

**SEPTEMBER 24, 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 September 24, 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

9/12/14

Date



Edward Scott
City Controller

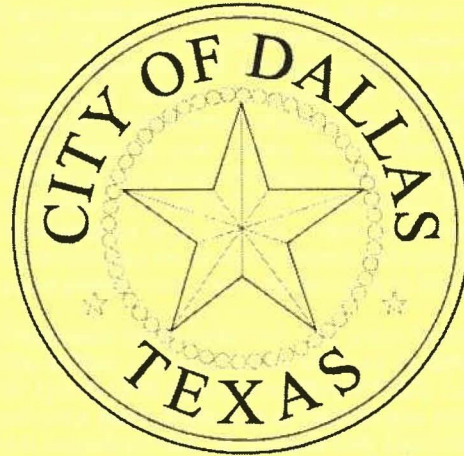
9/12/14

Date

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DALLAS, TEXAS



COUNCIL AGENDA

September 24, 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, SEPTEMBER 24, 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 - 43

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 44 - 51

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 52 - 55

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

AGENDA
CITY COUNCIL MEETING
SEPTEMBER 24, 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 September 10, 2014 City Council Meeting

CONSENT AGENDA

Business Development & Procurement Services

2. Authorize an acquisition contract for the purchase, installation and warranty of two x-ray inspection systems for Jack Evans Police Headquarters - Smiths Detection, Inc. through the Texas Multiple Award Schedule - Not to exceed \$80,586 - Financing: Current Funds
3. Authorize **(1)** an acquisition contract for the purchase and installation of a 911 call center reader board display system in the amount of \$100,779; and **(2)** a five-year service contract for maintenance of the 911 call center reader board display system in the amount of \$51,800 - RMG Enterprise Solutions, Inc. dba RMG Networks, most advantageous proposer of two - Total not to exceed \$152,579 - Financing: 911 System Operations Funds (subject to annual appropriations)
4. Authorize **(1)** the rejection of bids received for heating, ventilation and air conditioning materials, equipment, parts, labor, repair and chemicals; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

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

5. Authorize a consultant contract for an economic value of parks and benchmarking study for Park and Recreation - HR & A Advisors, Inc., most advantageous proposer of two - Not to exceed \$180,000 - Financing: Current Funds (subject to appropriations)
6. Authorize a consultant contract to provide a comprehensive analysis of current Fire-Rescue Emergency Medical Services, development of a five-year strategic plan, development of specifications and assist with the evaluation of proposals for a Call Response Optimization Program software - Fitch & Associates, LLC, most advantageous proposer of two - Not to exceed \$274,975 - Financing: Current Funds
7. Authorize a three-year master agreement for uniform cap and coat badges for Fire-Rescue - Lawmen's & Shooters Supply, Inc., lowest responsible bidder of eight - Not to exceed \$73,278 - Financing: Current Funds
8. Authorize a three-year master agreement for janitorial supplies - Pollock Investments dba Pollock Paper Distributors in the amount of \$1,570,770, Eagle Brush & Chemical, Inc. in the amount of \$1,539,925, MANS Distributors, Inc. in the amount of \$432,100 and San Benito Textile, Inc. in the amount of \$63,050, lowest responsible bidders of ten - Total not to exceed \$3,605,845 - Financing: Current Funds (\$2,904,695), Convention and Event Services Current Funds (\$294,000), Aviation Current Funds (\$271,000), Water Utilities Current Funds (\$88,700), Stormwater Drainage Management Current Funds (\$37,500), Department of State Health Services Grant Funds (\$4,550) and 2014-15 Community Development Block Grant Funds (\$5,400)
9. Authorize supplemental agreement no. 3 to exercise the second renewal option to extend the term of the professional services contract with Grant Thornton LLP for audit of the City's financial operations and grant activities for fiscal year ending September 30, 2014, to be completed by September 30, 2015 - Not to exceed \$1,006,140, from \$4,031,953 to \$5,038,093 - Financing: Current Funds
10. Authorize supplemental agreement no. 4 to increase the service contract with F. Hall Mowing in the amount of \$527,033, Lindamood Demolition, Inc. in the amount of \$563,708 and RNDI Companies, Inc. in the amount of \$377,497 for asbestos abatement and demolition services for City and non-City owned structures - Total not to exceed \$1,468,238, from \$7,232,542 to \$8,700,780 - Financing: Current Funds (subject to appropriations)

City Attorney's Office

11. Authorize Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional services in the lawsuit styled Kelvion Walker v. Amy Wilburn, Civil Action No. 3:13-CV-04896-D - Not to exceed \$200,000, from \$50,000 to \$250,000 - Financing: Current Funds (subject to appropriations)

CONSENT AGENDA (Continued)

City Controller's Office

12. Authorize the annual adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management - Financing: No cost consideration to the City

Court & Detention Services

13. Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2014 through September 30, 2015 - Not to exceed \$7,983,142 - Financing: Current Funds

Housing/Community Services

14. Authorize contracts with child care providers pursuant to the City Child Care Services for the period October 1, 2014 through September 30, 2015 (list attached) and additional fully-licensed providers selected by eligible parents during the fiscal year - Not to exceed \$65,091 - Financing: 2014-15 Community Development Block Grant Funds

Human Resources

15. An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-4, 34-22, 34-23, 34-24, 34-25, 34-27, 34-28, 34-35, 34-38, 34-39, 34-40, and 34-43, as amended; **(1)** providing paid leave for military service; **(2)** defining gender identity and expression; **(3)** amending the definition of sexual orientation; **(4)** reducing accrual of compensatory leave from one hour to one-half hour; **(5)** expanding city management prohibition against discrimination to include gender identity or expression, genetic characteristics, and military or veteran status; **(6)** clarifying that a hearing officer in a grievance appeal procedure shall only hear matters in the original grievance; **(7)** limiting the right to file grievances to city employees only; **(8)** increasing the number of civil service board members required to constitute a quorum to four for purposes of hearing appeals from grievance decisions and disciplinary actions against city employees; **(9)** extending the deadline to set a grievance appeal hearing; **(10)** clarifying the subpoena process for grievance appeal hearings; **(11)** extending the deadline to set a disciplinary appeal hearing; **(12)** providing additional time to set a disciplinary hearing; **(13)** clarifying the subpoena process for disciplinary appeal hearings; **(14)** assigning the authority to develop and distribute necessary administrative directives for the fair and efficient administration of the injured employees' wage supplementation plan to the director of risk management; and **(15)** making conforming, semantic, grammatical, and structural changes - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Office of Management Services

16. Authorize membership in Transportation Excellence for the 21st Century (TEX-21) in the amount of \$21,250 for fiscal year 2014-15 - Financing: Current Funds

Park & Recreation

17. Authorize a three-year agreement with the American Red Cross (Red Cross), the Dallas Chapter, to permit the temporary use of Park and Recreation facilities, as Red Cross public shelter during a declared or undeclared natural disaster or other condition or event requiring the activation of the disaster relief functions of the Red Cross - Financing: No cost consideration to the City
18. Authorize **(1)** the second amendment to the Cotton Bowl Stadium Agreement with the State Fair of Texas, University of Oklahoma, The University of Texas at Austin, and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown being played at the Cotton Bowl, in the amount of \$500,000 each year beginning in 2021 through 2025, in the amount of \$5,000,000; and **(2)** the City to provide the participating teams in the Southwest Airlines State Fair Classic football game being played at the Cotton Bowl in the amount of \$75,000 each year beginning in 2021 through 2025, for a total of \$750,000 - Total not to exceed \$5,750,000 - Financing: Current Funds (subject to annual appropriations)

Police

19. Authorize **(1)** the Dallas Police Department to receive funds in the amount of \$600,000 from various federal and state law enforcement agencies to be used for overtime for investigative services for FY 2014-15 (list attached); **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$173,700; and **(3)** execution of the grant agreements - Total not to exceed \$773,700 - Financing: Current Funds (\$173,700) and various Federal and State Law Enforcement Agencies (\$600,000)

Public Works Department

20. Authorize a professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for site drainage improvements at the Animal Shelter located at 1818 North Westmoreland Road - Not to exceed \$75,518 - Financing: Current Funds
21. Authorize a contract with Forward Concept, LLC, lowest responsible bidder of three, for the construction of street paving, storm drainage, site furnishings, landscape, water and wastewater adjustment improvements for the Rosemont Plaza and Rosemont Safe Route to School projects - Not to exceed \$413,535 - Financing: Davis Garden TIF District Funds (\$391,529) and Water Utilities Capital Construction Funds (\$22,006)

CONSENT AGENDA (Continued)

Public Works Department (Continued)

22. Authorize an engineering services contract with Atkins North America, Inc. for Engineering Design Services for the Runway Signage and Marking Holding Position Relocation Project at Dallas Love Field - Not to exceed \$274,722 - Financing: Aviation Capital Construction Funds
23. Authorize an increase to the contract with Bartlett Cocke General Contractors, LLC for revisions to the kitchen, laundry room, patio, roof and solar panel relocation construction of the Fire Station No. 27 replacement facility, located at 8401 Douglas Avenue; and to extend the contract term by 91 days - Not to exceed \$219,688, from \$6,369,537 to \$6,589,225 - Financing: 2006 Bond Funds

Sustainable Development and Construction

24. A resolution consenting to the sale of a tax foreclosed property, located at 8303 Camp Wisdom Road, acquired by the taxing authorities from a Sheriff's Sale - Financing: No cost consideration to the City
25. A resolution consenting to the sale of a tax foreclosed property, located at 7500 South Westmoreland Road, acquired by the taxing authorities from a Sheriff's Sale - Financing: No cost consideration to the City
26. A resolution consenting to the condemnation and acceptance of the award of the Special Commissioners of approximately 16,169 square feet of City-owned land to Union Pacific Railroad Company v. City of Dallas, et al, Cause No. CC-14-01387-D, located at 8414 Forney Road - Revenue: \$27,134
27. Authorize moving expense and replacement housing payments for Maria I. Martinez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2942 Gloyd Street for future City facilities - Not to exceed \$72,300 - Financing: 2006 Bond Funds
28. Authorize a five-year extension of the lease agreement with Central Congregational Church for a total of approximately 20,000 square feet of unimproved land located adjacent to the Preston Royal Library at 5626 Royal Lane, for the Preston Royal Branch Library for the period September 25, 2014 through September 24, 2019 - Not to exceed \$10,000 - Financing: Current Funds
29. Authorize an amendment to Resolution No. 13-0417, previously approved on February 27, 2013, to reduce the square footage of the proposed land acquisition area to approximately 11,965 square feet from Amador Garcia, located near the intersection of Interstate Highway 20 and Tempest Drive for the Southwest 120/96-inch Water Transmission Pipeline Project - Financing: No cost consideration to the City

CONSENT AGENDA (Continued)

Sustainable Development and Construction (Continued)

30. An ordinance abandoning a portion of Cesar Chavez Boulevard to WDF-3 Wood Farmers Market Owner, LLC, the abutting owner, containing approximately 1,839 square feet of land, located near the intersection of Cesar Chavez Boulevard and Taylor Street - Revenue: \$8,473, plus the \$20 ordinance publication fee
31. An ordinance granting a private license to Alta Maple Station, LP, for approximately 3,679 square feet of land to install, maintain and use landscaping and appurtenant irrigation system on a portion of Maple Avenue located near its intersection with Inwood Road - Revenue: \$1,000 one-time fee, plus the \$20 ordinance publication fee
32. An ordinance granting a CR Community Retail District on property zoned an NS(A) Neighborhood Service District bounded by Illinois Avenue, Alaska Avenue, Montana Avenue, and Marsalis Avenue and a resolution accepting the deed restrictions volunteered by the applicant - Z112-294 - Financing: No cost consideration to the City
33. An ordinance granting a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District, on both sides of Harry Hines Boulevard, northwest of Medical District Drive - Z134-117 - Financing: No cost consideration to the City
34. An ordinance waiving the extraterritorial jurisdiction of the City of Dallas on 3.1 acres of land located in Dallas County west of Old Hickory Trail, north of Daniieldale Road, in favor of the City of DeSoto - Financing: No cost consideration to the City

Trinity Watershed Management

35. Authorize settlement in lieu of proceeding further with condemnation in the lawsuit styled City of Dallas v. Fernando Martinez, et al, Cause No. CC-11-05957-B, pending in the County Court at Law No. 2, for acquisition from Fernando Martinez and Jose Jesus Martinez of an unimproved tract of land containing approximately 3.89 acres located on Canada Drive near its intersection with Winnetka Avenue for the Dallas Floodway Project - Not to exceed \$29,500 (\$27,000 plus closing costs and title expenses not to exceed \$2,500); an increase of \$14,562 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds
36. Authorize an increase in the construction services contract with Gibson & Associates, Inc. for installation of a drainage system that directs water from the bridge away from the levees and floodway, as well as other miscellaneous work needed for the Continental Avenue Bridge and West Dallas Gateway Improvements Project - Not to exceed \$425,327, from \$8,543,255 to \$8,968,582 - Financing: Private Funds

CONSENT AGENDA (Continued)**Water Utilities**

37. Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services for the rehabilitation of the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant - Not to exceed \$1,700,000 - Financing: Water Utilities Capital Improvement Funds
38. Authorize **(1)** a thirty-year contract with the City of Duncanville to continue providing treated water services, from October 1, 2014 through September 30, 2044, with estimated annual revenue in the amount of \$2,766,201; and **(2)** a Reciprocal Agreement for Water and or Wastewater Services, with an estimated annual expenditure of \$1,250 - Financing: Water Utilities Current Funds: (\$1,250, annually) (subject to annual appropriations) and Estimated Annual Revenue: \$2,766,201
39. Authorize an increase in the contract with Prime Controls, L.P., for additional work associated with the purchase and installation of control and monitoring equipment, hardware and software and building modifications needed to replace the existing Supervisory Control and Data Acquisition system at the White Rock Operations Control Center - Not to exceed \$118,182, from \$6,381,079 to \$6,499,261 - Financing: Water Utilities Capital Construction Funds
40. Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the construction of chlorine scrubber, lime, ferric and laboratory improvements at the Bachman Water Treatment Plant - Not to exceed \$236,129, from \$9,574,457 to \$9,810,586 - Financing: Water Utilities Capital Improvement Funds
41. Authorize Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. for additional engineering services for **(1)** independent settlement monitoring services related to the East Bank-West Bank Wastewater Interceptor Project; and **(2)** the design of a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits - Not to exceed \$1,083,488, from \$11,025,331 to \$12,108,819 - Financing: Water Utilities Capital Improvement Funds
42. Authorize Supplemental Agreement No. 4 to the professional services contract with AECOM Technical Services, Inc. to provide additional engineering services for **(1)** coordination with Interstate Highway 35 improvements and the evaluation of alternative alignments related to the 72-inch Elm Fork Water Transmission Pipeline; and **(2)** the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station - Not to exceed \$1,170,391, from \$12,093,105 to \$13,263,496 - Financing: Water Utilities Capital Improvement Funds

CONSENT AGENDA (Continued)**Water Utilities (Continued)**

43. Authorize Supplemental Agreement No. 6 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant - Not to exceed \$2,546,060, from \$19,963,189 to \$22,509,249 - Financing: Water Utilities Capital Construction Funds

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

44. 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)

Business Development & Procurement Services

45. Authorize a two-year service contract for the rental of vehicles and equipment - Hertz Equipment Rental Corporation in the amount of \$4,032,072 or \$3,936,162 (**Tie Bid - Line 10**), EAN Holdings, LLC aka Enterprise Rent-A-Car in the amount of \$1,883,833 or \$1,787,923 (**Tie Bid - Line 10**), Landmark Equipment, Inc. in the amount of \$1,546,095, Holt Texas, LTD in the amount of \$1,465,960, Bane Machinery, Inc. in the amount of \$1,111,885, Four Seasons Equipment, Inc. in the amount of \$591,350, R.B. Everett & Company in the amount of \$249,991, United Rentals (North America), Inc. in the amount of \$245,110, Metro Golf Cars in the amount of \$141,309, Berry Companies, Inc. dba Bobcat of Dallas in the amount of \$99,000 and Kirby-Smith Machinery, Inc. in the amount of \$88,990, lowest responsible bidders of fourteen - Total not to exceed \$11,359,685 - Financing: Current Funds (subject to annual appropriations)

Trinity Watershed Management

46. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Victor Hugo Gomez and Irma Leticia Rodriguez Campos, of a subsurface easement containing approximately 831 square feet located on Foreman Street near its intersection with Spring Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$3,075 (\$75 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds
47. Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from HFLP, Ltd., of a subsurface easement containing approximately 59,638 square feet located on Scylene Road near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project - Not to exceed \$29,837 (\$26,837 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

DESIGNATED PUBLIC SUBSIDY MATTERS

Economic Development

48. Authorize the fourth of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2014 through September 30, 2015 - Not to exceed \$250,000 - Financing: Public/Private Partnership Funds (subject to appropriations) (\$200,000) and Current Funds (\$50,000) (subject to appropriations)

Note: Item Nos. 49 and 50

Deep Ellum Crossroads Redevelopment Project

must be considered collectively.

49. * Authorize **(1)** a development agreement with 42 Deep Ellum, LP, to dedicate future TIF revenues for reimbursement of eligible project costs related to paving streetscape & lighting, open spaces & trails, and façade restoration, environmental remediation, and demolition for commercial redevelopment of 2609-2711 Main, 2646 Elm, 2653-2711 Commerce and surface parking lots at 2607, 2619, 2621, and 2623 Main located in Tax Increment Financing Reinvestment Zone Twelve (Deep Ellum TIF District); and **(2)** the Deep Ellum TIF District Board of Directors to dedicate in an amount not to exceed \$2,725,000 plus an Economic Development TIF Grant in an amount not to exceed \$775,000 for a total not to exceed \$3,500,000 from future Deep Ellum TIF District revenues, in accordance with the development agreement - Not to exceed \$3,500,000 - Financing: Deep Ellum TIF District Funds (subject to appropriations)
50. * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Twelve (Deep Ellum TIF District) to reimburse 42 Deep Ellum, LP up to \$3,500,000, of which up to \$775,000 is in the form of an Economic Development TIF Grant, for project costs pursuant to the development agreement with 42 Deep Ellum, LP - Financing: This action has no cost consideration to the City

Housing/Community Services

51. Authorize **(1)** an extension of the development loan agreement with Builders of Hope CDC, West Dallas Project to December 31, 2015, for acquisition and related acquisition costs of 22 unimproved properties; and **(2)** a development loan in the amount of \$521,400 for the construction of the final eleven homes - Financing: 2013-14 HOME Investment Partnership Program Grant Funds

PUBLIC HEARINGS AND RELATED ACTIONS

Sustainable Development and Construction

ZONING CASES - CONSENT

52. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard
Recommendation of Staff and CPC: Approval for a three-year period, subject to a site plan and conditions
Z134-260(OTH)

53. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a three-year period, subject to a site plan and conditions
Z134-297(OTH)'

54. A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard
Recommendation of Staff: Approval for a two-year period, subject to a site plan and conditions
Recommendation of CPC: Approval for a three-year period, subject to a site plan and conditions
Z134-298(OTH)

MISCELLANEOUS HEARINGS

Office of Management Services

55. A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by NWH Land LP located at 2425 West Northwest Highway and an ordinance authorizing support of the issuance of a municipal setting designation to NWH Land LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

FY 2014-15 Child Care Service Providers' Master List
Agenda Item # 14

<u>Provider Name</u>	<u>Address</u>
DBA Alternative Parents (Patricia's Ties that Bind Inc.)	14207 Haymeadow Drive 75254
American Care Foundation	530 S. R.L. Thornton Freeway 75203
DBA Armadillos to Zebras Child Care (Knoll Kids, Inc.)	14045 Waterfall Way 75240
Born 2 Lead Preparatory	8837 Bonnie View Road 75241
DBA Missionary Ekklesia's Learning Center (B&3J's Day Care)	8502 - B Willoughby Blvd. 75232
Building Blocks Christian Learning Center	910 East Ledbetter Drive 75216
DBA C/O Reta Hicks (Cornerstone/The Ranch)	1050 East Camp Wisdom Road 75241
Creative Steps Academy	3249 West Northwest Highway 75220
Dallas Can! Early Childhood Development Center	4621 Ross Avenue 75204
Destiny Learning Center	8055 Ferguson Road 75228
DBA First Steps Learning Centre (CDM Management Inc.)	6303 Forest Park Road 75235
For Keeps Sake Inc.	2520 Martin Luther King, Jr. Blvd. 75215
Healthy Beginnings Child	14119 Montfort Drive 75254
Heavenly Christian Academy	11421 Shiloh Road 75228
Heavenly Child Care	9625 Plano Road Suite 1700 75238
DBA Ideal Day Care and Learning Ctr. (Ideal Pentecostal Church)	1000 East Redbird Lane 75241
Imagination Station Child Care Center, Inc.	7221 Scyene Road 75227
Jeanette's Little Haven	7110 Holly Hill Drive 75231
Kaleidoscope Child Development Center	19310 Midway Road 75287
Kingdom Kids Development Center	845 South Buckner Boulevard 75217
Kirby's Kreative Learning Center	330 South R.L. Thornton Frwy. 75203
Little Texans Academy	18211 Kelly Boulevard 75287
Jackson Playland, Inc.	2515 Peabody Avenue 75215
Margie Faye Foundation Inc.	2638 South Beckley Avenue 75224
Metropolitan Christian Academies	3430 South Polk Street 75224
Park South YMCA	2500 Romine Avenue 75215
Preparatory Place Academy	3846 Opal Avenue 75216
Red Bird Learning Center	7575 South Hampton Road 75232
Shiloh Terrace Child Development Center	9810 LaPrada Drive 75228

Various Joint Task Forces with Federal and State Agencies
Agenda Item # 19

Federal Agencies

Drug Enforcement Agency (DEA)

Internal Revenue Service (IRS)

Federal Bureau of Investigation (FBI)

United States Marshals Office

Immigration and Customs

State Agencies

State of Texas

NOTE: Agencies listed are recurring. Other agencies may be involved on occasion.

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 September 24, 2014

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
1			All	V	NA	NA	NA	NA	Approval of Minutes of September 10, 2014 City Council Meeting
2			2	C	PBD, POL	\$80,585.62	NA	NA	Authorize an acquisition contract for the purchase, installation and warranty of two x-ray inspection systems for Jack Evans Police Headquarters
3			All	C	PBD, CIS, FIR, POL	\$152,578.50	100.00%	0.00%	Authorize an acquisition contract for the purchase and installation of a 911 call center reader board display system; and a five-year service contract for maintenance of the 911 call center reader board display system
4			All	C	PBD	NC	NA	NA	Authorize the rejection of bids received for heating, ventilation and air conditioning materials, equipment, parts, labor, repair and chemicals; and the re-advertisement for new bids
5			All	C	PBD, PKR	\$180,000.00	26.11%	26.11%	Authorize a consultant contract for an economic value of parks and benchmarking study for Park and Recreation
6			All	C	PBD, CIS, FIR	\$274,975.00	0.00%	0.00%	Authorize a consultant contract to provide a comprehensive analysis of current Fire-Rescue Emergency Medical Services, development of a five-year strategic plan, development of specifications and assist with the evaluation of proposals for a Call Response Optimization Program software
7			All	C	PBD, FIR	\$73,277.40	0.00%	0.00%	Authorize a three-year master agreement for uniform cap and coat badges for Fire-Rescue
8			All	C	PBD, AVI, ATT, CES, HOU, TWM, WTR	\$3,595,895.00	89.28%	22.70%	Authorize a three-year master agreement for janitorial supplies
9			All	C	PBD, CON, OFS	\$1,006,140.00	27.00%	36.00%	Authorize supplemental agreement no. 3 to exercise the second renewal option to extend the term of the professional services contract with Grant Thornton LLP for audit of the City's financial operations and grant activities for fiscal year ending September 30, 2014, to be completed by September 30, 2015
10			All	C	PBD, CCS	\$1,468,238.00	74.29%	100.00%	Authorize supplemental agreement no. 4 to increase the service contract with F. Hall Mowing, Lindamood Demolition, Inc. and RNDI Companies, Inc. for asbestos abatement and demolition services for City and non-City owned structures
11			N/A	C	ATT	\$200,000.00	100.00%	0.00%	Authorize Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional services in the lawsuit styled Kelvion Walker v. Amy Wilburn, Civil Action No. 3:13-CV-04896-D
12			All	C	CON	NC	NA	NA	Authorize the annual adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management
13			All	C	CDS	\$7,983,142.00	NA	NA	Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2014 through September 30, 2015
14			All	C	HOU	GT	NA	NA	Authorize contracts with child care providers pursuant to the City Child Care Services for the period October 1, 2014 through September 30, 2015 and additional fully-licensed providers selected by eligible parents during the fiscal year
15			N/A	C	HRD	NC	NA	NA	An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-4, 34-22, 34-23, 34-24, 34-25, 34-27, 34-28, 34-35, 34-38, 34-39, 34-40, and 34-43, as amended; providing paid leave for military service; defining gender identity and expression; amending the definition of sexual orientation; reducing accrual of compensatory leave from one hour to one-half hour; expanding city management prohibition against discrimination to include gender identity or expression, genetic characteristics, and military or veteran status; clarifying that a hearing officer in a grievance appeal procedure shall only hear matters in the original grievance; limiting the right to file grievances to city employees only; increasing the number of civil service board members required to constitute a quorum to four for purposes of hearing appeals from grievance decisions and disciplinary actions against city employees; extending the deadline to set a grievance appeal hearing; clarifying the subpoena process for grievance appeal hearings; extending the deadline to set a disciplinary appeal hearing; providing additional time to set a disciplinary hearing; clarifying the subpoena process for disciplinary appeal hearings; assigning the authority to develop and distribute necessary administrative directives for the fair and efficient administration of the injured employees' wage supplementation plan to the director of risk management; and making conforming, semantic, grammatical, and structural changes

AGENDA DATE September 24, 2014

ITEM	OK	IND	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	DESCRIPTION
16			All	C	MGT, OFS	\$21,250.00	NA	NA	Authorize membership in Transportation Excellence for the 21st Century (TEX-21) for fiscal year 2014-15
17			All	C	PKR	NC	NA	NA	Authorize a three-year agreement with the American Red Cross (Red Cross), the Dallas Chapter, to permit the temporary use of Park and Recreation facilities, as Red Cross public shelter during a declared or undeclared natural disaster or other condition or event requiring the activation of the disaster relief functions of the Red Cross
18			7	C	PKR	\$5,750,000.00	NA	NA	Authorize the second amendment to the Cotton Bowl Stadium Agreement with the State Fair of Texas, University of Oklahoma, The University of Texas at Austin, and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown being played at the Cotton Bowl, in the amount of \$500,000 each year beginning in 2021 through 2025, in the amount of \$5,000,000; and the City to provide the participating teams in the Southwest Airlines State Fair Classic football game being played at the Cotton Bowl in the amount of \$75,000 each year beginning in 2021 through 2025, for a total of \$750,000
19			All	C	POL	\$173,700.00	NA	NA	Authorize the Dallas Police Department to receive funds from various federal and state law enforcement agencies to be used for overtime for investigative services for FY 2014-15; a City contribution of pension and Federal Insurance Contributions Act costs; and execution of the grant agreements
20			6	C	PBW, CCS	\$75,518.00	100.00%	57.27%	Authorize a professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for site drainage improvements at the Animal Shelter located at 1818 North Westmoreland Road
21			1	C	PBW, ECO, WTR	\$413,535.00	64.95%	26.00%	Authorize a contract with Forward Concept, LLC, lowest responsible bidder of three, for the construction of street paving, storm drainage, site furnishings, landscape, water and wastewater adjustment improvements for the Rosemont Plaza and Rosemont Safe Route to School projects
22			2	C	PBW, AVI	\$274,722.00	93.75%	21.19%	Authorize an engineering services contract with Atkins North America, Inc. for Engineering Design Services for the Runway Signage and Marking Holding Position Relocation Project at Dallas Love Field
23			13	C	PBW, FIR	\$219,688.00	74.21%	49.69%	Authorize an increase to the contract with Bartlett Cocke General Contractors, LLC for revisions to the kitchen, laundry room, patio, roof and solar panel relocation construction of the Fire Station No. 27 replacement facility, located at 8401 Douglas Avenue; and to extend the contract term by 91 days
24			3	C	DEV	NC	NA	NA	A resolution consenting to the sale of a tax foreclosed property, located at 8303 Camp Wisdom Road, acquired by the taxing authorities from a Sheriff's Sale
25			8	C	DEV	NC	NA	NA	A resolution consenting to the sale of a tax foreclosed property, located at 7500 South Westmoreland Road, acquired by the taxing authorities from a Sheriff's Sale
26			7	C	DEV, ATT	REV \$27,134	NA	NA	A resolution consenting to the condemnation and acceptance of the award of the Special Commissioners of approximately 16,169 square feet of City-owned land to Union Pacific Railroad Company v. City of Dallas, et al, Cause No. CC-14-01387-D, located at 8414 Forney Road
27			2	C	DEV, PBW	\$72,300.00	NA	NA	Authorize moving expense and replacement housing payments for Maria I. Martinez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2942 Gloyd Street for future City facilities
28			13	C	DEV, LIB	\$10,000.00	NA	NA	Authorize a five-year extension of the lease agreement with Central Congregational Church for a total of approximately 20,000 square feet of unimproved land located adjacent to the Preston Royal Library at 5626 Royal Lane, for the Preston Royal Branch Library for the period September 25, 2014 through September 24, 2019
29			8	C	DEV, WTR	NC	NA	NA	Authorize an amendment to Resolution No. 13-0417, previously approved on February 27, 2013, to reduce the square footage of the proposed land acquisition area to approximately 11,965 square feet from Amador Garcia, located near the intersection of Interstate Highway 20 and Tempest Drive for the Southwest 120/96-inch Water Transmission Pipeline Project
30			2	C	DEV	REV \$8,473	NA	NA	An ordinance abandoning a portion of Cesar Chavez Boulevard to WDF-3 Wood Farmers Market Owner, LLC, the abutting owner, containing approximately 1,839 square feet of land, located near the intersection of Cesar Chavez Boulevard and Taylor Street
31			2	C	DEV	REV \$1,000	NA	NA	An ordinance granting a private license to Alta Maple Station, LP, for approximately 3,679 square feet of land to install, maintain and use landscaping and appurtenant irrigation system on a portion of Maple Avenue located near its intersection with Inwood Road

AGENDA DATE September 24, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
32			4	C	DEV	NC	NA	NA	An ordinance granting a CR Community Retail District on property zoned an NS(A) Neighborhood Service District bounded by Illinois Avenue, Alaska Avenue, Montana Avenue, and Marsalis Avenue and a resolution accepting the deed restrictions volunteered by the applicant
33			2	C	DEV	NC	NA	NA	An ordinance granting a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District, on both sides of Harry Hines Boulevard, northwest of Medical District Drive
34			8	C	DEV	NC	NA	NA	An ordinance waiving the extraterritorial jurisdiction of the City of Dallas on 3.1 acres of land located in Dallas County west of Old Hickory Trail, north of Daniieldale Road, in favor of the City of DeSoto
35			6	C	TWM, ATT	\$29,500.00	NA	NA	Authorize settlement in lieu of proceeding further with condemnation in the lawsuit styled City of Dallas v. Fernando Martinez, et al, Cause No. CC-11-05957-B, pending in the County Court at Law No. 2, for acquisition from Fernando Martinez and Jose Jesus Martinez of an unimproved tract of land containing approximately 3.89 acres located on Canada Drive near its intersection with Winnetka Avenue for the Dallas Floodway Project
36			6	C	TWM	\$425,326.73	32.98%	25.41%	Authorize an increase in the construction services contract with Gibson & Associates, Inc. for installation of a drainage system that directs water from the bridge away from the levees and floodway, as well as other miscellaneous work needed for the Continental Avenue Bridge and West Dallas Gateway Improvements Project
37			4	C	WTR	\$1,700,000.00	41.13%	40.30%	Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services for the rehabilitation of the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant
38			All	C	WTR	\$1,250.00	NA	NA	Authorize a thirty-year contract with the City of Duncanville to continue providing treated water services, from October 1, 2014 through September 30, 2044, with estimated annual revenue in the amount of \$2,766,201; and a Reciprocal Agreement for Water and or Wastewater Services, with an estimated annual expenditure of \$1,250
39			9	C	WTR	\$118,182.00	12.24%	18.02%	Authorize an increase in the contract with Prime Controls, L.P., for additional work associated with the purchase and installation of control and monitoring equipment, hardware and software and building modifications needed to replace the existing Supervisory Control and Data Acquisition system at the White Rock Operations Control Center
40			6	C	WTR	\$236,129.00	54.86%	27.88%	Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the construction of chlorine scrubber, lime, ferric and laboratory improvements at the Bachman Water Treatment Plant
41			8, Outside	C	WTR	\$1,083,488.00	92.52%	31.25%	Authorize Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. for additional engineering services for independent settlement monitoring services related to the East Bank-West Bank Wastewater Interceptor Project; and the design of a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits
42			3, 8, Outside	C	WTR	\$1,170,391.00	98.55%	30.66%	Authorize Supplemental Agreement No. 4 to the professional services contract with AECOM Technical Services, Inc. to provide additional engineering services for coordination with Interstate Highway 35 improvements and the evaluation of alternative alignments related to the 72-inch Elm Fork Water Transmission Pipeline; and the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station
43			Outside	C	WTR	\$2,546,060.00	100.00%	32.06%	Authorize Supplemental Agreement No. 6 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant
44			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)
45			All	I	PBD, EBS	\$11,359,684.74	82.78%	1.24%	Authorize a two-year service contract for the rental of vehicles and equipment
46			7	I	TWM	\$3,075.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Victor Hugo Gomez and Irma Leticia Rodriguez Campos, of a subsurface easement containing approximately 831 square feet located on Foreman Street near its intersection with Spring Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project
47			7	I	TWM	\$29,837.00	NA	NA	Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from HFLP, Ltd., of a subsurface easement containing approximately 59,638 square feet located on Scyene Road near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

AGENDA DATE September 24, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
48			All	I	ECO	\$250,000.00	NA	NA	Authorize the fourth of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2014 through September 30, 2015
49			2, 7, 14	I	ECO	\$3,500,000.00	NA	NA	Deep Ellum Crossroads Redevelopment Project: Authorize a development agreement with 42 Deep Ellum, LP, to dedicate future TIF revenues for reimbursement of eligible project costs related to paving streetscape & lighting, open spaces & trails, and façade restoration, environmental remediation, and demolition for commercial redevelopment of 2609-2711 Main, 2646 Elm, 2653-2711 Commerce and surface parking lots at 2607, 2619, 2621, and 2623 Main located in Tax Increment Financing Reinvestment Zone Twelve (Deep Ellum TIF District); and the Deep Ellum TIF District Board of Directors to dedicate in an amount not to exceed \$2,725,000 plus an Economic Development TIF Grant in an amount not to exceed \$775,000 for a total not to exceed \$3,500,000 from future Deep Ellum TIF District revenues, in accordance with the development agreement
50			2, 7, 14	I	ECO	NC	NA	NA	Deep Ellum Crossroads Redevelopment Project: A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Twelve (Deep Ellum TIF District) to reimburse 42 Deep Ellum, LP up to \$3,500,000, of which up to \$775,000 is in the form of an Economic Development TIF Grant, for project costs pursuant to the development agreement with 42 Deep Ellum, LP
51			6	I	HOU	GT	NA	NA	Authorize an extension of the development loan agreement with Builders of Hope CDC, West Dallas Project to December 31, 2015, for acquisition and related acquisition costs of 22 unimproved properties; and a development loan for the construction of the final eleven homes
52			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 bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard
53			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 bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard
54			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 bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard
55			6	PH	MGT, OEQ	NC	NA	NA	A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by NWH Land LP located at 2425 West Northwest Highway and an ordinance authorizing support of the issuance of a municipal setting designation to NWH Land LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water

TOTAL \$44,478,467.99

AGENDA ITEM # 2

KEY FOCUS AREA: Public Safety Improvements and Crime Reduction

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Business Development & Procurement Services
Police

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

MAPSCO: 45U

SUBJECT

Authorize an acquisition contract for the purchase, installation and warranty of two x-ray inspection systems for Jack Evans Police Headquarters - Smiths Detection, Inc. through the Texas Multiple Award Schedule - Not to exceed \$80,586 - Financing: Current Funds

BACKGROUND

This acquisition contract will provide for the purchase, installation and warranty of two x-ray inspection systems for Jack Evans Police Headquarters. These x-ray inspection systems will be used to enhance security for visitors and employees that access Police Headquarters on a daily basis. This equipment will allow efficient scanning of personal belongings before admittance to the building. These systems provide the operator various image display modes to detect different types of metal and substances and allows for the differentiation between organic and non-organic materials. The different displays also allow the operator to manipulate the image and isolate a single layer of content within the item being scanned. The systems have the ability to alert the operator to material that may be of particular interest by highlighting the item on the image.

Texas Multiple Award Schedule (TXMAS) conforms to the requirements of Texas Statutes that are applicable for competitive bids and proposals in accordance with the Interlocal Cooperation Act, Chapter 791, Texas Government Code. In addition, TXMAS receives bids from manufacturers and dealers throughout the United States.

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$80,585.62 - Current Funds

ETHNIC COMPOSITION

Smiths Detection, Inc.

White Male	240
Black Male	30
Hispanic Male	19
Other Male	17

White Female	85
Black Female	24
Hispanic Female	5
Other Female	4

OWNER

Smiths Detection, Inc.

Mal Maginnis, President

September 24, 2014**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager is authorized to execute a contract with Smiths Detection, Inc. (351161) for the purchase, installation and warranty of two x-ray inspection systems for Jack Evans Police Headquarters in an amount not to exceed \$80,585.62, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Smiths Detection, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Smiths Detection, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed \$80,585.62:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Object</u>	<u>Amount</u>	<u>Encumbrance</u>
0001	DPD	2282	4720	\$80,585.62	CTDPDPX2141CR14L175

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

AGENDA ITEM # 3

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services
Fire
Police

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299
Charles Cato, 670-9194
Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize **(1)** an acquisition contract for the purchase and installation of a 911 call center reader board display system in the amount of \$100,779; and **(2)** a five-year service contract for maintenance of the 911 call center reader board display system in the amount of \$51,800 - RMG Enterprise Solutions, Inc. dba RMG Networks, most advantageous proposer of two – Total not to exceed \$152,579 - Financing: 911 System Operations Funds (subject to annual appropriations)

BACKGROUND

These contracts will provide for the purchase, installation and maintenance of a 911 call center reader board display system that will replace the display system originally installed in 2007.

The wall mounted reader boards provide visual displays of the number of 911 calls in queue to call takers, the current wait time and the number of 911 call takers logged in and taking calls. This information is critical to maintaining smooth and efficient operations and optimal response times in the 911 call center, especially during peak call times.

This new system will also provide additional enhancements and capabilities over the existing legacy system. Some of these benefits include:

- Larger, and clearer visual displays
- Increased ease and flexibility in programming
- Compatibility with the current 911 telephone and call management systems
- Improved maintenance and support for system components

BACKGROUND (Continued)

The existing 911 call center reader board hardware is over seven years old, and is in need of replacement. The current system's software components are no longer available and vendor support services will be discontinued in the near future.

A five member committee from the following departments reviewed and evaluated the proposal:

- Business Development & Procurement Services (1)*
- Communications and Information Services (1)
- Police (2)
- Fire (1)

*Business Development & Procurement Services only evaluated cost.

The successful proposer was selected by the committee on the basis of the following criteria:

- Cost of Ownership 35%
- Technical Competency, Capabilities, Resources and Experience in 911 Solutions 30%
- Solutions ability to meet requirements 25%
- Training/Ease of Conversion for Users, and Support Staff 10%

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

PRIOR ACTION/REVIEW (COUNCIL BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$152,578.50 - 911 System Operations Funds (subject to annual appropriations)

M/WBE INFORMATION

82 - Vendors contacted
82 - No Response
0 - Response (Bid)
0 - Response (No bid)
0 - Successful

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

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

ETHNIC COMPOSITION

RMG Enterprise Solutions, Inc. dba RMG Networks

White Male	97	White Female	21
Black Male	4	Black Female	3
Hispanic Male	4	Hispanic Female	2
Other Male	10	Other Female	2

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1415 and were opened on June 4, 2014. These contracts are being awarded in their entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*RMG Enterprise Solutions, Inc. dba RMG Networks	15301 Dallas Parkway Suite 500 Dallas, TX 75001	95.00%	\$152,578.50
Spectrum Corporation	10048 Easthaven Houston, TX 77075	73.11%	\$198,816.00

OWNER

RMG Enterprise Solutions, Inc. dba RMG Networks

Garry McGuire, Chief Executive Officer
William G. Cole, Chief Financial Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** an acquisition contract for the purchase and installation of a 911 call center reader board display system in the amount of \$100,779; and **(2)** a five-year service contract for maintenance of the 911 call center reader board display system in the amount of \$51,800 - RMG Enterprise Solutions, Inc. dba RMG Networks, most advantageous proposer of two – Total not to exceed \$152,579 - Financing: 911 System Operations Funds (subject to annual appropriations)

RMG Enterprise Solutions, Inc. dba RMG Networks is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$152,578.50	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$152,578.50	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 24, 2014

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

Section 1. That the City Manager is authorized to execute **(1)** an acquisition contract for the purchase and installation of a 911 call center reader board display system in the amount of \$100,778.50; and **(2)** a five-year service contract for maintenance of the 911 call center reader board display system in the amount of \$51,800.00, with RMG Enterprise Solutions, Inc. dba RMG Networks (VS0000066382) in a total amount not to exceed \$152,578.50, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to RMG Enterprise Solutions, Inc. dba RMG Networks shall be based only on the amount of the services directed to be performed by the City and properly performed by RMG Enterprise Solutions, Inc. dba RMG Networks under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriations in an amount not to exceed \$152,578.50 (subject to annual appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0191	DSV	2911	2731	\$26,472.00	2014	DSV14RDBACQ
0191	DSV	2911	2735	\$23,446.50	2014	DSV14RDBACQ
0191	DSV	2911	3070	\$46,110.00	2014	DSV14RDBACQ
0191	DSV	2911	3110	\$ 4,750.00	2014	DSV14RDBACQ
0191	DSV	2911	3438	\$ 7,720.00	2014	DSV14RDBMNT
0191	DSV	2911	3438	\$11,020.00	2015	DSV15RDBMNT
0191	DSV	2911	3438	\$11,020.00	2016	DSV16RDBMNT
0191	DSV	2911	3438	\$11,020.00	2017	DSV17RDBMNT
0191	DSV	2911	3438	\$11,020.00	2018	DSV18RDBMNT

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

AGENDA ITEM # 4

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize **(1)** the rejection of bids received for heating, ventilation and air conditioning materials, equipment, parts, labor, repair and chemicals; and **(2)** the re-advertisement for new bids - Financing: No cost consideration to the City

BACKGROUND

This action will authorize the rejection of bids received for solicitation BK1409 for a three-year master agreement for heating, ventilation and air conditioning materials, equipment, parts, labor, repair and chemicals. Business Development & Procurement Services (BDPS) will modify the specifications and bid sheet for clarification. BDPS further determined it would be more advantageous to the City to reject the bids and re-advertise for new bids.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 24, 2014

WHEREAS, on April 23, 2014, six bids were received for heating, ventilation and air conditioning materials, equipment, parts, labor, repair and chemicals; and,

WHEREAS, it has been determined that it is in the best interest of the City of Dallas to reject the six bids that were received for heating, ventilation and air conditioning materials, equipment, parts, labor, repair and chemicals;

NOW, THEREFORE,

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

SECTION 1. That the six bids received for heating, ventilation and air conditioning materials, equipment, parts, labor, repair and chemicals are hereby rejected and authorization to solicit new bids is granted.

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

AGENDA ITEM # 5

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

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Park & Recreation

CMO: Jeanne Chipperfield, 670-7804
Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a consultant contract for an economic value of parks and benchmarking study for Park and Recreation - HR & A Advisors, Inc., most advantageous proposer of two - Not to exceed \$180,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

This consultant contract will engage the services of a qualified consulting firm to develop studies on the economic value of parks and benchmarking. The consultant will coordinate and work closely with Park and Recreation throughout the entire process.

The purpose of the economic value of parks study is to determine the impact and effectiveness of various efforts of the Park and Recreation Department. The consultant team will conduct various analyses including:

- Impact of all spending and revenues
- How property values are impacted by adjacency to parkland or facilities
- Impact on property values adjacent to parks before and after capital improvements
- Economic impact of park tourism
- How park amenities influence business relocations
- Economic impact of stormwater runoff retained by parks
- Economic impact of air pollution absorbed by parks
- Real value to citizens of free and under-priced programs and amenities and value of volunteer efforts and donations to park system

BACKGROUND (Continued)

The benchmarking study is a continuation of the department's performance evaluation efforts. The Park and Recreation Department is currently seeking Commission for Accreditation of Park and Recreation Agencies (CAPRA) accreditation. A significant component of the accreditation process involves performance evaluation and the utilization of the information in the decision making process. The benchmarking study will greatly assist in addressing and meeting the CAPRA requirement.

Specifically, the study will include the following:

- Development of data collection approach and requirements
- Selection of peer group
- Performance metric development and data collection
- Data analysis
- Comparison and gap identification
- Development of a report action plan and an implementation plan

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

- | | |
|---|------|
| ● City Controller's Office | (1) |
| ● Office of Management Services | (1) |
| ● Office of Economic Development | (1) |
| ● Park and Recreation | (2) |
| ● Business Development and Procurement Services | (2)* |

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

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

- | | |
|---|-----|
| ● Firm's experience | 35% |
| ● Cost | 30% |
| ● Business Inclusion and Development Plan | 15% |
| ● Qualifications of key personnel | 15% |
| ● Approach and schedule | 5% |

BACKGROUND (Continued)

As part of the solicitation process and in an effort to increase competition, Business Development and Procurement Services (BDPS) used its procurement system to send out 1,222 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. 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)

Approved by Park Board on August 7, 2014.

FISCAL INFORMATION

\$180,000.00 - Current Funds (subject to appropriations)

M/WBE INFORMATION

255 - Vendors contacted

255 - No response

0 - Response (Bid)

0 - Response (No bid)

0 - Successful

1,222 - M/WBE and Non-M/WBE vendors were contacted

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

ETHNIC COMPOSITION

HR & A Advisors, Inc.

White Male	23	White Female	21
Black Male	1	Black Female	2
Hispanic Male	0	Hispanic Female	1
Other Male	5	Other Female	5

PROPOSAL INFORMATION

The following proposals were received from solicitation number BUZ1409 and were opened on January 30, 2014. This contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*HR & A Advisors, Inc.	99 Hudson Street 3 rd Floor New York, NY 10013	96.60% 96.00%	Group 1 - \$ 67,000.00 Group 2 - \$113,000.00
University of North Texas	1155 Union Circle # 305250 Denton, TX 76203	67.16% 00.00%	Group 1- \$124,400.00 Group 2 - No Bid

OWNER

HR & A Advisors, Inc.

Eric Rothman, President
Jamie Torres Springer, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a consultant contract for an economic value of parks and benchmarking study for Park and Recreation - HR & A Advisors, Inc., most advantageous proposer of two - Not to exceed \$180,000 - Financing: Current Funds (subject to appropriations)

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$47,000.00	26.11%
Total non-local contracts	\$133,000.00	73.89%
TOTAL CONTRACT	\$180,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Verdunity, Inc.	WFDB60410Y0315	\$47,000.00	100.00%
Total Minority - Local		\$47,000.00	100.00%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$47,000.00	100.00%	\$47,000.00	26.11%
Total	\$47,000.00	100.00%	\$47,000.00	26.11%

September 24, 2014**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager is authorized to execute a consultant contract with HR & A Advisors, Inc. (VS0000082511) for an economic value of parks and benchmarking study for Park and Recreation in an amount not to exceed \$180,000.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to HR & A Advisors, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by HR & A Advisors, Inc. under the contract.

Section 2. That the City Controller is hereby authorized to disburse funds from the following appropriation in an amount not to exceed \$180,000.00 (subject to appropriations):

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0001	PKR	5168	3070	\$180,000.00	2015	CTPKR15J001

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

AGENDA ITEM # 6

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Communication and Information Services
Fire

CMO: Jeanne Chipperfield, 670-7804
Jill A. Jordan, P.E., 670-5299
Charles Cato, 670-9194

MAPSCO: N/A

SUBJECT

Authorize a consultant contract to provide a comprehensive analysis of current Fire-Rescue Emergency Medical Services, development of a five-year strategic plan, development of specifications and assist with the evaluation of proposals for a Call Response Optimization Program software - Fitch & Associates, LLC, most advantageous proposer of two - Not to exceed \$274,975 - Financing: Current Funds

BACKGROUND

This consultant contract will provide a comprehensive analysis of Dallas Fire-Rescue (DFR) dispatch and Emergency Medical Services (EMS), the development of a five-year strategic plan, development of specifications and assist with the evaluation of proposals for a Call Response Optimization Program software. The services provided by the consultant will provide DFR dispatch operations with more efficient and effective Emergency Medical Dispatch (EMD) capabilities. Currently, DFR fleet units respond to all EMS emergencies with the highest priority. The tiered EMS dispatch software sought will be instrumental in transitioning to an EMS response system that would include non-emergency modes for low priority emergency calls. Non-emergency calls would allow DFR to prioritize calls more effectively. Implementing this system will also reduce the risk for vehicular accidents involving DFR emergency response units.

The consultant will evaluate current DFR dispatch operations and recommend improvements based on best practices. Consultant services also include the development of a five-year strategic plan for EMS with the purpose of ensuring that DFR leadership has a valid and verifiable five-year strategic plan based upon national EMS best practices.

BACKGROUND (Continued)

EMS responded to an excess of 190,000 calls for service in FY 2013. These consultant services will enhance both dispatch and EMS operations by identifying areas for improvement resulting in more effective and efficient operations and service delivery.

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

- Fire-Rescue (3)
- Business Development & Procurement Services (2)*

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

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

- Pricing 30%
- Qualifications 25%
- Past Performance 20%
- Business Inclusion and Development Plan 15%
- Project Understanding and Scope 10%

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$274,975.00 - Current Funds

M/WBE INFORMATION

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

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

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

ETHNIC COMPOSITION

Fitch & Associates, LLC

White Male	12	White Female	23
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	2
Other Male	1	Other Female	0

PROPOSAL INFORMATION

The following proposals were received from solicitation number BHZ1414 and were opened on May 7, 2014. This contract is being awarded in its entirety to the most advantageous proposer.

*Denotes successful proposer

<u>Proposers</u>	<u>Address</u>	<u>Score</u>	<u>Amount</u>
*Fitch & Associates, LLC	2901 Williamsburg Terrace Suite G Platte City, MO 64079	85.24%	\$274,975.00
Winbourne Consulting, LLC	1611 North Kent Street Suite 802 Arlington, VA 22209	75.67%	\$231,359.86

OWNER

Fitch & Associates, LLC

Joseph J. Fitch, President

Christine M. Zalar, Vice President

Richard A. Keller, Secretary

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a consultant contract to provide a comprehensive analysis of current Fire-Rescue Emergency Medical Services, development of a five-year strategic plan, development of specifications and assist with the evaluation of proposals for a Call Response Optimization Program software - Fitch & Associates, LLC, most advantageous proposer of two - Not to exceed \$274,975 - Financing: Current Funds

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$274,975.00	100.00%
TOTAL CONTRACT	\$274,975.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 24, 2014**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager is authorized to execute a consultant contract with Fitch & Associates, LLC (VS0000051805) to provide a comprehensive analysis of current Fire-Rescue Emergency Medical Services, development of a five-year strategic plan, development of specifications and assist with the evaluation of proposals for a Call Response Optimization Program software, in an amount not to exceed \$274,975.00, upon approval as to form by the City Attorney. If the service was bid or proposed on an as needed, unit price basis for performance of specified tasks, payment to Fitch & Associates, LLC shall be based only on the amount of services directed to be performed by the City and properly performed by Fitch & Associates, LLC under the contract.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed \$274,975.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0001	DFD	ER90	3070	\$274,975.00	2014	DFDHS01ER90

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: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Fire

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

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for uniform cap and coat badges for Fire-Rescue – Lawmen's & Shooters Supply, Inc., lowest responsible bidder of eight - Not to exceed \$73,278 - Financing: Current Funds

BACKGROUND

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

This master agreement will provide uniform cap and coat badges for Fire-Rescue. The department has approximately 1,900 sworn employees who are issued uniform cap and coat badges which are worn during ceremonies, funerals and special events. The badge also identifies the individual as a uniformed employee of Fire-Rescue and also indicates rank. The badges are ordered in rhodium (silver) and gold. The rhodium badges are worn by employees below the rank of Lieutenant and the gold badges are worn by Lieutenants and above.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$73,277.40 - Current Funds

M/WBE INFORMATION

47 - Vendors contacted

47 - No response

0 - Response (Bid)

0 - Response (No Bid)

0 - Successful

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

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

ETHNIC COMPOSITION

Lawmen's & Shooters Supply, Inc.

White Male	5	White Female	15
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BY1425 and opened on July 10, 2014. This master agreement is being awarded in its entirety to the lowest responsive and responsible bidder.

*Denotes successful proposer

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Lawmen's & Shooters Supply, Inc. (Alternate)	7750 9 th St. S.W Vero Beach, FL 32968	\$ 73,277.40

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
Municipal Emergency Services, Inc.	7 Poverty Rd. 85H Bennett Square Southbury, CT 06488	\$ 80,691.25
Lawmen's & Shooters Supply, Inc.	7750 9 th St. S.W Vero Beach, FL 32968	\$ 81,980.25
GST Public Safety Supply, LLC	12021 Plano Rd. Suite #150 Dallas, TX 75243	\$ 88,169.75
Red the Uniform Taylor	475 Oberlin Ave. S Lakewood, NJ 08701	\$ 92,469.75
Uniforms Warehouse	20701 Nordhoff St. Chatsworth, CA 91311	\$ 114,973.75
Metis, Inc.	1822 Coventry Ln. Oklahoma City, OK 73120	Non Responsive**
China Mapleleaf Industrial Development Ltd.	RM 903, Duobao Mansion No. 1 Building, Tangjiawan Rd. Jiangsu, China 213003	Non Responsive**
GT Distributors, Inc.	2545 Brockton Dr. Suite #100 Austin, TX 78758	Non Responsive**

**Metis, Inc., China Mapleleaf Industrial Development Ltd. and GT Distributors, Inc. were deemed non-responsive due to not meeting specifications.

OWNER**Lawmen's & Shooters Supply, Inc.**

C. Reed Knight, Jr., President
C. Reed Knight III, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for uniform cap and coat badges for Fire-Rescue – Lawmen's & Shooters Supply, Inc., lowest responsible bidder of eight
- Not to exceed \$73,278 - Financing: Current Funds

Lawmen's & Shooters Supply, Inc. is a non-local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$73,277.40	100.00%
TOTAL CONTRACT	\$73,277.40	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 24, 2014

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

Section 1. That a master agreement for the purchase of uniform cap and coat badges for Fire-Rescue is authorized with Lawmen's & Shooters Supply, Inc. (VS0000004765) for a term of three years in an amount not to exceed \$73,277.40.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$73,277.40.

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

AGENDA ITEM # 8

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Aviation
City Attorney's Office
Convention and Event Services
Housing/Community Services
Trinity Watershed Management
Water Utilities

CMO: Jeanne Chipperfield, 670-7804
Ryan S. Evans, 671-9837
Warren M.S. Ernst, 670-3491
Theresa O'Donnell, 671-9195
Jill A. Jordan, P.E., 670-5299
Mark McDaniel, 670-1858

MAPSCO: N/A

SUBJECT

Authorize a three-year master agreement for janitorial supplies – Pollock Investments dba Pollock Paper Distributors in the amount of \$1,570,770, Eagle Brush & Chemical, Inc. in the amount of \$1,539,925, MANS Distributors, Inc. in the amount of \$432,100 and San Benito Textile, Inc. in the amount of \$63,050, lowest responsible bidders of ten - Total not to exceed \$3,605,845 - Financing: Current Funds (\$2,904,695), Convention and Event Services Current Funds (\$294,000), Aviation Current Funds (\$271,000), Water Utilities Current Funds (\$88,700), Stormwater Drainage Management Current Funds (\$37,500), Department of State Health Services Grant Funds (\$4,550) and 2014-15 Community Development Block Grant Funds (\$5,400)

BACKGROUND

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

BACKGROUND (Continued)

This master agreement will provide janitorial supplies Citywide. Many facilities such as fire stations, Bahama Beach Water Park and City Hall conduct their own janitorial services and require supplies to maintain the facility in a clean and inviting condition.

This master agreement provides an efficient method of ordering products such as, but not limited to, mops, brooms, scrubbing brushes, soap, detergent, floor waxes, polishes, paper towels and toilet tissue as needs arise.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On January 25, 2012, City Council authorized a three-year master agreement for janitorial supplies by Resolution No. 12-0270.

FISCAL INFORMATION

\$2,904,695.00 - Current Funds
\$ 294,000.00 - Convention and Event Services Current Funds
\$ 271,000.00 - Aviation Current Funds
\$ 88,700.00 - Water Utilities Current Funds
\$ 37,500.00 - Stormwater Drainage Management Current Funds
\$ 5,400.00 - 2014-15 Community Development Block Grant Funds
\$ 4,550.00 - Department of State Health Services Grant Funds

M/WBE INFORMATION

57 - Vendors contacted
54 - No response
3 - Response (Bid)
0 - Response (No bid)
2 - Successful

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

M/WBE INFORMATION(Continued)

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

Pollock Investments dba Pollock Paper Distributors

White Male	95	White Female	70
Black Male	40	Black Female	14
Hispanic Male	72	Hispanic Female	10
Other Male	1	Other Female	3

Eagle Brush & Chemical, Inc.

White Male	5	White Female	4
Black Male	1	Black Female	0
Hispanic Male	4	Hispanic Female	0
Other Male	0	Other Female	0

MANS Distributors, Inc.

White Male	0	White Female	0
Black Male	0	Black Female	0
Hispanic Male	0	Hispanic Female	0
Other Male	4	Other Female	6

San Benito Textile, Inc.

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

BID INFORMATION

The following bids were received from solicitation number BT1409 and opened on June 19, 2014. This master agreement is being awarded to the lowest responsive and responsible bidders by group. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount</u>
*Pollock Investments dba Pollock Paper Distributors	1 Pollock Pl. Grand Prairie, TX 75050	Multiple Groups
*Eagle Brush & Chemical, Inc.	11242 Indian Tr. Dallas, TX 75229	Multiple Groups
*MANS Distributors, Inc.	3120 Kellway Dr. Carrollton, TX 75006	Multiple Groups
*San Benito Textile, Inc.	201 N. Travis St. San Benito, TX 78586	Multiple Groups
Acuity Specialty Products, Inc. dba Zep Sales & Service	1310 Seaboard Industrial Blvd., NW. Atlanta, GA 30318	Multiple Groups
Professional Polish, Inc.	5450 E. Loop 820 South Fort Worth, TX 76119	Multiple Groups
Lovan Industries, Inc.	4910 Sharp St. Dallas, TX 75247	Multiple Groups
Fastenal Company	2001 Theurer Blvd. Winona, MN 55987	Multiple Groups
Groupo GTE, Inc.	6274 Oleta Way Jacksonville, FL 32258	Multiple Groups
Royal Chemical & Supply, Inc.	2832 Blystone Ln. Dallas, TX 75220	Multiple Groups

OWNERS

Pollock Investments dba Pollock Paper Distributors

Lawrence Pollock III, President
Tracy Evatt, Vice President

Eagle Brush & Chemical, Inc.

Ben R. Carriker, President
Rosanne Benoit, Vice President

MANS Distributors, Inc.

Suresh Kara, President
Purnima Kara, Chief Executive Officer

San Benito Textile, Inc.

Carlos Sanchez, President
Dolores Sanchez, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a three-year master agreement for janitorial supplies – Pollock Investments dba Pollock Paper Distributors in the amount of \$1,570,770, Eagle Brush & Chemical, Inc. in the amount of \$1,539,925, MANS Distributors, Inc. in the amount of \$432,100 and San Benito Textile, Inc. in the amount of \$63,050, lowest responsible bidders of ten - Total not to exceed \$3,605,845 - Financing: Current Funds (\$2,904,695), Convention and Event Services Current Funds (\$294,000), Aviation Current Funds (\$271,000), Water Utilities Current Funds (\$88,700), Stormwater Drainage Management Current Funds (\$37,500), Department of State Health Services Grant Funds (\$4,550) and 2014-15 Community Development Block Grant Funds (\$5,400)

Eagle Brush & Chemical, Inc. is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and propose to use the following sub-contractors. Pollock Investments dba Pollock Paper Distributors is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. MANS Distributors, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. San Benito Textile, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$3,219,395.00	89.28%
Total non-local contracts	\$386,450.00	10.72%
TOTAL CONTRACT	\$3,605,845.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
MANS Distributing	IFMB62336N0616	\$432,100.00	13.42%
Total Minority - Local		\$432,100.00	13.42%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
San Benito Textile	HFSWM814011014	\$63,050.00	16.32%
Amarillo Mop & Broom	WFWBC214561214	\$323,400.00	83.68%
Total Minority - Non-local		\$386,450.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$63,050.00	1.75%
Asian American	\$432,100.00	13.42%	\$432,100.00	11.98%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$323,400.00	8.97%
Total	\$432,100.00	13.42%	\$818,550.00	22.70%

September 24, 2014

WHEREAS, on January 25, 2012, City Council authorized a three-year master agreement for janitorial supplies by Resolution No. 12-0270;

NOW, THEREFORE,

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

Section 1. That a master agreement for the purchase of janitorial supplies is authorized with Pollock Investments dba Pollock Paper Distributors (063760) in the amount of \$1,570,770.00, Eagle Brush & Chemical, Inc. (009948) in the amount of \$1,539,925.00, MANS Distributors, Inc. (331904) in the amount of \$432,100.00 and San Benito Textile, Inc. (VS0000085406) in the amount of \$63,050.00, for a term of three years in a total amount not to exceed \$3,605,845.00.

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

Section 3. That the City Controller is authorized to disburse funds in an amount not to exceed \$3,605,845.00.

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

AGENDA ITEM # 9

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
City Controller
Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize supplemental agreement no. 3 to exercise the second renewal option to extend the term of the professional services contract with Grant Thornton LLP for audit of the City's financial operations and grant activities for fiscal year ending September 30, 2014, to be completed by September 30, 2015 - Not to exceed \$1,006,140, from \$4,031,953 to \$5,038,093 - Financing: Current Funds

BACKGROUND

This supplemental agreement no. 3 will exercise the second one-year renewal of the contract with Grant Thornton LLP for the annual external audit of the City's fiscal year 2014 financial operations and grant activities in accordance with the terms provided in the current contract. On August 25, 2010, the City authorized a professional services contract with Grant Thornton LLP to perform the annual external audit and various other related services for the City's fiscal years ending September 30, 2010 through September 30, 2012. The contract also provided for two one-year renewal options for fiscal years ending September 30, 2013 and September 30, 2014. On October 10, 2011, the City authorized Supplemental Agreement No. 1 to increase the contract with Grant Thornton LLP due to additional hourly services in connection with new grants and audit requirements for the Vickery Meadow Tax Increment Financing Zone.

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 25, 2010, City Council authorized a three-year professional services contract, with two one-year renewal options, for audit of the City's financial operations and grant activities for fiscal years ending September 30, 2010 through September 30, 2012, by Resolution No. 10-2109.

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

On October 10, 2011, City Council authorized Supplemental Agreement No. 1 to increase the professional services contract for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012, by Resolution No. 11-2716.

On May 20, 2013, the Budget, Finance & Audit Committee was briefed via memorandum.

On June 12, 2013, City Council authorized Supplemental Agreement No. 2 to increase the professional services contract for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2013 through September 30, 2014, by Resolution No. 13-0939.

On September 15, 2014, the Budget, Finance & Audit Committee was briefed via memorandum.

FISCAL INFORMATION

\$1,006,140.00 - Current Funds

ETHNIC COMPOSITION

Grant Thornton LLP

White Male	134	White Female	139
Black Male	4	Black Female	15
Hispanic Male	7	Hispanic Female	9
Other Male	7	Other Female	22

OWNER

Grant Thornton LLP

Stephen M. Chipman, Chief Executive Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize supplemental agreement no. 3 to exercise the second renewal option to extend the term of the professional services contract with Grant Thornton LLP for audit of the City's financial operations and grant activities for fiscal year ending September 30, 2014, to be completed by September 30, 2015 - Not to exceed \$1,006,140, from \$4,031,953 to \$5,038,093 - Financing: Current Funds

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

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$271,659.00	27.00%
Non-local contracts	\$734,481.00	73.00%
TOTAL THIS ACTION	\$1,006,140.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Owens & Thurman P.C.	BFMB59746Y0115	\$90,553.00	33.33%
Logan & Associates	BMDB5869Y0914	\$90,553.00	33.33%
Hopkins & Associates	BMMB62921N0816	\$90,553.00	33.33%
Total Minority - Local		\$271,659.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Serna & Company PC	HMMB61957N0516	\$90,533.00	12.33%
Total Minority - Non-local		\$90,533.00	12.33%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$271,659.00	27.00%	\$1,360,285.11	27.00%
Hispanic American	\$90,533.00	9.00%	\$453,428.37	9.00%
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	\$362,192.00	36.00%	\$1,813,713.48	36.00%

September 24, 2014

WHEREAS, on August 25, 2010, City Council authorized a three-year professional services contract, with two one-year renewal options, for audit of the City's financial operations and grant activities for fiscal years ending September 30, 2010 through September 30, 2012, by Resolution No. 10-2109; and,

WHEREAS, on October 10, 2011, City Council authorized Supplemental Agreement No. 1 to increase the professional services contract for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2010 through September 30, 2012 in an amount not to exceed \$473,900.00, increasing the contract amount from \$2,606,890.00 to \$3,080,790.00, by Resolution No. 11-2716; and,

WHEREAS, on June 12, 2013, City Council authorized Supplemental Agreement No. 2 to increase the professional services contract for audit services of the City's financial operations and grant activities for fiscal year ending September 30, 2012 through September 30, 2013 in an amount not to exceed \$951,163.00, increasing the contract amount from \$3,080,790.00 to \$4,031,953.00, by Resolution No. 13-0939;

NOW, THEREFORE,

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

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to execute supplemental agreement no. 3 to exercise the second renewal option to extend the term of the professional services contract with Grant Thornton LLP (VS0000007921) for audit of the City's financial operations and grant activities for fiscal year ending September 30, 2014 to be completed by September 30, 2015 in an amount not to exceed \$1,006,140.00, increasing the contract amount from \$4,031,953.00 to \$5,038,093.00.

Section 2. That the City Controller is authorized to disburse funds from the following appropriation in an amount not to exceed \$1,006,140.00:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>AMOUNT</u>	<u>FY</u>	<u>ENCUMBRANCE</u>
0001	BMS	1138	3070	\$1,006,140.00	2014	BMSCCOAUDIT14

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: Public Safety

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Code Compliance

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

MAPSCO: N/A

SUBJECT

Authorize supplemental agreement no. 4 to increase the service contract with F. Hall Mowing in the amount of \$527,033, Lindamood Demolition, Inc. in the amount of \$563,708 and RNDI Companies, Inc. in the amount of \$377,497 for asbestos abatement and demolition services for City and non-City owned structures - Total not to exceed \$1,468,238, from \$7,232,542 to \$8,700,780 - Financing: Current Funds (subject to appropriations)

BACKGROUND

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

This supplemental agreement will increase the current contract for asbestos abatement and demolition services for City and non-City owned structures as required to be demolished by the municipal court, emergency demolition projects of unsafe buildings due to fire damage and other necessary demolition of City owned buildings. This increase is necessary to allow services to continue uninterrupted while Code Compliance Services (CCS) and other City end users finalize new specifications and Business Development and Procurement Services completes a new solicitation process.

PRIOR ACTION / REVIEW (COUNCIL BOARDS, COMMISSIONS)

On November 10, 2010, City Council authorized a two-year contract, for asbestos abatement and demolition services for City and non-City owned structures by Resolution No. 10-2860.

FISCAL INFORMATION

\$1,468,238.00 – Current Funds (subject to appropriations)

ETHNIC COMPOSITION

F. Hall Mowing

White Male	0	White Female	0
Black Male	11	Black Female	1
Hispanic Male	4	Hispanic Female	0
Other Male	0	Other Female	0

Lindamood Demolition, Inc.

White Male	30	White Female	4
Black Male	0	Black Female	2
Hispanic Male	8	Hispanic Female	1
Other Male	0	Other Female	0

RNDI Companies, Inc.

White Male	1	White Female	1
Black Male	0	Black Female	0
Hispanic Male	20	Hispanic Female	3
Other Male	0	Other Female	0

OWNERS

F. Hall Mowing

Floydell Hall, President

Lindamood Demolition, Inc.

Kayla Lindamood, President
Jake Lindamood, Vice President

RNDI Companies, Inc.

Diana Cross, President
Salvatore Inzillo, Vice President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize supplemental agreement no. 4 to increase the service contract with F. Hall Mowing in the amount of \$527,033, Lindamood Demolition, Inc. in the amount of \$563,708 and RNDI Companies, Inc. in the amount of \$377,497 for asbestos abatement and demolition services for City and non-City owned structures - Total not to exceed \$1,468,238, from \$7,232,542 to \$8,700,780 - Financing: Current Funds (subject to appropriations)

F. Hall Mowing is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractor. Lindamood Demolition, Inc. is a local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce. RNDI Companies, Inc. is a non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use the following sub-contractors.

PROJECT CATEGORY: Other Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,090,741.00	74.29%
Non-local contracts	\$377,497.00	25.71%
TOTAL THIS ACTION	\$1,468,238.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
F. Hall Mowing	BFDB59734Y0115	\$421,626.40	38.66%
A & P Trucking	HMDB61662Y0515	\$105,406.60	9.66%
Lindamood Demolition, Inc.	WFDB58850Y0914	\$563,708.00	51.68%
Total Minority - Local		\$1,090,741.00	100.00%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
RNDI Companies, Inc.	HFDB60194Y0215	\$264,247.90	70.00%
A & A Construction Company	HMDB61021Y0315	\$75,499.40	20.00%
B & B Waste Transit, Inc	WFDB59795Y0115	\$37,749.70	10.00%
Total Minority - Non-local		\$377,497.00	100.00%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$421,626.40	28.72%	\$2,195,496.16	29.91%
Hispanic American	\$445,153.90	30.32%	\$2,138,405.55	29.13%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$601,457.70	40.96%	\$3,007,289.30	40.96%
	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total	\$1,468,238.00	100.00%	\$7,341,191.01	100.00%

September 24, 2014

WHEREAS, on November 10, 2010, City Council authorized a two-year service contract for asbestos abatement and demolition services for City and non-City owned structures by Resolution No. 10-2860; and,

WHEREAS, on August 6, 2012, Administrative Action Nos. 12-1849, 12-1850 and 12-1851 authorized Supplemental Agreement No. 1 to the service contract for asbestos abatement and demolition services to extend the contract term for twelve months from November 9, 2012 to November 9, 2013; and,

WHEREAS, on December 24, 2013, Administrative Action Nos. 13-7001, 13-7003 and 13-7004 authorized Supplemental Agreement No. 2 to the service contract for asbestos abatement and demolition services to extend the contract term for six months from November 9, 2013 to May 8, 2014; and,

WHEREAS, on September 5, 2014, Administrative Action Nos. 14-6577 and 14-6578 authorized Supplemental Agreement No. 3 to the service contract for asbestos abatement and demolition services to extend the contract term for twelve months from May 9, 2014 to May 8, 2015;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute supplemental agreement no. 4 to increase the service contract with F. Hall Mowing (337918) in the amount of \$527,033.00, Lindamood Demolition, Inc. (VC0000005860) in the amount of \$563,708.00 and RNDI Companies, Inc. (520330) in the amount of \$377,497.00, for asbestos abatement and demolition services for City and non-City owned structures, in a total amount not to exceed \$1,468,238.00, increasing the contract amount from \$7,232,542.00 to \$8,700,780.00.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$1,468,238.00 (subject to appropriations).

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

AGENDA ITEM # 11

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: City Attorney's Office

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

MAPSCO: N/A

SUBJECT

Authorize Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional services in the lawsuit styled Kelvion Walker v. Amy Wilburn, Civil Action No. 3:13-CV-04896-D - Not to exceed \$200,000, from \$50,000 to \$250,000 - Financing: Current Funds (subject to appropriations)

BACKGROUND

Supplemental Agreement No. 1 will authorize Fanning Harper Martinson Brandt & Kutchin, P.C. to provide additional services necessary to represent Amy Wilburn, a former employee of the City, in the lawsuit styled Kelvion Walker v. Amy Wilburn, Civil Action No. 3:13-CV-04896-D.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council is scheduled to be briefed in Closed Session on September 17, 2014.

FISCAL INFORMATION

\$200,000.00 - Current Funds (subject to appropriations)

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

Fanning Harper Martinson Brandt & Kutchin, P.C.

Thomas P. Brandt, Partner

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 1 to the professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C. for additional services in the lawsuit styled Kelvion Walker v. Amy Wilburn, Civil Action No. 3:13-CV-04896-D - Not to exceed \$200,000, from \$50,000 to \$250,000 - Financing: Current Funds

Fanning Harper Martinson Brandt & Kutchin, P.C is a local, non-minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$200,000.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$200,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE PARTICIPATION

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

September 24, 2014

WHEREAS, the City of Dallas is involved in a lawsuit styled Kelvion Walker v. Amy Wilburn, Civil Action No. 3:13-CV-04896-D; and,

WHEREAS, on January 29, 2014, pursuant to Administrative Action No. 14-5283, the City authorized a professional services contract with Fanning Harper Martinson Brandt & Kutchin, P.C., in an amount not to exceed \$50,000.00 for legal services necessary to represent Amy Wilburn, a former employee of the City; and,

WHEREAS, the professional services of Fanning Harper Martinson Brandt & Kutchin, P.C., continue to be necessary; **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 Fanning Harper Martinson Brandt & Kutchin, P.C. for additional services in the lawsuit styled Kelvion Walker v. Amy Wilburn, Civil Action No. 3:13-CV-04896-D, in an amount not to exceed \$200,000.00, increasing the original contract amount from \$50,000.00 to \$250,000.00.

Section 2. That the City Controller is authorized to disburse, in periodic payments to Fanning Harper Martinson Brandt & Kutchin, P.C., an amount not to exceed \$200,000.00 from Fund 0192, Department ORM, Unit 3890, Obj. 3033, Encumbrance No. ATT389014J332, Vendor No. 399210 (subject to appropriations).

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

AGENDA ITEM # 12

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Controller

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize the annual adoption of the City's Investment Policy regarding funds under the City's control and the investment strategies for each of the funds under the City's management - Financing: No cost consideration to the City

BACKGROUND

In 1987, the City Council adopted an Investment Policy in accordance with federal and state law and the City Charter. A 1997 amendment to the Public Funds Investment Act required that City Council, not less than annually, adopt a written instrument stating that it has reviewed the Investment Policy and approved any changes thereto. Beginning in 1997, the City Council has reviewed the Investment Policy each year and, in most years, has also approved revisions to the Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized adoption of the City's revised Investment Policy on September 11, 2013, by Resolution No. 13-1554.

On September 15, 2014 this item was briefed to the Budget, Finance & Audit Committee.

FISCAL INFORMATION

No cost consideration to the City

September 24, 2014

WHEREAS, in 1987 the City Council adopted the City's Investment Policy which was in compliance with the federal and state law and the City Charter; and

WHEREAS, in 1995 and 1997 through 2013, the City Council amended the City's Investment Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes; and

WHEREAS, the Public Funds Investment Act requires that the investment shall be made in accordance with written policies approved, at least annually, by the governing body; and

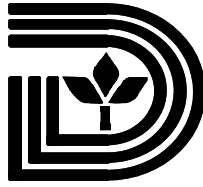
WHEREAS, investment policies must address safety of principal, liquidity, yield, diversification and maturity, with primary emphasis on safety of principal.

Now, Therefore,

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

Section 1. That the attached City of Dallas Investment Policy has been reviewed by the City Council and shall be adopted as the guiding policy in the ongoing management of the specified funds in accordance with federal and state law and the City Charter.

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



CITY OF DALLAS

INVESTMENT POLICY

As adopted by City Council

~~September 11, 2013~~ September 24, 2014

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1.0 Policy

It is the policy of the City of Dallas to invest public funds in a manner which will provide security and optimize interest earnings to the maximum extent possible while meeting the daily cash flow demands of the City and conforming to all federal, state and local statutes, rules and regulations governing the investment of public funds. This Policy sets forth the investment program of the City of Dallas and the guidelines to be followed in achieving its objectives.

Not less than annually, City Council shall adopt a written instrument by resolution stating that it has reviewed the Investment Policy and investment strategies and that the written instrument so adopted shall record any changes made to the Investment Policy or investment strategies.

This Policy is intended to satisfy the requirements of the Public Funds Investment Act, Chapter 2256, Texas Government Code (the "PFIA" or the "Act") that an investing entity such as the City of Dallas adopt and review an investment policy governing the investment by the investing entity of its funds and funds under its control.

2.0 Scope

This Policy governs the investment of all funds of the City except those that are identified in Section 2.2 below. With respect to the funds of non-profit corporations that are established by City resolution and act on behalf of the City in accordance with State law, this Policy shall prevail in the absence of a specific investment policy adopted by the non-profit corporation. In addition to this Policy, the investment of bond proceeds and other bond funds (including debt service and reserve funds) of the City or of a non-profit corporation established by City resolution and acting on behalf of the City in accordance with State law shall be governed and controlled by their governing ordinance, resolution or trust indenture, including the authorization of eligible investments, and by the provisions of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), including all regulations and rulings promulgated thereunder applicable to the issuance of tax-exempt obligations.

2.1 All funds are managed as a pooled fund group, referenced in this Policy as the City's investment pool, with the exception of the following, which are managed as separately invested assets:

- 2.1.1 Bond Funds - funds established with the proceeds from specific bond issues when it is determined that segregating these funds from the City's investment pool will result in maximum interest earnings retention under the provisions of the Internal Revenue Code.
- 2.1.2 Bond Reserve Funds - funds set at prescribed levels by certain bond ordinances to pay principal and/or interest if required to prevent default.
- 2.1.3 Endowment Funds - funds given to the City with the instructions that the principal is to remain intact, unless otherwise agreed to, and the income generated by the investments will be used for specified purposes.
- 2.1.4 Commercial Paper Funds - unexpended proceeds from the issuance of commercial paper notes.

2.2 Funds not governed by this Policy include:

- 2.2.1 Employees' Retirement Fund
- 2.2.2 Dallas Police and Fire Pension System
- 2.2.3 Deferred Compensation Funds
- 2.2.4 Private Donations – investments donated to the City are excluded from this Policy if separately managed under terms of use specified by the donor.

3.0 Objective

Investment of the funds covered by this Policy shall be governed by the following investment objectives, in order of priority:

- 3.1 **Safety:** Safety of principal is the primary objective of the Investment Policy. Investment of the City's funds shall be undertaken in a manner that seeks to ensure the preservation of capital for the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

The City will mitigate credit risk, which is the risk of loss due to the failure of the issuer or backer, by:

- Limiting investments to the types listed in Section 8.0 ("Authorized and Suitable Investments") of this Policy
- Qualifying the broker/dealers and financial institutions with which the City may engage in an investment transaction in accordance with Section 9.0 ("Authorized Broker/Dealers and Financial Institutions)
- Diversifying the investment portfolio so that the impact of potential losses from any one type of investment or from any one individual issuer will be minimized (see Section 13.0 "Diversification and Maximum Maturities").

The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar local government investment pools and limiting the weighted average maturity of the portfolio in accordance with this Policy (see Section 17.0 "Investment Strategies").

- 3.2 **Liquidity:** The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated. This is accomplished by structuring the portfolio so that investments mature concurrent with cash needs to meet anticipated demands. A portion of the portfolio will be placed in money market mutual funds or local government investment pools offering same-day liquidity to meet unanticipated demands.

- 3.3 **Yield:** The City's investment portfolio shall be designed with the objective of attaining a market rate of return, throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

4.0 Delegation of Authority

The Chief Financial Officer, under the direction and authority of the City Manager, shall direct the cash management program of the City as defined in Section 2-134, "Duties of the Chief Financial Officer", Chapter 2 "Administration" of the Dallas City Code, as amended. City Council shall designate the Chief Financial Officer, City Controller, and the Assistant Director/Treasury Manager as Investment Officers responsible for the investment of its funds, under the direction and authority of the City Manager.

The City's Investment Officers shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the written procedures. Authority granted to a person to invest the City's funds is effective until rescinded or until termination of the person's employment by the City. The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls, to be reviewed by the City Auditor, to regulate the activities of subordinate officials. In order to assure quality and capability of investment management, the Investment Officers shall possess sufficient working knowledge of economics and securities markets, as well as the supervisory experience and judgment necessary to carry out the responsibilities outlined in this Policy.

5.0 Prudence

Investments shall be made with judgment and care - under circumstances then prevailing - which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

- 5.1 The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment Officers acting in accordance with written procedures and the Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.
- 5.2 In determining whether an investment official has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the official had responsibility rather than consideration as to the prudence of a single investment and, whether the investment decision was consistent with the City’s Investment Policy and written investment procedures.

6.0 Ethics and Conflicts of Interest

Investment Officers who have a personal business relationship with a business organization offering to engage in an investment transaction with the City shall refrain from activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

- 6.1 Investment Officers shall sign annual statements agreeing to abide by this section of the Investment Policy and affirming no known conflicts of interest.
- 6.2 Investment Officers must file a disclosure statement with the Texas Ethics Commission and City Council if:
 - a) the Investment Officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
 - b) the Investment Officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City.
- 6.3 An Investment Officer has a personal business relationship with a business organization if:
 - a) the Investment Officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
 - b) funds received by the Investment Officer from the business organization exceed 10 percent of his/her gross income for the previous year; or
 - c) the Investment Officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for his/her personal account.

7.0 Training

The Investment Officers and the persons authorized to execute investment transactions shall attend at least one investment training session within 12 months after taking office or assuming duties and receive not less than 10 hours of instruction relating to investment responsibilities during a two-year period that begins on the first day of the City’s fiscal year following the initial 10 hours of instruction and consists of the two consecutive fiscal years after that date. Training must be received from an independent source approved by the City’s Investment Committee and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio and compliance with the Act.

8.0 Authorized and Suitable Investments

City funds governed by this Policy may be invested in the instruments described below, all of which are authorized by Chapter 2256 of the Government Code (Public Funds Investment Act).

- 8.1 Direct obligations of the United States, its agencies or instrumentalities, and other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States or its respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.

The City will restrict investments in eligible securities described in this section to discount notes and callable or non-callable fixed-rate securities with a fixed principal repayment amount.
- 8.2 Fully collateralized Certificates of Deposit/Share Certificates that are issued by a bank or credit union that has its main office or branch office within the City and are:
 - a) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor; or
 - b) secured by obligations in accordance with Section 11.0 herein.

If the certificate of deposit is collateralized by pledged securities the City must have on file a signed Depository Agreement, approved as to form by the City Attorney, which details eligible collateral, collateralization ratios for pledged securities, standards for collateral custody and control of pledged securities, collateral valuation of pledged securities, and conditions for agreement termination.
- 8.3 Certificates of Deposit obtained through a depository institution or a broker approved by the City's Investment Committee under the provisions of Section 9.0 of this Policy that has its main office or branch office within the City and that contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Act.
- 8.4 Fully collateralized repurchase agreements in accordance with the conditions prescribed in Section 2256.011 of the Act. Prior to investment in a repurchase agreement, the City must have on file a signed Master Repurchase Agreement, approved as to form by the City Attorney, which details eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, and conditions for agreement termination and provided the repurchase agreement:
 - a) has a defined termination date;
 - b) is secured by a combination of cash and obligations of the United States or its agencies and instrumentalities described by Section 2256.009(a)(1) of the Act. Securities received for repurchase agreements must have a market value greater than or equal to 103% at the time the investment is made and throughout the terms of the repurchase agreement;
 - c) requires the securities being purchased by the City or cash held by the City to be assigned to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City; and
 - d) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state, and which is rated no less than A or its equivalent by two nationally recognized rating services.
- 8.5 A securities lending program is an authorized investment if it meets the following conditions:
 - a) A loan made under the program must allow for termination at any time;
 - b) A loan made under the program must be placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state that is rated no less than A or its equivalent by two nationally recognized rating services. An agreement to lend securities must have a term of one year or less and shall comply with the provisions of section 1058 of the Internal Revenue Code,;
 - c) A loan made under the program must be secured as prescribed in Section 2256.0115(b)(3) of the Act. Securities being held as collateral must be pledged to the City, held in the City's name, and deposited at the time the investment is made with a third party approved by the City.
 - d) The amount of collateral must not be less than 100% of the market value of securities loaned, including accrued income. The market value of securities loaned shall be determined daily. Cash received as collateral shall not be invested for a term later than the expiration date of the securities lending agreement and may only be invested in investments as authorized by this Policy.

- 8.6 No-load money market mutual funds that are registered with and regulated by the Securities and Exchange Commission that meet the requirements of the PFIA, and, in addition:
- a) are rated not less than Aaa or an equivalent rating by at least one nationally recognized rating service. A rating is not required for a sweep account investment, which is part of the city's depository contract; and,
 - b) have provided the City with a prospectus and other information as may be required by law.

Investments will be made in a money market mutual fund only after a thorough investigation of the fund and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved funds.

- 8.7 Local government investment pools which are organized in conformity with Chapter 791 (Interlocal Cooperation Contracts Act) and meet the requirements of the PFIA that:
- a) are rated not less than Aaa or an equivalent rating by at least one nationally recognized rating service; and
 - b) have provided the City with an offering circular and other information required by the Act.

To become eligible, investment pools must be approved by City Council action. Investments will be made in a local government investment pool only after a thorough investigation of the pool and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved pools.

The Investment Officers may at times restrict or prohibit the purchase of specific issues due to current market conditions. An investment that requires a minimum rating under this section does not qualify as an authorized investment during the period the investment does not have the minimum rating. Ratings shall be monitored using nationally recognized financial information sources, including actions published on rating agency websites. The City shall take all prudent measures consistent with the Act to liquidate an investment that does not have the minimum rating required by the Act.

9.0 Authorized Broker/Dealers and Financial Institutions

The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers and financial institutions authorized to engage in the purchase and sale of obligations of the U.S. Government, its agencies or instrumentalities with the City. In order to be considered, those firms that desire to become qualified bidders for securities transactions will be required to provide information regarding creditworthiness, experience and reputation. Authorized firms may include primary dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule).

A written copy of this Investment Policy shall be presented to any person offering to engage in an investment transaction with the City. Investments shall only be made with those business organizations (including money market mutual funds and local government investment pools) which have provided the City with a written instrument executed by a qualified representative of the firm, acknowledging that the business organization has:

- a) received and reviewed the City's Investment Policy; and
- b) implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

10.0 Competitive Bidding

It is the policy of the City to require competitive bidding for all individual security purchases and sales except for:

- a) transactions with money market mutual funds and local government investment pools (which are deemed to be made at prevailing market rates)
- b) treasury and agency securities purchased at issue through an approved broker/dealer or financial institution
- c) automatic overnight "sweep" transactions with the City Depository
- d) fully insured certificates of deposit placed in accordance with the conditions prescribed in Section 2256.010(b) of the Act or placed with the City's Depository if so authorized by the City Depository Contract.

At least three bids or offers must be solicited for all other transactions involving individual securities. The City's investment advisor is also required to solicit at least three bids or offers when transacting trades on the City's behalf. In situations where the exact security being offered is not offered by other dealers, offers on the closest comparable investment may be used to establish a fair market price for the security. Bids for certificates of deposit may be solicited in any manner permitted by the Act.

11.0 Collateralization of Deposits

The City requires that all uninsured collected balances plus accrued interest, if any, in depository accounts be secured in accordance with the requirements of this Policy and Chapter 2257, Government Code ("Public Funds Collateral Act") and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Financial institutions serving as City depositories will be required to sign a Depository Agreement with the City which details securities that can serve as eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, rights of substitution and conditions for agreement termination.

Pledged securities serving as collateral will always be held by an independent third party with which the City has a current custodial agreement and shall be reviewed at least monthly to ensure that the market value of the pledged securities is ~~adequate. —at least 102%.~~ Eligible collateral ~~and collateral ratios~~ are as follows:

Eligible Collateral	Collateral Ratios
1) Direct obligations of the United States or other obligations of the United States or other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States.	
a) Maturing in less than three years	102%
b) Maturing in more than three years	105%
2) Direct debt obligations of an agency or instrumentality of the United States.	
a) Maturing in less than three years	102%
b) Maturing in more than three years	105%
3) Mortgage-backed securities issued directly by an agency or instrumentality of the United States eligible under the Public Funds Collateral Act.	105%
4) <u>Direct debt obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.</u>	

The use of a letter of credit issued to the City by the Federal Home Loan Bank may be considered by the City to provide collateral for bank deposits and for certificates of deposit.

The City's Investment Officers reserve the right to accept or reject any form of collateral or enhancement at their sole discretion.

12.0 Safekeeping and Custody

Safekeeping and custody of investment securities shall be in accordance with applicable law and accounting standards. All securities transactions, except local government investment pool and money market mutual fund transactions, shall be conducted on a delivery versus payment (DVP) basis. Investment securities will be held by a third party custodian designated by the City, and be required to issue safekeeping receipts clearly detailing that the securities are owned by the City.

Safekeeping and custody of collateral shall be in accordance with applicable law and accounting standards. Pledged securities serving as collateral will be held by a third party custodian designated by the City, and pledged to the City as evidenced by safekeeping receipts of the institution with which the securities are deposited.

13.0 Diversification and Maximum Maturities

The City's investment pool will be diversified to limit market and credit risk by observing the limitations at the time of purchase as listed below. Funds managed as separately invested assets in Section 2.1 of the Policy are subject to all of the following with the exception of the Issuer Limitation on investment in U.S. Agencies and Instrumentalities. Funds managed as separately invested assets may be invested 100% in the obligations of any one U.S. Agency or Instrumentality.

	Maximum Stated Maturity¹	Issuer Limitations
U.S. Treasuries	5 Years	100% of the City's investment pool may be invested in obligations of the U.S. Treasury.
U.S. Agencies/Instrumentalities	5 Years	No more than 30% of the book value of the City's investment pool may be invested in the obligations of any one issuer.
Repurchase Agreements	30 Days	No more than 15% of the City's investment pool may be invested with one counterparty, excluding flexible repurchase agreements for investment of bond proceeds.
Money Market Mutual Funds	N/A	The City may not own more than the lesser of \$100 million or 5% of the total assets of any one fund, excluding tax-exempt money market mutual funds for investment of commercial paper proceeds.
Local Government Investment Pools	N/A	The City may not own more than the lesser of \$250-400 million or 5%10% of the total assets of any one pool.
Certificates of Deposit	5 Years	The City may not own more than \$50 million of any single financial institution's certificates of deposit at any one time, excluding certificates of deposit placed with the City's Depository if so authorized by the City Depository Contract.

In addition to the above limitations, the City's investment pool shall be diversified by market sector as follows:

**Maximum Percentage
of Investment Pool**

U.S. Treasuries	100%
U.S. Agencies/Instrumentalities	100% (maximum 20% <u>30%</u> callable)
Repurchase Agreements	15%*
Money Market Mutual Funds	15%
Local Government Investment Pools	30% <u>45%</u>
Certificates of Deposit	20%**

* Excluding flexible repurchase agreements for bond proceeds.

**Excluding certificates of deposit placed with the City's Depository if so authorized by the City Depository Contract.

- (1) Purchases of securities with stated maturities greater than the maximum authorized under this section require prior City Council approval. With respect to bond proceeds and other bond funds, the City may, in the bond ordinance, specifically authorize investments in repurchase agreements with maturities in excess of 30 days subject to any required approvals from bond insurers.

14.0 Sale of Securities

The City's policy is to hold securities to maturity. However, securities may be sold:

- (a) in order to minimize the potential loss of principal on a security whose credit quality has declined;
- (b) in order to reposition the portfolio for the purpose of improving the quality, yield, or target duration of the portfolio; or
- (c) in order to meet unanticipated liquidity needs of the portfolio.

15.0 Investment Committee

An Investment Committee shall be established and meet quarterly to determine investment guidelines, general strategies, and monitor performance. Members of the Investment Committee will include the Investment Officers, the Cash and Investment Manager and the City's Investment Advisor if the City has contracted with an Advisor. The Investment Advisor is a non-voting member of the Investment Committee.

16.0 Investment Advisor

The City may retain the services of an Investment Advisor to assist in the review of cash flow requirements, the formulation of investment strategies, and the execution of security purchases, sales and deliveries.

17.0 Investment Strategies

The City of Dallas maintains separate portfolios for individual funds or groups of funds (as listed under Sec. 2.0 of this Policy) which are managed according to the terms of this Policy and the corresponding investment strategies listed below. The investment strategy for portfolios established after the annual Investment Policy adoption will be managed in accordance with the terms of this Policy and applicable agreements until the next annual review when a specific strategy will be adopted.

- 17.1 Investment Pool Strategy - The City's Investment Pool is an aggregation of the majority of City funds which includes tax receipts, enterprise fund revenues, fine and fee revenues, as well as some, but not all, bond proceeds, grants, gifts and endowments. This portfolio is maintained to meet anticipated daily cash needs for City of Dallas operations, capital projects and debt service. In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the Investment Pool shall not exceed 1.5 years. The objectives of this portfolio are to:
 - a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists;
 - b) ensure that anticipated cash flows are matched with adequate investment liquidity;
 - c) limit market and credit risk through diversification; and
 - d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy by managing the portfolio to meet or exceed the 12 month moving average yield on treasury one-year constant maturities as reported by Federal Reserve Statistical Release H.15.

- 17.2 Bond Funds Strategy - Occasionally, separate non-pooled portfolios are established with the proceeds from bond sales in order to maximize earnings within the constraints of arbitrage regulations. The objectives of these portfolios are to:
- a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists or by maintaining the security of the investment through collateralization according to the standards approved in Section 8.4 of this Policy;
 - b) ensure that anticipated cash flows are matched with adequate investment liquidity or that the terms of the secured investment agreement permit maximum flexibility for the City in making withdrawals;
 - c) manage market and credit risk through diversification and control of counterparty risk; and
 - d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the bond ordinance by managing the portfolio to meet or exceed the bond yield
- 17.3 Bond Reserve Fund Strategy - Non-pooled reserve funds for outstanding revenue bonds are set at levels required by their respective bond ordinances. These funds will be used to pay the final principal and/or interest due on outstanding bonds that are similarly secured or to make up any shortfalls in debt service funds as required by the bond ordinance. The objectives of Bond Reserve Fund Portfolios are to:
- a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists or by maintaining the security of the investment through collateralization according to the standards approved in Section 8.4 of this Policy;
 - b) ensure that anticipated cash flows are matched with adequate investment liquidity or that the terms of the secured investment agreement permit maximum flexibility for the City in making withdrawals;
 - c) manage market and credit risk through diversification and control of counterparty risk; and
 - d) attain a market rate of return commensurate with the objectives and the restrictions set forth in this Policy and the bond ordinance by managing the portfolio to meet or exceed the bond yield.
- 17.4 Endowment Funds Strategy - Funds received as gifts to the City with instructions that the income generated by the investment of said funds be used for specified purposes may be invested as separate non-pooled portfolios if required by the terms of the gift. The objectives of Endowment Portfolios are to:
- a) ensure safety of principal and sufficient liquidity by investing only in high-quality securities for which a strong secondary market exists;
 - b) manage market and credit risk through the use of a competitive process to place investments;
 - c) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the terms of the gift.
- 17.5 Commercial Paper Funds Strategy – The City issues tax-exempt commercial paper notes as an interim financing tool for construction projects. Proceeds from the issuance of commercial paper debt must be liquid in order to fund periodic payments to contractors and must be invested in tax-exempt securities in order to avoid costly and complex arbitrage rebate computations. In order to meet these requirements, commercial paper proceeds will be invested in tax-exempt money market mutual funds. The objectives of this portfolio are to:
- a) ensure safety of principal and sufficient liquidity by investing only in tax-exempt money market mutual funds;
 - b) manage market and credit risk through diversification of funds and requirement of AAA rating; and
 - c) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and governing bond ordinances.
- 17.6 Trinity Parkway Escrow Strategy – This escrow was established pursuant to an Agreement dated as of January 1, 1999 with the North Texas Tollway Authority (“NTTA”) pertaining to development of the Trinity Parkway. These funds will be used to reimburse NTTA for specified payments related to project feasibility. Permitted investments for this portfolio are defined in the Escrow Agreement as those that are consistent with the Act. The objectives of this portfolio are to:
- a) ensure safety of principal and sufficient liquidity by investing only in high-quality securities for which a strong secondary market exists;
 - b) ensure that anticipated cash flows are matched with adequate investment liquidity;

- c) manage market and credit risk through diversification of funds and requirement of AAA rating; and
- d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the Agreement.

18.0 Reporting

Investment performance is regularly monitored by investment staff and reported to the Investment Committee on a monthly basis. Month-end market prices on each security are obtained from nationally recognized securities databases including those provided by the City's depository bank through its safekeeping services and Bloomberg Professional Services. . These prices are recorded in the City's portfolio database and included in all management reports as well as the City's Comprehensive Annual Financial Report.

Not less than quarterly the Investment Officers will submit to the city council finance committee described in Chapter III, Section 13 of the Dallas City Charter, the City Manager, and the Mayor and City Council a written report of the status of the current investment portfolio. The report must meet the requirements of the Act.

An independent auditor shall formally review the quarterly reports prepared under this section at least annually, and that auditor shall report the results of the review to City Council.

19.0 Annual Compliance Audit

In conjunction with the annual financial audit, a compliance audit shall be performed which includes an audit of management controls on investments and adherence to the City's established policy.

20.0 Investment Policy Adoption

The City's Investment Policy is hereby adopted by resolution of the City Council on September ~~1424~~, ~~2013~~2014 in accordance with the PFIA.

GLOSSARY

ACCRETION OF DISCOUNT: Periodic straight-line increases in the book or carrying value of a security so the amount of the purchase price discount below face value is completely eliminated by the time the bond matures or by the call date, if applicable.

ACCRUED INTEREST: The interest accumulated on a security from its issue date or since the last payment of interest up to but not including the purchase date. The purchaser of the security pays to the seller the market price plus accrued interest.

AMORTIZATION OF PREMIUM: Periodic straight-line decreases in the book or carrying value of a security so the premium paid for a bond above its face value or call price is completely eliminated.

ASK: The price at which securities are offered by sellers.

BARBELL MATURITY STRATEGY: A maturity pattern within a portfolio in which maturities of the assets in the portfolio are concentrated in both the short and long ends of the maturity spectrum.

BASIS POINT: One one-hundredth (1/100) of one percent; 0.0001 in decimal form.

BENCHMARK: A comparative base for performance evaluation. A benchmark can be a broad-based bond index, a customized bond index, or a specific objective.

BID: The price offered for securities by purchasers. (When selling securities, one asks for a bid.)

BOND EQUIVALENT YIELD: Used to compare yields available from discounted securities that pay interest at maturity with yields available from securities that pay interest semi-annually.

BOOK ENTRY SECURITIES: Stocks, bonds, other securities, and some certificates of deposit that are purchased, sold, and held as electronic computer entries on the records of a central holder. These securities are not available for purchase in physical form; buyers get a receipt or confirmation as evidence of ownership.

BOOK VALUE: The original cost of the security as adjusted for amortization of any premium paid or accretion of discount since the date of purchase.

BROKER: A party who brings buyers and sellers together. Brokers do not take ownership of the property being traded. They are compensated by commissions. They are not the same as dealers; however, the same firms that act as brokers in some transactions may act as dealers in other transactions.

CALLABLE BOND: A bond that the issuer has the right to redeem prior to maturity at a specified price. Some callable bonds may be redeemed on one call date while others may have multiple call dates. Some callable bonds may be redeemed at par while others can be redeemed only at a premium. Some callable bonds are step-up bonds that pay an initial coupon rate for the first period, and then the coupon rate increases for the following periods if the bonds are not called by the issuer.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination (over \$100,000) CD's are typically negotiable.

CODE: The Internal Revenue Code of 1986, as amended.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COLLATERALIZED MORTGAGE OBLIGATION (CMO): A type of mortgage-backed security created by dividing the rights to receive the principal and interest cash flows from an underlying pool of mortgages in separate classes or tiers.

COMMERCIAL PAPER: Short-term unsecured promissory notes issued by corporations for a maturity specified by the buyer. It is used primarily by corporations for short-term financing needs at a rate which is generally lower than the prime rate.

CONFIRMATION: The document used to state in writing the terms of the trade which had previously been agreed to verbally.

COUPON RATE: The stated annual rate of interest payable on a coupon bond expressed as a percentage of the bond's face value.

CREDIT RISK: The risk that (1) the issuer is downgraded to a lower quality category and/or (2) the issuer fails to make timely payments of interest or principal.

CUSIP NUMBER: A nine-digit number established by the Committee on Uniform Securities Identification Procedures that is used to identify publicly traded securities. Each publicly traded security receives a unique CUSIP number when the security is issued.

CUSTODY: The service of an organization, usually a financial institution, of holding (and reporting) a customer's securities for safekeeping. The financial institution is known as the custodian.

DEALER: A firm which buys and sells for its own account. Dealers have ownership, even if only for an instant, between a purchase from one party and a sale to another party. They are compensated by the spread between the price they pay and the price they receive. Dealers are not the same as brokers; however, the same firms which act as dealers in some transactions may act as brokers in other transactions.

DELIVERY VERSUS PAYMENT (DVP): The safest method of settling a trade involving a book entry security. In a DVP settlement, the funds are wired from the buyer's account and the security is delivered from the seller's account in simultaneous, interdependent wires.

DEPOSITORY TRUST COMPANY (DTC): An organization that holds physical certificates for stocks and bonds and issues receipts to owners. Securities held by DTC are immobilized so that they can be traded on a book entry basis.

DERIVATIVE: A security that derives its value from an underlying asset, group of assets, reference rate, or an index value. Some derivatives can be highly volatile and result in a loss of principal in changing interest rate environments.

DISCOUNT: The amount by which the price paid for a security is less than its face value.

DISCOUNT SECURITIES: Securities that do not pay periodic interest. Investors earn the difference between the discount issue price and the full face value paid at maturity.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns, to reduce risk inherent in particular securities.

DURATION: A sophisticated measure of the weighted average maturity of a bond's cash flow stream, where the present values of the cash flows serve as the weights.

ECONOMIC CYCLE (BUSINESS CYCLE): As the economy moves through the business cycle, interest rates tend to follow the levels of production, output, and consumption - rising as the economy expands and moves out of recession and declining after the economy peaks, contracts, and heads once again into recession.

EFFECTIVE MATURITY: The average maturity of a bond, given the potential for early call. For a non-callable bond, the final maturity date serves as the effective maturity. For a callable bond, the effective maturity is bounded by the first call date and the final maturity date; the position within this continuum is a function of the call price, the current market price, and the reinvestment rate assumed.

FACE VALUE: The principal amount due and payable to a bondholder at maturity; par value. Also, the amount on which coupon interest is computed.

FAIL: The event of a securities purchase or sale transaction not settling as intended by the parties.

FAIR VALUE: The amount at which a financial instrument could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits.

FEDERAL FARM CREDIT BANKS (FFCB): A government-sponsored corporation that was created in 1916 and is a nationwide system of banks and associations providing mortgage loans, credit, and related services to farmers, rural homeowners, and agricultural and rural cooperatives. The banks and associations are cooperatively owned, directly or indirectly, by their respective borrowers. The Federal Farm Credit System is supervised by the Farm Credit Administration, an independent agency of the U.S. government. (See Government Sponsored Enterprise)

FEDERAL FUNDS: Monies within the Federal Reserve System representing a member bank's surplus reserve funds. Banks with excess funds may sell their surplus to other banks whose funds are below required reserve levels. Normally, Federal funds are employed in settling all government securities transactions. The Federal Funds Rate is the rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government-sponsored wholesale banks (currently twelve regional banks) which lend funds and provide correspondent banking services to member commercial bank, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank. (See Government Sponsored Enterprises)

FEDERAL HOME LOAN MORTGAGE CORPORATION (FHLMC or "Freddie Mac"): A government-sponsored corporation that was created in July 1970, by the enactment of Title III of the Emergency Home Finance Act of 1970. Freddie Mac was established to help maintain the availability of mortgage credit for residential housing, primarily through developing and maintaining an active, nationwide secondary market in conventional residential mortgages. (See Government Sponsored Enterprises)

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA or Fannie Mae): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae is a private stockholder-owned corporation. FNMA securities are highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest. (See Government Sponsored Enterprises)

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank presidents. The president of the New York Federal Reserve Bank is a permanent member while the other presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of government securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., twelve regional banks and about 5700 commercial banks that are members of the system.

FIXED-INCOME SECURITY: A financial instrument promising a fixed amount of periodic income over a specified future time span.

GOVERNMENT-SPONSORED ENTERPRISES (GSE's): Payment of principal and interest on securities issued by these corporations is not guaranteed explicitly by the U.S. government, however, most investors consider these securities to carry an implicit U.S. government guarantee. The debt is fully guaranteed by the issuing corporations. GSE's include: Farm Credit System, Federal Home Loan Bank System, Federal Home Loan Mortgage Corporation, and Federal National Mortgage Association.

INSTRUMENTALITIES: See Government-Sponsored Enterprises

INTEREST RATE RISK: The risk that the general level of interest rates will change, causing unexpected price appreciations or depreciations.

LADDERED MATURITY STRATEGY: A maturity pattern within a portfolio in which maturities of the assets in the portfolio are equally spaced. Over time, the shortening of the remaining lives of the assets provides a steady source of liquidity or cash flow. Given a normal yield curve with a positive slope this passive strategy provides the benefit of being able to take advantage of the higher, longer-term yields without sacrificing safety or liquidity.

LIQUIDITY: An entity's capacity to meet future monetary outflows (whether they are required or optional) from available resources. Liquidity is often obtained from reductions of cash or by converting assets into cash.

LIQUIDITY RISK: The risk that an investment will be difficult to sell at a fair market price in a timely fashion.

MARKET RISK: The risk that the value of a security will rise or decline as a result of changes in market conditions. It is that part of a security's risk that is common to all securities of the same general class (stocks and bonds) and thus cannot be eliminated by diversification; also known as systematic risk.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MARKING-TO-MARKET: The practice of valuing a security or portfolio according to its market value, rather than its cost or book value.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer to liquidate the underlying securities in the event of default by the seller.

MATURITY DATE: The date on which the principal or face value of an investment becomes due and payable.

MONEY MARKET INSTRUMENT: Generally, a short-term debt instrument that is purchased from a broker, dealer, or bank. Sometimes the term "money market" with "short-term", defines an instrument with no more than 12 months remaining from the purchase date until the maturity date. Sometimes the term "money market" is used more restrictively to mean only those instruments that have active secondary markets.

MORTGAGE-BACKED SECURITIES (MBS): Securities composed of, or collateralized by, loans that are themselves collateralized by liens on real property.

OFFER: The price asked by a seller of securities. (When purchasing securities, one asks for an offer.)

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

OPPORTUNITY COST: The cost of pursuing one course of action measured in terms of the foregone return that could have been earned on an alternative course of action that was not undertaken.

PAR: See Face Value

PFIA OR ACT: The Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

POOLED FUND GROUP: An internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested (as defined by the Public Funds Investment Act).

PREMIUM: The amount by which the price paid for a security exceeds its face value.

PRIMARY DEALER: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRINCIPAL: The face or par value of an instrument, exclusive of accrued interest.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the state. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED REPRESENTATIVE: A person who holds a position with - and is authorized to act on behalf of - a business organization (as defined by the Public Funds Investment Act).

RATE OF RETURN: The amount of income received from an investment, expressed as a percentage. A market rate of return is the yield that an investor can expect to receive in the current interest-rate environment utilizing a buy-and-hold to maturity investment strategy.

REINVESTMENT RATE: The interest rate earned on the reinvestment of coupon payments.

REINVESTMENT RATE RISK: The risk that the actual reinvestment rate falls short of the expected or assumed reinvestment rate.

REPURCHASE AGREEMENT (RP or REPO): An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price on demand or at a specified later date. The difference between the selling price and the repurchase price provides the interest income to the party that provided the funds. Every transaction where a security is sold under an agreement to be repurchased is a repo from the seller/borrower's point of view and a reverse repo from the buyer/lender's point of view.

REVERSE REPURCHASE AGREEMENT: (See Repurchase Agreement)

SAFEKEEPING: A procedure where securities are held by a third party acting as custodian for a fee.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES AND EXCHANGE COMMISSION (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SECURITIES LENDING: The temporary transfer of securities by one party, the lender, to another, the borrower. The securities borrower is required to provide acceptable assets as collateral to the securities lender in the form of cash or other securities. If the borrower provides securities as collateral to the lender, it pays a fee to borrow the lent securities. If it provides cash as collateral, the lender pays interest to the borrower and reinvests the cash at a higher rate.

SEC RULE 15C3-1: See Uniform Net Capital Rule

STRUCTURED NOTES: Debt obligations whose principal or interest payments are determined by an index or formula.

SEPARATELY INVESTED ASSET: An account or fund of a state agency or local government that is not invested in a pooled fund group (as defined by the Public Funds Investment Act).

SPREAD: Most commonly used when referring to the difference between the bid and asked prices in a quote. Additionally, it may also refer to additional basis points that a non-Treasury security earns over and above a Treasury with a comparable maturity date.

STRIPS: Separation of the principal and interest cash flows due from any interest-bearing securities into different financial instruments. Each coupon payment is separated from the underlying investment to create a separate security. Each individual cash flow is sold at a discount. The amount of the discount and the time until the cash flow is paid determine the investor's return.

SWAP: The trading of one asset for another. Sometimes used in active portfolio management to increase investment returns by "swapping" one type of security for another.

TOTAL RETURN: Interest income plus capital gains (or minus losses) on an investment.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury, generally having initial maturities of 3 months, 6 months, or 1 year.

TREASURY BONDS: Long-term, coupon bearing U.S. Treasury securities having initial maturities of more than 10 years.

TREASURY NOTES: Intermediate-term, coupon bearing U.S. Treasury securities having initial maturities of 2 - 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD TO MATURITY (YTM): The promised return assuming all interest and principal payments are made and reinvested at the same rate taking into account price appreciation (if priced below par) or depreciation (if priced above par).

CITY OF DALLAS

INVESTMENT POLICY

**As adopted by City Council
September 24, 2014**

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1.0 Policy

It is the policy of the City of Dallas to invest public funds in a manner which will provide security and optimize interest earnings to the maximum extent possible while meeting the daily cash flow demands of the City and conforming to all federal, state and local statutes, rules and regulations governing the investment of public funds. This Policy sets forth the investment program of the City of Dallas and the guidelines to be followed in achieving its objectives.

Not less than annually, City Council shall adopt a written instrument by resolution stating that it has reviewed the Investment Policy and investment strategies and that the written instrument so adopted shall record any changes made to the Investment Policy or investment strategies.

This Policy is intended to satisfy the requirements of the Public Funds Investment Act, Chapter 2256, Texas Government Code (the "PFIA" or the "Act") that an investing entity such as the City of Dallas adopt and review an investment policy governing the investment by the investing entity of its funds and funds under its control.

2.0 Scope

This Policy governs the investment of all funds of the City except those that are identified in Section 2.2 below. With respect to the funds of non-profit corporations that are established by City resolution and act on behalf of the City in accordance with State law, this Policy shall prevail in the absence of a specific investment policy adopted by the non-profit corporation. In addition to this Policy, the investment of bond proceeds and other bond funds (including debt service and reserve funds) of the City or of a non-profit corporation established by City resolution and acting on behalf of the City in accordance with State law shall be governed and controlled by their governing ordinance, resolution or trust indenture, including the authorization of eligible investments, and by the provisions of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code"), including all regulations and rulings promulgated thereunder applicable to the issuance of tax-exempt obligations.

2.1 All funds are managed as a pooled fund group, referenced in this Policy as the City's investment pool, with the exception of the following, which are managed as separately invested assets:

- 2.1.1 Bond Funds - funds established with the proceeds from specific bond issues when it is determined that segregating these funds from the City's investment pool will result in maximum interest earnings retention under the provisions of the Internal Revenue Code.
- 2.1.2 Bond Reserve Funds - funds set at prescribed levels by certain bond ordinances to pay principal and/or interest if required to prevent default.
- 2.1.3 Endowment Funds - funds given to the City with the instructions that the principal is to remain intact, unless otherwise agreed to, and the income generated by the investments will be used for specified purposes.
- 2.1.4 Commercial Paper Funds - unexpended proceeds from the issuance of commercial paper notes.

2.2 Funds not governed by this Policy include:

- 2.2.1 Employees' Retirement Fund
- 2.2.2 Dallas Police and Fire Pension System
- 2.2.3 Deferred Compensation Funds
- 2.2.4 Private Donations – investments donated to the City are excluded from this Policy if separately managed under terms of use specified by the donor.

3.0 Objective

Investment of the funds covered by this Policy shall be governed by the following investment objectives, in order of priority:

- 3.1 **Safety:** Safety of principal is the primary objective of the Investment Policy. Investment of the City's funds shall be undertaken in a manner that seeks to ensure the preservation of capital for the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

The City will mitigate credit risk, which is the risk of loss due to the failure of the issuer or backer, by:

- Limiting investments to the types listed in Section 8.0 ("Authorized and Suitable Investments") of this Policy
- Qualifying the broker/dealers and financial institutions with which the City may engage in an investment transaction in accordance with Section 9.0 ("Authorized Broker/Dealers and Financial Institutions")
- Diversifying the investment portfolio so that the impact of potential losses from any one type of investment or from any one individual issuer will be minimized (see Section 13.0 "Diversification and Maximum Maturities").

The City will minimize interest rate risk, which is the risk that the market value of securities in the portfolio will fall due to changes in market interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities prior to maturity
- Investing operating funds primarily in shorter-term securities, money market mutual funds, or similar local government investment pools and limiting the weighted average maturity of the portfolio in accordance with this Policy (see Section 17.0 "Investment Strategies").

- 3.2 **Liquidity:** The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements that might be reasonably anticipated. This is accomplished by structuring the portfolio so that investments mature concurrent with cash needs to meet anticipated demands. A portion of the portfolio will be placed in money market mutual funds or local government investment pools offering same-day liquidity to meet unanticipated demands.

- 3.3 **Yield:** The City's investment portfolio shall be designed with the objective of attaining a market rate of return, throughout budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

4.0 Delegation of Authority

The Chief Financial Officer, under the direction and authority of the City Manager, shall direct the cash management program of the City as defined in Section 2-134, "Duties of the Chief Financial Officer", Chapter 2 "Administration" of the Dallas City Code, as amended. City Council shall designate the Chief Financial Officer, City Controller, and the Assistant Director/Treasury Manager as Investment Officers responsible for the investment of its funds, under the direction and authority of the City Manager.

The City's Investment Officers shall establish written procedures for the operation of the investment program consistent with this Investment Policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this Policy and the written procedures. Authority granted to a person to invest the City's funds is effective until rescinded or until termination of the person's employment by the City. The Investment Officers shall be responsible for all transactions undertaken and shall establish a system of controls, to be reviewed by the City Auditor, to regulate the activities of subordinate officials. In order to assure quality and capability of investment management, the Investment Officers shall possess sufficient working knowledge of economics and securities markets, as well as the supervisory experience and judgment necessary to carry out the responsibilities outlined in this Policy.

5.0 Prudence

Investments shall be made with judgment and care - under circumstances then prevailing - which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

- 5.1 The standard of prudence to be used by investment officials shall be the “prudent person” standard and shall be applied in the context of managing an overall portfolio. Investment Officers acting in accordance with written procedures and the Investment Policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.
- 5.2 In determining whether an investment official has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the official had responsibility rather than consideration as to the prudence of a single investment and, whether the investment decision was consistent with the City’s Investment Policy and written investment procedures.

6.0 Ethics and Conflicts of Interest

Investment Officers who have a personal business relationship with a business organization offering to engage in an investment transaction with the City shall refrain from activities that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

- 6.1 Investment Officers shall sign annual statements agreeing to abide by this section of the Investment Policy and affirming no known conflicts of interest.
- 6.2 Investment Officers must file a disclosure statement with the Texas Ethics Commission and City Council if:
 - a) the Investment Officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City; or
 - b) the Investment Officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the City.
- 6.3 An Investment Officer has a personal business relationship with a business organization if:
 - a) the Investment Officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;
 - b) funds received by the Investment Officer from the business organization exceed 10 percent of his/her gross income for the previous year; or
 - c) the Investment Officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for his/her personal account.

7.0 Training

The Investment Officers and the persons authorized to execute investment transactions shall attend at least one investment training session within 12 months after taking office or assuming duties and receive not less than 10 hours of instruction relating to investment responsibilities during a two-year period that begins on the first day of the City’s fiscal year following the initial 10 hours of instruction and consists of the two consecutive fiscal years after that date. Training must be received from an independent source approved by the City’s Investment Committee and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio and compliance with the Act.

8.0 Authorized and Suitable Investments

City funds governed by this Policy may be invested in the instruments described below, all of which are authorized by Chapter 2256 of the Government Code (Public Funds Investment Act).

- 8.1 Direct obligations of the United States, its agencies or instrumentalities, and other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States or its respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
- The City will restrict investments in eligible securities described in this section to discount notes and callable or non-callable fixed-rate securities with a fixed principal repayment amount.
- 8.2 Fully collateralized Certificates of Deposit/Share Certificates that are issued by a bank or credit union that has its main office or branch office within the City and are:
- a) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor; or
 - b) secured by obligations in accordance with Section 11.0 herein.
- If the certificate of deposit is collateralized by pledged securities the City must have on file a signed Depository Agreement, approved as to form by the City Attorney, which details eligible collateral, collateralization ratios for pledged securities, standards for collateral custody and control of pledged securities, collateral valuation of pledged securities, and conditions for agreement termination.
- 8.3 Certificates of Deposit obtained through a depository institution or a broker approved by the City's Investment Committee under the provisions of Section 9.0 of this Policy that has its main office or branch office within the City and that contractually agrees to place the funds in federally insured depository institutions in accordance with the conditions prescribed in Section 2256.010(b) of the Act.
- 8.4 Fully collateralized repurchase agreements in accordance with the conditions prescribed in Section 2256.011 of the Act. Prior to investment in a repurchase agreement, the City must have on file a signed Master Repurchase Agreement, approved as to form by the City Attorney, which details eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, and conditions for agreement termination and provided the repurchase agreement:
- a) has a defined termination date;
 - b) is secured by a combination of cash and obligations of the United States or its agencies and instrumentalities described by Section 2256.009(a) (1) of the Act. Securities received for repurchase agreements must have a market value greater than or equal to 103% at the time the investment is made and throughout the terms of the repurchase agreement;
 - c) requires the securities being purchased by the City or cash held by the City to be assigned to the City, held in the City's name, and deposited at the time the investment is made with the City or with a third party selected and approved by the City; and
 - d) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state, and which is rated no less than A or its equivalent by two nationally recognized rating services.
- 8.5 A securities lending program is an authorized investment if it meets the following conditions:
- a) A loan made under the program must allow for termination at any time;
 - b) A loan made under the program must be placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state that is rated no less than A or its equivalent by two nationally recognized rating services. An agreement to lend securities must have a term of one year or less and shall comply with the provisions of section 1058 of the Internal Revenue Code,;
 - c) A loan made under the program must be secured as prescribed in Section 2256.0115(b)(3) of the Act. Securities being held as collateral must be pledged to the City, held in the City's name, and deposited at the time the investment is made with a third party approved by the City.
 - d) The amount of collateral must not be less than 100% of the market value of securities loaned, including accrued income. The market value of securities loaned shall be determined daily. Cash received as collateral shall not be invested for a term later than the expiration date of the

securities lending agreement and may only be invested in investments as authorized by this Policy.

- 8.6 No-load money market mutual funds that are registered with and regulated by the Securities and Exchange Commission that meet the requirements of the PFIA, and, in addition:
- a) are rated not less than Aaa or an equivalent rating by at least one nationally recognized rating service. A rating is not required for a sweep account investment, which is part of the city's depository contract; and,
 - b) have provided the City with a prospectus and other information as may be required by law.

Investments will be made in a money market mutual fund only after a thorough investigation of the fund and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved funds.

- 8.7 Local government investment pools which are organized in conformity with Chapter 791 (Interlocal Cooperation Contracts Act) and meet the requirements of the PFIA that:
- a) are rated not less than Aaa or an equivalent rating by at least one nationally recognized rating service; and
 - b) have provided the City with an offering circular and other information required by the Act.

To become eligible, investment pools must be approved by City Council action. Investments will be made in a local government investment pool only after a thorough investigation of the pool and approval by the Investment Committee which shall, at least annually, review, revise and adopt a list of approved pools.

The Investment Officers may at times restrict or prohibit the purchase of specific issues due to current market conditions. An investment that requires a minimum rating under this section does not qualify as an authorized investment during the period the investment does not have the minimum rating. Ratings shall be monitored using nationally recognized financial information sources, including actions published on rating agency websites. The City shall take all prudent measures consistent with the Act to liquidate an investment that does not have the minimum rating required by the Act.

9.0 Authorized Broker/Dealers and Financial Institutions

The Investment Committee shall, at least annually, review, revise, and adopt a list of qualified broker/dealers and financial institutions authorized to engage in the purchase and sale of obligations of the U.S. Government, its agencies or instrumentalities with the City. In order to be considered, those firms that desire to become qualified bidders for securities transactions will be required to provide information regarding creditworthiness, experience and reputation. Authorized firms may include primary dealers or regional dealers that qualify under Securities & Exchange Commission Rule 15C3-1 (uniform net capital rule).

A written copy of this Investment Policy shall be presented to any person offering to engage in an investment transaction with the City. Investments shall only be made with those business organizations (including money market mutual funds and local government investment pools) which have provided the City with a written instrument executed by a qualified representative of the firm, acknowledging that the business organization has:

- a) received and reviewed the City's Investment Policy; and
- b) implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio or requires an interpretation of subjective investment standards.

10.0 Competitive Bidding

It is the policy of the City to require competitive bidding for all individual security purchases and sales except for:

- a) transactions with money market mutual funds and local government investment pools (which are deemed to be made at prevailing market rates)
- b) treasury and agency securities purchased at issue through an approved broker/dealer or financial institution
- c) automatic overnight "sweep" transactions with the City Depository
- d) fully insured certificates of deposit placed in accordance with the conditions prescribed in Section 2256.010(b) of the Act or placed with the City's Depository if so authorized by the City Depository Contract.

At least three bids or offers must be solicited for all other transactions involving individual securities. The City's investment advisor is also required to solicit at least three bids or offers when transacting trades on the City's behalf. In situations where the exact security being offered is not offered by other dealers, offers on the closest comparable investment may be used to establish a fair market price for the security. Bids for certificates of deposit may be solicited in any manner permitted by the Act.

11.0 Collateralization of Deposits

The City requires that all uninsured collected balances plus accrued interest, if any, in depository accounts be secured in accordance with the requirements of this Policy and Chapter 2257, Government Code ("Public Funds Collateral Act") and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA). Financial institutions serving as City depositories will be required to sign a Depository Agreement with the City which details securities that can serve as eligible collateral, collateralization ratios, standards for collateral custody and control, collateral valuation, rights of substitution and conditions for agreement termination.

Pledged securities serving as collateral will always be held by an independent third party with which the City has a current custodial agreement and shall be reviewed at least monthly to ensure that the market value of the pledged securities is at least 102%. Eligible collateral are as follows:

Eligible Collateral

- 1) Direct obligations of the United States or other obligations of the United States or other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the United States.
- 2) Direct debt obligations of an agency or instrumentality of the United States.
- 3) Mortgage-backed securities issued directly by an agency or instrumentality of the United States eligible under the Public Funds Collateral Act.
- 4) Direct debt obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent.

The use of a letter of credit issued to the City by the Federal Home Loan Bank may be considered by the City to provide collateral for bank deposits and for certificates of deposit.

The City's Investment Officers reserve the right to accept or reject any form of collateral or enhancement at their sole discretion.

12.0 Safekeeping and Custody

Safekeeping and custody of investment securities shall be in accordance with applicable law and accounting standards. All securities transactions, except local government investment pool and money market mutual fund transactions, shall be conducted on a delivery versus payment (DVP) basis. Investment securities will be held by a third party custodian designated by the City, and be required to issue safekeeping receipts clearly detailing that the securities are owned by the City.

Safekeeping and custody of collateral shall be in accordance with applicable law and accounting standards. Pledged securities serving as collateral will be held by a third party custodian designated by the City, and pledged to the City as evidenced by safekeeping receipts of the institution with which the securities are deposited.

13.0 Diversification and Maximum Maturities

The City's investment pool will be diversified to limit market and credit risk by observing the limitations at the time of purchase as listed below. Funds managed as separately invested assets in Section 2.1 of the Policy are subject to all of the following with the exception of the Issuer Limitation on investment in U.S. Agencies and Instrumentalities. Funds managed as separately invested assets may be invested 100% in the obligations of any one U.S. Agency or Instrumentality.

	Maximum Stated Maturity¹	Issuer Limitations
U.S. Treasuries	5 Years	100% of the City's investment pool may be invested in obligations of the U.S. Treasury.
U.S. Agencies/Instrumentalities	5 Years	No more than 30% of the book value of the City's investment pool may be invested in the obligations of any one issuer.
Repurchase Agreements	30 Days	No more than 15% of the City's investment pool may be invested with one counterparty, excluding flexible repurchase agreements for investment of bond proceeds.
Money Market Mutual Funds	N/A	The City may not own more than the lesser of \$100 million or 5% of the total assets of any one fund, excluding tax-exempt money market mutual funds for investment of commercial paper proceeds.
Local Government Investment Pools	N/A	The City may not own more than the lesser of \$400 million or 10% of the total assets of any one pool.
Certificates of Deposit	5 Years	The City may not own more than \$50 million of any single financial institution's certificates of deposit at any one time, excluding certificates of deposit placed with the City's Depository if so authorized by the City Depository Contract.

In addition to the above limitations, the City's investment pool shall be diversified by market sector as follows:

	Maximum Percentage of Investment Pool
U.S. Treasuries	100%
U.S. Agencies/Instrumentalities	100% (maximum 30% callable)
Repurchase Agreements	15%*
Money Market Mutual Funds	15%
Local Government Investment Pools	45%
Certificates of Deposit	20%**

* Excluding flexible repurchase agreements for bond proceeds.

**Excluding certificates of deposit placed with the City's Depository if so authorized by the City Depository Contract.

- (1) Purchases of securities with stated maturities greater than the maximum authorized under this section require prior City Council approval. With respect to bond proceeds and other bond funds, the City may, in the bond ordinance, specifically authorize investments in repurchase agreements with maturities in excess of 30 days subject to any required approvals from bond insurers.

14.0 Sale of Securities

The City's policy is to hold securities to maturity. However, securities may be sold:

- (a) in order to minimize the potential loss of principal on a security whose credit quality has declined;
- (b) in order to reposition the portfolio for the purpose of improving the quality, yield, or target duration of the portfolio; or
- (c) in order to meet unanticipated liquidity needs of the portfolio.

15.0 Investment Committee

An Investment Committee shall be established and meet quarterly to determine investment guidelines, general strategies, and monitor performance. Members of the Investment Committee will include the Investment Officers, the Cash and Investment Manager and the City's Investment Advisor if the City has contracted with an Advisor. The Investment Advisor is a non-voting member of the Investment Committee.

16.0 Investment Advisor

The City may retain the services of an Investment Advisor to assist in the review of cash flow requirements, the formulation of investment strategies, and the execution of security purchases, sales and deliveries.

17.0 Investment Strategies

The City of Dallas maintains separate portfolios for individual funds or groups of funds (as listed under Sec. 2.0 of this Policy) which are managed according to the terms of this Policy and the corresponding investment strategies listed below. The investment strategy for portfolios established after the annual Investment Policy adoption will be managed in accordance with the terms of this Policy and applicable agreements until the next annual review when a specific strategy will be adopted.

- 17.1 **Investment Pool Strategy** - The City's Investment Pool is an aggregation of the majority of City funds which includes tax receipts, enterprise fund revenues, fine and fee revenues, as well as some, but not all, bond proceeds, grants, gifts and endowments. This portfolio is maintained to meet anticipated daily cash needs for City of Dallas operations, capital projects and debt service. In order to ensure the ability of the City to meet obligations and to minimize potential liquidation losses, the dollar-weighted average stated maturity of the Investment Pool shall not exceed 1.5 years. The objectives of this portfolio are to:
 - a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists;
 - b) ensure that anticipated cash flows are matched with adequate investment liquidity;
 - c) limit market and credit risk through diversification; and
 - d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy by managing the portfolio to meet or exceed the 12 month moving average yield on treasury one-year constant maturities as reported by Federal Reserve Statistical Release H.15.

- 17.2 Bond Funds Strategy - Occasionally, separate non-pooled portfolios are established with the proceeds from bond sales in order to maximize earnings within the constraints of arbitrage regulations. The objectives of these portfolios are to:
- a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists or by maintaining the security of the investment through collateralization according to the standards approved in Section 8.4 of this Policy;
 - b) ensure that anticipated cash flows are matched with adequate investment liquidity or that the terms of the secured investment agreement permit maximum flexibility for the City in making withdrawals;
 - c) manage market and credit risk through diversification and control of counterparty risk; and
 - d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the bond ordinance by managing the portfolio to meet or exceed the bond yield
- 17.3 Bond Reserve Fund Strategy - Non-pooled reserve funds for outstanding revenue bonds are set at levels required by their respective bond ordinances. These funds will be used to pay the final principal and/or interest due on outstanding bonds that are similarly secured or to make up any shortfalls in debt service funds as required by the bond ordinance. The objectives of Bond Reserve Fund Portfolios are to:
- a) ensure safety of principal by investing only in high-quality securities for which a strong secondary market exists or by maintaining the security of the investment through collateralization according to the standards approved in Section 8.4 of this Policy;
 - b) ensure that anticipated cash flows are matched with adequate investment liquidity or that the terms of the secured investment agreement permit maximum flexibility for the City in making withdrawals;
 - c) manage market and credit risk through diversification and control of counterparty risk; and
 - d) attain a market rate of return commensurate with the objectives and the restrictions set forth in this Policy and the bond ordinance by managing the portfolio to meet or exceed the bond yield.
- 17.4 Endowment Funds Strategy - Funds received as gifts to the City with instructions that the income generated by the investment of said funds be used for specified purposes may be invested as separate non-pooled portfolios if required by the terms of the gift. The objectives of Endowment Portfolios are to:
- a) ensure safety of principal and sufficient liquidity by investing only in high-quality securities for which a strong secondary market exists;
 - b) manage market and credit risk through the use of a competitive process to place investments;
 - c) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the terms of the gift.
- 17.5 Commercial Paper Funds Strategy – The City issues tax-exempt commercial paper notes as an interim financing tool for construction projects. Proceeds from the issuance of commercial paper debt must be liquid in order to fund periodic payments to contractors and must be invested in tax-exempt securities in order to avoid costly and complex arbitrage rebate computations. In order to meet these requirements, commercial paper proceeds will be invested in tax-exempt money market mutual funds. The objectives of this portfolio are to:
- a) ensure safety of principal and sufficient liquidity by investing only in tax-exempt money market mutual funds;
 - b) manage market and credit risk through diversification of funds and requirement of AAA rating; and
 - c) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and governing bond ordinances.
- 17.6 Trinity Parkway Escrow Strategy – This escrow was established pursuant to an Agreement dated as of January 1, 1999 with the North Texas Tollway Authority (“NTTA”) pertaining to development of the Trinity Parkway. These funds will be used to reimburse NTTA for specified payments related to project feasibility. Permitted investments for this portfolio are defined in the Escrow Agreement as those that are consistent with the Act. The objectives of this portfolio are to:
- a) ensure safety of principal and sufficient liquidity by investing only in high-quality securities for which a strong secondary market exists;

- b) ensure that anticipated cash flows are matched with adequate investment liquidity;
- c) manage market and credit risk through diversification of funds and requirement of AAA rating; and
- d) attain a market rate of return commensurate with the objectives and restrictions set forth in this Policy and the Agreement.

18.0 Reporting

Investment performance is regularly monitored by investment staff and reported to the Investment Committee on a monthly basis. Month-end market prices on each security are obtained from nationally recognized securities databases including those provided by the City's depository bank through its safekeeping services and Bloomberg Professional Services. . These prices are recorded in the City's portfolio database and included in all management reports as well as the City's Comprehensive Annual Financial Report.

Not less than quarterly the Investment Officers will submit to the city council finance committee described in Chapter III, Section 13 of the Dallas City Charter, the City Manager, and the Mayor and City Council a written report of the status of the current investment portfolio. The report must meet the requirements of the Act.

An independent auditor shall formally review the quarterly reports prepared under this section at least annually, and that auditor shall report the results of the review to City Council.

19.0 Annual Compliance Audit

In conjunction with the annual financial audit, a compliance audit shall be performed which includes an audit of management controls on investments and adherence to the City's established policy.

20.0 Investment Policy Adoption

The City's Investment Policy is hereby adopted by resolution of the City Council on September 24, 2014 in accordance with the PFIA.

GLOSSARY

ACCRETION OF DISCOUNT: Periodic straight-line increases in the book or carrying value of a security so the amount of the purchase price discount below face value is completely eliminated by the time the bond matures or by the call date, if applicable.

ACCRUED INTEREST: The interest accumulated on a security from its issue date or since the last payment of interest up to but not including the purchase date. The purchaser of the security pays to the seller the market price plus accrued interest.

AMORTIZATION OF PREMIUM: Periodic straight-line decreases in the book or carrying value of a security so the premium paid for a bond above its face value or call price is completely eliminated.

ASK: The price at which securities are offered by sellers.

BARBELL MATURITY STRATEGY: A maturity pattern within a portfolio in which maturities of the assets in the portfolio are concentrated in both the short and long ends of the maturity spectrum.

BASIS POINT: One one-hundredth (1/100) of one percent; 0.0001 in decimal form.

BENCHMARK: A comparative base for performance evaluation. A benchmark can be a broad-based bond index, a customized bond index, or a specific objective.

BID: The price offered for securities by purchasers. (When selling securities, one asks for a bid.)

BOND EQUIVALENT YIELD: Used to compare yields available from discounted securities that pay interest at maturity with yields available from securities that pay interest semi-annually.

BOOK ENTRY SECURITIES: Stocks, bonds, other securities, and some certificates of deposit that are purchased, sold, and held as electronic computer entries on the records of a central holder. These securities are not available for purchase in physical form; buyers get a receipt or confirmation as evidence of ownership.

BOOK VALUE: The original cost of the security as adjusted for amortization of any premium paid or accretion of discount since the date of purchase.

BROKER: A party who brings buyers and sellers together. Brokers do not take ownership of the property being traded. They are compensated by commissions. They are not the same as dealers; however, the same firms that act as brokers in some transactions may act as dealers in other transactions.

CALLABLE BOND: A bond that the issuer has the right to redeem prior to maturity at a specified price. Some callable bonds may be redeemed on one call date while others may have multiple call dates. Some callable bonds may be redeemed at par while others can be redeemed only at a premium. Some callable bonds are step-up bonds that pay an initial coupon rate for the first period, and then the coupon rate increases for the following periods if the bonds are not called by the issuer.

CERTIFICATE OF DEPOSIT (CD): A time deposit with a specific maturity evidenced by a certificate. Large-denomination (over \$100,000) CD's are typically negotiable.

CODE: The Internal Revenue Code of 1986, as amended.

COLLATERAL: Securities, evidence of deposit or other property which a borrower pledges to secure repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

COLLATERALIZED MORTGAGE OBLIGATION (CMO): A type of mortgage-backed security created by dividing the rights to receive the principal and interest cash flows from an underlying pool of mortgages in separate classes or tiers.

COMMERCIAL PAPER: Short-term unsecured promissory notes issued by corporations for a maturity specified by the buyer. It is used primarily by corporations for short-term financing needs at a rate which is generally lower than the prime rate.

CONFIRMATION: The document used to state in writing the terms of the trade which had previously been agreed to verbally.

COUPON RATE: The stated annual rate of interest payable on a coupon bond expressed as a percentage of the bond's face value.

CREDIT RISK: The risk that (1) the issuer is downgraded to a lower quality category and/or (2) the issuer fails to make timely payments of interest or principal.

CUSIP NUMBER: A nine-digit number established by the Committee on Uniform Securities Identification Procedures that is used to identify publicly traded securities. Each publicly traded security receives a unique CUSIP number when the security is issued.

CUSTODY: The service of an organization, usually a financial institution, of holding (and reporting) a customer's securities for safekeeping. The financial institution is known as the custodian.

DEALER: A firm which buys and sells for its own account. Dealers have ownership, even if only for an instant, between a purchase from one party and a sale to another party. They are compensated by the spread between the price they pay and the price they receive. Dealers are not the same as brokers; however, the same firms which act as dealers in some transactions may act as brokers in other transactions.

DELIVERY VERSUS PAYMENT (DVP): The safest method of settling a trade involving a book entry security. In a DVP settlement, the funds are wired from the buyer's account and the security is delivered from the seller's account in simultaneous, interdependent wires.

DEPOSITORY TRUST COMPANY (DTC): An organization that holds physical certificates for stocks and bonds and issues receipts to owners. Securities held by DTC are immobilized so that they can be traded on a book entry basis.

DERIVATIVE: A security that derives its value from an underlying asset, group of assets, reference rate, or an index value. Some derivatives can be highly volatile and result in a loss of principal in changing interest rate environments.

DISCOUNT: The amount by which the price paid for a security is less than its face value.

DISCOUNT SECURITIES: Securities that do not pay periodic interest. Investors earn the difference between the discount issue price and the full face value paid at maturity.

DIVERSIFICATION: Dividing investment funds among a variety of securities offering independent returns, to reduce risk inherent in particular securities.

DURATION: A sophisticated measure of the weighted average maturity of a bond's cash flow stream, where the present values of the cash flows serve as the weights.

ECONOMIC CYCLE (BUSINESS CYCLE): As the economy moves through the business cycle, interest rates tend to follow the levels of production, output, and consumption - rising as the economy expands and moves out of recession and declining after the economy peaks, contracts, and heads once again into recession.

EFFECTIVE MATURITY: The average maturity of a bond, given the potential for early call. For a non-callable bond, the final maturity date serves as the effective maturity. For a callable bond, the effective maturity is bounded by the first call date and the final maturity date; the position within this continuum is a function of the call price, the current market price, and the reinvestment rate assumed.

FACE VALUE: The principal amount due and payable to a bondholder at maturity; par value. Also, the amount on which coupon interest is computed.

FAIL: The event of a securities purchase or sale transaction not settling as intended by the parties.

FAIR VALUE: The amount at which a financial instrument could be exchanged in a current transaction between willing parties, other than in a forced or liquidation sale.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC): A federal agency that insures bank deposits.

FEDERAL FARM CREDIT BANKS (FFCB): A government-sponsored corporation that was created in 1916 and is a nationwide system of banks and associations providing mortgage loans, credit, and related services to farmers, rural homeowners, and agricultural and rural cooperatives. The banks and associations are cooperatively owned, directly or indirectly, by their respective borrowers. The Federal Farm Credit System is supervised by the Farm Credit Administration, an independent agency of the U.S. government. (See Government Sponsored Enterprise)

FEDERAL FUNDS: Monies within the Federal Reserve System representing a member bank's surplus reserve funds. Banks with excess funds may sell their surplus to other banks whose funds are below required reserve levels. Normally, Federal funds are employed in settling all government securities transactions. The Federal Funds Rate is the rate of interest at which Fed funds are traded. This rate is currently pegged by the Federal Reserve through open-market operations.

FEDERAL HOME LOAN BANKS (FHLB): Government-sponsored wholesale banks (currently twelve regional banks) which lend funds and provide correspondent banking services to member commercial bank, thrift institutions, credit unions and insurance companies. The mission of the FHLBs is to liquefy the housing related assets of its members who must purchase stock in their district Bank. (See Government Sponsored Enterprises)

FEDERAL HOME LOAN MORTGAGE CORPORATION (FHLMC or "Freddie Mac"): A government-sponsored corporation that was created in July 1970, by the enactment of Title III of the Emergency Home Finance Act of 1970. Freddie Mac was established to help maintain the availability of mortgage credit for residential housing, primarily through developing and maintaining an active, nationwide secondary market in conventional residential mortgages. (See Government Sponsored Enterprises)

FEDERAL NATIONAL MORTGAGE ASSOCIATION (FNMA or Fannie Mae): FNMA, like GNMA was chartered under the Federal National Mortgage Association Act in 1938. FNMA is a federal corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. Fannie Mae is a private stockholder-owned corporation. FNMA securities are highly liquid and are widely accepted. FNMA assumes and guarantees that all security holders will receive timely payment of principal and interest. (See Government Sponsored Enterprises)

FEDERAL OPEN MARKET COMMITTEE (FOMC): Consists of seven members of the Federal Reserve Board and five of the twelve Federal Reserve Bank presidents. The president of the New York Federal Reserve Bank is a permanent member while the other presidents serve on a rotating basis. The Committee periodically meets to set Federal Reserve guidelines regarding purchases and sales of government securities in the open market as a means of influencing the volume of bank credit and money.

FEDERAL RESERVE SYSTEM: The central bank of the United States created by Congress and consisting of a seven member Board of Governors in Washington, D.C., twelve regional banks and about 5700 commercial banks that are members of the system.

FIXED-INCOME SECURITY: A financial instrument promising a fixed amount of periodic income over a specified future time span.

GOVERNMENT-SPONSORED ENTERPRISES (GSE's): Payment of principal and interest on securities issued by these corporations is not guaranteed explicitly by the U.S. government, however, most investors consider these securities to carry an implicit U.S. government guarantee. The debt is fully guaranteed by the issuing corporations. GSE's include: Farm Credit System, Federal Home Loan Bank System, Federal Home Loan Mortgage Corporation, and Federal National Mortgage Association.

INSTRUMENTALITIES: See Government-Sponsored Enterprises

INTEREST RATE RISK: The risk that the general level of interest rates will change, causing unexpected price appreciations or depreciations.

LADDERED MATURITY STRATEGY: A maturity pattern within a portfolio in which maturities of the assets in the portfolio are equally spaced. Over time, the shortening of the remaining lives of the assets provides a steady source of liquidity or cash flow. Given a normal yield curve with a positive slope this passive strategy provides the benefit of being able to take advantage of the higher, longer-term yields without sacrificing safety or liquidity.

LIQUIDITY: An entity's capacity to meet future monetary outflows (whether they are required or optional) from available resources. Liquidity is often obtained from reductions of cash or by converting assets into cash.

LIQUIDITY RISK: The risk that an investment will be difficult to sell at a fair market price in a timely fashion.

MARKET RISK: The risk that the value of a security will rise or decline as a result of changes in market conditions. It is that part of a security's risk that is common to all securities of the same general class (stocks and bonds) and thus cannot be eliminated by diversification; also known as systematic risk.

MARKET VALUE: The price at which a security is trading and could presumably be purchased or sold.

MARKING-TO-MARKET: The practice of valuing a security or portfolio according to its market value, rather than its cost or book value.

MASTER REPURCHASE AGREEMENT: A written contract covering all future transactions between the parties to repurchase agreements that establishes each party's rights in the transactions. A master agreement will often specify, among other things, the right of the buyer to liquidate the underlying securities in the event of default by the seller.

MATURITY DATE: The date on which the principal or face value of an investment becomes due and payable.

MONEY MARKET INSTRUMENT: Generally, a short-term debt instrument that is purchased from a broker, dealer, or bank. Sometimes the term "money market" with "short-term", defines an instrument with no more than 12 months remaining from the purchase date until the maturity date. Sometimes the term "money market" is used more restrictively to mean only those instruments that have active secondary markets.

MORTGAGE-BACKED SECURITIES (MBS): Securities composed of, or collateralized by, loans that are themselves collateralized by liens on real property.

OFFER: The price asked by a seller of securities. (When purchasing securities, one asks for an offer.)

OPEN MARKET OPERATIONS: Purchases and sales of government and certain other securities in the open market by the New York Federal Reserve Bank as directed by the FOMC in order to influence the volume of money and credit in the economy. Purchases inject reserves into the bank system and stimulate growth of money and credit; sales have the opposite effect. Open market operations are the Federal Reserve's most important and most flexible monetary policy tool.

OPPORTUNITY COST: The cost of pursuing one course of action measured in terms of the foregone return that could have been earned on an alternative course of action that was not undertaken.

PAR: See Face Value

PFIA OR ACT: The Public Funds Investment Act, Chapter 2256, Texas Government Code, as amended.

POOLED FUND GROUP: An internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested (as defined by the Public Funds Investment Act).

PREMIUM: The amount by which the price paid for a security exceeds its face value.

PRIMARY DEALER: A group of government securities dealers that submit daily reports of market activity and positions and monthly financial statements to the Federal Reserve Bank of New York and are subject to its informal oversight. Primary dealers include Securities and Exchange Commission (SEC)-registered securities broker-dealers, banks, and a few unregulated firms.

PRINCIPAL: The face or par value of an instrument, exclusive of accrued interest.

PRUDENT PERSON RULE: An investment standard. In some states the law requires that a fiduciary, such as a trustee, may invest money only in a list of securities selected by the state. In other states the trustee may invest in a security if it is one which would be bought by a prudent person of discretion and intelligence who is seeking a reasonable income and preservation of capital.

QUALIFIED REPRESENTATIVE: A person who holds a position with - and is authorized to act on behalf of - a business organization (as defined by the Public Funds Investment Act).

RATE OF RETURN: The amount of income received from an investment, expressed as a percentage. A market rate of return is the yield that an investor can expect to receive in the current interest-rate environment utilizing a buy-and-hold to maturity investment strategy.

REINVESTMENT RATE: The interest rate earned on the reinvestment of coupon payments.

REINVESTMENT RATE RISK: The risk that the actual reinvestment rate falls short of the expected or assumed reinvestment rate.

REPURCHASE AGREEMENT (RP or REPO): An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price on demand or at a specified later date. The difference between the selling price and the repurchase price provides the interest income to the party that provided the funds. Every transaction where a security is sold under an agreement to be repurchased is a repo from the seller/borrower's point of view and a reverse repo from the buyer/lender's point of view.

REVERSE REPURCHASE AGREEMENT: (See Repurchase Agreement)

SAFEKEEPING: A procedure where securities are held by a third party acting as custodian for a fee.

SECONDARY MARKET: A market made for the purchase and sale of outstanding issues following the initial distribution.

SECURITIES AND EXCHANGE COMMISSION (SEC): Agency created by Congress to protect investors in securities transactions by administering securities legislation.

SECURITIES LENDING: The temporary transfer of securities by one party, the lender, to another, the borrower. The securities borrower is required to provide acceptable assets as collateral to the securities lender in the form of cash or other securities. If the borrower provides securities as collateral to the lender, it pays a fee to borrow the lent securities. If it provides cash as collateral, the lender pays interest to the borrower and reinvests the cash at a higher rate.

SEC RULE 15C3-1: See Uniform Net Capital Rule

STRUCTURED NOTES: Debt obligations whose principal or interest payments are determined by an index or formula.

SEPARATELY INVESTED ASSET: An account or fund of a state agency or local government that is not invested in a pooled fund group (as defined by the Public Funds Investment Act).

SPREAD: Most commonly used when referring to the difference between the bid and asked prices in a quote. Additionally, it may also refer to additional basis points that a non-Treasury security earns over and above a Treasury with a comparable maturity date.

STRIPS: Separation of the principal and interest cash flows due from any interest-bearing securities into different financial instruments. Each coupon payment is separated from the underlying investment to create a separate security. Each individual cash flow is sold at a discount. The amount of the discount and the time until the cash flow is paid determine the investor's return.

SWAP: The trading of one asset for another. Sometimes used in active portfolio management to increase investment returns by "swapping" one type of security for another.

TOTAL RETURN: Interest income plus capital gains (or minus losses) on an investment.

TREASURY BILLS: A non-interest bearing discount security issued by the U.S. Treasury, generally having initial maturities of 3 months, 6 months, or 1 year.

TREASURY BONDS: Long-term, coupon bearing U.S. Treasury securities having initial maturities of more than 10 years.

TREASURY NOTES: Intermediate-term, coupon bearing U.S. Treasury securities having initial maturities of 2 - 10 years.

UNIFORM NET CAPITAL RULE: Securities and Exchange Commission requirement that member firms as well as nonmember broker-dealers in securities maintain a maximum ratio of indebtedness to liquid capital of 15 to 1; also called *net capital rule* and *net capital ratio*. Indebtedness covers all money owed to a firm, including margin loans and commitments to purchase securities, one reason new public issues are spread among members of underwriting syndicates. Liquid capital includes cash and assets easily converted into cash.

YIELD TO MATURITY (YTM): The promised return assuming all interest and principal payments are made and reinvested at the same rate taking into account price appreciation (if priced below par) or depreciation (if priced above par).

APPENDIX A
PUBLIC FUNDS INVESTMENT ACT

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2256. PUBLIC FUNDS INVESTMENT

SUBCHAPTER A. AUTHORIZED INVESTMENTS FOR GOVERNMENTAL ENTITIES

Sec. 2256.001. SHORT TITLE. This chapter may be cited as the Public Funds Investment Act.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.002. DEFINITIONS. In this chapter:

(1) "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by an entity, and reserves and funds maintained by an entity for debt service purposes.

(2) "Book value" means the original acquisition cost of an investment plus or minus the accrued amortization or accretion.

(3) "Funds" means public funds in the custody of a state agency or local government that:

(A) are not required by law to be deposited in the state treasury; and

(B) the investing entity has authority to invest.

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Investing entity" and "entity" mean an entity subject to this chapter and described by Section 2256.003.

(6) "Investment pool" means an entity created under this code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are:

(A) preservation and safety of principal;

(B) liquidity; and

(C) yield.

(7) "Local government" means a municipality, a county, a school district, a district or authority created under Section 52(b)(1) or (2), Article III, or Section 59, Article XVI, Texas Constitution, a fresh water supply

district, a hospital district, and any political subdivision, authority, public corporation, body politic, or instrumentality of the State of Texas, and any nonprofit corporation acting on behalf of any of those entities.

(8) "Market value" means the current face or par value of an investment multiplied by the net selling price of the security as quoted by a recognized market pricing source quoted on the valuation date.

(9) "Pooled fund group" means an internally created fund of an investing entity in which one or more institutional accounts of the investing entity are invested.

(10) "Qualified representative" means a person who holds a position with a business organization, who is authorized to act on behalf of the business organization, and who is one of the following:

(A) for a business organization doing business that is regulated by or registered with a securities commission, a person who is registered under the rules of the National Association of Securities Dealers;

(B) for a state or federal bank, a savings bank, or a state or federal credit union, a member of the loan committee for the bank or branch of the bank or a person authorized by corporate resolution to act on behalf of and bind the banking institution;

(C) for an investment pool, the person authorized by the elected official or board with authority to administer the activities of the investment pool to sign the written instrument on behalf of the investment pool; or

(D) for an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or, if not subject to registration under that Act, registered with the State Securities Board, a person who is an officer or principal of the investment management firm.

(11) "School district" means a public school district.

(12) "Separately invested asset" means an account or fund of a state agency or local government that is not invested in a pooled fund group.

(13) "State agency" means an office, department, commission, board, or other agency that is part of any branch of state government, an institution of higher education, and any nonprofit corporation acting on behalf of any of those entities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 1, eff. Sept. 1, 1999.

Sec. 2256.003. AUTHORITY TO INVEST FUNDS; ENTITIES SUBJECT TO THIS CHAPTER. (a) Each governing body of the following entities may purchase, sell, and invest its funds and funds under its control in investments authorized under this subchapter in compliance with investment policies approved by the governing body and according to the standard of care prescribed by Section 2256.006:

- (1) a local government;
- (2) a state agency;
- (3) a nonprofit corporation acting on behalf of a local government or a state agency; or
- (4) an investment pool acting on behalf of two or more local governments, state agencies, or a combination of those entities.

(b) In the exercise of its powers under Subsection (a), the governing body of an investing entity may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under authority of this subsection may not be for a term longer than two years. A renewal or extension of the contract must be made by the governing body of the investing entity by order, ordinance, or resolution.

(c) This chapter does not prohibit an investing entity or investment officer from using the entity's employees or the services of a contractor of the entity to aid the investment officer in the execution of the officer's duties under this chapter.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 2, eff. Sept. 1, 1999.

Sec. 2256.004. APPLICABILITY. (a) This subchapter does not apply to:

- (1) a public retirement system as defined by Section 802.001;
- (2) state funds invested as authorized by Section 404.024;
- (3) an institution of higher education having total endowments of at least \$95 million in book value on May 1, 1995;
- (4) funds invested by the Veterans' Land Board as authorized by Chapter 161, 162, or 164, Natural Resources Code;

(5) registry funds deposited with the county or district clerk under Chapter 117, Local Government Code; or

(6) a deferred compensation plan that qualifies under either Section 401(k) or 457 of the Internal Revenue Code of 1986 (26 U.S.C. Section 1 et seq.), as amended.

(b) This subchapter does not apply to an investment donated to an investing entity for a particular purpose or under terms of use specified by the donor.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 505, Sec. 24, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.21, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1454, Sec. 3, eff. Sept. 1, 1999.

Sec. 2256.005. INVESTMENT POLICIES; INVESTMENT STRATEGIES; INVESTMENT OFFICER. (a) The governing body of an investing entity shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control.

(b) The investment policies must:

(1) be written;

(2) primarily emphasize safety of principal and liquidity;

(3) address investment diversification, yield, and maturity and the quality and capability of investment management; and

(4) include:

(A) a list of the types of authorized investments in which the investing entity's funds may be invested;

(B) the maximum allowable stated maturity of any individual investment owned by the entity;

(C) for pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date for the portfolio;

(D) methods to monitor the market price of investments acquired with public funds;

(E) a requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

(F) procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Section 2256.021.

(c) The investment policies may provide that bids for certificates of deposit be solicited:

- (1) orally;
- (2) in writing;
- (3) electronically; or
- (4) in any combination of those methods.

(d) As an integral part of an investment policy, the governing body shall adopt a separate written investment strategy for each of the funds or group of funds under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

- (1) understanding of the suitability of the investment to the financial requirements of the entity;
- (2) preservation and safety of principal;
- (3) liquidity;
- (4) marketability of the investment if the need arises to liquidate the investment before maturity;
- (5) diversification of the investment portfolio; and
- (6) yield.

(e) The governing body of an investing entity shall review its investment policy and investment strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

(f) Each investing entity shall designate, by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees of the state agency, local government, or investment pool as investment officer to be responsible for the investment of its funds consistent with the investment policy adopted by the entity. If the governing body of an investing entity has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the first investing entity for purposes of this chapter. Authority granted to a person to invest an entity's funds is effective until rescinded by the investing entity, until the expiration of the officer's term or the termination of the person's employment by the investing entity, or if an investment management firm, until the expiration of the contract with the investing entity. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the

judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the governing body of the investing entity retains ultimate responsibility as fiduciaries of the assets of the entity. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the investing entity.

(g) Subsection (f) does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing its funds.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 685, Sec. 1

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be an investment officer for the commission under Subsection (f) if the officer or employee is an investment officer designated under Subsection (f) for another local government.

Text of subsec. (h) as amended by Acts 1997, 75th Leg., ch. 1421, Sec. 3

(h) An officer or employee of a commission created under Chapter 391, Local Government Code, is ineligible to be designated as an investment officer under Subsection (f) for any investing entity other than for that commission.

(i) An investment officer of an entity who has a personal business relationship with a business organization offering to engage in an investment transaction with the entity shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined under Chapter 573, to an individual seeking to sell an investment to the investment officer's entity shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the governing body of the entity. For purposes of this subsection, an investment officer has a personal business relationship with a business organization if:

(1) the investment officer owns 10 percent or more of the voting stock or shares of the business organization or owns \$5,000 or more of the fair market value of the business organization;

(2) funds received by the investment officer from the business organization exceed 10 percent of the investment officer's gross income for the previous year; or

(3) the investment officer has acquired from the business organization during the previous year investments with a book value of \$2,500 or more for the personal account of the investment officer.

(j) The governing body of an investing entity may specify in its investment policy that any investment authorized by this chapter is not suitable.

(k) A written copy of the investment policy shall be presented to any person offering to engage in an investment transaction with an investing entity or to an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. For purposes of this subsection, a business organization includes investment pools and an investment management firm under contract with an investing entity to invest or manage the entity's investment portfolio. Nothing in this subsection relieves the investing entity of the responsibility for monitoring the investments made by the investing entity to determine that they are in compliance with the investment policy. The qualified representative of the business organization offering to engage in an investment transaction with an investing entity shall execute a written instrument in a form acceptable to the investing entity and the business organization substantially to the effect that the business organization has:

(1) received and reviewed the investment policy of the entity; and

(2) acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's investment policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

(l) The investment officer of an entity may not acquire or otherwise obtain any authorized investment described in the investment policy of the investing entity from a person who has not delivered to the entity the instrument required by Subsection (k).

(m) An investing entity other than a state agency, in conjunction with its annual financial audit, shall perform a compliance audit of management controls on investments and adherence to the entity's established investment policies.

(n) Except as provided by Subsection (o), at least once every two years a state agency shall arrange for a compliance audit of management controls on investments and adherence to the agency's established investment policies. The compliance audit shall be performed by the agency's internal auditor or by a private auditor employed in the manner provided by Section 321.020. Not later than January 1 of each even-numbered year a state agency

shall report the results of the most recent audit performed under this subsection to the state auditor. Subject to a risk assessment and to the legislative audit committee's approval of including a review by the state auditor in the audit plan under Section 321.013, the state auditor may review information provided under this section. If review by the state auditor is approved by the legislative audit committee, the state auditor may, based on its review, require a state agency to also report to the state auditor other information the state auditor determines necessary to assess compliance with laws and policies applicable to state agency investments. A report under this subsection shall be prepared in a manner the state auditor prescribes.

(o) The audit requirements of Subsection (n) do not apply to assets of a state agency that are invested by the comptroller under Section 404.024.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 685, Sec. 1, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 4, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 785, Sec. 41, eff. Sept. 1, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 1, eff. June 17, 2011.

Sec. 2256.006. STANDARD OF CARE. (a) Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following investment objectives, in order of priority:

- (1) preservation and safety of principal;
- (2) liquidity; and
- (3) yield.

(b) In determining whether an investment officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- (1) the investment of all funds, or funds under the entity's control, over which the officer had responsibility rather than a consideration as to the prudence of a single investment; and
- (2) whether the investment decision was consistent with the written investment policy of the entity.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a)

Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties.

(b) The Texas Higher Education Coordinating Board shall provide the training under this section.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 73, Sec. 1, eff. May 9, 1997; Acts 1997, 75th Leg., ch. 1421, Sec. 4, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 5, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 2, eff. June 17, 2011.

Sec. 2256.008. INVESTMENT TRAINING; LOCAL GOVERNMENTS. (a) Except as provided by

Subsections (b) and (e), the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least 10 hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within 12 months after taking office or assuming duties; and

(2) except as provided by Subsections (b) and (e), attend an investment training session not less than once in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than 10 hours of instruction relating to investment

responsibilities under this subchapter from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government.

(b) An investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, that has contracted with an investment management firm under Section 2256.003(b) and has fewer than five full-time employees or an investing entity that has contracted with another investing entity to invest the entity's funds may satisfy the training requirement provided by Subsection (a)(2) by having an officer of the governing body attend four hours of appropriate instruction in a two-year period that begins on the first day of that local government's fiscal year and consists of the two consecutive fiscal years after that date. The treasurer or chief financial officer of an investing entity created under authority of Section 52(b), Article III, or Section 59, Article XVI, Texas Constitution, and that has fewer than five full-time employees is not required to attend training required by this section unless the person is also the investment officer of the entity.

(c) Training under this section must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with this chapter.

(d) Not later than December 31 each year, each individual, association, business, organization, governmental entity, or other person that provides training under this section shall report to the comptroller a list of the governmental entities for which the person provided required training under this section during that calendar year. An individual's reporting requirements under this subsection are satisfied by a report of the individual's employer or the sponsoring or organizing entity of a training program or seminar.

(e) This section does not apply to a district governed by Chapter 36 or 49, Water Code.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 5, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 6, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 69, Sec. 4, eff. May 14, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 3, eff. June 17, 2011.

Sec. 2256.009. AUTHORIZED INVESTMENTS: OBLIGATIONS OF, OR GUARANTEED BY GOVERNMENTAL ENTITIES. (a) Except as provided by Subsection (b), the following are authorized investments under this subchapter:

- (1) obligations, including letters of credit, of the United States or its agencies and instrumentalities;
- (2) direct obligations of this state or its agencies and instrumentalities;
- (3) collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;
- (4) other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States;
- (5) obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent; and
- (6) bonds issued, assumed, or guaranteed by the State of Israel.

(b) The following are not authorized investments under this section:

- (1) obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
- (2) obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
- (3) collateralized mortgage obligations that have a stated final maturity date of greater than 10 years; and
- (4) collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1454, Sec. 7, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 558, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 4, eff. June 17, 2011.

Sec. 2256.010. AUTHORIZED INVESTMENTS: CERTIFICATES OF DEPOSIT AND SHARE CERTIFICATES. (a) A certificate of deposit or share certificate is an authorized investment under this subchapter if the certificate is issued by a depository institution that has its main office or a branch office in this state and is:

(1) guaranteed or insured by the Federal Deposit Insurance Corporation or its successor or the National Credit Union Share Insurance Fund or its successor;

(2) secured by obligations that are described by Section 2256.009(a), including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities of the nature described by Section 2256.009(b); or

(3) secured in any other manner and amount provided by law for deposits of the investing entity.

(b) In addition to the authority to invest funds in certificates of deposit under Subsection (a), an investment in certificates of deposit made in accordance with the following conditions is an authorized investment under this subchapter:

(1) the funds are invested by an investing entity through:

(A) a broker that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Section 2256.025; or

(B) a depository institution that has its main office or a branch office in this state and that is selected by the investing entity;

(2) the broker or the depository institution selected by the investing entity under Subdivision (1) arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the investing entity;

(3) the full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

(4) the investing entity appoints the depository institution selected by the investing entity under Subdivision (1), an entity described by Section 2257.041(d), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the investing entity with respect to the certificates of deposit issued for the account of the investing entity.

Amended by Acts 1995, 74th Leg., ch. 32, Sec. 1, eff. April 28, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 6, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. [128](#), Sec. 1, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 5, eff. June 17, 2011.

Sec. 2256.011. AUTHORIZED INVESTMENTS: REPURCHASE AGREEMENTS. (a) A fully collateralized repurchase agreement is an authorized investment under this subchapter if the repurchase agreement:

- (1) has a defined termination date;
- (2) is secured by a combination of cash and obligations described by Section 2256.009(a)(1); and
- (3) requires the securities being purchased by the entity or cash held by the entity to be pledged to the entity, held in the entity's name, and deposited at the time the investment is made with the entity or with a third party selected and approved by the entity; and
- (4) is placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in this state.

(b) In this section, "repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations described by Section 2256.009(a)(1), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement.

(c) Notwithstanding any other law, the term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered.

(d) Money received by an entity under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 6, eff. June 17, 2011.

Sec. 2256.0115. AUTHORIZED INVESTMENTS: SECURITIES LENDING PROGRAM. (a) A securities lending program is an authorized investment under this subchapter if it meets the conditions provided by this section.

(b) To qualify as an authorized investment under this subchapter:

(1) the value of securities loaned under the program must be not less than 100 percent collateralized, including accrued income;

(2) a loan made under the program must allow for termination at any time;

(3) a loan made under the program must be secured by:

(A) pledged securities described by Section 2256.009;

(B) pledged irrevocable letters of credit issued by a bank that is:

(i) organized and existing under the laws of the United States or any other state;

and

(ii) continuously rated by at least one nationally recognized investment rating firm

at not less than A or its equivalent; or

(C) cash invested in accordance with Section:

(i) 2256.009;

(ii) 2256.013;

(iii) 2256.014; or

(iv) 2256.016;

(4) the terms of a loan made under the program must require that the securities being held as collateral be:

(A) pledged to the investing entity;

(B) held in the investing entity's name; and

(C) deposited at the time the investment is made with the entity or with a third party selected by or approved by the investing entity;

(5) a loan made under the program must be placed through:

(A) a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003; or

(B) a financial institution doing business in this state; and

(6) an agreement to lend securities that is executed under this section must have a term of one year or less.

Added by Acts 2003, 78th Leg., ch. 1227, Sec. 1, eff. Sept. 1, 2003.

Sec. 2256.012. AUTHORIZED INVESTMENTS: BANKER'S ACCEPTANCES. A bankers' acceptance is an authorized investment under this subchapter if the bankers' acceptance:

- (1) has a stated maturity of 270 days or fewer from the date of its issuance;
- (2) will be, in accordance with its terms, liquidated in full at maturity;
- (3) is eligible for collateral for borrowing from a Federal Reserve Bank; and
- (4) is accepted by a bank organized and existing under the laws of the United States or any state,

if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least one nationally recognized credit rating agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.013. AUTHORIZED INVESTMENTS: COMMERCIAL PAPER. Commercial paper is an authorized investment under this subchapter if the commercial paper:

- (1) has a stated maturity of 270 days or fewer from the date of its issuance; and
- (2) is rated not less than A-1 or P-1 or an equivalent rating by at least:

(A) two nationally recognized credit rating agencies; or

(B) one nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States or any state.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.014. AUTHORIZED INVESTMENTS: MUTUAL FUNDS. (a) A no-load money market mutual fund is an authorized investment under this subchapter if the mutual fund:

- (1) is registered with and regulated by the Securities and Exchange Commission;
- (2) provides the investing entity with a prospectus and other information required by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.);
- (3) has a dollar-weighted average stated maturity of 90 days or fewer; and
- (4) includes in its investment objectives the maintenance of a stable net asset value of \$1 for each

share.

(b) In addition to a no-load money market mutual fund permitted as an authorized investment in Subsection (a), a no-load mutual fund is an authorized investment under this subchapter if the mutual fund:

- (1) is registered with the Securities and Exchange Commission;
- (2) has an average weighted maturity of less than two years;
- (3) is invested exclusively in obligations approved by this subchapter;
- (4) is continuously rated as to investment quality by at least one nationally recognized investment rating firm of not less than AAA or its equivalent; and
- (5) conforms to the requirements set forth in Sections 2256.016(b) and (c) relating to the eligibility of investment pools to receive and invest funds of investing entities.

(c) An entity is not authorized by this section to:

- (1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Subsection (b);
- (2) invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Subsection (b); or
- (3) invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Subsection (a) or (b) in an amount that exceeds 10 percent of the total assets of the mutual fund.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 7, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 8, eff. Sept. 1, 1999.

Sec. 2256.015. AUTHORIZED INVESTMENTS: GUARANTEED INVESTMENT CONTRACTS. (a) A guaranteed investment contract is an authorized investment for bond proceeds under this subchapter if the guaranteed investment contract:

- (1) has a defined termination date;
- (2) is secured by obligations described by Section 2256.009(a)(1), excluding those obligations described by Section 2256.009(b), in an amount at least equal to the amount of bond proceeds invested under the contract; and
- (3) is pledged to the entity and deposited with the entity or with a third party selected and approved by the entity.

(b) Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested under this subchapter in a guaranteed investment contract with a term of longer than five years from the date of issuance of the bonds.

(c) To be eligible as an authorized investment:

(1) the governing body of the entity must specifically authorize guaranteed investment contracts as an eligible investment in the order, ordinance, or resolution authorizing the issuance of bonds;

(2) the entity must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;

(3) the entity must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;

(4) the price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and

(5) the provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 8, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1454, Sec. 9, 10, eff. Sept. 1, 1999.

Sec. 2256.016. AUTHORIZED INVESTMENTS: INVESTMENT POOLS. (a) An entity may invest its funds and funds under its control through an eligible investment pool if the governing body of the entity by rule, order, ordinance, or resolution, as appropriate, authorizes investment in the particular pool. An investment pool shall invest the funds it receives from entities in authorized investments permitted by this subchapter. An investment pool may invest its funds in money market mutual funds to the extent permitted by and consistent with this subchapter and the investment policies and objectives adopted by the investment pool.

(b) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity an offering circular or other similar disclosure instrument that contains, at a minimum, the following information:

(1) the types of investments in which money is allowed to be invested;

(2) the maximum average dollar-weighted maturity allowed, based on the stated maturity date, of the pool;

- (3) the maximum stated maturity date any investment security within the portfolio has;
- (4) the objectives of the pool;
- (5) the size of the pool;
- (6) the names of the members of the advisory board of the pool and the dates their terms expire;
- (7) the custodian bank that will safekeep the pool's assets;
- (8) whether the intent of the pool is to maintain a net asset value of one dollar and the risk of

market price fluctuation;

(9) whether the only source of payment is the assets of the pool at market value or whether there is a secondary source of payment, such as insurance or guarantees, and a description of the secondary source of payment;

(10) the name and address of the independent auditor of the pool;

(11) the requirements to be satisfied for an entity to deposit funds in and withdraw funds from the pool and any deadlines or other operating policies required for the entity to invest funds in and withdraw funds from the pool; and

(12) the performance history of the pool, including yield, average dollar-weighted maturities, and expense ratios.

(c) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must furnish to the investment officer or other authorized representative of the entity:

(1) investment transaction confirmations; and

(2) a monthly report that contains, at a minimum, the following information:

(A) the types and percentage breakdown of securities in which the pool is invested;

(B) the current average dollar-weighted maturity, based on the stated maturity date, of the pool;

(C) the current percentage of the pool's portfolio in investments that have stated maturities of more than one year;

(D) the book value versus the market value of the pool's portfolio, using amortized cost valuation;

(E) the size of the pool;

(F) the number of participants in the pool;

- (G) the custodian bank that is safekeeping the assets of the pool;
- (H) a listing of daily transaction activity of the entity participating in the pool;
- (I) the yield and expense ratio of the pool, including a statement regarding how yield is calculated;
- (J) the portfolio managers of the pool; and
- (K) any changes or addenda to the offering circular.

(d) An entity by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds.

(e) In this section, "yield" shall be calculated in accordance with regulations governing the registration of open-end management investment companies under the Investment Company Act of 1940, as promulgated from time to time by the federal Securities and Exchange Commission.

(f) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool created to function as a money market mutual fund must mark its portfolio to market daily, and, to the extent reasonably possible, stabilize at a \$1 net asset value. If the ratio of the market value of the portfolio divided by the book value of the portfolio is less than 0.995 or greater than 1.005, portfolio holdings shall be sold as necessary to maintain the ratio between 0.995 and 1.005. In addition to the requirements of its investment policy and any other forms of reporting, a public funds investment pool created to function as a money market mutual fund shall report yield to its investors in accordance with regulations of the federal Securities and Exchange Commission applicable to reporting by money market funds.

(g) To be eligible to receive funds from and invest funds on behalf of an entity under this chapter, a public funds investment pool must have an advisory board composed:

(1) equally of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for a public funds investment pool created under Chapter 791 and managed by a state agency; or

(2) of participants in the pool and other persons who do not have a business relationship with the pool and are qualified to advise the pool, for other investment pools.

(h) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

(i) If the investment pool operates an Internet website, the information in a disclosure instrument or report described in Subsections (b), (c)(2), and (f) must be posted on the website.

(j) To maintain eligibility to receive funds from and invest funds on behalf of an entity under this chapter, an investment pool must make available to the entity an annual audited financial statement of the investment pool in which the entity has funds invested.

(k) If an investment pool offers fee breakpoints based on fund balances invested, the investment pool in advertising investment rates must include either all levels of return based on the breakpoints provided or state the lowest possible level of return based on the smallest level of funds invested.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1421, Sec. 9, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 7, eff. June 17, 2011.

Sec. 2256.017. EXISTING INVESTMENTS. An entity is not required to liquidate investments that were authorized investments at the time of purchase.

Added by Acts 1995, 74th Leg., ch. 76, Sec. 5.46(a), eff. Sept. 1, 1995; Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 10, eff. Sept. 1, 1997.

Sec. 2256.019. RATING OF CERTAIN INVESTMENT POOLS. A public funds investment pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 11, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 8, eff. June 17, 2011.

Sec. 2256.020. AUTHORIZED INVESTMENTS: INSTITUTIONS OF HIGHER EDUCATION. In addition to the authorized investments permitted by this subchapter, an institution of higher education may purchase, sell, and invest its funds and funds under its control in the following:

(1) cash management and fixed income funds sponsored by organizations exempt from federal income taxation under Section 501(f), Internal Revenue Code of 1986 (26 U.S.C. Section 501(f));

(2) negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency; and

(3) corporate bonds, debentures, or similar debt obligations rated by a nationally recognized investment rating firm in one of the two highest long-term rating categories, without regard to gradations within those categories.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.0201. AUTHORIZED INVESTMENTS; MUNICIPAL UTILITY. (a) A municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may enter into a hedging contract and related security and insurance agreements in relation to fuel oil, natural gas, coal, nuclear fuel, and electric energy to protect against loss due to price fluctuations. A hedging transaction must comply with the regulations of the Commodity Futures Trading Commission and the Securities and Exchange Commission. If there is a conflict between the municipal charter of the municipality and this chapter, this chapter prevails.

(b) A payment by a municipally owned electric or gas utility under a hedging contract or related agreement in relation to fuel supplies or fuel reserves is a fuel expense, and the utility may credit any amounts it receives under the contract or agreement against fuel expenses.

(c) The governing body of a municipally owned electric or gas utility or the body vested with power to manage and operate the municipally owned electric or gas utility may set policy regarding hedging transactions.

(d) In this section, "hedging" means the buying and selling of fuel oil, natural gas, coal, nuclear fuel, and electric energy futures or options or similar contracts on those commodities and related transportation costs as a protection against loss due to price fluctuation.

Added by Acts 1999, 76th Leg., ch. 405, Sec. 48, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [Z](#), Sec. 1, eff. April 13, 2007.

Sec. 2256.0202. AUTHORIZED INVESTMENTS: MUNICIPAL FUNDS FROM MANAGEMENT AND DEVELOPMENT OF MINERAL RIGHTS. (a) In addition to other investments authorized under this subchapter, a municipality may invest funds received by the municipality from a lease or contract for the management and development of land owned by the municipality and leased for oil, gas, or other mineral development in any investment authorized to be made by a trustee under Subtitle B, Title 9, Property Code (Texas Trust Code).

(b) Funds invested by a municipality under this section shall be segregated and accounted for separately from other funds of the municipality.

Added by Acts 2009, 81st Leg., R.S., Ch. [1371](#), Sec. 1, eff. September 1, 2009.

Sec. 2256.0203. AUTHORIZED INVESTMENTS: PORTS AND NAVIGATION DISTRICTS. (a) In this section, "district" means a navigation district organized under Section 52, Article III, or Section 59, Article XVI, Texas Constitution.

(b) In addition to the authorized investments permitted by this subchapter, a port or district may purchase, sell, and invest its funds and funds under its control in negotiable certificates of deposit issued by a bank that has a certificate of deposit rating of at least 1 or the equivalent by a nationally recognized credit rating agency or that is associated with a holding company having a commercial paper rating of at least A-1, P-1, or the equivalent by a nationally recognized credit rating agency.

Added by Acts 2011, 82nd Leg., R.S., Ch. [804](#), Sec. 1, eff. September 1, 2011.

Sec. 2256.0204. AUTHORIZED INVESTMENTS: INDEPENDENT SCHOOL DISTRICTS. (a) In this section, "corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that:

(1) on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation; or

(2) is an unsecured debt obligation.

(b) This section applies only to an independent school district that qualifies as an issuer as defined by Section 1371.001.

(c) In addition to authorized investments permitted by this subchapter, an independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

(d) An independent school district subject to this section is not authorized by this section to:

(1) invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or

(2) invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

(e) An independent school district subject to this section may purchase, sell, and invest its funds and funds under its control in corporate bonds if the governing body of the district:

(1) amends its investment policy to authorize corporate bonds as an eligible investment;

(2) adopts procedures to provide for:

(A) monitoring rating changes in corporate bonds acquired with public funds; and

(B) liquidating the investment in corporate bonds; and

(3) identifies the funds eligible to be invested in corporate bonds.

(f) The investment officer of an independent school district, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

(1) issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or

(2) changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

(g) Corporate bonds are not an eligible investment for a public funds investment pool.

Added by Acts 2011, 82nd Leg., R.S., Ch. [1347](#), Sec. 1, eff. June 17, 2011.

Sec. 2256.0205. AUTHORIZED INVESTMENTS; DECOMMISSIONING TRUST. (a) In this section:

(1) "Decommissioning trust" means a trust created to provide the Nuclear Regulatory Commission assurance that funds will be available for decommissioning purposes as required under 10 C.F.R. Part 50 or other similar regulation.

(2) "Funds" includes any money held in a decommissioning trust regardless of whether the money is considered to be public funds under this subchapter.

(b) In addition to other investments authorized under this subchapter, a municipality that owns a municipal electric utility that is engaged in the distribution and sale of electric energy or natural gas to the public may invest funds held in a decommissioning trust in any investment authorized by Subtitle B, Title 9, Property Code.

Added by Acts 2005, 79th Leg., Ch. [121](#), Sec. 1, eff. September 1, 2005.

Sec. 2256.021. EFFECT OF LOSS OF REQUIRED RATING. An investment that requires a minimum rating under this subchapter does not qualify as an authorized investment during the period the investment does not have the minimum rating. An entity shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.022. EXPANSION OF INVESTMENT AUTHORITY. Expansion of investment authority granted by this chapter shall require a risk assessment by the state auditor or performed at the direction of the state auditor, subject to the legislative audit committee's approval of including the review in the audit plan under Section 321.013.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 785, Sec. 42, eff. Sept. 1, 2003.

Sec. 2256.023. INTERNAL MANAGEMENT REPORTS. (a) Not less than quarterly, the investment officer shall prepare and submit to the governing body of the entity a written report of investment transactions for all funds covered by this chapter for the preceding reporting period.

(b) The report must:

- (1) describe in detail the investment position of the entity on the date of the report;
- (2) be prepared jointly by all investment officers of the entity;
- (3) be signed by each investment officer of the entity;

(4) contain a summary statement of each pooled fund group that states the:

(A) beginning market value for the reporting period;

(B) ending market value for the period; and

(C) fully accrued interest for the reporting period;

(5) state the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

(6) state the maturity date of each separately invested asset that has a maturity date;

(7) state the account or fund or pooled group fund in the state agency or local government for which each individual investment was acquired; and

(8) state the compliance of the investment portfolio of the state agency or local government as it relates to:

(A) the investment strategy expressed in the agency's or local government's investment policy; and

(B) relevant provisions of this chapter.

(c) The report shall be presented not less than quarterly to the governing body and the chief executive officer of the entity within a reasonable time after the end of the period.

(d) If an entity invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers under this section shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the governing body by that auditor.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1421, Sec. 12, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [1004](#), Sec. 9, eff. June 17, 2011.

Sec. 2256.024. SUBCHAPTER CUMULATIVE. (a) The authority granted by this subchapter is in addition to that granted by other law. Except as provided by Subsection (b), this subchapter does not:

(1) prohibit an investment specifically authorized by other law; or

(2) authorize an investment specifically prohibited by other law.

(b) Except with respect to those investing entities described in Subsection (c), a security described in Section 2256.009(b) is not an authorized investment for a state agency, a local government, or another investing entity, notwithstanding any other provision of this chapter or other law to the contrary.

(c) Mortgage pass-through certificates and individual mortgage loans that may constitute an investment described in Section 2256.009(b) are authorized investments with respect to the housing bond programs operated by:

(1) the Texas Department of Housing and Community Affairs or a nonprofit corporation created to act on its behalf;

(2) an entity created under Chapter 392, Local Government Code; or

(3) an entity created under Chapter 394, Local Government Code.

Added by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.025. SELECTION OF AUTHORIZED BROKERS. The governing body of an entity subject to this subchapter or the designated investment committee of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

Sec. 2256.026. STATUTORY COMPLIANCE. All investments made by entities must comply with this subchapter and all federal, state, and local statutes, rules, or regulations.

Added by Acts 1997, 75th Leg., ch. 1421, Sec. 13, eff. Sept. 1, 1997.

SUBCHAPTER B. MISCELLANEOUS PROVISIONS

Sec. 2256.051. ELECTRONIC FUNDS TRANSFER. Any local government may use electronic means to transfer or invest all funds collected or controlled by the local government.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.052. PRIVATE AUDITOR. Notwithstanding any other law, a state agency shall employ a private auditor if authorized by the legislative audit committee either on the committee's initiative or on request of the governing body of the agency.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995.

Sec. 2256.053. PAYMENT FOR SECURITIES PURCHASED BY STATE. The comptroller or the disbursing officer of an agency that has the power to invest assets directly may pay for authorized securities purchased from or through a member in good standing of the National Association of Securities Dealers or from or through a national or state bank on receiving an invoice from the seller of the securities showing that the securities have been purchased by the board or agency and that the amount to be paid for the securities is just, due, and unpaid. A purchase of securities may not be made at a price that exceeds the existing market value of the securities.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.67, eff. Sept. 1, 1997.

Sec. 2256.054. DELIVERY OF SECURITIES PURCHASED BY STATE. A security purchased under this chapter may be delivered to the comptroller, a bank, or the board or agency investing its funds. The delivery shall be made under normal and recognized practices in the securities and banking industries, including the book entry procedure of the Federal Reserve Bank.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.68, eff. Sept. 1, 1997.

Sec. 2256.055. DEPOSIT OF SECURITIES PURCHASED BY STATE. At the direction of the comptroller or the agency, a security purchased under this chapter may be deposited in trust with a bank or federal reserve bank or branch designated by the comptroller, whether in or outside the state. The deposit shall be held in the entity's name as evidenced by a trust receipt of the bank with which the securities are deposited.

Amended by Acts 1995, 74th Leg., ch. 402, Sec. 1, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1423, Sec. 8.69, eff. Sept. 1, 1997.

APPENDIX B
COUNCIL RESOLUTION
September 24, 2014

September 24, 2014

WHEREAS, in 1987 the City Council adopted the City's Investment Policy which was in compliance with the federal and state law and the City Charter; and

WHEREAS, in 1995 and 1997 through 2013, the City Council amended the City's Investment Policy to incorporate amendments to the Public Funds Investment Act, improve management of the City's investments and reflect organizational changes; and

WHEREAS, the Public Funds Investment Act requires that the investment shall be made in accordance with written policies approved, at least annually, by the governing body; and

WHEREAS, investment policies must address safety of principal, liquidity, yield, diversification and maturity, with primary emphasis on safety of principal. **Now, Therefore,**

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

Section 1. That the attached City of Dallas Investment Policy has been reviewed by the City Council and shall be adopted as the guiding policy in the ongoing management of the specified funds in accordance with federal and state law and the City Charter.

Section 2. That this resolution shall be 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: Public Safety

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Court & Detention Services

CMO: Joey Zapata, 670-3009

MAPSCO: N/A

SUBJECT

Authorize payment to Dallas County for processing and housing prisoners at the Lew Sterrett Criminal Justice Center, pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement with Dallas County, previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2014 through September 30, 2015 - Not to exceed \$7,983,142 - Financing: Current Funds

BACKGROUND

On June 11, 1997, the City Council, pursuant to Resolution No. 97-1995, authorized Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County which established a new cost methodology for processing and maintaining City prisoners at the Lew Sterrett Criminal Justice Center based on direct cost for providing intake/release and housing, indirect costs associated with County Central Services applicable to the jail contract and apportioned costs of certain Sheriff's Office operations. This methodology is reviewed yearly. This action will allow continuation of payments to Dallas County beginning October 1, 2014.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Authorized payment to Dallas County for processing and maintaining City prisoners at the jail facility for the period October 1, 2013 through September 30, 2014, on September 25, 2013, by Resolution No. 13-1679.

FISCAL INFORMATION

\$7,983,142.00 - Current Funds

September 24, 2014

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

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

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

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

WHEREAS, Dallas County's calculation of \$7,983,142 for processing and maintaining city prisoners at the Lew Sterrett Criminal Justice Center for FY2014-15 has been reviewed by the City and determined to be equitable.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to pay Dallas County for processing and maintaining prisoners at the Lew Sterrett Criminal Justice Center pursuant to Amendment No. 4 to the Criminal Justice Center Memorandum of Agreement between the City of Dallas and Dallas County previously approved on June 11, 1997, by Resolution No. 97-1995, for the period October 1, 2014 through September 30, 2015 in the amount of \$7,983,142.

Section 2. That the City Controller is hereby authorized to pay Dallas County over a 12-month period commencing on October 1, 2014 and ending September 30, 2015 in an amount not to exceed \$7,983,142 from:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ.</u>	<u>VENDOR#</u>	<u>ENCUMBRANCE</u>	<u>AMOUNT</u>
0001	CTS	1059	3099	014003	CT CTS1059FY15	\$7,983,142

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

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: N/A

SUBJECT

Authorize contracts with child care providers pursuant to the City Child Care Services for the period October 1, 2014 through September 30, 2015 (list attached) and additional fully-licensed providers selected by eligible parents during the fiscal year - Not to exceed \$65,091 - Financing: 2014-15 Community Development Block Grant Funds

BACKGROUND

On June 25, 2014, City Council adopted the FY 2014-15 Consolidated Plan Budget for the U.S. Department of Housing and Urban Development (HUD) grant funds. The grant funds are available beginning October 1, 2014 contingent upon approval of the City's FY 2014-15 Action Plan and execution of grant agreements with HUD. The FY 2014-15 Consolidated Plan Budget includes budget for the City Child Care Services in the amount of \$299,697.

The City Child Care Services promotes stability for 65 low/moderate income working parents and high school students who are given limited assistance to become fully self-sufficient within a short period of time. Approximately 95 children will be subsidized for a one-year period.

The City Child Care Services pays up to \$40 per week per child directly to contracted child care providers for child care services for working parents whose income fall in the low/moderate income range of Community Development Block Grant (CDBG) funding eligibility. Individuals in this income range are frequently labeled as the "working poor" because their income places them just above the level to be eligible for other forms of public assistance such as Child Care Management Assistance (CCMA) and Head Start of Greater Dallas. Currently, there is a waiting list at CCMA and Head Start of Greater Dallas that has a limited number of slots for children ranging from 3 1/2 - 5 years of age. There are almost no infants or toddler slots available at Head Start of Greater Dallas and no summer programs.

BACKGROUND (Continued)

This resolution will also allow the City to enter into contracts with child care service providers listed in the Attachment (and other child care service providers not listed on the Attachment who meet the city's program requirements).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSION)

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

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

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

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

Authorized contracts with child care providers for the City Child Care Services on September 25, 2013, by Resolution No. 13-1683.

FISCAL INFORMATION

\$65,091 - 2014-15 Community Development Block Grant Funds

FY 2014-15 City Child Care Services Provider's Master List

Provider Name / Vendor Number	Director	Address	Phone #	Info/Dates
DBA Alternative Parents (Patricias Ties that Bind Inc.) VS0000077162	Ehssan Kahla	14207 Haymeadow Dr. 75254	972-661-8898	01-23-13
American Care Foundation 518974	Patricia Williams	530 S. R.L. Thornton Frwy. 75203	214-943-7300 F)214-943-7302	06-15-10
DBA Armadillos to Zebras Child Care (Knoll Kids, Inc.) VS0000027219	Cindy Knoll	14045 Waterfall Way 75240	972-231-6998	06-22-08
Born 2 Lead Preparatory VS0000065709	Yolanda Mitchell	8837 Bonnie View Rd. 75241	214-735-8047	05-31-11
DBA Missionary Ekklesia's Learning Center (B&3J'S Day Care) VC0000000516	Fred Porter	8502 - B Willoughby Blvd. 75232	972 -228-3333 F)972-228-3334	09/21/11
Building Blocks Christian Learning Center VS0000012672	Lois Gregory	910 E. Ledbetter Dr. 75216	214-375-7447	09-13-11
DBA C/O Reta Hicks (Cornerstone/The Ranch) VS0000027770	Reta Hicks	1050 E. Camp Wisdom Rd. 75241	972-224-6716 F)972-224-6970	05-03-12
Creative Steps Academy VS0000013182	Karen Nichols	3249 W. Northwest Hwy. 75220	214-357-8029 F)214-375-8051	11-08-12
Dallas Can! Early Childhood Development Center VS0000026151	Carol Wentworth	4621 Ross Avenue 75204	214-584-2361 F)214-827-9503	11-01-12
Destiny Learning Center VS0000010614	Linda Johnson	8055 Ferguson Rd. 75228	972-270-1668 F)214-321-2252	04-16-13
DBA First Steps Learning Centre (CDM Management Inc.) VS0000024616	Wendy Mireault	6303 Forest Park 75235	214-352-8608 F)214-350-0285	09-09-12
For Keeps Sake Inc VS0000005077	Rosemary Bell	2520 Martin Luther King, Jr. 75215	214-421-5337 F)214-421-7253	04-09-13
Healthy Beginnings Child 399964	Cheryl Watson	14119 Montfort Drive 75254	972-404-1412 F)972-239-5925	09-19-07

FY 2014-15 City Child Care Services Provider's Master List

Provider Name / Vendor Number	Director	Address	Phone #	Info/Dates
Heavenly Christian Academy VS0000013797	Tia Ward	11421 Shiloh Road 75228	972-681-7545	06-17-09
Heavenly Child Care 346147	Kathy Ward	9625 Plano Rd. Suite 1700 75238	214-343-0216	06-22-09
DBA Ideal Day Care and Learning Ctr. (Ideal Pentecostal Church) VS0000059478	Ray Campbell	1000 E. Redbird Lane 75241	214-371-9228	10-25-10
Imagination Station Child Care Center, Inc. 518802	Marjorie Warren	7221 Scylene Road 75227	214-388-8153 F)214-275-7401	10-11-11
Jeanette's Little Haven 346127	Jeanette Hinton	7110 Holly Hill Drive 75231	214-363-2944 F)214-363-3837	06-05-13
Kaleidoscope Child Dev. Center 513152	Diana Docherty	19310 Midway Road 75287	972-248-1543 F)972-248-0563	07-03-09
Kingdom Kids Development Center VS0000056850	Michael Hodge	845 S. Buckner Blvd. 75217	214-309-9760 F)214-309-9760	07-07-10
Kirby's Kreative Learning Ctr 337889	Tina Green	330 S. R.L. Thornton 75203	214-943-7309 F)214-943-4817	07-04-09
Little Texans Academy 512969	Frances or Tony Bolanos	18211 Kelly Blvd. 75287	972-306-5582 F)972-307-9291	04-02-12
Jackson Playland, Inc 519245	Cynthia Jackson	2515 Peabody 75215	214-565-1118 F)214-4210556	05-28-13
Margie Faye Foundation Inc. VS0000018507	Jearline Alexander	2638 S. Beckley 75224	214-948-8684 F)214-948-9430	01-18-12
Metropolitan Christian Academies 518139	Joe Allen	3430 S. Polk Street 75224	214-375-2227	09-10-10
Park South YMCA 201357	Rodrigua Ross	2500 Romine 75215	214-421-5301 F)214-426-3756	12-06-11
Preparatory Place Academy 518481	Debra Watson	3846 Opal Avenue 75216	214-372-9667 F)214-372-9667	09-21-11
Red Bird Learning Center VS0000016094	Edmond Lindburg	7575 S. Hampton Road 75232	972-283-1000x242 F)972-284-1142	09-26-11

FY 2014-15 City Child Care Services Provider's Master List

Provider Name / Vendor Number	Director	Address	Phone #	Info/Dates
Shiloh Terrace Child Development Center VS0000067081	Teresa Finley	9810 LaPrada Drive 75228	972-857-9703 F)972-857-9777	10-20-11

September 24, 2014

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

WHEREAS, the FY 2014-15 Community Development Block Grant (CDBG) Budget was approved by the City Council on June 25, 2014, by Resolution No. 14-1001, and included funding for the City Child Care Services; and

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

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

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

NOW, THEREFORE,

Section 1. That following approval as to form by the City Attorney, the City Manager is hereby authorized to approve contracts with child care providers pursuant to the City Child Care Services for the period October 1, 2014 through September 30, 2015 and additional fully-licensed providers selected by eligible parents during the fiscal year, and execute any and all documents required by the contract.

Section 2. That the City Controller is hereby authorized to make payments to child care providers listed in the Attachment and new child care providers who meet the City requirement and have entered a contract with the City from Fund CD14, Dept. HOU, Unit 443G, Object Code 3099, in an amount not to exceed \$65,091.

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 # 15

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Human Resources

CMO: A. C. Gonzalez, 670-3302

MAPSCO: N/A

SUBJECT

An ordinance amending Chapter 34, "Personnel Rules," of the Dallas City Code by amending Sections 34-4, 34-22, 34-23, 34-24, 34-25, 34-27, 34-28, 34-35, 34-38, 34-39, 34-40, and 34-43, as amended; **(1)** providing paid leave for military service; **(2)** defining gender identity and expression; **(3)** amending the definition of sexual orientation; **(4)** reducing accrual of compensatory leave from one hour to one-half hour; **(5)** expanding city management prohibition against discrimination to include gender identity or expression, genetic characteristics, and military or veteran status; **(6)** clarifying that a hearing officer in a grievance appeal procedure shall only hear matters in the original grievance; **(7)** limiting the right to file grievances to city employees only; **(8)** increasing the number of civil service board members required to constitute a quorum to four for purposes of hearing appeals from grievance decisions and disciplinary actions against city employees; **(9)** extending the deadline to set a grievance appeal hearing; **(10)** clarifying the subpoena process for grievance appeal hearings; **(11)** extending the deadline to set a disciplinary appeal hearing; **(12)** providing additional time to set a disciplinary hearing; **(13)** clarifying the subpoena process for disciplinary appeal hearings; **(14)** assigning the authority to develop and distribute necessary administrative directives for the fair and efficient administration of the injured employees' wage supplementation plan to the director of risk management; and **(15)** making conforming, semantic, grammatical, and structural changes - Financing: No cost consideration to the City

BACKGROUND

These ordinance amendments include the Human Resources Department's annual review of Chapter 34, Personnel Rules, of the Dallas City Code and conform to city council's resolution regarding expansion of protected categories for city employees.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City

ORDINANCE NO. _____

An ordinance amending Chapter 34, “Personnel Rules,” of the Dallas City Code by amending Sections 34-4, 34-22, 34-23, 34-24, 34-25, 34-27, 34-28, 34-35, 34-38, 34-39, 34-40, and 34-43, as amended; providing paid leave for military service; defining gender identity and expression; amending the definition of sexual orientation; reducing accrual of compensatory leave from one hour to one-half hour; expanding city management prohibition against discrimination to include gender identity or expression, genetic characteristics, and military or veteran status; clarifying that a hearing officer in a grievance appeal procedure shall only hear matters in the original grievance; limiting the right to file grievances to city employees only; increasing the number of civil service board members required to constitute a quorum to four for purposes of hearing appeals from grievance decisions and disciplinary actions against city employees; extending the deadline to set a grievance appeal hearing; clarifying the subpoena process for grievance appeal hearings; extending the deadline to set a disciplinary appeal hearing; providing additional time to set a disciplinary hearing; clarifying the subpoena process for disciplinary appeal hearings; assigning the authority to develop and distribute necessary administrative directives for the fair and efficient administration of the injured employees’ wage supplementation plan to the director of risk management; making conforming, semantic, grammatical, and structural changes; 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 34-4, "Definitions," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"SEC. 34-4. DEFINITIONS.

In this chapter:

(1) ADMINISTRATIVE TERMINATION means termination because of death, disability, service retirement, or end of a temporary assignment.

(2) APPOINTMENT means:

(A) initial city employment; or

(B) placement into a position of department director, assistant department director, or other managerial personnel designated by the city council in accordance with Section 11, Chapter XVI of the city charter, regardless of whether the placement was through a competitive or noncompetitive selection process.

(3) ASSIGNMENT PAY means additional compensation for specialized duties as established by the salary and classification schedule.

(4) AUTHORIZED POSITION means an individual position described by a specific classification title and approved by the city council. Any change to an authorized position requires city council approval.

(5) BASE HOURLY RATE OF PAY means the hourly rate of an employee's base salary as established in the salary and classification schedule.

(6) BENEFIT means an employer-sponsored program that includes, but is not limited to, paid leave and health and life insurance benefits, but does not include wages, merit increases, service credit, or seniority.

(7) BREAK IN SERVICE means termination for one or more work days as a result of:

(A) administrative termination, resignation, reduction in force, or discharge, followed by reappointment; or

(B) leave of absence without pay for more than six consecutive calendar weeks, except to the extent that the leave without pay is authorized by federal or state law.

(8) CITY means the city of Dallas, Texas.

(9) CIVIL SERVICE BOARD means the civil service board of the city.

(10) CLASSIFICATION means all positions, regardless of departmental location, that are sufficiently alike in duties and responsibilities to:

- (A) be called by the same descriptive title;
- (B) be accorded the same pay scale under like conditions; and
- (C) require substantially the same education, experience, and skills.

(11) CLASSIFICATION CHANGE means revision of a position title that may include an adjustment of pay range.

(12) CLASSIFIED POSITION means a position that is subject to civil service rules and regulations as designated by the city charter.

(13) DEMOTION means a demotion as defined in Section 34-12(a) of this chapter.

(14) DISCHARGE means involuntary termination.

(15) EMPLOYEE means a person employed and paid a salary or wages by the city, whether under civil service or not, and includes a person on a part-time basis, but does not include an independent contractor or city council member.

(16) EMPLOYEES' RETIREMENT FUND BOARD means the board of trustees of the employees' retirement fund of the city of Dallas.

(17) EXEMPT EMPLOYEE means an exempt employee as defined by the Fair Labor Standards Act, as amended.

(18) FAMILY AND MEDICAL LEAVE ACT means the Family and Medical Leave Act of 1993 (29 U.S.C.A. §§ 2601 et seq.), as amended.

(19) FAMILY LEAVE means authorized leave as provided for in the Family and Medical Leave Act.

(20) FIRE DEPARTMENT means the fire-rescue department of the city.

(21) FLEX TIME means a balancing time entry process that provides an employee with the opportunity to substitute additional hours worked outside of his or her normal work schedule for time not worked during the same pay period in order to meet the total 80 hours required in a pay period. Flex time is a balancing entry only and is not paid leave.

(22) FURLOUGH LEAVE means time off from work when employees are placed in a temporary non-duty, non-pay status for required budgetary reasons.

(23) GENDER IDENTITY AND EXPRESSION means an individual's real or perceived gender identity as male, female, both, or neither.

(24) GRADE means a division of a salary and classification schedule with specified rates or ranges of pay.

(25[24]) GRIEVANCE means an employee's formal, written complaint regarding work conditions that the employee claims have been adversely affected by a violation, misinterpretation, or misapplication of a specific law, ordinance, resolution, policy, rule, or regulation.

(26[25]) IMMEDIATE FAMILY MEMBER means:

(A) a husband, wife, father, mother, father-in-law, mother-in-law, son, daughter, brother, or sister of an employee; or

(B) any person related to an employee by blood or marriage and who resides in the same household as the employee.

(27[26]) INTERNAL APPEAL means an administrative appeal to which an employee may be entitled under this chapter, this code, the city charter, or departmental regulations.

(28[27]) LEAVE WITHOUT PAY means an authorized temporary absence without pay.

(29[28]) MANDATORY CITY LEAVE means paid leave that is provided to employees by the city as a result of budget-related pay reductions.

(30[29]) MERIT INCREASE means a discretionary increase in salary based on performance.

(31[30]) MILITARY LEAVE means authorized leave to perform duties in the military service as provided for in:

(A) the Uniformed Services Employment and Reemployment Rights Act;

(B) Chapter 431 of the Texas Government Code, as amended; and

(C) Chapter 613 of the Texas Government Code, as amended.

(32[34]) MILITARY SERVICE means:

(A) the uniformed services, as defined in the Uniformed Services Employment and Reemployment Rights Act;

(B) the state militia, as defined in Chapter 431 of the Texas Government Code, as amended; and

(C) the military service, as defined in Chapter 613 of the Texas Government Code, as amended.

(33[32]) NON-CIVIL SERVICE EMPLOYEE means an employee who fills a position that is exempt from the provisions applicable to the civil service, as designated by the city charter. Non-civil service employees include:

(A) employees of the legal department, the city manager's office, the city auditor's office, the city secretary's office, the library department, the park and recreation department, and the radio department (WRR);

(B) municipal court judges; and

(C) city council office staff.

(34[33]) NONEXEMPT EMPLOYEE means a nonexempt employee as defined by the Fair Labor Standards Act, as amended.

(35[34]) PAID LEAVE means sick leave, vacation leave, holiday leave, court leave, death-in-family leave, fifteen days of military leave each calendar year, and mandatory city leave.

(36[35]) POLICE AND FIRE PENSION BOARD means the board of trustees of the police and fire pension system of the city of Dallas.

(37[36]) POSITION means a collection of tasks, duties, and responsibilities regularly assigned to and performed by an individual.

(38[37]) PROBATION:

(A) Probation means a minimum six-month period:

(i) after initial appointment, during which an employee can be terminated without right of appeal; or

(ii) after promotion, during which an employee can be:

(aa) returned to the previous position, if a retreat right to the previous position exists; or

(bb) terminated without right of appeal, if no retreat right exists.

(B) Probation may be extended to allow:

(i) six months on-the-job work performance; or

(ii) completion of any written prerequisites to employment.

(C) Probation does not apply to positions in departments exempt from civil service, and employees in those positions do not serve a probationary period.

(D) The service of a probationary period or the successful completion of a probationary period does not convey upon, imply, or intend to imply that an employee has a property interest in continued employment or a contract of employment with the city.

(39[38]) PROMOTION means an increase in grade with a resulting increase in salary due to placement in a position as a result of a competitive or noncompetitive selection process.

(40[39]) REAPPOINTMENT means re-employment of a former city employee.

(41[40]) REASSIGNMENT means a change of an employee to an equivalent position (same grade) within the same department.

(42[41]) REDUCTION IN FORCE means a reduction in the number of budgeted positions due to a change in work or funds.

(43[42]) REGULAR RATE OF PAY means an employee's base hourly rate of pay plus additional payments as established in the salary and classification schedule.

(44[43]) RESIGNATION means a voluntary termination.

(45[44]) SALARY AND CLASSIFICATION SCHEDULE means a city council-approved resolution that establishes all position classifications for city employment and the corresponding pay rates.

(46[45]) SERVICE CREDIT means the total duration of city employment, less any adjustments for breaks in service.

(47[46]) SEXUAL ORIENTATION means the actual or perceived status of an individual[']s with respect to the individual's sexuality. Heterosexual, homosexual, and bisexual are examples of sexual orientation.

~~[(A) real or perceived orientation as heterosexual, homosexual, or bisexual; or~~

~~(B) real or perceived gender identity.]~~

(48[47]) SHIFT DIFFERENTIAL PAY means additional compensation for regularly scheduled work hours outside of the city's normal business hours, as specifically described in administrative directives of the city.

(49[48]) STEP means one salary increment within a grade for a sworn police or fire department employee.

(50[49]) SUSPENSION means unpaid disciplinary leave for a specified period of time.

(51[50]) SWORN EMPLOYEES OF THE POLICE DEPARTMENT means:

(A) police officers and all related classifications, including trainee police officers; and

(B) park rangers and all classifications above park ranger in the same classification family.

(52[51]) TASKING means release from duty upon completion of assigned work before the scheduled end of the work day.

(53[52]) TERMINATION means cessation of employment with the city.

(54[53]) TRANSFER means the change of an employee from a position in one department to an equivalent position (same grade) in another department, but that does not result in either promotion or demotion.

(55[54]) UNCLASSIFIED POSITION means an unclassified civil service position as designated by Section 3, Chapter XVI of the city charter.

(56[55]) UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT means the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C.A. §§ 4301 et seq.), as amended.

(57[56]) WORK WEEK means the seven-day period from Wednesday through Tuesday.

(58[57]) WORKING DAYS means Monday through Friday, excluding official holidays observed by the city of Dallas as set forth in Section 34-25 of this chapter.”

SECTION 2. That Subsection (o), “Sick Leave During Leave Without Pay,” of Section 34-22, “Sick Leave,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(o) Sick leave during leave without pay. An employee on leave without pay forfeits use and accrual of sick leave for the duration of the leave without pay, except to the extent that the leave without pay is authorized by the City’s Family and Medical Leave provisions [Aet]. Upon completion of the leave without pay, the employee must either physically return to work or, if ill, submit an approved doctor’s statement justifying inability to return to work before sick leave credit and accrual may be restored.”

SECTION 3. That Subsection (m), “Vacation Leave During Leave Without Pay,” of Section 34-23, “Vacation Leave,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(m) Vacation leave during leave without pay. An employee on leave without pay forfeits use and accrual of vacation leave for the duration of the leave without pay, except to the extent that the leave without pay is authorized by the City’s Family and Medical Leave provisions [Aet]. Upon completion of the leave without pay, the employee must either physically return to work or, if ill, submit an approved doctor’s statement justifying inability to return to work before vacation leave credit and accrual may be restored.”

SECTION 4. That Subsection (b), “Accrual,” of Section 34-24, “Compensatory Leave,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(b) Accrual. Compensatory leave is accrued in half [~~at the rate of one full~~] hour increments [~~leave~~] for each half [~~full~~] hour worked over 80 hours in a pay period, up to a maximum balance of 80 hours.”

SECTION 5. That Subsection (f), “Loss of Holiday Pay,” of Section 34-25, “Holidays,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(f) Loss of holiday pay. An employee will not receive pay for a holiday if the employee is:

(1) on unapproved leave without pay either the day before or the day following an official holiday;

(2) on unapproved leave without pay on a holiday on which the employee is normally scheduled to work; or

(3) on approved leave without pay the day before and the day following an official holiday, except to the extent the leave is authorized by the City’s Family and Medical Leave provisions [Aet].”

SECTION 6. That Subsection (a), “Eligibility,” of Section 34-27, “Death-In-Family Leave,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(a) Eligibility. An allowance of three work days with pay is extended to every permanent employee when a member of the employee’s immediate family, or the employee’s designated care recipient, as defined in Sec 34-24.1(c)(2) of this chapter, dies.”

SECTION 7. That Subsection (d), “Service Credit,” of Section 34-28, “Leave Without Pay,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(d) Service credit.

(1) An employee who is on leave without pay from work for more than six consecutive calendar weeks loses service credit for that period in excess of the six calendar weeks, except to the extent that the leave without pay is authorized by the City’s Family and Medical Leave provisions [~~Act~~].

(2) Notwithstanding Paragraph (1) of this subsection, service credit for an employee performing duties in the military service is governed by Section 34-40 of this chapter and administrative directives established pursuant to that section.”

SECTION 8. That Section 34-35, “Fair Employment Practices,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“SEC. 34-35. FAIR EMPLOYMENT PRACTICES.

(a) City management may not discharge an individual, fail or refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of the individual’s race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations. Nothing in this subsection extends any employee benefits, including but not limited to paid or unpaid leave, medical benefits, or pension benefits, to any individual who is ineligible for those benefits under any other provision of this chapter, the city’s master health plan, the employees’ retirement fund program, or the police and fire pension system or under any other city ordinance or resolution or state or federal law.

(b) City management may not limit, segregate, or classify employees or applicants for employment in a way that would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect an employee’s status because of the individual’s race, color, age, religion, sex, marital status, sexual orientation, gender identity and expression, genetic characteristics, national origin, disability, military or veteran status, political opinions, or affiliations.”

SECTION 9. That Subsection (c), “Terms and Conditions,” of Section 34-38, “Grievance and Appeal Procedures,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(c) Terms and conditions.

(1) An employee who may appeal a grievance or disciplinary action may have two levels of appeal hearings but no more than a total of four hearings. Appeals of demotions or terminations to the civil service trial board or an administrative law judge are counted as one level of appeal hearing.

(2) A grievance or a disciplinary appeal may be heard during regularly scheduled working hours without loss of pay to the employee, provided the privilege is not abused.

(3) Preparation of a grievance or a disciplinary appeal, except for seeking assistance from the department of human resources, is not permitted during the employee’s working hours.

(4) A sworn member of the police department or fire department may appeal a grievance only through Step 3, except that the grievance may be appealed beyond Step 3 if it involves:

(A) a claim of discrimination because of the employee’s race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, age, or disability, or military or veteran status as it affects the employee’s training, promotion, advancement, or transfer; or

(B) a claim relating to an interpretation or application of a civil service rule.

(5) Except for the final step in appealing a suspension, demotion, or discharge, a hearing under these procedures is an informal discussion held without the taking of a written record. An employee must be willing to discuss the evidence and answer questions concerning the grievance or appeal at each step. Failure to discuss the facts of the case at any informal level of these procedures will constitute withdrawal of the grievance or appeal and will cause the last decision rendered to become nonappealable.

(6) An employee may seek assistance or representation in presenting a grievance or an appeal at any step. Guidance and assistance on the grievance or appeal procedures may be obtained from the department of human resources. If another employee is selected to provide assistance or representation on the grievance or appeal, that employee is not eligible for regular pay but may be released on vacation leave or leave without pay, depending upon departmental procedure. The supervisor may also obtain assistance or representation.

(7) The days used to establish time limits in this section are working days. Time limits begin to run the working day following the incident, event, hearing, or notice. Unless otherwise provided, the time limits for grievance or appeal requests require that the grievance or appeal request actually be received within that time period by the office designated as the next step for the grievance or appeal.

(8) Unless due to reasons beyond the employee's control, if an employee fails to file a grievance or an appeal within the time limits prescribed in Subsection (f) of this section or fails to personally appear at a hearing, the matter will be considered as having been accepted and the last decision rendered will be nonappealable.

(9) If the hearing of a grievance or an appeal is not held within 20 working days after the date the request is received (unless the hearing date is extended by mutual agreement or for extraordinary circumstances such as a death in the family or documented illness), the employee requesting the hearing may proceed to the next level of appeal. The city manager, park board, civil service board, trial board, and administrative law judge hearing processes are excluded from this time limitation.

(10) If a disposition of a grievance or an appeal is not issued within the specified time limit, the employee may proceed to the next step, if applicable, by filing a grievance or appeal request to the next step within 20 working days after the date of the last hearing in the grievance or appeal process. If the employee fails to timely file a grievance or appeal request to the next step, the last disposition of the grievance or appeal is nonappealable.

(11) Any time limit specified in the procedures under this section may be extended by mutual agreement.

(12) A grievance filed against a department other than the employee's own department must be brought to the director of the charged department and is initiated at Step 3 of these procedures. The charged department is responsible for keeping the employee's own department informed of progress at each step of the grievance or appeal and for supplying the employee's department with copies of the findings.

(13) An employee who has not completed probation, when required, after appointment or reappointment to city employment may not file an appeal of a disciplinary action. An employee who has not completed probation, when required, after a promotion may not appeal a demotion.

(14) An employee shall not be subject to retaliation for using the grievance or appeal procedures.

(15) An appeal concerning a job performance rating, efficiency rating, or merit rating may not proceed beyond Step 3 unless the person issuing the job performance rating is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member.

(16) An appeal of a reprimand may not proceed beyond Step 3 unless the person issuing the reprimand is a department director. In that case, the employee may appeal to an assistant city manager or, if the department reports to a board or commission, to a designated board or commission member.

(17) The right to grieve ends if the employee terminates employment with the city.

(18) An employee may not grieve a position classification.

(19) The city vehicle collision appeal process will be administered in accordance with any applicable provisions of this chapter and with specific procedures and requirements outlined in the administrative directives of the city.

(20) An employee who files a grievance and subsequently files an appeal of the disposition of that grievance shall submit a copy of the original grievance at all levels of appeal.

(21) At every grievance appeal level, the hearing officer shall only hear matters contained in the original grievance.

SECTION 10. That Subsection (i), “Final Decision,” of Section 34-38, “Grievance and Appeal Procedures,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(i) Final decision.

(1) The disposition of a grievance or an appeal by the assistant city manager, city manager, employees’ retirement fund board, secretary of the civil service board, city auditor, or city secretary is nonappealable, except when the grievance or appeal involved a:

(A) [a] claim of discrimination because of an employee’s race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, [~~age~~, ~~or~~] disability, or military or veteran status as it affects the employee’s training, promotion, advancement, or transfer, which may be appealed to the civil service board;

(B) [a] civil service rule challenge, which may be appealed to the civil service board; or

(C) [a] demotion or discharge, which may be appealed to the trial board, unless provided otherwise in the city charter.

(2) The disposition of a grievance or an appeal by the police and fire pension board is nonappealable, except when the grievance or appeal involved:

(A) a claim of discrimination because of an employee's race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, [~~age, or~~] disability, or military or veteran status as it affects the employee's training, promotion, advancement, or transfer, which may be appealed to the civil service board; or

(B) a civil service rule challenge, which may be appealed to the civil service board."

SECTION 11. That Section 34-39, "Appeals to the Civil Service Board," of Chapter 34, "Personnel Rules," of the Dallas City Code is amended to read as follows:

"SEC. 34-39. APPEALS TO THE CIVIL SERVICE BOARD.

(a) General provisions, applicability, jurisdiction, and quorum.

(1) To the extent that a rule adopted by the civil service board and approved by the city council conflicts with a provision of this chapter, this chapter prevails.

(2) In this section:

(A) BOARD means the civil service board of the city.

(B) SECRETARY means the secretary of the civil service board.

(3) This section does not apply to:

(A) a department director, an assistant department director, or other managerial personnel designated by the city council in accordance with Section 11, Chapter XVI of the city charter; [~~or~~]

(B) a non-civil service employee; or[-]

(C) applicants for employment.

(4) The civil service board has jurisdiction to hear the following matters:

(A) A grievance of a current employee that is not settled at the final grievance and appeal procedure step and that involves a claim of discrimination because of an employee's race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, [~~age, or~~] disability, or military or veteran status as it affects the employee's training, promotion, advancement, or transfer, but only if the request for a grievance hearing:

(i) is filed in writing with the civil service board secretary within 10 working days after the date of the employee's receipt of the letter of the last disposition of the grievance;

(ii) contains the following information:

(aa) a brief explanation of the incident causing the complaint, including the date of occurrence;

(bb) a brief statement showing how the incident harmed the employee;

(cc) the type of discrimination alleged;

(dd) the remedy sought;

(ee) the signature of the employee; and

(ff) a certificate showing the date of service to the secretary; and

(iii) has a copy of the original grievance attached to the request.

(B) A grievance that is not settled at the final grievance and appeal procedure step and that involves an interpretation or application of a civil service rule, but only if the request for a grievance hearing:

(i) is filed in writing with the secretary within 10 working days after the date of the employee's receipt of the letter of the last disposition of the grievance; and

(ii) contains the following information:

(aa) a brief explanation of the incident causing the complaint, including the date of occurrence;

(bb) a brief statement showing how the incident harmed the employee;

(cc) the provision of the civil service board's code of rules and regulations that is in question;

(dd) the remedy sought;

(ee) the signature of the employee; and

(ff) a certificate showing the date of service to the secretary; and

(iii) has a copy of the original grievance attached to the request.

~~[(C) A complaint filed by an applicant for employment or an employee on initial probation with the city if the complaint:~~

~~(i) alleges discrimination because of the applicant's or employee's race, color, religion, sex, sexual orientation, national origin, age, or disability as it affects hiring;~~

~~(ii) is filed in writing with the secretary within 10 working days after the occurrence of the alleged discrimination; and~~

~~(iii) contains the following information:~~

~~(aa) a brief explanation of the incident causing the complaint, including the date of occurrence;~~

~~(bb) a brief statement showing how the incident harmed the applicant or employee;~~

~~(cc) the type of discrimination alleged;~~

~~(dd) the remedy sought;~~

~~(ee) the signature of the employee; and~~

~~(ff) a certificate showing the date of service to the secretary.]~~

(5) The civil service board does not have jurisdiction to hear:

(A) a grievance of an individual whose employment with the city has terminated, even if the original grievance was filed when the individual was a city employee; and

(B) a grievance on a matter that was not included in the original grievance filed by an employee.

(6) Any four ~~[three]~~ members of the civil service board constitute a quorum for purposes of conducting any meeting or hearing under this section. All decisions or actions of the board under this section must be made by a majority of the board members present at a meeting or hearing.

(b) Prehearing deadlines.

(1) To the fullest extent possible, within ~~[Within]~~ fifteen ~~[five]~~ working days after the date of service of the request to the secretary of the civil service board, as shown on the certificate attached to the request under Subsection 34-39(a)(4)(A), 34-39(a)(4)(B), or 34-39(a)(4)(C) ~~[of this section]~~, the secretary shall do the following:

(A) Set a hearing before the civil service board within 60 to 90 calendar days after receipt of the request by the secretary; however, the secretary of the civil service board may, with the approval of the civil service board chair, schedule a hearing outside of 60 to 90 calendar days from the date of the request.

(B) Prepare a “statement of questions,” which must be styled, “Matter of (name of employee ~~[or applicant]~~)” and include the following language:

(i) If the grievance involves a claim of discrimination, the statement of questions must read “Did the employee establish, by a preponderance of the evidence, the existence of discrimination based on the employee’s (choose appropriate category - race, color, age, religion, sex, sexual orientation, gender identity and expression, genetic characteristics, national origin, ~~[or]~~ disability, or military or veteran status) as it affects the employee’s (choose appropriate category - training, promotion, advancement, or transfer)?”

(ii) If the grievance involves a claim of misinterpretation or misapplication of a board rule, the statement of questions must specify each rule alleged to have been violated.

(iii) ~~[If a complaint is filed by an applicant for employment or an employee on initial probation, the statement of questions must read, “Did the applicant (or employee) establish, by a preponderance of the evidence, the existence of discrimination based on the applicant’s (or employee’s) (choose appropriate category - race, color, age, religion, sex, sexual orientation, national origin, or disability) as it affects the applicant’s (or employee’s) hiring?”]~~

~~(iv)]~~ The statement of questions may not include any issue not included in the original grievance ~~[or complaint]~~.

(C) Transmit to each party notice of the hearing and the statement of questions.

(2) Objections.

(A) Within 10 working days after the date of service as shown on the certificate of service on the statement of questions, the parties shall file any objections to the statement of questions with the secretary.

(B) Within five working days after the date of service as shown on the certificate of service on the objections, a response may be filed.

(C) Objections may be resolved at the hearing immediately before evidence is accepted.

(3) Continuances.

(A) At least 15 working days before a hearing or two working days after a party learns of the facts requiring a continuance, whichever date is earlier, a motion for continuance of the hearing may be filed.

(B) Within five working days after the date of service as shown on the certificate of service on the motion for continuance, a response may be filed.

(C) Other than in cases in which the parties agree to abate a hearing to await the final adjudication of underlying criminal charges, [H] the parties may agree to a continuance, in which case, the hearing will be continued for up to 60 calendar days. Agreed continuances in excess of 180 days from the date of the original setting of the hearing must be approved by the civil service board chair, or his or her designee who shall be a member of the civil service board.

(D) If the parties do not agree to a continuance, the continuance may be granted by a majority of the board members present at a meeting or hearing at which the motion for continuance is considered.

(4) Exchange of information. At least 10 working days before the hearing, each party shall:

- (A) exchange witness lists;
- (B) exchange exhibits;
- (C) stipulate to undisputed facts;
- (D) stipulate to the admissibility of exhibits; and
- (E) file with the secretary a position statement that must include a:
 - (i) [a] statement of the party's position on the issues in the statement of questions;
 - (ii) [a] designation of undisputed facts;
 - (iii) [a] list of witnesses and the estimated time required for the direct examination of each witness; and
 - (iv) [a] list of exhibits.

(5) Request for subpoenas. At least 30 [20] working days before the hearing, each party may file with the secretary a request for subpoena of witnesses and documents, in accordance with the following:

(A) The request for subpoena of witnesses and documents must include:

- (i) the name and address of each witness to be subpoenaed;
- (ii) if a witness is a city employee, the name of the employee's department; and
- (iii) if documents are being subpoenaed, the specific identification of books, papers, documents, or other tangible things sought to be subpoenaed.

(B) The party requesting the subpoena shall notify the subpoenaed witness of postponements, rescheduling, and appearance times.

(C) The board has the power to compel the attendance of witnesses and the production of testimony and evidence, to administer oaths, and to punish for contempt in the same manner as provided for municipal judges.

(D) Either party may object to a subpoena request within seven working days after receiving notice of the subpoena request. Objections to subpoenas must be in writing, submitted to the secretary, and copied to the opposing party, who has three working days after receipt of the objections to respond in writing to the substantive reasons for the objection.

(E) The secretary shall forward the written objections and the response to the objections, if any, to the civil service board chair for resolution. If the civil service board chair is unavailable, the objections must be ruled upon by his or her designee, who shall be a member of the civil service board.

(F) Once the scope of the subpoena is determined by the civil service board chair, or if no objections are filed, each party shall organize and number the responsive information ("the released documents") before turning it over to the secretary. The released documents must be provided within an amount of time determined by the civil service board chair or, if no objections are filed, in an amount of time determined by the secretary. The secretary shall provide a complete copy of the released documents to both parties of the hearing, at the expense of the party who issued the subpoena for the documents.

(G) The individual picking up the released documents must sign for the produced information. The requesting party has three working days to submit, in writing, any objections to the completeness of the released documents. The producing party has three working days to respond, in writing, to the substantive reasons for the requesting party's objections. The secretary shall maintain one complete copy of the released documents, to allow the civil service

board chair to fully assess and rule on any objections to the completeness of compliance with the subpoena.

(H) The secretary shall forward the objections and any response to the objections to the civil service board chair for resolution. If the civil service board chair is unavailable, the objections will be ruled upon by his or her designee, who shall be a member of the civil service board.

(I) Decisions rendered by the civil service board chair (or his or her designee, if applicable) regarding subpoenas or responsive information are final and are not subject to further appeal.

(J) After all decisions have been rendered by the civil service board chair regarding the scope of documents to be released pursuant to a subpoena, the secretary shall provide a complete copy of the released documents to both parties of the hearing, at the expense of the party who issued the subpoena for the documents.

(6) Challenge of board members.

(A) At least 10 working days before the hearing, a motion to challenge a board member may be filed with the secretary and served upon all parties.

(B) Within five working days after the date of service as shown on the certificate of service on the motion to challenge a board member, a response may be filed.

(C) A challenge may not be made after the hearing begins, unless the challenge is based on a board member's:

- (i) ineligibility to hear the matter; or
- (ii) conduct during the hearing.

(D) If the challenged member does not voluntarily withdraw, the board, by a majority vote, not counting the vote of the challenged member, may remove the member.

(7) Service of subpoenas.

(A) At least five working days before the hearing, the secretary shall cause all subpoenas to be personally served.

(B) The secretary shall designate a person to deliver the subpoenas and that person shall sign each subpoena stating that the witness was served.

(C) The subpoena of an active city employee may be served through the director of the employee's department.

(8) Computation of time.

(A) In computing any period of time prescribed in this section, the day of the act or event from which the designated period of time begins to run is not included.

(B) The last day of the time period is included, unless it is a Saturday, Sunday, or official holiday observed by the city, in which event the period runs until 5:15 p.m. of the next day that is not a Saturday, Sunday, or official holiday observed by the city.

(C) Except as otherwise specified, time periods will be calculated based on calendar days.

(c) Hearings.

(1) Any four [~~three~~] members of the board constitute a quorum for a hearing under this section. The board chair (or, in the chair's absence, the vice chair or longest serving board member present) shall preside at any hearing and make rulings regarding evidence or procedure. Upon motion of any board member, the board, by majority vote, may overrule or modify any ruling by the chair.

(2) The employee [~~or applicant~~] has the burden of establishing, by a preponderance of the evidence, that the city discriminated against the employee [~~or applicant~~] or misapplied or misinterpreted a rule as alleged.

(3) If the board, by majority vote, determines, by a preponderance of the evidence, that the city discriminated against the employee [~~or applicant~~] or misapplied or misinterpreted a rule as alleged, the board shall direct such relief as it deems just and equitable.

(4) The appealing employee [~~or applicant~~]:

(A) may request the hearing or deliberations, which are usually open to the public, to be closed; and

(B) may not be compensated for time away from the employee's city position while attending a hearing, unless so ordered by the board.

(5) The board may exclude:

(A) redundant, irrelevant, or cumulative evidence;

(B) evidence that is not competent or properly authenticated;

(C) any exhibit not previously exchanged; and

(D) the testimony of a witness not previously identified as a witness.

(6) The secretary shall maintain a record of the hearing and shall, at the city's expense, appoint a court reporter to make a record of the hearing.

(7) The board shall [~~will~~] release city employee witnesses as soon as possible to return to city business.

(8) Placing witnesses under the rule.

(A) Upon request by either party, the witnesses on both sides shall be sworn and removed from the hearing room so they cannot hear the testimony as delivered by any other witness in the case.

(B) Witnesses shall be instructed that they are not to converse with each other or with any other person about the case, other than the attorneys in the case.

(9) After the parties have rested, the board may request a party to produce additional evidence as the board deems necessary to decide the issues before it.

(d) Disposition.

(1) Dismissal. A grievance [~~or complaint~~] or any part of a grievance [~~or complaint~~] must be dismissed for, but not limited to, any of the following reasons:

(A) The appealing employee [~~or applicant~~] fails to appear in person at the hearing, unless:

(i) good cause for the failure to appear is shown; and

(ii) the city would not be unduly prejudiced if the grievance [~~or complaint~~] is not dismissed.

(B) The appealing employee [~~or applicant~~] fails to introduce sufficient evidence to prove the alleged discrimination or misapplication or misinterpretation of a rule.

(C) The board cannot grant the relief that the appealing employee [~~or applicant~~] has requested.

(D) The board lacks jurisdiction.

(2) Board orders.

(A) The disposition of a grievance [~~or complaint~~] must be reduced to writing by the secretary and transmitted to the parties within three working days after the board has announced its ruling. This writing is the order of the board.

(B) The order is final unless a motion for rehearing is filed within 10 working days after the date on the written order.

(3) Relief. The board may grant the prevailing party relief that is just and equitable as is consistent with the city charter and other applicable law.

(4) Costs. The board may not authorize payment of attorney's fees, expenses, or costs or provide payment of damages beyond payment of salary and benefits that would have ordinarily been paid to the appealing employee.

(e) Post-hearing deadlines.

(1) Within 10 working days after the date on the written order, a motion for rehearing may be filed by either party.

(2) A motion for rehearing may be granted by the board only if the order:

(A) exceeds the board's authority;

(B) contains provisions impermissible under applicable law;

(C) is unclear; or

(D) incorrectly states the disposition of the matter.

(f) Other matters.

(1) If a court of law rules on an issue involved in the grievance [~~or complaint~~], the board's order must conform with the court's ruling or must be vacated in deference to the court's ruling, whichever is applicable.

(2) The board may order, with the consent of the parties, that any matters having common issues of fact be consolidated.

(3) No party or party representative shall communicate with any board member regarding the issues involved in the grievance [~~or complaint~~] except at the hearing.

(4) The board, by majority vote, may seek advice regarding its jurisdiction or the nature and extent of its authority from the city attorney.

(5) A party may be heard through a representative if that representative is designated:

(A) in writing filed with the secretary and served on all parties;

(B) on the record at the hearing before evidence is accepted; or

(C) through the signature of the representative on any paper filed with the secretary on behalf of the party.

(6) The secretary shall ensure that the board receives any materials filed by the parties.

(7) Any paper served by a party on the secretary must include a certificate showing service to all other parties.

(8) Service upon the city must be accomplished by serving the assistant city attorney assigned to the hearing.

(9) Nothing in this section may be construed to authorize the practice of law except as permitted by the Supreme Court of Texas.

(10) By presenting to the board (whether by signing, submitting, or later advocating) a request for a hearing, a complaint, a written or oral motion, or any other document, the party is certifying that it is acting in good faith.

(g) Nothing in this section conveys upon, implies, or intends to imply that an employee has a property interest in continued employment or a contract of employment with the city based on any right to grieve or appeal provided by this section or on the nondiscrimination policy stated in Section 34-35 of this chapter. Nothing in this section or in the nondiscrimination policy creates any right or remedy under any law or limits any existing right or remedy provided under any law.”

SECTION 12. That Subsection (c), “Prehearing Deadlines,” of Section 34-40, “Appeals to the Trial Board or Administrative Law Judge,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(c) Prehearing deadlines.

(1) To the fullest extent possible, within [Within] fifteen [five] working days after the date of service of the request to the secretary, as shown on the certificate attached to the request under Subsection (a)(4)(C) of this section, the secretary shall do the following:

(A) Set a hearing before a trial board or an administrative law judge within 60 to 90 calendar days after receipt of the request by the secretary; however, the secretary of the civil service board may, with the approval of the trial board chair or the administrative law judge, schedule a hearing outside of 60 to 90 calendar days from the date of the request.

(B) Prepare a “statement of questions,” which must be styled, “Matter of (name of employee)” and must specify the rules alleged to have been violated as stated in the letter of demotion or discharge.

(C) Designate the trial board members who will hear the appeal or, if elected by the employee, the administrative law judge.

(D) Transmit to each party notice of the hearing, the statement of questions, and the names of the trial board members or the name of the administrative law judge, whichever is applicable.

(2) Objections.

(A) Within 10 working days after the date of service as shown on the certificate of service on the statement of questions, the parties shall file any objections to the statement of questions with the secretary.

(B) Within five working days after the date of service as shown on the certificate of service on the objections, a response may be filed.

(C) Objections may be resolved at the hearing immediately before evidence is accepted.

(3) Continuances.

(A) At least 15 working days before a hearing or two working days after a party learns of the facts requiring a continuance, whichever date is earlier, a motion for continuance of the hearing may be filed.

(B) Within five working days after the date of service as shown on the certificate of service on the motion for continuance, a response may be filed.

(C) Other than in cases in which the parties agree to abate a hearing to await the final adjudication of underlying criminal charges, [If] the parties may agree to a continuance, in which case, the hearing will be continued for up to 60 calendar days. Agreed continuances in excess of 180 days from the date of the original setting of the hearing must be approved by the administrative law judge or the trial board chair, or his or her designee, who shall be a member of the trial board.

(D) If the parties do not agree to a continuance:

(i) for a hearing before a trial board, the continuance may be granted by a majority of the trial board members present at a meeting or hearing at which the motion for continuance is considered; or

(ii) for a hearing before an administrative law judge, the secretary shall request a ruling from the administrative law judge on the motion for continuance.

(4) Exchange of information. At least 10 working days before the hearing, each party shall:

- (A) exchange witness lists;
- (B) exchange exhibits;
- (C) stipulate to undisputed facts;
- (D) stipulate to the admissibility of exhibits; and
- (E) file with the secretary a position statement that must include:
 - (i) a statement of the party's position on the issues in the statement of questions;
 - (ii) a designation of undisputed facts;
 - (iii) a list of witnesses and the estimated time required for the direct examination of each witness; and
 - (iv) a list of exhibits.

(5) Request for subpoenas. At least 30 [20] working days before the hearing, each party may file with the secretary, and copy the opposing party, a request for subpoena of witnesses and documents, in accordance with the following:

- (A) The request for subpoena of witnesses and documents must include:
 - (i) the name and address of each witness to be subpoenaed;
 - (ii) if a witness is a city employee, the name of the employee's department; and
 - (iii) if documents are being subpoenaed, the specific identification of books, papers, documents, or other tangible things sought to be subpoenaed.
- (B) The party requesting the subpoena shall notify the subpoenaed witness of postponements, rescheduling, and appearance times.

(C) The trial board or the administrative law judge has the power to compel the attendance of witnesses and the production of testimony and evidence, to administer oaths, and to punish for contempt in the same manner as provided for municipal judges.

(D) Either party may object to a subpoena request within seven working days after receiving notice of the subpoena request. Objections to subpoenas must be in writing, submitted to the secretary, and copied to the opposing party, who has three working days after receipt of the objections to respond in writing to the substantive reasons for the objections to the requested subpoenas.

(E) The secretary shall forward the objections and the response to the objections, if any, to the administrative law judge or trial board chair for resolution. If the trial board chair is unavailable, the objections must be ruled upon by his or her designee, who shall be a member of the trial board.

(F) Once the scope of the subpoena is determined by the administrative law judge or trial board chair, or if no objections are filed, each party shall organize and number the responsive information (“released documents”) before turning it over to the secretary. The released ~~documents—must~~documents must be provided within the amount of time determined by the administrative law judge or trial board chair or, if no objections are filed, in an amount of time determined by the secretary. The secretary shall release a complete copy of the released documents to both parties of the hearing, at the expense of the party who issued the subpoena for the documents.

(G) The individual picking up the released documents must sign for the produced information. The requesting party has three working days to submit, in writing, any objections to the completeness of the released documents. The producing party has three working days to respond, in writing, to the substantive reasons for the requesting party’s objections. The secretary shall maintain one complete copy of the released documents, to allow the administrative law judge or trial board chair to fully assess and rule on any objections to the completeness of compliance with the subpoena.

(H) The secretary shall forward the objections and any response to the objections to the administrative law judge or trial board chair for resolution. If the trial board chair is unavailable, the objections shall be ruled upon by his or her designee, who shall be a member of the trial board.

(I) Decisions rendered by the administrative law judge or trial board chair (or his or her designee, if applicable) regarding subpoenas or responsive information are final and are not subject to further appeal.

(J) After all decisions have been rendered by the administrative law judge or trial board chair regarding the scope of documents to be released pursuant to a subpoena, the secretary shall release a complete copy of the released documents to both parties of the hearing, at the expense of the party who issued the subpoena for the documents.

(6) Challenge of a trial board member or an administrative law judge.

(A) At least 10 working days before the hearing, a motion to challenge a trial board member or an administrative law judge may be filed with the secretary and served upon all parties.

(B) Within five working days after the date of service as shown on the certificate of service on the motion to challenge a trial board member or an administrative law judge, a response may be filed.

(C) A challenge may not be made after the hearing begins, unless the challenge is based on:

(i) the ineligibility of a trial board member or an administrative law judge to hear the matter; or

(ii) the conduct of a trial board member or an administrative law judge during the hearing.

(D) If a challenged trial board member does not voluntarily withdraw, the trial board, by a unanimous vote, not counting the vote of the challenged member, may remove the member.

(E) If a challenged administrative law judge does not voluntarily withdraw, the administrative municipal judge of the municipal court of record may remove the member.

(F) If a challenge results in withdrawal of a trial board member or an administrative law judge, the hearing may be continued to a date certain.

(G) If a challenge results in withdrawal of a trial board member or an administrative law judge, the secretary shall promptly designate a replacement and inform all parties of the replacement.

(H) A challenge to a substituted trial board member or administrative law judge must be submitted as soon as possible.

(7) Service of subpoenas.

(A) At least five working days before the hearing, the secretary shall cause all subpoenas to be personally served.

(B) The secretary shall designate a person to deliver the subpoenas and that person shall sign each subpoena stating that the witness was served.

(C) The subpoena of an active city employee may be served through the director of the employee's department.

(8) Computation of time.

(A) In computing any period of time prescribed in this section, the day of the act or event from which the designated period of time begins to run is not included.

(B) The last day of the time period is included, unless it is a Saturday, Sunday, or official holiday observed by the city, in which event the period runs until 5:15 p.m. of the next day that is not a Saturday, Sunday, or official holiday observed by the city.

(C) Except as otherwise specified, time periods will be calculated based on calendar days. ”

SECTION 13. That Subsection (a), Administration,” of Section 34-43, “Wage Supplementation Plan,” of Chapter 34, “Personnel Rules,” of the Dallas City Code is amended to read as follows:

“(a) Administration. The director of risk management [~~human resources~~] is authorized and directed to develop and distribute necessary administrative directives for the fair and efficient administration of the injured employees’ wage supplementation plan. Department directors shall authorize wage supplementation for their employees in accordance with the administrative directives. Determinations and decisions made by department directors are final, conclusive, and binding on all parties.”

SECTION 14. That Chapter 34 of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 15. 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 16. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

AGENDA ITEM # 16

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Management Services
Office of Financial Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize membership in Transportation Excellence for the 21st Century (TEX-21) in the amount of \$21,250 for fiscal year 2014-15 - Financing: Current Funds

BACKGROUND

Transportation Excellence for the 21st Century (TEX-21) is a multi-state transportation policy organization. Membership is composed of cities, counties, transportation organizations, and private sector groups. The organization seeks to build relationships with key decision makers in Arkansas, Oklahoma, Texas and the Federal government. TEX-21 has both State and Congressional Caucuses.

TEX-21 seeks to affect the development of transportation policy for its members through advocacy at the State and Federal levels, working with its members and partners to advocate for member-derived legislative and congressional priorities.

Proposed Scope of Services

- Relationships with like-minded transportation advocates from across the States of Texas, Arkansas and Oklahoma
- Access to transportation decision makers at the State and Federal levels, including the 100 plus member TEX-21 Legislative Caucus and 33 member Congressional Caucus, TxDOT, the Texas Transportation Commission, Arkansas Highway Department, Oklahoma Department of Transportation, and the USDOT
- Participation with the TEX-21 Corridor Task Forces including IH-30, US 75/69, and US 287
- Up-to-date information and analysis of key transportation policy issues including Federal surface transportation reauthorization efforts, budgetary issues, and key decisions and programs from transportation agencies

BACKGROUND (Continued)

- Access to the TEX-21 newsletter (*States in Motion*), transportation policy updates, whitepapers, and policy developments throughout the year

TEX-21 also has been part of the Panama Canal Expansion discussion within the State of Texas. Through membership in TEX-21, the City of Dallas representatives will be able to participate in the Annual TEX-21 Mission to Panama and be actively involved with the TEX-21 Third Coast Initiative.

The City of Dallas' annual membership dues will be \$21,250 annually based on population as outlined in the TEX-21 Bylaws.

PRIOR ACTIONS/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Current Funds - \$21,250.00 (subject to annual appropriations)

September 24, 2014

WHEREAS, Transportation Excellence for the 21st Century (TEX-21) is a multi-state transportation policy organization, and

WHEREAS, Membership in TEX-21 is composed of cities, counties, transportation organizations, and private sector groups, and

WHEREAS, TEX-21 seeks to build relationships with key decision makers in Arkansas, Oklahoma, Texas and the Federal government, and

WHEREAS, TEX-21 seeks to affect the development of transportation policy for its members through advocacy at the State and Federal levels, working with its members and partners to advocate for member-derived legislative and congressional priorities;

Now, Therefore,

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

Section 1. That the City of Dallas join the TEX-21 organization for fiscal year 2014-15.

Section 2. That the City Controller is hereby authorized to encumber and disburse an amount not to exceed \$21,250 from Fund 0001, Dept BMS, Unit 1991, Object 3340, Encumbrance CT TEX15BMS1991, Vendor No. VC0000001919, for payment of annual dues (subject to annual appropriations).

Section 3. That TEX-21 support transportation issues that are consistent with the City's current adopted federal and state legislative programs or council adopted strategic transportation priorities.

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

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

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize a three-year agreement with the American Red Cross (Red Cross), the Dallas Chapter, to permit the temporary use of Park and Recreation facilities, as Red Cross public shelter during a declared or undeclared natural disaster or other condition or event requiring the activation of the disaster relief functions of the Red Cross - Financing: No cost consideration to the City

BACKGROUND

For years, the American Red Cross, in conjunction with the Department of Emergency Management, have utilized Park and Recreation facilities as Emergency Shelters to house displaced citizens of Dallas, Dallas County and others as needed. This agreement was drafted to formally address the responsibilities of the American Red Cross and the Park and Recreation Department. In January 2008, the Park and Recreation Board and the City Council approved the original shelter usage agreement which did not have terms but rather a convenience clause. The National Red Cross has elected to apply terms to the agreement, effective 2014. The term will be for three years where upon a re-evaluation will be conducted.

The proposed shelter agreement provides that in the event of a disaster and/or evacuation to Dallas, the City of Dallas Park and Recreation facilities may be used as shelter sites.

Proposed deal points:

1. The City will not charge the Red Cross a fee for use of the premises.
2. The Red Cross has primary responsibility for the operation of the shelter sites and will designate a Shelter Manager.
3. City will appoint a Facility Coordinator who will coordinate use of City facilities with the Red Cross Shelter Manager.

BACKGROUND (Continued)

4. The Shelter Manager and Facility Coordinator will conduct a pre-inspection survey of the shelter(s) before they are turned over to the Red Cross.
5. The City's Facility Coordinator will, on request and if feasible, appoint a Foodservice Manager and Facility Custodian. The Foodservice Manager will establish a feeding schedule and determine foodservice inventory and supply needs. The Facility Custodian will establish and direct the sanitation inventory and supply needs.
6. The Red Cross will pay or reimburse the City for all food and sanitation supplies as approved by the Shelter Manager and used in the course of operating the shelters.
7. The Red Cross will provide for safety and security inside of the shelters.
8. The Agreement is revocable upon 30 days notice by either party. Upon termination, the Red Cross will vacate the premises and repair any damages, ordinary wear and tear excepted, caused by its occupancy at its sole expense.
9. The Red Cross will indemnify the City, its officers, its agents and employees.
10. The Red Cross shall carry insurance coverage in the amounts specified by the City in addition to City being named as additional insured on the Red Cross' General Liability Coverage.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

The Park and Recreation Board authorized the agreement on August 7, 2014.

FISCAL INFORMATION

No cost consideration to the City.

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WHEREAS, the City of Dallas (City) has an agreement with the American National Red Cross (Red Cross) whereby City facilities are made available to temporarily shelter citizens as needed in response to local or national disaster events; and

WHEREAS, for years, the American Red Cross, in conjunction with the Department of Emergency Management, have utilized Park and Recreation facilities as Emergency Shelters to house displaced citizens of Dallas, Dallas County and others as needed; and

WHEREAS, the agreement provides that in the event of a disaster and/or evacuation to Dallas, the City of Dallas Park and Recreation facilities may be used as shelter sites;

Now, Therefore,

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

SECTION 1. That a three-year agreement with the American Red Cross (Red Cross), the Dallas Chapter, to permit the temporary use of Park and Recreation facilities, as specified in the agreement, as a Red Cross public shelter during a declared or undeclared natural disaster or other condition or event requiring the activation of the disaster relief functions of the Red Cross.

SECTION 2. The City will not charge the Red Cross a fee for use of the premises.

SECTION 3. The Red Cross has primary responsibility for the operation of the shelter sites and will designate a Shelter Manager.

SECTION 4. The Shelter Manager and Facility Coordinator will conduct a pre-inspection survey of the shelter(s) before they are turned over to the Red Cross.

SECTION 5. The City's Facility Coordinator will, upon request and if feasible, appoint a Food Service Manager and Facility Custodian. The Food Service Manager will establish a feeding schedule and determine food service inventory and supply needs. The Facility Custodian will establish and direct the sanitation inventory and supply needs.

SECTION 6. The Red Cross will pay or reimburse the City for all food and sanitation supplies as approved by the Shelter Manager and used in the course of operating the shelters.

SECTION 7. The Red Cross will provide for safety and security inside of the shelters.

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SECTION 8. The Agreement is revocable upon 30 days notice by either party. Upon termination, the Red Cross will vacate the premises and repair any damages, ordinary wear and tear excepted, caused by its occupancy at its sole expense.

SECTION 9. The Red Cross will indemnify the City, its officers, its agents and employees.

SECTION 10. The Red Cross shall carry insurance coverage in the amounts specified by the City in addition to City being named as additional insured on the Red Cross' General Liability Coverage.

SECTION 11. That the President of the Park and Recreation Board, and the City Manager are authorized to execute the Agreement after approval as to form by the City Attorney.

SECTION 12. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

AGENDA ITEM # 18

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

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize **(1)** the second amendment to the Cotton Bowl Stadium Agreement with the State Fair of Texas, University of Oklahoma, The University of Texas at Austin, and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown being played at the Cotton Bowl, in the amount of \$500,000 each year beginning in 2021 through 2025, in the amount of \$5,000,000; and **(2)** the City to provide the participating teams in the Southwest Airlines State Fair Classic football game being played at the Cotton Bowl in the amount of \$75,000 each year beginning in 2021 through 2025, for a total of \$750,000 - Total not to exceed \$5,750,000 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

On May 23, 2007, by Resolution No. 07-1539, Council authorized **(1)** the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$125,000 each in 2007, \$425,000 each beginning in 2008 through 2011, and \$500,000 each beginning in 2012 through 2015, for an amount not to exceed \$7,650,000, and **(2)** the City to provide Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$25,000 each in 2007 and \$75,000 each beginning in 2008 through 2015, for an amount not to exceed \$1,250,000 in an amount not to exceed \$8,900,000.

BACKGROUND (Continued)

On May 16, 2012, by Resolution No. 12-1358, Council authorized **(1)** the first amendment and the City's participation as a third party beneficiary to the State Fair/Texas-Oklahoma Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown being played at the Cotton Bowl, in an amount of \$500,000 each beginning in 2016-2020 for an amount not to exceed \$5,000,000; and **(2)** the City to provide Grambling State University and Prairie View A&M University a game fee subject to the Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$75,000 each, in an amount not to exceed \$750,000 and a total amount not to exceed \$5,750,000.

The annual AT&T Red River Showdown and the Southwest Airlines State Fair Classic are played at the Cotton Bowl during the annual State Fair of Texas. The purpose of providing funding for these games is to promote within the City of Dallas, and particularly within the South Dallas/Fair Park area **(1)** development and diversification of the economy, **(2)** elimination of unemployment and underemployment, and **(3)** development and expansion of commerce. The annual Texas-OU football game has been played in the Cotton Bowl since the stadium opened in 1930, making the 2014 game the 85th consecutive game played in the historic Cotton Bowl Stadium. The game has sold out every year since 1940. The economic impact for the 2007 game under a study conducted by Dr. Pat Rishe, Director of Sports Impacts, was estimated to be \$33.6 million after the 2008 expansion to the City of Dallas. The 2014 game will be broadcast nationally on television.

Under a proposed new State Fair/Texas-Oklahoma Cotton Bowl Stadium Agreement (the "Agreement") the University of Texas ("Texas") and University of Oklahoma ("OU") will contract with the State Fair of Texas to play the annual AT&T Red River Showdown (the "Game") at the Cotton Bowl each October beginning in 2021 and ending in 2025. The City, as a third party beneficiary to the Agreement, would continue to provide to each University a game fee, subject to the annual AT&T Red River Showdown game being played at the Cotton Bowl, in the amount of \$500,000 each beginning in 2021 through 2025. The monies would be payable on or before November 15 of each year of the Agreement.

In addition, the City would provide the participating teams in the annual Southwest Airlines State Fair Classic a game fee, subject to the game being played at the Cotton Bowl, in the amount of \$75,000 each beginning in 2021 through 2025. The monies would be payable on or before November 15 of each year of the Agreement. The annual Southwest Airlines State Fair Classic football game, currently featuring Grambling State-Prairie View A&M, has been played during the State Fair of Texas at the Cotton Bowl since 1989. The actual economic impact for the 2007 game conducted by Dr. Pat Rishe, Director of Sports Impacts, was estimated to be \$6 million to the City of Dallas. According to the State Fair of Texas, the event brought over 45,000 fans to the game in 2013.

BACKGROUND (Continued)

This action will authorize the second amendment to the Cotton Bowl Stadium Agreement with State Fair of Texas, University of Oklahoma, The University of Texas at Austin and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown football game being played at the Cotton Bowl, in the amount of \$500,000 each in 2021 through 2025, in the amount of \$5,000,000; and the City to provide participating teams in the annual Southwest Airlines State Fair Classic a game fee, subject to the football game being played at the Cotton Bowl, in the amount of \$75,000 each in 2021 through 2025, in the amount of \$750,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the City to provide game fees to the University of Texas, University of Oklahoma, Grambling State University and Prairie View A&M University on an annual basis for five years, subject to annual appropriations, beginning 2004 and ending 2008 on September 1, 2004 by Resolution No. 04-2501.

City Council authorized the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement on May 23, 2007, by Resolution No. 07-1539.

City Council authorized the first amendment to the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement on May 16, 2012, by Resolution No. 12-1358.

The Park and Recreation Board authorized the second amendment on August 7, 2014.

FISCAL INFORMATION

\$5,750,000 – Current Funds (subject to annual appropriations)

September 24, 2014

WHEREAS, under the authority of Chapter 380 of the Texas Local Government Code, the City of Dallas has heretofore made grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas, and more particularly within the South Dallas/Fair Park area; and

WHEREAS, to promote within the City of Dallas, and particularly within the South Dallas/Fair Park area, **(1)** development and diversification of the economy, **(2)** elimination of unemployment and underemployment, and **(3)** development and expansion of commerce, the City desires to provide an economic incentive to participating teams in the AT&T Red River Showdown and the Southwest Airlines State Fair Classic games played annually at the Cotton Bowl Stadium at Fair Park; and

WHEREAS, holding the games at the Cotton Bowl Stadium, along with advertising, broadcasting, news media, and promotion activities related to the AT&T Red River Showdown and the Southwest Airlines State Fair Classic football games, will attract tourists to the City and Fair Park, increase business opportunities throughout the City, and portray the City in a positive fashion; and

WHEREAS, on September 1, 2004, by Resolution No. 04-2501, City Council authorized the City to provide game fees to the University of Texas, University of Oklahoma, Grambling State University and Prairie View A&M University on an annual basis for five years, subject to annual appropriations, beginning 2004 and ending 2008; and

WHEREAS, on May 23, 2007, Resolution No. 07-1539, City Council authorized **(1)** the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$125,000 each in 2007, \$425,000 each beginning in 2008 through 2011, and \$500,000 each beginning in 2012 through 2015, for an amount not to exceed \$7,650,000; and **(2)** the City to provide Grambling State University and Prairie View A&M University a game fee, subject to the Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$25,000 each in 2007 and \$75,000 each beginning in 2008 through 2015, for an amount not to exceed \$1,250,000, in an amount not to exceed \$8,900,000; and

September 24, 2014

WHEREAS, on May 16, 2012, Resolution No. 12-1358, City Council authorized the first amendment to the Cotton Bowl Stadium Agreement with State Fair of Texas, University of Oklahoma, The University of Texas at Austin and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$500,000 each beginning in 2016 through 2020, in the amount of \$5,000,000; and the City to provide Grambling State University and Prairie View A&M University a game fee, subject to the Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$75,000 each beginning in 2016 through 2020, in the amount of \$750,000 and a total amount not to exceed \$5,750,000; and

WHEREAS, this action will authorize the second amendment to the Cotton Bowl Stadium Agreement with the State Fair of Texas, the University of Oklahoma, the University of Texas at Austin and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$500,000 each year beginning in 2021 through 2025, in the amount of \$5,000,000; and the City to provide the participating teams in the Southwest Airlines State Fair Classic a game fee, subject to the Southwest Airlines State Fair Classic football games being played at the Cotton Bowl, in the amount of \$75,000 each year beginning in 2021 through 2025, in the amount of \$750,000 and a total amount not to exceed \$5,750,000.

Now, Therefore,

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

SECTION 1. That **(1)** the City's participation as a third party beneficiary to the State Fair/Texas-Oklahoma Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown football game being played at the Cotton Bowl, in the amount of \$500,000 each beginning in 2021 through 2025 for an amount not to exceed \$5,000,000; and **(2)** the City to provide participating teams in the Southwest Airlines State Fair Classic a game fee, subject to the football game being played at the Cotton Bowl, in the amount of \$75,000 each, in an amount not to exceed \$750,000 and a total amount not to exceed \$5,750,000, is hereby approved.

September 24, 2014

SECTION 2. That the City Controller be and is hereby authorized to disburse funds on or before November 15 of each year beginning in 2021 through 2025 to **(a)** the participating teams in the AT&T Red River Showdown that include University of Texas (255103) and the University of Oklahoma (331500), \$500,000 each beginning in 2016 through 2020; and **(b)** participating schools in the Southwest Airlines State Fair Classic, currently Prairie View A&M University (335415) and Grambling State University (355432), \$75,000 each beginning in 2016 through 2020 from General Fund 0001, Department PKR, Unit 5208, Object Code 3099, Encumbrance CT PKRPD07A003, CT PKRPD07A004, CT PKRPD07A001 and CT PKRPD07A002, total amount not to exceed \$5,750,000, subject to annual appropriations.

SECTION 3. That the City Manager, following approval as to form by the City Attorney, is authorized to execute agreements reflecting the game fee commitments set forth in the resolution, if such agreements are necessary.

SECTION 4. That the commitments for funding set forth in this resolution shall be terminated by the City Manager, without liability in the event of non-appropriation of such subsequent funding by the City Council; provided, however, the City Manager is hereby authorized to include such funding in the proposed budget submissions to the City Council, for the next eleven years.

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 # 19

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Police

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize **(1)** the Dallas Police Department to receive funds in the amount of \$600,000 from various federal and state law enforcement agencies to be used for overtime for investigative services for FY 2014-15 (list attached); **(2)** a City contribution of pension and Federal Insurance Contributions Act costs in the amount of \$173,700; and **(3)** execution of the grant agreements - Total not to exceed \$773,700 - Financing: Current Funds (\$173,700) and various Federal and State Law Enforcement Agencies (\$600,000)

BACKGROUND

The Dallas Police Department is routinely asked to participate in various federal and state law enforcement investigation task forces and receives reimbursement for expenses associated with those task forces from the sponsoring federal or state agency involved. The reimbursed expenses are generally for the Dallas Police Department officers' overtime associated with the investigations. Occasionally, the task force agreement specifies reimbursement for other miscellaneous expenses.

The Dallas Police Department participates in approximately 15-20 task forces per year for varying lengths of time. Each task force investigation is usually confidential, and the officers assigned to the investigation are generally undercover officers. Each task force agreement specifies the nature, time period, and maximum amount of reimbursement the City may receive and must be signed by an authorized official of the City. The purpose of this agenda item is to create a better tracking-monitoring system on all task force activities.

In fiscal year 1999-00, the Dallas Police Department initiated a procedure to obtain approval for all task force participation through one City Council resolution in lieu of processing an Administrative Action for each task force each fiscal year. This procedure ensures that the agreements are processed in a routine, but confidential manner.

BACKGROUND (Continued)

Funding allocations represent projections only and are subject to modification based upon the progress and needs of the investigation. Additionally, resources are contingent upon the availability of federal and state funds as well as the availability of Dallas Police Department officers to work on a task force as planned. Approval of this item will insure that all task force revenues are authorized to be deposited, and subsequently, the general fund will be reimbursed consistent with the original overtime expenditures.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on December 8, 1999, by Resolution No. 99-3895.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 25, 2000, by Resolution No. 00-3246.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 10, 2001, by Resolution No. 01-3057.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 9, 2002, by Resolution No. 02-2960.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on December 8, 2003, by Resolution No. 03-3361.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on September 22, 2004, by Resolution No. 04-2809.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on November 9, 2005, by Resolution No. 05-3270.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on November 8, 2006, by Resolution No. 06-3103.

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

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on January 23, 2008, by Resolution No. 08-0316.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on January 28, 2009, by Resolution No. 09-0299.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 28, 2009, by Resolution No. 09-02639.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on September 22, 2010, by Resolution No. 10-2388.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 10, 2011, by Resolution No. 11-2734.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 24, 2012, by Resolution No. 12-2664.

Authorized the expenditure of funds, acceptance of reimbursement and execution of agreements with federal and state law enforcement agencies on October 23, 2013, by Resolution No. 13-1842.

Briefed to the Public Safety Committee on September 22, 2014.

FISCAL INFORMATION

\$173,700 - Current Funds

\$ 600,000 - Various Federal and State Law Enforcement Agencies

FY14-15 Active Task Forces

	Active Task Force	Agency	Task Force Efforts
1	ATF Violent Crime Initiative (Texoma HIDA)	Drug Enforcement Agency (DEA)	Drug trafficking & Money laundering
2	Dallas Field Diversion - Asset Removal Group	Drug Enforcement Agency (DEA)	Drug Trafficking
3	Dallas Field Diversion - HIDTA -1	Drug Enforcement Agency (DEA)	Drug Trafficking
4	Dallas Field Diversion - Task Force 1	Drug Enforcement Agency (DEA)	Drug Trafficking
5	Dallas Field Diversion - Task Force 2	Drug Enforcement Agency (DEA)	Drug Trafficking
6	Dallas Field Diversion - Financial Strike Force	Drug Enforcement Agency (DEA)	Drug Trafficking
7	Dallas Field Diversion - Tactical Diversion Squad(TDS)	Drug Enforcement Agency (DEA)	Diversion schemes of controlled pharmaceuticals and or chemicals (Prescription forgery; Retail level violators)
8	North Texas Financial Crimes Task Force	Internal Revenue Service (IRS)	Money laundering
9	Violent Crimes, Major Offenders, and Gangs Safe Streets Task Force (SSTF)	Federal Bureau of Investigations (FBI)	Drug trafficking; money laundering; alien smuggling; crimes of violence (murder, aggravated assault, robbery, and violent street gangs)
10	Southwest Border Task Force (SBTF)	Federal Bureau of Investigations (FBI)	Border investigation and enforcement
11	North Texas Joint Terrorism Task Force (NTJTTF)	Federal Bureau of Investigations (FBI)	Protect against threats to our national security, including international terrorism
12	Cyber Crimes Task Force (CCTF)	Federal Bureau of Investigations (FBI)	Investigate and apprehend high technology criminals
13	North Texas Regional Computer Forensic Lab (NTRCFL)	Federal Bureau of Investigations (FBI)	Computer financial crimes forensics
14	District Fugitive Task Force (DFTF)	United States Marshals Office	Investigate and apprehend local, state, and federal fugitives
15	US Immigration and Customs Enforcement	Immigration and Customs Enforcement (ICE)	Border investigation and enforcement
16	Texas Military Task Force	State of Texas	Illegal drugs or narcotics with actual or suspected criminal activity

September 24, 2014

WHEREAS, the City of Dallas is routinely requested to participate in various federal and state law enforcement investigation task forces; and

WHEREAS, the City of Dallas receives reimbursement expenses associated with the investigation task forces from the sponsoring federal or state Department involved.

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 agreements for FY 2014-15 with various federal and state law enforcement agencies (list attached) to participate in investigations, as requested.

Section 2. That the City Controller is hereby authorized to receive and deposit reimbursements, not to exceed \$600,000, into Fund 0T69, Department DPD, Units 1549-1570, Revenue Source 6526 from federal and state law enforcement agencies as reimbursement for expenditures associated with the overtime expended in the investigations.

Section 3. That the City Controller is hereby authorized to disburse funds from the General Fund 0001, Department DPD, various Units, Object 1202 not to exceed \$600,000.

Section 4. That the City Controller is hereby authorized to contribute pension and FICA costs, in an amount not to exceed \$173,700, after the expenditure of overtime in the General Fund 0001, Department DPD, various Units, Object 1302/1306.

Section 5. That the City Controller is hereby authorized to reimburse the General Fund 0001, Department DPD, various Units, Object 5110 from Fund 0T69, Department DPD, Units 1549-1570, Object 3090 in an amount not to exceed \$600,000.

Section 6. That the City Manager is hereby authorized to reimburse to the granting agency any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

Section 7. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

Section 8. 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.

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Public Works Department
Code Compliance

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

MAPSCO: 43T

SUBJECT

Authorize a professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for site drainage improvements at the Animal Shelter located at 1818 North Westmoreland Road - Not to exceed \$75,518 - Financing: Current Funds

BACKGROUND

This action will authorize a contract with SGDesign, Inc. to provide architectural and engineering services for the design of the site drainage improvements at the Animal Shelter to include upgrades to the drainage systems for the North and East Play Areas in an amount not to exceed \$75,518. Services will include schematic design, design development, preparation of construction documents, bid evaluation, and construction administration.

The upgrades to the drainage systems for the North and East Play Areas will include a new slab, drainage layer, turf, sidewalk and trench drain. Upgrades to the piped drainage from the East Play Area will be installed and there will be long-term stabilization of the slope north of the North Play Area with retaining wall, as well as the slope east of the detention pond. The existing detention pond will also be dredged. A feasibility study will also be prepared regarding adding new parking and building square footage.

SGDesign was selected following a qualifications-based selection process in accordance with the City of Dallas procurement guidelines.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	October 2014
Complete Design	April 2015
Begin Construction	August 2015
Complete Construction	November 2015

FISCAL INFORMATION

Current Funds - \$75,518

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

SGDesign, Inc.

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

PROPOSAL INFORMATION

On October 12, 2011, the City of Dallas advertised the Request for Qualifications for Architectural/Engineering services for the subject project. In response to this advertisement, the Facilities Architecture and Engineering Division of Public Works received submittals from four (4) interested firms on October 27, 2011.

On January 13, 2012, the following four (4) firms were short-listed based on their qualifications and experience, and were sent a Request for Proposal for Architectural/Engineering services.

Terracon Consultants, Inc.
SGDesign, Inc.
Charles Gojer & Associates, Inc.
Caldwell Engineering, Inc.

In response to this request the Facilities Architecture & Engineering Division of Public Works received submittals from the following four interested firms on February 3, 2012:

Terracon Consultants, Inc.
SGDesign, Inc.
Charles Gojer & Associates, Inc.
Caldwell Engineering, Inc.

PROPOSAL INFORMATION (Continued)

On February 7, 2012, the selection committee interviewed these four firms. Based on the results of the evaluation forms, SGDesign, Inc. received the highest ranking. The selection committee recommends proceeding with fee negotiations in the following order of priority:

- SGDesign, Inc.
- Terracon Consultants, Inc.
- Charles Gojer & Associates, Inc.
- Caldwell Engineering, Inc.

OWNER

SGDesign, Inc.

Thomas W. Chapman, AIA, Principal Architect
Deborah Bridge, Principal Interior Designer
John Schlueter, Principal Project Manager

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for site drainage improvements at the Animal Shelter located at 1818 North Westmoreland Road - Not to exceed \$75,518 - Financing: Current Funds

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

PROJECT CATEGORY: Professional Services

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$75,518.00	100.00%
Total non-local contracts	\$0.00	0.00%
TOTAL CONTRACT	\$75,518.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

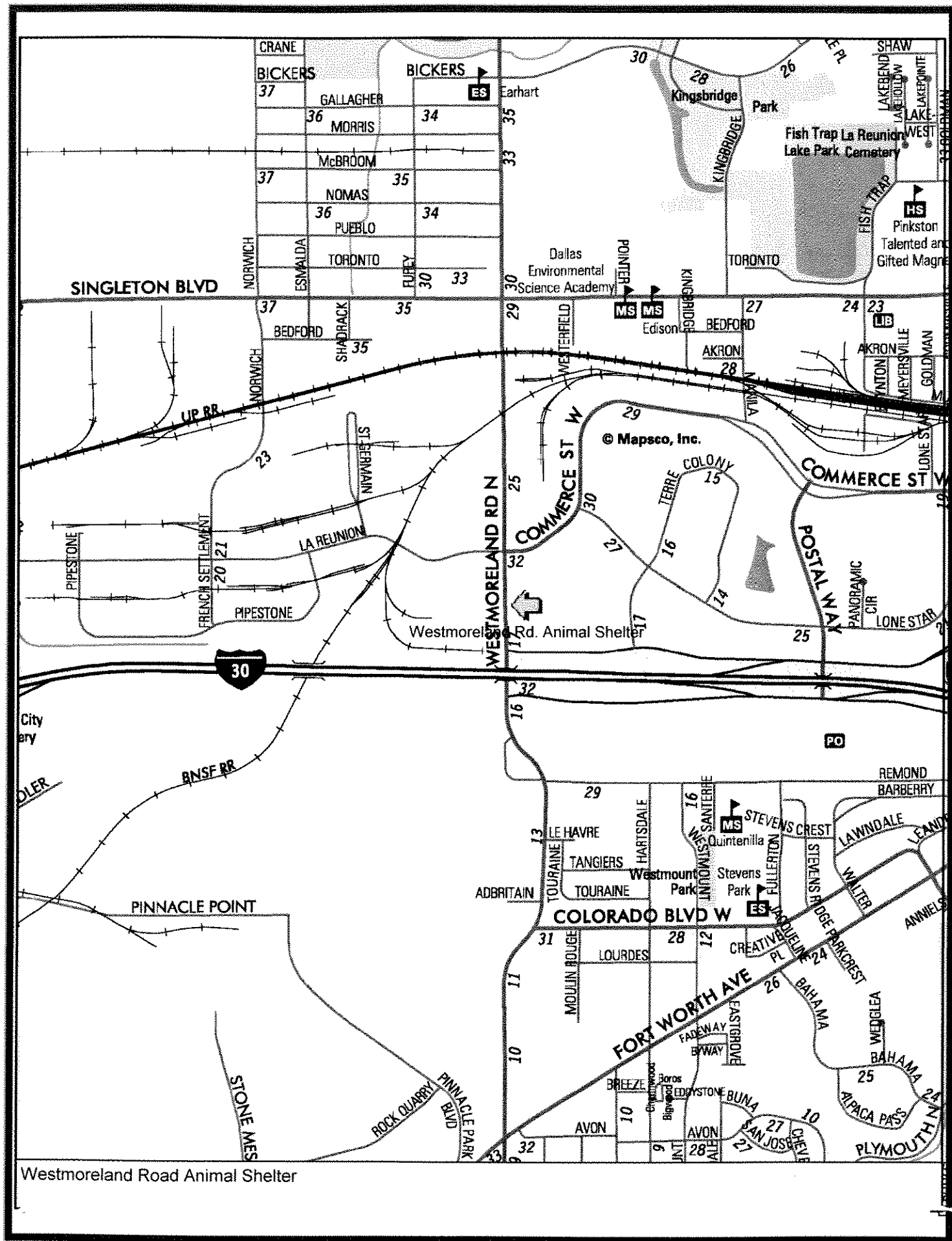
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
2M Associates, LLC	IMDB62598Y0715	\$43,249.00	57.27%
Total Minority - Local		\$43,249.00	57.27%

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

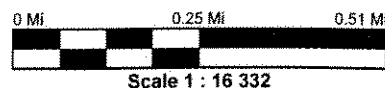
	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$43,249.00	57.27%	\$43,249.00	57.27%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$0.00	0.00%
Total	\$43,249.00	57.27%	\$43,249.00	57.27%



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Mapsc 43T

MAPSCO



September 24, 2014

WHEREAS, in response to a Request For Proposals, the Facilities Architecture & Engineering Division of Public Works Department received submittals from the following four interested firms on February 3, 2012:

Terracon Consultants, Inc.
SGDesign, Inc.
Charles Gojer & Associates, Inc.
Caldwell Engineering, Inc.

and,

WHEREAS, on February 7, 2012, the selection committee interviewed these four firms, and based on the results of the evaluation forms, SGDesign, Inc. received the highest ranking, as shown:

SGDesign, Inc.
Terracon Consultants, Inc.
Charles Gojer & Associates, Inc.
Caldwell Engineering, Inc.

and,

WHEREAS, SGDesign, Inc. was selected as the highest ranking proposer of four; and,

WHEREAS, it is desirable to authorize a professional services contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for site drainage improvements at the Animal Shelter located at 1818 N. Westmoreland Road in an amount not to exceed \$75,518.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with SGDesign, Inc. for the architectural and engineering design services and construction administration for site drainage improvements at the Animal Shelter located at 1818 N. Westmoreland Road in an amount not to exceed \$75,518, 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:

Current Fund
Fund 0001, Dept. CCS, Unit 3476, Act. CC03
Obj. 4111, Program #PBCUR016, CT 14CCS3476K104
Vendor #VS0000028887, not to exceed \$75,518

September 24, 2014

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

AGENDA ITEM # 21

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 1

DEPARTMENT: Public Works Department
Office of Economic Development
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837
Mark McDaniel, 670-1858

MAPSCO: 54A

SUBJECT

Authorize a contract with Forward Concept, LLC, lowest responsible bidder of three, for the construction of street paving, storm drainage, site furnishings, landscape, water and wastewater adjustment improvements for the Rosemont Plaza and Rosemont Safe Route to School projects - Not to exceed \$413,535 - Financing: Davis Garden TIF District Funds (\$391,529) and Water Utilities Capital Construction Funds (\$22,006)

BACKGROUND

A professional services contract with Salcedo Group, Inc. was authorized on November 28, 2012, by Administrative Action No. 12-2941 for engineering services for the Rosemont Plaza and Rosemont Safe Route to School projects. This action will authorize a contract with Forward Concept, LLC for the construction of street paving, storm drainage, furnishing, landscape, streetscape, striping, electrical, water and wastewater adjustment improvements for the Rosemont Plaza and Rosemont Safe Route to School projects.

The improvements will consist of creating a pedestrian plaza at Seventh Street and Rosemont Avenue, and will provide a safe route to school for pedestrians and cyclists in the area surrounding Rosemont Elementary School.

Forward Concept, LLC has had no completed contractual activities with the City of Dallas for the past three years.

ESTIMATED SCHEDULE OF PROJECT

Began Design	February 2013
Completed Design	June 2014
Begin Construction	November 2014
Complete Construction	April 2015

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized Supplemental Agreement No. 1 to the professional services contract with Salcedo Group, Inc. for additional engineering services to provide additional safe route improvements on May 22, 2013, by Resolution No. 13-0837.

Authorized Supplemental Agreement No. 2 to the professional services contract with Salcedo Group, Inc. for additional engineering services on February 26, 2014, by Resolution No. 14-0403.

FISCAL INFORMATION

Davis Garden TIF District Funds - \$391,529
Water Utilities Capital Construction Funds - \$22,006

Design (Administrative Action)	\$ 49,479.00
Supplemental Agreement No. 1	\$ 4,000.00
Supplemental Agreement No. 2	\$ 15,000.00

Construction (this action)	
Streetscape Improvements - ECO	\$391,529.00
Water & Wastewater - DWU	<u>\$ 22,006.00</u>

Total Project Cost	\$482,014.00
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M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Forward Concept, LLC

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

BID INFORMATION

The following bids with quotes were received and opened on July 10, 2014:

*Denotes successful bidder(s)

<u>BIDDERS</u>		<u>BID AMOUNT</u>
*Forward Concept, LLC		\$413,535.00
434 W. Greenbriar Ln.		
Dallas, Texas 75208		
Henneberger Construction		\$430,777.55
Texas Standard Construction, Ltd.		\$607,072.00
Engineer's Estimate:	PBW	\$465,508.00
	DWU	<u>\$ 14,266.00</u>
Total		\$479,774.00

OWNER

Forward Concept, LLC

Audrey Pinkerton, President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a contract with Forward Concept, LLC, lowest responsible bidder of three, for the construction of street paving, storm drainage, site furnishings, landscape, water and wastewater adjustment improvements for the Rosemont Plaza and Rosemont Safe Route to School projects - Not to exceed \$413,535 - Financing: Davis Garden TIF District Funds (\$391,529) and Water Utilities Capital Construction Funds (\$22,006)

Forward Concept, 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

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$268,599.65	64.95%
Total non-local contracts	\$144,935.35	35.05%
TOTAL CONTRACT	\$413,535.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Chubbs Construction	HFDB61936Y0515	\$32,850.00	12.23%
Core Cut Concrete Coring & Cutting	HMMB59895N0115	\$28,387.50	10.57%
Total Minority - Local		\$61,237.50	22.80%

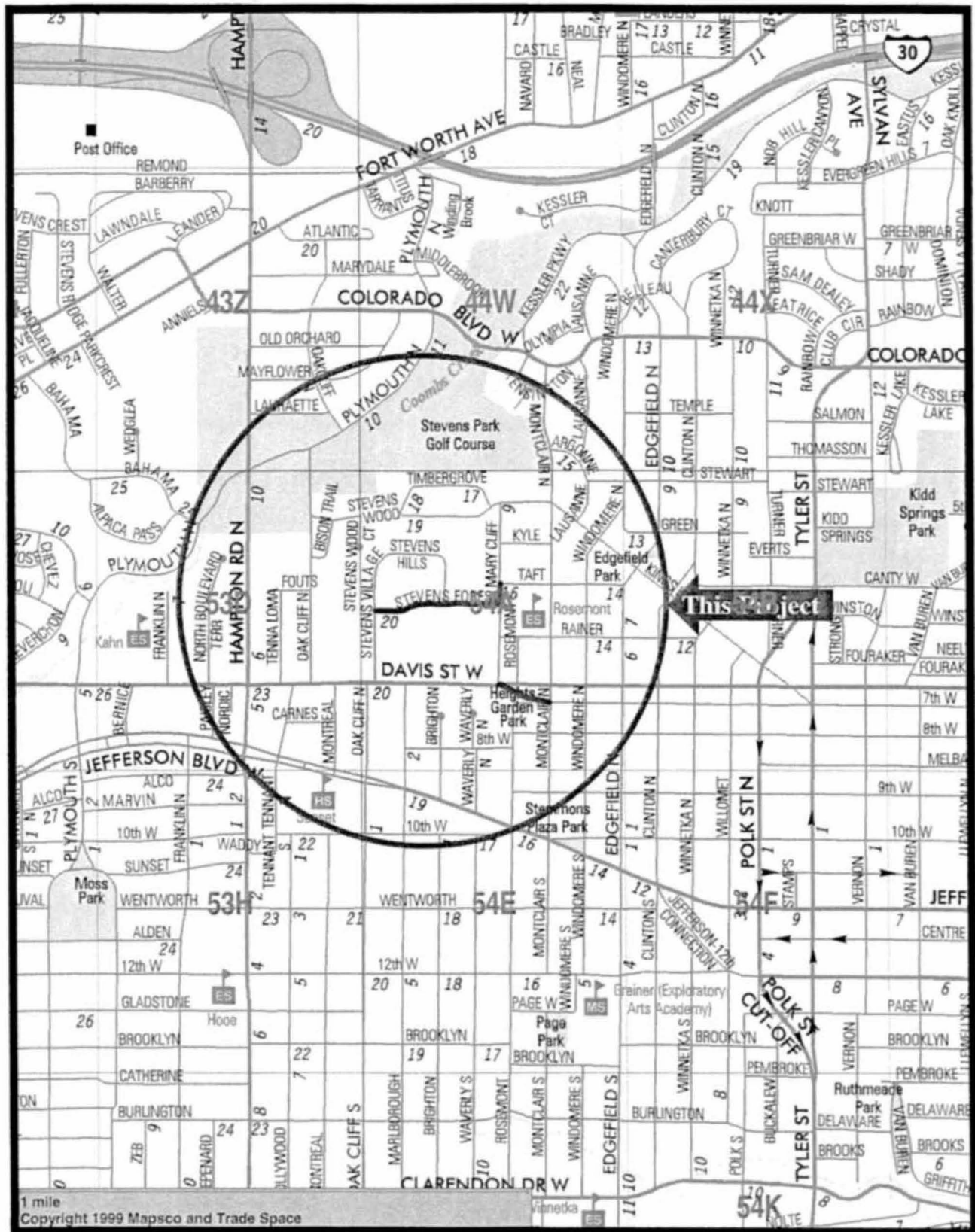
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Underground Coalition, Inc.	WFCB56680Y1214	\$46,272.60	31.93%
Total Minority - Non-local		\$46,272.60	31.93%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$61,237.50	22.80%	\$61,237.50	14.81%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$46,272.60	11.19%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$61,237.50	22.80%	\$107,510.10	26.00%

**STREETSCAPE IMPROVEMENTS
ROSEMONT PLAZA AT SEVENTH STREET AND ROSEMONT AVENUE
ROSEMONT SAFE ROUTE TO SCHOOL**



Mapsco 54A

September 24, 2014

WHEREAS, on November 28, 2012, Administrative Action No. 12-2941 authorized a professional services contract for the engineering design of the Rosemont Plaza and Rosemont Safe Route to School project; and,

WHEREAS, on May 22, 2013, Resolution No. 13-0837 authorized Supplemental Agreement No. 1 to the contract with Salcedo Group, Inc. for additional engineering services to provide additional safe route improvements for the Rosemont Safe Route to School project in an amount not to exceed \$4,000, from \$49,479 to \$53,479; and,

WHEREAS, on February 26, 2014, Resolution No. 14-0403 authorized Supplemental Agreement No. 2 to the contract with Salcedo Group, Inc. for additional engineering services to extend the Rosemont Plaza project limits and prepare field notes for four parcels to be acquired for the Rosemont Safe Route to School project in an amount not to exceed \$15,000, from \$53,479 to \$68,479; and,

WHEREAS, bids were received on July 10, 2014, for the construction of street paving, storm drainage, furnishing, landscape, water and wastewater adjustment improvements for the Rosemont Plaza and Rosemont Safe Route to School projects, as follows:

<u>BIDDERS</u>	<u>BID AMOUNT</u>
Forward Concept, LLC	\$413,535.00
Henneberger Construction	\$430,777.55
Texas Standard Construction, Ltd.	\$607,072.00

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with Forward Concept, LLC for the construction of street paving, storm drainage, furnishing, landscape, water and wastewater adjustment improvements for the Rosemont Plaza and Rosemont Safe Route to School projects in an amount not to exceed \$413,535, this being the lowest responsive bid received as indicated by the tabulation of bids, after it has been approved as to form by the City Attorney.

September 24, 2014

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

Davis Garden TIF District
Fund 0060, Department ECO, Unit P754, Act. DGTI
Obj. 4510, Program #PBTIF025, CT ECOP754K288
Vendor #VS0000081841, in an amount not to exceed \$324,907.05

Davis Garden TIF District
Fund 0060, Department ECO, Unit P754, Act. DGTI
Obj. 4510, Program #PBTIF026, CT ECOP754K288
Vendor #VS0000081841, in an amount not to exceed \$ 66,621.95

Water Construction Fund
Fund 0102, Department DWU, Unit CW42
Obj. 3221, Program #714217X, CT PBW714217EN
Vendor #VS0000081841, in an amount not to exceed \$ 17,206.00

Wastewater Construction Fund
Fund 0103, Department DWU, Unit CS42
Obj. 3222, Program #714218X, CT PBW714218EN
Vendor #VS0000081841, in an amount not to exceed \$ 4,800.00

Total in an amount not to exceed \$413,535.00

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 # 22

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Public Works Department
Aviation

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837

MAPSCO: 33D H; 34A E F J K

SUBJECT

Authorize an engineering services contract with Atkins North America, Inc. for Engineering Design Services for the Runway Signage and Marking Holding Position Relocation Project at Dallas Love Field - Not to exceed \$274,722 - Financing: Aviation Capital Construction Funds

BACKGROUND

This action will authorize an engineering services contract with Atkins North America, Inc. to provide engineering design services to relocate the existing Runway Signage and Marking Hold Positions to conform to current Federal Aviation Standards for the Runway Holding Position Relocation Project at Dallas Love Field, in an amount not to exceed \$274,722.

In 1981 the Federal Aviation Administration (FAA) granted Dallas Love Field a waiver to allow the runway holding position signs and pavement markings to remain in their existing conditions due to the use of mid-field take offs allowed at that time. In September 2012 the waiver was revoked by the FAA and the Department of Aviation was advised to relocate the hold position signage and markings as mid-field take offs are no longer permitted at Dallas Love Field. Currently the signs and marking are approximately 200-ft from the runway centerline. Atkins North America, Inc. will evaluate the correct location for the new sign and marking placement in order to comply with current standards, which are approximately 250-ft from the runway centerline.

BACKGROUND (Continued)

This project consists of relocation of existing holding position signs that are in good condition on new sign bases; replacement of holding position signs not found to be in good condition; grading and drainage modifications as necessary to accommodate new sign bases; installation of new light base cans and conduit, including devices such as new L-830 isolation transformers, new L-824 airfield lighting cable, ground rods, and counterpoise; application of new water-based reflective pavement markings with black outlines; demolition of existing sign bases, conduit, cable, and removal of existing pavement markings; and restoration of disturbed areas.

ESTIMATED SCHEDULE OF PROJECT

Begin Design	October 2014
Complete Design	March 2015
Begin Construction	September 2015
Complete Construction	March 2016

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

Aviation Capital Construction Funds - \$274,722

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Atkins North America, Inc.

Hispanic Female	116	Hispanic Male	201
African-American Female	67	African-American Male	74
Other Female	74	Other Male	124
White Female	648	White Male	1300

PROPOSAL INFORMATION

The Request for Qualifications for Civil Engineering Services for the Runway Holding Position Relocation Project was advertised on April 10, 2014. Four firms submitted Statements of Qualifications on April 30, 2014. All firms were shortlisted and interviews were held on June 5, 2014. The proposers were ranked as follows:

* Denotes successful proposer(s)

<u>Proposer</u>	<u>Rank</u>
*Atkins North America Inc. 18383 Preston Road, Suite 500 Dallas, TX 75252	1
Jacobs Engineering Group, Inc.	2
IEA, Inc.	3
MEP Consulting Engineers	4

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

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

OWNER(S)

Atkins North America, Inc.

Joe Boyer, Chief Executive Officer
Ernie Edgar, Sr. Vice President

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an engineering services contract with Atkins North America, Inc. for Engineering Design Services for the Runway Signage and Marking Holding Position Relocation Project at Dallas Love Field - Not to exceed \$274,722 - Financing: Aviation Capital Construction Funds

Atkins North America, 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	\$257,562.00	93.75%
Total non-local contracts	\$17,160.00	6.25%
TOTAL CONTRACT	\$274,722.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

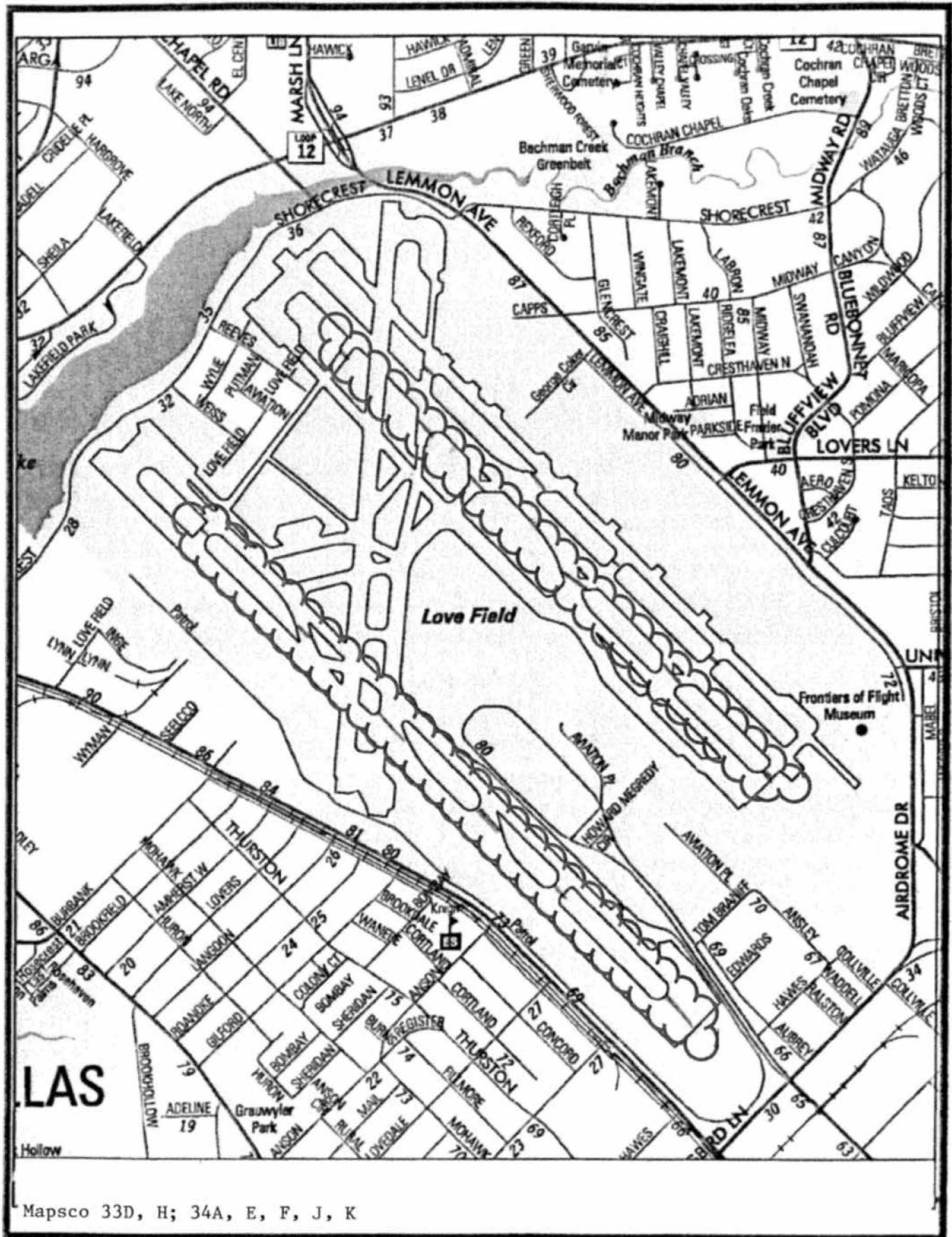
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
ARS Engineers	IMDB62097Y0615	\$18,962.00	7.36%
Dallas Aerial Surveys Inc.	WFDB0674N0715	\$22,100.00	8.58%
Total Minority - Local		\$41,062.00	15.94%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Williams CM Group	WFDB62387Y0615	\$17,160.00	100.00%
Total Minority - Non-local		\$17,160.00	100.00%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$18,962.00	7.36%	\$18,962.00	6.90%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$22,100.00	8.58%	\$39,260.00	14.29%
Total	\$41,062.00	15.94%	\$58,222.00	21.19%

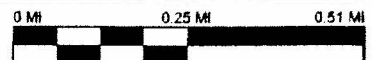


Mapsco 33D, H; 34A, E, F, J, K

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MAPSCO

Dallas Love Field Airport



Scale 1 : 16 332

September 24, 2014

WHEREAS, in 1981 the Federal Aviation Administration (FAA) granted Dallas Love Field a waiver to allow the runway holding position signs and pavement markings to remain in their existing conditions due to the use of mid-field take offs allowed at that time; and,

WHEREAS, the current runway hold position markings and signage do not meet current Federal Aviation Administration standards for Runway Safety Areas at Dallas Love Field; and,

WHEREAS, in September 2012, the Federal Aviation Administration rescinded a waiver for Dallas Love Field allowing the runway hold position signage marking and signage to remain in their existing locations; and,

WHEREAS, it is necessary to relocate the runway signage and marking hold positions to meet current Federal Aviation Administration standards for the Runway Safety Areas at Dallas Love Field; and,

WHEREAS, four firms submitted proposals to provide Engineering Services for the Runway Signage and Marking Holding Position Relocation Project at Dallas Love Field Airport; and,

WHEREAS, Atkins North America, Inc. was selected as the most qualified proposer of the four proposers as a result of a qualifications-based selection process in accordance with City of Dallas procurement guidelines; and,

WHEREAS, it is now necessary to authorize a contract with Atkins North America, Inc. to provide engineering services for the Hold Position Relocation Project at Dallas Love Field Airport, in an amount not to exceed \$274,722.00.

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to execute a contract with Atkins North America, Inc. to provide engineering services for the Hold Position Relocation Project at Dallas Love Field, in an amount not to exceed \$274,722.00, after it has been approved as to form by the City Attorney.

Section 2. That the City will apply for Passenger Facility Charge (PFC) funding at a later date for the eligible design and administration costs of the Hold Position Relocation Project; and that the Aviation Capital Construction Fund 0131, cash account 0001, will be reimbursed for those costs upon receipt of PFC funding, Fund 0477, cash account 0001.

September 24, 2014

Section 3. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$274,722.00 to be paid to Atkins North America, Inc. in accordance with the terms and conditions of the contract:

Aviation Capital Construction Fund	
Fund 0131, Department AVI, Unit P919, Account AAIP,	
Object 4111, Program #AVIP919, CT AVI ATK P919F14	
Vendor #066365, in an amount not to exceed	\$274,722.00

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 # 23

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 13

DEPARTMENT: Public Works Department
Fire

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

MAPSCO: 25W

SUBJECT

Authorize an increase to the contract with Bartlett Cocke General Contractors, LLC for revisions to the kitchen, laundry room, patio, roof and solar panel relocation construction of the Fire Station No. 27 replacement facility, located at 8401 Douglas Avenue; and to extend the contract term by 91 days - Not to exceed \$219,688, from \$6,369,537 to \$6,589,225 - Financing: 2006 Bond Funds

BACKGROUND

This action will authorize Change Order No. 5 to provide modifications to the kitchen and laundry room to improve efficiency, lower maintenance costs and add flexibility for future replacement of appliances. These revisions required modifications to the structure, equipment upgrades, installation of a suppression system vented to the roof top and the relocation of the solar photovoltaic array.

On February 27, 2013, Resolution No. 13-0415, authorized a contract with Bartlett Cocke General Contractors, LLC, best value proposer of five, for the construction of the Fire Station No. 27 replacement facility, located at 8401 Douglas Avenue.

Dallas voters approved funding in the 2006 Bond Program for the replacement of Fire Station No. 27 located at the corner of Douglas Avenue and Northwest Highway. It was constructed in 1948 and has since become inadequate for the current program needs and equipment. A design contract with Perkins + Will - CRA, LLP was authorized by City Council on March 9, 2011. It was necessary to demolish the existing station in order to build the new facility because of the size and availability of land in the area. The Fire-Rescue personnel and equipment have been relocated to another fire station during construction of the new facility.

BACKGROUND (Continued)

In August 2012, a Construction Request for Competitive Sealed Proposals was issued in accordance with the City of Dallas procurement guidelines. Bartlett Cocke General Contractors, LLC was identified through this process as the best value proposer of five for the construction of the Fire Station No. 27 replacement facility located at 8401 Douglas Avenue. The site is only 0.18 acres, which required organizing the spaces on three levels. Below grade will be parking, the grade level portion will house fire department equipment and administrative functions, and the second story will provide residential requirements for fire department personnel. Total enclosed space is approximately 12,000 square feet with 20 auto parking spaces below grade. The facility will be designed to achieve gold level certification through Leadership in Energy and Environmental Design (LEED).

ESTIMATED SCHEDULE OF PROJECT

Began Design	March 2011
Completed Design	August 2012
Began Construction	March 2013
Complete Construction	December 2014

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a design services contract with Perkins + Will - CRA, LLP on March 9, 2011, by Resolution No. 11-0648.

Authorized a construction contract with Bartlett Cocke General Contractors, LLC on February 27, 2013, by Resolution No. 13-0415.

FISCAL INFORMATION

2006 Bond Funds - \$219,688

Design	\$ 605,000	
Construction	\$6,231,909	
Administrative Change Order No. 1	\$ 48,851	
Administrative Change Order No. 2	\$ 17,017	
Administrative Change Order No. 3	\$ 46,047	
Administrative Change Order No. 4	\$ 25,713	
Change Order No. 5 (this action)	\$ 219,688	
Furniture Fixtures and Equipment	\$ 100,000	(est.)
Public Art	\$ 42,394	(est.)
Owner Development Expenses	\$ 839,748	(est.)
Contingency	<u>\$ 142,684</u>	(est.)
Total	\$8,319,051	(est.)

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Bartlett Cocke General Contractors, LLC

Hispanic Female	17	Hispanic Male	121
African-American Female	1	African-American Male	8
Other Female	0	Other Male	6
White Female	26	White Male	145

OWNER(S)

Bartlett Cocke General Contractors, LLC

Randall J. Pawelek, Chairman/President/Chief Executive Officer
Harry Moeller, Executive Vice President
Jamey Arnold, General Superintendent/Vice President
Steve McCleskey, Vice President Operations - Central/North Texas

MAP

Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase to the contract with Bartlett Cocke General Contractors, LLC for revisions to the kitchen, laundry room, patio, roof and solar panel relocation construction of the Fire Station No. 27 replacement facility, located at 8401 Douglas Avenue; and to extend the contract term by 91 days - Not to exceed \$219,688, from \$6,369,537 to \$6,589,225 - Financing: 2006 Bond Funds

Bartlett Cocke General Contractors, 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

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$163,028.00	74.21%
Non-local contracts	\$56,660.00	25.79%
TOTAL THIS ACTION	\$219,688.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Al Wright & Associates	BMDB61651Y0515	\$14,035.00	8.61%
Barrera Plumbing	HMDB62091Y0615	\$11,572.00	7.10%
Total Minority - Local		\$25,607.00	15.71%

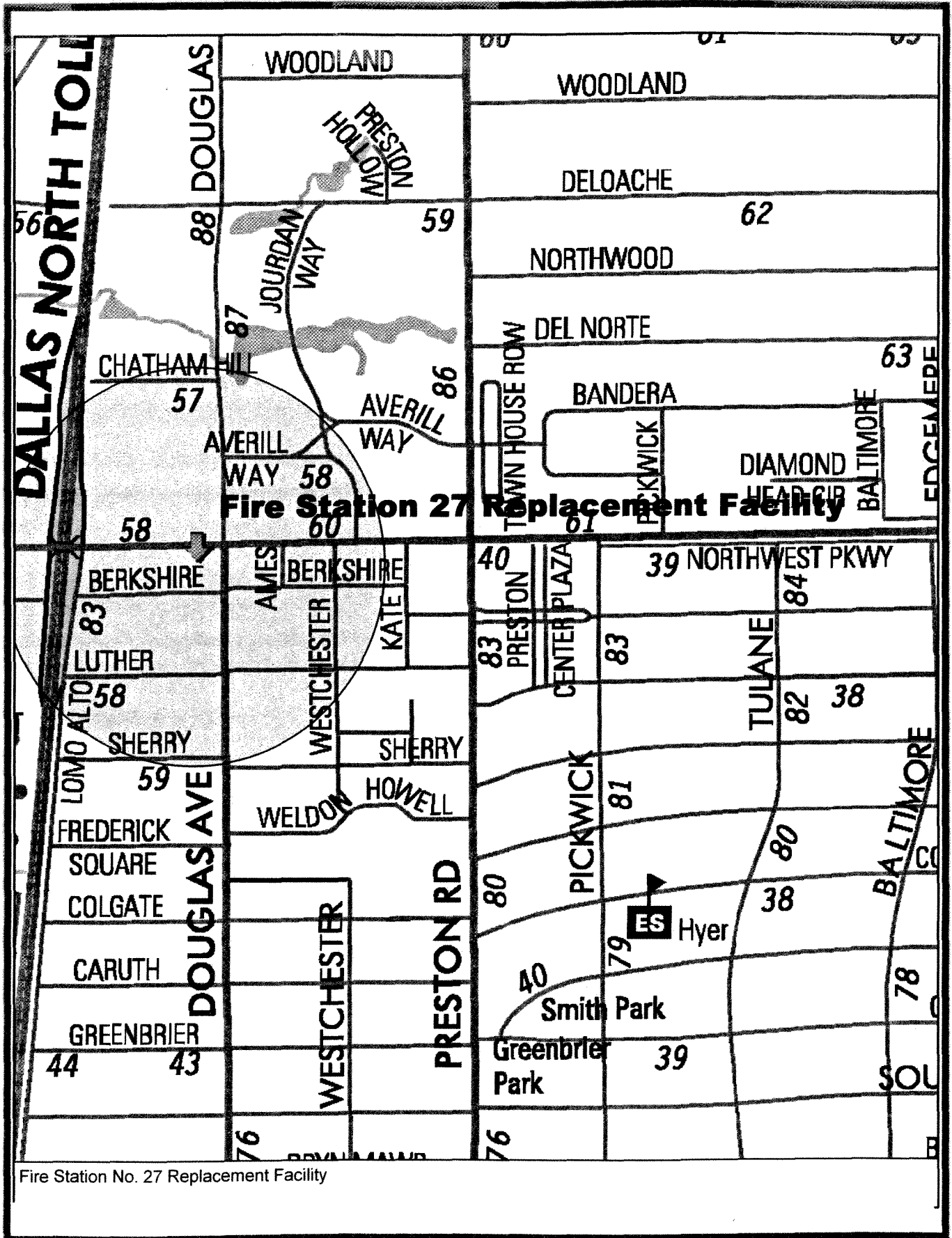
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Lassiter Inc.	WFW09625N1214	\$30,475.00	53.79%
Total Minority - Non-local		\$30,475.00	53.79%

TOTAL M/WBE PARTICIPATION

	This Action		Participation to Date	
	<u>Amount</u>	<u>Percent</u>	<u>Amount</u>	<u>Percent</u>
African American	\$14,035.00	6.39%	\$2,417,441.00	36.69%
Hispanic American	\$11,572.00	5.27%	\$510,018.00	7.74%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$30,475.00	13.87%	\$346,795.00	5.26%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$56,082.00	25.53%	\$3,274,254.00	49.69%

Fire Station No. 27 Replacement Facility



September 24, 2014

WHEREAS, the existing Fire Station No. 27 facility was constructed at 8401 Douglas Avenue in 1948 and requires replacement; and,

WHEREAS, the citizens of Dallas approved funding in the 2006 Bond Program for the design and construction of a replacement facility for Fire Station No. 27; and,

WHEREAS, on March 9, 2011, Resolution No. 11-0648, authorized a contract with Perkins + Will - CRA, LLP to provide design services, preparation of construction documents and construction administration for the Fire Station No. 27 replacement facility, located at 8401 Douglas Avenue in an amount not to exceed \$605,000; and,

WHEREAS, following a competitive sealed proposal selection process, Bartlett Cocke General Contractors, LLC was selected as the best value proposer of the five proposers; and,

WHEREAS, on February 27, 2013, Resolution No. 13-0415 authorized a contract with Bartlett Cocke General Contractors, LLC for construction of the Fire Station No. 27 replacement facility located at 8401 Douglas Avenue, in an amount not to exceed \$6,231,909; and,

WHEREAS, on June 6, 2013, Administrative Change Order No. 130678 authorized Change Order No. 1 to the contract with Bartlett Cocke General Contractors, LLC for \$48,851.00, from \$6,231,909 to \$6,280,760 for modifications to the City owned parking garage at Preston Center for compliance with ADA requirements; and,

WHEREAS, on October 14, 2013, Administrative Change Order No. 136494 authorized Change Order No. 2 to the contract with Bartlett Cocke General Contractors, LLC for \$17,017.00, from \$6,280,760 to \$6,297,777 for Reimbursement of Contractors extended costs for out of scope work performed due to Federal Government LEVEL 3 communication conduit found on site in conflict with the construction shoring installation for the new station; \$5,231.00 Preston Center Parking Garage ADA Accessibility additional railing and signage per ADA inspector, \$261.00; Revision to re-route 6" sanitary sewer around the existing manhole and connect to 8" SS, required by City Inspector; \$2,902.00. Weather delay and impact, 39 days, \$00.00; Relocate fire main connection to the station so line does not run directly under the Apparatus Bays, required by City Inspector; \$2,462.00; and Change size of watch room conduit from tornado siren from 1" to 2" conduit \$1,161.00; and,

September 24, 2014

WHEREAS, on May 15, 2014, Administrative Change Order No. 140710 authorized Change Order No. 3 to the contract with Bartlett Cocke General Contractors, LLC for \$46,047.00, from \$6,297,777 to \$6,343,824 for modifications to the City owned parking garage at Preston Center for compliance with ADA requirements: Add 4 accessible parking spaces at the 4 corners of the street level parking garage for a total of 16 accessible spaces. Install curb ramps from these parking spaces to adjacent sidewalks at all four locations. Install intersection curb ramps at two locations (other two locations are existing). Stripe parking spaces, access aisles, paint accessibility symbols in spaces. Install parking signs at each new parking space; and,

WHEREAS, on August 13, 2014, Administrative Change Order No. 141156 authorized Change Order No. 4 to the contract with Bartlett Cocke General Contractors, LLC for construction of the Fire Station No. 27 replacement facility at 8401 Douglas Avenue in the amount of \$25,713, from \$6,343,824 to \$6,369,537, with 42 additional calendar days; and,

WHEREAS, it is now desirable to authorize an increase to the contract with Bartlett Cocke General Contractors, LLC for construction of the Fire Station No. 27 replacement facility at 8401 Douglas Avenue for revisions to the kitchen, laundry room, patio, roof and solar panel relocation to add natural gas service, which includes the gas range/oven and exhaust hood, in the amount of \$219,688.00, increasing the contract from \$6,369,537 to \$6,589,225 with 91 additional calendar days.

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. 5 to the contract with Bartlett Cocke General Contractors, LLC, for revisions to the kitchen, laundry room, patio, roof and solar panel relocation for construction of the Fire Station No. 27 replacement facility located at 8401 Douglas Avenue; and to extend the contract term by 91 days; in an amount not to exceed \$219,688.00, increasing the contract from \$6,369,537 to \$6,589,225 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:

Public Safety Facilities Fund	
Fund 8T33, Dept. PBW, Unit T838, Act. FIRF	
Obj. 4310, Program #PB06T838, CT PBW06T838F1	
Vendor #VS0000073743, in an amount not to exceed	\$219,688

September 24, 2014

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

AGENDA ITEM # 24

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2014
COUNCIL DISTRICT(S): 3
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 61A-Y

SUBJECT

A resolution consenting to the sale of a tax foreclosed property, located at 8303 Camp Wisdom Road, acquired by the taxing authorities from a Sheriff's Sale – Financing: No cost consideration to the City

BACKGROUND

As required under Tax Code 34.05(i) and 34.05(j), this item will consent to the sale of a tax foreclosed property located at 8303 Camp Wisdom Road by Dallas County. Pursuant to the provisions of Section 34.05(c) of the Tax Property Code, the property was offered for sale by the Sheriff of Dallas County at public auction. No bids were received and the property was subsequently struck off to the Duncanville Independent School District ("DISD") in June 2003, pursuant to a tax judgment (Cause No. 92-40090-T-K) for the non-payment of delinquent taxes.

DISD holds the property in trust for each taxing entity and is seeking the consent for the sale of the property.

The property will return to the tax rolls upon sale and conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

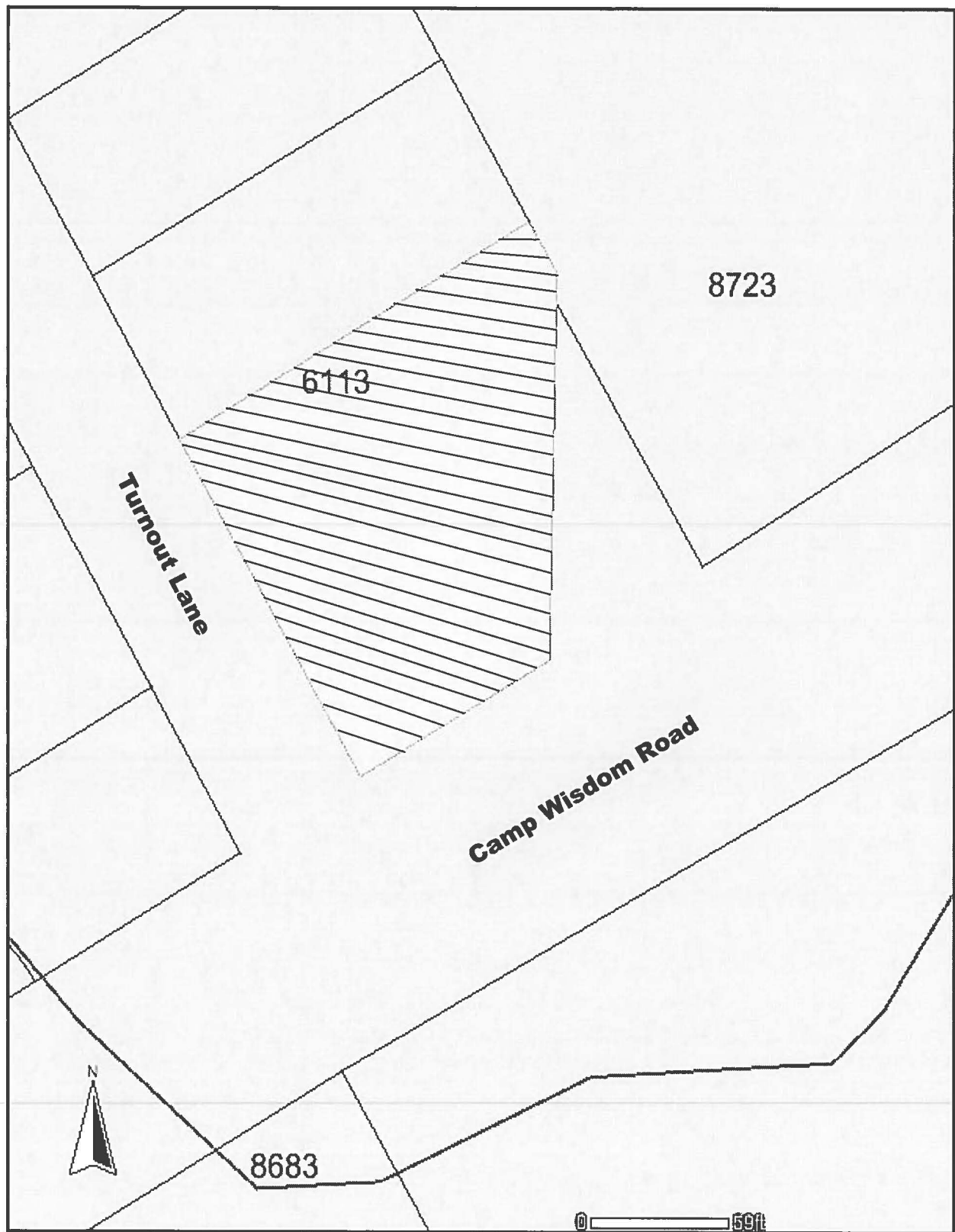
This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



Block 6/6113 — 8303 Camp Wisdom

September 24, 2014

WHEREAS, the City of Dallas, the State of Texas, ("State"), the County of Dallas, ("County"), the Dallas County Community College District, the Parkland Hospital District, the Dallas County School Equalization Fund, the Dallas County Education District, and/or the Duncanville Independent School District, ("DISD"), acquired a Sheriff's Deed to the property, ("Property"), at a sheriff's tax sale, ("the First Sale"), authorized by a District Court of Dallas County, Texas, by a Judicial Foreclosure ("the Judgment") in a tax foreclosure sale or a Seizure Warrant, ("Warrant") and the subsequent Sheriff's Deed was filed in the Real Property Records of Dallas County, Texas, and

WHEREAS, the Property, as described in Exhibit A was struck off to DISD in January, 2003; and

WHEREAS, DISD holds the property in trust for each taxing jurisdiction party to the judgment; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Property Tax Code, a taxing unit is authorized to resell the Property by public or private sale; and

WHEREAS, DISD seeks to conduct a resale of the Property by private sale which requires consent of all the taxing entities; and

WHEREAS, the distribution of the proceeds of the resale will be in accordance with Chapter 34, Section 34.06 of the Property Tax Code; and

WHEREAS, DISD seeks the City of Dallas' consent to a private sale of the Property;
Now, Therefore,

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

SECTION 1. That the City Council of the City of Dallas consents to the private sale pursuant to Chapter 34, Section 34.05(i) and 34.05(j) of the Property Tax Code of the Property identified on Exhibit A.

SECTION 2. That the consideration received will be distributed pursuant to Chapter 34, Section 34.06 of the Property Tax Code and applied to payment of the judgment, court costs, interest, and cost of sale owed to the taxing entities by the delinquent taxpayer or the amount of delinquent taxes, penalties, the amount secured by any municipal health or safety liens on the Property included in the Warrant application, court costs, interest and cost of seizure and sale owed to the taxing entities as set forth in the Warrant; any such amount(s) still owed by the delinquent taxpayer to any of the taxing entities shall remain the personal obligation of the delinquent taxpayer, and any excess amounts shall be distributed in the manner described in Section 34.03 of the Property Tax Code.

September 24, 2014

SECTION 3. That the purchaser shall be responsible for post judgment taxes and pro rata property taxes assessed from the date of closing for the remaining part of the then current calendar year. The Property shall be placed back on the tax rolls effective as of the date of execution of the deed.

SECTION 4. That to the extent authorized by law the liens securing the taxes referenced in Section 2 above are hereby released from the property.

SECTION 5. That any and all proceeds received for the resale of the property listed on Exhibit A be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

BY


Assistant City Attorney

EXHIBIT "A"

TAX FORECLOSURE PROPERTY STRUCK OFF TO DUNCANVILLE INDEPENDENT SCHOOL DISTRICT AS TRUSTEE FOR CITY OF DALLAS & DALLAS COUNTY

STREET ADDRESS	TAX ACCOUNT #	JUDGMENT CAUSE # / DATE	IMPROVED / UNIMP.	LAND SIZE	JUDGMENT/ STRIKE OFF AMOUNT	MARKET VALUE SPECIFIED IN JUDGMENT	2014 PROPOSED DCAD VALUE	TAX YEARS INCLUDED IN JUDGMENT (COUNTY/CITY/ SCHOOL)	DATE OF SHERIFF'S SALE
8303 Camp Wisdom Rd., Dallas, Texas	00000513526740000	92-40090-T-K	Unimp.	0.60 Acre	\$13,070.00	\$13,070.00	\$13,070.00	County: 1989-1996 City: 1989-1996 DunlSD: 1979-1996	1/7/2003

AGENDA ITEM # 25

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2014
COUNCIL DISTRICT(S): 8
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 63W

SUBJECT

A resolution consenting to the sale of a tax foreclosed property, located at 7500 South Westmoreland Road, acquired by the taxing authorities from a Sheriff's Sale – Financing: No cost consideration to the City

BACKGROUND

As required under Tax Code 34.05(i) and 34.05(j), this item will consent to the sale of a tax foreclosed property located at 7500 South Westmoreland Road by Dallas County. The property was offered for sale by the Sheriff of Dallas County at public auction. No bids were received and the property was subsequently struck off to the Duncanville Independent School District ("DISD") in June 2003, pursuant to a tax judgment (Cause No. 00-31186-T-L) for the non-payment of delinquent taxes.

DISD holds the property in trust for each taxing entity and is seeking the consent for the sale of the property.

On June 11, 2008, City Council authorized the sale of 7500 S. Westmoreland Road. Due to the economic environment, the buyer lost funding and opted to terminate the sale.

The property will return to the tax rolls upon sale and conveyance.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

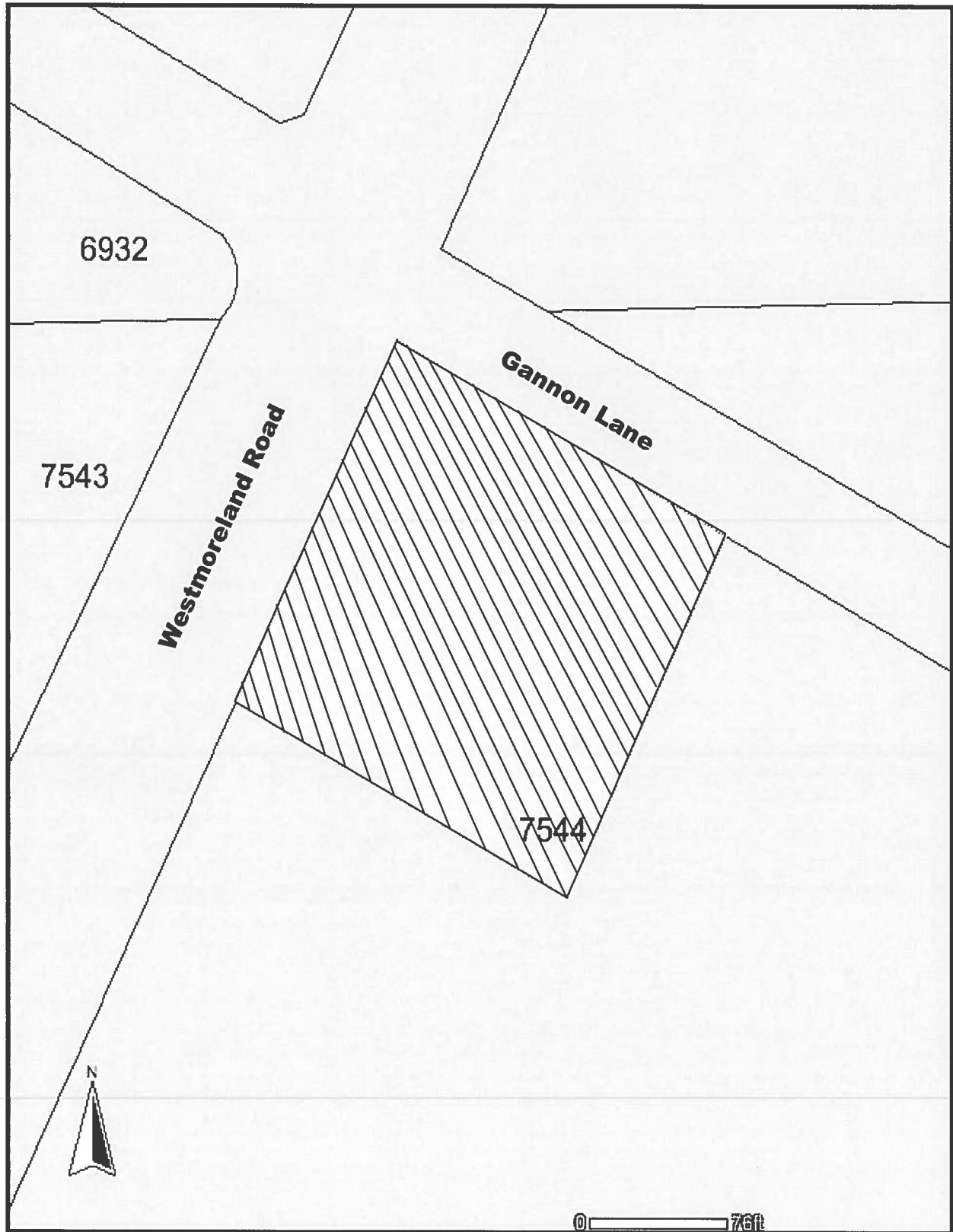
On June 11, 2008, City Council authorized the sale by Resolution No. 08-1671.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached



Lot 3B, Block A/7544—7500 Westmoreland

September 24, 2014

WHEREAS, the City of Dallas, the State of Texas, ("State"), the County of Dallas, ("County"), the Dallas County Community College District, the Parkland Hospital District, the Dallas County School Equalization Fund, the Dallas County Education District, and/or the Duncanville Independent School District, ("DISD"), acquired a Sheriff's Deed to the property, ("Property"), at a sheriff's tax sale, ("the First Sale"), authorized by a District Court of Dallas County, Texas, by a Judicial Foreclosure ("the Judgment") in a tax foreclosure sale or a Seizure Warrant, ("Warrant") and the subsequent Sheriff's Deed was filed in the Real Property Records of Dallas County, Texas, and

WHEREAS, the Property, as described in Exhibit A was struck off to DISD in January, 2003; and

WHEREAS, DISD holds the property in trust for each taxing jurisdiction party to the judgment; and

WHEREAS, pursuant to the provisions of Chapter 34, Section 34.05 of the Property Tax Code, a taxing unit is authorized to resell the Property by public or private sale; and

WHEREAS, DISD seeks to conduct a resale of the Property by private sale which requires consent of all the taxing entities; and

WHEREAS, the distribution of the proceeds of the resale will be in accordance with Chapter 34, Section 34.06 of the Property Tax Code; and

WHEREAS, DISD seeks the City of Dallas' consent to a private sale of the Property;
Now, Therefore,

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

SECTION 1. That the City Council of the City of Dallas consents to the private sale pursuant to Chapter 34, Section 34.05(i) and 34.05(j) of the Property Tax Code of the Property identified on Exhibit A.

SECTION 2. That the consideration received will be distributed pursuant to Chapter 34, Section 34.06 of the Property Tax Code and applied to payment of the judgment, court costs, interest, and cost of sale owed to the taxing entities by the delinquent taxpayer or the amount of delinquent taxes, penalties, the amount secured by any municipal health or safety liens on the Property included in the Warrant application, court costs, interest and cost of seizure and sale owed to the taxing entities as set forth in the Warrant; any such amount(s) still owed by the delinquent taxpayer to any of the taxing entities shall remain the personal obligation of the delinquent taxpayer, and any excess amounts shall be distributed in the manner described in Section 34.03 of the Property Tax Code.

September 24, 2014

SECTION 3. That the purchaser shall be responsible for post judgment taxes and pro rata property taxes assessed from the date of closing for the remaining part of the then current calendar year. The Property shall be placed back on the tax rolls effective as of the date of execution of the deed.

SECTION 4. That to the extent authorized by law the liens securing the taxes referenced in Section 2 above are hereby released from the property.

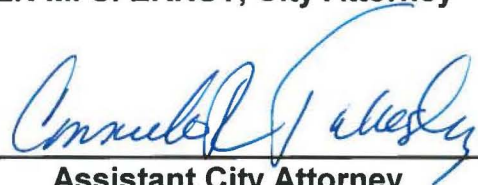
SECTION 5. That any and all proceeds received for the resale of the property listed on Exhibit A be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

BY



Assistant City Attorney

EXHIBIT "A"

TAX FORECLOSURE PROPERTY STRUCK OFF TO DUNCANVILLE INDEPENDENT SCHOOL DISTRICT AS TRUSTEE FOR CITY OF DALLAS & DALLAS COUNTY

STREET ADDRESS	TAX ACCOUNT #	JUDGMENT CAUSE # / DATE	IMPROVED / UNIMP.	LAND SIZE	JUDGMENT/ STRIKE OFF AMOUNT	MARKET VALUE SPECIFIED IN JUDGMENT	2014 PROPOSED DCAD VALUE	TAX YEARS INCLUDED IN JUDGMENT (COUNTY/CITY/ SCHOOL)	DATE OF SHERIFF'S SALE
7500 S. Westmoreland Rd., Dallas, Texas	0075440A0003B0000	00-31186-T-L	Unimp.	0.92 Acre	\$237,615.46	\$299,910.00	\$119,960.00	County: 1986-2000 City: 1986-2000 Dun ISD: 1986-2000	1/7/2003

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Sustainable Development and Construction
City Attorney's Office

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

MAPSCO: 48R

SUBJECT

A resolution consenting to the condemnation and acceptance of the award of the Special Commissioners of approximately 16,169 square feet of City-owned land to Union Pacific Railroad Company v. City of Dallas, et al, Cause No. CC-14-01387-D, located at 8414 Forney Road - Revenue: \$27,134

BACKGROUND

This item consents to the condemnation and acceptance of the award of the Special Commissioners of approximately 16,169 square feet of City-owned land to Union Pacific Railroad Company.

This is an eminent domain case filed by Union Pacific Railroad Company against the City for the acquisition of City-owned land declared unwanted and unneeded by Resolution No. 09-0163. The Petition in Condemnation was filed on March 24, 2014. As required by law, the judge appointed three special commissioners to determine the compensation for the acquisition of the property. The Commissioners' hearing was held on May 30, 2014, and determined the property's market value was \$27,134.

Because an entity with condemning authority is seeking to condemn property owned by the City, the City Council needs to formally consent to the acquisition of the property if it has no objection to the acquisition.

The compensation amount is based upon an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Council declared this property unwanted and unneeded on January 14, 2009, by Resolution No. 09-0163.

Council will be briefed in Closed Session on September 17, 2014.

FISCAL INFORMATION

Revenue: \$27,134

OWNER

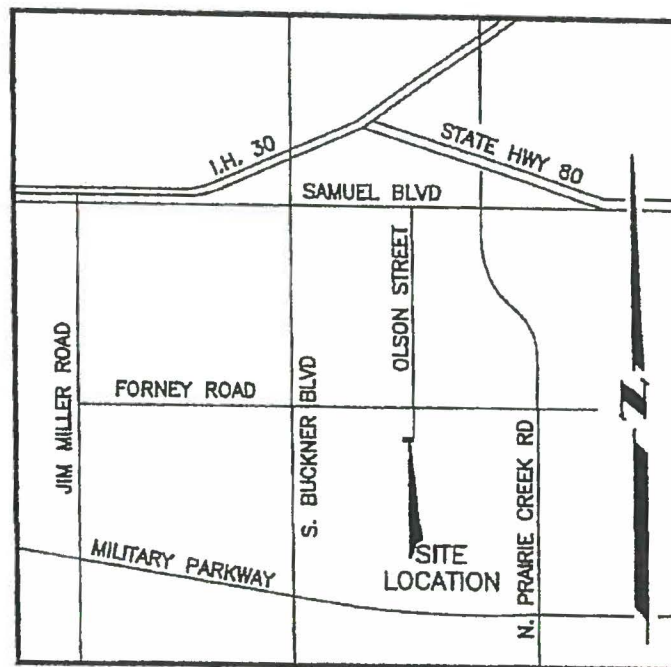
Union Pacific Railroad Company

John J. Koraleski, President

MAP

Attached

R.O.W. PURCHASE
OLSON STREET AND
UNION PACIFIC RAILROAD
CITY BLOCK 6212
CITY OF DALLAS, DALLAS COUNTY, TEXAS



September 24, 2014

A RESOLUTION CONSENTING TO AND AUTHORIZING SETTLEMENT OF A CONDEMNATION SUIT FILED AGAINST THE CITY.

WHEREAS, the City of Dallas owns a tract of land containing approximately 16,169 square feet situated in City Block B/6212, Dallas, Dallas County, Texas, located at 8414 Forney Road in the City of Dallas, Dallas County, Texas, as described in Exhibit "A", attached herein (the PROPERTY); and

WHEREAS, the City Council declared the PROPERTY surplus to the City's needs by passing Resolution No. 09-0163 on January 14, 2009; and

WHEREAS, Union Pacific Railroad Company filed a lawsuit styled Union Pacific Railroad Company v. City of Dallas, et al., Cause No. CC-14-01387-D, in County Court at Law No. 4 of Dallas County, Texas (the CONDEMNATION SUIT) on March 24, 2014, seeking to acquire the PROPERTY by eminent domain; and

WHEREAS, the Judge appointed three Special Commissioners to determine the compensation owed for the acquisition of the PROPERTY; and

WHEREAS, the Special Commissioners held a hearing on May 30, 2014, and determined the property's market value was \$27,134 (the COMMISSIONERS' AWARD); and

WHEREAS, the City consents in this instance to allow the condemnation of the PROPERTY; and

WHEREAS, the City Council desires to authorize the City Attorney to settle the CONDEMNATION SUIT for the amount of the COMMISSIONERS' AWARD; **Now, Therefore,**

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

SECTION 1. That the City Attorney is authorized to settle the CONDEMNATION SUIT for the amount of the COMMISSIONERS' AWARD.

SECTION 2. That the City Attorney is authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

September 24, 2014

SECTION 3. That any and all proceeds received for the PROPERTY be deposited to General Fund 0001, Department DEV, Balance Sheet Account 0519 and Department of Sustainable Development and Construction, Real Estate Division shall be reimbursed for the cost of obtaining legal description, appraisal and other administrative costs incurred. The reimbursement proceeds shall be deposited in General Fund 0001, Dept 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 8118.

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.

APPROVED AS TO FORM

Warren M. S. Ernst

City Attorney

By: 
Assistant City Attorney

EXHIBIT A

R.O.W. PURCHASE OLSON STREET AND UNION PACIFIC RAILROAD CITY BLOCK 6212 CITY OF DALLAS, DALLAS COUNTY, TEXAS

BEING a 16,169 sq. ft. tract of land situated in the ARCHIBALD D. BROWN SURVEY, ABSTRACT NO. 154, City of Dallas, Dallas County, Texas and being part of Block B/6212 of Fomey Road Animal Shelter, an addition to the City of Dallas, recorded in Volume 75152, Page 200, Deed Records, Dallas County, Texas (D.R.D.C.T.), and being a portion of that certain tract of land conveyed by deed to The City of Dallas, recorded in Volume 75096, Page 1284, D.R.D.C.T. and being more particularly described as follows:

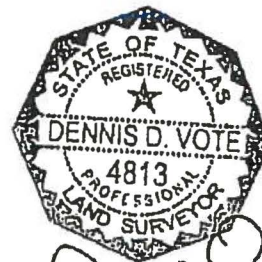
BEGINNING at a 5/8" Iron rod found for corner at the intersection of the westerly right-of-way line of Olson Street (a 64' R.O.W.) with the northerly right-of-way line of Union Pacific Railroad (a variable width right-of-way);

THENCE S 89°23'36" W, along the south line of said City of Dallas tract and the north right-of-way line of said UPRR, according to the boundary line agreement, recorded in Volume 4795, Page 420, D.R.D.C.T., a distance of 565.07 feet to a 1/2" Iron rod set in the southeasterly right-of-way line of the Union Pacific Railroad (a 26' R.O.W.) and being the southwest corner of said City of Dallas tract and the southwest corner of said Fomey Road Animal Shelter addition and being in a non-tangent curve to the left having a central angle of 07°18'50", a radius of 456.81 feet, and a chord bearing N 58°24'29" E, a distance of 58.27 feet;

THENCE along the southeasterly line of said Union Pacific Railroad and the west line of said City of Dallas tract and the west line of said Fomey Road Animal Shelter addition and the said curve to the left, an arc distance of 58.31 feet to a 1/2" iron rod set for corner;

THENCE N 89°23'36" E, crossing said City of Dallas tract and the said Fomey Road Animal Shelter addition, a distance of 514.43 feet to a 1/2" inch iron rod set for corner, being in the westerly right-of-way line of said Olson Street;

THENCE S 00°14'21" E, along the westerly right-of-way line of said Olson Street, a distance of 30.00 feet to the POINT OF BEGINNING and containing 16,169 sq. ft. or 0.3712 acres of land.



Dennis D. Vote
Aug. 19, 2013

BEARING SOURCE:

THE NORTH LINE OF RAILROAD RIGHT-OF-WAY, DALLAS
COUNTY, TEXAS (S 89°23'36" W)

DATE: 08-19-13
SHEET 1 OF 3
PROJECT NO. 2012-048 TR12

VOTEX SURVEYING COMPANY 4548 Tuscany Drive Plano, Texas 75093-7042 Ph. (972) 964-0858

EXHIBIT A

R.O.W. PURCHASE OLSON STREET AND UNION PACIFIC RAILROAD CITY BLOCK 6212

CITY OF DALLAS, DALLAS COUNTY, TEXAS

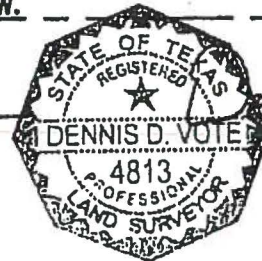
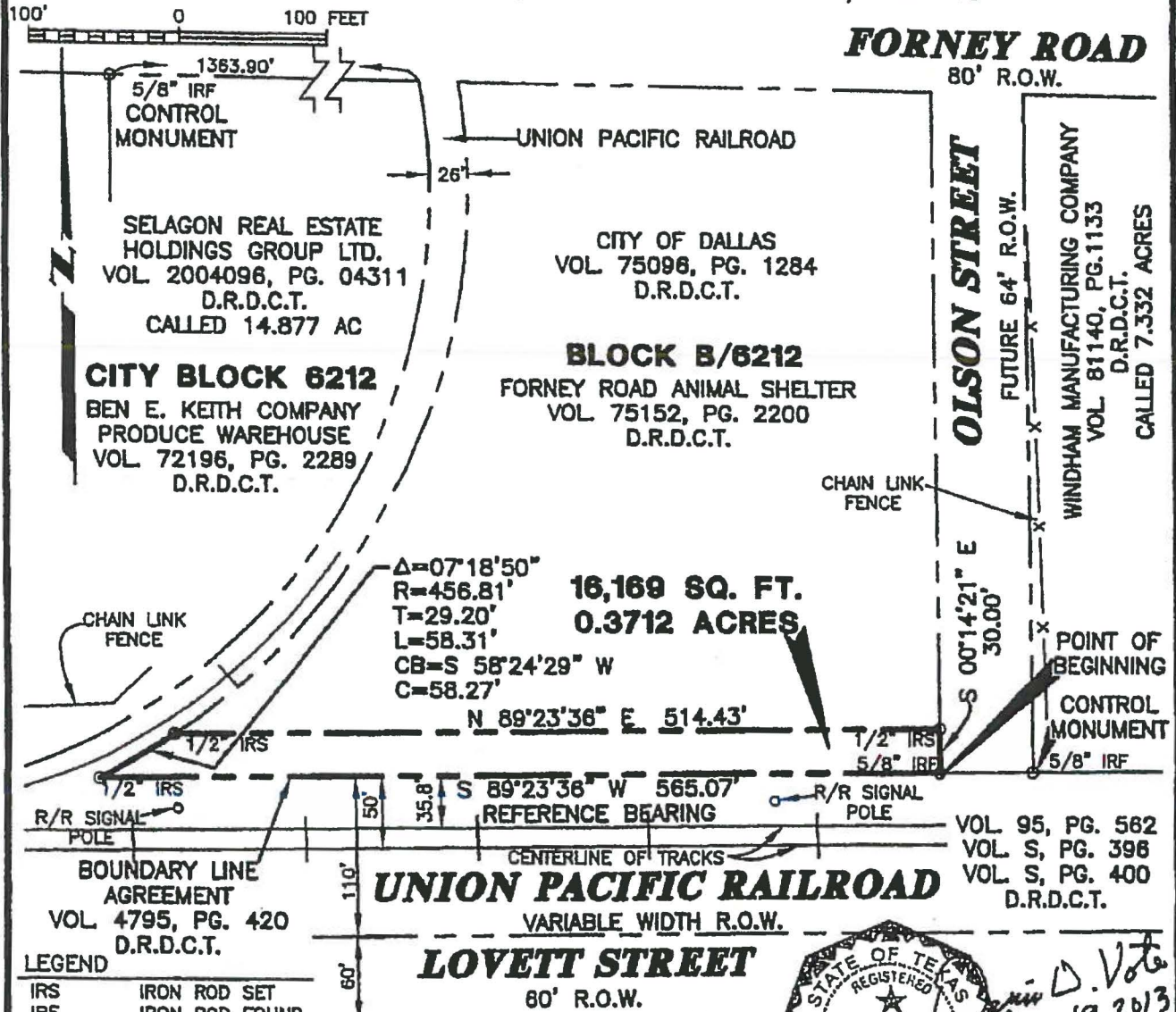
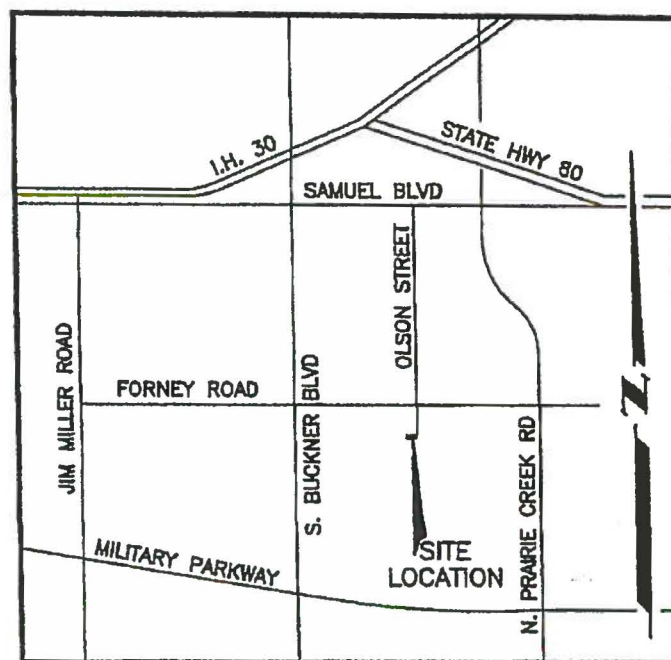


EXHIBIT A

R.O.W. PURCHASE OLSON STREET AND UNION PACIFIC RAILROAD CITY BLOCK 6212 CITY OF DALLAS, DALLAS COUNTY, TEXAS



BEARING SOURCE:

THE NORTH LINE OF RAILROAD RIGHT-OF-WAY, DALLAS
COUNTY, TEXAS (S 89°23'36" W)

DATE: 08-19-13
SHEET 3 OF 3
PROJECT NO. 2012-048 TR12

VOTEX SURVEYING COMPANY 4548 Tuscony Drive Plano, Texas 75093-7042 Ph.(972) 964-0868

AGENDA ITEM # 27

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction
Public Works Department

CMO: Ryan S. Evans, 671-9837
Jill A. Jordan, P.E., 670-5299

MAPSCO: 55H

SUBJECT

Authorize moving expense and replacement housing payments for Maria I. Martinez in the Cadillac Heights neighborhood as a result of an official written offer of just compensation to purchase real property at 2942 Gloyd Street for future City facilities - Not to exceed \$72,300 - Financing: 2006 Bond Funds

BACKGROUND

Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for homeowners displaced by the City of Dallas in conjunction with its real property acquisition activities. On May 14, 2014, the City Council approved Resolution No. 14-0762 which authorized the acquisition of real property known as 2942 Gloyd Street for future City facilities. Maria I. Martinez will be displaced as a direct result of this property acquisition. She has qualified for a moving expense payment of up to \$1,900 and a replacement housing payment of up to \$70,400 pursuant to City Code and will use the replacement housing payment to acquire a replacement property.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On May 14, 2014, the City Council authorized the acquisition of single family homes in the Cadillac Heights neighborhood for future City facilities by Resolution No. 14-0762.

FISCAL INFORMATION

2006 Bond Funds - \$72,300

OWNER

Maria I. Martinez

MAP

Attached

This is a detailed plat map of a portion of the Gloyd Township. The map shows several land parcels, each identified by a number. Parcel 26, which contains the number 6642, is highlighted in yellow. A black arrow points to the western boundary of parcel 26. The map includes a north arrow in the bottom left corner and various boundary measurements in feet along the lines. The parcels are numbered 9 through 43, with parcel 26 being the central focus.

Lot 26, Block 6642– 2942 Gloyd Street

September 24, 2014

WHEREAS, on November 7, 2006, Dallas voters approved the use of General Obligation Bonds to acquire property for future City facilities; and

WHEREAS, Maria I. Martinez will be displaced as a direct result of this property acquisition and will vacate the property; and

WHEREAS, Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas provides moving expense and replacement housing payments for homeowners displaced by City of Dallas property acquisition activities; and

WHEREAS, on May 14, 2014, the City Council approved Resolution No. 14-0762 authorizing the acquisition of 2942 Gloyd Street located in the Cadillac Heights neighborhood, to be used in conjunction with the construction of future City facilities; and

Now, Therefore,

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

SECTION 1. That Maria I. Martinez will be displaced in conjunction with the construction of future City facilities and is entitled to moving expense and replacement housing payments pursuant to Chapter 39A of the Revised Code of Civil and Criminal Ordinances of the City of Dallas.

SECTION 2. That Maria I. Martinez is eligible to receive a moving expense payment in an amount up to \$1,900 and a replacement housing payment in an amount up to \$70,400.

SECTION 3. That the City Controller is authorized to draw warrants in favor of Maria I. Martinez in an amount not to exceed \$72,300 for moving expense and replacement housing payments.

These warrants are to be paid as follows:

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Act Code</u>	<u>Prog No</u>	<u>CT</u>	<u>Vendor No</u>	<u>Amount</u>
BT11	PBW	T825	4240	LAAQ	PB06T825	SUST825EP58	VC13373	\$70,400
BT11	PBW	T825	4240	LAAQ	PB06T825	SUST825EP59	VC13372	\$ 1,900

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 # 28

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 13

DEPARTMENT: Sustainable Development and Construction
Library

CMO: Ryan S. Evans, 671-9837
Joey Zapata, 670-1204

MAPSCO: 25E

SUBJECT

Authorize a five-year extension of the lease agreement with Central Congregational Church for a total of approximately 20,000 square feet of unimproved land located adjacent to the Preston Royal Library at 5626 Royal Lane, for the Preston Royal Branch Library for the period September 25, 2014 through September 24, 2019 - Not to exceed \$10,000 - Financing: Current Funds

BACKGROUND

This item authorizes an amendment to extend the lease agreement for an additional five years. As part of the lease negotiations, Central Congregational Church ("Church") requested City to resurface the parking lot and church drive. Streets provided a quote of \$13,000 to resurface the parking lot only. Upon hearing the quote for the resurfacing, Church dropped the requirement for resurfacing and negotiated City to pay \$10,000 as a one-time payment for the five year lease. The current market value to lease this parcel would be \$215,898 over 5 years.

The five year extension will provide additional parking for the patrons of the Preston Royal Branch Library.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Lease Agreement on September 25, 1989, by Resolution No. 89-2512.

FISCAL INFORMATION

\$10,000 – Current Funds

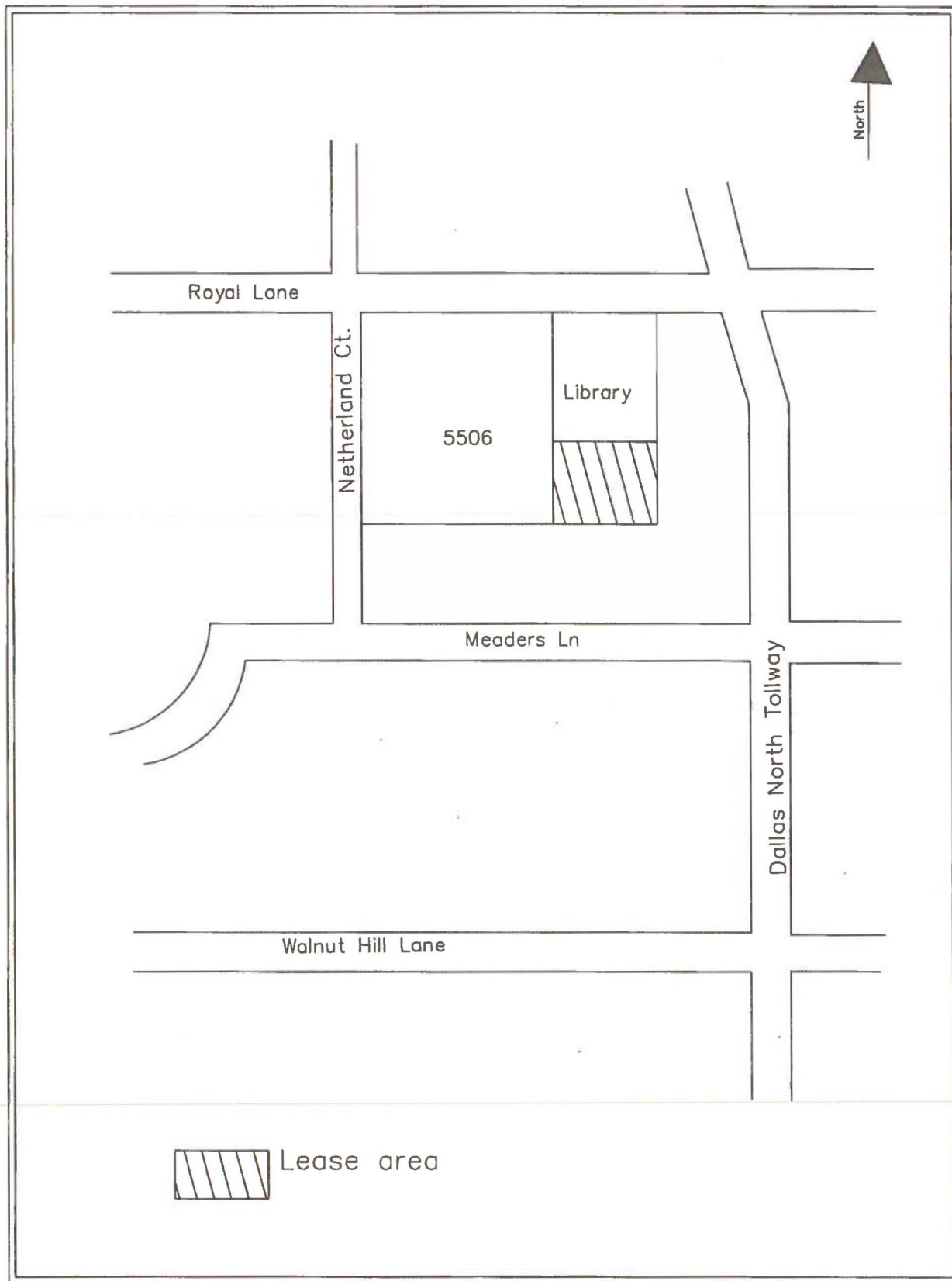
OWNER

Central Congregational Church

Charles S. Hastings, Director
Katelin Warren, Director
Doug Willis, Director
Steven Wilson, Director
Dave Mauriello, Director
Ann Stockert, Director
Billie Willis, Director
Bill Wisseman, Director
Maurice Roeder, Director
Sydney Reichard, Director
Janet Hire, Director
Ken Kipers, Director

MAP

Attached



September 24, 2014

WHEREAS, on August 23, 1989, the City Council of the City of Dallas approved Resolution No. 89-2512, authorizing the City Manager to execute a lease agreement dated September 25, 1989, (the "Lease") with Central Congregational Church as Lessor ("Landlord") and the City of Dallas, as Lessee ("City") for approximately 20,000 square feet of unimproved land located adjacent to the Preston Royal Branch Library at 5626 Royal Lane, Dallas, Dallas County, Texas to be used by the Preston Royal Branch Library; and

WHEREAS, the Lease term expires by its own terms on September 24, 2014; and

WHEREAS, the parties desire to supplement, modify and amend the Lease, to (i) provide for an additional five-year term; (ii) provide for a one-time payment to Landlord in lieu of rental and any resurfacing obligation; and (iii) provide for an increase on the cap for the transfer of operations and rerouting the utilities at the termination of the Lease.

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 First Amendment to Lease Agreement between Central Congregational Church, a Texas nonprofit corporation and the City of Dallas.

SECTION 2. That the special terms and conditions of the First Amendment to Lease Agreement are:

- a. The term of the Lease is extended for an additional five (5) years, effective September 25, 2014 and ending September 24, 2019, provided however, that City and Landlord retain the rights to terminate the Lease as provided elsewhere therein.
- b. In lieu of any needed resurfacing of the parking lot as contemplated by the Lease or otherwise, City shall pay to Landlord a one-time payment as follows:

September 25, 2014	\$10,000.00
--------------------	-------------
- c. The dollar amount in Section VIII of the Lease is increased from an amount not to exceed \$4,500.00 to an amount not to exceed \$15,000.00 for the cost to transfer/incorporate the operation of the parking lot's facilities to Landlord, including but not limited to utility lines realignments.
- d. All other terms of the Lease, as previously amended, not expressly amended, hereby shall remain unchanged and in full force and effect.

September 24, 2014

- e. In the event Landlord terminates this Lease pursuant to paragraph XVIII Landlord shall reimburse City \$2,000.00 for every unexpired year of the 5 year extended term.

SECTION 3. That the City Controller is hereby authorized to draw warrants payable to Central Congregational Church or its successors effective September 25, 2014 in the amount specified below:

September 25, 2014

\$10,000.00

SECTION 4. That the payment will be charged as follows:

September 25, 2014: Fund 0001, Department LIB, Unit 5379, Object 3330, Encumbrance No. CT-LIB14-5379-K049, Commodity Code 97145, Vendor No. VC13483

SECTION 5. That the City Controller is hereby authorized to draw warrants payable to the respective utility, telephone, communications, security, landscaping, maintenance and janitorial companies upon receipt of a bill for services or other applicable charges throughout the term of the lease.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**APPROVED AS TO FORM:
WARREN M. S. ERNST
CITY ATTORNEY**

By: _____


Assistant City Attorney

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction
Water Utilities

CMO: Ryan S. Evans, 671-9837
Mark McDaniel, 670-1858

MAPSCO: 69L

SUBJECT

Authorize an amendment to Resolution No. 13-0417, previously approved on February 27, 2013, to reduce the square footage of the proposed land acquisition area to approximately 11,965 square feet from Amador Garcia, located near the intersection of Interstate Highway 20 and Tempest Drive for the Southwest 120/96-inch Water Transmission Pipeline Project - Financing: No cost consideration to the City

BACKGROUND

This item authorizes an amendment to Resolution No. 13-0417, previously approved February 27, 2013, to reduce the proposed land acquisition area to approximately 11,965 square feet from approximately 15,714 square feet for the Southwest 120/96-inch Water Transmission Pipeline Project.

The City determined that an existing billboard would interfere with the installation of the water transmission pipeline. The proposed acquisition now reflects a carve-out around the billboard. The revised square footage and the elimination of the need to buy the existing billboard rights reduced the offer amount authorized by Resolution No. 13-0417 from \$130,239 to \$17,358 (\$14,358, plus closing costs and title expenses not to exceed \$3,000).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition by purchase and/or condemnation on August 25, 2010, by Resolution No. 10-2149.

Authorized acquisition by purchase and/or condemnation on February 27, 2013, by Resolution No. 13-0417.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

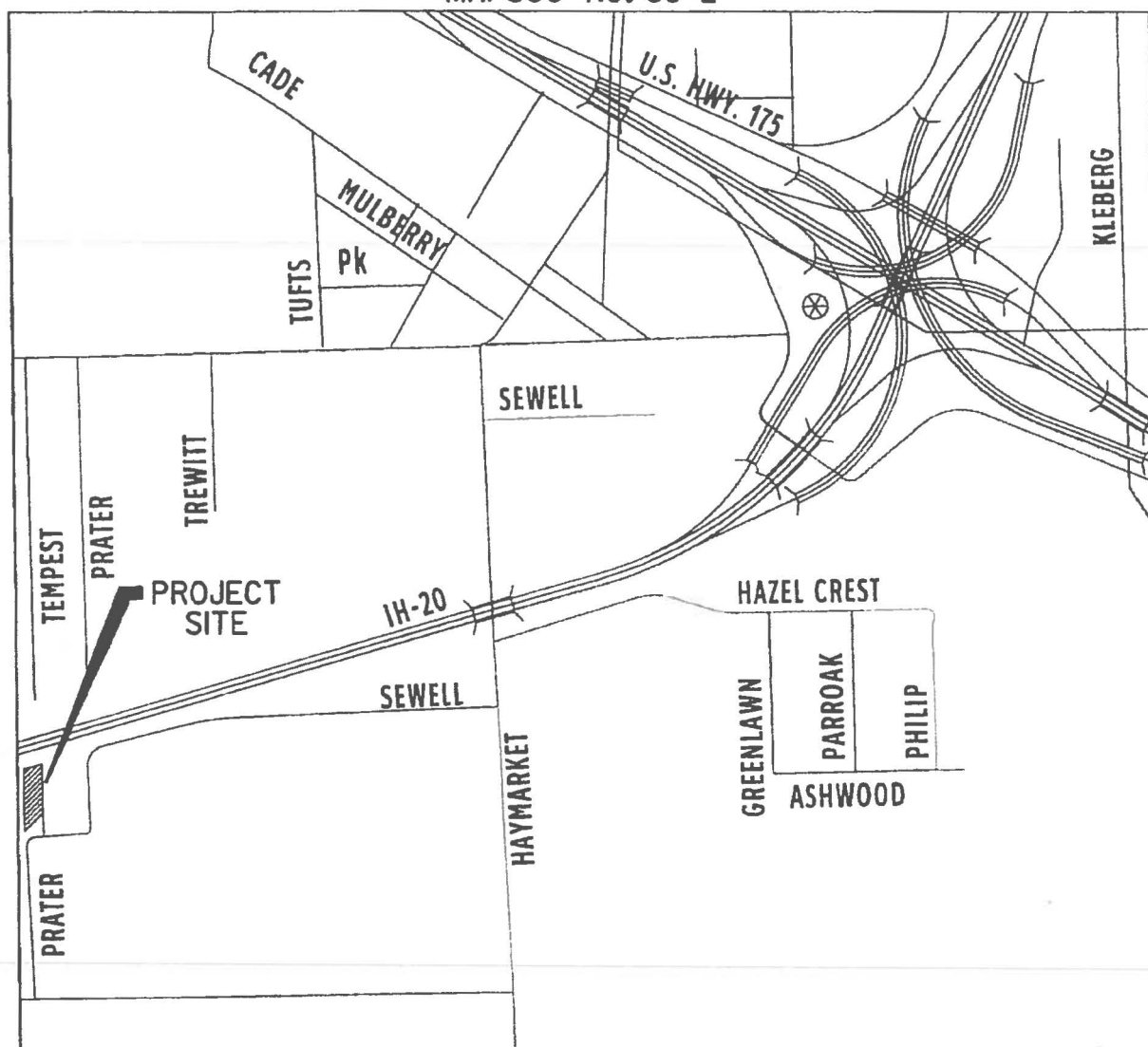
Amador Garcia

MAP

Attached



MAPSCO NO. 69 L



LOCATION MAP
NOT TO SCALE

September 24, 2014

WHEREAS, on February 27, 2013, the Dallas City Council determined the necessity of acquiring real property and authorized its appropriation and/or Condemnation for public use by Resolution No. 13-0417; and

WHEREAS, on February 27, 2013, Resolution No. 13-0417 authorized acquisition of the PROPERTY for approximately 15,714 square feet of property in Dallas County for the construction of the Southwest 120/96-inch Water Transmission Pipeline Project; and

WHEREAS, the Dallas City Council desires to acquire a reduced area containing approximately 11,965 square feet; **NOW, THEREFORE**,

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

SECTION 1. That Resolution No. 13-0417, previously approved on February 27, 2013, be and the same is hereby amended by altering the definition of "PROPERTY", "OFFER AMOUNT" "CLOSING COSTS AND TITLE EXPENSES" and "AUTHORIZED AMOUNT" as follows:

"PROPERTY": Approximately 11,965 square feet of land located in Dallas County and being the same property more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"OFFER AMOUNT": \$14,358

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000

"AUTHORIZED AMOUNT": \$17,358

SECTION 2. That the definitions, terms and conditions of Resolution No. 13-0417 shall remain in full force and effect except as amended hereby.

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

**PARCELS E-105, E-107, & E-360
CITY OF DALLAS RIGHT-OF-WAY
11,965 SQUARE FOOT TRACT
CITY OF DALLAS BLOCK NO. 1/8778,
BARNEY JETT, PRATER ROAD SUBDIVISION SECTION 1,
SOLOMON DIXON SURVEY, ABSTRACT NUMBER 407,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING a tract of land situated in the Solomon Dixon Survey, Abstract Number 407, City of Dallas, Dallas County, Texas, and being part of Lots 3, 4 and 5, Block 1/8778, Barney Jett, Prater Road Subdivision Section 1, an unrecorded subdivision in the City of Dallas, Texas, said tract also being part of that tract of land described in deed to Amador Garcia as recorded in County Clerk's Instrument Number 20070021062 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.) and being more particularly described as follows:

COMMENCING at a 5/8-inch found iron rod with yellow plastic cap stamped "HALFF ASSOC. INC." (hereinafter referred to as "with cap") for the common southwest corner of said Lot 3 and the northwest corner of Lot 2 of said Block 1/8778, Barney Jett, Prater Road Subdivision Section 1, said point being on the east line of that tract of land described as Parcel E-106R in deed to the City of Dallas, as recorded in County Clerk's Instrument Number 201000134775, O.P.R.D.C.T.;

THENCE North 00 degrees 33 minutes 03 seconds West, along the common west line of said Lot 3 and the east line of said Parcel E-106R, a distance of 24.70 feet to a 1/2-inch found iron rod with cap for the POINT OF BEGINNING, said corner being the northeast corner of said Parcel E-106R and the southeast corner of that tract of land described as Parcel 106 in deed to the City of Dallas, as recorded in County Clerk's Instrument Number 201000134742, O.P.R.D.C.T.;

THENCE North 00 degrees 33 minutes 03 seconds West, continuing along the common west line of said Lots 3, and 4, and the east line of said Parcel 106, a distance of 93.06 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 74 degrees 43 minutes 11 seconds East, departing said common west line of Lot 4 and said east line of Parcel 106, and over and across said Lot 4, a distance of 41.36 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 00 degrees 33 minutes 03 seconds West, over and across said Lots 4 and 5, a distance of 41.36 feet to a 1/2-inch set iron rod with cap for corner;

THENCE North 74 degrees 43 minutes 11 seconds East, over and across said Lot 5, a distance of 63.40 feet to a 1/2-inch set iron rod with cap for corner, said corner being on the common east line of said Lot 5, and the west right-of-way line of Tempest Drive (a 60 foot wide right-of-way as shown on said unrecorded plat);

FIELD NOTES APPROVED:

AKC 12/28/13



EXHIBIT A

**PARCELS E-105, E-107, & E-360
CITY OF DALLAS RIGHT-OF-WAY
11,965 SQUARE FOOT TRACT
CITY OF DALLAS BLOCK NO. 1/8778,
BARNEY JETT, PRATER ROAD SUBDIVISION SECTION 1,
SOLOMON DIXON SURVEY, ABSTRACT NUMBER 407,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE South 00 degrees 33 minutes 03 seconds East, along said common east line of Lots 5, 4, and 3 and said west right-of-way line of Tempest Drive, a distance of 134.42 feet to a 1/2-inch found iron rod with cap for corner;

THENCE South 74 degrees 43 minutes 11 seconds West, departing said common line, over and across said Lot 3, a distance of 104.76 feet to the POINT OF BEGINNING AND CONTAINING 11,965 square feet or 0.2747 acre of land, more or less.

The Basis of Bearing is the 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.

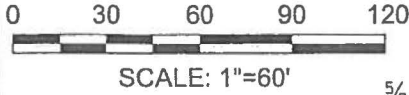


Andrew J. Shafer
Dec. 13, 2013

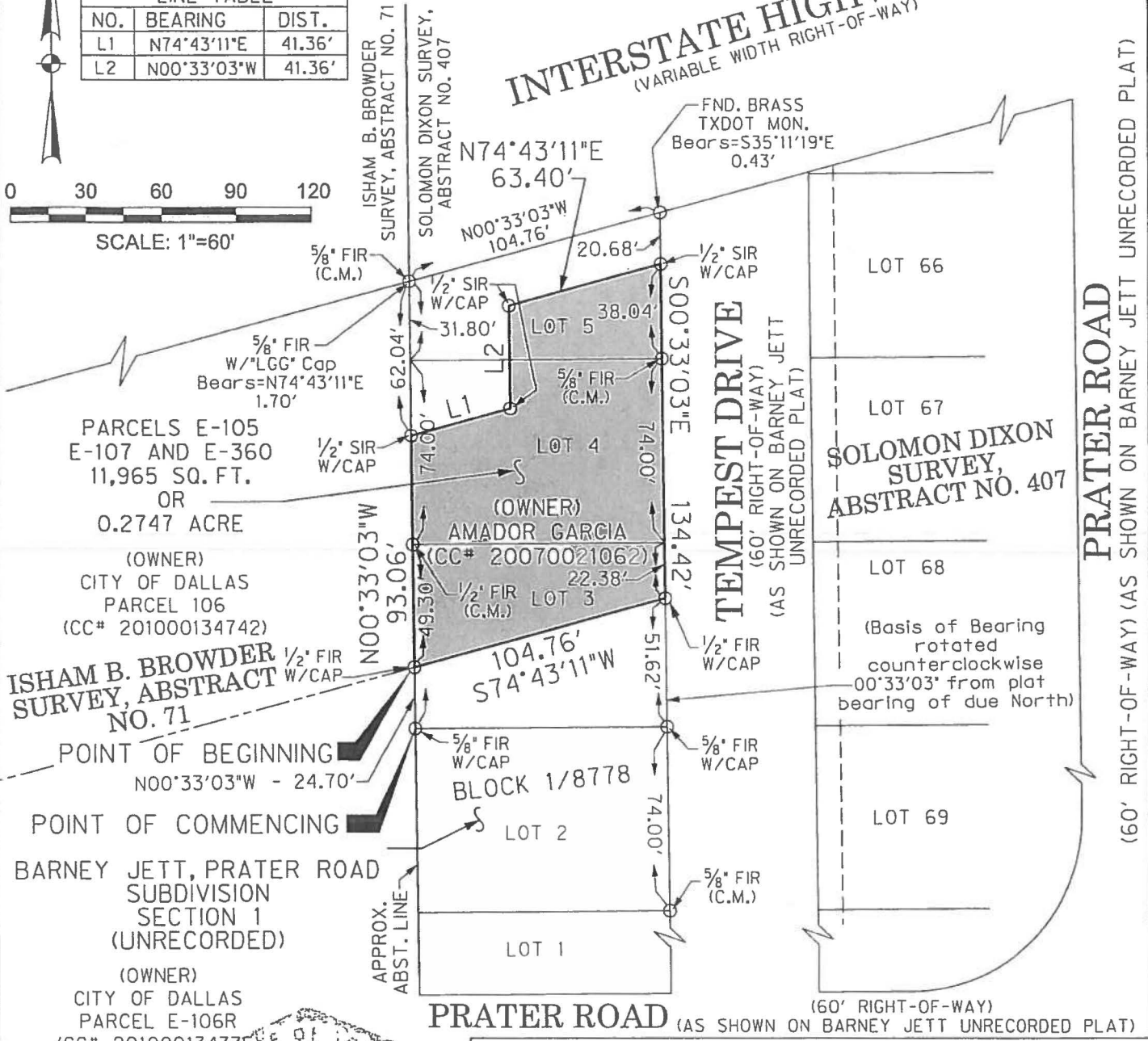
SOLOMON DIXON SURVEY
ABSTRACT NO. 407



LINE TABLE		
NO.	BEARING	DIST.
L1	N74°43'11"E	41.36'
L2	N00°33'03"W	41.36'



INTERSTATE HIGHWAY - 20
(VARIABLE WIDTH RIGHT-OF-WAY)



ISHAM B. BROWDER
SURVEY, ABSTRACT
NO. 71

BARNEY JETT, PRATER ROAD
SUBDIVISION
SECTION 1
(UNRECORDED)

(OWNER)
CITY OF DALLAS
PARCEL E-106R
(CC# 201000134775)

PRATER ROAD (AS SHOWN ON BARNEY JETT UNRECORDED PLAT)



Dec. 13, 2013

LEGEND

- 1/2" SIR 1/2-INCH SET IRON ROD
- 5/8" SIR 5/8-INCH SET IRON ROD WITH YELLOW W/CAP
- PLASTIC CAP STAMPED "HALFF ASSOC. INC."
- (C.M.) CONTROL MONUMENT
- FIR FOUND IRON ROD
- SIR SET IRON ROD
- MON MONUMENT

NOTES:
1. The Basis of Bearing is the 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.
2. Metes and Bounds description of even date accompanies this survey exhibit.

PARCELS E-105, E-107, & E-360
CITY OF DALLAS RIGHT-OF-WAY
11,965 SQUARE FOOT TRACT
CITY OF DALLAS BLOCK NO. 1/8778,
BARNEY JETT, PRATER ROAD SUBDIVISION SECTION 1,
SOLOMON DIXON SURVEY, ABSTRACT NUMBER 407,
CITY OF DALLAS, DALLAS COUNTY, TEXAS

HALFF
1201 N. BOWSER ROAD RICHARDSON, TEXAS 75081
TELE. (214)346-6200 FAX (214)739-0095

DATE: DECEMBER, 2013
AVO.: 25143
PAGE 3 OF 3

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AGENDA ITEM # 30

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2014
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 45R

SUBJECT

An ordinance abandoning a portion of Cesar Chavez Boulevard to WDF-3 Wood Farmers Market Owner, LLC, the abutting owner, containing approximately 1,839 square feet of land, located near the intersection of Cesar Chavez Boulevard and Taylor Street - Revenue: \$8,473, plus the \$20 ordinance publication fee

BACKGROUND

This item authorizes the abandonment of a portion of Cesar Chavez Boulevard to WDF-3 Wood Farmers Market Owner, LLC, the abutting owner. The area will be included with the property of the abutting owner for a multi-family development. The abandonment fee is based on Dallas Central Appraisal District values.

Notices were sent to 14 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: \$8,473, plus the \$20 ordinance publication fee

OWNER

WDF-3 Wood Farmers Market Owner, LLC

WDF-3 Wood Farmers Market Manager, LLC

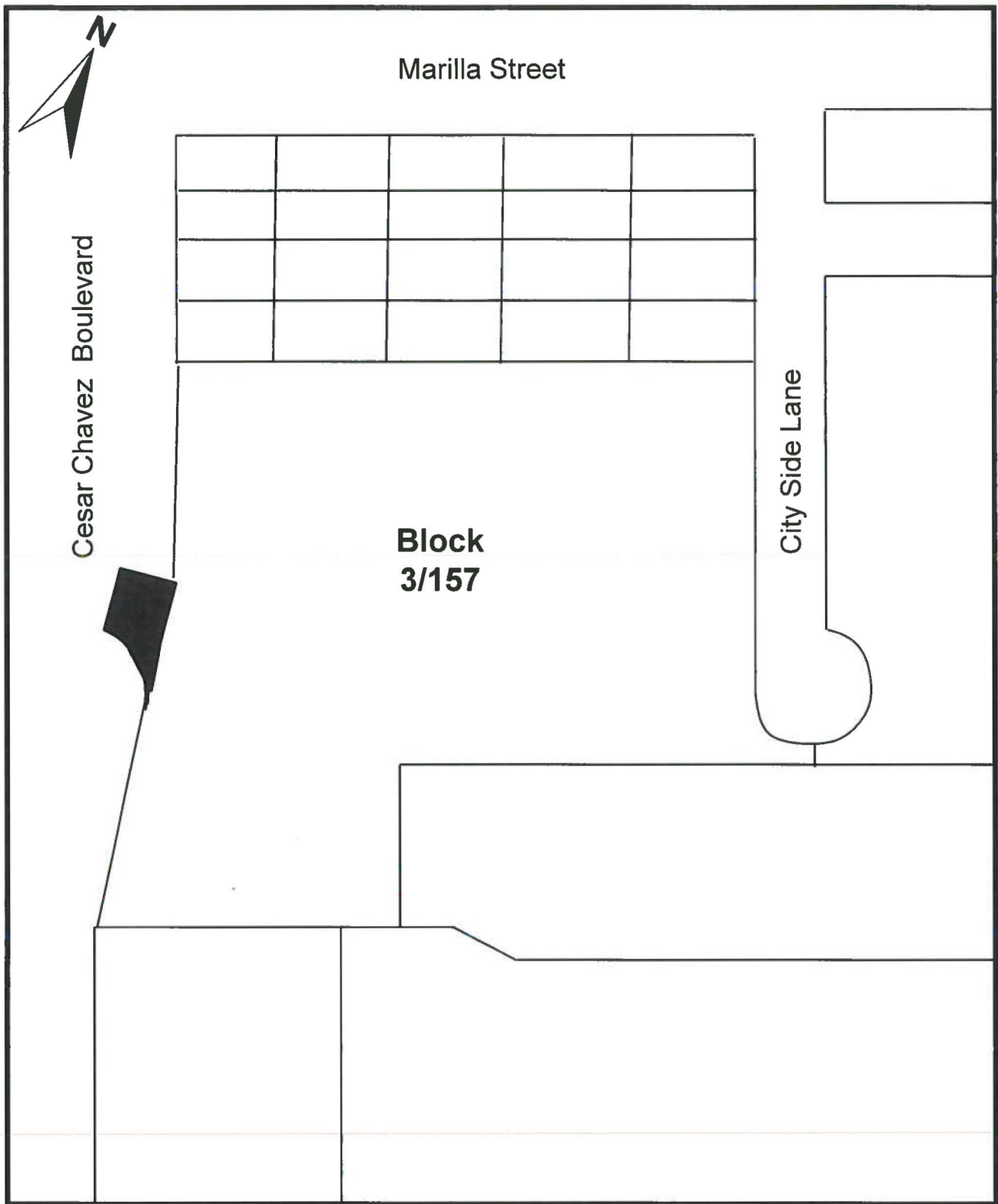
Wood Alta Farmers Market, LLC

WP West Development Enterprises, LLC

Joseph Keough, President

MAP

Attached



= Abandonment Area

ORDINANCE NO. _____

An ordinance providing for the abandonment of a portion of Cesar Chavez Boulevard located adjacent to City Block 3/157 in the City of Dallas and County of Dallas, Texas; providing for the quitclaim thereof to WDF-3 Wood Farmers Market Owner, LLC; 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 WDF-3 Wood Farmers Market Owner, LLC, a Texas limited liability corporation, 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 right-of-way 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 **EIGHT THOUSAND FOUR HUNDRED SEVENTY-THREE AND NO/100 DOLLARS (\$8,473.00)** paid by

GRANTEE, and the further consideration described in Section 8 and 9, the City of Dallas does by these presents **FOREVER QUITCLAIM** unto the said **GRANTEE**, subject to the conditions, reservations, 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
Director of Department of Sustainable
Development and Construction

BY 
Assistant City Attorney

BY 
Assistant Director

Passed _____.

(For SPRG use only)

Reviewed By: JL
 Date: 6-20-14
 SPRG NO: 2881

LEGAL DESCRIPTION

BEING a 1,839 square foot (0.042 acre) tract of land situated in the John Grigsby Survey, Abstract No. 495, City of Dallas, Dallas County, Texas; and being part of Cesar Chavez Boulevard right-of-way being adjacent to Block 3/157; being part of that tracts of land described as Tract 9 in Special Warranty Deed to City of Dallas recorded in Volume 91249, Page 4083 of the Deed Records of Dallas County, Texas; being part of those tracts of land described in Special Warranty Deeds to City of Dallas recorded in Volume 95050, Page 3219 and Volume 2003112, Page 4318 all of said Deed Records; and being part of right-of-way dedicated as Preston Street by Revised Map of Rail Road Addition, an addition to the City of Dallas, according to the plat recorded in Volume 4, Page 350 of the Map Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at a "X" cut in concrete found in the east right-of-way line of Cesar Chavez Boulevard (a variable width right-of-way), being the southeast corner of Lot 25, Block A/152, Farmers Market Townhome No. 2 Addition, an addition to the City of Dallas according to the plat recorded in Instrument No. 200600248424 of the Official Public Records of Dallas County, Texas, and being the northwest corner of a called 4.670 acre tract of land described in Special Warranty Deed with Vendor's Lien to WDF-3 Wood Farmers Market Owner, LLC recorded in Instrument No. 201400090565 of the Official Public Records of Dallas County, Texas; said point also being the beginning of a curve to the right having a central angle of 4°37'07", a radius of 424.70 feet, a chord bearing and distance of South 32°53'25" East, 34.23 feet;

THENCE with said east right-of-way line of Cesar Chavez Boulevard and the west line of said called 4.670 acre tract, the following courses and distances:

With said curve to the right, an arc distance of 34.24 feet to a "X" cut in concrete found for corner;
 South 35°10'24" East, a distance of 160.83 feet to a "X" cut in concrete set for the **POINT OF BEGINNING**;
 South 35°10'24" East, a distance of 86.15 feet to a "X" cut in concrete found at the beginning of a non-tangent curve to the left having a central angle of 70°59'39", a radius of 60.00 feet, a chord bearing and distance of North 70°40'14" West, 69.68 feet;

THENCE departing said east right-of-way line of Cesar Chavez Boulevard and said west line of said called 4.670 acre tract, over and across said Cesar Chavez Boulevard, the following courses and distances:

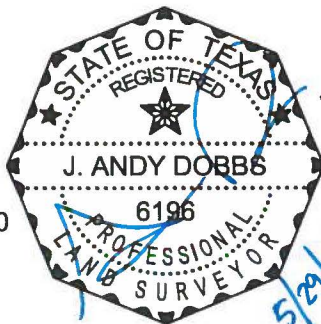
In a northwesterly direction, with said curve to the left, an arc distance of 74.34 feet to a "X" cut in concrete set for corner;
 North 24°20'27" West, a distance of 36.50 feet to a "X" cut in concrete set for corner;
 North 65°39'33" East, a distance of 34.21 feet to the **POINT OF BEGINNING** and containing 1,839 square feet or 0.042 acres of land.

The bearings for this survey are based on a bearing of South 36°50'46" East, for the northeast line of Farmers Market Way according to the plat of Farmers Market Apartments, Phase II, recorded in Volume 2003206, Page 241 of the Deed Records of Dallas County, Texas.

**STREET ABANDONMENT
 PART OF CESAR CHAVEZ BOULEVARD
 1,839 SQ. FT. (0.042 ACRES)
 ADJACENT TO BLOCK 3/157**

**BEING OUT OF THE
 JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
 CITY OF DALLAS, DALLAS COUNTY, TEXAS**

J. ANDY DOBBS
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6196
 12750 MERIT DRIVE, SUITE 1000
 DALLAS, TEXAS 75251
 PH. 972-770-1300
 andy.dobbs@kimley-horn.com

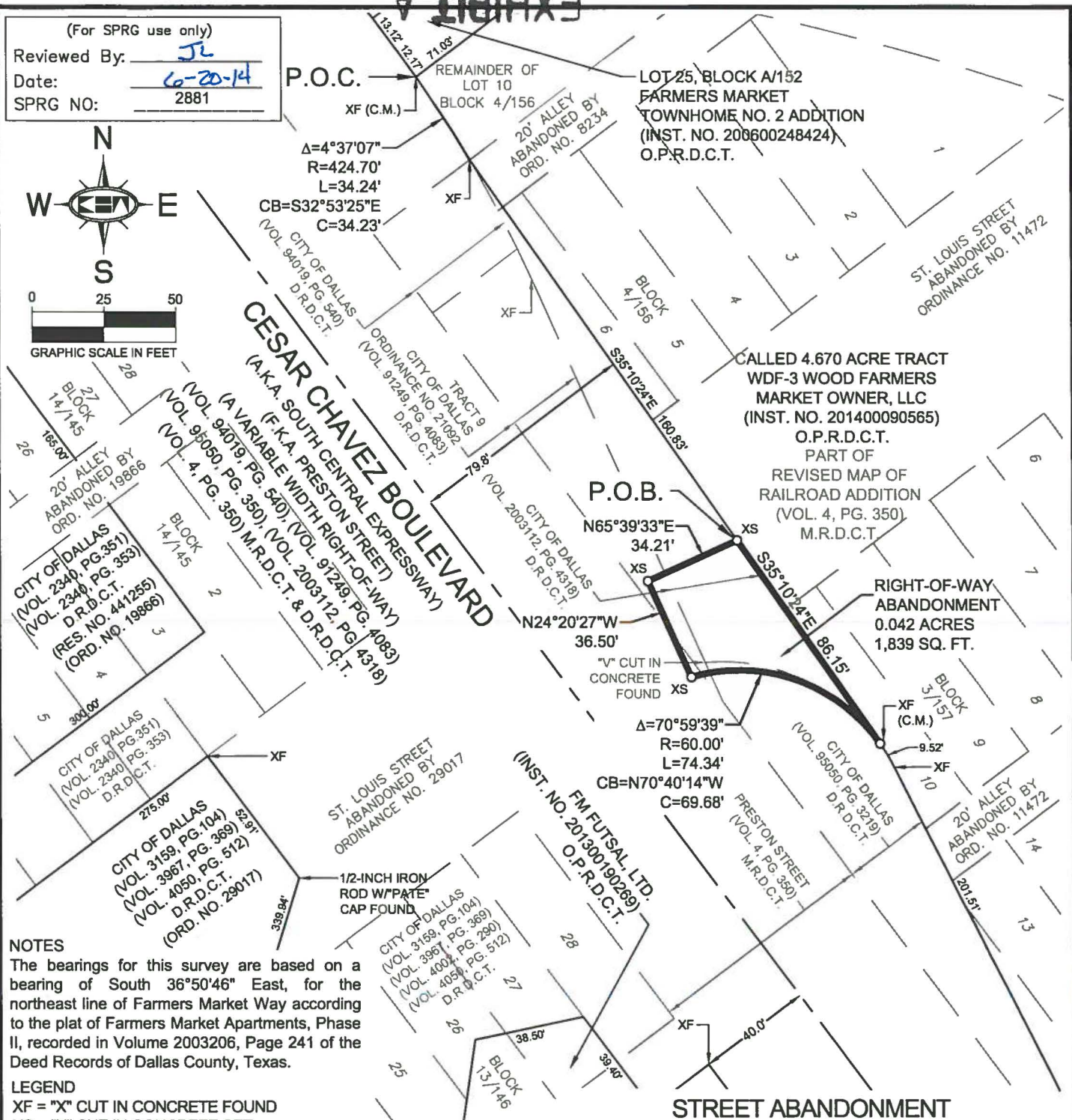
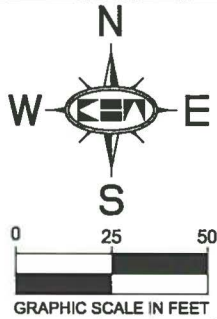


**Kimley-Horn
 and Associates, Inc.**
 12750 Merit Drive, Suite 1000
 Dallas, Texas 75251
 FIRM # 101155-00

Tel. No. (972) 770-1300
 Fax No. (972) 239-3820

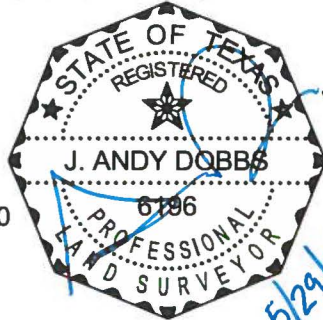
Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	JAD	DAB	JAN. 2014	067780303	1 OF 2

Reviewed By: JL
Date: 6-20-14
SPRG NO: 2881



BEING OUT OF THE
JOHN GRIGSBY SURVEY, ABSTRACT NO. 495
CITY OF DALLAS, DALLAS COUNTY, TEXAS

J. ANDY DOBBS
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6196
12750 MERIT DRIVE, SUITE 1000
DALLAS, TEXAS 75251
PH. 972-770-1300
andy.dobbs@kimley-horn.com



**Kimley-Horn
and Associates, Inc.**

12750 Merit Drive, Suite 1000
Dallas, Texas 75251

FIRM # 101155-00

Tel. No. (972) 770-1300
Fax No. (972) 239-3820

<u>Scale</u> 1" = 50'	<u>Drawn by</u> JAD	<u>Checked by</u> DAB	<u>Date</u> JAN. 2014	<u>Project No.</u> 067780303	<u>Sheet No.</u> 2 OF 2
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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 # 31

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2014
COUNCIL DISTRICT(S): 2
DEPARTMENT: Sustainable Development and Construction
CMO: Ryan S. Evans, 671-9837
MAPSCO: 34U

SUBJECT

An ordinance granting a private license to Alta Maple Station, LP, for approximately 3,679 square feet of land to install, maintain and use landscaping and appurtenant irrigation system on a portion of Maple Avenue located near its intersection with Inwood Road - Revenue: \$1,000 one-time fee, plus the \$20 ordinance publication fee

BACKGROUND

This item grants a license for the construction, installation, use and maintenance of 3,679 square feet of land for landscaping and appurtenant irrigation system on a portion of Maple Avenue. This use will not impede pedestrian or vehicular traffic.

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

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

OWNER

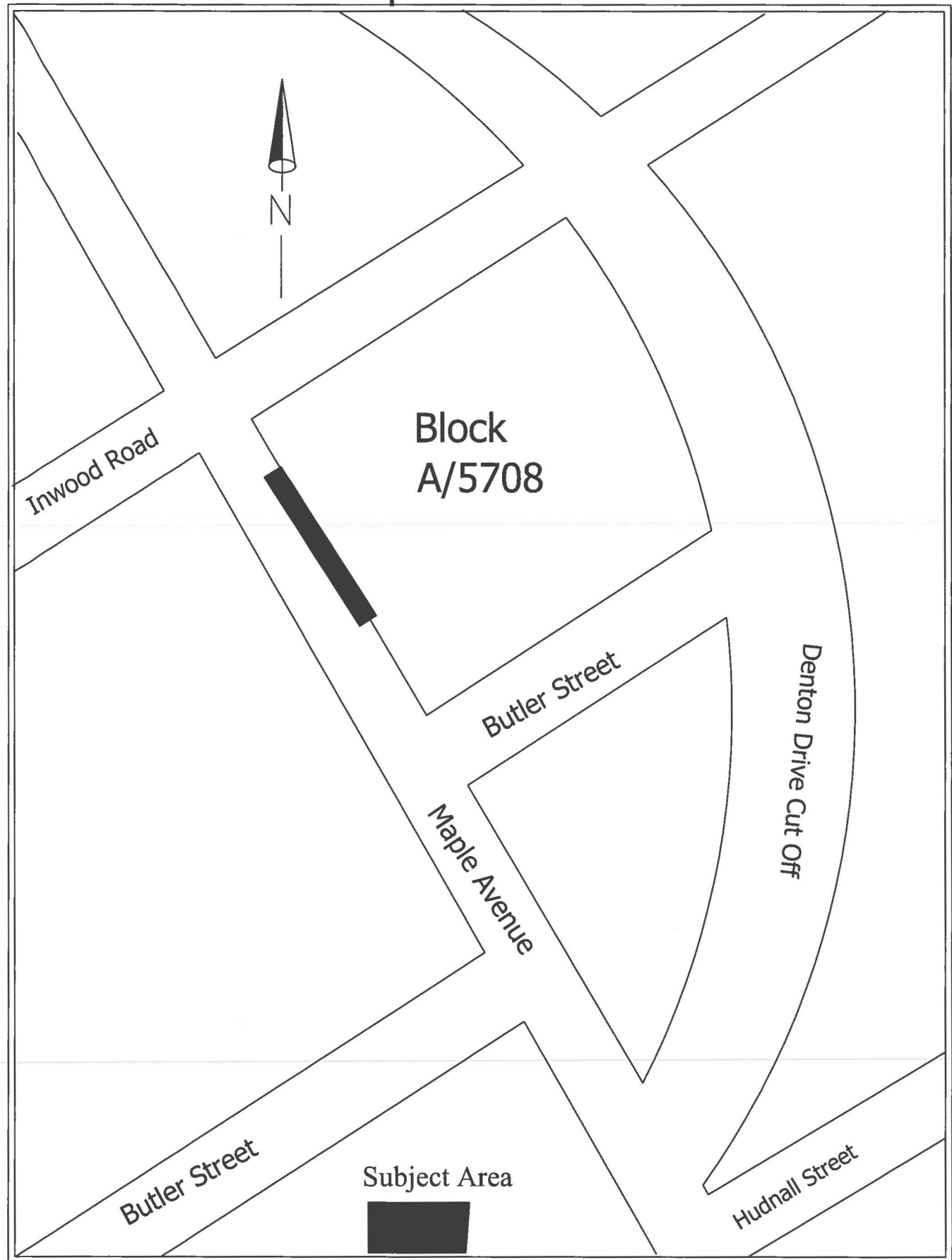
Alta Maple Station, LP

C. Todd McCulloch, Vice President

MAP

Attached

Mapsko 34U



ORDINANCE NO. _____

An ordinance granting a private license to Alta Maple Station, LP to occupy, maintain, and utilize a portion of Maple Avenue right-of-way located near the intersection of Inwood Road and Maple Avenue, adjacent to City Block A/5708 within the limits hereinafter more fully described, for the purpose of installing, using and maintaining landscaping and appurtenant irrigation system; providing for the terms and conditions of this license; providing for the compensation to be paid to the City of Dallas; providing for payment of the publication fee; and providing an effective date of this license and ordinance.

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

SECTION 1. That a private license, hereinafter referred to as "license", subject to the restrictions and conditions of this ordinance, is hereby granted to Alta Maple Station, LP, a Delaware limited partnership, its successors and assigns, hereinafter referred to as "**GRANTEE**" to occupy, maintain, and utilize for the purpose set out hereinbelow the tracts of land described in Exhibit A, hereinafter referred to as "licensed area" which is attached hereto and made a part hereof.

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

SECTION 3. That **GRANTEE** shall pay to the City of Dallas a one-time license fee in the sum of **ONE THOUSAND (\$1,000.00) DOLLARS** for the license herein granted during the term hereof; provided however, that the first payment due hereunder in the sum of **ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS** shall become due and payable upon the final passage of this ordinance and shall be a one-time fee that covers the consideration for the entire license period granted herein in accordance with special fees established by Section 43-115.1 of the Dallas City Code. Such consideration shall be in addition to and exclusive of any other taxes or special assessments required by law to be paid by **GRANTEE**. Should **GRANTEE** fail to pay the above stated one-time license fee within sixty (60) days of the due date, the Director of Department of Sustainable Development and Construction may terminate this license. All sums

payable to the City of Dallas hereunder shall be paid to the City Controller of the City of Dallas and deposited in Fund 0001, Dept. DEV, Unit 1181, Revenue Source 8428. In the event **GRANTEE's** check for the license fee is dishonored, **GRANTEE** shall pay to the City a processing fee of \$25.00 for each dishonored check. Additionally, all monies owed to the City under this license shall be subject to the assessment of interest at a rate of 10% a year from the day after any monies become due until it is paid in full, in accordance with Section 2-1.1 of the Dallas City Code.

SECTION 4. That the licensed area shall be used by **GRANTEE** for the following purpose under the direction of the Director of Department of Sustainable Development and Construction of the City of Dallas: installing, using and maintaining landscaping and appurtenant irrigation system within the public right-of-way.

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

SECTION 6. That this license is nonexclusive and is made expressly subject and subordinate to the right of the City to use the licensed area for any public purpose. The Governing Body of the City of Dallas reserves the right by resolution duly passed by said Governing body, to terminate and cancel this license upon giving **GRANTEE** sixty (60) days notice of its intent to cancel. Upon termination, all rights granted hereunder shall thereupon be considered fully terminated and cancelled and the City of Dallas shall not be held liable by reason thereof. Said resolution shall be final and shall not be subject to review by the Courts. **GRANTEE** shall have the right of cancellation upon giving the City of Dallas sixty (60) days written notice of its intention to cancel, and in either event upon the termination or cancellation by the City or **GRANTEE**, as the case may be, this license shall become null and void and **GRANTEE** or anyone claiming any rights under this instrument shall remove, to the extent required by the Director of Department of Sustainable Development and Construction, any improvements and encroachments from the licensed area at **GRANTEE's** expense. Failure to do so shall subject **GRANTEE** to the provisions contained in EXHIBIT B, Subsection (a). All work shall be done at the sole cost of **GRANTEE** and to the satisfaction of the Director of Department of Sustainable Development and Construction.

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

- a) **GRANTEE** shall comply with the City of Dallas MOWmentum program guidelines.
- b) **GRANTEE** shall obtain a Street Cut Permit from the Public Works Department at least 48 hours prior to commencement of work. Contact Cut Control at 214-948-4042 for more information.
- c) **GRANTEE** agrees and shall provide that the Texas Red Oak trees may not be topped to limit their height to 14 feet. Any pruning for utility line clearance, and street and sidewalk clearance, must comply with ANSI A300, Part 1 standards for Pruning as developed by and made available through the Tree Care Industry Association (TCIA.org). Each tree must be provided a minimum of 25 square feet of surface area in the planting bed with or without tree grates.

SECTION 8. That the license granted hereby shall not become effective until and unless **GRANTEE** files a final acceptance, in writing, to the terms and conditions of this ordinance with the Director of Department of Sustainable Development and Construction and said written acceptance shall be forwarded to the City Secretary of the City of Dallas. In the event said written final acceptance is not filed within six (6) months after the passage of this ordinance as provided for herein, then the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 9. That upon receipt of **GRANTEE's** final written acceptance, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a NOTICE OF LICENSE and to file same in the deed records of Dallas County, Texas. Additionally, the Director of Department of Sustainable Development and Construction, or designee, is hereby authorized to execute a cancellation of Notice of License upon termination by the City or **GRANTEE** and to file such cancellation of Notice of License in the deed records of Dallas County, Texas.

SECTION 10. That the terms and conditions contained in this ordinance shall be binding upon **GRANTEE**, its successors and assigns.

SECTION 11. That this license may not be assigned without prior written approval from the Director of Department of Sustainable Development and Construction, or designee. Such assignment shall recite that it is subject to the terms, restrictions, and conditions contained in this ordinance. The assignee shall deliver evidence of ownership of property abutting the licensed area, and a copy of the assignment, along with the assignee's written acceptance of the provisions of this ordinance, to the Director of Department of Sustainable Development and Construction within 10 days of such assignment; said assignment and written acceptance shall be forwarded to the City Secretary of the City of Dallas. Should **GRANTEE** fail to obtain prior written approval for assignment of this license or fail to provide the City of Dallas with the required written acceptance and a copy of the assignment, the Director of Department of Sustainable Development and Construction, or designee, may terminate this license.

SECTION 12. That the City Secretary is hereby authorized and directed to certify a copy of this ordinance for recordation in the Deed Records of Dallas County, Texas, which certified copy shall be delivered to the Director of Department of Sustainable Development and Construction, or designee. Upon receipt of the fee for the year 2014, an acceptable certificate of insurance, and the fee for publishing this ordinance which **GRANTEE** shall likewise pay, the Director of Department of Sustainable Development and Construction, or designee, shall deliver to **GRANTEE** the certified copy of this ordinance. The Director of Department of Sustainable Development and Construction, or designee, shall be the sole source for receiving certified copies of this ordinance for one year after its passage.

SECTION 13. This ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

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

DAVID COSSUM
Interim Director of Department of
Sustainable Development and Construction

BY 
Assistant City Attorney

BY 
for Assistant Director

Passed _____.

LICENSE AGREEMENT
A PORTION OF MAPLE AVENUE
ADJACENT TO BLOCK A/5708
CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 532
CITY OF DALLAS, DALLAS COUNTY, TEXAS

EXHIBIT A

BEING A 3,679 SQUARE FEET (0.0845 ACRE) TRACT OF LAND SITUATED IN THE CRAWFORD GRIGSBY SURVEY, ABSTRACT NO. 532, CITY OF DALLAS, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF MAPLE AVENUE (A VARIABLE-WIDTH PUBLIC RIGHT-OF-WAY, 70-FEET WIDE AT THIS POINT CREATED BY USE AND OCCUPATION) AND BEING ADJACENT TO LOT 9, BLOCK A/5708 OF MAPLE INWOOD PHASE TWO, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 99039, PAGE 14, DEED RECORDS OF DALLAS COUNTY, TEXAS, (D.R.D.C.T.) SAID LOT 9, BLOCK A/5708 DESCRIBED TO ALTA MAPLE STATION, LP. IN THE SPECIAL WARRANTY DEED WITH VENDOR'S LIEN RECORDED IN INSTRUMENT NUMBER 201300306988, OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY, TEXAS, (O.P.R.D.C.T.), SAID 3,679 SQUARE FOOT TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING, AT A CUT "X" FOUND FOR THE MOST WESTERLY CORNER OF SAID LOT 9, BLOCK A/5708 SAME BEING THE MOST SOUTHERLY CORNER OF LOT 3A, BLOCK A/5708 OF INWOOD STATION, AN ADDITION TO THE CITY OF DALLAS ACCORDING TO THE PLAT THEREOF RECORDED IN INSTRUMENT NO. 201000200696, O.P.R.D.C.T., AND BEING IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID MAPLE AVENUE, AND FROM WHICH A CUT "X" FOUND FOR THE MOST WESTERLY CORNER OF SAID LOT 3A, BLOCK A/5708, BEARS NORTH 46°13'22" WEST, A DISTANCE OF 20.00 FEET;

THENCE, SOUTH 46°13'22" EAST, ALONG THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID MAPLE AVENUE SAME BEING THE SOUTHWESTERLY LINE OF SAID LOT 9, BLOCK A/5708, A DISTANCE OF 282.99 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "BURY + PARTNERS" FOUND FOR AN ANGLE POINT IN THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID MAPLE AVENUE, AND THE MOST SOUTHERLY CORNER OF SAID LOT 9, BLOCK A/5708;

THENCE DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY LINE, OVER AND ACROSS SAID MAPLE AVENUE, THE FOLLOWING;

SOUTH 43°46'38" WEST, A DISTANCE OF 13.00 FEET;

NORTH 46°13'22" WEST, A DISTANCE OF 282.99 FEET;

NORTH 43°46'38" EAST, A DISTANCE OF 13.00 FEET TO THE **POINT OF BEGINNING**;

CONTAINING A COMPUTED AREA OF 3,679 SQUARE FEET OR 0.0845 ACRES OF LAND.

NOTES:

THE BEARINGS CALLED FOR HEREIN ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM (NORTH CENTRAL ZONE, NAD 83) BASED ON LEICA GEOSYSTEMS NORTH TEXAS SMARTNET NETWORK, DISTANCES ADJUSTED TO SURFACE USING AN AVERAGE COMBINED SCALE FACTOR OF 0.99986256133. A SKETCH WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS DESCRIPTION.



(For SPRG use only)

Reviewed by: DBF Date: 4-11-2014 SPRG NO: 2945

EXHIBIT A

0 25 50
SCALE: 1" = 50'

CRAWFORD GRIGSBY SURVEY
ABSTRACT NO. 532

LOT 9, BLOCK A/5708
MAPLE INWOOD PHASE TWO
VOL. 99039, PG. 00014
D.R.D.C.T.

TRACT 2
ALTA MAPLE STATION, LP.
INST. NO. 201300306988
O.P.R.D.C.T.

LOT 3A, BLOCK A/5708
INWOOD STATION
INST. NO. 201000200696
O.P.R.D.C.T.

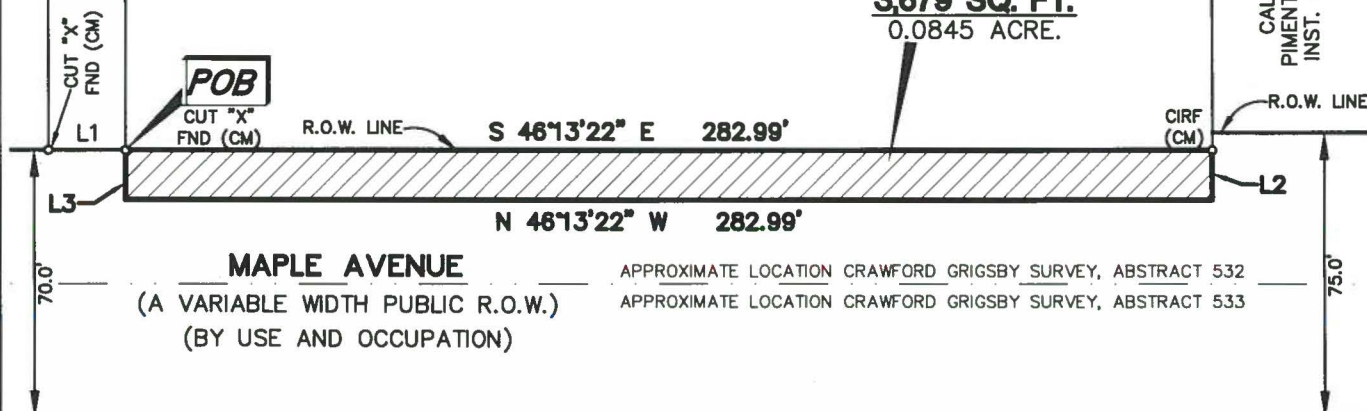
PARCEL NO. NW1B-026
CALLED 3.7977 ACRES
DALLAS AREA RAPID TRANSIT
CONDEMNATION CAUSE NO. CC04-12269-E
INST. NO. 20080332159
O.P.R.D.C.T.

LINE DATA		
LINE #	BEARING	DISTANCE
L1	N46°13'22"W	20.00'
L2	S43°46'38"W	13.00'
L3	N43°46'38"E	13.00'

LICENSE AGREEMENT AREA
3,679 SQ. FT.
0.0845 ACRE.

BLOCK 5707
MAPLE - DENTON
INDUSTRIAL SUBDIVISION
VOL. 13, PG. 179
D.R.D.C.T.

CALLLED 0.93 ACRE
PIMENTAL HOLDINGS, LLC
INST. NO. 20080242605
O.P.R.D.C.T.



NOTES:

A FIELD NOTE DESCRIPTION WAS PREPARED ON EVEN DATE TO ACCOMPANY THIS SKETCH.

THE BEARINGS SHOWN HEREON ARE REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM (NORTH CENTRAL ZONE, NAD 83) BASED ON LEICA GEOSYSTEMS NORTH TEXAS SMARTNET NETWORK, DISTANCES ADJUSTED TO SURFACE USING AN AVERAGE COMBINED SCALE FACTOR OF 0.99986256133.

(FOR SPRG USE ONLY)

REVIEWED BY: DBF

DATE: 06-11-2014

SPRG NO. 2945

BURY

5310 Harvest Hill Road, Suite 100
Dallas, Texas 75230
Tel. (972) 991-0011 Fax (972) 991-0278
TBPLS Registration Number 10107502
Copyright © 2014

DATE: 2/3/14

LICENSE AGREEMENT
A PORTION OF A MAPLE AVENUE
ADJACENT TO BLOCK A/5708
CRAWFORD GRIGSBY SURVEY
ABSTRACT NO. 532
CITY OF DALLAS, DALLAS COUNTY, TEXAS



MICHAEL J. MURPHY
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 5724

PAGE 2 OF 2

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

That this license is granted subject to the following additional conditions, terms and reservations:

- (a) That at such time as this license is terminated or canceled for any reason whatsoever, **GRANTEE**, upon orders issued by the City acting through the Director of Sustainable Development and Construction, or designee, shall remove all installations, improvements and appurtenances owned by it situated in, under or attached to the licensed area, and shall restore the premises to its former condition in accordance with the requirements of the Director of Sustainable Development and Construction at the sole cost of **GRANTEE**. In the event, upon termination of this license, **GRANTEE** shall fail to remove its installations, improvements and appurtenances and to restore the licensed area in compliance with orders issued by City, or such work is not done to the satisfaction of the Director of Sustainable Development and Construction, then in either event the City shall have the right to do all work necessary to restore said area to its former condition or cause such work to be done, and to assess the cost of all such work against **GRANTEE**; in neither event shall the City of Dallas be liable to **GRANTEE** on account thereof.
- (b) It is further understood that if and when the City of Dallas, in the exercise of its discretion, shall determine that the grade of any street, sidewalk or parkway should be modified or changed, or that any other work should be done in connection with any public improvement which will affect the licensed area, and/or any of **GRANTEE's** installations and improvements thereon, any modifications or changes to **GRANTEE's** facilities in the licensed area or in construction or reconstruction of any public improvement attributable to **GRANTEE's** use of the licensed area and/or its installations and improvements thereon, shall be made at the sole expense of **GRANTEE** and to the satisfaction of the Director of Sustainable Development and Construction.
- (c) At such time as this license is granted, it is agreed, and a condition hereof, that **GRANTEE** shall procure and keep in full force and effect **Commercial General Liability Insurance** coverage issued by an insurance company authorized and approved by the State of Texas, acceptable to the City of Dallas and issued in the standard form approved by the Texas Department of Insurance. The insured provisions of this policy must name the City of Dallas as an additional insured protecting the City of Dallas against any and all claims for damages to persons or property as a result of or arising out of the use, operation and maintenance by **GRANTEE** of the licensed area and **GRANTEE's** installations, improvements, landscaping and equipment in connection therewith and located therein. The Commercial General Liability coverage must include, but not limited to, Premises/Operations, Independent Contractors and Contractual Liability with minimum combined bodily injury (including death) and property damage limits of not less than \$500,000 per occurrence and \$500,000 annual aggregate. This insurance shall also include coverage for underground, explosion and collapse hazards (i.e. not excluded). If this insurance is written on a claims-made form, coverage shall be continuous (by renewal or extended reporting period) for not less than

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

twelve (12) months following termination of this license and removal of the installations, improvements and appurtenances and restoration of the licensed area pursuant to paragraph (a) above. Coverage, including any renewals, shall contain the same retroactive date as the original policy applicable to this license. The City of Dallas reserves the right to review the insurance requirements set forth herein during the effective term of the license and to adjust insurance coverages and their limits when deemed necessary and prudent by the City of Dallas' Risk Management based upon changes in statutory law, court decisions, or the claims history of the industry as well as the City of Dallas.

1. **GRANTEE** agrees that with respect to the above required insurance, all insurance contracts and certificates of insurance will contain and state, in writing, that coverage shall not be canceled, nonrenewed or materially changed except after thirty (30) days written notice by certified mail to Department of Sustainable Development and Construction.
 2. **GRANTEE** shall carry said insurance at its expense and shall furnish the City of Dallas proof of such insurance. In the event said insurance should terminate during the licensing term hereof, or **GRANTEE** fails to furnish proof of insurance coverage in accordance with the specifications as required by this section, the Director of Sustainable Development and Construction, or designee, may terminate the license granted herein.
- (d) **GRANTEE** is prohibited from using the licensed area in any manner which violates Federal, State or local laws, regulations, rules and orders, regardless of when they become or became effective, including without limitation, those related to health, safety, noise, environmental protection, waste disposal and water and air quality, and shall provide satisfactory evidence of compliance upon the request of the City of Dallas. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the licensed area due to **GRANTEE's** use and occupancy thereof, **GRANTEE**, at its expense, shall be obligated to clean up the licensed area to the satisfaction of the City of Dallas and any governmental body having jurisdiction thereover. The City of Dallas may, at its option, clean the licensed area. If the City of Dallas elects to do so, **GRANTEE** shall promptly pay to the City of Dallas the reasonable cost of such cleanup upon receipt of bills therefore. **GRANTEE** agrees that the indemnity provisions contained in paragraph (g) herein shall be fully applicable to the requirements of this paragraph, in event of **GRANTEE's** breach of this paragraph, or as a result of any such discharge, leakage, spillage, emission or pollution arising out of the **GRANTEE's** use of the licensed area.
- (e) This license is subject to all State laws, the provisions of the Charter of the City of Dallas as it now exists, or may hereafter be adopted or amended, and the ordinances of the City of Dallas now in effect or those which may hereafter be passed or adopted. The City of Dallas shall have the right to increase or decrease the compensation to be charged for the use contemplated by this grant in

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

accordance with the provisions of the Dallas City Code as it now exists, or as may hereafter be adopted or amended.

- (f) The Governing Body of the City of Dallas reserves the right, at any time without notice, to terminate and cancel this license, by resolution, upon a finding by the Governing Body that this license is inconsistent with the public use of the property or whenever the purpose or use of the license is likely to become a nuisance and all rights granted hereunder shall thereupon be considered fully terminated and canceled and the City of Dallas shall not be held liable by reason thereof. The decision of the Governing Body of the City in this matter shall be final and binding upon all parties insofar as the City's determination as to whether the **GRANTEE's** use of this license constitutes a nuisance or is inconsistent with the public use of the property.
- (g) As a condition hereof, **GRANTEE** agrees and is bound to defend, indemnify and hold the City of Dallas, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs and expenses for bodily injury (including death), property damage or other harm for which recovery of damages is sought, suffered by any person or persons, that may arise out of or be occasioned by the use, occupancy and maintenance of the licensed area or **GRANTEE's** installations and improvements within the licensed area, from any act or omission of any representative, agent, customer and/or employee of **GRANTEE**, or by **GRANTEE's** breach of any of the terms or provisions of this license, or by any negligent or strictly liable act or omission of **GRANTEE**, its officers, agents, employees or contractors in the use, occupancy and maintenance of **GRANTEE's** installations and improvements within the licensed area; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City of Dallas, its officers, agents, employees or separate contractors, and in the event of joint and concurring negligence or fault of both the **GRANTEE** and the City of Dallas, responsibility and liability, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without, however, waiving any governmental immunity available to the City of Dallas under Texas law and without waiving any defenses of the parties under Texas law. This obligation to indemnify and defend shall also include any claim for damage that any utility or communication company, whether publicly or privately owned, may sustain or receive by reason of **GRANTEE's** use of the licensed area or **GRANTEE's** improvements and equipment located thereon. In addition to the foregoing, **GRANTEE** covenants and agrees never to make a claim of any kind or character whatsoever against the City of Dallas for damage of any kind that it may suffer by reason of the installation, construction, reconstruction, operation or maintenance of any public improvement, utility or communication facility on the licensed area, whether presently in place or which may in the future be constructed or installed, including but not limited to, any water or wastewater mains or storm sewer facilities, regardless of whether such damage is due to

**EXHIBIT B
COMMERCIAL ENTITY
ADDITIONAL LICENSE PROVISIONS**

flooding, infiltration, backflow or seepage caused from the failure of any installation, natural causes, City's negligence, or from any other cause whatsoever.

- (h) This license is subject to any existing utilities or communication facilities, including drainage, presently located within the licensed area, owned and/or operated by the City of Dallas or any utility or communications company, public or private, and to any vested rights presently owned by an utility or communications company, public or private, for the use of the licensed area for facilities presently located within the boundaries of said licensed area. It is the intent of the foregoing that this permission herein is made expressly subject to the utilization of the licensed area for communication and utility purposes, both public and private, including drainage, over, under, through, across and along the licensed area. No buildings shall be constructed or placed upon, over or across the licensed area in such a manner as to interfere with the operation of any utilities and communication facilities. All and any communication company and utility, both public and private, shall have the right to remove and keep removed all or parts of any buildings which may in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within the licensed area. All communication companies and utilities, both public and private, shall have the full right to remove and keep removed all parts of any buildings, fences, trees, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance and efficiency of its respective system and shall at all times have the full right of ingress and egress to or from and upon the licensed area for the purpose of constructing, relocating, inspecting, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

AGENDA ITEM # 32

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 4

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 55 N; S

SUBJECT

An ordinance granting a CR Community Retail District on property zoned an NS(A) Neighborhood Service District bounded by Illinois Avenue, Alaska Avenue, Montana Avenue, and Marsalis Avenue and a resolution accepting the deed restrictions volunteered by the applicant - Z112-294 - Financing: No cost consideration to the City

BACKGROUND

On November 12, 2013, the City Council approved a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District bounded by Illinois Avenue, Alaska Avenue, Montana Avenue, and Marsalis Avenue and instructed that the ordinance and resolution be brought back on a later date.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

On January 10, 2013, the City Plan Commission recommended approval of a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District bounded by Illinois Avenue, Alaska Avenue, Montana Avenue, and Marsalis Avenue.

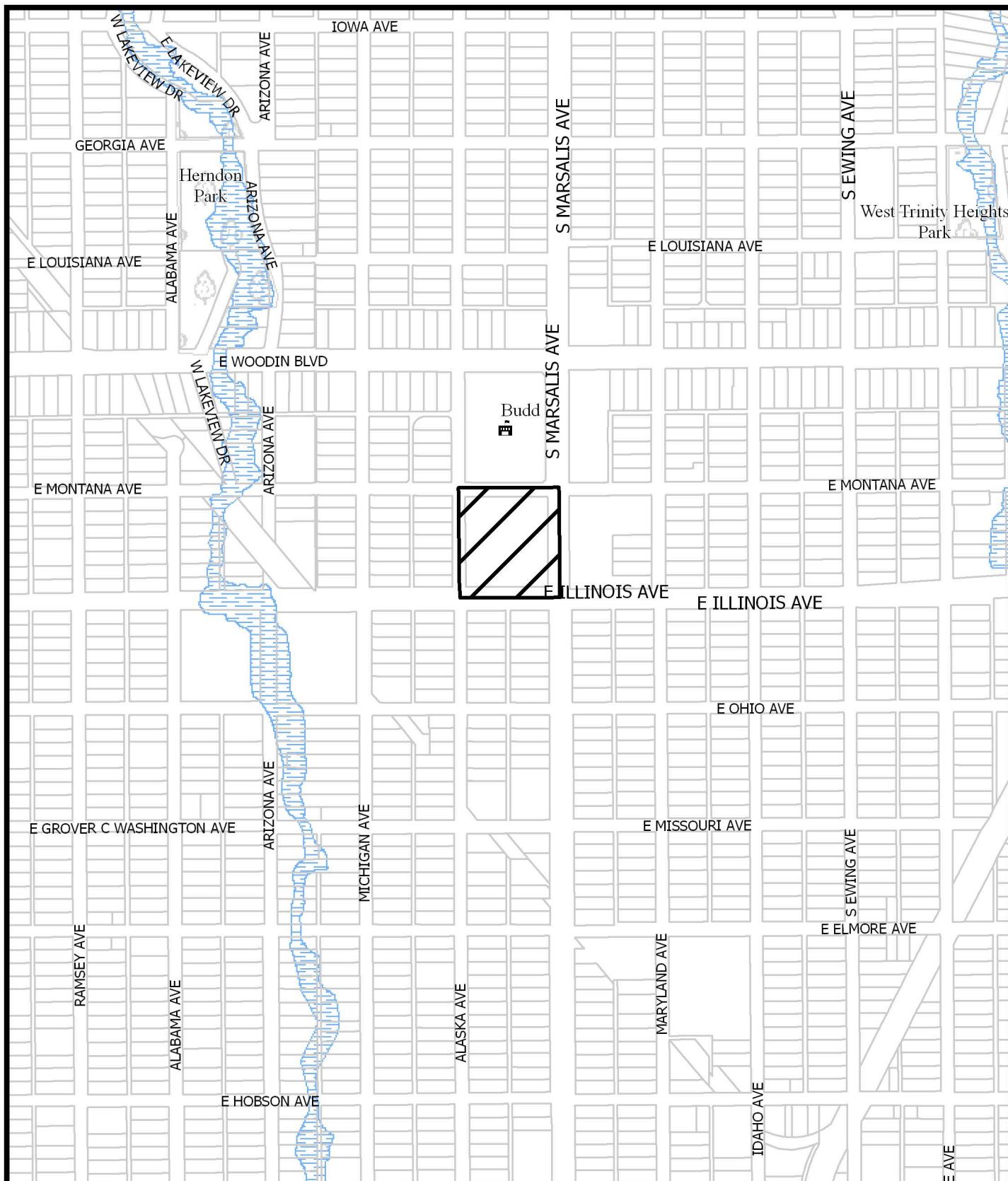
On November 12, 2013, the City Council approved a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District bounded by Illinois Avenue, Alaska Avenue, Montana Avenue, and Marsalis Avenue and instructed that the ordinance and resolution be brought back on a later date.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



1:6,000

VICINITY MAP

Case no: **Z112-294**

Date: **10/8/2013**

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, NOVEMBER 12, 2013

ACM: Theresa O'Donnell

FILE NUMBER: Z112-294(RB)

DATE FILED: March 28, 2012

LOCATION: Property bounded by Illinois Avenue, Alaska Avenue, Montana Avenue,
and Marsalis Avenue

COUNCIL DISTRICT: 4

MAPSCO: 55 N, S

SIZE OF REQUEST: Approx. 2.45 Acres

CENSUS TRACT: 54

APPLICANT: Huttonco Development, L.P.

REPRESENTATIVE: Frank Youmans

OWNER: Rainier Sun West 2012, LLC

REQUEST: An application for a CR Community Retail District with deed restrictions volunteered by the applicant on property zoned an NS(A) Neighborhood Service District.

SUMMARY: The applicant is requesting a CR District in order to permit additional development of a 7,000 square foot general merchandise or food store (auto parts store) as well as permitting additional nonresidential uses. In conjunction with the request, the applicant has volunteered deed restrictions that will: 1) prohibit certain uses; 2) address certain operational characteristics; and, 3) provide for additional landscape materials along portions of the perimeter of the site.

CPC RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

STAFF RECOMMENDATION: Approval, subject to deed restrictions volunteered by the applicant.

423.756.9267 Phone
423.756.7927 Fax

736 Cherry Street
Chattanooga, Tennessee 37402

the **Hutton** *Company*

D E V E L O P M E N T
C O N S T R U C T I O N

List of Partners/Principals/Officers

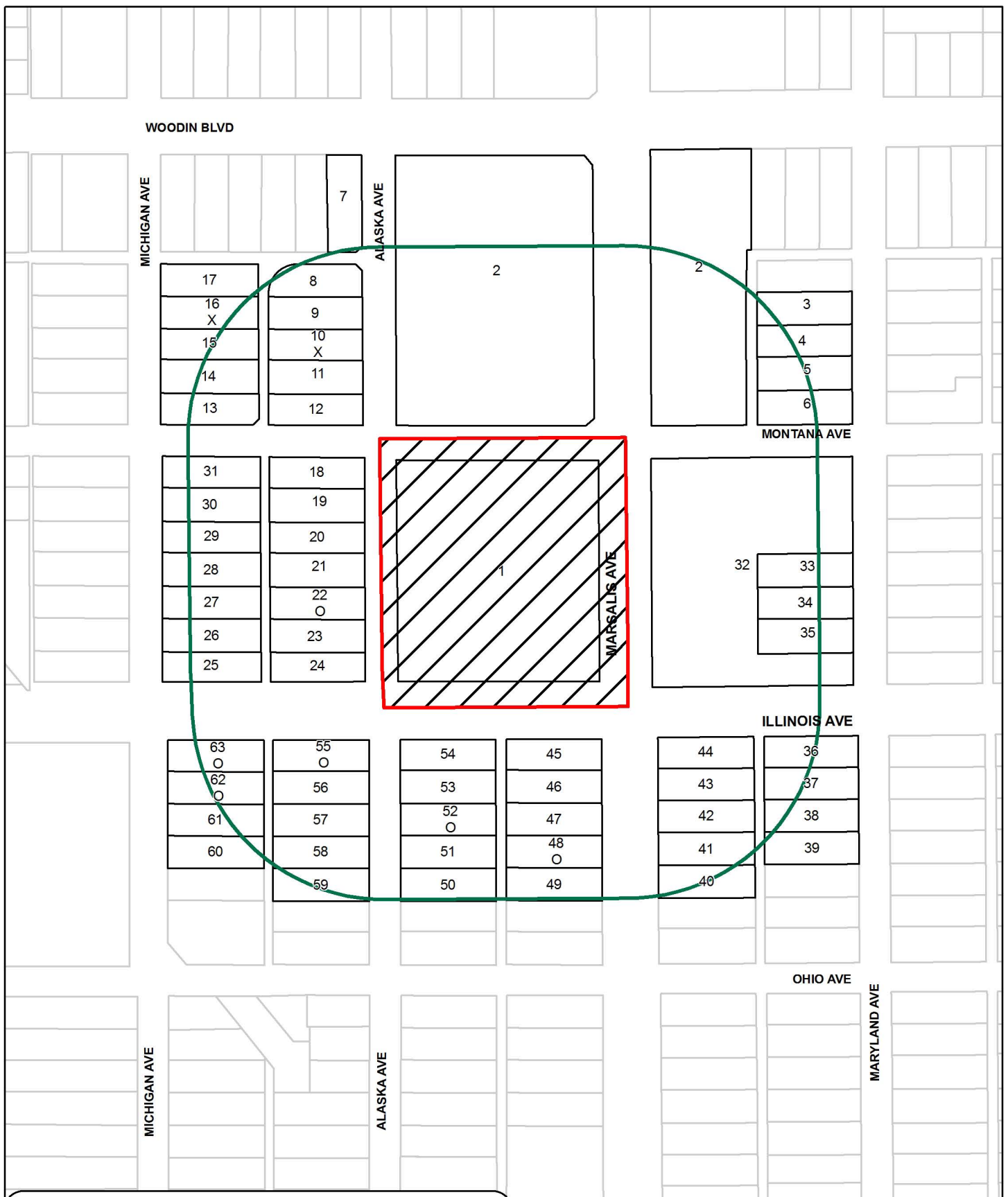
HuttonCo Development, L.P., a Texas limited partnership
By: Hutton Real Property Texas, LLC, a Texas limited liability company as its general
property.

Federal ID #13-4208165

Sole Owner: Karen J. Hutton, Chief Manager/CEO

Officers: Geoffrey W. Smith, President
Oliver F. Perdomo, Executive Vice President
George G. Hixson, Secretary

Z112-294



<u>63</u>	Property Owners Notified (64 parcels)
<u>6</u>	Replies in Favor (6 parcels)
<u>2</u>	Replies in Opposition (2 parcels)
<u>300'</u>	Area of Notification
<u>11/12/2013</u>	Date <u>10/23/2013</u> Under Advisement

Z112-294
CC



1:2,400

08/29/2014

Reply List of Property Owners

Z112-294

63 Property Owners Notified

6 Property Owners in Favor

2 Property Owners Opposed

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	1	2215 MARSALIS AVE	RAINIER SUNWEST 2012 LLC
	2	2100 MARSALIS AVE	Dallas ISD
	3	2119 MARYLAND AVE	GUEL FELIPE TORRES &
	4	2123 MARYLAND AVE	TINOCO REFUGIO T & MARIA
	5	2127 MARYLAND AVE	EGUILUZ PATRICIO
	6	2131 MARYLAND AVE	TEXAS NORTHEAST CHURCH
	7	522 WOODIN BLVD	GARCIA JULIAN R
	8	2115 ALASKA AVE	WILLIAMS PATRICIA B
	9	2119 ALASKA AVE	GONZALEZ ALVARO & MARIA E
X	10	2123 ALASKA AVE	MIRANDA RITA
	11	2127 ALASKA AVE	RIOS CAMILO R
	12	2131 ALASKA AVE	BAKER BERL EST OF
	13	2130 MICHIGAN AVE	CHATMAN RUFUS
	14	2126 MICHIGAN AVE	CHATMAN VADA JOE
	15	2122 MICHIGAN AVE	BERNAL JESUS & LUDIVINA
X	16	2118 MICHIGAN AVE	ANDERSON DOROTHY
	17	2112 MICHIGAN AVE	ERILEY PROPERTIES LLC
	18	2203 ALASKA AVE	CANAAN BAPTIST CHURCH
	19	2207 ALASKA AVE	CANNAN BAPTIST CHURCH
	20	2211 ALASKA AVE	VARGAS PRUDENCIO
	21	2215 ALASKA AVE	SHEPHERD ERMIE JEAN
O	22	2221 ALASKA AVE	KROUT ELLIS
	23	2223 ALASKA AVE	MARTINEZ NORA ALICIA
	24	2227 ALASKA AVE	ARREDONDO JOSE &
	25	2224 MICHIGAN AVE	ORTIZ BENITO
	26	2222 MICHIGAN AVE	PHILLIPS RUSSIAN

08/29/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	27	2218 MICHIGAN AVE	CORTINAS OSCAR C
	28	2214 MICHIGAN AVE	GUERRA JUAN GUEVARA &
	29	2210 MICHIGAN AVE	VAZQUEZ HONORIO
	30	2206 MICHIGAN AVE	GUERRERO MARGARITA
	31	2202 MICHIGAN AVE	RODRIGUEZ FERNANDO & MARY
	32	2200 MARSALIS AVE	CHURCH OF GOD IN CHRIST
	33	2215 MARYLAND AVE	CH OF GOD IN CHRIST TNE
	34	2219 MARYLAND AVE	SAINTSVILLE C O G I E
	35	2223 MARYLAND AVE	CHURCH OF GOD IN CHRIST
	36	2307 MARYLAND AVE	JASSO ANTONIO SABAS
	37	2311 MARYLAND AVE	ROCHA JOSE LUIS &
	38	2315 MARYLAND AVE	MEDINA JOSE ANTONIO
	39	2319 MARYLAND AVE	MEDINA JOSE A
	40	2322 MARSALIS AVE	DKW ENTERPRISES
	41	2318 MARSALIS AVE	BEJARANO ITANIO &
	42	2314 MARSALIS AVE	HERRERA JUAN F
	43	2310 MARSALIS AVE	WALKER PATRICIA K
	44	2306 MARSALIS AVE	CORSEY DANTE & ANJANETTE
	45	2305 MARSALIS AVE	GUERRERO CASTILLO MELITON
	46	2309 MARSALIS AVE	MOTEN EUGENE & STELLA
	47	2315 MARSALIS AVE	WILSON GUSSIE L
O	48	2319 MARSALIS AVE	SHIELDS MARVIN EST OF &
	49	2323 MARSALIS AVE	ELLIOTT DEBRA ANN
	50	2322 ALASKA AVE	WATSON DIMPLE
	51	2318 ALASKA AVE	NECH VICENTE
O	52	2314 ALASKA AVE	SIMMONS MYRTLE
	53	2310 ALASKA AVE	HOLMES LARRY & DOROTHY
	54	2306 ALASKA AVE	BLTREJV3 DALLAS LLC
O	55	2307 ALASKA AVE	KELLEY PATRICIA & KENNETH
	56	2311 ALASKA AVE	LUSK PHILIP W
	57	2315 ALASKA AVE	BANDA ALEJANDRO & SOFIA

08/29/2014

<i>Reply</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
	58	2319 ALASKA AVE	SANTANA RAFAEL L & MARIA
	59	2323 ALASKA AVE	HERNANDEZ DORA
	60	2320 MICHIGAN AVE	SCOTT JERRY D
	61	2316 MICHIGAN AVE	RAYNER RUTH
O	62	2310 MICHIGAN AVE	WOODS LOTTIE J
O	63	2306 MICHIGAN AVE	GURRUSQUIETA ARMANDO &

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 2

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 34 X; Y

SUBJECT

An ordinance granting a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District, on both sides of Harry Hines Boulevard, northwest of Medical District Drive - Z134-117 - Financing: No cost consideration to the City

BACKGROUND

The City Council, on March 26, 2014, approved a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District located on both sides of Harry Hines Boulevard, northwest of Medical District Drive and instructed that the ordinance be brought back on a later date.

PRIOR ACTION/REVIEW (COUNCIL, BOARD, COMMISSIONS)

On February 6, 2014, the City Plan Commission recommended approval of a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District located on both sides of Harry Hines Boulevard, northwest of Medical District Drive.

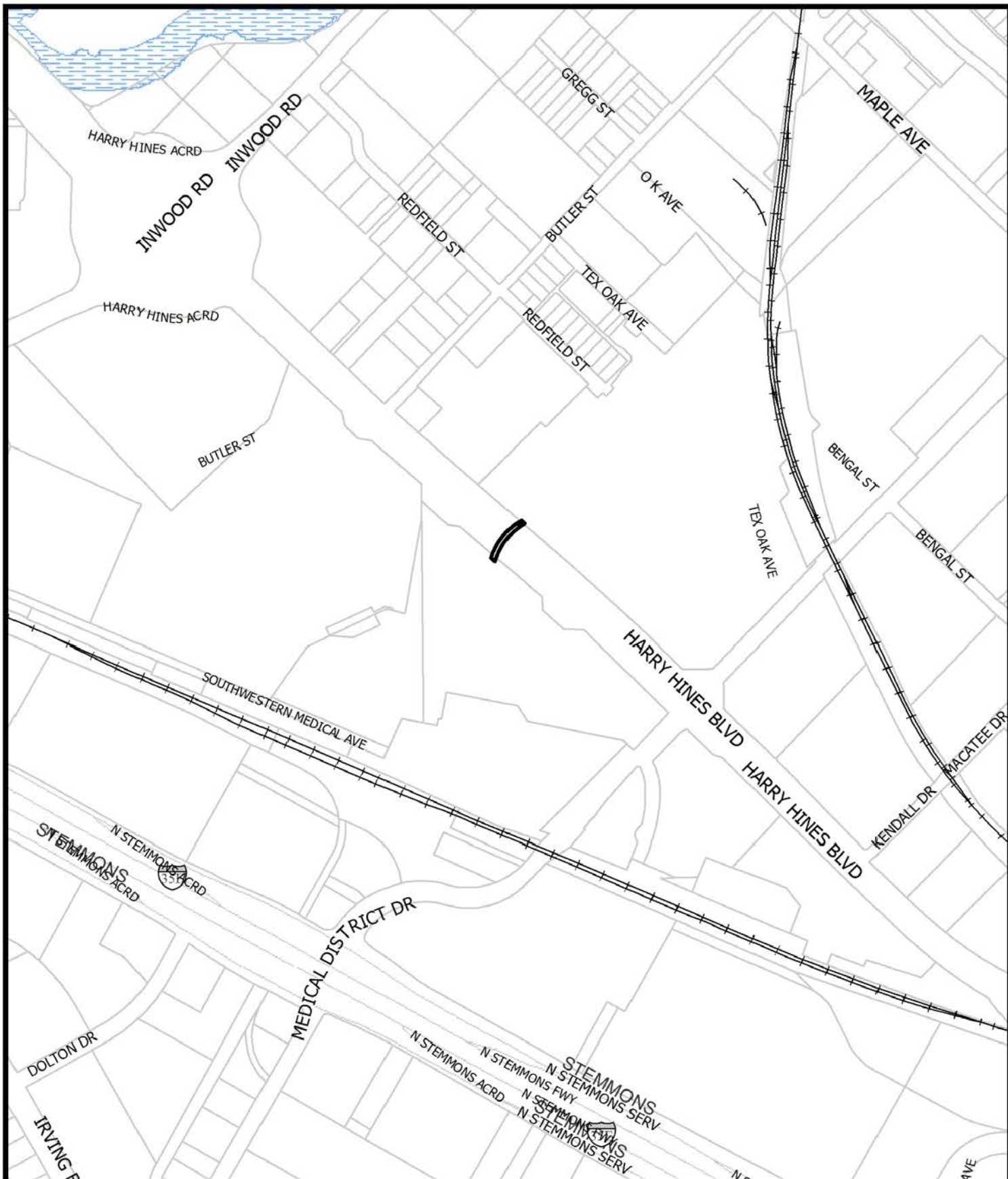
The City Council, on March 26, 2014, approved a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District located on both sides of Harry Hines Boulevard, northwest of Medical District Drive and instructed that the ordinance be brought back on a later date.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



1:7,200

VICINITY MAP

Case no: Z134-117

Date: 12/23/2013

HONORABLE MAYOR & CITY COUNCIL

WEDNESDAY, MARCH 26, 2014

ACM: Theresa O'Donnell

FILE NUMBER: Z134-117(RB)

DATE FILED: October 22, 2013

LOCATION: Both Sides of Harry Hines Boulevard, Northwest of Medical District Drive

COUNCIL DISTRICT: 2

MAPSCO: 34 X, Y

SIZE OF REQUEST: Approx. 4,333 Sq. Ft.

CENSUS TRACT: 167.01

APPLICANT/OWNER: Dallas County Hospital District

REPRESENTATIVE: Suzan Kedron

REQUEST: An application for a Specific Use Permit for a Pedestrian skybridge on property zoned an IR Industrial Research District and an MU-3 Mixed Use District

SUMMARY: The applicant proposes to construct a pedestrian skybridge across Harry Hines Boulevard, connecting existing and new construction associated with the hospital campus.

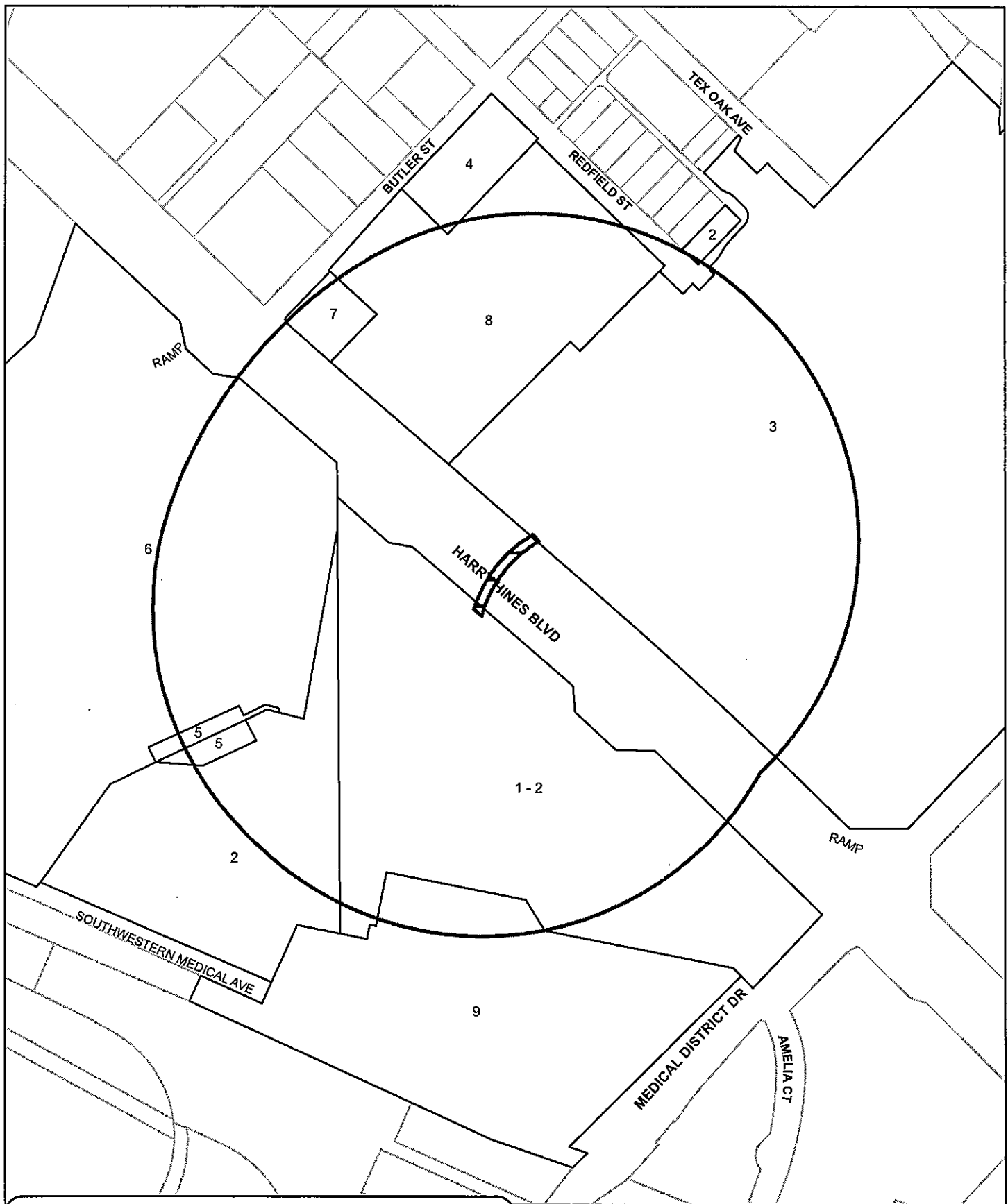
CPC RECOMMENDATION: Approval for a forty-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a forty-year period, subject to a site plan and conditions.

Dallas County Hospital District Board of Managers	
Roberto C. de la Cruz, MD	L. Gerald 'Jerry' Bryant
Eddie Reeves	Winfred Parnell, MD
Debbie Branson	Patricia Rodriguez Gorman
Cobie Russell	

Dallas County Hospital District Senior Executives:

Interim CEO	Robert L. Smith
Interim Chief Financial Officer	Walter "Ted" Shaw, CPA, FHFMA
Interim Chief Medical Officer	Christopher Madden, MD
Interim Chief Operating Officer for Hospital Operations, Chief Implementation Officer	Ron Laxton, RN
Interim Chief Operating Officer of Ambulatory and Behavioral Health Services	Sharon Phillips, RN
Executive Vice President, Chief Nursing Officer	Mary K. Eagen, RN
Executive Vice President and General Counsel	Paul Leslie
Vice President of Human Resources	James R. Johnson



9 Property Owners Notified (11 parcels)

0 Replies in Favor (0 parcels)

0 Replies in Opposition (0 parcels)

750' Area of Notification

3/26/2014 Date

Z134-117

CC



1:3,600

3/25/2014

Notification List of Property Owners

Z134-117

9 Property Owners Notified

0 Property Owners Opposed

0 Property Owners in Favor

<i>Vote</i>	<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	5201	HARRY HINES BLVD	PARKLAND HOSPITAL
2	5238	REDFIELD ST	DALLAS COUNTY HOSPITAL DISTRICT
3	5134	HARRY HINES BLVD	DALLAS COUNTY HOSPITAL DISTRICT
4	2210	BUTLER ST	PAPPAS HARRIS PROPERTIES LLC
5	5300	HARRY HINES BLVD	County of Dallas
6	5401	HARRY HINES BLVD	TEXAS STATE OF
7	5350	HARRY HINES BLVD	FONBERG PETER TR &
8	5320	HARRY HINES BLVD	SALVATION ARMY THE
9	1935	MEDICAL DISTRICT DR	CHILDRENS MEDICAL CENTER

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 73 L

SUBJECT

An ordinance waiving the extraterritorial jurisdiction of the City of Dallas on 3.1 acres of land located in Dallas County west of Old Hickory Trail, north of Daniieldale Road, in favor of the City of DeSoto - Financing: No cost consideration to the City

BACKGROUND

Under state law, certain areas are designated as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to municipalities. The extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and in the case of the City of Dallas, is located within five miles of those boundaries (based on population). When a municipality annexes an area, the extraterritorial jurisdiction of the municipality expands, but may not include any area in the existing extraterritorial jurisdiction of another municipality. Chapter 42.023 of the Texas Local Government Code: Reduction of Extraterritorial Jurisdiction allows the governing body of a municipality to reduce its extraterritorial jurisdiction by written ordinance or resolution.

In 2012, USAA Real Estate Company (USAA) undertook the development of a new 157- acre business park located within both the City of Dallas and the City of DeSoto. As part of a June 2012 development agreement with the City of Dallas, USAA committed to work with the City of Dallas to secure a southward municipal boundary adjustment to ensure that three planned buildings within the business park would be fully located within the City of Dallas.

USAA is currently working with the both the City of Dallas and the City of DeSoto to implement appropriate boundary adjustment to accomplish this. As part of this coordination, a 3.1 acre strip of land adjacent to and west of Old Hickory Trail was identified that was never annexed by either the City of Dallas or the City of DeSoto.

BACKGROUND (Continued)

The tract of land is in Dallas' extraterritorial jurisdiction and includes a portion of the right-of-way needed for roadway improvements to facilitate the development of this area. This action, if approved, will allow a waiver of the extraterritorial jurisdiction by the City of Dallas so the City of DeSoto can annex the area. This land is easier served by the City of DeSoto since the land west of this area is in the DeSoto city limits. Once the contiguous city limits are established, Dallas will receive from DeSoto through a boundary adjustment agreement, the necessary right-of-way to complete the roadway improvements that will benefit both cities. At the same time, again through boundary adjustment agreements with DeSoto, Dallas will receive from DeSoto the 12 plus acre site to accommodate the business park development in Dallas and DeSoto will receive a 4.5 acre site from the City of Dallas for development in DeSoto.

This ETJ waiver is the first step in a process which will result in a ± 8.6 acre net gain for the City of Dallas and a ± 5.5 acre net gain for the City of DeSoto. The boundary adjustment agreements will be on a future council agenda.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

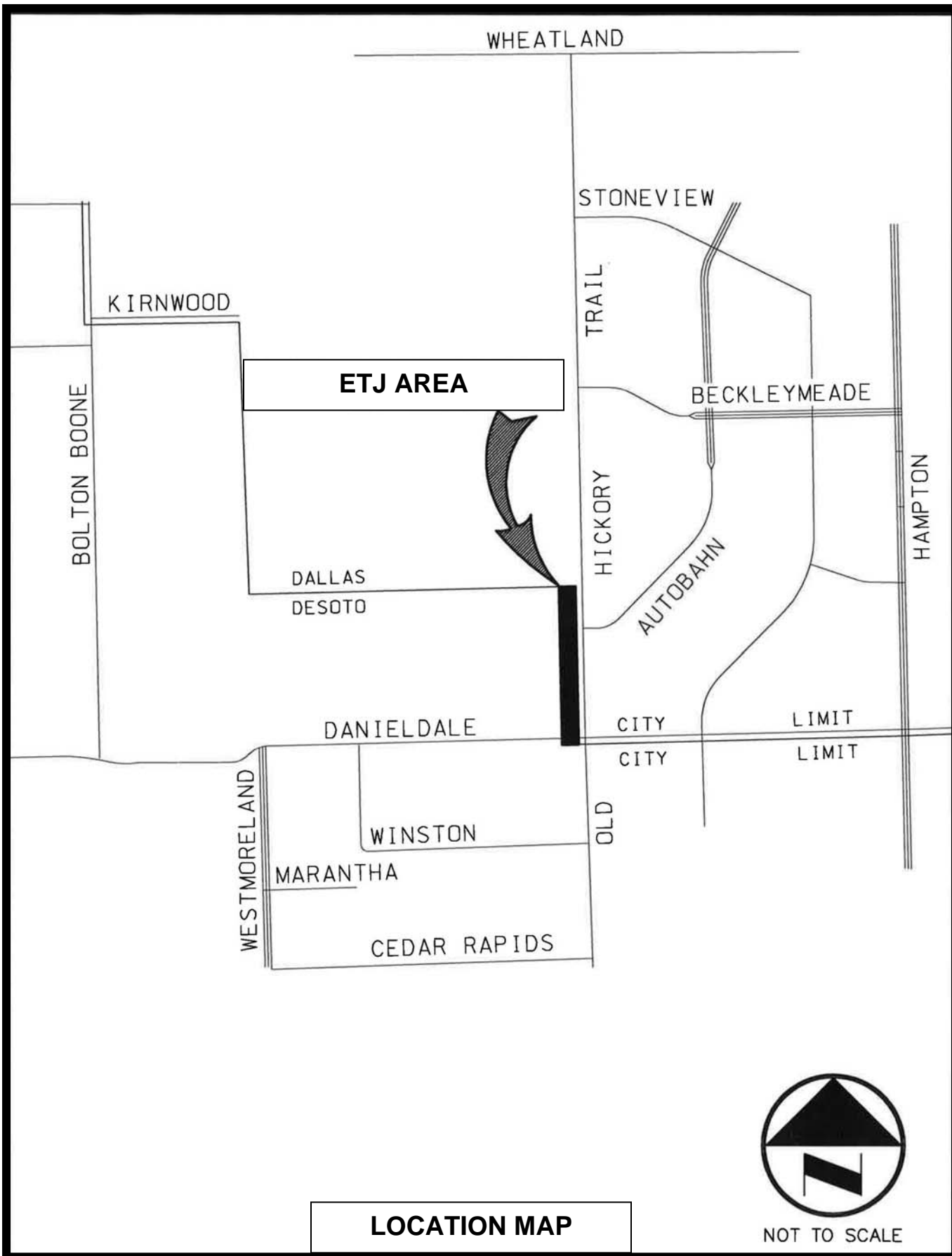
On August 18, 2014, the Economic Development Committee recommended the item to full council for approval.

FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.



ORDINANCE NO. _____

An ordinance relinquishing extraterritorial jurisdiction of the City of Dallas to a tract of land generally located near the intersection of Old Hickory Trail and Danieldale Road in Dallas County in favor of the City of DeSoto; providing that the city secretary of the City of Dallas shall transmit a certified copy of this ordinance after its passage to the city secretary of the City of DeSoto; and providing an effective date.

WHEREAS, the city council desires to waive extraterritorial jurisdiction to a certain tract of land in favor of the City of DeSoto; Now, Therefore,

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

SECTION 1. That the City of Dallas does hereby relinquish the extraterritorial jurisdiction which it has under the provisions of Texas Local Government Code Chapter 42, as amended, over the tract of land described by metes and bounds in the attached Exhibit A and designated on the map attached as Exhibit B, in favor of the City of DeSoto.

SECTION 2. This waiver shall operate only in favor of the City of DeSoto and shall not constitute a waiver of any right, including extraterritorial jurisdiction rights, which the City of Dallas may be able to assert against any other municipality.

SECTION 3. That upon final passage of this ordinance, the city secretary shall transmit a certified copy of this ordinance to the city secretary of the City of DeSoto.

SECTION 4. That this ordinance shall take effect immediately from and after its passage and publication in accordance with 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 _____

Exhibit A

Field Notes Describing a
3.100 Acre Tract of Land Situated In Block 7553 and
The Isaac Wiley Survey, Abstract No. 1545
Dallas County, Texas

DESCRIPTION, of a 3.100 acre tract of land situated in the Isaac Wiley Survey, Abstract No. 1545, Dallas County, Texas; said tract being part of that certain tract of land described in Special Warranty Deed to US Real Estate Limited Partnership recorded in Instrument No. 201200177423 of the Official Public Records of Dallas County, Texas; said 3.100 acre tract being more particularly described as follows (bearing basis for this survey is based on an assumed bearing of North 00 degrees, 32 minutes, 23 seconds East for an east line of Lot 15, Block A/7553, Rose Court At Thorntree, an addition to the City of Dallas, Texas according to the plat recorded in Volume 2004032, Page 410 of said Official Public Records):

COMMENCING, at a 5/8-inch iron rod with "PACHECO KOCH" cap found in the west right-of-way line of Old Hickory Trail (a variable width right-of-way); said point being the southeast corner of said Lot 15, an angle point in the said west line of Old Hickory Trail and in the north line of said US Real Estate tract;

THENCE, North 88 degrees, 41 minutes, 12 seconds East, along an offset in the said west line of Old Hickory Trail and the said north line of the US Real Estate tract, a distance of 9.85 feet to a 1-inch iron rod found at the northeast corner of said US Real Estate tract; said point being an angle point in the said west line of Old Hickory Trail;

THENCE, South 00 degrees, 22 minutes, 15 seconds West, along the said west line of Old Hickory Trail and the east line of said US Real Estate tract, a distance of 1,313.73 feet to the POINT OF BEGINNING (not monumented); said point being a reentrant corner of the City of Dallas City Limit Line according to City of Dallas Ordinance No. 15219 (passed July 6, 1976);

THENCE, South 00 degrees, 22 minutes, 15 seconds West, continuing along the said west line of Old Hickory Trail, the said east line of the US Real Estate tract and a west line of the said City of Dallas City Limit Line, at a distance of 1,290.26 feet passing a 3/4-inch iron rod found at the southeast corner of said US Real Estate tract and the northwest intersection of the said west line of Old Hickory Trail and the north right-of-way line of Daniieldale Road (a 60-foot wide right-of-way), then continuing along the projected west line of said Old Hickory Trail, in all a total distance of 1,350.27 feet to a point for corner (not monumented) at the intersection of the said projected west line of Old Hickory Trail and the projected south line of said Daniieldale Road; said point being a southwest corner of the said City of Dallas City Limit Line;

THENCE, South 89 degrees, 13 minutes, 26 seconds West, along the said projected south line of Daniieldale Road, at a distance of 36.15 feet passing the southwest intersection of said south line of Daniieldale Road and the said west line of Old Hickory Trail and the northeast corner of Lot 15, Block B, Wheatland Farms Addition, an addition to the City of DeSoto, Texas according to the plat recorded in Volume 12, Page 291 of the Map Records of Dallas County, Texas, then continuing along the said south line of Daniieldale Road and the north line of said Lot 15 in all a total distance of 100.02 feet to a point for corner (not monumented); said point being a southeast corner of the City of Desoto City Limit Line according to City of Desoto Ordinance No. 317 (passed March 29, 1976);

Field Notes Describing a
3.100 Acre Tract of Land Situated In Block 7553 and
The Isaac Wiley Survey, Abstract No. 1545
Dallas County, Texas

THENCE, North 00 degrees, 22 minutes, 15 seconds East, departing the said south line of Danieldale Road and the said north line of Lot 15 and along an east line of said City of Desoto City Limit Line, at a distance of 60.01 feet passing the north right-of-way line of said Danieldale Road and the south line of said US Real Estate Tract, continuing in all a total distance of 1,350.27 feet to a point for corner (not monumented) in a south line of the said City of Dallas City Limit Line; said point being a northeast corner of the said City of Desoto City Limit Line;

THENCE, North 89 degrees, 13 minutes, 26 seconds East, departing the said east line of the City of Desoto City Limit Line and along the said south line of the City of Dallas City Limit Line, a distance of 100.02 feet to the POINT OF BEGINNING;

CONTAINING, 135,027 square feet or 3.100 acres of land, more or less.

(A survey plat of even survey date herewith accompanies this description.)

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the tract of land described.

 03/19/2014

Michael C. Clover
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00

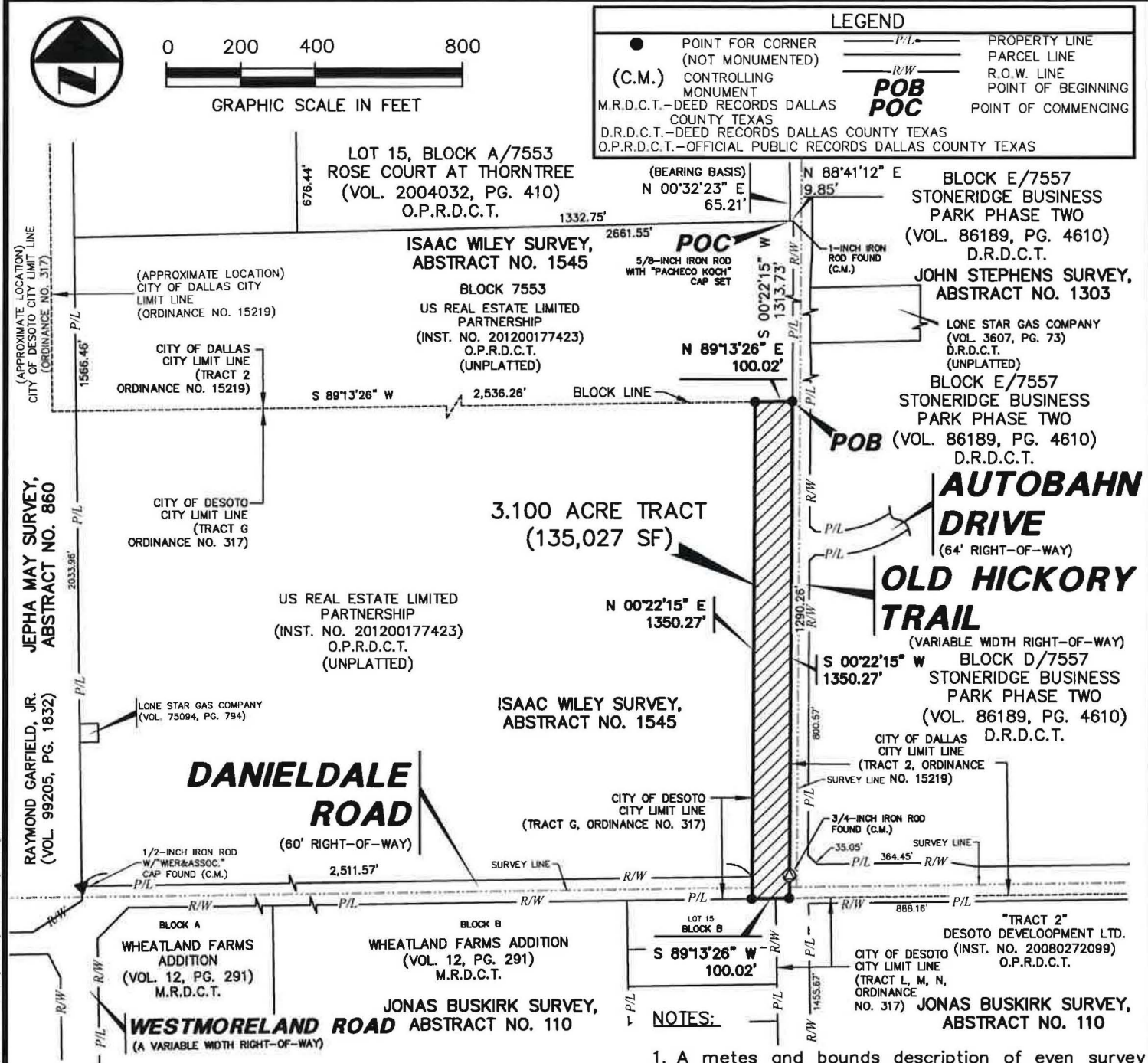


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3114-12.202EX12-1.dwg jan

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08/18/2014 4:48PM

MCLOVER



The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

Michael C. Clover
Texas Registered Professional
Land Surveyor No. 5225

Date

08/19/2014



Pacheco Koch
DALLAS ■ FORT WORTH ■ HOUSTON

8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JAN	MCC	1"=400'	AUGUST 2014	3114-12.202

3.100 ACRE TRACT
LOCATED IN THE
ISAAC WILEY SURVEY, ABSTRACT NO. 1545
DALLAS COUNTY, TEXAS
SHEET 3 OF 3

DWG FILE: 3114-12.202EX12-1.DWG

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity Watershed Management
City Attorney's Office

CMO: Jill A. Jordan, P.E., 670-5299
Warren M.S. Ernst, 670-3491

MAPSCO: 44 K

SUBJECT

Authorize settlement in lieu of proceeding further with condemnation in the lawsuit styled City of Dallas v. Fernando Martinez, et al, Cause No. CC-11-05957-B, pending in the County Court at Law No. 2, for acquisition from Fernando Martinez and Jose Jesus Martinez of an unimproved tract of land containing approximately 3.89 acres located on Canada Drive near its intersection with Winnetka Avenue for the Dallas Floodway Project - Not to exceed \$29,500 (\$27,000 plus closing costs and title expenses not to exceed \$2,500); an increase of \$14,562 from the amount Council originally authorized for this acquisition - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes a settlement for the acquisition of an unimproved tract of land containing approximately 3.89 acres for the Dallas Floodway Project. This settlement will allow acquisition of the property without further condemnation proceedings.

The original resolution authorized a purchase amount of \$12,438. This authorization of \$27,000 is an increase of \$14,562 more than Council originally authorized for this acquisition (plus closing costs and title expenses).

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized acquisition on February 23, 2011, by Resolution No. 11-0573.

Council will be briefed in Closed Session on September 17, 2014.

FISCAL INFORMATION

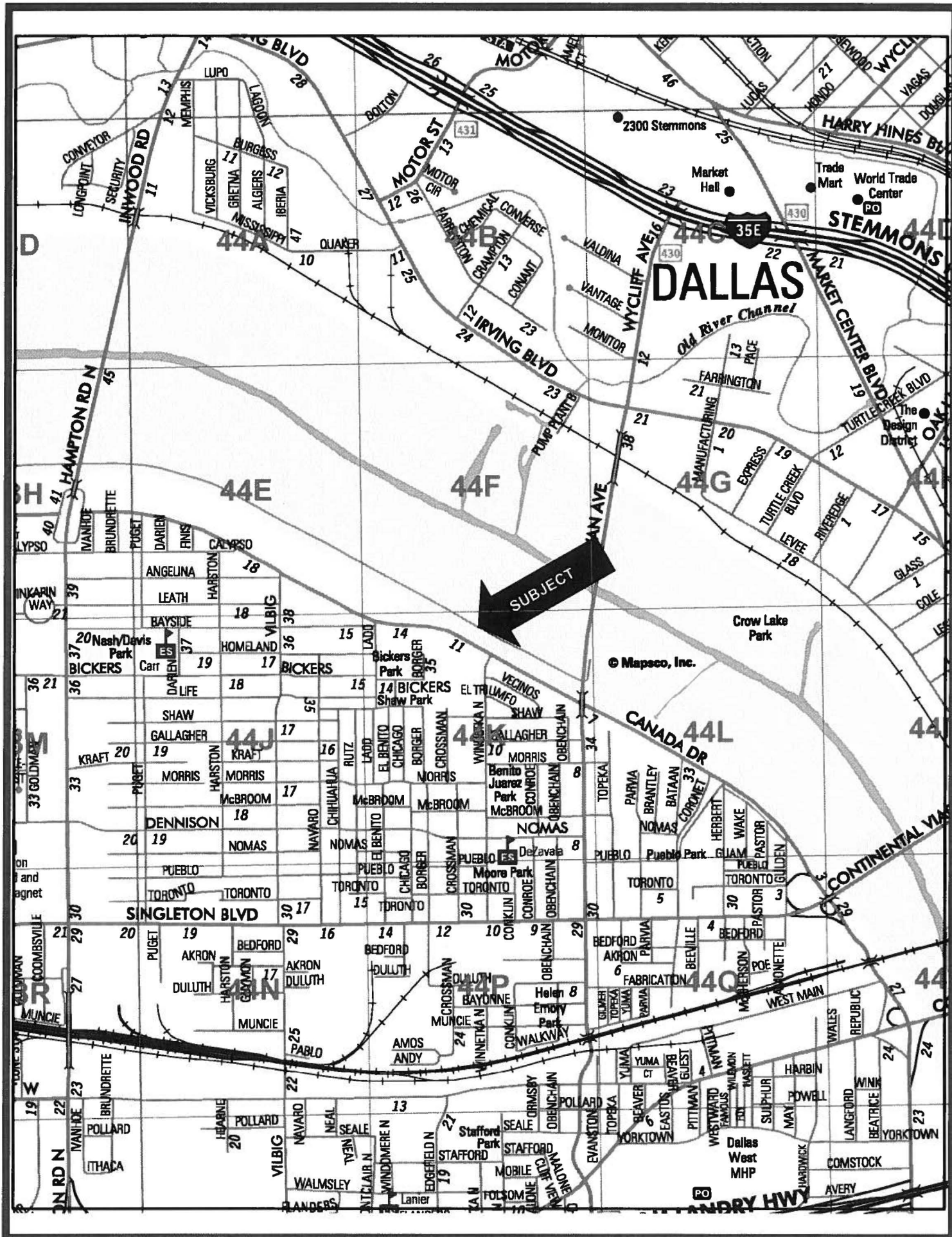
2006 Bond Funds - \$29,500 (\$27,000 plus closing costs and title expenses not to exceed \$2,500)

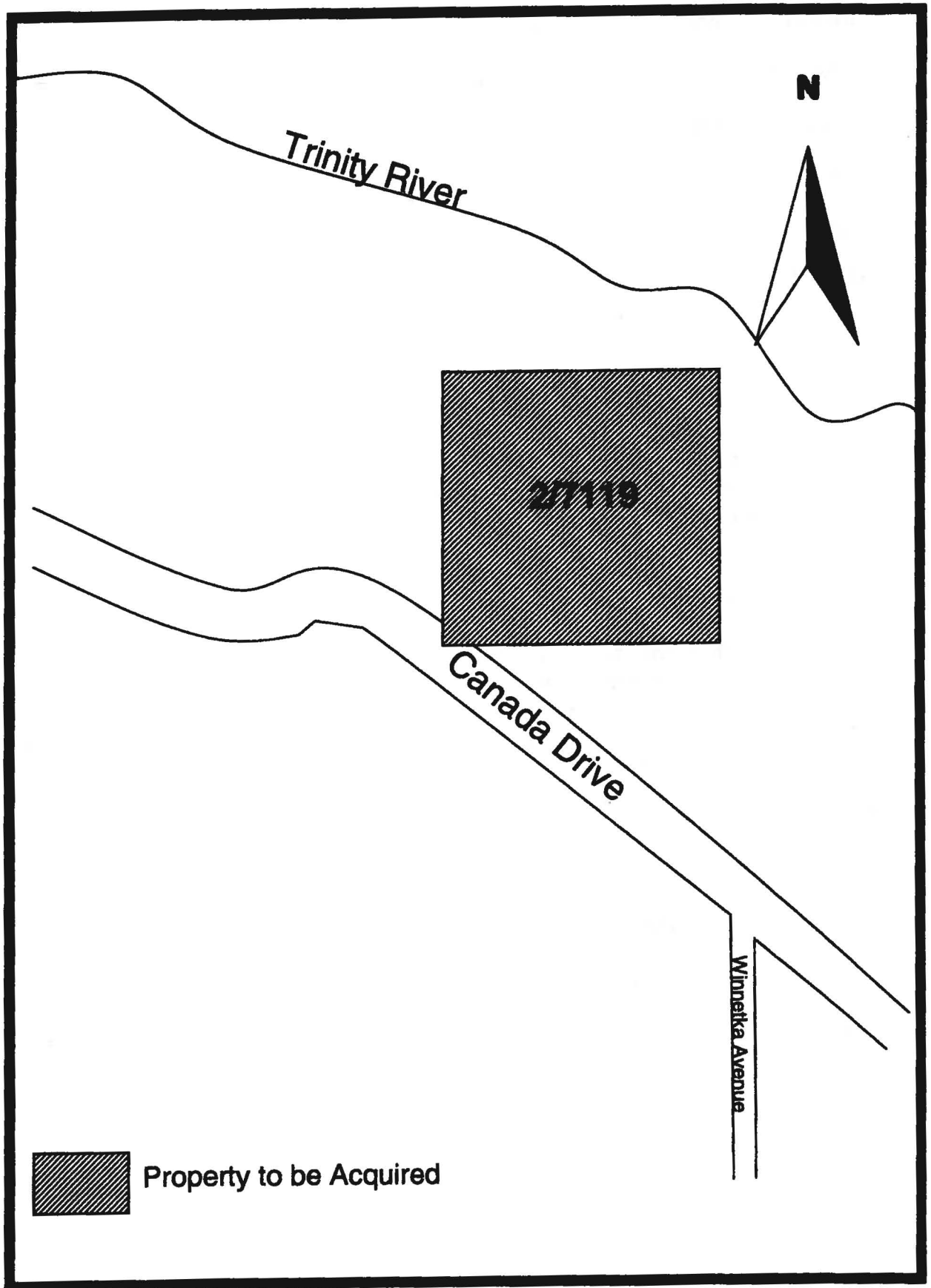
OWNERS

Fernando Martinez
Jose Jesus Martinez

MAPS

Attached





September 24, 2014

A RESOLUTION AUTHORIZING SETTLEMENT OF A CONDEMNATION SUIT.

IN THIS RESOLUTION THE FOLLOWING DEFINITIONS SHALL APPLY:

CONDEMNATION SUIT: Cause No. CC-11-05957-B in County Court at Law No. 2, and styled City of Dallas v. Fernando Martinez, et al, filed in accordance with City Council Resolution No. 11-0573.

PROPERTY: Approximately 3.89 acres of land situated in City Block 2/7119 of the City of Dallas, Dallas County, Texas, as described in the condemnation suit.

PROJECT: Dallas Floodway Project

COMMISSIONERS' AWARD: \$12,438.00

SETTLEMENT AMOUNT: \$27,000.00, which includes the Commissioners' Award.

ADDITIONAL AMOUNT: \$14,562.00, the difference between the Commissioners' Award and the settlement amount.

CLOSING COSTS AND TITLE EXPENSES: \$2,500.00

AUTHORIZED AMOUNT: \$17,062.00

DESIGNATED FUNDS: ADDITIONAL AMOUNT payable out of the Dallas Floodway Levee Land Acquisition Fund: Fund No. BT23, Department TWM, Unit P646, Activity TRPP, Program No. TW06P646, Object 4210, Encumbrance No. CT- TWM06P646E5, CLOSING COSTS AND TITLE EXPENSES payable out of the Dallas Floodway Levee Land Acquisition Fund: Fund No. BT23, Department TWM, Unit P646, Activity TRPP, Program No. TW06P646, Object 4230, Encumbrance No. CT- TWM06P646E6.

WHEREAS, Defendants, through their attorneys, have agreed to settle the CONDEMNATION SUIT for the SETTLEMENT AMOUNT; and

WHEREAS, the City Council desires to authorize the City Attorney and the City Manager to settle the CONDEMNATION SUIT in connection with the PROJECT;

September 24, 2014

Now, Therefore,

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

SECTION 1. That the City Attorney and the City Manager are authorized to settle the CONDEMNATION SUIT for the SETTLEMENT AMOUNT. The ADDITIONAL AMOUNT and the CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 2. That the City Attorney and the City Manager are authorized to prepare and execute such documents as may be necessary to effect the settlement described herein.

SECTION 3. That the City Controller is hereby authorized and directed to issue a check, paid out of and charged to the DESIGNATED FUNDS, for the ADDITIONAL AMOUNT payable to the County Clerk of Dallas County, Texas, to be deposited by the City Attorney with the Clerk and an additional check not to exceed the amount of the CLOSING COSTS and TITLE EXPENSES payable to the title company closing and/or issuing a title policy in the transaction described herein.

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.

APPROVED AS TO FORM

Warren M. S. Ernst

City Attorney

By:



Assistant City Attorney

AGENDA ITEM # 36

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

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 44-M Q R

SUBJECT

Authorize an increase in the construction services contract with Gibson & Associates, Inc. for installation of a drainage system that directs water from the bridge away from the levees and floodway, as well as other miscellaneous work needed for the Continental Avenue Bridge and West Dallas Gateway Improvements Project - Not to exceed \$425,327, from \$8,543,255 to \$8,968,582 - Financing: Private Funds

BACKGROUND

The Continental Avenue Bridge and West Dallas Gateway Improvements opened up this June as a destination area along the Trinity River Corridor. The 2006 Bond Program and a 2010 grant from the Trinity Trust funded the conversion of an eighty year old bridge into a significant amenity for pedestrian and bicycle use with the West Dallas Gateway, connecting the east and west side of the Trinity River. The project is complete and open to the public as a new destination for residents throughout the Dallas area.

This action authorizes Change Order No. 5 with Gibson & Associates, Inc. for additional work including installation of a drainage system to collect water spilling from the bridge, additional asphalt, river rock, lavatory enclosure, painting, hydro-mulch, landscaping, traffic signal modifications, protective sidewalk surfacing, storage enclosures for chess pieces, signage, handrails and bollards. There are no additional change orders anticipated.

ESTIMATED SCHEDULE OF PROJECT

Began Construction	July 2013
Complete Construction	October 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized the acceptance of a grant from the Trinity Trust Foundation on January 27, 2010, by Resolution No. 10-0341.

Authorized Supplemental Agreement No. 4 to the Trinity Lakes Design contract on January 7, 2010, by Resolution No. 10-0341.

Authorized a construction contract for the construction of the Continental Bridge and West Dallas Gateway Improvements on May 22, 2013, by Resolution No. 13-0908.

FISCAL INFORMATION

Private Funds - \$425,326.73

Construction Award	\$8,347,936.00
Change Order No. 1	\$ 47,915.90
Change Order No. 2	\$ 49,950.00
Change Order No. 3	\$ 49,975.00
Change Order No. 4	\$ 47,478.00
Change Order No. 5 (this action)	<u>\$ 425,326.73</u>

Total Project \$8,968,581.63

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Gibson & Associates, Inc.

Hispanic Female	0	Hispanic Male	52
African-American Female	1	African-American Male	2
Other Female	0	Other Male	2
White Female	3	White Male	26

OWNER

Gibson & Associates, Inc.

Jeff Gibson – President

MAP

See Attached.

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the construction services contract with Gibson & Associates, Inc. for installation of a drainage system that directs water from the bridge away from the levees and floodway, as well as other miscellaneous work needed for the Continental Avenue Bridge and West Dallas Gateway Improvements Project - Not to exceed \$425,327, from \$8,543,255 to \$8,968,582 - Financing: Private Funds

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

PROJECT CATEGORY: Construction

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$140,276.30	32.98%
Non-local contracts	\$285,050.36	67.02%
TOTAL THIS ACTION	\$425,326.66	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

None

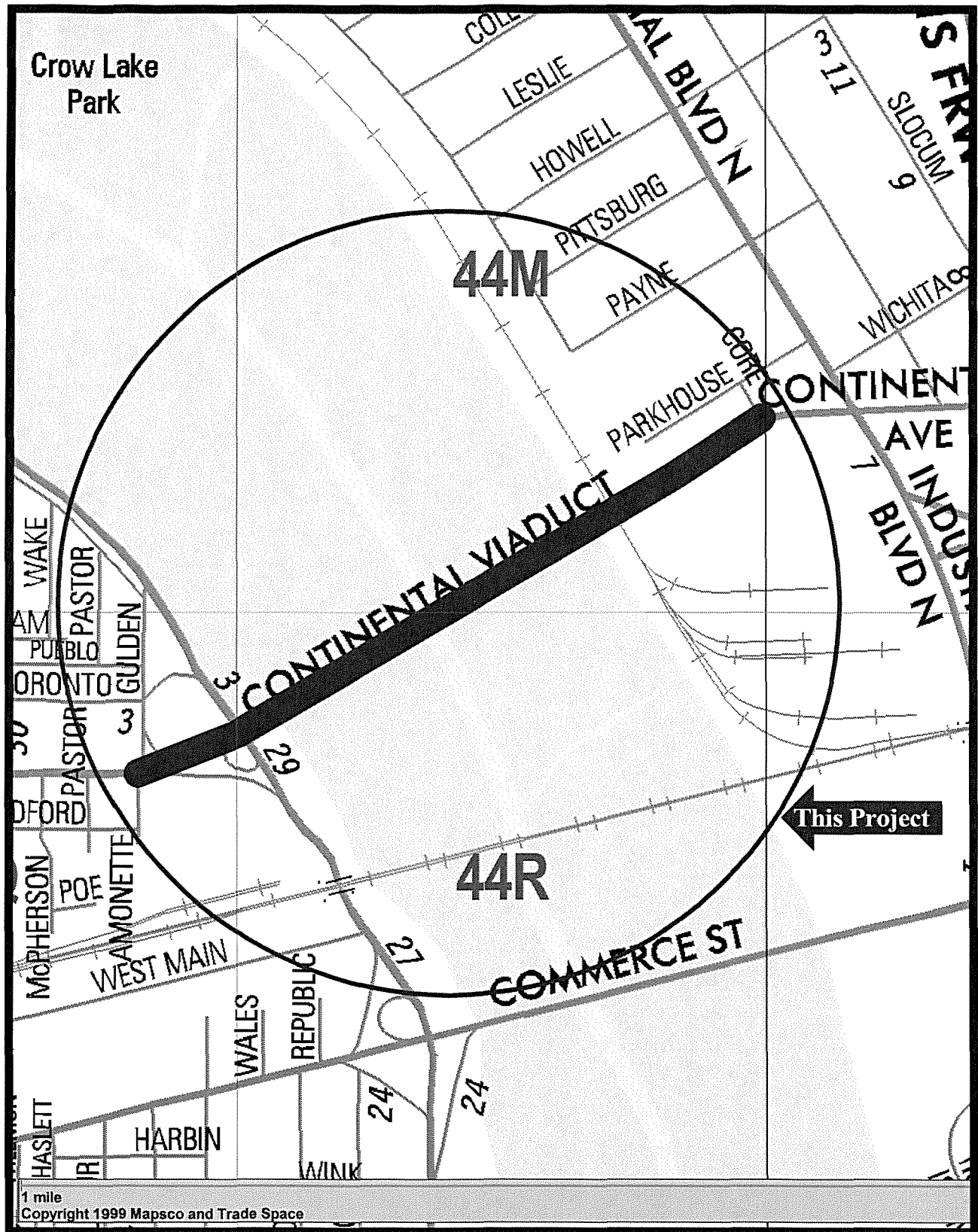
Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
TX TinMan Enterprises, LLC	BFDB61595Y0515	\$9,680.00	3.40%
C. Green Scaping, LP	HFDB62119Y0615	\$37,940.25	13.31%
Environmental Safety Services, Inc.	HMMB62416N0716	\$10,360.00	3.63%
H.D. Cook's Rock Solid, Inc.	WFDB62731Y0715	\$25,000.00	8.77%
Premier Paving LTD	WFDB62074Y0615	\$15,868.00	5.57%
Total Minority - Non-local		\$98,848.25	34.68%

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	\$9,680.00	2.28%	\$736,468.00	8.21%
Hispanic American	\$48,300.25	11.36%	\$491,821.62	5.48%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$40,868.00	9.61%	\$1,051,011.82	11.72%
Total	\$98,848.25	23.24%	\$2,279,301.44	25.41%

Continental Bridge and West Dallas Gateway Improvements



Mapsco 44-M, R, Q

September 24, 2014

WHEREAS, on January 27, 2010, Resolution No. 10-0341 authorized the acceptance of a grant from the Trinity Trust Foundation for the design and construction of the Continental Avenue Pedestrian Bridge to be placed in the Continental Avenue Bridge Donation Fund in an amount not to exceed \$10,000,000; and

WHEREAS, on May 22, 2013, Resolution No. 13-0908 authorized a contract for the construction of the Continental Avenue Bridge and West Dallas Gateway Improvements with Gibson and Associates, Inc. in an amount not to exceed, \$8,347,936; and

WHEREAS, on December 13, 2013, Administrative Action No. 14-1129 authorized Change Order No. 1 to the construction services contract with Gibson and Associates, Inc., for modification of the traffic control plan by adding additional striping, message board notification, additional saw cutting for sidewalk repair and modification, survey for asphalt overlay, fascia beam repair, miscellaneous concrete sidewalk and curb repair, fountain parts, and installation adjustments not specified, increasing the contract amount from \$8,347,936.00 to \$8,395,851.90; and,

WHEREAS, on April 4, 2014, Administrative Action No. 14-0277 authorized Change Order No. 2 to the construction services contract with Gibson & Associates, Inc., for asphalt level up course required prior to placing the final course of asphalt overlay on the bridge, increasing the contract amount from \$8,395,851.90 to \$8,445,801.90; and,

WHEREAS, on May 2, 2014, Administrative Action No. 14-0483 authorized Change Order No. 3 to the construction services contract with Gibson & Associates, Inc., for modified asphalt surface mix requested on top of the level up course asphalt, increasing the contract amount from \$8,445,801.90 to \$8,495,776.90; and,

WHEREAS, on June 26, 2014, Administrative Action No. 14-1098 authorized Change Order No. 4 to the construction services contract with Gibson & Associates, Inc., for curb and gutter repairs on the bridge, vine canopy attachment to the shade structures, placement of an expansion joint cover plate, repair a pier cap, and asphalt overruns, increasing the contract amount from \$8,495,776.90 to \$8,543,254.90; and,

WHEREAS, it is now necessary to authorize Change Order No. 5 to the contract with Gibson & Associates, Inc. for the installation of a drainage system that directs water from the bridge away from the levees and floodway, as well as other miscellaneous work needed for the Continental Avenue Bridge and West Dallas Gateway Improvements Project.

September 24, 2014

Now, Therefore,

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

Section 1. That the City Manager is hereby authorized to increase the contract with Gibson & Associates, Inc., for Change Order No. 5 for installation of a spray fountain drainage system, east and west side planter drainage system, as well as other miscellaneous work needed on the Continental Avenue Bridge and West Dallas Gateway Improvements in an amount not to exceed \$425,326.73, from \$8,543,254.90 to \$8,968,581.63, after it has been approved as to form by the City Attorney.

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

Continental Avenue Pedestrian Bridge Donation Fund	
Fund P274, Department TWM, Unit 1086, Act. TRPP	
Obj. 4410, Program #TW101086, CT TWM101086H1	
Vendor #VS0000022657, in an amount not to exceed	\$425,326.73

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

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2014
COUNCIL DISTRICT(S): 4
DEPARTMENT: Water Utilities
CMO: Mark McDaniel, 670-1858
MAPSCO: 56 J

SUBJECT

Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services for the rehabilitation of the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant - Not to exceed \$1,700,000 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Activated Sludge Influent Pump Station (ASIPS) receives partially treated wastewater from the Dallas and White Rock sections of the Central Wastewater Treatment Plant. ASIPS then pumps the wastewater to activated sludge complexes A and B for further biological treatment, before being released to the Trinity River. This pump station was originally built in 1986 and has a capacity of 400 million gallons per day. Due to its age, rehabilitation improvements are needed in order to extend its service life and take advantage of newer, more efficient treatment technologies.

This item will authorize engineering services required for the investigation and study, preliminary design, development of construction plans and specifications, construction administration and start-up of improvements associated with ASIPS. This project was identified and recommended for implementation by the 2010 Wastewater Treatment Facilities Strategic Plan.

The estimated construction cost for this project is \$11,000,000.

ESTIMATED SCHEDULE OF PROJECT

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

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$1,700,000.00 - Water Utilities Capital Improvement Funds

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Carollo Engineers, Inc.

Hispanic Female	3	Hispanic Male	2
Black Female	0	Black Male	2
Other Female	1	Other Male	1
White Female	7	White Male	10

OWNER

Carollo Engineers, Inc.

Balakrishnan Narayanan, Chief Executive Officer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a professional services contract with Carollo Engineers, Inc. to provide engineering services for the rehabilitation of the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant - Not to exceed \$1,700,000 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$699,175.00	41.13%
Total non-local contracts	\$1,000,825.00	58.87%
TOTAL CONTRACT	\$1,700,000.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

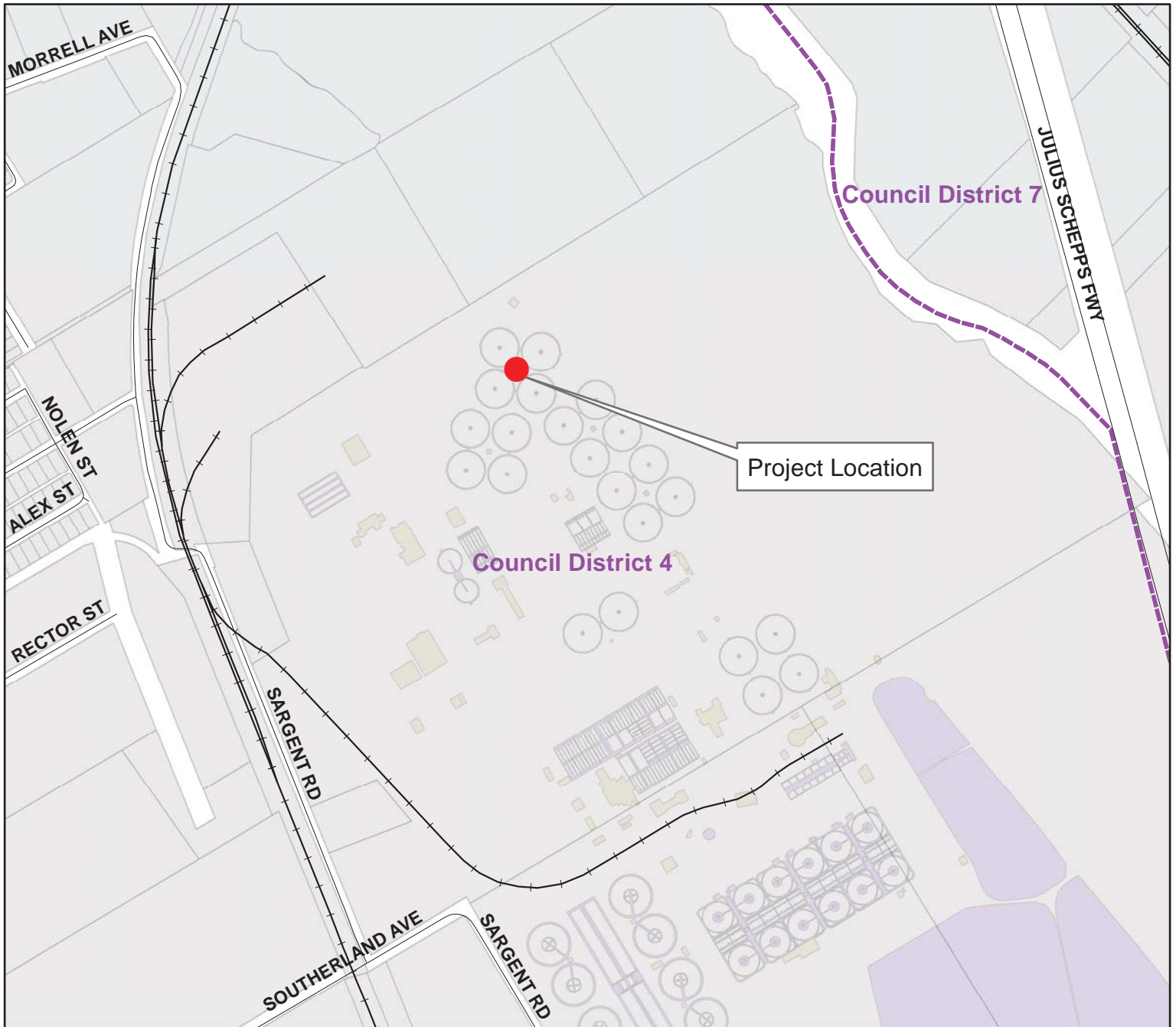
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Mbroh Engineering, Inc.	BMDB60213Y0215	\$299,425.00	42.83%
JQ Infrastructure, LLC	IMDB62600Y0715	\$123,000.00	17.59%
2M Associates, LLC	IMDB62598Y0715	\$37,750.00	5.40%
Nathan D. Maier Consulting Engineers, Inc.	WFWB62783Y0816	\$215,000.00	30.75%
GME Consulting Services, Inc.	WFWB62694N0716	\$10,000.00	1.43%
Total Minority - Local		\$685,175.00	98.00%

Non-Local Contractors / Sub-Contractors

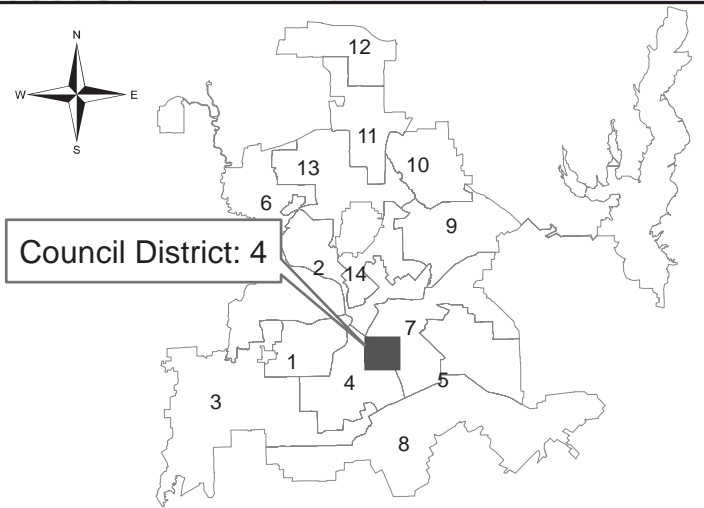
None

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$299,425.00	42.83%	\$299,425.00	17.61%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$160,750.00	22.99%	\$160,750.00	9.46%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$225,000.00	32.18%	\$225,000.00	13.24%
Total	\$685,175.00	98.00%	\$685,175.00	40.30%



Mapsc0: 56 J



September 24, 2014

WHEREAS, the City of Dallas has identified a need to rehabilitate and improve the deteriorating Activated Sludge Influent Pump Station and prepare a design report with recommendations, develop construction plans and specifications, and provide administration services during construction, for the Activated Sludge Influent Pump Station rehabilitation at the Central Wastewater Treatment Plant; and,

WHEREAS, engineering services are required for the study, design, and construction administration services for each individual improvement; and,

WHEREAS, Carollo Engineers, Inc., 14785 Preston Road, Suite 950, Dallas, Texas 75254 has submitted an acceptable proposal to provide these engineering services.

Now, Therefore,

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

Section 1. That the proposal submitted by Carollo Engineers, Inc. in the amount of \$1,700,000.00 be approved and the consultant be authorized to perform the required engineering services.

Section 2. That the City Manager is hereby authorized to enter into a contract with Carollo Engineers, Inc., to provide engineering services for the rehabilitation of the Activated Sludge Influent Pump Station at the Central Wastewater Treatment Plant, 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 \$1,700,000.00 from the Wastewater Capital Improvement Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>PRO</u>	<u>ENCUMBRANCE</u>	<u>VENDOR</u>
2116	DWU	PS30	4111	714174	CT-DWU714174CP	339957

Carollo Engineers, Inc. - (Contract No. 14-174E) - \$1,700,000.00

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.

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-1858

MAPSCO: Outside City Limits

SUBJECT

Authorize **(1)** a thirty-year contract with the City of Duncanville to continue providing treated water services, from October 1, 2014 through September 30, 2044, with estimated annual revenue in the amount of \$2,766,201; and **(2)** a Reciprocal Agreement for Water and or Wastewater Services, with an estimated annual expenditure of \$1,250 - Financing: Water Utilities Current Funds: (\$1,250, annually) (subject to annual appropriations) and Estimated Annual Revenue: \$2,766,201

BACKGROUND

This item is for authorization to enter into a new wholesale treated water contract, including Reciprocal Water and/or Wastewater Agreement, with the City of Duncanville, Texas. This entity is currently receiving City of Dallas treated water under an existing wholesale treated water contract which will expire on December 20, 2014.

The City of Duncanville is located within Dallas Water Utilities' service area and desires to continue to purchase treated water from the City of Dallas under the terms of a standard wholesale treated water customer contract.

The existing wholesale treated water contract also includes a Reciprocal Agreement for Water and/or Wastewater Services which provides for service to retail customers across corporate boundary lines on a temporary basis until facilities are extended by the city requiring the service, providing the service is requested by the city requiring it and approved by the city providing it. Dallas and Duncanville share common corporate boundary lines in Southern Dallas County. Per Dallas' request, Duncanville provides wastewater services to properties located in Dallas along South Cockrell Hill Road and Wheatland Road.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Authorized Wholesale Treated Water Contract with the City of Duncanville, including Reciprocal Water and/or Wastewater Service Agreement, on November 21, 1984, by Resolution No. 84-3716.

Authorized First Amendment to the Wholesale Treated Water Contract with the City of Duncanville on May 13, 1987, by Resolution No. 87-1558.

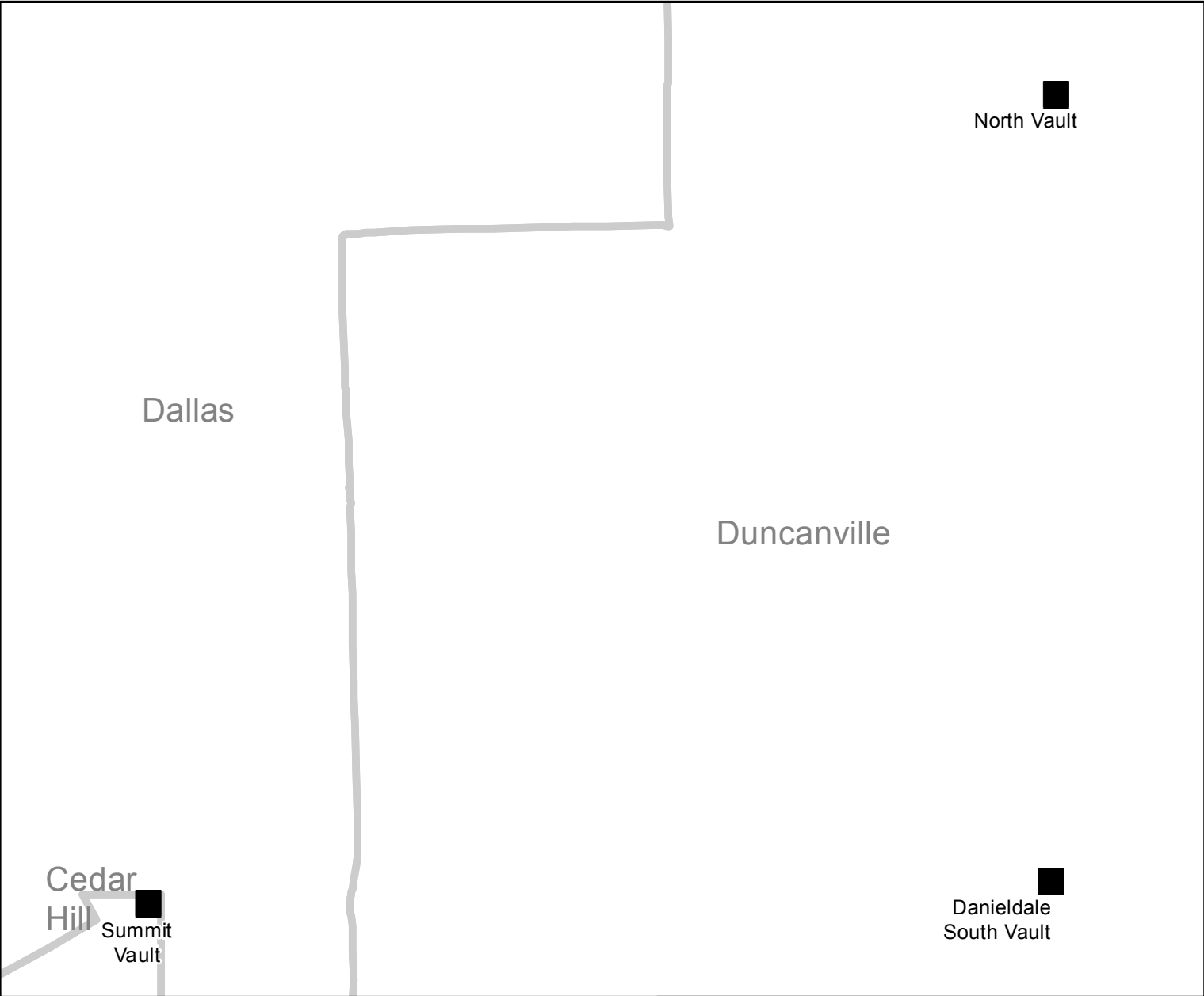
Authorized Wholesale Wastewater Contract with the City of Duncanville on August 13, 2014, by Resolution No. 14-1261.

FISCAL INFORMATION

Water Utilities Current Funds (\$1,250, annually) (subject to annual appropriations)
Estimated Annual Revenue: \$2,766,201 (at current wholesale treated water two-part rate)

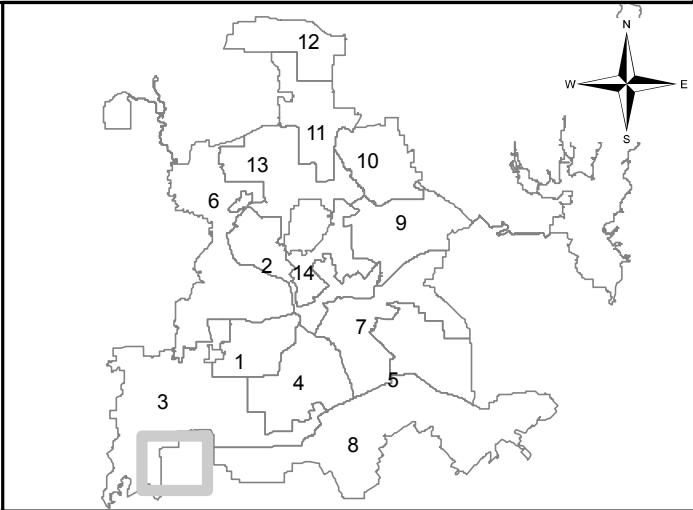
MAP

Attached



Location: Duncanville Meter Vaults (multiple locations)

Department: DWU



September 24, 2014

WHEREAS, The City of Duncanville, Texas currently purchases wholesale treated water from the City of Dallas, and Dallas currently delivers and sells wholesale treated water service to Duncanville as set forth under the terms, covenants, and conditions stated in a Wholesale Treated Water Contract between the City of Dallas and the City of Duncanville, dated December 20, 1984; and,

WHEREAS, from time-to-time, both Dallas and Duncanville have need to request the other to furnish water and/or wastewater service to each other's customers along common boundary lines wherein only one city has facilities available; and,

WHEREAS, Duncanville currently provides reciprocal wastewater services to Dallas under the terms of the Wholesale Treated Water Contract; and,

WHEREAS, Duncanville's current wholesale treated water contract, including Reciprocal Water and/or Wastewater Agreement, with Dallas will expire on December 20, 2014; and,

WHEREAS, Dallas and Duncanville desire to enter into a new Wholesale Treated Water Contract and Reciprocal Water and/or Wastewater Agreement; and,

WHEREAS, the term of the new 30-year Wholesale Treated Water Contract will be October 1, 2014 through September 30, 2044; and,

WHEREAS, approval of the new contract including reciprocal water and wastewater provisions would be in the best interest of the City of Dallas as well as the City of Duncanville; **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 Wholesale Treated Water Contract with the City of Duncanville to purchase wholesale treated water from the City of Dallas for the period October 1, 2014 through September 30, 2044 in the estimated annual amount of \$2,766,201 after approval of the contract documents by the City Attorney.

September 24, 2014

SECTION 2. That the City Controller be and is hereby authorized and directed to deposit receipts for services provided under this contract to the Water Utilities Current Fund as follows:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>FUNC</u>	<u>RESOURCE REVENUE CODE</u>
0100	DWU	7005	7REV	7836

SECTION 3. That the City Controller is hereby authorized and directed to disburse funds to Duncanville for reciprocal services provided in an estimated annual amount not to exceed \$1,250.

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>VENDOR</u>
0100	DWU	7260	2171	VC0000004709

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 9

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-1858

MAPSCO: 37 T

SUBJECT

Authorize an increase in the contract with Prime Controls, L.P., for additional work associated with the purchase and installation of control and monitoring equipment, hardware and software and building modifications needed to replace the existing Supervisory Control and Data Acquisition system at the White Rock Operations Control Center - Not to exceed \$118,182, from \$6,381,079 to \$6,499,261 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

The White Rock Supervisory Control and Data Acquisition (SCADA) system is used to remotely control and monitor all pumps, reservoir levels, elevated tank levels, rate-of-flow metering facilities, and pressure points in the water distribution system. The existing White Rock SCADA system, installed in the early 1980s, has become obsolete, has reached its database and monitoring capacity and has become necessary to replace. The new SCADA system will replace the existing system with a new, more efficient technology that can accommodate future growth.

This action will provide for SCADA system connections at six sites not included in the original contract, as well as additional SCADA reports and hardware improvements that were identified during the installation of the new system. This Change Order No. 1 also provides for sidewalk, handrail, and bathroom modifications that are required to meet the Americans with Disabilities Act standards.

ESTIMATED SCHEDULE OF PROJECT

Began Project	August 2010
Complete Project	October 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Westin Engineering, Inc. to evaluate the Supervisory Control and Data Acquisition system and prepare a design report with recommendations for a new system at the White Rock Control building located at 2900 White Rock Road on August 10, 2005, by Resolution No. 05-2146.

Authorized Supplemental Agreement No. 1 to the professional services contract with Westin Engineering, Inc. for development of Supervisory Control and Data Acquisition system performance specifications, development of Supervisory Control and Data Acquisition system communications network architecture, and construction services for upgrade of the White Rock Operations Control Center on June 25, 2008, by Resolution No. 08-1838.

Authorized **(1)** a contract with Prime Controls, L.P. for the purchase and installation of control and monitoring equipment, hardware and software to replace the existing Supervisory Control and Data Acquisition system at the White Rock Control Center; and **(2)** a three-year service contract for maintenance and support on June 23, 2010, by Resolution No. 10-1582.

Authorized Supplemental Agreement No. 2 to the professional services contract with Westin Engineering, Inc. for additional services required for the completion of the Supervisory Control and Data Acquisition project at Dallas Water Utilities' White Rock Operations Control Center on February 26, 2014, by Resolution No. 14-0421.

FISCAL INFORMATION

\$118,182.00 - Water Utilities Capital Construction Funds

Design Report	\$ 299,379.00
Supplemental Agreement No. 1	\$ 771,388.00
Supplemental Agreement No. 2	\$ 218,400.00
Purchase and Installation	\$6,381,078.35
Change Order No. 1 (this action)	<u>\$ 118,182.00</u>
Total Project Cost	\$7,788,427.35

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Prime Controls, L.P.

Hispanic Female	4	Hispanic Male	36
Black Female	1	Black Male	8
Other Female	4	Other Male	11
White Female	24	White Male	184

OWNER

Prime Controls, L.P.

Jason McNiel, Owner
Gary McNiel, Owner
Heather McNiel, Owner

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Prime Controls, L.P., for additional work associated with the purchase and installation of control and monitoring equipment, hardware and software and building modifications needed to replace the existing Supervisory Control and Data Acquisition system at the White Rock Operations Control Center - Not to exceed \$118,182, from \$6,381,079 to \$6,499,261 - Financing: Water Utilities Capital Construction Funds

Prime Controls, L.P. is a non-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	\$14,468.00	12.24%
Non-local contracts	\$103,714.00	87.76%
TOTAL THIS ACTION	\$118,182.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

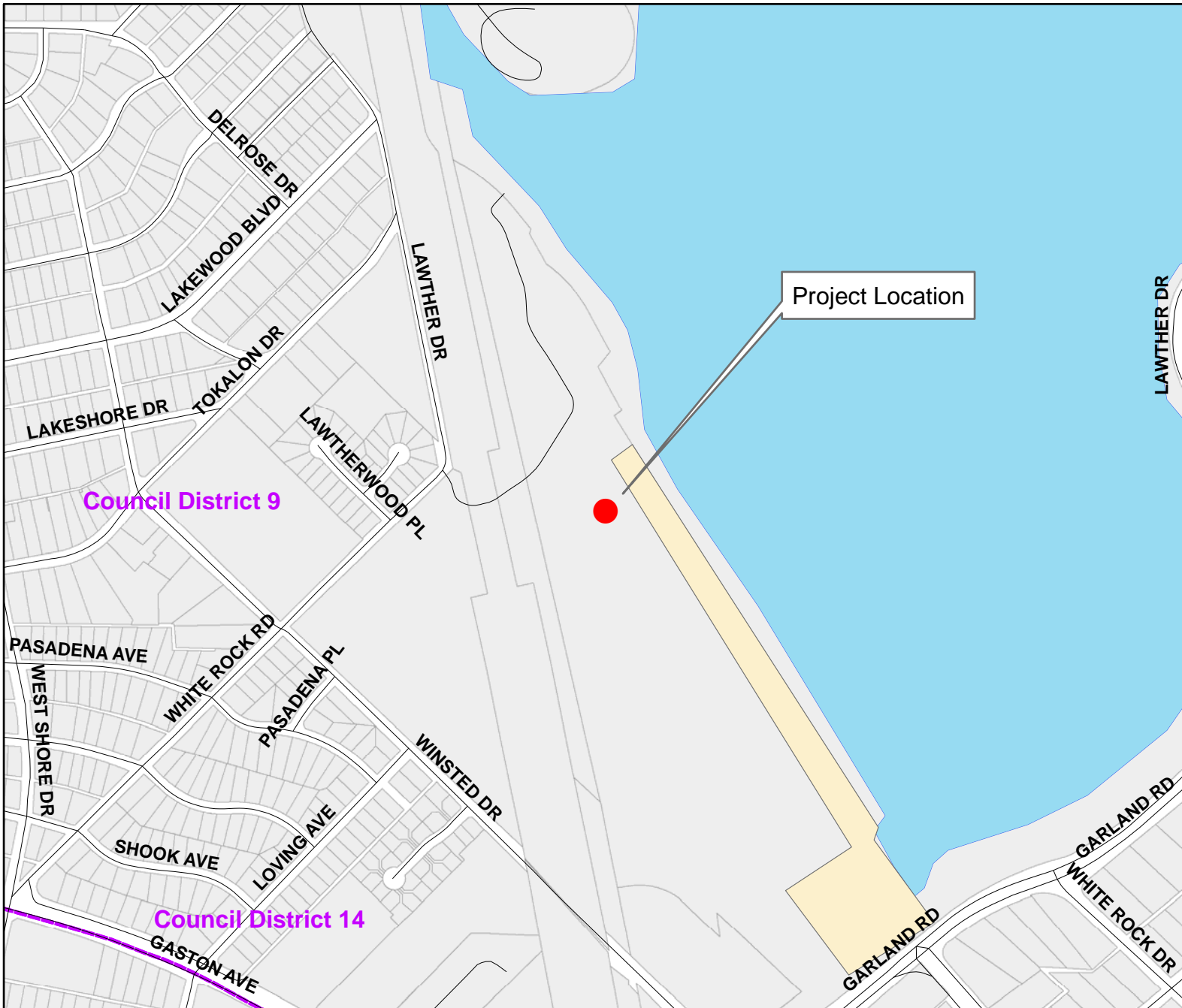
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
CP & Y, Inc.	PMMB60198Y0215	\$4,000.00	27.65%
Total Minority - Local		\$4,000.00	27.65%

Non-Local Contractors / Sub-Contractors

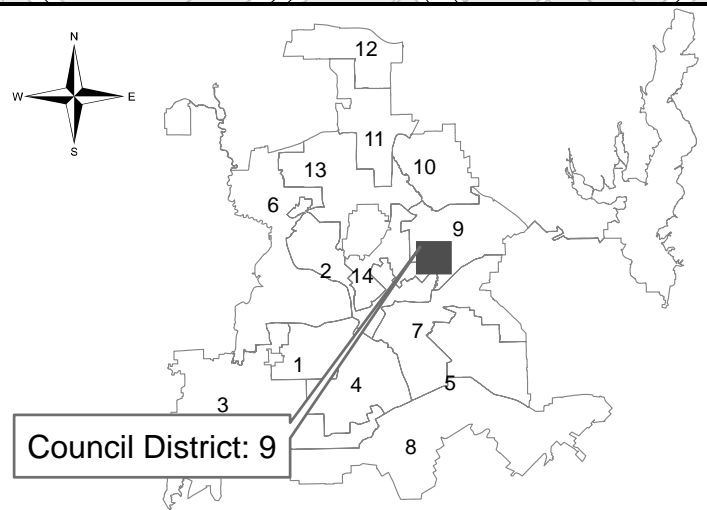
None

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%	\$200,600.00	3.09%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$4,000.00	3.38%	\$731,323.00	11.25%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$239,086.00	3.68%
Total	\$4,000.00	3.38%	\$1,171,009.00	18.02%



Mapsc0: 37 T



**Dallas Water Utilities
Contract No. 09-041, Change Order No. 1
White Rock Operations Control Center
SCADA System Replacement**

September 24, 2014

WHEREAS, on June 23, 2010, the City Council awarded Contract No. 09-041 in the amount of \$6,381,078.35, by Resolution No. 10-1582, to Prime Controls, L.P., for **(1)** the purchase and installation of control and monitoring equipment, hardware and software to replace the existing Supervisory Control and Data Acquisition system at the White Rock Operations Control Center; and **(2)** a three-year service contract for maintenance and support; and,

WHEREAS, on December 6, 2011, pursuant to Administrative Action No. 11-3373, the City authorized the execution of a Software License and Services Agreement with OSIsoft, LLC, with no cost consideration to the City, as part of Contract No. 09-041 with Prime Controls, L.P.; and,

WHEREAS, additional site connections, reports, hardware improvements and building modifications are needed to replace the existing Supervisory Control and Data Acquisition system at the White Rock Operations Control Center; and,

WHEREAS, Prime Controls, L.P., 1725 Lakepointe Drive, Lewisville, Texas 75057, has submitted an acceptable proposal for this additional work; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 09-041 be increased by \$118,182.00, from \$6,381,078.35 to \$6,499,260.35.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 1 be accepted and that Contract No. 09-041 with Prime Controls, L.P. be revised accordingly.

Section 2. That the City Controller is hereby authorized to pay the amount of \$118,182.00 from the Water 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	CW40	4730	709041	CT-DWU709041CP	VS0000007557

Prime Controls, L.P. - (Contract No. 09-041) - \$118,182.00

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: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-1858

MAPSCO: 33 C G

SUBJECT

Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the construction of chlorine scrubber, lime, ferric and laboratory improvements at the Bachman Water Treatment Plant - Not to exceed \$236,129, from \$9,574,457 to \$9,810,586 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

The Bachman Water Treatment Plant is the oldest and smallest of the three water treatment plants that Dallas Water Utilities operates to produce drinking water for citizens and customers. The plant is strategically located near the center of the water demand, and therefore benefits Dallas' customers with the lowest water delivery cost. The plant was originally constructed in the 1920s and has gone through several expansions in 1936, 1948, and 2006 to bring it to its current day capacity of 150 million gallons per day.

This action continues the upgrades and renovation efforts at the Bachman Water Treatment Plant to increase plant capacity, improve water quality, and bring the existing facilities up to current code. The project includes the replacement of the existing chlorine scrubber, which required an increase in capacity to meet regulations and had also reached its operable life. The scrubber system is critical to public health and safety, so the Bachman Water Treatment Plant had to be out of service during the replacement. In order to reduce the time the plant was down, the schedule was accelerated and required additional workforce and overtime. Also contracted was a new ferric chemical facility that provides additional storage and pumping needed for the upcoming process change, in order to improve the quality and stability of the water produced by the plant. During the construction of the ferric facility and related chemical piping trench, existing unforeseen site conditions resulted in additions and credits.

BACKGROUND (Continued)

Lastly, the improvements to the laboratory included structural renovation and code compliance for the entire first floor of the building in which it is housed. During construction, additional fire code compliance work was required along with other identified credits and additions that are included in this change order. The final change order results in an increase of \$236,129.00.

ESTIMATED SCHEDULE OF PROJECT

Began Design	July 2010
Completed Design	July 2012
Began Construction	October 2012
Complete Construction	October 2014

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Carollo Engineers, P.C. to provide engineering services for the Bachman Water Treatment Plant water quality improvements on June 23, 2010, by Resolution No. 10-1640.

Authorized Supplemental Agreement No. 1 to the professional services contract with Carollo Engineers, P.C. for additional engineering and design services for the Bachman Water Treatment Plant water quality improvements on March 28, 2012, by Resolution No. 12-0951.

Authorized a contract with Archer Western Construction, LLC for the construction of chlorine scrubber, lime ferric, and laboratory improvements at the Bachman Water Treatment Plant on August 22, 2012, by Resolution No. 12-2112 .

Authorized an increase in the contract with Archer Western Construction, LLC for additional work associated with the construction of chlorine scrubber, lime ferric, laboratory improvements and asbestos at the Bachman Water Treatment Plant on November 12, 2013, by Resolution No. 13-1962.

FISCAL INFORMATION

\$236,129.00 - Water Utilities Capital Improvement Funds

Design	\$ 1,163,554.00
Supplemental Agreement No. 1	\$ 6,296,114.00
Construction Contract	\$ 9,364,900.00
Change Order No. 1	\$ 209,557.00
Change Order No. 2 (this action)	<u>\$ 236,129.00</u>

Total Project Cost \$17,270,254.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Archer Western Construction, LLC

Hispanic Female	9	Hispanic Male	183
Black Female	5	Black Male	28
Other Female	0	Other Male	18
White Female	16	White Male	194

OWNER

Archer Western Construction, LLC

Daniel P. Walsh, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize an increase in the contract with Archer Western Construction, LLC for additional work associated with the construction of chlorine scrubber, lime, ferric and laboratory improvements at the Bachman Water Treatment Plant - Not to exceed \$236,129, from \$9,574,457 to \$9,810,586 - Financing: Water Utilities Capital Improvement Funds

Archer Western Construction, 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

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$129,534.00	54.86%
Non-local contracts	\$106,595.00	45.14%
TOTAL THIS ACTION	\$236,129.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
The James C. Paris Company, Inc.	NMDB60761Y0315	\$22,291.00	17.21%
Ohlen Heating & Air Conditioning, LLC	WFWBC190150914	\$59,666.00	46.06%
Total Minority - Local		\$81,957.00	63.27%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Thermotech Insulation Company, LLC	NMDB61417Y0415	\$7,400.00	6.94%
LCD Commercial Flooring, Inc.	WFWB62593N0716	\$59,004.00	55.35%
EFS - Engineered Fire Systems, Ltd.	WFWB61825N0516	\$40,191.00	37.70%
Total Minority - Non-local		\$106,595.00	100.00%

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

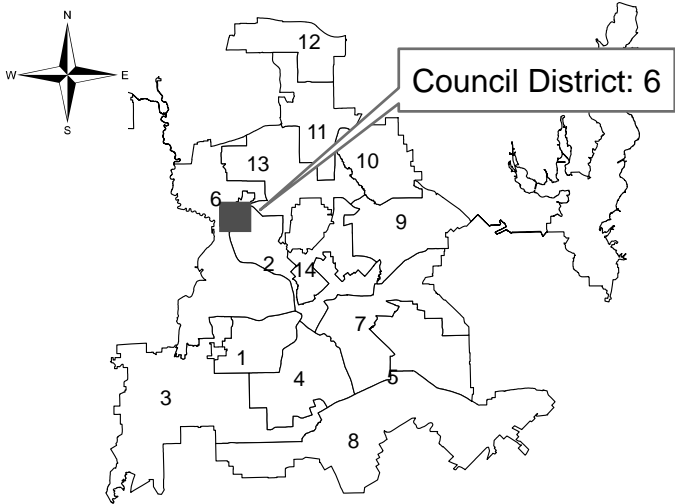
Page 2

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%	\$14,210.00	0.14%
Hispanic American	\$0.00	0.00%	\$31,680.00	0.32%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$29,691.00	12.57%	\$2,153,331.00	21.95%
WBE	\$158,861.00	67.28%	\$535,804.00	5.46%
Total	\$188,552.00	79.85%	\$2,735,025.00	27.88%



Mapsc0: 33 C, G



Dallas Water Utilities
Contract No. 12-171, Change Order No. 2
Bachman Water Treatment Plant Chlorine Scrubber,
Lime, Ferric and Laboratory Improvements

September 24, 2014

WHEREAS, on August 22, 2012, the City Council awarded Contract No. 12-171 in the amount of \$9,364,900.00, by Resolution No. 12-2112, to Archer Western Construction, LLC, for the construction of chlorine scrubber, lime, ferric, and laboratory improvements at the Bachman Water Treatment Plant; and,

WHEREAS, on November 12, 2013, the City Council awarded Change Order No. 1 in the amount of \$209,557.00, by Resolution No. 13-1962, for additional work associated with the construction of chlorine scrubber, lime, ferric, laboratory improvements and asbestos abatement at the Bachman Water Treatment Plant; and,

WHEREAS, it is now necessary to authorize Change Order No. 2 for additional work required for the expedited replacement of the chlorine scrubber, code compliance renovation of the laboratory and Head House, and additional improvements and credits to the contracted work that were identified during the construction of the chlorine scrubber, lime, ferric and laboratory improvements at the Bachman Water Treatment Plant; and,

WHEREAS, Archer Western Construction, LLC, 1411 Greenway Drive, Irving, Texas 75038, has submitted an acceptable proposal for this additional work; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 12-171 be increased by \$236,129.00, from \$9,574,457.00 to \$9,810,586.00.

Now, Therefore,

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

Section 1. That the proposed Change Order No. 2 be accepted and that Contract No. 12-171 with Archer Western Construction, LLC, be revised accordingly.

Section 2. That the City Controller is hereby authorized to pay the amount of \$236,129.00 from the Water 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>
2115	DWU	PW30	4550	712171	CT-DWU712171CP	VS0000064407

Archer Western Construction, LLC - (Contract No. 12-171) - \$236,129.00

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 # 41

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 8, Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-1858

MAPSCO: Various

SUBJECT

Authorize Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. for additional engineering services for **(1)** independent settlement monitoring services related to the East Bank-West Bank Wastewater Interceptor Project; and **(2)** the design of a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits - Not to exceed \$1,083,488, from \$11,025,331 to \$12,108,819 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of providing engineering services for the design, surveying, and property acquisition for the construction of approximately 86,400 feet of 96-inch and 120-inch diameter water transmission main. The water transmission main is required to facilitate conveyance of treated water to the south and southwest portions of Dallas and its customer cities. Installation of the new transmission water main is needed to meet near term critical demands associated with the population growth as determined through master planning efforts. The overall pipeline is sized to meet year 2050 demands.

This project will be performed in multiple phases. The first three phases have been awarded by Council. This portion is for the award of the fourth phase, which provides for additional services necessary for property acquisition. These services include partial negotiation services and condemnation support services. In addition, this supplemental agreement also includes independent survey settlement monitoring services for the East Bank-West Bank Wastewater Interceptor Project.

Subsequent phases for the remaining detailed design and services during construction will be submitted for consideration of award through Council as needed.

The estimated construction cost associated with this design project is \$128,000,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2007
Complete Design	October 2015
Complete All Services	April 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Halff Associates, Inc. to provide engineering services for the study, surveying and design of a water transmission main from the Eastside Water Treatment Plant to the Hutchins west corporate limits on September 12, 2007, by Resolution No. 07-2589.

Authorized Supplemental Agreement No. 1 to the professional services contract with Halff Associates, Inc. to provide additional engineering services for the design of a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits on November 10, 2008, by Resolution No. 08-3088.

Authorized Supplemental Agreement No. 2 to the professional services contract with Halff Associates, Inc. for additional engineering services related to a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits on May 23, 2012, by Resolution No. 12-1403.

FISCAL INFORMATION

\$1,083,488.00 - Water Utilities Capital Improvement Funds

Design	\$ 2,674,500.00
Supplemental Agreement No. 1	\$ 6,383,296.55
Supplemental Agreement No. 2	\$ 1,967,534.00
Supplemental Agreement No. 3 (this action)	<u>\$ 1,083,488.00</u>
Total Project Cost	\$12,108,818.55

<u>Council District</u>	<u>Amount</u>
8	\$ 704,267.00
Outside City Limits	<u>\$ 379,221.00</u>
Total	\$1,083,488.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Halff Associates, Inc.

Hispanic Female	17	Hispanic Male	66
Black Female	6	Black Male	9
Other Female	7	Other Male	13
White Female	79	White Male	296

OWNER

Halff Associates, Inc.

Patrick Kunz, PE, President

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 3 to the professional services contract with Halff Associates, Inc. for additional engineering services for **(1)** independent settlement monitoring services related to the East Bank-West Bank Wastewater Interceptor Project; and **(2)** the design of a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits - Not to exceed \$1,083,488, from \$11,025,331 to \$12,108,819 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,002,488.00	92.52%
Non-local contracts	\$81,000.00	7.48%
TOTAL THIS ACTION	\$1,083,488.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Paramount Valuation Services, Inc.	WFDB62152Y0615	\$201,000.00	20.05%
Total Minority - Local		\$201,000.00	20.05%

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Con-Real Support Group, LP	BMMB59889Y0115	\$81,000.00	100.00%
Total Minority - Non-local		\$81,000.00	100.00%

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	\$81,000.00	7.48%	\$409,000.00	3.38%
Hispanic American	\$0.00	0.00%	\$2,703,734.00	22.33%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$201,000.00	18.55%	\$671,200.00	5.54%
Total	\$282,000.00	26.03%	\$3,783,934.00	31.25%

September 24, 2014

WHEREAS, on September 12, 2007, the City Council awarded Contract No. 06-623E in the amount of \$2,674,500.00, by Resolution No. 07-2589 to Halff Associates, Inc., to provide engineering services for the study, surveying, and design of a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits; and,

WHEREAS, on November 10, 2008, the City Council awarded Supplemental Agreement No. 1, in the amount of \$6,383,296.55, by Resolution No. 08-3088, to Halff Associates, Inc., to provide additional engineering services for the design of a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits; and,

WHEREAS, on May 23, 2012, the City Council awarded Supplemental Agreement No. 2, in the amount of \$1,967,534.00, by Resolution No. 12-1403, to Halff Associates, Inc., for additional engineering services related to a water transmission main from the Eastside Water Treatment Plant to the City of Hutchins west corporate limits; and,

WHEREAS, additional engineering services related to the 96-inch and 120-inch Southwest water transmission main are required; and,

WHEREAS, Halff Associates, Inc., 12225 Greenville Avenue, Suite 200, Dallas, Texas 75243, has submitted an acceptable proposal to provide these engineering services; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 06-623E be increased by \$1,083,488.00, from \$11,025,330.55 to \$12,108,818.55.

Now, Therefore,

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

Section 1. That the proposed Supplemental Agreement No. 3 be accepted and that Contract No. 06-623E with Halff Associates, Inc., be revised accordingly.

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

Section 3. That the City Controller is hereby authorized to pay the amount of \$1,083,488.00 from the Water 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>
2115	DWU	PW40	4111	706623	CT-DWU706623CP	089861

Halff Associates, Inc. - (Contract No. 06-623E) - \$1,083,488.00

September 24, 2014

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 3, 8, Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-1858

MAPSCO: Various

SUBJECT

Authorize Supplemental Agreement No. 4 to the professional services contract with AECOM Technical Services, Inc. to provide additional engineering services for **(1)** coordination with Interstate Highway 35 improvements and the evaluation of alternative alignments related to the 72-inch Elm Fork Water Transmission Pipeline; and **(2)** the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station - Not to exceed \$1,170,391, from \$12,093,105 to \$13,263,496 - Financing: Water Utilities Capital Improvement Funds

BACKGROUND

This action consists of providing engineering services for the design, surveying, and right-of-way acquisition for construction of approximately 86,400 feet of 96-inch diameter water transmission main. The water transmission main is required to facilitate conveyance of treated water to the south and southwestern portions of Dallas and customer cities. Installation of the new water transmission main is needed to meet near term critical demands associated with population growth, as determined through master planning efforts. The overall pipeline is sized to meet 2050 water demands.

The project will be performed in multiple phases. The first three phases have been awarded by the City Council. This phase includes additional bid and construction phase services for approximately 6,900 feet of pipeline at Telephone Road from Bonnie View Road to State Highway 342, construction phase services for approximately 8,300 feet of pipeline at Langdon Road from Bonnie View Road to J.J. Lemmon Road, additional support for right-of-way acquisition, final surge analysis, geotechnical investigation, environmental services, and additional support for interlocal agreements. It also includes additional design services, including coordination with Interstate Highway 35 improvements and the evaluation of alternative alignments related to the 72-inch Elm Fork Water Transmission Pipeline project from Morgan Parkway in Farmers Branch to the Elm Fork Water Treatment Plant in Carrollton.

BACKGROUND (Continued)

Subsequent phases for the remaining detailed design and services during construction will be submitted for award through Council as needed.

The estimated construction cost associated with this design project is \$138,000,000.

ESTIMATED SCHEDULE OF PROJECT

Began Design	September 2007
Complete Design	December 2016
Complete All Services	December 2020

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with TCB, Inc. to provide engineering services for the study, surveying, and design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station on September 12, 2007, by Resolution No. 07-2590.

Authorized Supplemental Agreement No. 1 to the professional services contract with TCB, Inc. to provide additional engineering services for the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station on November 10, 2008, by Resolution No. 08-3089.

Authorized Supplemental Agreement No. 2 to the professional services contract with AECOM USA Group, Inc. f/k/a TCB, Inc. to provide additional engineering services for the survey, analysis, and design of bank stabilization and water transmission main repairs generally along Simpson Stuart Road and the Trinity River from east of State Highway 310 (Central Expressway) to Murdock Road on April 14, 2010, by Resolution No. 10-0895.

Authorized Supplemental Agreement No. 3 to the professional services contract with AECOM Technical Services, Inc. f/k/a AECOM USA Group, Inc. to provide additional engineering services for the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station on May 23, 2012, by Resolution No. 12-1404.

FISCAL INFORMATION

\$1,170,391.00 - Water Utilities Capital Improvement Funds

Design	\$ 3,487,195.00
Supplemental Agreement No. 1	\$ 5,689,500.00
Supplemental Agreement No. 2	\$ 832,425.00
Supplemental Agreement No. 3	\$ 2,083,985.00
Supplemental Agreement No. 4 (this action)	<u>\$ 1,170,391.00</u>

Total Project Cost \$13,263,496.00

<u>Council District</u>	<u>Amount</u>
3	\$ 140,446.92
8	\$ 327,709.48
Outside City Limits	<u>\$ 702,234.60</u>
Total	\$1,170,391.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

AECOM Technical Services, Inc.

Hispanic Female	1	Hispanic Male	4
Black Female	1	Black Male	0
Other Female	2	Other Male	12
White Female	12	White Male	31

OWNER

AECOM Technical Services, Inc.

Michael Burke, Chief Executive Officer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 4 to the professional services contract with AECOM Technical Services, Inc. to provide additional engineering services for (1) coordination with Interstate Highway 35 improvements and the evaluation of alternative alignments related to the 72-inch Elm Fork Water Transmission Pipeline; and (2) the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station - Not to exceed \$1,170,391, from \$12,093,105 to \$13,263,496 - Financing: Water Utilities Capital Improvement Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$1,153,391.00	98.55%
Non-local contracts	\$17,000.00	1.45%
TOTAL THIS ACTION	\$1,170,391.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

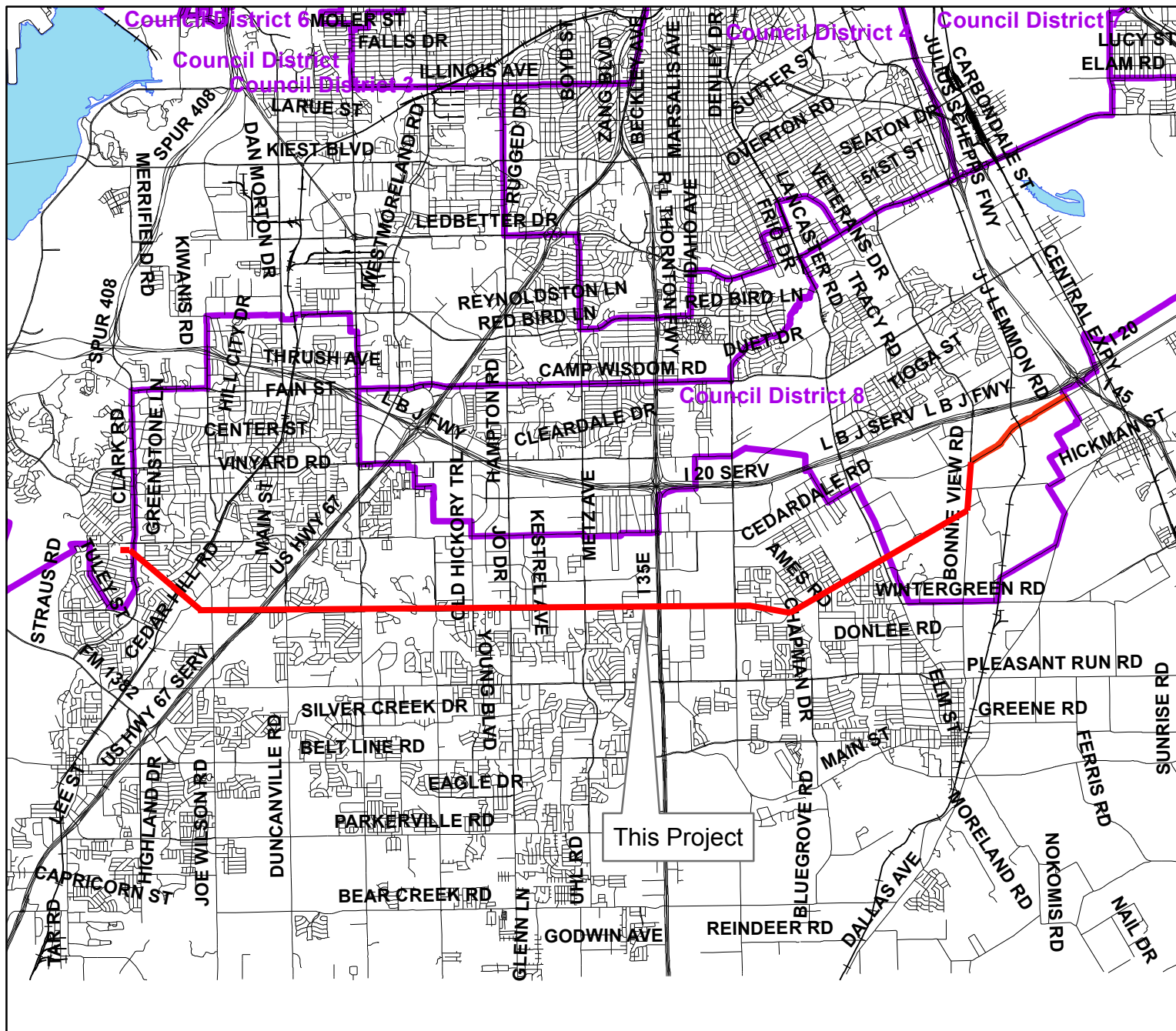
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Technical Associates Services, Inc	BMDB62618Y0715	\$120,000.00	10.40%
Walker Consultants Inc.	WFDB58321Y0814	\$26,000.00	2.25%
Nathan D. Maier Consulting Engineers, Inc.	WFWB58329Y0814	\$12,900.00	1.12%
Total Minority - Local		\$158,900.00	13.78%

Non-Local Contractors / Sub-Contractors

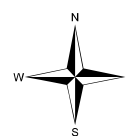
None

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	\$120,000.00	10.25%	\$1,213,850.00	9.15%
Hispanic American	\$0.00	0.00%	\$853,420.00	6.43%
Asian American	\$0.00	0.00%	\$267,500.00	2.02%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$38,900.00	3.32%	\$1,731,900.00	13.06%
Total	\$158,900.00	13.58%	\$4,066,670.00	30.66%



Mapsc0: Various



Council District: 3, 8
Outside City Limits

Dallas Water Utilities
Contract No. 06-035E, Supplemental Agreement No. 4
96"/120" Southwest Water Transmission Pipeline

September 24, 2014

WHEREAS, on September 12, 2007, the City Council awarded Contract No. 06-035E, in the amount of \$3,487,195.00, by Resolution No. 07-2590 to TCB, Inc., to provide engineering services for the study, surveying, and design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station; and,

WHEREAS, on November 10, 2008, the City Council awarded Supplemental Agreement No. 1, in the amount of \$5,689,500.00, by Resolution No. 08-3089, to TCB, Inc., to provide additional engineering services for the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station; and,

WHEREAS, on April 14, 2010, the City Council awarded Supplemental Agreement No. 2, in the amount of \$832,425.00, by Resolution No. 10-0895, to AECOM USA Group, Inc. f/k/a TCB, Inc, to provide additional engineering services for the survey, analysis, and design of bank stabilization and water transmission main repairs generally along Simpson Stuart Road and the Trinity River from east of State Highway 310 (Central Expressway) to Murdock Road; and,

WHEREAS, on May 23, 2012, the City Council awarded Supplemental Agreement No. 3, in the amount of \$2,083,985.00, by Resolution No. 12-1404, to AECOM Technical Services, Inc. f/k/a AECOM USA Group, Inc. to provide additional engineering services for the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station; and,

WHEREAS, additional engineering services for the design of a water transmission main from the City of Hutchins west corporate limits to the Sorcey Pump Station are required; and,

WHEREAS, AECOM Technical Services, Inc., 16000 North Dallas Parkway, Suite 350, Dallas, Texas 75248, has submitted an acceptable proposal to provide these engineering services; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 06-035E be increased by \$1,170,391.00, from \$12,093,105.00 to \$13,263,496.00.

Now, Therefore,

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

Section 1. That the proposed Supplemental Agreement No. 4 be accepted and that Contract No. 06-035E with AECOM Technical Services, Inc., be revised accordingly.

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

September 24, 2014

Section 3. That the City Controller is hereby authorized to pay the amount of \$1,170,391.00 from the Water 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>
2115	DWU	PW40	4111	706035	CT-DWU706035CP1	VC0000011194

AECOM Technical Services, Inc. - (Contract No. 06-035E) - \$1,170,391.00

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): Outside City Limits

DEPARTMENT: Water Utilities

CMO: Mark McDaniel, 670-1858

MAPSCO: 50A N S T

SUBJECT

Authorize Supplemental Agreement No. 6 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant - Not to exceed \$2,546,060, from \$19,963,189 to \$22,509,249 - Financing: Water Utilities Capital Construction Funds

BACKGROUND

On September 10, 2008, Council awarded Contract No. 08-081E, in the amount of \$2,799,689.00 to Jacobs Engineering Group, Inc. for construction management services at the Eastside Water Treatment Plant and the Bachman Water Treatment Plant. The original scope of services included the planning and coordination of multiple construction projects as the City's representative, augmentation of existing City staff, schedule and coordination of complex construction activities by multiple contractors, evaluation of construction budgets and schedules, provision of value engineering and constructability reviews, and monitoring the overall quality of the work. To date, Jacobs Engineering Group has helped managed approximately \$300,000,000 in construction projects at the Eastside and the Bachman Water Treatment Plants. Currently, Jacobs Engineering Group only provides construction management services at the Eastside Plant. As the major construction activities are nearing completion, it is anticipated the remaining construction projects at Eastside Plant can be managed by City of Dallas staff however, additional support and mentoring of Dallas Water Utilities staff by Jacobs Engineering Group, is needed for this transition.

The original construction management services contract was awarded by Council on September 10, 2008, for providing services through September 30, 2009 with the intent of an annual authorization via supplemental agreement for subsequent years to assure continuity in management. This item is the sixth annual reauthorization.

ESTIMATED SCHEDULE OF PROJECT

Began Services	October 2008
Complete Services	September 2017

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant on September 10, 2008, by Resolution No. 08-2455.

Authorized Supplemental Agreement No. 1 to the professional services contract with Jacobs Engineering Group, Inc. to continue to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant on September 23, 2009, by Resolution No. 09-2335.

Authorized Supplemental Agreement No. 2 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant on September 8, 2010, by Resolution No. 10-2310.

Authorized Supplemental Agreement No. 3 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant on August 24, 2011, by Resolution No. 11-2225.

Authorized Supplemental Agreement No. 4 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant on September 26, 2012, by Resolution No. 12-2384.

Authorized Supplemental Agreement No. 5 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant on August 28, 2013, by Resolution No. 13-1470.

FISCAL INFORMATION

\$2,546,060.00 - Water Utilities Capital Construction Funds

Construction Services	\$ 2,799,689.00
Supplemental Agreement No. 1	\$ 3,470,112.00
Supplemental Agreement No. 2	\$ 3,345,147.00
Supplemental Agreement No. 3	\$ 3,321,598.00
Supplemental Agreement No. 4	\$ 3,961,527.00
Supplemental Agreement No. 5	\$ 3,065,116.00
Supplemental Agreement No. 6 (this action)	<u>\$ 2,546,060.00</u>
Total Project Cost	\$22,509,249.00

M/WBE INFORMATION

See attached.

ETHNIC COMPOSITION

Jacobs Engineering Group, Inc.

Hispanic Female	14	Hispanic Male	15
Black Female	6	Black Male	6
Other Female	5	Other Male	18
White Female	37	White Male	134

OWNER

Jacobs Engineering Group, Inc.

Craig L. Martin, President and Chief Executive Officer

MAP

Attached

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize Supplemental Agreement No. 6 to the professional services contract with Jacobs Engineering Group, Inc. to provide construction management services for construction contracts related to the Eastside Water Treatment Plant - Not to exceed \$2,546,060, from \$19,963,189 to \$22,509,249 - Financing: Water Utilities Capital Construction Funds

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

PROJECT CATEGORY: Architecture & Engineering

LOCAL/NON-LOCAL CONTRACT SUMMARY - THIS ACTION ONLY

	<u>Amount</u>	<u>Percent</u>
Local contracts	\$2,546,060.00	100.00%
Non-local contracts	\$0.00	0.00%
TOTAL THIS ACTION	\$2,546,060.00	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION THIS ACTION

Local Contractors / Sub-Contractors

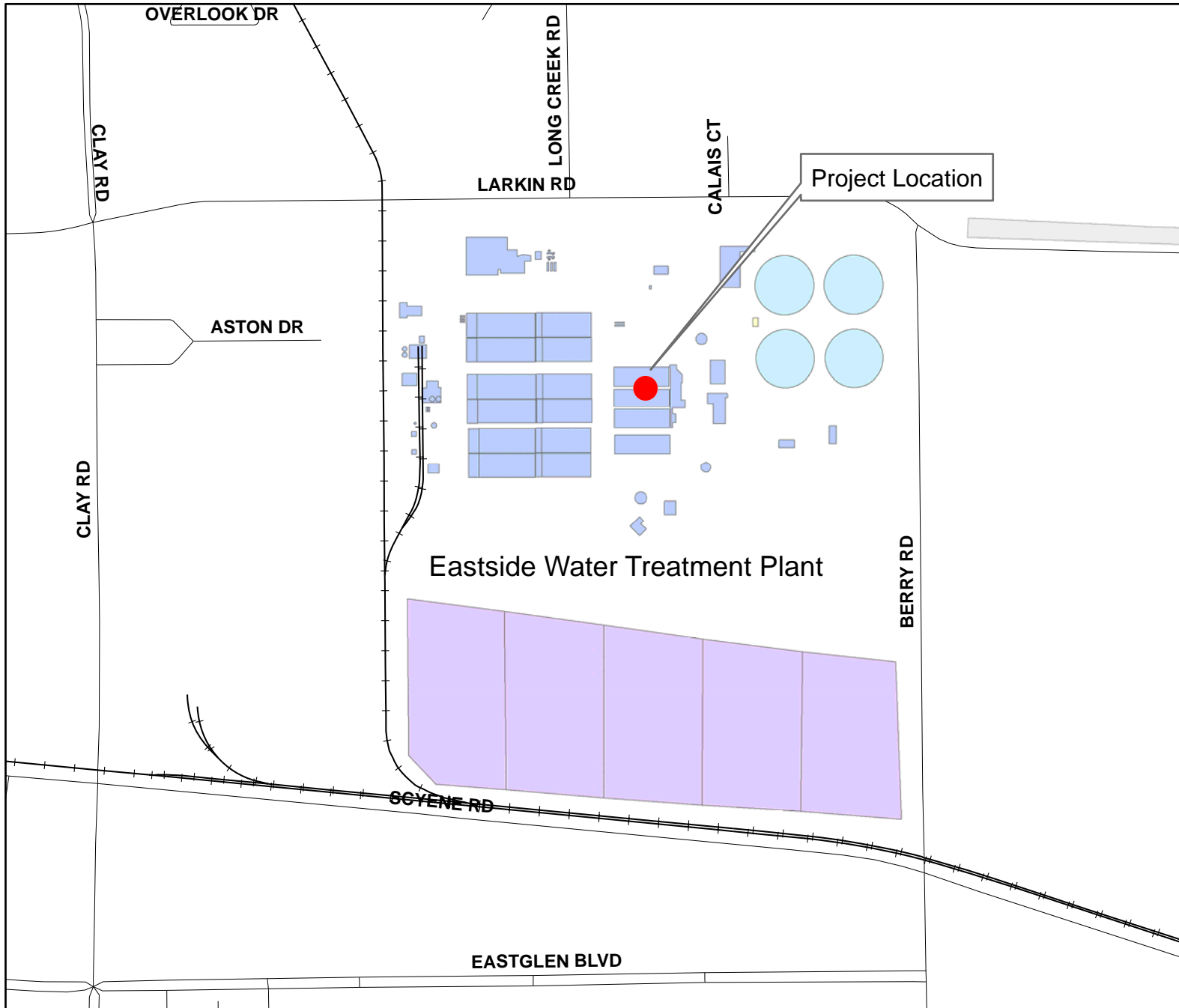
<u>Local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Campos Engineering, Inc.	HMDB60046Y0215	\$73,882.00	2.90%
Word Wizards	WFDB61493Y0415	\$598,559.00	23.51%
Total Minority - Local		\$672,441.00	26.41%

Non-Local Contractors / Sub-Contractors

None

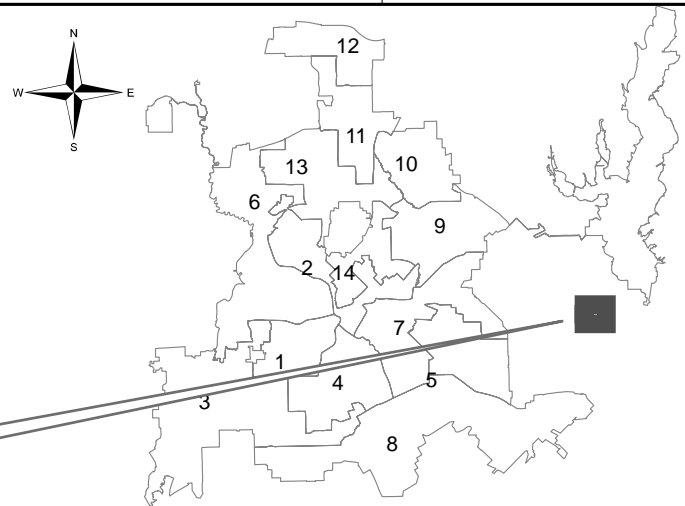
TOTAL M/WBE PARTICIPATION

	<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%	\$975,228.00	4.33%
Hispanic American	\$73,882.00	2.90%	\$1,439,199.00	6.39%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$598,559.00	23.51%	\$4,801,194.00	21.33%
Total	\$672,441.00	26.41%	\$7,215,621.00	32.06%



Mapsco: 50A N S T

Council District: Outside City Limits



Dallas Water Utilities
Contract No. 08-081E, Supplemental Agreement No. 6
Eastside Water Treatment Plant
Construction Management Services

September 24, 2014

WHEREAS, on September 10, 2008, the City Council awarded Contract No. 08-081E, in the amount of \$2,799,689.00, by Resolution No. 08-2455, to Jacobs Engineering Group, Inc., for construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant; and,

WHEREAS, on September 23, 2009, the City Council awarded Supplemental Agreement No. 1, in the amount of \$3,470,112.00, by Resolution No. 09-2335, to Jacobs Engineering Group, Inc., to continue to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant; and,

WHEREAS, on September 8, 2010, the City Council awarded Supplemental Agreement No. 2, in the amount of \$3,345,147.00, by Resolution No. 10-2310, to Jacobs Engineering Group Inc., to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant; and,

WHEREAS, on August 24, 2011, the City Council awarded Supplemental Agreement No. 3, in the amount of \$3,321,598.00, by Resolution No. 11-2225, to Jacobs Engineering Group Inc., to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant; and,

WHEREAS, on September 26, 2012, the City Council awarded Supplemental Agreement No. 4, in the amount of \$3,961,527.00, by Resolution No. 12-2384, to Jacobs Engineering Group Inc., to provide construction management services for construction contracts related to the Eastside Water Treatment Plant and the Bachman Water Treatment Plant; and,

WHEREAS, on August 28, 2013, the City Council awarded Supplemental Agreement No. 5, in the amount of \$3,065,116.00, by Resolution No. 13-1470, to Jacobs Engineering Group Inc., to provide construction management services for construction contracts related to the Eastside Water Treatment Plant; and,

WHEREAS, it will be necessary to closely supervise, coordinate, and manage the day-to-day activities of multiple contractors; and,

WHEREAS, Jacobs Engineering Group, Inc., 1999 Bryan Street, Suite 1200, Dallas, Texas 75201, has submitted an acceptable proposal to provide these services; and,

WHEREAS, Dallas Water Utilities recommends that Contract No. 08-081E be increased by \$2,546,060.00, from \$19,963,189.00 to \$22,509,249.00.

September 24, 2014

Now, Therefore,

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

Section 1. That the proposed Supplemental Agreement No. 6 be accepted and that Contract No. 08-081E with Jacobs Engineering Group, Inc., be revised accordingly.

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

Section 3. That the City Controller is hereby authorized to pay the amount of \$2,546,060.00 from the Water 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	CW32	4111	708081	CT-DWU708081CP	VS0000023961

Jacobs Engineering Group, Inc. - (Contract No. 08-081E) - \$2,546,060.00

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 # 45

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Equipment & Building Services

CMO: Jeanne Chipperfield, 670-7804
Mark McDaniel, 670-1858

MAPSCO: N/A

SUBJECT

Authorize a two-year service contract for the rental of vehicles and equipment – Hertz Equipment Rental Corporation in the amount of \$4,032,072 or \$3,936,162 (**Tie Bid – Line 10**), EAN Holdings, LLC aka Enterprise Rent-A-Car in the amount of \$1,883,833 or \$1,787,923 (**Tie Bid – Line 10**), Landmark Equipment, Inc. in the amount of \$1,546,095, Holt Texas, LTD in the amount of \$1,465,960, Bane Machinery, Inc. in the amount of \$1,111,885, Four Seasons Equipment, Inc. in the amount of \$591,350, R.B. Everett & Company in the amount of \$249,991, United Rentals (North America), Inc. in the amount of \$245,110, Metro Golf Cars in the amount of \$141,309, Berry Companies, Inc. dba Bobcat of Dallas in the amount of \$99,000 and Kirby-Smith Machinery, Inc. in the amount of \$88,990, lowest responsible bidders of fourteen - Total not to exceed \$11,359,685 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

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

This service contract will enable City departments to rent various types of vehicles and equipment on an as needed basis to perform day-to-day construction, operational and emergency services Citywide.

BACKGROUND (Continued)

This service contract is advantageous to the City because it provides immediate access to a variety of equipment without the purchase, inventory, depreciation and maintenance cost associated with ownership of the equipment.

Types of equipment include, but are not limited to the following:

- Excavators
- Backhoe tractor loaders
- Graders and tractors
- Flat-bed trucks
- Pick-up trucks
- Cargo and passenger vans
- Compact and full size vehicles

This service contract also makes available smaller construction and maintenance equipment such as concrete mixers, jackhammers, boring machines, air compressors, walk behind rollers and trenchers. The vendors are responsible for the maintenance, repair or replacement of all wear items such as brakes, flats, and clutches relieving the City of these routine repairs.

This action also requires the casting of lots to identify the recommended vendor resulting from tie bids on line item 10. This process is being executed in accordance with Texas Local Government Code, Section 271.901. This section of the Texas Local Government Code states, in part:

- The municipality must select identical bids by the casting of lots
- The casting of lots must be in the presence of the governing body of the municipality
- If one of the bidders submitting an identical bid is a resident of the municipality, the municipality must select that bidder

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 1,827 email bid notifications to vendors registered under respective commodities. To further increase competition, BDPS uses historical solicitation information, the internet, and vendor contact information obtained from user departments to contact additional vendors by phone. Additionally, in an effort to secure more bids, notifications were sent by the BDPS' ResourceLINK Team (RLT) to 25 chambers of commerce, the DFW Minority Business Council and the Women's Business Council – Southwest, to ensure maximum vendor outreach.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 13, 2012, City Council authorized a two-year service contract for vehicle and equipment rental by Resolution No. 12-1514.

On September 12, 2012, City Council authorized a two-year service contract for rental of bulldozers and water trucks by Resolution No. 12-2224.

FISCAL INFORMATION

\$11,359,684.74 - Current Funds (subject to annual appropriations)

M/WBE INFORMATION

175 -Vendors contacted

174 - No response

1 - Response (Bid)

0 - Response (No bid)

1 - Successful vendor

1,827 - 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

Hertz Equipment Rental Corporation

White Male	8	White Female	0
Black Male	4	Black Female	0
Hispanic Male	1	Hispanic Female	0
Other Male	0	Other Female	0

EAN Holdings, LLC aka Enterprise Rent-A-Car

White Male	67	White Female	24
Black Male	85	Black Female	26
Hispanic Male	30	Hispanic Female	5
Other Male	6	Other Female	3

ETHNIC COMPOSITION (Continued)

Landmark Equipment, Inc.

White Male	42	White Female	8
Black Male	4	Black Female	1
Hispanic Male	7	Hispanic Female	0
Other Male	0	Other Female	2

Holt Texas, LTD

White Male	225	White Female	30
Black Male	30	Black Female	3
Hispanic Male	48	Hispanic Female	8
Other Male	11	Other Female	0

Bane Machinery, Inc.

White Male	12	White Female	4
Black Male	1	Black Female	0
Hispanic Male	5	Hispanic Female	1
Other Male	0	Other Female	0

Four Seasons Equipment, Inc.

White Male	11	White Female	2
Black Male	2	Black Female	0
Hispanic Male	5	Hispanic Female	1
Other Male	0	Other Female	0

R.B. Everett & Company

White Male	23	White Female	4
Black Male	4	Black Female	0
Hispanic Male	5	Hispanic Female	1
Other Male	0	Other Female	0

United Rentals (North America), Inc.

White Male	6	White Female	0
Black Male	2	Black Female	0
Hispanic Male	4	Hispanic Female	0
Other Male	0	Other Female	0

ETHNIC COMPOSITION (Continued)

Metro Golf Cars

White Male	12	White Female	4
Black Male	1	Black Female	0
Hispanic Male	21	Hispanic Female	1
Other Male	0	Other Female	0

Berry Companies, Inc. dba Bobcat of Dallas

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

Kirby-Smith Machinery, Inc.

White Male	28	White Female	3
Black Male	2	Black Female	0
Hispanic Male	5	Hispanic Female	0
Other Male	0	Other Female	0

BID INFORMATION

The following bids were received from solicitation number BJ1405 and were opened on April 17, 2014. These service contracts are being awarded to the lowest responsive and responsible bidders by line. Information related to this solicitation is available upon request.

*Denotes successful bidders

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Hertz Equipment Rental Corporation	10966 Harry Hines Blvd. Dallas, TX 75220	Multiple Lines
*EAN Holdings, LLC aka Enterprise Rent-A-Car	8200 John Carpenter Frwy. Dallas, TX 75247	Multiple Lines
*Landmark Equipment, Inc.	1351 S. Loop 12 Irving, TX 75060	Multiple Lines
*Holt Texas, LTD	3302 S. WW White Rd. San Antonio, TX 78222	Multiple Lines

BID INFORMATION (Continued)

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
*Bane Machinery, Inc.	2449 Manana Dr. Dallas, TX 75220	Multiple Lines
*Four Seasons Equipment, Inc.	4120 Cedar Lake Dr. Dallas, TX 75227	Multiple Lines
*R.B. Everett & Company	1808 E. Division St. Arlington, TX 76011	Multiple Lines
*United Rentals (North America), Inc.	2809 W. Kingsley Rd. Garland, TX 75041	Multiple Lines
*Metro Golf Cars	4063 S. Freeway Ft. Worth, TX 76110	Multiple Lines
*Berry Companies, Inc. dba Bobcat of Dallas	1302 S. I-35 E Lewisville, TX 75067	Multiple Lines
*Kirby-Smith Machinery, Inc.	8505 S. Central Expwy. Dallas, TX 75241	Multiple Lines
Sunbelt Rental	1400 N. Loop 12 Irving, TX 75061	Non-Responsive**
Crafco Texas, Inc.	105 Tower Dr. San Antonio, TX 78232	Non-Responsive**
Romco Equipment Co.	5151 Cash Rd. Dallas, TX 75247	Non-Responsive**

**Sunbelt Rental, Crafco Texas, Inc. and Romco Equipment Co. were deemed non-responsive due to not meeting bid specifications.

OWNERS**Hertz Equipment Rental Corporation**

Lois Boyd, President

OWNERS (Continued)

EAN Holdings, LLC aka Enterprise Rent-A-Car

Brent Russell, President

Landmark Equipment, Inc.

Mike Lyle, President

Holt Texas, LTD

Peter M. Holt, President

Bane Machinery, Inc.

Scott Bane, President

Four Seasons Equipment, Inc.

Dave Keim, President

R.B. Everett & Company

J. Farrel Henderson, President

United Rentals (North America), Inc.

Michael J. Kneeland, President

Metro Golf Cars

Beverly Werner, President

Berry Companies, Inc. dba Bobcat of Dallas

Walter Berry, President

Kirby-Smith Machinery, Inc.

Ed Kirby, President

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize a two-year service contract for the rental of vehicles and equipment – Hertz Equipment Rental Corporation in the amount of \$4,032,072 or \$3,936,162 (Tie Bid – Line 10), EAN Holdings, LLC aka Enterprise Rent-A-Car in the amount of \$1,883,833 or \$1,787,923 (Tie Bid – Line 10), Landmark Equipment, Inc. in the amount of \$1,546,095, Holt Texas, LTD in the amount of \$1,465,960, Bane Machinery, Inc. in the amount of \$1,111,885, Four Seasons Equipment, Inc. in the amount of \$591,350, R.B. Everett & Company in the amount of \$249,991, United Rentals (North America), Inc. in the amount of \$245,110, Metro Golf Cars in the amount of \$141,309, Berry Companies, Inc. dba Bobcat of Dallas in the amount of \$99,000 and Kirby-Smith Machinery, Inc. in the amount of \$88,990, lowest responsible bidders of fourteen - Total not to exceed \$11,359,685 - Financing: Current Funds (subject to annual appropriations)

Hertz Equipment Rental Corporation, EAN Holdings, LLC aka Enterprise Rent-A-Car, Landmark Equipment, Inc., Bane Machinery, Inc., Four Seasons Equipment, Inc., United Rentals (North America), Inc., Berry Companies, Inc. dba Bobcat of Dallas and Kirby-Smith Machinery, Inc., are local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Holt Texas, LTD and R.B. Everett & Company are non-local, non-minority firms, have signed the "Business Inclusion & Development" documentation, and propose to use their own workforces. Metro Golf Cars is non-local, minority firm, has signed the "Business Inclusion & Development" documentation, and proposes to use their own workforce.

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$9,403,424.80	82.78%
Total non-local contracts	\$1,956,259.64	17.22%
TOTAL CONTRACT	\$11,359,684.44	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

<u>Non-local</u>	<u>Certification</u>	<u>Amount</u>	<u>Percent</u>
Metro Golf Cars	WFWB62508N0716	\$141,308.94	7.22%
Total Minority - Non-local		\$141,308.94	7.22%

TOTAL M/WBE CONTRACT PARTICIPATION

	<u>Local</u>	<u>Percent</u>	<u>Local & Non-Local</u>	<u>Percent</u>
African American	\$0.00	0.00%	\$0.00	0.00%
Hispanic American	\$0.00	0.00%	\$0.00	0.00%
Asian American	\$0.00	0.00%	\$0.00	0.00%
Native American	\$0.00	0.00%	\$0.00	0.00%
WBE	\$0.00	0.00%	\$141,308.94	1.24%
	<hr/>	<hr/>	<hr/>	<hr/>
Total	\$0.00	0.00%	\$141,308.94	1.24%

September 24, 2014

WHEREAS, on June 13, 2012, City Council authorized a two-year service contract for vehicle and equipment rental by Resolution No. 12-1514; and,

WHEREAS, on September 12, 2012, City Council authorized a two-year service contract for rental of bulldozers and water trucks by Resolution No. 12-2224;

NOW, THEREFORE,

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

Section 1. That the City Manager is authorized to execute a service contract with Hertz Equipment Rental Corporation (146874) in the amount of \$4,032,072.00 or \$3,936,162.00 (**Tie Bid – Line 10**), EAN Holdings, LLC aka Enterprise Rent-A-Car (508213) in the amount of \$1,883,832.50 or \$1,787,922.50 (**Tie Bid – Line 10**), Landmark Equipment, Inc. (025326) in the amount of \$1,546,095.00, Holt Texas, LTD (506724) in the amount of \$1,465,960.00, Bane Machinery, Inc. (269065) in the amount of \$1,111,885.00, Four Seasons Equipment, Inc. (502821) in the amount of \$591,350.00, R.B. Everett & Company (VS0000059768) in the amount of \$249,991.00, United Rentals (North America), Inc. (505304) in the amount of \$245,110.30, Metro Golf Cars (144807) in the amount of \$141,308.94, Berry Companies, Inc. dba Bobcat of Dallas (VC0000008555) in the amount of \$99,000.00 and Kirby-Smith Machinery, Inc. (502341) in the amount of \$88,990.00, for the rental of vehicles and equipment for a term of two years in a total amount not to exceed \$11,359,684.74, upon approval as to form by the City Attorney. If the service was bid or proposed on as needed, unit price basis for performance of specified tasks, payment to Hertz Equipment Rental Corporation, EAN Holdings, LLC aka Enterprise Rent-A-Car, Landmark Equipment, Inc., Holt Texas, LTD, Bane Machinery, Inc., Four Seasons Equipment, Inc., R.B. Everett & Company, United Rentals (North America), Inc., Metro Golf Cars, Berry Companies, Inc. dba Bobcat of Dallas and Kirby-Smith Machinery, Inc. shall be based only on the amount of the services directed to be performed by the City and properly performed by Hertz Equipment Rental Corporation, EAN Holdings, LLC aka Enterprise Rent-A-Car, Landmark Equipment, Inc., Holt Texas, LTD, Bane Machinery, Inc., Four Seasons Equipment, Inc., R.B. Everett & Company, United Rentals (North America), Inc., Metro Golf Cars, Berry Companies, Inc. dba Bobcat of Dallas and Kirby-Smith Machinery, Inc. under the contract.

Section 2. That the City Controller is authorized to disburse funds in an amount not to exceed \$11,359,684.74 (subject to annual appropriations).

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Trinity Watershed Management

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

MAPSCO: 46 R

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from Victor Hugo Gomez and Irma Leticia Rodriguez Campos, of a subsurface easement containing approximately 831 square feet located on Foreman Street near its intersection with Spring Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$3,075 (\$75 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement containing approximately 831 square feet from Victor Hugo Gomez and Irma Leticia Rodriguez Campos. This property is located on Foreman Street near its intersection with Spring Avenue and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

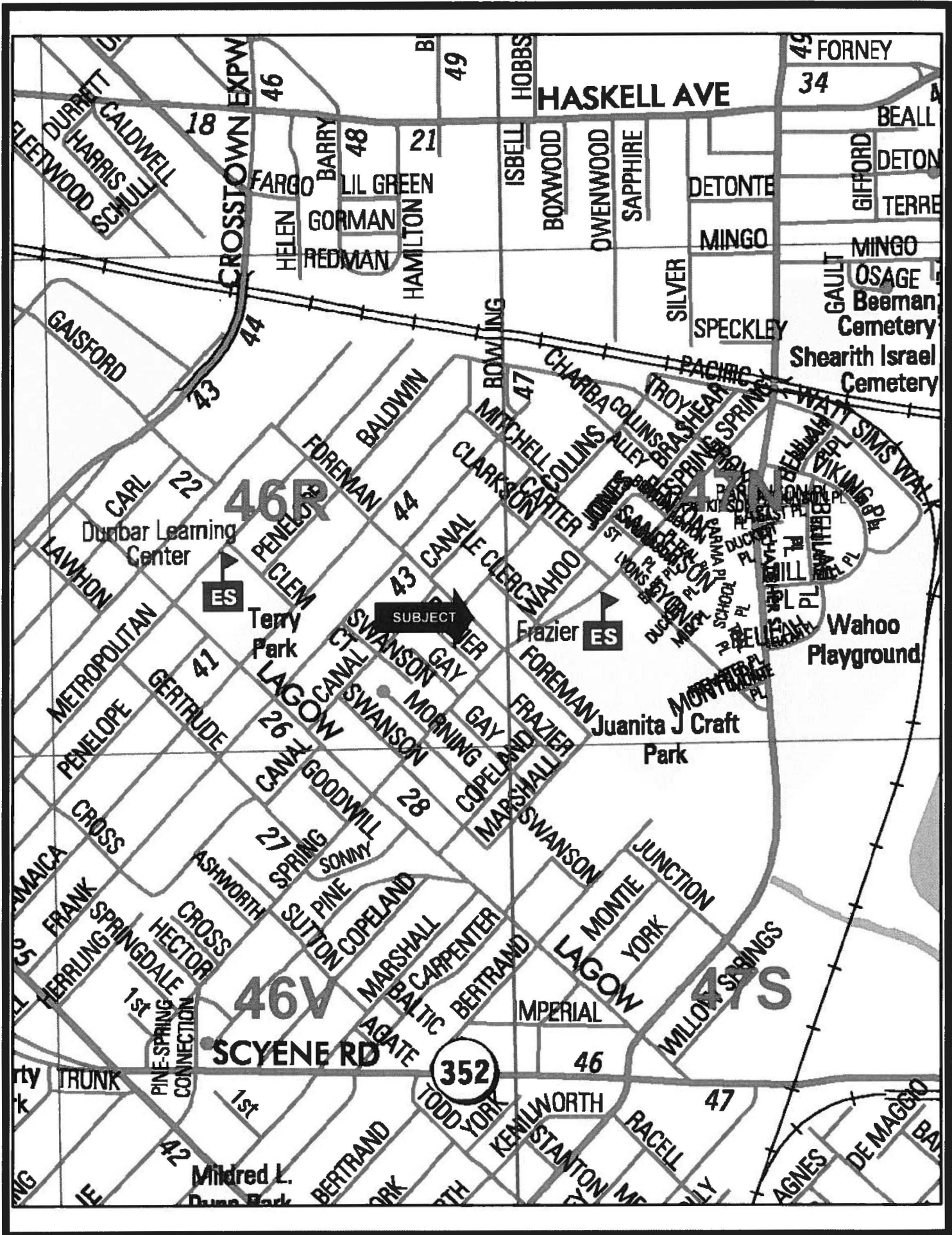
2006 Bond Funds - \$3,075 (\$75 plus closing costs and title expenses not to exceed \$3,000)

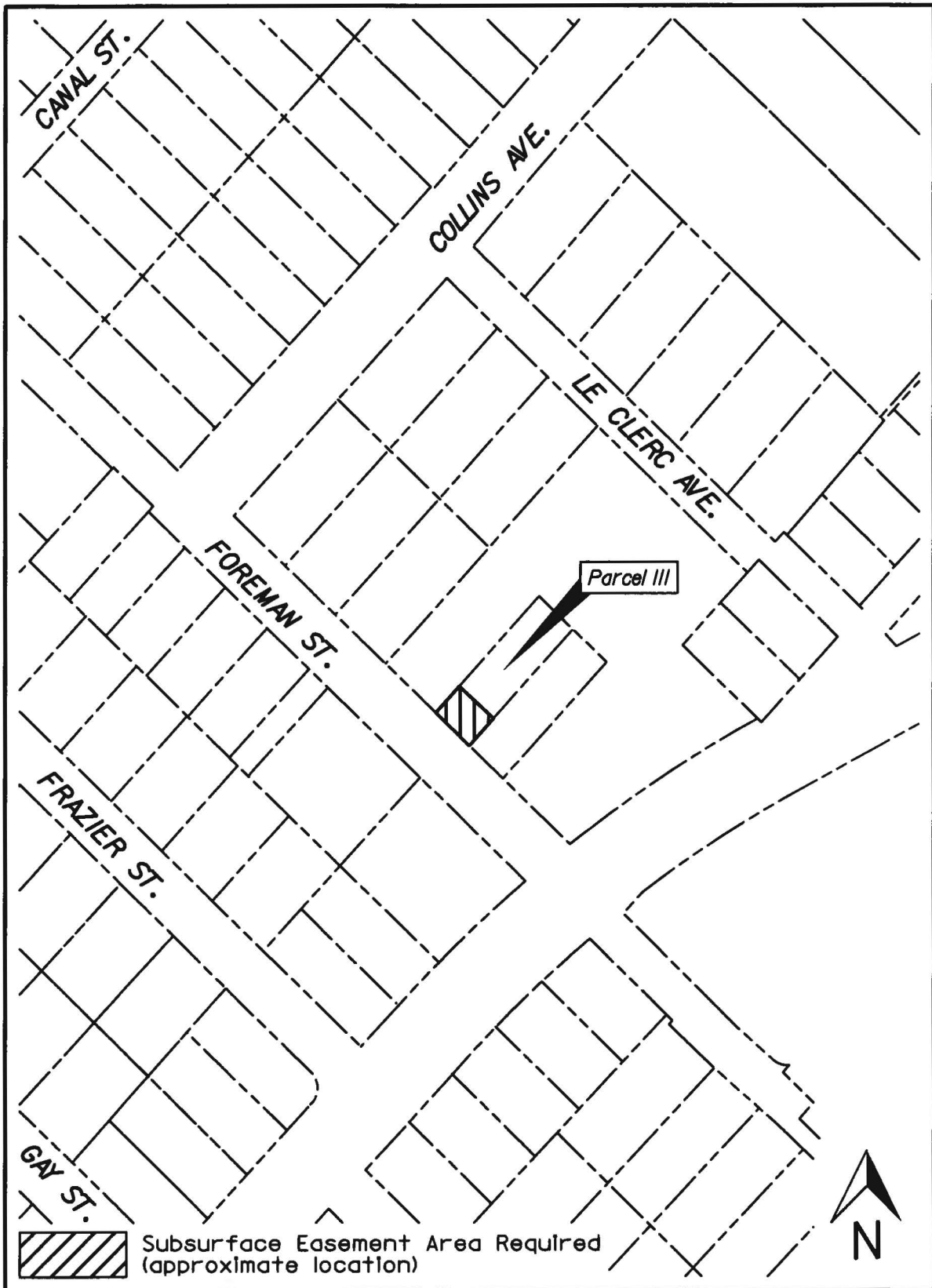
OWNER

Victor Hugo Gomez
Irma Leticia Rodriguez Campos

MAPS

Attached





September 24, 2014

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

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

"CITY": The City of Dallas

"PROPERTY": Consisting of approximately 831 square feet in area, lying between the subsurface elevations of 182 feet and 361 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

"OWNER": Victor Hugo Gomez and Irma Leticia Rodriguez Campos, provided, however, that the term "OWNER" as used in this resolution means all persons having an ownership interest, regardless of whether those persons are actually named herein.

"OFFER AMOUNT": \$75.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": \$3,075.00

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

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

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

September 24, 2014

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

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525LE, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525LF. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

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

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

September 24, 2014

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for amount not to exceed the OFFER AMOUNT; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$3,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY



Assistant City Attorney

**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 111)
BEING AN 831 SQ. FT. (0.0191 AC.) PART OF THE
DEVERON PROPERTIES INC TRACT
AND BEING PART OF LOT 5, CITY OF DALLAS BLOCK A/2410,
O. LECLERC'S SUB-DIVISION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

BEING an 831 square foot (0.0191 acre) tract of land situated in the Thomas Lagow Survey, Abstract Number 759, in the City of Dallas, Dallas County, Texas, and being a part of Lot 5, Block A (A/2410 Official City of Dallas Block Number) of O. LeClerc's Sub-division, an addition to the City of Dallas as shown on map or plat thereof recorded in Volume 2, Page 22, of the Deed Records of Dallas County, Texas (D.R.D.C.T.), and being part of that tract of land described in Special Warranty Deed to Deveron Properties, Inc, as recorded in Instrument No. 201100178351 of the Official Public Records of Dallas County, Texas (O.P.R.D.C.T.), and being more particularly described as follows (NOTE: Subsurface easement corners are not monumented; coordinates shown herein are state plane grid coordinate values in U.S. Survey Feet; all distances are surface values):

COMMENCING at the intersection of the current northwest right-of-way line of Spring Avenue (a variable width right-of-way) as described in right-of-way easement to the City of Dallas recorded in Volume 3163, Page 437, D.R.D.C.T., and the current northeast right-of-way line of Foreman Street (a variable width right-of-way) as described in right-of-way easement to the City of Dallas recorded in Volume 3347, Page 295, D.R.D.C.T., and having coordinates of N=6,969,023.3638 feet, E=2,508,378.1613 feet;

THENCE North 45 degrees 29 minutes 40 seconds West, departing said current northwest right-of-way line of Spring Avenue and with said current northeast right-of-way line of Foreman Street, at a distance 33.54 feet passing the northwest line of Official City of Dallas Block Number 2407, Wahhoo Addition to the City of Dallas as shown on map or plat thereof recorded in Volume 4, Page 54, D.R.D.C.T., and the southeast line of said Block A/2410 of O. LeClerc's Sub-division, continuing with said current northeast right-of-way line, over and across said Block A/2410 of O. LeClerc's Sub-division, for a total distance of 98.62 feet to the POINT OF BEGINNING on the common line of said Deveron tract and that tract of land described in Warranty Deed to Jessie M. Jackson Richards as recorded in Volume 93074, Page 1500, D.R.D.C.T., and having coordinates of N=6,969,092.4865 feet, E=2,508,307.8353 feet, from which the common west corner of said Deveron tract and said Richards tract bears South 41 degrees 40 minutes 20 seconds West, a distance of 5.00 feet;

THENCE North 45 degrees 29 minutes 40 seconds West, with said current northeast right-of-way line, over and across said Lot 5, a distance of 33.04 feet to the common line of said Lot 5 and Lot 4, Block A/2410 of said O. LeClerc's Sub-division, having coordinates of N=6,969,115.6440 feet, E=2,508,284.2747 feet, from which the common westerly corner of said Lot 5 and said Lot 4 bears South 41 degrees 40 minutes 20 seconds West, a distance of 5.00 feet, and from which a found 3/8 inch iron rod (controlling monument) at the intersection of the common line of Lots 1 and 2, Block A/2410 of said O. LeClerc's Sub-division, and said current northeast right right-of-way line of said Foreman Street bears North 45 degrees 29 minutes 40 seconds West, a distance of 147.18 feet, and which the common west corner of said Lots 1 and 2 bears South 41 degrees 40 minutes 20 seconds West, a distance of 5.00 feet, from said found iron rod;



FIELD NOTES APPROVED:

DER 7/17/13


**SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 111)
BEING AN 831 SQ. FT. (0.0191 AC.) PART OF THE
DEVERON PROPERTIES INC TRACT
AND BEING PART OF LOT 5, CITY OF DALLAS BLOCK A/2410,
O. LECLERC'S SUB-DIVISION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

THENCE North 41 degrees 40 minutes 20 seconds East, departing said current northeast right-of-way line and with said common line of Lot 5 and Lot 4, a distance of 24.93 feet to the point of curvature of a non-tangent circular curve to the left having a radius of 1,970.00 feet and whose chord bears South 46 degrees 33 minutes 37 seconds East, a distance of 33.02 feet, said point of curvature having coordinates of N=6,969,134.2647 feet, E=2,508,300.8490 feet;

THENCE Southeasterly, departing said common line and along said curve, over and across said Lot 5, through a central angle of 00 degrees 57 minutes 37 seconds, an arc distance of 33.02 feet to the common line of said Deveron tract and said Richards tract, having coordinates of N=6,969,111.5665 feet, E=2,508,324.8183 feet;

THENCE South 41 degrees 40 minutes 20 seconds West, with said common line, a distance of 25.55 feet to the POINT OF BEGINNING AND CONTAINING 831 square feet or 0.0191 acres of land, more or less.

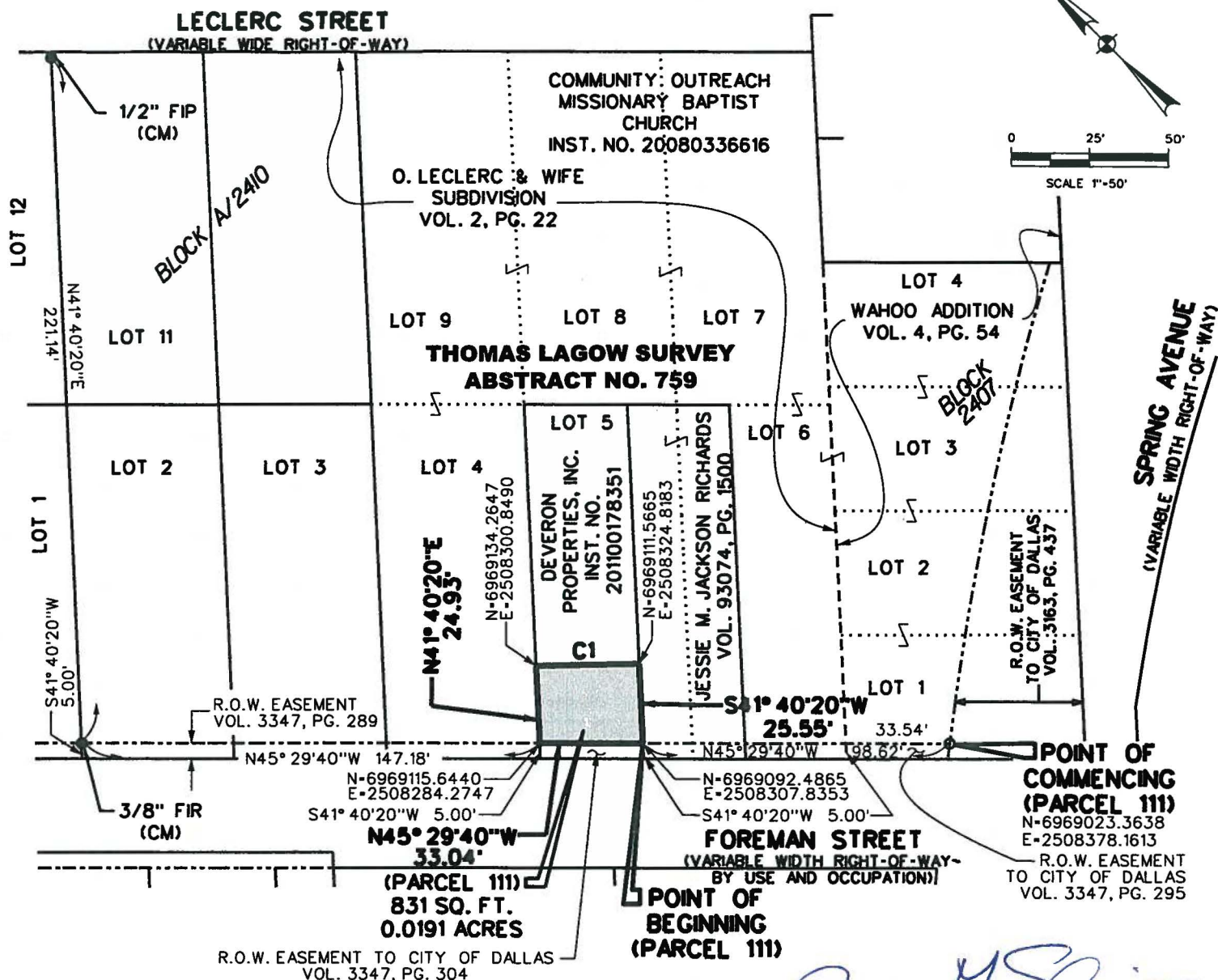
BASIS OF BEARING: Texas State Plane Coordinate System, North Central Zone 4202, North American Datum of 1983, U.S. Survey Feet; Surface Adjustment Scale Factor (SF) = 1.0001365060 (TxDOT Dallas Co. SF).

René M. Salinas

4/03/2013



FIELD NOTES APPROVED:

2ER 7/17/13



CURVE TABLE

	D	R	L	CB	CL
C1	00° 57' 37" (LT)	1,970.00	33.02	S46° 33' 37" E	33.02

LEGEND:

FIP FOUND IRON PIPE
FIRC FOUND IRON ROD W/CAP
FIR FOUND IRON ROD
SIR SET IRON ROD W/ YELLOW "GLD" CAP

MON. MONUMENT
(CM) CONTROLLING MONUMENT

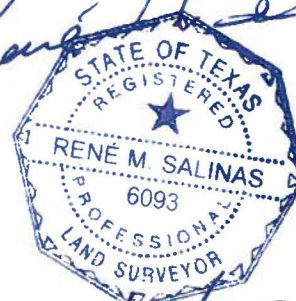
NOTES:

1. BASIS OF BEARING: TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983, U.S. SURVEY FEET; SURFACE ADJUSTMENT SCALE FACTOR (SF) = 1.0001365060 (TXDOT DALLAS CO. SF).
2. COORDINATES SHOWN HEREON ARE STATE PLANE GRID COORDINATE VALUES IN U.S. SURVEY FEET
3. ALL DISTANCES ARE SURFACE VALUES.
4. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.
5. THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT.



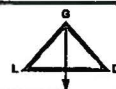
FIELD NOTES APPROVED:

DER 7/17/13



4/03/2013

SUB-SURFACE DRAINAGE TUNNEL EASEMENT
CITY OF DALLAS DRAWING NO. 423R-54 (PARCEL 111)
BEING AN 831 SQ. FT. (0.0191 AC.) PART OF THE
DEVERON PROPERTIES INC TRACT
AND BEING PART OF LOT 5, CITY OF DALLAS BLOCK A/2410,
O. LECLERC'S SUB-DIVISION,
IN THE THOMAS LAGOW SURVEY, ABSTRACT NO. 759,
CITY OF DALLAS, DALLAS COUNTY, TEXAS



Garcia Land Data, Inc.

T 214-987-0149 6210 Campbell Rd., Ste. 110
F 214-987-4026 Dallas, TX 75248-1388

DATE: 07/08/13

PROJ: 5436

PAGE 3 OF 3

KEY FOCUS AREA: Economic Vibrancy
AGENDA DATE: September 24, 2014
COUNCIL DISTRICT(S): 7
DEPARTMENT: Trinity Watershed Management
CMO: Jill A. Jordan, P.E., 670-5299
MAPSCO: 47 S

SUBJECT

Authorize acquisition, including the exercise of the right of eminent domain, if such becomes necessary, from HFLP, Ltd., of a subsurface easement containing approximately 59,638 square feet located on Scyene Road near its intersection with Dixon Avenue for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project – Not to exceed \$29,837 (\$26,837 plus closing costs and title expenses not to exceed \$3,000) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of a subsurface easement containing approximately 59,638 square feet from HFLP, Ltd. This property is located on Scyene Road near its intersection with Dixon Avenue and will be used for the Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project. The consideration is based on an independent appraisal.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - \$29,837 (\$26,837 plus closing costs and title expenses not to exceed \$3,000)

OWNER

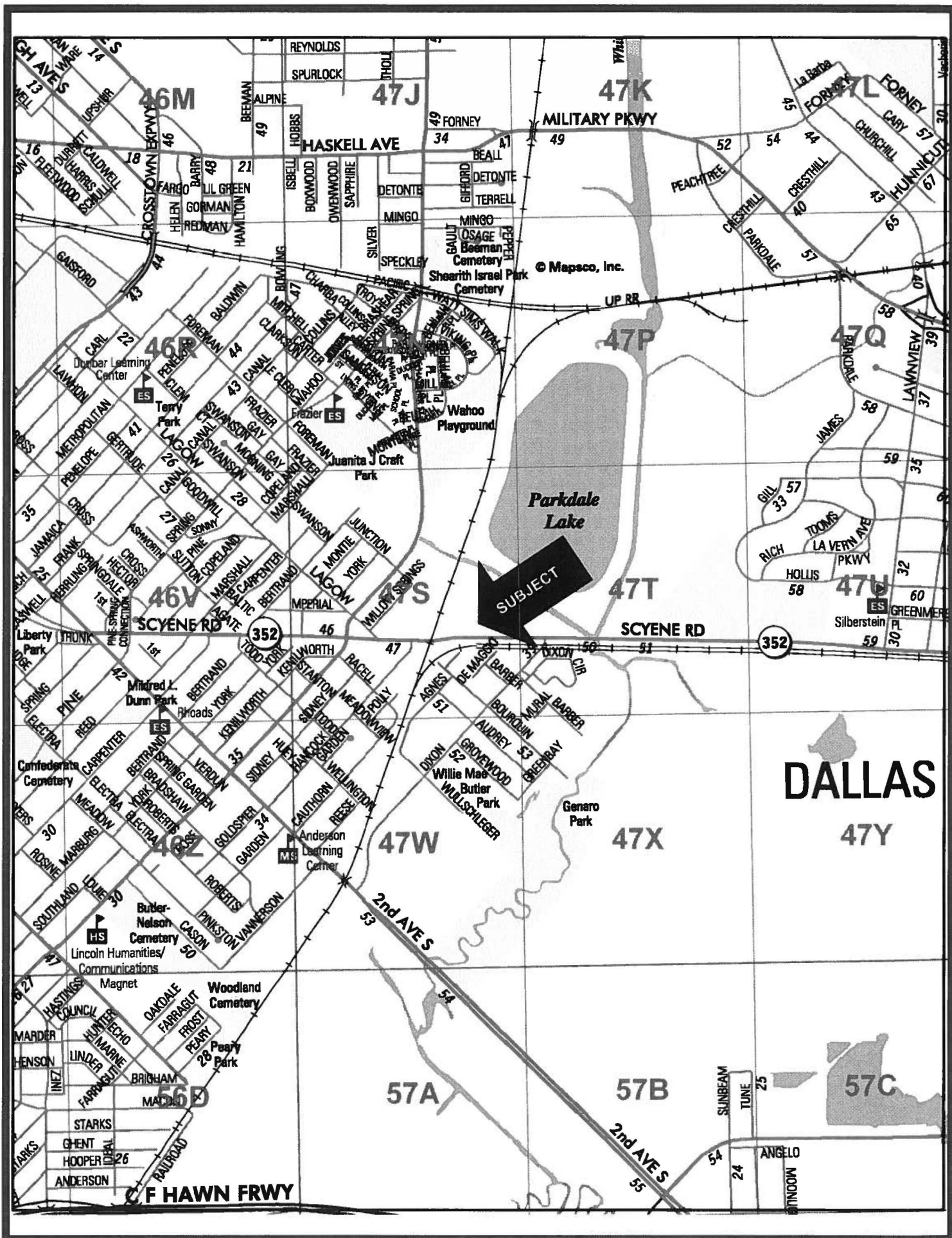
HFLP, Ltd.

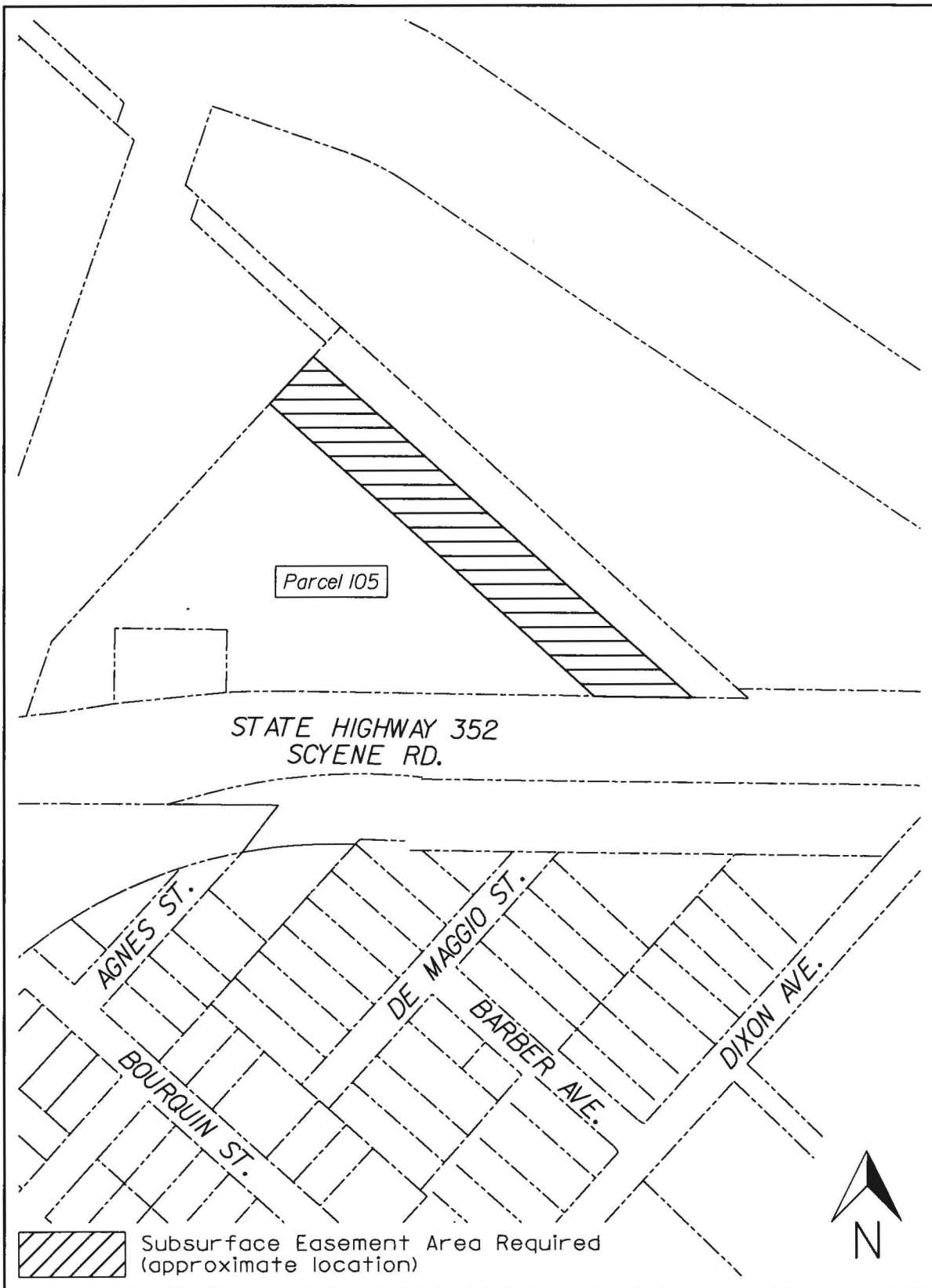
SBH Management No. 5, L.L.C., General Partner

Shair B. Hakemy, President

MAPS

Attached





September 24, 2014

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

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

"CITY": The City of Dallas

"PROPERTY": Consisting of approximately 59,638 square feet in area, lying between the subsurface elevations of 185 feet and 365 feet (U.S. Survey Feet), inclusive, North American Vertical Datum of 1988, located in Dallas County, Texas, the boundary of which property being more particularly described in "Exhibit A", attached hereto and made a part hereof for all purposes.

"PROJECT": Mill Creek/Peaks Branch/State Thomas Drainage Relief Tunnel Project

"USE": The below ground construction, installation, use, and maintenance of a deep tunnel for transmission of storm drainage.

"PROPERTY INTEREST": Flood Control Tunnel Easement

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

"OFFER AMOUNT": \$26,837.00

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$3,000.00

"AUTHORIZED AMOUNT": \$29,837.00

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

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

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

September 24, 2014

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

SECTION 4. That in the event the OWNER accepts the OFFER AMOUNT, the City Controller is authorized and directed to draw a warrant in favor of the OWNER, the then current owner of record, or the title company closing the transaction described herein in the OFFER AMOUNT payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4210, Encumbrance No. CT-PBW06T525LG, CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: Fund No. 1T23, Department TWM, Unit T525, Activity SDRS, Program No. PB06T525, Object 4230, Encumbrance No. CT-PBW06T525LH. The OFFER AMOUNT, CLOSING COSTS and TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

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

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

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

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

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

September 24, 2014

SECTION 10. That in the event the City Attorney files a condemnation proceeding because the OWNER refused to accept the OFFER AMOUNT; and in the event the special commissioners appointed by the Court return an award that is the same amount or less than the OFFER AMOUNT, the City Attorney is hereby authorized to settle the condemnation proceeding, or if the condemnation proceeding becomes a lawsuit, the lawsuit, for amount not to exceed the OFFER AMOUNT; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed the OFFER AMOUNT made payable to the County Clerk of Dallas County, to be deposited into the registry of the Court, to enable the CITY to take possession of the PROPERTY without further action of the Dallas City Council; and the City Controller is hereby authorized to issue a check drawn on the previously described funds in an amount not to exceed \$3,000.00 for CLOSING COSTS AND TITLE EXPENSES in favor of the title company closing the transaction described herein. The Award, CLOSING COSTS AND TITLE EXPENSES together shall not exceed the AUTHORIZED AMOUNT.

SECTION 11. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

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

BY 
Assistant City Attorney

SUB-SURFACE DRAINAGE TUNNEL EASEMENT

EXHIBIT A

City of Dallas Drawing No. 423R-54
Parcel 105 – 59,638 sq. ft. or 1.3691 Acres
Part of City of Dallas Block 5800
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
From HFLP Ltd. Tract

Being a 59,638 square feet or 1.3691 acre tract of land situated in the Thomas Lagow Survey, Abstract No. 759, in the City of Dallas, Dallas County, Texas, and being part of City Block 5800 (a Unplatted tract of land), and being a part of a tract of land conveyed to HFLP, Ltd, a Texas Limited Partnership by Warranty Deed with Vendors Lien recorded by Volume 2004006, Page 4261 of the Official Public Records of Dallas County, Texas, and being more particularly described as follows:

NOTE: 1. Subsurface easement corners are not monumented.

2. All Coordinates are State Plane on Grid. All Distances are surface distances. Surface adjustment scale factor: 1.0001365060.

COMMENCING at a found ½ inch rod with yellow cap stamped "RLPS (number is illegible)" being in the southeast line of a tract of land conveyed to St. Louis SW Railway Co. H&T.C. Railroad by Deed recorded by Volume 736, Page 653 of the Deed Records of Dallas County, Texas, being in the north line of said HFLP tract;

THENCE North 42°29'49" East, with the northwest line of said HFLP tract and the southeast line of said railroad tract and the common northwest line of said City Block 5800, a distance of 452.99 feet to the **POINT OF BEGINNING** having coordinates of N=6966800.9065, E=2510622.6931, being in the east line of said southeast line of said Railroad tract and the northwest line of said HFLP tract, and the northwest line of said City Block 5800;

THENCE North 42°29'49" East, continuing with the common line of said HFLP tract , Railroad tract and said City Block 5800, a distance of 90.00 feet, to a point for corner having coordinates of N= 6966867.2654, E= 2510683.4935, in the southeast line of said Railroad tract and the northwest line of HFLP tract, and the northwest line of said City Block 5800;

THENCE South 47°46'30" East, departing the northwest line of said HFLP tract and over and across the said HFLP tract, a distance of 713.72 feet, to a point having coordinates of N= 6966387.6135, E= 2511212.0121, in the north line of Scyene Road State Highway No. 352 (Variable Right-of-Way), and being in the south line of said HFLP tract, and the common line of said City Block 5800;

THENCE North 89°02'23" West, with the north line of said Scyene Road, a distance of 136.46 feet, to a point having coordinates of N= 6966389.9003, E= 2511075.5726, in the north line of said Scyene road and the south line of said HFLP tract, and the south line of said City Block 5800;

THENCE North 47°46'30" West, departing the north line of said Scyene Road, over and across said HFLP tract and common City Block 5800, a distance of 611.58 feet, to the **POINT OF BEGINNING**, and containing 59,638 square feet or 1.3691 acres of land.



FIELD NOTES APPROVED:

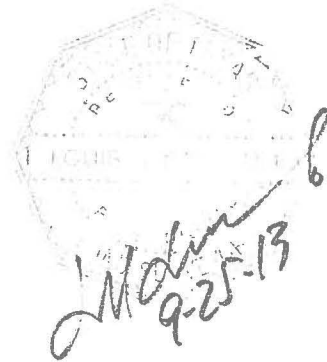
per 10/4/13

SUB-SURFACE DRAINAGE TUNNEL EASEMENT

EXHIBIT A

City of Dallas Drawing No. 423R-54
Parcel 105 – 59,638 sq. ft. or 1.3691 Acres
Part of City of Dallas Block 5800
Thomas Lagow Survey, Abstract No.759
City of Dallas, Dallas County, Texas
From HFLP Ltd. Tract

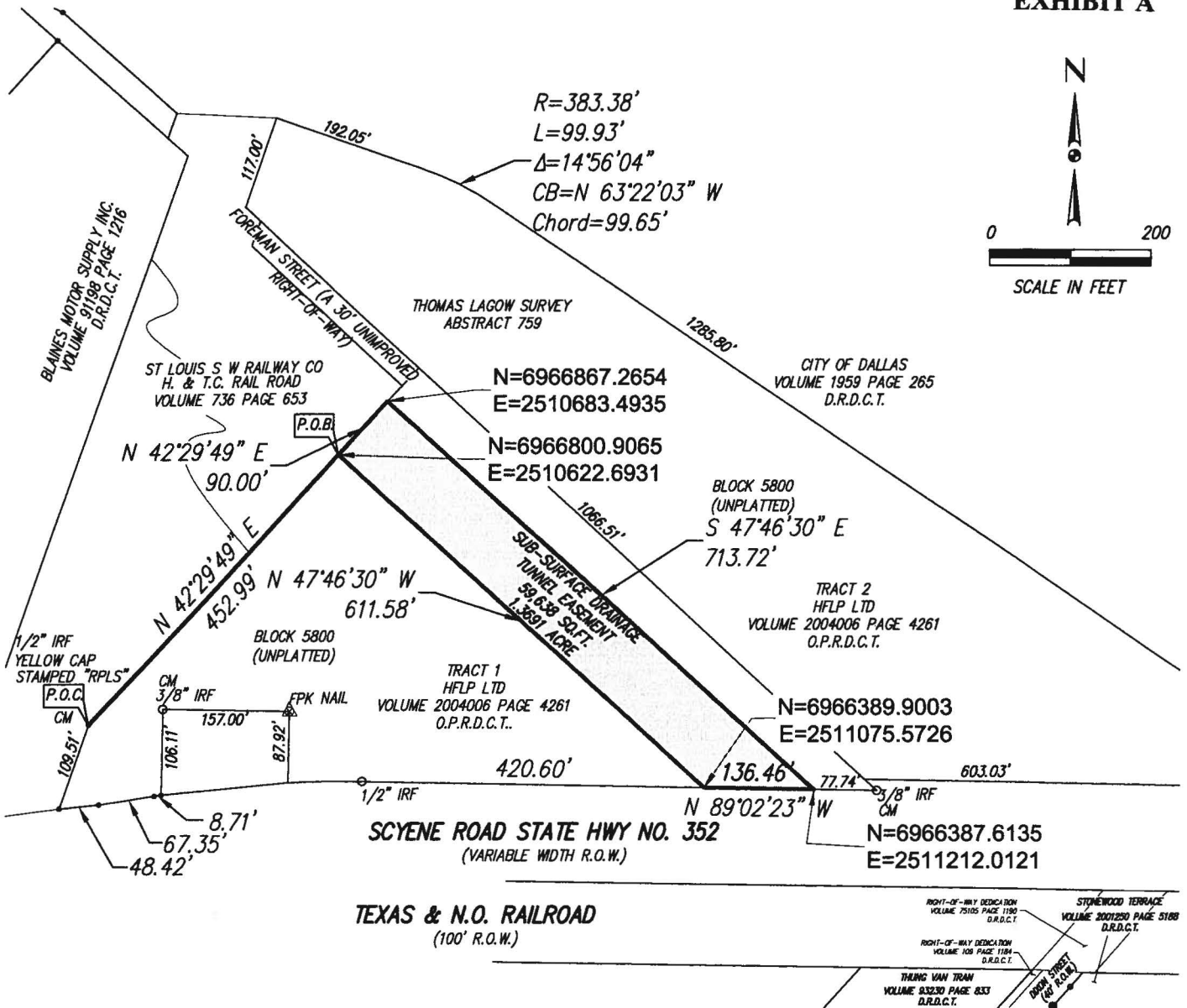
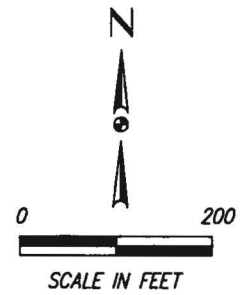
BASIS OF BEARING: State Plane Coordinate System, Texas North Central Zone (4202), North American Datum of 1983. All Coordinates are State Plane on Grid. All Distances are surface distances. Surface adjustment scale factor: 1.0001365060.



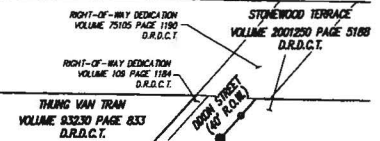
FIELD NOTES APPROVED:

DER 10/4/13

EXHIBIT A



TEXAS & N.O. RAILROAD
(100' R.O.W.)



FIELD NOTES APPROVED:

PER 10/4/13

LEGEND

IRF	IRON ROD FOUND
D.R.D.C.T.	DEED RECORDS OF DALLAS COUNTY TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS OF DALLAS COUNTY TEXAS
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCING
CM	CONTROLLING MONUMENT
○	IRON ROD
⊗	X-CUT
△	MONUMENT
⚡	PK NAIL

GENERAL NOTES

1. BASIS OF BEARING
STATE PLANE COORDINATE SYSTEM, TEXAS NORTH CENTRAL ZONE (4202), NORTH AMERICAN DATUM OF 1983. ALL COORDINATES ARE STATE PLANE ON GRID. ALL DISTANCES ARE SURFACE DISTANCES. SURFACE ADJUSTMENT SCALE FACTOR : 1.0001385060.
2. SUBSURFACE EASEMENT CORNERS ARE NOT MONUMENTED.

SUB-SURFACE DRAINAGE TUNNEL EASEMENT

CITY OF DALLAS DRAWING NO. 423R-54
PARCEL 105 - 59,638 SQ. FT. OR 1.323 Acres
PART OF CITY OF DALLAS BLOCK 5800
Thomas Lagow Survey, Abstract No. 759
City of Dallas, Dallas County, Texas
Part of HFLP Ltd. Tract
Volume 2004006, Page 4261
Official Public Records of Dallas County, Texas

Salcedo Group, Incorporated
Asbuilt Land Title Surveyors



400 South Zang Boulevard, Suite No. 1420 - Dallas, Texas 75208
Phone: (214) 941-8610, Fax: (214) 941-2331 www.salcedogroupinc.com

Sheet 3 of 4

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: N/A

SUBJECT

Authorize the fourth of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2014 through September 30, 2015 – Not to exceed \$250,000 – Financing: Public/Private Partnership Funds (subject to appropriations) (\$200,000) and Current Funds (\$50,000) (subject to appropriations)

BACKGROUND

Since February 2003, the City has entered into a series of grant agreements for economic development and protocol services with the World Affairs Council of Dallas/Fort Worth. The World Affairs Council of Dallas/Fort Worth's responsibilities include:

- Supporting the International Business Division of the Office of Economic Development to promote foreign investment and attract foreign companies to Dallas, particularly in the southern sector
- Working with the office of the Mayor, City Council Members and City officials to market Dallas to the international community and provide protocol and logistical support for international delegations visiting Dallas
- Managing the Sister Cities International Program

For the past eleven years, the World Affairs Council of Dallas/Fort Worth has received annual grants from the City to fund the City of Dallas Protocol office. The grant agreements stipulated funding to pay for salaries of two full time persons to work exclusively for the City of Dallas, plus a portion of the salaries and overhead of the executive staff of the World Affairs Council of Dallas/Fort Worth.

BACKGROUND (Continued)

The grant agreement with the World Affairs Council of Dallas/Fort Worth is currently managed by International Business Development Division within the Office of Economic Development. The third term of the contract, with four renewal options, will expire on September 30, 2014.

Since economic development is a high priority of the City, in addition to measuring protocol related responsibilities, the grant agreement also measures economic development criteria such as promoting business referrals from targeted trading partners; providing logistical and technical assistance to business-related inbound delegations and supporting partnership events such as trade workshops. Furthermore, the World Affairs Council of Dallas/Fort Worth committed approximately \$137,000 in Fiscal Year 2013-14 in private sector funding and in-kind support for City of Dallas economic development and protocol activities. The goal is to leverage this agreement to create more synergy with economic development programs and priorities. The ultimate objective is to encourage more international companies to move to Dallas, thereby creating a higher tax base and more jobs.

A restricted fund, the "Mayor's International Relations Fund", was established in 2009 under the World Affairs Council's (WAC) 501(c)3 charter. WAC will seek to capitalize the "Mayor's International Relations Fund" by membership contributions with annual fund raising goal of \$35,000, to support international initiatives, specifically protocol activities, hospitality, and business development.

The renewal amount for FY 2014-15 is \$250,000 which is appropriated in the Capital Budget, Economic Development, Public/Private Partnership.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On February 12, 2003, City Council authorized a grant agreement with the World Affairs Council of Greater Dallas for the period March 1, 2003 through February 29, 2004, by Resolution No. 03-0664.

On February 11, 2004, City Council authorized a three-year grant agreement with the World Affairs Council of Dallas/Fort Worth for the period March 1, 2004 through February 28, 2007, by Resolution No. 04-0560.

On February 20, 2007, the Economic Development and Housing Committee was briefed on the World Affairs Council of Dallas/Fort Worth grant agreement.

On February 28, 2007, City Council authorized a grant agreement with the World Affairs Council of Dallas/Fort Worth for the period March 1, 2007 through September 30, 2007, by Resolution No. 07-0692.

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

On January 23, 2008, City Council authorized the first of three twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2007 through September 30, 2008, by Resolution No. 08-0307.

On September 24, 2008, City Council authorized the second of three twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2008 through September 30, 2009, by Resolution No. 08-2542

On April 20, 2009, the Economic Development Committee was briefed on the formation of a privately capitalized restricted fund, Mayor's International Relations Fund, to support international initiatives of the City of Dallas. WAC will initiate solicitations to capitalize Mayor's International Relations Fund.

On September 21, 2009, a memo was submitted to the Economic Development Committee regarding the renewal of the World Affairs Council of Dallas/Fort Worth grant agreement.

On September 23, 2009, City Council authorized the third of three twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2009 through September 30, 2010 by Resolution No. 09-2297.

On September 20, 2010, a memo was submitted to the Economic Development Committee regarding a 90 day extension to the existing contract with the World Affairs Council of Dallas/Fort Worth.

On September 22, 2010, City Council authorized a three-month renewal to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2010 through December 31, 2010, by Resolution No. 10-2415.

On December 3, 2010 a memo was submitted to the Economic Development Committee regarding the authorization of a nine-month Chapter 380 grant agreement with four one-year renewals with the World Affairs Council of Dallas / Fort Worth for the period of January 1, 2011 through September 30, 2011.

On December 8, 2011, City Council authorized a nine-month Chapter 380 grant agreement with four one-year renewals with the World Affairs Council of Dallas / Fort Worth for the period of January 1, 2011 through September 30, 2011, by Resolution No. 10-3037.

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

On September 14, 2011, the City Council authorized the first of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2011 through September 30, 2012, by Resolution No. 11-2425.

On September 16, 2012, the City Council authorized the second of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2012 through September 30, 2013, by Resolution No. 12-2286.

On September 25, 2013, the City Council authorized the third of four twelve-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for the period October 1, 2013 through September 30, 2014, by Resolution No. 13-1708.

FISCAL INFORMATION

\$200,000 - Public/Private Partnership Funds (subject to appropriations)

\$50,000 - Current Funds (subject to appropriations)

September 24, 2014

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

WHEREAS, Chapter 380 of the Texas Local Government Code allows the governing body of a municipality to partner with a nonprofit organization to administer a program to promote local economic development and stimulate business and commercial activity in the municipality; and

WHEREAS, the City now desires to authorize the execution of the fourth of four 12-month renewal terms to the grant agreement with the World Affairs Council of Dallas/Fort Worth for services relating to business development and protocol for the period October 1, 2014 through September 30, 2015.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to enter into the fourth of four twelve-month renewal options to the grant agreement with the World Affairs Council of Dallas/Fort Worth for economic development and protocol services for the period October 1, 2014 through September 30, 2015 and execute any and all documents required by the contract.

Section 2. That the City Controller or designee is hereby authorized to set aside and disburse funds not to exceed \$250,000 (subject to appropriations) from:

Fund	Dept.	Unit	Obj	Encumbrance No.	Activity	Vendor No.	Amount
0352	ECO	P476	3016	ECOP476K289	PPPF	509630	\$200,000
0001	ECO	1192	3072	ECOP476K289	ECO8	509630	\$50,000

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 2, 7, 14

DEPARTMENT: Office of Economic Development

CMO: Ryan S. Evans, 671-9837

MAPSCO: 45 M

SUBJECT

Deep Ellum Crossroads Redevelopment Project

- * Authorize **(1)** a development agreement with 42 Deep Ellum, LP, to dedicate future TIF revenues for reimbursement of eligible project costs related to paving streetscape & lighting, open spaces & trails, and façade restoration, environmental remediation, and demolition for commercial redevelopment of 2609-2711 Main, 2646 Elm, 2653-2711 Commerce and surface parking lots at 2607, 2619, 2621, and 2623 Main located in Tax Increment Financing Reinvestment Zone Twelve (Deep Ellum TIF District); and **(2)** the Deep Ellum TIF District Board of Directors to dedicate in an amount not to exceed \$2,725,000 plus an Economic Development TIF Grant in an amount not to exceed \$775,000 for a total not to exceed \$3,500,000 from future Deep Ellum TIF District revenues, in accordance with the development agreement – Not to exceed \$3,500,000 - Financing: Deep Ellum TIF District Funds (subject to appropriations)
- * A resolution declaring the intent of Tax Increment Financing District Reinvestment Zone Number Twelve (Deep Ellum TIF District) to reimburse 42 Deep Ellum, LP up to \$3,500,000, of which up to \$775,000 is in the form of an Economic Development TIF Grant, for project costs pursuant to the development agreement with 42 Deep Ellum, LP - Financing: This action has no cost consideration to the City

BACKGROUND

Economic Development Staff has been working with 42 Deep Ellum, LP on a proposal to redevelop 22 buildings located on both the north and south sides of the 2600 and 2700 blocks of Main Street, as well as 2646 Elm, 2653 Commerce, and the parking lots at 2703, 2705, and 2711 Commerce. This project represents the first phase of this effort.

BACKGROUND (Continued)

These buildings fall into two categories: historic red---brick buildings constructed between the 1920s and 1940s and concrete masonry block buildings built between the 1960s and 1970s. Over the years the buildings have served multiple uses including retail, office, and service. Currently around 40% percent of the project area is vacant and is in need of repair and restoration. The planned scope of work for the project site features several unique commercial improvements including a mid---block connection called The Alley, between Main Street and Elm Street, opening up more buildings for available leasing space; new Public Plazas.

The project will revitalize currently vacant buildings in Deep Ellum's historic core as a walkable destination for entertainment, retail, and restaurants. The historic brick buildings will be rehabilitated in order to create new storefronts for small businesses. No existing buildings will be demolished as part of the redevelopment project. In addition, no portion of the redevelopment project will include residential.

ESTIMATED SCHEDULE OF PROJECT

Project Start Date January 2016
Project Completion Date December 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 5, 2014, the Deep Ellum TIF District Board of Directors reviewed and recommended approval of a development agreement with 42 Deep Ellum, LP, for TIF funding for the Deep Ellum Crossroads project in an amount not to exceed \$3,500,000, of which \$775,000 is in the form of an Economic Development TIF Grant.

On August 27, 2014, City Council in accordance with the Tax Increment Financing Act, as amended, V.T.C.A Texas Tax Code, (Chapter 311), called a public hearing to be held on September 10, 2014, to hear citizen comments and concerns regarding the proposed amendments to Deep Ellum TIF District Project Plan and Reinvestment Zone Financing Plan. That public hearing was duly held and closed by Resolution No. 14-1373.

On September 15, 2014, the Economic Development Committee was briefed on the proposed Deep Ellum Crossroads redevelopment project and recommended approval.

FISCAL INFORMATION

\$3,500,000 - Deep Ellum TIF District Funds (subject to appropriations)

PROJECT COUNCIL DISTRICT

OWNER

42 Deep Ellum, LP

Scott Rohrman
President and CEO
8333 Douglass Ave., Ste.342
Dallas, TX 75225

DEVELOPER

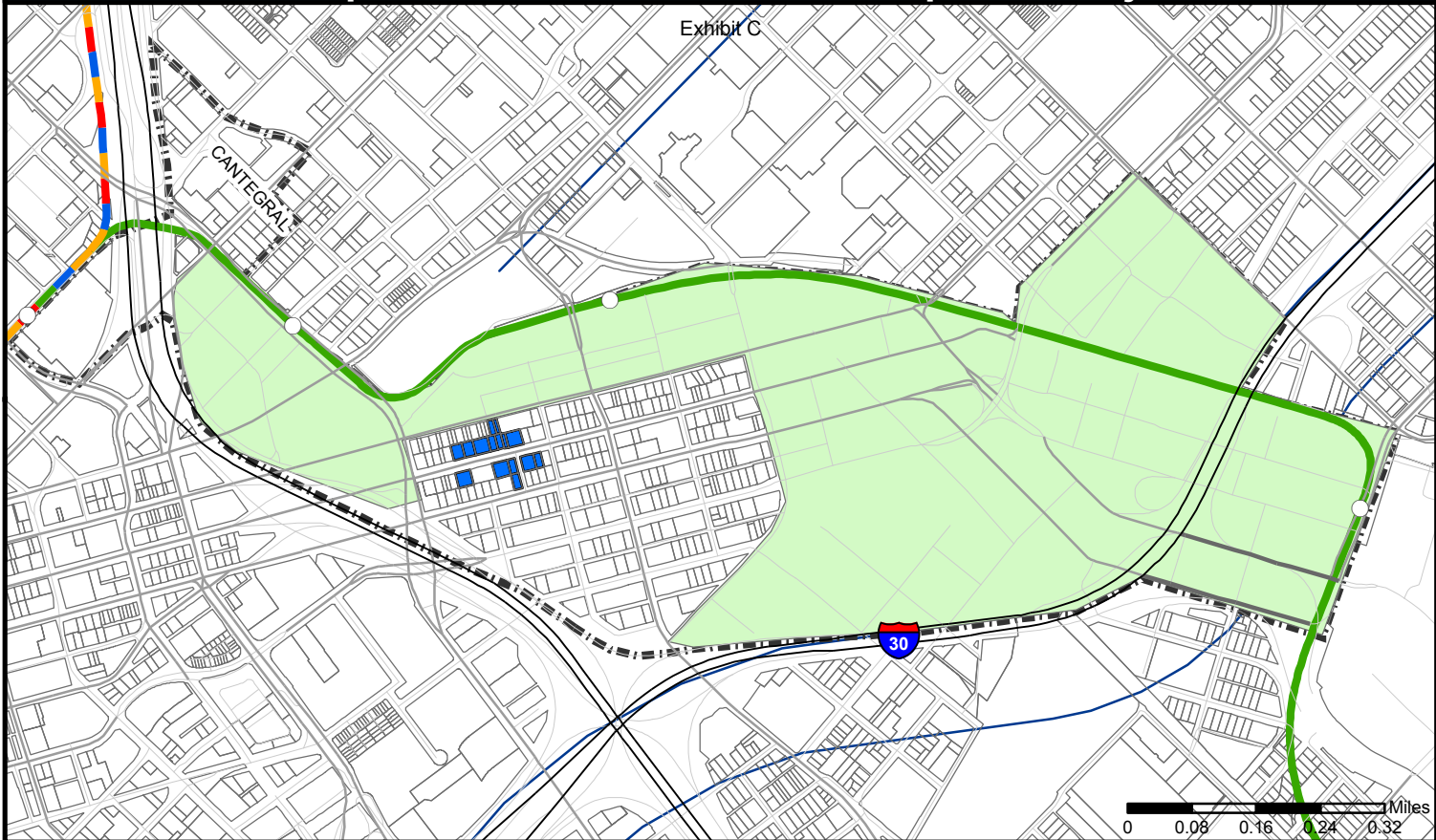
42 Deep Ellum, LP

Scott Rohrman
President and CEO
8333 Douglass Ave., Ste. 342
Dallas, TX 75225

MAP

Attached.

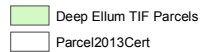
Deep Ellum Crossroads Redevelopment Project



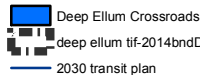
City of Dallas

<http://www.Dallas-EcoDev.org>
Created 5/2014

Legend



Deep Ellum TIF Parcels
Parcel2013Cert

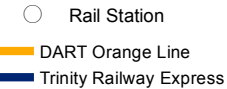


Deep Ellum Crossroads
deep ellum tif-2014bndDRAFT

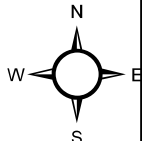
2030 transit plan



DART Red Line
DART Blue Line
DART Green Line



Rail Station
Trinity Railway Express



September 24, 2014

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

WHEREAS, the City recognizes the importance of the use of economic development incentives as a necessary tool in attracting new developments and new jobs to the Deep Ellum TIF District; and

WHEREAS, on June 22, 2005, the City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Twelve, (Deep Ellum TIF District), in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the Deep Ellum area through the use of tax increment financing by Ordinance No. 26043; and

WHEREAS, on April 12, 2006, the City Council authorized the adoption of the Final Project Plan and Reinvestment Zone Financing Plan for the Deep Ellum TIF District in accordance with the Act by Ordinance No. 26304, as amended; and

WHEREAS, on August 5, 2014, the Deep Ellum TIF District Board of Directors reviewed and recommended approval of a development agreement with 42 Deep Ellum, LP, for TIF incentives and dedication of TIF funding for TIF incentives and dedication of TIF funding for eligible costs (Water, Wastewater, Storm, & Off-Site Utility Replacement; Paving, Streetscape, & Lighting; Open Spaces & Trails; Façade Restoration; Environmental Remediation, Interior/Exterior Demolition) in an amount not to exceed \$2,725,000 plus an Economic Development TIF Grant in an amount not to exceed \$775,000 for a total not to exceed \$3,500,000 for redevelopment of the buildings and properties addressed as 2609-2711 Main; 2646 Elm; 2653-2711 Commerce; and

WHEREAS, on August 27, 2014, the City Council in accordance with the Tax Increment Financing Act, as amended, V.T.C.A Texas Tax Code, (Chapter 311), called a public hearing to be held on September 10, 2014, to hear citizen comments and concerns regarding the proposed Deep Ellum TIF District amendments and amended Project Plan and Reinvestment Zone Financing Plan for the District. That public hearing was duly held and closed; and

WHEREAS, on September 15, 2014, the Economic Development Committee was briefed and recommended approval of TIF funding for Deep Ellum Crossroads development project in an amount not to exceed \$3,500,000; and

September 24, 2014

WHEREAS, in furtherance of the Deep Ellum TIF District Final Project Plan and Reinvestment Zone Financing Plan and to promote within the Deep Ellum TIF District: (1) development and diversification of the economy, (2) elimination of unemployment and underemployment, and (3) development and expansion of commerce, the City desires to continue to provide economic incentives to 42 Deep Ellum, LP for the redevelopment of the Deep Ellum Crossroad project, in the Deep Ellum TIF District as described in **Exhibit A - Conceptual Elevations**; and

WHEREAS, the expenditure of TIF funds supporting this development is consistent with promoting development and redevelopment of the Deep Ellum TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan for the Deep Ellum TIF District.

NOW, THEREFORE,

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

Section 1. That the City Manager, upon approval as to form by the City Attorney is hereby authorized to execute a development agreement with 42 Deep Ellum, LP, and the City of Dallas, on behalf of the Deep Ellum TIF District for the Deep Ellum Crossroad redevelopment project.

Section 2. That the Deep Ellum TIF District Board of Directors is authorized to dedicate future Deep Ellum TIF revenues in an amount not to exceed \$3,500,000, of which up to \$775,000 is in the form of an Economic Development TIF Grant, for project costs associated with the Deep Ellum Crossroads, commercial redevelopment project, in the Deep Ellum TIF District, as shown in **Exhibit B – TIF Budget**. These costs include, but are not limited to design, engineering, construction management, professional services, paving, utilities and streetscape improvement costs for the Deep Ellum redevelopment project.

Section 3. That the City Controller is hereby authorized to encumber and disburse funds from future tax increments and subject to future appropriations from:

Deep Ellum TIF District Fund - Fund 0056, Department ECO, Unit P921, Object 4510, Activity DETI, Program No. DETIF0003, CT ECOP921K287, Vendor No. VS86192, in an amount not to exceed \$750,000;

Deep Ellum TIF District Fund - Fund 0056, Department ECO, Unit P921, Object 3072, Activity DETI, Program No. DETIF0003, CT ECOP921K287, Vendor No. VS86192, in an amount not to exceed \$1,075,000;

September 24, 2014

Section 3. (Continued)

Deep Ellum TIF District Fund - Fund 0056, Department ECO, Unit P921, Object 3072, Activity DETI, Program No. DETIF0003, CT ECOP921K287, Vendor No. VS86192, in an amount not to exceed \$900,000';

Deep Ellum TIF District Fund - Fund 0056, Department ECO, Unit P921, Object 3016, Activity DETI, Program No. DETIF0003, CT ECOP921K287, Vendor No. VS86192, in an amount not to exceed \$775,000; and

For a total amount not to exceed \$3,500,000.

Funds may be shifted from the Economic Development TIF Grant category to the Streetscape improvements category only, as long as the total TIF funding does not exceed \$3,500,000.

Section 4. That nothing in the resolution shall be construed to require the City to approve future dedications of Deep Ellum TIF revenues (the "TIF Subsidy") from any source of the City funds other than the Deep Ellum TIF District Fund. Any portion of the TIF Subsidy that remains unpaid due to lack or unavailability of Deep Ellum TIF District Funds shall no longer be considered project costs of the Deep Ellum TIF District or the City and the obligation of the Deep Ellum TIF District to pay 42 Deep Ellum, LP shall automatically expire.

Section 5. That the TIF Subsidy to be provided 42 Deep Ellum, LP, will be based on the Deep Ellum TIF District's Increment Allocation Policy and Reimbursement Queue for the sharing of future revenues in the Tax Increment Fund, adopted by the Deep Ellum TIF District Board of Directors August 5, 2014, attached as **Exhibit C**.

Section 6. That in addition to the conditions set out in the Sections above, the Development Agreement is hereby expressly made subject to all of the following contingencies which must be performed or occur:

- A. Minimum private investment of \$14,000,000 for the Project, including acquisition, construction and construction related soft costs.

The term "Invest" or "Investment" means the sum of all acquisition costs, construction costs (hard and soft) paid, payable or actually incurred by or on behalf of the Owner, with respect to the Project and the improvements thereon. Construction related soft costs include the following items: architecture and engineering, interior design, consulting, construction management. Construction management is solely intended to cover fees paid to an outside consultant or third party who confirms the quality of the work.

September 24, 2014**Section 6. (Continued)**

Construction management fees must be invoiced with a detailed description of work performed. Carrying or other similar costs shall not be considered toward this definition of project investment. The owner must provide verification of all expenditures.

- B. Investment shall include a minimum of \$2,000,000 for the following TIF Eligible expenditures associated with the "Project":
 - a. Paving, Streetscape, & Lighting – minimum \$500,000
 - b. Open Spaces & Trails – minimum \$1,000,000
 - c. Façade Restoration/Environmental/Remediation/Demolition – minimum \$500,000
- C. Redevelopment of the Project shall include a minimum of 65,000 square feet:
 - a. Minimum 50,000 square feet of retail/restaurant space
 - b. Minimum 15,000 square feet of back of house/common space, including public plaza spaces
- D. Obtain a building and/or demolition permit from the City and start construction for the Project by January 30, 2016;
- E. Obtain a Certificate of Occupancy (CO) for the contemplated ground floor improvements by December 31, 2016;
- F. If applicable, obtain final acceptance of public infrastructure improvements associated with the Project as evidenced by the issuance of a green tag from the Public Works and Transportation Department by December 31, 2016 and submit documentation to the Office of Economic Development (OED);
- G. If applicable, execute an Operating and Maintenance agreement for non-standard public infrastructure improvements associated with the project by December 31, 2016, for a period of 20 years;
- H. A minimum of 25% of the total net leasable square footage of commercial (non-residential) space with a minimum of at least 50% of ground floor space must be occupied prior to TIF payment;

September 24, 2014

Section 6. (Continued)

- I. On July 25, 2014, the design for the project was reviewed by the Urban Design Peer Review Panel (the “UDPRP”), an independent group of design, engineering, and/or planning professionals selected by the Dallas City Manager and required for all Deep Ellum TIF District projects.

Recommendations by the UDPRP related to the Project include:

1. Support for the proposed building improvements, overall concept, and attention to detail of the proposal as acceptable and appropriate.
2. Support for landscape improvements including additional trees to reinforce continuity along Main as well as to provide additional shade for the pedestrian experience along Main Street.
3. The panel encourages the exploration of alternative parking solutions over time to support the character of the area.

Recommendations by the UDPRP related to future improvements are not finalized at this time and are subject to change;

- J. Comply with UDPRP’s design recommendations for the Project as a condition of approval by the TIF Board;
- K. Construction of project improvements and building renovations shall be in general conformance with site plans approved by the Urban Design Peer Review Panel, Deep Ellum TIF Board of Directors and Dallas City Council;
- L. The Project shall be managed by a management company acceptable to the Director of the OED, such approval not being unreasonably withheld;
- M. Owner shall submit to the Director of the OED a quarterly status report for ongoing work on the project, as well as public improvements. Status reports will be due once every three months after the Council approval date;
- N. Owner shall make a good faith effort to (i) comply with the Business Inclusion and Development (“BID”) goal of twenty-five percent (25%) Minority/Women-owned Business Enterprise (M/WBE) participation for TIF reimbursable improvements and (ii) achieve a goal of 25% certified M/WBE participation for total private improvement construction expenditures for the Project, and meet all reporting requirements for each; and
- O. If necessary, the Project deadline can be extended up to 6 months, subject to the Office of Economic Development Director’s and Deep Ellum TIF District Board of Director’s approval.

September 24, 2014

Section 7. That should 42 Deep Ellum, LP, not perform one or more of the contingencies listed above, the City Manager is authorized to and may terminate the development agreement and disallow the total TIF Subsidy up to an amount not to exceed \$3,500,000.

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



Exhibit A





Exhibit A









Exhibit A





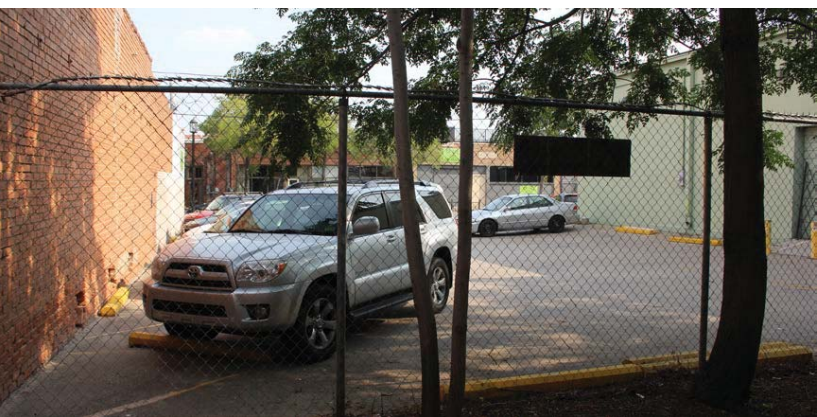




Exhibit A





Exhibit A





Exhibit A





Exhibit A



Exhi



Exhibit B

Expense Schedule

Private Property	
Property Acquisition	10,890,060
Asbestos Remediation	\$150,000
Other Demolition	\$300,000
Façade Restoration	\$500,000
Structural (New Openings)	\$250,000
Plaza Creation	\$1,000,000
Utility Work	\$750,000
Lighting	\$75,000
Landscaping	\$75,000
Subtotal	\$3,100,000
Streetscape	
Sidewalk Repair	\$300,000
Rain Garden Creation	\$250,000
Streetlight Upgrades	\$200,000
Subtotal	\$750,000
Private Costs	
Tenant Allowance	\$2,482,320
Structural Repair	\$750,000
Legal & Accounting	\$75,000
Consulting	\$150,000
Property Taxes	\$105,000
Architetcural	\$125,000
Subtotal	\$3,687,320
Total Development Costs	\$18,427,380
Hard Costs	\$3,850,000
Soft Costs	\$3,687,320
Public Costs	\$1,856,196
Private Costs	\$5,681,124
Incentives Requested	\$4,200,000
TIF Incentives	\$4,200,000
Private Infrastructure	\$825,000
Public Infrastructure	\$750,000
Environmental	\$150,000
Common Space	\$1,075,000
Façade Restoration	\$750,000
Construction Costs	\$300,000
Other Fees	\$350,000
Other Sources	\$0
Funding Sources	
Seller Financing	\$4,067,800
Equity	\$11,011,495
Bank Loan*	\$3,348,085
Total	\$18,427,380
Analysis	
TIF as % of total costs	23%
Total Costs Per Square Foot	\$296.94

(*) Bank Loan
Bank Loan calculated as follows:
5 Year Loan
5% Interest
60-65% Loan to Value
1% Origination Fee to Lender

This loan will be sought out with the anticipation of the TIF funding to the city. The way our portfolio is currently constructed, seeking a loan similar to the one above would be ill advised as we do not have the income to service such a loan based on our current occupancy and rental income. Without the TIF funding the value created in the neighborhood would be too slow to make such a financing plan feasible. However, with a TIF commitment from the city in place, a bank loan will be able to provide us with enough financing to push forward the proposed plan at a rate at which it becomes beneficial to seek out the financing to complete the project in this timeframe.

Includes Public and Private property construction costs

Includes Public and Private property external costs

Includes Streetscape costs and a percentage of the overall external costs

Includes Private Land costs and a percentage of the overall external costs

Includes Utility Work and Lighting on Private Property

Includes Streetscape Repairs, Streetlight Upgrades, and Raingarden Creation on Public Right Of Way

Asbestos Remediation

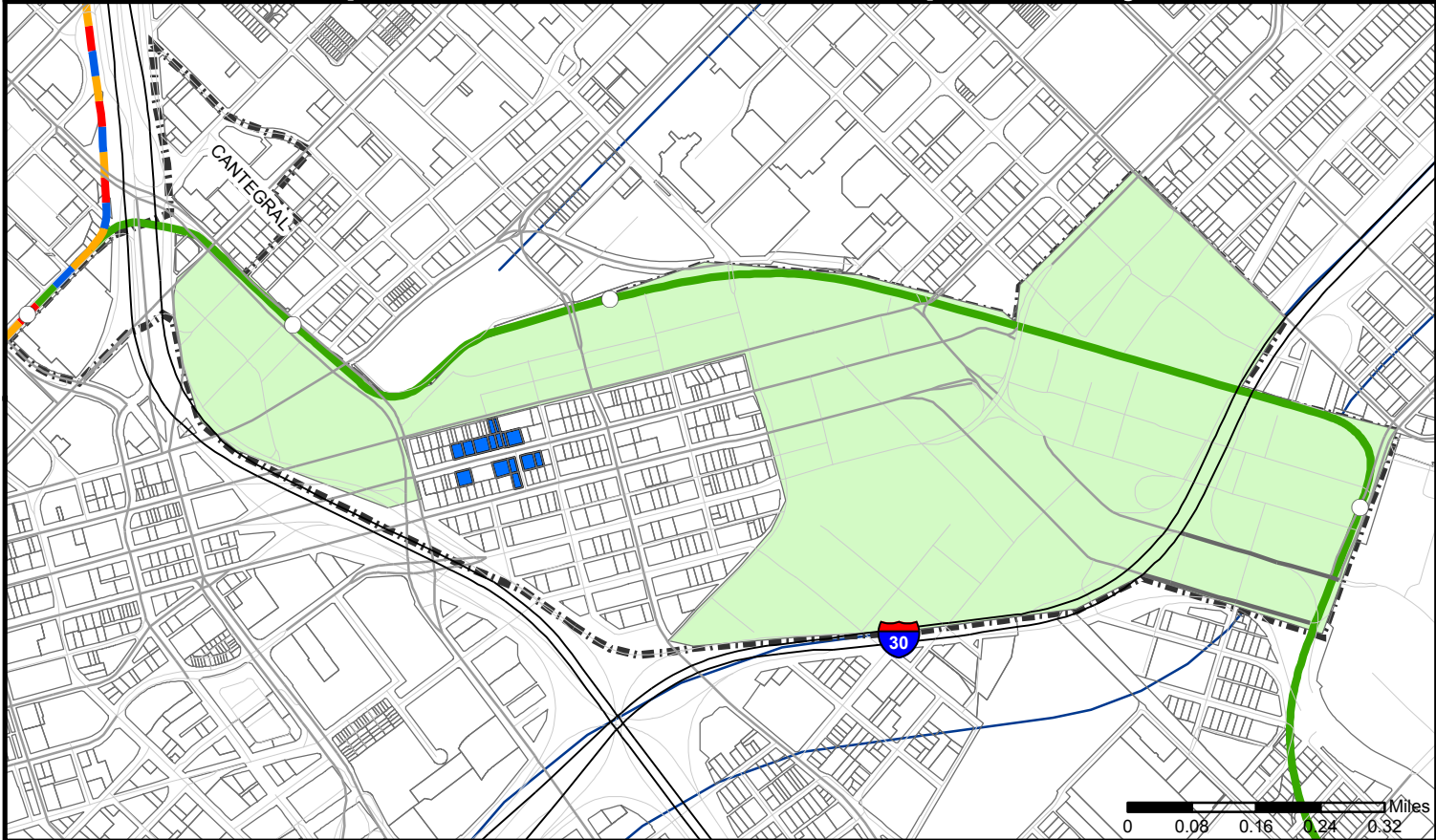
Includes Plaza Creation, Alley Creation and Landscaping on Private Land

Includes Façade restoration and creating new Openings for storefronts

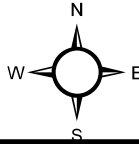
Covers additional interior and exterior demolition

Includes Architectural, Legal, Accounting, and Consulting Fees

Deep Ellum Crossroads Redevelopment Project Exhibit C



0 0.08 0.16 0.24 0.32 Miles



City of Dallas
<http://www.Dallas-EcoDev.org>
Created 5/2014

Legend

- Deep Ellum TIF Parcels
- Parcel 2013 Cert
- Deep Ellum Crossroads
- deep ellum tif-2014bndDRAFT
- 2030 transit plan

- DART Red Line
- DART Blue Line
- DART Green Line

- Rail Station
- DART Orange Line
- Trinity Railway Express

September 24, 2014

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

WHEREAS, on June 22, 2005, City Council authorized the establishment of Tax Increment Financing Reinvestment Zone Number Twelve, (Deep Ellum TIF District), in accordance with the Tax Increment Financing Act, as amended (V.T.C.A. Tax Code, Chapter 311, hereafter the "Act") to promote development and redevelopment in the Deep Ellum area through the use of tax increment financing by Ordinance No. 26043; and

WHEREAS, on April 12, 2006, City Council authorized the adoption of the Final Project Plan and Reinvestment Zone Financing Plan for the Deep Ellum TIF District in accordance with the Act by Ordinance No. 26304, as amended; and

WHEREAS, on August 5, 2014, the Deep Ellum TIF District Board of Directors reviewed and recommended approval of a development agreement with 42 Deep Ellum, LP, for TIF incentives and dedication of TIF funding for TIF incentives and dedication of TIF funding for eligible costs (Water, Wastewater, Storm, & Off-Site Utility Replacement; Paving, Streetscape, & Lighting; Open Spaces & Trails; Façade Restoration; Environmental Remediation, Interior/Exterior Demolition) in an amount not to exceed \$2,725,000 plus an Economic Development TIF Grant in an amount not to exceed \$775,000 for a total not to exceed \$3,500,000 for redevelopment of the buildings and properties addressed as 2609-2711 Main; 2646 Elm; 2653-2711 Commerce; and

WHEREAS, on September 15, 2014, the Economic Development Committee was briefed and recommended approval of TIF funding for Deep Ellum Crossroads development project in an amount not to exceed \$3,500,000; and

WHEREAS, the expenditure of TIF funds supporting this development is consistent with promoting development and redevelopment of the Deep Ellum TIF District in accordance with the purposes for its creation, the City's revised Public/Private Partnership Guidelines and Criteria, the ordinance adopted by the City Council approving the Project and Financing Plan, and is for the purpose of making public improvements consistent with and described in the Project and Financing Plan for the Deep Ellum TIF District.

NOW, THEREFORE,

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

Section 1. That the findings, determinations and certifications contained in the recitals above are incorporated herein for all purposes.

September 24, 2014

Section 2. That the issuer expects to incur debt as one or more series of obligation for the purpose of paying the costs of the Project. The following is a general functional description of the Project for which the expenditures to be reimbursed or paid and a statement of the maximum principal amount of debt expected to be issued for such reimbursement purposes.

Project Description

Streetscape and Utility improvements, Site improvements, and an Economic Development TIF Grant for the Deep Ellum Crossroads project in Reinvestment Zone Number 12 (Deep Ellum TIF District)

Debt To Be Issued

Not to exceed \$3,500,000 of which \$775,000 is in the form of an Economic Development TIF Grant, as provided by the Project Plan and Reinvestment Zone Financing Plan.

Section 3. That the total Deep Ellum District participation in the cost of the redevelopment of the Deep Ellum Crossroads project shall not exceed an amount of \$43,500,000, all in accordance with the terms of the said development agreement.

Section 4. That nothing in the resolution shall be construed to require the City to approve payment from any source of City funds other than the Deep Ellum TIF District Fund and/or Tax Increment Bonds. Any funds expended under the development agreement that remain unpaid upon termination of the Deep Ellum TIF District, due to lack or unavailability of Deep Ellum TIF District Funds shall no longer be considered project costs of the Deep Ellum TIF District or the City and any obligation to pay Centurion Acquisitions, LP shall automatically expire.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Housing/Community Services

CMO: Theresa O'Donnell, 671-9195

MAPSCO: 43E 43F 43K 43P 44J 44K 44N

SUBJECT

Authorize **(1)** an extension of the development loan agreement with Builders of Hope CDC, West Dallas Project to December 31, 2015, for acquisition and related acquisition costs of 22 unimproved properties; and **(2)** a development loan in the amount of \$521,400 for the construction of the final eleven homes – Financing: 2013-14 HOME Investment Partnership Program Grant Funds

BACKGROUND

In August 2009, Builders of Hope CDC (BOH) and the City of Dallas entered into a loan agreement for funding for the West Dallas Project for \$500,000 to acquire 22 improved and unimproved properties for construction of single family homes available to low-to-moderate income families scattered throughout West Dallas.

Pursuant to the CHDO Program Statement for June 27, 2001, Council Resolution No. 01-2049, the City of Dallas Housing Director was authorized to approve development funding for projects with fewer than 100 units. The West Dallas Project was approved by this method. As of the notice from the City Manager dated February 28, 2014 requiring more transparency, this and similar projects must now be presented for City Council approval.

As of August 1, 2014, BOH has built or rehabilitated and sold eleven single family homes to low-to-moderate income families at or below 80% AMFI. Eleven homes remain to be built. The total approximate cost of development per unit is \$157,879 for a 1,350 square foot home. The recent sales are valued at \$100,000. BOH has obtained private financing for a portion of the construction costs with Inwood Bank and has requested a \$521,400 development loan from the City. The City funds will be used to pay for a portion of the total development costs including soft costs, construction costs and developer fee. The average subsidy is anticipated to be \$57,879 per unit.

BACKGROUND (continued)

The loan terms will be zero percent interest with a maturity date of December 31, 2015. BOH will be forgiven a prorated portion of the loan as homes are sold. Homebuyers will assume a 15-year resale restriction. Proceeds from the sale of units will be repaid to the first lender then the City less related and approved closing costs.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 27, 2001, the City Council approved the CHDO Loan Program Statement that authorized the Housing Director to approve development funding for projects with fewer than 100 units, by Resolution No. 01-2049.

On June 26, 2013, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnership Funds for Housing Development Loan Program, by Resolution No. 13-1142.

September 2, 2014, the Housing Committee was briefed on Builders of Hope CDC organization and the West Dallas project.

FISCAL INFORMATION

2013-14 HOME Investment Partnership Program Grant Funds - \$521,400

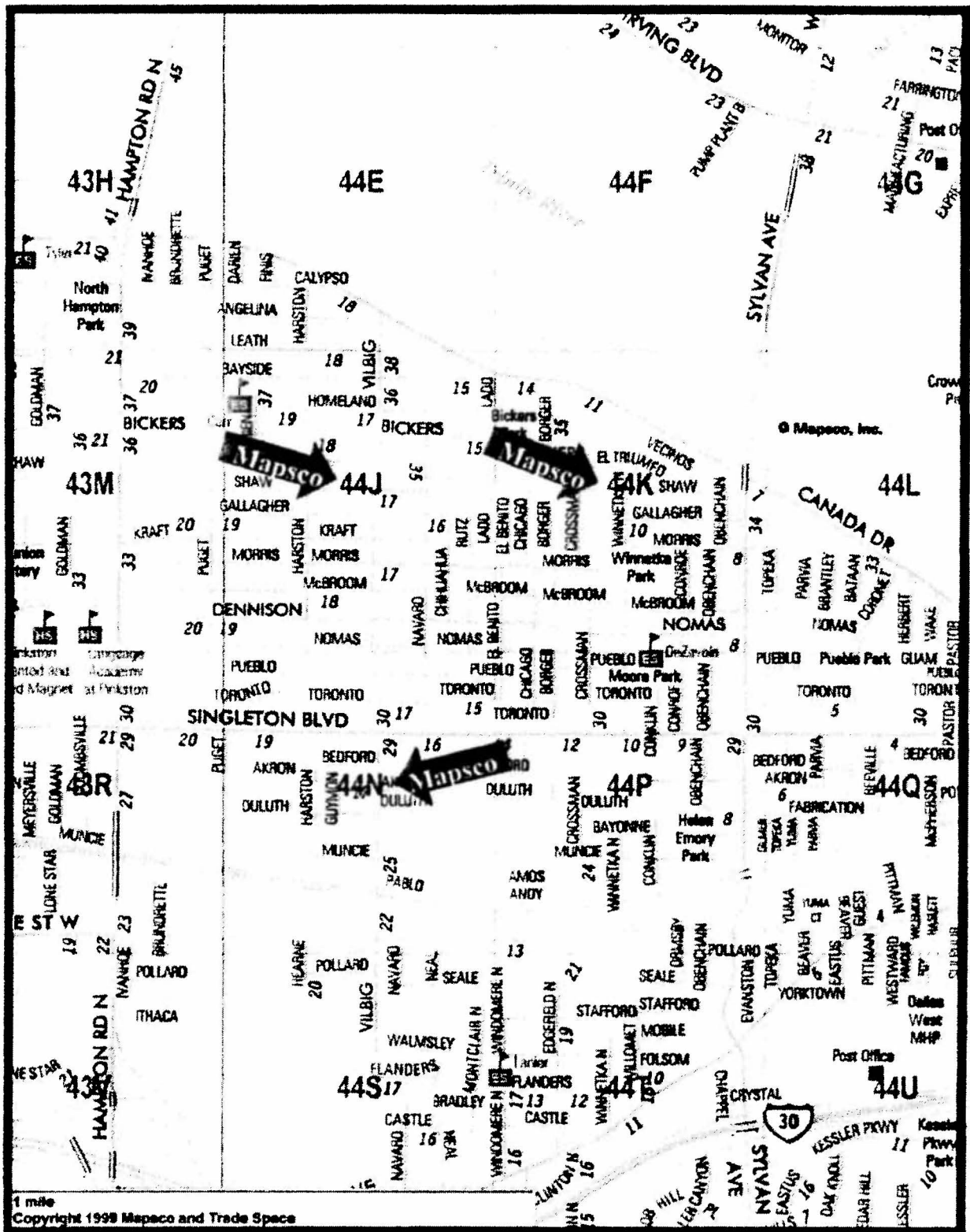
OWNER

Builders of Hope CDC

Norman Henry, President

MAP(S)

Attached



MAPSCOS 44J, K & N

September 24, 2014

WHEREAS, on June 27, 2001, the City Council approved the CHDO Loan Program Statement that authorized the Housing Director to approve development funding for projects with fewer than 100 units, by Resolution No. 01-2049; and

WHEREAS, on June 26, 2013, the City Council approved the City of Dallas Consolidated Plan Budget for FY 2013-14 federal funds which included the HOME Investment Partnership Funds for Housing Development Loan Program, by Resolution No. 13-1142; and

WHEREAS, on September 2, 2014, the City Council Housing Committee was briefed on Builders of Hope CDC and the West Dallas project; and

WHEREAS, Builders of Hope has requested an extension of time to the development loan agreement to allow them to continue their efforts to construct the final eleven units to sell or rent to low-to-moderate income families; **NOW, THEREFORE**,

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

Section 1. That the City Manager or designee, upon approval as to form by the City Attorney, is hereby authorized to execute **(1)** an extension of the development loan agreement with Builders of Hope CDC, West Dallas Project for acquisition and related acquisition costs of 22 unimproved properties to December 31, 2015; and **(2)** a development loan in the amount of \$521,400 for the construction of the final eleven homes.

Section 2. The terms of the agreement include:

- (a) Borrower must execute a Notes Payable and Deed Restrictions.
- (b) BOH must complete and sell or rent the remaining homes to low-to-moderate income families whose incomes are 80% or less of Area Median Family Income (AMFI) by the maturity date.
- (c) Borrower will be released from liability on the Note at the same time the low-to-moderate income family closes the purchase or executes a lease on the home.
- (d) Properties will be deed restricted for affordability at 80% or less of AMFI for sale and resale to eligible homebuyers for a period of fifteen years. In the case of rental, properties are deed restricted for 20 years.

Section 3. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute a subordination of lien to a lender who is providing construction financing on the property.

September 24, 2014

Section 4. That the City Manager, upon approval as to form by the City Attorney, is authorized to execute releases of liens and terminate deed restrictions on the 22 properties upon compliance with the loan terms and deed restrictions.

Section 5. That the City Controller is hereby authorized to disburse funds in accordance with this Resolution and the terms and conditions of the loan agreement as follows:

Builders of Hope CDC Vendor # 337558

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>OBJ</u>	<u>CT</u>	<u>AMOUNT</u>
HM13	HOU	236F	3015	HOU236FK130	\$521,400

Section 6. That the City Controller is hereby authorized to modify receivable balance sheet account (033F) and an allowance for uncollectible debt (022D) in fund HM13 for the amount of the loan.

Section 7. That nothing in this resolution shall be construed as a binding contract or agreement upon the City, that it is subject to available HOME funds and there will be no liability or obligation on the City until final contract documents are approved, executed, and final closing completed.

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.

AGENDA ITEM # 52

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 23 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard

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

Z134-260(OTH)

FILE NUMBER: Z134-260(OTH)

DATE FILED: May 13, 2014

LOCATION: Southwest corner of Willowbrook Road and Harry Hines Boulevard

COUNCIL DISTRICT: 6

MAPSCO: 23-W

SIZE OF REQUEST: ± 6.476 acres

CENSUS TRACT: 99.00

OWNER/ APPLICANT: Bhagat Holdings, LTD

REPRESENTATIVE: Tailim Song Law Firm

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District.

SUMMARY: The applicant proposes to have an alcoholic beverage establishment limited to a bar, lounge or tavern use [Kalua Discotheque] located in Building 1, Suite 101.

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 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 retail center houses a variety of uses such as restaurants, offices, and other retail uses. The proposed uses of alcoholic beverage establishments should not negatively impact the surrounding uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – This use is not expected to deter the welfare of adjacent properties. The proposed SUP, if approved will have conditions that are associated with the use and must be complied with by the property owner and operator of the use. Staff is not recommending automatic renewals for the requested SUP. Staff wants to see how the use blends in with the existing uses in the area and the property.
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 surrounding area. The existing and proposed use must comply with the SUP requirements. When the SUP comes for renewal, staff will be able to monitor the use individually and determine whether it warrants renewal.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the proposed site plan, the request will comply with all zoning regulations and standards.

BACKGROUND INFORMATION:

- The request site is developed with three, single-story buildings with a total space of approximately 77,938 total square feet. The existing use of Suite 101 in Building 1 has an existing commercial amusement (inside) use and the applicant will like to add the use of an alcohol beverage establishment limited to a bar, lounge or tavern [Kalua Discotheque]. This use has been in operation on the property since April 2011. Other uses in the property are office, retail and vacant suites.
- The property is approximately 6.476 acres of land. Suite 101 of Building 1 is 17,557 square feet of which 2,894 are utilized as a dance floor. The dance hall use is allowed by right in the District.
- The property is adjacent to undeveloped land (drainage easement) to the west and retail and restaurant uses to the south. Surrounding uses include retail and warehouses.

- The applicant is proposing to add the alcoholic beverage establishment limited to a bar, lounge or tavern use in Suite #101, Building 1. The suite is currently occupied by Kalua Discotheque, which is operating under a commercial amusement (inside) Certificate of Occupancy, with dance floor allowed by right..

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Harry Hines Boulevard	Local	50 feet
W. Northwest Highway	Principal Arterial	130 feet

Land Uses:

	Zoning	Land Use
Site	MU-3	Retail and office uses
North	IR, MU-3	Retail, warehouses
East	IR	Retail
South	MU-3	Retail
West	MU-3 & CS	Warehouse

Zoning History:

There have been two recent zoning changes in the area.

1. **Z112-310** On Wednesday, December 12, 2012, the City Council approved rezoning to an IR Industrial Research District on property zoned a MU-3 Mixed Use District at Harry Hines Boulevard, north of Willowbrook Road.
2. **Z123-228** On June 12, 2013, the City Council approved an application for a CS Commercial Service District on property zoned an IR Industrial Research District located at Harry Hines Boulevard and Storey Lane, Northeast Corner.

STAFF ANALYSIS:

Comprehensive Plan:

The comprehensive plan *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depict general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The comprehensive plan does not make a specific land use recommendation related to the request, however the vision illustration indicate that the property is located in the Business Center Corridor Building Block.

The Business Center Corridor Building Block which represents major employment or shopping destinations outside of Downtown. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas. The proposed use complies with the intent of the Business Center Corridor Building Block.

Land Use Compatibility:

The proposed use is compatible with the surrounding area.

The applicant has submitted requests for two other SUPs (Z134-297 and Z134-298) within this development.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
MU-3 Mixed use-3	15'	20' adjacent to residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270' 20 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

Parking:

Prior to the issuance of a certificate of occupancy, a mutually exclusive parking agreement must be executed specifying the exact hours of operation and the required parking spaces for all uses.

Landscaping:

Landscaping of the property must be provided in accordance with Article X of the Dallas Development Code. The applicant is not proposing any new construction; therefore, the proposed uses do not trigger any new landscaping.

Police Report:

A police report is included in this report for reference purposes.

DALLAS POLICE DEPARTMENT									
Virtual Viewer - Public Access									
Welcome									
Search Records - Offense									
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	Filter
0003483-B	01/05/2014	AGUILAR, JORGE	ASSAULT	02435	W	NORTHWESTHWY	521	3057	08111
0005521-B	01/05/2014	@CITY OF DALLAS	LOST PROPERTY	02435	W	NORTHWESTHWY	521	3057	42020
0009912-A	01/13/2013	ANGEL-MELGOZA, JULIO, CESAR	ASSAULT	02435	W	NORTHWESTHWY	521	3057	08121
0011114-Z	01/13/2012	VELASQUEZ, ELIZABETH	ASSAULT	02435	W	NORTHWESTHWY	521	3057	08321
0012057-Z	01/15/2012	ESTRADA, LEONARDO	ASSAULT	02435	W	NORTHWESTHWY	521	3057	08121
0012116-Y	01/15/2011	VELASQUEZ, MARIA	CRIMINAL MISCHIEF/VANDALISM	02435	W	NORTHWESTHWY	521	3057	14081
0015655-X	01/17/2010	RAMIREZ, ISAEORO	THEFT	02435	W	NORTHWESTHWY	521	3057	06943
0015902-A	01/20/2013	ARREDONDO, JESSICA	ASSAULT	02435	W	NORTHWESTHWY	521	3057	08311
0016406-B	01/18/2014	HERNANDEZ, SANDRA	ASSAULT	02435	W	NORTHWESTHWY	521	3057	08321
0019326-Z	01/22/2012	HERRERA, CRISTION	THEFT	02435	W	NORTHWESTHWY	521	3057	06941
0021045-B	01/26/2014	*KALLUA CLUB	OTHER OFFENSES	02435	W	NORTHWESTHWY	521	3057	26530
0022083-Z	01/27/2012	SANTOS, PEDRO	THEFT	02435	W	NORTHWESTHWY	521	3057	06101
0022132-Z	01/27/2012	RIVA, JULIE	ACCIDENTAL INJURY - PUBLIC PROPERTY	02435	W	NORTHWESTHWY	521	3057	33070
0026284-Y	01/30/2011	MIRALRIO, JOSE, SANCHEZ	THEFT	02435	W	NORTHWESTHWY	521	3057	06941
0027043-B	02/02/2014	RENTERIA, ABRAHAM	ACCIDENTAL INJURY - PUBLIC PROPERTY	02435	W	NORTHWESTHWY	521	3057	33030

CPC ACTION:

September 4, 2014

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern for a three-year period, subject to a site plan and revised conditions on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard.

Maker: Anantasomboon
Second: Ridley
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Shidid, Anantasomboon,
Lavallaisaa, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley

Against: 0

Absent: 4 - Rodgers, Culbreath, Bagley, Abtahi

Vacancy: 0

Notices: Area: 400 Mailed: 40

Replies: For: 1 Against: 0

Speakers: For: Tailim Song, 13140 Coit Rd., Dallas, TX, 75240

For (Did not speak): Shawn Bhagat, 2415 W. Northwest Hwy., Dallas, TX, 75220

Against: Roxan Staff, 2707 W. Northwest Hwy., Dallas, TX, 75220

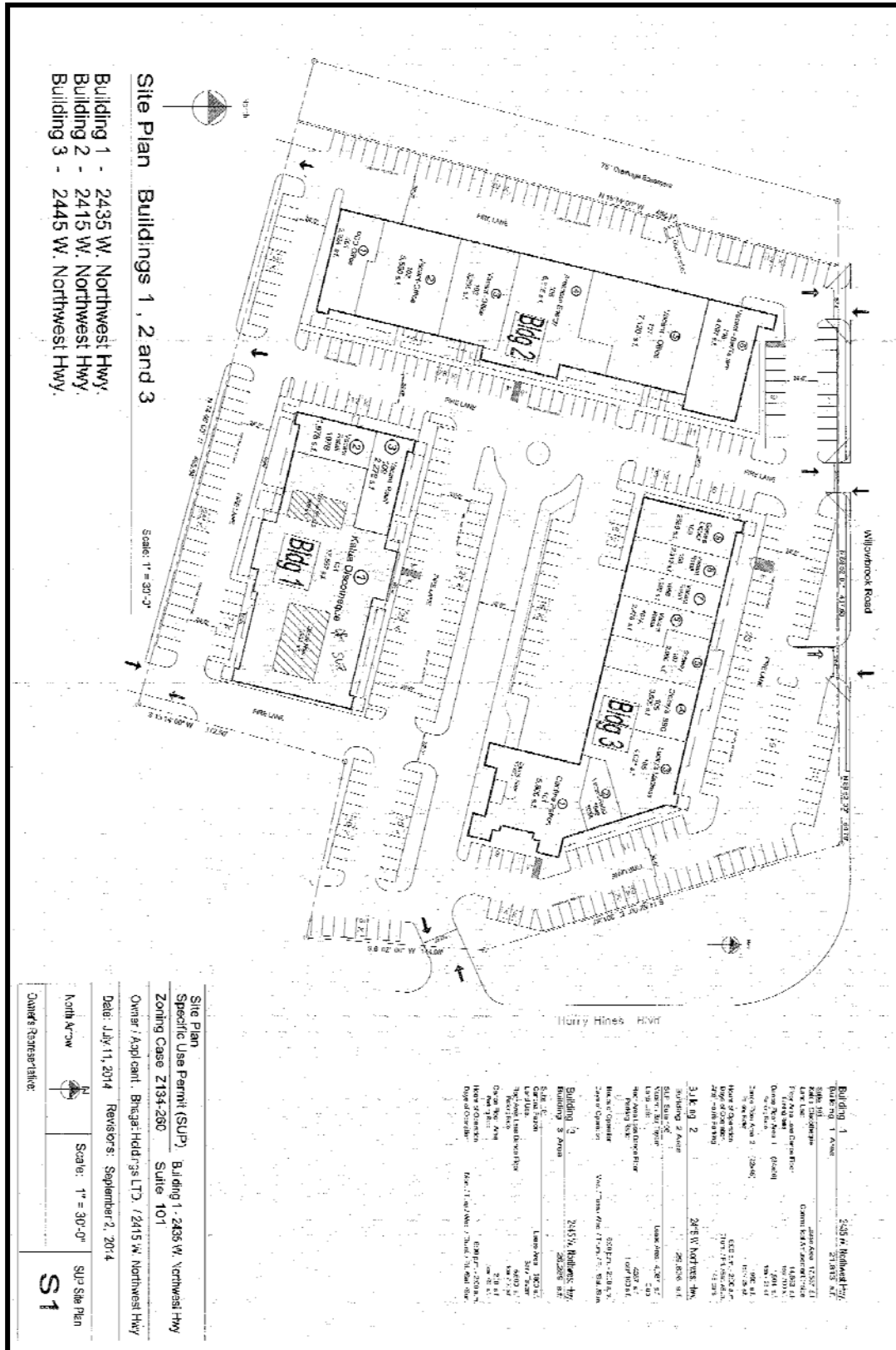
CPC RECOMMENDED CONDITIONS

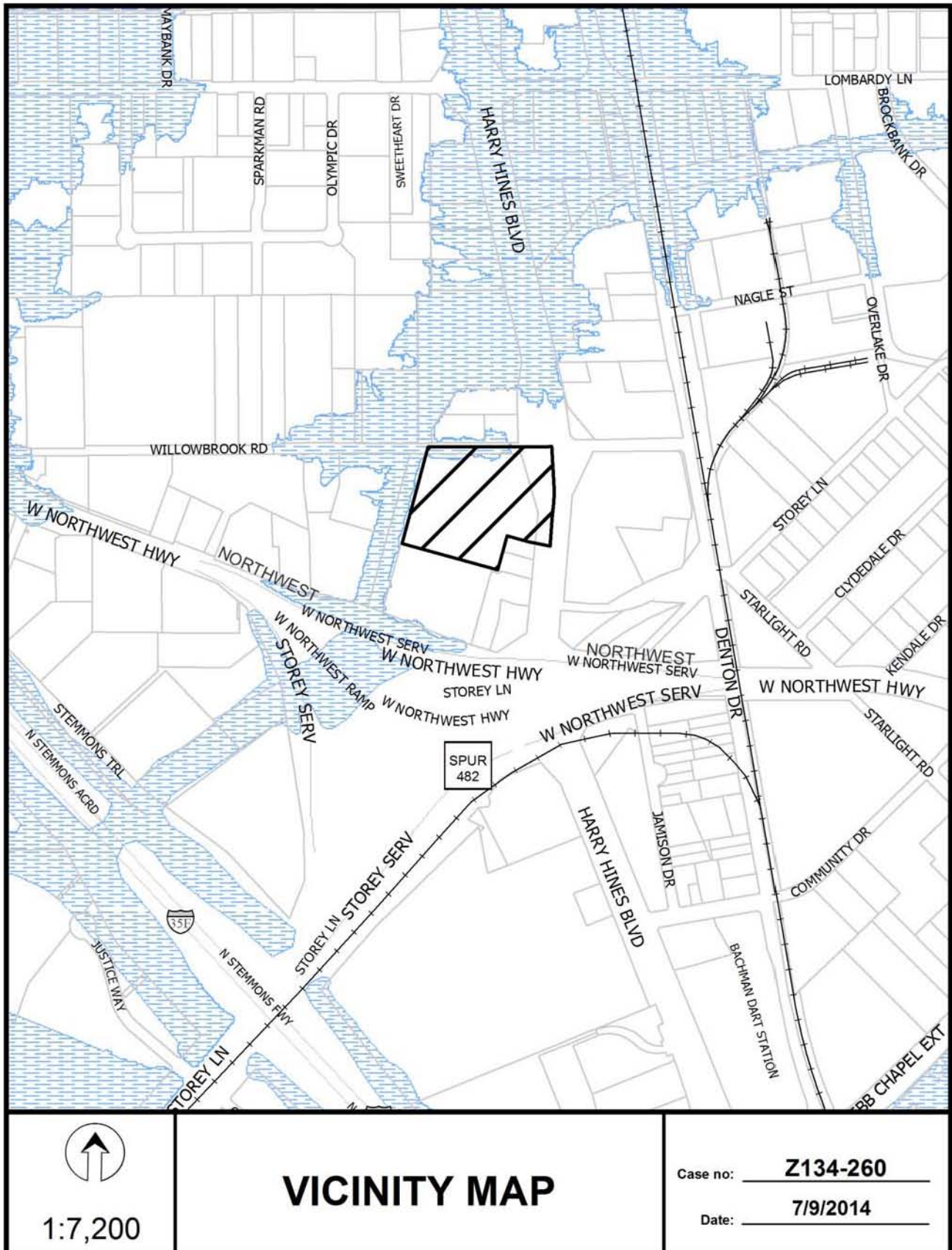
Z134-260(OTH)

2435 W Northwest Highway. Building 1, Suite 101

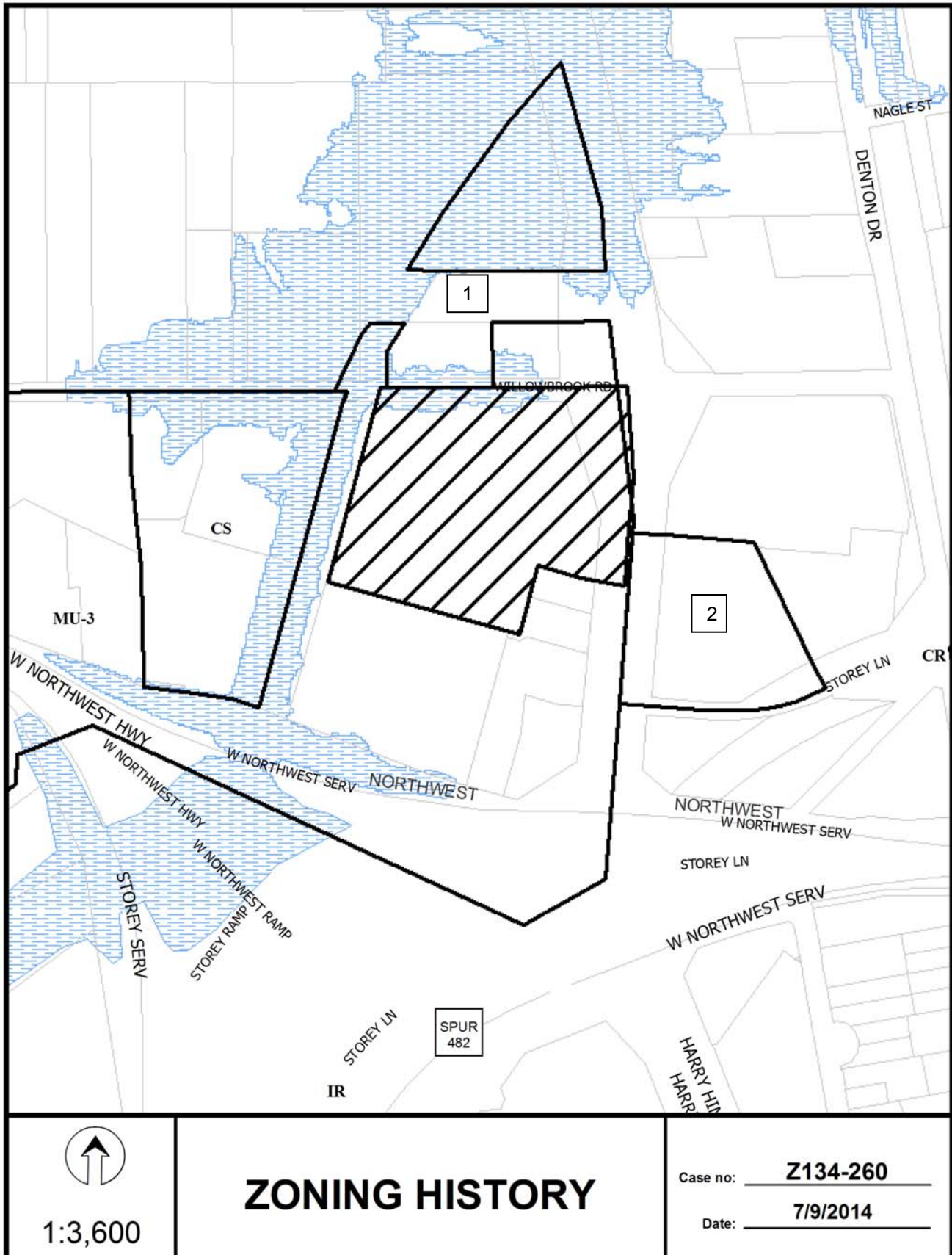
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment, limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ____ (three years from passage of the ord.).
4. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge or tavern may only operate between 6:00 p.m. and 2:00 a.m. Thursday, Friday, Saturday and Sunday (until the next day).
5. FLOOR AREA: The maximum floor area is 17,557 square feet.
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.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

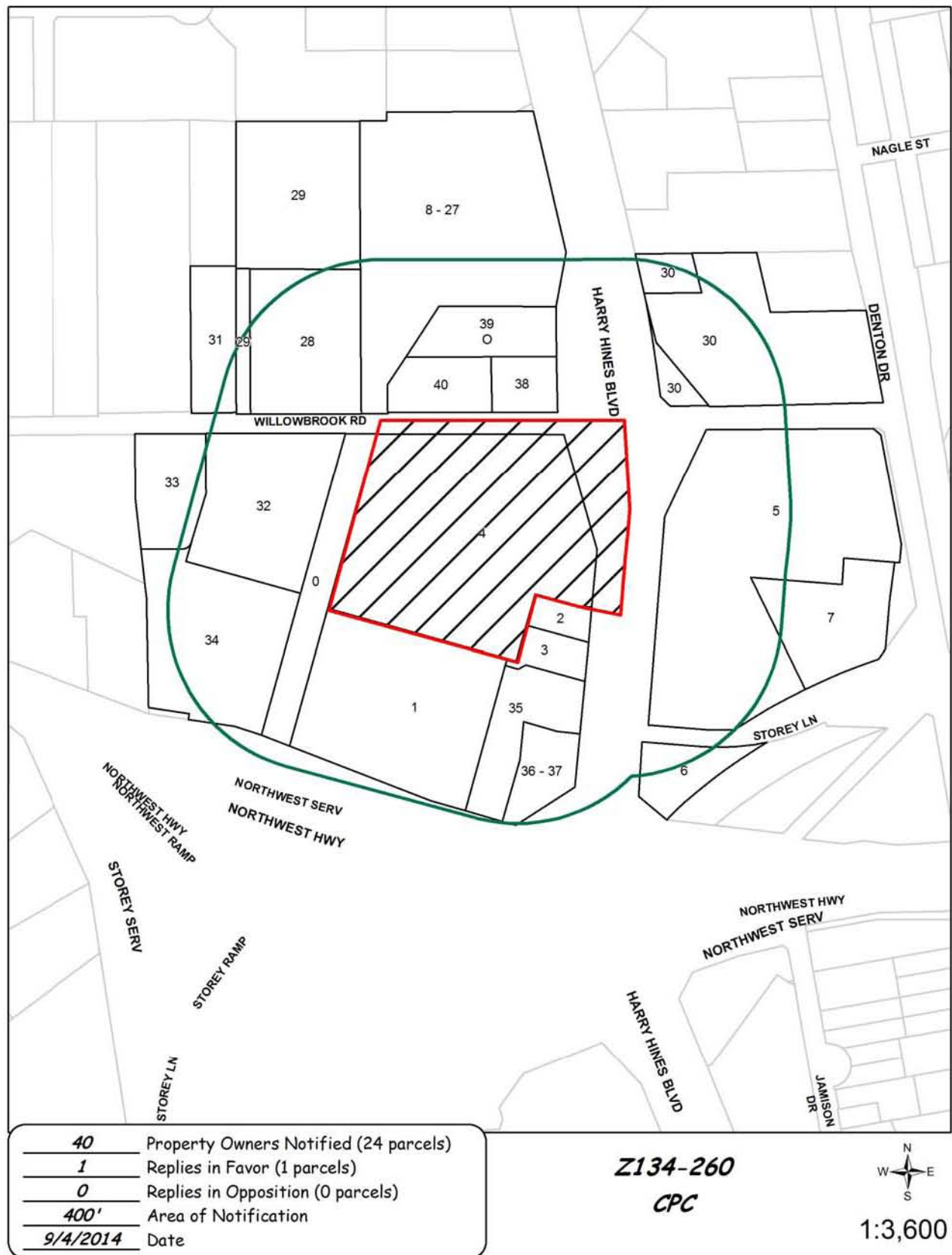








CPC RESPONSES



7/9/2014

Notification List of Property Owners***Z134-260******40 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2425 NORTHWEST HWY	NWH LAND LP SUITE 1760
2	10091 HARRY HINES BLVD	VELASQUEZ JOSE
3	10065 HARRY HINES BLVD	EL TACASO INC
4	2415 NORTHWEST HWY	BHAGAT HOLDINGS LTD
5	10120 HARRY HINES BLVD	TEXAS FOREST PROP INC
6	10002 HARRY HINES BLVD	ECTOR CONVENIENCE STORE INC
7	2711 STOREY LN	2223 LOMBARDY WAREHOUSE LLC
8	10251 HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
9	10251 HARRY HINES BLVD	GUTIERREZ HORTENS SPACE 53
10	10251 HARRY HINES BLVD	RIVERA FAMILY LTD PS THE THE RIVERA FAMI
11	10251 HARRY HINES BLVD	HERNANDEZ L. SPACE 28
12	10251 HARRY HINES BLVD	PARRA ENRIQUE SPACE 32
13	10251 HARRY HINES BLVD	RAMIREZ CARLOS SPACE 40
14	10251 HARRY HINES BLVD	NAVARRO, MARIA SPACE 041
15	10251 HARRY HINES BLVD	HERRERA CARLOS SPACE #54
16	10251 HARRY HINES BLVD	MARTINEZ, EMANUEL SPACE 049
17	10251 HARRY HINES BLVD	RAMIREZ JESUS 10251 HARRY HINES BLVD
18	10251 HARRY HINES BLVD	TEXPA DAVID 10251 HARRY HINES BLVD
19	10251 HARRY HINES BLVD	HERRERA LUCIANDO SPACE 31
20	10251 HARRY HINES BLVD	BAUTISTA PASCUAL & JULIA SPACE 33
21	10251 HARRY HINES BLVD	RIVERA BLANCA SPACE 36
22	10251 HARRY HINES BLVD	CHAVEZ GERARDO SPACE 38
23	10251 HARRY HINES BLVD	CASTRO OSVALDO 10251 HARRY HINES BLVD
24	10251 HARRY HINES BLVD	BALDERAS TOBIAS 10251 HARRY HINES BLVD
25	10251 HARRY HINES BLVD	GAONA JOEL SPACE 45
26	10251 HARRY HINES BLVD	URQUIZA, MARTIN SPACE 046

Z134-260(OTH)

7/9/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10251 HARRY HINES BLVD	MARTINEZ LUIS 10251 HARRY HINES BLVD
28	2621 WILLOWBROOK RD	ALLMAN COMPANY DALLAS LLC THE
29	2617 WILLOWBROOK RD	HBSS REAL ESTATE LLC % UNITED SITE SVC I
30	10222 HARRY HINES BLVD	10220 HARRY HINES LLC
31	2615 WILLOWBROOK RD	JGB INVESTMENTS LP
32	2626 WILLOWBROOK RD	MOUSSA GEORGE STANLEY TR % WINDRIVER TRU
33	2616 WILLOWBROOK RD	WAREHOUSE DEVELOPMENT LTD
34	2401 NORTHWEST HWY	WAREHOUSE DEVELOPMENT
35	10045 HARRY HINES BLVD	KELLER JACQUELYN C/O FUEL CITY
36	10025 HARRY HINES BLVD	HANDSOME FELLOW LC
37	10025 HARRY HINES BLVD	BENDA INVESTMENTS
38	2635 WILLOWBROOK RD	SOUTHLAND CORP % AD VALOREM
O 39	10217 HARRY HINES BLVD	UNICORN 10217 LLC
40	2631 WILLOWBROOK RD	LOMBARDY LANE LTD % PHIL LACK

AGENDA ITEM # 53

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 23 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard

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

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

Z134-297(OTH)

FILE NUMBER: Z134-297(OTH)

DATE FILED: May 13, 2014

LOCATION: Southwest corner of Willowbrook Road and Harry Hines Boulevard

COUNCIL DISTRICT: 6

MAPSCO: 23-W

SIZE OF REQUEST: ± 6.476 acres

CENSUS TRACT: 99.00

OWNER/ APPLICANT: Bhagat Holdings, LTD

REPRESENTATIVE: Tailim Song Law Firm

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District.

SUMMARY: The applicant proposes to utilize Suite 108 in Building 2 for an alcoholic beverage establishment for a prospective tenant.

CPC RECOMMENDATION: Approval for a three-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: Approval for a two-year period, subject to a site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

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 building is located in a retail center that houses a variety of uses such as restaurants, offices, and other retail uses. The proposed use should not negatively impact the surrounding uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The use is not expected to deter from the welfare of adjacent properties. The proposed SUP, if approved will have conditions that are associated with the use and must be complied with by the property owner and operator of the business. Staff is not recommending automatic renewals for the requested SUP. Staff wants to see how the use blends in with the existing uses in the area and the property.
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 surrounding area. The proposed use must comply with the SUP requirements. When the SUP comes for renewal, staff will be able to monitor the use individually and determine whether it warrants renewal.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the proposed site plan, the request will comply with all zoning regulations and standards.

BACKGROUND INFORMATION:

- The request site is developed with three, single-story buildings with a total space of approximately 77,938 total square feet. The applicant is requesting a Specific Use Permit for Suite 108 in Building 2 of the property. The applicant is requesting the SUP for a prospective tenant. The suite is vacant at the moment. Other uses in the property are office, retail and vacant suites.
- The property is approximately 6.476 acres of land. Suite 108 of Building 2 is 4,087 square feet and will be utilized for an alcoholic beverage establishment.
- The property is adjacent to undeveloped land (drainage easement) to the west and retail and restaurant uses to the south. Surrounding uses include retail and warehouses.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Harry Hines Boulevard	Local	50 feet
W. Northwest Highway	Principal Arterial	130 feet

Land Uses:

	Zoning	Land Use
Site	MU-3	Retail and office uses
North	IR, MU-3	Retail, warehouses
East	IR	Retail
South	MU-3	Retail
West	MU-3 & CS	Warehouse

Zoning History:

There have been two recent zoning changes in the area.

1. **Z112-310** On Wednesday, December 12, 2012, the City Council approved zoning to an IR Industrial Research District on property zoned a MU-3 Mixed Use District at Harry Hines Boulevard, north of Willowbrook Road.
2. **Z123-228** On June 12, 2013, the City Council approved an application for a CS Commercial Service District on property zoned an IR Industrial Research District located at Harry Hines Boulevard and Storey Lane, Northeast Corner.

STAFF ANALYSIS:**Comprehensive Plan:**

The comprehensive plan *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depict general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The comprehensive plan does not make a specific land use recommendation related to the request, however the vision illustration indicate that the property is located in the Business Center Corridor Building Block.

The Business Center Corridor Building Block which represents major employment or shopping destinations outside of Downtown. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas. The proposed use complies with the intent of the Business Center Corridor Building Block.

Land Use Compatibility:

The proposed use is compatible with the surrounding area. The applicant has submitted requests for two other SUPs (Z134-260 and Z134-298) within this development.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
MU-3 Mixed use-3	15'	20' adjacent to residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270' 20 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

Z134-297(OTH)

Parking:

Prior to the issuance of a certificate of occupancy, a mutually exclusive parking agreement must be executed specifying the exact hours of operation and the required parking spaces for all uses.

Landscaping:

Landscaping of the property must be provided in accordance with Article X of the Dallas Development Code. The applicant is not proposing any new construction; therefore, the proposed uses do not trigger any new landscaping.

Police Report:

A police report is included in this report for reference purposes.

DALLAS POLICE DEPARTMENT

[UCR Codes](#) [Year Codes](#) [Property Class Codes](#)

Virtual Viewer - Public Access

Welcome

Search Records - Offense

Filter

Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0003558-A	01/05/2013	MOYA, JOSE MIGUEL	THEFT	02415	W	NORTHWESTHWY	521	3057	06901	06101
0038098-Z	02/15/2012	MARES, MILTON	AUTO THEFT-UUMV	02415	W	NORTHWESTHWY	521	3057	07171	
0044212-A	02/21/2013	SANTIBANEZ, MAYRA	ASSAULT	02415	W	NORTHWESTHWY	521	3057	08321	
0049613-Z	02/29/2012	*BOGAT MANAGEMENT CO	OTHER OFFENSES	02415	W	NORTHWESTHWY	521	3057	26530	
0085177-X	03/27/2010	*TX DEPT OF ASSISTANCE &	BURGLARY	02415	W	NORTHWESTHWY	521	3057	05331	
0096858-Z	04/22/2012	ZAPATA, JOSE	AGGRAVATED ASSAULT	02415	W	NORTHWESTHWY	521	3057	04172	
0097663-X	04/10/2010	RETANA, MARCOS	OTHER OFFENSES	02415	W	NORTHWESTHWY	521	3057	26000	
0103472-Z	04/29/2012	GUTIERREZ, OSCAR	AUTO THEFT-UUMV	02415	W	NORTHWESTHWY	521	3057	07261	
0104592-A	04/28/2013	RODRIGUEZ, GILBERTO	AGGRAVATED ASSAULT	02415	W	NORTHWESTHWY	521	3057	26000	04131
0115577-Y	05/05/2011	MENDOZA, MIRIAN	THEFT	02415	W	NORTHWESTHWY	521	3057	06941	
0140985-Z	06/06/2012	*BHAGHT HOLDINGS	CRIMINAL MISCHIEF/VANDALISM	02415	W	NORTHWESTHWY	521	3057	14082	
0141164-Z	06/08/2012	AGUIRRE, KRYSTAL	AGGRAVATED ASSAULT	02415	W	NORTHWESTHWY	521	3057	04371	
0174969-Z	07/15/2012	MORENO-LOPEZ, JOEL	THEFT	02415	W	NORTHWESTHWY	521	3057	06941	
0225050-Y	08/21/2011	LOPEZ, ANGELIQUE	DISORDERLY CONDUCT	02415	W	NORTHWESTHWY	521	3057	24240	
0243701-Y	09/13/2011	@CITY OF DALLAS	FOUND PROPERTY	02415	W	NORTHWESTHWY	521	3057	43020	

Page 1 of 2 (22 Items)

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CPC ACTION:

September 4, 2014

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern for a three-year period, subject to a site plan and revised conditions on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard.

Maker: Anantasomboon
Second: Ridley
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Shidid, Anantasomboon,
Lavallaisaa, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley

Against: 0
Absent: 4 - Rodgers, Culbreath, Bagley, Abtahi
Vacancy: 0

Notices: Area: 400 Mailed: 40
Replies: For: 0 Against: 1

Speakers: None

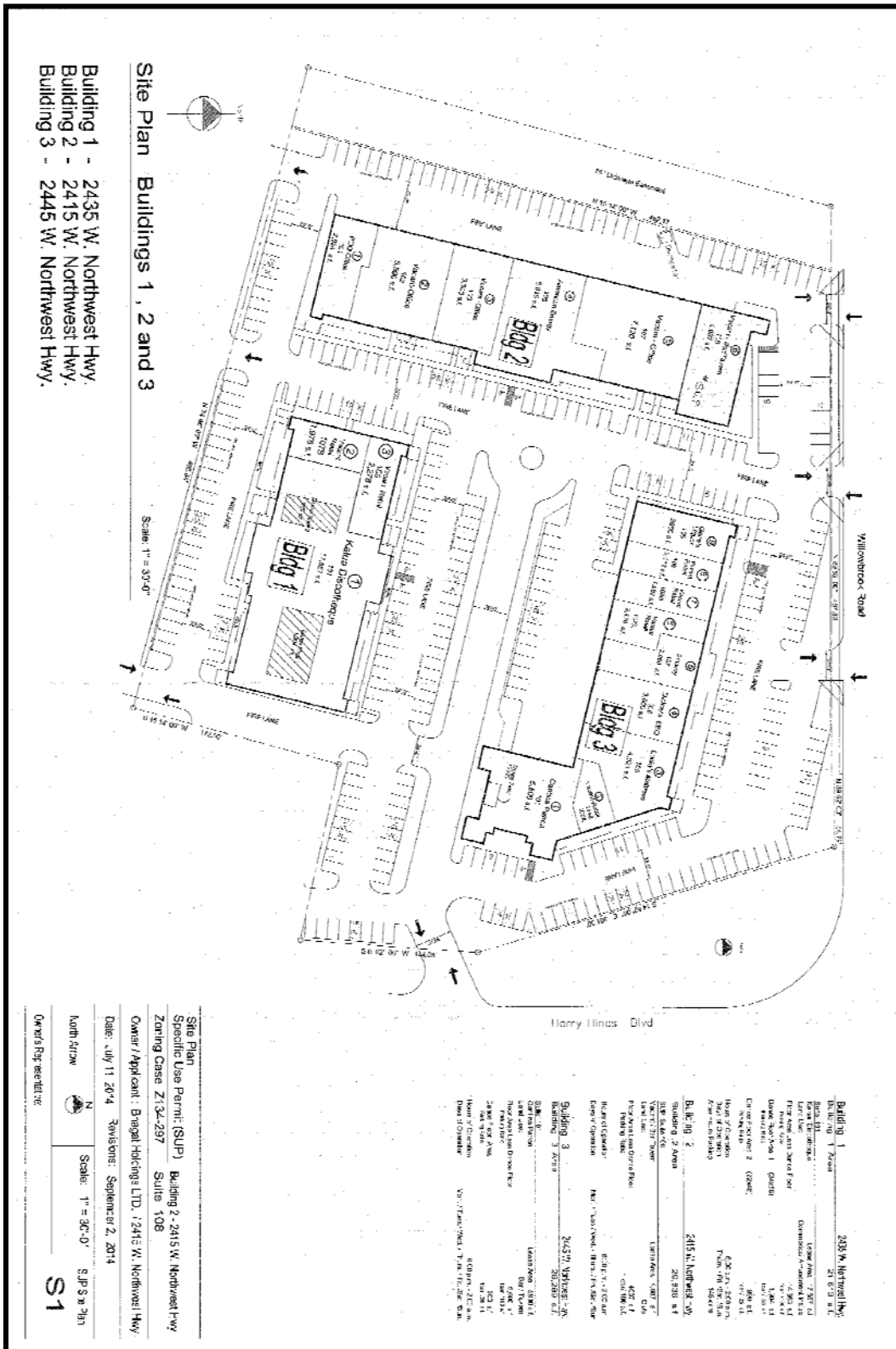
PROPOSED CONDITIONS

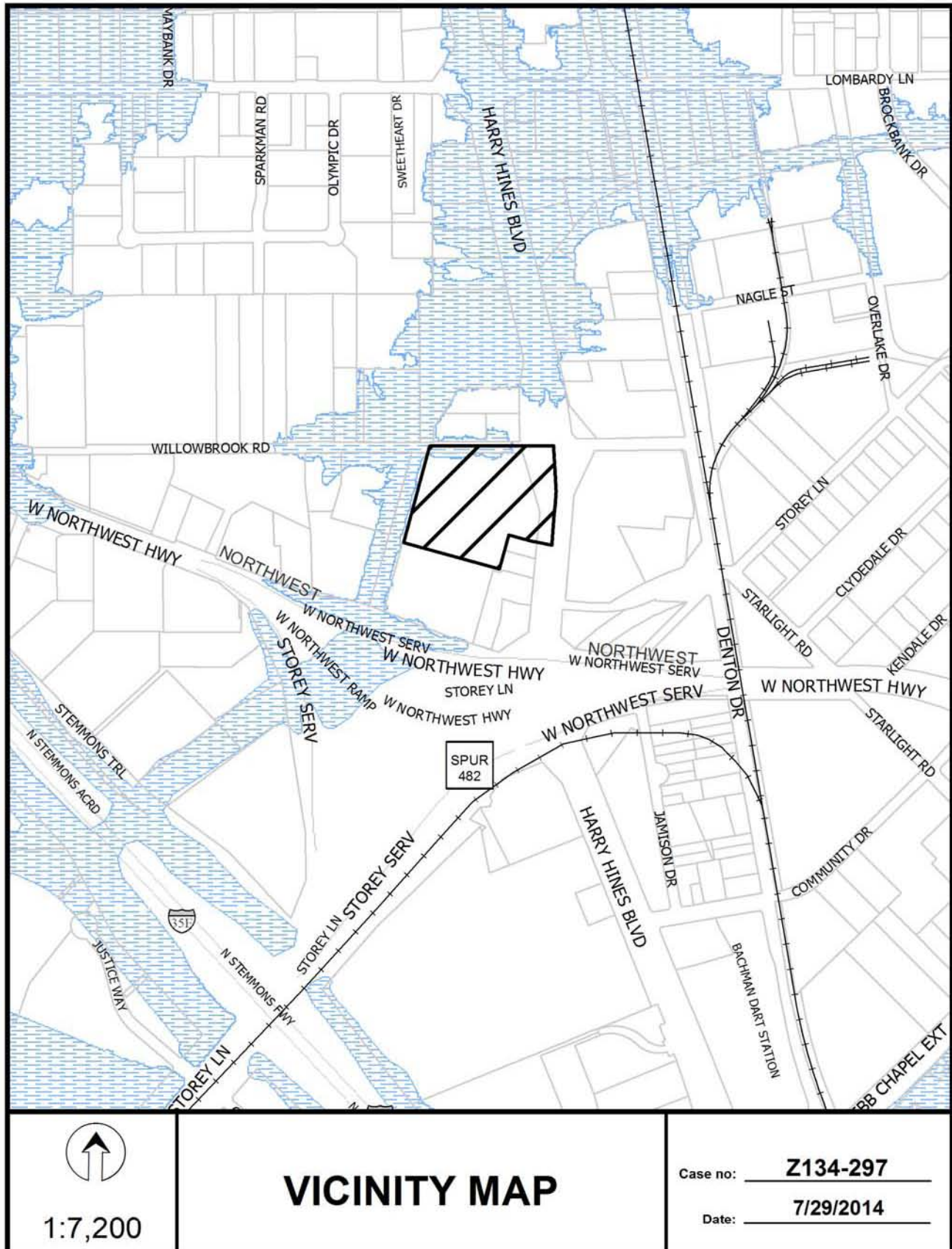
Z134-297(OTH)

2415 W Northwest Highway. Building 2, Suite 108

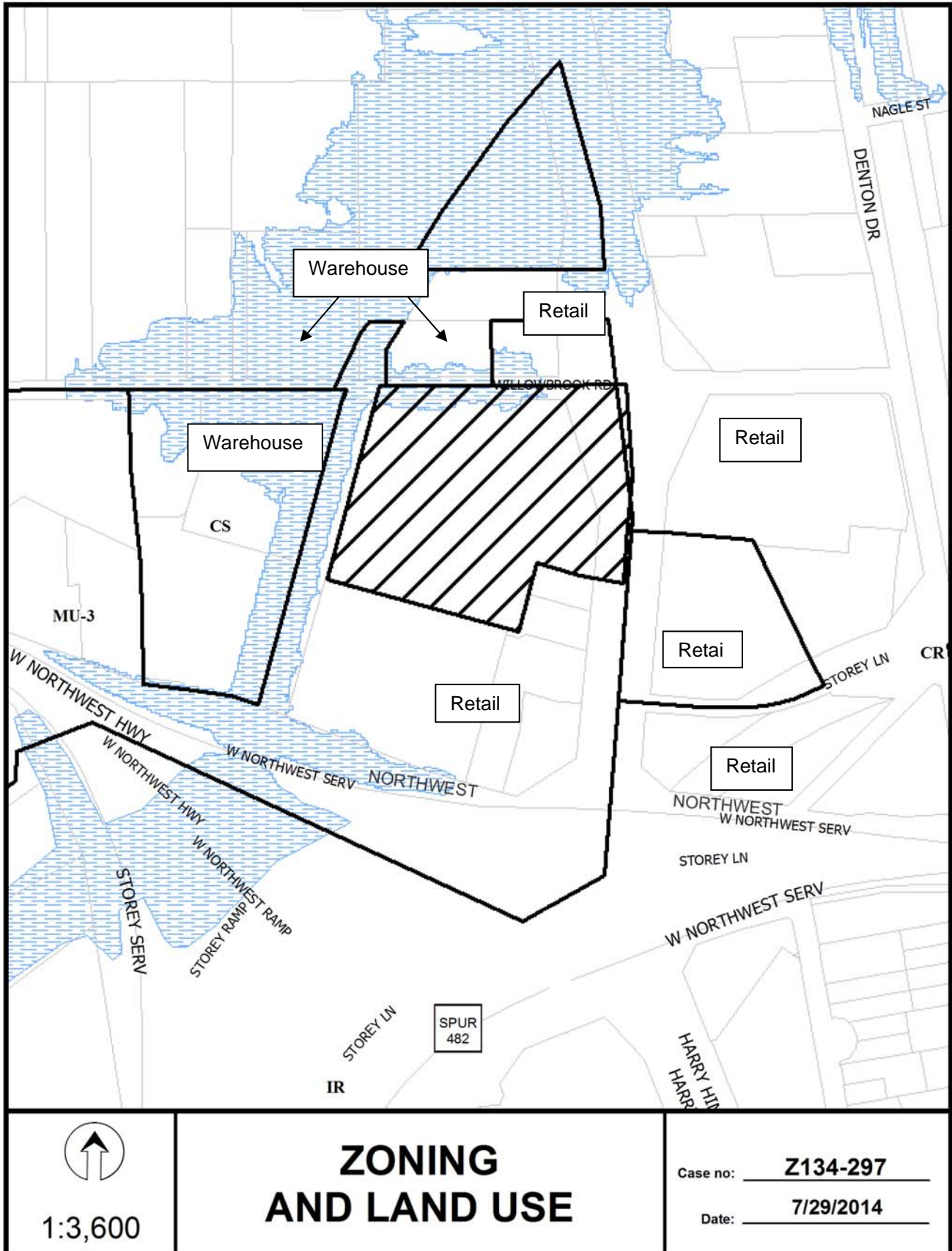
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment, limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ____ (three years from passage of the ord.).
4. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge or tavern may only operate between 6:00 p.m. and 2:00 a.m. seven days a week.
5. FLOOR AREA: The maximum floor area is 4,087 square feet.
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.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

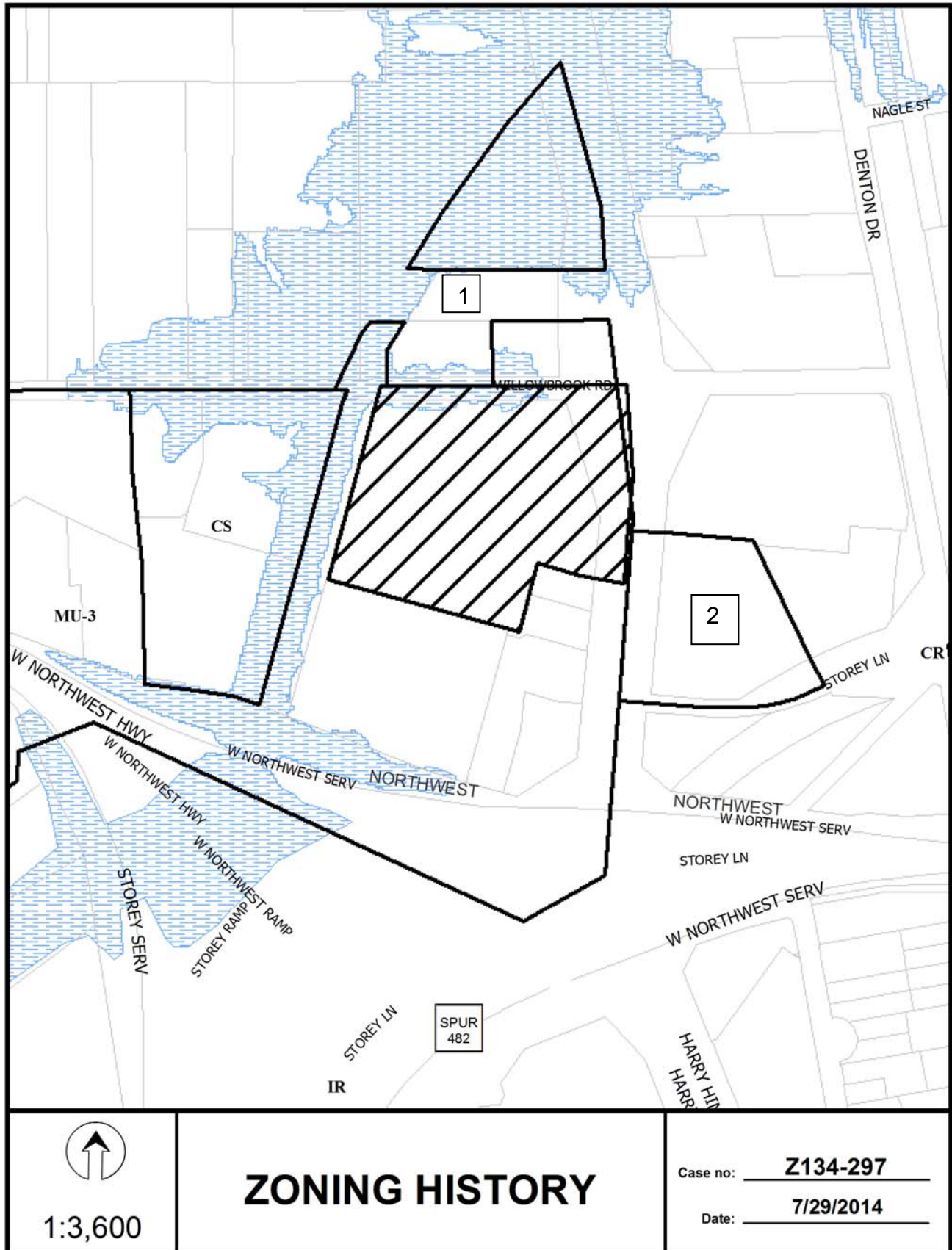
PROPOSED SITE PLAN



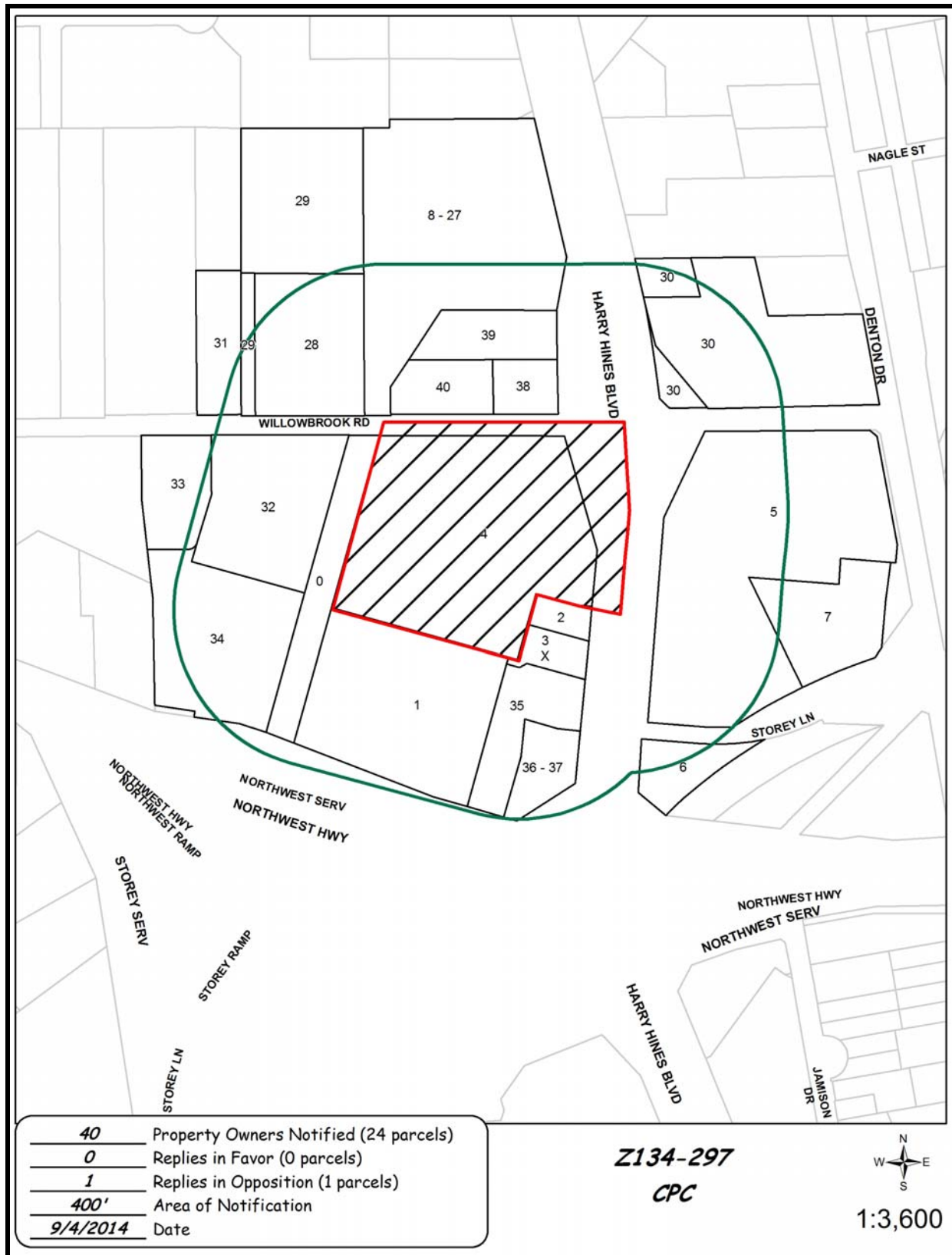








CPC RESPONSES



07/31/2014

Notification List of Property Owners***Z134-297******40 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2425 NORTHWEST HWY	NWH LAND LP
2	10091 HARRY HINES BLVD	VELASQUEZ JOSE
X 3	10065 HARRY HINES BLVD	EL TACASO INC
4	2415 NORTHWEST HWY	BHAGAT HOLDINGS LTD
5	10120 HARRY HINES BLVD	TEXAS FOREST PROP INC
6	10002 HARRY HINES BLVD	ECTOR CONVENIENCE STORE
7	2711 STOREY LN	2223 LOMBARDY WAREHOUSE LLC
8	10251 HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
9	10251 HARRY HINES BLVD	GUTIERREZ HORTENS
10	10251 HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
11	10251 HARRY HINES BLVD	HERNANDEZ L.
12	10251 HARRY HINES BLVD	PARRA ENRIQUE
13	10251 HARRY HINES BLVD	RAMIREZ CARLOS
14	10251 HARRY HINES BLVD	NAVARRO, MARIA
15	10251 HARRY HINES BLVD	HERRERA CARLOS
16	10251 HARRY HINES BLVD	MARTINEZ, EMANUEL
17	10251 HARRY HINES BLVD	RAMIREZ JESUS
18	10251 HARRY HINES BLVD	TEXPA DAVID
19	10251 HARRY HINES BLVD	HERRERA LUCIANDO
20	10251 HARRY HINES BLVD	BAUTISTA PASCUAL & JULIA
21	10251 HARRY HINES BLVD	RIVERA BLANCA
22	10251 HARRY HINES BLVD	CHAVEZ GERARDO
23	10251 HARRY HINES BLVD	CASTRO OSVALDO
24	10251 HARRY HINES BLVD	BALDERAS TOBIAS
25	10251 HARRY HINES BLVD	GAONA JOEL
26	10251 HARRY HINES BLVD	URQUIZA, MARTIN

Z134-297(OTH)

07/31/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10251 HARRY HINES BLVD	MARTINEZ LUIS
28	2621 WILLOWBROOK RD	ALLMAN COMPANY DALLAS LLC
29	2617 WILLOWBROOK RD	HBSS REAL ESTATE LLC
30	10222 HARRY HINES BLVD	10220 HARRY HINES LLC
31	2615 WILLOWBROOK RD	JGB INVESTMENTS LP
32	2626 WILLOWBROOK RD	MOUSSA GEORGE STANLEY TR
33	2616 WILLOWBROOK RD	WAREHOUSE DEVELOPMENT LTD
34	2401 NORTHWEST HWY	WAREHOUSE DEVELOPMENT
35	10045 HARRY HINES BLVD	KELLER JACQUELYN
36	10025 HARRY HINES BLVD	HANDSOME FELLOW LC
37	10025 HARRY HINES BLVD	BENDA INVESTMENTS
38	2635 WILLOWBROOK RD	SOUTHLAND CORP
39	10217 HARRY HINES BLVD	UNICORN 10217 LLC
40	2631 WILLOWBROOK RD	LOMBARDY LANE LTD

AGENDA ITEM # 54

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 23 W

SUBJECT

A public hearing to receive comments regarding an application for and an ordinance granting a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard

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

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

Z134-298(OTH)

FILE NUMBER: Z134-298(OTH)

DATE FILED: May 13, 2014

LOCATION: Southwest corner of Willowbrook Road and Harry Hines Boulevard

COUNCIL DISTRICT: 6

MAPSCO: 23-W

SIZE OF REQUEST: ± 6.476 acres

CENSUS TRACT: 99.00

OWNER/ APPLICANT: Bhagat Holdings, LTD

REPRESENTATIVE: Tailim Song Law Firm

REQUEST: An application for a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern on property zoned an MU-3 Mixed Use District.

SUMMARY: The applicant proposes to utilize Suite 101 in Building 3 for an alcoholic beverage establishment for a prospective tenant.

CPC RECOMMENDATION: **Approval** for a three-year period, subject to a site plan and conditions.

STAFF RECOMMENDATION: **Approval** for a two-year period, subject to a site plan and conditions.

GUIDING CRITERIA FOR STAFF RECOMMENDATION:

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 building is located in a retail center that houses a variety of uses such as restaurants, offices, and other retail uses. The proposed use should not negatively impact the surrounding uses.
2. *Contribution to, enhancement, or promoting the welfare of the area of request and adjacent properties* – The proposed use is not expected to deter the welfare of adjacent properties. The proposed SUP, if approved will have conditions that are associated with the use and must be complied with by the property owner and operator of the business. Staff is not recommending automatic renewals for the requested SUP. Staff wants to see how the use blends in with the existing uses in the area and the property.
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 surrounding area. The proposed use must comply with the SUP requirements. When the SUP comes for renewal, staff will be able to monitor the use individually and determine whether it warrants renewal.
4. *Conforms in all other respects to all applicable zoning regulations and standards* – Based on information depicted on the proposed site plan, the request will comply with all zoning regulations and standards.

BACKGROUND INFORMATION:

- The request site is developed with three single story buildings with a total space of approximately 77,938 total square feet. The applicant is requesting a Specific Use Permit for Suite 108 in Building 2 of the property. The applicant is requesting the SUP for a prospective tenant. The suite is vacant at the moment. Other uses in the property are office, retail and vacant suites.
- The property is adjacent to undeveloped land (drainage easement) to the west and retail and restaurant uses to the south. Surrounding uses include retail and warehouses.

Thoroughfares/Streets:

Thoroughfare/Street	Type	Existing ROW
Harry Hines Boulevard	Local	50 feet
W. Northwest Highway	Principal Arterial	130 feet

Land Uses:

	Zoning	Land Use
Site	MU-3	Retail and office uses
North	IR, MU-3	Retail, warehouses
East	IR	Retail
South	MU-3	Retail
West	MU-3 & CS	Warehouse

Zoning History:

There have been two recent zoning changes in the area.

1. **Z112-310** On Wednesday, December 12, 2012, the City Council approved rezoning to an IR Industrial Research District on property zoned a MU-3 Mixed Use District at Harry Hines Boulevard, north of Willowbrook Road.
2. **Z123-228** On June 12, 2013, the City Council approved an application for a CS Commercial Service District on property zoned an IR Industrial Research District on property located at Harry Hines Boulevard and Storey Lane, Northeast Corner.

STAFF ANALYSIS:**Comprehensive Plan:**

The comprehensive plan *forwardDallas! Vision Illustration*, adopted June 2006, is comprised of a series of Building Blocks that depict general land use patterns. Building Blocks are generalized patterns without well-defined boundaries that indicate where certain types and densities of development might logically occur. The comprehensive plan does not make a specific land use recommendation related to the request, however the vision illustration indicate that the property is located in the Business Center Corridor Building Block.

The Business Center Corridor Building Block which represents major employment or shopping destinations outside of Downtown. Business Centers are usually at major intersections or along highways or major arterials and rely heavily on car access. Business Centers and Corridors provide important concentrations of employment within Dallas that compete with suburban areas. The proposed use complies with the intent of the Business Center Corridor Building Block.

Land Use Compatibility:

The proposed use is compatible with the surrounding area. The applicant has submitted requests for two other SUPs (Z134-297 and Z134-298) within this development.

The general provisions for a Specific Use Permit in Section 51A-4.219 of the Dallas Development Code specifically state: (1) The SUP provides a means for developing certain uses in a manner in which the specific use will be consistent with the character of the neighborhood; (2) Each SUP application must be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate; (3) The city council shall not grant an SUP for a use except upon a finding that the use will: (A) complement or be compatible with the surrounding uses and community facilities; (B) contribute to, enhance, or promote the welfare of the area of request and adjacent properties; (C) not be detrimental to the public health, safety, or general welfare; and (D) conform in all other respects to all applicable zoning regulations and standards. The regulations in this chapter have been established in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and general welfare of the city.

Development Standards:

DISTRICT	Setbacks		Density	Height	Lot Coverage	Special Standards	Primary Uses
	Front	Side/Rear					
Existing							
MU-3 Mixed use-3	15'	20' adjacent to residential OTHER: No Min.	3.2 FAR base 4.0 FAR maximum + bonus for residential	270' 20 stories	80%	Proximity Slope U-form setback Tower spacing Visual Intrusion	Office, retail & personal service, lodging, residential, trade center

Parking:

Prior to the issuance of a certificate of occupancy, a mutually exclusive parking agreement must be executed specifying the exact hours of operation and the required parking spaces for all uses.

Landscaping:

Landscaping of the property must be provided in accordance with Article X of the Dallas Development Code. The applicant is not proposing any new construction; therefore, the proposed uses do not trigger any new landscaping.

Police Report:

A police report is included in this report for reference purposes.

DALLAS POLICE DEPARTMENT										
Virtual Viewer - Public Access										
Welcome										
Search Records - Offense										Filter
Service #	Offense Date	Complainant	Offense	Block	Dir	Street	Beat	Reporting Area	UCR1	UCR2
0002418-B	01/03/2014	*SUBWAY	ROBBERY	02445	W	NORTHWESTHWY	521	3057	03711	03211
0004369-Y	01/05/2011	*NUTRITIONAL PRODUCTS	CRIMINAL MISCHIEF/VANDALISM	02445	W	NORTHWESTHWY	521	3057	14092	
0005996-Y	01/07/2011	*NUTRITIONAL PRODUCTS T	CRIMINAL MISCHIEF/VANDALISM	02445	W	NORTHWESTHWY	521	3057	14081	
0021580-Y	01/26/2011	*B BALL REUNION	CRIMINAL MISCHIEF/VANDALISM	02445	W	NORTHWESTHWY	521	3057	14081	
0026477-Y	01/29/2011	PEREZ,ALDO	ASSAULT	02445	W	NORTHWESTHWY	521	3057	08111	
0026765-B	02/01/2014	*GENES LIQUOR STORE	ROBBERY	02445	W	NORTHWESTHWY	521	3057	06931	03211
0037739-Z	02/15/2012	*BOGAT MANAGEMENT COMPANY	OTHER OFFENSES	02445	W	NORTHWESTHWY	521	3057	26530	
0038387-Y	02/15/2011	MARJELLA, VICTOR	ACCIDENTAL INJURY - PUBLIC PROPERTY	02445	W	NORTHWESTHWY	521	3057	33020	
0042045-B	02/20/2014	*SUBWAY RESTAURANT	OTHER OFFENSES	02445	W	NORTHWESTHWY	521	3057	26530	
0045583-Y	02/22/2011	*B BALL REUNION	BURGLARY	02445	W	NORTHWESTHWY	521	3057	05131	
0051897-Y	03/01/2011	*NUTRITIONAL PRODUCTS	CRIMINAL MISCHIEF/VANDALISM	02445	W	NORTHWESTHWY	521	3057	14082	
0055767-Y	03/06/2011	DELGADO, JUAN,	AGGRAVATED ASSAULT	02445	W	NORTHWESTHWY	521	3057	04121	
0056238-X	02/28/2010	CAVARRUBIAS, EDER,	CRIMINAL MISCHIEF/VANDALISM	02445	W	NORTHWESTHWY	521	3057	14092	
0090304-Y	04/11/2011	FIERRO-CORRAL, HORTENCIA	CRIMINAL MISCHIEF/VANDALISM	02445	W	NORTHWESTHWY	521	3057	14082	
0120454-B	05/19/2014	FLORES-MARTINEZ, ARTURO	TRAFFIC MOTOR VEHICLE	02445	W	NORTHWESTHWY	521	3057	32090	

CPC ACTION:

September 4, 2014

Motion: It was moved to recommend **approval** of a Specific Use Permit for an alcoholic beverage establishment limited to a bar, lounge or tavern for a three-year period, subject to a site plan and revised conditions on property zoned an MU-3 Mixed Use District, on the southwest corner of Willowbrook Road and Harry Hines Boulevard.

Maker: Anantasomboon
Second: Ridley
Result: Carried: 11 to 0

For: 11 - Anglin, Emmons, Shidid, Anantasomboon,
Lavallaisaa, Tarpley, Shellene, Schultz,
Peadon, Murphy, Ridley

Against: 0
Absent: 4 - Rodgers, Culbreath, Bagley, Abtahi
Vacancy: 0

Notices: Area: 400 Mailed: 40
Replies: For: 0 Against: 0

Speakers: None

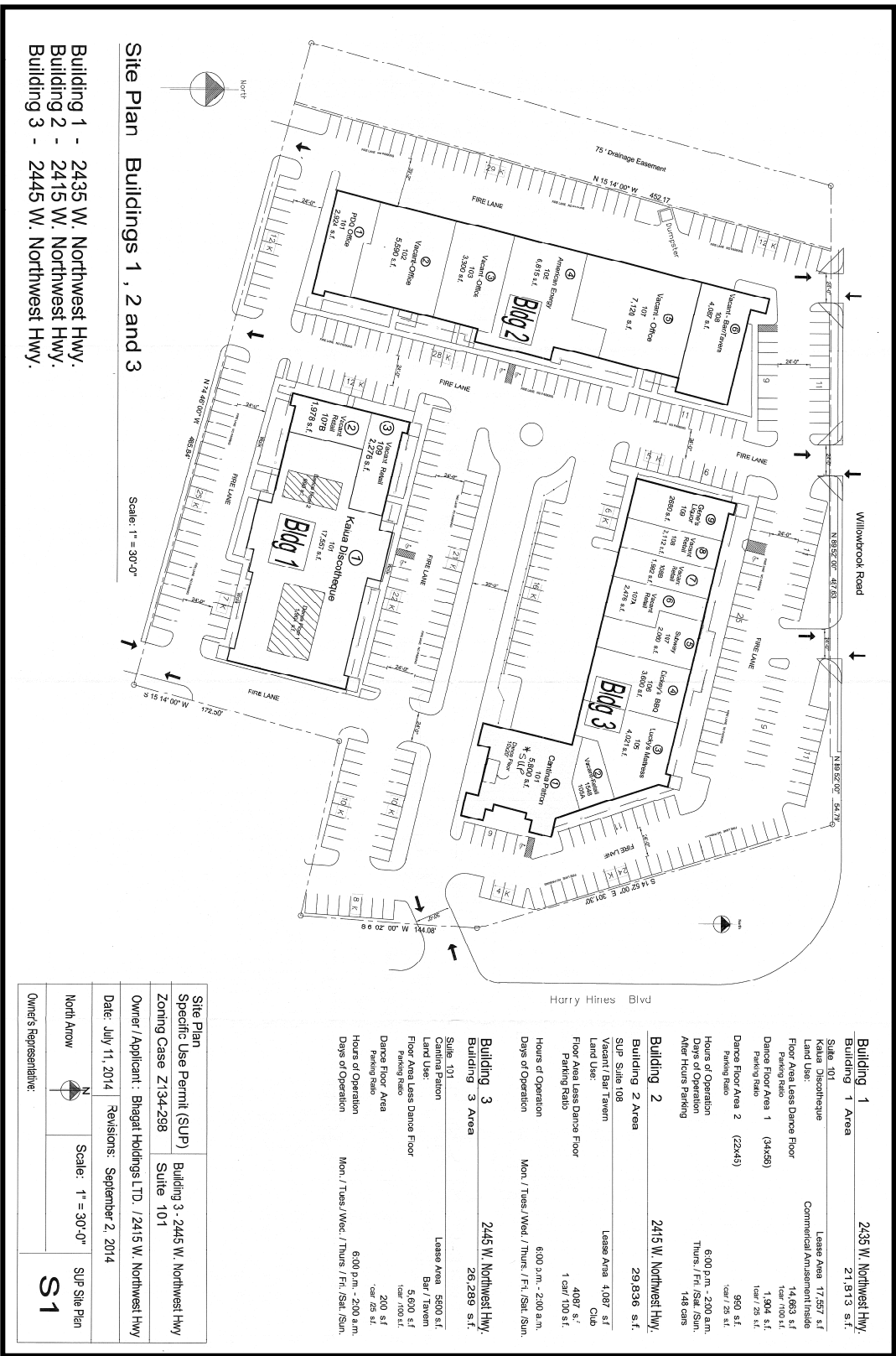
PROPOSED CONDITIONS

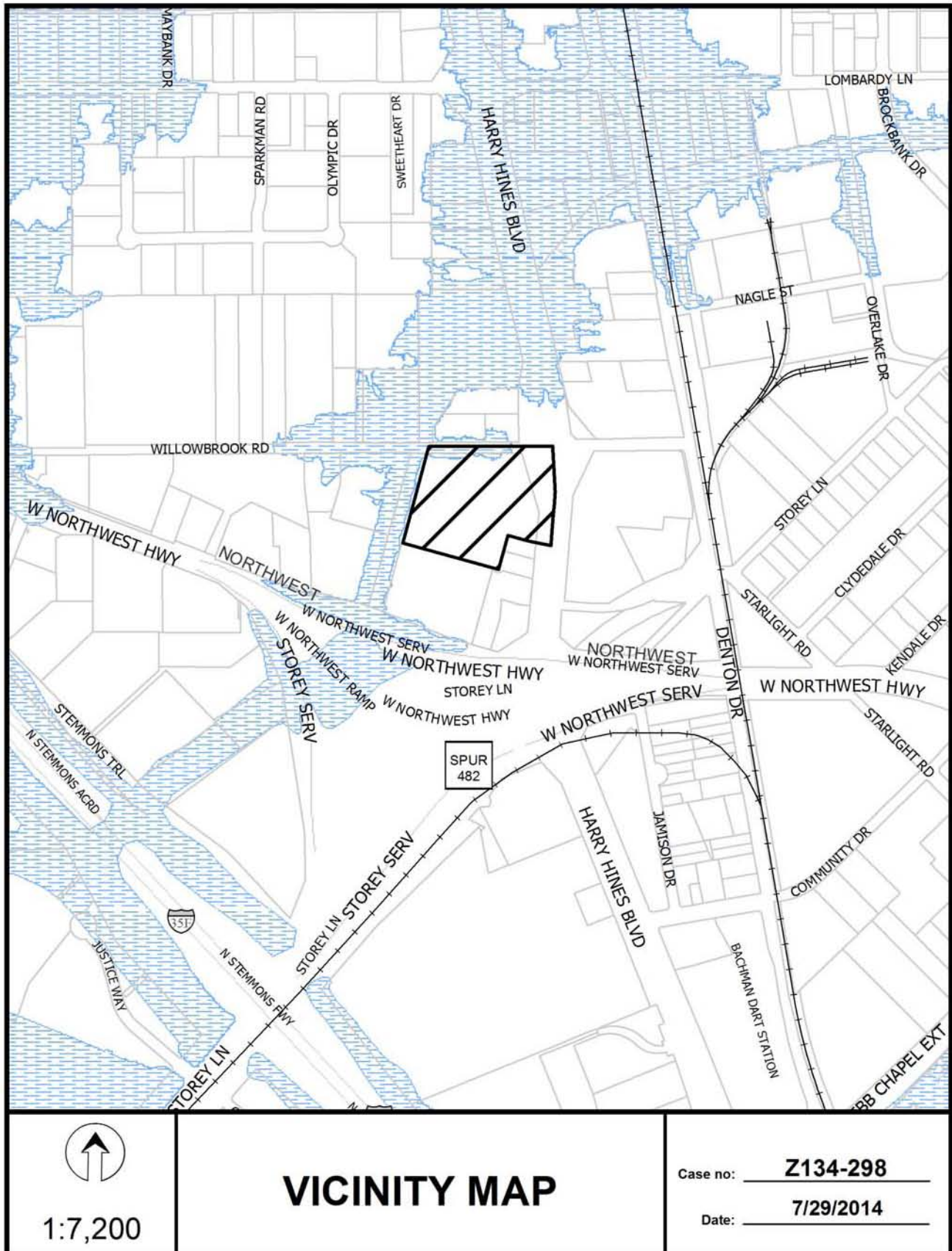
Z134-298(OTH)

2415 W Northwest Highway. Building 3, Suite 101

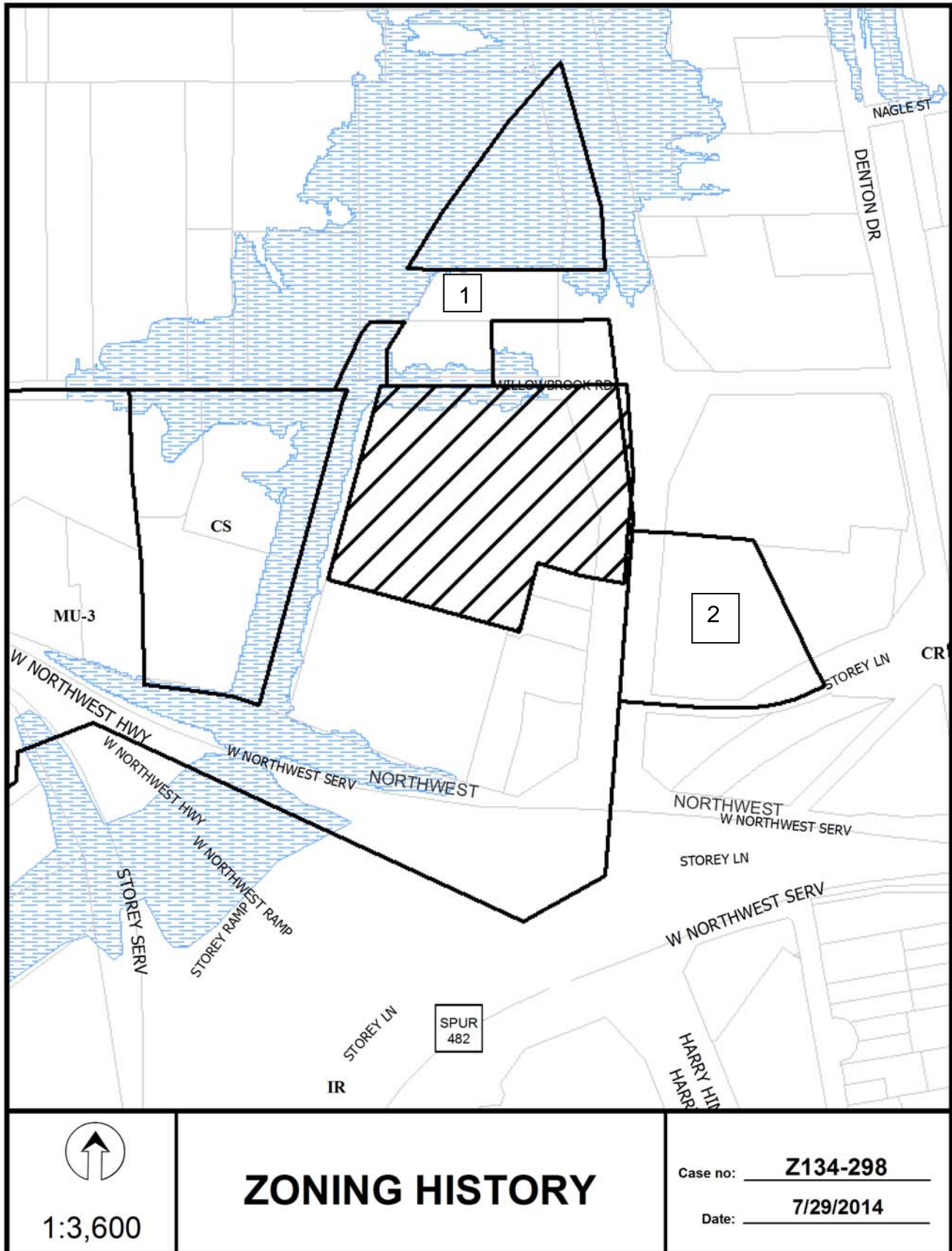
1. USE: The only use authorized by this specific use permit is an alcoholic beverage establishment, limited to a bar, lounge or tavern.
2. SITE PLAN: Use and development of the Property must comply with the attached site plan.
3. TIME LIMIT: This specific use permit expires on ____ (three years from passage of the ord.).
4. HOURS OF OPERATION: The alcoholic beverage establishment limited to a bar, lounge or tavern may only operate between 6:00 p.m. and 2:00 a.m. seven days a week.
5. FLOOR AREA: The maximum floor area is 26,289 square feet.
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.
7. MAINTENANCE: The Property must be properly maintained in a state of good repair and neat appearance.
8. GENERAL REQUIREMENTS: Use of the Property must comply with all federal and state laws and regulations, and with all ordinances, rules, and regulations of the City of Dallas.

PROPOSED SITE PLAN

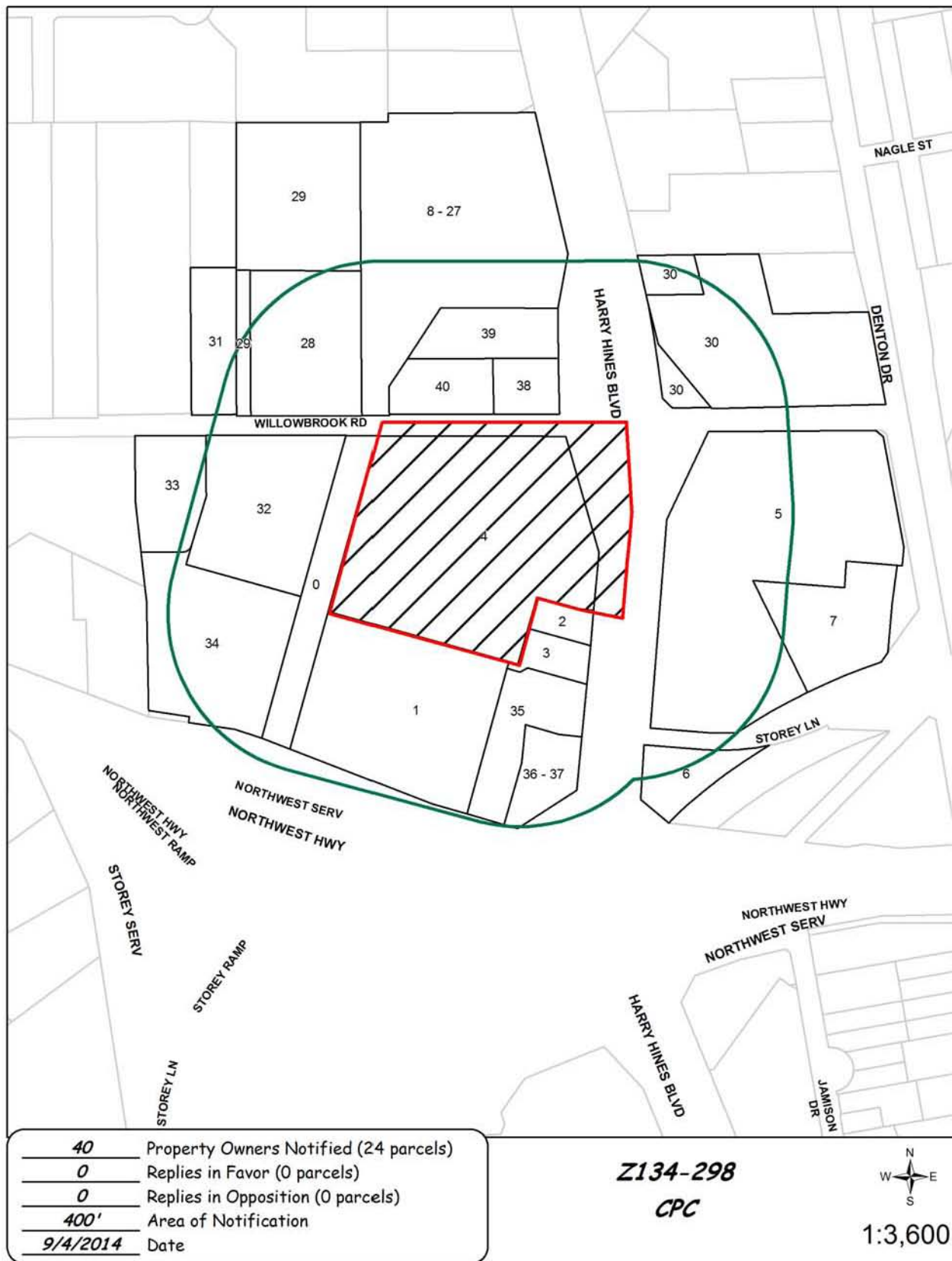








CPC RESPONSES



07/31/2014

Notification List of Property Owners***Z134-298******40 Property Owners Notified***

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2425 NORTHWEST HWY	NWH LAND LP
2	10091 HARRY HINES BLVD	VELASQUEZ JOSE
3	10065 HARRY HINES BLVD	EL TACASO INC
4	2415 NORTHWEST HWY	BHAGAT HOLDINGS LTD
5	10120 HARRY HINES BLVD	TEXAS FOREST PROP INC
6	10002 HARRY HINES BLVD	ECTOR CONVENIENCE STORE
7	2711 STOREY LN	2223 LOMBARDY WAREHOUSE LLC
8	10251 HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
9	10251 HARRY HINES BLVD	GUTIERREZ HORTENS
10	10251 HARRY HINES BLVD	RIVERA FAMILY LTD PS THE
11	10251 HARRY HINES BLVD	HERNANDEZ L.
12	10251 HARRY HINES BLVD	PARRA ENRIQUE
13	10251 HARRY HINES BLVD	RAMIREZ CARLOS
14	10251 HARRY HINES BLVD	NAVARRO, MARIA
15	10251 HARRY HINES BLVD	HERRERA CARLOS
16	10251 HARRY HINES BLVD	MARTINEZ, EMANUEL
17	10251 HARRY HINES BLVD	RAMIREZ JESUS
18	10251 HARRY HINES BLVD	TEXPA DAVID
19	10251 HARRY HINES BLVD	HERRERA LUCIANDO
20	10251 HARRY HINES BLVD	BAUTISTA PASCUAL & JULIA
21	10251 HARRY HINES BLVD	RIVERA BLANCA
22	10251 HARRY HINES BLVD	CHAVEZ GERARDO
23	10251 HARRY HINES BLVD	CASTRO OSVALDO
24	10251 HARRY HINES BLVD	BALDERAS TOBIAS
25	10251 HARRY HINES BLVD	GAONA JOEL
26	10251 HARRY HINES BLVD	URQUIZA, MARTIN

07/31/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	10251 HARRY HINES BLVD	MARTINEZ LUIS
28	2621 WILLOWBROOK RD	ALLMAN COMPANY DALLAS LLC
29	2617 WILLOWBROOK RD	HBSS REAL ESTATE LLC
30	10222 HARRY HINES BLVD	10220 HARRY HINES LLC
31	2615 WILLOWBROOK RD	JGB INVESTMENTS LP
32	2626 WILLOWBROOK RD	MOUSSA GEORGE STANLEY TR
33	2616 WILLOWBROOK RD	WAREHOUSE DEVELOPMENT LTD
34	2401 NORTHWEST HWY	WAREHOUSE DEVELOPMENT
35	10045 HARRY HINES BLVD	KELLER JACQUELYN
36	10025 HARRY HINES BLVD	HANDSOME FELLOW LC
37	10025 HARRY HINES BLVD	BENDA INVESTMENTS
38	2635 WILLOWBROOK RD	SOUTHLAND CORP
39	10217 HARRY HINES BLVD	UNICORN 10217 LLC
40	2631 WILLOWBROOK RD	LOMBARDY LANE LTD

KEY FOCUS AREA: Clean, Healthy Environment

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 6

DEPARTMENT: Office of Management Services
Office Of Environmental Quality

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

MAPSCO: 23 W

SUBJECT

A public hearing to receive comments on a proposed municipal setting designation to prohibit the use of groundwater as potable water beneath property owned by NWH Land LP located at 2425 West Northwest Highway and an ordinance authorizing support of the issuance of a municipal setting designation to NWH Land LP by the Texas Commission on Environmental Quality and prohibiting the use of groundwater beneath the designated property as potable water - Financing: No cost consideration to the City

BACKGROUND

Based on information provided by the Applicant, the Designated Property is underlain by shallow groundwater that is encountered at an approximate depth of 8 to 11 feet below ground surface (bgs) and extends to the top of the Eagle Ford Shale confining unit at a depth of approximately 16 to 19 feet bgs. The direction of groundwater flow beneath the Designated Property is towards south-southeast. The groundwater has been affected by chlorinated volatile organic compounds (CVOCs): trichloroethylene (TCE), cis-1,2-dichloroethylene (cis-1,2-DCE), and vinyl chloride (VC) at concentrations above groundwater ingestion standards. CVOCs in groundwater appear to be from an off-Site up-gradient source. Probable offsite sources include operations at two up-gradient facilities that may have historically handled CVOCs. Investigations have determined that historical onsite operations by former Overseas Motors were not a probable source. However, small quantities of solvents were used as parts cleaners. The property is currently occupied by Jaguar of Dallas, a Jaguar dealership and maintenance facility and operations do not use chlorinated solvents. Releases from offsite sources have been addressed.

The designated property was entered into the Voluntary Cleanup Program (VCP) administered by the Texas Commission on Environmental Quality (TCEQ) in February 2013. The site is designated as VCP Facility ID No. 2550.

BACKGROUND (continued)

The applicant has requested that the City support its application for a Municipal Setting Designation (MSD). A public meeting was held September 15, 2014 to receive comments and concerns. Notices of the meeting were sent to 271 property owners within 2,500 feet of the property and 102 private well owners within 5 miles of the property. No other municipalities are located within one-half mile of the property.

This item is a municipal setting designation ordinance prohibiting the use of potable groundwater beneath property located at 2425 West Northwest Highway and supporting the issuance of a MSD by TCEQ.

The applicant's current plan is to obtain closure through the Voluntary Cleanup Program. Currently, the designated property is occupied by Jaguar of Dallas, a Jaguar dealership and maintenance facility. The anticipated immediate future use of the property is expected to remain the same.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

OWNER

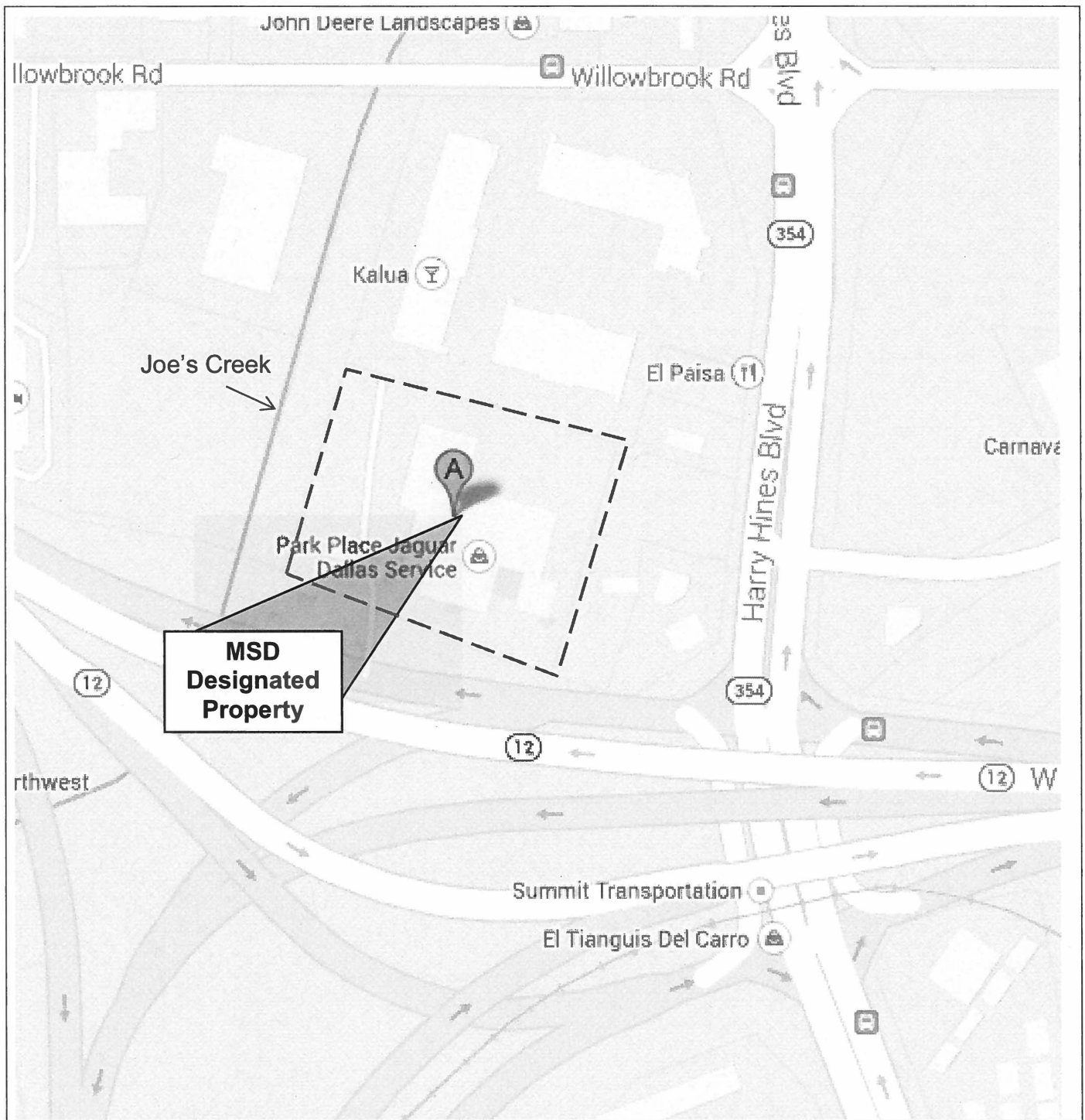
NWH Land LP

PP Land GP LLC, General Partner

Rick Stone, Vice President

MAP

Attached



CITY OF DALLAS



Municipal Setting Designation
Designated Property Boundary Map
Applicant – NHW Land L P
2425 West Northwest Highway
Dallas, TX 75220

ORDINANCE NO. _____

A municipal setting designation ordinance prohibiting the use of designated groundwater from beneath property generally located at 2425 Northwest Highway and supporting issuance of a municipal setting designation by the Texas Commission on Environmental Quality; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, Subchapter W, “Municipal Setting Designations,” of Chapter 361, “Solid Waste Disposal Act,” of the Texas Health and Safety Code authorizes the Texas Commission on Environmental Quality to create municipal setting designations; and

WHEREAS, Section 51A-6.108, “Municipal Setting Designation Ordinance,” of Article VI, “Environmental Performance Standards,” of Chapter 51A, “Dallas Development Code: Ordinance No. 19455, as amended,” of the Dallas City Code authorizes municipal setting designation ordinances prohibiting the use of designated groundwater as potable water and thereby enable the Texas Commission on Environmental Quality to certify a municipal setting designation for designated property; and

WHEREAS, the city council finds that:

(1) the eligibility criteria of Section 361.803 of the Texas Health and Safety Code have been met;

(2) this municipal setting designation ordinance will not have an adverse effect on the current or future water resource needs or obligations of the city of Dallas;

(3) there is a public drinking water supply system that satisfies the requirements of Chapter 341 of the Texas Health and Safety Code and that supplies or is capable of supplying drinking water to the designated property and property within one-half mile of the designated property; and

(4) this municipal setting designation ordinance is necessary because the concentration of contaminants of concern exceed ingestion protective concentration levels for human ingestion; and

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

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

SECTION 1. That for purposes of this municipal setting designation ordinance, the “designated property” means the property described in Exhibit A, attached to the ordinance.

SECTION 2. That for purposes of this municipal setting designation ordinance, “designated groundwater” means water below the surface of the designated property to a depth of 200 feet.

SECTION 3. That use of the designated groundwater from beneath the designated property as potable water is prohibited.

SECTION 4. That the use of the designated groundwater from beneath public rights-of-way immediately adjacent to the designated property as potable water is prohibited.

SECTION 5. That the following uses of or contacts with the designated groundwater are prohibited:

- (1) Human consumption or drinking.
- (2) Showering or bathing.
- (3) Cooking.
- (4) Irrigation of crops for human consumption.

SECTION 6. That the following conditions are imposed on the designated property and designated groundwater:

- (1) The potable use of the designated groundwater from beneath the designated property is prohibited.

- (2) The potable use of the designated groundwater from beneath public rights-of-way adjacent to the designated property is prohibited.
- (3) The portion of the designated property assigned VCP No. 2550 must receive a certificate of completion from the Texas Commission on Environmental Quality Voluntary Cleanup Program by no later than September 24, 2016.

SECTION 7. That the city council supports the application to the Texas Commission on Environmental Quality for a municipal setting designation on the designated property, with the following comments:

- (1) The Texas Commission on Environmental Quality, as the state agency chartered to protect human health and the environment, is requested to thoroughly review the conditions of the designated property and issue a certificate of completion only when all contaminants of concern, through the applicable routes of exposure, have been addressed.

SECTION 8. That the public rights-of-way immediately adjacent to the designated property must be included, at no additional cost to the city of Dallas, in the application to the Texas Commission on Environmental Quality.

SECTION 9. That a state or federal program must address the entire non-ingestion protective concentration level exceedence zone originating from sources on the designated property or migrating from the designated property no later than September 24, 2016. That within this time period, the applicant shall provide the director of sustainable development and construction documentation, including a certificate of completion from the Texas Commission on Environmental Quality, that it has been addressed to the satisfaction of the agency administering the program. If it has not been addressed, the director of sustainable development and construction may, for good cause, take any of the following actions:

- (1) allow additional time to address the non-ingestion protective concentration level exceedence zone;

- (2) request a review by the Texas Commission on Environmental Quality or the agency administering the program;
- (3) recommend to the city council that this municipal setting designation ordinance be repealed;
- (4) request additional information or documentation from the applicant; or
- (5) pursue other actions that the director of sustainable development and construction believes may be warranted.

SECTION 10. That any person owning, operating, or controlling the designated property remains responsible for complying with all applicable federal and state laws and regulations; all ordinances, rules, and regulations of the city of Dallas; and all environmental regulations, and that this municipal setting designation ordinance in itself does not change any environmental assessment or cleanup requirements applicable to the designated property.

SECTION 11. That any person owning, operating, or controlling any portion of the designated property is responsible for ensuring compliance with this ordinance with respect to their portion of the designated property. Allowing use of designated ground water for potable purposes or failure to provide the director of development services with required documentation is a violation of this ordinance and may result in the ordinance being repealed for that portion of the designated property.

SECTION 12. That approval of this municipal setting designation ordinance shall not be construed to subject the city of Dallas to any responsibility or liability for any injury to persons or damages to property caused by any contaminant of concern.

SECTION 13. That within 30 days after adoption of this municipal setting designation ordinance, the applicant shall provide the director of development services with an electronic file showing the location of the designated property and the designated groundwater in a format compatible with the city of Dallas' geographic information system.

SECTION 14. That within 60 days after adoption of this municipal setting designation ordinance, the director of development services shall file a certified copy of this municipal setting designation ordinance in the deed records of the county where the designated property is located.

SECTION 15. That within 60 days after adoption of this municipal setting designation ordinance, the director of development services shall send a certified copy of this municipal setting designation ordinance to the applicant and the Texas Commission on Environmental Quality, and that the director of development services shall notify the Texas Commission on Environmental Quality 60 days prior to any amendment or repeal of this municipal setting designation ordinance.

SECTION 16. That the applicant shall provide the director of development services with a copy of the municipal setting designation certificate issued by the Texas Commission on Environmental Quality pursuant to Section 361.807 of the Texas Health and Safety Code within 30 days after issuance of the certificate.

SECTION 17. That the applicant shall provide the director of development services with a copy of the certificate of completion or other documentation issued by the Texas Commission on Environmental Quality showing that any site investigations and response actions required pursuant to Section 361.808 of the Texas Health and Safety Code have been completed to the satisfaction of the Texas Commission on Environmental Quality within the time period required. The director of development services may, for good cause, extend the time for submitting the documentation.

SECTION 18. That the applicant shall notify the director of development services in writing if the applicant determines that notice is required to be sent to an owner of other property beyond the boundaries of the designated property under Title 30 Texas Administrative Code, Chapter 30, Section 350.55(b), and provide the name of the property owner, the property address, and a copy of the notice sent to the property owner.

SECTION 19. That a person violating a provision of this municipal setting designation ordinance, upon conviction, is punishable by a fine not to exceed \$2,000, and that the Texas Commission on Environmental Quality shall be notified of any violations.

SECTION 20. That Chapter 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this municipal setting designation ordinance.

SECTION 21. That the terms and provisions of this municipal setting designation ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 22. That this municipal setting designation 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 _____

**LOT 1, BLOCK B/5795
HINES/NORTHWEST ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**

GIS Approved

Being a 3.984 acre tract of land situated in the Absolom Smith Survey, Abstract No. 1347, City of Dallas, Dallas County, Texas, and being part of Lot 1, Block B/5795 of Hines/Northwest, an addition to the City of Dallas, as recorded in Volume 84238, Page 5351 Map Records, Dallas County, Texas, and also being all of a called 3.984 acre tract of land described in Warranty Deed to OMC Real Estate Partners, Ltd. as recorded in Volume 98007, Page 3760, Deed Records, Dallas County, Texas and being more particularly described as follows:

COMMENCING at the south end of a corner clip at the intersection of the north line of West Northwest Highway (Variable Width Public Right-of-Way) with the west line of Harry Hines Boulevard (Variable Width Public Right-of-Way), and being the lower southeast corner of Lot 1.4 of said Hines/Northwest Addition and also being a tract of land described in deed to Jacquelyn Keller as recorded in Volume 92253, Page 2310, Deed Records, Dallas County, Texas;;

THENCE North 71°49'31" West, 106.32 feet along said north line of West Northwest Highway and the south line of said Lot 1.4;

THENCE North 74°19'37" West, 95.46 feet continuing along said north line of West Northwest Highway and the south line of said Lot 1.4, to a "X" cut found for the southwest corner of said OMC Real Estate Partners tract, for the POINT OF BEGINNING of the subject tract;

THENCE North 74°19'37" West, 88.08 feet along said north line of West Northwest Highway and the south line of said OMC Real Estate Partners tract to a 1/2 inch iron rod found for corner;


THENCE North 69°23'43" West, 376.74 feet continuing along said north line of West Northwest Highway to a 5/8 inch capped iron rod found for the southwest corner of said OMC Real Estate Partners tract and also being the southeast corner of Part of Lot 1 of said Hines/Northwest Addition and also being a tract of land described in deed to City of Dallas as recorded in Volume 91214, Page 3782, Deed Records, Dallas County, Texas;

THENCE North 14°56'58" East, 352.93 feet to a 1/2 inch iron rod found for corner of said OMC Real Estate Partners tract and also being the southwest corner of Lot 1.5 of said Hines/Northwest Addition and also being a tract of land described in deed to Bhagat Holdings, Ltd. as recorded in Volume 2004037, Page 2286, Deed Records, Dallas County, Texas;

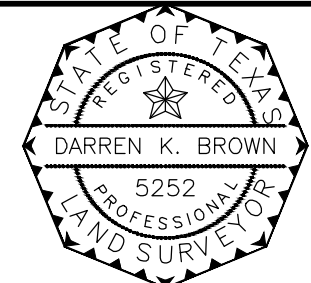
THENCE South 75°03'02" East, 462.31 feet to a "X" cut found at the common corner of said OMC Real Estate Partners tract and the most westerly northwest corner of Lot 1.3 of said Hines/Northwest Addition and also being a tract of land described in deed to El Tacaso Inc as recorded in Instrument No. 200600002950, Deed Records, Dallas County, Texas;

THENCE South 14°51'07" West, and passing at a distance of 51.83 feet the most westerly southwest corner of said El Tacaso tract and also the northwest corner of said Lot 1.4, continuing along the west line thereof for a total distance of 391.17 feet to the Point of Beginning and containing 173,547 square feet or 3.984 acres of land.

PAGE 1 OF 2

 spars ENGINEERING				
765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121				
Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB		11/7/13	11-023

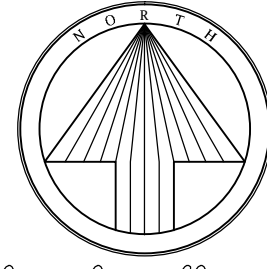
1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).
2. A plat map of even date accompanies this metes and bounds description.



Dar KB

DARREN K. BROWN, R.P.L.S. 5252

**LOT 1, BLOCK B/5795
HINES/NORTHWEST ADDITION
CITY OF DALLAS, DALLAS COUNTY, TEXAS**



60 0 60 120
1" = 120'

**Lot 1.5, Block B/5795
Hines/Northwest Addition**
Vol. 84238, Pg. 5351 DRDCT
(Bhagat Holdings, Ltd.;
Vol. 2004037, Pg. 2286 DRDCT)

**Lot 1.3, Block B/5795
Hines/Northwest Addition**
Vol. 84238, Pg. 5351 DRDCT
(El Tacaso, Inc.;
Inst. No. 200600002950 OPRDCT)

**Lot 1.4, Block B/5795
Hines/Northwest Addition**
Vol. 84238, Pg. 5351 DRDCT
(Jacquelyn Keller;
Vol. 92253, Pg. 2310 DRDCT)

Part of Lot 1, Block B/5795
Hines/Northwest Addition
Vol. 84238, Pg. 5351 DRDCT
**3.984 Ac.
(173,547 Sq. Ft.)**

5/8" CIRF

1/2" IRF
(CM)

"X" Fnd.
in conc.

S 75°03'02" E ~ 462.31'
N 14°56'58" E ~ 352.93'
S 14°51'07" W ~ 391.17'

N 69°23'43" W ~ 376.74'

1/2" IRF
(CM)

N 74°19'37" W ~ 88.08'

POINT OF
BEGINNING

"X" Fnd.
in conc.

POINT OF
COMMENCING

N 74°19'37" W
95.46'

N 71°49'31" W
106.32'

**West Northwest
Highway**
Var. width R.O.W.

PAGE 2 OF 2

LEGEND	
OPRDCT	Official Public Records, Dallas County, Texas
DRDCT	Deed Records, Dallas County, Texas
Inst. No.	Instrument or Document Number
Vol.	Volume
Pg.	Page
Sq. Ft.	Square Feet
1/2" IRF	1/2" iron rod found
5/8" CIRF	5/8" iron rod w/ plastic cap found
(CM)	Controlling Monument
R.O.W.	Right of way

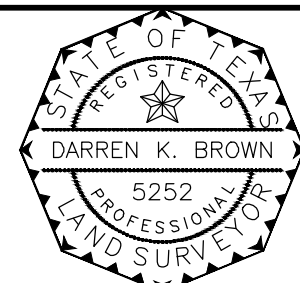
**p i a r s
ENGINEERING**

765 Custer Road, Suite 100 • Plano, TX 75075 • (972) 422-0077 • TBPE No. F-2121

Drawn By:	Checked By:	Scale	Date	Job No.
ED	DKB	1" = 120'	11/7/13	11-023

1. Basis of bearing, horizontal and vertical position derived from the Texas WDS RTK Network-Texas State Plane Coordinate System, NAD83, North Central Zone (4202).

2. A metes and bounds description of even date accompanies this plat map.



Darren K. Brown, R.P.L.S. 5252

**SEPTEMBER 24, 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 September 24, 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

9-19-14

Date



Edward Scott
City Controller

9/19/14

Date

**ADDENDUM
CITY COUNCIL MEETING
WEDNESDAY, SEPTEMBER 24, 2014
CITY OF DALLAS
1500 MARILLA
COUNCIL CHAMBERS, CITY HALL
DALLAS, TX 75201
9:00 A.M.**

RECEIVED

2014 SEP 19 PM 4:32

CITY SECRETARY
DALLAS, TEXAS

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 - 43

CONSENT ADDENDUM

Items 1 - 10

ITEMS FOR INDIVIDUAL CONSIDERATION

No earlier
than 9:15 a.m.

Items 44 - 51
Addendum Items 11 - 19

PUBLIC HEARINGS AND RELATED ACTIONS

1:00 p.m.

Items 52 - 55
Addendum Item 20

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 24, 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 regarding the Texas Open Meetings Act.

CONSENT ADDENDUM

Business Development & Procurement Services

1. Authorize the sale of 9 loaders through a public auction on September 5, 2014 to Carroll Equipment in the amount of \$151,350, Jim Anderson in the amount of \$27,100, James Kotara in the amount of \$26,200 and 199 Recycling, Inc. in the amount of \$23,100, highest bidders of thirty-eight - Revenue: \$227,750
2. Authorize **(1)** a five-year acquisition agreement for the purchase, maintenance and warranty of electronic control weapons, related equipment and training for Police - Taser International, Inc. in the amount of \$2,390,063, sole source; **(2)** the acquisition to be financed and paid for through a five-year equipment lease purchase agreement for the purchase of the electronic control weapons and related equipment for Police which results in a total expenditure of \$2,505,232 (for actions 1 and 2) - Municipal Asset Management, Inc.; and **(3)** a five-year master agreement for the purchase of electronic control weapons and related equipment - Taser International, Inc. in the amount of \$1,283,564, sole source - Total not to exceed \$3,788,796 - Financing: Current Funds (\$562,464), Confiscated Monies Funds (\$2,505,232) and Texas Higher Education Coordinating Board Funds (\$721,100) (subject to annual appropriations)

Fire

3. Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for the required medical direction services for the period October 1, 2014 through September 30, 2015 - Not to exceed \$167,719 - Financing: Current Funds (subject to appropriations)
4. Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for in-service training, re-training, and evaluation of City of Dallas paramedic and emergency medical technician-basic personnel for the period October 1, 2014 through September 30, 2015 - Not to exceed \$339,840 - Financing: Current Funds (subject to appropriations)

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 24, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Fire (Continued)

5. Authorize payment to the Dallas County Community College District in the amount of \$126,300 and the University of Texas Southwestern Medical Center at Dallas in the amount of \$183,455 for mandatory Emergency Medical Services training of emergency medical technicians (EMT) basic level and paramedics advanced level for the period October 1, 2014 through September 30, 2015 - Total not to exceed \$309,755 - Financing: Current Funds (subject to appropriations)

Public Works Department

TIGER Modern Streetcar System

Note: Addendum Item Nos. 6 and 7 must be considered collectively.

6. * Authorize **(1)** the acceptance of a grant from the North Central Texas Council of Governments (NCTCOG), functioning as agent for the Texas Department of Transportation (TxDOT), in the amount of \$15,000,000 for the extension of the TIGER Modern Streetcar System which will operate in North Oak Cliff from Methodist Hospital to the Bishop Arts District; **(2)** the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT, in the amount of \$7,872,531 for the extension of the TIGER Modern Streetcar System which will operate in the Central Business District from Union Station to the Omni Hotel; **(3)** the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT in the amount of \$8,000,000 for the purchase of streetcar vehicles to operate on the expanded modern streetcar system; and **(4)** the establishment of appropriations in the amount of \$30,872,531 - Total not to exceed \$30,872,531 - Financing: This action has no cost consideration to the City
7. * Authorize an Interlocal Agreement with Dallas Area Rapid Transit to outline project roles and responsibilities related to design and design support for the northern and southern extensions and the procurement of rail for the southern extension in an amount not to exceed \$3,400,000 - Financing: North Central Texas Council of Governments Grant Funds
8. Authorize an amendment to Resolution No. 14-1081, previously approved on June 25, 2014, to terminate assignment of the contract to Ridge South Dallas I, LLC for construction administration during the construction of a new bridge, street paving, storm drainage, and water pipeline improvements for Telephone Road, from S. H. 342 to Bonnie View Road, Phase II project - Financing: No cost consideration to the City

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 24, 2014**

ADDITIONS: (Continued)

CONSENT ADDENDUM (Continued)

Sustainable Development and Construction

9. Authorize acquisition from Dallas Arboretum & Botanical Society, Inc. of approximately 7,500 square feet of land improved with a vacant building located near the intersection of Garland Road and Timplemore Drive for Dallas Arboretum and Botanical Society - 8626 Garland Road Project - Not to exceed \$90,800 (\$89,100, plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds
10. Authorize acquisition from Dallas Arboretum & Botanical Society, Inc. of approximately 7,500 square feet of land improved with a vacant building located near the intersection of Garland Road and Timplemore Drive for Dallas Arboretum and Botanical Society - 8630 Garland Road Project - Not to exceed \$94,000 (\$92,300, plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds

ITEMS FOR INDIVIDUAL CONSIDERATION

City Secretary's Office

11. An ordinance amending Ordinance No. 29376 to change certain election day polling and early voting locations for the Tuesday, November 4, 2014, special election, for the purpose of submitting to the qualified voters of the City, proposed amendments to the Dallas City Charter - Financing: No cost consideration to the City
12. A resolution authorizing: **(1)** a joint election agreement and election services contract between the City of Dallas, Dallas County, and various other jurisdictions within Dallas County, for the conduct of a joint election to be held on Tuesday, November 4, 2014, in an amount not to exceed \$951,000; **(2)** legal advertising in connection with the Tuesday, November 4, 2014 City Special Election, in an amount not to exceed \$100,000; and **(3)** \$5,000 for translation services for publication and posting notices, and security services for City Hall during early voting and other miscellaneous expenditures related to the election - Total not to exceed \$1,056,000 - Financing: Current Funds
13. A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Collin County, and various other jurisdictions within Collin County, for the conduct of a joint election to be held on Tuesday, November 4, 2014 - Not to exceed \$4,200 - Financing: Current Funds

**ADDENDUM
CITY COUNCIL MEETING
SEPTEMBER 24, 2014**

ADDITIONS: (Continued)

ITEMS FOR INDIVIDUAL CONSIDERATION (Continued)

City Secretary's Office (Continued)

14. A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Denton County, and various other jurisdictions within Denton County, for the conduct of a joint election to be held on Tuesday, November 4, 2014 - Not to exceed \$14,000 - Financing: Current Funds
15. A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Dallas County for the Tuesday, November 4, 2014 special election - Financing: No cost consideration to the City
16. A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Collin County for the Tuesday, November 4, 2014 special election - Financing: No cost consideration to the City
17. A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Denton County for the Tuesday, November 4, 2014 special election - Financing: No cost consideration to the City
18. A resolution authorizing the Mayor to appoint an Ad Hoc City Council canvassing committee to review the returns of the November 4, 2014 special election, and submit a canvass report to the full City Council on Monday, November 17, 2014 - Financing: No cost consideration to the City
19. A resolution designating absences by Mayor Pro Tem Tennell Atkins and Councilmember Dwaine R. Caraway as being for "Official City Business" - Financing: No cost consideration to the City

PUBLIC HEARINGS AND RELATED ACTIONS

MISCELLANEOUS HEARINGS

Sustainable Development and Construction

20. A public hearing to receive comments regarding a proposal to change the name of South Lancaster Road from East Illinois Avenue to Interstate Highway 20 to "Nelson Mandela Boulevard" and an ordinance granting the name change - NC134-004 - Financing: No cost consideration to the City

ADDENDUM DATE September 24, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
1			N/A	C	PBD	REV \$227,750	NA	NA	Authorize the sale of 9 loaders through a public auction on September 5, 2014 to Carroll Equipment, Jim Anderson, James Kotara and 199 Recycling, Inc., highest bidders of thirty-eight
2			All	C	PBD, POL	\$3,788,795.23	0.00%	0.00%	Authorize a five-year acquisition agreement for the purchase, maintenance and warranty of electronic control weapons, related equipment and training for Police; the acquisition to be financed and paid for through a five-year equipment lease purchase agreement for the purchase of the electronic control weapons and related equipment for Police which results in a total expenditure of \$2,505,232 (for actions 1 and 2); and a five-year master agreement for the purchase of electronic control weapons and related equipment
3			All	C	FIR	\$167,719.00	NA	NA	Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for the required medical direction services for the period October 1, 2014 through September 30, 2015
4			All	C	FIR	\$339,840.00	NA	NA	Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for in-service training, re-training, and evaluation of City of Dallas paramedic and emergency medical technician-basic personnel for the period October 1, 2014 through September 30, 2015
5			All	C	FIR	\$309,755.00	NA	NA	Authorize payment to the Dallas County Community College District in the amount of \$126,300 and the University of Texas Southwestern Medical Center at Dallas in the amount of \$183,455 for mandatory Emergency Medical Services training of emergency medical technicians (EMT) basic level and paramedics advanced level for the period October 1, 2014 through September 30, 2015
6			1, 2	C	PBW	NC	NA	NA	TIGER Modern Streetcar System: Authorize the acceptance of a grant from the North Central Texas Council of Governments (NCTCOG), functioning as agent for the Texas Department of Transportation (TxDOT), in the amount of \$15,000,000 for the extension of the TIGER Modern Streetcar System which will operate in North Oak Cliff from Methodist Hospital to the Bishop Arts District; the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT, in the amount of \$7,872,531 for the extension of the TIGER Modern Streetcar System which will operate in the Central Business District from Union Station to the Omni Hotel; the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT in the amount of \$8,000,000 for the purchase of streetcar vehicles to operate on the expanded modern streetcar system
7			1, 2	C	PBW	GT	NA	NA	TIGER Modern Streetcar System: Authorize an Interlocal Agreement with Dallas Area Rapid Transit to outline project roles and responsibilities related to design and design support for the northern and southern extensions and the procurement of rail for the southern extension
8			8	C	PBW, ECO, WTR	NC	NA	NA	Authorize an amendment to Resolution No. 14-1081, previously approved on June 25, 2014, to terminate assignment of the contract to Ridge South Dallas I, LLC for construction administration during the construction of a new bridge, street paving, storm drainage, and water pipeline improvements for Telephone Road, from S. H. 342 to Bonnie View Road, Phase II project
9			9	C	DEV, PKR	\$90,800.00	NA	NA	Authorize acquisition from Dallas Arboretum & Botanical Society, Inc. of approximately 7,500 square feet of land improved with a vacant building located near the intersection of Garland Road and Timplemore Drive for Dallas Arboretum and Botanical Society – 8626 Garland Road Project
10			9	C	DEV, PKR	\$94,000.00	NA	NA	Authorize acquisition from Dallas Arboretum & Botanical Society, Inc. of approximately 7,500 square feet of land improved with a vacant building located near the intersection of Garland Road and Timplemore Drive for Dallas Arboretum and Botanical Society – 8630 Garland Road Project
11			All	I	SEC	NC	NA	NA	An ordinance amending Ordinance No. 29376 to change certain election day polling and early voting locations for the Tuesday, November 4, 2014, special election, for the purpose of submitting to the qualified voters of the City, proposed amendments to the Dallas City Charter

ADDENDUM DATE September 24, 2014

ITEM	IND								DESCRIPTION
#	OK	DEF	DISTRICT	TYPE	DEPT.	DOLLARS	LOCAL	MWBE	
12			All	I	SEC	\$1,056,000.00	NA	NA	A resolution authorizing: a joint election agreement and election services contract between the City of Dallas, Dallas County, and various other jurisdictions within Dallas County, for the conduct of a joint election to be held on Tuesday, November 4, 2014, in an amount not to exceed \$951,000; legal advertising in connection with the Tuesday, November 4, 2014 City Special Election, in an amount not to exceed \$100,000; and \$5,000 for translation services for publication and posting notices, and security services for City Hall during early voting and other miscellaneous expenditures related to the election
13			All	I	SEC	\$4,200.00	NA	NA	A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Collin County, and various other jurisdictions within Collin County, for the conduct of a joint election to be held on Tuesday, November 4, 2014
14			All	I	SEC	\$14,000.00	NA	NA	A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Denton County, and various other jurisdictions within Denton County, for the conduct of a joint election to be held on Tuesday, November 4, 2014
15			All	I	SEC	NC	NA	NA	A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Dallas County for the Tuesday, November 4, 2014 special election
16			All	I	SEC	NC	NA	NA	A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Collin County for the Tuesday, November 4, 2014 special election
17			All	I	SEC	NC	NA	NA	A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Denton County for the Tuesday, November 4, 2014 special election
18			All	I	SEC	NC	NA	NA	A resolution authorizing the Mayor to appoint an Ad Hoc City Council canvassing committee to review the returns of the November 4, 2014 special election, and submit a canvass report to the full City Council on Monday, November 17, 2014
19			All	I	SEC	NC	NA	NA	A resolution designating absences by Mayor Pro Tem Tennell Atkins and Councilmember Dwaine R. Caraway as being for "Official City Business"
20			3, 4, 8	PH	DEV	NC	NA	NA	A public hearing to receive comments regarding a proposal to change the name of South Lancaster Road from East Illinois Avenue to Interstate Highway 20 to "Nelson Mandela Boulevard" and an ordinance granting the name change

TOTAL \$5,865,109.23

ADDENDUM ITEM # 1

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): N/A

DEPARTMENT: Business Development & Procurement Services

CMO: Jeanne Chipperfield, 670-7804

MAPSCO: N/A

SUBJECT

Authorize the sale of 9 loaders through a public auction on September 5, 2014 to Carroll Equipment in the amount of \$151,350, Jim Anderson in the amount of \$27,100, James Kotara in the amount of \$26,200 and 199 Recycling, Inc. in the amount of \$23,100, highest bidders of thirty-eight - Revenue: \$227,750

BACKGROUND

This item is on the addendum for the sale of 9 loaders from a public auction held on September 5, 2014, which was after the deadline to meet the regular council agenda. Approval is requested in order to complete the transaction in a timely manner and to enable the purchasers to receive their equipment.

This action seeks approval to sell 9 loaders which were publicly auctioned on September 5, 2014. These vehicles have reached their useful life and are no longer cost effective for the City to maintain. Before equipment is removed from service and auctioned, equipment must meet established criteria to ensure that only equipment that has exceeded their regular maintenance program are replaced. The equipment evaluation process uses a criterion that includes life to date maintenance costs, recommended replacement mileage, recommended replacement life and a point system that includes down time.

The vehicles sold consist of:

- 2 – Wheel loaders
- 6 – Wheel loader and backhoes
- 1 – Rubber tire loader

The City used its current contract auctioneer, Lone Star Auctioneers, Inc., to auction this equipment and will pay the auctioneer 7.98% commission based upon gross sales per this auction.

BACKGROUND (Continued)

Dallas City Code 2-37.4 requires that when the highest bid for property is more than \$20,000.00, the sale to the highest bidder must be confirmed by City Council.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$227,750.00 - Revenue

BID INFORMATION

Bids were received at public auction on September 5, 2014.

<u>Bidders</u>	<u>Address</u>	<u>Amount of Bid</u>
199 Recycling, Inc. (Equipment #009046)	2424 Azle Ave. Fort Worth, TX 76106	\$23,100.00
Carroll Equipment (Equipment #999001)	23555 FM 1995 Lindale, TX 75771	\$25,100.00
Carroll Equipment (Equipment #999003)	23555 FM 1995 Lindale, TX 75771	\$26,200.00
Carroll Equipment (Equipment #999005)	23555 FM 1995 Lindale, TX 75771	\$25,100.00
Carroll Equipment (Equipment #999006)	23555 FM 1995 Lindale, TX 75771	\$25,200.00
Jim Anderson (Equipment #999007)	2329 County Rd 4578 E. Sulphur Springs, TX 75482	\$27,100.00
James Kotara (Equipment #999008)	16304 Rough Oak San Antonio, TX 78232	\$27,750.00
Carroll Equipment (Equipment #999009)	23555 FM 1995 Lindale, TX 75771	\$23,100.00
Carroll Equipment (Equipment #999014)	23555 FM 1995 Lindale, TX 75771	\$25,100.00

OWNERS

199 Recycling, Inc.

Mustafa Nadaf, Owner

Carroll Equipment

Mickey Waters, Owner

Jim Anderson

Jim Anderson

James Kotara

James Kotara

September 24, 2014**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

Section 1. That the City Manager or designee is hereby authorized to sell 9 loaders through public auction on September 5, 2014, to the highest bidders, Carroll Equipment in the amount of \$151,350.00, Jim Anderson in the amount of \$27,100.00, James Kotara in the amount of \$26,200.00 and 199 Recycling, Inc. in the amount of \$23,100.00, for a total amount of \$227,750.00.

Section 2. That the City Controller is hereby authorized to receive and deposit funds received from the proceeds of the sale to:

<u>FUND</u>	<u>DEPT</u>	<u>UNIT</u>	<u>REVENUE SOURCE</u>	<u>AMOUNT</u>
0100	DWU	7005	8414	\$193,587.50
0199	POM	1232	8420	\$ 34,162.50

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

ADDENDUM ITEM # 2

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Business Development & Procurement Services
Police

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

MAPSCO: N/A

SUBJECT

Authorize **(1)** a five-year acquisition agreement for the purchase, maintenance and warranty of electronic control weapons, related equipment and training for Police – Taser International, Inc. in the amount of \$2,390,063, sole source; **(2)** the acquisition to be financed and paid for through a five-year equipment lease purchase agreement for the purchase of the electronic control weapons and related equipment for Police which results in a total expenditure of \$2,505,232 (for actions 1 and 2) - Municipal Asset Management, Inc.; and **(3)** a five-year master agreement for the purchase of electronic control weapons and related equipment – Taser International, Inc. in the amount of \$1,283,564, sole source – Total not to exceed \$3,788,796 - Financing: Current Funds (\$562,464), Confiscated Monies Funds (\$2,505,232) and Texas Higher Education Coordinating Board Funds (\$721,100) (subject to annual appropriations)

BACKGROUND

This item is on the addendum in an effort to take advantage of expiring pricing contingent upon September 30, 2014 acceptance. Complex negotiations that produced favorable pricing and vendor financing of the purchase also added to the delay.

Action No. 3 does not encumber funds; the purpose of a master agreement is to establish firm pricing for goods for a specific term, which are ordered on an as needed basis.

These agreements will provide for the purchase and maintenance of electronic control weapons (Taser X26P), related equipment and training needed by Police. The Taser X26P technology is an additional tool that gives officers an advantage to gain control of an offender who becomes combative and non-responsive to verbal commands or becomes a danger to himself, the officer and citizens. An electronic control weapon allows the officer to gain control of the offender from a safe distance thus reducing the risk of injury to the offender, officer and citizens.

BACKGROUND (Continued)

The Taser X26P system contains proprietary technology that uses compressed nitrogen to project two small probes as far as 25 feet. These probes are connected to the Taser X26P device by high-voltage insulated wire. An electrical signal is transmitted throughout the region where the probes make contact with the body or clothing, resulting in an immediate loss of the person's neuromuscular control and the ability to perform coordinated action for the duration of the impulse.

This purchase will provide 2,250 (new generation) Taser X26P and related equipment. Taser X26P data technology has been vastly improved. It assists with officer accountability with its built-in data port microchip system which provides the exact time, date and duration of field uses by law enforcement officers.

Taser International, Inc. will be providing additional training to twenty Police sworn instructors who will become certified to teach Taser X26P courses and the related user certification for the department. All uniform officers must qualify using a Taser X26P before one is issued. An electronic control weapon will be deployed in the field and to call answering personnel.

It is in the best interest of the City to enter into an equipment lease purchase agreement with Municipal Asset Management, Inc. at interest rate of 2.406% with the total interest not to exceed \$115,168.42 which allows the Police to have immediate access to the equipment, but to pay for the equipment over the five-year useful life of the Taser.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 22, 2014, this item is scheduled to be briefed to Public Safety Committee via memorandum.

FISCAL INFORMATION

\$ 562,463.90 - Current Funds (subject to annual appropriations)

\$2,505,231.15 - Confiscated Monies Funds (subject to annual appropriations)

\$ 721,100.18 - Texas Higher Education Coordinating Board Funds (subject to annual appropriations)

M/WBE INFORMATION

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

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

ETHNIC COMPOSITION

Taser International, Inc.

White Male	142	White Female	106
Black Male	5	Black Female	1
Hispanic Male	26	Hispanic Female	39
Other Male	13	Other Female	14

BID INFORMATION

<u>Bidder</u>	<u>Address</u>	<u>Amount</u>
Taser International, Inc.	17800 N. 85 th Street Scottsdale, AZ 85255	\$3,788,795.23

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

OWNER

Taser International, Inc.

Doug Klint, President
Luke Larson, Vice President
Patrick Smith, Chief Executive Officer
Dan Behrendt, Chief Financial Officer
Jeff Kukowski, Chief Operating Officer

BUSINESS INCLUSION AND DEVELOPMENT PLAN SUMMARY

PROJECT: Authorize **(1)** a five-year acquisition agreement for the purchase, maintenance and warranty of electronic control weapons, related equipment and training for Police - Taser International, Inc. in the amount of \$2,390,063, sole source; **(2)** the acquisition to be financed and paid for through a five-year equipment lease purchase agreement for the purchase of the electronic control weapons and related equipment for Police which results in a total expenditure of \$2,505,232 (for actions 1 and 2) - Municipal Asset Management, Inc.; and **(3)** a five-year master agreement for the purchase of electronic control weapons and related equipment - Taser International, Inc. in the amount of \$1,283,564, sole source - Total not to exceed \$3,788,796 - Financing: Current Funds (\$562,464), Confiscated Monies Funds (\$2,505,232) and Texas Higher Education Coordinating Board Funds (\$721,100) (subject to annual appropriations)

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

PROJECT CATEGORY: Goods

LOCAL/NON-LOCAL CONTRACT SUMMARY

	<u>Amount</u>	<u>Percent</u>
Total local contracts	\$0.00	0.00%
Total non-local contracts	\$3,788,795.23	100.00%
TOTAL CONTRACT	\$3,788,795.23	100.00%

LOCAL/NON-LOCAL M/WBE PARTICIPATION

Local Contractors / Sub-Contractors

None

Non-Local Contractors / Sub-Contractors

None

TOTAL M/WBE CONTRACT PARTICIPATION

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

September 24, 2014

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

Section 1. That the City Manager is authorized to execute an acquisition agreement with Taser International, Inc. (517440), approved as to form by the City Attorney, for the purchase, maintenance, and warranty of electronic control weapons, related equipment and training for Police for a term of five years in an amount not to exceed \$2,390,062.73, to be financed with an equipment lease purchase agreement with Municipal Asset Management, Inc. over a five-year period at an interest rate of 2.406% with total interest not to exceed \$115,168.42, upon approval as to form by the City Attorney.

Section 2. That the City Manager is hereby authorized and directed to take such further action and execution of such other documents, certificates and instruments, approved as to form by the City Attorney, as are necessary to carry out and comply with the intent of this Resolution.

Section 3 That the City Controller is hereby authorized to disburse funds to Municipal Asset Management, Inc. (Vendor No. 519668) from the following appropriations in an amount not to exceed \$2,505,231.15 (subject to annual appropriations):

<u>Fund</u>	<u>Dept</u>	<u>Unit</u>	<u>Obj</u>	<u>Amount</u>	<u>FY</u>	<u>Encumbrance</u>
0412	DPD	6368	353C	\$501,046.23	2015	CTPX2113CR14L174
0412	DPD	6368	353C	\$455,520.93	2016	CTPX2113CR14L174
0412	DPD	6368	353D	\$ 45,525.30	2016	CTPX2113CR14L174
0412	DPD	6368	353C	\$466,498.98	2017	CTPX2113CR14L174
0412	DPD	6368	353D	\$ 34,547.25	2017	CTPX2113CR14L174
0412	DPD	6368	353C	\$477,741.61	2018	CTPX2113CR14L174
0412	DPD	6368	353D	\$ 23,304.62	2018	CTPX2113CR14L174
0412	DPD	6368	353C	\$489,255.18	2019	CTPX2113CR14L174
0412	DPD	6368	353D	\$ 11,791.05	2019	CTPX2113CR14L174

Section 4. That a master agreement for the purchase of electronic control weapons and related equipment is authorized with Taser International, Inc. for a term of five years in an amount not to exceed \$1,283,564.08.

Section 5. That the Purchasing Agent is authorized, upon appropriate request and documented need by a user department, to issue a purchase order for electronic control weapons and related equipment. If a written contract is required or requested for any or all purchases of electronic control weapons and related equipment under the master agreement instead of individual purchase orders, the City Manager is authorized to execute the contract upon approval as to form by the City Attorney.

Section 6. That the City Controller is authorized to disburse funds to Taser International, Inc. (517440) in an amount not to exceed \$1,283,564.08.

September 24, 2014

Section 7. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

ADDENDUM ITEM # 3

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Charles Cato, 670-9194

MAPSCO: N/A

SUBJECT

Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for the required medical direction services for the period October 1, 2014 through September 30, 2015 - Not to exceed \$167,719 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The terms, conditions and charges for the services to be entered into under the renewed contracts were still being negotiated with University of Texas Southwestern Medical Center when the items were to be mailed by August 29, 2014. Items are critical to Dallas Fire-Rescue's Emergency Response/Medical Services. The current contract ends on September 30, 2014.

State law requires a Medical Director for pre-hospital care delivered by Emergency Medical Service personnel. The Medical Director provides protocols for paramedics to follow and permits paramedics to operate under his/her license.

The current contract, authorized by Resolution No. 13-1555, between the City of Dallas and The University of Texas Southwestern Medical Center provides medical direction services to the City of Dallas.

Section IV of the original contract titled "Terms of Contract" authorizes successive twelve-month renewals, subject to Council approval and funding.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Approved contract for the services of a Medical Director on September 22, 2010, by Resolution No. 10-2362.

Approved contract for the services of a Medical Director on August 24, 2011, by Resolution No. 11-2174.

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

Approved contract for the services of a Medical Director on August 22, 2012, by Resolution No. 12-2088.

Approved contract for the services of a Medical Director on September 11, 2013, by Resolution No. 13-1555.

FISCAL INFORMATION

\$167,719.00 - Current Funds (subject to appropriations)

M/WBE INFORMATION

In accordance with State Law, The University of Texas Southwestern Medical Center at Dallas, strongly supports a Minority Business Enterprise Program consistent with the City's Good Faith Effort Plan.

ETHNIC COMPOSITION

The University of Texas Southwestern Medical Center at Dallas, Department of Allied Health Sciences, Division of Emergency Medicine Education

Full Time

Hispanic Females	1	Hispanic Males	2
Black Females	2	Black Males	0
White Females	5	White Males	13
Other Females	0	Other Males	0

Part Time

Hispanic Females	1	Hispanic Males	2
Black Females	0	Black Males	3
White Females	4	White Males	9
Other Females	1	Other Males	1

OWNER

The University of Texas Southwestern Medical Center at Dallas

Daniel K. Podolsky, M.D., Ph.D., President, UTSWMCD

September 24, 2014

WHEREAS, the City of Dallas Fire-Rescue Department operates the emergency ambulance service for the City; and

WHEREAS, the State legislature enacted legislation requiring guidelines for medical direction/supervision of pre-hospital care delivered by certified Emergency Medical Service (EMS) personnel; and

WHEREAS, State law requires and it is in the best interest of the community to provide a Medical Director to perform the duties as outlined in the above named legislation; and

WHEREAS, the City Council pursuant to Resolution No. 13-1555 authorized a contract with The University of Texas Southwestern Medical Center at Dallas (UTSWMC) to provide the service of a Medical Director; and

WHEREAS, the original contract provides for annual renewal by City Council resolution and funding;

NOW, THEREFORE,

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

SECTION 1. That the City Manager is hereby authorized to renew the contract for the services of a Medical Director with The University of Texas Southwestern Medical Center at Dallas for the period October 1, 2014 through September 30, 2015, after approval as to form by the City Attorney.

SECTION 2. That the City Controller is hereby authorized to disburse funds in an amount not to exceed \$167,719 for services provided by a Medical Director beginning October 1, 2014 through September 30, 2015 from Fund 0001, Dept DFD, Unit ER90, OBJ 3070, Encumbrance DFDER900792, Vendor 904272 contingent upon appropriation of funds in fiscal year 2014-2015.

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

ADDENDUM ITEM # 4

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Charles Cato, 670-9194

MAPSCO: N/A

SUBJECT

Authorize a contract renewal with The University of Texas Southwestern Medical Center at Dallas for in-service training, re-training, and evaluation of City of Dallas paramedic and emergency medical technician-basic personnel for the period October 1, 2014 through September 30, 2015 - Not to exceed \$339,840 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The terms, conditions and charges for the services to be entered into under the renewed contracts were still being negotiated with University of Texas Southwestern Medical Center when the items were to be mailed by August 29, 2014. Items are critical to Dallas Fire-Rescue's Emergency Response/Medical Services. The current contract ends on September 30, 2014.

The continuing education contract provides the City of Dallas with compliance of State laws governing certification of paramedics. State rules require 40 hours of continuing education training annually for paramedics and 18 hours per year for emergency medical technician-Basics. It is recommended that this contract be approved to provide the continuing education training required for Dallas Fire-Rescue (DFR) Department emergency medical response personnel.

The contract is between the City of Dallas and The University of Texas Southwestern Medical Center. The contract is needed to provide continuing education for approximately 968-Dallas Fire-Rescue Department paramedics. Continuing Education Training and Paramedic evaluations are conducted on-site at various fire stations. The University of Texas Southwestern Medical Center has provided continuing education for DFR for over 33 years with satisfactory performance.

BACKGROUND (Continued)

The University of Texas Southwestern Medical Center at Dallas provides part-time services of one emergency medical service supervisor, and five nurse/certified paramedic instructors or certified paramedics to provide continuing education and perform evaluations of certified City of Dallas paramedics and emergency medical technicians, and to make site visits to operational emergency medical units in the field for in-service evaluation and to assist in instruction.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized payment to the Dallas County Community College District for training emergency medical technicians and paramedics for FY 2010 on September 22, 2010, by Resolution No. 10-2360.

Authorized payment to the Dallas County Community College District for training emergency medical technicians and paramedics for FY 2011 on August 24, 2011, by Resolution No. 11-2175.

Authorized payment to the Dallas County Community College District for training emergency medical technicians and paramedics for FY 2012 on August 22, 2012, by Resolution No. 12-2087.

Authorized payment to the Dallas County Community College District for training Emergency medical technicians and paramedics for FY 2014 on August 28, 2013, by Resolution No. 13-1436.

FISCAL INFORMATION

\$339,840.00 - Current Funds (subject to appropriations)

M/WBE INFORMATION

Dallas strongly supports a minority business enterprise program consistent with the City's Good Faith Effort Plan.

The University of Texas Southwestern Medical Center is committed to actively recruiting minority instructors. Every job announcement is advertised to the Black Firefighters Association, the Hispanic Firefighters Association, and the Black Nurse's Association. The University of Texas Southwestern Medical Center employs minority paramedics as part-time instructors. In addition, DFR has assigned a Hispanic male as the EMS Training Coordinator that works directly with the paramedic students.

ETHNIC COMPOSITION

The University of Texas Southwestern Medical Center at Dallas, Department of Allied Health Sciences, Division of Emergency Medicine Education

Full Time

Hispanic Females	1	Hispanic Males	2
Black Females	2	Black Males	0
White Females	5	White Males	13
Other Females	0	Other Males	0

Part Time

Hispanic Females	1	Hispanic Males	2
Black Females	0	Black Males	3
White Females	4	White Males	9
Other Females	1	Other Males	1

OWNER

The University of Texas Southwestern Medical Center at Dallas

Daniel K. Podolsky, M.D., Ph.D., President, UTSWMCD

September 24, 2014

WHEREAS, certified emergency medical technician and paramedics are required by State emergency medical service rules to attend continuing education courses in order to retain their state-issued certification as such; and

WHEREAS, The University of Texas Southwestern Medical Center at Dallas, in cooperation with the City of Dallas, provides a training system which conducts basic and advanced life sciences courses for the continuing education of certified and licensed emergency medical technicians and paramedics; and

WHEREAS, this training system has operated efficiently and effectively; and

WHEREAS, additional professional personnel are currently needed to ensure the safe and efficient operation of training programs; and

WHEREAS, The University of Texas Southwestern Medical Center at Dallas offered to contract with the City of Dallas to provide personnel for the continuing education and evaluation of certified City of Dallas emergency medical technicians and paramedic personnel for the period October 1, 2014 through September 30, 2015.

NOW, THEREFORE,

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

SECTION 1. That the City Manager is hereby authorized to execute a contract with The University of Texas Southwestern Medical Center at Dallas providing the part-time services of one emergency medical service supervisor, and five nurse/certified paramedic instructors or certified paramedics to provide continuing education and perform evaluations of certified City of Dallas paramedics and emergency medical technicians, and to make site visits to operational emergency medical units in the field for in-service evaluation and to assist in instruction for the period October 1, 2014 through September 30, 2015, after approval as to form by the City Attorney.

SECTION 2. That the City Controller is hereby authorized to disburse funds to the University of Texas Southwestern Medical Center at Dallas pursuant to the contract out of Fund 0001, DEPT DFD, UNIT ER90, OBJ 3070, Encumbrance CT DFDER900791, Vendor #904272, not to exceed \$339,840, subject to appropriations.

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

KEY FOCUS AREA: Public Safety

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: Fire

CMO: Charles Cato, 670-9194

MAPSCO: N/A

SUBJECT

Authorize payment to the Dallas County Community College District in the amount of \$126,300 and the University of Texas Southwestern Medical Center at Dallas in the amount of \$183,455 for mandatory Emergency Medical Services training of emergency medical technicians (EMT) basic level and paramedics advanced level for the period October 1, 2014 through September 30, 2015 - Total not to exceed \$309,755 - Financing: Current Funds (subject to appropriations)

BACKGROUND

The terms, conditions and charges for the services to be entered into under the renewed contracts were still being negotiated with University of Texas Southwestern Medical Center when the items were to be mailed by August 29, 2014. Items are critical to Dallas Fire-Rescue's Emergency Response/Medical Services. The current contracts end on September 30, 2014.

The action will provide for payment of tuition for initial EMT and paramedic training, paramedic refresher training and paramedic re-certification testing. This training is provided by the University of Texas Southwestern Medical Center at Dallas through the Dallas County Community College District.

EMT Basic training consists of 215 hours of training at a total cost of \$1,270 for each student, which includes tuition, textbooks, registration and other related fees. Paramedic training consists of 960 hours of training at a total cost of \$2,753 per student, which includes an Anatomy and Physiology course, tuition, textbooks, parking and other related fees.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Payment for FY 2010-2011 was approved on September 22, 2010, by Resolution No. 10-2360.

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

Payment for FY 2011-2012 was approved on August 24, 2011, by Resolution No. 11-2173.

Payment for FY 2012-2013 was approved on August 22, 2012, by Resolution No. 12-2086.

Payment for FY 2013-2014 was approved on September 11, 2013, by Resolution No. 13-1557.

FISCAL INFORMATION

\$309,755.00 - Current Funds (subject to appropriations)

M/WBE INFORMATION

In accordance with State Law, The University of Texas Southwestern Medical Center at Dallas, strongly supports a Minority Business Enterprise Program consistent with the City's Good Faith Effort Plan.

ETHNIC COMPOSITION

The University of Texas Southwestern Medical Center at Dallas, Department of Allied Health Sciences, Division of Emergency Medicine Education

Full Time

Hispanic Females	1	Hispanic Males	2
Black Females	2	Black Males	0
White Females	5	White Males	13
Other Females	0	Other Males	0

Part Time

Hispanic Females	1	Hispanic Males	2
Black Females	0	Black Males	3
White Females	4	White Males	9
Other Females	1	Other Males	1

OWNER

The University of Texas Southwestern Medical Center at Dallas

Daniel K. Podolsky, M.D., Ph.D., President, UTSWMCD

September 24, 2014

WHEREAS, State law requires that emergency medical technicians and paramedics receive training in basic and advanced life science courses; and

WHEREAS, The University of Texas Southwestern Medical Center at Dallas, in cooperation with The Dallas County Community College District, provides a training system which conducts basic and advanced life science courses for the training of emergency medical technicians and paramedics; and

WHEREAS, it is mandatory and in the best interest of the community that such courses continue to be made available to the City to assist in the training, retraining and evaluation of the City of Dallas emergency medical technician and paramedic personnel.

NOW, THEREFORE,

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

Section 1. That the City Manager is hereby authorized to expend funds in an amount not to exceed \$309,755 for tuition payments, registration fees, books, and parking expenses to the Dallas County Community College District and The University of Texas Southwestern Medical Center at Dallas for emergency medical service training of Fire-Rescue Department personnel conducted from October 1, 2014 through September 30, 2015, contingent upon appropriation of funds in fiscal year 2014-15, such funds are to be disbursed on an as-needed, per class basis.

Section 2. That the City Controller is hereby authorized to pay for these services from Fund 0001, Dept DFD, Unit ER90, Object 3070, Encumbrance CT DFDER900789, Vendor #256009 in the amount of \$126,300 and from Fund 0001, Dept DFD, Unit ER90, Obj. 3070, Encumbrance CT DFDER900790, Vendor #904272 in the amount of \$183,455.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 1, 2

DEPARTMENT: Public Works Department

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

MAPSCO: 44Z, 45N, P S T W 54D

SUBJECT

TIGER Modern Streetcar System

- * Authorize **(1)** the acceptance of a grant from the North Central Texas Council of Governments (NCTCOG), functioning as agent for the Texas Department of Transportation (TxDOT), in the amount of \$15,000,000 for the extension of the TIGER Modern Streetcar System which will operate in North Oak Cliff from Methodist Hospital to the Bishop Arts District; **(2)** the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT, in the amount of \$7,872,531 for the extension of the TIGER Modern Streetcar System which will operate in the Central Business District from Union Station to the Omni Hotel; **(3)** the acceptance of a grant from the NCTCOG, functioning as agent for the TxDOT in the amount of \$8,000,000 for the purchase of streetcar vehicles to operate on the expanded modern streetcar system; and **(4)** the establishment of appropriations in the amount of \$30,872,531 - Total not to exceed \$30,872,531 - Financing: This action has no cost consideration to the City
- * Authorize an Interlocal Agreement with Dallas Area Rapid Transit to outline project roles and responsibilities related to design and design support for the northern and southern extensions and the procurement of rail for the southern extension in an amount not to exceed \$3,400,000 - Financing: North Central Texas Council of Governments Grant Funds

BACKGROUND

The Regional Transportation Council (RTC) of the North Central Texas Council of Governments (NCTCOG), reallocated \$30,872,531 in Texas Mobility Funds previously reserved for the Dallas Love Field People Mover Project to extend Dallas' TIGER streetcar project south to the Bishop Arts District and north to the Omni Convention Center Hotel. In addition, \$8,000,000 was awarded for the purchase of two modern streetcars. These projects will extend the base project from 1.6 miles to 2.85 miles.

BACKGROUND (Continued)

These extensions are important to achieving the ultimate goal of linking North Oak Cliff to Uptown. This important link is the foundation for expansion of the streetcar system.

This requested action, if approved will authorize the City Manager to accept funds for three grants from the State of Texas in the amount of \$30,872,531 for the purpose of extending the base streetcar project; will authorize the City Manager to expend \$15,000,000 for the southern extension from Methodist Hospital to the Bishop Arts District; will authorize the City Manager to expend \$7,872,531 for the northern extension from Union Station to the Omni Convention Center Hotel; will authorize the City Manager to expend \$8,000,000 for the purchase of two modern streetcars; will authorize the City Manager to expend \$3,400,000 for design and design support for the northern and southern extensions and the procurement of rail for the southern extension.

Future Council Action will be required to award a contract for construction once DART has bid the project and a vendor has been selected.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On August 4, 2010, City Council authorized the acceptance of \$10M for streetcar development; an Interlocal Agreement between NCTCOG and DART to detail roles and responsibilities, and Interlocal Agreement with DART to establish a purchasing program for goods and services, by Resolution No. 10-1921.

On April 27, 2011, City Council authorized an Interlocal Agreement with the NCTCOG and Dallas Area Rapid Transit to detail agency roles and responsibilities related to the financial commitment for operation and maintenance of the TIGER Streetcar Project, by Resolution No. 11-1185.

On April 11, 2012, City Council authorized an Interlocal Agreement with the NCTCOG and Dallas Area Rapid Transit related to roles and responsibilities related to procurement and financial matters for implementation of the TIGER Streetcar Project, by Resolution No. 12-1041.

On August 8, 2012, City Council authorized the acceptance of \$5,800,000 from the NCTCOG for the development of the TIGER Streetcar Project, by Resolution No. 12-1921.

On February 13, 2013, City Council authorized the acceptance of a Federal Transit Administration Grant through the NCTCOG of \$26,000,000 for the TIGER Streetcar Project, by Resolution No. 13-0312.

FISCAL INFORMATION

North Central Texas Council of Governments Grant Funds - \$30,872,531

<u>Council District</u>	<u>Amount</u>
1	\$19,000,000
2	<u>\$11,872,531</u>
Total	\$30,872,531

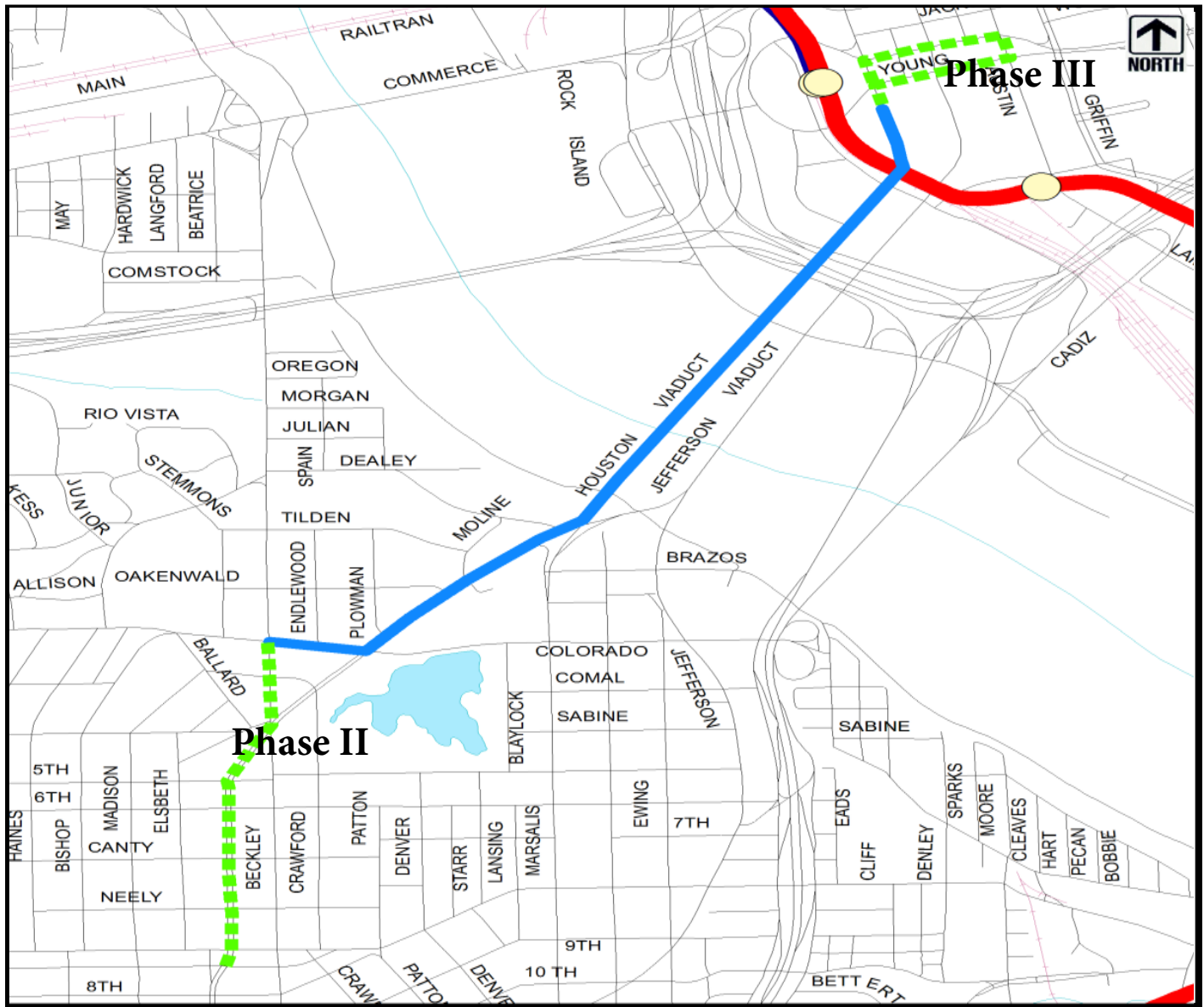
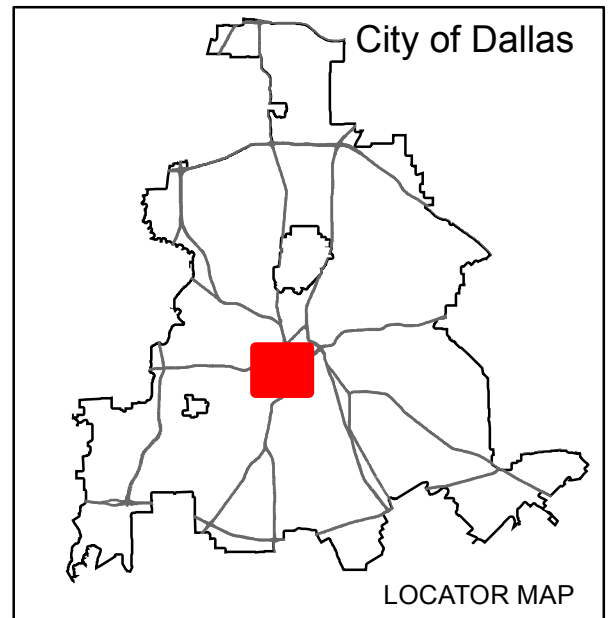
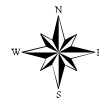
MAP

Attached.

Dallas Modern Streetcar Extensions Phases II & III

Districts: 1, 2

MAPSCO: 44Z; 45N,P,S,T,W; 54D



September 24, 2014

WHEREAS, the City, DART and the North Central Texas Council of Governments (NCTCOG) entered into agreements related to the funding, environmental process, and implementation of the Dallas Union Station to Oak Cliff Streetcar Project, also referred to as the Dallas Tiger-Funded Modern Streetcar Project; and

WHEREAS, the City has been awarded funding for design and construction to extend the Union Station to Oak Cliff Streetcar Project south to the Bishop Arts District (Extension One), and north to near the Dallas Convention Center Hotel (Extension Two), and for procurement of rail for Extension One, collectively referred to as the "Project"; and

WHEREAS, the City of Dallas is the recipient of three grants totaling \$30,872,531 from the North Central Texas Council of Governments for the extension of the base streetcar line an additional 1.25 miles and the purchase of two modern streetcar vehicles; and

WHEREAS, the Project is anticipated to be funded in an amount not to exceed \$30,872,531 using Texas Mobility Funds reallocated by the Regional Transportation Council and the Texas Transportation Commission for this purpose; and

Now, Therefore,

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

SECTION 1. The following approval as to form by the City Attorney, the City Manager is authorized to accept a \$30,872,531 grant from the North Central Texas Council of Governments (NCTCOG), funded by the Federal Highway Administration CFDA #20.205, through the Texas Department of Transportation (TxDOT), for the development of the northern and southern extensions to the Phase I of the TIGER Streetcar Project; and for the purchase of two (2) modern streetcar vehicles.

SECTION 2. That the City Controller is hereby authorized to receive and deposit NCTCOG grant funds in Fund F437, Dept. PBW, Unit 1683, Revenue Source 6506, in the amount of \$15,000,000 for CSJ 0918-47-086.

SECTION 3. That the City Controller is hereby authorized to receive and deposit NCTCOG grant funds in Fund F437, Dept. PBW, Unit 1684, Revenue Source 6506, in the amount of \$7,872,531 for CSJ 0918-47-087.

September 24, 2014

SECTION 4. That the City Controller is hereby authorized to receive and deposit NCTCOG grant funds in Fund F437, Dept. PBW, Unit 1685, Revenue Source 6506, in the amount of \$8,000,000 for CSJ 0918-47-088.

SECTION 5. That the City Manager is hereby authorized to establish appropriations in Fund F437, Dept. PBW, Unit 1683, Object Code 4599, in an amount not to exceed \$15,000,000.

SECTION 6. That the City Manager is hereby authorized to establish appropriations in Fund F437, Dept. PBW, Unit 1684, Object Code 4599, in an amount not to exceed \$7,872,531.

SECTION 7. That the City Manager is hereby authorized to establish appropriations in Fund F437, Dept. PBW, Unit 1685, Object Code 4740, in an amount not to exceed \$8,000,000.

SECTION 8. That the City Manager is hereby authorized to reimburse to the North Texas Council of Governments any expenditure identified as ineligible. The City Manager shall notify the appropriate City Council Committee of expenditures identified as ineligible not later than 30 days after the reimbursement.

SECTION 9. That the City Manager shall keep the appropriate City Council Committee informed of all final granting agency monitoring reports not later than 30 days after the receipt of the report.

SECTION 10. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

September 24, 2014

WHEREAS, the City, Dallas Area Rapid Transit (DART) and North Central Texas Council of Governments (NCTCOG) entered into agreements related to the funding, environmental process, and implementation of the Dallas Union Station to Oak Cliff Streetcar Project, also referred to as the Dallas Tiger-Funded Modern Streetcar Project; and

WHEREAS, the City has identified funding for design services, design support during construction to extend the Union Station to Oak Cliff Streetcar Project south to the Bishop Arts District ("Extension One"), and north to near the Dallas Convention Center Hotel ("Extension Two"), and for procurement of rail for Extension One, collectively referred to as the "Project"; and

WHEREAS, the City of Dallas is the recipient of three grants totaling \$30,872,531 from the North Central Texas Council of Governments for the extension of the base streetcar line an additional 1.25 miles and the purchase of two modern streetcar vehicles; and

WHEREAS, the Project is anticipated to be funded in an amount not to exceed \$30,872,531 using Texas Mobility Funds reallocated by the Regional Transportation Council and the Texas Transportation Commission for this purpose; and

WHEREAS, DART, as a regional transportation authority is experienced in the planning and design of transit services and can assist the City in the procurement, design and implementation of the Project; and

WHEREAS, the City and DART desire to enter into an agreement regarding the Parties' duties and responsibilities for design services and design support during construction for Extensions One and Two, and for procurement of rail for Extension One.

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 authorized to execute an Interlocal Agreement with DART to establish project roles and responsibilities related to design and design support for the northern and southern extensions and the procurement of rail for the southern extension.

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

North Central Texas Council of Governments Grant Fund
Fund F437, Dept. PBW, Unit 1683
Obj. 4599, Program No. PBPRF437, CT PBWPRF437L1
Vendor No. 232802, in an amount not to exceed

\$3,400,000

September 24, 2014

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 8

DEPARTMENT: Public Works Department
Office of Economic Development
Water Utilities

CMO: Jill A. Jordan, P.E., 670-5299
Ryan S. Evans, 671-9837
Mark McDaniel, 670-3256

MAPSCO: 76H K L M N

SUBJECT

Authorize an amendment to Resolution No. 14-1081, previously approved on June 25, 2014, to terminate assignment of the contract to Ridge South Dallas I, LLC for construction administration during the construction of a new bridge, street paving, storm drainage, and water pipeline improvements for Telephone Road, from S. H. 342 to Bonnie View Road, Phase II project – Financing: No cost consideration to the City

BACKGROUND

The City has committed to complete the project improvements as soon as possible for Ridge South Dallas I, LLC and L'Oreal USA, which is the developer and end user of the site. It was planned to award the construction contract and immediately assign it to the developer for construction administration, but a company reorganization and costs associated with hiring a construction manager has resulted in the company relinquishing that task back to the City. Our current plan is to let City staff carry out the construction administration as it is done for all typical City Public Works projects.

This item will amend Resolution No. 14-1081, to delete the assignment of the construction administration to Ridge South Dallas I, LLC for the Telephone Road from S. H. 342 to Bonnie View Road, Phase II project. Ridge South Dallas I, LLC, which was the construction administrator on Telephone Road, Phase I improvements, intended to handle construction administration for Phase II, but a company reorganization and costs associated with hiring a construction manager has resulted in the company relinquishing construction administration back to the City. As such, construction administration will be carried out by City staff, as is typical with Public Works projects.

All other provisions authorized by Resolution No. 14-1081 remain in full force and effect.

ESTIMATED SCHEDULE OF PROJECT

Began Design	October 2010
Completed Design	April 2014
Begin Construction	November 2014
Complete Construction	January 2016

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

Authorized a Development Agreement with Ridge South Dallas I, LLC on June 25, 2008, by Resolution No. 08-1871.

Authorized a professional services contract with APM & Associates, Inc. on October 13, 2010, by Resolution No. 10-2595.

Authorized a property tax abatement agreement with Ridge South Dallas I, LLC on September 26, 2012, by Resolution No. 12-2395.

Authorized a Chapter 380 economic development grant agreement with L'Oreal USA S/D, Inc. on September 26, 2012, by Resolution No. 12-2396.

Authorized an infrastructure cost participation agreement with Ridge South Dallas I, LLC on September 26, 2012, by Resolution No. 12-2397.

Authorized a construction contract with Tiseo Paving Company on December 12, 2012, by Resolution No. 12-3056.

Authorized a construction contract with S. J. Louis Construction of Texas, Ltd. on June 25, 2014, by Resolution No. 14-1081.

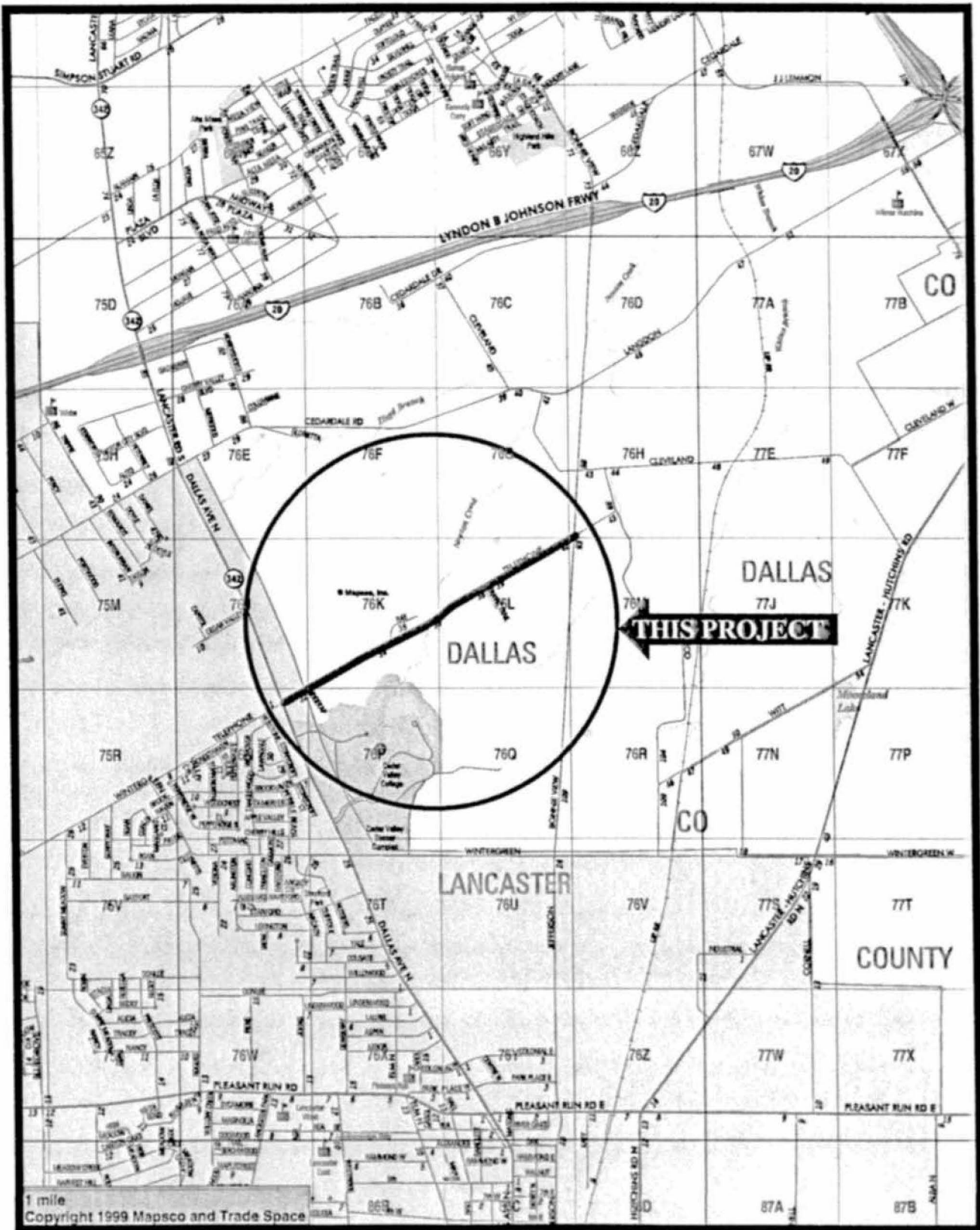
FISCAL INFORMATION

No cost consideration to the City.

MAP

Attached.

THOROUGHFARE IMPROVEMENTS TELEPHONE ROAD FROM S. H. 342 TO BONNIE VIEW ROAD



MAPSCO 76H,K,L,M,N

September 24, 2014

WHEREAS, on June 25, 2008, Resolution No. 08-1871 authorized a Development Agreement with Ridge South Dallas I, LLC for the construction of certain public and private improvements supporting the development of Ridge Logistics Center and Telephone Road in the City of Dallas; and,

WHEREAS, on October 13, 2010, Resolution No. 10-2595 authorized a professional services contract with APM & Associates, Inc. for the engineering design of thoroughfare improvements on Telephone Road from Bonnie View Road to Dallas Avenue; and,

WHEREAS, on September 26, 2012, Resolution No. 12-2395 authorized a real property tax abatement agreement with Ridge South Dallas I, LLC for the added value on real property improvements located within a Texas Enterprise Zone; and,

WHEREAS, on September 26, 2012, Resolution No. 12-2396 authorized a Chapter 380 economic development grant agreement with L'Oreal USA S/D, Inc. related to the construction of its new distribution facility and job creation near Telephone Road and Dallas Avenue; and,

WHEREAS, on September 26, 2012, Resolution No. 12-2397 authorized an infrastructure cost participation agreement with Ridge South Dallas I, LLC in order to promptly complete the contemplated public improvements and to facilitate the new private development in the area; and,

WHEREAS, on December 12, 2012, Resolution No. 12-3056 authorized a construction contract with Tiseo Paving Company for the construction of thoroughfare and water main improvements for Telephone Road, Phase 1 in the amount of \$2,833,173.47; and,

WHEREAS, bids were received on May 22, 2014, for the construction of street paving, bridge, storm drainage and water main improvements for Telephone Road from S. H. 342 to Bonnie View Road, Phase II; and,

WHEREAS, on June 25, 2014, Resolution No. 14-1081 authorized a contract for the construction of street paving, bridge, storm drainage and water main improvements for Telephone Road from S. H. 342 to Bonnie View Road, Phase II in the amount of \$10,335,396.65; and,

WHEREAS, it is now necessary to authorize an amendment to Resolution No. 14-1081, previously approved on June 25, 2014, to terminate assignment to the contract to Ridge South Dallas I, LLC for construction administration during the construction of a new bridge, street paving, storm drainage, and water pipeline improvements for Telephone Road from S. H. 342 to Bonnie View Road, Phase II.

September 24, 2014

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. 14-1081, previously approved on June 25, 2014, to terminate assignment of the contract to Ridge South Dallas I, LLC for construction administration during the construction of a new bridge, street paving, storm drainage, and water pipeline improvements for Telephone Road, from S. H. 342 to Bonnie View Road, Phase II, after it has been approved as to form by the City Attorney.

Section 2. All other provisions authorized by Resolution No. 14-1081 remain in full force and effect.

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

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Ryan S. Evans, 671-9837
Willis Winters, 670-4071

MAPSCO: 37R

SUBJECT

Authorize acquisition from Dallas Arboretum & Botanical Society, Inc. of approximately 7,500 square feet of land improved with a vacant building located near the intersection of Garland Road and Timplemore Drive for Dallas Arboretum and Botanical Society – 8626 Garland Road Project - Not to exceed \$90,800 (\$89,100, plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 7,500 square feet of land improved with a vacant building located near the intersection of Garland Road and Timplemore Drive from Dallas Arboretum & Botanical Society, Inc. This property will be used for future support facilities for arboretum operations. The consideration is based on an independent appraisal.

The Dallas Arboretum & Botanical Society, Inc. purchased this property in March of 2012 on behalf of the City of Dallas. The Park and Recreation Department desires to expedite the acquisition and reimbursement to Dallas Arboretum & Botanical Society, Inc.

This acquisition will have no impact on the City's operation and maintenance budget as it will be maintained by the Dallas Arboretum & Botanical Society, Inc. under their existing contract with the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - \$90,800 (\$89,100, plus closing costs and title expenses not to exceed \$1,700)

OWNER

Dallas Arboretum & Botanical Society, Inc.

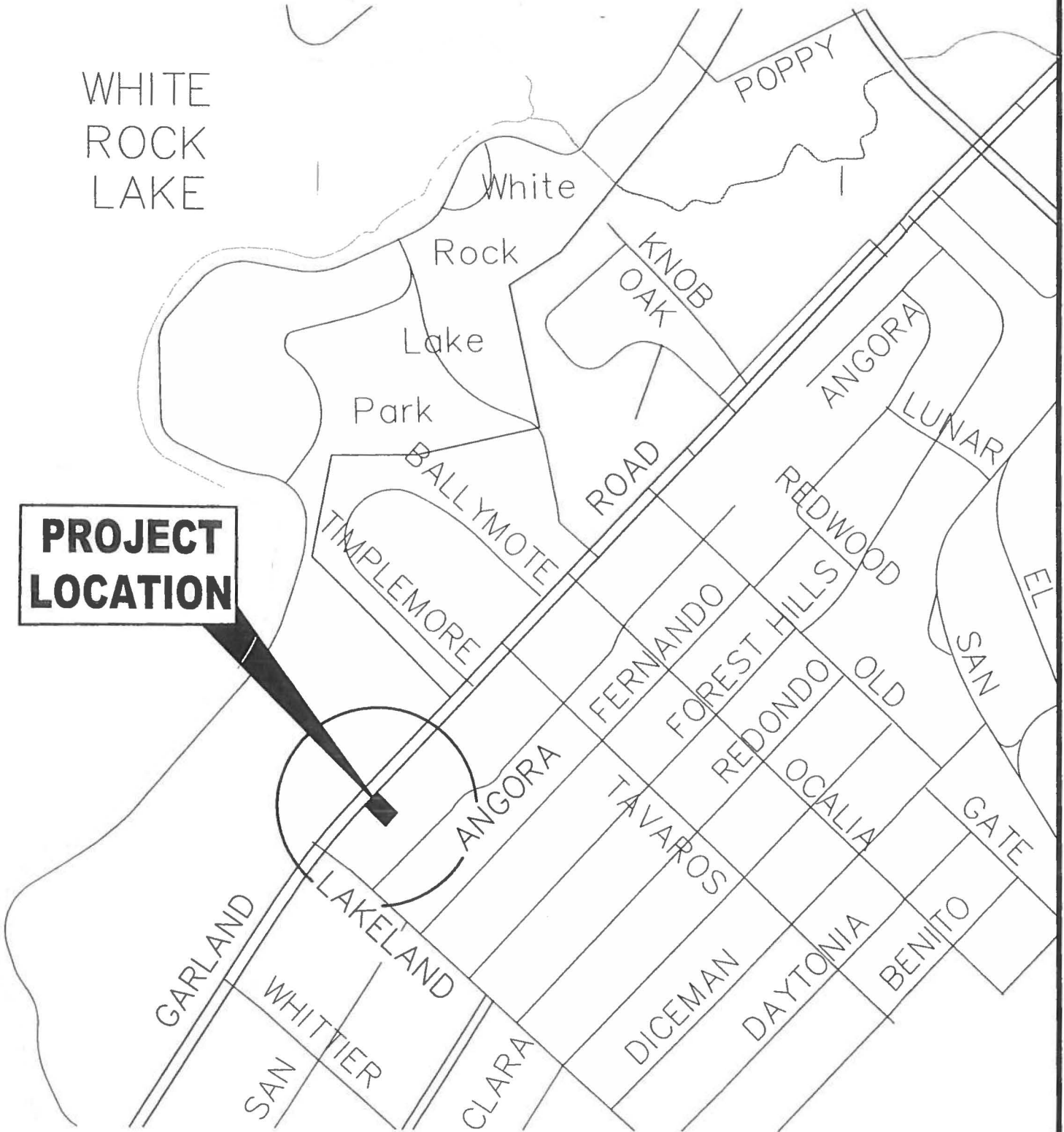
Mary Brinegar, President/Chief Executive Officer

MAP

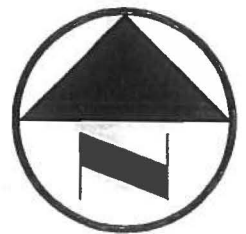
Attached

WHITE
ROCK
LAKE

**PROJECT
LOCATION**



LOCATOR MAP



NOT TO SCALE

September 24, 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 7,500 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": Dallas Arboretum and Botanical Society – 8626 Garland Road

"USE": Future support facilities for Dallas Arboretum operations 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".

"OWNER": Dallas Arboretum and Botanical Society, Inc., 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": \$89,100

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700

"AUTHORIZED AMOUNT": Not to exceed \$90,800

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.

September 24, 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 payable out of 2006 Bond Funds: \$89,100, Fund No.1T00, Department PKR, Unit T005, Activity DABS, Program No. PK06T005, Object 4210, Encumbrance No. PKR14019463 and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$1,700, Fund No.1T00, Department PKR, Unit T005, Activity DABS, Program No. PK06T005, Object 4230, Encumbrance No. PKR14019463. 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

8626
Garland

Field Notes Describing a 7,500 Square Foot (0.1722 Acre) Tract of Land To Be Acquired From Dallas Arboretum & Botanical Society, Inc. Situated in Block 1/5222, Official City of Dallas Block Numbers and Being Part of Lot 7, Block 1, "Lake Crest" Addition

Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

DESCRIPTION, of a 7,500 square foot (0.1722 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas and in Block 1/5222, Official City of Dallas Block Numbers; said tract being part of Lot 7, Block 1, "Lake Crest" Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas and part of that certain tract of land described in Special Warranty Deed to Dallas Arboretum & Botanical Society, Inc. recorded in Instrument No. 201200089078 of the Official Public Records of Dallas County, Texas; said 7,500 square foot (0.1722 acre) tract being more particularly described as follows:

BEGINNING, at a 1/2-inch iron rod with "TXHS" cap found (controlling monument) in the northwest right-of-way line of a 15-foot wide alley (Volume 3, Page 296) across said Block 1/5222; said point being the easternmost corner of Lot 6 of said Block 1/5222 and the southernmost corner of said Lot 7;

THENCE, North 45 degrees, 08 minutes, 57 seconds West, departing the northwest line of said alley and along the northeast line of said Lot 6 and the southwest line of said Lot 7, a distance of 150.00 feet to a "+" cut in concrete found (controlling monument) in the southeast right-of-way line of Garland Road (State Highway No. 78, a variable width right-of-way formerly known as Bankhead Highway, by use and occupation and Volume 1779, Page 617 of the Deed Records of Dallas County, Texas);

THENCE, North 45 degrees, 00 minutes, 00 seconds East, departing the said northeast line of Lot 6 and the said southwest line of Lot 7 and along the said southeast line of Garland Road, a distance of 50.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set in the northeast line of said Lot 7 and the southwest line of Lot 8 of said Block 1/5222;

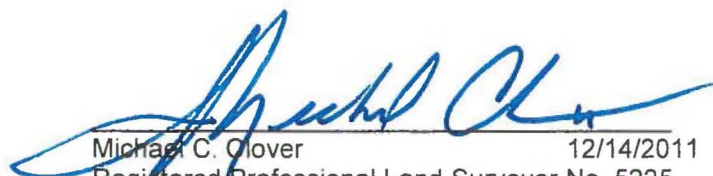
THENCE, South 45 degrees, 08 minutes, 57 seconds East, departing the said southeast line of Garland Road and along the said northeast line of Lot 7 and the said southwest line of Lot 8, a distance of 150.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set in the northwest line of said alley; said point being the easternmost corner of said Lot 7 and the southernmost corner of said Lot 8;

THENCE, South 45 degrees, 00 minutes, 00 seconds West, along the northwest line of said alley and the southeast line of said Lot 7, a distance of 50.00 feet to the POINT OF BEGINNING; containing 7,500 square feet or 0.1722 acres of land.

BASIS OF BEARINGS: Bearings are based on a bearing of North 45 degrees, 00 minutes, 00 seconds East for the southeast right-of-way line of Garland Road according to the plat of "Lake Crest" Addition, an addition to the City of Dallas, Texas recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.

(A survey plat of even survey date herewith accompanies this description.)


Michael C. Clover 12/14/2011

Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

TX Reg. Surveying Firm LS-100080-00
1214-11.353
1214-11.353 doc jsa

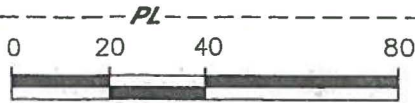
REVISED: 07/17/2013



LOT 1, BLOCK A/4411 DALLAS ARBORETUM & BOTANICAL GARDEN
(VOL. 89020, PG. 2034)

LEGEND

----- ADJOINING PROPERTY LINE
----- SUBJECT PROPERTY LINE
(C.M.) - CONTROLLING MONUMENT



GRAPHIC SCALE IN FEET



GARLAND ROAD
(STATE HIGHWAY NO. 78)

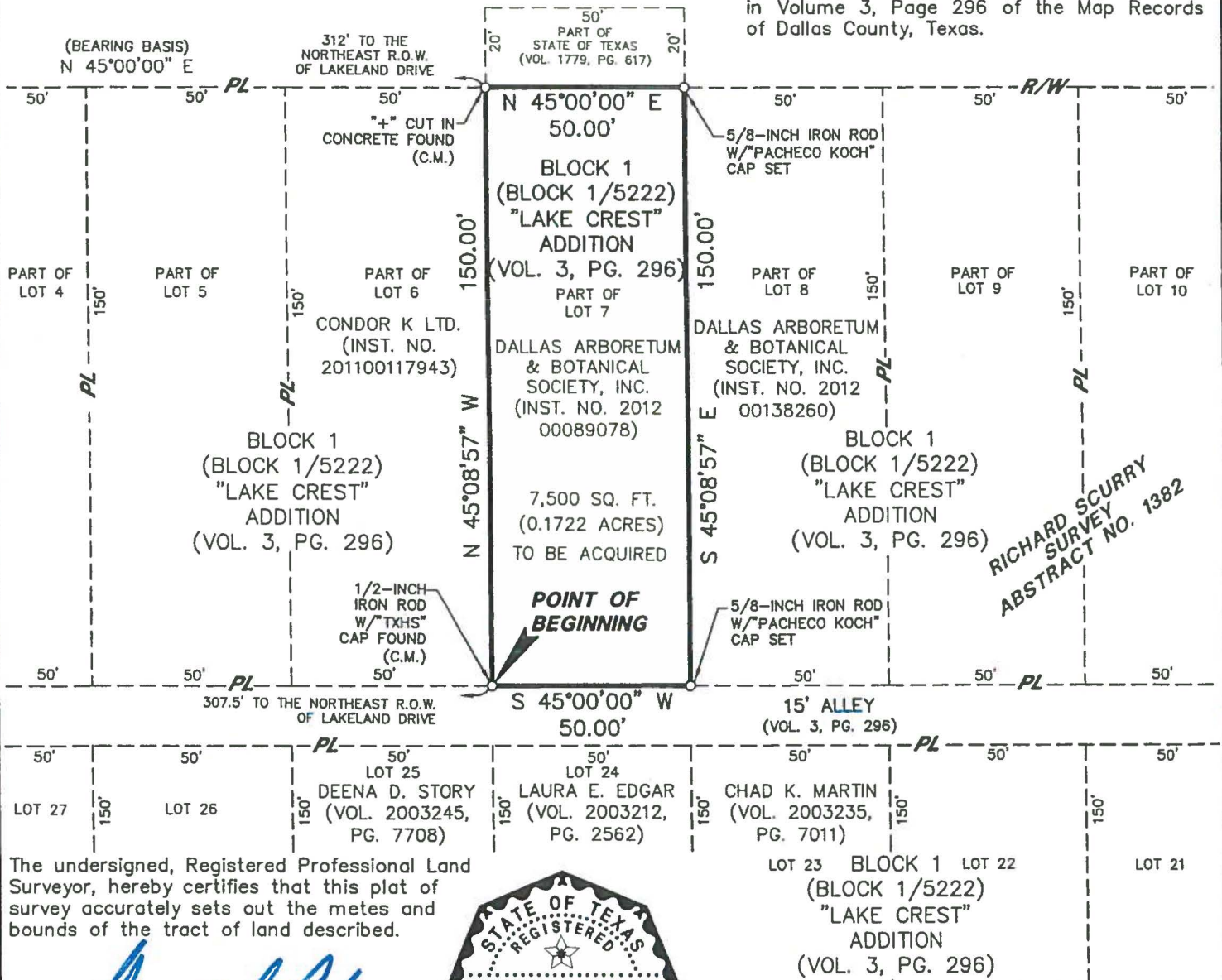
(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)
(BY USE AND OCCUPATION &
VOL. 1779, PG. 617)

FIELD NOTES APPROVED:

DEC 7-26-13

NOTES:

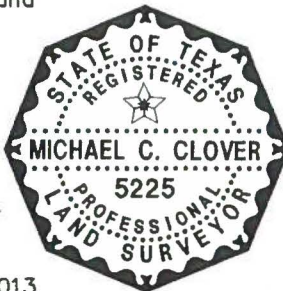
1. A metes and bounds description of even survey date herewith accompanies this plat of survey.
2. Bearing system for this survey is based on a bearing of North 45°00'00" East for the southeast right-of-way line of Garland Road according to the plat of Lake Crest, an addition to the City of Dallas, Texas recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas.



RICHARD SCURRY
SURVEY
ABSTRACT NO. 1382

The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

Michael C. Clover
Registered Professional
Land Surveyor No. 5225 REVISED 07/17/2013



**7,500 SQUARE FOOT
(0.1722) ACRE TRACT**

PART OF LOT 7, BLOCK 1,
"LAKE CREST" ADDITION,
CITY OF DALLAS BLOCK NO. 1/5222,
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
PAGE 2 OF 2

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
DALLAS ■ FORT WORTH ■ HOUSTON TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
MWW	MCC	1"=40'	DEC. 2011	1214-11.353

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 Dallas Arboretum & Botanical Society, Inc, a Texas non profit corporation (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 EIGHTY NINE THOUSAND ONE HUNDRED AND 00/100 DOLLARS (\$89,100.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None"

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

EXECUTED this _____ day of _____, _____.

Dallas Arboretum & Botanical Society, Inc. a Texas non-profit corporation

By _____
Mary Brinegar, President and CEO

* * * * *

STATE OF TEXAS '
COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
By Mary Brinegar, President and CEO of Dallas Arboretum & Botanical Society, Inc. a
Texas non-profit corporation on behalf of said corporation.

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: Shaun Davis

Warranty Deed Log No. 40241

862 b
Garland

Field Notes Describing a 7,500 Square Foot (0.1722 Acre) Tract of Land To Be Acquired From Dallas Arboretum & Botanical Society, Inc. Situating in Block 1/5222, Official City of Dallas Block Numbers and Being Part of Lot 7, Block 1, "Lake Crest" Addition

Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

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BEGINNING, at a 1/2-inch iron rod with "TXHS" cap found (controlling monument) in the northwest right-of-way line of a 15-foot wide alley (Volume 3, Page 296) across said Block 1/5222; said point being the easternmost corner of Lot 6 of said Block 1/5222 and the southernmost corner of said Lot 7;

THENCE, North 45 degrees, 08 minutes, 57 seconds West, departing the northwest line of said alley and along the northeast line of said Lot 6 and the southwest line of said Lot 7, a distance of 150.00 feet to a "+" cut in concrete found (controlling monument) in the southeast right-of-way line of Garland Road (State Highway No. 78, a variable width right-of-way formerly known as Bankhead Highway, by use and occupation and Volume 1779, Page 617 of the Deed Records of Dallas County, Texas);

THENCE, North 45 degrees, 00 minutes, 00 seconds East, departing the said northeast line of Lot 6 and the said southwest line of Lot 7 and along the said southeast line of Garland Road, a distance of 50.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set in the northeast line of said Lot 7 and the southwest line of Lot 8 of said Block 1/5222;

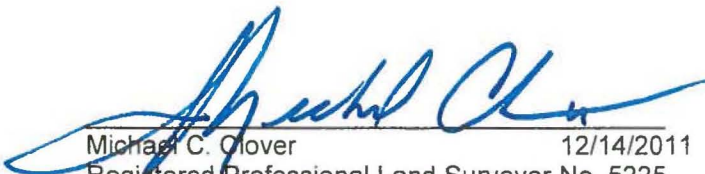
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THENCE, South 45 degrees, 00 minutes, 00 seconds West, along the northwest line of said alley and the southeast line of said Lot 7, a distance of 50.00 feet to the POINT OF BEGINNING; containing 7,500 square feet or 0.1722 acres of land.

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(A survey plat of even survey date herewith accompanies this description.)


Michael C. Clover 12/14/2011

Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

TX Reg. Surveying Firm LS-100080-00
1214-11.353
1214-11.353.doc jsa

REVISED: 07/17/2013



FIELD NOTES APPROVED:
DER 7-26-13

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 9

DEPARTMENT: Sustainable Development and Construction
Park & Recreation

CMO: Ryan S. Evans, 671-9837
Willis Winters, 670-4071

MAPSCO: 37R

SUBJECT

Authorize acquisition from Dallas Arboretum & Botanical Society, Inc. of approximately 7,500 square feet of land improved with a vacant building located near the intersection of Garland Road and Timplemore Drive for Dallas Arboretum and Botanical Society – 8630 Garland Road Project - Not to exceed \$94,000 (\$92,300, plus closing costs and title expenses not to exceed \$1,700) - Financing: 2006 Bond Funds

BACKGROUND

This item authorizes the acquisition of approximately 7,500 square feet of land improved with a vacant building located near the intersection of Garland Road and Timplemore Drive from Dallas Arboretum & Botanical Society, Inc. This property will be used for future support facilities for arboretum operations. The consideration is based on an independent appraisal.

The Dallas Arboretum & Botanical Society, Inc. purchased this property in March of 2012 on behalf of the City of Dallas. The Park and Recreation Department desires to expedite the acquisition and reimbursement to Dallas Arboretum & Botanical Society, Inc.

This acquisition will have no impact on the City's operation and maintenance budget as it will be maintained by the Dallas Arboretum & Botanical Society, Inc. under their existing contract with the City.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

2006 Bond Funds - \$94,000 (\$92,300, plus closing costs and title expenses not to exceed \$1,700)

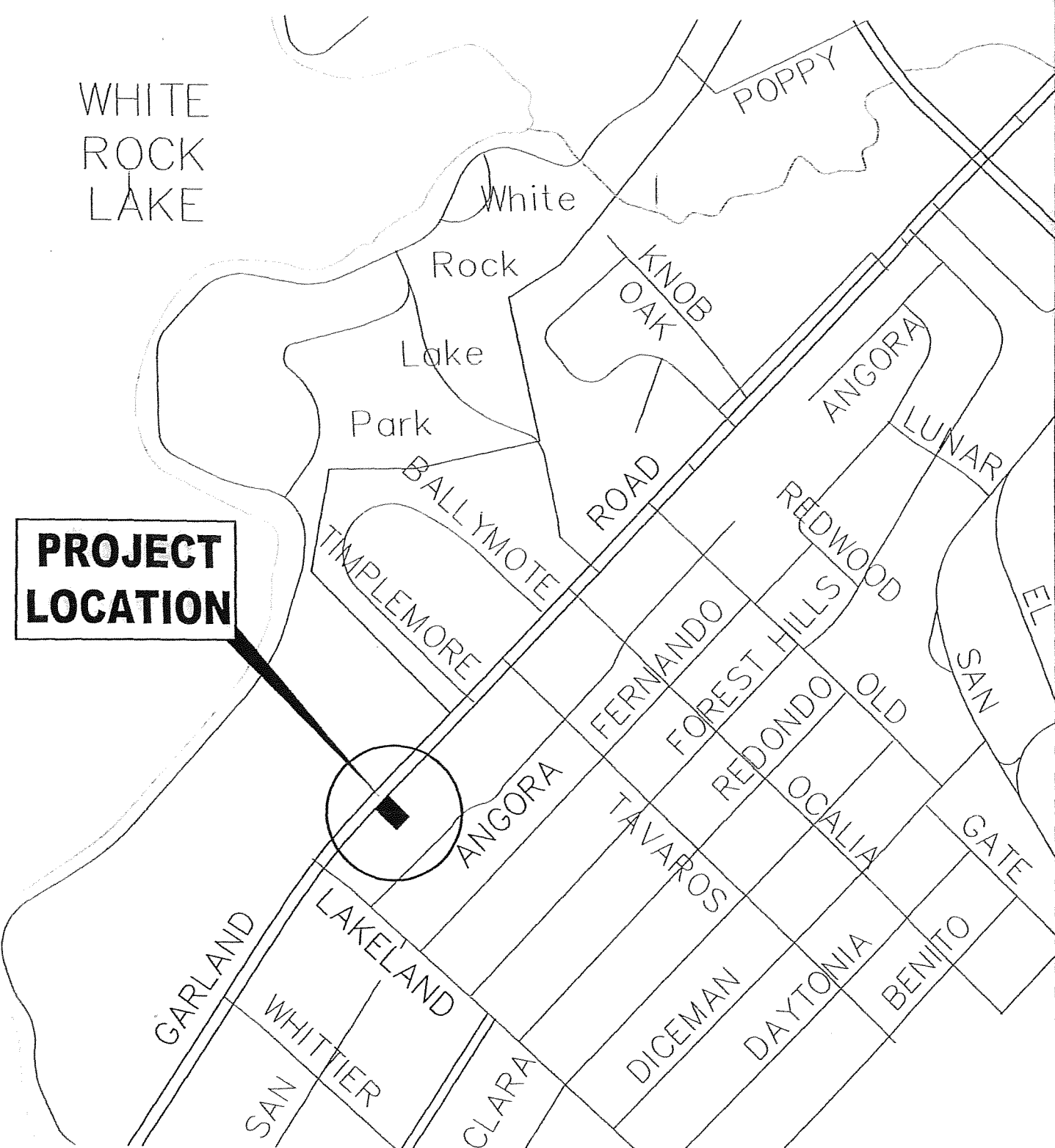
OWNER

Dallas Arboretum & Botanical Society, Inc.

Mary Brinegar, President/Chief Executive Officer

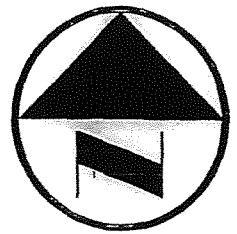
MAP

Attached



**PROJECT
LOCATION**

LOCATOR MAP



NOT TO SCALE

September 24, 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:

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"PROPERTY": Approximately 7,500 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": Dallas Arboretum and Botanical Society – 8630 Garland Road

"USE": Future support facilities for Dallas Arboretum operations 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".

"OWNER": Dallas Arboretum and Botanical Society, Inc., 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": \$92,300

"CLOSING COSTS AND TITLE EXPENSES": Not to exceed \$1,700

"AUTHORIZED AMOUNT": Not to exceed \$94,000

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.

September 24, 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 payable out of 2006 Bond Funds: \$92,300, Fund No.1T00, Department PKR, Unit T005, Activity DABS, Program No. PK06T005, Object 4210, Encumbrance No. PKR14019464 and CLOSING COSTS AND TITLE EXPENSES payable out of 2006 Bond Funds: \$1,700, Fund No.1T00, Department PKR, Unit T005, Activity DABS, Program No. PK06T005, Object 4230, Encumbrance No. PKR14019464. 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 7,500 Square Foot (0.1722 Acre) Tract of Land
To Be Acquired From Dallas Arboretum & Botanical Society, Inc.
Situated in Block 1/5222, Official City of Dallas Block Numbers and
Being Part of Lot 8, Block 1, "Lake Crest" Addition

Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

8630 Garland
EXHIBIT A

DESCRIPTION, of a 7,500 square foot (0.1722 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas and in Block 1/5222, Official City of Dallas Block Numbers; said tract being part of Lot 8, Block 1, "Lake Crest" Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas and part of that certain tract of land described in General Warranty Deed to Dallas Arboretum & Botanical Society, Inc. recorded in Instrument No. 201200138260 of the Official Public Records of Dallas County, Texas; said 7,500 square foot (0.1722 acre) tract being more particularly described as follows:

BEGINNING, at a 3/8-inch iron rod found in the northwest right-of-way line of a 15-foot wide alley (Volume 3, Page 296) across said Block 1/5222; said point being the easternmost corner of Lot 7 of said Block 1/5222 and the southernmost corner of said Lot 8;

THENCE, North 45 degrees, 08 minutes, 57 seconds West, departing the northwest line of said alley and along the northeast line of said Lot 7 and the southwest line of said Lot 8, a distance of 150.00 feet to a 3/8-inch iron pipe found (controlling monument) in the southeast right-of-way line of Garland Road (State Highway No. 78, a variable width right-of-way formerly known as Bankhead Highway, by use and occupation and Volume 1779, Page 617 of the Deed Records of Dallas County, Texas);

THENCE, North 45 degrees, 00 minutes, 00 seconds East, departing the said northeast line of Lot 7 and the said southwest line of Lot 8 and along the said southeast line of Garland Road, a distance of 50.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set in the northeast line of said Lot 8 and the southwest line of Lot 9 of said Block 1/5222;

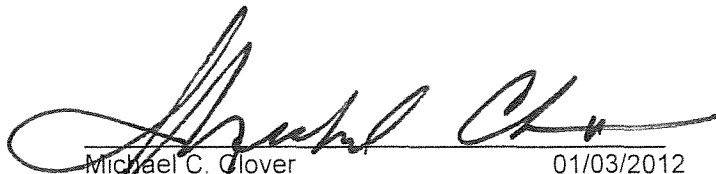
THENCE, South 45 degrees, 08 minutes, 57 seconds East, departing the said southeast line of Garland Road and along the said northeast line of Lot 8 and the said southwest line of Lot 9, a distance of 150.00 feet to a 5/8-inch iron rod with illegible cap found (controlling monument) in the northwest line of said alley; said point being the easternmost corner of said Lot 8 and the southernmost corner of said Lot 9;

THENCE, South 45 degrees, 00 minutes, 00 seconds West, along the northwest line of said alley and the southeast line of said Lot 8, a distance of 50.00 feet to the POINT OF BEGINNING; containing 7,500 square feet or 0.1722 acres of land.

BASIS OF BEARINGS: Bearings are based on a bearing of North 45 degrees, 00 minutes, 00 seconds East for the southeast right-of-way line of Garland Road according to the plat of "Lake Crest" Addition, an addition to the City of Dallas, Texas recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.

(A survey plat of even survey date herewith accompanies this description.)



Michael C. Clover 01/03/2012
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031
TX Reg. Surveying Firm LS-100080-00
1214-11.389
1214-11.389EX1.doc jsa

REVISED: 07/17/2013



FIELD NOTES APPROVED:

PER 7-26-13

EXHIBIT 4 923-42

----- ADJOINING PROPERTY LINE
 _____ SUBJECT PROPERTY LINE
 (C.M.) - CONTROLLING MONUMENT



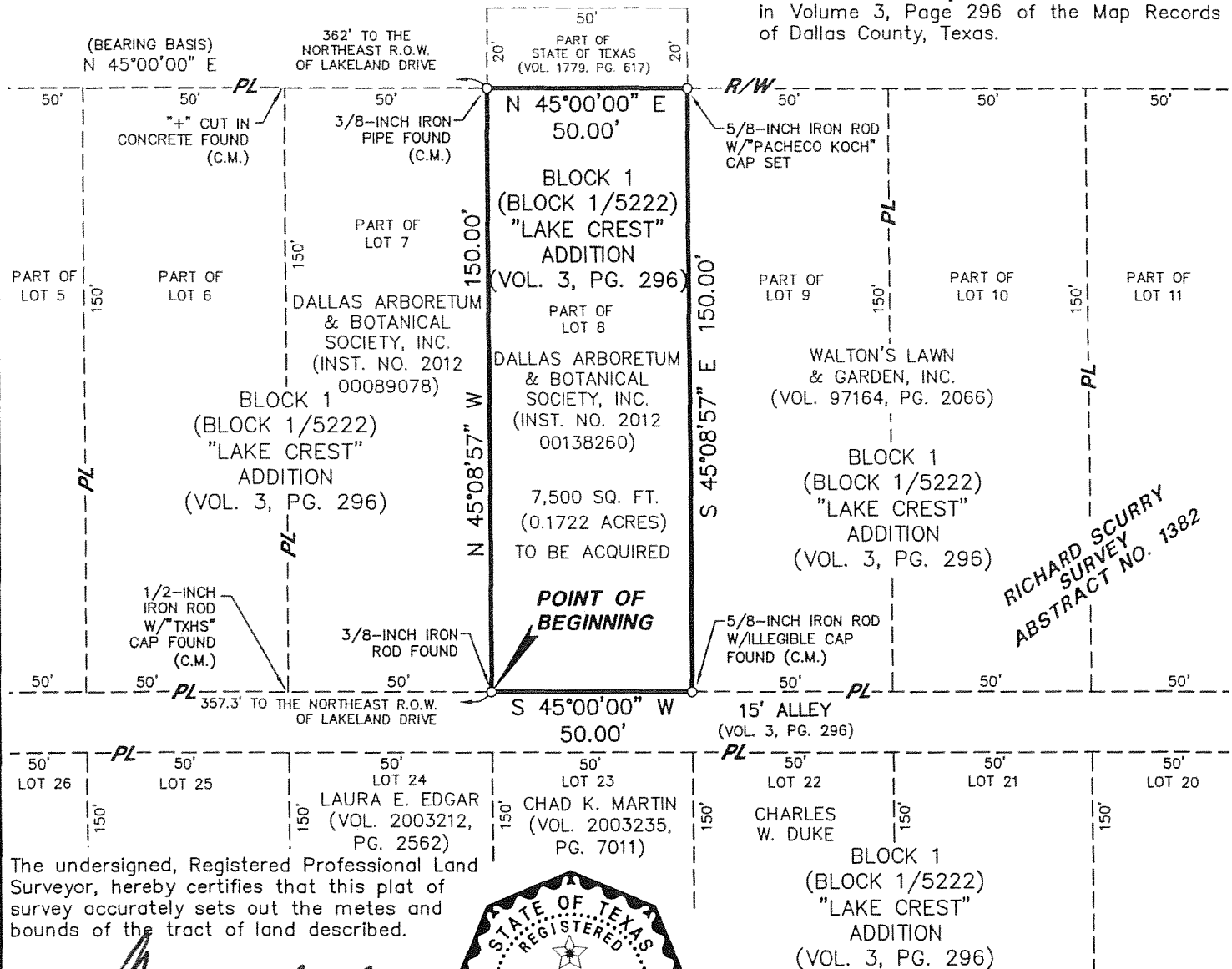
7-26-13



(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)

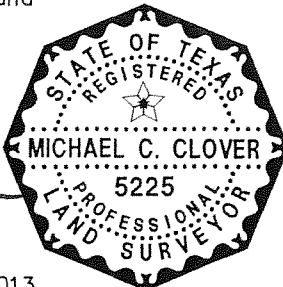
1. A metes and bounds description of even survey date herewith accompanies this plat of survey.

2. Bearing system for this survey is based on a bearing of North 45°00'00" East for the southeast right-of-way line of Garland Road according to the plat of Lake Crest, an addition to the City of Dallas, Texas recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas.



The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

Michael C. Glover 01/03/2012
Registered Professional
Land Surveyor No. 5225 REVISED 07/17/2013



**7,500 SQUARE FOOT
[0.1722] ACRE TRACT**

PART OF LOT 8, BLOCK 1,
"LAKE CREST" ADDITION,
CITY OF DALLAS BLOCK NO. 1/5222,
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
PAGE 2 OF 2

M: \DWG-12\1214-11.389\DWG\SURVEY\1214-11.389EX1.DWG

07/17/2013 - 6:22PM

ACLOVER

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
TX REG. SURVEYING FIRM LS-100080-00
DALLAS ■ FORT WORTH ■ HOUSTON

DRAWN BY JSA	CHECKED BY MCC	SCALE 1"=40'	DATE JAN. 2012	JOB NUMBER 1214-11.389
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DWG FILE: 1214-11.389EX1.DWG

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 Dallas Arboretum & Botanical Society, Inc, a Texas non profit corporation (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 NINETY TWO THOUSAND THREE HUNDRED AND 00/100 DOLLARS (\$92,300.00) to the undersigned in hand paid by the **City of Dallas, 1500 Marilla Street, Dallas, Texas, 75201**, a Texas municipal corporation (hereinafter called "City"), the receipt of which is hereby acknowledged and confessed, has granted, sold and conveyed and does hereby grant, sell and convey unto City, its successors and assigns, all of the property described in Exhibit "A", attached hereto and made a part hereof by reference for all purposes.

SPECIAL PROVISIONS: "None"

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

EXECUTED this _____ day of _____, _____.

Dallas Arboretum & Botanical Society, Inc. a Texas non-profit corporation

By _____
Mary Brinegar, President and CEO

* * * * *

EXHIBIT B

STATE OF TEXAS '

COUNTY OF DALLAS '

This instrument was acknowledged before me on _____
By Mary Brinegar, President and CEO of Dallas Arboretum & Botanical Society, Inc. a
Texas non-profit corporation on behalf of said corporation.

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: Shaun Davis

Warranty Deed Log No. 40242

Field Notes Describing a 7,500 Square Foot (0.1722 Acre) Tract of Land
To Be Acquired From Dallas Arboretum & Botanical Society, Inc.
Situated in Block 1/5222, Official City of Dallas Block Numbers and
Being Part of Lot 8, Block 1, "Lake Crest" Addition

Richard Scurry Survey, Abstract No. 1382
City of Dallas, Dallas County, Texas

8630 Garland
EXHIBIT A

DESCRIPTION, of a 7,500 square foot (0.1722 acre) tract of land situated in the Richard Scurry Survey, Abstract No. 1382, City of Dallas, Dallas County, Texas and in Block 1/5222, Official City of Dallas Block Numbers; said tract being part of Lot 8, Block 1, "Lake Crest" Addition, an addition to the City of Dallas, Texas according to the plat recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas and part of that certain tract of land described in General Warranty Deed to Dallas Arboretum & Botanical Society, Inc. recorded in Instrument No. 201200138260 of the Official Public Records of Dallas County, Texas; said 7,500 square foot (0.1722 acre) tract being more particularly described as follows:

BEGINNING, at a 3/8-inch iron rod found in the northwest right-of-way line of a 15-foot wide alley (Volume 3, Page 296) across said Block 1/5222; said point being the easternmost corner of Lot 7 of said Block 1/5222 and the southernmost corner of said Lot 8;

THENCE, North 45 degrees, 08 minutes, 57 seconds West, departing the northwest line of said alley and along the northeast line of said Lot 7 and the southwest line of said Lot 8, a distance of 150.00 feet to a 3/8-inch iron pipe found (controlling monument) in the southeast right-of-way line of Garland Road (State Highway No. 78, a variable width right-of-way formerly known as Bankhead Highway, by use and occupation and Volume 1779, Page 617 of the Deed Records of Dallas County, Texas);

THENCE, North 45 degrees, 00 minutes, 00 seconds East, departing the said northeast line of Lot 7 and the said southwest line of Lot 8 and along the said southeast line of Garland Road, a distance of 50.00 feet to a 5/8-inch iron rod with "PACHECO KOCH" cap set in the northeast line of said Lot 8 and the southwest line of Lot 9 of said Block 1/5222;

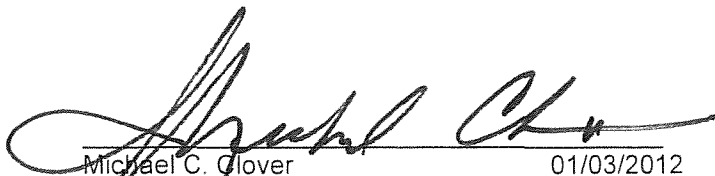
THENCE, South 45 degrees, 08 minutes, 57 seconds East, departing the said southeast line of Garland Road and along the said northeast line of Lot 8 and the said southwest line of Lot 9, a distance of 150.00 feet to a 5/8-inch iron rod with illegible cap found (controlling monument) in the northwest line of said alley; said point being the easternmost corner of said Lot 8 and the southernmost corner of said Lot 9;

THENCE, South 45 degrees, 00 minutes, 00 seconds West, along the northwest line of said alley and the southeast line of said Lot 8, a distance of 50.00 feet to the POINT OF BEGINNING; containing 7,500 square feet or 0.1722 acres of land.

BASIS OF BEARINGS: Bearings are based on a bearing of North 45 degrees, 00 minutes, 00 seconds East for the southeast right-of-way line of Garland Road according to the plat of "Lake Crest" Addition, an addition to the City of Dallas, Texas recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.

(A survey plat of even survey date herewith accompanies this description.)



Michael C. Clover 01/03/2012
Registered Professional Land Surveyor No. 5225
Pacheco Koch Consulting Engineers, Inc.
8350 N. Central Expwy, #1000, Dallas TX 75206
(972) 235-3031

TX Reg. Surveying Firm LS-100080-00
1214-11.389
1214-11.389EX1.doc.jsa

REVISED: 07/17/2013



FIELD NOTES APPROVED:

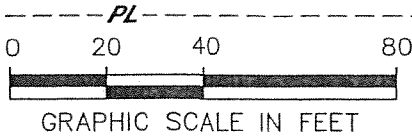
7-26-13

LOT 1, BLOCK A/4411 DALLAS ARBORETUM & BOTANICAL GARDEN
(VOL. 89020, PG. 2034)

EXHIBIT A

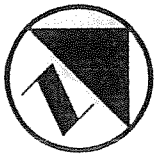
LEGEND

----- ADJOINING PROPERTY LINE
----- SUBJECT PROPERTY LINE
(C.M.) - CONTROLLING MONUMENT



FIELD NOTES APPROVED

7-26-13



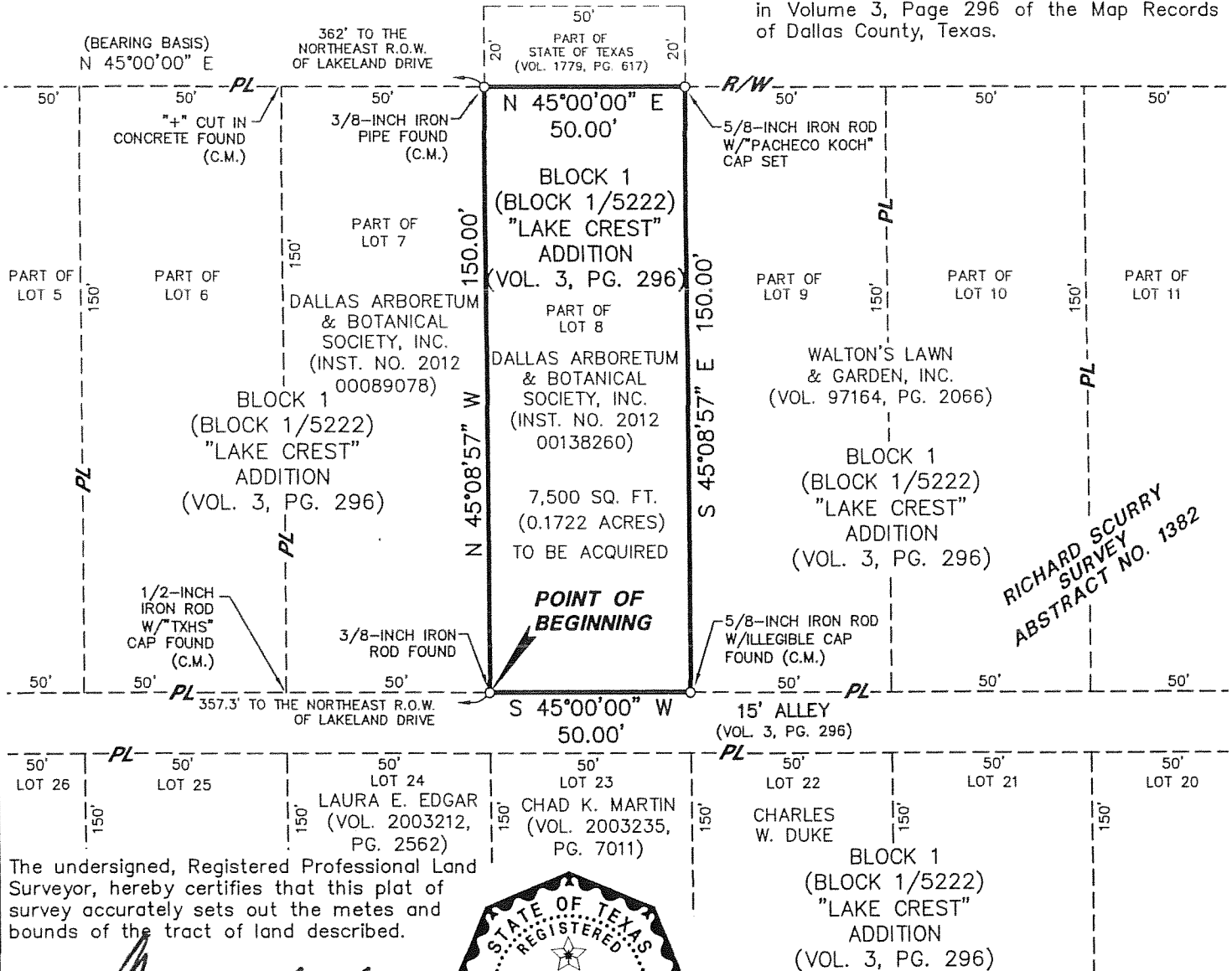
GARLAND ROAD
(STATE HIGHWAY NO. 78)

(A VARIABLE WIDTH RIGHT-OF-WAY
FORMERLY KNOWN AS BANKHEAD HIGHWAY)

(BY USE AND OCCUPATION &
VOL. 1779, PG. 617)

1. A metes and bounds description of even survey date herewith accompanies this plat of survey.

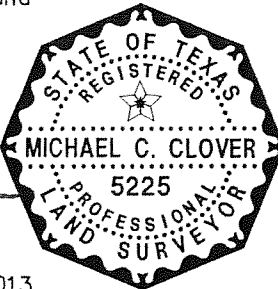
2. Bearing system for this survey is based on a bearing of North 45°00'00" East for the southeast right-of-way line of Garland Road according to the plat of Lake Crest, an addition to the City of Dallas, Texas recorded in Volume 3, Page 296 of the Map Records of Dallas County, Texas.



The undersigned, Registered Professional Land Surveyor, hereby certifies that this plat of survey accurately sets out the metes and bounds of the tract of land described.

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07/17/2013 - 6:22PM
M.CLOVER

Michael C. Clover
Registered Professional
Land Surveyor No. 5225 REVISED 07/17/2013



7,500 SQUARE FOOT
(0.1722) ACRE TRACT

PART OF LOT 8, BLOCK 1,
"LAKE CREST" ADDITION,
CITY OF DALLAS BLOCK NO. 1/5222,
RICHARD SCURRY SURVEY, ABSTRACT NO. 1382
CITY OF DALLAS, DALLAS COUNTY, TEXAS
PAGE 2 OF 2

Pacheco Koch 8350 N. CENTRAL EXPWY. SUITE 1000
DALLAS, TX 75206 972.235.3031
TX REG. ENGINEERING FIRM F-469
DALLAS ■ FORT WORTH ■ HOUSTON TX REG. SURVEYING FIRM LS-100080-00

DRAWN BY	CHECKED BY	SCALE	DATE	JOB NUMBER
JSA	MCC	1"=40'	JAN. 2012	1214-11.389

ADDENDUM ITEM # 11

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

An ordinance amending Ordinance No. 29376 to change certain election day polling and early voting locations for the Tuesday, November 4, 2014, special election, for the purpose of submitting to the qualified voters of the City, proposed amendments to the Dallas City Charter - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow staff sufficient time to compile and analyze early voting locations, election day polling locations submitted from Dallas, Collin and Denton Counties, and to ensure the most current information is presented for approval.

Several election day polling locations listed in Exhibit A and early voting locations listed in Exhibit B of Ordinance No. 29376, which called the special election for Tuesday, November 4, 2014, require changes, additions, deletions, and/or replacements. The proposed ordinance would adopt new Exhibits A and B, which contains all of the updated information on the election day polling locations and early voting locations.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On June 25, 2014, the City Council approved Ordinance No. 29376, which ordered a special election to be held on November 4, 2014.

FISCAL INFORMATION

No cost consideration to the City.

ORDINANCE NO. _____

An ordinance amending Ordinance No. 29376, passed by the city council on June 25, 2014; providing a new Exhibit A, election day polling places, and a new Exhibit B, early voting polling places, for the special election to be held on Tuesday, November 4, 2014; providing a saving clause; and providing an effective date.

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

SECTION 1. That the Exhibit A attached to Ordinance No. 29376, passed by the city council on June 25, 2014, is replaced by the Exhibit A attached to this ordinance, setting the locations of the election day polling places in the election precincts.

SECTION 2. That the Exhibit B attached to Ordinance No. 29376, passed by the city council on June 25, 2014, is replaced by the Exhibit B attached to this ordinance, setting the locations of the early voting polling places.

SECTION 3. That Ordinance No. 29376 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M. S. ERNST, City Attorney

By _____
Assistant City Attorney

Passed _____

ADDENDUM ITEM # 12

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution authorizing: **(1)** a joint election agreement and election services contract between the City of Dallas, Dallas County, and various other jurisdictions within Dallas County, for the conduct of a joint election to be held on Tuesday, November 4, 2014, in an amount not to exceed \$951,000; **(2)** legal advertising in connection with the Tuesday, November 4, 2014 City Special Election, in an amount not to exceed \$100,000; and **(3)** \$5,000 for translation services for publication and posting notices, and security services for City Hall during early voting and other miscellaneous expenditures related to the election - Total not to exceed \$1,056,000 - Financing: Current Funds

BACKGROUND

This item is on the addendum to allow staff sufficient time to compile and analyze the elections contract submitted from Dallas County.

Subchapter D of Chapter 31 of the Texas Election Code provides that the City may contract with the county elections administrator for certain election services. Chapter 271 of the Texas Election Code provides that the City may enter into an agreement with other jurisdictions that may be conducting elections on the same day in election precincts that can be served by common polling places. The City of Dallas, Dallas County, and other political jurisdictions in Dallas County will conduct elections on Tuesday, November 4, 2014. This action would authorize the City to hold the election jointly with jurisdictions that share common polling places and contract with the Dallas County Elections Department for election services. The City has been a party to similar joint election agreements for many years.

Historically, the county's post elections audit has required that the City of Dallas pay additional funds. The \$1,056,000 is expected to help cover these additional costs.

BACKGROUND (Continued)

The Dallas City Council on June 25, 2014, approved an agenda item by Resolution No. 14-1088, ordering a special election for Tuesday, November 4, 2014 for the purpose of submitting nine (9) proposed amendments to the Dallas City Charter. This item provides for election services for the special election.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$1,056,000 - Current Funds

September 24, 2014

WHEREAS, the City Council has ordered a special election to be held on Tuesday, November 4, 2014; and

WHEREAS, the purpose of the special election is to present nine (9) propositions amending the Dallas City Charter; and

WHEREAS, Dallas County and other jurisdictions have also ordered elections to be held on Tuesday, November 4, 2014; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, desire to hold the elections jointly, with Dallas County in accordance with Chapter 271 of the Texas Election Code; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, desire to contract with the Dallas County Elections Administrator for election services in accordance with Subchapter D of Chapter 31 of the Texas Election Code; **Now, Therefore,**

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

Section 1. That the City Manager is authorized to enter into a joint election agreement and election services contract between the City of Dallas, other jurisdictions holding elections, and Dallas County, for a joint election to be held on Tuesday, November 4, 2014, to be administered by the Dallas County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code.

Section 2. That the contract will provide that the Elections Administrator is to perform or to supervise the performance of any or all of the corresponding duties and functions that the Elections Administrator performs in connection with a county-wide election.

Section 3. That the contract will provide that the Elections Administrator may contract with third parties for election services and supplies and pay the claims for those election expenses from funds deposited by the City and the other contracting authorities in an election services contract fund in the county treasury established for this election.

Section 4. That the Elections Administrator will provide the City Secretary with an itemized list of estimated election expenses to be paid from the election services contract fund prior to execution of the contract, and will provide an itemized list of actual election expenses to be paid from the election services contract fund no later than the 180th day after the date of the election.

September 24, 2014

Section 5. That the City Controller is hereby authorized to pay for advertising in an amount not to exceed \$100,000, in Fund 0001, Department SEC, Unit 1190, Object 3320.

Section 6. That the City Controller is hereby authorized to pay for translation, security services and other miscellaneous expenses in an amount not to exceed \$5,000, in Fund 0001, Department SEC, Unit 1190, Object 3320.

Section 7. That the City Controller is hereby authorized to pay the Dallas County Treasurer an amount not to exceed \$951,000 from Fund 0001, Department SEC, Unit 1190, Object 3070, Enc. No. 14SEC1190L01, Vendor 014003 for deposit in the election services contract fund as the City's estimated share of the costs of the Tuesday, November 4, 2014 joint election.

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.

ADDENDUM ITEM # 13

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Collin County, and various other jurisdictions within Collin County, for the conduct of a joint election to be held on Tuesday, November 4, 2014 - Not to exceed \$4,200 - Financing: Current Funds

BACKGROUND

This item is on the addendum to allow staff sufficient time to compile and analyze the elections contract submitted from Collin County.

Subchapter D of Chapter 31 of the Texas Election Code provides that the City may contract with the county elections administrator for certain election services. Chapter 271 of the Texas Election Code provides that the City may enter into an agreement with other jurisdictions that may be conducting elections on the same day in election precincts that can be served by common polling places. The City of Dallas, Collin County and various other jurisdictions will conduct elections on Tuesday, November 4, 2014. This action would authorize the City to hold the election jointly with jurisdictions that share common polling places and contract with the Collin County Elections Department for election services. The City is contracting with the Collin County Elections Department to handle only those City of Dallas polling locations that are within Collin County. This is necessary because the special logistics required to hold the Tuesday, November 4, 2014 special election makes it unfeasible for the Dallas County Elections Department to provide election services for the City precincts outside of Dallas County.

The Dallas City Council on June 25, 2014, approved an agenda item by Resolution No. 14-1088, ordering a special election for Tuesday, November 4, 2014 for the purpose of submitting nine (9) proposed amendments to the Dallas City Charter. This item provides for election services for the special election.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$4,200 – Current Funds

September 24, 2014

WHEREAS, the City Council has ordered a special election to be held on Tuesday, November 4, 2014; and

WHEREAS, the purpose of the special election is to present nine (9) propositions amending the Dallas City Charter; and

WHEREAS, Collin County and other jurisdictions have also ordered elections to be held on Tuesday, November 4, 2014; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, desire to hold the elections jointly in accordance with Chapter 271 of the Texas Election Code; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, desire to contract with the Collin County Elections Administrator for election services in accordance with Subchapter D of Chapter 31 of the Texas Election Code; **Now, Therefore,**

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

Section 1. That the City Manager is authorized to enter into a joint election agreement and election services contract between the City of Dallas, other jurisdictions holding elections, and Collin County for a joint election to be held on Tuesday, November 4, 2014, to be administered by the Collin County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code.

Section 2. That the contract will provide that the Elections Administrator is to perform or to supervise the performance of any or all of the corresponding duties and functions that the Elections Administrator performs in connection with a county-wide election.

Section 3. That the contract will provide that the Elections Administrator may contract with third parties for election services and supplies and pay the claims for those election expenses from funds deposited by the City and the other contracting authorities in an election services contract fund in the county treasury established for this election.

Section 4. That the Elections Administrator will provide the City Secretary with an itemized list of estimated election expenses to be paid from the election services contract fund prior to execution of the contract, and will provide an itemized list of actual election expenses to be paid from the election services contract fund no later than the 120th day after the date of the election.

September 24, 2014

Section 5. That the City Controller is hereby authorized to pay the Collin County Treasurer an amount not to exceed \$4,200 from Fund 0001, Department SEC, Unit 1190, Object 3070, Enc. No. 14SEC1190L02, Vendor 214184 for deposit in the election services contract fund as the City's estimated share of the costs of the Tuesday, November 4, 2014 special election.

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.

ADDENDUM ITEM # 14

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution authorizing a joint election agreement and election services contract between the City of Dallas, Denton County, and various other jurisdictions within Denton County, for the conduct of a joint election to be held on Tuesday, November 4, 2014 - Not to exceed \$14,000 - Financing: Current Funds

BACKGROUND

This item is on the addendum to allow staff sufficient time to compile and analyze the elections contract submitted from Denton County.

Subchapter D of Chapter 31 of the Texas Election Code provides that the City may contract with the county elections administrator for certain election services. Chapter 271 of the Texas Election Code provides that the City may enter into an agreement with other jurisdictions that may be conducting elections on the same day in election precincts that can be served by common polling places. The City of Dallas, Denton County and various other jurisdictions will conduct elections on Tuesday, November 4, 2014. This action would authorize the City to hold the election jointly with jurisdictions that share common polling places and contract with the Denton County Elections Department for election services. The City is contracting with the Denton County Elections Department to handle only those City of Dallas polling locations that are within Denton County. This is necessary because the special logistics required to hold the Tuesday, November 4, 2014 special election makes it unfeasible for the Dallas County Elections Department to provide election services for the City precincts outside of Dallas County.

The Dallas City Council on June 25, 2014, approved an agenda item by Resolution No. 14-1088, ordering a special election for Tuesday, November 4, 2014 for the purpose of submitting nine (9) proposed amendments to the Dallas City Charter. This item provides for election services for the special election.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

\$14,000 - Current Funds

September 24, 2014

WHEREAS, the City Council has ordered a special election to be held on Tuesday, November 4, 2014; and

WHEREAS, the purpose of the special election is to present nine (9) propositions amending the Dallas City Charter; and

WHEREAS, Denton County and other jurisdictions have also ordered elections to be held on Tuesday, November 4, 2014; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, desire to hold the elections jointly in accordance with Chapter 271 of the Texas Election Code; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, desire to contract with the Denton County Elections Administrator for election services in accordance with Subchapter D of Chapter 31 of the Texas Election Code; **Now, Therefore,**

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

Section 1. That the City Manager is authorized to enter into a joint election agreement and election services contract between the City of Dallas, other jurisdictions holding elections, and Denton County for a joint election to be held on Tuesday, November 4, 2014, to be administered by the Denton County Elections Administrator in accordance with Subchapter D of Chapter 31 and Chapter 271 of the Texas Election Code.

Section 2. That the contract will provide that the Elections Administrator is to perform or to supervise the performance of any or all of the corresponding duties and functions that the Elections Administrator performs in connection with a county-wide election.

Section 3. That the contract will provide that the Elections Administrator may contract with third parties for election services and supplies and pay the claims for those election expenses from funds deposited by the City and the other contracting authorities in an election services contract fund in the county treasury established for this election.

Section 4. That the Elections Administrator will provide the City Secretary with an itemized list of estimated election expenses to be paid from the election services contract fund prior to execution of the contract, and will provide an itemized list of actual election expenses to be paid from the election services contract fund no later than the 120th day after the date of the election.

September 24, 2014

Section 5. That the City Controller is hereby authorized to pay the Denton County Elections Department an amount not to exceed \$14,000 from Fund 0001, Department SEC, Unit 1190, Object 3070, Enc. No. 14SEC1190L03, Vendor 099660 for deposit in the election services contract fund as the City's estimated share of the costs of the Tuesday, November 4, 2014 special election.

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.

ADDENDUM ITEM # 15

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Dallas County for the Tuesday, November 4, 2014 special election - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow staff sufficient time to compile and analyze election judges submitted from Dallas County.

The special election agreement and election services contract between the City of Dallas and Dallas County for the conduct of a special election to be held Tuesday, November 4, 2014, provides that the Dallas County Elections Administrator is responsible for the selection, training and compensation of all precinct election judges and clerks, early voting clerks, and other appointed election officials. This action ratifies the Elections Administrator's appointment of election officials for the Tuesday, November 4, 2014, special election from the list of currently qualified election judges and alternates maintained by Dallas County.

The November 4, 2014 is a county election in which other political jurisdictions are the secondary participants. Therefore, in the event the city would like the county to consider other individuals to serve as election judges, the county may consider such requests.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 24, 2014

WHEREAS, the City Council has ordered a special election to be held on Tuesday, November 4, 2014; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, have contracted with the Dallas County Elections Administrator for election services in accordance with Subchapter D of Chapter 31 of the Texas Election Code; and

WHEREAS, the election services contract provides that the Elections Administrator will arrange for the selection, training and compensation of precinct election judges, subject to the approval of the City and the other contracting authorities; **Now, Therefore,**

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

Section 1. That the Dallas County Elections Administrator be notified that the City interposes no objection to the appointment of the individuals named on Attachment A as election judges or alternate election judges for the precincts shown beside their names for the Tuesday, November 4, 2014, special election, insofar as each meets the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, except as noted on Attachment B.

Section 2. That, in accordance with the provisions of the joint election agreement and election services contract, the Dallas County Elections Administrator be notified that the City recommends the appointment of the individuals named on Attachment B as election judges or alternate election judges for the precincts shown beside their names for the Tuesday, November 4, 2014, special election, insofar as each meets the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code.

Section 3. That final selection, appointment, training, and pay of election judges, alternate election judges and election clerks shall be in accordance with the special election agreement and election services contract.

Section 4. That the City Secretary is authorized to approve on behalf of the City of Dallas any changes in the list of recommended election judges which may become necessary because of the inability or refusal to serve of any of the persons named in Attachment A or Attachment B.

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

ADDENDUM ITEM # 16

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Collin County for the Tuesday, November 4, 2014 special election - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow staff sufficient time to compile and analyze election judges submitted from Collin County.

The special election agreement and election services contract between the City of Dallas, Collin County and other jurisdictions in Collin County for the conduct of a special election to be held Tuesday, November 4, 2014, provides that the Collin County Elections Administrator is responsible for the selection, training and compensation of all precinct election judges and clerks, early voting clerks, and other appointed election officials. This action ratifies the Elections Administrator's appointment of election officials for the Tuesday, November 4, 2014, special election from the list of currently qualified election judges and alternates maintained by Collin County.

The November 4, 2014 is a county election in which other political jurisdictions are the secondary participants. Therefore, in the event the city would like the county to consider other individuals to serve as election judges, the county may consider such requests.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 24, 2014

WHEREAS, the City Council has ordered a special election to be held on Tuesday, November 4, 2014; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, have contracted with the Collin County Elections Administrator for election services in accordance with Subchapter D of Chapter 31 of the Texas Election Code; and

WHEREAS, the election services contract provides that the Elections Administrator will arrange for the selection, training and compensation of precinct election judges, subject to the approval of the City; **Now, Therefore,**

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

Section 1. That the Collin County Elections Administrator be notified that the City interposes no objection to the appointment of the individuals named on Attachment A as election judges or alternate election judges for the precincts shown beside their names for the Tuesday, November 4, 2014, special election, insofar as each meets the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, except as noted on Attachment B.

Section 2. That, in accordance with the provisions of the joint election agreement and election services contract, the Collin County Elections Administrator be notified that the City recommends the appointment of the individuals named on Attachment B as election judges or alternate election judges for the precincts shown beside their names for the Tuesday, November 4, 2014, special election, insofar as each meets the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code.

Section 3. That final selection, appointment, training, and pay of election judges, alternate election judges and election clerks shall be in accordance with the special election agreement and election services contract.

Section 4. That the City Secretary is authorized to approve on behalf of the City of Dallas any changes in the list of recommended election judges which may become necessary because of the inability or refusal to serve of any of the persons named in Attachment A or Attachment B.

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

ADDENDUM ITEM # 17

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution authorizing the appointment of citizens to serve as election judges for the City of Dallas in Denton County for the Tuesday, November 4, 2014 special election - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow staff sufficient time to compile and analyze election judges submitted from Denton County.

The special election agreement and election services contract between the City of Dallas, Denton County and other jurisdictions in Denton County for the conduct of a special election to be held Tuesday, November 4, 2014, provides that the Denton County Elections Administrator is responsible for the selection, training and compensation of all precinct election judges and clerks, early voting clerks, and other appointed election officials. This action ratifies the Elections Administrator's appointment of election officials for the Tuesday, November 4, 2014 special election from the list of currently qualified election judges and alternates maintained by Denton County.

The November 4, 2014 is a county election in which other political jurisdictions are the secondary participants. Therefore, in the event the city would like the county to consider other individuals to serve as election judges, the county may consider such requests.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 24, 2014

WHEREAS, the City Council has ordered a special election to be held on Tuesday, November 4, 2014; and

WHEREAS, the City of Dallas and other jurisdictions holding elections on Tuesday, November 4, 2014, have contracted with the Denton County Elections Administrator for election services in accordance with Subchapter D of Chapter 31 of the Texas Election Code; and

WHEREAS, the election services contract provides that the Elections Administrator will arrange for the selection, training and compensation of precinct election judges, subject to the approval of the City; **Now, Therefore,**

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

Section 1. That the Denton County Elections Administrator be notified that the City interposes no objection to the appointment of the individuals named on Attachment A as election judges or alternate election judges for the precincts shown beside their names for the Tuesday, November 4, 2014, special election, insofar as each meets the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code, except as noted on Attachment B.

Section 2. That, in accordance with the provisions of the joint election agreement and election services contract, the Denton County Elections Administrator be notified that the City recommends the appointment of the individuals named on Attachment B as election judges or alternate election judges for the precincts shown beside their names for the Tuesday, November 4, 2014, special election, insofar as each meets the eligibility requirements of Subchapter C of Chapter 32 of the Texas Election Code.

Section 3. That final selection, appointment, training, and pay of election judges, alternate election judges and election clerks shall be in accordance with the special election agreement and election services contract.

Section 4. That the City Secretary is authorized to approve on behalf of the City of Dallas any changes in the list of recommended election judges which may become necessary because of the inability or refusal to serve of any of the persons named in Attachment A or Attachment B.

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

ADDENDUM ITEM # 18

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution authorizing the Mayor to appoint an Ad Hoc City Council canvassing committee to review the returns of the November 4, 2014 special election, and submit a canvass report to the full City Council on Monday, November 17, 2014 - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow the mayor sufficient time to review and select a canvassing committee for the November 4, 2014 special election.

Chapter IV, §9, of the City Charter provides that the City Council shall canvass and certify the results of a city election in accordance with the provisions of the Texas Election Code. Section 67.003(a) of the Texas Election Code provides the canvass must occur “not earlier than the eighth day or later than the eleventh day after election day.” For the November 4, 2014 election, the canvass could be held any time between Wednesday, November 12, 2014 through Monday, November 17, 2014. The eleventh day falls on Saturday, November 15, 2014; therefore, the next business day is Monday, November 17, 2014.

This action authorizes the Mayor to appoint an ad hoc canvassing committee to meet, review and accept the returns of the November 4, 2014 special election. The approved canvass report is to be submitted to the full City Council at a special called agenda meeting on Monday, November 17, 2014.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

This item has no prior action.

FISCAL INFORMATION

No cost consideration to the City.

September 24, 2014

WHEREAS, the City Council has ordered a special election to be held on Tuesday, November 4, 2014; and

WHEREAS, Section 67.003(a) of the Texas Election Code provides that the canvass must occur "not earlier than the eighth day or later than the eleventh day after election day;" and

WHEREAS, the canvassing period for the November 4, 2014 special election is Wednesday, November 12, 2014, through Monday, November 17, 2014; and

WHEREAS, the eleventh day falls on Saturday, November 15, 2014 extending the last day to canvass to Monday, November 17, 2014; **Now, Therefore,**

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

Section 1. That the canvass of the City of Dallas special election held on Tuesday, November 4, 2014, be set for not earlier than 9:00 a.m. Monday, November 17, 2014.

Section 2. That the Mayor shall appoint four members of the City Council to an Ad Hoc canvassing committee to meet prior to the time set for the canvass to examine the precinct election returns and prepare a report of the results of the election for presentation to the full City Council.

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

ADDENDUM ITEM # 19

KEY FOCUS AREA: Efficient, Effective and Economical Government

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): All

DEPARTMENT: City Secretary

CMO: Rosa A. Rios, 670-5654

MAPSCO: N/A

SUBJECT

A resolution designating absences by Mayor Pro Tem Tennell Atkins and Councilmember Dwaine R. Caraway as being for "Official City Business" - Financing: No cost consideration to the City

BACKGROUND

This item is on the addendum to allow council members additional 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.

September 24, 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, Mayor Pro Tem Tennell Atkins and Councilmember Dwaine R. Caraway 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:

September 24, 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 Mayor Pro Tem Tennell Atkins and Councilmember Dwaine R. Caraway 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 Mayor Pro Tem Tennell Atkins and Councilmember Dwaine R. Caraway 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 absences by Mayor Pro Tem Tennell Atkins and Councilmember Dwaine R. Caraway as described in Exhibit A, were 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
Dwaine R. Caraway	Attended a meeting with Assistant City Manager Forest Turner regarding sensitive information.	City Hall	8/25/2014	Representing Distict 4	Public Safety Committee	Absent
Dwaine R. Caraway	Attended a meeting with Assistant City Manager Jill A. Jordan, City Attorney Warren Ernst, and Senior Assistant City Attorney James McGuire regarding sensitive information.	City Hall	9/8/2014	Representing Distict 4	Public Safety Committee	Absent
Tennell Atkins	Attended a meeting at the invitation of Klyde Warren Park administration to speak during the vist of the Urban Land Institute Open Space Aware Site Visit	Klyde Warren Park	9/8/2014	Representing District 8	Transportation and Trinity River Project Committee	Absent more than 50%

KEY FOCUS AREA: Economic Vibrancy

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 3, 4, 8

DEPARTMENT: Sustainable Development and Construction

CMO: Ryan S. Evans, 671-9837

MAPSCO: 55 T; X 65 B; C; G; L; M; R; V; Z 75 D; H 76 A; H

SUBJECT

A public hearing to receive comments regarding a proposal to change the name of South Lancaster Road from East Illinois Avenue to Interstate Highway 20 to “Nelson Mandela Boulevard” and an ordinance granting the name change - NC134-004 - Financing: No cost consideration to the City

BACKGROUND

This item is moved forward by Council direction. On June 25, 2014, City of Dallas accepted an application to change the name of South Lancaster Road from East Illinois Avenue to Interstate Highway 20 to “Nelson Mandela Boulevard”.

Notices of the proposed street name change were sent on July 1, 2014 to the appropriate city departments and other affected entities in accordance with Section 51A-9.305(a) of the Dallas Development Code.

Notices were sent on July 8, 2014 to 318 property owners notifying them of the hearing before the Subdivision Review Committee on July 24, 2014 for the proposed street name change. Notification signs were put up on July 8, 2014 notifying the community of the proposed street name change in accordance with section 51A-9.305(C).

On July 24, 2014, the Subdivision Review Committee recommended denial of the street name change to “Nelson Mandela Boulevard”.

Notices were sent on August 15, 2014 for the City Plan Commission Hearing on September 18, 2014 to 318 property owners which about the street notifying them of the proposed street name change in accordance with Section 51A-9.306(b). As of September 10, 2014, staff has received 5 replies in favor and 27 in opposition.

Notices were sent on September 8, 2014 for the City Council Hearing on September 24, 2014 to 318 property owners which about the street notifying them of the proposed street name change in accordance with Section 51A-9.306(c).

BACKGROUND (Continued)

A waiver of Section 9.304(a)(5) is needed to approve the name change as this section states that “a street name may not contain more than 14 characters.

A waiver of Section 51A-9.304(c)(2) is needed to approve renaming of Municipal Street to “Nelson Mandela Boulevard” as that section states that: “A street name commemorating a person or a historic site or area is prohibited until at least two years after the death of the person to be honored or the occurrence of the event to be commemorated.”

PRIOR ACTION / REVIEW (COUNCIL, BOARDS, COMMISSIONS)

On September 18, 2014, the City Plan Commission recommended denial of the street name change of South Lancaster Road between East Illinois to city limit line south of Interstate Highway 20 to “Nelson Mandela Boulevard” with a vote of 1 in favor of the change to 14 against the change.

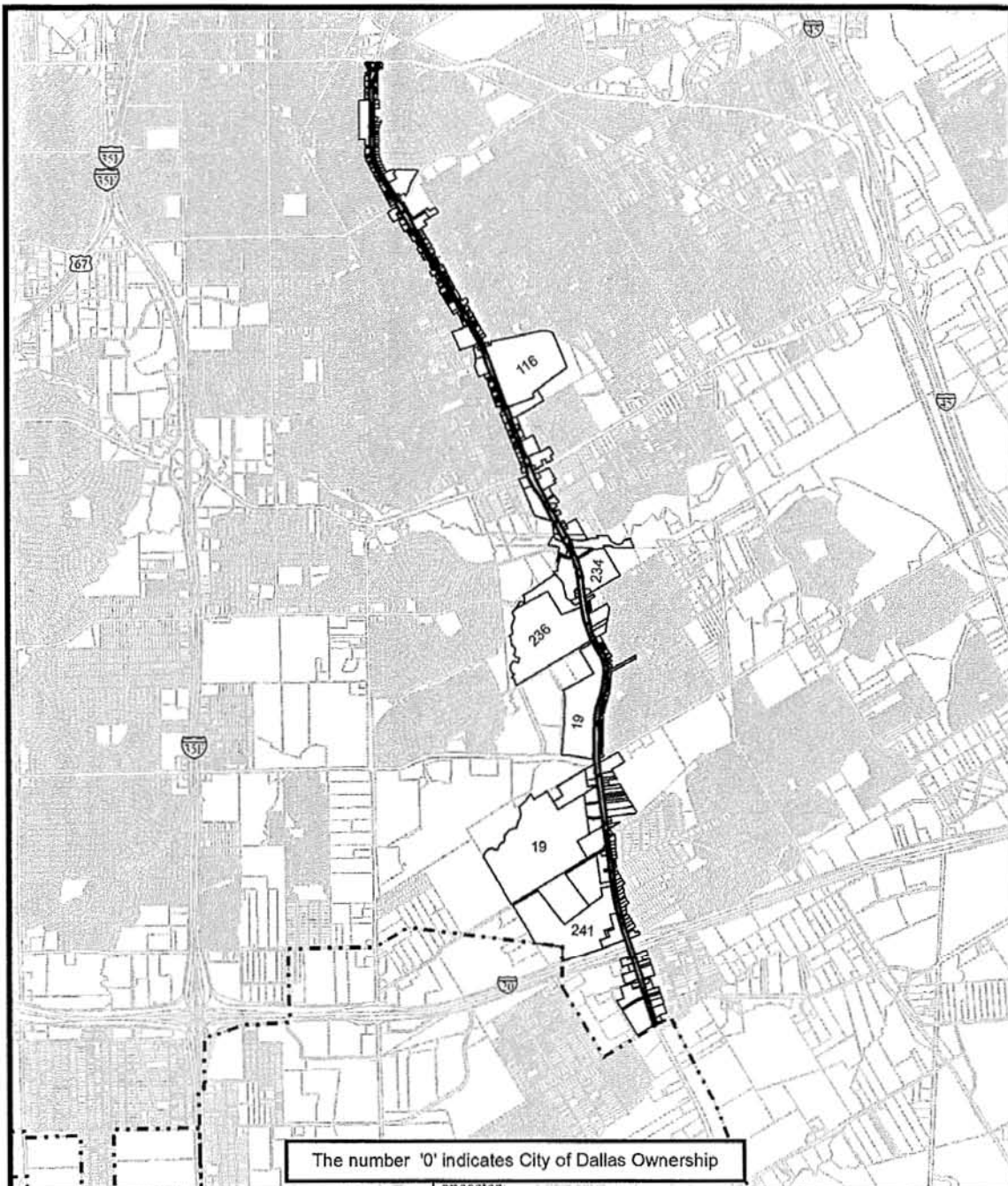
On July 24, 2014, the Subdivision Review Committee recommended denial of the street name change of South Lancaster Road between East Illinois to city limit line south of Interstate Highway 20 to “Nelson Mandela Boulevard” with a vote of 0 in favor to 5 opposed.

FISCAL INFORMATION

No cost consideration to the City. (The street name change will not be officially erected until the community raises sufficient funds to replace the street signs.)

MAP

Attached.



1:46,800

NOTIFICATION

1'

AREA OF NOTIFICATION

318

NUMBER OF PROPERTY
OWNERS NOTIFIED

Case no: **NC134-004**

Date: **6/26/2014**

6/26/2014

Notification List of Property Owners

NC134-004

318 Property Owners Notified

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
1	2815 LANCASTER RD	GORMAN BOB A &
2	3718 LANCASTER RD	CITY WIDE COMMUNITY DEV CORP
3	2414 LANCASTER RD	OROZCO DAVID
4	2322 CORINTH ST RD	2322 CORINTH LLC
5	2603 LANCASTER RD	JESS BAROUKH LLC
6	4735 LANCASTER RD	SOH KUM SOOK
7	2907 CREST AVE	BELL REBECCA
8	2915 CREST AVE	CHERRY TRAVIS V JR
9	2923 CREST AVE	SMITH KIRTLEY C
10	2931 CREST AVE	JAMES ZACHARY
11	3007 CREST AVE	VILCHIS CARLOS
12	3011 CREST AVE	PEREZ SIERRA NATALIA
13	6522 LANCASTER RD	CHEATHAM JAMES M & IDA B
14	1435 Kiest BLVD	DOJO LP
15	6422 LANCASTER RD	MCGUIRE SAMETRA
16	6418 LANCASTER RD	OWENS GREGORY &
17	6222 LANCASTER RD	JACKSON L B
18	6208 LANCASTER RD	NEW COMFORTER CHURCH 5F GOD IN CHRIST IN
19	6601 LANCASTER RD	PROVIDENCE BANK
20	2809 LANCASTER RD	PARK JAE WON
21	2424 SIMPSON STUART RD	CLIFF VIEW CHURCH OF CHRIST
22	2321 LANCASTER RD	DALLAS AREA RAPID TRANSIT
23	4810 LANCASTER RD	JDA COMMUNITY INVESTMENTS LLC
24	2901 LANCASTER RD	ESTABLISHED INVERSTOR INC %COREY C TONEY
25	2915 LANCASTER RD	MCGRUFF BENNIE
26	2919 LANCASTER RD	LEW EDWIN J & CHRISTINE

6/26/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
27	2935 LANCASTER AVE	MCGRUFF WELDON &
28	3005 LANCASTER RD	IRVING BERNARD C & BETTY
29	3015 LANCASTER RD	HATLEY ASHFORD DEWITT
30	3103 LANCASTER RD	EDWARDS RUDOLPH
31	3115 LANCASTER RD	EDWARDS RUDOLPH DBA RUDYS CHICKEN
32	3123 LANCASTER RD	CITY WIDE COMMUNITY DEV CORP SUITE 100
33	3231 LANCASTER RD	HUTTON GROWTH ONE LLC
34	3311 LANCASTER RD	HOPPENSTEIN PROPERTIES INC
35	3335 LANCASTER RD	NOVOGRODER LANCASTER LLC JOHN HANCOCK CE
36	3403 LANCASTER RD	FIELDS LELA
37	3411 LANCASTER RD	IRVING BERNARD & BETTY
38	3417 LANCASTER RD	DALLAS D & K CORP
39	3511 LANCASTER RD	BANK OF AMERICA TEXAS NA NC1-001-03-81
40	3501 LANCASTER RD	NATIONSBANK NA NC1-001-03-80
41	3523 LANCASTER RD	BANK OF AMERICA TEXAS N A NC1-001-03-81
42	3605 LANCASTER RD	FRIS CHKN LLC % CAJUN OPERATING CO ATTN
43	3611 LANCASTER RD	FLEWELLEN KARON R
44	1739 MARFA AVE	FLEWELLEN MARY LEE
45	3701 LANCASTER RD	INGRAM RODNEY
46	3727 LANCASTER RD	REEVES GROUP LTD ET AL
47	3805 LANCASTER RD	WATERS B J
48	3827 LANCASTER RD	T WHEEL CO INC THE
49	3817 LANCASTER RD	ALLAN BAILEY GROUP LLC
50	3620 LANCASTER RD	SOLARIN SAHEED LAWAL
51	3710 LANCASTER RD	CITY WIDE COMMUNITY DEVELOPMENT
52	3706 LANCASTER RD	CITY WIDE COMMUNITY DEVELOPMENT CORPORAT
53	3702 LANCASTER RD	CITY WIDE COMMUNITY DEVELOPMENT CORPORAT
54	3714 LANCASTER RD	COUNTRY WIDE COMMUNITY DEVELOPMENT
55	2419 LANCASTER RD	MOJICA BENITO
56	2405 LANCASTER RD	LEARK INC
57	2525 LANCASTER RD	SHOEMAKER R T EST % L C DEARING

6/26/2014

<i>Label #</i>	<i>Address</i>	<i>Owner</i>
58	2507 LANCASTER RD	MOJICA BENITO & GUADALUPE MOJICA BENITO
59	2502 LANCASTER RD	MCGRUFF CHARLES E
60	2510 LANCASTER RD	BRYANT SULLIVAN R
61	2524 LANCASTER RD	IRMAZA INC
62	2402 LANCASTER RD	NEALY KATHY
63	2308 LANCASTER RD	HICKS MARY ROSE
64	2310 LANCASTER RD	LARGE CARL R & CAROLYN
65	2302 CORINTH ST	L & M MUFFLER SHOP INC
66	4033 LANCASTER RD	ROUSAN INVESTMENTS INC
67	3911 LANCASTER RD	BANK OF DESOTO
68	3915 LANCASTER RD	MCKINNEY SOLONYA
69	3923 LANCASTER RD	GARZA GUADALUPE J & AZUCENA
70	3931 LANCASTER RD	BILLINGS FLOYD G
71	3939 LANCASTER RD	SHIELDS EDWIN G
72	4017 LANCASTER RD	MOSELEY JAMES L & CARL W
73	4023 LANCASTER RD	MOSELEY RUBY LEE
74	4203 LANCASTER RD	Dallas ISD ATTN OFFICE OF LEGAL SERVICES
75	4123 LANCASTER RD	PENNINGTON ROBERT & MARK SAPORITO
76	4103 LANCASTER RD	MOODY KATHY & CLINTON
77	4111 LANCASTER RD	MOODY CLINTON
78	4435 LANCASTER RD	HATLEY A D
79	4501 LANCASTER RD	SAPPHIRE ROAD DEVELOPMENT LLC
80	3906 LANCASTER RD	WASHINGTON FRANCIS L & BARBARA A
81	3818 LANCASTER RD	BELL MARY ELLA
82	3822 LANCASTER RD	MOODY CLINTON & MOODY KATHY
83	3800 LANCASTER RD	POLLOS LRG LLC
84	3806 LANCASTER RD	TRUESDALE REGINALD
85	4240 LANCASTER RD	EDWARDS RUDOLPH
86	4244 LANCASTER RD	RIDENOUR ROBERT
87	4130 LANCASTER RD	MOODY CLINTON J ETAL
88	4122 LANCASTER RD	T R ST WHITTNAUER

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
89	4102 LANCASTER RD	BRIAN FAMKAR I LLC
90	4228 LANCASTER RD	JEANETTE INV IV LTD % PETER D FONBERG
91	4114 LANCASTER RD	MITCHELL JAMES SR
92	4138 LANCASTER RD	MOODY CLINTON J
93	4202 LANCASTER RD	MOODY CLINTON JUNIOR
94	4206 LANCASTER RD	MOODY CLINTON JR
95	4208 LANCASTER RD	MOODY CLINTON JR & KATHY ROSS-MOODY
96	4214 LANCASTER RD	HARRAL ARTHUR JR & RUTH B
97	4220 LANCASTER RD	SADEGHIAN KHOSROW
98	4709 LANCASTER RD	LEVINE RLTY
99	4819 LANCASTER RD	DALY S D TRUSTEE DALY REVOCABLE TRUST
100	4845 LANCASTER RD	MOODY CLINTON JR & KATHY ROSS MOODY
101	4835 LANCASTER RD	JES JOMEL LLC
102	4831 LANCASTER RD	ARGUETA JUAN E & ARGUETA PAZ G
103	4907 LANCASTER RD	CHANEY LEO V SR & VELMA M TRUSTEES LIVIN
104	4905 LANCASTER RD	ALLAN ADNAN
105	4921 LANCASTER RD	WRIGHT LORENZO
106	4945 LANCASTER RD	CHOUDRY YASIN
107	5007 LANCASTER RD	BROWN SHARON
108	5003 LANCASTER RD	FELLERS ODES S
109	5307 LANCASTER RD	ANDERSON JIMMY RAY
110	2101 WAGON WHEELS TRL	VENEGAS TOMAS CASTRO & MARIA A
111	3410 LANCASTER RD	CHO & YOO CORPORATION
112	3414 LANCASTER RD	PRIME BUFFALOS WINGS & PHILLY STEAKS INC
113	3404 LANCASTER AVE	WASTANI REALTY LLC
114	3520 LANCASTER RD	PARK JAE HO
115	3508 LANCASTER RD	PARK ABRAHAM CHUN & CHO
116	4500 LANCASTER RD	U S VETERANS HOSPITAL
117	4830 LANCASTER RD	THRASH MEMORIAL FUNERAL HOME LLC
118	4914 LANCASTER RD	U S GOVERNMENT ARMORY
119	2103 LEDBETTER DR	CVS PHARMACY INC % PPTY ADMIN DEPT

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
120	4848 LANCASTER RD	THRASH MEMORIAL FUNERAL HOME LLC
121	4822 LANCASTER RD	ROUSAN INV
122	5002 LANCASTER RD	CVS PHARMACY INC %CVS CAREMARK CORP
123	2107 SHELLHORSE DR	SWEET FELLOWSHIP CHURCH OF GOD IN CHRIST
124	2103 ARDEN RD	MERRYMAN PHYLLIS LEE & MERRYMAN JERRY D
125	2600 LANCASTER RD	REYNOLDS WARREN A REVOCABLE TRUST
126	2618 LANCASTER RD	REYNOLDS WARREN
127	1408 ATOLL DR	FUENTES MARIA E
128	2659 CREST AVE	FISHER GAITHER C JR
129	2663 CREST AVE	BARKER TILLA LORENE
130	2673 CREST AVE	KING ROSSIE LEE
131	2677 CREST AVE	LEE WILLIE F
132	2703 CREST AVE	CARTER KAREN E
133	2709 CREST AVE	BAILEY OSCAR
134	2715 CREST AVE	CRAIG GUSTAVIA M
135	2725 CREST AVE	DAVIS BERNADETTE E
136	2729 CREST AVE	COOKS CARMEN E JOHNSON
137	1414 SANER AVE	HOUSTON CYNTHIA E
138	2815 CREST AVE	ALLEN JOE A & WILMA J REVOCABLE LIVING T
139	5354 LANCASTER RD	BETHLEHEM OUTREACH APOSTOLIC TEMPLE
140	5304 LANCASTER RD	GARRETT GLENN
141	5308 LANCASTER RD	ALDABA FRANCISCO B & NESTOR B ALDABA
142	5320 LANCASTER RD	BIGHAM PAUL W & BRADETTE D
143	7204 LANCASTER RD	ROUGEOU WILLIAM REX
144	7212 LANCASTER RD	CORDELL BENNY
145	7216 LANCASTER RD	ANDERS VELMA JEAN LF EST REM: JOHN ANN H
146	7220 LANCASTER RD	BURRELL EDDIE E & SYLVIA J GRAY
147	7234 LANCASTER RD	WILLIAMS DANICA C
148	7240 LANCASTER RD	KHALEEL MOHAMMED S SAJEEL
149	7310 LANCASTER RD	VILLANUEVA MARTHA L
150	7304 LANCASTER RD	TAYLOR DERRICK &

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
151	7316 LANCASTER RD	GRAY Q JUAN D
152	7320 LANCASTER RD	FIRST GENERATION BAPTIST CHURCH
153	7324 LANCASTER RD	2008 WHITE FAMILY REV LIV THE
154	7412 LANCASTER RD	WILLIAMS FREDDIE MAE
155	7430 LANCASTER RD	JOHNSON VERNON LEE
156	7440 LANCASTER RD	BROWN ROBERTA
157	7416 LANCASTER RD	ST JUDES CHILDRENS RESEARCH HOSPITAL
158	7451 LANCASTER RD	ST MARK BELIEVERS TEMPLE
159	7422 LANCASTER RD	KING BOBBY J EST OF % MARSHALL HOWARD
160	7201 LANCASTER RD	PROTON PROPERTIES LLC
161	7101 LANCASTER RD	154 LANCASTER LTD % REMINGTON PARTNERS I
162	7001 LANCASTER RD	ROTEN STEVE & JOHN
163	6542 LANCASTER RD	FENDER H R C/O MATT HARTMAN
164	6538 LANCASTER RD	MACK MARK
165	6534 LANCASTER RD	RUBIO REYNA & ELMER
166	6530 LANCASTER RD	IRVING CHYLON
167	6526 LANCASTER RD	CHASE STERLING & LILLIAN
168	6502 LANCASTER RD	HUNTER WILLIAM
169	6434 LANCASTER RD	WHITAKER LLOYD JR & KELLI D
170	6426 LANCASTER RD	WOODS MRS BOOKER T
171	6414 LANCASTER RD	OWENS GREGORY & OWENS CEDRIC
172	6406 LANCASTER RD	WILLIAMS HERMAN JEAN
173	6402 LANCASTER RD	SKINNER BOBBY
174	6402 LANCASTER RD	SKINNER BOBBY
175	6326 LANCASTER RD	TONY BRANCH E
176	6322 LANCASTER RD	J & R CONSTRUCTION SVC LP STE 131-315
177	6318 LANCASTER RD	HEMPHILL JOE W
178	6314 LANCASTER RD	DAVID CONNELL
179	6310 LANCASTER RD	BAUTISTA JUAN
180	6306 LANCASTER RD	WALKER BERNARD
181	6302 LANCASTER RD	HILL BURDLE S & JACQUELYN L

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
182	6716 LANCASTER RD	WATERS GLENDA MARIE
183	6712 LANCASTER RD	RAMIREZ ALFONSO
184	6710 LANCASTER RD	RAMERIZ ALFONSO
185	6704 LANCASTER RD	GANDY MONA MAXINE
186	6700 LANCASTER RD	LEMUEL ROSIE B
187	6624 LANCASTER RD	ARNICK AZZIE JR & JOYCE O
188	6622 LANCASTER RD	FRAZIER DORIS
189	6620 LANCASTER RD	MCDONALD CLEON & JERRY
190	6618 LANCASTER RD	J & R CONSTRUCTION LP STE 131-315
191	6616 LANCASTER RD	STRONG WANDA DBA MASS INVESTMENTS
192	6610 LANCASTER RD	FREED SOL
193	6606 LANCASTER RD	FINLEY ELSIE MAE LIVING TRUST
194	6602 LANCASTER RD	WALTON WILLIE & MARCY D L
195	6730 LANCASTER RD	CONTINENT LAND AND TRUST &
196	6022 LANCASTER RD	BOLLMAN CARL O & FRANK
197	6104 LANCASTER RD	TRUE CHRIST MISSION BAPTIST CHURCH
198	6110 LANCASTER RD	EALRS SELMA
199	6116 LANCASTER RD	DAVID CONNELL & HENRIETTA
200	6206 LANCASTER RD	DALLAS BAPTIST FELLOSHIP CENTER
201	6212 LANCASTER RD	CASTELAN EMMA
202	6002 LANCASTER RD	CALVARY HILL BAPTIST CH % REV TIMOTHY TH
203	5800 LANCASTER RD	CRABEL COMPANY %TOM BROYLES
204	2309 CEDAR POINT DR	PEIMBERT OLIVER
205	2309 OAKDALE ST	GARCIA, EVA
206	2311 CEDAR GROVE DR	JOSE CRUZ
207	2314 CEDAR POINT DR	JARDINEZ JUANA
208	2319 OAKDALE AVE	FRANCO BERTHA
209	2319 CEDAR MOUND DR	SALINAS, MANUELA
210	2325 CEDAR ROCK DR	ESTRADA ESTABAN
211	2325 OAKDALE ST	TRINADAD MR
212	2325 CEDAR GROVE DR	GILMORE RAY

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
213	2327 CEDAR ROCK DR	RODRIGUEZ E
214	2322 CEDAR POINT DR	GALLEGOS JULIAN
215	2307 CEDAR MOUND DR	ROSE ANNE
216	2323 CEDAR POINT DR	MANDEZ GUSTAVO
217	2320 CEDAR MOUND DR	ELENA, MARIA
218	2316 CEDAR MOUND DR	BRUBAKER JAN
219	2305 CEDAR POINT DR	JUAREZ ENRIQUE
220	2308 CEDAR MOUND DR	BENNETT FRED
221	2315 OAKDALE AVE	UNLAND WALTER
222	2315 CEDAR POINT DR	SANCHEZ ALPHONZO
223	2316 CEDAR ROCK DR	LUTZ JAMES
224	2317 CEDAR GROVE DR	OSNAYA MARIA
225	2329 OAKDALE AVE	TORRES, JERMAN
226	2334 OAKDALE AVE	GILMORE RAY
227	2338 OAKDALE AVE	FREGOSO ROBERT
228	2344 OAKDALE AVE	ROCKETT, GENE
229	2326 CEDAR ROCK DR	VILLAREAL SERGIO
230	2323 OAKDALE AVE	ESTRADA ANTONIO
231	2321 CEDAR ROCK DR	VASQUEZ RENE
232	5914 LANCASTER RD	THOMAS LEE D
233	5800 LANCASTER RD	CRABEL CO %TOM BROYLES
234	5600 LANCASTER RD	GORMAN BOB A &
235	5701 LANCASTER RD	COPE CHARLES K SR
236	5703 LANCASTER RD	ADAMS JULIA &
237	5647 LANCASTER RD	DALLAS MAX LLC
238	5651 LANCASTER RD	MONTEJANO JORGE JR
239	5631 LANCASTER RD	ENSERCH CORP % ATMOS ENERGY / PPTY TAX
240	2100 WHEATLAND RD	RHODES KING E
241	7915 LANCASTER RD	SUN NLF LIMITED PS SUITE 135
242	1900 WHEATLAND RD	PATRIOT REAL ESTATE HOLDINGS RS10 SUITE
243	7544 LANCASTER RD	AIR BON N ANGEL

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
244	7542 LANCASTER RD	SMITH DAVID A
245	7540 LANCASTER RD	TAYLOR MARY M
246	7536 LANCASTER RD	SPENCER RALPH & SHIRLEY
247	7530 LANCASTER RD	WHITE CANDI APT 222
248	7526 LANCASTER RD	CLEMONS TRUCKING COMPANY
249	7516 LANCASTER RD	WADE ALVIN
250	7506 LANCASTER RD	JOHNSON JOEL E
251	7474 LANCASTER RD	HEJ LIVING TRUST
252	7468 LANCASTER RD	MCDOWELL CASTON J & DONNIE
253	7458 LANCASTER RD	LOPEZ RAYES
254	7448 LANCASTER RD	WILLIAMS GLORIA
255	7604 LANCASTER RD	SPENCER RALPH
256	7608 LANCASTER RD	TRAYLOR CHARMAINE Y
257	7708 LANCASTER RD	LANKFORD DERRICK D & JACQUELINE R
258	7718 LANCASTER RD	LANKFORD WADE
259	7726 LANCASTER RD	BRAY JOSEPH L
260	7808 LANCASTER RD	STEPHENS WILLIAM F & FRANKIE M
261	7818 LANCASTER RD	FRAZIER VIRGINIA
262	7908 LANCASTER RD	DEJESUSPEREZ MANUEL &
263	7916 LANCASTER RD	RODRIGUEZ JOEL & EVA
264	7926 LANCASTER RD	CLEMMONS ANNIE
265	7934 LANCASTER RD	CLEMONS BEULAH V
266	8008 LANCASTER RD	WASHINGTON STANFORD L & GLADYS L
267	8018 LANCASTER RD	HALLETT NO I LP
268	8108 LANCASTER RD	MEDINA BILLY &
269	8118 LANCASTER RD	MEDINA BILLY&
270	7505 LANCASTER RD	MONROE CHARLES O
271	7549 LANCASTER RD	SIMMONS YVONNE
272	7531 LANCASTER RD	SUN NLF LIMITED PS
273	8200 LANCASTER RD	MONIKI PROPERTIES LLC
274	8422 LANCASTER RD	THOMAS SUSAN J

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
275	8618 LANCASTER RD	ELVIS & SONS INC
276	8606 LANCASTER RD	DOWDY WILLIAM C JR
277	3211 LANCASTER RD	GOTTLIEB DALLAS DRUGSTORE LLC
278	3811 LANCASTER RD	PRESTON SANDRA
279	3602 LANCASTER RD	SOUTHLAND CORP % AD VALOREM
280	3730 LANCASTER RD	CITY WIDE COMMUNITY DEVELOPMENT CORP
281	1410 ILLINOIS AVE	SOUTHLAND CORP 26151 % AD VALOREM
282	4315 LANCASTER RD	DALLAS URBAN LEAGUE % DR BEVERLY MITCHEL
283	4002 LANCASTER RD	UNITED WORLD WIDE APOSTOLIC CHURCHES
284	4811 LANCASTER RD	SUNG YOUNG
285	5025 LANCASTER AVE	SHAW YU & WINNIE KAM LENG CHAN
286	4595 LANCASTER RD	MTX NOOR REAL ESTATE LLC
287	5101 LANCASTER RD	LEDGREEN LP & LANGREEN LP % ALLAN RILEY
288	4302 LANCASTER RD	CROWN A PLUS INC SUITE 1
289	2130 LEDBETTER DR	MYDAL LLC % PETER KRAUS
290	5148 LANCASTER RD	LEDBETTER & LANCASTER LTD
291	2106 SHELLHORSE DR	SWEET FELLOWSHIP CHURCH OF GOD IN CHRIST
292	2104 LEDBETTER DR	NR STATIONS INC
293	3050 LANCASTER RD	DONALDSON PROPERTIES LTD
294	3030 LANCASTER RD	FIESTA MART INC
295	1507 Kiest BLVD	WENDYS INTERNATIONAL, INC TAX DEPARTMENT
296	1507 Kiest BLVD	DART
297	3200 LANCASTER RD	DONALDSON PROPERTIES LTD
298	3200 LANCASTER RD	CITIBANK TEXAS NA % CITIGROUP REALTY
299	3330 LANCASTER RD	DALLAS CO MENTAL HEALTH & MENTAL RETARDA
300	6514 LANCASTER RD	GRANS LIL ANGELS ACHIEVEMENT ACADEMY INC
301	6720 LANCASTER RD	WATSON JOYCE
302	8181 LANCASTER RD	DFW OIL INC STE 230
303	8501 LANCASTER RD	LEVINE INVESTMENTS LP
304	2525 MOTOR CITY BLVD	GRA GAR INC
305	8445 LANCASTER RD	ENNIS WEST END INC

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<i>Label #</i>	<i>Address</i>	<i>Owner</i>
306	8333 LANCASTER RD	MCDONALDS CORP % ROLAND FARRISH
307	8301 LANCASTER RD	GRA GAR INC
308	8407 LANCASTER RD	WAYMIRE FAMILY TRUST WAYMIRE RUSSELL TRU
309	8787 LANCASTER RD	PTCAA TEXAS LP
310	8210 LANCASTER RD	7 ELEVEN INC ONE ARTS PLAZA
311	8312 LANCASTER RD	LANCASTER LODGING INC
312	8336 LANCASTER RD	RSN ROYALE LLC
313	8520 LANCASTER RD	MAY JAMES INC DBA WILLIAMS CHICKEN
314	8602 LANCASTER RD	JANEE INC
315	8702 LANCASTER RD	LANCASTER CROSSING LLC
316	8828 LANCASTER RD	NEW GENERATION BAPTIST CHURCH THE
317	4417 LANCASTER RD	LANCASTER URBAN VILLAGE RESIDENTIAL LLC
318	4417 LANCASTER RD	LANCASTER URBAN VILLAGE COMMERCIAL LLC

Memorandum



CITY OF DALLAS

DATE June 5, 2014

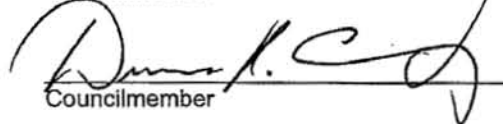
TO A.C. Gonzalez, City Manager

SUBJECT Street Name Change Request – Lancaster Road Between Illinois Avenue and Interstate 20.

In accordance with the provisions of Section 51A-9.302 of the City of Dallas Development Code, please proceed with the process for the consideration of a street name change of Lancaster Road between Illinois Avenue and Interstate 20/LBJ to Nelson Mandela Blvd.


Councilmember


Councilmember


Councilmember

ORDINANCE NO. _____

An ordinance changing the name of South Lancaster Road, between East Illinois Avenue and Interstate Highway 20 to Nelson Mandela Boulevard; amending Ordinance No. 20860, “Thoroughfare Plan - City of Dallas, Texas,” to reflect the street name change; 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 following standards for street names are waived for purposes of this ordinance:

1. Dallas Development Code Section 51A-9.304(a)(5), which provides that a street name may not contain more than 14 characters.
2. Dallas Development Code Section 51A-9.304(c)(2), which provides that a street name commemorating a person is prohibited until at least two years after the death of the person to be honored.

SECTION 2. That the name of South Lancaster Road, between East Illinois Avenue and Interstate Highway 20 is changed to Nelson Mandela Boulevard.

SECTION 3. That Ordinance No. 20860 is amended to read as shown on the attached Exhibit A.

SECTION 4. That Ordinance No. 20860 shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. 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 6. That this ordinance shall take effect on September 24, 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.

Exhibit A
City of Dallas
Thoroughfare Plan

Thoroughfare	Street Name	Limits of Definition	Function	Proposed Dimension	Ordinance	Amendment Date
BRUTON	BRUTON**	2ND AVE to BALCH SPRINGS CITY LIMIT	PA	M-6-D(A)	# 20860	1/23/1991
BUCKNER	BUCKNER	NORTHWEST HIGHWAY to JOHN WEST	PA	S-6-D	# 20860	1/23/1991
	BUCKNER	JOHN WEST to IH-30	PA	S-8-D	# 20860	1/23/1991
	BUCKNER**	IH-30 to GREAT TRINITY FOREST	PA	S-6-D	#27926	6/23/2010
BUFORD	BUFORD**	MILLETT to WHEATLAND	RC	M-4-U*	# 20860	1/23/1991
BURBANK	BURBANK	HARRY HINES to DENTON	C	S-4-U*	# 20860	1/23/1991
CALIFORNIA CROSSING	CALIFORNIA CROSSING**	IRVING CITY LIMIT to NORTHWEST HIGHWAY	C	S-4-U*	# 20860	1/23/1991
CAMP WISDOM	CAMP WISDOM**	GRAND PRAIRIE CITY LIMIT to CEDAR RIDGE	PA	S-6-D*	# 20860	1/23/1991
	CAMP WISDOM**	COCKRELL HILL to IH-35E	PA	M-6-D(A)	# 20860	1/23/1991
	CAMP WISDOM**	IH-35E to LANCASTER NELSON MANDELA	PA	S-6-D	# 20860	1/23/1991
	RYLIE	LAKE JUNE to PRAIRIE CREEK	PA	S-6-D*	# 20860	1/23/1991
	SIMPSON STUART	LANCASTER NELSON MANDELA to S. CENTRAL EXPRESSWAY	PA	M-6-D(A)	# 20860	1/23/1991

*Not built to designation

**Bike Plan designation

Exhibit A
City of Dallas
Thoroughfare Plan

Thoroughfare	Street Name	Limits of Definition	Function	Proposed Dimension	Ordinance	Amendment Date
CEDAR RIDGE	CEDAR RIDGE	LEDBETTER to IH-20	MA	M-6-D(A)*	# 20860	1/23/1991
	CEDAR RIDGE	IH-20 to CAMP WISDOM	MA	M-6-D(A)*	# 20860	1/23/1991
CEDAR SPRINGS	CEDAR SPRINGS	MOCKINGBIRD to DALLAS NORTH TOLLWAY	C	M-4-U	# 20860	1/23/1991
	CEDAR SPRINGS	DALLAS NORTH TOLLWAY to TURTLE CREEK	C	M-4-U	# 20860	1/23/1991
	BOWEN	TURTLE CREEK to MCKINNEY	C	EXISTING	# 20860	1/23/1991
	++ SEE TURTLE CREEK					
CEDARDALE	CEDARDALE	LANCASTER NELSON MANDELA/LANCASTER CITY LIMIT to LANGDON	C	S-4-U*	# 20860	1/23/1991
	LANGDON	CEDARDALE to JJ LEMMON	C	S-4-U*	# 20860	1/23/1991
CELESTIAL	CELESTIAL	DALLAS NORTH TOLLWAY to MONTFORT	C	S-4-U	# 20860	1/23/1991
CENTERVILLE	CENTERVILLE**	GARLAND to SHILOH	C	M-4-U	# 20860	1/23/1991
S. CENTRAL EXPRESSWAY	CESAR CHAVEZ BOULEVARD	IH-30 to GOOD LATIMER	PA	EXISTING	#27811	2/10/2010
	S. CENTRAL EXPRESSWAY**	ILLINOIS to HUTCHINS CITY LIMIT	PA	S-6-D*	# 20860	1/23/1991
CESAR CHAVEZ	++ SEE S. CENTRAL EXPREWAY					

*Not built to designation

**Bike Plan designation

Exhibit A
City of Dallas
Thoroughfare Plan

Thoroughfare	Street Name	Limits of Definition	Function	Proposed Dimension	Ordinance	Amendment Date
CONTINENTAL	CONTINENTAL VIADUCT**	RIVERFRONT to IH-35E	PA	SPCL 8D	#28601	3/28/2012
	CONTINENTAL**	IH-35E to HOUSTON	PA	SPCL 4 CPLT	#23714	11/11/1998
	CONTINENTAL**	HOUSTON to MCKINNEY	PA	SPCL 3 CPLT	#23714	11/11/1998
CONWAY	CONWAY	KIEST to VILLAGE FAIR	C	S-4-U*	# 20860	1/23/1991
CORINTH	CORINTH**	CESAR CHAVEZ to LAMAR	MA	M-4-U	#27811	2/10/2010
	CORINTH**	LAMAR to RIVERFRONT	PA	S-4-D	#24615	5/23/2001
	CORINTH**	RIVERFRONT to ILLINOIS	PA	M-6-D(A)*	# 20860	1/23/1991
	CORINTH	ILLINOIS to LANCASTER NELSON MANDELA	PA	S-4-D	# 20860	1/23/1991
	LANCASTER** NELSON MANDELA	ILLINOIS to LEDBETTER	PA	S-4-D	#21527	1/13/1993
	LANCASTER** NELSON MANDELA	LEDBETTER to CEDARDALE/LANCASTER CITY LIMITS	PA	S-6-D*	#21527	1/13/1993
COTTON VALLEY	COTTON VALLEY	BECKLEYMEADE to DANIELDALE	C	S-4-U*	# 20860	1/23/1991
CROSSTOWN	++ SEE MUNGER					
CROUCH	CROUCH	OLD OX to LANCASTER NELSON MANDELA	RC	S-2-U*	# 20860	1/23/1991

*Not built to designation

**Bike Plan designation

Exhibit A
City of Dallas
Thoroughfare Plan

Thoroughfare	Street Name	Limits of Definition	Function	Proposed Dimension	Ordinance	Amendment Date
LAMAR	LAMAR**	IH-30 to CORINTH	PA	SPCL 5U	# 20860	1/23/1991
	LAMAR**	CORINTH to S. CENTRAL EXPRESSWAY	PA	M-6-D(A)*	# 20860	1/23/1991
	LAMAR**	MCKINNEY to N. HOUSTON	PA	EXISTING	#23714	11/11/1998
	LAMAR**	N. HOUSTON to 225' EAST of IH-35E	PA	SPCL 3 CPLT	#23714	11/11/1998
	LAMAR**	225' EAST of IH-35E to IH-35E	PA	SPCL 4 CPLT	#23714	11/11/1998
LANCASTER NELSON MANDELA	++ SEE CORINTH					
LANGDON	++ SEE CEDARDALE					
LARGA	++ SEE COMMUNITY					
LASATER	LASATER	BALCH SPRINGS CITY LIMIT to SEAGOVILLE CITY LIMIT	PA	M-6-D(A)*	# 20860	1/23/1991
LAURELAND	++ SEE RED BIRD					
LAWNVIEW	LAWNVIEW**	SAMUELL to SCYENE	C	M-4-U	# 20860	1/23/1991
LAWTHER	LAWTHER	NORTHWEST HIGHWAY to MOCKINGBIRD	C	M-6-D(B)	# 20860	1/23/1991

*Not built to designation

**Bike Plan designation

Exhibit A
City of Dallas
Thoroughfare Plan

Thoroughfare	Street Name	Limits of Definition	Function	Proposed Dimension	Ordinance	Amendment Date
PEAR RIDGE	PEAR RIDGE	HAVERWOOD to FRANKFORD	C	S-4-U*	# 20860	1/23/1991
PEARL	++ SEE HARRY HINES					
PEAVY	PEAVY**	MOCKINGBIRD to BUCKNER	C	M-4-U	# 20860	1/23/1991
PEMBERTON HILL	PEMBERTON HILL**	LAKE JUNE to GREAT TRINITY FOREST	C	M-4-U*	#27926	6/23/2010
PENNSYLVANIA	PENNSYLVANIA	SOUTH LAMAR to MALCOLM X	C	M-4-U*	# 20860	1/23/1991
PENTAGON	PENTAGON PARKWAY	LANCASTER NELSON MANDELA to BONNIE VIEW	C	M-4-U*	# 20860	1/23/1991
	PENTAGON PARKWAY	BONNIE VIEW to HAAS	C	M-4-U*	# 20860	1/23/1991
PERSIMMON	GOOCH	LANCASTER NELSON MANDELA to TRACY	RC	S-2-U*	# 20860	1/23/1991
	PERSIMMON	TRACY to BONNIE VIEW	RC	S-2-U	# 20860	1/23/1991
PETERSON	PETERSON	NOEL to PRESTON	C	SPCL 2U	#29034	6/12/2013
PHILIP	PHILIP	EAST GRAND to IH-30	C	S-2-U	# 20860	1/23/1991
PIERCE	PIERCE	ILLINOIS to SANER	C	S-2-U	#23978	8/11/1999
PINELAND	++ SEE EASTRIDGE					
PINNACLE PARK	PINNACLE PARK	PINNACLE POINT to FORT WORTH	C	S-4-U	#27699	9/23/2009

*Not built to designation

**Bike Plan designation

Exhibit A
City of Dallas
Thoroughfare Plan

Thoroughfare	Street Name	Limits of Definition	Function	Proposed Dimension	Ordinance	Amendment Date
RED BIRD	RED BIRD	KIWANIS to CEDAR RIDGE	C	M-4-U*	# 20860	1/23/1991
	RED BIRD**	CEDAR RIDGE to IH-35E	MA	M-6-D(A)*	# 20860	1/23/1991
	RED BIRD	UNIVERSITY HILLS to LANCASTER NELSON MANDELA	RC	S-4-D*	# 20860	1/23/1991
	LAURELAND**	IH-35E to UNIVERSITY HILLS	C	S-4-D	# 20860	1/23/1991
	LAURELAND**	GREENSPAN to IH-35E	MA	M-6-D(A)*	# 20860	1/23/1991
REEDER	REEDER	FOREST to ROYAL	C	S-4-U*	# 20860	1/23/1991
REGAL ROW	REGAL ROW**	HARRY HINES to IRVING	PA	S-6-D*	# 20860	1/23/1991
REUNION	REUNION	RIVERFRONT to STEMMONS	MA	S-6-D	# 20860	1/23/1991
RIVERFRONT	RIVERFRONT**	MARKET CENTER to CONTINENTAL	PA	SPCL 8D	#26420	8/9/2006
	RIVERFRONT**	CONTINENTAL to CORINTH	PA	SPCL 6D	#28599	3/28/2012
	RIVERFRONT**	CORINTH to LAKE JUNE	PA	S-6-D	# 20860	1/23/1991

*Not built to designation

**Bike Plan designation

Exhibit A
City of Dallas
Thoroughfare Plan

Thoroughfare	Street Name	Limits of Definition	Function	Proposed Dimension	Ordinance	Amendment Date
SAND SPRINGS	SAND SPRINGS	ST. AUGUSTINE to SAM HOUSTON	RC	M-4-U*	# 20860	1/23/1991
SANER	SANER	WESTMORELAND to PIERCE	C	S-4-U*	# 20860	1/23/1991
	SANER**	IH-35E to LANCASTER NELSON MANDELA	C	M-4-U	# 20860	1/23/1991
SANTA ANNA	SANTA ANNA**	GARLAND to SHILOH	C	M-4-U	# 20860	1/23/1991
SCHROEDER	++ SEE CHURCHILL					
SCHUSTER	MICAN	SCHUSTER to SINGLETON	C	S-4-U*	# 20860	1/23/1991
	SCHUSTER	BERNAL to MICAN	C	S-4-U*	# 20860	1/23/1991
SCYENE	ROBERT B CULLUM**	PARRY to SCYENE	PA	S-6-D	# 20860	1/23/1991
	SCYENE**	ROBERT B CULLUM to MESQUITE CITY LIMIT	PA	M-6-D(A)	# 20860	1/23/1991

*Not built to designation

**Bike Plan designation

Exhibit A
City of Dallas
Thoroughfare Plan

Thoroughfare	Street Name	Limits of Definition	Function	Proposed Dimension	Ordinance	Amendment Date
WESTMORELAND	WESTMORELAND**	TRINITY RIVER to WHEATLAND	PA	M-6-D(A)	# 20860	1/23/1991
WHEATLAND	WHEATLAND	MOUNTAIN CREEK to CLARK	PA	M-6-D(A)*	# 20860	1/23/1991
	WHEATLAND**	DUNCANVILLE CITY LIMIT to IH-35E	PA	M-6-D(A)	# 20860	1/23/1991
	WHEATLAND**	IH-35E to UNIVERSITY HILLS	PA	M-6-D(A)*	# 20860	1/23/1991
	WHEATLAND PLAZA	LANCASTER CITY LIMIT to LANCASTER NELSON MANDELA	RC	M-4-U*	# 20860	1/23/1991
	PLAZA	LANCASTER NELSON MANDELA to MORGAN	RC	M-4-U*	# 20860	1/23/1991
	MORGAN	PLAZA to TIOGA	RC	M-4-U*	# 20860	1/23/1991
	TIOGA	MORGAN to JJ LEMMON	RC	M-4-U*	# 20860	1/23/1991
WICHITA	++ SEE OLIVE					
WILDWOOD	++ SEE LUNA					
WILLOUGHBY	WILLOUGHBY	WHEATLAND to BECKLEYMEADE	C	S-4-U*	# 20860	1/23/1991
WINSLOW	WINSLOW	EAST GRAND to IH-30	C	M-4-U	# 20860	1/23/1991
WITT	WITT	LANCASTER CITY LIMIT to BLANCO	C	S-4-U*	# 20860	1/23/1991

*Not built to designation

**Bike Plan designation

REVISED AGENDA ITEM # 18

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

AGENDA DATE: September 24, 2014

COUNCIL DISTRICT(S): 7

DEPARTMENT: Park & Recreation

CMO: Willis Winters, 670-4071

MAPSCO: N/A

SUBJECT

Authorize **(1)** the second amendment to the Cotton Bowl Stadium Agreement with the State Fair of Texas, University of Oklahoma, The University of Texas at Austin, and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown being played at the Cotton Bowl, in the amount of \$500,000 each year beginning in 2021 through 2025, in the amount of \$5,000,000; and **(2)** the City to provide the participating teams in the Southwest Airlines State Fair Classic football game being played at the Cotton Bowl in the amount of \$75,000 each year beginning in 2021 through 2025, for a total of \$750,000 - Total not to exceed \$5,750,000 - Financing: Current Funds (subject to annual appropriations)

BACKGROUND

On May 23, 2007, by Resolution No. 07-1539, Council authorized **(1)** the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$125,000 each in 2007, \$425,000 each beginning in 2008 through 2011, and \$500,000 each beginning in 2012 through 2015, for an amount not to exceed \$7,650,000, and **(2)** the City to provide Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$25,000 each in 2007 and \$75,000 each beginning in 2008 through 2015, for an amount not to exceed \$1,250,000 in an amount not to exceed \$8,900,000.

BACKGROUND (Continued)

On May 16, 2012, by Resolution No. 12-1358, Council authorized **(1)** the first amendment and the City's participation as a third party beneficiary to the State Fair/Texas-Oklahoma Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown being played at the Cotton Bowl, in an amount of \$500,000 each beginning in 2016-2020 for an amount not to exceed \$5,000,000; and **(2)** the City to provide Grambling State University and Prairie View A&M University a game fee subject to the Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$75,000 each, in an amount not to exceed \$750,000 and a total amount not to exceed \$5,750,000.

The annual AT&T Red River Showdown and the Southwest Airlines State Fair Classic are played at the Cotton Bowl during the annual State Fair of Texas. The purpose of providing funding for these games is to promote within the City of Dallas, and particularly within the South Dallas/Fair Park area **(1)** development and diversification of the economy, **(2)** elimination of unemployment and underemployment, and **(3)** development and expansion of commerce. The annual Texas-OU football game has been played in the Cotton Bowl since the stadium opened in 1930, making the 2014 game the 85th consecutive game played in the historic Cotton Bowl Stadium. The game has sold out every year since 1940. The economic impact for the 2007 game under a study conducted by Dr. Pat Rishe, Director of Sports Impacts, was estimated to be \$33.6 million after the 2008 expansion to the City of Dallas. The 2014 game will be broadcast nationally on television.

Under a proposed new State Fair/Texas-Oklahoma Cotton Bowl Stadium Agreement (the "Agreement") the University of Texas ("Texas") and University of Oklahoma ("OU") will contract with the State Fair of Texas to play the annual AT&T Red River Showdown (the "Game") at the Cotton Bowl each October beginning in 2021 and ending in 2025. The City, as a third party beneficiary to the Agreement, would continue to provide to each University a game fee, subject to the annual AT&T Red River Showdown game being played at the Cotton Bowl, in the amount of \$500,000 each beginning in 2021 through 2025. The monies would be payable on or before November 15 of each year of the Agreement. Also, the Universities, in their sole and reasonable discretion, shall have their option to terminate this Second Amendment by providing joint written notice to State Fair on or before December 31 of each year of this extension.

BACKGROUND (Continued)

In addition, the City would provide the participating teams in the annual Southwest Airlines State Fair Classic a game fee, subject to the game being played at the Cotton Bowl, in the amount of \$75,000 each beginning in 2021 through 2025. The monies would be payable on or before November 15 of each year of the Agreement. The annual Southwest Airlines State Fair Classic football game, currently featuring Grambling State-Prairie View A&M, has been played during the State Fair of Texas at the Cotton Bowl since 1989. The actual economic impact for the 2007 game conducted by Dr. Pat Rishe, Director of Sports Impacts, was estimated to be \$6 million to the City of Dallas. According to the State Fair of Texas, the event brought over 45,000 fans to the game in 2013.

This action will authorize the second amendment to the Cotton Bowl Stadium Agreement with State Fair of Texas, University of Oklahoma, The University of Texas at Austin and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown football game being played at the Cotton Bowl, in the amount of \$500,000 each in 2021 through 2025, in the amount of \$5,000,000; and the City to provide participating teams in the annual Southwest Airlines State Fair Classic a game fee, subject to the football game being played at the Cotton Bowl, in the amount of \$75,000 each in 2021 through 2025, in the amount of \$750,000.

PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)

City Council authorized the City to provide game fees to the University of Texas, University of Oklahoma, Grambling State University and Prairie View A&M University on an annual basis for five years, subject to annual appropriations, beginning 2004 and ending 2008 on September 1, 2004 by Resolution No. 04-2501.

City Council authorized the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement on May 23, 2007, by Resolution No. 07-1539.

City Council authorized the first amendment to the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement on May 16, 2012, by Resolution No. 12-1358.

The Park and Recreation Board authorized the second amendment on August 7, 2014.

FISCAL INFORMATION

\$5,750,000 – Current Funds (subject to annual appropriations)

September 24, 2014

WHEREAS, under the authority of Chapter 380 of the Texas Local Government Code, the City of Dallas has heretofore made grants of public money to promote local economic development and to stimulate business and commercial activity in the City of Dallas, and more particularly within the South Dallas/Fair Park area; and

WHEREAS, to promote within the City of Dallas, and particularly within the South Dallas/Fair Park area, **(1)** development and diversification of the economy, **(2)** elimination of unemployment and underemployment, and **(3)** development and expansion of commerce, the City desires to provide an economic incentive to participating teams in the AT&T Red River Showdown and the Southwest Airlines State Fair Classic games played annually at the Cotton Bowl Stadium at Fair Park; and

WHEREAS, holding the games at the Cotton Bowl Stadium, along with advertising, broadcasting, news media, and promotion activities related to the AT&T Red River Showdown and the Southwest Airlines State Fair Classic football games, will attract tourists to the City and Fair Park, increase business opportunities throughout the City, and portray the City in a positive fashion; and

WHEREAS, on September 1, 2004, by Resolution No. 04-2501, City Council authorized the City to provide game fees to the University of Texas, University of Oklahoma, Grambling State University and Prairie View A&M University on an annual basis for five years, subject to annual appropriations, beginning 2004 and ending 2008; and

WHEREAS, on May 23, 2007, Resolution No. 07-1539, City Council authorized **(1)** the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$125,000 each in 2007, \$425,000 each beginning in 2008 through 2011, and \$500,000 each beginning in 2012 through 2015, for an amount not to exceed \$7,650,000; and **(2)** the City to provide Grambling State University and Prairie View A&M University a game fee, subject to the Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$25,000 each in 2007 and \$75,000 each beginning in 2008 through 2015, for an amount not to exceed \$1,250,000, in an amount not to exceed \$8,900,000; and

September 24, 2014

WHEREAS, on May 16, 2012, Resolution No. 12-1358, City Council authorized the first amendment to the Cotton Bowl Stadium Agreement with State Fair of Texas, University of Oklahoma, The University of Texas at Austin and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$500,000 each beginning in 2016 through 2020, in the amount of \$5,000,000; and the City to provide Grambling State University and Prairie View A&M University a game fee, subject to the Grambling State University versus Prairie View A&M University football game being played at the Cotton Bowl, in the amount of \$75,000 each beginning in 2016 through 2020, in the amount of \$750,000 and a total amount not to exceed \$5,750,000; and

WHEREAS, this action will authorize the second amendment to the Cotton Bowl Stadium Agreement with the State Fair of Texas, the University of Oklahoma, the University of Texas at Austin and the City of Dallas for the City's participation as a third party beneficiary to the State Fair/Texas-OU Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual University of Texas versus University of Oklahoma football game being played at the Cotton Bowl, in the amount of \$500,000 each year beginning in 2021 through 2025, in the amount of \$5,000,000; and the City to provide the participating teams in the Southwest Airlines State Fair Classic a game fee, subject to the Southwest Airlines State Fair Classic football games being played at the Cotton Bowl, in the amount of \$75,000 each year beginning in 2021 through 2025, in the amount of \$750,000 and a total amount not to exceed \$5,750,000.

Now, Therefore,

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

SECTION 1. That **(1)** the City's participation as a third party beneficiary to the State Fair/Texas-Oklahoma Cotton Bowl Stadium Agreement by providing each university a game fee, subject to the annual AT&T Red River Showdown football game being played at the Cotton Bowl, in the amount of \$500,000 each beginning in 2021 through 2025 for an amount not to exceed \$5,000,000; and **(2)** the City to provide participating teams in the Southwest Airlines State Fair Classic a game fee, subject to the football game being played at the Cotton Bowl, in the amount of \$75,000 each, in an amount not to exceed \$750,000 and a total amount not to exceed \$5,750,000, is hereby approved.

September 24, 2014

SECTION 2. That the City Controller be and is hereby authorized to disburse funds on or before November 15 of each year beginning in 2021 through 2025 to **(a)** the participating teams in the AT&T Red River Showdown that include University of Texas (255103) and the University of Oklahoma (331500), \$500,000 each beginning in 2016 through 2020; and **(b)** participating schools in the Southwest Airlines State Fair Classic, currently Prairie View A&M University (335415) and Grambling State University (355432), \$75,000 each beginning in 2016 through 2020 from General Fund 0001, Department PKR, Unit 5208, Object Code 3099, Encumbrance CT PKRPD07A003, CT PKRPD07A004, CT PKRPD07A001 and CT PKRPD07A002, total amount not to exceed \$5,750,000, subject to annual appropriations.

SECTION 3. That the City Manager, following approval as to form by the City Attorney, is authorized to execute agreements reflecting the game fee commitments set forth in the resolution, if such agreements are necessary.

SECTION 4. The Universities, in their sole and reasonable discretion, shall have their option to terminate this Second Amendment by providing joint written notice to State Fair on or before December 31 of each year of this extension.

SECTION 45. That the commitments for funding set forth in this resolution shall be terminated by the City Manager, without liability in the event of non-appropriation of such subsequent funding by the City Council; provided, however, the City Manager is hereby authorized to include such funding in the proposed budget submissions to the City Council, for the next eleven years.

SECTION 56. 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.