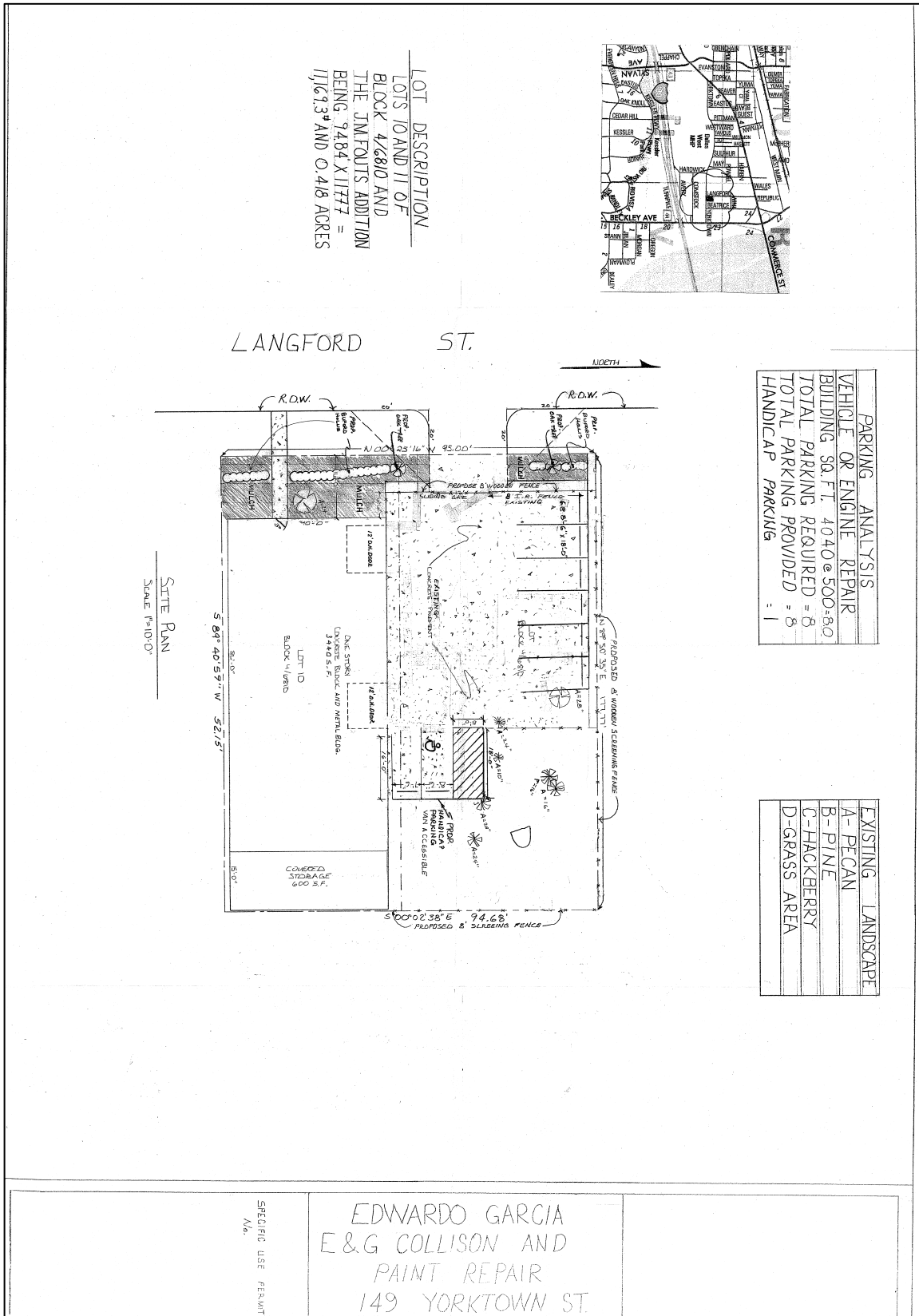
**Speakers:** For: Baldemar, 718 Melba St., Dallas, TX, 75208  
Against: David Lyles, 2318 Beatrice St., Dallas, TX, 75208

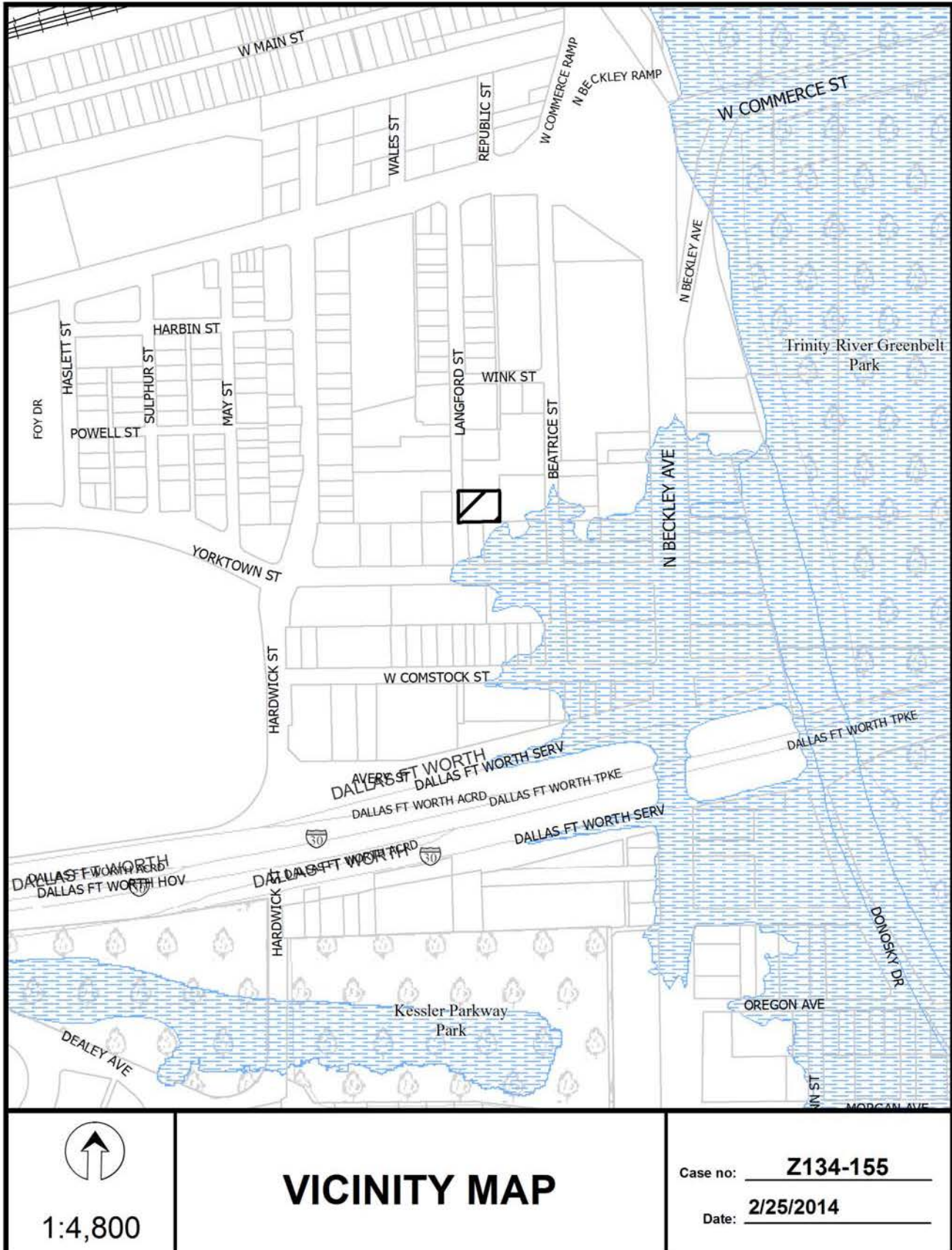


**Z134-155  
Proposed Conditions**

1. USE: The only use authorized by this specific use permit is a vehicle or engine repair or maintenance use.
2. SITE/LANDSCAPE PLAN: Use and development of the Property and landscaping must comply with the attached site/landscape plan.
3. TIME LIMIT: This specific use permit expires on \_\_\_\_ (three years from passage of the ord.).
4. DAYS OF OPERATION: The vehicle or engine repair or maintenance use may only operate Monday through Saturday from 8:00 a.m. to 8:00 p.m.
5. FLOOR AREA: The maximum floor area is 4,040 square feet in the location shown on the attached site plan.
6. OFF-STREET PARKING: A minimum of eight off-street parking spaces must be provided in the location shown on the attached site plan.
7. OPERATIONS. Any mechanical or maintenance work on equipment or vehicles must be performed within a structure.
8. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
9. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

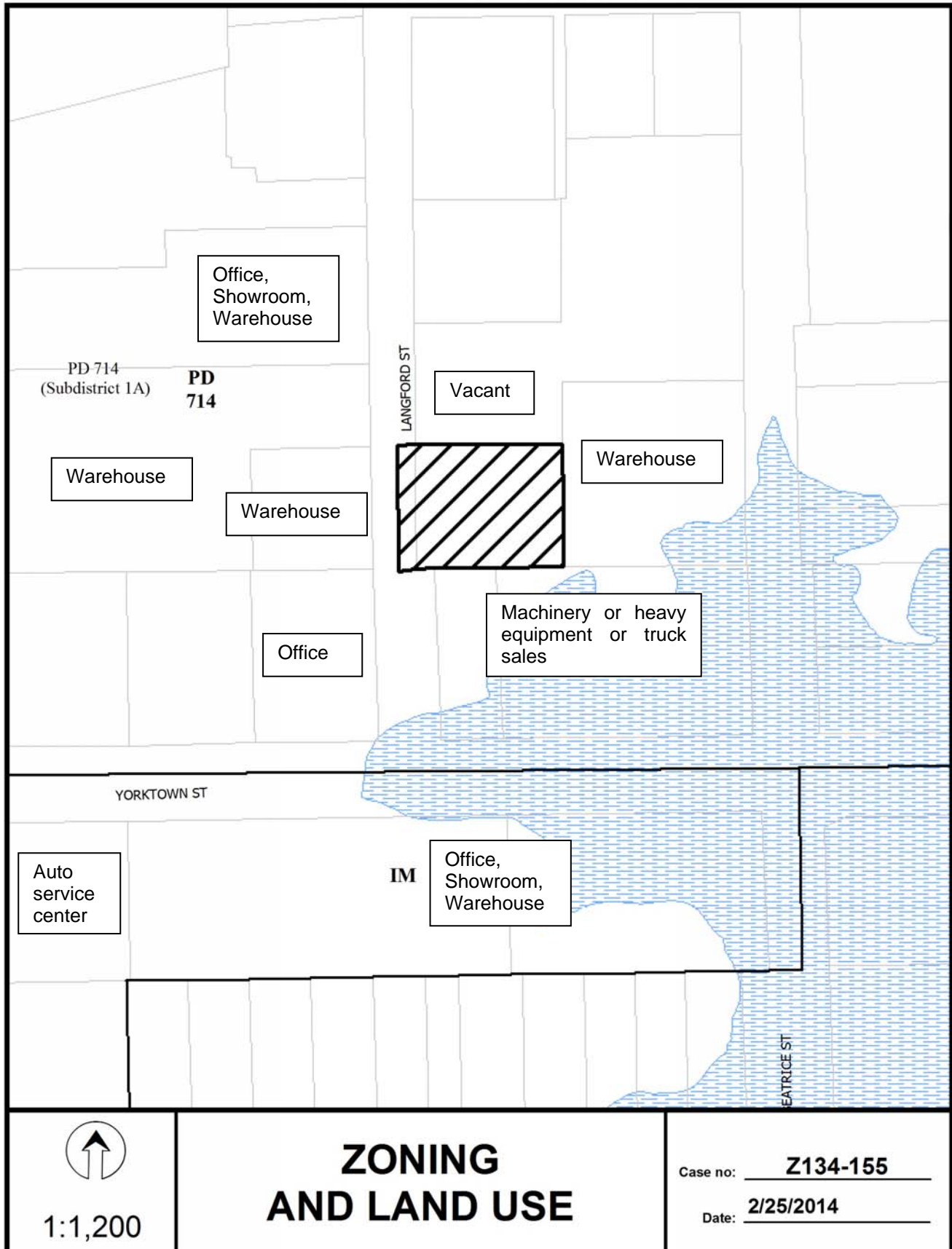
# Proposed Site Plan













# CPC RESPONSE



<u>11</u>	Property Owners Notified (17 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>3</u>	Replies in Opposition (5 parcels)
<u>200'</u>	Area of Notification
<u>5/8/2014</u>	Date <u>4/17/2014</u> Under Advisement

**Z134-155**  
**CPC**



1:1,200

4/17/2014

## ***Reply List of Property Owners***

### ***Z134-155***

***11 Property Owners Notified  
Owners Opposed***

***0 Property Owners in Favor***

***3 Property***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	149 YORKTOWN ST	CRAIG LEON
	2	131 YORKTOWN ST	WOOD ETC CORPORATION
	3	213 YORKTOWN ST	FLOYD WILLIAM R
X	4	202 YORKTOWN ST	CONTINENTAL LP PRODUCTS
	5	212 WINK ST	ALLIED FENCE CO OF DALLAS
X	6	2327 BEATRICE ST	QUIRL FAMILY FIRST LTD PS
	7	2330 LANGFORD ST	QUIRL FAMILY FIRST LTD
	8	2318 BEATRICE ST	LYLES DAVID
	9	2313 LANGFORD ST	HOUSE JAMES G
	10	2327 LANGFORD ST	BONSAL AMERICAN INC
X	11	2323 LANGFORD ST	ROSEN MICHAEL D

**AGENDA ITEM # 31**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 5

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 58 H

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for an Open-enrollment charter school and R-7.5(A) Single Family District Uses on property zoned an R-7.5(A) Single Family District, and an ordinance granting the termination of Specific Use Permit No. 1742 for an Open-enrollment charter school, on property on the north line of Bohannon Drive, east of Pleasant Drive

Recommendation of Staff and CPC: Approval, subject to a development plan, landscape plan, traffic management plan, and conditions, and approval of the termination of Specific Use Permit No. 1742

Z134-165(RB)





**FILE NUMBER:** Z134-165(RB)

**DATE FILED:** February 11, 2014

**LOCATION:** North Line of Bohannon Drive, East of Pleasant Drive

**COUNCIL DISTRICT:** 5

**MAPSCO:** 58-H

**SIZE OF REQUEST:** Approx. 7.79 Acres

**CENSUS TRACT:** 92.01

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**APPLICANT/OWNER:** Rylie Family Faith Academy, Owner

**REPRESENTATIVE:** Audra Buckley

**REQUEST:** An application for a Planned Development District for an Open-enrollment charter school and R-7.5(A) Single Family District Uses on property zoned an R-7.5(A) Single Family District, and termination of Specific Use Permit No. 1742 for an Open-enrollment charter school.

**SUMMARY:** The applicant is proposing to expand the existing open-enrollment charter school.

**CPC RECOMMENDATION:** Approval, subject to a development plan, landscape plan, traffic management plan, and conditions, and approval of the termination of Specific Use Permit No. 1742.

**STAFF RECOMMENDATION:** Approval, subject to a development plan, landscape plan, traffic management plan, and conditions, and approval of the termination of Specific Use Permit No. 1742.

### **Guiding Criteria for Recommendation:**

Staff recommends approval of the request, subject to a site plan, landscape plan, traffic management plan, and conditions, based upon:

1. *Compatibility with surrounding uses and community facilities* – The request will expand upon the existing improvements for the existing open-enrollment charter school with sensitivity to the surrounding residential uses, an example of this is the creation of a tree preservation zone within the Tract 2 portion of the site.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – This subcategory of an institutional use is generally found in close proximity to residential uses.
3. *Not a detriment to the public health, safety, or general welfare* – The attached conditions ensure all unloading/loading activities are conducted on-site. Additionally, periodic updates will be required to the Traffic Management Plan so as to monitor vehicular activity associated with the request.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – A valid certificate of occupancy and state certification currently exists for the school. The building permit process will ensure compliance with the attached plans and conditions.

### **BACKGROUND INFORMATION:**

- On January 28, 2009, the City Council approved SUP No. 1742 for an open-enrollment charter school.
- The applicant is proposing to continue operation of an open-enrollment charter school utilizing existing and proposed improvements on the property.
- The proposed expansion will expand classroom count from 18 to 44. Additionally, part of the expansion will provide for improved on-site circulation for unloading/loading operations and an ‘internalization’ of the vast majority of new structures.
- A PDD is being requested for consideration of the following: 1) alternative screening of off-street parking; 2) structures located in a required rear yard; 3) alternative sign provisions; and 4) alternative landscape provisions.

**Zoning History:** There have been no zoning requests in the area within the past five years.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the applicant’s traffic management plan and supports as an

acceptable analysis. Scheduled updates are recommended by staff as noted in the attached conditions.

**Street**

**Designation; Existing & Proposed ROW**

Bohannon Drive

Local; 60' ROW

**Comprehensive Plan:** The request site is located in an area considered a Residential Neighborhood. This Building Block represents the life-blood of Dallas, the traditional neighborhood of single-family detached homes. Dallas has many neighborhoods that match this description, including Winnetka Heights, Preston Hollow, Lakewood and Wheatley Place. Single-family dwellings are the dominate land use in these areas. Some shops, restaurants or institutional land uses such as schools and religious centers that serve neighborhood residents may be located at the edges or at key intersections.

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**Land Use Compatibility:** The request site is developed with multiple buildings/areas utilized for the open-enrollment charter school, permitted under SUP No. 1742. The proposed expansion will include an increase in floor area of 24,061, spread amongst four structures. Classroom count will increase from 18 to 44. A PDD is being requested for consideration of the following: 1) alternative screening of off-street parking; 2) structures located in a required rear yard; 3) alternative sign provisions; and 4) alternative landscape provisions.

With the exception of a church located at the southwest corner of Bohannon Drive and Holcomb Road (south of the school), the area is considered a stable, low-density residential area.

Staff has worked with the applicant to ensure the above referenced residential areas are not impacted by a school at this location. Certain site design (location of outdoor play areas, on-site circulation as required by the traffic management plan) has been incorporated into the attached plans and conditions. Additionally, the applicant has agreed to provide for a street buffer along the entire portion of street-facing parking area (approximately 600 linear feet), which currently does not exist.

**Off-Street Parking:** Required off-street parking is being provided. With regard to off-street parking located in the required yard, the applicant has worked with staff to provide for landscaped areas along the Bohannon Drive frontage.

**Landscaping:** The site benefits from an approximate 2.6 acre parcel (Tract 2) that possesses two stands of mature trees. The school's athletic field/play area is located between the stand of trees and the site's northern property line. The applicant has worked with the chief arborist to establish a tree preservation zone within the eastern portion of the tract that will serve a dual purpose: 1) provide a living buffer for the school's eastern half from adjacent residential uses, and 2) expand the school's curriculum to teach and encourage the significance of protecting native trees. For information purposes, approximately 392 caliper inches will be retained within this specified area, encompassing approximately 37,900 square feet of land area (see attached landscape plan), and will be protected by the existing perimeter fence as well as a new internal fence line with a dedicated pedestrian/maintenance access point.

With regard to new landscaping, specific artificial lot regulations will be established to ensure the new construction possesses some landscape materials. As noted above, the attached landscape plan will soften the impact of street-facing parking areas.

**CPC ACTION**

(May 8, 2014)

**Motion:** It was moved to recommend **approval** a Planned Development District for an Open-enrollment charter school and R-7.5(A) Single Family District Uses, subject to a development plan, landscape plan, traffic management plan, and conditions, on property zoned an R-7.5(A) Single Family District, and **approval** of the termination of Specific Use Permit No. 1742 for an Open-enrollment charter school, on the north line of Bohannon Drive, east of Pleasant Drive.

Maker: Shidid

Second: Ridley

Result: Carried: 13 to 0

For: 13 - Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0

Absent: 2 - Anglin, Lavallaisaa

Vacancy: 0

**Notices:** Area: 500 Mailed: 189

**Replies:** For: 0 Against: 1

**Speakers:** For: Audra Buckley, 416 S. Ervay St., Dallas, TX, 75201  
Against: Alma Pride, 8416 Stonehurst St., Dallas, TX, 75217

List of Partners/Principals/Officers

**Theda Marie Green (President)**

**Ernest Crowley, (Member)**

**Charles Oliver (Secretary)**

**Jeanne Campell (Member)**

**Karen Belknap (Member/Founder)**

**Dr. Jim Lang, Chief Administrative Officer**

Z134-165

**CPC RECOMMENDED CONDITIONS FOR A PLANNED DEVELOPMENT  
DISTRICT**

**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.**

(a) PD \_\_\_\_ is established on property generally located on the north line of Bohannon Drive, east of Pleasant Drive. The size of PD \_\_\_\_ is approximately 7.8 acres.

(b) This district is divided into Tract 1 and Tract 2.

**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 residential zoning district.

**SEC. 51P- \_\_\_\_ .104.            EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit \_\_A: development plan.
- (2) Exhibit \_\_B: landscape plan.
- (3) Exhibit \_\_B: traffic management plan.

**SEC. 51P- \_\_\_\_ .105.            DEVELOPMENT PLAN.**

(a) Except as provided in this section, 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.



(b) For an open-enrollment charter school, development and use of the Property must comply with the development plan (Exhibit \_\_\_\_A). If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P- \_\_\_\_ .106. MAIN USES PERMITTED.**

(a) Except as provided in this section, the only main uses permitted are those main uses permitted in the R-7.5(A) Single Family District, subject to the same conditions applicable in the R-7.5(A) Single Family District, as set out in Chapter 51A. For example, a use permitted in the R-7.5(A) Single Family 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 R-7.5(A) Single Family District is subject to DIR in this district, etc.

(b) An open-enrollment charter school is permitted by right.

**SEC. 51P- \_\_\_\_ .107. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations contained in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**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. If there is a conflict between this section and Division 51A-4.400, this section controls).

(a) In general. Except as provided in this section, the yard, lot, and space regulations for the R-7.5(A) Single Family District apply.

(b) Open-enrollment charter school.

(1) Front yard. Minimum front yard is 12 feet.

(2) Side and rear yard. Minimum side and rear yard is ten feet.

(3) Floor area. Maximum floor area is 90,000 square feet.

(c) Height.

(1) For an open enrollment charter school, maximum structure height is 50 feet.

(2) If any portion of a structure is over 26 feet in height, that portion of a structure may not be located above a residential proximity slope. Exception: Except for chimneys, structures listed in Section 51A-4.408(a)(2) may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope, whichever is less. Chimneys may project through the slope to a height of 12 above the slope and 12 feet above the maximum structure height.

(f) Lot coverage. For an open enrollment charter school, maximum lot coverage is 60 percent for Tract 1 and 40 percent for Tract 2.

(g) Stories. For an open-enrollment charter school, maximum number of stories is two.

**SEC. 51P- \_\_\_\_\_.109.**

**OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the use regulations in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

(b) Open-enrollment charter school.

(1) For purposes of off-street parking, the Property is considered one lot.

(2) Parking may be provided in the required yards.

**SEC. 51P- \_\_\_\_\_.110.**

**TRAFFIC MANAGEMENT PLAN.**

(a) In general. The operation of an open-enrollment charter school must comply with the traffic management plan (Exhibit \_\_\_\_B).

(b) Queuing. Queuing within the right-of-way is prohibited unless written approval is obtained from the director of public works and transportation. Queuing within the right-of-way must not impede maneuvering for emergency vehicles.

(c) Traffic study.

(1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2016. After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by November 1 of each even-numbered year for a total of four updates.

(2) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:

- (A) ingress and egress points;
- (B) queue lengths;
- (C) number and location of personnel assisting with loading and unloading of students;
- (D) drop-off and pick-up locations;
- (E) drop-off and pick-up hours for each grade level;
- (F) hours for each grade level; and
- (G) circulation.

(3) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.

(A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

(B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Amendment process.

(1) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3).

(2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.

**SEC. 51P- \_\_\_\_ .111.                      FENCING.**

- (a) Except as provided in this section, see Article IV.
- (b) Open-enrollment charter school.
  - (1) Fencing must be provided as shown on the development plan.
  - (2) Fencing may be provided in the required yards.

**SEC. 51P- \_\_\_\_ .112.                      ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI.

**SEC. 51P- \_\_\_\_ .113.                      LANDSCAPING.**

(a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X.

(b) Open-enrollment charter school.

(1) Tract 1. Landscaping must be provided as shown on the attached landscape plan.

(2) Tract 2.

(A) An artificial lot is the land area that includes any new building footprint and a minimum of 25 feet around the building footprint.

(B) An artificial lot does not require public street frontage.

(C) An artificial lot has no aggregate land area maximum.

(3) Tree preservation zone.

(A) The tree preservation zone located within Tract 2 must be screened with fencing, a minimum of four feet in height, in the location shown on the attached landscape plan.

(B) Pedestrian and maintenance access is limited to the maintenance gate located as shown on the attached landscape plan.

(C) Trees located within the Tree Preservation Zone in Tract 2 may be used to offset any tree mitigation required in Tract 1 for the construction of Building D only.

(D) Any new construction on Tract 2 must be located a minimum

of 20 feet from any tree located within the Tree Preservation Zone as shown on the landscape plan.

(c) Maintenance. Plant materials must be maintained in a healthy, growing condition.

(d) Tree removal permit. A tree removal permit may be issued by the building official prior to the issuance of a building permit.

**SEC. 51P- \_\_\_\_\_.114.                      SIGNS.**

(a) In general. Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) Open-enrollment charter school.

(1) Minimum setback for detached signs is five feet.

(2) Tract 1. A maximum of one detached sign is permitted with a maximum height of eight feet and a maximum effective area of 32 square feet.

**SEC. 51P- \_\_\_\_\_.115.                      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- \_\_\_\_\_.116.                      COMPLIANCE WITH CONDITIONS.**

(a) All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, in this district until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

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**TRAFFIC MANAGEMENT PLAN FOR  
INSPIRED VISION ELEMENTARY  
DALLAS, TEXAS**

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**Z134-165(RB)**

Prepared for:

**A+ Charter Schools**

8225 Bruton Road  
Dallas, TX 75217

Prepared by:

**DeShazo Group, Inc.**

Texas Registered Engineering Firm F-3199  
*Engineers • Planners*  
400 South Houston Street  
Suite 330 • Union Station  
Dallas, Texas 75202  
Phone 214/748-6740

*April 7, 2014*



*Traffic. Transportation Planning. Parking. Design.*

DeShazo #13190

Traffic Management Plan for  
**Inspired Vision Elementary**  
< DeShazo Project No. 13190 >

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## Technical Memorandum

**To:** Mr. Tony Valdez — A+ Charter Schools  
**CC:** Audra Buckley — Permitted Development, Inc.  
**From:** Steve E. Stoner, P.E., PTOE — DeShazo Group, Inc.  
**Date:** April 7, 2014  
**Re:** Traffic Management Plan for the Inspired Vision Elementary in Dallas, Texas  
*DeShazo Project No. 13190; Z134-165(RB)*

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### INTRODUCTION

The services of **DeShazo Group, Inc. (DeShazo)** were retained by A+ Charter Schools to provide a requisite traffic management plan (TMP) for Inspired Vision Elementary ("the school") located at 8421 Bohannon Drive in Dallas, Texas. **DeShazo** is an engineering consulting firm based in Dallas, Texas providing licensed engineers skilled in the field of traffic/transportation engineering.

The school is currently in operation at the subject site with an enrollment of approximately 500 students in grades Pre-K through 5<sup>th</sup>. The school proposes to expand the current facilities and increase the number of allowed classrooms from 28 to 54, which will require an amendment to the existing zoning rights. The school is currently operating under the regulations provided in SUP 1742. In order to gain entitlements for the proposed expansion, approval by City of Dallas for Planned Development District ("PD") is required.

Though an increase in student enrollment is not the motivation of the improvements, it is estimated that student enrollment could reach a maximum of up to 600 students in grades Pre-K through 8th. An aerial photograph of existing conditions and a preliminary site plan of the proposed conditions, prepared by **Corgan Associates** and **RLK Engineering**, are included in the **Appendix** of this document.

As part of the approval process for the proposed zoning change, submittal of a TMP to the City of Dallas is required as a record of the preferred strategies to be used by the school to ensure overall traffic safety and efficiency. A TMP is intended to assess the existing and/or anticipated traffic conditions at the school during the morning drop-off and afternoon pick-up peak periods on the basis of satisfying these objectives. By consent of the TMP submittal, the school is agreeing to the strategies presented herein for which the school will be held self-accountable until and unless the City of Dallas deems further measures are appropriate.

*Inspired Vision Elementary School  
Traffic Management Plan  
Page 1*



## TRAFFIC MANAGEMENT PLAN

A Traffic Management Plan (TMP) is important to safely achieve an optimum level of traffic flow and circulation during peak traffic periods associated with student drop-off and pick-up. By properly managing the vehicular traffic generated during the critical periods, the safety and efficiency of other modes of travel – including walking – will also inherently improve, and the operational impact on the public street system should also be minimized. The TMP should not be considered a comprehensive set of instructions to ensure adequate safety; however, it should be used as a tool to facilitate a safer and more efficient environment.

The analysis summarized below utilizes the proposed school site plan to evaluate aspects such as passenger loading/unloading and vehicle queuing (i.e., stacking) that occur at the school in order to accommodate the observed peak demands within the site. A concerted effort and full participation by the school administration, staff, students, and parents are encouraged to provide and maintain safe and efficient traffic operations. [NOTE: In this report the term “parents” refers to any parent, family member, legal guardian, or other individual who is involved in the pick-up or drop-off of one or more students at the school.]

### School Operational Characteristics

Table 1 summarizes the known operational characteristics for Inspired Vision Elementary assumed in this analysis:

*Table 1. School Operational Characteristics*

	Existing Conditions	Proposed Conditions
Enrollment, by grade (approximate):	Pre-Kindergarten - 72 students Kindergarten - 72 students 1 <sup>st</sup> Grade - 72 students 2 <sup>nd</sup> Grade - 71 students 3 <sup>rd</sup> Grade - 71 students 4 <sup>th</sup> Grade - 71 students 5 <sup>th</sup> Grade - 71 students  <i>Total (All grades): approximately 500 students</i>	Pre-Kindergarten - 60 students Kindergarten - 60 students 1 <sup>st</sup> Grade - 60 students 2 <sup>nd</sup> Grade - 60 students 3 <sup>rd</sup> Grade - 60 students 4 <sup>th</sup> Grade - 60 students 5 <sup>th</sup> Grade - 60 students 6 <sup>th</sup> Grade - 60 students 7 <sup>th</sup> Grade - 60 students 8 <sup>th</sup> Grade - 60 students  <i>Total (All grades): up to 600 students</i>
Daily Start/End Schedule	All Grades: >Start: 8:00 AM >End: 3:00 PM	Base times: >Start: 8:00 AM >End: 3:00 PM Other: (see <i>Recommendations</i> )
Approximate Number of Students Travelling by Mode Other Than Drop-off/Pick-up:	By School Bus: none By Walking: negligible By Self-Driving: none By Other: negligible	By School Bus: none By Walking: negligible By Self-Driving: none By Other: negligible

NOTE #1: To the highest degree practical, the accounts of “existing conditions” presented in this report were based upon actual on-site observations conducted by DeShazo during typical school day(s) conditions and from personal interviews of school representatives. The analyses and recommendations presented in this report for “proposed” or “future” conditions were based upon evaluations of “existing conditions” and may be supplemented by DeShazo’s professional judgment and experience. “Proposed”/“Future” conditions are intended to reflect the anticipated day-to-day conditions at full occupancy.

DeShazo Group, Inc.  
April 7, 2014

NOTE #2: Occasional functions or other events may be held at the school, which generate traffic outside of the traditional peak drop-off and pick-up periods. While some of the measures presented in this report may be applicable in such cases, traffic characteristics other than those directly associated with the primary drop-off and pick-up periods are not the subject of this analysis.

### **Existing Traffic Conditions**

#### Site Access and Circulation

The subject site currently has eight total driveways and curb cuts on the north side Bohannon Drive along the parking lot frontage (though some are not in use). During the drop-off period, most parents either enter the campus to unload passengers (students) within the site or unload passengers from the sidewalk on Bohannon Drive. During the pick-up period, many parents either:

- Drive into the parking lot, park in a vacant parking space, then wait inside their vehicle for the student to arrive or walk to the building to greet their child
- Drive into the parking lot from the easternmost driveway and enter a queue line to load passengers (for Pre-K students only)
- Park or stand along Bohannon Drive and walk onto the campus to greet students or wait inside vehicles for students to arrive

Queuing and traffic congestion is appreciably more pronounced during the afternoon period.

#### Passenger Unloading/Loading and Vehicle Queuing

During the afternoon pick-up period, Inspired Vision Elementary utilizes a semi-managed “carpool” line for the Pre-K students only. In this system an on-site security officer announces (by hand radio) the arrival of individual student’s vehicles as they reach the front of queue to school staff inside the building, and the students are individually escorted to the respective vehicles. The queue line forms from the easternmost driveway and terminates near the building at the center of campus. Most vehicles exited at the westernmost site driveway.

For all other students (i.e., the majority), student loading is unmanaged by the school, whereby parents may generally queue or park at their location of choice, and students (once released) find their parents on their own. No designated loading areas are provided. A limited number of school staff members are accessible for general supervision and oversight. Once each vehicle is loaded, it individually leaves the site/area.

Based upon field observations conducted by DeShazo during typical school-day conditions (on January 23, 2014), the peak number of parent-vehicles on site during the afternoon pick-up period was quantified. The vehicle accumulation count includes all vehicles in queue, or parked on- and off-campus.

Assuming that the number of vehicles generated during the afternoon pick-up period is directly proportional to the number of students enrolled, the peak queue for the future conditions at full occupancy can be estimated. A summary of the peak number of vehicles is provided in **Table 2**.

Inspired Vision Elementary School  
Traffic Management Plan  
Page 3



**Table 2. Peak Number of Vehicles Parked and In Queue  
During Afternoon Pick-Up Period**

	<b>Existing Conditions (Observed)</b>	<b>Proposed Conditions (Estimated)</b>
Peak Number of Parent-Vehicles*	171** (for current enrollment of 500 students)	205 (for maximum enrollment of 600 students)
Approximate Percentage of Vehicles Parking	80%	20%
Approximate Percentage of Vehicles In Queue	20%	80%

\* Does not include school staff vehicles.

\*\* Includes parent-vehicles parked/standing off-site.

NOTE: Qualitative site observations were also conducted during the morning drop-off period, which validated the total number of vehicles parked and in queue to be substantially less. Therefore, a detailed analysis was not performed for the morning drop-off period.

### **Recommendations**

The following recommendations are provided by DeShazo to Inspired Vision Elementary School for the management of vehicular traffic generated by the school during peak traffic conditions. [NOTE: Except as otherwise noted, recommendations apply to the afternoon pick-up period traffic period.]

#### General

To maximize personal safety, any passenger loading (or unloading) within the public right-of-way should be avoided at all times.

To minimize liabilities, no persons other than deputized officers of the law should engage or attempt to influence traffic operations in public right-of-way.

To the extent possible, all queuing and parking of parent-vehicles should also be accommodated within the school site boundaries. For circumstances where this cannot be avoided, coordination with the City of Dallas staff members responsible for traffic operations in the area should take place so that appropriate traffic control devices can be installed.

The full cooperation of all school staff members, students, and parents is crucial for the success of a Traffic Management Plan. Proper training of school staff on the duties and expectations pertaining to the Plan is recommended. Sufficient communications at the beginning of each school term (and otherwise, as needed) with students and parents on their duties and expectations is also recommended.

#### Site Circulation Plan

Based upon DeShazo's review of the proposed site conditions and the anticipated needs of traffic during peak conditions, the site traffic circulation plan(s) depicted in **Exhibits 1a and 1b** are recommended. This

plan was designed with the intent of optimizing the on-site vehicular circulation and retention of vehicle queuing in a manner that promotes safety and operational efficiency.

The recommended plan provides an on-site capacity for approximately 141 parent vehicles, including 2,400 linear feet of on-site vehicular queuing (i.e., storage for up to 109 vehicles @ 22 feet per vehicle), plus approximately 32 available on-site parking spaces. The projected peak demand of parent vehicles for a 600-student population is estimated to be 205 vehicles. Therefore, since 205 parent vehicle cannot be accommodated on site concurrently, it is recommended that the School implement a staggered release time to create two pick-up periods. Based upon the available on-site vehicle capacity, up to 412 students can be released during the primary release time, which would presumably occur during the original start-end times of 8:00 AM and 3:00 PM. It is suggested that the secondary start-end time be the lower grades only (e.g., Pre-K and Kindergarten), and should precede the primary release by a minimum of 15 minutes. By staggering the release time, this would also allow the school to utilize separate loading areas that are more similar to the existing conditions, as shown in **Exhibit 1b** – for the primary release time, it is recommended that the student loading area be located at the “end” of the queue line in order to maximize the on-site queue space. For both release periods, parents would also have the option to utilize approximately 32 parking spaces in the parking aisle nearest the street as indicated in **Exhibit 1a/1b**. [NOTE: Specific parking spaces have been identified as preferred “faculty/staff” parking spaces for the purpose of eliminating in/out parking maneuvers in the loading areas.]

It is also recommended that the School provide additional staff to assist in managing the “carpool” program. This can be accomplished by positioning a staff member at an advanced location in the queue line (for example, near the eastern driveway) who can radio the sequence of parent vehicles to other staff members inside the building to allow extra time for students to be prepared to load and expedite the loading process. It is also recommended that a minimum of two staff members be present at each loading area to assist students with accessing their vehicles.

The plan includes recommended configuration of temporary traffic control devices (such as traffic cones, etc.) that shall be installed on a daily basis when typical traffic conditions are expected. An appropriate number of school staff shall be assigned to fulfill the duties of student supervision, traffic control, and other related duties as generally depicted on the plan.

- Release #1 - Pre-K and Kindergarten at 2:45 PM or earlier with a “managed” carpool
- Release #2 – Grades 1<sup>st</sup>-8<sup>th</sup> at 3:00 PM with either managed or unmanaged pick-up)

## SUMMARY

This TMP is to be used by Inspired Vision Elementary to provide safe and efficient transportation of students, staff, and faculty to and from the site. The Plan was developed with the intent of optimizing safety and efficiency and the goal of accommodating vehicular traffic generated by the school at peak traffic periods within the site. The details of the TMP shall be reviewed by the school on a regular basis to confirm its effectiveness.

**END OF MEMO**

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

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property"), which is presently zoned as an R-7.5(A) Single Family District, to be used under Specific Use Permit No. 1742 for an open-enrollment charter school.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.
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 28, 2019, but is eligible for automatic renewal for additional ten-year periods pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced.)
4. LANDSCAPING: Landscaping must be provided as shown on the attached site plan. Plant materials must be maintained in a healthy, growing condition.
5. ATHLETIC FIELD: No lighted outdoor activities are permitted on the athletic field.
6. CLASSROOMS: The maximum number of classrooms is 18, limited to grades kindergarten through sixth.
7. HOURS OF OPERATION: The open-enrollment charter school may only operate between 7:00 a.m. and 5:00 p.m., Monday through Saturday.
8. INGRESS/ EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.

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9. PARKING: Off-street parking spaces must be provided in the location shown on the attached site plan.
10. TRAFFIC MANAGEMENT PLAN:
  - (a) In general. The open-enrollment charter school must comply with the attached traffic management plan.
  - (b) Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.
  - (c) Traffic study.
    - (i) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the Director by November 1, 2009. After the initial traffic study, the Property owner or operator shall submit annual updates of the traffic study to the director by November 1st of each year.
    - (ii) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:
      - (A) ingress and egress points;
      - (B) queue lengths;
      - (C) number and location of personnel assisting with loading and unloading of students;
      - (D) drop-off and pick-up locations;
      - (E) drop-off and pick-up hours for each grade level;
      - (F) hours for each grade level; and
      - (G) circulation.
    - (iii) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.
      - (A) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.



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- (B) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

(d) Amendment process.

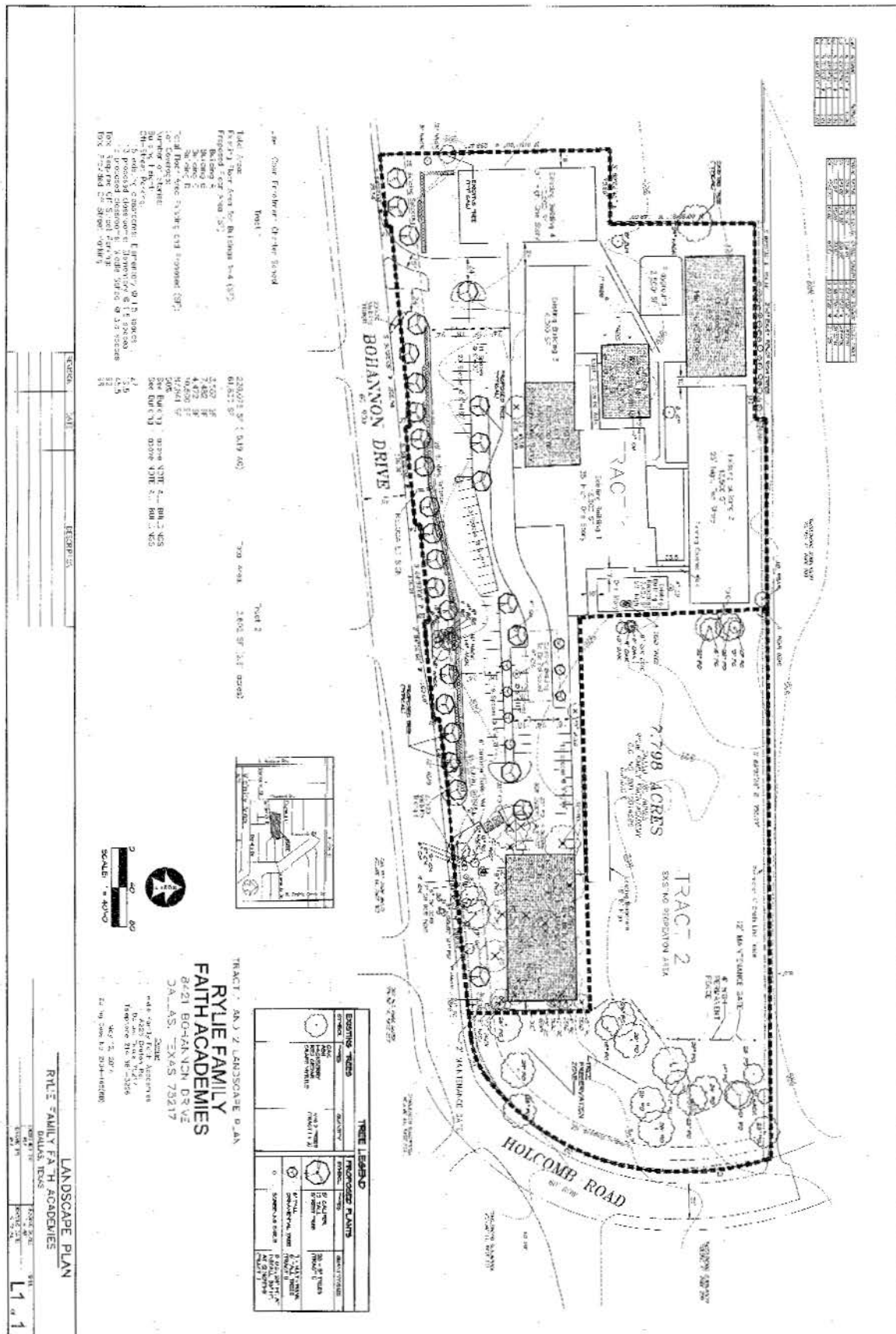
- (i) A traffic management plan may be amended using the minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of Chapter 51A of the Dallas City Code, as amended.
  - (ii) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.
11. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
12. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

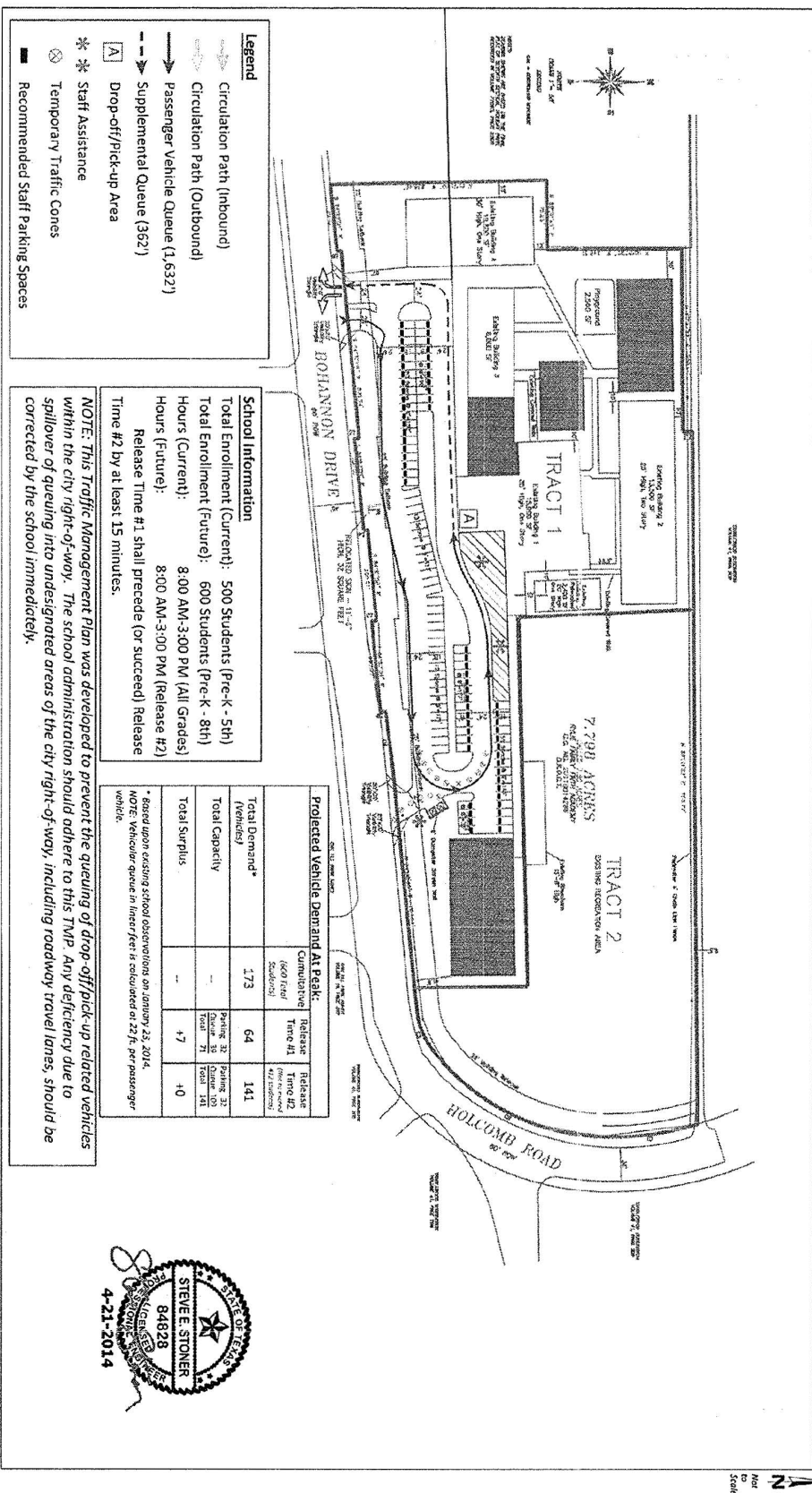
SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the director of public works and transportation.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.







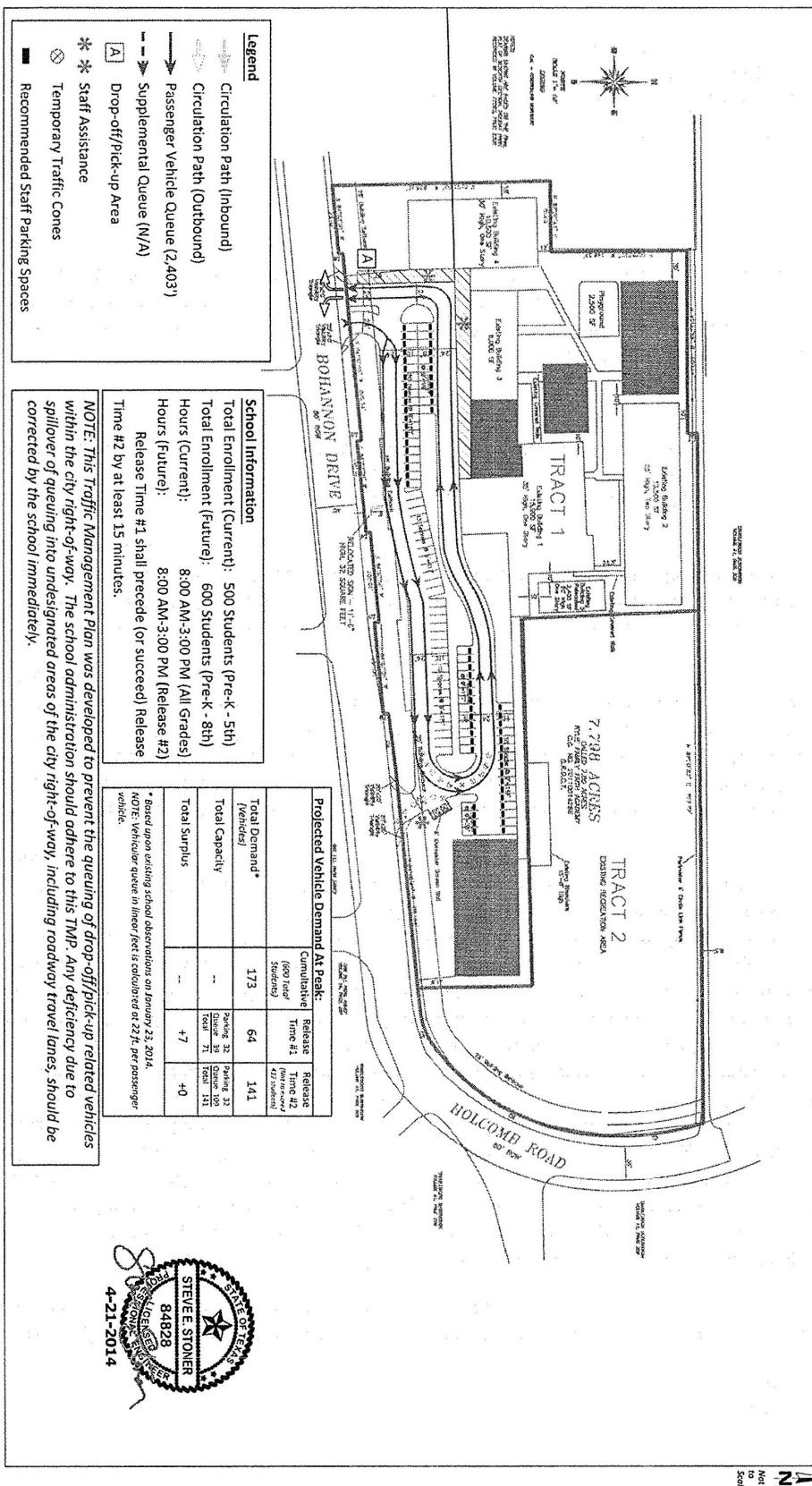


**TRAFFIC MANAGEMENT PLAN: Recommended Queue Circulation Plan for Afternoon Pick-up (Release Time #1)**

Inspired Vision Academy Traffic Management Plan PROJECT #13190

Z134-165(RB)

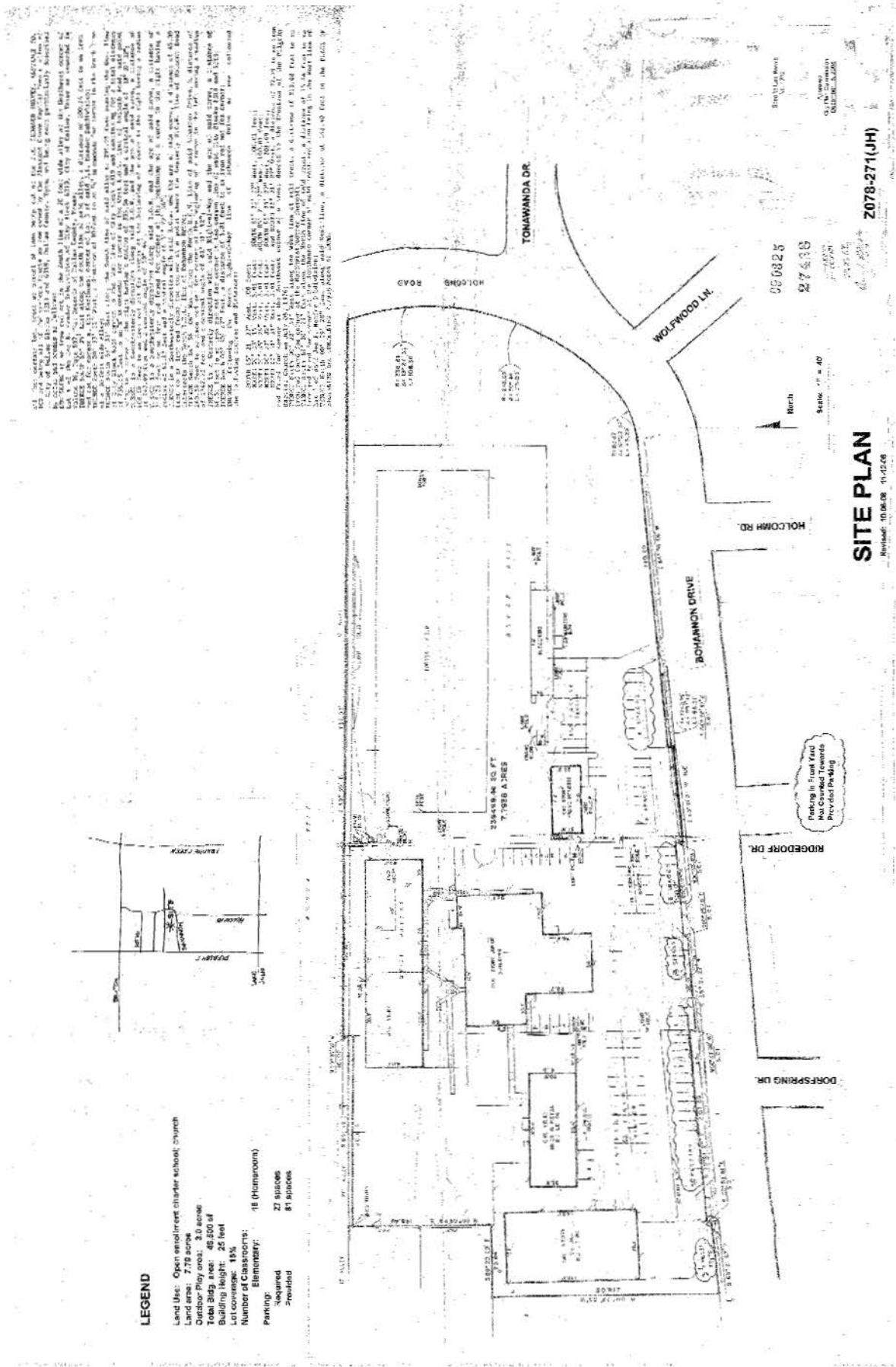
**EXHIBIT 1b**

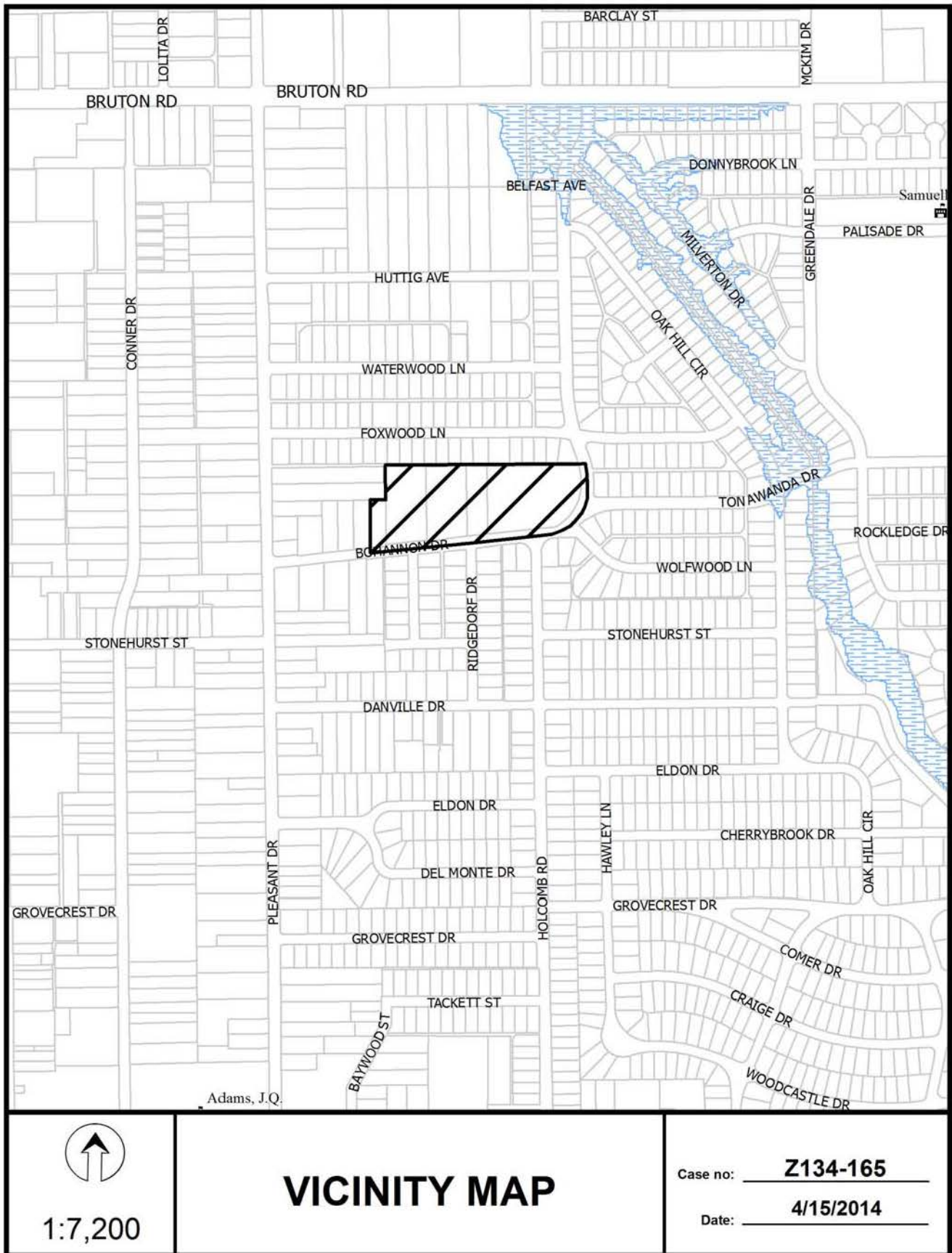


**TRAFFIC MANAGEMENT PLAN: Recommended Queue Circulation Plan for Afternoon Pick-up (Release Time #2)**

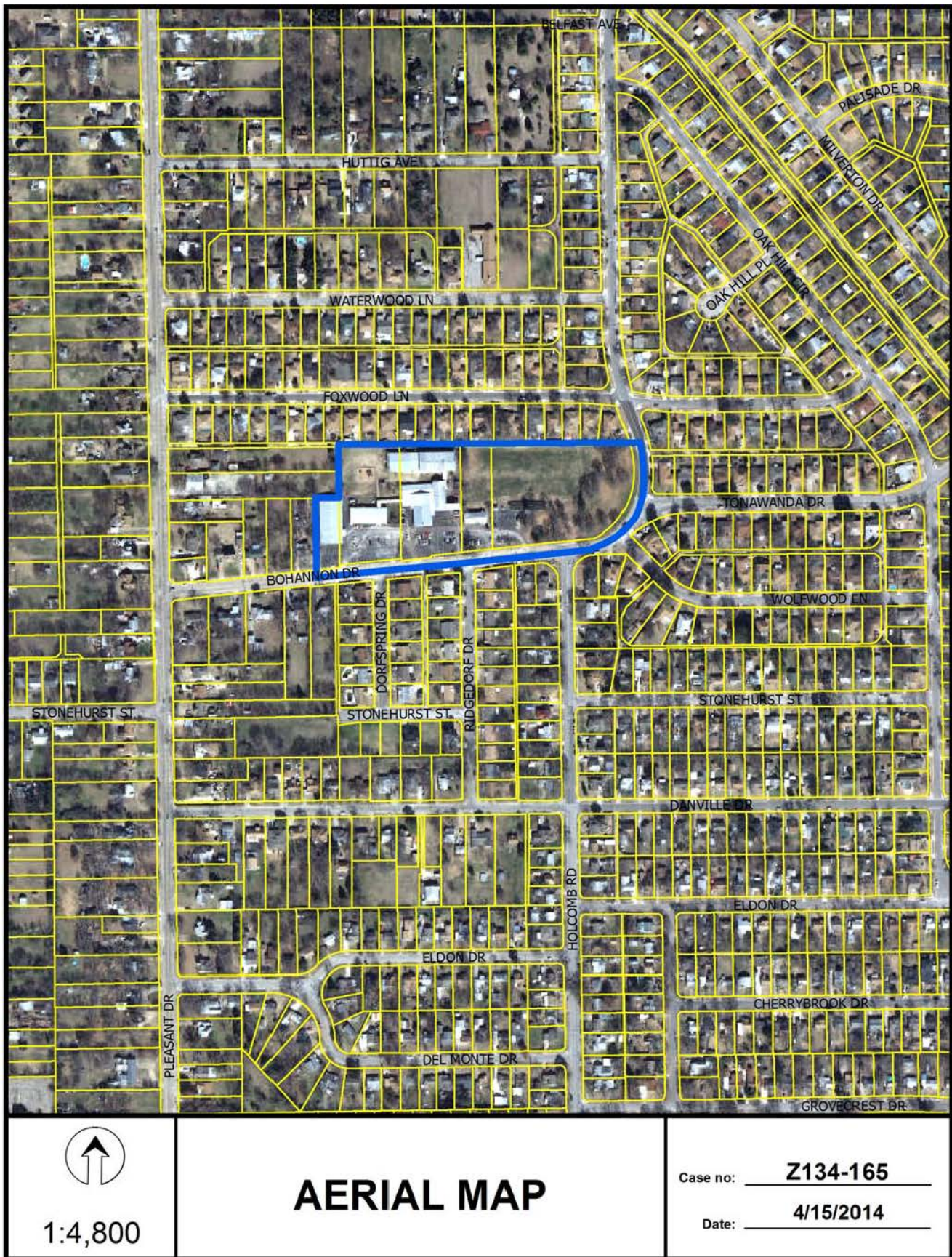
Z134-165(RB)

**EXHIBIT 1a**

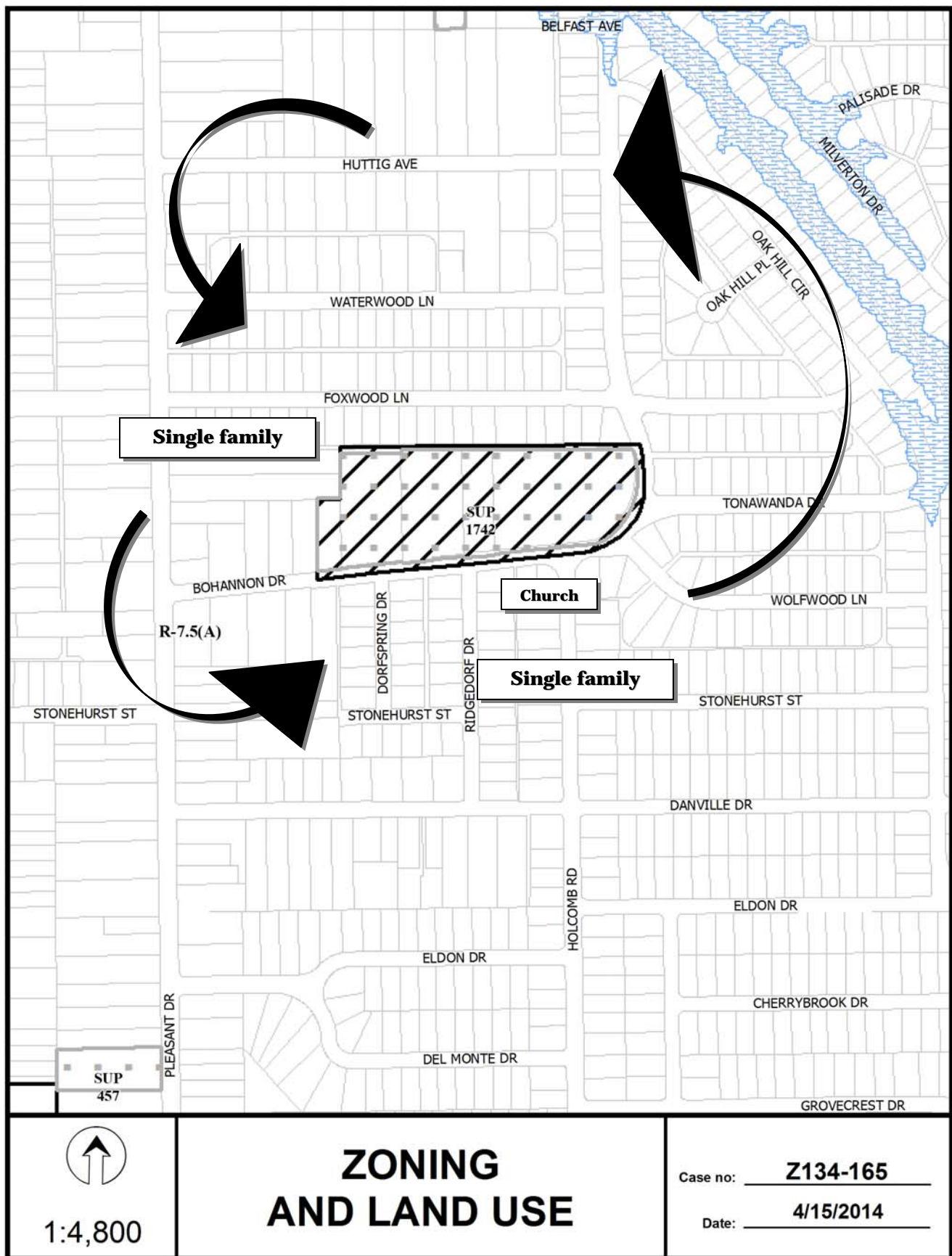




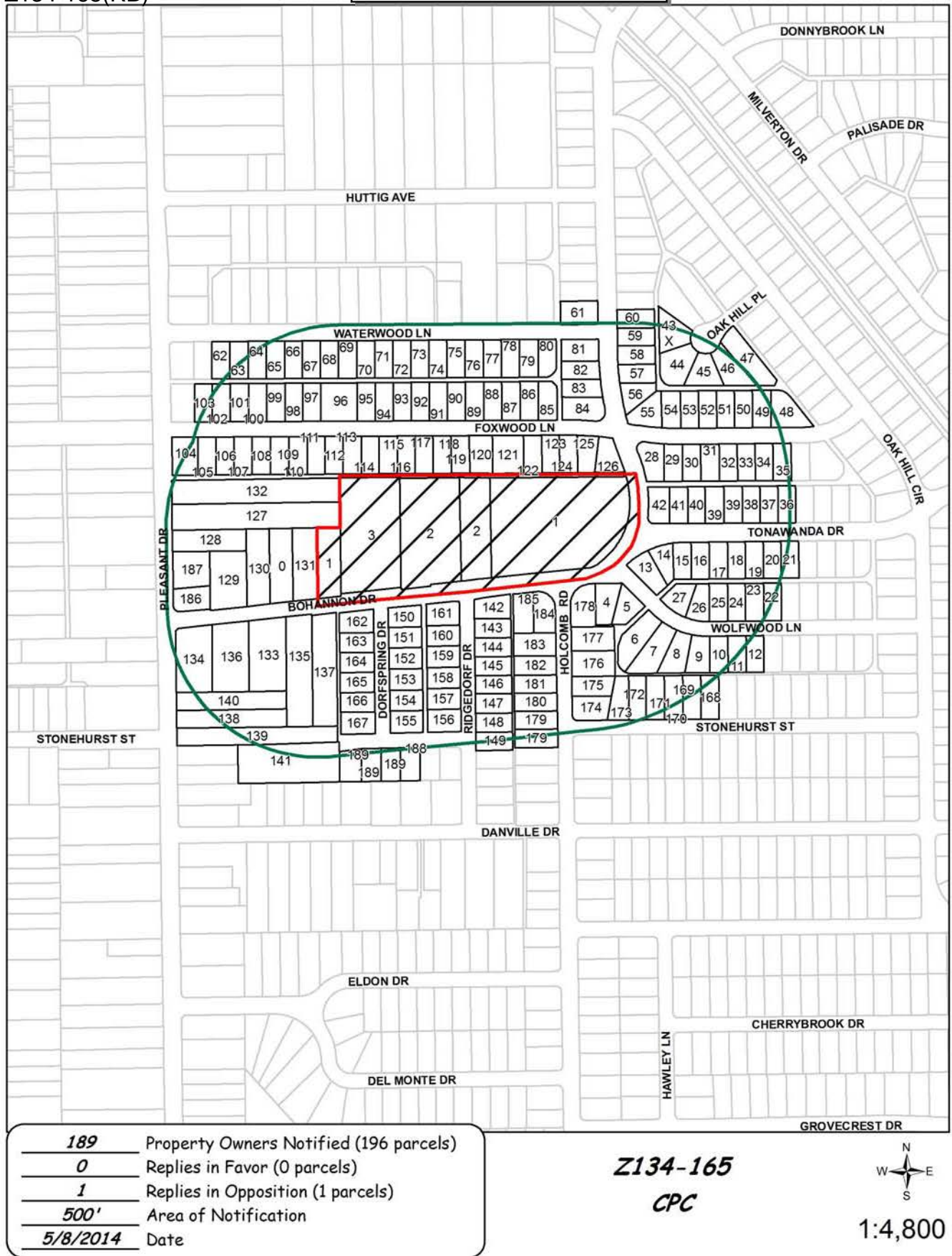








## CPC RESPONSES





5/20/2014

***Reply List of Property Owners******Z134-165******189 Property Owners Notified  
Owners Opposed******0 Property Owners in Favor******1 Property***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	8445	BOHANNON DR	RYLIE FAMILY FAITH ACADEMY
2	8417	BOHANNON DR	RYLIE FAMILY FAITH ACADEMY
3	8409	BOHANNON DR	RYLIE FAMILY FAITH ACADEMY
4	1762	HOLCOMB RD	MCKINNON JOHNNIE SUE
5	8608	WOLFWOOD LN	DUNCAN ARRIE
6	8612	WOLFWOOD LN	LAW THEODORE
7	8616	WOLFWOOD LN	BROWN TOMMY
8	8620	WOLFWOOD LN	GORDILLO NOE &
9	8624	WOLFWOOD LN	SPARKS JOHNNY WAYNE
10	8628	WOLFWOOD LN	RODRIGUEZ MARIA &
11	8632	WOLFWOOD LN	SHEARS TERRY L
12	8636	WOLFWOOD LN	JAMES DOWANNA
13	8606	TONAWANDA DR	CISNEROS HERMENEGILDO
14	8614	TONAWANDA DR	GUDELIA ANDRADE H
15	8618	TONAWANDA DR	JONES CALVIN JR
16	8622	TONAWANDA DR	HENRY SHELIA G
17	8626	TONAWANDA DR	OCHOA JUAN C
18	8630	TONAWANDA DR	RICE BOBBIE JEAN
19	8634	TONAWANDA DR	LARK GREGORY E
20	8704	TONAWANDA DR	TELESCA ALFONSO C &
21	8708	TONAWANDA DR	EQUABLE INVESTMENT CORP
22	8641	WOLFWOOD LN	PATINO MARISOL
23	8637	WOLFWOOD LN	RAMIREZ PEDRO & MARTHA
24	8633	WOLFWOOD LN	JASSO JOEL &
25	8629	WOLFWOOD LN	PEREZ MIGUEL
26	8625	WOLFWOOD LN	LARA SALVADOR &

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	8617 WOLFWOOD LN	KENNEDY AMIE R
	28	8508 FOXWOOD LN	URBINA RAUL & ANDREA
	29	8512 FOXWOOD LN	THOMPSON GLYNDA G
	30	8516 FOXWOOD LN	WILLIAMS PAUL& SONIA R
	31	8520 FOXWOOD LN	WEAVER JAMES & NAKAIA
	32	8524 FOXWOOD LN	TRACKLING CHARLES E &
	33	8528 FOXWOOD LN	SIERRA MARIN
	34	8532 FOXWOOD LN	DELAPAZ INGACIA &
	35	8536 FOXWOOD LN	MOSQUEDA MODESTO T &
	36	8707 TONAWANDA DR	SIMMS GREGORY R
	37	8703 TONAWANDA DR	DOMINGUEZ VICTOR D &
	38	8633 TONAWANDA DR	GARCIA JOSE O &
	39	8629 TONAWANDA DR	RAMIREZ JESUS
	40	8621 TONAWANDA DR	SCHUPBACH EARLDINE
	41	8617 TONAWANDA DR	SALDANA-MORANTE HUGO ALBERTO &
	42	8611 TONAWANDA DR	RODAS OSCAR & DENIA
X	43	1947 OAK HILL PL	RUSSELL SANDRA F
	44	1943 OAK HILL PL	MOORE KATHRYN BLACK
	45	1939 OAK HILL PL	SIERRA BERNANDINO M & AUDULIA R DE SIERR
	46	1935 OAK HILL PL	BELTRAN JUAN P & SANDRA ESQUIVEL
	47	1931 OAK HILL PL	CITY QUALITY HOMES LTD
	48	8539 FOXWOOD LN	WOY WILLIAM
	49	8531 FOXWOOD LN	HENDERSON WYNTOUN &
	50	8527 FOXWOOD LN	MEDINA SOCORRO & ANGELICA
	51	8523 FOXWOOD LN	ARIAS SANTOS
	52	8519 FOXWOOD LN	PREHAY ICELYN
	53	8515 FOXWOOD LN	ALEXANDER PATRONYA C &
	54	8511 FOXWOOD LN	VILLA ELVA DEPAZ &
	55	8507 FOXWOOD LN	MARTINEZ HIPOLITO
	56	1908 HOLCOMB RD	RODRIGUEZ JOSE R &
	57	1912 HOLCOMB RD	SILOS GERARDO

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	1916	HOLCOMB RD	GOMEZ JAIME M & MARIA F
59	1920	HOLCOMB RD	COLLI BERTHA
60	1924	HOLCOMB RD	LAREDO PROPERTY DEVELOPMENT LLC
61	1927	HOLCOMB RD	HENDERSON LILLIE MAE
62	8316	WATERWOOD LN	MARSAW CARLA D &
63	8320	WATERWOOD LN	VARGAS JOE A
64	8324	WATERWOOD LN	DEEN SHAMISID MASUD S
65	8328	WATERWOOD LN	BEAN BRENDA
66	8332	WATERWOOD LN	SMITH GLENN A JR
67	8336	WATERWOOD LN	HOWARD JHASMYN D
68	8340	WATERWOOD LN	HEROD LEROY & YOLANDA
69	8344	WATERWOOD LN	RIOS PAULO S
70	8348	WATERWOOD LN	BANDA JOSE C
71	8352	WATERWOOD LN	DOMINGUEZ FELIPE
72	8406	WATERWOOD LN	QUIROZ ENRIQUE
73	8410	WATERWOOD LN	SECRETARY OF VETERANS AFFAIRS
74	8414	WATERWOOD LN	RODRIGUEZ ILARIO
75	8418	WATERWOOD LN	WASHINGTON DEBRA C
76	8422	WATERWOOD LN	ADRIAN JESUS A
77	8426	WATERWOOD LN	MARSAW JONI LYNNE
78	8430	WATERWOOD LN	ARGUELLO ROBERTO &
79	8434	WATERWOOD LN	GARCIA JORGE &
80	8438	WATERWOOD LN	GARCIA RENATO &
81	1919	HOLCOMB RD	YORK CARL A
82	1915	HOLCOMB RD	SERRATO GUADALUPE
83	1911	HOLCOMB RD	ALLEN JOHN CLARK EST OF
84	1905	HOLCOMB RD	NALLS LENA
85	8439	FOXWOOD LN	ALLIED CAPITAL LLC
86	8435	FOXWOOD LN	SANDERS JIMMIE L &
87	8431	FOXWOOD LN	JASSO JOEL JR
88	8427	FOXWOOD LN	BELL MATTIE

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	8423 FOXWOOD LN	VILLANUEVA ANTONIO &
	90	8419 FOXWOOD LN	RAMIREZ ALEJANDRO &
	91	8415 FOXWOOD LN	STEWART CHARLES E
	92	8407 FOXWOOD LN	MORALES ANGEL & NOLVIA E
	93	8403 FOXWOOD LN	LOPEZ GENARO
	94	8351 FOXWOOD LN	FOX INEZ &
	95	8347 FOXWOOD LN	GIL FABIOLA
	96	8343 FOXWOOD LN	SMITH CHARITY V
	97	8335 FOXWOOD LN	HERNANDEZ EVERARDO
	98	8331 FOXWOOD LN	GONZALEZ MIGUEL A ESTATE OF
	99	8327 FOXWOOD LN	BACA ADALBERTO & MARIA
	100	8323 FOXWOOD LN	GUZMAN DELFINO
	101	8319 FOXWOOD LN	MEDINA MARTHA A
	102	8315 FOXWOOD LN	RIVERA FERMIN &
	103	8311 FOXWOOD LN	STOUT JENNIFER GAIL
	104	8308 FOXWOOD LN	PUYEAR EDDIE J
	105	8312 FOXWOOD LN	MOLINA GERARDO &
	106	8316 FOXWOOD LN	MATA KEVIN
	107	8320 FOXWOOD LN	HUNT LYNN D & DIANE
	108	8324 FOXWOOD LN	GUAJARDO AARON
	109	8328 FOXWOOD LN	RODRIGUEZ ANA M
	110	8332 FOXWOOD LN	ALVAREZ LOUIS
	111	8336 FOXWOOD LN	PATRICK NATARSHA
	112	8340 FOXWOOD LN	SEALES CALVIN EARL
	113	8344 FOXWOOD LN	COLEMAN MARCUS K
	114	8348 FOXWOOD LN	JEFFERSON KIMBERLY A
	115	8352 FOXWOOD LN	JORDAN MAYBELENE
	116	8406 FOXWOOD LN	PIERCE DAWSON D & CAROLYN
	117	8410 FOXWOOD LN	JONES JOE LOUIS &
	118	8414 FOXWOOD LN	LUCKEY JERRY L
	119	8418 FOXWOOD LN	GRAY CHARLES JR & EARLEAN

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	120	8422 FOXWOOD LN	LAUGHLIN STEPHEN ETAL
	121	8430 FOXWOOD LN	WOODRUFF HELEN
	122	8434 FOXWOOD LN	NEWHOUSE VELMA ANDREWS
	123	8438 FOXWOOD LN	CARTER L B JR
	124	8442 FOXWOOD LN	DOLES WILLIAM N &
	125	8446 FOXWOOD LN	HUEY RAYMOND G ESTATE
	126	8450 FOXWOOD LN	JAIMES ESTHER
	127	1826 PLEASANT DR	LORING CORP
	128	1820 PLEASANT DR	QUIROZ EFREN CASTRO
	129	8313 BOHANNON DR	CHRISTIAN E L
	130	8323 BOHANNON DR	GARNER ULLUS DAVID &
	131	8335 BOHANNON DR	ORTIZ MERCED & DORA
	132	1832 PLEASANT DR	ANGEL LORENZA
	133	8320 BOHANNON DR	LUVIANO ROSA
	134	8304 BOHANNON DR	RODRIGUEZ JOSE EFREN
	135	8332 BOHANNON DR	SANCHEZ GILBERTO
	136	8312 BOHANNON DR	MOUTON C LAWRENCE
	137	8338 BOHANNON DR	SANDERSON CARL LIFE ESTATE
	138	1728 PLEASANT DR	VAZQUEZ JUAN PABLO
	139	1724 PLEASANT DR	DAVIS KAREN D
	140	1734 PLEASANT DR	CARDENAS ROGACIANO
	141	14 STONEHURST ST	PRIDE ALMA & CALVIN
	142	1758 RIDGEDORF DR	AYALA ANDRES & GABRIELA ESQUIVEL
	143	1752 RIDGEDORF DR	WELLS FARGO BANK N A
	144	1748 RIDGEDORF DR	FLORES ABRAHAM & SONIA LETICIA
	145	1742 RIDGEDORF DR	ODOM NORMA L
	146	1738 RIDGEDORF DR	SALAZAR PABLO &
	147	1732 RIDGEDORF DR	YORK DIANNE
	148	1728 RIDGEDORF DR	DOUGLASS LEWIS MICHAEL
	149	1722 RIDGEDORF DR	GALVEZ JORGE
	150	1752 DORFSPRING DR	MANCILLAS CARLOS R

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	151	1748 DORFSPRING DR	DOMINGUEZ CELESTINO ETAL
	152	1742 DORFSPRING DR	HENDERSON MELTON W
	153	1738 DORFSPRING DR	DEAN NORMA J &
	154	1732 DORFSPRING DR	URIBE RAFAEL
	155	1728 DORFSPRING DR	CANALES MANUEL
	156	1727 RIDGEDORF DR	FERNANDEZ MONICA &
	157	1733 RIDGEDORF DR	RODRIGUEZ DAGOBERTO
	158	1737 RIDGEDORF DR	FAVELA CESAR A
	159	1743 RIDGEDORF DR	CRUZ OSCAR R & IRMA
	160	1747 RIDGEDORF DR	RODRIGUEZ EDGARDO &
	161	1753 RIDGEDORF DR	PUENTE CARLOS & MARIA
	162	1753 DORFSPRING DR	MANNING TEZZY L &
	163	1747 DORFSPRING DR	KIDDMCKINNEY CYNTHIA D &
	164	1743 DORFSPRING DR	CASTANEDA MANUEL &
	165	1737 DORFSPRING DR	DARCY ANARDA MARINA
	166	1733 DORFSPRING DR	BELLA VISTA RENTAL PROPERTIES LLC
	167	1727 DORFSPRING DR	BANK ONE TEXAS NA
	168	8637 STONEHURST ST	JIMENEZ MARIA GUADALUPE
	169	8631 STONEHURST ST	TERRAZAS MARIO H
	170	8627 STONEHURST ST	GARY GLENN
	171	8623 STONEHURST ST	BETTS CARRIE PERKINS
	172	8619 STONEHURST ST	LARA VINCENTE S & MARIA G
	173	8613 STONEHURST ST	RAMIREZ ARMANDO
	174	1732 HOLCOMB RD	MEJIA CARLOS G & JUANA
	175	1736 HOLCOMB RD	WILLIAMS DEBORAH S
	176	1742 HOLCOMB RD	VILLAGRAN SOCORRO
	177	1746 HOLCOMB RD	VEH SERIES LLC
	178	1756 HOLCOMB RD	MEKURIA KIFLE ERLINDA
	179	1723 HOLCOMB RD	PARHAM JOHN G
	180	1733 HOLCOMB RD	SELEY JEFF & ROSEMARIE
	181	1737 HOLCOMB RD	DASH PARTNERS LP

Z134-165(RB)

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	1743	HOLCOMB RD	LUIS GUILLERMO DEJESUS JR
183	1747	HOLCOMB RD	TRUNNELL ALICE
184	8530	BOHANNON DR	GOMEZ RAUL & LAURA
185	8526	BOHANNON DR	MARTINEZ DIANA M
186	8303	BOHANNON DR	SEGOVIA JOSE &
187	1810	PLEASANT DR	PERDOMO RICARDO H
188	8416	STONEHURST ST	PRIDE ALMA DYER & CALVIN
189	8412	STONEHURST ST	PRIDE ALMA DYER & CALVIN

**AGENDA ITEM # 32**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 47 D

**SUBJECT**

A public hearing to receive comments regarding an application for a CR Community Retail District on property zoned an MF-2(A) Multifamily District on the southwest side of Highland Road, east of Ferguson Road with consideration being given to and an ordinance granting an NS(A) Neighborhood Service District

Recommendation of Staff and CPC: Approval of an NS(A) Neighborhood Service District in lieu of the requested CR Community Retail District

Z134-173(DJ)





**FILE NUMBER:** Z134-173(DJ) **DATE FILED:** February 24, 2014

**LOCATION:** Southwest side of Highland Road, east of Ferguson Road

**COUNCIL DISTRICT:** 7 **MAPSCO:** 47-D

**SIZE OF REQUEST:** Approx. 11,957 sq. ft. **CENSUS TRACT:** 0122.04

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**APPLICANT:** Minerva Gomez

**OWNER:** Minerva Gomez

**REPRESENTATIVE:** Minerva Gomez

**REQUEST:** An application for a CR Community Retail District on property zoned an MF-2(A) Multifamily District with consideration given to an NS(A) Neighborhood Service District.

**SUMMARY:** The purpose of this request is to allow for a nail spa and Zumba studio.

**CPC RECOMMENDATION:** Approval of an NS(A) Neighborhood Service District in lieu of the requested CR Community Retail District.

**STAFF RECOMMENDATION:** Approval of an NS(A) Neighborhood Service District in lieu of the requested CR Community Retail District.

## **GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends **approval** of an NS(A) Neighborhood Service District in lieu of a CR Community Retail District based upon:

1. *Performance impacts upon surrounding property* – Per Chapter 51A of the Dallas Development Code, the purpose of the CR Community Retail District is “to provide for the development of community-serving retail, personal service, and office uses at a scale and intensity compatible with residential communities.” Although the existing building, which covers approximately 20% of the lot, is compatible in scale to the surrounding land use, the proposed zoning change would allow for more intensive land uses along a corridor that has primarily been developed as single-family residential. By allowing a CR Community Retail District to encroach past the current zoning boundary (the alley directly northwest of the site), the character of the neighborhood may be altered.

An NS(A) Neighborhood Service District, on the other hand, is defined as follows: “To accommodate convenience retail shopping, services, and professional offices principally servicing and compatible in scale and intensity of use with adjacent residential uses.” An NS(A) Neighborhood Service District on this site will serve as a transitional buffer between the adjacent MF-2(A) Multifamily District to the southeast, and the CR Community Retail District to the northwest.

2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the applicant’s request will not have a negative impact on the street system. However, the additional traffic that inevitably comes with more intensive, regional serving uses will impact the neighborhood.
3. *Comprehensive Plan or Area Plan Conformance* – The forwardDallas! Comprehensive Plan states that this area is within an Urban Neighborhood Block. This particular block “will have concentrations of shops and offices along key corridors or at key intersections.” However, the Comprehensive Plan also maintains, “Areas currently developed with single-family or duplex uses [within Urban Neighborhood Blocks] should generally be maintained unless redevelopment is addressed through an Area Planning process.” Overall, an NS(A) Neighborhood Service District is compatible with both the Comprehensive Plan and the area currently developed as single-family.

## **BACKGROUND INFORMATION:**

- The request site is currently developed with a vacant child-care facility. The properties east and south of the site will limit height of the proposed development because of the residential adjacency.

- The surrounding land uses north of the site consist of a vacant gas station and retail/personal services uses. The properties east and south of the site are developed with multifamily and single-family residences. Properties west of the site include retail/personal services uses, an auto service center, and single-family residences.

**Zoning History:** There have been no zoning change requests in the area.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Highland Road	Local	Varies	
Ferguson Road	Principal Arterial	100 ft.	100 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	MF-2(A)	Retail and personal service
<b>North</b>	CR	Commercial
<b>South</b>	MF-2(A)	Single Family
<b>East</b>	MF-2 (A); CR	Multifamily, Single Family
<b>West</b>	CR; MF-2(A)	Commercial, 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 being in an Urban Neighborhood Building Block.

This Building Block, which includes Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus

on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

## LAND USE

### GOAL 1.2 PROMOTE DESIRED DEVELOPMENT

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

### STAFF ANALYSIS:

**Land Use Compatibility:** The approximately 11,957 square foot site is developed with a vacant one-story child daycare facility. There is an alley abutting the site that serves as a barrier between the adjacent CR Community Retail District to the north and west, and the MF-2(A) Multifamily District to the east and south. Approval of an NS(A) district in lieu of a CR district will not only allow for personal service uses to operate in the existing building, but it also will limit those commercial and business service uses that could negatively impact the established residential neighborhood.

Staff's recommendation is for an NS(A) Neighborhood Service District in lieu of the CR Community Retail District. The City Plan Commission and/or City Council may approve a different zoning district than the one requested, except that the different district may not (1) have a maximum structure height, floor area ratio, or density that is higher than the one requested; or (2) be "nonresidential" when the one requested is for residential uses or vice versa.

### 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>					
<b>Existing</b> MF-2(A)	15'	Varies by residential use	Dwelling unit: No minimum; No maximum FAR	36' No maximum stories	60% residential; 50% non-residential	Proximity Slope	Single family, duplex, and multifamily dwellings
<b>Applicant's request</b> CR Community Retail	15'	20' adjacent to residential; OTHER: No Min.	Dwelling unit: No minimum; 0.75 FAR overall; 0.5 FAR office	54' 4 stories	60%	Development Impact Review; Proximity Slope; Visual Intrusion	Community-serving retail, personal service, and office
<b>Staff Recommendation</b> NS(A) Neighborhood Service	15'	20' adjacent to residential; OTHER: No min.	Dwelling unit: No minimum; 0.5 FAR office	35' with a gable, hip or gambrel roof; OTHER: 30' 2 stories	40%	Development Impact Review; Proximity Slope; Visual Intrusion	Convenience retail shopping, services, and professional offices

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended. Any landscaping on the property will not be triggered unless the applicant increases the existing square footage.

**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.

**CPC Action: May 8, 2014:**

**Motion:** It was moved to recommend **approval** of an NS(A) Neighborhood Service District in lieu of the requested CR Community Retail District on property zoned an MF-2(A) Multifamily District on the southwest side of Highland Road, east of Ferguson Road.

Maker: Bagley  
Second: Abtahi  
Result: Carried: 13 to 0

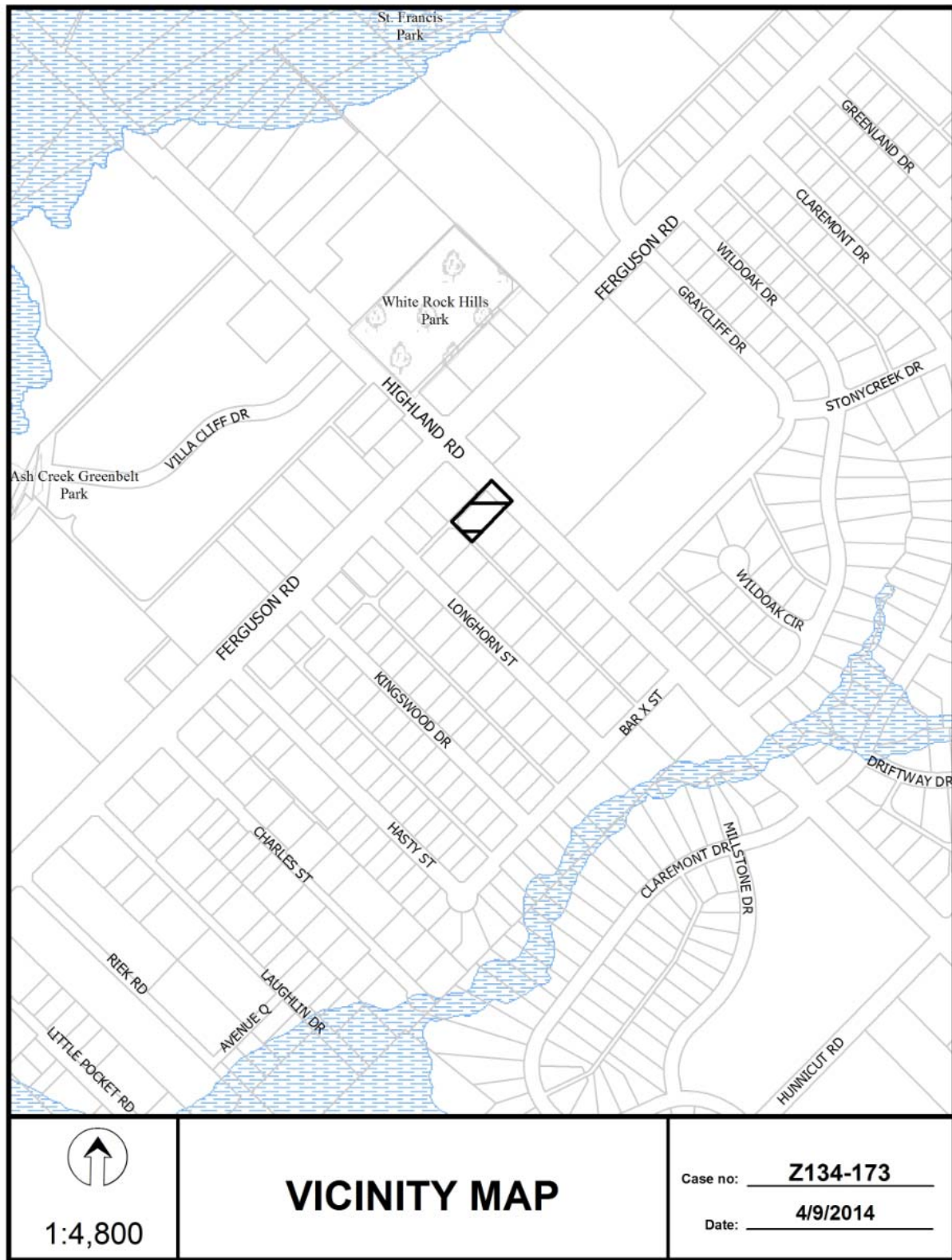
For: 13 - Soto, Rodgers, Culbreath\*, Shidid, Anantasomboon,  
Bagley, Tarpley, Shellene, Schultz, Peadon, Murphy,  
Ridley, Abtahi

Against: 0  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

\*out of the room, shown voting in favor

**Notices:** Area: 200 Mailed: 12  
**Replies:** For: 0 Against: 0

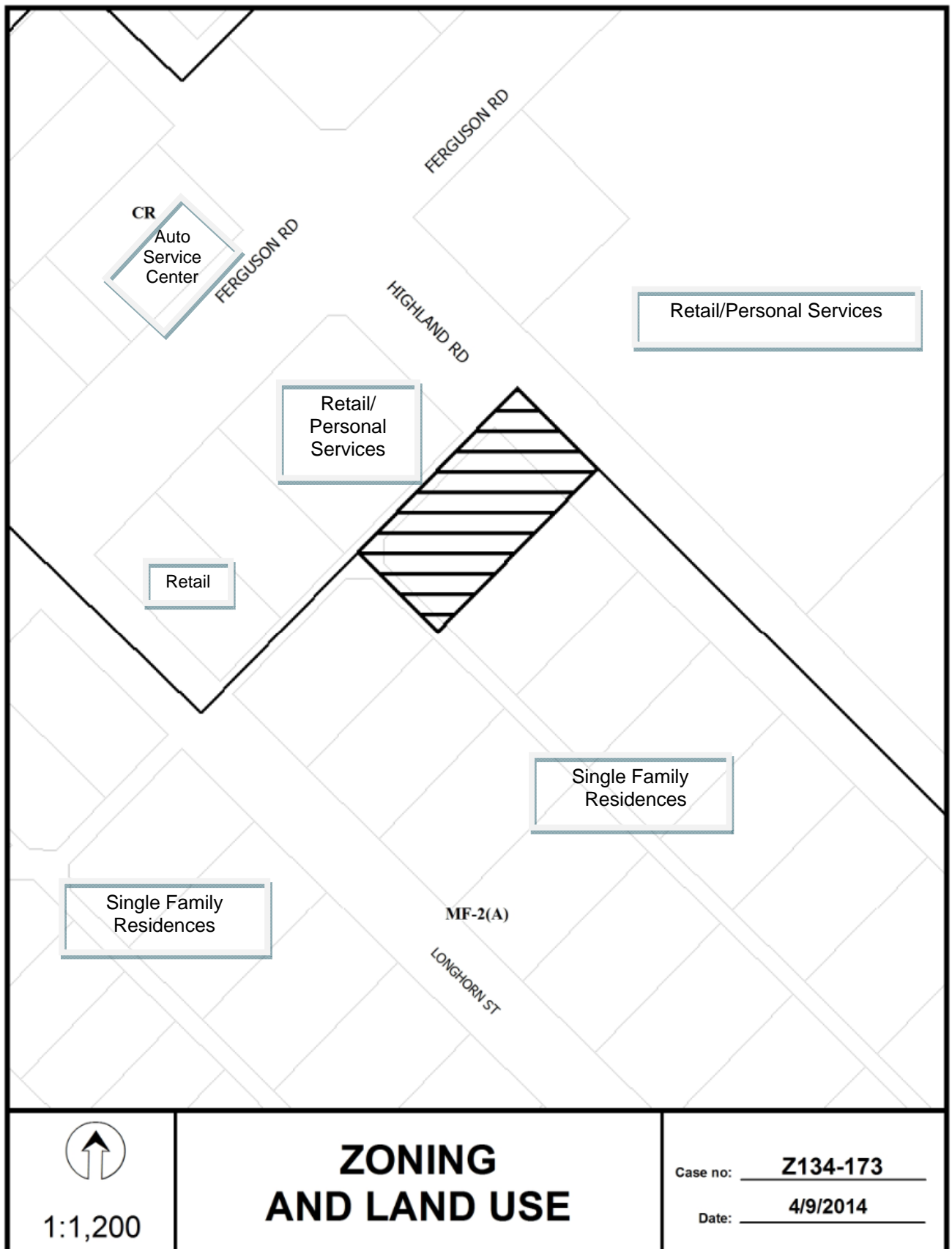
**Speakers:** For: Gabriela Ortiz, 2318 Highland Rd., Dallas, TX, 75228  
Minerva Gomez, 2318 Highland Rd., Dallas, TX, 75228  
Against: None

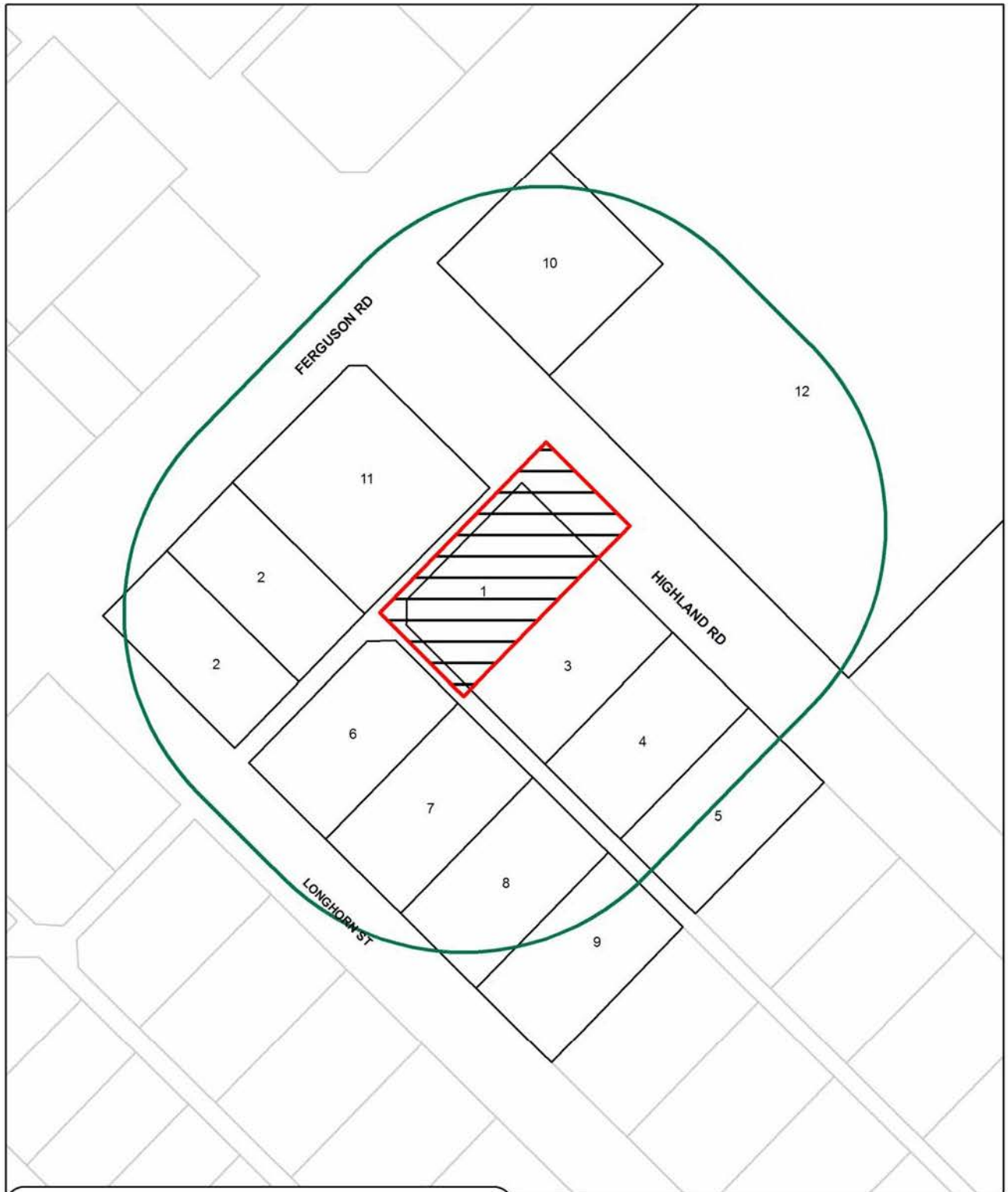












<u>12</u>	Property Owners Notified (13 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>200'</u>	Area of Notification
<u>5/8/2014</u>	Date

**Z134-173**  
**CPC**



1:1,200

## ***Reply List of Property Owners***

### ***Z134-173***

***12 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	2318	HIGHLAND RD	GOMEZ MINERVA
2	7912	FERGUSON RD	BOUDEWYN DOLLY TR
3	2326	HIGHLAND RD	MARTINEZ ANGELA
4	2332	HIGHLAND RD	WAGLIARDO LOREN
5	2338	HIGHLAND RD	SHAMBECK MARK L &
6	2319	LONGHORN ST	RAMIREZ GERMAN R
7	2327	LONGHORN ST	MARTINEZ JOSE MACEDONIO
8	2333	LONGHORN ST	POYNER SMYRL N
9	2339	LONGHORN ST	MARTINEZ FELIPE
10	8002	FERGUSON RD	MAVRICK DEVELOPMENT CORP
11	7918	FERGUSON RD	FREK LLC
12	8024	FERGUSON RD	CENTRO NP HOLDINGS 12 SPE LLC

**AGENDA ITEM # 33**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 3

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 52 Y

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Specific Use Permit No. 2028 for an open-enrollment charter school on property zoned an RR Regional Retail District generally bounded by Kiest Boulevard, Morse Drive and Walton Walker Boulevard

Recommendation of Staff and CPC: Approval, subject to a revised site plan

Z134-174(OTH)

**FILE NUMBER:** Z134-174(OTH)

**DATE FILED:** December 13, 2014

**LOCATION:** On property generally bounded by Kiest Boulevard, Morse Drive, and Walton Walker Boulevard.

**COUNCIL DISTRICT:** 3

**MAPSCO:** 52-Y

**SIZE OF REQUEST:** 12.973 acre

**CENSUS TRACT:** 108.03

**OWNER/APPLICANT:** La Academia de Estrellas

**REPRESENTATIVE:** Karl A. Crawley, MASTERPLAN

**REQUEST:** An application to amend Specific Use Permit No. 2028 for an open-enrollment charter school on property zoned an RR Regional Retail District.

**SUMMARY:** The applicant proposes to amend the existing SUP to allow for additional floor area for a gymnasium. The applicant proposes to add approximately 10,000+ square feet to the existing floor area of 92,000 square feet. The request is to allow for a gym and connection to the main building. The total floor area will be 102,460 square feet.

**CPC RECCOMENDATION:** Approval, subject to a revised site plan.

**STAFF RECOMMENDATION:** Approval, subject to a revised site plan.

## **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 site is currently under construction for an open-enrollment charter school. The proposed expansion of the use does not negatively impact the surrounding area. The property is LO-3 Office District and is surrounded by LO-3 Office District, RR Regional Retail District, MF-2(A) Multifamily District and IR Industrial Research District.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed expansion of the existing school will provide a service to this area of the City and does not appear to negatively impact to the adjacent properties. The proposed expansion of the existing use is consistent with the established development pattern in this area of the city.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed expansion is considered compatible with the adjacent land uses, and is not considered detrimental to the public health, safety, or general welfare of the city.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the proposed site plan, the request complies with all applicable zoning regulations and standards.

## **BACKGROUND INFORMATION:**

- The request site is currently under construction for a 92,000 square feet structure for an open-enrollment charter school. The applicant proposes to add approximately 10,000 square feet allow for a gymnasium. No other elements of the site plan or school operations are being modified. The school enrollment will not increase.
- Specific Use Permit No. 2028 was originally approved on May 22, 2013. On January 23, 2014 a minor amendment was approved to incorporate the proposed building in one and to include a Traffic Management plan to address traffic circulation on the site.
- The property is surrounded by retail and residential uses to the north, undeveloped and multifamily to the southeast, industrial inside on the southwest and S. Walton Walker Boulevard to the southwest.
- On February 20, 2014, the City Plan Commission approved a two-year waiver to allow the applicant to request an amendment to Specific Use Permit No. 2028.

**Zoning History:**

There has been one recent zoning request in the area.

1. Z123-145(RB) On April 4, 2013, the City Council approved a Specific Use Permit for an Open-enrollment school on property zoned an RR Regional Retail District on property bounded by Walton Walker Boulevard, Kiest Boulevard, and Morse Drive (the request site).

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
West Kiest Boulevard	Principal Arterial	100 feet ROW
South Walton Walker Boulevard	Freeway	Variable ROW
Morse Drive	Local	60 feet ROW

**Surrounding Land Uses:**

	Zoning	Land Use
Site	RR - Regional Retail	Open-enrollment school under construction
North	R-7.5(A) Single family, TH-3(A) Townhome & RR Regional Retail	Single Family, undeveloped, retail
East & Southeast	LO-3 Light Office & MF-2(A) Multifamily	Undeveloped & multifamily
South & Southwest	IR Industrial Research	Industrial (inside)

**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 urban neighborhood building block.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices

along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

### **Land Use Element**

**Goal 1.1** Align land use and strategies with economic development priorities.

Policy 1.1.5 Strengthen existing neighborhoods and promote neighborhoods' unique characteristics.

### **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 2.5** Foster a city of great neighborhoods.

Policy 2.5.1 Promote strong and distinctive neighborhoods to enhance Dallas' quality of life.

Policy 2.5.2 Ensure that existing and future residential areas are appropriately linked in order to enhance economic development and urban design benefits.

### **Land Use Compatibility:**

The request site is currently under construction for the proposed school. The parcel possesses three street frontages.

Due to the site's beneficial frontage characteristics, access and impact on adjacent uses is minimal. Single family uses are developed across Kiest Boulevard to the north and northeast. A multifamily use fronts the south line of Kiest Boulevard, east of the site. Undeveloped property zoned for LO-3 District Uses fronts property across Morse Drive. Finally, inside industrial uses are developed across the elevated portion of Walton Walker Boulevard.

The applicant is proposing to increase the original square footage of the property by approximately 10,000 square feet to 102,460 square feet. The proposed amendment



does not trigger any changes in the traffic management plan or conditions. The applicant is not proposing an increase in enrollment or number of classrooms. The proposed addition is somewhat centered in the property with open areas to the west and east.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff has determined the request complies with this section of the city code and is recommending approval subject to a revised site plan.

**Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined it will not significantly impact the surrounding street system.

**Landscaping:**

Landscaping of the property must comply with Article X.

**CPC ACTION:**  
**May 8, 2014**

**Motion:** It was moved to recommend **approval** of the amendment of Specific Use Permit No. 2028 for an open-enrollment charter school on property zoned an RR Regional Retail District generally bounded by Kiest Boulevard, Morse Drive and Walton Walker Boulevard.

Maker: Abtahi  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Tarpley, Shellene,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

**Notices:** Area: 400 Mailed: 34  
**Replies:** For: 0 Against: 0

**Speakers:** None

## **Partners and Principles**

La Academia de Estrellas Board of Directors

Karen Rittenberry, President

Gracie Oyervides, Vice President

Brian McGovern, Secretary

Marta Jourdan

Catalina Lechuga

Richard Tuck, Business Manager

**EXISTING CONDITIONS**

13087 6

5-13-13

ORDINANCE NO. 28999

An ordinance amending the zoning ordinances of the City of Dallas by permitting the following property, which is presently zoned as an RR Regional Retail District:

BEING a tract of land in City Block 8018 generally bounded by Kiest Boulevard, Morse Drive, and Walton Walker Boulevard; and containing approximately 12.973 acres,

to be used under Specific Use Permit No. 2028 for an open-enrollment charter school; providing that this specific use permit shall be granted subject to certain conditions; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this specific use permit; and

WHEREAS, the city council finds that this use will complement or be compatible with the surrounding uses and community facilities; contribute to, enhance, or promote the welfare of the area of request and adjacent properties; not be detrimental to the public health, safety, or general welfare; and conform in all other respects to all applicable zoning regulations and standards; and

WHEREAS, the city council finds that it is in the public interest to grant this specific use permit, subject to certain conditions; Now, Therefore,

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

130876

28999

SECTION 1. That the zoning ordinances of the City of Dallas are amended to allow the property described in Exhibit A, which is attached to and made a part of this ordinance ("the Property"), which is presently zoned as an RR Regional Retail District, to be used under Specific Use Permit No. 2028 for an open-enrollment charter school.

SECTION 2. That this specific use permit is granted on the following conditions:

1. USE: The only use authorized by this specific use permit is an open-enrollment charter school.
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 May 22, 2023, but is eligible for automatic renewal for additional fifteen-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. CLASSROOMS: The maximum number of classrooms is 42.
5. INGRESS-EGRESS: Ingress and egress must be provided in the locations shown on the attached site plan. No other ingress or egress is permitted.
6. OFF-STREET PARKING: Off-street parking must be provided and located as shown on the attached site plan.
7. ROADWAY IMPROVEMENTS: Before the issuance of a certificate of occupancy for an open-enrollment charter school, a "No Left-Turn/No U-Turn" sign must be provided at the median opening in the vicinity of Driveway 2.
8. TRAFFIC MANAGEMENT PLAN:
  - A. In general. Operation of the open-enrollment charter school use must comply with the attached traffic management plan.

13087 6

28999

- B. Queuing. Queuing is only permitted inside the Property. Student drop-off and pick-up are not permitted within city rights-of-way.
- C. Traffic study.
- (1) The Property owner or operator shall prepare a traffic study evaluating the sufficiency of the traffic management plan. The initial traffic study must be submitted to the director by November 1, 2014.
  - (2) After the initial traffic study, the Property owner or operator shall submit updates of the traffic study to the director by November 1, 2015 and November 1, 2016. Thereafter, updates of the traffic study shall be submitted to the director by November 1 of every odd-numbered year beginning in 2017.
  - (3) The traffic study must be in writing, performed by a licensed engineer, based on a minimum of four samples taken on different school days at different drop-off and pick-up times over a two-week period, and must contain an analysis of the following:
    - (a) ingress and egress points;
    - (b) queue lengths;
    - (c) number and location of personnel assisting with loading and unloading of students;
    - (d) drop-off and pick-up locations;
    - (e) drop-off and pick-up hours for each grade level;
    - (f) hours for each grade level; and
    - (g) circulation.
  - (4) Within 30 days after submission of a traffic study, the director shall determine if the current traffic management plan is sufficient.
    - (a) If the director determines that the current traffic management plan is sufficient, the director shall notify the applicant in writing.

130876

28999

- (b) If the director determines that the current traffic management plan results in traffic hazards or traffic congestion, the director shall require the Property owner to submit an amended traffic management plan. If the Property owner fails to submit an amended traffic management plan within 30 days, the director shall notify the city plan commission.

D. Amendment process.

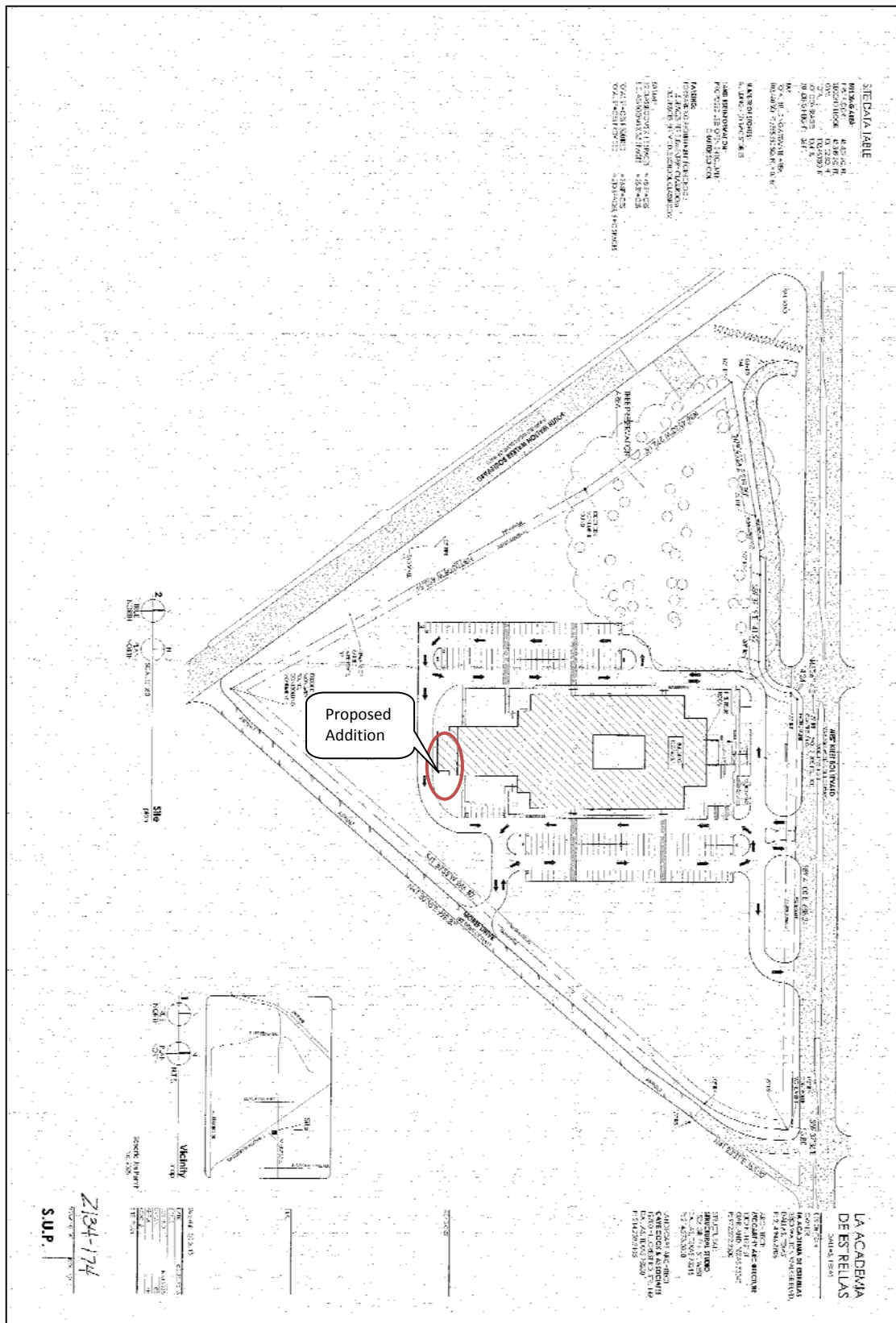
- (1) A traffic management plan may be amended using minor plan amendment fee and public hearing process in Section 51A-1.105(k)(3) of the Dallas Development Code, as amended.
  - (2) The city plan commission shall authorize changes in a traffic management plan if the proposed amendments improve queuing or traffic circulation; eliminate traffic hazards; or decrease traffic congestion.
9. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
10. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

SECTION 3. That all paved areas, permanent drives, streets, and drainage structures, if any, on the Property must be constructed in accordance with standard City of Dallas specifications, and completed to the satisfaction of the City of Dallas.

SECTION 4. That the building official shall not issue a building permit or a certificate of occupancy for a use authorized by this specific use permit on the Property until there has been full compliance with this ordinance, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

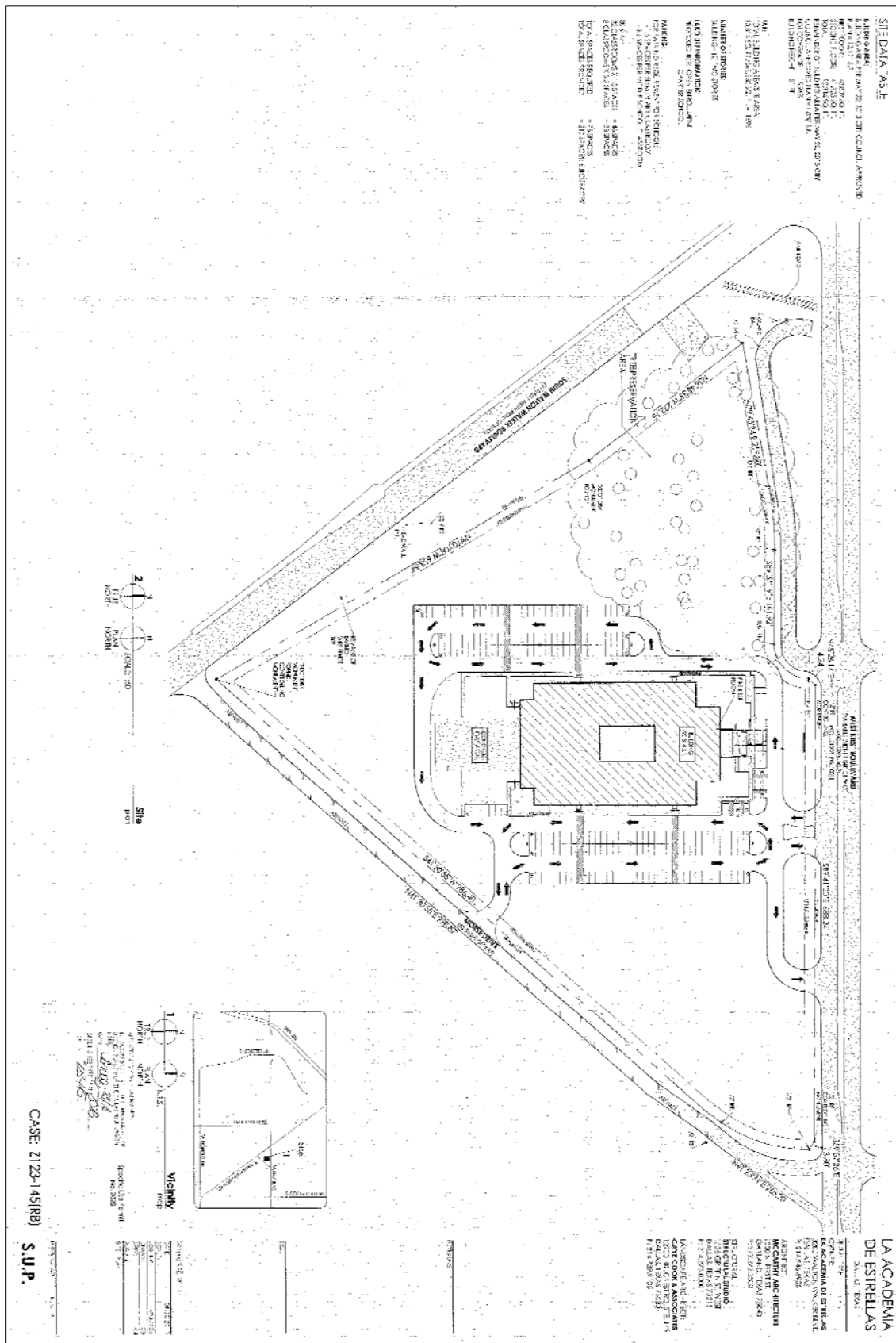
SECTION 5. That a person who violates a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

## PROPOSED SITE PLAN

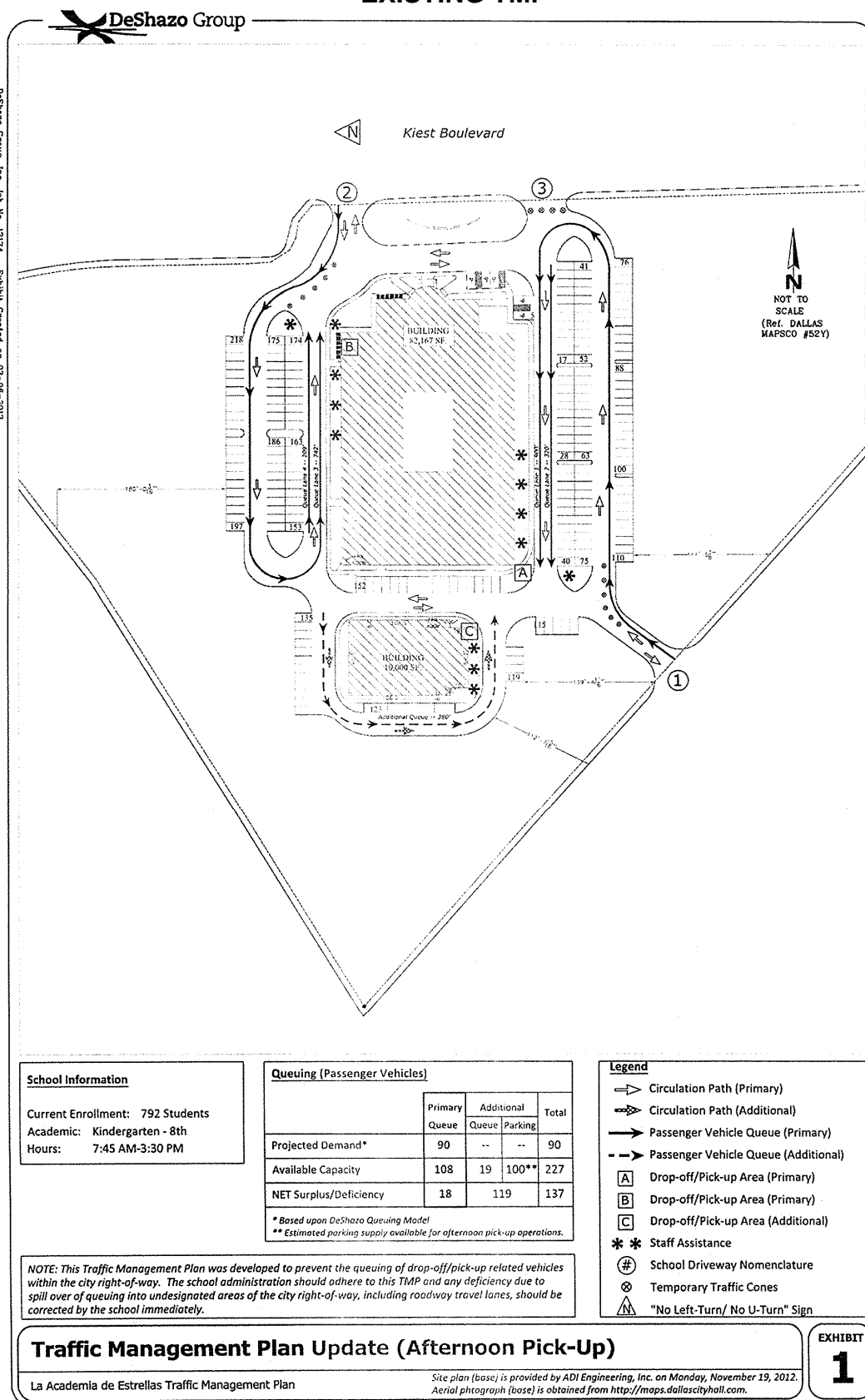


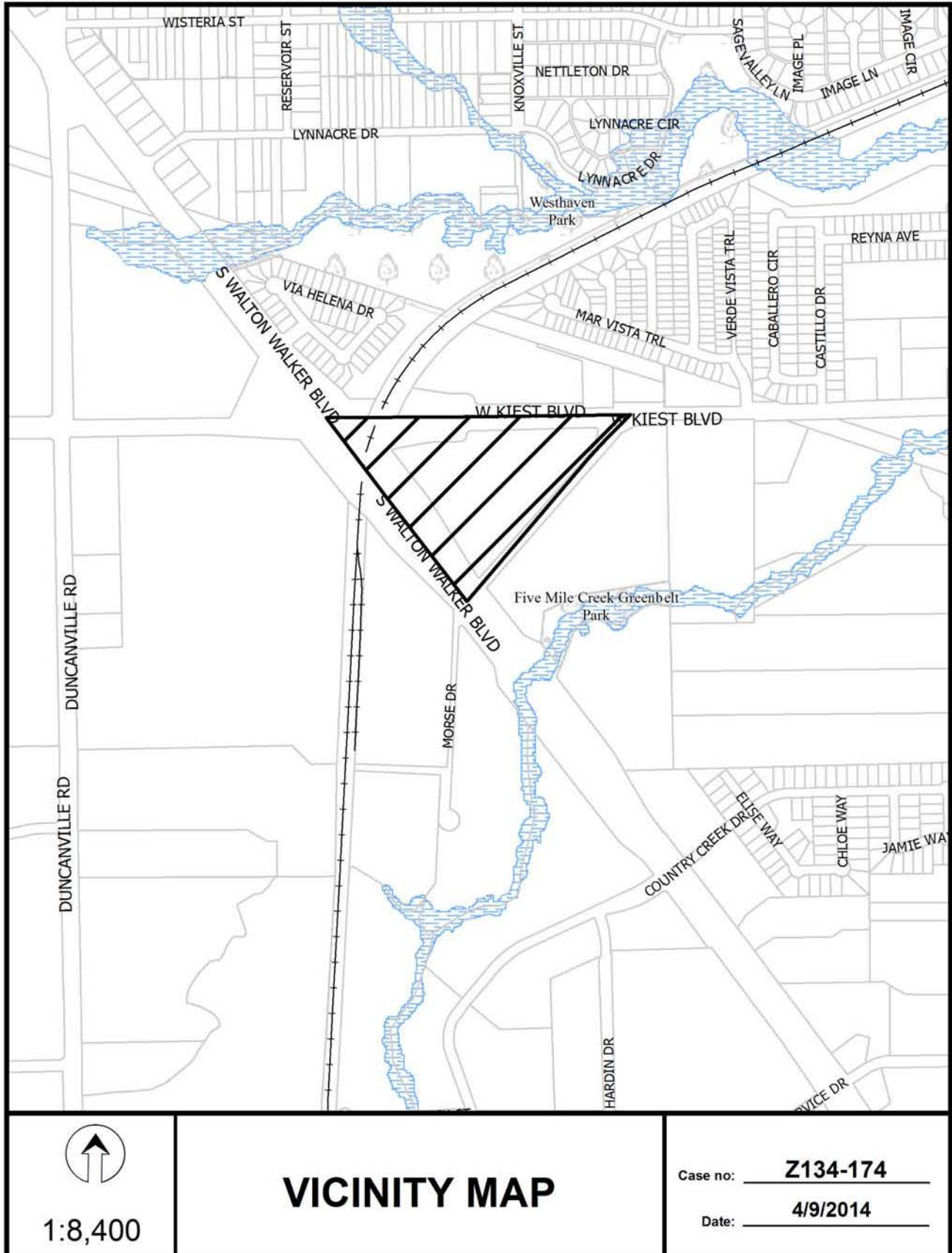


## EXISTING SITE PLAN

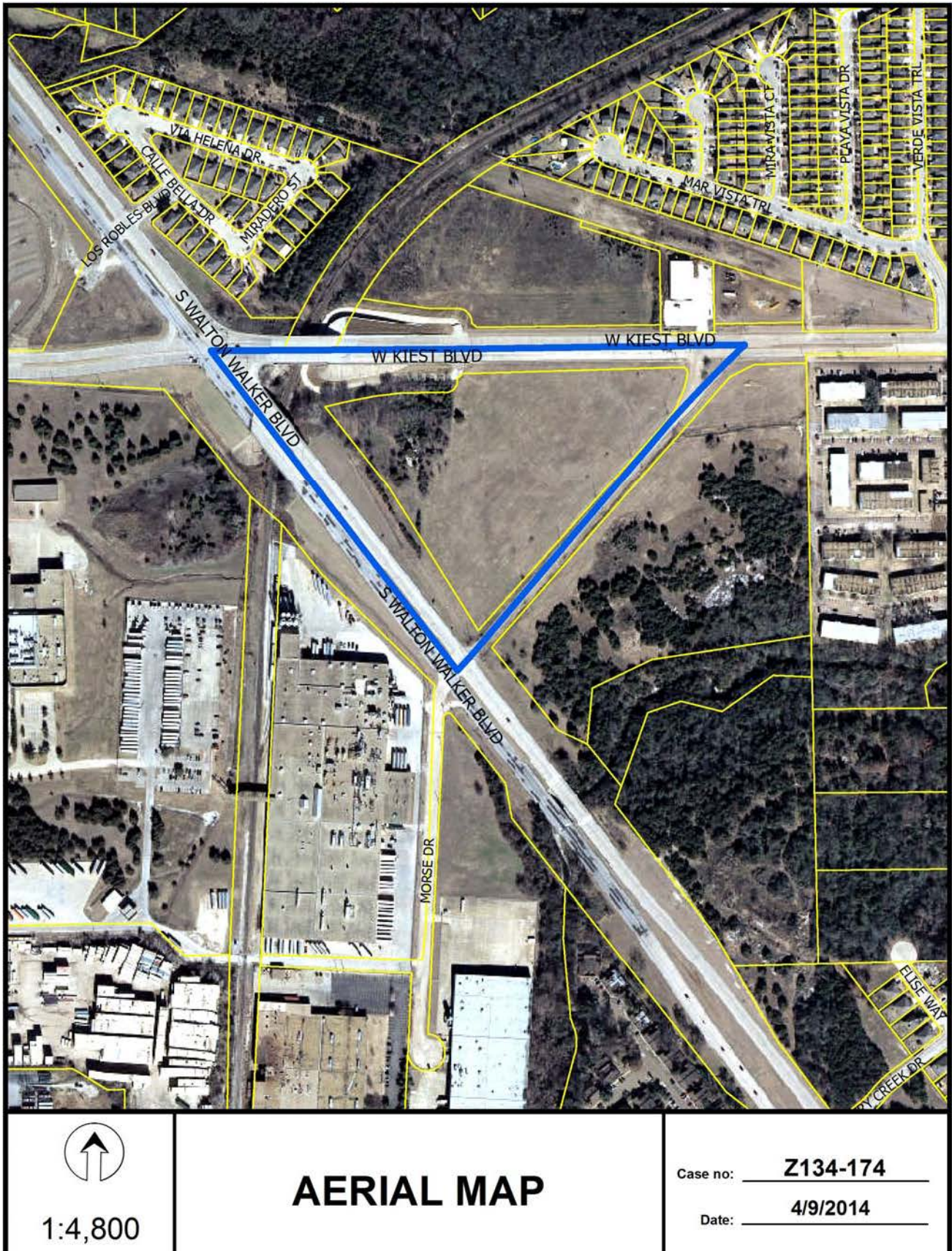


## EXISTING TMP

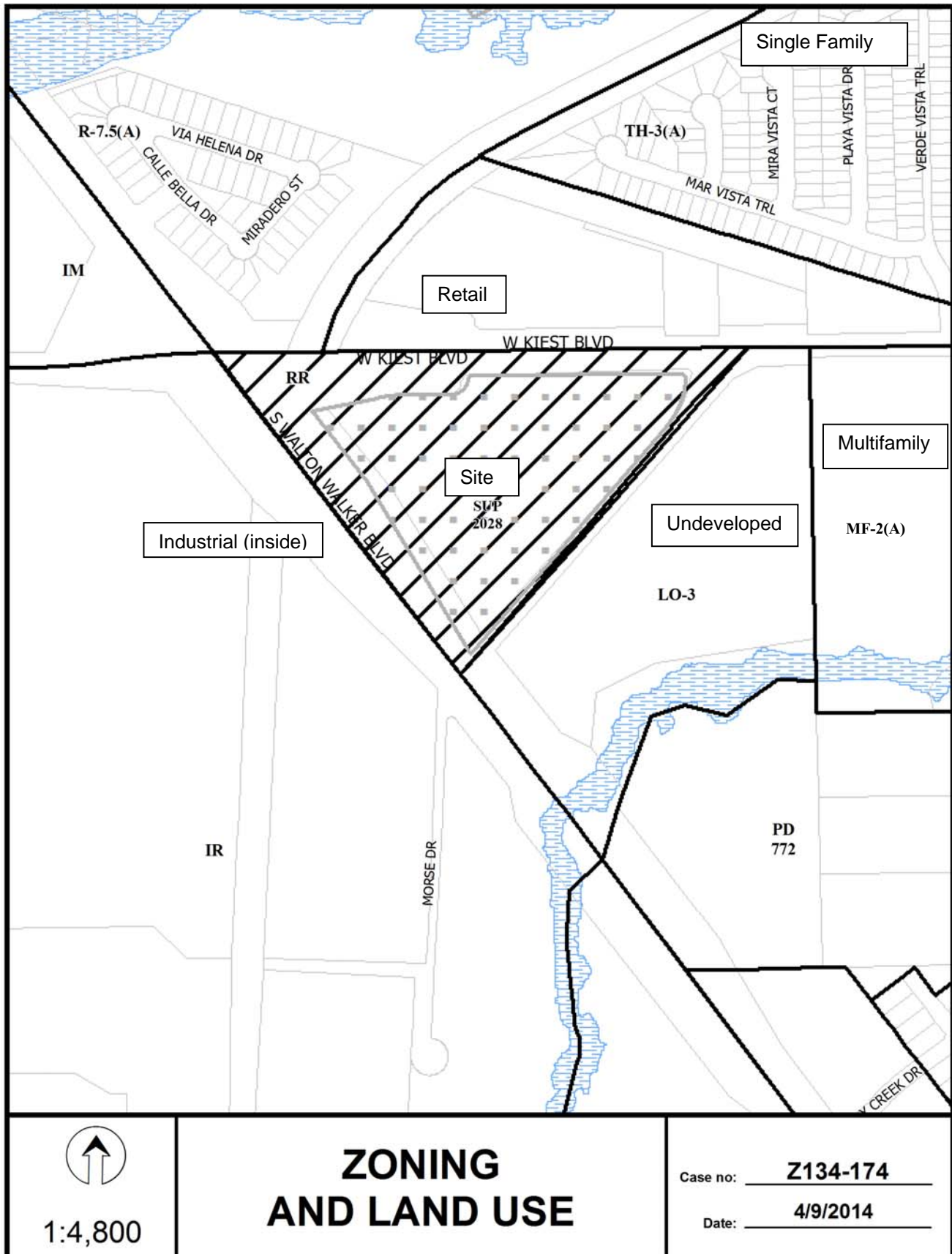


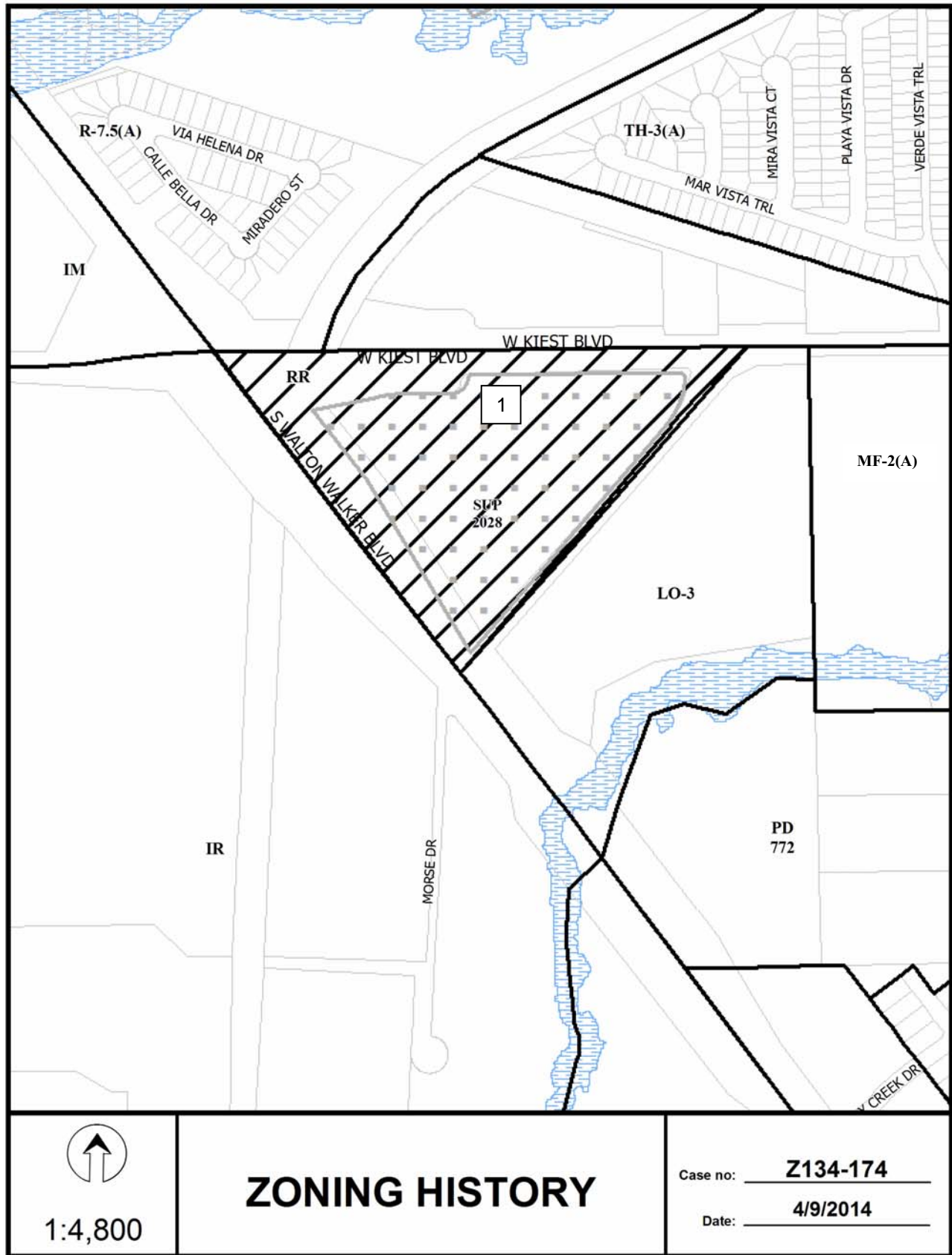




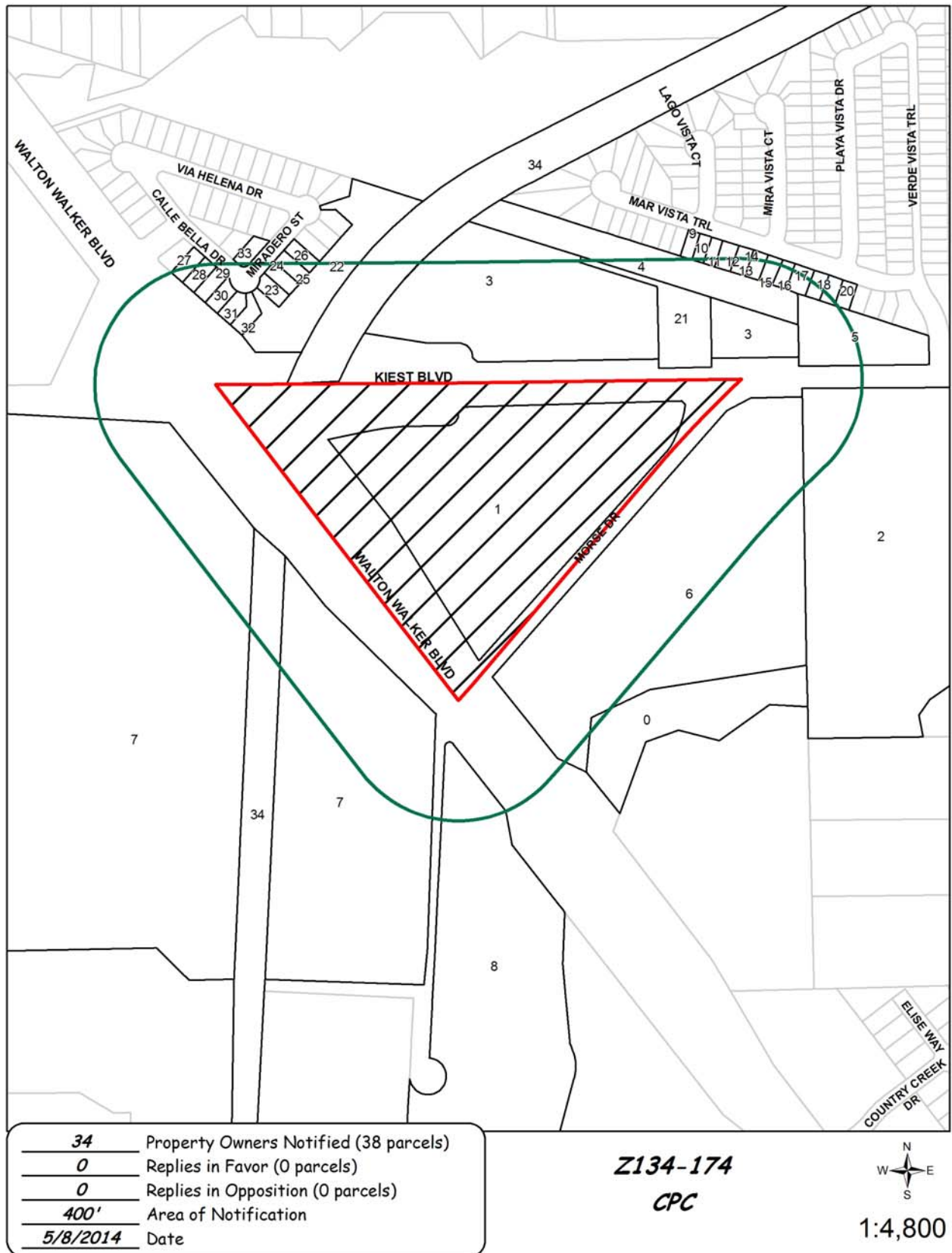








## CPC RESPONSES



## ***Reply List of Property Owners***

**Z134-174**

**34 Property Owners Notified      0 Property Owners in Favor      0 Property Owners Opposed**

<i><b>Reply</b></i>	<i><b>Label #</b></i>	<i><b>Address</b></i>	<i><b>Owner</b></i>
1	3200	WALTON WALKER BLVD	RED BIRD 166 PARTNERS LP
2	4542	KIEST BLVD	KIMBALL SQUARE LTD
3	4601	KIEST BLVD	CDDR PPTIES LLC
4	4511	KIEST BLVD	QUANSET CORPORATION
5	4511	KIEST BLVD	CATINA LAND LLC
6	3400	WALTON WALKER BLVD	RED BIRD 166 PARTNERS LP
7	3433	MORSE DR	FRITO LAY INC
8	3444	MORSE DR	3444 MORSE DR LLC
9	4620	MAR VISTA TRL	PAYNE MARGARET E
10	4616	MAR VISTA TRL	FOSTER ANGELA
11	4612	MAR VISTA TRL	AMEZQUITA ERASMO
12	4608	MAR VISTA TRL	WELSH JENNIFER LYNNE
13	4604	MAR VISTA TRL	VALERO ROSALINA & PABLO
14	4542	MAR VISTA TRL	MORA MARTHA ROA
15	4538	MAR VISTA TRL	BARRETO DAVID
16	4534	MAR VISTA TRL	NELSON LARRY W
17	4530	MAR VISTA TRL	RODRIGUEZ RAYMOND S &
18	4526	MAR VISTA TRL	TORRES EULALIA &
19	4522	MAR VISTA TRL	HAMILTON FRED ECKERY
20	4518	MAR VISTA TRL	GONZALEZ JOSE & BLANCA
21	4627	KIEST BLVD	FINKLESTEIN MAX J &
22	3100	WALTON WALKER BLVD	MRL CONSTRUCTION LP
23	4728	MIRADERO ST	REYES IGNACIO
24	4724	MIRADERO ST	PLUTARCO ESPIRICUETA
25	4720	MIRADERO ST	TAMEZ EDWIN A
26	4716	MIRADERO ST	BARRERA MIGUEL A &



Z134-174(OTH)

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	3135	CALLE BELLA DR	VELASQUEZ GERARDO
28	3139	CALLE BELLA DR	ASTURIAS MARINA
29	3143	CALLE BELLA DR	RAMIREZ ISREAL
30	3147	CALLE BELLA DR	ALVARADO RIGOBERTO
31	3151	CALLE BELLA DR	ARTEAGA ALFREDO
32	4732	MIRADERO ST	CRUZ JERMAN
33	3144	CALLE BELLA DR	LYON HILARIA F
34	2300	GRAND AVE	BNSF RAILWAY

**AGENDA ITEM # 34**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 35 Y

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting an amendment to Subdistrict E-2 within Planned Development District No. 305 for mixed uses on the northeast corner of North Central Expressway and North Haskell Avenue

Recommendation of Staff and CPC: Approval, subject to conditions  
Z134-176(WE)

**ACM: Theresa O'Donnell****FILE NUMBER:** Z134-176(WE) **DATE FILED:** February 25, 2014**LOCATION:** North Central Expressway and North Haskell Avenue,  
northeast corner**COUNCIL DISTRICT:** 2 **MAPSCO:** 35-Y**SIZE OF REQUEST:** Approx. 16.45 acres **CENSUS TRACT:** 8.00

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**APPLICANT / OWNER:** Xerox Business Services, LLC**REPRESENTATIVE:** TC Central Associates, LLC**REQUEST:** An application for an amendment to Subdistrict E-2 within  
Planned Development District No. 305 for mixed uses.**SUMMARY:** The purpose of this request is to amend Subdistrict E-2  
conditions. The applicant plans to relocate an existing guard  
house on the site. The conditions require a development  
plan and landscape plan to be submitted for approval when  
specific criteria are met. The applicant's request is to submit  
a development plan when a structure increases the number  
of off-street parking spaces by more than 10 spaces and a  
landscape plan when a structure is increases by 1,000  
square feet.**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* – The request for an amendment to Subdistrict E-2 to relocate an existing guard house from an adjacent site into the request site. The proposed relocation of the guard house should not have a negative impact on the surrounding area. The applicant will also reconfigure a portion of the surface parking area and entrance into the complex.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the request to relocate the existing guard house to a different location on site will not have a negative impact on the street system.
3. *Comprehensive Plan or Area Plan Conformance* – The *forwardDallas! Comprehensive Plan* shows that the request site is located in an Urban Mixed Use Block and is in compliance with the Comprehensive Plan.
4. *Justification for PD Planned Development District Zoning as opposed to a straight zoning district* – The request site is currently in an existing Planned Development District No. 305 for mixed uses. The applicant proposes to amend certain provisions of the conditions within Planned Developed District No. 305.

## **BACKGROUND INFORMATION:**

- The request site is currently developed with several office buildings. The applicant is proposing to relocate an existing guard house that is located on the southern quadrant of a tract of land that is adjacent to the request site (within PD No. 889). The existing guard house will be relocated on the northeastern portion of the request site.
- The applicant is requesting to amend specific provisions pertaining to the development plan and landscape plan conditions of Subdistrict E-2. The applicant is proposing to relocate an existing 160 square foot guard house that will trigger the approval of a development plan and landscape plan.
- In February 2014, the City Plan Commission approved a waiver of the two year waiting period. The waiver allowed the applicant to file an application for an amendment to Subdistrict E-2 Planned Development District No. 305 for mixed uses.
- The request site is surrounded by offices and commercial uses to the northeast, multifamily, retail and personal service uses to the southeast, and an office tower to the southwest, across North Haskell Avenue. The North Central Expressway frontage road is located west and northwest of the request site.

**Zoning History:** There have been four recent zoning changes requested in the area.

1. Z112-265 On May 22, 2013, the City Council approved 1) a Planned Development District for MU-3 Mixed Use District uses on property zoned a GO(A) General Office District, an MU-3 (SAH) Mixed Use District (Affordable) and a portion of Subdistrict E in PDD No. 305, Cityplace, on the northeast corner of North Central Expressway and North Carroll Avenue and 2) a new subdistrict on property zoned Subdistrict E within the Planned Development District No. 305 on the east side of North Central Expressway between North Carroll Avenue and North Haskell Avenue. (request site)
2. Z112-150 On May 23, 2012, the City Plan Commission approved an amendment to Tract 1 of Planned Development District No. 375 for mixed uses.
3. Z101-319 On December 14, 2012, the City Plan Commission approved a WMU-8 Walkable Urban Mixed Use 8 District.
4. Z089-135 On October 14, 2009, the City Council approved the creation of two tracts within Planned Development District No. 183 for MU-3 Mixed Use District uses.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
North Central Expressway	Principal Arterial	80 ft.	80 ft.
North Haskell Avenue	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 development will not have a negative impact on the surrounding street system. The analysis is based upon the traffic worksheet the applicant provided during the application submittal.

**Surrounding Land Uses:**

	<b>Zoning</b>	<b>Land Use</b>
<b>Site</b>	PDD No. 305	Offices, Guard house
<b>Northeast</b>	PDD No. 889, CS	Office, Commercial
<b>Southeast</b>	PDD No. 305	Multifamily, Retail and Personal Service
<b>Southwest</b>	PDD No. 183	Office
<b>Northwest</b>		Central Expressway

**COMPREHENSIVE PLAN:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in an Urban Mixed Use Building Block.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

**LAND USE****GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

**STAFF ANALYSIS:**

**Land Use Compatibility:** The 16.45 acre site is developed with several office buildings. The applicant's request is to amend a portion of the Subdistrict's conditions to omit the submission of a development plan and landscape plan under certain criteria. Currently, the PDD conditions state the following for approval of the development plan and landscape plan by the City Plan Commission:

(1) an applicant for a permit or certificate of occupancy for work or a use on a building site in this district shall obtain approval of a new or amended detailed development plan as a prerequisite to issuance of the permit or certificate of occupancy (see additional requirements in the proposed conditions).

(2) A landscape plan for each building site must be submitted to and approved by the city plan commission. The landscape plan must be submitted to the commission with the detailed development plan for that building site (see additional requirements in the proposed conditions).

A guard house located on an adjacent property (within PD No. 889) will be relocated onto the request site; and as a result, will trigger the requirements under the Landscape Plan provisions. Planned Development District No. 305 requires a development plan and landscape plan when any floor area is added to the building site and not part of a building or structure in existence prior to the creation of Planned Development District No. 305.

In January 1990, the City Council approved Planned Development District No. 305 which established a provision in the conditions that excluded a development plan and landscape plan for existing structures. However, the conditions require the submission of both plans when a permit or a certificate of occupancy is required or changes are being made to the building site.

The applicant proposes to relocate a 160 square foot guard house that is located on an adjacent site. The applicant's request will modify the language under the Detail Development Plan section that requires a development plan when any building site where the proposed work or use will increase the number of off-street parking spaces required be located on that site by more than 10 spaces. Under the Landscape Plan section, the applicant proposes that a landscape plan is required when the building site's floor area is increased more than 1,000 square feet.

Staff cannot support the applicant's modifications to the development plan and landscape plan criteria. However, staff supports no changes to the development plan requirements but recommends under the Landscape Plan provisions that a landscape plan and development plan is required when it meets the specific criteria in the Landscape Plan section or when the maximum floor area is increased more than 200 square feet.

Staff recommendation is for approval of an amendment to Subdistrict E-2 Planned Development District No. 305 for mixed uses, subject to staff's recommended conditions.

### **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>					
PDD No. 305 Subdistrict E-2 Mixed Use	15'	20' adjacent to residential OTHER: No Min.	2.5 FAR	270'	80%	N/A	Office, Retail & personal service, residential, lodging, trade center

**Landscaping:** Landscaping will be in accordance with Sec.51P-305.117, landscaping requirements in PDD No. 305.

**CPC Action** (May 8, 2014)

**Motion:** It was moved to recommend **approval** of an amendment to Subdistrict E-2 within Planned Development District No. 305 for mixed uses on the northeast corner of North Central Expressway and North Haskell Avenue.

Maker: Soto  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Tarpley, Shellene,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

**Notices:** Area: 500 Mailed: 21  
**Replies:** For: 0 Against: 0

**Speakers:** For: Barry Knight, 2728 N. Harwood St., Dallas, TX, 75201  
Against: None



<p><b>LIST OF OFFICERS</b> Xerox Business Services, LLC</p>
---

[Ursula M. Burns](#)  
Chairman and Chief  
Executive Officer

[Lynn R. Blodgett](#)  
Executive Vice President  
President and Chief  
Executive Officer, Affiliated  
Computer Services, Inc.

[James A. Firestone](#)  
Executive Vice President  
President, Corporate  
Operations

[Luca Maestri](#)  
Executive Vice President  
Chief Financial Officer

[Armando Zagalo de Lima](#)  
Executive Vice President  
President, Global Customer  
Operations

[Willem T. Appelo](#)  
Senior Vice President  
President, Global Business  
and Services Group

[M. Stephen Cronin](#)  
Senior Vice President  
President, Global Document  
Outsourcing

[Don H. Liu](#)  
Senior Vice President  
General Counsel and  
Secretary

[Russell M. Peacock](#)  
Senior Vice President  
President, Xerox North  
America

[Eric Armour](#)  
Vice President  
President, Graphic  
Communications Business  
Group

[Christa Carone](#)  
Vice President  
Chief Marketing Officer

[Richard F. Cerrone](#)  
Vice President  
Global Imaging Support  
Operations

[Mark Costello](#)  
Vice President  
General Patent Counsel  
Chief Strategy Counsel

[Richard M. Dustin](#)  
Vice President  
President, Enterprise  
Business Group

[Kathleen S. Fanning](#)  
Vice President  
Worldwide Taxes

[Anthony M. Federico](#)  
Vice President  
Chief Engineer and Graphic  
Communications Executive  
Liaison

[Michael R. Festa](#)  
Vice President  
Business Transformation,  
Finance, Mergers and  
Acquisitions

[Jacques H. Guers](#)  
Vice President  
President, Xerox Europe

[D. Cameron Hyde](#)  
Vice President

[Joseph H. Mancini Jr.](#)  
Vice President  
Vice President, Finance  
Xerox North America

[John E. McDermott](#)  
Vice President  
Chief Information Officer

[Ivy Thomas McKinney](#)  
Vice President  
Deputy General Counsel  
and Chief Ethics Officer

[Shaun W. Pantling](#)  
Vice President  
Director and General  
Manager, Global Document  
Outsourcing, Xerox Europe

[Rhonda L. Seegal](#)  
Vice President and  
Treasurer

[Hervé Tessler](#)  
Vice President  
President, Developing  
Markets Operations

[Sophie V. Vandebroek](#)  
Vice President  
Chief Technology Officer and  
President, Xerox Innovation  
Group

[Leslie F. Varon](#)  
Vice President  
Finance and Corporate  
Controller

[Kevin M. Warren](#)  
Vice President,  
President, United States  
Customer Operations

[Uta Werner](#)  
Vice President,

Senior Vice President,  
Global  
Accounts Operations

[Gary R. Kabureck](#)

Vice President  
Chief Accounting Officer

[John M. Kelly](#)

Vice President  
Executive Vice President,  
ACS Major Accounts

[James H. Lesko](#)

Vice President  
Investor Relations

[Jule E. Limoli](#)

Vice President  
President, North American  
Agent Operations

[Thomas J. Maddison](#)

Vice President  
Human Resources

Corporate Business Strategy

Douglas H. Marshall  
Assistant Secretary

Carol A. McFate  
Assistant Treasurer  
Chief Investment Officer

**CPC PROPOSED PDD  
CONDITIONS**

**SEC. 51P-305.112. DETAILED DEVELOPMENT PLAN.**

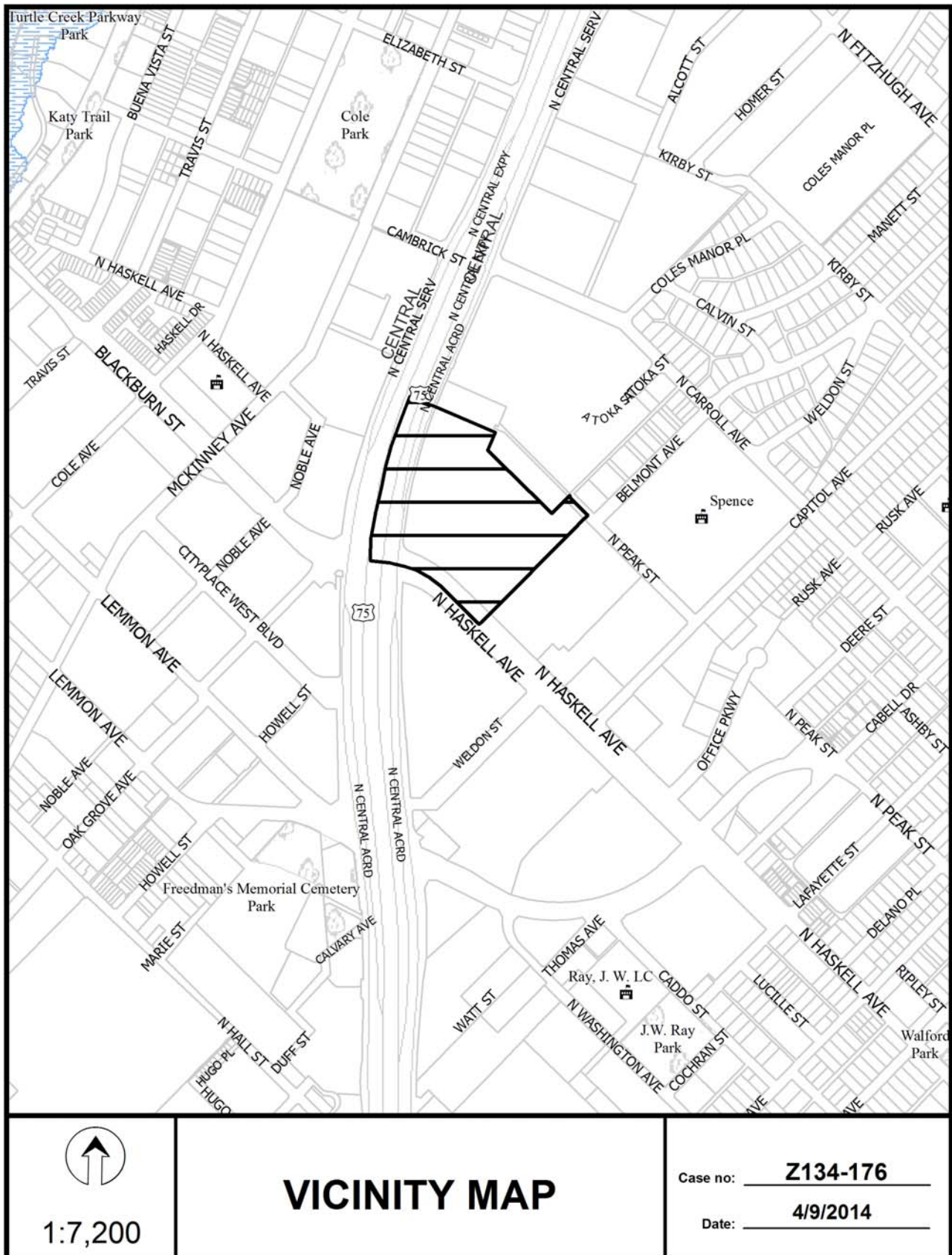
(h) In Subdistrict E-2: A new or amended detailed development plan is not required for a building site where the proposed work or use will increase the number of required off-street parking spaces by two spaces or less.

**SEC. 51P-305.117. LANDSCAPING REQUIREMENTS.**

(a) Plan approval required and applicability of section.

(1) Except as provided in this subsection, a [A] landscape plan for each building site must be submitted to and approved by the city plan commission. The landscape plan must be submitted to the commission with the detailed development plan for that building site. This section does not apply to single family and duplex uses in detached structures or single family attached structures in Subdistrict A of the West Residential Subzone except as noted in Section 51P-305.117(a)(6), or public schools other than open enrollment charter schools in Subarea C-1 except as noted in Section 51P-305.117(a)(7). This section shall become applicable to all other uses on an individual lot when work on the lot is performed that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot, unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, or accident of any kind.

(2 In Subdistrict E-2: A landscape plan for each building site must be submitted to and approved by the city plan commission. The landscape plan must be submitted to the commission with the detailed development plan for that building site. This section does not apply to single family and duplex uses in detached structures or single family attached structures in Subdistrict A of the West Residential Subzone except as noted in Section 51P-305.117(a)(6), or public schools other than open enrollment charter schools in Subarea C-1 except as noted in Section 51P-305.117(a)(7). This section shall become applicable to all other uses on an individual lot when work on the lot is performed that increases the existing building height, floor area ratio, or nonpermeable coverage of the lot, unless the work is to restore a building that has been damaged or destroyed by fire, explosion, flood, tornado, riot, act of the public enemy, [or] accident of any kind or the maximum floor area is increased more than 200 square feet.

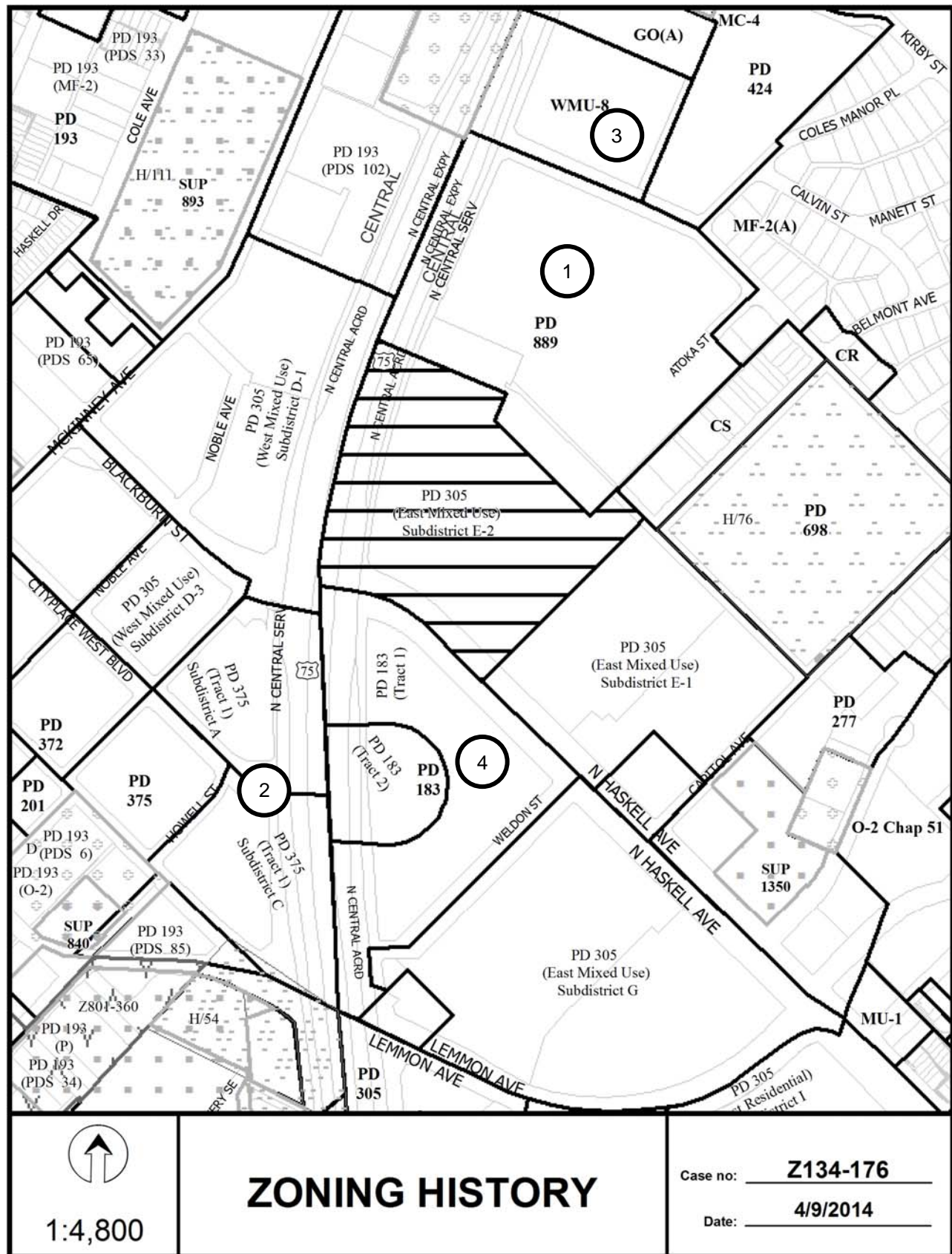






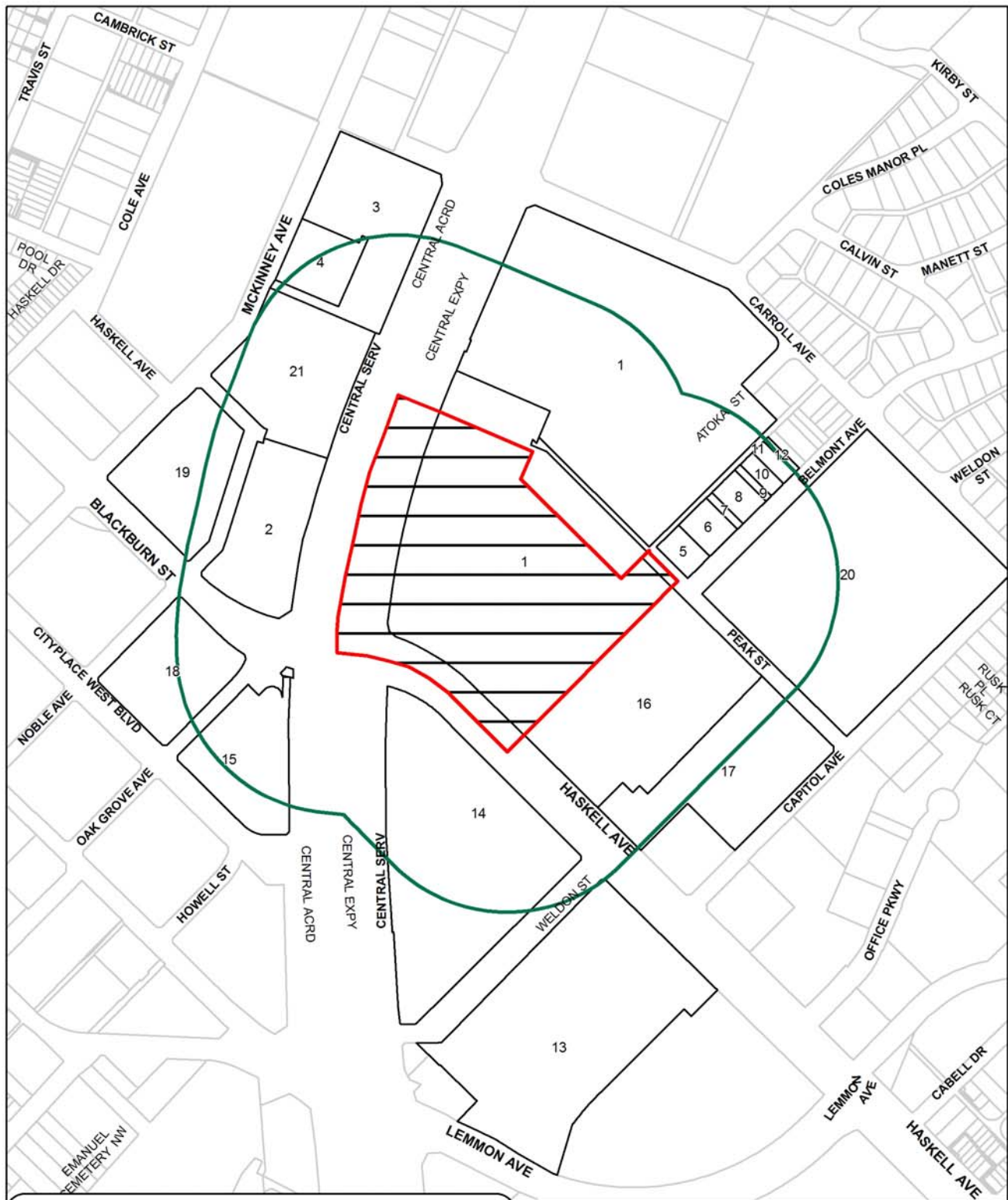








## CPC RESPONSES



<u>21</u>	Property Owners Notified (23 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>500'</u>	Area of Notification
<u>5/8/2014</u>	Date

**Z134-176**  
**CPC**



1:4,800



5/20/2014

***Reply List of Property Owners******Z134-176******21 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	3988	CENTRAL EXPY	AFFILIATED COMPUTER SVC
2	2990	BLACKBURN ST	JLB CITYPLACE LP
3	3966	MCKINNEY AVE	CORPORATION OF EPISCOPAL
4	3966	MCKINNEY AVE	CHURCH OF INCARNATION
5	4301	BELMONT AVE	MADRIGAL RAFAEL
6	4311	BELMONT AVE	BARCUS CYRUS E JR
7	4319	BELMONT AVE	BELMONT STUDIOS LLC
8	4325	BELMONT AVE	MJRP CORPORATOIN ET AL
9	4329	BELMONT AVE	MOTT W E JR SPOUSAL TRUST
10	4331	BELMONT AVE	MILAM CARLTON
11	4405	BELMONT AVE	MM WHITETAIL PPTIES LP
12	4407	BELMONT AVE	MM WHITETAIL PPTIES LP
13	2417	HASKELL AVE	DAYTON HUDSON CORP
14	2711	HASKELL AVE	DALLAS CPT FEE OWNER LP
15	3504	CENTRAL EXPY	BLACKBURN CENTRAL
16	2660	HASKELL AVE	CITYVILLE DALLAS HASKELL
17	2600	HASKELL AVE	KROGER TEXAS LP
18	2901	BLACKBURN	BLACKBURN CENTRAL
19	3000	BLACKBURN ST	MEPT MONDRIAN CITYPLACE LLC
20	4001	CAPITAL AVE	Dallas ISD
21	3930	MCKINNEY AVE	CRITERION MCKINNEY NOBEL APTS LP

**AGENDA ITEM # 35**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 8

**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. 1726 for a vehicle display, sales and services use on property zoned Subdistrict 2 within Planned Development District No 534, the C.F. Hawn Special Purpose District No. 2 on the southeast corner of C.F. Hawn Freeway and Dowdy Ferry Road

Recommendation of Staff and CPC: Approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions

Z134-179(WE)



**FILE NUMBER:** Z134-179 (WE) **DATE FILED:** August 19, 2013  
**LOCATION:** C.F. Hawn Freeway and Dowdy Ferry Road, southeast corner  
**COUNCIL DISTRICT:** 8 **MAPSCO:** 65-E  
**SIZE OF REQUEST:** Approx. 0.2619 acres **CENSUS TRACT:** 116.02

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**APPLICANT / OWNER:** Mueller Properties, Ltd.

**REPRESENTATIVE:** MASTERLAN  
Karl A. Crawley

**REQUEST:** An application for the renewal of Specific Use Permit No. 1726 for a vehicle display, sales and services on property within Subdistrict 2 of Planned Development District No 534, the C.F. Hawn Special Purpose District No. 2.

**SUMMARY:** The purpose of this request is to allow for the applicant to continue operating a car dealership on site.

**CPC RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

## **GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The existing vehicle display, sales and services is compatible with the uses along the C.F. Hawn Corridor. The existing use should not impact the surrounding uses negatively from a land use perspective.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* –The existing use provides another retail use along a heavily travelled corridor, but it is not foreseen that it will deter the adjacent properties. The proposed SUP, if approved by the CPC and City Council, will have conditions that are associated with the use. In addition, the CPC and City Council, through the authorized hearing process, could revoke, have a reduced time period or not be renew an SUP if the applicant does not comply with the approved conditions.
3. *Not a detriment to the public health, safety, or general welfare* – It is not foreseen that this use would be a detriment to the public health, safety or general welfare of the community.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards and is consistent with the *Dallasforward!* Comprehensive Plan.

## **BACKGROUND INFORMATION:**

- The applicant's request for the renewal of Specific Use Permit No. 1726 will allow for the continued operation of a vehicle display, sales and service use.
- In September 2008, the City Council approved Specific Use Permit No. 1726 for a vehicle display, sales and services for three-year period with eligibility for automatic renewals for additional five year periods. However, the proposed development was not built prior to submitting an application for the automatic renewal.
- In 2012, the applicant submitted a new application and in March 2012, the City Council approved a renewal of Specific Use Permit No. 1726 for a vehicle display, sales, and service use for a two year period within Subdistrict 2 of Planned Development District No. 534, the C.F. Hawn Special Purpose District. In March 2013, the Building Official issued a certificate of occupancy for a vehicle display, sales and services.

- The surrounding land uses consist of several undeveloped tracts of land. A portion of the site is adjacent to an auto salvage yard.

**Zoning History:** There have been two zoning changes requested in the area.

1. Z078-258 On September 10, 2008, the City Council approved a Specific Use Permit for a vehicle display, sales, and service for a three year period with eligibility for automatic renewals for additional five year periods on property within Subdistrict 2 of Planned development District No 534, the C.F. Hawn Special Purpose District No. 2. (request site)
2. Z101-237 On March 28, 2012, the City Council approved a renewal of Specific Use Permit No. 1726 for a vehicle display, sales, and service for a two on property within Subdistrict 2 of Planned development District No 534, the C.F. Hawn Special Purpose District No. 2. (request site)

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
C.F. Hawn Freeway		Variable lane width	Variable lane width
Dowdy Ferry Road	Local	60 ft.	60 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	PDD No. 534 w/SUP 1726	Vehicle display, sales and services
<b>North</b>	PDD No. 534 with a D and D-1 Overlay	C.F. Hawn Freeway
<b>South</b>	R-7.5(A), Subdistrict 3 of PDD No. 534	Auto salvage yard
<b>East</b>	PDD No. 534	C.F. Hawn Freeway
<b>West</b>	CR-D	Undeveloped

**COMPREHENSIVE PLAN:** The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating

the applicant's request. The Plan identifies the request site being in an Urban Mixed Use Building Block.

### **Urban Mixed-Use**

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or mid-rise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

### **LAND USE**

Goal 1.1 Align land use strategies with economic development priorities.

Policy 1.1.1 Implement the Trinity River Corridor Plan.

### **GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

### **Area Plans:**

Trinity River Corridor Comprehensive Land Use Plan

The property is located in the Regional Corridor module of the Trinity River Corridor Land Use Plan. The recommended primary land use for the corridor is regional serving retail.

### **STAFF ANALYSIS:**

**Land Use Compatibility:** The approximately 0.2619 acre site is within Subdistrict 2 of Planned Development District No 534, the C.F. Hawn Special Purpose District No. 2 with a D-1 Liquor Control Overlay and is currently developed with a vehicle display, sales, and service use. The applicant's request for the renewal of Specific Use Permit No. 1726 will allow for the continued operation of the auto dealership.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff's recommendation is for approval for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions.

### **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>					
PDD No. 534-D-1	15'	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office	54' 4 stories	60%	Proximity Slope Visual Intrusion	Retail & personal service, office

**Landscaping:** Landscaping of any development will be in accordance with Section 51P-534.112 Landscaping of PD No. 534. Landscaping of the request site will not be triggered because during the renewal process in September 2008, because the amount of permeable surface did not exceed 2,000 square feet.

**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.

**Site Plan:** The approved site plan shows a limited amount of surface parking spaces on the northwest portion of the site, with the remaining site as the display area where new paving will be installed.

The revised site plan shows the entire site as being used as a display area, except surface parking spaces that are located adjacent to the office building.



**CPC Action** (May 8, 2104)

**Motion:** It was moved to recommend **approval** of for the renewal of Specific Use Permit No. 1726 for a vehicle display, sales and services for a five-year period with eligibility for automatic renewals for additional five-year periods, subject to a revised site plan and conditions on property within Subdistrict 2 of Planned Development District No 534, the C.F. Hawn Special Purpose District No. 2 on the southeast corner of C.F. Hawn Freeway and Dowdy Ferry Road.

Maker: Abtahi  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Tarpley, Shellene,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

**Notices:** Area: 300 Mailed: 27  
**Replies:** For: 2 Against: 1

**Speakers:** None

<p><b>LIST OF OFFICERS</b> Mueller Properties, Ltd.</p>
---

- George Mueller, Sole Partner

Horizon Acceptance, Inc. General Partner for Mueller Properties, Ltd.

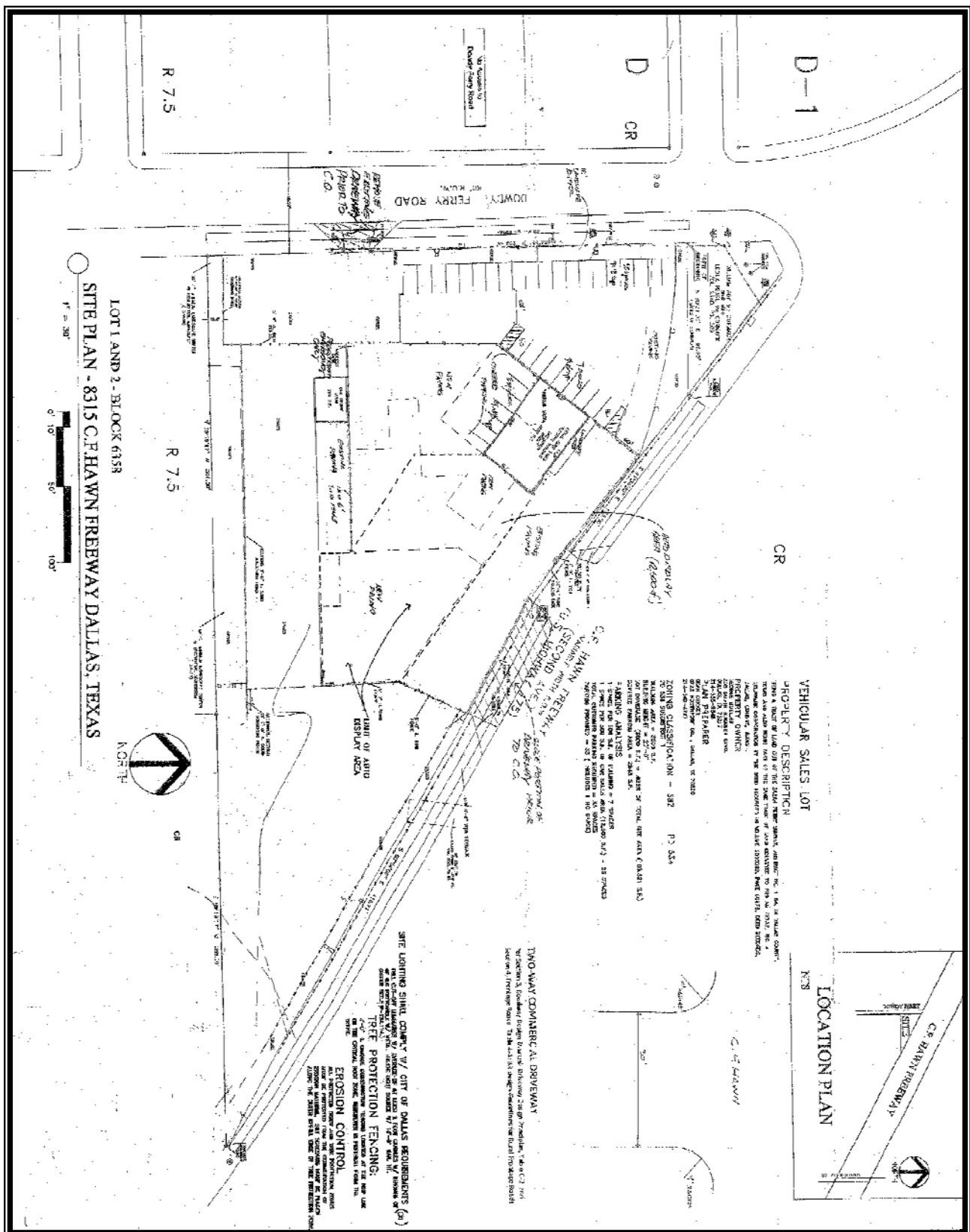
- George Mueller, President and Sole Officer

<p style="text-align: center;"><b>CPC PROPOSED SUP CONDITIONS</b></p>
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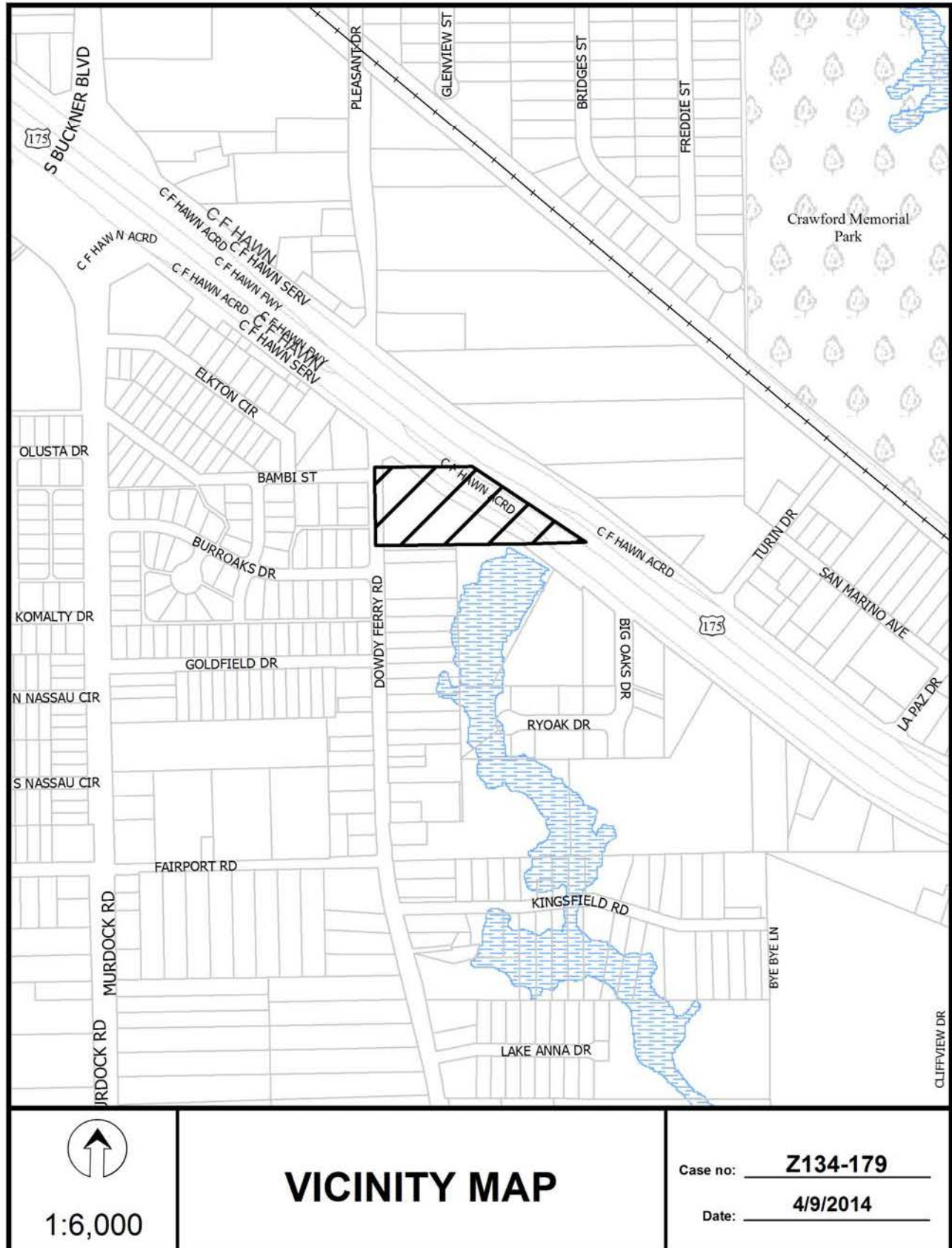
1. USE: The only use authorized by this specific use permit is a vehicle display, sales, and services.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ~~[March 28, 2014]~~, (five-year period from the passage of this ordinance), but is eligible for automatic renewal for additional five-year periods, pursuant to Section 51A-4.219 of Chapter 51A of the Dallas City Code, as amended. For automatic renewal to occur, the Property owner must file a complete application for automatic renewal with the director before the expiration of the current period. Failure to timely file a complete application will render this specific use permit ineligible for automatic renewal. (Note: The Code currently provides that applications for automatic renewal must be filed after the 180th but before the 120th day before the expiration of the current specific use permit period. The Property owner is responsible for checking the Code for possible revisions to this provision. The deadline for applications for automatic renewal is strictly enforced).
- ~~4. AIR QUALITY: The use must register with the Air Pollution Control Office of the City of Dallas.]~~
5. HOURS OF OPERATION: The vehicle display, sales and service use may only operate between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
6. INGRESS-EGRESS: Ingress and egress must be provided in the location shown on the attached site plan. No other ingress or egress is permitted. Ingress and egress to or from Dowdy Ferry is prohibited.
7. PARKING: Parking must be located as shown on the attached site plan.
8. VEHICLES DISPLAY: The maximum number of vehicles displayed at any one time is 50, in the location shown on the attached site plan.
9. VEHICLE SERVICING: Maintenance of vehicles or engines is permitted but must be conducted within an enclosed structure in the location shown on the attached site plan.
10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.

11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

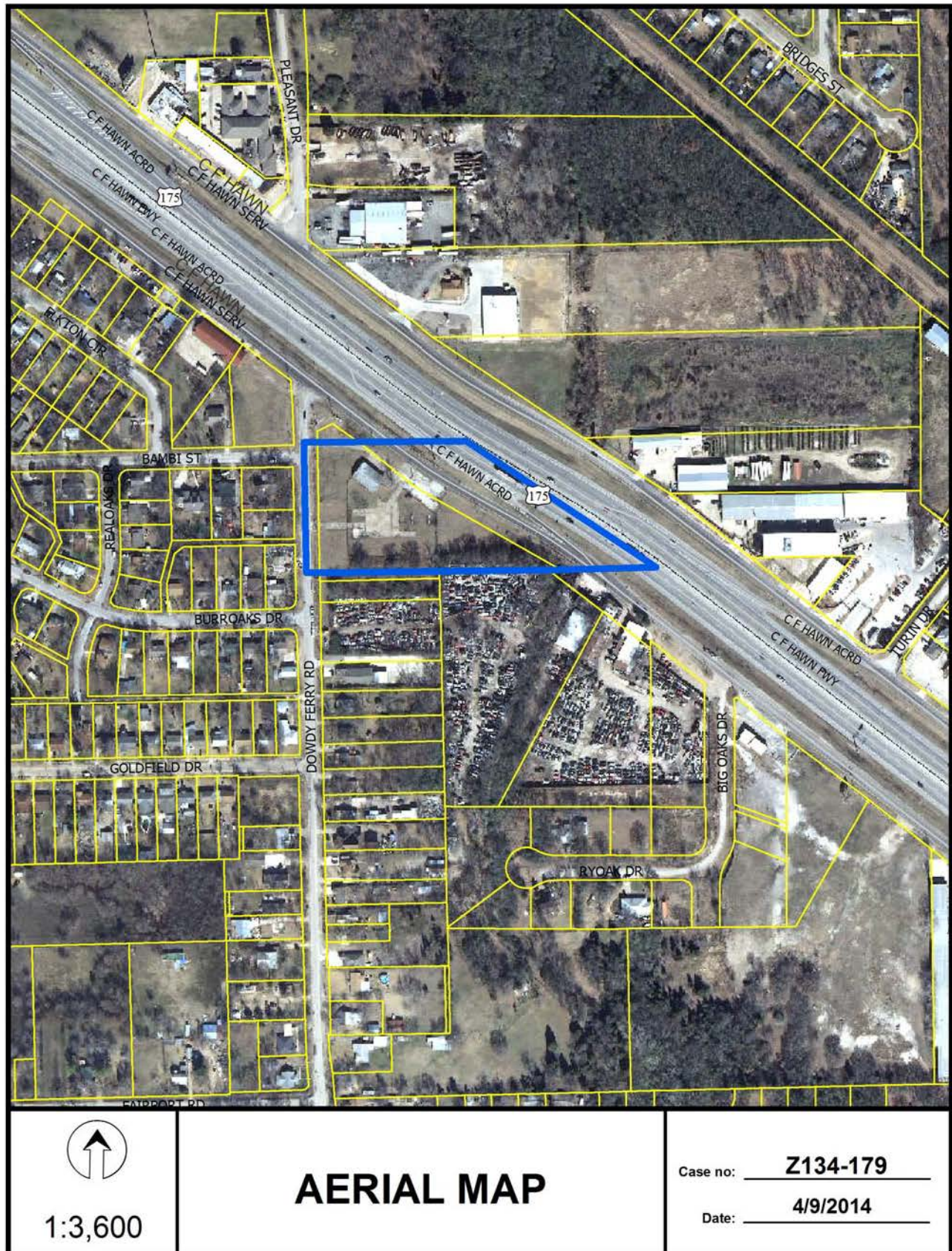
## APPROVED SITE PLAN



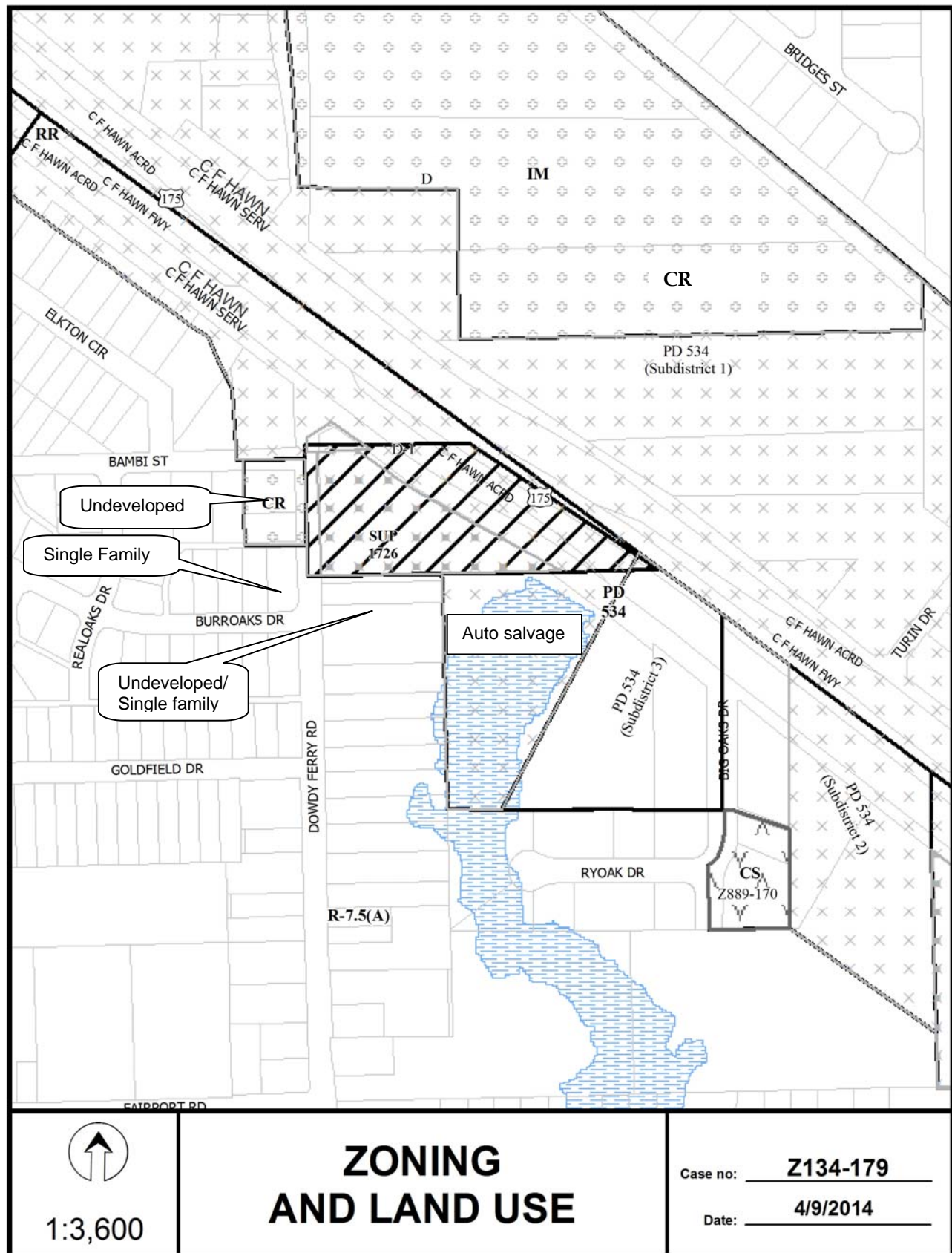


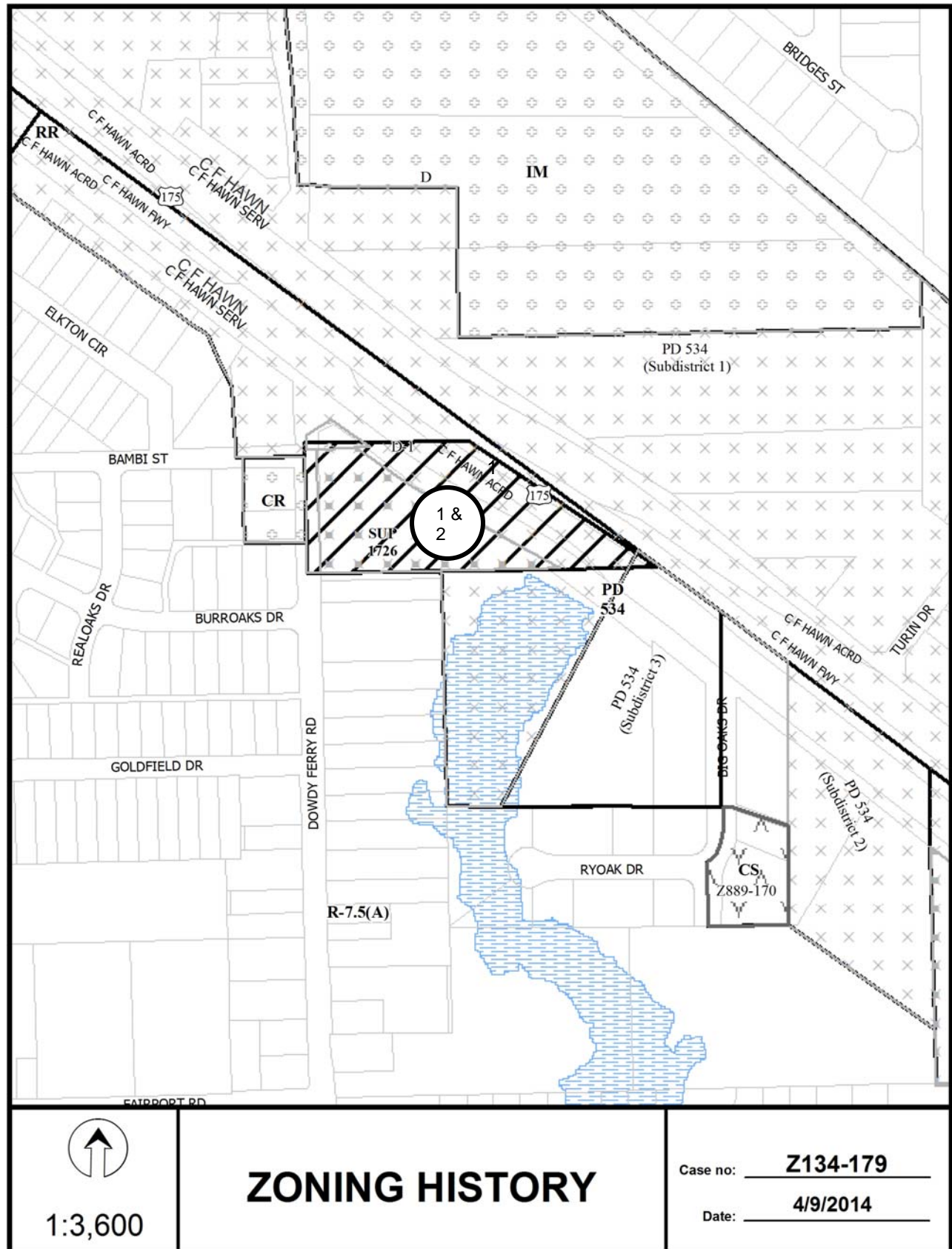




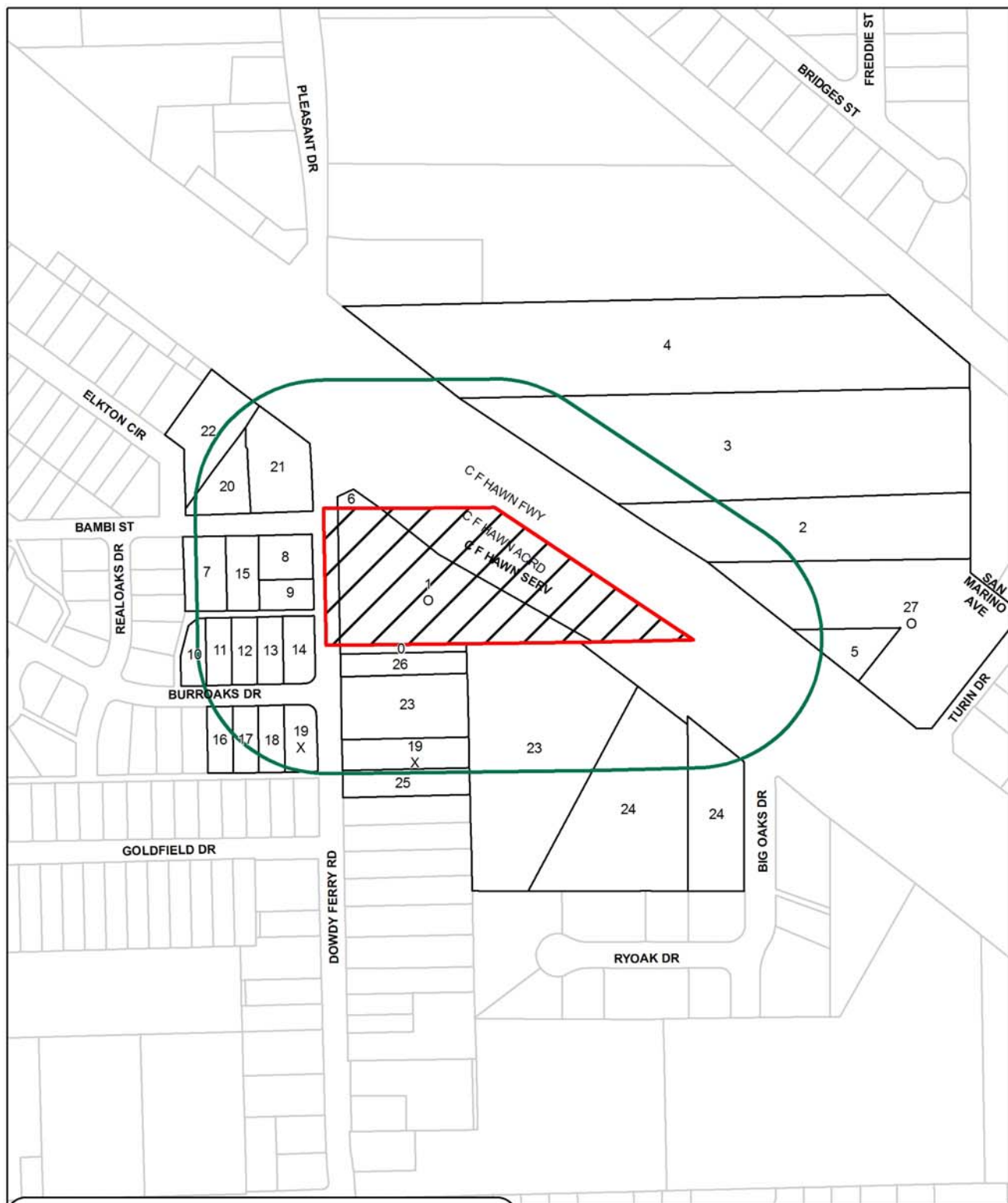








## CPC RESPONSES



<u>27</u>	Property Owners Notified (31 parcels)
<u>2</u>	Replies in Favor (2 parcels)
<u>1</u>	Replies in Opposition (2 parcels)
<u>300'</u>	Area of Notification
<u>5/8/2014</u>	Date

**Z134-179**  
**CPC**



1:3,600

## ***Notification List of Property Owners***

### ***Z134-179***

<i>27 Property Owners Notified</i>			<i>2 Property Owners in Favor</i>	<i>1 Property Owners Opposed</i>
<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>	
O	1	8315 C F HAWN FWY	MUELLER PROPERTIES LT	
	2	8360 C F HAWN FWY	HOPKINS STANLEY	
	3	8340 C F HAWN FWY	MASSOUDI MOHAMMAD	
	4	8300 C F HAWN FWY	NINO MARTIN &	
	5	8428 C F HAWN FWY	FORD STEPHEN D	
	6	8309 C F HAWN FWY	MCCORMACK WILLIAM R	
	7	8204 BAMBI ST	ACOSTA YOLANDA &	
	8	201 DOWDY FERRY RD	MATA ELENA	
	9	211 DOWDY FERRY RD	MATA MARIA LAURA	
	10	8215 BURROAKS DR	TAYLOR THOMAS EARL	
	11	8219 BURROAKS DR	ZARATE ANDRES &	
	12	8225 BURROAKS DR	SALAZAR MANUEL I & MARTHA	
	13	8229 BURROAKS DR	SALAZAR J GUADALUPE	
	14	8233 BURROAKS DR	GARDEA JUANA AZA LIFE EST	
	15	8214 BAMBI ST	SEGOVIA GILDARDO &	
	16	8220 BURROAKS DR	SIMMONS MICHAEL & MELINDA	
	17	8226 BURROAKS DR	RENTERIA ELIAS	
	18	8230 BURROAKS DR	RODRIGUEZ ERMELINDA	
X	19	8234 BURROAKS DR	GUZMAN JOSE E	
	20	8211 BAMBI ST	VASQUEZ ANTONIO RAMIREZ	
	21	121 DOWDY FERRY RD	PATEL NAGINBHAI M &	
	22	8241 C F HAWN FWY	PATEL NAGINBHAI M &	
	23	8365 C F HAWN FWY	ELLIS DANIEL C JR	
	24	8371 C F HAWN FWY	HUBBARD ROBERT NEAL	
	25	312 DOWDY FERRY RD	ASENCIO JUAN ANGEL	
	26	220 DOWDY FERRY RD	KAUF TEX REALTY CO	

Z134-179(WE)

5/20/2014

<i><b>Reply</b></i>	<i><b>Label #</b></i>	<i><b>Address</b></i>	<i><b>Owner</b></i>
O	27	8388 C F HAWN FWY	NOVATECH LLC

**AGENDA ITEM # 36**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 33 T

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a CS Commercial Service District on property zoned an IR Industrial Research District on the southwest line of John W. Carpenter Freeway, southeast of Metromedia Place

Recommendation of Staff and CPC: Approval  
Z134-183(MW)

**FILE NUMBER:** Z134-183(MW)

**DATE FILED:** March 5, 2014

**LOCATION:** Southwest line of John W. Carpenter Freeway, southeast of Metromedia Place

**COUNCIL DISTRICT:** 6

**MAPSCO:** 33-T

**SIZE OF REQUEST:** ±2.96 acres

**CENSUS TRACT:** 100.00

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**REPRESENTATIVE:** Robert Baldwin

**APPLICANT:** Bonick Landscaping, Inc.

**OWNER:** Four Seven Carpenter Partners

**REQUEST:** An application for a CS Commercial Service District on property zoned an IR Industrial Research District

**SUMMARY:** The site will be utilized by a landscape contractor [Bonick Landscaping, Inc.] as an office and for the storage and maintenance of supplies and operational equipment. No new construction is proposed by this application.

**CPC RECOMMENDATION:** Approval

**STAFF RECOMMENDATION:** Approval

## **GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – Given the industrial nature of the area, the request is not anticipated to negatively impact the surrounding properties.
2. *Traffic impact* – This request will not create any additional impact beyond what the current zoning would permit.
3. *Comprehensive Plan or Area Plan Conformance* – The applicant's request for a CS Commercial Service District would permit land uses appropriate to an *Industrial Area Building Block*.

## **BACKGROUND INFORMATION:**

- The ±2.96-acre request site is developed with a ±31,718-building, which was constructed in 1960 and most recently used as an office/showroom.
- No new construction is proposed by this application.

### **Zoning History:**

There have been no zoning requests in the vicinity of the request site within the last five years.

### **Traffic:**

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

### **Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
John W. Carpenter Freeway	State Highway	250 feet



**Adjacent Zoning and Land Use:**

	Existing Zoning	Existing Land Use
<b>North</b>	MU-3	Office/showroom
<b>East</b>	IR	Warehouse
<b>South</b>	IR	Warehouse
<b>West</b>	IR; PDD No. 881	Office; warehouse

**STAFF ANALYSIS:****Comprehensive Plan:**

The request site is identified as being within an *Industrial Area* Building Block on the *forwardDallas! Vision* Illustration, adopted June 2006.

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 applicant's proposal is consistent with the following goals and policies of the Comprehensive Plan.

**LAND USE ELEMENT**

Goal 1.1: Promote desired development.

Policy 1.1.5: Use Vision Building Blocks as a general guide for desired development patterns

**ECONOMIC ELEMENT**

GOAL 2.1 PROMOTE BALANCED GROWTH

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

**Land Use Compatibility:**

The existing IR Industrial Research District is intended to provide for research and development, light industrial, office, and supporting commercial uses in an industrial research park setting. This district is not intended to be located in areas of low and medium density residential development. The proposed Commercial Service District is intended to provide for the development of commercial and business serving uses that may involve outside storage, service, or display. This district is not intended to be located in areas of low and medium density residential development.

The subject property has frontage on a state highway and is surrounded by office/showroom uses to the north; warehouses uses to the east and south and office and warehouse uses to the west. The proposed contractor's maintenance yard use is considered compatible with the adjacent uses and the surrounding area but is not permitted in the IR Industrial Research District. Pursuant to the Dallas Development Code, a contractor's maintenance yard requires a six-foot solid screening fence which must be brick, stone, or concrete masonry, stucco, concrete or wood (or evergreen plan materials), which will further help ensure compatibility.

**Parking:**

A contractor's maintenance yard requires one off-street parking space per 2,000 square feet of site area exclusive of parking area with a minimum of four spaces required.

**Landscaping:**

New development on the site will require landscaping in accordance with Article X of the Dallas Development Code. No new development is proposed by this application.

**Development Standards:**

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
<b>Existing:</b> IR Industrial research	15'	30' adjacent to residential OTHER: No Min.	2.0 FAR overall 0.75 office/ retail 0.5 retail	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution & storage, supporting office & retail
<b>Proposed</b> CS Commercial Service	15' 0' on minor	20' adjacent to residential OTHER: No Min.	0.75 FAR overall 0.5 office/ lodging/ retail combined	45' 3 stories	80%	Proximity Slope Visual Intrusion	Commercial & business service, supporting retail & personal service & office

**CPC Action: May 8, 2014:**

**Motion:** It was moved to recommend **approval** of a CS Commercial Service District on property zoned an IR Industrial Research District on the southwest line of John W. Carpenter Freeway, southeast of Metromedia Place.

Maker: Abtahi  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Tarpley, Shellene,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

**Notices:** Area: 300 Mailed: 12  
**Replies:** For: 0 Against: 0

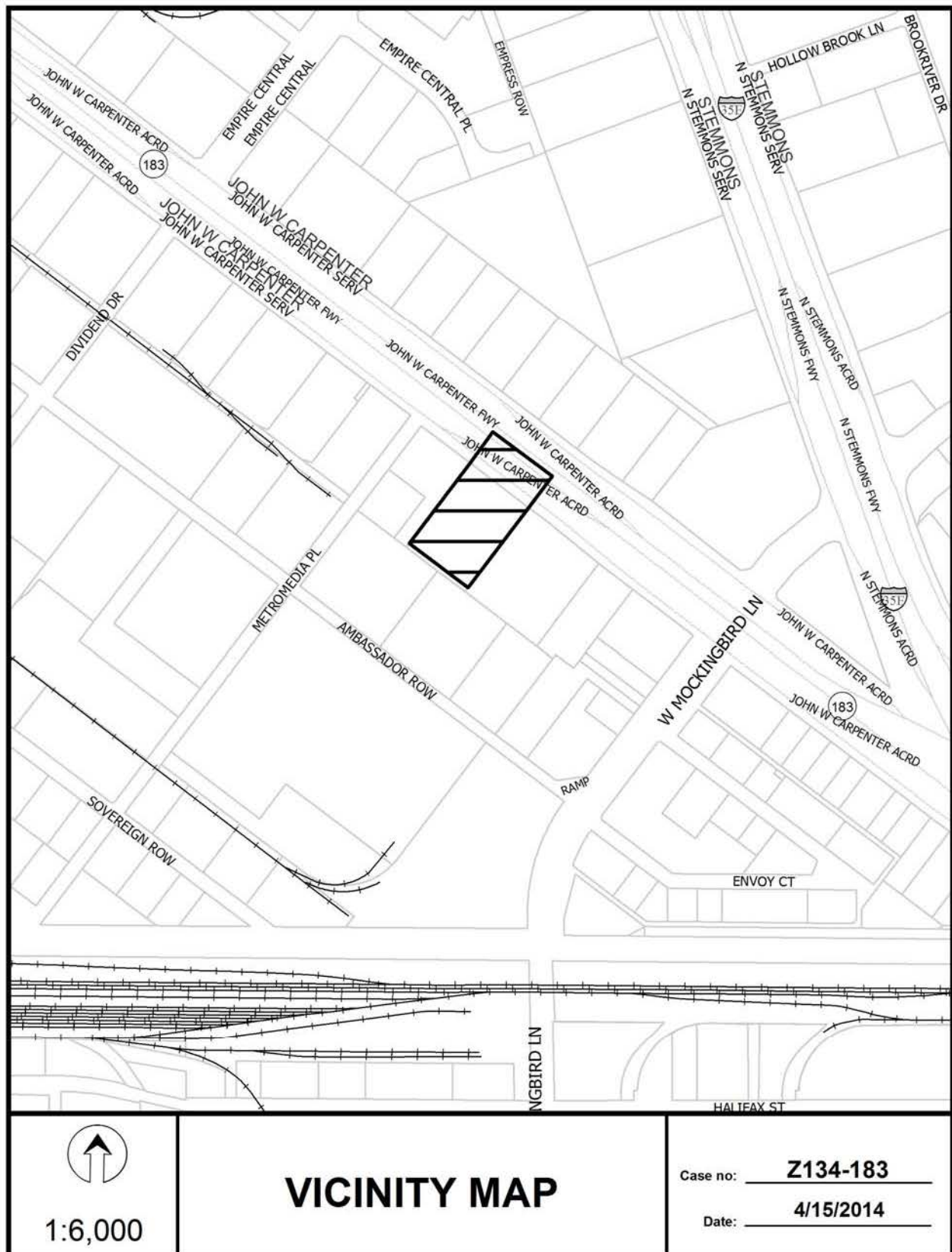
**Speakers:** None

Z134-183(MW)

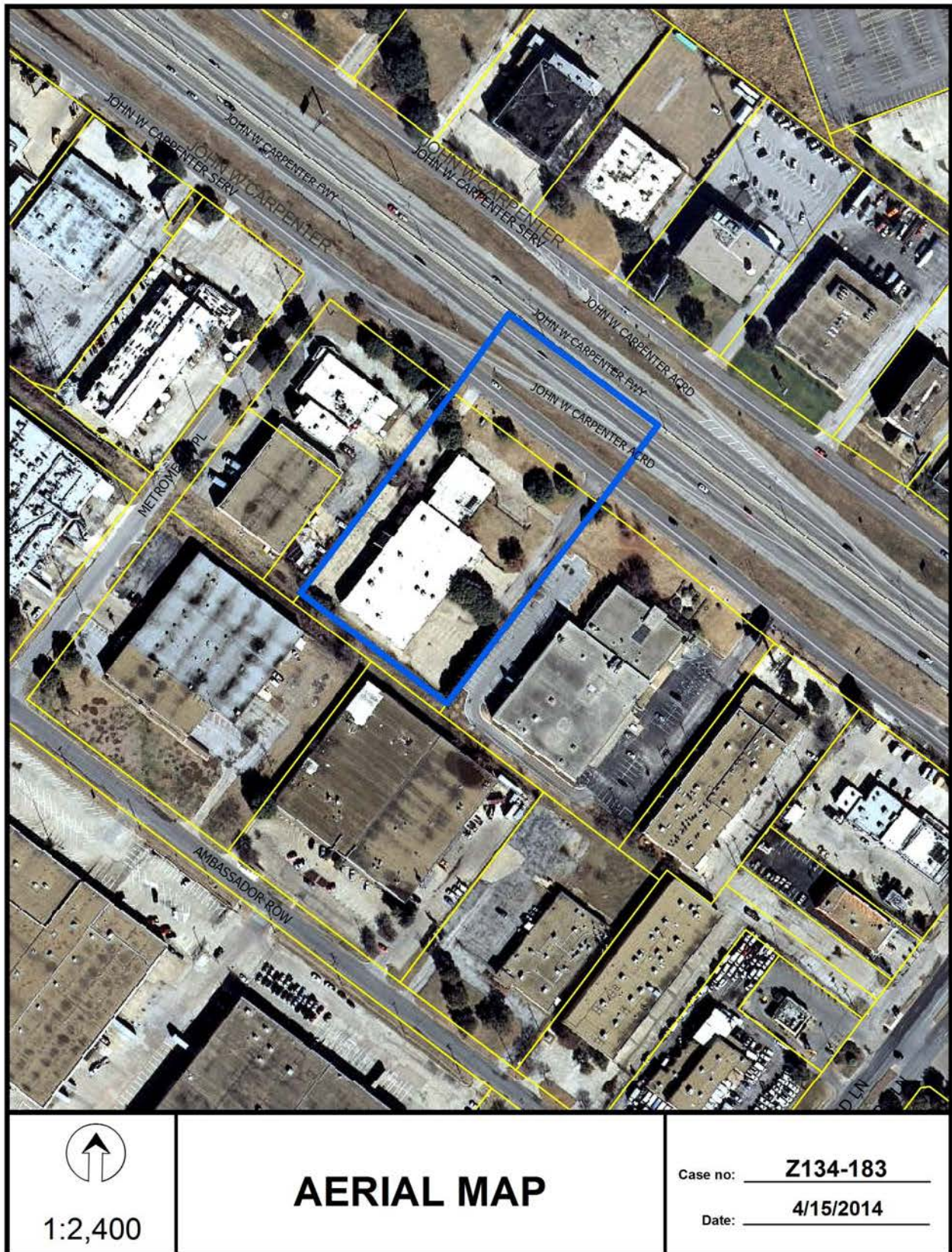
**Partners/Principals/Officers:**

**APPLICANT:** Bonick Landscaping, Inc., Glenn J. Bonick, President

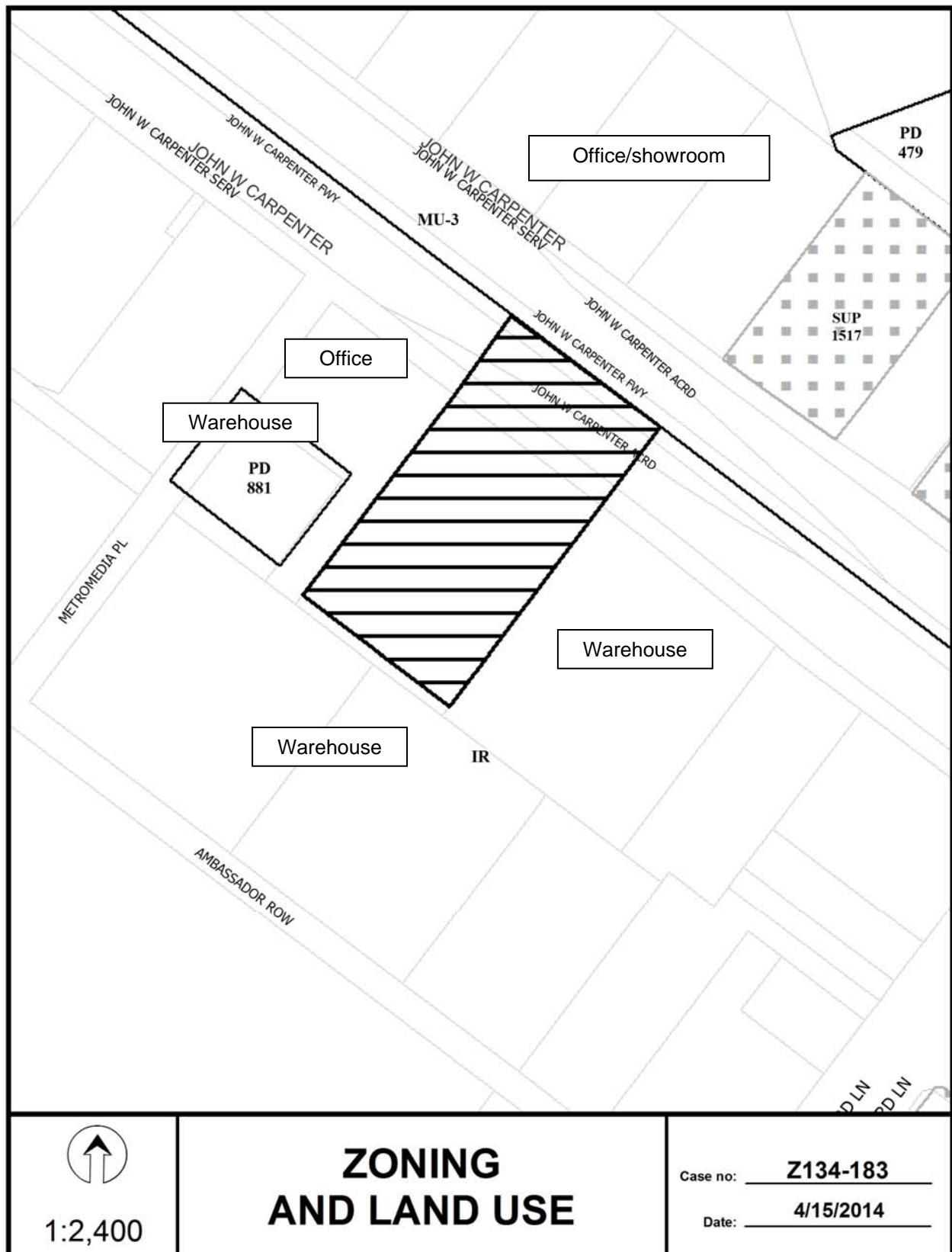
**OWNER:** Four Seven Carpenter Partners  
Rathe Ventures, LLC, General Partner  
Brian Rathe, President















5/20/2014

***Reply List of Property Owners******Z134-183******12 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	7777	JOHN W CARPENTER FWY	FOUR SEVENS CARPENTER
2	7900	JOHN W CARPENTER FWY	FREWOOD JOSEY TLD
3	7700	JOHN W CARPENTER FWY	UNIVISION RADIO BROADCASTING TEXAS LP
4	7506	JOHN W CARPENTER FWY	RCI HOLDINGS INC
5	7800	JOHN W CARPENTER FWY	BARSE & COMPANY INC
6	7600	JOHN W CARPENTER FWY	SIMI III LLC
7	7900	AMBASSADOR ROW	ESOR GROUP PARTNERS LTD
8	7500	AMBASSADOR ROW	MICROPROPERTIES SIX LLC
9	7600	AMBASSADOR ROW	SAF SALES INC
10	7611	JOHN W CARPENTER FWY	AMERICAN CYANAMID CO
11	1050	METRO MEDIA PL	ARA REFINING LLC
12	7901	JOHN W CARPENTER FWY	CBS RADIO TX INC

**AGENDA ITEM # 37**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 8 J

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern, on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Exposition Avenue, west of Parry Avenue

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

Z134-189(OTH)



**FILE NUMBER:** Z134-189(OTH)

**DATE FILED:** March 12, 2014

**LOCATION:** South side of Exposition Avenue, west of Parry Avenue.

**COUNCIL DISTRICT:** 7

**MAPSCO:** 8-J

**SIZE OF REQUEST:** 6,500 square feet

**CENSUS TRACT:** 203.00

**OWNER:** Exposition Park Partners

**APPLICANT:** Exposition Taverns, Inc.

**REPRESENTATIVE:** Michael D. Scheel

**REQUEST:** An application to renew Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

**SUMMARY:** The applicant proposes to continue the use of the property as an alcoholic beverage establishment. The existing conditions and site plan will not be changed.

**CPC RECOMMENDATION:** Approval for a three-year period, subject to conditions.

**STAFF RECOMMENDATION:** Approval for a three-year period, subject to conditions.

## **STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The site is currently being used for a commercial amusement inside limited to a bar, lounge or tavern. The applicant proposed to continue this use on the property and is not proposing any changes to the existing conditions or site plan. The use has been at this location for six years.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use does not appear to negatively impact to the adjacent properties. The continuation of the existing use is consistent with the established development pattern in this area of the city.
3. *Not a detriment to the public health, safety, or general welfare* – The continuation of this use is considered compatible with the adjacent land uses, and is not considered detrimental to the public health, safety, or general welfare of the city.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the existing site plan, the request complies with all applicable zoning regulations and standards.

## **BACKGROUND INFORMATION:**

- The request site is developed with a two-story structure. The second story is utilized as a residence with direct access from the rear to the property.
- The existing bar encompasses 1,475 square feet of floor area (first floor) and an uncovered patio (1,981 sq. ft).
- The applicant is not proposing any changes in the conditions or the site plan.
- The property is adjacent to vacant structures and retail, residential, office and parking lot uses.

## **Zoning History:**

There has been one recent zoning request in the area.

Z101-126(RB)	On March 9, the City Council approved a Specific Use Permit No. 1692 for 1692 for a Bar, lounge, or tavern for a three-year period
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on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Exposition Avenue	Collector	80 feet ROW

**Surrounding Land Uses:**

	Zoning	Land Use
Site	PD No. 269	Alcoholic beverage establishment limited to a bar, lounge or tavern
North	PD No. 269	Residential, office uses
East	PD No. 269	Vacant, retail
West	PD No. 269	Vacant, retail
South	PD No. 269	Retail, parking

**Traffic:**

The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined it will not significantly impact the surrounding street system.

**Comprehensive Plan:**

The request site lies within an Urban Mixed-Use Building Block. This Building Block provides for a healthy balance of housing, job, and shopping that permits residents to live, work, shop, and play in the same neighborhood. Wide sidewalks and pedestrian features offer alternative access options to this type of area, thus permitting foot and bike traffic to benefit from the mix of uses.

**Land Use Statement:**

GOAL 1.2 Promote desired development.

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns

**Land Use Compatibility:** The request site consists of a two-story structure and an uncovered patio. The applicant is requesting renewal of SUP No. 1692 in order to continue operation of an existing bar, lounge, or tavern use.

The site is surrounded by a mix of office/retail/restaurant uses and some vacant properties that are served by various surface parking lots and metered spaces along Exposition Avenue. In addition to these uses, residential lofts are developed on property to the north/northwest along Exposition Avenue.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The applicant's request, subject to staff's recommended conditions, complies with the general provisions for consideration of an SUP.

**Off-Street Parking:** PDD No. 269 does not require off-street parking for the first 2,500 square feet of floor area for this use located in an original building on the first floor. The applicant occupies 1,475 square feet of floor area and is not required to provide any designated parking for the use at this time. It should be noted that a significant number of metered on-street parking spaces exist as well as surface parking lots throughout the immediate area. There will not be any parking changes with the request.

**Police Report:** Staff researched for offenses for the most recent three-year period.

Z134-189(OTH)

**Dallas Police Department Reports**  
**Public Offense Search Results**

	SERVICE #	OFFENSE DATE	TYPE	COMPLAINANT	ADDRESS	REPORTING	
						BEAT	AREA
1	0107847-Z	05/03/2012	OTHER OFFENSES	PRACHACHALERM,PANYA	00831 EXPOSITIONAVE	153	2082
2	0138757-A	08/04/2013	ROBBERY	O'CONNOR,CHRISTOPHER	00831 EXPOSITIONAVE	153	2082
3	0162789-Z	07/01/2012	THEFT	SCHEEL,ILONA	00831 EXPOSITIONAVE	153	2082
4	0195135-A	07/27/2013	THEFT	WALKER,ELI	00831 EXPOSITIONAVE	153	2082

**Landscaping:**

There are no landscaping requirements triggered by the request.



**CPC ACTION:**

**May 8, 2014**

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1692 for an alcoholic beverage establishment limited to a bar, lounge, or tavern, for a three-year period, subject to conditions on property zoned Planned Development District No. 269, the Deep Ellum/Near East Side Special Purpose District, on the south side of Exposition Avenue, west of Parry Avenue.

Maker: Abtahi  
Second: Shellene  
Result: Carried: 13 to 0

For: 13 - Soto, Rodgers, Culbreath, Shidid, Anantasomboon, Bagley, Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

Notices: Area: 200 Mailed: 11  
Replies: For: 0 Against: 0

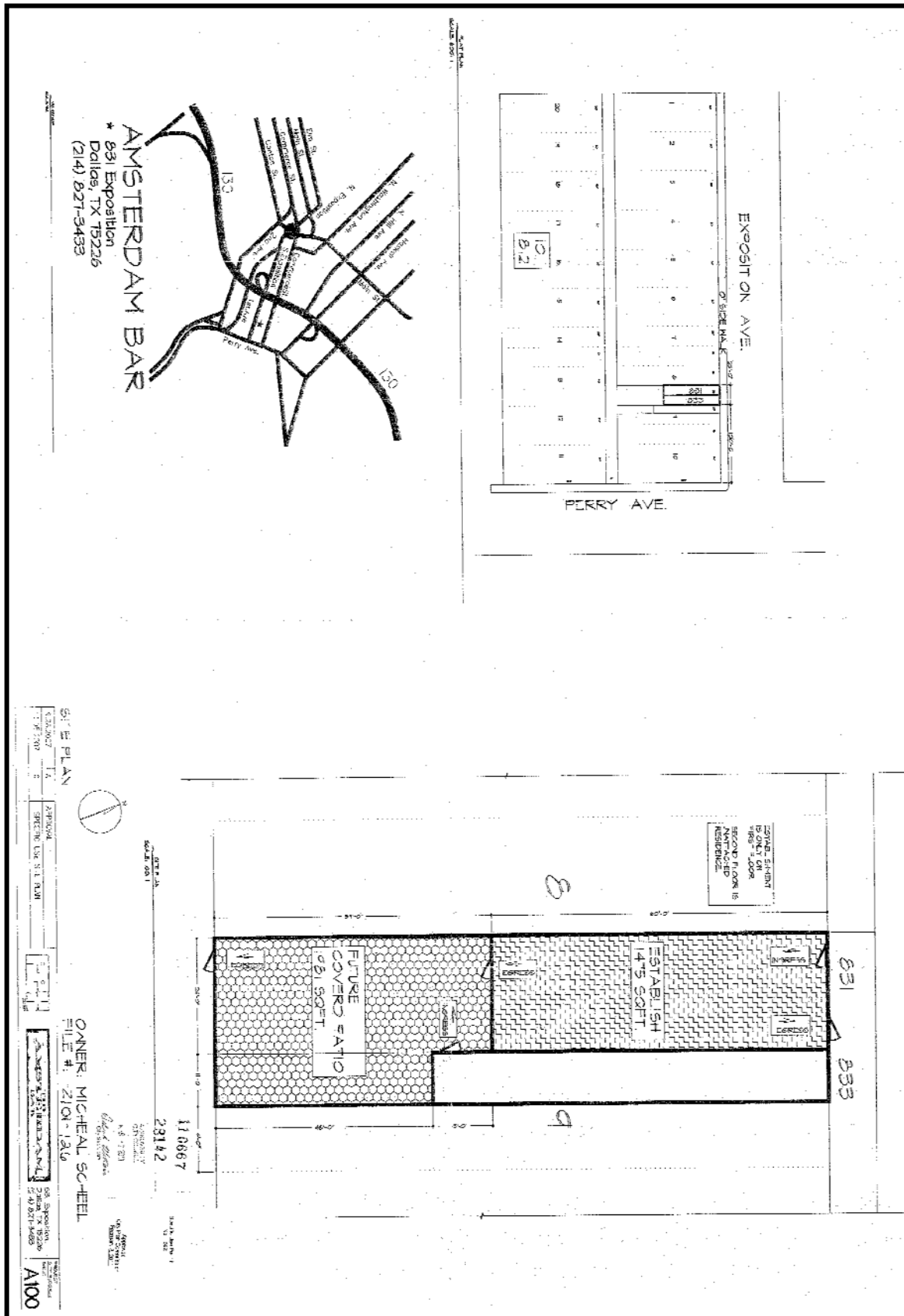
Speakers: None

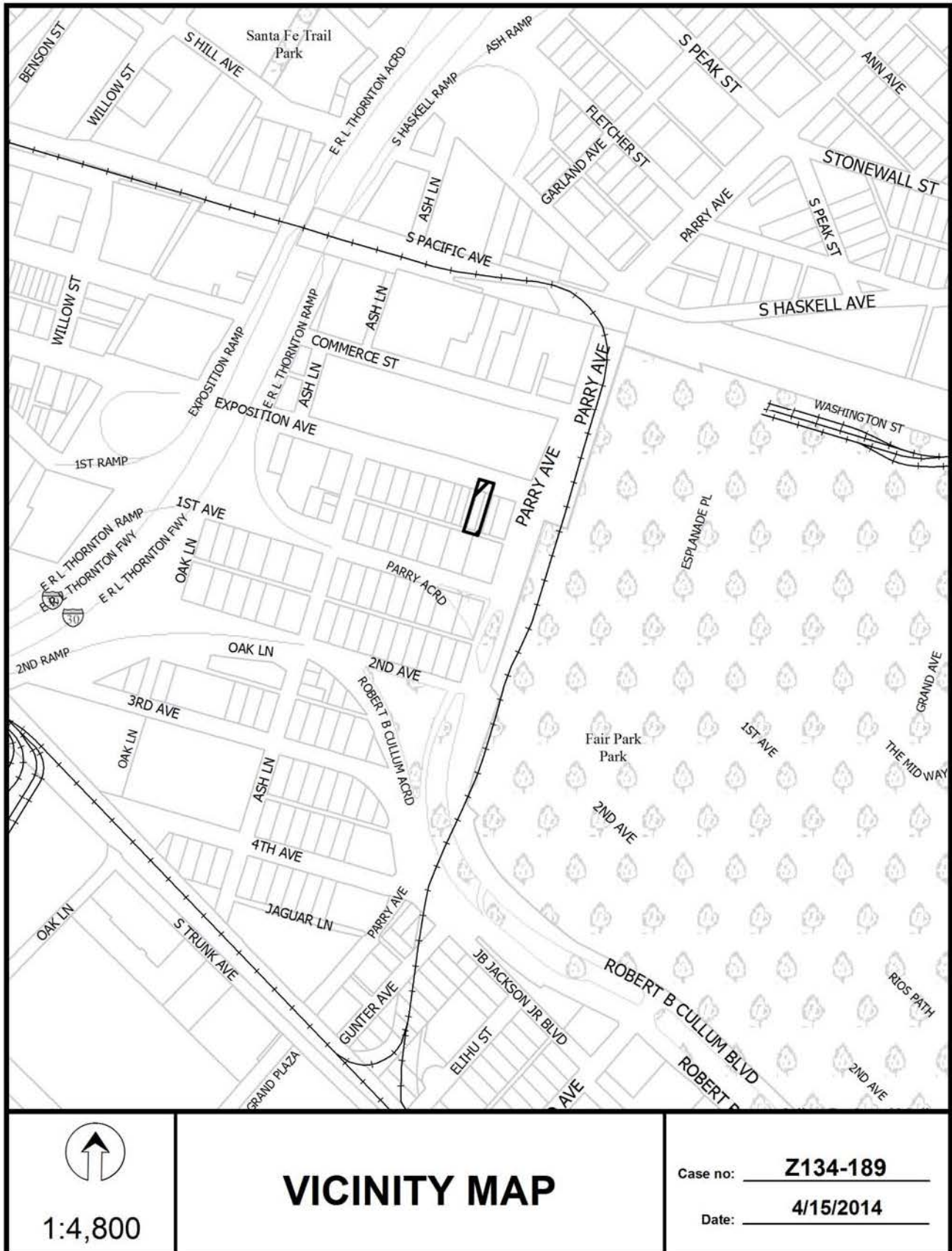
## **STAFF RECOMMENDED CONDITIONS**

### **SPECIFIC USE PERMIT No. 1692 FOR A BAR, LOUNGE, OR TAVERN**

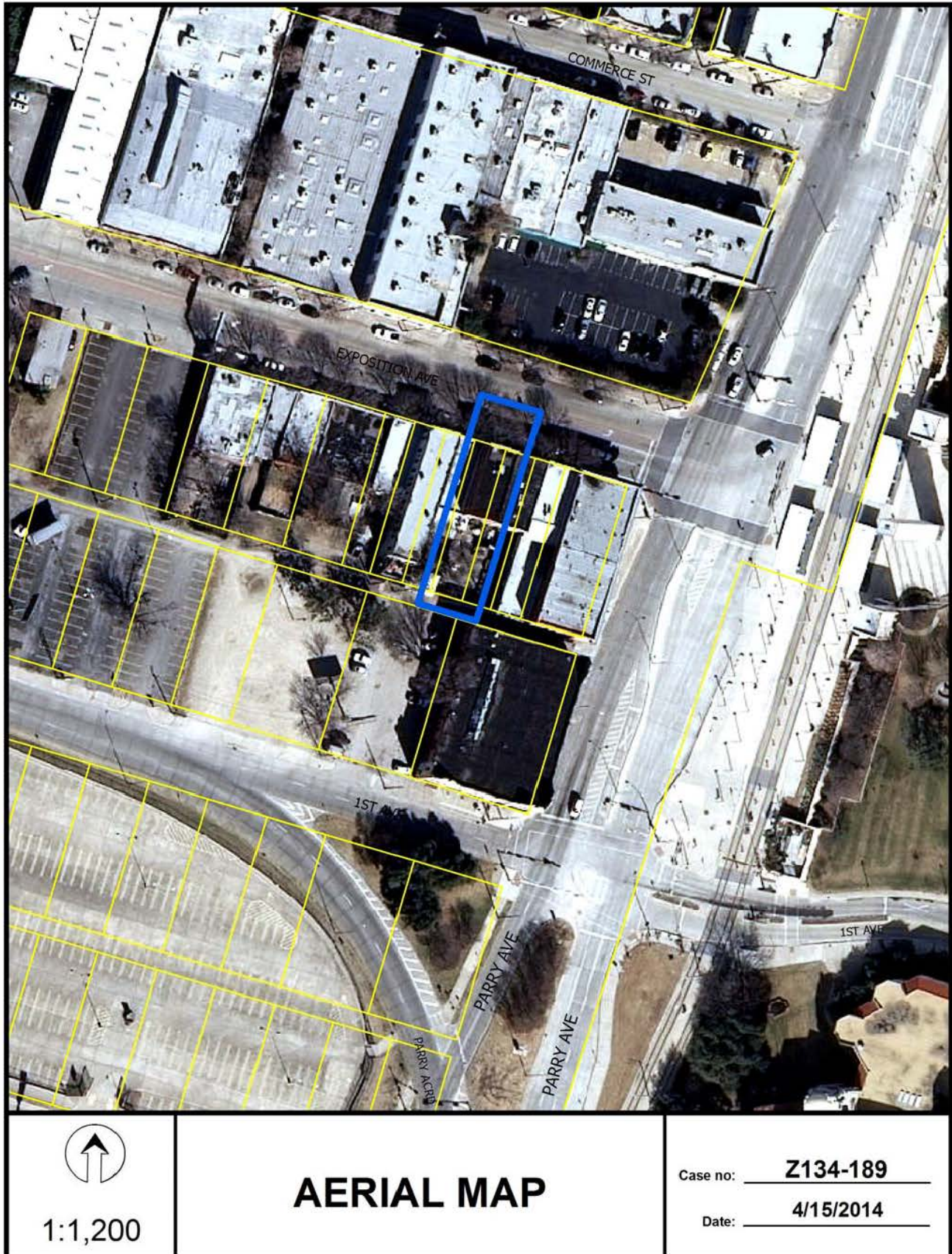
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a bar, lounge, or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME PERIOD: This specific use permit automatically terminates on three years from passage of this ordinance ~~March 9, 2014~~.
4. FLOOR AREA:
  - A. The maximum indoor floor area is 1,475 square feet.
  - B. The maximum floor area for a covered patio is 1,981 square feet.
5. OFF-STREET PARKING: Parking must be provided in accordance with the requirements of Planned Development District No. 269, the Deep Ellum/Near East Side District. Delta credits, as defined in Section 51A-4.704(b)(4)(A), may not be used to meet the off-street parking requirement.
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.

# EXISTING SITE PLAN



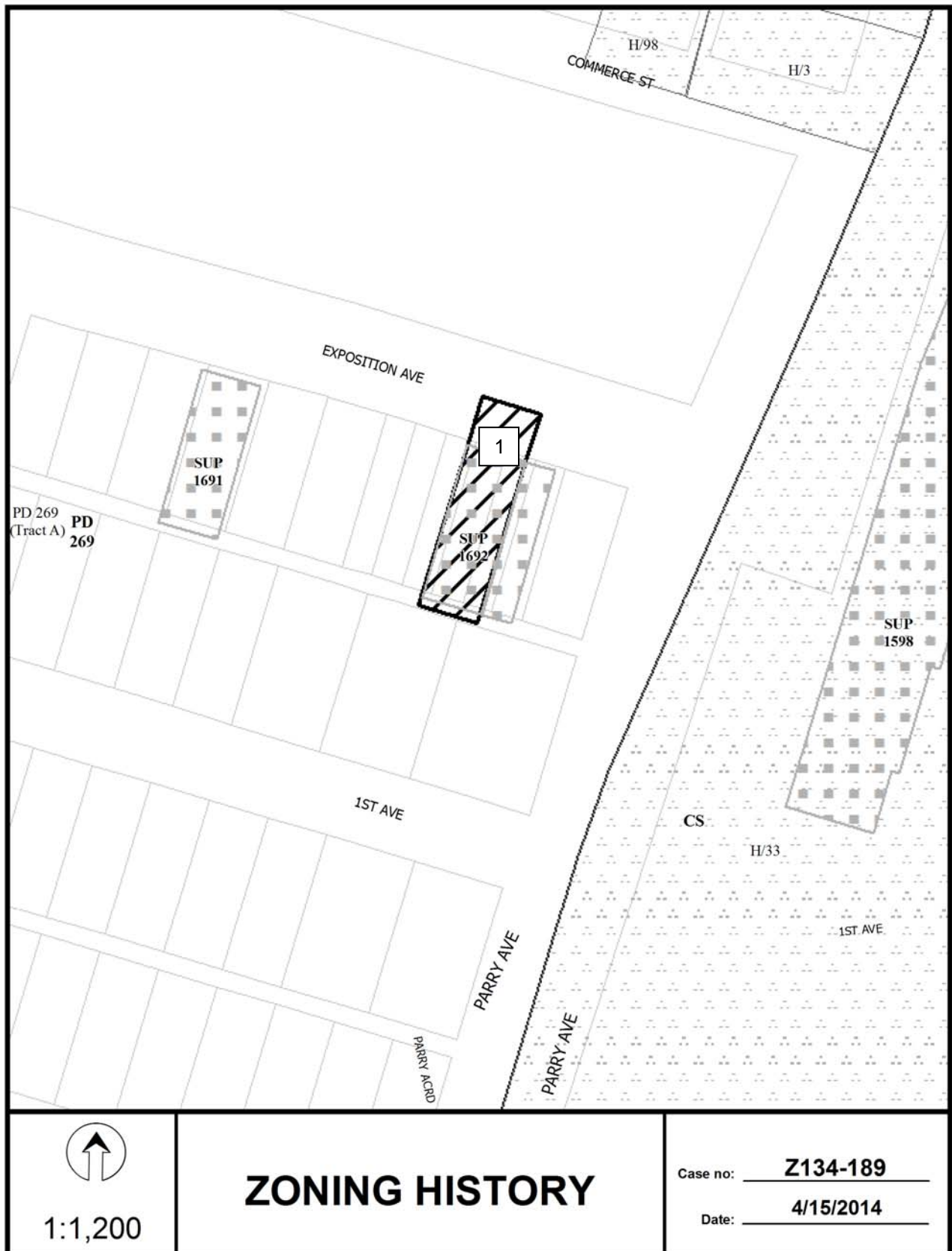












## CPC RESPONSES





5/20/2014

***Reply List of Property Owners******Z134-189******11 Property Owners Notified  
Owners Opposed******0 Property Owners in Favor******0 Property***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
1	835	EXPOSITION AVE	EXPO PARK PARTNERS LTD &
2	829	EXPOSITION AVE	HAYS BURL A
3	811	EXPOSITION AVE	ROBERTS JOHN STEVEN
4	821	EXPOSITION AVE	MCNEILL ROBERT K
5	827	EXPOSITION AVE	GREENE PATRICK
6	820	1ST AVE	JAMES WILLIAM PRITCHETT REVOCABLE LIVING
7	816	1ST AVE	JAMES W PRICHETT REVOCABLE LIVING TRUST
8	812	1ST AVE	BELCLAIRE REALTY LTD
9	4115	COMMERCE ST	BLOCK 811 LTD
10	3500	FITZHUGH AVE	DALLAS CITY OF
11	3839	FITZHUGH AVE	MCA PACE AMPHITHEATERS LP

**AGENDA ITEM # 38**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 5

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 69 B

**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 3,500 square feet or less on property zoned Subdistrict 2 within Planned Development District No. 535, the C. F. Hawn Special Purpose District No. 3 with a D-1 Liquor Control Overlay on the northwest corner of C.F. Hawn Freeway and St. Augustine Road

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

Z134-157(WE)



**ACM: Theresa O'Donnell**

**FILE NUMBER:** Z134-157(WE) **DATE FILED:** January 30, 2014  
**LOCATION:** C.F. Hawn Freeway and St. Augustine Road, northwest corner  
**COUNCIL DISTRICT:** 5 **MAPSCO:** 69-B  
**SIZE OF REQUEST:** Approx. 0.7808 acres **CENSUS TRACT:** 117.01

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**APPLICANT/OWNER:** Naurin, Inc.

**REPRESENTATIVE:** Santos Martinez  
MASTERPLAN

**REQUEST:** An application for a Specific Use Permit for the sale of alcoholic beverages in conjunction with a general merchandise or food store 3,500 square feet or less on property zoned Subdistrict 2 of Planned Development District No. 535, the C. F. Hawn Special purpose District No. 3 with a D-1 Liquor Control Overlay.

**SUMMARY:** The applicant proposes to sell alcohol for off-premise consumption in conjunction with the existing convenience store.

**CPC RECOMMENDATION:** Approval for a two-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** Approval for a two-year period with eligibility for automatic renewals for additional five-year periods, subject to a site plan and conditions.

## **GUIDING CRITERIA FOR STAFF RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The additional alcohol use within the general merchandise or food store should not impact the surrounding uses negatively from a land use perspective.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – While the proposed use will be another service provided in the neighborhood, it is not foreseen that it will deter or enhance adjacent properties. The proposed SUP, if approved by the CPC and City Council, will have conditions that are associated with the use. An SUP could be revoked, have a reduced time period or not be renewed if the applicant does not comply.
3. *Not a detriment to the public health, safety, or general welfare* – It is not foreseen that this use would be a detriment to the public health, safety or general welfare of the community.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The request will comply with all zoning regulations and standards. The Dallas Police has determined that the request site is in compliance with Chapter 12B, a certificate of registration required for each physically separate convenience store.

## **BACKGROUND INFORMATION:**

- The request site is currently developed with a general merchandise or food store 3,500 square feet or less, and a motor vehicle fueling station.
- The proposed use is to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property.
- The general merchandise use is permitted by right. The sale of alcoholic beverages on property requires a specific use permit in the D-1 Liquor Control Overlay.
- The surrounding land uses consist of a single family and office use. The properties east of St. Augustine Road are developed with a general merchandise or food store and a utility use.

**Zoning History:** There have been one zoning change requested in the area.

1. Z112-261 On September 12, 2012, the City Council approved a Specific Use Permit for a for the sale of alcoholic beverages in conjunction with a general merchandise store less than 3,500 square feet on property zoned within Subdistrict 2, Tract 1 of PDD No. 535, the C. F. Hawn Special Purpose District No. 3 with a D-1 Liquor Control Overlay on the northeast corner of C.F. Hawn Freeway and St. Augustine Road.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
C.F. Hawn Freeway		Variable lane widths	Variable lane widths
St. Augustine Road	Collector	60 ft.	60 ft.

**Land Use:**

	Zoning	Land Use
<b>Site</b>	PDD No. 535-D-1	General merchandise store with fueling station
<b>North</b>	MF-2(A), NS(A)	Single family, Vacant office
<b>South</b>	PDD No. 535-D-1	C.F. Hawn Freeway
<b>East</b>	PDD No. 535 D-1 w/SUP No.1990	General merchandise store, Utility use
<b>West</b>	MF-2(A)	Undeveloped

**COMPREHENSIVE PLAN:** The forwardDallas! Comprehensive Plan was adopted by the City Council in June 2006. The forwardDallas! Comprehensive Plan outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being located along a Commercial Center or Corridor.

These areas primarily function as service and job destinations and are similar to Business Centers or Corridors, but are smaller and incorporate less density. These corridors, commonly at the intersection of major streets, are easily accessed via automobiles. Buckner Boulevard is an example of a Commercial Corridor. Buildings in these areas tend to be on separate parcels and stand one to five stories with offices, restaurants and a range of retail and commercial uses. In addition to jobs and services, Commercial Centers or Corridors also may include multifamily housing in low- to mid-

rise apartment buildings or condominiums. Landscaping and urban design will enhance the visitor's experience and is used to separate sidewalks from major roads and define pedestrian routes in large parking lots. For large shopping centers, this may involve adding public plazas or other "town center" features. Public transit enhancements as well as quality access and visibility are important components of successful auto-oriented development.

## **LAND USE**

### **GOAL 1.2 PROMOTE DESIRED DEVELOPMENT**

Policy 1.2.1 Use Vision Building Blocks as a general guide for desired development patterns.

#### **STAFF ANALYSIS:**

**Land Use Compatibility:** The approximately 7808 acre site is located within Subdistrict 2 of Planned Development District No. 535, the C.F. Hawn Special Purpose District No. 3 and is currently developed with a general merchandise or food store 3,500 square feet or less and a motor vehicle fueling. The applicant is proposing to sell alcohol for off-premise consumption in conjunction with the general merchandise use on the property requires a Specific Use Permit in the D-1 Liquor Control Overlay.

The surrounding land uses consist of a single family and office use. The properties east of St. Augustine Road are developed with a general merchandise or food store and an utility use.

The "D-1" Overlay District is a Liquor Control Overlay District which requires an individual to obtain a Specific Use Permit in order to sell or serve alcoholic beverages, or setups for alcoholic beverages, for consumption on or off the premises.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

The general merchandise use is also regulated by Chapter 12B of the Dallas City Code, Convenience Stores. This chapter applies to all convenience stores, which is defined as any business that is primarily engaged in the retail sale of convenience goods, or both convenience goods and gasoline, and has less than 10,000 square feet of retail floor space; the term does not include any business that has no retail floor space accessible to the public. The purpose of Chapter 12B is to protect the health, safety, and welfare of the citizens of the city of Dallas by reducing the occurrence of crime, preventing the escalation of crime, and increasing the successful prosecution of crime that occurs in convenience stores in the city. This chapter establishes a registration program for convenience stores and provides requirements relating to:

- surveillance camera systems,
- video recording and storage systems,
- alarm systems,
- drop safes,
- security signs,
- height markers,
- store visibility,
- safety training programs, and
- trespass affidavits.

A separate certificate of registration to comply with Chapter 12B is required for each physically separate convenience store. A certificate of registration for a convenience store expires one year after the date of issuance and must be renewed annually. The 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>Density</b>	<b>Height</b>	<b>Lot Coverage</b>	<b>Special Standards</b>	<b>PRIMARY Uses</b>
	<b>Front</b>	<b>Side/Rear</b>					
PDD No. 535 - D-1 Subdistrict 2	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

**Landscaping:** Landscaping of any development will be in accordance with Article X, as amended.

**Parking:** The Dallas Development Code requires off-street parking to be provided for a general merchandise or food store use at one space for each 200 square feet of floor area and 2 spaces for a motor vehicle fueling station. The development requires 16 spaces with 16 being provided per the attached site plan.

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and determined that the proposed development will not have a negative impact on the surrounding street system.



**Dallas Police Department:** A copy of a police report of the past 5 years of offences is provided below.

<div>  <b>DALLAS POLICE DEPARTMENT</b> <div> <a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Prope</a> </div> </div>								
Virtual Viewer - Public Access								
  								
Search Records - Offense								Filter <input type="text"/>
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area
<u>001757...</u>	01/18/2010	NOORALI,NADEEM,	AGGRAVATED ASSAULT	09512		CFHAW...	354	2216
<u>001981...</u>	01/25/2013	VASQUEZ,SALVADOR,	AUTO THEFT-UUMV	09512		CFHAW...	354	2216
<u>002818...</u>	01/29/2010	*SHELL CLASSIC	THEFT	09512		CFHAW...	354	2216
<u>005130...</u>	02/28/2011	*SHELL GAS STATION	CRIMINAL MISCHIEF/...	09512		CFHAW...	354	2216
<u>008696...</u>	03/30/2010	*SHELL GAS STATION	CRIMINAL MISCHIEF/...	09512		CFHAW...	354	2216
<u>010495...</u>	04/15/2009	MCCRORY, KENNETH	TRAFFIC MOTOR VEH...	09512		CFHAW...	354	2216
<u>010710...</u>	04/16/2009	*SHELL	THEFT	09512		CFHAW...	354	2216
<u>011735...</u>	04/26/2009	*SHELL	FRAUD	09512		CFHAW...	354	2216
<u>012078...</u>	04/29/2009	*ZALI INC	ROBBERY	09512		CFHAW...	354	2216
<u>013095...</u>	05/08/2009	@CITY OF DALLAS	FOUND PROPERTY	09512		CFHAW...	354	2216
<u>013341...</u>	05/13/2010	*SHELL #33	CRIMINAL MISCHIEF/...	09512		CFHAW...	354	2216
<u>013700...</u>	05/27/2011	MARTIN, PEGGY	AUTO THEFT-UUMV	09512		CFHAW...	354	2216
<u>014066...</u>	05/21/2010	@CITY OF DALLAS	FOUND PROPERTY	09512		CFHAW...	354	2216
<u>015461...</u>	05/02/2010	NOOALI, NADEEN	OTHER OFFENSES	09512		CFHAW...	354	2216
<u>015558...</u>	06/24/2012	NOORALI,NADEEM	ASSAULT	09512		CFHAW...	354	2216
<u>015703...</u>	06/16/2011	FIGUEROA,MADIA	THEFT	09512		CFHAW...	354	2216
<u>015920...</u>	06/23/2013	EPPS,WILLIE	THEFT	09512		CFHAW...	354	2216
<u>016832...</u>	07/08/2012	*SHELL GAS STATION	THEFT	09512		CFHAW...	354	2216
<u>018018...</u>	06/21/2009	HOLLAND,SHARELLA	ASSAULT	09512		CFHAW...	354	2216
<u>018252...</u>	07/23/2012	ESPINOZA,ABEL	AUTO THEFT-UUMV	09512		CFHAW...	354	2216
<u>020898...</u>	08/07/2011	NADEEM,NOORALI	ASSAULT	09512		CFHAW...	354	2216
<u>021194...</u>	08/17/2013	ABREGO, CRISTOBAL	THEFT	09512		CFHAW...	354	2216
<u>021899...</u>	08/18/2011	MALDONADO,ANA	THEFT	09512		CFHAW...	354	2216
<u>023673...</u>	08/22/2010	*SHELL GAS STATION	BURGLARY	09512		CFHAW...	354	2216
<u>024103...</u>	09/27/2012	RATTLER,DEDRIK	LOST PROPERTY	09512		CFHAW...	354	2216
<u>024289...</u>	08/29/2010	ALROUSAN,DIANE	FOUND PROPERTY	09512		CFHAW...	354	2216
<u>024336...</u>	08/30/2010	*SHELL GAS STATION	TRAFFIC MOTOR VEH...	09512		CFHAW...	354	2216
<u>024620...</u>	09/02/2010	*SHELL GAS STATION	THEFT	09512		CFHAW...	354	2216
<u>025309...</u>	08/09/2010	*SHELL	OTHER OFFENSES	09512		CFHAW...	354	2216
<u>025631...</u>	08/28/2009	NOORALI, NARDEEM	AGGRAVATED ASSAULT	09512		CFHAW...	354	2216

<div>  <b>DALLAS POLICE DEPARTMENT</b> </div> <div> <a href="#">UCR Codes</a> <a href="#">Year Codes</a> <a href="#">Proper</a> </div>								
Virtual Viewer - Public Access								
  								
Search Records - Offense								Filter <input type="text"/>
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area
<a href="#">025899...</a>	09/30/2011	@CITY OF DALLAS	FOUND PROPERTY	09512		CFHAW...	354	2216
<a href="#">026282...</a>	09/03/2009	*SHELL GAS STATION	CRIMINAL MISCHIEF/...	09512		CFHAW...	354	2216
<a href="#">026613...</a>	09/23/2010	*SHELL	FORGERY & COUNT...	09512		CFHAW...	354	2216
<a href="#">027026...</a>	09/10/2009	*SHELL	OTHER OFFENSES	09512		CFHAW...	354	2216
<a href="#">027890...</a>	09/18/2009	*SHELL GAS STATION	CRIMINAL MISCHIEF/...	09512		CFHAW...	354	2216
<a href="#">028271...</a>	09/22/2009	*SHELL	THEFT	09512		CFHAW...	354	2216
<a href="#">029765...</a>	10/06/2009	KILLIAM,WAYNE	THEFT	09512		CFHAW...	354	2216
<a href="#">029991...</a>	11/23/2013	*CRST MALONE	THEFT	09512		CFHAW...	354	2216
<a href="#">030452...</a>	11/03/2010	CALDWELL,YOLANDA	THEFT	09512		CFHAW...	354	2216
<a href="#">032899...</a>	12/17/2011	*SHELL GAS STATION	ROBBERY	09512		CFHAW...	354	2216
<a href="#">033153...</a>	12/03/2010	@CITY OF DALLAS	FOUND PROPERTY	09512		CFHAW...	337	2217
<a href="#">034359...</a>	11/19/2009	*SHELL GAS STATION	THEFT	09512		CFHAW...	354	2216
<a href="#">034448...</a>	11/19/2009	NOORALI, NADEEM	AUTO THEFT-UUMV	09512		CFHAW...	354	2216
<a href="#">035978...</a>	12/06/2009	SHELTON,TAUL	THEFT	09512		CFHAW...	354	2216

**CPC Action** (May 8, 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 3,500 square feet or less for a two-year period, subject to a site plan and conditions on property zoned within Subdistrict 2 of Planned Development District No. 535, the C. F. Hawn Special Purpose District No. 3 with a D-1 Liquor Control Overlay on the northwest corner of C.F. Hawn Freeway and St. Augustine Road.

Maker: Shidid  
Second: Ridley  
Result: Carried: 13 to 0

For: 13 - Soto, Rodgers, Culbreath\*, Shidid,  
Anantasomboon, Bagley, Tarpley, Shellene,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

\*out of the room, shown voting in favor

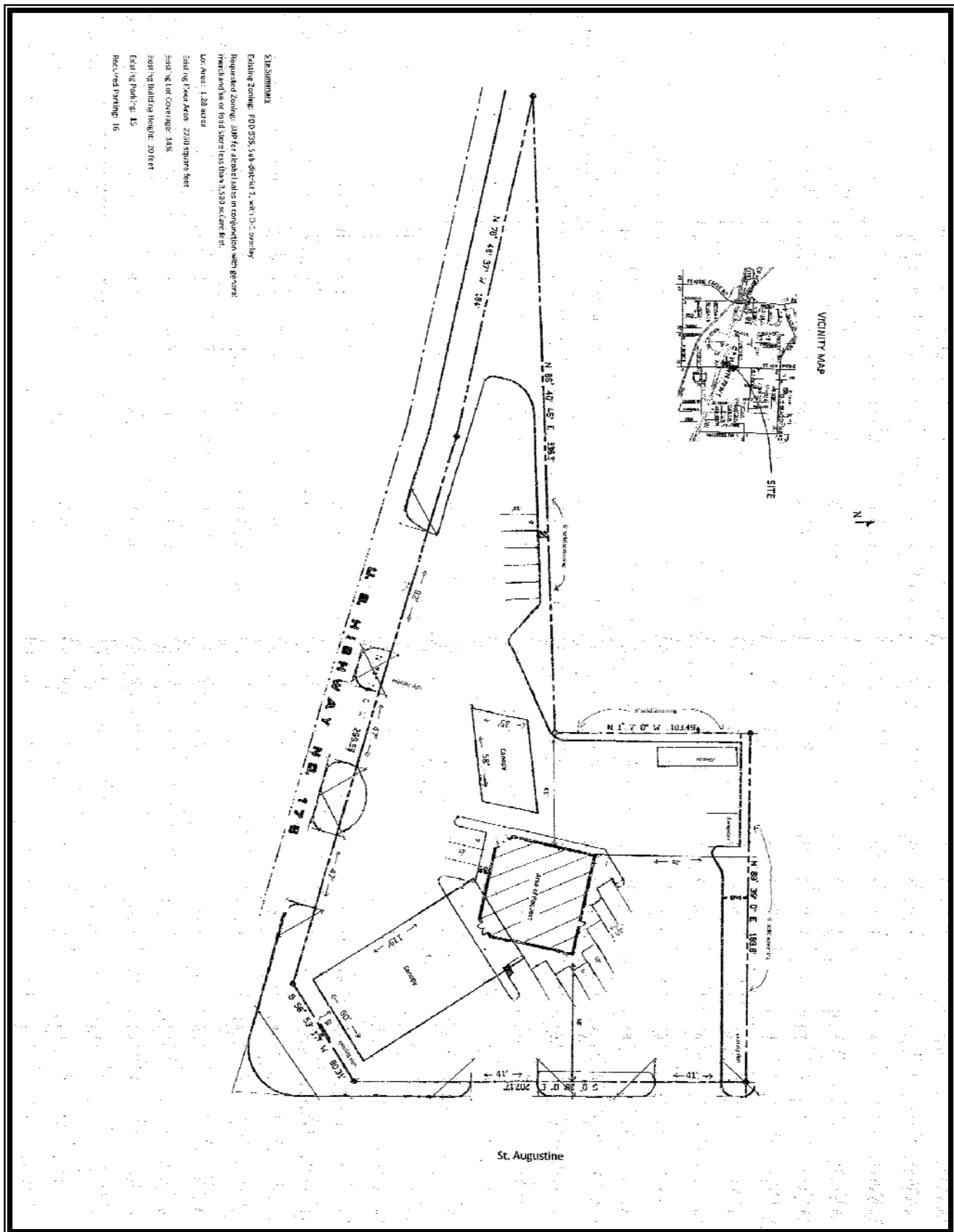
**Notices:** Area: 300 Mailed: 20  
**Replies:** For: 1 Against: 0

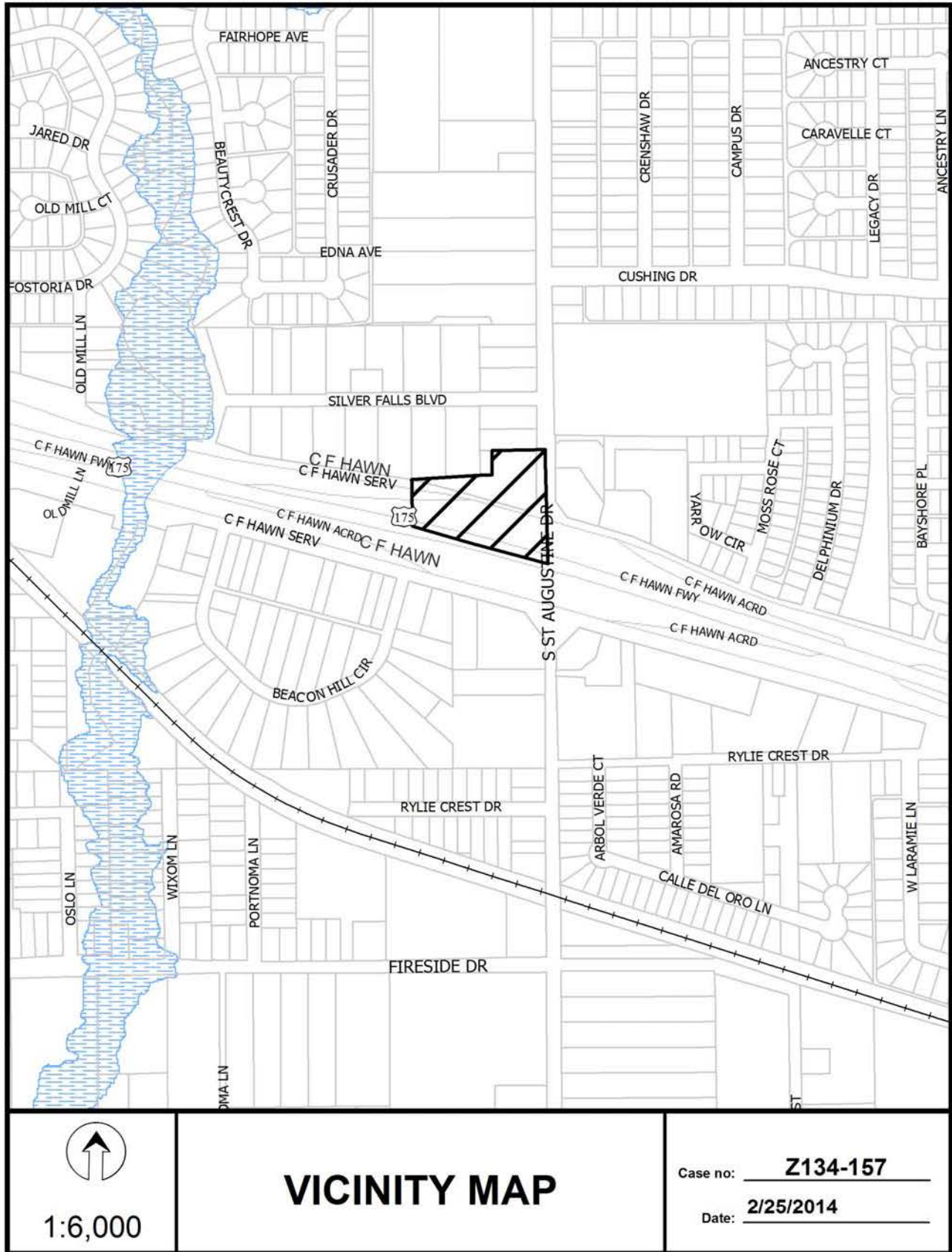
**Speakers:** For: Santos Martinez, 900 Jackson St., Dallas, TX, 75202  
Against: None

**CPC PROPOSED SUP  
CONDITIONS**

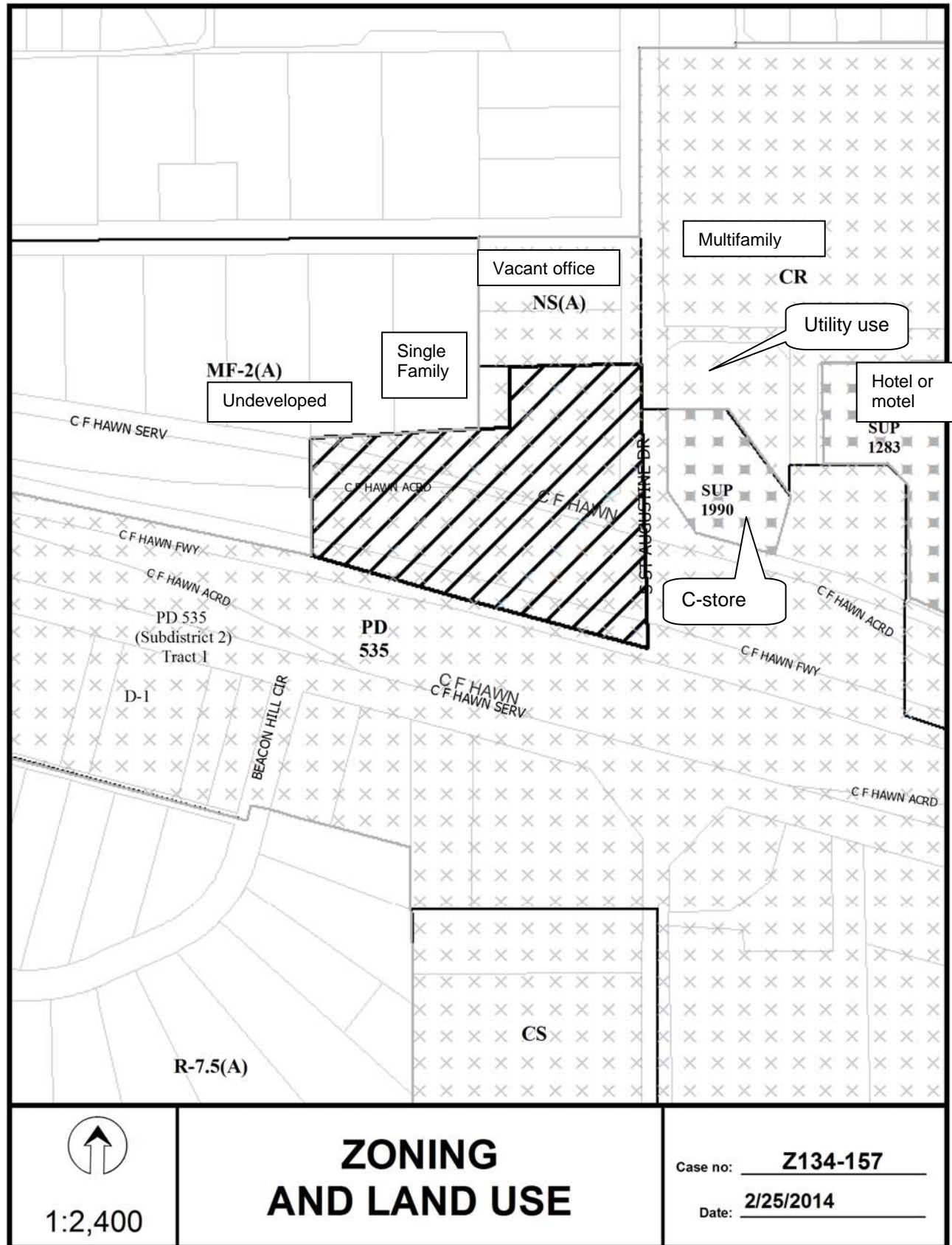
1. USE: The only use authorized by this specific use permit is the sale of alcoholic beverages for off-premise consumption as part of the operation of a general merchandise or food store 3,500 square feet or less.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on\_\_\_\_\_, (two-year period from the passage of this ordinance).
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.

## PROPOSED SITE PLAN





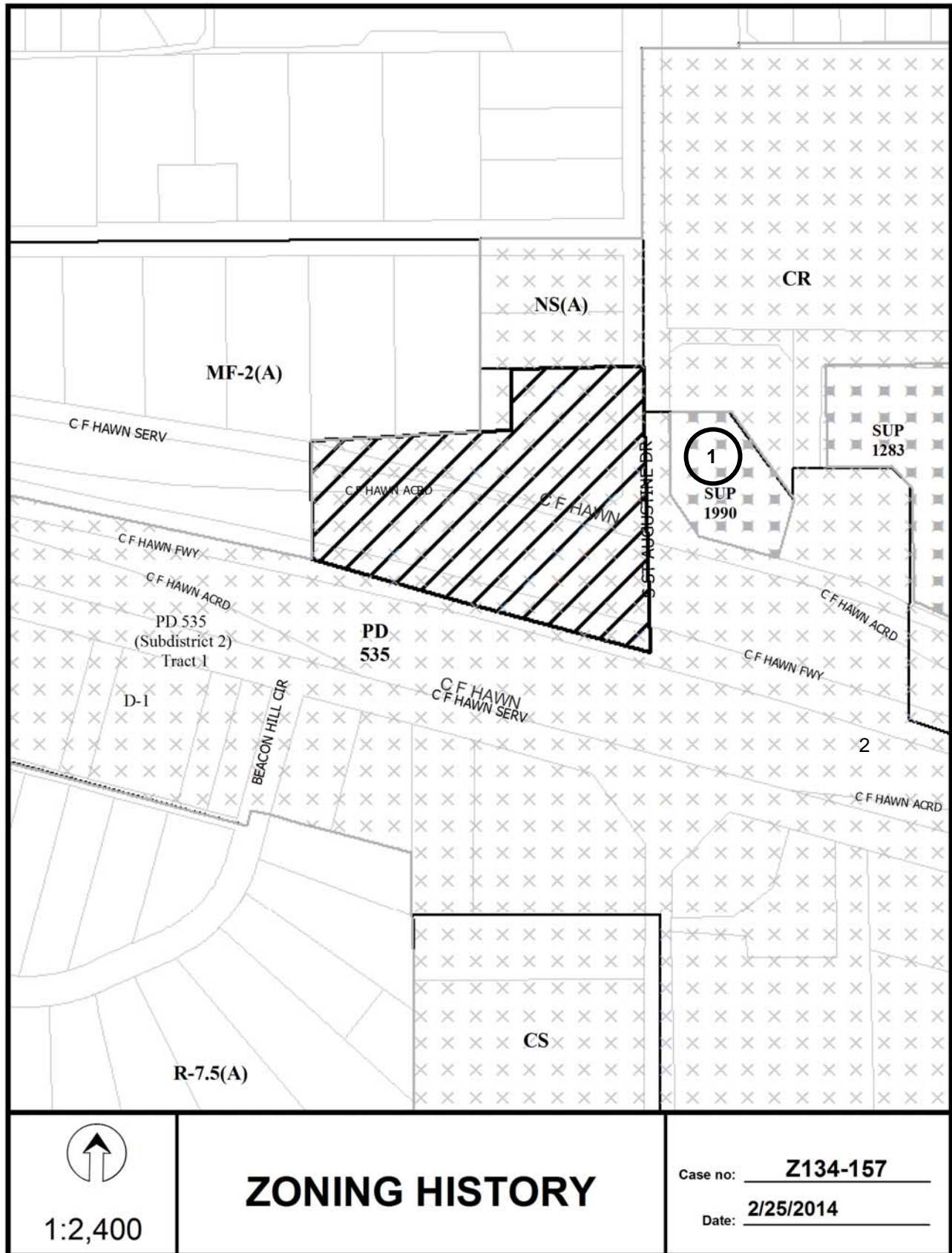












# CPC RESPONSES



<u>20</u>	Property Owners Notified (26 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>5/8/2014</u>	Date

**Z134-157**  
**CPC**



1:2,400

## ***Notification List of Property Owners***

### ***Z134-157***

***20 Property Owners Notified***

***1 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>
O	1	527 ST AUGUSTINE RD	NAURIN INC
	2	9600 C F HAWN FWY	NEAL HOSPITALITY LLC
	3	459 ST AUGUSTINE RD	TIME WARNER CABLE DALLAS
	4	9606 C F HAWN FWY	SAI BHARI INC
	5	414 ST AUGUSTINE RD	SPRUCE SQUARE LLC
	6	9626 C F HAWN FWY	SOUTHEAST DALLAS
	7	9415 C F HAWN FWY	JACOB JOSEPH PROPERTIES LTD
	8	9503 C F HAWN FWY	NAVARRO ISABEL & DARIO
	9	9515 C F HAWN FWY	AMDICO INC
	10	9525 SILVER FALLS BLVD	MENDOZA JUAN ANTONIO
	11	9541 SILVER FALLS BLVD	OLIVARES JUAN I &
	12	507 ST AUGUSTINE RD	AGUIRRE HELEN T
	13	515 ST AUGUSTINE RD	AGUIRRE ERLINDA T
	14	521 ST AUGUSTINE RD	AGUIRRE J C
	15	9500 SILVER FALLS BLVD	AGUIRRE HELEN T
	16	9508 SILVER FALLS BLVD	VALDIVIA MARIANO
	17	459 ST AUGUSTINE RD	TIME WARNER NY CABLE LLC
	18	9616 C F HAWN FWY	NEAL HOSPITALITY LLC
	19	9609 C F HAWN FWY	DAVIS B J INV LTD
	20	9531 C F HAWN FWY	CLJS INC

**AGENDA ITEM # 39**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 43 Q

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road

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

Z112-267(WE)

Note: This item was considered by the City Council at a public hearing on May 28, 2014, and was taken under advisement until June 11, 2014, with the public hearing open



**FILE NUMBER:** Z112-267(WE)

**DATE FILED:** June 18, 2012

**LOCATION:** Northwest corner of Commerce Street and Manila Road

**COUNCIL DISTRICT:** 6

**MAPSCO:** 43-Q

**SIZE OF REQUEST:** Approx. 1.715 acres

**CENSUS TRACT:** 205.00

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**REPRESENTATIVE:** Peter Kavanagh, Zone Systems

**APPLICANT/OWNER:** Samuel Ramos

**REQUEST:** An application to renew Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant on property zoned an IR Industrial Research District.

**SUMMARY:** The applicant is requesting to renew the SUP for an industrial (outside) not potentially incompatible use to continue operation of a concrete batch plant on the property.

**CPC RECOMMENDATION:** **Approval** for a two-year period, subject to a revised site/landscape plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a two-year period, subject to a revised site/landscape plan and conditions.

## **GUIDING CRITERIA FOR RECOMMENDATION:**

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The request should not have a negative impact on the surrounding areas. The request site is located within an industrial area and is contiguous to several undeveloped tracts of land and industrial/warehouse uses that are in an IR zoning District.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use of the site does not contribute or promote the welfare of the area.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed use will not be a detriment to the public health, safety, or general welfare. The equipment and materials are placed in the site's interior to avoid any safety issues that are associated with the operation of the facility.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – The proposed use will comply with all applicable zoning regulations and standards. No variances or exceptions are requested.

## **BACKGROUND INFORMATION:**

- SUP No. 1624 was approved on May 24, 2006, for a five-year period with eligibility for one additional five-year period. The applicant failed to meet the deadline for automatic renewal at that time and the SUP expired on May 24, 2011.
- There are no changes to the approved conditions except for the site plan/landscape plan. The applicant planted additional landscaping and street trees on the site.
- The revised site/landscape plan depicts one proposed structure, a 10-foot by 10-foot batch room, material storage bins, two silos, a water pit, and parking spaces. The site abuts an existing rail corridor; however, the applicant does not anticipate utilizing it.

**Zoning History:** There have been no recent zoning requests in the area.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
W. Commerce Street	Local	80 ft.
Manilla Street	Local	70 ft.

**STAFF ANALYSIS:****Comprehensive Plan:**

The *forwardDallas! Comprehensive Plan* was adopted by the City Council in June 2006. The *forwardDallas! Comprehensive Plan* outlines several goals and policies which can serve as a framework for assisting in evaluating the applicant's request. The Plan identifies the request site as being in the Industrial Areas Block.

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 site is consistent with the *forwardDallas! Comprehensive Plan* because the Plan identifies the area as Industrial Area.

**Land Use Compatibility:**

In 2011, when the last SUP renewal application was made, the site was undeveloped. Since then, the site has been developed with the concrete batch plant use. The development contains the outside manufacturing area and material storage on the original site plan; the batch room and proposed building are not constructed yet. There are parking spaces shown on the site plan; however, they do not appear to be paved at this time. The SUP conditions also require that all maneuvering area for trucks be paved as a dust control measure. This pavement has not been installed yet. This has been brought to the applicant's attention and a grading and paving permit application has been made to ensure that the required paving actually occurs in compliance with the SUP requirements.



The area is generally developed with a mix of industrial uses with the majority of the heavy industrial uses developed on property north of the site and south of Singleton Boulevard. The balance of the area is developed with inside industrial uses, inclusive of warehouse/distribution uses.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Staff is recommending approval of the requested renewal of the SUP for a two-year period, subject to the site plan and conditions. Staff recommends a defined time period to allow an opportunity to re-evaluate the continued compatibility of this land use with the surrounding general area and compliance with the SUP conditions.

**Development Standards:**

DISTRICT	SETBACKS		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
IR Industrial Research	15'	0'/30'	NA	200'	80%	Proximity Slope Does not apply	Research & development, light industrial, office

**Traffic:** The Engineering Section of the Department of Sustainable Development and Construction has reviewed the request and has no objections.

**Parking:** The Dallas Development Code requires off-street parking to be provided for a temporary concrete or asphalt batching plant use at two spaces. While the existing development requires two spaces, 12 spaces are provided as shown on the attached site plan.

**Landscaping:**

The additional pavement on the property has triggered a landscaping requirement. The site has existing trees that are located in the public right-of-way. Additional landscaping, such as foundation planting and additional trees, are required to be installed with the completion of the pending grading and paving permit and are shown on the site/landscape plan.

**CPC Action:** April 17, 2014

**Motion:** It was moved to recommend **approval** of the renewal of Specific Use Permit No. 1624 for an Industrial (outside) not potentially incompatible use limited to a concrete batch plant for a two-year period, subject to a revised site/landscape plan and conditions on property zoned an IR Industrial Research District on the northwest corner of Commerce Street and Manila Road.

Maker: Anantasomboon  
Second: Shidid  
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Lavallaisaa, Tarpley,  
Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Schultz  
Vacancy: 0

**Notices:** Area: 300 Mailed: 14  
**Replies:** For: 1 Against: 0

**Speakers:** None

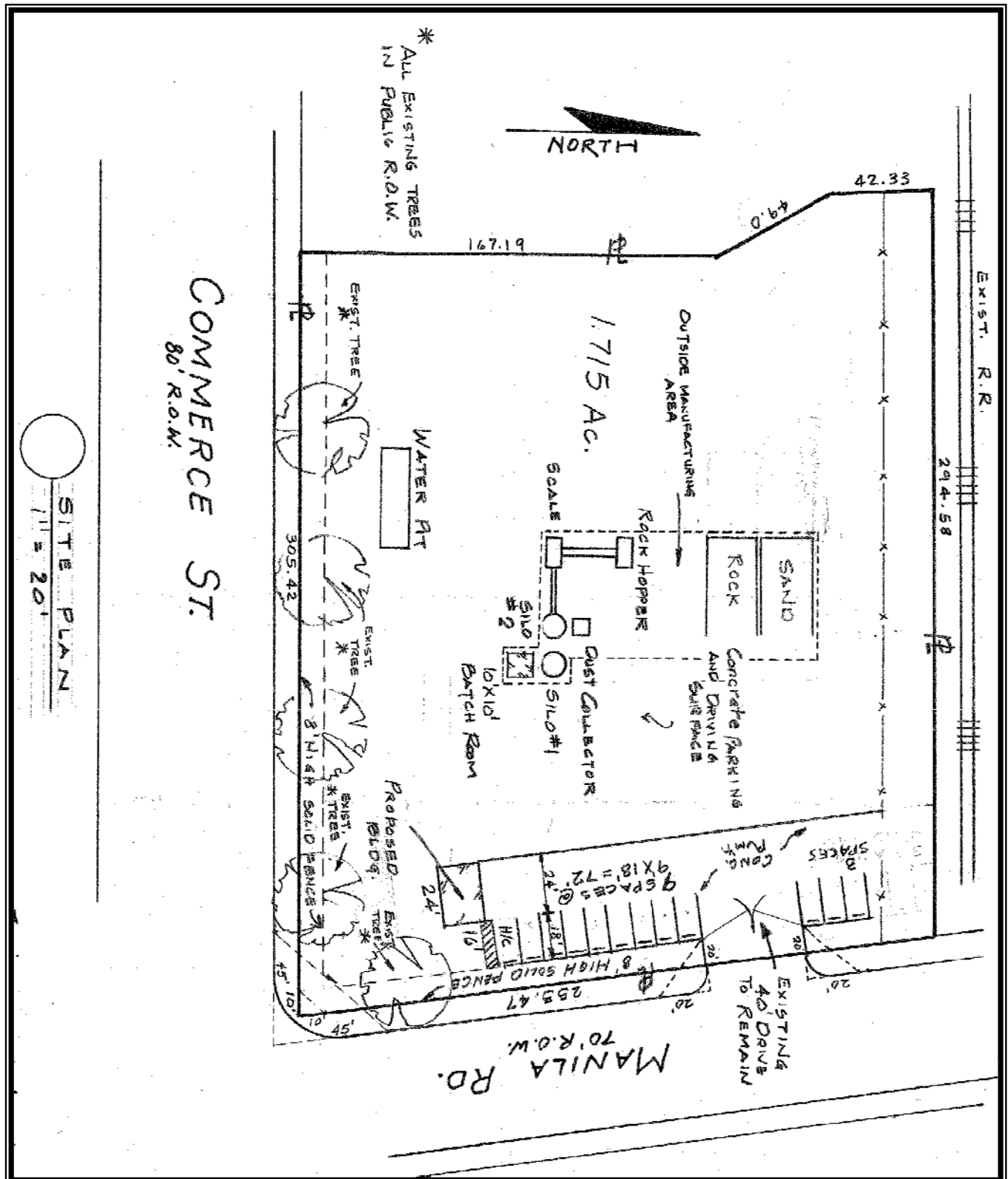
<b>CPC PROPOSED SUP CONDITIONS</b>
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1. USE: The only use authorized by this specific use permit is an industrial (outside) use for a concrete batch plant.
2. SITE/LANDSCAPE PLAN: Use and development of the Property must comply with the attached site/landscape plan.
3. TIME LIMIT: This specific use permit automatically terminates on [~~September 14, 2012~~] (two-year period).
4. GROUND AND DUST CONTROL:
  - A. The following conditions must be met on an ongoing basis:
    - i. All on-site travelways and maneuvering lanes must be paved, watered, and swept as necessary to achieve maximum control of dust emissions.
    - ii. To avoid overloading, a mechanism must be installed on each cement storage silo to warn operators that the silo is full.
    - iii. Spillage of materials must be cleaned up and contained or dampened within thirty minutes after the spillage so that emissions from wind erosion and vehicle traffic are minimized.
    - iv. During operations, all stockpiles must be sprinkled with water or chemicals to eliminate visible dust emissions.
  - B. Prior to the issuance of a certificate of occupancy, a written ground and dust control plan that reflects existing and proposed infrastructure needed to comply with 4(A)(i) through 4(A)(iv) must be delivered to the director of the office of environmental quality and the director of sustainable development and construction.
5. OFF-STREET PARKING: Off-street parking must be provided in the locations shown on the site plan.
6. OUTSIDE MATERIALS STORAGE: Outside storage of materials must be located in bins that are screened on three sides by solid walls a minimum of ten feet in height.
7. ROAD REPAIR: The operator, or its successor or assigns, is responsible for repairing holes or other surface damages on Manila Road caused by operation of

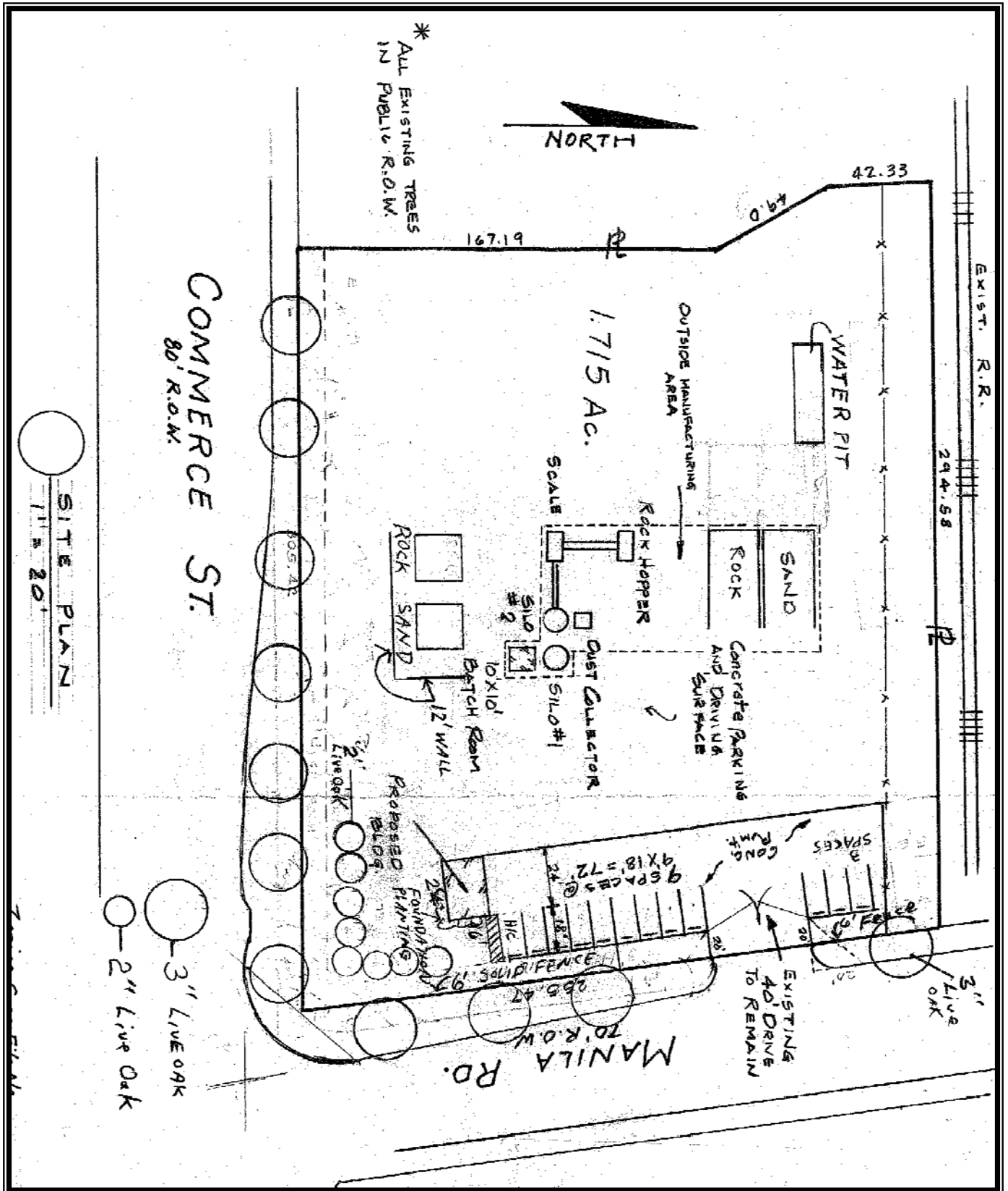
the concrete batch plant. The road repairs must conform to City of Dallas standards as approved by the director of public works and transportation.

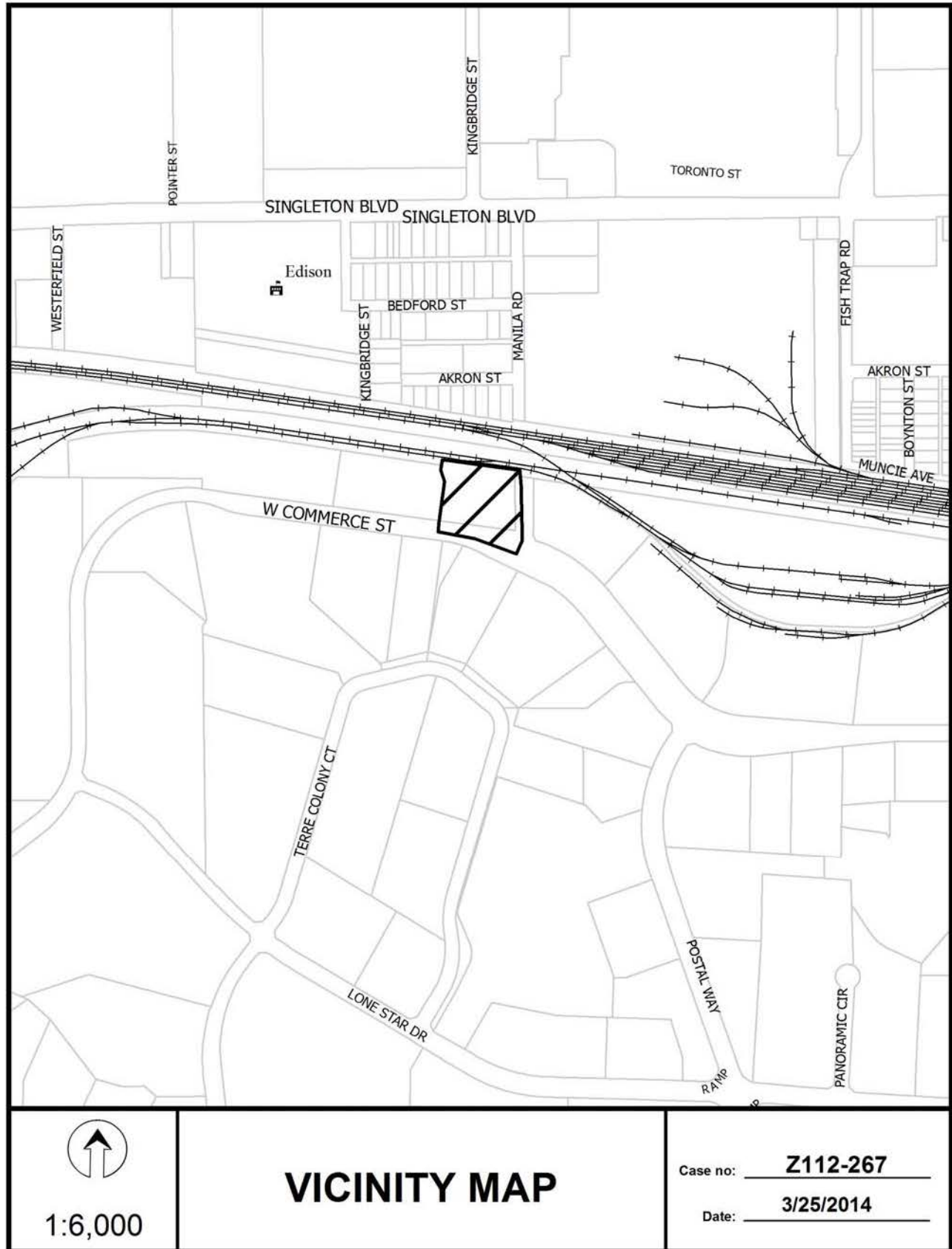
8. SCREENING: A minimum six-foot-high solid screening fence must be maintained and located as shown on the attached site plan.
9. LANDSCAPING: Landscaping must be provided as shown on the attached site/landscape plan.
- 9 10. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
- 40 11. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

## EXISTING SITE PLAN



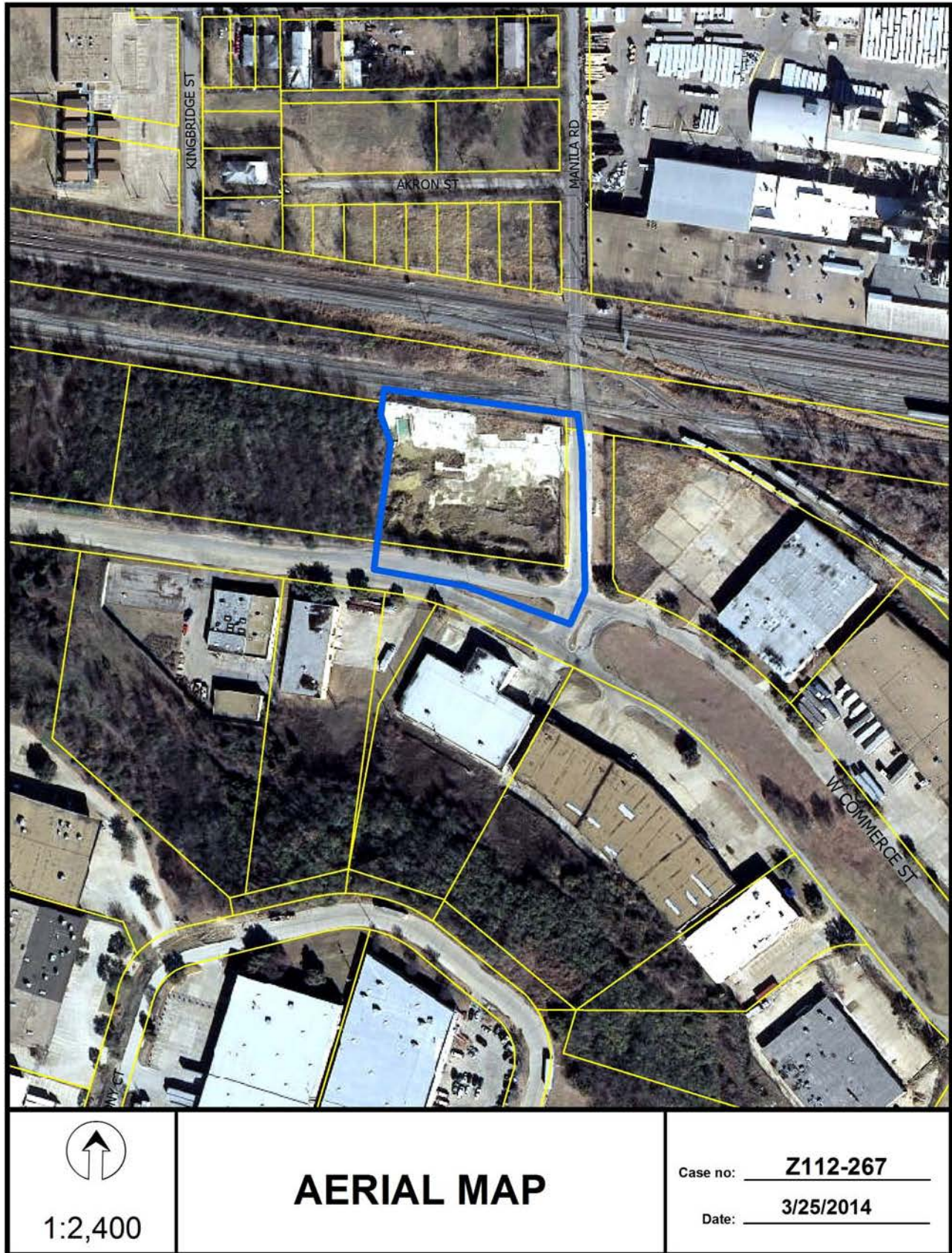
PROPOSED SITE/LANDSCAPE PLAN



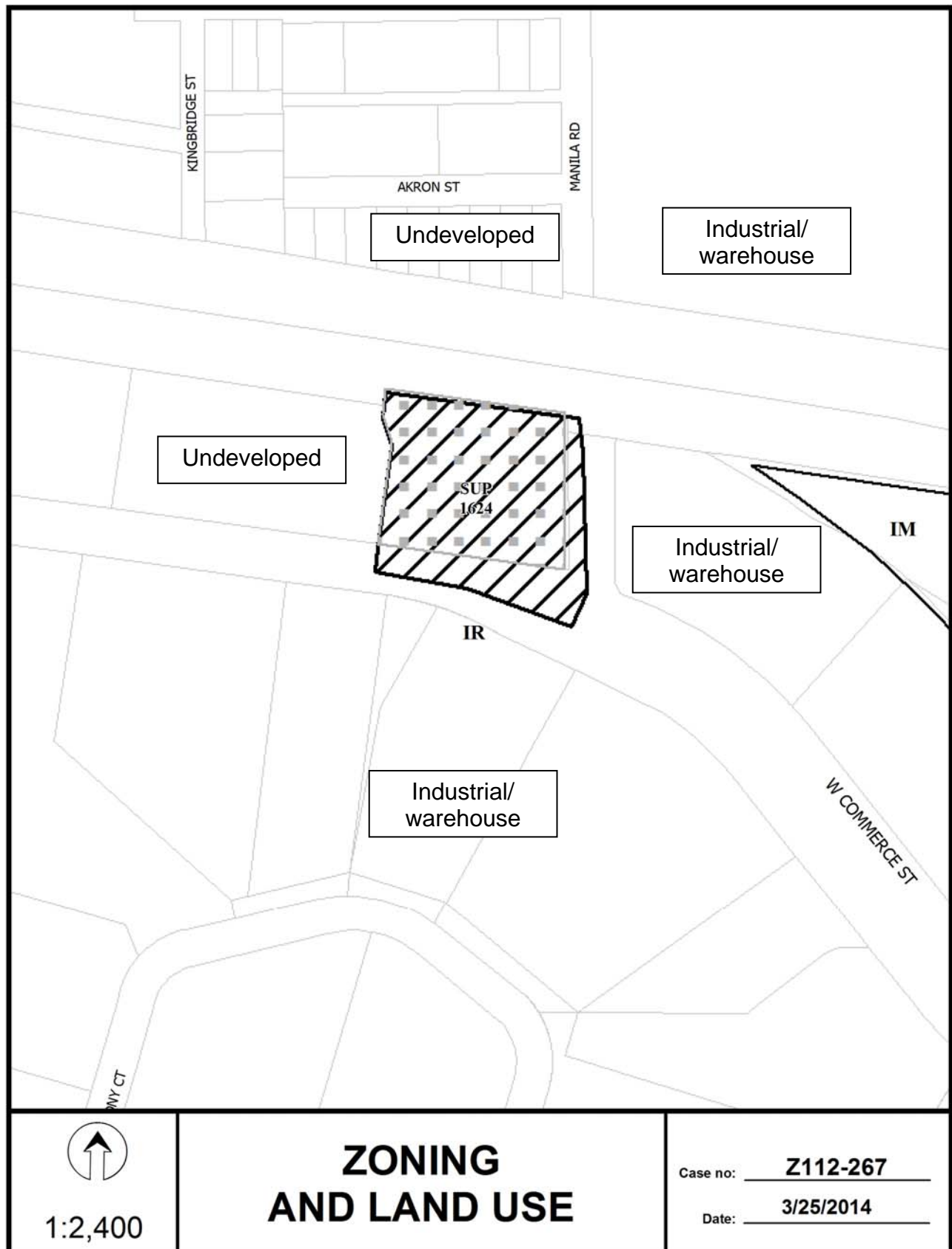




Z112-267(WE)







**CPC RESPONSES**



<u>14</u>	Property Owners Notified (22 parcels)
<u>1</u>	Replies in Favor (1 parcels)
<u>0</u>	Replies in Opposition (0 parcels)
<u>300'</u>	Area of Notification
<u>4/17/2014</u>	Date

**Z112-267**  
**CPC**



1:2,400

## Notification List of Property Owners

*Z112-267*

*14 Property Owners Notified 1 Property Owners in Favor 0 Property Owners Opposed*

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2802 AKRON ST	RAMOS SAMUEL
	2	2300 GRAND AVE	BNSF RAILWAY
	3	1801 LONE STAR DR	LONE STAR IND INC
O	4	2565 COMMERCE ST	CLEMTEX HOLDING INC
	5	2700 COMMERCE ST	ARAIZA JUAN J
	6	2570 COMMERCE ST	2570 W COMMERCE LLC
	7	2556 COMMERCE ST	REMINGTON DEV CO &
	8	2772 COMMERCE ST	4815 VICKSBURG LLC
	9	2800 COMMERCE ST	DALLAS GARLAND & NE RR
	10	2706 KINGBRIDGE ST	CORTEZ CLEMENTINA
	11	2830 AKRON ST	BROOKS REX
	12	2600 SINGLETON BLVD	BUILDING MATERIALS CORP
	13	9999 NO NAME ST	UNION PACIFIC RR CO
	14	4401 LINFIELD RD	ST LOUIS S W RAILWAY CO

**AGENDA ITEM # 40**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 22 D; H; 23 A; E

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the east side of Harry Hines Boulevard, north of Royal Lane

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

Z134-133(MW)

Note: This item was considered by the City Council at a public hearing on May 28, 2014, and was taken under advisement until June 11, 2014, with the public hearing open

**FILE NUMBER:** Z134-133(MW)

**DATE FILED:** November 22, 2013

**LOCATION:** East side of Harry Hines Boulevard, north of Royal Lane.

**COUNCIL DISTRICT:** 6

**MAPSCO:** 22-D, 22-H, 23-E, 23-A

**SIZE OF REQUEST:** ±2.7 acres

**CENSUS TRACT:** 0099.00

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**REPRESENTATIVE:** Chase Corker

**APPLICANT:** America's Southern Edge

**OWNER:** Barberans, LLC

**REQUEST:** An application for a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District.

**SUMMARY:** The applicant intends to utilize an existing ±6,811-square-foot building as a private-club bar [The Pig] catering to automotive enthusiasts.

**CPC RECOMMENDATION:** **Approval** for a three-year period, subject to a site plan and conditions.

**STAFF RECOMMENDATION:** **Approval** for a three-year period, subject to a site plan and conditions.

## GUIDING CRITERIA FOR RECOMMENDATION:

The following factors are listed in Chapter 51A of the Dallas Development Code to guide the determination as to whether or not an SUP shall be granted. Staff has listed its findings based upon each component below:

1. *Compatibility with surrounding uses and community facilities* – The proposed use is compatible with the surrounding uses given the industrial nature of the area and the intent of Planned Development District No. 498 to accommodate a variety of commercial and business service, industrial, retail and personal service, and wholesale, distribution, and storage uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed private-club bar will provide a service to this area of the City and is not anticipated to negatively impact to the adjacent properties.
3. *Not a detriment to the public health, safety, or general welfare* – The proposed private-club bar will not be a detriment to the public health, safety, or general welfare. The specific use permit process provides the city an opportunity to establish conditions such as hours of operation and site layout to mitigate any potential negative impacts.
4. *Conforms in all other respects to applicable zoning regulations and standards* – Based on information depicted on the site plan, the request complies with all applicable zoning regulations and standards.

## BACKGROUND INFORMATION:

- The ±2.7-acre request site is developed with a variety of warehouse structures and a covered outdoor seating area.
- No new construction is proposed by this application.

## Zoning History:

1. **Z134-146:** On April 17, 2014, the City Plan Commission recommended approval of an application to create a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, subject to a development plan and conditions.

## Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Harry Hines Boulevard	Principal arterial	164 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.

**Adjacent Zoning and Land Use:**

	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	PDD No. 498	Retail
<b>East</b>	PDD No. 498	Contractor's maintenance yard (proposed)
<b>South</b>	PDD No. 498	Retail
<b>West</b>	PDD No. 498	Auto-related; retail

**STAFF ANALYSIS:****Comprehensive Plan:**

The request site is identified as being within an Urban Mixed Use Building Block on the *forwardDallas! Vision* Illustration, adopted June 2006.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

While the existing site layout is not necessarily consistent with the Urban Mixed Use Building Block, it is consistent with the existing development pattern and scale of the area. Furthermore, staff encourages the adaptive reuse of existing buildings and considers this aspect of the request consistent with the following goals and policies of the Comprehensive Plan.

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

#### **Land Use Compatibility:**

Planned Development District No. 498 is intended to accommodate a variety of commercial and business service; industrial; retail and personal service and wholesale, distribution, and storage uses. The proposed alcoholic beverage establishment limited to a private-club bar is considered compatible with the adjacent uses and the surrounding area.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

#### **Parking:**

A private-club bar requires one off-street parking space per 100 square feet of floor area. Therefore, the ±6,811-square-foot building and ±1,550-square-foot covered seating area proposed for this use will require 84 spaces. As depicted on the proposed site plan, 115 spaces will be provided to accommodate all uses on the site.

#### **Landscaping:**

No new development is proposed by this application; therefore, no additional landscaping is required. However, in accordance with PDD No. 498, front yard strip landscaping and sidewalk provisions, as well as Article X site area landscaping, will become applicable to this site if a building permit is issued for certain construction work such as: an increase in the number of stories; an increase in floor area by more than 25 percent or 5,000 square feet, whichever is less, or an increase in nonpermeable coverage by more than 1,000 square feet.



Z134-133(MW)

**Partners/Principals/Officers:**

**APPLICANT:** America's Southern Edge  
Billy Ziegenfuss, Sole Proprietor, principal and manager

**OWNER:** Barberans, LLC  
Ricky Sigler, Owner

**CPC Action: April 17, 2014:**

**Motion:** It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a private-club bar for a three-year period, subject to a site plan and conditions on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose on the east side of Harry Hines Boulevard, north of Royal Lane.

Maker: Anantasomboon  
Second: Shidid  
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene,  
Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Schultz  
Vacancy: 0

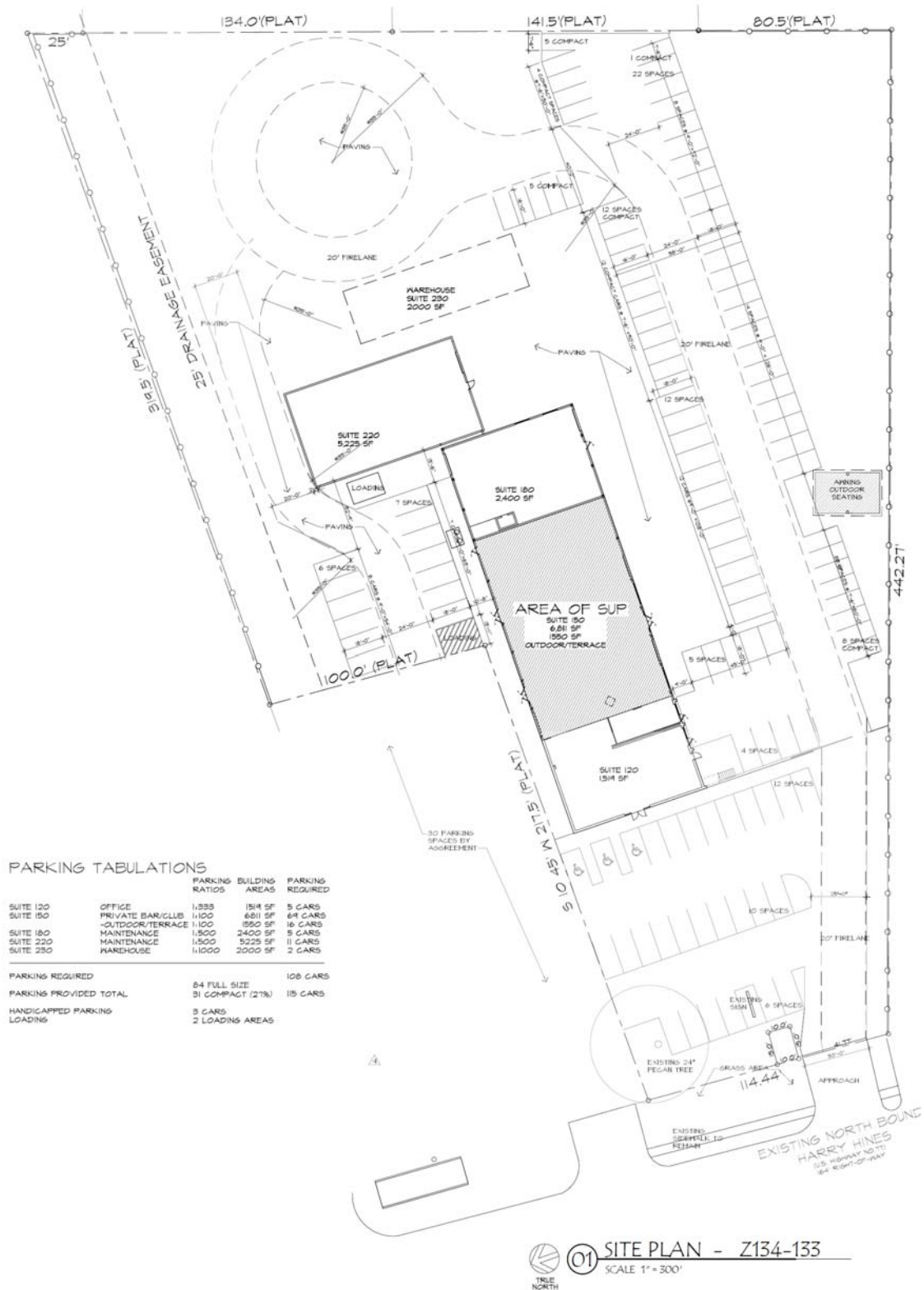
**Notices:** Area: 300 Mailed: 40  
**Replies:** For: 0 Against: 2

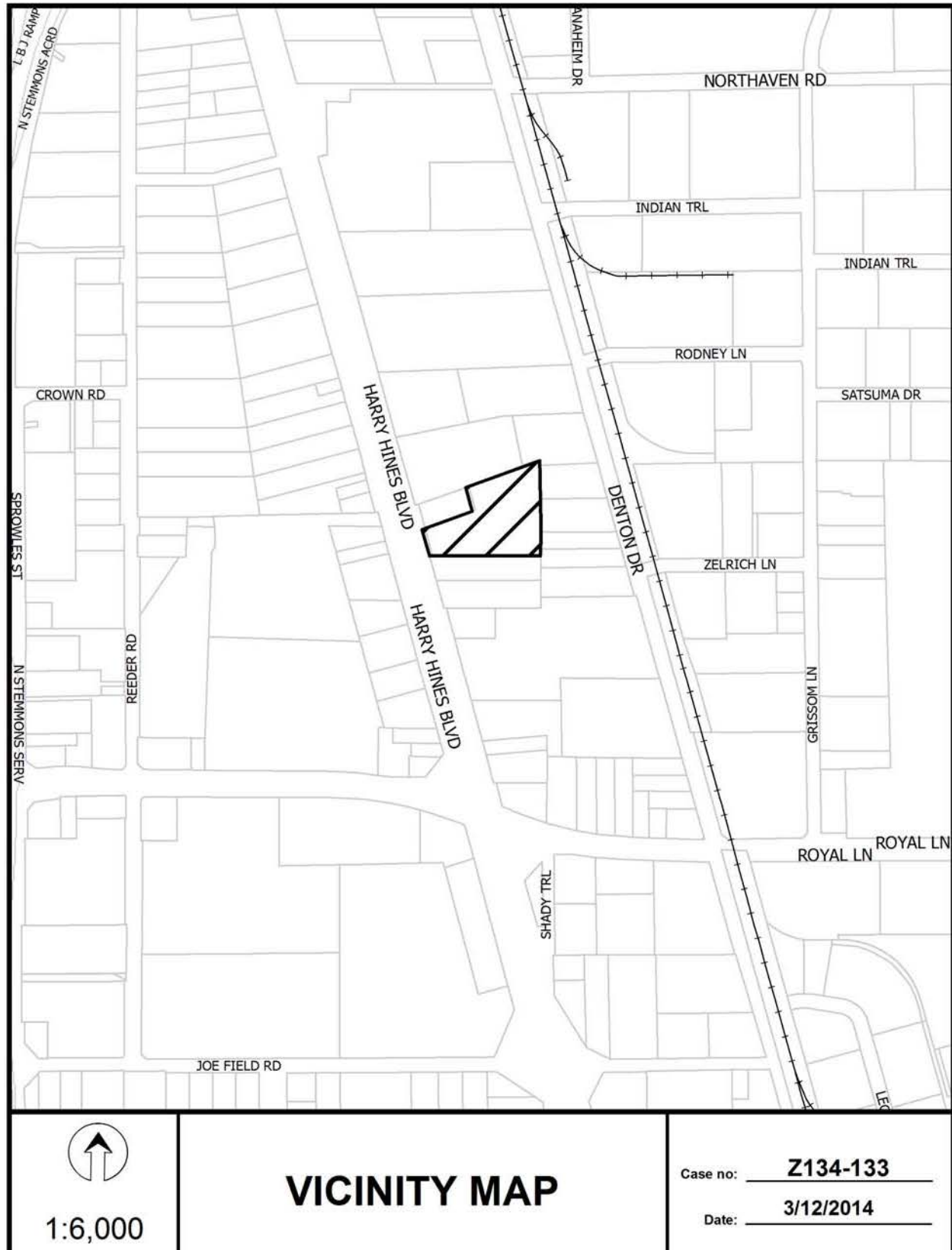
**Speakers:** None

**Z134-133**  
**CPC Recommended Conditions**

1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment limited to a private-club bar.
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 (three-years from passage of the ordinance).
4. FLOOR AREA: The maximum floor area of the private-club bar is 6,811 square feet with a 1,550-square foot covered seating area in the locations shown on the attached site plan.
5. HOURS OF OPERATION: The alcoholic beverage establishment limited to a private-club bar may only operate between 12:00 pm and 12:00 am (the next day), Monday through Thursday, 12:00 pm and 2:00 am (the next day) Friday and Saturday, and 12 pm and 10 pm on Sunday.
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.

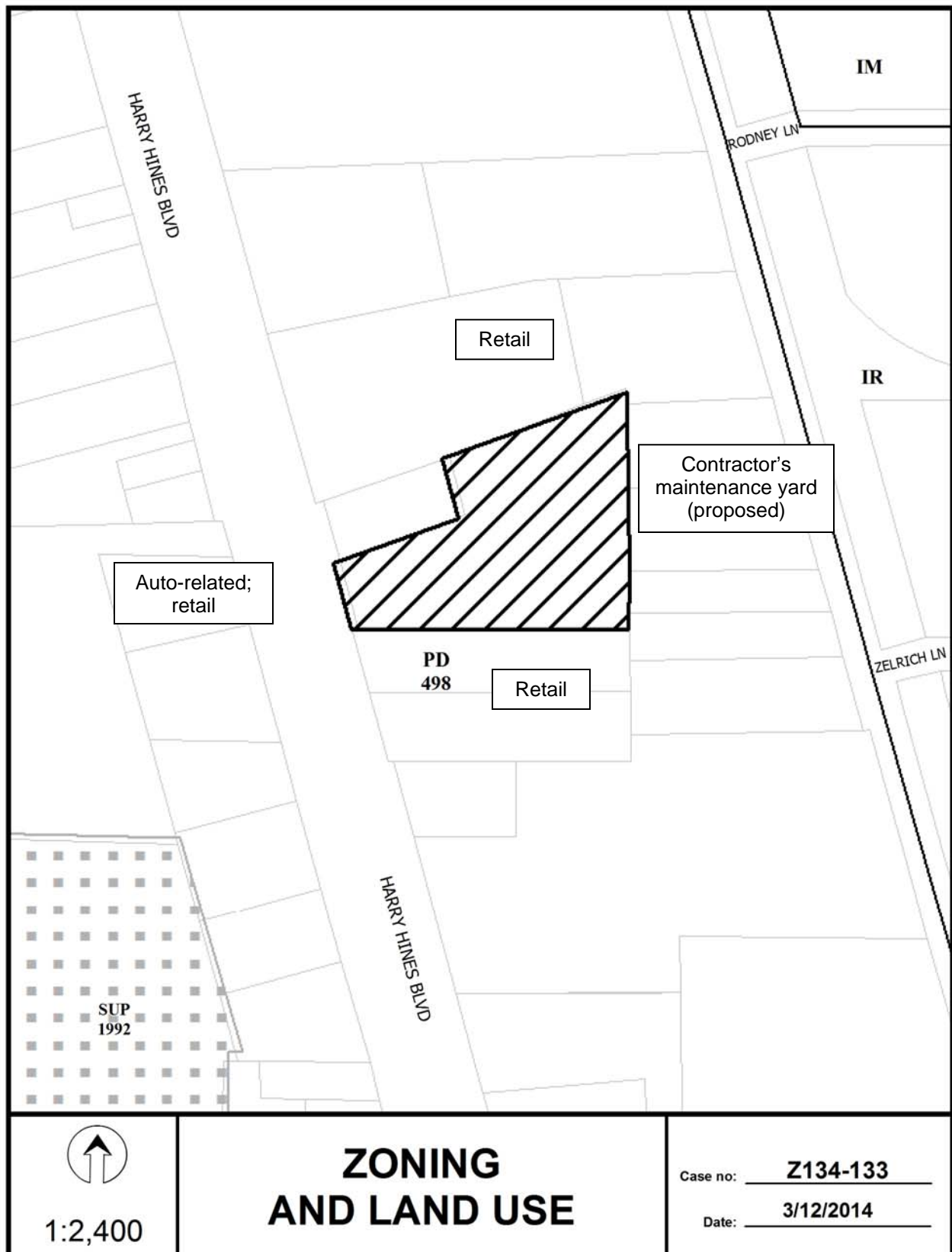
**Proposed Site Plan:**



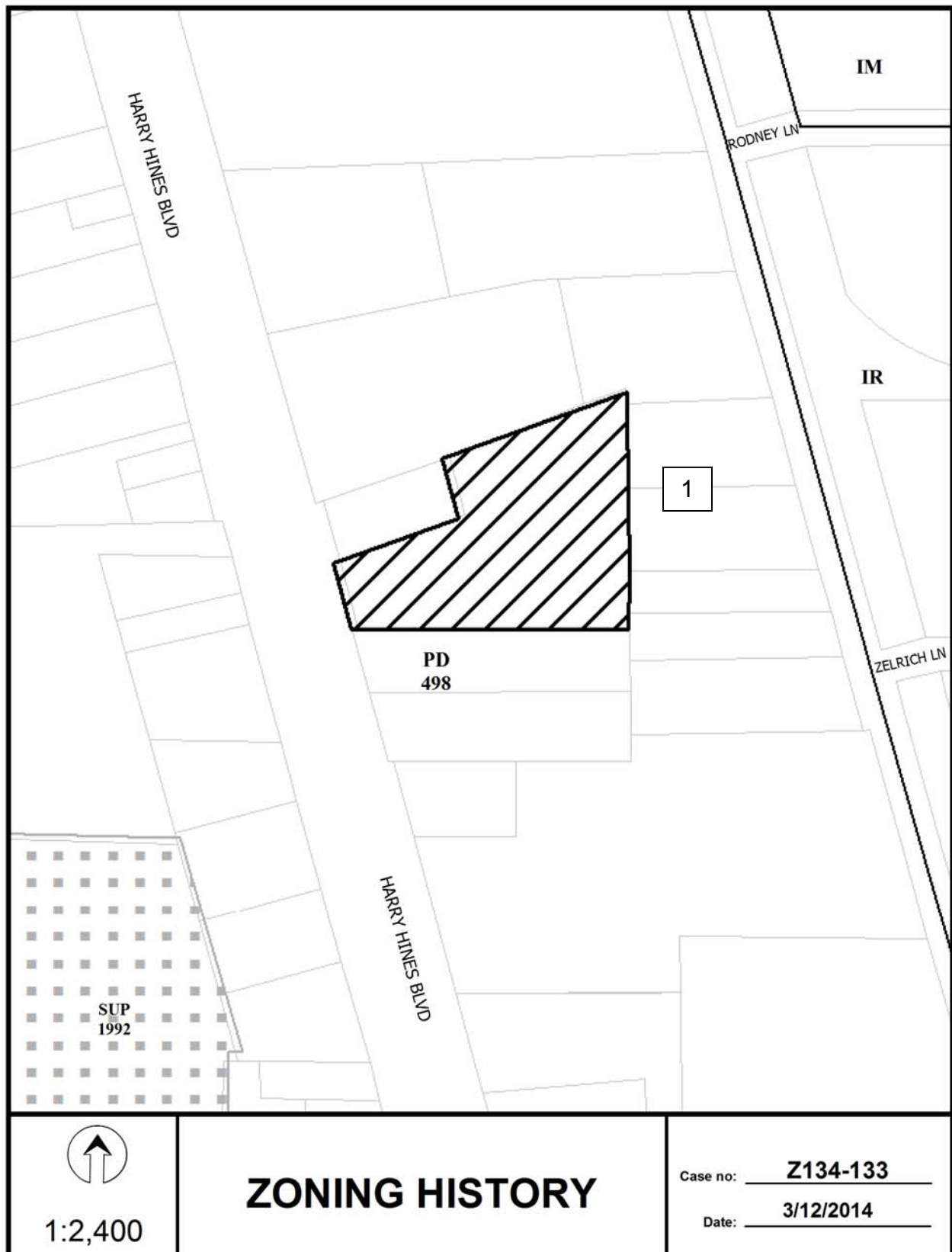














**CPC Responses**



<u>40</u>	Property Owners Notified (24 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>300'</u>	Area of Notification
<u>4/17/2014</u>	Date

**Z134-133**  
**CPC**



1:2,400

4/17/2014

***Reply List of Property Owners******Z134-133******40 Property Owners Notified    0 Property Owners in Favor    2 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	11480 HARRY HINES BLVD	BARBERANS LLC
	2	11476 HARRY HINES BLVD	BARBERANS LLC
	3	11476 HARRY HINES BLVD	BARBERANS LLC
	4	11425 DENTON DR	LEE YOUNG KOO & MYONG S
	5	11464 HARRY HINES BLVD	NEAL MEHTA LP
	6	11479 HARRY HINES BLVD	GARCIA APOLINAR
X	7	2525 ROYAL LN	INTERMART II INC
	8	11481 HARRY HINES BLVD	PARKS FAMILY CORPORATION
	9	11444 HARRY HINES BLVD	TENNINGTON INVESTMENTS LLC
	10	11503 HARRY HINES BLVD	DELGADILLO-RAMIREZ JUANA
	11	11421 DENTON DR	SUNJAY INVESTMENT
	12	11423 DENTON DR	LEE YOUNG KOO &
	13	11526 HARRY HINES BLVD	MY Y LTD PS
X	14	11461 HARRY HINES BLVD	FAVORLAND LLC
	15	11457 HARRY HINES BLVD	DIVA PROPERTY MGMT INC
	16	11456 HARRY HINES BLVD	KRISRAM INVESTMENTS INC
	17	11422 HARRY HINES BLVD	SHIN CHON DEV CORP
	18	11449 DENTON DR	KIMAYA INITIATIVE CORP
	19	401 BUCKNER BLVD	DART
	20	11447 HARRY HINES BLVD	PEERMOHAMMED LIAQUAT ALI
	21	11447 HARRY HINES BLVD	NORTHSTAR CROSSING GP LLC
	22	11447 HARRY HINES BLVD	J LIU PROPERTY LLC
	23	11526 HARRY HINES BLVD	MY Y LTD PS
	24	11526 HARRY HINES BLVD	FRAGRANCE WORLD INC
	25	11526 HARRY HINES BLVD	MY Y LIMITED PARTNERSHIP
	26	11500 HARRY HINES BLVD	SHARMA UTPAL

4/17/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	11500	HARRY HINES BLVD	CHEN SHIRLEY
28	11500	HARRY HINES BLVD	AEM ENTERPRISES LLC
29	11500	HARRY HINES BLVD	AJAZ LLC
30	11500	HARRY HINES BLVD	ILA INC
31	11500	HARRY HINES BLVD	RAFIZADEH ARDALAN
32	11500	HARRY HINES BLVD	RYU SUN JA
33	11500	HARRY HINES BLVD	ELEGANT INVESTMENT GROUP INC
34	11500	HARRY HINES BLVD	WEDDING LINENS INC
35	11500	HARRY HINES BLVD	DHOKA PRAKASH & KAMLA
36	11500	HARRY HINES BLVD	SSMD PPTIES LLC
37	11500	HARRY HINES BLVD	A J LEATHER INC
38	11500	HARRY HINES BLVD	KAMPSCHROEDER JOHN C &
39	11500	HARRY HINES BLVD	BATRA DALJIT &
40	11500	HARRY HINES BLVD	LIU JIAN &

**AGENDA ITEM # 41**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 23 A; E

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting the creation of a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, on the west side of Denton Drive, north of Royal Lane

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

Z134-146(MW)

Note: This item was considered by the City Council at a public hearing on May 28, 2014, and was taken under advisement until June 11, 2014, with the public hearing open

**FILE NUMBER:** Z134-146(MW)

**DATE FILED:** December 20, 2013

**LOCATION:** West side of Denton Drive, north of Royal Lane

**COUNCIL DISTRICT:** 6

**MAPSCO:** 23-A, E

**SIZE OF REQUEST:** ±1.75 acre

**CENSUS TRACT:** 0099.00

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**REPRESENTATIVE:** Chase Corker

**APPLICANT/OWNER:** Barberans, LLC, Ricky Sigler, Owner/Sole Officer

**REQUEST:** An application to create a new tract within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District.

**SUMMARY:** The applicant intends to create a new tract that permits the "contractor's maintenance yard" use by right. The site will be utilized by a landscape contractor [ValleyCrest Landscape Companies] for the storage and maintenance of supplies and operational equipment.

**CPC RECOMMENDATION:** Approval, subject to a development plan and conditions.

**STAFF RECOMMENDATION:** Approval, subject to a development plan and conditions.

## **GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The request is not anticipated to negatively impact surrounding property given the commercial nature of the area and the intent of Planned Development District No. 498 to accommodate a variety of commercial and business service, industrial, retail and personal service, and wholesale, distribution, and storage uses.
2. *Traffic impact* – This request will not create any additional impact than what the current zoning would permit.
3. *Comprehensive Plan or Area Plan Conformance* – While the applicant's proposal is not necessarily consistent with the Urban Mixed Use Building Block, a contractor's maintenance yard is consistent with the existing development pattern and scale of the area.
4. While staff would rather not create separate tracts within Planned Development Districts for the sole purpose of allowing one additional use, an amendment to permit the use within the Planned Development District would require authorization from all property owners within the 300-acre Special Purpose District.

## **BACKGROUND INFORMATION:**

- The ±1.75 acre request site is developed with a ±7,280-square warehouse.
- No new construction is proposed by this application.
- Planned Development District No. 498 was approved on April 28, 1999 and amended on August 8, 2001 and October 8, 2003.

## **Zoning History:**

1. **Z134-133:** On April 17, 2014, the City Plan Commission recommended approval of an application for a Specific Use Permit for a private-club bar on property zoned Planned Development District No. 498, the Harry Hines Corridor Special Purpose District, for a three-year period subject to a site plan and conditions. (Scheduled for May 28, 2014, Council public hearing.)
2. **Z134-138:** An application for an IM Industrial Manufacturing District on property zoned an IR Industrial Research District and for a Specific Use Permit for an industrial (inside) potentially incompatible use. (This case is pending a CPC hearing.)

**Traffic:**

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW
Denton Drive	Collector	60 feet

**Adjacent Zoning and Land Use:**

	Zoning	Land Use
North	PDD No. 498	Office showroom/warehouse
East	IR	Industrial (inside)
South	PDD No. 498	Retail; auto-oriented
West	PDD No. 498	Restaurant; warehouse

**STAFF ANALYSIS:****Comprehensive Plan:**

The request site is identified as being within an Urban Mixed Use Building Block on the *forwardDallas! Vision* Illustration, adopted June 2006.

The Urban Mixed-Use Building Block incorporates a vibrant mix of residential and employment uses at a lower density than the Downtown Building Block. These areas are typically near Downtown, along the Trinity River or near major transit centers. Examples include Uptown, the City Place/West Village area, Stemmons Design District, Cedars and Deep Ellum. Urban Mixed-Use Building Blocks provide residents with a vibrant blend of opportunities to live, work, shop and play within a closely defined area. Buildings range from high-rise residential or midrise commercial towers to townhomes and small corner shops. Good access to transit is a critical element. Similar to Downtown, the Urban Mixed-Use Building Blocks offer employment and housing options and are important economic growth areas for businesses. People on foot or bike can enjoy interesting storefronts at ground level with benches, public art, on-street parking and wide sidewalks, creating an appealing streetscape. Large parking areas and other auto-oriented land uses are typically located at the edges.

While the applicant's proposal is not necessarily consistent with the Urban Mixed Use Building Block, a contractor's maintenance yard is consistent with the existing

development pattern and scale of the area. Furthermore, staff encourages the adaptive reuse of existing buildings and considers this aspect of the request consistent with the following goals and policies of the Comprehensive Plan.

## **ECONOMIC ELEMENT**

### **GOAL 2.1 PROMOTE BALANCED GROWTH**

Policy 2.1.1 Ensure that zoning is flexible enough to respond to changing economic conditions.

#### **Land Use Compatibility:**

Planned Development District No. 498 is intended to accommodate a variety of commercial and business service, industrial, retail and personal service, and wholesale, distribution, and storage uses. The proposed contractor's maintenance yard use will be subject to a development plan and is considered compatible with the adjacent uses and the surrounding area.

Pursuant to the Dallas Development Code, a contractor's maintenance yard requires a six-foot solid screening fence which must be brick, stone, or concrete masonry, stucco, concrete or wood (or evergreen plan materials), which will further help ensure compatibility. The applicant has not identified the specific type of screening. However, the location is shown on the development plan.

The site will be utilized predominantly as a depot for typical work trucks. Therefore, the applicant does not anticipate the storage of any items taller than twelve feet in height on the site and has proposed a condition to ensure this.

#### **Parking:**

A contractor's maintenance yard requires one off-street parking space per 2,000 square feet of site area exclusive of parking area with a minimum of four spaces required. The request site includes ±28,000 square feet of site area. Therefore, 14 spaces are required; 84 spaces are provided, as depicted on the proposed development plan.

#### **Landscaping:**

No new development is proposed by this application; therefore, no additional landscaping is required. However, in accordance with PDD No. 498, front yard strip landscaping and sidewalk provisions, as well as Article X site area landscaping, will become applicable to this site if a building permit is granted for certain construction work such as: an increase in the number of stories; an increase in floor area by more than 25 percent or 5,000 square feet, whichever is less, or an increase in nonpermeable coverage by more than 1,000 square feet.



Z134-146(MW)

**Development Standards:**

District	Setbacks		Density/ FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
PDD No. 498	15'	30' adj. to res. Other: No min	2.0 FAR overall 1.0 retail 0.75 lodging/office	200' 15 stories	80%	Proximity Slope Visual Intrusion	Industrial, wholesale distribution and storage, supporting office and retail

**CPC Action: April 17, 2014:**

**Motion:** It was moved to recommend **approval** of the creation of a new tract, subject to a development plan and conditions within Planned Development District No. 498, the Harry Hines Corridor Special Purpose District on the west side of Denton Drive, north of Royal Lane.

Maker: Anantasomboon  
Second: Shidid  
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Culbreath,  
Anantasomboon, Bagley, Lavallaisaa, Tarpley,  
Shellene, Peadon, Murphy, Ridley, Abtahi

Against: 0  
Absent: 1 - Schultz  
Vacancy: 0

**Notices:** Area: 500 Mailed: 41  
**Replies:** For: 0 Against: 1

**Speakers:** None

**Proposed Conditions:**

**ARTICLE 498.**

**PD 498.**

**Harry Hines Corridor Special Purpose District**

**SEC. 51P-498.101. LEGISLATIVE HISTORY.**

PD 498 was established by Ordinance No. 23427, passed by the Dallas City Council on January 28, 1998. Ordinance No. 23427 amended Ordinance No. 19455, Chapter 51A of the Dallas City Code, as amended. Ordinance No. 23427 was amended by Ordinance No. 23862, passed by the Dallas City Council on April 28, 1999; Ordinance No. 24678, passed by the Dallas City Council on August 8, 2001; and Ordinance No. 25391, passed by the Dallas City Council on October 8, 2003.

**SEC. 51P-498.102. PROPERTY LOCATION AND SIZE.**

(a) PD 498 is established on property generally bounded by the Lyndon B. Johnson Freeway (IH 635) on the north, Denton Drive and Gemini Lane on the east, Southwell Road on the south, and Reeder Road on the west. The size of PD 498 is approximately 300 acres.

(b) This district is divided into Tract I, Tract II, and Tract III within Subdistrict 1 as described in the subdistrict property descriptions (Exhibit 498B).

**SEC. 51P-498.103. 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. In this article, WAREHOUSE/RETAIL SALES means a facility for the inside storage and distribution of items with a retail sales component. The following apply to this use:

(1) Except as provided in (2) below, the retail sales area may not exceed 30 percent of the total warehouse/retail sales floor area.

(2) Up to 100 percent of the total warehouse/retail sales floor area of the use may be devoted to retail sales activities during an occasional sale. No more than six occasional sales may be conducted during any 12-month period. Each occasional sale must be limited in duration to no more than three consecutive calendar days.

(c) This district is considered to be a nonresidential zoning district.

**SEC. 51P-103.1 EXHIBITS.**

The following exhibits are incorporated into this article:

- (1) Exhibit 498A: Subdistrict 1, Tract III development plan.
- (2) Exhibit 498B: subdistrict property descriptions.

**~~SEC. 51P-498.104. TRACTS CREATED.~~**

~~Ordinance No. 25391, passed by the Dallas City Council on October 8, 2003, created two tracts in this district: Subdistrict 1, Tract I and Subdistrict 1, Tract II. The tracts are described in Exhibits A and B attached to Ordinance No. 25391.~~

**SEC. 51P-498.104. DEVELOPMENT PLAN.**

(a) For a contractor's maintenance yard in Tract III within Subdistrict 1, use and development of the Property must comply with the development plan (Exhibit 498 A). In the event of a conflict between the provisions of this article and the development plan, the provisions of this article control.

(b) For all other permitted uses in Tract III within Subdistrict 1, Section 51A-4.702(c)(2) through Section 51A-4.702(i), regarding submission of and amendments to a site plan, a development plan, and a landscape plan, do not apply.

**SEC. 51P-498.105. MAIN USES PERMITTED.**

- (a) Agricultural uses.
  - None permitted.
- (b) Commercial and business service uses.
  - Building repair and maintenance shop.
  - Catering service.
  - Custom business services.
  - Custom woodworking, furniture construction, or repair.
  - Electronics service center.
  - Machine or welding shop.
  - Machinery, heavy equipment, or truck sales and service.
  - Technical school.
  - Tool or equipment rental.
  - Vehicle or engine repair or maintenance.

- (c) Industrial uses.
  - Industrial (inside).
  - Industrial (inside) for light manufacturing.
  - Temporary concrete or asphalt batching plant. *[By special authorization of the building official.]*
  - Industrial (outside). *[Limited to a concrete plant in Subdistrict 1, Tract II, by SUP only.]*
- (d) Institutional and community service uses.
  - Adult day care facility. *[SUP]*
  - Child-care facility. *[SUP]*
  - Church.
  - College, university, or seminary.
  - Community service center. *[SUP]*
- (e) Lodging uses.
  - Hotel or motel.
- (f) Miscellaneous uses.
  - Carnival or circus (temporary). *[By special authorization of the building official.]*
  - Temporary construction or sales office.
- (g) Office uses.
  - Financial institution without drive-in window.
  - Financial institution with drive-in window.
  - Medical clinic or ambulatory surgical center.
  - Office.
- (h) Recreation uses.
  - Public park, playground, or golf course.
- (i) Residential uses.
  - None permitted.
- (j) Retail and personal service uses.
  - Auto service center.
  - Commercial amusement (inside). *[SUP required if the use is permitted in a CS Commercial Service District by SUP. See Section 51A-4.210(b)(7)(B).]*
  - Alcoholic beverage establishments. *[SUP]*
  - Dry cleaning or laundry store.
  - Furniture store.

- General merchandise or food store 3,500 square feet or less.
- General merchandise or food store greater than 3,500 square feet.
- Home improvement center, lumber, brick, or building materials sales yard.
- Home improvement center, lumber, brick, or building materials sales yard with outside storage greater than 25 percent. *[Subdistrict 1, Tract I only, and subject to city plan commission approval of a development plan for this use. The development plan may not indicate an outside storage area covering more than 50 percent of the land area within Subdistrict 1, Tract I.]*

- Household equipment and appliance repair.
- Motor vehicle fueling station.
- Nursery, garden shop, or plant sales.
- Pawn shop.
- Personal service uses.
- Restaurant without drive-in or drive-through service.
- Restaurant with drive-in or drive-through service.
- Theater.
- Vehicle display, sales, and service.

(k) Transportation uses.

- Transit passenger shelter.
- Transit passenger station or transfer center. *[DIR]*

(l) Utility and public service uses.

- Electrical substation.
- Local utilities.
- Police or fire station.
- Post office.
- Radio, television, or microwave tower. *[SUP]*
- Tower/antenna for cellular communication.
- Utility or government installation other than listed. *[SUP]*
- Water treatment plant.

(m) Wholesale, distribution, and storage uses.

- Contractor's maintenance yard. *[Subdistrict 1, Tract III only]*
- Mini-warehouse.
- Office showroom/warehouse.
- Outside storage (with visual screening). *[SUP]*
- Trade center.
- Warehouse.
- Warehouse/retail sales.

**SEC. 51P-498.106. 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 contained in Section 51A-4.217.

(b) The following accessory uses are not permitted in this special purpose district:

- Accessory community center (private).
- Accessory pathological waste incinerator.
- Home occupation.
- Private stable.

**SEC. 51P-498.107. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations contained in Division 51A-4.400. In the event of a conflict between this section and Division 51A-4.400, this section controls.)

(a) Front yard. Minimum front yard is 15 feet.

(b) Side and rear yard. Minimum side and rear yard is:

(1) 30 feet where adjacent to or directly across an alley from an R, R(A), D, D(A), THE, THE(A), CH, MF, or MF(A) district; and

(2) no minimum in all other cases.

(c) Floor area ratio. Maximum floor area ratio is:

(1) 0.75 for lodging and office uses;

(2) 1.0 for retail and personal service uses; and

(3) 2.0 for all uses combined.

(d) Maximum height. Maximum structure height is 200 feet.

(e) Stories. Maximum number of stories above grade is 15.

(f) 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.

(g) Lot size. No minimum lot size.

**SEC. 51P-498.108. OFF-STREET PARKING AND LOADING.**

(a) Required off-street parking for a warehouse/retail sales use is one space per 500 square feet of retail floor area, and one space per 1000 square feet of warehouse floor area. If more than 10 off-street parking spaces are required for this use, handicapped parking must be provided pursuant to Section 51A-4.305. Required off-street loading must be provided as follows:

<b><u>SQUARE FEET OF FLOOR AREA IN STRUCTURE</u></b>	<b><u>TOTAL REQUIRED SPACES OR BERTHS</u></b>
<b>0 to 10,000</b>	<b>None</b>
<b>10,000 to 50,000</b>	<b>1</b>
<b>50,000 to 100,000</b>	<b>2</b>
<b>Each additional 100,000 or fraction thereof</b>	<b>1 additional</b>

(b) For all other uses, consult the use regulations contained in Division 51A-4.200 for the specific off-street parking and loading requirements for each use.

**SEC. 51P-498.109. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI. (Ord. Nos. 23427; 26042)

**SEC. 51P-498.110. LANDSCAPING.**

(a) Application.

(1) Front yard strip landscaping and sidewalk provisions become applicable to a lot when application is made for a building permit for construction work that:

(A) increases the number of stories in a building on the building site;

(B) increases by more than 25 percent or 5,000 square feet, whichever is less, the combined floor area of all buildings on the building site; or



(C) increases nonpermeable coverage on the lot by more than 1,000 square feet.

(2) All other landscaping required in this section must be provided pursuant to Section 51A-10.121, "Application of Division."

(b) Front yard strip landscaping. An area consisting of a minimum ten-foot-wide permeable strip of land along the entire length of the front yard (exclusive of driveways), and immediately adjacent to the street right-of-way line, must be landscaped as follows:

(1) One three-inch caliper large tree must be provided for each 30 feet of street frontage, exclusive of driveway frontage, with a minimum of two trees being provided per building site. Trees may be planted closer than 30 feet on-center, but may not be planted within a visibility site triangle.

(2) Existing trees located within the required front yard, which meet the requirements of Subparagraph (1) above, shall count towards fulfillment of the front yard strip landscaping requirements.

(3) In addition, shrubs, a minimum of two feet in height at the time of planting and planted three feet on center, must be placed within the front yard strip landscaping area, but may not be planted within a visibility site triangle.

(4) Front yard strip landscaping requirements may be met within the public street right-of-way if the property owner obtains a parkway landscape permit from the director of public works and transportation or a landscape letter of approval from the Texas Department of Transportation, whichever applies.

(c) Sidewalks. A five-foot-wide concrete sidewalk, located four feet in back of and parallel to the projected or existing street curb, must be placed within the public right-of-way. An existing five-foot-wide concrete sidewalk located within the street right-of-way fulfills this requirement.

(d) Site area landscaping. The remainder of the lot must be landscaped in accordance with the provisions contained in Article X. An automatic irrigation system must be provided.

(e) Protection of landscaped areas. The placement of barrier curbs or wheel stops is required to protect all landscaped areas from vehicular damage.

(f) Completion. All landscaping must be completed in accordance with the provisions contained in Article X and must be maintained in a healthy, growing condition.

**SEC. 51P-498.111. SIGNS.**

(a) Except as provided below, signs must comply with the provisions for business zoning districts contained in Article VII.

(b) Banners, pendants, and non-governmental flags are prohibited.

(c) Non-premise signs are prohibited.

**SEC. 51P-498.112. 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.

(c) A site plan must be submitted and approved in accordance with Section 51A-4.803 before an application is made for a permit for work in this district if the estimated trip generation for all uses on the lot collectively is equal to or greater than 6,000 trips per day and 500 trips per acre per day.

(d) The use regulations for a home improvement center, lumber, brick, or building materials sales yard with outside storage greater than 25 percent are the same as for a home improvement center, lumber, brick, or building materials sales yard except that accessory outside storage may exceed 25 percent of the lot up to a maximum of 50 percent of the land area within Subdistrict 1, Tract I.

(e) For a contractor's maintenance yard use in Subdistrict 1, Tract III, objects may not be stacked higher than 12 feet.

**SEC. 51P-498.113. PAVING.**

All paved areas, permanent drives, streets, and drainage structures, if any, must be constructed in accordance with standard city specifications, and completed to the satisfaction of the director of public works and transportation.

**SEC. 51P-498.114. COMPLIANCE WITH CONDITIONS.**

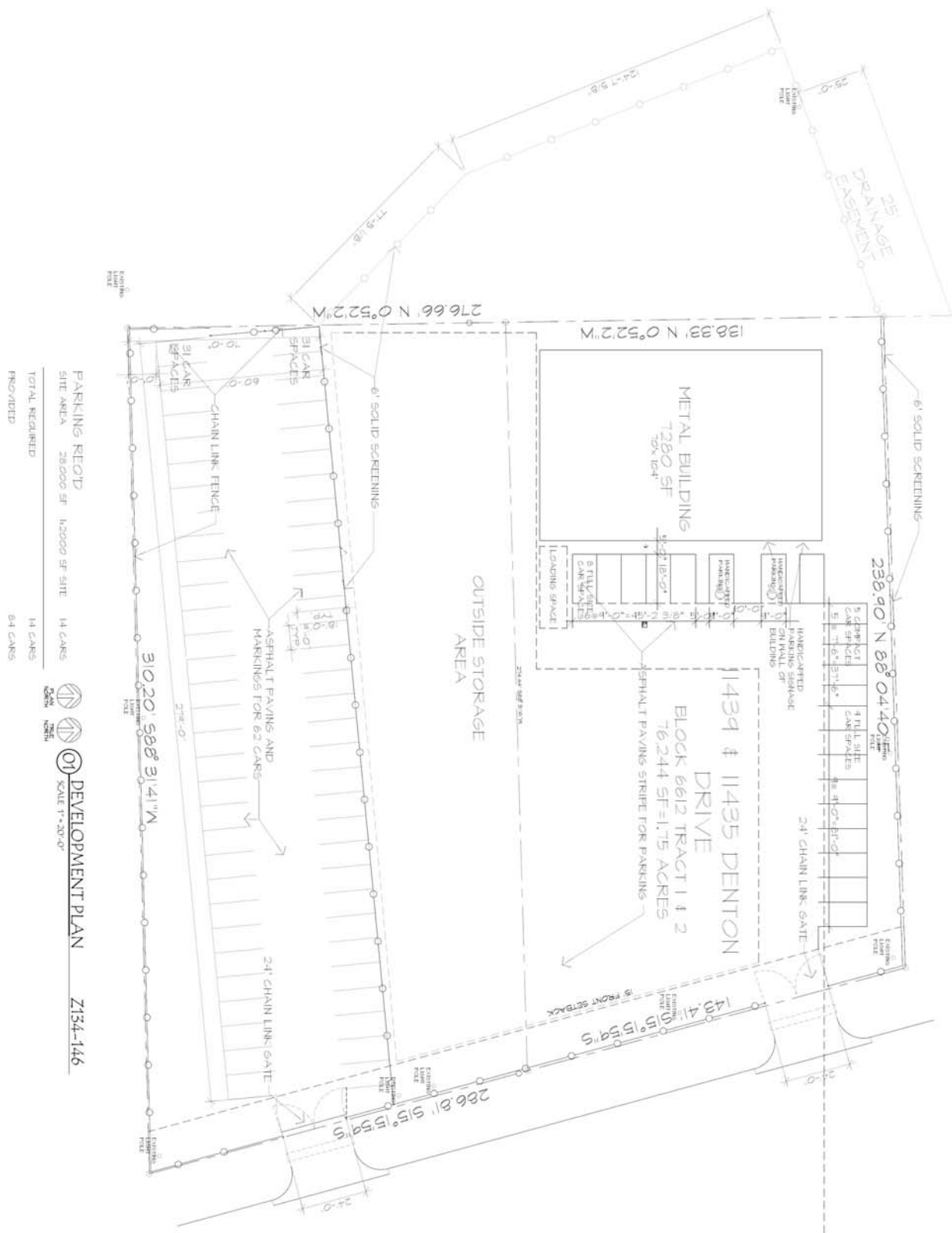
Z134-146(MW)

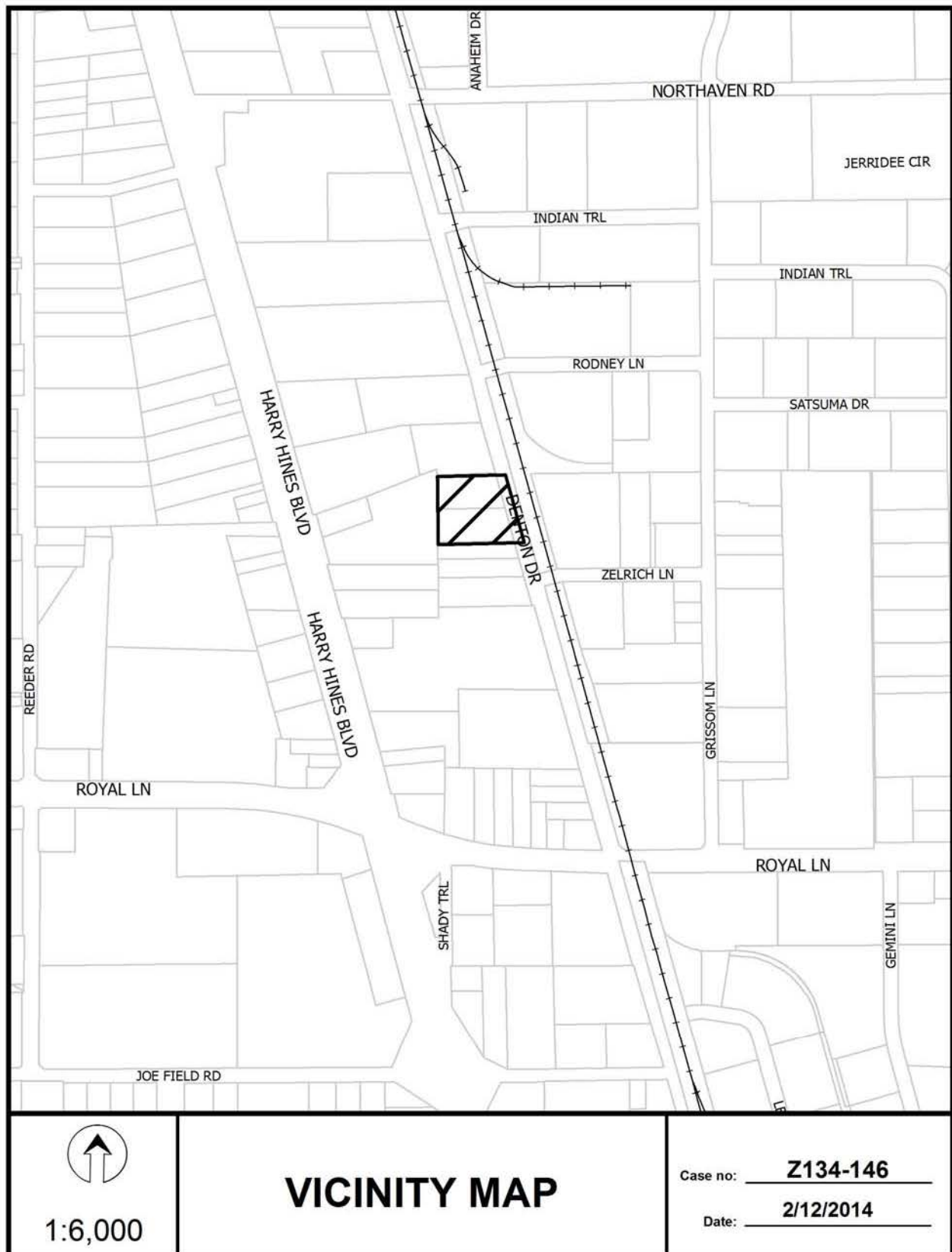
The building official shall not issue a building permit or certificate of occupancy for a use in this PD until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

**~~SEC. 51P-498.115. ZONING MAP.~~**

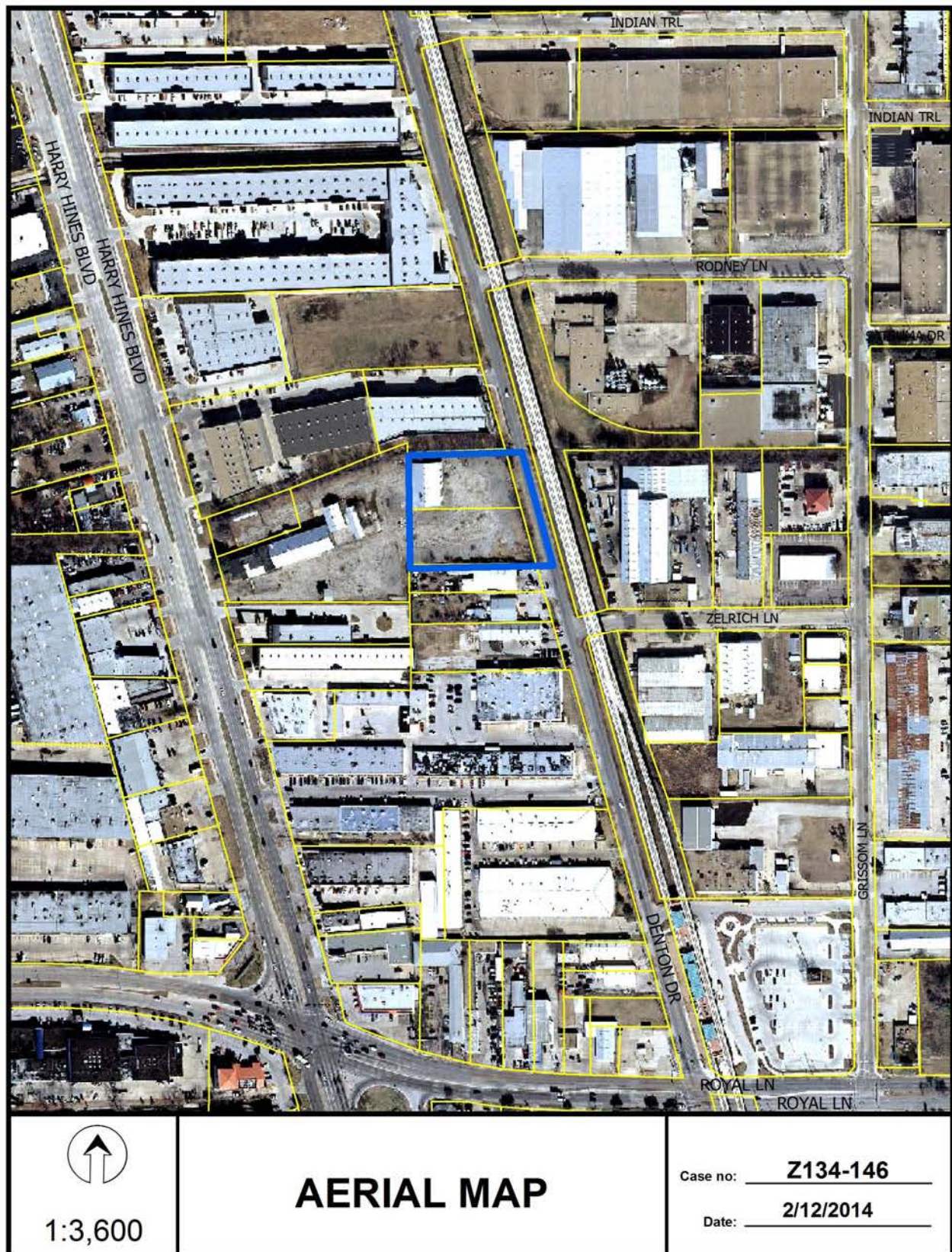
~~PD 498 is located on Zoning Map No. E-5.~~

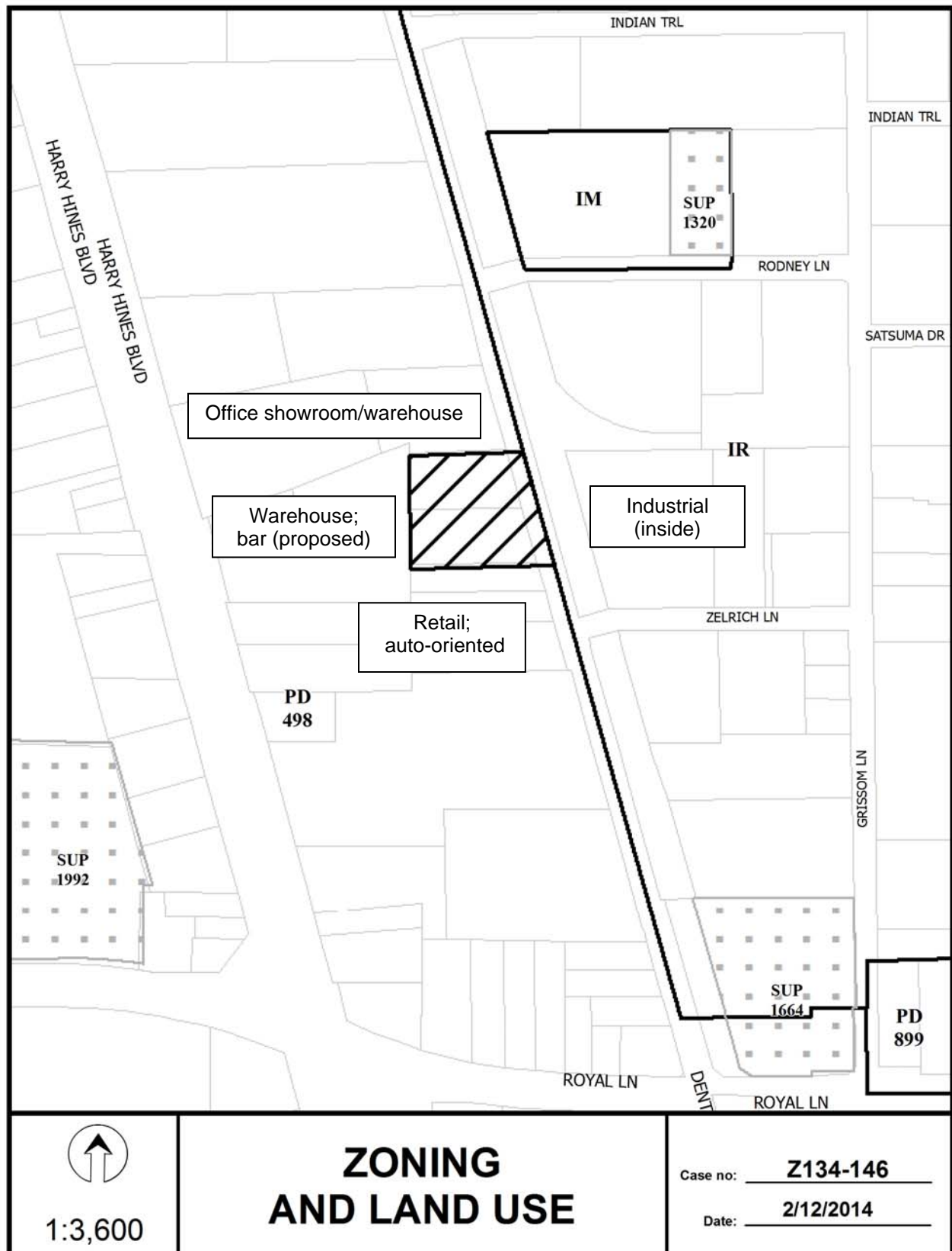
## Proposed Development Plan



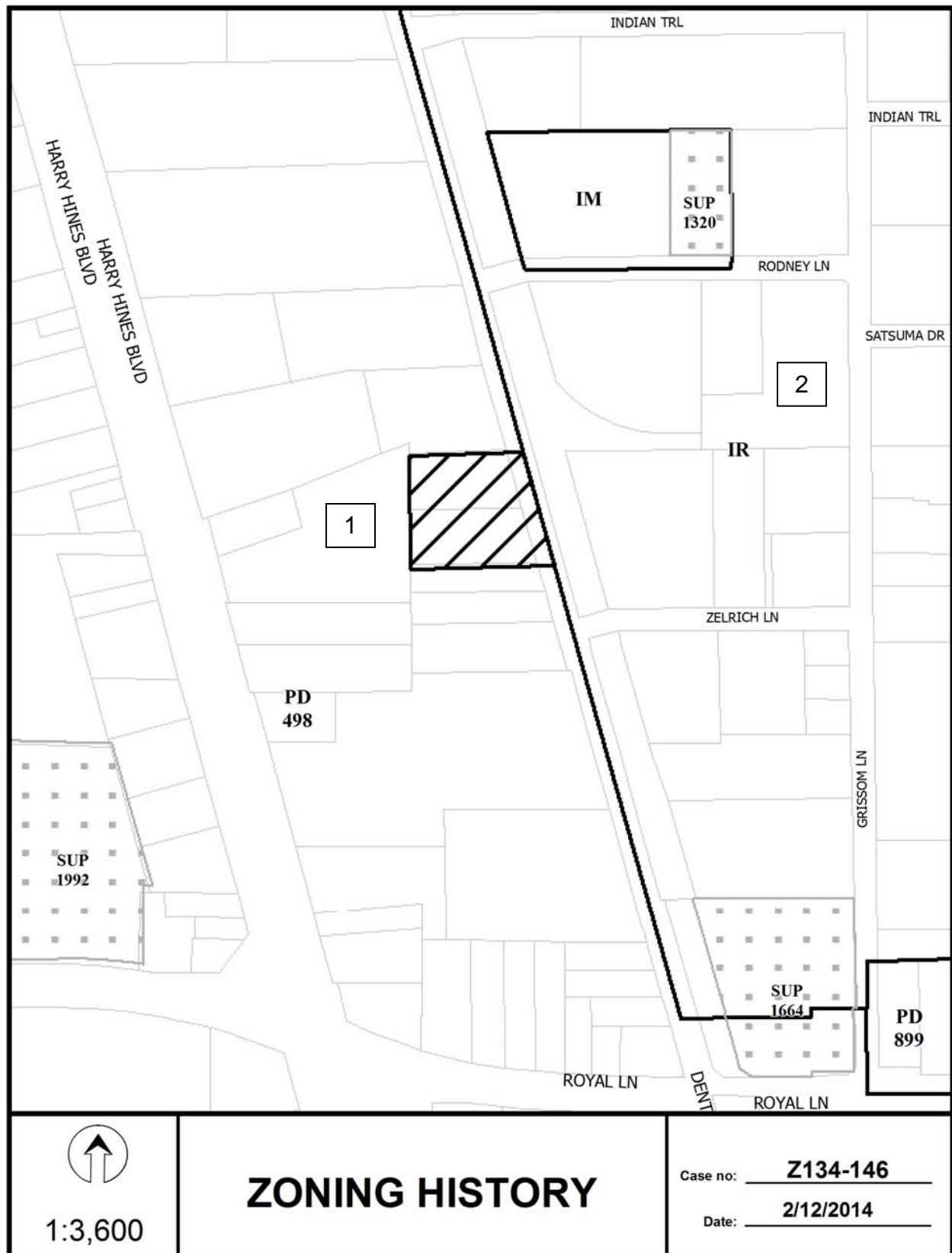






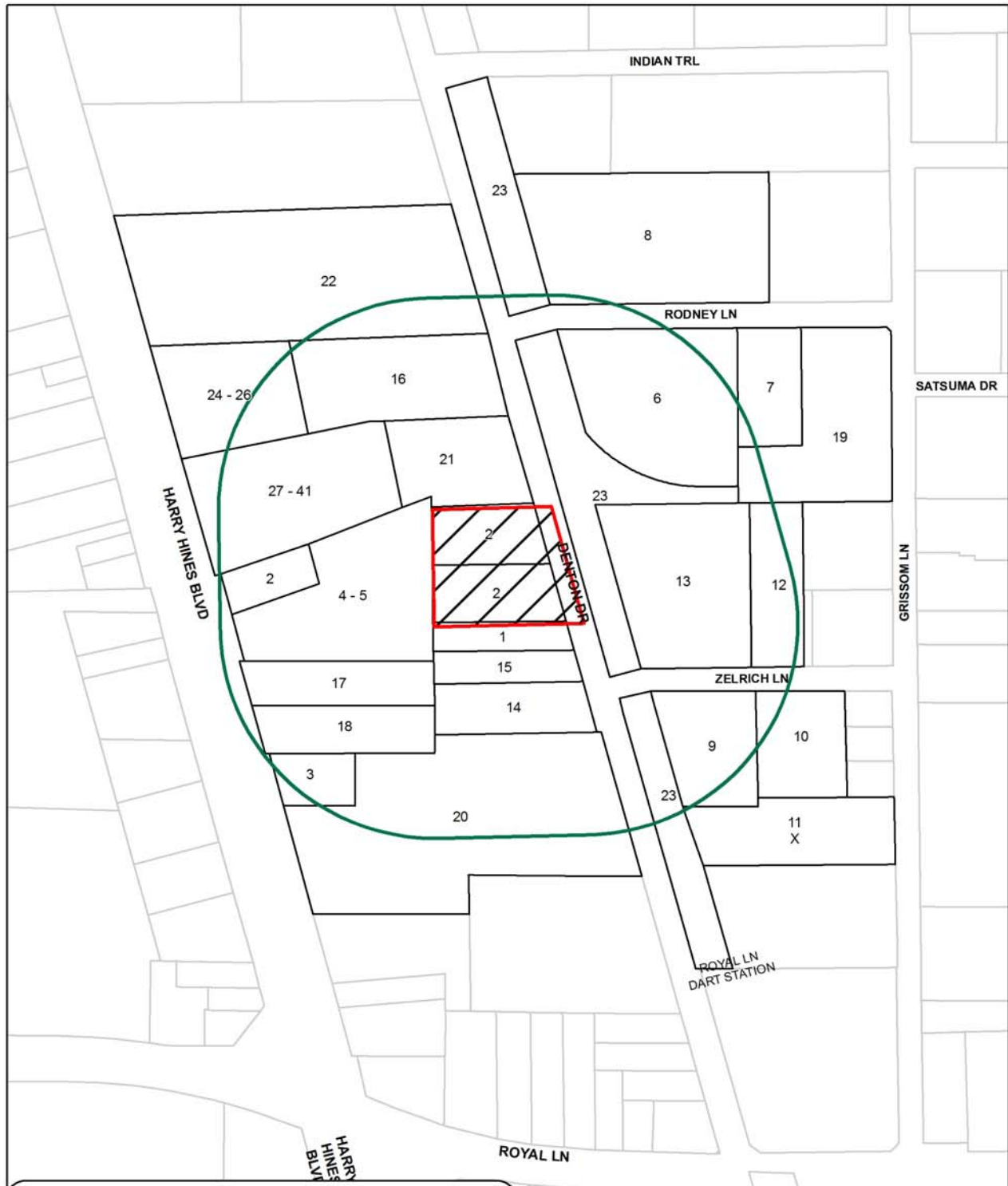








**CPC Responses**



<u>41</u>	Property Owners Notified (28 parcels)
<u>0</u>	Replies in Favor (0 parcels)
<u>1</u>	Replies in Opposition (1 parcels)
<u>500'</u>	Area of Notification
<u>4/17/2014</u>	Date

**Z134-146**  
**CPC**



1:3,600

4/17/2014

***Reply List of Property Owners******Z134-146******41 Property Owners Notified   0 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	11425 DENTON DR	LEE YOUNG KOO & MYONG S
	2	11480 HARRY HINES BLVD	BARBERANS LLC
	3	11444 HARRY HINES BLVD	TENNINGTON INVESTMENTS LLC
	4	11476 HARRY HINES BLVD	BARBERANS LLC
	5	11476 HARRY HINES BLVD	BARBERANS LLC
	6	11444 DENTON DR	BRIN JOHN M
	7	2624 RODNEY LN	KEANE MAURICE & JOAN
	8	2605 RODNEY LN	WILBERT FAMILY LP
	9	11418 DENTON DR	JAMES JEROME TR
	10	2626 ZELRICH LN	MCDERMOTT ASSOCIATES INC
X	11	10929 GRISSOM LN	SIXTY EIGHTH LLC
	12	2625 ZELRICH LN	E INVESTMENTS
	13	11430 DENTON DR	JAMES JEROME
	14	11421 DENTON DR	SUNJAY INVESTMENT
	15	11423 DENTON DR	LEE YOUNG KOO &
	16	11526 HARRY HINES BLVD	MY Y LTD PS
	17	11464 HARRY HINES BLVD	NEAL MEHTA LP
	18	11456 HARRY HINES BLVD	KRISRAM INVESTMENTS INC
	19	2646 RODNEY LN	MAGNOLIA CHEMICAL CO
	20	11422 HARRY HINES BLVD	SHIN CHON DEV CORP
	21	11449 DENTON DR	KIMAYA INITIATIVE CORP
	22	11528 HARRY HINES BLVD	SCH TRIDENT LTD
	23	401 BUCKNER BLVD	DART
	24	11526 HARRY HINES BLVD	MY Y LTD PS
	25	11526 HARRY HINES BLVD	FRAGRANCE WORLD INC
	26	11526 HARRY HINES BLVD	MY Y LIMITED PARTNERSHIP

4/17/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	11500	HARRY HINES BLVD	SHARMA UTPAL
28	11500	HARRY HINES BLVD	CHEN SHIRLEY
29	11500	HARRY HINES BLVD	AEM ENTERPRISES LLC
30	11500	HARRY HINES BLVD	AJAZ LLC
31	11500	HARRY HINES BLVD	ILA INC
32	11500	HARRY HINES BLVD	RAFIZADEH ARDALAN
33	11500	HARRY HINES BLVD	RYU SUN JA
34	11500	HARRY HINES BLVD	ELEGANT INVESTMENT GROUP INC
35	11500	HARRY HINES BLVD	WEDDING LINENS INC
36	11500	HARRY HINES BLVD	DHOKA PRAKASH & KAMLA
37	11500	HARRY HINES BLVD	SSMD PPTIES LLC
38	11500	HARRY HINES BLVD	A J LEATHER INC
39	11500	HARRY HINES BLVD	KAMPSCHROEDER JOHN C &
40	11500	HARRY HINES BLVD	BATRA DALJIT &
41	11500	HARRY HINES BLVD	LIU JIAN &

**AGENDA ITEM # 42**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 14

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 35 R

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue

Recommendation of Staff: Denial

Recommendation of CPC: Approval, subject to a development plan and conditions  
Z123-193(WE)



**ACM: Theresa O'Donnell****FILE NUMBER:** Z123-193(WE) **DATE FILED:** February 7, 2013**LOCATION:** West line of Cole Avenue, north of Hester Avenue**COUNCIL DISTRICT:** 14 **MAPSCO:** 35-R**SIZE OF REQUEST:** Approx. 2.39 acres **CENSUS TRACT:** 7.02

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**APPLICANT / OWNER:** Travis Cole 2012 Apartments, LP**REPRESENTATIVE:** Dallas Cothrum  
MASTERPLAN**REQUEST:** An application for a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District.**SUMMARY:** The request site is currently zoned for MF-2 Multiple Family Subdistrict uses and could be developed with multiple family uses; however, due to certain limitations to the MF-2 development standards, the applicant requests a Planned Development Subdistrict to increase the density from 78-units to 258 units and to increase the maximum structure height from 31 feet to 84 feet.**CPC RECOMMENDATION:** Approval, subject to a development plan and conditions**STAFF RECOMMENDATION:** Denial**DESIGNATED ZONING CASE**

### **GUIDING CRITERIA FOR RECOMMENDATION:**

Staff recommends approval based upon:

1. *Performance impacts upon surrounding property* – The proposed increase in height and density is not compatible with the surrounding neighborhood because the scale of the proposed development is not consistent with the surrounding development.
2. *Traffic impact* – The Engineering Section of the Department of Sustainable Development and Construction has determined that the increased density will not have a detrimental impact upon the surrounding street system.
3. *Comprehensive Plan or Area Plan Conformance* – The proposed request is not in compliance with the forwardDallas! Comprehensive Plan. The proposed mid-rise development is not consistent with the surrounding development pattern. The existing development consists of low-rise multifamily developments.
4. *Justification for PDS Planned Development Subdistrict Zoning as opposed to a straight zoning district* – A straight zoning district to allow the desired density would allow less restrictive setbacks. Therefore, the applicant submitted this rezoning request as a PDS to restrict some of the zoning entitlements that straight zoning would permit.
5. Staff could support a less dense development with a decreased building height that is consistent with the adjacent multiple family and office uses. In addition, the applicant is requesting to include the private license agreement in the conditions. The private license is a process that is separate from zoning and cannot be approved as part of this request.

### **BACKGROUND INFORMATION:**

- The applicant's request for a Planned Development Subdistrict will allow for a portion of the city block on Cole Avenue to be redeveloped with luxury apartments. The applicant proposes to demolish the existing 78-unit multiple family development and construct a 258-unit multifamily development that will have an interior parking structure and fitness center.
- The two office buildings that are adjacent to the request site have deed restrictions limiting the maximum structure height to 36 feet. There is an additional requirement in the deed restrictions that affects the office building abutting the request site that indicates, "a masonry screening wall six (6) feet in height shall be constructed and maintained along the south line of lot 2".

**Zoning History:** There were three zoning requests and two Board of Adjustment requests in the area.

1. **Z812-242** On August 11, 1982, the City Council approved an O-2 Office District with deed restrictions volunteered by the applicant on property zoned an MF-2 Multiple Family District.
2. **Z812-293** On October 20, 1982, City Council approved an O-2 Office District with deed restrictions volunteered by the applicant on property zoned an MF-2 Multiple Family District.
3. **BDA989-240** On August 17, 1999, the Board of Adjustment granted a variance to the off-street parking regulations of eight (8) spaces.
4. **BDA989-241** On August 17, 1999, the Board of Adjustment granted a variance to the off-street parking regulations of eleven (11) spaces.
5. **Z045-141** On June 22, 2005, the City Council recommended denial of a Planned Development Subdistrict for MF-3 Multiple Family Subdistrict uses on property zoned an MF-2 Multiple Family Subdistrict, within PD No. 193, the Oak Lawn Special Purpose District, on the West line of Cole Avenue, between Hester Avenue and Monticello Avenue (request site).

**Thoroughfares/Streets:**

Thoroughfare/Street	Type	Existing ROW	Proposed ROW
Cole Avenue	Local Street	50 ft.	50 ft.

**Land Use:**

	Zoning w/in PD No. 193	Land Use
<b>Site</b>	MF-2 Subdistrict	Low rise apartments
<b>North</b>	O-2 w/Deed Restrictions	Office
<b>South</b>	MF-2 Subdistrict	Low rise apartments
<b>East</b>	MF-2 Subdistrict	Low rise apartments
<b>West</b>	City of Highland Park	Katy Trail and 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 being within an Urban Neighborhood Building Block.

Urban Neighborhoods, including Oak Lawn, the Grand Avenue area in South Dallas, the area near Jefferson Boulevard and the Vickery Meadow area, are predominately residential but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single-family detached dwellings, townhomes and low- to midrise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residences. These areas may have mixed-use buildings with ground floor shops. Areas currently developed with single-family or duplex uses should generally be maintained unless redevelopment is addressed through an Area Planning process. Urban Neighborhood streets will be very pedestrian friendly, providing excellent connectivity to shopping, schools and other community services. Emphasis should be placed on slowing traffic through use of on-street parking and other similar traffic calming measures. Public investments in these areas will focus on parks, pathways, transit stops, pedestrian-oriented landscaping and road improvements.

The proposed request is not in compliance with the forwardDallas! Comprehensive Plan. The proposed mid-rise development is not consistent with the surrounding development pattern. The existing development consists of low-rise multifamily developments.

**Area Plans:**

The Oak Lawn Special Purpose District and the Oak Lawn Plan include the following objectives:

- (1) To achieve buildings more urban in form.
- (2) To promote and protect an attractive street level pedestrian environment with continuous street frontage activities in retail areas.
- (3) To encourage the placement of off-street parking underground or within buildings similar in appearance to non-parking buildings.
- (4) To promote development appropriate to the character of nearby neighborhood uses by imposing standards sensitive to scale and adjacency issues.
- (5) To use existing zoned development densities as a base from which to plan, while providing bonuses to encourage residential development in commercial areas.

(6) To discourage variances or zoning changes which would erode the quantity or quality of single-family neighborhoods, or would fail to adhere to the standards for multiple-family neighborhoods and commercial areas.

(7) To promote landscape/streetscape quality and appearance.

The applicant's request for a PDS for a multiple family development meets objective 1 and 3.

## **STAFF ANALYSIS:**

**Land Use Compatibility:** The 2.39 acre site is developed with multifamily uses. The area's physical character consists primarily of multifamily and offices uses. The building heights that are contiguous to the request site are limited to a height of 36 feet. The Katy Trail is located northwest of the request site that delineates the city limits between the City of Dallas and the City of Highland Park.

The applicant's request for a Planned Development Subdistrict is to redevelop a portion of the city block on Cole Avenue to accommodate luxury apartments. The applicant proposes to raze the existing multiple family development and construct a 258 multifamily unit development that will have an interior parking structure and fitness center. The attached development plan shows that the proposed building height would not exceed 84 feet in height with an exception of certain uses that can project an additional 12 feet above the structures height. (see applicant's conditions for the type specific uses that may extended beyond 84 feet). In addition, the development will have several height zones along the west portion of the development, which is adjacent to the Katy Trail, as the structure height increases over 31 feet. By providing additional urban form setbacks along the Katy Trail, the applicant is trying to avoid creating a canyon effect along a portion of the Trail.

The current MF-2 Multiple Family Subdistrict allows the property to be used for medium density apartment development as well as more restrictive uses such as townhouses, duplexes, and single family dwellings. The MF-2 Multiple Family Subdistrict permits a maximum structure height of 36 feet.

Staff is concerned that the proposed density as well as the proposed height is not conducive or compatible to the surrounding uses. The adjacent multiple family uses and office uses are limited to a maximum building height of 36 feet.

## **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>					
Planned Development District No. 193 MF-2 Subdistrict	15'	10'15'	Min lot 2,000 sq. ft. 800 sq ft – E 1,000 sq. ft – 1 BR 1,200 sq ft – 2 BR +150 sq ft each add BR	36'	60%		Multifamily, duplex, single family
Proposed PDS (Multiple Family)	20'	15'/20'	258 units	89' 8 stories	80%		Multiple Family

**Landscaping:** Landscaping of any development will be in accordance with Part I landscaping requirements in PDD No. 193, the Oak Lawn Special Purpose District.

**Traffic:** The Engineering Section of the Department of Development Services has reviewed the request and determined that the increase in density will not have a detrimental impact upon the surrounding street system.

**Miscellaneous – Conditions:** Staff has reviewed and cannot support the applicant's conditions. The proposed development will not be compatible in scale with the surrounding development. The surrounding area is developed with low density multiple family uses with a maximum height of 36 feet. In addition, staff cannot support the applicant inserting the private license agreement for landscaping in the Planned Development conditions. Staff no longer includes the language into the PD conditions.

**CPC Action** (December 19, 2013)

**Motion:** In considering an application for a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue, it was moved to **hold** this case under advisement until January 23, 2014.

Maker: Ridley  
Second: Shidid  
Result: Carried: 14 to 0

For: 14 - Anglin, Soto, Rodgers, Shidid, Hinojosa,  
Bagley, Lavallaisaa, Tarpley, Shellene, Bernbaum,  
Peadon, Murphy, Ridley, Alcantar

Against: 0  
Absent: 1 - Culbreath  
Vacancy: 0

**Notices:** Area: 500 Mailed: 166  
**Replies:** For: 2 Against: 21

**Speakers:** For (Did not speak): Dallas Cothrum, 900 Jackson St., Dallas, TX, 75202  
Against (Did not speak): Adam Herring, 4813 Abbott Ave., Dallas, TX, 75205  
Ken Elmgren, 4806 Abbott Ave., Dallas, TX, 75205  
Belinda Elmgren, 4806 Abbott Ave., Dallas, TX, 75205  
Alexis McCrossen, 4813 Abbott Ave., Dallas, TX, 75205  
Lori Watkins, 5016 Abbott Ave., Dallas, TX, 75205  
Pat Snoots, 3300 Armstrong Ave., Dallas, TX, 75205

Joe Williams, 2700 Fairmount St., Dallas, TX, 75201

**CPC Action** (January 23, 2014)

**Motion:** In considering an application for a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue; it was moved to **hold** this case under advisement until March 20, 2014.

Maker: Ridley  
Second: Bernbaum  
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: 500 Mailed: 166  
**Replies:** For: 2 Against: 21

**Speakers:** None

**CPC Action** (March 20, 2014)

**Motion:** In considering an application for a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue; it was moved to **hold** this case under advisement until May 8, 2014.

Maker: Ridley  
Second: Shidid  
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

\*out of the room, shown voting in favor

**Notices:** Area: 500 Mailed: 166  
**Replies:** For: 2 Against: 21

**Speakers:** For: None  
Against: P. Michael Jung, 4400 Bank of America Plaza, Dallas,  
TX, 75202

**CPC Action** (May 8, 2014)

**Motion:** It was moved to recommend **approval** of a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue.

Maker: Ridley  
Second: Shidid  
Result: Carried: 12 to 1

For: 12 - Soto, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Tarpley, Shellene,  
Peadon, Murphy, Ridley, Abtahi

Against: 1 - Schultz  
Absent: 2 - Anglin, Lavallaisaa  
Vacancy: 0

**Notices:** Area: 500 Mailed: 166  
**Replies:** For: 38 Against: 21

**Speakers:** For: Jerry Jackson, 5510 Merrimac Ave., Dallas, TX, 75206  
Michael Monsalve, 4608 Abbott Ave., Highland Park, TX, 75205  
Robert Harrell, 4805 McKinney Ave., Dallas, TX, 75205  
Jennifer Scripps, 5615 Merrimac Ave., Dallas, TX, 75206  
Frank Stich, 4228 N. Hall St., Dallas, TX, 75219  
Brenda Marks, 3925 Gilbert Ave., Dallas, TX, 75219  
Ronald Weisfeld, 3409 St. Johns Dr., Highland Park TX, 75205  
For (Did not speak): Suzan Kedron, 901 Main St., Dallas, TX, 75202

Taylor Boyd, 4043 Travis St., Dallas, TX, 75204  
Against: Ewing Moseley, 4719 Cole Ave., Dallas, TX, 75205  
Ken Elmgren, 4806 Abbott Ave., Dallas, TX, 75205  
Joe Williams, 2700 Fairmount St., Dallas, TX, 75201  
Wayne Smith, 927 Liberty St., Dallas, TX, 75204  
Lori Watkins, 5016 Abbott Ave., Dallas, TX, 75205  
Michael Jung, 4400 Bank of America Plaza, Dallas, TX, 75214  
Joel Williams, 4323 Lorraine Ave., Dallas, TX, 75205  
Christopher McGuire, 4807 Abbott Ave., Dallas, TX, 75205

<p><b>LIST OF OFFICERS</b> Travis Cole 2012 Apartments, LP</p>
--

- R. P. Otto Maly
- Mike Decker
- Leon Backers

**CPC PROPOSED PDS  
CONDITIONS**

**“ARTICLE**

**PD**

**SEC. S-\_\_\_\_.101.                   LEGISLATIVE HISTORY.**

PD Subdistrict was established by Ordinance No., passed by the Dallas City Council on \_\_\_\_\_, 2014.

**SEC. S-\_\_\_\_.102.                   PROPERTY LOCATION AND SIZE.**

PD Subdistrict \_\_\_\_is established on property located along Cole Avenue south of Monticello Avenue, east of the Katy Trail and north of Hester Avenue. The size of PD Subdistrict \_\_\_\_is approximately 2.39 acres.

**SEC. S-\_\_\_\_.103.                   DEFINITIONS AND INTERPRETATIONS.**

(a) Unless otherwise stated, the definitions and interpretations in Chapter 51 and in Part I of this article apply to this division. In the event of a conflict, this division controls. In the event of a conflict between Chapter 51 and Part I of this article, Part I of this article controls.

(b) In this division:

(1) BLADE SIGN means a sign projecting perpendicularly from a main building façade and is visible from both sides.

(2) KATY TRAIL LANDSCAPE ZONE means the area between the western property line and the Katy Trail public park hike and bike trail.

(3) PARKWAY means that portion of a street right-of-way between the projected street curb and the lot line of the property

(4) STOOP means a small porch leading to the entrance of a residence.

(5) TANDEM PARKING means one parking space in front of another parking space, making it necessary to pass through one parking space to gain vehicular access to the other parking space from a street, alley, or driveway.

(c) Unless otherwise stated, all references to articles, divisions, or sections in this division are to articles, divisions, or sections in Chapter 51.



- (d) This subdistrict is considered to be a residential zoning district.

**SEC. S- \_\_\_\_ .104. EXHIBIT.**

The following exhibit is incorporated into this division: Exhibit \_\_\_\_A: development plan.

**SEC. S- \_\_\_\_ .105. DEVELOPMENT PLAN**

Development and use of the Property must comply with the Development Plan (Exhibit \_\_) before the issuance of any building permit to authorize work on the Property. Development Plans may be submitted in phases. If there is a conflict between the text of this article and the approved development plan, the text of this section controls.

**SEC. S- \_\_\_\_ .106. MAIN USES PERMITTED.**

The only main uses permitted in this subdistrict are those main uses permitted in the MF-2 Multiple Family 2 Subdistrict, subject to the same conditions applicable in the Multiple Family 2 Subdistrict, as set out in Part I of this article. For example, a use permitted in the Multiple Family 2 Subdistrict only by specific use permit (SUP) is permitted in this subdistrict only by SUP; a use subject to development impact review (DIR) in the Multiple Family 2 Subdistrict Subdistrict is subject to DIR in this subdistrict; etc.

**SEC. S- \_\_\_\_ .107. ACCESSORY USES.**

(a) As a general rule, an accessory use is permitted in any subdistrict in which the main use is permitted. Some specific types of accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51P-193.108. For more information regarding accessory uses, consult Section 51P-193.108.

- (b) In this subdistrict, the following accessory uses are permitted.

- Amateur communication tower
- Open storage
- Private stable

c) In this subdistrict, the following accessory uses are permitted accessory to a single family, duplex, and a multiple family use, provided that these accessory uses are primarily for the use of the occupants of the building, are contained entirely within the main building housing the multiple family use and connected parking garage, and have no exterior signage or advertising.

-- Community center (private), specifically including but not limited to such amenities as health studio areas, wine storage areas, hot tubs, pools, steam

rooms, poolside refreshment areas, offices (e.g. business centers, internet cafes, etc) theaters, pool tables, meeting rooms, demonstration/party kitchens or similar facilities.

## **SEC. S-108. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Part I of this article. In the event of a conflict between this section and Part I of this article, this section controls.)

(a) Front yard. Minimum front yard is 15 feet.

(b) Side and rear yard. Minimum side yard is 15 feet. Minimum rear yard is 25 feet where adjacent to the Katy Trail

Height. Except as provided in this subparagraph, the maximum structure height is 84 feet.

(1) Height Zones: Rear yard.

(a) For structures located between 25 feet and 43 feet, the maximum height is 31 feet

(b) For structures located greater than 43 feet and less than 64 feet, the maximum structure height is 74 feet

(c) For structures located greater than 64 feet, the maximum structure height is 84 feet.

(2) There is no minimum setback for structures other than buildings. Canopies, balconies, stoops, bay windows, swings, fences, retaining walls, building projections, street furniture, planting bins, pergolas, cabanas, stairs, and outdoor amenities may extend into a setback provided that a minimum horizontal sidewalk clearance of six feet and a minimum vertical clearance for any building projections of 10 feet are maintained.

(d) Residential proximity slope. Chimneys, parapet walls, mechanicals, railings, elevator overruns, or other mechanical equipment may project through the slope to a height not to exceed the maximum structure height, or 12 feet above the slope.

(e) Lot Coverage. Maximum lot coverage is 80 percent. Aboveground parking structures are included in lot coverage calculations; however, if the top of a parking garage is an interior courtyard that is landscaped with a minimum of 60 percent water features, living plant materials, or hardscape features, and such garage does not exceed 20 feet above ground level, it does not count towards coverage. Surface parking lots and underground structures are not included in lot coverage calculations.

(f) Density. Maximum number of dwelling units is 258.

(g) Urban form. No urban form setback is required. No tower spacing is required.

(h) Lot size. No minimum lot size.

(i) Stories. No minimum numbers of stories or levels.

**SEC. S-\_\_\_\_.109. OFF-STREET PARKING AND LOADING.**

(a) In general. Except as provided in this section, consult the off-street parking and loading regulations of PD 193 for information regarding off-street parking and loading generally with the following exceptions:

(b) Multiple family uses. No parking for an accessory community center (private) use in conjunction with a multiple family use is required. For multiple family uses, a total of 1.5 spaces per unit is required.

(c) The use of tandem parking is allowed for residential uses only.

**SEC. S-\_\_\_\_.110. ENVIRONMENTAL PERFORMANCE STANDARDS.**

See Article VI, "Environmental Performance Standards."

**SEC. S-\_\_\_\_.111. DESIGN STANDARDS**

(a) The exterior facade walls must be comprised of 80 percent glass block or masonry. Masonry includes, but is not limited to, stone, brick, concrete, hollow clay tile, cementitious fiber siding, decorative concrete blocks or tile, glass block, other similar building materials, or a combination of those materials. For purposes of this provision, stucco is considered masonry but Exterior Finish Insulations System (EFIS) materials are not. Textured painted tilt wall may be used on no more than 20 percent of the area of the facade walls.

**SEC. S-\_\_\_\_.112. LANDSCAPING.**

(a) In general. Landscaping and screening must be provided in accordance with Part 1 of this article.

(b) Installation date. Landscaping must be installed within six months after the issuance of a certificate of occupancy.

(c) Sidewalks. Sidewalks along Cole Avenue must have a minimum width of six feet, and a minimum unobstructed width of four feet.

(d) Special landscape and open space provisions.

(1) Tree grates. Any tree within 18 inches of a curb must be protected by a tree grate.

CPC's Recommendation

~~(e) Katy Trail Landscape Zone. Landscaping in the area between the western property line and the Katy Trail must be consistent with the planting plan of the City of Dallas Park and Recreation plan for the trail and approved by the Director of Park and Recreation and subject to the safety requirements of the franchise or public utility.]~~

Applicant's Proposal

(e) Katy Trail Landscape Zone. Landscaping in the area between the western property line and the Katy Trail must be consistent with the planting plan of the City of Dallas Park and Recreation plan for the trail and approved by the Director of Park and Recreation and subject to the safety requirements of the franchise or public utility.

CPC's Recommendation

(a) [Private License granted.]

~~(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the landscaping requirements of this subsection. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of to the director of public works and transportation.~~

~~(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this paragraph.~~

~~(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an insurance company authorized to do business in the State of Texas and otherwise~~

~~acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this paragraph, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.~~

~~(4) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this paragraph does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.]~~

#### *Applicant's Proposal*

##### (a) Private License granted.

(1) The city council hereby grants a revocable, non-exclusive license to the owners or tenants (with the written consent of the owner) of all property in this district for the exclusive purpose of authorizing compliance with the landscaping requirements of this subsection. An owner or tenant is not required to pay an initial or annual fee for this license, although a fee may be charged for issuance of a landscape permit. This private license will not terminate at the end of any specific period, however, the city council reserves the right to terminate this license at will, by resolution passed by the city council, any time such termination becomes necessary. The determination by the city council of the need for termination is final and binding. The city shall become entitled to possession of the licensed area without giving any notice and without the necessity of legal proceedings to obtain possession when, in its judgment, the purpose or use of the license is inconsistent with the public use of the right-of-way or when the purpose or use of the license is likely to become a nuisance or a threat to public safety. Upon termination of the license by the city council, each owner or tenant shall remove all improvements and installations in the public rights-of-way to the satisfaction of to the director of public works and transportation.

(2) An owner or tenant is not required to comply with any landscaping requirement to the extent that compliance is made impossible due to the city council's revocation of the private license granted by this paragraph.

(3) Upon the installation of landscaping and related amenities, such as irrigation systems, in the public rights-of-way, the owner or tenant shall procure, pay for, and keep in full force and effect commercial general liability insurance coverage with an

insurance company authorized to do business in the State of Texas and otherwise acceptable to the city, covering, but not limited to, the liability assumed under the private license granted under this paragraph, with combined single limits of liability for bodily injury and property damage of not less than \$1,000,000 for each occurrence, and \$2,000,000 annual aggregate. Coverage under this liability policy must be on an occurrence basis and the city shall be named as additional insured. Proof of such insurance must be sent to: Office of Risk Management, City of Dallas, 1500 Marilla, Dallas, Texas 75201, and the policy must provide for 30 days prior written notice to the Office of Risk Management of cancellation, expiration, non-renewal, or material change in coverage. All subrogation rights for loss or damage against the city are hereby waived to the extent that they are covered by this liability insurance policy.

(4) Each owner or tenant is responsible for maintaining the landscaping in a healthy, growing condition, for keeping related amenities in good repair and condition, and for keeping the premises safe and from deteriorating in value or condition, at no expense to the city. The city is absolutely exempt from any requirements to make repairs or to maintain the landscaping, related amenities, or the premises. The granting of a license for landscaping and related amenities under this paragraph does not release the owner or tenant from liability for the installation or maintenance of trees, landscaping, and related amenities in the public right-of-way.

**SEC. S-\_\_\_\_.113.                      SIGNS.**

(a) Except as provided in this section, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) For multiple family uses, one additional premise sign is permitted as a blade sign. The effective area for the blade sign may not exceed 68 square feet for each side. Blade signs must be attached to a main structure and may not be internally illuminated.

(c) Signs may extend into a required yard a maximum of five feet.

**SEC. S-\_\_\_\_.114.                      ADDITIONAL PROVISIONS.**

(a) The entire Property must be properly maintained in a state of good repair and neat appearance.

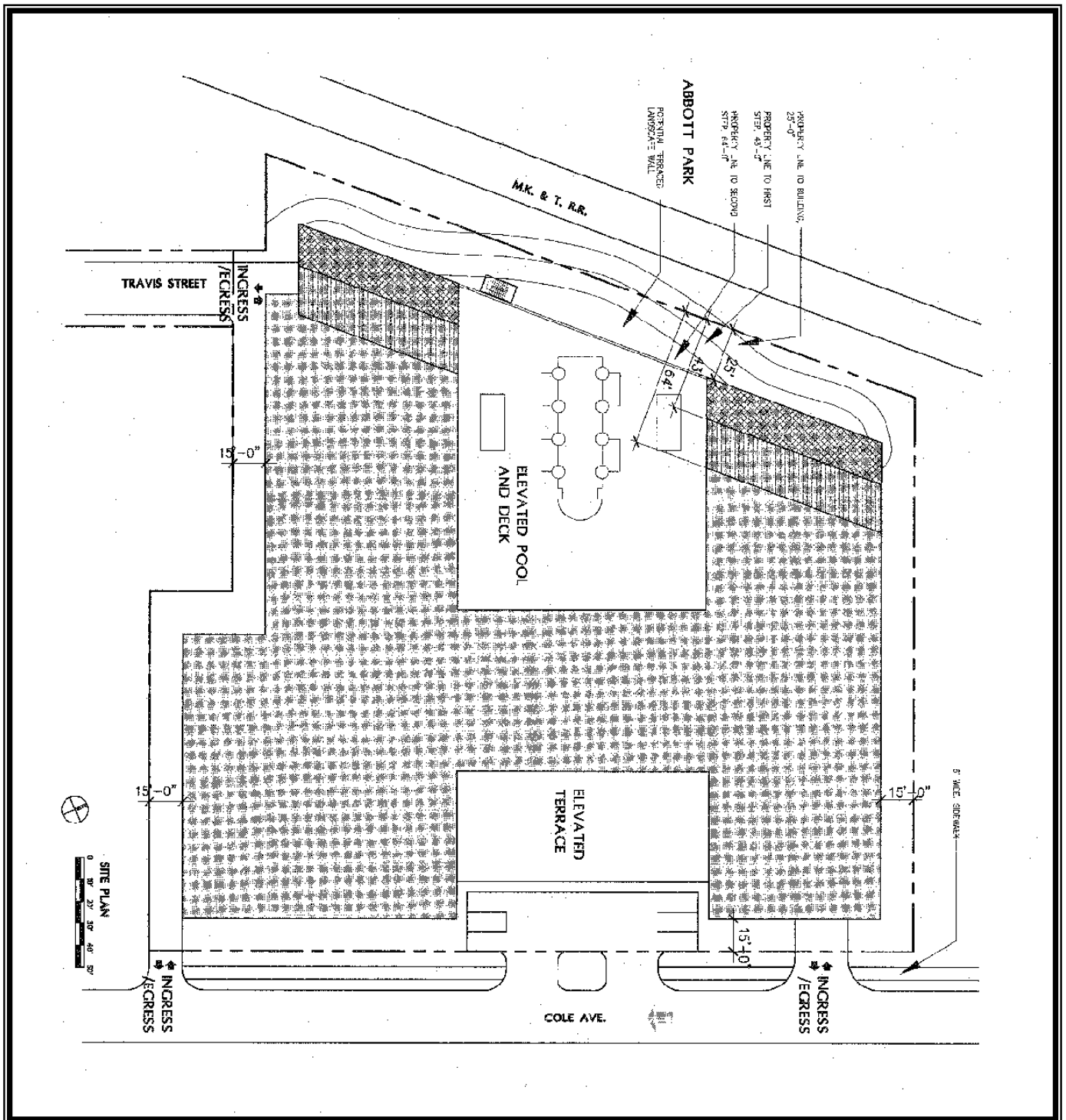
(b) Development and use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

**SEC. S-\_\_\_\_.115.                      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 to authorize work, or a certificate of occupancy to authorize the operation of a use in this Subdistrict until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the City of Dallas.

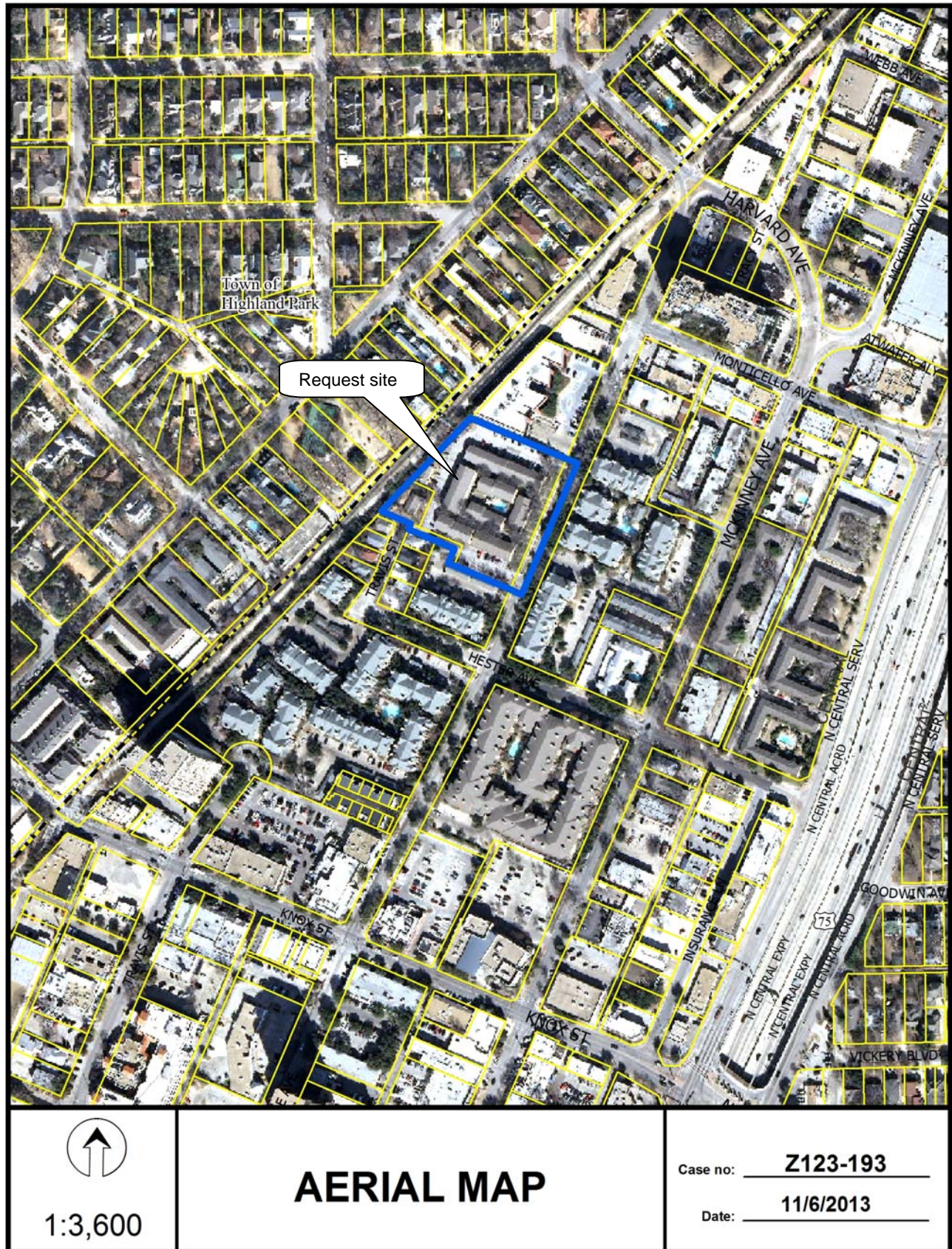
# PROPOSED DEVELOPMENT PLAN



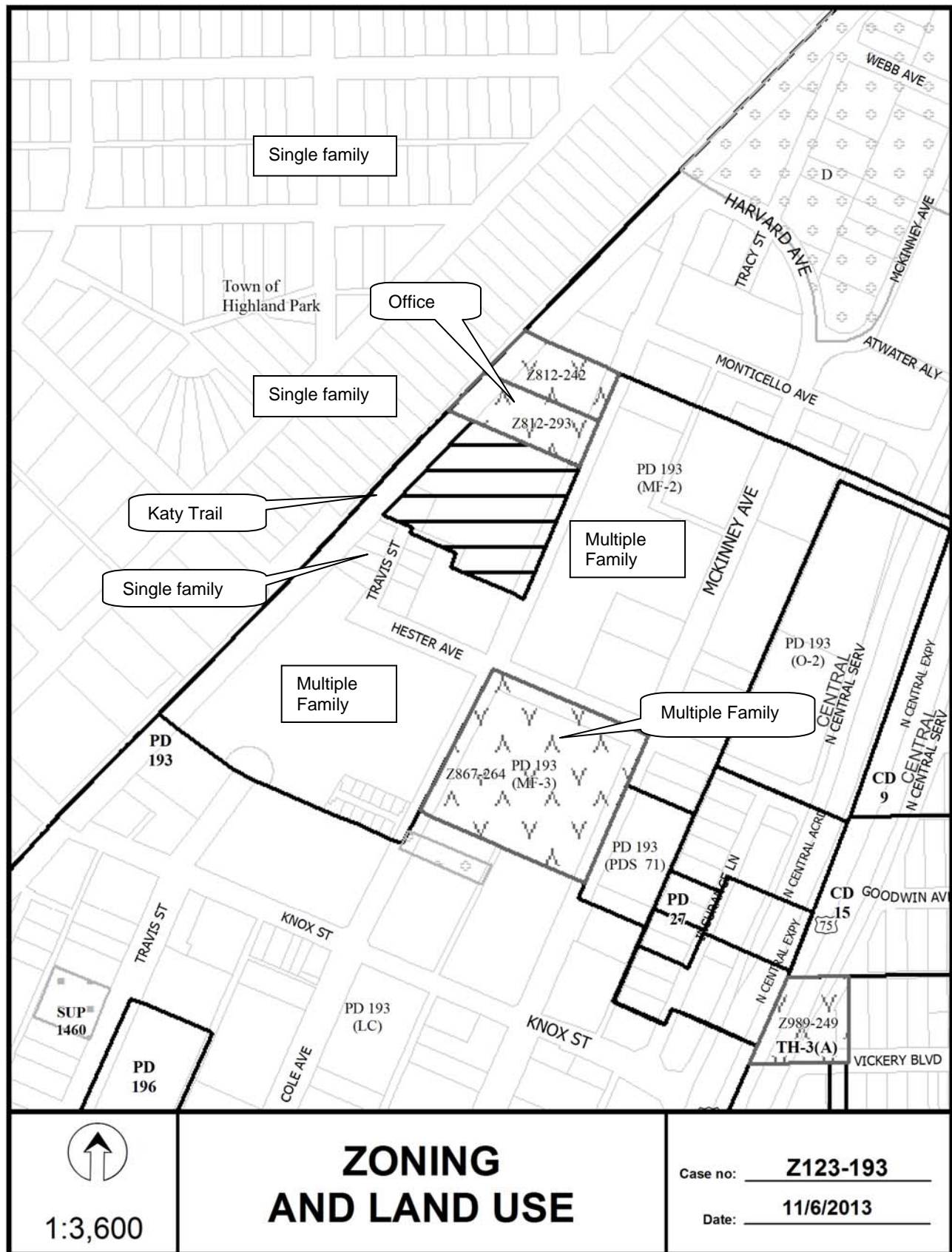


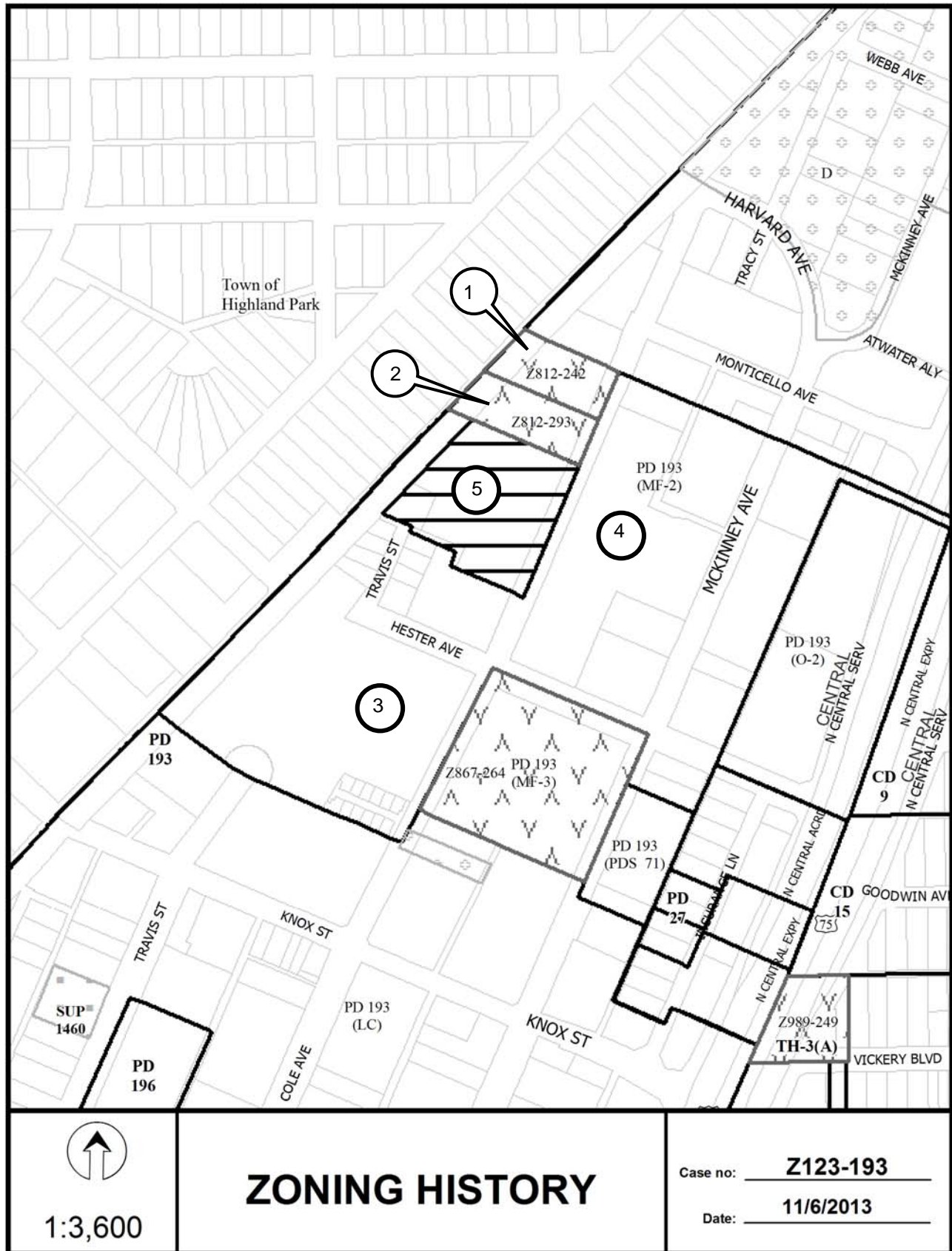




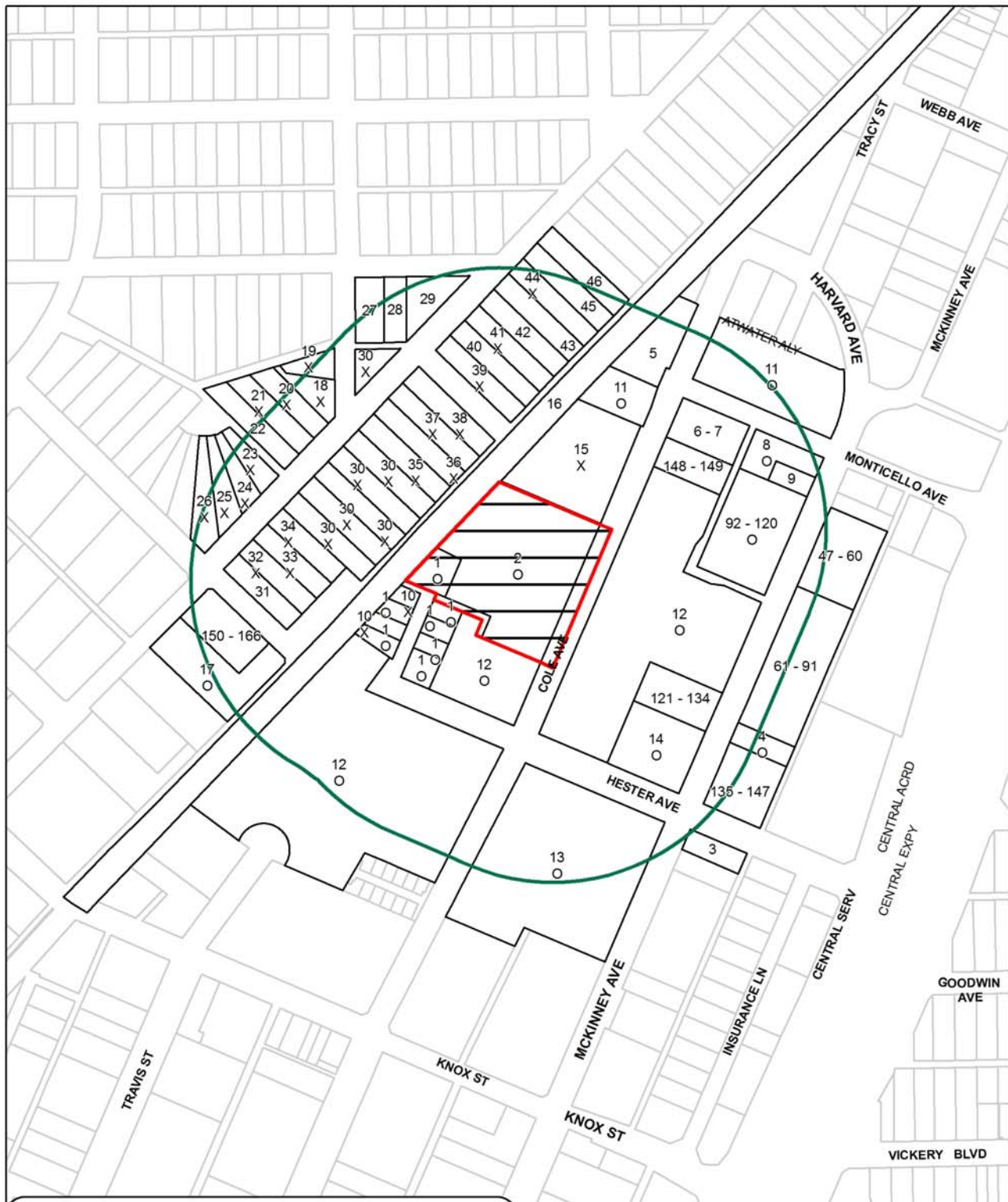








## CPC RESPONSES



<u>166</u>	Property Owners Notified (67 parcels)
<u>38</u>	Replies in Favor (19 parcels)
<u>21</u>	Replies in Opposition (27 parcels)
<u>500'</u>	Area of Notification
<u>5/8/2014</u>	Date <u>3/20/2014</u> Under Advisement

**Z123-193**  
**CPC**



1:3,600



## ***Reply List of Property Owners***

### ***Z123-193***

***166 Property Owners Notified  
Opposed***

***38 Property Owners in Favor***

***21 Property Owners***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
O	1	4717 TRAVIS ST	TRAVIS COLE APARTMENTS 2012 LP
O	2	4719 COLE AVE	TRAVIS COLE APARTMENTS 2012 LP
	3	4654 MCKINNEY AVE	COURTYARDS AT KNOX PARK
O	4	4714 MCKINNEY AVE	KNIGHT WILLIAM R
	5	4901 COLE AVE	HUNSICKER APPRAISAL CO
	6	4824 COLE AVE	DUNLAP SWAIN LESSEE
	7	4824 COLE AVE	DUNLAP SWAIN CO
O	8	3109 MONTICELLO AVE	COLE CLAUDETTE C &
	9	4829 MCKINNEY AVE	HANCE ROY L
X	10	4715 TRAVIS ST	HEED CYNTHIA LOUISE
O	11	4825 COLE AVE	WESTDALE MONTICELLO LP
O	12	4647 COLE AVE	CIM/4649 COLE AVENUE LP
O	13	4650 COLE AVE	AMLI RESIDENTIAL PPTIES
O	14	4701 MCKINNEY AVE	MONTICELLO DEVELOPMENT
X	15	4809 COLE AVE	RAIM COLE AVENUE LP
	16	401 BUCKNER BLVD	DART
O	17	4708 ABBOTT AVE	DBS REAL ESTATE LP
X	18	4817 AUBURNDALE AVE	BLACKBURN HOWARD
X	19	4819 AUBURNDALE AVE	SWEET MAMEAUX LLC
X	20	4815 ABBOTT AVE	GAUNT THOMAS E
X	21	4813 ABBOTT AVE	HERRING ADAM LEIF &
	22	4811 ABBOTT AVE	RALSTON DOUGLAS R &
X	23	4807 ABBOTT AVE	KERRANE EDWARD B
X	24	4805 ABBOTT AVE	NETTUNE GREGORY R & RACHAL E
X	25	4803 ABBOTT AVE	SEALEY SARA RUTH
X	26	4801 ABBOTT AVE	ISOM ISAAC & BRYNN

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	3419 LINDENWOOD AVE	3419 LINDENWOOD LTD
	28	3417 LINDENWOOD AVE	CAZORLA EUGENIO
	29	3415 LINDENWOOD AVE	HUBBARD REVOCABLE TRUST
X	30	4820 AUBURNDALE AVE	HIGHLAND PARK TOWN OF
	31	4800 ABBOTT AVE	OWENS GRETA PILGRIM
X	32	4802 ABBOTT AVE	SACHSE PATRICK D & ANTONINA KNELL SACHSE
X	33	4804 ABBOTT AVE	WILLIAMS J R
X	34	4806 ABBOTT AVE	ELMGREN KENNETH N &
X	35	4818 ABBOTT AVE	HIGHLAND PARK TOWN OF
X	36	4820 ABBOTT AVE	ELCOCK WALTER B &
X	37	4822 ABBOTT AVE	TAYLOR CAROLYN FRANCES
X	38	4824 ABBOTT AVE	GERTZ ELIZABETH BOONE
X	39	4900 ABBOTT AVE	BARTOLUCCI SUZANNE S
	40	4902 ABBOTT AVE	SHIPP BERT NICOLO
X	41	4904 ABBOTT AVE	DAVIDOW SETH
	42	4906 ABBOTT AVE	RUBIN MARTIN JAY
	43	4908 ABBOTT AVE	MORGAN BLANCHE WILLIAMS
X	44	4910 ABBOTT AVE	LECHTENBERG ROBERT K &
	45	4912 ABBOTT AVE	ISTRE TODD
	46	4914 ABBOTT AVE	MARTHENS WILLIAM R
	47	4810 MCKINNEY AVE	FALCONE A WAYNE &
	48	4810 MCKINNEY AVE	FALCONE A WAYNE
	49	4810 MCKINNEY AVE	FALCONE AW FAMILY LP
	50	4810 MCKINNEY AVE	FALCONE A W FAMILY THE
	51	4810 MCKINNEY AVE	YK-2525 TURTLE CREEK 319 LLC
	52	4810 MCKINNEY AVE	BOLES MARGARET
	53	4810 MCKINNEY AVE	FALCONE A W FAMILY LTD PS
	54	4810 MCKINNEY AVE	BEASLEY NORMA L
	55	4810 MCKINNEY AVE	TRINITY ABSTRACT & TITLE
	56	4810 MCKINNEY AVE	FALCONE A W FAMILY THE
	57	4810 MCKINNEY AVE	B & W INVESTMENTS

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	4810	MCKINNEY AVE	VICK BURNICE JIM
59	4810	MCKINNEY AVE	FALCONE A W FAMILY THE
60	4810	MCKINNEY AVE	FALCONE A W FAMILY LP
61	4722	MCKINNEY AVE	JAZZ IRREVOCABLE TRUST THE JAZZ
62	4728	MCKINNEY AVE	TIMMERMAN MICHAEL A & SUSAN H
63	4728	MCKINNEY AVE	NUNEZ RAUL &
64	4728	MCKINNEY AVE	WEISFELD RONALD A
65	4728	MCKINNEY AVE	KNOBLER DONALD R
66	4802	MCKINNEY AVE	KNIGHT WILLIAM RAY
67	4728	MCKINNEY AVE	GALLAGHER KATHLEEN C
68	4728	MCKINNEY AVE	WEISERT TARI
69	4728	MCKINNEY AVE	GIANNASI TAYLOR
70	4728	MCKINNEY AVE	STANTON LIVING TRUST
71	4722	MCKINNEY AVE	BUCK JAMES L
72	4728	MCKINNEY AVE	SCHIMMING VERNON H &
73	4728	MCKINNEY AVE	ROCHESTER SARAH
74	4728	MCKINNEY AVE	VILLANUEVA JORGE A
75	4722	MCKINNEY AVE	CASSADA ROBERT HOWARD JR & CHARLOTTE MCI
76	4728	MCKINNEY AVE	ESCAMILLA CONSUELO V
77	4728	MCKINNEY AVE	ESCAMILLA CONSUELO V
78	4728	MCKINNEY AVE	CRUZ MANUEL
79	4728	MCKINNEY AVE	CUELLAS JOSHUA J
80	4728	MCKINNEY AVE	CRONK JOHN A
81	4728	MCKINNEY AVE	PISPIDIKIS RENA
82	4728	MCKINNEY AVE	MALINA JAMES
83	4728	MCKINNEY AVE	SCHUTZ ERIK R
84	4728	MCKINNEY AVE	FANNIE MAE
85	4728	MCKINNEY AVE	SYNODIS DONNA L &
86	4728	MCKINNEY AVE	KILGORE CHRISTOPHER H
87	4722	MCKINNEY AVE	ROZIER PETER B
88	4722	MCKINNEY AVE	MCDONALD BILLY LANE



5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	4722 MCKINNEY AVE	KNIGHT WILLIAM R
	90	4722 MCKINNEY AVE	KNIGHT WILLIAM
	91	4722 MCKINNEY AVE	GAUKLER JOSEPH E & LYNNE
O	92	4805 MCKINNEY AVE	MCDANIEL LLOYD H &
O	93	4805 MCKINNEY AVE	NOLLEY FRANCES EMILY
O	94	4805 MCKINNEY AVE	JONES SANDRA G
O	95	4805 MCKINNEY AVE	JONES LAURA E
O	96	4805 MCKINNEY AVE	KUNTZ DONALD G &
O	97	4805 MCKINNEY AVE	WILDBERGER PAUL L &
O	98	4805 MCKINNEY AVE	LLAUDER FITZGERALD
O	99	4805 MCKINNEY AVE	SHIN TITUS N
O	100	4805 MCKINNEY AVE	SURLS LYNN D
O	101	4805 MCKINNEY AVE	DANG YION LIVING TRUST
O	102	4805 MCKINNEY AVE	VILLAGRAN ABEL
O	103	4805 MCKINNEY AVE	MCCLURE MICHAEL L & JANIS
O	104	4805 MCKINNEY AVE	RIZOS DAWN M
O	105	4805 MCKINNEY AVE	RIZOS DAWN M
O	106	4805 MCKINNEY AVE	HARRELL ROBERT R
O	107	4805 MCKINNEY AVE	SINGHAL VAIBHAV
O	108	4805 MCKINNEY AVE	SECORE RACHEL M
O	109	4805 MCKINNEY AVE	FISHER MARCIA
O	110	4805 MCKINNEY AVE	AHMED MUSTAQUE
O	111	4805 MCKINNEY AVE	WIMAN ROSALIE
O	112	4805 MCKINNEY AVE	GRAY JAMES & CAROL L
O	113	4805 MCKINNEY AVE	CHEN DANNY S &
O	114	4805 MCKINNEY AVE	CHEN DANNY S TR&
O	115	4805 MCKINNEY AVE	MCDANIEL LLOYD H &
O	116	4805 MCKINNEY AVE	KEPLER JERRY &
O	117	4805 MCKINNEY AVE	LEE YEW KEONG
O	118	4805 MCKINNEY AVE	MCDANIEL BARBARA & LLOYD
O	119	4805 MCKINNEY AVE	MCDANIEL BARBARA G

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
O	120	4805 MCKINNEY AVE	DAIL WILLIAM EARL
	121	4717 MCKINNEY AVE	MCCUTCHEN MARK D
	122	4717 MCKINNEY AVE	BERRON CLAUDIA
	123	4717 MCKINNEY AVE	SCHAFER CHRISTOPHER & TRACI R
	124	4717 MCKINNEY AVE	POLSON JULIE E
	125	4717 MCKINNEY AVE	ROHLEDER MARCIE M
	126	4717 MCKINNEY AVE	ODONNELL GARY & JULIE
	127	4717 MCKINNEY AVE	TRIMMELL JOHN D & SUSAN J
	128	4719 MCKINNEY AVE	MURRY SCOTT M
	129	4719 MCKINNEY AVE	HABIBI KAMIL
	130	4719 MCKINNEY AVE	MATTHEWS AMANDA L
	131	4719 MCKINNEY AVE	BUSH DARLA S
	132	4719 MCKINNEY AVE	TRAN HONG
	133	4719 MCKINNEY AVE	AYATS MAS OTILIA
	134	4719 MCKINNEY AVE	BAUMANN RACHEL K
	135	4708 MCKINNEY AVE	COWAN GERALDINE
	136	4708 MCKINNEY AVE	APPLE JAROLD LEE
	137	4708 MCKINNEY AVE	GRAY JUSTIN L
	138	4708 MCKINNEY AVE	J & O BLAKE FAMILY LLC
	139	4708 MCKINNEY AVE	CHAKRABORTY INDRANEEL
	140	4708 MCKINNEY AVE	VEVERA MARK C
	141	4708 MCKINNEY AVE	KOCSI WILLIAM & KATHLEEN
	142	4708 MCKINNEY AVE	LANDON LANA K
	143	4704 MCKINNEY AVE	TORRES ALFREDA
	144	4704 MCKINNEY AVE	SUTLIFF ELIZABETH
	145	4704 MCKINNEY AVE	MUELLER JASON E &
	146	4708 MCKINNEY AVE	OWENS GARY ALLEN
	147	4704 MCKINNEY AVE	LOERA SANDRA V
	148	4818 COLE AVE	LESZINSKI LAWOMIR TRUSTEE
	149	4818 COLE AVE	LESZINSKI SLAWOMIR TR
	150	4712 ABBOTT AVE	KAP TRUST

5/20/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	4712	ABBOTT AVE	ABBOTT PROPERTIES LTD
152	4712	ABBOTT AVE	SWOFFORD JANE REYBOLD TR
153	4712	ABBOTT AVE	JONES PHILLIP L &
154	4712	ABBOTT AVE	OWENS GRETA P
155	4712	ABBOTT AVE	MODY OMAR
156	4712	ABBOTT AVE	BRYAN ANDREW C
157	4712	ABBOTT AVE	ELLIOTT ALAN C & ELYNNE
158	4712	ABBOTT AVE	STYLE HOLDINGS LLC
159	4712	ABBOTT AVE	DMCJ TRUST THE
160	4712	ABBOTT AVE	COE KELLEY BRUNER
161	4712	ABBOTT AVE	HOFMEISTER KENT STANLEY
162	4712	ABBOTT AVE	ROBERTS SUSAN E
163	4712	ABBOTT AVE	HUNSAKER KEVIN
164	4712	ABBOTT AVE	GAMBRELL JOHN E &
165	4712	ABBOTT AVE	STERLING TRUST COMPANY
166	4712	ABBOTT AVE	BAILEY BARBARA A

**AGENDA ITEM # 43**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 2

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 36 W

**SUBJECT**

A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District on the southeast line of Fuqua Street, southwest line of Moser Avenue, northwest line of Monarch Street and northeast line of North Garrett Avenue

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

Z123-365(MW)

Note: This item was considered by the City Council at a public hearing on May 14, 2014, and was taken under advisement until June 11, 2014, with the public hearing open

**FILE NUMBER:** Z123-365(MW)

**DATE FILED:** August 30, 2013

**LOCATION:** Southeast line of Fuqua Street, southwest line of Moser Avenue, northwest line of Monarch Street and northeast line of North Garrett Avenue.

**COUNCIL DISTRICT:** 2

**MAPSCO:** 36-W

**SIZE OF REQUEST:** ±4.1 acres

**CENSUS TRACT:** 9.00

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**REPRESENTATIVE:** Robert Baldwin

**APPLICANT:** Alliance Residential Company, LLC

**OWNER:** Urban Southwest – East Dallas  
2301 Garrett Partners, LTD.

**REQUEST:** An application for a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District.

**SUMMARY:** The applicant proposes to redevelop the site with approximately 325 multifamily dwelling units. The Planned Development District will allow a maximum structure height of 60 feet and includes design standards to encourage pedestrian activity.

**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 the following:

1. *Performance impacts upon surrounding property* – Based on the site's location along four thoroughfares, its proximity to institutional uses, and conditions for height and setback along Moser Avenue (adjacent to the single-family neighborhood), no negative performance are anticipated.
2. *Traffic impact* – The proposed development is basically an increase in multifamily density permitted on the site. The surrounding roadway system can accommodate the increased density.
3. *Comprehensive Plan or Area Plan Conformance* – The request complies with the Comprehensive Plan.
4. *Justification for PD Planned Development District zoning as opposed to a straight zoning district* – The primary purpose of the request is to permit an increase in height and lot coverage. Staff and the applicant discussed the option of a form district in lieu of a Planned Development District to meet this objective; however, it was determined that the request site exceeds the maximum block perimeter of a form district. The applicant has incorporated aspects of form-based zoning into the proposed PDD conditions.

## **BACKGROUND INFORMATION:**

- The ±4.1-acre request site is currently developed with a 109-unit multifamily complex.

### **Zoning History:**

1. **Z101-321:** On Wednesday, January 25, 2012, the City Council approved a Planned Development District for Multifamily District Uses subject to a development plan and conditions.

### **Traffic:**

The Engineering Section of the Building Inspection Division of the Department of Sustainable Development and Construction has reviewed the requested amendment and determined that it will not significantly impact the surrounding roadway system.

**Thoroughfares/Streets:**

Thoroughfares/Street	Type	Existing ROW
Fuqua Street	Local	55 feet
Garrett Avenue	Local	60 feet
Monarch Street	Local	67 feet
Moser Avenue	Local	60 feet

**Surrounding Land Uses:**

	Zoning	Land Use
<b>Northeast</b>	MF-2(A)	Single family
<b>Southeast</b>	LO-1 w/ deed restrictions; CR; MF-2(A)	Office; school; fire station
<b>Southwest</b>	MF-2(A)	Multifamily
<b>Northwest</b>	MF-2(A)	Townhomes; multifamily

**STAFF ANALYSIS:****Comprehensive Plan:**

The subject site is identified as being within an Urban Neighborhood on the *forwardDallas!* Vision Illustration, adopted June 2006. Urban neighborhoods are predominantly residential, but are distinguished from other neighborhoods by the wide variety of housing options they provide and easy access to public transit. Housing choices should include single family detached dwellings, townhomes and low- to mid-rise condominiums or apartments. These neighborhoods will have concentrations of shops and offices along key corridors or at key intersections, providing important services and job opportunities within walking distance of residents.

The proposed multifamily project is consistent with the desired urban neighborhood development pattern identified on the *forwardDallas!* Vision Illustration, as it promotes diversity in housing choices.

**URBAN DESIGN ELEMENT****GOAL 5.1: PROMOTE A SENSE OF PLACE, SAFETY AND WALKABILITY****Policy 5.1.1 Promote pedestrian-friendly streetscapes.**

The request site is located near Fitzhugh Avenue, which is an established commercial corridor. The proposed PD conditions require wider sidewalks

and urban design standards, such as enhanced pedestrian entrances and façade wall changes, which will promote a pedestrian-friendly environment and will encourage walking to nearby shopping and services.

Policy 5.1.3 Encourage complementary building height, scale, design and character.

The proposed project is consistent in height, scale and character with the two recent redevelopment projects in the area (PDD No. 763 and PDD No. 860). To promote compatibility with the existing mix of single and multifamily development, a 15-foot front setback is proposed, consistent with that of the MF-2(A) District. This will maintain continuity of the established setback along all street frontages and will help preserve the existing character of the neighborhood.

### GOAL 5.3 ESTABLISHING WALK-TO CONVENIENCE

Policy 5.3.1 Encourage a balance of land uses within walking distance of each other.

The request site is located within walking distance of an established commercial corridor; proposed design standards promote a pedestrian-friendly environment.

#### **Land Use Compatibility:**

The request site is surrounded by a mix of single family and multifamily development and is within close proximity to the Fitzhugh Avenue commercial corridor.

The MF-2(A) Multifamily District, which is prevalent in this area, allows a maximum height of 36 feet, a density range of approximately 36 to 54 dwelling units per acre and maximum lot coverage of 60 percent. The requested Planned Development District proposes a maximum height of 60 feet (proposed height zones are as depicted on the conceptual plan) with a maximum density of approximately 79 units per acre and 75 percent maximum lot coverage.

The applicant intends to maintain a 15-foot front yard setback, consistent with that of the MF-2(A) District. This will maintain continuity of the established setback along the street frontages and will help ensure compatibility with the single family homes on the northeast line of Moser Avenue. To promote a more urban, walkable character, the proposed conditions also include a maximum front yard setback of 20 feet with a provision that the front facade equal to at least 70 percent of the length of the lot, excluding pedestrian and vehicular ingress and egress points and the required recessed areas on the Moser Avenue facade must be located within the area between the minimum and maximum setback. The remainder of the front facade (less than 30 percent of the length of the lot) must comply only with the minimum front yard setback.



While properties in the area have redeveloped under the existing MF-2(A) Multifamily District standards, staff recognizes the transitional state of the neighborhood. Therefore, staff supports the increase in density at this location subject to the proposed conditions which would require urban design standards to promote a pedestrian-friendly environment.

### **Development Standards:**

District	Setbacks		Density FAR	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
MF-2(A) Multifamily	15'	15'	No maximum	36'	60%	Proximity Slope	Multifamily, duplex, single family
Proposed							
PDD Multifamily	15' minimum 20' maximum*	10'	325 units	60'	75%	Proximity Slope	Multifamily

\*A portion of the front facade equal to at least 70 percent of the length of the lot, excluding pedestrian and vehicular ingress and egress points and the required recessed areas on the Moser Avenue facade, must be located within the area between the minimum and maximum setback. The remainder of the front facade (less than 30 percent of the length of the lot) must comply only with the minimum front yard setback.

### **Parking:**

Parking must be provided in accordance with the Dallas Development Code, which requires one space for each bedroom with a minimum of one space per dwelling unit. An additional one-quarter space per dwelling unit must be provided for guest parking if the required parking is restricted to resident parking only.

### **Landscaping:**

Landscaping is being provided in accordance with Article X of the Dallas Development Code with the exception of site trees and parkway trees. Also, the applicant proposes enhanced streetscape provisions which require parkway trees at one tree per each 35 feet of street frontage. Parkway trees must be located within a tree planting zone, which is that area parallel to and between two-and-one-half and ten feet from the back of the projected street curb. In addition, the applicant proposes six-foot sidewalks, with at least four feet of unobstructed width, along all street frontages.

**CPC Action: April 3, 2014:**

**Motion I:** In considering an application for a Planned Development District for MF-2(A) Multifamily District uses on property zoned an MF-2(A) Multifamily District on the southeast line of Fuqua Street, southwest line of Moser Avenue, northwest line of Monarch Street and northeast line of North Garrett Avenue, it was moved to **hold** this case under advisement until April 17, 2014.

Maker: Soto  
Second: Anantasomboon  
Result: Failed: 3 to 12

For: 3 - Soto, Anantasomboon, Lavallaisaa

Against: 12 - Anglin, Rodgers, Culbreath, Shidid, Bagley,  
Tarpley, Shellene, Schultz, Peadon, Murphy, Ridley,  
Abtahi

Absent: 0

Vacancy: 0

**Motion II:** It was moved to recommend **approval** of a Planned Development District for MF-2(A) Multifamily District uses, subject to a revised conceptual plan and revised conditions on property zoned an MF-2(A) Multifamily District on the southeast line of Fuqua Street, southwest line of Moser Avenue, northwest line of Monarch Street and northeast line of North Garrett Avenue.

Maker: Culbreath  
Second: Shellene  
Result: Carried: 14 to 1

For: 14 - Anglin, Rodgers, Culbreath, Shidid,  
Anantasomboon, Bagley, Lavallaisaa, Tarpley, Shellene,  
Schultz, Peadon, Murphy, Ridley, Abtahi

Against: 1 - Soto

Absent: 0

Vacancy: 0

**Notices:** Area: 500 Mailed: 89

**Replies:** For: 13 Against: 6

**Speakers:** For: Rob Baldwin, 3904 Elm St., Dallas, TX, 75226  
Evan Beattie, 5318 Willis Ave., Dallas, TX, 75206  
Hudson Henley, 2121, 2201, 2205, 2209 N. Henderson Ave., Dallas, TX, 75206  
For (Did not speak): Melody Parra, 1921 Moser Ave., Dallas, TX, 75206  
Violet Vilchis, 1925 Moser Ave., Dallas, TX, 75206  
Dana Lafargue, 1902 Moser Ave., Dallas, TX, 75206  
David McQuaid, 1916 N. Garrett Ave., Dallas, TX, 75206

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Todd White, 2012 Garrett Ave., Dallas, TX, 75206  
Pamela Garcia, 2000 Garrett Ave., Dallas, TX, 75206  
W. T. McQuaid, 1918 Garrett Ave., Dallas, TX, 75206  
Ben Beaird, 5121 McKinney Ave., Dallas, TX, 75205  
Dan Beaird, 5121 McKinney Ave., Dallas, TX, 75205  
Karl Hirschey, 8111 Preston Rd., Dallas, TX, 75225  
Chad Jackson, 8111 Preston Rd., Dallas, TX, 75225  
Lisa Jackson Jones, 3811 Sage Dr., McKinney, TX, 75070  
Lane Kommer, 1920 N. Fitzhugh St., Dallas, TX, 75206  
Zachary Farrell, 10142 Lingo Ln., Dallas, TX, 75228

Against: None

**Partners/Principals/Officers:**

**Applicant: Alliance Residential Company**

Bruce C. Ward, President  
Robert M. Hutt, Vice President  
V. Jay Hiemenz, Secretary  
John T. Rippel, Treasurer

**Owners: Urban Southwest – East Dallas, LP**

General Partner: Urban Southwest – East Dallas, GP

Ben Weil, Manager

**2301 Garrett Partners, LTD.**

General Partner: Citivest, Inc.

David McQuaid, President

**Z123-365**  
**CPC Recommended Conditions**

**SEC. 51P-\_\_\_.101.           LEGISLATIVE HISTORY.**

PD \_\_\_ was established by Ordinance No. \_\_\_\_\_, passed by the Dallas City Council on \_\_\_\_\_, 2014.

**SEC. 51P-\_\_\_.102.           PROPERTY LOCATION AND SIZE.**

PD \_\_\_\_\_ is established on property located at the south side of Moser Avenue, between Fuqua Avenue and Monarch Avenue. The size of PD \_\_\_ is approximately 4.107 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 51 A.

(c) This district is considered to be a residential zoning district.

**SEC. 51P-\_\_\_.104.           EXHIBIT.**

The following exhibit is incorporated into this article: Exhibit \_\_\_A:       conceptual plan.

**SEC. 51P-\_\_\_.105.           CONCEPTUAL PLAN.**

Development and use of the Property must comply with the conceptual plan (Exhibit \_\_\_A). If there is a conflict between the text of this article and the 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. If there is a conflict between the text of this article and the development plan, the text of this article controls.

**SEC. 51P-\_\_\_.107.           MAIN USES PERMITTED.**

The only main uses permitted are those main uses permitted in the MF-2(A) Multifamily District, subject to the same conditions applicable in the MF-2(A) Multifamily District, as set out in Chapter 51A. For example, a use permitted in the MF-2(A) Multifamily 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 MF-2(A) Multifamily District is subject to DIR in this district; etc.

**SEC. 51P-\_\_108. ACCESSORY USES.**

As a general rule, an accessory use is permitted in any district in which the main use is permitted. Some specific accessory uses, however, due to their unique nature, are subject to additional regulations in Section 51A-4.217. For more information regarding accessory uses, consult Section 51A-4.217.

**SEC. 51P-\_\_109. YARD, LOT, AND SPACE REGULATIONS.**

(Note: The yard, lot, and space regulations in this section must be read together with the yard, lot, and space regulations in Division 51 A-4.400. If there is a conflict between this section and Division 51 A-4.400, this section controls.)

(a) Front yard.

- (1) Minimum front yard is 15 feet.
- (2) Maximum front yard in 20 feet.
- (3) Urban form setback is not required.
- (4) Cantilevered roof eaves and balconies may project up to five feet into the required front yard.
- (5) The following may be located in the required front yard:
  - (A) Retaining walls with a maximum height of four feet.
  - (B) Railings for stairs, stoops, porches, and patios with a maximum height of three and one-half feet.
  - (C) Stoops and stairs.
- (6) Fences located in the front yard must be at least 50 percent open.

(b) Side and rear yard.

- (1) Minimum side yard is 10 feet. Minimum rear yard is 10 feet.
- (2) Tower spacing is not required.
- (3) The following may project up to five feet into required side or rear yards:
  - (A) Cantilevered roof eaves and balconies.

(B) Stoops and stairs that do not exceed eight feet in width and four feet in height.

(4) The following are allowed to be located in required side or rear yards:

(A) Fences with a maximum height of six feet.

(B) Railings for stairs, stoops, porches, and patios with a maximum height of 42 inches.

(c) Density. Maximum number of dwelling units is 325.

(d) Facade location. A portion of the front facade equal to at least 70 percent of the length of the lot, excluding pedestrian and vehicular ingress and egress points and the required recessed areas on the Moser Avenue facade, must be located within the area between the minimum and maximum setback. The remainder of the front facade (less than 30 percent of the length of the lot) must comply only with the minimum front yard setback.

(e) Ground-story transparency. A minimum of 30 percent along Moser Avenue and Garrett Avenue.

(f) Upper-story transparency. A minimum of 20 percent for floors two through four. There will be no openings on the fifth floor facing Moser Avenue.

(g) Pedestrian entrance. Pedestrian entrances are required along Moser Avenue and Garrett Avenue.

(h) Blank wall area. The maximum length for a blank wall is 30 feet.

(i) Floor area ratio. No maximum floor area ratio.

(j) Height.

(1) Except as provided in this subsection, maximum structure height is 50 feet. No portion of a structure may be located above the residential proximity slope.

(2) Moser Avenue. Maximum structure height is 40 feet within 45 feet of Moser Avenue in the area shown on the conceptual plan.

(3) Monarch Avenue. Maximum structure height is 60 feet along Monarch Avenue in the area shown on the conceptual plan.

(4) Projections.

(A) A Clerestory may project a maximum of four feet above the maximum structure height.

(B) An elevator penthouse or bulkhead may project a maximum of 12 feet above the maximum structure height if located a minimum of 50 feet from the Moser Avenue property line.

(C) A chimney or vent stack may project a maximum of three feet above the maximum structure height.

(D) A parapet wall may project a maximum of three feet above the maximum structure height.

(f) Lot coverage. Maximum lot coverage is 75 percent. Aboveground parking structures are included in lot coverage calculations; surface parking lots and underground parking structures are not.

(g) Lot size. No minimum lot size.

(h) Stories. Except as provided in this section, maximum number of stories is four.

(1) The maximum number of stories within 45 feet of Moser Avenue is three.

(2) A fifth level amenity area is allowed on the roof of the parking garage as shown on the conceptual plan (Exhibit A).

(3) The maximum number of stories for parking structures is five.

## **SEC. 51P-\_\_110. DESIGN STANDARDS FOR STREET FRONTAGES.**

(a) Purpose. Continuous facades along pedestrian-oriented streets often have negative impacts on community aesthetics, pedestrian circulation, and the scale and rhythm of streetscapes. These design standards are intended to ensure that continuous facades that are located along well-traveled pedestrian ways are compatible with the surrounding area and mitigate the negative impact of continuous facades, while allowing creativity, flexibility, and variety in design.

(b) A minimum of 60 percent of the total street-facing, ground floor dwelling units must have individual entries that access the street and must have an improved path connecting to the sidewalk. All ground floor dwelling units facing Moser Avenue must meet the individual entry requirement in this paragraph. The improved path may be constructed of concrete, decomposed granite, or other similar material. Individual entries may be gated and private yards fenced if the fencing is not entirely solid.

(c) The use of stoops or porches at each street-facing, ground floor dwelling unit is encouraged.



(d) A minimum of two of each of the following pedestrian amenities are required along Moser Avenue and Garrett Avenue: bench, trash receptacle, and bicycle rack.

(e) Facade wall changes. Facade walls must have one or more of the following changes:

(1) Changes of color, texture, or material, either diagonally, horizontally, or vertically.

(2) Changes in plane with a depth of at least 24 inches, either diagonally, horizontally, or vertically.

(3) The Moser Avenue frontage must include at least three recessed areas to provide facade relief. These recessed areas must:

(A) have a minimum width of 20 feet;

(B) have a minimum depth of 7 feet; and

(C) be separated by at least 100 feet.

(4) Recessed areas are not required along the Fuqua Avenue, Garrett Avenue or Monarch Avenue frontages.

(f) Materials and colors. No more than 80 percent of the area of a street facade wall, exclusive of fenestration, may consist of a single color.

(g) Enhanced pedestrian building entrances. A minimum of one visible and usable building entrance is required per street frontage. The entrance must be clearly identified using an awning, paving treatments, a change in roofline, porticos, arcades, arches, integral planters, a stoop, or front porch, color treatments, or similar means. Enhanced pedestrian building entrances must face the street and be recessed a minimum of four feet from the facade or provide covering extending a minimum of four feet out from the facade.

(h) Parking structures must be located either underground or be enhanced by an architectural facade.

(i) Openings in the parking structure facade must not exceed 55 percent of the total garage facade area.

(j) Aboveground parking structures must be constructed so as to screen vehicle headlights from shining on adjacent property by a minimum forty-two inch wall.

(k) All ground floor dwelling units facing Moser Avenue must have individual front door entries with access to a public sidewalk via an improved path. The improved path may be constructed of concrete, decomposed granite or a similar material.

(l) All ground floor dwelling units facing Moser Avenue must have an illuminated unit number on the building façade.

**SEC. 51P-\_\_\_\_.112. ENVIRONMENTAL PERFORMANCE STANDARDS.**

(a) In general. Sec Article VI.

(b) Prohibited light sources. The following outdoor light fixtures and sources may not be used if the direct light emitted is visible from adjacent properties:

(1) Low pressure sodium and mercury vapor light sources.

(2) Cobra-head type fixtures having dished or drop lenses or refractors which house other than incandescent sources.

(3) Searchlights and other high intensity narrow-beam fixtures.

(c) Lighting design requirements. Outdoor lighting must primarily be used to provide safety, accent key architectural elements, or emphasize public art or landscape features. All lighting fixtures must meet the following requirements:

(1) Fixture (luminaire).

(A) In order to direct light downward and minimize the amount of light spillage into the night sky and onto adjacent properties, all lighting fixtures must be full cutoff fixtures.

(B) Fixtures must be mounted in such a manner that the cone of light is contained on-site and does not cross any property line on the perimeter of the Property.

(C) Lighting fixtures in parking areas may not exceed 10 feet in height above the parking surface. Lighting fixtures located at the top level of the parking garage must be shielded in order to direct light towards the parking surface.

(D) Lighting fixtures in pedestrian areas may not be less than nine feet nor more than 15 feet in height above the sidewalk. Pedestrian street lights must be provided at a maximum spacing of 50 feet along all public street right-of-ways.

(2) Light source (lamp).

(A) The light source must be concealed.

(B) Only incandescent, fluorescent, metal halide, or color corrected high-pressure sodium may be used.

(C) The same light source type must be used for the same or similar types of lighting throughout the Property.

(d) Specific lighting standards.

(1) Security lighting.

(A) Building mounted security light fixtures such as wall packs may not project above the roof line of the building and must be shielded.

(B) Security lighting fixtures may not face residential uses adjacent to the Property.

(C) Security lighting fixtures may not be substituted for parking area or pedestrian area lighting and are restricted to loading, storage, service, and similar locations.

(2) Accent lighting. Only lighting used to accent architectural elements, landscaping, or art may be directed upward, provided that the fixture is located, aimed, or shielded to minimize light spill into the night sky.

(3) Entrances and exits. All entrances to and exits from buildings must be lighted to ensure the safety of persons and the security of the building.

(4) Parking area lighting. The provisions of Section 51 A-4.301(e) apply to all off-street parking areas except as expressly modified in this section.

(5) Excessive illumination.

(A) Lighting that substantially interferes with the use or enjoyment of any other property is prohibited.

(B) Lighting must not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers.

**SEC. 51P-\_\_\_.113. LANDSCAPING.**

(a) In general. Except as provided in this section, landscaping must be provided in accordance with Article X. If there is a conflict between the text of this section and Article X, the text of this section controls.

(b) Site trees. Site trees must have a minimum height of eight feet and a minimum caliper of two inches measured at a point 12 inches above the root ball at the time of installation.

(c) Parkway trees.

(1) Tree planting zone. Parkway trees must be located within the tree planting zone, which is that area parallel to and between two-and-one-half and ten feet from the back of the projected street curb. Trees planted within the tree planting zone may count toward site tree and street tree requirements.

(2) Number. The minimum number of required parkway trees is determined by dividing the number of feet of street frontage, exclusive of visibility triangles, by 35. Fractions are rounded to the nearest whole number, with .5 being rounded up to the next higher whole number. A one street tree credit will be allowed for each existing street tree that is preserved.

(3) Type. Parkway trees must be recommended for local area use by the building official.

(4) Height and caliper. Parkway trees must have a minimum height of 8 feet and a minimum caliper of three-and-one-half inches measured at a point 12 inches above the root ball at the time of installation.

(5) Spacing. Parkway trees must be spaced as uniformly as practicable, but must be within 50 feet of the trunk of another required tree or an existing preserved street tree, exclusive of all visibility clips and vehicular drives.

(d) Landscaping features. Decorative landscaping features, including fountains, are permitted in parking lots.

(e) Maintenance. Plant materials must be maintained in a healthy, growing condition.

**SEC. 51P-\_\_\_.114.                      SIDEWALKS.**

(a) A minimum six-foot-wide sidewalk with at least four feet of unobstructed width must be provided along all street frontages. Tree grates do not count toward the minimum unobstructed sidewalk width.

(b) Except where on-street parking bays are to be constructed, sidewalks must be located in an area parallel to and within two-and-one-half feet to fifteen feet of the back of the projected street curb. Where there are on-street parking bays, the sidewalk can be located at the back of curb.

(c) If a sidewalk is located in the front yard, the property owner must dedicate a sidewalk easement to the city to assure its availability to the public as a permanent pedestrian way.

**SEC. 51P-\_\_\_.115.                      SIGNS.**

(a) Except as provided, signs must comply with the provisions for non-business zoning districts in Article VII.

(b) Any detached sign along Moser Avenue is limited to a maximum of 12 feet in height.

(c) A blade sign along Moser Avenue is permitted and encouraged.

- (d) Any sign along Moser Avenue may not be internally illuminated.

**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.

(c) During construction, the Property must be fenced and secured nightly and on Sundays, and the owner shall ensure that no work is performed outside of the times allowed by city regulations.

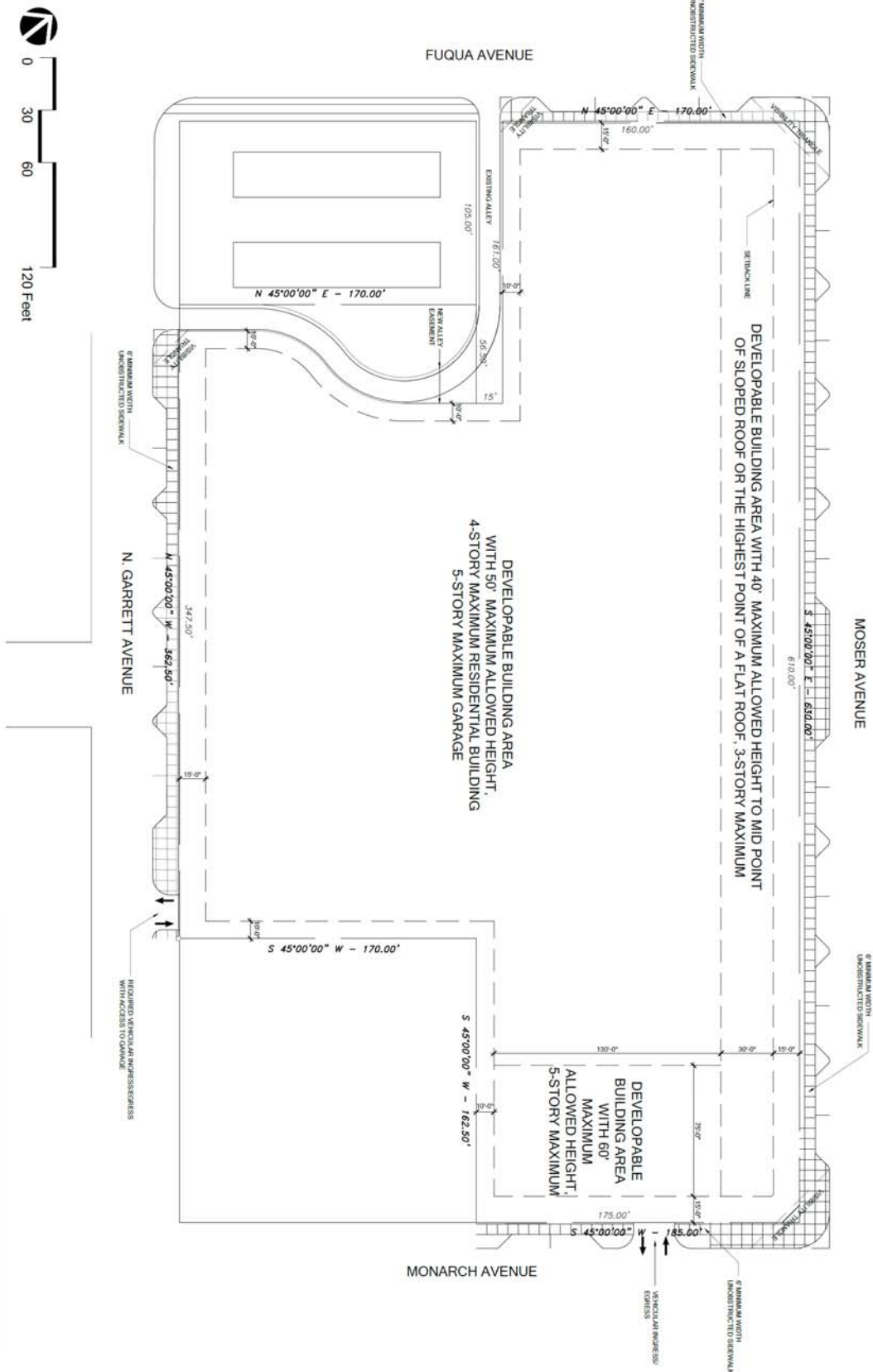
(d) A minimum of two vehicular ingress/egress points must be provided along Garrett Avenue, one of which shall provide access to the parking garage.

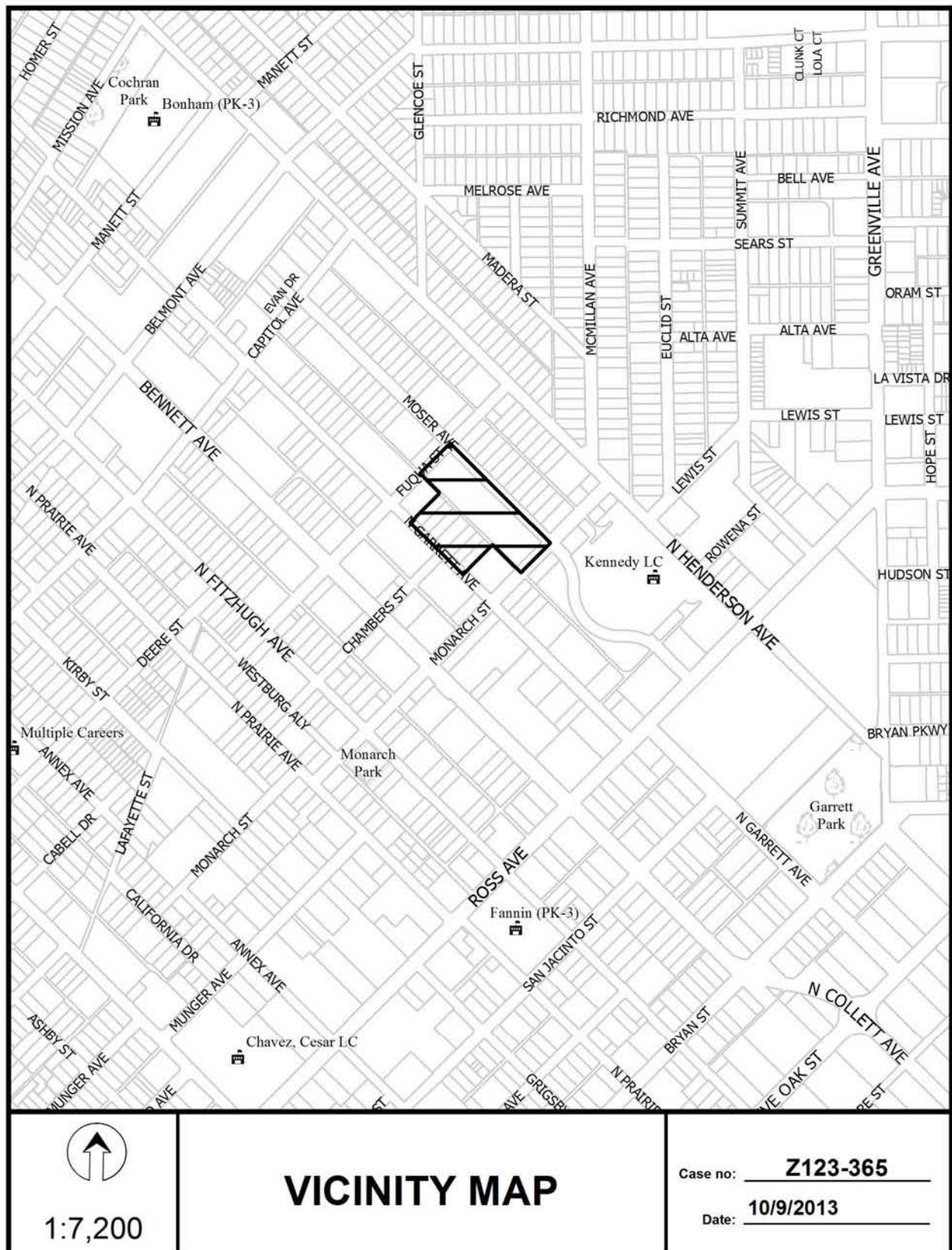
**SEC. 51P-\_\_ 117. COMPLIANCE WITH CONDITIONS.**

(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.

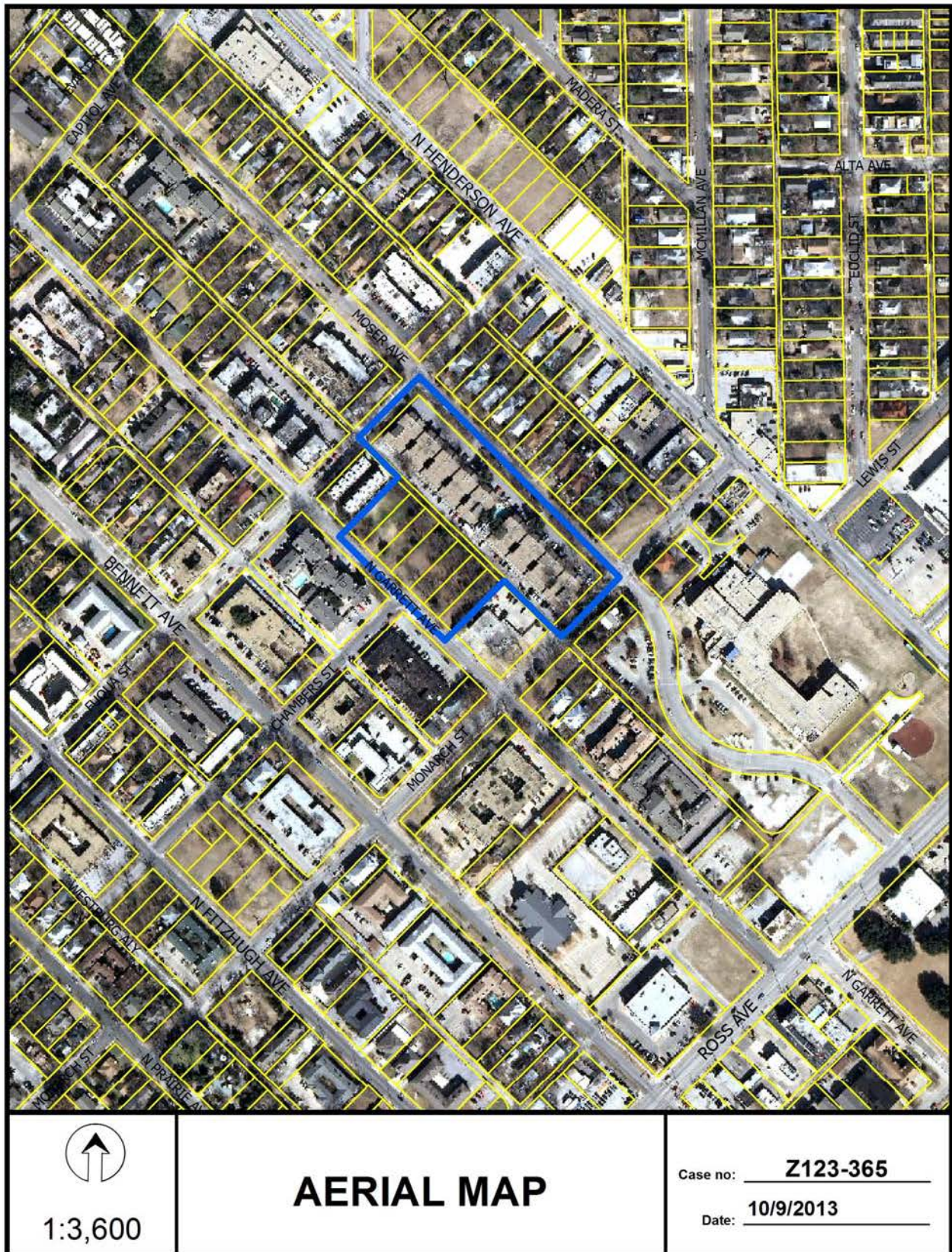
(b) The building official shall not issue a building permit to authorize work, or a certificate of occupancy to authorize the operation of a use, until there has been full compliance with this article, the Dallas Development Code, the construction codes, and all other ordinances, rules, and regulations of the city.

Proposed Conceptual Plan

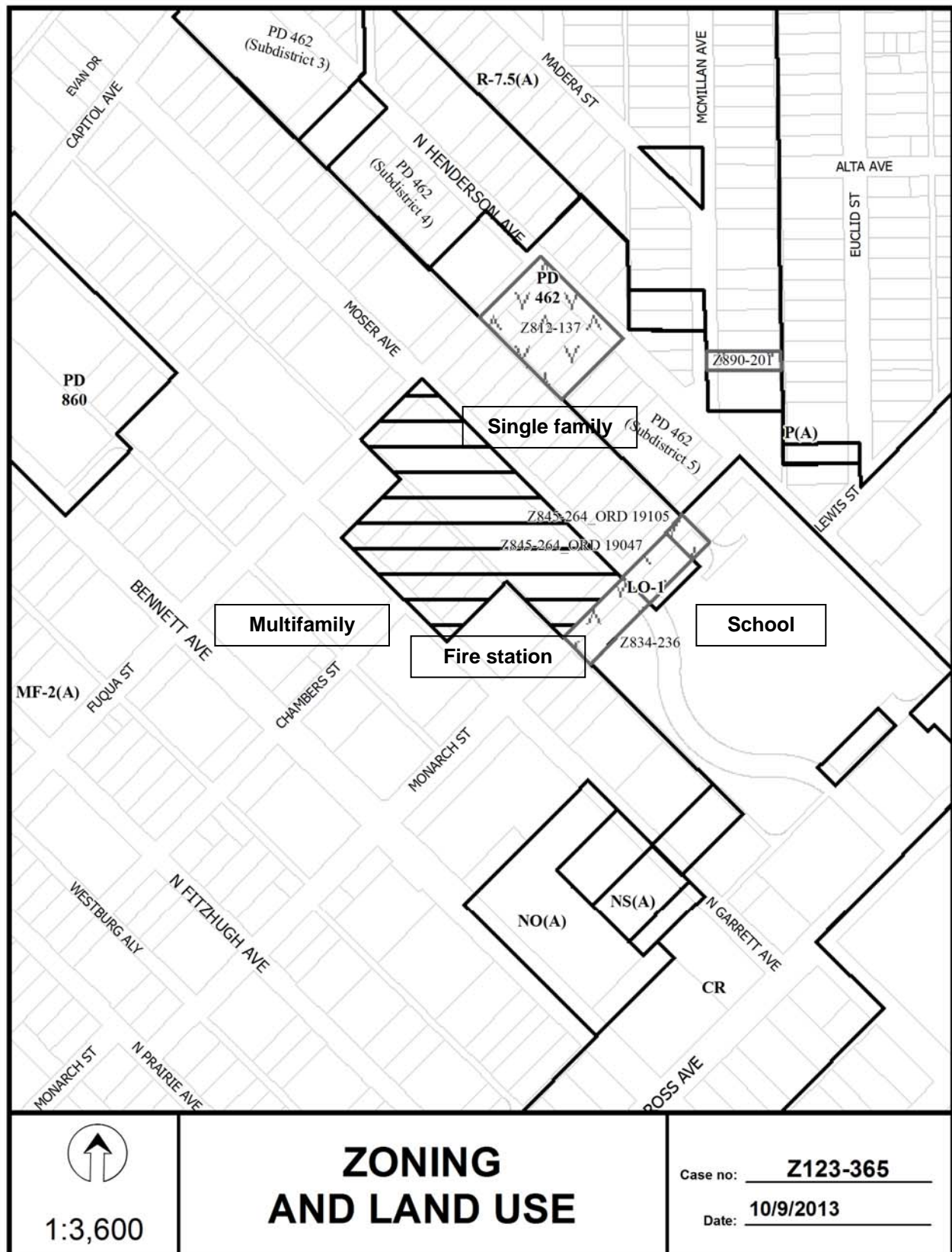


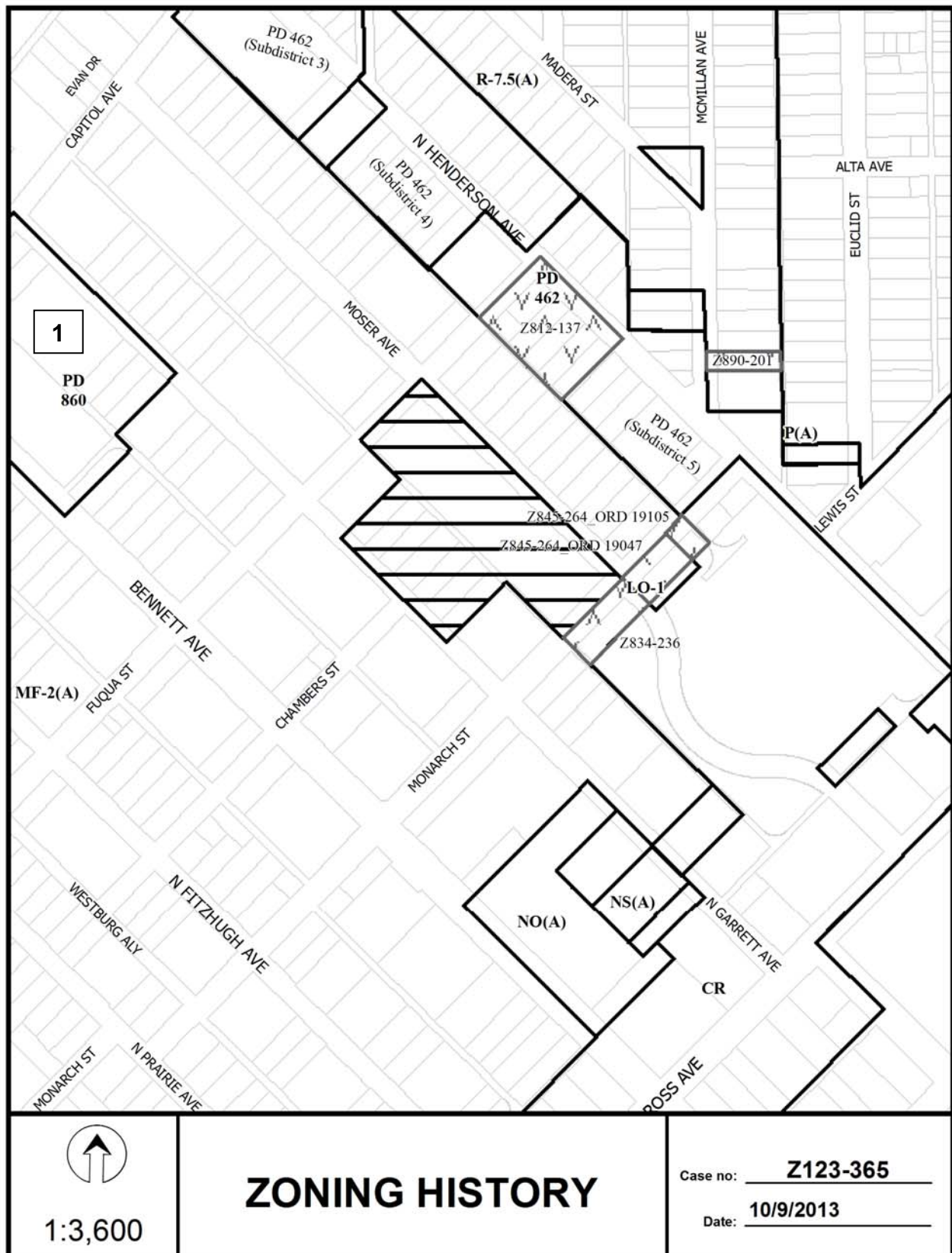






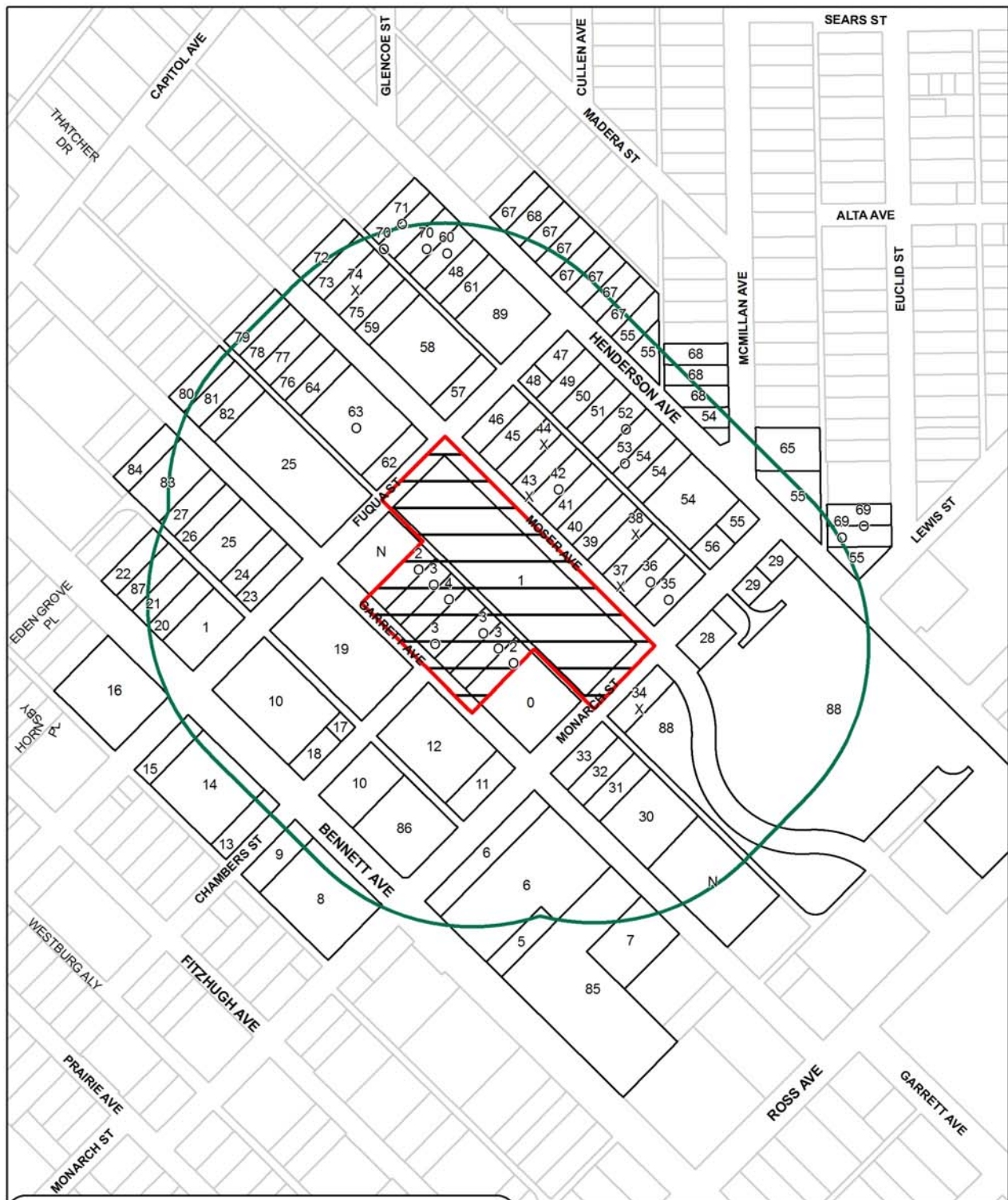








## CPC Responses



<b>89</b>	Property Owners Notified (121 parcels)
<b>13</b>	Replies in Favor (19 parcels)
<b>6</b>	Replies in Opposition (6 parcels)
<b>500'</b>	Area of Notification
<b>4/3/2014</b>	Date <b>3/20/2014</b> Under Advisement

**Z123-365**  
**CPC**



1:3,600

4/3/2014

***Reply List of Property Owners******Z123-365******89 Property Owners Notified 13 Property Owners in Favor 6 Property Owners Opposed***

<b><i>Reply</i></b>	<b><i>Label #</i></b>	<b><i>Address</i></b>	<b><i>Owner</i></b>
	1	2106 BENNETT AVE	URBAN SOUTHWESTEAST
O	2	2012 GARRETT AVE	2301 GARRETT PTNR LTD
O	3	2008 GARRETT AVE	2301 GARRETT PARTNERS LTD
O	4	2004 GARRETT AVE	2301 GARRETT PARTNERS LT
	5	1808 BENNETT AVE	RAMIREZ RICHARD & MARIE
	6	1830 BENNETT AVE	VILLA SANTA MARIA INC
	7	1805 GARRETT AVE	MEDHANFALEM ERITREAN
	8	1909 BENNETT AVE	1909 HODLINGS LTD
	9	1919 BENNETT AVE	WRUCK GEORGE JR
	10	1918 BENNETT AVE	URBAN SOUTHWEST EAST
	11	1903 GARRETT AVE	ARGO MARVIN L
	12	1919 GARRETT AVE	URBAN SOUTHWEST VILLA GARRETT LP
	13	2003 BENNETT AVE	G220 ENTERPRISES
	14	2015 BENNETT AVE	BLUE FIN PARTNERS INC
	15	2021 BENNETT AVE	ADENDORFF JUSTIN
	16	2109 BENNETT AVE	SEAHORSE HOLDINGS LP
	17	5011 CHAMBERS ST	IRA PLUS SOUTHWEST LLC
	18	5005 CHAMBERS ST	BROWN MEGAN
	19	2015 GARRETT AVE	MADDOX RONALD C &
	20	2110 BENNETT AVE	ANDRADE MIGUEL LIRA
	21	2112 BENNETT AVE	DOMINGUEZ MARIANO &
	22	2122 BENNETT AVE	TORREZ JUAN & MARIA
	23	5023 FUQUA ST	CARDOSO JOSE L & MARIA E
	24	2107 GARRETT AVE	PINA MARTHA PARRA
	25	2115 GARRETT AVE	ANGKOR PROPERTIES LTD
	26	2117 GARRETT AVE	HERNANDEZ SALVADOR

4/3/2014

	<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
		27	2121 GARRETT AVE	VILLAREAL AMPARO
		28	1830 MOSER AVE	BLAIR IAN
		29	1839 HENDERSON AVE	CANELAKES LOUIS
		30	1820 GARRETT AVE	TOMAR HOLDINGS LTD
		31	1828 GARRETT AVE	TOPSPIN DEVELOPMENT LP
		32	1832 GARRETT AVE	TOPSIN DEV LP
		33	1836 GARRETT AVE	BURNS ROBERT &
	X	34	1833 MOSER AVE	BURNS ROBERT W
	O	35	1902 MOSER AVE	BOSWELL BRADLY
	O	36	1906 MOSER AVE	STELLMACHER RICHARD &
	X	37	1912 MOSER AVE	TICHANSKY MICHAEL S &
	X	38	1914 MOSER AVE	MCCULLOUGH DAVID W &
		39	1918 MOSER AVE	MONDELL FONYA NAOMI
		40	1922 MOSER AVE	MONDELL CYNTHIA & ALLEN
		41	2002 MOSER AVE	GOODENOW GEORGE
	O	42	2006 MOSER AVE	ULLAH ANJUM
	X	43	2008 MOSER AVE	LOPEZ JAVIER
	X	44	2014 MOSER AVE	CUELLAR- VALDEZ ROSANN
		45	2018 MOSER AVE	RIBEIRO PATRICIA X
		46	2022 MOSER AVE	ESCARCEGA CARLOS
		47	2023 HENDERSON AVE	RIVAS ELIZABETH C
		48	5216 FUQUA ST	SMITH ISABELLE M
		49	2019 HENDERSON AVE	ALARCON ANDRES
		50	2015 HENDERSON AVE	ESPINOZA GRACIELA
		51	2011 HENDERSON AVE	NGUYEN CUNG LUONG 2010 TRUST
	O	52	2007 HENDERSON AVE	NORTH HENDERSON AVENUE LLC
	O	53	2003 HENDERSON AVE	MUNTZEL MARK
		54	1925 HENDERSON AVE	HENDERSON LOTS OWNER DALLAS LLC
		55	1901 HENDERSON AVE	HENDERSON MAIN DALLAS LLC
		56	5217 MONARCH ST	MUELLER MARK C
		57	2100 MOSER AVE	FIG TREE ASSOC INC

4/3/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	2110 MOSER AVE	FIG TREE ASSOCIATES INC
	59	2122 MOSER AVE	GARCIA JOSE
O	60	2121 HENDERSON AVE	HENLEY HAROLD HUDSON
	61	2115 HENDERSON AVE	AVILA PASTORA MARIA
	62	2103 MOSER AVE	HOLZWARTH DENNIS
O	63	2107 MOSER AVE	YDB PROPERTIES LLC
	64	2123 MOSER AVE	HSIANG YUEH YUE &
	65	1804 MCMILLAN AVE	HENDERSON MAIN DALLAS LLC
	66	1924 HENDERSON AVE	HENDERSON LOTS OWNER DALLAS LLC
	67	2116 HENDERSON AVE	HENDERSON RESIDENTIAL LANDS DALLAS LLC
	68	2114 HENDERSON AVE	HENDERSON RESIDENTIAL LANDS
O	69	1805 EUCLID AVE	MAREK MARVIN R
O	70	2201 HENDERSON AVE	HENLEY HAROLD H
O	71	2209 HENDERSON AVE	HENLEY HUDSON
	72	2214 MOSER AVE	FLORES IRMA RUFINA
	73	2208 MOSER AVE	FOUR MAD OX LLC
X	74	2206 MOSER AVE	CHEFCHIS AMELIA
	75	2202 MOSER AVE	NEGRETE BLANCA G
	76	2203 MOSER AVE	ALVAREZ RODRIGO & MARIA
	77	2207 MOSER AVE	NILASENA NANCY
	78	2211 MOSER AVE	SEGOVIA ESPERANZA
	79	2215 MOSER AVE	KHAN IRFAN A &
	80	2214 GARRETT AVE	PAUKEN THOMAS WEIR
	81	2208 GARRETT AVE	KEMP JACK R
	82	2206 GARRETT AVE	SITTERLE KAREN
	83	2201 GARRETT AVE	OHIRHIAN SAMUEL O
	84	2211 GARRETT AVE	JLB BENCAP LP
	85	1800 BENNETT AVE	CHURCH OF JESUS CHRIST OF
	86	1902 BENNETT AVE	BENNETT LOFT LLC
	87	2120 BENNETT AVE	RUIZ JAIMIE
	88	1802 MOSER AVE	Dallas ISD

Z123-365(MW)

*4/3/2014*

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	89	2107 HENDERSON AVE	MASAKI MARIA A

**AGENDA ITEM # 44**

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

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** Office of Financial Services

**CMO:** Jeanne Chipperfield, 670-7804

**MAPSCO:** N/A

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**SUBJECT**

A public hearing to receive comments on the Proposed FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant Funds and the Proposed FY 2013-14 Reprogramming Budget - Financing: No cost consideration to the City

**BACKGROUND**

Federal regulations require a public hearing on the City's Proposed Consolidated Plan Budget for U. S. Department of Housing and Urban Development (HUD) grant funds. This includes the following grants: Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), and Emergency Solutions Grant (ESG). Federal regulations also require a public hearing on the City's Proposed Reprogramming Budget.

The Federal regulations and the City's Citizen Participation Plan requires a public comment period of not less than 30 days and a public hearing to receive comments.

On May 14, 2014, City Council authorized a public hearing to be held on June 11, 2014 before the City Council. The public hearing will provide an opportunity for comments on the proposed use of funds. The public review and comment period continues until June 25, 2014.

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

On February 5, 2014, the Proposed FY 2013-14 Reprogramming Budget was briefed to the City Council.

On March 6, 2014, the Community Development Commission (CDC) was briefed on the City Manager's Proposed FY 2014-15 Consolidated Plan Budget. The CDC held meetings in March 2014 to review the proposed budget.



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

On April 3, 2014, the CDC concurred with the City Manager's proposed budget and there were no amendments.

On April 16, 2014, the City Council was briefed on the Proposed FY 2014-15 Consolidated Plan Budget and the CDC's recommendations.

On May 14, 2014, the City Council approved the preliminary adoption of the Proposed FY 2014-15 Consolidated Plan Budget for U.S. Department of Housing and Urban Development Grant funds and the Proposed FY 2013-14 Reprogramming Budget and authorized a public hearing by Resolution No. 14-0787.

**FISCAL INFORMATION**

No cost consideration to the City.

**JUNE 11, 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 June 11, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.



A.C. Gonzalez  
City Manager



Date



Edward Scott  
City Controller



Date



RECEIVED

2014 JUN -6 PM 4:18

CITY SECRETARY  
DALLAS, TEXAS

**ADDENDUM  
CITY COUNCIL MEETING  
WEDNESDAY, JUNE 11, 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 - 25

**CONSENT ADDENDUM**

Items 1 - 5

**ITEMS FOR INDIVIDUAL CONSIDERATION**

No earlier  
than 9:15 a.m.

Items 26 - 29

Addendum Items 6 - 7

**PUBLIC HEARINGS AND RELATED ACTIONS**

1:00 p.m.

Items 30 - 44



**ADDENDUM  
CITY COUNCIL MEETING  
JUNE 11, 2014  
CITY OF DALLAS  
1500 MARILLA  
COUNCIL CHAMBERS, CITY HALL  
DALLAS, TEXAS 75201  
9:00 A. M.**

**ADDITIONS:**

Closed Session

6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Legal issues associated with Project Reconnect.

**CONSENT ADDENDUM**

**Public Works Department**

1. Authorize an increase in the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue - Total net amount not to exceed \$144,144, from \$1,715,307 to \$1,859,450 and decrease portion of funding previously allocated to Water Utilities Capital Construction Funds (total decrease of \$51,265) - Financing: General Obligation Commercial Paper Funds (\$154,250) and Water Utilities Capital Construction Funds (\$41,159)

**Street Reconstruction Group 06-618**

**Note:** Item Nos. 2 and 3  
must be considered collectively.

2. \* Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard - Not to exceed \$879,000, from \$12,150,167 to \$13,029,167 - Financing: General Obligation Commercial Paper Funds
3. \* Authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard - Financing: No cost consideration to the City

**ADDENDUM  
CITY COUNCIL MEETING  
JUNE 11, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

**Public Works Department** (Continued)

4. An ordinance amending Section 9-2, "Bicycles in Public Buildings," and Article II, "Bicycle Helmets," of Chapter 9, "Bicycles," of the Dallas City Code to amend the requirements on **(1)** bringing bicycles into public buildings; and **(2)** providing that bicycle helmets are required for minors only; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

**Sustainable Development and Construction**

5. An ordinance granting the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" - NC134-001 Financing - No cost consideration to the City

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

6. A resolution designating absences by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City

**DESIGNATED PUBLIC SUBSIDY MATTERS**

**Economic Development**

7. Authorize a loan in the amount of \$500,000 to Bruton Apartments, Ltd. for the construction of retail/commercial space in conjunction with the Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217 - Not to exceed \$500,000 - Financing: Public/Private Partnership Funds

**ADDENDUM  
CITY COUNCIL MEETING  
JUNE 11, 2014**

**CORRECTION:**

**City Attorney's Office**

6. Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed ~~\$50,000~~ \$15,000, from \$50,000 to ~~\$100,000~~ \$65,000 - Financing: Current Funds

**DELETION:**

**Sustainable Development and Construction**

**DESIGNATED ZONING CASES - INDIVIDUAL**

42. A public hearing to receive comments regarding an application for and an ordinance granting a Planned Development Subdistrict for multiple family uses on property zoned an MF-2 Multiple Family Subdistrict within Planned Development District No. 193, the Oak Lawn Special Purpose District on the west line of Cole Avenue, north of Hester Avenue  
Recommendation of Staff: Denial  
Recommendation of CPC: Approval, subject to a development plan and conditions  
Z123-193(WE)





## ADDENDUM DATE June 11, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			6	C	PBW, WTR	\$144,143.19	100.00%	27.12.12%	Authorize an increase in the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue
2			7	C	PBW	\$879,000.00	100.00%	30.04%	Street Reconstruction Group 06-618: Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard
3			7	C	PBW	NC	NA	NA	Street Reconstruction Group 06-618: Authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard
4			All	C	PBW	NC	NA	NA	An ordinance amending Section 9-2, "Bicycles in Public Buildings," and Article II, "Bicycle Helmets," of Chapter 9, "Bicycles," of the Dallas City Code to amend the requirements on bringing bicycles into public buildings; and providing that bicycle helmets are required for minors only; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date
5			6	C	DEV	NC	NA	NA	An ordinance granting the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way"
6			All	I	SEC	NC	NA	NA	A resolution designating absences by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston as being for "Official City Business"
7			7	I	ECO	\$500,000.00	NA	NA	Authorize a loan to Bruton Apartments, Ltd. for the construction of retail/commercial space in conjunction with the Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217

**TOTAL            \$1,523,143.19**



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Public Works Department  
Water Utilities

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

**MAPSCO:** 44T

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**SUBJECT**

Authorize an increase in the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue - Total net amount not to exceed \$144,144, from \$1,715,307 to \$1,859,450 and decrease portion of funding previously allocated to Water Utilities Capital Construction Funds (total decrease of \$51,265) - Financing: General Obligation Commercial Paper Funds (\$154,250) and Water Utilities Capital Construction Funds (\$41,159)

**BACKGROUND**

This item was placed on the addendum to continue Council-approved construction, in order to complete the Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue project.

On August 14, 2013, Resolution No. 13-1380 authorized a contract with Texas Standard Construction, Ltd. for the construction of thoroughfare, water and wastewater main improvements for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue. This action will authorize Change Order No. 3 to the contract with Texas Standard, for paving improvements and other construction field adjustments needed to complete the Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue project.

Paving improvements provided by this action include increasing the reinforced concrete pavement thickness on Sylvan Avenue from the originally designed 9 inches to 11 inches in order to better withstand the effects of bus and truck traffic in the area, and increasing the concrete thickness for the driveways tying into Sylvan Avenue from the originally designed 6 inches to 8 inches to accommodate commercial truck traffic using the driveways. This action also includes construction field changes needed to lower the Sylvan Avenue roadway profile due to recent changes in the topography related to on-going adjacent development.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	January 2012
Completed Design	July 2013
Began Construction	October 2013
Complete Construction	June 2014

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

Authorized a professional services contract for engineering services on December 13, 2006, by Resolution No. 06-3439.

Authorized a construction contract on August 14, 2013, by Resolution No. 13-1380.

Authorized Change Order No. 2 to the construction contract on January 22, 2014, by Resolution No. 14-0249.

## **FISCAL INFORMATION**

2006 Bond Program (General Obligation Commercial Paper Funds) - \$154,249.45

Water Utilities Capital Construction Funds - \$2,140.00

Water Utilities Capital Improvement Funds - \$39,019.24

Wastewater Capital Construction Fund - (\$1,300.00)

Wastewater Capital Improvement Fund- (\$49,965.50)

Design - PBW	\$ 158,335.00
--------------	---------------

Design - WTR	\$ 17,860.00
--------------	--------------

### Construction

Paving & Landscaping - PBW	\$1,054,846.70
----------------------------	----------------

Water & Wastewater - WTR	\$ 459,328.50
--------------------------	---------------

Change Order No. 1	\$ 23,493.50
--------------------	--------------

Change Order No. 2	\$ 177,637.50
--------------------	---------------

Change Order No. 3 (this action)	<u>\$ 144,143.19</u>
----------------------------------	----------------------

Total Project Cost	\$2,035,644.39
--------------------	----------------

## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

### **Texas Standard Construction, Ltd.**

Hispanic Female	2	Hispanic Male	58
African-American Female	0	African-American Male	0
Other Female	0	Other Male	0
White Female	3	White Male	8

## **OWNER**

### **Texas Standard Construction, Ltd.**

Ronald H. Dalton, President

## **MAP**

Attached.

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

**PROJECT:** Authorize an increase in the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue - Total net amount not to exceed \$144,144, from \$1,715,307 to \$1,859,450 and decrease portion of funding previously allocated to Water Utilities Capital Construction Funds (total decrease of \$51,265) - Financing: General Obligation Commercial Paper Funds (\$154,250) and Water Utilities Capital Construction Funds (\$41,159)

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

**PROJECT CATEGORY:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$144,143.19	100.00%
Non-local contracts	\$0.00	0.00%
<b>TOTAL THIS ACTION</b>	<b>\$144,143.19</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>
Kenyatta Sand and Gravel	BMDB58593Y0914	\$40,360.10	28.00%
<b>Total Minority - Local</b>		<b>\$40,360.10</b>	<b>28.00%</b>

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

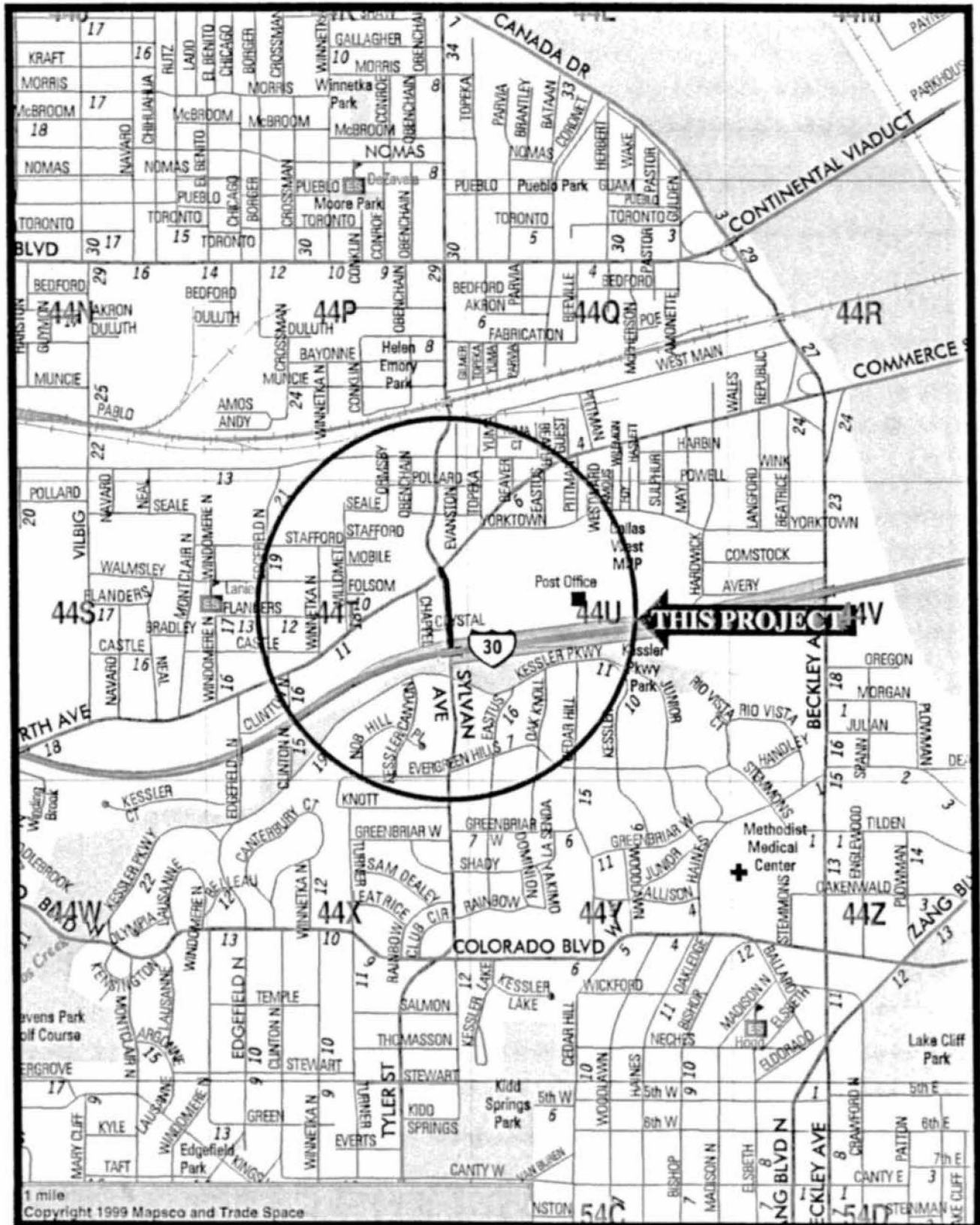
None

### **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	\$40,360.10	28.00%	\$504,218.23	27.12%
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>\$40,360.10</b>	<b>28.00%</b>	<b>\$504,218.23</b>	<b>27.12%</b>

# STREET IMPROVEMENTS

## SYLVAN AVENUE - IH-30 FRONTAGE ROAD TO FORT WORTH AVENUE



MAPSCO 44T





June 11, 2014

**WHEREAS**, on December 13, 2006, Resolution No. 06-3439 authorized a professional services contract for the engineering design for Sylvan Avenue from IH-30 westbound frontage road to Fort Worth Avenue; and,

**WHEREAS**, on August 14, 2013, Resolution No. 13-1380 authorized a construction contract with Texas Standard Construction, Ltd. for thoroughfare, water and wastewater main improvements for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue; and,

**WHEREAS**, on January 10, 2014, Administrative Change Order No. 14-5131 authorized Change Order No. 1 to the contract with Texas Standard Construction, Ltd. for the removal of the existing traffic signal and to install temporary traffic signal at the intersection of Sylvan Avenue and Fort Worth Avenue during construction in the amount of \$23,493.50, increasing the contract from \$1,514,175.20 to \$1,537,668.70; and,

**WHEREAS**, on January 22, 2014, Resolution No. 14-0249 authorized Change Order No. 2 to the contract with Texas Standard Construction, Ltd. for streetscape improvements for Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue in the amount of \$177,637.50, increasing the contract from \$1,537,668.70 to \$1,715,306.20.

**WHEREAS**, it is now necessary to authorize Change Order No. 3 to the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments needed to complete the Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue project in the amount of \$144,143.19, increasing the contract from \$1,715,306.20 to \$1,859,449.39.

**NOW, THEREFORE,**

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

**Section 1.** That the City Manager is hereby authorized to execute Change Order No. 3 to the contract with Texas Standard Construction, Ltd. for paving improvements and other necessary construction field adjustments needed to complete the Sylvan Avenue from the IH-30 westbound frontage road to Fort Worth Avenue project in the amount of \$144,143.19, increasing the contract from \$1,715,306.20 to \$1,859,449.39, after it has been approved as to form by the City Attorney.

June 11, 2014

**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 U801, Act. THRF  
Obj. 4510, Program #PB06U801, CT PBW06U801K1  
Vendor #339573, in an amount not to exceed \$154,249.45

Water Utilities Capital Construction Fund  
Fund 0102, Department DWU, Unit CW42, Act. RELP  
Obj. 3221, Program #713209X, Reporting W3GA, CT PBW713209EN  
Vendor #339573, in an amount not to exceed \$ 2,140.00

Water Utilities Capital Improvement Fund  
Fund 2115, Department DWU, Unit PW42, Act. RELP  
Obj. 4550, Program #713209, Reporting W3GA, CT PBW713209CP  
Vendor #339573, in an amount not to exceed \$ 39,019.24

Total in an amount not to exceed \$ 195,408.69

**Section 3.** That the City Manager or designee is authorized to release encumbrances from:

Wastewater Utilities Capital Construction Fund  
Fund 0103, Department DWU, Unit CS42, Act. RELP  
Obj. 3222, Program #713210X, Reporting T2SC, CT PBW713210EN  
Vendor #339573, in an amount not to exceed (\$ 1,300.00)

Wastewater Utilities Capital Improvement Fund  
Fund 2116, Department DWU, Unit PS42, Act. RELP  
Obj. 4560, Program #713210, Reporting T2SC, CT PBW713210CP  
Vendor #339573, in an amount not to exceed (\$ 49,965.50)

Total in an amount not to exceed (\$51,265.50)

\*Total net contract increase amount not to exceed \$144,143.19

**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:** June 11, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Public Works Department

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

**MAPSCO:** 46N P S T

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**SUBJECT**

**Street Reconstruction Group 06-618**

- \* Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard - Not to exceed \$879,000, from \$12,150,167 to \$13,029,167 - Financing: General Obligation Commercial Paper Funds
- \* Authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard - Financing: No cost consideration to the City

**BACKGROUND**

This item was placed on the addendum to continue Council-approved construction, in order to complete the project prior to the opening of the Texas State Fair.

On March 26, 2014, City Council authorized a construction contract with Texas Standard Construction, Ltd. for Street Group 06-618 which includes the reconstruction of Continental Boulevard from Core Street to Houston Street, and Riverfront Boulevard from Parkhouse Street to the Union Pacific Railroad. This action will authorize Change Order No. 1 to the contract with Texas Standard Construction, Ltd. for improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard. The improvements will include monuments, sidewalks, crosswalks, pedestrian lighting and minor landscaping.

This action will also authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard.

## **ESTIMATED SCHEDULE OF PROJECT**

Began Design	February 2008
Completed Design	January 2014
Begin Construction	June 2014
Complete Construction	May 2016

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

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

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

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

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

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

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

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

Authorized a professional services contract on December 11, 2013, by Resolution No. 13-2069 with Freese and Nichols, Inc. for the engineering design of two complete street projects and one street reconstruction project.

Authorized a construction contract with Texas Standard Construction, Ltd. for Street Reconstruction Group 06-618 on March 26, 2014, by Resolution No. 14-0513.

## **FISCAL INFORMATION**

2012 Bond Program (General Obligation Commercial Paper Funds) - \$879,000

Design - PBW	\$ 484,949.90
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### **Construction**

Paving & Drainage - PBW	\$11,232,595.20
Water & Wastewater - DWU	\$ 917,571.00
Change Order No. 1 (this action)	<u>\$ 879,000.00</u>

Total Project Cost	\$13,514,116.10
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## **M/WBE INFORMATION**

See attached.

## **ETHNIC COMPOSITION**

Texas Standard Construction, Ltd.

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

## **OWNER**

**Texas Standard Construction, Ltd.**

Ronald H. Dalton, President

## **MAP**

Attached.

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

**PROJECT:** Authorize an increase in the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard - Not to exceed \$879,000, from \$12,150,167 to \$13,029,167 - Financing: General Obligation Commercial Paper Funds

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

**PROJECT CATEGORY:** Construction

### **LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY**

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$879,000.00	100.00%
Non-local contracts	\$0.00	0.00%
<b>TOTAL THIS ACTION</b>	<b>\$879,000.00</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>
Kenyatta Sand & Gravel	BMDB58593Y0914	\$228,540.00	26.00%
<b>Total Minority - Local</b>		<b>\$228,540.00</b>	<b>26.00%</b>

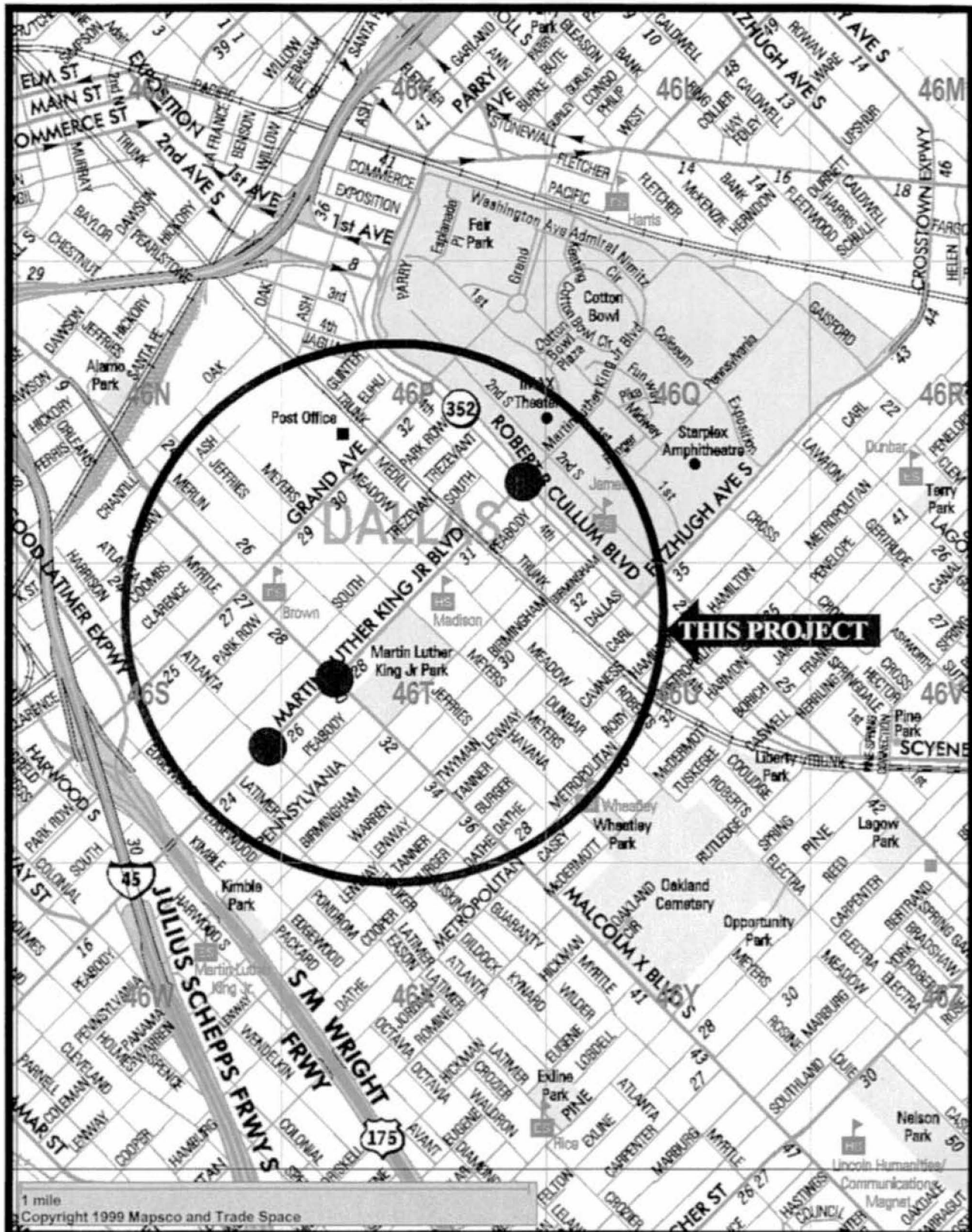
#### **Non-Local Contractors / Sub-Contractors**

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	\$228,540.00	26.00%	\$3,850,235.00	29.55%
Hispanic American	\$0.00	0.00%	\$40,000.00	0.31%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$24,290.00	0.19%
<b>Total</b>	<b>\$228,540.00</b>	<b>26.00%</b>	<b>\$3,914,525.00</b>	<b>30.04%</b>

**COMPLETE STREET  
MARTIN LUTHER KING JR. BOULEVARD  
AT ATLANTA STREET, MALCOLM X BOULEVARD AND R. B. CULLUM  
BOULEVARD**



**MAPSCO 46P, S, & T**





June 11, 2014

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

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

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

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

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

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

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

June 11, 2014

**WHEREAS**, on December 11, 2013, Resolution No. 13-2069 authorized a professional services contract with Freese and Nichols, Inc. for the engineering design of two complete street projects and one street reconstruction project; and,

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

**WHEREAS**, on March 28, 2014, Resolution No. 14-0513 authorized a contract with Texas Standard Construction, Ltd. for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618; and,

**WHEREAS**, it is now necessary to authorize Change Order No. 1 to the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard in the amount of \$879,000, increasing the contract from \$12,150,166.20 to \$13,029,166.20.

**Now, Therefore,**

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

**Section 1.** That the City Manager is hereby authorized to execute Change Order No. 1 to the contract with Texas Standard Construction, Ltd. for the construction of monuments, sidewalks, crosswalks, pedestrian lighting and minor landscape improvements for Martin Luther King, Jr. Boulevard at Atlanta Street, Malcolm X Boulevard and Robert B. Cullum Boulevard in the amount of \$879,000, increasing the contract from \$12,150,166.20 to \$13,029,166.20, 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 S398, Act. THRF  
Obj. 4510, Program #PB12S398, CT PBW06U215F1  
Vendor #339573, in an amount not to exceed

\$ 879,000

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

June 11, 2014

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

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

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

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

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

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

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

June 11, 2014

**WHEREAS**, on December 11, 2013, Resolution No. 13-2069 authorized a professional services contract with Freese and Nichols, Inc. for the engineering design of two complete street projects and one street reconstruction project; and,

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

**WHEREAS**, on March 26, 2014, Resolution No. 14-0513 authorized a contract with Texas Standard Construction, Ltd. for the construction of street paving, storm drainage, water and wastewater main improvements for Street Reconstruction Group 06-618; and,

**WHEREAS**, it is now necessary to authorize a Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard.

**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 Gateway Monument Agreement with the Texas Department of Transportation for installing and maintaining monuments in the median of Robert B. Cullum Boulevard at Martin Luther King, Jr. Boulevard, after it has been approved as to form by the City Attorney.

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

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

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** Public Works Department

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

**MAPSCO:** N/A

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**SUBJECT**

An ordinance amending Section 9-2, "Bicycles in Public Buildings," and Article II, "Bicycle Helmets," of Chapter 9, "Bicycles," of the Dallas City Code to amend the requirements on **(1)** bringing bicycles into public buildings; and **(2)** providing that bicycle helmets are required for minors only; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date - Financing: No cost consideration to the City

**BACKGROUND**

On April 28, 2014, the Quality of Life & Environment Committee was briefed on the City's "all age groups" Helmet Ordinance in response to the City's desire to launch a citywide Bike Share Program. The recommendation of the Committee was to allow for public discussion on this topic at the May 12, 2014 Quality of Life & Environment Committee meeting.

At the May 12, 2014, the Committee was briefed on the "all age groups" Helmet Ordinance as well as the City ordinance restricting bicycles inside public buildings. After the briefing and Committee discussion, members of the community representing the medical field and bicycle advocates spoke either for or against modifications to the bicycle helmet ordinance. There were a total of five speakers, with four in favor of removing the all age requirement and one against. At the conclusion of the meeting, the Committee Chair recommended advancing this item to the full City Council for consideration and possible modifications to the "all age groups" Helmet Ordinance and the restriction of bicycles inside public buildings.

## **BACKGROUND** (Continued)

On June 4, 2014, the City Council was briefed on the "all age groups" Bicycle Helmet Ordinance requirement and the City ordinance restricting bicycles inside public buildings. The briefing included a history of previous Committee action, a description of the ordinance, arguments for and against bicycle helmet requirements, and options for possible amendments to sections of the ordinance. After City Council discussion, a recommendation was made to add this item as an addendum to the June 11, 2014 City Council meeting for further discussion and possible action. The draft helmet amendment includes making the bicycle helmet requirement be for minors only. Minors are defined as "any person under 17 years of age". The second proposed change is to allow bicycles inside public buildings.

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

On May 22, 1996, the Dallas City Council approved an ordinance amending Chapter 9 of the Dallas City Code to provide requirements for the wearing of helmets for individuals of all ages when operating or riding upon a bicycle or a device attached to a bicycle on a public way in the City and to hold parents and guardians responsible for minors who fail to wear bicycle helmets when required.

On June 12, 1972 the Dallas City Council approved an ordinance prohibiting bicycles to be carried, pushed, propelled or to ride an assembled or operable bicycle in any public building in the City of Dallas.

## **FISCAL INFORMATION**

No cost consideration to the City

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

An ordinance amending Chapter 9, “Bicycles,” of the Dallas City Code by amending Sections 9-2, 9-8, and 9-9; deleting the prohibition on bringing bicycles into public buildings; providing that bicycle helmets are required for minors only; providing a penalty not to exceed \$50; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 9-2, “Bicycles Prohibited in Public Buildings,” of Article I, “General,” of Chapter 9, “Bicycles,” of the Dallas City Code is amended to read as follows:

**“SEC. 9-2.            RESERVED [~~BICYCLES PROHIBITED IN PUBLIC BUILDINGS~~].**

~~[No person shall carry, push, propel or ride an assembled or operable bicycle in any public building in the city.]”~~

SECTION 2. That Section 9-8, “Bicycle Helmet Required,” of Article II, “Bicycle Helmets,” of Chapter 9, “Bicycles,” of the Dallas City Code is amended to read as follows:

**“SEC. 9-8.            BICYCLE HELMET REQUIRED.**

(a)     A minor [~~person~~] commits an offense if he operates or rides upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle without wearing a helmet.

(b)     A parent or guardian of a minor commits an offense if he knowingly causes or permits, or by insufficient control allows, the minor to operate or ride upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle, without the minor wearing a helmet.

(c)     A person commits an offense if he transports a minor [~~another person~~] upon a bicycle or any side car, trailer, child carrier, seat, or other device attached to a bicycle, without the minor [~~other person~~] wearing a helmet.

(d)     It is a defense to prosecution under Subsection (a), (b), or (c) that:



(1) the bicycle was not being operated upon a public way at the time of the alleged offense; or

(2) for a first offense only, the person owns or has acquired a helmet for himself or his passenger, whichever is applicable, prior to appearance in municipal court.”

SECTION 3. That Section 9-9, “Sale or Lease of Bicycles,” of Article II, “Bicycle Helmets,” of Chapter 9, “Bicycles,” of the Dallas City Code is amended to read as follows:

**“SEC. 9-9. SALE OR LEASE OF BICYCLES.**

(a) A dealer commits an offense if he sells a bicycle or any bicycle side car, trailer, or child carrier without having a sign conspicuously posted on the dealer’s premises, in the form, location, and manner approved by the chief of police, notifying all customers that it is a city ordinance violation for a minor to operate or ride upon a bicycle without a helmet.

(b) A dealer commits an offense if he leases a bicycle or any bicycle side car, trailer, or child carrier without:

(1) providing a helmet to each minor [~~person~~] who will operate or ride upon the bicycle or bicycle side car, trailer, or child carrier; or

(2) determining through physical observation that a helmet is in the possession of each minor [~~person~~] who will operate or ride upon the bicycle or bicycle side car, trailer, or child carrier.”

SECTION 4. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$50.

SECTION 5. That Chapter 9 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 7. That 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 \_\_\_\_\_



**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 6

**DEPARTMENT:** Sustainable Development and Construction

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

**MAPSCO:** 22 R

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**SUBJECT**

An ordinance granting the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" - NC134-001 Financing - No cost consideration to the City

**BACKGROUND**

This item is moved forward by Council direction.

The City Council, on May 28, 2014, approved the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" with the ordinance to return on June 11, 2014.

On February 12, 2014, the City of Dallas accepted an application to change the name of Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way". The change of Ables Lane to "James Parker Way" complies with Section 51A-9.300 of the Dallas City Code.

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

On May 8, 2014, the City Plan Commission recommended approval of the street name change proposal of Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" with an unanimous vote.

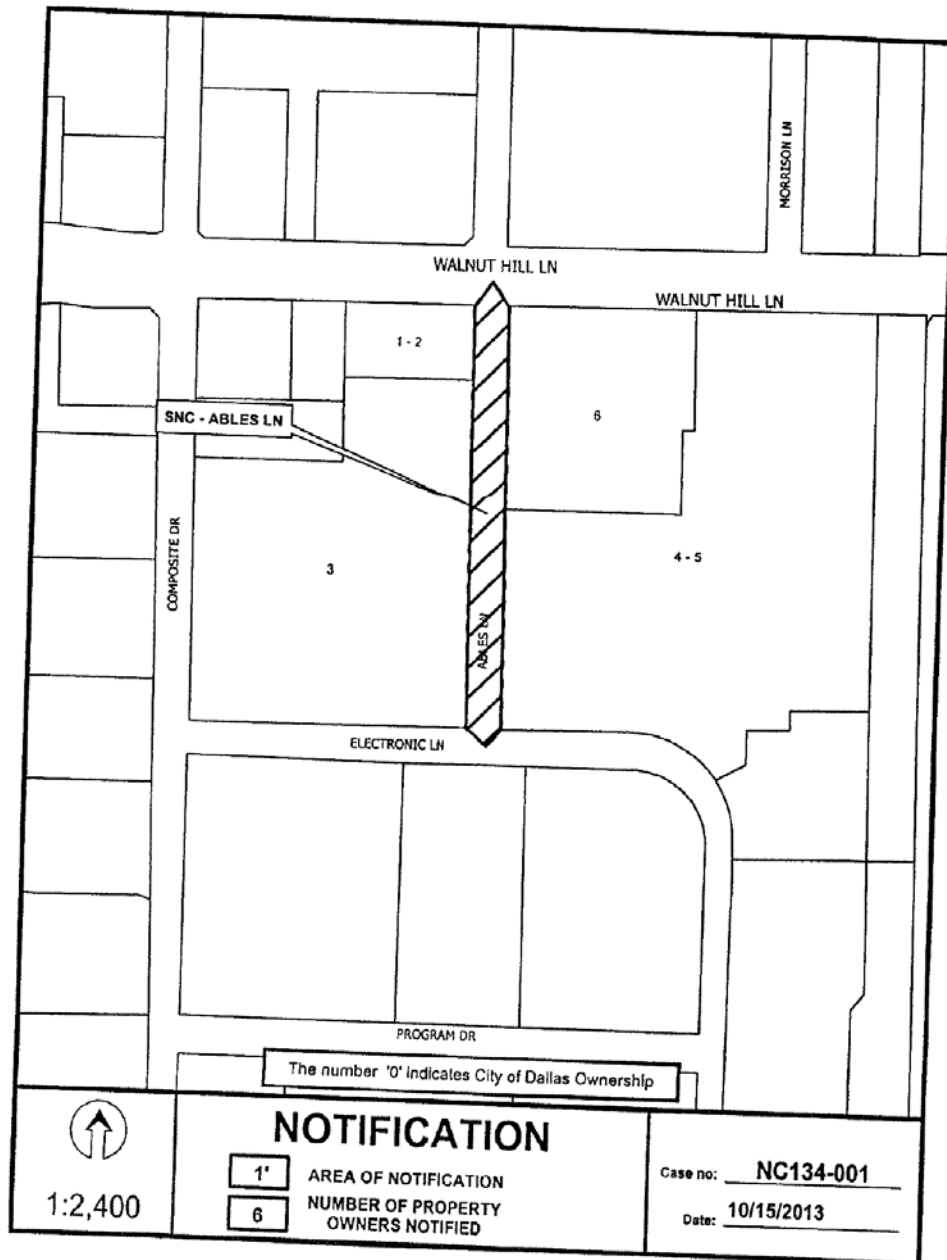
The City Council, on May 28, 2014, approved the street name change from Ables Lane between Walnut Hill Lane and Electronic Lane to "James Parker Way" with the ordinance to return on June 11, 2014.

**FISCAL INFORMATION**

No cost consideration to the City.

**MAP**

Attached.



10/15/2013

## *Notification List of Property Owners*

*NC134-001*

### *6 Property Owners Notified*

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2470 WALNUT HILL LN	PUBCO CORP
2	2470 WALNUT HILL LN	HAMER ROBERT
3	10920 COMPOSITE DR	USA BOWL LLC %CHESTER B HOWARD
4	2540 WALNUT HILL LN	PARKER COLLEGE OF CHIROPRACTIC
5	2550 WALNUT HILL LN	PARKER COLLEGE OF CHIROPRACTIC
6	2530 WALNUT HILL LN	PARKER COLLEGE OF CHIROPRACTIC



February 4, 2014

Paul Nelson  
Administrator-Subdivision  
City of Dallas  
320 E. Jefferson Blvd  
Dallas, Texas 75203

Dear Paul,

Please accept this letter as notification that we have made a formal "application for a street name change" to the City of Dallas today.

It is Parker University's desire to change the name of our adjacent street Ables Lane to James Parker Way, as the attached map indicates.

The name change request will:

- Honor James Parker, the founder of Parker University
- Better identify a street that has sole adjacency to the University
- Initiate the process of improving the neighborhood by having a readily identifiable street near Parker's campus and Walnut Hill and I35.

I am pleased that we have 100% support of adjacent property owners. We are utilizing David A. Neumann, with Jasper Neumann Consulting to assist Parker University with its external relationships which include representing Parker through this application for a street name change process.

Please contact me should you have any questions.

Sincerely,

Dr. Brian McAulay  
President

BJM/alk

OFFICE OF THE PRESIDENT

2540 Walnut Hill Lane  
Suite S200  
Dallas, Texas 75229

p: 214-902-3470  
f: 214-902-2470  
w: [parker.edu](http://parker.edu)



# APPLICATION FOR STREET NAME CHANGE

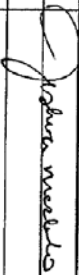
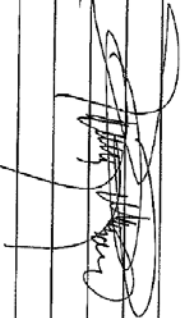

Development Services Department, City of Dallas, Texas  
Room 115, Oak Cliff Municipal Center, 320 E. Jefferson Blvd., Dallas, TX 75203  
Telephone 214-948-4299

Property Owner (Applicant)	Name <u>Parker University</u> Telephone <u>214-902-3470</u>	Office Use File No: _____ CPC HRG DATE: _____ Sent: _____ Fees RCVD: _____ Reply: _____ Map No: _____ Census Tract: _____ Council District: _____
	Address <u>2540 Walnut Hill Lane</u> <u>Dallas, Texas</u> Zip <u>75229</u>	
Project Description	Existing Name: <u>Able Lane</u>	
	Proposed Name: <u>James Parker Way</u> From: <u>Walnut Hill Lane to Electronic Lane</u> Street Status: <input type="checkbox"/> Major <input checked="" type="checkbox"/> Minor	

Accepted By: \_\_\_\_\_ Date Accepted: \_\_\_\_\_

Statement (Reasons for Request)	The proposed name change will: 1) Honor James Parker, the founder of Parker University 2) Better identify a street that has sole adjacency to Parker University 3) Initiate the process of improving the business neighborhood by having a readily identifiable street near Parker - I35 / Walnut Hill Lane	
General Information	<input checked="" type="checkbox"/> PETITION INDICATING THAT AT LEAST FIFTY-ONE (51) PERCENT OF OWNERS OF LOTS ABUTTING THE STREET WHOSE NAME IS TO BE CHANGED FAVOR THE NAME CHANGE <input type="checkbox"/> APPLICATION FEE <input checked="" type="checkbox"/> SITE PLAN SHOWING LOCATION OF THE STREET <input checked="" type="checkbox"/> STATEMENT OF REASONS FOR SUPPORTING A STREET NAME CHANGE <input checked="" type="checkbox"/> ROADWAY'S STATUS AS A MAJOR OR MINOR ROADWAY <input checked="" type="checkbox"/> EXISTING AND PROPOSED STREET NAMES	
Applicant's Signature	I hereby certify that I am the applicant in the foregoing application, and that I am the owner of a lot abutting the street for which a street name change is being requested.	
	Signature <u>Don A. Neumann</u>	Date <u>2/4/14</u>

We, the undersigned owners of the lot or lots indicated which about (name of existing street) Ables Lane  
do hereby petition for a change in the street name to (requested street name) James Parker Way

Print Owner's Name	Owner's Signature	Street Address	Lot & Block Number
Josmar Marcelo USA Bowl LLC		10920 Composite Dr	
Jose Rolando Ponce Pasin Creek Corp DBA The Warehouse Distillery		2470 Walnut Hill Ln	
Brian McAulay Parker University President		2540 Walnut Hill Lane	

This petition must be included with the application for a street name change and must contain at least 51 percent of the owners of all lots abutting the street who favor the name change (Dallas Development Code 51A-9.303(5)).

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

An ordinance changing the name of Ables Lane, between Walnut Hill Lane and Electronic Lane to James Parker Way; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That the name of Ables Lane, between Walnut Hill Lane and Electronic Lane is changed to James Parker Way

SECTION 2. 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.

SECTION 3. That this ordinance shall take effect on July 12, 2014, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

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

Passed \_\_\_\_\_

\* Dallas Development Code Section 51A-9.309 requires that the effective date be at least 60 days after the date of passage. City council may set a later effective date.

## **ADDENDUM ITEM # 6**

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

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Secretary

**CMO:** Rosa A. Rios, 670-3738

**MAPSCO:** N/A

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### **SUBJECT**

A resolution designating absences by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston as being for "Official City Business" - Financing: No cost consideration to the City

### **BACKGROUND**

This item is on the addendum to allow council members a sufficient amount of time to request approval of their outstanding absences (if applicable) as "Official City Business."

Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation...for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business."

Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization of or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation.

**BACKGROUND** (Continued)

Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter.

The proposed resolution authorizes and directs the city secretary to amend the minutes of city council meetings, without further city council action or approval, to reflect when the absences by designated council members have been deemed by the city council to be for "official city business."

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

This item has no prior action.

**FISCAL INFORMATION**

No cost consideration to the City.

June 11, 2014

**WHEREAS**, Chapter III, Section 4(e) of the Dallas City Charter provides in part, "If any city council member, including the mayor, misses more than 10 percent of the total number of regular meetings held by the city council during any compensation year, then the city council member's compensation... for that year will be reduced proportionately by the percentage of meetings missed.... Meetings missed by a city council member while he or she is on the official business of the city council and at the direction of the city council will not be counted towards the percentage of missed meetings for which compensation reduction is required... but will be counted as though the member had attended the meetings that are missed while so engaged in city business"; and

**WHEREAS**, Section 4.11(b) of the City Council Rules of Procedure provides that an absence by a council member for (1) attending a meeting or conference of a professional organization or association of municipalities or municipal officers, (2) testifying at a legislative hearing at the request of the mayor, the city council, the chair of the council's legislative affairs committee or the city manager, or (3) attending a meeting of a board, commission, or committee to which the council member has been appointed by the mayor or the city council, will automatically be deemed to be for "official city business at the direction of the city council" and will not be counted against a city council member for purposes of determining the council member's annual compensation; and

**WHEREAS**, Section 4.11(c) of the City Council Rules of Procedure provides that, in addition to those absences automatically considered to be on "official city business at the direction of the city council" under Section 4.11(b) above, the city council may by resolution designate whenever a council member's absence is for official city business and not counted as a missed meeting for purposes of determining the council member's annual compensation under Chapter III, Section 4 of the Dallas City Charter; and

**WHEREAS**, Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston participated in event(s) and/or meeting(s), as described in **Exhibit A** attached, which required them to miss all or part of one or more city council meeting(s) or committee meeting(s) on the date(s) noted in Exhibit A; **Now, Therefore,**

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

June 11, 2014

**SECTION 1.** That, in accordance with Chapter III, Section 4(e) of the Dallas City Charter and Section 4.11(c) of the City Council Rules of Procedure, the event(s) and/or meeting(s) described in **Exhibit A**, attached, are hereby deemed to be for "official city business," and any absences from city council meeting(s) and/or city council committee meeting(s), on the date(s) noted in Exhibit A, by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston because of their participation in any event(s) and/or meeting(s) will not be counted against them in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 2.** That, in accordance with Section 4.11(a) of the City Council Rules of Procedure, the City Secretary shall maintain a record of the absence on official city business so that such absence will not count against Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston in determining their annual compensation under Chapter III, Section 4 of the Dallas City Charter.

**SECTION 3.** That the City Secretary is authorized and directed to amend the minutes of each city council meeting held on the date(s) specified in Exhibit A, if applicable, to reflect that the absence by Councilmember Dwaine R. Caraway, Councilmember Carolyn R. Davis and Councilmember Philip T. Kingston as described in Exhibit A, was for "official city business," and no further city council action or approval of those minutes is required.

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

EXHIBIT A  
CITY COUNCIL MEMBER(S)  
REQUEST ABSENT AS OFFICIAL CITY BUSINESS

COUNCILMEMBER	TRIP/EVENT	LOCATION	DATE	PURPOSE	MEETING(S) MISSED	ABSENCE TYPE
<b>Philip T. Kingston</b>	Working on city business in the office	Dallas City Hall, 5FN	05/05/2014	Representing District 14	Housing Committee Meeting	Absent more than 50%
<b>Dwaine R. Caraway</b>	Attended a meeting with Economic Development Director Karl Zavitskovsky, Economic Assistant Director Lee McKinney and City Wide CDC President and CEO Sherman Roberts regarding Rudy's Chicken	Dallas City Hall	05/12/2014	Representing District 4	Public Safety Committee Meeting	Absent
<b>Carolyn R. Davis</b>	Attended an event with ChildCare Group and Dallas Bethlehem's Center's "Celebrating the Power of Partnership"	Dallas City Hall	05/27/2014	Representing District 7	Quality of Life & Environment Committee Meeting	Absent





## **ADDENDUM ITEM # 7**

**KEY FOCUS AREA:** Economic Vibrancy

**AGENDA DATE:** June 11, 2014

**COUNCIL DISTRICT(S):** 7

**DEPARTMENT:** Office of Economic Development

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

**MAPSCO:** 59 B

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### **SUBJECT**

Authorize a loan in the amount of \$500,000 to Bruton Apartments, Ltd. for the construction of retail/commercial space in conjunction with the Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217 - Not to exceed \$500,000 - Financing: Public/Private Partnership Funds

### **BACKGROUND**

This agenda item is on the June 11, 2014 Addendum due to Texas Department of Housing and Community Affairs (TDHCA) deadlines related to this round of 4% Low-Income Housing Tax Credit (LIHTC) tax credits and the issuance of tax exempt bonds.

For the past several months, city staff has been negotiating with NRP Group, LLC (NRP) regarding the construction of a new mixed used development in South Dallas. Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217, will be comprised of 264 multi-family units and 10,000 square feet of commercial space. All residential units will be leased to households earning at or below 60% of area median income. Development amenities will include a swimming pool, club house and fitness center, as well as space for after school and summer school programs. The commercial space will provide needed retail for the area.

The project will be financed by Private Activity Bonds issued by Dallas Housing Finance Corporation (DHFC) in an approximate amount of \$18.2 Million as approved by Council Resolution No. 13-2140. TDHCA has also committed 4% LIHTC's in the approximate amount of \$13.4 Million. The project owner will be Bruton Apartments, Ltd., a limited partnership formed for the sole purpose of developing, owning and operating the project. Bruton Apartments GP LLC, an entity created and controlled by the DHFC, is the general partner with a .01% ownership interest in the limited partnership. NRP Bruton Apartments SLP, LLC, a Texas limited liability company, the Class B Limited Partner, will have a .01% ownership interest. The remaining 99.98% of the improvements will be owned by the investor limited partner.

## **BACKGROUND** (Continued)

Bruton Apartments, Ltd. requests that the City Council authorize an unsecured loan in the amount of \$500,000 to facilitate a \$1,000,000 funding gap created by the inclusion of 10,000 square feet of retail/commercial space. The funding gap is based upon a \$100 per square foot market rate cost of 10,000 square feet of retail/commercial space. NRP will assist in addressing the funding gap by foregoing a proportional \$500,000 share of development fees not realized due to the retail/commercial space being developed, as well as building the commercial space at cost.

## **ESTIMATED SCHEDULE OF PROJECT**

Begin Construction	July 2014
Substantial Completion	December 2015

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

On July 22, 2013, NRP Group, LLC (NRP) submitted a pre-application for tax-exempt bond financing, support of their 4% tax credit application which included a proposal for the DHFC, and/or its newly created entity wholly-owned and controlled by the DHFC, to become the general partner and to share in the developer fee and cash flow profits to be used for mixed income developments as part of DHFC's public purposes from the project without providing any guaranties.

On October 8, 2013, the DHFC authorized the NRP proposal to be considered by City Council to grant the waiver to allow NRP to submit its formal application to the DHFC for the proposal described herein and to authorize a public hearing to be held on December 11, 2013 to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013.

On October 21, 2013, the Housing Committee was briefed on the Bruton Road Apartment proposal; and subject to certain conditions being met, recommended the City Council take all actions necessary to carry out the transaction and hold the public hearing pursuant to State of Texas H.B. 3361.

On November 12, 2013, the approval for a requested public hearing was granted to be held on December 11, 2013.

On December 11, 2013, City Council authorized a resolution to support TDHCA's award of a 4% LIHTC tax credit to NRP, granted approval for the DHFC to issue tax-exempt bonds in an approximate amount of \$18.2 Million and authorized a DHFC entity to become the general partner, own the land and allow the property to be exempt from Ad Valorem taxes in exchange for fee income and cash flow participation which significantly exceeds the current Ad Valorem tax assessment.

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

On December 16, 2013, the DHFC met and approved the changes to the social service program paragraph to provide the following: (1) delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan; (2) to replace the word "LURA" with "Bond Regulatory Agreement"; and (3) to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section Number 3.

On January 8, 2014, the City of Dallas authorized amendments to Resolution No. 13-2140 concerning the application with TDHCA on the proposal for the new construction of the Bruton Apartments. The amendments provide for the following: (1) delete reference to the TDHCA's tenants services requirement; (2) to replace the word "LURA" with "Bond Regulatory Agreement"; and (3) delete the last sentence "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section Number 3.

## **FISCAL INFORMATION**

\$500,000 – Public/Private Partnership Funds

### **Unsecured Loan Terms:**

\$500,000 from Public Private Partnership Program Funds. Funding conditioned upon a 4% LIHTC award by the TDHCA. Funds will be escrowed with the construction lender, to be disbursed pro-rata by the construction lender. Loan will have an interest rate of 1% with a term of twenty (20) years and a thirty (30) year amortization schedule. Monthly payments of principle and interest will be paid out of available cash flow, with all unpaid principle and interest due and payable at maturity.

## **OWNER**

### **Bruton Apartments, Ltd.**

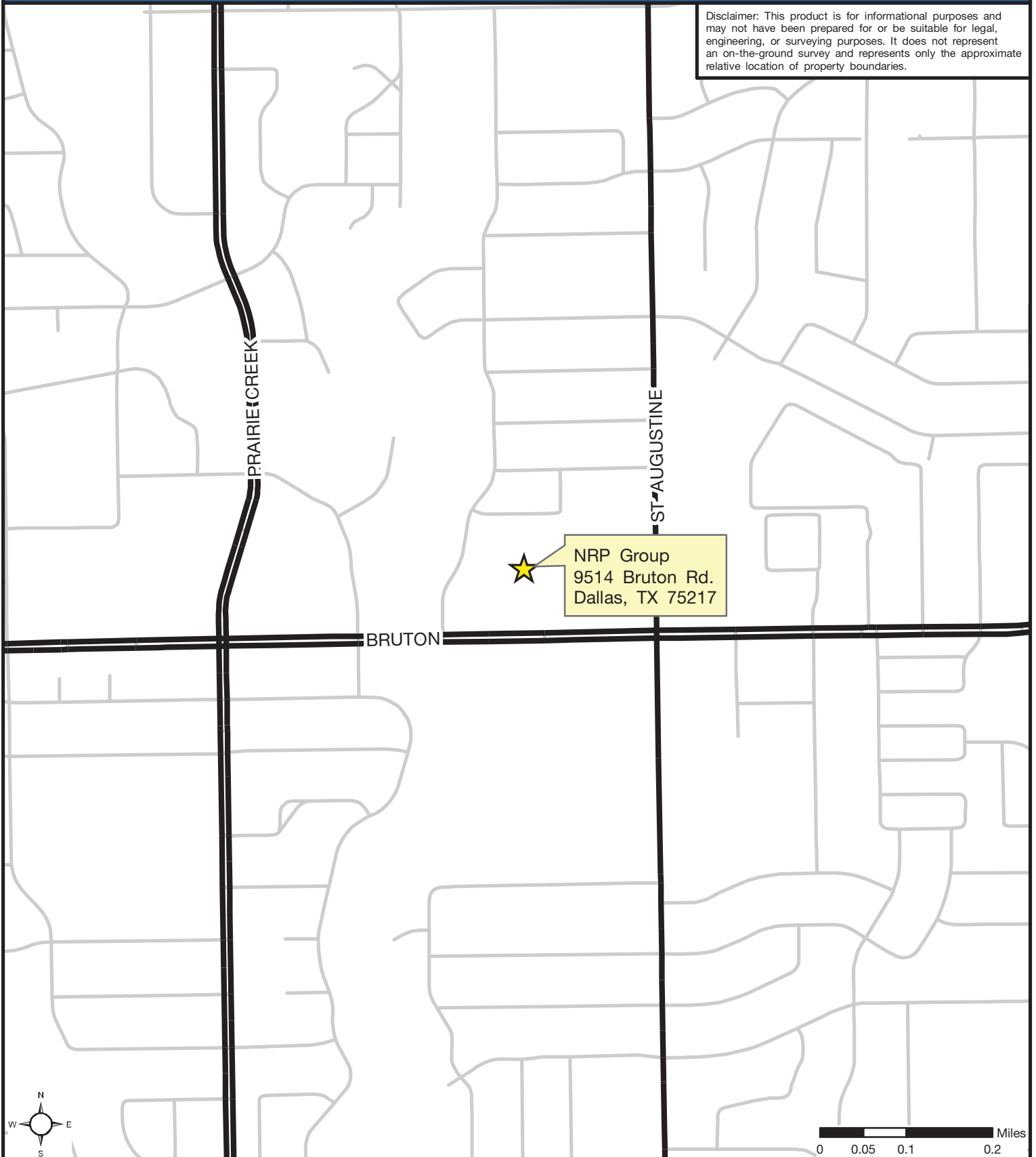
Michael W. Haling, President

## **MAP**

Attached.

# Bruton Road Mixed-Use Development

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 5.29.2014 - 14-05-29 David Schleg.TCG

## Legend

- Arterial
- Local Road

Source: City of Dallas, 2014

June 11, 2014

**WHEREAS**, on April 25, 1984, the City of Dallas (City) authorized the creation of the Dallas Housing Finance Corporation (DHFC) as a Texas non-profit corporation, pursuant to the Texas Housing Finance Corporation Act, Chapter 394, Local Government Code, V.T.C.A., as amended (the Act), to act on behalf of the City in carrying out the public purpose of the Act; and

**WHEREAS**, the DHFC is authorized by the Act to issue its revenue bonds on behalf of the City for the purpose of providing funding for the housing development for persons of low and moderate income to be located in the City; and

**WHEREAS**, pursuant to Resolution No. 06-0136, City Council decided for a 12 month period beginning on January 11, 2006, not to approve any new tax credit transactions unless a pre-application waiver is granted by the City Council; and

**WHEREAS**, pursuant to Resolution No. 07-0733, Section 1.2 of the Bylaws was amended to allow the DHFC to purchase, lease, own, hold title to, or otherwise acquire an interest in a residential development, directly or indirectly through a subsidiary of the DHFC, provided that the City Council, by resolution, prior to the transaction being consummated by the DHFC, (1) finds and determines that such transaction should be undertaken, (2) approves the form of the transaction and (3) authorizes such purchase, lease, or ownership of, holding title to, or acquisition of the interest in the residential development; and

**WHEREAS**, on July 22, 2013, The NRP Group, LLC ("NRP") submitted its pre-application waiver for NRP to apply to the DHFC for: (1) the issuance of tax-exempt bonds by the DHFC in an amount not to exceed \$23 Million in Multi-family Housing Mortgage Revenue Bonds Series to finance the new construction of approximately 264 units of multi-family rental housing for families, (2) a resolution in support of the Texas Department of Housing and Community Affairs (TDHCA) award of 4% Housing Tax Credits in the approximate amount of \$13,360,843 for the new construction of the Bruton Road Apartments to be located at 9415 Bruton Road, Dallas, Texas by providing appropriate waivers pursuant to §11.3 (2)(A-G) of the TDHCA's Qualified Allocation Plan and State of Texas H.B. 3361 which requires that (i) Notice has been provided to the Governing Body in accordance with Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A); (ii) The Governing Body has had sufficient opportunity to obtain a response from the Applicant regarding any questions or concerns about the proposed Development; (iii) The Governing Body has held a hearing at which public comment may be made on the proposed Development in accordance with Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B); and (iv) After due consideration of the information provided by the Applicant and public comment, the Governing Body does not object to the proposed Application; and (3) for the DHFC created entity to be the General Partner to share in the cash flow, own the ground/dirt and for the project to be exempt from ad valorem taxes; and

June 11, 2014

**WHEREAS**, on October 8, 2013, the DHFC authorized the NRP proposal to be considered by City Council to grant the waiver to allow NRP to submit its formal application to the DHFC for the proposal described therein and to authorize a public hearing to be held on December 11, 2013 to fulfill the pre-application requirements contained in H.B. 3361 effective September 1, 2013; and

**WHEREAS**, on October 21, 2013, the Housing Committee was briefed on the Bruton Road Apartment proposal; and subject to certain conditions being met, it was deemed necessary and advisable that this resolution be adopted to approve the application and take all actions necessary to carry out the transaction and hold the public hearing pursuant to State of Texas H.B. 3361; and

**WHEREAS**, on November 12, 2013, the City Council authorized the Public Hearing on the Bruton Apartments to be held on December 11, 2013, and at the close of the public hearing, the consideration to authorize the final approval of the proposal including the tax exempt bonds to be issued by the DHFC in the amount of \$23 Million, the 4% tax credits in the approximate amount of \$13,360,843, the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments as part of DHFC's public purposes, own the ground/dirt and for the project to be exempt from ad valorem taxes; the fulfillment of all of the requirements of H.B. 3361 including the language in the resolution contained herein stating that there was no objection to the proposed financing and ownership of the project; and

**WHEREAS**, on December 5, 2013, the DHFC held the Tax Equity and Fiscal Responsibility (TEFRA) Hearing prior to returning to City Council for its consideration of the application and the public hearing on December 11, 2013, and requests among other things, that the City Manager or the Mayor as the highest elected officials of the City of Dallas shall approve the issuance of the Bonds on behalf of the City of Dallas; and

**WHEREAS**, NRP submitted an application to the TDHCA for 4% housing tax credits after it received an inducement from the DHFC and a subsequent Bond Reservation from the Texas Bond Review Board; and

**WHEREAS**, as a condition for being considered for the award of the 4% housing tax credits, the Applicant has committed to renting 95% or (252) of the units to tenants whose household incomes are capped at 60% or below the Area Median Family Income (AMFI) at affordable rents and 5% or (14) of the units to tenants whose household incomes capped are at 50% or below the Area Median Family Income (AMFI) with rents affordable to tenants whose household incomes are 50% or below the AMFI in compliance with the maximum Low Income Housing Tax Credit rents as published by the TDHCA; and

June 11, 2014

**WHEREAS**, on December 11, 2013, the City held a public hearing to receive comments concerning the application with the TDHCA for 4% tax credits in the approximate amount of \$13,360,843 with tax-exempt bonds in the approximate amount of \$23 Million to be issued by DHFC with a total project cost of approximately \$35,393,837 for the proposed Bruton Apartment Development, consisting of approximately 264 new multi-family units to be located at 9415 Bruton Road, including the acquisition of approximately 9.2 acres and at the close of the public hearing, authorize: (1) DHFC to issue the tax exempt bonds in an amount not to exceed \$23 Million to Bruton Apartments, Ltd., an entity created by the NRP Group, LLC, in tax-exempt Multi-family Housing Mortgage Revenue Bonds Series, to finance the land acquisition and new construction of approximately 264 units for families; (2) a resolution to support the TDHCA's award of the 4% tax credits for the new construction of the Bruton Apartments located at 9415 Bruton Road, Dallas, Texas by conducting a Public Hearing pursuant to Texas Government Code, §2306.67071(a) and 10 TAC §10.204(4)(A), Texas Government Code, §2306.67071(b) and 10 TAC§10.204(4)(B) and pursuant to §11.3 (2)(A-G) of the 2013 Qualified Allocation Plan (QAP) regarding Housing Deconcentration Factors; and (3) the DHFC to be the General Partner to share in the cash flow to be used for mixed income developments, own the ground/dirt and for the project to be exempt from ad valorem taxes; and

**WHEREAS**, on December 16, 2013, the DHFC met and approved the changes to the social service program paragraph to delete the Option 2 which makes a reference to the TDHCA's 2011 Qualified Allocation Plan, to replace the word "LURA" with "Bond Regulatory Agreement" and to delete the last sentence, "Acceptable social services include those described in Definitions and Amenities for Housing Program Services" in both the WHEREAS paragraph and the Section No. 3: and

**WHEREAS**, on January 8, 2014, the City authorized amendments to Resolution No. 13-2140 concerning the application with TDHCA on the proposal for the new construction of the Bruton Apartments. The amendments provide for the following: (1) delete reference to the TDHCA's tenants services requirement; (2) to replace the word "LURA" with "Bond Regulatory Agreement"; and (3) delete the last sentence "Acceptable social services include those described in Definitions and Amenities for Housing Program Services"; and

**WHEREAS**, there is currently a \$1 Million funding gap due to the inclusion of 10,000 square feet of retail/commercial space.

**NOW, THEREFORE,**

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



June 11, 2014

**Section 1.** That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute an unsecured loan agreement in the amount of \$500,000 to Bruton Apartments Ltd., for the construction of retail/commercial space in conjunction with the Bruton Road Mixed Use Development, located at 9514 Bruton Road, Dallas, Texas 75217.

**Section 2.** That the loan is conditioned upon a 4% Low-Income Housing Tax Credit (LIHTC) award by the Texas Department of Housing and Community Affairs (TDHCA) and will be disbursed pro-rata by the construction lender. Loan will have an interest rate of 1% with a term of twenty (20) years and a 30 year amortization schedule. Monthly payments of principle and interest will be paid out of available cash flow, with remaining principle and interest paid at maturity.

**Section 3.** That the City Controller is hereby authorized to encumber and disburse funds from: Fund 0352, Department ECO, Unit 9992 Object 3015, Activity PPPF, Encumbrance No. ECO99921275, Vendor No. VS0000085572, Balance Sheet Account 033F (debit notes receivable – developers loan), Balance Sheet Account 0898 (credit deferred revenue – business loan), as necessary to make payments as described above in Section 2 in an amount not exceed \$500,000.

**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 0352, Department ECO, Unit 9992, Revenue Source 847G (credit principal repayment), Activity PPPF, Balance Sheet Account 0898 (debit deferred revenue), Balance Sheet Account 033F (credit notes receivable), in an amount up to \$500,000.

**Section 5.** That the City Controller is hereby authorized to receive and deposit the loan interest payments, in accordance with the terms of the loan agreement, in Fund 0352, Department ECO, Unit 9992, Revenue Source 847H, Activity PPPF, in accordance with the loan amortization schedule.

**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.

**REVISED AGENDA ITEM # 6**

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

**AGENDA DATE:** June 11, 2014

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

**DEPARTMENT:** City Attorney's Office

**CMO:** Warren M.S. Ernst, 670-3491

**MAPSCO:** N/A

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**SUBJECT**

Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed ~~\$50,000~~ \$15,000, from \$50,000 to ~~\$100,000~~ \$65,000 - Financing: Current Funds

**BACKGROUND**

Supplemental Agreement No. 1 will authorize Walker Bright P.C. to provide additional services necessary to represent Officer Michael Wade Mosher, an employee of the City, in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866.

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

Council is scheduled to be briefed in Closed Session on May 21, 2014.

Council was briefed in Closed Session on June 4, 2014.

**FISCAL INFORMATION**

~~\$50,000.00~~ \$15,000.00 - Current Funds

**M/WBE INFORMATION**

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

**OWNER**

**Walker Bright P.C.**

Gerald Bright, Owner

## BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

**PROJECT:** Authorize Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866 - Not to exceed ~~\$50,000~~ \$15,000, from \$50,000 to ~~\$100,000~~ \$65,000 - Financing: Current Funds

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

**PROJECT CATEGORY:** Professional Services

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### LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$50,000.00	100.00%
Non-local contracts	\$0.00	0.00%
<b>TOTAL THIS ACTION</b>	<b>\$50,000.00</b>	<b>100.00%</b>

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

#### Local Contractors / Sub-Contractors

None

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

None

### TOTAL M/WBE PARTICIPATION

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

June 11, 2014

**WHEREAS**, the City of Dallas is involved in a lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866; and,

**WHEREAS**, on April 3, 2013, pursuant to Administrative Action No. 13-5403, the City of Dallas authorized a professional services contract with Walker Bright P.C. in an amount not to exceed \$50,000.00 for legal services necessary to represent Officer Michael Wade Mosher, an employee of the City; and,

**WHEREAS**, the professional services of Walker Bright P.C. continue to be necessary for representation of Officer Mosher; **Now, Therefore,**

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

**Section 1.** That, following approval as to form by the City Attorney, the City Manager is hereby authorized to enter into Supplemental Agreement No. 1 to the professional services contract with Walker Bright P.C. for additional services in the lawsuit styled Aaron Curtis v. Michael Wade Mosher and the City of Dallas, Civil Action No. 3:12-CV-4866, in an amount not to exceed ~~\$50,000.00~~ \$15,000.00, increasing the original contract amount from \$50,000.00 to ~~\$100,000.00~~ \$65,000.00.

**Section 2.** That the City Controller is authorized to disburse, in periodic payments to Walker Bright P.C., an amount not to exceed ~~\$50,000.00~~ \$15,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3070, Encumbrance No. ATT389013J288, Vendor No. VS0000032828.

**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.